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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, April 25, 1996*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We accept Your good graces, O God, though we know we miss the mark; we appreciate the wonders of Your world, though we are busy with what is immediate and necessary; we yearn for the blessings of faith, though we don't always understand. Above the demands of the day and more important than all we do, we offer our thanks and praise for the gifts of this day and the hopes and dreams of tomorrow. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CARDIN. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CARDIN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 338, nays 56, answered "present" 1, not voting 31, as follows:

[Roll No. 132]

YEAS—338

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Flake
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torricelli
Towns
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Wicker
Williams
Wise
Woolsey
Wynn
Young (FL)
Zeliff

NAYS—56

Abercrombie
Becerra
Borski
Clay
DeFazio
Dornan
Ensign
Everett
Fazio
Filner
Flanagan
Funderburk
Gephardt
Gibbons
Gillmor
Gutierrez
Gutknecht
Hall (OH)
Hefley
Heineman
Hilleary
Hilliard
Jacobs
Johnson, E. B.
LaFalce
Lantos
Latham
Levin
Lewis (GA)
Lipinski
Maloney
Markey
McDermott
Neal
Oberstar
Olver
Owens
Pallone
Pickett
Rush
Sabo
Skaggs
Stark
Talent
Tejeda
Thompson
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Waters
Weller
Wolf
Yates
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—37

Brown (CA)
Brown (FL)
Chapman
Coleman
Collins (IL)
Collins (MI)
Crane
Diaz-Balart
Ewing
Foglietta
Frank (MA)
Gunderson
Johnson, Sam
Kennedy (RI)
Largent
LaTourette
Lincoln
Livingston
Manton
McCrery
McDade
Menendez
Obey
Peterson (MN)
Pombo
Rangel
Roth

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Saxton
Schroeder
Slaughter
Smith (NJ)
Stockman
Taylor (MS)
Torres
Whitfield
Wilson
Young (AK)

☐ 1025

Mr. HILLIARD changed his vote from "yea" to "nay."

Ms. HARMAN changed her vote from "yea" to "present."

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Maryland [Mr. WYNN] come forward and lead the House in the Pledge of Allegiance.

Mr. WYNN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

☐ 1030

COMMUNICATION FROM THE CLERK OF THE HOUSE

The Speaker laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. NEWT GINGRICH,
The Speaker,
U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: I have the honor to transmit herewith a copy of the unofficial election returns received from Julian R. Manelli, Deputy Administrator, Maryland State Administrative Board of Election Laws, indicating that, according to the unofficial returns of the Special Election held on April 16, 1996, the Honorable Elijah E. Cummings was elected to the office of Representative in Congress, from the Seventh Congressional District, State of Maryland.

With warm regards,

ROBIN H. CARLE.

STATE ADMINISTRATIVE BOARD
OF ELECTION LAWS,
Annapolis, MD, April 17, 1996.

Ms. Robin H. Carle,
Clerk, U.S. House of Representatives,
Washington, DC.

DEAR MS. CARLE: Pursuant to your request I am faxing to you the unofficial election results of the 1996 Special Election held on April 16, 1996 in the Seventh Congressional District to fill the vacancy created by the resignation of Congressman Kweisi Mfume.

Should you need additional information please contact this office.

Sincerely,

JULIAN R. MANELLI,
Deputy Administrator.

DEMOCRATIC PARTY

(D) Elijah E. Cummings, 2014 Madison Avenue, Baltimore, MD 21217, Baltimore City.

(WI) Barry Patrick Farley, 429 West 23rd Street, Baltimore, MD 21211, Baltimore City.

Counties	Cummings	Farley
Baltimore City	13,942	0
Baltimore County	3,970	24
Total	17,912	24
Percent of total votes	99	1

REPUBLICAN PARTY

(R) Kenneth Kondner, 6610 Windsor Mill Road, Baltimore, MD 21207, Baltimore County.

Counties	Kondner
Baltimore City	1,061
Baltimore County	3,070
Total	4,131
Percent of total votes	100

SWEARING IN OF THE HONORABLE ELIJAH E. CUMMINGS OF MARYLAND AS A MEMBER OF THE HOUSE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland, Mr. ELIJAH E. CUMMINGS, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no objection has been raised with regard to his election.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Speaker, I would ask, if I might, for the distinguished gentlewoman from California, NANCY PELOSI, to join us, with the gentleman from Maryland, Mr. CUMMINGS. She is a sister of the former mayor of Baltimore, and a distinguished daughter of the city which Mr. CUMMINGS will represent.

The SPEAKER. The distinguished gentlewoman from California [Ms. PELOSI] will be welcome in the well, along with the Maryland delegation.

If the delegation will join the Member-elect.

Mr. ELIJAH E. CUMMINGS appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now a Member of the U.S. House of Representatives.

WELCOMING THE HONORABLE ELIJAH E. CUMMINGS TO THE HOUSE OF REPRESENTATIVES

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, it is my great honor and privilege, on behalf of all of my colleagues in the Maryland delegation, to first welcome two of America's most outstanding leaders who have represented the Seventh Congressional District which the gentleman from Maryland [Mr. CUMMINGS] now represents.

They are our friends, they were our colleagues, they are great Americans: The Honorable Parren Mitchell, our former colleague; and another example of the extraordinary quality that the constituents of the Seventh District sends to the Congress of the United States, the president and chief operating officer of the NAACP, our former colleague and great American, Kweisi Mfume.

Mr. Speaker, I have the opportunity to introduce to the House their newest colleague. He is the son of Rev. Ruth Cummings and Rev. Robert Cummings. Mr. Speaker, before I make my brief remarks and yield to the minority leader, I would like to acknowledge Senators SARBANES and MIKULSKI, who have joined us from the other body.

Mr. Speaker, although under the rules I cannot recognize them as being in the gallery, and I shall not do so, it has been brought to my attention that the distinguished Speaker of the Maryland House of Delegates, Casper Taylor, will be able to hear my words. Mr. Speaker; with all due apologies to our distinguished friend, Mr. JOHNSON.

Come walk with me. Come walk with me. I say these words with reverence to our newest Member of the House. These are his words, his words which have been spoken often in the chambers of Annapolis, and which I know will be spoken often here to us. Words like these are not heard often enough these days. It is more often "Come fight with me."

But these words represent the heart of what ELIJAH CUMMINGS is all about: A consummate legislator, a dedicated public servant, a consensus builder, a fighter for what is right; a man, as you will all find, of drive and determination, a man who has ascended to leadership through integrity, hard work, and a belief in the good in mankind.

Born in Baltimore City, a graduate of City College in Baltimore, a graduate of Howard University, where he was president of the sophomore class, junior class, and student government. He graduated, as Members will not be surprised upon knowing him, Phi Beta Kappa. He graduated from the University of Maryland Law School.

ELIJAH CUMMINGS comes to the House with a vast background in working closely in his community, particularly as a mentor and Big Brother to the young people of his city and his community. He is a father figure to many, and always has hoped in time to find the one golden glimmer which will help turn a youth's life around. As an advocate for youth, he is unshaken.

I recall over a year ago when then-Delegate CUMMINGS was accosted outside his Baltimore home and ordered to lie face down on the street while being robbed. Even through this terrorizing experience, he was and remains undeterred, and has never given up his faith in youth.

His service the past 14 years with the Maryland General Assembly, where he was the first African-American in the history of our State to be elected Speaker pro tempore, the No. 2 position in the House of Delegates, has brought him recognition by his colleagues, as well as being one of its most effective members.

ELIJAH CUMMINGS brings the same talent, drive, and personal conviction as his predecessors who I have previously introduced. I encourage you, ELIJAH, to use your spirit of good will in reaching out to all of us to come walk with you.

Join me in welcoming our newest colleague, an extraordinary human being, the gentleman from Maryland, ELIJAH E. CUMMINGS.

Mr. Speaker, I yield to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader.

Mr. GEPHARDT. Mr. Speaker, I thank my colleague. On behalf of all of our colleagues, Democrat and Republican as well, I rise to recognize and welcome our new colleague, the gentleman from Maryland, ELIJAH CUMMINGS. As the gentleman from Maryland, STENY HOYER, has said, this new Member has very big shoes to fill, and those shoes are represented by the two former Representatives in this district who are here today, and we are honored by their presence.

As STENY has said, this young man was born and raised in the same city he now serves, the city of Baltimore. He knows the neighborhoods, the schools, the stores and the churches, because he lived among them all of his life. He has never lost his passion for building a better Baltimore, for giving something back to the city and community that has given so much to him.

As STENY said, he took his Phi Beta Kappa degree from Howard University and his law degree from the University of Maryland, and went right back to Baltimore, building a highly distinguished career as a lawyer, and then serving four terms in the Maryland General Assembly.

In the Maryland House he was a leader on criminal justice issues, on constitutional law, and on economic issues. After one term he was elected chairman of the Maryland Legislative Black Caucus, the youngest person ever to hold that post. Last year he was elected Speaker Pro Tem to the House of Delegates, the second ranking position in the House. His colleagues thought he did such an outstanding job they voted him one of Maryland's most effective legislators in a poll.

Beyond all these titles and accomplishments, Mr. Speaker, I believe ELIJAH will make a difference in this Congress for less tangible reasons than STENY cited: His abiding sense of decency and humanity, his ability to see the subtleties in our public problems, and his determination to pass on to the next generation the opportunities that he earned in his own life.

On behalf of all of us, Republican and Democrat alike, I am delighted to welcome the gentleman from Maryland to the 104th Congress. I think he is going to be a powerful force for progress in his State and in our country, and I know that we will count on his leadership, as Maryland has counted on his leadership, for many years to come. Welcome to the House of Representatives.

Mr. HOYER. Mr. Speaker, I yield to our colleague, the gentleman from Maryland [Mr. CARDIN], the former Speaker of the House of Delegates.

Mr. CARDIN. Mr. Speaker, let me thank my friend, the gentleman from Maryland, for yielding to me.

Mr. Speaker, in 1982 I had an experience similar to the gentleman from Maryland's of presiding over the session when ELIJAH CUMMINGS became a member of the legislature, of the Maryland House of Delegates. I had the opportunity to serve with our new colleague in the House of Delegates, and I can tell each one of the Members that they are in for a treat: a person who is dedicated to public service and dedicated to helping people.

Mr. Speaker, as we have already heard, the torch of leadership in the Seventh Congressional District has not passed very often in the last quarter of a century. ELIJAH is now the fourth person to hold that seat, with Parren Mitchell, who became a leader of this Nation on urban issues, on banking issues, and particularly small business.

Kweisi Mfume was elected a decade ago to this body, the same time I was. We became and are very close friends. Kweisi became a national leader, chairman of the Black Caucus, and has spoken out so well on so many issues. I was very proud when Kweisi was selected as the head of the NAACP. It was a great decision for that organization and for this Nation, but I lost a colleague and a friend in this legislative body.

Today I am very excited that ELIJAH CUMMINGS is taking that position. He will follow in that tradition.

□ 1045

He was an outstanding member of the House of Delegates, holding the vice chairmanships of two of our standing committees. Mr. Speaker, we only have six standing committees in the Maryland House of Delegates and ELIJAH has shown expertise in two of those. He went on to become the Speaker Pro Tem, very actively involved in the leadership of our General Assembly.

So, Mr. Speaker, it is particularly a pleasure for me to say hello and welcome my colleague for so many years in the House of Delegates, now in the Congress of the United States. I know ELIJAH CUMMINGS will add to the great tradition of the Seventh Congressional District.

Over the past quarter century, the torch of leadership has not been passed often in Maryland's Seventh Congressional District. When it has passed, the Nation has come to know that it should take notice, because Maryland's Seventh District has sent leaders of stature and vision.

In 1970, the voters of Baltimore sent Parren Mitchell to the Congress. Over 16 years in the House, Congressman Mitchell became an acknowledged expert and leader on issues finance, banking, and especially small business.

A decade ago, Congressman Mitchell announced his decision to step down. Rising up to take his seat was a young, articulate, but little known city council member named Kweisi Mfume; 1986 marked my own election to the House. Over the past decade, Congressman Mfume and I forged a strong working relationship and close friendship.

In his years in the House, Congressman Mfume rose to become a national spokesman on behalf of African-Americans and all Americans concerned about justice, fairness, and the realization of the American dream.

Congressman Mfume rose, as Congressman Mitchell had before him, to chair the Congressional Black Caucus. From that post, he used his exceptional skills as a tactistian, an orator, and as a strategist to fight effectively for the people of his district and the Nation.

Nobody was prouder than I when, this winter, the NAACP announced that Congressman Mfume would become its new CEO and President.

While I miss my good friend in this body, I am excited over the prospect of serving with the newly elected Congressman from the Seventh.

ELIJAH CUMMINGS is an honorable and able successor as the representative of the Seventh District. He brings all the dedication, intelligence, and vision that distinguished his two predecessors, and I have no doubt he will follow in their footsteps as a national leader.

ELIJAH and I have served together before, in Maryland's House of Delegates. I was delighted to welcome him to Annapolis in 1982 when he arrived as a new member.

In his 14 years in the State legislature, he has demonstrated a talent for legislative craftsmanship and responsiveness to the concerns of the people he represents that will serve him—and the Nation—well here in Congress. He also has a gift for building consensus and bringing people together that this body desperately needs.

His colleagues in Annapolis have recognized his leadership, as he has risen to be chairman of Maryland's Legislative Black Caucus, the youngest person ever to attain that position.

As vice chairman of the House Constitutional and Administrative Law Committee and as vice chairman of the Economic Matters Committee, he has acquired a wealth of expertise and experience that he will now bring to bear on the considerable problems facing this Nation. Most recently, he became Speaker Pro Tem of the House of Delegates, the second highest position of leadership in that body.

I am delighted to join my other colleagues in welcoming my neighbor to the House of Representatives. I am sure he will follow in the proud tradition of his district and enjoy a long and distinguished career here in the people's House.

Mr. HOYER. Mr. Speaker, I would now like to yield to a gentleman who served with ELIJAH in the House of Delegates and then was his colleague as a member of the Maryland State senate, will now be again his colleague here in the House of the people, the distinguished Representative from the Fourth Congressional District of Maryland, Mr. ALBERT WYNN.

Mr. WYNN. Mr. Speaker, I thank my friend and colleague for yielding.

In 1983 I was elected to the Maryland House of Delegates. As I looked around the orientation, I noticed another young man who really impressed me. That man stands before you today.

So I can tell you from personal experience, having stood shoulder-to-shoulder with ELIJAH CUMMINGS, that he is a true worker for people. I do not have to tell you a lot. Let me simply say that I have watched this man and worked with this man. He has worked for economic development, but he has never forgotten the needs of the downtrodden or the less fortunate. He brings to this House tremendous compassion.

All Members need to know about ELIJAH CUMMINGS is that he is a man of tremendous sincerity, commitment, compassion, and faith in God. He will do a wonderful job for the people of the Seventh Congressional District. He will do a wonderful job for the people of this country. I am looking forward to working with him. Congratulations and welcome, ELIJAH.

Mr. HOYER. Mr. Speaker, the last person before I introduce Mr. CUMMINGS or yield to Mr. CUMMINGS is the dean of the Republican delegation. We are one delegation, but the dean of our Republicans, the distinguished gentlewoman from Montgomery County who herself served with Mr. CUMMINGS, CONNIE MORELLA.

Mrs. MORELLA. Mr. Speaker, I thank the distinguished gentleman for giving me the opportunity to congratulate not only Congressman CUMMINGS but all of us in the 104th Congress for having him added to our numbers. He will speak in a very strong voice, with compassion, with justice, with knowledge.

Indeed, it has been mentioned that he has been handed quite a legacy. Our very good friends who have represented that district so well who are here today: Kweisi Mfume, whom I consider one of my dearest friends, who was elected with me and BEN CARDIN to the historic 100th Congress; BARBARA MIKULSKI, our Senator who also represented that district. Senator SARBANES, did you represent that direct? You did in your heart, that is for sure.

But we all reflect the kind of fine work that has been done there, and I did have the grand opportunity to serve for 4 years with Congressman CUMMINGS in the House of Delegates. Very proud of your background, the temperament, the compassion, and I particularly like the fact that here is a man who is going to work for the American people, both sides of the aisle. He is not predisposed to any one specific myopic kind of philosophy. He wants to work for the American people, for the people of Maryland. I salute him and I congratulate him.

Mr. HOYER. Mr. Speaker, I thank the gentlewoman. I might observe that our senior Senator has always served every district in our State.

Ladies and gentlemen, I am deeply honored to introduce to you a very fine human being who we will be privileged to serve with and walk with, ELIJAH CUMMINGS.

Mr. CUMMINGS. Thank you very much, Mr. Speaker and Members, to the Maryland congressional delegation, to two of my mentors, both of whom I love. Their spirit is a part of my spirit. Their hopes and dreams are part of my hopes and dreams.

To Kweisi Mfume and Parren J. Mitchell, I just want you to know that I love you, and I thank you for all that you have done for the city of Baltimore, the State of Maryland, the Nation, and the world. I appreciate you.

To my family and friends and to the members of the Maryland Legislature who are up there, only God could create this path, only God. Only God could create a path where the son of two sharecroppers from Manning, SC could rise to represent the people of the Seventh Congressional District in the Congress of the United States of America. Only God, and so I must first thank God for this opportunity.

I also thank Him for giving me the strength, the humility, and the courage to walk the path that He has given me. So often we in public life forget that we are very fortunate to come upon this Earth and have an opportunity to serve. So often we forget, because we get so caught up in our battles and our struggles, that so many people wish they could have the problems we have.

So I am just a happy, happy man. I am also very happy, they tell me it is unusual for Members of the other body—I have got to get this language right—to come over, but my two Senators, I want to thank you for being here and for all that you have done. It is not just that they are here today, but they have been walking with me for a long time, and I appreciate you.

Mr. Speaker, I represent a diverse district, a very diverse district. We have people who have a lot of problems. We have people who have very nice homes. We have people who are struggling just trying to make it. It honors me tremendously to know that they would send me here to represent them.

I have often said on the floor of the Maryland House of Delegates that our world would be a much better world and a much better place if we would only concentrate on the things we have in common instead of concentrating on our differences. It is easy to find differences, very easy. We need to take more time to find common ground.

So my mission is one that comes out of a vision that was created long, long ago. It is a mission and a vision to empower people, to make people realize that the power is within them, that they, too, can do the things that they want to do. So I am about that mission. I am looking forward to joining with all of you as we travel this road I often call journey, which I define as life.

There is a poem that Parren Mitchell said many, many years ago, that I say sometimes 20 times a day, and it is a very simple poem but it is one that I live by. It says: "I only have a minute, 60 seconds in it, forced upon me, I did not choose it, but I know that I must use it, give account if I abuse it, suffer if I lose it, only a tiny little minute, but eternity is in it."

So I join you as we move forward to uplife not only the Nation but the world. May God bless you all and may God bless America.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following resignation as a Member of the Committee on Veterans' Affairs:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 22, 1996.

Hon. NEWT GINGRICH,
Speaker of the House,
Washington, DC.

DEAR MR. SPEAKER: I hereby resign my position on the Committee on Veterans' Affairs.

Sincerely,

MAXINE WATERS,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. FAZIO of California. Mr. Speaker, I offer a privileged resolution (H. Res. 414) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

HOUSE RESOLUTION 414

Resolved, That the following named Members be, and that they are hereby, elected to the following standing committees of the House of Representatives:

To the Committee on Government Reform and Oversight, ELIJAH CUMMINGS of Maryland; to the Committee on the Judiciary, MAXINE WATERS of California; and to the Committee on Transportation and Infrastructure, ELIJAH CUMMINGS of Maryland.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that he will take ten 1-minutes on each side.

DELAY TRUMPETS SPENDING BILL

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, last night the Appropriations Committee did a great job in working with the President and forcing him to be fiscally responsible. By getting an agreement to curtail spending in the 1996 omnibus appropriations bill, Republicans were finally able to cut back on Washington spending, and I am very proud of that.

Today we will save the taxpayers $43 billion from last year's spending levels. We zero out 200 programs. We will keep on track to a balanced budget. And, most important, we will take a giant leap toward fiscal sanity.

Mr. Speaker, the American people put the Republicans in the majority because they wanted more responsible Government from their Congress, and we have delivered on our promises. My friends, this is the biggest taxpayer savings since the end of the Second World War, and we did not raise one dime of taxes.

By passing this spending bill, we take a giant step forward for the American family, and I just want to commend Chairman LIVINGSTON and his committee for his patience and great work on this legislation.

LET US PASS A MINIMUM WAGE INCREASE

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, the radical right of the Republicans is at it again. Although the vast majority of the American citizens, the majority of the Members of this House, the majority of the Members of the other body, and the President of the United States all say we should have an increase in the minimum wage. Well, imperial Speaker GINGRICH and the Presidential nominee of the Republican Party, BOB DOLE, say, "No, we are not even going to let you vote on it." The minimum wage is presently at a 40-year low as far as buying power. They will not even let us have a vote on it. That is the radical right of the Republican Party.

I say let the House vote on a minimum wage. Let us vote on it now. Let the other body vote on a minimum wage. Let us vote on it now. What are you afraid of? You are afraid of giving the working poor a little more money for their work. That is what you are afraid of. You do not want to do that. You want to give the wealthy a big tax cut. You say that is who needs the money. I say let us pass a minimum wage.

THE MINIMUM WAGE

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, it is fascinating, the gentleman from Missouri was not here 2 years ago asking to help the working poor with an increase in the minimum wage, because he had the House controlled by Democrats, the Senate controlled by Democrats, and the White House. They were not concerned about them then.

Let me tell you what the Wall Street Journal Review and Outlook call them in 1996. Remember when Bill Clinton claimed he was a new Democrat precisely because he did not favor a higher minimum wage? Time Magazine, by Michael Kramer, from an earlier speech by Bill Clinton: "It"—raising the minimum wage—"is the wrong way to raise incomes of low-wage earners." I think the President was right then. I think he is right now.

□ 1100

The increase in the minimum wage by the President's own chief economist will cost low-income earners 100,000 jobs. That is not the way to raise the income of workers. Cutting taxes is.

AMERICA SUPPORTS RAISING THE MINIMUM WAGE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, again I do not understand what the argument is about which Congress tried or did not try to raise the minimum wage. The bottom line is we know now we have a majority in both Houses, mostly Democrats, but also enough Republicans, so that we could pass the minimum wage if it was only brought up for a vote on the floor right now.

The problem is that the Republican leadership, Speaker GINGRICH and the others, do not want to bring it up for a vote. They had a meeting yesterday and all the newspapers today say they refuse to bring it up for a simple up or down vote. The reason they will not bring it up is because they know it will pass.

The American people favor this, four out of five in all the recent polls, and the majority in the House of Representatives and the Senate and the President of the United States. So why not bring it up?

Very simple: They do not want to do it. Instead, they have come up with some bureaucratic cockamamie proposal to essentially use a government subsidy to help certain families, but not everyone.

Why in the world are we talking about a government subsidy to employers so that they do not have to pay a higher wage, a living wage? It makes no sense.

CHANGING THE WAY GOVERNMENT IS DONE IN WASHINGTON

(Mrs. CUBIN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CUBIN. Mr. Speaker, today we will end months of intense negotiation with the administration on the omnibus appropriations bill, which provides funding for the Departments of Commerce, Interior, State, Labor, Justice, Housing and Urban Development, Veterans, and Health and Human Services.

Mr. Speaker, this Congress has achieved historic savings in the Federal budget. We have saved taxpayers $43 billion, resulting in the lowest projected deficit in 14 years and the single largest cut in government since World War II.

Please remember, the President does not spend one penny; the Congress spends the money, and this Republican Congress is responsible for cutting the deficit $43 billion, keeping our word, and changing the way government is done in Washington.

BACKWARD ECONOMICS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, see if this makes any sense: Uncle Sam gives billions of dollars to Russia in foreign aid; Russia then uses American money to build weapons. Uncle Sam then gives billions of dollars to China through the most-favored-nation trade program; China then buys weapons from Russia with money made in America.

Now, China makes money, Russia makes money, and, meanwhile, to stay afloat, America borrows money from Japan. America then uses that borrowed money from Japan to protect Japan and to protect Japanese oil in the Persian Gulf. That is right, Japan gets 95 percent of their oil from the Persian Gulf. Meanwhile, back in America, Americans are not only paying higher fuel taxes, they are now paying $2 for a gallon of gasoline.

Beam me up here. Somebody in Washington, DC, does not need to see any more economists, they need to visit a proctologist. Folks, this thing is all screwed up.

I yield back the balance of all these Btu's.

BIG SAVINGS FOR AMERICAN TAXPAYERS

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, today the 104th Congress will vote to end big government. By the end of the day today, we will have saved taxpayers $43 billion over the length of the 104th Congress, the largest single cut in government spending since World War II. Translation: $688 for a family of four.

With passage of today's legislation, this Congress will end over 200 programs, more than 100 in Labor, Health and Human Services alone, $12 million on a tick eradication program for cattle in Puerto Rico, and $14 million for the U.S. Travel and Tourism Association.

The bill strengthens priority programs that our constituents said are important to them: An additional $400 million for veterans medical benefits, support for our troops in Bosnia, and antiterrorism programs in Israel.

This bill does not just put the brakes on runaway Federal spending, it reverses it. Finally America's values have triumphed over Washington, DC, values. This truly is a historic day.

GIVE AMERICA A RAISE

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, Harry Truman used to say that the Republican Party supports the minimum wage: The lower the minimum, the better. Now that we are at a historic minimum, the Republicans will not even give the American people a vote on the floor of the Congress so we can give America a raise, and that is wrong.

Mr. Speaker, I remember when I was a boy, and minimum wage jobs, when the minimum wage went up 20 cents, it was a raise. It gave you something to be proud of. It gave you a little extra money.

For Americans to get an extra one buck an hour is $1,800 a year. That is the average 40-hour workweek. That is a lot of money for families. You can buy a lot of food and health care with $1,800. That is $1 an hour.

Give America a raise. Give people who make the minimum wage the decency of allowing them to fulfill Harry Truman's promise for this country.

PRESIDENTIAL PROMISES NOT FULFILLED

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, today is Take Your Daughter to Work Day. Being a position role model and raising a child's self-esteem are noble objectives. However, for too many of those who represent our weakest links in our society, there is no father in the house to bring a child to work, and the mother, she gets a quasi-minimum wage increase by simply having another baby.

Once upon a time there was a candidate for President who said he would end welfare as we know it. Since that slogan apparently helped Mr. Clinton get elected in 1992, I guess the 1996 slogan will be "Really, folks, some day I want to end welfare as we know it." The record would show that Mr. Clinton took 2 years to even introduce an outline of a bill, and he has vetoed welfare reform twice.

Truly the only missing ingredient between taking the first step toward welfare reform and the continuation of this vicious cycle of government dependency is President Bill Clinton.

RAISE THE MINIMUM WAGE

(Mr. WYNN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYNN. Mr. Speaker, once again I rise to support the minimum wage. People will tell you that while this is just an issue about young teenagers, that is absolutely untrue. Seventy-five percent of the people who make the minimum wage are adults. Fifty-eight percent of them are women, and they head households.

Do you know how much you make a year off the minimum wage? $8,400 a year, doing some of the dirtiest, most unpleasant, hardest work we have in this country.

Now, I cannot understand why we cannot increase the minimum wage. There are bipartisan majorities in both Houses willing to support a $1 increase in the minimum wage. So why will the Republican leadership not bring it up?

The fact is that the Republican leadership makes over $100,000 a year. People on minimum wage make $8,400 a year. Is it too much to ask to give these people, these women, these hard-working Americans, a raise of $1? I do not think so.

Again, I reiterate, we ought to raise the minimum wage.

A GOOD DAY FOR THE AMERICAN TAXPAYERS

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, today is a good day for American taxpayers. It is a day they have waited for for many, many years. Today the House and the Senate will consider and pass the omnibus appropriations bill.

This bill represents the values of ordinary American taxpayers. It represents the values of people who work hard and play by the rules. It represents the values of people who are tired of seeing one-quarter of their income going to a Federal Government that has racked up a $5 trillion national debt.

This bill rejects the values of Washington. It is a departure from the tax, tax, spend, spend philosophy of the true extremists, the status quo Clinton liberals. This bill rejects the values of all the liberal special interests who have dominated this House for 40 years.

Mr. Speaker, this Congress can be proud that we are making the changes demanded by the American people. This new Congress is saying no to Washington's values and yes to American values.

RAISE MINIMUM WAGE NOW

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, yesterday NEWT GINGRICH and his leadership team stiffed America's hardworking families once again. These are the families who work hard; they play by the rules. They are working longer and harder to pay the bills to save for education and for retirement.

These families support an increase in the minimum wage. Eighty-four percent of the American people favor raising the minimum wage, everyone, that is, except for the House Republican leadership.

Yesterday the Republican majority leader said he will not schedule a vote on the minimum wage. Why do House Republicans continue to give working families the back of their hand rather than extending a hand? Because, as a top business lobbyist said yesterday, we made them, and this is a quote, "We made them the majority." Republicans continue to pay off their special interest pals rather than helping America's hardworking families.

Mr. Speaker, this is the people's House, not the House of special interests. Stop hurting working families in this country. Raise the minimum wage now.

MEDICARE'S PENDING BANKRUPTCY

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, how long are the Clinton Democrats going to ignore reports that Medicare is going broke? How long are they going to jeopardize the future of our parents' and grandparents' health?

Mr. Speaker, new Government reports show a $4.2 billion shortfall in Medicare for the first half of this fiscal year, $4.2 billion.

Just last year the Clinton administration predicted Medicare would take in $45 billion more. It seems the Clinton administration was wrong. When President Clinton had the chance to reform Medicare, he chose his veto pen and MediScare, scaring seniors over our seniors' health care security. The President is ignoring Medicare's impending bankruptcy, something our seniors cannot afford.

RAISING MINIMUM WAGE A MORAL ISSUE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the Republicans in this House just do not get it. The American people want an increase in the minimum wage. They know, Mr. Speaker, even if you do not, that raising the minimum wage is the right thing to do.

This is not just an economic issue, this is a moral issue. Mr. Speaker, you have the capacity, you have the ability, to bring a clean minimum wage bill to this floor. Do not fight, Mr. Speaker, what is right; do not fight what is right.

On this issue there is a national bipartisan consensus. Let us do what the American people want us to do. Let us do what is right. Let us raise the minimum wage. Struggling, hardworking people deserve the right to earn a livable income. Raise the minimum wage. Raise it now.

MISAPPLICATION OF THE INDIAN CHILD WELFARE ACT

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Mr. Speaker, I rise today with just one illustration of the absolute tragedy and heartbreak being experienced right now by countless children and their families due to the misapplication of the Indian Child Welfare Act, or ICWA.

A couple from my district in Columbus, OH, adopted twin girls. Both biological parents consented and even chose this family that they wanted the girls to be placed with. After 6 months, as they went on to finalize the adoption, they found out that it was being contested under ICWA, which gives the tribe the final say in custody proceedings involving Indian children.

Although only one of the twins great-great-great-grandparents was native American, a judge in California ruled that that was enough to trigger ICWA.

These stories are commonplace and have to end. As a result of this misapplication of the law, two little girls almost 3 years old now still await the permanence and stability of the only family they have ever known, and they fear what fate might await them at the hands of the court.

Mr. Speaker, I urge my colleagues to support the Adoption Stability Act of 1996.

TIME TO VOTE ON A CLEAN MINIMUM WAGE INCREASE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, we have heard this morning, and I am glad, that after a year of threatening cuts in education funding, I am glad that the Congress and the President yesterday and today will consummate it and restore the drastic and extreme education cuts that they have been fighting a year over, and I am glad the Republican majority saw the light.

□ 1115

But, really, what I want to talk about today is the minimum wage. Americans strongly support an increase in the minimum wage. In fact, the latest national poll shows at least 80 percent of Americans support an increase in the minimum wage, and yet the majority of the Republicans oppose an increase, and some even oppose the minimum wage.

In fact, yesterday the House Republican leaders decided not to even bring up a minimum wage increase for a vote. The only thing we have heard of is a measure to provide another Government subsidy for people who work at $4.25 an hour. More welfare instead of someone being able to work their way off of welfare. That is not what the American people want.

Republicans talk a lot about moving people off of welfare and into work, but people need a livable wage to do this. Members can talk the talk, but they need to walk the walk. American families are working harder than ever, but it is tough to get ahead when working full time does not put enough money in your opinion pocket to put food on the table.

HONORING ROSHA BOOKER OF ROME, GA

(Mr. BARR of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARR of Georgia. Mr. Speaker, I rise today to honor one of my constituents from Rome, GA, Ms. Rosha Booker, as an example to this Congress and to the country that one person can make a difference. Rosha's commitment to her community, and especially to its children, has established her as a leader and a doer.

Rosha had few of the benefits many of us enjoy, such as a fine education. But she did not let personal adversity hold her back. She got her GED and she got involved.

As president of her residents association, she has taken the lead in attacking drug abuse; and initiated countless activities for young people, from constructive and motivational programs, to workshops designed to give children alternatives to drugs and violence.

Last year Rosha came up with Make a Difference Day. She organized a community yard sale and a fall fair, bringing together residents of her community, tenants association, and local police to stress public safety and the importance of respect for law enforcement.

USA Weekend Magazine has just recognized Rosha in its Sunday magazine as one of the Nation's leading volunteers working for a better America. USA weekend chose wisely.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 3024 AND H.R. 1972

Mr. TOWNS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 3024 and H.R. 1972.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New York?

There was no objection.

WOMEN MAKE UP 59 PERCENT OF MINIMUM WAGE EARNERS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, to make it perfectly clear, I am very glad we finally won the victory, with the help of the President, and the Democratic caucus, to restore cuts in education, to restore the 100,000 police. Today we will vote on a good appropriations bill. We are working for America.

But what we really need to talk about is not the blame game regarding the minimum wage, we really need to talk about the pain in America. A few things we should consider in the argument to raise the minimum wage are that women are the ones that make up 59 percent of the minimum wage earners and nearly three-quarters of them are adults. Further, on average, women are still paid only 72 cents for every $1 men earn, and after inflation the value of the minimum wage is now 29 percent lower than it was in 1979.

If we do the right thing and the fair thing and raise the minimum wage, just by 90 cents, from $4.25 to $5.15 an hour, that alone would lift an estimated 300,000 people out of poverty, including 100,000 children.

Let us not play jokes on the American people. Raise the minimum wage for America and for its working people.

LET TAXPAYERS SEE WHAT GOVERNMENT REALLY COSTS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, in 1943 Congress passed the withholding tax law. This painless collection method was described by one Senator as the best way to "get the greatest amount of money with the least amount of squawks."

Unfortunately for us all, he was right.

In fact, a recent poll showed that 54 percent of America's taxpayers have no idea how much of their income is withheld. It is the ultimate hidden tax, the best way to obscure the truth about taxes and the best way to obscure the cost of governing.

I want Americans to see what their Government costs. So I've introduced legislation that would allow workers to pay their taxes monthly, writing a check to the IRS just like they pay their mortgages, their car payments, and their rents.

In this way, taxpayers could see how much the Government is taking from their paychecks and how expensive their Government is. They would be able to determine for themselves whether or not they are getting their money's worth.

I urge my colleagues to cosponsor this legislation, which simply lets the taxpayers see how much their Government really costs.

AMERICANS HAVE WON A VICTORY WITH REGARD TO BUDGET NEGOTIATIONS

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, the American people have won a victory with reference to these budget negotiations. We are reversing the deficit spiral under Republican administrations in the 1980's. We are making continued progress toward balancing the budget. It is, as my Republican colleagues have said this morning, a historic moment. It is just that they miss what the historic moment is all about. For, as my colleagues can see, all of this could have been accomplished last year without the Gingrich goofs, without the Government shutdowns that cost the American people $1.5 billion, without the pain that that caused people all over this country.

Today we have achieved this negotiation without taking cops off the street, as they wanted to, without savaging the School Lunch Program, without wrecking the environment. We have accomplished this because the American people have spoken out and said they have had enough of extremism. We Democrats did not have a majority of votes to accomplish this, but we had a majority of right on our side, and thanks to the involvement of the American people we have said no to the Gingrich extremisms and achieved a victory.

VIETNAM VETERANS AND MEN OF CONSCIENCE CANNOT VOTE FOR THE APPROPRIATIONS BILL

(Mr. DORNAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORNAN. Mr. Speaker, item in this week's April 29 U.S. News & World Report. "Clinton Won't Dodge Vietnam." That is their word, "dodge," not mine.

Although Bill Clinton went to great lengths to avoid going to Vietnam during his draft age years, try three times, the President, who made a round-the-world swing last week, has put the southeast Asian nation, that is Communist Vietnam, at the top of his must see list next year if he gets reelected.

Then the paragraph closes, like every other recent President, Clinton, they say, wants to be remembered mainly as a peacemaker. Well, at Oxford, ditching classes and flunking out and not getting his degree, he made sure that the killing fields would prevail in Cambodia and Laos and 68,000 of our friends would be executed in Vietnam.

I cannot vote, Mr. Speaker, for the appropriations bill today, not because my HIV language was taken out. I would have traded that off for the two great pro-life provisions, but Clinton thinks with his infanticide vote he has locked up all the abortion industry. He wanted to get back the homosexual industry. It is this POW bracelet. Any veteran or man of conscience cannot vote for the appropriations bill today.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. McINNIS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 412 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 412

Resolved, That the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House is waived with respect to any resolution reported from that committee before April 27, 1996, and providing for consideration or disposition of any of the following measures:

(1) A bill making general appropriations for the fiscal year ending September 30, 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

(2) A bill or joint resolution that includes provisions making further continuing appropriations for the fiscal year 1996, any amendment thereto, any conference report thereon, or any amendment reported in disagreement from a conference thereon.

The SPEAKER pro tempore. The gentleman from Colorado [Mr. McINNIS] is recognized for 1 hour.

Mr. McINNIS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 412 is a simple resolution. The proposed rule merely waives the requirement of clause 4(b) of rule XI for a two-thirds vote to consider a report from the Committee on Rules on the same day it is presented to the House for resolutions reported from the committee before April 27, 1996, under certain conditions.

This narrow, short-term, waiver will only apply to special rules providing for the consideration or disposition of measures, amendments, conference reports, or items in disagreement from a conference that: make general appropriations for fiscal year 1996, or provisions making continuing appropriations for fiscal year 1996.

Mr. Speaker, House Resolution 412 is straightforward, and it was reported by the Committee on Rules with unanimous voice vote. The distinguished Member, Mr. MOAKLEY, stated in the Committee on Rules that he had no objections to this rule. The committee recognized the need for expedited procedures to being these legislative measures forward as soon as possible. Simply put, we must move quickly before temporary spending authority expires at midnight tonight. Mr. Speaker, we have reached an agreement with the White House and it is time to move forward.

The agreement we reached last night will result in 1996 discretionary spending being $23 billion less than last year's level, and the additional funding for the administration's programs is offset by reductions and saving in other areas. I urge my colleagues to support House Resolution 412.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Colorado, Mr. McINNIS, for yielding me the customary one-half hour and I yield myself such time as I may consume.

Mr. Speaker, this rule waiving the two-thirds requirement for same day consideration of a bill will finally enable the House to bring up the omnibus appropriations bill.

After 6 months of waiting for my Republican colleagues to pass the 13 appropriations bills, we are finally going to be able to bypass their Appropriations Committees and get our Government back on its feet.

Federal workers won't have to worry about being furloughed; military retirees won't have to worry about their benefits; and students headed for college won't have to wait any longer than they already have for their student loans to be processed.

I support this two-thirds rule, Mr. Speaker, because I wouldn't do anything to slow the appropriations process any more than it already has been but I believe my Republican colleagues have behaved very irresponsibly on this budget and I hope next fiscal year will be different. The American people have suffered from their political games and it is no way to run a government.

But this rule doesn't go far enough. So, I will oppose the previous question in order to offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules immediately to report a resolution that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997.

This will not slow down the continuing resolution, Mr. Speaker, it will allow the House to vote on a separation measure to increase the minimum wage.

Mr. Speaker, my Democratic colleagues and I believe very strongly that American workers deserve a raise and we will continue to fight until they get one.

With CEO's of major corporations getting raises of millions and millions of dollars a year, I certainly hope my Republican colleagues will agree with us that average working people deserve a $1,800 raise—enough for 7 months of groceries.

We are not talking about a lot of money, Mr. Speaker. But we are talking about a lot of people, 12 million people who work very long hours and still live below the poverty line.

It has been 5 years since the last increase in the minimum wage, 5 years, Mr. Speaker. Its value has plummeted to a 40-year low. People on minimum wage only earn $8,400 a year.

That means that someone who works just as long—and I would argue just as hard—as those CEO's does not make enough money to feed and house their family.

Any Member who disagrees with me, any Member who does not think we should raise the minimum wage to $5.15 an hour should vote for the previous question.

I urge everyone else who believes hard-working Americans should be able to support their families on their income to defeat the previous question.

Let's give hard-working Americans a raise.

□ 1130

Mr. Speaker, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. McINNIS. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state it.

Mr. McINNIS. I think it is in order, Mr. Speaker, to request a copy of the proposed amendment to the rule from the minority in order to determine whether a discussion of it is germane to the debate on this particular rule. Otherwise, I will be forced to raise a point of order against any further debate on a nongermane amendment to the rule.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, the amendment is being worked on. It will be in the gentleman's hands very shortly.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

I am thrilled. I cannot believe what I have just heard. My good friend from Massachusetts, is the gentleman in fact suggesting that we bypass the committee process and bring directly to the floor his particular amendment? I think this is the very side that I get hammered time after time after time again with these rules, what about the committee process?

Mr. Speaker, I am certain that the gentleman and my friend from Massachusetts overlooked this, and I am certain that in order to stay consistent with what their side on a continuing basis continually talks about, that he will rescind his amendment and proposal to offer an amendment and take it back to the committee process.

I think it is also important for us to realize it is an election year. How can we tell it is an election year? Where has this group, where has the minority been? They held the majority in the House. They held the majority in the Senate. They held the Presidency for the first 2 years I was here. Not once, not once in committee, not once on the House floor did we hear any discussion about minimum wage. In fact, I found it kind of interesting. Time, February 6, 1995, now the President wants to make work pay by raising the minimum wage. Yet, more than 2 years ago he said that raising the minimum wage is, and I quote from Time magazine "the wrong way to raise incomes of low wage earners."

If we want to help the low wage earners in this country, get Government off their back. Do something about the taxes on these people. Do something about the child tax credit. That is how we are going to help the working poor in this country.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman, my colleague, my friend, is right. Maybe we should have addressed minimum wage. But as he knows, we had other things on our pallet. We had the health care bill that took a lot of time. We had the budget bill. We had the appropriation bills that the Republicans did not let come out through the proper process. So we really were distracted doing other things. But now we are looking clear eyed at the minimum wage, and maybe we should have done it before.

Having said that, we have just received notice from Speaker GINGRICH that he does not want to allow the minimum wage to go forward, so we cannot rely upon the ordinary committee process. This is the process we have to take.

Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, today I call upon my colleagues to defeat the previous question so that we can go back to the Committee on Rules and have a vote on raising the minimum wage. My colleagues and I have been trying for weeks to convince NEWT GINGRICH and the rest of the Republican leadership to allow a vote on raising the minimum wage, a mere 90-cent increase for the hard-working men and women of this country at a time in our Nation's history when we are looking at corporate CEO's who are making on average $2 to $3 million a year, and working Americans have not seen a raise in their income in the last several years. They scramble every week to try to pay their bills.

Mr. Speaker, last month I went to the Committee on Rules, and I testified in favor of allowing a vote on raising the minimum wage. My request was denied. On this floor the next day my Democratic colleagues offered a motion to allow a vote on raising the minimum wage. Again, our effort to give working families a raise was denied. As a matter of fact, the House Parliamentarian ruled that the Republican leadership was using an invalid procedure to kill that vote. After denying us the right in this body, the people's House, to raise the people's interests, we were not allowed to have this come up for a vote.

Yesterday the Speaker of the House said that it is not his intention to schedule a vote on the minimum wage. He refuses to do it. Yesterday or the day before yesterday, the third ranking member of the Republican leadership in this body said that the minimum wage families do not exist. There is a movement here and a pattern to not allow us to be able to vote in this Nation on the minimum wage. Eighty-four percent of the people in this country want us to increase the minimum wage.

Stop playing parliamentary games with America's working families. Please, give them a simple yes or no vote on raising the minimum wage in this country. Stop denying hard-working families, people that we ought to honor for taking on the personal responsibility of working hard every single day. All they want to do is to get their kids to school. They want a decent retirement for themselves. That is all they are asking for. And they make $8,500 a year.

Mr. Speaker, let me tell my colleagues in this body, during the shutdown in the Christmas holidays, Members of this body made more than minimum wage workers made in 1 year. It is unfair. Let us vote now, let us vote right away, an up or down vote on raising the minimum wage in this country.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

I would be interested later in the debate perhaps to hear from the gentlewoman from Connecticut about the President's comments that this is the wrong way to raise the incomes of the low-wage earners. Perhaps the gentlewoman from Connecticut before she leaves the floor today on the debate would like to come down and talk about the President's own chief economic expert, economist, who says that the higher minimum wage does not seem a particularly useful way to help the poor.

Why all of a sudden the change? Why all of a sudden the reverse? I will tell my colleagues why; it is show and tell for election year.

Mr. Speaker, this debate is about a rule. That is what we are talking about. We have come to a resolution on this budget. We have cut the rate of growth by $23 billion over last year. Let us get on with the business. Do not let them divert by talking about something that they have plenty of opportunities to do something about but all of a sudden, lo and behold, and I am sure by coincidence right before an election shows up, they come to the floor and they pound the podium and they talk about the minimum wage. They cannot explain the President's comments who says it is the wrong way to help these, the low-wage earner. They cannot explain the chief economist over at the White House when he says it does not work.

Where were these people? Where was the gentlewoman from Connecticut? Where was the gentlewoman from Connecticut when we had, for example, just a couple of weeks ago a limitation on the taxes in this country?

My bet is that the gentlewoman probably voted against it. I think it is important, if we want to help the working poor of this country, let us talk about taxes. Let us do something to control the taxes.

Nothing helps them more than taking a look at the heavy, heavy burden of taxes. Do you know that the average working person in this country has to go in and spend 2 hours and 45 minutes of their working day, the first 2 hours and 45 minutes of their working day just to pay the taxes? If we want to do something to help these people, cut that 2 hours and 45 minutes and let some of that time go right into their pocketbook. The average person in this country works from January 1 to May 6 every year, every hour during that period of time just to pay their taxes.

Mr. Speaker, the point here is very important. That is that today we are engaged in a debate on the rule, a rule which would allow us to get this compromise put into law, which will allow this budget to go forward. This is a good budget. We have come up with. This is a budget that will allow the Federal Government in Washington, DC, to reduce its spending by $23 billion. That is a very, very significant step forward. Let us do divert. Let us not dilute it by bringing in what I consider, frankly, frivolous timing on this debate.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, who are these people that work on the minimum wage or for the minimum wage? Three of them are testifying out in the swamp triangle in front of the press right now about earning the minimum wage and trying to raise a family. So they indeed do exist.

Mr. Speaker, they are the people who take care of our mothers and our fathers and our grandparents in nursing homes. They are the people who clean the offices. They are people to clean the airports. They are the people who are breaking their backs to raise their kids every single day in America.

Do we know what happens when we pay them $4.25 an hour? They cannot raise a family on that. They end up sometimes working two jobs, three jobs, overtime. What does that mean? That means they are not there for their kids in the evenings. A mother is not there to teach her kids right from wrong. She is not there to read them bedtime stories. A father is not there for a PTA. He is not there for Little League games. He is not there for church. He is not there for dinner conversations. And the whole fabric of civil society starts to breakdown. That is what we are talking about here, paying somebody a decent livable wage so they can live a decent livable life.

Mr. Speaker, that is what we are talking about, basic economic justice for people. Let me put the Republican position on the minimum wage in perspective. A person making the minimum wage, as I said $8,500 a year, the average CEO in America today makes about $12,000 a day. I wanted to repeat that, $12,000 a day.

My friend from Colorado talked about taxes. Let me tell my colleagues about taxes. Under their tax plan, if you do the math right, every CEO in America would get a tax break of about $8,500 a year. In other words, the Republicans spent the last 16 months trying to give CEO's a tax break equal to the amount a minimum wage family earns in an entire year. Where is the economic justice in all of that?

This is an issue which is supported by over 100 economists. It is an issue that is supported by three Nobel Laureates, by 80 percent of the American people. We ought to move on this and move on it today. We have an opportunity on this previous question to vote it down so we can bring up the opportunity to have a real debate and a real vote on a critical issue for this country.

Mr. Speaker, the Republicans on this side of the aisle and in the other body have embarked upon a strategy of ducking this issue as the Speaker indicated the other day in a press conference, blocking it, as the gentleman from Texas [Mr. ARMEY] indicated, said he would fight it with every fiber of his being; burying, as Senator DOLE intends, to do by attaching it to extraneous matters in the other body. This strategy of duck, block it, delay it, bury it, is not what the American people want. They want us to move on this issue because they know it is a matter of economic justice.

Mr. Speaker, let me just say in conclusion that we have got 12 million people in this country who are doing tough work, tough work. They have made a choice to do work over welfare.

If we want to solve this welfare issue, we have got to make work pay. That is all we are asking. The minimum wage is at an almost 40-year low, 40-year low. People made more on the minimum wage in the 1970's and in the 1980's and in the 1960's than they would even if we raised it 90 cents an hour.

□ 1145

Let us do something for these folks. Let us raise the minimum wage. Let us give them the respect and the dignity that they deserve, and let us send a message to America that work pays.

Mr. Speaker, I yield back the balance of my time.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am interested by the gentleman from Michigan's comments. I wonder where the gentleman's vote was on the largest tax increase in the history of this country about 2 years ago, and I do not want the gentleman to come back and say, well, as my colleagues know, we just increased taxes on the wealthy people in this country.

Our colleagues increased taxes, as the Democrats, on this House floor on everybody in this country that buys a gallon of gasoline, 4 cents a gallon. Our colleagues have continually thought the response to aid Washington, DC, is to tax, tax, tax.

If our colleagues want to help the working poor in this country, if our colleagues are really sincere about it and not playing election-year tactics, if our colleagues really want to help them, do something about the burden of taxes in this country.

I have said repeatedly from this microphone every person out there trying to work, trying to stay off welfare, still has to spend their first 2 hours and 45 minutes of every working day just to pay their taxes.

Now, how interesting, and I will not yield, now, how interesting it is that the gentleman from Michigan and the gentlewoman from Connecticut talk about how their party wants to help the working person. Well, maybe one of them, and they have not done it yet, maybe one of them would be kind enough to explain the President's comments, and I will quote it again from Time magazine. When the President directly addresses and states his position on minimum wage, and that is, "Minimum wage," and I quote, "is the wrong way to raise the incomes of low-wage earners."

Our colleagues are hurting these people. That is what we are trying to say to them, they are hurting the very people that everybody wants to help. If our colleagues were serious about it, they should have supported, and some of you actually did, but we should have had more support from our colleagues' side of the aisle to put a tax limitation on the bureaucracies in Washington, DC. But they did not support that.

And, by the way, they did not hesitate to support the largest tax increase in the history of this country. That is what is key here. If they really want to help the working people, let us shift this debate.

By the way, the debate should not even be on this. The debate should be on the rule. But our colleagues continue to try to divert it over to this.

So let us shift the debate where it ought to be, and that is the tax burden that their party primarily in the last 40 years has been responsible for placing on the working people of this country. Not just the working poor, but every working man, woman, and child in this country, lives under their tax burden.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, in a few minutes all of America will be able to see a vote on whether or not the people of America, the working families of this country, will get the increase in their wages that they deserve, get a raise.

I believe American working families deserve a raise, and finally this morning we are going to have a vote on that subject. And if my colleagues believe that way, all of America will be able to see that they voted against this call for the previous question and we have finally an up-and-down vote on the minimum wage.

But, as my colleagues can see, what we have been hearing this morning is the same old Republican story: Promises made, promises broken. That is what this Republican majority is all about. It was only last week that the Republican leadership of this House and of the Senate were telling us: We would have a vote on the minimum-wage increase. But they forgot to ask the lobby.

As we can see, this would be like the Republicans writing environmental legislation without getting a bill from the polluters. They just do not do that. They made their announcement, and they had a traffic jam out here.

As we can see, they forgot to ask the special-interest lobbyists, and the limousines starting converging on the Capitol, almost a traffic jam out here on the avenue, because these lobbyists expect this Republican majority to do exactly what they tell them to do, and they made the mistake of not asking. They listened to the American people, for once, who demand that they get the kind of raise that they deserve because they are out there struggling with their families.

We are not talking about people that have got limousines that benefit from this minimum-wage increase. We are talking about the people that mop the floors, we are talking about the people that take out the trash, that wash the dishes, the hard-working people of this country who can barely make ends meet on the little bit of minimum wage they have got. And this morning we are going to decide are we going to stand by those people who are working so hard to build a future for their families, or are we going to fold and join the limousine crowd who did not get asked but made their voice heard and caused the Republicans once again to break their promise to the American people?

Let us stand up for the little folks of this country.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

How interesting to hear the gentleman from Texas talking about the little people. I wonder if the gentleman from Texas has any small business in his district.

As my colleagues may know, my district is a rural district out in Colorado. It is not a wealthy district; most of the district is rural. We are ranchers and farmers, and we own small hardware stores. In fact, my father owned a little candle store for 40 years, and it was tough. Maybe the gentleman from Texas and I would like to have them come to my district.

By the way, we do not have any limousines out there; that may be something that perhaps my colleagues are not accustomed to. But we will take them out in a pickup truck and have them explain to the small business people in my district how it is going to help them and how it is going to help their employees, and we will bring the employees in, by increasing the minimum wage and keeping the tax burden exactly the same.

Do my colleagues know what we are debating today? We are debating the rule. This debate has been totally diverted, totally swung over to a nongermane subject on this rule. What is this rule all about? Do my colleagues know what it is about? It is about reducing spending in this year's budget over last year's budget by $23 billion. That is right: billion dollars. Finally we have made positive progress.

As my colleagues know, a lot of people, when the Republicans planted our garden, we said to the Democratic leadership, "Look, you got too many weeds in your garden. It's gotten too fat. It's not being taken care of, and the people, the taxpayers, that have to pay for the seeds and water and fertilizer for this garden are being abused." Let us plant the garden; we planted the garden.

Then all of a sudden nothing came up, it was not growing, and some of these people just sat back and said, "We told you. So by gosh, your way doesn't work."

But guess what happened today? We wake up, and we have got plants popping out everywhere. Do my colleagues know why? Because last night we reached an agreement, and this rule will help us move that agreement to the President's desk within 24 hours. We reach an agreement that allows us to reduce the size of Government in Washington, DC, to reduce the size of growth in this budget, to finally realize that the taxpayers of this country have a right to demand from their Government in Washington, DC, efficiency and accountability.

Now what is happening? Finally of course they are not going to concede. A little plant is now coming out of the ground, and this garden in fact is going to be a very healthy garden. Now they try to pull in something that their own President did not agree with, and that is this diversionary argument of minimum wage.

Let us go back to the rule. Last night in the Committee on Rules, I was there. I voted on it. Every Democrat in the Committee on Rules voted for it. I voted for it. We did not have this kind of sneak attack last night in the Committee on Rules, and in fact my good friend from Massachusetts, of whom I have a great deal of respect for, and frankly the more I work with him, the more I respect him, has stood on this floor before and said, "What about the committee process?"

Do my colleagues know what is happening? This is a sneak attack. They jump up here with minimum wage.

Mr. MOAKLEY. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I agree. I will vote for the rule. I am just trying to make the rule just a little bit better.

So I am with the gentleman from Colorado on the rule, but I just want to get a shot at the previous question. So the gentleman and I will vote arm in arm when it comes to voting for the rule.

Mr. McINNIS. But the gentleman from Massachusetts would agree by doing this we avoid the committee process on the minimum wage issue; is that not correct?

Mr. MOAKLEY. But the gentleman from Colorado will agree that the Speaker said he is not going to allow the minimum wage to come to the floor, so will the gentleman tell me how else we can get it to the floor?

Mr. McINNIS. Reclaiming my time, I thank the gentleman from Massachusetts for his courtesy and kindness. The fact is he knows and I know this is a sneak attack. That is all right, we can take it, we can absorb it. But if our colleagues want to talk about minimum wage, if the gentlewoman from Connecticut wants to talk about minimum wage, why does she not talk about the tax vote she took? Why do our colleagues not talk about the tax vote we took just 2 weeks ago where we said to the country and to the bureaucracy in Washington, DC: Before you raise taxes on the American people, you ought to get a two-thirds vote.

Now a lot of States do that. There are a lot of States that require a balanced budget. I would be interested to see what the gentleman from Texas or the gentlewoman from Connecticut voted on the balance budget amendment.

Do my colleagues really want to help the working people of this country? Then put this argument aside, let us debate the rules and the germaneness, and I mean argue what is germane to this rule, and let us get this budget, this agreement which cuts spending by $23 billion; we can have that to the President's desk within 24 hours.

And do my colleagues know something? I think both parties can stand up and say, by gosh, we are making progress in moving this country forward in a fiscally sound manner. But short of doing that, if some of the people who stand up here, and again just a coincidence in an election year, and talk about how much they have helped the working poor, I think it is legitimate, very legitimate, for everyone of us in this room to ask them, How did you vote on the balanced budget amendment? How are you rated by the Taxpayers Association? How did you vote on the tax limitation amendment? Where have you been on some of these spending issues that are here?

Do my colleagues want to help the working people of this country? One, get this budget to the President within the next 24 hours because he said he would sign it; two, follow your own President's advice where in Time magazine he said the minimum wage is the wrong way to raise the incomes of the low wage earners; and, three, get back to the germaneness of this rule, let us get this debate out of the way, and let us get to the budget debate because that is the most important time of the day. That is what is going to make this budget. And what we are doing right now is spending very valuable time debating kind of a sneak attack, certainly did not come up in the committee last night, certainly will not go through the committee process, but they think is fun and games to play down here and discuss it.

Let us get back to the budget. Let us pass this rule.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Texas, Mr. GENE GREEN.

Mr. GENE GREEN of Texas. Mr. Speaker, what we are talking about is asking for a vote on minimum wage. Why will not the House allow us to vote on the minimum wage? By opposing the previous question, that is the only way we can do that. This martial law resolution gives special status to a lot of categories of bills. A minimum wage increase deserves that special status. We should be willing to give special treatment to the American families who are having to work for $4.25 an hour.

In fact my colleague from Colorado talked about this should go through the committee process. My committee has tried to have a hearing on this bill, and we have not. Seventy percent of the bills in 1996, and I will yield if I have time, 70 percent of the bills on this floor this year did not go through the committee process, and yet today they are not willing to use that special exception for the working folks. He knows also the reason that we tried to have health care reform in 1993 and 1994 and not a minimum wage increase, but it has gotten so far out of whack because of inflation we need to do it.

A great Senator from Texas said what we need to do is put the jam on the bottom shelf for the little people. Senator Ralph Yarbrough, the late Senator, said that minimum wage increase will do that, Mr. Speaker.

Mr. McINNIS. I yield myself such time as I may consume.

First of all for the gentleman from Texas, I think it is incumbent upon him to use the words that he used in description, that he use them at least somewhat close to their definition. Continually he attempts to use the words martial law as if we are attempting martial law on this House floor, and let me just read for his assistance the definition of martial law. It is a temporary rule by military authorities over the civilian population.

This is getting a little out of hand when we start using those kinds of terms. Let us bring it back to the issue that we are talking about today. The issue is we have got a rule here that agreed to by all of the Democrats on the committee, that was voted by a voice vote, which means there is agreement amongst the committee, to bring this rule down to the floor so that we could clear the path for our budget package to come down here, to be heard, to be voted on, to be sent to the President within the next 24 hours.

□ 1200

My goodness, we have spent the last 6 months in tough negotiations and good faith negotiations from both sides to come to some kind of budget which will help reverse the spending in Washington, DC, which will help the taxpayers of this country; which, by the way, will help every working man, woman, and child in this country. We have it in our hands. We have the budget. We can send it to the President within the next 24 hours.

So why are we stalling? Let us stay germane to the subject. Let us pass this rule. Let us send this budget to the President. It is $23 billion in reductions in spending in Washington, DC. Do we want to make a working poor person's day or any working poor person's day? Tell them that finally the Government in Washington, DC, is about to reduce the rate of their growth, that the bureaucracy that is out of control in Washington, DC, is about to come back down to the size that it ought to be. That is a government that serves the people, not a government that rules the people.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I must say that the gentleman from Colorado has made a very valiant effort to try to justify why this should not be brought to the floor, but the bottom line is we have no choice. We know that the Republican leadership in this Congress will not schedule the minimum wage for a vote. "It is not my intention to schedule a vote on the minimum wage," said the House Republican leader, the gentleman from Texas, DICK ARMEY. This is the only way we can bring this up to the floor for a vote.

We are talking about real people and real lives here. Minimum wage workers have a very difficult time paying for groceries, paying for housing, paying for the utility bills. I think that the budget we are going to pass today is a great thing, and I will commend every one involved in it. But the bottom line is when we are talking about a minimum wage worker, that budget may be something that helps them in the long run, but they need help right now to raise their living, the amount of money they take in so they can buy food, housing, and the basic necessities of life.

Let me just say, very briefly, in my home State of New Jersey we have raised the minimum wage. It is now $5.05 an hour. This increase has been a complete success. We have increased the purchasing power of minimum wage workers and we have improved our economy with it.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would hope that the gentleman from Texas does not quite leave the floor. Why does the gentleman not put on the other side of this very nice poster, which by the way was paid for by the taxpayers, probably a couple of hundred bucks, put on the opposite side the President's statement about the minimum wage? And I am quoting Time Magazine from February 6: "It is the wrong way to raise the income of the low-wage earners."

Now let us talk. I will be very interested to see if the gentleman from Texas votes against this rule. In fact, I think there is pretty wide agreement on that side of the aisle to support this rule, because I think that side of the aisle does not want to shut down the Government. We need to get a budget to the President.

All this kind of thing is, in my personal opinion, is show and tell. it is election year. We have to expect some of that. But the fact is we have one of the most important issues of this Congress, one of the most important issues of this Congress sitting in front of us, and that is a budget bill. In order to clear the way for this budget bill we need to pass this rule, and we are going to pass this rule.

Last night this rule passed out of committee on a unanimous vote. Not one Democrat voted against it. Why? Because they understand the importance of it. They were not going to be obstructionist. We had a very good Committee on Rules last night. There was no harsh debate. There was no sneak attack, trying to bring in this minimum wage issue. There were no discussions on the tax bill that they passed 3 years ago. No. The debate up there, and it was not really a debate, the discussion in that committee was, "Hey, we have got an agreement. We are going to get an agreement on this budget. Let us move it up to the President. Let us keep the Government open. We can do it."

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Colorado talks about sneak attacks. Everybody knows that the way to get an amendment in this type of process is to defeat the previous question. This is operating according to the rules of the House. Nobody in that committee last night said they would not make a motion to defeat the previous question. We said we would vote for the rule, and that agreement still holds.

Mr. Speaker, I yield 1 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, sometimes Congress works at a glacial pace, but other times Congress can move like lightning when we choose to do it. Yesterday we passed a 1-day CR with lightning speed. It did not take any preliminary hearings.

A few weeks ago, the Republican leadership decided to schedule a vote to lift the ban on assault weapons, passed just last year. They made that decision, announced it, and voted on it within 1 week. Lightning speed. Last week, we voted on a constitutional amendment to require a supermajority vote to make changes in the Tax Code. We did not even need a committee hearing on a constitutional amendment. Lightning speed. But when it comes to providing a working wage for Americans by raising the minimum wage, it gets glacially cold around here. Paralysis sets in. Our leadership says it is not their intention to schedule a vote on the minimum wage. We cannot move. The lightning speed tends to slow down to the point where we have a glacial pace.

The Republicans have used parliamentary tactics, and now they are simply blocking a vote. Let us have one, up-or-down, on the minimum wage increase that the American people overwhelmingly support.

Mr. Speaker, what is the Republican response to our request for a simple up-or-down vote on an increase in the minimum wage: They call it—incorrectly—an unfunded mandate and invoke parliamentary procedure to prevent a vote.

They counter it with elaborate proposals for tax credits, tax incentives for businesses, assaults on labor unions, and labor law. Now they want hearings—for legislative packages—all of which are designed to put off debate and voting on an increase in the minimum wage for months—or forever.

Twelve million Americans earn $4.25 or less—73 percent of them are adults, and most of them are women. The purchasing power of the minimum wage has plummeted to a 40-year low.

A 90-cent increase proposed by the President and Democrats in the House and the Senate would provide $1,800 a year for a full-time worker. Raising the minimum wage would provide an immediate raise to more than 10 million hourly workers—and the ripple effect would assist another 3 million low-wage workers.

Some have argued that a raise in the minimum wage would have an adverse effect on business—especially small business.

But this is not just a war between working people and the business community.

Increasing the minimum wage has received wide, bipartisan support in the past—including the support of Senator DOLE and Speaker GINGRICH.

And if our local governments think this is such bad policy, why do nine States and the District of Columbia have minimum wages that exceed the Federal standard?

The fact is: Historical evidence shows us there is little or no job loss from increasing the minimum wage. We all know intuitively that business and the economy grow and flourish when people are making a living wage.

Living wages increase productivity—the unemployed are attracted off welfare, families receive health care, some of the strain of providing for their families is taken away. Democrats understand how important it is for small business to flourish.

That's where the new opportunities are being created—small business is the fuel that's driving the economic engine of recovery. That's why Democrats have supported policies such as raising the deduction for health care costs for the self-employed.

We want to keep that economic engine firing away—and we know that small business will continue to pull the major load of our economic recovery.

When Franklin D. Roosevelt first proposed a national minimum wage, he described it as a "fair day's pay for a fair day's work." Let's make the minimum wage a fair day's pay once more.

I urge defeat of the previous question.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would say to the gentleman, before he walks off the floor, I am a little mystified, I guess. He talks about how Congress works with lightning speed. The gentleman from California [Mr. FAZIO] was in the majority 2 years ago and he was in the majority for 40 years. But my first 2 years of Congress, you certainly ruled this place with an iron hand. When you wanted to, you would get something with lightning speed. Where was the minimum wage?

The second thing I would like to ask the gentleman, nobody else has done it yet, for perhaps a little explanation. The President's position was in 1995, just a year ago, as he says: "The wrong way to raise the incomes of low-wage earners is the minimum wage."

Mr. FAZIO of California. Mr. Speaker, will the gentleman yield?

Mr. McINNIS. I yield to the gentleman from California.

Mr. FAZIO of California. Mr. Speaker, in the last Congress we did, without one Republican vote, more to help working families through the increase in the working families' tax credit, sometimes known as the EITC. We did not have one vote from that side of the aisle to help people with families working, earning less than $27,000 a year. That used to be a bipartisan issue.

Where the Republicans decided not only to oppose the minimum wage but an increase in the earned income tax credit comes from surprises me. But perhaps at the moment we have simply to look at their proposal in lieu of a minimum wage increase, which does nothing but redistribute poverty among working families. It does not help anyone's income to go up.

Mr. McINNIS. Mr. Speaker, I thought I would get a germane answer to my question, but I did not. Let me make the point very clearly. The gentleman's side did take a vote very clearly that did affect the working poor in this country. They raised taxes by the largest amount in the history of this country.

Mr. FAZIO of California. On the top 1 percent of all taxpayers.

Mr. McINNIS. No; you did not. You raised the gasoline tax by 4 cents. You raised taxes on every working person in this country.

Mr. FAZIO of California. For the last 2 years, gasoline taxes were below what they were at the time we voted the tax.

The SPEAKER pro tempore. The gentleman from Colorado controls the time.

Mr. McINNIS. Mr. Speaker, the fact is, the only thing they did to the working people of this country is raise taxes. But that is not the issue.

Mr. Speaker, let me go back to the gentleman from Massachusetts. The gentleman from Massachusetts has written the chairman of the Committee on Rules on a number of occasions asking the committee to comply with the rules, and he has specifically pointed out the germaneness part of it. Now, clearly, this is not germane to the issue. The issue we have today is can we pass a rule which will clear the path for a budget to get to the President so he can sign it by midnight. I think we can. I think we are going to get this rule. I think most of the Members over there are going to vote for this.

I think all of this is a diversion from the fact that finally, finally under the leadership of the Republican Party we have gotten a $23 billion reduction in spending over last year, and through the cooperation of the President in the last few days, we now have a package which will reverse spending in Washington, DC, which will demand that Government now begin to become accountable to the people which it serves. The people do not serve the Government, we serve the people, the working people out there.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Missouri [Mr. CLAY].

Mr. CLAY. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I urge my colleagues to vote "no" on the previous question and to support the amendment offered by my colleague, the distinguished ranking member of the Rules Committee, Mr. MOAKLEY, directing the Republicans to stop blocking the loud and clear demand of working men and women for a straightforward increase in the minimum wage.

Mr. Speaker, the House Republicans obviously have lost any sense of compassion. They have turned the minimum wage into a three-ring circus. In one ring we have 20 House Republicans proposing a $1 increase in the minimum wage; in another ring we have the Speaker stomping his feet and roaring that he will not allow a vote on the minimum wage. And, in the center ring we have Majority Leader DICK ARMEY promoting a proposal to increase the deficit by giving taxpayer subsidies to low-wage employers.

My colleagues, we don't need these legislative gimmicks. We just need fair wages. The time for a vote on a clean minimum wage increase is now. To Speaker GINGRICH, I say stop playing games and schedule a vote. Stop posturing for special interest business and schedule a vote. Thirteen million Americans who work 40 hours a week, 52 weeks a year, deserve a raise, and this Congress ought to give it to them.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would be interested in the gentleman from Missouri, who speaks so boldly and speaks eloquently about the need for this minimum wage, I would ask: Did he sponsor a bill? At least I do not remember a bill during my first 2 years in the U.S. Congress where the gentleman sponsored it to help the working poor, and I do not remember the gentleman standing up and talking about the working poor and so on when he passed the largest tax increase in the history of this country, which included a tax on every working person or every person, certainly, that purchases fuel in this country.

The key here, Mr. Speaker, is that we need to go back to germaneness. The key issue we have here is the germaneness of the rule in front of us.

What should we be talking about? We all ought to be talking in very positive terms about this budget that we want to send to the President by midnight tonight. If we do not send it to the President, the spending authority expires. We are going to have a real problem.

You do not want to shut the Government down, or maybe some of you do want to shut the Government down, but if you do not want to shut the Government down, you need to cooperate with us on this rule. The members of the Committee on Rules, did. We had a great conversation, a great discussion last night. It was a voice vote. Not one disagreement in the committee.

Then today we come down here, and clearly we have a nongermane issue, meaning an issue that has nothing to do with the rule in front of us. I guess, Mr. Speaker, I could ask for a point of order, but then they would call it a gag order, so I guess in an election year we can expect this kind of frivolous discussion. But let us not ignore the fact we need to pass this rule. We have a great budget. It is a success. We have reduced spending in Washington. Let us get this budget to the President and let us get it signed. We can do it by midnight.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Missouri [Mr. VOLKMER].

Mr. VOLKMER. Mr. Speaker, it is very apparent to me, listening to the debate, that the gentleman from Colorado is trying to obfuscate the real issue. We all agree that we will take up the appropriation bill that will finally fund the Government for the rest of this year. That should have been done 7 months ago, but the Republicans did not do it.

The real issue is whether we will have two things to do. One is a minimum wage, and the other is the appropriation bill. We can do both. All we have to do is defeat the previous question. We could tell Speaker GINGRICH and the gentleman from Texas, DICK ARMEY, "Sorry, boys, we are going to vote on a minimum wage in the House of Representatives. We are going to defeat the previous question." If Members are not for the minimum wage, they will vote for the previous question. If they are for the minimum wage, they will vote against the previous question. It is a very easy vote.

And, by defeating the previous question, we amend the rule. The rule then passes. We have passed the appropriation bill. We send it to the President. The Government keeps on running. And soon thereafter, because of this amendment, we will be voting on a minimum wage. That is what we should be doing. What is wrong with the Speaker?

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I say to the gentleman from Colorado, we are going to pass the rule, we are going to pass the bill. It reduces spending, but in a way that does not hurt children and their education, does not hurt the environment, does not hurt citizens who want security in their neighborhoods, because it does not adopt the cuts that you voted for.

☐ 1215

We want to expand this and have a vote on the minimum wage. We will make an agreement. If the Speaker says we will have a vote, we will not oppose the previous question. But if he says we will not have one, do not say go through committee.

I want to read something from November 8, 1989. This is a statement by Mr. DOLE on the floor: "We had a White House meeting this morning, and the President asked about minimum wage and the progress it was making. I said we hoped to have it passed as early as noon or 1:00." That was Mr. DOLE in 1989. In 1996, Mr. DOLE has an option: either continue to cater to the radical right of the Republican Party or do what was done in 1989.

The minimum wage today is back where it was in 1989. We need to move ahead. You are standing there trying to divert attention. We are going to vote for the rule and the bill, but we should also bring up the minimum wage. It is of importance to the working families of this country.

Mr. MCINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Speaker, I rise in strong opposition to this rule. Once again, this rule gives a clear demonstration of the priorities of NEWT GINGRICH and the Republican leadership. NEWT GINGRICH and the Republican leadership are stopping the minimum wage legislation from coming to the floor of this House.

Mr. Speaker and Members, the gentleman from Colorado keeps asking why did the Democrats not do this in the past, why did the President not say he supported it in the past. It does not matter. It should be done now. Then is then and now is now. It is time for us to step up to the plate for the workers of this country.

Besides, I think the gentleman from Colorado is off the point. Why will NEWT GINGRICH not come to this floor and tell the American people why he is standing in the way of a debate that would give a simple 90 cents per hour increase to those who make the least amount of money in this country? It is important for the American people to understand.

This is simply about whether or not we recognize that American workers are hurting, whether or not we recognize that CEO's and others are getting richer and richer while the least of these is getting worse and worse in this country. It is not about what was not done yesterday. It was not about the fact that people were afraid of the business community months ago. It is about whether or not, given he has the power, NEWT GINGRICH has the power to bring it to the floor, whether or not he is going to do it on behalf of the workers.

Mr. MCINNIS. Mr. Speaker, I yield myself such time as I may consume.

First of all, I would be interested if the gentlewoman from California is out there telling the working poor that it does not matter, "It does not matter that we did not try and raise your minimum wage while we were in office. It does not matter that when we were in the majority we did not try and raise the minimum wage."

The fact is it does matter. The fact is, if you want to help the working poor of this country, do something about the taxes.

The other issue that is very important here, as the gentlewoman from California—and I will yield to the gentleman in just a minute—as the gentlewoman from California comes down here and just blasts the rule, where were you at the Rules Committee meeting last night? Not one Democrat voted against it. We had a very healthy discussion about the importance of this rule so that we can get a budget to the President by midnight tonight. I think we can do it.

One of the former speakers up here talked about how much this budget bill that we are ready to send to the President has some positive things from his point of view. I agree with him, it does have some positive things, but the positive thing to me is it cuts spending by $23 billion.

Mr. Speaker, I yield 15 seconds to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, the gentleman is right. The minimum wage should have been raised 2 years ago, and I had a bill in to raise it to $5.50 an hour. But the fact that it was not raised then makes it more imperative that we raise it now because the purchasing power of low-wage workers has declined even more. So let us move forward today and pass a minimum wage.

Mr. MCINNIS. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. LINDER], my fellow colleague on the Committee on Rules.

Mr. LINDER. Mr. Speaker, I have been watching this debate on my television and it has degenerated for high comedy to farce.

The gentleman from Texas has decided that Americans deserve a raise and, by golly, we are going to give it to them, and that is precisely the difference between the two sides. Democrats think that politicians can determine what a person's work is worth and they will give them the raises, and we believe the marketplace works.

The gentleman from Michigan says that the minimum wage today is right where it was in 1989. Is that not interesting, when the other gentleman from Michigan, the minority whip, said that it is a 40-year low? One of them is not telling us the truth.

The fact of the matter is that this is not policy, this is politics, and it is crass politics. It is mean politics. It is using people who are right now about 3 percent of 117 million workers as pawns in a political battle to make political points.

Two years ago they could have raised the minimum wage. They did not even mention it. Robert Samuelson, in an article, points out the fact that the minimum wage is less about social policy than politics.

If you doubt that, ponder some facts gathered by New York Times reporter David Rosenbaum. With computers and other documents, he searched references made by President Clinton. In the 2 years when he controlled the House and the Senate and the White House in 1993 and 1994, guess how many times President Clinton talked about the minimum wage? You got it, zero. Zero.

This year, with Republicans in control, between the first of the year and March 11 he talked about it 47 times. The Time article by Michael Kramer—I said this earlier this morning—President Clinton said, "It is the wrong way to raise incomes of low-wage earners."

In a Wall Street Journal article, April 12, 1996: "Remember when Bill Clinton claimed he was a new Democrat precisely because he did not favor a higher minimum wage? That was 1992, the last time he was trying to give moderates a reason to entrust their vote with him."

The fact of the matter is, most of America has gotten used to this President having both sides of the issue and not knowing where he stands. They will see through this, too.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, during the years I have been in Congress, in fact for 50 years, without exception the majority of Republicans in the House of Representatives have been opposed to the minimum wage. Even back when economists said it did work, Republicans were opposed to it for half a century.

Now they have ridden themselves into a box canyon. Because the great majority of the American people want to raise the minimum wage in order to help the working poor, Republicans can no longer be caught being against the working poor, so they have to make a choice.

They have chosen. They have chosen to come down on the side of their friends in business and against the taxpayers. How? By freezing the minimum wage for their pals in corporations and then turning to the taxpayers and saying, "Give the working poor more money for every kid they have." So here is the working poor out of a Dickens novel coming annually to the Congress saying, "Please, may I have more? Please, Mr. Speaker, I have had another child, may I have more?"

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Speaker, the Republicans are attacking the lowest wage earners in America, the people at the very bottom, on two fronts. First, they deny them an opportunity for an increase in the minimum wage; an in this legislation, which this rule concerns, they are attacking people and preventing them from getting an education by stealth assassination of a concept called Opportunity to Learn. They have usurped the role of the authorizing committee and they have ruled out Opportunity to Learn standards in this legislation.

Opportunity to Learn means that the Federal Government will collect information, it is all voluntary, collect information about what our school systems are doing to guarantee that children have an opportunity to learn. How are they providing decent books, decent buildings, decent science labs, qualified teachers who can teach science? How are they doing this? This is strictly voluntary.

Nevertheless, after 6 months of debate, the authorizing committee decided to do this, and now in a few meetings the conference report tells us that Opportunity to Learn standards are stricken. That is against the rules, it is illegal, but it will prevail because they have the votes.

Mr. McINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, the Republicans make us talk about an issue that they say is irrelevant because they refuse to allow a full discussion about the minimum wage. Therefore, we must take this opportunity to talk about the minimum wage.

It is relevant. It is relevant to millions of Americans, their families, their mothers, who depend on the lowest of wages, and it should be relevant to you if you care about the American taxpayer.

Why should it be irrelevant? Why should we be put in such a position to beg for those who need to be concerned? You have refused to understand what it means to not have food, what it means to not have shelter, what it means not to have the basic resources to take care of your family, and yet on the other side you talk about family values. You talk about expediency. How can you not reconcile the indifference that you are showing toward the very people you say you care about?

It is relevant. It is relevant, I would say, Mr. Speaker, contrary to what the majority leader has said before.

Mr. McINNIS. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 1 minute to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Speaker, the major crisis facing our country is that more and more we are becoming a low-wage society. During the last 20 years, the real wages of American workers have declined by 16 percent, and more tragically for our young workers, the new jobs that they are getting are paying even lower wages than was the case 15 years ago.

Mr. Speaker, what is also grossly unfair is that while the vast majority of the working people become poorer, the people on top become richer, and we now have by far the most unequal distribution of wealth and income in the industrialized world. If people work 40 hours a week, they should not live in poverty. A $4.25 minimum wage is a disgrace.

Let us have the courage to do the decent thing, the right thing. Let us raise the minimum wage now. Bring that legislation to the floor.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

I think it is very important. It amazes me how boldly some of the speakers we hear on that side of the aisle are talking about the working poor. Where were those kind of comments when they raised the taxes on all of the working people, not just the poor working people but the middle class and the upper, all of them?

Folks are going to be out there and are going to be paying. I do not know if any of you have been to the gas station lately, but the gas prices have really gone up. You can lay the credit of the additional taxes of 4 cents right at your feet. Most of the people that have spoken in opposition to me today voted to raise those taxes.

If you want to help the working poor of this country, if you want to help the working people of this country, quit raising taxes. Taxes are not the answer. Help us pass this rule so that we can reduce spending.

The President is ready to sign it. He is ready to reduce the spending by $23 billion. It has taken a lot of effort on our side to get that kind of compromise put together from the President. Join us. You want to help the working people, help us cut spending in Washington.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Speaker, the last time I argued to raise the minimum wage on the House floor I was accused by the majority whip as being hypocritical. I would say that the only people being hypocritical here are the Republican leadership. They talk about family values, they claim to support America's workers, yet their policies are just the opposite.

The bottom line, my colleagues, is that we want a vote. Let us say it again. We want a vote, up or down, on the minimum wage. The Republican leadership is afraid to give us a vote because they know if there was a vote on the House Floor, the minimum wage would go up. It would pass. They do not want to do it. That is Republican democracy for you. Seventy-one percent of Republicans support increasing the minimum wage, and 84 percent of all Americans support increasing the minimum wage.

□ 1130

But yet the tyranny here of leadership will not even allow us a vote on the floor. Today's Congress Daily says House Speaker GINGRICH, who last week conceded he would allow for a vote on the minimum wage in some form, was pressured by other members of the leadership to rule out a vote. Who does the Speaker represent, the American people or the leaders?

All we are saying is that we want a vote. Again, Speaker GINGRICH conceded last week he would allow a vote. This week, he was pressured "by other members of the Republican leadership to rule out a vote, at least for the foreseeable future."

What are you afraid of, my colleagues on the other side of the aisle? Let the American people have their way. Let the Congress have their way. All we are saying is give us a vote up or down. You are blocking a vote. You cannot claim to want to help America's workers by not allowing an increase in the minimum wage. you cannot claim family values by not allowing an increase in the minimum wage. Why should someone get off welfare, as you say you want people to do, when they do get off welfare and make a minimum wage they are getting paid less than if they were on welfare?

All we are saying is people want to work, and they are at the very bottom of the economic spectrum, these are people that want to work. They do not want to collect a check. They want to work.

Pay them a decent wage. That is the American way. Wages are at a 40-year low. It is a disgrace. We demand a vote.

Mr. McINNIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is interesting to hear kind of a show-and-tell going on here. Obviously it is an election year. The issue that is continually I think a diversionary issue, has been once again brought up by the gentleman from New York.

I think it would be interesting to see where the gentleman from New York ranks on the taxpayer ratings. I think it would be interesting to see if the gentleman from New York had a bill he sponsored to raise the minimum wage when he was in the majority. I would conclude he probably did not.

I think the important issue here, the key issue here, Mr. Speaker, is we can finally help the working poor and every working person in this country by passing this rule and passing a budget that reduces spending by $23 billion.

Mr. Speaker, I yield 1 minute to my friend, the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from Colorado for yielding me the time.

On the subject of the minimum wage, which of course we are talking about here, cutting spending, so the Democrats will do anything to get off a spending cut and start talking about something else. Let us talk about the minimum wage.

I know the folks over there are simply economically ignorant. I do not believe they are malicious, but you know, who do you think is going to get jobs when you eliminate the minimum wage? Or when you increase it? It is going to be good-bye teenage employment for the summer. Nobody is going to be able to get jobs. I would challenge the comrades over on the other side of the aisle, go talk to Burger King, go talk to McDonald's, go talk to any small business, go talk to a pet shop or go talk to a construction company. Ask them how many jobs they will have to eliminate when you increase the minimum wage?

If you want to show compassion, do not show compassion with 90 cents more an hour. Show compassion with a $500 per child tax credit which you fought. Show compassion to repeal the 4 cents per gallon gas tax which the President increased.

Mr. MOAKLEY. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Massachusetts [Mr. MOAKLEY] is recognized for 1 minute.

Mr. MOAKLEY. Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated I shall offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules to report a resolution immediately that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997. This provides for a separate vote on minimum wage. It in no way slows down the continuing resolution. The Speaker and the majority leader yesterday announced that there would be no vote on the minimum wage before the election. Let me make it clear to my colleagues, both Democrats and Republicans, defeating the previous question will allow the House to vote on the minimum wage increase. This is what 80 percent of Americans want us to do. So let's do it.

I include the text of this amendment for the RECORD at this point in the debate.

Vote "no" on the previous question.

At the end of the resolution add the following new section:

"Sec. . The House of Representatives directs the Committee on Rules to report immediately a resolution providing for the consideration of a measure to increase the minimum wage to not less than $4.70 an hour during the year beginning July 4, 1996, and not less than $5.15 an hour after July 3, 1997."

Mr. McINNIS. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore. The gentleman from Colorado is recognized for 1¾ minutes.

Mr. McINNIS. Mr. Speaker, I would hope that the gentleman from Massachusetts, since he will have time to prepare this amendment that he wants to put on, he would also include within that amendment, since the amendment you will be preparing is nongermane, we might as well hit the whole topic, put in a clause that reduces the gas tax by 4 cents a gallon. You did put that on every working person in America. Put in the child tax credit so we can reduce the taxes, so people do not have to work 2 hours and 45 minutes to pay their taxes every day.

The important issue here is Democrats have attempted, some, not all, have attempted to divert from the issue at hand. The issue at hand is we have a budget that is going to work, that will cut spending by the Federal Government by $23 billion. That is the largest and most significant reduction since the end of World War II.

We ought to all be happy today. We ought to be celebrating. We are going to make progress. So I would urge you support the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. MOAKLEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 220, nays 200, not voting 13, as follows:

[Roll No. 133]

YEAS—220

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McInnis
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield

Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—200

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Baesler
Ewing
Ford
Gibbons
Hayes
Hunter
McDade
McIntosh
Peterson (MN)
Rangel
Schroeder
Watts (OK)
Wilson

☐ 1255

Messrs. DOYLE, FORBES, FRISA, TORKILDSEN, and McHUGH changed their vote from "yea" to "nay."

So the previous question was ordered.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WATT of Oklahoma. Mr. Speaker, on rollcall No. 133, I was unavoidably detained with constituents. Had I been present, I would have voted "yea."

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. McINNIS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 286, noes 135, not voting 12, as follows:

[Roll No. 134]

AYES—286

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (CA)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Everett
Fattah
Fawell
Fields (LA)
Fields (TX)
Flanagan
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martinez
Martini
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stearns
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—135

Abercrombie
Ackerman
Andrews
Barcia
Barrett (WI)
Becerra
Berman
Bishop
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fazio
Filner
Flake
Foglietta
Frank (MA)
Furse
Gejdenson
Gonzalez
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lewis (GA)
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Mascara
Matsui
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Reed
Richardson
Roybal-Allard
Rush
Sabo
Sanders
Schumer
Scott
Serrano
Skaggs
Slaughter
Souder
Spratt
Stark
Stenholm
Stokes
Stupak
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Baesler
Dunn
Ewing
Frost
Gephardt
Gibbons
Hayes
Hunter
Peterson (MN)
Rangel
Schroeder
Wilson

☐ 1312

Mr. RICHARDSON changed his vote from "aye" to "no."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2535

Mr. CHAMBLISS. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2535.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Georgia?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1202

Mr. PETERSON of Florida. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 1202.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that we will now allow Members to address the House for 5 minutes each without prejudice to the resumption of business.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

HONORING CINDY JENSEN OF ROCKFORD, IL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. MANZULLO] is recognized for 5 minutes.

Mr. MANZULLO. Mr. Speaker, so much has been written, and so many discussions have taken place about how quickly life seems to pass us by in these modern times. We are always trying to make time for the parts of our lives we hold most precious: our families, our children, our spouses.

It is never until we are faced with our own mortality that we stop to realize the sweetest parts of our lives, a nectar that sustains us and refreshes our thirst to be connected to the human race. Life has meaning. All of our lives have meaning. We are all born and nurtured and educated for a purpose. We tend to forget that. We tend to forget that one so important lesson.

I have been reminded of this lesson by witnessing the journey of a constituent from Rockford in the 16th District of Illinois, Cindy Jensen, who for years has battled a liver disease and is now recovering from her third liver transplant in the last 4 months. She has not surrendered life during this difficult time. She has remained positive and has taken each day at a time.

Cindy has demonstrated the type of courage and faith that few of us ever experience. She and her family have allowed the people of the city of Rockford to share in her journey, not out of self-interest but to engage us in discussion of a much greater human cause—the importance of organ donation. There is no greater demonstration of the importance of life than when someone is faced with a life-threatening illness and still maintains the courage of her conviction that there is a greater good.

Cindy Jensen's purpose in life has become a mission of education. She has reminded us that we all share life.

In yesterday's Rockford Register Star, Judy Emerson distilled the soul of Cindy Jensen. I would like to share some of that essence with you. Keep in mind that these quotes came from Cindy just a week after her third liver transplant.

"There's been a good reason for all of this," Jensen said Monday.

I know that when I hear people say they never considered being a donor and now they will be. I hear people say they stopped praying and now, they pray all the time. Other people have said, "You've given me my faith back."

In spite of everything—or, maybe, because of it—her own faith remains intact.

"This liver is going to work beautifully," she said firmly on Monday. "God has brought me too far for it to be any other way."

Mr. Speaker, I include at this point in the RECORD the complete column by Judy Emerson from the April 24, 1996, Rockford Register Star:

JENSEN STAYING FOCUSED ON HER MISSION

Even if Cindy Jensen weren't a friend, I'd admire her courage. Jensen, who had a third liver transplant last week at University Hospital and Clinics in Madison, Wis., granted a television interview a few days later.

Anyone who knows Jensen knows it's not like her to go on TV without makeup. Yet there she was, lying in her hospital bed, so weak her voice was barely a whisper. Cindy will forgive me for saying it, but I've seen her looking better.

Seriously, though, it's all a part of the mission, Jensen says. Her intention in granting media access every step of the way during her ordeal was to encourage organ donation. She invited cameras into the operating room as her diseased liver was removed and replaced. When she was unable to do interviews, her daughter, Andrea, and son, David, did them. By letting the public get to know her family during Jensen's life-or-death crisis, she personalized organ donation and showed why it is so important.

How like Jensen to turn something so difficult into something positive. Her campaign to educate the public about organ donation began several years ago, when she learned she suffered from primary biliary cirrhosis, a disease that causes the liver to deteriorate and, eventually, stop functioning.

She organized an annual organ fair at CherryVale Mall, and even as her own health deteriorated, she knocked herself out to ensure the event's success. Her positive attitude and smile make it easy for her friends to forget she was sick.

Finally, her condition became critical and a transplant was absolutely necessary. She went to University Hospital Jan. 2 for the first transplant. A blocked duct kept that liver from functioning properly, and she had a second transplant in early February. That liver never worked well for some unexplained reason, and Jensen's condition was deteriorating. She needed a third transplant to live.

"I was dying," Jensen said Monday from University Hospital. "I knew I was running out of time."

A week after the procedure, Jensen is convinced she got her miracle. All indications are that this liver is functioning well, said Bob Hoffmann, the hospital's procurement and preservation director.

Jensen, meanwhile, is concentrating on getting strong enough to attend her own fundraiser Sunday at the Clock Tower Resort. The event is to help cover medical expenses, which haven't been totaled yet, but are expected to be hundreds of thousands of dollars.

The $25 tickets are on sale through 5 p.m. Friday at the Clock Tower box office. The event, which begins at 4:30, features a silent auction, pasta dinner and dancing to the music of Wayward Wind.

People who can't attend the event but who want to make a contribution may send it to: Cindy Jensen Trust Fund, 5601 Knollwood Drive, Rockford, IL 61107.

"There's been a good reason for all of this," Jensen said Monday. "I know that when I hear people say they never considered being a donor and now they will be. I hear people say they stopped praying and now, they pray all the time. Other people have said, 'You've given me my faith back.'"

In spite of everything—or, maybe, because of it—her own faith remains intact.

"This liver is going to work beautifully," she said firmly on Monday. "God has brought me too far for it to be any other way."

Mr. Speaker, we come to the floor of this ennobled Chamber often more full of vitriol for our own political advantage. We seem to forget that we are not here at cross purposes, rather that we are here for a common cause. We are here because we want to create jobs. We are here because we want to lessen the tax burden on the American people. We are here because we want to balance the budget. We are here because we all want our children to grow up well educated in a safe, clean, healthy environment. There is not one of us that comes to this well or enters the doors of this House Chamber who wants anything less. We simply have differences on how to reach those common goals.

We demean ourselves with the ugliness of partisanship. We are all guilty of that from time to time. In doing so, we, too, forget what is most important about our mission here.

I have taken this time today because I think that it is imperative that we remind ourselves of what is important—selflessness, courage, and the greater good.

Mr. Speaker, on behalf of the House, I would like to wish a speedy recovery for Cindy Jensen.

MINIMUM WAGE NOW AT 40-YEAR LOW; AMERICA NEEDS A RAISE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized for 5 minutes.

Mr. DOGGETT. Mr. Speaker, America needs a raise. With the purchasing power of the minimum wage now approaching a 40-year low, America needs a raise. And just a few minutes ago we had an opportunity to vote on whether America should get a raise. Unfortunately, at the last minute the Gingrich leadership was able to twist enough arms, apply enough pressure, cajole enough Members, to succeed on a very narrow vote, and I think that one thing we can see from this vote, as disappointing as it is, the setback that it is to America, is that all Americans can now see that all that stands between them and this House of Representatives and a raise, all that stands between them and that raise, are 10 Republican Members and their votes, 10 Republican Members and their votes who were not willing to come forward this morning and cast a critical vote in favor of giving America a raise.

Now, what is particularly ironic about this development is the fact that there were some 15 Republican Members of this body who have already signed their name onto an increase in the minimum wage of even greater than that proposed by President Clinton, and yet those 15 Members, when they had an opportunity to come to the well of this House and cast a vote in favor of a raise for the American people, a vote that they have stood in front of the cameras and said they think the American people deserve, well, this morning they choose to vote against that raise.

It is a setback, and it is a disappointment to the people that are out there this morning working in the nursing homes, washing dishes in the back of the restaurants, cleaning our buildings, and doing the other kinds of tasks that make life possible to go forward in America, and yet receiving the lowest wage that anyone in our country receives.

But, you know, despite this temporary setback, I remain hopeful about where we are headed in this country, hopeful because of what is happening in the budget process today. You see, it was only a year ago that Republicans came to the well of this House and demanded that we terminate the COPS Program. That is the program that is designed to get 100,000 law enforcement officers into our neighborhoods, and our streets to assure the security of our families and our businesses, and they said they did not want that program anymore.

It was only 1 year ago that the Republicans came to the well of this House, and they were saying, "You know, we have got to raise the cost of going to college for those middle-class families that are working and struggling with their young people to get them through college. What we have in mind is $5,000 more for a Stafford loan for 4 years, the standard cost of a Federal loan to go to college." And the Republicans said, "We will place another obstacle in the way of those who are trying to educate their young people."

It was only 1 year ago that they were working to jeopardize the health care security of our seniors with their pay more, get less that they called a reform in the Medicare system, but to those seniors whose pocket was going to be invaded, to pay more, to get less, in they way of health care, who were going to face increases in premiums, increases in copayments, increases in deductible, it was a pretty heavy hit.

It was only 1 year ago that our Republican colleagues were here, indeed it was less than 1 year ago, demanding that we do further damage to the air and the water of this country with a series of very restrictive riders that they were placing on the Republican appropriations bill with reference to the environment. Indeed, they were working on that only within the last few weeks, and it was only 1 year ago, indeed only a few weeks ago, that Republicans were pursuing cuts in public education that in my hometown of Austin, TX, stood the costs about 2,300 of our youngest Texans, our pre-kindergarten children, to lose half of their pre-kindergarten program. It was the same kind of cutback that would have affected public education in a most detrimental way in our part of the country and really across this country.

What has happened in the course of that year? All of those mean-spirited, extremist initiatives, whether it was to permit more pollution of our air and water, to erect more obstacles to our young people with reference to their ability to get public education, to get a college education, whether it was the threat to the security of health with reference to our oldest citizens, all of those initiatives, including the one concerning putting more law enforcement officers in our neighborhoods, all of those initiatives that the Gingrich leadership declared they had to have in order to have a revolution, they have now yielded on in this new budget bill.

REPORT FROM INDIANA: MURRAY WILSON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. MCINTOSH] is recognized for 5 minutes.

Mr. MCINTOSH. Mr. Speaker, I rise today to give my report from Indiana.

In the Second Congressional District of Indiana there are so many good people. Good people doing good things. In my book, these special individuals are Hoosier heros. Hoosier heros because they have dedicated their lives to helping others.

Mr. Speaker, Murray Wilson of Winchester, IN, is a Hoosier hero. He provides hope that one person can make a difference.

Murray Wilson has dedicated his life to raising support for local charities in his hometown. He knows in his heart that the greatest gift in life is to help others. During the day you'll find Murray washing dishes at D&J's Family Restaurant to provide for his wife, Debbie, and their 18-month-old daughter, Brittany. But his evenings are spent writing letters, rounding up pledges and championing his support drives.

Murray's efforts are sort of a legend. Ask anyone in Randolph County and they'll tell you: "Murray spends endless hours raising support for the March of Dimes, the American Heart Association, the American Cancer Society, the American Diabetes Association and the list goes on * * *."

But if you ask Murray Wilson why he has made his life-mission to raise support for charitable organizations, he'll humbly tell you, "I just like to help people." To me, Mr. Speaker, that is the true American spirit.

Reach out. Lend a helping hand. Try to make a difference.

Murray Wilson may never meet the individuals who benefit from his effort. But he knows in his heart, that he's making his community a better place by lending a helping hand for those less fortunate.

Murray Wilson continues to make a difference. And for that reason, Murray Wilson of Winchester, IN, is a Hoosier hero.

Mr. Speaker, that is my report from Indiana.

☐ 1330

INTRODUCTION OF LEGISLATION TO REPEAL LOGGING SALVAGE RIDER

The SPEAKER pro tempore (Mr. LAHOOD). Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, last July it was about 10:30 at night, and this House passed the notorious timber salvage rider. That rider was slipped onto a bill that actually gave funding to the Oklahoma bombing victims. We knew at the time, some of us, that it was a bad idea, this bill. We knew this rider was a bad idea.

Yesterday, it just got worse, much worse. Yesterday, the Ninth U.S. Circuit Court of Appeals ruled that the logging rider, which is called by the people of this country the lawless logging rider, that this logging rider, requires the Forest Service to immediately release for logging every timber sale ever offered in every national forest in Washington and Oregon since 1990, even though those sales were stopped because they are old growth sales in environmentally sensitive areas. Not only are they old growth sales, Mr. Speaker, but they are critical for endangered fish and wildlife.

Mr. Speaker, I want to tell people that this bill has been called the salvage rider, but let me tell the Members about some of the trees that are being cut. Some of those trees are nearly 1,000 years old. they are not salvage, they are the heritage of the people of this country. Those are trees on public land, land set aside for the people, and yet, under this lawless logging rider, under this rider, the people have been shut out. Under this rider, all laws that protect that public heritage have been suspended.

Mr. Speaker, although the Forest Service is talking about salvage, we find that in fact they are reclassifying some healthy forests as salvage. So not only is this lifting the laws, not only is this shutting out the American people, but it is also a lie, because these trees are not salvage, they are healthy.

I introduced on December 7 a repeal of the lawless logging rider, and I have been joined on a bipartisan basis by 139 cosponsors. Why did I introduce this repeal? First of all, I knew it was wrong, this bill, in the first place. But then the trees began to come down in my district. Then the letters began to pour in. I would like to mention, Mr. Speaker, some of those letters.

Here is one from a small woodland owner. He said: "I speak for a large, unheard constituency in this debate. We manage our property in a sound manner, economically and environmentally, and we object to the Government doing otherwise." He opposes the salvage rider.

Here is someone from Asheville, NC, who wrote to me and said:

> Thank you for introducing the repeal of the rider. I have worked all my career as a forest entomologist. I can assure you that this bill is a Trojan horse intended to get at good timber. It has been a practice for 9 years that to get a timber operator to remove infested pine, it was tacitly agreed that he would get plenty of good timber as an incentive.

I have heard from someone who says that he is a business person: "If anyone tries to tell you that business interests oppose environmental interests, I will tell you that is old-fashioned bunk. I am a small business person and I object to the rider."

Then I got a letter from John Jonathan Alward. He said: "Please continue to fight the salvage logging law. I am a Boy Scout. I believe the law is bad because it allows logging companies to strip away the natural beauty of the Northwest."

Here is one from a grandfather, who says he is outraged, outraged that it passed last summer.

Then I have one from a 67-year-old grandmother, 40 years an Oregon resident. She says: "I love this State, and I am sickened by what Congress is allowing to happen to its natural beauty and its environment."

A biologist. This is not a special interest group, Mr. Speaker. This is the people of the United States who own this land, who own this timber. He says: "As a biologist, I am greatly concerned with the deleterious effect of the salvage rider."

So I introduced the repeal of the salvage rider. What does that mean? What does it mean to repeal the salvage rider? It means we just go back to the way it used to be with the laws that had been passed by the Congress protecting the public interest. What it means when we repeal the rider is that once again we put the law in the forest, and once again we put the public interest over the special interest. We need to protect public land. It is the American heritage. I urge my colleagues to join me in repealing the so-called salvage rider. Please support 2745. Repeal the lawless logging.

AMERICANS ARE PAYING MORE AND GETTING LESS FOR EDUCATION, ENVIRONMENTAL, AND JOB TRAINING PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, in just a few hours the House of Representatives will probably decide one of the most important questions that has faced the Nation and this Congress. I have only been here for a little over 36 months, and there are some wonderful people in the House of Representatives that I have had the opportunity to serve with. I just wanted to give my observations of where we are at this moment as we decide on a budget, which is long overdue.

Congress, in fact, has been bankrupting our Nation with good intentions from some very well-meaning and well-intended people. The debate over the past 4 months has really been the most important debate in, I think, the last 40 years.

But we have found that in this debate, if we look at what has happened, over those 40 years we have created scores and scores of programs, programs in education, programs in job training, programs in environment and so on. But this is what the debate has evolved down to.

However, the fundamental question being asked today is how effective are those programs. That is what this new majority continues to ask and has pressured to find the questions and the answers to. Mr. Speaker, for a moment Congress and the American people must really ask today are we paying more and getting less. That really is what the budget debate has been about. Let me, if I can, Mr. Speaker, just give a few examples of what the debate is about and how the American taxpayer is paying more and getting less. I have talked on the floor about these items.

First of all, Mr. Speaker, in education. The education battle is down to not just how much money we throw at education, but what the results are. Part of the debate is these 3,322 bureaucrats out of 4,876 in a Federal Department of Education, over 3,300 right down the street in Washington, earning more than most of our teachers, and most of them have never been in a classroom. This is what the debate is about, how big that bureaucracy is going to be.

The debate is about why our children cannot read, why our scores are lower, the dumbing down of the standards in this country, which are on the front page of even our periodicals.

There are Head Start Programs like in my community, where I have 25 administrators and 25 uncertified teachers, and the administrators are making double what the teachers or the aides are making in our Head Start Program; about an AmeriCorps Program the President has proposed that is a volunteer program that pays more and better benefits than we are giving our veterans, and the GAO says their finances in a year for this $1 billion project, they are already in a shambles.

Then we turn to job training, another question. Here is an article, a report from the State: $1 billion in job training in my State, and this evaluation in the last month says that we are spending $1 billion, and less than 20 percent of the students who enter these job training programs ever complete them and 19 percent ever get a job afterward. Then they get a low-paying minimal job; a total failure in job training programs. That is what this debate is about is changing these programs, improving them, so young people have an opportunity and a job.

Finally, Mr. Speaker, about the environment: Paying more and getting less. We have heard about Superfund. We have heard the President talk about this. Superfund is a great example of a good program gone bad and that we are trying to change. It was a good idea to clean up hazardous wastesites, but it is not a good idea to spend 80 percent of the money on attorneys' fees and studies. It is not a good idea to let polluters off the hook and not have them pay. It is not a good idea to have very few sites cleaned up. Only a handful of the hundreds and hundreds of sites have been cleaned up.

So these programs are failures. That is what this debate is about. It is a fundamental debate in this House, Mr. Speaker, that we clean up the act of government. We may not get another chance. Mr. Speaker, this is about paying more and getting less, whether it is in education, whether it is in the environment, or whether it is in job training. We should not pay more and get less.

THE PALESTINIAN PEOPLE SHOULD HEAR THEIR LEADERS SAY THERE IS NO ALTERNATIVE TO PEACE WITH ISRAEL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. ENGEL] is recognized for 5 minutes.

Mr. ENGEL. Mr. Speaker, just yesterday the Palestinian Assembly finally took steps to amend their charter, which calls for Israel's destruction. I have been speaking about that for a number of years here on the House floor. The United States aid to the Palestinian entity, which is about a half a billion dollars, is predicated on the removal of those covenants. Just last week I took that to the House floor and said that the date, May 7, is the date by which the covenants must be amended. According to United States law that date is 2 months after the Palestinian elections.

Yesterday the Palestinian Assembly did take steps to remove the covenants. The council amends the Palestinian national covenant by canceling clauses which contradict the letters exchanged between the PLO and the Israel Government. So, in essence, the clauses which contradict the letters exchanged by the PLO and the Israeli Government are those clauses which call for the destruction of Israel.

That is a positive step, although I must say, Mr. Speaker, it would have been far better if they would have been much more explicit and explicitly mentioned the covenants which are revoked. That would have been a lot better. Still, I want to give credit where credit is due.

The second thing to which they agreed was that the Palestinian Assembly would draft a new charter within a few short months. We are going to be looking and we are going to be seeing what is the language in that charter. We want to make sure that the new charter that is drafted has language which is compatible with pursuing peace. I think that is very, very important.

Again, while I commend the Palestinian authority and commend Yasser Arafat for taking steps finally to remove the covenants which call for Israel's destruction, I want them to know that we in the United States Congress will continue to monitor the situation very closely and continue to watch the new charter which is going to be drafted by the Palestinian assembly.

We do not want double talk. The problem on the Palestinian side for too long has been doublespeak, talking out of 10 or 15 sides of their mouth. If you want peace you need to be unequivocal, you need to state that you want peace, and you need to say it both in English and in Arabic, so it is not only for American public opinion consumption but it is for the home crowd, so to speak. The Palestinian people should hear their leaders say that there is no alternative to peace with Israel. I wanted to say that.

I wanted to also comment on some of the other events in the Middle East. I found it a bit hypocritical that the U.N. Human Rights Commission in Geneva condemned Israel for the bombings in Lebanon, in a totally one-sided and ridiculous resolution, which said nothing about the Hezbollah guerillas which started this whole thing. The United States, to our credit, voted against it. There were only a handful of countries voting against it.

I thought it was especially hypocritical for the U.N. Human Rights Commission to do that, at the same time when the U.N. Human Rights Commission recommendations against the human rights abuse in China were not supported by the majority of countries voting, so it is hypocrisy, again. I think that is a bit ridiculous.

In Lebanon, Mr. Speaker, we ought to call it the way it is. That is, clearly, that the disruption and the hardship on both the Israeli population and the Lebanese population near the border rests solely with Syria, and with Hafiz al-Asad.

□ 1345

Syria, in essence, controls Lebanon. Lebanon has really ceased to exist as a free and independent state. There are 40,000 Syrian troops in Lebanon, and if the Syrian troops wanted to, they could control Hezbollah. They could prevent Hezbollah from wreaking havoc on Israeli civilians just south of the border.

That is what happened again and again and again during the past few weeks. No government at all can tolerate the wanton shelling of its citizens without some kind of response, and that is exactly what the Israeli Government has done. They have responded to the Hezbollah attacks.

Now, the Israeli attacks have hurt and killed civilians, and it is very, very unfortunate that civilians are maimed or killed. But it should be remembered that the Israeli troops, the Israeli attacks are going after the Hezbollah terrorists, whereas Hezbollah is specifically going after Israeli civilians.

So I say to the Syrian Government and to Mr. Assad, who talks a good game of peace but has shown absolutely zero, the nerve of him to keep our Secretary of State waiting and not to meet with Secretary Christopher. I think we will watch the events in the Middle East very, very closely, and I am glad that peace seems to be moving forward.

SUCCESSFUL END TO 1996 FISCAL YEAR

The Speaker pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I simply want to stand before the House and point out that we are on the verge of a truly historic vote here over the next couple of hours. I believe that this body, in a bipartisan manner, will vote later this afternoon to approve House Resolution 3019, which is the omnibus appropriations spending bill, and that that legislation will mark the end, the successful end to the 1996 Federal fiscal year.

What makes this such a signal event and such a historic occasion is the fact that this bill, coupled with the spending cuts that were made last year in fiscal year 1995 combined, will equal savings to the taxpayer of $32 billion, resulting in the lowest projected deficit in 14 years and the single largest cut in Government spending since World War II. So I think it is safe to say that this legislation reverses decades before of runaway Federal Government spending.

I want to point out that this legislation follows what we could have considered to be setbacks last year, the defeat in the other body, the U.S. Senate, by one vote of the constitutional balanced budget amendment; the President's veto last year of the House-Senate passed 7-year balanced budget plan. But we did not let those temporary setbacks deter from us our primary goal, which was to put the country on the path to a balanced budget in 7 years or less.

As I look down at my fellow appropriator, the gentleman from New York [Mr. FORBES], I recall that going into these budget negotiations last year we really said a couple things. One, we said the Social Security trust fund would be off-budget, now and forever. No more borrowing from the Social Security trust fund to pay for other Federal spending or to mask the true size of the Federal budget deficit.

Secondly, we said in the negotiations themselves, between the principles, we would have two conditions and two conditions only: first, the budget would have to be balanced in 7 years; and, second, we would have to balance the budget using honest numbers provided by the nonpartisan Congressional Budget Office. No more budget gimmicks or smoke and mirrors.

So we have done that. In this legislation that we will be taking up within a matter of minutes now, we will have achieved and then some the first-year spending reduction targets, the first-year deficit reduction targets to put the country on a path to a balanced budget in 7 years.

But remember, colleagues, that that only deals with the one-third side of the Federal budget which is discretionary spending. We have this other two-thirds over here which is called mandatory spending, and it is the entitlement programs which have been on automatic pilot for years and growing as a result at an unsustainable rate.

Mr. Speaker, I simply want to conclude my remarks by saying that the problem with the Medicare trust funds is not going to go away. I introduce for the RECORD today two editorials that have appeared in northern California newspapers, one appearing in The New York Times' own Santa Rosa Press Democrat saying, "Politics As Usual Won't Save Medicare," and the second appearing on the more liberal editorial page of the San Francisco Chronicle, "Medicare Trust Fund Needs Swift Attention," with the excerpt, "Medicare's Hospital Trust Fund is in even worse shape than officials projected last year."

It is very clear from these editorials, from The New York Times article on February 5 of this year and then just earlier this week, April 23, that the Medicare trust fund is losing money at an alarming rate. There is clearly a trend developing here. We know from the media really, not from the Clinton administration but the media, that the Medicare trust fund lost $35.7 million last year and so far this year, in fiscal year 1996, has lost $4.2 billion.

So the point and the message here to my colleagues and to the American people is that Medicare is going broke faster than expected. The President did the wrong thing when he vetoed last year the only serious plan to reform Medicare. That is the plan that we put forward in this body and in the Senate which would have increased Medicare spending per Medicare recipient from $4,800 today to $7,300 7 years from now, increased Medicare spending, increased Medicare health care choices for Medicare recipients, and save the program from bankruptcy.

So this is a problem that is not going to go away. The program is continuing to head towards bankruptcy because the congressional Democrats and the President himself are choosing politics or playing politics instead of joining with us in a bipartisan fashion to address this very real problem.

The President should not have vetoed the Medicare Preservation Act. He should have in fact signed it. I dare say that if BOB DOLE was President, he would sign this very important legislation.

CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. LIVINGSTON submitted the following conference report and statement on the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–537)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) "making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purpses," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted, insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1996, and for other purposes, namely:

TITLE I—OMNIBUS APPROPRIATIONS

SEC. 101. (a) For programs, projects or activities in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT

Making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended: Provided, That not to exceed 48 permanent positions and 55 full-time equivalent workyears and $7,477,000 shall be expended for the Department Leadership Program, exclusive of augmentation that occurred in these offices in fiscal year 1995: Provided further, That not to exceed 76 permanent positions and 90 full-time equivalent workyears and $9,487,000 shall be expended for the Offices of Legislative Affairs, Public Affairs and Policy Development: Provided further, That the latter three aforementioned offices shall not be augmented by personnel details, temporary transfers of personnel on either a reimbursable or non-reimbursable basis or any other type of formal or informal transfer or reimbursement of personnel or funds on either a temporary or long-term basis.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $16,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: Provided, That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $38,886,000: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation for the Executive Office for Immigration Review and the Office of the Pardon Attorney shall be merged with this appropriation.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund: Provided, That the obligated and unobligated balances of funds previously appropriated to the General Administration, Salaries and Expenses appropriation under title VIII of Public Law 103–317 for the Executive Office for Immigration Review shall be merged with this appropriation.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $28,960,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: Provided, That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: Provided further, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: Provided further, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

In addition, for Salaries and Expenses, General Legal Activities, $12,000,000 shall be made available to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $65,783,000: Provided, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premeger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $17,521,000: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $895,509,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: Provided, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended: Provided further, That in addition to reimbursable full-time equivalent workyears available to the Office of the United States Attorneys, not to exceed 8,595 positions and 8,862 full-time equivalent workyears shall be supported from the funds appropriated in this Act for the United States Attorneys.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $20,269,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For necessary expenses of the United States Trustee Program, $102,390,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: Provided, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: Provided further, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: Provided further, That the $102,390,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $58,199,000: Provided further, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $423,248,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

FEDERAL PRISONER DETENTION

(INCLUDING TRANSFER OF FUNDS)

For expenses related to United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $252,820,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

In addition, for Federal Prisoner Detention, $9,000,000 shall be made available until expended to be derived by transfer from unobligated balances of the Working Capital Fund in the Department of Justice.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovations, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

For necessary expenses of the Community Relations Service, established by title X of the Civil Rights Act of 1964, $5,319,000: Provided, That notwithstanding any other provision of law, upon a determination by the Attorney General that emergent circumstances require additional funding for conflict prevention and resolution activities of the Community Relations Service, the Attorney General may transfer such amounts to the Community Relations Service, from available appropriations for the current fiscal year for the Department of Justice, as may be necessary to respond to such circumstances: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $30,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $359,843,000, of which $50,000,000 shall remain available until expended: Provided, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: Provided further, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen *emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,189,183,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not less than $102,345,000 shall be for counterterrorism investigations, foreign counterintelligence, and other activities related to our national security; of which not to exceed $98,400,000 shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: Provided, That not to exceed $45,000 shall be available for official reception and representation expenses: Provided further, That $58,000,000 shall be made available for NCIC 2000, of which not less than $35,000,000 shall be derived from ADP and Telecommunications unobligated balances, in addition, $22,000,000 shall be derived by transfer and available until expended from unobligated balances in the Working Capital Fund of the Department of Justice.*

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $218,300,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $208,800,000 shall be for activities authorized by section 190001(c); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $97,589,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $750,168,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 180104 and 190001(b) of Public Law 103–322, $60,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,394,825,000, of which $36,300,000 shall remain available until September 30, 1997; of which $506,800,000 is available for the Border Patrol; of which not to exceed $400,000 for research shall remain available until expended; and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: Provided, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $5,000 shall be available for official reception and representation expenses: Provided further, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $10,000,000 for programs to verify the immigration status of persons seeking employment in the United States: Provided further, That none of the funds provided in this or any other Act shall be used for the continued operation of the San Clemente and Temecula checkpoints unless: (1) the checkpoints are open and traffic is being checked on a continuous 24-hour basis and (2) the Immigration and Naturalization Service undertakes a commuter lane facilitation pilot program at the San Clemente checkpoint within 90 days of enactment of this Act: Provided further, That the Immigration and Naturalization Service shall undertake the renovation and improvement of the San Clemente checkpoint, to include the addition of two to four lanes, and which shall be exempt from Federal procurement regulations for contract formation, from within existing balances in the Immigration and Naturalization Service Construction account: Provided further, That if renovation of the San Clemente checkpoint is not completed by July 1, 1996, the San Clemente checkpoint will close until such time as the renovations and improvements are completed unless funds for the continued operation of the checkpoint are provided and made available for obligation and expenditure in accordance with procedures set forth in section 605 of this Act, as the result of certification by the Attorney General that exigent circumstances require the checkpoint to be open and delays in completion of the renovations are not the result of any actions that are or have been in the control of the Department of Justice: Provided further, That the Office of Public Affairs at the Immigration and Naturalization Service shall conduct its business in areas only relating to its central mission, including: research, analysis, and dissemination of information, through the media and other communications outlets, relating to the activities of the Immigration and Naturalization Service: Provided further, That the Office of Congressional Relations at the Immigration and Naturalization Service shall conduct business in areas only relating to its central mission, including: providing services to Members of Congress relating to constituent inquiries and requests for information; and working with the relevant congressional committees on proposed legislation affecting immigration matters: Provided further, That in addition to amounts otherwise made available in this title to the Attorney General, the Attorney General is authorized to accept and utilize, on behalf of the United States, the $100,000 Innovation in American Government Award for 1995 from the Ford Foundation for the Immigration and Naturalization Service's Operation Jobs program.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, and 130007 of Public Law 103–322, $316,198,000, to remain available until expended, which will be derived from the Violent Crime Reduction Trust Fund, of which $38,704,000 shall be for expeditious deportation of denied asylum applicants, $231,570,000 for improving border controls, and $45,924,000 for expanded special deportation proceedings: Provided, That of the amounts made available, $75,765,000 shall be for the Border Patrol.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $25,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,567,578,000: Provided, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: Provided further, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: Provided further, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: Provided further, That not to exceed $6,000 shall be available for official reception and representation expenses: Provided further, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: Provided further, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the

United States of Cuban and Haitian entrants: Provided further, That no funds appropriated in this Act shall be used to privatize any Federal prison facilities located in Forrest City, Arkansas, and Yazoo City, Mississippi.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $334,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: Provided, That labor of United States prisoners may be used for work performed under this appropriation: Provided further, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses", Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: Provided further, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $99,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $202,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $130,000,000 for Grants to Combat Violence Against Women to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies to States, units of local governments and Indian tribal governments, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $1,000,000 for training programs to assist probation and parole officers who work with released sex offenders, as authorized by section 40152(c) of the Violent Crime Control and Law Enforcement Act of 1994; $50,000 for grants for televised testimony, as authorized by section 1001(a)(7) of the Omnibus Crime Control and Safe Streets Act of 1968; $200,000 for the study of State databases on the incidence of sexual and domestic violence, as authorized by section 40292 of the Violent Crime Control and Law Enforcement Act of 1994; $1,500,000 for national stalker and domestic violence reduction, as authorized by section 40603 of the 1994 Act; $27,000,000 for grants for residential substance abuse treatment for State prisoners authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: Provided, That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $388,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), of which $60,000,000 shall be available to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"); $1,605,200,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $503,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995, except that for purposes of this Act, the Commonwealth of Puerto Rico shall be considered a "unit of local government" as well as a "state", for the purposes set forth in paragraphs (A), (B), (D), (F), and (I) of section 101(a)(2) of H.R. 728 and for establishing crime prevention programs involving cooperation between community residents and law enforcement personnel in order to control, detect, or investigate crime or the prosecution of criminals: Provided, That no funds provided under this heading may be used as matching funds for any other federal grant program: Provided further, That notwithstanding any other provision of this title, the Attorney General may transfer up to $18,000,000 of this amount for drug courts pursuant to title V of the 1994 Act, consistent with the reprogramming procedures outlined in section 605 of this Act: Provided further, That in lieu of any amount provided from the Local Law Enforcement Block Grant for the District of Columbia, $15,000,000 shall be deposited into an escrow account of the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to section 205 of Public Law 104–8, for the District of Columbia Metropolitan Police Department for law enforcement purposes and shall be disbursed from such escrow account pursuant to the instructions of the Authority and in accordance with a plan developed by the Chief of Police, after consultation with the Committees on Appropriations and Judiciary of the Senate and House of Representatives: Provided further, That $11,000,000 of this amount shall be for Boys & Girls Clubs of America for the establishment of Boys & Girls Clubs in public housing facilities and other areas in cooperation with State and local law enforcement: Provided further, That funds may also be used to defray the costs of indemnification insurance for law enforcement officers; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $147,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 242(j) of the Immigration and Nationality Act, as amended; $617,500,000 for Violent Offender Incarceration and Truth in Sentencing Incentive Grants pursuant to subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 (as amended by section 114 of this Act), of which $200,000,000 shall be available for payments to States for incarceration of criminal aliens, and of which $12,500,000 shall be available for the Cooperative Agreement Program; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $9,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the 1968 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act;

$1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act; $200,000 for grants as authorized by section 32201(c)(3) of the 1994 Act: Provided further, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: Provided further, That any 1995 balances for these programs shall be transferred to and merged with this appropriation: Provided further, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act") (including administrative costs); $1,400,000,000, to remain available until expended, which shall be derived froim the Violent Crime Reduction Trust Fund, for Public Safety and Community Policing Grants pursuant to title I of the 1994 Act: Provided, That of this amount, $10,000,000 shall be available for programs of Police Corps education, training and service as set forth in sections 200101–200113 of the 1994 Act: Provided further, That not to exceed 130 permanent positions and 130 full-time equivalent workyears and $14,602,000 shall be expended for program management and administration.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $28,500,000, which shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: Provided, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: Provided further, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: Provided, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 114. (a) GRANT PROGRAM.—Subtitle A of title II of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"Subtitle A—Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants

"SEC. 20101. DEFINITIONS.

"Unless otherwise provided, for purposes of this subtitle—

"(1) the term 'indeterminate sentencing' means a system by which—

"(A) the court may impose a sentence of a range defined by statute; and

"(B) an administrative agency, generally the parole board, or the court, controls release within the statutory range;

"(2) the term 'part 1 violent crime' means murder and nonnegligent manslaughter, forcible rape, robbery, and aggravated assault as reported to the Federal Bureau of Investigation for purposes of the Uniform Crime Reports; and

"(3) the term 'State' means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

"SEC. 20102. AUTHORIZATION OF GRANTS.

"(a) IN GENERAL.—The Attorney General shall provide Violent Offender Incarceration grants under section 20103 and Truth-in-Sentencing Incentive grants under section 20104 to eligible States—

"(1) to build or expand correctional facilities to increase the bed capacity for the confinement of persons convicted of a part 1 violent crime or adjudicated delinquent for an act which if committed by an adult, would be a part 1 violent crime;

"(2) to build or expand temporary or permanent correctional facilities, including facilities on military bases, prison barges, and boot camps, for the confinement of convicted nonviolent offenders and criminal aliens, for the purpose of freeing suitable existing prison space for the confinement of persons convicted of a part 1 violent crime; and

"(3) to build or expand jails.

"(b) REGIONAL COMPACTS.—

"(1) IN GENERAL.—Subject to paragraph (2), States may enter into regional compacts to carry out this subtitle. Such compacts shall be treated as States under this subtitle.

"(2) REQUIREMENT.—To be recognized as a regional compact for eligibility for a grant under section 20103 or 20104, each member State must be eligible individually.

"(3) LIMITATION ON RECEIPT OF FUNDS.—No State may receive a grant under this subtitle both individually and as part of a compact.

"(c) APPLICABILITY.—Notwithstanding the eligibility requirements of section 20104, a State that certifies to the Attorney General that, as of the date of enactment of the Department of Justice Appropriations Act, 1996, such State has enacted legislation in reliance on subtitle A of title II of the Violent Crime Control and Law Enforcement Act, as enacted on September 13, 1994, and would in fact qualify under those provisions, shall be eligible to receive a grant for fiscal year 1996 as though such State qualifies under section 20104 of this subtitle.

"SEC. 20103. VIOLENT OFFENDER INCARCERATION GRANTS.

"(a) ELIGIBILITY FOR MINIMUM GRANT.—To be eligible to receive a minimum grant under this section, a State shall submit an application to the Attorney General that provides assurances that the State has implemented, or will implement, correctional policies and programs, including truth-in-sentencing laws that ensure that violent offenders serve a substantial portion of the sentences imposed, that are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders, and that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public.

"(b) ADDITIONAL AMOUNT FOR INCREASED PERCENTAGE OF PERSONS SENTENCED AND TIME SERVED.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has, since 1993—

"(1) increased the percentage of persons arrested for a part 1 violent crime sentenced to prison; or

"(2) increased the average prison time actually served or the average percent of sentence served by persons convicted of a part 1 violent crime.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (c).

"(c) ADDITIONAL AMOUNT FOR INCREASED RATE OF INCARCERATION AND PERCENTAGE OF SENTENCE SERVED.—A State that received a grant under subsection (a) is eligible to receive additional grant amounts if such State demonstrates that the State has—

"(1) since 1993, increased the percentage of persons arrested for a part 1 violent crime sentenced to prison, and has increased the average percent of sentence served by persons convicted of a part 1 violent crime; or

"(2) has increased by 10 percent or more over the most recent 3-year period the number of new court commitments to prison of persons convicted of part 1 violent crimes.

Receipt of grant amounts under this subsection does not preclude eligibility for a grant under subsection (b).

"SEC. 20104. TRUTH-IN-SENTENCING INCENTIVE GRANTS.

"(a) ELIGIBILITY.—To be eligible to receive a grant award under this section, a State shall submit an application to the Attorney General that demonstrates that—

"(1) such State has implemented truth-in-sentencing laws that—

"(A) require persons convicted of a part 1 violent crime to serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(B) result in persons convicted of a part 1 violent crime serving on average not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior);

"(2) such State has truth-in-sentencing laws that have been enacted, but not yet implemented, that require such State, not later than 3 years after such State submits an application to the Attorney General, to provide that persons convicted of a part 1 violent crime serve not less than 85 percent of the sentence imposed (without counting time not actually served, such as administrative or statutory incentives for good behavior); or

"(3) in the case of a State that on the date of enactment of the Departments of Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Act, 1996, practices indeterminate sentencing with regard to any part 1 violent crime—

"(A) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the prison term established under the State's sentencing and release guidelines; or

"(B) persons convicted of a part 1 violent crime on average serve not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court (not counting time not actually served such as administrative or statutory incentives for good behavior).

"(b) EXCEPTION.—Notwithstanding subsection (a), a State may provide that the Governor of the State may allow for the earlier release of—

"(1) a geriatric prisoner; or

"(2) a prisoner whose medical condition precludes the prisoner from posing a threat to the public, but only after a public hearing in which representatives of the public and the prisoner's victims have had an opportunity to be heard regarding a proposed release.

"SEC. 20105. SPECIAL RULES.

"(a) SHARING OF FUNDS WITH COUNTIES AND OTHER UNITS OF LOCAL GOVERNMENT.—

"(1) RESERVATION.—Each State shall reserve not more than 15 percent of the amount of funds allocated in a fiscal year pursuant to section 20106 for counties and units of local government to construct, develop, expand, modify, or improve jails and other correctional facilities.

"(2) FACTORS FOR DETERMINATION OF AMOUNT.—To determine the amount of funds to be reserved under this subsection, a State shall consider the burden placed on a county or unit of local government that results from the implementation of policies adopted by the State to carry out section 20103 or 20104.

"(b) ADDITIONAL REQUIREMENT.—To be eligible to receive a grant under section 20103 or 20104, a State shall provide assurances to the Attorney General that the State has implemented or will implement not later than 18 months after the date of the enactment of this subtitle, policies that provide for the recognition of the rights and needs of crime victims.

"(c) FUNDS FOR JUVENILE OFFENDERS.—Notwithstanding any other provision of this subtitle, if a State, or unit of local government located in a State that otherwise meets the requirements of section 20103 or 20104, certifies to the Attorney General that exigent circumstances exist that require the State to expend funds to build or expand facilities to confine juvenile offenders other than juvenile offenders adjudicated delinquent for an act which, if committed by an adult, would be a part 1 violent crime, the State may use funds received under this subtitle to build or expand juvenile correctional facilities or pretrial detention facilities for juvenile offenders.

"(d) PRIVATE FACILITIES.—A State may use funds received under this subtitle for the privatization of facilities to carry out the purposes of section 20102.

"(e) DEFINITION.—For purposes of this subtitle, "part 1 violent crime" means a part 1 violent crime as defined in section 20101(3), or a crime in a reasonably comparable class of serious violent crimes as approved by the Attorney General.

"SEC. 20106. FORMULA FOR GRANTS.

"(a) ALLOCATION OF VIOLENT OFFENDER INCARCERATION GRANTS UNDER SECTION 20103.—

"(1) FORMULA ALLOCATION.—85 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated as follows (except that a State may not receive more than 9 percent of the total amount of funds made available under this paragraph):

"(A) 0.75 percent shall be allocated to each State that meets the requirements of section 20103(a), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under section 20103(a), shall each be allocated 0.05 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(b), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20103(b) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(2) ADDITIONAL ALLOCATION.—15 percent of the amount available for grants under section 20103 for any fiscal year shall be allocated to each State that meets the requirements of section 20103(c) as follows:

"(A) 3.0 percent shall be allocated to each State that meets the requirements of section 20103(c), except that the United States Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands, if eligible under such subsection, shall each be allocated 0.03 percent.

"(B) The amount remaining after application of subparagraph (A) shall be allocated to each State that meets the requirements of section 20103(c), in the ratio that the number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, bears to the average annual number of part 1 violent crimes reported by all States that meet the requirements of section 20102(c) to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made.

"(b) ALLOCATION OF TRUTH-IN-SENTENCING GRANTS UNDER SECTION 20104.—The amounts available for grants for section 20104 shall be allocated to each State that meets the requirements of section 20104 in the ratio that the average annual number of part 1 violent crimes reported by such State to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made bears to the average annual number of part 1 violent crimes reported by States that meet the requirements of section 20104 to the Federal Bureau of Investigation for the 3 years preceding the year in which the determination is made, except that a State may not receive more than 25 percent of the total amount available for such grants.

"(c) UNAVAILABLE DATA.—If data regarding part 1 violent crimes in any State is substantially inaccurate or is unavailable for the 3 years preceding the year in which the determination is made, the Attorney General shall utilize the best available comparable data regarding the number of violent crimes for the previous year for the State for the purposes of allocation of funds under this subtitle.

"(d) REGIONAL COMPACTS.—In determining the amount of funds that States organized as a regional compact may receive, the Attorney General shall first apply the formula in either subsection (a) or (b) and (c) of this section to each member State of the compact. The States organized as a regional compact may receive the sum of the amounts so determined.

"SEC. 20107. ACCOUNTABILITY.

"(a) FISCAL REQUIREMENTS.—A State that receives funds under this subtitle shall use accounting, audit, and fiscal procedures that conform to guidelines prescribed by the Attorney General, and shall ensure that any funds used to carry out the programs under section 20102(a) shall represent the best value for the State governments at the lowest possible cost and employ the best available technology.

"(b) ADMINISTRATIVE PROVISIONS.—The administrative provisions of sections 801 and 802 of the Omnibus Crime Control and Safe Streets Act of 1968 shall apply to the Attorney General under this subtitle in the same manner that such provisions apply to the officials listed in such sections.

"SEC. 20108. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—

"(1) AUTHORIZATIONS.—There are authorized to be appropriated to carry out this subtitle—

"(A) $997,500,000 for fiscal year 1996;

"(B) $1,330,000,000 for fiscal year 1997;

"(C) $2,527,000,000 for fiscal year 1998;

"(D) $2,660,000,000 for fiscal year 1999; and

"(E) $2,753,100,000 for fiscal year 2000.

"(2) DISTRIBUTION.—

"(A) IN GENERAL.—Of the amounts remaining after the allocation of funds for the purposes set forth under sections 20110, 20111, and 20109, the Attorney General shall, from amounts authorized to be appropriated under paragraph (1) for each fiscal year, distribute 50 percent for incarceration grants under section 20103, and 50 percent for incentive grants under section 20104.

"(B) DISTRIBUTION OF MINIMUM AMOUNTS.—The Attorney General shall distribute minimum amounts allocated for section 20103(a) to an eligible State not later than 30 days after receiving an application that demonstrates that such State qualifies for a Violent Offender Incarceration grant under section 20103 or a Truth-in-Sentencing Incentive grant under section 20104.

"(b) LIMITATIONS ON FUNDS.—

"(1) USES OF FUNDS.—Except as provided in section 20110 and 20111, funds made available pursuant to this section shall be used only to carry out the purposes described in section 20102(a).

"(2) NONSUPPLANTING REQUIREMENT.—Funds made available pursuant to this section shall not be used to supplant State funds, but shall be used to increase the amount of funds that would, in the absence of Federal funds, be made available from State sources.

"(3) ADMINISTRATIVE COSTS.—Not more than 3 percent of the funds that remain available after carrying out sections 20109, 20110, and 20111 shall be available to the Attorney General for purposes of—

"(A) administration;

"(B) research and evaluation, including assessment of the effect on public safety and other effects of the expansion of correctional capacity and sentencing reforms implemented pursuant to this subtitle;

"(C) technical assistance relating to the use of grant funds, and development and implementation of sentencing reforms implemented pursuant to this subtitle; and

"(D) data collection and improvement of information systems relating to the confinement of violent offenders and other sentencing and correctional matters.

"(4) CARRYOVER OF APPROPRIATIONS.—Funds appropriated pursuant to this section during

any fiscal year shall remain available until expended.

"(5) MATCHING FUNDS.—The Federal share of a grant received under this subtitle may not exceed 90 percent of the costs of a proposal as described in an application approved under this subtitle.

"SEC. 20109. PAYMENTS FOR INCARCERATION ON TRIBAL LANDS.

"(a) RESERVATION OF FUNDS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), from amounts appropriated to carry out sections 20103 and 20104, the Attorney General shall reserve, to carry out this section—

"(1) 0.3 percent in each of fiscal years 1996 and 1997; and

"(2) 0.2 percent in each of fiscal years 1998, 1999, and 2000.

"(b) GRANTS TO INDIAN TRIBES.—From the amounts reserved under subsection (a), the Attorney General may make grants to Indian tribes for the purposes of constructing jails on tribal lands for the incarceration of offenders subject to tribal jurisdiction.

"(c) APPLICATIONS.—To be eligible to receive a grant under this section, an Indian tribe shall submit to the Attorney General an application in such form and containing such information as the Attorney General may by regulation require.

"SEC. 20110. PAYMENTS TO ELIGIBLE STATES FOR INCARCERATION OF CRIMINAL ALIENS.

"(a) IN GENERAL.—The Attorney General shall make a payment to each State which is eligible under section 242(j) of the Immigration and Nationality Act in such amount as is determined under section 242(j), and for which payment is not made to such State for such fiscal year under such section.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle, there are authorized to be appropriated to carry out this section from amounts authorized under section 20108, an amount which when added to amounts appropriated to carry out section 242(j) of the Immigration and Nationality Act for fiscal year 1996 equals $500,000,000 and for each of the fiscal years 1997 through 2000 does not exceed $650,000,000.

"(c) ADMINISTRATION.—The amounts appropriated to carry out this section shall be reserved from the total amount appropriated for each fiscal year and shall be added to the other funds appropriated to carry out section 242(j) of the Immigration and Nationality Act and administered under such section.

"(d) REPORT TO CONGRESS.—Not later than May 15, 1999, the Attorney General shall submit a report to the Congress which contains the recommendation of the Attorney General concerning the extension of the program under this section.

"SEC. 20111. SUPPORT OF FEDERAL PRISONERS IN NON-FEDERAL INSTITUTIONS.

"(a) IN GENERAL.—The Attorney General may make payments to States and units of local government for the purposes authorized in section 4013 of title 18, United States Code.

"(b) AUTHORIZATION OF APPROPRIATIONS.—Notwithstanding any other provision of this subtitle other than section 20108(a)(2), there are authorized to be appropriated from amounts authorized under section 20108 for each of fiscal years 1996 through 2000 such sums as may be necessary to carry out this section.

"SEC. 20112. REPORT BY THE ATTORNEY GENERAL.

"Beginning on October 1, 1996, and each subsequent July 1 thereafter, the Attorney General shall report to the Congress on the implementation of this subtitle, including a report on the eligibility of the States under sections 20103 and 20104, and the distribution and use of funds under this subtitle.".

(b) CONFORMING AMENDMENTS.—

(1) OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968.—

(A) PART V.—Part V of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is repealed.

(B) FUNDING.—

(i) Section 1001(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking paragraph (20).

(ii) Notwithstanding the provisions of subparagraph (A), any funds that remain available to an applicant under paragraph (20) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 shall be used in accordance with part V of such Act as if such Act was in effect on the day preceding the date of enactment of this Act.

(2) VIOLENT CRIME CONTROL AND LAW ENFORCEMENT ACT OF 1994.—

(A) TABLE OF CONTENTS.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to title V.

(B) COMPLIANCE.—Notwithstanding the provisions of paragraph (1), any funds that remain available to an applicant under title V of the Violent Crime Control and Law Enforcement Act of 1994 shall be used in accordance with such subtitle as if such subtitle was in effect on the day preceding the date of enactment of this Act.

(C) TRUTH-IN-SENTENCING.—The table of contents of the Violent Crime Control and Law Enforcement Act of 1994 is amended by striking the matter relating to subtitle A of title II and inserting the following:

"SUBTITLE A—VIOLENT OFFENDER INCARCERATION AND TRUTH-IN-SENTENCING INCENTIVE GRANTS

"Sec. 20101. Definitions.
"Sec. 20102. Authorization of Grants.
"Sec. 20103. Violent offender incarceration grants.
"Sec. 20104. Truth-in-sentencing incentive grants.
"Sec. 20105. Special rules.
"Sec. 20106. Formula for grants.
"Sec. 20107. Accountability.
"Sec. 20108. Authorization of appropriations.
"Sec. 20109. Payments for Incarceration on Tribal Lands.
"Sec. 20110. Payments to eligible States for incarceration of criminal aliens.
"Sec. 20111. Support of Federal prisoners in non-Federal institutions.
"Sec. 20112. Report by the Attorney General.".

SEC. 120. The pilot debt collection project authorized by Public Law 99–578, as amended, is extended through September 30, 1997.

SEC. 121. The definition of "educational expenses" in Section 200103 of the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 is amended to read as follows: "educational expenses" means expenses that are directly attributable to a course of education leading to the award of either a baccalaureate or graduate degree in a course of study which, in the judgment of the State or local police force to which the participant will be assigned, includes appropriate preparation for police service including the cost of tuition, fees, books, supplies, transportation, room and board and miscellaneous expenses."

SEC. 122. Section 524(c) of title 28, United States Code, is amended by striking subparagraph (8)(E), as added by section 110 of the Department of Justice and Related Agencies Appropriations Act, 1995 (P.L. 103–317, 108 Stat. 1735 (1994)).

This title may be cited as the "Department of Justice Appropriations Act, 1996".

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,889,000, of which $2,500,000 shall remain available until expended: Provided, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $40,000,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28

U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,604,000, to remain available until expended: Provided, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities: Provided further, That payments and contributions collected and accepted for materials or services provided as part of such activities may be retained for use in covering the cost of such activities, and for providing information to the public with respect to the export administration and national security activities of the Department of Commerce and other export control programs of the United States and other governments.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: Provided, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: Provided further, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: Provided further, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: Provided, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $45,900,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $133,812,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $150,300,000, to remain available until expended.

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $17,000,000 to remain available until expended: Provided, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to charge Federal agencies for spectrum management, analysis, and operations, and related services: Provided further, That the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for spectrum management, analysis, and operations, and related services and for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph, and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $15,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: Provided further, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $21,500,000, to remain available until expended as authorized by section 391 of the Act, as amended: Provided, That not to exceed $3,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: Provided further, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: Provided further, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

PATENT AND TRADEMARK OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $82,324,000, to remain available until expended: Provided, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: Provided further, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $259,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership and the Advanced Technology Program of the National Institute of Standards and Technology, $301,000,000, to remain available until expended, of which $80,000,000 shall be for the Manufacturing Extension Partnership, and of which $221,000,000 shall be for the Advanced Technology Program: Provided, That not to exceed $500,000 may be transferred to the "Working Capital Fund".

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 358 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,795,677,000, to remain available until expended: Provided, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: Provided further, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,792,677,000: Provided further, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: Provided further, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: Provided further, That in addition, $63,000,000 shall be derived by *transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": Provided further, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.*

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(e).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $50,000,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $8,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

FISHING VESSEL OBLIGATIONS GUARANTEES

For the cost, as defined in section 502 of the Federal Credit Reform Act of 1990, of guaranteed loans authorized by the Merchant Marine Act of 1936, as amended, $250,000: Provided, That none of the funds made available under this heading may be used to guarantee loans for any new fishing vessel that will increase the harvesting capacity in any United States fishery.

TECHNOLOGY ADMINISTRATION

UNDER SECRETARY FOR TECHNOLOGY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $7,000,000.

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $19,849,000.

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

CONSTRUCTION OF RESEARCH FACILITIES

(RESCISSION)

Of the unobligated balances available under this heading, $75,000,000 are rescinded.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 206. (a) Should legislation be enacted to dismantle or reorganize the Department of Commerce, the Secretary of Commerce, no later than 90 days thereafter, shall submit to the Committees on Appropriations of the House and the Senate a plan for transferring funds provided in this Act to the appropriate successor organizations: Provided, That the plan shall include a proposal for transferring or rescinding funds appropriated herein for agencies or programs terminated under such legislation: Provided further, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of Commerce or the appropriate head of any successor organization(s) may use any available funds to carry out legislation dismantling or reorganizing the Department of Commerce to cover the costs of actions relating to the abolishment, reorganization or transfer of functions and any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 205 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section: Provided further, That no monies appropriated under this Act or any other law shall be used by the Secretary of Commerce to issue final determinations under subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or until the end of fiscal year 1996, whichever is earlier, except that monies appropriated under this Act may be used to delist or reclassify species pursuant to subsections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and may be used to issue emergency listings under section 4(b)(7) of the Endangered Species Act.

SEC. 207. Notwithstanding any other provision of law (including any regulation and including the Public Works and Economic Development Act of 1965), the transfer of title to the Rutland City Industrial Complex to Hilinex, Vermont (as related to Economic Development Administration Project Number 01–11–01742) shall not require compensation to the Federal Government for the fair share of the Federal Government of that real property.

SEC. 208. (a) IN GENERAL.—The Secretary of Commerce, acting through the Assistant Secretary for Economic Development of the Department of Commerce, shall—

(1) not later than January 1, 1996, commence the demolition of the structures on, and the cleanup and environmental remediation on, the parcel of land described in subsection (b);

(2) not later than March 31, 1996, complete the demolition, cleanup, and environmental remediation under paragraph (1); and

(3) not later than April 1, 1996, convey the parcel of land described in subsection (b), in accordance with the requirements of section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), to the Tuscaloosa County Industrial Development Authority, on receipt of payment of the fair market value for the parcel by the Authority, as agreed on by the Secretary and the Authority.

(b) LAND PARCEL.—The parcel of land referred to in subsection (a) is the parcel of land consisting of approximately 41 acres in Holt, Alabama (in Tuscaloosa County), that is generally known as the "Central Foundry Property", as depicted on a map, and as described in a legal description, that the Secretary, acting through the Assistant Secretary for Economic Development, determines to be satisfactory.

SEC. 209. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 210. None of the funds appropriated under this Act or any other Act may be used to develop new fishery management plans, amendments or regulations which create new individual fishing quota, individual transferable quota, or new individual transferable effort allocation programs, or to implement any such plans, amendments or regulations approved by a Regional Fishery Management Council or the Secretary of Commerce after January 4, 1995, until *offsetting fees to pay for the cost of administering such plans, amendments or regulations are expressly authorized under the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.). This restriction shall not apply in any way to any such programs approved by the Secretary of Commerce prior to January 4, 1995.*

SEC. 211. Section 308(d) of the Interjurisdictional Fisheries Act of 1986 (16 U.S.C. 4107(d)) is amended—

(1) in the heading, by striking "Grants" and inserting "Assistance";

(2) in paragraph (1), by striking "award grants to persons engaged in commercial fisheries, for uninsured losses determined by the Secretary to have been suffered" and inserting "help persons engaged in commercial fisheries, either by providing assistance directly to those persons or by providing assistance indirectly through States and local government agencies and nonprofit organizations, for projects or other measures to alleviate harm determined by the Secretary to have been incurred";

(3) in paragraph (3), by striking "a grant" and inserting "direct assistance to a person";

(4) in paragraph (3), by striking "gross revenues annually," and inserting "net revenues annually from commercial fishing,";

(5) by striking paragraph (4) and inserting the following:

"(4)(A) Assistance may not be provided under this subsection as part of a fishing capacity reduction program in a fishery unless the Secretary determines that adequate conservation and management measures are in place in that fishery.

"(B) As a condition of awarding assistance with respect to a vessel under a fishing capacity reduction program, the Secretary shall—

"(i) prohibit the vessel from being used for fishing; and

"(ii) require that the vessel be—

"(I) scrapped or otherwise disposed of in a manner approved by the Secretary; or

"(II) donated to a nonprofit organization and thereafter used only for purposes of research, education, or training; or

"(III) used for another non-fishing purpose provided the Secretary determines that adequate measures are in place to ensure that the vessel cannot reenter any fishery.

"(C) A vessel that is prohibited from fishing under subparagraph (B) shall not be eligible for a fishery endorsement under section 12108(a) of title 46, United States Code, and any such endorsement for the vessel shall not be effective."; and

(6) in paragraph (5), by striking "for awarding grants" and all that follows through the end of the paragraph and inserting "for receiving assistance under this subsection.".

SEC. 212. The Secretary may award contracts for hydrographic, geodetic, and photogrammetric surveying and mapping services in accordance with Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.).

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,288,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,433,141,000 (including the purchase of firearms and ammunition); of which not to exceed $13,454,000 shall remain available until expended for space alteration projects; of which not to exceed $10,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $30,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $267,217,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): Provided, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations after April 1, 1996.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: Provided, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $102,000,000, to be expended directly or transferred to the United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90–219, $17,914,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93–236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except "Courts of Appeals, District Courts, and other Judicial Services, Defender Services", shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: Provided, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

SEC. 305. Section 333 of title 28, United States Code, is amended—

(1) in the first paragraph by striking "shall" the first, second, and fourth place it appears and inserting "may"; and

(2) in the second paragraph—

(A) by striking "shall" the first place it appears and inserting "may"; and

(B) by striking ", and unless excused by the chief judge, shall remain throughout the conference".

This title may be cited as "The Judiciary Appropriations Act, 1996".

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration, $1,708,800,000: Provided, That notwithstanding section 140(a)(5), and the second sentence of section 140(a)(3) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), not to exceed $125,000,000 of fees may be collected during fiscal year 1996 under the authority of section 140(a)(1) of that Act: Provided further, That all fees collected under the preceding proviso shall be deposited in fiscal year 1996 as an offsetting collection to appropriations made under this heading to recover the costs of providing consular services and shall remain available until expended: Provided further, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service and shall remain available until expended. Of the latter amount, $2,500,000 shall not be made available until expiration of the 15 day period beginning on the date when the Secretary of State and the Director of the Diplomatic Telecommunications Service submit the pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State of Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancements to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: Provided, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,369,000, notwithstanding section 209(a)(1) of the Foreign Service Act of 1980 (Public Law 96–465), as it relates to post inspections: Provided, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,500,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $385,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): Provided, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $892,000,000: Provided, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: Provided further, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: Provided further, That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least

15 days in advance of the proposed certification: Provided further, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings: Provided further, That of the funds appropriated in this paragraph, $80,000,000 may be made available only on a quarterly basis and only after the Secretary of State certifies on a quarterly basis that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $359,000,000: Provided, That none of the funds made available under this Act shall be obligated or expended for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: Provided further, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,058,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: Provided, That the United States share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

OTHER

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $5,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $38,700,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: Provided, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: Provided further, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: Provided further, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $200,000,000, to remain available until expended as authorized by 22 U.S.C. 2455:

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated, as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: Provided, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A–110 (Uniform Administrative Requirements) and A–122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $325,191,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes; and in addition, notwithstanding any other provision of law, not to exceed $1,000,000 in monies received (including receipts from advertising, if any) by or for the use of the United States Information Agency from or in connection with broadcasting resources owned by or on behalf of the Agency, to be available until expended for carrying out authorized purposes.

BROADCASTING TO CUBA

For expenses necessary to enable the United States Information Agency to carry out the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, and the International Broadcasting Act of 1994, including the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception, $24,809,000 to remain available until expended: Provided, That not later than April 1, 1996, the headquarters of the Office of Cuba Broadcasting shall be relocated from Washington, D.C. to south Florida, and that any funds available under the headings "International Broadcasting Operations", "Broadcasting to Cuba", and "Radio Construction" may be available to carry out this relocation.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $40,000,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

EAST-WEST CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the Center for Cultural and Technical Interchange Between East and West Act of 1960 (22 U.S.C. 2054–2057), by grant to the Center for Cultural and Technical Interchange Between East and West in the State of Hawaii, $11,750,000: Provided, That none of the funds appropriated herein shall be used to pay any salary, or enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376.

NORTH/SOUTH CENTER

To enable the Director of the United States Information Agency to provide for carrying out the provisions of the North/South Center Act of 1991 (22 U.S.C. 2075), by grant to an educational institution in Florida known as the North/South Center, $2,000,000, to remain available until expended.

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $30,000,000, to remain available until expended.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: Provided further, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

SEC. 404. (a) No later than 90 days after enactment of legislation consolidating, reorganizing or downsizing the functions of the Department of State, the United States Information Agency, and the Arms Control and Disarmament Agency, the Secretary of State, the Director of the United States Information Agency and the Director of the Arms Control and Disarmament Agency shall submit to the Committees on Appropriations of the House and the Senate a proposal for transferring or rescinding funds appropriated herein for functions that are consolidated, reorganized or downsized under such legislation: Provided, That such plan shall be transmitted in accordance with section 605 of this Act.

(b) The Secretary of State, the Director of the United States Information Agency, and the Director of the Arms Control and Disarmament Agency, as appropriate, may use any available funds to cover the costs of actions to consolidate, reorganize or downsize the functions under their authority required by such legislation, and of any related personnel action, including voluntary separation incentives if authorized by such legislation: Provided, That the authority to transfer funds between appropriations accounts that may be necessary to carry out this section is provided in addition to authorities included under section 402 of this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 405. Funds appropriated by this Act for the United States Information Agency, the Arms Control and Disarmament Agency, and the Department of State may be obligated and expended notwithstanding section 701 of the United States Information and Educational Exchange Act of 1948 and section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, section 53 of the Arms Control and Disarmament Act, and section 15 of the State Department Basic Authorities Act of 1956.

SEC. 406. Section 36(a)(1) of the State Department Authorities Act of 1956, as amended (22 U.S.C. 2708), is amended to delete "may pay a reward" and insert in lieu thereof "shall establish and publicize a program under which rewards may be paid".

SEC. 407. Sections 6(a) and 6(b) of Public Law 101–454 are repealed. In addition, notwithstanding any other provision of law, Eisenhower Exchange Fellowships, Incorporated, may use one-third of any earned but unused trust income from the period 1992 through 1995 for Fellowship purposes in each of fiscal years 1996 through 1998.

SEC. 408. It is the sense of the Senate that none of the funds appropriated or otherwise made available pursuant to this Act should be used for the deployment of combat-equipped forces of the Armed Forces of the United States for any ground operations in Bosnia and Herzegovina unless—

(1) Congress approves in advance the deployment of such forces of the Armed Forces; or

(2) the temporary deployment of such forces of the Armed Forces of the United States into Bosnia and Herzegovina is necessary to evacuate United Nations peacekeeping forces from a situation of imminent danger, to undertake emergency air rescue operations, or to provide for the airborne delivery of humanitarian supplies, and the President reports as soon as practicable to Congress after the initiation of the temporary deployment, but in no case later than 48 hours after the initiation of the deployment.

SEC. 409. Any costs incurred by a Department or agency funded under this title resulting from personnel actions taken in response to funding reductions included in this title shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 410. Section 235 of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101–246) is amended by inserting "Tinian," after "Sao Tome,".

SEC. 411. The appropriation for the Arms Control and Disarmament Agency in Public Law 103–317 (108 Stat. 1768) is amended by deleting after "until expended" the following: "only for activities related to the implementation of the Chemical Weapons Convention": Provided, That amounts made available shall not be used to undertake new programs or to increase employment above levels on board at the time of enactment of this Act.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1996".

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

MARITIME NATIONAL SECURITY PROGRAM

For necessary expenses to maintain and preserve a U.S.-flag merchant fleet to serve the national security needs of the United States as determined by the Secretary of Defense in consultation with the Secretary of Transportation, $46,000,000, to remain available until expended: Provided, That these funds will be available only upon enactment of an authorization for this program.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $66,600,000, to remain available until expended: Provided, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies and may be transferred to the Secretary of the Interior for use as provided in the National Maritime Heritage Act (Public Law 103–451): Provided further, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $40,000,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $3,500,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: Provided, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99–83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,750,000: Provided, That not to exceed $50,000 may be used to employ consultants: Provided further, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: Provided further, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $1,894,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94–304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99–7.

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

For necessary expenses of the Competitiveness Policy Council, $50,000: Provided, That this shall be the final Federal payment to the Competitiveness Policy Council.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621–634), the Americans with Disabilities Act of 1990 and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: Provided, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901–02; not to exceed $600,000 for land and structure; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,709,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: Provided, That $126,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $59,309,000: Provided further, That any offsetting collections received in excess of $126,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That the Commission shall amend its schedule of regulatory fees set forth in section 1.1153 of title 47, CFR, authorized by section 9 of title I of the Communications Act of 1934, as amended by: (1) striking "$22,420" in the Annual Regulatory Fee column for VHF Commercial Markets 1 through 10 and inserting "$32,000"; (2) striking "$19,925" in the Annual Regulatory Fee column for VHF Commercial Markets 11 through 25 and inserting "$26,000"; (3) striking "$14,950" in the Annual Regulatory Fee column for VHF Commercial Markets 26 through 50 and inserting "$17,000"; (4) striking "$9,975" in the Annual Regulatory Fee column for VHF Commercial Markets 51 through 100 and inserting "$9,000"; (5) striking "$6,225" in the Annual Regulatory Fee column for VHF Commercial Remaining Markets and inserting "$2,500"; and (6) striking "$17,925" in the Annual Regulatory Fee column for UHF Commercial Markets 1 through 10 and inserting "$25,000"; (7) striking "$15,950" in the Annual Regulatory Fee column for UHF Commercial Markets 11 through 25 and inserting "$20,000"; (8) striking "$11,950" in the Annual Regulatory Fee column for UHF Commercial Markets 26 through 50 and inserting "$13,000"; (9) striking "$7,975" in the Annual Regulatory Fee column for UHF Commercial Markets 51 through 100 and inserting "$7,000"; and (10) striking "$4,975" in the Annual Regulatory Fee column for UHF Commercial Remaining Markets and inserting "$2,000": Provided further, That the Federal Communications Commission shall, not later than 30 days after receipt of a petition by WQED, Pittsburgh, determine, without conducting a rulemaking or other proceeding, whether to amend section 73.606 of Title 471, Code of Federal Regulations, by deleting the asterisk for the channel operating on 482–488 MHz in Pittsburgh, Pennsylvania, based on the public interest, the existing common ownership of two noncommercial broadcasting stations in Pittsburgh, the financial distress of the licensee, and the threat to the public of losing or impairing local public broadcasting service in the area: Provided further, That the Federal Communications Commission may solicit such comments as it deems necessary in making this determination: Provided further, That part of the determination, the Federal Communications Commission shall not be required, notwithstanding any other provision of law, to open the channel to general application, and may determine that the license therefor may be assigned by the licensee, subject to prompt approval of the proposed assignee by the Federal Communications Commission, and that the proceeds of the initial assignment of the license for such channel, or any portion thereof, shall be used solely in furtherance of noncommercial broadcast operations, or for such other purpose as the Federal Communications Commission may determine appropriate.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefore, as authorized by 5 U.S.C. 5901–02; $14,855,000: Provided, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $79,568,000: Provided, That not to exceed $300,000 shall be available for use to contract with a person or persons for collection services in accordance with the terms of 31 U.S.C. 3718, as amended: Provided further, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: Provided further, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $31,306,000, to remain available until expended: Provided further, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: Provided further, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit

Insurance Corporation Improvement Act of 1991 (Public Law 102–242, 105 Stat. 2282–2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission, as authorized by Public Law 94–118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94–118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000, of which $269,400,000 is for basic field programs and required independent audits carried out in accordance with section 509; $1,500,000 is for the Office of the Inspector General, of which such amounts as may be necessary may be used to conduct additional audits of recipients in accordance with section 509 of this Act; and $7,100,000 is for management and administration: Provided, That $198,750,000 of the total amount provided under this heading for basic field programs shall not be available except for the competitive award of grants and contracts under section 503 of this Act.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. (a) Funds appropriated under this Act to the Legal Services Corporation for basic field programs shall be distributed as follows:

(1) The Corporation shall define geographic areas and make the funds available for each geographic area on a per capita basis relative to the number of individuals in poverty determined by the Bureau of the Census to be within the geographic area, except as provided in paragraph (2)(B). Funds for such a geographic area may be distributed by the Corporation to 1 or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)), subject to sections 502 and 504.

(2) Funds for grants from the Corporation, and contracts entered into by the Corporation for basic field programs, shall be allocated so as to provide—

(A) except as provided in subparagraph (B), an equal figure per individual in poverty for all geographic areas, as determined on the basis of the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code (or, in the case of the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands, Alaska, Hawaii, and the United States Virgin Islands, on the basis of the adjusted population counts historically used as the basis for such determinations); and

(B) an additional amount for Native American communities that received assistance under the Legal Services Corporation Act for fiscal year 1995, so that the proportion of the funds appropriated to the Legal Services Corporation for basic field programs for fiscal year 1996 that is received by the Native American communities shall be not less than the proportion of such funds appropriated for fiscal year 1995 that was received by the Native American communities.

(b) As used in this section:

(1) The term "individual in poverty" means an individual who is a member of a family (of 1 or more members) with an income at or below the poverty line.

(2) The term "poverty line" means the poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation to make a grant, or enter into a contract, for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney admitted to practice in a State or the District of Columbia;

(2) a qualified nonprofit organization, chartered under the laws of a State or the District of Columbia, that—

(A) furnishes legal assistance to eligible clients; and

(B) is governed by a board of directors or other governing body, the majority of which is comprised of attorneys who—

(i) are admitted to practice in a State or the District of Columbia; and

(ii) are appointed to terms of office on such board or body by the governing body of a State, county, or municipal bar association, the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act (42 U.S.C. 2996e(a)(1)(A)(ii)); or

(4) a substate regional planning or coordination agency that serves a substate area and whose governing board is controlled by locally elected officials.

SEC. 503. (a)(1) Not later than April 1, 1996, the Legal Services Corporation shall implement a system of competitive awards of grants and contracts for all basic field programs, which shall apply to all such grants and contracts awarded by the Corporation after March 31, 1996, from funds appropriated in this Act.

(2) Any grant or contract awarded before April 1, 1996, by the Legal Services Corporation to a basic field program for 1996—

(A) shall not be for an amount greater than the amount required for the period ending March 31, 1996;

(B) shall terminate at the end of such period; and

(C) shall not be renewable except in accordance with the system implemented under paragraph (1).

(3) The amount of grants and contracts awarded before April 1, 1996, by the Legal Services Corporation for basic field programs for 1996 in any geographic area described in section 501 shall not exceed an amount equal to 3/12 of the total amount to be distributed for such programs for 1996 in such area.

(b) Not later than 60 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process for the recipients of such grants and contracts.

(c) Such regulations shall specify selection criteria for the recipients, which shall include—

(1) a demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving the needs;

(2) the quality, feasibility, and cost effectiveness of a plan submitted by an applicant for the delivery of legal assistance to the eligible clients to be served; and

(3) the experience of the Legal Services Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the record of the applicant of past compliance with Corporation policies, practices, and restrictions.

(d) Such regulations shall ensure that timely notice regarding an opportunity to submit an application for such an award is published in periodicals of local and State bar associations and in at least 1 daily newspaper of general circulation in the area to be served by the person or entity receiving the award.

(e) No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process.

(f) For the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. (a) None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity (which may be referred to in this section as a "recipient")—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or other statement of general applicability and future effect by any Federal, State, or local agency;

(3) that attempts to influence any part of any adjudicatory proceeding of any Federal, State, or local agency if such part of the proceeding is designed for the formulation or modification of any agency policy of general applicability and future effect;

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress or a State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expense, or related expense, associated with an activity prohibited in this section;

(7) that initiates or participates in a class action suit;

(8) that files a complaint or otherwise initiates or participates in litigation against a defendant, or engages in a precomplaint settlement negotiation with a prospective defendant, unless—

(A) each plaintiff has been specifically identified, by name, in any complaint filed for purposes of such litigation or prior to the precomplaint settlement negotiation; and

(B) a statement or statements of facts written in English and, if necessary, in a language that the plaintiffs understand, that enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs, are kept on file by the recipient, and are made available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential *parties to the litigation or the negotiations: Provided further, That other parties to the litigation or negotiation shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;*

(9) unless—

(A) prior to the provision of financial assistance—

(i) if the person or entity is a nonprofit organization, the governing board of the person or entity has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(2)(C)(i)), of the types of matters and cases to which the staff of the nonprofit organization shall devote time and resources; and

(ii) the staff of such person or entity has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with the written procedures of such board for such situations; and

(B) the staff of such person or entity provides to the governing board on a quarterly basis, and to the Corporation on an annual basis, information on all cases or matters undertaken other than cases or matters undertaken in accordance with such priorities;

(10) unless—

(A) prior to receiving the financial assistance, such person or entity agrees to maintain records of time spent on each case or matter with respect to which the person or entity is engaged;

(B) any funds, including Interest on Lawyers Trust Account funds, received from a source other than the Corporation by the person or entity, and disbursements of such funds, are accounted for and reported as receipts and disbursements, respectively, separate and distinct from Corporation funds; and

(C) the person or entity agrees (notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)) to make the records described in this paragraph available to any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and to any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who—

(i) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(ii) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), which application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 (8 U.S.C. 1101 note) applies, but only to the extent that the legal assistance provided is the legal assistance described in such section; or

(F) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity;

(12) that supports or conducts a training program for the purpose of advocating a particular public policy or encouraging a political activity, a labor or antilabor activity, a boycott, picketing, a strike, or a demonstration, including the dissemination of information about such a policy or activity, except that this paragraph shall not be construed to prohibit the provision of training to an attorney or a paralegal to prepare the attorney or paralegal to provide—

(A) adequate legal assistance to eligible clients; or

(B) advice to any eligible client as to the legal rights of the client;

(13) that claims (or whose employee claims), or collects and retains, attorneys' fees pursuant to any Federal or State law permitting or requiring the awarding of such fees;

(14) that participates in any litigation with respect to abortion;

(15) that participates in any litigation on behalf of a person incarcerated in a Federal, State, or local prison;

(16) that initiates legal representation or participates in any other way, in litigation, lobbying, or rulemaking, involving an effort to reform a Federal or State welfare system, except that this paragraph shall not be construed to preclude a recipient from representing an individual eligible client who is seeking specific relief from a welfare agency if such relief does not involve an effort to amend or otherwise challenge existing law in effect on the date of the initiation of the representation;

(17) that defends a person in a proceeding to evict the person from a public housing project if—

(A) the person has been charged with the illegal sale or distribution of a controlled substance; and

(B) the eviction proceeding is brought by a public housing agency because the illegal drug activity of the person threatens the health or safety of another tenant residing in the public housing project or employee of the public housing agency;

(18) unless such person or entity agrees that the person or entity, and the employees of the person or entity, will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action, and will not refer such nonattorney to another person or entity or an employee of the person or entity, that is receiving financial assistance provided by the Corporation; or

(19) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void, and, for such purposes, the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

(b) Nothing in this section shall be construed to prohibit a recipient from using funds from a source other than the Legal Services Corporation for the purpose of contacting, communicating with, or responding to a request from, a State or local government agency, a State or local legislative body or committee, or a member thereof, regarding funding for the recipient, including a pending or proposed legislative or agency proposal to fund such recipient.

(c) Not later than 30 days after the date of enactment of this Act, the Legal Services Corporation shall promulgate a suggested list of priorities that boards of directors may use in setting priorities under subsection (a)(9).

(d)(1) The Legal Services Corporation shall not accept any non-Federal funds, and no recipient shall accept funds from any source other than the Corporation, unless the Corporation or the recipient, as the case may be, notifies in writing the source of the funds that the funds may not be expended for any purpose prohibited by the Legal Services Corporation Act or this title.

(2) Paragraph (1) shall not prevent a recipient from—

(A) receiving Indian tribal funds (including funds from private nonprofit organizations for the benefit of Indians or Indian tribes) and expending the tribal funds in accordance with the specific purposes for which the tribal funds are provided; or

(B) using funds received from a source other than the Legal Services Corporation to provide legal assistance to a covered individual if such funds are used for the specific purposes for which such funds were received, except that such funds may not be expended by recipients for any purpose prohibited by this Act or by the Legal Services Corporation Act.

(e) Nothing in this section shall be construed to prohibit a recipient from using funds derived from a source other than the Legal Services Corporation to comment on public rulemaking or to respond to a written request for information or testimony from a Federal, State or local agency, legislative body or committee, or a member of such an agency, body, or committee, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made.

(f) As used in this section:

(1) The term "controlled substance" has the meaning given the term in section 102 of the Controlled Substances Act (21 U.S.C. 802).

(2) The term "covered individual" means any person who—

(A) except as provided in subparagraph (B), meets the requirements of this Act and the Legal Services Corporation Act relating to eligibility for legal assistance; and

(B) may or may not be financially unable to afford legal assistance.

(3) The term "public housing project" has the meaning as used within, and the term "public housing agency" has the meaning given the term, in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or nonprofit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law. Upon the enactment of such Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

SEC. 508. (a) The requirements of section 504 shall apply to the activities of a recipient described in section 504, or an employee of such a *recipient, during the provision of legal assistance for a case or matter, if the recipient or employee begins to provide the legal assistance on or after the date of enactment of this Act.*

(b) If the recipient or employee began to provide legal assistance for the case or matter prior to the date of enactment of this Act—

(1) each of the requirements of section 504 (other than paragraphs (7), (11), (13), and (15) of subsection (a) of such section) shall, beginning on the date of enactment of this Act, apply to the activities of the recipient or employee during the provision of legal assistance for the case or matter;

(2) the requirements of paragraphs (7), (11), and (15) of section 504(a) shall apply—

(A) beginning on the date of enactment of this Act, to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) beginning August 1, 1996, to all other activities of the recipient or employee during the provision of legal assistance for the case or matter; and

(3) the requirements of paragraph (13) of section 504(a)—

(A) shall apply beginning on the date of enactment of this Act to the activities of the recipient or employee during the provision of legal assistance for any additional related claim for which the recipient or employee begins to provide legal assistance on or after such date; and

(B) shall not apply to all other activities of the recipient or employee during the provision of legal assistance for the case or matter.

(c) The Legal Services Corporation shall, every 60 days, submit to the Committees on Appropriations of the Senate and House of Representatives a report setting forth the status of cases and matters referred to in subsection (b)(2).

SEC. 509. (a) An audit of each person or entity receiving financial assistance from the Legal Services Corporation under this Act (referred to in this section as a "recipient") shall be conducted in accordance with generally accepted government auditing standards and guidance established by the Office of the Inspector General and shall report whether—

(1) the financial statements of the recipient present fairly its financial position and the results of its financial operations in accordance with generally accepted accounting principles;

(2) the recipient has internal control systems to provide reasonable assurance that it is managing funds, regardless of source, in compliance with Federal laws and regulations; and

(3) the recipient has complied with Federal laws and regulations applicable to funds received, regardless of source.

(b) In carrying out the requirements of subsection (a)(3), the auditor shall select and test a representative number of transactions and report all instances of noncompliance to the recipient. The recipient shall report in writing any noncompliance found by the auditor during the audit under this section within 5 business days to the Office of the Inspector General and shall provide a copy of the report simultaneously to the auditor. If the recipient fails to report the noncompliance, the auditor shall report the noncompliance directly to the Office of the Inspector General within 5 business days of the recipient's failure to report. The auditor shall not be liable in a private action for any finding, conclusion, or statement expressed in a report made pursuant to this section.

(c) The audits required under this section shall be provided for by the recipients and performed by independent public accountants. The cost of such audits shall be shared on a pro rata basis among all of the recipient's funding providers and the appropriate share shall be an allowable charge to the Federal funds provided by the Legal Services Corporation. No audit costs may be charged to the Federal funds when the audit required by this section has not been made in accordance with the guidance promulgated by the Office of the Inspector General.

If the recipient fails to have an acceptable audit in accordance with the guidance promulgated by the Office of the Inspector General, the following sanctions shall be available to the Corporation as recommended by the Office of the Inspector General:

(1) the withholding of a percentage of the recipient's funding until the audit is completed satisfactorily.

(2) the suspension of recipient's funding until an acceptable audit is completed.

(d) The Office of the Inspector General may remove, suspend, or bar an independent public accountant, upon a showing of good cause, from performing audit services required by this section. Any such action to remove, suspend, or bar an auditor shall be only after notice to the auditor and an opportunity for hearing. The Office of the Inspector General shall develop and issue rules of practice to implement this paragraph.

(e) Any independent public accountant performing an audit under this section who subsequently ceases to be the accountant for the recipient shall promptly notify the Office of the Inspector General pursuant to such rules as the Office of the Inspector General shall prescribe.

(f) Audits conducted in accordance with this section shall be in lieu of the financial audits otherwise required by section 1009(c) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)).

(g) The Office of the Inspector General is authorized to conduct on-site monitoring, audits, and inspections in accordance with Federal standards.

(h) Notwithstanding section 1006(b)(3) of the Legal Services Corporation Act (42 U.S.C. 2996e(b)(3)), financial records, time records, retainer agreements, client trust fund and eligibility records, and client names, for each recipient shall be made available to any auditor or monitor of the recipient, including any Federal department or agency that is auditing or monitoring the activities of the Corporation or of the recipient, and any independent auditor or monitor receiving Federal funds to conduct such auditing or monitoring, including any auditor or monitor of the Corporation, except for reports or records subject to the attorney-client privilege.

(i) The Legal Services Corporation shall not disclose any name or document referred to in subsection (h), except to—

(1) a Federal, State, or local law enforcement official; or

(2) an official of an appropriate bar association for the purpose of enabling the official to conduct an investigation of a rule of professional conduct.

(j) The recipient management shall be responsible for expeditiously resolving all reported audit reportable conditions, findings, and recommendations, including those of sub-recipients.

(k) The Legal Services Corporation shall—

(1) Follow up on significant reportable conditions, findings, and recommendations found by the independent public accountants and reported to Corporation management by the Office of the Inspector General to ensure that instances of deficiencies and noncompliance are resolved in a timely manner, and

(2) Develop procedures to ensure effective follow-up that meet at a minimum the requirements of Office of Management and Budget Circular Number A-50.

(l) The requirements of this section shall apply to a recipient for its first fiscal year beginning on or after January 1, 1996.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92-522, as amended, $1,190,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98-399, as amended, $350,000: Provided, That this shall be the final Federal payment to the Martin Luther King, Jr. Federal Holiday Commission for operations and necessary closing costs.

OUNCE OF PREVENTION COUNCIL

For activities authorized by sections 30101 and 30102 of Public Law 103-322 (including administrative costs), $1,500,000, to remain available until expended, for the Ounce of Prevention Grant Program: Provided, That the Council may accept and use gifts and donations, both real and personal, for the purpose of aiding or facilitating the authorized activities of the Council, of which not to exceed $5,000 may be used for official reception and representation expenses.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $287,738,000, of which $3,000,000 is for the Office of Economic Analysis, to be headed by the Chief Economist of the Commission, and of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel and transportation to or from such meetings, and (iii) any other related lodging or subsistence: Provided, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of one percentum to one-twenty-ninth of one percentum, and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process: Provided further, That the total amount appropriated for fiscal year 1996 under this heading shall be reduced as such fees are deposited to this appropriation so as to result in a final total fiscal year 1996 appropriation from the General Fund estimated at not more than $103,445,000: Provided further, That any such fees collected in excess of $184,293,000 shall remain available until expended but shall not be available for obligation until October 1, 1996: Provided further, That $1,000,000 of the funds appropriated for the Commission shall be available for the enforcement of the Investment Advisers Act of 1940 in addition to any other appropriated funds designated by the Commission for enforcement of such Act.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $219,190,000: Provided, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: Provided further, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,500,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $4,500,000, and for the cost of guaranteed loans, $156,226,000, as authorized by 15 U.S.C. 631 note, of which $1,216,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That during fiscal year 1996, commitments to guarantee loans under section 503 of the Small Business Investment Act of 1958, as amended, shall not exceed the amount of financings authorized under section 20(n)(2)(B) of the Small Business Act, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $92,622,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $71,578,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 510. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: Provided, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

STATE JUSTICE INSTITUTE

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by The State Justice Institute Authorization Act of 1992 (Public Law 102–572 (106 Stat. 4515–4516)), $5,000,000 to remain available until expended: Provided, That not to exceed $2,500 shall be available for official reception and representation expenses.

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity; (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

SEC. 609. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995, unless the President certifies within 60 days, based upon all information available to the United States Government that the Government of the Socialist Republic of Vietnam is cooperating in full faith with the United States in the following four areas:

(1) Resolving discrepancy cases, live sightings and field activities,

(2) Recovering and repatriating American remains,

(3) Accelerating efforts to provide documents that will help lead to fullest possible accounting of POW/MLA's.

(4) Providing further assistance in implementing trilateral investigations with Laos.

SEC. 610. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the Federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

SEC. 611. None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the Federal prison system—

(1) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(2) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(3) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(4) possession of in-cell coffee pots, hot plates, or heating elements; or

(5) the use or possession of any electric or electronic musical instrument.

SEC. 612. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding and Conversion" may be used to implement sections 603, 604, and 605 of Public Law 102–567.

SEC. 613. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

SEC. 614. (a)(1) Section 5002 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 401 of title 18, United States Code, is amended by striking out the item relating to the Advisory Corrections Council.

(b) This section shall take effect 30 days after the date of the enactment of this Act.

SEC. 615. Any costs incurred by a Department or agency funded under this Act resulting from personnel actions taken in response to funding reductions included in this Act shall be absorbed within the total budgetary resources available to such Department or agency: Provided, That the authority to transfer funds between appropriations accounts as may be necessary to carry out this provision is provided in addition to authorities included elsewhere in this Act: Provided further, That use of funds to carry out this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 616. Notwithstanding section 106 of Public Law 104–91, the general provisions for the Department of Justice that were included in the conference report to accompany H.R. 2076 and were identified in the amendment to Public Law 104–91 made by section 211 of Public Law 104–99 shall continue to remain in effect as enacted into law.

SEC. 617. Upon enactment of this Act, the provisions of section 201(a) of Public Law 104–99 are superseded.

TITLE VII—RESCISSIONS

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

WORKING CAPITAL FUND

(RESCISSION)

Of the unobligated balances available under this heading, $65,000,000 are rescinded.

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

Of the unobligated balances available under this heading, $64,500,000 are rescinded.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

RADIO CONSTRUCTION

(RESCISSION)

Of the unobligated balances available under this heading, $7,400,000 are rescinded.

TITLE VIII—PRISON LITIGATION REFORM

SEC. 801. SHORT TITLE.

This title may be cited as the "Prison Litigation Reform Act of 1995".

SEC. 802. APPROPRIATE REMEDIES FOR PRISON CONDITIONS.

(a) IN GENERAL.—Section 3626 of title 18, United States Code, is amended to read as follows:

"§3626. Appropriate remedies with respect to prison conditions

"(a) REQUIREMENTS FOR RELIEF.—

"(1) PROSPECTIVE RELIEF.—(A) Prospective relief in any civil action with respect to prison conditions shall extend no further than necessary to correct the violation of the Federal right of a particular plaintiff or plaintiffs. The court shall not grant or approve any prospective relief unless the court finds that such relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the relief.

"(B) The court shall not order any prospective relief that requires or permits a government official to exceed his or her authority under State or local law or otherwise violates State or local law, unless—

"(i) Federal law permits such relief to be ordered in violation of State or local law;

"(ii) the relief is necessary to correct the violation of a Federal right; and

"(iii) no other relief will correct the violation of the Federal right.

"(C) Nothing in this section shall be construed to authorize the courts, in exercising their remedial powers, to order the construction of prisons or the raising of taxes, or to repeal or detract from otherwise applicable limitations on the remedial powers of the courts.

"(2) PRELIMINARY INJUNCTIVE RELIEF.—In any civil action with respect to prison conditions, to the extent otherwise authorized by law, the court may enter a temporary restraining order or an order for preliminary injunctive relief. Preliminary injunctive relief must be narrowly drawn, extend no further than necessary to correct the harm the court finds requires preliminary relief, and be the least intrusive means necessary to correct that harm. The court shall give substantial weight to any adverse impact on public safety or the operation of a criminal justice system caused by the preliminary relief and shall respect the principles of comity set out in paragraph (1)(B) in tailoring any preliminary relief. Preliminary injunctive relief shall automatically expire on the date that is 90 days after its entry, unless the court makes the findings required under subsection (a)(1) for the entry of prospective relief and makes the order final before the expiration of the 90-day period.

"(3) PRISONER RELEASE ORDER.—(A) In any civil action with respect to prison conditions, no prisoner release order shall be entered unless—

"(i) a court has previously entered an order for less intrusive relief that has failed to remedy the deprivation of the Federal right sought to be remedied through the prisoner release order; and

"(ii) the defendant has had a reasonable amount of time to comply with the previous court orders.

"(B) In any civil action in Federal court with respect to prison conditions, a prisoner release order shall be entered only by a three-judge court in accordance with section 2284 of title 28, if the requirements of subparagraph (E) have been met.

"(C) A party seeking a prisoner release order in Federal court shall file with any request for such relief, a request for a three-judge court and materials sufficient to demonstrate that the requirements of subparagraph (A) have been met.

"(D) If the requirements under subparagraph (A) have been met, a Federal judge before whom a civil action with respect to prison conditions is pending who believes that a prison release order should be considered may sua sponte request the convening of a three-judge court to determine whether a prisoner release order should be entered.

"(E) The three-judge court shall enter a prisoner release order only if the court finds by clear and convincing evidence that—

"(i) crowding is the primary cause of the violation of a Federal right; and

"(ii) no other relief will remedy the violation of the Federal right.

"(F) Any State or local official or unit of government whose jurisdiction or function includes the appropriation of funds for the construction, operation, or maintenance of program facilities, or the prosecution or custody of persons who may be released from, or not admitted to, a prison as a result of a prisoner release order shall have standing to oppose the imposition or continuation in effect of such relief and to seek termination of such relief, and shall have the right to intervene in any proceeding relating to such relief.

"(b) TERMINATION OF RELIEF.—

"(1) TERMINATION OF PROSPECTIVE RELIEF.—(A) In any civil action with respect to prison conditions in which prospective relief is ordered, such relief shall be terminable upon the motion of any party or intervener—

"(i) 2 years after the date the court granted or approved the prospective relief;

"(ii) 1 year after the date the court has entered an order denying termination of prospective relief under this paragraph; or

"(iii) in the case of an order issued on or before the date of enactment of the Prison Litigation Reform Act, 2 years after such date of enactment.

"(B) Nothing in this section shall prevent the parties from agreeing to terminate or modify relief before the relief is terminated under subparagraph (A).

"(2) IMMEDIATE TERMINATION OF PROSPECTIVE RELIEF.—In any civil action with respect to prison conditions, a defendant or intervener shall be entitled to the immediate termination of any prospective relief if the relief was approved or granted in the absence of a finding by the court that the relief is narrowly drawn, extends no further than necessary to correct the violation of the Federal right, and is the least intrusive means necessary to correct the violation of the Federal right.

"(3) LIMITATION.—Prospective relief shall not terminate if the court makes written findings based on the record that prospective relief remains necessary to correct a current or ongoing violation of the Federal right, extends no further than necessary to correct the violation of the Federal right, and that the prospective relief is narrowly drawn and the least intrusive means to correct the violation.

"(4) TERMINATION OR MODIFICATION OF RELIEF.—Nothing in this section shall prevent any party or intervener from seeking modification or termination before the relief is terminable under paragraph (1) or (2), to the extent that modification or termination would otherwise be legally permissible.

"(c) SETTLEMENTS.—

"(1) CONSENT DECREES.—In any civil action with respect to prison conditions, the court shall not enter or approve a consent decree unless it complies with the limitations on relief set forth in subsection (a).

"(2) PRIVATE SETTLEMENT AGREEMENTS.—(A) Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the limitations on relief set forth in subsection (a), if the terms of that agreement are not subject to court enforcement other than the reinstatement of the civil proceeding that the agreement settled.

"(B) Nothing in this section shall preclude any party claiming that a private settlement agreement has been breached from seeking in State court any remedy available under State law.

"(d) STATE LAW REMEDIES.—The limitations on remedies in this section shall not apply to relief entered by a State court based solely upon claims arising under State law.

"(e) PROCEDURE FOR MOTIONS AFFECTING PROSPECTIVE RELIEF.—

"(1) GENERALLY.—The court shall promptly rule on any motion to modify or terminate prospective relief in a civil action with respect to prison conditions.

"(2) AUTOMATIC STAY.—Any prospective relief subject to a pending motion shall be automatically stayed during the period—

"(A)(i) beginning on the 30th day after such motion is filed, in the case of a motion made under paragraph (1) or (2) of subsection (b); or

"(ii) beginning on the 180th day after such motion is filed, in the case of a motion made under any other law; and

"(B) ending on the date the court enters a final order ruling on the motion.

"(f) SPECIAL MASTERS.—

"(1) IN GENERAL.—(A) In any civil action in a Federal court with respect to prison conditions, the court may appoint a special master who shall be disinterested and objective and who will give due regard to the public safety, to conduct hearings on the record and prepare proposed findings of fact.

"(B) The court shall appoint a special master under this subsection during the remedial phase of the action only upon a finding that the remedial phase will be sufficiently complex to warrant the appointment.

"(2) APPOINTMENT.—(A) If the court determines that the appointment of a special master is necessary, the court shall request that the defendant institution and the plaintiff each submit a list of not more than 5 persons to serve as a special master.

"(B) Each party shall have the opportunity to remove up to 3 persons from the opposing party's list.

"(C) The court shall select the master from the persons remaining on the list after the operation of subparagraph (B).

"(3) INTERLOCUTORY APPEAL.—Any party shall have the right to an interlocutory appeal of the judge's selection of the special master under this subsection, on the ground of partiality.

"(4) COMPENSATION.—The compensation to be allowed to a special master under this section shall be based on an hourly rate not greater than the hourly rate established under section 3006A for payment of court-appointed counsel, plus costs reasonably incurred by the special master. Such compensation and costs shall be paid with funds appropriated to the Judiciary.

"(5) REGULAR REVIEW OF APPOINTMENT.—In any civil action with respect to prison conditions in which a special master is appointed under this subsection, the court shall review the appointment of the special master every 6 months to determine whether the services of the special master continue to be required under paragraph (1). In no event shall the appointment of a special master extend beyond the termination of the relief.

"(6) LIMITATIONS ON POWERS AND DUTIES.—A special master appointed under this subsection—

"(A) may be authorized by a court to conduct hearings and prepare proposed findings of fact, which shall be made on the record;

"(B) shall not make any findings or communications ex parte;

"(C) may be authorized by a court to assist in the development of remedial plans; and

"(D) may be removed at any time, but shall be relieved of the appointment upon the termination of relief.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'consent decree' means any relief entered by the court that is based in whole or in part upon the consent or acquiescence of the parties but does not include private settlements;

"(2) the term 'civil action with respect to prison conditions' means any civil proceeding arising under Federal law with respect to the conditions of confinement or the effects of actions by government officials on the lives of persons confined in prison, but does not include habeas corpus proceedings challenging the fact or duration of confinement in prison;

"(3) the term 'prisoner' means any person subject to incarceration, detention, or admission to any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program;

"(4) the term 'prisoner release order' includes any order, including a temporary restraining order or preliminary injunctive relief, that has the purpose or effect of reducing or limiting the prison population, or that directs the release from or nonadmission of prisoners to a prison;

"(5) the term 'prison' means any Federal, State, or local facility that incarcerates or detains juveniles or adults accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law;

"(6) the term 'private settlement agreement' means an agreement entered into among the parties that is not subject to judicial enforcement other than the reinstatement of the civil proceeding that the agreement settled;

"(7) the term 'prospective relief' means all relief other than compensatory monetary damages;

"(8) the term 'special master' means any person appointed by a Federal court pursuant to Rule 53 of the Federal Rules of Civil Procedure or pursuant to any inherent power of the court to exercise the powers of a master, regardless of the title or description given by the court; and

"(9) the term 'relief' means all relief in any form that may be granted or approved by the court, and includes consent decrees but does not include private settlement agreements.".

(b) APPLICATION OF AMENDMENT.—

(1) IN GENERAL.—Section 3626 of title 18, United States Code, as amended by this section, shall apply with respect to all prospective relief whether such relief was originally granted or approved before, on, or after the date of the enactment of this title.

(2) TECHNICAL AMENDMENT.—Subsections (b) and (d) of section 20409 of the Violent Crime Control and Law Enforcement Act of 1994 are repealed.

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of subchapter C of chapter 229 of title 18, United States Code, is amended to read as follows:

"3626. Appropriate remedies with respect to prison conditions.".

SEC. 803. AMENDMENTS TO CIVIL RIGHTS OF INSTITUTIONALIZED PERSONS ACT.

(a) INITIATION OF CIVIL ACTIONS.—Section 3(c) of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997a(c)) (referred to in this section as the "Act") is amended to read as follows:

"(c) The Attorney General shall personally sign any complaint filed pursuant to this section.".

(b) CERTIFICATION REQUIREMENTS.—Section 4 of the Act (42 U.S.C. 1997b) is amended—

(1) in subsection (a)—

(A) by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by striking "his" and inserting "the Attorney General's"; and

(2) by amending subsection (b) to read as follows:

"(b) The Attorney General shall personally sign any certification made pursuant to this section.".

(c) INTERVENTION IN ACTIONS.—Section 5 of the Act (42 U.S.C. 1997c) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "he" each place it appears and inserting "the Attorney General"; and

(B) by amending paragraph (2) to read as follows:

"(2) The Attorney General shall personally sign any certification made pursuant to this section."; and

(2) by amending subsection (c) to read as follows:

"(c) The Attorney General shall personally sign any motion to intervene made pursuant to this section.".

(d) SUITS BY PRISONERS.—Section 7 of the Act (42 U.S.C. 1997e) is amended to read as follows:

"SEC. 7. SUITS BY PRISONERS.

"(a) APPLICABILITY OF ADMINISTRATIVE REMEDIES.—No action shall be brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted.

"(b) FAILURE OF STATE TO ADOPT OR ADHERE TO ADMINISTRATIVE GRIEVANCE PROCEDURE.—The failure of a State to adopt or adhere to an administrative grievance procedure shall not constitute the basis for an action under section 3 or 5 of this Act.

"(c) DISMISSAL.—(1) The court shall on its own motion or on the motion of a party dismiss any action brought with respect to prison conditions under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility if the court is satisfied that the action is frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief.

"(2) In the event that a claim is, on its face, frivolous, malicious, fails to state a claim upon which relief can be granted, or seeks monetary relief from a defendant who is immune from such relief, the court may dismiss the underlying claim without first requiring the exhaustion of administrative remedies.

"(d) ATTORNEY'S FEES.—(1) In any action brought by a prisoner who is confined to any jail, prison, or other correctional facility, in which attorney's fees are authorized under section 2 of the Revised Statutes of the United States (42 U.S.C. 1988), such fees shall not be awarded, except to the extent that—

"(A) the fee was directly and reasonably incurred in proving an actual violation of the plaintiff's rights protected by a statute pursuant to which a fee may be awarded under section 2 of the Revised Statutes; and

"(B)(i) the amount of the fee is proportionately related to the court ordered relief for the violation; or

"(ii) the fee was directly and reasonably incurred in enforcing the relief ordered for the violation.

"(2) Whenever a monetary judgment is awarded in an action described in paragraph (1), a portion of the judgment (not to exceed 25 percent) shall be applied to satisfy the amount of attorney's fees awarded against the defendant. If the award of attorney's fees is not greater than 150 percent of the judgment, the excess shall be paid by the defendant.

"(3) No award of attorney's fees in an action described in paragraph (1) shall be based on an hourly rate greater than 150 percent of the hourly rate established under section 3006A of title 18, United States Code, for payment of court-appointed counsel.

"(4) Nothing in this subsection shall prohibit a prisoner from entering into an agreement to pay an attorney's fee in an amount greater than the amount authorized under this subsection, if the fee is paid by the individual rather than by the defendant pursuant to section 2 of the Revised Statutes of the United States (42 U.S.C. 1988).

"(e) LIMITATION ON RECOVERY.—No Federal civil action may be brought by a prisoner confined in a jail, prison, or other correctional facility, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

"(f) HEARINGS.—(1) To the extent practicable, in any action brought with respect to prison conditions in Federal court pursuant to section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983), or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility, pretrial proceedings in which the prisoner's participation is required or permitted shall be conducted by telephone, video conference, or other telecommunications technology without removing the prisoner from the facility in which the prisoner is confined.

"(2) Subject to the agreement of the official of the Federal, State, or local unit of government with custody over the prisoner, hearings may be conducted at the facility in which the prisoner is confined. To the extent practicable, the court shall allow counsel to participate by telephone, video conference, or other communications technology in any hearing held at the facility.

"(g) WAIVER OF REPLY.—(1) Any defendant may waive the right to reply to any action brought by a prisoner confined in any jail, prison, or other correctional facility under section 1979 of the Revised Statutes of the United States (42 U.S.C. 1983) or any other Federal law. Notwithstanding any other law or rule of procedure, such waiver shall not constitute an admission of the allegations contained in the complaint. No relief shall be granted to the plaintiff unless a reply has been filed.

"(2) The court may require any defendant to reply to a complaint brought under this section if it finds that the plaintiff has a reasonable opportunity to prevail on the merits.

"(h) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(e) REPORT TO CONGRESS.—Section 8 of the Act (42 U.S.C. 1997f) is amended by striking "his report" and inserting "the report".

(f) NOTICE TO FEDERAL DEPARTMENTS.—Section 10 of the Act (42 U.S.C. 1997h) is amended—

(1) by striking "his action" and inserting "the action"; and

(2) by striking "he is satisfied" and inserting "the Attorney General is satisfied".

SEC. 804. PROCEEDINGS IN FORMA PAUPERIS.

(a) FILING FEES.—Section 1915 of title 28, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "(a) Any" and inserting "(a)(1) Subject to subsection (b), any";

(B) by striking "and costs";

(C) by striking "makes affidavit" and inserting "submits an affidavit that includes a statement of all assets such prisoner possesses";

(D) by striking "such costs" and inserting "such fees";

(E) by striking "he" each place it appears and inserting "the person";

(F) by adding immediately after paragraph (1), the following new paragraph:

"(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined."; and

(G) by striking "An appeal" and inserting "(3) An appeal";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively;

(3) by inserting after subsection (a) the following new subsection:

"(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

"(A) the average monthly deposits to the prisoner's account; or

"(B) the average monthly balance in the prisoner's account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

"(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month's income credited to the prisoner's account. The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds $10 until the filing fees are paid.

"(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

"(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.";

(4) in subsection (c), as redesignated by paragraph (2), by striking "subsection (a) of this section" and inserting "subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)"; and

(5) by amending subsection (e), as redesignated by paragraph (2), to read as follows:

"(e)(1) The court may request an attorney to represent any person unable to afford counsel.

"(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

"(A) the allegation of poverty is untrue; or

"(B) the action or appeal—

"(i) is frivolous or malicious;

"(ii) fails to state a claim on which relief may be granted; or

"(iii) seeks monetary relief against a defendant who is immune from such relief.".

(b) EXCEPTION TO DISCHARGE OF DEBT IN BANKRUPTCY PROCEEDING.—Section 523(a) of title 11, United States Code, is amended—

(1) in paragraph (16), by striking the period at the end and inserting "; or"; and

(2) by adding at the end the following new paragraph:

"(17) for a fee imposed by a court for the filing of a case, motion, complaint, or appeal, or for other costs and expenses assessed with respect to such filing, regardless of an assertion of poverty by the debtor under section 1915 (b) or (f) of title 28, or the debtor's status as a prisoner, as defined in section 1915(h) of title 28.".

(c) COSTS.—Section 1915(f) of title 28, United States Code (as redesignated by subsection (a)(2)), is amended—

(1) by striking "(f) Judgment" and inserting "(f)(1) Judgment";

(2) by striking "cases" and inserting "proceedings"; and

(3) by adding at the end the following new paragraph:

"(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

"(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

"(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.".

(d) SUCCESSIVE CLAIMS.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.".

(e) DEFINITION.—Section 1915 of title 28, United States Code, is amended by adding at the end the following new subsection:

"(h) As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

SEC. 805. JUDICIAL SCREENING.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by inserting after section 1915 the following new section:

"§1915A. Screening

"(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

"(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

"(1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or

"(2) seeks monetary relief from a defendant who is immune from such relief.

"(c) DEFINITION.—As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1915 the following new item:

"1915A. Screening.".

SEC. 806. FEDERAL TORT CLAIMS.

Section 1346(b) of title 28, United States Code, is amended—

(1) by striking "(b)" and inserting "(b)(1)"; and

(2) by adding at the end the following:

"(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.".

SEC. 807. PAYMENT OF DAMAGE AWARD IN SATISFACTION OF PENDING RESTITUTION ORDERS.

Any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, shall be paid directly to satisfy any outstanding restitution orders pending against the prisoner. The remainder of any such award after full payment of all pending restitution orders shall be forwarded to the prisoner.

SEC. 808. NOTICE TO CRIME VICTIMS OF PENDING DAMAGE AWARD.

Prior to payment of any compensatory damages awarded to a prisoner in connection with a civil action brought against any Federal, State, or local jail, prison, or correctional facility or against any official or agent of such jail, prison, or correctional facility, reasonable efforts shall be made to notify the victims of the crime for which the prisoner was convicted and incarcerated concerning the pending payment of any such compensatory damages.

SEC. 809. EARNED RELEASE CREDIT OR GOOD TIME CREDIT REVOCATION.

(a) IN GENERAL.—Chapter 123 of title 28, United States Code, is amended by adding at the end the following new section:

"§1932. Revocation of earned release credit

"In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

"(1) the claim was filed for a malicious purpose;

"(2) the claim was filed solely to harass the party against which it was filed; or

"(3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.".

(b) TECHNICAL AMENDMENT.—The analysis for chapter 123 of title 28, United States Code, is amended by inserting after the item relating to section 1931 the following:

"1932. Revocation of earned release credit.".

(c) AMENDMENT OF SECTION 3624 OF TITLE 18.—Section 3624(b) of title 18, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking the first sentence;

(B) in the second sentence—

(i) by striking "A prisoner" and inserting "Subject to paragraph (2), a prisoner";

(ii) by striking "for a crime of violence,"; and

(iii) by striking "such";

(C) in the third sentence, by striking "If the Bureau" and inserting "Subject to paragraph (2), if the Bureau";

(D) by striking the fourth sentence and inserting the following: "In awarding credit under this section, the Bureau shall consider whether the prisoner, during the relevant period, has earned, or is making satisfactory progress toward earning, a high school diploma or an equivalent degree."; and

(E) in the sixth sentence, by striking "Credit for the last" and inserting "Subject to paragraph (2), credit for the last"; and

(2) by amending paragraph (2) to read as follows:

"(2) Notwithstanding any other law, credit awarded under this subsection after the date of enactment of the Prison Litigation Reform Act shall vest on the date the prisoner is released from custody.".

SEC. 810. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this title, the amendments made by this title, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996.".

(b) For programs, projects or activities in the District of Columbia Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT MAKING APPROPRIATIONS FOR THE GOVERNMENT OF THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES CHARGEABLE IN WHOLE OR IN PART AGAINST THE REVENUES OF SAID DISTRICT FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996, AND FOR OTHER PURPOSES.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA

For payment to the District of Columbia for the fiscal year ending September 30, 1996, $660,000,000, as authorized by section 502(a) of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–3406.1).

FEDERAL CONTRIBUTION TO RETIREMENT FUNDS

For the Federal contribution to the Police Officers and Fire Fighters', Teachers', and Judges' Retirement Funds, as authorized by the District of Columbia Retirement Reform Act, approved November 17, 1979 (93 Stat. 866; Public Law 96–122), $52,070,000.

DIVISION OF EXPENSES

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided.

GOVERNMENTAL DIRECTION AND SUPPORT

Governmental direction and support, $149,130,000 and 1,498 full-time equivalent positions (end of year) (including $117,464,000 and 1,158 full-time equivalent positions from local funds, $2,464,000 and 5 full-time equivalent positions from Federal funds, $4,474,000 and 71 full-time equivalent positions from other funds, and $24,728,000 and 264 full-time equivalent positions from intra-District funds): Provided, That not to exceed $2,500 for the Mayor, $2,500 for the Chairman of the Council of the District of Columbia, and $2,500 for the City Administrator shall be available from this appropriation for expenditures for official purposes: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally-generated revenues: Provided further, That $29,500,000 is for pay-as-you-go capital projects of which $1,500,000 shall be for a capital needs assessment study, and $28,000,000 shall be for a new financial management system, if so determined following the evaluation and review process subsequently described in this paragraph, of which $2,000,000 shall be used to develop a needs analysis and assessment of the existing financial management environment, and the remaining $26,000,000 shall be used to procure the necessary hardware and installation of new software, conversion, testing and training: Provided further, That the $26,000,000 shall not be obligated or expended until: (1) the District of Columbia Financial Responsibility and Management Assistance Authority submits a report to the Committees on Appropriations of the House and the Senate, the Committee on Governmental Reform and Oversight of the House, and the Committee on Governmental Affairs of the Senate reporting the results of a needs analysis and assessment of the existing financial management environment, specifying the deficiencies in, and recommending necessary improvements to or replacement of the District's financial management system including a detailed explanation of each recommendation and its estimated cost; and (2) 30 days lapse after receipt of the report by Congress: Provided further, That the District of Columbia government shall enter into negotiations with Gallaudet University to transfer, at a fair market value rate, Hamilton School from the District of Columbia to Gallaudet University with the proceeds, if such a sale takes place, deposited into the general fund of the District and used to improve public school facilities in the same ward as the Hamilton School.

ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, $140,983,000 and 1,692 full-time equivalent positions (end-of-year) (including $68,203,000 and 698 full-time equivalent positions from local funds, $38,792,000 and 509 full-time equivalent positions from Federal funds, $17,658,000 and 258 full-time equivalent positions from other funds, and $16,330,000 and 227 full-time equivalent positions from intra-District funds): Provided, That the District of Columbia Housing Finance Agency, established by section 201 of the District of Columbia Housing Finance Agency Act, effective March 3, 1979 (D.C. Law 2–135; D.C. Code, sec. 45–2111), based upon its capability of repayments as determined each year by the Council of the District of Columbia from the Housing Finance Agency's annual audited financial statements to the Council of the District of Columbia, shall repay to the general fund an amount equal to the appropriated administrative costs plus interest at a rate of four percent per annum for a term of 15 years, with a deferral of payments for the first three years: Provided further, That notwithstanding the foregoing provision, the obligation to repay all or part of the amounts due shall be subject to the rights of the owners of any bonds or notes issued by the Housing Finance Agency and shall be repaid to the District of Columbia government only from available operating revenues of the Housing Finance Agency that are in excess of the amounts required for debt service, reserve funds, and operating expenses: Provided further, That upon commencement of the debt service payments, such payments shall be deposited into the general fund of the District of Columbia.

PUBLIC SAFETY AND JUSTICE

Public safety and justice, including purchase of 135 passenger-carrying vehicles for replacement only, including 130 for police-type use and five for fire-type use, without regard to the general purchase price limitation for the current fiscal year, $963,848,000 and 11,544 full-time equivalent positions (end-of-year) (including $940,631,000 and 11,365 full-time equivalent positions from local funds, $8,942,000 and 70 full-time equivalent positions from Federal funds, $5,160,000 and 4 full-time equivalent positions from other funds, and $9,115,000 and 105 full-time equivalent positions from intra-District funds): Provided, That the Metropolitan Police Department is authorized to replace not to exceed 25 passenger-carrying vehicles and the Fire Department of the District of Columbia is authorized to replace not to exceed five passenger-

carrying vehicles annually whenever the cost of repair to any damaged vehicle exceeds three-fourths of the cost of the replacement: Provided further, That not to exceed $500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Metropolitan Police Department shall provide quarterly reports to the Committees on Appropriations of the House and Senate on efforts to increase efficiency and improve the professionalism in the department: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86–45, issued March 18, 1986, the Metropolitan Police Department's delegated small purchase authority shall be $500,000: Provided further, That the District of Columbia government may not require the Metropolitan Police Department to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed $500,000: Provided further, That $250,000 is used for the Georgetown Summer Detail; $200,000 is used for East of the River Detail; $100,000 is used for Adams Morgan Detail; and $100,000 is used for the Capitol Hill Summer Detail: Provided further, That the Metropolitan Police Department shall employ an authorized level of sworn officers not to be less than 3,800 sworn officers for the fiscal year ending September 30, 1996: Provided further, That funds appropriated for expenses under the District of Columbia Criminal Justice Act, approved September 3, 1974 (88 Stat. 1090; Public Law 93–412; D.C. Code, sec. 11–2601 et seq.), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1975: Provided further, That funds appropriated for expenses under the District of Columbia Neglect Representation Equity Act of 1984, effective March 13, 1985 (D.C. Law 5–129; D.C. Code, sec. 16–2304), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in the fiscal year 1985: Provided further, That funds appropriated for expenses under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986, effective February 27, 1987 (D.C. Law 6–204; D.C. Code, sec. 21–2060), for the fiscal year ending September 30, 1996, shall be available for obligations incurred under the Act in each fiscal year since inception in fiscal year 1989: Provided further, That not to exceed $1,500 for the Chief Judge of the District of Columbia Court of Appeals, $1,500 for the Chief Judge of the Superior Court of the District of Columbia, and $1,500 for the Executive Officer of the District of Columbia Courts shall be available from this appropriation for official purposes: Provided further, That the District of Columbia shall operate and maintain a free, 24-hour telephone information service whereby residents of the area surrounding Lorton prison in Fairfax County, Virginia, can promptly obtain information from District of Columbia government officials on all disturbances at the prison, including escapes, riots, and similar incidents: Provided further, That the District of Columbia government shall also take steps to publicize the availability of the 24-hour telephone information service among the residents of the area surrounding the Lorton prison: Provided further, That not to exceed $100,000 of this appropriation shall be used to reimburse Fairfax County, Virginia, and Prince William County, Virginia, for expenses incurred by the counties during the fiscal year ending September 30, 1996, in relation to the Lorton prison complex: Provided further, That such reimbursements shall be paid in all instances in which the District requests the counties to provide police, fire, rescue, and related services to help deal with escapes, fires, riots, and similar disturbances involving the prison: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

Public Education System

Public education system, including the development of national defense education programs, $795,201,000 and 11,670 full-time equivalent positions (end-of-year) (including $676,251,000 and 9,996 full-time equivalent positions from local funds, $87,385,000 and 1,227 full-time equivalent positions from Federal funds, $21,719,000 and 234 full-time equivalent positions from other funds, and $9,846,000 and 213 full-time equivalent positions from intra-District funds), to be allocated as follows: $580,996,000 and 10,167 full-time equivalent positions (including $498,310,000 and 9,014 full-time equivalent positions from local funds, $75,786,000 and 1,058 full-time equivalent positions from Federal funds, $4,343,000 and 44 full-time equivalent positions from other funds, and $2,557,000 and 51 full-time equivalent positions from intra-District funds), for the public schools of the District of Columbia; $111,800,000 (including $111,000,000 from local funds and $800,000 from intra-District funds) shall be allocated for the District of Columbia Teachers' Retirement Fund; $79,396,000 and 1,079 full-time equivalent positions (including $45,377,000 and 572 full-time equivalent positions from local funds, $10,611,000 and 156 full-time equivalent positions from Federal funds, $16,922,000 and 189 full-time equivalent positions from other funds, and $6,486,000 and 162 full-time equivalent positions from intra-District funds) for the University of the District of Columbia; $20,742,000 and 415 full-time equivalent positions (including $19,839,000 and 408 full-time equivalent positions from local funds, $446,000 and 6 full-time equivalent positions from Federal funds, $454,000 and 1 full-time equivalent position from other funds, and $3,000 from intra-District funds) for the Public Library; $2,267,000 and 9 full-time equivalent positions (including $1,725,000 and 2 full-time equivalent positions from local funds and $542,000 and 7 full-time equivalent positions from Federal funds) for the Commission on the Arts and Humanities: Provided, That the public schools of the District of Columbia are authorized to accept not to exceed 31 motor vehicles for exclusive use in the driver education program: Provided further, That not to exceed $2,500 for the Superintendent of Schools, $2,500 for the President of the University of the District of Columbia, and $2,000 for the Public Librarian shall be available from this appropriation for expenditures for official purposes: Provided further, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 1996, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

Human Support Services

Human support services, $1,855,014,000 and 6,469 full-time equivalent positions (end-of-year) (including $1,076,856,000 and 3,650 full-time equivalent positions from local funds, $726,685,000 and 2,639 full-time equivalent positions from Federal funds, $46,799,000 and 66 full-time equivalent positions from other funds, and $4,674,000 and 114 full-time equivalent positions from intra-District funds): Provided, That $26,000,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That the District shall not provide free government services such as water, sewer, solid waste disposal or collection, utilities, maintenance, repairs, or similar services to any legally constituted private nonprofit organization (as defined in section 411(5) of Public Law 100–77, approved July 22, 1987) providing emergency shelter services in the District, if the District would not be qualified to receive reimbursement pursuant to the Stewart B. McKinney Homeless Assistance Act, approved July 22, 1987 (101 Stat. 485; Public Law 100–77; 42 U.S.C. 11301 et seq.).

Public Works

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and purchase of passenger-carrying vehicles for replacement only, $297,568,000 and 1,914 full-time equivalent positions (end-of-year) (including $225,915,000 and 1,158 full-time equivalent positions from local funds, $2,682,000 and 32 full-time equivalent positions from Federal funds, $18,342,000 and 68 full-time equivalent positions from other funds, and $50,629,000 and 656 full-time equivalent positions from intra-District funds): Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

Washington Convention Center Fund Transfer Payment

For payment to the Washington Convention Center Enterprise Fund, $5,400,000 from local funds.

Repayment of Loans and Interest

For reimbursement to the United States of funds loaned in compliance with An Act to provide for the establishment of a modern, adequate, and efficient hospital center in the District of Columbia, approved August 7, 1946 (60 Stat. 896; Public Law 79–648); section 1 of An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; D.C. Code, sec. 9–219); section 4 of An Act to authorize the Commissioners of the District of Columbia to plan, construct, operate, and maintain a sanitary sewer to connect the Dulles International Airport with the District of Columbia system, approved June 12, 1960 (74 Stat. 211; Public Law 86–515); sections 723 and 743(f) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973, as amended (87 Stat. 821; Public Law 93–198; D.C. Code, sec. 47–321, note; 91 Stat. 1156; Public Law 95–131; D.C. Code, sec. 9–219, note), including interest as required thereby, $327,787,000 from local funds.

Repayment of General Fund Recovery Debt

For the purpose of eliminating the $331,589,000 general fund accumulated deficit as of September 30, 1990, $38,678,000 from local funds, as authorized by section 461(a) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973, as amended (105 Stat. 540; Public Law 102–106; D.C. Code, sec. 47–321(a)).

Payment of Interest on Short-Term Borrowing

For payment of interest on short-term borrowing, $9,698,000 from local funds.

Pay Renegotiation or Reduction in Compensation

The Mayor shall reduce appropriations and expenditures for personal services in the amount of $46,409,000, by decreasing rates of compensation for District government employees; such decreased rates are to be realized from employees who are subject to collective bargaining agreements to the extent possible through the renegotiation of existing collective bargaining agreements: Provided, That, if a sufficient reduction from employees who are subject to collective bargaining agreements is not realized through renegotiating existing agreements, the Mayor shall decrease rates of compensation for such employees, notwithstanding the provisions of any collective bargaining agreements: Provided further, That the Congress hereby ratifies and approves legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year: Provided further, That notwithstanding any other provision of law, the legislation enacted by the Council of the District of Columbia during fiscal year 1995 to reduce the compensation and benefits of all employees of the District of Columbia government during that fiscal year shall be deemed to have been ratified and approved by the Congress during fiscal year 1995.

Rainy Day Fund

For mandatory unavoidable expenditures within one or several of the various appropriation headings of this Act, to be allocated to the budgets for personal services and nonpersonal services as requested by the Mayor and approved by the Council pursuant to the procedures in section 4 of the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–363), $4,563,000 from local funds: Provided, That the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and the Senate quarterly reports by the 15th day of the month following the end of the quarter showing how monies provided under this fund are expended with a final report providing a full accounting of the fund due October 15, 1996 or not later than 15 days after the last amount remaining in the fund is disbursed.

Incentive Buyout Program

For the purpose of funding costs associated with the incentive buyout program, to be apportioned by the Mayor of the District of Columbia within the various appropriation headings in this Act from which costs are properly payable, $19,000,000.

Outplacement Services

For the purpose of funding outplacement services for employees who leave the District of Columbia government involuntarily, $1,500,000.

Boards and Commissions

The Mayor shall reduce appropriations and expenditures for boards and commissions under the various headings in this title in the amount of $500,000: Provided, That this provision shall not apply to any board or commission established under title II of this Act.

Government Re-Engineering Program

The Mayor shall reduce appropriations and expenditures for personal and nonpersonal services in the amount of $16,000,000 within one or several of the various appropriation headings in this Title.

Capital Outlay

(INCLUDING RESCISSIONS)

For construction projects, $168,222,000 (including $82,850,000 from local funds and $85,372,000 from Federal funds), as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, secs. 43–1512 through 43–1519); the District of Columbia Public Works Act of 1954, approved May 18, 1954 (68 Stat. 101; Public Law 83–364); An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City, approved June 6, 1958 (72 Stat. 183; Public Law 85–451; including acquisition of sites, preparation of plans and specifications, conducting preliminary surveys, erection of structures, including building improvement and alteration and treatment of grounds, to remain available until expended: Provided, That $105,660,000 from local funds appropriated under this heading in prior fiscal years is rescinded: Provided further, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That notwithstanding the foregoing, all authorizations for capital outlay projects, except those projects covered by the first sentence of section 23(a) of the Federal-Aid Highway Act of 1968, approved August 23, 1968 (82 Stat. 827; Public Law 90–495; D.C. Code, sec. 7–134, note), for which funds are provided by this appropriation title, shall expire on September 30, 1997, except authorizations for projects as to which funds have been obligated in whole or in part prior to September 30, 1997: Provided further, That upon expiration of any such project authorization the funds provided herein for the project shall lapse.

Water and Sewer Enterprise Fund

For the Water and Sewer Enterprise Fund, $242,253,000 and 1,024 full-time equivalent positions (end-of-year) (including $237,076,000 and 924 full-time equivalent positions from local funds, $433,000 from other funds, and $4,744,000 and 100 full-time equivalent positions from intra-District funds), of which $41,036,000 shall be apportioned and payable to the debt service fund for repayment of loans and interest incurred for capital improvement projects.

For construction projects, $39,477,000 from Federal funds, as authorized by An Act authorizing the laying of water mains and service sewers in the District of Columbia, the levying of assessments therefor, and for other purposes, approved April 22, 1904 (33 Stat. 244; Public Law 58–140; D.C. Code, sec. 43–1512 et seq.): Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation title shall apply to projects approved under this appropriation title.

Lottery and Charitable Games Enterprise Fund

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act for the fiscal year ending September 30, 1982, approved December 4, 1981 (95 Stat. 1174, 1175; Public Law 97–91), as amended, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia, effective March 10, 1981 (D.C. Law 3–172; D.C. Code, secs. 2–2501 et seq. and 22–1516 et seq.), $229,950,000 and 88 full-time equivalent positions (end-of-year) (including $7,950,000 and 88 full-time equivalent positions for administrative expenses and $222,000,000 for non-administrative expenses from revenue generated by the Lottery Board), to be derived from non-Federal District of Columbia revenues: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally-generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board.

Cable Television Enterprise Fund

For the Cable Television Enterprise Fund, established by the Cable Television Communications Act of 1981, effective October 22, 1983 (D.C. Law 5–36; D.C. Code, sec. 43–1801 et seq.), $2,351,000 and 8 full-time equivalent positions (end-of-year) (including $2,019,000 and 8 full-time equivalent positions from local funds and $332,000 from other funds), of which $572,000 shall be transferred to the general fund of the District of Columbia.

Starplex Fund

For the Starplex Fund, $6,580,000 from other funds for the expenses incurred by the Armory Board in the exercise of its powers granted by An Act To Establish A District of Columbia Armory Board, and for other purposes, approved June 4, 1948 (62 Stat. 339; D.C. Code, sec. 2–301 et seq.) and the District of Columbia Stadium Act of 1957, approved September 7, 1957 (71 Stat. 619; Public Law 85–300; D.C. Code, sec. 2–321 et seq.): Provided, That the Mayor shall submit a budget for the Armory Board for the forthcoming fiscal year as required by section 442(b) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 824; Public Law 93–198; D.C. Code, sec. 47–301(b)).

D.C. General Hospital

For the District of Columbia General Hospital, established by Reorganization Order No. 57 of the Board of Commissioners, effective August 15, 1953, $115,034,000, of which $56,735,000 shall be derived by transfer as intra-District funds from the general fund, $52,684,000 is to be derived from the other funds, and $5,615,000 is to be derived from intra-District funds.

D.C. Retirement Board

For the D.C. Retirement Board, established by section 121 of the District of Columbia Retirement Reform Act of 1989, approved November 17, 1989 (93 Stat. 866; D.C. Code, sec. 1–711), $13,440,000 and 11 full-time equivalent positions (end-of-year) from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an item accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

Correctional Industries Fund

For the Correctional Industries Fund, established by the District of Columbia Correctional Industries Establishment Act, approved October 3, 1964 (78 Stat. 1000; Public Law 88–622), $10,516,000 and 66 full-time equivalent positions (end-of-year) (including $3,415,000 and 22 full-time equivalent positions from other funds and $7,101,000 and 44 full-time equivalent positions from intra-District funds).

Washington Convention Center Enterprise Fund

For the Washington Convention Center Enterprise Fund, $37,957,000, of which $5,400,000 shall be derived by transfer from the general fund.

District of Columbia Financial Responsibility and Management Assistance Authority

For the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), $3,500,000.

Personal and Nonpersonal Services Adjustments

Notwithstanding any other provision of law, the Chief Financial Officer established under section 302 of Public Law 104–8, approved April 17, 1995 (109 Stat. 142) shall, on behalf of the Mayor, adjust appropriations and expenditures for personal and nonpersonal services, together with the related full-time equivalent positions, in accordance with the direction of the District of Columbia Financial Responsibility and Management Assistance Authority such that there is a net reduction of $150,907,000, within or among one or several of the various appropriation headings in this Title, pursuant to section 208 of Public Law 104–8, approved April 17, 1995 (109 Stat. 134).

General Provisions

SEC. 101. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 102. Except as otherwise provided in this Act, all vouchers covering expenditures of appropriations contained in this Act shall be audited before payment by the designated certifying official and the vouchers as approved shall be paid by checks issued by the designated disbursing official.

SEC. 103. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 104. Appropriations in this Act shall be available, when authorized by the Mayor, for allowances for privately owned automobiles and motorcycles used for the performance of official duties at rates established by the Mayor: Provided, That such rates shall not exceed the maximum prevailing rates for such vehicles as prescribed in the Federal Property Management Regulations 101–7 (Federal Travel Regulations).

SEC. 105. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That the Council of the District of Columbia and the District of Columbia Courts may expend such funds without authorization by the Mayor.

SEC. 106. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of judgments that have been entered against the District of Columbia government: Provided, That nothing contained in this section shall be construed as modifying or affecting the provisions of section 11(c)(3) of title XII of the District of Columbia Income and Franchise Tax Act of 1947, approved March 31, 1956 (70 Stat. 78; Public Law 84–460; D.C. Code, sec. 47–1812.11(c)(3)).

SEC. 107. Appropriations in this Act shall be available for the payment of public assistance without reference to the requirement of section 544 of the District of Columbia Public Assistance Act of 1982, effective April 6, 1982 (D.C. Law 4–101; D.C. Code, sec. 3–205.44), and for the non-Federal share of funds necessary to qualify for Federal assistance under the Juvenile Delinquency Prevention and Control Act of 1968, approved July 31, 1968 (82 Stat. 462; Public Law 90–445, 42 U.S.C. 3801 et seq.).

SEC. 108. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 109. No funds appropriated in this Act for the District of Columbia government for the operation of educational institutions, the compensation of personnel, or for other educational purposes may be used to permit, encourage, facilitate, or further partisan political activities. Nothing herein is intended to prohibit the availability of school buildings for the use of any community or partisan political group during non-school hours.

SEC. 110. The annual budget for the District of Columbia government for the fiscal year ending September 30, 1997, shall be transmitted to the Congress no later than April 15, 1996 or as provided for under the provisions of Public Law 104–8, approved April 17, 1995.

SEC. 111. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, salary, past work experience, and salary history are not available for inspection by the House and Senate Committees on Appropriations, the House Committee on Government Reform and Oversight, District of Columbia Subcommittee, the Subcommittee on Oversight of Government Management, of the Senate Committee on Governmental Affairs, and the Council of the District of Columbia, or their duly authorized representative: Provided, That none of the funds contained in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name and salary are not available for public inspection.

SEC. 112. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making payments authorized by the District of Columbia Revenue Recovery Act of 1977, effective September 23, 1977 (D.C. Law 2–20; D.C. Code, sec. 47–421 et seq.).

SEC. 113. No part of this appropriation shall be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 114. At the start of the fiscal year, the Mayor shall develop an annual plan, by quarter and by project, for capital outlay borrowings: Provided, That within a reasonable time after the close of each quarter, the Mayor shall report to the Council of the District of Columbia and the Congress the actual borrowings and spending progress compared with projections.

SEC. 115. The Mayor shall not borrow any funds for capital projects unless the Mayor has obtained prior approval from the Council of the District of Columbia, by resolution, identifying the projects and amounts to be financed with such borrowings.

SEC. 116. The Mayor shall not expend any moneys borrowed for capital projects for the operating expenses of the District of Columbia government.

SEC. 117. None of the funds appropriated by this Act may be obligated or expended by reprogramming except pursuant to advance approval of the reprogramming granted according to the procedure set forth in the Joint Explanatory Statement of the Committee of Conference (House Report No. 96–443), which accompanied the District of Columbia Appropriation Act, 1980, approved October 30, 1979 (93 Stat. 713; Public Law 96–93), as modified in House Report No. 98–265, and in accordance with the Reprogramming Policy Act of 1980, effective September 16, 1980 (D.C. Law 3–100; D.C. Code, sec. 47–361 et seq.): Provided, That for the fiscal year ending September 30, 1996 the above shall apply except as modified by Public Law 104–8.

SEC. 118. None of the Federal funds provided in this Act shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of the District of Columbia.

SEC. 119. None of the Federal Funds provided in this Act shall be obligated or expended to procure passenger automobiles as defined in the Automobile Fuel Efficiency Act of 1980, approved October 10, 1980 (94 Stat. 1824; Public Law 96–425; 15 U.S.C. 2001(2)), with an Environmental Protection Agency estimated miles per gallon average of less than 22 miles per gallon: Provided, That this section shall not apply to security, emergency rescue, or armored vehicles.

SEC. 120. (a) Notwithstanding section 422(7) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(7)), the City Administrator shall be paid, during any fiscal year, a salary at a rate established by the Mayor, not to exceed the rate established for level IV of the Executive Schedule under 5 U.S.C. 5315.

(b) For purposes of applying any provision of law limiting the availability of funds for payment of salary or pay in any fiscal year, the highest rate of pay established by the Mayor under subsection (a) of this section for any position for any period during the last quarter of calendar year 1995 shall be deemed to be the rate of pay payable for that position for September 30, 1995.

(c) Notwithstanding section 4(a) of the District of Columbia Redevelopment Act of 1945, approved August 2, 1946 (60 Stat. 793; Public Law 79–592; D.C. Code, sec. 5–803(a)), the Board of Directors of the District of Columbia Redevelopment Land Agency shall be paid, during any fiscal year, per diem compensation at a rate established by the Mayor.

SEC. 121. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), enacted pursuant to section 422(3) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5 of the United States Code.

SEC. 122. The Director of the Department of Administrative Services may pay rentals and repair, alter, and improve rented premises, without regard to the provisions of section 322 of the

Economy Act of 1932 (Public Law 72–212; 40 U.S.C. 278a), upon a determination by the Director, that by reason of circumstances set forth in such determination, the payment of these rents and the execution of this work, without reference to the limitations of section 322, is advantageous to the District in terms of economy, efficiency, and the District's best interest.

SEC. 123. No later than 30 days after the end of the first quarter of the fiscal year ending September 30, 1996, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia the new fiscal year 1996 revenue estimates as of the end of the first quarter of fiscal year 1996. These estimates shall be used in the budget request for the fiscal year ending September 30, 1997. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 124. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6–85; D.C. Code, sec. 1–1183.3), except that the District of Columbia Public Schools may renew or extend sole source contracts for which competition is not feasible or practical, provided that the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated Board of Education rules and procedures.

SEC. 125. For purposes of the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended, the term "program, project, and activity" shall be synonymous with and refer specifically to each account appropriating Federal funds in this Act, and any sequestration order shall be applied to each of the accounts rather than to the aggregate total of those accounts: Provided, That sequestration orders shall not be applied to any account that is specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 126. In the event a sequestration order is issued pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037: Public Law 99–177), as amended, after the amounts appropriated to the District of Columbia for the fiscal year involved have been paid to the District of Columbia, the Mayor of the District of Columbia shall pay to the Secretary of the Treasury, within 15 days after receipt of a request therefor from the Secretary of the Treasury, such amounts as are sequestered by the order: Provided, That the sequestration percentage specified in the order shall be applied proportionately to each of the Federal appropriation accounts in this Act that are not specifically exempted from sequestration by the Balanced Budget and Emergency Deficit Control Act of 1985, approved December 12, 1985 (99 Stat. 1037; Public Law 99–177), as amended.

SEC. 127. For the fiscal year ending September 30, 1996, the District of Columbia shall pay interest on its quarterly payments to the United States that are made more than 60 days from the date of receipt of an itemized statement from the Federal Bureau of Prisons of amounts due for housing District of Columbia convicts in Federal penitentiaries for the preceding quarter.

SEC. 128. Nothing in this Act shall be construed to authorize any office, agency or entity to expend funds for programs or functions for which a reorganization plan is required but has not been approved by the Council pursuant to section 422(12) of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 790; Public Law 93–198; D.C. Code, sec. 1–242(12)) and the Governmental Reorganization Procedures Act of 1981, effective October 17, 1981 (D.C. Law 4–42; D.C. Code, sec. 1–299.1 to 1–299.7). Appropriations made by this Act for such programs or functions are conditioned on the approval by the Council, prior to October 1, 1995, of the required reorganization plans.

SEC. 129. (a) An entity of the District of Columbia government may accept and use a gift or donation during fiscal year 1996 if—

(1) the Mayor approves the acceptance and use of the gift or donation: Provided, That the Council of the District of Columbia may accept and use gifts without prior approval by the Mayor; and

(2) the entity uses the gift or donation to carry out its authorized functions or duties.

(b) Each entity of the District of Columbia government shall keep accurate and detailed records of the acceptance and use of any gift or donation under subsection (a) of this section, and shall make such records available for audit and public inspection.

(c) For the purposes of this section, the term "entity of the District of Columbia government" includes an independent agency of the District of Columbia.

(d) This section shall not apply to the District of Columbia Board of Education, which may, pursuant to the laws and regulations of the District of Columbia, accept and use gifts to the public schools without prior approval by the Mayor.

SEC. 130. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979, effective March 10, 1981 (D.C. Law 3–171; D.C. Code, sec. 1–113(d)).

PROHIBITION AGAINST USE OF FUNDS FOR ABORTIONS

SEC. 131. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

PROHIBITION ON DOMESTIC PARTNERS ACT

SEC. 132. No funds made available pursuant to any provision of this Act shall be used to implement or enforce any system of registration of unmarried, cohabiting couples whether they are homosexual, lesbian, or heterosexual, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples; nor shall any funds made available pursuant to any provision of this Act otherwise be used to implement or enforce D.C. Act 9–188, signed by the Mayor of the District of Columbia on April 15, 1992.

COMPENSATION FOR THE COMMISSION ON JUDICIAL DISABILITIES AND TENURE AND FOR THE JUDICIAL NOMINATION COMMISSION

SEC. 133. Sections 431(f) and 433(b)(5) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; Public Law 93–198; D.C. Code, secs. 11–1524 and title 11, App. 433), are amended to read as follows:

(a) Section 431(f) (D.C. Code, sec. 11–1524) is amended to read as follows:

"(f) Members of the Tenure Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

(b) Section 433(b)(5) (title 11, App. 433) is amended to read as follows:

"(5) Members of the Commission shall serve without compensation for services rendered in connection with their official duties on the Commission.".

MULTIYEAR CONTRACTS

SEC. 134. Section 451 of the District of Columbia Self-Government and Governmental Reorganization Act of 1973, approved December 24, 1973 (87 Stat. 803; Public Law 93–198; D.C. Code, sec. 1–1130), is amended by adding a new subsection (c) to read as follows:

"(c)(1) The District may enter into multiyear contracts to obtain goods and services for which funds would otherwise be available for obligation only within the fiscal year for which appropriated.

"(2) If the funds are not made available for the continuation of such a contract into a subsequent fiscal year, the contract shall be cancelled or terminated, and the cost of cancellation or termination may be paid from—

"(A) appropriations originally available for the performance of the contract concerned;

"(B) appropriations currently available for procurement of the type of acquisition covered by the contract, and not otherwise obligated; or

"(C) funds appropriated for those payments.

"(3) No contract entered into under this section shall be valid unless the Mayor submits the contract to the Council for its approval and the Council approves the contract (in accordance with criteria established by act of the Council). The Council shall be required to take affirmative action to approve the contract within 45 days. If no action is taken to approve the contract within 45 calendar days, the contract shall be deemed disapproved.".

CALCULATED REAL PROPERTY TAX RATE RESCISSION AND REAL PROPERTY TAX FREEZE

SEC. 135. The District of Columbia Real Property Tax Revision Act of 1974, approved September 3, 1974 (88 Stat. 1051; D.C. Code, sec. 47–801 et seq.), is amended as follows:

(1) Section 412 (D.C. Code, sec. 47–812) is amended as follows:

(A) Subsection (a) is amended by striking the third and fourth sentences and inserting the following sentences in their place: "If the Council does extend the time for establishing the rates of taxation on real property, it must establish those rates for the tax year by permanent legislation. If the Council does not establish the rates of taxation of real property by October 15, and does not extend the time for establishing rates, the rates of taxation applied for the prior year shall be the rates of taxation applied during the tax year.".

(B) A new subsection (a–2) is added to read as follows:

"(a–2) Notwithstanding the provisions of subsection (a) of this section, the real property tax rates for taxable real property in the District of Columbia for the tax year beginning October 1, 1995, and ending September 30, 1996, shall be the same rates in effect for the tax year beginning October 1, 1993, and ending September 30, 1994.".

(2) Section 413(c) (D.C. Code, sec. 47–815(c)) is repealed.

PRISONS INDUSTRIES

SEC. 136. Title 18 U.S.C. 1761(b) is amended by striking the period at the end and inserting the phrase "or not-for-profit organizations." in its place.

REPORTS ON REDUCTIONS

SEC. 137. Within 120 days of the effective date of this Act, the Mayor shall submit to the Congress and the Council a report delineating the actions taken by the executive to effect the directives of the Council in this Act, including—

(1) negotiations with representatives of collective bargaining units to reduce employee compensation;

(2) actions to restructure existing long-term city debt;

(3) actions to apportion the spending reductions anticipated by the directives of this Act to the executive for unallocated reductions; and

(4) a list of any position that is backfilled including description, title, and salary of the position.

Monthly Reporting Requirements—Board of Education

Sec. 138. The Board of Education shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, agency reporting code, and object class, and for all funds, including captial financing.

(2) a breakdown of FTE positions and staff for the most current pay period broken out on the basis of control center, responsibility center, and agency reporting code within each responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and agency reporting code, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center, responsibility center, and agency reporting code; and contract identifying codes used by the D.C. Public Schools; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogrammming requests and reports that are required to be, and have been submitted to the Board of Education; and

(6) changes made in the last month to the organizational structure of the D.C. Public Schools, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Monthly Reporting Requirements

University of the District of Columbia

Sec. 139. The University of the District of Columbia shall submit to the Congress, Mayor, and Council of the District of Columbia no later than fifteen (15) calendar days after the end of each month a report that sets forth—

(1) current month expenditures and obligations, year-to-date expenditures and obligations, and total fiscal year expenditure projections vs. budget broken out on the basis of control center, responsibility center, and object class, and for all funds, including capital financing;

(2) a breakdown of FTE positions and all employees for the most current pay period broken out on the basis of control center, responsibility center, for all funds, including capital funds;

(3) a list of each account for which spending is frozen and the amount of funds frozen, broken out by control center, responsibility center, detailed object, and for all funding sources;

(4) a list of all active contracts in excess of $10,000 annually, which contains; the name of each contractor; the budget to which the contract is charged broken out on the basis of control center and responsibility center, and contract identifying codes used by the University of the District of Columbia; payments made in the last month and year-to-date, the total amount of the contract and total payments made for the contract and any modifications, extensions, renewals; and specific modifications made to each contract in the last month;

(5) all reprogramming requests and reports that have been made by the University of the District of Columbia within the last month in compliance with applicable law; and

(6) changes in the last month to the organizational structure of the University of the District of Columbia, displaying previous and current control centers and responsibility centers, the names of the organizational entities that have been changed, the name of the staff member supervising each entity affected, and the reasons for the structural change.

Annual Reporting Requirements

Sec. 140. (a) The Board of Education of the District of Columbia and the University of the District of Columbia shall annually compile an accurate and verifiable report on the positions and employees in the public school system and the university, respectively. The annual report shall set forth—

(1) the number of validated schedule A positions in the District of Columbia Public Schools and the University of the District of Columbia for fiscal year 1995, fiscal year 1996, and thereafter on full-time equivalent basis, including a compilation of all positions by control center, responsibility center, funding source, position type, position title, pay plan, grade, and annual salary; and

(2) a compilation of all employees in the District of Columbia Public Schools and the University of the District of Columbia as of the preceding December 31, verified as to its accuracy in accordance with the functions that each employee actually performs, by control center, responsibility center, agency reporting code, program (including funding source), activity, location for accounting purposes, job title, grade and classification, annual salary, and position control number.

(b) Submission. The annual report required by subsection (a) shall be submitted to the Congress, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, not later than May 1, 1996, and each February 15 thereafter.

Annual Budgets and Budget Revisions

Sec. 141. (a) Not later than October 1, 1995, or within 15 calendar days after the date of the enactment of the District of Columbia Appropriations Act, 1996, whichever occurs later, and each succeeding year, the Board of Education and the University of the District of Columbia shall submit to the appropriate congressional committees, the Mayor, the District of Columbia Council, the Consensus Commission, and the Authority, a revised appropriated funds operating budget for the public school system and the University of the District of Columbia for such fiscal year that is in the total amount of the approved appropriation and that realigns budgeted data for personal services and other-than-personal services, respectively, with anticipated actual expenditures.

(b) The revised budget required by subsection (a) of this section shall be submitted in the format of the budget that the Board of Education and the University of the District of Columbia submit to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia pursuant to section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301).

Budget Approval

Sec. 142. The Board of Education, the Board of Trustees of the University of the District of Columbia, the Board of Library Trustees, and the Board of Governors of the D.C. School of Law shall vote on and approve their respective annual or revised budgets before submission to the Mayor of the District of Columbia for inclusion in the Mayor's budget submission to the Council of the District of Columbia in accordance with section 442 of the District of Columbia Self-Government and Governmental Reorganization Act, Public Law 93–198, as amended (D.C. Code, sec. 47–301), or before submitting their respective budgets directly to the Council.

Public School Employee Evaluations

Sec. 143. Notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public Schools employees shall be a non-negotiable item for collective bargaining purposes.

Position Vacancies

Sec. 144. (a) No agency, including an independent agency, shall fill a position wholly funded by appropriations authorized by this Act, which is vacant on October 1, 1995, or becomes vacant between October 1, 1995, and September 30, 1996, unless the Mayor or independent agency submits a proposed resolution of intent to fill the vacant position to the Council. The Council shall be required to take affirmative action on the Mayor's resolution within 30 legislative days. If the Council does not affirmatively approve the resolution within 30 legislative days, the resolution shall be deemed disapproved.

(b) No reduction in the number of full-time equivalent positions or reduction-in-force due to privatization or contracting out shall occur if the District of Columbia Financial Responsibility and Management Assistance Authority, established by section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, approved April 17, 1995 (109 Stat. 97; Public Law 104–8), disallows the full-time equivalent position reduction provided in this act in meeting the maximum ceiling of 35,984 for the fiscal year ending September 30, 1996.

(c) This section shall not prohibit the appropriate personnel authority from filling a vacant position with a District government employee currently occupying a position that is funded with appropriated funds.

(d) This section shall not apply to local school-based teachers, school-based officers, or school-based teachers' aides; or court personnel covered by title 11 of the D.C. Code, except chapter 23.

Modifications of Board of Education Reduction-in-Force Procedures

Sec. 145. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, (D.C. Code, sec. 1–601.1 et seq.) is amended—

(1) in section 301 (D.C. Code, sec. 1.603.1)—

(A) by inserting after paragraph (13), the following new paragraph:

"(13A) The term 'nonschool-based personnel' means any employee of the District of Columbia public schools who is not based at a local school or who does not provide direct services to individual students."; and

(B) by inserting after paragraph (15), the following new paragraph:

"(15A) The term 'school administrators' means principals, assistant principals, school program directors, coordinators, instructional supervisors, and support personnel of the District of Columbia public schools.";

(2) in section 801A(b)(2) (D.C. Code, sec. 1–609.1(b)(2)(L)—

(A) by striking "(L) reduction-in-force" and inserting "(L)(i) reduction-in-force"; and

(B) by inserting after subparagraph (L)(i), the following new clause:

"(ii) Notwithstanding any other provision of law, the Board of Education shall not issue rules that require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers;"; and

(3) in section 2402 (D.C. Code, sec. 1–625.2), by adding at the end the following new subsection:

"(f) Notwithstanding any other provision of law, the Board of Education shall not require or permit nonschool-based personnel or school administrators to be assigned or reassigned to the same competitive level as classroom teachers.".

SEC. 146. (a) Notwithstanding any other provision of law, rule, or regulation, an employee of the District of Columbia Public Schools shall be—

(1) classified as an Educational Service employee;

(2) placed under the personnel authority of the Board of Education; and

(3) subject to all Board of Education rules.

(b) School-based personnel shall constitute a separate competitive area from nonschool-based personnel who shall not compete with school-based personnel for retention purposes.

SEC. 147. None of the funds provided in this Act may be used directly or indirectly for the renovation of the property located at 227 7th Street Southeast (commonly known as Eastern Market), except that funds provided in this Act may be used for the regular maintenance and upkeep of the current structure and grounds located at such property.

CAPITAL PROJECT EMPLOYEES

SEC. 148. (a) Not later than 15 days after the end of every fiscal quarter (beginning October 1, 1995), the Mayor shall submit to the Council of the District of Columbia, the District of Columbia Financial Responsibility and Management Assistance Authority, and the Committees on Appropriations of the House of Representatives and the Senate a report with respect to the employees on the capital project budget for the previous quarter.

(b) Each report submitted pursuant to subsection (a) of this section shall include the following information—

(1) a list of all employees by position, title, grade and step;

(2) a job description, including the capital project for which each employee is working;

(3) the date that each employee began working on the capital project and the ending date that each employee completed or is projected to complete work on the capital project; and

(4) a detailed explanation justifying why each employee is being paid with capital funds.

MODIFICATION OF REDUCTION-IN-FORCE PROCEDURES

SEC. 149. The District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2–139; D.C. Code, sec. 1–601.1 et seq.), is amended as follows:

(a) Section 2401 (D.C. Code, sec. 1–625.1) is amended by amending the third sentence to read as follows: "A personnel authority may establish lesser competitive areas within an agency on the basis of all or a clearly identifiable segment of an agency's mission or a division or major subdivision of an agency.".

(b) A new section 2406 is added to read as follows:

"SEC. 2406. Abolishment of positions for Fiscal Year 1996.

"(a) Notwithstanding any other provision of law, regulation, or collective bargaining agreement either in effect or to be negotiated while this legislation is in effect for the fiscal year ending September 30, 1996, each agency head is authorized, within the agency head's discretion, to identify positions for abolishment.

"(b) Prior to August 1, 1996, each personnel authority shall make a final determination that a position within the personnel authority is to be abolished.

"(c) Notwithstanding any rights or procedures established by any other provision of this title, any District government employee, regardless of date of hire, who encumbers a position identified for abolishment shall be separated without competition or assignment rights, except as provided in this section.

"(d) An employee affected by the abolishment of a position pursuant to this section who, but for this section would be entitled to compete for retention, shall be entitled to 1 round of lateral competition pursuant to Chapter 24 of the District of Columbia Personnel Manual, which shall be limited to positions in the employee's competitive level.

"(e) Each employee who is a bona fide resident of the District of Columbia shall have added 5 years to his or her creditable service for reduction-in-force purposes. For purposes of this subsection only, a nonresident District employee who was hired by the District government prior to January 1, 1980, and has not had a break in service since that date, or a former employee of the U.S. Department of Health and Human Services at Saint Elizabeths Hospital who accepted employment with the District government on October 1, 1987, and has not had a break in service since that date, shall be considered a District resident.

"(f) Each employee selected for separation pursuant to this section shall be given written notice of at least 30 days before the effective date of his or her separation.

"(g) Neither the establishment of a competitive area smaller than an agency, nor the determination that a specific position is to be abolished, nor separation pursuant to this section shall be subject to review except as follows—

"(1) an employee may file a complaint contesting a determination or a separation pursuant to title XV of this Act or section 303 of the Human Rights Act of 1977, effective December 13, 1977 (D.C. Law 2–38; D.C. Code, sec. 1–2543); and

"(2) an employee may file with the Office of Employee Appeals an appeal contesting that the separation procedures of subsections (d) and (f) of this section were not properly applied.

"(h) An employee separated pursuant to this section shall be entitled to severance pay in accordance with title XI of this Act, except that the following shall be included in computing creditable service for severance pay for employees separated pursuant to this section—

"(1) four years for an employee who qualified for veteran's preference under this act, and

"(2) three years for an employee who qualified for residency preference under this act.

"(i) Separation pursuant to this section shall not affect an employee's rights under either the Agency Reemployment Priority Program or the Displaced Employee Program established pursuant to Chapter 24 of the District Personnel Manual.

"(j) The Mayor shall submit to the Council a listing of all positions to be abolished by agency and responsibility center by March 1, 1996, or upon the delivery of termination notices to individual employees.

"(k) Notwithstanding the provisions of section 1708 or section 2402(d), the provisions of this act shall not be deemed negotiable.

"(l) A personnel authority shall cause a 30-day termination notice to be served, no later than September 1, 1996, on any incumbent employee remaining in any position identified to be abolished pursuant to subsection (b) of this section".

OPERATING EXPENSES AND GRANTS

SEC. 150. (a) CEILING ON TOTAL OPERATING EXPENSES.—Notwithstanding any other provision of law, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 1996 under the caption "Division of Expenses" shall not exceed $4,994,000,000 of which $165,339,000 shall be from intra-District funds.

(b) ACCEPTANCE AND USE OF GRANTS NOT INCLUDED IN CEILING.—

(1) IN GENERAL.—Notwithstanding subsection (a), the Mayor of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(2) REQUIREMENT OF CHIEF FINANCIAL OFFICER REPORT AND FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE AUTHORITY APPROVAL.—No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to paragraph (1) until—

(A) the Chief Financial Officer of the District submits to the District of Columbia Financial Responsibility and Management Assistance Authority established by Public Law 104–8 (109 Stat. 97) a report setting forth detailed information regarding such grant; and

(B) the District of Columbia Financial Responsibility and Management Assistance Authority has reviewed and approved the acceptance, obligation, and expenditure of such grant in accordance with review and approval procedures consistent with the provisions of Public Law 104–8.

(3) PROHIBITION ON SPENDING IN ANTICIPATION OF APPROVAL OR RECEIPT.—No amount may be obligated or expended from the general fund or other funds of the District government in anticipation of the approval or receipt of a grant under paragraph (2)(B) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such paragraph.

(4) MONTHLY REPORTS.—The Chief Financial Officer of the District shall prepare a monthly report setting forth detailed information regarding all Federal, private, and other grants subject to this subsection. Each such report shall be submitted to the Council of the District of Columbia, and to the Committees on Appropriations of the House of Representatives and the Senate, not later than 15 days after the end of the month covered by the report.

DEVELOPMENT OF PLANS REGARDING DISTRICT OF COLUMBIA CORRECTIONS

SEC. 151. (a) PLAN FOR SHORT-TERM IMPROVEMENTS.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a plan for short-term improvements in the administration of the District of Columbia Department of Corrections (hereafter referred to as the "Department") and the administration and physical plant of the Lorton Correctional Complex (hereafter referred to as the "Complex") which may be initiated during a period not to exceed 5 months.

(2) CONTENTS OF PLAN.—The plan developed under paragraph (1) shall address the following issues:

(A) The reorganization of the central office of the Department, including the consolidation of units and the redeployment of personnel.

(B) The establishment of a centralized inmate classification unit.

(C) The implementation of a revised classification system for sentenced inmates.

(D) The development of a projection for the number of inmates under the authority of the Department over a 10-year period.

(E) The improvement of Department security operations.

(F) Capital improvements.

(G) The preparation of a methodology for developing and assessing options for the long-term

status of the Complex and the Department (consistent with the requirements for the development of plans under subsection (b)).

(H) Other appropriate miscellaneous issues.

(3) SUBMISSION OF PLAN.—Upon completing the plan under paragraph (1) (but in no event later than September 30, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

(b) OPTIONAL PLANS FOR LONG-TERM TREATMENT OF COMPLEX.—

(1) IN GENERAL.—Not later than July 1, 1996, the National Institute of Corrections (acting for and on behalf of the District of Columbia) shall enter into an agreement with a private contractor to develop a series of alternative plans regarding the long-term status of the Complex and the future operations of the Department, including the following:

(A) A separate plan under which the Complex will be closed and inmates transferred to new facilities constructed and operated by private entities.

(B) A separate plan under which the Complex will remain in operation under the management of the District of Columbia subject to such modifications as the District considers appropriate.

(C) A separate plan under which the Federal government will operate the Complex and inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners.

(D) A separate plan under which the Complex will be operated under private management.

(E) Such other plans as the District of Columbia consider appropriate.

(2) REQUIREMENTS FOR PLANS.—Each of the alternative plans developed under paragraph (1) shall meet the following requirements:

(A) The plan shall provide for an appropriate transition period for implementation (not to exceed 5 years) to begin January 1, 1997.

(B) The plan shall specify the extent to which the Department will utilize alternative and cost-effective management methods, including the use of private management and vendors for the operation of the facilities and activities of the Department, including (where appropriate) the Complex.

(C) The plan shall include an implementation schedule specifying timetables for the completion of all significant activities, including site selection for new facilities, design, financing, construction, recruitment and hiring of personnel, training, adoption of new policies and procedures, and the establishment of essential administrative organizational structures to carry out the plan.

(D) In determining the bed capacity required for the Department through 2002, the plan shall use the population projections developed under the plan under subsection (a).

(E) The plan shall identify any Federal or District legislation which is required to be enacted, and any District regulations, policies, or procedures which are required to be adopted, in order for the plan to take effect.

(F) The plan shall take into account any court orders and consent decrees in effect with respect to the Department and shall describe how the plan will enable the District to comply with such orders and decrees.

(G) The plan shall include estimates of the operating and capital expenses for the Department for each year of the plan's transition period, together with the primary assumptions underlying such estimates.

(H) The plan shall require the Mayor of the District of Columbia to submit a semi-annual report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority describing the actions taken by the District under the plan, and in addition shall require the Mayor to regularly report to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority on all measures taken under the plan as soon as such measures are taken.

(I) For each year for which the plan is in effect, the plan shall be consistent with the financial plan and budget for the District of Columbia for the year under subtitle A of title II of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(3) SUBMISSION OF PLAN.—Upon completing the development of the alternative plans under paragraph (1) (but in no event later than December 31, 1996), the National Institute of Corrections shall submit the plan to the Mayor of the District of Columbia, the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

CHIEF FINANCIAL OFFICER POWERS

SEC. 152. Notwithstanding any other provision of law, for the fiscal years ending September 30, 1996 and September 30, 1997—

(a) the heads and all personnel of the following offices, together with all other District of Columbia executive branch accounting, budget, and financial management personnel, shall be appointed by, shall serve at the pleasure of, and shall act under the direction and control of the Chief Financial Officer:

The Office of the Treasurer.
The Controller of the District of Columbia.
The Office of the Budget.
The Office of Financial Information Services.
The Department of Finance and Revenue.

The District of Columbia Financial Responsibility and Management Assistance Authority established pursuant to Public Law 104–8, approved April 17, 1995, may remove such individuals from office for cause, after consultation with the Mayor and the Chief Financial Officer.

(b) the Chief Financial Officer shall prepare and submit to the Mayor, for inclusion in the annual budget of the District of Columbia under part D of title IV of the District of Columbia Self-Government and Governmental Reorganization Act of 1993, approved December 24, 1973 (87 Stat. 774; Public Law 93–198), as amended, for fiscal years 1996, 1997 and 1998, annual estimates of the expenditures and appropriations necessary for the operation of the Office of the Chief Financial Officer for the year. All such estimates shall be forwarded by the Mayor to the Council of the District of Columbia for its action pursuant to sections 446 and 603(c) of such Act, without revision but subject to recommendations. Notwithstanding any other provisions of such Act, the Council may comment or make recommendations concerning such estimates, but shall have no authority to revise such estimates.

TECHNICAL CORRECTIONS TO FINANCIAL RESPONSIBILITY AND MANAGEMENT ASSISTANCE ACT

SEC. 153. (a) REQUIRING GSA TO PROVIDE SUPPORT SERVICES.—Section 103(f) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 is amended by striking "may provide" and inserting "shall promptly provide".

(b) AVAILABILITY OF CERTAIN FEDERAL BENEFITS FOR INDIVIDUALS WHO BECOME EMPLOYED BY THE AUTHORITY.—

(1) FORMER FEDERAL EMPLOYEES.—Subsection (e) of section 102 of such Act is amended to read as follows:

"(e) PRESERVATION OF RETIREMENT AND CERTAIN OTHER RIGHTS OF FEDERAL EMPLOYEES WHO BECOME EMPLOYED BY THE AUTHORITY.—

"(1) IN GENERAL.—Any Federal employee who becomes employed by the Authority—

"(A) may elect, for the purposes set forth in paragraph (2)(A), to be treated, for so long as that individual remains continuously employed by the Authority, as if such individual had not separated from service with the Federal Government, subject to paragraph (3); and

"(B) shall, if such employee subsequently becomes reemployed by the Federal Government, be entitled to have such individual's service with the Authority treated, for purposes of determining the appropriate leave accrual rate, as if it had been service with the Federal Government.

"(2) EFFECT OF AN ELECTION.—An election made by an individual under the provisions of paragraph (1)(A)—

"(A) shall qualify such individual for the treatment described in such provisions for purposes of—

"(i) chapter 83 or 84 of title 5, United States Code, as appropriate (relating to retirement), including the Thrift Savings Plan;

"(ii) chapter 87 of such title (relating to life insurance); and

"(iii) chapter 89 of such title (relating to health insurance); and

"(B) shall disqualify such individual, while such election remains in effect, from participating in the programs offered by the government of the District of Columbia (if any) corresponding to the respective programs referred to in subparagraph (A).

"(3) CONDITIONS FOR AN ELECTION TO BE EFFECTIVE.—An election made by an individual under paragraph (1)(A) shall be ineffective unless—

"(A) it is made before such individual separates from service with the Federal Government; and

"(B) such individual's service with the Authority commences within 3 days after so separating (not counting any holiday observed by the government of the District of Columbia).

"(4) CONTRIBUTIONS.—If an individual makes an election under paragraph (1)(A), the Authority shall, in accordance with applicable provisions of law referred to in paragraph (2)(A), be responsible for making the same deductions from pay and the same agency contributions as would be required if it were a Federal agency.

"(5) REGULATIONS.—Any regulations necessary to carry out this subsection shall be prescribed in consultation with the Authority by—

"(A) the Office of Personnel Management, to the extent that any program administered by the office is involved;

"(B) the appropriate office or agency of the government of the District of Columbia, to the extent that any program administered by such office or agency is involved; and

"(C) the Executive Director referred to in section 8474 of title 5, United States Code, to the extent that the Thrift Savings Plan is involved.".

(2) OTHER INDIVIDUALS.—Section 102 of such Act is further amended by adding at the end the following:

"(f) FEDERAL BENEFITS FOR OTHERS.—

"(1) IN GENERAL.—The Office of Personnel Management, in conjunction with each corresponding office or agency of the government of the District of Columbia and in consultation with the Authority, shall prescribe regulations under which any individual who becomes employed by the Authority (under circumstances other than as described in subsection (e)) may elect either—

"(A) to be deemed a Federal employee for purposes of the programs referred to in subsection (e)(2)(A) (i)–(iii); or

"(B) to participate in 1 or more of the corresponding programs offered by the government of the District of Columbia.

"(2) EFFECT OF AN ELECTION.—An individual who elects the option under subparagraph (A)

or (B) of paragraph (1) shall be disqualified, while such election remains in effect, from participating in any of the programs referred to in the other such subparagraph.

"(3) DEFINITION OF 'CORRESPONDING OFFICE OR AGENCY'.—For purposes of paragraph (1), the term 'corresponding office or agency of the government of the District of Columbia' means, with respect to any program administered by the Office of Personnel Management, the office or agency responsible for administering the corresponding program (if any) offered by the government of the District of Columbia.

"(4) THRIFT SAVINGS PLAN.—To the extent that the Thrift Savings Plan is involved, the preceding provisions of this subsection shall be applied by substituting 'the Executive Director referred to in section 8474 of title 5, United States Code' for 'the Office of Personnel Management'.".

(3) Effective date; additional election for former federal employees serving on date of enactment; election for employees appointed during interim period.—

(A) EFFECTIVE DATE.—Not later than 6 months after the date of enactment of this Act, there shall be prescribed in consultation with the Authority (and take effect)—

(i) regulations to carry out the amendments made by this subsection; and

(ii) any other regulations necessary to carry out this subsection.

(B) ADDITIONAL ELECTION FOR FORMER FEDERAL EMPLOYEES SERVING ON DATE OF ENACTMENT.—

(i) IN GENERAL.—Any former Federal employee employed by the Authority on the effective date of the regulations referred to in subparagraph (A)(i) may, within such period as may be provided for under those regulations, make an election similar, to the maximum extent practicable, to the election provided for under section 102(e) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995, as amended by this subsection. Such regulations shall be prescribed jointly by the Office of Personnel Management and each corresponding office or agency of the government of the District of Columbia (in the same manner as provided for in section 102(f) of such Act, as so amended).

(ii) EXCEPTION.—An election under this subparagraph may not be made by any individual who—

(I) is not then participating in a retirement system for Federal employees (disregarding Social Security); or

(II) is then participating in any program of the government of the District of Columbia referred to in section 102(e)(2)(B) of such Act (as so amended).

(C) ELECTION FOR EMPLOYEES APPOINTED DURING INTERIM PERIOD.—

(i) FROM THE FEDERAL GOVERNMENT.—Subsection (e) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as last in effect before the date of enactment of this Act) shall be deemed to have remained in effect for purposes of any Federal employee who becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on such date of enactment and ending on the day before the effective date of the regulations prescribed to carry out subparagraph (B).

(ii) OTHER INDIVIDUALS.—The regulations prescribed to carry out subsection (f) of section 102 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (as amended by this subsection) shall include provisions under which an election under such subsection shall be available to any individual who—

(I) becomes employed by the District of Columbia Financial Responsibility and Management Assistance Authority during the period beginning on the date of enactment of this Act and ending on the day before the effective date of such regulations;

(II) would have been eligible to make an election under such regulations had those regulations been in effect when such individual became so employed; and

(III) is not then participating in any program of the government of the District of Columbia referred to in subsection (f)(1)(B) of such section 102 (as so amended).

(c) EXEMPTION FROM LIABILITY FOR CLAIMS FOR AUTHORITY EMPLOYEES.—Section 104 of such Act is amended—

(1) by striking "the Authority and its members" and inserting "the Authority, its members, and its employees"; and

(2) by striking "the District of Columbia" and inserting "the Authority or its members or employees or the District of Columbia".

(d) PERMITTING REVIEW OF EMERGENCY LEGISLATION.—Section 203(a)(3) of such Act is amended by striking subparagraph (C).

ESTABLISHMENT OF EXCLUSIVE ACCOUNTS FOR BLUE PLAINS ACTIVITIES

SEC. 154. (a) OPERATION AND MAINTENANCE ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund the Operation and Maintenance Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to waste water treatment user charges;

(B) paid by users jurisdictions for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(C) appropriated or otherwise provided for the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the Operation and Maintenance Account shall be used solely for funding the operation and maintenance of the Blue Plains Wastewater Treatment Facility and related waste water treatment works and may not be obligated or expended for any other purpose, and may be used for related debt service and capital costs if such funds are not attributable to user charges assessed for purposes of section 204(b)(1) of the Federal Water Pollution Control Act.

(b) EPA GRANT ACCOUNT.—

(1) CONTENTS OF ACCOUNT.—There is hereby established within the Water and Sewer Enterprise Fund and EPA Grant Account, consisting of all funds paid to the District of Columbia on or after the date of the enactment of this Act which are—

(A) attributable to grants from the Environmental Protection Agency for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works; or

(B) appropriated or otherwise provided for construction at the Blue Plains Wastewater Treatment Facility and related waste water treatment works.

(2) USE OF FUNDS IN ACCOUNT.—Funds in the EPA Grant Account shall be used solely for the purposes specified under the terms of the grants and appropriations involved, and may not be obligated or expended for any other purpose.

POLICE AND FIRE FIGHTER DISABILITY RETIREMENTS

SEC. 155. (a) Up to 50 police officers and up to 50 Fire and Emergency Medical Services members with less than 20 years of departmental service who were hired before February 14, 1980, and who retire on disability before the end of calendar year 1996 shall be excluded from the computation of the rate of disability retirements under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (93 Stat. 882; D.C. Code, sec. 1–725(a)), for purposes of reducing the authorized Federal payment to the District of Columbia Police Officers and Fire Fighters' Retirement Fund pursuant to subsection 145(c) of the District of Columbia Retirement Reform Act of 1979.

(b) The Mayor, within 30 days after the enactment of this provision, shall engage an enrolled actuary, to be paid by the District of Columbia Retirement Board, and shall comply with the requirements of section 142(d) and section 144(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979; D.C. Code, secs. 1–722(d) and 1–724(d)).

(c) This section shall not go into effect until 15 days after the Mayor transmits the actuarial report required by section 142(d) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122, approved November 17, 1979) to the D.C. Retirement Board, the Speaker of the House of Representatives, and the President pro tempore of the Senate.

CONVEYANCE OF CERTAIN PROPERTY TO ARCHITECT OF THE CAPITOL

SEC. 156. Pursuant to section 1(b)(2) of Public Law 98–340 and in accordance with the agreement entered into between the Architect of the Capitol and the District of Columbia pursuant to such Act (as executed on September 28, 1984), not later than 30 days after the date of the enactment of this Act the District of Columbia shall convey without consideration by general warranty deed to the Architect of the Capitol on behalf of the United States all right, title, and interest of the District of Columbia in the real property (including improvements and appurtenances thereon) within the area known as "D.C. Village" and described in Attachment A of the agreement.

This title may be cited as the "District of Columbia Appropriations Act, 1996".

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

SEC. 2001. SHORT TITLE.

This title may be cited as the "District of Columbia School Reform Act of 1995".

SEC. 2002. DEFINITIONS.

Except as otherwise provided, for purposes of this title:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate;

(B) the Committee on Economic and Educational Opportunities of the House of Representatives and the Committee on Labor and Human Resources of the Senate; and

(C) the Committee on Government Reform and Oversight of the House of Representatives and the Committee on Governmental Affairs of the Senate.

(2) AUTHORITY.—The term "Authority" means the District of Columbia Financial Responsibility and Management Assistance Authority established under section 101(a) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (Public Law 104–8).

(3) AVERAGE DAILY ATTENDANCE.—The term "average daily attendance" means the aggregate attendance of students of the school during the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(4) AVERAGE DAILY MEMBERSHIP.—The term "average daily membership" means the aggregate enrollment of students of the school during

the period divided by the number of days during the period in which—

(A) the school is in session; and

(B) the students of the school are under the guidance and direction of teachers.

(5) BOARD OF EDUCATION.—The term "Board of Education" means the Board of Education of the District of Columbia.

(6) BOARD OF TRUSTEES.—The term "Board of Trustees" means the governing board of a public charter school, the members of which are selected pursuant to the charter granted to the school and in a manner consistent with this title.

(7) CONSENSUS COMMISSION.—The term "Consensus Commission" means the Commission on Consensus Reform in the District of Columbia public schools established under subtitle H.

(8) CORE CURRICULUM.—The term "core curriculum" means the concepts, factual knowledge, and skills that students in the District of Columbia should learn in kindergarten through grade 12 in academic content areas, including, at a minimum, English, mathematics, science, and history.

(9) DISTRICT OF COLUMBIA COUNCIL.—The term "District of Columbia Council" means the Council of the District of Columbia established pursuant to section 401 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1–221).

(10) DISTRICT OF COLUMBIA GOVERNMENT.—

(A) IN GENERAL.—The term "District of Columbia Government" means the government of the District of Columbia, including—

(i) any department, agency, or instrumentality of the government of the District of Columbia;

(ii) any independent agency of the District of Columbia established under part F of title IV of the District of Columbia Self-Government and Governmental Reorganization Act;

(iii) any other agency, board, or commission established by the Mayor or the District of Columbia Council;

(iv) the courts of the District of Columbia;

(v) the District of Columbia Council; and

(vi) any other agency, public authority, or public nonprofit corporation that has the authority to receive moneys directly or indirectly from the District of Columbia (other than moneys received from the sale of goods, the provision of services, or the loaning of funds to the District of Columbia).

(B) EXCEPTION.—The term "District of Columbia Government" neither includes the Authority nor a public charter school.

(11) DISTRICT OF COLUMBIA GOVERNMENT RETIREMENT SYSTEM.—The term "District of Columbia Government retirement system" means the retirement programs authorized by the District of Columbia Council or the Congress for employees of the District of Columbia Government.

(12) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—

(A) IN GENERAL.—The term "District of Columbia public school" means a public school in the District of Columbia that offers classes—

(i) at any of the grade levels from prekindergarten through grade 12; or

(ii) leading to a secondary school diploma, or its recognized equivalent.

(B) EXCEPTION.—The term "District of Columbia public school" does not include a public charter school.

(13) DISTRICTWIDE ASSESSMENTS.—The term "districtwide assessments" means a variety of assessment tools and strategies (including individual student assessments under subparagraph (E)(ii)) administered by the Superintendent to students enrolled in District of Columbia public schools and public charter schools that—

(A) are aligned with the District of Columbia's content standards and core curriculum;

(B) provide coherent information about student attainment of such standards;

(C) are used for purposes for which such assessments are valid, reliable, and unbiased, and are consistent with relevant nationally recognized professional and technical standards for such assessments;

(D) involve multiple up-to-date measures of student performance, including measures that assess higher order thinking skills and understanding; and

(E) provide for—

(i) the participation in such assessments of all students;

(ii) individual student assessments for students that fail to reach minimum acceptable levels of performance;

(iii) the reasonable adaptations and accommodations for students with special needs (as defined in paragraph (32)) necessary to measure the achievement of such students relative to the District of Columbia's content standards; and

(iv) the inclusion of limited-English proficient students, who shall be assessed, to the extent practicable, in the language and form most likely to yield accurate and reliable information regarding such students' knowledge and abilities.

(14) ELECTRONIC DATA TRANSFER SYSTEM.—The term "electronic data transfer system" means a computer-based process for the maintenance and transfer of student records designed to permit the transfer of individual student records among District of Columbia public schools and public charter schools.

(15) ELEMENTARY SCHOOL.—The term "elementary school" means an institutional day or residential school that provides elementary education, as determined under District of Columbia law.

(16) ELIGIBLE APPLICANT.—The term "eligible applicant" means a person, including a private, public, or quasi-public entity, or an institution of higher education (as defined in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a))), that seeks to establish a public charter school in the District of Columbia.

(17) ELIGIBLE CHARTERING AUTHORITY.—The term "eligible chartering authority" means any of the following:

(A) The Board of Education.

(B) The Public Charter School Board.

(C) Any one entity designated as an eligible chartering authority by enactment of a bill by the District of Columbia Council after the date of the enactment of this Act.

(18) FAMILY RESOURCE CENTER.—The term "family resource center" means an information desk—

(A) located in a District of Columbia public school or a public charter school serving a majority of students whose family income is not greater than 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act applicable to a family of the size involved (42 U.S.C. 9902(3))); and

(B) which links students and families to local resources and public and private entities involved in child care, adult education, health and social services, tutoring, mentoring, and job training.

(19) INDIVIDUAL CAREER PATH.—The term "individual career path" means a program of study that provides a secondary school student the skills necessary to compete in the 21st century workforce.

(20) LITERACY.—The term "literacy" means—

(A) in the case of a minor student, such student's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function in society, to achieve such student's goals, and develop such student's knowledge and potential; and

(B) in the case of an adult, such adult's ability to read, write, and speak in English, and compute and solve problems at levels of proficiency necessary to function on the job and in society, to achieve such adult's goals, and develop such adult's knowledge and potential.

(21) LONG-TERM REFORM PLAN.—The term "long-term reform plan" means the plan submitted by the Superintendent under section 2101.

(22) MAYOR.—The term "Mayor" means the Mayor of the District of Columbia.

(23) METROBUS AND METRORAIL TRANSIT SYSTEM.—The term "Metrobus and Metrorail Transit System" means the bus and rail systems administered by the Washington Metropolitan Area Transit Authority.

(24) MINOR STUDENT.—The term "minor student" means an individual who—

(A) is enrolled in a District of Columbia public school or a public charter school; and

(B) is not beyond the age of compulsory school attendance, as prescribed in section 1 of article I, and section 1 of article II, of the Act of February 4, 1925 (sections 31–401 and 31–402, D.C. Code).

(25) NONRESIDENT STUDENT.—The term "nonresident student" means—

(A) an individual under the age of 18 who is enrolled in a District of Columbia public school or a public charter school, and does not have a parent residing in the District of Columbia; or

(B) an individual who is age 18 or older and is enrolled in a District of Columbia public school or public charter school, and does not reside in the District of Columbia.

(26) PARENT.—The term "parent" means a person who has custody of a child, and who—

(A) is a natural parent of the child;

(B) is a stepparent of the child;

(C) has adopted the child; or

(D) is appointed as a guardian for the child by a court of competent jurisdiction.

(27) PETITION.—The term "petition" means a written application.

(28) PROMOTION GATE.—The term "promotion gate" means the criteria, developed by the Superintendent and approved by the Board of Education, that are used to determine student promotion at different grade levels. Such criteria shall include student achievement on districtwide assessments established under subtitle C.

(29) PUBLIC CHARTER SCHOOL.—The term "public charter school" means a publicly funded school in the District of Columbia that—

(A) is established pursuant to subtitle B; and

(B) except as provided under sections 2212(d)(5) and 2213(c)(5) is not a part of the District of Columbia public schools.

(30) PUBLIC CHARTER SCHOOL BOARD.—The term "Public Charter School Board" means the Public Charter School Board established under section 2214.

(31) SECONDARY SCHOOL.—The term "secondary school" means an institutional day or residential school that provides secondary education, as determined by District of Columbia law, except that such term does not include any education beyond grade 12.

(32) STUDENT WITH SPECIAL NEEDS.—The term "student with special needs" means a student who is a child with a disability as provided in section 602(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(a)(1)) or a student who is an individual with a disability as provided in section 7(8) of the Rehabilitation Act of 1973 (29 U.S.C. 706(8)).

(33) SUPERINTENDENT.—The term "Superintendent" means the Superintendent of the District of Columbia public schools.

(34) TEACHER.—The term "teacher" means any person employed as a teacher by the Board of Education or by a public charter school.

SEC. 2003. GENERAL EFFECTIVE DATE.

Except as otherwise provided in this title, this title shall be effective during the period beginning on the date of enactment of this Act and ending 5 years after such date.

Subtitle A—District of Columbia Reform Plan

SEC. 2101. LONG-TERM REFORM PLAN.

(a) IN GENERAL.—

(1) PLAN.—The Superintendent, with the approval of the Board of Education, shall submit to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees, a long-term reform plan, not later than 90 days after the date of enactment of this Act, and each February 15 thereafter. The long-term reform plan shall be consistent with the financial plan and budget for the District of Columbia for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

(2) CONSULTATION.—

(A) IN GENERAL.—In developing the long-term reform plan, the Superintendent—

(i) shall consult with the Board of Education, the Mayor, the District of Columbia Council, the Authority, and the Consensus Commission; and

(ii) shall afford the public, interested organizations, and groups an opportunity to present their views and make recommendations regarding the long-term reform plan.

(B) SUMMARY OF RECOMMENDATIONS.—The Superintendent shall include in the long-term plan a summary of the recommendations made under subparagraph (A)(ii) and the response of the Superintendent to the recommendations.

(b) CONTENTS.—

(1) AREAS TO BE ADDRESSED.—The long-term reform plan shall describe how the District of Columbia public schools will become a world-class education system that prepares students for lifetime learning in the 21st century and which is on a par with the best education systems of other cities, States, and nations. The long-term reform plan shall include a description of how the District of Columbia public schools will accomplish the following:

(A) Achievement at nationally and internationally competitive levels by students attending District of Columbia public schools.

(B) The preparation of students for the workforce, including—

(i) providing special emphasis for students planning to obtain a postsecondary education; and

(ii) the development of individual career paths.

(C) The improvement of the health and safety of students in District of Columbia public schools.

(D) Local school governance, decentralization, autonomy, and parental choice among District of Columbia public schools.

(E) The implementation of a comprehensive and effective adult education and literacy program.

(F) The identification, beginning in grade 3, of each student who does not meet minimum standards of academic achievement in reading, writing, and mathematics in order to ensure that such student meets such standards prior to grade promotion.

(G) The achievement of literacy, and the possession of the knowledge and skills necessary to think critically, communicate effectively, and perform competently on districtwide assessments, by students attending District of Columbia public schools prior to such student's completion of grade 8.

(H) The establishment of after-school programs that promote self-confidence, self-discipline, self-respect, good citizenship, and respect for leaders, through such activities as arts classes, physical fitness programs, and community service.

(I) Steps necessary to establish an electronic data transfer system.

(J) Encourage parental involvement in all school activities, particularly parent teacher conferences.

(K) Development and implementation, through the Board of Education and the Superintendent, of a uniform dress code for the District of Columbia public schools, that—

(i) shall include a prohibition of gang membership symbols;

(ii) shall take into account the relative costs of any such code for each student; and

(iii) may include a requirement that students wear uniforms.

(L) The establishment of classes, beginning not later than grade 3, to teach students how to use computers effectively.

(M) The development of community schools that enable District of Columbia public schools to collaborate with other public and nonprofit agencies and organizations, local businesses, recreational, cultural, and other community and human service entities, for the purpose of meeting the needs and expanding the opportunities available to residents of the communities served by such schools.

(N) The establishment of programs which provide counseling, mentoring (especially peer mentoring), academic support, outreach, and supportive services to elementary, middle, and secondary school students who are at risk of dropping out of school.

(O) The establishment of a comprehensive remedial education program to assist students who do not meet basic literacy standards, or the criteria of promotion gates established in section 2321.

(P) The establishment of leadership development projects for middle school principals, which projects shall increase student learning and achievement and strengthen such principals as instructional school leaders.

(Q) The implementation of a policy for performance-based evaluation of principals and teachers, after consultation with the Superintendent and unions (including unions that represent teachers and unions that represent principals).

(R) The implementation of policies that require competitive appointments for all District of Columbia public school positions.

(S) The implementation of policies regarding alternative teacher certification requirements.

(T) The implementation of testing requirements for teacher licensing renewal.

(U) A review of the District of Columbia public school central office budget and staffing reductions for each fiscal year compared to the level of such budget and reductions at the end of fiscal year 1995.

(V) The implementation of the discipline policy for the District of Columbia public schools in order to ensure a safe, disciplined environment conducive to learning.

(2) OTHER INFORMATION.—For each of the items described in subparagraphs (A) through (V) of paragraph (1), the long-term reform plan shall include—

(A) a statement of measurable, objective performance goals;

(B) a description of the measures of performance to be used in determining whether the Superintendent and Board of Education have met the goals;

(C) dates by which the goals shall be met;

(D) plans for monitoring and reporting progress to District of Columbia residents, the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees regarding the carrying out of the long-term reform plan; and

(E) the title of the management employee of the District of Columbia public schools most directly responsible for the achievement of each goal and, with respect to each such employee, the title of the employee's immediate supervisor or superior.

(c) AMENDMENTS.—The Superintendent, with the approval of the Board of Education, shall submit any amendment to the long-term reform plan to the Mayor, the District of Columbia Council, the Authority, the Consensus Commission, and the appropriate congressional committees. Any amendment to the long-term reform plan shall be consistent with the financial plan and budget for fiscal year 1996, and each financial plan and budget for a subsequent fiscal year, as the case may be, for the District of Columbia required under section 201 of the District of Columbia Financial Responsibility and Management Assistance Act of 1995.

SEC. 2102. SUPERINTENDENT'S REPORT ON REFORMS.

Not later than December 1, 1996, the Superintendent shall submit to the appropriate congressional committees, the Board of Education, the Mayor, the Consensus Commission, and the District of Columbia Council a report regarding the progress of the District of Columbia public schools toward achieving the goals of the long-term reform plan.

SEC. 2103. DISTRICT OF COLUMBIA COUNCIL REPORT.

Not later than April 1, 1997, the Chairperson of the District of Columbia Council shall submit to the appropriate congressional committees a report describing legislative and other actions the District of Columbia Council has taken or will take to facilitate the implementation of the goals of the long-term reform plan.

Subtitle B—Public Charter Schools

SEC. 2201. PROCESS FOR FILING CHARTER PETITIONS.

(a) EXISTING PUBLIC SCHOOL.—An eligible applicant seeking to convert a District of Columbia public school into a public charter school—

(1) shall prepare a petition to establish a public charter school that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(b) PRIVATE OR INDEPENDENT SCHOOL.—An eligible applicant seeking to convert an existing private or independent school in the District of Columbia into a public charter school—

(1) shall prepare a petition to establish a public charter school that is approved by the Board of Trustees or authority responsible for the school and that meets the requirements of section 2202;

(2) shall provide a copy of the petition to—

(A) the parents of minor students attending the existing school;

(B) adult students attending the existing school; and

(C) employees of the existing school; and

(3) shall file the petition with an eligible chartering authority for approval after the petition—

(A) is signed by two-thirds of the sum of—

(i) the total number of parents of minor students attending the school; and

(ii) the total number of adult students attending the school; and

(B) is endorsed by at least two-thirds of full-time teachers employed in the school.

(c) New School.—An eligible applicant seeking to establish in the District of Columbia a public charter school, but not seeking to convert a District of Columbia public school or a private or independent school into a public charter school, shall file with an eligible chartering authority for approval a petition to establish a public charter school that meets the requirements of section 2202.

SEC. 2202. CONTENTS OF PETITION.

A petition under section 2201 to establish a public charter school shall include the following:

(1) A statement defining the mission and goals of the proposed school and the manner in which the school will conduct any districtwide assessments.

(2) A statement of the need for the proposed school in the geographic area of the school site.

(3) A description of the proposed instructional goals and methods for the proposed school, which shall include, at a minimum—

(A) the area of focus of the proposed school, such as mathematics, science, or the arts, if the school will have such a focus;

(B) the methods that will be used, including classroom technology, to provide students with the knowledge, proficiency, and skills needed—

(i) to become nationally and internationally competitive students and educated individuals in the 21st century; and

(ii) to perform competitively on any districtwide assessments; and

(C) the methods that will be used to improve student self-motivation, classroom instruction, and learning for all students.

(4) A description of the scope and size of the proposed school's program that will enable students to successfully achieve the goals established by the school, including the grade levels to be served by the school and the projected and maximum enrollment of each grade level.

(5) A description of the plan for evaluating student academic achievement at the proposed school and the procedures for remedial action that will be used by the school when the academic achievement of a student falls below the expectations of the school.

(6) An operating budget for the first 2 years of the proposed school that is based on anticipated enrollment and contains—

(A) a description of the method for conducting annual audits of the financial, administrative, and programmatic operations of the school;

(B) either—

(i) an identification of the site where the school will be located, including a description of any buildings on the site and any buildings proposed to be constructed on the site; or

(ii) a timetable by which such an identification will be made;

(C) a description of any major contracts planned, with a value equal to or exceeding $10,000, for equipment and services, leases, improvements, purchases of real property, or insurance; and

(D) a timetable for commencing operations as a public charter school.

(7) A description of the proposed rules and policies for governance and operation of the proposed school.

(8) Copies of the proposed articles of incorporation and bylaws of the proposed school.

(9) The names and addresses of the members of the proposed Board of Trustees and the procedures for selecting trustees.

(10) A description of the student enrollment, admission, suspension, expulsion, and other disciplinary policies and procedures of the proposed school, and the criteria for making decisions in such areas.

(11) A description of the procedures the proposed school plans to follow to ensure the health and safety of students, employees, and guests of the school and to comply with applicable health and safety laws, and all applicable civil rights statutes and regulations of the Federal Government and the District of Columbia.

(12) An explanation of the qualifications that will be required of employees of the proposed school.

(13) An identification, and a description, of the individuals and entities submitting the petition, including their names and addresses, and the names of the organizations or corporations of which such individuals are directors or officers.

(14) A description of how parents, teachers, and other members of the community have been involved in the design and will continue to be involved in the implementation of the proposed school.

(15) A description of how parents and teachers will be provided an orientation and other training to ensure their effective participation in the operation of the public charter school.

(16) An assurance the proposed school will seek, obtain, and maintain accreditation from at least one of the following:

(A) The Middle States Association of Colleges and Schools.

(B) The Association of Independent Maryland Schools.

(C) The Southern Association of Colleges and Schools.

(D) The Virginia Association of Independent Schools.

(E) American Montessori Internationale.

(F) The American Montessori Society.

(G) The National Academy of Early Childhood Programs.

(H) Any other accrediting body deemed appropriate by the eligible chartering authority that granted the charter to the school.

(17) In the case that the proposed school's educational program includes preschool or prekindergarten, an assurance the proposed school will be licensed as a child development center by the District of Columbia Government not later than the first date on which such program commences.

(18) An explanation of the relationship that will exist between the public charter school and the school's employees.

(19) A statement of whether the proposed school elects to be treated as a local educational agency or a District of Columbia public school for purposes of part B of the Individuals With Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (20 U.S.C. 794), and notwithstanding any other provision of law the eligible chartering authority shall not have the authority to approve or disapprove such election.

SEC. 2203. PROCESS FOR APPROVING OR DENYING PUBLIC CHARTER SCHOOL PETITIONS.

(a) Schedule.—An eligible chartering authority shall establish a schedule for receiving petitions to establish a public charter school and shall publish any such schedule in the District of Columbia Register and newspapers of general circulation.

(b) Public Hearing.—Not later than 45 days after a petition to establish a public charter school is filed with an eligible chartering authority, the eligible chartering authority shall hold a public hearing on the petition to gather the information that is necessary for the eligible chartering authority to make the decision to approve or deny the petition.

(c) Notice.—Not later than 10 days prior to the scheduled date of a public hearing on a petition to establish a public charter school, an eligible chartering authority—

(1) shall publish a notice of the hearing in the District of Columbia Register and newspapers of general circulation; and

(2) shall send a written notification of the hearing date to the eligible applicant who filed the petition.

(d) Approval.—Subject to subsection (i), an eligible chartering authority may approve a petition to establish a public charter school, if—

(1) the eligible chartering authority determines that the petition satisfies the requirements of this subtitle;

(2) the eligible applicant who filed the petition agrees to satisfy any condition or requirement, consistent with this subtitle and other applicable law, that is set forth in writing by the eligible chartering authority as an amendment to the petition; and

(3) the eligible chartering authority determines that the public charter school has the ability to meet the educational objectives outlined in the petition.

(e) Timetable.—An eligible chartering authority shall approve or deny a petition to establish a public charter school not later than 45 days after the conclusion of the public hearing on the petition.

(f) Extension.—An eligible chartering authority and an eligible applicant may agree to extend the 45-day time period referred to in subsection (e) by a period that shall not exceed 30 days.

(g) Denial Explanation.—If an eligible chartering authority denies a petition or finds the petition to be incomplete, the eligible chartering authority shall specify in writing the reasons for its decision and indicate, when the eligible chartering authority determines appropriate, how the eligible applicant who filed the petition may revise the petition to satisfy the requirements for approval.

(h) Approved Petition.—

(1) Notice.—Not later than 10 days after an eligible chartering authority approves a petition to establish a public charter school, the eligible chartering authority shall provide a written notice of the approval, including a copy of the approved petition and any conditions or requirements agreed to under subsection (d)(2), to the eligible applicant and to the Chief Financial Officer of the District of Columbia. The eligible chartering authority shall publish a notice of the approval of the petition in the District of Columbia Register and newspapers of general circulation.

(2) Charter.—The provisions described in paragraphs (1), (7), (8), (11), (16), (17), and (18) of section 2202 of a petition to establish a public charter school that are approved by an eligible chartering authority, together with any amendments to such provisions in the petition containing conditions or requirements agreed to by the eligible applicant under subsection (d)(2), shall be considered a charter granted to the school by the eligible chartering authority.

(i) Number of Petitions.—

(1) First Year.—For academic year 1996–1997, not more than 10 petitions to establish public charter schools may be approved under this subtitle.

(2) Subsequent Years.—For academic year 1997–1998 and each academic year thereafter each eligible chartering authority shall not approve more than 5 petitions to establish a public charter school under this subtitle.

(j) Exclusive Authority of the Eligible Chartering Authority.—No governmental entity, elected official, or employee of the District of Columbia shall make, participate in making, or intervene in the making of, the decision to approve or deny a petition to establish a public charter school, except for officers or employees of the eligible chartering authority with which the petition is filed.

SEC. 2204. DUTIES, POWERS, AND OTHER REQUIREMENTS, OF PUBLIC CHARTER SCHOOLS.

(a) DUTIES.—A public charter school shall comply with all of the terms and provisions of its charter.

(b) POWERS.—A public charter school shall have the following powers:

(1) To adopt a name and corporate seal, but only if the name selected includes the words "public charter school".

(2) To acquire real property for use as the public charter school's facilities, from public or private sources.

(3) To receive and disburse funds for public charter school purposes.

(4) Subject to subsection (c)(1), to secure appropriate insurance and to make contracts and leases, including agreements to procure or purchase services, equipment, and supplies.

(5) To incur debt in reasonable anticipation of the receipt of funds from the general fund of the District of Columbia or the receipt of Federal or private funds.

(6) To solicit and accept any grants or gifts for public charter school purposes, if the public charter school—

(A) does not accept any grants or gifts subject to any condition contrary to law or contrary to its charter; and

(B) maintains for financial reporting purposes separate accounts for grants or gifts.

(7) To be responsible for the public charter school's operation, including preparation of a budget and personnel matters.

(8) To sue and be sued in the public charter school's own name.

(c) PROHIBITIONS AND OTHER REQUIREMENTS.—

(1) CONTRACTING AUTHORITY.—

(A) NOTICE REQUIREMENT.—Except in the case of an emergency (as determined by the eligible chartering authority of a public charter school), with respect to any contract proposed to be awarded by the public charter school and having a value equal to or exceeding $10,000, the school shall publish a notice of a request for proposals in the District of Columbia Register and newspapers of general circulation not less than 30 days prior to the award of the contract.

(B) SUBMISSION TO THE AUTHORITY.—

(i) DEADLINE FOR SUBMISSION.—With respect to any contract described in subparagraph (A) that is awarded by a public charter school, the school shall submit to the Authority, not later than 3 days after the date on which the award is made, all bids for the contract received by the school, the name of the contractor who is awarded the contract, and the rationale for the award of the contract.

(ii) EFFECTIVE DATE OF CONTRACT.—

(I) IN GENERAL.—Subject to subclause (II), a contract described in subparagraph (A) shall become effective on the date that is 15 days after the date the school makes the submission under clause (i) with respect to the contract, or the effective date specified in the contract, whichever is later.

(II) EXCEPTION.—A contract described in subparagraph (A) shall be considered null and void if the Authority determines, within 12 days of the date the school makes the submission under clause (i) with respect to the contract, that the contract endangers the economic viability of the public charter school.

(2) TUITION.—A public charter school may not charge tuition, fees, or other mandatory payments, except to nonresident students, or for field trips or similar activities.

(3) CONTROL.—A public charter school—

(A) shall exercise exclusive control over its expenditures, administration, personnel, and instructional methods, within the limitations imposed in this subtitle; and

(B) shall be exempt from District of Columbia statutes, policies, rules, and regulations established for the District of Columbia public schools by the Superintendent, Board of Education, Mayor, District of Columbia Council, or Authority, except as otherwise provided in the school's charter or this subtitle.

(4) HEALTH AND SAFETY.—A public charter school shall maintain the health and safety of all students attending such school.

(5) CIVIL RIGHTS AND IDEA.—The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.), and the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), shall apply to a public charter school.

(6) GOVERNANCE.—A public charter school shall be governed by a Board of Trustees in a manner consistent with the charter granted to the school and the provisions of this subtitle.

(7) OTHER STAFF.—No employee of the District of Columbia public schools may be required to accept employment with, or be assigned to, a public charter school.

(8) OTHER STUDENTS.—No student enrolled in a District of Columbia public school may be required to attend a public charter school.

(9) TAXES OR BONDS.—A public charter school shall not levy taxes or issue bonds.

(10) CHARTER REVISION.—A public charter school seeking to revise its charter shall prepare a petition for approval of the revision and file the petition with the eligible chartering authority that granted the charter. The provisions of section 2203 shall apply to such a petition in the same manner as such provisions apply to a petition to establish a public charter school.

(11) ANNUAL REPORT.—

(A) IN GENERAL.—A public charter school shall submit an annual report to the eligible chartering authority that approved its charter. The school shall permit a member of the public to review any such report upon request.

(B) CONTENTS.—A report submitted under subparagraph (A) shall include the following data:

(i) A report on the extent to which the school is meeting its mission and goals as stated in the petition for the charter school.

(ii) Student performance on any districtwide assessments.

(iii) Grade advancement for students enrolled in the public charter school.

(iv) Graduation rates, college admission test scores, and college admission rates, if applicable.

(v) Types and amounts of parental involvement.

(vi) Official student enrollment.

(vii) Average daily attendance.

(viii) Average daily membership.

(ix) A financial statement audited by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(x) A report on school staff indicating the qualifications and responsibilities of such staff.

(xi) A list of all donors and grantors that have contributed monetary or in-kind donations having a value equal to or exceeding $500 during the year that is the subject of the report.

(C) NONIDENTIFYING DATA.—Data described in clauses (i) through (ix) of subparagraph (B) that are included in an annual report shall not identify the individuals to whom the data pertain.

(12) CENSUS.—A public charter school shall provide to the Board of Education student enrollment data necessary for the Board of Education to comply with section 3 of article II of the Act of February 4, 1925 (D.C. Code, sec. 31-404) (relating to census of minors).

(13) COMPLAINT RESOLUTION PROCESS.—A public charter school shall establish an informal complaint resolution process.

(14) PROGRAM OF EDUCATION.—A public charter school shall provide a program of education which shall include one or more of the following:

(A) Preschool.

(B) Prekindergarten.

(C) Any grade or grades from kindergarten through grade 12.

(D) Residential education.

(E) Adult, community, continuing, and vocational education programs.

(15) NONSECTARIAN NATURE OF SCHOOLS.—A public charter school shall be nonsectarian and shall not be affiliated with a sectarian school or religious institution.

(16) NONPROFIT STATUS OF SCHOOL.—A public charter school shall be organized under the District of Columbia Nonprofit Corporation Act (D.C. Code, sec. 29-501 et seq.).

(17) IMMUNITY FROM CIVIL LIABILITY.—

(A) IN GENERAL.—A public charter school, and its incorporators, Board of Trustees, officers, employees, and volunteers, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(i) constitutes gross negligence;

(ii) constitutes an intentional tort; or

(iii) is criminal in nature.

(B) COMMON LAW IMMUNITY PRESERVED.—Subparagraph (A) shall not be construed to abrogate any immunity under common law of a person described in such subparagraph.

SEC. 2205. BOARD OF TRUSTEES OF A PUBLIC CHARTER SCHOOL.

(a) BOARD OF TRUSTEES.—The members of a Board of Trustees of a public charter school shall be elected or selected pursuant to the charter granted to the school. Such Board of Trustees shall have an odd number of members that does not exceed 7, of which—

(1) a majority shall be residents of the District of Columbia; and

(2) at least 2 shall be parents of a student attending the school.

(b) ELIGIBILITY.—An individual is eligible for election or selection to the Board of Trustees of a public charter school if the person—

(1) is a teacher or staff member who is employed at the school;

(2) is a parent of a student attending the school; or

(3) meets the election or selection criteria set forth in the charter granted to the school.

(c) ELECTION OR SELECTION OF PARENTS.—In the case of the first Board of Trustees of a public charter school to be elected or selected after the date on which the school is granted a charter, the election or selection of the members under subsection (a)(2) shall occur on the earliest practicable date after classes at the school have commenced. Until such date, any other members who have been elected or selected shall serve as an interim Board of Trustees. Such an interim Board of Trustees may exercise all of the powers, and shall be subject to all of the duties, of a Board of Trustees.

(d) FIDUCIARIES.—The Board of Trustees of a public charter school shall be fiduciaries of the school and shall set overall policy for the school. The Board of Trustees may make final decisions on matters related to the operation of the school, consistent with the charter granted to the school, this subtitle, and other applicable law.

SEC. 2206. STUDENT ADMISSION, ENROLLMENT, AND WITHDRAWAL.

(a) OPEN ENROLLMENT.—Enrollment in a public charter school shall be open to all students who are residents of the District of Columbia

and, if space is available, to nonresident students who meet the tuition requirement in subsection (e).

(b) CRITERIA FOR ADMISSION.—A public charter school may not limit enrollment on the basis of a student's race, color, religion, national origin, language spoken, intellectual or athletic ability, measures of achievement or aptitude, or status as a student with special needs. A public charter school may limit enrollment to specific grade levels.

(c) RANDOM SELECTION.—If there are more applications to enroll in a public charter school from students who are residents of the District of Columbia than there are spaces available, students shall be admitted using a random selection process.

(d) ADMISSION TO AN EXISTING SCHOOL.—During the 5-year period beginning on the date that a petition, filed by an eligible applicant seeking to convert a District of Columbia public school or a private or independent school into a public charter school, is approved, the school may give priority in enrollment to—

(1) students enrolled in the school at the time the petition is granted;

(2) the siblings of students described in paragraph (1); and

(3) in the case of the conversion of a District of Columbia public school, students who reside within the attendance boundaries, if any, in which the school is located.

(e) NONRESIDENT STUDENTS.—Nonresident students shall pay tuition to attend a public charter school at the applicable rate established for District of Columbia public schools administered by the Board of Education for the type of program in which the student is enrolled.

(f) STUDENT WITHDRAWAL.—A student may withdraw from a public charter school at any time and, if otherwise eligible, enroll in a District of Columbia public school administered by the Board of Education.

(g) EXPULSION AND SUSPENSION.—The principal of a public charter school may expel or suspend a student from the school based on criteria set forth in the charter granted to the school.

SEC. 2207. EMPLOYEES.

(a) EXTENDED LEAVE OF ABSENCE WITHOUT PAY.—

(1) LEAVE OF ABSENCE FROM DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—The Superintendent shall grant, upon request, an extended leave of absence, without pay, to an employee of the District of Columbia public schools for the purpose of permitting the employee to accept a position at a public charter school for a 2-year term.

(2) REQUEST FOR EXTENSION.—At the end of a 2-year term referred to in paragraph (1), an employee granted an extended leave of absence without pay under such paragraph may submit a request to the Superintendent for an extension of the leave of absence for an unlimited number of 2-year terms. The Superintendent may not unreasonably (as determined by the eligible chartering authority) withhold approval of the request.

(3) RIGHTS UPON TERMINATION OF LEAVE.—An employee granted an extended leave of absence without pay for the purpose described in paragraph (1) or (2) shall have the same rights and benefits under law upon termination of such leave of absence as an employee of the District of Columbia public schools who is granted an extended leave of absence without pay for any other purpose.

(b) RETIREMENT SYSTEM.—

(1) CREDITABLE SERVICE.—An employee of a public charter school who has received a leave of absence under subsection (a) shall receive creditable service, as defined in section 2604 of D.C. Law 2–139, effective March 3, 1979 (D.C. Code, sec. 1–627.4) and the rules established under such section, for the period of the employee's employment at the public charter school.

(2) AUTHORITY TO ESTABLISH SEPARATE SYSTEM.—A public charter school may establish a retirement system for employees under its authority.

(3) ELECTION OF RETIREMENT SYSTEM.—A former employee of the District of Columbia public schools who becomes an employee of a public charter school within 60 days after the date the employee's employment with the District of Columbia public schools is terminated may, at the time the employee commences employment with the public charter school, elect—

(A) to remain in a District of Columbia Government retirement system and continue to receive creditable service for the period of their employment at a public charter school; or

(B) to transfer into a retirement system established by the public charter school pursuant to paragraph (2).

(4) PROHIBITED EMPLOYMENT CONDITIONS.—No public charter school may require a former employee of the District of Columbia public schools to transfer to the public charter school's retirement system as a condition of employment.

(5) CONTRIBUTIONS.—

(A) EMPLOYEES ELECTING NOT TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to remain in a District of Columbia Government retirement system pursuant to paragraph (3)(A), the public charter school that employs the person shall make the same contribution to such system on behalf of the person as the District of Columbia would have been required to make if the person had continued to be an employee of the District of Columbia public schools.

(B) EMPLOYEES ELECTING TO TRANSFER.—In the case of a former employee of the District of Columbia public schools who elects to transfer into a retirement system of a public charter school pursuant to paragraph (3)(B), the applicable District of Columbia Government retirement system from which the former employee is transferring shall compute the employee's contribution to that system and transfer this amount, to the retirement system of the public charter school.

(c) EMPLOYMENT STATUS.—Notwithstanding any other provision of law and except as provided in this section, an employee of a public charter school shall not be considered to be an employee of the District of Columbia Government for any purpose.

SEC. 2208. REDUCED FARES FOR PUBLIC TRANSPORTATION.

A student attending a public charter school shall be eligible for reduced fares on the Metrobus and Metrorail Transit System on the same terms and conditions as are applicable under section 2 of D.C. Law 2–152, effective March 9, 1979 (D.C. Code, sec. 44–216 et seq.), to a student attending a District of Columbia public school.

SEC. 2209. DISTRICT OF COLUMBIA PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.

The Superintendent may provide services, such as facilities maintenance, to public charter schools. All compensation for costs of such services shall be subject to negotiation and mutual agreement between a public charter school and the Superintendent.

SEC. 2210. APPLICATION OF LAW.

(a) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) TREATMENT AS LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—For any fiscal year, a public charter school shall be considered to be a local educational agency for purposes of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.), and shall be eligible for assistance under such part, if the fraction the numerator of which is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made and the denominator of which is the total number of students enrolled in such public charter school for such preceding year, is equal to or greater than the lowest fraction determined for any District of Columbia public school receiving assistance under such part A where the numerator is the number of low-income students enrolled in such public school for such preceding year and the denominator is the total number of students enrolled in such public school for such preceding year.

(B) DEFINITION.—For the purposes of this subsection, the term "low-income student" means a student from a low-income family determined according to the measure adopted by the District of Columbia to carry out the provisions of part A of title I of the Elementary and Secondary Education Act of 1965 that is consistent with the measures described in section 1113(a)(5) of such Act (20 U.S.C. 6313(a)(5)) for the fiscal year for which the determination is made.

(2) ALLOCATION FOR FISCAL YEARS 1996 THROUGH 1998.—

(A) PUBLIC CHARTER SCHOOLS.—For fiscal years 1996 through 1998, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the District of Columbia's total allocation under such part which bears the same ratio to such total allocation as the number described in subparagraph (C) bears to the number described in subparagraph (D).

(B) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—For fiscal years 1996 through 1998, the District of Columbia public schools shall receive a portion of the District of Columbia's total allocation under part A of title I of the Elementary and Secondary Education Act of 1965 which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of subparagraph (D) bears to the aggregate total described in subparagraph (D).

(C) NUMBER OF ELIGIBLE STUDENTS ENROLLED IN THE PUBLIC CHARTER SCHOOL.—The number described in this subparagraph is the number of low-income students enrolled in the public charter school during the fiscal year preceding the fiscal year for which the determination is made.

(D) AGGREGATE NUMBER OF ELIGIBLE STUDENTS.—The number described in this subparagraph is the aggregate total of the following numbers:

(i) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a public charter school.

(ii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made, were enrolled in a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(iii) The number of low-income students who, during the fiscal year preceding the fiscal year for which the determination is made—

(I) were enrolled in a private or independent school; and

(II) resided in an attendance area of a District of Columbia public school selected to provide services under part A of title I of the Elementary and Secondary Education Act of 1965.

(3) ALLOCATION FOR FISCAL YEAR 1999 AND THEREAFTER.—

(A) CALCULATION BY SECRETARY.—Notwithstanding sections 1124(a)(2), 1124A(a)(4), and 1125(d) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(a)(2),

6334(a)(4), and 6335(d)), for fiscal year 1999 and each fiscal year thereafter, the total allocation under part A of title I of such Act for all local educational agencies in the District of Columbia, including public charter schools that are eligible to receive assistance under such part, shall be calculated by the Secretary of Education. In making such calculation, such Secretary shall treat all such local educational agencies as if such agencies were a single local educational agency for the District of Columbia.

(B) ALLOCATION.—

(i) PUBLIC CHARTER SCHOOLS.—For fiscal year 1999 and each fiscal year thereafter, each public charter school that is eligible to receive assistance under part A of title I of the Elementary and Secondary Education Act of 1965 shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the number described in paragraph (2)(C) bears to the aggregate total described in paragraph (2)(D).

(ii) DISTRICT OF COLUMBIA PUBLIC SCHOOL.—For fiscal year 1999 and each fiscal year thereafter, the District of Columbia public schools shall receive a portion of the total allocation calculated under subparagraph (A) which bears the same ratio to such total allocation as the total of the numbers described in clauses (ii) and (iii) of paragraph (2)(D) bears to the aggregate total described in paragraph (2)(D).

(4) USE OF ESEA FUNDS.—The Board of Education may not direct a public charter school in the school's use of funds under part A of title I of the Elementary and Secondary Education Act of 1965.

(5) ESEA REQUIREMENTS.—Except as provided in paragraph (6), a public charter school receiving funds under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) shall comply with all requirements applicable to schools receiving such funds.

(6) INAPPLICABILITY OF CERTAIN ESEA PROVISIONS.—The following provisions of the Elementary and Secondary Education Act of 1965 shall not apply to a public charter school:

(A) Paragraphs (5) and (8) of section 1112(b) (20 U.S.C. 6312(b)).

(B) Paragraphs (1)(A), (1)(B), (1)(C), (1)(D), (1)(F), (1)(H), and (3) of section 1112(c) (20 U.S.C. 6312(c)).

(C) Section 1113 (20 U.S.C. 6313).

(D) Section 1115A (20 U.S.C. 6316).

(E) Subsections (a), (b), and (c) of section 1116 (20 U.S.C. 6317).

(F) Subsections (d) and (e) of section 1118 (20 U.S.C. 6319).

(G) Section 1120 (20 U.S.C. 6321).

(H) Subsections (a) and (c) of section 1120A (20 U.S.C. 6322).

(I) Section 1126 (20 U.S.C. 6337).

(b) PROPERTY AND SALES TAXES.—A public charter school shall be exempt from District of Columbia property and sales taxes.

(c) EDUCATION OF CHILDREN WITH DISABILITIES.—Notwithstanding any other provision of this title, each public charter school shall elect to be treated as a local educational agency or a District of Columbia public school for the purpose of part B of the Individuals with Disabilities Education Act (20 U.S.C. 1411 et seq.) and section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

SEC. 2211. POWERS AND DUTIES OF ELIGIBLE CHARTERING AUTHORITIES.

(a) OVERSIGHT.—

(1) IN GENERAL.—An eligible chartering authority—

(A) shall monitor the operations of each public charter school to which the eligible chartering authority has granted a charter;

(B) shall ensure that each such school complies with applicable laws and the provisions of the charter granted to such school; and

(C) shall monitor the progress of each such school in meeting student academic achievement expectations specified in the charter granted to such school.

(2) PRODUCTION OF BOOKS AND RECORDS.—An eligible chartering authority may require a public charter school to which the eligible chartering authority has granted a charter to produce any book, record, paper, or document, if the eligible chartering authority determines that such production is necessary for the eligible chartering authority to carry out its functions under this subtitle.

(b) FEES.—

(1) APPLICATION FEE.—An eligible chartering authority may charge an eligible applicant a fee, not to exceed $150, for processing a petition to establish a public charter school.

(2) ADMINISTRATION FEE.—In the case of an eligible chartering authority that has granted a charter to a public charter school, the eligible chartering authority may charge the school a fee, not to exceed one-half of one percent of the annual budget of the school, to cover the cost of undertaking the ongoing administrative responsibilities of the eligible chartering authority with respect to the school that are described in this subtitle. The school shall pay the fee to the eligible chartering authority not later than November 15 of each year.

(c) IMMUNITY FROM CIVIL LIABILITY.—

(1) IN GENERAL.—An eligible chartering authority, the Board of Trustees of such an eligible chartering authority, and a director, officer, employee, or volunteer of such an eligible chartering authority, shall be immune from civil liability, both personally and professionally, for any act or omission within the scope of their official duties unless the act or omission—

(A) constitutes gross negligence;

(B) constitutes an intentional tort; or

(C) is criminal in nature.

(2) COMMON LAW IMMUNITY PRESERVED.—Paragraph (1) shall not be construed to abrogate any immunity under common law of a person described in such paragraph.

(d) ANNUAL REPORT.—On or before July 30 of each year, each eligible chartering authority that issues a charter under this subtitle shall submit a report to the Mayor, the District of Columbia Council, the Board of Education, the Secretary of Education, the appropriate congressional committees, and the Consensus Commission that includes the following information:

(1) A list of the members of the eligible chartering authority and the addresses of such members.

(2) A list of the dates and places of each meeting of the eligible chartering authority during the year preceding the report.

(3) The number of petitions received by the eligible chartering authority for the conversion of a District of Columbia public school or a private or independent school to a public charter school, and for the creation of a new school as a public charter school.

(4) The number of petitions described in paragraph (3) that were approved and the number that were denied, as well as a summary of the reasons for which such petitions were denied.

(5) A description of any new charters issued by the eligible chartering authority during the year preceding the report.

(6) A description of any charters renewed by the eligible chartering authority during the year preceding the report.

(7) A description of any charters revoked by the eligible chartering authority during the year preceding the report.

(8) A description of any charters refused renewal by the eligible chartering authority during the year preceding the report.

(9) Any recommendations the eligible chartering authority has concerning ways to improve the administration of public charter schools.

SEC. 2212. CHARTER RENEWAL.

(a) TERM.—A charter granted to a public charter school shall remain in force for a 5-year period, but may be renewed for an unlimited number of times, each time for a 5-year period.

(b) APPLICATION FOR CHARTER RENEWAL.—In the case of a public charter school that desires to renew its charter, the Board of Trustees of the school shall file an application to renew the charter with the eligible chartering authority that granted the charter not later than 120 days nor earlier than 365 days before the expiration of the charter. The application shall contain the following:

(1) A report on the progress of the public charter school in achieving the goals, student academic achievement expectations, and other terms of the approved charter.

(2) All audited financial statements for the public charter school for the preceding 4 years.

(c) APPROVAL OF CHARTER RENEWAL APPLICATION.—The eligible chartering authority that granted a charter shall approve an application to renew the charter that is filed in accordance with subsection (b), except that the eligible chartering authority shall not approve such application if the eligible chartering authority determines that—

(1) the school committed a material violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in its charter, including violations relating to the education of children with disabilities; or

(2) the school failed to meet the goals and student academic achievement expectations set forth in its charter.

(d) PROCEDURES FOR CONSIDERATION OF CHARTER RENEWAL.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that has received an application to renew a charter that is filed by a Board of Trustees in accordance with subsection (b) shall provide to the Board of Trustees written notice of the right to an informal hearing on the application. The eligible chartering authority shall provide the notice not later than 15 days after the date on which the eligible chartering authority received the application.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the application before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on an application to renew a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of an application with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of an application with respect to which a hearing is held.

(B) REASONS FOR NONRENEWAL.—An eligible chartering authority that denies an application to renew a charter shall state in its decision the reasons for denial.

(5) ALTERNATIVES UPON NONRENEWAL.—If an eligible chartering authority denies an application to renew a charter granted to a public charter school, the Board of Education may—

(A) manage the school directly until alternative arrangements can be made for students at the school; or

(B) place the school in a probationary status that requires the school to take remedial actions, to be determined by the Board of Education, that directly relate to the grounds for the denial.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to deny an application to renew a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2213. CHARTER REVOCATION.

(a) CHARTER OR LAW VIOLATIONS.—An eligible chartering authority that has granted a charter to a public charter school may revoke the charter if the eligible chartering authority determines that the school has committed a violation of applicable laws or a material violation of the conditions, terms, standards, or procedures set forth in the charter, including violations relating to the education of children with disabilities.

(b) FISCAL MISMANAGEMENT.—An eligible chartering authority that has granted a charter to a public charter school shall revoke the charter if the eligible chartering authority determines that the school—

(1) has engaged in a pattern of nonadherence to generally accepted accounting principles;

(2) has engaged in a pattern of fiscal mismanagement; or

(3) is no longer economically viable.

(c) PROCEDURES FOR CONSIDERATION OF REVOCATION.—

(1) NOTICE OF RIGHT TO HEARING.—An eligible chartering authority that is proposing to revoke a charter granted to a public charter school shall provide to the Board of Trustees of the school a written notice stating the reasons for the proposed revocation. The notice shall inform the Board of Trustees of the right of the Board of Trustees to an informal hearing on the proposed revocation.

(2) REQUEST FOR HEARING.—Not later than 15 days after the date on which a Board of Trustees receives a notice under paragraph (1), the Board of Trustees may request, in writing, an informal hearing on the proposed revocation before the eligible chartering authority.

(3) DATE AND TIME OF HEARING.—

(A) NOTICE.—Upon receiving a timely written request for a hearing under paragraph (2), an eligible chartering authority shall set a date and time for the hearing and shall provide reasonable notice of the date and time, as well as the procedures to be followed at the hearing, to the Board of Trustees.

(B) DEADLINE.—An informal hearing under this subsection shall take place not later than 30 days after an eligible chartering authority receives a timely written request for the hearing under paragraph (2).

(4) FINAL DECISION.—

(A) DEADLINE.—An eligible chartering authority shall render a final decision, in writing, on the revocation of a charter—

(i) not later than 30 days after the date on which the eligible chartering authority provided the written notice of the right to a hearing, in the case of a proposed revocation with respect to which such a hearing is not held; and

(ii) not later than 30 days after the date on which the hearing is concluded, in the case of a proposed revocation with respect to which a hearing is held.

(B) REASONS FOR REVOCATION.—An eligible chartering authority that revokes a charter shall state in its decision the reasons for the revocation.

(5) ALTERNATIVES UPON REVOCATION.—If an eligible chartering authority revokes a charter granted to a public charter school, the Board of Education may manage the school directly until alternative arrangements can be made for students at the school.

(6) JUDICIAL REVIEW.—

(A) AVAILABILITY OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be subject to judicial review by an appropriate court of the District of Columbia.

(B) STANDARD OF REVIEW.—A decision by an eligible chartering authority to revoke a charter shall be upheld unless the decision is arbitrary and capricious or clearly erroneous.

SEC. 2214. PUBLIC CHARTER SCHOOL BOARD.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Public Charter School Board (in this section referred to as the "Board").

(2) MEMBERSHIP.—The Secretary of Education shall present the Mayor a list of 15 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 7 individuals from the list to serve on the Board. The Secretary of Education shall recommend, and the Mayor shall appoint, members to serve on the Board so that a knowledge of each of the following areas is represented on the Board:

(A) Research about and experience in student learning, quality teaching, and evaluation of and accountability in successful schools.

(B) The operation of a financially sound enterprise, including leadership and management techniques, as well as the budgeting and accounting skills critical to the startup of a successful enterprise.

(C) The educational, social, and economic development needs of the District of Columbia.

(D) The needs and interests of students and parents in the District of Columbia, as well as methods of involving parents and other members of the community in individual schools.

(3) VACANCIES.—Any time there is a vacancy in the membership of the Board, the Secretary of Education shall present the Mayor a list of 3 individuals the Secretary determines are qualified to serve on the Board. The Mayor, in consultation with the District of Columbia Council, shall appoint 1 individual from the list to serve on the Board. The Secretary shall recommend and the Mayor shall appoint, such member of the Board taking into consideration the criteria described in paragraph (2). Any member appointed to fill a vacancy occurring prior to the expiration of the term of a predecessor shall be appointed only for the remainder of the term.

(4) TIME LIMIT FOR APPOINTMENTS.—If, at any time, the Mayor does not appoint members to the Board sufficient to bring the Board's membership to 7 within 30 days of receiving a recommendation from the Secretary of Education under paragraph (2) or (3), the Secretary shall make such appointments as are necessary to bring the membership of the Board to 7.

(5) TERMS OF MEMBERS.—

(A) IN GENERAL.—Members of the Board shall serve for terms of 4 years, except that, of the initial appointments made under paragraph (2), the Mayor shall designate—

(i) 2 members to serve terms of 3 years;

(ii) 2 members to serve terms of 2 years; and

(iii) 1 member to serve a term of 1 year.

(B) REAPPOINTMENT.—Members of the Board shall be eligible to be reappointed for one 4-year term beyond their initial term of appointment.

(6) INDEPENDENCE.—No person employed by the District of Columbia public schools or a public charter school shall be eligible to be a member of the Board or to be employed by the Board.

(b) OPERATIONS OF THE BOARD.—

(1) CHAIR.—The members of the Board shall elect from among their membership 1 individual to serve as Chair. Such election shall be held each year after members of the Board have been appointed to fill any vacancies caused by the regular expiration of previous members' terms, or when requested by a majority vote of the members of the Board.

(2) QUORUM.—A majority of the members of the Board, not including any positions that may be vacant, shall constitute a quorum sufficient for conducting the business of the Board.

(3) MEETINGS.—The Board shall meet at the call of the Chair, subject to the hearing requirements of sections 2203, 2212(d)(3), and 2213(c)(3).

(c) NO COMPENSATION FOR SERVICE.—Members of the Board shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Board.

(d) PERSONNEL AND RESOURCES.—

(1) IN GENERAL.—Subject to such rules as may be made by the Board, the Chair shall have the power to appoint, terminate, and fix the pay of an Executive Director and such other personnel of the Board as the Chair considers necessary, but no individual so appointed shall be paid in excess of the rate payable for level EG–16 of the Educational Service of the District of Columbia.

(2) SPECIAL RULE.—The Board is authorized to use the services, personnel, and facilities of the District of Columbia.

(e) EXPENSES OF BOARD.—Any expenses of the Board shall be paid from such funds as may be available to the Mayor: Provided, That within 45 days of the enactment of this Act the Mayor shall make available not less than $130,000 to the Board.

(f) AUDIT.—The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out the provisions of this section and conducting the Board's functions required by this subtitle, there are authorized to be appropriated $300,000 for fiscal year 1997 and such sums as may be necessary for each of the 3 succeeding fiscal years.

SEC. 2215. FEDERAL ENTITIES.

(a) IN GENERAL.—The following Federal agencies and federally established entities are encouraged to explore whether it is feasible for the agency or entity to establish one or more public charter schools:

(1) The Library of Congress.

(2) The National Aeronautics and Space Administration.

(3) The Drug Enforcement Administration.

(4) The National Science Foundation.

(5) The Department of Justice.

(6) The Department of Defense.

(7) The Department of Education.

(8) The Smithsonian Institution, including the National Zoological Park, the National Museum of American History, the John F. Kennedy Center for the Performing Arts, and the National Gallery of Art.

(b) REPORT.—Not later than 120 days after date of enactment of this Act, any agency or institution described in subsection (a) that has explored the feasibility of establishing a public charter school shall report its determination on the feasibility to the appropriate congressional committees.

Subtitle C—World Class Schools Task Force, Core Curriculum, Content Standards, Assessments, and Promotion Gates

PART 1—WORLD CLASS SCHOOLS TASK FORCE, CORE CURRICULUM, CONTENT STANDARDS, AND ASSESSMENTS

SEC. 2311. GRANT AUTHORIZED AND RECOMMENDATION REQUIRED.

(a) GRANT AUTHORIZED.—

(1) IN GENERAL.—The Superintendent is authorized to award a grant to a World Class Schools Task Force to enable such task force to make the recommendation described in subsection (b).

(2) DEFINITION.—For the purpose of this subtitle, the term "World Class Schools Task Force" means 1 nonprofit organization located in the District of Columbia that—

(A) has a national reputation for advocating content standards;

(B) has a national reputation for advocating a strong liberal arts curriculum;

(C) has experience with at least 4 urban school districts for the purpose of establishing content standards;

(D) has developed and managed professional development programs in science, mathematics, the humanities and the arts; and

(E) is governed by an independent board of directors composed of citizens with a variety of experiences in education and public policy.

(b) RECOMMENDATION REQUIRED.—

(1) IN GENERAL.—The World Class Schools Task Force shall recommend to the Superintendent, the Board of Education, and the District of Columbia Goals Panel the following:

(A) Content standards in the core academic subjects that are developed by working with the District of Columbia community, which standards shall be developed not later than 12 months after the date of enactment of this Act.

(B) A core curriculum developed by working with the District of Columbia community, which curriculum shall include the teaching of computer skills.

(C) Districtwide assessments for measuring student achievement in accordance with content standards developed under subparagraph (A). Such assessments shall be developed at several grade levels, including at a minimum, the grade levels with respect to which the Superintendent establishes promotion gates under section 2321. To the extent feasible, such assessments shall, at a minimum, be designed to provide information that permits comparisons between—

(i) individual District of Columbia public schools and public charter schools; and

(ii) individual students attending such schools.

(D) Model professional development programs for teachers using the standards and curriculum developed under subparagraphs (A) and (B).

(2) SPECIAL RULE.—The World Class Schools Task Force is encouraged, to the extent practicable, to develop districtwide assessments described in paragraph (1)(C) that permit comparisons among—

(A) individual District of Columbia public schools and public charter schools, and individual students attending such schools; and

(B) students of other nations.

(c) CONTENT.—The content standards and assessments recommended under subsection (b) shall be judged by the World Class Schools Task Force to be world class, including having a level of quality and rigor, or being analogous to content standards and assessments of other States or nations (including nations whose students historically score high on international studies of student achievement).

(d) SUBMISSION TO BOARD OF EDUCATION FOR ADOPTION.—If the content standards, curriculum, assessments, and programs recommended under subsection (b) are approved by the Superintendent, the Superintendent may submit such content standards, curriculum, assessments, and programs to the Board of Education for adoption.

SEC. 2312. CONSULTATION.

The World Class Schools Task Force shall conduct its duties under this part in consultation with—

(1) the District of Columbia Goals Panel;

(2) officials of the District of Columbia public schools who have been identified by the Superintendent as having responsibilities relevant to this part, including the Deputy Superintendent for Curriculum;

(3) the District of Columbia community, with particular attention given to educators, and parent and business organizations; and

(4) any other persons or groups that the task force deems appropriate.

SEC. 2313. ADMINISTRATIVE PROVISIONS.

The World Class Schools Task Force shall ensure public access to its proceedings (other than proceedings, or portions of proceedings, relating to internal personnel and management matters) that are relevant to its duties under this part and shall make available to the public, at reasonable cost, transcripts of such proceedings.

SEC. 2314. CONSULTANTS.

Upon the request of the World Class Schools Task Force, the head of any department or agency of the Federal Government may detail any of the personnel of such agency to such task force to assist such task force in carrying out such task force's duties under this part.

SEC. 2315. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $2,000,000 for fiscal year 1997 to carry out this part. Such funds shall remain available until expended.

PART 2—PROMOTION GATES

SEC. 2321. PROMOTION GATES.

(a) KINDERGARTEN THROUGH 4TH GRADE.—Not later than one year after the date of adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates for mathematics, reading, and writing, for not less than 1 grade level from kindergarten through grade 4, including at least grade 4, and shall establish dates for establishing such other promotion gates for other subject areas.

(b) 5TH THROUGH 8TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 5 through grade 8, including at least grade 8.

(c) 9TH THROUGH 12TH GRADES.—Not later than one year after the adoption in accordance with section 2311(d) of the assessments described in section 2311(b)(1)(C), the Superintendent shall establish and implement promotion gates with respect to not less than one grade level from grade 9 through grade 12, including at least grade 12.

Subtitle D—Per Capita District of Columbia Public School and Public Charter School Funding

SEC. 2401. ANNUAL BUDGETS FOR SCHOOLS.

(a) IN GENERAL.—For fiscal year 1997 and for each subsequent fiscal year, the Mayor shall make annual payments from the general fund of the District of Columbia in accordance with the formula established under subsection (b).

(b) FORMULA.—

(1) IN GENERAL.—The Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, shall establish not later than 90 days after enactment of this Act, a formula to determine the amount of—

(A) the annual payment to the Board of Education for the operating expenses of the District of Columbia public schools, which for purposes of this paragraph includes the operating expenses of the Board of Education and the Office of the Superintendent; and

(B) the annual payment to each public charter school for the operating expenses of each public charter school.

(2) FORMULA CALCULATION.—Except as provided in paragraph (3), the amount of the annual payment under paragraph (1) shall be calculated by multiplying a uniform dollar amount used in the formula established under such paragraph by—

(A) the number of students calculated under section 2402 that are enrolled at District of Columbia public schools, in the case of the payment under paragraph (1)(A); or

(B) the number of students calculated under section 2402 that are enrolled at each public charter school, in the case of a payment under paragraph (1)(B).

(3) EXCEPTIONS.—

(A) FORMULA.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the formula to increase or decrease the amount of the annual payment to the District of Columbia public schools or each public charter school based on a calculation of—

(i) the number of students served by such schools in certain grade levels; and

(ii) the cost of educating students at such certain grade levels.

(B) PAYMENT.—Notwithstanding paragraph (2), the Mayor and the District of Columbia Council, in consultation with the Board of Education and the Superintendent, may adjust the amount of the annual payment under paragraph (1) to increase the amount of such payment if a District of Columbia public school or a public charter school serves a high number of students—

(i) with special needs; or

(ii) who do not meet minimum literacy standards.

SEC. 2402. CALCULATION OF NUMBER OF STUDENTS.

(a) SCHOOL REPORTING REQUIREMENT.—

(1) IN GENERAL.—Not later than September 15, 1996, and not later than September 15 of each year thereafter, each District of Columbia public school and public charter school shall submit a report to the Mayor and the Board of Education containing the information described in subsection (b) that is applicable to such school.

(2) SPECIAL RULE.—Not later than April 1, 1997, and not later than April 1 of each year thereafter, each public charter school shall submit a report in the same form and manner as described in paragraph (1) to ensure accurate payment under section 2403(a)(2)(B)(ii).

(b) CALCULATION OF NUMBER OF STUDENTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall calculate the following:

(1) The number of students, including nonresident students and students with special needs, enrolled in each grade from kindergarten through grade 12 of the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other schools is paid for with funds available to the District of Columbia public schools.

(2) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (1).

(3) The number of students, including nonresident students, enrolled in preschool and prekindergarten in the District of Columbia public schools and in public charter schools.

(4) The amount of fees and tuition assessed and collected from the nonresident students described in paragraph (3).

(5) The number of full time equivalent adult students enrolled in adult, community, continuing, and vocational education programs in the District of Columbia public schools and in public charter schools.

(6) The amount of fees and tuition assessed and collected from resident and nonresident adult students described in paragraph (5).

(7) The number of students, including nonresident students, enrolled in nongrade level programs in District of Columbia public schools and in public charter schools.

(8) The amount of fees and tuition assessed and collected from nonresident students described in paragraph (7).

(c) ANNUAL REPORTS.—Not later than 30 days after the date of the enactment of this Act, and not later than October 15 of each year thereafter, the Board of Education shall prepare and submit to the Authority, the Mayor, the District of Columbia Council, the Consensus Commission, the Comptroller General of the United States, and the appropriate congressional committees a report containing a summary of the most recent calculations made under subsection (b).

(d) AUDIT OF INITIAL CALCULATIONS.—

(1) IN GENERAL.—The Board of Education shall arrange with the Authority to provide for the conduct of an independent audit of the initial calculations described in subsection (b).

(2) CONDUCT OF AUDIT.—In conducting the audit, the independent auditor—

(A) shall provide an opinion as to the accuracy of the information contained in the report described in subsection (c); and

(B) shall identify any material weaknesses in the systems, procedures, or methodology used by the Board of Education—

(i) in determining the number of students, including nonresident students, enrolled in the District of Columbia public schools and in public charter schools, and the number of students whose tuition for enrollment in other school systems is paid for by funds available to the District of Columbia public schools; and

(ii) in assessing and collecting fees and tuition from nonresident students.

(3) SUBMISSION OF AUDIT.—Not later than 45 days, or as soon thereafter as is practicable, after the date on which the Authority receives the initial annual report from the Board of Education under subsection (c), the Authority shall submit to the Board of Education, the Mayor, the District of Columbia Council, and the appropriate congressional committees, the audit conducted under this subsection.

(4) COST OF THE AUDIT.—The Board of Education shall reimburse the Authority for the cost of the independent audit, solely from amounts appropriated to the Board of Education for staff, stipends, and other-than-personal-services of the Board of Education by an Act making appropriations for the District of Columbia.

SEC. 2403. PAYMENTS.

(a) IN GENERAL.—

(1) ESCROW FOR PUBLIC CHARTER SCHOOLS.—Except as provided in subsection (b), for any fiscal year, not later than 10 days after the date of enactment of an Act making appropriations for the District of Columbia for such fiscal year, the Mayor shall place in escrow an amount equal to the aggregate of the amounts determined under section 2401(b)(1)(B) for use only by District of Columbia public charter schools.

(2) TRANSFER OF ESCROW FUNDS.—

(A) INITIAL PAYMENT.—Not later than October 15, 1996, and not later than October 15 of each year thereafter, the Mayor shall transfer, by electronic funds transfer, an amount equal to 75 percent of the amount of the annual payment for each public charter school determined by using the formula established pursuant to section 2401(b) to a bank designated by such school.

(B) FINAL PAYMENT.—

(i) Except as provided in clause (ii), not later than May 1, 1997, and not later than May 1 of each year thereafter, the Mayor shall transfer the remainder of the annual payment for a public charter school in the same manner as the initial payment was made under subparagraph (A).

(ii) Not later than March 15, 1997, and not later than March 15 of each year thereafter, if the enrollment number of a public charter school has changed from the number reported to the Mayor and the Board of Education, as required under section 2402(a), the Mayor shall increase the payment in an amount equal to 50 percent of the amount provided for each student who has enrolled in such school in excess of such enrollment number, or shall reduce the payment in an amount equal to 50 percent of the amount provided for each student who has withdrawn or dropped out of such school below such enrollment number.

(C) PRO RATA REDUCTION OR INCREASE IN PAYMENTS.—

(i) PRO RATA REDUCTION.—If the funds made available to the District of Columbia Government for the District of Columbia public school system and each public charter school for any fiscal year are insufficient to pay the full amount that such system and each public charter school is eligible to receive under this subtitle for such year, the Mayor shall ratably reduce such amounts for such year on the basis of the formula described in section 2401(b).

(ii) INCREASE.—If additional funds become available for making payments under this subtitle for such fiscal year, amounts that were reduced under subparagraph (A) shall be increased on the same basis as such amounts were reduced.

(D) UNEXPENDED FUNDS.—Any funds that remain in the escrow account for public charter schools on September 30 of a fiscal year shall revert to the general fund of the District of Columbia.

(b) EXCEPTION FOR NEW SCHOOLS.—

(1) AUTHORIZATION.—There are authorized to be appropriated $200,000 for each fiscal year to carry out this subsection.

(2) DISBURSEMENT TO MAYOR.—The Secretary of the Treasury shall make available and disburse to the Mayor, not later than August 1 of each of the fiscal years 1996 through 2000, such funds as have been appropriated under paragraph (1).

(3) ESCROW.—The Mayor shall place in escrow, for use by public charter schools, any sum disbursed under paragraph (2) and not paid under paragraph (4).

(4) PAYMENTS TO SCHOOLS.—The Mayor shall pay to public charter schools described in paragraph (5), in accordance with this subsection, any sum disbursed under paragraph (2).

(5) SCHOOLS DESCRIBED.—The schools referred to in paragraph (4) are public charter schools that—

(A) did not operate as public charter schools during any portion of the fiscal year preceding the fiscal year for which funds are authorized to be appropriated under paragraph (1); and

(B) operated as public charter schools during the fiscal year for which funds are authorized to be appropriated under paragraph (1).

(6) FORMULA.—

(A) 1996.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in fiscal year 1996 shall be calculated by multiplying $6,300 by $\frac{1}{12}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school; and

(B) 1997 THROUGH 2000.—The amount of the payment to a public charter school described in paragraph (5) that begins operation in any of fiscal years 1997 through 2000 shall be calculated by multiplying the uniform dollar amount used in the formula established under section 2401(b) by $\frac{1}{12}$ of the total anticipated enrollment as set forth in the petition to establish the public charter school.

(7) PAYMENT TO SCHOOLS.—

(A) TRANSFER.—On September 1 of each of the years 1996 through 2000, the Mayor shall transfer, by electronic funds transfer, the amount determined under paragraph (6) for each public charter school from the escrow account established under subsection (a) to a bank designated by each such school.

(B) PRO RATA AND REMAINING FUNDS.—Subparagraphs (C) and (D) of subsection (a)(2) shall apply to payments made under this subsection, except that for purposes of this subparagraph references to District of Columbia public schools in such subparagraphs (C) and (D) shall be read to refer to public charter schools.

Subtitle E—School Facilities Repair and Improvement

SEC. 2550. DEFINITIONS.

For purposes of this subtitle—

(1) the term "facilities" means buildings, structures, and real property of the District of Columbia public schools, except that such term does not include any administrative office building that is not located in a building containing classrooms; and

(2) the term "repair and improvement" includes administration, construction, and renovation.

PART 1—SCHOOL FACILITIES

SEC. 2551. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act the Administrator of the General Services Administration shall enter into a Memorandum of Agreement or Understanding (referred to in this subtitle as the "Agreement") with the Superintendent regarding the terms under which the Administrator will provide technical assistance and related services with respect to District of Columbia public schools facilities management in accordance with this section.

(b) TECHNICAL ASSISTANCE AND RELATED SERVICES.—The technical assistance and related services described in subsection (a) shall include—

(1) the Administrator consulting with and advising District of Columbia public school personnel responsible for public schools facilities management, including repair and improvement with respect to facilities management of such schools;

(2) the Administrator assisting the Superintendent in developing a systemic and comprehensive facilities revitalization program, for the repair and improvement of District of Columbia public school facilities, which program shall—

(A) include a list of facilities to be repaired and improved in a recommended order of priority;

(B) provide the repair and improvement required to support modern technology; and

(C) take into account the Preliminary Facilities Master Plan 2005 (prepared by the Superintendent's Task Force on Education Infrastructure for the 21st Century);

(3) the method by which the Superintendent will accept donations of private goods and services for use by the District of Columbia public

schools without regard to any law or regulation of the District of Columbia;

(4) the Administrator recommending specific repair and improvement projects in District of Columbia public school facilities to the Superintendent that are appropriate for completion by members and units of the National Guard and the Reserves in accordance with the program developed under paragraph (2);

(5) upon the request of the Superintendent, the Administrator assisting the appropriate District of Columbia public school officials in the preparation of an action plan for the performance of any repair and improvement recommended in the program developed under paragraph (2), which action plan shall detail the technical assistance and related services the Administrator proposes to provide in the accomplishment of the repair and improvement;

(6) upon the request of the Superintendent, and if consistent with the efficient use of resources as determined by the Administrator, the coordination of the accomplishment of any repair and improvement in accordance with the action plan prepared under paragraph (5), except that in carrying out this paragraph, the Administrator shall not be subject to the requirements of title III of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq., and 41 U.S.C. 251 et seq.), the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.), nor shall such action plan be subject to review under the bid protest procedures described in sections 3551 through 3556 of title 31, United States Code, or the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.);

(7) providing access for the Administrator to all District of Columbia public school facilities as well as permitting the Administrator to request and obtain any record or document regarding such facilities as the Administrator determines necessary, except that any such record or document shall not become a record (as defined in section 552a of title 5, United States Code) of the General Services Administration; and

(8) the Administrator making recommendations regarding how District of Columbia public school facilities may be used by the District of Columbia community for multiple purposes.

(c) AGREEMENT PROVISIONS.—The Agreement shall include—

(1) the procedures by which the Superintendent and Administrator will consult with respect to carrying out this section, including reasonable time frames for such consultation;

(2) the scope of the technical assistance and related services to be provided by the General Services Administration in accordance with this section;

(3) assurances by the Administrator and the Superintendent to cooperate with each other in any way necessary to ensure implementation of the Agreement, including assurances that funds available to the District of Columbia shall be used to pay the obligations of the District of Columbia public school system that are incurred as a result of actions taken under, or in furtherance of, the Agreement, in addition to funds available to the Administrator for purposes of this section; and

(4) the duration of the Agreement, except that in no event shall the Agreement remain in effect later than the day that is 24 months after the date that the Agreement is signed, or the day that the agency designated pursuant to section 2552(a)(2) assumes responsibility for the District of Columbia public school facilities, whichever day is earlier.

(d) LIMITATION ON ADMINISTRATOR'S LIABILITY.—No claim, suit, or action may be brought against the Administrator in connection with the discharge of the Administrator's responsibilities under this subtitle.

(e) SPECIAL RULE.—Notwithstanding any other provision of law, the Administrator is authorized to accept and use a conditioned gift made for the express purpose of repairing or improving a District of Columbia public school, except that the Administrator shall not be required to carry out any repair or improvement under this section unless the Administrator accepts a donation of private goods or services sufficient to cover the costs of such repair or improvement.

(f) EFFECTIVE DATE.—This subtitle shall cease to be effective on the earlier day specified in subsection (c)(4).

SEC. 2552. FACILITIES REVITALIZATION PROGRAM.

(a) PROGRAM.—Not later than 12 months after the date of enactment of this Act, the Mayor and the District of Columbia Council in consultation with the Administrator, the Authority, the Board of Education, and the Superintendent, shall—

(1) design and implement a comprehensive long-term program for the repair and improvement, and maintenance and management, of the District of Columbia public school facilities, which program shall incorporate the work completed in accordance with the program described in section 2551(b)(2); and

(2) designate a new or existing agency or authority within the District of Columbia Government to administer such program.

(b) PROCEEDS.—Such program shall include—

(1) identifying short-term funding for capital and maintenance of facilities, which may include retaining proceeds from the sale or lease of a District of Columbia public school facility; and

(2) identifying and designating long-term funding for capital and maintenance of facilities.

(c) IMPLEMENTATION.—Upon implementation of such program, the agency or authority created or designated pursuant to subsection (a)(2) shall assume authority and responsibility for the repair and improvement, and maintenance and management, of District of Columbia public schools.

PART 2—WAIVERS

SEC. 2561. WAIVERS.

(a) IN GENERAL.—

(1) REQUIREMENTS WAIVED.—Subject to subsection (b), all District of Columbia fees and all requirements contained in the document entitled "District of Columbia Public Schools Standard Contract Provisions" (as such document was in effect on November 2, 1995 and including any revisions or modifications to such document) published by the District of Columbia public schools for use with construction or maintenance projects, are waived, for purposes of repair and improvement of District of Columbia public schools facilities for a period beginning on the date of enactment of this Act and ending 24 months after such date.

(2) DONATIONS.—Any individual may volunteer his or her services or may donate materials to a District of Columbia public school facility for the repair and improvement of such facility provided that the provision of voluntary services meets the requirements of 29 U.S.C. 203(e)(4).

(b) LIMITATION.—A waiver under subsection (a) shall not apply to requirements under 40 U.S.C. 276a–276a–7.

PART 3—GIFTS, DONATIONS, BEQUESTS, AND DEVISES

SEC. 2571. GIFTS, DONATIONS, BEQUESTS, AND DEVISES.

(a) IN GENERAL.—A District of Columbia public school or a public charter school may accept directly from any person a gift, donation, bequest, or devise of any property, real or personal, without regard to any law or regulation of the District of Columbia.

(b) TAX LAWS.—For the purposes of the income tax, gift tax, and estate tax laws of the Federal Government, any money or other property given, donated, bequeathed, or devised to a District of Columbia public school or a public charter school, shall be deemed to have been given, donated, bequeathed, or devised to or for the use of the District of Columbia.

Subtitle F—Partnerships With Business

SEC. 2601. PURPOSE.

The purpose of this subtitle is—

(1) to leverage private sector funds utilizing initial Federal investments in order to provide students and teachers within the District of Columbia public schools and public charter schools with access to state-of-the-art educational technology;

(2) to establish a regional job training and employment center;

(3) to strengthen workforce preparation initiatives for students within the District of Columbia public schools and public charter schools;

(4) to coordinate private sector investments in carrying out this title; and

(5) to assist the Superintendent with the development of individual career paths in accordance with the long-term reform plan.

SEC. 2602. DUTIES OF THE SUPERINTENDENT OF THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

The Superintendent is authorized to provide a grant to a private, nonprofit corporation that meets the eligibility criteria under section 2603 for the purposes of carrying out the duties under sections 2604 and 2607.

SEC. 2603. ELIGIBILITY CRITERIA FOR PRIVATE, NONPROFIT CORPORATION.

A private, nonprofit corporation shall be eligible to receive a grant under section 2602 if the corporation is a national business organization incorporated in the District of Columbia, that—

(1) has a board of directors which includes members who are also chief executive officers of technology-related corporations involved in education and workforce development issues;

(2) has extensive practical experience with initiatives that link business resources and expertise with education and training systems;

(3) has experience in working with State and local educational agencies throughout the United States with respect to the integration of academic studies with workforce preparation programs; and

(4) has a nationwide structure through which additional resources can be leveraged and innovative practices disseminated.

SEC. 2604. DUTIES OF THE PRIVATE, NONPROFIT CORPORATION.

(a) DISTRICT EDUCATION AND LEARNING TECHNOLOGIES ADVANCEMENT COUNCIL.—

(1) ESTABLISHMENT—The private, nonprofit corporation shall establish a council to be known as the "District Education and Learning Technologies Advancement Council" (in this subtitle referred to as the "council").

(2) MEMBERSHIP.—

(A) IN GENERAL.—The private, nonprofit corporation shall appoint members to the council. An individual shall be appointed as a member to the council on the basis of the commitment of the individual, or the entity which the individual is representing, to providing time, energy, and resources to the council.

(B) COMPENSATION.—Members of the council shall serve without compensation.

(3) DUTIES.—The council—

(A) shall advise the private, nonprofit corporation with respect to the duties of the corporation under subsections (b) through (d) of this section; and

(B) shall assist the corporation in leveraging private sector resources for the purpose of carrying out such duties.

(b) ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY.—

(1) IN GENERAL—The private, nonprofit corporation, in conjunction with the Superintendent, students, parents, and teachers, shall establish and implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(2) ELECTRONIC DATA TRANSFER SYSTEM.—The private, nonprofit corporation shall assist the Superintendent in acquiring the necessary equipment, including computer hardware and software, to establish an electronic data transfer system. The private, nonprofit corporation shall also assist in arranging for training of District of Columbia public school employees in using such equipment.

(3) TECHNOLOGY ASSESSMENT.—

(A) IN GENERAL.—In establishing and implementing the strategies under paragraph (1), the private, nonprofit corporation, not later than September 1, 1996, shall provide for an assessment of the availability, on the date of enactment of this Act, of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) CONDUCT OF ASSESSMENT.—In providing for the assessment under subparagraph (A), the private, nonprofit corporation—

(i) shall provide for onsite inspections of the state-of-the-art educational technology within a minimum sampling of District of Columbia public schools and public charter schools; and

(ii) shall ensure proper input from students, parents, teachers, and other school officials through the use of focus groups and other appropriate mechanisms.

(C) RESULTS OF ASSESSMENT.—The private, nonprofit corporation shall ensure that the assessment carried out under this paragraph provides, at a minimum, necessary information on state-of-the-art educational technology within the District of Columbia public schools and public charter schools, including—

(i) the extent to which typical District of Columbia public schools have access to such state-of-the-art educational technology and training for such technology;

(ii) how such schools are using such technology;

(iii) the need for additional technology and the need for infrastructure for the implementation of such additional technology;

(iv) the need for computer hardware, software, training, and funding for such additional technology or infrastructure; and

(v) the potential for computer linkages among District of Columbia public schools and public charter schools.

(4) SHORT-TERM TECHNOLOGY PLAN.—

(A) IN GENERAL.—Based upon the results of the technology assessment under paragraph (3), the private, nonprofit corporation shall develop a 3-year plan that includes goals, priorities, and strategies for obtaining the resources necessary to implement strategies to ensure access to state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(B) IMPLEMENTATION.—The private, nonprofit corporation, in conjunction with schools, students, parents, and teachers, shall implement the plan developed under subparagraph (A).

(5) LONG-TERM TECHNOLOGY PLAN.—Prior to the completion of the implementation of the short-term technology plan under paragraph (4), the private, nonprofit corporation shall develop a plan under which the corporation will continue to coordinate the donation of private sector resources for maintaining the continuous improvement and upgrading of state-of-the-art educational technology within the District of Columbia public schools and public charter schools.

(c) DISTRICT EMPLOYMENT AND LEARNING CENTER.—

(1) ESTABLISHMENT.—The private, nonprofit corporation shall establish a center to be known as the "District Employment and Learning Center" (in this subtitle referred to as the "center"), which shall serve as a regional institute providing job training and employment assistance.

(2) DUTIES.—

(A) JOB TRAINING AND EMPLOYMENT ASSISTANCE PROGRAM.—The center shall establish a program to provide job training and employment assistance in the District of Columbia and shall coordinate with career preparation programs in existence on the date of enactment of this Act, such as vocational education, school-to-work, and career academies in the District of Columbia public schools.

(B) CONDUCT OF PROGRAM.—In carrying out the program established under subparagraph (A), the center—

(i) shall provide job training and employment assistance to youths who have attained the age of 18 but have not attained the age of 26, who are residents of the District of Columbia, and who are in need of such job training and employment assistance for an appropriate period not to exceed 2 years;

(ii) shall work to establish partnerships and enter into agreements with appropriate agencies of the District of Columbia Government to serve individuals participating in appropriate Federal programs, including programs under the Job Training Partnership Act (29 U.S.C. 1501 et seq.), the Job Opportunities and Basic Skills Training Program under part F of title IV of the Social Security Act (42 U.S.C. 681 et seq.), the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2301 et seq.), and the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.);

(iii) shall conduct such job training, as appropriate, through a consortium of colleges, universities, community colleges, businesses, and other appropriate providers, in the District of Columbia metropolitan area;

(iv) shall design modular training programs that allow students to enter and leave the training curricula depending on their opportunities for job assignments with employers; and

(v) shall utilize resources from businesses to enhance work-based learning opportunities and facilitate access by students to work-based learning and work experience through temporary work assignments with employers in the District of Columbia metropolitan area.

(C) COMPENSATION.—The center may provide compensation to youths participating in the program under this paragraph for part-time work assigned in conjunction with training. Such compensation may include need-based payments and reimbursement of expenses.

(d) WORKFORCE PREPARATION INITIATIVES.—

(1) IN GENERAL.—The private, nonprofit corporation shall establish initiatives with the District of Columbia public schools, and public charter schools, appropriate governmental agencies, and businesses and other private entities, to facilitate the integration of rigorous academic studies with workforce preparation programs in District of Columbia public schools and public charter schools.

(2) CONDUCT OF INITIATIVES.—In carrying out the initiatives under paragraph (1), the private, nonprofit corporation shall, at a minimum, actively develop, expand, and promote the following programs:

(A) Career academy programs in secondary schools, as such programs are established in certain District of Columbia public schools, which provide a school-within-a-school concept, focusing on career preparation and the integration of the academy programs with vocational and technical curriculum.

(B) Programs carried out in the District of Columbia that are funded under the School-to-Work Opportunities Act of 1994 (20 U.S.C. 6101 et seq.).

SEC. 2605. MATCHING FUNDS.

The private, nonprofit corporation, to the extent practicable, shall provide matching funds, or in-kind contributions, or a combination thereof, for the purpose of carrying out the duties of the corporation under section 2604, as follows:

(1) For fiscal year 1997, the nonprofit corporation shall provide matching funds or in-kind contributions of $1 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(2) For fiscal year 1998, the nonprofit corporation shall provide matching funds or in-kind contributions of $3 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

(3) For fiscal year 1999, the nonprofit corporation shall provide matching funds or in-kind contributions of $5 for every $1 of Federal funds provided under this subtitle for such year for activities under section 2604.

SEC. 2606. REPORT.

The private, nonprofit corporation shall prepare and submit to the appropriate congressional committees on a quarterly basis, or, with respect to fiscal year 1997, on a semiannual basis, a report which shall contain—

(1) the activities the corporation has carried out, including the duties of the corporation described in section 2604, for the 3-month period ending on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period ending on the date of the submission of the report;

(2) an assessment of the use of funds or other resources donated to the corporation;

(3) the results of the assessment carried out under section 2604(b)(3); and

(4) a description of the goals and priorities of the corporation for the 3-month period beginning on the date of the submission of the report, or, with respect to fiscal year 1997, the 6-month period beginning on the date of the submission of the report.

SEC. 2607. JOBS FOR D.C. GRADUATES PROGRAM.

(a) IN GENERAL.—The nonprofit corporation shall establish a program, to be known as the "Jobs for D.C. Graduates Program", to assist District of Columbia public schools and public charter schools in organizing and implementing a school-to-work transition system, which system shall give priority to providing assistance to at-risk youths and disadvantaged youths.

(b) CONDUCT OF PROGRAM.—In carrying out the program established under subsection (a), the nonprofit corporation, consistent with the policies of the nationally recognized Jobs for America's Graduates, Inc., shall—

(1) establish performance standards for such program;

(2) provide ongoing enhancement and improvements in such program;

(3) provide research and reports on the results of such program; and

(4) provide preservice and inservice training.

SEC. 2608. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION.—

(1) DELTA COUNCIL; ACCESS TO STATE-OF-THE-ART EDUCATIONAL TECHNOLOGY; AND WORKFORCE PREPARATION INITIATIVES.—There are authorized to be appropriated to carry out subsections (a), (b), and (d) of section 2604, $1,000,000 for each of the fiscal years 1997, 1998, and 1999.

(2) DEAL CENTER.—There are authorized to be appropriated to carry out section 2604(c), $2,000,000 for each of the fiscal years 1997, 1998, and 1999.

(3) JOBS FOR D.C. GRADUATES PROGRAM.—There are authorized to be appropriated to carry out section 2607—

(A) $2,000,000 for fiscal year 1997; and

(B) $3,000,000 for each of the fiscal years 1998 through 2001.

(b) AVAILABILITY.—Amounts authorized to be appropriated under subsection (a) are authorized to remain available until expended.

SEC. 2609. TERMINATION OF FEDERAL SUPPORT; SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.

(a) TERMINATION OF FEDERAL SUPPORT.—The authority under this subtitle to provide assistance to the private, nonprofit corporation or any other entity established pursuant to this subtitle shall terminate on October 1, 1999.

(b) SENSE OF THE CONGRESS RELATING TO CONTINUATION OF ACTIVITIES.—It is the sense of the Congress that—

(1) the activities of the private, nonprofit corporation under section 2604 should continue to be carried out after October 1, 1999, with resources made available from the private sector; and

(2) the corporation should provide oversight and coordination for such activities after such date.

Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources

SEC. 2751. MANAGEMENT SUPPORT SYSTEMS.

(a) FOOD SERVICES AND SECURITY SERVICES.—Notwithstanding any other law, rule, or regulation, the Board of Education shall enter into a contract for academic year 1995–1996 and each succeeding academic year, for the provision of all food services operations and security services for the District of Columbia public schools, unless the Superintendent determines that it is not feasible and provides the Superintendent's reasons in writing to the Board of Education and the Authority.

(b) DEVELOPMENT OF NEW MANAGEMENT AND DATA SYSTEMS.—Notwithstanding any other law, rule, or regulation, the Board of Education shall, in academic year 1995–1996, consult with the Authority on the development of new management and data systems, as well as training of personnel to use and manage the systems in areas of budget, finance, personnel and human resources, management information services, procurement, supply management, and other systems recommended by the Authority. Such plans shall be consistent with, and contemporaneous to, the District of Columbia Government's development and implementation of a replacement for the financial management system for the District of Columbia Government in use on the date of enactment of this Act.

SEC. 2752. ACCESS TO FISCAL AND STAFFING DATA.

(a) IN GENERAL.—The budget, financial-accounting, personnel, payroll, procurement, and management information systems of the District of Columbia public schools shall be coordinated and interface with related systems of the District of Columbia Government.

(b) ACCESS.—The Board of Education shall provide read-only access to its internal financial management systems and all other data bases to designated staff of the Mayor, the Council, the Authority, and appropriate congressional committees.

SEC. 2753. DEVELOPMENT OF FISCAL YEAR 1997 BUDGET REQUEST.

(a) IN GENERAL.—The Board of Education shall develop its fiscal year 1997 gross operating budget and its fiscal year 1997 appropriated funds budget request in accordance with this section.

(b) FISCAL YEAR 1996 BUDGET REVISION.—Not later than 60 days after enactment of this Act, the Board of Education shall develop, approve, and submit to the Mayor, the District of Columbia Council, the Authority, and appropriate congressional committees, a revised fiscal year 1996 gross operating budget that reflects the amount appropriated in the District of Columbia Appropriations Act, 1996, and which—

(1) is broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object; and

(2) indicates by position title, grade, and agency reporting code, all staff allocated to each District of Columbia public school as of October 15, 1995, and indicates on an object class basis all other-than-personal-services financial resources allocated to each school.

(c) ZERO-BASE BUDGET.—For fiscal year 1997, the Board of Education shall build its gross operating budget and appropriated funds request from a zero-base, starting from the local school level through the central office level.

(d) SCHOOL-BY-SCHOOL BUDGETS.—The Board of Education's initial fiscal year 1997 gross operating budget and appropriated funds budget request submitted to the Mayor, the District of Columbia Council, and the Authority shall contain school-by-school budgets and shall also—

(1) be broken out on the basis of appropriated funds and nonappropriated funds, control center, responsibility center, agency reporting code, object class, and object;

(2) indicate by position title, grade, and agency reporting code all staff budgeted for each District of Columbia public school, and indicate on an object class basis all other-than-personal-services financial resources allocated to each school; and

(3) indicate the amount and reason for all changes made to the initial fiscal year 1997 gross operating budget and appropriated funds request from the revised fiscal year 1996 gross operating budget required by subsection (b).

SEC. 2754. TECHNICAL AMENDMENTS.

Section 1120A of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6322) is amended—

(1) in subsection (b)(1), by—

(A) striking "(A) Except as provided in subparagraph (B), a State" and inserting "A State"; and

(B) striking subparagraph (B); and

(2) by adding at the end thereof the following new subsection:

"(d) EXCLUSION OF FUNDS.—For the purpose of complying with subsections (b) and (c), a State or local educational agency may exclude supplemental State or local funds expended in any school attendance area or school for programs that meet the intent and purposes of this part.".

SEC. 2755. EVEN START FAMILY LITERACY PROGRAMS.

Part B of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6361 et seq.) is amended—

(a) in section 1204(a) (20 U.S.C. 6364(a)), by inserting "intensive" after "cost of providing"; and

(b) in section 1205(4) (20 U.S.C. 6365(4)), by inserting ", intensive" after "high-quality".

SEC. 2756. PRESERVATION OF SCHOOL-BASED STAFF POSITIONS.

(a) RESTRICTIONS ON REDUCTIONS OF SCHOOL-BASED EMPLOYEES.—To the extent that a reduction in the number of full-time equivalent positions for the District of Columbia public schools is required to remain within the number of full-time equivalent positions established for the public schools in appropriations Acts, no reductions shall be made from the full-time equivalent positions for school-based teachers, principals, counselors, librarians, or other school-based educational positions that were established as of the end of fiscal year 1995, unless the Authority makes a determination based on student enrollment that—

(1) fewer school-based positions are needed to maintain established pupil-to-staff ratios; or

(2) reductions in positions for other than school-based employees are not practicable.

(b) DEFINITION.—The term "school-based educational position" means a position located at a District of Columbia public school or other position providing direct support to students at such a school, including a position for a clerical, stenographic, or secretarial employee, but not including any part-time educational aide position.

Subtitle H—Establishment and Organization of the Commission on Consensus Reform in the District of Columbia Public Schools

SEC. 2851. COMMISSION ON CONSENSUS REFORM IN THE DISTRICT OF COLUMBIA PUBLIC SCHOOLS.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established within the District of Columbia Government a Commission on Consensus Reform in the District of Columbia Public Schools, consisting of 7 members to be appointed in accordance with paragraph (2).

(2) MEMBERSHIP.—The Consensus Commission shall consist of the following members:

(A) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Majority Leader of the Senate.

(B) 1 member to be appointed by the President chosen from a list of 3 proposed members submitted by the Speaker of the House of Representatives.

(C) 2 members to be appointed by the President, of which 1 shall represent the local business community and 1 of which shall be a teacher in a District of Columbia public school.

(D) The President of the District of Columbia Congress of Parents and Teachers.

(E) The President of the Board of Education.

(F) The Superintendent.

(G) The Mayor and District of Columbia Council Chairman shall each name 1 nonvoting ex officio member.

(H) The Chief of the National Guard Bureau who shall be an ex officio member.

(3) TERMS OF SERVICE.—The members of the Consensus Commission shall serve for a term of 3 years.

(4) VACANCIES.—Any vacancy in the membership of the Consensus Commission shall be filled by the appointment of a new member in the same manner as provided for the vacated membership. A member appointed under this paragraph shall serve the remaining term of the vacated membership.

(5) QUALIFICATIONS.—Members of the Consensus Commission appointed under subparagraphs (A), (B), and (C) of paragraph (2) shall be residents of the District of Columbia and shall have a knowledge of public education in the District of Columbia.

(6) CHAIR.—The Chair of the Consensus Commission shall be chosen by the Consensus Commission from among its members, except that the President of the Board of Education and the Superintendent shall not be eligible to serve as Chair.

(7) NO COMPENSATION FOR SERVICE.—Members of the Consensus Commission shall serve without pay, but may receive reimbursement for any reasonable and necessary expenses incurred by reason of service on the Consensus Commission.

(b) EXECUTIVE DIRECTOR.—The Consensus Commission shall have an Executive Director who shall be appointed by the Chair with the consent of the Consensus Commission. The Executive Director shall be paid at a rate determined by the Consensus Commission, except that such rate may not exceed the highest rate of pay payable for level EG–16 of the Educational Service of the District of Columbia.

(c) STAFF.—With the approval of the Chair and the Authority, the Executive Director may appoint and fix the pay of additional personnel

as the Executive Director considers appropriate, except that no individual appointed by the Executive Director may be paid at a rate greater than the rate of pay for the Executive Director.

(d) SPECIAL RULE.—The Board of Education, or the Authority, shall reprogram such funds, as the Chair of the Consensus Commission shall in writing request, subject to the approval of the Authority from amounts available to the Board of Education.

SEC. 2852. PRIMARY PURPOSE AND FINDINGS.

(a) PURPOSE.—The primary purpose of the Consensus Commission is to assist in developing a long-term reform plan that has the support of the District of Columbia community through the participation of representatives of various critical segments of such community in helping to develop and approve the plan.

(b) FINDINGS.—The Congress finds that—

(1) experience has shown that the failure of the District of Columbia educational system has been due more to the failure to implement a plan than the failure to develop a plan;

(2) national studies indicate that 50 percent of secondary school graduates lack basic literacy skills, and over 30 percent of the 7th grade students in the District of Columbia public schools drop out of school before graduating;

(3) standard student assessments indicate only average performance for grade level and fail to identify individual students who lack basic skills, allowing too many students to graduate lacking these basic skills and diminishing the worth of a diploma;

(4) experience has shown that successful schools have good community, parent, and business involvement;

(5) experience has shown that reducing dropout rates in the critical middle and secondary school years requires individual student involvement and attention through such activities as arts or athletics; and

(6) experience has shown that close coordination between educators and business persons is required to provide noncollege-bound students the skills necessary for employment, and that personal attention is vitally important to assist each student in developing an appropriate career path.

SEC. 2853. DUTIES AND POWERS OF THE CONSENSUS COMMISSION.

(a) PRIMARY RESPONSIBILITY.—The Board of Education and the Superintendent shall have primary responsibility for developing and implementing the long-term reform plan for education in the District of Columbia.

(b) DUTIES.—The Consensus Commission shall—

(1) identify any obstacles to implementation of the long-term reform plan and suggest ways to remove such obstacles;

(2) assist in developing programs that—

(A) ensure every student in a District of Columbia public school achieves basic literacy skills;

(B) ensure every such student possesses the knowledge and skills necessary to think critically and communicate effectively by the completion of grade 8; and

(C) lower the dropout rate in the District of Columbia public schools;

(3) assist in developing districtwide assessments, including individual assessments, that identify District of Columbia public school students who lack basic literacy skills, with particular attention being given to grade 4 and the middle school years, and establish procedures to ensure that a teacher is made accountable for the performance of every such student in such teacher's class;

(4) make recommendations to improve community, parent, and business involvement in District of Columbia public schools and public charter schools;

(5) assess opportunities in the District of Columbia to increase individual student involvement and attention through such activities as arts or athletics, and make recommendations on how to increase such involvement; and

(6) assist in the establishment of procedures that ensure every District of Columbia public school student is provided the skills necessary for employment, including the development of individual career paths.

(c) POWERS.—The Consensus Commission shall have the following powers:

(1) To monitor and comment on the development and implementation of the long-term reform plan.

(2) To exercise its authority, as provided in this subtitle, as necessary to facilitate implementation of the long-term reform plan.

(3) To review and comment on the budgets of the Board of Education, the District of Columbia public schools and public charter schools.

(4) To recommend rules concerning the management and direction of the Board of Education that address obstacles to the development or implementation of the long-term reform plan.

(5) To review and comment on the core curriculum for kindergarten through grade 12 developed under subtitle C.

(6) To review and comment on a core curriculum for prekindergarten, vocational and technical training, and adult education.

(7) To review and comment on all other educational programs carried out by the Board of Education and public charter schools.

(8) To review and comment on the districtwide assessments for measuring student achievement in the core curriculum developed under subtitle C.

(9) To review and comment on the model professional development programs for teachers using the core curriculum developed under subtitle C.

(d) LIMITATIONS.—

(1) IN GENERAL.—Except as otherwise provided in this subtitle, the Consensus Commission shall have no powers to involve itself in the management or operation of the Board of Education with respect to the implementation of the long-term reform plan.

SEC. 2854. IMPROVING ORDER AND DISCIPLINE.

(a) COMMUNITY SERVICE REQUIREMENT FOR SUSPENDED STUDENTS.—

(1) IN GENERAL.—Any student suspended from classes at a District of Columbia public school who is required to serve the suspension outside the school shall perform community service for the period of suspension. The community service required by this subsection shall be subject to rules and regulations promulgated by the Mayor.

(2) EFFECTIVE DATE.—This subsection shall take effect on the first day of the 1996–1997 academic year.

(b) EXPIRATION DATE.—This section, and sections 2101(b)(1)(K) and 2851(a)(2)(H), shall cease to be effective on the last day of the 1997–1998 academic year.

(c) REPORT.—The Consensus Commission shall study the effectiveness of the policies implemented pursuant to this section in improving order and discipline in District of Columbia public schools and report its findings to the appropriate congressional committees not later than 60 days prior to the last day of the 1997–1998 academic year.

SEC. 2855. EDUCATIONAL PERFORMANCE AUDITS.

(a) IN GENERAL.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of the Board of Education to ensure, monitor, and evaluate the performance of the Board of Education with respect to compliance with the long-term reform plan and such plan's overall educational achievement. The Consensus Commission shall conduct an annual review of the educational performance of the Board of Education with respect to meeting the goals of such plan for such year. The Board of Education shall cooperate and assist in the review or audit as requested by the Consensus Commission.

(b) AUDIT.—The Consensus Commission may examine and request the Inspector General of the District of Columbia or the Authority to audit the records of any public charter school to assure, monitor, and evaluate the performance of the public charter school with respect to the content standards and districtwide assessments described in section 2311(b). The Consensus Commission shall receive a copy of each public charter school's annual report.

SEC. 2856. INVESTIGATIVE POWERS.

The Consensus Commission may investigate any action or activity which may hinder the progress of any part of the long-term reform plan. The Board of Education shall cooperate and assist the Consensus Commission in any investigation. Reports of the findings of any such investigation shall be provided to the Board of Education, the Superintendent, the Mayor, the District of Columbia Council, the Authority, and the appropriate congressional committees.

SEC. 2857. RECOMMENDATIONS OF THE CONSENSUS COMMISSION.

(a) IN GENERAL.—The Consensus Commission may at any time submit recommendations to the Board of Education, the Mayor, the District of Columbia Council, the Authority, the Board of Trustees of any public charter school and the Congress with respect to actions the District of Columbia Government or the Federal Government should take to ensure implementation of the long-term reform plan.

(b) AUTHORITY ACTIONS.—Pursuant to the District of Columbia Financial Responsibility and Management Assistance Act of 1995 or upon the recommendation of the Consensus Commission, the Authority may take whatever actions the Authority deems necessary to ensure the implementation of the long-term reform plan.

SEC. 2858. EXPIRATION DATE.

Except as otherwise provided in this subtitle, this subtitle shall be effective during the period beginning on the date of enactment of this Act and ending 7 years after such date.

Subtitle I—Parent Attendance at Parent-Teacher Conferences

SEC. 2901. POLICY.

Notwithstanding any other provision of law, the Mayor is authorized to develop and implement a policy encouraging all residents of the District of Columbia with children attending a District of Columbia public school to attend and participate in at least one parent-teacher conference every 90 days during the academic year.

This title may be cited as the "District of Columbia School Reform Act of 1995".

(c) For programs, projects or activities in the Department of the Interior and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, acquisition of easements and other interests in lands, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, *including the general administration of the Bureau, and assessment of mineral potential of public lands pursuant to Public Law 96–487 (16 U.S.C. 3150(a)), $567,453,000, to remain available until expended, of which $2,000,000 shall be available for assessment of the mineral potential of public lands in Alaska pursuant to section 1010 of Public Law 96–487 (16 U.S.C. 3150), and of which $4,000,000 shall be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–6a(i)): Provided, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau or its contractors; and in addition, $27,650,000 for Mining Law Administration program operations, to remain available until expended, to be reduced by amounts collected by the Bureau of Land Management and credited to this appropriation from annual mining claim fees so as to result in a final appropriation estimated at not more than $567,453,000: Provided further, That in addition to funds otherwise available, and to remain available until expended, not to exceed $5,000,000 from annual mining claim fees shall be credited to this account for the costs of administering the mining claim fee program, and $2,000,000 from communication site rental fees established by the Bureau.*

WILDLAND FIRE MANAGEMENT

For necessary expenses for fire use and management, fire preparedness, emergency presuppression, suppression operations, emergency rehabilitation, and renovation or construction of fire facilities in the Department of the Interior, $235,924,000, to remain available until expended, of which not to exceed $5,025,000, shall be available for the renovation or construction of fire facilities: Provided, That notwithstanding any other provision of law, persons hired pursuant to 43 U.S.C. 1469 may be furnished subsistence and lodging without cost from funds available from this appropriation: Provided further, That such funds are also available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes: Provided further, That unobligated balances of amounts previously appropriated to the Fire Protection and Emergency Department of the Interior Firefighting Fund may be transferred or merged with this appropriation.

CENTRAL HAZARDOUS MATERIALS FUND

For expenses necessary for use by the Department of the Interior and any of its component offices and bureaus for the remedial action, including associated activities, of hazardous waste substances, pollutants, or contaminants pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9601 et seq.), $10,000,000, to remain available until expended: Provided, That, notwithstanding 31 U.S.C. 3302, sums recovered from or paid by a party in advance of or as reimbursement for remedial action or response activities conducted by the Department pursuant to sections 107 or 113(f) of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (42 U.S.C. 9607 or 9613(f)), shall be credited to this account and shall be available without further appropriation and shall remain available until expended: Provided further, That such sums recovered from or paid by any party are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated, or otherwise disposed of by the Secretary of the Interior and which shall be credited to this account.

CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, $3,115,000, to remain available until expended.

PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901–07), $113,500,000, of which not to exceed $400,000 shall be available for administrative expenses.

LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94–579 including administrative expenses and acquisition of lands or waters, or interests therein, $12,800,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; $97,452,000, to remain available until expended: Provided, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land-grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than $9,113,000, to remain available until expended: Provided, That not to exceed $600,000 shall be available for administrative expenses.

SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93–153, to be immediately available until expended: Provided, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: Provided further, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to $100,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed $10,000: Provided, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $501,010,000, to remain available for obligation until September 30, 1997, of which $4,000,000 shall be available for activities under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), of which $11,557,000 shall be available until expended for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River: Provided, That unobligated and unexpended balances in the Resource Management account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 Resource Management appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That no monies appropriated under this or any other Act shall be used by the Secretary of the Interior or by the Secretary of Commerce to implement subsections (a), (b), (c), (e), (g) or (i) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533), until such time as legislation reauthorizing the Act is enacted or *until the end of fiscal year 1996, whichever is earlier, except that monies may be used to delist or reclassify species pursuant to sections 4(a)(2)(B), 4(c)(2)(B)(i), and 4(c)(2)(B)(ii) of the Endangered Species Act, and to issue emergency listings under section 4(b)(7) of the Endangered Species Act: Provided further, That the President is authorized to suspend the provisions of the preceeding proviso if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which the preceeding proviso would otherwise be in effect), as the President may determine, and shall be reported to the Congress.*

CONSTRUCTION

For construction and acquisition of buildings and other facilities required in the conservation, management, investigation, protection, and utilization of fishery and wildlife resources, and the acquisition of lands and interests therein; $37,655,000, to remain available until expended.

NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessment activities by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101–380), and the Act of July 27, 1990 (Public Law 101–337); $4,000,000, to remain available until expended: Provided, That sums provided by any party in fiscal year 1996 and thereafter are not limited to monetary payments and may include stocks, bonds or other personal or real property, which may be retained, liquidated or otherwise disposed of by the Secretary and such sums or properties shall be utilized for the restoration of injured resources, and to conduct new damage assessment activities.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, $36,900,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543), as amended by Public Law 100–478, $8,085,000 for grants to States, to be derived from the Cooperative Endangered Species Conservation Fund, and to remain available until expended.

NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), $10,779,000.

REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201–4203, 4211–4213, 4221–4225, 4241–4245, and 1538), $600,000, to remain available until expended.

NORTH AMERICAN WETLANDS CONSERVATION FUND

For expenses necessary to carry out the provisions of the North American Wetlands Conservation Act, Public Law 101–233, $6,750,000, to remain available until expended.

LAHONTAN VALLEY AND PYRAMID LAKE FISH AND WILDLIFE FUND

For carrying out section 206(f) of Public Law 101–618, such sums as have previously been credited or may be credited hereafter to the Lahontan Valley and Pyramid Lake Fish and Wildlife Fund, to be available until expended without further appropriation.

RHINOCEROS AND TIGER CONSERVATION FUND

For deposit to the Rhinoceros and Tiger Conservation Fund, $200,000, to remain available until expended, to be available to carry out the provisions of the Rhinoceros and Tiger Conservation Act of 1994 (Public Law 103–391).

WILDLIFE CONSERVATION AND APPRECIATION FUND

For deposit to the Wildlife Conservation and Appreciation Fund, $800,000, to remain available until expended.

ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 113 passenger motor vehicles; not to exceed $400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United States Fish and Wildlife Service; options for the purchase of land at not to exceed $1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: Provided, That notwithstanding 44 U.S.C. 501, the Service may, under cooperative cost sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share at least one-half the cost of printing either in cash or services and the Service determines the cooperator is capable of meeting accepted quality standards: Provided further, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: Provided further, That notwithstanding any other provision of law, the Secretary of the Interior may not spend any of the funds appropriated in this Act for the purchase of lands or interests in lands to be used in the establishment of any new unit of the National Wildlife Refuge System unless the purchase is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551: Provided further, That none of the funds made available in this Act may be used by the U. S. Fish and Wildlife Service to impede or delay the issuance of a wetlands permit by the U. S. Army Corps of Engineers to the City of Lake Jackson, Texas, for the development of a public golf course west of Buffalo Camp Bayou between the Brazos River and Highway 332: Provided further, That the Director of the Fish and Wildlife Service may charge reasonable fees for expenses to the Federal Government for providing training by the National Education and Training Center: Provided further, That all training fees collected shall be available to the Director, until expended, without further appropriation, to be used for the costs of training and education provided by the National Education and Training Center: Provided further, That with respect to lands leased for farming pursuant to Public Law 88–567, if for any reason the Secretary disapproves for use in 1996 or does not finally approve for use in 1996 any pesticide or chemical which was approved for use in 1995 or had been requested for use in 1996 by the submission of a pesticide use proposal as of September 19, 1995, none of the funds in this Act may be used to develop, implement, or enforce regulations or policies (including pesticide use proposals) related to the use of chemicals and pest management that are more restrictive than the requirements of applicable State and Federal laws related to the use of chemicals and pest management practices on non-Federal lands.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed $1,593,000 for the Volunteers-in-Parks program, and not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408, $1,082,481,000, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed $72,000,000, to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100–203.

NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, international park affairs, statutory or contractual aid for other activities, and grant administration, not otherwise provided for, $37,649,000: Provided, That $236,000 of the funds provided herein are for the William O. Douglas Outdoor Education Center, subject to authorization.

HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), $36,212,000, to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1997.

CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, $143,225,000, to remain available until expended: Provided, That not to exceed $4,500,000 of the funds provided herein shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: Provided further, That funds provided under this head, derived from the Historic Preservation Fund, established by the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), may be available until expended to render sites safe for visitors and for building stabilization.

LAND AND WATER CONSERVATION FUND

(RESCISSION)

The contract authority provided for fiscal year 1996 by 16 U.S.C. 460l–10a is rescinded.

LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of lands or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, $49,100,000, to *be derived from the Land and Water Conservation Fund, to remain available until expended, and of which $1,500,000 is to administer the State assistance program: Provided, That any funds made available for the purpose of acquisition of the Elwha and Glines dams shall be used solely for acquisition, and shall not be expended until the full purchase amount has been appropriated by the Congress.*

ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 518 passenger motor vehicles, of which 323 shall be for replacement only, including not to exceed 411 for police-type use, 12 buses, and 5 ambulances: Provided, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided further, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

None of the funds in this Act may be spent by the National Park Service for activities taken in direct response to the United Nations Biodiversity Convention.

The National Park Service may enter into cooperative agreements that involve the transfer of National Park Service appropriated funds to State, local and tribal governments, other public entities, educational institutions, and private nonprofit organizations for the public purpose of carrying out National Park Service programs.

The National Park Service shall, within existing funds, conduct a Feasibility Study for a northern access route into Denali National Park and Preserve in Alaska, to be completed within one year of the enactment of this Act and submitted to the House and Senate Committees on Appropriations and to the Senate Committee on Energy and Natural Resources and the House Committee on Resources. The Feasibility Study shall ensure that resource impacts from any plan to create such access route are evaluated with accurate information and according to a process that takes into consideration park values, visitor needs, a full range of alternatives, the viewpoints of all interested parties, including the tourism industry and the State of Alaska, and potential needs for compliance with the National Environmental Policy Act. The Study shall also address the time required for development of alternatives and identify all associated costs.

This Feasibility Study shall be conducted solely by the National Park Service planning personnel permanently assigned to National Park Service offices located in the State of Alaska in consultation with the State of Alaska Department of Transportation.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the United States Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; and to conduct inquiries into the economic conditions affecting mining and materials processing industries (30 U.S.C. 3, 21a, and 1603; 50 U.S.C. 98g(1)) and related purposes as authorized by law and to publish and disseminate data; $730,163,000, of which $62,130,000 shall be available for cooperation with States or municipalities for water resources investigations, and of which $137,000,000 for resource research and the operations of Cooperative Research Units shall remain available until September 30, 1997, and of which $16,000,000 shall remain available until expended for conducting inquiries into the economic conditions affecting mining and materials processing industries: Provided, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources investigations carried on in cooperation with any State or municipality: Provided further, That funds available herein for resource research may be used for the purchase of not to exceed 61 passenger motor vehicles, of which 55 are for replacement only: Provided further, That none of the funds available under this head for resource research shall be used to conduct new surveys on private property, including new aerial surveys for the designation of habitat under the Endangered Species Act, except when it is made known to the Federal official having authority to obligate or expend such funds that the survey or research has been requested and authorized in writing by the property owner or the owner's authorized representative: Provided further, That none of the funds provided herein for resource research may be used to administer a volunteer program when it is made known to the Federal official having authority to obligate or expend such funds that the volunteers are not properly trained or that information gathered by the volunteers is not carefully verified: Provided further, That no later than April 1, 1996, the Director of the United States Geological Survey shall issue agency guidelines for resource research that ensure that scientific and technical peer review is utilized as fully as possible in selection of projects for funding and ensure the validity and reliability of research and data collection on Federal lands: Provided further, That no funds available for resource research may be used for any activity that was not authorized prior to the establishment of the National Biological Survey: Provided further, That once every five years the National Academy of Sciences shall review and report on the resource research activities of the Survey: Provided further, That if specific authorizing legislation is enacted during or before the start of fiscal year 1996, the resource research component of the Survey should comply with the provisions of that legislation: Provided further, That unobligated and unexpended balances in the National Biological Survey, Research, inventories and surveys account at the end of fiscal year 1995, shall be merged with and made a part of the United States Geological Survey, Surveys, investigations, and research account and shall remain available for obligation until September 30, 1996: Provided further, That the authority granted to the United States Bureau of Mines to conduct mineral surveys and to determine mineral values by section 603 of Public Law 94–579 is hereby transferred to, and vested in, the Director of the United States Geological Survey.

ADMINISTRATIVE PROVISIONS

The amount appropriated for the United States Geological Survey shall be available for purchase of not to exceed 22 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the United States Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: Provided, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in 31 U.S.C. 6302, et seq.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; $182,555,000, of which not less than $70,105,000 shall be available for royalty management activities; and an amount not to exceed $15,400,000 for the Technical Information Management System and Related Activities of the Outer Continental Shelf (OCS) Lands Activity, to be credited to this appropriation and to remain available until expended, from additions to receipts resulting from increases to rates in effect on August 5, 1993, from rate increases to fee collections for OCS administrative activities performed by the Minerals Management Service over and above the rates in effect on September 30, 1993, and from additional fees for OCS administrative activities established after September 30, 1993: Provided, That beginning in fiscal year 1996 and thereafter, fees for royalty rate relief applications shall be established (and revised as needed) in Notices to Lessees, and shall be credited to this account in the program areas performing the function, and remain available until expended for the costs of administering the royalty rate relief authorized by 43 U.S.C. 1337(a)(3): Provided further, That $1,500,000 for computer acquisitions shall remain available until September 30, 1997: Provided further, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): Provided further, That not to exceed $3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: Provided further, That notwithstanding any other provision of law, $15,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due, to pay amounts owed to Indian allottees or Tribes, or to correct prior unrecoverable erroneous payments: Provided further, That beginning in fiscal year 1996 and thereafter, the Secretary shall take appropriate action to collect unpaid and underpaid royalties and late payment interest owed by Federal and Indian mineral lessees and other royalty payors on amounts received in settlement or other resolution of disputes under, and for partial or complete termination of, sales agreements for minerals from Federal and Indian leases.

OIL SPILL RESEARCH

For necessary expenses to carry out the purposes of title I, section 1016, title IV, sections 4202 and 4303, title VII, and title VIII, section

8201 of the Oil Pollution Act of 1990, $6,440,000, which shall be derived from the Oil Spill Liability Trust Fund, to remain available until expended.

BUREAU OF MINES

MINES AND MINERALS

For expenses necessary for, and incidental to, the closure of the United States Bureau of Mines, $64,000,000, to remain available until expended, of which not to exceed $5,000,000 may be used for the completion and/or transfer of certain ongoing projects within the United States Bureau of Mines, such projects to be identified by the Secretary of the Interior within 90 days of enactment of this Act: Provided, That there hereby are transferred to, and vested in, the Secretary of Energy: (1) the functions pertaining to the promotion of health and safety in mines and the mineral industry through research vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania, and at its Spokane Research Center in Washington; (2) the functions pertaining to the conduct of inquiries, technological investigations and research concerning the extraction, processing, use and disposal of mineral substances vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines under the minerals and materials science programs at its Pittsburgh Research Center in Pennsylvania, and at its Albany Research Center in Oregon; and (3) the functions pertaining to mineral reclamation industries and the development of methods for the disposal, control, prevention, and reclamation of mineral waste products vested by law in the Secretary of the Interior or the United States Bureau of Mines and performed in fiscal year 1995 by the United States Bureau of Mines at its Pittsburgh Research Center in Pennsylvania: Provided further, That, if any of the same functions were performed in fiscal year 1995 at locations other than those listed above, such functions shall not be transferred to the Secretary of Energy from those other locations: Provided further, That the Director of the Office of Management and Budget, in consultation with the Secretary of Energy and the Secretary of the Interior, is authorized to make such determinations as may be necessary with regard to the transfer of functions which relate to or are used by the Department of the Interior, or component thereof affected by this transfer of functions, and to make such dispositions of personnel, facilities, assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds held, used, arising from, available to or to be made available in connection with, the functions transferred herein as are deemed necessary to accomplish the purposes of this transfer: Provided further, That all reductions in personnel complements resulting from the provisions of this Act shall, as to the functions transferred to the Secretary of Energy, be done by the Secretary of the Interior as though these transfers had not taken place but had been required of the Department of the Interior by all other provisions of this Act before the transfers of function became effective: Provided further, That the transfers of function to the Secretary of Energy shall become effective on the date specified by the Director of the Office of Management and Budget, but in no event later than 90 days after enactment into law of this Act: Provided further, That the reference to "function" includes, but is not limited to, any duty, obligation, power, authority, responsibility, right, privilege, and activity, or the plural thereof, as the case may be.

ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions, and fees from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies: Provided, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral products that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts: Provided further, That notwithstanding any other provision of law, the Secretary is authorized to convey, without reimbursement, title and all interest of the United States in property and facilities of the United States Bureau of Mines in Juneau, Alaska, to the City and Borough of Juneau, Alaska; in Tuscaloosa, Alabama, to the University of Alabama; in Rolla, Missouri, to the University of Missouri-Rolla; and in other localities to such university or government entities as the Secretary deems appropriate.

OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not to exceed 15 passenger motor vehicles for replacement only; $95,470,000, and notwithstanding 31 U.S.C. 3302, an additional amount shall be credited to this account, to remain available until expended, from performance bond forfeitures in fiscal year 1996: Provided, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1996 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: Provided further, That notwithstanding any other provision of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95–87, as amended, including the purchase of not more than 22 passenger motor vehicles for replacement only, $173,887,000, to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended: Provided, That grants to minimum program States will be $1,500,000 per State in fiscal year 1996: Provided further, That of the funds herein provided up to $18,000,000 may be used for the emergency program authorized by section 410 of Public Law 95–87, as amended, of which no more than 25 per centum shall be used for emergency reclamation projects in any one State and funds for Federally-administered emergency reclamation projects under this proviso shall not exceed $11,000,000: Provided further, That prior year unobligated funds appropriated for the emergency reclamation program shall not be subject to the 25 per centum limitation per State and may be used without fiscal year limitation for emergency projects: Provided further, That pursuant to Public Law 97–365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: Provided further, That funds made available to States under title IV of Public Law 95–87 may be used, at their discretion, for any required non-Federal share of the cost of projects funded by the Federal Government for the purpose of environmental restoration related to treatment or abatement of acid mine drainage from abandoned mines: Provided further, That such projects must be consistent with the purposes and priorities of the Surface Mining Control and Reclamation Act.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices; maintaining of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, $1,384,434,000, of which not to exceed $100,255,000 shall be for welfare assistance grants and not to exceed $104,626,000 shall be for payments to tribes and tribal organizations for contract support costs associated with ongoing contracts or grants or compacts entered into with the Bureau of Indian Affairs prior to fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975, as amended, and up to $5,000,000 shall be for the Indian Self-Determination Fund, which shall be available for the transitional cost of initial or expanded tribal contracts, grants, compacts, or cooperative agreements with the Bureau of Indian Affairs under the provisions of the Indian Self-Determination Act; and of which not to exceed $330,711,000 for school operations costs of Bureau-funded schools and other education programs shall become available for obligation on July 1, 1996, and shall remain available for obligation until September 30, 1997; and of which not to exceed $68,209,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1997; and of which not to exceed $71,854,000 shall remain available until expended for housing improvement, road maintenance, attorney fees, litigation support, self-governance grants, the Indian Self-Determination Fund, and the Navajo-Hopi Settlement Program: Provided, That tribes and tribal contractors may use their tribal priority allocations for unmet indirect costs of ongoing contracts, grants or compact agreements: Provided further, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee: Provided further, That to provide funding uniformity *within a Self-Governance Compact, any funds provided in this Act with availability for more than one year may be reprogrammed to one year availability but shall remain available within the Compact until expended: Provided further, That notwithstanding any other provision of law, Indian tribal governments may, by appropriate changes in eligibility criteria or by other means, change eligibility for general assistance or change the amount of general assistance payments for individuals within the service area of such tribe who are otherwise deemed eligible for general assistance payments so long as such changes are applied in a consistent manner to individuals similarly situated: Provided further, That any savings realized by such changes shall be available for use in meeting other priorities of the tribes: Provided further, That any net increase in costs to the Federal Government which result solely from tribally increased payment levels for general assistance shall be met exclusively from funds available to the tribe from within its tribal priority allocation: Provided further, That any forestry funds allocated to a tribe which remain unobligated as of September 30, 1996, may be transferred during fiscal year 1997 to an Indian forest land assistance account established for the benefit of such tribe within the tribe's trust fund account: Provided further, That any such unobligated balances not so transferred shall expire on September 30, 1997: Provided further, That notwithstanding any other provision of law, no funds available to the Bureau of Indian Affairs, other than the amounts provided herein for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be available to support the operation of any elementary or secondary school in the State of Alaska in fiscal year 1996: Provided further, That funds made available in this or any other Act for expenditure through September 30, 1997 for schools funded by the Bureau of Indian Affairs shall be available only to the schools which are in the Bureau of Indian Affairs school system as of September 1, 1995: Provided further, That no funds available to the Bureau of Indian Affairs shall be used to support expanded grades for any school beyond the grade structure in place at each school in the Bureau of Indian Affairs school system as of October 1, 1995: Provided further, That notwithstanding the provisions of 25 U.S.C. 2011(h)(1)(B) and (c), upon the recommendation of a local school board for a Bureau of Indian Affairs operated school, the Secretary shall establish rates of basic compensation or annual salary rates for the positions of teachers and counselors (including dormitory and homeliving counselors) at the school at a level not less than that for comparable positions in public school districts in the same geographic area, to become effective on July 1, 1997: Provided further, That of the funds available only through September 30, 1995, not to exceed $8,000,000 in unobligated and unexpended balances in the Operation of Indian Programs account shall be merged with and made a part of the fiscal year 1996 Operation of Indian Programs appropriation, and shall remain available for obligation for employee severance, relocation, and related expenses, until September 30, 1996.*

CONSTRUCTION

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering services by contract; acquisition of lands and interests in lands; and preparation of lands for farming, $100,833,000, to remain available until expended: Provided, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project and for other water resource development activities related to the Southern Arizona Water Rights Settlement Act may be transferred to the Bureau of Reclamation: Provided further, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: Provided further, That any funds provided for the Safety of Dams program pursuant to 25 U.S.C. 13 shall be made available on a non-reimbursable basis: Provided further, That for the fiscal year ending September 30, 1996, in implementing new construction or facilities improvement and repair project grants in excess of $100,000 that are provided to tribally controlled grant schools under Public Law 100–297, as amended, the Secretary of the Interior shall use the Administrative and Audit Requirements and Cost Principles for Assistance Programs contained in 43 CFR part 12 as the regulatory requirements: Provided further, That such grants shall not be subject to section 12.61 of 43 CFR; the Secretary and the grantee shall negotiate and determine a schedule of payments for the work to be performed: Provided further, That in considering applications, the Secretary shall consider whether the Indian tribe or tribal organization would be deficient in assuring that the construction projects conform to applicable building standards and codes and Federal, tribal, or State health and safety standards as required by 25 U.S.C. 2005(a), with respect to organizational and financial management capabilities: Provided further, That if the Secretary declines an application, the Secretary shall follow the requirements contained in 25 U.S.C. 2505(f): Provided further, That any disputes between the Secretary and any grantee concerning a grant shall be subject to the disputes provision in 25 U.S.C. 2508(e).

INDIAN LAND AND WATER CLAIM SETTLEMENTS AND MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals and for necessary administrative expenses, $80,645,000, to remain available until expended; of which $78,600,000 shall be available for implementation of enacted Indian land and water claim settlements pursuant to Public Laws 87–483, 97–293, 101–618, 102–374, 102–441, 102–575, and 103–116, and for implementation of other enacted water rights settlements, including not to exceed $8,000,000, which shall be for the Federal share of the Catawba Indian Tribe of South Carolina Claims Settlement, as authorized by section 5(a) of Public Law 103–116; and of which $1,045,000 shall be available pursuant to Public Laws 98–500, 99–264, and 100–580; and of which $1,000,000 shall be available (1) to liquidate obligations owed tribal and individual Indian payees of any checks canceled pursuant to section 1003 of the Competitive Equality Banking Act of 1987 (Public Law 100–86 (101 Stat. 659)), 31 U.S.C. 3334(b), (2) to restore to Individual Indian Monies trust funds, Indian Irrigation Systems, and Indian Power Systems accounts amounts invested in credit unions or defaulted savings and loan associations and which were not Federally insured, and (3) to reimburse Indian trust fund account holders for losses to their respective accounts where the claim for said loss(es) has been reduced to a judgment or settlement agreement approved by the Department of Justice.

TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, $500,000.

INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost of guaranteed loans $4,500,000, as authorized by the Indian Financing Act of 1974, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $35,914,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, $500,000.

ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs shall be available for expenses of exhibits, and purchase of not to exceed 275 passenger carrying motor vehicles, of which not to exceed 215 shall be for replacement only.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For expenses necessary for assistance to territories under the jurisdiction of the Department of the Interior, $65,188,000, of which (1) $61,661,000 shall be available until expended for technical assistance, including maintenance assistance, disaster assistance, insular management controls, and brown tree snake control and research; grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; and grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94–241; 90 Stat. 272); and (2) $3,527,000 shall be available for salaries and expenses of the Office of Insular Affairs: Provided, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, may be audited by the General Accounting Office, at its discretion, in accordance with chapter 35 of title 31, United States Code: Provided further, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99–396, or any subsequent legislation related to Commonwealth of the Northern Mariana Islands Covenant grant funding: Provided further, That of the amounts provided for technical assistance, sufficient funding shall be made available for a grant to the Close Up Foundation: Provided further, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets): Provided further, That any appropriation for disaster assistance under this head in this Act or previous appropriations Acts may be used as non-Federal matching funds for the purpose of hazard mitigation grants provided pursuant to section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170c).

COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and

233 of the Compacts of Free Association, and for economic assistance and necessary expenses for the Republic of Palau as provided for in sections 122, 221, 223, 232, and 233 of the Compact of Free Association, $24,938,000, to remain available until expended, as authorized by Public Law 99–239 and Public Law 99–658: Provided, That notwithstanding section 112 of Public Law 101–219 (103 Stat. 1873), the Secretary of the Interior may agree to technical changes in the specifications for the project described in the subsidiary agreement negotiated under section 212(a) of the Compact of Free Association, Public Law 99–658, or its annex, if the changes do not result in increased costs to the United States.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for management of the Department of the Interior, $56,912,000, of which not to exceed $7,500 may be for official reception and representation expenses.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, $34,427,000.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, $23,939,000.

CONSTRUCTION MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, $500,000.

NATIONAL INDIAN GAMING COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100–497, $1,000,000: Provided, That on March 1, 1996, the Chairman shall submit to the Secretary a report detailing those Indian tribes or tribal organizations with gaming operations that are in full compliance, partial compliance, or noncompliance with the provisions of the Indian Gaming Regulatory Act (25 U.S.C. 2701, et seq.): Provided further, That the information contained in the report shall be updated on a continuing basis.

OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS

FEDERAL TRUST PROGRAMS

For operation of trust programs for Indians by direct expenditure, contracts, cooperative agreements, compacts, and grants, $16,338,000, of which $15,891,000 shall remain available until expended for trust funds management: Provided, That funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1996, as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), shall remain available until expended by the contractor or grantee: Provided further, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim, including any claim in litigation pending on the date of this Act, concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds from which the beneficiary can determine whether there has been a loss: Provided further, That obligated and unobligated balances provided for trust funds management within "Operation of Indian programs", Bureau of Indian Affairs are hereby transferred to and merged with this appropriation.

ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 15 aircraft, 10 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: Provided, That notwithstanding any other provision of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft: Provided further, That no programs funded with appropriated funds in "Departmental Management", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: Provided, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oilspills; response and natural resource damage assessment activities related to actual oilspills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99–198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95–87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: Provided, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: Provided further, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: Provided further, That all funds used pursuant to this section are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985 and must be replenished by a supplemental appropriation which must be requested as promptly as possible: Provided further, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for services rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, United States Code: Provided, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed $500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902 and D.C. Code 4–204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. Appropriations made in this title from the Land and Water Conservation Fund for acquisition of lands and waters, or interests therein, shall be available for transfer, with the approval of the Secretary, between the following accounts: Bureau of Land Management, Land acquisition, United States Fish and Wildlife Service, Land acquisition, and National Park Service, Land acquisition and State assistance. Use of such funds are subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 108. Prior to the transfer of Presidio properties to the Presidio Trust, when authorized, the Secretary may not obligate in any calendar month more than 1/12 of the fiscal year 1996 appropriation for operation of the Presidio: Provided, That this section shall expire on December 31, 1995.

SEC. 109. Section 6003 of Public Law 101–380 is hereby repealed.

SEC. 110. None of the funds appropriated or otherwise made available by this Act may be obligated or expended by the Secretary of the Interior for developing, promulgating, and thereafter implementing a rule concerning rights-of-way under section 2477 of the Revised Statutes.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration *activity, on lands within the North Aleutian Basin planning area.*

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 151 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 114. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 164 in the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992–1997.

SEC. 115. (a) Of the funds appropriated by this Act or any subsequent Act providing for appropriations in fiscal years 1996 and 1997, not more than 50 percent of any self-governance funds that would otherwise be allocated to each Indian tribe in the State of Washington shall actually be paid to or on account of such Indian tribe from and after the time at which such tribe shall—

(1) take unilateral action that adversely impacts the existing rights to and/or customary uses of, nontribal member owners of fee simple land within the exterior boundary of the tribe's reservation to water, electricity, or any other similar utility or necessity for the nontribal members' residential use of such land; or

(2) restrict or threaten to restrict said owners use of or access to publicly maintained rights-of-way necessary or desirable in carrying the utilities or necessities described above.

(b) Such penalty shall not attach to the initiation of any legal actions with respect to such rights or the enforcement of any final judgments, appeals from which have been exhausted, with respect thereto.

SEC. 116. Within 30 days after the enactment of this Act, the Department of the Interior shall issue a specific schedule for the completion of the Lake Cushman Land Exchange Act (Public Law 102–436) and shall complete the exchange not later than September 30, 1996.

SEC. 117. Notwithstanding Public Law 90–544, as amended, the National Park Service is authorized to expend appropriated funds for maintenance and repair of the Company Creek Road in the Lake Chelan National Recreation Area: Provided, That appropriated funds shall not be expended for the purpose of improving the property of private individuals unless specifically authorized by law.

SEC. 118. Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 through 2002, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be $11,000,000 annually, subject to an equal local match and all other requirements set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments in this subsection to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal years 1996 through 2001, $4,580,000 annually for capital infrastructure projects as Impact Aid for Guam under section 104(c)(6) of Public Law 99–239;

"(2) for fiscal year 1996, $7,700,000 shall be provided for capital infrastructure projects in American Samoa; $4,420,000 for resettlement of Rongelap Atoll; and

"(3) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3,000,000 of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3,000,000 may be allocated, as provided in appropriations Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands. The specific projects to be funded in American Samoa shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with the American Samoa Government and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing budget recommendations for capital infrastructure funding, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2,000,000 per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: Provided further, That the cumulative amount set aside for such emergency fund may not exceed $10,000,000 at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in appropriations Acts, to assist in the resettlement of Rongelap Atoll: Provided, That the total of all contributions from any Federal source after enactment of this Act may not exceed $32,000,000 and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelop Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

SEC. 119. (a) Until the National Park Service has prepared a final conceptual management plan for the Mojave National Preserve that incorporates traditional multiple uses of the region, the Secretary of the Interior shall not take any action to change the management of the area which differs from the historical management practices of the Bureau of Land Management. Prior to using any funds in excess of $1,100,000 for operation of the Preserve in fiscal year 1996, the Secretary must obtain the approval of the House and Senate Committees on Appropriations. This provision expires on September 30, 1996.

(b) The President is authorized to suspend the provisions of subsection (a) of this section if he determines that such suspension is appropriate based upon the public interest in sound environmental management, sustainable resource use, protection of national or locally-affected interests, or protection of any cultural, biological or historic resources. Any suspension by the President shall take effect on such date, and continue in effect for such period (not to extend beyond the period in which subsection (a) would otherwise be in effect), as the President may determine, and shall be reported to the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

FOREST RESEARCH

For necessary expenses of forest research as authorized by law, $178,000,000, to remain available until September 30, 1997.

STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others and for forest pest management activities, cooperative forestry and education and land conservation activities, $136,884,000, to remain available until expended, as authorized by law: Provided, That of funds available under this heading for Pacific Northwest Assistance in this or prior appropriations Acts, $200,000 shall be provided to the World Forestry Center for purposes of continuing scientific research and other authorized efforts regarding the land exchange efforts in the Umpqua River Basin Region.

NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, for ecosystem planning, inventory, and monitoring, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Fire Protection and Emergency Suppression", and "Land Acquisition", $1,257,057,000, to remain available for obligation until September 30, 1997, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 460l–6a(i)): Provided, That unobligated and unexpended balances in the National Forest System account at the end of fiscal year 1995, shall be merged with and made a part of the fiscal year 1996 National Forest System appropriation, and shall remain available for obligation until September 30, 1997: Provided further, That up to $5,000,000 of the funds provided herein for road maintenance shall be available for the planned obliteration of roads which are no longer needed.

WILDLAND FIRE MANAGEMENT

For necessary expenses for forest fire presuppression activities on National Forest System lands, for emergency fire suppression on or adjacent to National Forest System lands or other lands under fire protection agreement, and for emergency rehabilitation of burned over

National Forest System lands, $385,485,000, to remain available until expended: Provided, That unexpended balances of amounts previously appropriated under any other headings for Forest Service fire activities may be transferred to and merged with this appropriation: Provided further, That such funds are available for repayment of advances from other appropriations accounts previously transferred for such purposes.

CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, $163,600,000, to remain available until expended, for construction and acquisition of buildings and other facilities, and for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532–538 and 23 U.S.C. 101 and 205: Provided, That funds becoming available in fiscal year 1996 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: Provided further, That not to exceed $50,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: Provided further, That $2,500,000 of the funds appropriated herein shall be available for a grant to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" for the construction of the Columbia Gorge Discovery Center: Provided further, That the Forest Service is authorized to grant the unobligated balance of funds appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center and related trail construction funds to the "Non-Profit Citizens for the Columbia Gorge Discovery Center" to be used for the same purpose: Provided further, That the Forest Service is authorized to convey the land needed for the construction of the Columbia Gorge Discovery Center without cost to the "Non-Profit Citizens for the Columbia Gorge Discovery Center": Provided further, That notwithstanding any other provision of law, funds originally appropriated under this head in Public Law 101–512 for the Forest Service share of a new research facility at the University of Missouri, Columbia, shall be available for a grant to the University of Missouri, as the Federal share in the construction of the new facility: Provided further, That agreed upon lease of space in the new facility shall be provided to the Forest Service without charge for the life of the building.

LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 460l–4–11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, $39,400,000, to be derived from the Land and Water Conservation Fund, to remain available until expended: Provided, That funding for specific land acquisition are subject to the approval of the House and Senate Committees on Appropriations.

ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland National Forests, California, as authorized by law, $1,069,000, to be derived from forest receipts.

ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94–579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), $92,000, to remain available until expended, to be derived from the fund established pursuant to the above Act.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

(a) There is hereby established in the Treasury a Southeast Alaska Economic Disaster Fund. There are hereby appropriated $110,000,000, which shall be deposited into this account, which shall be available without further appropriation or fiscal year limitation. All monies from the Fund shall be distributed by the Secretary of Agriculture in accordance with the provisions set forth herein.

(b) None of the funds provided under this heading shall be available unless the President exercises the authority provided in section 325(c) of this Act.

(c)(1) The Secretary shall provide $40,000,000 in direct grants from the Fund for fiscal year 1996 and $10,000,000 in each of fiscal years 1997, 1998, and 1999 to communities in Alaska as follows:

(A) to the City and Borough of Sitka, $8,000,000 in fiscal year 1996 and $2,000,000 in each of fiscal years 1997, 1998, and 1999;

(B) to the City of Wrangell, $18,700,000 in fiscal year 1996 and $4,700,000 in each of fiscal years 1997, 1998, and 1999; and

(C) to the City of Borough of Ketchikan, $13,3000,000 in fiscal year 1996 and $3,300,000 in each of fiscal years 1997, 1998, and 1999.

(2) The funds provided under paragraph (1) shall be used to employ former timber workers in Wrangell and Sitka, and for related community development projects in Sitka, Wrangell, and Ketchikan.

(3) The Secretary shall allocate an additional $10,000,000 from the Fund for each of fiscal years 1996, 1997, 1998, and 1999 to communities in Alaska according to the following percentage:

(A) the Borough of Haines, 5.5 percent;

(B) the City of Borough of Juneau, 10.3 percent;

(C) the Ketchikan Gateway of Borough, 4.5 percent;

(D) the City of Borough of Sitka, 10.8 percent;

(E) the City of Borough of Yakutat, 7.4 percent; and

(F) the unorganized Boroughs within the Tongass National Forest, 61.5 percent.

(4) Funds provided pursuant to paragraph (3)(F) shall be allocated by the Secretary of Agriculture to the unorganized Boroughs in the Tongass National Forest in the same proportion as timber receipts were made available to such Boroughs in fiscal year 1995, and shall be in addition to any other monies provided to such Boroughs under this Act or any other law.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 183 passenger motor vehicles of which 32 will be used primarily for law enforcement purposes and of which 151 shall be for replacement; acquisition of 22 passenger motor vehicles from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 20 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, or to implement any reorganization, "reinvention" or other type of organizational restructuring of the Forest Service, other than the relocation of the Regional Office for Region 5 of the Forest Service from San Francisco to excess military property at Mare Island, Vallejo, California, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources in the United States Senate and the Committee on Agriculture and the Committee on Resources in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Fire and Emergency Suppression appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: Provided, That no funds shall be made available under this authority until funds appropriated to the "Emergency Forest Service Firefighting Fund" shall have been exhausted.

Any funds available to the Forest Service may be used for retrofitting Mare Island facilities to accommodate the relocation: Provided, That funds for the move must come from funds otherwise available to Region 5: Provided further, That any funds to be provided for such purposes shall only be available upon approval of the House and Senate Committees on Appropriations.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Foreign Agricultural Service in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 103–551.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the

Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93–153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than $1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as authorized by the Act of August 13, 1970, as amended by Public Law 93–408.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: Provided, That this limitation shall not apply to hardwood stands damaged by natural disaster: Provided further, That landscape architects shall be used to maintain a visually pleasing forest.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101–2110, 1606, and 2111.

Of the funds available to the Forest Service, $1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

To the greatest extent possible, and in accordance with the Final Amendment to the Shawnee National Forest Plan, none of the funds available in this Act shall be used for preparation of timber sales using clearcutting or other forms of even aged management in hardwood stands in the Shawnee National Forest, Illinois.

Funds appropriated to the Forest Service shall be available for interactions with and providing technical assistance to rural communities for sustainable rural development purposes.

Notwithstanding any other provision of law, eighty percent of the funds appropriated to the Forest Service in the National Forest System and Construction accounts and planned to be allocated to activities under the "Jobs in the Woods" program for projects on National Forest land in the State of Washington may be granted directly to the Washington State Department of Fish and Wildlife for accomplishment of planned projects. Twenty percent of said funds shall be retained by the Forest Service for planning and administering projects. Project selection and prioritization shall be accomplished by the Forest Service with such consultation with the State of Washington as the Forest Service deems appropriate.

For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

None of the funds appropriated under this Act for the Forest Service shall be made available for the purpose of applying paint to rocks, or rock colorization: Provided, That notwithstanding any other provision of law, the Forest Service shall not require of any individual or entity, as part of any permitting process under its authority, or as a requirement of compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4231 et seq.), the painting or colorization of rocks.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95–91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, and for promoting health and safety in mines and the mineral industry through research (30 U.S.C. 3, 861(b), and 951(a)), for conducting inquiries, technological investigations and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs (30 U.S.C. 3, 1602, and 1603), and for the development of methods for the disposal, control, prevention, and reclamation of waste products in the mining, minerals, metal, and mineral reclamation industries (30 U.S.C. 3 and 21a), $417,018,000, to remain available until expended: Provided, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

ALTERNATIVE FUELS PRODUCTION

(INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1995, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury.

NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, $148,786,000, to remain available until expended: Provided, That the requirements of 10 U.S.C. 7430(b)(2)(B) shall not apply to fiscal year 1996: Provided further, That section 501 of Public Law 101–45 is hereby repealed.

ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, $553,189,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1996 determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502), and of which $16,000,000 shall be derived from available unobligated balances in the Biomass Energy Development account: Provided, That $140,696,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99–509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99–509 (15 U.S.C. 4502): Provided further, That notwithstanding section 3003(d)(2) of Public Law 99–509 such sums shall be allocated to the eligible programs as follows: $114,196,000 for the weatherization assistance program and $26,500,000 for the State energy conservation program.

ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, $6,297,000, to remain available until expended.

STRATEGIC PETROLEUM RESERVE

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), $287,000,000, to remain available until expended, of which $187,000,000 shall be derived by transfer of unobligated balances from the "SPR petroleum account" and $100,000,000 shall be derived by transfer from the "SPR Decommissioning Fund": Provided, That notwithstanding section 161 of the Energy Policy and Conservation Act, the Secretary shall draw down and sell up to seven million barrels of oil from the Strategic Petroleum Reserve: Provided further, That the proceeds from the sale shall be deposited into a special account in the Treasury, to be established and known as the "SPR Decommissioning Fund", and shall be available for the purpose of removal of oil from and decommissioning of the Weeks Island site and for other purposes related to the operations of the Strategic Petroleum Reserve.

SPR PETROLEUM ACCOUNT

Notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: Provided, That outlays in fiscal year 1996 resulting from the use of funds in this account shall not exceed $5,000,000.

ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, $72,266,000, to remain available until expended: Provided, That notwithstanding section

4(d) of the Service Contract Act of 1965 (41 U.S.C. 353(d)) or any other provision of law, funds appropriated under this heading hereafter may be used to enter into a contract for end use consumption surveys for a term not to exceed eight years: Provided further, That notwithstanding any other provision of law, hereafter the Manufacturing Energy Consumption Survey shall be conducted on a triennial basis.

ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: Provided, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: Provided further, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: Provided further, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

No funds provided in this Act may be expended by the Department of Energy to prepare, issue, or process procurement documents for programs or projects for which appropriations have not been made.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to the Indian Health Service, $1,747,842,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa–2 for services furnished by the Indian Health Service: Provided, That funds made available to tribes and tribal organizations through contracts, grant agreements, or any other agreements or compacts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That $12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: Provided further, That $350,564,000 for contract medical care shall remain available for obligation until September 30, 1997: Provided further, That of the funds provided, not less than $11,306,000 shall be used to carry out the loan repayment program under section 108 of the Indian Health Care Improvement Act, as amended: Provided further, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: Provided further, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): Provided further, That of the funds provided, $7,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: Provided further, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for obligation until September 30, 1997: Provided further, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act, as amended, shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

INDIAN HEALTH FACILITIES

For construction, repair, maintenance, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of modular buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, and for expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act with respect to environmental health and facilities support activities of the Indian Health Service, $238,958,000, to remain available until expended: Provided, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites to construct, improve, or enlarge health or related facilities.

ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376; hire of passenger motor vehicles and aircraft; purchase of medical equipment; purchase of reprints; purchase, renovation and erection of modular buildings and renovation of existing facilities; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902); and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: Provided, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Service facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651–53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: Provided further, That notwithstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86–121 (the Indian Sanitation Facilities Act) and Public Law 93–638, as amended: Provided further, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: Provided further, That the Indian Health Service shall neither bill nor charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: Provided further, That, notwithstanding any other provision of law, funds previously or herein made available to a tribe or tribal organization through a contract, grant or agreement authorized by title I of the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), may be deobligated and reobligated to a self-governance funding agreement under title III of the Indian Self-Determination and Education Assistance Act of 1975 and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: Provided further, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: Provided further, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: Provided further, That the appropriation structure for the Indian Health Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, title IX, part A, subpart 1 of the Elementary and Secondary Education Act of 1965, as amended, and section 215 of the Department of Education Organization Act, $52,500,000.

OTHER RELATED AGENCIES

OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93–531, $20,345,000, to remain available until expended: Provided, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: Provided further, That none of the funds contained in this or any other Act may be used by the Office of Navajo and Hopi Indian Relocation to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: Provided further, That no relocatee will be provided with more than one new or replacement home: Provided further, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d–10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA NATIVE CULTURE AND ARTS DEVELOPMENT

PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by title XV of Public Law 99–498 (20 U.S.C. 4401 et seq.), $5,500,000.

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed $100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; $311,188,000, of which not to exceed $3,000,000 for voluntary incentive payments and other costs associated with employee separations pursuant to section 339 of this Act shall remain available until expended, and of which not to exceed $30,472,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, the repatriation of skeletal remains program, research equipment, information management, and Latino programming shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of $125,000 for the Council of American Overseas Research Centers: Provided, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, $3,250,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed $10,000 for services as authorized by 5 U.S.C. 3109, $33,954,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, $27,700,000, to remain available until expended.

NATIONAL GALLERY OF ART

SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901–5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; and purchase of services for restoration and repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, $51,844,000, of which not to exceed $3,026,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized, $6,442,000, to remain available until expended: Provided, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

OPERATIONS AND MAINTENANCE

For necessary expenses for the operation, maintenance and security of the John F. Kennedy Center for the Performing Arts, $10,323,000: Provided, That 40 U.S.C. 193n is hereby amended by striking the word "and" after the word "Institution" and inserting in lieu thereof a comma, and by inserting "and the Trustees of the John F. Kennedy Center for the Performing Arts," after the word "Art,".

CONSTRUCTION

For necessary expenses of capital repair and rehabilitation of the existing features of the building and site of the John F. Kennedy Center for the Performing Arts, $8,983,000, to remain available until expended.

WOODROW WILSON INTERNATIONAL CENTER FOR SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, $5,840,000.

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $82,259,000, shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $17,235,000, to remain available until September 30, 1997, to the National Endowment for the Arts, of which $7,500,000 shall be available for purposes of section 5(p)(1): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES

GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, $94,000,000, shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, to remain available until September 30, 1997.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, $16,000,000, to remain available until September 30, 1997, of which $10,000,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): Provided, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

INSTITUTE OF MUSEUM SERVICES

GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, $21,000,000, to remain available until September 30, 1997.

ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: Provided, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

COMMISSION OF FINE ARTS

SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), $834,000.

NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99–190 (99 Stat. 1261; 20 U.S.C. 956(a)), as amended, $6,000,000.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

SALARIES AND EXPENSES

For expenses necessary for the Advisory Council on Historic Preservation, $2,500,000.

NATIONAL CAPITAL PLANNING COMMISSION

SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71–71i), including services as authorized by 5 U.S.C. 3109, $5,090,000: Provided, That all appointed members will be compensated at a rate not to exceed the rate for Executive Schedule Level IV.

FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92–332 (86 Stat. 401), $147,000, to remain available until September 30, 1997.

PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

PUBLIC DEVELOPMENT

Funds made available under this heading in prior years shall be available for operating and administrative expenses and for the orderly closure of the Corporation, as well as operating and administrative expenses for the functions transferred to the General Services Administration.

UNITED STATES HOLOCAUST MEMORIAL COUNCIL

HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96–388, as amended, $28,707,000; of which $1,575,000 for the Museum's repair and rehabilitation program and $1,264,000 for the Museum's exhibition program shall remain available until expended.

TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: Provided, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless notice of such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 307. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 308. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (sequoiadendron giganteum) which are located on National Forest System or Bureau of Land Management lands in a manner different than such sales were conducted in fiscal year 1995.

SEC. 309. None of the funds made available by this Act may be obligated or expended by the National Park Service to enter into or implement a concession contract which permits or requires the removal of the underground lunchroom at the Carlsbad Caverns National Park.

SEC. 310. Where the actual costs of construction projects under self-determination contracts, compacts, or grants, pursuant to Public Laws 93–638, 103–413, or 100–297, are less than the estimated costs thereof, use of the resulting excess funds shall be determined by the appropriate Secretary after consultation with the tribes.

SEC. 311. Notwithstanding Public Law 103–413, quarterly payments of funds to tribes and tribal organizations under annual funding agreements pursuant to section 108 of Public Law 93–638, as amended, may be made on the first business day following the first day of a fiscal quarter.

SEC. 312. None of funds appropriated or otherwise made available by this Act may be used for the AmeriCorps program, unless the relevant agencies of the Department of the Interior and/or Agriculture follow appropriate reprogramming guidelines: Provided, That if no funds are provided for the AmeriCorps program by the VA–HUD and Independent Agencies fiscal year 1996 appropriations bill, then none of the funds appropriated or otherwise made available by this Act may be used for the AmeriCorps programs.

SEC. 313. (a) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall—

(1) transfer and assign in accordance with this section all of its rights, title, and interest in and to all of the leases, covenants, agreements, and easements it has executed or will execute by March 31, 1996, in carrying out its powers and duties under the Pennsylvania Avenue Development Corporation Act (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) to the General Services Administration, National Capital Planning Commission, or the National Park Service; and

(2) except as provided by subsection (d), transfer all rights, title, and interest in and to all property, both real and personal, held in the name of the Pennsylvania Avenue Development Corporation to the General Services Administration.

(b) The responsibilities of the Pennsylvania Avenue Development Corporation transferred to the General Services Administration under subsection (a) include, but are not limited to, the following:

(1) Collection of revenue owed the Federal Government as a result of real estate sales or lease agreements entered into by the Pennsylvania Avenue Development Corporation and private parties, including, at a minimum, with respect to the following projects:

(A) The Willard Hotel property on Square 225.

(B) The Gallery Row project on Square 457.

(C) The Lansburgh's project on Square 431.

(D) The Market Square North project on Square 407.

(2) Collection of sale or lease revenue owed the Federal Government (if any) in the event two undeveloped sites owned by the Pennsylvania Avenue Development Corporation on Squares 457 and 406 are sold or leased prior to April 1, 1996.

(3) Application of collected revenue to repay United States Treasury debt incurred by the Pennsylvania Avenue Development Corporation in the course of acquiring real estate.

(4) Performing financial audits for projects in which the Pennsylvania Avenue Development Corporation has actual or potential revenue expectation, as identified in paragraphs (1) and (2), in accordance with procedures described in applicable sale or lease agreements.

(5) Disposition of real estate properties which are or become available for sale and lease or other uses.

(6) Payment of benefits in accordance with the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970 to which persons in the project area squares are entitled as a result of the Pennsylvania Avenue Development Corporation's acquisition of real estate.

(7) Carrying out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109), including responsibilities for managing assets and liabilities of the Corporation under such Act.

(c) In carrying out the responsibilities of the Pennsylvania Avenue Development Corporation transferred under this section, the Administrator of the General Services Administration shall have the following powers:

(1) To acquire lands, improvements, and properties by purchase, lease or exchange, and to sell, lease, or otherwise dispose of real or personal property as necessary to complete the development plan developed under section 5 of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 874) if a notice of intention to carry out such acquisition or disposal is

first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(2) To modify from time to time the plan referred to in paragraph (1) if such modification is first transmitted to the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives and the Committee on Environment and Public Works and the Committee on Appropriations of the Senate and at least 60 days elapse after the date of such transmission.

(3) To maintain any existing Pennsylvania Avenue Development Corporation insurance programs.

(4) To enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be necessary to carry out the responsibilities of the Pennsylvania Avenue Development Corporation under the Federal Triangle Development Act (40 U.S.C. 1101–1109).

(5) To request the Council of the District of Columbia to close any alleys necessary for the completion of development in Square 457.

(6) To use all of the funds transferred from the Pennsylvania Avenue Development Corporation or income earned on Pennsylvania Avenue Development Corporation property to complete any pending development projects.

(d)(1)(A) On or before April 1, 1996, the Pennsylvania Avenue Development Corporation shall transfer all its right, title, and interest in and to the property described in subparagraph (B) to the National Park Service, Department of the Interior.

(B) The property referred to in subparagraph (A) is the property located within the Pennsylvania Avenue National Historic Site depicted on a map entitled "Pennsylvania Avenue National Historic Park", dated June 1, 1995, and numbered 840–82441, which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. The Pennsylvania Avenue National Historic Site includes the parks, plazas, sidewalks, special lighting, trees, sculpture, and memorials.

(2) Jurisdiction of Pennsylvania Avenue and all other roadways from curb to curb shall remain with the District of Columbia but vendors shall not be permitted to occupy street space except during temporary special events.

(3) The National Park Service shall be responsible for management, administration, maintenance, law enforcement, visitor services, resource protection, interpretation, and historic preservation at the Pennsylvania Avenue National Historic Site.

(4) The National Park Service may enter into contracts, cooperative agreements, or other transactions with any agency or instrumentality of the United States, the several States, or the District of Columbia or with any person, firm, association, or corporation as may be deemed necessary or appropriate for the conduct of special events, festivals, concerts, or other art and cultural programs at the Pennsylvania Avenue National Historic Site or may establish a nonprofit foundation to solicit funds for such activities.

(e) Notwithstanding any other provision of law, the responsibility for ensuring that development or redevelopment in the Pennsylvania Avenue area is carried out in accordance with the Pennsylvania Avenue Development Corporation Plan—1974, as amended, is transferred to the National Capital Planning Commission or its successor commencing April 1, 1996.

(f) SAVINGS PROVISIONS.—

(1) REGULATIONS.—Any regulations prescribed by the Corporation in connection with the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall continue in effect until suspended by regulations prescribed by the Administrator of the General Services Administration.

(2) EXISTING RIGHTS, DUTIES, AND OBLIGATIONS NOT AFFECTED.—Subsection (a) shall not be construed as affecting the validity of any right, duty, or obligation of the United States or any other person arising under or pursuant to any contract, loan, or other instrument or agreement which was in effect on the day before the date of the transfers under subsection (a).

(3) CONTINUATION OF SUITS.—No action or other proceeding commenced by or against the Corporation in connection with administration of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 871–885) and the Federal Triangle Development Act (40 U.S.C. 1101–1109) shall abate by reason of enactment and implementation of this Act, except that the General Services Administration shall be substituted for the Corporation as a party to any such action or proceeding.

(g) Section 3(b) of the Pennsylvania Avenue Development Corporation Act of 1972 (40 U.S.C. 872(b)) is amended as follows:

"(b) The Corporation shall be dissolved on or before April 1, 1996. Upon dissolution, assets, obligations, indebtedness, and all unobligated and unexpended balances of the Corporation shall be transferred in accordance with the Department of the Interior and Related Agencies Appropriations Act, 1996.".

SEC. 314. No part of any appropriation contained in this Act shall be obligated or expended to implement regulations or requirements that regulate the use of, or actions occurring on, non-federal lands as a result of the draft or final environmental impact statements or records of decision for the Interior Columbia Basin Ecosystem Management Project. Columbia Basin Ecosystem Management Project records of decision will not provide the legal authority for any new formal rulemaking by any federal regulatory agency on the use of private property.

SEC. 315. RECREATIONAL FEE DEMONSTRATION PROGRAM.—(a) The Secretary of the Interior (acting through the Bureau of Land Management, the National Park Service and the United States Fish and Wildlife Service) and the Secretary of Agriculture (acting through the Forest Service) shall each implement a fee program to demonstrate the feasibility of user-generated cost recovery for the operation and maintenance of recreation areas or sites and habitat enhancement projects on Federal lands.

(b) In carrying out the pilot program established pursuant to this section, the appropriate Secretary shall select from areas under the jurisdiction of each of the four agencies referred to in subsection (a) no fewer than 10, but as many as 50, areas, sites or projects for fee demonstration. For each such demonstration, the Secretary, notwithstanding any other provision of law—

(1) shall charge and collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services by individuals and groups, or any combination thereof;

(2) shall establish fees under this section based upon a variety of cost recovery and fair market valuation methods to provide a broad basis for feasibility testing;

(3) may contract, including provisions for reasonable commissions, with any public or private entity to provide visitor services, including reservations and information, and may accept services of volunteers to collect fees charged pursuant to paragraph (1);

(4) may encourage private investment and partnerships to enhance the delivery of quality customer services and resource enhancement, and provide appropriate recognition to such partners or investors; and

(5) may assess a fine of not more than $100 for any violation of the authority to collect fees for admission to the area or for the use of outdoor recreation sites, facilities, visitor centers, equipment, and services.

(c)(1) Amounts collected at each fee demonstration area, site or project shall be distributed as follows:

(A) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, eighty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditures in accordance with paragraph (2)(A).

(B) Of the amount in excess of 104% of the amount collected in fiscal year 1995, and thereafter annually adjusted upward by 4%, twenty percent to a special account in the Treasury for use without further appropriation, by the agency which administers the site, to remain available for expenditure in accordance with paragraph (2)(B).

(C) For agencies other than the Fish and Wildlife Service, up to 15% of current year collections of each agency, but not greater than fee collection costs for that fiscal year, to remain available for expenditure without further appropriation in accordance with paragraph (2)(C).

(D) For agencies other than the Fish and Wildlife Service, the balance to the special account established pursuant to subparagraph (A) of section 4(i)(1) of the Land and Water Conservation Fund Act, as amended.

(E) For the Fish and Wildlife Service, the balance shall be distributed in accordance with section 201(c) of the Emergency Wetlands Resources Act.

(2)(A) Expenditures from site specific special funds shall be for further activities of the area, site or project from which funds are collected, and shall be accounted for separately.

(B) Expenditures from agency specific special funds shall be for use on an agency-wide basis and shall be accounted for separately.

(C) Expenditures from the fee collection support fund shall be used to cover fee collection costs in accordance with section 4(i)(1)(B) of the Land and Water Conservation Fund Act, as amended: Provided, That funds unexpended and unobligated at the end of the fiscal year shall not be deposited into the special account established pursuant to section 4(i)(1)(A) of said Act and shall remain available for expenditure without further appropriation.

(3) In order to increase the quality of the visitor experience at public recreational areas and enhance the protection of resources, amounts available for expenditure under this section may only be used for the area, site or project concerned, for backlogged repair and maintenance projects (including projects relating to health and safety) and for interpretation, signage, habitat or facility enhancement, resource preservation, annual operation (including fee collection), maintenance, and law enforcement relating to public use. The agencywide accounts may be used for the same purposes set forth in the preceding sentence, but for areas, sites or projects selected at the discretion of the respective agency head.

(d)(1) Amounts collected under this section shall not be taken into account for the purposes of the Act of May 23, 1908 and the Act of March 1, 1911 (16 U.S.C. 500), the Act of March 4, 1913 (16 U.S.C. 501), the Act of July 22, 1937 (7 U.S.C. 1012), the Act of August 8, 1937 and the Act of May 24, 1939 (43 U.S.C. 1181f et seq.), the Act of

June 14, 1926 (43 U.S.C. 869-4), chapter 69 of title 31, United States Code, section 401 of the Act of June 15, 1935 (16 U.S.C. 715s), the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460l), and any other provision of law relating to revenue allocation.

(2) Fees charged pursuant to this section shall be in lieu of fees charged under any other provision of law.

(e) The Secretary of the Interior and the Secretary of Agriculture shall carry out this section without promulgating regulations.

(f) The authority to collect fees under this section shall commence on October 1, 1995, and end on September 30, 1998. Funds in accounts established shall remain available through September 30, 2001.

SEC. 316. Section 2001(a)(2) of Public Law 104–19 is amended as follows: Strike "September 30, 1997" and insert in lieu thereof "December 31, 1996".

SEC. 317. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

SEC. 319. GREAT BASIN NATIONAL PARK.—Section 3 of the Great Basin National Park Act of 1986 (16 U.S.C. 410mm–1) is amended—

(1) in the first sentence of subsection (e) by striking "shall" and inserting "may"; and

(2) in subsection (f)—

(A) by striking "At the request" and inserting the following:

"(1) EXCHANGES.—At the request";

(B) by striking "grazing permits" and inserting "grazing permits and grazing leases"; and

(C) by adding after "Federal lands." the following:

"(2) ACQUISITION BY DONATION.—

(A) IN GENERAL.—The Secretary may acquire by donation valid existing permits and grazing leases authorizing grazing on land in the park.

(B) TERMINATION.—The Secretary shall terminate a grazing permit or grazing lease acquired under subparagraph (A) so as to end grazing previously authorized by the permit or lease.".

SEC. 320. None of the funds made available in this Act shall be used by the Department of Energy in implementing the Codes and Standards Program to propose, issue, or prescribe any new or amended standard: Provided, That this section shall expire on September 30, 1996: Provided further, That nothing in this section shall preclude the Federal Government from promulgating rules concerning energy efficiency standards for the construction of new federally-owned commercial and residential buildings.

SEC. 321. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

SEC. 322. (a) None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws.

(b) The provisions of subsection (a) shall not apply if the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before September 30, 1994, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by the applicant by that date.

(c) PROCESSING SCHEDULE.—For those applications for patents pursuant to subsection (b) which were filed with the Secretary of the Interior, prior to September 30, 1994, the Secretary of the Interior shall—

(1) Within three months of the enactment of this Act, file with the House and Senate Committees on Appropriations and the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the United States Senate a plan which details how the Department of the Interior will make a final determination as to whether or not an applicant is entitled to a patent under the general mining laws on at least 90 percent of such applications within five years of the enactment of this Act and file reports annually thereafter with the same committees detailing actions taken by the Department of the Interior to carry out such plan; and

(2) Take such actions as may be necessary to carry out such plan.

(d) MINERAL EXAMINATIONS.—In order to process patent applications in a timely and responsible manner, upon the request of a patent applicant, the Secretary of the Interior shall allow the applicant to fund a qualified third-party contractor to be selected by the Bureau of Land Management to conduct a mineral examination of the mining claims or mill sites contained in a patent application as set forth in subsection (b). The Bureau of Land Management shall have the sole responsibility to choose and pay the third-party contractor in accordance with the standard procedures employed by the Bureau of Land Management in the retention of third-party contractors.

SEC. 323. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring lands in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

SEC. 324. No part of any appropriation contained in this Act or any other Act shall be expended or obligated to fund the activities of the Office of Forestry and Economic Development after December 31, 1995.

SEC. 325. (a) For one year after enactment of this Act, the Secretary shall continue the current Tongass Land Management Plan (TLMP) and may accommodate commercial tourism (if an agreement is signed between the Forest Service and the Alaska Visitors' Association) except that during this period, the Secretary shall maintain at least the number of acres of suitable available and suitable scheduled timber lands, and Allowable Sale Quantity as identified in the Preferred Alternative (Alternative P) in the Tongass Land and Resources Management Plan and Final Environmental Impact Statement (dated October 1992) as selected in the Record of Decision Review Draft #3–2/93. Nothing in this paragraph shall be interpreted to mandate clear-cutting or require the sale of timber and nothing in this paragraph, including the ASQ identified in Alternative P, shall be construed to limit the Secretary's consideration of new information or to prejudice future revision, amendment or modification of TLMP based upon sound, verifiable scientific data.

(b) If the Forest Service determines in a Supplemental Evaluation to an Environmental Impact Statement that no additional analysis under the National Environmental Policy Act or section 810 of the Alaska National Interest Lands Conservation Act is necessary for any timber sale or offering which has been prepared for acceptance by, or award to, a purchaser after December 31, 1988, that has been subsequently determined by the Forest Service to be available for sale or offering to one or more other purchaser, the change of purchasers for whatever reason shall not be considered a significant new circumstance, and the Forest Service may offer or award such timber sale or offering to a different purchaser or offeree, notwithstanding any other provision of law. A determination by the Forest Service pursuant to this paragraph shall not be subject to judicial review.

(c) The President is authorized to suspend the provisions of subsections (a) or (b), or both, if he determines that such suspension is appropriate based upon the public interest in sound environmental management, or protection of any cultural, biological, or historic resources. Any suspension by the President shall take effect on the date of execution, and continue in effect for such period, not to extend beyond the period in which this section would otherwise be in effect, as the President may determine, and shall be reported to the Congress prior to public release by the President. If the President suspends the provisions of subsections (a) or (b) or both, then such provisions shall have no legal force or effect during such suspension.

SEC. 326. (a) LAND EXCHANGE.—The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to convey to the Boise Cascade Corporation (hereinafter referred to as the "Corporation"), a corporation formed under the statutes of the State of Delaware, with its principal place of business at Boise, Idaho, title to approximately seven acres of land, more or less, located in sections 14 and 23, township 36 north, range 37 east, Willamette Meridian, Stevens County, Washington, further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19860, and to accept from the Corporation in exchange therefor, title to approximately one hundred and thirty-six acres of land located in section 19, township 37 north, range 38 east and section 33, township 38 north, range 37 east, Willamette Meridian, Stevens County, Washington, and further identified in the records of the Bureau of Reclamation, Department of the Interior, as Tract No. GC–19858 and Tract No. GC–19859, respectively.

(b) APPRAISAL.—The properties so exchanged either shall be approximately equal in fair market value or if they are not approximately equal, shall be equalized by the payment of cash to the Corporation or to the Secretary as required or in the event the value of the Corporation's lands is greater, the acreage may be reduced so that the fair market value is approximately equal: Provided, That the Secretary shall order appraisals made of the fair market value of each tract of land included in the exchange without consideration for improvements thereon: Provided further, That any cash payment received by the Secretary shall be covered in the Reclamation Fund and credited to the Columbia Basin project.

(c) ADMINISTRATIVE COSTS.—Costs of conducting the necessary land surveys, preparing the legal descriptions of the lands to be conveyed, performing the appraisals, and administrative costs incurred in completing the exchange shall be borne by the Corporation.

(d) LIABILITY FOR HAZARDOUS SUBSTANCES.—(1) The Secretary shall not acquire any lands under this Act if the Secretary determines that such lands, or any portion thereof, have become contaminated with hazardous substances (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601)).

(2) Notwithstanding any other provision of law, the United States shall have no responsibility or liability with respect to any hazardous wastes or other substances placed on any of the lands covered by this Act after their transfer to the ownership of any party, but nothing in this Act shall be construed as either diminishing or increasing any responsibility or liability of the United States based on the condition of such lands on the date of their transfer to the ownership of another party. The Corporation shall indemnify the United States for liabilities arising under the Comprehensive Environmental Response, Compensation, and Liability Act (42 U.S.C. 9601), and the Resource Conservation Recovery Act (42 U.S.C. 6901 et seq.).

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act.

SEC. 327. TIMBER SALES PIPELINE RESTORATION FUNDS.—(a) The Secretary of Agriculture and the Secretary of the Interior shall each establish a Timber Sales Pipeline Restoration Fund (hereinafter "Agriculture Fund" and "Interior Fund" or "Funds"). Any revenues received from sales released under section 2001(k) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, minus the funds necessary to make payments to States or local governments under other law concerning the distribution of revenues derived from the affected lands, which are in excess of $37,500,000 (hereinafter "excess revenues") shall be deposited into the Funds. The distribution of excess revenues between the Agriculture Fund and Interior Fund shall be calculated by multiplying the total of excess revenues times a fraction with a denominator of the total revenues received from all sales released under such section 2001(k) and numerators of the total revenues received from such sales on lands within the National Forest System and the total revenues received from such sales on lands administered by the Bureau of Land Management, respectively: Provided, That revenues or portions thereof from sales released under such section 2001(k), minus the amounts necessary for State and local government payments and other necessary deposits, may be deposited into the Funds immediately upon receipt thereof and subsequently redistributed between the Funds or paid into the United States Treasury as miscellaneous receipts as may be required when the calculation of excess revenues is made.

(b)(1) From the funds deposited into the Agriculture Fund and into the Interior Fund pursuant to subsection (a)—

(A) seventy-five percent shall be available, without fiscal year limitation or further appropriation, for preparation of timber sales, other than salvage sales as defined in section 2001(a)(3) of the fiscal year 1995 Supplemental Appropriations for Disaster Assistance and Rescissions Act, which—

(i) are situated on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively; and

(ii) are in addition to timber sales for which funds are otherwise available in this Act or other appropriations Acts; and

(B) twenty-five percent shall be available, without fiscal year limitation or further appropriation, to expend on the backlog of recreation projects on lands within the National Forest System and lands administered by the Bureau of Land Management, respectively.

(2) Expenditures under this subsection for preparation of timber sales may include expenditures for Forest Service activities within the forest land management budget line item and associated timber roads, and Bureau of Land Management activities within the Oregon and California grant lands account and the forestry management area account, as determined by the Secretary concerned.

(c) Revenues received from any timber sale prepared under subsection (b) or under this subsection, minus the amounts necessary for State and local government payments and other necessary deposits, shall be deposited into the Fund from which funds were expended on such sale. Such deposited revenues shall be available for preparation of additional timber sales and completion of additional recreation projects in accordance with the requirements set forth in subsection (b).

(d) The Secretary concerned shall terminate all payments into the Agriculture Fund or the Interior Fund, and pay any unobligated funds in the affected Fund into the United States Treasury as miscellaneous receipts, whenever the Secretary concerned makes a finding, published in the Federal Register, that sales sufficient to achieve the total allowable sales quantity of the National Forest System for the Forest Service or the allowable sales level for the Oregon and California grant lands for the Bureau of Land Management, respectively, have been prepared.

(e) Any timber sales prepared and recreation projects completed under this section shall comply with all applicable environmental and natural resource laws and regulations.

(f) The Secretary concerned shall report annually to the Committees on Appropriations of the United States Senate and the House of Representatives on expenditures made from the Fund for timber sales and recreation projects, revenues received into the Fund from timber sales, and timber sale preparation and recreation project work undertaken during the previous year and projected for the next year under the Fund. Such information shall be provided for each Forest Service region and Bureau of Land Management State office.

(g) The authority of this section shall terminate upon the termination of both Funds in accordance with the provisions of subsection (d).

SEC. 328. Of the funds provided to the National Endowment for the Arts:

(a) The Chairperson shall only award a grant to an individual if such grant is awarded to such individual for a literature fellowship, National Heritage Fellowship, or American Jazz Masters Fellowship.

(b) The Chairperson shall establish procedures to ensure that no funding provided through a grant, except a grant made to a State or regional group, may be used to make a grant to any other organization or individual to conduct activity independent of the direct grant recipient. Nothing in this subsection shall prohibit payments made in exchange for goods and services.

(c) No grant shall be used for seasonal support to a group, unless the application is specific to the contents of the season, including identified programs and/or projects.

SEC. 329. DELAY IN IMPLEMENTATION OF THE ADMINISTRATION'S RANGELAND REFORM PROGRAM.—None of the funds made available under this or any other Act may be used to implement or enforce the final rule published by the Secretary of the Interior on February 22, 1995 (60 Fed. Reg. 9894), making amendments to parts 4, 1780, and 4100 of title 43, Code of Federal Regulations, to take effect August 21, 1995, until November 21, 1995. None of the funds made available under this or any other Act may be used to publish proposed or enforce final regulations governing the management of livestock grazing on lands administered by the Forest Service until November 21, 1995.

SEC. 330. Section 1864 of title 18, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2), by striking "twenty" and inserting "40";

(B) in paragraph (3), by striking "ten" and inserting "20";

(C) in paragraph (4), by striking "if damage exceeding $10,000 to the property of any individual results," and inserting "if damage to the property of any individual results or if avoidance costs have been incurred exceeding $10,000, in the aggregate,"; and

(D) in paragraph (4), by striking "ten" and inserting "20";

(2) in subsection (c) by striking "ten" and inserting "20";

(3) in subsection (d), by—

(A) striking "and" at the end of paragraph (2);

(B) striking the period at the end of paragraph (3) and inserting "; and"; and

(C) adding at the end the following:

"(4) the term 'avoidance costs' means costs incurred by any individual for the purpose of—

"(A) detecting a hazardous or injurious device; or

"(B) preventing death, serious bodily injury, bodily injury, or property damage likely to result from the use of a hazardous or injurious device in violation of subsection (a)."; and

(4) by adding at the end thereof the following:

"(e) Any person injured as the result of a violation of subsection (a) may commence a civil action on his own behalf against any person who is alleged to be in violation of subsection (a). The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, in such civil actions. The court may award, in addition to monetary damages for any injury resulting from an alleged violation of subsection (a), costs of litigation, including reasonable attorney and expert witness fees, to any prevailing or substantially prevailing party, whenever the court determines such award is appropriate.".

SEC. 331. (a) PURPOSES OF NATIONAL ENDOWMENT FOR THE ARTS.—Section 2 of the National Foundation on the Arts and the Humanities Act of 1965, as amended (20 U.S.C. 951), sets out findings and purposes for which the National Endowment for the Arts was established, among which are—

(1) "The arts and humanities belong to all the people of the United States";

(2) "The arts and humanities reflect the high place accorded by the American people . . . to the fostering of mutual respect for the diverse beliefs and values of all persons and groups";

(3) "Public funding of the arts and humanities is subject to the conditions that traditionally govern the use of public money [and] such funding should contribute to public support and confidence in the use of taxpayer funds"; and

(4) "Public funds provided by the Federal Government must ultimately serve public purposes the Congress defines".

(b) ADDITIONAL CONGRESSIONAL FINDINGS.—Congress further finds and declares that the use of scarce funds, which have been taken from all taxpayers of the United States, to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

is contrary to the express purposes of the National Foundation on the Arts and the Humanities Act of 1965, as amended.

(c) PROHIBITION ON FUNDING THAT IS NOT CONSISTENT WITH THE PURPOSES OF THE ACT.—Notwithstanding any other provision of law, none of the scarce funds which have been taken from all taxpayers of the United States and made available under this Act to the National Endowment for the Arts may be used to promote, disseminate, sponsor, or produce any material or performance that—

(1) denigrates the religious objects or religious beliefs of the adherents of a particular religion, or

(2) depicts or describes, in a patently offensive way, sexual or excretory activities or organs,

and this prohibition shall be strictly applied without regard to the content or viewpoint of the material or performance.

(d) SECTION NOT TO AFFECT OTHER WORKS.—Nothing in this section shall be construed to affect in any way the freedom of any artist or performer to create any material or performance using funds which have not been made available under this Act to the National Endowment for the Arts.

SEC. 332. For purposes related to the closure of the Bureau of Mines, funds made available to the United States Geological Survey, the United States Bureau of Mines, and the Bureau of Land Management shall be available for transfer, with the approval of the Secretary of the Interior, among the following accounts: United States Geological Survey, Surveys, investigations, and research; Bureau of Mines, Mines and minerals; and Bureau of Land Management, Management of lands and resources. The Secretary of Energy shall reimburse the Secretary of the Interior, in an amount to be determined by the Director of the Office of Management and Budget, for the expenses of the transferred functions between October 1, 1995 and the effective date of the transfers of function. Such transfers shall be subject to the reprogramming guidelines of the House and Senate Committees on Appropriations.

SEC. 333. No funds appropriated under this or any other Act shall be used to review or modify sourcing areas previously approved under section 490(c)(3) of the Forest Resources Conservation and Shortage Relief Act of 1990 (Public Law 101–382) or to enforce or implement Federal regulations 36 CFR part 223 promulgated on September 8, 1995. The regulations and interim rules in effect prior to September 8, 1995 (36 CFR 223.48, 36 CFR 223.87, 36 CFR 223 Subpart D, 36 CFR 223 Subpart F, and 36 CFR 261.6) shall remain in effect. The Secretary of Agriculture or the Secretary of the Interior shall not adopt any policies concerning Public Law 101–382 or existing regulations that would restrain domestic transportation or processing of timber from private lands or impose additional accountability requirements on any timber. The Secretary of Commerce shall extend until September 30, 1996, the order issued under section 491(b)(2)(A) of Public Law 101–382 and shall issue an order under section 491(b)(2)(B) of such law that will be effective October 1, 1996.

SEC. 334. The National Park Service, in accordance with the Memorandum of Agreement between the United States National Park Service and the City of Vancouver dated November 4, 1994, shall permit general aviation on its portion of Pearson Field in Vancouver, Washington until the year 2022, during which time a plan and method for transitioning from general aviation aircraft to historic aircraft shall be completed; such transition to be accomplished by that date. This action shall not be construed to limit the authority of the Federal Aviation Administration over air traffic control or aviation activities at Pearson Field or limit operations and airspace of Portland International Airport.

SEC. 335. The United States Forest Service approval of Alternative site 2 (ALT 2), issued on December 6, 1993, is hereby authorized and approved and shall be deemed to be consistent with, and permissible under, the terms of Public Law 100–696 (the Arizona-Idaho Conservation Act of 1988).

SEC. 336. None of the funds made available to the Department of the Interior or the Department of Agriculture by this or any other Act may be used to issue or implement final regulations, rules, or policies pursuant to Title VIII of the Alaska National Interest Lands Conservation Act to assert jurisdiction, management, or control over navigable waters transferred to the State of Alaska pursuant to the Submerged Lands Act of 1953 or the Alaska Statehood Act of 1959.

Section 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

SEC. 338. Upon enactment of this Act, all funds obligated in fiscal year 1996 under "Salaries and expenses", Pennsylvania Avenue Development Corporation are to be offset by unobligated balances made available under this Act under the account "Public development", Pennsylvania Avenue Development Corporation and all funds obligated in fiscal year 1996 under "International forestry", Forest Service are to be offset, as appropriate by funds made available under this Act under the accounts "Forest research" "State and private forestry", "National forest system", and "Construction" in the Forest Service.

SEC. 339. (a) Notwithstanding any other provision of law, in order to avoid or minimize the need for involuntary separations due to a reduction in force, reorganizations, transfer of function, or other similar action, the Secretary of the Smithsonian Institution may pay, or authorize the payment of, voluntary separation incentive payments to Smithsonian Institution employees who separate from Federal service voluntarily through October 1, 1996 (whether by retirement or resignation).

(b) A voluntary separation incentive payment—

(1) shall be paid in a lump sum after the employee's separation in an amount to be determined by the Secretary, but shall not exceed $25,000; and

(2) shall not be a basis for payment, and shall not be included in the computation, of any other type of benefit.

(c)(1) An employee who has received a voluntary separation incentive payment under this section and accepts employment with any agency or instrumentality of the United States within 5 years after the date of the separation on which the payment is based shall be required to repay the entire amount of the incentive payment to the Smithsonian Institution.

(2) The repayment required by paragraph (1) may be waived only by the Secretary.

(d) In addition to any other payments which it is required to make under subchapter III of chapter 83 of title 5, United States Code, the Smithsonian shall remit to the Office of Personnel Management for deposit in the Treasury of the United States to the credit of the Civil Service Retirement and Disability Fund an amount equal to 15 percent of the final basic pay of each employee of the Smithsonian to whom a voluntary separation incentive payment has been paid.

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

(d) For programs, projects or activities for in the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1996 and for other purposes

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For expenses necessary to carry into effect the Job Training Partnership Act, as amended, including the purchase and hire of passenger motor vehicles, the construction, alteration, and repair of buildings and other facilities, and the purchase of real property for training centers as authorized by the Job Training Partnership Act; title II of the Civil Rights Act of 1991; the Women in Apprenticeship and Nontraditional Occupations Act; National Skill Standards Act of 1994; and the School-to-Work Opportunities Act; $4,146,278,000 plus reimbursements, of which $3,226,559,000 is available for obligation for the period July 1, 1996 through June 30, 1997; of which $121,467,000 is available for the period July 1, 1996 through June 30, 1999 for necessary expenses of construction, rehabilitation, and acquisition of Job Corps centers; and of which $170,000,000 shall be available from July 1, 1996 through September 30, 1997, for carrying out activities of the School-to-Work Opportunities Act: Provided, That $52,502,000 shall be for carrying out section 401 of the Job Training Partnership Act, $69,285,000 shall be for carrying out section 402 of such Act, $7,300,000 shall be for carrying out section 441 of such Act, $8,000,000 shall be for all activities conducted by and through the National Occupational Information Coordinating Committee under such Act, $850,000,000 shall be for carrying out title II, part A of such Act, $126,672,000 shall be for carrying out title II, part C of such Act and $2,500,000 shall be available for obligation from October 1, 1995 through September 30, 1996 to support short-term training and employment-related activities incurred by the organizer of the 1996 Paralympic Games: Provided further, That no funds from any other appropriation shall be used to provide meal services at or for Job Corps centers: Provided further, That notwithstanding any other provision of law, the Secretary of Labor may waive any of the requirements contained in sections 4, 104, 105, 107, 108, 121, 164, 204, 253, 254, 264, 301, 311, 313, 314, and 315 of the Job Training Partnership Act in order to assist States in improving State workforce development systems, pursuant to a request submitted by a State that has prior to the date of enactment of this Act executed a Memorandum of Understanding with the United States requiring such State to meet agreed upon outcomes: Provided further, That funds used from this Act to carry out title III of the Job Training Partnership Act shall not be subject to the limitation contained in subsection (b) of section 315 of such Act; that the waiver allowing a reduction in the cost limitation relating to retraining services described in subsection (a)(2) of such section 315 may be granted with respect to funds from this Act if a substate grantee demonstrates to the Governor that such waiver is appropriate due to the availability of low-cost retraining services, is necessary to facilitate the provision of needs-related payments to accompany long-term training, or is necessary to facilitate the provision of appropriate basic readjustment services and that funds used from this Act to carry out the Secretary's discretionary grants under part B of such title III may be used to provide needs-related payments to participants who, in lieu of meeting the requirements relating to enrollment in training under section 314(e) of such Act, are enrolled in training by the end of the sixth week after funds have been awarded: Provided further, That service delivery areas may transfer funding provided herein under authority of titles II–

B and II–C of the Job Training Partnership Act between the programs authorized by those titles of that Act, if such transfer is approved by the Governor: Provided further, That service delivery areas and substate areas may transfer funding provided herein under authority of title II–A and title III of the Job Training Partnership Act between the programs authorized by those titles of the Act, if such transfer is approved by the Governor: Provided further, That, notwithstanding any other provision of law, any proceeds from the sale of Job Corps Center facilities shall be retained by the Secretary of Labor to carry out the Job Corps program.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

To carry out the activities for national grants or contracts with public agencies and public or private nonprofit organizations under paragraph (1)(A) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $290,940,000.

To carry out the activities for grants to States under paragraph (3) of section 506(a) of title V of the Older Americans Act of 1965, as amended, or to carry out older worker activities as subsequently authorized, $82,060,000.

FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

For payments during the current fiscal year of trade adjustment benefit payments and allowances under part I, and for training, for allowances for job search and relocation, and for related State administrative expenses under part II, subchapters B and D, chapter 2, title II of the Trade Act of 1974, as amended, $346,100,000, together with such amounts as may be necessary to be charged to the subsequent appropriation for payments for any period subsequent to September 15 of the current year.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For activities authorized by the Act of June 6, 1933, as amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E)); title III of the Social Security Act, as amended (42 U.S.C. 502–504); necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, and sections 225, 231–235, 243–244, and 250(d)(1), 250(d)(3), title II of the Trade Act of 1974, as amended; as authorized by section 7c of the Act of June 6, 1933, as amended, necessary administrative expenses under sections 101(a)(15)(H), 212(a)(5)(A), (m) (2) and (3), (n)(1), and 218(g) (1), (2), and (3), and 258(c) of the Immigration and Nationality Act, as amended (8 U.S.C. 1101 et seq.); necessary administrative expenses to carry out section 221(a) of the Immigration Act of 1990, $135,328,000, together with not to exceed $3,102,194,000 (including not to exceed $1,653,000 which may be used for amortization payments to States which had independent retirement plans in their State employment service agencies prior to 1980, and including not to exceed $2,000,000 which may be obligated in contracts with non-State entities for activities such as occupational and test research activities which benefit the Federal-State Employment Service System), which may be expended from the Employment Security Administration account in the Unemployment Trust Fund, and of which the sums available in the allocation for activities authorized by title III of the Social Security Act, as amended (42 U.S.C. 502–504), and the sums available in the allocation for necessary administrative expenses for carrying out 5 U.S.C. 8501–8523, shall be available for obligation by the States through December 31, 1996, except that funds used for automation acquisitions shall be available for obligation by States through September 30, 1998; and of which $133,452,000, together with not to exceed $738,283,000 of the amount which may be expended from said trust fund shall be available for obligation for the period July 1, 1996, through June 30, 1997, to fund activities under the Act of June 6, 1933, as amended, including the cost of penalty mail made available to States in lieu of allotments for such purpose, and of which $216,333,000 shall be available only to the extent necessary for additional State allocations to administer unemployment compensation laws to finance increases in the number of unemployment insurance claims filed and claims paid or changes in a State law: Provided, That to the extent that the Average Weekly Insured Unemployment (AWIU) for fiscal year 1996 is projected by the Department of Labor to exceed 2.785 million, an additional $28,600,000 shall be available for obligation for every 100,000 increase in the AWIU level (including a pro rata amount for any increment less than 100,000) from the Employment Security Administration Account of the Unemployment Trust Fund: Provided further, That funds appropriated in this Act which are used to establish a national one-stop career center network may be obligated in contracts, grants or agreements with non-State entities: Provided further, That funds appropriated under this Act for activities authorized under the Wagner-Peyser Act, as amended, and title III of the Social Security Act, may be used by the States to fund integrated Employment Service and Unemployment Insurance automation efforts, notwithstanding cost allocation principles prescribed under Office of Management and Budget Circular A–87.

ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

For repayable advances to the Unemployment Trust Fund as authorized by sections 905(d) and 1203 of the Social Security Act, as amended, and to the Black Lung Disability Trust Fund as authorized by section 9501(c)(1) of the Internal Revenue Code of 1954, as amended; and for nonrepayable advances to the Unemployment Trust Fund as authorized by section 8509 of title 5, United States Code, and section 104(d) of Public Law 102–164, and section 5 of Public Law 103–6, and to the "Federal unemployment benefits and allowances" account, to remain available until September 30, 1997, $369,000,000.

In addition, for making repayable advances to the Black Lung Disability Trust Fund in the current fiscal year after September 15, 1996, for costs incurred by the Black Lung Disability Trust Fund in the current fiscal year, such sums as may be necessary.

ADVANCES TO THE EMPLOYMENT SECURITY ADMINISTRATION ACCOUNT OF THE UNEMPLOYMENT TRUST FUND

(RESCISSION)

Amounts remaining unobligated under this heading as of September 30, 1995, are hereby rescinded.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

Of the amounts remaining unobligated under this heading as of September 30, 1995, $266,000,000 are hereby rescinded.

PROGRAM ADMINISTRATION

For expenses of administering employment and training programs and for carrying out section 908 of the Social Security Act, $83,054,000, together with not to exceed $40,793,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

PENSION AND WELFARE BENEFITS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for Pension and Welfare Benefits Administration, $67,497,000.

PENSION BENEFIT GUARANTY CORPORATION

PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96–364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program through September 30, 1996, for such Corporation: Provided, That not to exceed $10,603,000 shall be available for administrative expenses of the Corporation: Provided further, That expenses of such Corporation in connection with the collection of premiums, the termination of pension plans, for the acquisition, protection or management, and investment of trust assets, and for benefits administration services shall be considered as nonadministrative expenses for the purposes hereof, and excluded from the above limitation.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Employment Standards Administration, including reimbursement to State, Federal, and local agencies and their employees for inspection services rendered, $265,637,000, together with $1,007,000 which may be expended from the Special Fund in accordance with sections 39(c) and 44(j) of the Longshore and Harbor Workers' Compensation Act: Provided, That the Secretary of Labor is authorized to accept, retain, and spend, until expended, in the name of the Department of Labor, all sums of money ordered to be paid to the Secretary of Labor, in accordance with the terms of the Consent Judgment in Civil Action No. 91–0027 of the United States District Court for the District of the Northern Mariana Islands (May 21, 1992): Provided further, That the Secretary of Labor is authorized to establish and, in accordance with 31 U.S.C. 3302, collect and deposit in the Treasury fees for processing applications and issuing certificates under sections 11(d) and 14 of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 211(d) and 214) and for processing applications and issuing registrations under Title I of the Migrant and Seasonal Agricultural Worker Protection Act, 29 U.S.C. 1801 et seq.

SPECIAL BENEFITS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation, benefits, and expenses (except administrative expenses) accruing during the current or any prior fiscal year authorized by title 5, chapter 81 of the United States Code; continuation of benefits as provided for under the head "Civilian War Benefits" in the Federal Security Agency Appropriation Act, 1947; the Employees' Compensation Commission Appropriation Act, 1944; and sections 4(c) and 5(f) of the War Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per centum of the additional compensation and benefits required by section 10(h) of the Longshore and Harbor Workers' Compensation Act, as amended, $218,000,000 together with such amounts as may be necessary to be charged to the subsequent year appropriation for the payment of compensation and other benefits for any period subsequent to August 15 of the current year: Provided, That such sums as are necessary may be used under section 8104 of title 5, United States Code, by the Secretary to reimburse an employer, who is not the employer at the time of injury, for portions of the salary of a reemployed, disabled beneficiary: Provided further, That balances of reimbursements unobligated on September 30, 1995, shall remain available until *expended for the payment of compensation, benefits, and expenses: Provided further, That in addition there shall be transferred to this appropriation from the Postal Service and from any other corporation or instrumentality required under section 8147(c) of title 5, United States Code, to pay an amount for its fair share of the cost of administration, such sums as the Secretary of Labor determines to be the cost of administration for employees of such fair share entities through September 30, 1996: Provided further, That of those funds transferred to this account from the fair share entities to pay the cost of administration, $19,383,000 shall be made available to the Secretary of Labor for expenditures relating to capital improvements in support of Federal Employees' Compensation Act administration, and the balance of such funds shall be paid into the Treasury as miscellaneous receipts: Provided further, That the Secretary may require that any person filing a notice of injury or a claim for benefits under Subchapter 5, U.S.C., chapter 81, or under subchapter 33, U.S.C. 901, et seq. (the Longshore and Harbor Workers' Compensation Act, as amended), provide as part of such notice and claim, such identifying information (including Social Security account number) as such regulations may prescribe.*

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payments from the Black Lung Disability Trust Fund, $996,763,000, of which $949,494,000 shall be available until September 30, 1997, for payment of all benefits as authorized by section 9501(d) (1), (2), (4), and (7), of the Internal Revenue Code of 1954, as amended, and interest on advances as authorized by section 9501(c)(2) of that Act, and of which $27,350,000 shall be available for transfer to Employment Standards Administration, Salaries and Expenses, and $19,621,000 for transfer to Departmental Management, Salaries and Expenses, and $298,000 for transfer to Departmental Management, Office of Inspector General, for expenses of operation and administration of the Black Lung Benefits program as authorized by section 9501(d)(5)(A) of that Act: Provided, That in addition, such amounts as may be necessary may be charged to the subsequent year appropriation for the payment of compensation, interest, or other benefits for any period subsequent to August 15 of the current year: Provided further, That in addition such amounts shall be paid from this fund into miscellaneous receipts as the Secretary of the Treasury determines to be the administrative expenses of the Department of the Treasury for administering the fund during the current fiscal year, as authorized by section 9501(d)(5)(B) of that Act.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Occupational Safety and Health Administration, $304,984,000 including not to exceed $68,295,000 which shall be the maximum amount available for grants to States under section 23(g) of the Occupational Safety and Health Act, which grants shall be no less than fifty percent of the costs of State occupational safety and health programs required to be incurred under plans approved by the Secretary under section 18 of the Occupational Safety and Health Act of 1970; and, in addition, notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration may retain up to $750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and may utilize such sums for occupational safety and health training and education grants: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to prescribe, issue, administer, or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 which is applicable to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees: Provided further, That no funds appropriated under this paragraph shall be obligated or expended to administer or enforce any standard, rule, regulation, or order under the Occupational Safety and Health Act of 1970 with respect to any employer of ten or fewer employees who is included within a category having an occupational injury lost workday case rate, at the most precise Standard Industrial Classification Code for which such data are published, less than the national average rate as such rates are most recently published by the Secretary, acting through the Bureau of Labor Statistics, in accordance with section 24 of that Act (29 U.S.C. 673), except—

(1) to provide, as authorized by such Act, consultation, technical assistance, educational and training services, and to conduct surveys and studies;

(2) to conduct an inspection or investigation in response to an employee complaint, to issue a citation for violations found during such inspection, and to assess a penalty for violations which are not corrected within a reasonable abatement period and for any willful violations found;

(3) to take any action authorized by such Act with respect to imminent dangers;

(4) to take any action authorized by such Act with respect to health hazards;

(5) to take any action authorized by such Act with respect to a report of an employment accident which is fatal to one or more employees or which results in hospitalization of two or more employees, and to take any action pursuant to such investigation authorized by such Act; and

(6) to take any action authorized by such Act with respect to complaints of discrimination against employees for exercising rights under such Act:

Provided further, That the foregoing proviso shall not apply to any person who is engaged in a farming operation which does not maintain a temporary labor camp and employs ten or fewer employees.

MINE SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses for the Mine Safety and Health Administration, $196,673,000, including purchase and bestowal of certificates and trophies in connection with mine rescue and first-aid work, and the hire of passenger motor vehicles; the Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, or private; the Mine Safety and Health Administration is authorized to promote health and safety education and training in the mining community through cooperative programs with States, industry, and safety associations; and any funds available to the Department may be used, with the approval of the Secretary, to provide for the costs of mine rescue and survival operations in the event of a major disaster: Provided, That none of the funds appropriated under this paragraph shall be obligated or expended to carry out section 115 of the Federal Mine Safety and Health Act of 1977 or to carry out that portion of section 104(g)(1) of such Act relating to the enforcement of any training requirements, with respect to shell dredging, or with respect to any sand, gravel, surface stone, surface clay, colloidal phosphate, or surface limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

For necessary expenses for the Bureau of Labor Statistics, including advances or reimbursements to State, Federal, and local agencies and their employees for services rendered, $293,181,000, of which $11,549,000 shall be for expenses of revising the Consumer Price Index and shall remain available until September 30, 1997, together with not to exceed $51,278,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

For necessary expenses for Departmental Management, including the hire of three sedans, and including up to $4,358,000 for the President's Committee on Employment of People With Disabilities, $141,047,000; together with not to exceed $303,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund: Provided, That no funds made available by this Act may be used by the Solicitor of Labor to participate in a review in any United States court of appeals of any decision made by the Benefits Review Board under Section 21 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 921) where such participation is precluded by the decision of the United States Supreme Court in Director, Office of Workers' Compensation Programs v. Newport News Shipbuilding, 115 S. Ct. 1278, (1995): Provided further, That no funds made available by this Act may be used by the Secretary of Labor after September 12, 1996, to review a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) that has been appealed and that has been pending before the Benefits Review Board for more than 12 months, except as otherwise specified herein: Provided further, That any such decision pending a review by the Benefits Review Board for more than one year shall, if not acted upon by the Board before September 12, 1996, be considered affirmed by the Benefits Review Board on that date, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That beginning on September 13, 1996, the Benefits Review Board shall make a decision on an appeal of a decision under the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 901 et seq.) not later than 1 year after the date the appeal to the Benefits Review Board was filed; however, if the Benefits Review Board fails to make a decision within the 1-year period, the decision under review shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals: Provided further, That these provisions shall not be applicable to the review of any decision issued under the Black Lung Benefits Act (30 U.S.C. 901 et seq.).

Beginning on September 13, 1996, in any appeal to the Benefits Review Board that has been pending for one year, the petitioner may elect to maintain the proceeding before the Benefits Review Board for a period of 60 days. Such election shall be filed with the Board no later than 30 days prior to the end of the one-year period. If no decision is rendered during this 60-day period, the decision under review shall be considered affirmed by the Board on the last day of such period, and shall be considered the final order of the Board for purposes of obtaining a review in the United States courts of appeals.

WORKING CAPITAL FUND

The language under this heading in Public Law 85–67, as amended, is further amended by adding the following before the last period: ": Provided further, That within the Working Capital Fund, there is established an Investment in

Reinvention Fund (IRF), which shall be available to invest in projects of the Department designed to produce measurable improvements in agency efficiency and significant taxpayer savings. Notwithstanding any other provision of law, the Secretary of Labor may retain up to $3,900,000 of the unobligated balances in the Department's annual Salaries and Expenses accounts as of September 30, 1995, and transfer those amounts to the IRF to provide the initial capital for the IRF, to remain available until expended, to make loans to agencies of the Department for projects designed to enhance productivity and generate cost savings. Such loans shall be repaid to the IRF no later than September 30 of the fiscal year following the fiscal year in which the project is completed. Such repayments shall be deposited in the IRF, to be available without further appropriation action."

ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND TRAINING

Not to exceed $170,390,000 may be derived from the Employment Security Administration account in the Unemployment Trust Fund to carry out the provisions of 38 U.S.C. 4100–4110A and 4321–4327, and Public Law 103–353, and which shall be available for obligation by the States through December 31, 1996.

OFFICE OF INSPECTOR GENERAL

For salaries and expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $44,426,000, together with not to exceed $3,615,000, which may be expended from the Employment Security Administration account in the Unemployment Trust Fund.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in this title for the Job Corps shall be used to pay the compensation of an individual, either as direct costs or any proration as an indirect cost, at a rate in excess of $125,000.

SEC. 102. None of the funds made available in this Act may be used by the Occupational Safety and Health Administration directly or through section 23(g) of the Occupational Safety and Health Act to promulgate or issue any proposed or final standard or guideline regarding ergonomic protection. Nothing in this section shall be construed to limit the Occupational Safety and Health Administration from conducting any peer reviewed risk assessment activity regarding ergonomics, including conducting peer reviews of the scientific basis for establishing any standard or guideline, direct or contracted research, or other activity necessary to fully establish the scientific basis for promulgating any standard or guideline on ergonomic protection.

(TRANSFER OF FUNDS)

SEC. 103. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Labor in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

SEC. 104. Funds shall be available for carrying out title IV–B of the Job Training Partnership Act, notwithstanding section 427(c) of that Act, if a Job Corps center fails to meet national performance standards established by the Secretary.

This title may be cited as the "Department of Labor Appropriations Act, 1996".

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

For carrying out titles II, III, VII, VIII, X, XVI, XIX, and XXVI of the Public Health Service Act, section 427(a) of the Federal Coal Mine Health and Safety Act, title V of the Social Security Act, the Health Care Quality Improvement Act of 1986, as amended, Public Law 101–527, and the Native Hawaiian Health Care Act of 1988, as amended, $3,077,857,000, of which $391,700,000 shall be for a part A of title XXVI of the Public Health Service Act and $260,847,000 shall be for Part B of title XXVI of the Public Health Service Act, and of which $411,000 shall remain available until expended for interest subsidies on loan guarantees made prior to fiscal year 1981 under part B of title VII of the Public Health Service Act: Provided, That the Division of Federal Occupational Health may utilize personal services contracting to employ professional management/administrative, and occupational health professionals: Provided further, That of the funds made available under this heading, $858,000 shall be available until expended for facilities renovations at the Gillis W. Long Hansen's Disease Center: Provided further, That in addition to fees authorized by section 427(b) of the Health Care Quality Improvement Act of 1986, fees shall be collected for the full disclosure of information under the Act sufficient to recover the full costs of operating the National Practitioner Data Bank, and shall remain available until expended to carry out that Act: Provided further, That no more than $5,000,000 is available for carrying out the provisions of Public Law 104–73: Provided further, That of the funds made available under this heading, $193,349,000 shall be for the program under title X of the Public Health Service Act to provide for voluntary family planning projects: Provided further, That amounts provided to said projects under such title shall not be expended for abortions, that all pregnancy counseling shall be nondirective, and that such amounts shall not be expended for any activity (including the publication or distribution of literature) that in any way tends to promote public support or opposition to any legislative proposal or candidate for public office: Provided further, That notwithstanding any other provision of law, funds made available under this heading may be used to continue operating the Council on Graduate Medical Education established by section 301 of Public Law 102–408: Provided further, That the Secretary shall use amounts available for section 2603(b) of the Public Health Service Act as necessary to ensure that fiscal year 1996 grant awards made under section 2603(a) of such Act to eligible areas that received such grants in fiscal year 1995 are not less than 99 percent of the fiscal year 1995 level: Provided further,That funds made available under this heading for activities authorized by part A of title XXVI of the Public Health Service Act are available only for those metropolitan areas previously funded under Public Law 103–333 or with a cumulative total of more than 2,000 cases of AIDS, as reported to the Centers for Disease Control and Prevention as of March 31, 1995, and have a population of 500,000 or more: Provided further, That of the amounts provided for part B of title XXVI of the Public Health Service Act $52,000,000 shall be used only for State AIDS Drug Assistance Programs authorized by section 2616 of the Health Service Act and shall be distributed to States as authorized by section 2618(b)(2) of such Act.

MEDICAL FACILITIES GUARANTEE AND LOAN FUND

FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES

For carrying out subsections (d) and (e) of section 1602 of the Public Health Service Act, $8,000,000, together with any amounts received by the Secretary in connection with loans and loan guarantees under title VI of the Public Health Service Act, to be available without fiscal year limitation for the payment of interest subsidies. During the fiscal year, no commitments for direct loans or loan guarantees shall be made.

HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

For the cost of guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by title VII of the Public Health Service Act, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: Provided further, That these funds are available to subsidize gross obligations for the total loan principal any part of which is to be guaranteed at not to exceed $210,000,000. In addition, for administrative expenses to carry out the guaranteed loan program, $2,688,000.

VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

For payments from the Vaccine Injury Compensation Program Trust Fund, such sums as may be necessary for claims associated with vaccine-related injury or death with respect to vaccines administered after September 30, 1988, pursuant to subtitle 2 of title XXI of the Public Health Service Act, to remain available until expended: Provided, That for necessary administrative expenses, not to exceed $3,000,000 shall be available from the Trust Fund to the Secretary of Health and Human Services.

VACCINE INJURY COMPENSATION

For payment of claims resolved by the United States Court of Federal Claims related to the administration of vaccines before October 1, 1988, $110,000,000, to remain available until expended.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Of the amounts made available under this heading in Public Law 103–333, Public Law 103–112, and Public Law 102–394 for immunization activities, $53,000,000 are hereby rescinded: Provided, That the Director may redirect the total amount made available under authority of Public Law 101–502, section 3, dated November 3, 1990, to activities the Director may so designate: Provided further, That the Congress is to be notified promptly of any such transfer.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

For carrying out titles V and XIX of the Public Health Service Act with respect to substance abuse and mental health services, the Protection and Advocacy for Mentally Ill Individuals Act of 1986, and section 301 of the Public Health Service Act with respect to program management, $1,883,715,000.

RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS

For retirement pay and medical benefits of Public Health Service Commissioned Officers as authorized by law, and for payments under the Retired Serviceman's Family Protection Plan and Survivor Benefit Plan and for medical care of dependents and retired personnel under the Dependents' Medical Care Act (10 U.S.C. ch. 55), and for payments pursuant to section 229(b) of the Social Security Act (42 U.S.C. 429(b)), *such amounts as may be required during the current fiscal year.*

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

For carrying out titles III and IX of the Public Health Service Act, and part A of title XI of the Social Security Act, $65,186,000; in addition, amounts received from Freedom of Information Act fees, reimbursable and interagency agreements, and the sale of data tapes shall be credited to this appropriation and shall remain available until expended: Provided, That the amount made available pursuant to section 926(b) of the Public Health Service Act shall not exceed $60,124,000.

HEALTH CARE FINANCING ADMINISTRATION

GRANTS TO STATES FOR MEDICAID

For carrying out, except as otherwise provided, titles XI and XIX of the Social Security Act, $55,094,355,000, to remain available until expended.

For making, after May 31, 1996, payments to States under title XIX of the Social Security Act for the last quarter of fiscal year 1996 for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States under title XIX of the Social Security Act for the first quarter of fiscal year 1997, $26,155,350,000, to remain available until expended.

Payment under title XIX may be made for any quarter with respect to a State plan or plan amendment in effect during such quarter, if submitted in or prior to such quarter and approved in that or any subsequent quarter.

PAYMENTS TO HEALTH CARE TRUST FUNDS

For payment to the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds, as provided under sections 217(g) and 1844 of the Social Security Act, sections 103(c) and 111(d) of the Social Security Amendments of 1965, section 278(d) of Public Law 97–248, and for administrative expenses incurred pursuant to section 201(g) of the Social Security Act, $63,313,000,000.

PROGRAM MANAGEMENT

For carrying out, except as otherwise provided, titles XI, XVIII, and XIX of the Social Security Act, and title XIII of the Public Health Service Act, the Clinical Laboratory Improvement Amendments of 1988, and section 4005(e) of Public Law 100–203, not to exceed $1,734,810,000, together with all funds collected in accordance with section 353 of the Public Health Service Act, the latter funds to remain available until expended, together with such sums as may be collected from authorized user fees and the sale of data, which shall remain available until expended, the $1,734,810,000, to be transferred to this appropriation as authorized by section 201(g) of the Social Security Act, from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds: Provided, That all funds derived in accordance with 31 U.S.C. 9701 from organizations established under title XIII of the Public Health Service Act are to be credited to this appropriation.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 1996, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES

FAMILY SUPPORT PAYMENTS TO STATES

For making payments to States or other non-Federal entities, except as otherwise provided, under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act, and the Act of July 5, 1960 (24 U.S.C. ch. 9), $13,614,307,000, to remain available until expended.

For making, after May 31 of the current fiscal year, payments to States or other non-Federal entities under titles I, IV–A and D, X, XI, XIV, and XVI of the Social Security Act, for the last three months of the current year for unanticipated costs, incurred for the current fiscal year, such sums as may be necessary.

For making payments to States or other non-Federal entities under titles I, IV–A (other than section 402(g)(6)) and D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9) for the first quarter of fiscal year 1997, $4,800,000,000, to remain available until expended.

JOB OPPORTUNITIES AND BASIC SKILLS

For carrying out aid to families with dependent children work programs, as authorized by part F of title IV of the Social Security Act, $1,000,000,000.

LOW INCOME HOME ENERGY ASSISTANCE

(INCLUDING RESCISSION)

Of the funds made available beginning on October 1, 1995 under this heading in Public Law 103–333, $100,000,000 are hereby rescinded.

For making payments under title XXVI of the Omnibus Budget Reconciliation Act of 1981, $300,000,000 to be available for obligation in the period October 1, 1996 through September 30, 1997: Provided, That all of the funds available under this paragraph are hereby designated by Congress to be emergency requirements pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: Provided further, That these funds shall be made available only after submission to Congress of a formal budget request by the President that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985.

Funds made available in the fourth paragraph under this heading in Public Law 103–333 that remain unobligated as of September 30, 1996 shall remain available until September 30, 1997.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96–422), $402,172,000: Provided, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act under Public Law 103–112 for fiscal year 1994 shall be available for the costs of assistance provided and other activities conducted in such year and in fiscal years 1995 and 1996.

CHILD CARE AND DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), $934,642,000, which shall be available for obligation under the same statutory terms and conditions applicable in the prior fiscal year.

SOCIAL SERVICES BLOCK GRANT

For making grants to States pursuant to section 2002 of the Social Security Act, $2,381,000,000: Provided, That notwithstanding section 2003(c) of such Act, the amount specified for allocation under such section for fiscal year 1996 shall be $2,381,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For carrying out, except as otherwise provided, the Runaway and Homeless Youth Act, the Developmental Disabilities Assistance and Bill of Rights Act, the Head Start Act, the Child Abuse Prevention and Treatment Act, the Family Violence Prevention and Services Act, the Native American Programs Act of 1974, title II of Public Law 95–266 (adoption opportunities), the Temporary Child Care for Children with Disabilities and Crisis Nurseries Act of 1986, the Abandoned Infants Assistance Act of 1988, and part B(1) of title IV of the Social Security Act; for making payments under the Community Services Block Grant Act; and for necessary administrative expenses to carry out said Acts and titles I, IV, X, XI, XIV, XVI, and XX of the Social Security Act, the Act of July 5, 1960 (24 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of 1981, title IV of the Immigration and Nationality Act, section 501 of the Refugee Education Assistance Act of 1980, and section 126 and titles IV and V of Public Law 100–485, $4,767,006,000, of which $435,463,000 shall be for making payments under the Community Services Block Grant Act: Provided, That to the extent Community Services Block Grant funds are distributed as grant funds by a State to an eligible entity as provided under the Act, and have not been expended by such entity, they shall remain with such entity for carryover into the next fiscal year for expenditure by such entity consistent with program purposes.

In addition, $21,358,000, to be derived from the Violent Crime Reduction Trust Fund, for carrying out sections 40155, 40211, 40241, and 40251 of Public Law 103–322.

FAMILY PRESERVATION AND SUPPORT

For carrying out section 430 of the Social Security Act, $225,000,000.

PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE

For making payments to States or other non-Federal entities, under title IV–E of the Social Security Act, $4,322,238,000.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

For carrying out, to the extent not otherwise provided, the Older Americans Act of 1965, as amended, $829,393,000 of which $4,449,000 shall be for section 712 and $4,732,000 shall be for section 721: Provided, That notwithstanding section 308(b)(1) of such Act, the amounts available to each State for administration of the State plan under title III of such Act shall be reduced not more than 5 percent below the amount that was available to such State for such purpose for fiscal year 1995.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

For necessary expenses, not otherwise provided, for general departmental management, including hire of six medium sedans, and for carrying out titles III, XVII, XX of the Public Health Service Act, $139,499,000, together with $6,628,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund: Provided, That of the funds made available under this heading for carrying out title XVII of the Public Health Service Act, $7,500,000 shall be available until expended for extramural construction.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $36,162,000, together with any funds, to remain available until expended, that represent the equitable share from the forfeiture of property in investigations in which the Office of Inspector General participated, and which are transferred to the Office of the Inspector General by the Department of Justice, the Department of the Treasury, or the United States Postal Service.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, $16,153,000, together with not to exceed $3,314,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

POLICY RESEARCH

For carrying out, to the extent not otherwise provided, research studies under section 1110 of the Social Security Act, $9,000,000.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For expenses necessary to prepare to respond to the health and medical consequences of nuclear, chemical, or biologic attack in the United States, $7,000,000, to remain available until expended and, in addition, for clinical trials, applying imaging technology used for missile guidance and target recognition to new uses improving the early detection of breast cancer, $2,000,000, to remain available until expended.

GENERAL PROVISIONS

SEC. 201. Funds appropriated in this title shall be available for not to exceed $37,000 for official reception and representation expenses when specifically approved by the Secretary.

SEC. 202. The Secretary shall make available through assignment not more than 60 employees of the Public Health Service to assist in child survival activities and to work in AIDS programs through and with funds provided by the Agency for International Development, the United Nations International Children's Emergency Fund or the World Health Organization.

SEC. 203. None of the funds appropriated under this Act may be used to implement section 399L(b) of the Public Health Service Act or section 1503 of the National Institutes of Health Revitalization Act of 1993, Public Law 103–43.

SEC. 204. None of the funds made available by this Act may be used to withhold payment to any State under the Child Abuse Prevention and Treatment Act by reason of a determination that the State is not in compliance with section 1340.2(d)(2)(ii) of title 45 of the Code of Federal Regulations. This provision expires upon the date of enactment of the reauthorization of the Child Abuse Prevention and Treatment Act or upon September 30, 1996, whichever occurs first.

SEC. 205. None of the funds appropriated in this or any other Act for the National Institutes of Health and the Substance Abuse and Mental Health Services Administration shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of $125,000 per year.

Sec. 206. None of the funds appropriated in this Act may be expended pursuant to section 241 of the Public Health Service Act, except for funds specifically provided for in this Act, or for other taps and assessments made by any office located in the Department of Health and Human Services, prior to the Secretary's preparation and submission of a report to the Committee on Appropriations of the Senate and of the House detailing the planned uses of such funds.

(TRANSFER OF FUNDS)

SEC. 207. Of the funds appropriated or otherwise made available for the Department of Health and Human Services, General Departmental Management, for fiscal year 1996, the Secretary of Health and Human Services shall transfer to the Office of the Inspector General such sums as may be necessary for any expenses with respect to the provision of security protection for the Secretary of Health and Human Services.

SEC. 208. Notwithstanding section 106 of Public Law 104–91 and section 106 of Public law 104–99, appropriations for the National Institutes of Health and the Centers for Disease Control and Prevention shall be available for fiscal year 1996 as specified in section 101 of Public Law 104–91 and section 128 of Public Law 104–99.

SEC. 209. None of the funds appropriated in this Act may be obligated or expended for the Federal Council on Aging under the Older Americans Act or the Advisory Board on Child Abuse and Neglect under the Child Abuse Prevention and Treatment Act.

SEC. 210. Of the funds provided for the account heading "Disease Control, Research, and Training" in Public Law 104–91, $31,642,000, to be derived from the Violent Crime Reduction Trust Fund, is hereby available for carrying out sections 40151, 40261, and 40293 of Public Law 103–322 notwithstanding any provision of Public Law 104–91.

(TRANSFER OF FUNDS)

SEC. 211. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Health and Human Services in this Act may be transferred between such appropriations, but not such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

(TRANSFER OF FUNDS)

SEC. 212. The Director, National Institutes of Health, jointly with the Director, Office of AIDS Research, may transfer up to 3 percent among Institutes, Centers, and the National Library of Medicine from the total amounts identified in the apportionment for each Institute, Center, or the National Library of Medicine for AIDS research: Provided, That such transfers shall be within 30 days of enactment of this Act and be based on the scientific priorities established in the plan developed by the Director, Office of AIDS Research, in accordance with section 2353 of the Public Health Service Act: Provided further, That the Congress is promptly notified of the transfer.

SEC. 213. In fiscal year 1996, the National Library of Medicine may enter into personal services contracts for the provision of services in facilities owned, operated, or constructed under the jurisdiction of the National Institutes of Health.

SEC. 214. (a) REIMBURSEMENT OF CERTAIN CLAIMS UNDER THE MEDICAID PROGRAM.—Notwithstanding any other provision of law, and subject to subsection (b), in the case where payment has been made by a State under title XIX of the Social Security Act between December 31, 1993, and December 31, 1995, to a State-operated psychiatric hospital for services provided directly by the hospital or by providers under contract or agreement with the hospital, and the Secretary of Health and Human Services has notified the State that the Secretary intends to defer the determination of claims for reimbursement related to such payment but for which a deferral of such claims has not been taken as of March 1, 1996, (or, if such claims have been deferred as of such date, such claims have not been disallowed by such date), the Secretary shall—

(1) if, as of the date of the enactment of this title, such claims have been formally deferred or disallowed, discontinue any such action, and if a disallowance of such claims has been taken as of such date, rescind any payment reductions effected;

(2) not initiate any deferral or disallowance proceeding related to such claims; and

(3) allow reimbursement of such claims.

(b) LIMITATION ON RESCISSION OR REIMBURSEMENT OF CLAIMS.—The total amount of payment reductions rescinded or reimbursement of claims allowed under subsection (a) shall not exceed $54,000,000.

This title may be cited as the "Department of Health and Human Services Appropriations Act, 1996".

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

For carrying out activities authorized by titles III and IV of the Goals 2000: Educate America Act and the School-to-Work Opportunities Act, $530,000,000, of which $340,000,000 for the Goals 2000: Educate America Act and $180,000,000 for the School-to-Work Opportunities Act shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That notwithstanding section 311(e) of Public Law 103–227, the Secretary is authorized to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years: Provided further, That none of the funds appropriated under this heading shall be obligated or expended to carry out section 304(a)(2)(A) of the Goals 2000: Educate America Act.

EDUCATION FOR THE DISADVANTAGED

For carrying out title I of the Elementary and Secondary Education Act of 1965, and section 418A of the Higher Education Act, $7,228,116,000, of which $5,913,391,000 shall become available on July 1, 1996 and shall remain available through September 30, 1997 and of which $1,298,386,000 shall become available on October 1, 1996 and shall remain available through September 30, 1997 for academic year 1996–1997: Provided, That $5,985,839,000 shall be available for basic grants under section 1124: Provided further, That up to $3,500,000 of these funds shall be available to the Secretary on October 1, 1995, to obtain updated local-educational-agency-level census poverty data from the Bureau of the Census: Provided further, That $677,241,000 shall be available for concentration grants under section 1124(A) and $3,370,000 shall be available for evaluations under section 1501.

IMPACT AID

For carrying out programs of financial assistance to federally affected schools authorized by title VIII of the Elementary and Secondary Education Act of 1965, $693,000,000, of which $581,707,000 shall be for basic support payments under section 8003(b), $40,000,000 shall be for payments for children with disabilities under section 8003(d), $50,000,000, to remain available until expended, shall be for payments under section 8003(f), $5,000,000 shall be for construction under section 8007, and $16,293,000 shall be for Federal property payments under section 8002.

SCHOOL IMPROVEMENT PROGRAMS

For carrying out school improvement activities authorized by titles II, IV–A–1 and 2, V–A, VI, section 7203, and titles IX, X and XIII of the Elementary and Secondary Education Act of 1965; the Stewart B. McKinney Homeless Assistance Act; and the Civil Rights Act of 1964; $1,223,708,000 of which $1,015,481,000 shall become available on July 1, 1996, and remain available through September 30, 1997: Provided, That of the amount appropriated, $275,000,000 shall be for Eisenhower professional development State grants under title II–B and $275,000,000 shall be for innovative education program strategies State grants under title VI–A: Provided further, That not less than $3,000,000 shall be for innovative programs under section 5111.

BILINGUAL AND IMMIGRANT EDUCATION

For carrying out, to the extent not otherwise provided, bilingual and immigrant education activities authorized by title VII of the Elementary and Secondary Education Act, without regard to section 7103(b), $178,000,000 of which $50,000,000 shall be for immigrant education programs authorized by part C: Provided, That State educational agencies may use all, or any part of, their part C allocation for competitive grants to local educational agencies: Provided further, That the Department of Education should only support instructional programs which ensure that students completely master English in a timely fashion (a period of three to five years) while meeting rigorous achievement standards in the academic content areas.

SPECIAL EDUCATION

For carrying out parts B, C, D, E, F, G, and H and section 610(j)(2)(C) of the Individuals with Disabilities Education Act, $3,245,447,000, of which $3,000,000,000 shall become available for obligation on July 1, 1996, and shall remain available through September 30, 1997: Provided, That notwithstanding section 621(e), funds made available for section 621 shall be distributed among each of the regional centers and the Federal center in proportion to the amount that each such center received in fiscal year 1995: Provided further, That the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be considered public or private nonprofit entities or organizations for the purpose of parts C,D,E,F, and G of the Individuals with Disabilities Education Act: Provided further, That, from the funds available under section 611 of the Act, the Secretary shall award grants, for which Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, The Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau shall be eligible, to carry out the purposes set forth in section 601(c) of the Act, and that the amount of funds available for such grants shall be equal to the amount that the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau would be eligible to receive if they were considered jurisdictions for the purpose of section 611(e) of the Act: Provided further, That the Secretary shall award grants in accordance with the recommendations of the entity specified in section 1121(b)(2)(A) of the Elementary and Secondary Education Act, including the provision of administrative costs to such entity not to exceed five percent: Provided further, That to be eligible for a competitive award under the Individuals with Disabilities Education Act, the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau must meet the conditions applicable to States under part B of the Act.

REHABILITATION SERVICES AND DISABILITY RESEARCH

For carrying out, to the extent not otherwise provided, the Rehabilitation Act of 1973, the Technology-Related Assistance for Individuals with Disabilities Act, and the Helen Keller National Center Act, as amended, and the 1996 Paralympics Games, $2,456,120,000 of which $7,000,000 will be used to support the Paralympics Games: Provided, That $1,000,000 of the funds provided for Special Demonstrations shall be used to continue the two head injury centers that were first funded under this program in fiscal year 1992.

SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES

AMERICAN PRINTING HOUSE FOR THE BLIND

For carrying out the Act of March 3, 1879, as amended (20 U.S.C. 101 et seq.), $6,680,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

For the National Technical Institute for the Deaf under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $42,180,000: Provided, That from the amount available, the Institute may at its discretion use funds for the endowment program as authorized under section 207.

GALLAUDET UNIVERSITY

For the Kendall Demonstration Elementary School, the Model Secondary School for the Deaf, and the partial support of Gallaudet University under titles I and II of the Education of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), $77,629,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under section 207.

VOCATIONAL AND ADULT EDUCATION

For carrying out, to the extent not otherwise provided, the Carl D. Perkins Vocational and Applied Technology Education Act, the Adult Education Act, and the National Literacy Act of 1991, $1,340,261,000, of which $4,869,000 shall be for the National Institute for Literacy; and of which $1,337,342,000 shall become available on July 1, 1996 and shall remain available thorugh September 30, 1997: Provided, That of the amounts made available under the Carl D. Perkins Vocational and Applied Technology Education Act, $5,000,000 shall be for national programs under title IV without regard to section 451 and $350,000 shall be for evaluations undre section 451 and $350,000 shall be for evaluations under section 346(b) of the Act and no funds shall be awarded to a State Council under section 112(f), and no State shall be required to operate such a Council.

STUDENT FINANCIAL ASSISTANCE

For carrying out subparts 1, 3, and 4 of part A, part C, and part E of title IV of the Higher Education Act of 1965, as amended, $6,312,033,000, which shall remain available through September 30, 1997: Provided, That notwithstanding section 401(a)(1) of the Act, there shall be not to exceed $3,650,000 Pell Grant recipients in award year 1995–1996.

The maximum Pell Grant for which a student shall be eligible during award year 1996–1997 shall be $2,470: Provided, That notwithstanding section 401(g) of the Act, as amended, if the Secretary determines, prior to publication of the payment schedule for award year 1996–1997, that the $4,967,446,000 included within this appropriation for Pell Grant awards for award year 1996–1997, and any funds available from the fiscal year 1995 appropriation for Pell Grant awards, are insufficient to satisfy fully all such awards for which students are eligible, as calculated under section 401(b) of the Act, the amount paid for each such award shall be reduced by either a fixed or variable percentage, or by a fixed dollar amount, as determined in accordance with a schedule of reductions established by the Secretary for this purpose.

FEDERAL FAMILY EDUCATION LOAN PROGRAM ACCOUNT

For Federal administrative expenses to carry out guaranteed student loans authorized by title IV, part B, of the Higher Education Act, as amended, $30,066,000.

HIGHER EDUCATION

For carrying out, to the extent not otherwise provided, parts A and B of title III, without regard to section 360(a)(1)(B)(ii), titles IV, V, VI, VII, and IX, part A and subpart 1 of part B of title X, and title XI of the Higher Education Act of 1965, as amended, Public Law 102–423, and the Mutual Educational and Cultural Exchange Act of 1961; $836,964,000, of which $16,712,000 for interest subsidies under title VII of the Higher Education Act, as amended, shall remain available until expended: Provided, That notwithstanding sections 419D, 419E, and 419H of the Higher Education Act, as amended, scholarships made under title IV, part A, subpart 6 shall be prorated to maintain the same number of new scholarships in fiscal year 1996 as in fiscal year 1995.

HOWARD UNIVERSITY

For partial support of Howard University (20 U.S.C. 121 et seq.), $182,348,000: Provided, That from the amount available, the University may at its discretion use funds for the endowment program as authorized under the Howard University Endowment Act (Public Law 98–480).

HIGHER EDUCATION FACILITIES LOANS

The Secretary is hereby authorized to make such expenditures, within the limits of funds available under this heading and in accord with law, and to make such contracts and commitments without regard to fiscal year limitation, as provided by section 104 of the Government Corporation Control Act (31 U.S.C. 9104), as may be necessary in carrying out the program for the current fiscal year.

COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS PROGRAM

For administrative expenses to carry out the existing direct loan program of college housing and academic facilities loans entered into pursuant to title VII, part C, of the Higher Education Act, as amended, $700,000.

COLLEGE HOUSING LOANS

Pursuant to title VII, part C of the Higher Education Act, as amended, for necessary expenses of the college housing loans program, previously carried out under title IV of the Housing Act of 1950, the Secretary shall make expenditures and enter into contracts without regard to fiscal year limitation using loan repayments and other resources available to this account. Any unobligated balances becoming available from fixed fees paid into this account pursuant to 12 U.S.C. 1749d, relating to payment of costs for inspections and site visits, shall be available for the operating expenses of this account.

HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING, PROGRAM ACCOUNT

The total amount of bonds insured pursuant to section 724 of title VII, part B of the Higher Education Act shall not exceed $357,000,000, and the cost, as defined in section 502 of the Congressional Budget Act of 1974, of such bonds shall not exceed zero.

For administrative expenses to carry out the Historically Black College and University Capital Financing Program entered into pursuant to title VII, part B of the Higher Education Act, as amended, $166,000.

EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT

For carrying out activities authorized by the Educational Research, Development, Dissemination, and Improvement Act; the National Education Statistics Act; sections 2102, 3136, 3141, and parts B, C, and D of title III, parts A, B, I, and K, and section 10601 of title X, part C of title XIII of the Elementary and Secondary Education Act of 1965, as amended, and title VI of the Goals 2000: Educate America Act, $351,268,000: Provided, That $48,000,000 shall be for sections 3136 and 3141 of the Elementary and Secondary Education Act: Provided further, That $3,000,000 shall be for the elementary mathematics and science equipment projects under the fund for the improvement of education: Provided further, That funds shall be used to extend star schools partnership projects that received continuation grants in fiscal year 1995: Provided further, That none of the funds appropriated in this paragraph may be obligated *or expended for the Goals 2000 Communnity Partnerships Program: Provided further, That funds for International Education Exchange shall be used to extend the two grants awarded in fiscal year 1995.*

LIBRARIES

For carrying out, to the extent not otherwise provided, titles I, II, III, and IV of the Library Services and Construction Act, and title II–B of the Higher Education Act, $132,505,000, of which $16,369,000 shall be used to carry out the provisions of title II of the Library Services and Construction Act and shall remain available until expended; and $2,500,000 shall be for section 222 and $3,000,000 shall be for section 223 of the Higher Education Act: Provided, That $1,000,000 shall be awarded to the Survivors of the Shoak Vianal History Foundation to document and archive holocaust survivors' testimony: Provided further, That $1,000,000 shall be for the continued funding of an existing demonstration project making information available for public use by connecting Internet to a multistate consortium: Provided further, That $1,000,000 shall be awarded to the National Museum of Women in the Arts.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For carrying out, to the extent not otherwise provided, the Department of Education Organization Act, including rental of conference rooms in the District of Columbia and hire of two passenger motor vehicles, $327,319,000.

OFFICE FOR CIVIL RIGHTS

For expenses necessary for the Office for Civil Rights, as authorized by section 203 of the Department of Education Organization Act, $55,451,000.

OFFICE OF THE INSPECTOR GENERAL

For expenses necessary for the Office of the Inspector General, as authorized by section 212 of the Department of Education Organization Act, $28,654,000.

HEADQUARTERS RENOVATION

For necessary expenses for the renovation of the Department of Education headquarters building, $7,000,000, to remain available until September 30, 1998.

GENERAL PROVISIONS

SEC. 301. No funds appropriated in this Act may be used for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to overcome racial imbalance in any school or school system, or for the transportation of students or teachers (or for the purchase of equipment for such transportation) in order to carry out a plan of racial desegregation of any school or school system.

SEC. 302. None of the funds contained in this Act shall be used to require, directly or indirectly, the transportation of any student to a school other than the school which is nearest the student's home, except for a student requiring special education, to the school offering such special education, in order to comply with title VI of the Civil Rights Act of 1964. For the purpose of this section an indirect requirement of transportation of students includes the transportation of students to carry out a plan involving the reorganization of the grade structure of schools, the pairing of schools, or the clustering of schools, or any combination of grade restructuring, pairing or clustering. The prohibition described in this section does not include the establishment of magnet schools.

SEC. 303. No funds appropriated under this Act may be used to prevent the implementation of programs of voluntary prayer and meditation in the public schools.

SEC. 304. No funds appropriated under this Act shall be made available for opportunity to learn standards or strategies.

SEC. 305. Notwithstanding any other provision of law, funds available under section 458 of the Higher Education Act shall not exceed $436,000,000 for fiscal year 1996. The Department of Education shall pay administrative cost allowances owed to guaranty agencies for fiscal year 1995 estimated to be $95,000,000 and administrative cost allowances owed to guaranty agencies for fiscal year 1996 estimated to be $81,000,000. The Department of Education shall pay administrative cost allowances to guaranty agencies, to be paid quarterly, calculated on the basis of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995 by such guaranty agencies. Receipt of such funds and uses of such funds by guaranty agencies shall be in accordance with section 428(f) of the Higher Education Act.

Notwithstanding section 458 of the Higher Education Act, the Secretary may not use funds available under that section or any other section for subsequent fiscal years for administrative expenses of the William D. Ford Direct Loan Program. The Secretary may not require the return of guaranty agency reserve funds during fiscal year 1996, except after consultation with both the Chairmen and Ranking Members of the House Economic and Educational Opportunities Committee and the Senate Labor and Human Resources Committee. Any reserve funds recovered by the Secretary shall be returned to the Treasury of the United States for purposes of reducing the Federal deficit.

No funds available to the Secretary may be used for (1) the hiring of advertising agencies or other third parties to provide advertising services for student loan programs, or (2) payment of administrative fees relating to the William D. Ford Direct Loan Program to institutions of higher education.

SEC. 306. From any unobligated funds that are available to the Secretary of Education to carry out sections 5 or 14 of the Act of September 23, 1950 (Public Law 815, 81st Congress) (as such Act was in effect on September 30, 1994)—

(1) half of the funds shall be available to the Secretary of Education to carry out subsection (c) of this section; and

(2) half of the funds shall be available to the Secretary of Education to carry out subparagraphs (B), (C), and (D) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)), as amended by subsection (b) of this section.

(b) Subparagraph (B) of section 8007(a)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707(a)(2)) is amended by striking "and in which the agency" and all that follows through "renovation".

(c)(1) The Secretary of Education shall award the funds described in subsection (a)(1) to local educational agencies, under such terms and conditions as the Secretary of Education determines appropriate, for the construction of public elementary or secondary schools on Indian reservations or in school districts that—

(A) the Secretary of Education determines are in dire need of construction funding;

(B) contain a public elementary or secondary school that serves a student population which is 90 percent Indian students; and

(C) serve students who are taught in inadequate or unsafe structures, or in a public elementary or secondary school that has been condemned.

(2) A local educational agency that receives construction funding under this subsection for fiscal year 1996 shall not be eligible to receive any funds under section 8007 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7707) for school construction for fiscal years 1996 and 1997.

(3) As used in this subsection, the term "construction" has the meaning given that term in section 8013(3) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7713(3)).

(4) No request for construction funding under this subsection shall be approved unless the request is received by the Secretary of Education not later than 30 days after the date of enactment of this Act.

(d) The Secretary of Education shall report to the House and Senate Appropriations Committees on the total amounts available pursuant to subsections (a)(1) and (a)(2) within 30 days of enactment of this Act.

SEC. 307. None of the funds appropriated in this Act may be obligated or expended to carry out sections 727, 932, and 1002 of the Higher Education Act of 1965, and section 621(b) of Public Law 101–589.

(TRANSFER OF FUNDS)

SEC. 308. Not to exceed 1 percent of any appropriation made available for the current fiscal year for the Department of Education in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 3 percent by any such transfers: Provided, That the Appropriations Committees of both Houses of Congress are notified at least fifteen days in advance of any transfers.

This title may be cited as the "Department of Education Appropriations Act, 1996".

TITLE IV—RELATED AGENCIES

ARMED FORCES RETIREMENT HOME

For expenses necessary for the Armed Forces Retirement Home to operate and maintain the United States Soldiers' and Airmen's Home and the United States Naval Home, to be paid from funds available in the Armed Forces Retirement Home Trust Fund, $55,971,000, of which $1,954,000 shall remain available until expended for construction and renovation of the physical plants at the United States Soldiers' and Airmen's Home and the United States Naval Home: Provided, That this appropriation shall not be available for the payment of hospitalization of members of the Soldiers' and Airmen's Home in United States Army hospitals at rates in excess of those prescribed by the Secretary of the Army upon recommendation of the Board of Commissioners and the Surgeon General of the Army.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING EXPENSES

For expenses necessary for the Corporation for National and Community Service to carry out the provisions of the Domestic Volunteer Service Act of 1973, as amended, $198,393,000.

CORPORATION FOR PUBLIC BROADCASTING

For payment to the Corporation for Public Broadcasting, as authorized by the Communications Act of 1934, an amount which shall be available within limitations specified by that Act, for the fiscal year 1998, $250,000,000: Provided, That no funds made available to the Corporation for Public Broadcasting by this Act shall be used to pay for receptions, parties, or similar forms of entertainment for Government officials or employees: Provided further, That none of the funds contained in this paragraph shall be available or used to aid or support any program or activity from which any person is excluded, or is denied benefits, or is discriminated against, on the basis of race, color, national origin, religion, or sex.

FEDERAL MEDIATION AND CONCILIATION SERVICE

SALARIES AND EXPENSES

For expenses necessary for the Federal Mediation and Conciliation Service to carry out the functions vested in it by the Labor Management Relations Act, 1947 (29 U.S.C. 171–180, 182–183), including hire of passenger motor vehicles; and *for expenses necessary for the Labor-Management Cooperation Act of 1978 (29 U.S.C. 175a); and for expenses necessary for the Service to carry out the functions vested in it by the Civil Service Reform Act, Public Law 95–454 (5 U.S.C. chapter 71), $32,896,000 including $1,500,000, to remain available through September 30, 1997, for activities authorized by the Labor Management Cooperation Act of 1978 (29 U.S.C. 175a): Provided, That notwithstanding 31 U.S.C. 3302, fees charged for special training activities up to full-cost recovery shall be credited to and merged with this account, and shall remain available until expended: Provided further, That the Director of the Service is authorized to accept on behalf of the United States gifts of services and real, personal, or other property in the aid of any projects or functions within the Director's jurisdiction.*

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Federal Mine Safety and Health Review Commission (30 U.S.C. 801 et seq.), $6,200,000.

NATIONAL COMMISSION ON LIBRARIES AND INFORMATION SCIENCE

SALARIES AND EXPENSES

For necessary expenses for the National Commission on Libraries and Information Science, established by the Act of July 20, 1970 (Public Law 91–345, as amended by Public Law 102–95), $829,000.

NATIONAL COUNCIL ON DISABILITY

SALARIES AND EXPENSES

For expenses necessary for the National Council on Disability as authorized by title IV of the Rehabilitation Act of 1973, as amended, $1,793,000.

NATIONAL EDUCATION GOALS PANEL

For expenses necessary for the National Education Goals Panel, as authorized by title II, part A of the Goals 2000: Educate America Act, $1,000,000.

NATIONAL LABOR RELATIONS BOARD

SALARIES AND EXPENSES

For expenses necessary for the National Labor Relations Board to carry out the functions vested in it by the Labor-Management Relations Act, 1947, as amended (29 U.S.C. 141–167), and other laws, $170,743,000: Provided, That no part of this appropriation shall be available to organize or assist in organizing agricultural laborers or used in connection with investigations, hearings, directives, or orders concerning bargaining units composed of agricultural laborers as referred to in section 2(3) of the Act of July 5, 1935 (29 U.S.C. 152), and as amended by the Labor-Management Relations Act, 1947, as amended, and as defined in section 3(f) of the Act of June 25, 1938 (29 U.S.C. 203), and including in said definition employees engaged in the maintenance and operation of ditches, canals, reservoirs, and waterways when maintained or operated on a mutual, nonprofit basis and at least 95 per centum of the water stored or supplied thereby is used for farming purposes: Provided further, That none of the funds made available by this Act shall be used in any way to promulgate a final rule (altering 29 CFR part 103) regarding single location bargaining units in representation cases.

NATIONAL MEDIATION BOARD

SALARIES AND EXPENSES

For expenses necessary to carry out the provisions of the Railway Labor Act, as amended (45 U.S.C. 151–188), including emergency boards appointed by the President, $7,837,000.

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary for the Occupational Safety and Health Review Commission (29 U.S.C. 661), $8,100,000.

PHYSICIAN PAYMENT REVIEW COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1845(a) of the Social Security Act, $2,923,000, to be transferred to this appropriation from the Federal Supplementary Medical Insurance Trust Fund.

PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

SALARIES AND EXPENSES

For expenses necessary to carry out section 1886(e) of the Social Security Act, $3,267,000, to be transferred to this appropriation from the Federal Hospital Insurance and the Federal Supplementary Medical Insurance Trust Funds.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

For payment to the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance trust funds, as provided under sections 201(m), 228(g), and 1131(b)(2) of the Social Security Act, $22,641,000.

In addition, to reimburse these trust funds for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986, $10,000,000, to remain available until expended.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

For carrying out title IV of the Federal Mine Safety and Health Act of 1977, $485,396,000, to remain available until expended.

For making, after July 31 of the current fiscal year, benefit payments to individuals under title IV of the Federal Mine Safety and Health Act of 1977, for costs incurred in the current fiscal year, such amounts as may be necessary.

For making benefit payments under title IV of the Federal Mine Safety and Health Act of 1977 for the first quarter of fiscal year 1997, $170,000,000, to remain available until expended.

SUPPLEMENTAL SECURITY INCOME PROGRAM

For carrying out titles XI and XVI of the Social Security Act, section 401 of Public Law 92–603, section 212 of Public Law 93–66, as amended, and section 405 of Public Law 95–216, including payment to the Social Security trust funds for administrative expenses incurred pursuant to section 201(g)(1) of the Social Security Act, $18,545,512,000, to remain available until expended, of which $1,500,000 shall be for a demonstration program to foster economic independence among people with disabilities through disability sport, in connection with the Tenth Paralympic Games: Provided, That any portion of the funds provided to a State in the current fiscal year and not obligated by the State during that year shall be returned to the Treasury.

In addition, $15,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

For making, after June 15 of the current fiscal year, benefit payments to individuals under title XVI of the Social Security Act, for unanticipated costs incurred for the current fiscal year, such sums as may be necessary.

For carrying out title XVI of the Social Security Act for the first quarter of fiscal year 1997, $9,260,000,000, to remain available until expended.

LIMITATION ON ADMINISTRATIVE EXPENSES

For necessary expenses, including the hire of two medium size passenger motor vehicles, and not to exceed $10,000 for official reception and representation expenses, not more than $5,267,268,000 may be expended, as authorized by section 201(g)(1) of the Social Security Act or as necessary to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 from any one or all of the trust funds referred to therein: Provided, That reimbursement to the trust funds under this heading for administrative expenses to carry out sections 9704 and 9706 of the Internal Revenue Code of 1986 shall be made, with interest, not later than September 30, 1997: Provided further, That unobligated balances at the end of fiscal year 1996 not needed for fiscal year 1996 shall remain available until expended for a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network.

In addition to funding already available under this heading, and subject to the same terms and conditions, $387,500,000, for disability caseload processing.

From funds provided under the previous two paragraphs, not less than $200,000,000 shall be available for conducting continuing disability reviews.

In addition to funding already available under this heading, and subject to the same terms and conditions, $60,000,000, to remain available until September 30, 1997, for continuing disability reviews as authorized by section 103 of Public Law 104–121. The term "continuing disability reviews" has the meaning given such term by section 201(g)(1)(A) of the Social Security Act.

In addition to funding already available under this heading, and subject to the same terms and conditions, $167,000,000, which shall remain available until expended, to invest in a state-of-the-art computing network, including related equipment and administrative expenses associated solely with this network, for the Social Security Administration and the State Disability Determination Services, may be expended from any or all of the trust funds as authorized by section 201(g)(1) of the Social Security Act.

OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,816,000, together with not to exceed $21,076,000, to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund.

RAILROAD RETIREMENT BOARD

DUAL BENEFITS PAYMENTS ACCOUNT

For payment to the Dual Benefits Payments Account, authorized under section 15(d) of the Railroad Retirement Act of 1974, $239,000,000, which shall include amounts becoming available in fiscal year 1996 pursuant to section 224(c)(1)(B) of Public Law 98–76; and in addition, an amount, not to exceed 2 percent of the amount provided herein, shall be available proportional to the amount by which the product of recipients and the average benefit received exceeds $239,000,000: Provided, That the total amount provided herein shall be credited in 12 approximately equal amounts on the first day of each month in the fiscal year.

FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT ACCOUNTS

For payment to the accounts established in the Treasury for the payment of benefits under the Railroad Retirement Act for interest earned on unnegotiated checks, $300,000, to remain available through September 30, 1997, which shall be the maximum amount available for payment pursuant to section 417 of Public Law 98–76.

LIMITATION ON ADMINISTRATION

For necessary expenses for the Railroad Retirement Board, $73,169,000, to be derived from the railroad retirement accounts.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

For further expenses necessary for the Railroad Retirement Board, for administration of the Railroad Unemployment Insurance Act, not less than $16,786,000 shall be apportioned for fiscal year 1996 from moneys credited to the railroad unemployment insurance administration fund.

SPECIAL MANAGEMENT IMPROVEMENT FUND

To effect management improvements, including the reduction of backlogs, accuracy of taxation accounting, and debt collection, $659,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account: Provided, That these funds shall supplement, not supplant, existing resources devoted to such operations and improvements.

LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

For expenses necessary for the Office of Inspector General for audit, investigatory and review activities, as authorized by the Inspector General Act of 1978, as amended, not more than $5,673,000, to be derived from the railroad retirement accounts and railroad unemployment insurance account.

UNITED STATES INSTITUTE OF PEACE

OPERATING EXPENSES

For necessary expenses of the United States Institute of Peace as authorized in the United States Institute of Peace Act, $11,500,000.

TITLE V—GENERAL PROVISIONS

SEC. 501. The Secretaries of Labor, Health and Human Services, and Education are authorized to transfer unexpended balances of prior appropriations to accounts corresponding to current appropriations provided in this Act: Provided, That such transferred balances are used for the same purpose, and for the same periods of time, for which they were originally appropriated.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. (a) No part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or film presentation designed to support or defeat legislation pending before the Congress, except in presentation to the Congress itself.

(b) No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress.

SEC. 504. The Secretaries of Labor and Education are each authorized to make available not to exceed $15,000 from funds available for salaries and expenses under titles I and III, respectively, for official reception and representation expenses; the Director of the Federal Mediation and Conciliation Service is authorized to make available for official reception and representation expenses not to exceed $2,500 from the funds available for "Salaries and expenses, Federal Mediation and Conciliation Service"; and the Chairman of the National Mediation Board is authorized to make available for official reception and representation expenses not to exceed $2,500 from funds available for "Salaries and expenses, National Mediation Board".

SEC. 505. Notwithstanding any other provision of this Act, no funds appropriated under this Act shall be used to carry out any program of distributing sterile needles for the hypodermic injection of any illegal drug unless the Secretary of Health and Human Services determines that such programs are effective in preventing the spread of HIV and do not encourage the use of illegal drugs.

SEC. 506. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 507. When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, all grantees receiving Federal funds, including but not limited to State and local governments and recipients of Federal research grants, shall clearly state (1) the percentage of the total costs of the program or project which will be financed with Federal money, (2) the dollar amount of Federal funds for the project or program, and (3) percentage and dollar amount of the total costs of the project or program that will be financed by nongovernmental sources.

SEC. 508. None of the funds appropriated under this Act shall be expended for any abortion except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest.

SEC. 509. Notwithstanding any other provision of law—

(1) no amount may be transferred from an appropriation account for the Departments of Labor, Health and Human Services, and Education except as authorized in this or any subsequent appropriation act, or in the Act establishing the program or activity for which funds are contained in this Act;

(2) no department, agency, or other entity, other than the one responsible for administering the program or activity for which an appropriation is made in this Act, may exercise authority for the timing of the obligation and expenditure of such appropriation, or for the purposes for which it is obligated and expended, except to the extent and in the manner otherwise provided in sections 1512 and 1513 of title 31, United States Code; and

(3) no funds provided under this Act shall be available for the salary (or any part thereof) of an employee who is reassigned on a temporary detail basis to another position in the employing agency or department or in any other agency or department, unless the detail is independently approved by the head of the employing department or agency.

SEC. 510. LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used for the expenses of an electronic benefit transfer (EBT) task force.

SEC. 511. None of the funds made available in this Act may be used to enforce the requirements of section 428(b)(1)(U)(iii) of the Higher Education Act of 1965 with respect to any lender when it is made known to the Federal official having authority to obligate or expend such funds that the lender has a loan portfolio under part B of title IV of such Act that is equal to or less than $5,000,000.

SEC. 512. None of the funds made available in this Act may be used for Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 to students attending an institution of higher education that is ineligible to participate in a loan program under such title as a result of a final default rate determination made by the Secretary under the Federal Family Education Loan or Federal Direct Loan program under parts B and D of such title, respectively, and issued by the Secretary on or after February 14, 1996. The preceding sentence shall not apply to an institution that (1) was not participating in either such loan program on such date (or would not have been participating on such date but for the pendency of an appeal of a default rate determination issued prior to such date) unless the institution subsequently participates in either such loan program; or (2) has a participation rate index (as defined at 34 CFR 668.17) that is less than or equal to 0.0375.

No institution may be subject to the terms of this section unless it has had the opportunity to appeal its default rate determination under regulations issued by the Secretary for the FFEL and Federal Direct Loan Programs.

SEC. 513. No more than 1 percent of salaries appropriated for each Agency in this Act may be expended by that Agency on cash performance awards: Provided, That of the budgetary resources available to Agencies in this Act for salaries and expenses during fiscal year 1996, $30,500,000, to be allocated by the Office of Management and Budget, are permanently canceled: Provided further, That the foregoing proviso shall not apply to the Food and Drug Administration and the Indian Health Service.

SEC. 514. (a) HIGH COST TRAINING EXCEPTION.—Section 428H(d)(2) of the Higher Education Act of 1965 (20 U.S.C. 1078–8(d)(2)) is amended by striking out the period at the end thereof and inserting in lieu thereof a semicolon and the following:

"except in cases where the Secretary determines, that a higher amount is warranted in order to carry out the purpose of this part with respect to students engaged in specialized training requiring exceptionally high costs of education, but the annual insurable limit per student shall not be deemed to be exceeded by a line of credit under which actual payments by the lender to the borrower will not be made in any years in excess of the annual limit.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall be effective for loans made to cover the cost of instruction for periods of enrollment beginning on or after July 1, 1996.

ESTABLISHMENT OF PROHIBITION AGAINST ABORTION-RELATED DISCRIMINATION IN TRAINING AND LICENSING OF PHYSICIANS

SEC. 515. Part B of title II of the Public Health Service Act (42 U.S.C. 238 et seq.) is amended by adding at the end the following section:

"ABORTION-RELATED DISCRIMINATION IN GOVERNMENTAL ACTIVITIES REGARDING TRAINING AND LICENSING OF PHYSICIANS

SEC. 245. (a) IN GENERAL.—The Federal Government, and any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that—

"(1) the entity refuses to undergo training in the performance of induced abortions, to require or provide such training, to perform such abortions, or to provide referrals for such training or such abortions;

"(2) the entity refuses to make arrangements for any of the activities specified in paragraph (1); or

"(3) the entity attends (or attended) a postgraduate physician training program, or any other program of training in the health professions, that does not (or did not) perform induced abortions or require, provide or refer for training in the performance of induced abortions, or make arrangements for the provision of such training.

"(b) ACCREDITATION OF POSTGRADUATE PHYSICIAN TRAINING PROGRAMS.—

"(1) IN GENERAL.—In determining whether to grant a legal status to a health care entity (including a license or certificate), or to provide such entity with financial assistance, services or other benefits, the Federal Government, or any State or local government that receives Federal financial assistance, shall deem accredited any postgraduate physician training program that would be accredited but for the accrediting agency's reliance upon an accreditation standards that requires an entity to perform an induced abortion or require, provide, or refer for training in the performance of induced abortions, or make arrangements for such training, regardless of whether such standard provides exceptions or exemptions. The government involved shall formulate such regulations or other mechanisms, or enter into such agreements with accrediting agencies, as are necessary to comply with this subsection.

"(2) RULES OF CONSTRUCTION.—

"(A) IN GENERAL.—With respect to subclauses (I) and (II) of section 705(a)(2)(B)(i) (relating to a program of insured loans for training in the health professions), the requirements in such subclauses regarding accredited internship or residency programs are subject to paragraph (1) of this subsection.

"(B) EXCEPTIONS.—This section shall not—

"(i) prevent any health care entity from voluntarily electing to be trained, to train, or to arrange for training in the performance of, to perform, or to make referrals for induced abortions; or

"(ii) prevent an accrediting agency or a Federal, State or local government from establishing standards of medical competency applicable only to those individuals who have voluntarily elected to perform abortions.

"(c) DEFINITIONS.—For purposes of this section:

"(1) The term 'financial assistance', with respect to a government program, includes governmental payments provided as reimbursement for carrying out health-related activities.

"(2) The term 'health care entity' includes an individual physician, a postgraduate physician training program, and a participant in a program of training in the health professions.

"(3) The term 'postgraduate physician training program' includes a residency training program.".

SEC. 516. SURVEY AND CERTIFICATION OF MEDICARE PROVIDERS.

(a) INTERVALS BETWEEN STANDARD SURVEYS FOR HOME HEALTH AGENCIES.—Section 1891(c)(2)(A) of the Social Security Act (42 U.S.C. 1395bbb(c)(2)(A)) is amended—

(1) by striking "15 months" and inserting "36 months", and

(2) by amending the second sentence to read as follows: "The Secretary shall establish a frequency for surveys of home health agencies within this 36-month interval commensurate with the need to assure the delivery of quality home health services.".

(b) RECOGNITION OF ACCREDITATION.—Section 1865 of such Act (42 U.S.C. 1395bb) is amended—

(1) by redesignating subsection (b) as subsection (d),

(2) by redesignating the fourth sentence of subsection (a) as subsection (c), and

(3) by striking the third sentence of subsection (a) and inserting after and below the second sentence the following new subsection:

"(b)(1) In addition, if the Secretary finds that accreditation of a provider entity (as defined in paragraph (4)) by the American Osteopathic Association or any other national accreditation body demonstrates that all of the applicable conditions or requirements of this title (other than the requirements of section 1834(j) or the conditions and requirements under section 1881(b)) are met or exceeded—

"(A) in the case of a provider entity not described in paragraph (3)(B), the Secretary shall treat such entity as meeting those conditions or requirements with respect to which the Secretary made such finding; or

"(B) in the case of a provider entity described in paragraph (3)(B), the Secretary may treat such entity as meeting those conditions or requirements with respect to which the Secretary made such finding.

"(2) In making such a finding, the Secretary shall consider, among other factors with respect to a national accreditation body, its requirements for accreditation, its survey procedures, its ability to provide adequate resources for conducting required surveys and supplying information for use in enforcement activities, its monitoring procedures for provider entities found out of compliance with the conditions or requirements, and its ability to provide the Secretary with necessary data for validation.

"(3)(A) Except as provided in subparagraph (B), not later than 60 days after the date of receipt of a written request for a finding under paragraph (1) (with any documentation necessary to make a determination on the request), the Secretary shall publish a notice identifying the national accreditation body making the request, describing the nature of the request, and providing a period of at least 30 days for the public to comment on the request. The Secretary shall approve or deny a request for such a finding, and shall publish notice of such approval or denial, not later than 210 days after the date of receipt of the request (with such documentation). Such an approval shall be effective with respect to accreditation determinations made on or after such effective date (which may not be later than the date of publication of the approval) as the Secretary specifies in the publication notice.

"(B) The 210-day and 60-day deadlines specified in subparagraph (A) shall not apply in the case of any request for a finding with respect to accreditation of a provider entity to which the conditions and requirements of section 1819 and 1861(j) apply.

"(4) For purposes of this section, the term 'provider entity' means a provider of services, supplier, facility, clinic, agency, or laboratory.".

(c) AUTHORITY FOR VALIDATION SURVEYS.—

(1) IN GENERAL.—The first sentence of section 1864(c) of such Act (42 U.S.C. 1395aa(c)) is amended by striking "hospitals" and all that follows and inserting "provider entities that, pursuant to subsection (a) or (b)(1) of section 1865, are treated as meeting the conditions or requirements of this title.".

(2) CONFORMING AMENDMENTS.—Section 1865 of such Act, as amended by subsection (b), is further amended—

(A) in subsection (d), as redesignated by subsection (b)(1)—

(i) by striking "a hospital" and inserting "a provider entity",

(ii) by striking "the hospital" each place it appears and inserting "the entity", and

(iii) by striking "the requirements of the numbered paragraphs of section 1861(e)" and inserting "the conditions or requirements the entity has been treated as meeting pursuant to subsection (a) or (b)(1)"; and

(B) by adding at the end the following new subsection:

"(e) For provisions relating to validation surveys of entities that are treated as meeting applicable conditions or requirements of this title pursuant to subsection (a) or (b)(1), see section 1864(c).".

(d) STUDY AND REPORT ON DEEMING FOR NURSING FACILITIES AND RENAL DIALYSIS FACILITIES.—

(1) STUDY.—The Secretary of Health and Human Services shall provide for—

(A) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities for compliance with the conditions and requirements of sections 1819 and 1861(j) of the Social Security Act and nursing facilities for compliance with the conditions of section 1919 of such Act, and

(B) a study concerning the effectiveness and appropriateness of the current mechanisms for surveying and certifying renal dialysis facilities for compliance with the conditions and requirements of section 1881(b) of the Social Security Act.

(2) REPORT.—Not later than July 1, 1997, the Secretary shall transmit to Congress a report on each of the studies provided for under paragraph (1). The report on the study under paragraph (1)(A) shall include (and the report on the study under paragraph (1)(B) may include) a specific framework, where appropriate, for implementing a process under which facilities covered under the respective study may be deemed to meet applicable medicare conditions and requirements if they are accredited by a national accreditation body.

SEC. 517. The Secretary of Health and Human Services shall grant a waiver of the requirements set forth in section 1903(m)(2)(A)(ii) of the Social Security Act to D.C. Chartered Health Plan, Inc. of the District of Columbia: Provided, That such waiver shall be deemed to have been in place for all contract periods from October 1, 1991 through the current contract period or October 1, 1999, whichever shall be later.

SEC. 518. Section 119 of Public Law 104–99 is hereby repealed.

OPTIONAL, ALTERNATIVE MEDICAID PAYMENT METHOD

SEC. 519. (a) ELECTION.—A heavily impacted high-DSII State (as defined in subsection (d)) may elect to receive payments for expenditures under title XIX of the Social Security Act for the period beginning October 1, 1995, and ending June 30, 1996 (in this section referred to as the "9-month period"), for State fiscal year 1996–1997, and (subject to subsection (c)(4) for State fiscal year 1997–1998 in accordance with the alternative payment method specified in subsection (b) rather than in accordance with section 1903(a) of such Act.

(b) ALTERNATIVE PAYMENT METHOD.—

(1) IN GENERAL.—Under the alternative payment method specified in this subsection—

(A) any percentage otherwise specified in section 1903(a) of the Social Security Act for expenditures in the 9-month period or a State fiscal year for which the election is in effect shall be equal to 100 percent minus the non-Federal participation percentage (specified under paragraph (2)) for the State for that period or State fiscal year, and

(B) the total payment for the 9-month period or a State fiscal year in which the election is in effect may not exceed the maximum Federal financial participation specified in paragraph (5) for the period or year.

In applying subparagraph (B), there shall not be counted as payments for any period or fiscal year any payment that is attributable to an expenditure which is exempt under subsection (c)(1). In applying such subparagraph to the 9-month period, there shall be counted payments (other than those described in the previous sentence) that are attributable to an expenditure for periods occurring in the 9-month period and before the date of the enactment of this Act.

(2) NON-FEDERAL PARTICIPATION PERCENTAGE.—For purposes of paragraph (1), the "non-Federal participation percentage" for a State for the 9-month period or State fiscal year is equal to the ratio of—

(A) the State's base State expenditures (as defined in paragraph (3)) plus the applicable percentage (as defined in paragraph (4)) of the difference between the amount of such expenditures and the amount of the State expenditures that would be required for the State to qualify for the maximum Federal financial participation specified in paragraph (5A) under title XIX of the Social Security Act if this section did not apply for such period or State fiscal year; to

(B) the total expenditures under the State plan of the State under such title for such period or State fiscal year.

Such ratio shall be calculated as if total expenditures under the State plan were no greater than necessary for the State to receive the maximum Federal financial participation specified in paragraph (5).

(3) BASE STATE EXPENDITURES.—For purposes of this subsection, the term "base State expenditures" means—

(A) for the 9-month period, $266,250,000, or

(B) for State fiscal year 1996–1997, $355,000,000, or

(C) for State fiscal year 1997–1998, $355,000,000.

(4) APPLICABLE PERCENTAGE.—For purposes of this subsection, the "applicable percentage"—

(A) for the 9-month period is 20 percent,

(B) for State fiscal year 1996–1997 is 35 percent, and

(C) for State fiscal year 1997–1998 is 55 percent.

(5) MAXIMUM FEDERAL PARTICIPATION.—For purposes of this section, the maximum Federal financial participation specified in this paragraph for a State—

(A) for the 9-month period, $1,966,500,000,

(B) for State fiscal year 1996–1997 is $2,622,000,000, and

(C) for State fiscal year 1997–1998 is $2,622,000,000.

(c) ADDITIONAL RULES.—

(1) LIMITING APPLICATION TO EXPENDITURES FOR PERIODS IN WHICH ELECTION IN EFFECT.—This section (and the maximum Federal financial participation specified in subsection (b)(5)) shall not apply to any expenditure that is applicable to a reporting period that is not covered under an election under subsection (a), including any expenditure applicable to any reporting period before October 1, 1995.

(2) ELECTION PROCESS.— An election of a State under subsection (a) shall be made, by notice from the Governor of the State to the Secretary of Health and Human Services, not later than 30 days after the date of the enactment of this Act.

(3) LIMITATION.—For any period (on or after the date of an election under this section) in which an election is in effect for a State under this section—

(A) the Federal Government has no obligation to provide payment with respect to items and services provided under title XIX of the Social Security Act in excess of the maximum Federal financial participation specified in subsection (b)(5) and such title shall not be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of services; and

(B) the State shall provide an entitlement to any person to receive any service or other benefit to the extent that such person would, but for this paragraph, be entitled to such service or other benefit under such title.

(4) CONDITION FOR STATE FISCAL YEAR 1997–1998.—This section shall not apply to State fiscal year 1997–1998 except to the extent provided for in a subsequent appropriation act.

(d) DEFINITION.—For purposes of this section, the term "heavily impacted high-DSH State" means the State of Louisiana.

(e) STATE FISCAL YEARS DEFINED.—For purposes of this section—

(1) the term "State fiscal year 1996–1997" means the period beginning July 1, 1996, and ending June 30, 1997, and

(2) the term "State fiscal year 1997–1998" means the period beginning July 1, 1997, and ending June 30, 1998.

SEC. 520. (a) Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States; and

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved.

(d) The Secretary of Health and Human Services shall do the following:

(i) Compile data on the number of females living in the United States who who have been subjected to female genital mutilation (whether in the United States or in their countries of origin), including a specification of the number of girls under the age of 18 who have been subjected to such mutilation.

(2) Identify communities in the United States that practice female genital mutilation, and design and carry out outreach activities to educate individuals in the communities on the physical and psychological health effects of such practice. Such outreach activities shall be designed and implemented in collaboration with representatives of the ethnic groups practicing such mutilation and with representatives of organizations with expertise in preventing such practice.

(3) Develop recommendations for the education of students of schools of medicine and osteopathic medicine regarding female genital mutilation and complications arising from such mutilation. Such recommendations shall be disseminated to such schools.

(c) For purposes of this section the term "female genital mutilation" means the removal or infibulation (or both) of the whole or part of the clitoris, the labia minor, or the labia major.

(d) The Secretary of Health and Human Services shall commence carrying out this section not later than 90 days after the date of enactment of this Act.

TITLE VI—ADDITIONAL APPROPRIATIONS

SEC. 601. In addition to amounts otherwise provided in this Act, the following amounts are hereby appropriated as specified for the following appropriation accounts: Health Care Financing Administration, "Program Management", $396,000,000; and Office of the Secretary, "Office of Inspector General", $22,330,000, together with not to exceed $20,670,000 to be transferred and expended as authorized by section 201(g)(1) of the Social Security Act from the Hospital Insurance Trust Fund and the Supplemental Medical Insurance Trust Fund.

SEC. 602. Appropriations and funds made available pursuant to section 601 of this Act shall be available until enactment into law of a subsequent appropriation for fiscal year 1996 for any project or activity provided for in section 601.

TITLE VII—AMENDMENTS TO THE GOALS 2000: EDUCATE AMERICA ACT

SEC. 701. ELIMINATION OF THE NATIONAL EDUCATION STANDARDS AND IMPROVEMENT COUNCIL AND OPPORTUNITY-TO-LEARN STANDARDS.

The Goals 2000: Educate America Act (20 U.S.C. 5801 et seq.) is amended—

(1) by repealing part B of title II (20 U.S.C. 5841 et seq.)

(2) by redesignating parts C and D of title II (20 U.S.C. 5861 et seq. and 5871 et seq.) as parts B and C, respectively, of title II; and

(3) in section 241 (20 U.S.C. 5871)—

(A) in subsection (a), by striking "(a) NATIONAL EDUCATION GOALS PANEL.—"; and

(B) by striking subsections (b) through (d).

SEC. 702. STATE AND LOCAL EDUCATION SYSTEMIC IMPROVEMENT.

(A) PANEL COMPOSITION; OPPORTUNITY-TO-LEARN STANDARDS; AND SUBMISSION OF PLAN TO THE SECRETARY FOR APPROVAL.—

(1) STATE IMPROVEMENT PLAN.—Section 306 of the Goals 2000: Educate America Act (20 U.S.C. 5886) is amended—

(A) by amending subsection (b) to read as follows:

"(b) PLAN DEVELOPMENT.—A State improvement plan under this title shall be developed by a broad-based State panel in cooperation with the State educational agency and the Governor.";

(B) by striking subsection (d).

(b) LOCAL PANEL COMPOSITION.—Section 309(a)(3)(A) of such Act (20 U.S.C. 5889(a)(3)(A)) is amended—

(1) in the matter preceding clause (i), by striking "that—" and inserting a semicolon; and

(2) by striking clauses (i) and (ii).

SEC. 703. TECHNICAL AND CONFORMING AMENDMENTS.

(a) GOALS 2000: EDUCATE AMERICA ACT.—

(1) The table of contents for the Goals 2000: Educate America Act is amended, in the items relating to title II—

(A) by striking the items relating to part B;

(B) by striking "Part C" and inserting "Part B"; and

(C) by striking "Part D" and inserting "Part C".

(2) Section 2 of such Act (20 U.S.C. 5801) is amended—

(A) in paragraph (4)—

(i) in subparagraph (B), by inserting "and" after the semicolon;

(ii) by striking subparagraph (C); and

(iii) by redesignating subparagraph (D) as subparagraph (C); and

(B) in paragraph (6)—

(i) by striking subparagraph (C); and

(ii) by redesignating subparagraphs (D) through (F) as subparagraphs (C) through (E), respectively.

(3) Section 3(a) of such Act (20 U.S.C. 5802) is amended—

(A) by striking paragraph (7); and

(B) by redesignating paragraphs (8) through (14) as paragraphs (7) through (13), respectively.

(4) Section 201(3) of such Act (20 U.S.C. 5821(3)) is amended by striking", voluntary national student performance" and all that follows through "such Council" and inserting "and voluntary national student performance standards".

(5) Section 202(j) of such Act (20 U.S.C. 5822(j)) is amended by striking", student performance, or opportunity-to-learn" and inserting "or student performance".

(6) Section 203 of such Act (20 U.S.C. 5823) is amended—

(A) in subsection (a)—

(i) by striking paragraphs (2) and (3);

(ii) by redesignating paragraphs (4) through (6) as paragraphs (2) through (4), respectively; and

(iii) by amending paragraph (2) (as redesignated by clause (ii)) to read as follows:

"(2) review voluntary national content standards and voluntary national student performance standards;"; and

(B) in subsection (b)(1)—

(i) in subparagraph (A), by inserting "and" after the semicolon;

(ii) in subparagraph (B), by striking "; and" and inserting a period; and

(iii) by striking subparagraph (C).

(7) Section 204(a)(2) of such Act (20 U.S.C. 5824(a)(2)) is amended—

(A) by striking "voluntary national opportunity-to-learn standards,"; and

(B) by striking "described in section 213(f)".

(8) Section 304(a)(2) of such Act (20 U.S.C. 5884(a)(2)) is amended—

(A) in subparagraph (A), by adding "and" after the semicolon;

(B) in subparagraph (B), by striking "; and" and inserting a period; and

(C) by striking subparagraph (C).

(9) Section 306(o) of such Act (20 U.S.C. 5886(o)) is amended by striking "State opportunity-to-learn standards or strategies,".

(10) Section 308 of such Act (20 U.S.C. 5888) is amended—

(A) in subsection (b)(2)—

(i) in the matter preceding clause (i) of subparagraph (A), by striking "State opportunity-to-learn standards,"; and

(ii) in subparagraph (A), by striking "including—" and all that follows through "part B of title II;" and inserting "including through consortia of States;"; and

(B) in subsection (c), by striking "306(b)(1)" and inserting "306(b)".

(11) For the purpose of expanding the use and availability of computers and computer technology, Section 309(a)(6)(A)(ii) of such Act (20 U.S.C. 5889(a)(6)(A)(ii) is amended by inserting after "new public schools" the following: "and the acquisition of technology and use of technology-enhanced curricula and instruction".

(12) Section 312(b) of such Act (20 U.S.C. 5892(b)) is amended—

(A) by striking paragraph (1); and

(B) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively

(13) Section 314(a)(6)(A) of such Act (20 U.S.C. 5894(a)(6)(A)) is amended by striking "certified by the National Education Standards and Improvement Council and" .

(14) Section 315 of such Act (20 U.S.C. 5895) is amended—

(A) in subsection (b)—

(i) in paragraph (1)(C), by striking ", including the requirements for timetables for opportunity-to-learn standards,";

(ii) by striking paragraph (2);

(iii) by redesignating paragraphs (3) through (5) as paragraphs (2) through (4), respectively;

(iv) in paragraph (1)(A), by striking "paragraph (4) of this subsection" and inserting "paragraph (3)";

(v) in paragraph (2) (as redesignated by clause (iii))—

(I) by striking subparagraph (A);

(II) by redesignating subparagraphs (B) and (C) as subparagraphs (A) and (B), respectively; and

(III) in subparagraph (A) (as redesignated by subclause (II)) by striking ", voluntary natural student performance standards, and voluntary natural opportunity-to-learn standards developed under part B of title II of this Act" and inserting "and voluntary national student performance standards";

(vi) in subparagraph (B) of paragraph (3) (as redesignated by clause (iii)), by striking "paragraph (5)," and inserting "paragraph (4),"; and

(vii) in paragraph (4) (as redesignated by clause (ii)), by striking "paragraph (4)" each place it appears and inserting "paragraph (3)";

(B) in the matter preceding subparagraph (A) of subsection (c)(2)—

(i) by striking "subsection (b)(4)" and inserting "subsection (b)(3)"; and

(ii) by striking "and to provide a framework for the implementation of opportunity-to-learn standards or strategies"; and

(C) in subsection (f), by striking "subsection (b)(4)" each place it appears and inserting "subsection (b)(3)".

(15)(A) Section 316 of such Act (20 U.S.C. 5896) is repealed.

(B) The table of contents for such Act is amended by striking the item relating to section 316.

(16) Section 317 of such Act (20 U.S.C. 5897) is amended—

(A) in subsection (d)(4), by striking "promote the standards and strategies described in section 306(d),"; and

(B) in subsection (e)—

(i) in paragraph (2), by inserting "and" after the semicolon;

(ii) by striking paragraph (3); and

(iii) by redesignating paragraph (4) as paragraph (3).

(17) Section 503 of such Act (20 U.S.C. 5933) is amended—

(A) in subsection (b)—

(i) in paragraph (1)—

(I) in the matter preceding subparagraph (A), by striking "28" and inserting "27";

(II) by striking subparagraph (D); and

(III) by redesignating subparagraphs (E) through (G) as subparagraphs (D) through (F), respectively;

(ii) in paragraphs (2), (3), and (5), by striking "subparagraphs (E), (F), and (G)" each place it appears and inserting "subparagraphs (D), (E), and (F)";

(iii) in paragraph (2), by striking "subparagraph (G)" and inserting "subparagraph (F)";

(iv) in paragraph (4), by striking "(C), and (D)" and inserting "and (C)"; and

(v) in the matter preceding subparagraph (A) of paragraph (5), by striking "subparagraph (E), (F), or (G)" and inserting "subparagraph (D), (E), or (F)"; and

(B) in subsection (e)—

(i) in paragraph (1)(B), by striking "subparagraph (E)" and inserting "subparagraph (D)"; and

(ii) in paragraph (2), by striking "subparagraphs (E), (F), and (G)" and inserting "subparagraphs (D), (E), and (F)"

(18) Section 504 of such Act (20 U.S.C. 5934) is amended—

(A) by striking subsection (f); and

(B) by redesignating subsection (g) as subsection (f).

(b) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—

(1) Section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) is amended—

(A) in subsection (b)(8)(B), by striking "(which may include opportunity-to-learn standards or strategies developed under the Goals 2000: Educate America Act)";

(B) in subsection (f), by striking "opportunity-to-learn standards or strategies,";

(C) by striking subsection (g); and

(D) by redesignating subsection (h) as subsection (g).

(2) Section 1116 of such Act (20 U.S.C. 6317) is amended—

(A) in subsection (c)—

(i) in paragraph (2)(A)(i), by striking all beginning with ", which may" through "Act"; and

(ii) in paragraph (5)(B)(i)—

(I) in subclause (VI), by inserting "and" after the semicolon;

(II) in subclause (VII), by striking "; and" and inserting a period; and

(III) by striking subclause (VIII); and

(B) in subsection (d)—

(i) in paragraph (4)(B), by striking all beginning with ", and may" through "Act"; and

(ii) in paragraph (6)(B)(i)—

(I) by striking subclause (IV); and

(II) by redesignating subclauses (V) through (VIII) as subclauses (IV) through (VII), respectively.

(3) Section 1501(a)(2)(B) of such Act (20 U.S.C. 6491(a)(2)(B)) is amended—

(A) by striking clause (v); and

(B) by redesignating clauses (vi) through (x) as clauses (v) through (ix), respectively.

(4) Section 10101(b)(1)(A)(i)) of such Act (20 U.S.C. 8001(b)(1)(A)(i)) is amended by striking "and opportunity-to-learn standards or strategies for student learning".

(5) Section 14701(b)(1)(B)(v) of such Act (20 U.S.C. 8941(b)(1)(B)(v)) is amended by striking "the National Education Goals Panel," and all that follows through "assessments)" and inserting "and the National Education Goals Panel".

(c) GENERAL EDUCATION PROVISIONS ACT.—Section 428 of the General Education Provisions Act (20 U.S.C. 1228b), as amended by section 237 of the Improving America's Schools Act of 1994 (Public Law 103–382), is amended by striking "the National Education Standards and Improvement Council,".

(d) EDUCATION AMENDMENTS OF 1978.—Section 1121(b) of the Education Amendments of 1978 (25 U.S.C. 2001(b)), as amended by section 381 of the Improving America's Schools Act of 1994 (Public Law 103–382), is amended by striking "213(a)" and inserting "203(a)(2)".

SEC. 704. DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.

Section 304 of the Goals 2000: Educate America Act (20 U.S.C. 5884) is amended by adding at the end the following new subsection:

This Act may be cited as the "Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 1996".

"(e) DIRECT GRANTS TO LOCAL EDUCATIONAL AGENCIES.—

"(1) IN GENERAL.—Notwithstanding subsection (c), if a State educational agency was not participating in the program under this section as of October 20, 1995, and the State educational agency approves, the Secretary shall use all or a portion of the allotment that the State would have received under this section for a fiscal year to award grants to local educational agencies in the State that have approved applications under paragraph (2) for such fiscal year.

"(2) APPLICATION.—Any local educational agency that desires to receive a grant under this subsection shall submit an application to the Secretary that is consistent with the provisions of this Act and shall notify the State educational agency of such application in accordance with paragraph (1). The Secretary may establish a deadline for the submission of such applications.

"(3) AWARD BASIS.—The Secretary may use the student enrollment of a total educational agency or other factors as a basis for awarding grants under this subsection.".

SEC. 705. ALTERNATIVE TO SECRETARIAL APPROVAL OF STATE PLANS.

(a) STATE IMPROVEMENT PLANS.—Section 306(n) of the Goals 2000: Educate America Act (20 U.S.C. 5886(n)) is amended by adding at the end the following new paragraph:

"(4) ALTERNATIVE SUBMISSION.—

"(A) IN GENERAL.—Notwithstanding any other provision of this title, any State educational agency that wishes to receive an allotment under this title after the first year such State educational agency receives such an allotment may, in lieu of submitting its State improvement plan for approval by the Secretary under this subsection and section 305(c)(2), or submitting major amendments to the Secretary under subsection (p), provide the Secretary, as part of an application under section 305(c) or as an amendment to a previously approved application—

"(i) an assurance, from the Governor and the chief State school officer of the State, that—

"(I) the State has a plan that meets the requirements of this section and that is widely available throughout the State; and

"(II) any amendments the State makes to the plan will meet the requirements of this section; and

"(ii) the State's benchmarks of improved student performance and of progress in implementing the plan, and the timelines against which

the State's progress in carrying out the plan can be measured.

"(B) ANNUAL REPORT.—Any State educational agency that chooses to use the alternative method described in paragraph (1) shall annually report to the public summary information on the use of funds under this title by the State and local educational agencies in the State, as well as the State's progress toward meeting the benchmarks and timelines described in subparagraph (A)(ii).".

(b) STATE APPLICATIONS.—Section 305(c)(2) of such Act (20 U.S.C. 5885(c)(2)) is amended by inserting "except in the case of a State educational agency submitting the information described in section 306(n)(4)," before "include".

(c) SECRETARY'S REVIEW OF APPLICATIONS.—Section 307(b)(1) of such Act (20 U.S.C. 5887(b)(1)) is amended—

(1) in subparagraph (A), by striking "or" after the semicolon;

(2) in subparagraph (B), by striking "and" after the semicolon and inserting "or"; and

(3) by adding at the end the following new subparagraph:

"(C) the State educational agency has submitted the information described in section 306(n)(4); and".

(d) PROGRESS REPORTS.—The matter preceding paragraph (1) of section 312(a) of such Act (20 U.S.C. 5892(a)) is amended by striking "Each" and inserting "Except in the case of a State educational agency submitting the information described in section 306(n)(4), each".

SEC. 706. LIMITATIONS.

Title III of the Goals 2000: Educate America Act (20 U.S.C. 5881 et seq.) is further amended by adding at the end the following new section:

SEC. 320. LIMITATIONS.

"(a) PROHIBITED CONDITIONS.—Nothing in this Act shall be construed to require a State, a local educational agency, or a school, as a condition of receiving assistance under this title—

"(1) to provide outcomes-based education; or

"(2) to provide school-based health clinics or any other health or social service.

"(b) LIMITATION ON GOVERNMENT OFFICIALS.—Nothing in this Act shall be construed to require or permit any Federal or State official to inspect a home, judge how parents raise their children, or remove children from their parents, as a result of the participation of a State, local educational agency, or school in any program or activity carried out under this Act.".

(e) For programs, projects or activities in the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, provided as follows, to be effective as if it had been enacted into law as the regular appropriations Act:

AN ACT Making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes

TITLE I

DEPARTMENT OF VETERANS AFFAIRS

VETERANS BENEFITS ADMINISTRATION

COMPENSATION AND PENSIONS

(INCLUDING TRANSFER OF FUNDS)

For the payment of compensation benefits to or on behalf of veterans as authorized by law (38 U.S.C. 107, chapters 11, 13, 51, 53, 55, and 61); pension benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 15, 51, 53, 55, and 61; 92 Stat. 2508); and burial benefits, emergency and other officers' retirement pay, adjusted-service credits and certificates, payment of premiums due on commercial life insurance policies guaranteed under the provisions of Article IV of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, and for other benefits as authorized by law (38 U.S.C. 107, 1312, 1977, and 2106, chapters 23, 51, 53, 55, and 61; 50 U.S.C. App. 540–548; 43 Stat. 122, 123; 45 Stat. 735; 76 Stat. 1198); $18,331,561,000, to remain available until expended: Provided, That not to exceed $25,180,000 of the amount appropriated shall be reimbursed to "General operating expenses" and "Medical care" for necessary expenses in implementing those provisions authorized in the Omnibus Budget Reconciliation Act of 1990, and in the Veterans' Benefits Act of 1992 (38 U.S.C. chapters 51, 53, and 55), the funding source for which is specifically provided as the "Compensation and pensions" appropriation: Provided further, That such sums as may be earned on an actual qualifying patient basis, shall be reimbursed to "Medical facilities revolving fund" to augment the funding of individual medical facilities for nursing home care provided to pensioners as authorized by the Veterans' Benefits Act of 1992 (38 U.S.C. chapter 55): Provided further, That $12,000,000 previously transferred from "Compensation and pensions" to "Medical facilities revolving fund" shall be transferred to this heading.

READJUSTMENT BENEFITS

For the payment of readjustment and rehabilitation benefits to or on behalf of veterans as authorized by law (38 U.S.C. chapters 21, 30, 31, 34, 35, 36, 39, 51, 53, 55, and 61), $1,345,300,000, to remain available until expended: Provided, That funds shall be available to pay any court order, court award or any compromise settlement arising from litigation involving the vocational training program authorized by section 18 of Public Law 98–77, as amended.

VETERANS INSURANCE AND INDEMNITIES

For military and naval insurance, national service life insurance, servicemen's indemnities, service-disabled veterans insurance, and veterans mortgage life insurance as authorized by law (38 U.S.C. chapter 19; 70 Stat. 887; 72 Stat. 487), $24,890,000, to remain available until expended.

GUARANTY AND INDEMNITY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $65,226,000, which may be transferred to and merged with the appropriation for "General operating expenses".

LOAN GUARANTY PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct and guaranteed loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $52,138,000, which may be transferred to and merged with the appropriation for "General operating expenses".

DIRECT LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, such sums as may be necessary to carry out the purpose of the program, as authorized by 38 U.S.C. chapter 37, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That during 1996, within the resources available, not to exceed $300,000 in gross obligations for direct loans are authorized for specially adapted housing loans (38 U.S.C. chapter 37).

In addition, for administrative expenses to carry out the direct loan program, $459,000, which may be transferred to and merged with the appropriation for "General operating expenses".

EDUCATION LOAN FUND PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $1,000, as authorized by 38 U.S.C. 3698, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $4,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $195,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VOCATIONAL REHABILITATION LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $54,000, as authorized by 38 U.S.C. chapter 31, as amended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $1,964,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $377,000, which may be transferred to and merged with the appropriation for "General operating expenses".

NATIVE AMERICAN VETERAN HOUSING LOAN PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For administrative expenses to carry out the direct loan program authorized by 38 U.S.C. chapter 37, subchapter V, as amended, $205,000, which may be transferred to and merged with the appropriation for "General operating expenses".

VETERANS HEALTH ADMINISTRATION

MEDICAL CARE

For necessary expenses for the maintenance and operation of hospitals, nursing homes, and domiciliary facilities; for furnishing, as authorized by law, inpatient and outpatient care and treatment to beneficiaries of the Department of Veterans Affairs, including care and treatment in facilities not under the jurisdiction of the Department of Veterans Affairs, and furnishing recreational facilities, supplies, and equipment; funeral, burial, and other expenses incidental thereto for beneficiaries receiving care in Department of Veterans Affairs facilities; administrative expenses in support of planning, design, project management, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs; oversight, engineering and architectural activities not charged to project cost; repairing, altering, improving or providing facilities in the several hospitals and homes under the jurisdiction of the Department of Veterans Affairs, not otherwise provided for, either by contract or by the hire of temporary employees and purchase of materials; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); aid to State homes as authorized by law (38 U.S.C. 1741); and not to exceed $8,000,000 to fund cost comparison studies as referred to in 38 U.S.C.

8110(a)(5); $16,564,000,000, plus reimbursements: Provided, That of the funds made available under this heading, $789,000,000 is for the equipment and land and structures object classifications only, which amount shall not become available for obligation until August 1, 1996, and shall remain available for obligation until September 30, 1997.

MEDICAL AND PROSTHETIC RESEARCH

For necessary expenses in carrying out programs of medical and prosthetic research and development as authorized by law (38 U.S.C. chapter 73), to remain available until September 30, 1997, $257,000,000, plus reimbursements.

MEDICAL ADMINISTRATION AND MISCELLANEOUS OPERATING EXPENSES

For necessary expenses in the administration of the medical, hospital, nursing home, domiciliary, construction, supply, and research activities, as authorized by law; administrative expenses in support of planning, design, project management, architectural, engineering, real property acquisition and disposition, construction and renovation of any facility under the jurisdiction or for the use of the Department of Veterans Affairs, including site acquisition; engineering and architectural activities not charged to project cost; and research and development in building construction technology; $63,602,000, plus reimbursements.

TRANSITIONAL HOUSING LOAN PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For the cost of direct loans, $7,000, as authorized by Public Law 102–54, section 8, which shall be transferred from the "General post fund": Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $70,000. In addition, for administrative expenses to carry out the direct loan program, $54,000, which shall be transferred from the "General post fund", as authorized by Public Law 102–54, section 8.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For necessary operating expenses of the Department of Veterans Affairs, not otherwise provided for, including uniforms or allowances therefor, as authorized by law; not to exceed $25,000 for official reception and representation expenses; hire of passenger motor vehicles; and reimbursement of the General Services Administration for security guard services, and the Department of Defense for the cost of overseas employee mail; $848,143,000: Provided, That of the amount appropriated and any other funds made available from any other source for activities funded under this heading, except reimbursements, not to exceed $214,109,000 shall be available for General Administration; including not to exceed (1) $3,206,000 for personnel compensation and benefits and $50,000 for travel in the Office of the Secretary, (2) $75,000 for travel in the Office of the Assistant Secretary for Policy and Planning, (3) $33,000 for travel in the Office of the Assistant Secretary for Congressional Affairs, and (4) $100,000 for travel in the Office of Assistant Secretary for Public and Intergovernmental Affairs: Provided further, That during fiscal year 1996, notwithstanding any other provision of law, the number of individuals employed by the Department of Veterans Affairs (1) in other than "career appointee" positions in the Senior Executive Service shall not exceed 6, and (2) in schedule C positions shall not exceed 11: Provided further, That not to exceed $6,000,000 of the amount appropriated shall be available for administrative expenses to carry out the direct and guaranteed loan programs under the Loan Guaranty Program Account: Provided further, That funds under this heading shall be available to administer the Service Members Occupational Conversion and Training Act: Provided further, That none of the funds under this heading may be obligated or expended for the acquisition of automated data processing equipment and services for Department of Veterans Affairs regional offices to support Stage III of the automated data equipment modernization program of the Veterans Benefits Administration.

NATIONAL CEMETERY SYSTEM

For necessary expenses for the maintenance and operation of the National Cemetery System not otherwise provided for, including uniforms or allowances therefor, as authorized by law; cemeterial expenses as authorized by law; purchase of three passenger motor vehicles, for use in cemeterial operations; and hire of passenger motor vehicles, $72,604,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,900,000.

CONSTRUCTION, MAJOR PROJECTS

(INCLUDING TRANSFER OF FUNDS)

For constructing, altering, extending and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, where the estimated cost of a project is $3,000,000 or more or where funds for a project were made available in a previous major project appropriation, $136,155,000, to remain available until expended: Provided, That except for advance planning of projects funded through the advance planning fund and the design of projects funded through the design fund, none of these funds shall be used for any project which has not been considered and approved by the Congress in the budgetary process: Provided further, That funds provided in this appropriation for fiscal year 1996, for each approved project shall be obligated (1) by the awarding of a construction documents contract by September 30, 1996, and (2) by the awarding of a construction contract by September 30, 1997: Provided further, That the Secretary shall promptly report in writing to the Comptroller General and to the Committees on Appropriations any approved major construction project in which obligations are not incurred within the time limitations established above; and the Comptroller General shall review the report in accordance with the procedures established by section 1015 of the Impoundment Control Act of 1974 (title X of Public Law 93–344): Provided further, That no funds from any other account except the "Parking revolving fund", may be obligated for constructing, altering, extending, or improving a project which was approved in the budget process and funded in this account until one year after substantial completion and beneficial occupancy by the Department of Veterans Affairs of the project or any part thereof with respect to that part only: Provided further, That of the funds made available under this heading in Public Law 103–327, $7,000,000 shall be transferred to the "Parking revolving fund".

CONSTRUCTION, MINOR PROJECTS

For constructing, altering, extending, and improving any of the facilities under the jurisdiction or for the use of the Department of Veterans Affairs, including planning, architectural and engineering services, maintenance or guarantee period services costs associated with equipment guarantees provided under the project, services of claims analysts, offsite utility and storm drainage system construction costs, and site acquisition, or for any of the purposes set forth in sections 316, 2404, 2406, 8102, 8103, 8106, 8108, 8109, 8110, and 8122 of title 38, United States Code, where the estimated cost of a project is less than $3,000,000, $190,000,000, to remain available until expended, along with unobligated balances of previous "Construction, minor projects" appropriations which are hereby made available for any project where the estimated cost is less than $3,000,000: Provided, That funds in this account shall be available for (1) repairs to any of the nonmedical facilities under the jurisdiction or for the use of the Department of Veterans Affairs which are necessary because of loss or damage caused by any natural disaster or catastrophe, and (2) temporary measures necessary to prevent or to minimize further loss by such causes.

PARKING REVOLVING FUND

For the parking revolving fund as authorized by law (38 U.S.C. 8109), income from fees collected, to remain available until expended. Resources of this fund shall be available for all expenses authorized by 38 U.S.C. 8109 except operations and maintenance costs which will be funded from "Medical care".

GRANTS FOR CONSTRUCTION OF STATE EXTENDED CARE FACILITIES

For grants to assist the several States to acquire or construct State nursing home and domiciliary facilities and to remodel, modify or alter existing hospital, nursing home and domiciliary facilities in State homes, for furnishing care to veterans as authorized by law (38 U.S.C. 8131–8137), $47,397,000, to remain available until expended.

GRANTS FOR THE CONSTRUCTION OF STATE VETERANS CEMETERIES

For grants to aid States in establishing, expanding, or improving State veteran cemeteries as authorized by law (38 U.S.C. 2408), $1,000,000, to remain available until September 30, 1998.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. 101. Any appropriation for 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" may be transferred to any other of the mentioned appropriations.

SEC. 102. Appropriations available to the Department of Veterans Affairs for 1996 for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 103. No part of the appropriations in this Act for the Department of Veterans Affairs (except the appropriations for "Construction, major projects", "Construction, minor projects", and the "Parking revolving fund") shall be available for the purchase of any site for or toward the construction of any new hospital or home.

SEC. 104. No part of the foregoing appropriations shall be available for hospitalization or examination of any persons except beneficiaries entitled under the laws bestowing such benefits to veterans, unless reimbursement of cost is made to the appropriation at such rates as may be fixed by the Secretary of Veterans Affairs.

SEC. 105. Appropriations available to the Department of Veterans Affairs for fiscal year 1996 for "Compensation and pensions", "Readjustment benefits", and "Veterans insurance and indemnities" shall be available for payment of prior year accrued obligations required to be recorded by law against the corresponding prior year accounts within the last quarter of fiscal year 1995.

SEC. 106. Appropriations accounts available to the Department of Veterans Affairs for fiscal *year 1996 shall be available to pay prior year obligations of corresponding prior year appropriations accounts resulting from title X of the Competitive Equality Banking Act, Public Law 100–86, except that if such obligations are from trust fund accounts they shall be payable from "Compensation and pensions".*

SEC. 107. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to transfer, without compensation or reimbursement, the jurisdiction and control of a parcel of land consisting of approximately 6.3 acres, located on the south edge of the Department of Veterans Affairs Medical and Regional Office Center, Wichita, Kansas, including buildings Nos. 8 and 30 and other improvements thereon, to the Secretary of Transportation for the purpose of expanding and modernizing United States Highway 54: Provided, That if necessary, the exact acreage and legal description of the real property transferred shall be determined by a survey satisfactory to the Secretary of Veterans Affairs and the Secretary of Transportation shall bear the cost of such survey: Provided further, That the Secretary of Transportation shall be responsible for all costs associated with the transferred land and improvements thereon, and compliance with all existing statutes and regulations: Provided further, That the Secretary of Veterans Affairs and the Secretary of Transportation may require such additional terms and conditions as each Secretary considers appropriate to effectuate this transfer of land.

SEC. 108. CONSTRUCTION AUTHORIZATION.—Authorization of major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1996.

(a) AUTHORIZATION OF MAJOR MEDICAL FACILITY PROJECTS.—The Secretary of Veterans Affairs may carry out the following major medical facility projects, with each project to be carried out in the amount authorized for that project:

(1) Construction of an outpatient clinic in Brevard County, Florida, in the amount of $25,000,000.

(2) Construction of an outpatient clinic at Travis Air Force Base in Fairfield, California, in the amount of $25,000,000.

(3) Construction of an ambulatory care addition at the Department of Veterans Affairs medical center in Boston, Massachusetts in the amount of $28,000,000.

(4) Construction of a medical research addition at the Department of Veterans Affairs medical center in Portland, Oregon, an additional authorization in the amount of $16,000,000, for a total amount of $32,100,000.

(b) AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.—The Secretary of Veterans Affairs may enter into leases for medical facilities as follows:

(1) Lease of a satellite outpatient clinic in Fort Myers, Florida, in the amount of $1,736,000.

(2) Lease of a National Footwear Center in New York, New York, in the amount of $1,054,000.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Veterans Affairs for fiscal year 1996—

(1) $94,000,000 for the major medical facility projects authorized in subsection (a); and

(2) $2,790,000 for the major medical facility leases authorized in subsection (b).

(d) LIMITATION.—The projects authorized in subsection (a) may only be carried out using—

(1) funds appropriated for fiscal year 1996 and subsequent fiscal year pursuant to the authorization of appropriations in subsection (c).

(2) funds appropriated for Construction, Major Projects for a fiscal year before fiscal year 1996 that remain available for obligation; and

(3) funds appropriated for Construction, Major Projects for fiscal year 1996 for a category of activity not specific to a project.

(e) LIMITATION CONCERNING OUTPATIENT CLINIC PROJECTS.—In the case of either of the projects for a new outpatient clinic authorized in paragraphs (1) and (2) of subsection (a)—

(1) the Secretary of Veterans Affairs may not obligate any funds for that project until the Secretary determines, and certifies to the Committees on Veterans' Affairs of the Senate and House of Representatives, the amount required for the project; and

(2) the amount obligated for the project may not exceed the amount certified under paragraph (1) with respect to that project.

SEC. 109. (a) DESIGNATION.—The Walla Walla Veterans Medical Center located at 77 Wainwright Drive, Walla Walla, Washington, shall be known and designated as the "Jonathan M. Wainwright Memorial VA Medical Center".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the Walla Walla Veterans Medical Center referred to in subsection (a) shall be deemed to be a reference to the "Jonathan M. Wainwright Memorial VA Medical Center".

TITLE II

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

HOUSING PROGRAMS

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

For assistance under the United States Housing Act of 1937, as amended ("the Act" herein) (42 U.S.C. 1437), not otherwise provided for, $9,818,795,000, to remain available until expended: Provided, That of the total amount provided under this head, $160,000,000 shall be for the development or acquisition cost of public housing for Indian families, including amounts for housing under the mutual help homeownership opportunity program under section 202 of the Act (42 U.S.C. 1437bb): Provided further, That of the total amount provided under this head, $2,500,000,000 shall be for modernization of existing public housing projects pursuant to section 14 of the Act (42 U.S.C. 1437l), including up to $20,000,000 for the inspection of public housing units, contract expertise, and training and technical assistance, directly or indirectly, under grants, contracts, or cooperative agreements, to assist in the oversight and management of public and Indian housing (whether or not the housing is being modernized with assistance under this proviso) or tenant-based assistance, including, but not limited to, an annual resident survey, data collection and analysis, training and technical assistance by or to officials and employees of the Department and of public housing agencies and to residents in connection with the public and Indian housing program, or for carrying out activities under section 6(j) of the Act: Provided further, That of the total amount provided under this head, $400,000,000 shall be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the Act, except that such amounts shall be used only for units necessary to provide housing assistance for residents to be relocated from existing federally subsidized or assisted housing, for replacement housing for units demolished or disposed of (including units to be disposed of pursuant to a homeownership program under section 5(h) or title III of the United States Housing Act of 1937) from the public housing inventory, for funds related to litigation settlements, for the conversion of section 23 projects to assistance under section 8, for public housing agencies to implement allocation plans approved by the Secretary for designated housing, for funds to carry out the family unification program, and for the relocation of witnesses in connection with efforts to combat crime in public and assisted housing pursuant to a request from a law enforcement or prosecution agency: Provided further, That of the total amount provided under this head, $4,007,862,000 shall be for assistance under the United States Housing Act of 1937 (42 U.S.C. 1437) for use in connection with expiring or terminating section 8 subsidy contracts, such amounts shall be merged with all remaining obligated and unobligated balances heretofore appropriated under the heading "Renewal of expiring section 8 subsidy contracts": Provided further, That notwithstanding any other provision of law, assistance reserved under the two preceding provisos may be used in connection with any provision of Federal law enacted in this Act or after the enactment of this Act that authorizes the use of rental assistance amounts in connection with such terminated or expired contracts: Provided further, That the Secretary may determine not to apply section 8(o)(6)(B) of the Act to housing vouchers during fiscal year 1996: Provided further, That of the total amount provided under this head, $610,575,000 shall be for amendments to section 8 contracts other than contracts for projects developed under section 202 of the Housing Act of 1959, as amended; and $192,000,000 shall be for section 8 assistance and rehabilitation grants for property disposition: Provided further, That 50 per centum of the amounts of budget authority, or in lieu thereof 50 per centum of the cash amounts associated with such budget authority, that are recaptured from projects described in section 1012(a) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Public Law 100–628, 102 Stat. 3224, 3268) shall be rescinded, or in the case of cash, shall be remitted to the Treasury, and such amounts of budget authority or cash recaptured and not rescinded or remitted to the Treasury shall be used by State housing finance agencies or local governments or local housing agencies with projects approved by the Secretary of Housing and Urban Development for which settlement occurred after January 1, 1992, in accordance with such section: Provided further, That of the total amount provided under this head, $171,000,000 shall be for housing opportunities for persons with AIDS under title VIII, subtitle D of the Cranston-Gonzalez National Affordable Housing Act; and $65,000,000 shall be for the lead-based paint hazard reduction program as authorized under sections 1011 and 1053 of the Residential Lead-Based Hazard Reduction Act of 1992: Provided further, That the Secretary may make up to $5,000,000 of any amount recaptured in this account available for the development of performance and financial systems.

Of the total amount provided under this head, $624,000,000, plus amounts recaptured from interest reduction payment contracts for section 236 projects whose owners prepay their mortgages during fiscal year 1996 (which amounts shall be transferred and merged with this account), shall be for use in conjunction with properties that are eligible for assistance under the Low Income Housing Preservation and Resident Homeownership Act of 1990 (LIHPRHA) or the Emergency Low-Income Housing Preservation Act of 1987 (ELIHPA): Provided, That prior to August 15, 1996, funding to carry out plans of action shall be limited to sales of projects to non-profit organizations, tenant-sponsored organizations, and other priority purchasers: Provided further, That of the amount made available by this paragraph, up to $10,000,000 shall be available for preservation technical assistance grants pursuant to section 253 of the Housing and Community Development Act of 1987, as *amended: Provided further, That with respect to amounts made available by this paragraph, after August 15, 1996, if the Secretary determines that the demand for funding may exceed amounts available for such funding, the Secretary (1) may determine priorities for distributing available funds, including giving priority funding to tenants displaced due to mortgage prepayment and to projects that have not yet been funded but which have approved plans of action; and (2) may impose a temporary moratorium on applications by potential recipients of such funding: Provided further, That an owner of eligible low-income housing may prepay the mortgage or request voluntary termination of a mortgage insurance contract, so long as said owner agrees not to raise rents for sixty days after such prepayment: Provided further, That an owner of eligible low-income housing who has not timely filed a second notice under section 216(d) prior to the effective date of this Act may file such notice by April 15, 1996: Provided further, That such developments have been determined to have preservation equity at least equal to the lesser of $5,000 per unit or $500,000 per project or the equivalent of eight times the most recently published fair market rent for the area in which the project is located as the appropriate unit size for all of the units in the eligible project: Provided further, That the Secretary may modify the regulatory agreement to permit owners and priority purchasers to retain rental income in excess of the basic rental charge in projects assisted under section 236 of the National Housing Act, for the purpose of preserving the low and moderate income character of the housing: Provided further, That the Secretary may give priority to funding and processing the following projects provided that the funding is obligated not later than September 15, 1996: (1) projects with approved plans of action to retain the housing that file a modified plan of action no later than August 15, 1996 to transfer the housing; (2) projects with approved plans of action that are subject to a repayment or settlement agreement that was executed between the owner and the Secretary prior to September 1, 1995; (3) projects for which submissions were delayed as a result of their location in areas that were designated as a Federal disaster area in a Presidential Disaster Declaration; and (4) projects whose processing was, in fact, or in practical effect, suspended, deferred, or interrupted for a period of nine months or more because of differing interpretations, by the Secretary and an owner concerning the time of the ability of an uninsured section 236 property to prepay or by the Secretary and a State or local rent regulatory agency, concerning the effect of a presumptively applicable State or local rent control law or regulation on the determination of preservation value under section 213 of LIHPRHA, as amended, if the owner of such project filed notice of intent to extend the low-income affordability restrictions of the housing, or transfer to a qualified purchaser who would extend such restrictions, on or before November 1, 1993: Provided further, That eligible low-income housing shall include properties meeting the requirements of this paragraph with mortgages that are held by a State agency as a result of a sale by the Secretary without insurance, which immediately before the sale would have been eligible low-income housing under LIHPRHA: Provided further, That notwithstanding any other provision of law, subject to the availability of appropriated funds, each unassisted low-income family residing in the housing on the date of prepayment or voluntary termination, and whose rent, as a result of a rent increase occurring no later than one year after the date of the prepayment, exceeds 30 percent of adjusted income, shall be offered tenant-based assistance in accordance with section 8 or any successor program, under which the family shall pay no less for rent than it paid on such date: Provided further, That any family receiving tenant-based assistance under the preceding proviso may elect (1) to remain in the unit of the housing and if the rent exceeds the fair market rent or payment standard, as applicable, the rent shall be deemed to be the applicable standard, so long as the administering public housing agency finds that the rent is reasonable in comparison with rents charged for comparable unassisted housing units in the market or (2) to move from the housing and the rent will be subject to the fair market rent of the payment standard, as applicable, under existing program rules and procedures: Provided further, That rents and rent increases for tenants of projects for which plans of action are funded under section 220(d)(3)(B) of LIHPRHA shall be governed in accordance with the requirements of the program under which the first mortgage is insured or made (sections 236 or 221(d)(3) BMIR, as appropriate): Provided further, That the immediately foregoing proviso shall apply hereafter to projects for which plans of action are to be funded under such section 220(d)(3)(B), and shall apply to any project that has been funded under such section starting one year after the date that such project was funded: Provided further, That up to $10,000,000 of the amount made available by this paragraph may be used at the discretion of the Secretary to reimburse owners of eligible properties for which plans of action were submitted prior to the effective date of this Act, but were not executed for lack of available funds, with such reimbursement available only for documented costs directly applicable to the preparation of the plan of action as determined by the Secretary, and shall be made available on terms and conditions to be established by the Secretary: Provided further, That, notwithstanding any other provision of law, effective October 1, 1996, the Secretary shall suspend further processing of preservation applications which do not have approved plans of action.*

Of the total amount provided under this head, $780,190,000 shall be for capital advances, including amendments to capital advance contracts, for housing for the elderly, as authorized by section 202 of the Housing Act of 1959, as amended, and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for the elderly under section 202(c)(2) of the Housing Act of 1959; and $233,168,000 shall be for capital advances, including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act; and for project rental assistance, and amendments to contracts for project rental assistance, for supportive housing for persons with disabilities as authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided, That the Secretary may designate up to 25 percent of the amounts earmarked under this paragraph for section 811 of the Cranston-Gonzalez National Affordable Housing Act for tenant-based assistance, as authorized under that section, which assistance is five-years in duration: Provided further, That the Secretary may waive any provision of section 202 of the Housing Act of 1959 and section 811 of the National Affordable Housing Act (including the provisions governing the terms and conditions of project rental assistance) that the Secretary determines is not necessary to achieve the objectives of these programs, or that otherwise impedes the ability to develop, operate or administer projects assisted under these programs, and may make provision for alternative conditions or terms where appropriate.

Of the total amount provided under this heading, and in addition to funds otherwise earmarked in the previous paragraph, for section 202 of the Housing Act of 1959 and section 811 of the Cranston-Gonzalez National Affordable Housing Act, $75,000,000: Provided, That $50,000,000 of such sum shall be available for purposes authorized by section 202 of the Housing Act of 1959, and $25,000,000 shall be available for purposes authorized by section 811 of the Cranston-Gonzalez National Affordable Housing Act: Provided further, That such additional sums shall be available only to provide for rental subsidy terms of a longer duration than would otherwise be permitted by this Act.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

For grants to public housing agencies for the purposes of enabling the demolition of obsolete public housing projects or portions thereof, the revitalization (where appropriate) of sites (including remaining public housing units) on which such projects are located, replacement housing which will avoid or lessen concentrations of very low-income families, and tenant-based assistance in accordance with section 8 of the United States Housing Act of 1937 for the purpose of providing replacement housing and assisting tenants to be displaced by the demolition, $480,000,000, to remain available until expended: Provided, That the Secretary of Housing and Urban Development shall award such funds to public housing agencies based upon, among other relevant criteria, the local and national impact of the proposed demolition and revitalization activities and the extent to which the public housing agency could undertake such activities without the additional assistance to be provided hereunder: Provided further, That eligible expenditures hereunder shall be those expenditures eligible under section 8 and section 14 of the United States Housing Act of 1937 (42 U.S.C. 1437f and l): Provided further, That the Secretary may impose such conditions and requirements as the Secretary deems appropriate to effectuate the purposes of this paragraph: Provided further, That the Secretary may require an agency selected to receive funding to make arrangements satisfactory to the Secretary for use of an entity other than the agency to carry out this program where the Secretary determines that such action will help to effectuate the purpose of this paragraph: Provided further, That in the event an agency selected to receive funding does not proceed expeditiously as determined by the Secretary, the Secretary shall withdraw any funding made available pursuant to this paragraph that has not been obligated by the agency and distribute such funds to one or more other eligible agencies, or to other entities capable of proceeding expeditiously in the same locality with the original program: Provided further, That of the foregoing $480,000,000, the Secretary may use up to .67 per centum for technical assistance, to be provided directly or indirectly by grants, contracts or cooperative agreements, including training and cost of necessary travel for participants in such training, by or to officials and employees of the Department and of public housing agencies and to residents: Provided further, That any replacement housing provided with assistance under this head shall be subject to section 18(f) of the United States Housing Act of 1937, as amended by section 201(b)(2) of this Act.

FLEXIBLE SUBSIDY FUND

(INCLUDING TRANSFER OF FUNDS)

From the fund established by section 236(g) of the National Housing Act, as amended, all uncommitted balances of excess rental charges as of September 30, 1995, and any collections during fiscal year 1996 shall be transferred, as authorized under such section, to the fund authorized under section 201(j) of the Housing and

Community Development Amendments of 1978, as amended.

RENTAL HOUSING ASSISTANCE

(RESCISSION)

The limitation otherwise applicable to the maximum payments that may be required in any fiscal year by all contracts entered into under section 236 of the National Housing Act (12 U.S.C. 1715z–1) is reduced in fiscal year 1996 by not more than $2,000,000 in uncommitted balances of authorizations provided for this purpose in appropriations Acts: Provided, That up to $163,000,000 of recaptured section 236 budget authority resulting from the prepayment of mortgages subsidized under section 236 of the National Housing Act (12 U.S.C. 1715z–1) shall be rescinded in fiscal year 1996.

PAYMENTS FOR OPERATION OF LOW-INCOME HOUSING PROJECTS

For payments to public housing agencies and Indian housing authorities for operating subsidies for low-income housing projects as authorized by section 9 of the United States Housing Act of 1937, as amended (42 U.S.C. 1437g), $2,800,000,000.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public and Indian housing agencies for use in eliminating crime in public housing projects authorized by 42 U.S.C. 11901–11908, for grants for federally assisted low-income housing authorized by 42 U.S.C. 11909, and for drug information clearinghouse services authorized by 42 U.S.C. 11921–11925, $290,000,000, to remain available until expended, of which $10,000,000 shall be for grants, technical assistance, contracts and other assistance training, program assessment, and execution for or on behalf of public housing agencies and resident organizations (including the cost of necessary travel for participants in such training) and of which $2,500,000 shall be used in connection with efforts to combat violent crime in public and assisted housing under the Operation Safe Home program administered by the Inspector General of the Department of Housing and Urban Development: Provided, That the term "drug-related crime", as defined in 42 U.S.C. 11905(2), shall also include other types of crime as determined by the Secretary: Provided further, That notwithstanding section 5130(c) of the Anti-Drug Abuse Act of 1988 (42 U.S.C. 11909(c)), the Secretary may determine not to use any such funds to provide public housing youth sports grants.

HOME INVESTMENT PARTNERSHIPS PROGRAM

For the HOME investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625), as amended, $1,400,000,000, to remain available until expended.

INDIAN HOUSING LOAN GUARANTEE FUND PROGRAM ACCOUNT

For the cost of guaranteed loans, $3,000,000, as authorized by section 184 of the Housing and Community Development Act of 1992 (106 Stat. 3739): Provided, That such costs, including the costs of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $36,900,000.

HOMELESS ASSISTANCE

HOMELESS ASSISTANCE GRANTS

For the emergency shelter grants program (as authorized under subtitle B of title IV of the Stewart B. McKinney Homeless Assistance Act (Public Law 100–77), as amended); the supportive housing program (as authorized under subtitle C of title IV of such Act); the section 8 moderate rehabilitation single room occupancy program (as authorized under the United States Housing Act of 1937, as amended) to assist homeless individuals pursuant to section 441 of the Stewart B. McKinney Homeless Assistance Act; and the shelter plus care program (as authorized under subtitle F of title IV of such Act), $823,000,000, to remain available until expended.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

(INCLUDING TRANSFER OF FUNDS)

For grants to States and units of general local government and for related expenses, not otherwise provided for, necessary for carrying out a community development grants program as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $4,600,000,000, to remain available until September 30, 1998: Provided, That $50,000,000 shall be available for grants to Indian tribes pursuant to section 106(a)(1) of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), $2,000,000 shall be available as a grant to the Housing Assistance Council, $1,000,000 shall be available as a grant to the National American Indian Housing Council, and $27,000,000 shall be available for "special purpose grants" pursuant to section 107 of such Act: Provided further, That not to exceed 20 per centum of any grant made with funds appropriated herein (other than a grant made available under the preceding proviso to the Housing Assistance Council or the National American Indian Housing Council, or a grant using funds under section 107(b)(3) of the Housing and Community Development Act of 1974) shall be expended for "Planning and Management Development" and "Administration" as defined in regulations promulgated by the Department of Housing and Urban Development: Provided further, That section 105(a)(25) of such Act, as added by section 907(b)(1) of the Cranston-Gonzalez National Affordable Housing Act, shall continue to be effective after September 30, 1995, notwithstanding section 907(b)(2) of such Act: Provided further, That section 916 of the Cranston-Gonzalez National Affordable Housing Act shall apply with respect to fiscal year 1996, notwithstanding section 916(f) of that Act.

Of the amount provided under this heading, the Secretary of Housing and Urban Development may use up to $53,000,000 for grants to public housing agencies (including Indian housing authorities), nonprofit corporations, and other appropriate entities for a supportive services program to assist residents of public and assisted housing, former residents of such housing receiving tenant-based assistance under section 8 of such Act (42 U.S.C. 1437f), and other low-income families and individuals to become self-sufficient: Provided, That the program shall provide supportive services, principally for the benefit of public housing residents, to the elderly and the disabled, and to families with children where the head of the household would benefit from the receipt of supportive services and is working, seeking work, or is preparing for work by participating in job training or educational programs: Provided further, That the supportive services shall include congregate services for the elderly and disabled, service coordinators, and coordinated educational, training, and other supportive services, including academic skills training, job search assistance, assistance related to retaining employment, vocational and entrepreneurship development and support programs, transportation, and child care: Provided further, That the Secretary shall require applicants to demonstrate firm commitments of funding or services from other sources: Provided further, That the Secretary shall select public and Indian housing agencies to receive assistance under this head on a competitive basis, taking into account the quality of the proposed program (including any innovative approaches), the extent of the proposed coordination of supportive services, the extent of commitments of funding or services from other sources, the extent to which the proposed program includes reasonably achievable, quantifiable goals for measuring performance under the program over a three-year period, the extent of success an agency has had in carrying out other comparable initiatives, and other appropriate criteria established by the Secretary.

Of the amount made available under this heading, notwithstanding any other provision of law, $12,000,000 shall be available for contracts, grants, and other assistance, other than loans, not otherwise provided for, for providing counseling and advice to tenants and homeowners both current and prospective, with respect to property maintenance, financial management, and such other matters as may be appropriate to assist them in improving their housing conditions and meeting the responsibilities of tenancy or homeownership, including provisions for training and for support of voluntary agencies and services as authorized by section 106 of the Housing and Urban Development Act of 1968, as amended, notwithstanding section 106(c)(9) and section 106(d)(13) of such Act.

Of the amount made available under this heading, notwithstanding any other provision of law, $15,000,000 shall be available for the tenant opportunity program.

Of the amount made available under this heading, notwithstanding any other provision of law, $20,000,000 shall be available for youthbuild program activities authorized by subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, as amended, and such activities shall be an eligible activity with respect to any funds made available under this heading.

Of the amount made available under this heading, notwithstanding any other provision of law, $50,000,000 shall be available for Economic Development Initiative grants as authorized by section 232 of the Multifamily Housing Property Disposition Reform Act of 1994, Public Law 103–233, on a competitive basis as required by section 102 of the HUD Reform Act.

For the cost of guaranteed loans, $31,750,000, as authorized by section 108 of the Housing and Community Development Act of 1974: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,500,000,000: Provided further, That the Secretary of Housing and Urban Development may make guarantees not to exceed the immediately foregoing amount notwithstanding the aggregate limitation on guarantees set forth in section 108(k) of the Housing and Community Development Act of 1974. In addition, for administrative expenses to carry out the guaranteed loan program, $675,000 which shall be transferred to and merged with the appropriation for departmental salaries and expenses.

The amount made available for fiscal year 1995 for a special purpose grant for the renovation of the central terminal in Buffalo, New York, shall be made available for the central terminal and for other public facilities in Buffalo, New York.

POLICY DEVELOPMENT AND RESEARCH

RESEARCH AND TECHNOLOGY

For contracts, grants, and necessary expenses of programs of research and studies relating to housing and urban problems, not otherwise provided for, as authorized by title V of the Housing and Urban Development Act of 1970, as amended (12 U.S.C. 1701z–1 et seq.), including carrying out the functions of the Secretary under section 1(a)(1)(i) of Reorganization Plan No. 2 of 1968, $34,000,000, to remain available until September 30, 1997.

FAIR HOUSING AND EQUAL OPPORTUNITY

FAIR HOUSING ACTIVITIES

For contracts, grants, and other assistance, not otherwise provided for, as authorized by title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988, and for contracts with qualified fair housing enforcement organizations, as authorized by section 561 of the Housing and Community Development Act of 1987, as amended by the Housing and Community Development Act of 1992, $30,000,000, to remain available until September 30, 1997.

MANAGEMENT AND ADMINISTRATION

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For necessary administrative and nonadministrative expenses of the Department of Housing and Urban Development, not otherwise provided for, including not to exceed $7,000 for official reception and representation expenses, $962,558,000, of which $532,782,000 shall be provided from the various funds of the Federal Housing Administration, and $9,101,000 shall be provided from funds of the Government National Mortgage Association, and $675,000 shall be provided from the Community Development Grants Program account.

OFFICE OF INSPECTOR GENERAL

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $47,850,000, of which $11,283,000 shall be transferred from the various funds of the Federal Housing Administration.

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For carrying out the Federal Housing Enterprise Financial Safety and Soundness Act of 1992, $14,895,000, to remain available until expended, from the Federal Housing Enterprise Oversight Fund: Provided, That such amounts shall be collected by the Director as authorized by section 1316 (a) and (b) of such Act, and deposited in the Fund under section 1316(f) of such Act.

FEDERAL HOUSING ADMINISTRATION

FHA—MUTUAL MORTGAGE INSURANCE PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

During fiscal year 1996, commitments to guarantee loans to carry out the purposes of section 203(b) of the National Housing Act, as amended, shall not exceed a loan principal of $110,000,000,000: Provided, That during fiscal year 1996, the Secretary shall sell assigned mortgage notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally insured under section 203(b) of the National Housing Act: Provided further, That the Secretary may use any negative subsidy amounts from the sale of such assigned mortgage notes during fiscal year 1996 for the disposition of properties or notes under this heading.

During fiscal year 1996, obligations to make direct loans to carry out the purposes of section 204(g) of the National Housing Act, as amended, shall not exceed $200,000,000: Provided, That the foregoing amount shall be for loans to nonprofit and governmental entities in connection with sales of single family real properties owned by the Secretary and formerly insured under section 203 of such Act.

For administrative expenses necessary to carry out the guaranteed and direct loan program, $341,595,000, to be derived from the FHA-mutual mortgage insurance guaranteed loans receipt account, of which not to exceed $334,483,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which not to exceed $7,112,000 shall be transferred to the appropriation for the Office of Inspector General.

FHA—GENERAL AND SPECIAL RISK PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, as authorized by sections 238 and 519 of the National Housing Act (12 U.S.C. 1715z-3 and 1735c), including the cost of modifying such loans, $85,000,000, to remain available until expended: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize total loan principal any part of which is to be guaranteed of not to exceed $17,400,000,000: Provided further, That during fiscal year 1996, the Secretary shall sell assigned notes having an unpaid principal balance of up to $4,000,000,000, which notes were originally obligations of the funds established under sections 238 and 519 of the National Housing Act: Provided further, That the Secretary may use any negative subsidy amounts, to remain available until expended, from the sale of such assigned mortgage notes, in addition to amounts otherwise provided, for the disposition of properties or notes under this heading (including the credit subsidy for the guarantee of loans or the reduction of positive credit subsidy amounts that would otherwise be required for the sale of such properties or notes), and for any other purpose under this heading: Provided further, That any amounts made available in any prior appropriation Act for the cost (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans that are obligations of the funds established under section 238 or 519 of the National Housing Act that have not been obligated or that are deobligated shall be available to the Secretary of Housing and Urban Development in connection with the making of such guarantees and shall remain available until expended, notwithstanding the expiration of any period of availability otherwise applicable to such amounts.

Gross obligations for the principal amount of direct loans, as authorized by sections 204(g), 207(l), 238(a), and 519(a) of the National Housing Act, shall not exceed $120,000,000; of which not to exceed $100,000,000 shall be for bridge financing in connection with the sale of multifamily real properties owned by the Secretary and formerly insured under such Act; and of which not to exceed $20,000,000 shall be for loans to nonprofit and governmental entities in connection with the sale of single-family real properties owned by the Secretary and formerly insured under such Act.

In addition, for administrative expenses necessary to carry out the guaranteed and direct loan programs, $202,470,000, of which $198,299,000 shall be transferred to the appropriation for departmental salaries and expenses; and of which $4,171,000 shall be transferred to the appropriation for the Office of Inspector General.

GOVERNMENT NATIONAL MORTGAGE ASSOCIATION

GUARANTEES OF MORTGAGE-BACKED SECURITIES LOAN GUARANTEE PROGRAM ACCOUNT

(INCLUDES TRANSFER OF FUNDS)

During fiscal year 1996, new commitments to issue guarantees to carry out the purposes of section 306 of the National Housing Act, as amended (12 U.S.C. 1721(g)), shall not exceed $110,000,000,000.

For administrative expenses necessary to carry out the guaranteed mortgage-backed securities program, $9,101,000, to be derived from the GNMA—guarantees of mortgage-backed securities guaranteed loan receipt account, of which not to exceed $9,101,000 shall be transferred to the appropriation for departmental salaries and expenses.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

SEC. 201. (a) PUBLIC AND INDIAN HOUSING MODERNIZATION.—

(1) EXPANSION OF USE OF MODERNIZATION FUNDING.—Subsection 14(q) of the United States Housing Act of 1937 is amended to read as follows:

"(q)(1) In addition to the purposes enumerated in subsections (a) and (b), a public housing agency may use modernization assistance provided under section 14, and development assistance provided under section 5(a) that was not allocated, as determined by the Secretary, for priority replacement housing, for any eligible activity authorized by this section, by section 5, or by applicable Appropriations Acts for a public housing agency, including the demolition, rehabilitation, revitalization, and replacement of existing units and projects and, for up to 10 percent of its allocation of such funds in any fiscal year, for any operating subsidy purpose authorized in section 9. Except for assistance used for operating subsidy purposes under the preceding sentence, assistance provided to a public housing agency under this section shall principally be used for the physical improvement, replacement of public housing, other capital purposes, and for associated management improvements, and such other extraordinary purposes as may be approved by the Secretary. Low-income and very low-income units assisted under this paragraph shall be eligible for operating subsidies, unless the Secretary determines that such units or projects do not meet other requirements of this Act.

"(2) A public housing agency may provide assistance to developments that include units, other than units assisted under this Act (except for units assisted under section 8 hereof) ('mixed income developments'), in the form of a grant, loan, operating assistance, or other form of investment which may be made to—

"(A) a partnership, a limited liability company, or other legal entity in which the public housing agency or its affiliate is a general partner, managing member, or otherwise participates in the activities of such entity; or

"(B) any entity which grants to the public housing agency the option to purchase the development within 20 years after initial occupancy in accordance with section 42(i)(7) of the Internal Revenue Code of 1986, as amended.

"Units shall be made available in such developments for periods of not less than 20 years, by master contract or by individual lease, for occupancy by low-income and very low-income families referred from time to time by the public housing agency. The number of such units shall be:

"(i) in the same proportion to the total number of units in such development that the total financial commitment provided by the public housing agency bears to the value of the total financial commitment in the development, or

"(ii) not be less than the number of units that could have been developed under the conventional public housing program with the assistance involved, or

"(iii) as may otherwise be approved by the Secretary.

"(3) A mixed income development may elect to have all units subject only to the applicable local real estate taxes, notwithstanding that the *low-income units assisted by public housing funds would otherwise be subject to section 6(d) of the Housing Act of 1937.*

"(4) If an entity that owns or operates a mixed-income project under this subsection enters into a contract with a public housing agency, the terms of which obligate the entity to operate and maintain a specified number of units in the project as public housing units in accordance with the requirements of this Act for the period required by law, such contractual terms may provide that, if, as a result of a reduction in appropriations under section 9, or any other change in applicable law, the public housing agency is unable to fulfill its contractual obligations with respect to those public housing units, that entity may deviate, under procedures and requirements developed through regulations by the Secretary, from otherwise applicable restrictions under this Act regarding rents, income eligibility, and other areas of public housing management with respect to a portion or all of those public housing units, to the extent necessary to preserve the viability of those units while maintaining the low-income character of the units, to the maximum extent practicable.".

(2) APPLICABILITY.—Section 14(q) of the United States Housing Act of 1937, as amended by subsection (a) of this section, shall be effective only with respect to assistance provided from funds made available for fiscal year 1996 or any preceding fiscal year.

(3) APPLICABILITY TO IHAS.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendment made by this subsection shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

(b) ONE-FOR-ONE REPLACEMENT OF PUBLIC AND INDIAN HOUSING.—

(1) EXTENDED AUTHORITY.—Section 1002(d) of Public Law 104–19 is amended to read as follows:

"(d) Subsections (a), (b), and (c) shall be effective for applications for the demolition, disposition, or conversion to homeownership of public housing approved by the Secretary, and other consolidation and relocation activities of public housing agencies undertaken, on, before, or after September 30, 1995 and before September 30, 1996.".

(2) Section 18(f) of the United States Housing Act of 1937 is amended by adding at the end the following new sentence:

"No one may rely on the preceding sentence as the basis for reconsidering a final order of a court issued, or a settlement approved, by a court.".

(3) APPLICABILITY.—In accordance with section 201(b)(2) of the United States Housing Act of 1937, the amendments made by this subsection and by sections 1002 (a), (b), and (c) of Public Law 104–19 shall apply to public housing developed or operated pursuant to a contract between the Secretary of Housing and Urban Development and an Indian housing authority.

CONVERSION OF CERTAIN PUBLIC HOUSING TO VOUCHERS

SEC. 202. (a) IDENTIFICATION OF UNITS.—Each public housing agency shall identify any public housing developments—

(1) that are on the same or contiguous sites;

(2) that total more than 300 dwelling units;

(3) that have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(4) identified as distressed housing that the public housing agency cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(5) for which the estimated cost of continued operation and modernization of the developments as public housing exceeds the cost of providing tenant-based assistance under section 8 of the United States Housing Act of 1937 for all families in occupancy, based on appropriate indicators of cost (such as the percentage of total development cost required for modernization).

(b) IMPLEMENTATION AND ENFORCEMENT.—

(1) STANDARDS FOR IMPLEMENTATION.—The Secretary shall establish standards to permit implementation of this section in fiscal year 1996.

(2) CONSULTATION.—Each public housing agency shall consult with the applicable public housing tenants and the unit of general local government in identifying any public housing developments under subsection (a).

(3) FAILURE OF PHAS TO COMPLY WITH SUBSECTION (a).—Where the Secretary determines that—

(A) a public housing agency has failed under subsection (a) to identify public housing developments for removal from the inventory of the agency in a timely manner;

(B) a public housing agency has failed to identify one or more public housing developments which the Secretary determines should have been identified under subsection (a); or

(C) one or more of the developments identified by the public housing agency pursuant to subsection (a) should not, in the determination of the Secretary, have been identified under that subsection;

the Secretary may designate the developments to be removed from the inventory of the public housing agency pursuant to this section.

(c) REMOVAL OF UNITS FROM THE INVENTORIES OF PUBLIC HOUSING AGENCIES.—

(1) Each public housing agency shall develop and carry out a plan in conjunction with the Secretary for the removal of public housing units identified under subsection (a) or subsection (b)(3), over a period of up to five years, from the inventory of the public housing agency and the annual contributions contract. The plan shall be approved by the relevant local official as not inconsistent with the Comprehensive Housing Affordability Strategy under title I of the Housing and Community Development Act of 1992, including a description of any disposition and demolition plan for the public housing units.

(2) The Secretary may extend the deadline in paragraph (1) for up to an additional five years where the Secretary makes a determination that the deadline is impracticable.

(3) The Secretary shall take appropriate actions to ensure removal of developments identified under subsection (a) or subsection (b)(3) from the inventory of a public housing agency, if the public housing agency fails to adequately develop a plan under paragraph (1), or fails to adequately implement such plan in accordance with the terms of the plan.

(4) To the extent approved in appropriations Acts, the Secretary may establish requirements and provide funding under the Urban Revitalization Demonstration program for demolition and disposition of public housing under this section.

(5) Notwithstanding any other provision of law, if a development is removed from the inventory of a public housing agency and the annual contributions contract pursuant to paragraph (1), the Secretary may authorize or direct the transfer of—

(A) in the case of an agency receiving assistance under the comprehensive improvement assistance program, any amounts obligated by the Secretary for the modernization of such development pursuant to section 14 of the United States Housing Act of 1937;

(B) in the case of an agency receiving public and Indian housing modernization assistance by formula pursuant to section 14 of the United States Housing Act of 1937, any amounts provided to the agency which are attributable pursuant to the formula for allocating such assistance to the development removed from the inventory of that agency; and

(C) in the case of an agency receiving assistance for the major reconstruction of obsolete projects, any amounts obligated by the Secretary for the major reconstruction of the development pursuant to section 5 of such Act,

to the tenant-based assistance program or appropriate site revitalization of such agency.

(6) CESSATION OF UNNECESSARY SPENDING.—Notwithstanding any other provision of law, if, in the determination of the Secretary, a development meets or is likely to meet the criteria set forth in subsection (a), the Secretary may direct the public housing agency to cease additional spending in connection with the development, except to the extent that additional spending is necessary to ensure decent, safe, and sanitary housing until the Secretary determines or approves an appropriate course of action with respect to such development under this section.

(d) CONVERSION TO TENANT-BASED ASSISTANCE.—

(1) The Secretary shall make authority available to a public housing agency to provide tenant-based assistance pursuant to section 8 to families residing in any development that is removed from the inventory of the public housing agency and the annual contributions contract pursuant to subsection (b).

(2) Each conversion plan under subsection (c) shall—

(A) require the agency to notify families residing in the development, consistent with any guidelines issued by the Secretary governing such notifications, that the development shall be removed from the inventory of the public housing agency and the families shall receive tenant-based or project-based assistance, and to provide any necessary counseling for families; and

(B) ensure that all tenants affected by a determination under this section that a development shall be removed from the inventory of a public housing agency shall be offered tenant-based or project-based assistance and shall be relocated, as necessary, to other decent, safe, sanitary, and affordable housing which is, to the maximum extent practicable, housing of their choice.

(e) IN GENERAL.—

(1) The Secretary may require a public housing agency to provide such information as the Secretary considers necessary for the administration of this section.

(2) As used in this section, the term "development" shall refer to a project or projects, or to portions of a project or projects, as appropriate.

(3) Section 18 of the United States Housing Act of 1937 shall not apply to the demolition of developments removed from the inventory of the public housing agency under this section.

STREAMLINING SECTION 8 TENANT-BASED ASSISTANCE

SEC. 203. (a) "TAKE-ONE, TAKE-ALL".—Section 8(t) of the United States Housing Act of 1937 is hereby repealed.

(b) EXEMPTION FROM NOTICE REQUIREMENTS FOR THE CERTIFICATE AND VOUCHER PROGRAMS.—Section 8(c) of such Act is amended—

(1) in paragraph (8), by inserting after "section" the following: "(other than a contract for assistance under the certificate or voucher program)"; and

(2) in the first sentence of paragraph (9), by striking "(but not less than 90 days in the case of housing certificates or vouchers under subsection (b) or (o))" and inserting ", other than a contract under the certificate or voucher program".

(c) ENDLESS LEASE.—Section 8(d)(1)(B) of such Act is amended—

(1) in clause (ii), by inserting "during the term of the lease," after "(ii)"; and

(2) in clause (iii), by striking "provide that" and inserting "during the term of the lease,".

(d) APPLICABILITY.—The provisions of this section shall be effective for fiscal year 1996 only.

PUBLIC HOUSING/SECTION 8 MOVING TO WORK DEMONSTRATION

SEC. 204. (a) PURPOSE.—The purpose of this demonstration is to give public housing agencies and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that: reduce cost and achieve greater cost effectiveness in Federal expenditures; give incentives to families with children where the head of household is working, seeking work, or is preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1996 under which up to 30 public housing agencies (including Indian housing authorities) administering the public or Indian housing program and the section 8 housing assistance payments program may be selected by the Secretary to participate. The Secretary shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 15 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration. Under the demonstration, notwithstanding any provision of the United States Housing Act of 1937 except as provided in subsection (e), an agency may combine operating assistance provided under section 9 of the United States Housing Act of 1937, modernization assistance provided under section 14 of such Act, and assistance provided under section 8 of such Act for the certificate and voucher programs, to provide housing assistance for low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937, and services to facilitate the transition to work on such terms and conditions as the agency may propose and the Secretary may approve.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance under sections 8, 9, and 14 of the United States Housing Act of 1937;

(2) shall be submitted only after the public housing agency provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the agency that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) families to be assisted, which shall require that at least 75 percent of the families assisted by participating demonstration public housing authorities shall be very low-income families, as defined in section 3(b)(2) of the United States Housing Act of 1937;

(B) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent;

(C) continuing to assist substantially the same total number of eligible low-income families as would have been served had the amounts not been combined;

(D) maintaining a comparable mix of families (by family size) as would have been provided had the amounts not been used under the demonstration; and

(E) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION.—In selecting among applications, the Secretary shall take into account the potential of each agency to plan and carry out a program under the demonstration, the relative performance by an agency under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937, and other appropriate factors as determined by the Secretary.

(e) APPLICABILITY OF 1937 ACT PROVISIONS.—

(1) Section 18 of the United States Housing Act of 1937 shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 12 of such Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON SECTION 8, OPERATING SUBSIDIES, AND COMPREHENSIVE GRANT PROGRAM ALLOCATIONS.—The amount of assistance received under section 8, section 9, or pursuant to section 14 by a public housing agency participating in the demonstration under this part shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each agency shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each agency shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH PHA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of public housing agencies and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

(i) FUNDING FOR TECHNICAL ASSISTANCE AND EVALUATION.—From amounts appropriated for assistance under section 14 of the United States Housing Act of 1937 for fiscal years 1996, 1997, and 1998, the Secretary may use up to a total of $5,000,000—

(1) to provide, directly or by contract, training and technical assistance—

(A) to public housing agencies that express an interest to apply for training and technical assistance pursuant to subsection (c)(4), to assist them in designing programs to be proposed for the demonstration; and

(B) to up to 10 agencies selected to receive training and technical assistance pursuant to subsection (c)(4), to assist them in implementing the approved program; and

(2) to conduct detailed evaluations of the activities of the public housing agencies under paragraph (1)(B), directly or by contract.

EXTENSION OF MULTIFAMILY HOUSING FINANCE PROGRAM

SEC. 205. (a) The first sentence of section 542(b)(5) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not more than 15,000 units over fiscal years 1993 and 1994" and inserting "on not more than 7,500 units during fiscal year 1996".

(b) The first sentence of section 542(c)(4) of the Housing and Community Development Act of 1992 (12 U.S.C. 1707 note) is amended by striking "on not to exceed 30,000 units over fiscal years 1993, 1994, and 1995" and inserting "on not more than 12,000 units during fiscal year 1996".

FORECLOSURE OF HUD-HELD MORTGAGES THROUGH THIRD PARTIES

SEC. 206. During fiscal year 1996, the Secretary of Housing and Urban Development may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

RESTRUCTURING OF THE HUD MULTIFAMILY MORTGAGE PORTFOLIO THROUGH STATE HOUSING FINANCE AGENCIES

SEC. 207. During fiscal year 1996, the Secretary of Housing and Urban Development may sell or otherwise transfer multifamily mortgages held by the Secretary under the National Housing Act to a State housing finance agency in connection with a program authorized under section 542 (b) or (c) of the Housing and Community Development Act of 1992 without regard to the unit limitations in section 542(b)(5) or 542(c)(4) of such Act.

TRANSFER OF SECTION 8 AUTHORITY

SEC. 208. Section 8 of the United States Housing Act of 1937 is amended by adding the following new subsection at the end:

"(bb) TRANSFER OF BUDGET AUTHORITY.—If an assistance contract under this section, other than a contract for tenant-based assistance, is terminated or is not renewed, or if the contract expires, the Secretary shall, in order to provide continued assistance to eligible families, including eligible families receiving the benefit of the project-based assistance at the time of the termination, transfer any budget authority remaining in the contract to another contract. The transfer shall be under such terms as the Secretary may prescribe.".

DOCUMENTATION OF MULTIFAMILY REFINANCINGS

SEC. 209. Notwithstanding the 16th paragraph under the item relating to "administrative provisions" in title II of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1995 (Public Law 103–327; 108 Stat. 2316), the amendments to section 223(a)(7) of the National Housing Act made by the 15th paragraph of such Act shall be effective during fiscal year 1996 and thereafter.

FHA MULTIFAMILY DEMONSTRATION AUTHORITY

SEC. 210. (a) On and after October 1, 1995, and before October 1, 1997, the Secretary of Housing and Urban Development shall initiate a demonstration program with respect to multifamily projects whose owners agree to participate and whose mortgages are insured under the National Housing Act and that are assisted under section 8 of the United States Housing Act of 1937 and whose present section 8 rents are, in the aggregate, in excess of the fair market rent of the locality in which the project is located. These programs shall be designed to test the feasibility and desirability of the goal of ensuring, to the maximum extent practicable, that the debt service and operating expenses, including adequate reserves, attributable to such multifamily projects can be supported with or without mortgage insurance under the National Housing Act and with or without above-market rents and utilizing project-based assistance or, with the consent of the property owner, tenant-based assistance, while taking into account the need for assistance of low- and very low-income families in such projects. In carrying out this demonstration, the Secretary may use arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(1) GOALS.—The Secretary of Housing and Urban Development shall carry out the demonstration programs under this section in a manner that—

(A) will protect the financial interests of the Federal Government;

(B) will result in significant discretionary cost savings through debt restructuring and subsidy reduction; and

(C) will, in the least costly fashion, address the goals of—

(i) maintaining existing housing stock in a decent, safe, and sanitary condition;

(ii) minimizing the involuntary displacement of tenants;

(iii) restructuring the mortgages of such projects in a manner that is consistent with local housing market conditions;

(iv) supporting fair housing strategies;

(v) minimizing any adverse income tax impact on property owners; and

(vi) minimizing any adverse impact on residential neighborhoods.

In determining the manner in which a mortgage is to be restructured or the subsidy reduced, the Secretary may balance competing goals relating to individual projects in a manner that will further the purposes of this section.

(2) DEMONSTRATION APPROACHES.—In carrying out the demonstration programs, subject to the appropriation in subsection (f), the Secretary may use one or more of the following approaches:

(A) Joint venture arrangements with third parties, under which the Secretary may provide for the assumption by the third parties (by delegation, contract, or otherwise) of some or all of the functions, obligations, and benefits of the Secretary.

(B) Subsidization of the debt service of the project to a level that can be paid by an owner receiving an unsubsidized market rent.

(C) Renewal of existing project-based assistance contracts where the Secretary shall approve proposed initial rent levels that do not exceed the greater of 120 percent of fair market rents or comparable market rents for the relevant metropolitan market area or at rent levels under a budget-based approach.

(D) Nonrenewal of expiring existing project-based assistance contracts and providing tenant-based assistance to previously assisted households.

(b) For purposes of carrying out demonstration programs under subsection (a)—

(1) the Secretary may manage and dispose of multifamily properties owned by the Secretary as of October 1, 1995 and multifamily mortgages held by the Secretary as of October 1, 1995 for properties assisted under section 8 with rents above 110 percent of fair market rents without regard to any other provision of law; and

(2) the Secretary may delegate to one or more entities the authority to carry out some or all of the functions and responsibilities of the Secretary in connection with the foreclosure of mortgages held by the Secretary under the National Housing Act.

(c) For purposes of carrying out demonstration programs under subsection (a), subject to such third party consents (if any) as are necessary including but not limited to (i) consent by the Government National Mortgage Association where it owns a mortgage insured by the Secretary; (ii) consent by an issuer under the mortgage-backed securities program of the Association, subject to the responsibilities of the issuer to its security holders and the Association under such program; and (iii) parties to any contractual agreement which the Secretary proposes to modify or discontinue, and subject to the appropriation in subsection (c), the Secretary or one or more third parties designated by the Secretary may take the following actions:

(1) Notwithstanding any other provision of law, and subject to the agreement of the project owner, the Secretary or third party may remove, relinquish, extinguish, modify, or agree to the removal of any mortgage, regulatory agreement, project-based assistance contract, use agreement, or restriction that had been imposed or required by the Secretary, including restrictions on distributions of income which the Secretary or third party determines would interfere with the ability of the project to operate without above market rents. The Secretary or third party may require an owner of a property assisted under the section 8 new construction/substantial rehabilitation program to apply any accumulated residual receipts toward effecting the purposes of this section.

(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may enter into contracts to purchase reinsurance, or enter into participations or otherwise transfer economic interest in contracts of insurance or in the premiums paid, or due to be paid, on such insurance to third parties, on such terms and conditions as the Secretary may determine.

(3) The Secretary may offer project-based assistance with rents at or below fair market rents for the locality in which the project is located and may negotiate such other terms as are acceptable to the Secretary and the project owner.

(4) The Secretary may offer to pay all or a portion of the project's debt service, including payments monthly from the appropriate Insurance Fund, for the full remaining term of the insured mortgage.

(5) Notwithstanding any other provision of law, the Secretary may forgive and cancel any FHA-insured mortgage debt that a demonstration program property cannot carry at market rents while bearing full operating costs.

(6) For demonstration program properties that cannot carry full operating costs (excluding debt service) at market rents, the Secretary may approve project-based rents sufficient to carry such full operating costs and may offer to pay the full debt service in the manner provided in paragraph (4).

(d) COMMUNITY AND TENANT INPUT.—In carrying out this section, the Secretary shall develop procedures to provide appropriate and timely notice to officials of the unit of general local government affected, the community in which the project is situated, and the tenants of the project.

(e) LIMITATION ON DEMONSTRATION AUTHORITY.—The Secretary may carry out demonstration programs under this section with respect to mortgages not to exceed 15,000 units. The demonstration authorized under this section shall not be expanded until the reports required under subsection (g) are submitted to the Congress.

(f) APPROPRIATION.—For the cost of modifying loans held or guaranteed by the Federal Housing Administration, as authorized by this subsection (a)(2) and subsection (c), $30,000,000, to remain available until September 30, 1997: Provided, That such costs shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended.

(g) REPORT TO CONGRESS.—The Secretary shall submit to the Congress every six months after the date of enactment of this Act a report describing and assessing the programs carried out under the demonstrations. The Secretary shall also submit a final report to the Congress not later than six months after the end of the demonstrations. The reports shall include findings and recommendations for any legislative action appropriate. The reports shall also include a description of the status of each multifamily housing project selected for the demonstrations under this section. The final report may include—

(1) the size of the projects;

(2) the geographic locations of the projects, by State and region;

(3) the physical and financial condition of the projects;

(4) the occupancy profile of the projects, including the income, family size, race, and ethnic origin of current tenants, and the rents paid by such tenants;

(5) a description of actions undertaken pursuant to this section, including a description of the effectiveness of such actions and any impediments to the transfer or sale of multifamily housing projects;

(6) a description of the extent to which the demonstrations under this section have displaced tenants of multifamily housing projects;

(7) a description of any of the functions performed in connection with this section that are transferred or contracted out to public or private entities or to States;

(8) a description of the impact to which the demonstrations under this section have affected the localities and communities where the selected multifamily housing projects are located; and

(9) a description of the extent to which the demonstrations under this section have affected the owners of multifamily housing projects.

ASSESSMENT COLLECTION DATES FOR OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SEC. 211. Section 1316(b) of the Housing and Community Development Act of 1992 (12 U.S.C. 4516(b)) is amended by striking paragraph (2) and inserting the following new paragraph:

"(2) TIMING OF PAYMENT.—The annual assessment shall be payable semiannually for each fiscal year, on October 1 and April 1.".

MERGER LANGUAGE FOR ASSISTANCE FOR THE RENEWAL OF EXPIRING SECTION 8 SUBSIDY CONTRACTS AND ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

SEC. 212. All remaining obligated and unobligated balances in the Renewal of Expiring Section 8 Subsidy Contracts account on September 30, 1995, shall immediately thereafter be transferred to and merged with the obligated and unobligated balances, respectively, of the Annual Contributions for Assisted Housing account.

DEBT FORGIVENESS

SEC. 213. (a) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hubbard Hospital Authority of Hubbard, Texas, relating to the public facilities loan for Project Number PFL–TEX–215, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(b) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Groveton Texas Hospital Authority relating to the public facilities loan for Project Number TEX–41–PFL0162, issued under title II of the Housing Amendments of 1955. Such hospital authority is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

(c) The Secretary of Housing and Urban Development shall cancel the indebtedness of the Hepzibah Public Service District of Hepzibah, West Virginia, relating to the public facilities loan for Project Number WV–46–PFL0031, issued under title II of the Housing Amendments of 1955. Such public service district is relieved of all liability to the Government for the outstanding principal balance on such loan, for the amount of accrued interest on such loan, and for any fees and charges payable in connection with such loan.

CLARIFICATIONS

SEC. 214. For purposes of Federal law, the Paul Mirabile Center in San Diego, California, including areas within such Center that are devoted to the delivery of supportive services, has been determined to satisfy the "continuum of care" requirements of the Department of Housing and Urban Development, and shall be treated as—

(a) consisting solely of residential units that (i) contain sleeping accommodations and kitchen and bathroom facilities, (ii) are located in a building that is used exclusively to facilitate the transition of homeless individuals (within the meaning of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11302), as in effect on December 19, 1989) to independent living within 24 months, (iii) are suitable for occupancy, with each cubicle constituting a separate bedroom and residential unit, (iv) are used on other than a transient basis, and (v) shall be originally placed in service on November 1, 1995; and

(b) property that is entirely residential rental property, namely, a project for residential rental property.

EMPLOYMENT LIMITATIONS

SEC. 215. (a) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than eight Assistant Secretaries, notwithstanding section 4(a) of the Department of Housing and Urban Development Act.

(b) By the end of fiscal year 1996 the Department of Housing and Urban Development shall employ no more than 77 schedule C and 20 noncareer senior executive service employees.

USE OF FUNDS

SEC. 216. (a) Of the $93,400,000 earmarked in Public Law 101–144 (103 Stat. 850), as amended by Public Law 101–302 (104 Stat. 237), for special projects and purposes, any amounts remaining of the $500,000 made available to Bethlehem House in Highland, California, for site planning and loan acquisition shall instead be made available to the County of San Bernardino in California to assist with the expansion of the Los Padrinos Gang Intervention Program and the Unity Home Domestic Violence Shelter, and San Bernardino drug court program.

(b) The amount made available for fiscal year 1995 for the removal of asbestos from an abandoned public school building in Toledo, Ohio shall be made available for the renovation and rehabilitation of an industrial building at the University of Toledo in Toledo, Ohio.

LEAD-BASED PAINT ABATEMENT

SEC. 217. (a) Section 1011 of Title X—Residential Lead-Based Paint Hazard Reduction Act of 1992 is amended as follows: Strike "priority housing" wherever it appears in said section and insert "housing".

(b) Section 1011(a) shall be amended as follows: At the end of the subsection after the period, insert: "Grants shall only be made under this section to provide assistance for housing which meets the following criteria—

"(1) for grants made to assist rental housing, at least 50 percent of the units must be occupied by or made available to families with incomes at or below 50 percent of the area median income level and the remaining units shall be occupied or made available to families with incomes at or below 80 percent of the area median income level, and in all cases the landlord shall give priority in renting units assisted under this section, for not less than 3 years following the completion of lead abatement activities, to families with a child under the age of six years, except that buildings with five or more units may have 20 percent of the units occupied by families with incomes above 80 percent of area median income level;

"(2) for grants made to assist housing owned by owner-occupants, all units assisted with grants under this section shall be the principal residence of families with income at or below 80 percent of the area median income level, and not less than 90 percent of the units assisted with grants under this section shall be occupied by a child under the age of six years or shall be units where a child under the age of six years spends a significant amount of time visiting; and

"(3) notwithstanding paragraphs (1) and (2), Round II grantees who receive assistance under this section may use such assistance for priority housing.".

EXTENSION PERIOD FOR SHARING UTILITY COST SAVINGS WITH PHAS

SEC. 218. Section 9(a)(3)(B)(i) of the United States Housing Act of 1937 is amended by striking "for a period not to exceed 6 years".

MORTGAGE NOTE SALES

SEC. 219. The first sentence of section 221(g)(4)(C)(viii) of the National Housing Act is amended by striking "September 30, 1995" and inserting in lieu thereof "September 30, 1996".

REPEAL OF FROST-LELAND

SEC. 220. Section 415 of the Department of Housing and Urban Development—Independent Agencies Appropriations Act, 1988 (Public Law 100–202; 101 Stat. 1329–213) is repealed.

FHA SINGLE-FAMILY ASSIGNMENT PROGRAM REFORM

SEC. 221. (a) CORRECTION TO FORECLOSURE AVOIDANCE PROVISION.—The penultimate proviso of section 204(a) of the National Housing Act (12 U.S.C. 1710(a)), as added by section 407(a) of the Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by striking "special foreclosure" and inserting in lieu thereof "special forebearance".

"(b) SAVINGS PROVISION.—Any mortgage for which the mortgagor has applied to the Secretary, before the date of enactment of this Act, for assignment to the Secretary pursuant to section 230(b) of the National Housing Act shall continue to be governed by the provisions of each section, as in effect immediately before enactment of the Balanced Budget Downpayment Act, I.

(2) Section 230(d) of the National Housing Act, as amended by section 407(b) of the Balanced Budget Downpayment Act, I, is repealed.

"(c) REGULATIONS.—(1) Not later than 30 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue interim regulations to implement section 407 of the Balanced Budget Downpayment Act, I, and the amendments to the National Housing Act made by that section.

(2) Section 407(d) of the Balanced Budget Downpayment Act, I, is repealed.

(d) EXTENSION OF REFORM TO MORTGAGES ORIGINATED IN FISCAL YEAR 1996.—Section 407(c) of the Balanced Budget Downpayment Act, I, is amended by striking "originated before October 1, 1995" and inserting "executed before October 1, 1996".

SPENDING LIMITATIONS

SEC. 222. (a) None of the funds in this Act may be used by the Secretary to impose any sanction, or penalty because of the enactment of any State or local law or regulation declaring English as the official language.

(b) No part of any appropriation contained in this Act shall be used for lobbying activities as prohibited by law.

SEC. 223. None of the funds provided in this Act may be used during fiscal year 1996 to investigate or prosecute under the Fair Housing Act (42 U.S.C. 3601, et seq.) any otherwise lawful activity engaged in by one or more persons, including the filing or maintaining of non-frivolous legal action, that is engaged in solely for the purposes of achieving or preventing action by a Government official, entity, or court of competent jurisdiction.

SEC. 224. None of the funds provided in this Act many be used to take any enforcement action with respect to a complaint of discrimination under the Fair Housing Act (42 U.S.C. 3601, et seq.) on the basis of familial status and which involves an occupancy standard established by the housing provider except to the extent that it is found that there has been discrimination in contravention of the standards provided in the March 20, 1991 Memorandum from the General Counsel of the Department of Housing and Urban Development to all Regional Counsel or until such time that HUD issues a final rule in accordance with section 553 of title 5, United States Code.

CDBG ELIGIBLE ACTIVITIES

SEC. 225. Section 105(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)) is amended—

(1) in paragraph (4)—

(A) by inserting "reconstruction," after "removal,"; and

(B) by striking "acquisition for rehabilitation, and rehabilitation" and inserting "acquisition for reconstruction or rehabilitation, and reconstruction or rehabilitation";

(2) in paragraph (13), by striking "and" at the end;

(3) by striking paragraph (19);

(4) in paragraph (24), by striking "and" at the end;

(5) in paragraph (25), by striking the period at the end and inserting "; and";

(6) by redesignating paragraphs (20) through (25) as paragraphs (19) through (24), respectively; and

(7) by redesignating paragraph (21) (as added by section 1012(f)(3) of the Housing and Community Development Act of 1992) as paragraph (25).

SEC. 226. (a) The Secretary shall award for the community development grants program, as authorized by title I of the Housing and Community Development Act of 1974, as amended (42 U.S.C. 5301), for the State of New York, not more than 35 percent of the funds made available for fiscal year 1996 for grants allocated for *any multi-year commitment. The Secretary shall issue proposed and final rulemaking for the requirements of the community development grants program for the State of New York before issuing a Notice of Funding Availability for funds made available for fiscal year 1997.*

SEC. 227. All funds allocated for the State of New York for fiscal years 1995 and 1996 under the Home investment partnerships program, as authorized under title II of the Cranston-Gonzalez National Affordable Housing Act (Public Law 101–625) shall be made available to the Chief Executive Officer of the State, or an entity designated by the Chief Executive Officer, to be used for activities in accordance with the requirements of the HOME investment partnership program, notwithstanding the memorandum from the general Counsel of the Department of Housing and Urban Development dated March 5, 1996.

SEC. 228. (a) The second sentence of section 236(f)(1) of the National Housing Act, as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, is amended—

(1) by striking "or (ii)" and inserting "(ii)"; and

(2) by striking "located," and inserting: "located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,".

(b) The first sentence of section 236(g) of the National Housing Act is amended by inserting the phrase "on a unit-by-unit basis" after "collected".

TECHNICAL CORRECTION TO MINIMUM RENT AUTHORITY

SEC. 229. Section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99), is amended by inserting after "as amended," the following: "or section 206(d) of the Housing and Urban-Rural Recovery Act of 1983 (including section 206(d)(5) of such Act),".

MINIMUM RENT WAIVER AUTHORITY

SEC. 230. Notwithstanding section 402(a) of The Balanced Budget Downpayment Act, I (Public Law 104–99), the Secretary of Housing and Urban Development or a public housing agency (including an Indian housing authority) may waive the minimum rent requirement of that section to provide a transition period for affected families. The term of a waiver approved pursuant to this section may be retroactive, but may not apply for more than three months with respect to any family.

TITLE III

INDEPENDENT AGENCIES

AMERICAN BATTLE MONUMENTS COMMISSION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the American Battle Monuments Commission, including the acquisition of land or interest in land in foreign countries; purchases and repair of uniforms for caretakers of national cemeteries and monuments outside of the United States and its territories and possessions; rent of office and garage space in foreign countries; purchase (one for replacement only) and hire of passenger motor vehicles; and insurance of official motor vehicles in foreign countries, when required by law of such countries; $20,265,000, to remain available until expended: Provided, That where station allowance has been authorized by the Department of the Army for officers of the Army serving the Army at certain foreign stations, the same allowance shall be authorized for officers of the Armed Forces assigned to the Commission while serving at the same foreign stations, and this appropriation is hereby made available for the payment of such allowance: Provided further, That when traveling on business of the Commission, officers of the Armed Forces serving as members or as Secretary of the Commission may be reimbursed for expenses as provided for civilian members of the Commission: Provided further, That the Commission shall reimburse other Government agencies, including the Armed Forces, for salary, pay, and allowances of personnel assigned to it.

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development financial institutions, and administrative expenses of the Fund, $45,000,000, to remain available until September 30, 1997: Provided, That of the funds made available under this heading not to exceed $4,000,000 may be used for the cost of direct loans, and not to exceed $400,000 may be used for administrative expenses to carry out the direct loan program: Provided further, That the cost of direct loans, including the cost of modifying such loans, shall be defined as in section 502 of the Congressional Budget Act of 1974: Provided further, That such funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $28,440,000: Provided further, That none of these funds shall be used to supplement existing resources provided to the Department for activities such as external affairs, general counsel, administration, finance, or office of inspector general: Provided further, That none of these funds shall be available for expenses of an Administrator as defined in section 104 of the Community Development Banking and Financial Institutions Act of 1994 (CDBFI Act): Provided further, That notwithstanding any other provision of law, for purposes of administering the Community Development Financial Institutions Fund, the Secretary of the Treasury shall have all powers and rights of the Administrator of the CDBFI Act and the Fund shall be within the Department of the Treasury.

CONSUMER PRODUCT SAFETY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Consumer Product Safety Commission, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18, purchase of nominal awards to recognize non-Federal officials' contributions to Commission activities, and not to exceed $500 for official reception and representation expenses, $40,000,000.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses for the Corporation for National and Community Service (referred to in the matter under this heading as the "Corporation") in carrying out programs, activities, and initiatives under the National and Community Service Act of 1990 (referred to in the matter under this heading as the "Act") (42 U.S.C. 12501 et seq.), $400,500,000, of which $265,000,000 shall be available for obligation from September 1, 1996, through September 30, 1997: Provided, That not more than $25,000,000 shall be available for administrative expenses authorized under section 501(a)(4) of the Act (42 U.S.C. 12671(a)(4)): Provided further, That not more than $2,500 shall be for official reception and representation expenses: Provided further, That not more than $59,000,000, to remain available without fiscal year limitation, shall be transferred to the National Service Trust account for educational awards authorized under subtitle D of title I of the Act (42 U.S.C. 12601 et seq.): Provided further, That not more than $215,000,000 of the amount provided under this heading shall be available for grants under the National Service Trust program authorized under subtitle C of title I of the Act (42 U.S.C. 12571 et seq.) (relating to activities including the Americorps program), of which not more than $40,000,000 may be used to administer, reimburse or support any national service program authorized under section 121(d)(2) of such Act (42 U.S.C. 12581(d)(2)): Provided further, That not more than $5,500,000 of the funds made available under this heading shall be made available for the Points of Light Foundation for activities authorized under title III of the Act (42 U.S.C. 12661 et seq.): Provided further, That no funds shall be available for national service programs run by Federal agencies authorized under section 121(b) of such Act (42 U.S.C. 12581(b)): Provided further, That to the maximum extent feasible, funds appropriated in the preceding proviso shall be provided in a manner that is consistent with the recommendations of peer review panels in order to ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability: Provided further, That not more than $18,000,000 of the funds made available under this heading shall be available for the Civilian Community Corps authorized under subtitle E of title I of the Act (42 U.S.C. 12611 et seq.): Provided further, That not more than $43,000,000 shall be available for school-based and community-based service-learning programs authorized under subtitle B of title I of the Act (41 U.S.C. 12521 et seq.): Provided further, That not more than $30,000,000 shall be available for quality and innovation activities authorized under subtitle H of title I of the Act (42 U.S.C. 12853 et seq.): Provided further, That not more than $5,000,000 shall be available for audits and other evaluations authorized under section 179 of the Act (42 U.S.C. 12639), of which up to $500,000 shall be available for a study by the National Academy of Public Administration on the structure, organization, and management of the Corporation and activities supported by the Corporation, including an assessment of the quality, innovation, replicability, and sustainability without Federal funds of such activities, and the Federal and non-Federal cost of supporting participants in community service activities: Provided further, That no funds from any other appropriation, or from funds otherwise made available to the Corporation, shall be used to pay for personnel compensation and benefits, travel, or any other administrative expense for the Board of Directors, the Office of the Chief Executive Officer, the Office of the Managing Director, the Office of the Chief Financial Officer, the Office of National and Community Service Programs, the Civilian Community Corps, or any field office or staff of the Corporation working on the National and Community Service or Civilian Community Corps programs: Provided further, That to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, shall expand significantly the number of educational awards provided under subtitle D of title I, and shall reduce the total Federal cost per participant in all programs: Provided further, That prior to September 30, 1996, the General Accounting Office shall report to the Congress the results of a study of State commission programs which evaluates the cost per participant, the commissions' ability to oversee the programs, and other relevant considerations.

SENSE OF CONGRESS

It is the sense of the Congress that accounting for taxpayers' funds must be a top priority for all Federal agencies and Government corporations. The Congress is deeply concerned about the findings of the recent audit of the Corporation for National and Community Service required under the Government Corporation Control Act of 1945. The Congress urges the President to expeditiously nominate a qualified Chief Financial Officer for the Corporation. Further, to the maximum extent practicable and as quickly as possible, the Corporation should implement the recommendations of the independent auditors contracted for by the Corporation's Inspector General, as well as the Chief Financial Officer, to improve the financial management of taxpayers' funds. Should the Chief Financial Officer determine that additional resources are needed to implement these recommendations, the Corporation should submit a reprogramming proposal for up to $3,000,000 to carry out reforms of the financial management system.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, $2,000,000.

COURT OF VETERANS APPEALS

SALARIES AND EXPENSES

For necessary expenses for the operation of the United States Court of Veterans Appeals as authorized by 38 U.S.C. sections 7251–7292, $9,000,000, of which not to exceed $678,000, to remain available until September 30, 1997, shall be available for the purpose of providing financial assistance as described, and in accordance with the process and reporting procedures set forth, under this head in Public Law 102–229.

DEPARTMENT OF DEFENSE—CIVIL CEMETERIAL EXPENSES, ARMY

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, for maintenance, operation, and improvement of Arlington National Cemetery and Soldiers' and Airmen's Home National Cemetery, and not to exceed $1,000 for official reception and representation expenses; $11,946,000, to remain available until expended.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

For science and technology, including research and development activities, which shall include research and development activities under the Comprehensive Environmental Response, Compensation and Liability act of 1980 (CERCLA), as amended; necessary expenses for personnel and related costs and travel expenses, including uniforms, or allowances therefore, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; procurement of laboratory equipment and supplies; other operating expenses in support of research and development; construction, alteration, repair, rehabilitation and renovation of facilities, not to exceed $75,000 per project; $525,000,000, which shall remain available until September 30, 1997.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

For environmental programs and management, including necessary expenses, not otherwise provided for, for personnel and related costs and travel expenses, including uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; hire of passenger motor vehicles; hire, maintenance, and operation of aircraft; purchase of reprints; library memberships in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members; construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; and not to exceed $6,000 for official reception and representation expenses; $1,677,300,000, which shall remain available until September 30, 1997: Provided, That, notwithstanding any other provision of law, for this fiscal year and hereafter, an industrial discharger that is a pharmaceutical manufacturing facility and discharged to the Kalamazoo Water Reclamation Plant (an advanced wastewater treatment plant with activated carbon) prior to the date of enactment of this Act may be exempted from categorical pretreatment standards under section 307(b) of the Federal Water Pollution Control Act, as amended, if the following conditions are met:

(1) the owner or operator of the Kalamazoo Water Reclamation Plant applies to the State of Michigan for an exemption for such industrial discharger,

(2) the State or Administrator, as applicable, approves such exemption request based upon a determination that the Kalamazoo Water Reclamation Plant will provide treatment and pollution removal equivalent to or better than that which would be required through a combination of pretreatment by such industrial discharger and treatment by the Kalamazoo Water Reclamation Plant in the absence of the exemption, and

(3) compliance with paragraph (2) is addressed by the provisions and conditions of a permit issued to the Kalamazoo Water Reclamation Plant under section 402 of such Act, and there exists an operative financial contract between the City of Kalamazoo and the industrial user and an approved local pretreatment program, including a joint monitoring program and local controls to prevent against interference and pass through.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $28,500,000.

BUILDINGS AND FACILITIES

For construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of, or use by, the Environmental Protection Agency, $110,000,000, to remain available until expended.

HAZARDOUS SUBSTANCE SUPERFUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended, including sections 111 (c)(3), (c)(5), (c)(6), and (e)(4) (42 U.S.C. 9611), and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project; not to exceed $1,313,400,000, to remain available until expended, consisting of $1,063,400,000 as authorized by section 517(a) of the Superfund Amendments and Reauthorization Act of 1986 (SARA), as amended by Public Law 101–508 (of which, $100,000,000 shall not become available until September 1, 1996), and $250,000,000 as a payment from general revenues to the Hazardous Substance Superfund as authorized by section 517(b) of SARA, as amended by Public Law 101–508: Provided, That funds appropriated under this heading may be allocated to other Federal agencies in accordance with section 111(a) of CERCLA: Provided further, That $11,000,000 of the funds appropriated under this heading shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996: Provided further, That notwithstanding section 111(m) of CERCLA or any other provision of law, not to exceed $59,000,000 of the funds appropriated under this heading shall be available to the Agency for Toxic Substances and Disease Registry to carry out activities described in sections 104(i), 111(c)(4), and 111(c)(14) of CERCLA and section 118(f) of the Superfund Amendments and Reauthorization Act of 1986: Provided further, That none of the funds appropriated under this heading shall be available for the Agency for Toxic Substances and Disease Registry to issue in excess of 40 toxicological profiles pursuant to section 104(i) of CERCLA during fiscal year 1996: Provided further, That none of the funds made available under this heading may be used by the Environmental Protection Agency to propose for listing or to list any additional facilities on the National Priorities List established by section 105 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), as amended (42 U.S.C. 9605), unless the Administrator receives a written request to propose for listing or to list a facility from the Governor of the State in which the facility is located, or unless legislation to reauthorize CERCLA is enacted.

LEAKING UNDERGROUND STORAGE TANK TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out leaking underground storage tank cleanup activities authorized by section 205 of the Superfund Amendments and Reauthorization Act of 1986, and for construction, alteration, repair, rehabilitation, and renovation of facilities, not to exceed $75,000 per project, $45,827,000, to remain available until expended: Provided, That no more than $7,000,000 shall be available for administrative expenses: Provided further, That $500,000 shall be transferred to the Office of Inspector General appropriation to remain available until September 30, 1996.

OIL SPILL RESPONSE

(INCLUDING TRANSFER OF FUNDS)

For expenses necessary to carry out the Environmental Protection Agency's responsibilities under the Oil Pollution Act of 1990, $15,000,000, to be derived from the Oil Spill Liability trust fund, and to remain available until expended: Provided, That not more than $8,000,000 of these funds shall be available for administrative expenses.

STATE AND TRIBAL ASSISTANCE GRANTS

For environmental programs and infrastructure assistance, including capitalization grants for State revolving funds and performance partnership grants, $2,813,000,000, to remain available until expended, of which $1,848,500,000 shall be for making capitalization grants for State revolving funds to support water infrastructure financing; $100,000,000 for architectural, engineering, design, construction and related activities in connection with the construction of high priority water and wastewater facilities in the area of the United States-Mexico Border, after consultation with the appropriate border commission; $50,000,000 for grants to the State of Texas, which shall be matched by an equal amount of State funds from State resources, for the purpose of improving wastewater treatment for colonias; $15,000,000 for grants to the State of Alaska, subject to an appropriate cost share as determined by the Administrator, to address wastewater infrastructure needs of rural and Alaska Native villages; and $141,500,000 for making grants for the construction of wastewater treatment facilities and the development of groundwater in accordance with the terms and conditions specified for such grants in the Conference Reports and statements of the managers accompanying H.R. 2099 and this Act: Provided, That beginning in fiscal year 1996 and each fiscal year thereafter, and notwithstanding any other provision of law, the Administrator is authorized to make grants annually from funds appropriated under this heading, subject to such terms and conditions as the Administrator shall establish, to any State *or federally recognized Indian tribe for multimedia or single media pollution prevention, control and abatement and related environmental activities at the request of the Governor or other appropriate State official or the tribe: Provided further, That from funds appropriated under this heading, the Administrator may make grants to federally recognized Indian governments for the development of multimedia environmental programs: Provided further, That of the $1,848,500,000 for capitalization grants for State revolving funds to support water infrastructure financing, $500,000,000 shall be for drinking water State revolving funds, but if no drinking water State revolving fund legislation is enacted by August 1, 1996, these funds shall immediately be available for making capitalization grants under title VI of the Federal Water Pollution Control Act, as amended: Provided further, That of the funds made available in Public Law 103–327 and in Public Law 103–124 for capitalization grants for State revolving funds to support water infrastructure financing, $225,000,000 shall be made available for capitalization grants for State revolving funds under title VI of the Federal Water Pollution Control Act, as amended, if no drinking water State revolving fund legislation is enacted by August 1, 1996: Provided further, That of the funds made available under this heading for capitalization grants for State Revolving Funds under title VI of the Federal Water Pollution Control Act, as amended, $50,000,000 shall be for wastewater treatment in impoverished communities pursuant to section 102(d) of H.R. 961 as approved by the United States House of Representatives on May 16, 1995: Provided further, That of the funds appropriated in the Construction Grants and Water Infrastructure/State Revolving Funds accounts since the appropriation for the fiscal year ending September 30, 1992, and hereafter, for making grants for wastewater treatment works construction projects, portions may be provided by the recipients to States for managing construction grant activities, on condition that the States agree to reimburse the recipients from State funding sources: Provided further, That the funds made available in Public Law 103–327 for a grant to the City of Mt. Arlington, New Jersey, in accordance with House Report 103–715, shall be available for a grant to that city for water and sewer improvements.*

ADMINISTRATIVE PROVISIONS

SEC. 301. None of the funds provided in this Act may be used within the Environmental Protection Agency for any final action by the Administrator or her delegate for signing and publishing for promulgation of a rule concerning any new standard for radon in drinking water.

SEC. 302. None of the funds provided in this Act may be used during fiscal year 1996 to sign, promulgate, implement or enforce the requirement proposed as "Regulation of Fuels and Fuel Additives: Individual Foreign Refinery Baseline Requirements for Reformulated Gasoline" at volume 59 of the Federal Register at pages 22800 through 22814.

SEC. 303. None of the funds appropriated under this Act may be used to implement the requirements of section 186(b)(2), section 187(b) or section 211(m) of the Clean Air Act (42 U.S.C. 7512(b)(2), 7512a(b), or 7545(m)) with respect to any moderate nonattainment area in which the average daily winter temperature is below 0 degrees Fahrenheit. The preceding sentence shall not be interpreted to preclude assistance from the Environmental Protection Agency to the State of Alaska to make progress toward meeting the carbon monoxide standard in such areas and to resolve remaining issues regarding the use of oxygenated fuels in such areas.

SEC. 304. Notwithstanding any other provision of law, the Environmental Protection Agency shall: (1) transfer all real property acquired in Bay City, Michigan, for the creation of the Center for Ecology, Research and Training (CERT) to the City of Bay City or other local public or municipal entity; and (2) make a grant in fiscal year 1996 to the recipient of the property of not less than $3,000,000 from funds previously appropriated for the CERT project for the purpose of environmental remediation and rehabilitation of real property included in the boundaries of the CERT project. The disposition of property shall be by donation or no-cost transfer and shall be made to the City of Bay City, Michigan or other local public or municipal entity.

Further, notwithstanding any other provision of law, the agency shall have the authority to demolish or dispose of any improvements on such real property, or to donate, sell, or transfer any personal property or improvements on such real property to members of the general public, by auction or public sale, and to apply any funds received to costs related to the transfer of the real property authorized hereunder.

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

For necessary expenses of the Office of Science and Technology Policy, in carrying out the purposes of the National Science and Technology Policy, Organization, and Priorities Act of 1976 (42 U.S.C. 6601 and 6671), hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109, not to exceed $2,500 for official reception and representation expenses, and rental of conference rooms in the District of Columbia, $4,981,000: Provided, That the Office of Science and Technology Policy shall reimburse other agencies for not less than one-half of the personnel compensation costs of individuals detailed to it.

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

For necessary expenses to continue functions assigned to the Council on Environmental Quality and Office of Environmental Quality pursuant to the National Environmental Policy Act of 1969, the Environmental Improvement Act of 1970 and Reorganization Plan No. 1 of 1977, $2,150,000.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For necessary expenses in carrying out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $222,000,000, to remain available until expended.

DISASTER ASSISTANCE DIRECT LOAN PROGRAM ACCOUNT

For the cost of direct loans, $2,155,000, as authorized by section 319 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: Provided further, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $25,000,000.

In addition, for administrative expenses to carry out the direct loan program, $95,000.

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, including hire and purchase of motor vehicles (31 U.S.C. 1343); uniforms, or allowances therefor, as authorized by 5 U.S.C. 5901–5902; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for GS–18; expenses of attendance of cooperating officials and individuals at meetings concerned with the work of emergency preparedness; transportation in connection with the continuity of Government programs to the same extent and in the same manner as permitted the Secretary of a Military Department under 10 U.S.C. 2632; and not to exceed $2,500 for official reception and representation expenses; $168,900,000.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,673,000.

EMERGENCY MANAGEMENT PLANNING AND ASSISTANCE

For necessary expenses, not otherwise provided for, to carry out activities under the National Flood Insurance Act of 1968, as amended, and the Flood Disaster Protection Act of 1973, as amended (42 U.S.C. 4001 et seq.), the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), the Earthquake Hazards Reduction Act of 1977, as amended (42 U.S.C. 7701 et seq.), the Federal Fire Prevention and Control Act of 1974, as amended (15 U.S.C. 2201 et seq.), the Defense Production Act of 1950, as amended (50 U.S.C. App. 2061 et seq.), sections 107 and 303 of the National Security Act of 1947, as amended (50 U.S.C. 404–405), and Reorganization Plan No. 3 of 1978, $203,044,000.

EMERGENCY FOOD AND SHELTER PROGRAM

Notwithstanding any other provision of law, for fiscal year 1996, there is hereby appropriated a total of $100,000,000 to the Federal Emergency Management Agency to carry out an emergency food and shelter program pursuant to title III of Public Law 100–77, as amended: Provided, That total administrative costs shall not exceed three and one-half per centum of the total appropriation.

NATIONAL FLOOD INSURANCE FUND

For activities under the National Flood Insurance Act of 1968, the Flood Disaster Protection Act of 1973, and the National Flood Insurance Reform Act of 1994, not to exceed $20,562,000 for salaries and expenses associated with flood mitigation and flood insurance operations, and not to exceed $70,464,000 for flood mitigation, including up to $12,000,000 for expenses under section 1366 of the National Flood Insurance Act of 1968, as amended, which amount shall be available until September 30, 1997. In fiscal year 1996, no funds in excess of (1) $47,000,000 for operating expenses, (2) $292,526,000 for agents' commissions and taxes, and (3) $3,500,000 for interest on Treasury borrowings shall be available from the National Flood Insurance Fund without prior notice to the Committees on Appropriations.

ADMINISTRATIVE PROVISION

The Director of the Federal Emergency Management Agency shall promulgate through rulemaking a methodology for assessment and collection of fees to be assessed and collected beginning in fiscal year 1996 applicable to persons subject to the Federal Emergency Management Agency's radiological emergency preparedness regulations. The aggregate charges assessed pursuant to this section during fiscal year 1996 shall approximate, but not be less than, 100 per centum of the amounts anticipated by the Federal Emergency Management Agency to be obligated for its radiological emergency preparedness program for such fiscal year. The methodology for assessment and collection of fees shall be fair and equitable, and shall reflect the full amount of costs of providing radiological emergency planning, preparedness, response and associated services. Such fees will be assessed in a manner that reflects the use of agency resources for classes of regulated persons and the administrative costs of collecting such fees. Fees received pursuant to this section shall be deposited in the general fund of the Treasury as offsetting receipts. Assessment and collection of such fees are only authorized during fiscal year 1996.

GENERAL SERVICES ADMINISTRATION

CONSUMER INFORMATION CENTER

For necessary expenses of the Consumer Information Center, including services authorized by 5 U.S.C. 3109, $2,061,000, to be deposited into the Consumer Information Center Fund: Provided, That the appropriations, revenues and collections deposited into the fund shall be available for necessary expenses of Consumer Information Center activities in the aggregate amount of $7,500,000. Administrative expenses of the Consumer Information Center in fiscal year 1996 shall not exceed $2,602,000. Appropriations, revenues, and collections accruing to this fund during fiscal year 1996 in excess of $7,500,000 shall remain in the fund and shall not be available for expenditure except as authorized in appropriations Acts.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

For necessary expenses of the Office of Consumer Affairs, including services authorized by 5 U.S.C. 3109, $1,800,000: Provided, That notwithstanding any other provision of law, that Office may accept and deposit to this account, during fiscal year 1996, gifts for the purpose of defraying its costs of printing, publishing, and distributing consumer information and educational materials; may expend up to $1,110,000 of those gifts for those purposes, in addition to amounts otherwise appropriated; and the balance shall remain available for expenditure for such purposes to the extent authorized in subsequent appropriations Act: Provided further, That none of the funds provided under this heading may be made available for any other activities within the Department of Health and Human Services.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

HUMAN SPACE FLIGHT

For necessary expenses, not otherwise provided for, in the conduct and support of human space flight research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation, and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,456,600,000, to remain available until September 30, 1997.

SCIENCE, AERONAUTICS AND TECHNOLOGY

For necessary expenses, not otherwise provided for, for the conduct and support of science, aeronautics, and technology research and development activities, including research; development; operations; services; maintenance; construction of facilities including repair, rehabilitation and modification of real and personal property, and acquisition or condemnation of real property, as authorized by law; space flight, spacecraft control and communications activities including operations, production, and services; and purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; $5,928,900,000, to remain available until September 30, 1997.

MISSION SUPPORT

For necessary expenses, not otherwise provided for, in carrying out mission support for human space flight programs and science, aeronautical, and technology programs, including research operations and support; space communications activities including operations, production, and services; maintenance; construction of facilities including repair, rehabilitation, and modification of facilities, minor construction of new facilities and additions to existing facilities, facility planning and design, environmental compliance and restoration, and acquisition or condemnation of real property, as authorized by law; program management; personnel and related costs, including uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); travel expenses; purchase, lease, charter, maintenance, and operation of mission and administrative aircraft; not to exceed $35,000 for official reception and representation expenses; and purchase (not to exceed thirty-three for replacement only) and hire of passenger motor vehicles; $2,502,200,000, to remain available until September 30, 1997.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $16,000,000.

ADMINISTRATIVE PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, when any activity has been initiated by the incurrence of obligations for construction of facilities as authorized by law, the amount available for such activity shall remain available until expended. This provision does not apply to the amounts appropriated in "Mission support" pursuant to the authorization for repair, rehabilitation and modification of facilities, minor construction of new facilities and additions to existing facilities, and facility planning and design.

Notwithstanding the limitation on the availability of funds appropriated for "Human space flight", "Science, aeronautics and technology", or "Mission support" by this appropriations Act, the amounts appropriated for construction of facilities shall remain available until September 30, 1998.

Notwithstanding the limitation on the availability of funds appropriated for "Mission support" and "Office of Inspector General", amounts made available by this Act for personnel and related costs and travel expenses of the National Aeronautics and Space Administration shall remain available until September 30, 1996 and may be used to enter into contracts for training, investigations, cost associated with personnel relocation, and for other services, to be provided during the next fiscal year.

The unexpired balances of prior appropriations to NASA for activities for which funds are provided under this Act may be transferred to the new account established for the appropriation that provides funds for such activity under this Act. Balances so transferred may be merged with funds in the newly established account and thereafter may be accounted for as one fund to be available for the same purposes and under the same terms and conditions.

Upon the determination by the Administrator that such action is necessary, the Administrator may, with the approval of the Office of Management and Budget, transfer not to exceed $50,000,000 of funds made available in this Act to the National Aeronautics and Space Administration between such appropriations or any subdivision thereof, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation to which transferred: Provided, That such authority to transfer may not be used unless for higher priority items, based on unforeseen requirements, than those for which originally appropriated: Provided further, That the Administrator of the National Aeronautics and Space Administration shall notify the Congress promptly of all transfers made pursuant to this authority.

Notwithstanding section 202 of Public Law 104–99, section 212 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

Within its Mission to Planet Earth program, NASA is urged to fund Phase A studies for a radar satellite initiative.

NATIONAL CREDIT UNION ADMINISTRATION

CENTRAL LIQUIDITY FACILITY

During fiscal year 1996, gross obligations of the Central Liquidity Facility for the principal amount of new direct loans to member credit unions as authorized by the National Credit Union Central Liquidity Facility Act (12 U.S.C. 1795) shall not exceed $600,000,000: Provided, That administrative expenses of the Central Liquidity Facility in fiscal year 1996 shall not exceed $560,000.

NATIONAL SCIENCE FOUNDATION

RESEARCH AND RELATED ACTIVITIES

For necessary expenses in carrying out the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), and the Act to establish a National Medal of Science (42 U.S.C. 1880–1881); services as authorized by 5 U.S.C. 3109; maintenance and operation of aircraft and purchase of flight services for research support; acquisition of aircraft; $2,314,000,000, of which not to exceed $235,000,000 shall remain available until expended for Polar research and operations support, and for reimbursement to other Federal agencies for operational and science support and logistical and other related activities for the United States Antarctic program; the balance to remain available until September 30, 1997: Provided, That receipts for scientific support services and materials furnished by the National Research Centers and other National Science Foundation supported research facilities may be credited to this appropriation: Provided further, That to the extent that the amount appropriated is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

MAJOR RESEARCH EQUIPMENT

For necessary expenses in carrying out major construction projects, and related expenses, pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), $70,000,000, to remain available until expended.

ACADEMIC RESEARCH INFRASTRUCTURE

For necessary expenses in carrying out an academic research infrastructure program pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $100,000,000, to remain available until September 30, 1997.

EDUCATION AND HUMAN RESOURCES

For necessary expenses in carrying out science and engineering education and human resources programs and activities pursuant to the purposes of the National Science Foundation Act of 1950, as amended (42 U.S.C. 1861–1875), including services as authorized by 5 U.S.C. 3109 and rental of conference rooms in the District of Columbia, $599,000,000, to remain available until September 30, 1997: Provided, That to the extent that the amount of this appropriation is less than the total amount authorized to be appropriated for included program activities, all amounts, including floors and ceilings, specified in the authorizing Act for those program activities or their subactivities shall be reduced proportionally.

SALARIES AND EXPENSES

For necessary salaries and expenses in carrying out the purposes of the National Science

Foundation Act of 1950, as amended (42 U.S.C. 1861–1875); services authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; not to exceed $9,000 for official reception and representation expenses; uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); rental of conference rooms in the District of Columbia; reimbursement of the General Services Administration for security guard services; $127,310,000: Provided, That contracts may be entered into under salaries and expenses in fiscal year 1996 for maintenance and operation of facilities, and for other services, to be provided during the next fiscal year.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $4,490,000, to remain available until September 30, 1997.

NATIONAL SCIENCE FOUNDATION HEADQUARTERS RELOCATION

For necessary support of the relocation of the National Science Foundation, $5,200,000: Provided, That these funds shall be used to reimburse the General Services Administration for services and related acquisitions in support of relocating the National Science Foundation.

NEIGHBORHOOD REINVESTMENT CORPORATION

PAYMENT TO THE NEIGHBORHOOD REINVESTMENT CORPORATION

For payment to the Neighborhood Reinvestment Corporation for use in neighborhood reinvestment activities, as authorized by the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8101–8107), $38,667,000.

SELECTIVE SERVICE SYSTEM

SALARIES AND EXPENSES

For necessary expenses of the Selective Service System, including expenses of attendance at meetings and of training for uniformed personnel assigned to the Selective Service System, as authorized by law (5 U.S.C. 4101–4118) for civilian employees; and not to exceed $1,000 for official reception and representation expenses; $22,930,000: Provided, That during the current fiscal year, the President may exempt this appropriation from the provisions of 31 U.S.C. 1341, whenever he deems such action to be necessary in the interest of national defense: Provided further, That none of the funds appropriated by the Act may be expended for or in connection with the induction of any person into the Armed Forces of the United States.

TITLE IV

CORPORATIONS

Corporations and agencies of the Department of Housing and Urban Development which are subject to the Government Corporation Control Act, as amended, are hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Act as may be necessary in carrying out the programs set forth in the budget for 1996 for such corporation or agency except as hereinafter provided: Provided, That collections of these corporations and agencies may be used for new loan or mortgage purchase commitments only to the extent expressly provided for in this Act (unless such loans are in support of other forms of assistance provided for in this or prior appropriations Acts), except that this proviso shall not apply to the mortgage insurance or guaranty operations of these corporations, or where loans or mortgage purchases are necessary to protect the financial interest of the United States Government.

RESOLUTION TRUST CORPORATION

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $11,400,000.

TITLE V

GENERAL PROVISIONS

SEC. 501. Where appropriations in titles I, II, and III of this Act are expendable for travel expenses and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amounts set forth therefor in the budget estimates submitted for the appropriations: Provided, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards of the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel performed in connection with major disasters or emergencies declared or determined by the President under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act; to travel performed by the Offices of Inspector General in connection with audits and investigations; or to payments to interagency motor pools where separately set forth in the budget schedules: Provided further, That if appropriations in titles I, II, and III exceed the amounts set forth in budget estimates initially submitted for such appropriations, the expenditures for travel may correspondingly exceed the amounts therefor set forth in the estimates in the same proportion.

SEC. 502. Appropriations and funds available for the administrative expenses of the Department of Housing and Urban Development and the Selective Service System shall be available in the current fiscal year for purchase of uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901–5902); hire of passenger motor vehicles; and services as authorized by 5 U.S.C. 3109.

SEC. 503. Funds of the Department of Housing and Urban Development subject to the Government Corporation Control Act or section 402 of the Housing Act of 1950 shall be available, without regard to the limitations on administrative expenses, for legal services on a contract or fee basis, and for utilizing and making payment for services and facilities of Federal National Mortgage Association, Government National Mortgage Association, Federal Home Loan Mortgage Corporation, Federal Financing Bank, Resolution Trust Corporation, Federal Reserve banks or any member thereof, Federal Home Loan banks, and any insured bank within the meaning of the Federal Deposit Insurance Corporation Act, as amended (12 U.S.C. 1811–1831).

SEC. 504. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 505. No funds appropriated by this Act may be expended—

(1) pursuant to a certification of an officer or employee of the United States unless—

(A) such certification is accompanied by, or is part of, a voucher or abstract which describes the payee or payees and the items or services for which such expenditure is being made, or

(B) the expenditure of funds pursuant to such certification, and without such a voucher or abstract, is specifically authorized by law; and

(2) unless such expenditure is subject to audit by the General Accounting Office or is specifically exempt by law from such audit.

SEC. 506. None of the funds provided in this Act to any department or agency may be expended for the transportation of any officer or employee of such department or agency between his domicile and his place of employment, with the exception of any officer or employee authorized such transportation under title 31, United States Code, section 1344.

SEC. 507. None of the funds provided in this Act may be used for payment, through grants or contracts, to recipients that do not share in the cost of conducting research resulting from proposals not specifically solicited by the Government: Provided, That the extent of cost sharing by the recipient shall reflect the mutuality of interest of the grantee or contractor and the Government in the research.

SEC. 508. None of the funds provided in this Act may be used, directly or through grants, to pay or to provide reimbursement for payment of the salary of a consultant (whether retained by the Federal Government or a grantee) at more than the daily equivalent of the rate paid for Level IV of the Executive Schedule, unless specifically authorized by law.

SEC. 509. None of the funds in this Act shall be used to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings. Nothing herein affects the authority of the Consumer Product Safety Commission pursuant to section 7 of the Consumer Product Safety Act (15 U.S.C. 2056 et seq.).

SEC. 510. Except as otherwise provided under existing law or under an existing Executive order issued pursuant to an existing law, the obligation or expenditure of any appropriation under this Act for contracts for any consulting service shall be limited to contracts which are (1) a matter of public record and available for public inspection, and (2) thereafter included in a publicly available list of all contracts entered into within twenty-four months prior to the date on which the list is made available to the public and of all contracts on which performance has not been completed by such date. The list required by the preceding sentence shall be updated quarterly and shall include a narrative description of the work to be performed under each such contract.

SEC. 511. Except as otherwise provided by law, no part of any appropriation contained in this Act shall be obligated or expended by any executive agency, as referred to in the Office of Federal Procurement Policy Act (41 U.S.C. 401 et seq.) for a contract for services unless such executive agency (1) has awarded and entered into such contract in full compliance with such Act and the regulations promulgated thereunder, and (2) requires any report prepared pursuant to such contract, including plans, evaluations, studies, analyses and manuals, and any report prepared by the agency which is substantially derived from or substantially includes any report prepared pursuant to such contract, to contain information concerning (A) the contract pursuant to which the report was prepared, and (B) the contractor who prepared the report pursuant to such contract.

SEC. 512. Except as otherwise provided in section 506, none of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency.

SEC. 513. None of the funds provided in this Act to any department or agency shall be obligated or expended to procure passenger automobiles as defined in 15 U.S.C. 2001 with an EPA estimated miles per gallon average of less than 22 miles per gallon.

SEC. 514. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 515. None of the funds appropriated in title I of this Act shall be used to enter into any new lease of real property if the estimated annual rental is more than $300,000 unless the Secretary submits, in writing, a report to the Committees on Appropriations of the Congress and a period of 30 days has expired following the date on which the report is received by the Committees on Appropriations.

SEC. 516. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. None of the funds appropriated in this Act may be used to implement any cap on reimbursements to grantees for indirect costs, except as published in Office of Management and Budget Circular A–21.

SEC. 518. None of the funds made available in this Act may be used for any program, project, or activity, when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

SEC. 519. In fiscal year 1996, the Director of the Federal Emergency Management Agency shall sell the disaster housing inventory of mobile homes and trailers, and the proceeds thereof shall be deposited in the Treasury.

SEC. 520. Such funds as may be necessary to carry out the orderly termination of the Office of Consumer Affairs shall be made available from funds appropriated to the Department of Health and Human Services for fiscal year 1996.

SEC. 521. Upon enactment of this Act, the provisions of section 201(b) of Public Law 104–99, except the last proviso, are superseded.

This Act may be cited as the "Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996".

TITLE II—SUPPLEMENTAL APPROPRIATIONS FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 1996

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

Of the funds appropriated by Public Law 104–37 or otherwise made available to the Food Safety and Inspection Service for fiscal year 1996, not less than $363,000,000 shall be available for salaries and benefit of in-plant personnel: Provided, That this limitation shall not apply if the Secretary of Agriculture certifies to the House and Senate Committees on Appropriations that a lesser amount will be adequate to fully meet in-plant inspection requirements for the fiscal year.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

For an additional amount for "Watershed and Flood Prevention Operations" to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, and other natural disasters, $80,514,000, to remain available until expended: Provided, That if the Secretary determines that the cost of land and farm structures restoration exceeds the fair market value of an affected cropland, the Secretary may use sufficient amounts, not to exceed $7,288,000, from funds provided under this heading to accept bids from willing sellers to provide conservation easements for such cropland inundated by floods as provided for by the Wetlands Reserve Program, authorized by subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837): Provided further, That the entire amount shall be available only to the extent that an official budget request for $80,514,000, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

For necessary expenses to carry into effect the program authorized in sections 401, 402, and 404 of title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201–2205) for expenses resulting from floods in the Pacific Northwest and other natural disasters, $30,000,000, to remain available until expended, as authorized by 16 U.S.C. 2204: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

For an additional amount for "Rural housing insurance fund program account" for the additional cost of direct loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, to be available from funds in the rural housing insurance fund as follows: $5,000,000 for section 502 direct loans and $1,500,000 for section 504 housing repair loans, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

VERY LOW-INCOME HOUSING REPAIR GRANTS

For an additional amount for "Very low-income housing repair grants" under section 504 of the Housing Act of 1949, as amended, for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters, $1,100,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

For an additional amount for the "Rural Utilities Assistance Program" for the cost of direct loans and grants, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, to assist in the recovery from flooding in the Pacific Northwest and other natural disasters, $11,000,000, to remain available until expended: Provided, That such funds may be available for emergency community water assistance grants as authorized by 7 U.S.C. 1926b: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 2001. SEAFOOD SAFETY.

Notwithstanding any other provision of law, any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration as satisfying the requirements of the "Procedures for the Safe and Sanitary Processing and Importing of Fish and Fish Products" (published by the Food and Drug Administration as a final regulation in the Federal Register of December 18, 1995), shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) except that the Department of Agriculture or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that fish or fish products purchased under a Federal commodity purchase program, including the program authorized under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c), meet Federal product specifications.

SEC. 2002. Notwithstanding any other provision of law, the Secretary of Agriculture is hereby authorized to make or guarantee an operating loan under Subtitle B or an emergency loan under Subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1922 et. seq.), as in effect prior to April 4, 1996, to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996.

CHAPTER 1A

FOOD AND DRUG EXPORT REFORM

SEC. 2101. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This chapter may be cited as the "FDA Export Reform and Enhancement Act of 1996".

(b) REFERENCE.—Wherever in this chapter (other than in section 2104) an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Federal Food, Drug, and Cosmetic Act. (21 U.S.C. 321 et seq.)

SEC. 2102. EXPORT OF DRUGS AND DEVICES.

(a) IMPORTS FOR EXPORT.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (d), by adding at the end thereof the following:

"(3) No component of a drug, no component part or accessory of a device which is ready or suitable for use for health-related purposes, and no food additive, color additive, or dietary supplement, including a product in bulk form, shall be excluded from importation into the United States under subsection (a) if—

"(A) the importer of such article of a drug or device or importer of the food additive, color additive, or dietary supplement submits a statement to the Secretary, at the time of initial importation, that such article of a drug or device, food additive, color additive, or dietary supplement is intended to be incorporated by the initial owner or consignee into a drug, biological product, device, food, food additive, color additive, or dietary supplement that will be exported by such owner or consignee from the United States in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act;

"(B) the initial owner or consignee responsible for such imported article maintains records that identify the use of such imported article and upon request of the Secretary submits a report that provides an accounting of the exportation or the disposition of the imported article, including portions that have been destroyed, and the manner in which such person complied with the requirements of this paragraph; and

"(C) any imported component, part, or accessory of a drug or device and any food additive, color additive, or dietary supplement not incorporated as described in subparagraph (A) is destroyed or exported by the owner or consignee."

"(4) The importation into the United States of blood, blood components, source plasma, or source leukocytes or of a component, accessory, or part thereof is not permitted pursuant to paragraph (3) unless the importation complies with section 351(a) of the Public Health Service Act or the Secretary permits the importation under appropriate circumstances and conditions as determined by the Secretary. The importation of tissue or a component or part of tissue is not permitted pursuant to paragraph (3) unless the importation complies with section 361 of the Public Health Service Act.";

(b) EXPORT OF CERTAIN PRODUCTS.—Section 801 (21 U.S.C. 381) is amended—

(1) in subsection (e)(1), by striking the second sentence;

(2) in subsection (e)(2)—

(A) by striking "the Secretary" and inserting "either (i) the Secretary"; and

(B) by inserting before the period at the end thereof the following: "or (ii) the device is eligible for export under section 802"; and

(3) in subsection (e), by adding at the end thereof the following:;

"(3) A new animal drug that requires approval under section 512 shall not be exported pursuant to paragraph (1) if such drug has been banned in the United States.

"(4)(A) Any person who exports a drug, animal drug, or device may request that the Secretary—

"(i) certify in writing that the exported drug, animal drug, or device meets the requirements of paragraph (1) or section 802; or

"(ii) certify in writing that the drug, animal drug, or device being exported meets the applicable requirements of this Act upon a showing that the drug or device meets the applicable requirements of this Act.

The Secretary shall issue such a certification within 20 days of the receipt of a request for such certification.

"(B) If the Secretary issues a written export certification within the 20 days prescribed by subparagraph (A), a fee for such certification may be charged but shall not exceed $175 for each certification. Fees collected for a fiscal year pursuant to this subparagraph shall be credited to the appropriation account for salaries and expenses of the Food and Drug Administration and shall be available in accordance with appropriations Acts until expended without fiscal year limitation. Such fees shall be collected in each fiscal year in an amount equal to the amount specified in appropriations Acts for such fiscal year and shall only be collected and available for the costs of the Food and Drug Administration.".

(c) LABELING OF EXPORTED DRUGS.—Section 801 (21 U.S.C. 381) is amended by adding at the end the following:

"(f)(1) If a drug being exported in accordance with subsection (e) is being exported to a country that has different or additional labeling requirements or conditions for use and such country requires the drug to be labeled in accordance with those requirements or uses, such drug may be labeled in accordance with such requirements and conditions for use in the country to which such drug is being exported if it also is labeled in accordance with the requirements of this Act.

"(2) If, pursuant to paragraph (1), the labeling of an exported drug includes conditions for use that have not been approved under this Act, the labeling must state that such conditions for use have not been approved under this Act.".

(d) EXPORT OF CERTAIN UNAPPROVED DRUGS AND DEVICES.—

(1) AMENDMENT.—Section 802 (21 U.S.C. 382) is amended to read as follows:

"EXPORTS OF CERTAIN UNAPPROVED PRODUCTS

"SEC. 802. (a) A drug or device—

"(1) which, in the case of a drug—

"(A)(i) requires approval by the Secretary under section 505 before such drug may be introduced or delivered for introduction into interstate commerce; or

"(ii) requires licensing by the Secretary under section 351 of the Public Health Service Act or by the Secretary of Agriculture under the Act of March 4, 1913 (known as the Virus-Serum Toxin Act) before it may be introduced or delivered for introduction into interstate commerce;

"(B) does not have such approval or license; and

"(C) is not exempt from such sections or Act; and

"(2) which, in the case of a device—

"(A) does not comply with an applicable requirement under section 514 or 515;

"(B) under section 520(g) is exempt from either such section; or

"(C) is a banned device under section 516, is adulterated, misbranded, and in violation of such sections or Act unless the export of the drug or device is, except as provided in subsection (f), authorized under subsection (b), (c), (d), or (e) or section 801(e)(2). If a drug or device described in paragraphs (1) and (2) may be exported under subsection (b) and if an application for such drug or device under section 505 or 515 or section 351 of the Public Health Service Act was disapproved, the Secretary shall notify the appropriate public health official of the country to which such drug will be exported of such disapproval.

"(b)(1)(A) A drug or device described in subsection (a) may be exported to any country, if the drug or device complies with the laws of that country and has valid marketing authorization by the appropriate authority—

"(i) in Australia, Canada, Israel, Japan, New Zealand, Switzerland, or South Africa; or

"(ii) in the European Union or a country in the European Economic Area (the countries in the European Union and the European Free Trade Association) if the drug or device is marketed in that country or the drug or device is authorized for general marketing in the European Economic Area.

"(B) The Secretary may designate an additional country to be included in the list of countries described in clauses (i) and (ii) of subparagraph (A) if all of the following requirements are met in such country:

"(i) Statutory or regulatory requirements which require the review of drugs and devices for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs and devices which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs and devices.

"(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for—

"(I) the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength; and

"(II) the manufacture, preproduction design validation, packing, storage, and installation of a device are adequate to assure that the device will be safe and effective.

"(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and devices and procedures to withdraw approval and remove drugs and devices found not to be safe or effective.

"(iv) Statutory or regulatory requirements that the labeling and promotion of drugs and devices must be in accordance with the approval of the drug or device.

"(v) The valid marketing authorization system in such country or countries is equivalent to the systems in the countries described in clauses (i) and (ii) of subparagraph (A).

The Secretary shall not delegate the authority granted under this subparagraph.

"(C) An appropriate country official, manufacturer, or exporter may request the Secretary to take action under subparagraph (B) to designate an additional country or countries to be added to the list of countries described in clauses (i) and (ii) of subparagraph (A) by submitting documentation to the Secretary in support of such designation. Any person other than a country requesting such designation shall include, along with the request, a letter from the country indicating the desire of such country to be designated.

"(2) A drug described in subsection (a) may be directly exported to a country which is not listed in clause (i) or (ii) of paragraph (1)(A) if—

"(A) the drug complies with the laws of that country and has valid marketing authorization by the responsible authority in that country; and

"(B) the Secretary determines that all of the following requirements are met in that country:

"(i) Statutory or regulatory requirements which require the review of drugs for safety and effectiveness by an entity of the government of such country and which authorize the approval of only those drugs which have been determined to be safe and effective by experts employed by or acting on behalf of such entity and qualified by scientific training and experience to evaluate the safety and effectiveness of drugs on the basis of adequate and well-controlled investigations, including clinical investigations, conducted by experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs.

"(ii) Statutory or regulatory requirements that the methods used in, and the facilities and controls used for the manufacture, processing, and packing of drugs in the country are adequate to preserve their identity, quality, purity, and strength.

"(iii) Statutory or regulatory requirements for the reporting of adverse reactions to drugs and procedures to withdraw approval and remove drugs found not to be safe or effective.

"(iv) Statutory or regulatory requirements that the labeling and promotion of drugs must be in accordance with the approval of the drug.

"(3) The exporter of a drug described in subsection (a) which would not meet the conditions for approval under this Act or conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A) may petition the Secretary for authorization to export such drug to a country which is not described in clause (i) or (ii) of paragraph (1)(A) or which is not described in paragraph (2). The Secretary shall permit such export if—

"(A) the person exporting the drug—

"(i) certifies that the drug would not meet the conditions for approval under this Act or the conditions for approval of a country described in clause (i) or (ii) of paragraph (1)(A); and

"(ii) provides the Secretary with credible scientific evidence, acceptable to the Secretary, that the drug would be safe and effective under the conditions of use in the country to which it is being exported; and

"(B) the appropriate health authority in the country to which the drug is being exported—

"(i) requests approval of the export of the drug to such country;

"(ii) certifies that the health authority understands that the drug is not approved under this Act or in a country described in clause (i) or (ii) of paragraph (1)(A); and

"(iii) concurs that the scientific evidence provided pursuant to subparagraph (A) is credible scientific evidence that the drug would be reasonably safe and effective in such country.

The Secretary shall take action on a request for export of a drug under this paragraph within 60 days of receiving such request.

"(c) A drug or device intended for investigational use in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported in accordance with the laws of that country and shall be exempt from regulation under section 505(i) or 520(g).

"(d) A drug or device intended for formulation, filling, packaging, labeling, or further processing in anticipation of market authorization in any country described in clause (i) or (ii) of subsection (b)(1)(A) may be exported for use in accordance with the laws of that country.

"(e)(1) A drug or device which is used in the diagnosis, prevention, or treatment of a tropical disease or another disease not of significant prevalence in the United States and which does not otherwise qualify for export under this section shall, upon approval of an application, be permitted to be exported if the Secretary finds that the drug or device will not expose patients in such country to an unreasonable risk of illness or injury and the probable benefit to health from the use of the drug or device (under conditions of use prescribed, recommended, or suggested in the labeling or proposed labeling of the drug or device) outweighs the risk of injury or illness from its use, taking into account the probable risks and benefits of currently available drug or device treatment.

"(2) The holder of an approved application for the export of a drug or device under this subsection shall report to the Secretary—

"(A) the receipt of any credible information indicating that the drug or device is being or may have been exported from a country for which the Secretary made a finding under paragraph (1)(A) to a country for which the Secretary cannot make such a finding; and

"(B) the receipt of any information indicating adverse reactions to such drug.

"(3)(A) If the Secretary determines that—

"(i) a drug or device for which an application is approved under paragraph (1) does not continue to meet the requirements of such paragraph; or

"(ii) the holder of an approved application under paragraph (1) has not made the report required by paragraph (2),

the Secretary may, after providing the holder of the application an opportunity for an informal hearing, withdraw the approved application.

"(B) If the Secretary determines that the holder of an approved application under paragraph (1) or an importer is exporting a drug or device from the United States to an importer and such importer is exporting the drug or device to a country for which the Secretary cannot make a finding under paragraph (1) and such export presents an imminent hazard, the Secretary shall immediately prohibit the export of the drug or device to such importer, provide the person exporting the drug or device from the United States prompt notice of the prohibition, and afford such person an opportunity for an expedited hearing.

"(f) A drug or device may not be exported under this section—

"(1) if the drug or device is not manufactured, processed, packaged, and held in substantial conformity with current good manufacturing practice requirements or does not meet international standards as certified by an international standards organization recognized by the Secretary;

"(2) if the drug or device is adulterated under clause (1), (2)(A), or (3) of section 501(a) or subsection (c) or (d) of section 501;

"(3) if the requirements of subparagraphs (A) through (D) of section 801(e)(1) have not been met;

"(4)(A) if the drug or device is the subject of a notice by the Secretary or the Secretary of Agriculture of a determination that the probability of reimportation of the exported drug or device would present an imminent hazard to the public health and safety of the United States and the only means of limiting the hazard is to prohibit the export of the drug or device; or

"(B) if the drug or device presents an imminent hazard to the public health of the country to which the drug or device would be exported;

"(5) if the drug or device is not labeled—

"(A) in accordance with the requirements and conditions for use in—

"(i) the country in which the drug or device received valid marketing authorization under subsection (b); and

"(ii) the country to which the drug or device would be exported; and

"(B) in the language and units of measurement of the country to which the drug or device would be exported or in the language designated by such country; or

"(6) if the drug or device is not promoted in accordance with the labeling requirements set forth in paragraph (5).

In making a finding under paragraph (4)(B), (5), or (6) the Secretary shall consult with the appropriate public health official in the affected country.

"(g) The exporter of a drug or device exported under subsection (b)(1) shall provide a simple notification to the Secretary identifying the drug or device when the exporter first begins to export such drug or device to any country listed in clause (i) or (ii) of subsection (b)(1)(A). When an exporter of a drug or device first begins to export a drug or device to a country which is not listed in clause (i) or (ii) of subsection (b)(1)A), the exporter shall provide a simple notification to the Secretary identifying the drug or device and the country to which such drug or device is being exported. Any exporter of a drug or device shall maintain records of all drugs or devices exported and the countries to which they were exported.

"(h) For purposes of this section—

"(1) a reference to the Secretary shall in the case of a biological product which is required to be licensed under the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act) be considered to be a reference to the Secretary of Agriculture, and

"(2) the term 'drug' includes drugs for human use as well as biologicals under section 351 of the Public Health Service Act or the Act of March 4, 1913 (37 Stat. 832–833) (commonly known as the Virus-Serum Toxin Act).".

(2) CONFORMING AMENDMENTS.—Section 351(h) of the Public Health Service Act (42 U.S.C. 262(h)) is amended by striking "802(b)(A)" and inserting "802(b)(1)" and by striking "802(b)(4)" and inserting "802(b)(1)".

SEC. 2103. PROHIBITED ACT.

Section 301 (21 U.S.C. 331) is amended—

(1) by redesignating the second subsection (u) as subsection (v); and

(2) by adding at the end thereof the following:

"(w) The making of a knowingly false statement in any record or report required or requested under subparagraph (A) or (B) of section 801(d)(3), the failure to submit or maintain records as required by sections 801(d)(3)(A) and 801(d)(3)(B), the release into interstate commerce of any article imported into the United States under section 801(d)(3) or any finished product made from such article (except for export in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act), or the failure to export or destroy any component, part or accessory not incorporated into a drug, biological product or device that will be exported in accordance with section 801(e) or 802 or section 351(h) of the Public Health Service Act.".

SEC. 2104. PARTIALLY PROCESSED BIOLOGICAL PRODUCTS.

Subsection (h) of section 351 of the Public Health Service Act (42 U.S.C. 262) is amended to read as follows:

"(h) A partially processed biological product which—

"(1) is not in a form applicable to the prevention, treatment, or cure of diseases or injuries of man;

"(2) is not intended for sale in the United States; and

"(3) is intended for further manufacture into final dosage form outside the United States,

shall be subject to no restriction on the export of the product under this Act or the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.) if the product is manufactured, processed, packaged, and held in conformity with current good manufacturing practice requirements or meets international manufacturing standards as certified by an international standards organization recognized by the Secretary and meets the requirements of section 801(e)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(e)).".

SEC. 2105. (a) IN GENERAL.—Any owner on the date of enactment of this Act of the right to market a nonsteroidal antiinflammatory drug that—

(1) contains a previously patented active agent;

(2) has been reviewed by the Federal Food and Drug Administration for a period of more than 120 months as a new drug application; and

(3) was approved as safe and effective by the Federal Food and Drug Administration on October 29, 1992,

shall be entitled, for the 2-year period beginning on October 29, 1997, to exclude others from making, using, offering for sale, selling, or importing into the United States such active agent, in accordance with section 154(a)(1) of title 35, United States Code.

(b) INFRINGEMENT.—Section 271 of title 35, United States Code shall apply to the infringement of the entitlement provided under subsection (a). No application described in section 271(e)(2)(A) of title 35, United States Code, regardless of purpose, may be submitted prior to the expiration of the entitlement provided under subsection (a).

(c) NOTIFICATION.—Not later than 30 days after the date of the enactment of this Act, any owner granted an entitlement under subsection (a) shall notify the Commissioner of Patents and Trademarks and the Secretary for Health and Human Services of such entitlement. Not later than 7 days after the receipt of such notice, the Commissioner and the Secretary shall publish an appropriate notice of the receipt of such notice.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For an additional amount for emergency expenses including mitigation relating to flooding and other natural disasters, $18,000,000, to remain available until expended, for grants and related expenses pursuant to the Public Works and Economic Development Act of 1965, as amended, and for administrative expenses which *may be transferred to and merged with the appropriations for "Salaries and expenses": Provided, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the entire amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted to Congress.*

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

For an additional amount for "Construction" for emergency expenses resulting from flooding in the Pacific Northwest and other natural disasters, $7,500,000, to remain available until expended: Provided, That the entire amount is hereby designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

For an additional amount for "Disaster Loans Program Account", $71,000,000 for the cost of direct loans, to remain available until expended: Provided, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974; and for administrative expenses to carry out the disaster loan program, $29,000,000, to remain available until expended: Provided, That both amounts are hereby designated by Congress as emergency requirements pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

Any funds heretofore appropriated and made available in Public Law 102–104 and Public Law 102–377 to carry out the provisions for the project for navigation, St. Louis Harbor, Missouri and Illinois; may be utilized by the Secretary of the Army in carrying out the Upper Mississippi and Illinois Waterway System Navigation Study, Iowa, Illinois, Missouri, Wisconsin, Minnesota, in fiscal year 1996 or until expended.

OPERATION AND MAINTENANCE, GENERAL

For an additional amount for "Operation and Maintenance, General", for the Northeast and Northwest floods of 1996, $30,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", for the Northeast and Northwest floods of 1996 and other disasters, and to replenish funds transferred pursuant to Public Law 84–99, $135,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

For an additional amount for the "Construction Program", $9,000,000, to remain available until expended: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(D)(2)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

For an additional amount for "Other Defense Activities", for the Materials Protection, Control and Accounting program, $15,000,000 to remain available until expended, not withstanding any other provision of law.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

$5,500,000 of funds appropriated under this heading in the Energy and Water Development Appropriations Act, 1995 (Public Law 103–316), shall be transferred to the appropriation account "Operation and Maintenance, Alaska Power Administration", to remain available until expended, only for necessary termination expenses.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

For emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel, $50,000,000: Provided, That none of the funds appropriated in this paragraph shall be available for obligation except through the regular notification procedures of the Committees on Appropriations: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program" for grants for Jordan pursuant to section 23 of the Arms Export Control Act, $70,000,000: Provided, That such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of such Act.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

For an additional amount for "Construction and Access", $5,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $758,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

OREGON AND CALIFORNIA GRANT LANDS

For an additional amount for "Oregon and California Grant Lands", $35,000,000, to remain available until expended, to repair roads, culverts, bridges, facilities, fish and wildlife protective structures, and recreation sites, damaged due to the Pacific Northwest flooding: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $15,452,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for Resource Management, $1,600,000, to remain available until expended, to provide technical assistance to the Natural Resource Conservation Service, the Federal Emergency Management Agency, the United States Army Corps of Engineers and other agencies on fish and wildlife habitat issues related to damage caused by floods, storms and other acts of nature: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $37,300,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature, and to protect natural resources: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $16,795,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

NATIONAL PARK SERVICE

CONSTRUCTION

For an additional amount for "Construction", $47,000,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $13,399,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, investigations, and research", $2,000,000, to remain available until September 30, 1997, for the costs related to hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $824,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

For an additional amount for "Operation of Indian Programs", $500,000, to remain available until September 30, 1997, for emergency operations and repairs related to winter floods: Provided, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

For an additional amount for "Construction", $16,500,000, to remain available until expended, for emergency repairs related to winter floods: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $7,072,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

For an additional amount for "Assistance to Territories", $13,000,000, to remain available until expended, for recovery efforts from Hurricane Marilyn: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $11,000,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System", $26,600,000, to remain available until expended, to repair damage caused by hurricanes, floods and other acts of nature: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $6,600,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CONSTRUCTION

For an additional amount for "Construction", $60,800,000, to remain available until expended: Provided, That Congress hereby designates this amount as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That $20,800,000 of this amount shall be available only to the extent an official budget request, for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For an additional amount for "North Atlantic Treaty Organization Security Investment Program", $37,500,000, to remain available until expended: Provided, That the Secretary of Defense may make additional contributions for the North Atlantic Treaty Organization as provided in section 2806 of title 10, United States Code: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISION

SEC. 2601. LAND CONVEYANCE, U.S. ARMY RESERVE, GREENSBORO, ALABAMA.

(a) CONVEYANCE AUTHORIZED.—The Secretary of the Army may convey, without consideration, to Hale County, Alabama, all right, title, and interest of the United States in and to a parcel of real property consisting of approximately 5.17 acres and located in Greensboro, Alabama, that was conveyed by Hale County, Alabama, to the United States by warranty deed dated September 12, 1988.

(b) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the property conveyed under subsection (a) shall be as described in the deed referred to in that subsection.

(c) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $257,200,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $11,700,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $2,600,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $27,300,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $241,500,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $900,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $173,000,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $79,800,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

PROCUREMENT

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $26,000,000: Provided, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

(TRANSFER OF FUNDS)

SEC. 2701. Section 8005 of the Department of Defense Appropriations Act, 1996 (Public Law 104-61), is amended by striking out "$2,400,000,000" and inserting in lieu thereof "$3,100,000,000": Provided, That the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred, during the current fiscal year to cover the costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

SEC. 2702. Notwithstanding any other provision of law, funds appropriated in the Department of Defense Appropriations Act, 1996 (Public Law 104–61) under the heading "Aircraft Procurement, Air Force" may be obligated for advance procurement and procurement of F–15E aircraft.

SEC. 2703. (a) Funds appropriated under the heading, "Aircraft Procurement, Air Force", in Public Laws 104–61, 103–335 and 103–139 that are or remain available for C–17 airframes, C–17 aircraft engines, and complementary widebody aircraft/NDAA may be used for multiyear procurement contracts for C–17 aircraft: Provided, That the duration of multiyear contracts awarded under the authority of this subsection may be for a period not to exceed seven program years, notwithstanding section 2306b(k) of title 10, United States Code: Provided further, That the funds referred to in this subsection also may be used for advance procurement for up to ten C–17 aircraft in fiscal year 1997: Provided further, That the advance procurement funds referred to in this subsection may be used to fund Economic Order Quantities for up to eighty aircraft.

(b) Immediately upon enactment of this Act, the Secretary of Defense shall enter into negotiations with the C–17 aircraft and engine prime contractors for a baseline fixed price contract for multiyear procurement of eighty C–17 aircraft over a period of seven program years, and alternatives for multiyear procurement of eighty C–17 aircraft over a period of six program years.

(c) The authority to award a multiyear contract as provided in subsection (a) shall not be effective until the Secretary of Defense certifies to the Congressional defense committees that the Air Force will realize a savings of more than 5 percent in the total flyaway price for the eighty C–17 aircraft under a C–17 multiyear contract as compared to annual lot procurement of the aircraft at the maximum affordable rate profile approved in the November 3, 1995, Acquisition Decision Memorandum: Provided, That these savings shall exceed the estimates presented in the "Multiyear Procurement Criteria Program: C–17" documents submitted pursuant to the request for a fiscal year 1996 supplemental appropriation transmitted to the Congress.

(d) The authority under subsection (a) may not be used to execute a multiyear procurement contract until the earlier of (1) May 24, 1996, or (2) the day after the date of the enactment of an Act that contains a provision authorizing the Department of Defense to enter into a multiyear contract for the C–17 aircraft program.

(e) Not later than May 24, 1996, the Secretary of Defense shall submit to the Congressional defense committees a report providing a detailed program plan for the six-year multiyear procurement program; such report also shall include the latest estimate of any additional savings potentially generated from such an accelerated multiyear procurement of C–17 aircraft.

SEC. 2704. In addition to the amounts made available in Public Law 104–61 under the heading "Research, Development, Test and Evaluation, Defense-Wide", $50,000,000 is hereby appropriated and made available to continue the activities of the semiconductor manufacturing consortium known as Sematech.

(TRANSFER OF FUNDS)

SEC. 2705. Of the funds appropriated in title II of Public Law 104–61, under the heading "Overseas Humanitarian, Disaster, and Civic Aid", for training and activities related to the clearing of landmines for humanitarian purposes, up to $15,000,000 may be transferred to "Operation and Maintenance, Defense-Wide", to be available for the payment of travel, transportation and subsistence expenses of Department of Defense personnel incurred in carrying out humanitarian assistance activities related to the detection and clearance of landmines.

SEC. 2706. Notwithstanding any other provision of law, $15,000,000 of the amount made available in title II, under the heading "Operation and Maintenance, Army" in Public Law 104–61 shall be paid to National Presto Industries, Inc. for the purpose of environmental restoration at the National Presto Industries, Inc. site in Eau Claire, Wisconsin, in recognition of the 1988 Agreement between the Department of the Army and National Presto Industries, Inc.

SEC. 2707. (a)(1) Section 1177 of title 10, United States Code, relating to mandatory discharge or retirement of members of the Armed Forces infected with HIV–1 virus, is repealed.

(2) The table of sections at the beginning of chapter 59 of such title is amended by striking out the item relating to section 1177.

(b) Subsection (b) of section 567 of the National Defense Authorization Act for Fiscal Year 1996 is repealed.

SEC. 2708. In addition to the amounts made available in title II of Public Law 104–61, under the heading "Operation and Maintenance, Air Force", $44,900,000 is hereby appropriated and made available for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve.

SEC. 2709. In addition to the amounts made available in title IV of Public Law 104–61, under the heading "Research, Development, Test and Evaluation, Navy", $10,000,000 is hereby appropriated and made available for Shallow Water Mine Countermeasure Demonstrations, of which $5,000,000 shall be made available for the Advanced Lightweight Influence Sweep System Development program.

(TRANSFER OF FUNDS)

SEC. 2710. Of the funds appropriated or otherwise made available in title VI of Public Law 104–61, under the heading "Defense Health Program", $8,000,000 are transferred to and merged with funds appropriated or otherwise made available under title IV of that Act under the heading "Research, Development, Test and Evaluation, Army" and shall be available only for obligation and expenditure for advanced research into neurofibromatosis.

SEC. 2711. Of the funds available to the Department of Defense in title VI, Public Law 104–61, under the heading "Drug Interdiction and Counter-Drug Activities, Defense", $220,000 shall be made available only for the procurement of Kevlar vests for personal protection of counter-drug personnel: Provided, That notwithstanding any other provision of law, the Department is authorized to transfer these Kevlar vests to local counter-drug personnel in high crime areas.

SEC. 2712. Before the period at the end of Section 8105 of Public Law 104–61, insert the following: ": Provided, That the Department of Defense shall release to the Department of the Air Force all such funds not later than May 31, 1996, and the Air Force shall obligate all such funds in compliance with this section not later than June 30, 1996".

CHAPTER 8

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

The first proviso under the head "Payments to Air Carriers" in Title I of the Department of Transportation and Related Agencies Appropriations Act, 1996 (Public Law 104–50), is amended to read as follows: "Provided, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $22,600,000 from the Airport and Airway Trust Fund for the Payments to Air Carriers program in fiscal year 1996:".

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

(HIGHWAY TRUST FUND)

For the Emergency Fund authorized by 23 U.S.C. 125 to cover expenses arising from the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States and other disasters, $300,000,000, to be derived from the Highway Trust Fund and to remain available until expended: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That such amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: Provided further, That the provisions of 23 U.S.C. 125(b)(1) shall not apply to projects relating to the January 1996 flooding in the Mid-Atlantic, Northeast, and Northwest States.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For an additional amount for payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $375,000,000, to be derived from the Highway Trust Fund and to remain available until expended.

OTHER INDEPENDENT AGENCIES

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For an additional amount for administrative expenses, $2,000,000, to be derived from the Panama Canal Revolving Fund.

GENERAL PROVISIONS

SEC. 2801. Notwithstanding any other provision of law, limitations deducted pursuant to the provisions of Section 310 of the Department of Transportation and Related Agencies Appropriations Act, 1996, for discretionary programs and the limitation on general operating expenses for both annual and no-year programs, not to exceed $28,000,000 shall be available for making obligations for construction of a new Hannibal Bridge in Hannibal, Missouri; Provided further, That such limitation shall be restored to categories from which it was transferred before making redistribution of obligation in August of 1996 as provided by Section 310 of the Act.

SEC. 2802. Notwithstanding any other provision of law, of the funds identified for distribution to the State of Vermont and the Marble Valley Regional Transit District in the matter under the heading "HIGHWAY TRUST FUND", under the heading "LIMITATION ON OBLIGATIONS", under the heading "DISCRETIONARY GRANTS" in the explanatory statement for the conference report to accompany H.R. 2002. House of Representatives report numbered 104–286, an amount not to exceed $3,500,000 may be used for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont.

SEC. 2803. In amending parts 119, 121, 125, or 135 of title 14, Code of Federal Regulations in a manner affecting intrastate aviation in Alaska, the Administrator of the Federal Aviation Administration shall consider the extent to which Alaska is not served by transportation modes other than aviation, and shall establish such regulatory distinctions as the Administrator *deems appropriate effective through June 1, 1997.*

SEC. 2804. Notwithstanding any other provision of law, $23,909,325 funds made available under Public Law 103–122 together with $21,534,347 funds made available under Public Law 103–331 for the "Chicago Central Area Circulator Project" shall be available only for the purposes of constructing a 5.2 mile light rail loop within the downtown Chicago business district as described in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purposes.

CHAPTER 9

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Salaries and Expenses," $3,400,000.

GENERAL PROVISIONS

SEC. 2901. Title I of Public Law 104–52 is hereby amended by deleting "" not to exceed $1,406,000," under the heading "CUSTOMS SERVICES AT SMALL AIRPORTS".

SEC. 2902. Title I of Public Law 104–52 is hereby amended by adding the following new section under the heading "ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE";

"SEC. 3. The funds provided in this Act shall be used to provide a level of service, staffing, and funding for Taxpayer Services Division operations which is not less than that provided in fiscal year 1995.".

SEC. 2903. Title III of Public Law 104–52 is hereby amended by adding the following proviso before the last period under the heading "OFFICE OF NATIONAL DRUG CONTROL POLICY, SALARIES AND EXPENSES": ": Provided, That of the amounts available to the Counter-Drug Technology Assessment Center, no less than $1,000,000 shall be dedicated to conferences on model state drug laws".

SEC. 2904. COMPOSITION OF NATIONAL COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE.

(a) IN GENERAL.—Section 637(b)(2) of the Treasury, Postal Service, and General Government Appropriations Act, 1996 (Public Law 104–52, 109 Stat. 509) is amended—

(1) by striking "thirteen" and inserting "seventeen", and

(2) in subparagraphs (B) and (D)—

(A) by striking "Two" and inserting "Four", and

(B) by striking "one from private life" and inserting "three from private life".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the provisions of the Treasury, Postal Service, and General Government Appropriations Act, 1996.

CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

For an additional amount for "Community development grants", $50,000,000, to remain available until September 30, 1998, for emergency expenses and repairs related to recent Presidentially declared flood disasters, including up to $10,000,000 which may be for rental subsidy contracts under the section 8 existing housing certificate program and the housing voucher program under section 8 of the United States Housing Act of 1937, as amended, except that such amount shall be available only for temporary housing assistance, not in excess of one year in duration, and shall not be subject to renewal: Provided, That the entire amount shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

Of the funds made available under this heading in Public Law 104–19 up to $104,000,000 may be transferred to the Disaster Assistance Direct Loan Program Account for the cost of direct loans as authorized under section 417 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.): Provided, That such transfer may be made to subsidize gross obligations for the principal amount of direct loans not to exceed $119,000,000 under section 417 of the Stafford Act: Provided further, That any such transfer of funds shall be made only upon certification by the Director of the Federal Emergency Management Agency that all requirements of section 417 of the Stafford Act will be complied with: Provided further, That the entire amount of this appropriation shall be available only to the extent that an official budget request for a specific dollar amount, that includes designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to Congress: Provided further, That the entire amount is designated by Congress as an emergency requirement pursuant to section 251(b)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

GENERAL PROVISIONS

SEC. 21101. In administering funds provided in this title for domestic assistance, the Secretary of any involved department may waive or specify alternative requirements for any provision of any statute or regulation that the Secretary administers in connection with the obligation by the Secretary or any use of the recipient of these funds, except for the requirement related to civil rights, fair housing and nondiscrimination, the environment, and labor standards, upon finding that such waiver is required to facilitate the obligation and use of such funds would not be inconsistent with the overall purpose of the statute or regulation.

SEC. 21102. No part of any appropriation contained in this title shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 21103. Notwithstanding section 106 of Public Law 104–99, sections 118, 121, and 129 of Public Law 104–99 shall remain in effect as if enacted as part of this Act.

SEC. 21104. The President may make available funds for assistance activities under titles II and IV of P.L. 104–107, beginning immediately upon enactment of this Act and without regard to monthly apportionment limitations, notwithstanding the provisions of section 518A of such Act, if he determines and reports to the Congress that the effects of the restrictions contained in that section would be that the demand for family planning services would be less likely to be met and that there would be a significant increase in abortions than would otherwise be the case in the absence of such restrictions; Provided, That none of the funds appropriated or otherwise made available in P.L. 104–107 may be made available for obligation for the major foreign donor federation of international population assistance except through the regular notifications procedures of the Committees on Appropriations.

This title may be cited as the "Supplemental Appropriations Act of 1996".

TITLE III

RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

SEC. 3101. SHORT TITLE.

This subchapter may be cited as the "USEC Privatization Act".

SEC. 3102. DEFINITIONS.

For purposes of this subchapter:

(1) The term "AVLIS" means atomic vapor laser isotope separation technology.

(2) The term "Corporation" means the United States Enrichment Corporation and, unless the context otherwise requires, includes the private corporation and any successor thereto following privatization.

(3) The term "gaseous diffusion plants" means the Paducah Gaseous Diffusion Plant at Paducah, Kentucky and the Portsmouth Gaseous Diffusion Plant at Piketon, Ohio.

(4) The term "highly enriched uranium" means uranium enriched to 20 percent or more of the uranium-235 isotope.

(5) The term "low-enriched uranium" means uranium enriched to less than 20 percent of the uranium-235 isotope, including that which is derived from highly enriched uranium.

(6) The term "low-level radioactive waste" has the meaning given such term in section 2(9) of the Low-Level Radioactive Waste Policy Act (42 U.S.C. 2021b(9)).

(7) The term "private corporation" means the corporation established under section 3105.

(8) The term "privatization" means the transfer of ownership of the Corporation to private investors.

(9) The term "privatization date" means the date on which 100 percent of the ownership of the Corporation has been transferred to private investors.

(10) The term "public offering" means an underwritten offering to the public of the common stock of the private corporation pursuant to section 3104.

(11) The "Russian HEU Agreement" means the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993.

(12) The term "Secretary" means the Secretary of Energy.

(13) The "Suspension Agreement" means the Agreement to Suspend the Antidumping Investigation on Uranium from the Russian Federation, as amended.

(14) The term "uranium enrichment" means the separation of uranium of a given isotopic content into 2 components, 1 having a higher percentage of a fissile isotope and 1 having a lower percentage.

SEC. 3103. SALE OF THE CORPORATION.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the

Secretary of the Treasury, shall transfer the interest of the United States in the United States Enrichment Corporation to the private sector in a manner that provides for the long-term viability of the Corporation, provides for the continuation by the Corporation of the operation of the Department of Energy's gaseous diffusion plants, provides for the protection of the public interest in maintaining a reliable and economical domestic source of uranium mining, enrichment and conversion services, and, to the extent not inconsistent with such purposes, secures the maximum proceeds to the United States.

(b) PROCEEDS.—Proceeds from the sale of the United States' interest in the Corporation shall be deposited in the general fund of the Treasury.

SEC. 3104. METHOD OF SALE.

(a) AUTHORIZATION.—The Board of Directors of the Corporation, with the approval of the Secretary of the Treasury, shall transfer ownership of the assets and obligations of the Corporation to the private corporation established under section 3105 (which may be consummated through a merger or consolidation effected in accordance with, and having the effects provided under, the law of the State of incorporation of the private corporation, as if the Corporation were incorporated thereunder).

(b) BOARD DETERMINATION.—The Board, with the approval of the Secretary of the Treasury, shall select the method of transfer and establish terms and conditions for the transfer that will provide the maximum proceeds to the Treasury of the United States and will provide for the long-term viability of the private corporation, the continued operation of the gaseous diffusion plants, and the public interest in maintaining reliable and economical domestic uranium mining and enrichment industries.

(c) ADEQUATE PROCEEDS.—The Secretary of the Treasury shall not allow the privatization of the Corporation unless before the sale date the Secretary of the Treasury determines that the method of transfer will provide the maximum proceeds to the Treasury consistent with the principles set forth in section 3103(a).

(d) APPLICATION OF SECURITIES LAWS.—Any offering or sale of securities by the private corporation shall be subject to the Securities Act of 1933 (15 U.S.C. 77a et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), and the provisions of the Constitution and laws of any State, territory, or possession of the United States relating to transactions in securities.

(e) EXPENSES.—Expenses of privatization shall be paid from Corporation revenue accounts in the United States Treasury.

SEC. 3105. ESTABLISHMENT OF PRIVATE CORPORATION.

(a) INCORPORATION.—(1) The directors of the Corporation shall establish a private for-profit corporation under the laws of a State for the purpose of receiving the assets and obligations of the Corporation at privatization and continuing the business operations of the Corporation following privatization.

(2) The directors of the Corporation may serve as incorporators of the private corporation and shall take all steps necessary to establish the private corporation, including the filing of articles of incorporation consistent with the provisions of this subchapter.

(3) Employees and officers of the Corporation (including members of the Board of Directors) acting in accordance with this section on behalf of the private corporation shall be deemed to be acting in their official capacities as employees or officers of the Corporation for purposes of section 205 of title 18, United States Code.

(b) STATUS OF THE PRIVATE CORPORATION.—(1) The private corporation shall not be an agency, instrumentality, or establishment of the United States, a Government corporation, or a Government-controlled corporation.

(2) Except as otherwise provided by this subchapter, financial obligations of the private corporation shall not be obligations of, or guaranteed as to principal or interest by, the Corporation or the United States, and the obligations shall so plainly state.

(3) No action under section 1491 of title 28, United States Code, shall be allowable against the United States based on actions of the private corporation.

(c) APPLICATION OF POST-GOVERNMENT EMPLOYMENT RESTRICTIONS.—Beginning on the privatization date, the restrictions stated in section 207 (a), (b), (c), and (d) of title 18, United States Code, shall not apply to the acts of an individual done in carrying out official duties as a director, officer, or employee of the private corporation, if the individual was an officer or employee of the Corporation (including a director) continuously during the 45 days prior to the privatization date.

(d) DISSOLUTION.—In the event that the privatization does not occur, the Corporation will provide for the dissolution of the private corporation within 1 year of the private corporation's incorporation unless the Secretary of the Treasury or his delegate, upon the Corporation's request, agrees to delay any such dissolution for an additional year.

SEC. 3106. TRANSFERS TO THE PRIVATE CORPORATION.

Concurrent with privatization, the Corporation shall transfer to the private corporation—

(1) the lease of the gaseous diffusion plants in accordance with section 3107,

(2) all personal property and inventories of the Corporation,

(3) all contracts, agreements, and leases under section 3108(a),

(4) the Corporation's right to purchase power from the Secretary under section 3108(b),

(5) such funds in accounts of the Corporation held by the Treasury or on deposit with any bank or other financial institution as approved by the Secretary of the Treasury, and

(6) all of the Corporation's records, including all of the papers and other documentary materials, regardless of physical form or characteristics, made or received by the Corporation.

SEC. 3107. LEASING OF GASEOUS DIFFUSION FACILITIES.

(a) TRANSFER OF LEASE.—Concurrent with privatization, the Corporation shall transfer to the private corporation the lease of the gaseous diffusion plants and related property for the remainder of the term of such lease in accordance with the terms of such lease.

(b) RENEWAL.—The private corporation shall have the exclusive option to lease the gaseous diffusion plants and related property for additional periods following the expiration of the initial term of the lease.

(c) EXCLUSION OF FACILITIES FOR PRODUCTION OF HIGHLY ENRICHED URANIUM.—The Secretary shall not lease to the private corporation any facilities necessary for the production of highly enriched uranium but may, subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), grant the Corporation access to such facilities for purposes other than the production of highly enriched uranium.

(d) DOE RESPONSIBILITY FOR PREEXISTING CONDITIONS.—The payment of any costs of decontamination and decommissioning, response actions, or corrective actions with respect to conditions existing before July 1, 1993, at the gaseous diffusion plants shall remain the sole responsibility of the Secretary.

(e) ENVIRONMENTAL AUDIT.—For purposes of subsection (d), the conditions existing before July 1, 1993, at the gaseous diffusion plants shall be determined from the environmental audit conducted pursuant to section 1403(e) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c-2(e)).

(f) TREATMENT UNDER PRICE-ANDERSON PROVISIONS.—Any lease executed between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, under this section shall be deemed to be a contract for purposes of section 170d. of the Atomic Energy Act of 1954 (42 U.S.C. 2210(d)).

(g) WAIVER OF EIS REQUIREMENT.—The execution or transfer of the lease between the Secretary and the Corporation or the private corporation, and any extension or renewal thereof, shall not be considered to be a major Federal action significantly affecting the quality of the human environment for purposes of section 102 of the National Environmental Policy Act of 1969 (42 U.S.C. 4332).

SEC. 3108. TRANSFER OF CONTRACTS.

(a) TRANSFER OF CONTRACTS.—Concurrent with privatization, the Corporation shall transfer to the private corporation all contracts, agreements, and leases, including all uranium enrichment contracts, that were—

(1) transferred by the Secretary to the Corporation pursuant to section 1401(b) of the Atomic Energy Act of 1954 (42 U.S.C. 2297c(b)), or

(2) entered into by the Corporation before the privatization date.

(b) NONTRANSFERABLE POWER CONTRACTS.—The Corporation shall transfer to the private corporation the right to purchase power from the Secretary under the power purchase contracts for the gaseous diffusion plants executed by the Secretary before July 1, 1993. The Secretary shall continue to receive power for the gaseous diffusion plants under such contracts and shall continue to resell such power to the private corporation at cost during the term of such contracts.

(c) EFFECT OF TRANSFER.—(1) Notwithstanding subsection (a), the United States shall remain obligated to the parties to the contracts, agreements, and leases transferred under subsection (a) for the performance of its obligations under such contracts, agreements, or leases during their terms. Performance of such obligations by the private corporation shall be considered performance by the United States.

(2) If a contract, agreement, or lease transferred under subsection (a) is terminated, extended, or materially amended after the privatization date—

(A) the private corporation shall be responsible for any obligation arising under such contract, agreement, or lease after any extension or material amendment, and

(B) the United States shall be responsible for any obligation arising under the contract, agreement, or lease before the termination, extension, or material amendment.

(3) The private corporation shall reimburse the United States for any amount paid by the United States under a settlement agreement entered into with the consent of the private corporation or under a judgment, if the settlement or judgment—

(A) arises out of an obligation under a contract, agreement, or lease transferred under subsection (a), and

(B) arises out of actions of the private corporation between the privatization date and the date of a termination, extension, or material amendment of such contract, agreement, or lease.

(d) PRICING.—The Corporation may establish prices for its products, materials, and services provided to customers on a basis that will allow it to attain the normal business objectives of a profit making corporation.

SEC. 3109. LIABILITIES.

(a) LIABILITY OF THE UNITED STATES.—(1) Except as otherwise provided in this subchapter, all liabilities arising out of the operation of the uranium enrichment enterprise before July 1,

1993, shall remain the direct liabilities of the Secretary.

(2) Except as provided in subsection (a)(3) or otherwise provided in a memorandum of agreement entered into by the Corporation and the Office of Management and Budget prior to the privatization date, all liabilities arising out of the operation of the Corporation between July 1, 1993, and the privatization date shall remain the direct liabilities of the United States.

(3) All liabilities arising out of the disposal of depleted uranium generated by the Corporation between July 1, 1993, and the privatization date shall become the direct liabilities of the Secretary.

(4) Any stated or implied consent for the United States, or any agent or officer of the United States, to be sued by any person for any legal, equitable, or other relief with respect to any claim arising from any action taken by any agent or officer of the United States in connection with the privatization of the Corporation is hereby withdrawn.

(5) To the extent that any claim against the United States under this section is of the type otherwise required by Federal statute or regulation to be presented to a Federal agency or official for adjudication or review, such claim shall be presented to the Department of Energy in accordance with procedures to be established by the Secretary. Nothing in this paragraph shall be construed to impose on the Department of Energy liability to pay any claim presented pursuant to this paragraph.

(6) The Attorney General shall represent the United States in any action seeking to impose liability under this subsection.

(b) LIABILITY OF THE CORPORATION.—Notwithstanding any provision of any agreement to which the Corporation is a party, the Corporation shall not be considered in breach, default, or violation of any agreement because of the transfer of such agreement to the private corporation under section 3108 or any other action the Corporation is required to take under this subchapter.

(c) LIABILITY OF THE PRIVATE CORPORATION.—Except as provided in this subchapter, the private corporation shall be liable for any liabilities arising out of its operations after the privatization date.

(d) LIABILITY OF OFFICERS AND DIRECTORS.—(1) No officer, director, employee, or agent of the Corporation shall be liable in any civil proceeding to any party in connection with any action taken in connection with the privatization if, with respect to the subject matter of the action, suit, or proceeding, such person was acting within the scope of his employment.

(2) This subsection shall not apply to claims arising under the Securities Act of 1933 (15 U.S.C. 77a. et seq.), the Securities Exchange Act of 1934 (15 U.S.C. 78a. et seq.), or under the Constitution or laws of any State, territory, or possession of the United States relating to transactions in securities.

SEC. 3110. EMPLOYEE PROTECTIONS.

(a) CONTRACTOR EMPLOYEES.—(1) Privatization shall not diminish the accrued, vested pension benefits of employees of the Corporation's operating contractor at the two gaseous diffusion plants.

(2) In the event that the private corporation terminates or changes the contractor at either or both of the gaseous diffusion plants, the plan sponsor or other appropriate fiduciary of the pension plan covering employees of the prior operating contractor shall arrange for the transfer of all plan assets and liabilities relating to accrued pension benefits of such plan's participants and beneficiaries from such plant to a pension plan sponsored by the new contractor or the private corporation or a joint labor-management plan, as the case may be.

(3) In addition to any obligations arising under the National Labor Relations Act (29 U.S.C. 151 et seq.), any employer (including the private corporation if it operates a gaseous diffusion plant without a contractor or any contractor of the private corporation) at a gaseous diffusion plant shall—

(A) abide by the terms of any unexpired collective bargaining agreement covering employees in bargaining units at the plant and in effect on the privatization date until the stated expiration or termination date of the agreement; or

(B) in the event a collective bargaining agreement is not in effect upon the privatization date, have the same bargaining obligations under section 8(d) of the National Labor Relations Act (29 U.S.C. 158(d)) as it had immediately before the privatization date.

(4) If the private corporation replaces its operating contractor at a gaseous diffusion plant, the new employer (including the new contractor or the private corporation if it operates a gaseous diffusion plant without a contractor) shall—

(A) offer employment to non-management employees of the predecessor contractor to the extent that their jobs still exist or they are qualified for new jobs, and

(B) abide by the terms of the predecessor contractor's collective bargaining agreement until the agreement expires or a new agreement is signed.

(5) In the event of a plant closing or mass layoff (as such terms are defined in section 2101(a) (2) and (3) of title 29, United States Code) at either of the gaseous diffusion plants, the Secretary of Energy shall treat any adversely affected employee of an operating contractor at either plant who was an employee at such plant on July 1, 1993, as a Department of Energy employee for purposes of sections 3161 and 3162 of the National Defense Authorization Act for Fiscal Year 1993 (42 U.S.C. 7274h–7274i).

(6)(A) The Secretary and the private corporation shall cause the post-retirement health benefits plan provider (or its successor) to continue to provide benefits for eligible persons, as described under subparagraph (B), employed by an operating contractor at either of the gaseous diffusion plants in an economically efficient manner and at substantially the same level of coverage as eligible retirees are entitled to receive on the privatization date.

(B) Persons eligible for coverage under subparagraph (A) shall be limited to:

(i) persons who retired from active employment at one of the gaseous diffusion plants on or before the privatization date as vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant; and

(ii) persons who are employed by the Corporation's operating contractor on or before the privatization date and are vested participants in a pension plan maintained either by the Corporation's operating contractor or by a contractor employed prior to July 1, 1993, by the Department of Energy to operate a gaseous diffusion plant.

(C) The Secretary shall fund the entire cost of post-retirement health benefits for persons who retired from employment with an operating contractor prior to July 1, 1993.

(D) The Secretary and the Corporation shall fund the cost of post-retirement health benefits for persons who retire from employment with an operating contractor on or after July 1, 1993, in proportion to the retired person's years and months of service at a gaseous diffusion plant under their respective management.

(7)(A) Any suit under this subsection alleging a violation of an agreement between an employer and a labor organization shall be brought in accordance with section 301 of the Labor Management Relations Act (29 U.S.C. 185).

(B) Any charge under this subsection alleging an unfair labor practice violative of section 8 of the National Labor Relations Act (29 U.S.C. 158) shall be pursued in accordance with section 10 of the National Labor Relations Act (29 U.S.C. 160).

(C) Any suit alleging a violation of any provision of this subsection, to the extent it does not allege a violation of the National Labor Relations Act, may be brought in any district court of the United States having jurisdiction over the parties, without regard to the amount in controversy or the citizenship of the parties.

(b) FORMER FEDERAL EMPLOYEES.—(1)(A) An employee of the Corporation that was subject to either the Civil Service Retirement System (referred to in this section as "CSRS") or the Federal Employees' Retirement System (referred to in this section as "FERS") on the day immediately preceding the privatization date shall elect—

(i) to retain the employee's coverage under either CSRS or FERS, as applicable, in lieu of coverage by the Corporation's retirement system, or

(ii) to receive a deferred annuity or lump-sum benefit payable to a terminated employee under CSRS or FERS, as applicable.

(B) An employee that makes the election under subparagraph (A)(ii) shall have the option to transfer the balance in the employee's Thrift Savings Plan account to a defined contribution plan under the Corporation's retirement system, consistent with applicable law and the terms of the Corporation's defined contribution plan.

(2) The Corporation shall pay to the Civil Service Retirement and Disability Fund—

(A) such employee deductions and agency contributions as are required by sections 8334, 8422, and 8423 of title 5, United States Code, for those employees who elect to retain their coverage under either CSRS or FERS pursuant to paragraph (1);

(B) such additional agency contributions as are determined necessary by the Office of Personnel Management to pay, in combination with the sums under subparagraph (A), the "normal cost" (determined using dynamic assumptions) of retirement benefits for those employees who elect to retain their coverage under CSRS pursuant to paragraph (1), with the concept of "normal cost" being used consistent with generally accepted actuarial standards and principles; and

(C) such additional amounts, not to exceed two percent of the amounts under subparagraphs (A) and (B), as are determined necessary by the Office of Personnel Management to pay the cost of administering retirement benefits for employees who retire from the Corporation after the privatization date under either CSRS or FERS, for their survivors, and for survivors of employees of the Corporation who die after the privatization date (which amounts shall be available to the Office of Personnel Management as provided in section 8348(a)(1)(B) of title 5, United States Code).

(3) The Corporation shall pay to the Thrift Savings Fund such employee and agency contributions as are required by section 8432 of title 5, United States Code, for those employees who elect to retain their coverage under FERS pursuant to paragraph (1).

(4) Any employee of the Corporation who was subject to the Federal Employee Health Benefits Program (referred to in this section as "FEHBP") on the day immediately preceding the privatization date and who elects to retain coverage under either CSRS or FERS pursuant to paragraph (1) shall have the option to receive

health benefits from a health benefit plan established by the Corporation or to continue without interruption coverage under the FEHBP, in lieu of coverage by the Corporation's health benefit system.

(5) The Corporation shall pay to the Employees Health Benefits Fund—

(A) such employee deductions and agency contributions as are required by section 8906 (a)–(f) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4); and

(B) such amounts as are determined necessary by the Office of Personnel Management under paragraph (6) to reimburse the Office of Personnel Management for contributions under section 8906(g)(1) of title 5, United States Code, for those employees who elect to retain their coverage under FEHBP pursuant to paragraph (4).

(6) The amounts required under paragraph (5)(B) shall pay the Government contributions for retired employees who retire from the Corporation after the privatization date under either CSRS or FERS, for survivors of such retired employees, and for survivors of employees of the Corporation who die after the privatization date, with said amounts prorated to reflect only that portion of the total service of such employees and retired persons that was performed for the Corporation after the privatization date.

SEC. 3111. OWNERSHIP LIMITATIONS.

(a) SECURITIES LIMITATIONS.—No director, officer, or employee of the Corporation may acquire any securities, or any rights to acquire any securities of the private corporation on terms more favorable than those offered to the general public—

(1) in a public offering designed to transfer ownership of the Corporation to private investors,

(2) pursuant to any agreement, arrangement, or understanding entered into before the privatization date, or

(3) before the election of the directors of the private corporation.

(b) OWNERSHIP LIMITATION.—Immediately following the consummation of the transaction or series of transactions pursuant to which 100 percent of the ownership of the Corporation is transferred to private investors, and for a period of three years thereafter, no person may acquire, directly or indirectly, beneficial ownership of securities representing more than 10 percent of the total votes of all outstanding voting securities of the Corporation. The foregoing limitation shall not apply to—

(1) any employee stock ownership plan of the Corporation,

(2) members of the underwriting syndicate purchasing shares in stabilization transactions in connection with the privatization, or

(3) in the case of shares beneficially held in the ordinary course of business for others, any commercial bank, broker-dealer, or clearing agency.

SEC. 3112. URANIUM TRANSFERS AND SALES.

(a) TRANSFERS AND SALES BY THE SECRETARY.—The Secretary shall not provide enrichment services or transfer or sell any uranium (including natural uranium concentrates, natural uranium hexafluoride, or enriched uranium in any form) to any person except as consistent with this section.

(b) RUSSIAN HEU.—(1) On or before December 31, 1996, the United States Executive Agent under the Russian HEU Agreement shall transfer to the Secretary without charge title to an amount of uranium hexafluoride equivalent to the natural uranium component of low-enriched uranium derived from at least 18 metric tons of highly enriched uranium purchased from the Russian Executive Agent under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Secretary shall be based on a tails assay of 0.30 U^{235}. Uranium hexafluoride transferred to the Secretary pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(2) Within 7 years of the date of enactment of this Act, the Secretary shall sell, and receive payment for, the uranium hexafluoride transferred to the Secretary pursuant to paragraph (1). Such uranium hexafluoride shall be sold—

(A) at any time for use in the United States for the purpose of overfeeding;

(B) at any time for end use outside the United States;

(C) in 1995 and 1996 to the Russian Executive Agent at the purchase price for use in matched sales pursuant to the Suspension Agreement; or,

(D) in calendar year 2001 for consumption by end users in the United States not prior to January 1, 2002, in volumes not to exceed 3,000,000 pounds U_3O_8 equivalent per year.

(3) With respect to all enriched uranium delivered to the United States Executive Agent under the Russian HEU Agreement on or after January 1, 1997, the United States Executive Agent shall, upon request of the Russian Executive Agent, enter into an agreement to deliver concurrently to the Russian Executive Agent an amount of uranium hexafluoride equivalent to the natural uranium component of such uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. The quantity of such uranium hexafluoride delivered to the Russian Executive Agent shall be based on a tails assay of 0.30 U^{235}. Title to uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall transfer to the Russian Executive Agent upon delivery of such material to the Russian Executive Agent, with such delivery to take place at a North American facility designated by the Russian Executive Agent. Uranium hexafluoride delivered to the Russian Executive Agent pursuant to this paragraph shall be deemed under U.S. law for all purposes to be of Russian origin. Such uranium hexafluoride may be sold to any person or entity for delivery and use in the United States only as permitted in subsections (b)(5), (b)(6) and (b)(7) of this section.

(4) In the event that the Russian Executive Agent does not exercise its right to enter into an agreement to take delivery of the natural uranium component of any low-enriched uranium, as contemplated in paragraph (3), within 90 days of the date such low-enriched uranium is delivered to the United States Executive Agent, or upon request of the Russian Executive Agent, then the United States Executive Agent shall engage an independent entity through a competitive selection process to auction an amount of uranium hexafluoride or U_3O_8 (in the event that the conversion component of such hexafluoride has previously been sold) equivalent to the natural uranium component of such low-enriched uranium. An agreement executed pursuant to a request of the Russian Executive Agent, as contemplated in this paragraph, may pertain to any deliveries due during any period remaining under the Russian HEU Agreement. Such independent entity shall sell such uranium hexafluoride in one or more lots to any person or entity to maximize the proceeds from such sales, for disposition consistent with the limitations set forth in this subsection. The independent entity shall pay to the Russian Executive Agent the proceeds of any such auction less all reasonable transaction and other administrative costs. The quantity of such uranium hexafluoride auctioned shall be based on a tails assay of 0.30 U^{235}. Title to uranium hexafluoride auctioned pursuant to this paragraph shall transfer to the buyer of such material upon delivery of such material to the buyer. Uranium hexafluoride auctioned pursuant to this paragraph shall be deemed under United States law for all purposes to be of Russian origin.

(5) Except as provided in paragraphs (6) and (7), uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4), may not be delivered for consumption by end users in the United States either directly or indirectly prior to January 1, 1998, and thereafter only in accordance with the following schedule:

Annual Maximum Deliveries to End Users

Year:	*(millions lbs. U_3O_8 equivalent)*
1998	*2*
1999	*4*
2000	*6*
2001	*8*
2002	*10*
2003	*12*
2004	*14*
2005	*16*
2006	*17*
2007	*18*
2008	*19*
2009 and each year thereafter	*20.*

(6) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time as Russian-origin natural uranium in a matched sale pursuant to the Suspension Agreement, and in such case shall not be counted against the annual maximum deliveries set forth in paragraph (5).

(7) Uranium hexafluoride delivered to the Russian Executive Agent under paragraph (3) or auctioned pursuant to paragraph (4) may be sold at any time for use in the United States for the purpose of overfeeding in the operations of enrichment facilities.

(8) Nothing in this subsection (b) shall restrict the sale of the conversion component of such uranium hexafluoride.

(9) The Secretary of Commerce shall have responsibility for the administration and enforcement of the limitations set forth in this subsection. The Secretary of Commerce may require any person to provide any certifications, information, or take any action that may be necessary to enforce these limitations. The United States Customs Service shall maintain and provide any information required by the Secretary of Commerce and shall take any action requested by the Secretary of Commerce which is necessary for the administration and enforcement of the uranium delivery limitations set forth in this section.

(10) The President shall monitor the actions of the United States Executive Agent under the Russian HEU Agreement and shall report to the Congress not later than December 31 of each year on the effect the low-enriched uranium delivered under the Russian HEU Agreement is having on the domestic uranium mining, conversion, and enrichment industries, and the operation of the gaseous diffusion plants. Such report shall include a description of actions taken or proposed to be taken by the President to prevent or mitigate any material adverse impact on such industries or any loss of employment at the gaseous diffusion plants as a result of the Russian HEU Agreement.

(c) TRANSFERS TO THE CORPORATION.—(1) The Secretary shall transfer to the Corporation without charge up to 50 metric tons of enriched uranium and up to 7,000 metric tons of natural uranium from the Department of Energy's stockpile, subject to the restrictions in subsection (c)(2).

(2) The Corporation shall not deliver for commercial end use in the United States—

(A) any of the uranium transferred under this subsection before January 1, 1998;

(B) more than 10 percent of the uranium (by uranium hexafluoride equivalent content) transferred under this subsection or more than 4,000,000 pounds, whichever is less, in any calendar year after 1997; or

(C) more than 800,000 separative work units contained in low-enriched uranium transferred under this subsection in any calendar year.

(d) INVENTORY SALES.—(1) In addition to the transfers authorized under subsections (c) and (e), the Secretary may, from time to time, sell natural and low-enriched uranium (including low-enriched uranium derived from highly enriched uranium) from the Department of Energy's stockpile.

(2) Except as provided in subsections (b), (c), and (e), no sale or transfer of natural or low-enriched uranium shall be made unless—

(A) the President determines that the material is not necessary for national security needs,

(B) the Secretary determines that the sale of the material will not have an adverse material impact on the domestic uranium mining, conversion, or enrichment industry, taking into account the sales of uranium under the Russian HEU Agreement and the Suspension Agreement, and

(C) the price paid to the Secretary will not be less than the fair market value of the material.

(e) GOVERNMENT TRANSFERS.—Notwithstanding subsection (d)(2), the Secretary may transfer or sell enriched uranium—

(1) to a Federal agency if the material is transferred for the use of the receiving agency without any resale or transfer to another entity and the material does not meet commercial specifications;

(2) to any person for national security purposes, as determined by the Secretary; or

(3) to any State or local agency or nonprofit, charitable, or educational institution for use other than the generation of electricity for commercial use.

(f) SAVINGS PROVISION.—Nothing in this subchapter shall be read to modify the terms of the Russian HEU Agreement.

SEC. 3113. LOW-LEVEL WASTE.

(a) RESPONSIBILITY OF DOE.—(1) The Secretary, at the request of the generator, shall accept for disposal low-level radioactive waste, including depleted uranium if it were ultimately determined to be low-level radioactive waste, generated by—

(A) the Corporation as a result of the operations of the gaseous diffusion plants or as a result of the treatment of such wastes at a location other than the gaseous diffusion plants, or

(B) any person licensed by the Nuclear Regulatory Commission to operate a uranium enrichment facility under sections 53, 63, and 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2073, 2093, and 2243).

(2) Except as provided in paragraph (3), the generator shall reimburse the Secretary for the disposal of low-level radioactive waste pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs, but in no event more than an amount equal to that which would be charged by commercial, State, regional, or interstate compact entities for disposal of such waste.

(3) In the event depleted uranium were ultimately determined to be low-level radioactive waste, the generator shall reimburse the Secretary for the disposal of depleted uranium pursuant to paragraph (1) in an amount equal to the Secretary's costs, including a pro rata share of any capital costs.

(b) AGREEMENTS WITH OTHER PERSONS.—The generator may also enter into agreements for the disposal of low-level radioactive waste subject to subsection (a) with any person other than the Secretary that is authorized by applicable laws and regulations to dispose of such wastes.

(c) STATE OR INTERSTATE COMPACTS.—Notwithstanding any other provision of law, no State or interstate compact shall be liable for the treatment, storage, or disposal of any low-level radioactive waste (including mixed waste) attributable to the operation, decontamination, and decommissioning of any uranium enrichment facility.

SEC. 3114. AVLIS.

(a) EXCLUSIVE RIGHT TO COMMERCIALIZE.—The Corporation shall have the exclusive commercial right to deploy and use any AVLIS patents, processes, and technical information owned or controlled by the Government, upon completion of a royalty agreement with the Secretary.

(b) TRANSFER OF RELATED PROPERTY TO CORPORATION.—

(1) IN GENERAL.—To the extent requested by the Corporation and subject to the requirements of the Atomic Energy Act of 1954 (42 U.S.C. 2011, et seq.), the President shall transfer without charge to the Corporation all of the right, title, or interest in and to property owned by the United States under control or custody of the Secretary that is directly related to and materially useful in the performance of the Corporation's purposes regarding AVLIS and alternative technologies for uranium enrichment, including—

(A) facilities, equipment, and materials for research, development, and demonstration activities; and

(B) all other facilities, equipment, materials, processes, patents, technical information of any kind, contracts, agreements, and leases.

(2) EXCEPTION.—Facilities, real estate, improvements, and equipment related to the gaseous diffusion, and gas centrifuge, uranium enrichment programs of the Secretary shall not transfer under paragraph (1)(B).

(3) EXPIRATION OF TRANSFER AUTHORITY.—The President's authority to transfer property under this subsection shall expire upon the privatization date.

(c) LIABILITY FOR PATENT AND RELATED CLAIMS.—With respect to any right, title, or interest provided to the Corporation under subsection (a) or (b), the Corporation shall have sole liability for any payments made or awards under section 157 b. (3) of the Atomic Energy Act of 1954 (42 U.S.C. 2187(b)(3)), or any settlements or judgments involving claims for alleged patent infringement. Any royalty agreement under subsection (a) of this section shall provide for a reduction of royalty payments to the Secretary to offset any payments, awards, settlements, or judgments under this subsection.

SEC. 3115. APPLICATION OF CERTAIN LAWS.

(a) OSHA.—(1) As of the privatization date, the private corporation shall be subject to and comply with the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

(2) The Nuclear Regulatory Commission and the Occupational Safety and Health Administration shall, within 90 days after the date of enactment of this Act, enter into a memorandum of agreement to govern the exercise of their authority over occupational safety and health hazards at the gaseous diffusion plants, including inspection, investigation, enforcement, and rulemaking relating to such hazards.

(b) ANTITRUST LAWS.—For purposes of the antitrust laws, the performance by the private corporation of a "matched import" contract under the Suspension Agreement shall be considered to have occurred prior to the privatization date, if at the time of privatization, such contract had been agreed to by the parties in all material terms and confirmed by the Secretary of Commerce under the Suspension Agreement.

(c) ENERGY REORGANIZATION ACT REQUIREMENTS.—(1) The private corporation and its contractors and subcontractors shall be subject to the provisions of section 211 of the Energy Reorganization Act of 1974 (42 U.S.C. 5851) to the same extent as an employer subject to such section.

(2) With respect to the operation of the facilities leased by the private corporation, section 206 of the Energy Reorganization Act of 1974 (42 U.S.C. 5846) shall apply to the directors and officers of the private corporation.

SEC. 3116. AMENDMENTS TO THE ATOMIC ENERGY ACT.

(a) REPEAL.—(1) Chapters 22 through 26 of the Atomic Energy Act of 1954 (42 U.S.C. 2297–2297e–7) are repealed as of the privatization date.

(2) The table of contents of such Act is amended as of the privatization date by striking the items referring to sections repealed by paragraph (1).

(b) NRC LICENSING.—(1) Section 11v. of the Atomic Energy Act of 1954 (42 U.S.C. 2014v.) is amended by striking "or the construction and operation of a uranium enrichment facility using Atomic Vapor Laser Isotope Separation technology".

(2) Section 193 of the Atomic Energy Act of 1954 (42 U.S.C. 2243) is amended by adding at the end the following:

"(f) LIMITATION.—No license or certificate of compliance may be issued to the United States Enrichment Corporation or its successor under this section or sections 53, 63, or 1701, if the Commission determines that—

"(1) the Corporation is owned, controlled, or dominated by an alien, a foreign corporation, or a foreign government; or

"(2) the issuance of such a license or certificate of compliance would be inimical to—

"(A) the common defense and security of the United States; or

"(B) the maintenance of a reliable and economical domestic source of enrichment services.".

(3) Section 1701(c)(2) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f(c)(2)) is amended to read as follows:

"(2) PERIODIC APPLICATION FOR CERTIFICATE OF COMPLIANCE.—The Corporation shall apply to the Nuclear Regulatory Commission for a certificate of compliance under paragraph (1) periodically, as determined by the Commission, but not less than every 5 years. The Commission shall review any such application and any determination made under subsection (b)(2) shall be based on the results of any such review.".

(4) Section 1702(a) of the Atomic Energy Act of 1954 (42 U.S.C. 2297f–1(a)) is amended—

(1) by striking "other than" and inserting "including", and

(2) by striking "sections 53 and 63" and inserting "sections 53, 63, and 193".

(c) JUDICIAL REVIEW OF NRC ACTIONS.—Section 189b. of the Atomic Energy Act of 1954 (42 U.S.C. 2239(b)) is amended to read as follows:

"b. The following Commission actions shall be subject to judicial review in the manner prescribed in chapter 158 of title 28, United States Code, and chapter 7 of title 5, United States Code:

"(1) Any final order entered in any proceeding of the kind specified in subsection (a).

"(2) Any final order allowing or prohibiting a facility to begin operating under a combined construction and operating license.

"(3) Any final order establishing by regulation standards to govern the Department of Energy's gaseous diffusion uranium enrichment plants, including any such facilities leased to a corporation established under the USEC Privatization Act.

"(4) Any final determination under section 1701(c) relating to whether the gaseous diffusion plants, including any such facilities leased to a *corporation established under the USEC Privatization Act, are in compliance with the Commission's standards governing the gaseous diffusion plants and all applicable laws.''.*

(d) CIVIL PENALTIES.—Section 234 a. of the Atomic Energy Act of 1954 (42 U.S.C. 2282(a) is amended by—

(1) striking "any licensing provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, or 109" and inserting: "any licensing or certification provision of section 53, 57, 62, 63, 81, 82, 101, 103, 104, 107, 109, or 1701"; and

(2) by striking "any license issued thereunder" and inserting: "any license or certification issued thereunder".

(e) REFERENCES TO THE CORPORATION.—Following the privatization date, all references in the Atomic Energy Act of 1954 to the United States Enrichment Corporation shall be deemed to be references to the private corporation.

SEC. 3117. AMENDMENTS TO OTHER LAWS.

(a) DEFINITION OF GOVERNMENT CORPORATION.—As of the privatization date, section 9101(3) of title 31, United States Code, is amended by striking subparagraph (N) as added by section 902(b) of Public Law 102–486.

(b) DEFINITION OF THE CORPORATION.—Section 1018(1) of the Energy Policy Act of 1992 (42 U.S.C. 2296b–7(1) is amended by inserting "or its successor" before the period.

SUBCHAPTER B

SEC. 3201. BONNEVILLE POWER ADMINISTRATION REFINANCING.

(a) DEFINITIONS.—

For the purposes of this section—

(1) "Administrator" means the Administrator of the Bonneville Power Administration;

(2) "capital investment" means a capitalized cost funded by Federal appropriations that—

(A) is for a project, facility, or separable unit or feature of a project or facility;

(B) is a cost for which the Administrator is required by law to establish rates to repay to the United States Treasury through the sale of electric power, transmission, or other services;

(C) excludes a Federal irrigation investment; and

(D) excludes an investment financed by the current revenues of the Administrator or by bonds issued and sold, or authorized to be issued and sold, by the Administrator under section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k);

(3) "new capital investment" means a capital investment for a project, facility, or separable unit or feature of a project or facility, placed in service after September 30, 1996;

(4) "old capital investment" means a capital investment the capitalized cost of which—

(A) was incurred, but not repaid, before October 1, 1996, and

(B) was for a project, facility, or separable unit or feature of a project or facility, placed in service before October 1, 1996;

(5) "repayment date" means the end of the period within which the Administrator's rates are to assure the repayment of the principal amount of a capital investment; and

(6) "Treasury rate" means—

(A) for an old capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding October 1, 1996, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between October 1, 1996, and the repayment date for the old capital investment; and

(B) for a new capital investment, a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the new capital investment.

(b) NEW PRINCIPAL AMOUNTS.—

(1) PRINCIPAL AMOUNT.—Effective October 1, 1996, an old capital investment has a new principal amount that is the sum of—

(A) the present value of the old payment amounts for the old capital investment, calculated using a discount rate equal to the Treasury rate for the old capital investment; and

(B) an amount equal to $100,000,000 multiplied by a fraction whose numerator is the principal amount of the old payment amounts for the old capital investment and whose denominator is the sum of the principal amounts of the old payment amounts for all old capital investments.

(2) DETERMINATION.—With the approval of the Secretary of the Treasury based solely on consistency with this section, the Administrator shall determine the new principal amounts under subsection (b) and the assignment of interest rates to the new principal amounts under subsection (c).

(3) OLD PAYMENT AMOUNTS.—For the purposes of this subsection, "old payment amounts" means, for an old capital investment, the annual interest and principal that the Administrator would have paid to the United States Treasury from October 1, 1996, if this section had not been enacted, assuming that—

(A) the principal were repaid—

(i) on the repayment date the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned a repayment date before October 1, 1994, on a repayment date the Administrator shall assign to the old capital investment in accordance with paragraph 10(d)(1) of the version of Department of Energy Order RA 6120.2 in effect on October 1, 1994; and

(B) interest were paid—

(i) at the interest rate the Administrator assigned before October 1, 1994, to the old capital investment, or

(ii) with respect to an old capital investment for which the Administrator has not assigned an interest rate before October 1, 1994, at a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year in which the related project, facility, or separable unit or feature is placed in service, on outstanding interest-bearing obligations of the United States with periods to maturity comparable to the period between the beginning of the fiscal year and the repayment date for the old capital investment.

(c) INTEREST RATE FOR NEW PRINCIPAL AMOUNTS.—

As of October 1, 1996, the unpaid balance on the new principal amount established for an old capital investment under subsection (b) bears interest annually at the Treasury rate for the old capital investment until the earlier of the date that the new principal amount is repaid or the repayment date for the new principal amount.

(d) REPAYMENT DATES.—

As of October 1, 1996, the repayment date for the new principal amount established for an old capital investment under subsection (b) is no earlier than the repayment date for the old capital investment assumed in subsection (b)(3)(A).

(e) PREPAYMENT LIMITATIONS.—

During the period October 1, 1996, through September 30, 2001, the total new principal amounts of old capital investments, as established under subsection (b), that the Administrator may pay before their respective repayment dates shall not exceed $100,000,000.

(f) INTEREST RATES FOR NEW CAPITAL INVESTMENTS DURING CONSTRUCTION.—

(1) NEW CAPITAL INVESTMENT.—The principal amount of a new capital investment includes interest in each fiscal year of construction of the related project, facility, or separable unit or feature at a rate equal to the one-year rate for the fiscal year on the sum of—

(A) construction expenditures that were made from the date construction commenced through the end of the fiscal year, and

(B) accrued interest during construction.

(2) PAYMENT.—The Administrator is not required to pay, during construction of the project, facility, or separable unit or feature, the interest calculated, accrued, and capitalized under subsection (f)(1).

(3) ONE-YEAR RATE.—For the purposes of this section, "one-year rate" for a fiscal year means a rate determined by the Secretary of the Treasury, taking into consideration prevailing market yields, during the month preceding the beginning of the fiscal year, on outstanding interest-bearing obligations of the United States with periods to maturity of approximately one year.

(g) INTEREST RATES FOR NEW CAPITAL INVESTMENTS.—

The unpaid balance on the principal amount of a new capital investment bears interest at the Treasury rate for the new capital investment from the date the related project, facility, or separable unit or feature is placed in service until the earlier of the date the new capital investment is repaid or the repayment date for the new capital investment.

(h) CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.—

The Confederated Tribe of the Colville Reservation Grand Coulee Dam Settlement Act (Public Law No. 103–436; 108 Stat. 4577) is amended by striking section 6 and inserting the following:

"SEC. 6. CREDITS TO ADMINISTRATOR'S REPAYMENT TO THE UNITED STATES TREASURY.

"So long as the Administrator makes annual payments to the tribes under the settlement agreement, the Administrator shall apply against amounts otherwise payable by the Administrator to the United States Treasury a credit that reduces the Administrator's payment, in the amount and for each fiscal year as follows: $15,860,000 in fiscal year 1997; $16,490,000 in fiscal year 1998; $17,150,000 in fiscal year 1999; $17,840,000 in fiscal year 2000; $18,550,000 in fiscal year 2001; and $4,600,000 in each succeeding fiscal year.".

(i) CONTRACT PROVISIONS.—

In each contract of the Administrator that provides for the Administrator to sell electric power, transmission, or related services, and that is in effect after September 30, 1996, the Administrator shall offer to include, or as the case may be, shall offer to amend to include, provisions specifying that after September 30, 1996—

(1) the Administrator shall establish rates and charges on the basis that—

(A) the principal amount of an old capital investment shall be no greater than the new principal amount established under subsection (b);

(B) the interest rate applicable to the unpaid balance of the new principal amount of an old capital investment shall be no greater than the interest rate established under subsection (c);

(C) any payment of principal of an old capital investment shall reduce the outstanding principal balance of the old capital investment in the amount of the payment at the time the payment is tendered; and

(D) any payment of interest on the unpaid balance of the new principal amount of an old capital investment shall be a credit against the appropriate interest account in the amount of the payment at the time the payment is tendered;

(2) apart from charges necessary to repay the new principal amount of an old capital investment as established under subsection (b) and to pay the interest on the principal amount under subsection (c), no amount may be charged for return to the United States Treasury as repayment for or return on an old capital investment, whether by way of rate, rent, lease payment, assessment, user charge, or any other fee;

(3) amounts provided under section 1304 of title 31, United States Code, shall be available to pay, and shall be the sole source for payment of, a judgment against or settlement by the Administrator or the United States on a claim for a breach of the contract provisions required by this Part; and

(4) the contract provisions specified in this Part do not—

(A) preclude the Administrator from recovering, through rates or other means, any tax that is generally imposed on electric utilities in the United States, or

(B) affect the Administrator's authority under applicable law, including section 7(g) of the Pacific Northwest Electric Power Planning and Conservation Act (16 U.S.C. 839e(g)), to—

(i) allocate costs and benefits, including but not limited to fish and wildlife costs, to rates or resources, or

(ii) design rates.

(j) SAVINGS PROVISIONS.—

(1) REPAYMENT.—This subchapter does not affect the obligation of the Administrator to repay the principal associated with each capital investment, and to pay interest on the principal, only from the "Administrator's net proceeds," as defined in section 13 of the Federal Columbia River Transmission System Act (16 U.S.C. 838k(b)).

(2) PAYMENT OF CAPITAL INVESTMENT.—Except as provided in subsection (e), this section does not affect the authority of the Administrator to pay all or a portion of the principal amount associated with a capital investment before the repayment date for the principal amount.

CHAPTER 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

Of the unobligated balances available under this heading, $42,000,000 are rescinded.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

Notwithstanding section 161 of the Energy Policy and Conservation Act (42 U.S.C. 6241), the Secretary of Energy shall draw down and sell in fiscal year 1996, $227,000,000 worth of Strategic Petroleum Reserve oil from the Weeks Island site.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENT OF HEALTH AND HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES

JOB OPPORTUNITIES AND BASIC SKILLS

(RESCISSION)

Of the funds made available under this heading elsewhere in this Act, there is rescinded an amount equal to the total of the funds within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year.

Section 403(k)(3)(F) of the Social Security Act (as amended by Public Law 100–485) is amended by adding: "reduced by an amount equal to the total of those funds that are within each State's limitation for fiscal year 1996 that are not necessary to pay such State's allowable claims for such fiscal year (except that such amount for such year shall be deemed to be $1,000,000,000 for the purpose of determining the amount of the payment under subsection (1) to which each State is entitled),".

DEPARTMENT OF EDUCATION

STUDENT FINANCIAL ASSISTANCE

Notwithstanding any other provision of this Act, the first and third dollar amounts provided in Title I of this Act under the heading "Student Financial Assistance" are hereby reduced by $53,446,000.

CHAPTER 5

MILITARY CONSTRUCTION

(RESCISSIONS)

Of the funds provided in Public Law 104–32, the Military Construction Appropriations Act, 1996, the following funds are hereby rescinded from the following accounts in the specified amounts:

Military Construction, Army, $6,385,000;

Military Construction, Navy, $6,385,000;

Military Construction, Air Force, $6,385,000; and

Military Construction, Defense-wide, $18,345,000.

CHAPTER 6

DEPARTMENT OF DEFENSE—MILITARY PROCUREMENT

MISSILE PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $310,000,000 are rescinded.

OTHER PROCUREMENT, AIR FORCE

(RESCISSION)

Of the funds made available under this heading in Public Law 103–335, $265,000,000 are rescinded.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $19,500,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $45,000,000 are rescinded, Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

(RESCISSIONS)

Of the funds made available under this heading in Public Law 103–335, $245,000,000 are rescinded.

Of the funds made available under this heading in Public Law 104–61, $69,800,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

(RESCISSION)

Of the funds made available under this heading in Public Law 104–61, $40,600,000 are rescinded: Provided, That this reduction shall be applied proportionally to each budget activity, activity group and subactivity group and each program, project, and activity within this appropriation account: Provided further, That no reduction may be taken against the funds made available to the Department of Defense for Ballistic Missile Defense.

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $664,000,000 are rescinded.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $9,000,000 are rescinded.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $33,000,000 are rescinded.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

Of the available contract authority balances under this account, $56,000,000 are rescinded.

CHAPTER 8

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

(RESCISSION)

Of the funds made available for installment acquisition payments under this heading in Public Law 104–52, $3,400,000 are rescinded: Provided, That the aggregate amount made available to the Fund shall be $5,062,749,000.

CHAPTER 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

Of the funds made available under this heading and under the heading "Disaster relief emergency contingency fund" in Public Law 104–19, $1,000,000,000 are rescinded.

CHAPTER 10

DEBT COLLECTION IMPROVEMENTS

SEC. 31001. DEBT COLLECTION IMPROVEMENT ACT OF 1996.

(a)(1) This section may be cited as the "Debt Collection Improvement Act of 1996".

(2)(A) IN GENERAL.—The provisions of this section and the amendments made by this section shall take effect on the date of the enactment of this Act.

(B) OFFSETS FROM SOCIAL SECURITY PAYMENTS, ETC.—Subparagraph (A) of section 3716(c)(3) of title 31, United States Code (as *added by subsection (d)(2) of this section), shall apply only to payments made after the date which is 4 months after the date of the enactment of this Act.*

(b) The purposes of this section are the following:

(1) To maximize collections of delinquent debts owed to the Government by ensuring quick action to enforce recovery of debts and the use of all appropriate collection tools.

(2) To minimize the costs of debt collection by consolidating related functions and activities and utilizing interagency teams.

(3) To reduce losses arising from debt management activities by requiring proper screening of potential borrowers, aggressive monitoring of all accounts, and sharing of information within and among Federal agencies.

(4) To ensure that the public is fully informed of the Federal Government's debt collection policies and that debtors are cognizant of their financial obligations to repay amounts owed to the Federal Government.

(5) To ensure that debtors have all appropriate due process rights, including the ability to verify, challenge, and compromise claims, and access to administrative appeals procedures which are both reasonable and protect the interests of the United States.

(6) To encourage agencies, when appropriate, to sell delinquent debt, particularly debts with underlying collateral.

(7) To rely on the experience and expertise of private sector professionals to provide debt collection services to Federal agencies.

(c) Chapter 37 of title 31, United States Code, is amended—

(1) in each of sections 3711, 3716, 3717, and 3718, by striking "the head of an executive or legislative agency" each place it appears and inserting "the head of an executive, judicial, or legislative agency"; and

(2) by amending section 3701(a)(4) to read as follows:

"(4) 'executive, judicial, or legislative agency' means a department, agency, court, court administrative office, or instrumentality in the executive, judicial, or legislative branch of Government, including government corporations.".

(d)(1) PERSONS SUBJECT TO ADMINISTRATIVE OFFSET.—Section 3701(c) of title 31, United States Code, is amended to read as follows:

"(c) In sections 3716 and 3717 of this title, the term 'person' does not include an agency of the United States Government.".

(2) REQUIREMENTS AND PROCEDURES.—Section 3716 of title 31, United States Code, is amended—

(A) by amending subsection (b) to read as follows:

"(b) Before collecting a claim by administrative offset, the head of an executive, judicial, or legislative agency must either—

"(1) adopt, without change, regulations on collecting by administrative offset promulgated by the Department of Justice, the General Accounting Office, or the Department of the Treasury; or

"(2) prescribe regulations on collecting by administrative offset consistent with the regulations referred to in paragraph (1).";

(B) by amending subsection (c)(2) to read as follows:

"(2) when a statute explicitly prohibits using administrative offset or setoff to collect the claim or type of claim involved.";

(C) by redesignating subsection (c) as subsection (e); and

(D) by inserting after subsection (b) the following new subsections:

"(c)(1)(A) Except as otherwise provided in this subsection, a disbursing official of the Department of the Treasury, the Department of Defense, the United States Postal Service, or any other government corporation, or any disbursing official of the United States designated by the Secretary of the Treasury, shall offset at least annually the amount of a payment which a payment certifying agency has certified to the disbursing official for disbursement, by an amount equal to the amount of a claim which a creditor agency has certified to the Secretary of the Treasury pursuant to this subsection.

"(B) An agency that designates disbursing officials pursuant to section 3321(c) of this title is not required to certify claims arising out of its operations to the Secretary of the Treasury before such agency's disbursing officials offset such claims.

"(C) Payments certified by the Department of Education under a program administered by the Secretary of Education under title IV of the Higher Education Act of 1965 shall not be subject to administrative offset under this subsection.

"(2) Neither the disbursing official nor the payment certifying agency shall be liable—

"(A) for the amount of the administrative offset on the basis that the underlying obligation, represented by the payment before the administrative offset was taken, was not satisfied; or

"(B) for failure to provide timely notice under paragraph (8).

"(3)(A)(i) Notwithstanding any other provision of law (including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public Law 91–173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m)), except as provided in clause (ii), all payments due to an individual under—

"(I) the Social Security Act,

"(II) part B of the Black Lung Benefits Act, or

"(III) any law administered by the Railroad Retirement Board (other than payments that such Board determines to be tier 2 benefits),

shall be subject to offset under this section.

"(ii) An amount of $9,000 which a debtor may receive under Federal benefit programs cited under clause (i) within a 12-month period shall be exempt from offset under this subsection. In applying the $9,000 exemption, the disbursing official shall—

"(I) reduce the $9,000 exemption amount for the 12-month period by the amount of all Federal benefit payments made during such 12-month period which are not subject to offset under this subsection; and

"(II) apply a prorated amount of the exemption to each periodic benefit payment to be made to the debtor during the applicable 12-month period.

For purposes of the preceding sentence, the amount of a periodic benefit payment shall be the amount after any reduction or deduction required under the laws authorizing the program under which such payment is authorized to be made (including any reduction or deduction to recover any overpayment under such program).

"(B) The Secretary of the Treasury shall exempt from administrative offset under this subsection payments under means-tested programs when requested by the head of the respective agency. The Secretary may exempt other payments from administrative offset under this subsection upon the written request of the head of a payment certifying agency. A written request for exemption of other payments must provide justification for the exemption under standards prescribed by the Secretary. Such standards shall give due consideration to whether administrative offset would tend to interfere substantially with or defeat the purposes of the payment certifying agency's program. The Secretary shall report to the Congress annually on exemptions granted under this section.

"(C) The provisions of sections 205(b)(1) and 1631(c)(1) of the Social Security Act shall not apply to any administrative offset executed pursuant to this section against benefits authorized by either title II or title XVI of the Social Security Act, respectively.

"(4) The Secretary of the Treasury may charge a fee sufficient to cover the full cost of implementing this subsection. The fee may be collected either by the retention of a portion of amounts collected pursuant to this subsection, or by billing the agency referring or transferring a claim for those amounts. Fees charged to the agencies shall be based on actual administrative offsets completed. Amounts received by the United States as fees under this subsection shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of this title, and shall be collected and accounted for in accordance with the provisions of that section.

"(5) The Secretary of the Treasury in consultation with the Commissioner of Social Security and the Director of the Office of Management and Budget, may prescribe such rules, regulations, and procedures as the Secretary of the Treasury considers necessary to carry out this subsection. The Secretary shall consult with the heads of affected agencies in the development of such rules, regulations, and procedures.

"(6) Any Federal agency that is owed by a person a past due, legally enforceable nontax debt that is over 180 days delinquent, including nontax debt administered by a third party acting as an agent for the Federal Government, shall notify the Secretary of the Treasury of all such nontax debts for purposes of administrative offset under this subsection.

"(7)(A) The disbursing official conducting an administrative offset with respect to a payment to a payee shall notify the payee in writing of—

"(i) the occurrence of the administrative offset to satisfy a past due legally enforceable debt, including a description of the type and amount of the payment otherwise payable to the payee against which the offset was executed;

"(ii) the identity of the creditor agency requesting the offset; and

"(iii) a contact point within the creditor agency that will handle concerns regarding the offset.

"(B) If the payment to be offset is a periodic benefit payment, the disbursing official shall take reasonable steps, as determined by the Secretary of the Treasury, to provide the notice to the payee not later than the date on which the payee is otherwise scheduled to receive the payment, or as soon as practical thereafter, but no later than the date of the administrative offset. Notwithstanding the preceding sentence, the failure of the debtor to receive such notice shall not impair the legality of such administrative offset.

"(8) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over requests for administrative offset pursuant to other laws.

"(d) Nothing in this section is intended to prohibit the use of any other administrative offset authority existing under statute or common law.".

(3) NONTAX DEBT OR CLAIM DEFINED.—Section 3701 of title 31, United States Code, is amended in subsection (a) by adding at the end the following new paragraph:

"(8) 'nontax' means, with respect to any debt or claim, any debt or claim other than a debt or claim under the Internal Revenue Code of 1986.".

(4) TREASURY CHECK WITHHOLDING.—Section 3712 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(e) TREASURY CHECK OFFSET.—

"(1) IN GENERAL.—To facilitate collection of amounts owed by presenting banks pursuant to subsection (a) or (b), upon the direction of the Secretary, a Federal reserve bank shall withhold

credit from banks presenting Treasury checks for ultimate charge to the account of the United States Treasury. By presenting Treasury checks for payment a presenting bank is deemed to authorize this offset.

"(2) ATTEMPT TO COLLECT REQUIRED.—Prior to directing offset under subsection (a)(1), the Secretary shall first attempt to collect amounts owed in the manner provided by sections 3711 and 3716.".

(e) Section 3716 of title 31, United States Code, as amended by subsection (d)(2) of this section, is further amended by adding at the end the following new subsections:

"(f) The Secretary may waive the requirements of sections 552a(o) and (p) of title 5 for administrative offset or claims collection upon written certification by the head of a State or an executive, judicial, or legislative agency seeking to collect the claim that the requirements of subsection (a) of this section have been met.

"(g) The Data Integrity Board of the Department of the Treasury established under 552a(u) of title 5 shall review and include in reports under paragraph (3)(D) of that section a description of any matching activities conducted under this section. If the Secretary has granted a waiver under subsection (f) of this section, no other Data Integrity Board is required to take any action under section 552a(u) of title 5.".

(f) Section 3716 of title 31, United States Code, as amended by subsections (d) and (e) of this section, is further amended by adding at the end the following new subsection:

"(h)(1) The Secretary may, in the discretion of the Secretary, apply subsection (a) with respect to any past-due, legally-enforceable debt owed to a State if—

"(A) the appropriate State disbursing official requests that an offset be performed; and

"(B) a reciprocal agreement with the State is in effect which contains, at a minimum—

"(i) requirements substantially equivalent to subsection (b) of this section; and

"(ii) any other requirements which the Secretary considers appropriate to facilitate the offset and prevent duplicative efforts.

"(2) This subsection does not apply to—

"(A) the collection of a debt or claim on which the administrative costs associated with the collection of the debt or claim exceed the amount of the debt or claim;

"(B) any collection of any other type, class, or amount of claim, as the Secretary considers necessary to protect the interest of the United States; or

"(C) the disbursement of any class or type of payment exempted by the Secretary of the Treasury at the request of a Federal agency.

"(3) In applying this section with respect to any debt owed to a State, subsection (c)(3)(A) shall not apply.".

(g)(1) TITLE 31.—Title 31, United States Code, is amended—

(A) in section 3322(a), by inserting "section 3716 and section 3720A of this title and" after "Except as provided in";

(B) in section 3325(a)(3), by inserting "or pursuant to payment intercepts or offsets pursuant to section 3716 or 3720A of this title," after "voucher"; and

(C) in each of sections 3711(e)(2) and 3717(h) by inserting ", the Secretary of the Treasury," after "Attorney General".

(2) INTERNAL REVENUE CODE OF 1986.—Subparagraph (A) of section 6103(l)(10) of the Internal Revenue Code of 1986 (26 U.S.C. 6103(l)(10)) is amended by inserting "and to officers and employees of the Department of the Treasury in connection with such reduction" after "6402".

(h) Section 5514 of title 5, United States Code, is amended—

(A) in subsection (a)—

(i) by adding at the end of paragraph (1) the following: "All Federal agencies to which debts are owed and which have outstanding delinquent debts shall participate in a computer match at least annually of their delinquent debt records with records of Federal employees to identify those employees who are delinquent in repayment of those debts. The preceding sentence shall not apply to any debt under the Internal Revenue Code of 1986. Matched Federal employee records shall include, but shall not be limited to, records of active Civil Service employees government-wide, military active duty personnel, military reservists, United States Postal Service employees, employees of other government corporations, and seasonal and temporary employees. The Secretary of the Treasury shall establish and maintain an interagency consortium to implement centralized salary offset computer matching, and promulgate regulations for this program. Agencies that perform centralized salary offset computer matching services under this subsection are authorized to charge a fee sufficient to cover the full cost for such services.";

(ii) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(iii) by inserting after paragraph (2) the following new paragraph:

"(3) Paragraph (2) shall not apply to routine intra-agency adjustments of pay that are attributable to clerical or administrative errors or delays in processing pay documents that have occurred within the four pay periods preceding the adjustment and to any adjustment that amounts to $50 or less, if at the time of such adjustment, or as soon thereafter as practical, the individual is provided written notice of the nature and the amount of the adjustment and a point of contact for contesting such adjustment."; and

(iv) by amending paragraph (5)(B) (as redesignated by clause (ii) of this subparagraph) to read as follows:

"(B) 'agency' includes executive departments and agencies, the United States Postal Service, the Postal Rate Commission, the United States Senate, the United States House of Representatives, and any court, court administrative office, or instrumentality in the judicial or legislative branches of the Government, and government corporations.";

(B) by adding after subsection (c) the following new subsection:

"(d) A levy pursuant to the Internal Revenue Code of 1986 shall take precedence over other deductions under this section.".

(i)(1) IN GENERAL.—Section 7701 of title 31, United States Code, is amended by adding at the end the following new subsections:

"(c)(1) The head of each Federal agency shall require each person doing business with that agency to furnish to that agency such person's taxpayer identifying number.

"(2) For purposes of this subsection, a person shall be considered to be doing business with a Federal agency if the person is—

"(A) a lender or servicer in a Federal guaranteed or insured loan program administered by the agency;

"(B) an applicant for, or recipient of, a Federal license, permit, right-of-way, grant, or benefit payment administered by the agency or insurance administered by the agency;

"(C) a contractor of the agency;

"(D) assessed a fine, fee, royalty or penalty by the agency; and

"(E) in a relationship with the agency that may give rise to a receivable due to that agency, such as a partner of a borrower in or a guarantor of a Federal direct or insured loan administered by the agency.

"(3) Each agency shall disclose to a person required to furnish a taxpayer identifying number under this subsection its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such person's relationship with the Government.

"(4) For purposes of this subsection, a person shall not be treated as doing business with a Federal agency solely by reason of being a debtor under third party claims of the United States. The preceding sentence shall not apply to a debtor owing claims resulting from petroleum pricing violations or owing claims resulting from Federal loan or loan guarantee/insurance programs.

"(d) Notwithstanding section 552a(b) of title 5, United States Code, creditor agencies to which a delinquent claim is owed, and their agents, may match their debtor records with Department of Health and Human Services, and Department of Labor records to obtain names (including names of employees), name controls, names of employers, taxpayer identifying numbers, addresses (including addresses of employers), and dates of birth. The preceding sentence shall apply to the disclosure of taxpayer identifying numbers only if such disclosure is not otherwise prohibited by section 6103 of the Internal Revenue Code of 1986. The Department of Health and Human Services, and the Department of Labor shall release that information to creditor agencies and may charge reasonable fees sufficient to pay the costs associated with that release.".

(2) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—Subparagraph (C) of section 6103(l)(3) of the Internal Revenue Code of 1986 (relating to disclosure that applicant for Federal loan has tax delinquent account) is amended to read as follows:

"(C) INCLUDED FEDERAL LOAN PROGRAM DEFINED.—For purposes of this paragraph, the term 'included Federal loan program' means any program under which the United States or a Federal agency makes, guarantees, or insures loans.".

(3) CLERICAL AMENDMENTS.—

(A) The chapter title to chapter 77 of subtitle VI of title 31, United States Code, is amended to read as follows:

"CHAPTER 77—ACCESS TO INFORMATION FOR DEBT COLLECTION".

(B) The table of chapters for subtitle VI of title 31, United States Code, is amended by inserting before the item relating to chapter 91 the following new item:

"77. Access to information for debt collection .... 7701".

(j)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720A the following new section:

"§3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees

"(a) Unless this subsection is waived by the head of a Federal agency, a person may not obtain any Federal financial assistance in the form of a loan (other than a disaster loan) or loan insurance or guarantee administered by the agency if the person has an outstanding debt (other than a debt under the Internal Revenue Code of 1986) with any Federal agency which is in a delinquent status, as determined under standards prescribed by the Secretary of the Treasury. Such a person may obtain additional loans or loan guarantees only after such delinquency is resolved in accordance with those standards. The Secretary of the Treasury may exempt, at the request of an agency, any class of claims.

"(b) The head of a Federal agency may delegate the waiver authority under subsection (a) to the Chief Financial Officer of the agency. The waiver authority may be redelegated only to the Deputy Chief Financial Officer of the agency."

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720A the following new item:

"3720B. Barring delinquent Federal debtors from obtaining Federal loans or loan insurance guarantees.".

(k) Section 3711(f) of title 31, United States Code, is amended—

(1) by striking "may" the first place it appears and inserting "shall";

(2) by striking "an individual" each place it appears and inserting "a person";

(3) by striking "the individual" each place it appears and inserting "the person"; and

(4) by adding at the end the following new paragraphs:

"(4) The head of each executive agency shall require, as a condition for insuring or guaranteeing any loan, financing, or other extension of credit under any law to a person, that the lender provide information relating to the extension of credit to consumer reporting agencies or commercial reporting agencies, as appropriate.

"(5) The head of each executive agency may provide to a consumer reporting agency or commercial reporting agency information from a system of records that a person is responsible for a claim which is current, if notice required by section 552a(e)(4) of title 5 indicates that information in the system may be disclosed to a consumer reporting agency or commercial reporting agency, respectively.".

(l) Section 3718 of title 31, United States Code, is amended—

(1) in subsection (a), by striking the first sentence and inserting the following: "Under conditions the head of an executive, judicial, or legislative agency considers appropriate, the head of the agency may enter into a contract with a person for collection service to recover indebtedness owed, or to locate or recover assets of, the United States Government. The head of an agency may not enter into a contract under the preceding sentence to locate or recover assets of the United States held by a State government or financial institution unless that agency has established procedures approved by the Secretary of the Treasury to identify and recover such assets."; and

(2) in subsection (d), by inserting ", or to locate or recover assets of," after "owed".

(m)(1) IN GENERAL.—Section 3711 of title 31, United States Code, is amended by adding at the end the following new subsections:

"(g)(1) If a nontax debt or claim owed to the United States has been delinquent for a period of 180 days—

"(A) the head of the executive, judicial, or legislative agency that administers the program that gave rise to the debt or claim shall transfer the debt or claim to the Secretary of the Treasury; and

"(B) upon such transfer the Secretary of the Treasury shall take appropriate action to collect or terminate collection actions on the debt or claim.

"(2) Paragraph (1) shall not apply—

"(A) to any debt or claim that—

"(i) is in litigation or foreclosure;

"(ii) will be disposed of under an asset sales program within 1 year after becoming eligible for sale, or later than 1 year if consistent with an asset sales program and a schedule established by the agency and approved by the Director of the Office of Management and Budget;

"(iii) has been referred to a private collection contractor for collection for a period of time determined by the Secretary of the Treasury;

"(iv) has been referred by, or with the consent of, the Secretary of the Treasury to a debt collection center for a period of time determined by the Secretary of the Treasury; or

"(v) will be collected under internal offset, if such offset is sufficient to collect the claim within 3 years after the date the debt or claim is first delinquent; and

"(B) to any other specific class of debt or claim, as determined by the Secretary of the Treasury at the request of the head of an executive, judicial, or legislative agency or otherwise.

"(3) For purposes of this section, the Secretary of the Treasury may designate, and withdraw such designation of debt collection centers operated by other Federal agencies. The Secretary of the Treasury shall designate such centers on the basis of their performance in collecting delinquent claims owed to the Government.

"(4) At the discretion of the Secretary of the Treasury, referral of a nontax claim may be made to—

"(A) any executive department or agency operating a debt collection center for servicing, collection, compromise, or suspension or termination of collection action;

"(B) a private collection contractor operating under a contract for servicing or collection action; or

"(C) the Department of Justice for litigation.

"(5) Nontax claims referred or transferred under this section shall be serviced, collected, or compromised, or collection action thereon suspended or terminated, in accordance with otherwise applicable statutory requirements and authorities. Executive departments and agencies operating debt collection centers may enter into agreements with the Secretary of the Treasury to carry out the purposes of this subsection. The Secretary of the Treasury shall—

"(A) maintain competition in carrying out this subsection;

"(B) maximize collections of delinquent debts by placing delinquent debts quickly;

"(C) maintain a schedule of private collection contractors and debt collection centers eligible for referral of claims; and

"(D) refer delinquent debts to the person most appropriate to collect the type or amount of claim involved.

"(6) Any agency operating a debt collection center to which nontax claims are referred or transferred under this subsection may charge a fee sufficient to cover the full cost of implementing this subsection. The agency transferring or referring the nontax claim shall be charged the fee, and the agency charging the fee shall collect such fee by retaining the amount of the fee from amounts collected pursuant to this subsection. Agencies may agree to pay through a different method, or to fund an activity from another account or from revenue received from the procedure described under section 3720C of this title. Amounts charged under this subsection concerning delinquent claims may be considered as costs pursuant to section 3717(e) of this title.

"(7) Notwithstanding any other law concerning the depositing and collection of Federal payments, including section 3302(b) of this title, agencies collecting fees may retain the fees from amounts collected. Any fee charged pursuant to this subsection shall be deposited into an account to be determined by the executive department or agency operating the debt collection center charging the fee (in this subsection referred to in this section as the 'Account'). Amounts deposited in the Account shall be available until expended to cover costs associated with the implementation and operation of Governmentwide debt collection activities. Costs properly chargeable to the Account include—

"(A) the costs of computer hardware and software, word processing and telecommunications equipment, and other equipment, supplies, and furniture;

"(B) personnel training and travel costs;

"(C) other personnel and administrative costs;

"(D) the costs of any contract for identification, billing, or collection services; and

"(E) reasonable costs incurred by the Secretary of the Treasury, including services and utilities provided by the Secretary, and administration of the Account.

"(8) Not later than January 1 of each year, there shall be deposited into the Treasury as miscellaneous receipts an amount equal to the amount of unobligated balances remaining in the Account at the close of business on September 30 of the preceding year, minus any part of such balance that the executive department or agency operating the debt collection center determines is necessary to cover or defray the costs under this subsection for the fiscal year in which the deposit is made.

"(9) Before discharging any delinquent debt owed to any executive, judicial, or legislative agency, the head of such agency shall take all appropriate steps to collect such debt, including (as applicable)—

"(A) administrative offset,

"(B) tax refund offset,

"(C) Federal salary offset,

"(D) referral to private collection contractors,

"(E) referral to agencies operating a debt collection center,

"(F) reporting delinquencies to credit reporting bureaus,

"(G) garnishing the wages of delinquent debtors, and

"(H) litigation or foreclosure.

"(10) To carry out the purposes of this subsection, the Secretary of the Treasury may prescribe such rules, regulations, and procedures as the Secretary considers necessary and transfer such funds from funds appropriated to the Department of the Treasury as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues that result from debt collections.

"(h)(1) The head of an executive, judicial, or legislative agency acting under subsection (a)(1), (2), or (3) of this section to collect a claim, compromise a claim, or terminate collection action on a claim may obtain a consumer report (as that term is defined in section 603 of the Fair Credit Reporting Act (15 U.S.C. 1681a)) or comparable credit information on any person who is liable for the claim.

"(2) The obtaining of a consumer report under this subsection is deemed to be a circumstance or purpose authorized or listed under section 604 of the Fair Credit Reporting Act (15 U.S.C. 1681b).".

(2) RETURNS RELATING TO CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES.—

(A) IN GENERAL.—Subsection (a) of section 6050P of the Internal Revenue Code of 1986 (relating to returns relating to the cancellation of indebtedness by certain financial entities) is amended by striking "applicable financial entity" and inserting "applicable entity".

(B) ENTITIES TO WHICH REQUIREMENT APPLIES.—Subsection (c) of section 6050P of such Code is amended—

(i) by redesignating paragraphs (1) and (2) as paragraphs (2) and (3), respectively, and inserting before paragraph (2) (as so redesignated) the following new paragraph:

"(1) APPLICABLE ENTITY.—The term 'applicable entity' means—

"(A) an executive, judicial, or legislative agency (as defined in section 3701(a)(4) of title 31, United States Code), and

"(B) an applicable financial entity.", and

(ii) in paragraph (3), as so redesignated, by striking "(1)(B)" and inserting "(1)(A) or (2)(B)".

(C) ALTERNATIVE PROCEDURE.—Section 6050P of such Code is amended by adding at the end the following new subsection:

"(e) ALTERNATIVE PROCEDURE.—In lieu of making a return required under subsection (a),

an agency described in subsection (c)(1)(A) may submit to the Secretary (at such time and in such form as the Secretary may by regulations prescribe) information sufficient for the Secretary to complete such a return on behalf of such agency. Upon receipt of such information, the Secretary shall complete such return and provide a copy of such return to such agency."

(D) CONFORMING AMENDMENTS.—

(i) Subsection (d) of section 6050P of such Code is amended by striking "applicable financial entity" and inserting "applicable entity".

(ii) The heading of section 6050P of such Code is amended to read as follows:

"SEC. 6050P. RETURNS RELATING TO THE CANCELLATION OF INDEBTEDNESS BY CERTAIN ENTITIES."

(iii) The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by striking the item relating to section 6050P and inserting the following new item:

"Sec. 6050P. Returns relating to the cancellation of indebtedness by certain entities."

(n) Effective October 1, 1995, section 11 of the Administrative Dispute Resolution Act (Public Law 101-552, 5 U.S.C. 571 note) shall not apply to the amendment made by section 8(b) of such Act.

(o)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720C, as added by subsection (t) of this section, the following new section:

"§3720D. Garnishment

"(a) Notwithstanding any provision of State law, the head of an executive, judicial, or legislative agency that administers a program that gives rise to a delinquent nontax debt owed to the United States by an individual may in accordance with this section garnish the disposable pay of the individual to collect the amount owed, if the individual is not currently making required repayment in accordance with any agreement between the agency head and the individual.

"(b) In carrying out any garnishment of disposable pay of an individual under subsection (a), the head of an executive, judicial, or legislative agency shall comply with the following requirements:

"(1) The amount deducted under this section for any pay period may not exceed 15 percent of disposable pay, except that a greater percentage may be deducted with the written consent of the individual.

"(2) The individual shall be provided written notice, sent by mail to the individual's last known address, a minimum of 30 days prior to the initiation of proceedings, from the head of the executive, judicial, or legislative agency, informing the individual of—

"(A) the nature and amount of the debt to be collected;

"(B) the intention of the agency to initiate proceedings to collect the debt through deductions from pay; and

"(C) an explanation of the rights of the individual under this section.

"(3) The individual shall be provided an opportunity to inspect and copy records relating to the debt.

"(4) The individual shall be provided an opportunity to enter into a written agreement with the executive, judicial, or legislative agency, under terms agreeable to the head of the agency, to establish a schedule for repayment of the debt.

"(5) The individual shall be provided an opportunity for a hearing in accordance with subsection (c) on the determination of the head of the executive, judicial, or legislative agency concerning—

"(A) the existence or the amount of the debt, and

"(B) in the case of an individual whose repayment schedule is established other than by a written agreement pursuant to paragraph (4), the terms of the repayment schedule.

"(6) If the individual has been reemployed within 12 months after having been involuntarily separated from employment, no amount may be deducted from the disposable pay of the individual until the individual has been reemployed continuously for at least 12 months.

"(c)(1) A hearing under subsection (b)(5) shall be provided prior to issuance of a garnishment order if the individual, on or before the 15th day following the mailing of the notice described in subsection (b)(2), and in accordance with such procedures as the head of the executive, judicial, or legislative agency may prescribe, files a petition requesting such a hearing.

"(2) If the individual does not file a petition requesting a hearing prior to such date, the head of the agency shall provide the individual a hearing under subsection (a)(5) upon request, but such hearing need not be provided prior to issuance of a garnishment order.

"(3) The hearing official shall issue a final decision at the earliest practicable date, but not later than 60 days after the filing of the petition requesting the hearing.

"(d) The notice to the employer of the withholding order shall contain only such information as may be necessary for the employer to comply with the withholding order.

"(e)(1) An employer may not discharge from employment, refuse to employ, or take disciplinary action against an individual subject to wage withholding in accordance with this section by reason of the fact that the individual's wages have been subject to garnishment under this section, and such individual may sue in a State or Federal court of competent jurisdiction any employer who takes such action.

"(2) The court shall award attorneys' fees to a prevailing employee and, in its discretion, may order reinstatement of the individual, award punitive damages and back pay to the employee, or order such other remedy as may be reasonably necessary.

"(f)(1) The employer of an individual—

"(A) shall pay to the head of an executive, judicial, or legislative agency as directed in a withholding order issued in an action under this section with respect to the individual, and

"(B) shall be liable for any amount that the employer fails to withhold from wages due an employee following receipt by such employer of notice of the withholding order, plus attorneys' fees, costs, and, in the court's discretion, punitive damages.

"(2)(A) The head of an executive, judicial, or legislative agency may sue an employer in a State or Federal court of competent jurisdiction to recover amounts for which the employer is liable under paragraph (1)(B).

"(B) A suit under this paragraph may not be filed before the termination of the collection action, unless earlier filing is necessary to avoid expiration of any applicable statute of limitations period.

"(3) Notwithstanding paragraphs (1) and (2), an employer shall not be required to vary its normal pay and disbursement cycles in order to comply with this subsection.

"(g) For the purpose of this section, the term 'disposable pay' means that part of the compensation of any individual from an employer remaining after the deduction of any amounts required by any other law to be withheld.

"(h) The Secretary of the Treasury shall issue regulations to implement this section.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720C (as added by subsection (t) of this section) the following new item:

"3720D. Garnishment.".

(p) Section 3711 of title 31, United States Code, as amended by subsection (m) of this section, is further amended by adding at the end the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may sell, subject to section 504(b) of the Federal Credit Reform Act of 1990 and using competitive procedures, any nontax debt owed to the United States that is delinquent for more than 90 days. Appropriate fees charged by a contractor to assist in the conduct of a sale under this subsection may be payable from the proceeds of the sale.

"(2) After terminating collection action, the head of an executive, judicial, or legislative agency shall sell, using competitive procedures, any nontax debt or class of nontax debts owed to the United States, if the Secretary of the Treasury determines the sale is in the best interests of the United States.

"(3) Sales of nontax debt under this subsection—

"(A) shall be for—

"(i) cash, or

"(ii) cash and a residuary equity or profit participation, if the head of the agency reasonably determines that the proceeds will be greater than sale solely for cash,

"(B) shall be without recourse, but may include the use of guarantees if otherwise authorized, and

"(C) shall transfer to the purchaser all rights of the Government to demand payment of the nontax debt, other than with respect to a residuary equity or profit participation under subparagraph (A)(ii).

"(4)(A) Within one year after the date of enactment of the Debt Collection Improvement Act of 1996, each executive agency with current and delinquent collateralized nontax debts shall report to the Congress on the valuation of its existing portfolio of loans, notes and guarantees, and other collateralized debts based on standards developed by the Director of the Office of Management and Budget, in consultation with the Secretary of the Treasury.

"(B) The Director of the Office of Management and Budget shall determine what information is required to be reported to comply with subparagraph (A). At a minimum, for each financing account and for each liquidating account (as those terms are defined in sections 502(7) and 502(8), respectively, of the Federal Credit Reform Act of 1990) the following information shall be reported:

"(i) The cumulative balance of current debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

"(ii) The cumulative balance of delinquent debts, debts outstanding, the estimated net present value of such debts, the annual administrative expenses of those debts (including the portion of salaries and expenses that are directly related thereto), and the estimated net proceeds that would be received by the Government if such debts were sold.

"(iii) The cumulative balance of guaranteed loans outstanding, the estimated net present value of such guarantees, the annual administrative expenses of such guarantees (including the portion of salaries and expenses that are directly related to such guaranteed loans), and the estimated net proceeds that would be received by the Government if such loan guarantees were sold.

"(iv) The cumulative balance of defaulted loans that were previously guaranteed and have resulted in loans receivables, the estimated net present value of such loan assets, the annual administrative expenses of such loan assets (including the portion of salaries and expenses that are directly related to such loan assets), and the estimated net proceeds that would be received by the Government if such loan assets were sold.

"(v) The marketability of all debts.

"(5) This subsection is not intended to limit existing statutory authority of agencies to sell loans, debts, or other assets.".

(q) Section 3717 of title 31, United States Code, is amended by adding at the end of subsection (h) the following new subsection:

"(i)(1) The head of an executive, judicial, or legislative agency may increase an administrative claim by the cost of living adjustment in lieu of charging interest and penalties under this section. Adjustments under this subsection will be computed annually.

"(2) For the purpose of this subsection—

"(A) the term 'cost of living adjustment' means the percentage by which the Consumer Price Index for the month of June of the calendar year preceding the adjustment exceeds the Consumer Price Index for the month of June of the calendar year in which the claim was determined or last adjusted; and

"(B) the term 'administrative claim' includes all debt that is not based on an extension of Government credit through direct loans, loan guarantees, or insurance, including fines, penalties, and overpayments.".

(r)(1) IN GENERAL.—Chapter 37 of title 31, United States Code, is amended in subchapter II by adding after section 3720D, as added by subsection (o) of this section, the following new section:

"§3720E. Dissemination of information regarding identity of delinquent debtors

"(a) The head of any agency may, with the review of the Secretary of the Treasury, for the purpose of collecting any delinquent nontax debt owed by any person, publish or otherwise publicly disseminate information regarding the identity of the person and the existence of the nontax debt.

"(b)(1) The Secretary of the Treasury, in consultation with the Director of the Office of Management and Budget and the heads of other appropriate Federal agencies, shall issue regulations establishing procedures and requirements the Secretary considers appropriate to carry out this section.

"(2) Regulations under this subsection shall include—

"(A) standards for disseminating information that maximize collections of delinquent nontax debts, by directing actions under this section toward delinquent debtors that have assets or income sufficient to pay their delinquent nontax debt;

"(B) procedures and requirements that prevent dissemination of information under this section regarding persons who have not had an opportunity to verify, contest, and compromise their nontax debt in accordance with this subchapter; and

"(C) procedures to ensure that persons are not incorrectly identified pursuant to this section.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 37 of title 31, United States Code, is amended by adding after the item relating to section 3720D (as added by subsection (o) of this section) the following new item:

"3720E. Dissemination of information regarding identity of delinquent debtors.".

(s)(1) IN GENERAL.—The Federal Civil Penalties Inflation Adjustment Act of 1990 (Public Law 101–410, 104 Stat. 890; 28 U.S.C. 2461 note) is amended—

(A) by amending section 4 to read as follows:

"SEC. 4. The head of each agency shall, not later than 180 days after the date of enactment of the Debt Collection Improvement Act of 1996, and at least once every 4 years thereafter—

"(1) by regulation adjust each civil monetary penalty provided by law within the jurisdiction of the Federal agency, except for any penalty (including any addition to tax and additional amount) under the Internal Revenue Code of 1986, the Tariff Act of 1930, the Occupational Safety and Health Act of 1970, or the Social Security Act, by the inflation adjustment described under section 5 of this Act; and

"(2) publish each such regulation in the Federal Register.";

(B) in section 5(a), by striking "The adjustment described under paragraphs (4) and (5)(A) of section 4" and inserting "The inflation adjustment under section 4"; and

(C) by adding at the end the following new section:

"SEC. 7. Any increase under this Act in a civil monetary penalty shall apply only to violations which occur after the date the increase takes effect.".

(2) LIMITATION ON INITIAL ADJUSTMENT.—The first adjustment of a civil monetary penalty made pursuant to the amendment made by paragraph (1) may not exceed 10 percent of such penalty.

(t)(1) IN GENERAL.—Title 31, United States Code, is amended by inserting after section 3720B (as added by subsection (j) of this section) the following new section:

"§3720C. Debt Collection Improvement Account

"(a)(1) There is hereby established in the Treasury a special fund to be known as the 'Debt Collection Improvement Account' (hereinafter in this section referred to as the 'Account').

"(2) The Account shall be maintained and managed by the Secretary of the Treasury, who shall ensure that agency programs are credited with amounts transferred under subsection (b)(1).

"(b)(1) Not later than 30 days after the end of a fiscal year, an agency may transfer to the Account the amount described in paragraph (3), as adjusted under paragraph (4).

"(2) Agency transfers to the Account may include collections from—

"(A) salary, administrative, and tax refund offsets;

"(B) the Department of Justice;

"(C) private collection agencies;

"(D) sales of delinquent loans; and

"(E) contracts to locate or recover assets.

"(3) The amount referred to in paragraph (1) shall be 5 percent of the amount of delinquent debt collected by an agency in a fiscal year, minus the greater of—

"(A) 5 percent of the amount of delinquent nontax debt collected by the agency in the previous fiscal year, or

"(B) 5 percent of the average annual amount of delinquent nontax debt collected by the agency in the previous 4 fiscal years.

"(4) In consultation with the Secretary of the Treasury, the Office of Management and Budget may adjust the amount described in paragraph (3) for an agency to reflect the level of effort in credit management programs by the agency. As an indicator of the level of effort in credit management, the Office of Management and Budget shall consider the following:

"(A) The number of days between the date a claim or debt became delinquent and the date which an agency referred the debt or claim to the Secretary of the Treasury or obtained an exemption from this referral under section 3711(g)(2) of this title.

"(B) The ratio of delinquent debts or claims to total receivables for a given program, and the change in this ratio over a period of time.

"(c)(1) The Secretary of the Treasury may make payments from the Account solely to reimburse agencies for qualified expenses. For agencies with franchise funds, such payments may be credited to subaccounts designated for debt collection.

"(2) For purposes of this section, the term 'qualified expenses' means expenditures for the improvement of credit management, debt collection, and debt recovery activities, including—

"(A) account servicing (including cross-servicing under section 3711(g) of this title),

"(B) automatic data processing equipment acquisitions,

"(C) delinquent debt collection,

"(D) measures to minimize delinquent debt,

"(E) sales of delinquent debt,

"(F) asset disposition, and

"(G) training of personnel involved in credit and debt management.

"(3)(A) Amounts transferred to the Account shall be available to the Secretary of the Treasury for purposes of this section to the extent and in amounts provided in advance in appropriations Acts.

"(B) As soon as practicable after the end of the third fiscal year after which amounts transferred are first available pursuant to this section, and every 3 years thereafter, any uncommitted balance in the Account shall be transferred to the general fund of the Treasury as miscellaneous receipts.

"(d) For direct loans and loan guarantee programs subject to title V of the Congressional Budget Act of 1974, amounts credited in accordance with subsection (c) shall be considered administrative costs.

"(e) The Secretary of the Treasury shall prescribe such rules, regulations, and procedures as the Secretary considers necessary or appropriate to carry out the purposes of this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 37 of title 31, United States Code, is amended by inserting after the item relating to section 3720B (as added by subsection (j) of this section) the following new item:

"3720C. Debt Collection Improvement Account.".

(u)(1) DISCRETIONARY AUTHORITY.—Section 3720A of title 31, United States Code, is amended by adding after subsection (h) the following new subsection:

"(i) An agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), may implement this section at its discretion.".

(2) FEDERAL AGENCY DEFINED.—Section 6402(f) of the Internal Revenue Code of 1986 (26 U.S.C. 6402(f)) is amended to read as follows:

"(f) FEDERAL AGENCY.—For purposes of this section, the term 'Federal agency' means a department, agency, or instrumentality of the United States, and includes a Government corporation (as such term is defined in section 103 of title 5, United States Code).".

(v)(1) NOTIFICATION OF SECRETARY OF THE TREASURY.—Section 3720A(a) of title 31, United States Code, is amended to read as follows:

"(a) Any Federal agency that is owed by a person a past-due, legally enforceable debt (including debt administered by a third party acting as an agent for the Federal Government) shall, and any agency subject to section 9 of the Act of May 18, 1933 (16 U.S.C. 831h), owed such a debt may, in accordance with regulations issued pursuant to subsections (b) and (d), notify the Secretary of the Treasury at least once each year of the amount of such debt.".

(2) IMPLEMENTATION OF SUPPORT COLLECTION BY SECRETARY OF THE TREASURY.—Section 464(a) of the Social Security Act (42 U.S.C. 664(a)) is amended—

(1) in paragraph (1), by adding at the end the following: "This subsection may be executed by the disbursing official of the Department of the Treasury."; and

(2) in paragraph (2)(A), by adding at the end the following: "This subsection may be executed by the Secretary of the Department of the Treasury or his designee.".

(w) Section 3720A(h) of title 31, United States Code, is amended to read as follows:

"(h)(1) The disbursing official of the Department of the Treasury—

"(1) shall notify a taxpayer in writing of—

"(A) the occurrence of an offset to satisfy a past-due legally enforceable nontax debt;

"(B) the identity of the creditor agency requesting the offset; and

"(C) a contact point within the creditor agency that will handle concerns regarding the offset;

"(2) shall notify the Internal Revenue Service on a weekly basis of—

"(A) the occurrence of an offset to satisfy a past-due legally enforceable non-tax debt;

"(B) the amount of such offset; and

"(C) any other information required by regulations; and

"(3) shall match payment records with requests for offset by using a name control, taxpayer identifying number (as that term is used in section 6109 of the Internal Revenue Code of 1986), and any other necessary identifiers.".

"(h)(2) The term 'disbursing official' of the Department of the Treasury means the Secretary or his designee."

(x)(1) AMENDMENTS RELATING TO ELECTRONIC FUNDS TRANSFER.—Section 3332 of title 31, United States Code, popularly known as the Federal Financial Management Act of 1994, is amended—

(A) by redesignating subsection (e) as subsection (h), and inserting after subsection (d) the following new subsections:

"(e)(1) Notwithstanding subsections (a) through (d) of this section, sections 5120 (a) and (d) of title 38, and any other provision of law, all Federal payments to a recipient who becomes eligible for that type of payment after 90 days after the date of the enactment of the Debt Collection Improvement Act of 1996 shall be made by electronic funds transfer.

"(2) The head of a Federal agency shall, with respect to Federal payments made or authorized by the agency, waive the application of paragraph (1) to a recipient of those payments upon receipt of written certification from the recipient that the recipient does not have an account with a financial institution or an authorized payment agent.

"(f)(1) Notwithstanding any other provision of law (including subsections (a) through (e) of this section and sections 5120 (a) and (d) of title 38), except as provided in paragraph (2) all Federal payments made after January 1, 1999, shall be made by electronic funds transfer.

"(2)(A) The Secretary of the Treasury may waive application of this subsection to payments—

"(i) for individuals or classes of individuals for whom compliance imposes a hardship;

"(ii) for classifications or types of checks; or

"(iii) in other circumstances as may be necessary.

"(B) The Secretary of the Treasury shall make determinations under subparagraph (A) based on standards developed by the Secretary.

"(g) Each recipient of Federal payments required to be made by electronic funds transfer shall—

"(1) designate 1 or more financial institutions or other authorized agents to which such payments shall be made; and

"(2) provide to the Federal agency that makes or authorizes the payments information necessary for the recipient to receive electronic funds transfer payments through each institution or agent designated under paragraph (1)."; and

(B) by adding after subsection (h) (as so redesignated) the following new subsections:

"(i)(1) The Secretary of the Treasury may prescribe regulations that the Secretary considers necessary to carry out this section.

"(2) Regulations under this subsection shall ensure that individuals required under subsection (g) to have an account at a financial institution because of the application of subsection (f)(1)—

"(A) will have access to such an account at a reasonable cost; and

"(B) are given the same consumer protections with respect to the account as other account holders at the same financial institution.

"(j) For purposes of this section—

"(1) The term 'electronic funds transfer' means any transfer of funds, other than a transaction originated by cash, check, or similar paper instrument, that is initiated through an electronic terminal, telephone, computer, or magnetic tape, for the purpose of ordering, instructing, or authorizing a financial institution to debit or credit an account. The term includes Automated Clearing House transfers, Fed Wire transfers, transfers made at automatic teller machines, and point-of-sale terminals.

"(2) The term 'Federal agency' means—

"(A) an agency (as defined in section 101 of this title); and

"(B) a Government corporation (as defined in section 103 of title 5).

"(3) The term 'Federal payments' includes—

"(A) Federal wage, salary, and retirement payments;

"(B) vendor and expense reimbursement payments; and

"(C) benefit payments.

Such term shall not include any payment under the Internal Revenue Code of 1986."

(2) AMENDMENTS RELATING TO SUBSTITUTE CHECKS.—Section 3331 of title 31, United States Code, is amended—

(A) in subsection (b), by striking "subsection (c)" and inserting "subsection (c) or (f)";

(B) by redesignating subsection (f) as subsection (g); and

(C) by inserting after subsection (e) the following new subsection:

"(f) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.".

(3) PERMANENT FUNDING OF THE CHECK FORGERY INSURANCE FUND.—Section 3343 of title 31, United States Code, is amended—

(A) in subsection (a), by amending the second sentence to read as follows: "Necessary amounts are hereafter appropriated to the Fund out of any moneys in the Treasury not otherwise appropriated, and shall remain available until expended to make the payments required or authorized under this section.";

(B) in subsection (b)—

(i) by inserting "in the determination of the Secretary the payee or special endorse establishes that" after "without interest if";

(ii) in paragraph (2), by inserting "and" after the semicolon;

(iii) in paragraph (3), by striking "; and" and inserting a period; and

(iv) by striking paragraph (4);

(C) in subsection (d), by inserting after the first sentence the following new sentence: "The Secretary may use amounts in the Fund to reimburse payment certifying or authorizing agencies for any payment that the Secretary determines would otherwise have been payable from the Fund, and may reimburse certifying or authorizing agencies with amounts recovered because of payee nonentitlement.";

(D) by redesignating subsection (e) as subsection (g); and

(E) by inserting after subsection (d) the following new subsections:

"(e) The Secretary may waive any provision of this section as may be necessary to ensure that claimants receive timely payments.

"(f) Under such conditions as the Secretary may prescribe, the Secretary may delegate duties and powers of the Secretary under this section to the head of an agency. Consistent with a delegation from the Secretary under this subsection, the head of an agency may redelegate those duties and powers to officers or employees of the agency.".

(y) Section 3325 of title 31, United States Code, is amended by adding at the end the following new subsection:

"(d) The head of an executive agency or an officer or employee of an executive agency referred to in subsection (a)(1)(B), as applicable, shall include with each certified voucher submitted to a disbursing official pursuant to this section the taxpayer identifying number of each person to whom payment may be made under the voucher.".

(z)(1) IN GENERAL.—Section 3701 of title 31, United States Code, is amended—

(A) by amending subsection (a)(1) to read as follows:

"(1) 'administrative offset' means withholding funds payable by the United States (including funds payable by the United States on behalf of a State government) to, or held by the United States for, a person to satisfy a claim.";

(B) by amending subsection (b) to read as follows:

"(b)(1) In subchapter II of this chapter and subsection (a)(8) of this section, the term 'claim' or 'debt' means any amount of funds or property that has been determined by an appropriate official of the Federal Government to be owed to the United States by a person, organization, or entity other than another Federal agency. A claim includes, without limitation—

"(A) funds owed on account of loans made, insured, or guaranteed by the Government, including any deficiency or any difference between the price obtained by the Government in the sale of a property and the amount owed to the Government on a mortgage on the property,

"(B) expenditures of nonappropriated funds,

"(C) over-payments, including payments disallowed by audits performed by the Inspector General of the agency administering the program,

"(D) any amount the United States is authorized by statute to collect for the benefit of any person,

"(E) the unpaid share of any non-Federal partner in a program involving a Federal payment and a matching, or cost-sharing, payment by the non-Federal partner,

"(F) any fines or penalties assessed by an agency; and

"(G) other amounts of money or property owed to the Government.

"(2) For purposes of section 3716 of this title, each of the terms 'claim' and 'debt' includes an amount of funds or property owed by a person to a State (including any past-due support being enforced by the State), the District of Columbia, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, or the Commonwealth of Puerto Rico.";

(C) by adding after subsection (d) the following new subsection:

"(e) In section 3716 of this title—

"(1) 'creditor agency' means any agency owed a claim that seeks to collect that claim through administrative offset; and

"(2) 'payment certifying agency' means any agency that has transmitted a voucher to a disbursing official for disbursement.

"(f) In section 3711 of this title, 'private collection contractor' means private debt collectors under contract with an agency to collect a nontax debt or claim owed the United States. The term includes private debt collectors, collection agencies, and commercial attorneys."; and

(D) by amending subsection (d) to read as follows:

"(d) Sections 3711(f) and 3716–3719 of this title do not apply to a claim or debt under, or to an amount payable under—

"(1) the Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.),

"(2) the Social Security Act (42 U.S.C. 301 et seq.), except to the extent provided under section 204(f) of such Act and section 3716(c) of this title, or

"(3) the tariff laws of the United States.".

(2) SOCIAL SECURITY.—

(A) APPLICATION OF AMENDMENTS MADE BY THIS ACT.—Subsection (f) of section 204 of the Social Security Act (42 U.S.C. 404) is amended to read as follows:

"(f)(1) With respect to any deliquent amount, the Commissioner of Social Security may use the collection practices described in sections 3711(f), 3716, 3717, and 3718 of title 31, United States Code and in section 5514 of title 5, United States Code, as in effect immediately after the enactment of the Debt Collection Improvement Act of 1996."

(B) PERMANENT APPLICATION.—Subsection (c) of section 5 of the Social Security Domestic Reform Act of 1994 (Public Law 103–387) is amended by striking "and before" and all that follows and inserting a period.

(aa)(1) GUIDELINES.—The Secretary of the Treasury, in consultation with concerned Federal agencies, may establish guidelines, including information on outstanding debt, to assist agencies in the performance and monitoring of debt collection activities.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary of the Treasury shall report to the Congress on collection services provided by Federal agencies or entities collecting debt on behalf of other Federal agencies under the authorities contained in section 3711(g) of title 31, United States Code, as added by subsection (m) of this section.

(3) AGENCY REPORTS.—Section 3719 of title 31, United States Code, is amended—

(A) in subsection (a)—

(i) by amending the first sentence to read as follows: "In consultation with the Comptroller General of the United States, the Secretary of the Treasury shall prescribe regulations requiring the head of each agency with outstanding nontax claims to prepare and submit to the Secretary at least once each year a report summarizing the status of loans and accounts receivable that are managed by the head of the agency."; and

(ii) in paragraph (3), by striking "Director" and inserting "Secretary"; and

(B) in subsection (b), by striking "Director" and inserting "Secretary".

(4) CONSOLIDATION OF REPORTS.—Notwithstanding any other provision of law, the Secretary of the Treasury may consolidate reports concerning debt collection otherwise required to be submitted by the Secretary into one annual report.

(bb) The Director of the Office of Management and Budget shall—

(1) review the standards and policies of each Federal agency for compromising, writing-down, forgiving, or discharging indebtedness arising from programs of the agency;

(2) determine whether those standards and policies are consistent and protect the interests of the United States;

(3) in the case of any Federal agency standard or policy that the Director determines is not consistent or does not protect the interests of the United States, direct the head of the agency to make appropriate modifications to the standard or policy; and

(4) report annually to the Congress on—

(A) deficiencies in the standards and policies of Federal agencies for compromising, writing-down, forgiving, or discharging indebtedness; and

(B) progress made in improving those standards and policies.

(cc)(1) ELIMINATION OF MINIMUM NUMBER OF CONTRACTS.—Section 3718(b)(1)(A) of title 31, United States Code, is amended by striking the fourth sentence.

(2) REPEAL.—Sections 3 and 5 of the Act of October 28, 1986 (popularly known as the Federal Debt Recovery Act; Public Law 99–578, 100 Stat. 3305) are hereby repealed.

FEDERAL ADMINISTRATIVE AND PERSONAL SERVICES EXPENSES

(RESCISSIONS)

SEC. 31002. (a) Of the funds available to the agencies of the Federal Government, $500,000,000 are hereby rescinded: Provided, That rescissions pursuant to this paragraph shall be taken only from administrative and personal services and contractual services and supplies accounts: Provided further, That rescissions shall be taken on a pro rata basis from funds available to every Federal agency, department, and office in the Executive Branch, including the Office of the President.

(b) Within 30 days of enactment of this Act, the Director of the Office of Management and Budget shall submit to the Committees on Appropriations of the House and Senate a listing of the amounts by account of the reductions made pursuant to the provisions of subsections (a) and (b) of this section.

This Act may be cited as the "Omnibus Consolidated Rescissions and Appropriations Act of 1996".

And the Senate agree to the same.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

Report language included by the Senate in the report accompanying S. 1594 (S. Rept. 104–236) which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—OMNIBUS APPROPRIATIONS DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Sec. 101.(a).—The text of the language included under section 101(a) of this conference agreement represents the final agreement on appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1996, with the exception of those Department of Justice General Provisions that were enacted into law in Public Law 104–99. It marks the end of the process that began with H.R. 2076, reported by the House Committee on Appropriations (H. Rep. 104–196) on July 19, 1995, and passed by the House on July 26, 1995. The bill was then reported by the Senate Committee on Appropriations (S. Rep. 104–139) on September 12, 1995, and passed by the Senate on September 29, 1995. The conference report (H. Rep. 104–378, * print) was filed on December 1, 1995, and adopted in the House on December 6, 1995, and in the Senate on December 7, 1995. The President vetoed the bill on December 19, 1995, and on January 3, 1996, although a majority of the House voted for the conference report, the House did not override the veto by the required two-thirds vote. Since that time, funding for many of the programs in this bill has been provided on a temporary basis, although a number of critical law enforcement, judicial, consular, diplomatic security, and small business programs were provided full-year spending authority. While this conference agreement includes the full text of the fiscal year 1996 Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill, with the exception noted above, much of the language is identical to the language included in the conference report on H.R. 2076. As a result, only the changes from the conference report on H.R. 2076 are addressed in the statement of managers that follows. With the exceptions that follow, the statement of managers in the conference report on H.R. 2076 (H. Rep. 104–378, * print) and the applicable portions of the House and Senate reports on H.R. 2076, remain controlling and are incorporated by reference.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $74,282,000 for General Administration, as provided in both the House and Senate bills. The conference agreement also includes a provision that modifies the language, proposed in the House bill and not included in the Senate bill, that limits the number of positions and amounts for the Department Leadership program. The conference agreement does not limit funding under the Department Leadership program to the Offices of the Attorney General and the Deputy Attorney General, as proposed in the House bill. The Senate bill did not include this provision.

COUNTERTERRORISM FUND

The conference agreement includes $16,898,000 for the Counterterrorism Fund, as provided in both the House and Senate bills. The conferees understand that balances of $24,445,000 remain available from the 1995 Supplemental Appropriation, Public Law 104–19, for authorized purposes of this Fund. The Senate bill included a provision in Title III which designated $7,000,000 for emergency expenses to enhance Federal Bureau of Investigation (FBI) efforts in the United States to combat Middle Eastern terrorism, including efforts to prevent fundraising in the United States on the behalf of organizations that support terrorism to undermine the peace process. These funds would have been available only pursuant to an official budget request that declares the funds to be an emergency.

The conferees support the purposes set forth in the Senate amendment. However, the conferees have not included the emergency appropriation for the FBI proposed by the Senate because the conferees were informed that the Department of Justice did not plan to submit an emergency request for funding as required by the Senate bill and the Department of Justice currently has sufficient funding available to enhance the

FBI's efforts to combat the flow of dollars to support Middle Eastern terrorism. The conferees note that there are funding balances available in the Department of Justice Counterterrorism Fund which can be applied to this effort. Accordingly, the Attorney General is directed to submit a proposal by May 15, 1996 to the House and Senate Committees on Appropriations to reprogram no less than $4,000,000 in funds from the Counterterrorism Fund to enable the FBI to carry out enhanced efforts in the United States to combat Middle Eastern terrorism, and specifically to enhance FBI efforts to prevent fundraising on behalf of organizations that promote terrorism.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conferees are concerned about growing detention needs identified by the Marshals Service in many areas of the country. The conferees understand that the General Services Administration is planning a shared-use detention facility adjacent to the new courthouse in Portland, Oregon, and expect the Department of Justice to fully cooperate in this planning effort.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service (CRS) as proposed by both the House and Senate. The conferees have also agreed to include a provision added by the Senate, which allows the transfer of additional amounts, pursuant to reprogramming requirements under section 605, if the Attorney General determines that emergent circumstances require additional funding for conflict prevention and resolution activities. The language included in the Senate bill has been modified to assure that the transfer will not be subject to limitations that apply to other Department of Justice transfers.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,407,483,000 as proposed by both the House and Senate. Of the amount in the House and Senate bills, $9,500,000 was provided for the FBI to purchase DNA equipment for State and local forensic laboratories. The conferees have agreed to expand the allowed use of these funds, and make up to the full $9,500,000 available for a new State Identification Grants project which would allow States to purchase computerized identification systems that are compatible and integrated with the National Crime Information Center and the Integrated Automated Fingerprint Identification Systems of the FBI. Funds would only be available for this new purpose upon enactment of an authorization. The Senate bill, in section 118, included the authorization and funding for this program. The House bill did not contain a provision on this matter.

The conferees have also included a technical change to clarify that funds provided for the Department of Justice Working Capital Fund to support the NCIC 2000 project are in addition to funds provided under this heading.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $810,168,000 for the salaries and expenses of the Drug Enforcement Administration (DEA) as proposed by the Senate, instead of $805,688,000 as proposed by the House. The additional funds are to support DEA's enforcement activities on the Southwest border and in rural communities.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes a technical change to amounts made available through fiscal year 1997, to reflect a bipartisan, bicameral agreement with the Administration on INS training and hiring priorities for fiscal year 1996, as proposed by both the House and Senate bills. The conference agreement also corrects a technical error in the amounts allocated under the Violent Crime Reduction Trust Fund, as proposed by both the House and Senate bills.

Realignment of Border Patrol positions from interior stations.—The conferees are concerned with the manner in which INS is developing its plan to realign Border Patrol positions from the interior to the front lines of the border. In an effort to balance the goal of the Congress to add 1,000 Border Patrol agents to the front lines of the border and the concerns of the Department of Justice and INS over the ability to hire and train a growing workforce of inexperienced agents, the Committees provided resources for 800 new Border Patrol agents and the realignment of 200 Border Patrol agent positions from interior locations to the front lines of the border. On February 1, 1996, the Committees provided guidance to the Department of Justice on how INS should implement this realignment. Specifically, the Committee directed that any agent redeployment to the border should not create a void in the INS enforcement presence in interior locations and that the backfill plan for affected interior posts should include the following considerations: (1) personnel/relocation issues of agents currently occupying interior positions; (2) the appropriate mix of personnel required to maintain the current functions and activities in interior locations; and (3) the number of INS personnel in interior locations should be maintained unless local law enforcement and other elected officials have had an opportunity to review and comment on any proposed reduction in personnel at any of these posts. The conferees are aware that there is concern in some communities about the potential effect of removing a uniformed presence of immigration officers from these locations. The conferees recognize that in some interior stations, particularly those located in Southwest border States, the "mix" of personnel should not be limited to INS officers, but should be comprised of a balanced mix of both Border Patrol agents and INS officers, with each carrying out the functions for which they are trained. The conferees therefore direct INS to adjust any preliminary plans to realign all Border Patrol agent positions from any one interior location to address the need to continue the functions and activities at current levels that require uniformed Border Patrol agents. Furthermore, the conferees expect INS to submit a redeployment plan that addresses these concerns for approval by the Committees on Appropriations of both the House and Senate by May 15, 1996.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conferees are aware of a recent report issued by the National Institute of Corrections (NIC) which identifies serious problems with regard to the District of Columbia Department of Corrections operation of and facilities located at the Lorton Correctional Complex. Pursuant to the relevant section of the District of Columbia Appropriations Chapter, the conferees direct that the Bureau of Prisons spend $200,000 of the amount provided for the NIC to do a study, on behalf of the District of Columbia, for alternatives to correct the problems identified in the recent NIC report. The conferees direct that this plan be completed by December 31, 1996 and forwarded to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes $503,000,000 for the Local Law Enforcement Block Grant program, instead of $1,903,000,000 as proposed by the House and $783,000,000 as proposed by the Senate. Of this amount, the conference agreement provides $11,000,000 for the Boys and Girls Clubs of America, $15,000,000 for the Metropolitan Police Department in Washington, D.C. and up to $18,000,000 for drug courts subject to the reprogramming requirement in section 605. The Senate bill included $20,000,000 for the Boys and Girls Clubs of America, $20,000,000 for the Metropolitan Police Department in Washington, D.C. and $25,000,000 for drug courts. The House bill did not include separate earmarks for these programs.

As proposed in both bills, the conference agreement provides that the funding will be distributed to local governments under the allocation and purposes set forth in H.R. 728, as passed by the House of Representatives on February 14, 1995, with some modifications included in the conference report on H.R. 2076. The conferees have added language to recognize Puerto Rico as a unit of local government for the purpose of allocation of these funds and have added language prohibiting the use of grants awarded under the block grant as matching funds for any other Federal grant program.

The conferees have also agreed that the funding provided under the block grant for Boys and Girls Clubs of America is made available for the same purposes and in the same manner as funds appropriated under previous appropriations acts for the Department of Justice and will continue to be matched at no less than the same ratio to private sector funds for the establishment of new Boys and Girls Clubs. The conferees expect that this funding will provide at least 100 new Boys and Girls Clubs to serve up to 100,000 children throughout the United States.

In addition, the conferees are aware of the negative impact that the financial crisis in the Nation's Capital has had on the Metropolitan Police Department's ability to effectively fight crime and have provided $15,000,000 specifically for this purpose, in lieu of any funds that would have been available under the formula allocation of the block grant. This is of great concern to the citizens of the city, the Mayor, the District Council, the D.C. Financial Responsibility Authority and the Congress. The amounts provided are intended to support the priorities identified by the Chief of Police to supplement budgeted amounts for the MPD as part of a long-range strategy. The conferees agree that the allocation of these funds is to be made by the Chief of Police, after appropriate consultation with the Committees on Appropriations and the Committees on Judiciary of both the House and Senate. The conferees have included language requiring that these funds, as other Federal funds appropriated to the District, are to be held by the Control Authority and allocated to the MPD by the Authority, based on compliance with the Chief of Police's plan.

The conference agreement does not include $80,000,000 for the Crime Prevention Block Grant program authorized in Subtitle B of title III of the 1994 Crime Bill, as proposed by the Senate. The House bill did not include funding for this program.

COMMUNITY ORIENTED POLICING SERVICES

DISTRICT OF COLUMBIA

Section 101(b) of H.R. 3019 provides appropriations for programs, projects and activities provided for in the conference report (House Report 104-455 filed January 31, 1996) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546). The conference report was adopted in the House of Representatives on January 31, 1996, but was not voted on by the Senate because of a filibuster. The Senate voted on a motion to invoke cloture and close further debate on four separate occasions. The required 60 votes were not attained on any of those votes which occurred on February 27, 1996 (54-44); February 29, 1996 (52-42); March 5, 1996 (53-43); and March 12, 1996 (56-44). H.R. 3019 as passed the House on March 7, 1996, did not include funding for the District of Columbia government; however, the bill as passed the Senate on March 19, 1996, included the conference report (House Report 104-455) that accompanied H.R. 2546 with certain modifications that are explained later in this statement. The language and allocations set forth in House Report 104-294, Senate Report 104-144, and House Report 104-455 are to be complied with unless specifically addressed to the contrary in the accompanying bill and statement of the managers. The conference agreement also includes various technical changes to headings and section references.

D.C. CHARTERED HEALTH PLAN, INC.

The conferees note that language in section 3008 of H.R. 3019, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the jurisdiction of the Subcommittee on the Departments of Labor, Health and Human Services, and Education, provides a waiver to the D.C. Chartered Health Plan, Inc., a private provider of managed health care in the District that was established in 1988 and provides health care to 40 percent of the Medicaid AFDC beneficiaries in the District.

INFANT MORTALITY

The conferees are deeply concerned that the status of infant mortality and morbidity in the Nation's Capital continues to be the poorest in the United States. The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 1991 (H.R. 5257) included funds in the budget for the National Institute of Child Health and Human Development (NICHD) "to conduct research on pregnancy and perinatology with special emphasis on the determinants and consequences of environmental contributions, including crack cocaine abuse, to the low birth weight and infant mortality problems in the District." (Senate Report 101-516, page 118). The report further states that "The plan should include research projects * * * and the means to contract with a local host institution to provide the clinical facilities associated infrastructure to operate them".

The conferees request that the NICHD continue its research on pregnancy and perinatology as directed in Senate Report 101-516 and conduct its study within the jurisdictional bounds of the Nation's Capital as spelled out in that report. Further, the conferees urge NICHD to solicit bids only within the District of Columbia, consistent with the intent of Congress as originally reflected in Senate Report 101-516.

D.C. CANINE FACILITY

As noted on page 120 of the conference report (House Report 104-455) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546), the Metropolitan Police Department has had a long-standing need to construct a modernized canine training facility at a location near D.C. Village. The funding for this project has been available for some time; however, for various reasons construction of the facility has been delayed and contract bids have been allowed to expire. The conferees have been informed that the District government has identified approximately $750,000 for construction of the facility and again is proceeding with the required contracting procedures. The schedule provided by District officials calls for the contract to be awarded in July with construction to begin immediately thereafter so that the facility can be occupied by February 1997. The conferees direct District officials to expedite this long overdue project and to immediately advise the House and Senate Committees on Appropriations of any delays. District officials are requested to provide monthly progress reports with detailed explanations for deviations from the schedule. The reports are to be provided to the House and Senate Committees on Appropriations on the first day of each month following the enactment of this Act.

The present canine facility being used by the Metropolitan Police Department is located on property that is being transferred to the Architect of the Capitol as required by Public Law 98-340 and referenced in section 1565 of this Act. For several years the plan has been to use the existing facility, when it becomes available, for the U.S. Capitol Police who have been occupying temporary structures while waiting for the Metropolitan Police to move to their new quarters. During the transition period while the new D.C. canine facility is being constructed, the conferees believe that co-location of the Metropolitan Police and the U.S. Capitol Police canine forces is more economical than providing two separate facilities. The conferees therefore direct the Metropolitan Police Department to share the existing canine facility at D.C. Village with the U.S. Capitol Police and its canine training program. The conferees request monthly reports from both police forces on the status of this sharing arrangement. The first report is due April 30, 1996, with subsequent reports due on the last day of each month until the Metropolitan Police move into the new D.C. canine facility.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

The conference action deletes this paragraph and the Federal appropriation of $14,930,000 instead of reallocating the low-income scholarship funding of $5,250,000 to repair, modernization, maintenance and planning consistent with subtitles A and F of title II of the bill, the August 14, 1995, recommendations of the "Superintendent's Task Force on Education Infrastructure for the 21st Century", and the June 13, 1995, "Accelerating Education Reform in the District of Columbia: Building on BESST" (which is the acronym for the Superintendent's educational reform agenda "Bringing Education Services to Students") as proposed by the Senate.

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action includes a proviso transferred from the deleted paragraph "Education Reform" that directs the District government to enter into negotiations with Gallaudet University for the purpose of transferring the Hamilton Junior High School building from the District's public school system to Gallaudet. The conferees expect that such a transaction, which would require the agreement of both Gallaudet and the District government, would result in substantial proceeds being made available for improving the District's public school facilities in the same ward. The Hamilton School, which is in the midst of the Gallaudet campus, was appraised at approximately $4,000,000 in 1990, though it may be worth somewhat less at present. There is some evidence that the title to the land on which Hamilton is located is vested in the Federal government. The conferees are hopeful that a mutually satisfactory arrangement can be worked out voluntarily between the two parties, with area students the beneficiaries.

EDUCATION REFORM

The conference action deletes this paragraph which appropriated $14,930,000 from the District's general fund for Education Reform initiatives. The proviso in this paragraph relating to Gallaudet University has been transferred to the heading "Governmental Direction and Support".

GENERAL PROVISIONS

Lorton Correctional Complex.—The conference action amends section 151 of H.R. 2546 (House Report 104-455) concerning the Lorton Correctional Complex to reflect the findings of a report dated January 30, 1996, issued recently by the National Institute of Corrections (NIC) which identifies very serious problems with the operation, management, and physical plant. The amendment agreed to by the conferees addresses many of the concerns raised by the NIC report and conforms the initial language to changed timetables. Subsection (a) added by the conferees directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop a plan for short-term improvements on a limited number of administrative and physical plant reforms that can be completed within a three to five month time-frame. The language also requires the NIC to submit their report to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than September 30, 1996. Subsection (b) directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop at least four optional long-term plans for the Lorton Correctional Complex, including: (1) a plan under which the Lorton Correctional Complex will be closed and inmates transferred to new facilities constructed and operated by private entities; (2) a plan under which the Lorton Correctional Complex will remain in operation under the management of the District of Columbia subject to such modification as the District considers appropriate; (3) a plan under which the Federal government will operate the Lorton Correctional Complex and the inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners; and (4) a plan under which the Lorton Correctional Complex will be operated under private management. The language also requires the NIC to submit their report to the President, the Congress, the

Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than December 31, 1996.

Adoptions by unmarried couples.—The conference action deletes section 152 of H.R. 2546 (House Report 104-455) that would have prohibited adoptions by unmarried couples except in those cases where one of the individuals was the natural parent.

Chief Financial Officer powers.—The conference action inserts a new section 152 effective during fiscal years 1996 and 1997 which clarifies certain duties and responsibilities of the Chief Financial Officer to enable the CFO to exercise his authority with the independence called for under Public Law 104-8, approved April 17, 1995, which created the District of Columbia Financial Responsibility and Management Assistance Authority and established the Chief Financial Officer position. The Treasurer of the District, the Controller of the District and the head of the Office of Financial Information Services were placed under the CFO's authority by Public Law 104-8. The clarifying language places the directors of the Office of the Budget and the Department of Finance and Revenue as well as all other District of Columbia executive branch accounting, budget, and financial management personnel under the CFO's authority thereby providing the CFO with control over all financial activities of the District government as envisioned by Public Law 104-8. All of these individuals will be appointed by, serve at the pleasure of, and act under the direction and control of the CFO.

Property conveyance.—The conference action inserts a new section 156 requiring the transfer of certain property to the Architect of the Capitol. Public Law 98-340, approved July 3, 1984, provided for a multi-jurisdictional land exchange to allow the Washington Metropolitan Area Transit Authority to complete construction of the Green Line, which was the last segment of the region's rapid rail system. This land exchange resulted from a decision to place a Metro station and parking facility across the Anacostia River near the juncture of the South Capitol Street Bridge and I-295, and involved the Washington Metropolitan Area Transit Authority, the District of Columbia, the National Park Service, and the Architect of the Capitol. The Agreement, which was entered into 12 years ago, included a commitment by the District of Columbia to transfer a portion of D.C. Village to the Architect of the Capitol in exchange for land under the Architect of the Capitol's jurisdiction that was transferred for the Metro facility. All work called for under the Agreement has been completed, including the relocation of Shepherd Parkway. The conferees have included language in section 156 of this Act which requires the District government to provide the Architect of the Capitol with a deed for the property in accordance with the Agreement not later than 30 days after the enactment of H.R. 3019.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

The conference action amends the District of Columbia school reforms reflected in the conference report (House Report 104-455) on H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996. the conference agreement deletes "Subtitle C—Even Start"; "Subtitle G—Residential School"; and "Subtitle N—Low-Income Scholarships" that were included in House Report 104-455. The conference agreement incorporates the provisions of "Subtitle H—Progress Reports and Accountability" that was included in House Report 104-455 as the last two sections of subtitle A. The conference agreement also incorporates many of the provisions of "Subtitle J—Management and Fiscal Accountability" and "Subtitle K—Personal Accountability and Preservation of School-Based Resources" into various general provisions under title I. The remaining sections of subtitles J and K have been consolidated into a new "Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources".

Recently, the Council of the District of Columbia passed D.C. Bill 11-318, the Public Charter Schools Act of 1996. On March 26, 1996, the Mayor returned the bill to the Council without his signature. In his letter the Mayor states that "The legislation creates extensive regulations for proposed charter schools without providing significant independent authority." His letter further states "In addition, proposed charter schools might not have available to them certain regional and central system support provided to other schools within the system." The conferees are committed to ensuring that charter schools become a reality in the District and have therefore included Subtitle B—Public Charter Schools, in title II of the conference agreement. This subtitle addresses the concerns expressed by the Mayor.

The conference agreement includes residential education as a program that can be provided in a public charter school and requires the District to provide the $130,000 prorata share of Public Charter School Board operating expenses for the remainder of fiscal year 1996. In addition, the conferees note that other portions of this conference agreement provide the U.S. Department of Education with additional funds to support charter school activities in the various states. The conferees intend that the Department provide the District of Columbia with appropriate financial and technical assistance to support the start-up of the Charter School Board.

The conference agreement amends "Subtitle D—World Class Schools Task Force" by changing the letter designation from "D" to "C" and including language to provide funding authorizations in fiscal year 1997. The conference agreement also makes other technical changes in dates as appropriate.

The conferees are deeply concerned about the state of the facilities in the District of Columbia public school system. Subtitle E—School Facilities Repair and Improvement, calls for the U.S. General Services Administration to provide technical assistance to the District of Columbia public schools in the development of a facilities revitalization plan. It also provides waivers to allow private companies to donate materials and services to rehabilitate school facilities. The conference agreement includes narrowly drawn waivers to ensure that private employees may donate their services. The language also ensures that employees of the District of Columbia government will not be called upon to "volunteer" to provide services for which they would be paid as a part of their employment.

The conferees encourage the District of Columbia Public Schools in their efforts to establish a residential school to serve the residents of the District of Columbia. The conferees look forward to having the thoughts and plans of the Superintendent and other school officials during consideration of the District's fiscal year 1997 budget and financial plan. Without the availability of Federal funds, the authorizing language included in the conference report (House Report 104-455) on H.R. 2546 as "Subtitle G—Residential School" has been deleted.

The conferees believe that leveraging private sector funds to provide the public schools with access to state-of-the-art technology and implementing a regional workforce training initiative are essential to creating a model public education system in the Nation's Capital. In the absence of Federal funds for fiscal year 1996, the conferees have amended the authorizations included in the conference report (House Report 104-455) on H.R. 2546 for these programs to begin in fiscal year 1997. The conference agreement deletes section 2704(e) "Professional Development Program for Teachers and Administrators" that had been included in the conference report (House Report 104-455) on H.R. 2546.

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

The conference agreement includes $1,400,000,000 for Community Oriented Policing Services (COPS), instead of $975,000,000 as proposed by the Senate and no funding for this program as proposed by the House. Of the amount provided, $10,000,000 is included for the Police Corps program. The conferees have also included a technical change referencing the authorizations for the Police Corps program under the 1994 Crime Bill, as proposed by the Senate.

The conferees agree that the funding provided should be used for the purpose of providing grants which will yield at least 19,000 additional police officers on the street in order to reach the goal of 100,000 additional police officers by the year 2000 which will require similar funding levels in fiscal years 1997 through 1999 with the balance to be funded in the year 2000. The conferees note that with this funding, two years into the six-year Community Policing program, at least 45,000 police will have been hired. A clear path to achieving the mutual objective of putting more police on the street has been established. In addition, the conferees have provided $503,000,000 for the Local Law Enforcement block Grant that should provide for even more police being hired at an even faster pace.

The conferees agree that the primary objective of COPS funding is to hire new police officers in the most cost-effective manner possible. The conferees direct that, from this point forward, the COPS office use grant funds to the maximum extent possible to hire more police, and should not use these funds for non-hiring projects. Funding for these purposes, such as equipment, training and overtime, is available to localities through the Local Law Enforcement Block Grant and need not be duplicated under this program. The conferees have also included language that limits the amount spent on program management and administration to 130 positions and $14,602,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following General Provisions for the Department of Justice that were not enacted into law under Public Law 104-99. The conferees have also included language under section 616 to reinforce that the General Provisions for the Department of Justice enacted under section 211 of Public Law 104-99 shall continue to remain in effect. A Department of Justice legal opinion dated February 27, 1996, states that all the General Provisions for the Department of Justice included in the conference report on H.R. 2076, with the exception of section 114, were enacted into law under Public Law 104–99 on January 26, 1996. The Senate bill repeated all general provisions, except for sections 116 through 119 which were permanent changes to law, and the House bill did not include any of the general provisions with the exception of section 114.

The conferees note that under section 106, which is currently enacted in law, the Department of Justice was provided the authority to spend up to $10,000,000 for rewards for information regarding acts of terrorism against the United States. The conferees agree that the Attorney General, before making any international reward, should continue to consult and coordinate with the Secretary of State.

Sec. 114. The conferees have agreed to include section 114 and have revised the language proposed in the House and Senate bills which authorizes a new Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program to replace the program currently authorized in Title II of the Violent Crime Control and Law Enforcement Act of 1994. The House bill included the revised Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program as passed in the conference report on H.R. 2076. The Senate bill included a revision to the language included in the conference report on H.R. 2076.

As provided in both the House and Senate bills, the conference agreement includes $617,500,000 under the Violent Crime Reduction Programs for State and Local Law Enforcement Assistance for this provision. Of the funds provided, and after amounts allocated for incarceration for criminal aliens, the Cooperative Agreement Program and incarceration of Indians on Tribal lands, $403,875,000 is available for State Prison Grants and the administration of this program.

The conferees agree that the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program should reward and provide an incentive to States that are taking the necessary steps to keep violent criminals off the streets. The conferees further agree that the program currently authorized in the Violent Crime Control and Law Enforcement Act of 1994 fails to provide an adequate incentive for States to adopt tougher sentencing policies. The conferees are also concerned that sufficient seed money to States is needed to encourage States to adopt truth-in-sentencing. Thus, of the amount available, the conferees have agreed that 50 percent would be set aside for Truth-in-Sentencing Grants and the remaining 50 percent would be distributed as General Grants to all states that qualify. Under the revised language, States would no longer be forced to choose between mutually exclusive grant programs. States qualifying for Truth-in-Sentencing Grants would receive those funds in addition to any General Grant funds they are eligible to receive. The conferees further intend that in the future the percentage of prison grant funds dedicated to General Grants should decline in order to provide a greater incentive for States to adopt truth-in-sentencing policies.

The conferees have therefore adopted language that provides that all States that provide assurances to the Attorney General that the State has implemented, or will implement, correctional policies and programs that (a) ensure that violent offenders serve a substantial portion of the sentences imposed; (b) are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders; and (c) ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public, will receive "seed" funding to increase their capacity of prison space. A State will receive additional funding from General Grants if the State can demonstrate that, in addition to the above assurances, the State has (a) increased the number of persons sentenced to prison who have been arrested for violent crimes; or (b) increased the sentences of persons convicted of violent crimes or the average prison time actually served; or (c) increased by over 10 percent over the last three years the number of persons sent to prison for committing violent crime.

A State will be eligible to receive a Truth-in-Sentencing Grant in addition to General Grant funding it is eligible for, if the State has adopted truth-in-sentencing laws which require persons sentenced to prisons for violent crimes to serve at least 85 percent of their sentence. In addition, if a State practices indeterminate sentencing, that is, a State in which the sentence imposed by the court may involve a range of imprisonment, it may be eligible to receive a Truth-in-Sentencing Grant if (1) the State has "sentencing and release guidelines" (which refers to guidelines that by law are utilized both by courts for guidance in imposing a sentence and by parole release authorities in establishing a presumptive release date when the offender has entered prison) and violent offenders serve on average not less than 85 percent of the period to the presumptive release date prescribed by these guidelines, or (2) the State demonstrates that violent offenders serve on average not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court.

The revised language included in this section authorizes $10,267,600,000 for fiscal years 1996 through 2000 for States to build or expand correctional facilities for the purpose of incapacitating criminals convicted of part I violent crimes, or persons adjudicated delinquent for an act which if committed by an adult, would be a part I violent crime. It does not allow funds to be used to operate prisons as provided in the current program and it requires a ten percent match by the State instead of a 25 percent match as included in the current program. The conferees agree that in developing criteria for determining the eligibility for funding to build or expand bedspace, the Department of Justice should include a requirement that States demonstrate the ability to fully support, operate and maintain the prison for which the State is seeking construction funds.

Other provisions of the new authorization require that States share up to 15 percent of the funds received with counties and other units of local government for the construction and expansion of correctional facilities, including jails, to the extent that such units of local government house state prisoners due to States carrying out the policies of the Act. In addition, under exigent circumstances, States may also use funds to expand juvenile correctional facilities, including pretrial detention facilities and juvenile boot camps. In order to be eligible for grants, States are also required to implement policies that provide for the recognition of the rights and needs of crime victims.

In addition, of the total amount provided, $200,000,000 is available for payments to States for the incarceration of criminal aliens. The conferees intend that this funding should be merged with and administered under the State Criminal Alien Assistance Program (SCAAP), including the normal authority to utilize up to one percent of the funds for administrative purposes. The conferees expect the Department of Justice to provide these funds to eligible States in a timely manner.

Sec. 120.—The conference agreement includes a new general provision, as proposed by the Senate as section 116, which extends the Department of Justice's pilot debt collection project through September 30, 1997. The House bill did not include this provision.

Sec. 121.—The conference agreement includes a new general provision, proposed by the Senate as section 117, which amends the 1994 Crime Bill to define "educational expenses" to be funded under the Police Corps program. The conference agreement modifies the language proposed by the Senate to assure that the course of education being pursued under this program is related to law enforcement purposes. The House bill did not include this provision.

Sec. 122.—The conference agreement includes a technical correction, similar to section 109 as proposed by the Senate, to the U.S. Code citation regarding the Assets Forfeiture Fund to conform to changes enacted into law under Public Law 104–66 and Public Law 104–99 and to ensure the intended effect of these changes. The House bill did not include this technical correction.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

U.S. TRAVEL AND TOURISM ADMINISTRATION

The conference agreement, like the House and Senate bills, does not include funding for the U.S. Travel and Tourism Administration. Its functions are in the process of being transferred to the International Trade Administration, and no further funding is required.

ECONOMIC AND INFORMATION INFRASTRUCTURE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes language proposed by the Senate clarifying the authority of the Secretary of Commerce to charge federal agencies for spectrum management, analysis, operations and related services, which was not addressed in the House bill, and making technical changes to language included in the House bill regarding the retention and use of all funds so collected.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $301,000,000 for Industrial Technology Services, of which $80,000,000 is for the Manufacturing Extension Partnership (MEP) program, and of which $221,000,000 is for the Advanced Technology Program (ATP). The House bill included $80,000,000 for the MEP, and $100,000,000 in contingent appropriations for ATP. The Senate bill included $80,000,000 for MEP, and $235,000,000 in contingent appropriations for ATP.

The amount provided for ATP in this agreement represents the Commerce Department's most recent estimate of the amount required to pay for continuation grants required in fiscal year 1996 for ATP awards made in fiscal year 1995 and prior years. The conferees are agreed that the Commerce Department and NIST should accord highest priority to honoring these prior year commitments. The Department shall submit a plan indicating how it intends to spend the funds available for ATP this year within 30 days of the enactment of this Act.

The conferees remain supportive of biotechnology research and innovation centers which provide technical and financial assistance, education and training to help create and promote promising new companies. The conferees note that the Department has previously provided support for these centers in several States, including Massachusetts, and believe that such support is in keeping with the Department's mission of promoting both economic and trade opportunities. Therefore, the conferees believe that the Department should make available sufficient funds for continuing operations of these centers at levels consistent with previous years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a direct appropriation of $1,792,677,000 for the National Oceanic and Atmospheric Administration's Operations, Research, and Facilities account, as proposed by the House, instead of $1,799,677,000 as proposed by the Senate. The conference agreement does not include $7,000,000 proposed in the Senate bill for the Global Learning and Observations to Benefit the Environment program. The House bill and the conference agreement do not include funding for this program.

In addition, the following clarifications of issues in the statement of managers accompanying the conference report on H.R. 2076 are provided:

The conferees do not expect NOAA to undertake a deep ocean isolation study during fiscal year 1996.

Funds for mapping, charting, and geodesy services are to be used to acquire such services through contracts entered into with qualified private sector contractors when such contracts are the most cost-effective method of obtaining those services.

Because of the reduced funding level for the fleet and the emphasis on contracting for services, the conferees would like NOAA to submit a plan for purchases of fleet vessel equipment prior to expending funds for this purpose.

The conferees agree with language included in the Senate report on H.R. 2076 regarding NOAA utilization of the UNOLS (university) fleet for its research needs.

The conferees strongly concur with the House, Senate, and joint House/Senate conference reports to H.R. 2076 regarding NMFS and NOAA actions on sea turtle conservation and shrimp fishery issues except that the conferees direct that any revisions, if necessary, that are based on the NMFS November 14, 1994 or subsequent Biological Opinions shall include the results of the independent scientific peer review and alternatives for lessening the economic impact on the shrimp fishing industry as directed in both the House and Senate reports to H.R. 2076. Additionally, the conferees direct NMFS and the Department of Commerce to provide within 30 days of enactment of this Act a detailed written report to the Committees on Appropriations that includes: (1) the results of the independent peer review of the NMFS November 14, 1994 Biological Opinion on sea turtle conservation as directed in the conference report to H.R. 2076; (2) the findings and recommendations of the scientific expert working group directed to be established in the House and Senate reports to H.R. 2076; (3) the results of the meetings with the shrimp fishing industry and the conservation community as directed by the House and Senate reports to H.R. 2076; and (4) conclusions of the economic impact analysis directed to be completed in the House and Senate reports to H.R. 2076. The conferees are concerned that NOAA and the Department of Commerce are proceeding with additional restrictions on the shrimp fishery before the results of these analyses and reviews are completed and despite NMFS and Coast Guard data confirming that shrimp fishermen are complying with existing fishing restrictions at a 97 to 99 percent rate.

TECHNOLOGY ADMINISTRATION

OFFICE OF THE UNDER SECRETARY/OFFICE OF TECHNOLOGY POLICY

SALARIES AND EXPENSES

The conference agreement provides $7,000,000 for the Office of Technology Policy, instead of $5,000,000 as proposed by the House, and $5,000,000 and an additional $2,000,000 in contingent appropriations as proposed by the Senate.

The $2,000,000 provided over the House amount, which is also $2,000,000 over the amount provided in the conference report on H.R. 2076, is to be used to support the civilian technology initiatives with which the Technology Administration is involved, including international science and technology policy assessment, industrial competitiveness studies, support for the U.S./Israel Secretariat and the National Medal of Technology. The funds are not intended to be used to supplant the need for the downsizing of employment that is nearing completion in the Technology Administration.

The Senate bill provided an additional $2,000,000 in contingent appropriations for the U.S.-Israel Science and Technology Commission, which is not included in the conference agreement. As provided in both the House and Senate reports on H.R. 2076, the Committees continue to support the U.S.-Israel Science and Technology Commission. The conferees expect the Commerce Department to provide its commitment of $2,500,000 for this program in fiscal year 1996 from within available resources, subject to the standard transfer and reprogramming procedures set forth under sections 205 and 605 of this section of the bill.

GENERAL PROVISIONS—DEPARTMENT OF COMMERCE

Sec. 206. The conference agreement does not include language proposed by the Senate to prohibit the use of funds by the Secretary of Commerce to issue final determinations under the Endangered Species Act. The House bill contained no provision on this matter under this Chapter. Language on this issue is not necessary under this Chapter because the issue is being addressed on a government-wide basis under the Department of Interior and Related Agencies Chapter.

Sec. 210. The conference agreement includes a modified general provision proposed by the House, but not in the Senate bill, to prohibit the use of funds to develop or implement new individual fishing quota, individual transferable quota, or individual transferable effort allocation programs until offsetting fees to pay for the cost of administering such programs are authorized. The House provision applied only to individual transferable quota programs. In addition, the conference agreement adds language not in the House bill to clarify that the restriction does not apply to any program approved prior to January 4, 1995.

Sec. 211. The conference agreement includes a general provision, similar to language proposed under title III of the Senate bill, to amend Section 308(d) of the Interjurisdictional Fisheries Act of 1986 to increase flexibility in providing grants to commercial fishermen for uninsured losses resulting from a fishery resource disaster arising from a natural disaster. The changes from the language proposed by the Senate are designed to provide further assurances that any fishing boat bought back under this program must be scrapped or otherwise disposed of in a way that prevents the boat from reentering any fishery. The House bill contained no similar provision

Sec. 212. The conference report includes a general provision, not in either bill, giving the Secretary of Commerce authority to award contracts for mapping and charting activities in accordance with the Brooks Act, Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.). The statement of managers accompanying the conference report on H.R. 2076 indicated that the conferees expected NOAA to award contracts in accordance with this Act, but the Department has indicated that statutory language is required to carry out the conferees' intent.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement, like the House and Senate versions of H.R. 3019, strikes language included in the conference report on H.R. 2076 which prohibited the extension of machine readable visa fees after April 1, 1996. In section 112 of Public Law 104-92, a full year extension of the authority to collect the fee was enacted into law.

The statement of managers in the conference agreement on H.R. 2076 (H. Rep. 104-378) contained an incorrect description of the contents of the agreement relating to funding for the Diplomatic Telecommunications Service (DTS). That conference report included language that provided $24,856,000 for DTS operation of existing base services, and not to exceed $17,144,000 for enhancements to remain available until expended, of which $9,600,000 was not to be made available until expiration of 15 days after submission of the pilot project report. The conferees have agreed to reduce the amount withheld from $9,600,000 to $2,500,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference report includes $385,760,000 for Security and Maintenance of United States Missions, as proposed in both the House and Senate bills, but does not include an additional contingent appropriation of $8,500,000 as proposed in title IV of the Senate bill.

The additional rescission in this account proposed by the Senate is addressed separately under the Rescissions section.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $892,000,000 for Contributions to International Organizations, to pay the costs assessed to the United States for membership in international organizations, compared to $700,000,000 and an additional $158,000,000 in contingent appropriations in the House bill, and $700,000,000 and an additional $223,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes language withholding $80,000,000 of the total provided, to be made available on a quarterly basis upon certification by the Secretary of State that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995. The House bill contained a proviso withholding one-half of the proposed contingent funding for this account until the Secretary of State certified that the United Nations had taken no action to cause it to exceed its no growth budget for the biennium 1996–1997 adopted in December, 1995. The Senate bill contained no provision on this matter.

From within the funds provided under this heading, funding is to be provided at the full fiscal year 1996 request level to the International Atomic Energy Agency, the World Trade Organization, the North Atlantic Treaty Organization, and the related North Atlantic Assembly. Funding is also provided at the full fiscal year 1996 request level to the United Nations to fully fund the United States commitment at the 25 percent assessment rate provided that the certifications that it is not overspending its no-growth budget are made. No funds are to be provided to the United Nations Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, the Permanent International Association of Road Congresses, and the World Tourism Organization. Should the requested funding level, which is provided in this conference agreement, fall short of actual assessments, the shortfall should be allocated among the remaining organizations and be prioritized according to the importance of each international organization to the national interest of the United States.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $359,000,000 for Contributions for International Organizations, compared with $225,000,000 and an additional $2,000,000 in contingent appropriations in the House bill, and $225,000,000 and an additional $215,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes a technical correction in language included in the conference report on H.R. 2076, as proposed in both the House and Senate versions of H.R. 3019.

The conference agreement retains the limitations on expenditure of these funds, as contained in both the House and Senate bills and the conference report on H.R. 2076.

RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $38,700,000, instead of $35,700,000, as proposed by the Senate, and $32,700,000, as proposed by the House.

United States Information Agency

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement does not include bill language proposed by the Senate to provide $1,800,000 to the Mike Mansfield Fellowship Program. The House bill contained no provision on this matter.

While the conferees have not included the language proposed by the Senate, they have agreed that the USIA shall disburse funds in the amount of $1,800,000 to the Mansfield Center for Pacific Affairs to cover the Center's costs in fully implementing the Mike Mansfield Fellowships including the posting of seven 1995 fellows and their immediate families in Japan in order that the fellows may work in a Japanese government agency for one year, preparation and training for ten 1996 fellows, the recruitment and selection of the ten 1997 fellows, and attendant administrative costs.

General Provisions—Department of State and Related Agencies

Sec. 405. The conference agreement provides a full-year waiver of the limitation on operations of the Department of State, the U.S. Information Agency, and the Arms Control and Disarmament Agency in the absence of an authorization, as proposed in the Senate bill. The House bill included a waiver until April 1, 1996.

The conference agreement does not include a provision, included in the Senate bill as section 407, to extend the authorization for the Au Pair program through the year 1999. The House bill contained no similar provision. This provision is not required, because a free-standing two-year authorization for the program has been enacted into law (P.L. 104–72).

Sec. 407.—The conference agreement includes language, as provided in both the House and Senate bills, to allow the Eisenhower Exchange Fellowship Program to use one-third of earned but unused trust income each year for three years beginning in fiscal year 1996.

Sec. 410.—The conference agreement includes a provision authorizing continuing contract authority for the construction of a USIA international broadcasting facility on Tinian, Commonwealth of the Northern Mariana Islands, as proposed by the Senate bill. The House bill contained no similar provision.

The conferees agree that prior to the award of a contract for this facility, USIA is required to submit a final plan for this facility, including expected cost, construction time, funding requirements, and expected utilization of the facility, according to the standard reprogramming requirements of the Committees on Appropriations of the House and the Senate, the House International Relations Committee, and the Senate Foreign Relations Committee.

Sec. 411.—The conference agreement includes language proposed in section 3010 of the Senate bill relating to the Arms Control and Disarmament Agency that makes unexpended carryover appropriated in fiscal year 1995 for activities related to the implementation of the Chemical Weapons Convention available for ACDA operations. The House bill contained no provision on this issue.

RELATED AGENCIES

Competitiveness Policy Council

SALARIES AND EXPENSES

The conference agreement includes $50,000 for the Competitiveness Policy Council instead of $100,000 as proposed by the Senate and no funding as proposed by the House. The conference agreement also includes language stating that this is the final Federal payment to the Council. As a result, the conferees expect the Council to use the remaining funds to proceed with the orderly termination of the Council.

Federal Communications Commission

SALARIES AND EXPENSES

The conference agreement provides $185,709,000 in total resources for the Federal Communications Commission, $10,000,000 more than provided in the conference report on H.R. 2076 and in the House bill, and $10,000,000 less than provided in the Senate bill. The additional $10,000,000 over the House bill is to be derived from increased fees and is being provided to the Commission to cover costs associated with implementation of the Telecommunications Act of 1996.

The conference agreement also includes bill language revisions to the FCC fee schedule relating to ten specific television broadcasting fee categories, as proposed in the Senate bill. The House bill contained no similar provision.

The conference agreement includes language, not in either the House or Senate bill, to allow the Federal Communications Commission to address an issue that appears to present unique circumstances that require immediate attention. WQED, which operates two non-commercial stations in Pittsburgh, Pennsylvania, has indicated it is in financial difficulty, and is seeking the opportunity to obtain a determination on an expedited basis as to whether it could convert one of its stations to a commercial station and then assign the license for the station, using the proceeds to relieve its financial difficulties. The language included in the conference report addresses this situation by assuring speedy consideration of the issue by the FCC. The language requires the FCC to make a determination on a petition submitted by WQED within 30 days, and gives the FCC the authority to provide WQED the relief it is seeking as one of the options that the FCC can consider in making its determination.

The Conference agreement does not include language proposed in the Senate bill requiring the FCC to pay the travel-related expenses of the Federal-State Joint Board on Universal Service, but the conferees expect that these expenses will be covered within the additional resources provided by the agreement. The House bill contained no similar provision.

Legal Services Corporation

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides $278,000,000 for the Legal Services Corporation, as proposed by the House, instead of $300,000,000 as proposed by the Senate. In addition, the conference agreement does not include $9,000,000 in additional contingent appropriations, as proposed by the Senate under title IV of the Senate bill.

Within the total amounts provided, the conferees agree that the funds should be distributed as follows: (1) $269,400,000 for basic field programs and required independent audits carried out in accordance with section 509; (2) $1,500,000 for the Office of Inspector General; and (3) $7,100,000 for management and administration. The conferees are aware that the Legal Services Corporation has recently identified $400,000 in prior year carryover funds. The conferees expect the Committees on Appropriations of the House and Senate to be notified prior to any further expenditure of these funds in accordance with section 605 of this Act. The conference agreement does not include language, proposed by the Senate, for payment of attorneys fees for a specific civil action.

The Legal Services Corporation historically has distributed funding for basic field programs (for all eligible clients) on an equal figure per poor person based on the 1990 census, with an exception that adjusts the formula for certain isolated states and territories. The conferees are encouraged that the Corporation has worked expeditiously to distribute funding on a competitive award basis, and urge the Corporation to continue implementation of the system that has been developed to continue providing grants to all eligible populations.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement includes language proposed by the Senate under section 504 to provide an exception to the prohibition contained therein that would permit recipients of LSC grants to use funds derived from non-Federal sources to comment on public rulemakings or to respond to a written request for information or testimony from a governmental body, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made. The House bill contained no similar exception to the prohibition contained in the bill.

The conference agreement corrects a code citation in section 504(a)(10)(c), as proposed in the Senate bill. The House bill contained the code citation provided in the conference report on H.R. 2076.

The conference agreement includes language under section 508 to allow for the collection of attorneys fees for cases or matters pending prior to enactment of this Act. This provision does not allow the collection of attorneys fees for any new or additional claim or matter not initiated prior to enactment of this Act. Neither the House nor Senate bill contained a provision on this matter.

The conference agreement makes a modification to language included in section 508 in both the House and Senate bills to provide for a limited transition time for LSC grantees to dispose of pending cases and matters initiated prior to enactment of this Act, which would now be prohibited under this Act. The agreement provides LSC grantees until August 1, 1996 to dispose of all such cases.

The conference agreement contains modifications to language in section 509 proposed by the Senate related to the procedures by which LSC grantees are audited and the manner in which recipients contract with licensed independent certified public accountants for financial and compliance audits. Also included are modifications to language proposed by the Senate to clarify that only the Office of the Inspector General shall have oversight responsibility to ensure the quality and integrity of the financial and compliance audit process. Language is also included, as proposed by the Senate, to clarify the Corporation management's duties and responsibilities to resolve deficiencies and noncompliance reported by the Office of the Inspector General. Further, language is included, as proposed by the Senate, authorizing the Office of the Inspector General to conduct additional on-site monitoring, audits, and inspections necessary for programmatic, financial and compliance oversight. The House bill contained the provisions included in the conference report on H.R. 2076.

OUNCE OF PREVENTION COUNCIL

The conference agreement includes $1,500,000 for the Ounce of Prevention Council as proposed by the Senate. The House bill did not include funding for this organization.

GENERAL PROVISIONS

Sec. 609. The conference agreement includes a general provision prohibiting use of funds to pay for expansion of diplomatic or consular operations in Vietnam unless the President certifies within 60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues. The conference report on H.R. 2076 and the House bill contained a provision prohibiting use of funds unless the President certifies that Vietnam is fully cooperating with the U.S. on these issues. The Senate bill did not include a provision on this matter.

Sec. 616–617. The conference agreement includes two provisions clarifying the relationship of provisions in the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill to several full-year provisions provided in previous continuing resolutions and the Balanced Budget Downpayment Act, I.

The Senate bill included a provision repealing the section of the Balanced Budget Downpayment Act, I that set out the operating rates for programs funded under the Commerce, Justice, and State the Judiciary, and Related Agencies appropriations bill.

The House bill included a provision, section 105, that addressed the relationship of the provisions of this bill to previous year 1996 appropriations measures for all the appropriations bills included in H.R. 3019.

RESCISSIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

The conference agreement includes a rescission of $64,500,000 from balances in the Acquisition and Maintenance of Buildings Abroad account, compared with a rescission of $60,000,000 included in the conference report on H.R. 2076 and proposed in the House bill and a rescission of $95,500,000 proposed in the Senate bill.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Section 101(c) provides fiscal year 1996 appropriations for the Department of the Interior and Related Agencies which are effective upon enactment of this Act as if it had been enacted into law as the regular appropriations Act.

The conference agreement on section 101(c) incorporates many of the provisions of the conference agreement on H.R. 1977, House Report 104–402. Report language and allocations set forth in the conference agreement on H.R. 1977 that are not changed by the conference agreement on section 101(c) of H.R. 3019 are approved by the committee of conference. The report language and allocations adopted by the conference agreement on H.R. 1977 are unchanged unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

$567,453,000 is appropriated for Management of Lands and Resources instead of $568,062,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $609,000 for headquarters administration.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

PAYMENTS IN LIEU OF TAXES

$113,500,000 is appropriated for Payments in Lieu of Taxes instead of $101,500,000 as proposed by the conference agreement on H.R. 1977.

OREGON AND CALIFORNIA GRANT LANDS

$97,452,000 is appropriated for Oregon and California Grant Lands instead of $93,379,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $4,073,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

$501,010,000 is appropriated for Resource Management instead of $497,943,000 as proposed by the conference agreement on H.R. 1977. Changes from the earlier agreement include a decrease of $183,000 for headquarters administration and an increase of $3,250,000 for the endangered species program.

The managers understand that the Service has been directed by the U.S. district court for the western district of Washington to finalize critical habitat designation for the marbled murrelet by May 15, 1996 and that the Department of Justice has filed a motion to stay enforcement of the order. The managers expect the Service, to the extent it proceeds with the critical habitat designation process for the marbled murrelet, to consider carefully the concerns of all interested parties including the States and private landowners. Potential economic impacts on private landowners should be fully evaluated and, to the extent practicable, every attempt should be made to ameliorate adverse impacts and use Federal lands in establishing critical habitat. If the May 15 deadline remains in effect and proves to be unrealistic, the Service should so notify the court and petition for an extension.

Bill Language. Language has been included placing a moratorium on the use of funds by the Secretaries of the Interior and Commerce for endangered species listing activities, except for delisting, reclassification and emergency listings. An earmark of $4 million is included for those activities not subject to the moratorium. The managers have also provided authority to the President to suspend the moratorium if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

$1,082,481,000 is appropriated for Operation of the National Park System instead of $1,083,151,000 as proposed by the conference agreement on H.R. 1977. The change to the previous agreement is a decrease of $670,000 for headquarters administration.

The managers understand that the Service and the Federal Highway Administration are in the process of realigning and widening the 15th Street corridor at Raoul Wallenberg Place in Washington, DC. The managers are aware of concerns that this effort will have a negative impact on the size and quality of the sports field located across the street from the Holocaust Memorial Museum. The managers expect the Service to provide an assessment to the House and Senate Committees on Appropriations on the impact the construction of this corridor will have on said field including any alterations to the current size and quality of the playing area and an estimate of the length of time the field will remain unusable for sporting events. This assessment should also include a cost estimate for (1) preservation or realignment of the field needed to allow sports activities to continue; (2) leveling of the field and repair of the field's surface with new grass; and (3) annual maintenance of the field. This assessment should be completed as expeditiously as possible.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

CONSTRUCTION

The managers on the part of the House do not agree with the Senate position, expressed in a colloquy during Senate debate on H.R. 3019, with respect to the Natchez Trace Parkway.

UNTIED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

$730,163,000 is appropriated for Surveys, Investigations, and Research instead of $730,503,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $340,000 for headquarters administration.

The managers agree that, within the funds provided for natural resources research in the State of Florida, the Survey should maintain the same level of funding as was provided in fiscal year 1995 by the National Biological Service for manatee research as part of the Sirenia Project.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

$182,555,000 is appropriated for Royalty and Offshore Minerals Management instead of $182,994,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $439,000 for headquarters administration.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Bill Language. Language is included to permit the use of prior year unobligated balances for employee severance, relocation, and related expenses until September 30, 1996 instead of March 30, 1996 as proposed by the conference agreement on H.R. 1977.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

$56,912,000 is appropriated for Salaries and Expenses instead of $57,796,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $884,000 for headquarters administration in the departmental direction account. Because it is halfway through the fiscal year, the managers agree that maximum flexibility is permitted in allocating this reduction within that account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

$34,427,000 is appropriated for Salaries and Expenses instead of $34,608,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $181,000 for headquarters administration.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Lanaguage is included in section 119 on the management of the Mojave National Preserve. The managers have agreed to remove the statutory restrictions on the National Park Service and the Bureau of Land Management which were included in the conference agreement on H.R. 1977. The Park Service, under this provision, is permitted to manage the Preserve but limited in its management practices to those "historical management practices" of the Bureau of Land Management until the Service has completed a conceptual management plan and received approval of that plan from the House and Senate Committees on Appropriations. The provision also limits operating funds to $1,100,000 unless approval for an additional amount is obtained from the House and Senate Committees on Appropriations. The managers agree that this provision will expire on September 30, 1996. The managers have also provided authority to the President to suspend the restrictions in section 119 if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

$136,884,000 is appropriated for State and Private Forestry instead of $136,794,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $90,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Earmarks $200,000 as proposed by the Senate, for a grant to the World Forestry Center for research on land exchange efforts in the Umpqua River Basin Region in Oregon.

NATIONAL FOREST SYSTEM

$1,257,057,000 is appropriated for the National Forest System instead of $1,256,253,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $804,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. The managers have not agreed to a specific dollar limitation on travel expenses within the National Forest System as proposed by the Senate.

CONSTRUCTION

$163,600,000 is appropriated for Construction instead of $163,500,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $100,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Language has been included to permit the transfer of trail construction funds, appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center, to the group titled the "Non-Profit Citizens for the Columbia Gorge Discovery Center", as proposed by the Senate.

LAND ACQUISITION

$39,400,000 is appropriated for Land Acquisition instead of $41,200,000 as proposed by the conference agreement on H.R. 1977, a reduction of $1,800,000 below the earlier agreement, including decreases of $1,700,000 for Federal land acquisition and $100,000 for acquisition management. The managers are very concerned that the Service has proceeded with specific land acquisitions this year without the approval of the House and Senate appropriations committees, and bill language has been included requiring the Service to obtain the approval of the committees before proceeding with any further land acquisitions in fiscal year 1996.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

$110,000,000 is appropriated for the Southeast Alaska Economic Disaster Fund. No funds were provided for this new account in the conference agreement on H.R. 1977. These funds are provided for grants to communities affected by the declining timber program on the Tongass National Forest. This issue is discussed in more detail in section 325 of Title III—General Provisions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The Tongass National Forest provisions addressed under this heading in the conference agreement on H.R. 1977 have been moved to section 325 under Title III—General Provisions.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

$417,018,000 is appropriated for Fossil Energy Research and Development instead of $417,169,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $151,000 for headquarters administration.

The managers understand that the fiscal year 1997 budget will reflect the transfer of the health and safety research programs of the Bureau of Mines to the National Institute for Occupational Safety and Health (NIOSH) in the Department of Health and Human Services. The managers encouraged such a transfer in the fiscal year 1996 conference agreement on H.R. 1977 and see no reason to delay the transfer. The managers strongly encourage the Department of Energy to enter into an interagency agreement with NIOSH for the fiscal year 1996 funding. In determining the allocation of funds for the transferred functions, the managers expect the DOE and NIOSH to consider the concerns of all interested parties, including industry and labor. The managers also expect the agencies to recognize the importance of maintaining a health and safety research presence in the East and in the West.

ENERGY CONSERVATION

$553,189,000 is appropriated for Energy Conservation instead of $553,293,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $104,000 for headquarters administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Bill Language. The managers have not agreed to earmark funds for inhalant abuse treatment programs as proposed by the Senate. The managers understand that the Indian Health Service provides for both direct care and referrals for adolescents afflicted with inhalant abuse problems and encourage IHS to continue to refer patients, as appropriate, for treatment of such abuse. The managers are aware of the particular expertise of the Our Home Inhalant Abuse Center, and encourage IHS to continue to refer patients to this facility, as appropriate.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

$311,188,000 is appropriated for Salaries and Expenses instead of $308,188,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $3,000,000 for voluntary separation incentive payments and other costs associated with employee separations pursuant to the authority provided for employee "buyouts" in section 339 of this Act.

TITLE III—GENERAL PROVISIONS

Section 314. Deletes the language dealing with the Interior Columbia Basin Ecosystem Management Project proposed in the conference agreement on H.R. 1977 and replaces it with a limitation on the use of funds for implementing regulations or requirements to regulate non-Federal lands with respect to this project.

Section 325. Bill language is included providing for a one-year moratorium on establishment of a new Tongass Land Management Plan for the Tongass National Forest in southeast Alaska. The moratorium would be in effect for one year after the date of enactment of this Act rather than for two fiscal years as proposed by the conference agreement on H.R. 1977. In amending or revising the current plan, the Secretary may establish habitat conservation areas, and impose any restriction or land use designations deemed appropriate, so long as the number of acres in the timber base and resulting allowable sale quantity is not less than the amounts identified in the preferred alternative (alternative P) in the October 1992 Tongass land and resource management plan. The Secretary may implement compatible standards and guidelines, as necessary, to protect habitat and preserve multiple uses of the Tongass National Forest.

The language has been augmented from the version included in H.R. 1977 to address the Administration's concerns about clearcutting. The provision makes it clear that nothing in this section shall be interpreted as mandating clearcutting or unsustainable timber harvesting. The language also makes it clear that any revision, amendment, or modification shall be based on research results obtained through the application of the scientific method and sound, verifiable scientific data. Data are sound, verifiable, and scientific only when they are collected and analyzed using the scientific method. The scientific method requires the statement of an hypothesis capable of proof or disproof; preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification, or denial of the hypothesis based upon peer-reviewed analysis of the collected data. The data used shall include information collected in the southeast Alaska ecosystem.

The section also includes language to allow certain timber sales, that have cleared the National Environmental Policy Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA) review processes, to be awarded if the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary.

The managers have also provided authority to the President to suspend the provisions mentioned above with respect to the Tongass National Forest in Alaska if he determines that such a suspension is appropriate based on public interest in sound environmental management or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress. Language is included to clarify that if the suspension is exercised, the duration of the suspension would not exceed the period in which the provisions of the section would otherwise be in effect.

The managers are very concerned about the negative impacts on the southeastern Alaska economy of a declining Federal timber program on the Tongass National Forest. The managers are aware of concerns that proposed modifications to the Tongass Land Management Plan give insufficient attention to the economic ramifications of a reduced timber sales program, and urge the Administration to consider strongly the socioeconomic impacts of its proposed alternatives. In implementing this section, the Forest Service shall prepare a city-by-city socioeconomic analysis of the effect of reducing the suitable timber land base or timber sales levels on the communities of southeast Alaska and on the potential of restoring a timber economy in Wrangell and Sitka.

To address these job losses and economic impacts, a new southeast Alaska disaster assistance fund totaling $110 million has been established under the Forest Service. The funds are provided as direct grants to the affected communities to employ former timber workers and for community development projects, and as direct payments in proportion to the percentage of Tongass timber receipts realized by these communities in fiscal year 1995.

The grants are provided with broad authority for the community to pursue economic and infrastructure development projects that employ displaced timber workers. This fund is intended to be an interim measure until while uncertainties with the available timber supply are resolved and a timber economy revitalized. The managers encourage the affected communities to develop comprehensive plans for how they intend to spend these funds.

The managers strongly urge the Administration to comply with the requirement of the Tongass Timber Reform Act to meet "market demand" for timber sales on the Tongass. The President may nevertheless choose to suspend this section.

The managers agree that the availability of funds from this new disaster assistance fund is contingent upon the President executing the waiver authority. In the event legislation is enacted in the future that increases the timber sales program to meet market demand on the Tongass National Forest, it would be the expectation of the managers that these funds would be no longer available.

Travel. The managers have not agreed to place a statutory limit on the use of travel funds as proposed by the House. The managers expect each agency under the jurisdiction of the Interior and Related Agencies bill to monitor carefully travel expenses and to avoid non-essential travel.

Section 336. Inserts new language placing a moratorium on the issuance of a final rulemaking on jurisdiction, management and control over navigable waters in the State of Alaska with respect to subsistence fishing. The moratorium is for fiscal year 1996 rather than through May 15, 1997, as proposed by the Senate. The managers are concerned that recent court decisions place requirements on the Departments of the Interior and Agriculture to assume management authority in navigable waters and that such management could cost each agency several millions of dollars annually. In an era of declining budgets, this added burden would have an adverse impact on other important programs. The managers urge the State of Alaska and all parties involved to work toward developing a viable, long term solution to the subsistence problem. The solution should provide for State management of fish and wildlife in Alaska while protecting those who depend on subsistence resources.

Employee Details. The managers have not agreed to place a statutory limitation on the temporary detail of employees within the Department of the Interior as proposed by the House. The Department should continue to report quarterly on the use of employee details and should not use such personnel details to offset programmatic or administrative reductions.

Section 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

Section 338. Inserts new language requiring that funds obligated for salaries and expenses of the Pennsylvania Avenue Development Corporation and for international forestry activities of the Forest Service be offset from other specified sources upon enactment of this Act.

Section 339. Provides one-time authority for the Smithsonian Institution to offer early retirement opportunities and retirement bonuses to employees through October 1, 1996.

Greens Creek Land Exchange. The managers have not agreed to bill language, proposed by the Senate in Title III, section 3015 of the Senate passed version of H.R. 3019, which would have incorporated the Greens Creek Land Exchange Act of 1996 into this Act. This legislation was signed into law (Public Law 104–123) on April 1, 1996.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amount as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An additional $500,000 in emergency supplemental appropriations for the Operation of Indian Programs is made available as proposed by the House and by the Senate.

CONSTRUCTION

An additional $16,500,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $9,428,000 as proposed by the House. Of this amount, $7,072,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

An additional $13,000,000 in emergency supplemental appropriations for Assistance to Territories is made available as proposed by the Senate instead of $2,000,000 as proposed by the House. Of this amount, $11,000,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

An additional $26,600,000 in emergency supplemental appropriations for the National Forest System is made available as proposed by the Senate instead of $20,000,000 as proposed by the House. Of this amount $6,600,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have not agreed to bill language, proposed by the Senate, earmarking specific funds for the Amalgamated Mill site in the Willamette National Forest, OR. The Service should carefully consider the needs at this site as it allocates funds.

CONSTRUCTION

An additional $60,800,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $60,000,000 as proposed by the House. Of this amount, $20,800,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

Section 101(d) of H.R. 3019 provides appropriations for programs, projects and activities in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 1996. In implementing this agreement, the departments and agencies should comply with the language and instructions set forth in House report 104–209 and Senate reports 104–145 and 104–236. In those cases where this language and instruction specifically addresses the allocation of funds which parallels the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1996 budget or the underlying authorizing statute, the conferees concur with those recommendations. With respect to the provisions in the above House and Senate reports that specifically allocate funds that are not allocated by formula in the underlying statute or identified in the budget justifications, the conferees have reviewed each and have included those in which they concur in this joint statement.

None of the appropriations provided herein are contingent upon any subsequent actions by the Congress or the President.

The Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, Fiscal Year 1996, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $4,146,278,000, instead of $3,108,978,000 as proposed by the House and $4,322,278,000 as proposed by the Senate. The agreement includes $625,000,000 for the summer youth employment program, instead of $635,000,000 as proposed by the Senate and no funding as proposed by the House.

The conference recognizes that in many high unemployment and high poverty areas, the number of low-income youth seeking summer employment far exceeds the number of job opportunities. The conference also recognizes, however, that the current federally-funded summer jobs program has not lived up to its potential for providing meaningful work experience and teaching solid job skills to such youth. The conference is also aware that the relevant authorizing committees are developing job training reform legislation to consolidate over 90 separate programs and to block grant funds and authority to States and localities. The conference, therefore, considers funds for the fiscal year 1996 summer jobs program to be transition funding—in future years to be folded into the new consolidated block grants for at-risk youth. Governors and localities will have considerable flexibility to use these funds in subsequent years to develop meaningful programs for at-risk youth that teach youngsters job skills in demand and sound work habits; that are closely linked to the needs of employers; and that offer integrated work and academic learning opportunities to youth who demonstrate a willingness to learn and responsible behavior.

The agreement includes an amount of $2,500,000 for the fiscal year 1996 Paralympic Games, instead of $5,000,000 as proposed in the House and Senate bills. These funds will be used by the organizer of the games for the following activities prior to, during, and immediately following the games: (1) training and employment costs of volunteers working in the games; (2) training and staff costs for the days of the games; (3) training and travel for officials of the games. The grantee shall provide such information as shall be required by the Department of Labor, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Education and in the Social Security Administration.

The agreement includes language to permit service delivery areas to transfer funds between titles II–B and II–C of the Job Training Partnership Act, with the approval of the Governor of the State. The House and Senate bills only permitted the transfer to take place from title II–C to title II–B. In addition, the agreement permits the transfer of funds between title II–A and title III of the Act as proposed by the Senate, instead of permitting the transfer of funds between all title II programs and title III as proposed by the House.

It is the intent of the conferees that in committing National Reserve account funds appropriated under title III of the Job Training Partnership Act, the Secretary of Labor encourage Governors to contract, where possible, with the private sector for the provision of outplacement services to Federal employees seeking employment in the private sector.

The conferees have included funds to continue the National Occupational Information

Coordinating Committee (NOICC) and its affiliated State committees during the anticipated transition to a new administrative structure proposed in pending authorizing legislation and urge that the Departments of Labor and Education rely on NOICC advice and personnel during this transition.

The conference agreement for the Job Training Partnership Act pilots and demonstrations maintains the current level for the Microenterprise Grants program and the American Samoan employment and training program, and includes the level recommended in the Senate report accompanying H.R. 2127 for an industrial employment program for the disabled.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes $373,000,000, instead of $350,000,000 as proposed by both the House and the Senate. The agreement earmarks 22 percent of the funds for the States and 78 percent for national contractors as proposed by the Senate, instead of 35 percent for the States and 65 percent for the contractors as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $110,000,000 for the one-stop career centers program as proposed by the Senate, instead of $92,000,000 as proposed by the House.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

The conference agreement rescinds $266,000,000 from this account as proposed by the Senate, instead of $250,000,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $266,644,000, instead of $255,734,000 as proposed by the House and the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $304,984,000, instead of $280,000,000 as proposed by the House and $288,985,000 as proposed by the Senate.

It is the intent of the conferees that the Occupational Safety and Health Administration give high priority to effective voluntary cooperative efforts such as the Voluntary Protection Program.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $141,350,000, instead of $136,300,000 as proposed by the House and $140,380,000 as proposed by the Senate. Additional funding is provided to avoid lengthy staff furloughs in the Benefits Review Board.

The conferees have provided $8,900,000 for the Bureau of International Labor Affairs. This amount includes full funding for activities to combat international child labor problems as outlined in the Senate report on H.R. 2127.

The conferees understand that there is some question concerning the funding level for ILAB needed to avoid personnel furloughs. The conferees reiterate that they have provided transfer authority to the Secretary to deal with such exigencies and encourage him to propose reprogramming of funds if necessary to avoid furloughs.

In addition, the agreement includes language proposed by the Senate to restrict certain activities of the Office of the Solicitor and the Benefits Review Board with respect to cases under the Longshore and Harbor Workers' Compensation Act. The language provides that if the Board, prior to September 12, 1996, fails to act on any Longshore decision that has been appealed to it and has been pending before it for more than 12 months, the decision shall be considered affirmed by the Board on that date and shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. Further, beginning on September 13, 1996, the Board shall decide all appeals under the Longshore Act not later than one year after the appeal was filed; if the Board fails to do so, then the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. The petitioner has the option to continue the proceeding before the Board for a period of 60 days; if no decision is made during that time, the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeals. The House bill had no similar provision. The language is not applicable to the review of any decisions under the Black Lung Benefits Act.

The conferees intend that, to the extent possible, funding for technical assistance and training for local displaced homemaker programs should not be reduced by more than the overall percentage reduction for the Women's Bureau.

The conferees support the ongoing efforts to rid the International Brotherhood of Teamsters of organized crime influence pursuant to the consent decree. Consistent with direction provided in both the House and Senate committee reports on the fiscal year 1996 appropriations bill, the conferees provide that up to $5,600,000 of the amounts available for obligation to the Department of Labor during fiscal year 1996 may be allocated for this purpose, subject to normal reprogramming requirements of the committees.

The conferees have agreed to include a fund transfer provision (section 103) to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93-06.

GENERAL PROVISIONS

The conference agreement includes a general provision proposed by the House modified to set aside section 427(c) of the Job Training Partnership Act in cases where a Job Corps center does not meet national performance standards established by the Secretary. The Senate bill had no similar provision. Section 427(c) prohibits the Department of Labor from contracting with a private contractor to operate a Job Corps civilian conservation center.

The conference agreement includes a general provision as proposed by the Senate modified to prohibit the Occupational Safety and Health Administration and the State programs that operate with Federal funds from promulgating or issuing any proposed or final standard or guideline with respect to ergonomic protection but permits the agency to conduct any peer-reviewed risk assessment activity regarding ergonomics. The House bill would have also prohibited the development of any standard or guideline and the recording and reporting of any occupational injuries and illnesses related to ergonomic protection.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement appropriates $3,077,857,000 instead of $3,052,752,000 as proposed by the House and $2,954,864,000 in regular funding and $55,256,000 in contingency funding as proposed by the Senate.

The conference agreement includes the legal citation for the Native Hawaiian Health Care program as proposed by the Senate. The House bill did not include the citation. The conferees have increased funding for the consolidated health centers line so that health care activities funded under the Native Hawaiian Health Care program can be supported under the broader health centers line if the agency feels it is appropriate.

The conference agreement includes an additional $62,700,000 over fiscal year 1995 for title II of the Ryan White AIDS CARE Act for a total funding level of $260,847,000. The House bill included an increase of $52,000,000 over the fiscal year 1995 level. The Senate amendment provided the additional $52,000,000 but as part of its contingent funding section. The conference agreement incorporates bill language in the Senate amendment that would make clear that the $52,000,000 is to be used for the AIDS drug assistance portion of title II and distributed according to the current formula. The conference agreement also identifies in bill language the amounts appropriated for titles I and II of the Ryan White AIDS CARE Act as provided in the House bill.

The conference agreement does not include $3,256,000 in contingency funding for the National Health Service Corps (NHSC) as proposed by the Senate. The conference agreement provides $115,745,000 in non-contingent funding. The House bill did not include contingent funding for NHSC.

The conference agreement includes language as proposed by the House limiting new cities entering the title I Ryan White program to those permitted in the pending reauthorization bill. The Senate amendment had no similar provision.

The conference agreement includes language holding the formula grant funding for current title I grantees under the Ryan White AIDS CARE Act to no less than 99 percent of their fiscal year 1995 funding level by reallocating supplemental grant funds. The Senate amendment included a hold harmless provision assuring 100 percent of the fiscal year 1995 funding level in fiscal year 1996 for current title I grantees. The House bill had no comparable provision.

The conference agreement deletes language proposed in the Senate amendment and last year's bill identifying funding for Area Health Education Centers and overriding set-asides in the authorizing statute pertaining to the types of centers that may be funded. The house bill had no comparable provision. The conferees understand that this language is no longer necessary.

The conference agreement modifies a technical legal citation contained in both the House bill and Senate amendment pertaining to the Federal Tort Claims Act.

The conferees intend that the agency may use up to $3,000,000 of the funding provided for the National Health Service Corps for State offices of rural health.

The conferees strongly believe that the family planning program should be formally administered, as well as funded, in the Health Resources and Services Administration as a separate program within the Office of the Administrator, but have chosen to leave the decision regarding administration to the Secretary and have not mandated the transfer.

The conferees include $20,000,000 for health care facilities grants, of which $10,000,000 is designated for the facility requested in the President's fiscal year 1996 budget, and $10,000,000 is designated for items identified in the Senate report accompanying the amendment to H.R. 3019 pertaining to oral health care and health care for disadvantaged women. Also included as part of this second $10,000,000 is funding to improve rural health care access.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Full year funding for the Centers for Disease Control and Prevention (CDC) was provided in P.L. 104-91, the continuing resolution enacted January 6, 1996.

The conference agreement includes language as proposed by the House rescinding obligated, but unexpended, balances from grants to States in fiscal years 1993, 1994, and 1995 for immunization activities. The agreement includes language as proposed by the House providing authority to transfer funds available from the sale of surplus vaccine from the vaccine stockpile to other activities within the jurisdiction of the agency, with prompt notification of Congress of any transfer. These two provisions were included in nearly identical form in sections 209 and 211 of the Senate amendment. The conference agreement incorporates one technical citation change on the second provision contained in the Senate amendment.

The conferees are agreed that funding for the research and training activities of the National Institute for Occupational Safety and Health has been provided on a consolidated basis as proposed by the Senate. The table printed in the CONGRESSIONAL RECORD accompanying H.R. 3019 as passed by the House had allocated funds separately for research and training activities.

The conferees are supportive of CDC proceeding with a school-based immunization demonstration program to carry forward the recommendations of the Advisory Committee on Immunization Practices for early adolescents, to the extent this is possible using available funds, including section 317 carryover funds.

The conferees are aware of the benefits of community health promotion programs that control the spread of infectious diseases, reduce chronic disease, and lower risk factors and encourage the Director to support activities to evaluate innovative health information dissemination programs for the development of models for public outreach and professional development.

The conferees intend that as CDC applies the $31,000,000 administrative reduction that was included in P.L. 104-91 providing full year funding for the agency that equipment expenditures be included in the definition of administrative expenses.

The conferees confirm their understanding that the National Immunization Survey will be continued in fiscal year 1996.

NATIONAL INSTITUTES OF HEALTH

The National Institutes of Health (NIH) were funded for the full year in P.L. 104-91, the continuing resolution enacted January 6, 1996.

The conferees have specifically endorsed the following initiatives mentioned in the Senate report:

(a) The neurodegenerative disorders initiative within the Office of the Director;

(b) The Office of Rare Disease Research program;

(c) The Institutional Development Award Program (IDeA) grant program; and

(d) The Office of Dietary Supplements program.

Of the $20,000,000 provided within the National Center for Research Resources for extramural facility construction, the conferees intend that $2,500,000 be reserved for construction and renovation projects at qualified regional primate centers.

The conferees are very supportive of the efforts of the National Institute on Aging to enhance research on Alzheimer's disease and urge the Institute to consider it a top priority. The conferees understand that promising research opportunities in the neuroscience of Alzheimer's disease exist, including research on the formation and maintenance of synapses, the mechanisms of beta-amyloid formation, and the biochemical action mechanisms of drugs used in the treatment of Alzheimer's disease. The Institute is strongly encouraged to focus additional attention on these promising areas, including consideration of expanding the number of Alzheimer's Disease research centers.

The conferees are supportive of expanding alternative resources to the use of animals, particularly through ensuring regular access to human tissues and organs. The conferees recommend that the Director of NIH give consideration to establishing a multi-Institute initiative to support an expanded human tissue resource and ensure that the needs of the scientific community can be served.

The conferees are agreed that sufficient funds have been provided within the Office of the Director to provide core support for the National Bioethics Advisory Commission.

The conferees intend NIH to hold administrative costs within the research management and support category to 7.5 percent below fiscal year 1995 levels (with an additional 2.5 percent reduction to congressional and public affairs functions) as indicated in the House report on H.R. 2127. However, the conferees do not intend that public education programs that are placed within the research management and support budget of some Institutes be considered part of the cost pool to be reduced.

The conferees request NIH to expeditiously complete review of its intramural primate facilities and promptly begin the surplusing of those facilities NIH deems to be excess property.

Public Law 104-91, which provided full year funding for the National Institutes of Health, includes $26,598,000 for the Office of AIDS Research (OAR), including $10,000,000 for the Director's emergency discretionary fund authorized by section 2356 of the Public Health Service Act. Funding for AIDS research for fiscal year 1996 was provided in the manner set forth in H.R. 2127 as passed by the House, which provided appropriations to each Institute including funding for AIDS. The bill as reported in the Senate had appropriated funds for AIDS research to the Office of AIDS Research, as had been done in fiscal year 1995. The conferees are agreed that the fiscal year 1996 funding structure for AIDS research activities of the NIH is not a precedent for the allocation of AIDS research funding for fiscal year 1997. The conferees continue to strongly support the critical work of the Director of the OAR to coordinate the scientific, budgetary, legislative, and policy elements of the NIH AIDS research program and agree that the funding structure for AIDS research in fiscal year 1996 should not diminish this important responsibility. The conferees note that section 212, providing 3 percent transfer authority within the total identified by the NIH for AIDS research, enhances the Director's authority to ensure that AIDS research supported by the NIH is carried out in accordance with the AIDS research plan.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conference report provides $1,883,715,000 for the Substance Abuse and Mental Health Services Administration, of which $275,420,000 is provided for the mental health block grant, and $1,234,107,000 is provided for the substance abuse block grant. The agreement also funds consolidated substance abuse treatment and substance abuse prevention demonstration programs at $90,000,000 each. The House bill included $1,883,715,000 and the Senate bill included $1,800,469,000.

The conferees understand that SAMHSA has undertaken an agency reorganization to streamline administrative functions. In addition, the agency will begin implementation of new knowledge development and application (KDA) grants in fiscal year 1996. The conferees continue to encourage SAMHSA to focus on evaluation and reporting of outcomes for activities funded under the block grants, demonstrations and KDAs. The conferees understand that KDA grants will generally fund applied research and evaluation, not services. The agreement specifically directs that any KDA grant include a plan to measure and publicly report outcomes relating to the grantee's stated goals and, where relevant, the incidence of substance abuse among individuals studied. The conferees strongly encourage SAMHSA to aggressively and effectively disseminate the results of KDA grants and to integrate these results into services funded in whole or in part by the Federal block grants as well as non-federally funded substance abuse and mental health services. In determining the allocation of funding to existing substance abuse demonstration projects, the conferees encourage the agency to give full consideration to those projects which impact pregnant women and children.

The conferees recommend that in awarding KDA grants to eligible grantees the Secretary give priority to the development of knowledge and specific interventions that improve the quality and access to services in areas where there is a high incidence of substance abuse and mental illness coupled with other contributing conditions such as high rates of co-morbidities, particularly HIV infection, long waiting lists for treatment, or homelessness.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement provides a total funding level of $125,310,000 as proposed by the House instead of $128,470,000 as proposed by the Senate. Of this amount, $65,186,000 is provided in Federal funds and $60,124,000 is provided through one percent evaluation funding. The House bill provided $94,186,000 in Federal funds and $31,124,000 in one percent funding, while the Senate amendment provided $65,390,000 in Federal funds and $63,080,000 in one percent evaluation funding.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement makes available $1,734,810,000 as proposed by the House instead of $2,111,406,000 as proposed by the Senate and provides an additional $396,000,000 within title VI of the bill for payment safeguard activities, providing total program management funding of $2,130,810,000. The Senate amendment had no comparable title VI provision. The funding in title VI would be canceled if there is a subsequent appropriation enacted for Medicare contractors in an authorizing bill.

The conferees strongly encourage Medicare contractors to promptly purchase and utilize commercially available automated data processing systems designed to detect abusive Medicare billings.

The conferees encourage the Health Care Financing Administration to conduct a demonstration program to evaluate whether cardiac case management of patients suffering from congestive heart failure would increase the quality of care delivered and patient satisfaction, as well as deliver such care in a more cost effective manner than current practice.

The conferees specifically endorse the following:

(a) No funds may be used for implementation of the Medicare/Medicaid data bank as mentioned in the House report;

(b) HCFA is encouraged to give full and fair consideration to a proposal to develop a comprehensive health care information management system that would link patient care data across the full range of health care as mentioned in the Senate report.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

The conference agreement provides a rescission of $100,000,000 in previously appropriated 1996 funding as recommended in the House and Senate bills. Total fiscal year 1996 funding for the Low Income Home Energy Assistance Program (LIHEAP) is $900,000,000. The conferees intend that up to $22,500,000 of the amounts provided for LIHEAP for fiscal year 1996 be used for the leveraging incentive fund. The conference agreement provides $300,000,000 for the contingency fund for fiscal year 1997, instead of providing that amount for fiscal year 1996 as proposed by the Senate. The agreement also extends the availability for another year of any funds remaining unobligated in the contingency fund at the end of fiscal year 1996. Finally, the agreement does not provide advance fiscal year 1997 funding for the LIHEAP program, the same as the House bill and $1,000,000,000 less than the Senate bill. Funding for FY 1997 will be considered as part of the regular fiscal year 1997 appropriations bill.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement provides $402,172,000 for Refugee and Entrant Assistance programs, instead of $397,872,000 as proposed in both the House and Senate bills. The agreement includes $55,397,000 for the Targeted Assistance program, an increase of $4,300,000 above the amount provided in the House and Senate bills and the same amount provided in fiscal year 1995. The conferees expect that domestic health assessment activities within the preventive health program will be administered in accordance with the decisions of the Secretary of Health & Human Services and direct the Department to notify the Appropriations Committee of such decisions in a timely manner. The conferees agree to the allocation of targeted assistance contained in the House Report 104–209.

SOCIAL SERVICES BLOCK GRANT

The conference agreement provides a mandatory appropriation for the Social Services Block Grant of $2,381,000,000. The House bill provided $2,520,000,000, and the Senate bill provided $2,310,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAM

The conference agreement includes $4,788,364,000, instead of $4,715,580,000 as proposed by the House and $4,743,604,000 as proposed by the Senate.

The conferees agree with language in Senate report 104–145 which would allocate $1,500,000 under the developmental disabilities program for the fifth year of a 5-year demonstration project known as transition and natural supports in the workplace.

It has come to the attention of the conferees that eligible Community Development Corporations serving remote rural areas have encountered difficulty in meeting some of the criteria for competing for Community Economic Development (CED) grants. The conferees strongly urge the Office of Community Services to adjust the criteria used in evaluating applications to take into account the unique aspects of job creation in remote rural areas, particularly as they relate to cost per job requirements.

With respect to Head Start, the conference agreement does not include $250,000 proposed in Senate report 104–145 to continue a demonstration program to train head Start teachers in scientific principles. No funds were included for the program in the House bill.

With respect to the transitional living program for runaway and homeless youth, the conferees are agreed that the increase provided over the fiscal year 1995 amount shall be for nine grantees whose grants expired in September, 1995 and who were unable to compete for fiscal year 1996 grants because of a departmental administrative oversight.

The conference agreement includes an earmark of $435,463,000 for the Community Services Block Grant Act as proposed by the Senate. The House had earmarked the same amount in a different manner.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $829,393,000, instead of $801,232,000 as proposed by the House and $831,027,000 as proposed by the Senate.

The agreement eliminates as separate line items the ombudsman program and the prevention of elder abuse program. Funds for these programs are earmarked in the bill within the supportive services and centers line item at the fiscal year 1995 level.

The agreement includes a legislative provision as proposed by the Senate that would prevent any State from having its administrative costs under title III of the Older Americans Act reduced by more than five percent below the fiscal year 1995 level. The House had no similar provision.

The conference agreement includes three specific funding levels identified in Senate report 104–145 with respect to the aging research program.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $146,127,000, instead of $143,127,000 as proposed by the House and $137,127,000 as proposed by the Senate.

The conferees have included an additional $2,000,000 for the Office of the Secretary of the Department of Health and Human Services. The conferees intend that none of these additional funds shall be available to the Office of Intergovernmental Affairs, the immediate office of the Assistant Secretary for Health, the Office of the Assistant Secretary for Legislation or the Office of the Assistant Secretary for Public Affairs. The Secretary is requested to notify the Appropriations Committees of any employees detailed into these offices. The conferees commend the Secretary for the recent reorganization of her office and her decision to replace the Office of the Assistant Secretary for Health with a smaller office which would serve as the senior advisor for health policy. The conferees direct that the Secretary provide the Appropriations Committees with the estimated funding levels and FTE levels for each of the individual offices for fiscal year 1996 funded from this account as soon as possible after enactment of this bill.

The conferees are agreed that funds are to be made available to the Office of Women's Health from funds available to the Department to carry out development and implementation of the national women's health clearinghouse.

Sufficient funds have been included by the conferees for the continuation of the existing human services transportation technical assistance program at the fiscal year 1995 funding level.

The agreement does not include a legal citation for the National Vaccine program as proposed by the Senate. The House bill included no citation. No funding is provided within this account for this program.

The agreement includes a House provision identifying $7,500,000 for extramural construction within the Office of Minority Health. The Senate bill did not include this provision.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes total funding for the Office of Inspector General of $79,162,000 as proposed by the Senate instead of $73,956,000 as proposed by the House. Of the total amount, $43,000,000 is provided in title VI of the Labor-HHS-Education Appropriations Act as proposed by the House, and the balance of the funds are provided in this account.

The agreement includes language proposed by the Senate, not included by the House, which would allow the Inspector General to expend funds transferred to it by the Departments of Justice or Treasury or the Postal Service as a result of asset forfeitures. The forfeitures would be from investigations in which the IG participated.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $9,000,000 for the Emergency Fund as proposed by the Senate. The House bill included no provision for this.

With respect to the $2,000,000 identified for the implementation of clinical trails related to the early detection of breast cancer, the conferees are agreed that those departmental agencies and institutes with substantial experience and expertise in these matters must be directly involved in the administration of this effort.

GENERAL PROVISIONS

The conference agreement includes a limitation in the House bill which prohibits the use of funds for a statutory set-aside earmarking the first $5,000,000 of any funds appropriated for NIH extramural facility construction for primate centers. Instead, the conferees have reserved $2,500,000 of the NIH funds provided for extramural construction for primate centers. The Senate amendment had no similar provision.

The conference agreement includes a provision limiting the amount of one percent evaluation set-aside funding that can be tapped from the Public Health Service agencies to amounts identified in the conference report prior to a report to Congress. The agreement also includes language prohibiting other taps and assessments unless reported to Congress. The House bill and the Senate amendment had similar language for the first provision; the House bill included languages similar to the second provision.

The conference agreement includes a general provision as proposed by the House that prohibits the funding of the Federal Council on Aging and the Advisory Board on Child Abuse and Neglect. The Senate had no similar provision.

The conference agreement deletes language included in the Senate amendment pertaining to a rescission of Centers for Disease Control and Prevention (CDC) funding and a reallocation of funds in the agency's vaccine stockpile surplus. These provisions were included under a CDC heading in the House bill, which is reflected in the conference agreement.

(TRANSFER OF FUNDS)

The conference agreement includes a general provisions as proposed by the House that would authorize the Department of Health and Human Services to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93-06.

(TRANSFER OF FUNDS)

The conferencd agreement includes language permitting the Director of the National Institutes of Health jointly with the Director of the Office of AIDS Research to transfer up to 3 percent among the Institutes, Centers, and the National Library of Medicine from the total identified in their apportionment for AIDS research. The transfer must take place within 30 days of enactment of the Act and Congress is to be promptly notified. The House bill and the Senate amendment had similar provisions.

The conference agreement includes a provision in the House bill permitting the National Library of Medicine at the National Institutes of Health to enter into personal services contracts. The Senate amendment had no similar provision.

The conference agreement deletes without prejudice a general provision proposed by the Senate that would deem an AFDC waiver submitted by the State of Texas under section 1115 of the Social Security Act approved upon the date of enactment of this Act, notwithstanding the Secretary's authority to approve the application. The House had no similar provision.

The conference agreement includes a provision in the Senate amendment requiring the Secretary of Health and Human Services to reimburse Medicaid claims for State-operated psychiatric hospitals between December 31, 1993 and December 31, 1995 that the Secretary would otherwise intend to defer for reimbursement. The provision caps the total amount of claims that could be reimbursed at $54,000,000. The conferees added a provision establishing a new Medicaid matching formula for a State highly affected by disproportionate share hospital payments, effective for State fiscal years 1996–97 and 1997–1997. The house bill had no similar provisions.

The conferees are aware of a number of outstanding Medicaid issues which could not be addressed in this bill. Of particular concern is the 100 percent cap on funding for public hospitals as well as the dilemma faced by several States that have included a modified Federal matching payment in their fiscal year 1997 budgets, reflecting the effort made by the Congress in Medicaid Reform to address the current inequity faced by States with rates between 40 and 50 percent. The conferees understand the difficulties that may State Medicaid programs are experiencing, and urge that these important matters be addressed expeditiously by the authorizing committees.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $530,000,000 for Education Reform programs. Included in this amount is $350,000,000 for the Goals 2000: Educate America Act and language, proposed by the House, which prohibits the use of funds for Goals 2000 national programs. Also included is $180,000,000 for school-to-work programs. The House bill provided $484,500,000 for Education Reform activities, including a contingent appropriation of $389,500,000. The Senate amendment provided $536,000,000 and included $151,000,000 in fiscal year 1997 funding.

The conference agreement amends the Goals 2000: Educate America Act. Specifically, the agreement includes language in title VII of the bill which:

Permits school districts, in States that elect not to participate in the Goals 2000 program, to apply directly to the Secretary of Education for Goals 2000 funding, if the State education agency approves;

Eliminates the requirement that States submit their improvement plans to the Secretary of Education for approval;

Deletes the requirement for the composition of State and local panels that develop State and local improvement plans;

Eliminates the National Education Standards and Improvement Council;

Removes the requirement for States to develop opportunity-to-learn standards;

Clarifies that no State, local education agency, or school shall be required, as a condition of receiving assistance under this title to provide outcomes-based education, or school-based health clinics; and

Clarifies that nothing in the Goals 2000 legislation will require or permit any State or Federal official to inspect a home, judge how parents raise their children, or remove children from their parents.

The conferees agree that a State education agency must give approval in order for a local educational agency to apply to the Secretary of Education for funding. A State educational agency is permitted to make a blanket approval or disapproval regarding the participation of local education agencies.

Regarding the provision on alternatives to secretarial approval of State plans, the conferees agree that submission of such report and notification of amendments to previous State plans meets the requirements of section 306.

The conferees agree that local education agencies, as part of their school improvement plan, can use their Goals 2000 funds for the acquisition of computer technology and the use of technology-enhanced curricula and instruction. The Department of Education is encouraged to advise States that their Goals 2000 funds may be used for this purpose.

The conference agreement includes a provision, proposed by the Senate, which authorizes the Secretary of Education to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years. The House bill contained no similar provision.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $7,228,116,000 for Education for the Disadvantaged of which $1,298,386,000 becomes available on October 1, 1996 for academic year 1996–97. The House provided an appropriation of $6,049,113,000 for this activity and a contingent appropriation of $961,000,000 for a total funding level of $7,010,113,000. The Senate amendment provided a fiscal year 1996 appropriation of $6,513,511,000 and a fiscal year 1997 appropriation of $814,489,000 for a total funding level of $7,328,000,000. With respect to the fiscal year 1997 funding, it is the intent of the conferees to provide all funding for title I for the 1997–98 school year through the appropriation of fiscal year 1997 funds in the fiscal year 1997 Labor, Health and Human Services, and Education and Related Agencies bill. The conferees intend that the committee work to adjust the fiscal year 1997 602(b) allocations such that title I can be returned to a normal appropriations and obligation pattern.

The conference agreement provides that up to $3,500,000 of title I funds be made available to the Secretary to obtain local-education-agency level census poverty data from the Bureau of the Census.

The agreement does not include provisions, included in the House bill, which would have overridden the provisions of title I regarding minimum State grants and language which would have eliminated a State option to reserve a portion of their title I funds for school improvement activities.

IMPACT AID

The conference agreement provides $693,000,000 for the Impact Aid program, the same as the House bill and an increase of $1,841,000 over the Senate amount of $691.159,000. In combination with the $35,000,000 provided for Impact Aid in P.L. 104-61, this appropriation provides a total of $728,000,000 for Impact Aid in fiscal year 1996, the same amount provided by Congress in fiscal year 1995.

Within the total provided, the conference agreement includes $581,707,000 for Basic Support Payments, $1,304,000 less than the House bill amount of $583,011,000 and $537,000 above the Senate bill level of $581,170,000. The agreement also includes $16,293,000 for Payments for Federal Property, an increase of $1,304,000 over both the House and Senate bill amounts of $14,989,000.

The conference agreement modifies a provision proposed by the Senate (Section 306) regarding unobligated Impact Aid construction funds. The agreement provides that one-half of such unobligated funds shall be awarded for the construction of public elementary or secondary schools on Indian reservations, and that one-half of such funds shall be made available to school districts with military impact according to section 8007 of the Elementary and Secondary Education Act as amended.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $1,223,708,000 for School Improvement programs. The House bill provided $946,227,000 for programs in this account. The Senate provided $1,156,987,000 including $208,000,000 in fiscal year 1997 appropriations.

The conferees specifically provide for the following activity included in the Senate report:

The funds provided for the Education of Native Hawaiians are allocated as follows:

Curricula Development, Teacher Training and Recruitment	$1,500,000
Community-Based Education Learning Centers	800,000
Hawaiian Higher Education Programs	1,400,000
Gifted and Talented Program	1,200,000
Special Education Programs	1,200,000
Native Hawaiian Education Council and Island Councils	300,000
Family-Based Education Centers	5,600,000

The agreement provides $465,981,000 for Safe and Drug Free Schools and Communities instead of the $400,000,000 provided by both the House and Senate bills. This funding level, the same as in fiscal year 1995, provides for $440,981,000 for State Grants and $25,000,000 for National Programs.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement provides $178,000,000 for Bilingual and Immigrant Education instead of the $150,000,000 provided in the House and Senate bills.

The conferees provided no funding for support services or professional development activities given their belief that funds should be focused on the education of students and the other funding sources available to the Secretary to fund these activities. However, if the Secretary feels that funding these activities within this account is justified, the two Committees will consider a reprogramming request for the Department.

SPECIAL EDUCATION

The conference agreement includes $3,245,447,000 for special education programs, the same amount recommended by both the House and Senate bills.

The conferees have also modified a provision proposed by the Senate to enable the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to be eligible to receive both formula and discretionary grants. The agreement also includes language proposed by the Senate that permits the Department of Education to distribute funding to the federal center and regional centers in proportion to the funding levels made available in the previous fiscal year.

The conferees agree that Centers for the Deaf under Post Secondary Education programs should be awarded on a competitive basis instead of continuing the four existing centers as proposed in the Senate report.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,456,120,000 for Rehabilitation Services and Disability Research instead of the $2,452,620,000 proposed in both the House and Senate bills.

The conference agreement includes $7,000,000 to support the Department of Education's portion of the fiscal year 1996 Paralympic Games through funding the Atlanta Paralympic Organizing Committee. The house bill included $4,500,000 while the Senate bill contained no similar provision. The grantee shall provide such information as shall be required by the Department of Education, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Labor and in the Social Security Administration.

The conferees increased funding for this account by $1,000,000 and direct the Department to use these funds to enable the two active regional head injury centers first funded in 1992 to continue serving as national resources to assist the States in improving the quality and cost effectiveness of services for victims of traumatic grain injury. The conferees direct the Rehabilitation Services Administration to work with the staffs of these regional centers to further develop plans of operation, including appropriate methods of organizing and coordinating State, private provider and victim support resources to improve the quality of traumatic brain injury services and for disseminating this information on a national basis. The centers are to work with the Department to present to the committees, by September 30, 1996, an evaluation plan of the present and planned services of the Centers and, upon approval, to implement the plan. In addition, the Department is instructed to work with the centers to develop a funding strategy that will eliminate the need for further federal funding for this national demonstration activity and to report to the Committees with such a plan by September 30, 1996.

VOCATIONAL AND ADULT EDUCATION

The conference agreement provides $1,340,261,000 for Vocational and Adult Education. The House bill provided $1,257,134,000 while the Senate bill included $1,340,638,000. The conference agreement eliminates the requirement for the establishment of State vocational education councils as a condition of receiving funding under the Carl D. Perkins Vocational and Applied Technology Education Act.

While the conferees have eliminated funding for State councils, the conferees have no objection to States using a portion of their Vocational Education funds for State councils or human resource investment councils.

The conference agreement includes $4,723,000 for prisoner literacy programs, instead of $5,100,000 as proposed by the Senate. The House bill contained no similar provision.

STUDENT FINANCIAL ASSISTANCE

The conference agreement specifies appropriations for Student Financial Assistance in Titles I and III of the Act. In the aggregate, the agreement appropriates $6,258,587,000, instead of $6,643,246,000 as proposed by the House and $6,165,290,000 together with $90,000,000 in contingent funding as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $2,470, an increase of $30 over the House passed maximum grant of $2,440 and $30 below the $2,500 maximum grant in the Senate bill. The maximum grant of $2,470 is the highest maximum grant ever provided.

In the aggregate, the agreement provides $4,914,000,000 in new budget authority for the Pell Grant program. This amount combined with $1,304,000,000 in funding which carries forward from previous years, makes available $6,218,000,000 in budget authority for Pell Grants in fiscal year 1996. The Senate bill included $4,814,000,000 and the House bill included $5,423,331,000.

The conference agreement places a cap of 3,650,000 on Pell Grant participants in the 1995–1996 school year, as proposed by the House instead of 3,634,000 as proposed by the Senate. This cap will not deny awards to any eligible students and has been imposed to reflect the actual number of students receiving grants and actual program costs.

The conference agreement provides $93,297,000 for new contributions to institutional revolving loan funds, an increase of $93,297,000 over the House bill which did not provide new capital contributions and a decrease of $64,703,000 below the Senate bill level of $158,000,000

The conference agreement provides $31,375,000 for State Student incentive Grants, a decrease of $32,000,000 below the Senate bill level of $63,375,000. The House bill did not provide funding for this program. The conferees have provided this funding with the understanding that no new funding will be provided for the program in fiscal year 1997. The conferees reiterate that all States have participated in this program since 1978, a sufficient period of time to develop independent and self-sufficient State grant Programs. According to the Department of Education, the federal appropriation for State Student Incentive Grants represent less than 2.5% of total State student assistance. The conferees believe that States have operated this program with a combination of State and federal funds for several years, and the termination of federal support for this program should not result in the termination of substantial downsizing of continuing State grant programs.

HIGHER EDUCATION

The conference agreement provides $836,964,000 for Higher Education programs, the same amount included in the House and Senate bills. The agreement includes a provision proposed by the Senate requiring the Department to award the same number of new Byrd Scholarships in fiscal year 1996 as were awarded in fiscal year 1995 and to prorate downward the amounts for new and continuing Byrd Scholarships to accommodate the awarding of new scholarships. The House bill did not include a similar provision.

HOWARD UNIVERSITY

The conference agreement provides $182,348,000 for Howard University, an increase of $7,677,000 over the amount provided in both the House and Senate bills. The agreement includes $152,859,000 for the Academic program, $7,677,000 more than the amount in the House and Senate bills, and $29,489,000 for the University Hospital, the same amount provided in the House and Senate bills. The agreement also allows the University to use a part of its Academic program appropriation for the endowment at its discretion. The conferees direct that Howard notify the Congress of any transfer from the Academic program to the Endowment fund at least 15 days prior to execution of the transfer. The agreement does not provide funding for the research or construction programs.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $351,268,000 for Education Research, Statistics and Improvement. The House bill included an fiscal year 1996 appropriation of

$328,268,000 for this activity and a contingency appropriation of $23,000,000 for a total funding level of $338,268,000 through an fiscal year 1996 appropriation of $328,268,000 and an fiscal year 1997 appropriation of $10,000,000.

The agreement includes a provision proposed by the House that prohibits the use of federal funds to fund the Goals 2000 Community Partnership program.

The Conference agreement earmarks $3,000,000 within the Fund for the Improvement of Education as proposed by the Senate for programs such as those authorized by Part E of title III of the ESEA for equipment and materials necessary for hands-on instruction through assistance to State and local agencies.

With respect to the Regional Educational Laboratories the agreement includes $51,000,000. The conferees note that the current laboratories' contracts have removed substantial funds from the programmatic control of the individual laboratories' governing boards and pulled the laboratories programs of work away from the needs of educators and policymakers in the ten individual laboratory regions. It is the intent of the conferees that no funds provided be used for any purpose other than work that is determined by the priorities of the regional governing board of each individual laboratory. All funds provided to the Regional Educational Laboratories shall be allocated according to each laboratory's percentage of the total amount that was provided to the ten regional educational laboratories by the Department of Education on December 11, 1995. Any special services requested by the Department of Education, other than the OERI National Educational Research Policy and Priorities Board for the purpose of aiding their oversight of federal education research and development program, shall be provided only if each Regional Educational Laboratory agrees that the priorities are consistent with its mission and the costs of such special services are reimbursed to each laboratory from the discretionary funds available to the Department. Further, the Conferees direct the Secretary to survey each regional educational laboratory to establish that all funds provided serve the priority R & D needs identified by the regional education board of each laboratory, document any resource allocation or work priority concerns reported by the laboratories and provide a report of all concerns to the House and Senate Appropriations Committees not later than January 31, 1997.

The agreement also includes a provision proposed by the Senate that extends star school partnership projects that received continuation grants in fiscal year 1996.

Due to the lateness in the fiscal year, conferees have provided that the funds provided for the International Education Exchange program should be used to continue current grantees.

The conferees have not provided funding for the extended time and learning program. The Senate bill had included $2,000,000 for this purpose. The House bill contained no similar provision.

LIBRARIES

The conference agreement includes $132,505,000 for library programs instead of $131,505,000 as proposed by both the House and Senate bills.

Within the funds appropriated for library research and demonstration, the conferees have provided $1,000,000 for the Survivors of he Shoah Visual History Foundation for a multi-media project to document Holocaust survivor testimony. The conferees acknowledge and support the mission of the U.S. Holocaust Memorial Council and the role the council plays in developing and coordinating programs relating to the Holocaust. The $1,000,000 contained in this bill are to supplement the work of the council. These funds have been included for the Survivors of the Shoah Visual History Foundation project because of the extraordinary nature of the work and contribution of Mr. Steven Spielberg. The conferees concur with the view that this direct grant will put the imprimatur of the U.S. government in a unique manner to repudiate any future claims that the Holocaust never occurred. Because of the special nature of this grant, the conferees do not view this as a precedent for future requests.

The conferees also have provided $1,000,000 for the final phase of the portals demonstration project and, finally the conferees have provided $1,000,000 for the National Museum of Women in the Arts for activities associated with the archiving of works by women artists.

GENERAL PROVISIONS

The conference agreement includes a general provision as proposed by the House that would prohibit the use of funds appropriated in the bill for opportunity to learn standards or strategies. The Senate had no similar provision.

The conference agreement includes language which reduces the fund available to the Secretary for the administration of the student loan programs, as provided under section 458 of the Higher Education Act. Section 458 provides mandatory spending for student loan administration in amounts which exceed what the Secretary needs for fiscal year 1996. By limiting the amount available to $436,000,000, compared to the $550,000,000 allowed by the Higher Education Act, the agreement achieves savings of $114,000,000. To ensure appropriate scoring of this action by the Congressional Budget Office, the agreement also limits the authority in section 458 which would otherwise permit the Secretary to draw funds from fiscal year 1997 amounts into fiscal year 1996.

The agreement further provides that the Secretary will pay to guaranty agencies the administrative cost allowances owned such agencies for fiscal year 1995 in the amount currently estimated, $95,000,000. The agreement also provides that the Secretary will calculate and pay administrative cost allowances for fiscal year 1996 at the rate of 0.85 percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995. The estimated amount of such payments is $81,000,000.

The agreement prohibits the Secretary from requiring the return of reserve amounts held by guaranty agencies in fiscal year 1996 except after consultation with the House and Senate authorizing committees. Any such amounts returned must be deposited in the Treasury to help reduce the deficit.

No funds available to the Secretary may be used by the Secretary to pay administrative fees to institutions participating in the Federal Direct Student Loan Program.

The conference agreement restricts the authority of the Secretary to hire advertising agencies or other third parties to provide advertising services to the Department for any student loan program. The Committee does not intend this language to limit the ability of the Secretary to obtain outside assistance to develop and issue informational brochures or similar material for the programs that help students, guidance counselors, student aid administrators, or others, learn such things as how the programs work or their terms and conditions.

The conference agreement includes a general provision as proposed by the House modified to prohibit the use of funds appropriated in the bill for four specific boards and commissions currently funded by the Department of Education. The Senate had no similar provision.

(TRANSFER OF FUNDS)

The conference agreement includes a general provision as proposed by the House that would authorize the Department of Education to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

TITLE IV—RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

OPERATING EXPENSES

The conference agreement appropriates $198,393,000 for the Domestic Volunteer Service programs, an increase of $2,123,000 over the House appropriation of $196,270,000 and a decrease of $2,901,000 below the Senate appropriation of $201,294,000. The agreement provides $41,385,000 for regular VISTA Operations. No funding is specifically provided for the VISTA Literacy program, however, the conferees agree that funds may be used to conduct literacy activities previously funded by the VISTA Literacy program.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The agreement provides $32,896,000 for the Federal Mediation and Conciliation Service, the same as the House bill and an increase of $500,000 over the Senate bill.

NATIONAL LABOR RELATIONS BOARD

The agreement provides $170,743,000 for the National Labor Relations Board, instead of $167,245,000 provided in both the House and Senate bills. The agreement also deletes language proposed by the House concerning the issuance of section 10(j) injunctions. The agreement includes language to prohibit the agency from promulgating a final rule on the appropriateness of requested single location bargaining units in representation cases.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The agreement provides $18,545,512,000 for the Supplemental Security Income program, a decrease of $49,500,000 below the Senate bill and $208,322,000 below the House bill. Of this amount, the managers have provided $1,500,000 to support a demonstration project relating to the Paralympic Games. The grantee shall provide such information as shall be required by the Social Security Administration, including a detailed statement of the activities to be supported under the grant and the budget for each activity, and financial reports documenting how the funds were actually expended.

The agreement makes available an additional amount of $15,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

LIMITATION ON ADMINISTRATIVE EXPENSES

The agreement limits administrative expenditures to $5,821,768,000 for the Social Security Administration, a decrease of $23,415,000 below the Senate bill and $88,500,000 below the House bill. The agreement includes bill language proposed by the Senate permitting the agency to retain any unobligated funds at the end of the fiscal year for its automation initiative.

The agreement also includes an additional limitation of $60,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

The conferees strongly urge that SSA work with an industry-based consortium dedicated to improving software productivity, and with experience institutionalizing software processes and methods; sufficient funds have been included in the conference agreement for this purpose.

Railroad Retirement Board

LIMITATION ON ADMINISTRATION

The agreement provides a limitation for administrative expenses of $73,169,000 which may be derived from railroad retirement accounts. In combination with a limitation of $16,786,000 from the railroad unemployment insurance administration fund, the agreement provides a total of $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 above the Senate bill and a decrease of $861,000 below the House bill.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

The agreement provides a limitation on administrative expenses of $16,786,000 from moneys credited to the railroad unemployment insurance administration fund. Combined with a limitation of $73,169,000 on administrative expenses derived from the railroad retirement accounts, the agreement provides $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 over the Senate bill and a decrease of $861,000 below the House bill.

TITLE V—GENERAL PROVISIONS

The conference agreement deletes language contained in the House bill stating that States remain free not to fund abortions with Federal funds provided in the bill to the extent that the State deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term. The Senate amendment contained no similar provision. The conference agreement includes, as did both the House bill and the Senate amendment, the language from previous years prohibiting Federal funding of abortion except in the cases of rape, incest and endangerment of the life of the mother.

The conference agreement modifies a provision proposed by the House and Senate bills to exclude from participation in the Pell Grant program institutions which are ruled to be ineligible to participate in a federal student loan program as a result of default rate determinations issued by the Secretary subsequent to February 14, 1996.

The conference agreement includes a general provision proposed by the Senate to limit expenditures on cash performance awards to no more than one percent of amounts appropriated for salaries for each agency funded in the bill. In addition, the provision reduces the amounts otherwise appropriated for salaries and expenses in the bill by $30,500,000, to be allocated by the Office of Management and Budget, as proposed by the Senate. The House bill had no similar provision.

The conference agreement includes language contained in the Senate amendment which amends the Public Health Service Act to prohibit the Federal government and State and local entities who receive Federal financial assistance from discriminating against entities which refuse to provide or refer for provision of abortions or training to perform abortions. The provision requires the Federal government and State and local entities to deem an entity accredited that would be accredited except for accreditation requirements pertaining to the provision of abortions and abortion training. The House bill contained a similar provision.

The conference agreement includes language contained in the House bill which modifies the Medicare certification survey schedule for home health agencies to permit States greater flexibility to target resources on problem agencies in order to free up funds for certification of new facilities. The agreement also contains language not contained in the House bill that would permit expanded use by Medicare providers of private accreditation by national bodies for initial certifications and recertifications for those national bodies that can demonstrate that their accreditation assures compliance with all Medicare requirements. This "deeming" provision would not apply to renal dialysis facilities and durable medical equipment suppliers. There is no intent to change current law or current policy with respect to the deeming of skilled nursing facilities. The agreement also includes language not included in the House bill requiring the Secretary of Health and Human Services to conduct a study of and to report on the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities and renal dialysis facilities. The Senate amendment contained no similar provision.

The conferees are concerned that quality of care not decline for the large and growing number of Medicare beneficiaries receiving home health services. All agencies should be surveyed at reasonable intervals with no more than a 15 month schedule for those agencies with poor prior performance. If there is a change in ownership, surveys shall occur no less frequently than on a 15 month schedule. Within one year of enactment of this legislation the conferees direct HCFA to report to Congress on the status of implementation of this policy and the impact on quality of care for beneficiaries. In particular, the report shall contain data supporting HCFA's contention that quality of care will improve if resources are targeted on problem agencies.

The conferees expect that the study and report required in this provision will include careful analysis of the adequacy of current nursing facility accreditation standards. Attention should be given to the cost effectiveness of expanding the use of voluntary private accreditation, and whether it is a tool for quality enhancement and as a mean to enable government agencies to focus federal attention more directly on those nursing facilities which need increased oversight. The study should also review the information of accrediting bodies to determine whether it might assist HCFA to access data needed to monitor the performance of nursing facilities. The study should evaluate State-level changes in standards for accreditation of nursing facilities to determine the extent to which they have strengthened the safety net that is vital to assure a baseline of quality and consumer protection. Finally, the conferees are interested in innovative regulatory and nonregulatory incentives for all nursing facilities to continually improve the quality of services provided to Medicare and Medicaid patients. Therefore, the Secretary should include in the report whether such incentives would encourage and reward optimal performance with particular emphasis on improved patient outcomes.

The conference agreement includes language in the Senate amendment requiring the Secretary of Health and Human Services to grant a waiver under the Medicaid program to Charter Health Plan, Inc. of the District of Columbia of the requirement that no more than 75 percent of a managed care provider's enrollment may be Medicaid patients. The House bill had no similar provision.

The conference agreement includes language requiring the Secretary of Health and Human Services to compile data on the number of females in the U.S. who have been subjected to female genital mutilation, to conduct outreach to communities that practice female genital mutilation, and to develop curriculum recommendations for medical schools regarding the practice. The Senate amendment contained a similar provision, but also established criminal penalties for those who performed the procedure on minors. The House bill had no similar provisions.

TITLE VI—ADDITIONAL APPROPRIATIONS

The conference agreement includes title VI of the bill proposed by the House modified to exclude Social Security Administration funding for continuing disability reviews. The House bill established a separate title VI which provided partial appropriations for three different appropriation accounts. It included $396,000,000 for HCFA Program Management for payment safeguard activities, $43,000,000 for the HHS IG for Medicare-related activities and $111,000,000 for the Social Security Administration administrative account for continuing disability reviews. These amounts, when combined with the amounts appropriated for these activities in the regular titles of the bill, provided full-year appropriations. Under the language in title VI, if a subsequent appropriation is enacted in another bill for FY 1996 for these activities, then the amount appropriated in title VI would be canceled. The Senate had no similar provision.

Conference Agreement

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
SUMMARY									
Title I - Department of Labor:									
Federal Funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust Funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)	
Title II - Department of Health and Human Services:									
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539	
Current year	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)	
1997 advance	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)	
Trust Funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)	
Title III - Department of Education:									
Federal Funds	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies:									
Federal Funds	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403	
Current year	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)	
1997 advance	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)	
Title V - 1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	
Total, all titles:									
Federal Funds	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Current year	(204,866,788)	(226,184,133)	(216,928,551)	(219,265,520)	(219,462,221)	(+14,595,433)	(+2,533,670)	(+196,701)	
1997 advance	(39,687,717)	(41,704,554)	(40,385,350)	(41,385,350)	(40,385,350)	(+697,633)	---	(-1,000,000)	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(11,396,796)	(12,259,261)	(11,573,930)	(11,490,766)	(11,546,926)	(+150,130)	(-27,004)	(+56,160)	

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Mandatory, total in bill	184,182,317	202,641,064	202,369,599	202,161,099	202,235,599	+18,053,282	-134,000	+74,500	
Less advances for subsequent years	-38,687,717	-40,385,350	-40,385,350	-40,385,350	-40,385,350	-1,697,633	---	---	
Plus advances provided in prior years 1/	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	76900
Adjustment for leg cap on Title XX SSBGs	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	76910
Total, mandatory, current year	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary, total in bill (incl rescissions)	60,632,188	65,544,023	55,194,302	58,739,771	57,861,972	-2,770,216	+2,667,670	-877,799	
Less advances for subsequent years	-1,260,000	-1,615,604	-250,000	-1,250,000	-250,000	+1,010,000	---	+1,000,000	
Plus advances provided in prior years 1/	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	77250
Scorekeeping adjustments:									
Trust funds considered budget authority	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Black lung benefit cola	12,900	---	---	---	---	-12,900	---	---	77400
Adjustment to balance with FY95 bill	-371,792	---	---	---	---	+371,792	---	---	77425
Pell grants, rescission of FY94 funds	-35,000	---	---	---	---	+35,000	---	---	77560
Youth training rescission (FY 1994)	-50,000	---	---	---	---	+50,000	---	---	77570
NIH buildings & facilities resc (FY 1994)	-60,000	---	---	---	---	+60,000	---	---	77580
Emergency funding	-35,000	---	---	---	---	+35,000	---	---	77700

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission

	FY 1995	FY 1996				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
Retirement fraud	-410	---	---	---	---	+410	---	---	77750
Direct loan State fee	---	---	---	-15,000	---	---	---	+15,000	77757
HEAL loan limitation	---	---	-6,983	-6,983	-6,983	-6,983	---	---	77770
Direct loan administration limitation	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	77775
JOBS rescission 1/	---	---	---	-10,000	-10,000	-10,000	-10,000	---	77776
Direct loan 40% cap	---	---	-55,000	---	---	---	+55,000	---	77777
Dept of Labor working capital fund	---	---	3,900	3,900	3,900	+3,900	---	---	77780
Advances to the ESA account of the Unempl TF	---	---	-56,300	-56,300	-56,300	-56,300	---	---	77785
Payments to UI trust fund & other funds	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	77787
Adjustment for leg cap on Title XX SSBGs 2/	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	77790
Medicaid psychiatric hospitals	---	---	---	50,000	50,000	+50,000	+50,000	---	77795
* Total, discretionary, current year 3/	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	
* Crime trust fund	11,000	175,400	53,000	53,000	53,000	+42,000	---	---	
* General purposes	67,141,944	71,956,695	61,910,000	64,319,390	64,523,137	-2,618,807	+2,613,137	+203,747	
Grand total, current year	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	

1/ Senate and Conference action taken in Title III, Chapter IV of H.R. 3019.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

3/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
DISTRIBUTION OF BILL TOTALS BY AGENCY									
(BUDGET ENFORCEMENT ACT SCOREKEEPING)									
Title I - Department of Labor	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Total	11,928,151	13,247,446	10,228,783	11,473,148	11,350,297	-577,854	+1,121,514	-122,851	
Mandatory	2,511,942	1,931,936	1,930,619	1,930,619	1,930,619	-581,323	---	---	
Discretionary	5,927,331	7,699,875	4,928,872	6,173,237	6,051,105	+123,774	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Black lung benefit cola	9,000	---	---	---	---	-9,000	---	---	79650
Retirement fraud	-410	---	---	---	---	+410	---	---	79700
Dept of Labor working capital fund	---	---	3,900	3,900	3,900	+3,900	---	---	79710
Subtotal, discretionary	9,424,799	11,315,510	8,302,064	9,546,429	9,423,578	-1,221	+1,121,514	-122,851	
Total, 602(b) scorekeeping	11,936,741	13,247,446	10,232,683	11,477,048	11,354,197	-582,544	+1,121,514	-122,851	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Title II - Dept of Health & Human Services (incl resc)	147,099,217	168,200,874	166,501,392	166,144,440	166,477,901	+19,378,684	-23,491	+333,461	
Prior year advances	32,274,998	32,447,717	32,447,717	32,447,717	32,447,717	+172,719	---	---	80150
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Total	181,590,023	202,940,035	201,107,484	200,734,175	201,087,040	+19,497,017	-20,444	+352,865	
Mandatory	121,238,448	140,717,194	140,447,046	140,237,046	140,308,046	+19,069,598	-139,000	+71,000	
Prior year advances	30,800,000	31,447,717	31,447,717	31,447,717	31,447,717	+647,717	---	---	80550
Adjustment for leg cap on Title XX SSBGs	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	80560
Subtotal, mandatory	152,038,448	172,164,911	172,174,763	172,174,763	172,174,763	+20,136,315	---	---	
Discretionary	26,860,769	28,802,884	26,054,346	26,907,394	26,169,855	-690,914	+115,509	-737,539	
Less advances for subsequent years	-1,000,000	-1,319,204	---	-1,000,000	---	+1,000,000	---	+1,000,000	
Prior year advances 1/	1,474,998	1,000,000	1,000,000	1,000,000	1,000,000	-474,998	---	---	81000
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Emergency funding	-35,000	---	---	---	---	+35,000	---	---	81100
Black lung benefit cola	3,900	---	---	---	---	-3,900	---	---	81150
HEAL loan limitation	---	---	-6,983	-6,983	-6,983	-6,983	---	---	81180
Adjustment for leg cap on Title XX SSBGs 2/	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	81190
Subtotal, discretionary	29,520,475	30,775,124	28,925,738	28,552,429	28,905,294	-615,181	-20,444	+352,865	
Total, 602(b) scorekeeping	181,558,923	202,940,035	201,100,501	200,727,192	201,080,057	+19,521,134	-20,444	+352,865	

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Title III - Department of Education..................	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Mandatory..	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500	
Discretionary....................................	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Subtotal, discretionary 2/................	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Total, 602(b) scorekeeping.................	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies (incl rescissions)........	22,527,988	20,131,342	19,988,628	19,834,330	19,800,927	-2,727,061	-187,701	-33,403	
Prior year advances...............................	7,252,640	7,515,000	7,515,000	7,515,000	7,515,000	+262,360	---	---	82450
Trust funds considered budget authority............	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Total..	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Mandatory..	19,390,107	17,190,073	17,190,073	17,191,573	17,191,573	-2,198,534	+1,500	---	
Prior year advances..........................	6,960,000	7,240,000	7,240,000	7,240,000	7,240,000	+280,000	---	---	82750
Subtotal, mandatory........................	26,350,107	24,430,073	24,430,073	24,431,573	24,431,573	-1,918,534	+1,500	---	
Discretionary....................................	3,137,881	2,941,269	2,798,555	2,642,757	2,609,354	-528,527	-189,201	-33,403	
Prior year advances 1/......................	292,640	275,000	275,000	275,000	275,000	-17,640	---	---	83000
Trust funds considered budget authority.......	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Subtotal, discretionary....................	4,278,255	4,237,866	4,051,969	3,894,449	3,861,907	-416,348	-190,062	-32,542	
Total, 602(b) scorekeeping.................	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Title V - 1% Cap on performance awards...............	---	---	---	-30,500	-30,500	-30,500	-30,500	---	

1/ Refer to footnote previous page.

2/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995	FY 1996				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
Scorekeeping adjustments:									
Adjustment to balance with FY95 bill..........	-371,792	---	---	---	---	+371,792	---	---	83350
Youth training rescission (FY 1994)...........	-50,000	---	---	---	---	+50,000	---	---	83370
Pell grants, rescission of FY94 funds.........	-35,000	---	---	---	---	+35,000	---	---	83375
NIH buildings & facilities resc (FY 1994).....	-60,000	---	---	---	---	+60,000	---	---	83380
Direct loan State fee.........................	---	---	---	-15,000	---	---	---	+15,000	83382
Direct loan administration limitation.........	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	83385
Medicaid psychiatric hospitals................	---	---	---	50,000	50,000	+50,000	+50,000	---	83387
Direct loan 40% cap...........................	---	---	-55,000	---	---	---	+55,000	---	83390
JOBS rescission...............................	---	---	---	-10,000	-10,000	-10,000	-10,000	---	83392
Advances to the ESA account of the Unempl TF..	---	---	-56,300	-56,300	-56,300	-56,300	---	---	83394
Payments to UI trsut fund & other funds.......	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	83396
Total, current year, all titles.....................	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	
Mandatory....................................	145,494,600	162,255,714	162,264,249	162,265,749	162,269,249	+16,774,649	+5,000	+3,500	
Prior year advances........................	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	
Subtotal, mandatory, current year.........	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary................................	58,832,886	63,928,419	54,181,919	56,609,388	56,793,589	-2,039,297	+2,611,670	+184,201	
Prior year advances 1/....................	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	
Trust funds considered budget authority.....	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Subtotal, discretionary current year......	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	

1/ Refer to footnote previous page.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------- FY 1995	House	Senate	Mand Disc	
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES 1/										
Grants to States:										
Adult training....................................	996,813	1,054,813	745,700	900,000	850,000	-146,813	+104,300	-50,000	D	1100
Youth training....................................	126,672	288,979	126,672	126,672	126,672	---	---	---	D	1150
Summer youth employment and training program:										
Forward funding...............................	184,788	958,540	---	---	---	-184,788	---	---	D	1250
Current funding...............................	---	---	---	635,000	625,000	+625,000	+625,000	-10,000	D	1260
(Summer of 1995) (non-add)....................	(184,788)	---	---	---	---	(-184,788)	---	---	NA	1300
Dislocated worker assistance:										
Forward funding...............................	1,228,550	1,396,000	867,000	1,200,000	1,097,500	-131,050	+230,500	-102,500	D	1350
Current funding...............................	---	---	---	---	2,500	+2,500	+2,500	+2,500	D	1360
Proposed leg: Dislocated workers (non-add).......	---	(660,000)	---	---	---	---	---	---	NA	1370
Proposed leg: Adult Training (non-add) transfer to Department of Education (Adult Literacy).....	---	(-84,161)	---	---	---	---	---	---	NA	1385
Proposed leg: Skill Grants (Pell xfer) (non-add).	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	1400
Subtotal.................................	1,228,550	1,396,000	867,000	1,200,000	1,100,000	-128,550	+233,000	-100,000		
Federally administered programs:										
Native Americans..................................	59,787	61,871	52,502	52,502	52,502	-7,285	---	---	D	1500
Migrants and seasonal farmworkers.................	79,967	78,303	69,285	69,285	69,285	-10,682	---	---	D	1550

1/ Forward funded except where noted.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Job Corps:										
Operations....................................	957,193	1,029,632	972,475	972,475	972,475	+15,282	---	---	D	1650
Construction and renovation..................	132,029	198,082	121,467	121,467	121,467	-10,562	---	---	D	1800
Subtotal, Job Corps.....................	1,089,222	1,227,714	1,093,942	1,093,942	1,093,942	+4,720	---	---		
Youth Fair Chance..................................	---	49,785	---	---	---	---	---	---	D	1900
Veterans' employment.............................	8,880	8,880	7,300	7,300	7,300	-1,580	---	---	D	1950
National activities:										
Pilots and demonstrations.....................	33,186	35,522	27,140	27,140	27,140	-6,046	---	---	D	2150
Research, demonstration and evaluation........	9,196	12,596	6,196	6,196	6,196	-3,000	---	---	D	2200
Other..	10,989	73,584	13,489	13,489	13,489	+2,500	---	---	D	2250
Subtotal, National activities..............	53,371	121,702	46,825	46,825	46,825	-6,546	---	---		
Subtotal, Federal activities................	1,291,227	1,548,255	1,269,854	1,269,854	1,269,854	-21,373	---	---		
Total, Job Training Partnership Act.........	3,828,050	5,246,587	3,009,226	4,131,526	3,971,526	+143,476	+962,300	-160,000		
Veterans homeless program 1/.........................	---	5,011	---	---	---	---	---	---	D	2450
Glass Ceiling Commission 1/...........................	738	142	142	142	142	-596	---	---	D	2500
Women in apprenticeship 1/............................	744	744	610	610	610	-134	---	---	D	2550
National Center for the Workplace 1/ 2/............	---	---	---	---	---	---	---	---	D	2600
Skills Standards.......................................	4,500	12,000	4,000	4,000	4,000	-500	---	---	D	2650
Total, National activities, TES (non-add).......	(59,353)	(139,599)	(51,577)	(51,577)	(51,577)	(-7,776)	---	---		
School-to-work...	122,500	200,000	95,000	186,000	170,000	+47,500	+75,000	-16,000	D	2700
Total, Training and Employment Services.........	3,956,532	5,464,484	3,108,978	4,322,278	4,146,278	+189,746	+1,037,300	-176,000		
Subtotal, forward funded.......................	(3,955,050)	(5,458,587)	(3,108,226)	(3,686,526)	(3,518,026)	(-437,024)	(+409,800)	(-168,500)		

1/ Current funded.

2/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS......	396,060	410,500	350,000	350,000	373,000	-23,060	+23,000	+23,000	D	3305
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES										
Trade adjustment......................................	274,400	279,600	279,600	279,600	279,600	+5,200	---	---	M	3450
NAFTA activities......................................	---	66,500	66,500	66,500	66,500	+66,500	---	---	M	3500
Total..	274,400	346,100	346,100	346,100	346,100	+71,700	---	---		
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS										
Unemployment Compensation (Trust Funds):										
State Operations..................................	(1,756,626)	(2,206,136)	(2,080,520)	(2,080,520)	(2,080,520)	(+323,894)	---	---	TF*	3750
State integrity activities........................	(367,169)	---	---	---	---	(-367,169)	---	---	TF*	3850
National Activities...............................	(17,328)	(17,824)	(10,000)	(10,000)	(10,000)	(-7,328)	---	---	TF*	3900
Contingency.......................................	(172,137)	(245,983)	(216,333)	(216,333)	(216,333)	(+44,196)	---	---	TF*	3950
Contingency bill language (OMB estimate)..........	(67,900)	---	---	---	---	(-67,900)	---	---	NA	4000
Portion treated as budget authority...........	(812)	---	---	---	---	(-812)	---	---	TF*	4050
Subtotal, Unemployment Comp (trust funds)...	(2,314,072)	(2,469,943)	(2,306,853)	(2,306,853)	(2,306,853)	(-7,219)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Employment Service:										
Allotments to States:										
Federal funds	25,254	24,177	23,452	23,452	23,452	-1,802	---	---	D	4250
Trust funds	(813,658)	(781,735)	(738,283)	(738,283)	(738,283)	(-75,375)	---	---	TF*	4300
Subtotal	838,912	805,912	761,735	761,735	761,735	-77,177	---	---		
National Activities:										
Federal funds	1,934	1,934	1,876	1,876	1,876	-58	---	---	D	4450
Trust funds	(64,194)	(64,194)	(59,058)	(59,058)	(57,058)	(-7,136)	(-2,000)	(-2,000)	TF*	4500
Targeted jobs tax credit	(10,250)	---	---	---	---	(-10,250)	---	---	TF*	4550
Subtotal, Emp. Serv., National Activities.	76,378	66,128	60,934	60,934	58,934	-17,444	-2,000	-2,000		
Subtotal, Employment Service	915,290	872,040	822,669	822,669	820,669	-94,621	-2,000	-2,000		
Federal funds	27,188	26,111	25,328	25,328	25,328	-1,860	---	---		
Trust funds	(888,102)	(845,929)	(797,341)	(797,341)	(795,341)	(-92,761)	(-2,000)	(-2,000)		
One-stop Career Centers	100,000	200,000	92,000	110,000	110,000	+10,000	+18,000	---	D	4775
Total, State Unemployment	3,329,362	3,541,983	3,221,522	3,239,522	3,237,522	-91,840	+16,000	-2,000		
Federal Funds	127,188	226,111	117,328	135,328	135,328	+8,140	+18,000	---		
Trust Funds	(3,202,174)	(3,315,872)	(3,104,194)	(3,104,194)	(3,102,194)	(-99,980)	(-2,000)	(-2,000)		
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS...	1,004,485	369,000	369,000	369,000	369,000	-635,485	---	---	M	4950
ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST FUND	---	---	(-56,300)	(-56,300)	(-56,300)	(-56,300)	---	---	NA	4956
PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	---	---	(-250,000)	(-266,000)	(-266,000)	(-266,000)	(-16,000)	---	NA	4958

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
PROGRAM ADMINISTRATION										
Adult employment and training	27,754	31,144	25,619	25,619	25,619	-2,135	---	---	D	5000
Trust funds	(2,467)	(2,637)	(2,283)	(2,283)	(2,283)	(-184)	---	---	TF*	5010
Youth employment and training	31,815	35,170	29,441	29,441	29,441	-2,374	---	---	D	5020
Employment security	6,584	3,913	6,057	6,057	6,057	-527	---	---	D	5030
Trust funds	(40,271)	(47,378)	(37,167)	(37,167)	(37,167)	(-3,104)	---	---	TF*	5040
Apprenticeship services	17,460	18,681	16,129	16,129	16,129	-1,331	---	---	D	5050
Executive direction	6,306	6,605	5,808	5,808	5,808	-498	---	---	D	5060
Trust funds	(1,414)	(1,887)	(1,343)	(1,343)	(1,343)	(-71)	---	---	TF*	5070
Total, Program Administration	134,071	147,415	123,847	123,847	123,847	-10,224	---	---		
Federal funds	89,919	95,513	83,054	83,054	83,054	-6,865	---	---		
Trust funds	(44,152)	(51,902)	(40,793)	(40,793)	(40,793)	(-3,359)	---	---		
Total, Employment & Training Administration	9,094,910	10,279,482	7,519,447	8,750,747	8,595,747	-499,163	+1,076,300	-155,000		
Federal funds	5,848,584	6,911,708	4,374,460	5,605,760	5,452,760	-395,824	+1,078,300	-153,000		
Trust funds	(3,246,326)	(3,367,774)	(3,144,987)	(3,144,987)	(3,142,987)	(-103,339)	(-2,000)	(-2,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
OFFICE OF THE AMERICAN WORKPLACE										
SALARIES AND EXPENSES										
Office of the Workplace Programs	7,082	10,770	---	---	---	-7,082	---	---	D	5750
PENSION AND WELFARE BENEFITS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement and compliance	53,492	65,163	50,750	50,750	52,083	-1,409	+1,333	+1,333	D	6000
Policy, regulation and public service	12,054	12,412	11,242	11,242	11,831	-223	+589	+589	D	6050
Program oversight	3,385	3,607	3,206	3,206	3,583	+198	+377	+377	D	6100
Total, PWBA	68,931	81,182	65,198	65,198	67,497	-1,434	+2,299	+2,299		
PENSION BENEFIT GUARANTY CORPORATION										
Program Administration subject to limitation (Trust Funds)	(11,463)	(12,043)	(10,603)	(10,603)	(10,603)	(-860)	---	---	TF	6350
Services related to terminations not subject to limitations (non-add)	(126,032)	(128,496)	(128,496)	(128,496)	(128,496)	(+2,464)	---	---	NA	6450
Total, PBGC	(137,495)	(140,539)	(139,099)	(139,099)	(139,099)	(+1,604)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
EMPLOYMENT STANDARDS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement of wage and hour standards................	100,725	116,943	94,169	94,169	100,196	-529	+6,027	+6,027	D	6650
Office of Labor-Management Standards..................	23,997	31,075	23,097	23,097	24,192	+195	+1,095	+1,095	D	6675
Federal contractor EEO standards enforcement..........	58,725	63,831	55,245	55,245	56,851	-1,874	+1,606	+1,606	D	6700
Federal programs for workers' compensation............	76,403	82,937	71,648	71,648	73,736	-2,667	+2,088	+2,088	D	6750
Trust funds.......................................	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)	TF	6800
Program direction and support.........................	11,490	11,690	10,597	10,597	10,662	-828	+65	+65	D	6850
Total, salaries and expenses....................	272,397	308,145	255,734	255,734	266,644	-5,753	+10,910	+10,910		
Federal funds.................................	271,340	306,476	254,756	254,756	265,637	-5,703	+10,881	+10,881		
Trust funds...................................	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
SPECIAL BENEFITS										
Federal employees compensation benefits...............	254,000	214,000	214,000	214,000	214,000	-40,000	---	---	M	7200
Longshore and harbor workers' benefits................	4,000	4,000	4,000	4,000	4,000	---	---	---	M	7250
Total, Special Benefits.........................	258,000	218,000	218,000	218,000	218,000	-40,000	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
BLACK LUNG DISABILITY TRUST FUND										
Benefit payments and interest on advances............	923,005	949,494	949,494	949,494	949,494	+26,489	---	---	M	7400
Employment Standards Admin., salaries & expenses......	27,799	28,655	27,350	27,350	27,350	-449	---	---	M	7450
Departmental Management, salaries and expenses........	23,188	19,621	19,621	19,621	19,621	-3,567	---	---	M	7500
Departmental Management, inspector general............	309	310	298	298	298	-11	---	---	M	7550
Subtotal, Black Lung Disablty. Trust Fund, apprn	974,301	998,080	996,763	996,763	996,763	+22,462	---	---		
Treasury administrative costs (indefinite)............	756	756	756	756	756	---	---	---	M	7650
Total, Black Lung Disability Trust Fund.........	975,057	998,836	997,519	997,519	997,519	+22,462	---	---		
Total, Employment Standards Administration......	1,505,454	1,524,981	1,471,253	1,471,253	1,482,163	-23,291	+10,910	+10,910		
Federal funds.................................	1,504,397	1,523,312	1,470,275	1,470,275	1,481,156	-23,241	+10,881	+10,881		
Trust funds...................................	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Safety and health standards..........................	8,906	9,471	8,354	8,000	8,499	-407	+145	+499	D	8050
Enforcement:										
Federal Enforcement..............................	145,289	155,854	114,015	116,230	121,320	-23,969	+7,305	+5,090	D	8150
State programs...................................	70,615	75,915	65,319	70,615	68,295	-2,320	+2,976	-2,320	D	8200
Technical Support....................................	18,883	21,668	17,467	16,394	18,002	-881	+535	+1,608	D	8250
Compliance Assistance................................	44,974	55,332	---	---	---	-44,974	---	---	D	8300
Federal Assistance...............................	---	---	18,248	24,858	35,129	+35,129	+16,881	+10,271	D	8310
State Consultation Grants........................	---	---	35,353	32,479	32,479	+32,479	-2,874	---	D	8320
Safety and health statistics.........................	15,730	20,669	14,707	14,257	14,515	-1,215	-192	+258	D	8350
Executive direction and administration...............	7,263	7,594	6,537	6,152	6,745	-518	+208	+593	D	8400
Total, OSHA..	311,660	346,503	280,000	288,985	304,984	-6,676	+24,984	+15,999		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
MINE SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement:										
Coal	107,039	112,957	107,039	107,039	107,039	---	---	---	D	8700
Metal/nonmetal	42,296	46,862	41,412	41,412	41,412	-884	---	---	D	8750
Standards development	1,339	1,008	1,008	1,008	1,008	-331	---	---	D	8800
Assessments	3,781	3,712	3,497	3,497	3,497	-284	---	---	D	8850
Educational policy and development	15,064	14,865	14,782	14,782	14,782	-282	---	---	D	8900
Technical support	22,097	23,575	21,268	21,268	21,268	-829	---	---	D	8950
Program administration	8,519	9,127	7,667	7,667	7,667	-852	---	---	D	9000
Total, Mine Safety and Health Administration	200,135	212,106	196,673	196,673	196,673	-3,462	---	---		
BUREAU OF LABOR STATISTICS										
SALARIES AND EXPENSES										
Employment and Unemployment Statistics	99,421	107,955	100,000	100,000	97,155	-2,266	-2,845	-2,845	D	9300
Labor Market Information (Trust Funds)	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)	TF*	9350
Prices and cost of living	93,001	99,224	93,956	93,956	97,712	+4,711	+3,756	+3,756	D	9400
Compensation and working conditions	61,188	63,855	54,625	54,625	53,444	-7,744	-1,181	-1,181	D	9450
Productivity and technology	6,970	7,419	6,413	6,413	6,974	+4	+561	+561	D	9500
Economic growth and employment projections	4,006	4,487	3,847	3,847	4,451	+445	+604	+604	D	9550
Executive direction and staff services	26,723	25,842	22,072	22,072	21,896	-4,827	-176	-176	D	9600
Consumer Price Index Revision	5,127	11,549	11,549	11,549	11,549	+6,422	---	---	D	9700
Total, Bureau of Labor Statistics	349,642	376,681	342,459	342,459	344,459	-5,183	+2,000	+2,000		
Federal Funds	296,436	320,331	292,462	292,462	293,181	-3,255	+719	+719		
Trust Funds	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
DEPARTMENTAL MANAGEMENT										
SALARIES AND EXPENSES										
Executive direction	20,934	26,232	18,641	18,641	18,641	-2,293	---	---	D	10050
Legal services	61,844	69,570	58,072	58,072	58,072	-3,772	---	---	D	10100
Trust funds	(328)	(342)	(303)	(303)	(303)	(-25)	---	---	TF*	10150
International labor affairs	12,198	12,950	5,850	9,930	8,900	-3,298	+3,050	-1,030	D	10200
Administration and management	14,963	15,503	13,904	13,904	13,904	-1,059	---	---	D	10250
Adjudication	19,926	24,589	18,500	18,500	20,500	+574	+2,000	+2,000	D	10300
Promoting employment of people with disabilities	4,358	4,772	4,358	4,358	4,358	---	---	---	D	10350
Women's Bureau	8,326	8,973	7,743	7,743	7,743	-583	---	---	D	10400
Civil Rights Activities	4,888	5,038	4,535	4,535	4,535	-353	---	---	D	10450
Chief Financial Officer	4,738	5,120	4,394	4,394	4,394	-344	---	---	D	10500
Enforcement Automation	2,000	---	---	---	---	-2,000	---	---	D	10550
Total, Salaries and expenses	154,503	173,089	136,300	140,380	141,350	-13,153	+5,050	+970		
Federal funds	154,175	172,747	135,997	140,077	141,047	-13,128	+5,050	+970		
Trust funds	(328)	(342)	(303)	(303)	(303)	(-25)	---	---		
VETERANS EMPLOYMENT AND TRAINING										
State Administration:										
Disabled Veterans Outreach Program	(83,601)	(83,643)	(76,913)	(76,913)	(76,913)	(-6,688)	---	---	TF*	10850
Local Veterans Employment Program	(77,593)	(77,632)	(71,386)	(71,386)	(71,386)	(-6,207)	---	---	TF*	10900
Subtotal, State Administration	(161,194)	(161,275)	(148,299)	(148,299)	(148,299)	(-12,895)	---	---		
Federal Administration	(21,025)	(23,017)	(19,419)	(19,419)	(19,419)	(-1,606)	---	---	TF*	11000
National Veterans Training Institute	(2,904)	(2,822)	(2,672)	(2,672)	(2,672)	(-232)	---	---	TF*	11050
Total, Trust Funds	(185,123)	(187,114)	(170,390)	(170,390)	(170,390)	(-14,733)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
REINVENTION INVESTMENT FUND	---	3,900	---	---	---	---	---	---	D	11150
OFFICE OF THE INSPECTOR GENERAL										
Program activities	40,517	41,657	37,622	37,622	37,622	-2,895	---	---	D	11300
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---	TF*	11350
Executive Direction and Management	7,356	7,595	6,804	6,804	6,804	-552	---	---	D	11400
Total, Office of the Inspector General	51,768	53,307	48,041	48,041	48,041	-3,727	---	---		
Federal funds	47,873	49,252	44,426	44,426	44,426	-3,447	---	---		
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---		
Total, Departmental Management	391,394	417,410	354,731	358,811	359,781	-31,613	+5,050	+970		
Federal funds	202,048	225,899	180,423	184,503	185,473	-16,575	+5,050	+970		
Trust funds	(189,346)	(191,511)	(174,308)	(174,308)	(174,308)	(-15,038)	---	---		
Total, Labor Department	11,940,671	13,261,158	10,240,364	11,484,729	11,361,907	-578,764	+1,121,543	-122,822		
Federal funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132		
Trust funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES										
HEALTH RESOURCES AND SERVICES ADMINISTRATION										
HEALTH RESOURCES AND SERVICES										
Consolidated health centers	---	---	756,518	759,623	759,623	+759,623	+3,105	---	D	12525
Community health centers	616,555	---	---	---	---	-616,555	---	---	D	12550
Migrant health centers	65,000	---	---	---	---	-65,000	---	---	D	12575
Health care for the homeless	65,445	---	---	---	---	-65,445	---	---	D	12600
Public housing health service grants	9,518	---	---	---	---	-9,518	---	---	D	12625
Health Centers Cluster (proposed legislation)	---	756,399	---	---	---	---	---	---	D	12650
Subtotal, Health Centers Activities	756,518	756,399	756,518	759,623	759,623	+3,105	+3,105	---		
National Health Service Corps:										
Field placements	41,979	---	41,979	40,168	40,428	-1,551	-1,551	+260	D	12925
Recruitment	78,206	---	78,206	74,832	75,317	-2,889	-2,889	+485	D	12935
Subtotal, National Health Service Corps	120,185	---	120,185	115,000	115,745	-4,440	-4,440	+745		

Note: All HHS accounts are current funded unless otherwise noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Health Professions										
Consolidated Health Professions Education & Training..	---	---	278,977	---	---	---	-278,977	---	D	13022
Grants to communities for scholarships................	474	---	---	379	474	---	+474	+95	D	13032
Health professions data system........................	548	---	---	400	240	-308	+240	-160	D	13035
Nurse loan repayment for shortage area service........	2,044	---	---	1,635	1,962	-82	+1,962	+327	D	13040
Research on health professions issues.................	600	---	---	---	---	-600	---	---	D	13075
Workforce Development Cluster (proposed leg)..........	---	127,218	---	---	---	---	---	---	D	13100
Centers of excellence.................................	23,040	---	---	20,275	22,118	-922	+22,118	+1,843	D	13175
Health careers opportunity program....................	25,350	---	---	21,996	23,996	-1,354	+23,996	+2,000	D	13200
Exceptional financial need scholarships...............	10,542	---	---	9,277	10,120	-422	+10,120	+843	D	13225
Faculty loan repayment................................	955	---	---	840	955	---	+955	+115	D	13250
Fin assistance for disadvantaged HP students..........	5,895	---	---	5,500	5,999	+104	+5,999	+499	D	13275
HPSL recapitalization.................................	8,017	---	---	---	---	-8,017	---	---	D	13300
Scholarships for disadvantaged students...............	17,376	---	---	15,638	16,681	-695	+16,681	+1,043	D	13325
Minority / Disadvantaged Cluster (proposed leg).......	---	89,450	---	---	---	---	---	---	D	13350
Family medicine training / departments................	46,057	---	---	37,427	44,215	-1,842	+44,215	+6,788	D	13575
General internal medicine and pediatrics..............	16,503	---	---	13,202	15,843	-660	+15,843	+2,641	D	13600
Physician assistants..................................	5,964	---	---	5,069	5,725	-239	+5,725	+656	D	13625
Public health and preventive medicine.................	7,546	---	---	6,414	7,244	-302	+7,244	+830	D	13650
Health administration traineeships / projects.........	978	---	---	831	978	---	+978	+147	D	13675
Primary Care Medicine and Public Health Cluster (proposed legislation).............................	---	76,055	---	---	---	---	---	---	D	13700

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Area health education centers	24,125	---	---	24,125	23,160	-965	+23,160	-965	D	13710
Border health training centers	3,509	---	---	2,807	3,369	-140	+3,369	+562	D	13720
General dentistry residencies	3,530	---	---	3,354	3,389	-141	+3,389	+35	D	13730
Allied health special projects	3,580	---	---	3,043	3,437	-143	+3,437	+394	D	13740
Geriatric education centers and training	8,273	---	---	6,618	7,942	-331	+7,942	+1,324	D	13750
Interdisciplinary traineeships	3,880	---	---	3,686	3,725	-155	+3,725	+39	D	13760
Podiatric medicine	615	---	---	615	615	---	+615	---	D	13770
Chiropractic demonstration grants	936	---	---	936	936	---	+936	---	D	13775
Enhanced Area Health Education Cluster (proposed legislation)	---	38,783	---	---	---	---	---	---	D	13780
Advanced nurse education	11,642	---	---	10,245	11,176	-466	+11,176	+931	D	13790
Nurse practitioners / nurse midwives	16,140	---	---	14,203	15,494	-646	+15,494	+1,291	D	13800
Special projects	9,848	---	---	8,666	9,454	-394	+9,454	+788	D	13825
Nurse disadvantaged assistance	3,606	---	---	3,173	3,462	-144	+3,462	+289	D	13850
Professional nurse traineeships	14,830	---	---	13,050	14,237	-593	+14,237	+1,187	D	13875
Nurse anesthetists	2,574	---	---	2,265	2,471	-103	+2,471	+206	D	13900
Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	56,750	---	---	---	---	---	---	D	13925
Subtotal, Health professions	278,977	388,256	278,977	235,669	259,417	-19,560	-19,560	+23,748		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------			Mand Disc	
						FY 1995	House	Senate		
Other HRSA Programs:										
Hansen's disease services........................	20,826	20,826	17,500	17,500	17,500	-3,326	---	---	D	14425
Maternal & child health block grant..............	683,950	678,866	678,866	678,866	678,866	-5,084	---	---	D	14450
Healthy start....................................	104,220	100,000	93,000	93,000	93,000	-11,220	---	---	D	14475
Organ transplantation............................	2,629	2,629	2,400	2,400	2,400	-229	---	---	D	14500
Health teaching facilities interest subsidies.....	411	411	411	411	411	---	---	---	D	14525
Bone marrow program..............................	15,360	15,360	15,360	15,360	15,360	---	---	---	D	14550
Rural outreach grants............................	26,091	---	27,898	27,898	27,898	+1,807	---	---	D	14575
State Offices of Rural Health 1/................	---	---	---	---	---	---	---	---	D	14600
Rural Health Cluster (proposed legislation).......	---	29,029	---	---	---	---	---	---	D	14625
Trauma care......................................	293	---	---	---	---	-293	---	---	D	14650
Emergency medical services for children...........	10,000	---	11,000	10,500	11,000	+1,000	---	+500	D	14675
Emergency Medical Services (EMS) Cluster (proposed legislation).................................	---	14,784	---	---	---	---	---	---	D	14700
Black lung clinics...............................	4,142	---	3,811	3,811	3,811	-331	---	---	D	14725
Alzheimers demonstration grants..................	4,959	---	4,000	4,000	4,000	-959	---	---	D	14750
Payment to Hawaii, treatment of Hansen's Disease..	2,976	---	2,045	2,045	2,045	-931	---	---	D	14775
Pacific Basin initiative.........................	1,500	---	1,200	1,200	1,200	-300	---	---	D	14800
Native Hawaiian health care......................	4,336	---	---	---	---	-4,336	---	---	D	14825
Special Populations Cluster (proposed legislation)	---	17,259	---	---	---	---	---	---	D	14850
Subtotal, Other HRSA programs................	881,693	879,164	857,491	856,991	857,491	-24,202	---	+500		

1/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Acquired Immune Deficiency Syndrome (AIDS):										
Education and training centers	16,287	16,287	6,000	6,000	12,000	-4,287	+6,000	+6,000	D	15025
AIDS dental services	6,937	6,937	6,937	6,937	6,937	---	---	---	D	15050
Ryan White AIDS Programs:										
Emergency assistance	356,500	407,000	379,500	379,500	391,700	+35,200	+12,200	+12,200	D	15100
Comprehensive care programs	198,147	273,897	250,147	198,147	260,847	+62,700	+10,700	+62,700	D	15125
Early intervention program	52,318	62,568	52,318	52,318	56,918	+4,600	+4,600	+4,600	D	15150
Pediatric demonstrations	26,000	32,000	26,500	26,500	29,000	+3,000	+2,500	+2,500	D	15175
Subtotal, Ryan White AIDS programs	632,965	775,465	708,465	656,465	738,465	+105,500	+30,000	+82,000		
Subtotal, AIDS	656,189	798,689	721,402	669,402	757,402	+101,213	+36,000	+88,000		
Family planning	193,349	198,982	193,349	193,349	193,349	---	---	---	D	15275
Rural health research	9,426	9,426	9,426	9,426	9,426	---	---	---	D	15300
Health care facilities	10,000	2,000	10,000	10,000	20,000	+10,000	+10,000	+10,000	D	15325
Buildings and facilities	933	933	858	858	858	-75	---	---	D	15350
National practitioner data bank	9,000	6,000	6,000	6,000	6,000	-3,000	---	---	D	15375
User fees	-9,000	-6,000	-6,000	-6,000	-6,000	+3,000	---	---	D	15400
Program management	120,909	120,546	120,546	120,546	120,546	-363	---	---	D	15425
Savings attributable to legislative proposal	---	(6,000)	---	---	---	---	---	---	NA	15450
Undistributed administrative reduction	---	---	-16,000	-16,000	-16,000	-16,000	---	---	D	15475
Total, Health resources and services	3,028,179	3,154,395	3,052,752	2,954,864	3,077,857	+49,678	+25,105	+122,993		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:										
Interest subsidy program..........................	9,000	8,000	8,000	8,000	8,000	-1,000	---	---	M	15600
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):										
New loan subsidies................................	22,050	18,044	13,500	13,500	13,500	-8,550	---	---	M	15650
Liquidating account (non-add).....................	(17,990)	(42,000)	(42,000)	(42,000)	(42,000)	(+24,010)	---	---	NA	15675
HEAL loan limitation (non-add)....................	(375,000)	(280,000)	(210,000)	(210,000)	(210,000)	(-165,000)	---	---	NA	15700
Program management................................	2,922	2,922	2,688	2,688	2,688	-234	---	---	D	15725
Total, HEAL.......................................	24,972	20,966	16,188	16,188	16,188	-8,784	---	---		
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:										
Post - FY88 claims (trust fund)...................	54,476	56,721	56,721	56,721	56,721	+2,245	---	---	M	15800
HRSA administration (trust fund)..................	3,000	3,000	3,000	3,000	3,000	---	---	---	M	15825
Subtotal, Vaccine injury compensation trust fund	57,476	59,721	59,721	59,721	59,721	+2,245	---	---		
VACCINE INJURY COMPENSATION:										
Pre - FY89 claims (appropriation).................	110,000	110,000	110,000	110,000	110,000	---	---	---	M	15900
Total, Vaccine injury.............................	167,476	169,721	169,721	169,721	169,721	+2,245	---	---		
Total, Health Resources & Services Admin........	3,229,627	3,353,082	3,246,661	3,148,773	3,271,766	+42,139	+25,105	+122,993		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------			Mand Disc	
						FY 1995	House	Senate		
CENTERS FOR DISEASE CONTROL 1/										
DISEASE CONTROL, RESEARCH AND TRAINING										
Preventive Health Services Block Grant................	157,916	154,338	145,418	145,418	145,418	-12,498	---	---	D	18700
Prevention centers..................................	7,724	7,724	8,099	8,099	8,099	+375	---	---	D	18800
Data initiative.....................................	---	6,000	---	---	---	---	---	---	D	18850
1% evaluation funds (non-add)....................	---	(14,000)	---	---	---	---	---	---	NA	18900
Immunization partnership grant (proposed legislation).	---	502,818	---	---	---	---	---	---	D	18950
CDC/HCFA vaccine program:										
Proposed legislation: Vaccine tax cut (non-add)..	---	-25,000	---	---	---	---	---	---	NA	18975
Childhood immunization............................	463,734	---	470,497	470,497	470,497	+6,763	---	---	D	19000
HCFA vaccine purchase (non-add)..................	(376,000)	(408,307)	(408,307)	(408,307)	(409,759)	(+33,759)	(+1,452)	(+1,452)	NA	19075
Subtotal, CDC/HCFA vaccine program level........	(839,734)	(383,307)	(878,804)	(878,804)	(880,256)	(+40,522)	(+1,452)	(+1,452)		
1995 Vaccine rescission (non-add)....................	---	---	(-53,000)	(-53,000)	---	---	(+53,000)	(+53,000)	NA	19090
Communicable diseases:										
HIV/STD/TB partnership grant (proposed legislation	---	848,331	---	---	---	---	---	---	D	19150
Acquired Immune Deficiency Syndrome (AIDS)........	589,831	---	589,962	589,962	589,962	+131	---	---	D	19200
Tuberculosis......................................	119,573	---	119,582	119,582	119,582	+9	---	---	D	19250
Sexually transmitted diseases.....................	105,164	---	108,242	108,242	108,242	+3,078	---	---	D	19300
Subtotal, Communicable diseases.................	814,568	848,331	817,786	817,786	817,786	+3,218	---	---		
Chronic diseases:										
Chronic diseases partnership grant (proposed leg).	---	243,498	---	---	---	---	---	---	D	19400
Chronic and environmental disease prevention......	139,664	---	147,439	147,439	147,439	+7,775	---	---	D	19450
Breast and cervical cancer screening..............	100,000	---	125,000	125,000	125,000	+25,000	---	---	D	19500
Subtotal, Chronic diseases......................	239,664	243,498	272,439	272,439	272,439	+32,775	---	---		

1/ Appropriations were enacted in P.L. 104-91 and are displayed here for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Infectious disease	54,340	63,191	65,057	65,057	65,057	+10,717	---	---	D	19600
Lead poisoning prevention	36,404	36,391	36,409	36,409	36,409	+5	---	---	D	19650
Injury control	43,669	44,661	43,679	43,679	43,679	+10	---	---	D	19700
Occupational Safety and Health (NIOSH)	131,984	137,084	133,859	133,859	133,859	+1,875	---	---	D	19925
Epidemic services	73,198	73,318	73,325	73,325	73,325	+127	---	---	D	20000
National Center for Health Statistics:										
Program operations	53,508	53,564	40,063	40,063	40,063	-13,445	---	---	D	20100
1% evaluation funds (non-add)	(27,862)	(27,862)	(40,063)	(40,063)	(40,063)	(+12,201)	---	---	NA	20200
Subtotal, health statistics	53,508	53,564	40,063	40,063	40,063	-13,445	---	---		
Buildings and facilities	3,575	3,575	4,353	4,353	4,353	+778	---	---	D	20300
Program management	3,058	3,067	3,067	3,067	3,067	+9	---	---	D	20325
Savings attibutable to legislative proposal	---	6,000	---	---	---	---	---	---	D	20350
Undistributed administrative reduction	---	---	-31,000	-31,000	-31,000	-31,000	---	---	D	20375
Subtotal, Centers for Disease Control	2,083,342	2,183,560	2,083,051	2,083,051	2,083,051	-291	---	---		
Crime Bill Activities:										
Rape prevention and education	---	35,000	28,542	28,542	28,542	+28,542	---	---	D	20420
Domestic violence community demonstrations	---	4,000	3,000	3,000	3,000	+3,000	---	---	D	20430
Crime victim study	---	100	100	100	100	+100	---	---	D	20440
Subtotal, Crime bill activities	---	39,100	31,642	31,642	31,642	+31,642	---	---		
Total, Disease Control	2,083,342	2,222,660	2,114,693	2,114,693	2,114,693	+31,351	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
NATIONAL INSTITUTES OF HEALTH 1/										
National Cancer Institute	1,913,167	1,994,007	2,251,084	2,251,084	2,251,084	+337,917	---	---	D	20850
Transfer, Office of AIDS Research	(217,735)	(225,790)	---	---	---	(-217,735)	---	---	NA	20900
Subtotal	(2,130,902)	(2,219,797)	(2,251,084)	(2,251,084)	(2,251,084)	(+120,182)	---	---		
National Heart, Lung, and Blood Institute	1,242,574	1,279,096	1,355,866	1,355,866	1,355,866	+113,292	---	---	D	21100
Transfer, Office of AIDS Research	(55,485)	(57,925)	---	---	---	(-55,485)	---	---	NA	21150
Subtotal	(1,298,059)	(1,337,021)	(1,355,866)	(1,355,866)	(1,355,866)	(+57,807)	---	---		
National Institute of Dental Research	163,112	168,341	183,196	183,196	183,196	+20,084	---	---	D	21350
Transfer, Office of AIDS Research	(11,733)	(12,309)	---	---	---	(-11,733)	---	---	NA	21400
Subtotal	(174,845)	(180,650)	(183,196)	(183,196)	(183,196)	(+8,351)	---	---		
National Institute of Diabetes and Digestive and Kidney Diseases	724,974	748,798	771,252	771,252	771,252	+46,278	---	---	D	21600
Transfer, Office of AIDS Research	(10,752)	(11,735)	---	---	---	(-10,752)	---	---	NA	21650
Subtotal	(735,726)	(760,533)	(771,252)	(771,252)	(771,252)	(+35,526)	---	---		
National Institute of Neurological Disorders and Stroke	628,247	648,255	681,534	681,534	681,534	+53,287	---	---	D	21900
Transfer, Office of AIDS Research	(22,741)	(23,807)	---	---	---	(-22,741)	---	---	NA	22000
Subtotal	(650,988)	(672,062)	(681,534)	(681,534)	(681,534)	(+30,546)	---	---		

1/ Appropriations were enacted in P.L. 104-91 and are displayed here for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
National Institute of Allergy and Infectious Diseases.	536,940	557,354	1,169,628	1,169,628	1,169,628	+632,688	---	---	D	22200
Transfer, Office of AIDS Research................	(557,766)	(596,018)	---	---	---	(-557,766)	---	---	NA	22250
Subtotal....................................	(1,094,706)	(1,153,372)	(1,169,628)	(1,169,628)	(1,169,628)	(+74,922)	---	---		
National Institute of General Medical Sciences........	880,233	907,674	946,971	946,971	946,971	+66,738	---	---	D	22450
Transfer, Office of AIDS Research................	(24,664)	(26,135)	---	---	---	(-24,664)	---	---	NA	22500
Subtotal....................................	(904,897)	(933,809)	(946,971)	(946,971)	(946,971)	(+42,074)	---	---		
National Institute of Child Health and Human Development..	509,031	526,177	595,162	595,162	595,162	+86,131	---	---	D	22750
Transfer, Office of AIDS Research................	(58,667)	(60,713)	---	---	---	(-58,667)	---	---	NA	22800
Subtotal....................................	(567,698)	(586,890)	(595,162)	(595,162)	(595,162)	(+27,464)	---	---		
National Eye Institute..............................	291,464	300,693	314,185	314,185	314,185	+22,721	---	---	D	23000
Transfer, Office of AIDS Research................	(8,606)	(9,125)	---	---	---	(-8,606)	---	---	NA	23050
Subtotal....................................	(300,070)	(309,818)	(314,185)	(314,185)	(314,185)	(+14,115)	---	---		
National Institute of Environmental Health Sciences...	266,337	278,832	288,898	288,898	288,898	+22,561	---	---	D	23250
Transfer, Office of AIDS Research................	(5,745)	(6,051)	---	---	---	(-5,745)	---	---	NA	23300
Subtotal....................................	(272,082)	(284,883)	(288,898)	(288,898)	(288,898)	(+16,816)	---	---		
National Institute on Aging..........................	432,164	445,823	453,917	453,917	453,917	+21,753	---	---	D	23500
Transfer, Office of AIDS Research................	(1,715)	(1,785)	---	---	---	(-1,715)	---	---	NA	23550
Subtotal....................................	(433,879)	(447,608)	(453,917)	(453,917)	(453,917)	(+20,038)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand	
						FY 1995	House	Senate	Disc	
National Institute of Arthritis and Musculoskeletal and Skin Diseases	228,122	235,428	241,828	241,828	241,828	+13,706	---	---	D	23800
Transfer, Office of AIDS Research	(2,879)	(3,039)	---	---	---	(-2,879)	---	---	NA	23850
Subtotal	(231,001)	(238,467)	(241,828)	(241,828)	(241,828)	(+10,827)	---	---		
National Institute on Deafness and Other Communication Disorders	167,138	172,399	176,502	176,502	176,502	+9,364	---	---	D	24100
Transfer, Office of AIDS Research	(1,552)	(1,650)	---	---	---	(-1,552)	---	---	NA	24150
Subtotal	(168,690)	(174,049)	(176,502)	(176,502)	(176,502)	(+7,812)	---	---		
National Institute of Nursing Research	48,123	50,159	55,831	55,831	55,831	+7,708	---	---	D	24250
Transfer, Office of AIDS Research	(4,577)	(4,896)	---	---	---	(-4,577)	---	---	NA	24300
Subtotal	(52,700)	(55,055)	(55,831)	(55,831)	(55,831)	(+3,131)	---	---		
National Institute on Alcohol Abuse and Alcoholism	180,064	185,712	198,607	198,607	198,607	+18,543	---	---	D	24400
Transfer, Office of AIDS Research	(9,741)	(10,135)	---	---	---	(-9,741)	---	---	NA	24450
Subtotal	(189,805)	(195,847)	(198,607)	(198,607)	(198,607)	(+8,802)	---	---		
National Institute on Drug Abuse	289,581	298,738	458,441	458,441	458,441	+168,860	---	---	D	24550
Transfer, Office of AIDS Research	(147,347)	(153,331)	---	---	---	(-147,347)	---	---	NA	24600
Subtotal	(436,928)	(452,069)	(458,441)	(458,441)	(458,441)	(+21,513)	---	---		
National Institute of Mental Health	541,376	558,580	661,328	661,328	661,328	+119,952	---	---	D	24700
Transfer, Office of AIDS Research	(88,562)	(93,556)	---	---	---	(-88,562)	---	---	NA	24750
Subtotal	(629,938)	(652,136)	(661,328)	(661,328)	(661,328)	(+31,390)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
National Center for Research Resources................	287,341	307,544	390,339	390,339	390,339	+102,998	---	---	D	25175
Transfer, Office of AIDS Research................	(64,630)	(68,370)	---	---	---	(-64,630)	---	---	NA	25180
Subtotal......................................	(351,971)	(375,914)	(390,339)	(390,339)	(390,339)	(+38,368)	---	---		
National Center for Human Genome Research............	152,906	166,678	170,041	170,041	170,041	+17,135	---	---	D	25250
Transfer, Office of AIDS Research................	(993)	(1,000)	---	---	---	(-993)	---	---	NA	25300
Subtotal......................................	(153,899)	(167,678)	(170,041)	(170,041)	(170,041)	(+16,142)	---	---		
John E. Fogarty International Center..................	14,633	15,267	25,313	25,313	25,313	+10,680	---	---	D	25450
Transfer, Office of AIDS Research................	(9,108)	(9,694)	---	---	---	(-9,108)	---	---	NA	25500
Subtotal......................................	(23,741)	(24,961)	(25,313)	(25,313)	(25,313)	(+1,572)	---	---		
National Library of Medicine.........................	125,195	136,311	141,439	141,439	141,439	+16,244	---	---	D	25650
Transfer, Office of AIDS Research................	(2,694)	(3,162)	---	---	---	(-2,694)	---	---	NA	25700
Subtotal......................................	(127,889)	(139,473)	(141,439)	(141,439)	(141,439)	(+13,550)	---	---		
Office of the Director...............................	214,234	230,256	261,488	261,488	261,488	+47,254	---	---	D	25900
Transfer, Office of AIDS Research................	(25,394)	(27,598)	---	---	---	(-25,394)	---	---	NA	25950
Subtotal......................................	(239,628)	(257,854)	(261,488)	(261,488)	(261,488)	(+21,860)	---	---		
Buildings and facilities.............................	114,120	144,120	146,151	146,151	146,151	+32,031	---	---	D	26100
Office of AIDS Research..............................	1,333,086	1,407,824	---	---	---	-1,333,086	---	---	D	26110
Total N.I.H....................................	11,284,162	11,764,066	11,939,001	11,939,001	11,939,001	+654,839	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION										
Center for Mental Health Services:										
Consolidated Mental Health Demonstrations.........	---	53,092	38,100	38,100	38,100	+38,100	---	---	D	26900
Mental Health Block Grant.........................	275,420	304,617	275,420	226,281	275,420	---	---	+49,139	D	26950
Children's mental health..........................	59,958	60,000	60,000	60,000	60,000	+42	---	---	D	27000
Clinical training / AIDS training.................	5,379	---	---	---	---	-5,379	---	---	D	27050
Community support demonstrations..................	24,147	---	---	---	---	-24,147	---	---	D	27100
Grants to States for the homeless (PATH)..........	29,462	---	20,000	20,000	20,000	-9,462	---	---	D	27150
Homeless services demonstrations..................	21,205	---	---	---	---	-21,205	---	---	D	27200
Protection and advocacy...........................	21,957	21,760	19,850	19,850	19,850	-2,107	---	---	D	27250
AIDS demonstrations...............................	1,485	---	---	---	---	-1,485	---	---	D	27300
Subtotal, mental health.......................	439,013	439,469	413,370	364,231	413,370	-25,643	---	+49,139		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Center for Substance Abuse Treatment:										
Consolidated Treatment Demonstrations.............	---	236,694	90,000	90,000	90,000	+90,000	---	---	D	27600
Substance abuse block grant......................	1,234,107	1,294,107	1,234,107	1,200,000	1,234,107	---	---	+34,107	D	27650
Treatment grants to crisis areas.................	35,520	---	---	---	---	-35,520	---	---	D	27700
Treatment improvement demos:										
Pregnant/post partum women and children.......	54,228	---	---	---	---	-54,228	---	---	D	27800
Transfer from forfeiture fund (non-add)...	(10,000)	---	---	---	---	(-10,000)	---	---	NA	27850
Criminal justice program......................	37,502	---	---	---	---	-37,502	---	---	D	27900
Designated populations........................	23,561	---	---	---	---	-23,561	---	---	D	27950
Comprehensive community treatment program.....	27,073	---	---	---	---	-27,073	---	---	D	28000
Transfer from forfeiture fund (non-add)...	(4,000)	---	---	---	---	(-4,000)	---	---	NA	28050
Training......................................	5,590	---	---	---	---	-5,590	---	---	D	28100
AIDS demonstration & training:										
Training......................................	2,787	---	---	---	---	-2,787	---	---	D	28300
Linkage.......................................	7,739	---	---	---	---	-7,739	---	---	D	28350
Outreach......................................	7,500	---	---	---	---	-7,500	---	---	D	28400
Treatment capacity expansion program..............	6,701	---	---	---	---	-6,701	---	---	D	28450
Subtotal, Substance Abuse Treatment.........	1,442,308	1,530,801	1,324,107	1,290,000	1,324,107	-118,201	---	+34,107		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------ FY 1995	House	Senate	Mand Disc	
Center for Substance Abuse Prevention:										
Consolidated Prevention Demonstrations............	---	216,080	90,000	90,000	90,000	+90,000	---	---	D	28600
Prevention demonstrations:										
High risk youth..............................	65,160	---	---	---	---	-65,160	---	---	D	28700
Pregnant women & infants......................	22,501	---	---	---	---	-22,501	---	---	D	28750
Other programs................................	6,318	---	---	---	---	-6,318	---	---	D	28800
Community partnership............................	114,741	---	---	---	---	-114,741	---	---	D	28850
Prevention education/dissemination................	13,465	---	---	---	---	-13,465	---	---	D	28900
Training...	16,049	---	---	---	---	-16,049	---	---	D	28950
Subtotal, Substance Abuse Prevention............	238,234	216,080	90,000	90,000	90,000	-148,234	---	---		
Subtotal, Abuse Prevention program level........	(238,234)	(216,080)	(90,000)	(90,000)	(90,000)	(-148,234)	---	---		
Program management..................................	61,113	58,042	56,238	56,238	56,238	-4,875	---	---	D	29050
Savings attributable to legislative proposal..........	---	3,000	---	---	---	---	---	---	D	29160
Total, Substance Abuse and Mental Health........	2,180,668	2,247,392	1,883,715	1,800,469	1,883,715	-296,953	---	+83,246		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH										
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH										
Population affairs: Adolescent family life	6,678	6,144	---	---	---	-6,678	---	---	D	29700
Health Initiatives:										
Office of Disease Prevention and Health Promotion	4,558	4,601	---	---	---	-4,558	---	---	D	29850
Physical fitness and sports	1,407	1,406	---	---	---	-1,407	---	---	D	29900
Minority health	20,540	20,592	---	---	---	-20,540	---	---	D	29950
National vaccine program	988	995	---	---	---	-988	---	---	D	30000
Office of research integrity	3,853	3,858	---	---	---	-3,853	---	---	D	30050
Office of women's health	2,542	2,552	---	---	---	-2,542	---	---	D	30100
Emergency preparedness	2,180	2,374	---	---	---	-2,180	---	---	D	30150
Health care reform data analysis	1,344	---	---	---	---	-1,344	---	---	D	30200
Data development program	---	3,856	---	---	---	---	---	---	D	30225
Health Service Management	18,432	17,304	---	---	---	-18,432	---	---	D	30250
Streamlining costs	1,500	785	---	---	---	-1,500	---	---	D	30300
National AIDS program office	1,730	1,739	---	---	---	-1,730	---	---	D	30350
Total, OASH	65,752	66,206	---	---	---	-65,752	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS										
Retirement payments..................................	124,213	129,808	129,808	129,808	129,808	+5,595	---	---	M	30700
Survivors benefits...................................	8,826	9,208	9,208	9,208	9,208	+382	---	---	M	30750
Dependent's medical care.............................	23,844	25,108	25,108	25,108	25,108	+1,264	---	---	M	30800
Military Services Credits............................	2,438	2,801	2,801	2,801	2,801	+363	---	---	M	30850
Total, Retirement pay and medical benefits......	159,321	166,925	166,925	166,925	166,925	+7,604	---	---		

	FY 1995	FY 1996				---------- Conference vs -------------			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH										
Health services research:										
Research	58,919	63,433	38,160	38,160	9,160	-49,759	-29,000	-29,000	D	31400
1% evaluation funding (non-add)	(18,300)	(39,284)	(31,124)	(34,284)	(60,124)	(+41,824)	(+29,000)	(+25,840)	NA	31600
Subtotal including trust funds & 1% funds	(77,219)	(102,717)	(69,284)	(72,444)	(69,284)	(-7,935)	---	(-3,160)		
Medical treatment effectiveness:										
Federal funds	73,947	76,568	55,796	27,000	55,796	-18,151	---	+28,796	D	31750
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---	TF*	31800
1% evaluation funding (non-add)	---	(6,000)	---	(28,796)	---	---	---	(-28,796)	NA	31900
Subtotal, Medical treatment effectiveness	(79,743)	(88,364)	(55,796)	(55,796)	(55,796)	(-23,947)	---	---		
Program support	2,424	2,423	2,230	2,230	2,230	-194	---	---	D	32000
Undistributed administrative reduction	---	---	-2,000	-2,000	-2,000	-2,000	---	---	D	32025
Total, Health Care Policy and Research:										
Federal Funds	135,290	142,424	94,186	65,390	65,186	-70,104	-29,000	-204		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		
Total, 1% evaluation funding (non-add)	(18,300)	(45,284)	(31,124)	(63,080)	(60,124)	(+41,824)	(+29,000)	(-2,956)		
Total, Health Care Policy & Research (non-add)	(159,386)	(193,504)	(125,310)	(128,470)	(125,310)	(-34,076)	---	(-3,160)		
Total, Public Health Service:										
Federal Funds	19,138,162	19,962,755	19,445,181	19,235,251	19,441,286	+303,124	-3,895	+206,035		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HEALTH CARE FINANCING ADMINISTRATION										
GRANTS TO STATES FOR MEDICAID										
Medicaid current law benefits	84,835,700	92,235,200	92,235,200	92,235,200	92,235,200	+7,399,500	---	---	M	33100
Excess benefit budget authority	7,657,598	---	---	---	---	-7,657,598	---	---	M	33150
State and local administration	3,602,660	3,742,000	3,742,000	3,742,000	3,742,000	+139,340	---	---	M	33200
Excess admin budget authority	294,891	---	---	---	---	-294,891	---	---	M	33250
Proposed legislation: Vaccine tax cut (non-add)	---	(-46,800)	---	---	---	---	---	---	NA	33300
Subtotal, Medicaid program level, FY 1996	96,390,849	95,977,200	95,977,200	95,977,200	95,977,200	-413,649	---	---		
Carryover balance	-7,150,074	-13,835,128	-13,835,128	-13,835,128	-13,835,128	-6,685,054	---	---	M	33450
Less funds advanced in prior year	-26,600,000	-27,047,717	-27,047,717	-27,047,717	-27,047,717	-447,717	---	---	M	33500
Total, request, FY 1996	62,640,775	55,094,355	55,094,355	55,094,355	55,094,355	-7,546,420	---	---		
New advance, 1st quarter, FY 1997	27,047,717	26,155,350	26,155,350	26,155,350	26,155,350	-892,367	---	---	M	33600
PAYMENTS TO HEALTH CARE TRUST FUNDS										
Supplemental medical insurance	36,955,000	55,385,000	55,385,000	55,385,000	55,385,000	+18,430,000	---	---	M	33700
Hospital insurance for the uninsured	406,000	358,000	358,000	358,000	358,000	-48,000	---	---	M	33750
Federal uninsured payment	56,000	63,000	63,000	63,000	63,000	+7,000	---	---	M	33800
DOD adjustment	---	625,000	625,000	625,000	625,000	+625,000	---	---	M	33850
SMI lapses	---	6,737,000	6,737,000	6,737,000	6,737,000	+6,737,000	---	---	M	33900
Program management	129,758	145,000	145,000	145,000	145,000	+15,242	---	---	M	33950
Total, Payment to Trust Funds, current law	37,546,758	63,313,000	63,313,000	63,313,000	63,313,000	+25,766,242	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
PROGRAM MANAGEMENT										
Research, demonstration, and evaluation:										
Regular program, trust funds	(45,146)	(58,000)	(40,000)	(40,000)	(40,000)	(-5,146)	---	---	TF*	34150
Counseling program	(10,036)	(4,500)	---	---	---	(-10,036)	---	---	TF*	34200
Rural hospital transition demonstrations, trust funds	(17,621)	---	(13,089)	(13,089)	(13,089)	(-4,532)	---	---	TF*	34300
Essential access community hospitals, trust funds.	(2,000)	---	---	---	---	(-2,000)	---	---	TF*	34350
New rural health grants	---	(2,000)	---	---	---	---	---	---	TF*	34400
Subtotal, research, demonstration, & evaluation.	(74,803)	(64,500)	(53,089)	(53,089)	(53,089)	(-21,714)	---	---		
Medicare Contractors (Trust Funds)	(1,604,171)	(1,631,100)	(1,604,171)	(1,584,767)	(1,604,171)	---	---	(+19,404)	TF*	34500
State Survey and Certification:										
Medicare certification, trust funds	(145,800)	(162,100)	(147,625)	(147,625)	(147,625)	(+1,825)	---	---	TF*	34600
Proposed legislation	---	(-8,800)	---	---	---	---	---	---	NA	34650
Federal Administration:										
Trust funds	(353,374)	(396,222)	(326,053)	(326,053)	(326,053)	(-27,321)	---	---	TF*	34750
Less current law user fees	(-124)	(-128)	(-128)	(-128)	(-128)	(-4)	---	---	TF*	34800
Subtotal, Federal Administration	(353,250)	(396,094)	(325,925)	(325,925)	(325,925)	(-27,325)	---	---		
Total, Program management	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)		
PROPOSED LEG: UNDOCUMENTED ALIENS ASSISTANCE (NON-ADD)	---	(150,000)	---	---	---	---	---	---	NA	35100
HMO LOAN AND LOAN GUARANTEE FUND	15,000	---	---	---	---	-15,000	---	---	M	35200
Total, Health Care Financing Administration:										
Federal funds	127,250,250	144,562,705	144,562,705	144,562,705	144,562,705	+17,312,455	---	---		
Current year, FY 1995 / 1996	(100,202,533)	(118,407,355)	(118,407,355)	(118,407,355)	(118,407,355)	(+18,204,822)	---	---		
New advance, 1st quarter, FY 1996 / 1997	(27,047,717)	(26,155,350)	(26,155,350)	(26,155,350)	(26,155,350)	(-892,367)	---	---		
Trust funds	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)		

	FY 1995	FY 1996				---------- Conference vs	-------------		Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
ADMINISTRATION FOR CHILDREN AND FAMILIES										
FAMILY SUPPORT PAYMENTS TO STATES										
Aid to Families with Dependent Children (AFDC)........	12,424,136	12,999,000	12,999,000	12,999,000	12,999,000	+574,864	---	---	M	38250
Quality control liabilities...........................	-40,867	-71,121	-71,121	-71,121	-71,121	-30,254	---	---	M	38300
Payments to territories...............................	19,428	19,428	19,428	19,428	19,428	---	---	---	M	38350
Emergency assistance..................................	864,000	974,000	974,000	974,000	974,000	+110,000	---	---	M	38400
Repatriation..	1,000	1,000	1,000	1,000	1,000	---	---	---	M	38450
State and local welfare administration................	1,716,000	1,770,000	1,770,000	1,770,000	1,770,000	+54,000	---	---	M	38550
Work activities child care............................	666,000	734,000	734,000	734,000	734,000	+68,000	---	---	M	38600
Transitional child care...............................	199,000	220,000	220,000	220,000	220,000	+21,000	---	---	M	38650
At risk child care....................................	357,000	300,000	300,000	300,000	300,000	-57,000	---	---	M	38700
Subtotal, Welfare payments......................	16,205,697	16,946,307	16,946,307	16,946,307	16,946,307	+740,610	---	---		
Child Support Enforcement:										
State and local administration....................	1,966,000	1,943,000	1,943,000	1,943,000	1,943,000	-23,000	---	---	M	38850
Federal incentive payments........................	402,000	439,000	439,000	439,000	439,000	+37,000	---	---	M	38900
Less federal share collections....................	-1,213,000	-1,314,000	-1,314,000	-1,314,000	-1,314,000	-101,000	---	---	M	38950
Subtotal, Child support.......................	1,155,000	1,068,000	1,068,000	1,068,000	1,068,000	-87,000	---	---		
Total, Payments, FY 1995 / 1996 program level...	17,360,697	18,014,307	18,014,307	18,014,307	18,014,307	+653,610	---	---		
Less funds advanced in previous years.........	-4,200,000	-4,400,000	-4,400,000	-4,400,000	-4,400,000	-200,000	---	---	M	39100
Total, Payments, current request, FY 1995 /1996.	13,160,697	13,614,307	13,614,307	13,614,307	13,614,307	+453,610	---	---		
New advance, 1st quarter, FY 1996 /1997.....	4,400,000	4,800,000	4,800,000	4,800,000	4,800,000	+400,000	---	---	M	39300

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)............	970,000	1,000,000	1,000,000	1,000,000	1,000,000	+30,000	---	---	M	39350
LOW INCOME HOME ENERGY ASSISTANCE										
Advance from prior year (non-add)....................	(1,474,998)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(-474,998)	---	---	NA	39450
Rescission..	-155,796	---	-100,000	-100,000	-100,000	+55,796	---	---	D	39500
FY 1996 program level............................	(1,319,202)	(1,000,000)	(900,000)	(900,000)	(900,000)	(-419,202)	---	---		
Emergency allocation (non-add).......................	(600,000)	---	---	(300,000)	(300,000)	(-300,000)	(+300,000)	---	NA	39600
Advance funding (FY 1996 / 1997).....................	1,000,000	1,319,204	---	1,000,000	---	-1,000,000	---	-1,000,000	D	39700
REFUGEE AND ENTRANT ASSISTANCE										
Transitional and medical services....................	258,273	278,529	263,273	263,273	263,273	+5,000	---	---	D	39900
Social services......................................	80,802	80,802	80,802	80,802	80,802	---	---	---	D	39950
Preventive health....................................	5,300	5,471	2,700	2,700	2,700	-2,600	---	---	D	40000
Targeted assistance..................................	55,397	49,397	51,097	51,097	55,397	---	+4,300	+4,300	D	40050
Carryover (non-add)..................................	(7,000)	---	(10,590)	(10,590)	(10,590)	(+3,590)	---	---	NA	40055
Total, Refugee and entrant assistance...........	399,772	414,199	397,872	397,872	402,172	+2,400	+4,300	+4,300		
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS: SLIAG rescission.................................	-75,000	---	---	---	---	+75,000	---	---	D	40200
Civics and English education grants..............	4,000	---	---	---	---	-4,000	---	---	D	40250
Total, SLIAG....................................	-71,000	---	---	---	---	+71,000	---	---		
CHILD CARE AND DEVELOPMENT BLOCK GRANT (delay obligation until Sept. 30, 1996)...................	934,642	1,048,825	934,642	934,642	934,642	---	---	---	D	40550
SOCIAL SERVICES BLOCK GRANT (TITLE XX)...............	2,800,000	2,800,000	2,520,000	2,310,000	2,381,000	-419,000	-139,000	+71,000	M	40600

	FY 1995	FY 1996				---------- Conference vs	------------		Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS										
Programs for Children, Youth, and Families:										
Head start	3,534,129	3,934,728	3,534,429	3,534,129	3,570,129	+36,000	+35,700	+36,000	D	41000
Child development associate scholarships	1,360	---	---	---	---	-1,360	---	---	D	41050
Consolidated runaway, homeless youth program	---	68,572	---	---	---	---	---	---	D	41100
Runaway and homeless youth	40,458	---	43,653	43,653	43,653	+3,195	---	---	D	41150
Runaway youth - transitional living	13,649	---	14,949	14,949	14,949	+1,300	---	---	D	41200
Runaway youth activities - drugs	14,466	---	---	---	---	-14,466	---	---	D	41250
Subtotal, runaway	68,573	68,572	58,602	58,602	58,602	-9,971	---	---		
Youth gang substance abuse	10,420	10,520	---	---	---	-10,420	---	---	D	41350
Child abuse state grants	22,854	22,854	21,026	21,026	21,026	-1,828	---	---	D	41400
Child abuse discretionary activities	15,385	15,385	14,154	14,154	14,154	-1,231	---	---	D	41450
ABCAN	288	288	---	---	---	-288	---	---	D	41500
Temporary childcare/crisis nurseries	11,835	11,835	9,835	9,835	9,835	-2,000	---	---	D	41550
Abandoned infants assistance	14,406	14,406	12,406	12,406	12,406	-2,000	---	---	D	41600
Dependent care planning and development	12,823	---	---	---	---	-12,823	---	---	D	41650
Child welfare services	291,989	291,989	277,389	268,629	277,389	-14,600	---	+8,760	D	41700
Child welfare training	4,398	4,398	2,000	2,000	2,000	-2,398	---	---	D	41750
Child welfare research	6,395	6,395	---	---	---	-6,395	---	---	D	41800
Adoption opportunities	13,000	13,000	11,000	11,000	11,000	-2,000	---	---	D	41850
Family violence	32,619	32,645	32,645	32,645	32,645	+26	---	---	D	41900
Social services research	44,961	14,961	---	---	---	-14,961	---	---	D	41950
Family support centers	7,371	---	---	---	---	-7,371	---	---	D	42000
Community Based Resource Centers	31,363	38,734	23,000	23,000	23,000	-8,363	---	---	D	42050

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Developmental disabilities program:										
State councils	70,438	70,438	40,438	64,803	64,803	-5,635	+24,365	---	D	42150
Protection and advocacy	26,718	26,718	26,718	26,718	26,718	---	---	---	D	42200
Developmental disabilities special projects	5,715	5,715	---	5,258	5,258	-457	+5,258	---	D	42250
Developmental disabilities university affiliated programs	18,979	18,979	10,000	17,461	17,461	-1,518	+7,461	---	D	42350
Subtotal, Developmental disabilities	121,850	121,850	77,156	114,240	114,240	-7,610	+37,084	---		
Native American Programs	38,382	38,461	35,000	35,000	35,000	-3,382	---	---	D	42450
Community services:										
Community Services Block Grants	389,600	391,500	389,600	389,600	389,600	---	---	---	D	42550
Homeless services grants	19,752	19,752	---	---	---	-19,752	---	---	D	42600
Discretionary funds:										
Community initiative program:										
Economic development	23,733	---	27,334	27,334	27,334	+3,601	---	---	D	42750
Rural housing 1/	---	---	---	---	---	---	---	---	D	42800
Rural community facilities	3,271	---	3,009	3,009	3,009	-262	---	---	D	42850
Farmworker assistance 1/	---	---	---	---	---	---	---	---	D	42900
Subtotal, discretionary funds	27,004	---	30,343	30,343	30,343	+3,339	---	---		
National youth sports	12,000	---	11,520	11,520	11,520	-480	---	---	D	43000
Demonstration Partnerships	601	---	---	---	---	-601	---	---	D	43050
Community Food and Nutrition	8,676	6,000	4,000	4,000	4,000	-4,676	---	---	D	43100
Subtotal, Community services	457,633	417,252	435,463	435,463	435,463	-22,170	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Program direction	162,299	173,983	150,117	150,117	150,117	-12,182	---	---	D	43200
EBT task force	---	2,000	---	---	---	---	---	---	D	43250
Total, Children and Families Services Programs	4,874,333	5,234,256	4,694,222	4,722,246	4,767,006	-107,327	+72,784	+44,760		
VIOLENT CRIME REDUCTION PROGRAMS:										
Community schools	10,000	72,500	---	---	---	-10,000	---	---	D	43300
Community economic partnership	---	10,000	---	---	---	---	---	---	D	43350
Runaway Youth Prevention	---	7,000	5,558	5,558	5,558	+5,558	---	---	D	43400
Domestic violence hotline	1,000	400	400	400	400	-600	---	---	D	43450
Battered women's shelters	---	15,000	15,000	15,000	15,000	+15,000	---	---	D	43500
Youth education demonstration	---	400	400	400	400	+400	---	---	D	43550
Total, Violent crime reduction programs	11,000	105,300	21,358	21,358	21,358	+10,358	---	---		
FAMILY SUPPORT AND PRESERVATION	150,000	225,000	225,000	225,000	225,000	+75,000	---	---	M	43750
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE										
Foster care	3,128,023	3,749,825	3,742,338	3,742,338	3,742,338	+614,315	---	---	M	43900
Adoption assistance	399,348	488,017	509,900	509,900	509,900	+110,552	---	---	M	43950
Independent living	70,000	70,000	70,000	70,000	70,000	---	---	---	M	44000
Total, Payment to States	3,597,371	4,307,842	4,322,238	4,322,238	4,322,238	+724,867	---	---		
Total, Administration for Children and Families	32,071,019	34,868,933	32,429,639	33,247,663	32,367,723	+296,704	-61,916	-879,940		
Current year, FY 1995 / 1996	(26,671,019)	(28,749,729)	(27,629,639)	(27,447,663)	(27,567,723)	(+896,704)	(-61,916)	(+120,060)		
FY 1996 / 1997	(5,400,000)	(6,119,204)	(4,800,000)	(5,800,000)	(4,800,000)	(-600,000)	---	(-1,000,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------ FY 1995	House	Senate	Mand Disc	
ADMINISTRATION ON AGING										
AGING SERVICES PROGRAMS										
Grants to States:										
Supportive services and centers..................	306,711	306,711	291,375	291,375	300,556	-6,155	+9,181	+9,181	D	44600
Ombudsman services................................	4,449	4,449	---	4,449	---	-4,449	---	-4,449	D	44650
Prevention of elder abuse.........................	4,732	6,232	---	4,732	---	-4,732	---	-4,732	D	44700
Pension counseling................................	1,976	1,976	---	---	---	-1,976	---	---	D	44750
Preventive health.................................	16,982	16,982	---	15,623	15,623	-1,359	+15,623	---	D	44800
Nutrition:										
Congregate meals................................	375,809	375,809	364,535	364,535	364,535	-11,274	---	---	D	44900
Home-delivered meals............................	94,065	94,065	105,339	105,339	105,339	+11,274	---	---	D	44950
Frail elderly in-home services........................	9,263	9,263	9,263	9,263	9,263	---	---	---	D	45000
Grants to Indians.....................................	16,902	18,402	15,550	15,550	16,057	-845	+507	+507	D	45050
Aging research, training and special projects.........	25,630	45,134	---	4,991	2,850	-22,780	+2,850	-2,141	D	45100
Federal Council on Aging..............................	176	226	---	---	---	-176	---	---	D	45150
White House Conference on Aging.......................	3,000	500	---	---	---	-3,000	---	---	D	45200
Program administration................................	16,312	17,399	15,170	15,170	15,170	-1,142	---	---	D	45250
Total, Administration on Aging..................	876,007	897,148	801,232	831,027	829,393	-46,614	+28,161	-1,634		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1995	House	Senate	
OFFICE OF THE SECRETARY									
GENERAL DEPARTMENTAL MANAGEMENT:									
Federal funds	88,150	86,162	96,439	96,439	98,439	+10,289	+2,000	+2,000	D 45450
Trust funds	(11,611)	---	---	---	---	(-11,611)	---	---	TF 45550
Portion treated as budget authority	(7,366)	(7,204)	(6,628)	(6,628)	(6,628)	(-738)	---	---	TF* 45600
Emergency preparedness 1/	---	---	---	---	---	---	---	---	D 45605
Population affairs: Adolescent family life	---	---	6,698	7,698	7,698	+7,698	+1,000	---	D 45620
Physical fitness and sports	---	---	1,000	1,000	1,000	+1,000	---	---	D 45630
Minority health	---	---	27,000	20,000	27,000	+27,000	---	+7,000	D 45640
Office of research integrity 1/	---	---	---	---	---	---	---	---	D 45650
Office of women's health	---	---	5,362	5,362	5,362	+5,362	---	---	D 45660
Office of Disease Prevention 1/	---	---	---	---	---	---	---	---	D 45675
Total, General Departmental Management: Federal funds	88,150	86,162	136,499	130,499	139,499	+51,349	+3,000	+9,000	
Trust funds	(18,977)	(7,204)	(6,628)	(6,628)	(6,628)	(-12,349)	---	---	
Total	(107,127)	(93,366)	(143,127)	(137,127)	(146,127)	(+39,000)	(+3,000)	(+9,000)	
OFFICE OF THE INSPECTOR GENERAL:									
Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---	D 46000
Trust funds	(7,862)	---	---	---	---	(-7,862)	---	---	TF 46050
Portion treated as budget authority	(20,846)	(21,048)	(17,623)	(20,670)	(20,670)	(-176)	(+3,047)	---	TF* 46100
Total, Office of the Inspector General: Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---	
Trust funds	(28,708)	(21,048)	(17,623)	(20,670)	(20,670)	(-8,038)	(+3,047)	---	
Total	(89,456)	(79,937)	(73,956)	(79,162)	(79,162)	(-10,294)	(+5,206)	---	

1/ FY 1995 funding and the FY 1996 request for this program are contained in the account for the Office of the Assistant Secretary for Health.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1995	House	Senate	
OFFICE FOR CIVIL RIGHTS:									
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---	D 46500
Trust funds	(4)	---	---	---	---	(-4)	---	---	TF 46550
Portion treated as budget authority	(3,776)	(3,602)	(3,314)	(3,314)	(3,314)	(-462)	---	---	TF* 46600
Total, Office for Civil Rights:									
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---	
Trust funds	(3,780)	(3,602)	(3,314)	(3,314)	(3,314)	(-466)	---	---	
Total	(21,975)	(21,160)	(19,467)	(19,467)	(19,467)	(-2,508)	---	---	
POLICY RESEARCH	9,403	12,278	9,000	9,000	9,000	-403	---	---	D 46950
Total, Office of the Secretary:									
Federal funds	176,496	174,887	217,985	214,144	223,144	+46,648	+5,159	+9,000	
Trust funds	(51,465)	(31,854)	(27,565)	(30,612)	(30,612)	(-20,853)	(+3,047)	---	
Total	(227,961)	(206,741)	(245,550)	(244,756)	(253,756)	(+25,795)	(+8,206)	(+9,000)	
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	35,000	9,000	---	9,000	9,000	-26,000	+9,000	---	D 47250
Total, Department of Health and Human Services:									
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539	
Current year, FY 1995 / 1996	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)	
FY 1996 / 1997	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)	
Trust funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)	

TITLE III - DEPARTMENT OF EDUCATION

EDUCATION REFORM 1/ 2/

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Goals 2000: Educate America Act:										
State & local educ systemic improvement grants....	361,870	693,500	---	340,000	340,000	-21,870	+340,000	---	D	48050
National programs..................................	---	46,500	---	---	---	---	---	---	D	48100
Parental assistance................................	10,000	10,000	---	10,000	10,000	---	+10,000	---	D	48150
Subtotal, Goals 2000............................	371,870	750,000	---	350,000	350,000	-21,870	+350,000	---		
School-to-work opportunities:										
State grants and local partnerships...............	115,625	185,000	95,000	186,000	180,000	+64,375	+85,000	-6,000	D	48300
National programs..................................	6,875	15,000	---	---	---	-6,875	---	---	D	48350
Subtotal...	122,500	200,000	95,000	186,000	180,000	+57,500	+85,000	-6,000		
Total..	494,370	950,000	95,000	536,000	530,000	+35,630	+435,000	-6,000		

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availability of $151,000,000 until October 1, 1996.

NOTE: All Education accounts are current funded unless otherwise noted.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
EDUCATION FOR THE DISADVANTAGED 1/ 2/										
Grants to local education agencies: 3/										
Basic grants, forward funded	5,968,235	5,263,363	4,946,005	5,963,591	5,982,339	+14,104	+1,036,334	+18,748	D	48700
Basic grants, current funded	---	3,500	3,500	3,500	3,500	+3,500	---	---	D	48705
Subtotal, Basic grants	5,968,235	5,266,863	4,949,505	5,967,091	5,985,839	+17,604	+1,036,334	+18,748		
Concentration grants	663,137	663,137	549,945	806,602	677,241	+14,104	+127,296	-129,361	D	48750
Targeted grants	---	1,000,000	---	---	---	---	---	---	D	48800
Setaside for BIA/outlying areas	66,984	70,000	55,550	60,194	67,268	+284	+11,718	+7,074	D	48850
Subtotal	6,698,356	7,000,000	5,555,000	6,833,887	6,730,348	+31,992	+1,175,348	-103,539		
Capital expenses for private school children	41,434	20,000	38,119	38,119	38,119	-3,315	---	---	D	49100
Even start	102,024	---	102,024	102,024	102,024	---	---	---	D	49150
State agency programs:										
Migrant	305,475	310,000	305,475	305,475	305,475	---	---	---	D	49250
Neglected and delinquent / high risk youth	39,311	40,000	35,656	35,656	39,311	---	+3,655	+3,655	D	49300
State school improvement	27,560	35,146	---	---	---	-27,560	---	---	D	49400
Demonstration of innovative practices	---	25,146	---	---	---	---	---	---	D	49450
Evaluation	3,664	11,000	3,370	3,370	3,370	-294	---	---	D	49500
Total, ESEA	7,217,824	7,441,292	6,039,644	7,318,531	7,218,647	+823	+1,179,003	-99,884		

1/ All programs in this account are forward funded with the exception of current funded basic grants, Title I evaluation, High School Equivalency Program and the College Assistance Migrant Program.

2/ Of the total for this account, the Senate bill delayed the availablility of $814,489,000 until October 1, 1996.

3/ Availability of $1,298,386,000 of the conference agreement total is delayed until October 1, 1996.

	FY 1995	FY 1996				---------- Conference vs ------------			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Migrant education:										
High school equivalency program....................	8,088	---	7,441	7,441	7,441	-647	---	---	D	49700
College assistance migrant program................	2,204	---	2,028	2,028	2,028	-176	---	---	D	49750
Subtotal, migrant education.....................	10,292	---	9,469	9,469	9,469	-823	---	---		
Total, Compensatory education programs..........	7,228,116	7,441,292	6,049,113	7,328,000	7,228,116	---	+1,179,003	-99,884		
Subtotal, forward funded........................	(7,214,160)	(7,426,792)	(6,032,774)	(7,311,661)	(7,211,777)	(-2,383)	(+1,179,003)	(-99,884)		
IMPACT AID 1/										
Basic support payments................................	631,707	550,000	583,011	581,170	581,707	-50,000	-1,304	+537	D	50050
Payments for children with disabilities..............	40,000	40,000	40,000	40,000	40,000	---	---	---	D	50100
Payments for heavily impacted districts (sec. f)......	40,000	20,000	50,000	50,000	50,000	+10,000	---	---	D	50550
Subtotal..	711,707	610,000	673,011	671,170	671,707	-40,000	-1,304	+537		
Facilities maintenance (sec. 8008)....................	---	2,000	---	---	---	---	---	---	D	50650
Payments for increases in military dep (sec. 8006)....	---	2,000	---	---	---	---	---	---	D	50700
Construction (sec. 8007)..............................	---	5,000	5,000	5,000	5,000	+5,000	---	---	D	50750
Payments for Federal property (Sec. 8002).............	16,293	---	14,989	14,989	16,293	---	+1,304	+1,304	D	50850
Total, Impact aid...............................	728,000	619,000	693,000	691,159	693,000	-35,000	---	+1,841		

1/ Figures do not include $35,000,000 provided for Impact Aid basic support payments in the 1996 House National Security Appropriations Bill.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS 2/										
Professional development 1/	251,298	735,000	275,000	275,000	275,000	+23,702	---	---	D	51155
Program innovation 1/	347,250	---	275,000	275,000	275,000	-72,250	---	---	D	51157
Safe and drug-free schools and communities:										
State grants 1/	440,981	465,000	200,000	400,000	440,981	---	+240,981	+40,981	D	51600
National programs	25,000	35,000	---	---	25,000	---	+25,000	+25,000	D	51700
Subtotal, Safe & drug-free schools & communities	465,981	500,000	200,000	400,000	465,981	---	+265,981	+65,981		
Education infrastructure 1/	---	35,000	---	---	---	---	---	---	D	51850
Inexpensive book distribution (RIF)	10,300	10,300	10,300	10,300	10,300	---	---	---	D	51900
Arts in education	10,500	10,000	9,000	9,000	9,000	-1,500	---	---	D	51950
Law-Related Education	4,500	---	---	---	---	-4,500	---	---	D	52050
Christa McAuliffe fellowships	1,946	---	---	---	---	-1,946	---	---	D	52100

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availablility of $208,000,000 until October 1, 1996.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Other school improvement programs:										
Magnet schools assistance	111,519	111,519	95,000	95,000	95,000	-16,519	---	---	D	52250
Educational support services for homeless children and youth 1/	28,811	30,000	23,000	23,000	23,000	-5,811	---	---	D	52300
Women's educational equity	3,967	4,000	---	---	---	-3,967	---	---	D	52350
Training and advisory services (Civil Rights IV-A)	21,412	14,000	7,334	7,334	7,334	-14,078	---	---	D	52400
Dropout prevention demonstrations	12,000	---	---	---	---	-12,000	---	---	D	52450
Ellender fellowships/Close up 1/	3,000	---	---	2,760	1,500	-1,500	+1,500	-1,260	D	52500
Education for Native Hawaiians	9,000	9,000	12,000	12,000	12,000	+3,000	---	---	D	52550
Foreign language assistance	10,912	10,912	10,039	10,039	10,039	-873	---	---	D	52600
Training in early childhood education & violence counseling (HEA V-F)	---	9,600	---	---	---	---	---	---	D	52700
Charter schools	6,000	20,000	8,000	16,000	18,000	+12,000	+10,000	+2,000	D	52750
Subtotal, other school improvement programs	206,621	209,031	155,373	166,133	166,873	-39,748	+11,500	+740		
Technical assistance for improving ESEA programs:										
Comprehensive regional assistance centers	29,641	55,000	21,554	21,554	21,554	-8,087	---	---	D	52900
Total, School improvement programs	1,328,037	1,554,331	946,227	1,156,987	1,223,708	-104,329	+277,481	+66,721		
Subtotal, forward funded	(1,071,340)	(1,265,000)	(773,000)	(975,760)	(1,015,481)	(-55,859)	(+242,481)	(+39,721)		
VIOLENT CRIME REDUCTION PROGRAM										
FAMILY AND COMMUNITY ENDEAVOR SCHOOLS	---	31,000	---	---	---	---	---	---	D	53250

1/ Forward funded.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
BILINGUAL AND IMMIGRANT EDUCATION										
Bilingual education:										
Instructional services............................	117,190	155,690	100,000	100,000	128,000	+10,810	+28,000	+28,000	D	53500
Support services..................................	14,330	15,330	---	---	---	-14,330	---	---	D	53550
Professional development..........................	25,180	28,980	---	---	---	-25,180	---	---	D	53600
Immigrant education..................................	50,000	100,000	50,000	50,000	50,000	---	---	---	D	53650
Total..	206,700	300,000	150,000	150,000	178,000	-28,700	+28,000	+28,000		
SPECIAL EDUCATION										
State grants: 1/										
Proposed legis: Grants for Special Education.....	---	2,772,460	---	---	---	---	---	---	D	53950
Grants to States part ''b''.......................	2,322,915	---	2,323,837	2,323,837	2,323,837	+922	---	---	D	54000
Preschool grants..................................	360,265	---	360,409	360,409	360,409	+144	---	---	D	54050
Grants for infants and families...................	315,632	315,632	315,754	315,754	315,754	+122	---	---	D	54100
Subtotal, State grants..........................	2,998,812	3,088,092	3,000,000	3,000,000	3,000,000	+1,188	---	---		

1/ Forward funded.

	FY 1995	FY 1996				---------- Conference vs ------------			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Proposed legis: Program Support and Improvement:										
Research and demonstrations.......................	---	63,000	---	---	---	---	---	---	D	54250
Technical assistance and systems change...........	---	50,000	---	---	---	---	---	---	D	54300
Professional development..........................	---	97,000	---	---	---	---	---	---	D	54350
Parent training...................................	---	14,534	---	---	---	---	---	---	D	54400
Technology development and support................	---	29,500	---	---	---	---	---	---	D	54450
Subtotal, Proposed legislation..................	---	254,034	---	---	---	---	---	---		
Special purpose funds:										
Deaf-blindness....................................	12,832	---	12,832	12,832	12,832	---	---	---	D	54800
Serious emotional disturbance.....................	4,147	---	4,147	4,147	4,147	---	---	---	D	54850
Severe disabilities...............................	10,030	---	10,030	10,030	10,030	---	---	---	D	54900
Early childhood education.........................	25,167	---	25,167	25,167	25,167	---	---	---	D	54950
Secondary and transitional services...............	23,966	---	23,966	23,966	23,966	---	---	---	D	55000
Postsecondary education...........................	8,839	---	8,839	8,839	8,839	---	---	---	D	55050
Innovation and development........................	20,635	---	14,000	14,000	14,000	-6,635	---	---	D	55100
Media and captioning services.....................	19,142	---	19,142	19,142	19,142	---	---	---	D	55150
Technology applications...........................	10,862	---	9,993	9,993	9,993	-869	---	---	D	55200
Special studies...................................	4,160	---	3,827	3,827	3,827	-333	---	---	D	55250
Personnel development.............................	91,339	---	91,339	91,339	91,339	---	---	---	D	55300
Parent training...................................	13,535	---	13,535	13,535	13,535	---	---	---	D	55350
Clearinghouses....................................	2,162	---	1,989	1,989	1,989	-173	---	---	D	55400
Regional resource centers.........................	7,218	---	6,641	6,641	6,641	-577	---	---	D	55450
Subtotal, Special purpose funds.................	254,034	---	245,447	245,447	245,447	-8,587	---	---		
Total, Special education........................	3,252,846	3,342,126	3,245,447	3,245,447	3,245,447	-7,399	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational rehabilitation State grants	2,054,145	2,118,834	2,118,834	2,118,834	2,118,834	+64,689	---	---	M	55750
Tech assistance to States	---	1,000	1,000	1,000	1,000	+1,000	---	---	M	55800
Client assistance State grants	9,824	10,119	10,119	10,119	10,119	+295	---	---	M	55850
Training	39,629	39,629	39,629	39,629	39,629	---	---	---	M	55900
Special demonstration programs	30,558	23,942	23,942	23,942	27,442	-3,116	+3,500	+3,500	M	55950
Migratory workers	1,421	1,421	1,421	1,421	1,421	---	---	---	M	56000
Recreational programs	2,596	2,596	2,596	2,596	2,596	---	---	---	M	56050
Protection and advocacy of individual rights	7,456	7,456	7,456	7,456	7,456	---	---	---	M	56100
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	M	56150
Supported employment State grants	36,536	38,152	38,152	38,152	38,152	+1,616	---	---	M	56200
Independent living:										
State grants	21,859	21,859	21,859	21,859	21,859	---	---	---	M	56300
Centers	40,533	41,749	41,749	41,749	41,749	+1,216	---	---	M	56350
Services for older blind individuals	8,952	8,952	8,952	8,952	8,952	---	---	---	M	56400
Subtotal, Independent living	71,344	72,560	72,560	72,560	72,560	+1,216	---	---		
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	M	56500
Helen Keller National Center for Deaf-Blind Youths & Adults	6,936	7,144	7,144	7,144	7,144	+208	---	---	M	56600
National Institute on Disability & Rehabilitation Research	70,000	70,000	70,000	70,000	70,000	---	---	---	M	56700
Subtotal, mandatory programs	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500		
Assistive technology	39,249	40,426	36,109	36,109	36,109	-3,140	---	---	D	56800
Total, Rehabilitation services	2,393,352	2,456,937	2,452,620	2,452,620	2,456,120	+62,768	+3,500	+3,500		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES										
AMERICAN PRINTING HOUSE FOR THE BLIND	6,680	6,680	6,680	6,680	6,680	---	---	---	D	57150
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:										
Consolidated account	---	43,041	42,180	42,180	42,180	+42,180	---	---	D	57250
Operations	42,705	---	---	---	---	-42,705	---	---	D	57300
Endowment grant	336	---	---	---	---	-336	---	---	D	57350
Construction	150	---	---	---	---	-150	---	---	D	57400
Subtotal	43,191	43,041	42,180	42,180	42,180	-1,011	---	---		
GALLAUDET UNIVERSITY:										
Consolidated account	---	80,030	77,629	77,629	77,629	+77,629	---	---	D	57550
University programs	54,244	---	---	---	---	-54,244	---	---	D	57600
Elementary and secondary education programs	24,786	---	---	---	---	-24,786	---	---	D	57650
Endowment grant	1,000	---	---	---	---	-1,000	---	---	D	57700
Subtotal	80,030	80,030	77,629	77,629	77,629	-2,401	---	---		
Total, Special institutions for persons with disabilities	129,901	129,751	126,489	126,489	126,489	-3,412	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
VOCATIONAL AND ADULT EDUCATION 1/ 2/										
Vocational education:										
Proposed legis: State grants....................	---	1,141,088	---	---	---	---	---	---	D	58000
Basic State grants..............................	972,750	---	890,000	972,750	972,750	---	+82,750	---	D	58050
Community - based organizations 3/..............	---	---	---	---	---	---	---	---	D	58100
Consumer and homemaking education 3/............	---	---	---	---	---	---	---	---	D	58150
Tech-Prep education.............................	108,000	---	100,000	100,000	100,000	-8,000	---	---	D	58200
Tribally controlled postsecondary vocational institutions..................................	2,919	---	2,919	2,919	2,919	---	---	---	D	58300
State councils..................................	8,848	---	---	---	---	-8,848	---	---	D	58350
National programs:										
Proposed legis: National programs............	---	37,000	---	---	---	---	---	---	D	58450
Research.....................................	6,851	---	5,000	5,000	5,000	-1,851	---	---	D	58500
Demonstrations 3/............................	---	---	---	---	---	---	---	---	D	58550
National occupational information coordinating committee..................................	4,250	---	---	---	---	-4,250	---	---	D	58650
Subtotal, national programs................	11,101	37,000	5,000	5,000	5,000	-6,101	---	---		
Subtotal, Vocational education.............	1,103,618	1,178,088	997,919	1,080,669	1,080,669	-22,949	+82,750	---		

1/ All programs are forward funded with the exception of Tribally Controlled Postsecondary Vocational Institutions.

2/ Of the total for this account, the Senate bill delayed the availablility of $82,750,000 until October 1, 1996.

3/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Adult education:										
State activities:										
Proposed legislation: State grants..........	---	479,487	---	---	---	---	---	---	D	58950
State programs..............................	252,345	---	250,000	250,000	250,000	-2,345	---	---	D	59000
Subtotal, State activities.................	252,345	479,487	250,000	250,000	250,000	-2,345	---	---		
National programs:										
Proposed legislation: National programs......	---	11,000	---	---	---	---	---	---	D	59150
Evaluation and technical assistance..........	3,900	---	---	---	---	-3,900	---	---	D	59200
National Institute for Literacy..............	4,862	---	4,869	4,869	4,869	+7	---	---	D	59250
Subtotal, National programs................	8,762	11,000	4,869	4,869	4,869	-3,893	---	---		
State literacy resource centers 1/..............	---	---	---	---	---	---	---	---	D	59350
Workplace literacy partnerships..................	12,736	---	---	---	---	-12,736	---	---	D	59400
Literacy training for homeless adults 1/.........	---	---	---	---	---	---	---	---	D	59450
Literacy programs for prisoners..................	5,100	---	4,346	5,100	4,723	-377	+377	-377	D	59500
Subtotal, adult education......................	278,943	490,487	259,215	259,969	259,592	-19,351	+377	-377		
Total, Vocational and adult education..........	1,382,561	1,668,575	1,257,134	1,340,638	1,340,261	-42,300	+83,127	-377		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
STUDENT FINANCIAL ASSISTANCE										
Federal Pell Grants: Regular program 2/............	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000	D	59900
Carryover adjustment................................	(-1,304,000)	(372,025)	(-23,331)	(1,020,000)	(869,000)	(+2,173,000)	(+892,331)	(-151,000)	NA	59905
Total, funding available for Pell Grants........	4,874,680	6,589,150	5,400,000	5,834,000	5,783,000	+908,320	+383,000	-51,000		
Memo (non-add): Maximum grant....................	(2,340)	(2,500)	(2,440)	(2,500)	(2,470)	(+130)	(+30)	(-30)	NA	60000
Memo (non-add): Outlay effect for FY96 1/.......	---	(1,302,517)	(1,281,000)	(1,124,600)	(1,301,000)	(+1,301,000)	(+20,000)	(+176,400)	NA	60010
Benefits for participants in Operation Desert Storm (non-add)................................	(3,165)	---	---	---	---	(-3,165)	---	---	NA	60100
Subtotal, Pell Grants - New BA Current law......	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000		
Proposed legislation: Pell Grants (non-add): Base grants, degree candidates....................	(4,351,578)	(4,087,759)	---	---	---	(-4,351,578)	---	---	NA	60300
Increment for increase in max from $2500 to $2620.	---	(384,378)	---	---	---	---	---	---	NA	60350
Skill grants, non-degree candidates..............	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	60400
Subtotal, Proposed legis (non-add).............	(6,178,680)	(6,601,503)	---	---	---	(-6,178,680)	---	---		

1/ The House version of H.R. 3019 caps 1995 Pell Grant participation at 3,650,000 students. The Senate cap is 3,634,000 students. The Conference agreement includes the House provision.

2/ Conference includes a rescission for -$53,446,000 that is included as part of Title III in H.R. 3019.

	FY 1995	FY 1996				---------- Conference vs ------------			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Federal supplemental educational opportunity grants...	583,407	583,407	583,407	583,407	583,407	---	---	---	D	60525
Federal work-study....................................	616,508	616,508	616,508	616,508	616,508	---	---	---	D	60550
Federal Perkins loans:										
Capital contributions.............................	158,000	158,000	---	158,000	93,297	-64,703	+93,297	-64,703	D	60650
Loan cancellations................................	18,000	20,000	20,000	20,000	20,000	+2,000	---	---	D	60750
Subtotal, Federal Perkins loans.................	176,000	178,000	20,000	178,000	113,297	-62,703	+93,297	-64,703		
State student incentive grants........................	63,375	31,375	---	63,375	31,375	-32,000	+31,375	-32,000	D	60850
State postsecondary review program....................	---	25,000	---	---	---	---	---	---	D	60900
Total, Student financial assistance.............	7,617,970	7,651,415	6,643,246	6,255,290	6,258,587	-1,359,383	-384,659	+3,297		
FEDERAL FAMILY EDUCATION LOANS PROGRAM										
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)										
Federal education loans: Federal administration......	62,096	30,066	30,066	30,066	30,066	-32,030	---	---	D	61750
Total Outstanding Loan Volume (Current Law) (non-add).	(85,274,999)	(89,413,915)	(85,274,999)	(85,274,999)	(85,274,999)	---	---	---	NA	61775
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(85,274,999)	(85,928,408)	(89,413,915)	(89,413,915)	(89,413,915)	(+4,138,916)	---	---	NA	61800
FEDERAL DIRECT STUDENT LOAN PROGRAM										
Mandatory administrative costs (indefinite)...........	(283,565)	(550,000)	(320,000)	(460,000)	(436,000)	(+152,435)	(+116,000)	(-24,000)	NA	61900
Permanent authority (direct loan administration)......	-61,000	---	---	---	---	+61,000	---	---	D	61910
Total Outstanding Loan Volume (Current Law) (non-add).	(5,385,699)	(17,710,285)	(17,710,285)	(17,710,285)	(17,710,285)	(+12,324,586)	---	---	NA	61920
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(5,385,699)	(21,195,791)	---	---	---	(-5,385,699)	---	---	NA	61930

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HIGHER EDUCATION										
Aid for institutional development:										
Strengthening institutions........................	80,000	40,000	55,450	55,450	55,450	-24,550	---	---	D	62050
Hispanic serving institutions.....................	12,000	12,000	10,800	10,800	10,800	-1,200	---	---	D	62100
Strengthening historically black colleges & univ..	108,990	108,990	108,990	108,990	108,990	---	---	---	D	62150
Strengthening historically black grad institutions	19,606	19,606	19,606	19,606	19,606	---	---	---	D	62200
Endowment challenge grants:										
Endowment grants..............................	6,045	---	---	---	---	-6,045	---	---	D	62300
HBCU set-aside................................	2,015	2,015	---	---	---	-2,015	---	---	D	62350
Evaluation..	1,000	---	---	---	---	-1,000	---	---	D	62400
Subtotal, Institutional development.........	229,656	182,611	194,846	194,846	194,846	-34,810	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Program development:										
Fund for the Improvement of Postsecondary Educ....	17,543	17,543	15,000	15,000	15,000	-2,543	---	---	D	63000
Native Hawaiian and Alaska Native Culture Arts Development....................................	500	---	---	---	---	-500	---	---	D	63100
Eisenhower leadership program....................	1,080	---	---	---	---	-1,080	---	---	D	63150
Minority teacher recruitment......................	2,458	3,000	2,212	2,212	2,212	-246	---	---	D	63200
Minority science improvement......................	5,839	5,839	5,255	5,255	5,255	-584	---	---	D	63250
Community service projects........................	1,423	---	---	---	---	-1,423	---	---	D	63300
International educ & foreign language studies:										
Domestic programs.............................	52,283	52,283	50,481	50,481	50,481	-1,802	---	---	D	63400
Overseas programs.............................	5,790	5,790	4,750	4,750	4,750	-1,040	---	---	D	63450
Institute for International Public Policy.....	1,000	1,000	920	920	920	-80	---	---	D	63500
Subtotal, International education...........	59,073	59,073	56,151	56,151	56,151	-2,922	---	---		
Cooperative education.............................	6,927	---	---	---	---	-6,927	---	---	D	63600
Law school clinical experience....................	13,222	---	5,500	5,500	5,500	-7,722	---	---	D	63650
Urban community service...........................	10,000	---	9,200	9,200	9,200	-800	---	---	D	63700
Student financial aid database & info. line 1/...	---	---	---	---	---	---	---	---	D	63750
Subtotal, Program development..................	118,065	85,455	93,318	93,318	93,318	-24,747	---	---		
Construction:										
Interest subsidy grants, prior year construction..	17,512	16,712	16,712	16,712	16,712	-800	---	---	D	63900
Special grants:										
Bethune Cookman College Fine Arts Center..........	4,000	---	3,680	3,680	3,680	-320	---	---	D	64000
Federal TRIO programs.............................	463,000	463,000	463,000	463,000	463,000	---	---	---	D	64050
Early intervention scholarships and partnerships..	3,108	---	3,108	3,108	3,108	---	---	---	D	64150

1/ FY 1995 funding for this program was rescinded in
in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Scholarships:										
Byrd honors scholarships	29,117	38,117	29,117	29,117	29,117	---	---	---	D	64400
National science scholars	3,303	---	---	---	---	-3,303	---	---	D	64450
National academy of science, space & technology 1/	---	---	---	---	---	---	---	---	D	64500
Douglas teacher scholarships	299	---	---	---	---	-299	---	---	D	64550
Olympic scholarships 1/	---	---	---	---	---	---	---	---	D	64600
Teacher corps 1/	---	---	---	---	---	---	---	---	D	64650
Subtotal, Scholarships	32,719	38,117	29,117	29,117	29,117	-3,602	---	---		
Graduate fellowships:										
Harris fellowships	10,144	---	---	---	---	-10,144	---	---	D	64800
Javits fellowships	6,845	---	5,931	5,931	5,931	-914	---	---	D	64850
Graduate assistance in areas of national need	27,252	27,252	27,252	27,252	27,252	---	---	---	D	64900
Faculty development fellowships	212	3,732	---	---	---	-212	---	---	D	64950
Subtotal, Graduate fellowships	44,453	30,984	33,183	33,183	33,183	-11,270	---	---		
School, college & university partnerships	3,893	3,893	---	---	---	-3,893	---	---	D	65050
Legal training for the disadvantaged (CLEO)	2,964	---	---	---	---	-2,964	---	---	D	65100
Total, Higher education	919,370	820,772	836,964	836,964	836,964	-82,406	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HOWARD UNIVERSITY										
Academic program	156,530	158,330	145,182	145,182	152,859	-3,671	+7,677	+7,677	D	65300
Endowment program:										
Regular program	3,530	3,530	---	---	---	-3,530	---	---	D	65400
Clinical law center (includes construction)	5,500	---	---	---	---	-5,500	---	---	D	65450
Research	4,614	4,614	---	---	---	-4,614	---	---	D	65500
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D	65550
Construction	5,000	---	---	---	---	-5,000	---	---	D	65650
Total, Howard University	204,663	195,963	174,671	174,671	182,348	-22,315	+7,677	+7,677		
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:										
Federal administration	757	1,027	700	700	700	-57	---	---	D	65950
Loan subsidies 1/	---	---	---	---	---	---	---	---	D	66000
Loan limitation (non-add) 1/	---	---	---	---	---	---	---	---	NA	66050
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM										
Federal administration	346	166	166	166	166	-180	---	---	D	66350

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT 1/										
Research and statistics:										
Research..........	86,200	97,600	107,600	107,600	56,600	-29,600	-51,000	-51,000	D	66550
Regional education laboratories..........	---	---	---	---	51,000	+51,000	+51,000	+51,000	D	66575
Statistics..........	48,153	57,000	46,227	46,227	46,227	-1,926	---	---	D	66600
Assessment:										
National assessment..........	29,757	34,500	29,757	29,757	29,757	---	---	---	D	66700
National assessment governing board..........	2,995	3,500	2,880	2,880	2,880	-115	---	---	D	66750
Subtotal, Assessment..........	32,752	38,000	32,637	32,637	32,637	-115	---	---		
Subtotal, Research and statistics..........	167,105	192,600	186,464	186,464	186,464	+19,359	---	---		
Fund for the Improvement of Education..........	36,750	36,750	37,624	37,624	37,624	+874	---	---	D	66900
International education exchange (title VI)..........	3,000	3,000	5,000	5,000	5,000	+2,000	---	---	D	66950
21st century community learning centers..........	750	---	750	750	750	---	---	---	D	67200
Civic Education..........	4,463	4,463	4,000	4,000	4,000	-463	---	---	D	67250
Eisenhower professional development national activities..........	21,356	35,000	18,000	18,000	18,000	-3,356	---	---	D	67350
Eisenhower regional mathematics & science education consortia..........	15,000	15,000	15,000	15,000	15,000	---	---	---	D	67500
Javits gifted and talented education..........	4,921	9,521	3,000	3,000	3,000	-1,921	---	---	D	67650
National writing project..........	3,212	---	2,955	2,955	2,955	-257	---	---	D	67700
National Diffusion Network..........	11,780	14,480	---	---	---	-11,780	---	---	D	67750

1/ Of the total for this account, the Senate bill delayed the availablility of $10,000,000 until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Education technology:										
Technology for education	22,500	83,000	25,000	35,000	48,000	+25,500	+23,000	+13,000	D	68175
Star schools	25,000	30,000	23,000	23,000	23,000	-2,000	---	---	D	68200
Ready to learn television	7,000	7,000	6,440	6,440	6,440	-560	---	---	D	68250
Telecommunications demo project for mathematics	1,125	2,250	1,035	1,035	1,035	-90	---	---	D	68300
Subtotal, Education technology	55,625	122,250	55,475	65,475	78,475	+22,850	+23,000	+13,000		
Total, ERSI	323,962	433,064	328,268	338,268	351,268	+27,306	+23,000	+13,000		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
LIBRARIES										
Public libraries:										
Services	83,227	89,135	92,636	92,636	92,636	+9,409	---	---	D	68700
Construction	17,792	17,792	16,369	16,369	16,369	-1,423	---	---	D	68750
Interlibrary cooperation	23,700	---	18,000	18,000	18,000	-5,700	---	---	D	68800
Library literacy programs	8,026	---	---	---	---	-8,026	---	---	D	68850
Library education and training	4,916	---	2,500	2,500	2,500	-2,416	---	---	D	68900
Research and demonstrations	6,500	---	2,000	2,000	3,000	-3,500	+1,000	+1,000	D	68950
Total, Libraries	144,161	106,927	131,505	131,505	132,505	-11,656	+1,000	+1,000		
DEPARTMENTAL MANAGEMENT										
PROGRAM ADMINISTRATION	355,476	370,844	327,319	327,319	327,319	-28,157	---	---	D	69250
HEADQUARTERS RENOVATION 1/	---	20,000	7,000	7,000	7,000	+7,000	---	---	D	69275
Proposed leg: GI Bill savings (non-add)	---	(-1,729)	---	---	---	---	---	---	NA	69300
OFFICE FOR CIVIL RIGHTS	58,236	62,784	55,451	55,451	55,451	-2,785	---	---	D	69350
OFFICE OF THE INSPECTOR GENERAL	30,390	34,066	28,654	28,654	28,654	-1,736	---	---	D	69400
Total, Departmental management	444,102	487,694	418,424	418,424	418,424	-25,678	---	---		
Total, Department of Education	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775		

1/ Funds available for 3 years.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
TITLE IV - RELATED AGENCIES										
ARMED FORCES RETIREMENT HOME										
Operation and maintenance (trust fund limitation):										
Soldiers' and Airmen's Home	45,248	45,090	---	---	---	-45,248	---	---	D	70225
United States Naval Home	11,015	11,979	---	---	---	-11,015	---	---	D	70250
Consolidated account	---	---	54,017	54,017	54,017	+54,017	---	---	D	70260
Subtotal, O & M	56,263	57,069	54,017	54,017	54,017	-2,246	---	---		
Capital program (trust fund limitation):										
Soldiers' and Airmen's Home	2,500	1,483	---	---	---	-2,500	---	---	D	70325
United States Naval Home	406	568	---	---	---	-406	---	---	D	70350
Consolidated account	---	---	1,954	1,954	1,954	+1,954	---	---	D	70360
Subtotal, capital	2,906	2,051	1,954	1,954	1,954	-952	---	---		
Total, AFRH	59,169	59,120	55,971	55,971	55,971	-3,198	---	---		
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE										
Domestic Volunteer Service Programs (formerly Action):										
Volunteers in Service to America:										
VISTA operations	42,676	53,800	39,262	39,262	41,385	-1,291	+2,123	+2,123	D	70500
VISTA Literacy Corps	5,024	6,200	---	5,024	---	-5,024	---	-5,024	D	70525
Subtotal, VISTA	47,700	60,000	39,262	44,286	41,385	-6,315	+2,123	-2,901		
National Senior Volunteer Corps:										
Foster Grandparents Program	67,812	78,810	62,237	62,237	62,237	-5,575	---	---	D	70600
Senior Companion Program	31,244	43,090	31,155	31,155	31,155	-89	---	---	D	70625
Retired Senior Volunteer Program	35,708	44,500	34,949	34,949	34,949	-759	---	---	D	70650
Senior Demonstration Programs	1,000	2,000	---	---	---	-1,000	---	---	D	70675
Subtotal, Senior Volunteers	135,764	168,400	128,341	128,341	128,341	-7,423	---	---		
Program Administration	31,160	34,500	28,667	28,667	28,667	-2,493	---	---	D	70750
Total, Domestic Volunteer Service Programs	214,624	262,900	196,270	201,294	198,393	-16,231	+2,123	-2,901		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Corporation for Public Broadcasting: FY98 (current request) with FY97 comparable	260,000	296,400	250,000	250,000	250,000	-10,000	---	---	D	70825
1997 advance (non-add) with FY96 comparable	(275,000)	(315,000)	(260,000)	(260,000)	(260,000)	(-15,000)	---	---	NA	70850
1996 advance (non-add) with FY95 comparable	(285,640)	(275,000)	(275,000)	(275,000)	(275,000)	(-10,640)	---	---	NA	70900
Rescissions:										
1995 funding	-7,000	---	---	---	---	+7,000	---	---	D	70950
1996 advance funding (non-add)	(-37,000)	---	---	---	---	(+37,000)	---	---	NA	70960
1997 advance funding (non-add)	(-55,000)	---	---	---	---	(+55,000)	---	---	NA	70970
Federal Mediation and Conciliation Service	31,344	33,290	32,896	32,396	32,896	+1,552	---	+500	D	71000
Federal Mine Safety and Health Review Commission	6,200	6,467	6,200	6,200	6,200	---	---	---	D	71025
National Commission on Libraries and Information Science	901	962	829	829	829	-72	---	---	D	71150
National Council on Disability	1,793	1,830	1,793	1,793	1,793	---	---	---	D	71325
National Education Goals Panel	---	2,785	1,000	1,000	1,000	+1,000	---	---	D	71350
National Education Standards & Improvement Council	---	3,000	---	---	---	---	---	---	D	71375
National Labor Relations Board	176,047	181,134	167,245	167,245	170,743	-5,304	+3,498	+3,498	D	71400
National Mediation Board	8,519	8,933	7,837	7,837	7,837	-682	---	---	D	71425
Occupational Safety and Health Review Commission	7,595	8,127	8,100	8,100	8,100	+505	---	---	D	71450
Physician Payment Review Commission (trust funds)	(4,176)	(4,100)	(2,923)	(2,923)	(2,923)	(-1,253)	---	---	TF*	71475
Prospective Payment Assessment Commission (trust funds)	(4,667)	(4,656)	(3,267)	(3,267)	(3,267)	(-1,400)	---	---	TF*	71525

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SOCIAL SECURITY ADMINISTRATION										
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS..............	25,094	22,641	22,641	22,641	22,641	-2,453	---	---	M	71725
ADDITIONAL ADMINISTRATIVE EXPENSES 1/...............	---	10,000	10,000	10,000	10,000	+10,000	---	---	M	71750
SPECIAL BENEFITS FOR DISABLED COAL MINERS										
Benefit payments....................................	712,693	660,215	660,215	660,215	660,215	-52,478	---	---	M	71800
Administration......................................	5,181	5,181	5,181	5,181	5,181	---	---	---	M	71825
Subtotal, Black Lung, FY 1996 program level.....	717,874	665,396	665,396	665,396	665,396	-52,478	---	---		
Less funds advanced in prior year..............	-190,000	-180,000	-180,000	-180,000	-180,000	+10,000	---	---	M	71875
Total, Black Lung, current request, FY 1996.....	527,874	485,396	485,396	485,396	485,396	-42,478	---	---		
New advances, 1st quarter FY 1996 / 1997......	180,000	170,000	170,000	170,000	170,000	-10,000	---	---	M	71925

1/ No-year availability for these funds related to sections 9704 & 9706 of the Internal Revenue Code of 1986.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUPPLEMENTAL SECURITY INCOME										
Federal benefit payments	25,435,739	23,548,636	23,548,636	23,548,636	23,548,636	-1,887,103	---	---	M	71975
Beneficiary services	143,400	176,400	176,400	176,400	176,400	+33,000	---	---	M	72000
Research and demonstration	27,700	6,700	6,700	8,200	8,200	-19,500	+1,500	---	M	72025
Administration	2,042,781	1,727,098	1,727,098	1,719,098	1,719,098	-323,683	-8,000	---	D	72075
Investment proposals:										
Automation investment initiative	67,000	138,159	103,000	55,000	55,000	-12,000	-48,000	---	D	72125
Disability investment initiative	280,000	267,000	252,000	147,678	98,178	-181,822	-153,822	-49,500	D	72150
Subtotal, SSI FY 1996 program level	27,996,620	25,863,993	25,813,834	25,655,012	25,605,512	-2,391,108	-208,322	-49,500		
Less funds advanced in prior year	-6,770,000	-7,060,000	-7,060,000	-7,060,000	-7,060,000	-290,000	---	---	M	72250
Subtotal, regular SSI current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,545,512	-2,681,108	-208,322	-49,500		
Additional CDR funding	---	---	---	---	15,000	+15,000	+15,000	+15,000	D	72265
Total, SSI, current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,560,512	-2,666,108	-193,322	-34,500		
New advance, 1st quarter, FY 1996 / 1997	7,060,000	9,260,000	9,260,000	9,260,000	9,260,000	+2,200,000	---	---	M	72300

	FY 1995	FY 1996				---------- Conference vs	------------		Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI trust funds	(2,357,464)	(2,689,071)	(2,684,071)	(2,687,986)	(2,684,071)	(+326,607)	---	(-3,915)	TF 72425
HI/SMI trust funds	(735,575)	(902,233)	(864,099)	(864,099)	(864,099)	(+128,524)	---	---	TF* 72450
SSI	(2,042,781)	(1,727,098)	(1,727,098)	(1,719,098)	(1,719,098)	(-323,683)	(-8,000)	---	TF 72475
Subtotal, regular LAE	(5,135,820)	(5,318,402)	(5,275,268)	(5,271,183)	(5,267,268)	(+131,448)	(-8,000)	(-3,915)	
DI disability initiative	(40,000)	(267,000)	(155,000)	(259,322)	(289,322)	(+249,322)	(+134,322)	(+30,000)	TF 72525
SSI disability initiative	(280,000)	(267,000)	(252,000)	(147,678)	(98,178)	(-181,822)	(-153,822)	(-49,500)	TF 72550
Subtotal, Disability initiative	(320,000)	(534,000)	(407,000)	(407,000)	(387,500)	(+67,500)	(-19,500)	(-19,500)	
OASDI automation	(21,283)	(218,841)	(125,000)	(112,000)	(112,000)	(+90,717)	(-13,000)	---	TF 72600
SSI automation	(67,000)	(138,159)	(103,000)	(55,000)	(55,000)	(-12,000)	(-48,000)	---	TF 72625
Subtotal, automation initative	(88,283)	(357,000)	(228,000)	(167,000)	(167,000)	(+78,717)	(-61,000)	---	
TOTAL, REGULAR LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,821,768)	(+277,665)	(-88,500)	(-23,415)	
Additional CDR funding	---	---	---	---	(60,000)	(+60,000)	(+60,000)	(+60,000)	TF 72680
TOTAL, LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,881,768)	(+337,665)	(-28,500)	(+36,585)	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---	D 72725
Trust funds	(3,851)	(9,704)	(10,099)	(10,099)	(10,099)	(+6,248)	---	---	TF 72750
Portion treated as budget authority	(4,187)	(10,549)	(10,977)	(10,977)	(10,977)	(+6,790)	---	---	TF* 72775
Total, Office of the Inspector General: Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---	
Trust funds	(8,038)	(20,253)	(21,076)	(21,076)	(21,076)	(+13,038)	---	---	
Total	(10,446)	(27,217)	(25,892)	(25,892)	(25,892)	(+15,446)	---	---	
Total, Social Security Administration: Federal funds	29,021,996	28,758,994	28,706,687	28,547,865	28,513,365	-508,631	-193,322	-34,500	
Current year FY 1995 / 1996	(21,781,996)	(19,328,994)	(19,276,687)	(19,117,865)	(19,083,365)	(-2,698,631)	(-193,322)	(-34,500)	
New advances, 1st quarter FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---	
Trust funds	(5,552,141)	(6,229,655)	(5,931,344)	(5,866,259)	(5,902,844)	(+350,703)	(-28,500)	(+36,585)	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RAILROAD RETIREMENT BOARD										
Dual benefits payments account	254,000	239,000	239,000	239,000	239,000	-15,000	---	---	D	73050
Less income tax receipts on dual benefits	-19,000	-17,000	-17,000	-17,000	-17,000	+2,000	---	---	D	73075
Subtotal, Dual Benefits	235,000	222,000	222,000	222,000	222,000	-13,000	---	---		
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---	---	---	M	73125
Limitation on administration:										
Consolidated account	---	(92,700)	---	(89,094)	---	---	---	(-89,094)	TF*	73175
Retirement	(73,803)	---	(73,561)	---	(73,169)	(-634)	(-392)	(+73,169)	TF*	73200
Unemployment	(17,013)	---	(17,255)	---	(16,786)	(-227)	(-469)	(+16,786)	TF*	73225
Subtotal, administration	(90,816)	(92,700)	(90,816)	(89,094)	(89,955)	(-861)	(-861)	(+861)		
Special management improvement fund..	(1,638)	(659)	(659)	(659)	(659)	(-979)	---	---	TF*	73275
Total, limitation on administration	(92,454)	(93,359)	(91,475)	(89,753)	(90,614)	(-1,840)	(-861)	(+861)		
Inspector General	(6,675)	(6,700)	(5,673)	(5,673)	(5,673)	(-1,002)	---	---	TF*	73325
United States Institute of Peace	11,500	11,500	11,500	11,500	11,500	---	---	---	D	73375
Total, Title IV, Related Agencies: Federal Funds (all years)	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403		
Current year, FY 1995 / 1996	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)		
FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---		
FY 1997 / 1998	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---		
Trust funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)		
TITLE V										
1% Cap on performance awards (sec. 520)	---	---	---	-30,500	-30,500	-30,500	-30,500	---	D	73970

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

SEC. 101(e)

The conferees agree that House report 104-384 is to be used as the guiding document for the departments, agencies, commissions, corporations, and offices under the jurisdiction of the House and Senate subcommittees on the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies, along with House report 104-201 and Senate report 104-140. The following explanations are to be taken as clarifications or supplements to the directions contained in House report 104-384, dated December 6, 1995 and Senate report 104-236 dated March 6, 1996:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

GENERAL OPERATING EXPENSES

Limits the amount of funds available for payroll costs of the Office of the Secretary to not exceed $3,206,000, instead of $2,766,000 as proposed by the House and deleting such limitation as proposed by the Senate. Deletes the salary limitations proposed by the House and stricken by the Senate for the Office of the Assistant Secretary for Policy and Planning, the Office of the Assistant Secretary for Congressional Affairs, and the Office of the Assistant Secretary for Public and Intergovernmental Affairs. The limitation of salary funds for the Office of the Secretary is the amount requested in the 1996 Budget and will support the current employment level.

CONSTRUCTION, MAJOR PROJECTS

Deletes language proposing contingent appropriations of an additional $70,100,000 for construction, major projects as proposed by the House and $16,000,000 as proposed by the Senate. The approved major construction projects are as specified in House Report 104-384, the Conference Report and Joint Explanatory Statement of the Committee of Conference on H.R. 2099.

ADMINISTRATIVE PROVISIONS

Inserts section 108 authorizing the construction of outpatient clinics in Brevard County, FL, Travis Air Force Base, CA, and Boston, MA; leases at Ft. Myers, FL and New York, NY; and a research facility at Portland, OR. The conferees urge the VA to review its options to acquire additional land for the expansion of the Camp Butler National Cemetery.

Inserts, as section 109, language designating the Walla Walla VA Medical Center as the Jonathan M. Wainwright Memorial VA Medical Center. The Senate proposed this language as a miscellaneous provision.

Deletes a miscellaneous provision as proposed by the Senate that would require the VA to develop a plan for the allocation of health care resources. This matter was addressed in amendment numbered 14 of House Report 104-384, the Joint Explanatory Statement of the Committee of Conference on H.R. 2099. The conferees note that the VA is currently developing the allocation plan.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Annual Contributions For Assisted Housing

The conferees recommend decreasing the amount appropriated for annual contributions for assisted housing in H.R. 2099, from $10,155,795,000 to $9,818,795,000. The decrease of $337,000,000 is comprised of three components. First, $69,000,000 is taken from amounts available for property disposition activities associated with selling mortgages and properties acquired or held by the Federal Housing Administration (FHA). Despite the decrease, the conferees understand the reduction will not materially impact the Department's ability to meet its statutory and policy responsibilities in disposing of these properties on a timely basis.

Second, the conferees agree to add $25,000,000 to the $233,168,000 provided for the section 811 housing program for the disabled, and to add $50,000,000 to the $780,190,000 provided for the section 202 housing program for the elderly. However, rather than spending the additional funding on new construction or acquisition of buildings, the funds must be applied to extending the contract terms of the rental assistance program.

Finally, funding for renewing expiring or terminating section 8 subsidy contracts has been reduced from $4,350,862,000 to $4,007,862,000. Though the decrease will not reduce the number of households assisted under this program from the level specified in H.R. 2099, it will reduce the term of the rental assistance contracts from two years.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation and Resident Homeownership Act (LIHPRHA) with a less expensive program that avoids dependence on continuing section 8 rental subsidies while, at the same time, preserves affordable housing opportunities for low-income families.

The recently enacted Housing Opportunity Program Extension Act of 1996 incorporated the provisions of the revised preservation program contained in H.R. 2099. Due to delays, however, the calendar deadlines utilized in this legislation for filing and for funding eligibility determinations are no longer valid and must be adjusted. Therefore, the conferees have adjusted dates to conform the provisions in the Extension Act.

As a further refinement of the revised preservation program, the conferees have added a third criteria for the Department to utilize in setting appropriate rents for properties. This change will enable properties which utilize the capital loan/capital grant program to retain working families in affordable housing developments and to achieve an appropriate mix of income levels.

Public Housing Demolition, Site Revitalization, and Replacement Housing Grants

The conferees are aware of the urgent need to accelerate the demolition of distressed public housing developments and have agreed to provide $200,000,000 above the amount recommended in H.R. 2099 for the severely distressed public housing program. This addition increases funding for the program from $280,000,000 to $480,000,000.

The HOPE VI program was created in 1992 as a means to replace obsolete public housing developments aggressively with homes that are architecturally appealing, have lower densities, and are better suited to the needs of low-income families and their surrounding neighborhoods. In the last four years, the Department has found it necessary to refine PHA plans after awarding the grants, usually because of complicated financing associated with the construction of these developments. The formal competition process required by the Act, however, constrains HUD from being able to make changes on a timely basis. Therefore, to facilitate actual site demolition and rehabilitation, the conferees have deleted a requirement for a formal competition regarding how these funds are awarded. In place of a formal competition, HUD plans to utilize a comprehensive, merit-based selection process.

Drug Elimination Grants for Low-Income Housing

The conference agreement permits the Secretary to waive the requirement to set-aside a portion of these funds for the youth sport program, though the activity remains an eligible activity of the program. This requirement has been burdensome for both the Department and public housing authorities to administer.

Noting the importance and need to fight crime in public housing and to create safe environments for low-income families, the conferees have decided to fully fund the Drug Elimination Grant program despite dwindling discretionary resources. There is, however, a significant crime problem that plaques the assisted housing portfolio. Unfortunately, the owners of these properties do not have access to funding from the drug elimination program. It is the opinion of the conferees that the authorizing committee should consider this problem and rectify it with appropriate legislation.

Community Planning and Development

COMMUNITY DEVELOPMENT GRANTS

At the request of the Secretary, the conferees agree to set-aside $50,000,000 from the community development block grant account for economic development initiatives to be made available pursuant to a competitive selection process.

Administrative Provisions

Extend Administrative Provisions From the Rescission Act

It is critical to deregulate the public and assisted housing portfolios by providing them with the greatest degree of flexibility possible, and therefore agree to expand the eligible uses of modernization funds to capital purposes.

The conferees believe that mixed-income developments, where the portion of apartments dedicated to low-income families are indistinguishable from the remaining market-rate apartments, will foster safe neighborhoods and will provide for fiscally viable developments. Therefore, the conferees recommend inclusion of several provisions designed to facilitate their creation and financing.

EMPLOYMENT LIMITATIONS

The conferees agree to increase the number of assistant secretaries to eight from the seven provided in H.R. 2099, but have retained the provisions regarding the levels of Schedule C and noncareer SES employees. HUD is directed to present a plan to the House and Senate Committees on Appropriations by September 30, 1996, that describes its reorganization strategy, including:

(1) the organizational structure, including the number of field offices, regional offices, and FHA offices;

(2) the programmatic staffing levels required to meet the needs and services identified in HUD's mission statement;

(3) the responsibilities and duties of headquarters, the field offices, regional offices and FHA offices, the services they will provide, and the level of programmatic staff necessary to carry out these functions;

(4) the relationship between Headquarters and the field offices, regional offices, and FHA offices; and

(5) the annual schedule by which the Secretary intends to reduce staff to 7,500 by the year 2002.

If the level of FTEs required to administer the programs effectively is greater than 7,500, the Secretary must justify the increase.

REPEAL OF FROST-LELAND

Although the conferees agree to repeal the Frost-Leland amendment, it was not agreed that the City of Dallas be reimbursed for expenses it incurred demolishing a public housing project in West Dallas pursuant to a court order.

FHA ASSIGNMENT PROGRAM

The conferees have amended provisions of the Balanced Budget Downpayment Act, I, which reformed the FHA Assignment Program. The first change corrects terminology included in that Act. Additionally, because of delays in enacting this appropriations measure, several dates used in the original legislation are no longer valid and have been changed. First, the effective date of the reform has been changed to the date of enactment of this legislation to prevent a circumstance where people who applied for assignment after March 15, 1996, would find the program retroactively terminated. Thirty days after enactment, HUD is required to issue regulations. The second date change allows the reforms to be utilized for all mortgages executed during fiscal year 1996 and in prior years.

CHANGES TO STATE OF NEW YORK'S COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

To ensure that the CDBG Small Cities program in the State of New York is operated as efficiently as possible, the conferees agree to limit the amount of funds made available for multi-year commitments to 35 percent. Additionally, the conferees agree to provide the State of New York's HOME funds directly to the Chief Executive Officer of the State, to be used in accordance with provisions of law.

MINIMUM RENT TENANT PROTECTIONS

The conferees agree that every public housing and section 8 housing resident who receives the benefit of housing assistance should contribute at least $25 towards their rent. There may be occasions, however, where families are experiencing serious financial hardship and cannot afford even the most minimal contribution. Therefore, a provision has been added to allow the Secretary or a public housing agency to waive the minimum rent requirement to provide a transition period for affected families not to exceed three months.

The conferees have agreed to delete a provision proposed in H.R. 2099 which would have directed the transfer of fair housing enforcement responsibilities to the Department of Justice.

TITLE III—INDEPENDENT AGENCIES

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

The conferees agree to provide $45,000,000, instead of $50,000,000 as proposed by the Senate and $25,000,000 as proposed by the House. The conferees also agree to remove legislative provisions restricting the size of the staff for this effort.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $400,500,000 for National and Community Service Programs Operating Expenses as proposed by the Senate, instead of termination, or $383,500,000 if offsetting savings were found, as proposed by the House. The recommended amount is $69,500,000 below the 1995 level and $416,976,000 below the budget request.

The bill includes language eliminating grants to Federal agencies. This will permit all money to be directed outside of the Federal bureaucracy and should help reduce the cost per participant.

The conferees are aware of recent commitments by the Corporation to improve the management of the AmeriCorps program and reduce costs. In addition to eliminating grants to federal agencies, such actions include decreasing the reliance on federal funds by increasing the matching requirement for private funds, reminding sponsors of all prohibited activities, including lobbying and partisan political activities, improving grant reviews, and expanding efforts in program evaluation. It is the conferees' intent that the appropriating and authorizing committees will carefully monitor the Corporation's activities to ensure that the agreed to reforms are carried out and to prevent any abuses in the future.

The conferees agree to include the Sense of the Congress language proposed by the Senate. This language urges the President to nominate expeditiously a Chief Financial Officer and to implement as quickly as possible the recommendations of the independent auditors to improve the financial management of the Corporation's funds. The language also urges the Corporation to submit a reprogramming proposal for up to $3,000,000 to carry out financial management system reforms if the Chief Financial Officer determines such additional resources are needed.

OFFICE OF INSPECTOR GENERAL

Appropriates $2,000,000 for the Office of Inspector General. The conferees expect that the Inspector General will periodically report to the Congress on progress in improving the Corporation's financial management systems and in developing auditable financial statements.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

The conferees agree to a technical change to House Report 104–384 related to the Mine Waste Technology program. The science and technology account includes $3,000,000 for this program, in lieu of funding in the hazardous substance superfund account.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conferees agree to provide $127,000,000 in addition to the amount proposed for environmental programs and management in H.R. 2099. Of this amount, the conferees agree that up to $40,000,000 is available for enforcement activities.

In 1994, under the U.S. Global Climate Change Action Plan, the Administration approached developing countries about undertaking joint activities to reduce global emissions. The joint implementation project thus established encourages partnerships between businesses and non-governmental organizations in the United States and developing countries, offering the potential to achieve greater emission reductions worldwide than would be possible with each country acting alone. Recognizing that meaningful near-term reductions in greenhouse gas emissions can only be realized through voluntary, public-private relationships such as the joint implementation program, the conferees urge that from the funds provided for the climate change action plan, the Agency provide $3,000,000 for completion of climate change country studies and development of developing country national action plans and $7,000,000 for joint implementation plan activities.

BUILDINGS AND FACILITIES

The conferees agree to provide $50,000,000 in addition to the amount proposed for buildings and facilities in H.R. 2099. This additional funding is for the first phase of construction of a new consolidated research facility at Research Triangle Park, North Carolina. The conferees agree that the total construction cost for this new research facility shall not exceed $232,000,000.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees agree to provide $150,000,000 in addition to the amount proposed for hazardous substance superfund in H.R. 2099. The conferees agree that such additional funds, $100,000,000 of which become available on September 1, 1996, are for clean-up response and enforcement activities, subject to normal reprogramming guidelines. The conferees agree that $2,000,000 of this additional amount is for worker training grants under NIEHS, bringing this program to $18,500,000 for fiscal year 1996.

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees agree to provide $490,000,000 in addition to the amount proposed for environmental programs and infrastructure assistance under state and tribal assistance grants in H.R. 2099. Of this additional amount, $448,500,000 is for capitalization grants, $3,500,000 is for a water distribution system grant in the South Buffalo/Kittaning area, Pennsylvania, $25,000,000 is for a special projects grant for Boston Harbor for a total of $50,000,000 in fiscal year 1996, and $13,000,000 is for a construction grant for wastewater treatment facilities in Watertown, South Dakota. Of the $448,500,000, $225,000,000 is for Safe Drinking Water State Revolving Fund capitalization grants which, added to the $275,000,000 proposed in H.R. 2099 and the $225,000,000 provided in previous appropriations acts, brings the total available for the Safe Drinking Water SRF to $725,000,000. All of these funds shall be available if authorization for such SRF is enacted prior to August 1, 1996, however, if no such authorization is enacted prior to August 1, 1996, these funds will become available for wastewater capitalization grants.

The conferees understand the Agency has convened a federal advisory committee to address water pollution issues related to wet weather. The conferees believe that EPA should take advantage of the many stakeholders concerned about stormwater at the table and use this opportunity to see if these participants can reach consensus on a simplified, environmentally protective, workable, cost-effective stormwater program for municipalities regardless of population and all entities whether or not they are already covered under the Phase I NPDES program.

Finally, the conferees note that $700,000 of funds proposed in H.R. 2099 for Manns Choice and $100,000 of funds proposed in H.R. 2099 for Taylor Township, Pennsylvania, be used for wastewater treatment facility improvements in Juniata Terrace Borough, Mifflin County, Pennsylvania ($250,000) and Curwensville Borough-Pike Township, Clearfield County, Pennsylvania ($150,000) and for combined sewer overflow improvements for Logan Township, Blair County, Pennsylvania ($400,000).

ADMINISTRATIVE PROVISIONS

The conferees have included bill language in section 304 which transfers real property located in Bay City, Michigan to the City of Bay City or another municipal entity. In addition, up to $3,000,000 of previously appropriated funds shall be provided to the recipient of such real property for necessary environmental remediation and rehabilitation costs of the property. It is the intent of the Conferees that the recipient of the property shall accept full responsibility for compliance with any applicable environmental conditions and that the Agency's liability shall terminate upon transfer.

The conferees have agreed to delete a provision proposed in H.R. 2099 which prohibited the use of funds to implement section 404(c) of the Federal Water Pollution Control Act, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conferees agree to provide $1,150,000 in addition to the amount proposed in H.R. 2099, for a fiscal year 1996 total of $2,150,000 for CEQ. The conferees agree that CEQ and OEQ should not augment their workforce by utilizing personnel paid for by appropriations provided to any other Federal agency or department.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

The conferees have agreed to provide $1,800,000 for the Office of Consumer Affairs. Neither the House or the Senate had included this funding in the bill.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees agree to provide $83,000,000 for Science, Aeronautics and Technology in addition to the amounts proposed H.R. 2099. Distribution of the additional funding is to be addressed in the NASA operating plan for fiscal year 1996 and is subject to final approval by the Committees on Appropriations of the House and Senate.

The conferees do not agree that all NASA aircraft consolidation should be held in abeyance pending the final reports of the NASA Inspector General and the General Accounting Office as proposed by the Senate. The conferees note that in a letter dated March 8, 1996, the Inspector General endorsed an alternative aircraft consolidation plan which would leave in place five aircraft currently based at Lewis Research Center, Langley Research Center, and Wallops Island. Therefore, the conferees agree that the consolidation of these aircraft should await final resolution of the issues addressed in the initial report by the NASA Inspector General with regard to consolidation savings.

The conferees are concerned with NASA's unexpected recent announcement regarding additional and accelerated personnel reductions at NASA headquarters. This announcement was made without prior consultation with the Congress. The proposed reduction is disproportionately excessive relative to the aggregate funding profile for this agency. Such substantial staffing reduction may jeopardize NASA's ability to manage adequately programs of continuing priority to the Congress and the Nation. Therefore, the conferees direct NASA to suspend immediate implementation of the administrative steps to execute this proposed reduction-in-force, pending full consideration by the Congress of the agency's budget for fiscal year 1997.

The conference agreement also includes two new administrative provisions. The first provision ensures that section 212 of Public Law 104-99 remains in effect as if enacted as part of this Act. The second new provision urges NASA to fund Phase A studies for a radar satellite initiative.

NATIONAL SCIENCE FOUNDATION

The conferees agree to provide an additional $40,000,000 for Research and Related Activities for the National Science Foundation. The effect of this adjustment is a net reduction of $140,000,000 from the budget request as compared to a reduction of $180,000,000 proposed in H.R. 2099.

TITLE V—GENERAL PROVISIONS

The conference agreement includes a general provision which supersedes section 201(b) of Public Law 104-99.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

The conferees retain bill language included by the Senate to earmark funds appropriated to the Food Safety and Inspection Service for in-plant inspection personnel. The House-passed bill contained no similar provision. Providing sufficient funds to fully cover the salaries and expenses of in-plant inspections mandated by current law was the priority of Congress in the fiscal year 1996 appropriations Act. The conferees regret that it has become necessary to earmark funds for inplant inspector salaries and expenses, but because the agency could not provide assurances that it would fulfill the intent of Congress, the conferees found this as the only alternative available.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides a supplemental appropriation of $80,514,000 for Watershed and Flood Prevention Operations to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards, floods, and other natural disasters instead of $73,200,000 as proposed by the House and $107,514,00 as proposed by the Senate. The conferees encourage the Department, when repairing projects with funds appropriated for Emergency Watershed and Flood Prevention Operations, to do so with the intent of minimizing future costs and flooding.

The conference agreement provides that the entire amount shall be available only to the extent that an official budget request for $80,514,000 is submitted that includes designation of the entire amount as an emergency requirement.

The conference agreement also provides that if the Secretary of Agriculture determines that the cost of land and restoration of farm structures exceeds the fair market value of affected cropland, the Secretary may use sufficient amounts "not to exceed $7,288,000' from funds provided under this heading to accept bids from willing sellers to provide conservation easements for cropland inundated by floods, as provided for by the Wetlands Reserve Program.

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides a supplemental appropriation of $30,000,000 for the Emergency Conservation Program for expenses resulting from floods in the Pacific Northwest and other natural disasters as proposed by the Senate instead of $24,800,000 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a supplemental appropriation of $5,000,000 for section 502 direct loans and $1,500,000 for section 504 housing repair loans for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters as proposed by the Senate. The House bill proposed a total of $6,500,000 for both section 502 direct loans and section 504 housing repair loans.

The conference agreement provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

VERY LOW-INCOME HOUSING REPAIR GRANTS

The conference agreement provides a supplemental appropriation of $1,100,000 for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods. Hurricane Marilyn, and other natural disasters as proposed by both the House and Senate. The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides a supplemental appropriation of $11,000,000 for direct loans and grants of the Rural Utilities Assistance Program and the Emergency Community Water Assistance Program to assist in the recovery from flooding in the Pacific Northwest and other natural disasters as proposed by the Senate. The House bill proposed separate appropriations of $5,000,000 for the Emergency Community Water Assistance Program and $6,000,000 for the Rural Utilities Assistance Program. The conference agreement also provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

COMMODITY CREDIT CORPORATION

EMERGENCY LIVESTOCK FEED ASSISTANCE PROGRAM

The conference agreement does not provide $10,000,000 of Commodity Credit Corporation funds for cost-sharing assistance under provisions consistent with the Emergency Livestock Feed Assistance Program as proposed by the House. The Senate bill contained no similar provision. The Department has indicated that livestock producers who are eligible for cost-sharing assistance under the Emergency Livestock Feed Assistance Program will continue to be eligible for this assistance provided a valid contract for this program has been signed prior to enactment of new legislation.

SUPPLEMENTAL AND RESCISSION REQUESTS

As part of its fiscal year 1996 supplemental and rescission requests, the Administration proposed a rescission of $12,000,000 from Cooperative State Research, Education, and Extension Service, Buildings and Facilities, and supplemental requests of $2,500,000 for the U.S.-Israel Binational Agricultural Research and Development Fund program and $9,500,000 for the Food Safety and Inspection Service. The conference agreement does not include these proposals.

GENERAL PROVISIONS

The conference agreement deletes the administrative provision proposed by the Senate that would have allowed the Secretary to transfer funds provided in this Chapter between accounts included in this Chapter. The House bill contained no similar provision.

SEAFOOD SAFETY

The conference agreement provides that any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, and that the Department or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that such fish or fish product meets Federal product specifications as proposed by the Senate. The House bill contained no similar provision.

FARM LOANS

The conference agreement includes language that allows the Department of Agriculture to make or guarantee an operating or an emergency loan to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996. The recently enacted Federal Agriculture Improvement and Reform Act altered conditions under which loans could be made at the time of enactment. This provision allows those borrowers, whose application had been submitted, to complete the process. The provision also provides that no applicant may be more than 90 days delinquent.

CHAPTER 1A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

FOOD AND DRUG EXPORT REFORM

The conference agreement includes a modification of language included in both the House and Senate versions of the bill allowing the export of certain unapproved drugs, biologicals, animal drugs, and medical devices. The provision allows pharmaceuticals and medical devices not approved in the United States to be exported to any country in the world if the product complies with the laws of that country and has valid marketing authorization in one of the following countries: Australia; Canada; Israel; Japan; New Zealand; Switzerland; South Africa; or the European Union or a country in the European Economic Area. The Secretary is given authority to add countries to the list based on criteria set forth in the conference agreement.

The conference agreement also sets forth criteria upon which the Secretary may allow direct export of a drug not first approved in one of the listed countries. However, devices were not included because under current law devices may be exported to any country after the Secretary determines that the export of the device is not contrary to public health and the import is permitted into the importing country. In addition, the conference agreement sets forth conditions under which the Secretary may approve the export of a drug or device which is used for tropical diseases or other diseases not of significant prevalence in the United States. To approve an application under this section, the Secretary must find that the medical product will not expose patients to an unreasonable risk of illness or injury and that the probable health benefits outweigh the risk of injury or illness, taking into account currently available treatments and their economic accessibility.

In general, a medical product may not be exported under this provision unless it is unadulterated, accords to the specifications of the foreign manufacturer, complies with the laws of the importing country, is labeled for export, and is not sold in the U.S. The drug or device must be manufactured in substantial conformity with good manufacturing practices applicable to that specific product or else be in compliance with recognized international standards. The Secretary may prohibit exports of products which are found to pose an imminent hazard.

Any person who exports a drug or device may request the Secretary of Health and Human Services to certify in writing that the exportation is legal. A fee of up to $175 is authorized for issuance of each written export certification. The conferees intend that fees be established on a sliding scale to minimize the impact on small business.

IMPORT COMPONENTS USED FOR EXPORT

The conference agreement also allows import of certain articles, which cannot now be lawfully imported, used in the manufacture of drugs, biological products, devices, foods (including dietary supplements), food additives, and color additives if the finished products are then exported. Under this provision, importers must provide the Secretary of Health and Human Services with notification of the initial importation, maintain records of such imports, and destroy any component not used in an exported product. The agreement also allows import of certain blood and tissue products provided they comply with the Public Health Service Act requirements, or the Secretary allows such imports. The Secretary could make such a determination, for example, where a blood component is imported from a country which has laws and regulations relating to the collection and processing of blood; the products are in compliance with such requirements; the importer assures that such products are segregated from U.S. products, that contamination of equipment is prevented, and that records are maintained and made available to the Secretary to verify such assurances; and that the importer performs such tests as the Secretary may require.

PATENT EXTENSION

The conference agreement includes a provision that would extend a patent on a nonsteroidal anti-inflammatory drug. Congressional hearings held on this issue support the claims that the Food and Drug Administration took an unreasonable length of time in the approval process for this drug. The provision provides a two year extenstion.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $18,000,000 for emergency expenses related to recovery and mitigation efforts associated with flooding in the Pacific Northwest and other disasters, to remain available until expended and to be available only pursuant to an official budget request that declares the funds to be emergency. The Senate bill proposed $25,000,000 for emergency expenses resulting from flooding, and $2,500,000 to be transferred to Salaries and Expenses. The House bill contained no similar provision.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

The conference agreement includes $7,500,000 in emergency funds for the National Oceanic and Atmospheric Administration's (NOAA) "Construction" account. The House bill provided no funds for this purpose; the Administration request was $10,000,000. These funds are to support the immediate repair of fish hatcheries along the Columbia River which experienced severe damage from the recent flooding in the Northwest.

The conferees note that the National Marine Fisheries Service funds the Mitchell Act Hatcheries. If additional funds are needed for repairs in this instance, the conferees understand that funds are available within existing amounts at the Federal Emergency Management Administration (FEMA) and would encourage FEMA to give every consideration to applications received in relation to this flood damage.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes no emergency funding for State Department operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $2,000,000.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement includes no emergency funding for United States Information Agency operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $1,000,000.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement provides $71,000,000 for subsidy costs associated with the SBA Disaster Loans Program, instead of $72,300,000 as proposed by the House and $69,700,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to allow for additional loan volume in response to declared disasters.

In addition, the conferees have included $29,000,000, for administrative expenses under this account, instead of $27,700,000 as proposed by the House and $30,300,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to support SBA's disaster activities in response to declared disasters.

The conferees are concerned about the manner in which SBA budgets for, and administers, disaster assistance funds. The conferees are disturbed that during development of the supplemental funding requirements, SBA identified $79,000,000 in unspent prior year funding not previously known to SBA. In addition, SBA indicated a shortfall in disaster administrative expenses, even though the conferees had already fully funded SBA's request for these expenses. The conferees expect disaster funding to be used only for the purpose for which it was provided, and to accurately budget for and administer these funds.

Therefore, the conferees direct the SBA to provide, not later than May 30, 1996, a report to the House and Senate Appropriations Committees on the obligation of administrative expenses funding to date in fiscal year 1996, and to provide an updated report on August 15, 1996. These reports should identify the following: (1) each headquarters' office receiving administrative funding, the total funding provided, and the number of FTE supported: (2) the total funding and FTE (permanent and temporary) provided to each field location, the date the field location was established, the expected duration of employment for temporary employees for each location, and the expected termination date for each location; and (3) the total loan volume by location.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes language contained in section 3007 of the Senate bill to permit the Secretary of the Army to utilize funds previously appropriated for the St. Louis Harbor, Missouri, project for the Upper Mississippi River and Illinois Waterway navigation study. The conferees agree that they will work to restore funds to the St. Louis Harbor project in the future as needed.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $30,000,000, the same as the budget request, for the repair of damages to Corps of Engineers projects caused by severe flooding in the Northeast and Northwest as proposed by the House and the Senate. The conferees have also agreed to adopt the language contained in the House bill.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $135,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Corps of Engineers to repair damage to non-Federal levees and other flood control works located in states affected by the Northeast and Northwest floods of 1996 and other natural disasters, and to replenish funds transferred from other accounts for emergency work pursuant to the authority of the Secretary of the Army contained in Public Law 84-99. The conferees have also agreed to adopt the language contained in the House bill.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement includes $9,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Bureau of Reclamation to continue emergency repairs at Folsom Dam in California. The conferees have also agreed to delete funding requested by the President and proposed by the Senate for the payment of claims associated with flooding in March of 1995 in California's San Joaquin Valley.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

The conference agreement includes an additional $15,000,000 to accelerate activities in the Materials Protection, Control and Accounting program to improve facilities and institute national standards to secure stockpiles of weapons usable fissible materials in Russia and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

The conference agreement provides for the transfer of $5,500,000 from this account to the account "Operation and Maintenance, Alaska Power Administration", as proposed by the House bill and budget request, only for necessary termination expenses of the Alaska Power Administration. The Senate bill did not contain this provision.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement deletes language contained in section 3017 of the Senate bill providing for a limited waiver of annual charges for the Flint Creek Project in Montana.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

The conference agreement provides $50,000,000 for emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel as proposed by the Senate. The conferees further agree that none of the funds appropriated in this paragraph shall be made available except through the regular notification procedures of the Committee on Appropriations. The conferees expect the aid to be provided consistent with information transmitted to the Committees on Appropriations in a classified document on March 25, 1996. The House bill contained no similar provision.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides $70,000,000 for grant Foreign Military Financing for Jordan as proposed by both the House and Senate. The conference agreement also provides that such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of the Arms Export Control Act. These funds will be used to support the transfer of 16 F-16 fighter aircraft to the Government of Jordan. The conferees also note that the overall downsizing of the U.S. defense industry is costing thousands of American defense-related jobs. The conferees therefore direct the Department of Defense to give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to their delivery to the Government of Jordan.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amounts as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement includes an additional $37,500,000 for the NATO Security Investment Program, as provided in both the House and Senate bills. In addition, the conference agreement includes rescissions totaling $37,500,000 to offset this additional appropriation, as explained in Title III of this report.

GENERAL PROVISION

The conferees agree to language proposed by the Senate which gives the Secretary of the Army discretionary authority to convey approximately five acres of land in Hale County, Alabama. The House bill contained no similar provision.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

The House recommended a total of $782,500,000, designated as emergency appropriations pursuant to the Budget Act, for additional incremental U.S. military costs associated with the Bosnia operation, including the NATO-led Peace Implementation Force (IFOR) and Operation Deny Flight. The Senate recommended $777,700,000 in new appropriations, none of which were designated emergency. The House and Senate each fully offset their respective supplemental funding through rescissions of funds previously provided in Department of Defense Appropriations Acts.

The conference agreement provides a total of $820,000,000, all designated as emergency appropriations. This amount is fully offset by rescissions contained in Title III, Chapter 6 of the conference agreement. A summary of the conference agreement by appropriations account is as follows:

[Dollars in thousands]

Account	Request	House	Senate	Conference
Military Personnel:				
Army	244,400	262,200	244,400	257,200
Navy	11,700	11,800	11,700	11,700
Marine Corps	2,600	2,700	2,600	2,600
Air Force	27,300	33,700	27,300	27,300
Total	286,000	310,400	286,000	298,800
Operation and Maintenance:				
Army	48,200	235,200	195,000	241,500
Marine Corps	900	900	900	900
Air Force	141,600	130,200	190,000	173,000
Defense-wide	79,800	79,800	79,800	79,800
Total	270,500	446,100	465,700	495,200
Procurement:				
Other Procurement, Air Force	26,000	26,000	26,000	26,000
Grand Total	582,500	782,500	777,700	820,000

MILITARY PERSONNEL

The conference agreement recommends a total of $298,800,000 for costs of active and reserve military personnel pay and allowances. The conferees believe they have met the most urgent military personnel requirements for the Bosnia operation, and expect the Department to keep the Committees on Appropriations advised of any revisions to these estimates.

OPERATION AND MAINTENANCE

The Department of Defense requested a total of $270,500,000 for operation and maintenance to fund the incremental costs of U.S. participation in the NATO-led Bosnia Peace Implementation Force (IFOR). The conferees recommend $495,200,000, an increase of $224,700,000 above the supplemental request, to provide for additional requirements of the Army and the Air Force.

PROCUREMENT

COMPOSITE SHAFT FAIRWATERS

The Department of Defense Appropriations Act for Fiscal Year 1996 contained $3,000,000 in "Other Procurement, Navy" for procurement of composite shaft fairwaters for CG–47 cruisers. The Navy recently conducted testing of composite shaft fairwaters and demonstrated extended life, reduced maintenance, and improved capability for removing fairwaters while a ship is waterborne. The Navy concluded, however, that the most-cost effective approach is to incorporate this new technology into Aegis destroyers while under construction rather than to retrofit Aegis cruisers. The conferees therefore direct the Under Secretary of Defense (Comptroller) to submit a fiscal year 1996 transfer of $3,000,000 from "Other Procurement, Navy" to Shipbuilding and Conversion, Navy" using standard reprogramming procedures.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

BALLISTIC MISSILE DEFENSE MANAGEMENT AND SUPPORT

The conferees note that a total increase to the budget of $528,939,000 was provided for Ballistic Missile Defense programs in the Department of Defense Appropriations Act, 1996. This total included a recommendation contained in the National Defense Authorization Act, 1996, which cut $30,000,000 from the Ballistic Missile Defense Organization's (BMDO) Program Management and Support program element.

In executing the additional tasks and responsibilities required by the fiscal year 1996 program funding increases, it has become clear that the burden on the BMDO Program Management and Support program element has actually increased. To minimize this impact, Congressional action to date in proposed reprogrammings and rescissions has rejected the application of any inflation reductions to BMDO accounts. This bill includes a provision which further prohibits the application of any portion of the proposed inflation reductions against BMDO program elements.

However, these restorations still leave BMDO with the challenge of managing activities in the appropriate program elements Therefore, the conferees hereby restore the $30,000,000 reduction made to the Program Management and Support program element. BMDO shall internally manage this restoration by reallocating funds preciously identified as excess because of decreased inflation estimates. The inflation decreases shall be applied proportionally to each BMDO RDT&E program element and project. The Director, BMDO, shall provide the congressional defense committees a statement detailing the specific decreases as applied to all program elements.

DEFENSE ADVANCED RESEARCH PROJECTS AGENCY

The conferees direct that $500,000 of the funds provided for the Defense Advanced Research Projects Agency may be available to purchase photographic technology to support research in detonation physics. The director of Defense Research and Engineering shall provide the congressional defense committees with a plan for the acquisition and use of this instrument no later than may 29, 1996.

JOINT DOD–DOE MUNITIONS TECHNOLOGY DEVELOPMENT

The conferees direct that $2,000,000 of the fiscal year 1996 funds allocated to the Joint DOD–DOE Munitions Technology Development program element shall be used to develop and test an open-architecture machine tool controller.

ELECTRONIC COMMERCE RESOURCE CENTERS

The FY 1996 Defense Appropriations conference agreement directed the transfer of the managerial responsibility for the Electronic Commerce Resource Centers program to the Defense Logistics Agency. Information from the Department has subsequently come to the conferees' attention indicating that the next implementation stage for this program can best be accomplished under the direction of Deputy Under Secretary of Defense for Logistics. The conferees endorse such action and direct that a transfer of ECRC managerial responsibility to the Deputy Under Secretary of Defense for Logistics be accomplished expeditiously under the overall program guidance expressed in the FY 1996 Defense Appropriations conference report.

GENERAL PROVISIONS

GENERAL TRANSFER AUTHORITY

Section 2701 of the conference agreement amends both House and Senate provisions regarding the amount of additional transfer authority provided under Section 8005 of the Department of Defense Appropriations Act for Fiscal Year 1996, by providing $700,000,000 in additional transfer authority. The conferees direct that the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred during the current fiscal year to cover costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

F–15E AIRCRAFT

The conference agreement includes a technical amendment (Section 2702) requested by the Department of Defense and contained in the Senate bill, which is needed to permit the obligation of funding which was both authorized and appropriated in fiscal year 1996 for the procurement and advance procurement of F–15E aircraft.

C–17 MULTIYEAR PROCUREMENT

The conferees strongly support the multiyear procurement of eighty C–17 advanced transport aircraft and have agreed to bill language (Section 2703) authorizing the Air Force to begin a seven-year multiyear program.

However, the conferees also agree that additional savings potentially can be generated from an accelerated multiyear procurement of the C–17 over six program years. Therefore, Section 2703 also directs the Secretary of Defense to enter into negotiations with the C–17 aircraft and engine prime contractors for contract alternatives for multiyear procurement over a six-year period.

The conference agreement prevents the exercise of the multiyear authority until the Secretary of Defense certifies that the Air Force will save more than 5 percent in the price for eighty C–17 aircraft under a multiyear contract as compared to annual lot procurement. The savings must exceed the total amount of $895.3 million shown in the "Multiyear Procurement Criteria Program: C–17" document submitted to the Appropriations Committees on February 29, 1996.

In calculating the savings from the multiyear proposals, the conferees direct that the weapon system budget estimates submitted with the C–17 multiyear procurement exhibits be used as the baseline. The conferees also direct that in conjunction with the certification required by section 2703(c) of the C–17 multiyear bill language, the Secretary of Defense shall submit a new multiyear justification exhibit package which reflects the additional savings achieved over the original multiyear proposal submitted by the Administration.

The conferees believe that the seven-year authority should enable the Air Force to generate savings significantly in excess of the $895.3 million reflected in the original multiyear proposal. It is the conferees' intent that the additional savings should be realized from multiyear contracts currently being negotiated. In addition, the conferees believe that a six-year multiyear plan has the potential to generate even greater savings.

The conferees also agree to provisions delaying the exercise of the multiyear authority to the earlier of May 24, 1996, or the day after enactment of a subsequent Act authorizing entry into a C–17 multiyear contract. The Secretary of Defense also is required to provide a detailed program plan for a six-year multiyear procurement by May 24, 1996.

SEMATECH

Section 2704 of the conference agreement amends a Senate amendment and provides $50,000,000 for SEMATECH. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report.

OVERSEAS HUMANITARIAN, DISASTER, AND CIVIC AID

The conference agreement includes Section 2705, as proposed by the Senate, which provides authority to transfer up to $15,000,000 in support of specific activities associated with humanitarian assistance activities related to landmines.

ENVIRONMENTAL RESTORATION ACTIVITIES

Section 2706 of the conference agreement amends a Senate provision making $15,000,000 of "Operation and Maintenance, Army" funding available in order to complete the Army's remaining environmental remediation activities in recognition of its 1988 agreement with National Presto Industries, Inc.

DISCHARGE OF HIV-POSITIVE SERVICEMEMBERS

Section 2707 of the conference agreement includes a Senate provision regarding the discharge of HIV-positive servicemembers.

B–52 FORCE STRUCTURE

Section 2708 of the conference agreement amends a Senate provision and adds $44,900,000 to "Operation and Maintenance, Air Force" for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees express their intent to not recommend additional funding for B–52 aircraft in excess of the Air Force's stated requirements unless the Air Force revises its bomber force inventory estimates.

MINE COUNTERMEASURES

Section 2709 of the conference agreement includes an additional $10,000,000 for Shallow Mine Countermeasure Demonstrations. This restores a general reduction made to this account earlier in fiscal year 1996. These additional funds are fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees believe the Navy has recently presented a more compelling strategy for developing countermine warfare technology centered around a joint exercise with Army, Navy, and Marine Corps forces of the U.S. Atlantic Command in 1998. The additional funds provided in the conference agreement will enable the Navy to test a number of promising technologies that would otherwise miss the 1998 exercise completely or else be demonstrated at less than full scale. The Navy has indicated that it plans to use $5,000,000 to allow the Advanced Lightweight Influence Sweep System to be tested in the 1998 exercise with a full scale magnet, and $5,000,000 would be used for the Explosive Neutralization Advanced Technology Demonstration and Advanced Degaussing.

ARMY MEDICAL RESEARCH

Section 2710 of the conference agreement transfers $8,000,000 of previously appropriated "Defense Health Program" funds to the "Research, Development, Test and Evaluation, Army" account in order to continue research of neurofibromatosis. The Army has an ongoing successful research program in this area. This makes a technical clarification to the designation for this activity in the Fiscal Year 1996 Defense Appropriations conference agreement and involves no additional funds.

COUNTER-DRUG SUPPORT

Section 2711 of the conference agreement authorizes the Department to make grants to local counternarcotic task forces in a high crime, low income area under its Counter Drug program to provide Kevlar vests for enhanced personal protection.

HAVE GAZE

In section 2712 the conferees have recommended language to clarify Section 8105 of Public Law 104–61 with respect to the use of fiscal year 1995 funds appropriated for this Air Force RDT&E program.

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes language that limits obligations from the airport and airway trust fund to $22,600,000 for payments to air carriers, as proposed by the Senate. The House bill contained no similar provision.

This limitation permits the obligation of general fund carryover balances to pay outstanding commitments in fiscal year 1996.

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAY

(HIGHWAY TRUST FUND)

The conference agreement appropriates $300,000,000 for the emergency fund to cover expenses resulting from the flooding in the Mid-Atlantic, Northeast, and Northwest states, and other disasters, as proposed by the Senate instead of $267,000,000 as proposed by the House.

The conference agreement waives the provisions of 23 U.S.C. 125(b)(1), which limit obligations to a single state resulting from a single natural disaster to $100,000,000, as proposed by the Senate. The House bill contained no similar provision.

FEDERAL RAILROAD ADMINISTRATION

LOCAL RAIL FREIGHT ASSISTANCE

The conference agreement deletes the Senate appropriation of $10,000,000 to repair and rebuild rail lines of other than class I railroads damaged as a result of the floods of 1996. The House bill contained no similar appropriation.

FEDERAL TRANSIT ADMINISTRATION

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation of $375,000,000 to liquidate contract authority obligations for mass transit capital programs as proposed by both the House and Senate.

RELATED AGENCIES

PANAMA CANAL COMMISSION

PANAMAA CANAL REVOLVING FUND

The conference agreement increases the limitation on administrative expenses of the Panama Canal Commission by $2,000,000, to be derived from the Panama Canal revolving fund, as proposed the House. The Senate bill contained no similar provision.

GENERAL PROVISIONS

The conference agreement deletes the Senate provision that allows $3,250,000 of the Federal Transit Administration's discretionary grants program for Kauai, Hawaii, to be used for operating expenses. The House bill contained no similar provision.

The conference agreement includes a provision that requires the Federal Highway Administration to make available up to $28,000,000 in federal-aid obligation limitation to the State of Missouri to make obligations for construction of a new bridge in Hannibal, Missouri, from limitation set asides for discretionary programs or limitation on general operating expenses for fiscal year 1996. The provision further requires restoration of that limitation before any funds made available for the August redistribution prescribed in section 310 of Public Law 104–50 may be distributed. This provision shall not affect the federal-aid bonus limitation provided by section 310. The Senate bill contained a provision that advances emergency relief funds to the State of Missouri for the replacement in kind of the Hannibal bridge on the Mississippi River. The House bill contained no similar provision.

The conference agreement includes a provision that permits the state of Vermont to use up to $3,500,000 of the discretionary grants identified in the conference agreement accompanying Public Law 104–50 provided to the state and the marble Valley Regional Transit District for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont. The Senate bill allowed the State of Vermont to obligate funds apportioned to the state under the surface transportation and congestion mitigation and air quality improvement programs for railroad capital and/or operating expenses. The House bill contained no similar provision.

The conference agreement includes language that provides the administrator of the

Federal Aviation Administration discretion to take into consideration unique circumstances in the State of Alaska when making certain changes to specified regulations, effective until June 1, 1997. The House and Senate bills contained no similar provision.

The conference agreement includes a provision that specifies that the unobligated funds provided for the Chicago central area circulator project in Public Law 103-122 and Public Law 103-331 be available only for constructing a 5.2-mile light rail loop within the downtown Chicago business district as described in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purpose. The House and Senate bills contained no similar provision.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Deletes provision proposed by the Senate as part of the Administration's initiative to combat middle eastern terrorism, which included $3,000,000 for the Office of Foreign Assets Control.

UNITED STATES CUSTOMS SERVICE

CUSTOMS SERVICES AT SMALL AIRPORTS

Deletes provision in P.L. 104-52 capping collections for Customs services at small airports at $1,406,000 as proposed by the House. The Senate had no comparable provision.

INTERNAL REVENUE SERVICE

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amends P.L. 104-52 by adding a new provision which sets a floor on the level of service, staffing, and funding for IRS taxpayer service operations as proposed by the House. The Senate had no comparable provision.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Provides that $1,000,000 of the amounts available to the Counter-Drug Technology Assessment Center shall be used for conferences on model State drug laws as proposed by the House. The Senate had no comparable provision.

Appropriates an additional $3,400,000 for the salaries and expenses of the Office of National Drug Control Policy as requested by the Administration, instead of no additional funding as proposed by the House and $3,900,000 as proposed by the Senate. This will provide resources for an additional 80 full-time equivalent positions and overhead expenses for 30 military detailees, raising the complement of ONDCP to 154 positions by the end of the fiscal year.

ONDCP has a strategic mission: to aid and oversee operational agencies in coordinating the national drug control policy. The Congress never intended ONDCP to become an operational entity, but instead to formulate, direct, and oversee the implementation of the annual drug control strategy using the expertise of line agencies. The conferees are concerned that a rapid expansion in staffing that is not carefully thought out will result in ONDCP duplicating the functions of already existing programs and agencies.

To ensure that this does not occur, the conferees direct the Director of ONDCP to submit a detailed staffing plan to the House and Senate Committees on Appropriations within 30 days of enactment of this legislation. Such plan shall include an organizational chart, a detailed description of the function of each component of the office, and a detailed description of the duties associated with each position.

GENERAL PROVISIONS

COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

Includes a provision which increases, by four, the membership of the Commission on Restructuring the Internal Revenue Service as proposed by the Senate. The House had no comparable provision.

CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The Conferees agree to provide $50,000,000 for the Department of Housing and Urban Development Community Development Block Grant Program for emergency activities related to recent Presidentially declared flood disasters.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language allowing up to $104,000,000 by transfer from the disaster relief account to the disaster assistance direct loan program account for the cost of direct loans as authorized by section 417 of the Stafford Act. Language is included which limits community disaster loan authority to $119,000,000, requires that the Director of FEMA certify that the provisions of section 417 of the Stafford Act will be complied with and requires that the entire amount of this transfer is available only to the extent that an official budget request for a specific dollar amount is forwarded to the Congress. The Conferees fully expect that these terms be complied with in an expeditious manner so as to release necessary loan funds to meet known emergency disaster needs of the Virgin Islands.

GENERAL PROVISIONS

WAIVER OF STATUTES OR REGULATIONS FOR ASSISTANCE

The conference agreement retains a provision proposed by the Senate allowing the Secretary of any department to waive any statute or regulation that the Secretary administers in connection with the obligation of funds for domestic assistance. The Secretary may also specify alternative requirements to the statutes or regulation being waived. Civil rights, fair housing and nondiscrimination, the environment, and labor standards statutes and regulations could not be waived. The Secretary must find that the waiver is required to facilitate the obligation of the assistance and would not be inconsistent with the statue or regulation being waived. The House bill contained no similar provision.

This provision has been included in past disaster appropriations bills. The managers expect this provision to be implemented in a manner similar to past practices and only in those cases where not waiving the statutes or regulations would cause unnecessary and significant delays in assistance.

PRIORITIES OF ALLOCATION OF EMERGENCY FUNDS

The conference agreement deletes a provision proposed by the Senate that funds for emergency or disaster assistance programs for USDA, HUD, EDA, SBA, the National Park Service and the U.S. Fish and Wildlife Service could be allocated in accordance with the prioritization process of the respective department. The House bill contained no similar provision.

In developing this conference agreement, the managers have carefully developed the priority considerations for funding the various activities included in it. For the most part, there are no restricting allocations imposed in this conference agreement on the funding provided for disaster assistance. Priorities on allocations have only been imposed where specific concerns needed to be addressed. Because these matters were addressed on a case by case basis, the general provision has been deleted.

DISASTER ASSISTANCE OFFSETS

The conference agreement deletes a provision proposed by the Senate that the conference agreement should include sufficient reductions and savings to offset the funding provided for disaster assistance. The House bill, which did include offsets for disaster funding, contained no similar provision. Since this conference agreement does include the necessary offsets, this provision has been complied with and is no longer necessary.

BUDGET TREATMENT OF DISASTER ASSISTANCE

The conference agreement deletes a provision proposed by the Senate to have Congress address the manner in which disaster assistance is provided and develop a long-term funding plan for the budget treatment of disaster assistance funding. The House bill contained no similar provision.

This matter has been reviewed several times, and the managers agree that another review and analysis would only delay any decision on possible changes in how the budget treatment of these type appropriations is handled. The conferees agree that the results of previous analyses should be considered as future budget resolutions are developed to see if any changes might be warranted.

RESTRICTION ON EXPENDITURES

The conference agreement deletes a provision proposed by the Senate that would have restricted non-defense expenditures to certain fixed amounts if the funds in this conference agreement and other previous Acts would cause these amounts to be exceeded. The House bill contained no similar provision.

Because the funding included in this conference agreement is either within the spending limits or is offset herein, this provision is no longer necessary.

ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

On April 12, 1996, the President forwarded to the Congress a supplemental appropriations request for various counter-drug programs. The conferees express their intent to fund these additional requirements in the fiscal year 1997 appropriations process.

TITLE III.—RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

The conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the United States Enrichment Corporation to the private sector.

SUBCHAPTER B—BONNEVILLE POWER ADMINISTRATION REFINANCING

The conference agreement includes language contained in section 3003 of the Senate bill regarding refinancing of Bonneville Power Administration debt.

CHAPTER 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

The conference agreement rescinds $42,000,000 of the unobligated balances available under this heading instead of $41,000,000 as proposed by the House. The Senate had proposed a rescission of $25,000,000 from funds made available under this heading in Public Law 104–107.

CHAPTER 3

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

DEPARTMENT OF ENERGY

STRATEGIC PETROLEUM RESERVE

The managers have agreed to sell $227,000,000 worth of oil from the Weeks Island site of the Strategic Petroleum Reserve (SPR). The Weeks Island site in Louisiana is currently being decommissioned and the oil is being relocated to other SPR locations because of a water intrusion problem. This sale is proposed to offset partially additional funding provided for high priority education programs identified by the Administration. To pay for decommissioning of the site, 5.1 million barrels of the 70 million barrels of Weeks Island oil have already been sold in fiscal year 1996. An additional 12 million to 15 million barrels will need to be sold to realize $227 million in revenues.

CHAPTER 4

DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION

DEPARTMENTS OF HEALTH AND HUMAN SERVICES

The conference agreement includes a provision as proposed by the Senate rescinding funding available but unclaimed by States under the Job Opportunities and Basic Skills program.

DEPARTMENT OF EDUCATION

The conference agreement includes a provision that was not included in either the House or Senate bill reducing the amount of new funding for the Pell Grant program by $53,446,000. Because of the substantial amount of funding carrying forward in FY 1996 from previous appropriations, this reduction will not reduce the amount of funding actually expended for Pell Grants in FY 1996.

The conference agreement does not include a general provision proposed by the Senate (section 3014) that expressed the sense of the Senate with respect to funding for the Low Income Home Energy Assistance Program (LIHEAP).

MILITARY CONSTRUCTION

(RESCISSIONS)

The conference agreement rescinds a total of $37,500,000 from funds appropriated for fiscal year 1996 (Public Law 104–32), instead of no rescissions as proposed by both the House and the Senate. The conferees agree to rescind the following sums from the following accounts:

Military Construction, Army	$6,385,000
Military Construction, Navy	6,385,000
Military Construction, Air Force	6,385,000
Military Construction, Defense-wide	18,345,000
Total	37,500,000

The conferees agree to rescissions in the Army, Navy, and Air Force accounts in order to bring the fiscal year 1996 appropriation amounts into conformance with authorization. The conferees emphasize that the construction programs funded by these accounts will not be changed by these rescissions, and that no project will be reduced in scope or canceled.

With regard to the "Military Construction, Defense-wide" account, the conferees agree to the following rescissions:

Energy Conservation Investment Program	$10,000,000
Planning and Design	8,345,000
Total	18,345,000

In the case of the Energy Conservation Investment Program, the conferees agree to the rescission of $10,000,000 in order to bring the program into conformance with authorization, and $40,000,000 remains available for this program in fiscal year 1996. In the case of Planning and Design funds, the conferees agree to the rescission of $8,345,000 which is not required at this time, and $60,492,000 remains available in fiscal year 1996.

DEPARTMENT OF DEFENSE—MILITARY RESCISSIONS

The House and Senate bills contained rescissions proposed by the President or transfers of previously appropriated Department of Defense funding in order to fully offset the new defense appropriations in their respective bills. In this chapter, the conferees recommend total rescissions of $994,900,000, which totally offset the new appropriations contained in Title II, Chapter 7 of the conference report, as well as funds provided for the transfer of F-16 aircraft to Jordan in Title II, Chapter 4.

A summary of rescissions showing House, Senate, and conference recommendations by appropriation account is in the following table:

RESCISSIONS

[Dollars in thousands]

Appropriation	House	Senate	Conference
Missile Procurement, Air Force 1995/1997	$310,000	$310,000	$310,000
Other Procurement, Air Force 1995/1997	265,000	265,000	265,000
Research, Development, Test and Evaluation, Air Force 1995/1996	245,000	245,000	245,000
Research, Development, Test and Evaluation, Army 1996/1997	9,750	7,000	19,500
Research, Development, Test and Evaluation, Navy 1996/1997	17,500	12,500	45,000
Research, Development, Test and Evaluation, Air Force 1996/1997	22,450	16,000	69,800
Research, Development, Test and Evaluation, Defense-wide 1996/1997	20,300	14,500	40,600
Grand Total	890,000	870,000	994,900

CHAPTER 7

DEPARTMENT OF TRANSPORTATION

FEDERAL AVIATION ADMINISTRATION

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $664,000,000 in contract authority from the grants-in-aid for airports program as proposed by the Senate. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House bill contained no similar rescission.

FEDERAL HIGHWAY ADMINISTRATION

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $9,000,000 in contract authority from highway-related safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $33,000,000 in contract authority from motor carrier safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $56,000,000 in contract authority from highway traffic safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

(RESCISSION)

The conferees have agreed to rescind $3,400,000 from funds made available to the General Services Administration (GSA) for installment acquisition payments instead of the $3,500,000 rescission as proposed by the Senate and no rescission as proposed by the House. This rescission offsets the $3,400,000 in new budget authority for the Office of National Drug Control Policy (ONDCP) as discussed in Chapter 9 of Title II of this Act.

The conferees have agreed to no rescission of funds made available to GSA for advance design ($200,000) and the U.S. Tax Court ($200,000) as proposed by the Senate. The House did not address this rescission.

CHAPTER 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

The conferees have proposed a rescission of $1,000,000,000 of disaster relief funds to help off-set appropriations levels provided in H.R. 3019. Such disaster funds were provided in the disaster relief and disaster relief contingency fund accounts in Public Law 104–19.

The conferees expect that this rescission will leave the Federal Emergency Management Agency approximately $1,300,000,000 short of known or expected requirements by the end of fiscal year 1997. As such, it is expected that FEMA will request an appropriate supplemental budget request to meet necessary requirements at an early point during fiscal year 1997.

CHAPTER 10

DEBT COLLECTION IMPROVEMENTS

The conferees have agreed to include and amend a provision proposed by the Senate which addresses debt collection improvements, instead of no provision as proposed by the House. The conferees have modified the provision so that it more closely resembles the Debt Collection Improvement Act of 1995, as developed by the Government Reform and Oversight Committee of the House of Representatives. The conferees have not included language as proposed by the Senate which would have permitted non-judicial foreclosure of mortgages.

The conferees direct that the Office of Management and Budget (OMB) provide coordination and oversight for development and implementation of the debt collection program created by this section. Additionally, with regard to the Debt Collection Improvement Account, the conferees direct the OMB to determine the baseline from which the increased collections are measured over the prior fiscal year, taking into account the recommendations made by the Secretary of the Treasury in consultation with creditor agencies.

The conferees strongly support repayment of delinquent government debt by all those who can afford to do so. However, the conferees recognize that those who receive federal benefits, particularly Social Security benefits, may be dependent upon them for a substantial part of their income. In order to avoid unreasonable hardship, the conferees insist that any federal debt collection effort give full consideration to the financial situation of the individual who may repay the debt.

By definition, recipients of Social Security benefits are elderly or totally disabled workers and their dependents, or the surviving dependents of deceased workers. The conferees intend that in cases where such benefits are involved, it is particularly important for the Treasury Department as well as all other Executive Branch organizations involved in developing regulations to implement this provision, to create regulatory safeguards which separate those debtors who cannot repay from those who refuse to pay. In particular, those who have become delinquent because of personal hardship, such as debilitating disability, or death of the breadwinner, and who may therefore be unable, rather than unwilling, to repay, must be protected if administrative offset of those benefits would cause undue financial hardship. Such safeguards are critical when benefits such as Social Security are the sole or major source of income for the debtor.

The conferees want to ensure that the Department of the Treasury regulations governing new debt collection procedures will be cautiously and thoughtfully implemented, providing full safeguards for beneficiaries. Recognizing the dependence of those receiving federal benefits on those benefits, the conferees direct that the Treasury Department limit automatic withholding of benefits above the $9,000 annual exemption to a reasonable percentage of those benefits, not to exceed 15 percent. Of course, debtors wishing to repay more would be free to do so by remittance or other voluntary means.

The conferees agree that it is particularly important to recognize that individual circumstances change and even an individual with a good repayment record could face a personal or financial misfortune that makes further repayment difficult, if not impossible. For example, the death of the family breadwinner, despite the payment of survivor benefits, could indicate a substantial loss of income to a family. To suddenly or excessively reduce a surviving dependent's benefits could further threaten an already precarious economic situation for the affected dependent.

CONTINGENT APPROPRIATIONS

The conference agreement does not include any appropriations which would have been available only on the enactment of subsequent legislation that would have credited the Committees on Appropriations with sufficient savings to offset these appropriations. The House bill and the Senate amendment both contained this type of contingent appropriations but in different amounts. In lieu of providing any such contingent appropriations the conference agreement includes regular appropriations and offsetting savings above the regular appropriations or offset amounts in either the House or Senate passed versions of the bill. The additional amount of offsets result in this conference agreement being within the designated spending limits.

ENVIRONMENTAL INITIATIVES

The conference agreement does not include a separate title on environmental initiatives as proposed by the Senate. Instead these issues have been addressed in other parts of the conference agreement.

DISCLOSURE OF LOBBYING ACTIVITIES BY FEDERAL GRANTEES

The conference agreement deletes a provision requiring disclosure of lobbying activities by Federal grantees as proposed by the House. The Senate amendment contained no similar provision.

DEFICIT REDUCTION LOCK-BOX

The conference agreement deletes a provision proposed by the House that would have reduced the Committees on Appropriations spending allocations when spending reduction amendments are adopted during consideration of appropriations bills in either body. The Senate amendment contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$374,952,232,061
Budget estimates of new (obligational) authority, fiscal year 1996	404,545,750,093
House bill, fiscal year 1996	382,607,656,000
Senate bill, fiscal year 1996	384,492,162,999
Conference agreement, fiscal year 1996	380,684,327,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	5,732,094,939
Budget estimates of new (obligational) authority, fiscal year 1996	−23,861,423,093
House bill, fiscal year 1996	−1,923,329,000
Senate bill, fiscal year 1996	−3,807,835,999

VOTE ON THE MINIMUM WAGE

The Speaker pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, a vote on the minimum wage should no longer be blocked by the majority leadership. This last vote to prevent a vote on the minimum wage by this body is out of step with the American people. The American people want a vote—at least 8 out of 10 of them.

Democrats want a vote—some 119 are cosponsors of the minimum wage bill.

At least 23 Republican House members want a vote.

A vote on the minimum wage increase is unavoidable.

The majority leader continues to resist a vote, showing a lack a compassion and understanding for the plight of poor, working families.

Let's have a vote now.

Some 13 million American workers deserve an increase in the minimum wage because it is the fair thing to do—it is the right thing to do.

Minimum wage workers now earn about 50 cents less than they earned 40 years ago if the value of what they earned then is compared to the value of what they earn now.

It is discouraging, Mr. Speaker, for a citizen to work, full-time, and see their earnings go down, while corporate profits and executive salaries continue to go up.

It is even more disheartening when some in Congress are pushing for a tax break for these same wealthy executives, while pushing for a tax increase on America's workers.

Eliminating the earned income tax credit, which primarily benefits the working poor, while refusing to raise the minimum wage, is unfair and unjust.

The 117,000 minimum wage workers in North Carolina, and the millions of others throughout the United States, deserve better.

Middle- and moderate-income Americans now feel the squeeze between profits and wages as much as the low income and the unemployed.

Almost half of the money in America is in the hands of just 20 percent of the people. That top 20 percent is made up of families with the highest incomes. The bottom 20 percent has less than 5 percent of the money in their hands. A modest increase in the minimum wage could help the bottom 20 percent, and, it will not hurt the top 20 percent.

The President has proposed such a modest increase in the minimum wage—an increase of 90 cents, over 2 years. Such an increase would mean an additional $1,800 a year for the working poor.

That amount of money makes a big difference in the ability of families to buy food and shelter, to pay for energy to heat their homes, and to be able to clothe, care for, and educate their children.

That amount of money makes the difference between families with abundance and families in poverty. An increase in the minimum wage won't provide abundance, but it can raise working families out of poverty.

While the cost of bread, milk, eggs, a place to sleep, heat, clothing to wear, a bus ride, and a visit to the doctor has been going up, the income of low-, moderate-, and middle-income people has been going down.

Without an increase in the minimum wage, those with little money end up with less money. That is because the cost of living continues to rise.

Let's bring minimum wages into the modern age. Let's support H.R. 940, a bill that will help create a livable wage for millions of workers by permitting a modest increase in the minimum wage.

This Congress should pass the minimum wage increase.

It is the right thing to do. It is the fair thing to do.

Mr. RIGGS. Mr. Speaker, will the gentlewoman yield?

Mrs. CLAYTON. Mr. Speaker, I yield to the gentleman from California.

Mr. RIGGS. Mr. Speaker, I just wanted to point out that I am one of those Republicans who strongly supports the increase in the minimum wage, believes that it ought to be coupled with welfare reform. I know the gentlewoman has been very outspoken in regards to her feelings regarding welfare reform, but I would certainly hope that we could pursue this issue on a bipartisan basis with the ultimate goal of making work more attractive than welfare.

Mrs. CLAYTON. Mr. Speaker, I agree with the gentleman.

Mr. RIGGS. The principal reason that I support the increase in the minimum wage is so an entry-level minimum-wage job will ultimately pay more than welfare benefits do currently in the aggregate for those folks who want to make that difficult transition, with proper support and assistance from the Government and from taxpayers, from welfare to work. I wanted to point that out to her.

Mrs. CLAYTON. Mr. Speaker, I welcome the gentleman's comment. I think we should make work pay. When we do not make work pay, we make work a burden, so those who are on welfare will want to stay on welfare if they cannot find enough to provide for their basics. Raising the minimum wage will allow for people to be self-supporting and to provide for their families, without the Government having to do it.

So it is not inconsistent. I think it is consistent with a good welfare reform system, a good minimum wage, so increase the minimum wage as we move people to work. I appreciate the gentleman's remarks.

ARMS EMBARGO IN BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. COX] is recognized for 5 minutes.

Mr. COX of California. Mr. Speaker, during his recent circumnavigation of the planet, President Clinton told the G–7 summit leaders that they should join with him in urging Russia to put the squeeze on Iranian mullahs who are shipping arms, in particular shipping arms to the Hezbollah guerrillas in Lebanon.

While the President was calling on our allies to pressure Iran, and while the President and the Clinton administration were calling the Iranian terrorists, quote, "the main source of international terrorism," and while publicly condemning Iran's shipment of arms to the Hezbollah guerrillas in Lebanon, Bill Clinton was secretly and simultaneously conniving at even bigger Iranian arms shipments to Bosnia.

Let us look at the history of this. On May 30, 1992, the United States imposed an arms embargo on the former Yugoslavia. The United States supported it, and when spy photographs showed Iranian 747's unloading illegal arms shipments in Zagreb, our State Department told us and told the world that we raised hell.

That was the United States' policy that candidate Bill Clinton opposed. Candidate Bill Clinton said he supported lifting the arms embargo in Bosnia, not so that Iran could sell weapons to the Bosnian Moslems, but rather so they could receive support from United States allies like Saudi Arabia and Turkey.

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As President, he promised when he was a candidate, he would lift the unfair United Nations arms embargo against Bosnia. But once in office, Bill Clinton completely changed his mind. He broke that pledge, broke that promise, and opposed lifting the arms embargo.

He reversed his position because, he said, it would be wrong for any international arms shipments to go to Bosnia. It would "Convert a complex ethnic war into an American responsibility. The United States must, therefore, oppose any international arms shipments to Bosnia."

The Congress, however, voted to lift the arms embargo and sent the President a bill. It was not quite unanimous, but it was hugely bipartisan. Democrats and Republicans in the House and Senate sent the President a bill so that we could, through our allies, help the Bosnian Moslems to defend themselves. The President vetoed that bill. He said nobody, not Turkey, not Saudi Arabia, none of our friends, least of all the United States of America, could help arm the Bosnian Moslems.

The President assured not only Congress, but the American people and allies, like Britain and France, that he was staunchly opposed to lifting the arms embargo. And without telling even our own Joint Chiefs of Staff, it now develops the President secretly let it be known in Iran that the United States would not oppose huge, illegal arms shipments to the Bosnian Moslems.

Huge quantities of weapons, accompanied by Iranian intelligence agents and mujahedin rebels, were thus shipped into Bosnia, by a regime that the Clinton administration publicly was branding as the financier, the armorer, the trainer, the safe haven, and inspiration for terrorists. These are the people that the secret Clinton policy, that Bill Clinton himself, secretly was introducing to Europe.

As the U.S. Assistant Secretary of Defense was using those exact words I just quoted, the financier, armorer, trainer, safe haven, and inspiration for terrorists, the description of Iran, he was using those exact same words in his testimony to Congress. His boss in the White House, Bill Clinton, knew that up to eight cargo jets each month were taking off with Iranian arms bound for Bosnia. There can be no question that this was duplicitous.

Right now congressional committees are preparing to investigate this sordid matter, to determine whether laws were broken governing illegal covert operations and governing failure to report truthfully to the Congress.

But while it remains to be seen whether and, if so, which laws were broken, there is no question that the President broke his word to this Congress and to the American people. There can be no question that the President broke his word to France and to England. In briefs prepared for John Major and Jacques Chirac at the G–7 Summit, unknown to the President, they had incontrovertible proof that the President had lied publicly to them.

It is incumbent upon this Congress to take this matter with the utmost gravity and to investigate it so that we can restore the good word of the American people around the world.

HELPING WORKING AMERICANS THROUGH AN INCREASE IN THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, my Republican colleagues continue to refuse to allow a vote on the minimum wage. It was only minutes ago in this body that they once again rejected a democratic effort to bring the minimum wage increase to the floor for a vote. I might add that in that vote were 15 Republican colleagues who only days ago, along with a few others, who said that they were splitting with their leadership; they believed that we ought to pass a minimum wage, and that that vote ought to be brought up in this body. Fifteen of them, when they had the opportunity, they would have made the difference, they would have made the difference in the vote, so that the people's House, the House of Representatives, could have voted to raise the minimum wage a mere 90 cents.

As a matter of fact, because I was watching the clock, when there was about 220 votes, that is enough in order to defeat the opportunity to bring the vote up, several of them hung back, waited until it was lost, and then cast their vote against bringing it up. Talk about profiles in courage? Real courage. But it is nice to get the press accounts in the last few days of how you break with leadership and call for a minimum wage. And when you have the opportunity which this body afforded only a few minutes ago, they took a walk. I am sure that their constituents are going to take a hard look at this vote.

I have bad news for those who oppose a fair minimum wage. We are not done. We will be back, again and again and again, until we see the minimum wage increased in this country.

We will not give up, because there is a lot at stake in this minimum wage debate and in this vote. This debate is not about yet another way for my Republican colleagues to reward the rich and the powerful in this country. It is not another perk for those in power or a payoff to some special interest lobby. What is at stake here is whether or not this Congress will honor and reward hard work and tell the hard working men and women in this Nation that we care about what you do, we honor what you do, and we know what a difficult struggle it is every single week to scramble, to pay those bills, to make sure that your kids can go to college. And then, my God, after these years of work, that you can have a decent and dignified and secure retirement.

We will tell minimum wage workers that we respect that valiant struggle. The minimum wage is already at a 40-year low. It continues to plummet in value. And what we do is we discourage people from working. We say to people, go ahead, be on welfare.

That is crazy. We want to reward work in this country. That is what it is all about. That is what the people are about, that is what my folks are about. They worked hard. They worked hard to be able to send me to school. And people who are doing that ought to understand that those who they elect are going to reward that hard work.

Who are the typical minimum wage workers? The typical minimum worker is a woman. Almost two-thirds are adults, 20 years of age or older. Do not let them get away with saying the minimum wage workers are teenagers. They are not. That is not true.

The average minimum wage worker brings home half of his or her family's earnings, and about 40 percent of this Nation's minimum wage workers are the sole bread winner of their family. A full-time minimum wage worker makes $8,500 a year. It is less than what people on welfare do get today in this country.

Think about it. An increase in the minimum wage would help working men and women who are providing the only source of income for their families, and we could honor their hard work. These are the ordinary folks, average people, waiters, waitresses, people who wash the dishes. They are struggling everyday.

Do you know that when the Government shut down in December, the Members of this body, Members of Congress who make over $130,000 a year, they got more in that period of shutdown than a full-time minimum wage worker makes in an entire year?

It is wrong. Raise the minimum wage. Let us do it now. Let us bring this up for a vote.

TRIBUTE TO DORIS PIKE, VOLUNTEER AND LAWMAKER'S WIFE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. FORBES] is recognized for 5 minutes.

Mr. FORBES. Mr. Speaker, I rise today because earlier this week the world got just a little bit dimmer with the passing of a wonderful woman from Riverhead, Long Island, by the name of Doris Pike.

Mr. Speaker, many people remember Doris Pike as the very pleasant, engaging wife of former Congressman Otis G. Pike, who so ably served Long Island in this body from 1961 to 1979.

But Doris Pike in her own right was a woman of note. She was an educator, somebody who devoted over 25 years as a volunteer, teaching immigrant students English. For 25 years she took those immigrant students, those with various different languages, 14 different languages, I believe, and she taught them English at Patchogue-Medford High School and later Riverhead High School.

She was married to a distinguished Member of this body who in his own right was extremely popular and had a dynamic and strong personality. But Doris Pike herself developed her own persona among the people of Long Island. They came to know and love her because of her many acts of charity, her volunteer work, her great sense of humor.

As her husband Otis Pike said, she was a most unpretentious woman. He recalled an evening when they were invited to the White House, for example, when she wore a beautiful long evening gown and decided that with that gown she was going to wear her bedroom slippers. When questioned by her husband, she said nobody looks at your feet anyway. As the Congressman remembered, in fact, they went to that White House affair, and indeed nobody looked at her feet anyway.

Otis Pike, I join with him and his daughter Lois and his sons Doug and Rob, in mourning the passing of this most generous and wonderful woman, Doris Pike. She was a long-time trustee of Dowling College, and she so believed in the value of education that she set up on her own Doris Pike College Fund, in which she attempted each year to fund the tuition expense of one student.

In her office at home, she had a sign that said "A teacher affects eternity. She can never tell where her influence stops."

My colleagues, ladies and gentlemen, Doris Pike was a woman of great stature, and she in her own way has affected eternity, and we will mourn her and we will miss her.

TIME TO VOTE ON A MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas, Mr. GENE GREEN, is recognized for 5 minutes.

Mr. GENE GREEN of Texas. Mr. Speaker, in just a few minutes we will be going to the budget agreement that I want to congratulate not just the majority Members, but also the whole Congress, because we finally have a budget agreement that, and I know I have heard this morning a lot of my colleagues on the Republican side talking about how it saves the tax dollars, and it does, and that is great. But it also restores a great many of the devastating education cuts that we have been talking about on this floor for months and months.

What it does is it shows us we can have a balanced budget in 7 years, just like the President talked about, and still have investment in education and job training and those issues that we know are not just for today, that they are for next year and 5 years from now.

But the reason I asked for 5 minutes this afternoon, Mr. Speaker, is to talk about it is time to have a clean vote on the minimum wage increase.

Working Americans support an increase in the minimum wage. In fact, the latest poll I saw showed that 83 percent of Americans support an increase in the minimum wage. In fact, just today I see reported that we are not going to have a vote on this floor on a minimum wage increase. I think that hurts not only the Congress, but the majority, but I also think it hurts a lot of good, hard-working people in our country who are trying to struggle on $4.25 an hour.

Americans know the real value of the minimum wage has declined in the past

15 years and the minimum wage earners have not seen an increase since April 1, 1991, 5 years ago, Mr. Speaker. During that time, with inflation 3 percent a year on the average, we see that percentage increasing.

We have a bipartisan bill that has been introduced by some of my majority Republican colleagues, 20 Members I understand, and I am a cosponsor of that bill, to increase the minimum wage. Yet we see that we are not going to have a vote on it. I know some Members on the majority Republican side are disappointed just like those of us on the Democratic side.

There is a proposal though, not the bipartisan bill, but there is a proposal we heard about, and again in speeches today from the majority, that the minimum wage would remain at $4.25, but we would continue to talk about a Federal Government subsidy for employees with families. So what we are seeing is an increase in this big Government in Washington. We have heard now for over a year, a year and 4 months, how we need to not have big Government in Washington. Yet we are going to, instead of businesses who can earn, who are depending on those people making $4.25 an hour to produce a product, we are going to subsidize them from this big Government in Washington.

It is like the world turned upside down, Mr. Speaker. I just do not understand it, just being a Member from Houston and understanding that the minimum wage, typically you earn that. We do not need any more subsidies for people who have families. We want a decent wage for a decent job being done, and to get these people off welfare.

□ 1415

The biggest problem I think we have, and the majority has to explain, is how a person making $4.25 an hour working 40 hours a week is still eligible in my district for welfare benefits. What we need to do is, if we increase the minimum wage to $5.15 an hour, a person working 40 hours a week would then no longer be eligible for welfare. They would actually be able to work their way off of this subsidy that they may be receiving and the expanded subsidy I hear the majority party may be talking about.

That is what is wrong. We need to make sure that they can earn that money to keep themselves, get themselves off welfare. And that is why it is amazing to me that instead of just increasing the minimum wage to where businesses will pay their employees a minimum wage reasonable enough to get them off of welfare, that we are coming up with ways that the government can subsidize it and say, well, we really need to do even more on an earned income tax credit, or do even more for providing for these families.

These families want to work and earn a living. They do not want the government to provide it, and that is why it is so important that we provide for a livable wage for the minimum wage. America's families are working harder than ever and we know that. We see the polls. We see what is happening.

The disparity between the highest paid people in our country and the lowest paid is getting higher and higher. We need to respond to that as members of Congress, not just as Democrats but as a Congress, because we need to make sure that disparity is not there. The beauty of America has always been that we have a middle class and the hope for people to go into that middle class. And yet what we see is the disparity is getting bigger. The people who make the most are making more money and the people who make less are making even less.

Mr. Speaker, I understand we are getting ready to go to the budget, but I would hope we would also see sometime in the near future a clean vote on the minimum wage issue.

CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET DOWN PAYMENT ACT, II

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–538) on the resolution (H. Res. 415) waiving points of order against the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make further downpayment toward a balanced budget, and for other purposes, which was referred to the House Calendar and ordered to be printed.

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 415 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 415

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the rule before us will allow us to immediately consider the conference report on H.R. 3019. It is the Balanced Budget Downpayment Act II. The rule waives all points of order against the conference report and its consideration, and it provides that the conference report be considered as read.

Mr. Speaker, this is a day that has been a long time coming as we wrap up the remaining five regular appropriations bills for fiscal year 1996 whereby we will have a full budget in place for this year. Notwithstanding all the short-term continuing resolutions and all of the long, hard, and tough negotiations on this bill, the wait has been well worthwhile, in my opinion.

This truly is a historic day when one considers that we are making this substantial downpayment toward a balanced budget that we promised at the beginning of this Congress.

Mr. Speaker, on any bill of this magnitude, with all of the complex and all of the difficult issues to be resolved, I think it is fair to say that no one is happy with every aspect of the final conference agreement, certainly not this Member. But I would strongly urge every single Member to come over here and keep their eyes on the big picture of what this is all about, and what this is all about is, make no mistake about it, reducing the size and the role of this Federal Government and putting this country once again on a second fiscal footing by taking the first big steps toward a balanced budget by the year 2002, and this bill today does just that.

The Congressional Budget Office recently projected that the fiscal year 1996 deficit would fall to $144 billion. That is not million, that is billion dollars, and that is $28 billion below last December's projection. And make no mistake about it, the Congressional Budget Office confirms that our actions on appropriation bills for this fiscal year have played a major role in bringing about this downturn in spending.

Mr. Speaker, our final action today on these remaining five appropriation bills will contribute even further to that deficit reduction effort. When this bill is signed into law, and the President is going to sign it, we will have saved $23 billion from last year's spending levels alone. That is $23 billion below last year's spending. Who would have ever imagined we could have made such substantial strides? Just our first full year? And that is added to another, and this is important to remember, we have already cut $23 billion, but if we add that to the $20 billion in savings that we made in fiscal year 1995, in savings and rescissions, when we add all that up, it means that we have saved some $43 billion since we took control of this Congress in January of 1995, $43 billion.

Mr. Speaker, one can say we even outdid ourselves when we consider that we have saved $2 billion more than our budget resolution projected in discretionary spending, $2 billion more than we even said we were going to. That, my friends, is a record of accomplishment which we can all be very, very proud. I know I am. And it is one which will benefit the American people, and it will benefit the economy of this Nation, which means jobs, jobs, jobs, jobs, jobs.

Interest rates will be lower than the CBO projected; the economy is growing faster than the CBO projected; and inflation has been lower than CBO projected, all because we have had the courage to stick by our convictions and our commitments and to make those hard votes on the floor of this Congress, and, ladies and gentlemen, they were hard, but that is the only way we get this kind of savings to put the fiscal house in order of this Government.

Mr. Speaker, what does all this mean? It means the $43 billion in savings we have made in fiscal years 1995 and 1996 translates into money we will not have to borrow. It means we do not have to borrow another $43 billion, it means less debt and it means less interest for our children and our grandchildren to have to pay, already $5 trillion in debt requiring $250 billion in interest payments alone annually. We are not going to add to that. It means an ever expanding economy with more opportunities for more jobs, better jobs, and better pay because we are reducing the cost of Government by bringing our own fiscal house in order.

Mr. Speaker, that is really what this whole debate today in all about. Yes, there has been a great deal of give and take between the President and the Congress in these difficult negotiations. That is all a part of the political process. It is the toughest part to learn sometimes when one is principled and believes very strongly in the things they believe in. But the art of compromise is something that Ronald Reagan taught all of us that we had to live by in order to accomplish anything.

But let me emphasize the fact that for all the areas in which some concessions have been made to the administration there have been offsets to pay for them, and we are going to hear during the next hour of debate all the restorations that were made, whether it was in education or the environment or in other areas. But every single dollar that was restored over what we wanted to cut has been offset with cuts elsewhere, so we have not given in one thin dime, and that is how we realize the savings we have today.

In the process of arriving at this mutually agreed upon budget we have managed to eliminate, and this is so terribly important because it also is what this debate is all about, we have eliminated, that means we have zeroed out, 200 programs, while still paying for emergency supplemental funding for such things as disaster assistance, and goodness knows we have had enough of that with all the disasters throughout the country lately, and also our troop deployment in Bosnia. That is all paid for and yet we still have realized these very significant savings.

Mr. Speaker, I especially want to commend the gentleman from Louisiana, Chairman LIVINGSTON, and his Committee on Appropriations for making the very hard choices and for sticking with our core values of providing a better future for this country by reducing the deficit and reducing that public debt.

When we consider where we were at the beginning of this Congress, I do not think anyone would have predicted we would have been capable of this degree of success in just this short space of time. I think we owe a great deal of gratitude to the gentleman from Louisiana, Chairman LIVINGSTON, who has worked hand in glove with our leadership and the Senate leadership in negotiating this final agreement.

But, Mr. Speaker, let us be under no illusion that this is the end of these efforts. I do not want it to sound like this is all over and we have won, we have accomplished what we set out to do. We have a long way to go in the coming fiscal years to establish and to achieve that balanced budget and seemed so illusory just 2 years ago.

Mr. Speaker, with the passage of this final part of this year's budget we have lived up to our commitment to stick to, and this is important for everybody back in your offices listening, we are sticking to that glidepath of a balanced budget. We are even below the glidepath that we set back in January of 1995.

That is why I am going to vote for this piece of legislation, because we have not used smoke and mirrors. We have not lied to the public. We are actually cutting the deficit down and we are staying on that glidepath. In coming years there will still be many pieces that are required to balance this puzzle, but if we stick to what we are doing, if we accomplish next year what we did this year, and we do it for 5 more consecutive years after that, we will have brought this fiscal house in order and it will have saved this country from drowning in a sea of red ink.

Mr. Speaker, I strongly urge support of this rule. I strongly urge support of the bill to finally put an end to this year's budget. By passing this, we will have finally adopted the 1996 budget.

Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from New York, Mr. SOLOMON for yielding me the customary half hour and I yield myself such time as I may consume.

Mr. Speaker, all over the country today we should be hearing a sigh of relief. The 6-month anxiety we've been feeling about possible Government shutdowns has come to an end. The bill we will vote on today will make it impossible for my Republican colleagues to shut down the Government for political reasons again, at least until October 1st.

Mr. Speaker, today the Democratic position prevailed. Today we showed that it is possible to cut spending while still supporting education, the environment, and community police.

Throughout this budget battle Democrats held tough.

Throughout this budget battle Democrats stood up for education and the environment and now that the budget battle is over the American people are having a sigh of relief.

Because thanks to the Democrats in Congress 1 million children will still be able to get extra help in math and reading.

Thanks to the Democrats in Congress our clean air and clean water acts will not be gutted.

And thanks to the Democrats in Congress we can still put 100,000 police on the street while not busting the budget.

But even though this Republican budget game has finally come to an end it's 6 months overdue.

If Republicans had worked with Democrats we could have kept the Government open. If Republicans had worked with Democrats we could have settled this 6 months ago and come a lot closer to giving the American people the kind of Government they deserve.

Mr. Speaker, there's one question the American people want to ask of Republicans in Congress, what took you so long?

Why did you wait to open up the Government and why did you hold on so long to your education and environment cuts?

I congratulate my Republican colleagues for seeing the merits of the Democratic defense of education, the environment, and community policing.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from California, Mr. DAVID DREIER, my vice chairman of the Committee on Rules and my right arm. He is a Member of this body that came here with Ronald Reagan a couple years after I did, who helped me in introducing the first balanced budget ever to come on this floor. We did not get many votes for it back in those days, but by persevering, this gentleman, along with myself and others, have brought these balanced budgets to the floor.

□ 1430

Mr. DREIER. Mr. Speaker, I am very flattered by that. Let me say, Mr. Speaker, that I want to join in extending congratulations to the gentleman from Louisiana [Mr. LIVINGSTON], the chairman, to the gentleman from Wisconsin [Mr. OBEY], and to others who have worked to bring about this agreement. Clearly, we have gotten to the point where we are taking a step, a step in the direction towards ending the concept of big government. This does not do it, but it is a step in that direction, and I am pleased that we are going to be doing that.

During the arduous national debate on the President's massive tax increase back in 1993, the American people said, "Cut spending first." There was a clear national consensus to balance the budget by reducing the waste in government and slowing the growth of Federal spending, not by increasing taxes.

Our Contract With America was historic not for the specific policies proposed but for the unprecedented effort of political candidates to make substantive legislative proposals during a campaign and then to win the election and actually proceed with implementation of those promises. This was above all an effort to address the well-founded mistrust that has existed with the American people who had grown sick and tired of Presidents and congressional majorities, both political parties saying one thing in a campaign and doing another while in office.

One of the fundamental tenets of our contract was to balance the budget by reducing Federal spending, not by raising taxes. The principle of the Republican Party resulted in a historic budget confrontation. The majority in Congress promised to balance the budget by slowing the growth of Federal spending and provide tax cuts to families so that people could spend their own money on their own priorities in the budget.

The President opposed that effort and had more than enough support from the minority in Congress to enforce his vetoes. The unstoppable force met the immovable object.

Mr. Speaker, the conference report brings the appropriations portion of the fiscal year 1996 process to a close. That in itself is a very good and positive thing. It involves compromise, but it does not change the basic fact regarding this historic effort of the Committee on Appropriations over the past 16 months.

With enactment of this legislation, the 104th Congress will have reduced Federal discretionary spending by $23 billion in fiscal year 1996 spending. The Congress has saved the Federal taxpayers and, more importantly, their children who will pay for the Federal debt an additional $20 billion in rescissions from the previous fiscal year. The result has been the lowest projected deficit in 14 years and the single largest reduction in Federal spending since the 1940's.

With the passage of this legislation, Congress will have terminated over 200 Federal programs. Congress has done what it promised to do and what the American people asked for. We cut spending first. Critical rhetoric will always to be part of politics, but one thing that cannot be said truthfully about the 104th Congress is that we have not done what we said we would do. We cannot fully reform 40 years of big government congressional policies in just 2 years, but today we are making a very good and important start.

This is a bill that deserves bipartisan support, and I am convinced it is going to get it. It may be the product of a process that was not enjoyable to watch, but it is a product that is well worth supporting from both sides of the aisle. It is time to move ahead with fiscal year 1997 spending issues. However, be assured this majority will remain fully committed to balancing the budget by cutting spending first, not raising taxes on hard-working families to feed the bloated Federal behemoth. It is gratifying that we have finally gotten to this point. I hope very much that we sill be able to move as expeditiously as possible to pass this legislation.

I thank my friend for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 4 minutes to the gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, there is an old saying that goes, if you first do not succeed, try, try again. Well, 2 Government shutdowns later, 13 continuing resolutions later, 6 months after the deadline of October later, we have finally come up, finally come up with a bipartisan solution for this year's budget. What is it? It is trying to work together in a bipartisan way but not cutting and devastating education, like the Republicans did initially. Let me talk about a couple programs that are now fully restored that never should have been cut in the first place.

Safe and drug free schools were cut by $265 million. When we ask children in our schools what is the biggest risk they face today, they do not say an algebra test; they say drugs. Yet, they wanted to cut that program. Now it is restored. This is a good bill.

They also wanted to cut Head Start programs to keep our children learning that are at risk from dropping out, because if we do not keep them in school, they are going to get in trouble and go to jail, and we are going to have to build a prison. What would you rather do as a taxpayer? Educate our children or build jails and prisons later on?

Third, title I programs that were cut back by 16 percent, now they are fully restored. Title I educates 7 million at-risk school children, teaching them the basics so that they can learn and become productive citizens and work in good jobs later on.

Title I has been restored. Head Start has been restored. Drug free schools have been restored.

I would hope that this would be a lesson that we here in Congress will begin to work together, Republicans and Democrats, because, Mr. Speaker, this is not a victory for the Democrats because we got this education money back in. This is a victory for the American people. This is what the American people want. They want to make sure that their children can get to school and a good school and that we try new ideas in making our schools work better. They want to make sure, when Newsweek has a cover story this week that colleges can cost $1,000 a week, that we help our students get a student loan or a student grant so that they could pursue higher education.

This is the best investment we can make in this country, investing in education for our children. It never should have been cut the first time.

As the gentleman from California [Mr. DREIER] said, we can cut spending first in Washington, DC, and cut back on committees and cut back on the overhead here and return money out of our budgets. But we should not cut education dollars for at-risk children. We should not use the budget axe on the most vulnerable people in our society, especially when we want these children getting good jobs and not ending up in trouble where they are even more of a tax burden later on.

This is a lesson, Mr. Speaker. I hope for 1997 and 1998 and so on into the future that Republicans and Democrats will work together to protect education, to cut wasteful spending here in Washington first, and to get to a balanced budget by the year 2002.

Again, I would like to thank the gentleman from Massachusetts [Mr. MOAKLEY] for his very generous extension of time to me.

Mr. SOLOMON. Mr. Speaker, I yield myself such time as I may consume. Just briefly, the previous speaker has called, recalled an old axiom that says, if at first you do not succeed, try and try and try again. I just recall back on February 1995, when the President of the United States presented this Congress of the United States his 5-year projected budget, which called for increases of more than $250 billion in the deficit each year for 5 consecutive years, that would have added another $1 trillion 250 billion to the deficit.

In that same budget, he called for increases across the board. So we Republicans persevered. We were not about to increase the deficit by $250 billion annually for 5 consecutive years. We were not about to increase spending. By persevering and trying and trying and trying again, what we have before us today is the 1996 budget that does not call for increases of huge magnitudes, it calls for a $23 billion cut in actual spending.

That is what we have accomplished by trying and trying and trying again, and we had a lot of good support from both sides of the aisle individually coming to that.

Mr. ROEMER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Indiana.

Mr. ROEMER. Mr. Speaker, I would just say, the gentleman knows I respect him; he and I worked together on the Russian and Chechnyan issue. I would just say that I think, if the gentleman will continue to yield to me for a little bit of time here, I think that the budget that we came up with, the blue dog coalition budget, balances the budget by the year 2002. It cuts wasteful spending out of Washington. But we did not cut a dime out of education. We did not cut a nickel out of student loans. We did not cut a penny out of Head Start programs for children at risk.

I think if the gentleman from New York [Mr. SOLOMON] and I can work together on some foreign policy issues, certainly we Republicans and Democrats can work together.

Mr. SOLOMON. I think the gentleman may be right.

Mr. Speaker, I yield such time as he may consume to the gentleman from Sanibel, FL [Mr. GOSS], another member of the Committee on Rules who has had a great deal to do with putting this budget together over the last 7 months.

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from Glens Falls, NY [Mr. SOLOMON]. Indeed, he has shown extraordinary leadership and persistence in getting us to this point. I congratulate him and, of course, all the others who have participated in what has been a very lengthy exercise.

Mr. Speaker, I rise in support of this fair rule which allows us to consider H.R. 3019, the omnibus appropriations conference report.

Mr. Speaker, this Congress was elected to change the way Washington does business: Returning fiscal responsibility to the budget process and improving accountability to the American taxpayer. This omnibus appropriations conference report reflects those principles by finalizing an appropriations cycle that cut $23 billion from last year's levels. With its passage this Congress' total savings reach $32 billion, the single largest real spending cut in Government spending since World War II.

This Congress has changed the way Washington works in another very important respect—setting priorities. The Clinton administration asked for $30 billion more in indiscriminate spending but we insisted on applying the brakes. Instead of haphazardly funding every project and program, we have prioritized our limited resources and eliminated billions of dollars of low-priority spending, canceling 200 programs completely. We have recognized our responsibility to the victims of natural disasters and to our soldiers in Bosnia without breaking our contract with the American taxpayer. The concept of fiscal responsibility, which seems simple to most families in my district struggling to prioritize spending within their own budgets, marks a revolutionary change in the way this town does business. Despite some potholes that have slowed us down, we are on the road to a balanced budget.

I would like to highlight one example from my district of how the Federal Government can do more for less. H.R. 3019 contains language authorizing a lease for expansion of a veterans outpatient clinic in Fort Myers. Built to accommodate 40,000 visits a year, the clinic served more than 51,000 last year, with many more on the waiting list. We have come up with a way to meet the need with just over a million dollars—far less than it would have cost to build an entire new facility.

The issue comes down to fairness and providing the services where the veterans are. While many hospitals in the North remain half empty most of the year, the 150,000 veterans in southwest Florida currently must contend with one limited facility and denial of services altogether for non-service-connected injuries and illnesses. This lease, building on the innovations of the private sector, will allow more veterans to be served in a cost-effective manner.

In past years, we have received authorization but have been denied the appropriation. Today's bill ties everything together. There will be no more excuses or loopholes—we will move forward and provide for the veterans. This should be the final chapter in a long and frustrating saga, as today we finally achieve our goal and keep our contract with southwest Florida veterans. I applaud the efforts of Chairmen LIVINGSTON, LEWIS, and STUMP for their hard work to get this done.

□ 1445

The issue comes down to fairness in providing the services where the veterans are. While many hospitals in the North remain half empty most of the year, the 150,000 veterans in southwest Florida who have moved from the North to southwest Florida currently must content with one limited facility and denial of services altogether for non-service-connected injuries and illnesses, and that is just plain not fair, and it is not smart, and it is not good management. So this lease building on the innovations of the private sector will allow more veterans to be served in a cost-effective manner.

That is the kind of change that we have brought about and, I think, the kind of change America is looking for, and I applaud the efforts of the gentleman from Louisiana [Mr. LIVINGSTON], the gentleman from California [Mr. LEWIS], and the gentleman from Arizona [Mr. STUMP] for their hard work in that area.

Change for the better is not easy. It cannot be done in a moment. Those who unfairly or unnecessarily gain from the status quo resist change; we know that. But today the time has come to move forward. This is fiscal responsibility. There will never be a better opportunity to do what we should than right now.

Mr. MOAKELY. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. DINGELL], the former chairman of the Committee on Commerce.

Mr. DINGELL. Mr. Speaker, I would like to tell my colleagues that this is a good clean bill and that there is no pork and no outrage here. But nothing is further from the truth. Some of my colleagues on the other side are going to be looking rather sheepish and hangdog, and they properly should. The Republicans here are creating an indefensible giveaway of $645 million to Louisiana and New Hampshire in the forthcoming conference report on the CR. The $45 million will go to New Hampshire, $600 million will go to Louisiana.

The pork is to reward two safe Republican States for abusing Federal taxpayers by using loopholes and accounting gimmicks to increase Federal matching payments they receive under Medicaid while depressing their own State spending. In other words, Federal spending goes up here, State spending goes down. These are scams which were popular in the 1980's during the Bush administration. They increased the Federal Government spending on Medicaid alone to a tune of $10 billion.

Guess who the biggest abusers were? Louisiana and New Hampshire. They still are the two biggest abusers.

In 1993 we cleaned the situation up after extensive hearings in the Committee on Energy and Commerce. We passed a bipartisan measure to eliminate these abuses and to protect the Federal Treasury and at the same time to take and give consideration to the problems that the States had. We gave them 2 years to wean themselves from their addiction to these Federal payments and to get away from the Federal trough.

Unfortunately, my Republican colleagues seem to be operating under the philosophy that no bad deed should ever go unrewarded. The CR is going to reward these States with more time at the Federal trough to the tune of about $645 million.

Louisiana, by the way, will spend these moneys not for health, but they will continue to spend them for things like roads, highways, bridges, and the prison system.

Incidentally, there are other States now who are living under the constraints of the 1993 law; that is, all 48 of the other States. It is interesting to note, however, that since this process commenced of Louisiana and New Hampshire seeking additional moneys to continue an abuse which was roundly decried as long ago as 1993, six other States are now asking that they be permitted to belly up to the trough so that they can get their share of the slop.

For 48 other States whose Members of Congress are represented here, I ask if they can explain how it is and why it is that the Congress voted for a special Federal bailout for two States who simply failed to manage their budgets properly at the expense of their own State and at the expense of the rest of the Nation.

I also ask my colleagues to be prepared to explain to the people of their States why it is after 2 years was given to these two States to clean up their act, they are given an additional time.

I know that one Presidential candidate came back not long back from New Hampshire and that very shortly thereafter disappeared in the language of the Senate bill. I wonder if this ought to appear on the FEC report of that particular candidate.

This happens to be a genuine outrage. It is a continued raid upon funds which are needed for important public purposes or for the purpose of reduction of the budget deficit and for the purpose of balancing the budget. These are funds which are being taken away from other essential and important uses, such as student loans, such as school lunches, such as education, such as research into health problems, such as improving the quality of life, to law enforcement, to protection of the environment, and they are going to two States which have roundly abused the system for years and which, under this legislation, are going to get the permission of the Congress to continue to abuse the public interests and public monies for special purposes, in a fashion that no other State is being permitted to do.

But note, my dear friends and colleagues, this is but the first crack in the dike because now already six other States are saying, "Well, if you are going to let Louisiana, if you are going to let New Hampshire, have access to these funds without responsibility, how about letting us do that?"

So, I would tell my colleagues, prepare for a phone call from their constituents, prepare for a phone call from their Governor, prepare for the call from their State to let them share in this pork also.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Speaker, these same folks who shut down the Government now claim to be working in a fiscally responsible manner to balance the Federal budget. They are asking us to support a continuing resolution laden with $342 million in special-interest pork to help the Republican Governors of New Hampshire and Louisiana balance their budgets without violating their no new taxes pledge. It is easy. Here is how to do it:

"You run for Governor. You say you are not going to increase taxes. You overspend and run up a deficit. Then you call your political friends in Washington to bail you out with a little bit of money. You than can go back and run for reelection, say, 'Look, I did not raise taxes, and I balanced my budget.'".

The fact is the taxpayers in 48 other States are going to have to have their taxes raised or their spending cut so that we can have this little payoff to help these two Governors in New Hampshire and Louisiana.

Every State in this Nation grapples with balancing their books. My State, the State of Ohio, is plagued by the rules, has made the tough choices to keep spending in line. We will never be able to balance the Federal budget if a couple of States that have particularly good political connections in Washington, or might have had an early Presidential primary, if those States are overspending and get bailed out by the Federal Government.

We have had too many bailouts in this Congress, we have had too many times in this new Congress, where pork has been the order of the day, "We have to have more pork in these bills in order to satisfy special interests."

Think, Mr. Speaker, how much pork we would have had to put in this bill if a certain other Presidential candidate had won New Hampshire. Think of what the price might have been, how much money would have had to be in this bill, in order to satisfy those demands in one of those States then.

Mr. Speaker, if this is how the Republicans handle block grants, I want to know where my State can apply.

Mr. SOLOMON. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana [Mr. LIVINGSTON]. One of the reasons we are here today is because of the outstanding work of the chairman of the Committee on Appropriations. We all owe him a great deal, and so do the American people.

Mr. LIVINGSTON. Mr. Speaker, I thank the gentleman from New York for yielding me a little bit of time to respond, and, playing on that last statement, does the gentleman want to know why his State will not apply for this deal? I am sure that his State would probably argue that they do not want this kind of deal because the fact is that the State of Louisiana unfortunately has placed itself in the predicament from which it is extracting itself, and I stress that.

I am not going to deny that abuses by various States around the country took place in the Medicaid Program years ago. They did. Two previous administrations of the Louisiana State government frankly abused the Medicaid Program; there is no doubt about it.

But this administration that just took over a few short months ago is taking great steps to remedy the situation. In fact, some steps began at the end of the previous administration, because unfortunately there were abuses, they had to acknowledge there had been abuses, and they ultimately had no choice because of measures taken by the distinguished former members and the chairman of the Committee on Commerce to remedy those abuses. They were left with absolutely no choice at all. They recognized that they spent too much in Medicaid. The previous administration of Governor Edwards found out that the abuse of the program must end. It was cut off by the Federal Government at the response of the investigations by Chairman DINGELL, when he was chairman on the Energy and Commerce Committee.

Now this new administration in Louisiana, that took office at the beginning of this year, has already made a billion dollars in cuts in their Medicaid Program. Only the State of Delaware and the State of Louisiana have made as many cuts in their optional Medicaid Programs. The provision in this bill would cap the Federal Medicaid payment to Louisiana at $2.6 billion, which is more severe and more austere than any other State in the Nation. This provision allows no growth beyond $2.6 billion, not even for inflation, this year, next year, and the following year. No other State in the Union is willing to take this kind of deal.

I have heard the two previous speakers say, oh, well, every State is going to jump up and get this kind of deal. The fact is they are not asking and they do not want this deal, they do not want this formula. Louisiana is acknowledging mistakes and saying that they are going to live up to their responsibilities with new Federal guidelines and meet the responsibilities that they have taken on. The Committee on Commerce Republican leadership has said that because Louisiana is willing to forgo the growth in their program in the funding for Medicaid in the outyears, they have been able to provide all the States with additional growth in Medicaid dollars.

So what we are doing in Louisiana is resulting in a template, a format for action that can be used with respect to other States. The Louisiana Medicaid provision we have included is similar to the provision that was included in the Balanced Budget Act and the Governors' Medicaid proposal.

So this is not new stuff, this was not late at night, this was not snuck in in some smoke-filled room. This actually was on the books in the past. The Louisiana situation is an emergency. If this funding does not go forward one-third, maybe as much as one-third of the medical personnel in Louisiana who provide services to the elderly and to the indigent simply will have to be laid off immediately, not next year or the year after that, immediately.

Now, this is an urgent situation, it is an emergency that is recognized by other Members, by both sides of the aisle and by both sides of this building in the Capitol of the United States as well as by the President of the United States, and that is why he is willing to sign the bill with this in it. He may not like every provision, but the fact is he has recognized that the State of Louisiana has acknowledged their problem, is willing to deal with it, and if other States were quite so forthright, they would adopt measures that parallel this.

To meet the Congressional Budget Office's concerns and the White House's initial objections to the provision, the final Louisiana Medicaid provision in this conference agreement would only last through the State's fiscal year 1997, and then we have to go back and make appropriations if there is a cost to the United States of America.

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In fact, in fiscal year 1996, the Congressional Budget Office says that what we have done costs the government absolutely nothing, absolutely zero, so all this talk about porkbusters is just fabrication. It does not cost the Government anything. Before we can go forward after fiscal year 1996, we have to begin to set out how we are going to pay for it.

I do not believe this provision is going to cost the Government anything in the outyears, because Louisiana is working with the people in the Congressional Budget Office to show how this arrangement will actually save the American taxpayer money, and that they are willing to cap their Medicaid payment at a very much lower level than they have previously received, in order to get themselves over the hump.

Had they cut themselves off cold turkey there would be a devastating shortfall that would have resulted in a reduction in services, medical services to the indigent in Louisiana, that simply would be unsustainable.

What we are doing is smoothing the playing field and giving them the opportunity to get out from under what I acknowledge was a bad situation in the years past, but we are correcting it. And I commend the leadership of the State of Louisiana for stepping up to the plate, and I commend, frankly, the good people on both sides of the aisle, both Chambers of Congress, and the administration, for acknowledging that what we have here is the best solution to an abuse that took place long ago.

Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Speaker, it is always good for us to talk about the cuts. Everybody likes to have cuts and to get spending under control. But I am happy to see that we reinstated some of the real vital programs in education that were so sorely needed.

However, there is one area of this budget that very much disturbs me. That is our veterans' facilities, our health care facilities. To me, I think what we are doing in this bill is absolutely, totally disgraceful. We are $400 million under the President's request on medical facilities for our veterans. We are $400 million short on construction.

Let me just point out a couple things. My dear friend, the gentleman from Georgia, talked about the emergency in Medicare, that we had to do something. I visited these hospitals when the Government shut down. These people were literally working for nothing.

To this day, some of them have not been reimbursed for the money that they had coming from the Government shutdown. Some of the nurses there are working two nurses a shift for 37 people in our VA hospital. It is an absolute disgrace what we are doing in this budget for the care of our American veterans.

Mr. Speaker, I think that the American people ought to know from where some of these cuts are coming. Sometimes we need to put a human face on cuts. It is good to stand here and talk about how much we have cut and how much we are cutting back and all these things that we are doing, but we have to put a human face to it. It comes from somewhere, and it is coming from the veterans' $400 million in the medical facilities for our veterans who laid it on the line for this country. I think it is absolutely disgraceful the way we are doing the cuts on the veterans of this country.

Mr. Speaker, I would hope that sometime in the near future we can rectify this, because we are paying an inordinately bad price for the veterans who served this country so well and for the folks who labor in these hospitals. They were diligent, they were there when the doors opened, they were there when the patients needed them. Now, when it comes to ante up and get the money, we are going to cut. I think it is an absolute disgrace what we are doing to the veterans of this country.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I listened to the statements from the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, about the plight of the State of Louisiana. Louisiana is trying to handle its own State budget, but so is every other State in this country. What Louisiana is getting is a very sweet deal. It is a special treatment. It is pork barrel money. They are getting Federal dollars without doing what they are required under Federal law to put up for their own citizens who receive Medicaid benefits.

The reason they are in this fix has nothing to do with the Federal Government. It has to do with the abuse by the State of Louisiana in the 1980's when they leveraged Federal dollars into the Medicaid Program and then did not even use it for health care. They used it for roads and they used it for prisons. They used it to balance their budget and they became addicted to that money. Now, because they have one of their own in a very powerful position, they are being singled out; they and New Hampshire, to get Federal dollars to help them meet their fiscal requirements.

The State of California has a problem. Every State has a problem to make their budgets match income and outgo. Medicaid is a big cost. But the Federal Government should not be standing in the place of those State governments to take on their responsibilities.

Put this in the context of what Republicans wanted earlier this year. What they wanted was a block grant with cuts in Federal and State dollars under the Medicaid Program, and the public that is to be served by those programs be damned. They could go without care under the provisions of what is substituted for the existing Medicaid Program under the Republican proposal. This is an outrage. It is unfair. It should not have happened.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I rise to correct the record. First of all, Mr. Speaker, Louisiana has a law on its books, has had a law on its books since well into the 1970's, that Medicaid receipts and Medicare moneys cannot be spent on anything but health care in that State. It was not spent on roads and bridges, as the gentleman in the well previously alluded to. I am sure that gentleman in the well previously alluded to. I am sure that gentleman voted against the earthquake relief to California when that State needed help from this Federal Government.

However, the provisions in this bill do not add a dime to the Federal deficit, do not increase spending in Louisiana one dime. It simply allows Louisiana to do something it has to do, and that is to correct the formula by which the State applied for and received its Federal funding all these years.

The State used a system whereby Federal and State dollars were accumulated in its Medicaid accounts and then matched to make its Medicaid formula. That is no longer allowed. That was a system the Federal Government allowed to happen over these years, and now we are going to face a $1.5 billion shortfall for the most needy people in our State if this provision is not adopted.

If any other State wants to freeze its accounts the way Louisiana is freezing them, come forward. That is what the bill provides.

Mr. SOLOMON. Mr. Speaker, I yield 1 minute to another gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, there were more displaced workers in the State of Louisiana when the oil industry collapsed than there are in the automobile industry, but when a vote was held on this Chamber and across the hall, unemployment compensation was extended to those who had been, unfortunately, adversely affected in the downturn in the automobile industry. It is something I would vote for again, but when the request was made for the oil and gas industry, it was turned down in both Chambers.

The point I am making is simple. The State of Louisiana has held its head up proud and, by the way, done something some of these folks should have thought about: Delivered good quality medical care at under the Federal reimbursement rate, not taking a dime from anyone that any other State was not getting per capita. And instead of sending a committee down to learn how they did it better, we said, "Let us punish them for not spending every dime in the Federal Treasury."

Now we have CBO saying, "You are not costing the taxpayer and another State a nickel." Maybe that is what has offended the other side in this debate, that another taxpayer is not having to pay another dime to bail out an automobile company or a big city.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I want the record to be very clear about the Louisiana situation. They did take Federal dollars on the claim that this was supposed to go to hospitals that served a disproportionate share of low-income patients. They put up some phony State dollars which were in fact Federal dollars, leveraged the Federal dollars to match it, and then used the additional Federal dollars for their own budget balancing, paying for roads and prisons.

Second, Mr. Speaker, I want the record to be clear that the State of Louisiana has not underspent because they were more efficient and gave better care than other States in the rest of the Nation.

Mr. DINGELL. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Speaker, the State of Louisiana is going to increase the budget deficit in the following fiscal year, the next fiscal year, and the year after that by $300 million each year, and God knows how much more after that.

Mr. WAXMAN. They are not being rewarded for their good deeds, Mr. Speaker, they are being rewarded for their bad deeds, by the power of those in their delegation that have been able to exact this special pork barrel treatment for the State of Louisiana.

Mr. MOAKLEY. Mr. Speaker, I yield 30 seconds to the gentleman from Wisconsin [Mr. BARRETT].

Mr. BARRETT of Wisconsin. Mr. Speaker, I think I have a better understanding now why the Republicans did not want to have the line-item veto apply this year. It was this type of provision, this type of provision that allows the State of Louisiana and the State of New Hampshire to benefit at the expenses of taxpayers throughout this country. It should not be in this bill, it should never have been put in this bill, and it is a disgrace that we have this in a bill at a time when we are trying to work together to bridge the gap between the two sides of this House. I am ashamed that we have this in this bill, and I am sorry it is here. This was a good faith attempt by Members on our side of the aisle to reach a compromise.

Mr. MOAKLEY. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield myself the remainder of my time.

Mr. Speaker, I would point out first that a previous speaker had talked about cuts in this budget on the floor here right now to the veterans hospital medical care delivery system. Let me assure the gentleman that this advocate for veterans will guarantee the gentleman that there is $400 million more in this budget than there was last year. It is the only increase in the entire part of this budget.

Mr. Speaker, second, let me just say this. I introduced a balanced budget on this floor a number of years ago which called for a balanced budget in 5 years. I had one on the floor last year that did the same thing. One Member said to me, "JERRY, how can you vote for this, when it does not really cut as much as you wanted it to?"

I am voting for it because it truly does put us on the road to a balanced budget. We are within this glide path. That is why JERRY SOLOMON is going to vote for this bill today. It shrinks the size and the power and the role of this Federal Government. It returns it to the States. It puts us on an irreversible path towards that philosophy.

I urge all of the Members to come over here, vote for this bill right now; vote for the rule, and then vote for the bill. The American people want you to do it.

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent that another Member may be permitted to speak.

Mr. SOLOMON. Mr. Speaker, I object.

The SPEAKER pro tempore (Mr. LAHOOD). Objection is heard.

Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. LIVINGSTON. Mr. Speaker, pursuant to House Resolution 415, I call up the conference report on the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to House Resolution 415, the conference report is considered as having been read.

(For conference report and statement, see prior proceedings of the House of today, Thursday, April 25, 1996.)

The SPEAKER pro tempore. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] will each control 30 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. LIVINGSTON].

☐ 1515

GENERAL LEAVE

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the conference report to accompany H.R. 3019, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman form Louisiana?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this conference report on H.R. 3019 wraps up all the appropriations matters for fiscal year 1996. I hope that this is lucky No. 14, because that is the number of temporary funding bills that we have had to get to this final measure. It is well past time to closeout all matters and move on to fiscal year 1997. Its budget debate will begin next week. In fact, it is 6 months past time.

This conference agreement honors the commitment of the Committee on Appropriations to reduce discretionary spending and put this country on a path to a balanced budget. It contains

$163.7 billion in gross spending, lest anybody says there is not enough money in this bill, with $4.34 billion in offsets, for a net spending total of $159.37 billion in total spending.

This amount will cause overall appropriations to be $30 billion below the President's request and $23 billion below last year. When we add the $11 billion net savings from our rescission bill last year, actually $20 billion aggregate savings, we have cut discretionary spending by a net total of roughly $34 billion in 16 months. In the aggregate, it is about $43 billion.

These numbers represent the termination of more than 200, two-zero-zero, 200 wasteful programs and bureaucracies. They represent a slowing down of increases in other programs. They represent a realignment of priorities, and they respect the funding priorities of the White House, the Senate, and the minority party as well.

For our part, we went into conference with the Senate determined to pay for all increases in spending, and I am pleased to tell the members that all increases proposed by the Senate are paid for. I am pleased to tell the members that $1.3 billion in disaster assistance supplementals are fully paid for; funding for Bosnia, for the floods in the Northwest, for anti-terrorism, and for additional assistance toward peace in the Middle East, are all paid for, not borrowed against the future, not added to last year's bill, but paid for.

By law we did not have to do this, but that has been our policy, and we have continuously for the last 16 months abided by that policy.

I am pleased to tell the Members that we provided $1 billion to national security priorities for our 40,000 troops in the Bosnia theater and $120 million to support the Mideast peace activities, again all paid for.

In summary, by paying for all increases in spending, we have produced a bill that is still below our budget caps and, for a $163 billion bill, that is a significant achievement.

Much of the controversy in this bill surrounds the environmental issues. It was the area of intense compromise, with roughly 7 issues on the table. Each represented a unique problem.

First, we retained the House language regarding the Mt. Graham red squirrel. We gave the President waiver authority we do not believe he will need in the contentious Tongass and Mojave and endangered species issues. We modified the Columbia River Basin language. We dropped the timber provision that the Clinton administration originally indicated they wanted, and we dropped wetlands language which we thought addressed a redundancy in the EPA/Corps wetland permitting process.

These were compromises, I stress, compromises. They were done in conjunction with the demands by the White House, but they were not everything that the White House wanted. They were compromises. They make everyone and no one happy, and in truth, most of these issues will be revisited again in a few short weeks as we commence the fiscal year 1997 bills.

I might add this bill reflects a number of priorities critical to Members on my side of the aisle. The Senate population language is dropped, underscore, dropped, and the medical school accreditation provision which has been so objectionable to those in the right-to-life community, again, was made permanent law for the first time, satisfying in both instances the people who are totally opposed to the concept of abortion.

I also regret that the cap on the student loan volume was dropped. Again, that was in a matter of compromise, and I would hope that the Committee on Economic and Educational Opportunities would be able to address that condition and correct that anomaly as soon as possible.

I would call our Members' attention to the reaffirmation of our commitment to our active veterans by increasing—I heard the word cut, that is absurd—increasing the medical care programs for veterans by $400 million above what was provided last year. The President in his budget, which was not altogether realistic, might have said that he wanted more money than that. This is a $400 million increase above last year.

And we funded NASA and the Space Shuttle Program, and we made a tremendous investment in our Nation's fight against crime.

Mr. Speaker, I want to say that this was a compromise. We could not have this finished product without the dedicated work and steadfast assistance—although he adhered to his own philosophical and deep-seated feelings that our side of the aisle is wrong and his side of the aisle is right—we could not have succeeded in reaching a conclusion without my colleague and friend, the ranking minority member of the Committee on Appropriations and the former chairman, the gentleman from Wisconsin [Mr. OBEY]. By all measurements, we are indeed an interesting team, but we have respected each other's priorities. We have communicated. We have worked well, separately and together.

I also want to say that it has been a joy to work not only with Mr. OBEY at the table but with Senator HATFIELD, whom I will miss greatly when he retires, and to acknowledge the support and leadership and steadfast dedication to conclusion of this effort by Senator Robert Byrd.

As well, I would say that frankly Mr. Panetta was a tough opponent in these negotiations, but it was a pleasure to work with him. I am glad for that because he came to the table with the intent to conclude this affair. We did reach a conclusion and I think one that all Americans can be satisfied with.

Mr. Speaker, 20 years from now when the American people look back on this, when our children and our grandchildren look back at this point in history, they will not remember what happened to these issues that I have touched on, not one of them. They will not remember what they were. They will not give a darn.

But they are going to look to those charts that show Government growing incessantly year after year after year up until 1995, and all of a sudden see it start to decline. That is what we have contributed to, $43 billion in savings in aggregating fiscal year 1995 and fiscal year 1996. We have started the trend to follow up on the words of the President of the United States when he stood right where you sit, Mr. Speaker, and he said, "The era of big government is now over."

We are taking him at his word. The world has changed. We are headed in the right direction with this bill, which is a compromise. It is the best compromise we can get. It is supported by our leadership in the House and Senate as well as the White House, and I urge its adoption.

Mr. Speaker, at this point in the RECORD I would like to insert several tables showing the details of the amounts in this conference agreement.

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF JUSTICE						
General Administration						
Salaries and expense: 1/						
Direct appropriation	119,643,000	73,229,000	74,282,000	74,282,000	74,282,000	-45,361,000
Crime trust fund	17,400,000	15,500,000				-17,400,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	74,282,000	74,282,000	-62,761,000
Working capital fund (rescission)	-5,500,000					+5,500,000
Counterterrorism fund	34,220,000	26,398,000	16,898,000	16,898,000	16,898,000	-17,322,000
Administrative review and appeals: 1/						
Direct appropriation		54,336,000	38,886,000	38,886,000	38,886,000	+38,886,000
Crime trust fund		33,180,000	47,780,000	47,780,000	47,780,000	+47,780,000
Total, Administrative review and appeals		87,516,000	86,666,000	86,666,000	86,666,000	+86,666,000
Office of Inspector General	30,484,000	36,744,000	28,960,000	28,960,000	28,960,000	-1,524,000
Total, General administration	196,247,000	239,387,000	206,806,000	206,806,000	206,806,000	+10,559,000
Appropriations	(184,347,000)	(190,707,000)	(159,026,000)	(159,026,000)	(159,026,000)	(-25,321,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(47,780,000)	(47,780,000)	(+30,380,000)
United States Parole Commission						
Salaries and expenses	7,450,000	6,781,000	5,446,000	5,446,000	5,446,000	-2,004,000
Legal Activities						
General legal activities:						
Direct appropriation	416,834,000	437,060,000	401,929,000	401,929,000	401,929,000	-14,905,000
(By transfer)			(12,000,000)	(12,000,000)	(12,000,000)	(+12,000,000)
Crime trust fund	4,600,000	7,591,000	7,591,000	7,591,000	7,591,000	+2,991,000
Total, General legal activities	(421,434,000)	(444,651,000)	(421,520,000)	(421,520,000)	(421,520,000)	(+86,000)
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	4,028,000	4,028,000	+1,528,000
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	2,884,000	2,884,000	-1,116,000
Civil liberties public education fund	5,000,000	5,000,000				-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000	85,143,000	85,143,000	
Offsetting fee collections - carryover	-4,500,000		-19,360,000	-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	41,003,000	43,490,000	17,521,000	17,521,000	17,521,000	-23,482,000
United States Attorneys:						
Direct appropriation	829,024,000	909,463,000	895,509,000	895,509,000	895,509,000	+66,485,000
Emergency appropriations (P.L. 104-19)	2,000,000					-2,000,000
Violent crime task force	15,000,000	15,000,000				-15,000,000
Crime trust fund	6,800,000	14,731,000	30,000,000	30,000,000	30,000,000	+23,200,000
Total, United States Attorneys	852,824,000	939,194,000	925,509,000	925,509,000	925,509,000	+72,685,000
United States Trustee System Fund	103,183,000	109,245,000	102,390,000	102,390,000	102,390,000	-793,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-44,191,000	-44,191,000	-3,594,000
Direct appropriation	62,586,000	65,054,000	58,199,000	58,199,000	58,199,000	-4,387,000
Foreign Claims Settlement Commission	830,000	905,000	830,000	830,000	830,000	
United States Marshals Service:						
Direct appropriation	396,782,000	446,887,000	423,248,000	423,248,000	423,248,000	+26,466,000
Crime trust fund		16,500,000	25,000,000	25,000,000	25,000,000	+25,000,000
Total, United States Marshals Service	396,782,000	463,387,000	448,248,000	448,248,000	448,248,000	+51,466,000
Federal Prisoner Detention	296,753,000	295,331,000	252,820,000	252,820,000	252,820,000	-43,933,000
(Prior year carryover)			(33,511,000)	(33,511,000)	(33,511,000)	(+33,511,000)
(By transfer)			(9,000,000)	(9,000,000)	(9,000,000)	(+9,000,000)
Total, Federal prisoner detention	(296,753,000)	(295,331,000)	(295,331,000)	(295,331,000)	(295,331,000)	(-1,422,000)
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	85,000,000	85,000,000	+7,018,000
Community Relations Service 2/	20,379,000	20,695,000	5,319,000	5,319,000	5,319,000	-15,060,000
Assets forfeiture fund	50,000,000	55,000,000	30,000,000	30,000,000	30,000,000	-20,000,000
Total, Legal activities	2,232,073,000	2,424,619,000	2,239,878,000	2,239,878,000	2,239,878,000	+7,805,000
Appropriations	(2,220,673,000)	(2,385,797,000)	(2,177,287,000)	(2,177,287,000)	(2,177,287,000)	(-43,386,000)
Crime trust fund	(11,400,000)	(38,822,000)	(62,591,000)	(62,591,000)	(62,591,000)	(+51,191,000)

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Radiation Exposure Compensation						
Administrative expenses	2,655,000	2,655,000	2,655,000	2,655,000	2,655,000	....
Advance appropriation	....	2,655,000	....	....	....	....
Payment to radiation exposure compensation trust fund	....	16,264,000	....	....	....	....
Advance appropriation	....	30,000,000	16,264,000	16,264,000	16,264,000	+16,264,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	18,919,000	18,919,000	+16,264,000
Interagency Law Enforcement						
Interagency crime and drug enforcement	374,943,000	378,473,000	359,843,000	359,843,000	359,843,000	-15,100,000
Federal Bureau of Investigation						
Salaries and expenses	2,038,774,000	2,305,387,000	2,002,438,000	2,002,438,000	2,002,438,000	-36,336,000
(By transfer)	....	....	(22,000,900)	(22,000,000)	(22,000,000)	(+22,000,000)
Emergency appropriations (P.L. 104-19)	77,140,000	....	....	....	....	-77,140,000
Counterintelligence and national security	80,421,000	82,224,000	102,345,000	102,345,000	102,345,000	+21,924,000
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000	84,400,000	84,400,000	....
Digital telephony (crime trust fund)	....	33,400,000	33,400,000	33,400,000	33,400,000	+33,400,000
Other initiatives (crime trust fund)	....	13,100,000	184,900,000	184,900,000	184,900,000	+184,900,000
Construction	....	99,259,000	97,589,000	97,589,000	97,589,000	+97,589,000
FBI State compatibility	....	....	....	11,800,000	....	....
Total, Federal Bureau of Investigation	2,280,735,000	2,617,770,000	2,505,072,000	2,516,872,000	2,505,072,000	+224,337,000
Appropriations	(2,280,735,000)	(2,571,270,000)	(2,286,772,000)	(2,298,572,000)	(2,286,772,000)	(+6,037,000)
Crime trust fund	....	(46,500,000)	(218,300,000)	(218,300,000)	(218,300,000)	(+218,300,000)
Drug Enforcement Administration						
Salaries and expenses	799,944,000	845,409,000	792,909,000	797,409,000	797,409,000	-2,535,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-47,241,000	-47,241,000	-3,810,000
Direct appropriation	756,513,000	798,168,000	745,668,000	750,168,000	750,168,000	-6,345,000
Crime trust fund	....	12,000,000	60,000,000	60,000,000	60,000,000	+60,000,000
Total, Drug Enforcement Administration	756,513,000	810,168,000	805,668,000	810,168,000	810,168,000	+53,655,000
Immigration and Naturalization Service						
Salaries and expenses:						
Direct appropriation	1,101,475,000	1,453,471,000	1,394,825,000	1,394,825,000	1,394,825,000	+293,350,000
Border Patrol:						
Direct appropriation (earmark)	....	....	(506,800,000)	(506,800,000)	(506,800,000)	(+506,800,000)
Crime trust fund (earmark)	....	....	(75,765,000)	(75,765,000)	(75,765,000)	(+75,765,000)
New offsetting fees	....	....	....	....	....	....
Subtotal, Border patrol	....	....	(582,565,000)	(582,565,000)	(582,565,000)	(+582,565,000)
Immigration initiative (crime trust fund)	100,600,000	335,498,000	162,628,000	162,628,000	162,628,000	+62,028,000
Border control system modernization (crime trust fund)	154,600,000	....	153,570,000	153,570,000	153,570,000	-1,030,000
Subtotal, Direct and crime trust fund	(1,356,675,000)	(1,788,969,000)	(1,711,023,000)	(1,711,023,000)	(1,711,023,000)	(+354,348,000)
Fee accounts:						
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(1,823,000)	(1,823,000)	(-1,659,000)
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(357,084,000)	(357,084,000)	(+26,132,000)
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(5,965,000)	(5,965,000)	(+4,381,000)
Immigration examinations fund	(291,097,000)	(304,572,000)	(440,160,000)	(440,160,000)	(440,160,000)	(+149,063,000)
Cuban/Haitian resettlement (examinations fund)	....	....	(10,057,000)	(10,057,000)	(10,057,000)	(+10,057,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(6,358,000)	(6,358,000)	(+158,000)
Subtotal, Fee accounts	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Construction	50,000,000	....	25,000,000	25,000,000	25,000,000	-25,000,000
Immigration Emergency Fund	30,000,000	....	....	....	....	-30,000,000
Total, Immigration and Naturalization Service	(2,069,990,000)	(2,464,771,000)	(2,557,470,000)	(2,557,470,000)	(2,557,470,000)	(+487,480,000)
Appropriations	(1,181,475,000)	(1,453,471,000)	(1,419,825,000)	(1,419,825,000)	(1,419,825,000)	(+238,350,000)
Crime trust fund	(255,200,000)	(335,498,000)	(316,198,000)	(316,198,000)	(316,198,000)	(+60,998,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(821,447,000)	(821,447,000)	(+188,132,000)
Federal Prison System						
Salaries and expenses	2,353,597,000	2,630,259,000	2,614,578,000	2,614,578,000	2,614,578,000	+260,981,000
Prior year carryover	-30,000,000	....	-47,000,000	-47,000,000	-47,000,000	-17,000,000
Direct appropriation	2,323,597,000	2,630,259,000	2,567,578,000	2,567,578,000	2,567,578,000	+243,981,000
Crime trust fund	....	13,500,000	13,500,000	13,500,000	13,500,000	+13,500,000
Total, Salaries and expenses	2,323,597,000	2,643,759,000	2,581,078,000	2,581,078,000	2,581,078,000	+257,481,000
National Institute of Corrections	10,302,000	10,158,000	....	....	....	-10,302,000
Buildings and facilities	276,301,000	323,728,000	334,728,000	334,728,000	334,728,000	+58,427,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
Total, Federal Prison System	2,610,200,000	2,977,645,000	2,915,806,000	2,915,806,000	2,915,806,000	+305,606,000
Office of Justice Programs						
Justice Assistance:						
Direct appropriation	97,977,000	102,345,000	99,977,000	99,977,000	99,977,000	+2,000,000
Crime trust fund:						
Violence Against Women Grants	26,000,000	174,900,000	174,500,000	174,500,000	174,500,000	+148,500,000
Rural law enforcement		10,252,000				
Model intensive prevention		48,216,000				
State prison drug treatment		27,000,000	27,000,000	27,000,000	27,000,000	+27,000,000
Other crime control programs		4,426,000	900,000	900,000	900,000	+900,000
Subtotal, Crime trust fund	26,000,000	264,794,000	202,400,000	202,400,000	202,400,000	+176,400,000
Total, Justice Assistance	123,977,000	367,139,000	302,377,000	302,377,000	302,377,000	+178,400,000
State and local law enforcement assistance:						
Direct appropriations:						
Byrne grants (discretionary)	62,000,000	50,000,000	60,000,000	60,000,000	60,000,000	-2,000,000
Byrne grants (formula)		190,000,000	328,000,000	328,000,000	328,000,000	+328,000,000
Weed and seed fund (direct)	13,456,000	5,000,000				-13,456,000
Weed and seed fund (earmarked)			(28,500,000)	(28,500,000)	(28,500,000)	(+28,500,000)
Subtotal, Direct appropriations	75,456,000	245,000,000	388,060,000	388,000,000	388,000,000	+312,544,000
Crime trust fund:						
Byrne grants (formula)	450,000,000	260,000,000	147,000,000	147,000,000	147,000,000	-303,000,000
Community policing (direct)	1,300,000,000	1,902,964,000			1,400,000,000	+100,000,000
Community policing (earmark)				(975,000,000)		
Police corps (earmark)				(10,000,000)	(10,000,000)	(+10,000,000)
Local law enforcement block grant			1,903,000,000	1,903,000,000	503,000,000	+503,000,000
Drug Courts (earmark)				(25,000,000)	(18,000,000)	(+18,000,000)
Boys and Girls clubs (earmark)				(20,000,000)	(11,000,000)	(+11,000,000)
D.C. Police (earmark)				(20,000,000)	(15,000,000)	(+15,000,000)
Crime prevention (earmark)				(80,000,000)		
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,050,000,000	2,050,000,000	2,050,000,000	+300,000,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	25,000,000	25,000,000	-75,000,000
State prison grants	24,500,000	500,000,000	617,500,000	617,500,000	617,500,000	+593,000,000
State criminal alien assistance program	130,000,000	300,000,000	300,000,000	300,000,000	300,000,000	+170,000,000
Youthful offender incarceration		9,643,000				
Drug Courts (direct)	11,900,000	150,000,000				-11,900,000
Ounce of Prevention Council	1,500,000					-1,500,000
Crime prevention (direct)		30,000,000				
Other crime control programs		26,799,000	12,700,000	12,700,000	12,700,000	+12,700,000
Subtotal, Crime trust fund	2,017,900,000	3,204,406,000	3,005,200,000	3,005,200,000	3,005,200,000	+987,300,000
Total, State and local law enforcement	2,093,356,000	3,449,406,000	3,393,200,000	3,393,200,000	3,393,200,000	+1,299,844,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	148,500,000	148,500,000	-6,750,000
Public safety officers benefits program:						
Death benefits	27,645,000	28,474,000	28,474,000	28,474,000	28,474,000	+829,000
Disability benefits	2,072,000	2,134,000	2,134,000	2,134,000	2,134,000	+62,000
Total, Office of Justice Programs	2,402,300,000	3,995,653,000	3,874,685,000	3,874,685,000	3,874,685,000	+1,472,385,000
Appropriations	(358,400,000)	(526,453,000)	(667,085,000)	(667,085,000)	(667,085,000)	(+308,685,000)
Crime trust fund	(2,043,900,000)	(3,469,200,000)	(3,207,600,000)	(3,207,600,000)	(3,207,600,000)	(+1,163,700,000)
Total, title I, Department of Justice	12,299,791,000	15,291,039,000	14,668,146,000	14,684,446,000	14,672,646,000	+2,372,855,000
Appropriations	(9,977,391,000)	(11,326,839,000)	(10,742,177,000)	(10,758,477,000)	(10,746,677,000)	(+769,286,000)
Crime trust fund	(2,327,900,000)	(3,964,200,000)	(3,925,969,000)	(3,925,969,000)	(3,925,969,000)	(+1,598,069,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES						
TRADE AND INFRASTRUCTURE DEVELOPMENT						
Office of the United States Trade Representative						
Salaries and expenses	20,949,000	20,949,000	20,889,000	20,889,000	20,889,000	-60,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
International Trade Commission						
Salaries and expenses	42,500,000	47,177,000	40,000,000	40,000,000	40,000,000	-2,500,000
Total, Related agencies	63,449,000	68,126,000	60,889,000	60,889,000	60,889,000	-2,560,000
International Trade Administration						
Operations and administration	266,093,000	279,558,000	264,885,000	264,885,000	264,885,000	-1,208,000
Export Administration						
Operations and administration	38,644,000	48,441,000	38,604,000	38,604,000	38,604,000	-40,000
Economic Development Administration						
Economic development assistance programs	382,783,000	407,783,000	328,500,000	328,500,000	328,500,000	-54,283,000
Emergency rescission (P.L. 104-19)	-5,250,000	....	....	....	....	+5,250,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	20,000,000	20,000,000	-12,144,000
Total, Economic Development Administration	409,677,000	438,966,000	348,500,000	348,500,000	348,500,000	-61,177,000
Minority Business Development Agency						
Minority business development	43,789,000	47,921,000	32,000,000	32,000,000	32,000,000	-11,789,000
United States Travel and Tourism Administration						
Salaries and expenses (P.L. 104-99)	16,328,000	16,303,000	2,000,000	2,000,000	2,000,000	-14,328,000
Total, Trade and Infrastructure Development	837,980,000	899,315,000	746,878,000	746,878,000	746,878,000	-91,102,000
ECONOMIC AND INFORMATION INFRASTRUCTURE						
Economic and Statistical Analysis						
Salaries and expenses	46,896,000	57,220,000	45,900,000	45,900,000	45,900,000	-996,000
Economics and statistics administration revolving fund	1,677,000	....	....	....	....	-1,677,000
Bureau of the Census						
Salaries and expenses	136,000,000	144,812,000	133,812,000	133,812,000	133,812,000	-2,188,000
Periodic censuses and programs	142,083,000	193,450,000	150,300,000	150,300,000	150,300,000	+8,217,000
Total, Bureau of the Census	278,083,000	338,262,000	284,112,000	284,112,000	284,112,000	+6,029,000
National Telecommunications and Information Administration						
Salaries and expenses	20,961,000	22,932,000	17,000,000	17,000,000	17,000,000	-3,961,000
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	15,500,000	15,500,000	15,500,000	-13,483,000
Endowment for Children's Educational Television	2,499,000	2,502,000	....	....	....	-2,499,000
Information infrastructure grants	44,962,000	99,912,000	21,500,000	21,500,000	21,500,000	-23,462,000
Total, National Telecommunications and Information Administration	97,405,000	133,305,000	54,000,000	54,000,000	54,000,000	-43,405,000
Patent and Trademark Office						
Salaries and expenses	82,324,000	110,868,000	82,324,000	82,324,000	82,324,000	....
Total, Economic and Information Infrastructure	506,385,000	639,655,000	466,336,000	466,336,000	466,336,000	-40,049,000
SCIENCE AND TECHNOLOGY						
National Institute of Standards and Technology						
Scientific and technical research and services	247,486,000	310,679,000	259,000,000	259,000,000	259,000,000	+11,514,000
Industrial technology services	418,373,000	642,458,000	80,000,000	80,000,000	301,000,000	-117,373,000
Construction of research facilities	34,639,000	69,913,000	60,000,000	60,000,000	60,000,000	+25,361,000
Total, National Institute of Standards and Technology	700,498,000	1,023,050,000	399,000,000	399,000,000	620,000,000	-80,498,000
National Oceanic and Atmospheric Administration						
Operations, research and facilities 3/	1,805,092,000	2,021,135,000	1,795,677,000	1,802,677,000	1,795,677,000	-9,415,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	-3,000,000	-3,000,000	+3,000,000
Direct appropriation	1,799,092,000	2,018,135,000	1,792,677,000	1,799,677,000	1,792,677,000	-6,415,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(63,000,000)	(+7,500,000)
(By transfer from Damage assessment & restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	3,900,000	3,900,000	-4,600,000
(Damage assessment & restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-3,900,000	-3,900,000	-2,400,000
Total, Operations, research and facilities	1,806,092,000	2,018,135,000	1,792,677,000	1,799,677,000	1,792,677,000	-13,415,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	(7,800,000)	....
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	(-7,800,000)	....

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Construction	82,254,000	52,299,000	50,000,000	50,000,000	50,000,000	-32,254,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	8,000,000	8,000,000	8,000,000	-14,936,000
GOES satellite contingency fund (rescission)	-2,500,000					+2,500,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	1,032,000	1,032,000	-241,000
Fishermen's contingency fund	999,000	1,000,000	999,000	999,000	999,000	
Foreign fishing observer fund	400,000	396,000	196,000	196,000	196,000	-204,000
Fishing vessel obligations guarantees	250,000	250,000	250,000	250,000	250,000	
Total, National Oceanic and Atmospheric Administration	1,911,704,000	2,096,709,000	1,853,154,000	1,860,154,000	1,853,154,000	-58,550,000
Technology Administration						
Salaries and expenses	8,242,000	13,906,000	5,000,000	5,000,000	7,000,000	-1,242,000
National Technical Information Service						
NTIS revolving fund	7,000,000					-7,000,000
Total, Science and Technology	2,627,444,000	3,133,665,000	2,257,154,000	2,264,154,000	2,480,154,000	-147,290,000
General Administration						
Salaries and expenses	36,471,000	35,826,000	29,100,000	29,100,000	29,100,000	-7,371,000
Office of Inspector General	16,887,000	22,249,000	19,849,000	19,849,000	19,849,000	+2,962,000
Total, General administration	53,358,000	58,075,000	48,949,000	48,949,000	48,949,000	-4,409,000
National Institute of Standards and Technology						
Construction of research facilities (rescission)			-75,000,000	-75,000,000	-75,000,000	-75,000,000
Total, Department of Commerce	3,961,718,000	4,662,584,000	3,383,428,000	3,390,428,000	3,606,428,000	-355,290,000
Total, title II, Department of Commerce and related agencies	4,025,167,000	4,730,710,000	3,444,317,000	3,451,317,000	3,667,317,000	-357,850,000
(By transfer)	(55,500,000)	(55,500,000)	(63,000,000)	(63,000,000)	(63,000,000)	(+7,500,000)
TITLE III - THE JUDICIARY						
Supreme Court of the United States						
Salaries and expenses:						
Salaries of justices	1,657,000	1,662,000	1,662,000	1,662,000	1,662,000	+5,000
Other salaries and expenses	22,583,000	24,172,000	24,172,000	24,172,000	24,172,000	+1,589,000
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	25,834,000	25,834,000	+1,594,000
Care of the building and grounds	3,000,000	4,003,000	3,313,000	3,313,000	3,313,000	+313,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	29,147,000	29,147,000	+1,907,000
United States Court of Appeals for the Federal Circuit						
Salaries and expenses:						
Salaries of judges	1,758,000	1,892,000	1,892,000	1,892,000	1,892,000	+134,000
Other salaries and expenses	11,680,000	13,603,000	12,396,000	12,396,000	12,396,000	+716,000
Total, Salaries and expenses	13,438,000	15,495,000	14,288,000	14,288,000	14,288,000	+850,000
United States Court of International Trade						
Salaries and expenses:						
Salaries of judges	1,385,000	1,413,000	1,413,000	1,413,000	1,413,000	+28,000
Other salaries and expenses	9,300,000	9,446,000	9,446,000	9,446,000	9,446,000	+146,000
Total, Salaries and expenses	10,685,000	10,859,000	10,859,000	10,859,000	10,859,000	+174,000
Courts of Appeals, District Courts, and Other Judicial Services						
Salaries and expenses:						
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	226,024,000	226,024,000	+5,596,000
Other salaries and expenses	2,119,699,000	2,419,941,000	2,207,117,000	2,207,117,000	2,207,117,000	+87,418,000
Direct appropriation	2,340,127,000	2,645,965,000	2,433,141,000	2,433,141,000	2,433,141,000	+93,014,000
Crime trust fund		30,700,000	30,000,000	30,000,000	30,000,000	+30,000,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,463,141,000	2,463,141,000	2,463,141,000	+123,014,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	2,318,000	2,318,000	+68,000
Defender services	240,500,000	295,761,000	267,217,000	267,217,000	267,217,000	+26,717,000
Fees of jurors and commissioners	54,346,000	72,008,000	59,028,000	59,028,000	59,028,000	+4,682,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Court security	97,000,000	116,433,000	102,000,000	102,000,000	102,000,000	+5,000,000
Emergency appropriations (P.L. 104-19)	16,640,000					-16,640,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,750,863,000	3,163,187,000	2,893,704,000	2,893,704,000	2,893,704,000	+142,841,000
Administrative Office of the United States Courts						
Salaries and expenses	47,500,000	53,445,000	47,500,000	47,500,000	47,500,000	
Federal Judicial Center						
Salaries and expenses	18,828,000	20,771,000	17,914,000	17,914,000	17,914,000	-914,000
Judicial Retirement Funds						
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	32,900,000	32,900,000	+4,425,000
United States Sentencing Commission						
Salaries and expenses	8,800,000	9,500,000	8,500,000	8,500,000	8,500,000	-300,000
Total, title III, the Judiciary	2,905,829,000	3,335,994,000	3,054,812,000	3,054,812,000	3,054,812,000	+148,983,000
Appropriations	(2,905,829,000)	(3,305,294,000)	(3,024,812,000)	(3,024,812,000)	(3,024,812,000)	(+118,983,000)
Crime trust fund		(30,700,000)	(30,000,000)	(30,000,000)	(30,000,000)	(+30,000,000)
TITLE IV - DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Diplomatic and consular programs	1,724,628,000	1,748,438,000	1,708,800,000	1,708,800,000	1,708,800,000	-15,828,000
Security enhancements		9,720,000	9,720,000	9,720,000	9,720,000	+9,720,000
Registration fees	700,000	700,000	700,000	700,000	700,000	
Total, Diplomatic and consular programs	1,725,328,000	1,758,858,000	1,719,220,000	1,719,220,000	1,719,220,000	-6,108,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	363,276,000	363,276,000	-20,696,000
Security enhancements		1,870,000	1,870,000	1,870,000	1,870,000	+1,870,000
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	365,146,000	365,146,000	-18,826,000
Capital investment fund		32,800,000	16,400,000	16,400,000	16,400,000	+16,400,000
Office of Inspector General	23,850,000	24,250,000	27,369,000	27,369,000	27,369,000	+3,519,000
Representation allowances	4,780,000	4,800,000	4,500,000	4,500,000	4,500,000	-280,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	8,579,000	8,579,000	-1,000,000
Security and maintenance of United States missions	391,760,000	421,760,000	385,760,000	385,760,000	385,760,000	-6,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	6,000,000	6,000,000	-500,000
Repatriation Loans Program Account:						
Direct loans subsidy	593,000	593,000	593,000	593,000	593,000	
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	
Administrative expenses	183,000	183,000	183,000	183,000	183,000	
Total, Repatriation loans program account	776,000	776,000	776,000	776,000	776,000	
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	15,165,000	15,165,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	125,402,000	125,402,000	-3,919,000
Total, Administration of Foreign Affairs	2,691,331,000	2,773,040,000	2,674,317,000	2,674,317,000	2,674,317,000	-17,014,000
International Organizations and Conferences						
Contributions to international organizations, current year assessment	872,661,000	923,057,000	700,000,000	700,000,000	892,000,000	+19,339,000
Contributions for international peacekeeping activities, current year assessment	518,687,000	445,000,000	225,000,000	225,000,000	359,000,000	-159,687,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	3,000,000	3,000,000	-3,000,000
Total, International Organizations and Conferences	1,397,348,000	1,374,057,000	928,000,000	928,000,000	1,254,000,000	-143,348,000
International Commissions						
International Boundary and Water Commission, United States and Mexico:						
Salaries and expenses	12,858,000	13,858,000	12,058,000	12,058,000	12,058,000	-800,000
Construction	6,644,000	10,398,000	6,644,000	6,644,000	6,644,000	
American sections, international commissions	5,800,000	6,290,000	5,800,000	5,800,000	5,800,000	
International fisheries commissions	14,669,000	14,669,000	14,669,000	14,669,000	14,669,000	
Total, International commissions	39,971,000	45,215,000	39,171,000	39,171,000	39,171,000	-800,000
Other						
Payment to the Asia Foundation	10,000,000	10,000,000	5,000,000	5,000,000	5,000,000	-5,000,000
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000					-5,000,000
Total, Department of State	4,143,650,000	4,202,312,000	3,646,488,000	3,646,488,000	3,972,488,000	-171,162,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
RELATED AGENCIES						
Arms Control and Disarmament Agency						
Arms control and disarmament activities	50,378,000	76,300,000	32,700,000	35,700,000	38,700,000	-11,678,000
Board for International Broadcasting						
Israel Relay Station (rescission)	-2,000,000					+2,000,000
United States Information Agency						
Salaries and expenses	475,645,000	496,002,000	445,645,000	445,645,000	445,645,000	-30,000,000
Technology fund		10,100,000	5,050,000	5,050,000	5,050,000	+5,050,000
Office of Inspector General	4,300,000	4,593,000				-4,300,000
Educational and cultural exchange programs	233,279,000	252,676,000	200,000,000	200,000,000	200,000,000	-33,279,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000					-42,000,000
Subtotal	275,279,000	252,676,000	200,000,000	200,000,000	200,000,000	-75,279,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	509,000	509,000	509,000	-2,291,000
Israeli Arab scholarship program	397,000	397,000	397,000	397,000	397,000	
International Broadcasting Operations 4/	475,363,000	395,340,000	325,191,000	325,191,000	325,191,000	-150,172,000
Radio Free Asia:						
Operations (direct)	5,000,000					-5,000,000
Operations (earmarked)		(10,000,000)	(5,000,000)	(5,000,000)	(5,000,000)	(+5,000,000)
Broadcasting to Cuba (direct)	24,809,000		24,809,000	24,809,000	24,809,000	
Broadcasting to Cuba (earmarked)		(26,063,000)				
Radio construction	69,314,000	85,919,000	40,000,000	40,000,000	40,000,000	-29,314,000
East-West Center	24,500,000	20,000,000	11,750,000	11,750,000	11,750,000	-12,750,000
North/South Center	4,000,000	1,000,000	2,000,000	2,000,000	2,000,000	-2,000,000
National Endowment for Democracy	34,000,000	34,000,000	30,000,000	30,000,000	30,000,000	-4,000,000
Total, United States Information Agency	1,395,407,000	1,300,327,000	1,085,351,000	1,085,351,000	1,085,351,000	-310,056,000
Total, related agencies	1,443,785,000	1,376,627,000	1,118,051,000	1,121,051,000	1,124,051,000	-319,734,000
Total, title IV, Department of State	5,587,435,000	5,578,939,000	4,764,539,000	4,767,539,000	5,096,539,000	-490,896,000
TITLE V - RELATED AGENCIES						
DEPARTMENT OF TRANSPORTATION						
Maritime Administration						
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
Maritime National Security Program		175,000,000				
Defense function			46,000,000	46,000,000	46,000,000	+46,000,000
Operations and training	76,087,000	81,650,000	66,600,000	66,600,000	66,600,000	-9,487,000
Ready reserve force:						
Maintenance, operations and facilities	149,653,000					-149,653,000
Rescission	-158,000,000					+158,000,000
Total, Ready reserve force	-8,347,000					+8,347,000
Maritime Guaranteed Loan Program Account:						
Guaranteed loans subsidy	25,000,000	48,000,000	40,000,000	40,000,000	40,000,000	+15,000,000
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(+750,000,000)
Administrative expenses	2,000,000	4,000,000	3,500,000	3,500,000	3,500,000	+1,500,000
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	43,500,000	43,500,000	43,500,000	+16,500,000
Total, Maritime Administration	94,740,000	308,650,000	156,100,000	156,100,000	156,100,000	+61,360,000
Commission for the Preservation of America's Heritage Abroad						
Salaries and expenses	206,000	212,000	206,000	206,000	206,000	
Commission on Civil Rights						
Salaries and expenses	9,000,000	11,400,000	8,750,000	8,750,000	8,750,000	-250,000
Commission on Immigration Reform						
Salaries and expenses	1,894,000	2,877,000	1,894,000	1,894,000	1,894,000	
Commission on Security and Cooperation in Europe						
Salaries and expenses	1,090,000	1,122,000	1,090,000	1,090,000	1,090,000	
Competitiveness Policy Council						
Salaries and expenses	1,000,000	503,000		100,000	50,000	-950,000
Equal Employment Opportunity Commission						
Salaries and expenses	233,000,000	268,000,000	233,000,000	233,000,000	233,000,000	

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Communications Commission						
Salaries and expenses	185,232,000	223,600,000	175,709,000	195,709,000	185,709,000	+477,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000	-136,400,000	-126,400,000	-10,000,000
Direct appropriation	68,832,000	107,200,000	59,309,000	59,309,000	59,309,000	-9,523,000
Federal Maritime Commission						
Salaries and expenses	18,569,000	18,947,000	14,855,000	14,855,000	14,855,000	-3,714,000
Offsetting fee collections		-2,228,000				
Direct appropriation	18,569,000	16,719,000	14,855,000	14,855,000	14,855,000	-3,714,000
Federal Trade Commission						
Salaries and expenses	98,928,000	107,873,000	98,928,000	98,928,000	98,928,000	
Offsetting fee collections - carryover	-4,500,000		-19,360,000	-19,360,000	-19,360,000	-14,860,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-48,262,000	-48,262,000	-8,622,000
Direct appropriation	54,788,000	59,611,000	31,306,000	31,306,000	31,306,000	-23,482,000
Japan - United States Friendship Commission						
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000	1,247,000	1,247,000	
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	
Legal Services Corporation						
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	300,000,000	278,000,000	-122,000,000
Marine Mammal Commission						
Salaries and expenses	1,384,000	1,425,000	1,190,000	1,190,000	1,190,000	-194,000
Martin Luther King, Jr. Federal Holiday Commission						
Salaries and expenses	300,000	350,000	350,000	350,000	350,000	+50,000
National Bankruptcy Review Commission						
Salaries and expenses (by transfer)	(1,000,000)					(-1,000,000)
Ounce of Prevention Council						
Direct appropriation				1,500,000	1,500,000	+1,500,000
Crime trust fund 4/		14,700,000				
Total, Ounce of Prevention Council		14,700,000		1,500,000	1,500,000	+1,500,000
Securities and Exchange Commission						
Salaries and expenses	297,405,000	342,922,000	297,405,000	297,405,000	297,405,000	
Offsetting fee collections	-192,000,000		-184,293,000	-184,293,000	-184,293,000	+7,707,000
Offsetting fee collections - carryover	-30,549,000		-9,667,000	-9,667,000	-9,667,000	+20,882,000
Investment adviser fee - offsetting collection	(-8,595,000)					(+8,595,000)
Direct appropriation	74,856,000	342,922,000	103,445,000	103,445,000	103,445,000	+28,589,000
Small Business Administration						
Salaries and expenses	251,504,000	242,831,000	222,490,000	222,490,000	222,490,000	-29,014,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	-3,300,000	-3,300,000	+6,050,000
Direct appropriation	242,154,000	239,531,000	219,190,000	219,190,000	219,190,000	-22,964,000
Office of Inspector General	8,500,000	9,200,000	8,500,000	8,500,000	8,500,000	
Business Loans Program Account:						
Direct loans subsidy	3,596,000	12,428,000	4,500,000	4,500,000	4,500,000	+904,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	155,010,000	155,010,000	155,010,000	-119,429,000
Micro loan guarantees	1,216,000	1,700,000	1,216,000	1,216,000	1,216,000	
Section 503. prepayment	30,000,000					-30,000,000
Administrative expenses	97,000,000	99,910,000	92,622,000	92,622,000	92,622,000	-4,378,000
Total, Business loans program account	406,251,000	164,873,000	253,348,000	253,348,000	253,348,000	-152,903,000
Disaster Loans Program Account:						
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	34,432,000	34,432,000	-17,721,000
Administrative expenses	78,000,000	80,340,000	71,578,000	71,578,000	71,578,000	-6,422,000
Contingency fund (emergency)	125,000,000	100,000,000				-125,000,000
Total, Disaster loans program account	255,153,000	214,772,000	106,010,000	106,010,000	106,010,000	-149,143,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	2,530,000	2,530,000	-2,839,000
Total, Small Business Administration	917,427,000	630,906,000	589,578,000	589,578,000	589,578,000	-327,849,000

FY 1996 DEPARTMENTS OF COMMERCE, JUSTICE AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
State Justice Institute						
Salaries and expenses 6/	13,550,000	13,550,000	5,000,000	5,000,000	5,000,000	-8,550,000
Crime trust fund		600,000				
Total, State Justice Institute	13,550,000	14,150,000	5,000,000	5,000,000	5,000,000	-8,550,000
Total, title V, Related agencies	1,891,883,000	2,221,997,000	1,485,320,000	1,508,920,000	1,486,870,000	-405,013,000
Appropriations	(2,049,883,000)	(2,206,697,000)	(1,485,320,000)	(1,508,920,000)	(1,486,870,000)	(-563,013,000)
Rescission	(-158,000,000)					(+158,000,000)
Crime trust fund		(15,300,000)				
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
TITLE VI - GENERAL PROVISIONS						
Procurement: General provisions 7/	-11,769,000					+11,769,000
Total, title VI, general provisions	-11,769,000					+11,769,000
TITLE VII - RESCISSIONS						
DEPARTMENT OF JUSTICE						
General Administration						
Working capital fund (rescission)			-65,000,000	-65,000,000	-65,000,000	-65,000,000
DEPARTMENT OF STATE						
Administration of Foreign Affairs						
Acquisition and maintenance of buildings abroad (rescission)			-60,000,000	-95,500,000	-64,500,000	-64,500,000
RELATED AGENCIES						
United States Information Agency						
Radio construction (rescission)			-7,400,000	-7,400,000	-7,400,000	-7,400,000
Total, title VII, Rescissions			-132,400,000	-167,900,000	-136,900,000	-136,900,000
Grand total:						
New budget (obligational) authority	26,698,336,000	31,158,679,000	27,284,734,000	27,299,134,000	27,841,284,000	+1,142,948,000
Appropriations	(24,541,686,000)	(27,148,479,000)	(23,536,165,000)	(23,586,065,000)	(24,097,215,000)	(-444,471,000)
Rescissions	(-171,250,000)		(-207,400,000)	(-242,900,000)	(-211,900,000)	(-40,650,000)
Crime trust fund	(2,327,900,000)	(4,010,200,000)	(3,955,969,000)	(3,955,969,000)	(3,955,969,000)	(+1,628,069,000)
(By transfer)	(56,500,000)	(55,500,000)	(106,000,000)	(106,000,000)	(106,000,000)	(+49,500,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(3,559,000)	(3,559,000)	(+96,000)
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	(741,000)	(741,000)	
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(162,610,000)	(162,610,000)	(-51,746,000)
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	(1,420,000)	

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".

2/ Doesn't reflect transfers to INS and GLA.

3/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.

4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.

5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.

6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.

7/ The FY 1995 budget authority amount reflects the unspread balance.

FY 1996 DISTRICT OF COLUMBIA APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
FEDERAL FUNDS						
Federal payment to the District of Columbia	660,000,000	660,000,000	660,000,000	660,000,000	660,000,000	
Federal contribution to retirement funds	52,070,000	52,070,000	52,000,000	52,070,000	52,070,000	
Federal contribution for education reform				14,930,000		
Total, Federal funds to the District of Columbia	712,070,000	712,070,000	712,000,000	727,000,000	712,070,000	
DISTRICT OF COLUMBIA FUNDS						
Operating Expenses						
Governmental direction and support	(131,077,000)	(150,721,000)	(149,793,000)	(149,130,000)	(149,130,000)	(+18,053,000)
Economic development and regulation	(149,858,000)	(142,711,000)	(139,285,000)	(140,983,000)	(140,983,000)	(-8,875,000)
Human resources development	(87,752,000)					(-87,752,000)
Public safety and justice	(902,466,000)	(960,747,000)	(954,106,000)	(963,848,000)	(963,848,000)	(+61,382,000)
Public education system	(832,303,000)	(800,080,000)	(788,983,000)	(795,201,000)	(795,201,000)	(-37,102,000)
Education reform				(14,930,000)		
Human support services	(1,542,648,000)	(1,859,622,000)	(1,845,638,000)	(1,855,014,000)	(1,855,014,000)	(+312,366,000)
Public works	(279,627,000)	(297,568,000)	(297,326,000)	(297,568,000)	(297,568,000)	(+17,941,000)
Financing and other		(269,654,000)				
Washington Convention Center Fund	(12,850,000)		(5,400,000)	(5,400,000)	(5,400,000)	(-7,450,000)
Repayment of loans and interest	(306,768,000)		(327,787,000)	(327,787,000)	(327,787,000)	(+21,019,000)
Repayment of general fund recovery debt	(38,678,000)		(38,678,000)	(38,678,000)	(38,678,000)	
Short-term borrowing	(5,000,000)		(9,698,000)	(9,698,000)	(9,698,000)	(+4,698,000)
Pay renegotiation or reduction in compensation			(-46,409,000)	(-46,409,000)	(-46,409,000)	(-46,409,000)
Optical and dental benefits	(3,312,000)					(-3,312,000)
Pay adjustment	(106,095,000)					(-106,095,000)
D.C. General Hospital deficit payment	(10,000,000)					(-10,000,000)
Rainy day fund	(22,508,000)	(4,563,000)	(4,563,000)	(4,563,000)	(4,563,000)	(-17,945,000)
Job-producing economic development incentives	(22,600,000)					(-22,600,000)
Cash reserve fund	(3,957,000)					(-3,957,000)
Incentive buyout program			(19,000,000)	(19,000,000)	(19,000,000)	(+19,000,000)
Outplacement			(1,500,000)	(1,500,000)	(1,500,000)	(+1,500,000)
Boards and Commissions		(-500,000)	(-500,000)	(-500,000)	(-500,000)	(-500,000)
Government reengineering program			(-16,000,000)	(-16,000,000)	(-16,000,000)	(-16,000,000)
Personal and nonpersonal services adjustments	(-13,632,000)		(-148,411,000)	(-165,837,000)	(-150,907,000)	(-137,275,000)
Sec. 138(a) reduction in FY 1995 expenses	(-140,000,000)					(+140,000,000)
Total, operating expenses, general fund	(4,303,867,000)	(4,485,166,000)	(4,370,437,000)	(4,394,554,000)	(4,394,554,000)	(+90,687,000)
Capital Outlay						
General fund	(94,238,000)	(62,562,000)	(62,562,000)	(62,562,000)	(62,562,000)	(-31,676,000)
Enterprise Funds						
Water and Sewer Enterprise Fund:						
Operating expenses	(275,576,000)	(243,853,000)	(193,398,000)	(242,253,000)	(242,253,000)	(-33,323,000)
Capital outlay	(23,354,635)	(39,477,000)	(39,477,000)	(39,477,000)	(39,477,000)	(+16,122,365)
Total, Water and Sewer Enterprise Fund	(298,930,635)	(283,330,000)	(232,875,000)	(281,730,000)	(281,730,000)	(-17,200,635)
Lottery and Charitable Games Enterprise Fund	(192,068,000)	(229,950,000)	(229,907,000)	(229,950,000)	(229,950,000)	(+37,882,000)
Cable Television Enterprise Fund	(2,654,000)	(2,351,000)	(2,469,000)	(2,351,000)	(2,351,000)	(-303,000)
Sports Commission (STARPLEX)	(6,392,000)	(6,580,000)	(8,637,000)	(6,580,000)	(6,580,000)	(+188,000)
D.C. General Hospital	(143,920,000)	(115,034,000)	(-2,487,000)	(58,299,000)	(58,299,000)	(-85,621,000)
D.C. Retirement Board		(13,440,000)	(13,417,000)	(13,440,000)	(13,440,000)	(+13,440,000)
Correctional Industries	(7,642,000)	(10,516,000)	(10,048,000)	(10,516,000)	(10,516,000)	(+2,874,000)
Washington Conventional Center Enterprise Fund	(19,541,000)	(37,957,000)	(37,957,000)	(32,557,000)	(32,557,000)	(+13,016,000)
D.C. Financial Responsibility and Management Assistance Authority		(3,500,000)	(3,500,000)	(3,500,000)	(3,500,000)	(+3,500,000)
Total, Enterprise Funds	(671,147,635)	(702,658,000)	(536,323,000)	(638,923,000)	(638,923,000)	(-32,224,635)
Total, District of Columbia funds	(5,069,252,635)	(5,250,386,000)	(4,969,322,000)	(5,096,039,000)	(5,096,039,000)	(+26,786,365)
Total, title I, fiscal year 1996 appropriations:						
Federal Funds to the District of Columbia	712,070,000	712,070,000	712,000,000	727,000,000	712,070,000	
District of Columbia funds	(5,069,252,635)	(5,250,386,000)	(4,969,322,000)	(5,096,039,000)	(5,096,039,000)	(+26,786,365)

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019)

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management						
Management of lands and resources	597,236,000	616,547,000	567,152,000	567,753,000	567,453,000	-29,783,000
Fire protection	114,748,000	114,763,000				-114,748,000
Emergency Department of the Interior firefighting fund	121,176,000	131,482,000				-121,176,000
Wildland fire management			235,924,000	235,924,000	235,924,000	+235,924,000
Central hazmat account	13,409,000	14,024,000	10,000,000	10,000,000	10,000,000	-3,409,000
Construction and access	12,068,000	3,019,000	3,115,000	3,115,000	3,115,000	-8,953,000
Payments in lieu of taxes	101,409,000	113,911,000	101,500,000	101,500,000	113,500,000	+12,091,000
Land acquisition	14,757,000	24,473,000	12,800,000	12,800,000	12,800,000	-1,957,000
Oregon and California grant lands	97,364,000	112,752,000	93,379,000	97,452,000	97,452,000	+88,000
Range improvements (indefinite)	10,350,000	9,113,000	9,113,000	9,113,000	9,113,000	-1,237,000
Service charges, deposits, & forfeitures (indefinite)	8,883,000	8,993,000	8,993,000	8,993,000	8,993,000	+110,000
Miscellaneous trust funds (indefinite)	7,605,000	7,605,000	7,605,000	7,605,000	7,605,000	
Total, Bureau of Land Management	1,099,005,000	1,156,682,000	1,049,581,000	1,054,255,000	1,065,955,000	-33,050,000
United States Fish and Wildlife Service						
Resource management	511,334,000	535,018,000	497,670,000	499,100,000	501,010,000	-10,324,000
Construction	53,768,000	34,095,000	37,655,000	37,655,000	37,655,000	-16,113,000
Natural resource damage assessment and restoration fund	6,687,000	6,700,000	4,000,000	4,000,000	4,000,000	-2,687,000
Land acquisition	67,141,000	62,912,000	45,400,000	36,900,000	36,900,000	-30,241,000
Cooperative endangered species conservation fund	8,983,000	38,000,000	8,085,000	8,085,000	8,085,000	-898,000
National wildlife refuge fund	11,977,000	11,371,000	10,779,000	10,779,000	10,779,000	-1,198,000
Rewards and operations	1,167,000	1,169,000	600,000	600,000	600,000	-567,000
North American wetlands conservation fund	8,983,000	12,000,000	6,750,000	6,750,000	6,750,000	-2,233,000
Lahonton Valley and Pyramid Lake fish and wildlife fund		152,000	152,000	152,000	152,000	+152,000
Rhinoceros and tiger conservation fund		400,000	200,000	200,000	200,000	+200,000
Wildlife conservation and appreciation fund	998,000	1,000,000	800,000	800,000	800,000	-198,000
Total, United States Fish and Wildlife Service	671,038,000	702,817,000	612,091,000	605,021,000	606,931,000	-64,107,000
Natural Resources Science Agency						
Research, inventories, and surveys	162,041,000	172,696,000				-162,041,000
National Park Service						
Operation of the national park system	1,077,900,000	1,157,738,000	1,086,014,000	1,084,755,000	1,082,481,000	+4,581,000
National recreation and preservation	42,941,000	39,305,000	37,649,000	37,649,000	37,649,000	-5,292,000
Historic preservation fund	41,421,000	43,000,000	36,212,000	36,212,000	36,212,000	-5,209,000
Construction	167,688,000	179,883,000	143,225,000	143,225,000	143,225,000	-24,463,000
C&O Canal (P.L. 104-99)			2,000,000	2,000,000	2,000,000	+2,000,000
Urban park and recreation fund	6,000	2,300,000				-6,000
Land and water conservation fund (rescission of contract authority)	-30,000,000	-30,000,000	-30,000,000	-30,000,000	-30,000,000	
Land acquisition and state assistance	87,373,000	82,696,000	57,600,000	49,100,000	49,100,000	-38,273,000
Crime trust fund		15,200,000				
Total, National Park Service (net)	1,387,329,000	1,490,122,000	1,332,700,000	1,322,941,000	1,320,667,000	-66,662,000
United States Geological Survey						
Surveys, investigations, and research	571,462,000	586,369,000	729,995,000	730,330,000	730,163,000	+158,701,000
Minerals Management Service						
Royalty and offshore minerals management	188,181,000	193,348,000	182,339,000	182,771,000	182,555,000	-5,626,000
Oil spill research	6,440,000	7,892,000	6,440,000	6,440,000	6,440,000	
Total, Minerals Management Service	194,621,000	201,240,000	188,779,000	189,211,000	188,995,000	-5,626,000
Bureau of Mines						
Mines and minerals	152,427,000	132,507,000	64,000,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement						
Regulation and technology	109,795,000	107,152,000	95,470,000	95,470,000	95,470,000	-14,325,000
Receipts from performance bond forfeitures (indefinite)	1,189,000	501,000	500,000	500,000	500,000	-689,000
Subtotal	110,984,000	107,653,000	95,970,000	95,970,000	95,970,000	-15,014,000
Abandoned mine reclamation fund (definite, trust fund)	182,423,000	185,120,000	173,887,000	173,887,000	173,887,000	-8,536,000
Total, Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	269,857,000	-23,550,000
Bureau of Indian Affairs						
Operation of Indian programs	1,519,012,000	1,609,842,000	1,384,434,000	1,384,434,000	1,384,434,000	-134,578,000
Construction	120,450,000	125,424,000	100,833,000	100,833,000	100,833,000	-19,617,000
Indian land and water claim settlements and miscellaneous payments to Indians	77,096,000	151,025,000	80,645,000	80,645,000	80,645,000	+3,549,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Navajo rehabilitation trust fund	1,996,000					-1,996,000
Technical assistance of Indian enterprises	1,966,000	1,966,000	500,000	500,000	500,000	-1,466,000
Indian direct loan program account	779,000					-779,000
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
Indian guaranteed loan program account	9,671,000	9,684,000	5,000,000	5,000,000	5,000,000	-4,671,000
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(35,914,000)	(-10,986,000)
Total, Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs						
Assistance to territories	50,481,000	41,512,000	37,468,000	37,468,000	37,468,000	-13,013,000
Northern Mariana Islands Covenant	27,720,000	27,720,000	27,720,000	27,720,000	27,720,000	
Subtotal	78,201,000	69,232,000	65,188,000	65,188,000	65,188,000	-13,013,000
Trust Territory of the Pacific Islands	19,800,000					-19,800,000
Compact of Free Association	13,574,000	10,038,000	10,038,000	10,038,000	10,038,000	-3,536,000
Mandatory payments	10,000,000	14,900,000	14,900,000	14,900,000	14,900,000	+4,900,000
Subtotal	23,574,000	24,938,000	24,938,000	24,938,000	24,938,000	+1,364,000
Total, Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	90,126,000	-31,449,000
Departmental Offices						
Departmental management	62,479,000	64,772,000	55,801,000	57,117,000	56,912,000	-5,567,000
Office of the Solicitor	34,608,000	35,361,000	34,337,000	34,516,000	34,427,000	-181,000
Office of Inspector General	23,939,000	25,485,000	23,939,000	23,939,000	23,939,000	
Construction Management	1,996,000	2,000,000	500,000	500,000	500,000	-1,496,000
National Indian Gaming Commission	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000	
Office of Special Trustee for American Indians			16,338,000	16,338,000	16,338,000	+16,338,000
Total, Departmental Offices	124,022,000	128,618,000	131,915,000	133,410,000	133,116,000	+9,094,000
Total, title I, Department of the Interior:						
New budget (obligational) authority (net)	6,507,897,000	6,855,935,000	6,040,456,000	6,030,563,000	6,041,222,000	-466,675,000
Appropriations	(6,537,897,000)	(6,870,735,000)	(6,070,456,000)	(6,060,563,000)	(6,071,222,000)	(-466,675,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Limitation on direct loans)	(10,890,000)					(-10,890,000)
(Limitation on guaranteed loans)	(46,900,000)	(70,100,000)	(35,914,000)	(35,914,000)	(35,914,000)	(-10,986,000)
TITLE II - RELATED AGENCIES						
DEPARTMENT OF AGRICULTURE						
Forest Service						
Forest research	193,748,000	203,796,000	178,000,000	177,757,000	178,000,000	-15,748,000
State and private forestry	154,268,000	187,459,000	136,794,000	136,695,000	136,884,000	-17,384,000
Emergency pest suppression fund	17,000,000					-17,000,000
International forestry	4,987,000	10,000,000				-4,987,000
National forest system	1,328,893,000	1,348,755,000	1,256,253,000	1,255,004,999	1,257,057,000	-71,836,000
Forest Service fire protection	159,285,000	164,285,000				-159,285,000
Emergency Forest Service firefighting fund	226,200,000	239,000,000				-226,200,000
Emergency appropriations	450,000,000					-450,000,000
Wildland Fire Management			385,485,000	385,485,000	385,485,000	+385,485,000
Construction	199,215,000	192,338,000	163,500,000	163,384,000	163,600,000	-35,615,000
Timber receipts transfer to general fund (indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
Timber purchaser credits	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Land acquisition	63,882,000	65,311,000	24,200,000	41,200,000	39,400,000	-24,482,000
Acquisition of lands for national forests, special acts	1,250,000	1,317,000	1,069,000	1,069,000	1,069,000	-181,000
Acquisition of lands to complete land exchanges (indefinite)	210,000	210,000	210,000	210,000	210,000	
Range betterment fund (indefinite)	4,575,000	3,976,000	3,976,000	3,976,000	3,976,000	-599,000
Gifts, donations and bequests for forest and rangeland research	89,000	92,000	92,000	92,000	92,000	+3,000
Southeast Alaska economic disaster fund					110,000,000	+110,000,000
Total, Forest Service	2,803,602,000	2,416,539,000	2,149,579,000	2,164,872,999	2,275,773,000	-527,829,000
DEPARTMENT OF ENERGY						
Clean coal technology	-337,879,000	-155,019,000				+337,879,000
Fossil energy research and development	423,701,000	436,508,000	416,943,000	417,092,000	417,018,000	-6,683,000
(By transfer)	(17,000,000)					(-17,000,000)
Alternative fuels production (indefinite)	-3,900,000	-2,400,000	-2,400,000	-2,400,000	-2,400,000	+1,500,000
Naval petroleum and oil shale reserves	187,048,000	101,028,000	148,786,000	148,786,000	148,786,000	-38,262,000
Energy conservation	755,751,000	923,561,000	553,137,000	553,240,000	553,189,000	-202,562,000
Biomass Energy Development (transfer)		-16,000,000	-16,000,000	-16,000,000	-16,000,000	-16,000,000
Economic regulation	12,413,000	10,500,000	6,297,000	6,297,000	6,297,000	-6,116,000
Emergency preparedness	8,233,000	8,219,000				-8,233,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Strategic Petroleum Reserve	135,954,000	25,689,000	....	....	....	-135,954,000
(By transfer)	(90,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+96,236,000)
Energy Information Administration	84,566,000	84,689,000	72,266,000	72,266,000	72,266,000	-12,300,000
Total, Department of Energy	1,265,887,000	1,416,775,000	1,179,029,000	1,179,281,000	1,179,156,000	-86,731,000
DEPARTMENT OF HEALTH AND HUMAN SERVICES						
Indian Health Service						
Indian health services	1,709,780,000	1,816,350,000	1,747,842,000	1,747,842,000	1,747,842,000	+38,062,000
Indian health facilities	253,282,000	242,672,000	238,958,000	238,958,000	238,958,000	-14,324,000
Total, Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,986,800,000	1,986,800,000	+23,738,000
DEPARTMENT OF EDUCATION						
Office of Elementary and Secondary Education						
Indian education	81,341,000	84,785,000	52,500,000	52,500,000	52,500,000	-28,841,000
OTHER RELATED AGENCIES						
Office of Navajo and Hopi Indian Relocation						
Salaries and expenses	24,888,000	26,345,000	20,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development						
Payment to the Institute	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution						
Salaries and expenses	313,853,000	329,800,000	308,188,000	308,188,000	311,188,000	-2,665,000
Construction and improvements, National Zoological Park	3,042,000	4,950,000	3,250,000	3,250,000	3,250,000	+208,000
Repair and restoration of buildings	23,954,000	34,000,000	33,954,000	33,954,000	33,954,000	+10,000,000
Construction	21,857,000	38,700,000	27,700,000	27,700,000	27,700,000	+5,843,000
Total, Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	376,092,000	+13,386,000
National Gallery of Art						
Salaries and expenses	52,902,000	54,566,000	51,844,000	51,844,000	51,844,000	-1,058,000
Repair, restoration and renovation of buildings	4,016,000	9,885,000	6,442,000	6,442,000	6,442,000	+2,426,000
Total, National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts						
Operations and maintenance	10,323,000	10,373,000	10,323,000	10,323,000	10,323,000	....
Construction	8,983,000	9,000,000	8,983,000	8,983,000	8,983,000	....
Total, John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	19,306,000	....
Woodrow Wilson International Center for Scholars						
Salaries and expenses	8,878,000	10,070,000	5,840,000	5,840,000	5,840,000	-3,038,000
National Foundation on the Arts and the Humanities						
National Endowment for the Arts						
Grants and administration	133,846,000	143,675,000	82,259,000	82,259,000	82,259,000	-51,587,000
Matching grants	28,512,000	28,725,000	17,235,000	17,235,000	17,235,000	-11,277,000
Total, National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities						
Grants and administration	146,131,000	156,087,000	94,000,000	94,000,000	94,000,000	-52,131,000
Matching grants	25,913,000	25,913,000	16,000,000	16,000,000	16,000,000	-9,913,000
Total, National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services						
Grants and administration	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Total, National Foundation on the Arts and the Humanities	363,117,000	384,200,000	230,494,000	230,494,000	230,494,000	-132,623,000
Commission of Fine Arts						
Salaries and expenses	834,000	879,000	834,000	834,000	834,000	....
National Capital Arts and Cultural Affairs						
Grants	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation						
Salaries and expenses	2,947,000	3,063,000	2,500,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission						
Salaries and expenses	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000

FY 1996 DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 3019) — continued

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Franklin Delano Roosevelt Memorial Commission						
Salaries and expenses	48,000	147,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation						
Salaries and expenses	2,738,000	3,043,000				-2,738,000
Public development	4,084,000	2,445,000				-4,084,000
Land acquisition and development fund		1,388,000				
Rescission of prior year funds				-2,172,000		
Total, Pennsylvania Avenue Development Corporation	6,822,000	6,876,000		-2,172,000		-6,822,000
United States Holocaust Memorial Council						
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, title II, Related Agencies	7,011,333,000	6,961,469,000	6,124,049,000	6,137,422,999	6,253,370,000	-757,963,000
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
Grand total:						
New budget (obligational) authority (net)	13,519,230,000	13,817,404,000	12,164,505,000	12,167,985,999	12,294,592,000	-1,224,638,000
Appropriations	(13,549,230,000)	(13,832,204,000)	(12,194,505,000)	(12,200,157,999)	(12,324,592,000)	(-1,224,638,000)
Rescission	(-30,000,000)	(-30,000,000)	(-30,000,000)	(-32,172,000)	(-30,000,000)	
Crime trust fund		(15,200,000)				
(Timber receipts transfer to general fund, indefinite)	(-44,769,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(-44,548,000)	(+221,000)
(Timber purchaser credits)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	(50,000,000)	
(By transfer)	(107,764,000)	(187,000,000)	(187,000,000)	(187,000,000)	(187,000,000)	(+79,236,000)
TITLE I - DEPARTMENT OF THE INTERIOR						
Bureau of Land Management	1,099,005,000	1,156,682,000	1,049,581,000	1,054,255,000	1,065,955,000	-33,050,000
United States Fish and Wildlife Service	671,038,000	702,817,000	612,091,000	605,021,000	606,931,000	-64,107,000
National Biological Service	162,041,000	172,696,000				-162,041,000
National Park Service	1,387,329,000	1,490,122,000	1,332,700,000	1,322,941,000	1,320,667,000	-66,662,000
United States Geological Survey	571,462,000	586,369,000	729,995,000	730,330,000	730,163,000	+158,701,000
Minerals Management Service	194,621,000	201,240,000	188,779,000	189,211,000	188,995,000	-5,626,000
Bureau of Mines	152,427,000	132,507,000	64,000,000	64,000,000	64,000,000	-88,427,000
Office of Surface Mining Reclamation and Enforcement	293,407,000	292,773,000	269,857,000	269,857,000	269,857,000	-23,550,000
Bureau of Indian Affairs	1,730,970,000	1,897,941,000	1,571,412,000	1,571,412,000	1,571,412,000	-159,558,000
Territorial and International Affairs	121,575,000	94,170,000	90,126,000	90,126,000	90,126,000	-31,449,000
Departmental Offices	124,022,000	128,618,000	131,915;000	133,410,000	133,116,000	+9,094,000
Total, Title I - Department of the Interior	6,507,897,000	6,855,935,000	6,040,456,000	6,030,563,000	6,041,222,000	-466,675,000
TITLE II - RELATED AGENCIES						
Forest Service	2,803,602,000	2,416,539,000	2,149,579,000	2,164,872,999	2,275,773,000	-527,829,000
Department of Energy	1,265,887,000	1,416,775,000	1,179,029,000	1,179,281,000	1,179,156,000	-86,731,000
Indian Health Service	1,963,062,000	2,059,022,000	1,986,800,000	1,986,800,000	1,986,800,000	+23,738,000
Indian Education	81,341,000	84,785,000	52,500,000	52,500,000	52,500,000	-28,841,000
Office of Navajo and Hopi Indian Relocation	24,888,000	26,345,000	20,345,000	20,345,000	20,345,000	-4,543,000
Institute of American Indian and Alaska Native Culture and Arts Development	11,213,000	19,846,000	5,500,000	5,500,000	5,500,000	-5,713,000
Smithsonian Institution	362,706,000	407,450,000	373,092,000	373,092,000	376,092,000	+13,386,000
National Gallery of Art	56,918,000	64,451,000	58,286,000	58,286,000	58,286,000	+1,368,000
John F. Kennedy Center for the Performing Arts	19,306,000	19,373,000	19,306,000	19,306,000	19,306,000	
Woodrow Wilson International Center for Scholars	8,878,000	10,070,000	5,840,000	5,840,000	5,840,000	-3,038,000
National Endowment for the Arts	162,358,000	172,400,000	99,494,000	99,494,000	99,494,000	-62,864,000
National Endowment for the Humanities	172,044,000	182,000,000	110,000,000	110,000,000	110,000,000	-62,044,000
Institute of Museum Services	28,715,000	29,800,000	21,000,000	21,000,000	21,000,000	-7,715,000
Commission of Fine Arts	834,000	879,000	834,000	834,000	834,000	
National Capital Arts and Cultural Affairs	7,500,000	6,941,000	6,000,000	6,000,000	6,000,000	-1,500,000
Advisory Council on Historic Preservation	2,947,000	3,063,000	2,500,000	2,500,000	2,500,000	-447,000
National Capital Planning Commission	5,655,000	6,000,000	5,090,000	5,090,000	5,090,000	-565,000
Franklin Delano Roosevelt Memorial Commission	48,000	147,000	147,000	147,000	147,000	+99,000
Pennsylvania Avenue Development Corporation	6,822,000	6,876,000		-2,172,000		-6,822,000
Holocaust Memorial Council	26,609,000	28,707,000	28,707,000	28,707,000	28,707,000	+2,098,000
Total, Title II - Related Agencies	7,011,333,000	6,961,469,000	6,124,049,000	6,137,422,999	6,253,370,000	-757,963,000
Grand total	13,519,230,000	13,817,404,000	12,164,505,000	12,167,985,999	12,294,592,000	-1,224,638,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE I						
DEPARTMENT OF VETERANS AFFAIRS						
Veterans Benefits Administration						
Compensation and pensions	17,626,892,000	18,331,561,000	18,331,561,000	18,331,561,000	18,331,561,000	+704,669,000
Readjustment benefits	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Subtotal	1,286,600,000	1,345,300,000	1,345,300,000	1,345,300,000	1,345,300,000	+58,700,000
Veterans insurance and indemnities	24,760,000	24,890,000	24,890,000	24,890,000	24,890,000	+130,000
Guaranty and indemnity program account (indefinite)	507,095,000	504,122,000	504,122,000	504,122,000	504,122,000	-2,973,000
Negative subsidy for guaranteed loans		-185,500,000	-185,500,000	-185,500,000	-185,500,000	-185,500,000
Administrative expenses	65,226,000	78,085,000	65,226,000	65,226,000	65,226,000	
Loan guaranty program account (indefinite)	43,939,000	22,950,000	22,950,000	22,950,000	22,950,000	-20,989,000
Administrative expenses	59,371,000	52,138,000	52,138,000	52,138,000	52,138,000	-7,233,000
(By transfer)			(6,000,000)	(6,000,000)	(6,000,000)	(+6,000,000)
Direct loan program account (indefinite)	25,000	28,000	28,000	28,000	28,000	+3,000
(Limitation on direct loans)	(1,000,000)	(300,000)	(300,000)	(300,000)	(300,000)	(-700,000)
Administrative expenses	1,020,000	459,000	459,000	459,000	459,000	-561,000
(Loan level)	(97,000)	(99,000)	(99,000)	(99,000)	(99,000)	(+2,000)
Education loan fund program account	1,061	1,093	1,000	1,000	1,000	-61
(Limitation on direct loans)	(4,034)	(4,120)	(4,000)	(4,000)	(4,000)	(-34)
Administrative expenses	195,000	203,000	195,000	195,000	195,000	
Vocational rehabilitation loans program account	54,000	56,000	54,000	54,000	54,000	
(Limitation on direct loans)	(1,964,000)	(2,022,000)	(1,964,000)	(1,964,000)	(1,964,000)	
Administrative expenses	767,000	377,000	377,000	377,000	377,000	-390,000
Native American Veteran Housing Loan Program Account	218,000	455,000	205,000	205,000	205,000	-13,000
Total, Veterans Benefits Administration	19,616,163,061	20,175,125,093	20,162,006,000	20,162,006,000	20,162,006,000	+545,842,939
Veterans Health Administration						
Medical care	16,214,684,000	16,961,487,000	16,564,000,000	16,564,000,000	16,564,000,000	+349,316,000
(Transfer out)			(-4,500,000)	(-4,500,000)	(-4,500,000)	(-4,500,000)
Total	16,214,684,000	16,961,487,000	16,564,000,000	16,564,000,000	16,564,000,000	+349,316,000
Medical and prosthetic research	251,743,000	257,000,000	257,000,000	257,000,000	257,000,000	+5,257,000
Health professional scholarship program	10,386,000	10,386,000				-10,386,000
Medical administration and miscellaneous operating expenses	69,789,000	72,262,000	63,602,000	63,602,000	63,602,000	-6,187,000
(By transfer)			(4,500,000)	(4,500,000)	(4,500,000)	(+4,500,000)
Grants to the Republic of the Philippines	500,000					-500,000
Transitional housing loan program:						
Loan program account (by transfer)	(7,000)	(7,000)	(7,000)	(7,000)	(7,000)	
Administrative expenses (by transfer)	(54,000)	(56,000)	(54,000)	(54,000)	(54,000)	
(Limitation on direct loans)	(70,000)	(70,000)	(70,000)	(70,000)	(70,000)	
General post fund (transfer out)	(-61,000)	(-63,000)	(-61,000)	(-61,000)	(-61,000)	
Total, Veterans Health Administration	16,547,102,000	17,301,135,000	16,884,602,000	16,884,602,000	16,884,602,000	+337,500,000
Departmental Administration						
General operating expenses	890,193,000	915,643,000	848,143,000	848,143,000	848,143,000	-42,050,000
Offsetting receipts			(32,000,000)	(32,000,000)	(32,000,000)	(+32,000,000)
(Transfer out)			(-6,000,000)	(-6,000,000)	(-6,000,000)	(-6,000,000)
Total, Program Level	(890,193,000)	(915,643,000)	(874,143,000)	(874,143,000)	(874,143,000)	(-16,050,000)
National Cemetery System	72,604,000	75,308,000	72,604,000	72,604,000	72,604,000	
Office of Inspector General	31,815,000	33,500,000	30,900,000	30,900,000	30,900,000	-915,000
Construction, major projects	354,294,000	513,755,000	136,155,000	136,155,000	136,155,000	-218,139,000
(Transfer out)			(-7,000,000)	(-7,000,000)	(-7,000,000)	(-7,000,000)
Construction, minor projects	152,934,000	229,145,000	190,000,000	190,000,000	190,000,000	+37,066,000
Parking revolving fund	16,300,000					-16,300,000
(By transfer)			(7,000,000)	(7,000,000)	(7,000,000)	(+7,000,000)
Grants for construction of state extended care facilities	47,397,000	43,740,000	47,397,000	47,397,000	47,397,000	
Grants for the construction of state veterans cemeteries	5,378,000	1,000,000	1,000,000	1,000,000	1,000,000	-4,378,000
Total, Departmental Administration	1,570,915,000	1,812,091,000	1,326,199,000	1,326,199,000	1,326,199,000	-244,716,000
Total, title I, Department of Veterans Affairs	37,734,180,061	39,288,351,093	38,372,807,000	38,372,807,000	38,372,807,000	+638,626,939
(By transfer)	(61,000)	(63,000)	(17,561,000)	(17,561,000)	(17,561,000)	(+17,500,000)
(Limitation on direct loans)	(3,135,034)	(2,495,120)	(2,437,000)	(2,437,000)	(2,437,000)	(-698,034)
Consisting of:						
Mandatory	(19,489,311,000)	(20,043,351,000)	(20,043,351,000)	(20,043,351,000)	(20,043,351,000)	(+554,040,000)
Discretionary	(18,244,869,061)	(19,245,000,093)	(18,329,456,000)	(18,329,456,000)	(18,329,456,000)	(+84,586,939)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
TITLE II						
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
Selected Housing Programs						
Housing certificates for families and individuals performance funds		6,509,955,000				
Public and Indian housing capital performance funds		4,884,000,000				
Annual contributions for assisted housing	11,083,000,000		10,155,795,000	10,086,795,000	9,818,795,000	-1,264,205,000
Prepayment authority			4,000,000	4,000,000	4,000,000	+4,000,000
Transfer from UDAG	(100,000,000)					(-100,000,000)
Severely distressed public housing	500,000,000		280,000,000	380,000,000	480,000,000	-20,000,000
Assistance for the renewal of expiring section 8 subsidy contracts	2,536,000,000					-2,536,000,000
Flexible subsidy fund	50,000,000					-50,000,000
Housing opportunities for persons with AIDS		186,000,000				
Congregate services	25,000,000					-25,000,000
Rental housing assistance:						
Rescission of budget authority, indefinite	-38,000,000	-35,119,000	-35,119,000	-35,119,000	-35,119,000	+2,881,000
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
Rescission of prepayment recaptures	-66,000,000	-163,000,000	-163,000,000	-163,000,000	-163,000,000	-97,000,000
Homeownership assistance	6,875,000					-6,875,000
Rescission of budget authority, indefinite	-184,000,000					+184,000,000
Public and Indian housing operation performance funds		3,220,000,000				
Payments for operation of low-income housing projects	2,900,000,000		2,800,000,000	2,800,000,000	2,800,000,000	-100,000,000
Drug elimination grants for low-income housing	290,000,000		290,000,000	290,000,000	290,000,000	
Affordable housing performance funds		3,339,000,000				
HOME investment partnerships program	1,400,000,000		1,400,000,000	1,400,000,000	1,400,000,000	
Homeownership and opportunity for people everywhere grants (HOPE grants)	50,000,000					-50,000,000
National homeownership trust demonstration program	50,000,000					-50,000,000
Youthbuild program	50,000,000					-50,000,000
Housing counseling assistance	50,000,000					-50,000,000
Indian housing loan guarantee fund program account	3,000,000	3,000,000	3,000,000	3,000,000	3,000,000	
(Limitation on guarantee loans)	(22,388,000)	(36,900,000)	(36,900,000)	(36,900,000)	(36,900,000)	(+14,512,000)
Violent crime reduction program		3,000,000				
Total, Selected housing programs (net)	18,705,875,000	17,946,836,000	14,734,676,000	14,765,676,000	14,597,676,000	-4,108,199,000
Homeless Assistance						
Homeless assistance fund		1,120,000,000				
Homeless assistance grants	1,120,000,000		823,000,000	823,000,000	823,000,000	-297,000,000
Community Planning and Development						
Community opportunity fund		4,850,000,000				
Community opportunity performance program account		21,000,000				
Administrative expenses		900,000				
Community development grants	4,600,000,000		4,600,000,000	4,600,000,000	4,600,000,000	
Section 108 loan guarantees:						
(Limitation on guaranteed loans)	(2,054,000,000)		(1,500,000,000)	(1,500,000,000)	(1,500,000,000)	(-554,000,000)
Credit subsidy			31,750,000	31,750,000	31,750,000	+31,750,000
Administrative expenses			675,000	675,000	675,000	+675,000
Policy Development and Research						
Research and technology	42,000,000	42,000,000	34,000,000	34,000,000	34,000,000	-8,000,000
Fair Housing and Equal Opportunity						
Fair housing activities	33,375,000	45,000,000	30,000,000	30,000,000	30,000,000	-3,375,000
Management and Administration						
Salaries and expenses	451,219,000	479,479,000	420,000,000	420,000,000	420,000,000	-31,219,000
(By transfer, limitation on FHA corporate funds)	(495,355,000)	(527,782,000)	(532,782,000)	(532,782,000)	(532,782,000)	(+37,427,000)
(By transfer, GNMA)	(8,824,000)	(9,101,000)	(9,101,000)	(9,101,000)	(9,101,000)	(+277,000)
(By transfer, Community Planning & Development)		(900,000)	(675,000)	(675,000)	(675,000)	(+675,000)
Total, Salaries and expenses	(955,398,000)	(1,017,262,000)	(962,558,000)	(962,558,000)	(962,558,000)	(+7,160,000)
Office of Inspector General	36,427,000	36,968,000	36,567,000	36,567,000	36,567,000	+140,000
(By transfer, limitation on FHA corporate funds)	(10,961,000)	(11,283,000)	(11,283,000)	(11,283,000)	(11,283,000)	(+322,000)
Total, Office of Inspector General	(47,388,000)	(48,251,000)	(47,850,000)	(47,850,000)	(47,850,000)	(+462,000)
Office of federal housing enterprise oversight	15,451,000	14,895,000	14,895,000	14,895,000	14,895,000	-556,000
Offsetting receipts	-15,451,000	-14,895,000	-14,895,000	-14,895,000	-14,895,000	+556,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Federal Housing Administration						
FHA - Mutual mortgage insurance program account:						
(Limitation on guaranteed loans)	(100,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,00 ,000,000)	(+10,000,000,000)
(Limitation on direct loans)	(180,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(200,000,000)	(+20,000,000)
Administrative expenses	308,846,000	341,595,000	341,595,000	341,595,000	341,595,000	+32,749,000
Offsetting receipts	-308,846,000	-341,595,000	-341,595,000	-341,595,000	-341,595,000	-32,749,000
FHA - General and special risk program account:						
(Limitation on guaranteed loans)	(20,885,072,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(17,400,000,000)	(-3,485,072,000)
(Limitation on direct loans)	(220,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(120,000,000)	(-100,000,000)
Administrative expenses	197,470,000	197,470,000	202,470,000	202,470,000	202,470,000	+5,000,000
Program costs	188,395,000	188,395,000	85,000,000	85,000,000	85,000,000	-103,395,000
Subsidy - multifamily	-134,096,000	-37,996,000	-37,996,000	-37,996,000	-37,996,000	+96,100,000
Subsidy - single family	-81,673,000	-27,044,000	-27,044,000	-27,044,000	-27,044,000	+54,629,000
Subsidy - Title I	-24,460,000	-23,777,000	-23,777,000	-23,777,000	-23,777,000	+683,000
Total, Federal Housing Administration	145,636,000	297,048,000	198,653,000	198,653,000	198,653,000	+53,017,000
Government National Mortgage Association						
Guarantees of mortgage-backed securities loan guarantee program account:						
(Limitation on guaranteed loans)	(142,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(110,000,000,000)	(-32,000,000,000)
Administrative expenses	8,824,000	9,101,000	9,101,000	9,101,000	9,101,000	+277,000
Offsetting receipts	-262,700,000	-508,300,000	-508,300,000	-508,300,000	-508,300,000	-245,600,000
Administrative Provisions						
Procurement savings	-3,538,000	....	....	....	....	+3,538,000
Debt forgiveness	....	....	10,000,000	....	....	....
FHA mortgage insurance limits	-3,000,000	....	....	....	....	+3,000,000
GNMA REMICs	-180,000,000	....	....	....	....	+180,000,000
GNMA REMICs II	-30,600,000	....	....	....	....	+30,600,000
1-year extension of HECM's demonstration	....	....	-7,000,000	-7,000,000	-7,000,000	-7,000,000
FHA Assignment Reform	....	....	-1,066,000,000	-1,066,000,000	-1,066,000,000	-1,066,000,000
FHA Assignment Reform, 1996	....	....	....	....	-96,000,000	-96,000,000
Non-judicial foreclosure	-10,000,000	....	....	....	....	+10,000,000
Multi-family property disposition - FHA fund	....	....	-40,000,000	-40,000,000	-40,000,000	-40,000,000
Sec. 213 - demonstration	....	....	30,000,000	15,000,000	30,000,000	+30,000,000
Sec. 224 - FHA fund	....	....	33,000,000	33,000,000	33,000,000	+33,000,000
Total, title II, Department of Housing and Urban Development (net)	24,653,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-5,526,396,000
Appropriations	(24,941,518,000)	(24,538,151,000)	(19,568,241,000)	(19,574,241,000)	(19,325,241,000)	(-5,616,277,000)
Rescissions	(-288,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+89,881,000)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	....
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(515,140,000)	(549,066,000)	(553,841,000)	(553,841,000)	(553,841,000)	(+38,701,000)
Consisting of:						
Advance appropriation available	800,000,000	....	....	....	....	-800,000,000
Appropriations available from this bill	24,653,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-5,526,396,000
Total, title II	25,453,518,000	24,340,032,000	19,370,122,000	19,376,122,000	19,127,122,000	-6,326,396,000
TITLE III						
INDEPENDENT AGENCIES						
American Battle Monuments Commission						
Salaries and expenses	20,265,000	20,265,000	20,265,000	20,265,000	20,265,000	....
Chemical Safety and Hazard Investigation Board						
Salaries and expenses	500,000	....	....	....	....	-500,000
Community Development Financial Institutions						
Community development financial institutions fund program account	125,000,000	123,650,000	....	50,000,000	45,000,000	-80,000,000
Loan subsidy	....	20,000,000	....	....	....	....
Office of Inspector General	....	350,000	....	....	....	....
Consumer Product Safety Commission						
Salaries and expenses	42,509,000	44,000,000	40,000,000	40,000,000	40,000,000	-2,509,000
Corporation for National and Community Service						
National and community service programs operating expenses	575,000,000	817,476,000	15,000,000	400,500,000	400,500,000	-174,500,000
Office of Inspector General	2,000,000	2,000,000	....	2,000,000	2,000,000	....
Total	577,000,000	819,476,000	15,000,000	402,500,000	402,500,000	-174,500,000

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Court of Veterans Appeals						
Salaries and expenses	9,429,000	9,820,000	9,000,000	9,000,000	9,000,000	-429,000
Department of Defense - Civil						
Cemeterial Expenses, Army						
Salaries and expenses	12,017,000	14,134,000	11,946,000	11,946,000	11,948,000	-71,000
Environmental Protection Agency						
Research and development	350,000,000	426,661,000				-350,000,000
Science and Technology			525,000,000	525,000,000	525,000,000	+525,000,000
Abatement, control, and compliance	1,417,000,000	1,748,823,000				-1,417,000,000
(Limitation on administrative expenses)	(296,722,500)					(-296,722,500)
Program and research operations	922,000,000	1,017,298,000				-922,000,000
Environmental Programs and Management			1,550,300,000	1,590,300,000	1,677,300,000	+1,677,300,000
Office of Inspector General	28,542,000	33,050,000	28,500,000	28,500,000	28,500,000	-42,000
Transfer from Hazardous Substance Superfund	15,384,000	14,078,000	11,000,000	11,000,000	11,000,000	-4,384,000
Transfer from Leaking Underground Storage Tanks	669,000	710,000	500,000	500,000	500,000	-169,000
Subtotal, OIG	44,595,000	47,838,000	40,000,000	40,000,000	40,000,000	-4,595,000
Buildings and facilities	43,870,000	112,820,000	60,000,000	60,000,000	110,000,000	+66,130,000
Hazardous substance superfund	1,435,000,000	1,507,937,000	1,163,400,000	1,163,400,000	1,213,400,000	-221,600,000
Legislative proposals - reforms		55,000,000				
Delay of obligation				100,000,000	100,000,000	+100,000,000
Transfer to OIG	-15,384,000	-14,078,000	-11,000,000	-11,000,000	-11,000,000	+4,384,000
(Limitation on administrative expenses)	(308,000,000)					(-308,000,000)
Subtotal, Hazardous substance superfund	1,419,616,000	1,548,859,000	1,152,400,000	1,252,400,000	1,302,400,000	-117,216,000
Leaking underground storage tank trust fund	70,000,000	77,273,000	45,827,000	45,827,000	45,827,000	-24,173,000
Transfer to OIG	-669,000	-710,000	-500,000	-500,000	-500,000	+169,000
(Limitation on administrative expenses)	(8,150,000)		(7,000,000)	(7,000,000)	(7,000,000)	(-1,150,000)
Subtotal, LUST	69,331,000	76,563,000	45,327,000	45,327,000	45,327,000	-24,004,000
Oil spill response	20,000,000	23,047,000	15,000,000	15,000,000	15,000,000	-5,000,000
(Limitation on administrative expenses)	(8,420,000)		(8,000,000)	(8,000,000)	(8,000,000)	(-420,000)
Water infrastructure / State revolving fund	2,262,000,000	1,865,000,000				-2,262,000,000
Safe drinking water State revolving fund	700,000,000	500,000,000				-700,000,000
State and Tribal Assistance Grants			2,323,000,000	2,423,000,000	2,813,000,000	+2,813,000,000
Environmental services - user fees		-7,500,000				
Procurement savings	-7,525,000					+7,525,000
Total, EPA	7,240,887,000	7,359,409,000	5,711,027,000	5,951,027,000	6,528,027,000	-712,860,000
Executive Office of the President						
Office of Science and Technology Policy	4,981,000	4,981,000	4,981,000	4,981,000	4,981,000	
Council on Environmental Quality and Office of Environmental Quality	997,000	2,188,000	1,500,000	2,180,000	2,150,000	+1,153,000
Total	5,978,000	7,169,000	6,481,000	7,161,000	7,131,000	+1,153,000
Federal Emergency Management Agency						
Disaster relief	320,000,000	320,000,000	222,000,000	222,000,000	222,000,000	-98,000,000
Disaster assistance direct loan program account:						
State share loan	2,418,000	2,155,000	2,155,000	2,155,000	2,155,000	-263,000
(Limitation on direct loans)	(175,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(25,000,000)	(-150,000,000)
Administrative expenses	95,000	95,000	95,000	95,000	95,000	
Salaries and expenses	162,000,000	172,331,000	168,900,000	168,900,000	168,900,000	+6,900,000
Office of the Inspector General	4,400,000	4,673,000	4,673,000	4,673,000	4,673,000	+273,000
Emergency management planning and assistance	215,960,000	210,122,000	203,044,000	203,044,000	203,044,000	-12,916,000
Emergency food and shelter program	130,000,000	130,000,000	100,000,000	100,000,000	100,000,000	-30,000,000
Administrative provision REP savings	-11,525,000	-12,257,000	-12,257,000	-12,257,000	-12,257,000	-732,000
Procurement savings	-1,441,000					+1,441,000
Equipment sales (sec. 519)		-30,000,000	-10,000,000	-10,000,000	-10,000,000	-10,000,000
National Flood Insurance:						
Salaries and expenses		(20,562,000)	(20,562,000)	(20,562,000)	(20,562,000)	(+20,562,000)
Flood mitigation		(70,464,000)	(70,464,000)	(70,464,000)	(70,464,000)	(+70,464,000)
Premium increase		-21,000,000				
Total, Federal Emergency Management Agency	821,907,000	776,119,000	678,610,000	678,610,000	678,610,000	-143,297,000
General Services Administration						
Consumer Information Center	2,004,000	2,061,000	2,061,000	2,061,000	2,061,000	+57,000
(Limitation on administrative expenses)	(2,454,000)	(2,502,000)	(2,602,000)	(2,602,000)	(2,602,000)	(+148,000)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
Department of Health and Human Services						
Office of Consumer Affairs	2,166,000	1,811,000			1,800,000	-366,000
National Aeronautics and Space Administration						
Human space flight	5,514,897,000	5,509,600,000	5,456,600,000	5,456,600,000	5,456,600,000	-58,297,000
Science, aeronautics and technology	5,901,200,000	6,006,900,000	5,845,900,000	5,845,900,000	5,928,900,000	+27,700,000
Rescission	-10,000,000					+10,000,000
National aeronautical facilities	400,000,000					-400,000,000
Mission support	2,554,587,000	2,726,200,000	2,502,200,000	2,502,200,000	2,502,200,000	-52,387,000
Office of Inspector General	16,000,000	17,300,000	16,000,000	16,000,000	16,000,000	
Administrative provision: Transfer authority			(50,000,000)	(50,000,000)	(50,000,000)	(+50,000,000)
Total, NASA (net)	14,376,684,000	14,260,000,000	13,820,700,000	13,820,700,000	13,903,700,000	-472,984,000
National Credit Union Administration						
Central liquidity facility:						
(Limitation on direct loans)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	(600,000,000)	
(Limitation on administrative expenses, corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
National Science Foundation						
Research and related activities	2,280,000,000	2,454,000,000	2,274,000,000	2,274,000,000	2,314,000,000	+34,000,000
Rescission	-35,000,000					+35,000,000
Major research equipment	126,000,000	70,000,000	70,000,000	70,000,000	70,000,000	-56,000,000
Academic research infrastructure	250,000,000	100,000,000	100,000,000	100,000,000	100,000,000	-150,000,000
Education and human resources	605,974,000	599,000,000	599,000,000	599,000,000	599,000,000	-6,974,000
Salaries and expenses	123,966,000	127,310,000	127,310,000	127,310,000	127,310,000	+3,344,000
Office of Inspector General	4,380,000	4,490,000	4,490,000	4,490,000	4,490,000	+110,000
National Science Foundation headquarters relocation	5,200,000	5,200,000	5,200,000	5,200,000	5,200,000	
Total, NSF (net)	3,360,520,000	3,360,000,000	3,180,000,000	3,180,000,000	3,220,000,000	-140,520,000
Neighborhood Reinvestment Corporation						
Payment to the Neighborhood Reinvestment Corporation	38,667,000	55,000,000	38,667,000	38,667,000	38,667,000	
Selective Service System						
Salaries and expenses	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	
Total, title III, Independent agencies (net)	26,658,463,000	26,896,568,000	23,556,687,000	24,234,867,000	24,931,637,000	-1,726,826,000
Appropriations	(26,710,988,000)	(26,896,568,000)	(23,556,687,000)	(24,234,867,000)	(24,931,637,000)	(-1,779,351,000)
Rescissions	(-45,000,000)					(+45,000,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on direct loans)	(775,000,000)	(716,026,000)	(716,026,000)	(716,026,000)	(716,026,000)	(-58,974,000)
(Limitation on corporate funds)	(901,000)	(560,000)	(560,000)	(560,000)	(560,000)	(-341,000)
TITLE IV						
CORPORATIONS						
Federal Deposit Insurance Corporation:						
FSLIC Resolution Fund	827,000,000					-827,000,000
FDIC affordable housing program	15,000,000	15,000,000				-15,000,000
Total	842,000,000	15,000,000				-842,000,000
Resolution Trust Corporation: Office of Inspector General	32,000,000	11,400,000	11,400,000	11,400,000	11,400,000	-20,600,000
Total, title IV, Corporations	874,000,000	26,400,000	11,400,000	11,400,000	11,400,000	-862,600,000
Grand total (net)	89,920,161,061	90,551,351,093	81,311,016,000	81,995,196,000	82,442,966,000	-7,477,195,061
Appropriations	(90,260,686,061)	(90,749,470,093)	(81,509,135,000)	(82,193,315,000)	(82,641,085,000)	(-7,619,601,061)
Rescissions	(-333,000,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(-198,119,000)	(+134,881,000)
(By transfer)	(100,061,000)	(63,000)	(17,561,000)	(17,561,000)	(17,561,000)	(-82,500,000)
(Limitation on administrative expenses)	(623,746,500)	(2,502,000)	(17,602,000)	(17,602,000)	(17,602,000)	(-606,144,500)
(Limitation on annual contract authority, indefinite)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	(-2,000,000)	
(Limitation on direct loans)	(1,200,523,034)	(1,075,421,120)	(1,075,363,000)	(1,075,363,000)	(1,075,363,000)	(-125,160,034)
(Limitation on guaranteed loans)	(264,939,072,000)	(237,400,000,000)	(238,900,000,000)	(238,900,000,000)	(238,900,000,000)	(-26,039,072,000)
(Limitation on corporate funds)	(516,041,000)	(549,626,000)	(554,401,000)	(554,401,000)	(554,401,000)	(+38,360,000)

H.R. 3019 - DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1996

	FY 1995 Enacted	FY 1996 Estimate	House	Senate	Conference	Conference compared with enacted
CONGRESSIONAL BUDGET RECAP						
Total appropriations in this bill (net)	89,920,161,061	90,551,351,093	81,311,016,000	81,995,196,000	82,442,986,000	-7,477,195,061
Scorekeeping adjustments	-7,987,944,000	....	22,000,000	3,000,000	2,000,000	+7,989,944,000
Total mandatory and discretionary	81,932,217,061	90,551,351,093	81,333,016,000	81,998,196,000	82,444,986,000	+512,748,939
Mandatory	20,316,311,000	20,043,351,000	20,043,351,000	20,043,351,000	20,043,351,000	-272,960,000
Discretionary:						
Crime trust fund	....	3,000,000	....	....	....	....
General purposes:						
Defense (Function 050):						
Federal Emergency Management Agency:						
Salaries and expenses	62,411,000	44,006,000	43,874,000	43,874,000	43,874,000	-18,537,000
Emergency management planning and assistance	137,147,000	24,025,000	24,025,000	24,025,000	24,025,000	-113,122,000
Selective Service System	22,930,000	23,304,000	22,930,000	22,930,000	22,930,000	....
National Science Foundation:						
Research and related activities	....	62,600,000	62,600,000	62,600,000	62,600,000	+62,600,000
Total, Defense	222,488,000	153,935,000	153,429,000	153,429,000	153,429,000	-69,059,000
Nondefense discretionary	61,393,418,061	70,351,065,093	61,136,236,000	61,801,416,000	62,248,186,000	+854,769,939
Total, General purposes	61,615,906,061	70,505,000,093	61,289,665,000	61,954,845,000	62,401,615,000	+785,708,939
Total, Discretionary	61,615,906,061	70,508,000,093	61,289,665,000	61,954,845,000	62,401,615,000	+785,708,939

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III)

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	TITLE II - SUPPLEMENTAL APPROPRIATIONS						
	CHAPTER I						
	DEPARTMENT OF AGRICULTURE						
	Natural Resources Conservation Service						
104-183	Watershed and flood prevention operations (emergency appropriations)	60,000,000	73,200,000			-73,200,000	
104-183	Contingent emergency appropriations	40,000,000		107,514,000	80,514,000	+80,514,000	-27,000,000
	Consolidated Farm Service Agency						
104-183	Emergency conservation program (emergency appropriations)	30,000,000	24,800,000	30,000,000	30,000,000	+5,200,000	
	Commodity Credit Corporation						
	Emergency livestock feed assistance program (emergency appropriations)		7,500,000			-7,500,000	
	(1997 carryover)		(2,500,000)			(-2,500,000)	
	Rural Housing and Community Development Service						
	Rural Housing Insurance Fund Program Account:						
	Low-income housing (sec. 502):						
104-183	Loan subsidy (emergency appropriations)	5,000,000	5,000,000	5,000,000	5,000,000		
104-183	Loan authorization	(34,965,000)	(34,965,000)	(34,965,000)	(34,965,000)		
	Housing repair (sec. 504):						
104-183	Loan subsidy (emergency appropriations)	1,500,000	1,500,000	1,500,000	1,500,000		
104-183	Loan authorization	(3,995,000)	(3,995,000)	(3,995,000)	(3,995,000)		
	Total, Rural Housing Insurance Fund	6,500,000	6,500,000	6,500,000	6,500,000		
104-183	Very low-income housing repair grants (emergency appropriations)	1,100,000	1,100,000	1,100,000	1,100,000		
	Total, Rural Housing and Community Development Service	7,600,000	7,600,000	7,600,000	7,600,000		
	Rural Utilities Service						
104-183	Emergency community water assistance program (emergency appropriations)	5,000,000	5,000,000			-5,000,000	
104-183	Rural utilities assistance program (emergency appropriations)	6,000,000	6,000,000	11,000,000	11,000,000	+5,000,000	
	Total, Rural Utilities Service	11,000,000	11,000,000	11,000,000	11,000,000		
	Total, Chapter I:						
	New budget (obligational) authority	148,600,000	126,600,000	156,114,000	129,114,000	+2,514,000	-27,000,000
	Emergency appropriations	(108,600,000)	(126,600,000)	(48,600,000)	(48,600,000)	(-78,000,000)	
	Contingent emergency appropriations	(40,000,000)		(107,514,000)	(80,514,000)	(+80,514,000)	(-27,000,000)
	CHAPTER II						
	DEPARTMENT OF JUSTICE						
	Federal Bureau of Investigation						
	Salaries and expenses (contingent emergency appropriations)			7,000,000			-7,000,000
	DEPARTMENT OF COMMERCE						
	Economic Development Administration						
	Economic development assistance programs (contingent emergency appropriations)			27,500,000	18,000,000	+18,000,000	-9,500,000
	National Oceanic and Atmospheric Administration						
104-183	Construction (emergency appropriations)	10,000,000		10,000,000	7,500,000	+7,500,000	-2,500,000
	Total, Department of Commerce	10,000,000		37,500,000	25,500,000	+25,500,000	-12,000,000
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
	Diplomatic and consular program (emergency appropriaticns)		2,000,000			-2,000,000	
	RELATED AGENCIES						
	United States Information Agency						
	Salaries and expenses (emergency appropriations)		1,000,000			-1,000,000	

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Small Business Administration						
	Disaster Loans Program Account:						
104-183	Direct loans subsidy (emergency appropriations)	69,700,000	72,300,000	69,700,000	71,000,000	-1,300,000	+1,300,000
104-183	Administrative expenses (emergency appropriations)	30,300,000	27,700,000	30,300,000	29,000,000	+1,300,000	-1,300,000
	Total, Small Business Administration	100,000,000	100,000,000	100,000,000	100,000,000		
	Total, Chapter II:						
	New budget (obligational) authority	110,000,000	103,000,000	144,500,000	125,500,000	+22,500,000	-19,000,000
	Emergency appropriations	(110,000,000)	(103,000,000)	(110,000,000)	(107,500,000)	(+4,500,000)	(-2,500,000)
	Contingent emergency appropriations			(34,500,000)	(18,000,000)	(+18,000,000)	(-16,500,000)
	CHAPTER III						
	DEPARTMENT OF DEFENSE - CIVIL						
	Corps of Engineers - Civil						
104-183	Operation and maintenance, general (emergency appropriations)	30,000,000	30,000,000	30,000,000	30,000,000		
104-183	Flood control and coastal emergencies (emergency appropriations)	135,000,000	135,000,000	135,000,000	135,000,000		
	Total, Department of Defense - Civil	165,000,000	165,000,000	165,000,000	165,000,000		
	DEPARTMENT OF THE INTERIOR						
	Bureau of Reclamation						
104-183	Construction program (emergency appropriations)	9,000,000	9,000,000	9,000,000	9,000,000		
104-183	Contingent emergency appropriations	9,000,000		9,000,000			-9,000,000
	Total, Department of the Interior	18,000,000	9,000,000	18,000,000	9,000,000		-9,000,000
	DEPARTMENT OF ENERGY						
	Atomic Energy Defense Activities						
	Other Defense Activities				15,000,000	+15,000,000	+15,000,000
	Power Marketing Administrations						
104-183	Operation and maintenance, Alaska Power Administration (by transfer)	(5,500,000)	(5,500,000)		(5,500,000)		(+5,500,000)
	Total, Chapter III:						
	New budget (obligational) authority	183,000,000	174,000,000	183,000,000	189,000,000	+15,000,000	+6,000,000
	Appropriations				(15,000,000)	(+15,000,000)	(+15,000,000)
	Emergency appropriations	(174,000,000)	(174,000,000)	(174,000,000)	(174,000,000)		
	Contingent emergency appropriations	(9,000,000)		(9,000,000)			(-9,000,000)
	(By transfer)	(5,500,000)	(5,500,000)		(5,500,000)		(+5,500,000)
	CHAPTER IV						
	BILATERAL ECONOMIC ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-187	Unanticipated needs for Defense of Israel against terrorism (emergency appropriations)	50,000,000		50,000,000	50,000,000	+50,000,000	
	MILITARY ASSISTANCE						
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-178	Foreign Military Assistance Program: Grants	140,000,000	70,000,000	70,000,000	70,000,000		
	Total, Chapter IV:						
	New budget (obligational) authority	190,000,000	70,000,000	120,000,000	120,000,000	+50,000,000	
	Appropriations	(140,000,000)	(70,000,000)	(70,000,000)	(70,000,000)		
	Emergency appropriations	(50,000,000)		(50,000,000)	(50,000,000)	(+50,000,000)	
	CHAPTER V						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
104-183	Construction and access (emergency appropriations)	4,242,000	4,242,000	4,242,000	4,242,000		
	Contingent emergency appropriations			758,000	758,000	+758,000	
104-183	Oregon and California grant lands (emergency appropriations)	19,548,000	19,548,000	19,548,000	19,548,000		
	Contingent emergency appropriations			15,452,000	15,452,000	+15,452,000	
	Total, Bureau of Land Management	23,790,000	23,790,000	40,000,000	40,000,000	+16,210,000	
	United States Fish and Wildlife Service						
	Resource management (contingent emergency appropriations)			1,600,000	1,600,000	+1,600,000	

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
104-183	Construction (emergency appropriations)	20,505,000	20,505,000	20,505,000	20,505,000		
	Contingent emergency appropriations			16,795,000	16,795,000	+16,795,000	
	Total, United States Fish and Wildlife Service	20,505,000	20,505,000	38,900,000	38,900,000	+18,395,000	
	National Park Service						
104-183	Construction (emergency appropriations)	33,601,000	33,601,000	33,601,000	33,601,000		
	Contingent emergency appropriations			13,399,000	13,399,000	+13,399,000	
	Total, National Park Service	33,601,000	33,601,000	47,000,000	47,000,000	+13,399,000	
	United States Geological Survey						
104-183	Surveys, investigations, and research (emergency appropriations)	1,176,000	1,176,000	1,176,000	1,176,000		
	Contingent emergency appropriations			824,000	824,000	+824,000	
	Total, United States Geological Survey	1,176,000	1,176,000	2,000,000	2,000,000	+824,000	
	Bureau of Indian Affairs						
104-183	Operation of Indian programs (emergency appropriations)	500,000	500,000	500,000	500,000		
104-183	Construction (emergency appropriations)	9,428,000	9,428,000	9,428,000	9,428,000		
	Contingent emergency appropriations			7,072,000	7,072,000	+7,072,000	
	Total, Bureau of Indian Affairs	9,928,000	9,928,000	17,000,000	17,000,000	+7,072,000	
	Territorial and International Affairs						
104-183	Assistance to territories (emergency appropriations)	2,000,000	2,000,000	2,000,000	2,000,000		
	Contingent emergency appropriations			11,000,000	11,000,000	+11,000,000	
	Total, Department of the Interior	91,000,000	91,000,000	157,900,000	157,900,000	+66,900,000	
	DEPARTMENT OF AGRICULTURE						
	Forest Service						
104-183	National forest system (emergency appropriations)	20,000,000	20,000,000	20,000,000	20,000,000		
	Contingent emergency appropriations			6,600,000	6,600,000	+6,600,000	
104-183	Construction (emergency appropriations)	40,000,000	40,000,000	40,000,000	40,000,000		
104-183	Contingent emergency appropriations	20,000,000	20,000,000	20,800,000	20,800,000	+800,000	
	Total, Forest Service	80,000,000	80,000,000	87,400,000	87,400,000	+7,400,000	
	Total, Chapter V:						
	New budget (obligational) authority	171,000,000	171,000,000	245,300,000	245,300,000	+74,300,000	
	Emergency appropriations	(151,000,000)	(151,000,000)	(151,000,000)	(151,000,000)		
	Contingent emergency appropriations	(20,000,000)	(20,000,000)	(94,300,000)	(94,300,000)	(+74,300,000)	
	CHAPTER VI						
	DEPARTMENT OF DEFENSE						
104-179	North Atlantic Treaty Organization Infrastructure (emergency appropriations)	37,500,000	37,500,000	37,500,000	37,500,000		
	CHAPTER VII						
	DEPARTMENT OF DEFENSE						
	Military Personnel						
	Military Personnel, Army			244,400,000			-244,400,000
104-179	Emergency appropriations	244,400,000	262,200,000		257,200,000	-5,000,000	+257,200,000
	Military Personnel, Navy			11,700,000			-11,700,000
104-179	Emergency appropriations	11,700,000	11,800,000		11,700,000	-100,000	+11,700,000
	Military Personnel, Marine Corps			2,600,000			-2,600,000
104-179	Emergency appropriations	2,600,000	2,700,000		2,600,000	-100,000	+2,600,000
	Military Personnel, Air Force			27,300,000			-27,300,000
104-179	Emergency appropriations	27,300,000	33,700,000		27,300,000	-6,400,000	+27,300,000
	Total, Military Personnel	286,000,000	310,400,000	286,000,000	298,800,000	-11,600,000	+12,800,000
	Operation and Maintenance						
	Operation and Maintenance, Army			195,000,000			-195,000,000
104-179	Emergency appropriations	48,200,000	235,200,000		241,500,000	+6,300,000	+241,500,000
	Operation and Maintenance, Marine Corps			900,000			-900,000
104-179	Emergency appropriations	900,000	900,000		900,000		+900,000
	Operation and Maintenance, Air Force			190,000,000	44,900,000	+44,900,000	-145,100,000
104-179	Emergency appropriations	141,600,000	130,200,000		173,000,000	+42,800,000	+173,000,000
	(By transfer)			(44,900,000)			(-44,900,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Operation and Maintenance, Defense-Wide			79,800,000			-79,800,000
104-179	Emergency appropriations	79,800,000	79,800,000		79,800,000		+79,800,000
	(By transfer)			(15,000,000)	(15,000,000)	(+15,000,000)	
	Total, Operation and Maintenance	270,500,000	446,100,000	465,700,000	540,100,000	+94,000,000	+74,400,000
	Procurement						
	Other Procurement, Air Force			26,000,000			-26,000,000
104-179	Emergency appropriations	26,000,000	26,000,000		26,000,000		+26,000,000
	Research, Development, Test and Evaluation						
	Research, Development, Test and Evaluation, Army (by transfer)				(8,000,000)	(+8,000,000)	(+8,000,000)
	Research, Development, Test and Evaluation, Navy				10,000,000	+10,000,000	+10,000,000
	Research, Development, Test and Evaluation, Defense-Wide			50,000,000	50,000,000	+50,000,000	
	Total, Research, Development, Test and Evaluation			50,000,000	60,000,000	+60,000,000	+10,000,000
	General Provisions						
104-179	Additional transfer authority (sec. 8001)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	Total, Chapter VII:						
	New budget (obligational) authority	582,500,000	782,500,000	827,700,000	924,900,000	+142,400,000	+97,200,000
	Appropriations			(827,700,000)	(104,900,000)	(+104,900,000)	(-722,800,000)
	Emergency appropriations	(582,500,000)	(782,500,000)		(820,000,000)	(+37,500,000)	(+820,000,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer)			(59,900,000)	(23,000,000)	(+23,000,000)	(-36,900,000)
	CHAPTER VIII						
	DEPARTMENT OF TRANSPORTATION						
	Federal Highway Administration						
104-183	Federal-aid highways (Highway Trust Fund) (emergency appropriations)	267,000,000	267,000,000	267,000,000	267,000,000		
	Contingent emergency appropriations			33,000,000	33,000,000	+33,000,000	
	Federal Railroad Administration						
	Local rail freight assistance (contingent emergency appropriations)			10,000,000			-10,000,000
	Federal Transit Administration						
104-183	Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(375,000,000)	(375,000,000)	(375,000,000)	(375,000,000)		
	Total, Department of Transportation	267,000,000	267,000,000	310,000,000	300,000,000	+33,000,000	-10,000,000
	RELATED AGENCY						
	Panama Canal Commission						
104-183	Panama Canal revolving fund (administrative expenses)	(2,000,000)	(2,000,000)		(2,000,000)		(+2,000,000)
	Total, Chapter VIII:						
	New budget (obligational) authority	267,000,000	267,000,000	310,000,000	300,000,000	+33,000,000	-10,000,000
	Emergency appropriations	(267,000,000)	(267,000,000)	(267,000,000)	(267,000,000)		
	Contingent emergency appropriations			(43,000,000)	(33,000,000)	(+33,000,000)	(-10,000,000)
	CHAPTER IX						
	DEPARTMENT OF THE TREASURY						
	Departmental Offices						
	Salaries and expenses (contingent emergency appropriations)			3,000,000			-3,000,000
	FUNDS APPROPRIATED TO THE PRESIDENT						
104-183	Office of National Drug Control Policy	3,400,000		3,900,000	3,400,000	+3,400,000	-500,000
	Total, Chapter IX:						
	New budget (obligational) authority	3,400,000		6,900,000	3,400,000	+3,400,000	-3,500,000
	Appropriations	(3,400,000)		(3,900,000)	(3,400,000)	(+3,400,000)	(-500,000)
	Contingent emergency appropriations			(3,000,000)			(-3,000,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	CHAPTER X						
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Community Planning and Development						
	Community development grants (contingent emergency appropriations)			100,000,000	50,000,000	+50,000,000	-50,000,000
	OTHER INDEPENDENT AGENCIES						
	Federal Emergency Management Agency						
	Disaster relief (contingent emergency appropriations)		150,000,000	150,000,000		-150,000,000	-150,000,000
	Disaster Assistance Direct Loan Program Account:						
104-183	Loan subsidy (emergency appropriations)	103,729,000					
104-183	(Loan authorization)	(118,874,000)					
	(By transfer) (emergency appropriations)		(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	Total, Chapter X:						
	New budget (obligational) authority	103,729,000	150,000,000	250,000,000	50,000,000	-100,000,000	-200,000,000
	Emergency appropriations	(103,729,000)					
	Contingent emergency appropriations		(150,000,000)	(250,000,000)	(50,000,000)	(-100,000,000)	(-200,000,000)
	Total, title II:						
	New budget (obligational) authority	1,796,729,000	1,881,600,000	2,281,014,000	2,124,714,000	+243,114,000	-156,300,000
	Appropriations	(143,400,000)	(70,000,000)	(901,600,000)	(193,300,000)	(+123,300,000)	(-708,300,000)
	Emergency appropriations	(1,584,329,000)	(1,641,600,000)	(838,100,000)	(1,655,600,000)	(+14,000,000)	(+817,500,000)
	Contingent emergency appropriations	(69,000,000)	(170,000,000)	(541,314,000)	(275,814,000)	(+105,814,000)	(-265,500,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer) (emergency appropriations)		(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	(By transfer)	(5,500,000)	(5,500,000)	(59,900,000)	(28,500,000)	(+23,000,000)	(-31,400,000)
	TITLE III - RESCISSIONS AND OFFSETS						
	CHAPTER I						
	DEPARTMENT OF ENERGY						
	U.S. Enrichment Corporation privatization						
	Bonneville Power Administration refinancing						
	CHAPTER II						
	EXPORT-IMPORT BANK OF THE UNITED STATES						
	Limitation of program activity (rescission)		-41,000,000	-25,000,000	-42,000,000	-1,000,000	-17,000,000
	CHAPTER III						
	DEPARTMENT OF ENERGY						
	Strategic Petroleum Reserve (offset)			-227,000,000	-227,000,000	-227,000,000	
	CHAPTER IV						
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Administration for Children and Families						
	Job opportunities and basic skills (JOBS) (offset)			-10,000,000	-10,000,000	-10,000,000	
	DEPARTMENT OF EDUCATION						
	Student financial assistance (rescission)				-53,446,000	-53,446,000	-53,446,000
	Total, Chapter IV:						
	New budget (obligational) authority			-10,000,000	-63,446,000	-63,446,000	-53,446,000
	Rescissions				(-53,446,000)	(-53,446,000)	(-53,446,000)
	Offsets			(-10,000,000)	(-10,000,000)	(-10,000,000)	
	CHAPTER V						
	DEPARTMENT OF DEFENSE						
	Military construction, Army (rescission)				-6,385,000	-6,385,000	-6,385,000
	Military construction, Navy (rescission)				-6,385,000	-6,385,000	-6,385,000
	Military construction, Air Force (rescission)				-6,385,000	-6,385,000	-6,385,000
	Military construction, Defense-Wide (rescission)				-18,345,000	-18,345,000	-18,345,000
	Total, Chapter V:						
	Rescissions				-37,500,000	-37,500,000	-37,500,000
	CHAPTER VI						
	DEPARTMENT OF DEFENSE						
	Procurement						
104-162	Missile Procurement, Air Force (rescission)	-310,000,000	-310,000,000	-310,000,000	-310,000,000		
104-162	Other Procurement, Air Force (rescission)	-265,000,000	-265,000,000	-265,000,000	-265,000,000		
	Total, Procurement	-575,000,000	-575,000,000	-575,000,000	-575,000,000		

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Research, Development, Test and Evaluation						
104-180	Research, Development, Test and Evaluation, Army (rescission)	-19,500,000	-9,750,000	-7,000,000	-19,500,000	-9,750,000	-12,500,000
104-180	Research, Development, Test and Evaluation, Navy (rescission)	-35,000,000	-17,500,000	-12,500,000	-45,000,000	-27,500,000	-32,500,000
104-180 104-162	Research, Development, Test and Evaluation, Air Force (rescission)	-289,900,000	-267,450,000	-261,000,000	-314,800,000	-47,350,000	-53,800,000
104-180	Research, Development, Test and Evaluation, Defense-Wide (rescission)	-40,600,000	-20,300,000	-14,500,000	-40,600,000	-20,300,000	-26,100,000
	Total, Research, Development, Test and Evaluation	-385,000,000	-315,000,000	-295,000,000	-419,900,000	-104,900,000	-124,900,000
	Total, Chapter VI: Rescissions	-960,000,000	-890,000,000	-870,000,000	-994,900,000	-104,900,000	-124,900,000
	CHAPTER VII						
	DEPARTMENT OF TRANSPORTATION						
	Federal Aviation Administration						
	Grants-in-aid for airports (Airport and Airway Trust Fund): Rescission of contract authority			-664,000,000	-664,000,000	-664,000,000	
	Federal Highway Administration						
	Highway-related safety grants (Highway Trust Fund) (rescission of contract authority)				-9,000,000	-9,000,000	-9,000,000
	Motor carrier safety grants (Highway Trust Fund) (rescission of contract authority)				-33,000,000	-33,000,000	-33,000,000
	Total, Federal Highway Administration				-42,000,000	-42,000,000	-42,000,000
	National Highway Traffic Safety Administration						
	Highway traffic safety grants (Highway Trust Fund) (rescission of contract authority)				-56,000,000	-56,000,000	-56,000,000
	Total, Chapter VII: Rescissions of contract authority			-664,000,000	-762,000,000	-762,000,000	-98,000,000
	CHAPTER VIII						
	INDEPENDENT AGENCIES						
	General Services Administration						
	Federal Buildings Fund:						
	Limitations on availability of revenue:						
	Installment acquisition payments (rescission)			-3,500,000	-3,400,000	-3,400,000	+100,000
104-182	Repairs and alterations (rescission)	-3,500,000		-200,000			+200,000
	Total, Federal Buildings Fund: Rescissions	-3,500,000		-3,700,000	-3,400,000	-3,400,000	+300,000
	United States Tax Court (rescission)			-200,000			+200,000
	Total, Chapter VIII: Rescissions	-3,500,000		-3,900,000	-3,400,000	-3,400,000	+500,000
	CHAPTER IX						
	INDEPENDENT AGENCY						
	Federal Emergency Management Agency						
	Disaster relief (emergency rescission)				-1,000,000,000	-1,000,000,000	-1,000,000,000
	CHAPTER X						
	DEPARTMENT OF TREASURY						
	Financial Management Service						
	Debt collection initiatives (offset)			-440,000,000	-540,000,000	-540,000,000	-100,000,000
	GENERAL PROVISIONS						
	Federal administrative and personal services expenses (rescission)				-500,000,000	-500,000,000	-500,000,000
	Total, Chapter X:						
	New budget (obligational) authority			-440,000,000	-1,040,000,000	-1,040,000,000	-600,000,000
	Rescissions				(-500,000,000)	(-500,000,000)	(-500,000,000)
	Offsets			(-440,000,000)	(-540,000,000)	(-540,000,000)	(-100,000,000)

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Total, title III:						
	New budget (obligational) authority	-963,500,000	-931,000,000	-2,239,900,000	-4,170,246,000	-3,239,246,000	-1,930,346,000
	Rescissions	(-963,500,000)	(-931,000,000)	(-898,900,000)	(-1,631,246,000)	(-700,246,000)	(-732,346,000)
	Offsets			(-677,000,000)	(-777,000,000)	(-777,000,000)	(-100,000,000)
	Rescissions of contract authority			(-664,000,000)	(-762,000,000)	(-762,000,000)	(-98,000,000)
	Emergency rescission				(-1,000,000,000)	(-1,000,000,000)	(-1,000,000,000)
	TITLE IV - CONTINGENT SUPPLEMENTAL						
	CHAPTER I						
	DEPARTMENT OF COMMERCE						
	National Institute of Standards and Technology						
	Industrial technology services		100,000,000	235,000,000		-100,000,000	-235,000,000
	Technology Administration						
	Salaries and expenses			2,500,000			-2,500,000
	Total, Department of Commerce		100,000,000	237,500,000		-100,000,000	-237,500,000
	DEPARTMENT OF STATE						
	Administration of Foreign Affairs						
	Security and maintenance of United States Missions			8,500,000			-8,500,000
	International Organizations and Conferences						
	Contributions to international organizations, current year assessment		158,000,000	223,000,000		-158,000,000	-223,000,000
	Contributions for international peacekeeping activities, current year assessment		200,000,000	215,000,000		-200,000,000	-215,000,000
	Total, Department of State		358,000,000	446,500,000		-358,000,000	-446,500,000
	RELATED AGENCY						
	Legal Services Corporation						
	Payment to the Legal Services Corporation			9,000,000			-9,000,000
	Total, Chapter I:						
	New budget (obligational) authority		458,000,000	693,000,000		-458,000,000	-693,000,000
	CHAPTER II						
	DEPARTMENT OF THE INTERIOR						
	Bureau of Land Management						
	Payment in lieu of taxes			12,500,000			-12,500,000
	National Park Service						
	Operation of the national park system			35,000,000			-35,000,000
	Bureau of Indian Affairs						
	Operation of Indian programs			35,000,000			-35,000,000
	Total, Department of the Interior			82,500,000			-82,500,000
	DEPARTMENT OF ENERGY						
	Energy conservation			35,000,000			-35,000,000
	Total, Chapter II:						
	New budget (obligational) authority			117,500,000			-117,500,000
	CHAPTER III						
	DEPARTMENT OF LABOR						
	Employment and Training Administration						
	Training and employment services		111,800,000			-111,800,000	
	Regular appropriations			1,213,300,000			-1,213,300,000
	State unemployment insurance and employment service operations		33,000,000			-33,000,000	
	Regular appropriations			18,000,000			-18,000,000
	Total, Employment and Training Administration		144,800,000	1,231,300,000		-144,800,000	-1,231,300,000
	Departmental Management						
	Salaries and expenses			12,000,000			-12,000,000
	Total, Department of Labor		144,800,000	1,243,300,000		-144,800,000	-1,243,300,000

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL, (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	DEPARTMENT OF HEALTH AND HUMAN SERVICES						
	Substance Abuse and Mental Health Services Administration						
	Substance abuse and mental health services		100,000,000	134,107,000		-100,000,000	-134,107,000
	Administration for Children and Families						
	Children and families services program (regular appropriations)			136,700,000			-136,700,000
	Health Resources and Services Administration						
	Program operations			55,256,000			-55,256,000
	Total, Department of Health and Human Services.		100,000,000	326,063,000		-100,000,000	-326,063,000
	DEPARTMENT OF EDUCATION						
	Education reform		389,500,000			-389,500,000	
	(Advance appropriations, FY 1997)			151,000,000			-151,000,000
	Compensation education for the disadvantaged		961,000,000			-961,000,000	
	(Advance appropriations, FY 1997)			814,489,000			-814,489,000
	Vocational and adult education						
	(Advance appropriations, FY 1997)			82,750,000			-82,750,000
	School improvement programs		12,000,000			-12,000,000	
	(Advance appropriations, FY 1997)			208,000,000			-208,000,000
	Student financial assistance (regular appropriations)			90,000,000			-90,000,000
	Education research, statistics, and improvement		23,000,000			-23,000,000	
	(Advance appropriations, FY 1997)			10,000,000			-10,000,000
	Total, Department of Education		1,385,500,000	1,356,239,000		-1,385,500,000	-1,356,239,000
	Total, Chapter III:						
	New budget (obligational) authority		1,630,300,000	2,925,602,000		-1,630,300,000	-2,925,602,000
	Appropriations			(1,458,000,000)			(-1,458,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	Contingent appropriations		(1,630,300,000)	(201,363,000)		(-1,630,300,000)	(-201,363,000)
	CHAPTER IV						
	DEPARTMENT OF VETERANS AFFAIRS						
	Departmental Administration						
	Construction, major projects		70,100,000	16,000,000		-70,100,000	-16,000,000
	DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT						
	Selected Housing Programs						
	Annual contributions for assisted housing		150,000,000	200,000,000		-150,000,000	-200,000,000
	Severely distressed public housing		220,000,000	120,000,000		-220,000,000	-120,000,000
	Payments for operation of low-income housing		50,000,000	50,000,000		-50,000,000	-50,000,000
	Total, Selected Housing Programs		420,000,000	370,000,000		-420,000,000	-370,000,000
	Management and Administration						
	Departmental restructuring fund			20,000,000			-20,000,000
	Total, Department of Housing and Urban Development		420,000,000	390,000,000		-420,000,000	-390,000,000
	INDEPENDENT AGENCIES						
	Community Development Financial Institutions						
	Community development financial institutions fund program account		25,000,000			-25,000,000	
	Corporation for National and Community Service						
	National and community service programs operating expenses		383,500,000			-383,500,000	
	Office of Inspector General		2,000,000			-2,000,000	
	Total, Corporation for National and Community Service		385,500,000			-385,500,000	
	Environmental Protection Agency						
	Environmental programs and management		150,000,000			-150,000,000	
	Buildings and facilities		50,000,000			-50,000,000	
	Hazardous substance superfund		100,000,000			-100,000,000	
	State and tribal assistance grants		3,500,000			-3,500,000	
	Total, Environmental Protection Agency		303,500,000			-303,500,000	

FY 1996 EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS BILL; (H.R. 3019, TITLES II & III) — continued

Doc No.		Supplemental Request	House	Senate	Conference	Conference compared with House	Conference compared with Senate
	Executive Office of the President						
	Council on Environmental Quality and Office of Environmental Quality		500,000			-500,000	
	National Aeronautics and Space Administration						
	Space, aeronautics and technology			83,000,000			-83,000,000
	National Science Foundation						
	Research and related activities		40,000,000	40,000,000		-40,000,000	-40,000,000
	Total, Chapter IV:						
	New budget (obligational) authority		1,244,800,000	529,000,000		-1,244,800,000	-529,000,000
	Total, title IV:						
	New budget (obligational) authority		3,332,900,000	4,265,102,000		-3,332,900,000	-4,265,102,000
	Appropriations			(1,458,000,000)			(-1,458,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	Contingent appropriations		(3,332,900,000)	(1,540,863,000)		(-3,332,900,000)	(-1,540,863,000)
	TITLE V - ENVIRONMENTAL INITIATIVES						
	INDEPENDENT AGENCIES						
	Environmental Protection Agency						
	Environmental programs and management			87,000,000			-87,000,000
	Buildings and facilities			50,000,000			-50,000,000
	State and tribal assistance grants			300,000,000			-300,000,000
	Hazardous substance superfund			50,000,000			-50,000,000
	Total, title V:						
	New budget (obligational) authority			487,000,000			-487,000,000
	Grand total, all titles:						
	New budget (obligational) authority	833,229,000	4,283,500,000	4,793,216,000	-2,045,532,000	-6,329,032,000	-6,838,748,000
	Appropriations	(143,400,000)	(70,000,000)	(2,846,600,000)	(193,300,000)	(+123,300,000)	(-2,653,300,000)
	Rescissions	(-963,500,000)	(-931,000,000)	(-898,900,000)	(-1,631,246,000)	(-700,246,000)	(-732,346,000)
	Rescissions of contract authority			(-664,000,000)	(-762,000,000)	(-762,000,000)	(-98,000,000)
	Offsets			(-677,000,000)	(-777,000,000)	(-777,000,000)	(-100,000,000)
	Contingent appropriations		(3,332,900,000)	(1,540,863,000)		(-3,332,900,000)	(-1,540,863,000)
	Emergency appropriations	(1,584,329,000)	(1,641,600,000)	(838,100,000)	(1,655,600,000)	(+14,000,000)	(+817,500,000)
	Contingent emergency appropriations	(69,000,000)	(170,000,000)	(541,314,000)	(275,814,000)	(+105,814,000)	(-265,500,000)
	Emergency rescission				(-1,000,000,000)	(-1,000,000,000)	(-1,000,000,000)
	Advance appropriations, FY 1997			(1,266,239,000)			(-1,266,239,000)
	(Transfer authority)	(1,000,000,000)	(1,000,000,000)	(300,000,000)	(700,000,000)	(-300,000,000)	(+400,000,000)
	(By transfer) (emergency appropriations)		(103,729,000)	(103,729,000)	(104,000,000)	(+271,000)	(+271,000)
	(By transfer)	(5,500,000)	(5,500,000)	(59,900,000)	(28,500,000)	(+23,000,000)	(-31,400,000)

Mr. LIVINGSTON. Mr. Speaker, I reserve the balance of my time.

Mr. OBEY. Mr. Speaker, I yield myself 8 minutes.

Mr. Speaker, this really is a very good day for this institution, and in my view it marks the end of a very dark period.

The House does not run the Government. We do not execute the laws or administer the programs of this Government, but we do play a central role in funding the activities and responsibilities of the Federal Government. That in fact is the core of the responsibility given to this institution by the Constitution.

I would say over the past year this House has failed to meet that responsibility to a degree that has no precedence in the history of the Republic. For more than 7 months, this House held most of the departments and agencies of this Government in a state of suspended animation. On two separate occasions it sent Federal workers—who by and large wanted to show up and do their jobs—it sent them home for what amounted to 27 days of forced vacations paid for at taxpayers expense.

This Congress drove numerous hardworking small businessmen to near the brink of bankruptcy because they had the misfortune of having significant contracts with the Federal Government that were screwed up by the mismanagement of this place. As a result, there have been significantly increased costs to the taxpayer for purchasing services from those vendors in the future.

This House, during that process, also denied services to millions of Americans who wanted passports or who wanted to visit national parks or who had become eligible for veterans' benefits that they were not permitted to receive.

Today, finally, we can say that that nonsense for the remainder of this year is over, and for that I am very grateful. There will be a lot of people who want to claim credit for that, but in my view the people who really deserve the credit are the American people, because they turned in to what were some very complex measures.

They began to realize that the budget that this Congress was insisting on was going to eliminate 40,000 title I teachers in school districts all across the country, teachers who would provide services to nearly a million kids, to help those kids learn to read and help those kids learn to deal with mathematics. The American people also came to realize that this Congress was trying to turn its back on the commitment that had been made to increase the number of cops on the beat by 100,000. They also found out that this Congress was trying to gut many enforcement rules to clean up the environment, and that these bills were being loaded up with special riders to help commercial interests to denigrate our environmental heritage for personal gain.

And they sent a loud and clear message to this body that that is not what we were sent here to do. So today finally we have before us a funding proposal for the Federal Government that is not a great proposal. There are many flaws in it, many defects, but I would point out nonetheless it is a reasonable proposal, in contrast to the appropriation bills which worked their way through here previously. It is one that in major respects is consistent with the direction in which the American people want to go.

It does save money. It saves the same $23 billion that were saved originally when the bills went through this House, but it saves that money in a far more fair way, in a far more balanced way. It protects the basic important activities that the public wants, the activities for which we in the minority have fought.

It is time to pass this plan and move on. Surely everyone by now should recognize this fact. What this bill does today, in contrast to the prior appropriation bills, is to demonstrate that we not only know the value of a tax dollar but we also understand the value of human beings.

This chart demonstrates that since January 1993 we have steadily been reducing the deficit. When President Bush left office, the deficit for that year was projected to be $327 billion. That dropped to $255 billion; to $202 billion for the following fiscal year; to $162 billion last year, and the process continues under the passage of this bill.

Two years ago, the last year that I chaired this committee, we cut 408 programs. We eliminated 40 programs. That was the first year in post-war history when discretionary outlays of the Federal Government actually went down.

That process is continuing, and we applaud that. But in the process, we have also been able to restore 92 percent of the money that was cut by this House originally for education. We have fully restored title I. We have fully restored Head Start. We have fully restored Safe and Drug-Free Schools. We have made healthy again the School-to-Work Program. We have increased the maximum Pell grant.

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On the job training front, we have restored 90 percent of the cuts originally made by this House. In the area of worker protection, the 30-percent cut below 1995 which was originally provided for worker protections at the National Labor Relations Board has been reduced to a 3-percent cut. The cut of 15 percent for the enforcement of worker safety in OSHA has been cut to 2 percent. We have restored half of the reductions for the senior citizen job programs, like Green Thumb and Senior Aides. The Low Income Heating Assistance Program, which was eliminated by this House, has been restored to $900 million, plus $420 million in carry-over funds. Six of the seven environmental riders added by this Congress are gone. Fourteen of the seventeen riders that were attached to Education and Labor provisions in the bill are now gone, and the other three have been modified to suit the objections of the President and the minority. So this is a decent product.

I want to express my appreciation to the chairman of the committee, the gentleman from Louisiana [Mr. LIVINGSTON], for having helped to finally achieve a bipartisan solution to this problem. He worked very hard and worked in a very bipartisan way, and I very much appreciate that.

I want to express my deep thanks to Senator BYRD and Senator HATFIELD. When you deal with those two gentlemen, as one member of my staff said, you know you are truly in the presence of people who are U.S. Senators and deserve to be thought of that way.

I would simply say in closing also that I hope that we will pass this legislation and move on with the passage of our appropriation bills for the next year in a way which will never again shut down the U.S. Government. That does not have to happen.

This legislation shows you can save money without ignoring the value of human beings, without ignoring the necessity to invest in human beings. It is a far less savage and far more civilized approach. I would urge support for the package.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. NEUMANN], a member of the Committee on Appropriations and the Committee on the Budget.

Mr. NEUMANN. Mr. Speaker, I would like to start by congratulating the chairman of the Committee on Appropriations and the Committee on the Budget for their great effort here. We have hit every target. A year ago the freshmen had some doubts as to whether we would get to all of these numbers. We have tracked them for over a year, and you have literally hit every target or are ahead of schedule. You deserve congratulations for that.

When we arrived here a year ago, 73 freshmen came in here, and what we found is this. We found a deficit line, this red line on the chart, that was at $200 billion and growing every year indefinitely into the future.

We took action. We passed a rescission bill, took $11 billion out. The appropriators went to work. The gentleman from Ohio [Mr. KASICH] gave them a number, and said $23 billion has to go. You have to come in $23 billion under the previous year, the first time in a generation this has been done. The appropriations did their job.

This is where we were by December, but we dared to dream. We dared to dream that we could restore the future of this Nation and get us on track. This green line is the track, the glidepath to a balanced budget. We dared to dream about balancing the budget to preserve our Nation for our children.

So we set a target for fiscal year 1996. That target was $157 billion. What happened? The markets looked at this and saw the struggles we went through, and the markets reacted. Exactly as Alan Greenspan predicted they would, the interest rates stayed down. When the interest rates stayed down, it left this picture. It left the graph and went into real life. Because when the interest rates stayed down, our young people could afford to buy houses and cars, and when our young people can afford to buy houses and cars, the logical next thing that happens is somebody has to build those houses and build those cars, and that is jobs and job opportunities for our young people. Folks, this is exactly how America is supposed to work.

But that was not the end of the story. When the markets reacted in that way and the appropriators fulfilled their commitment to our Nation, not only did we hit this target, you see, they were afraid, it was an election year, and other Congresses have been here, and Gramm-Rudman-Hollings and Gramm-Rudman-Hollings II. But in this election year, this Congress not only did not fail, they hit their work, and they are actually $13 billion under what the projected deficit had to be in order for us to be on that glidepath.

Mr. Speaker, this is a great day for the future of this great Nation of ours.

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Illinois [Mr. YATES], the ranking member of the Subcommittee on Interior.

Mr. YATES. Mr. Speaker, I thank the gentleman from Wisconsin for yielding me time.

Mr. Speaker, I was a conferee on this conference. I did not sign the conference agreement because I am very strongly opposed to the bill. It is true that in many respects after the negotiations that have taken place over these last few days the bill is better than it was before the negotiations. But in my opinion, the bill is so bad it is not susceptible to correction.

For example, it badly hurts the Indian people, their health, their education. It hurts the national parks by taking money from essential construction and moving it over to operations. It hurts the national forests by increasing the timber cut, by building timber roads in ancient forests and jeopardizing habitat, wetlands, and environment. It sounds the death knell for the Endowments for the Acts and the Humanities. And by its use of sufficiency language in various paragraphs of the bill, it deprives the public from participating in the decisions that it would want to make in connection with the environment.

There are many other deficiencies in the bill. Time does not permit going into them.

A new tool has been added for legislation. There is a compromise that is based upon a phrase called the waiver. It is asserted that by exercising the waiver, the President can kill provisions that he finds unacceptable; for example, the provisions relating to the Tongass National Forest to which he had objected. This is a very strange provision. In effect, is it supposed to be a repealer of other provisions? Are the provisions supposed to stay in effect, even though they have been waived? To what extent is the waiver applicable? In whole or in part? Is it to be temporary or permanent? That is not clear.

I would hope, Mr. Speaker, that the President makes it clear, makes it very clear, that he will use the waiver immediately to clear up all questions, and that when he signs the bill, he will also have documents present which waive the provisions to which he objects and lets it be known that this is his purpose.

At any rate, the President will have at hand the documents. I hope he uses them.

There is much more one may say against the bill. I oppose it, Mr. Speaker, and I will not vote for it.

Mr. LIVINGSTON. Mr. Speaker, I am pleased to yield 3 minutes to the very distinguished gentleman from Illinois [Mr. PORTER], a gentleman who has worked very long and very hard on one of the toughest subcommittee bills in the appropriations, perhaps the toughest, chairman of the Subcommittee on Labor, Health and Human Services, and Education.

Mr. PORTER. Mr. Speaker, I thank the chairman for yielding me time.

Mr. Speaker, let me say that the chairman has done yeoman work on this bill. If a person could live one day in his shoes, they would understand how hard Members of this body work to carry out the responsibilities of their office. The chairman has done an absolutely marvelous job.

Under the Labor, Health and Human Services, and Education and Related Agencies portion of the bill, we began with spending for fiscal year 1995 of $70 billion in discretionary funds. We cut $28 billion in the rescission package last year and we cut an additional $2.6 billion in this package, for a total overall reduction of about $5.4 billion. This reduction represents an 8-percent reduction from the previous year.

That amount is less, Mr. Speaker, than the reduction in the original House passed version of H.R. 2127 which cut spending by 13 percent. This conference report, however, still represents one-quarter of all the savings in the nondefense discretionary accounts.

My section of the bill terminates 110 programs from the fiscal 1995 appropriation, not the 170 programs that the House passed version of H.R. 2127 terminated. Yet this conference report represents a substantial down payment on the elimination of wasteful, unnecessary, and high overhead programs. These services can be provided much more effectively and efficiently in broader State grant programs.

The bill also provides increases in some programs because our job, Mr. Speaker, is to set priorities. The conference agreement provides increases for biomedical research, for public health, for the Job Corps, for school-to-work, for AIDS health services, for childhood immunizations, for Head Start, for breast and cervical cancer screening, for infectious and sexually transmitted diseases and for Social Security Administration costs.

Although the conference report cuts 8 percent overall, level funding was provided for family planning and AIDS prevention. All of the block grant programs including substance abuse, mental health, child care and community services, were level funded. For title I—education for the disadvantaged, impact aid programs, Safe and Drug-Free Schools, and special aid State grants the conference agreement provides level funding. With respect to student financial assistance, Mr. Speaker, we also level funded the TRIO and SEOG programs, as well as college work study. For Pell grants we provided the highest maximum grant award in the history of the program: to $2,470.

Our job is not just making cuts though, Mr. Speaker. That is the message of this omnibus bill. Of course, our job is to control spending, but our job also is to examine every single program in government to see whether it can be done in the private sector or by State and local government and to set priorities.

What this process means, Mr. Speaker, is better services for people, while bringing Federal spending under control. I commend the chairman for doing such a marvelous job. We have made great progress.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. STOKES], the distinguished ranking member of the Subcommittee on VA, HUD and Independent Agencies.

Mr. STOKES. Mr. Speaker, I thank the distinguished ranking member of the full Committee on Appropriations for yielding time to me.

Mr. Speaker, I rise in support of the conference report. Make no mistake about it; this legislation is far from perfect. For the VA/HUD title alone, this report represents a reduction of nearly $8 billion from the amounts provided in 1995 by the 103d Congress. Most of that reduction, or $5.5 billion is in programs of the Department of Housing and Urban Development that help the poorest and neediest of our citizens.

A comparison of the VA/HUD amounts and provisions in this conference report with those in the original House-passed bill, however, does reveal vast improvements. For example:

This conference report contains $1.6 billion more for the Environmental Protection Agency than the House bill, including $300 million more for the Superfund to clean up hazardous and toxic wastes in our communities, and $1.2 billion more for wastewater and drinking water grants, money that will be used by local communities to build and improve their water purification; H.R. 3019 contains $200 million more for HUD's program to replace severely distressed public housing with smaller, more viable developments; it adds an additional $75 million to section 202 elderly and section 811 disabled housing programs; the report contains $400 million for the President's successful, Americorps Program, rather than termination as recommended by the House; it contains funding at or near the levels wanted by the administration for community development financial institutions [CDFI], the council on environmental quality [CEQ], and the Office of Consumer Affairs.

Virtually all of the environmentally damaging limitations on EPA's funding have been deleted, including a provision which would have removed EPA's ability to review and veto development permits which would be injurious to our fragile wetlands; the provision transferring enforcement of our Nation's fair housing laws from HUD to the Department of Justice has also been deleted.

Further, because of the Democrats' steadfast commitment to protecting children, hard working families and seniors, the bill contains a number of restorations in critical Labor-HHS-ED appropriations subcommittee budget accounts. The bill restores $625 million in funding for the summer jobs program. This means that over 500,000 low-income youth who want and need to work will have a job this summer. The summer jobs program had been proposed for elimination.

The restoration of $1.2 billion in title I means that teaching assistance in basic reading and math will be restored to over 1 million disadvantaged children, who would have been denied the opportunity to learn under the earlier version of the Republican budget.

The restoration of $900 million for low-income home energy assistance means that heating and cooling assistance will be restored to 6 million households. Without this restoration, these low-income families would have been forced to go without heat in the cold of winter, or cooling in summer's extreme heat.

The restoration of $250 million to the Dislocated Workers Program means that assistance can be provided to workers who have been laid off through no fault of their own.

These changes and many others make this legislation palatable, and I urge my colleagues to support it. The beneficiaries of this act will be the American people. Their voices have been heard. Their concerns about unreasonable reductions in education, worker protection, and environmental protection programs have been addressed. This bill does not do everything we would have liked, but it is a vast improvement over the original bill. Some critically important steps have been made in order for us to meet our obligations to improve the quality of life for the American people.

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Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from Indiana [Mr. BURTON], a distinguished member of the Committee on International Relations.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time.

The President said that the era of big government is over when he addressed the House not long ago, and yet in many cases the President has not been true to his word. One example is the student loan program. Right now 40 percent of the student loan program is administered by the Federal Government, the other 60 by private lending institutions. Now the President has said he is going to veto this bill if 100 percent is not taken over by the Federal Government.

Mr. Speaker, what does that mean? It means the cost to the taxpayers by the year 2002 will be 1½ billion dollars' more, $1 thousand 500 million more for student loans than it would be if we let the private sector handle it. And yet the President said he is against big government. He cannot be against big government and be for this program.

In addition, thousands of jobs in the private sector are going to be lost and put into the Department of Education to administer these student loan programs. If the President really believes in less government, he should believe in turning these loans, these student loans over to the private sector. The President's words ring hollow when he says the era of big government is over and then go for a program like this.

Mr. LIVINGSTON. Mr. Speaker, I yield 5½ minutes to the gentleman from Ohio [Mr. REGULA], the very distinguished chairman of the Subcommittee on Interior of the Committee on Appropriations.

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me this time. Mr. Speaker, I yield to the gentleman from California [Mr. RIGGS] for purposes of a colloquy.

Mr. RIGGS. Mr. Speaker, I thank the chairman and I appreciate his yielding. I want to thank and salute the gentleman and the chairman of the full committee for their tremendous work on this bill, especially in his efforts in this bill and the conference report to prevent unnecessary regulation and unintended consequences under the Endangered Species Act. Of specific concern right now is the proposed designation by the U.S. Fish Wildlife Service of critical habitat for the marbled murrelet.

I understand that it is the intent of the conferees, in the event that the Fish and Wildlife Service is required by court order to finalize the regulation, the service is to consider fully all the comments submitted during the review period, including the comments by private individuals and State agencies. Further, if the service cannot consider fully these comments, the service should notify the appropriate court and petition for an extension. Am I correct?

Mr. REGULA. The gentleman is correct.

Mr. RIGGS. Am I also correct, Mr. Chairman, that Congress intends, under this legislation, that the Fish and Wildlife Service protect the private property rights of parties affected by critical habitat designations by using Federal lands to the maximum extent possible, or by taking other actions to ameliorate the impacts on private property, such as memoranda of understanding with State agencies? Specifically, the California Resources Agency has filed comments on the proposed critical habitat designation asking for revisions to reflect a 1991 memorandum of understanding it has signed with the Fish and Wildlife Service.

Mr. REGULA. The gentleman is correct. If the critical habitat designation goes forward, the Congress expects the Fish and Wildlife Service to protect the rights of private property owners. The service should seek to ameliorate adverse impacts on private property by actions such as using Federal lands and by complying with agreements negotiated with the States, including provisions for the use of other public lands in the State to the maximum extent possible before private lands are used. That includes the 1991 memorandum of understanding with California.

Mr. RIGGS. Mr. Speaker, I thank the chairman for participating in this colloquy.

Mr. REGULA. Mr. Speaker, just to correct some impressions, the moratorium on OCS drilling and the moratorium on the issuance of mining patents is still part of this omnibus bill. There has been some thought that these were removed, but they are very much a part of the bill. So I want anyone that is concerned to be aware of that.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I want to congratulate the gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Wisconsin [Mr. OBEY] for their hard work, perseverance, and endurance.

Mr. Speaker, I rise in grudging support of this budget deal.

This is not a great bill. It is certainly not the bill I would have written. But it is the best bill that Congress can pass this year.

We are at the end of a very long process that began over a year ago. From the very beginning it was clear that the Republican majority was determined to cut funding for vital education and environmental programs. The bills that passed this house last year cut funds to our local schools by 16 percent, eliminated the Summer Jobs Program, and slashed the EPA by a third. Those bills would have reduced funding to New York City by Almost $600 million—or 18 percent. And when Bill Clinton refused to accept these draconian cuts NEWT GINGRICH deliberately shut the Government down—not once, but twice—in order to get his way.

Thankfully, the President stood his ground and forced the Republicans to compromise. Cuts, confrontation and shut down have failed. The President remained firm and won.

Let us pass this bill.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Arizona [Mr. KOLBE] and, of course, Mr. GINGRICH did not shut down the Government, that was the President.

Mr. KOLBE. Mr. Speaker, I rise in support of the conference report to H.R. 3019. This bill brings to an end the fiscal year 1996 budget and appropriations cycle and in doing so cuts $23 billion over last year's levels and stays within our budget caps. Although I supported greater cuts in some areas, I am pleased that Republicans stuck to their guns and insisted that the downpayment on the 7-year balanced budget be made.

I am especially pleased that the Mount Graham provision remained in the bill. The Kolbe amendment is quite simple and will not have any adverse impact on the environment. The provision reaffirms Ninth Circuit Court Judge Hall's and U.S. Attorney Janet Napolitano's contention that the alternative site chosen by the Forest Service for the Large Binocular Telescope is in compliance with the authorizing legislation passed by Congress in 1988. Now that this issue is behind us, I anxiously await the beginning of construction of the world's largest ground based telescope.

Nonetheless, I am frustrated by the inclusion of moneys for the Community Oriented Policing Services [COPS] Program—the administration's bald attempt to tell State and local governments what they need to fight violent crime. Additionally, I oppose the continued funding for Goals 2000 even though Opportunity to Learn Standards and the National Education Standards and Improvement Council were eliminated.

Even more frustrating is the continuation of the direct lending program that will transfer lending authority for college loans from the private sector to the bureaucratic Education Department.

We have learned important lessons about this administration throughout the course of negotiating this bill. First, it is the administration—not Congress—that doesn't understand the art of compromise. I liken their negotiating skills to those of the losing team in backyard football—when up against a crushing offensive, they simply move the goalpost back a few yards. Congressional negotiators were often told an agreement had been reached and by the next morning, the resolved issues were back on the table—always with new items of disagreement. I know my friend Chairman REGULA had this happen to him numerous times.

The second lesson we have learned is that the administration talks about a balanced budget, but in reality they are unwilling to take the necessary steps to actually achieve one. As difficult as they were to negotiate with on discretionary programs, I am very concerned that as long as Congress has to deal with this administration, there is no hope of ever tackling the big budgetary issues that must be resolved in our mandatory programs.

But this conference report does take an important step toward balancing the budget by cutting discretionary spending.

I urge my colleagues to support the conference report.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

With respect to the comments just made about the President's program of cops on the beat, the President was very clear about this, and Mr. Panetta was very clear about this since the beginning of the negotiations. They wanted to make certain that when all of the dust settled we had sufficient funding to guarantee to local communities that we would be able to put 100,000 new cops on the street. That is exactly what he asked for from the beginning. He moved no goal posts, and that is exactly what he got in the end.

The President was steadfast on that issue, Mr. Panetta was insistent on it, just as they were on the other issues in the conference. We would not have a bill of this quality today without the insistence of the President and Mr. Panetta.

I certainly want to suggest that anybody who suggests that the White House changed what it wanted is dead wrong. They made clear they wanted 100,000 cops and that is what they got.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. WALSH], the distinguished chairman of the Subcommittee on the District of Columbia. He has done a great job with a very difficult subcommittee.

Mr. WALSH. Mr. Speaker, I thank my chairman for his kind words. The Balanced Budget downpayment Act II includes the modified text of the District of Columbia Appropriations Act for 1996.

Members will recall that the conference agreement was adopted by the House on January 31 but not voted on by the other body primarily because of their opposition to a low income scholarship program. I deeply regret because of the other body's objections we had to delete that program. We were able to retain most of the other school reforms.

Mr. Speaker, with respect to the District's financial management, we have included, under section 152, language that clarifies the duties of the District's chief financial officer. That position was established under the legislation that created the financial board. The clarifying language places the directors of the financial management offices as well as all other District Government executive branch accounting, budget and financial management personnel under the CFO's authority. All these individuals will be appointed by, serve at the pleasure of, and at the direction and control of the CFO.

Lastly, Mr. Speaker, all the Federal funds have gone to the District, they have had those in the past, and I would urge strong support for this bill.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, there are several problems that remain with this conference agreement, some provisions that I do not support.

I rise, however, to speak about the good and positive parts—those parts that would not be in this agreement if Democrats had not fought for them.

Under the conference report, education funding will be $2.8 billion more than in the House-passed bill.

Title I funding, Safe and Drug-Free Schools and the Summer Jobs Program will be restored to 1995 levels. We have those programs, because Democrats fought for them.

The COPS Program will get $1.4 billion in funding, and we will have 100,000 new police officers on the street by the year 2000, because Democrats made the difference.

And, the Environmental Protection Agency is funded at $1.6 billion above the House-passed amount, because Democrats did not back down.

This conference agreement is 6 months late, and that is unfortunate, but the restoration of funding is right on time.

This conference agreement does not provide for the modest increase in the minimum wage that we have called for, but we will not quit until we reach that goal.

Mr. Speaker, I am proud to be a Democrat who stands up for the average American.

I am especially proud of the role that Democrats played, as the loyal opposition—keeping the faith, remaining true and constant, ever steady in insisting that we preserve and protect those programs and policies designed to keep America's priorities in balance as we balance our budget.

This conference report, which provides funding for the remainder of this fiscal year for the nine cabinet level departments, agencies and programs whose fiscal year 1996 appropriations bills have not yet been enacted into law, recognizes and respect our seniors, our young and working families in America.

The conference report provides a total of $382.6 billion—some $4.6 billion more than the House-passed bill.

Under the conference report, education funding will be $2.8 billion more than in the House-passed bill.

That additional funding will allow this Nation to concentrate more directly on preparing our children to compete in an increasingly competitive global market.

Title I funding, Safe and Drug-Free Schools and the Summer Jobs Program will be restored to 1995 levels.

That is good and positive.

LIHEAP, the Low-Income Home Energy Assistance Program, is funded by $900 million in 1996 and $420 million in 1997. Senior citizens will have comfortable homes because we did not waiver.

The COPS Program will get $1.4 billion in funding, and we will have 100,000 new police officers on the street by the year 2000, because Democrats made the difference.

And, the Environmental Protection Agency is funded at $1.6 billion above the House-passed amount.

In addition, all of the environmental riders, except one, have been dropped from the conference report or, at the very least, the President has been given waiver authority.

Thus, the air we breathe, the water we drink and the land upon which we live—God's most precious creations—have a better chance of being protected because we did not shrink from the budget battle.

Because many of the deepest cuts have been restored, it is my understanding that the President will sign this conference agreement.

Mr. Speaker, It is not easy to make noise while those who have the votes make policy.

But, the genius of the first amendment allows those of us in the Minority to challenge, to question and to offer alternative thought.

We did that, and because we did that, America will be a better place.

This conference agreement is 6 months late, and that is unfortunate, but the restoration of funding is right on time.

I intend to vote for this conference agreement.

I am proud to be a Democrat, and I am proud to be an American.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Florida [Mr. YOUNG] the chairman of the Subcommittee on National Security.

Mr. YOUNG of Florida. Mr. Speaker, as a Member of the conference committee that presents this conference report today, and one who participated in a lot of the activities, but who observed, even more than that, the activities of the leadership of the full committee, I want to first compliment the gentleman from Louisiana, Chairman BOB LIVINGSTON, for the tremendous effort and the great amounts of time and the give and take that he had to work with, and the staff that worked with him during this whole process.

Mr. Speaker, I would also like to compliment the gentleman from Wisconsin [Mr. OBEY], the ranking Minority Member on the full committee. This is an honest compromise. It is a true compromise. Everybody is claiming victory. That is good. When everybody claims victory, it must be something pretty decent here.

I want to speak specifically to a very significant part of this conference report, and that is the provision of funding for the deployment of the American forces serving with such distinction in Bosnia.

In the beginning, we can all recall, there was a lot of difference of opinion as to whether or not we should send Americans to Bosnia, but that decision was made by the President and American troops went to Bosnia, and they have and they are continuing to conduct themselves in an extremely efficient and effective manner. In this bill is part of the funding to pay for that deployment, to pay for those troops being there.

So for those of us who really believe that we ought to support our troops no matter where they are, no matter what their mission is, this is the time to do it. Voting for this conference report is a vote to provide for the support and the funding for the American troops who have been sent to Bosnia on this mission.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. HORN].

□ 1600

Mr. HORN. Mr. Speaker, I rise in very strong support of the Omnibus Appropriations Act. Included in this measure is a bill I have worked on for more than a year now, the Debt Collection Improvement Act, which was introduced on August 4, 1995. This measure was drafted with the assistance and support of the administration, particularly the chief financial officers and the inspectors general.

As the bill proceeded through committee, it commanded widespread bipartisan support. The gentlewoman from New York [Mrs. MALONEY] and professional staff member Mark Guiton were also helpful. Among the majority staff of the Subcommittee on Government Management, Information, and Technology, professional staff member Mark Brasher and staff director Russell George were the key staff on this legislation. My thanks go to all of the leadership staff and those on the Committee on Ways and Means and the Committee on Government Reform and Oversight who have been helpful.

This measure marks a long overdue beginning of our efforts to collect delinquent debts which now are in the tens off billions—over $100 billion to be precise. This is a victory for the taxpayers of America. When this bill is implemented by the agencies, the Federal Government will find that its rising tide of delinquent debts can be stemmed.

Mr. Speaker, I include for the RECORD the following statement in report format which clarifies the legislative intent:

DEBT COLLECTION IMPROVEMENT ACT OF 1995

This bill enhances Government-wide debt collection activities by adding a new offset authority to 31 U.S.C. 3716; by creating a new exception to the Privacy Act (5 U.S.C. 552a); by revising the salary offset authority at 5 U.S.C. 5514; by requiring agencies to obtain taxpayer identifying numbers; by permitting the reporting of non-delinquent consumer debt to credit bureaus; by adding a new subsection to 31 U.S.C. 3711 that allows the Department of the Treasury and other agencies to cross-service the debts of other agencies; by extending the authority of agencies to compromise claims; by permitting agencies to garnish the wages of delinquent debtors; by permitting agencies additional authority to sell delinquent debts; by revising the Federal Civil Monetary Penalties Act of 1990 to require adjustments for inflation every four years; by adding a new section to title 31, United States Code, that allows agencies to retain a portion of annual collections of delinquent debts; by expanding tax refund offset authority; by requiring that disbursements are conducted electronically; by requiring that disbursements are associated with a taxpayer identification number; by revising definitions at 31 U.S.C. 3701 to broaden the scope of the general debt collection procedures; by providing for monitoring and reporting on debt collection centers; and by giving the Attorney General permanent authority to contract with private counsel to collect delinquent non-tax civil debt.

The debt collection authorities created under this bill will enhance the cooperation of Federal agencies in collecting Federal debt, by providing centralized administrative offset and cross-servicing authority. It is intended that the Department of the Treasury will act as the coordinator of Government-wide debt collection activities, providing a mechanism for effective administrative offset and acting as a clearinghouse to assure that Federal debts are collected in a timely and efficient manner.

PART I—GENERAL DEBT COLLECTION INITIATIVES

General offset authority

Short Title:
Effective Date:

Purposes:

Expansion of Administrative Offset Authority:

This section amends various sections in chapter 37 of title 31, United States Code, to cover judicial agencies and instrumentalities. Currently, these sections only apply to executive and legislative departments, agencies, and instrumentalities.

Enhancement of Administrative Offset Authority

This section would create additional authority for conducting Government-wide Administrative Offset at the Financial Management Service of the Department of the Treasury. Under this authority, Federal payment files would be matched against Federal debtor files to determine whether any debtors were receiving payments. Those payments would be subject to offset to satisfy any Federal non-tax debt or claim owed by the debtor.

Subsection (a) amends the application of administrative offset authority under 31 U.S.C. 3716 and the requirements for charging interest and penalties on claims pursuant to 31 U.S.C. 3717 to include debts owed to the United States by States and units of general local government.

Subsection (b)(1) amends 31 U.S.C. 3716 to allow Federal agencies to choose between adopting, without change, regulations promulgated by the Department of Justice, the General Accounting Office or the Department of The Treasury or promulgating their own administrative offset regulations consistent with those regulations.

Subsection (b)(2) expands the application of administrative offset to every instance except where a statute explicitly prohibits the use of administrative "offset" or "setoff" for collection purposes. This should increase the funds available for offset from which delinquent claims may be offset.

Subsection (b)(3), renumbers certain sections.

Subsection (b)(4), amends 31 U.S.C. 3716 by adding a new subsection (c). This paragraph statutorily requires disbursing officials of the Department of the Treasury, the Department of Defense, the United States Postal Service or disbursing officials designated by the Secretary of the Treasury to offset payments made by the United States to pay delinquent claims certified to the Secretary of the Treasury by creditor agencies in accordance with requirements issued by the Secretary. This paragraph enhances administrative offset authority contained in 31 U.S.C. 3716 by providing for centralized administrative offset at the disbursing official level. Currently, administrative offset is not conducted centrally within the Federal Government and is not effectively used. Disbursing officials of the Department of Defense and the United States Postal Service and other disbursing officials at any other Federal agencies will match their certification records with the debtor records reported to the Secretary of the Treasury by creditor agencies, in order to avoid duplicative reporting by creditor agencies to disbursing agencies, and assure that payments are intercepted.

Congress intends to include all eligible government payments in this centralized offset program, including the payments of all government corporations. Congress is concerned at the growing trend of fragmentation of disbursing authority, and support centralized coordination for the purpose of collecting debts and conducting offsets. Congress notes that because debt has been referred to the Department of the Treasury for offset does not necessarily mean that other debt collection tools (such as the use of private collection agencies or wage garnishment) should not be employed. The use of private collection agencies is long overdue. Agencies should use all cost-effective tools available to them to maximize the collection of delinquent debts.

Under subsection 3716(c)(4), the Secretary of the Treasury is authorized to charge a fee to cover the cost of conducting administrative offsets under this subsection, and to deposit fees collected to a fund to be determined by the Secretary. It is the intent of Congress that the fee will be collected from the proceeds recovered through offset and the amount charged to each agency be apportioned according to actual offsets. See fees should be considered costs of collections and should be borne by the debtor.

Section 3716(a)(5), authorizes the Secretary of the Treasury, in consultation with affected agencies, to issue regulations and procedures to implement the administrative offset authority. These regulations will include a provision for dealing with the potential of simultaneous offsets involving tax refunds under 31 U.S.C. 3720A and salary offsets under 5 U.S.C. 5514.

Section 3716(c)(6) provides that any Federal agency which is owed a legally enforceable past due debt more than 180 days shall notify the Secretary of the Treasury of the debt for the purpose of conducting administrative offset.

Section 3716(c)(7) requires that the payee receive the applicable offset notification.

Section 3716(c)(8) makes it clear that tax levies shall have a priority in collection from disbursements to be made over requests for offset received from other agencies.

Section 3716(d) clarifies that the Debt Collection Improvement Act is not intended to prohibit the use of any existing authority to perform administrative offset under statute or common law.

Subsection (c) revises section 3701(a) of title 31, United States Code, to define "nontax debt or claim" for the purposes of claims collection. The definition clarifies that claims arising under the tariff laws of the United States are considered non-tax claims.

Subsection (d) authorizes the Secretary of the Treasury to offset amounts payable by the Federal Reserve to banks which have wrongfully negotiated forged or fraudulent Treasury checks.

Exemption From Computer Matching Requirements Under the Privacy Act of 1974

This section exempts matches conducted for the purposes of administrative offset under 31 U.S.C. 3716 from certain provisions of the Computer Matching and Privacy Protection Act of 1988, as amended. This section would permit offsets, and eliminate duplicative due process notifications, as well as duplicative actions by agency Data Integrity Boards.

Use of Administrative Offset Authority for Debts to States

This section authorizes the Secretary of the Treasury to enter into agreements for conducting reciprocal offset agreements with a State. The Secretary has broad discretion with regards to the terms of any reciprocal offset agreement. Congress believes that intergovernmental cooperation is in the best interest of the United States, and that Treasury participation in a program of intergovernmental offset is very important. Congress intends that such agreements will allow States to report the debts of any State agency or instrumentality, and any legally constituted local subdivision or local government within the State.

Congress does not intend to apply Federal resources to the collection of debts with very small denominations, or to those where the debtor has not been given any applicable due process rights. In addition, the Secretary of the Treasury should ensure that the reciprocal offset agreements authorized by this section protect the financial interests of the United States. Congress anticipates that Federal agencies will offset State debts in which there is no Federal interest or Federal/State cost-sharing (such as State tax debts). Similarly, Congress anticipates that States will offset Federal debts in which there is no State financial interest or Federal/State cost-sharing (such as debts owed to the Customs Service). It is the intent of Congress that the agreement be broadly in the mutual interests of Federal, State and local government.

Technical and Conforming Amendments

Subsection (a) makes several technical changes to title 31, United States Code.

Subsection (b) amends 26 U.S.C. 6103 to allow disclosure of taxpayer information to the Financial Management Service for the purpose of conducting offsets of tax refunds. This change allows the tax refund offset program to be implemented at the time of disbursement, and permits the Secretary of the Treasury to consolidate its non-tax debt offset programs.

Enhancement of salary offset authority

Enhancement of Salary Offset Authority

This section enhances current Federal salary offset authority by expanding agency coverage and by establishing annual matching requirements. Congress believes that employees of the Federal Government should be held to an exemplary standard and pay debts owed to the Federal Government. This section makes Federal salary offset mandatory.

Section 5514(1)(A) amends 5 U.S.C. 5514(a)(1) by adding new language requiring all Federal agencies to participate in computer matches of delinquent debtor files against Federal employee records at least annually. This provision requires the Secretary of the Treasury to establish and maintain a consortium to implement centralized salary offset computer matching, and to promulgate regulations for that purpose.

Section 5514(1)(B) and (C) facilitate the collection of debts by salary offset by exempting routine adjustments from the extensive and costly due process protections of section 5514.

Taxpayer identifying numbers

Access to Debtor Information

This section amends section 4 of the Debt Collection Act of 1982 by requiring agencies to obtain taxpayer identifying numbers from all individuals and entities doing business with the Federal Government to facilitate the collection of any receivables which arise as the result of that business relationship. This section defines what relationships are considered "doing business with" the Federal Government and requires agencies to disclose the purpose of their request for taxpayer identifying numbers. The taxpayer identifying numbers are needed to facilitate the collection of delinquent debts. Creditor agencies are authorized to verify the accuracy of their debtor records with records from the Department of Health and Human Services and the Department of Labor. It is the intent of Congress that creditor agencies have access to all relevant records at those agencies, including any delinquent parent locator service and unemployment insurance records.

Barring Delinquent Debtors From Obtaining Federal Loans or Loan Guarantees

This section would bar debtors who are delinquent on Federal non-tax claims from receiving financial assistance in the form of a Federal direct loan or a loan guarantee. The intent of this section is to provide authority to Federal agencies which administer credit programs to refuse to approve credit to parties who are delinquent on Federal claims to resolve their debts with the appropriate agency.

Congress also considered extending this debarment provision to other forms of assistance given to debtors. Agencies, in coordination with the Office of Management and Budget, should examine additional benefits, such as discretionary grants or non-mandatory benefits, which could feasibly be denied to debtors. Congress is pleased with the level of success attained by the Immigration and Naturalization Service's [INS] collection of inspection fees and the aggressiveness with which INS has pursued debtors by denying inspection services to airlines which are delinquent in the payment of certain fees owed to the INS. Congress is concerned with the growing delinquencies at the Customs Service, and note disapprovingly that the Customs Service has not responded to this situation by exercising authority to deny entry and inspection to vessels whose owners are also delinquent debtors. The Office of Management and Budget should direct the Customs Service to use these additional tools to collect debts owed to the Federal Government.

Expansion and enhancement of collection authorities

Disclosure to Consumer Reporting Agencies and Commercial Reporting Agencies

Congress notes the success that the Department of Education has achieved with the reporting of delinquent loans to consumer reporting agencies. This section would allow agencies to conform to private sector practice by also reporting current loans to consumer reporting agencies. This will promote better credit information and good credit risks, and especially help recently-graduated students entering the workplace for the first time.

Subsection (1) amends the credit bureau reporting authority contained in 31 U.S.C. 3711(f) by requiring agencies to report delinquent debts.

Subsections (2) and (3) make conforming amendments to allow commercial debts to be reported to commercial reporting agencies.

Subsection (4) requires agencies to require that any participating lender in a guaranteed loan program provides information relating to the extension of credit to credit reporting bureaus. Congress is concerned that some agencies do not comply with the existing guidance in OMB Circular A-129. In particular, the Department of Housing and Urban Development does not refer claims for assigned multifamily mortgages to credit reporting bureaus; the Departments of Agriculture and Veterans Affairs does not report nor require lending institutions to report guaranteed loans to credit reporting bureaus. Congress intends this section to fix this deficiency, and that agencies will comply.

Subsection (4) also allows the head of an agency to report claims to a credit reporting agency which are current in payment. This change allows Federal credit reporting to be more consistent with private sector practice, and debtors whose accounts are current with the Federal Government shall receive the benefit of having favorable information provided to credit bureaus.

Contracts for Collection Services

This section permits agencies to contract with persons to locate and recover assets and pay for such services out of the proceeds that are recovered. The intent is to permit agencies to pay "finders fees" to persons who locate and recover assets of the United States the existence of or location of which is unknown to the applicable Federal Government agency.

Congress notes that the U.S. Marshals Service provides asset locator services for U.S. Attorneys in connection with debt litigation, and is very successful at this task. Congress further notes that this essential service is hampered by limits on Full-Time Equivalents imposed by the Federal Workforce Restructuring Act (FWRA) and a reliable funding source. In view of this essential service, Congress believes that the Director of the Office of Management and Budget should grant a waiver to the FWRA and associated Executive orders and that the Secretary of the Treasury should consider using the existing expertise in the U.S. Marshals Service in providing skip-tracing services to supplement any private persons obtaining contracts under this section.

Cross-Servicing Partnerships and Centralization of Debt Collection Activities in the Department of the Treasury

Subsection (a) amends 31 U.S.C. 3711 by creating new subsections (g) and (h).

Section 3711(g)(1) requires the heads of executive, legislative or judicial agencies to refer non-tax claims owed to the Department of the Treasury for servicing, collection, compromise or write off. The intent of this section is to improve the debt management performance of the United States by establishing a centralized cross-servicing mechanism wherein Federal agencies that do not have the expertise, personnel, or funding to implement effective claims collection policies on their own can use the services of Federal agencies that have effective claims collection processes. This section provides the referred to transferred non-tax claims will be administered by the debt collection centers consistent with existing statutory requirements and authorities.

The Debt Collection Improvement Act, through its cross-servicing provision, provides independent authority for all Federal non-tax debt to be collected by those Federal agencies that are proficient in debt collection and have been designated as debt collection centers. Agencies which currently run large debt collection operations and should be considered for designation as debt collection centers by the Secretary of the Treasury include the Department of Veterans' Affairs, the Small Business Administration, the Department of Education and the Department of Housing and Urban Development. Each agency remains responsible for managing an effective debt collection program and to use effective debt collection tools, such as private collection contractors, debt collection centers, and litigation through the Department of Justice. Consistent with other initiatives in the Debt Collection Improvement Act, general oversight and operational responsibility for cross-servicing and effective debt collection has been delegated to the Department of the Treasury.

Section 3711(g)(2) describes exemptions to the requirement that agencies transfer debts to the Department of the Treasury under Section 3711(g)(1). Congress carefully structured these exemptions so that exemptions will only apply to those debts associated with a demonstrated repayment source. Congress believes the Secretary of the Treasury should exempt from transfer under this section collateralized obligations of the Government National Mortgage Association. Congress cautions the Secretary of the Treasury with liberal use of the Secretary's discretion in exemption claims from the transfer requirement, and note that the Secretary is responsible for government-wide debt collection. The exemption from this requirement should only be provided when it is demonstrated that an exemption is the best means to protect the Federal Government's financial interest in collecting the delinquent debt or claim.

Section 3711(g)(3) authorizes the Secretary of the Treasury to designate debt collection centers. It is anticipated that the Secretary of the Treasury shall monitor the performance of these centers, since ultimately, the Secretary is responsible for the work they perform. A debt collection center's degree of success, which is the basis of their designation as a debt collection center, may be dependent upon the type of claim referred to the center. In order to fairly establish a performance baseline, the Secretary should examine collection success of similar types and maturities of debts at private collection agencies and at other Federal agencies.

Section 3711(g)(4) authorizes the referral of debts by the Secretary of the Treasury to a debt collection center, a private collection agency, or to the Department of Justice. In referring debts to private collection agencies, the Congress has purposely given latitude to the Secretary of the Treasury to determine the most appropriate private collection agent. Debts may be referred to a private debt collector, collection agency or commercial attorney. This subsection does not authorize a commercial attorney to represent the Federal Government in a litigation action in the absence of supervision of the Department of Justice.

Section 3711(g)(5) describes the authorities and responsibilities of the Secretary of the Treasury with regards to debt collection. It is the intent of Congress to give contracting authority for the purposes of debt collection to the Secretary of the Treasury broadly similar to that given to the Department of Education. Congress commends the Department of Education for the steps it has taken to rely successfully on the expertise of private collection contractors, and would like to see similar success at the Department of the Treasury and at the Internal Revenue Service in particular.

Section 3711(g)(6) and (7) authorize the executive department or agency operating a debt collection center to charge a fee to cover costs of program implementation, and provide that fees may be collected from recoveries. Congress intends to give agencies authority to pay debt collection centers and contractors from collection proceeds, and that costs of recovery shall be borne by the debtor.

Section 3711(g)(8) requires that amounts collected as fees which are not needed for debt collection purposes in the fiscal year shall be deposited into the Treasury as miscellaneous receipts.

Section 3711(g)(9) requires that agencies take appropriate steps in the collection process to collect delinquent debts prior to write-off or discharge, including administrative offset, tax refund offset, Federal salary offset, referral to private collection contractors or agency debt collection centers, credit bureau reporting, wage garnishment and litigation or foreclosure.

Under Section 3711(g)(10) the Secretary of the Treasury is authorized to issue regulations and procedures to implement this subsection.

Section 3711(h) authorizes agencies to employ a consumer report to evaluate collection efforts with respect to an individual. Such data can be particularly helpful in evaluating whether to terminate collection action and determine repayment schedules. Agencies should develop policies on when the use of a credit report is appropriate based on its cost and potential benefit.

Subsection (b) creates a new procedure whereby agencies may, in lieu of filing a return required under Section 6050P of the Internal Revenue Code, provide to the Secretary of the Treasury, or his designee, the data necessary to accomplish this task. It is anticipated that the Financial Management Service will perform this task for the Secretary of the Treasury. Congress is concerned about the problem of inadequate reporting to the Internal Revenue Service related to discharges of indebtedness. The Office of Management and Budget, with the assistance of the Department of the Treasury, should monitor agencies to ensure compliance with the requirements of Section 6050P.

Compromise of Claims

This section clarifies that the increased authority of a head of an agency to compromise a claim under 31 U.S.C. 3711(a)(2) contained in the Administrative Dispute Resolution Act is a permanent authority and is not subject to the sunset provision contained in that Act.

Wage Garnishment Requirement

This section authorizes agencies to garnish administratively the wages of delinquent debtors. It is the intent of Congress that every debtor that has a job or income should be in a repayment schedule. The Congress considered making this a mandatory tool, and agencies should consider aggressive use of wage garnishment to compel repayment of delinquent debts. The section also describes the procedures that an agency must follow to administratively garnish a debtor's wages, including a description of the debtor's due process rights and limitations on agency authority.

Debt Sales by Agencies

This section amends 31 U.S.C. 3711 to include a new subsection (h)(1) authorizing sales of debts delinquent for more than 90 days. It is the intent of Congress to increase debt sales where appropriate. Debt sales are an appropriate collection tool which results in the privatization of the liability for a debt and the costs of collection. Congress is impressed with the results of loan sales at the Department of Housing and Urban Development. This example should be followed by other Federal agencies which lack the administrative capacity to manage their large portfolio of distressed properties.

Section 3711(h)(2) requires that delinquent debts be sold if the Secretary of the Treasury determines that such sales would be in the best interest of the United States. It is the intent of Congress that, to the greatest extent possible, prior to terminating collection action, agencies should sell delinquent debts in order to realize at least some amount of the delinquent receivable.

Section 3711(h)(3) describes the conditions of sale for debts. It is the intent of Congress that agencies should be able to sell debts while retaining some portion of equity participation in the collection of the delinquent debt. This form of structured security (sometimes referred to as a joint venture between an agency and another person) allows agencies to obtain income as well as the possibly of future payments. Congress encourages agencies to employ the collection tool that maximizes repayments.

Section 3711(h)(4) requires agencies to develop an inventory of loan assets. Congress intends to use this information to evaluate the results of collections and loan sales. The successful loan sales at HUD resulted in receipts far in excess of the proceeds anticipated under the Federal Credit Reform Act. Agencies should consider the results of these valuations and compare them against collections.

To assure that agencies use the most economically effective means in collecting delinquent debt, agencies contemplating the sale of unsecured debt should prepare a cost-benefit analysis comparing the benefits of immediate sale to collection using other debt collection tools, including administrative offset, transfer to the Department of the Treasury and use of private collection agencies.

Adjustments of Administrative Debt

This section allows agencies to simplify the complicated series of fines, interest and penalties required under 31 U.S.C. 3717. Congress views the requirement to charge interest and penalties with great seriousness. The disappointing performance of nearly every agency, with the exception of the Department of Education, in assessing and collecting these amounts should be improved. Congress directs agencies to comply with the law, and for OMB to ensure that this requirement is met.

The intent of this section is to allow agencies option to combine these fines and penalties into a single, easy assess charge. Congress is aware of the inadequate systems agencies face in assessing these amounts. Agencies that lack the technical accounting expertise to comply with 31 U.S.C. 3717 should privatize the management of their credit portfolio. the Department of Agriculture should rely on the expertise of private contractors to improve the dismal collection performance of its portfolio of farmers' home loans.

Dissemination of Information Regarding Identity of Delinquent Debtors

This section authorizes agencies to publicize the identity of delinquent debtors to help collect debts. Congress notes the success of the Public Health Service's program regarding dissemination of the identity of doctors delinquent in the repayment of medical school loans. The head of other agencies should seek to replicate this success, and make this tool more widely known among the debtor population. Congress recognizes that this is a powerful enforcement tool and urges judicious use.

Federal civil monetary penalties

Adjusting Federal Civil Monetary Penalties for Inflation

Subsection (a) amends section 4 of the Federal Civil Penalties Inflation Adjustment Act of 1990 to require agencies to make an initial adjustment of such penalties within 180 days of the enactment of this bill, and also requires agencies to make additional adjustments at least once every four years.

Subsection (b) limits the amount of the initial adjustment to ten percent of the amount of the penalty prior to such adjustment.

Gain sharing

Debt Collecting Improvement Account

Subsection (a) of this section creates a new section 3720C in Title 31, United States Code.

Section 3720C(a) establishes an account in the Treasury entitled the "Debt Collection Improvement Account" ("Account"). The Department of the Treasury shall maintain and manage the Account.

Section 3720C(b) provides that agencies collecting delinquent claims may transfer into the Account five percent of the delinquent debt collected during any fiscal year beyond a baseline established for the prior fiscal year. The Office of Management and Budget shall determine the baseline from which increased collections are measured over the prior year, taking into account the recommendations made by the Secretary of the Treasury in consultation with credit agencies.

Section 3720C(c) provides that the amount available for expenditure in any fiscal year will be available for certain purposes designed to improve debt collection, financial management or asset disposition. Section 3720C(c) also provides that the amount available to the agency will be in proportion to amounts transferred to the account.

Section 3720C(d) modifies the treatment of amounts credited to the Account that are subject to the requirements of the Federal Credit Reform Act of 1990. That Act requires that collections for direct loans and loan guarantees made since 1991 be credited to a financing account and included in the cash flows used to calculate the subsidy cost of the credit program. This section provides that collections that are credited to the Account will not be included in the subsidy cost calculation in order to avoid counting them both in the cost calculation and on a cash basis.

Section 3720C(e) authorizes the Secretary of the Treasury to issue regulations and procedures to implement this section.

Tax refund offset authority

Expanding Tax Refund Offset Authority

Subsections (a) and (b) change the exclusion of the Tennessee Valley Authority (TVA) by authorizing the TVA to use tax refund offset.

Expanding Authority To Collect Past-Due Support

This section allows the Secretary of the Treasury and the Secretary of Health and Human Services to choose between using the tax refund offset authorities of either 31 U.S.C. 3720A or 42 U.S.C. 664 to collect past-due child support. This change in Section 3720A of title 31 is not intended in any way to hinder, restrict, or add any additional requirements to the collection of past-due support under 42 U.S.C. 664.

Offset of Tax Refund Payments by Disbursing Officials

This section allows the Secretary of the Treasury to implement the tax refund offset program through the disbursing official of the Department of the Treasury (i.e., the Financial Management Service). This will allow for more efficient operations, as the Financial Management Service also operates the administrative offset program. By merging these two offset programs, the Department of the Treasury will streamline and improve its operations.

It is the intent of Congress that the Financial Management Service should perform both the tax refund offset and the administrative offset programs. This legislation makes changes in those two programs so that their administrative requirements are broadly similar, and can be performed by the same entity, the Financial Management Service. This change will allow the Internal Revenue Service to focus its efforts on other management problems identified by it and Congress. Congress intends that the Internal Revenue Service will transfer the operation of the tax refund offset program to the Financial Management Service.

Disbursements

Payments

Subsection (a) mandates that all Federal payments to individuals who become eligible for that type of payment after 90 days after the date of enactment of this Act shall be made by electronic funds transfer. Further, individuals already receiving payments will begin to receive those payments electronically after 1999. This section will facilitate offset and improve audits associated with counterfeit, stolen, forged and fraudulent checks.

Since this section will require participating beneficiaries to obtain a bank account, Congress expects the Secretary of the Treasury to work vigorously to accommodate the needs of the unbanked recipients through such means as: (1) the planned implementation of a national electronic benefits transfer system for Federal payments through the designation of depositaries and financial agents under the Secretary's existing authority. Under this program, recipients will receive all benefit payments under a single access card; (2) implement through the private sector consumer owned bank accounts where recipients access their funds by debit card or other means, rather than through traditional account features, such as checking. This product is known as Direct Deposit Too and is an extension of the Treasury's Direct Deposit Program; (3) intensive marketing of the Treasury's existing Direct Deposit Program for both individuals and businesses; and (4) other forms of electronic benefits transfer. The Financial Management Service should evaluate several recent pilots, including its Direct Deposit Too and various state pilots, to determine the best mechanism for benefit delivery.

The Secretary of the Treasury is given broad discretion to waive the requirements of this section to avoid imposing a hardship on a beneficiary. Congress expects the Department of the Treasury to promulgate regulations addressing such hardship waivers and to consider various factors in defining hardship. Congress recognizes that adherence to these provisions may be difficult for a variety of beneficiaries. We are concerned that individuals who have geographical, physical, mental, educational, or language barriers or as a result of natural or environmental disasters will not be able to receive benefits. Recipients in this category includes small businesses as well as individuals. Waivers should be provided in order to minimize disruptions to any beneficiary. Additionally, the Secretary of the Treasury may waive this section for recipients who reside in a country where delivery of an electronic payment is impractical.

The Congress further directs the disbursing official to study the socioeconomic and demographic characteristics of those who currently do not have direct deposit and determine how best to increase usage among all groups. The Congress further directs the disbursing official to study the adequacy of consumer protections available to individuals who are required to obtain a bank account under this section.

The exclusion of the application of this section to tax refunds is to allow time for development of the necessary infrastructure for making these electronic payments. However, the Secretary of the Treasury should, to the maximum extent possible, implement a system to disburse tax refunds electronically and conduct demonstrations of other electronic technologies to maximum outreach to recipients.

Subsections (b) and (c) allow the Secretary of the Treasury to issue substitute checks to repay Federal recipients whose checks have been stolen, forged or fraudulently cashed. The Check Forgery Insurance Fund provision would authorize the Secretary of the Treasury to establish a flexible procedure for facilitating the timely payment of forged Government checks by providing a permanent and indefinite appropriation which would ensure readily available funds to provide innocent payees with replacement checks in a timely manner. It enables the Department of the Treasury to comply with two decisions of the Comptroller General Decision B–242666, dated August 31, 1993 and B–243536, dated September 7, 1993. These decisions concluded that the Check Forgery Insurance Fund Act (31 U.S.C. 3343) requires that the Department of the Treasury certify all checks issued to replace those checks paid over forged endorsements and charged to the Fund.

The Congress recognizes that many payees rely on these payments for their basic subsistence and seeks assurance that claimants receive checks in a timely manner; the prospect of payees not receiving timely replacement payments is unacceptable to Congress. Congress notes the importance of the timely issuance of replacement checks, and that such replacement checks should not be contingent upon the Government's ability to recover the original forged check. Congress also notes that in the case of an innocent payee whose check has been forged, the Government's obligation to pay remains outstanding. This provisions would provide an equitable solution for payees and disbursing and program agencies, by resolving current inequities inherent in the current process of payment of checks bearing forged or unauthorized endorsements.

Requirement To Include Taxpayer Identifying Number With Payment Voucher

This section requires that Federal agencies include a taxpayer identifying number when a payment is made. This requirement will facilitate offset and increase collections. Congress directs the disbursing official of the Secretary of the Treasury and the Department of Defense to survey agency compliance with this section and include the results of this survey in the consolidated debt collection report to Congress required under Section 1692 of this Act.

Miscellaneous

Miscellaneous Amendments to Definitions

Subsection (1) revises the definitions for "administrative offset" and "claim" under 31 U.S.C. 3701 (a)(1) and (b). These changes permit offsets of payments for the collection of debts administered by States such as debts which contain a Federal monetary component (e.g., AFDC overpayments due to fraud) and delinquent child support obligations. The definition of "claim" also includes amounts which the United States collects for the benefit of any person under statutory authority.

In addition, the definition of debt has been amended to include deficiency payments. Federal authority to collect deficiencies has been upheld based on provisions of Federal law preempting State laws governing mortgage debt (in all but a few narrow circumstances). This authority has been upheld by numerous court decisions (including *Connelly v. Derwinski*, 961 F.2d 129, 131; *United States v. Shimer*, 367 U.S. 374, 387; and *Burris v. First Financial Corp.*, 928 F.2d 797, 800–801).

The Congress is concerned that agencies have not established deficiencies as debt consistently. The Federal Housing Administration uniformly establishes as debt and collects deficiencies only in its Title I program. Congress is concerned that debtors under FHA's other loan programs are receiving different treatment. Deficiencies should be established in all cases.

Congress is also concerned that agencies do not monitor the unpaid share of any non-Federal partner in a program involving a matching, or cost-sharing, payment by the non-Federal partner. According to the General Accounting Office, the non-payment of these types of matching payments has become more common. Congress is concerned about this trend, and wants to see those amounts collected.

This section also adds specific definitions applicable to administrative offsets under 31 U.S.C. 3716 for creditor agencies and payment certifying agencies.

Monitoring and Reporting

Subsection (a) authorizes the Secretary of the Treasury to provide guidelines to monitor the performance of debt collection activities, in consultation with debt collecting agencies.

Subsection (b) requires the Secretary to report to Congress on the progress of debt collection centers, defined under subsection (c) as those centers providing debt collection services for other agencies.

Subsection (c) provides that the Secretary of the Treasury will submit reports concerning the status of loans and accounts receivable to Congress in accordance with the Debt Collection Act of 1982. Formerly, reporting was performed by the Director of the Office of Management and Budget.

Subsection (d) authorizes the Secretary of the Treasury to consolidate all debt collection reports.

Review of Standards and Policies for Compromise of Write-Down of Delinquent Debts

This section requires the Office of Management and Budget to review agencies' standards and policies for compromising, writing-down, forgiving or discharging indebtedness and various reporting requirements. OMB should rely on the expertise and personnel of the Department of the Treasury in preparing this report, which should be consolidated with the annual consolidated debt collection report. However, OMB needs to be very involved in ensuring that each Federal agency complies with changes needed in their policies.

Congress is seriously concerned about dissimilar standards for discharging indebtedness at different agencies. This needs careful monitoring. Congress is concerned that the credibility of the Federal Government is undermined when similarly-situated beneficiaries under one program receive more generous treatment than those under another program.

In addition, Congress is very seriously concerned about the poor reporting of the discharge of indebtedness to the Internal Revenue Service on Form 1099. The Office of Management and Budget should ensure that agencies consistently report these amounts or allow the Secretary of the Treasury to report the data to the Internal Revenue Service.

Justice debt management

Expand Use of Private Attorneys

This section gives the Attorney General permanent authority to contract with private counsel to collect delinquent non-tax civil debt when deemed appropriate.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the very distinguished gentlewoman from New York and soon-to-be-mother [Ms. MOLINARI].

Ms. MOLINARI. Mr. Speaker, I rise today in strong support of the Balanced Budget Downpayment Act and would like to thank the distinguished chairman of the Committee on Appropriations, the gentleman from Louisiana, Mr. LIVINGSTON, the entire Committee on Appropriations, and especially the gentleman from Kentucky, HAROLD ROGERS, for their cooperation in securing $175 million for the Violence Against Women block grant, an increase of 573 percent over last year's Commerce, State, Justice appropriations bill.

In addition, thanks to support from the gentleman from Illinois, JOHN PORTER, this bill increases the Violence Against Women provisions from last year's Labor-HHS appropriations bill from $1 million to $53 million. The Balanced Budget Downpayment Act also provides for $32.6 million for family violence programs used to support battered women's shelters. When all is said and done, Violence Against Women programs will be increased by over 700 percent over last year's budget.

This funding is necessary, Mr. Speaker, and demonstrates that today we can show that we can achieve a balanced budget while also recognizing important priorities for our Nation's future.

Again, I thank the distinguished chairman.

Mr. LIVINGSTON. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DELAY], majority whip.

Mr. DELAY. Mr. Speaker, the American people have won a great victory today. This bill represents the end of business as usual. We fought. We begged. We cajoled. And now we finally have convinced the President that fiscal responsibility is good politics. The gentleman from Louisiana, Chairman LIVINGSTON, has done that, along with his staff, and for that reason I salute him.

This legislation is the right thing for this country at this moment with this President. It is not the perfect bill. I am disappointed that we did not get rid of more wasteful Washington programs. Goals 2000 funds bureaucrats instead of teachers. AmeriCorps pays people a healthy wage to be volunteers, and the NEA pays for controversial and sometimes obscene art. But Rome was not built in a day and getting the perfect budget will take more than one term in the majority.

To my colleagues who would sacrifice the good in favor of the perfect, let me say, I admire your fidelity to principle, but let me also say that voting to cut $23 billion in spending, eliminating over 200 wasteful Washington programs and doing all of this without raising one dime in higher taxes does not represent a sacrifice of conservative principles. No one could call me a moderate, but I am voting for this bill. I am voting for this bill secure in the knowledge that it is the right thing to do now at this moment in history.

I give Chairman LIVINGSTON a great deal of credit for his determination and for his patience in negotiating this agreement. I urge my colleagues on both sides of the aisle to vote for this legislation. Send it up to the President and have him sign the bill that delivers the greatest savings to the taxpayer since the Second World War.

Mr. OBEY. Mr. Speaker, I yield myself 1 minute.

I should simply take this time, Mr. Speaker, to note, and I want to thank the conference for this, the conference agreed to add an additional 15 million for the Department of Energy's lab to lab program. Those funds can be used immediately to fund recently concluded cooperative agreements with six nuclear facilities in the former Soviet Union. The idea behind this is to prevent the surreptitious obtaining of nuclear material by potentially terrorist groups who might use it for nefarious purposes against any country, including our own. This program was set up to improve the security of nuclear materials, prevent leakage. The program is carried out through multiple channels, through governments, nuclear laboratories and institutes and Russian nuclear regulatory authorities. Anyone who has heard the recent reports about the danger of leakage of nuclear fissionable material from the NIS knows of the grave potential of the danger of such leakage. This will enable us to strengthen that program. I appreciate the cooperation of the conference.

Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I just wanted to point out that from the very beginning when we were dealing with the appropriations spending bills this year, Democrats were making the point very vividly that it was possible to keep spending down, balance the budget and at the same time protect the priorities that we cared about, education, the environment, Medicare, Medicaid and some of the other concerns like the 100,000 cops program that President Clinton had supported and put together for the last couple years.

I think that today shows the vindication, if you will, of the Democratic point of view. We are moving an appropriation bill that will save significant amounts of money, billions of dollars, but at the same time it protects those priorities.

With respect to the environment, which is one of my major concerns, although the amount of money is less than what the President asked for and what the President thought was necessary, we are almost back to what we wanted. And most importantly, we have eliminated those terrible anti-environmental riders that the Republican leadership had been touting for so many months. So I think this is a good compromise, but it is a vindication of our Democratic principles.

Mr. OBEY. Mr. Speaker, I ask unanimous consent to yield 2 of my minutes to the distinguished gentleman from Louisiana [Mr. LIVINGSTON].

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. LIVINGSTON. Mr. Speaker, I thank my friend for yielding time to me. We have a number of speakers here.

Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I simply rise to point out, as chairman of the Subcommittee on Crime, that there are three contract with America crime bills that are incorporated in this today. The three that are in this bill that were contract with America bills are, one, a provision that would end the so-called prevention programs of Washington knows best that were in the 1994 crime act that many of us complained about. Instead in its place in this bill and in this legislation are a block grant to the cities and the counties of this country to spend as they see fit to fight crime to the tune of about $500 million for this coming year.

In addition we have the version in the contract with America of the prison grant program that will ensure an incentive for truth in sentencing for States to have laws passed that require the serving of 85 percent of their sentence of all felons.

And last but by no means least, we have a provision in this bill which will mean that the States get back control of their prisons, that Federal judges no longer will be able to have the rulings they have been having on overcrowding. We lift the caps. We change the consent decrees. We say in the future that you will not have in addition frivolous lawsuits from prisoners.

This is a monumental change in criminal law with regard to prisoners and frivolous lawsuits.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], distinguished Democratic whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague, Mr. OBEY, who I think has done a magnificent job. I also want to take this opportunity to commend the gentleman from Louisiana [Mr.

LIVINGSTON] for his hard work over these 6 months on this particular bill.

I think the product that the gentleman from Wisconsin [Mr. OBEY] and our colleague from Louisiana, the chairman of the committee, have given us reflects well on the best of what this Congress can be about, had we put our minds to preserving the priorities of the country, the education priorities, the environmental priorities and the public safety priorities. I am particularly pleased that they took the time and devoted the attention and preserved the funding for the School-to-Work Program, the Safe and Drug-Free School Program, which, as we all know, encompasses the DARE program, teaches our kids to stay off drugs, be against gangs and gang violence.

With the Title I Program, 1.5 million kids in our country now will have the ability to have additional math and reading programs that will enhance their education and of course the direct loan program for those who are attending higher education at the collegiate level.

We are pleased at the amount of funding that we were able to save over what the House did. In the area of the environment, we are very pleased that there were rollbacks in some of the raids on environmental safety. We have had 25 years of bipartisan support for the environment in this country, and I am hopeful that this report will move us back in that direction because initially, as Members know, as this bill or pieces of this bill left the House of Representatives, there was a serious attack on the environment of this country. So I am happy to see that they have made correction in this area.

Also, in public safety, let me say, Mr. Speaker, that the 100,000 police officers on the beat are important additions. We thank both gentlemen for their inclusion in that.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. PACKARD], the distinguished chairman of the Legislative Subcommittee.

Mr. PACKARD. Mr. Speaker, I want to first congratulate the gentleman from Wisconsin [Mr. OBEY] and the gentleman from Louisiana [Mr. LIVINGSTON] and the conferees, people down at the White House and over on the Senate side for their work on this bill. It is a good bill. It is a bipartisan bill and, frankly, it is a compromise bill.

Mr. Speaker, it is really not a question of whether the President won in this compromise, whether the Republicans won, whether Democrats won. The question really is, do the American people win. I think that is an overwhelming and resounding yes. Forty-three billion dollars have been cut back in this bill and in the rescission bill earlier last year. Two hundred programs have been eliminated. Significant cuts have been extracted from many of the other programs and agencies, $144 billion deficit, when it was projected by the President that it would be over $200 billion.

That is a huge turnaround for the American people. They are the ones that ought to rejoice in this. We ought to pass it overwhelmingly today. I am proud to vote for it. I am very grateful for the work that has been put into it by our leaders.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Speaker, this bill is a victory for American values. It is a triumph of American's priorities in areas like education, the environment and Medicare, over the politics and the policies of government gridlock and shutdown. It shows the power of mainstream values in this Nation and the utter bankruptcy of the policy of extremism.

It proves and demonstrates that in fact we can cut spending in these difficult economic times with a lack of resources and at the same time hold on to and preserve those values of education and the environment that this Nation holds dear.

Mr. Speaker, we can remember the commentary in the past several months about a willingness to shut the Government down, not once but twice. We can remember the commentary about making the biggest cuts in education in this Nation's history. That failed. The proposal of disastrous environmental policies, they failed.

Mr. Speaker, because of the steadfastness, today we vote on appropriation bills that protect America's priorities.

Mr. LIVINGSTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I truly believe that liberals want to help in Medicare, Medicaid, education, the environment, just like conservatives do. Let us take the case where you tell one of your liberal constituents that you are going to have him give his money to a broker. That broker is going to take care of Medicare, Medicaid, education, and the environment. But then tell him he is only going to get 50 cents of every dollar he gets back and the other 50 cents is going to go pay for his staff and his overhead. That guy will tell you that he does not support that kind of an issue.

That is what happens in this place. First place, it is not your dollar. You have to take it away from the constituent. Then you turn it around and give it back at a very low rate, for example, welfare. You only get about 30 cents on a dollar. Education, you get a very low percentage back on the dollar with 760 education programs.

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Mr. Speaker, what we are doing is we are giving the money back, but we are doing it without raising a single tax, and we are cutting 200 programs and streamlining government.

Mr. Speaker, this is a monumental bill. It is $43 billion less than we would have had under Democratic control.

Mr. OBEY. Mr. Speaker, I yield 1 minute to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Wisconsin [Mr. OBEY] for yielding this time to me, and I also thank him for his leadership, for holding firm for the priorities for the American people. I also want to commend the gentleman from Louisiana [Mr. LIVINGSTON] for his leadership in bringing this bill to the floor.

If it had been left to our Chair and our ranking member, a long time ago this issue would have been resolved. We would not have had to have a Government shutdown.

But I commend the President of the United States for holding firm to his commitment to education, to protecting the environment, and for LIHEAP, and the list goes on of priorities which have been respected in this spending bill. It also has a large number of cuts, and I am dismayed to see that it still has $7 billion more in there for defense, as we subject all of our spending to such scrutiny.

But it is a good bill, it is a compromise, and best of all it eliminates the very mean-spirited, I say that advisedly, mean-spirited language in there for HIV-infected people in the military.

Today is a victory for democracy and for compromise, and I thank our chairman and ranking member for their leadership.

Mr. LIVINGSTON. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from Ohio [Mr. KASICH], chairman of the Committee on the Budget, the gentleman that set forth the guidelines which we are now currently following in the appropriations process.

Mr. KASICH. Mr. Speaker, I want to commend the chairman of the Committee on Appropriations and declare today a victory for the American people and a victory for the children whose future has been increasingly at risk, and I would like to say today that yesterday evening I was over in the committee that the gentleman chairs, and I got one of the older guys, one of the guys that has been around here for a long time, and I said, "I understand that this is the most significant reduction in Washington spending since World War II."

And he said, "You know, I am not so sure about that." And he went into one of these big thick books, and he blew the dust off and he got the paper out, and we started looking in 1945, and from 1945 to 1996 they cannot touch us in any other year. This is unprecedented today since World War II. We have pried some of the money out of the hands of Washington bureaucrats, we have eliminated some absolutely absurd programs, including the program where we spent millions of dollars to eradicate ticks in Puerto Rico, where we spent millions of dollars to locate offices in Paris and all over Canada telling people, "By the way, did you know there was a place called the United States? You ought to visit it sometime."

There is a program that says to children, "We will give you millions of dollars to measure rainfall by collecting it."

Now, my colleagues, these programs have been going on forever, and we got in charge 17 months ago, and we told the American people we were here to change things, and we were here to strip power, money, and influence out of this city.

This does not do it all, this is discretionary spending, this is Washington spending. It is only a third of the budget, but it is the only thing in which the President was forced to sit down and achieve a result, and to our credit we did not buckle, we did not cave, we did not collapse. And we have been able to achieve the single largest reduction in Washington spending since World War II.

Mr. Speaker, that is a tremendous accomplishment by this Congress, and I want to commend the chairman of the committee for his tenacity, and I want to commend all of my colleagues for their commitment to getting this job done. This is not the end all; this is just one very strong, first step in that long marathon of rescuing this country from economic anxiety, the fear that families have they will lose jobs, the problems of wage stagflation, wage stagnation, and at the same time it is a down payment that puts a little light at the end of that tunnel that our children will inherit a bountiful America.

Mr. Speaker, I want to suggest today that eliminating 200 programs, I would maintain that being able to pry some of the money out of the hands of Washington bureaucrats and eliminating 200 wasteful Washington programs that have gone on too long sucking dollars out of the pocketbooks of hard-working Americans, this is a great achievement, not just for this Congress but for the American people, and when we all leave here today to go home, we should be proud to stand up and tell our constituents that we finally have their message and that this Congress is going to continue to stand firm until we deliver the whole deal.

Congratulations. Vote for the bill.

Mr. OBEY. Mr. Speaker, I yield myself 30 seconds.

The statement that the previous gentleman just made that this represented the largest deficit reduction since World War II is simply not true. The President's budget has brought down the deficit more than $100 billion. That is far larger than the reductions we see in this bill today. We welcome the add-on, but I think we need to keep the facts straight.

Mr. Speaker, I yield 2 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, we have to love the chairman of the Committee on the Budget. He is trying to snatch victory from the drum beat of retreat to cutting education, cutting the environment, cutting programs that the American public have communicated to my colleagues, "Do not touch them. Do not take our cops off the beat, do not take our teachers out of school, do not take our chapter 1 students and put them without any kind of help, because that is not good for the country."

And I congratulate the gentleman from Ohio [Mr. KASICH]. He spins it as well as anybody in this House. But, my colleagues, I am pleased to see us abandon the CR's that I used to refer to as completely ridiculous to CR's that say completely, and perhaps that overstates it, but resolved the 1996 budget. Yes, it is 7 months late. Yes, it is after an unprecedented 25 days of shutdown. But, I say to my friend, the chairman of the Committee on the Budget, he pointed out incorrectly, as the gentleman from Wisconsin [Mr. OBEY] has noted, that it was not since 1945, and I hear the complaints that Bill Clinton has stood in the door of progress and vetoed legislation.

Where was Ronald Reagan to accomplish this great objective of which the chairman speaks in 1981, 1982, 1983, 1984, 1985, 1986, 1987 and 1988, and our friend, Mr. Bush in 1989, 1990, 1991 and 1992? Where was he when it was profligate spending? Where were they to say "no." We never overrode one of their vetoes on spending. Not once.

So, yes, now we have a bill that we are going to vote for; I hope everybody votes for this because it does, in fact, try to meet the needs of the American public, whether it is for education, public safety, health, or senior citizens health care. It tries to say we understand that we need to invest in the welfare of our people. This bill does it.

Mr. LIVINGSTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, this has been a long and arduous process. Putting together the revised export provisions for drug and device exports would not have been possible without the help of my good friends and colleagues, the chairman of the Commerce Committee TOM BLILEY, and the ranking member on the committee, JOHN DINGELL. Their efforts have made our goal of allowing easier exporting of these important medical products a reality, and I thank them and their staffs for all of their hard work.

As many of you know, I introduced H.R. 1300 in May of last year. Mr. Rich Rakow, a constituent of mine in southwest Michigan, who works for one of the drug manufacturers in my district came to me during a town meeting about a problem his company was having exporting its products. It seems that under our current export restrictions, it is virtually impossible to ship drugs or medical devices out of this country for use in other countries, even if they meet the needs and requirements of the importing country. I found this, well, unbelievable, and directed Jeff Myers on my staff to look into the matter.

What they reported to me was troublesome, to say the least. Manufacturers of pharmaceuticals, medical devices, and other blood products were moving overseas, taking with them high paying, highly skilled manufacturing jobs. Part of the reason for this is the current inability of the FDA to quickly turn around products submitted to them for approval. The other part of the equation, however, is the export provisions that were put into the Federal Food, Drug, and Cosmetic Act in 1986.

The goal of those amendments were simple. They attempted to open the door to the export of drugs to our trading partners overseas. Unfortunately, this has not been the case. The regulated industries have made very clear to me that these provisions are strangling their ability to compete, and this is causing an alarming increase of medical manufacturers moving overseas. The compromise language included in the bill before us today, H.R. 3019, seeks to change this pattern.

Senators HATCH, KENNEDY, and GREGG, Chairman BLILEY, Ranking Member DINGELL, and myself, along with the FDA, worked on the language included in this bill. We worked to reconcile the differing language passed by the respective chambers included in the omnibus funding bill for fiscal year 1996. There is broad agreement on what the language in the bill means. I would like to discuss some of the ideas in the bill where there may be some misunderstanding in the future.

It is very clear that the majority of the Members believe that the export provisions are a trade issue first and foremost. Restrictions on trade often mean the loss of jobs right here in the United States. However, Senator KENNEDY voiced a number of concerns with H.R. 1300, and its companion bill, S. 593. His major objection, as I understand it, was that the FDA would not have any control at all over the exporting of drugs and devices. With those objections in mind, the mini-conference set out to mete out a compromise.

The FD&C Act, under this amendment, is altered to make it easier to export drugs and devices, as I have said before. It is also amended to make it generally easier to import unapproved subassemblies of these medical products, for the manufacture and export of finished products. This is very important.

The plain meaning of amendments to section 801(e) of the FD&C Act as it relates to imports is that no subassembly which is brought into this country solely for the purpose of manufacturing products to be exported would be restricted, as long as the company keeps records of the imported product, and destroys any of the imported subassemblies that are not to be used for the manufacture of exported products. Furthermore, the importation of blood components, source plasma, or source leukocytes is permitted as long as the company importing these products follows the guidelines in Section 351(a) of the Public Health Service Act, or if the Secretary has set up appropriate guidelines for the importation of these products. It is my understanding that there are companies in the United States that process these products for other countries, and this provision is meant to allow this to continue.

The addition of new provisions in section 801(f)(1) and (2) have also raised some issues within the drug and device community, and I would like to address these concerns. This amendment is designed to allow the export of FDA-approved drugs and over-the-counter [OTC] products with labels that may differ from the labels approved in the United States. As all of the conferees are aware, the FDA approves not only the molecular entity that makes up the OTC, branded and generic products, but it also approves the label with indications and contraindications for usage. Traditionally, the FDA has taken the approval process for products which need approval under section 505 of the FD&C Act to mean that this includes the label, and have therefore read section 801(e) as meaning that the product must be labeled in accordance with U.S. law.

Furthermore, the language included in 802(b)(1)(A) has been reviewed by the FDA, which has given us complete assurance that this law will apply to the export of all OTC and prescription drugs, as long as the drugs are legally marketable in one of the countries mentioned in 802(b)(1)(A), subsections (i) and (ii). This legislation does not require drugs to receive affirmative marketing approval if the laws of one of the countries mentioned in the bill do not require it.

The framers of section 801(f)(1) and (2) mean this section to allow the export of FDA approved products, which are not approved in a country mentioned in 802(b)(1)(A)(i) and (ii), to be exported directly to a country with a label required by that country. With the importing country's label, the product being shipped will not be regarded as misbranded or unapproved, specifically in respect to section 505 of the FD&C Act. Section 801(e)(1) of the FD&C Act states that "a food, drug, device, or cosmetic intended for export shall not be deemed to be adulterated or misbranded under this Act—". Clearly, the framers of the amendments included in H.R. 3019 mean section (f)(1) and (2) to follow the language in 801(e)(1) and allow for the export of products from the United States with a label which accords to the specifications of the foreign manufacturer without becoming misbranded. Furthermore, it is definitely the intention of the framers of this amendment that section 801 and 802 are not additive. In other words, products being exported under 802 do not have to meet the requirements of 801, with the exception of 801(e)(1), subsection A through D.

The framers did not intend to limit or otherwise restrict the export of animal drugs, insulin, or antibiotics. It is my understanding that there is a possibility that 801(f) (1) and (2) can be read to limit the export of these products, and that was certainly not the intent of this Member, or other Members of this conference. It is my hope that the FDA will accommodate the concerns voiced on this section for these products. Before the end of this Congress, I have been told by the Commerce Committee that we will address this issue in a technical amendment.

I would also like to address the section dealing with products for the diagnosis, prevention, or treatment of a disease which is not of significant prevalence in the United States Section 802(e)(1) is clearly meant to be another avenue by which companies, can export products. Products exported under this section need not meet the requirements of section 801.

Devices were also of major concern to the conferees. Devices were specifically not included in 802(b)(2), because the current FDA practice of allowing for the export of devices that have an approved IDE is acceptable to the conferees. It is important to note here that this section has to do only with drugs not approved in the United States, or in one of the countries mentioned in 802(b)(1)(A), subsections, (i) and (ii). As I understand the current procedure, devices can be shipped after being reviewed by the FDA to other nations if they have an IDE and not a general approval.

Last, I would like to address section 802(f)(5). Again, these are labeling requirements for exporting products approved in the so-called tier one countries mentioned in 802(b)(1)(A), subsections (i) and (ii) to countries not mentioned in that section. It is most certainly the understanding of the conferees that this section is to be interpreted as written only for those counties which are not tier one countries. Furthermore, it is the intention of the conferees that this section requires the Secretary to consult with the appropriate health official before making a finding which might necessitate the stopping of exporting these products.

I am sure that we will revisit this issue in the future. Frankly, if it were up to me, there would be almost no restrictions on the export of medical products to nations which allow them for sale. In my mind, the job of the FDA is to protect the health and safety of the United States, and it is not to play health product policeman to the rest of the world. If a product is manufactured in accordance with the requirements and specifications of a foreign government, then I believe that it is insane for this country to deny the opportunity to manufacture this product here. No other nation on the face of this earth restricts the manufacture of medical products for export, because they know the value of these manufacturing jobs. While I believe that this is a true compromise, and it is, I also believe that we can and should do more to liberalize the treatment of trade in health products.

It's about time we begin again to export products—not jobs.

Mr. OBEY. Mr. Speaker, I yield the final 3 minutes to the distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

Mr. GEPHARDT. Mr. Speaker, my Democratic colleagues and I have come to this Congress for one single fundamental purpose: to fight for the working and middle-class families that are at the very heart of this country.

Throughout this very long and difficult budget process, we have held every policy and every proposal to a simple test: Does it make it easier for the lives of families that are working hard, trying to educate their children, trying to save for a decent retirement; or does it make that struggle even harder?

That is why Democrats fought so hard for a budget that does not cut education, student loans, or summer jobs, or roll back clean air or water standards or abandon the 100,000 police that we so desperately need on our streets.

This is not a perfect budget. This has been a difficult compromise on both sides. But I believe we have proven that we can cut the budget without cutting education or the environment, that we can rein in runaway spending without ravaging hard-working American families.

Mr. Speaker, while this is a day for both parties to come together, America must not forget that, without the Democratic Party, we would not have kept our commitment to educate America's children, to keep our environment safe and to insure basic health and safety standards in the workplace. Without the Democratic Party, we would not have kept our faith with working families in the middle class.

See, that is what the Democratic Party stands for. That is who we are. And that is why even after 2 Government shutdowns and 13 temporary spending bills, we would never ever give up the fight for education and health care and the environment and safe workplaces.

I will never forget visiting an elementary school in Houston with the gentleman from Texas, GENE GREEN, and the gentlewoman from Texas, SHEILA JACKSON-LEE, seeing the young children playing with computers and learning to read in intensive after-hour classes sponsored by chapter 1, and seeing the hope and the joy of these youngsters in being able to learn. This budget is for those children and their families. Or being in New Orleans and seening the chapter 1 mothers and their children meeting, and hearing a young mother stand up and saying because of chapter 1 she was getting her high school degree and planned to go to college and said she wanted to get her masters degree because her children were enrolled in chapter 1 in an inner-city school in New Orleans.

So I commend my Republican colleagues for letting us save those commitments and making this budget work for working families.

□ 1630

Today we celebrate a victory, not of party or partisanship, but of America's most basic and important values. Vote for this budget, and let it be a model of the kind of bipartisanship and working together that I will hope will mark the rest of this Congress.

Mr. LIVINGSTON. Mr. Speaker, I yield myself 30 seconds, only to thank the minority leader for his last comments, and to thank the ranking minority member and all of the staff, Republican and Democrat alike, that have worked so hard in the House of Representatives to make this possible, along with all of the Members who have worked hard on the committee and off the committee. They made important contributions as did all of the participants in the Senate as well as in the administration.

There was a lot of work that went into these 16 months, while this effort has gone on. We have a bipartisan bill, and I think in the final analysis, the American people are going to look back and say that Congress did their job under the Constitution, and government is going to get smaller because of it, and the people of America are going to be glad of it.

Mr. Speaker, I am pleased to yield the balance of my time to the gentleman from Texas [Mr. ARMEY], the very distinguished majority leader of the House of Representatives.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas [Mr. ARMEY] is recognized for 2¼ minutes.

Mr. ARMEY. Mr. Speaker, I will be brief. The time has come for us to complete this work and have our vote. I would like to take a moment, though, and express my sincere congratulations and appreciation to the chairman and the ranking member of the Committee on Appropriations, and to all the members of the Committee on Appropriations from both sides of the aisle. This has been a long and arduous task.

I could say, parenthetically, there was a time when I thought I might want to be on the Committee on Appropriations. I never had that honor. But I did have the honor this year of working very closely with the Committee on Appropriations throughout all of these 15 months of writing these bills, negotiating these bills, going through all of the discussions at the White House and with the other body, and for whatever it is worth, Mr. Speaker, let me tell the Members, I thank the Lord that I will never be on the Committee on Appropriations, while I express, again, my appreciation for those Members who stayed with the task.

Mr. Speaker, this is a good bill for America. I just enjoyed listening to the minority leader, my good friend, the gentleman from Missouri [Mr. GEPHARDT], speak, as he does, for his vision for what is good for the American people; express again, as he does, his belief that what is good for the American people can be found in more government programs.

We, too, express our vision for what is good for the American people, and this expression of vision is that the American people need relief from the burdens of the excessive size of government programs, so we bring forward here a bill that represents $30 billion less than the President's request, $23 billion less than what was spent last year; a bill that conforms with the budget that we all voted on just a few short months ago, and settles itself within the discretionary limits imposed and accepted by that budget.

Mr. Speaker, it is good work, it is good work that reflects a commitment to the American people. We, too, love the future of our children and your children, and we love that future within the discipline and the responsibility of a Federal Government that is determined to live within its means, bring itself to balance, and give relief from the burden of excessive government taxation.

Mr. Speaker, I congratulate the committee again, and I ask all my Members, appreciate the good work, appreciate the victory for the American people, appreciate the future it promises for the American children: Vote "yes."

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in opposition to the language in the omnibus appropriations bill that would repeal section 415 of the VA, HUD, Independent Agencies Appropriations Act for fiscal year 1988, also known as the Frost-Leland amendment.

Introduced by the late Congressman Mickey Leland, the provision specifically prohibits the use of Federal funds to demolish public housing units at Allen Parkway Village, a public housing project in my congressional district of Houston, TX.

The language contained in the 1996 omnibus appropriations bill repeals this provision and states that the Housing Authority of the city of Houston may proceed with the demolition and rehabilitation of Allen Parkway Village, which according to the conferees is being delayed by the section 106 process under the National Historic Preservation Act of 1966. While the conferees do not amend the section 106 process, they do state that "the conferees do not believe that it is good policy to require the preservation of buildings unsuitable for modern life at the expense of low income families in dire need of safe, decent, and affordable housing." I agree, however, the determination should be made through an inclusive community process which has not yet occurred in Houston fully.

I am very concerned about the fact that no hearings were held on this issue nor was I consulted about this language which affects my congressional district. I have spent a great deal of time working on this issue together with the residents of Allen Parkway Village, the mayor of the city of Houston, the housing authority of the city of Houston, and the U.S. Department of Housing and Urban Development.

I believe that it is necessary to clarify the issue of the importance of historic preservation to the cultural heritage of our Nation. Allen Parkway Village was placed on the National Register of Historic Places in 1988 and I can assure you that its historic significance is recognized in Houston. Historic preservation guidelines and regulations contained in current law have not delayed the process of rehabilitating facilities such as Allen Parkway Village in Houston. Indeed, the section 106 historic preservation process was completed in December of last year. I agree with preservation and demolition with planning. This sneak attack repeal doesn't bring the community together, it only divides it.

I can assure you that in no way has the importance of historic preservation stood in the way of the need to provide affordable housing for low-income families. That is our goal and it is one that all parties in this debate agree upon. We can provide affordable, quality, and public housing for the citizens of Houston and we can do so while respecting the traditions and history of Houston's past and by respecting an inclusive community planning process.

Mr. FAZIO of California. Mr. Speaker, I rise today to offer my support for the omnibus appropriations agreement before us. I am gratified that many of the deepest cuts proposed by the Republican leadership have been eliminated and the environmental riders have been dropped from the conference report. The conference report also overturns a recently-enacted law that requires that HIV-positive personnel serving in the armed forces be discharged. While not perfect, this compromise bill goes a long way toward meeting the policy goals of the President and negotiators on both sides.

In spite of the fact that this bill is 7 months overdue, H.R. 3019 contains some provisions that are worthy of our support. The bill's funding levels for these provisions reflect the bipartisan support of many millions of Americans.

I am particularly happy to vote for an omnibus package that funds vital education programs such as Title I and the Safe and Drug Free Schools Program. The conference report provides $2.8 billion more for education funding than the House bill, which included a 17-percent reduction for the 1995 levels.

Title I, which provides extra academic assistance to help schools with large numbers of poor and disadvantaged children, would have been cut by more than $1 billion. In my State, this would have meant reductions of almost $130 million. In Sacramento, the school district would have been forced to eliminate as much as $65,000 for some of the neediest schools. Seven to eight schools and approximately 100 teachers positions would have been eliminated.

Reading tutorial sites would have been closed and educational technology programs would have been eliminated affecting almost 3,300 students.

I am thankful that these essential programs will continue to serve the children of the Sacramento school district for another school year.

I am also glad to see that my colleagues recognized the importance of the Cops-on-the-Beat Program. Rural communities and small towns like the ones that I represent, receive about half of the grants awarded in the COPS Program. Cities like Williams, Yuba City, and Red Bluff have all received the funds to hire more law enforcement officers. Rural crime is a serious, but often overlooked, issue. Our citizens want to reel safe from the threat of crime and COPS is the best way to achieve that.

In addition, towns like Vacaville and Dixon have been able to purchase computers and the related technology necessary to deploy additional officers.

New officers are able to walk local beats, get to know small business people and neighborhood residents, and gain the respect of the communities where they work.

Had the majority succeeded in turning the COPS Program into a large and potentially wasteful block-grant program, small communities in my district would still be waiting for reinforcements. I believe that a vote for the omnibus package is a vote for more police officers and less crime.

There are also several environmental provisions in this bill that are worth mentioning.

H.R. 3019 preserves the congressional intent of the California Desert Protection Act passed in the last Congress by allowing continued protection of the Mojave Desert.

Both in the Appropriations Committee and on the House floor, I offered amendments to the Interior appropriations measure to make sure that the Mojave was properly managed so that this valuable resource would be adequately maintained for future generations to enjoy. With significant bipartisan support, Congress passed the California Desert Protection Act which gave the National Park Service and not the Bureau of Land Management jurisdiction over the desert.

The back-door attempt to repeal this part of the Desert Protection Act was short-sighted and ran counter to Congress's commitment to environmental protection. The original act was subject to open and prolonged debate. If the Republican majority in this new Congress sees fit to change that, it should follow the same process, and not attempt to short-cut the legislative process through an appropriations measure.

I urged President Clinton not to sign the Interior appropriations bill unless this environmental rider was removed. While the bill still includes the rider, it allows the President to waive its implementation if he so desires. President Clinton has assured me that he is committed to doing so. I want to commend him for standing firm on this issue and to commend the conferees for acknowledging its significance.

The Park Service is ready and willing to work with affected interest groups to insure the Mojave Desert is properly managed. The Park Service, and not the Bureau of Land Management, is the appropriate guardian to insure that in years to come, the fragile ecosystem in the desert is not unbalanced by unbridled abuse of this precious resource.

I'm glad to say that the omnibus bill that we are voting for today settles the debate for another fiscal year in favor of America's children and teachers, safety in our communities, and our environment.

But ultimately, these last 7 months have been an unnecessary political exercise.

These last 7 months have really been more about partisan grand-standing and ideological purity than about seeking bipartisan compromise on behalf of all Americans.

I believe that as this compromise shows, we can make our Government a leaner and more effective one without balancing the budget on the backs of America's working families, senior citizens, the environment, and particularly, our children.

This is a good agreement but it is one that we could have and should have passed 7 months ago. I urge my colleagues to support this omnibus appropriations bill.

Mr. CASTLE. Mr. Speaker, I rise in strong support of H.R. 3019, the omnibus appropriations bill for fiscal year 1996. This bill is a fair compromise that reduces Government spending and keeps us on course to a balanced budget, while also providing adequate funding for education, environmental and other important programs. I applaud Chairman LIVINGSTON and the members of the Appropriations Committee for their hard work in forging this important compromise that allows our Government to perform its necessary duties within the limits we need to achieve a balanced budget.

With the completion of this bill, we will save the taxpayers $23 billion from the 1995 funding levels. Equally as important, the reductions in this bill are more fairly distributed to allow for improved funding for education, housing, environmental and other important programs.

I want to thank the Appropriations Committee for addressing a number of concerns that I and other Members had expressed about the funding levels for title I education support for disadvantaged students, antidrug education through safe and drug-free schools; fighting drugs in public housing; and funding for the Environmental Protection Agency. These programs will receive solid funding levels in this legislation.

Mr. Speaker, I believe the top priority of this Congress must continue to be achieving a balanced budget. Balancing the budget requires limiting spending for virtually every program. Tough decisions have to be made. I have not always agreed with the priorities and allocations made for various programs. But this bill is a truly fair compromise that meets our most important criteria—balancing the budget—but in a fair and equitable manner.

Again, I applaud the work of the negotiators and the Appropriations Committee and staff. I urge passage of the 1996 omnibus appropriations bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to express my sincere thanks to my Democratic colleagues from both Chambers of this Congress who were members of the conference committee. I know their work hours were long and the task difficult. I congratulate each of them for their contribution to this victory of people and good balanced policy over narrow-minded extremism. Each of them fought for and won an addition $5 billion for education, Head Start, the EPA, and other important programs. I thank you and I am sure this Nation's work force, children, and students thank you.

I would also like to thank President Clinton for holding firm to his principles and the fundamental beliefs of this Democratic party. Though some would have you believe otherwise, the President has shown that it is possible to hold to these beliefs and balance the budget. It encourages me to see the President stand firm and not allow the destruction of our environment and to fight the Republicans' antienvironmental proposals. Thanks to him there will be no increased logging in the Tongass National Forest. There will be no moratorium on listing additional endangered species and there will be sufficient money for the EPA to successfully protect the environment that we all live in.

In spite of this, Mr. Speaker, with the school year quickly approaching its conclusion, this Congress has not done all that it could to promote summer employment for our Nation's disadvantaged youth who are most in need.

In H.R. 3019, the omnibus appropriations for fiscal year 1996's reconciliation package before us, the funding allocations agreed upon will only allow a paltry $625 million for the youth summer employment portion of the Job Training Partnership Act [JTPA] appropriations for 1996. This is a $242 million cut when compared to last year's funding level of $867 million.

Had the summer jobs portion of the JTPA appropriations been held to last year's levels, Houston would have received $9.1 million. This level of funding would have resulted in over 6,000 jobs for Houston youth.

These are our children. They are not a world away but only a few blocks from where I am standing. They live in the very neighborhoods that surround this Capitol Building. They are in the streets of the cities and towns each of us represents. They are from all races, religions, and cultures. They are the faces of young, bright, creative, optimistic people who we see every day. They share only one thing in common. They are unfortunate enough to have been born into the families of our Nation's poor.

I know from personal experience that a summer job for those young people enrolled by JTPA-sponsored projects around this country is more than just an opportunity to save money for the next school year, it is an opportunity to learn and gain valuable experience which is outside of their limited life experiences.

The stinginess of this Congress was by no means limited to our Nation's youth, it extends into the other areas: the funding for training dislocated workers was reduced $129 million from last year's funding levels, funds for adult training programs were cut by $147 million in the conference reconciliation package before us today.

The only positive that I can speak on regarding the labor portion of this bill is the $16 million increase in the funding for the Jobs Corps.

With regards to education, I am pleased that once again, because of the President's leadership, this conference report provides $2.8 billion more for education funding than the House-passed bill, and provides full or close to full funding for the President's National Service Program, the Goals 2000 educational initiatives, and title I funding for disadvantaged children in local school districts. In spite of the attempts by bean-counting Republicans, the Drug-Free School Program and Head Start will be funded at fiscal year 1995 levels.

I am disturbed, however, by the cuts in student financial assistance. The conference report provides $6.26 billion for student financial aid, which is a cut of $1.36 billion from fiscal year 1995. For Pell Grants, the conference report provides $4.9 billion, which is $1.26 billion less than fiscal year 1995. Obviously my Republican colleagues have forgotten what it costs to send children to college. The cost of college tuition are rising higher than ever before, and the number of people requesting aide are higher too. Just when the future leaders, scientists and artists of the next generation, this country's very future, need our help more than ever, my Republican colleagues want to deny them that assistance.

LEGAL SERVICES

This conference report would provide $278 million for legal services, which is a $122 million reduction from fiscal year 1995. The Legal Services Corporation provides an invaluable service to the indigent in this country, and I am concerned that this cut will compromise the ability of the poor to obtain good decent legal counsel. The sixth amendment of the Constitution guarantees every individual the right to legal counsel, but by brutally cutting the LCS budget, we are effectively denying this constitutional right to those who are served by it. In addition, this conference report contains the same prohibition as in the December conference report, prohibiting the use of funds, either public or private, for attorneys to participate in abortion litigation, redistricting, welfare reform, union organizing and strikes, and any class action suits.

TITLE X

I am pleased that the this conference report provides the title X family Planning Program with the same level of funding as fiscal year 1995. The title X Family Planning Program provides a valuable service for low-income clients by offering funding for contraceptive health services, pregnancy prevention, abstinence, and STD screening. Prevention costs a lot less than cure, and the money spent on this program saves this country not only money, but the social capital of our youth and low-income citizens as well.

HIV SERVICEMEMBER DISCHARGE

I am very pleased that the conference report overturns the recently enacted law that requires the discharge or retirement of military personnel who test positive for the HIV virus.

This unnecessary measure was neither sought nor supported by the Department of Defense. Both the Assistant Secretary for Force Management Policy and the Army's Deputy Chief of Staff for Personnel have stated that the provision would do nothing to improve military readiness while depriving the Armed Forces of experienced individuals who are ready and able to perform their assigned duties. I am thankful that the conferees had the wisdom to overturn this unwise and unjust provision.

Mr. Speaker, I will vote in favor of this package, not because I believe it to be the very best that we could do for our Nation, but because it is the best that the 104th Congress could accomplish. In a recent interview of Lester Thurow, the well renowned economist at MIT, he ably points out the folly of what this Congress has been doing. He argues that the biggest threat to the long-term economic health of this Nation is not Japan nor is it regulation, but rather the lack of investment we are making in the basic elements of this Nation's social system: infrastructure, education, R&D, and most importantly—people. It is these things which will secure the future of our Nation's economic and global status. We Democrats understand this and so does the President. I can only hope that Republican Members eventually do too.

Ms. FURSE. Mr. Speaker, I rise today in support of the conference report on H.R. 3019, omnibus appropriations for fiscal year 1996. I am pleased that the conference report includes over $1.2 billion in emergency disaster relief funding. These funds will go a long way toward helping communities in my region recover from the devastating flooding earlier this year.

In February, when the serious flooding began in Oregon, I returned from Washington, DC, to tour the flooded areas with the National Guard. It was my goal to do everything in my power to assist people in need and I am very proud of my staff's efforts to help the thousands of Oregonians who were suffering.

The first few days of the flooding were a flurry of activity. I contacted each house in my congressional district with vital information on where to get help, secured a Federal disaster declaration for each county, held special briefings for local officials on where to obtain emergency assistance, and established a mobile operations center. My office worked emergency extended hours to ensure that people got the help they needed, when they needed it. I toured the flooded areas a second time—this time accompanied by James Lee Witt, the Director of FEMA, and Rodney Slater, the Federal Highway Administration Director—and personally urged them to get assistance to Oregon as quickly as possible.

In the aftermath of the flooding, I held emergency mobile offices in 13 cities to reach out and help Oregonians in need. I conducted four formal town meetings and toured the flooded areas for a third time. It was so heartening to see Oregonians joining together, neighbor to neighbor, to deal with the flooding. Today, my office remains intimately involved in damage assessment and recovery efforts at the local level.

Earlier this year, I was one of the two Democrats in the House to support a bill which included nearly $1 billion in disaster relief funding primarily for Oregon and the Pacific Northwest. Getting aid to my district is of paramount importance, and I originally supported this bill despite my serious reservations with other provisions unrelated to disaster assistance. My main goal was to help people recover as soon as possible from the devastation caused by the floods.

I am pleased that the final bill before the House includes over $1.2 billion in disaster assistance. These funds will go a long way toward helping restore our communities in Oregon. I would like to highlight a few programs which will benefit my constituents:

Over $100 million for watershed, flood control, and emergency conservation efforts; $300 million for highways and roads; $165 million for dikes and other Army Corps of Engineer projects; $150 million in FEMA disaster assistance programs; and $100 million in SBA assistance, as well as CDBG funds to help communities meet their local match requirements for FEMA programs.

Even with these funds, many communities still have a long way to go before people are back on their feet. I will continue to work closely with citizen groups and local officials to help Oregon recover from its worst flood in 30 years. I appreciate the hard work of the entire Oregon delegation in making this disaster relief package a reality, and urge my colleagues to vote in favor of the conference report on H.R. 3019 today.

Mr. OWENS. Mr. Speaker, the omnibus appropriations for fiscal year 1996 (H.R. 3019) represents a partial victory for common sense and the Democratic Party. We have forced the Republican Majority to cancel devastating cuts in programs such as Title I; Head Start; Drug-Free and Safe Schools; the Summer Youth Jobs Program and the School-To-Work Program. The children of America have won a temporary victory and vital funding will now flow smoothly.

We applaud this incomplete but positive step forward; however, the fact that the Appropriations Committee has usurped the power of the authorizing Economic and Educational Opportunities Committee and promulgated reactionary setbacks for educational reform must be exposed. If the closed door, secretive actions of the Appropriations Committee are not curbed we will soon be confronted with a situation where all authorizing committees are rendered irrelevant and obsolete.

The scenario which began with the irresponsible campaign to abolish the Department of Education has now reached a backdoor climax through the appropriations process. By gutting the authorizing education reform legislation passed in the 103d Congress, the powerful Appropriations Committee has removed the reason for the continued existence of the DOE.

The results of all existing public opinion polls indicate that an explosion of public indignation is likely to greet this monstrous result of Republican blackmail at the negotiating table. Voters have consistently ranked education as one of the top three priorities for public funding.

The following is a summary of the scarred and mangled education reform program left after the illegal actions of the Appropriations Committee:

The conference agreement amends the Goals 2000: Educate America Act. Specifically, the agreement includes language: Which permits school districts, in States that elect not to participate in the Goals 2000 program, to apply directly to the Secretary of Education for Goals 2000 funding, if the State education agency approves; eliminates the requirement that States submit their improvement plans to the Secretary of Education for approval; deletes the requirement for the composition of State and local panels that develop State and local improvement plans; eliminates the National Education Standards and Improvement Council; removes the requirement for States to develop opportunity-to-learn standards; and clarifies that no State, local education agency, or school shall be required, as a condition of receiving assistance under the title to provide outcomes-based education, or school-based health clinics.

A special and particular target of this arrogant usurpation of the powers of the authorizing Education Committee was the requirement for States to develop opportunity-to-learn standards. Like all standards this was a voluntary one and merely called for the inclusion of a discussion of the steps being taken to provide adequate resources for learning to the students being required to take tests that are compared from State to State.

This stealth assassination of the concept means that the months of debate that took place during the authorizing process will be thrown into the garbage and at the Federal level there will be no discussions of the obligations of States to provide safe buildings, up-to-date library books, science labs and qualified teachers. Black children will be tested and tested and tested until they are driven from the education process. But no one will be held accountable for not providing adequate resources.

The group with the least knowledge and wisdom about educational reform has assumed the greatest amount of decisionmaking power and prevailed in removing any chance at the establishment of accountability through visibility.

For the moment the neanderthals have triumphed; however, when pearls are thrown into a pig pen and the boars gang up to urinate on the pearls, the value of the pearls is in no way diminished. The power of the idea of opportunity-to-learn standards will one day soon be resurrected.

Mrs. SMITH of Washington. Mr. Speaker, I rise in support of this legislation. Earlier this year, the Pacific Northwest experienced a flood event of devastating proportions. The resources provided in this bill for disaster relief will go a long way toward rebuilding the infrastructure in southwest Washington.

For instance, the Gifford Pinchot National Forest took a brutal beating by the flood. Roads, bridges and trails were obliterated by the flood waters, causing an estimated $13 million in damage. Many of these roads are key links to Mt. St. Helens National Volcanic Monument, an important tourist attraction in my district. Tourism related businesses in places like Randle and Cougar rely on the roads for their livelihood. The assistance in this bill will go a long way toward reopening access in the Gifford Pinchot.

In addition, the funding for the Fish and Wildlife Service will help repair our wildlife refuges that provide habitat for endangered species like the Columbia whitetailed deer in Wahkiakum County.

The Corps of Engineers also are provided significant funds to repair important dikes and levees. I am hopeful that some of these funds can be used for the design, dredging and monitoring of the relief channel at Willapa Harbor. This is an extremely important project for the people in Pacific County because it controls the erosion problem and restores navigation at Willapa Harbor.

With respect to the offsets in this bill, the Federal Emergency Management Agency has assured me that they have the necessary resources to take care of the human needs in the Pacific Northwest.

I urge my colleagues to support this legislation.

Mr. ALLARD. Mr. Speaker, I want to commend Chairman LIVINGSTON. He has done the best job he can in negotiations with the Senate and the White House.

There is no question that this bill constitutes progress in the battle to reduce the deficit. With this and the other appropriations bills, budget authority is $23 billion below last year's level. This is an improvement over normal congressional spending patterns.

I will vote for this bill, but I want to make very clear my view that we should move faster in downsizing the Government. I regard this only as a down payment.

With Coloradan and other families struggling under an average tax burden of 38 percent of income, it is clear to me that there is still a great deal of work to be done.

Last year when we began balancing the budget, I wanted to do it in 5 years. I also wanted to give the families of Colorado tax relief, and shift money and power out of Washington and back to States and local communities.

We were told that this could not be done. We were told we must compromise with the Senate and with the President. So we agreed to a 7 year plan, only to have it vetoed by President Clinton.

President Clinton wanted a budget that would never balance. All he was willing to put on the table was a plan that pretends to balance, but puts all the cuts off until after the turn of the century when they will never happen.

We got no tax relief for families. Tax Freedom Day remains May 7, the latest day ever. The typical American family now pays more in total taxes than it spends on food, clothing, and shelter combined. I realize the Appropriations Committee has jurisdiction over only the discretionary portions of this bill, but the fact remains that it spends entitlement funds. In fact, in the health portion of this bill, over 75 percent is for mandatory entitlement programs, including Medicare and Medicaid. This House wants to reform these programs. President Clinton has vetoed reform.

Medicare is in trouble. Last year the Clinton administration projected that Medicare would go broke in 2002; we now know it will be much sooner, before the year 2000. What have we done? Nothing. Once again, the tough choices are put off to the future.

It is true that the deficit is coming down. But it could and should be coming down much faster. Let us not forget, each of these deficits is added on top of a $5 trillion national debt that keeps getting bigger. We should be reforming entitlements, and we should be cutting more in 1996.

Much of the deficit reduction that is occurring is due to lower interest rates and lower inflation. In fact, the CBO now tells us that we will save $288 billion over the next 7 years in lower interest payments on items such as the debt and CPI adjustments to entitlements.

We should be using this fiscal dividend to get to balance much sooner and put an end to deficits for good. Instead we are spending much of it. This is a testament to the tremendous spending bias of Washington, DC.

It is time to dramatically downsize this Government. We need to send the money back home to States, communities, and families. While this bill is a downpayment, I am not ready to declare victory. There is much work to be done.

Mr. MCKEON. Mr. Speaker, I rise today to briefly address a particular provision contained in H.R. 3019 which I believe should be implemented with careful attention by the Department of Education.

The provision renders institutions of higher education ineligible for the Pell Grant Program if they have been eliminated from the student loan programs due to high default rates. Default rate calculations have been the subject of much debate and I anticipate that the debate will continue during the next reauthorization of the Higher Education Act. As we all know, the Department of Education has had problems calculating these rates accurately in the past and I would not want to see an institution and its students harmed due to an incorrect calculation. I also believe that the Department of Education, by working in consultation with institutions, should implement the exception categories included in the provision in an expeditious and cost effective manner. Institutions should not be forced to spend huge sums to prove that they, in fact, qualify under the exception categories in the provision. A careful and thoughtful implementation process on the part of the Department of Education will help avoid many of the problems encountered in the past.

Again, we will be closely reviewing these types of important issues as we begin the process of reauthorizing the Higher Education Act.

Ms. PELOSI. Mr. Speaker, today we have before the House an agreement on the remaining spending bills for fiscal year 1996. This bill reflects significant movement in the right direction. I was pleased to work for many of the President's priorities as a member of the conference committee.

Last year, the Republican Leadership made a conscious decision to hold priority programs for education, job training, and environmental protection hostage to their demands for tax cuts for the wealthy and deep cuts in Medicare and Medicaid. The Gingrich agenda has thrown the congressional budget process into chaos.

This conference agreement is a great improvement over the extreme House bill. Yet, the priorities in spending for fiscal year 1996 are difficult to justify. At the same time the majority is providing $7 billion more than requested by the Pentagon for defense programs, they are cutting deeply into priority programs which invest in our Nation's future.

Let me comment specifically on the conference agreement on the Labor-HHS-Education appropriations bill. This bill provides for some of the highest priority investments for our future—the health and education of the American people. The bill provides $64.5 billion in discretionary spending, a decrease of $2.6 billion from comparable 1995 spending and $7.5 billion less than the President's request.

It is difficult not to comment on the judgement of moving $7 billion from priority education, job training, and health programs to new and unrequested defense spending. I clearly have a different view on how we should measure the strength of America.

Nonetheless, The President must be commended for standing strong and insisting that the egregious cuts in the House bill be overturned to restore much needed funding for education, job training, and environmental protection. President Clinton's leadership on these priority domestic programs has made a real difference.

The 17 percent cut to compensatory education has been reversed. The 57 percent cut to Safe and Drug Free Schools has been reversed. The elimination of Goals 2000 has been reversed. The elimination of the summer youth employment program has been reversed. Job training has been restored for more than 100,000 displaced American workers. Worker protections have been restored. Funding for the Ryan White CARE program has been increased. And, of the 17 riders to which the administration strongly objected 14 have been dropped and 3 have been modified.

The majority of anti-environment riders to the bill have been removed or the President has been given waiver authority to stop their implementation. We should never again try to use the budget process as the engine for bad environmental policy that does not have the fuel to pass Congress standing alone.

In addition, the bill restores the community policing program to fund 100,000 new police. And, the bill overturns the recently enacted requirement that HIV-infected service members be discharged. These changes are a great step forward.

While this bill is a great improvement over the House-passed bill, it does contain two unjustified provisions to assist New Hampshire and Louisiana with their Medicaid programs. At the same time, very well justified provisions to assist California public hospitals were not considered. My hope is that the situation in California can be addressed in other legislation.

Mr. Speaker, now is the time for the House leadership to commit itself to bipartisan solutions and an orderly budget process for 1997 so that we never again put the American people through the uncertainty reflected in passing the 1996 spending bills.

Mr. GORDON. Mr. Speaker, I rise in support of this bill. However, I am disappointed that we were not able to reach a compromise on capping the direct lending program.

The Clinton administration has been right on the mark for its continued advocacy on behalf of students and their families with respect to education funding. As I, and 25 other Democrats wrote to the President in a letter last week, our focus has rightfully been on title I, Head Start, and raising the level of student aid.

However, the preoccupation with the new Federal direct student loan program is dramatically misplaced because direct lending does not increase the level of student aid or the quality of education. Direct lending is simply one administrative mechanism for delivering that aid.

It is unfortunate that we couldn't come up with a 40 percent compromise cap on direct lending to allow for a fair test of this new government-run program with the proven guaranteed student loan program.

I want to acknowledge the careful deliberation direct lending has received in this Congress and the strong Democratic opposition that has always followed direct lending. In fact, direct lending was pushed through Congress without a committee hearing in the House in 1993 and despite the misgivings of a bipartisan majority of the body. I am confident that the current direct loan program implementation plan could not survive a stand-alone vote in this Congress or the last Congress.

We have learned a lot over the last year.

The independent and nonpartisan Advisory Committee on Student Financial Assistance has cited the fact that the Department has risked the integrity of the direct loan program by allowing schools with high defaults and questionable records into the program.

We have confirmed that direct lending will add $350 billion in unnecessary borrowing added to the national debt.

And we know that there are no plans for the direct loan program to include the kind of risk-sharing on defaults included in the guaranteed student loan program that helps protect taxpayers.

Finally, we know—not only from the Congressional Budget Office [CBO] but also from the Congressional Research Service [CRS]—that in an apples-to-apples comparison, the direct loan program does not save tax dollars. Period.

A cap on direct lending to do a fair test with the schools currently in the program is more than fair—and is still the right thing to do.

A 40 percent cap test period would give the Department of Education time to focus on other management problems, such as the recent backlog in processing the basic financial aid form. I have no doubt that hundreds of individuals at the Department are working hard to solve these problems, but the fact is they have a lot of work to do. This is not the time to give them more responsibility.

The best student loan program for the next generation of America's students should include flexible repayment plans that make sense, incentives and risks for loan administrators who must make the program accountable to taxpayers, and improved safeguards in program integrity. The 40 percent compromise on direct lending would have given both loan programs a chance to deliver on these objectives.

Mr. SMITH of New Jersey. Mr. Speaker, I should also say that I share some of the frustration of my colleagues. This legislation is the result of a compromise. As with every compromise, there are things in the bill I would have preferred not to have. The bill also omits some provisions I would have liked to see included. On balance, however, Chairman LIVINGSTON and our leadership have brought back a victory for the pro-life majority in the House, and a victory for the protection of unborn children.

Our most significant victory is that the conference report does not include the Hatfield language, which was included in the Senate bill and would have effectively written a blank check to the international abortion industry.

Last year the House voted several times to condition U.S. funding for population control activities on the Mexico City policy—a prohibition of funding for foreign organizations that perform or promote abortion. The House also voted to condition its support for the United Nations Population Fund [UNFPA] on an end to UNFPA support to the forced abortion policy of the People's Republic of China.

The House provisions recognized that money is fungible. The fiction advanced by the other side—that international population control agencies can use bookkeeping devices to spend their money on abortions, and our money on everything else—ignores this reality. United States taxpayers do not want their money going to organizations which support the PRC program that includes forced abortion which themselves perform abortions, or which seek to export abortions to countries that currently protect their unborn children. If population-control organizations insist that they want population money only for family planning activities unrelated to abortion, they could do so under the House provisions by getting out of the abortion business.

The Mexico City policy did not and would not lessen the overall U.S. contribution to international family planning. Almost all of the organizations which had received funding agreed to the terms of the policy and continued to receive funding. But the Mexico City policy has prevented these U.S. dollars from being used to enrich the international abortion lobby or to support its self-serving efforts to legalize abortion as a method of birth control.

Unfortunately, pro-abortion organizations would not let the foreign aid appropriations bill go forward unless they can get U.S. dollars and continue to pressure other nations to sanction abortion on demand—pressure which would appear to be endorsed by the United States because these groups receive substantial U.S. financial support.

For this reason, the House and Senate reached an impasse in negotiations, even though the House made several concessions in its pro-life language.

The issue was finally resolved by compromising not on abortion policy itself, but on the level of funding and the timing of expenditures. We dropped the Mexico City language in favor of a 35 percent cut in funds for international population control, and a provision that only one-fifteenth of the funding could be obligated in each of the 15 months for which fiscal year 96 funds will be available.

These provisions were designed to give both sides time—and an incentive—to negotiate further on the abortion issue. But the largest recipients of grants for population programs, and some of their supporters in Congress, instead chose to make wild and unsubstantiated charges against the compromise. Pro-abortion organizations were even accusing pro-life Members of Congress of causing more abortions. They had a simple formula: less money for abortion providers means more abortions, and more money for abortion providers means fewer abortions. Mr. Speaker, the conferees have recognized this assertion for the nonsense that it is, and they have omitted the pro-abortion Senate language.

Mr. Speaker, U.S. spending for population control has gone up dramatically in the last 3 years—from $325 million in fiscal year 1992 to about $550 million in fiscal year 1995—even in a time when money has been generally tight and many Federal expenditures have stayed level or declined. Even aside from concerns about the abortion issue, the Clinton administration has been giving disproportionate emphasis to population control as a solution to all problems. Our first foreign aid priorities should be programs that save the lives of children, protect refugees who are fleeing persecution, and create free and self-sustaining economic systems for people in emerging nations. The logic of disproportionate spending on population control seems to be that people will not need help if they are not around. Not only is this policy morally questionable, but it will not work.

The reduced funding level for population programs in fiscal year 1996 under the recent compromise will be about $356 million. This is substantially more than the United States spent on all population control programs in fiscal year 1992, or in any other year prior to the dramatic increases of the Clinton era.

Finally, and most important, the population-control lobby can eliminate the statutory ceiling imposed by the compromise—simply by agreeing to reasonable restrictions on international abortion-related spending. All we want is to re-erect a wall of separation between abortion and family planning.

Mr. Speaker, I also want to call attention to another important provision of the conference report: the Coates-Snowe-DeLay amendment, which is necessary to preserve the accreditation of medical schools that do not require their students to actively perform abortions. At the urging of the pro-abortion movement the ACGME imposed a rule that would have frozen out of the profession those students who would not do abortions. This provision will effectively reverse that coercive, anti-life, power play by the abortion industry.

Mr. Speaker, I would have liked to see even more pro-life provisions in the conference report. There are also other important omissions. Mr. GILMAN submitted a list of 18 noncontroversial provision from H.R. 1561, the Foreign Relations Authorization Act. These important provisions included the MacBride principles for justice in Northern Ireland, the Humanitarian Aid Corridors Act, the restoration of asylum eligibility for forced abortion victims, and the extension of the Lautenberg amendment which has saved so many Jews and evangelical Christians in the former Soviet Union from persecution. Unfortunately, President Clinton saw fit to veto the bill that contained these important human rights provisions. I believe they should have been included in this conference report, especially because the report includes a waiver of the statutory requirement that there be an authorization for the State Department during fiscal year 1996.

But I know the going was tough—the majority of the Senate conferees and the White House were both against us, especially on the pro-life issues—and I congratulate Chairman LIVINGSTON and the leadership on their firm stand in favor of human life. I urge my colleagues to vote "yes."

Mr. KOLBE. Mr. Speaker, I spoke this afternoon about the need to put fiscal year 1996 appropriation issues behind us. With today's momentous vote on H.R. 3019 we have accomplished this. I wanted to speak a little more about an amendment I authored during markup of the Interior appropriations bill, and which is included in section 335 of the Interior Department portion of H.R. 3019.

The Kolbe amendment on Mount Graham is quite simple. It states that alternative site 2, which was issued by the Forest Service, is authorized and approved, and that the site—alternate 2—shall be deemed to be consistent with and permissible under the terms of the Arizona-Idaho Conservation Act of 1988 (AICA), Public Law 100–696. What does this mean? The Kolbe amendment reaffirms what many people believed; that the alternative site chosen by the Forest Service for the location of the large binocular telescope [LBT] is in compliance with the authorizing language.

Why was this language necessary? To clarify, once and for all, that the alternative site for the large binocular telescope falls within the parameters established by Congress for the location of the Mount Graham telescopes. In fact, during the entire period in which the Forest Service defended itself against the lawsuits filed by various environmental groups, U.S. Attorney Janet A. Napolitano argued in both U.S. District Court and before the Ninth Circuit Court of Appeals that "* * * [the site] satisfies the statutory requirement that the three telescopes comprising the Observatory, including the LBT, not exceed 24 acres within the marked boundary." "The site" she argued, "also conforms to the requirements of Reasonable and Prudent Alternative 3 * * *." U.S. Attorney Napolitano concluded her argument by stating what many of us already knew and understood, "the Approved site [alt 2] is the best site for the long-term survival of the red squirrel."

The U.S. attorney is not only one who has taken the position which the Kolbe amendment clarifies. Ninth Circuit Court Judge Hall in her dissenting opinion stated:

> I think that the AICA confers discretion on the Forest Service to site the telescopes as it sees fit, so long as those locations are within the 24-acre "Site" described in section 601(b) of the AICA, and because I believe we are bound to defer to the Forest Service's own reasonable interpretation of the AICA * * *.

Judge Hall's final comment was:

> I find the further delay imposed by today's decision especially regrettable in light of the fact that the FS appears to have chosen to locate the LBT on Peak 10,477 in good faith and for laudable reasons: Peak 10,477, according to the FWS is now the location that would cause the least disruption to the squirrel's habitat.

I couldn't agree more.

I hope the adoption of the Kolbe amendment closes this unfortunate chapter of the Mount Graham Observatory. Alternative site 2 is in compliance with the AICA, and I look forward to the resumption of construction of the LBT. The discoveries that lie in the heavens await us.

Mr. DORNAN. Mr. Speaker, we are discussing the fiscal year 1996 omnibus appropriations bill in which an important provision to withhold funding for expanded diplomatic relations with Vietnam until. the tyrannical Communist government of Vietnam provides a full accounting of our POW/MIA's was rendered ineffective by compromise language. The original language of the provision, which was cosponsored by myself and distinguished colleagues, BEN GILMAN, BOB BARR, and JACK KINGSTON, called for the Vietnamese to "fully cooperate" in providing answers to voluminous intelligence reports and analysis in the possession of the United States Department of Defense that is related to more than 400 POW/MIA cases where the service men were last known alive or known to have perished under Vietnamese Government control.

In three hearings before my subcommittee, United States Government analysts repeatedly testified under oath that the United States Government knows that the Vietnamese Government is withholding volumes of records and documents related to missing American heroes in Vietnam and Laos. The words "fully cooperating" was originally accepted by House and Senate appropriations conferees. Tragically this important specific terminology was, at the last minute, watered down to "Elmer Gantryesque" charlatan's rhetoric: "co-operating in full faith." In their needless desperation to cut a deal during the waning hours of negotiations with the White House, congressional negotiators apparently believed that the fate of missing American heroes and the pleas of their families for an honest accounting were an issue to be bartered with the "triple draft-dodger-in-chief."

Mr. Speaker, I am supported by esteemed colleagues and friends such as Senator BOB SMITH and the "Gary Cooper" of this legislative body former POW SAM JOHNSON, in our determination to hold the White House totally culpable. The President must prove, based on United States intelligence analysis in our possession, whether the Vietnamese Government has fully accounted for all POW/MIA cases and returned all remains of fallen heroes in their possession, before any more tax dollars are spent on expanding relations with the brutal and tyrannical Communist dictators in Hanoi.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise in support of this legislation, pleased that we finally have something a bit more palatable to the American people in terms of fiscal year 1996 funding levels for education, health, job training, and environmental protection but disappointed that it has taken months, two Government shutdowns, and undue hardship for the citizens of this Nation in order for the Republican leadership in this body to realize that their extreme ideological fervor and authoritarian agenda is not shared by the majority of the population across this country.

Almost 6 months after the fiscal year 1996 appropriations process was to have been completed, the GOP is just now finishing their work. What the heck have the Republicans been doing all this time? Not a whole lot it seems.

Mr. Speaker, the American people have resoundingly said "no" to the Gingrich gang's bloodthirsty budget axe, said "no" to drastic cuts in Federal support or elementary and secondary schools, college loans, summer youth jobs, Head Start, low-income energy assistance, and community policing, and said "no" to protecting polluters who violate our environmental.

Because of these loud voices, the bill before us today restores $2.8 billion in funding, up to the fiscal year 1995 level, for title I educational programs serving the needs of our most underserved and disadvantaged children. In addition, the conference report contains vital resources to combat drugs and violence in our schools through the safe and drug free schools initiative. This is another program the GOP sought to decimate.

Also added back due to the pressure of the American public, the White House, and the Democratic leadership is $625 million to provide for positive job alternatives for our youth with the Summer Jobs Program. Again, the Republicans would have rather left these kids standing on a street corner with nothing to do than give them a chance to gain the skills, confidence, and guidance necessary to succeed and build a brighter future for themselves.

From a $1.3 billion restoration of LIHEAP dollars fro heating and cooling assistance for low-income families and seniors to $1.4 billion injection of funds to fully phasein President Clinton's important 100,000 cops on the beat in our local communities, this bill mirrors the foremost needs, and desires spoken by my hard-working constituents in the Chicago metropolitan area and not those of the monied interests so familiar to my friends on the other side of the aisle.

Mr. Speaker, I will vote for this legislation because it protects the Democratic Party's principles and priorities and reflects a more rational and humanistic approach to bringing our Federal fiscal situation under control. I hope, with the final version of this bill serving as a prime example, the GOP finally takes notice of the fact that their so-called Contract With America has been declared null and void by the American people and the court of public opinion.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the conference report.

MOTION TO RECOMMIT

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. LaHood). Is the gentleman opposed to the conference report?

Mr. YATES. Absolutely, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. YATES moves to recommit the bill (H.R. 3019) to the committee of conference.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the conference report.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 399, nays 25, not voting 10, as follows:

[Roll No. 135]

YEAS—399

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gingrich
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Seastrand
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—25

Bonilla
Chabot
DeFazio
Dornan
Duncan
Funderburk
Graham
Hancock
Hilliard
Hunter
Hyde
Johnson, Sam
Jones
Largent
Norwood
Sanford
Scarborough
Sensenbrenner
Shadegg
Smith (MI)
Souder
Thornberry
Waters
Watt (NC)
Yates

NOT VOTING—10

Baesler
de la Garza
Ewing
Jacobs
Peterson (MN)
Quillen
Rangel
Rose
Schroeder
Wilson

□ 1653

Mr. HUNTER changed his vote from "yea" to "nay."

Mr. TATE changed his vote from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. EWING. Mr. Speaker, I missed all votes today because I was in my district with James Lee Witt, the Director of the Federal Emergency Management Agency, to visit several of the areas in Champaign County which were devastated by tornadoes last weekend and to help formulate the Federal Government's response. Had I been present, I would have voted for passage of H.R. 3019, the omnibus appropriations bill conference report.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2723

Mr. BISHOP. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 2723, the Work and Family Integration Act.

The SPEAKER pro tempore (Mr. LaHood). Is there objection to the request of the gentleman from Georgia?

There was no objection.

PARLIAMENTARY INQUIRY

Mr. SABO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SABO. Mr. Speaker, the Congressional Budget Act sets up procedures to allow the appropriations process to move forward in situations when the budget resolution is behind schedule. I would like to inquire of the Chair whether these procedures have been followed.

In particular, if the conference report on the budget resolution is not adopted by April 15, section 603 of the Budget Act directs the chairman of the Committee on the Budget to submit to the House a spending allocation to the Committee on Appropriations for the coming fiscal year. The allocation is to be based on the discretionary spending limits set by law. Its purpose is to allow the House to begin work on appropriation bills.

Section 603 of the Budget Act requires this allocation to be filed as soon as practicable after April 15. When I was chairman of the Committee on the Budget, I submitted this allocation when it was required, and my predecessor, Leon Panetta, did as well.

If we are to avoid running the Government on continuing resolutions again this year, it is essential that the appropriations process get started. The April 15 deadline set by the Budget Act for completion of the budget resolution passed more than a week ago, and the House markup has not even been scheduled.

Therefore, Mr. Speaker, I would like to inquire whether a fiscal year 1997 spending allocation to the Committee on Appropriations has been submitted to the House as required by section 603 of the Congressional Budget Act.

□ 1700

The SPEAKER pro tempore (Mr. LAHOOD). The Chair would advise the gentleman from Minnesota to consult with the chairman of the Committee on the Budget on this matter of a submission as soon as practicable after April 15.

Mr. SABO. Mr. Speaker, I know the gentleman cannot be here. The gentleman knows I am making this inquiry.

THE BUDGET PROCESS

(Mr. SABO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SABO. Mr. Speaker, let me indicate that this was a process adopted in 1990 to make sure that appropriations could move forward in the event no budget resolution is adopted. In 1991, April 15 came on a Monday. The allocation to appropriations was filed on April 18. In 1992, April 15 came during Easter recess. The House reconvened on April 28 and the allocation was filed on April 30. In 1994, April 15 was a Friday. The allocation was filed on Tuesday.

Let me indicate that this is a process established so that appropriations can move forward. It does not prejudge what the 602(b) allocations internally in that committee should be, but it should be followed so that committee can begin working, avoid the problems we had this year on the continuing resolution. It does not prejudge how the Committee on Appropriations makes internal allocations. The majority has full flexibility to move forward, if they desire in a partisan way, with the 602(b) allocation. They could begin negotiations with the minority Democrats and administration to resolve what we are now resolving 6 months late at this point of the year. They have that discretion.

I urge, if it has not been followed, that the majority follow the law, give that allocation to Appropriations, so that negotiations can begin within the appropriating process so we do not have to go through the 13 continuing resolutions of this year and the budget process, whenever it is going to occur, whatever form it is going to take, or at what time we eventually get to the conference agreement, can proceed. But we should not be shortening the time that the Committee on Appropriations needs and which under the law they should be able to begin now.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise to inquire of the distinguished chief deputy majority whip the schedule for today and the remainder of the week and for the next week.

Mr. HASTERT. Mr. Speaker, if the gentleman will yield, I thank my good friend from Michigan, the minority whip.

Mr. Speaker, I am pleased to announce that we have concluded our legislative business for the week.

On Monday, April 29, the House will meet in pro forma session. There will be no legislative business, and no votes, on that day.

On Tuesday, April 30, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note that we do not anticipate votes until 5 p.m.

On Tuesday, April 30, we will consider three bills under suspension of the rules: H.R. 1823, to amend the Central Utah Project Completion Act; H.R. 1527, to amend the National Forest Ski Area Permit Act of 1986; and H.R. 873, the Helium Privatization Act of 1995.

After the suspensions, we will consider the President's veto of H.R. 1561, the American Overseas Interests Act of 1995.

On Wednesday, May 1, and Thursday, May 2, the House will consider the following bills, both of which will be subject to rules: H.R. 2149, the Ocean Shipping Reform Act of 1995; and H.R. 2641, the U.S. Marshals Service Improvement Act of 1995.

It is our hope that the conference report to S. 641, Ryan White CARE Reauthorization Act of 1995, will also be available next week.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 6 p.m. on Thursday, May 2.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments. I have just one or two questions. Can the gentleman tell us if the House is expected to appoint conferees on the health care bill next week?

Mr. HASTERT. It is our intent that the health care conferees will be appointed next week.

Mr. BONIOR. I thank my friend. The second and final question I have is when will we consider, in light of the comments made by my friend from Minnesota, Mr. SABO, when will we consider the budget resolution?

Mr. HASTERT. We would hope that the budget bill will be marked up next week and considered the following week.

Mr. BONIOR. I thank my friend. I wish him a good weekend and good traveling.

Mr. HASTERT. Same to you, sir.

ADJOURNMENT TO MONDAY, APRIL 29, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 30, 1996

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 29, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, April 30, 1996, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. HASTERT. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

PERMISSION TO AMEND REPORT ON H.R. 2406, UNITED STATES HOUSING ACT OF 1996

Mr. LAZIO of New York. Mr. Speaker, I ask unanimous consent to amend Report No. 104–461, originally filed on February 1, 1996, to include Congressional Budget Office cost estimates for H.R. 2406, the United States Housing Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

104TH CONGRESS EARNING SHAMEFUL REPUTATION ON MINIMUM WAGE

(Ms. MCKINNEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. MCKINNEY. Mr. Speaker, on Tuesday I sent this letter to Speaker GINGRICH urging him to hold a vote on a clean minimum wage increase. And today we learn that we will not even have the opportunity to vote on a dirty minimum wage increase.

I have my daughter here for the day, Shanterri Grier, and she is here at the Capitol with me. Every one of the Republican leaders has said that she does not deserve the right to earn a decent wage. Shame, shame, shame. This Congress is earning its reputation.

Conservative political analyst Kevin Phillips said the 104th Congress may be the worst in 50 years, and they are proving it today.

Mr. Speaker, the letter referred to earlier is included for the RECORD.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 23, 1996.
Hon. NEWT GINGRICH,
Speaker of the House of Representatives, Washington, DC.

DEAR SPEAKER GINGRICH: As a member of the Georgia Congressional Delegation I feel compelled to write you about the fast-eroding minimum wage and its impact on the working people of our State. I respectfully request that you permit the House of Representatives to vote on increasing the minimum wage, without attaching highly controversial riders that would only sabotage the proposed 90 cent increase.

It is my understanding, from numerous press reports, that you may schedule a vote to increase the minimum wage. However, I am dismayed to learn that you intend to attach numerous other provisions which would weaken worker protections and increase the deficit. I fail to see the purpose of undermining occupational safety and health standards and/or including tax cuts without offsets, when it is the tragically low minimum wage that needs to be addressed.

The false link you are creating between a minimum wage increase and a reduction in worker protections, is little more than a cynical ploy to convince people earning $8,400 a year that less safe working conditions are the price they must pay for a living wage. This Machiavellian approach is insensitive to the needs of thousands of working Georgians who struggle just to put food on the table.

As of 1994, 11.9% of Georgia's workforce was earning between $4.25 and $5.14 an hour. A 90 cent increase would help these nearly 362,000 people make ends meet. I have heard arguments from Republican leaders that raising the minimum wage would reduce jobs. However, numerous studies have shown little to no job loss when the minimum wage was raised—in some cases the number of jobs have increased. Moreover, an eminent group of 101 economists, including three Nobel Prize laureates, recently endorsed an increase in the federal minimum wage.

On behalf of working Georgians earning the minimum wage, I urge you to bring a clean minimum wage increase up for a vote on the floor of the House before the Memorial Day district work period.

Sincerely,
CYNTHIA MCKINNEY,
Member of Congress.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE END OF A LONG BUDGET PROCESS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it has been a very, very, very, very long journey. Last fall, in October 1995, this House was to have passed all of its appropriation bills so that the schools would be open, so that the environmental commitment we have made to the American people would be followed through, so that the homeless could be housed, and so, for example, this Government would not have closed during Thanksgiving and the Christmas holiday season of 1995.

But there is something to persistence. And although I abhorred the closing of the Government and the hurting of American families, and asked to stay through the Thanksgiving holidays and Christmas holidays so we would not shut the Government down, unfortunately, there are others, my Republican colleagues, who saw fit not to agree, that the American people wanted a commitment to education, the environment, to safe and drug free schools, the 100,000 police officers, and the Summer Jobs Program.

But, again, as I said, it has been a long journey, but there is something to persistence, and this debate that we have had on the omnibus appropriation bill should be chronicled in the appropriate manner, and that manner is to let you know that this was not an easy task. It was not an easy task to come from zero on the Summer Jobs Program, under allegations that all we were doing was just babysitting for youngsters who work and for the first time in their lives would have the opportunity to be exposed to good jobs, to understand what the working world is all about, and to develop the self-esteem and character building aspects of their lives so they would go into the work force. Just a few months ago that program was zeroed out.

There are colleagues like myself and the Democratic Caucus who persisted that our young people do count, and the Senate heard us, and the President heard us. And from a zero funding for summer youth employment, that would have cost the city of Houston some 6,000 summer jobs for youngsters, who use those moneys to in fact pay the rent and provide clothing and substance for their families during the summer months, and encourage them to return back to their schools in the fall.

I know that program, for I had a young lady work for me during the summer, a hot summer in Houston, who called the office first and said, "I can't take this job. I can't come in." When we inquired, she said, "I have no clothes to wear." We entreated her to say, "If you have simply a paper bag to wear, it is important for you to come and understand what work is all about."

That is what America is about. And this appropriations bill that we have passed, with the good help of those who believe in our young people, now has $625 million for our summer jobs.

Let me express the gratification for those conferees, those Democrats who persisted, the gentleman from Wisconsin [Mr. OBEY] who persisted continuously to insist that education is an important aspect of the lives of Americans. That is why title I was funded. That is why 88 percent of the education needs were funded. That is why the School to Work Program that has been applauded nationally by those individuals who applaud public schools and those who are detractors of public schools, every one of them believe in the School to Work Program, which allows young people to come out of high school and find an opportunity for work.

You know, we are always hearing accusations that Americans do not want to work, that they are slow in working, that they are not productive. And everywhere I have gone in the 18th Congressional District, they have reinforced the desire to work. But if they cannot find jobs or opportunity, or if someone says you have to go to college, that is the only way you can get to work, to support a family, then what do you have? The School to Work Program, a vital aspect of connecting Americans, high school graduates, to an effective work situation so they can be supported and independent Americans. That program was funded under this appropriation bill, because the Democrats continued to hold out to invest in America.

How grateful I am as a former city council member we continued to hold out, to see that 100,000 police officers get on our streets. You know, this is Victims Rights Week. It is tragic to be able to have to come and comfort the families of victims, families who have asked the question, why? Were they not in the right place? Were there not enough law enforcement, enough prisons?

Even when you talk to those families, they begin to understand that prevention is 9/10ths of it, and the presence of law enforcement on our streets is the other aspect of ensuring that people are not subject to criminal activity. And yet that program was not funded by Republicans.

□ 1714

I will simply say, Mr. Speaker, that we have an omnibus appropriations bill that I wish could have been passed a couple months ago, but we now have police on the street, summer jobs, and education funding.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess subject to the call of the Chair.

Accordingly (at 5 o'clock and 15 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 2045

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FOLEY) at 8 o'clock and 45 minutes p.m.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) "An Act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.".

The message further announced that the Senate passed without amendment:

H. Con. Res. 166. Concurrent resolution authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to: Mr. EWING (at the request of Mr. ARMEY), for April 25, 1996, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request):)

Mr. MANZULLO, today, for 5 minutes.

(The following Member (at his own request):)

Mr. DOGGETT, today, for 5 minutes.

(The following Members (at the request of Ms. JACKSON-LEE of Texas) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. KLINK, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Ms. JACKSON-LEE of Texas) and to include extraneous material:)

Mr. JACOBS.
Mr. DICKS.
Ms. JOHNSON of Texas.
Mr. VISCLOSKY.
Mr. LIPINSKI in three instances.
Mr. STARK.
Mr. MENENDEZ in three instances.
Mr. HAMILTON.
Mr. LAFALCE.
Mr. TOWNS.
Mr. FALEOMAVAEGA.
Mr. GORDON.
Mr. ROEMER.
Mr. LANTOS in three instances.
Mr. BARCIA.
Ms. SLAUGHTER.
Mr. DURBIN.

(The following Members (at the request of Mr. LAZIO) and to include extraneous matter:)

Mr. CAMPBELL.
Mr. HORN.
Mr. CAMP.
Mr. SAXTON.
Mr. QUINN.
Mr. WHITE.
Mr. GOODLING.
Mr. BUNNING of Kentucky.
Mr. MARTINI in two instances.
Mr. CRAPO.
Mrs. MORELLA.
Mr. DORNAN in two instances.
Mr. RAMSTAD.
Mr. WATTS of Oklahoma.
Mr. EWING.
Mr. ENGLISH of Pennsylvania.
Mr. TATE.

(The following Members (at the request of Mr. HORN) and to include extraneous matter:)

Mrs. MINK of Hawaii.
Mr. METCALF.
Ms. MOLINARI.
Mr. MOORHEAD.
Mr. PACKARD.
Mr. LAFALCE.
Mr. BECERRA.
Mr. GILLMOR.
Mr. SCAGGS.
Mr. MICA.
Mr. BAKER of California.
Mr. PASTOR.
Mr. GEJDENSON.
Ms. PELOSI.
Mr. JOHNSON of South Dakota.
Mr. TORRES.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.J. Res. 175. A joint resolution making further continuing appropriations for the fiscal year 1996, and for other purposes.

ADJOURNMENT

Mr. HORN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 8 o'clock and 48 minutes p.m.), under its previous order, the House adjourned until Monday, April 29, 1996, at 2 p.m.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various miscellaneous delegations of the House of Representatives during the 1995 calendar year, as well as reports of various committees and miscellaneous groups of the House of Representatives concerning foreign currencies and U.S. dollars utilized for official foreign travel during the 1st quarter of 1996, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, BRITISH-AMERICAN PARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995[3]

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Delegation Expenses:											
Representational function[4]									178.00		178.00
Committee total									178.00		178.00

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] No conference between the House and the British Parliament was held during 1995.
[4] Reception for a delegation of the BAPG on May 23, 1995.

DOUGLAS BEREUTER, Mar. 5, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, DELEGATION TO THE EUROPEAN PARLIAMENT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Laura Rush[3]	7/10	7/12	United States		416.26		231.00				647.26
Delegation expenses:											
Representational functions									34,025.79		34,025.79
Ground transportation							300.00				300.00
Translation/interpretation									4,200.00		4,200.00
Committee total					416.26		531.00		38,225.79		39,173.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Advance trip—Nebraska.

BEN GILMAN, Mar. 11, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, MEXICO-U.S. INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Jim Kolbe	4/22	4/23	Mexico				680.95				680.95
	5/12	5/14	United States		320.86		(3)				320.86
Hon. Cass Ballenger	5/12	5/14	United States		320.86		(3)				320.86
Hon. Sam Brownback	5/12	5/13	United States		162.35		(3)				162.35
Hon. Ronald D. Coleman	5/12	5/14	United States		330.86		(3)				330.86
Hon. E de la Garza	5/12	5/14	United States		352.15		(3)				352.15
Hon. David Dreier	5/12	5/14	United States		328.06		(3)				328.06
Hon. Bob Filner	5/12	5/14	United States		331.41		(3)				331.41
Hon. Mark Adam Foley	5/12	5/14	United States		351.68		(3)				351.68
Hon. Benjamin A. Gilman	5/12	5/14	United States		320.86		462.00				782.86
Hon. Charles B. Rangel	5/12	5/14	United States		379.93		(3)				379.93
Hon. Matt Salmon	5/12	5/14	United States		333.77		(3)				333.77
Michael Boyd	5/11	5/14	United States		534.71		203.10				737.81
Xavier Equihua	5/12	5/14	United States		331.06		409.00		121.00		861.06
Laurie Fenton	5/11	5/14	United States		617.14		403.00				1,020.14
Shelley Livingston	4/10	4/13	United States		699.46		403.00				1,102.46
	5/10	5/14	United States		802.81		222.00		22.00		1,046.81
John Mackey	5/12	5/14	United States		353.45		(3)				353.45
Jatinder Mundey	5/12	5/14	United States		325.70		(3)				325.70
Roger Noriega	5/12	5/14	United States		320.86		(3)				320.86
Terree Wasley	5/12	5/13	United States		70.31						70.31
Daniel Restrepo	5/12	5/14	United States		332.95		(3)				332.95
Delegation expenses:											
Representational functions									39,630.72		
Translating/interpreting									11,329.73		
Miscellaneous									450.05		51,419.50
Committee total					7,912.24		2,783.05		51,562.50		62,266.79

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

JIM KOLBE, Mar. 29, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Representational functions									24,710.45		24,710.45
Committee total									24,710.45		24,710.45

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DOUG BEREUTER, Apr. 8, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, U.S.-CANADA INTERPARLIAMENTARY GROUP, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND DEC. 31, 1995

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Kika de la Garza	5/18	5/20	Canada		228.65		[3]				228.65
Commercial airfare							467.18				467.18
Sam Gibbons	5/18	5/22	Canada		432.42		[3]				432.42
Hon. Harry Johnston	5/18	5/22	Canada		433.24		[3]				433.24
Hon. Don Manzullo	5/18	5/22	Canada		434.15		[3]				434.15
Hon. Louise Slaughter	5/18	5/22	Canada		430.77		[3]				430.77
Tracy Hart	5/18	5/22	Canada		430.77		[3]				430.77
Francis Record	5/18	5/22	Canada		444.45		[3]				444.45
David Weiner	5/18	5/22	Canada		441.15		[3]				441.15
Delegation expenses:											
Inflight expenses									91.32		91.32
Committee total					3,275.60		467.18		91.32		3,834.10

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.
[3] Military air transportation.

DONALD A. MANZULLO, Mar. 6, 1996

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON HOUSE OVERSIGHT, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Mary Sue Englund	2/22	2/25	Panama		556.00		650.95				1,206.95
Committee total					556.00		650.95				1,206.95

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL THOMAS, Chairman, Apr. 9, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RULES, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kristi Walseth	2/18	2/22	Romania		1,700						1,700
	2/22	2/24	Slovakia								
Commercial airfare							2,806.25				2,806.25
Committee total					1,700		2,806.25				4,506.25

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

JERRY SOLOMON, Chairman, Apr. 9,1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON SCIENCE, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. F. James Sensenbrenner	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Nicolas A. Fuhrman	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Richard M. Obermann	1/7	1/8	France		326.00						326.00
	1/8	1/9	Russia		338.00						338.00
Commercial airfare							3,423.35				3,423.35
Committee total					1,992.00		10,270.05				12,262.05

[1] Per diem constitutes lodging and meals.
[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

ROBERT S. WALKER, Chairman, Apr. 15, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON WAYS AND MEANS, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN JAN. 1 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Angela Ellard	2/13	2/17	Switzerland		968.45						968.45
Commercial airfare							782.15				782.15
Hon. Sam Gibbons	2/19	2/22	Mexico		225.00						225.00
Commercial airfare							685.95				685.95
Committee Total					1,193.45		1,468.10				2,661.55

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

BILL ARCHER, Chairman, Apr. 22, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN FEB. 12 AND FEB. 20, 1996

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Doug Bereuter	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Tom Bliley	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Jan Meyers	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Herb Bateman	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Michael Bilirakis	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Paul Gillmor	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Dennis Hastert	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Charlie Rose	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Pat Schroeder	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Hon. Ron Coleman	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
John Herzberg	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Jo Weber	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Michael Ennis	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Ronald Lasch	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
David Hobbs	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Scott Palmer	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
James Doran	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Linda Pedigo	2/12	2/15	Germany		725.00						
	2/15	2/17	France		608.00						
	2/17	2/20	Belgium		999.00		(3)				2,332.00
Committee total					41,976.00						41,976.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency[2] is used, enter U.S. dollar equivalent; if U.S. currency[2] is used, enter amount expended.

(3) Military air transportation.

DOUGLAS BEREUTER, Apr. 8, 1996.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, NORTH ATLANTIC ASSEMBLY DELEGATION, HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN MAR. 29 AND MAR. 31, 1996

Name of Member or employee	Date		Country	Per diem		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Hon. Doug Bereuter	3/29	3/31	Canada		304.00		(3)				304.00
Hon. Tom Bliley	3/29	3/31	Canada		304.00		(3)				304.00
John Herzberg	3/29	3/31	Canada		304.00		(3)				304.00
Commercial air fare							187.00				187.00
Committee total					912.00		187.00				1,099.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

DOUG BEREUTER, Apr. 8, 1996.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2520. A letter from the general sales manager and vice president, Commodity Credit Corporation, transmitting the annual report on monetization programs for U.S. fiscal year 1994, pursuant to 7 U.S.C. 1431(b)(9)(B); to the Committee on Agriculture.

2521. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Tinker Air Force

Base, OK, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2522. A letter from the Assistant Secretary for Installations and Environment, Department of the Navy, transmitting notification of a Department of the Navy outsourcing study, pursuant to 10 U.S.C. 2304 note; to the Committee on National Security.

2523. A letter from the Secretary of Defense, transmitting the annual report of the Reserve Forces Policy Board for fiscal year 1995, pursuant to 10 U.S.C. 113(c), (e); to the Committee on National Security.

2524. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Lee's Lane Superfund Site from the National Priorities List (FRL–5458–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2525. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Kummer Sanitary Landfill Superfund Site from the National Priorities List (FRL–5460–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2526. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Deletion of the Amnicola Dump Superfund Site from the National Priorities List (FRL–5461–3), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2527. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tennessee Request for Approval of Section 112(1) Authority (FRL–5458–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2528. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Ohio SIP. Revision for Ozone (FRL–5450–5), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2529. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Florida SIP. Amendments to the Federally Enforceable State Operating Permit Program for Perchloroethylene Dry Cleaning Facilities (FRL–5444–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2530. A letter from the Director, Office of Regulatory Management and Information, Environmetal Protection Agency, transmitting the Agency's final rule—California; San Joaquin Valley Unified Air Pollution Control District (FRL–5460–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2531. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Alabama Authorization of Revisions for Hazardous Waste Management Program (FRL–5459–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2532. A letter from the Director Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—North Carolina Authorization of Revisions for Hazardous Waste Management Program (FRL–5459–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2533. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kentucky Authorization of Revisions for Hazardous Waste Management Program (FRL–5461–5), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2534. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—South Carolina Authorization of Revisions for Hazardous Waste Management Program (FRL–5461–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2535. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Volatile Organic Compound Regulations for Oklahoma (FRL–5438–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2536. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imports and Exports of Hazardous Waste: Implementation of OECD Council Decision C(92)39 Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations (FRL–5447–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2537. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval Source-Specific VOC and NOX RACT and Synthetic Minor Permit Conditions, and 1990 Baseyear Emissions for One Source (FRL–5442–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2538. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Illinois Motor Vehicle Inspection and Maintenance (FRL–5434–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2539. A letter from the Chair, Federal Energy Regulatory Commission, transmitting the Commission's major rules—Promoting Wholesale Competition Through Open Access Non-discriminatory Transmission Services by Public Utilities (Docket No. RM95–8–000), Recovery of Stranded Costs by Public Utilities and Transmitting Utilities (Docket No. RM94–7–001), and Open Access Same-time Information System [OASIS] and Standards of Conduct (Docket No. RM95–9–000) also a proposed rulemaking—Capacity Reservation Open Access Transmission Tariffs (Docket No. RM96–11–000), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2540. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the United Kingdom (Transmittal No. DTC–16–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2541. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification that the Department of State intends to provide training to Bosnia and Herzegovina under the auspices of the Antiterrorism Assistance Program [ATA], pursuant to 22 U.S.C. 2349aa–3(a)(1); to the Committee on International Relations.

2542. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled "Comparative Analysis of Costs of Selected Programs of the District of Columbia Government and Other Jurisdictions," pursuant to D.C. Code, section 47–117(d); to the Committee on Government Reform and Oversight.

2543. A letter from the Secretary of Energy, transmitting the Department's annual report to the Congress on activities of the Department of Energy in response to recommendations and other interactions with the Defense Nuclear Facilities Safety Board, pursuant to 42 U.S.C. 2286e(b); jointly, to the Committees on National Security and Commerce.

2544. A letter from the Secretary of Treasury, transmitting the Department's annual report on financial market coordination and regulatory activities to reduce risks in the financial system in 1994 and 1995, pursuant to Public Law 101–432, section 8(b) (104 Stat. 976); jointly, to the Committees on Commerce, Banking and Financial Services, and Agriculture.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LEACH: Committee on Banking and Financial Services. Supplemental report on H.R. 2406. A bill to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 104–461 Pt. 2).

Mr. LIVINGSTON: Committee of conference. Conference report on H.R. 3019. A bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes (Rept. 104–537). Ordered to be printed.

Mr. SOLOMON: Committee on Rules. House Resolution 415. Resolution waiving points of order against the conference report to accompany the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes (Rept. 104–538). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2570. A bill to amend the Older Americans Act of 1965 to authorize appropriations for fiscal years 1997, 1998, 1999, 2000, and 2001, and for other purposes; with an amendment (Rept. 104–539). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1663. A bill to amend the Waste Isolation Pilot Plant Land Withdrawal Act; with an amendment (Rept. 104–540 Pt. 1). Ordered to be printed.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1663. Referral to the Committee on National Security extended for a period ending not later than June 14, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. DUNCAN, Mr. WAMP, Mr. HILLEARY, Mr. CLEMENT, Mr. GORDON, Mr. BRYANT of Tennessee, Mr. TANNER, Mr. FORD, Mr. SOLOMON, Mr. PARKER, Mr. SMITH of New Jersey, Mr. BILIRAKIS, Mr. SPENCE, Mr. HUTCHINSON, Mr. EVERETT, Mr. BUYER, Mr. QUINN, Mr. BACHUS, Mr. STEARNS, Mr. NEY, Mr. FOX, Mr. FLANAGAN, Mr. BARR, Mr. WELLER, Mr. HAYWORTH, Mr. COOLEY, Mr. SCHAEFER, Mr. EVANS, Mr. KENNEDY of Massachusetts, Mr. EDWARDS, Mr. FILNER, Mr. TEJEDA, Mr. GUTIERREZ, Mr. BAESLER, Mr. BISHOP, Mr. CLYBURN, Ms. BROWN of Florida, Mr. DOYLE, and Mr. MASCARA):

H.R. 3320. A bill to name the Mountain Home Department of Veterans Affairs medical center in Johnson City, TN, as the "James H. Quillen Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. WELLER:

H.R. 3321. A bill to amend title 38, United States Code, to expand the authority of the Secretary of Veterans Affairs to enter into sharing agreements relating to use of health care resources; to the Committee on Veterans' Affairs.

By Mr. WALKER (for himself, Mr. SENSENBRENNER, Mrs. MORELLA, Mr. ROHRABACHER, and Mr. SCHIFF):

H.R. 3322. A bill to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes; to the Committee on Science, and in addition to the Committees on Resources, Transportation and Infrastructure, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BECERRA (for himself, Mr. PASTOR, Mr. DIAZ-BALART, Mr. SERRANO, Ms. VELAZQUEZ, Mr. TORRES, Ms. ROYBAL-ALLARD, Mr. RICHARDSON, Mr. MARTINEZ, Mr. BERMAN, Ms. LOFGREN, Mr. FARR, Mr. MATSUI, Ms. WATERS, Mrs. MINK of Hawaii, Mr. GREEN of Texas, Mr. FILNER, Mr. TEJEDA, Mr. ORTIZ, Mr. ROMERO-BARCELO, Mr. DE LA GARZA, Mr. GUTIERREZ, Mr. UNDERWOOD, Mr. CONYERS, Mr. NADLER, Mr. SCHUMER, Mr. MCDERMOTT, Ms. ROS-LEHTINEN, and Mr. WATT of North Carolina):

H.R. 3323. A bill to promote the naturalization of eligible individuals by making the administration of oaths of allegiance more efficient, improving the dissemination of information about eligibility and requirements for naturalization, making grants for citizenship preparation, and requiring the Attorney General periodically to consult with appropriate private organizations, and for other purposes; to the Committee on the Judiciary.

By Mr. TIAHRT (for himself, Mr. LEWIS of Kentucky, Mr. TALENT, Mr. GRAHAM, Mr. LIPINSKI, Mr. COOLEY, Mr. LARGENT, Mr. STOCKMAN, Mr. COBURN, Mr. GUTKNECHT, Mr. HUTCHINSON, Mr. BARTLETT of Maryland, Mr. EMERSON, and Mr. SOUDER):

H.R. 3324. A bill to amend the General Educations Provisions Act to allow parents access to certain information; to the Committee on Economic and Educational Opportunities.

By Mr. BRYANT of Tennessee:

H.R. 3325. A bill to provide certain technical assistance to the Chickasaw Basin Authority; to the Committee on Agriculture.

By Mr. CRAPO:

H.R. 3326. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. FALEOMAVAEGA:

H.R. 3327. A bill to amend title 10, United States Code, to provide that U.S. nationals should be eligible for advanced training in, and for financial assistance as members of, the Senior Reserve Officers' Training Corps; to the Committee on National Security.

By Mr. GORDON:

H.R. 3328. A bill to amend title 18, United States Code, to prohibit sports agents from influencing college athletes; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 3329. A bill to amend the Internal Revenue Code of 1986 to increase the amount which may be expensed with respect to certain depreciable business assets; to the Committee on Ways and Means.

H.R. 3330. A bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals; to the Committee on Ways and Means.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. MORELLA, Mr. HAYES, Mr. GREEN of Texas, Ms. WATERS, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. FROST, Mrs. CLAYTON, Ms. LOFGREN, Ms. NORTON, Mr. FRAZER, Mr. THOMPSON, Mr. TOWNS, Miss COLLINS of Michigan, Mr. EVANS, and Mrs. KENNELLY):

H.R. 3331. A bill to amend the Public Health Service Act to expand and intensify programs of the National Institutes of Health with respect to research and related activities concerning osteoporosis and related bone diseases; to the Committee on Commerce.

By Ms. MCKINNEY:

H.R. 3332. A bill to amend the Internal Revenue Code of 1986 to increase the child care credit and eliminate the exclusion of certain income of and the special dividends received deduction with respect to foreign sales corporations; to the Committee on Ways and Means.

H.R. 3333. A bill to amend the Internal Revenue Code of 1986 to reduce by 50 percent certain tax benefits allowable to profitable large corporations which make certain workforce reductions; to the Committee on Ways and Means, and in addition to the Committee on International Relations, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICA (for himself, Mr. RANGEL, Mr. SOUDER, and Mr. ZELIFF):

H.R. 3334. A bill to amend the Communications Act of 1934 to require broadcasters to participate in drug and substance abuse information and education efforts as part of their public service obligations; to the Committee on Commerce.

By Ms. MOLINARI:

H.R. 3335. A bill to make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety; to the Committee on Transportation and Infrastructure.

By Ms. NORTON:

H.R. 3336. A bill to provide for temporary authority to waive the reduction for early retirement under the Civil Service Retirement System to assist the District of Columbia government in its work force downsizing efforts, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. RAMSTAD (for himself, Mr. HOUGHTON, Mr. GUTKNECHT, Mr. KOLBE, Mr. PASTOR, Mr. EWING, Mr. MANTON, Mr. VENTO, and Mr. LUTHER):

H.R. 3337. A bill to extend certain Medicare community nursing organization demonstration projects; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROBERTS (for himself, Mr. EMERSON, Mr. DE LA GARZA, and Mr. CONDIT):

H.R. 3338. A bill to reform antimicrobial pesticide registration, and for other purposes; to the Committee on Agriculture.

By Mr. SKAGGS:

H.R. 3339. A bill to designate certain lands in Rocky Mountain National Park as wilderness, and for other purposes; to the Committee on Resources.

By Mr. SMITH of Michigan:

H.R. 3340. A bill to amend the National Flood Insurance Act of 1968 to provide for corrections to flood maps erroneously including certain areas within a special flood hazards area; to the Committee on Banking and Financial Services.

By Mr. SOLOMON:

H.R. 3341. A bill to amend the Controlled Substances Act to provide an enhanced penalty for distributing a controlled substance with the intent to facilitate a rape or sexual battery; to the Committee on the Judiciary, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK:

H.R. 3342. A bill to amend the Internal Revenue Code of 1986 to assist in assuring health coverage for workers over 55 who leave employment; to the Committee on Ways and Means.

By Mr. STEARNS (for himself, Mr. ARMEY, Mr. SHADEGG, Mr. STUMP, Mr. WELDON of Florida, and Mr. NORWOOD):

H.R. 3343. A bill to amend the Internal Revenue Code of 1986 to repeal the withholding of income taxes and to require individuals to pay estimated taxes on a monthly basis; to the Committee on Ways and Means.

By Mr. STUPAK:

H.R. 3344. A bill to authorize the conveyance of the Coast Guard Presque Isle Light Station to Presque Isle Township, Presque Isle County, MI; to the Committee on Transportation and Infrastructure.

By Mr. TATE (for himself, Mr. GIBBONS, Mr. BREWSTER, Mrs. SMITH of Washington, Mr. STARK, Mr. PETE GEREN of Texas, Mr. MEEHAN, Mr. ENGLISH of Pennsylvania, Mr. CASTLE, Mr. BAKER of Louisiana, Mr. FIELDS of Texas, Mr. COLEMAN, Mr.

BARTON of Texas, Mr. GREENWOOD, Mr. BENTSEN, Mr. BAKER of California, Mr. FRANKS of New Jersey, Mr. FRANK of Massachusetts, Mr. WAMP, Mr. CHAPMAN, Mr. ZIMMER, Mr. THOMPSON, Mr. HOEKSTRA, Mr. LIVINGSTON, Ms. GREENE of Utah, Mr. DAVIS, Mr. MORAN, Mrs. VUCANOVICH, Mr. BLUTE, Mr. SAM JOHNSON, Mr. FRELINGHUYSEN, Mr. FOGLIETTA, Mrs. LOWEY, Mr. LOBIONDO, Mr. STENHOLM, Mr. GREEN of Texas, Mr. HORN, Mr. LEWIS of California, Mr. SHUSTER, Mr. CHABOT, Mr. MONTGOMERY, Mr. CLINGER, Mr. ACKERMAN, Mr. BONILLA, Mr. ENSIGN, Mr. MOORHEAD, Mr. MCCRERY, Mr. MICA, Mr. ZELIFF, Mr. SHAYS, Mr. MILLER of Florida, Mr. SMITH of New Jersey, and Mr. HILLEARY):

H.R. 3345. A bill to amend the Internal Revenue Code of 1986 to reduce the tax incentives for the production of alcohol for fuel use; to the Committee on Ways and Means.

By Mrs. THURMAN (for herself, Ms. BROWN of Florida, Mr. FOLEY, Mr. BILIRAKIS, Mr. HASTINGS of Florida, Mr. MILLER of Florida, Mr. MICA, Mr. CANADY, and Mr. WELDON of Florida):

H.R. 3346. A bill to require the Secretary of Veterans Affairs to develop a plan for allocation of health care resources by the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. VENTO (for himself, Mr. GONZALEZ, and Mr. KENNEDY of Massachusetts):

H.R. 3347. A bill to amend the Stewart B. McKinney Homeless Assistance Act to revise and extend programs providing urgently needed assistance for the homeless, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. FAZIO of California:

H. Res. 414. Resolution designating minority membership on certain standing committees of the House. Considered and agreed to.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 123: Mr. MARTINI.

H.R. 294: Mr. WAXMAN and Mr. GUTIERREZ.

H.R. 351: Mr. KIM, Mr. ARCHER, Mr. PACKARD, and Mr. SOUDER.

H.R. 561: Mr. WATT of North Carolina and Mr. MCDERMOTT.

H.R. 661: Mr. CAMPBELL.

H.R. 820: Mr. ORTON, Ms. PELOSI, Mrs. MALONEY, Mr. MCHALE, and Mr. BERMAN.

H.R. 911: Mr. LAZIO of New York.

H.R. 969: Mr. FARR.

H.R. 972: Mr. FUNDERBURK.

H.R. 1127: Ms. GREENE of Utah.

H.R. 1161: Mr. FROST.

H.R. 1210: Mr. MARTINI.

H.R. 1328: Mr. KLINK.

H.R. 1363: Mr. MOORHEAD and Mr. ROYCE.

H.R. 1386: Ms. PRYCE, Mr. SCARBOROUGH, Mr. BURR, and Ms. GREENE of Utah.

H.R. 1406: Mr. LAFALCE.

H.R. 1416: Mr. BONIOR, Mr. MEEHAN, and Mr. CARDIN.

H.R. 1618: Mr. FUNDERBURK, Mr. GRAHAM, Mr. WELDON of Florida, Mr. HEINEMAN, Mr. TATE, Mrs. CHENOWETH, and Mr. HILLEARY.

H.R. 1619: Mr. PALLONE.

H.R. 1711: Mr. KINGSTON.

H.R. 1758: Mr. BORSKI, Mr. EVANS, and Mr. DEFAZIO.

H.R. 1776: Mr. PAYNE of Virginia, Mrs. THURMAN, Mr. FALEOMAVAEGA, and Mr. MINGE.

H.R. 1797: Mr. RANGEL.

H.R. 1883: Mr. SCHAEFER and Mr. LAUGHLIN.

H.R. 1998: Mr. FUNDERBURK.

H.R. 2066: Mr. PACKARD, Mr. KNOLLENBERG, Mr. TOWNS, Mr. STUMP, Mr. WELDON of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. GREEN of Texas, Mr. RAHALL, and Mrs. ROUKEMA.

H.R. 2090: Mr. SALMON.

H.R. 2138: Mr. HOUGHTON, Mr. RAHALL, Mr. ZIMMER, and Mr. SMITH of Texas.

H.R. 2247: Ms. DELAURO, Ms. FURSE, Mr. JOHNSON of South Dakota, Mrs. KELLY. Mr. NEAL of Massachusetts, and Mr. TORKILDSEN.

H.R. 2270: Mr. EHRLICH.

H.R. 2320: Mr. HAYWORTH, Mr. ZIMMER, Mr. HUTCHINSON, and Mr. SALMON.

H.R. 2391: Mr. SHAYS and Mrs. MYRICK.

H.R. 2548: Mr. SPRATT and Mr. HOLDEN.

H.R. 2551: Mr. CAMPBELL.

H.R. 2617: Mr. GREENWOOD.

H.R. 2651: Mr. WAXMAN.

H.R. 2655: Mr. ZIMMER.

H.R. 2676: Mr. JOHNSON of South Dakota.

H.R. 2683: Mrs. LOWEY and Mrs. KELLY.

H.R. 2751: Mr. BENTSEN.

H.R. 2757: Mr. BROWN of Ohio and Mr. YATES.

H.R. 2807: Mr. CHRYSLER, Mr. FROST, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. PASTOR, Ms. DANNER, Mr. QUINN, Mr. NEAL of Massachusetts, Ms. NORTON, and Mr. KOLBE.

H.R. 2818: Mr. ENGEL.

H.R. 2900: Mr. FRANKS of Connecticut, Mr. BILBRAY, Mr. TAYLOR of Mississippi, Mr. SKEEN, Mr. FILNER, and Mr. LEWIS of Georgia.

H.R. 2912: Ms. RIVERS.

H.R. 2927: Mr. BAKER of Louisiana, Mr. STOCKMAN, and Mr. ROHRABACHER.

H.R. 2958: Mr. EHLERS.

H.R. 2976: Mr. DAVIS and Ms. GREENE of Utah.

H.R. 2991: Mr. EVANS.

H.R. 2992: Mr. HAYWORTH.

H.R. 2994: Mr. ORTON, Ms. DELAURO, Mr. KILDEE, Mr. BROWN of Ohio, and Mr. EHLERS.

H.R. 3002: Mr. BUYER.

H.R. 3003: Ms. ROYBAL-ALLARD, Mr. VENTO, Mr. EVANS, and Mr. HINCHEY.

H.R. 3043: Mr. EHLERS.

H.R. 3053: Mr. MEEHAN.

H.R. 3067: Mr. MARTINEZ, Mr. STARK, and Mr. EVANS.

H.R. 3079: Mrs. MEEK of Florida.

H.R. 3083: Mr. CALVERT and Mr. ROHRABACHER.

H.R. 3100: Mr. LARGENT.

H.R. 3119: Mr. DE LA GARZA, Mr. STUPAK, and Mr. MCCRERY.

H.R. 3124: Mr. HINCHEY.

H.R. 3139: Mr. KING, Mr. FRISA, Mr. OWENS, Mr. HOUGHTON, Mr. NADLER, Mrs. LOWEY, Ms. VELAZQUEZ, Ms. SLAUGHTER, Mr. LAFALCE, Mr. QUINN, and Mr. PAXON.

H.R. 3150: Mr. GONZALEZ, Mr. FRAZER, Ms. NORTON, Mr. UNDERWOOD, Ms. LOFGREN, and Mr. FROST.

H.R. 3153: Mr. CAMP and Mr. COOLEY.

H.R. 3161: Mr. LANTOS.

H.R. 3167: Ms. FURSE.

H.R. 3180: Mr. BENTSEN, Mr. LIPINSKI, and Mr. FAZIO of California.

H.R. 3187: Ms. WOOLSEY, Mr. KENNEDY of Massachusetts, Mr. FARR, Mr. STUPAK, and Mr. BORSKI.

H.R. 3195: Mr. WATTS of Oklahoma and Mr. NORWOOD.

H.R. 3224: Mr. BAKER of Louisiana and Mr. ENGLISH of Pennsylvania.

H.R. 3226: Ms. GREEN of Utah and Mrs. KELLY.

H.R. 3236: Mr. DICKEY.

H.R. 3246: Mr. FATTAH.

H.R. 3253: Mr. STUMP.

H.R. 3267: Mr. THOMPSON and Mr. HAMILTON.

H.R. 3286: Mr. BLUTE.

H.R. 3294: Mr. LANTOS.

H.J. Res. 70: Ms. FURSE.

H.J. Res. 90: Mr. QUILLEN.

H.J. Res. 164: Mr. PACKARD.

H. Con. Res. 10: Mr. BARRETT of Nebraska.

H. Con. Res. 47: Mr. GEKAS and Mr. ENSIGN.

H. Con. Res. 83: Mr. VENTO.

H. Con. Res. 145: Mr. FUNDERBURK.

H. Con. Res. 156: Mr. RANGEL, Mr. ENGLISH of Pennsylvania, Mrs. KELLY, Mr. SCOTT, Mr. EVANS, and Mr. PALLONE.

H. Res. 49: Mr. LANTOS.

H. Res. 359: Mr. CALVERT.

H. Res. 385: Ms. DANNER and Mr. JEFFERSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1202: Mr. PETERSON of Florida.

H.R. 1972: Mr. TOWNS.

H.R. 2535: Mr. CHAMBLISS.

H.R. 2723: Mr. BISHOP.

H.R. 3024: Mr. TOWNS.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: John Elias Baldacci, Scott L. Klug, Bruce F. Vento, and Tom Campbell.

SENATE—*Thursday, April 25, 1996*

The Senate met at 8:30 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, by Your grace You guided the founding of this Nation to be a demonstration of democracy under Your sovereignty. We praise You for Your timely inspiration and interventions all through our history. Our motto, "In God we trust," and our affirmation, "One Nation under God," express our sure confidence and the source of our courage.

As we begin the work of this Senate today, we commit ourselves anew to You. We thank You for the privilege of pressing forward to the next phases of Your vision for our beloved Nation. We open our minds to think Your thoughts. Give us Your perspective on the problems we face and Your power to solve them.

Help the Senators to listen to one another so that their debate on issues will be a dialog leading to creative resolutions combining the best of supernatural wisdom that You provide through many minds.

Bless the entire Senate family engaged in so many different tasks today to enable the work of the Senate to be done effectively. Make each person sense Your presence, encouragement, and strength. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, on behalf of the majority leader, let me say there will be a period of morning business until the hour of 10 o'clock. At 10 o'clock, the Senate will resume consideration of S. 1664, the immigration bill, with Senator SIMPSON to be recognized to offer an amendment.

Rollcall votes can be expected throughout the day on the immigration bill. It is the hope of the majority leader that we may complete action on that bill, the immigration bill, during today's session. It is also possible for the Senate to consider the omnibus appropriations conference report if that measure becomes available.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. BURNS). Under the previous order, there will now be a period for morning business.

Mr. CHAFEE. Mr. President, I believe that Senator BREAUX and I have an hour of morning business starting now.

The PRESIDING OFFICER. The Senator is correct.

BALANCED BUDGET COMPROMISE

Mr. CHAFEE. Mr. President, 4 months ago Senator BREAUX and I asked a small group of our colleagues to get together on a bipartisan basis to discuss how we might reenergize the stalled negotiations on a balanced budget. At that time neither the White House nor the congressional budget negotiators were making the compromises necessary to reach a final balanced budget agreement.

You may recall, Mr. President, at that time there could not even be agreement on what economic assumptions were to be used as the starting point.

In advancing our efforts, Senator BREAUX and I hoped to demonstrate to the Republican congressional leadership and to the White House, the administration, that a group of Senators—Democrats and Republicans, from the middle of the political spectrum—were willing to set aside partisanship to reach a balanced budget agreement. We strongly believe that the single most important action that this Congress can take for the benefit of our Nation is balancing the budget.

The members of our group come to this effort with a wide range of perspectives on how we ought to solve the budgetary problems. Each of us, if left to our own devices, might come up with a different balanced budget agreement than the one we arrived at. But nonetheless, all of us made concessions and compromises in order to forge our plan.

This chart shows the problem that faces the Nation. And by the way, these figures come from the Congressional Budget Office. That is the official group that provides budget projections to this body. These are not the administration's figures, they come from our own budget office. Here is the deficit today, somewhere around $140 billion. Left unchecked, it will increase each and every year, until in the year 2006, which is only 10 years from now, Mr. President, it is projected to exceed $400 billion.

Those are the bills that we are sending to our children because we refuse to take the steps that are necessary to balance this budget.

Senator BREAUX and I and our group of some 22 Senators, 11 Republicans and 11 Democrats, have come up with a proposal, and this chart compares the different plans. The first column is the Chafee-Breaux plan. The second is what the leadership of the Republican Party has presented. The third is what the administration has presented.

It is a fairly busy chart so I will not go into all the details, but I will point out one distinct feature in our approach that is different from the others' approach, and that is discretionary spending.

What is discretionary spending? Discretionary spending is all the normal things that occur in the budget—defense, libraries, the FBI, highways, the payment for the State Department and our Ambassadors around the world, all of those normal things. You will see that we believe we can save out of this category $268 billion over the next 7 years.

How do we do that? We do that by some very, very tough measures. We say that the spending in discretionary will be frozen for the next 7 years, without any increases for inflation. That is tough medicine, and we think that is as far as we can go, and it is unrealistic to suggest that savings can be achieved above and beyond this level.

But here you will see the administration and, indeed, the Republican proposals go way beyond that. We consider that totally unrealistic, and that when the appropriations bills come up in 1998 and 2000 and 2002, Congress will not make those cuts and we will not realize these savings.

The point I am making here is the Chafee-Breaux plan is a realistic proposal, whereas the other budgets in this particular area are totally unrealistic.

So how do we make up the money? Others save, as we see in the Republican proposal, nearly $100 billion more than we do. And we do it with an item that you will see at the bottom of this chart called the Consumer Price Index.

What is the Consumer Price Index? The Consumer Price Index is used as an estimate of what inflation is for the year. And the Consumer Price Index, according to studies that have been made, overstates inflation. In other words, the estimate of the inflation for the year is too high. It is not accurate. And we recognize that. So we make a modest correction in the Consumer Price Index as follows: We lower the Consumer Price Index by five-tenths of 1 percent in the first 2 years and by

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

three-tenths of 1 percent in every year thereafter. Indeed, the Advisory Committee to Study the Consumer Price Index, which was established by the Finance Committee to study this issue, has said that the Consumer Price Index is overstated by as much as 2 percentage points. The Commission's range of overstatement is between seven-tenths of 1 percent and 2 percent. So we take a more conservative approach. We do not go as far as they do. We are not as tough, if you would. We say we will only reduce it by 0.5 in the first 2 years and 0.3 thereafter.

That is a very, very important step, because when you deal with the inflation index and take the steps that we have taken in the Consumer Price Index by reducing it by a very modest amount, that yields tremendous savings in the outyears. So this is not a budget that we presented that only just squeaks into balance in the year 2002 and then the lid comes off in future years; not at all. This is a budget that is going to produce these savings in future years as well, and the country will thus be in balance, not only in the year 2002, but 2003, 2004, and the outyears as well.

Some of these steps are tough steps. The only way these savings can be achieved, particularly in the Consumer Price Index, is through a bipartisan effort. We feel very, very strongly that now is the time. Now is the time for the Senate to set the pace, to set the standards and to adopt a budget that will achieve balance.

Others will be talking on particular features of our plan as we go along, but I want to take this opportunity to thank every Senator, all 22 Senators who participated in this effort. Each of them showed his or her commitment to solving this problem. We are driven by the fact we do not want to continue to send bills for expenditures we are making to our children and our grandchildren.

In particular, I thank Senator JOHN BREAUX, who has been tremendous in his dedication to this effort. Without his participation and his leadership, this would have failed a long time ago. So, for his unswerving dedication and invaluable leadership, I thank him. He deserves a tremendous amount of credit.

Mr. President, there will be other speakers.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. BREAUX. Mr. President, I think we have an agreement of the allocation of 1 hour, perhaps half and half. Under that, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator is correct.

Mr. BREAUX. Mr. President, I want to start by recognizing my good friend and colleague, Senator CHAFEE. He was very kind and generous in his remarks about my role. I would say exactly the same thing for Senator CHAFEE. He and I have worked together because I think we were able to put aside partisanship, and we were able to say there are a number of Senators, a large number of Senators, who really do want to work in a bipartisan fashion for what is good for this country. I think, really, the majority of all Senators feel that way.

I particularly want to say to Senator CHAFEE, it is because of his leadership on the Republican side of the aisle that our organization was possible. Without his help, it would not have been possible. It is just that simple. He has taken some very courageous stands. I think all Members of this body should applaud him for that.

They said it could not be done. They said it was impossible, particularly in an election year, when a third of this body was up for election and when both parties have candidates who are now running for the Presidency of the United States. It was said it was absolutely impossible that Members of the Congress, Members of the Senate, could come together in a bipartisan fashion and put together a product that actually balanced the budget in a 7-year period, a budget that would be scored by the Congressional Budget Office in a way that everybody can agree with the figures.

It was said that it could not be done because this is a political year and people fight over these things. They sometimes say the best way to win the political battle is to blame the other side for not doing enough. We have a centrist coalition of 22 Senators, bipartisan in nature, who said that is not the way we want this body to govern. We do want to work toward a balanced budget, and we know it cannot come just from the left nor can it come just from the right; that any kind of agreement on the big problems of the day has to come from working from the center out, by forming centrist coalitions in the middle that gradually build up enough support to become a majority.

That is exactly what we have been able to do. How many times have we gone back to our respective States and have had people come up to us on the streets and in coffee shops and before civic clubs and say, "Why can't you guys in Washington get together? Why can't you sit down and do the job we elected you to do and expected you to do when you took your oaths of office as Senators and Members of the Congress? Why can't you reach out to each other and say, 'Yes, I can't have it all my way all the time'?" That we do have to make compromises and that compromise is not a dirty word, that it is the art of being able to govern in a society that is, indeed, a democracy.

That, I think, is what we have done. Today we are announcing one of the worst-kept secrets in this city, that there has been a centrist coalition that has been working together since our first meeting in October 1995, when we sat down and made a dedicated effort to try to come up with a compromise budget that got the job done. We were dedicated less to which party got the credit and less to which party got the blame and more to trying to get the bottom line achieved in a consensus recommendation. We have done that.

I am optimistic, despite all the things we have not been able to do—and there have been a lot. There have been two partial shutdowns of the entire Government because we have not been able to come together. We had 13 temporary spending bills that have had to pass because we were not able to get the job done. But, despite that, I am optimistic. Today, this Congress will pass a budget for fiscal year 1996. That is encouraging. It is 7 months late, but it is encouraging that, at least, I think today we will have gotten it done. So progress is being made.

I am also encouraged by statements in the press. I see the President yesterday suggested that it would be a good idea to reach a balanced budget agreement for 7 years if a centrist coalition of moderate Republicans and moderate Democrats in favor of deficit reductions could get together and work together to come up with a balanced budget agreement.

Guess what? We have done that. We have put together a group of good men and women who, in a bipartisan fashion, have dedicated ourselves, and particularly our staffs, to days and hours and months of working together to try to produce a document which, in fact, meets that very goal that the President has suggested. I think everybody wins when we get the job done, and everybody loses when we do not. It is just that simple.

Our recommendation today addresses some very tough, hard problems that have been out there for a long time. For instance, on Medicare, we have made a Medicare proposal that is real Medicare reform. It reduces the cost of Medicare by almost $154 billion. We have made some real, major recommendations in Medicaid.

We have addressed welfare. We have a program that I think is tough on work and yet is good for children. We have a tax cut in our package that is larger than some would like and is smaller than others would like, but it represents a true compromise.

Yes, we have even taken on the very difficult job of saying to the American people that the increases you get in entitlement programs will be realistic; they will more accurately reflect what the increase should be. All the economists tell us that the increases have been larger than they should have been. Our budget proposal, I think, takes the correct and, I think, politically courageous step of saying there is going to be an adjustment in the Consumer Price Index.

Mr. President, for all in this city who have said it could not be done, today we stand and say it can be done. In fact, it has been done, with our recommendation.

I ask unanimous consent that the summary of the centrist coalition balanced budget plan be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY OF CENTRIST COALITION BALANCED BUDGET PLAN

For the past several months, a bipartisan group of 22 Senators has worked to craft a seven-year balanced budget agreement that is fair to all Americans. We have made the difficult choices and compromises necessary to reach an agreement because we are concerned about the effect a continuing deficit will have on the quality of life for each and every American.

If we act, we can foster economic growth and prosperity. If we fail to act, we undermine the future of our children and grandchildren. This is an historic opportunity and we should not let it pass.

Balancing the budget will spur economic growth, and help families make ends meet by lowering interest rates on home mortgages, car loans, and education loans.

Balancing the budget will also brighten our children's future. Last year's report of the Bipartisan Commission on Entitlement and Tax Reform illustrates the magnitude of the problem facing future generations. Left unchecked, by the year 2012, projected outlays for entitlements and interest on the national debt will consume all tax revenues collected by the federal Government, leaving nothing for national defense, roads, or education. We cannot stand by and let this happen.

We formed this Centrist Coalition because we believe a balanced budget is possible only if Democrats and Republicans work together. We offer this proposal as a way to bridge the gap between our two parties. We hope our effort will spur the President and our colleagues in the House and Senate to work together to enact a balanced budget this year.

Robert F. Bennett, Christopher S. Bond, John B. Breaux, Hank Brown, Richard H. Bryan, John H. Chafee, William S. Cohen, Kent Conrad, Dianne Feinstein, Bob Graham, Slade Gorton, James M. Jeffords, J. Bennett Johnston, Nancy Landon Kassebaum, J. Robert Kerrey, Herb Kohl, Joseph I. Lieberman, Sam Nunn, Charles S. Robb, Alan K. Simpson, Arlen Specter, Olympia J. Snowe.

MEDICARE (ESTIMATED SAVINGS: $154 BILLION)

Expands choices for Medicare beneficiaries: Beneficiaries can remain in the traditional fee-for-service Medicare program or choose from a range of private managed care plans, based upon individual need. Options include point-of-service plans, provider sponsored organizations and medical savings accounts (on a demonstration basis).

Promotes the growth of managed care: By creating a new payment system for managed care—which blends national and local payment rates—the plan encourages growth in the availability and accessibility of managed care. Indirect Medical Education payments would be redirected to teaching hospitals; currently, they are paid to managed care plans.

Ensures the solvency of the Medicare Trust Fund: By slowing the rate of growth in payments to hospitals, physicians and other service providers, the plan extends the solvency of the Medicare Trust Fund.

Higher income seniors should pay more: Through affluence testing, the plan reduces the Medicare Part B premium subsidy to higher income seniors, and asks them to pay a greater share of the program's cost.

MEDICAID (ESTIMATED SAVINGS: $62 BILLION)

Incorporates a number of NGA's recommendations: The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Sharing the risks and rewarding efficiency: Funding is based upon the number of people covered in each state, ensuring federal funding during economic downturns. States will be able to redirect the savings they achieve toward expanding Medicaid coverage to the working poor.

Guaranteed coverage for the most vulnerable populations: The plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly and the disabled (using the tightened definition of disability included in welfare reform legislation).

Increased flexibility for the states: States can design the health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, states can determine provider rates (the Boren amendment is repealed), create managed care programs, and develop home and community based care options for seniors to help keep them out of nursing homes.

WELFARE (ESTIMATED SAVINGS: $45–$53 BILLION)

Includes many of NGA's recommendations: The plan, which includes several prominent features of the NGA proposal, is based upon the welfare reform bill that passed the Senate by a vote of 87–12 in September 1995.

Tough new work requirements: States must meet a 50-percent work participation requirement by the year 2002.

Time limited benefits: Cash assistance is limited for beneficiaries to a maximum of 5 years.

A block grant providing maximum state flexibility: States will be given tremendous flexibility to design welfare programs, in accordance with their own circumstances, that promote work and protect children.

More child care funding to enable parents to work: The plan provides the higher level of child care funding ($14.8 billion) recommended by the NGA to enable parents to get off welfare and to help states meet the strict work participation requirements contained in the plan.

Extra funds for states to weather recessionary periods: The plan includes a $2 billion contingency fund to help states through economic downturns.

Important safety nets maintained: The plan preserves the food stamp and foster care programs as uncapped entitlements. States must provide vouchers to meet the basic subsistence needs of children if they impose time limits shorter than 5 years (states set amount of voucher).

Encourages states to maintain their investment in the system: States must maintain their own spending at 80 percent to get the full block grant, and 100 percent to get contingency and supplemental child care assistance funds; contingency and child care funds must be matched.

Reforms Supplemental Security Income programs: The plan disqualifies drug addicts and alcoholics from receiving SSI benefits, and tightens eligibility criteria for the children's SSI disability program.

Retargets Earned Income Credit: The Earned Income Credit is retargeted to truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

ECONOMIC GROWTH INCENTIVES (ESTIMATED COST: $130 BILLION)

A three-pronged tax relief program for working families: The plan establishes a new $250 per child credit ($500 per child if the parent contributes that amount to an IRA in the child's name); expands the number of taxpayers eligible for deductible IRAs, creates a new "backloaded" IRA, and allows penalty free withdrawals for first time homebuyers, catastrophic medical expenses, college costs, and prolonged unemployment; and provides for a new "above the line" deduction for higher education expenses.

Encourages economic growth: A capital gains tax reduction based on the Balanced Budget Act formulation (effective date of 1/1/96): 50 percent reduction for individuals; 31 percent maximum rate for corporations; expanded tax break for investments in small business stock; and capital loss of principal residence. The proposal also provides for AMT relief (conformance of regular and alternative minimum tax depreciation lives).

Important small business tax assistance: An exclusion from estate tax on the first $1 million of value in a family-owned business, and 50 percent on the next $1.5 million. Increases the self-employed health insurance deduction to 50 percent.

Extension of expiring provisions: The plan provides for a revenue neutral extension of expiring provisions.

LOOPHOLE CLOSERS (ESTIMATED SAVINGS: $25 BILLION)

Closes unjustifiable tax loopholes: The cost of the economic growth incentives is partially offset by the elimination of many tax loopholes, and through other proposed changes in the tax code.

CPI ADJUSTMENT, (ESTIMATED SAVINGS: $110 BILLION)

A more accurate measure of increases in the cost of living: The plan adjusts the CPI to better reflect real increases in the cost of living by reducing it by half a percentage point in years 1997–98, and by three-tenths of a percentage point thereafter. The proposed adjustment is well below the range of overstatement identified by economists.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS: $268 BILLION)

Achievable discretionary spending reductions: Unlike most of the other budget plans, this proposal provides for discretionary spending reductions which can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a "hard freeze" (zero growth for inflation), ensuring adequate funds for a strong defense and for critical investments in education and the environment.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS: $52 BILLION)

Balanced reductions acceptable to both parties: The plan includes changes that were proposed in both Republican and Democratic balanced budget measures in the areas of banking, commerce, civil service, transportation and veterans programs.

Additional mandatory savings: The plan adopts other changes, including a cap on direct lending at 40 percent of total loan volume, extending railroad safety fees, and permitting Veterans' hospitals to bill private insurers for the care of beneficiaries.

MEDICARE (ESTIMATED SAVINGS $154 BILLIONS)

The plan proposes a variety of reforms to the Medicare program designed to promote efficiency in the delivery of services and strengthen the financial status of the Trust Fund. The proposal retains the traditional, fee for service Medicare program, but also encourages the formation of private managed care options for seniors and the disabled, allowing point of service plans, provider sponsored organizations, and medical savings accounts (on a demonstration basis).

The plan's provider payment savings and the expanded availability of managed care delivery of services will lower the cost of the Medicare program over the next 7 years thereby extending the solvency of the Medicare Trust Fund.

Program reforms

Increase choice of private health plans. Under the proposal, preferred provider organizations (PPOs), provider sponsored organizations (PSOs), Medical Savings Accounts (as a demonstration project), and other types of plans that meet Medicare's standards are made available to Medicare beneficiaries.

Annual enrollment. The plan allows beneficiaries to switch health plans each year during an annual "open season" or within 90 days of initial enrollment.

Standards. The Secretary of HHS, in consultation with outside groups, will develop standards which will apply to all plans. These standards will involve benefits, coverage, payment, quality, consumer protection, assumption of financial risk, etc., which will apply to all plans; PSOs will be able to apply for a limited waiver of the requirement that plans be licensed under State law.

Additional benefits. Under the proposal, health plans would be permitted to offer their participants additional benefits or rebates in the form of a reduced Medicare Part B premium. Plans would be prohibited from charging additional premiums for services covered by Medicare Parts A&B.

Payments to private health plans. Payments to managed care plans will be delinked from traditional fee-for-service payments and will be computed using both locally-based and nationally-based rates. Future payments will grow by a predetermined percentage and a floor will be established in order to attract plans to the lowest payment areas.

Commission on the effect of the baby boom generation. The plan proposes the creation of a commission to make recommendations regarding the long-term solvency of the Medicare program.

Conform Medicare with Social Security. The eligibility age for Medicare is increased to 67 at the same rate as the current Social Security eligibility age is scheduled to increase.

Part A program savings (hospitals)

Hospital market basket update reduction. For hospitals, the proposal sets the annual update for inpatient hospital services at the market basket minus one and one-half percentage points for fiscal years 1997 through 2003.

Capital payment reduction. For hospitals, the proposal reduces the inpatient capital payment rate by 15 percent for fiscal years 1997 through 2003.

Reduce the indirect medical education reimbursement rate. The proposal phases-in a reduction to the additional payment adjustment to teaching hospitals for indirect medical education from 7.7 percent to 6.0 percent.

Reduce DSH payment. The plan reduces the extra payments made to certain hospitals that serve a disproportionate share of low income patients by 10 percent less than current-law estimates.

Skilled nursing facility payment reform. The proposal adopts a Prospective Payment System (PPS) for Skilled Nursing Facilities by November 1997. In moving to the new methodology, a temporary freeze on payment increases is imposed and then an interim system is implemented until the full PPS system is implemented.

Part B program savings (physicians)

Physician payment reform. The proposal adjusts the Medicare fee system used to pay physicians. A single conversion factor would be phased-in for all physicians instead of the current three conversion factors. Surgeons would be phased-in over a 2 year period. The conversion factor for 1996 would be $35.42 and the annual growth rate would be subject to upper and lower growth bounds of plus 3 percent and minus 7 percent.

Reduce hospital outpatient formula. The proposal adjusts the current Medicare formula for hospital outpatient departments to eliminate overpayments due to a payment formula flaw.

Reduce oxygen payment. The proposal would decrease the monthly payment for home oxygen services and eliminate the annual cost update for this service through 2003.

Freeze durable medical equipment reimbursement. The proposal eliminates the CPI-U updates for payments of all categories of Durable Medical Equipment for fiscal years 1997 through 2003.

Reduce laboratory reimbursement. The proposal lowers expenditures on laboratory tests by reducing the national cap for each service to 72 percent of the national median fee during the base year for that service.

Ambulatory surgical center rate change. The proposal lowers the annual payment rate adjustment by minus three percent for fiscal years 1997 and 1998 and then reduces the rate by minus 2 percent for remaining fiscal years through 2003.

Part A and B program savings

Medicare secondary payer extensions. The proposal would make permanent the law that places Medicare as the secondary payer for disabled beneficiaries who have employer-provided health insurance. It also extends to twenty-four months the period of time employer health insurance is the primary payer for end stage renal disease (ESRD) beneficiaries.

Home health payment reform. The proposal reforms the payment methodology used to pay home health services by the beginning of fiscal year 1999. While a prospective payment system is developed, current payments are frozen and an interim payment system implemented.

Fraud and abuse changes. The proposal includes a number of provisions designed to improve the ability to combat Medicare fraud and abuse by providers and beneficiaries

Medicare part B premium reform. The plan retains the pre-1996 financing structure for the Part B program by requiring most participants to pay for 31.5 percent of the program's costs. Premiums for lower income seniors are lowered to 25 percent of the program's costs. In addition, the proposal eliminates the taxpayer subsidy of Medicare Part B premiums for high income individuals.

MEDICAID (ESTIMATED SAVINGS $62 BILLION)

The proposal incorporates many of the principles of the NGA proposal regarding enhanced state flexibility, while also maintaining important safeguards for the federal treasury and retaining the guarantee of coverage for beneficiaries.

Payments to States. States are guaranteed a base amount of funds that may be accessed regardless of the number of individuals enrolled in the State plan. Each state would have the ability to designate a base year amount from among their actual Medicaid spending for FY 1993, 1994, or 1995. Approximately one-third of disproportionate share hospital payments would be included in the base year amount, one-third would be used for deficit reduction, and one-third would be used for a Federal disproportionate share hospital payment program.

In addition, states will receive growth rates which reflect both an inflation factor and estimated caseload increases. If the estimate for caseload in any given year was too low, states would receive additional payments per beneficiary from an "umbrella fund" to make up the difference. Conversely, if the caseload was overestimated, the estimate for the following year would be adjusted downward. Regardless of caseload, a state's allocation never fall below the base year allocation for that state. The plan retains the current law match rates and restrictions on provider taxes and voluntary contributions.

Eligibility. The proposal maintains current law mandatory and optional populations with the following modifications: states would cover those individuals eligible for SSI under a more strict definition of disabled (tightened by the welfare reform changes included in this proposal) as well as SSI-related groups; states would have the option of covering current-law AFDC beneficiaries or those eligible under a revised AFDC program (includes one-year transitional coverage); and, states are permitted to use savings in their base year amount to expand health care coverage to individuals with incomes below 100 percent of the Federal poverty level without obtaining a Federal waiver.

Benefits. The plan maintains current law mandatory and optional benefits except that Federally Qualified Health Center (FQHC) services would be optional rather than mandatory. The proposal also gives the Secretary of HHS the authority to redefine early periodic screening and diagnosis treatment (EPSDT) services.

Provider payments. The proposal repeals the so-called Boren amendment as well as the reasonable-cost reimbursement requirements for FQHCs and rural health clinics, thus allowing states full flexibility in setting provider rates.

Quality. States would be allowed to set provider standards. States would no longer be required to obtain a waiver to enroll patients in managed care plans, provided the plans met the state's standards developed for private plans.

Nursing home standards. The proposal maintains current nursing home standards with existing enforcement. Streamlines certain requirements.

Enforcement. Individuals and providers are required to go through a state-run administrative hearing process prior to filing suit in federal court.

Set asides. The plan establishes a federal fund for certain states that have high percentages of undocumented aliens, as well as a fund for FQHCs and rural health clinics.

Program structure. The reforms are made to the existing Medicaid statute.

WELFARE (ESTIMATED SAVINGS $45 BILLION–$53 BILLION)

Block grant. The proposal transforms existing welfare programs into a block grant to states to increase program flexibility and encourage state and local innovation in assisting low-income families in becoming self-sufficient. This structure provides incentives to states to continue their partnership with the Federal Government by encouraging states to maintain 80 percent of their current spending on major welfare programs. While the plan provides maximum flexibility, it requires states to operate their programs in a way that treats recipients in a fair and equitable manner.

Contingency fund. To protect states facing difficult economic times, the plan calls for the creation of a $2 billion Federal contingency fund.

Child care. The plan provides $14.8 billion in mandatory federal funds for child care and ensures that those child care facilities meet minimum health and safety standards so that children are well-cared for while their parents go to work.

Maintenance of effort. To encourage states not to substitute these new federal funds for current state spending, a 100-percent maintenance of effort and a state match are required in order to access additional federal money for child care and contingency funds.

Work requirement and time limit. The plan requires states to meet tough new work requirements—50 percent by 2002—and limits a beneficiary's cash assistance to five years, so that AFDC becomes a temporary helping hand to those in need, rather than a permanent way of life.

Retention of certain safety nets. The proposal retains important protections for welfare's most vulnerable beneficiaries, the children. It allows states to waive penalties for single parents with children under school age who cannot work because they do not have child care, gives states the option to require those parents to work only 20 hours a week, and requires states with a time limit shorter than 5 years to provide assistance to children in the form of vouchers.

Out-of-wedlock births. The plan encourages a reduction in out-of-wedlock births by allowing states to deny benefits to additional children born to a family already on welfare and rewarding states that reduce the number of out-of-wedlock births.

Curbing SSI Abuse. The proposal repeals the Individualized Functional Assessment (IFA) used to determine a child's eligibility for Supplemental Security Income (SSI) and replaces it with a tightened definition of childhood disability. It maintains cash assistance for those children who remain eligible for SSI under this new criteria. It also eliminates SSI eligibility for addicts and alcoholics.

Foster care and adoption assistance. The federal entitlement for foster care and adoption assistance (and their respective preplacement and administrative costs) is maintained under the proposal. States are required to continue to meet Federal standards in their child welfare and foster care programs.

Food stamp and child nutrition programs. The proposal streamlines the food stamp and child nutrition programs, while retaining this critical safety net as a federal entitlement. The work requirement for single, childless recipients in the food stamp program is toughened.

Promoting self-sufficiency for immigrants. The plan establishes a five-year ban on most federal "needs based" benefits for future immigrants, with exceptions for certain categories of individuals (such as veterans, refugees and asylees) and certain programs (such as child nutrition, foster care and emergency health care under Medicaid). The plan also places a ban on SSI for all legal immigrants, but exempts current recipients who are at least 75 years of age or disabled; veterans and their dependents; battered individuals; those who have worked 40 quarters; and for a five-year period refugees, deportees and asylees. Finally, future deeming requirements are expanded to last 40 quarters, but do not continue past naturalization.

Retargets earned income credit. The Earned Income Credit is retargeted to the truly needy by reducing eligibility for those with other economic resources. The plan also strengthens the administration of the Earned Income Credit by implementing procedures to curb fraud.

TAXES ($130 BILLION TAX CUT; $25 BILLION LOOPHOLE CLOSERS)

Child credit. The proposal provides a $250 per child tax credit for every child under the age of 17. The credit is increased to as much as $500 if that amount is contributed to an Individual Retirement Account in the child's name.

Education incentives. The plan provides two separate education incentives. The first is an above-the-line deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an above-the-line deduction for qualified education expenses paid for the education or training for the taxpayer, the taxpayer's spouse, or the taxpayer's dependents. Both deductions will be phased out for taxpayers with incomes above a certain threshold. The phaseout thresholds and the dollar amounts for the deductions are subject to revenue considerations.

Capital gains: Individuals. The proposal allows individuals to deduct 50 percent of their net capital gain in computing taxable income. It restores the rule in effect prior to the Tax Reform Act of 1986 that required two dollars of the long-term capital loss of an individual to offset one dollar of ordinary income. The $3,000 limitation on the deduction of capital losses against ordinary income would continue to apply. Under the plan, a loss on the sale of a principal residence is deductible as a capital loss. These changes apply to sales and exchanges after December 31, 1995.

Capital gains: Corporations. The plan caps the maximum tax rate on corporate capital gains at 31 percent. This change applies to sales and exchanges after December 31, 1995.

Capital gains: Small business stock. The maximum rate of tax on gain from the sale of small business stock by a taxpayer other than a corporation is 14 percent under the proposal. The plan also repeals the minimum tax preference for gain from the sale of small business stock. Corporate investments in qualified small business stock would be taxed at a maximum rate of 21 percent. The plan increases the size of an eligible corporation from gross assets of $50 million to gross assets of $100 million, and repeals the limitation on the amount of gain an individual can exclude with respect to the stock of any corporation. The proposal modifies the working capital expenditure rule from 2 years to 5 years. Finally, an individual may roll over the gain from the sale or exchange of small business stock if the proceeds of the sale are used to purchase other qualifying small business stock within 60 days. The increase in the size of corporations whose stock is eligible for the exclusion applies to stock issued after the date of the enactment of this proposal. All other changes apply to stock issued after August 10, 1993.

Alternative minimum tax relief. The plan conforms the Alternative Minimum Tax depreciation lives to the depreciation lives used for regular tax purposes for property placed in service after 1996.

Individual Retirement Accounts. The proposal expands the number of families eligible for current deductible IRAs by increasing the income thresholds. In addition, the annual contribution for a married couple is increased to the lesser of $4,000 or the combined compensation of both spouses. Penalty-free withdrawals are allowed for first-time homebuyers, catastrophic medical expenses, higher education costs and prolonged unemployment. The plan creates a new type of IRA which can receive after-tax contributions of up to $2,000. Distributions from this new IRA would be tax-free if made from contributions held in the account for at least 5 years.

Estate tax relief. The plan provides estate tax relief for family-owned businesses by excluding the first one million dollars in value of a family-owned business from the estate tax and lowering the rate on the next one and one-half million dollars of value by 50 percent. To preserve open space, the plan excludes 40 percent of the value of land subject to a qualified conservation easement.

Other provisions. The proposal contains a revenue neutral package extending the expired tax provisions. The plan also calls for increasing the self-employed health insurance deduction to 50 percent.

Loophole closings and other reforms

The plan includes a package of loophole closers and other tax changes designed to reduce the deficit by $25 billion over seven years. Changes include, for example, phasing out the interest deduction for corporate-owned life insurance, eliminating the interest exclusion for certain nonfinancial businesses, and reforming the tax treatment of foreign trusts. In addition, the Oil Spill Liability tax and the federal unemployment surtax are extended as part of the plan.

CONSUMER PRICE INDEX (ESTIMATED SAVINGS $110 BILLION)

The plan includes an adjustment to the Consumer Price Index to correct biases in its computation that lead to it being overstated. The proposal reduces the CPI for purposes of computing cost of living adjustments and indexing the tax code by one-half of a percentage point in 1997 and 1998. The adjustment is reduced to three-tenths of a percentage point in 1999 and all years thereafter.

DISCRETIONARY SPENDING (ESTIMATED SAVINGS $268 BILLION)

The plan holds discretionary spending to an amount that is slightly below the fiscal year 1995 level for each of the next 7 years. This is $81 billion less than the cuts proposed as part of the Balanced Budget Act and $29 billion less than the cuts proposed by the Administration.

OTHER MANDATORY SPENDING (ESTIMATED SAVINGS $52 BILLION)

Housing. The proposal reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the federal government. It also limits rental adjustments paid to owners of Section 8 housing projects.

Communication and spectrum. The plan directs the Federal Communications Corporation to auction 120 megahertz of spectrum over a 7-year period.

Energy and Natural Resources. The proposal call for the privatization of the US Enrichment Corporation and the nation's helium reserves. It extends the requirement that the Nuclear Regulatory Commission collect 100% of its annual budget through nuclear plant fees. The proposal allows for the sale of the strategic petroleum reserve oil (SPRO) at the faulty Weeks Island location and leases the excess SPRO capacity. Under the plan the Alaska Power Market Administration, various Department of Energy assets, Department of Interior (DOI) aircraft (except those for combating forest fires), Governor's Island, New York, and the air rights over train tracks at Union Station would be sold. The plan raises the annual Hetch Hetchy rental payment paid by City of San Francisco and authorizes central Utah prepayment of debt.

Civil Service and related. The plan increases retirement contributions from both agencies and employees through the year 2002, delays civilian and military retiree COLAs from January 1 to April 1 through the year 2002, and reforms the judicial and congressional retirement. Finally, the plan denies eligibility for unemployment insurance to service members who voluntarily leave the military.

Transportation. The proposal extends expiring FEMA emergency planning and preparedness fees for nuclear power plants, vessel tonnage fees for vessels entering the U.S. from a foreign port, and Rail Safety User Fees that cover part of the cost to the federal government of certain safety inspections.

Veterans. The plan extends seven expiring provisions of current law and repeals the "Gardener" decision thereby restoring the Veterans Administration's policy of limiting liability to those cases in which an adverse outcome was the result of an accident or VA negligence. Pharmacy co-payments are increased from $2 to $4, but not for the treatment of a service-connected disability or for veterans with incomes below $13,190. Also, the increase applies only to the first 5 prescriptions that a veteran purchases per month. The proposal authorizes a veteran's health insurance plan to be billed when a VA facility treats a service-connected disability.

Student loans. The proposal caps the direct lending program at 40 percent of total loan volume. It imposes a range of lender and guarantor savings. The proposal does not include fees on institutions, the elimination of the grace period, or any other provisions negatively impacting parents or students.

Debt collection. The plan authorizes the Internal Revenue Service to levy federal payments (i.e. RR retirement, workman's compensation, federal retirement, Social Security and federal wages) to collect delinquent taxes.

Park Service receipts and sale of DOD stockpile. The proposal raises fees at National Parks. It directs the Defense Department to sell materials in its stockpile that are in excess of defense needs (i.e., aluminum and cobalt)—but not controversial materials such as titanium.

Long-Term Federal retirement program reforms. The plan increases the normal civil service retirement eligibility to age 60 with 30 years of service, age 62 with 25 years of service, and age 65 with 5 years of service. Military retirement eligibility for active duty personnel is increased to age 50 with 20 years of service, with a discounted benefit payable to a person retiring before age 50. No changes are proposed for the retirement eligibility of reserve servicepersons. These changes would not apply to current or previously employed federal workers or anyone who is now serving or who has previously served in the military. Although these changes will not produce budget savings in the coming seven years, they do provide significant savings over the long-term.

Mr. BREAUX. Mr. President, I reserve the remainder of our time.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Vermont.

The PRESIDING OFFICER. The Senator from Vermont is recognized for 4 minutes.

Mr. JEFFORDS. Mr. President, I rise today to speak on one of the most critical issues of this Congress—balancing our Federal budget. I support the effort to balance the budget over the next 7 years. It is a task that is long overdue, one that we should have tackled long before the Federal debt began to escalate in the early 1980's. Our carelessness in financial planning is a terrible legacy to leave our children and grandchildren.

First, I want to commend the two Johns, Senator JOHN CHAFEE and Senator JOHN BREAUX. The ability to develop a budget structure agreeable to enough Senators in the middle to become a model for passage is a daunting task. It has taken hundreds of hours. It has a real chance to be the model to end the balance the budget deadlock. It is probably unrealistic to expect we can get the 1996 reconciliation package revised, but there is a real chance it can be used for the soon arriving 1997 budget.

When I voted in the House in 1986 against the balanced budget constitutional amendment I stated at the time we could not wait the number of years required to get it approved by the States. However 10 years later the situation has become much worse. Now I also realize that it is imperative we move forward without the amendment. Any further delay will greatly increase the damage to national economic stability.

The basic problem is the increasing cost of entitlement programs. These are programs outside of the appropriations process. They have increased well beyond the growth of revenues and population. In addition it appears through generosity or otherwise they have increased at a rate greater than the actual cost of living created by inflation. Our proposal recognizes this for the future. This will make additional cuts in discretionary programs such as education less necessary. But it does so in a way which may actually protect from a greater decrease which will be recommended this June by a panel of experts.

The entitlements that have provided the greater problems are in the area of health care. The increasing projected costs in Medicaid and Medicare represent about one-half of the increasing cost problem. We cannot continue to run a Federal-fee-for service system. Trying to control costs without controlling utilization has not worked. There are too many ways that costs can be shifted to these programs. Progress in this area will be controlled by more State responsibility. But those of us on committees of relevant jurisdiction must work to move to a Federal capitated system combined with utilization of private insurance methodologies and Federal guidelines to get these costs under control. It is interesting to note that in 1954 the Eisenhower administration introduced legislation along these lines when it recognized some Federal system was required. This was H.R. 8356. The purpose of the bill was "to encourage and stimulate private initiative in making good and comprehensive services generally accessible on reasonable terms through adequate health prepayment plans, to the maximum number of people * * * (b) by making a form of reinsurance available for voluntary health service prepayment plans where such reinsurance is needed in order to stimulate the establishment and maintenance of adequate prepayment plans in areas, and with respect to services and classes of persons, for which they are needed." I believe this gives us a possible route implemented through individual choice to get us out of our preset health care cost mess. We must find the way to control uncontrolled cost shifts and to spread the cost of the sick over the widest base. Hopefully the Finance Committee and the Labor and Human Resource Committee will join in achieving this goal.

Mr. President, like my colleagues in this bipartisan coalition, I want a Federal budget that is balanced in an equitable manner. In reaching a balanced budget we must be careful not to cut those programs which could be counterproductive to balancing the budget. In other words, cuts in one program can result in increased costs in other programs, thus making it more difficult to balance the budget.

The bipartisan budget proposal accomplishes this goal by making the tough decisions necessary to balance within 7 years and still maintain a strong commitment to discretionary and mandatory spending. Unlike other budget proposals, this plan provides for cuts to the overall discretionary spending that are both achievable and modest. If we are successful in getting health care costs under control it should be possible to actually make needed increases in such accounts.

Mr. President, there are many important programs within the discretionary accounts that need to be maintained.

The centrist group realizing the importance of discretionary spending provided modest cuts to the discretionary account.

I would like to highlight just a few examples of the importance of maintaining the discretionary accounts. One example can be seen in Federal health research spending. We are nearing discoveries and new treatments to the causes of many illnesses and diseases, such as Alzheimer's and Parkinson's. The centrist coalition provides the flexibility to maintain spending on medical research. It is well known that for every dollar spent on health research, several dollars are saved by the Federal Government. This spending on health research could allow for the potential to eliminate tens of billions of dollars in Federal health care costs over the next decade or more.

Another example of this group's commitment is in providing adequate education funding. As a group we understand that this Nation faces a crisis—a crisis which is costing us hundreds of billions of dollars in lost revenues, decreased economic productivity, and increased social costs, such as welfare, crime, and health care.

Mr. President, business leaders warn us that unless improvements are made in our educational system, our future will be even bleaker. The rising costs of higher education combined with the lower income levels of middle-income families is causing thousands not to finish college, and fewer to attend graduate school in critical areas such as math, science, and engineering. As chairman of the Education Subcommittee, I am particularly concerned about maintaining funding for education, and I have worked with my colleagues in this centrist group to ensure that adequate funding will be protected within education programs.

Finally, in order to help solve the deficit problem, and as importantly, to prevent unnecessary hardship to individuals, this group's plan protects the Federal commitment to education, health research and many other discretionary spending areas by providing the least amount of cuts of any plan yet offered.

Mr. President, I am committed to balancing this budget, but not on the backs of the poor, the elderly and our children. This budget proposal is the only plan that protects the neediest Americans while balancing the budget.

THE IMPORTANCE OF PROTECTING EDUCATION UNDER A BALANCED BUDGET

The Federal role within education is vital to the continued health of this Nation's economy. Therefore, I want to highlight the importance of providing adequate education funding. Recently, the U.S. Bureau of the Census released a report which states that increasing workers' education produces twice the gain in workplace productivity than tools and machinery. This simple but powerful finding shows that the importance of educational investments cannot be ignored. In another economic study, entitled "Total Capital and Economic Growth," John Kendrick corroborates this finding. He shows that education alone accounts for over 45 percent of the growth in the domestic economy since 1929.

Americans understand intuitively that investing in education is the key to our future success, and the best possible national investment that we can make as a country. The evidence is clear: Countries which spend more on education per pupil yield higher levels of per capita GDP. Economists estimate the returns to investment in college education at over 30 percent in the 1980's. And some institutions, such as Motorola University, report corporate savings of $30 to $35 for every $1 spent on training. That is a 3000 to 3500 percent rate of return.

Several studies have concluded that a more highly educated work force is key, if we are going to balance the budget without substantially raising taxes. It is a crucial factor for increasing the Federal resource base.

People, as rational consumers, also realize that investing in their own education leads to substantially higher lifetime earnings. A person with a bachelor's degree earns over 1½ times the income of a person with a high school degree only. A professional degree brings over 350 percent higher lifetime earnings than a high school diploma in itself.

A recent study shows that over the past 20 years, only college graduates have increased their real earning potential, while everyone else lost ground. College graduates have earned 17 percent more in real wages, while the earnings of high school dropouts fell by one-third. Thus, it is clear that education is an important investment for personal as well as national competitiveness.

As our economy continues to shift from a manufacturing base toward information and services, education becomes the single most important determinant of economic success, for the individual and the country at large.

Finally, the plan recognizes we must delay tax cuts until we have taken the above actions to insure getting entitlements under control, and our priorities reordered so they are not counter productive in their results. This is end increasing the deficit, not reducing it.

Mr. President, I yield the floor.

Mr. President, this has been a wonderful experience for those of us who have participated with, as they have been referred to, "the Johns," JOHN BREAUX and JOHN CHAFEE, that so many of us can get together from each party and deal with the very difficult issues that we are faced with and come up with a compromise proposal for the budget that will reach the goals took a lot of hard work. Let me just run through some of the areas that we have tackled and have hopefully come up with some solutions.

As hard as the vote was on the balanced budget amendment—and I suffered through that, having voted for it. Before, in 1986, I voted against it, then, because I said there is no way we can wait for the length of time for a balanced budget amendment to go through the States—we have to do it now. It is 10 years later and we are worse off than we were, so I voted for it. That was the easy part. Now it comes down to how to balance the budget.

The main problems that we have to deal with are the toughest ones—the entitlements. How do you take entitlements that people have depended upon and bring them in so that you can possibly get through the budget process without totally devastating the discretionary spending?

The basic one, and the most important one, is health care reform. If we do not have health care reform—and I am dedicated to working to do that—there is no way we can get the budget under control. That is half the problem. But we can get it under control if we get it out of the fee-for-service system and get it back to where it ought to be, with the regular private efforts with respect to the insurance and coverage and working with providers and ensuring that there are adequate funds for people in Medicaid and Medicare.

Other entitlements have to be brought under control, there is no question about it. Willingness to face that also requires a willingness to face the fact that we overstate the CPI and, therefore, create a worse problem every year.

But the impact upon discretionary spending—and I serve on the Appropriations Committee as well as the Labor and Human Resources Committee—makes it clear to me we also have to reorder priorities, because if we just mindlessly cut, we will make the problem worse rather than better.

I have been working very hard and working with Senator SNOWE. We brought this to the Senate this year. We convinced the Senate that you cannot cut education because one-half trillion dollars of costs in our budget right now are due to a failing of our educational system. So we have been successful working together. The moderates, I believe, on both sides have brought that one under control. We have agreed not to cut education.

Other types of things that we have to look at are training and all the other things that go into the losses because of our poor position in this world with respect to our competitiveness.

Let me just stop and point out that the priorities we must have is health care reform, and this can be done and we have to work on that, and education must be frozen. We have to start making sure that we do not destroy the base any further than it already is. Finally, we have made the difficult decision that you have to put your tax cuts in after you have brought the budget under control, not before, as we did in the failure to bring the budget under control in 1981.

I am proud to have worked with this group. I know there are many more to come forward and support us when they examine what can be and must be done.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 4 minutes to Senator KOHL.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 4 minutes.

Mr. KOHL. Mr. President, I thank Senator BREAUX.

The balanced budget we are presenting today is balanced not only on the bottom line, but it is balanced in its political support, balanced in the sacrifices it asks from all of us, and balanced in the benefits it bestows.

Balance and fairness has not been the hallmark of previous budget plans presented to this Senate. Let me put this on a more personal level. I could not ask the people of Wisconsin to support a budget that cut their benefits while it was giving me a big tax break, and I could not ask them to support a budget designed to improve my party's chances in the 1996 Presidential election rather than their children's chances in the world economy of the 21st century. But I can ask them to support the plan we are releasing today because it is fair, it is smart, and it is bipartisan.

The budget we present today contains almost $600 billion in proposed savings over 5 years, and that is without calculating the savings in interest costs from reduced debt. Those savings are spread across almost every group in society and almost every Government program. Medicare, Medicaid, welfare, Federal retirement programs, and even Social Security are slated for spending reductions. Corporate welfare is cut. Payments to chronic individual welfare recipients are eliminated. Defense and domestic spending are brought below a freeze. Savings proposals from both Democratic and Republican balanced budget offers, affecting areas from banking to veterans, commerce to communications, are incorporated in our plan. If our plan was to be enacted, most of us would contribute an amount so small that we would not even notice, but our small contributions will add up to a big chunk of deficit reduction.

Aside from the CPI adjustment, the spending cuts laid out in our plan are approximately 60 percent from entitlement programs and 40 percent from discretionary programs which we pay for through our annual appropriations bills. According to the President's budget, our actual spending in 1996 was 60 percent for entitlement programs and 40 percent for discretionary programs. So our plan distributes the cuts in exact proportion to the size of these programs in the budget. It favors no group, no special type of program, and no political sacred cow. Again, the cuts are evenhanded, unbiased, nonpartisan—in other words, fair.

We believe that the fairness evident throughout our plan is necessary in a balanced budget if it is going to win popular and political support. We need to seek the balance in our fiscal policy that I am afraid is too often missing in our economy.

It is now a generally accepted fact that our economy is growing more unequal. What that means for the average family is that they are working harder, longer hours, and tougher jobs just to maintain the standard of living that their parents enjoyed. Between 1973 and 1993, the productivity of the American worker grew by 25 percent, and over the same period, the hourly compensation of the average American worker was flat.

That is not the story of an American opportunity that I, or any of my colleagues, grew up with. We know an American economy that values a fair day's work with a fair day's pay, and we know an America that comes together to solve big problems by sharing our burdens. We know an America where each generation has the opportunity to leave to their children a better standard of living.

Mr. President, our budget is true to that vision of America. It calls for fair and equal sacrifice. It provides for a small amount of fairly distributed benefits and, most important, it brings our deficit down to zero and stops the accumulation of debt that has buried the economic opportunities of the next generation.

So I ask all my colleagues to take a good look at this plan. Let us take this last, best chance to put aside politics and adopt a balanced budget that is real, bipartisan and fair.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized for 4 minutes.

Ms. SNOWE. Mr. President, I rise this morning to join more than 20 of my colleagues in presenting our bipartisan balanced budget proposal—the only bipartisan budget plan in Congress. Over the past 5 months, we have all observed the on-again, off-again budget negotiations, the two Government shutdowns, and several close calls on the debt limit.

In the wake of these fiascoes, the unveiling of our budget offers reassurance and hope, because, despite everything you have seen or heard, this package proves that Republicans and Democrats can work together and find common ground on this—the most important issue facing our Nation.

I would like to join my colleagues in thanking Senators CHAFEE and BREAUX for their leadership in bringing this group together. Without their efforts, it would not have been possible to present this bipartisan plan today.

Mr. President, we are in danger of becoming the first generation in the history of our Nation that will not leave a better standard of living for the next generation. For nearly 200 years, we took it for granted in this country that those who followed us would have a better life than we did. Well, that is simply not the case anymore.

The fact is, the United States has not balanced its budget since 1969. And today—27 years later—our unwillingness to address its problem in a meaningful way is the ultimate example of politics as usual and status quo governing. And as a result of our Government's continuing failure to live within its means, we are bequeathing a legacy of debt and darkness to our children and grandchildren.

Mr. President, the Members of this body who are presenting this bipartisan budget plan today believe that this reckless disregard for our children's future is unacceptable.

Our bipartisan group has been working today with an eye on tomorrow, because as Herb Stein of the American Enterprise Institute notes, "The problem is not the deficit we have now, it's the deficit we will have in the next century."

Well, Mr. President, the next century is only 3½ years away. And every day we wait, deficit spending continues, interest on the debt accumulates, and our economy moves closer to the brink. Consider these numbers:

Under current economic policies, the debt will reach $6.4 trillion by the year 2002. And according to estimates from the President's own Office of Management and Budget, the deficit will double in 15 years, then double again every 5 years thereafter. And by the year 2025, OMB estimates that the deficit in that year alone will be $2 trillion. OMB also forecasts that if we continue our current spending spree, future generations will suffer an 82-percent tax rate and a 50-percent reduction in benefits in order to pay the bills we are leaving them today. With those numbers, it's no wonder babies come into the world crying.

When six Republicans and six Democrats first gathered in Senator CHAFEE's office last December, it was out of a shared conviction that this Government has no right to leave such a crushing burden of debt to the next generation. We believe that balancing the budget is not an option, it's an imperative.

We wanted to show that if we put the interests of the American people first, our system could work, that we could produce results. And with that vision in mind, we have come together, split the differences between the President's budget and the Republican plan, and have reached agreement on a plan that balances the budget while still maintaining the priorities shared by all Americans.

Mr. President, the benefits of passing a balanced budget are enormous: Some economists estimate that a balanced budget would yield a drop in interest rates of between 2.5 and 4 percent. In practical terms, this means that the average family with a home mortgage, a car loan, or student loans would save about $1,800 a year. And real income for the average American would increase by an astounding 36 percent by the year 2002.

Furthermore, the Joint Economic Committee projects that a 2.5-percent drop in interest rates would create an additional 2.5 million jobs. And in terms of economic growth, CBO estimates that balancing the budget would lead to a 0.5-percent increase in real GDP by the year 2002, and that over time, national wealth would increase by between 60 and 80 percent of the cumulative reduction in the deficit.

More than 20 Republicans and Democrats have already agreed that this proposal is an acceptable way to reach balance. Bipartisanship was the key to turning our shared commitment for a balanced budget into a plan—and bipartisanship will be the key to Congress moving forward and enacting a balanced budget proposal this year. And, frankly, our plan represents perhaps the last, best chance for passing a balanced budget in this Congress.

As with any balanced budget plan, there are provisions in this proposal that can be opposed by just about any person or any group. But the difference between our plan and any other plan being put forward is that this plan has bipartisan support.

Our proposal has strong bipartisan support because—unlike some other proposals on the table—our plan does more than pay lip service to providing realistic, long-term protection to our shared commitments to education, the environment, and economic growth. While other proposals rely on unrealistic cuts in discretionary spending to reach balance, our proposal does not.

Specifically, at the time our proposal was crafted, our bipartisan plan contained $30 billion less in discretionary spending cuts than the President's budget offer, and $81 billion less in discretionary spending cuts than the Republican proposal.

As a result, while other proposals would leave future Congresses with the choice of providing adequate funding for some programs while utterly eviscerating others, our proposal does not.

Mr. President, no issue is more critical to the economic future of our Nation—and the economic future of our children and grandchildren—than that of balancing the budget. In the words of John Kennedy, "It is the task of every generation to build a road for the next generation."

Mr. President, this bipartisan budget plan is the road toward fiscal responsibility that will give our children and grandchildren a better tomorrow. We cannot let this moment pass us by. We cannot allow the forces of politics to overcome the forces of responsibility. We must act now.

I am very pleased to rise and express my appreciation to both Senator CHAFEE and Senator BREAUX for their outstanding leadership. Without their efforts, it would not have been possible to not only assemble this bipartisan group but also to present the only bipartisan balanced budget plan in this Congress.

I think over the past 5 months, we have all observed the on-and-off-again budget negotiations, the close calls on the debt ceiling and also the two Government shutdowns. In the wake of all those fiascoes, the unveiling of our budget offers reassurance and hope that despite everything you have seen and heard, that Republicans and Democrats can come together and reach common ground on one of the most important issues facing this country.

Frankly, Mr. President, there is no more important issue to the economic future of this country than that of balancing the budget. There is no more important issue to the future of our children and our grandchildren than that of balancing the budget.

Our unwillingness to address this issue really represents, unfortunately, the ultimate example of politics as usual and status quo governing. We, as a bipartisan group, look to the future. As Herb Stein of the American Enterprise Institute said recently, the problem we have with the deficit is not now. The problem is the deficit in the next century, and the next century is 3½ years away.

Just consider the numbers. The debt will be $2.4 trillion in the year 2002. It will double in 15 years. Then it will double every 5 years. Then at the point in 2025, in that year alone, the deficit will be $2 trillion. It will require future generations to pay a tax of 82 percent and see a reduction in their benefits of 50 percent based on our current spending and economic policies of today. Our bipartisan group considered that a reckless disregard for future generations by bequeathing them that legacy of debt.

I want to point out, as far as this bipartisan budget plan, a very significant factor and one which Senator JEFFORDS touched on, and that is the issue of discretionary spending. We have been paying lip service to the most important programs we have embraced in this institution, ones that everybody talks about. That is education and the environment, for example.

Take a look at this chart, for example, on discretionary spending. We propose very realistic spending levels for discretionary spending. We took a hard freeze, which is $258 billion, and only proposed $10 billion more than that in terms of discretionary spending over the 7 years.

But if you look at the GOP offer in January and the President's offer in January, we have, for example, the January offer by GOP, $258 billion, and beyond that $90 billion in cuts beyond a hard freeze.

The President's offer is $258 billion in a hard freeze and $40 billion beyond that in terms of discretionary spending cuts. It is unrealistic. What is worse is that they postpone many of these cuts for discretionary spending to future Congresses, not even in the next Congress. It will be in the year 2001 or the year 2002 that most of those cuts will occur.

I do not think it is fair to expect that any future Congress in the year 2001 or 2002 is going to have to cut anywhere between $40 to $90 billion in additional discretionary spending in order to reach their goal of a balanced budget. You know exactly what will happen. It will not happen.

So we propose a very realistic level of discretionary spending on the very programs that we consider important to the American people, the very programs that already have been cut significantly over the last 10 years. So I hope that the Members of this Senate will look very carefully at this budget, recognizing that this is a major step forward, that it is achievable, that we split the differences to reach this common ground.

I hope furthermore that we in this Congress will not allow the forces of politics to overcome the forces of responsibility. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. Mr. President, I yield 4 minutes to the distinguished Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 4 minutes.

Mr. GRAHAM. I thank the Chair.

Mr. President, I strongly concur in the statements that have been made by each of my colleagues this morning.

This is the time for public officials in Washington to stop the procrastination, bickering, the confrontation, to start the process of governing for the benefit of the people of America.

I am encouraged from reports this morning that indicate that we may be on the verge of reaching a resolution to the budget for fiscal year 1996. I deplore the fact that it took until the 25th of April to reach a budget resolution which should have been realized prior to October 1st of 1995. But later is better than never at all.

Mr. President, we are at a historic moment in terms of our opportunity to balance the Federal budget. The leadership of the House and the membership of the House want a balanced budget. The same is true in the Senate. The President wants a balanced budget. We are on the verge of producing the first balanced budget that we have had in almost two generations.

Missing this premier opportunity, muddling along into the election beyond, is a sure path for continued public disdain of our commitment and our ability to achieve an important national purpose. It would be a tragedy to let this opportunity drift away. In some ways it would be more than a tragedy, it would be a disgrace and an outrage.

It is for exactly the avoidance of those negative perceptions that the Centrist Coalition was formed, to see if it was not possible to put together a reasonable plan to bring our Federal budget into balance and to keep it there and to do so on a bipartisan basis.

One of our principles was that if you are going to have sustained Government programs at the domestic or foreign level, that it is critical that they be premised on a foundation of bipartisanship.

Let me just mention what I think are a few of the principal aspects of this Centrist coalition budget. The budget is honest. It brings us into balance with a reasonable annual movement towards that balance. It does not postpone all the tough decisions to the last year. The budget also sustains this balance by making critical structural changes. It will help assure we stay in balance into the future.

This balanced budget will produce broad economic benefits for the Nation. Virtually every economist agrees that if we can have a balanced budget plan that we are committed to realizing that it will result in noticeably lower interest rates over the next period than those interest rates will be if we fail in this effort.

That will mean every month in the wallets of American families additional dollars that they can spend—rather than spending on interest—for their home mortgage. It will mean for young people coming out of colleges, universities, that they will have lower interest cost student loans. Virtually every American will benefit by this contribution.

Mr. President, just briefly in the moments left to me, let me say that I particularly worked on the section of this budget plan that relates to Medicaid. It is a complicated area, which our recommendations will be explained in more detail later.

But basic principles that will be preserved in this important area include the safety net for low-income and elderly Americans. A continuing Federal role in assuring that safety net is maintained. But substantial additional flexibility is given to the States in order to innovate and to assist in realizing the significant savings which we think are possible in this program.

This balanced budget will help preserve access to health coverage to 37 million Americans. It gives Medicaid a shot in the arm—while at the same time reducing costs by $62 billion dollars.

Some reformers have seized upon this budget debate as a way to abolish the Federal role in Medicaid. Others steadfastly defend the status quo, saying that Medicaid needs no medical attention whatsoever. Both approaches are wrong. Medicaid doesn't need major surgery. But it could use some preventative care to continue its efforts into the 21st century. Our budget does that.

Several months ago, the National Governors Association proposed a bipartisan plan to tend to Medicaid's infirmities. We share many of the Governors' goals.

First, we agree that mending Medicaid—and balancing the budget—depend on using aggressive therapy to control rising Medicaid costs. Our plan's savings will go a long way toward making Medicaid more efficient and balancing the budget.

We agree that one of the best ways to reduce costs is to give states more freedom to design, create, and innovate. In our plan, that means no more waivers for managed care, home care, and community based care. It means repeal of the Boren amendment. And it means dozens of other measures to encourage flexibility and state innovation.

Like the Governors, we feel strongly that the basic health care needs of our Nation's most vulnerable populations must be guaranteed. That means protecting the Federal-State partnership that has so successfully provided for the health care needs of low-income Americans.

But we take this goal one step further. Thanks to Medicaid, 18 million children have access to hospital, physician care, prescriptions, and immunizations. We can't throw that away.

So even though the Governors' plan scales back coverage to children under 133 percent of the poverty line, we maintain Medicaid's historic guarantee to cover children under 185 percent of the poverty line. Our children deserve healthy and safe lives.

We also agree with the Governors that Medicaid must lose its addiction to old budgets and old demographics. Most of the Medicaid officials who created the program are no longer around. But their 30-year-old statistics and funding formulas still serve as the basis for Medicaid policy decisions.

In this new era, we must adopt new thinking. Medicaid funds should follow health care needs. States must be protected from unanticipated program costs resulting from economic fluctuations, changing demographics, and natural disasters.

Because our centrist plan is all about balancing the budget, we adopt an additional principle. We protect the Federal Treasury from Medicaid fraud and abuse.

In the 1980's Medicaid created the Disproportionate Share Hospital [DSH] Program to assist hospitals with large numbers of low-income patients. Some States saw this as a way to reduce their contributions to Medicaid. Others saw it as an opportunity to transfer Federal Medicaid dollars to other priorities.

As a result of this abuse, Federal Medicaid costs exploded. Congress implemented aggressive defensive therapy and cracked down on Medicaid abuse. Yet incredibly, Congress is now considering the repeal of those laws we passed to crack down on abuse. That won't help to control costs. It won't help us balance the budget.

It is high time for us to produce the balanced budget the American people deserve. For more than 20 years, Washington has been asleep at the wheel while the Federal budget has headed over the cliff.

Let's stop being modern-day Rip Van Winkles. Now is the time for reasonable, bipartisan compromise. Now is the time to balance the budget.

So, Mr. President, I conclude by commending my colleagues who have joined in this effort who have provided such effective leadership. We do not purport that this is Biblical. This is the product of men and women, fair-minded, trying to develop a compromise in the best traditions of democratic government. We hope that this will serve to stimulate others to move forward and bring a plan for a balanced budget to the American people in 1996.

I thank the Chair.

Mr. CHAFEE. Mr. President, I yield 4 minutes to the Senator from Maine.

Mr. COHEN. Mr. President, first I would like to pay tribute to Senator JOHN CHAFEE of Rhode Island. Whether the issue is health care reform or indeed dealing with a balanced budget, JOHN CHAFEE has been in the forefront. He has demonstrated the kind of leadership that he demonstrated many years ago at Guadalcanal.

He has continued to take the lead on tough issues, joined by Democrats who show a similar amount of courage. I am thinking of JOHN BREAUX, BOB KERREY of Nebraska, and so many others who are here on the floor today. Without that kind of leadership, we would not be able to forge this bipartisan consensus. I take my hat off to Senator CHAFEE for the courage he has shown over the years.

People are disenchanted with politics and politicians today. I think there is a good reason for that. Because we have been drawing profiles in cowardice. We have failed to tell the people, in Walter Lippmann's words, "What they have to know and not what they want to hear." As a result, we have misled them over the years by promising them more and more without the corresponding obligation they have to pay for those promises.

We are where we are today because we have misled them. And so this represents a break in that particular tradition. The role of success in the past has been to keep promising more and more and never having to pay for it. Borrowing from our children, sacrificing their future, all the while paving our way to electoral success. What this group is saying is that has to stop.

I was looking at an article last evening in the Atlantic Monthly. I call all of my colleagues' attention to it. It was written by Pete Peterson, the president, founder of the Concord Coalition. He has been writing about this for years now. The article—I will just quote a couple of things from it. It is one of the most powerful and persuasive cases one could possibly make about the need for this kind of proposal.

He quotes from Herbert Stein saying: "If something is unsustainable, it tends to stop." Or, as the old adage advises, "If your horse dies, we suggest you dismount."

Then he goes on to cite some really overwhelming statistics. My colleague from Maine, Senator SNOWE, mentioned some of them. I am just summarizing it. Basically it says that if the Social Security trust fund and the Medicare hospital insurance, if they remain as they are, the combined cash deficit in the year 2030 will be $1.7 trillion. In other words, the horse will be quite dead. By 2040 the deficit will probably hit $3.2 trillion, and by 2050, $5.7 trillion; and even discounting inflation, without counting inflation, the deficit that year for these two senior citizen programs will approximate $700 billion or nearly four times the size of the entire 1996 Federal deficit.

The numbers are staggering. The demographics are overwhelming. Consider the fact that in just 4 years 76,000 Americans are going to live to be 100 years old, the baby boomers, out of the baby boomers more than 1 million will reach the age of 100. In just four decades one-fourth, 25 percent of our population, is going to be over the age of 65 and our nursing home population is going the double. The demographics are simply overwhelming.

If we are looking at tax increases, while both parties are talking about tax cuts, tax increases by the year 2040, the cost of Social Security as a share of worker payroll, is expected to rise from today's 11.5 percent to either 17 or 22 percent. If you add the Medicare Program, the workers will be paying between 35 and 55 percent of their payroll just for those two programs, not counting anything else in the entire Federal budget.

The numbers are overwhelming. It is as if, Mr. President, we were told by our scientists that a giant meteor is rocketing its way toward Earth. It will arrive in about 10 or 15 years. When it strikes, it will destroy all life in the United States—maybe the entire planet. What would our reaction be? Ignore it? Say it is a lie? Or it is inevitable and nothing can be done? Besides, we will be dead and it will not matter. It is our children and our grandchildren's problem; let them contend with it. Or would we exercise the kind of courage and vision that, say, a John F. Kennedy did when he said, "In the next decade, we are going to put a man on the moon."

That is the kind of courage and vision we need to start exercising now. We need to say there is a giant meteor coming and we need to build something that will destroy it before it destroys us. That is the reason we are here today. I commend my colleagues, Senator CHAFEE, Senator KERREY, who has been a leader in facing up to the issues of the needs of reform in our Social Security system, which is a third rail of politics, and all the other colleagues on the floor. I commend each of you for your effort to reach a bipartisan consensus on what we have to do to destroy that giant meteor that is out there heading this way.

Mr. BREAUX. I yield 4 minutes to the Senator from Nebraska.

Mr. KERREY. Mr. President, I, like my other colleagues, want to praise both Senators CHAFEE and BREAUX for keeping this group on task and hope that this proposal, this bipartisan proposal, equally divided between Republicans and Democrats, will provide a foundation upon which this Congress can act to enact a balanced budget plan sometime yet this year.

I will focus my attention on the reforms in this proposal that address the unsustainable growth of entitlements that the distinguished Senator from Maine earlier referenced. There are three pieces to this proposal that will be regarded by many as controversial and by many as impossible to do.

This chart is not a birthday cake here to my left, as the Senator from Louisiana joked earlier. This represents the kind of cuts that are going to be required in discretionary spending over the next 7 years. In the agreement just announced last night between the White House and the Congress, rather than cutting or raising taxes, we essentially sold 4.7 billion dollars worth of assets in order to be able to balance the budget—in order to be able to get an agreement, because nobody wanted to cut any deeper. Very few people want to cut deeper in discretionary programs. Next year, we will have to do 28 billion dollars worth of asset sales. By the time you get down to the seventh year under the President's balanced budget plan—let me applaud the President, I appreciate very much that he has a plan on the table because I think it is helpful—$91 billion in discretionary spending, defense and nondefense. It is impossible.

I do not think there is anybody in this body that can come up with a list of things they would cut today of $91 billion. What that means is we are kidding ourselves. What it means is if you do not want to raise taxes, you have to go under the entitlement programs to be able to take the pressure off of discretionary spending. Even still, as the bipartisan proposal shows, even still we are suggesting substantial cuts in discretionary programs that will be very, very difficult to implement.

My guess is these modest changes in entitlements that will be regarded as draconian and difficult, and there will be a wail of protest to change the CPI down one-half of 1 percent. That saves $100 billion over 7 years. We will hear all kinds of rationales and reasons why that cannot be done. All kinds of numbers will be put forth, and horror stories will be told as to why this change in the Consumer Price Index should not be enacted.

In the alternative, you will have to do this sort of thing, or even worse. For those who oppose it, those who say, "No, I do not want to do it," the first question for the citizen needs to be, then, does that mean you support these deep cuts in education, these deep cuts in investment, deep cuts in defense, deep cuts in law enforcement? Is that what you are supporting?

You cannot merely oppose this. You have to come up with something that you will substitute in its place. Perhaps, the Member of Congress or the citizen supports a tax increase. Let them. Let them say so. Do not just stand and say, "Gee, I do not want to adjust the Consumer Price Index because I will have an interest group or individual who says I do not want to take less." That is basically the formula here.

We are on a course, as the Senator from Maine described, as a meteorite. We are converting our Federal Government into a transfer machine. We have an unprecedented event that begins in the year 2008: The largest generation in the history of the country, the baby boom generation, begins to retire. It is not like anything we faced in the past. We cannot afford to wait until we reach crisis.

The second and third things that are done, we adjust the Medicare eligibility age to correspond with Social Security eligibility age, and we adjust civil and military service retirement age for future employees of the Federal Government of the armed services.

I hope to have a chance to come back as the coalition builds. I urge colleagues who will hear from citizens saying "do not support the Consumer Price Index change, do not support Medicare eligibility change, do not support adjusting civil and military service prospectively," I urge my colleagues to keep the powder dry. In the alternative, this is the sort of thing you will end up having to support.

I applaud the junior Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, for their leadership.

Mr. CHAFEE. I yield 3 minutes to the Senator from Washington.

Mr. GORTON. Mr. President, with a modest degree of courage and a generous share of good will, this bipartisan report may well be remembered as a landmark in political and economic history of the 1990's.

Personally, I never believed that we would reach the goal of a balanced budget except during the first 6 months of a new Presidency, in which that President made it his highest priority. In spite of that belief, last year we almost did so with a Republican proposal that would, in fact, have balanced the budget. That proposal was rejected by the President, but, nevertheless, it moved us forward on the right road. It was followed by a proposal by the President, and another by Democrats in this body, that moved the two sides closer together but still left a great gulf between them.

Now, working together, we do have a proposal before the body this day for a very real balanced budget, a very real balanced budget based on the reform of entitlements which are both expensive and expansive and which will ultimately destroy the financial security of this country. Modest in some areas, dramatic in other areas, yet, nevertheless, will do the job.

Now, Mr. President, to many people in the United States, all of whom basically support a balanced budget, it is, nevertheless, something of an abstraction—a good to be sought but not one well understood. Perhaps the most important part of this budget proposal is the dividend that it will pay not just to the Government of the United States but to the people of the United States. Perhaps as much as a quarter of a trillion dollars will end up being saved by the Federal Government in lower interest payments on the national debt and in greater revenue collections from a more healthy and vibrant American economy.

At least three times that much will be paid in a dividend to the American people in lower interest rates on their homes and on their automobile purchases and in higher wages from more and better jobs. A good estimate will be that every family, the average family in the United States, will be $1,000 a year better off if we do this than if we do not do it. Of course, if we do not do it, the downside over the decade will be immense.

We owe a great debt of thanks to the two JOHNS, Senator CHAFEE and Senator BREAUX, who have led this effort, but leading it to success will require that courage and that good will.

Mr. BREAUX. How much time on our side remains?

The PRESIDING OFFICER. The Senator has 9 minutes and 40 seconds.

Mr. BREAUX. I yield 3 minutes to the Senator from Connecticut.

Mr. LIEBERMAN. I thank the Chair. I thank my friend and colleague from Louisiana and my friend and colleague from Rhode Island for the leadership of this group.

Mr. President, it has been an honor and a pleasure to participate in this bipartisan group to achieve a balanced budget.

This group has been meeting for nearly 6 months in an effort to come up with a budget that balances in 7 years.

We started with the premise that coming to balance in a bipartisan way is not an impossible task. But, it certainly was painful at times. The cost of not pressing ahead to come to balance will hurt even more in the long run. And I very much believe the economic benefits of trying to come to balance make those tough decisions about slowing spending that much easier.

I am particularly pleased with the efforts this group has made to address the growth in entitlement programs in both the short and the long term. Some of these changes will produce no savings in the 7-year budget window we are talking about. But they are much needed reforms and they will save a lot of money in the longer run.

The package we are discussing here today contains smaller cuts in discretionary spending than any of the other major budget balancing plans that have been presented to date. The discretionary spending cut number contained in this plan is far more realistic than the numbers that have been floated in other plans. As we all know, these spending cut targets will need to be met year by year through the appropriations process. As any member of the Appropriations Committee can tell you, making dramatic cuts in discretionary spending is like trying to get water from a stone. There is just not a lot of slack there anymore.

We need to go where the money is and that is in the explosive growth in entitlement spending. If we don't get a handle on this spending, we can forget about doing all of the things we believe the Federal Government ought to do. Things like improving education and building roads. Like providing for a national defense. Like keeping our air and water clean. As Matthew Miller observed in the New Republic, "At this rate, by 2010, when the baby boom retires, entitlements and interest on the debt will take up all available revenue, meaning there won't be a cent left for the FBI, the Pentagon, (or) the national parks * * * Nor will there be a dime to bolster our lagging R&D, education and infrastructure investments, where we've trailed Germany and Japan for years." That is just the beginning. As Miller points out, "Then if it's possible, things get worse."

The critical need to control entitlement spending in this bill is growing. We learned earlier this week that Medicare's Hospital Insurance Program lost $4.2 billion in the first half of this fiscal year. This trust fund, which pays hospital bills for the elderly and disabled, lost money for the first time last year since 1972. But the loss last year was $35.7 million for the year, not $4.2 billion for half the year.

The bipartisan plan adds an element of fairness to the voluntary portion of Medicare. We ask those who have more to pay more for this valuable benefit. The group has looked at recommendations made by the Boskin Commission on adjusting the consumer price index. That commission believed the adjustment should be in the neighborhood of 0.7 to 2. By this measure our proposal is cautious in its recommendation of less than a 0.7 change in the CPI.

We have also consolidated the existing welfare programs into a block grant to States which will give States the flexibility they need to come up with innovative ways to help get the poor out of the welfare system and into the capitalist system.

This budget package also contains a number of important tax provisions. We have included $130 billion in tax cuts in our package as well as $25 billion in corporate loophole closers. It is no secret that not everyone believes we need a tax cut at this time. Indeed, not everyone in the bipartisan group believes now is the time for a tax cut but we all recognized the need to compromise if we intended to put together a package that could actually pass. Personally, I think it important to include tax cuts, particularly in the broader context of why we want and need to balance the budget. Probably the most compelling reason for us to balance the budget is to minimize the dissaving which budget deficits represent. With an unsettlingly low savings rate in this country, the last thing we need is to add to that problem through government deficits. We very much need to boost savings and make that money available for investment which is essential to improving productivity, competitiveness and ultimately to creating jobs and increasing real wages in this country. I am delighted that the tax package we have put together contains genuine incentives for savings and investment and I think such a package adds to, not detracts from, this budget proposal. In the interest of full disclosure, I should also reveal that my home State of Connecticut labors under the highest per capita tax burden in the country, making tax relief all the more important to me.

In particular, the bipartisan tax package contains a variation on a proposal that Senator BOB KERREY and I have been working on, called "KidSave." The bipartisan package allows parents to take a $250 credit for each of their children under the age of 17. However, if a parent agrees to set aside their credit in a retirement savings account for their child, that credit is doubled to $500. These retirement accounts would follow virtually all IRA rules with one exception: We would allow children to borrow against them for their higher education.

Thanks to the wonders of compound interest, $500 a year invested for 17 years in a child's name at 10 percent growth a year, the average growth over the last 70 years, will yield over a million dollars by the time the child reaches age 60. That's great news for parents and kids. And it is also great news for our economy since we need to take strong steps to increase our drastically low savings rates. The bipartisan proposal would also allow parents whose income exceeds the income limits on the credit to set aside up to $500 in after-tax dollars in a KidSave account and reap the benefits of the tax-free build-up of these dollars. Under current law, it is very difficult to set up an IRA for a child since most children do not have the earned income needed to qualify for a retirement account.

The bipartisan proposal also contains a 50-percent reduction in the capital gains tax for individuals as well as a drop in the corporate capital gains rate to 31 percent. This section also allows for the deduction of a loss on a personal residence sale and a 75-percent capital gains exclusion for qualified small business stock. These proposals are very similar to those contained in S. 959, a bill I have cosponsored with Senator HATCH from Utah. We should all keep in mind that the benefits of a capital gains cut will flow to millions of Americans of all income groups—to anyone who has stock, who has money invested in a mutual fund, who has property, who has a stock option plan at work, who owns a small business. That represents millions of middle class American families. And these are just the direct beneficiaries, not even counting the many middle and lower income people who will get and keep jobs thanks to the investments spurred by a capital gains tax cut.

In addition, our proposal expands the availability of tax deductible IRA's and allows for penalty-free withdrawals from those accounts for a number of reasons. We have also included two higher education tax incentives, some significant AMT relief, estate tax relief, an increase in the self-employed health deduction to 50 percent and an extension of the expiring tax provisions.

Taken together, these tax cuts will encourage investment and savings which will in turn stimulate economic growth in this country. That growth will generate jobs and those jobs will generate greater revenues. And of course, that revenue will make it easier for us to balance the budget.

When all is said and done, I believe this is a thoughtful and meaningful set of tax provisions. They are part of a larger budget package which is thoughtful and meaningful as well. I hope that this Chamber will consider taking up this package, or something quite similar to it, in the weeks and months ahead. To not do so, would be passing up a tremendous opportunity. I hope we won't do that and I would encourage my colleagues to join us in our effort to move this bipartisan budget forward.

Mr. President, it is April 25, 1996, and we are pleased to note this morning that our respective leadership and the White House have agreed, 7 months into fiscal year 1996, on a budget for fiscal year 1996.

This is unprecedented and obviously regrettable. It has been tumultuous for those who work for the Federal Government. But, on the other hand, I would like to think that all of us have learned something from the travails of this year, the long and twisted path that we have followed, to finally be at a point where we can adopt a budget for fiscal year 1996. I hope we will take what we have learned and apply it to the broader challenge and opportunity we have to adopt a program to take us to real balance by a date certain.

Can we do it? Well, 22 of us are here this morning, Republicans and Democrats who worked side by side, dropping our party labels and agreeing that we are all Americans, and that we have a common problem here, which is to take our country out of debt and to thereby help our economy grow. This group of 22 was able to do it. And we hope that this proposal that we are presenting this morning will filter out to our colleagues in both parties and up to the leadership of the Congress and the White House to give them the confidence that they, too, can work together to bring our budget into balance. This is exactly not only what America's future demands, but what the American people want today.

Mr. President, I want to focus for a moment on the provisions of this package that deal with tax cuts. Tax cuts are controversial. Some people say—particularly on my side of the aisle—"Why have tax cuts if you are trying to balance the budget?" But this group, wanting to present our colleagues with a package that had a chance of passage, included substantial tax cuts—$130 billion in tax cuts over the 7 years. I believe very strongly that these tax cuts are consistent with our aim of balancing the budget and, particularly, consistent with the desire that drives the movement to balance the budget. And that is the desire to get America growing—to create and protect jobs for average working Americans.

We have in here a capital gains tax cut, a 50-percent cut on the individual side, one that I think will unleash billions of dollars of capital in the private sector and create the kind of momentum that can raise our national rate of growth from the anemic place we have been, up a half point, up a full point, to create millions of new jobs and greater wealth in our country.

Mr. President, we have some incentives here for greater savings, expanded individual retirement accounts. And, Mr. President, we have some relief for the middle class. People talk about wage stagnation of the middle class. What is the best way to help overcome that wage stagnation? Put a little more money in the pocket of working families with children. Under our plan, parents can take a $250 credit for their children or agree to set that money aside in a KidSave account for that child's higher education and retirement and receive $500.

Mr. President, this is a good, strong program. These tax cuts are a vital part of it.

I yield the floor.

Mr. CHAFEE. Mr. President, I yield 3 minutes to the Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, as I stand here today with my colleagues discussing a new plan to balance the budget, I can guess what many Americans are probably thinking: "Here they go again."

The budget has been the catalyst driving our agenda for more than a year, from our vote on the balanced budget amendment to the debates over the budget resolution, budget reconciliation package, and annual spending bills. Haven't every one of us, Republican and Democrat, stood up on this floor and professed—repeatedly—our support for a balanced budget? Why then don't we have a balanced budget?

I can guess something else Americans are thinking, because I hear it from many Kansans: We should run Government as we'd run a business, and balance our books. I agree, Mr. President, but it is more complex than that, for better or worse, and it is part of the reason we still do not have a budget agreement.

When we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or their consequences. Finding middle ground becomes a challenge of its own. Yet we cannot allow the enormity of our task—or the controversy surrounding it— to scare us away from trying to restore sound fiscal policy.

Because we are discussing an endeavor of broad national significance, I do not think we can overemphasize the importance of fairness. The vast majority of Americans say they are in favor of balancing the budget, whether or not they realize what it means for programs they might like. We all talk about tough choices here, but I think we have seen that Americans are not likely to accept those tough choices unless they are convinced they also are fair. And that is what this budget is—tough but fair.

It is tough on welfare, placing a 5-year lifetime limit on benefits. But it also keeps a safety net in place for children. For example, we would allow States to ease work requirements for parents who cannot find child care for children who are not yet school-aged. In my mind, Mr. President, that's fair.

Neither is the plan selective in its toughness. One thing we all hear when we talk to constituents is that Congress must not exempt itself from these tough choices. I agree, and have been pleased to see us turn a discerning eye on ourselves—foregoing, for example, our automatic cost-of-living increases for 3 years running, as well as reducing overall spending for the legislative branch by 9 percent last year. This budget proposal, which calls for increases in retirement contributions from Federal agencies and employees, also reforms judicial and congressional retirement by conforming their accrual and contribution rates to those of all other Federal employees. Once again, a necessary and fair step.

This budget is tough but fair when it comes to discretionary programs as well. By holding discretionary spending to a level slightly below fiscal year 1995 for the next 7 years, we can achieve savings without crippling important programs, from education and crime control, to housing and transportation. In any case, it is not discretionary spending that poses the real long-term challenge to balancing the budget. That challenge comes from rapidly growing entitlement programs.

We do not ignore that challenge in this budget, making significant reforms to small and large programs, including Medicare and Medicaid. Both of those vital programs would continue to grow, but at a more manageable pace. And the way we would find savings would be fair. From Medicare, for example, we have found a balance between reforms that affect providers and those that affect recipients. Throughout this process, I have said that we should not go too far in cutting provider payments. If we do, we cannot expect that Medicare beneficiaries will continue to have access to high-quality health care services, especially in rural settings.

Our budget proposal is tough on taxes, too, eliminating unnecessary deductions and making other tax reforms to save $25 billion. We would give the Internal Revenue Service authority to deduct payments from the Federal wages, retirement checks, or Social Security checks of delinquent taxpayers. That is a tough proposal, Mr. President, but it is only fair to millions of conscientious Americans who faithfully pay their taxes.

Those reforms and others in our package allow us to propose modest but important tax cuts to middle-class families in the form of a $250-per-child tax credit. The credit could be increased to as much as $500 if parents contribute to an individual retirement account in their child's name. The package includes deductions for educational expenses and the interest paid on student loans, and it also offers important incentives to investment and growth.

A few years ago, I worked on another bipartisan piece of budget legislation, that time with Senator GRASSLEY and Senator BIDEN. You might recall that we would have frozen all Federal spending for 1 year. We did so knowing at the time that such a proposal might be viewed as austere or even rash, but then, as now, our budget crisis warranted a bold step. The idea of fairness, of every program contributing its share toward a goal that eventually would benefit them all, was appealing to me, as it was to many Americans.

This budget proposal, while not taking the shape of a formal freeze, retains that appeal for me. It is a budget that calls for shared responsibility, that neither heaps the burden of that responsibility on a single group nor exempts others from doing their share.

Moreover, the shared responsibility will pay off in the end. The tough choices we make today will preserve fundamental programs for the future. But the longer we delay, the more drastic the steps will become to keep even the most essential services viable. Senator SIMPSON talked about this on the floor earlier this week, as he and Senator KERREY have many times before. If we do nothing, in less than 20 years our choices will be made for us, because by then, all of our revenues will be consumed by mandatory spending. We will be forced to react with huge tax increases or draconian entitlement spending cuts. Then, our choices will not be tough—they will be impossible.

We can avoid that impossible situation. There is no denying that this bipartisan budget is tough, but it is fair—fair to seniors, fair to working families, fair to people struggling to get back on their feet, and above all, fair to our young people and our future. For them, the ultimate in unfairness is inaction. Let us be fair to them and consider this budget proposal as a serious step toward fiscal responsibility.

Mr. President, I commend Senator CHAFEE and Senator BREAUX, who have long been guiding lights in attempting to pull together a bipartisan effort for a balanced budget. I am sure there are many eyes that glaze over at this point as we talk about a budget once again and a balanced budget and say, "Here they go again." But I would like to suggest, Mr. President, that this was a missed opportunity. We must pull together to lay out a roadmap for our country in the future, because everyone desires sound fiscal policy and wants to see our goal of a balanced budget. A budget is a catalyst that really sets our agenda. It establishes our priorities. It provides a roadmap.

Some people say, "Well, why can you not get to a balanced budget? We have to balance our budget in our businesses. We attempt to balance our budgets in our homes. Why, then, do we not have a balanced budget?"

I think that one of the reasons is that when we discuss the Federal budget, we are discussing more than a ledger sheet. We are discussing national priorities with real consequences, and we do not all agree on the priorities or the consequences. Finding middle ground becomes a challenge to everyone. Yet, we cannot allow the enormity of our task or the controversy surrounding it to scare us away from trying to restore sound fiscal policy.

What I believe the initiative does that we have before us in this budget presentation is fairness and tough choices. It touches everybody, and that, perhaps, is one of the reasons that I think we can come together and say we have not set one group or another group aside. It makes changes that will affect everyone. This takes us to a balanced budget.

Is it important to us today, as we struggle with many issues, but all issues really are reflected in our budget. I think, most of all, what it says is that we can accomplish something here and accomplish it in a fair way, a tough way, and a bipartisan way. It will be in the best interest not only of today, as we provide priorities and initiatives in our policies, but for the future.

I suggest, Mr. President, that if we fail now, we will have failed for the future generations. That is why I think this is a monumental opportunity and a challenge.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BREAUX. I yield 5 minutes to the distinguished Senator from North Dakota.

Mr. CONRAD. Mr. President, I want to add my words of thanks to the Senator from Rhode Island, Senator CHAFEE, and the Senator from Louisiana, Senator BREAUX, who led this effort to address what I believe is the most important question facing America.

What we do here will largely determine the economic future for us and for our children. That is the stakes of the debate that we have embarked upon.

Mr. President, the hard reality is that we are facing a time bomb in this country. It is a demographic time bomb. It is the time bomb of the baby boom generation. The baby boom generation begins to retire very soon now. They are going to double the number of people who are eligible for Social Security, for Medicare, and the other entitlement programs.

We know what that means. There is no mistaking the future if we fail to act. The Entitlements Commission told us clearly, if we stay on our current course, by the year 2012, every penny of the Federal budget will go for entitlements and interest on the debt. There will be no money for roads. There will be no money for defense. There will be no money for parks. There will be no money for item after item that is important to the American people.

Mr. President, the Entitlements Commission also told us that if we fail to act, future generations will face either an 80 percent tax rate—an 80 percent tax rate—or a one-third cut in all benefits. Mr. President, that is a catastrophe. We have a window of opportunity—a narrow window of opportunity—to get our fiscal house in order before that calamity occurs. Our generation will be judged based on how we respond.

Mr. President, future generations will curse our generation if we fail to act. What this group has said is there is a way. We can do it. We have demonstrated the way. On a bipartisan basis, 22 Senators came together and wrote a plan that will strengthen the economic future of America.

Mr. President, it will mean more savings, more investment, stronger economic growth, more jobs, and a brighter economic future for our children. We can do it. We must do it. We have the opportunity to do it, if we have the courage to escape our narrow, political, partisan trenches that have prevented us from doing what must be done.

I thank the Chair and yield the floor.

Mr. CHAFEE. Mr. President, I have a little bit of time. Whatever time I have left I yield to the Senator from Louisiana.

Mr. BREAUX. Mr. President, I yield 2 minutes to the Senator from California. We are going to do this again, I say to my colleagues, hopefully on Tuesday morning,

I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, having been in this body for 3 years, one thing has become a truism for me with respect to a balanced budget. If it is a Republican plan, the Democrats are going to oppose it. If it is a Democratic plan, the Republicans will oppose it.

We have traveled various roads to get there over the last year, but we have stumbled in our efforts to make some very difficult choices and there will be a heavy price to pay for these mistakes.

But the ultimate price will be paid by the American people—our children and grandchildren—if we do not put our economic house in order.

Therefore, it seems to me that, if we believe what the distinguished Senator from North Dakota just pointed out—and I do—that for the sake of our future and our children's future, we must act and act now. If we fail to take this opportunity to change the unsustainable present course, the next generation will face either an 82-percent tax rate or we will be cutting benefits by 33 percent across the board.

What is clear to me is that the only way to solve the problem is in a bipartisan way. Therefore, I, too, want to salute the Senator from Rhode Island and the Senator from Louisiana for their leadership because without it you would not have a document to which 11 Republicans and 11 Democrats now subscribe.

The U.S. Government has not balanced its budget since 1969. Since then, the Federal debt has risen to $5 trillion. Interest on the debt alone is over $260 billion a year.

By one measure, all the personal income tax paid by people living West of the Mississippi wouldn't even pay the interest on the debt.

Today, the two fastest growing parts of the budget are: First, entitlements, such as Medicaid, Medicare, Social Security and Federal retirement programs, and second, interest on the debt.

I think all one has to do is take a look at expenditures of the Federal Government. In 1969, entitlements were 27 percent of the budget. In 1995, entitlements were almost 52 percent of the budget. Therefore, in the future, entitlements by the year 2003 and net interest on the debt alone will total more than 70 percent of the outlays.

Discretionary spending—the budgets for the Department of Justice, NASA, Veterans' Affairs, the Environmental Protection Agency, to name just a few—has shrunk from 21.3 percent of the budget in 1969 to 18.2 percent in 1995, and we are continuing to cut. Our discretionary spending has been brought under control, but entitlement spending has not.

What these charts tell you, is that, if we don't reign in the cost of entitlement programs, we could not cut enough discretionary spending to balance the budget.

Even if we eliminated the entire Departments of Justice, Health and Human Services, Education, Agriculture, Veterans Affairs, Transportation, the Environmental Protection Agency, and NASA—we couldn't balance the budget without cutting entitlements.

So this is the problem we have been trying to solve. And it's not academic—the budget deficit is a problem that affects people.

Increases in the Federal deficit mean higher interest rates. It means buying, or refinancing a home costs more. It means borrowing money for business, school or a new car is more expensive.

It saps the private sector's ability to borrow funds in order to grow and create jobs and when businesses can't borrow money to modernize or expand productivity—the economy and employment suffer. Small businesses, who don't sell stock to raise money and may have to borrow to fuel growth, are the ones who suffer the most.

The Centrist Coalition proposal balances the budget from the middle, drawing from Republicans and Democrats alike.

The Centrist plan provides targeted tax cuts of $130 billion—not as much as the Republicans wanted, but more than the administration offered—aimed at helping families, such as a "KidSave" a child tax credit coupled with an IRA, other IRA reforms, and tax breaks for education.

It includes tax provisions to encourage economic growth, like capital gains reform for businesses and individuals, and the extension of the R&D tax credit.

It provides an estimated $154 billion in savings from Medicare—again, not the steep cuts in the Republican proposal, but farther than the Administration was willing to go.

It saves an estimated $62 billion in Medicaid, and $54 billion in welfare spending—providing more latitude for States to further our goals of reform, but retaining Medicaid as the health insurance safety net for elderly, the disabled, AIDS patients and low-income Americans.

The Centrist plan maintains Federal quality standards and enforcement mechanisms in nursing home care, such as required staff-to-patient ratios and commitments for patient privacy.

Balancing the budget is an exercise in setting priorities. This plan may not have everything I want. It includes some things I do not support. However, this plan achieves our goal of balancing the budget in 7 years, and represents a strong, bipartisan effort to do what s right—reigning in spending, protecting our most vulnerable citizens, and investing in our future. This is a fair and good plan. I am very pleased to support it.

I thank the Chair.

Mr. BREAUX. Mr. President, I yield 1 minute to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, I will try to take less time than that.

I congratulate Senator CHAFEE, Senator BREAUX, and others who have worked on this proposal. It is truly a bipartisan proposal. This is the last train in town. If this does not go, if we do not get people to rally around this, then we are not going to get a deal this year. It does not have to be every word of this. But this is a framework, and I think our colleagues recognize that.

Mr. President, I will add one other word. If we get the balanced budget for 7 years, as this proposal would do, we have still a long way to go. This Congress and this country has to look at a 20- to 30-year fiscal picture. We will have to set in motion things now that can be implemented very gradually and very slowly. We have to reform Social Security. We have to reform Medicare. We can do it very gradually where people do not get hurt, and also for those who are near retirement and certainly for those who are already retired. But we have to address it for generations. To balance the budget by the year 2002 is not enough because it can get out of balance right after that and be back in the same picture.

I thank the Chair. I particularly thank Senator CHAFEE and Senator BREAUX for their sterling leadership.

Mr. BRYAN. Mr. President, as one of the original 22 members of this bipartisan coalition, I support of the Centrist Coalition's 7-year balanced budget proposal as a sound, moderate approach to a problem begging for a solution.

Mr. President, this balanced budget proposal came about because evey member of the bipartisan coalition took it upon themselves to find a solution to the budget impasse that grips this country. During last year's budget cycle, responsible spending decisions were buffeted about by the winds of political rhetoric. This group of Senators is concerned about the future of this country, and about what failure to balance the budget today can do to burden the lives of our children and grandchildren tomorrow.

Our coalition considered a number of balanced budget proposals. We looked at the President's budget proposal, the National Governors Association's budget recommendations, and at the House and Senate versions of the budget bill. We included elements of each proposal in our final plan.

We took the time to hammer out a bipartisan compromise on every facet of the Federal budget. I believe this plan represents the greatest chance this country has to enact balanced budget legislation.

Our burgeoning Federal debt is the greatest crisis facing our Nation today. It is gobbling up our savings, robbing our ability to invest in infrastructure and education, and saddling our children with an enormous bill that will eventually have to be paid. The interest payments on the debt consume dollars that could otherwise go for urgent needs such as infrastructure and education.

As late as 1980, our national debt was less than a trillion dollars. A decade later it had more than tripled and today exceeds 4.9 trillion. Simply limiting the Government's ability to borrow is not enough to achieve deficit reduction or to control the compounding interest on the national debt. According to CBO, "significant deficit reduction can best be accomplished by legislative decisions that reduce outlays or increase revenues."

When I took the oath of office in 1983 as Governor of the State of Nevada, the Nevada State Constitution required a balanced budget. The necessary, excruciating task of balancing the State budget took strong executive and legislative leadership. Those tough decisions were made, and each year the State budget was balanced.

Nevada is not alone in requiring a balanced budget; in fact, many States across the Nation require Governors to submit, and legislatures to pass, budgets that reconcile revenues and expenditures. It is time that the Congress and the President come together and make the tough decisions that are required for fiscally responsible governance.

Not only is the Federal debt itself a problem, but annual interest payments on the national debt are devouring precious Federal dollars. For more than a decade, Congress and the President have had a credit card mentality—buy goods and services today, worry about the payment later. The public must share some of this blame as well, because there are constant objections to cutting Government programs. When the bill comes due, make that minimum payment and keep charging away. As any consumer knows, if you only make the minimum payment and continue to charge, you will never pay off the balance. The finance charges will just keep accruing. Unlike real life, however, the use of this Government credit card is never denied and the amount of debt continues to grow unchecked.

History has shown that nothing is more desired and nothing is more avoided than the will to make tough choices. The last time our Federal budget was balanced was 1969.

The Centrist Coalition's balanced budget plan is fair; it restructures and reforms Federal programs that are inefficient, in addition to scaling back spending. We want to make sure we get the most bang for the Federal buck.

For instance, our balanced budget plan preserves Medicare and protects its long-term solvency. We expand the choices for Medicare beneficiaries by allowing them to remain in the traditional fee-for-service Medicare Program or to choose from a range of private managed care plans. By creating a new payment system for managed care and by slowing the rate of growth in payments to hospitals, physicians, and other service providers, our plan extends the solvency of the Medicare trust fund.

Our Medicaid reform plan protects the most vulnerable in our Nation. We incorporated a number of the National Governors Association's recommendations regarding enhanced State flexibility, while maintaining important safeguards for the Federal Treasury and retaining the guarantee of coverage for beneficiaries. Our Medicaid funding is based upon the population of covered people in each State, thereby ensuring adequate Federal funding in economic downturns. Our plan maintains a national guarantee of coverage for low-income pregnant women, children, the elderly, and the disabled. We allow States to design health care delivery systems which best suit their needs without obtaining waivers from the Federal Government. Under this plan, States can determine provider rates, create managed care programs, and develop home and community-based care options for seniors to help keep them out of nursing homes.

Our welfare reform language includes strong work requirements and child protections. The welfare reform package includes many of the National Governors Association's recommendations; it is also based on the welfare reform bill that passed the Senate overwhelmingly last year by a vote of 87 to 12. This package calls for tough new work requirements, a time limit on benefits, a block grant to provide maximum State flexibility while ensuring recipients are treated fairly, increased child care funding to enable parents to work, and a contingency fund to backstop States during recessionary times. Finally, our plan preserves the important safety net of food stamp and foster care programs.

Included in our plan are provisions for tax relief to hard-working families. Our plan establishes a new $250 per child tax credit for every child under the age of 17. We have expanded the number of families eligible for tax deductible IRA's. We also provide education incentives, the first of which is an income tax deduction of up to $2,500 for interest expenses paid on education loans. The second incentive is an income tax deduction for qualified education expenses paid for the education or training of the taxpayer, the taxpayer's spouse, or dependents.

We have cut the capital gains tax by 50 percent for individuals, and reduced the current maximum rate for corporations to 31 percent. We provide needed economic assistance to small businesses by an estate tax exclusion on the first $1 million of value in a family-owned business; and by increasing the self-employed health insurance deduction to 50 percent. Furthermore, our plan closes 25 billion dollars' worth of unjustified tax loopholes.

Our plan reforms the Federal Housing Administration's home mortgage insurance program to help homeowners avoid foreclosure and decrease losses to the Federal Government. It also limits rental adjustments paid to owners of section 8 housing projects.

This budget plan provides for discretionary spending reductions that can actually be achieved. The plan proposes a level of savings which is only $10 billion more than a hard freeze in these programs, ensuring adequate funds for a strong defense and for critical investments in education and the environment.

Finally, this plan provides for an increase in Federal retirement contributions from both agencies and employees through the year 2002. This plan adopts the judicial and congressional pension reform provisions that were based on a bill I introduced, and that were included in last year's reconciliation bill.

I fully support the Centrist Coalition's 7-year balanced budget plan. While I may not agree with every provision in it, I have accepted those provisions in the interest of the greater good to come of its passage. After the disastrous budget standoff of the past year, it is readily apparent that compromise is the only game in town when it comes to getting real work done in Washington. I am proud of the efforts and sacrifices may colleagues have made to put this balanced budget together.

Mr. BREAUX. Mr. President, I yield the remaining time to the Senator from Virginia.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BREAUX. I ask unanimous consent for 1 additional minute and that I be able to yield that minute to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB. Thank you, Mr. President.

I am delighted to join my colleagues on both sides of the aisle in presenting this particular balanced budget today. I think it is a clear, good-faith attempt to make responsible but difficult choices that are going to have a very significant impact on the future of this country. If we are not willing to make those choices, those difficult choices honestly, the protracted debate and the gridlock that we have experienced is simply going to continue.

I commend Senator CHAFEE, Senator BREAUX, and all of those who have worked with them in attempting to deal with this extremely difficult and challenging matter.

I am pleased to be a part of that effort.

Mr. President, I am pleased to join my colleagues in discussing the merits of this bipartisan plan to balance the Federal budget. I believe this plan is an example of what can be accomplished when we put aside partisan politics and focus instead on serious questions of public policy.

Late last year, in the midst of a prolonged Government shutdown and a breakdown in budget negotiations between the Republican leadership and the Democratic administration, Senators CHAFEE and BREAUX convened a bipartisan meeting of Senators who were committed to finding enough common ground to balance the Federal budget.

Finding common ground required Democrats in the group to accept larger entitlement reductions and Republicans in the group to agree to a smaller tax cut. We had hoped that our coming together on a budget outline we could all support would jump-start the stalled negotiations.

When it became clear that the Republican leadership and the Democratic administration could not bridge their policy differences, we dedicated ourselves to translating the budget outline we had developed into a full blown legislative plan, and that is what we have presented to our colleagues today.

We are not here to suggest that this is the only way to balance the budget. We're here to illustrate that a balanced budget plan can be drafted from the middle of the political spectrum and driven by policy. Regardless of the outcome of the balanced budget debate, I think it is important that we demonstrate to the administration, the congressional leadership, and the American people what a bipartisan budget compromise would encompass.

One of the biggest differences between this bipartisan plan and either the Republican or Democrat plans is that both of their last offers reached balance on paper by relying on deep cuts in discretionary spending—cuts that would require future Congresses to make far tougher choices than any recent Congress has been willing to make. You only have to look at this year's appropriations process to realize that future cuts of the magnitude proposed by the current plans are both unwise as a matter of policy and unattainable politically.

There's no question that if we make these cuts on the defense side of the ledger, we can't possibly maintain our ability, as the world's sole remaining superpower, to protect our own shores, much less help defend freedom, and maintain peace throughout the world.

Yet, if these reductions can't be made in defense—far and away the biggest item in discretionary spending—where can we make responsible reductions of this magnitude in discretionary spending? In transportation infrastructure? In research and development? In education? In job training? In medical research funding? Do we cut mine safety inspectors, or air traffic controllers or those who ensure the safety of our food and maintain the quality of our air and water?

Fortunately, the members of our group have not only chosen a more realistic and achievable discretionary path over the next 7 years, but we have done so to protect these types of important investments, investments which are critical to raising future productivity, growth, and incomes. We are dedicated to the belief that we should not sacrifice these investments at the expense of taking on politically popular entitlement programs.

And protect discretionary spending we must, since entitlements and interest on the national debt are rapidly edging out discretionary programs in the battle for scarce federal dollars. Entitlements and interest on the national debt are projected to account for 70 percent of our budget by the year 2002, up from 30 percent in 1963. Most disturbing of all, it is projected that entitlements and interest on the debt will consume the entire Federal revenue base by the year 2012.

With such staggering expansions of entitlements on the horizon, significant entitlement reform has to be at the heart of any serious balanced budget effort. This budget makes meaningful—but fair—reductions in entitlements like Medicare, Medicaid and welfare while also seeking to protect our most vulnerable citizens. And it requires Medicare beneficiaries who can afford to pay more to make a larger—and more reasonable—contribution to the Medicare Program.

For many of us, the most important part of this plan is its downward modification of the consumer price index, which controls cost-of-living adjustments for entitlement programs and tax bracket indexing.

A report of the Senate Finance Committee indicates that the present value of the CPI overstates the actual rate of inflation by somewhere between 0.7 and 2.0 percent. By making a CPI adjustment, we are better able to control the future costs of entitlement programs, including Social Security, which has up until now been left off the table by both Republicans and Democrats alike.

From a policy perspective, a CPI modification is absolutely the right thing to do since it restrains future entitlement costs, thus helping to protect the discretionary side of the budget from unwise reductions in the future. But it is understandable, given the approaching political season, that the modification has become a political hot potato for both sides, subject to an attack from Republicans as a backdoor tax increase and from Democrats as a Social Security cut.

As I look back on the events of the last 6 months and ahead to the Presidential campaign, I sense that political considerations are again costing us an important and historic opportunity to begin to address our long-term budget problems.

And if we are ever to make serious headway on these matters, I am more convinced than ever that the American people don't need to see important issues of public policy demogogued anymore. They don't need to see interest groups fired-up to wage war against responsible change. The American people need to hear and understand the truth about the sources and seriousness of our long-term budget problems.

Patrick Henry once said, "for my part, whatever anguish of spirit it may cost, I am willing to know the whole truth—to know the worst and provide for it."

Only by separating the truth from the rhetoric can we balance our Federal budget the right way. And the anguish will be a lot less if the sacrificed is shared—and if we summon the courage to act now. For if we fail to act—and if we continue down the path of cowards—we will guarantee for our children, not the bright future we inherited, but the dark responsibilities we refused to accept.

I thank my colleagues for the time to speak and the chance to be a part of the Centrist Coalition. I hope that this will be the start, not the end, of our efforts to bring bipartisan and commonsense solutions to the legislative issues of our day.

With that, Mr. President, I yield the floor.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1702 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Colorado.

Mr. BROWN. Mr. President, I understand we are in morning business?

The PRESIDING OFFICER. That is correct.

THE CHAFEE-BREAUX BUDGET PROPOSAL

Mr. BROWN. Mr. President, I rise to make very brief comments, and I will make them extremely brief because I know my friend from Connecticut has been here waiting, with regard to the Chafee-Breaux budget proposal.

Mr. President, as I see it, the simple facts are these. This country urgently, desperately needs legislative action to ensure the soundness of the Medicare funds, to ensure the soundness of a variety of other trust funds. I do not think anyone objects to that. I should say more precisely I do not know that anyone disputes that fact, that we need strong and urgent action to put those on track.

Second, I do not think anyone doubts that we have an enormous problem with the deficit. We are not just the world's biggest debtor, but we see a problem that seems very difficult for Congress to solve.

Third, I think it is quite clear to everyone involved that we need a bipartisan budget. The simple fact is this Congress acted in what I thought was a responsible way, in I think a moderate way, in trying to address the budget problems. We passed a budget last year. We passed a reconciliation act that had enormous progress for the country in moving these funds into solvency, and it was vetoed by the President. We have been unable to reach an agreement with the President.

Whichever side you take in that controversy, the reality is nothing got done in terms of long-term reconciliation. It is my belief that nothing is going to get done unless we have a bipartisan approach. So I rise to speak for that budget, not because I like it better than what this Congress did. I do not. I think what this Congress did in reconciliation is much better and much more responsible. As a matter of fact, I do not think it went near far enough. But the only way we are going to have progress in that area, the only way we are going to begin to address these problems with this Congress and this President is to go with a bipartisan budget. It is my belief that will put the President in a position where he has to go along with the Congress if we have a budget that has strong bipartisan support.

The Chafee-Breaux budget's value is it is real. The numbers are real, and the savings are real. Second, it has a very significant long-term effect in dealing with the trust funds, perhaps even better than other alternatives we have looked at. And third, Mr. President, it is the only game in town. It is the only bipartisan effort that we have on the table. It is the only way we are going to make progress.

Is it less than what I would like to see? Absolutely. I do not think it goes near far enough in dealing with our problems. It is clear, significant progress. And without it, without moving that bipartisan budget, I suspect we will find that we have put off dealing with one of our most serious problems.

I yield the floor, Mr. President.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

THE PRESENT SITUATION IN HAITI

Mr. DODD. Mr. President, last Friday, the majority leader, Senator DOLE, took to the floor and made a rather critical speech of our present policy in Haiti. He introduced at that time a report which was prepared by a Republican staff delegation that had gone down to Haiti during the Easter recess. I think the report probably could have been written a week or two in advance of the trip and the trip might not have even been necessary since there was not any real effort to examine the issues in Haiti and what has happened there over the past 18 months or so.

This morning I wish to take a few minutes to apprise my colleagues of how I see the present situation in Haiti. Where we have come over the past number of months in making real progress there. The good news is, of course, that Haiti is not in the headlines on a daily basis but there has been significant progress.

I think it is important that my colleagues and others who have heard Senator DOLE's remarks have an opportunity to hear another point of view, and that is what I would like to do this morning.

I am no stranger to Haiti. I have visited the country many times over the years. When I was a Peace Corps volunteer 30 years ago, I lived very close to the Haitian border in the Dominican Republic. I visited Haiti often in those days and still have many close friends in the country of Haiti.

Most recently, I visited Haiti this past January to make my own firsthand assessment of the political situation. Based upon that visit, and the many others that I have made over the years, one thing is crystal clear. President Clinton's decision in September 1994 to support democracy in Haiti was the right thing to do. Whatever else one might say about United States policy, Haiti is a far, far better place today than it was 19 months ago.

Remember what those days were like. The reign of terror was the order of the day. Murder, rape, and kidnaping were daily occurrences in Haiti, all in an effort to intimidate the Haitian people. Those days are gone now. And, despite the fact that Haiti is a long way, a long way from becoming a Jeffersonian democracy, we are not going to rewrite almost 200 years of Haitian history in less than 2 years—I believe that today the Haitian people are one step closer to fulfilling their aspirations of living in freedom and dignity without fear of their Government.

An important phase of our Haiti policy came to a close just a month or so ago. U.S. forces are no longer participants in the United Nations mandated mission. In fact, last week the final contingent of United States forces left Port-au-Prince, Haiti.

When President Clinton dispatched United States forces to Haiti in the fall of 1994, he set a deadline of February 29, 1996, as the date when United States military participation in the mandated mission of the United Nations would terminate. He has stood by that situation and it has been fulfilled.

The goals of the United States policy have been clear from the outset, that is, to restore the democratically elected President of Haiti to office, to provide a secure and stable environment within which Democratic elections could be conducted, to protect international personnel and installations, and to facilitate the creation of a Haitian national police force.

Despite what some might have you believe, we have made tremendous strides toward fulfilling those goals. The duly elected president was restored to office. Municipal, congressional and presidential elections were successfully conducted. A civilian national police force has been established. The army no longer exists. The dreaded Haitian military has been dissolved.

During my January visit to Port-au-Prince, Mr. President, it became very apparent to me that there was a shared consensus across the broadest segment of Haitian society for a continued United Nations presence after February 29. President Aristide, then President-elect Preval, members of the Haitian Congress, the business community, the United States Embassy, U.N. officials, virtually everyone with whom I met, expressed the strong view that a follow-on presence by the United Nations was vital to solidifying the very real gains that have been made in Haiti over the last many months. Fortunately, the United Nations Security Council concurred with the prevailing wisdom in Haiti and extended the U.N. mission for an additional 4 months until June 1 of this year. The Canadian Government, not the United States Government, has assumed the leadership role in the extended, albeit smaller, United Nations mission. I for one have expressed my appreciation to Canadian authorities for their willingness to do so.

No one is saying that the job is complete in Haiti. Far from it. Much remains to be done on the economic front, on the judicial front, on the human rights front, and on the migration front.

Public security, for example, continues to be a major challenge to the current Haitian administration, as it was to its predecessor. In that regard, some critics of Haiti have singled out the performance of the newly formed Haitian national police as an example of how United States policy has failed. That was included in the majority leader's remarks last Friday.

Mr. President, I could not disagree more. It does a great injustice to the real progress that has been made in this area in less than a year's time. Let us remember that until last June a civilian police force did not exist in Haiti. It had to be built from scratch while dissolving the army, the dreaded military.

In less than 8 months, a force of 5,000 freshly recruited and trained Haitians has been deployed throughout the country. Yes, they are green. They have made mistakes. But it is really quite a remarkable feat, when you think of it. Can you imagine establishing something like a 5,000-person force from the ground up, going through all the training, in a major city in this country overnight?

Haiti is not the only place we have endeavored to support the creation of a new professional civilian force to replace corrupt and brutal militarily justice. In Panama and in El Salvador, we joined with their government leaders to do something similar. In those cases, we had bipartisan support. Unfortunately, bipartisanship seems to be absent in the case of Haiti.

Some of the same problems in Haiti did, in fact, existed in these countries as well, Panama and El Salvador, and continue, I point out, to confront us to today.

Continued international assistance and support at this juncture is terribly important for this little country. These are critical to ensuring the strengthening and permanency of still fragile democratic institutions in Haiti. I believe the United States must remain engaged in Haiti.

U.S. humanitarian and democracy-building programs will continue to be important to future progress in a wide array of areas: the national police, the judicial and legislative branches, economic reforms, human rights and migration. If we do not remain engaged, I predict the previous problems that confronted both the Bush and Clinton administrations with respect to Haiti will be right back in the laps of some future administration, and much more so.

Last Friday, in the course of his remarks, Senator DOLE stated it would be wrong to make Haiti a political football. Mr. President, I could not agree more. In that regard, the endless congressional holds that have been placed on purely humanitarian assistance—we have had holds, now, in some cases that have been in place since late last year, on proposed humanitarian assistance to Haiti. These holds in my view threaten to make Haiti the political football that the Majority leader has warned about. These United States assistance programs for vaccinations, for AIDS prevention, for textbooks, for primary schools, are targeted at the weakest and most vulnerable sectors of Haitian society. It is deplorable that we have held up these funds that were voted and appropriated by this Congress.

In my view, the administration has more than adequately addressed the questions about specifics of most of these programs—in briefings of congressional staff and written responses to questions submitted from the Congress. If the Republican majority mean what they say about not making Haiti a political football, then the time has come for these congressional holds to be lifted so the continuity of these programs can be maintained.

Again, I do not mean to suggest that all of the questions and concerns raised about the implementation of certain U.N. and U.S.—sponsored programs have not been without merit. There is merit to those questions. But let us remember that when the President and the international community decided to restore democracy to Haiti, they were navigating in unchartered waters. After all, this was the very first time in our history that international action would be utilized in an effort to restore a democratically elected government to power following a military coup.

United States officials, United Nations officials, and most especially Haitian officials had to learn on the job. So, not surprisingly, mistakes were made. But I would also say that administration, United Nations and Haitian officials have bent over backwards to answer questions and to make adjustments in programs as necessary.

Despite those efforts, criticism continues and the holds persist. As I mentioned earlier, these Republican holds placed on United States aid programs are jeopardizing some terribly important programs. One wonders if these aid programs have been put on hold, not so much because answers are wanted, but in the hope that policy successes that have occurred to date will be undermined. If so, this is very cynical and shortsighted and most certainly contrary to United States interests.

While I acknowledge that some criticism about events in Haiti have had merit, others have been far off the mark. For example, some have charged that last year's Haitian elections have produced a one-party state in Port-au-Prince. Nothing could be further from the truth. I can tell you from my meetings with leaders of the Haitian Parliament that they are no rubber stamp for an executive branch. In fact, during my visit in January, the Haitian Senate overwhelmingly rejected President Aristide's controversial nominee to head the national police force. President Preval subsequently nominated, and the Haitian Senate confirmed, a very able individual to head the police force in the country. All that to say the political process is working.

Turning to another area of concern, the possibility of politically motivated killings. There has been a great deal of misinformation, I would say, Mr. President, about these so-called politically motivated murders. The number is much smaller than the 20 to 25 that some have alleged. As to the lack of Haitian cooperation, it is my sense that the FBI did not make a lot of friends in the manner in which it first went about conducting its initial investigations in Port-au-Prince. I was amazed to find out the FBI never bothered to meet with the members of the U.N./OAS civilian mission, the mission that had been monitoring cases since 1993. This is particularly troubling, I would say, since representatives from the civilian mission would have been of enormous assistance to the FBI's investigation. You will recall that most often they were the first ones at the crime scene to gather evidence and interview onlookers.

Nor, apparently, did the FBI seek advice from the U.S. Embassy or utilize its expertise and local contacts. Do not misunderstand what I am saying. I am not condoning these or other acts of violence in Haiti. One politically motivated killing is one too many. But I did not notice quite the same level of outrage in some quarters when the military dictatorship of Haiti was killing hundreds—hundreds—of Haitians, many them prominent political figures, in plain view of international journalists and cameras. Certainly, Haitian authorities need to confront the problems of impunity head on and to put together a credible investigation of the various suspicious murders and bring the matter to closure, but this should not become an excuse for walking away from Haiti or putting every other initiative in the deep freeze.

There has been a great deal of focus on the police and the security situation in Haiti, and rightfully so. These are important areas of concern, but they are not the only ones that will determine Haiti's future. Haiti, like many developing countries, suffers from serious brain drain, with many of its most talented citizens leaving the country. We need to try to redouble our efforts to help them find capable people to fill upper and middle management positions throughout the government, particularly with respect to the police force. Haitians living abroad need to take some responsibility for their country's future as well.

The economy is also pivotal to Haiti's future. In fact, what happens with respect to the Haitian economy is perhaps more important than any other single issue we could mention. Economic growth and investment create jobs. Jobs mean hope and opportunity for the Haitian people. That is what gives people a stake in their country and their government. The economic policies that the Preval administration decides to implement will determine whether the Haitian economy will rebound and grow or simply stagnate.

Privatization of certain key State-owned enterprises—power, telecommunications, flour and cement—can play an important role in creating a favorable economic climate in Haiti as well, and should serve, I would add, to attract badly needed foreign investment in critical sectors.

Last month, the Committee on Foreign Relations had the honor of hosting a working coffee for the recently inaugurated President of Haiti, His Excellency Rene Preval. We had a very useful and, I think, candid discussion about issues of mutual concern to our two countries. It was a very helpful session. Surprisingly, many of those who have been the harshest critics of Haiti did not bother to attend this meeting or to give President Preval an opportunity to address some of the concerns that they have raised. I wonder why?

Among other things, they would have heard President Preval——

The PRESIDING OFFICER. The Chair advises the Senator his 15 minutes has expired.

Mr. DODD. I ask for an additional 2 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Among other things, they would have learned from President Preval about his commitment to helping keep Haiti on its course toward democracy and about the high priority he accords to implementing significant economic reforms.

President Clinton has fashioned our policy toward Haiti as he has because he wants to give the Haitian people a chance, a chance to live without intimidation and fear, a chance to make choices and decisions about their own destiny. Our policy is making that possible, perhaps for the first time in Haitian history.

As I said earlier, I could not agree more with our distinguished majority leader that Haiti should not become a political football. Sadly, for most of that country's history, it has been somebody's political football. The people of Haiti deserve a lot better.

Mr. President, President Preval seems determined to do whatever he can to ensure the people of Haiti have a brighter future, but he alone cannot make that happen.

He needs and deserves the support of the United States in that endeavor, and I hope that he will receive it.

MENTAL HEALTH AMENDMENT

Mr. SHELBY. Mr. President, I am extremely gratified that the Senate has unanimously approved the Health Insurance Reform Act, S. 1028, with the inclusion of Senator DOMENICI's amendment relating to mental health coverage. Specifically, this amendment prevents insurers from imposing limits on benefits for mental illness that are not imposed on benefits for physical illness. This bill requires insurers to treat consumers fairly. It guarantees that insurers do not drop people's coverage when they change jobs or for preexisting health conditions. It also prevents insurers from imposing arbitrary coverage limits on persons who need services for mental illness.

I have long been a strong supporter of nondiscriminatory coverage for persons suffering mental illness. In the last Congress, I sponsored, with Senators DOLE and SIMON, a resolution, Senate Concurrent Resolution 16, that called on Congress to ensure that persons with mental illness receive equitable coverage with that afforded for physical illness. Our resolution received strong bipartisan support, and the Senate has included nondiscriminatory coverage for mental illness in S. 1028.

Americans with mental illness deserve to have equitable access to health coverage. Because these Americans often cannot find adequate coverage under private coverage, they are frequently forced to resort to coverage in public programs. Without jobs and coverage, many are not adequately treated. This legislation will permit many mentally ill persons to have the coverage they need to hold down jobs and to lead productive and fulfilling lives.

Mr. President, it is no secret that mental illness can strike at any time, to anyone. Many of us know someone who has suffered mental illness. This amendment will provide nondiscriminatory coverage for a range of mentally ill disorders, including schizophrenia, manic depressive disorder, or panic disorder.

I believe that this amendment will make for a more productive and efficient work force. American businesses lose more than $100 billion per year due to lost productivity of employees because of substance abuse and mental illness. We can reduce this drain on employers by permitting employees access to nondiscriminatory mental illness coverage.

I strongly support S. 1028 with inclusion of nondiscriminatory coverage for persons with mental illness. Inclusion of this provision is not only the right and compassionate thing to do, but it will also reduce overall mental health spending and make our health system more accessible for persons with mental illness. I urge my fellow Senators to support this provision in conference.

CENTRIST COALITION BUDGET PLAN

Mr. SIMPSON. Mr. President, I am very pleased to join Senators CHAFEE and BREAUX and the rest of the Centrist Coalition in announcing this bipartisan proposal for a balanced budget. This is a comprehensive plan that confronts our budget problems head on. I encourage all of my colleagues to take a serious look at it.

I am particularly pleased that our plan partially corrects the inaccuracy of the Consumer Price Index [CPI]. What we propose is to reduce the CPI by one-half of a percentage point in 1997 and 1998—and by three-tenths of a percentage point thereafter—for purposes of computing cost of living adjustments [COLA's] and for indexing the Tax Code.

While the AARP and other seniors groups will shriek and wail to the high heavens about this being some backdoor effort to cut Social Security benefits, that is not what is driving this issue. What we are striving to do is to have a more accurate CPI that reflects the true level of inflation.

Last year, the Senate Finance Committee heard compelling testimony from Alan Greenspan, the Chairman of the Federal Reserve, and others who believe the CPI may be off the mark by as much as two percentage points. A commission appointed by the Finance Committee issued an interim report which estimates the CPI to be overstated in the range of 0.7 to 2.0 percentage points.

The Coalition has selected the figure of 0.5 percentage points—which is a conservative estimate of how much the CPI is overstated—precisely because we want to avoid any perception that we are being unfair or unduly harsh. This modest step achieves $110 billion in savings over 7 years. This is not a popular proposal, but it is understood by us as a critically important component of our plan.

Before I discuss other elements of our plan, let me join my colleagues in underscoring the importance of our product being received as a total package. Any balanced budget plan will have elements that we do not like. But we will all have to accept some of the undesirable in order not to lose all that is so necessary.

Accordingly, this bipartisan budget plan also includes some very appropriate first steps toward slowing the growth of Medicare spending. These reforms would achieve $154 billion in savings over 7 years. From a long-term perspective, the most important reform is a provision that would conform the Medicare eligibility age with the Social Security retirement age. By gradually increasing the eligibility age to 67, this plan acknowledges that life expectancies are certainly higher now than when Medicare was first enacted in 1965.

We also impose an affluence test on Medicare Part B premiums, beginning with individual seniors who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000. I personally believe we should begin this affluence test at much lower income thresholds, but I realize that we simply do not have the votes to do that at this time.

The Coalition plan also limits the future growth of Medicaid spending, saving $62 billion over 7 years. While our plan does not give the States as much flexibility as I would like to give them, I am willing to swallow these Medicaid reforms in the context of this comprehensive budget package, even though I might not be able to support them if they were to be considered separately in isolation from the broader package. I am absolutely convinced that the positive aspects of the total package are so critically important that they overwhelmingly outweigh certain concerns I have about the Medicaid provisions.

On another front, our plan also calls for meaningful welfare reforms, including tough work requirements for welfare recipients and a 5-year time limit on cash assistance. At the same time, we include additional funds for child care assistance—thereby recognizing the importance of child care in helping recipients make the transition from welfare to self-sufficiency. Overall, these welfare reforms achieve another $45 billion in savings.

In the area of taxes, many of us had to bite the bullet—and hard—on specific issues in order to reach consensus on the broad package. What we have here is a tax package that provides $130 billion in tax cuts. On the child tax credits, I have a personal concern about just giving away $250 for every child under the age of 17. But in the spirit of cooperation and consensus, we were able to address some of my objections by offering a real savings incentive if parents contribute $500 toward an individual retirement account established in the child's name.

The tax package has something for everyone to like—and to dislike. I urge my colleagues to look at this package in its entirety. If we start picking it apart, the package will fail and the Coalition that worked so hard to bring this all together will collapse. This plan brings us to the goal we have all been working so hard to achieve—a balanced budget and tax cut package that ends deficit spending by the year 2002.

Again, I urge all of my colleagues to consider this plan. Those who automatically reject the notion of a bipartisan budget will have no trouble finding one or two reasons to oppose it. But I am convinced that anyone who approaches this plan with an open mind—and a recognition that bipartisanship always requires some degree of compromise—will conclude that this is an impressive plan. It does not rely on gimmickry or smoke and mirrors. Instead, it makes the tough, politically unpopular decisions that Republicans and Democrats alike have been putting off for too long. It deserves our earnest support.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. MURKOWSKI. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. Does the Senator yield for an inquiry?

Mr. BRYAN. I yield for an inquiry, but I do not lose the floor; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. MURKOWSKI. I thought it was customary that we went back and forth in a manner that is traditional with the Senate. I have seen this occur from time to time. All I can ask the Chair is to recognize and view the entire Chamber, because the Senator from Alaska had been advised to be here at 9:50. The Senator from Alaska was here and was not recognized, even though the Senator had been standing up.

The PRESIDING OFFICER. It is the Chair's understanding of the rules of the U.S. Senate, the Chair is to recognize the Member who first addresses the Chair. In this case——

Mr. MURKOWSKI. The Senator from Alaska addressed the Chair in a timely manner.

The PRESIDING OFFICER. If the Senator will suspend——

Mr. MURKOWSKI. Well, I am very disappointed. If the Chair——

The PRESIDING OFFICER. If the Senator will suspend, the Chair will finish the statement. It is the Chair's understanding of the rules of the U.S. Senate the Chair is to recognize the first Member who addresses the Chair.

It was the Chair's opinion, and still is the Chair's opinion, that the first Member clearly to address the Chair was the Senator from Nevada. The Chair, therefore, recognized the Senator from Nevada.

Further, it is the understanding of this Chair that there is no rule in the U.S. Senate that provides for alternating back and forth. That can be accommodated between the Members themselves, but it cannot be done by the Chair. The Chair has no authority to do that. The Senator from Nevada has the floor.

Mr. BRYAN. I would like to accommodate——

The PRESIDING OFFICER. If the Senator will yield.

Mr. BRYAN. I would like to accommodate. I think the Senator from Alaska and I both have had time set aside during the morning business. I had time and I know he had time. It is going to require unanimous consent that time be extended. I will offer to extend time for him as well.

EXTENSION OF MORNING BUSINESS

Mr. BRYAN. I ask unanimous consent that morning business be extended for a period of 20 minutes, so I might be accommodated for my 10 minutes and the distinguished Senator from Alaska may be accommodated for his 10 minutes.

Mr. SIMPSON. Mr. President, I shall not object. I do not think there is any need for all this activity, and I have the greatest respect. I am supposed to be up at 10 o'clock. So I am not going to lose any sleep on that. Let us proceed and then we will go to the regular order. Senator MURKOWSKI can have 5 minutes and certainly Senator BRYAN. There is no rule in the U.S. Senate in morning business, in any sense, that there be an accommodation on both sides. That is not morning business. It is the first one present and the first one seeking recognition. Really, I hope there will not be any acrimony with regard to that decision.

The PRESIDING OFFICER (Mr. COATS). Is there objection to the request? If not, it is so ordered. The time is extended for 20 minutes. The Senator from Nevada still has the floor.

Mr. BRYAN. I thank the Chair.

TENTH ANNIVERSARY OF CHERNOBYL ACCIDENT

Mr. BRYAN. Mr. President, tomorrow, April 26, is the 10th anniversary of the most dramatic ecological disaster of the 20th century—the explosion of reactor No. 4 at the V.I. Lenin Atomic Power Plant in Chernobyl, Ukraine.

On that day, 10 years ago tomorrow, a combination of poor design, human error—or, more accurately, human negligence and incompetence—led to a massive explosion within the core of reactor No. 4—an explosion that blew off the 2,000-ton reactor chamber roof, spewing massive amounts of radiation into the surrounding area and the Earth's atmosphere in a radioactive cloud that eventually reached as far away as California.

It was not until several years after the disaster occurred that the truth about Chernobyl, the crown jewel of the Soviet nuclear power industry, began to emerge—that following the explosion, reactor No. 4 experienced what has long been considered the worst-case scenario in nuclear power—a full reactor meltdown. The core material burned, exposed to the atmosphere, for nearly 10 days, and resulting in a total meltdown.

Our colleague, Senator KENNEDY, summed it up shortly after the disaster, when he said "The ultimate lesson of Chernobyl is that human and technological error can cause disaster anytime, anywhere." That has particular residence for us in Nevada.

The ecological and economic consequences of Chernobyl were massive, immediate, and will last for tens of thousands of years.

Thirty-one people died as an immediate result of the explosion, 200 were hospitalized, and 135,000 were evacuated from 71 nearby towns and villages. High doses of radiation spread over at least 10,000 square miles, affecting 5 million people in Ukraine, Belarus, and Russia. The explosion spread more than 200 times the radiation released by the Hiroshima and Nagasaki blasts combined. Anywhere from 32,000 to 150,000 people could eventually die as a result of the blast. Millions of people have had their lives permanently disrupted by the accident. Belarus and Ukraine now report a broad rise in respiratory illness, heart disease, and birth defects. Scientists are still waiting to see what the role may be of the radiation exposure in leading to the many cancers that take longer than 10 years to develop, but expect it to be significant.

The children of Belarus have been particularly hard hit. Seventy percent of the Chernobyl fallout landed in Belarus—a nation that itself has no nuclear reactors. Huge tracts of land in Belarus were contaminated with radioactive cesium, strontium, and plutonium. Prior to 1986, Belarus's thyroid cancer rate for children under 14 was typical—2 cases in a nation of about 10 million. By 1992, the rate was up to 66, and by 1994, the rate had increased to 82—an increase that can only be explained by the Chernobyl fallout.

One quarter of the land of Belarus, home to one-fifth of the nation's population, has been severely contaminated by the Chernobyl explosion.

The power plant complex is surrounded by an 18-mile radius exclusion zone—an area of very high contamination that is off-limits to for residence and entry without a special permit.

Lying outside of the exclusion zone is a much larger area with lesser, but still very high, contamination. Despite official government pronouncements that this area is unsafe, it is still home to 237,000 residents of Ukraine, Belarus, and Russia, who simply cannot afford to live anywhere else.

The remains of reactor No. 4, still highly radioactive, are contained in a hastily erected sarcophagus—a highly unstable structure, considered by many the most dangerous building on earth. As concerns regarding the possibility of collapse of the sarcophagus or the reactor entombed inside increase, it is unclear if the technological or financial challenges of stabilizing and cleaning up reactor No. 4 can ever be met.

Mr. President, If Chernobyl has taught us anything, it is that when dealing with such high-risk matters as nuclear power, or nuclear waste, small mistakes can have enormous consequences.

Next week, the Senate may turn to a bill aptly dubbed the "Mobile Chernobyl Bill"—S. 1271, the Craig nuclear waste bill.

As many of my colleagues are aware, this establishes, on an accelerated schedule, a so-called interim high-level nuclear waste dump in Nevada.

I want to be clear on what this interim storage program means. Tens of thousands of tons of high-level nuclear waste will be removed from reactors, loaded on over 16,000 trains and trucks, and shipped cross country to Nevada, a State with no nuclear power. The waste will travel through 43 States on transportation routes that bring the waste within one mile of over 50 million people.

Mr. President, I know the nuclear power industry is lobbying hard for this bill. I know there is a lot of pressure on Senators to support this legislation. I also know that the nuclear power industry has spread a massive amount of disinformation about the bill.

By any objective evaluation, this legislation is completely unnecessary. In fact, the Nuclear Waste Technical Review Board, a Federal agency created by the Nuclear Waste Policy Act, and comprised of the Nation's most respected scientists, said just 1 month ago that there is simply no need for an interim storage facility at this time.

This is not the first time the industry has cried wolf. In 1980, a supporter of the industry asserted:

> We are running out of reactor space at reactors for the storage of the fuel, and if we do not build what we call away-from-reactor storage, another type of interim storage, and begin soon, we could begin shutting down civilian nuclear reactors in this country as soon as 1983.

Of course, Mr. President, no U.S. reactors have closed due to lack of storage. Thirteen years have passed since the prediction that in 1983 there would result the closure of reactors.

Despite the crisis mentality created by the nuclear power industry, there is no nuclear reactor in America that will be forced to close down due to lack of storage. Every nuclear utility, if it so chooses, can take advantage of existing, NRC licensed, off the shelf dry cast storage systems to meet its spent fuel storage needs. Should the mobile Chernobyl bill come to the floor next week, I will have a lot more to say about the lack of any compelling need for this legislation.

There are, however, plenty of other reasons to oppose this bill. The bill preempts nearly every local, State, or Federal environmental protection. It creates a taxpayer liability of billions of dollars to solve the private industry's waste problem. It eliminates EPA authority to protect the health and public safety.

Mr. President, I do not know when the Senate may consider this bill. It is my hope that it never comes up. Nevertheless, I urge my colleagues to fully consider the many legitimate public health safety consequences raised by this legislation, particularly as they relate to their own constituents, and to oppose the mobile Chernobyl bill. I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized to speak in morning business for up to 10 minutes.

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1703 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MURKOWSKI. I thank the Chair and wish the Chair a good day. I thank the floor managers for allowing additional time in morning business.

Mr. SIMPSON. Mr. President, I believe we are at the order of business under the previous order.

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Which is to go to the illegal immigration bill, is that correct?

The PRESIDING OFFICER. That is correct.

MEASURE PLACED ON THE CALENDAR—S. 1698

Mr. SIMPSON. Mr. President, I have business to do that has nothing to do with this bill before the Senate. I want everyone to be alert. No need to alert your staff that I am up to some giant caper.

I understand there are two bills due for their second reading.

The PRESIDING OFFICER. The clerk will read the first bill.

The legislative clerk read as follows:

A bill (S. 1698), entitled the "Health Insurance Reform Act of 1996."

Mr. SIMPSON. I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

MEASURE PLACED ON THE CALENDAR—H.R. 2937

The PRESIDING OFFICER. The clerk will read the second bill.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Mr. SIMPSON. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The objection is heard. The bill will be placed on the calendar.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The Chair will announce that morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. The clerk will report the pending business.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States, and so forth and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Simpson amendment No. 3669, to prohibit foreign students on F-1 visas from obtaining free public elementary or secondary education.

Simpson amendment No. 3670, to establish a pilot program to collect information relating to nonimmigrant foreign students.

Simpson amendment No. 3671, to create new ground of exclusion and of deportation for falsely claiming U.S. citizenship.

Simpson amendment No. 3722 (to amendment No. 3669), in the nature of a substitute.

Simpson amendment No. 3723 (to amendment No. 3670), in the nature of a substitute.

Simpson amendment No. 3724 (to amendment No. 3671), in the nature of a substitute.

Simpson motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Simpson amendment No. 3725 (to instructions of motion to recommit), to prohibit foreign students on F-1 visas from obtaining free public elementary or secondary education.

Coverdell (for Dole/Coverdell) amendment No. 3737 (to Amendment No. 3725), to establish grounds for deportation for offenses of domestic violence, stalking, crimes against children, and crimes of sexual violence without regard to the length of sentence imposed.

AMENDMENT NO. 3739 TO AMENDMENT NO. 3725

(Purpose: To provide for temporary numerical limits on family-sponsored immigrant visas, a temporary priority-based system of allocating family-sponsored immigrant visas, and a temporary per-country limit—to apply for the 5 fiscal years after enactment of S. 1664)

Mr. SIMPSON. Mr. President, I send a second-degree amendment to the desk to amendment numbered 3725 and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3739 to amendment No. 3725.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(a) TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"ALIENS NOT SUBJECT TO DIRECT NUMERICAL LIMITATIONS.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

"(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

"(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad."

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000."

(b) TEMPORARY ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

"PRIORITIES FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

"(1) IMMEDIATE RELATIVES OF CITIZENS.—Qualified immigrants who are the immediate relatives of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c).

"(2) SPOUSES AND CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

"(3) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

"(4) MARRIED SONS AND MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

"(5) UNMARRIED SONS AND UNMARRIED DAUGHTERS OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) through (4).

"(6) BROTHERS AND SISTERS OF CITIZENS.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5)."

(c) DEFINITION OF IMMEDIATE RELATIVES.—For purposes of subsection (b)(1), the term "immediate relatives" means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) TEMPORARY PER-COUNTRY LIMIT.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

"PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

"(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

"(ii) the amount specified in subparagraph (B).

"(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States."

(e) TEMPORARY RULE FOR COUNTRIES AT CEILING.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after "in a manner so that":

"visa numbers are made available first under section 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5)."

(f) TEMPORARY TREATMENT OF NEW APPLICATIONS.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

Mr. SIMPSON. Mr. President, this is the first of two amendments that are in order this morning that will make the very modest and very temporary reduction in legal immigration to the United States. This first amendment deals with family immigration. The other amendment concerns employment-based immigration.

Under these amendments, legal immigration to the United States will, for 5 years, be held at a level of 10 percent below the current total of regular nonrefugee admissions. This does not have anything to do with refugees or asylees. Under the amendment I am proposing there will be immediate family numbers of 480,000—27,000 for diversity visas under a previous proposal we passed in 1990, with a reduction from the original 55,000 the House has accepted this figure of 27,000. Mr. President, 100,000 on employment-based visas. That is a total of 607,000 per year. That is the total of regular nonrefugee admissions under the amendment. Under current law it is 675,000. So, 607,000 under the amendment, a reduction of 68,000, a reduction of 10.1 percent.

The first amendment will also, during the 5-year breathing space, establish what is really a true-priority system for family immigration categories, giving visas first to the closest family members. I cannot tell you how many times I have heard in the last months, "We should first take care of the family." That is exactly what this amendment does, giving visas first to the closest family members who are the most likely to live in the same household with a U.S. relative who petitions for them. Only if there are visas unused by these closest family members will the visas then go down or fall down to the next lower level priority family category and so on.

Under this amendment, all 480,000 family visas will be available first to the immediate relatives of U.S. citizens. I think everyone would want that. That is a spouse and minor children, the so-called nuclear family, plus parents. After this highest category and priority is established, the remaining visas will be available to the second-priority category.

Unlike current law, there will be no guaranteed minimum number for the lower priority category. That is what we established in 1990 with the so-called pierceable cap, that we had to do a certain amount for those in those categories.

According to the INS estimates, immediate relatives—and we do think we can rely on the INS estimates, but after yesterday it makes one wonder a bit if we can believe them in totality—but they are telling us that immediate relatives will range from 329,000 to 473,000 in the next 7 years with an average of about 384,000.

Under my proposal, if immediate relatives are admitted at that level in a particular year, there will be about 100,000 visa numbers available for the other family category. We are not shutting them out. The visas available after admission of immediate relatives of U.S. citizens will flow down to the second priority—that is the nuclear family of lawful permanent residents. In other words, going to their spouses and minor children.

We have 1.1 million people in America who are here under our laws and totally legal who are unable to bring to this country their spouses and minor children, while we continue to give visas to adult brothers and sisters. I hope that people will understand what we do here while we talk about spouses and family and the categories of family values and all those things. So they will go to lawful permanent residents—in other words, as I say, spouses and minor children. Any visas that are not needed in that category will flow down to the third priority, which is then the unmarried adult sons and daughters of U.S. citizens, then to the fourth priority, this is married sons and daughters of U.S. citizens, then to the fifth priority, unmarried adult sons and daughters of permanent residents, and finally to the sixth and last priority, brothers and sisters of citizens.

Now, you have just heard something which sounds like Egyptian. Actually, it is English, but much in the INA, the Immigration and Nationality Act, is not in English. It is a most difficult system to understand for the layman because it then gets into situations where people can play upon it and use emotion, fear, guilt, and racism. They have done it magnificently in this instance—magnificently.

So, here we have a situation where the only ones that really strive in the present language of preference systems and the confusion in the INA are actually the immigration lawyers of America. They are very adept, I can promise you that and they have been very adept here, very, very adept.

Under my proposal, family admissions will continue to be 480,000 per year. That is the current level. No reduction. That is over the next 5 years. Remember, after the next 5 years, it spikes right back up. We are not doing anything 5 years out. Back to business.

So the INS estimates that family admissions under the committee bill for fiscal years 1997 through 2001 are 723,000, 689,000, 643,000, 620,000, 579,000, an average of 651,000, which is a substantial increase over the current level.

I want to be very clear about these numbers. Immigration will not be reduced under the committee bill. If anyone in this country or this Chamber is interested in reducing legal immigration, which 70 percent of the American people say they favor, it will not be under the committee bill that is at the desk.

Let us be absolutely clear of another thing. I am not here to recombine anything. I have not combined or recombined anything. I am not here to join or link. I am here to do a single amendment, which was the work product of the Barbara Jordan commission. That is my mission—to see that the American people deal with an issue that has been dealt with now for 20 years, which was the Select Commission on Immigration and Refugee Policy, and the Jordan Commission. And to completely ignore the work of that remarkable woman is something that I was not going to see happen. So there will be two amendments by the Senator from Wyoming—one on legal immigration and a very short one on employer-based immigration—and that is it.

So whatever has been expressed to the colleagues about this 'sinister' effort of recombining—I have never understood the meaning of it, actually. It has always been together. We have dealt with it together in all the 18 years I have been dealing with it. Sometimes we would divide it for certain purposes. Sometimes we would not divide it. But always, it was very clear.

So under the committee bill there is no reduction on legal immigration. It will increase under the Kennedy-Abraham amendment, which the committee agreed to by a rollcall vote. Immigration will increase at a very slightly lesser rate than under current law. I hope you can hear that. It will increase at a very slightly lesser rate than under current law. But it will increase substantially. There will be no reduction for at least the next 10 years.

Now, blend into that what happened with the figures that were given to us by the INS. We are now confronted with news reports and information that we have a 41-percent increase. Here is the morning line—and not at the track, but the Washington AP. "New projections anticipating a whopping 41 percent increase in legal immigration to the United States this year are bound to heat up debate as the Senate considers its immigration bill."

I think it will heat up the debate because you are going to have to go home and tell people that you sat by and watched legal immigration go up 41 percent. The Immigration and Naturalization Service's projections of a boom this year follow a 10.4-percent decline in lawful immigration last year. My good colleague from Texas—and how I admire LAMAR SMITH and his ranking member, too—said, "We have all been duped. I take this as an intentional misrepresentation to the public, and, to Congress. It is inexcusable."

The interesting thing about that is it came about the day we were debating this bill in the Senate with regard to the committee action. At that time at the press conference, which in essence was very clear, it was said simply that you do not need to do anything about legal immigration because we are doing it already. You can count on us. We know you are interested in it. The President is interested in it. The President is interested in the Barbara Jordan commission report. And I hope you can understand that, too.

This is not a partisan issue. Anyone, at the end of this debate, who says that somehow this is going to be the destruction of the Republican Party must find new work somewhere. This is not about the destruction of the Republican Party. You are going to see votes today that will make you scratch your head until you have less hair than I have. You will say, "I never dreamed that I would be voting on that issue with that person." So join the fun. You will find it to be so.

Here we are trying to do something with illegal immigration. Let me tell you, we are going to do something with illegal immigration. I mean, we are really going to do something with illegal immigration. We will have these two amendments, and we will not be splitting or blending or pureeing anything—nothing. But we will be dealing with something that is not the concoction of the Senator from Wyoming but is the work product of the Jordan Commission on Immigration Reform, consisting of a remarkable group of Democrats and Republicans.

So there we are with some figures which certainly concern all of us, who are trying to use honest numbers as we deal with a very complex issue. I think that does taint the previous debate.

But during the 5-year breathing space created by my amendment, visa applications will not be accepted for any priority category if fewer than 10,000 visas were provided for that category in the prior year. That provision is intended to avoid any further buildup in the backlog.

There are more than 3.7 million persons on the family waiting list today, and 1.7 million are in the brother and sister category alone. Now, those long waiting lists, those backlogs, in some cases, arrive and result in a wait of over 20 years for a visa. It is believed by some experts to encourage illegal immigration. Why would it not? Because a person on the waiting list that is told they are going to have to wait 12, 14, 16 years is going to come here illegally. They are not going to wait because somebody has petitioned for them. That person is here, and they are going to say, "Why should I wait? I am going to go and join them because I love them and I want to be with them." Does anybody believe that is not happening? So they live illegally in the United States while waiting for their name to come up.

In the second amendment—I will address that briefly, and I have a brief chart, and then we can get on with the debate—the employment-based visa limit will be reduced to 100,000, which is still well above the number of visas now being actually used for employment-based immigration. The employment visas will continue to be allocated under the preference system in current law.

We will look, also, at the issue of unskilled numbers, which we took care of in the committee bill, on legal immigration, which is not before you today, but is at the desk, and which is not to be incorporated into it by an amendment by me or anyone else. There are a lot of things in that legal immigration bill. When we are through with this caper here, whether it goes or does not go, we might deal with that, since that passed the Judiciary Committee by a vote of 13 to 4. I would think that might well be addressed by us at some future time, with appropriate unanimous-consent agreements, or whatever may be, so there would not be too much chicanery involved.

The committee bill reduced diversity visas from 55,000 to 27,000. My amendment retains the committee provision of the 27,000 diversity visas. At the end of 5 years, under these amendments, the temporary reduction will end and terminate, and the immigration numbers and the priority system will automatically return to current law.

You say, "Well, what is the purpose of that? You are going to lower it 10.1 percent for 5 years, and at the end of 5 years, it is going to go right back where it was—same heavy numbers." That is right. That will give the Congress an opportunity to look at where we are going, because, obviously, people are not paying attention to where we are going, and we watch these continual frustrations arise and finally come to a volcanic ferocity like proposition 187.

If anybody believes that you do not deal with this issue and pretend that there will not be more of those in every State in the United States, we are all somewhat remiss.

If the Congress does not pass a bill that includes a reduction in immigration, then our refusal to address the very real and very reasonable concerns of our constituents will contribute even more to the general cynicism about Congress and our detachment to what the people who elected us think.

Mr. President, this is not merely a problem of how Congress is perceived, of our reputation, because, if we ignore what the people think and feel, we are not likely to legislate in ways that have a favorable real-world, commonsense impact on the people's lives.

It is very interesting. As I look at the material circulated by those who do not concur with my view, there are, remarkably, only two or three things outlined in there. The one that is most interesting is that it will shut out nearly 2 million relatives of U.S. citizens—relatives of voters. Get the word underlined "voters." Let me tell you, ladies and gentleman, there are a lot more voters out there who want to do something with illegal immigration than voters who want to protect a certain group in society. If you are missing what voters do here, do not miss that one. I can promise you that is the way that is.

So I do not see any other way to be sure we are reforming immigration policy in a way that will actually make the American people better off as they themselves judge to be better off than to try to find out the extent to which they actually like and embrace what is happening.

As I noted earlier, I proposed a very modest reduction—only 10 percent for the next 5 years. But this would be in sharp contrast to the substantial increase that would otherwise occur during this period under either the committee bill or current law.

This first amendment will provide a true preference in the granting of visas to those family members most likely to live with their relatives in the United States. That is what people say they want. We want the nuclear family. We want the numbers to go to the nuclear family. It will do that. It will assure that that occurs. It will reduce the availability of visas for relatives who are likely to have their own separate households. That is the source of so much of the phenomenon of chain migration.

Let me conclude my remarks by showing you, since we seem to be so enamored of charts—especially charts which I think have some devious value that I have noticed in the past months—but since we like charts, then you are going to be fascinated with this one.

Here is what is happening in our country with regard to legal immigration. I am not talking about illegal immigration. This is a hypothetical illustration of chain migration which I have been speaking about now for about a year. This is what the Jordan Commission was speaking about for much longer than that—chain migration through the family preference system for two generations of parents and their children. Here the process begins when the immigrant arrives. The immigrant arrives with a spouse and a child. All of them become citizens after 5 years—father, mother, child. These people are immediate relatives, and they come without number. Under my legislation, there would be a cap at 480,000, which has never been achieved as yet.

So then this person, the father, has brothers who wish to come, one of whom is married. They then immigrate as siblings of a citizen. This person has siblings who are married. She also has a widowed mother. They petition to come to the United States when she becomes a citizen. So when a spouse becomes a citizen, he petitions for his siblings who are married who wish to come.

From this branch we go here to a spouse petitioning for her parents. Now go back to the man, the husband. His mother immigrates after she becomes a widow.

Go then to this spouse. Her parents immigrate as immediate relatives of a U.S. citizen. That is very valid. She has married siblings who wish to immigrate. They immigrate as adult children of U.S. citizens after the parents naturalize.

Go on up from that. Their spouses have siblings who wish to come, some of whom are married.

This is all under the current preference system—two generations. They ultimately petition to immigrate as siblings of citizens. When some of these immigrants naturalize, they petition for their parents.

But here is the one you want to watch if you are talking about family and bloodlines, this kind of thing that has a good ring. Right here, I am going to circle the people who have no blood relationship with the original petitioner—none, no blood relationship. They are not uncles, aunts, nieces, nephews, married brothers, sisters, unmarried. This person is not is not related by blood. This person is not related by blood. This person is not related. This person, nor this person is related by blood to this petitioner. This person is not related by blood. This one, this one, this one—all of them not related by blood to the petitioner. These two persons are not related by blood to the petitioner. We hear this about the immediate family, family, brothers, sisters, on and on.

This one is not related by blood. This one, nor this one not related by blood. These two are. This one is. These here—this person is not related by blood. This one, this one, nor this one. None of these are related by blood. Not one of these are related by blood. Not one, not a single one, and down here two are not related by blood. These two are.

You are wondering what is happening? If that is not as graphic as I can give it to you, I do not know how it can be presented any more clearly.

Mr. SIMON. Mr. President, will my colleague yield?

Mr. SIMPSON. You are going to hear the story about joining the family, keeping the family together, and all of this. I think it is important to see what happens with the phenomenon of chain migration.

Yes, I will yield for a question.

Mr. SIMON. How long does it take this to take place?

Mr. SIMPSON. It is clear here—two generations; about 45 years; two generations. This is it. That is happening now.

But you ought to remember what we did. We did legalization. The Senator from Illinois was part of that. I always appreciated his remarkable interest in that. We then legalized people who were here illegally living in a subculture of America. That was in 1986. Then there was a temporary period. Those people have now begun a full range of petitioning. They are U.S. citizens. They are filing, and they are filing under the present system. They are big numbers down the road. But we also have big numbers on the road right now, according to the INS, where they short-informed us, or short-sheeted us by 100,000 to 150,000 in number this year.

So when I get up—and I have a tendency to rant lightly from time to time. But when I say what we are trying to do is eliminate the issue of persons bringing in 30, 40, 50, 60, the all-time record was 83 persons on a single petition, that is what we are trying to do.

So, if we are going to continue to talk about family and treating those fairly who are here and those who play by the rules—I understand that and all of those things—then this is where we are. Even the most ardent proimmigration advocates cannot with credibility oppose legislation to control illegal immigration. That will not happen. But this, at least for me, is a presentation of where we are in this country, and we will just see where the amendment goes.

If it is gone, it is gone. But I do not intend to come this far in the immigration debate in the United States and not deal with something that the Jordan Commission report felt was very much a concern. Others have different views. But if you are talking about reducing immigration, you cannot just talk about illegal immigration.

The reason I am talking about it here so I will not hear about combining and pureeing and splitting again is—and you must hear this—half of the people in the United States who are illegal came here legally. Over half of the people in the United States who are here illegally came legally. So how in God's name do you pretend that you can separate the issue? You cannot separate the issue. They came here on tourist visas and they came here on student visas or they came here on any kind of legal visa. They went out of status. They went into the communities. They went with their relatives, and they are here.

That is the way it works. The length of time—and I will throw it open—the length of time for chain migration, I say to my friend from Illinois, does not change the effect. It displaces the entry of spouses and unmarried minor children. If you continue this ritual—and it is already at 1.1 million. Remember, 1.1 million permanent resident aliens cannot bring their spouses and minor children because the numbers are going here, to someone who is not part of the blood line, not part of the immediate family, and that is what is happening.

And the mystery—that this is something that is anti-American, we are doing something to those who play by the rules—is extraordinary.

But there are some players out in the land, not in this Chamber—I have had the greatest and richest regard for Senator ABRAHAM and Senator DEWINE and Senator FEINGOLD. They are doing yeoman work on the position they feel very strongly about. But there are some groups in the United States that are doing yeoman distortion, groups that send out stuff like this.

Oh, I love this one. You must see this one. This is big Grover Nordquist. He is really a dazzler. We hope Grover will come into the Chamber with us on this ghastly exercise. This is the Simpson-Smith bar code tattoo, compliments of Uncle Grover, who is getting paid 10,000 bucks a month by Mr. Gates of Microsoft to mess up the issue. And he has done a magnificent job of messing up the issue and should for 10,000 bucks a month. I think he should be very active.

So here is Grover. This is the Lamar Smith-Simpson tattoo. This is on illegal immigration.

> How to do your tattoo.
> Clean skin with alcohol pad.
> Place tattoo ink side down on skin.
> Dab with pad until design shows thru.
> Lift paper off while still wet.
> Dust design with baby powder for longer wear. Stays for days.
> Remove instantly with alcohol or oil.

That is Uncle Grover's little caper, and for 10,000 bucks a month you can afford to do a lot of those, which they have. They are in a deceptively difficult looking packet, I will admit that. I will not go into that.

Well, now, there we are. The situation on this chart is a hypothetical situation. It says right here, so that you do not be deceived: "Hypothetical illustration * * * chain migration through the family preference system for two generations." No tricks. It is what can and frequently does occur as a result of our current preference system. And my proposal will change that temporarily—and horribly—for 5 years so that we can stop the action, stop the carousel, let everybody get on and get off, and in 5 years decide what we are going to do. If we do nothing, the spike goes right back into existence.

I will yield the floor at this time.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. We start off on our second day, really the third day on the issue of illegal immigration, and we want to be able to move through this process. We went through yesterday with a rather peculiar procedure by which individuals were denied recognition if they were going to deal with any issue that was not going to be relevant to the matter at hand.

Generally, we have to invoke cloture to follow that procedure. That is a time-honored process for this body. And so we circumvented that time-honored process, and the only matters that we could vote on would be those that were going to be understood or cleared beforehand not to include, for example, the minimum wage. So even if you stood on your feet, prior recognition and the way that the proposals are at the desk virtually excluded that possibility.

As I mentioned last evening, and I wish to mention to all of those who will be involved in the course of the day, just as the minority leader mentioned, that issue is still of currency, perhaps more so today, after the statements that have been made by Mr. GINGRICH and Mr. ARMEY that there will not be any vote on the minimum wage in the House of Representatives this year.

The idea that there has somehow been some willingness to try to work the process, to try and find some common ground, compromise on this received its answer yesterday with the clear statement of Mr. GINGRICH and Mr. ARMEY that there will not be a vote in the House of Representatives.

That does not surprise us because that has been their position for some period of time, although as recently as 2 days ago Mr. ARMEY thought they might be willing to consider the effective elimination of the earned-income tax credit that reaches out and provides help and assistance to children and workers at the lower levels of the economic ladder, and that some new entitlement that would be administered by the Internal Revenue Code would be set up by which the taxpayer would subsidize a number of the industries that hire $4.25-an-hour Americans, that would be costly to the taxpayers. It would be an entitlement program, a new entitlement program with new bureaucracy, I think completely unworkable, as a way of helping and assisting the industries which are employing the minimum wage worker.

Mr. President, I make this point now and then I will move toward the issue at hand, that we are still intent upon offering this amendment. We have an opportunity to offer it. We will during the course of this day and every day. So we want to just make sure that our friends and colleagues are aware of that. That is our intention. I am quite confident that sometime in the very near future we will have the opportunity to do so.

The bottom line is our Republican friends honor work. They say they honor work. They want to encourage Americans to work, and yet they refuse to provide them a living wage so that they can receive a just compensation to keep them out of poverty. That is the issue. That is the issue. No matter how you slice it, that is the issue.

That issue is a matter of fundamental justice and fairness in our society, and the fundamental issue of justice and fairness will not go away.

I see a number of our colleagues on the floor who wish to address this issue, but I want to try to put this whole issue into some perspective. The question that is before the Senate deals with illegal immigration. That is the matter of greatest concern. These are individuals who violate the laws, effectively take American jobs, come here unskilled and, in many instances, take scarce taxpayer dollars to support their various activities in this country. That is an entirely different profile from those who are legal immigrants.

We will have an opportunity to debate that issue when we address the legal immigration. But I can tell you, the studies that have been done about what happens with legal immigration demonstrate these are hard-working people, overwhelmingly successful. They are contributors to our society. We ought to be debating today illegal immigration.

The issues of families go to the core of legal immigration. The basic concept, in terms of what immigration policy has been about since the McCarran-Walters Immigration Act is, No. 1, the reunification of families. The reunification of families—that has been No. 1. It has only been in recent years that we have talked about the issues of bringing in special skills.

I still support the special skills that will enhance American employment. To me, it makes sense. I think, when we have the opportunity to talk about legal immigration we will find there is a difference here between the very special skilled and others who are coming in, but that is the heart of legal immigration.

It is illegal immigration here, which is burdening many of our States, eight States that have the 85 percent of the illegal immigration, taking American jobs. In too many instances, they are individuals whose lives have been complicated by crime and violence. That is the major concern. In order to address that issue, we ought to focus on that issue and just that issue today.

If we are going to get off on the legal immigration, which this amendment is all about—because what we are talking about are total numbers, the numbers we are going to be seeing here. We will have a good opportunity to talk about that during the time we have legal immigration. Some of the provisions that were on the Simpson amendment about reducing the numbers of skilled workers and the diversity issues may have some appeal at some time, but not as a part of this particular legislation. I urge my colleagues to reject the Simpson proposal.

Senator SIMPSON talks about who is closer to the Jordan Commission. The fact of the matter was, when Senator ABRAHAM and I offered the amendment in the Judiciary Committee, we were closer to the Jordan numbers than the author of this amendment. We were closer.

One of the important points my friend from Wyoming left out in his presentation was the fact that the Jordan Commission said we ought to address the backlog of children and loved ones, members of the family who have been trying to be reunited with their families—permanent resident aliens.

She suggested we have some kind of process and procedure to permit those families to be reunified. But not this proposal—absolutely not this proposal. This proposal effectively excludes and cuts out all of those. But this proposal would go even further. It would say, if you are a permanent resident alien and you have a son, that individual might not come here to the United States for 5 more years; let alone the hundreds of thousands of people who have been playing by the rules, who have signed up, their relatives signed up to be able to take their turn to come to the United States, to be reunified with their family—they are off the charts.

Now you have a new group. I am interested about that red pen going around those individuals. What about, do I care less about my son's wife than I do about my son? We will have an opportunity to talk. We are talking about real people, real people who are going to be affected, and real families. It is not just the ones who are under that roof. The nuclear family you talk about includes the brothers and the sisters and the fathers and the children of those families.

With all respect to my colleague, talking about chain migration, it is a problem, but it is not the problem that has been described here on the floor of the U.S. Senate.

If you look back at the GAO report on chain migration—and we address the issue of chain migration in the Abraham amendment. We are committed to addressing it when we have the legal immigration issues. But one other important fact that has been missing is that we here in the U.S. Senate passed one bill in 1986 and another one in 1990, one to deal with illegal, one to deal with legal. We had two separate commissions, under Father Hesburgh, one to deal with legal, one to deal with illegal, and that is the way we have proceeded.

The Jordan Commission had one report for legal and another for illegal. Interesting. Why? Because she understood, and the commission understood, that you should keep those issues separate. That is what we are doing here on the floor of the U.S. Senate.

Let us debate the issues on illegal and then debate the issues on legal. Barbara Jordan recommended it. Barbara Jordan suggested it. Barbara Jordan suggested we deal with the backlog of family members, but that has not been included in the amendment of the Senator from Wyoming.

On the issues of chain migration, which we address in our amendment and which we will continue to address, we have to put this in some proportion. Senator SIMPSON solves it, all right, but is hitting a tack with a sledgehammer. How much of a problem is this?

Here is the GAO: "64 percent of petitioners who were exempt-immediate-relative immigrants * * * were native-born United States citizens. Among the remaining 36 percent of petitioners who were once immigrants, the average time between their arrival and the arrival of their exempt-immediate-relatives was about 12 years." Twelve years. The way this was presented is they come in the morning and they bring everybody else in in the afternoon—12 years.

Let us look at how much of a problem this really is. "Only about 10 percent of former immigrant petitioners were admitted under the numerically restricted fifth preference category, brothers and sisters." Ten percent, total numbers, 12 years. We ought to address it. We did address it in our program. We will address it when we have the opportunity to deal with the legal immigration.

This amendment, as I mentioned, is basically about families. It is important that we not lose sight of that particular issue. What this amendment does to American families is exactly why we should separate legal and illegal. The key difference between the proposals of Senator SIMPSON and what Senator ABRAHAM and I propose in the committee is that Senator SIMPSON's amendment does not allow for fluctuation in family immigration.

We have heard about the changes that have taken place as a result of the 1986 act, where we provided a period of amnesty in order to clear up the problems with illegal that we had in this country at that time, and then we put in the employer sanctions provisions to try to start with a clean slate.

Now, what we have here in the United States as a result of that amnesty of 1986, we have some bump because of that one particular action. That will mean, over the next 5 years, some increase beyond what we expected and beyond what was testified to by Doris Meissner, although Doris Meissner did indicate, in September of last year, that there would be further naturalizations and was unable to detect exactly at that time what that increase might be. As a matter of fact, Barbara Jordan did not know what that increase would be. Barbara Jordan had the same figures that Senator ABRAHAM and I had, and others had, in terms of this. Those are the same thing.

She had a staff of experts that have complete access to all of these studies and figures, and she basically had the same kind of figures that all of us had when we were dealing with this issue in the Judiciary Committee. Now we have the blip that will come for the period of the next 5 years, and we will offer the amendments at the time we get to legal immigration. We do not have that opportunity now. I thought we were going to do just the illegal immigration, but now we have the legal immigration issues, in terms of family, that we are faced with.

So we have been operating in good faith. We are committed to act responsibly with a reduction that also respects the members and children of the families, in a very limited program, in terms of the reunification of brothers and sisters.

Mr. President, I want to point out a few other items. I see others are on the floor who want to address this issue. The effect of this program on families will be in 1997 a 33-percent reduction below the current law; in 1998, 28 percent; 23 percent in 1999; 18 in the year 2000; 12 percent in the year 2001.

It basically will say that adult children of American citizens will get no numbers for the next 5 years—of American citizens, adult children will get none.

Let me give you what this has meant in terms of some of those in my own State. This means someone who immigrates to the United States while his daughter is still studying abroad, marries an American, becomes a citizen in 3 years and then wants his daughter with him once she finishes college abroad, and he cannot bring her here.

That means the Bosnian refugee I met in Boston who left his adult children behind because of the conflict in Bosnia could not bring them here once he becomes a citizen. It says to brothers and sisters of citizens that you will effectively be zeroed out. It says, "Take a hike," to those Americans who paid money to the Government to get their brothers and sisters here and have been waiting patiently for years.

Under the Abraham-Kennedy proposal, we at least try to reduce part of the current backlog; not all of it, but part of it. For some Americans, a brother or sister is all they have. There is a Cambodian woman in Lowell, MA, who thought her entire family was wiped out by Pol Pot's terror. She then found out she had a sister who survived. That is her only family left, and she wants her sister with her in America, but this amendment says no brothers or sisters for the next 5 years.

The other evening, we adopted a proposal by Senator CONRAD for doctors to come to medically underserved areas. It was unanimously accepted here. Last week, we accepted 20 foreign doctors per State to go into underserved areas. This amendment says they cannot bring their children and they will not have their adult children here or brothers or sisters. They just cannot do it, and it ignores the big priority the Jordan commission gave to reducing the backlog of spouses and children of permanent residents.

Mr. President, I believe the final point I want to make is we have to look at what is happening in the House of Representatives. The House Judiciary Committee bill capped families at 330,000, and the conferees will be itching to make the cuts in this category. We are going to see significant reductions on whatever we do over here based upon what is happening over in the House. The U.S. Senate should not fall into that kind of a situation.

We are saying that we want your skills and ingenuity, but leave your brothers and sisters behind. We want your commitment to freedom and democracy, but not your mother. We want you to help rebuild our inner cities and cure our diseases, but we do not want your grandchildren to be at your knee. We want your family values but not your families.

Mr. President, this amendment should not be on this bill. We should have an opportunity to debate these issues when legal immigration comes up, and I hope the amendment will not be accepted.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I hope by the tenor of this debate this morning that further amendments are not being closed out. I would be very upset and very concerned if they are, coming from a State that handles 40 percent of the immigration load, whether it be illegal or legal, in the United States and 40 to 50 percent of the refugees and 40 to 50 percent of the asylees in the United States of America. It would seem to me that the voices of the two Senators from California and amendments that they might produce in this area are worthy of consideration by this body. If I judge the tenor of the debate, it will be to close out other amendments, and I very much hope and wish that that will not be the case.

In any event, I am going to take this time now to explain what I have in mind and to explain that I would like to send a compromise amendment to the desk. This compromise amendment is between the Kennedy proposal and the Simpson proposal.

The debate has been changed. I appreciate what the distinguished Senator from Massachusetts said, that this debate is not about legal immigration. But the fact of the matter is that we have received in committee incorrect numbers on legal immigration, and those numbers are so dramatically different from the fact of what is actually happening, we learned from the press, that it does, by its own weight, changes the debate.

When we hear in committee—and I serve on the Judiciary Committee and on the Immigration Subcommittee—that legal immigration numbers have been going down and will continue to go down—and that has been the testimony—and then yesterday I read press that says, "Immigration Numbers to Surge," and from one of the most distinguished journalists, Marcus Stern of the San Diego Union Tribune: "Border Surprise, Outcry Greets INS Projection of Soaring Legal Immigration," and when the Department's own numbers indicate that immigration in fiscal year 1995 was 1.1 million and in fiscal year 1996 will be very close to that 1 million mark, what we thought we were dealing with in the vicinity of 500,000 or 600,000 is clearly not the reality.

Now, reports are one thing, numbers are another. Numbers affect classroom size, they affect housing markets in States that have major impact from legal immigration. California is on a tier of its own in this regard.

So I am very hopeful that this body will not make it impossible for the Senators from California to put forward a compromise proposal. I am having copies of that proposal at this time placed on the desk of every Member of this House.

Essentially, what the proposal would do is control increases in total family numbers and control chain migration. We would allow reasonable limits in family immigration totals for the next 5 years by placing a hard cap at the current law total of 480,000, without completely closing out adult-children-of-citizen categories and providing for the clearance of backlogs without creating chain migration.

Every Member will shortly have a chart which will show the difference between the Feinstein proposal with the hard cap of 480,000 and the Simpson amendment with a hard cap of 480,000 and no backlog reduction.

Also distributed to you will be a chart which will show current law. We now know that although current law is 480,000, it is going to be close to 1 million. The Kennedy proposal of 450,000, which is in the bill, with increases in the immediate family with an anticipated additional increase of 150,000—the Kennedy proposal numbers will be close to 1 million. It will be a major increase in legal immigration, if one is to believe the figures that INS has just put out.

We will also distribute to each Member the new figures of the Immigration and Naturalization Service. Under current law, INS projected 1,100,000 family immigration last year; and what they say will be in fiscal year 1996, is 934,000, similar to the figures under the Kennedy proposal which is now in the bill.

I voted for the Kennedy proposal in committee. I did so with the assurance that the numbers were not going to be increased. The first time I knew that was not the case was when I saw a New York Times article saying that in fact these numbers swelled legal immigration totals. And then of course yesterday we saw that the numbers were off as given to us by INS by 41 percent.

Current law has increased the numbers, due to the naturalization of 2.5 million people whom are legalized under IRCA. The spouse and minor children of citizens is going to increase for the next 4 years, increasing an anticipated average of between 300,000 and 370,000 or more per year for the next 4 years. I would suspect that even these numbers are going to be higher.

Under current law the spouse and minor children of citizens are unlimited. The family total of 480,000 is a pierceable cap, which means the additional increases in this category due to IRCA legalization, pierces the cap and increases family immigration numbers over the 964,000 in fiscal year 1996.

So that number, even the projected numbers, are going to be low. Also under current law, another source of increase in family numbers is the spillover from unused visas in the employment base category. In fiscal year 1995, 140,000 visas were available and only 85,000 were used. This means 55,000 spilled over to the family category.

What my compromise amendment does, what the Feinstein amendment would do, is stop the pierceable cap, place a hard cap on the 480,000 that are theoretically allowable today. That is the current law, but without the anticipated increases, because the hard cap would stop that. It would also stop the spillover from the unused employment visas, the loophole in the current system that no one talks about.

Fairness, I believe, dictates that we do not close out the preference categories. Let me tell you why. I think Senator ABRAHAM and others, Senator FEINGOLD, understands this. Under our present system, if you close out the family preferences, there is no other way for these members of families to come to this country—no other way—not in the diversity quotas, no other way. So if you close them out, you foreclose their chances of ever coming to this country. And they are on a long waiting list now. So I think the fair way to do it is to place a hard cap on the numbers and then allocate numbers within each of the preference categories.

So I do that. I do not close out the preference categories. I would have parents and adult children guaranteed to receive visas every year, remaining consistent with the goal of family reunification.

I would allocate visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category. However, they must always remain within that 480,000 hard cap.

I would allow the backlog clearance of spouses, minor children of permanent residents by allowing 75 percent, with any visas left over within the family total to be allocated to this category's backlog clearance.

I would also control chain migration, where one person ends up bringing in 45 or 40 other people, often not blood relatives. Commissioner Doris Meissner has told me that what permits chain migration is the siblings of the citizen category. I would place a moratorium for the next 5 years on this category. However, if there are any visas left over within the hard cap of 480,000 our family amendment allows 25 percent of the leftover to be used for backlog clearance of siblings, those who have been waiting for many years.

The problem with the Simpson amendment is that in its operation it would provide no visas for adult children of citizens. It would provide no guarantee of visas for children of citizens. All the numbers left over from Simpson's hard cap family numbers go to spouses and minor children of permanent residents, where the 1.1 million backlog remains. This means no one else who has been waiting to reunite with their children will be able to do so in the next 5 years.

The Simpson amendment provides no backlog reduction plan. The amendment is a simple, straight spillover, giving preference to permanent residents over U.S. citizens' families.

The problem with the Abraham-Kennedy provision, which is currently in the bill, is that there is no cap on the numbers. With an anticipated 2.5 million IRCA legalized aliens expected to naturalize in the next 5 years, the unlimited family numbers would result in a family immigration total of 1 million a year.

Recognize, 500,000 of these people are going to go to California a year. We do not have enough room in our schools. We have elementary schools with 2,500, 3,000 students in them, in critical areas where these legal immigrants go. There is no available housing. There is a shortage of jobs. So why would we do this, if the numbers are swollen 41 percent over what we were told when we considered this bill in committee?

The Kennedy-Abraham amendment also has a spillover provision from unused employment-based immigration visas. The current limit is 140,000. The actual use in 1995 was only 85,000, which means in addition to the increasing numbers in family immigration, there would be an additional 55,000 visas totaling up to 1 million in family immigration in 1996.

Third, the Kennedy-Abraham amendment increase chain migration by guaranteeing 50,000 visas for siblings of citizens in the next 5 years, which increases to 75,000 per year for the subsequent 5 years. INS Commissioner Doris Meissner has confirmed that the chain migration comes from the siblings category. Under Kennedy-Abraham, the bill would allocate 50,000 to 75,000 for siblings, more numbers in certain years than current law which allows 65,000 per year.

I believe that the Feinstein amendment is a reasoned balance between Simpson and the Abraham-Kennedy provision. It places a hard cap on the current level of 480,000 family total per year. It closes the loophole where the unused employment-based visas spills over to the family immigration numbers.

Third, it guarantees that close family members of citizens get visas each year with flexible limits, allowing increases in allocation of visas with decreases in the immediate family categories, which INS anticipates will flatten out in about 5 years.

The Feinstein amendment is about fair allocation of scarce visa numbers to protect reunification of close family members of citizens, while controlling the daunting increases in family immigration due to the increase in naturalization rates for the next 5 years.

Every member, Mr. President, has three pages. The first page would have current law, Feinstein and Kennedy; the second page, Feinstein and Simpson in the numbers in each of the categories. I can only plead with the chairman of the Immigration Subcommittee to please give me an opportunity to send this amendment to the desk so that the Senators, at least of the largest State in the Union affected the most by immigration, would have an opportunity to vote on it.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I begin by clarifying a point here. I believe we are on the Simpson amendment here to the illegal immigration bill. References made by the Senator from California to the Abraham-Kennedy amendments being in this bill are not accurate. There is no provision related to the Abraham-Kennedy amendment in this bill because this is the illegal immigration bill we are dealing with.

The legal immigration bill, which we also passed in the Judiciary Committee, is at the desk and can be brought to the floor of the Senate. I believe and hope it will be brought to the floor of the Senate for discussions of the matters that pertain to legal immigration, including debate over how the allocation of visas ought to be made.

I am going to speak right now about the amendment that is pending, the effort by the Senator from Wyoming, the Simpson amendment, to inject legal immigration issues into this illegal immigration bill.

Mr. President, I have only been involved with this issue during my brief tenure in the Senate. I am very deferential to the Senator from Wyoming, who has worked on this issue for 17 years. I applaud his efforts. My efforts, which have been with a slightly different philosophical approach, are not meant to in any way suggest that what he has done has not been based upon sound thinking on his part.

However, I say from the outset, he indicated there were a lot of funny things that came up during immigration, a lot of intriguing twists and turns. I agree with him completely. The one thing that I learned more than anything else during our experience in the committee was the very real need to keep illegal and legal immigration issues separate rather than joining them together.

I also learned it was imperative that in discussing whether it was the illegal immigration issues or the legal immigration issues, they be done in a total and comprehensive way. Indeed, our committee deliberations on this lasted almost a full month, Mr. President.

That is why I think it is important that we continue the pattern which was set in that committee of dealing with illegal immigration issues in one context, the bill before us, and reserving the legal immigration issues, issues of how many visas are going to be provided, how those visas will be allocated, and so on, the legal immigration bill, which is also at the desk. It is wrong to mix these two.

As a very threshold matter in this whole debate about immigration, Senators should understand the very real differences between the two. Illegal immigration reform legislation, the legislation before the Senate right now, aims to crack down on people who break the rules, people who violate the laws, people who seek to come to this country without having proper documentation to take advantage of the benefits of America, people who overstay their visas once they have come here, in order to take advantage of this country. That is what this bill is all about. It does an extraordinarily good job of dealing with the problems surrounding illegal immigration. It is a testament, in no small measure, of the Senator from Wyoming's long-time efforts that such a fine bill has been crafted.

But there is a very big difference between dealing with folks who break the rules and break the laws and seek to come to this country for exploitative reasons, and dealing with people who want to come to this country in a positive and constructive way to make a contribution, to play by the rules, and, frankly, Mr. President, to make a great, great addition to our American family. It is wrong to mix these.

It would be equally wrong to mix Food and Drug Administration reform with a crackdown on sentencing for drug dealers. Yes, they both involve drugs, but one deals on the one hand with people breaking the law and using drugs the wrong way, and the other deals with a reasonable approach to bringing life-saving medicines and pharmaceuticals into the marketplace. Those should not be joined together and neither should these. Anybody who watched the process, whether in our Judiciary Committee here or over on the House side, I think would understand that these issues have to be kept separate.

Let me say in a little bit more detail, let us consider what happened. In the Judiciary Committee, on the committee side, we had a vote. It was a long-debated vote over whether or not legal and illegal immigration should be kept together. The conclusion was very clear: a majority of Republicans and a majority of Democrats in the Judiciary Committee voted to divide the issues and to keep the legal immigration debate and issues separate from the illegal immigration issues. That, I believe, is what we should also do on the floor of the Senate.

It was not just at the full committee that that was the approach taken, Mr. President. It was also how the Immigration Subcommittee itself addressed these issues. It did not start with one bill on legal and illegal immigration. It recognized the very delicate and very complicated nature of each of these separate areas of the law. First it passed a bill on illegal immigration, and then it passed a bill on legal immigration. Only then did it seek to combine the two, which the Judiciary Committee felt was a mistake, and separated the two later on.

On the House side, Mr. President, we had the same thing take place. On the floor of the House of Representatives, a bill that included legal and illegal immigration reforms was tested. Overwhelmingly, the House of Representatives voted to strike those provisions such as the one or similar to the ones contained in the Simpson amendment which is before the Senate, provisions which dealt with legal immigration and dramatic changes to the process by which people who want to play by the rules come to this country and do so legally.

In the Senate Judiciary Committee, we have kept legal and illegal immigration separate. In the House of Representatives, they have kept them separate. The bill, which is sitting in the House side waiting to go to conference with us, does not have these legal immigration components that will be discussed today.

For those reasons, Mr. President, as a threshold matter, I think that the amendment that is being offered should not be accepted. I believe that it improperly puts together two very different areas of the law that should be kept and dealt with and considered separately, and I think we should not move in that direction.

I make a couple of other opening statements. I know there are other colleagues who want to speak, and I will have quite a bit to say on this and intend to be here quite a long time to say it. Even if there was a decision to somehow merge these together, Mr. President, I think the worst conceivable way to do it is to do it piecemeal as we are now talking about doing in this amendment.

If we were to consider these together, the notion of taking just one component—and a very significant one at that—out of the legal immigration bill and to try to tack it on to the illegal immigration bill before us, would be the worst conceivable way to address the issues that pertain to legal immigration in this country and the orderly process by which people who want to come and play by the rules are allowed into our system.

It is wrong, I think, as a threshold matter, to mix the two. It is even wronger to take a piecemeal approach to it as would be suggested by this amendment.

Mr. President, I say it would be wrong for this body to pursue this type of amendment offered by the Senator from Wyoming.

I also make another note. The Senator from Wyoming in his comments, as a threshold matter, suggested because visa overstayers constitute a large part of the illegal immigrant population in this country and because they at one time came to this country legally, we should somehow bring in the entire legal immigration proposal, misses the point.

With this legislation, once these folks have overstayed their visas, they are no longer legal immigrants. They are illegal immigrants. We have dealt with that effectively in the bill.

So, Mr. President, my initial comments today are simply these. As a threshold, it is wrong to mix the two. As a threshold, it is even wronger to mix them on a piecemeal basis. If we are going to consider legal immigration, the appropriate way to do so is to bring the full bill that was passed by the Judiciary Committee, which sits at the desk, to the floor of the Senate. I have no qualms about having a debate over that bill. I have a lot of different changes that I might like to consider, including some in light of the INS statistics that are being discussed. But that is the way to do it, not by tacking on this type of provision to a bill that should focus, in a very directed way, on illegal immigration and the problems we confront in that respect in this country today.

Mr. President, I know others are seeking recognition. I have quite a bit more to say, but I will yield the floor and seek recognition further.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I yield to my colleague from California temporarily. She wishes to introduce an amendment that will be held at the desk.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the pending amendment be set aside so that I might send a substitute amendment to the desk on behalf of Senator BOXER and myself.

The PRESIDING OFFICER. Is there objection?

Mr. ABRAHAM. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I, with all due respect, differ with my colleague from Wyoming on this. Were I to vote on the Feinstein amendment regarding this, I would vote against that, also. I think our colleague from Michigan is correct that we have to keep legal and illegal separate.

Now, it is true, as Senator SIMPSON has said, that the majority of people who are here illegally came in legally. But we have to add that this amendment will do nothing on that. These are people who came in on visitors' visas, or student visas. This amendment does not address that.

A second thing has to be added that somehow has escaped so far this morning, and that is, the majority of the people who come in as immigrants to our society are great assets to our society. Illinois is one of the States that has major numbers in immigration. But a smaller percentage of those who come into our country legally are on various Government programs, such as welfare, than native-born Americans, with the exception of SSI. That is an exception. And there are some problems we ought to deal with. There are problems we ought to deal with in illegal immigration. But not on this particular bill.

Let me also address the question of the numbers. There is some conflict, apparently, in the numbers that are going around. I think, in part, it is because the Immigration Service—and I have found them to be very solid in what they have to say—are projecting what is going to happen. And there is a bubble because we have this amnesty period. And so there is going to be a period in which the numbers go up, and then they will go back down. I do not think it is a thing to fear.

And then, finally, Mr. President, yesterday on this floor, I heard that we are going to be facing real problems in Social Security. We all know that to be the case. The numbers who are working are declining relative to the numbers of retirees, in good part, because of people in the profession of the occupant of the chair, Mr. President, who have added to our longevity. One of the things that happens in the fourth preference, where you bring in brothers and sisters, is that you bring in people who will work and pay Social Security. It is a great asset to our country, not a liability.

So I have great respect for our colleague from Wyoming. I think he is one of the best Members of this body, by any gauge. But I think he is wrong on this amendment. I think we should separate these two insofar as possible, the illegal and the legal immigration.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise in very strong opposition to the Simpson amendment. I thank the Senator from Michigan for his leadership on it.

First of all, I think that this amendment is an unfortunate attempt to circumvent the will of the majority of this Congress, which has clearly indicated its strong desire to keep the issue of legal immigration separate from the issue of illegal immigration.

The other body has already sent a very strong message on a strong, bipartisan vote not to have any cutbacks, Mr. President, in current legal immigration levels.

Just a few weeks ago, after a very, very long process, the Senate Judiciary Committee, again on a very strong, bipartisan vote, voted by a large margin to keep these two areas of law separate—legal and illegal immigration.

Groups and organizations from across the political spectrum have united behind the common goal of keeping legal immigration separate from the issue of illegal immigration.

This includes a lot of business groups, such as the National Association of Manufacturers; labor groups, such as the AFL–CIO; religious groups, such as the American Jewish Committee and the Lutheran Immigration and Refugee Service, and liberal and conservative groups ranging from Americans for Tax Reform to the National Council of La Raza.

They are all opposed to this attempt to rejoin the issues of legal and illegal immigration. That is why, Mr. President, with this immense amount of support for considering legal immigration reform as a separate piece of legislation, I am disappointed that the Senator from Wyoming has chosen to offer this amendment today.

Just to review, the Senate Judiciary Committee voted by a 12-to-6 margin to split the two issues. Nonetheless, that vote did not prevent the committee, nor will it prevent the whole Senate from considering both issues. Indeed, after the committee had dealt with, at length, the illegal immigration bill and disposed of it, the committee very shortly moved on to discuss and consider and vote out a separate bill on legal immigration.

Mr. President, I am also somewhat troubled by what has been suggested both privately and publicly, that cutbacks in legal immigration cannot pass unless they are riding the coattails of strong illegal immigration reform. I think that is a very troubling notion.

If there are not enough votes in this Congress to pass a bill that reduces legal immigration, it should not be piggybacked onto a separate piece of legislation that has far more support.

If a particular proposal cannot pass based on its merit, what other possible justification could there be for its passage?

We have heard the argument that the issues of legal and illegal immigration are intertwined because so many immigrants come here on temporary visas and remain here unlawfully after their visas have expired. Fair enough. This is known as the visa overstay problem. But before the Abraham-Feingold visa overstay provision was adopted by the Judiciary Committee last month, there was not a single word in this bill about that issue, about the significant number of people who are here illegally because they overstay their visas.

Let me emphasize that point, Mr. President. It is important for all Senators to understand that the visa overstay problem represents roughly one-half of our entire illegal immigration problem. We are not talking here about people who jump the fence along the Mexican border in the dead of the night and disappear into the American work force. We are talking about people who come here on a legal visa, usually a tourist or a student visa, and then refuse to leave the country when the visa expires.

That problem alone represents one-half of illegal immigration. The Senator from Wyoming is suggesting that the only way to combat that problem is to tie reductions in legal immigration to an illegal immigration bill.

Mr. President, that theory has already been discredited. The new visa overstayer penalties, authored by the Senator from Michigan and myself, are not contained in the legal immigration bill.

They are contained quite appropriately in this bill. They are in the illegal immigration bill and that is where they belong because the issue of visa overstay has to do with illegality. But this amendment offered by the Senator from Wyoming has nothing to do with illegality. It has to do with questions of levels of legal immigration and who should come in and when. But what was offered in committee—and what is a part of this bill—are targeted penalties and reforms against those legal immigrants who break the rules and, therefore, have conducted themselves illegally. It does not represent the approach of the Senator from Wyoming which is to clamp down on all of these immigrants whether they are playing by the rules or whether they are breaking them.

So the proposition that we need to tie the legal provisions to the illegal provisions so we can clamp down on the visa overstayer problem is just plain false. We have clamped down in visa overstayers, who are illegal aliens, in the illegal immigration bill.

As I indicated yesterday in my opening remarks, there has unquestionably been some abuse of our legal immigration system.

I will not, of course, deny that. But much like you wouldn't stop driving your car if you had a little engine trouble, we should not pass such harsh and unnecessary reductions in lawful immigration simply because a few have chosen to abuse the system.

Mr. President, let me be clear about my position on this issue; I will oppose any amendment that prevents a U.S. citizen from bringing a parent into this country.

I will oppose efforts to eliminate the current-law preference category that allows a U.S. citizen to reunite with a brother or sister.

And, I will oppose any proposal that would effectively prohibit a U.S. citizen from bringing their child into this country, whether a minor or an adult child.

And that is essentially what the proposal before us, offered by the Senator from Wyoming, would accomplish. It would redefine what a nuclear family is.

Supporters of this amendment assert that in terms of allocating legal visas, we should place the highest priority on spouses and minor children, both of U.S. citizens and of legal permanent residents.

I agree with this, Mr. President. And we can accomplish that goal and still permit sufficient levels of legal immigration of other family relatives. That is why a bipartisan amendment was adopted by the Judiciary Committee to place a stronger emphasis on the immigration of spouses and minor children while still providing visas to parents, adult children, and brothers and sisters.

That is what is currently in the bill. Unfortunately, the amendment before us would essentially terminate the ability of a U.S. citizen to bring these other family members into the country.

Parents would no longer be part of the nuclear family. Children, if they have reached the magic age of 21, would no longer apparently be children in the sense of being part of the nuclear family for purposes of the very strong desire of families to be reunited. The goal of wanting to be reunited with your children I do not think cuts off when the child reaches the age of 21.

Mr. President, in a sense that raises the question, What happened to family values? This proposal would turn the family friendly Congress into what in many cases would be a family fragmenting Congress.

So I think it is clear that we have two very distinct issues at play. We should not deal with this issue in a manner that suggests that those who abide by our laws are as much a problem as those who break them. I think that is an injustice to the millions and millions of immigrants who over the years have come to this country, and who have played by the rules and have become productive and contributing members to our society.

Mr. President, I join with the Senator from Michigan, the Senator from

Ohio, and others in urging my colleagues to join the majority of the House, to join a majority of the Senate Judiciary Committee, to join numerous business, labor, religious, and ethnic organizations, and to join the overwhelming majority of the American people who do not want to see such dramatic legal immigration cutbacks tacked on to a piece of legislation that seeks to punish those who break our laws.

Mr. President, I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I rise to oppose the amendment.

The first thing that I want to say is that I have the greatest respect for my colleague from Wyoming, and I know that no one has worked harder or longer on this issue. As he knows as well as anybody, it is not an issue that is very beneficial politically for anyone. But it has been something that the Senator has done out of a sense of duty, a sense of obligation to perform that function for the U.S. Senate, but more importantly for the people of this country for many, many years. He has done a very good job.

I rise, however, to oppose the amendment, and I rise to oppose it for two reasons.

First, I believe it is a fundamental mistake to mix the issue of legal immigration and illegal immigration. I will explain in a moment why I think that is a mistake.

Second, I rise to oppose the amendment because I believe on substance it is a mistake.

Let me start with the first reason. Let me start with why I believe it is a mistake to mix two very different issues.

As my colleague from Michigan has pointed out, this is an illegal immigration bill. That is what is in front of us today. It is important I think that we keep it that way. It is also important I think that we do what we said we were going to do, and that is after this bill is over with bring a legal immigration bill to the floor and battle that out and talk about that. But I think we need to keep the two separate.

Why? First of all, for historic reasons. These issues have always been divided by this Congress. Go back to 1986. The Simpson-Mazzoli bill was an illegal immigration bill. A few years later Congress dealt with the legal aspects of that, a legal immigration bill. And in fact, just this year when these bills started off in Senator SIMPSON's subcommittee they were separate bills. It was only at the end of the subcommittee's deliberations that they were combined. The full Judiciary Committee by a vote of 12 to 6 decided to separate them and to go back to the way this matter has always, or at least for the last 15 years or so, been dealt with.

So on historical grounds it is very clear this precedent is to keep them separate. There is absolutely no precedent to combine the two issues. It is interesting that the House of Representatives basically made the same decision when they deleted the significant portion, the portion of the illegal bill that had to do with illegal immigration, and they made that same decision. The House of Representatives did, and they did it by a fairly lopsided margin.

The second reason that it is important to keep these issues apart is I believe that a yes vote on this amendment does in fact merge the two issues and does in fact make it much more difficult and more unlikely that we will be able in this session of Congress to deliver to the President of the United States for his signature an illegal immigration bill.

If any of my colleagues who are in the Chamber or who are watching this back in their offices have any doubt about this, reflect on the debate of the last 2 hours and fast forward to later on today with more and more and more debate. I think the longer you observe this and how contentious some of these legal immigration problems are and the disputes are, it will be clearly understood that by taking a relatively clean illegal immigration bill and dump the legal issues into it makes it less likely that we will ever been able to pass a bill and send it on to the President of the United States.

I think there are clearly votes in this Chamber to pass a good illegal immigration bill. I am going to have an amendment later on to change a provision of the illegal bill. My colleague from Michigan is going to have a separate amendment to change it. We are going to vote those up or down. We are going to argue those out. But ultimately we are going to be able to pass the illegal bill.

If we start down this road of amendments that are clearly dealing with the legal aspect of this, I am not as confident that we are going to be able to pass a bill. I am not as confident that we are going to be able to do what my friend from Wyoming wants to do, and I think the vast majority of the American people want to do; that is, to pass a good illegal immigration bill and send it to the President of the United States.

The third reason I believe it is a mistake to combine these issues, these issues that we have historically not combined, is that once you begin to do that, it makes good analysis more difficult and we begin to confuse the two very distinct issues.

We have in this country an illegal immigration problem, and we all agree on that. I think there is pretty broad consensus about what to do about it. There are a lot of good provisions in this bill. I do not believe we have a legal immigration problem. Illegal immigrants are lawbreakers. They are lawbreakers. And no country can exist unless it enforces its laws. We absolutely have to do that.

Legal immigrants, on the other hand, are by and large great citizens. They are people who care about their families. They are people who work hard. They are people who played by the rules to get here, got here legally, and add a great deal to our society.

The linkage of the legal and illegal bills, which is what this amendment really is going to end up doing, brings about a linkage and I think many times a distortion of the correct analysis. Let me give two examples, two examples of what failure to keep the distinction between the illegal issue and the legal issue does.

I have heard many times the statement made that aliens use social services more than native-born Americans. They are on welfare more; they use up social services; they are a burden to society.

The reality is that statement may be technically true, depending on how you state it, but if you talk only about legal immigrants, that statement is totally wrong. In fact, the facts fly in the face of that because the facts show that legal immigrants are on welfare less than native-born citizens. Although I have not seen any studies or empirical data about this, just from observation—admittedly, it is anecdotal—it would seem to me that the legal immigrants, citizens now, care very much about their families and have intact families and work very, very hard. The fact is that they are on welfare less. The fact is that they do consume social services less than native-born citizens. That is the truth. So you can see how the mixing of the rhetoric and the mixing of the issues causes problems.

The second example of how mixing these issues causes a problem: The statement is made—and it is a correct statement—that one-half of all illegal immigrants came here legally. Let me repeat that. One-half of all illegal immigrants came here legally. That is true. That is a true statement. But these are not legal immigrants. "Immigrant" is a term of art. They are not legal immigrants. They did not come here expecting or being told that they could become citizens. These are, as my friend from Wyoming pointed out, students who overstay their visas. These are people who come here to work who overstay. As my colleague from Wisconsin correctly pointed out, the Simpson amendment does not deal with this issue. It does not deal with this problem. And it is a problem.

The bill does. We took action in the bill and in committee to try to rectify this problem. Again, you have a difficulty when you confuse the terminology. Yes, these individuals came here legally, but they were never legal immigrants. They never came here with the expectation they would become citizens. They have no right to expect that. So when we analyze legal immigrants and we talk about the burden they place on society, we talk about where the problem of illegal immigration comes from, it is important to keep the distinction correct and to watch our terminology.

Therefore, I believe for practical reasons, for historic reasons, and also for reasons of good analysis, we should vote no on this amendment. A yes vote links these two issues. It takes an illegal immigration bill that we can pass and shoves into it issues that should be kept separate and dealt with distinctly, and I would say I clearly believe that they should be dealt with later on on this floor in a separate bill.

Let me turn, if I could, for a moment, Mr. President, to the merits of this bill, and I am going to return to this later; I see several of my colleagues who are patiently waiting to talk.

If you look at the merits, I think you have to look at the big picture. I believe that, unfortunately, the effect of the Simpson amendment is to go against some of the best traditions of our country. It really flies in the face of what our immigration policy should be and has been, at least has been throughout a great portion of our history. That immigration policy in its best days, most enlightened, has been based on two principles. One is that the United States should be a magnet, a magnet for the best and the brightest, yes, but also a magnet for the gutsiest, the people who have enough guts to get up, leave their country, get on a boat or get on a plane or somehow get here, come into this country because they want a better future for their children and their grandchildren and their great grandchildren.

The second basic tenet of our immigration policy at its best has been family reunification. We talk in this Congress a lot about family values. We talk about how important families are. They are important. Our immigration policy at its best has put a premium on family reunification. I believe that the net effect of this amendment, however well-intentioned, is to fly directly in the face of those traditions. It is antifamily. It is antifamily reunification and goes against the tradition of trying to attract the best people in this country, people who are the most ambitious, the people who are willing to take a chance.

Let me just give a couple of examples, and I will come back to this later.

The net effect of this amendment is to exclude adult children. Let me take my own example. We all relate things to our own lives. My wife Fran and I have had eight children. Let us assume that I just came to this country. Let us assume that I became a U.S. citizen. The effect of the amendment would be to say, some of your children, a part of your nuclear family—part of them are part of your nuclear family—our younger child, Anna, who is age 4, she could come. Mark, who is 9, could come. And Alice could come; she is 17. Brian, who just turned 19, he could come, too. But John, who is 21, he is not part of your nuclear family. You could not bring him over. He is going to college. You could not bring him. He could not become a citizen. It would say about my older children, Patrick and Jill, they could not come. I think that is a mistake. I think, again, it goes against the best traditions and the history of this country.

The amendment even goes further, the net effect of it does. It says, if you have a child and that child happens to be a minor, but if that child is now married, that child is not going to get in either. Again, I think that is a mistake. We hear talk about brothers and sisters. It is easy to say it is really not important that brothers and sisters come. My colleague from Massachusetts, Senator KENNEDY, has given a couple of examples of what impact that would have. Maybe you can argue the brothers and sisters issue either way. Let me make a couple of comments about it. One of the ways legal immigrants have been able to succeed when they come here—you see it, you certainly see it in the Washington, DC, area. You see it in other parts of the country, too. You see, in small businesses that have been started, you see whole families in there working, people who are hustling, people who are not looking to the State or Government for handouts, but rather people in there trying to make it. They are making it because everybody in the family is working. Somehow, I do not think that is bad. Somehow, I think that is really in the best tradition of this country. It is in our history, each one of us on this floor.

I will make another point in regard to this. Whatever you think about whether brothers and sisters should be able to come in, this amendment would close the door to brothers and sisters of U.S. citizens who have already—these are brothers and sisters of U.S. citizens—who have already paid their fees, applied for admission and been admitted; who waited in line, many times for years, who have done the right thing, who have done everything we told them to do—"Be patient, wait in line, your turn will come." They get right up to the door and with this amendment we will say, "No, that is wrong, we have changed the rules." We can do that. We have every right to do that. I just do not think we should do it. I do not think it is the right thing to do.

Let me at this point yield the floor. I do want to address some of the issues my friend from Wyoming has brought up, but I see my friend from Alabama is on the floor. Several other Members are waiting. Mr. President, in just a moment I am going to yield the floor.

Let me briefly summarize by saying that any Member who thinks these issues should not be joined, who thinks we should keep the issues separate and apart and distinct, any Member who is really concerned about increasing the odds of passing and seeing become law an illegal immigration bill, should vote "no" on this amendment. You should vote "no" if you want to keep the issues separate. You should vote "no" if you want to increase the odds of finally getting an illegal immigration bill on the President's desk and signed into law this year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to support the Simpson amendment which, I believe, is a first step in restoring common sense to our Nation's immigration system.

I ask unanimous consent I be added as a cosponsor of the Simpson amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SHELBY. Mr. President, there has been substantial debate recently regarding the connection between legal and illegal immigration. Those who favor increased legal immigration have argued there is no link between legal and illegal immigration. In their view, these matters are completely unrelated and should be treated separately, as you just heard.

I disagree. It is simply impossible, I believe, to control illegal immigration without first reforming our legal immigration system. One-half of all illegal immigrants enter the country legally and overstay their visa. No amount of effort at the border will stop this. The only way, I believe, to effectively prevent illegal immigration is to reform our legal immigration system. Thus, I believe there is a clear link between legal and illegal immigration. I support Senator SIMPSON's proposals to reform the legal immigration system, but I am concerned that even his efforts to reduce legal immigration do not go far enough.

With all the misinformation and misunderstanding surrounding this issue, it does not seem possible for this body to pass legislation which will, in my view, bring the number of legal immigrants into line with our national interests. The central question, as I see it, is not whether we should continue legal immigration; we should. The problem is not that legal immigrants or legal immigration are bad per se—they are not. We are a Nation of immigrants, and immigrants have made great contributions to our country, as you have heard on the floor. Immigration is an integral part of our heritage, and I believe it should continue. The real issues that Congress must face, however, are what level of legal immigration is most consistent with our resources and our needs. Yes, and what criteria should be used to determine those who will be admitted. I am convinced that our current immigration law is fundamentally flawed and I want to share with you some charts to illustrate this point.

First, the law has long been allowing the admission of excessive numbers of legal immigrants. Let me show you this chart. This chart here shows that the average number of immigrants in this country admitted per year has climbed to about 900,000. You can look at the chart. From the 1930's to the 1990's, it is just in an upward spiral.

Additional legal immigration levels averaged about 300,000 per year until the 1965 Immigration Act. As this chart indicates, this is the bulk of immigrants in our country. Three-fourths of the immigrants are legal immigrants. This is three times our level of illegal immigration. There is no other country in the world that has a regular immigration system which admits so many people. Current law fails to consider if such a massive influx of foreign citizens is needed in this country. It also fails to recognize the burden placed on taxpayers for the immigrants' added costs for public services.

Excessive numbers of legal immigrants put a crippling strain on the American education system. Non-English speaking immigrants cost taxpayers 50 percent more in educational cost per child. Schools in high immigration communities are twice as crowded as those in low immigration areas, as this next chart indicates.

Immigrants also put a strain on our criminal justice system. Foreign-born felons make up 25 percent of our Federal prison inmates—25 percent, much higher than their real numbers.

Immigrants are 47 percent more likely to receive welfare than native-born citizens. In 1990, the American taxpayers spent $16 billion more in welfare payments to immigrants than the immigrants paid back in taxes. At a time when we have severe budget shortfalls at all levels of government, our Federal immigration law continues to allow aliens to consume the limited public assistance that our citizens need. Moreover, high levels of immigration cost Americans their jobs at a time when we have millions of unemployed and underemployed citizens, and millions more who will be needing jobs as they are weaned off of welfare. It is those competing for lower skilled jobs who are particularly hurt in this country. Most new legal immigrants are unskilled or low skilled, and they clearly take jobs native citizens otherwise would get.

Second, criteria to select who should be admitted does not incorporate, I believe, our country's best interests. As the next chart shows, who are the legal immigrants? Employment based is only 15 percent. Immediate relatives, 31 percent; other relatives, 27 percent; 4 percent is relatives of people who were given amnesty under other legislation. The others are refugees and asylees, 15 percent. The diversity lottery, 5 percent.

But look at it again: Immediate relatives, 31 percent; other relatives, 27 percent. Relatives predominate the immigration.

The 1965 Immigration Act provisions allow immigrants to bring in not only their immediate family, Mr. President, such as their spouse and minor children, but also their extended family members, such as their married brothers and sisters who then can bring in their own extended family. The brother's wife can sponsor her own brothers and sisters, and so forth. This has resulted in the so-called chain migration we have been talking about, whereby essentially endless and ever-expanding chains or webs of distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60, or more people. I believe this is wrong, and it must be stopped.

Immigrants should be allowed to bring in their nuclear family—that is, their spouse and minor children—but not, Mr. President, an extended chain of distant relatives.

Some opponents of reforming legal immigration who are fighting desperately to continue the status quo will say that only a radical or even reactionary people favor major changes in the immigration area. However, bringing our legal immigration system back under control and making it more in accord with our national interest is far from adequate, I submit.

Let me remind my colleagues that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, recommended fundamental reforms in the current legal immigration system, and the overwhelming majority of the American people want changes in our legal immigration system. I certainly would not consider mainstream America radical or reactionary.

The next chart shows that the results of a recently released national Roper Poll on immigration are dramatic:

More than 83 percent of Americans favor lower immigration levels: 70 percent favor keeping immigration levels below 300,000 per year; 54 percent want immigration cut below 100,000 per year; 20 percent favor having no immigration at all;

Only 2 percent—only 2 percent, Mr. President—favor keeping immigration at the current levels.

I believe we should and I believe we must listen to the American people on this vital issue. If we care what most people think, and we should, and if we care about what is best for our country, I believe we will reduce legal immigration substantially by ending chain migration and giving much greater weight to immigrants' job skills and our own employment needs.

Mr. President, I support the Simpson amendment, which I am cosponsoring, to begin reducing legal immigration.

ONLY INITIAL STEP

I emphasize "begin" because the amendment is but a first step toward the fundamental reform and major reductions in legal immigration that we need. I would like us to do much more now. Congress should pass comprehensive legal immigration reform legislation this year instead of adopting only a modest temporary reduction. Even as an interim step, I would prefer tougher legislation, like S. 160, a bill that I proposed earlier. That bill would give us a 5-year timeout for immigrants to assimilate while cutting yearly legal immigration down to around 325,000, which was roughly our historical average until the 1965 Immigration Act got us off track.

Nevertheless, I am a realist and have served in this body long enough to know that the needed deeper cuts and broader reforms cannot be adopted before the next Congress. This is a Presidential election year and the time available in our crowded legislative schedule is quite limited. Most attention has been focused until recently on the problems associated with illegal immigration, and many Members have not yet been able to study legal immigration in the depth that is needed to make truly informed and wise decisions. The House has already voted to defer action on legal immigration reforms. Moreover, the separate legal immigration bill recently reported by the Senate Judiciary Committee is controversial and fails to provide a proper framework for real reform. The committee's bill disregards most of the widely acclaimed recommendations of the bipartisan U.S. Commission on Immigration Reform made under the able leadership of the late former Congresswoman Barbara Jordan.

Let me take a moment to comment on the history of the committee's legal immigration bill, S. 1665, because it is relevant to this discussion. Originally, Senator SIMPSON, chairman of the Immigration Subcommittee, took many of the key recommendations of the Jordan Commission, which spent 5 years studying every aspect of U.S. immigration policy, and turned them into S. 1394, the Immigration Reform Act of 1996. The bill, as Senator SIMPSON drafted it, set out many very sensible reforms—reforms proposed by the Commission and which the American people overwhelmingly support. It would have instituted a phased reduction in legal immigration, ended extended family chain migration and placed greater emphasis on selecting immigrants based on their job skills and education while taking our labor market needs more into account.

Unfortunately, the legal immigration bill that has been reported to us is radically different than the original Simpson legislation and the Jordan Commission's recommendations. The American people want fundamental immigration reform, and yet the committee's bill gives us the same old failed policies of the past 30 years, albeit in a different package. Mr. President, supporters of that bill ought to be thankful that truth in advertising laws do not apply because what they are selling to the American people as immigration reform is anything but. That bill not only fails to make such much needed recommended systemic reforms, it actually increases legal immigration levels.

Given these circumstances, it is clear that major cuts and comprehensive legal immigration reform will have to wait until the next Congress. Nevertheless, I believe that it is important to begin the debate and to begin making at least some reductions in the numbers of legal immigrants. This amendment's modest temporary reductions in legal immigration appear to be about all that might be done this year. Therefore, I am supporting this amendment.

REFORM IN 105TH CONGRESS

I want to make it clear, however, that in the next Congress I will fight very hard to ensure the enactment of the fundamental reforms needed to restore common sense to our immigration system and to best serve our national interests. I intend to push for legislation incorporating many of the changes recommended by the Jordan Commission and other immigration experts.

I believe that while we must allow immigration by immediate nuclear family members of citizens and legal permanent residents, we must significantly reduce legal admission levels by eliminating many preference categories, especially those for extended relatives, as proposed by the Commission. Most of our legal immigrants are admitted through the family preference system put in place by the misconceived 1965 Immigration Act. Admission is not on the basis of their job skills or our labor market needs. Only about 6 percent of our legal immigrants are admitted based on employment skills.

CHAIN MIGRATION

The 1965 act's provisions allow immigrants to bring in not only their immediate family members—such as their spouse and minor children—but after they become citizens they also may sponsor their extended family members—such as their married brothers and sisters—who then subsequently can bring in their own extended family. For example, the brother's wife can sponsor her own brothers and sisters, and so on. This has resulted in the so-called "chain migration" effect whereby essentially endless and ever-expanding chains or webs of more distant relatives are admitted based on the original single immigrant's admission. This can be 50, 60 or more people. This is wrong, and it must be stopped. It creates ever-growing backlogs because the more people we admit, the more become eligible to apply. Immigrants should be allowed to bring in their nuclear family (e.g., spouse and minor children), but not an extended chain of more distance relatives. In addition, we must give greater priority to immigrants' employment skills and our labor needs when we reform admission criteria.

Proponents of high immigration levels argue that we must retain extended family admission preferences in order to protect family values. Well, let us remember, Mr. President, that when an immigrant comes to this country, leaving behind parents, brothers, sisters, uncles, aunts, and cousins, it is the immigrant who is breaking up the extended family. Why does it become our responsibility to have a mechanism in place to undo what the immigrant himself has done? Why is it the responsibility of the American taxpayer who picks up the tab for so many legal immigration costs to have to let the immigrant bring more than his or her immediate nuclear family here? Where do our obligations to new immigrants end? Apparently they never do in the minds of immigrationists who advocate continuing an automatic admission preference for this ever-expanding mass of extended relatives. Each time we admit a new immigrant to this country under our present system, we are creating an entitlement for a whole new set of extended relatives. For most, this means being added to the admission backlogs.

CHAIN MIGRATION INCREASES BACKLOGS

In that regard I want to observe that proponents of bringing in backlogged relatives at an even faster rate claim that family chain migration is largely a myth. I find this an astounding contention. The very fact that in recent years we have developed a massive, ever increasing backlog of extended relatives proves the point that chain migration is a reality. As the committee's report on its legal immigration bill, S. 1665, notes: "Backlogs in all family-preference visa categories combined have more than tripled in the past 15 years, rising from 1.1 million in 1981 to 3.6 million in 1996." Family chain migration is real, and it's a real problem.

CONFUSION BETWEEN LEGAL AND ILLEGAL IMMIGRANTS

Mr. President, even the very modest reductions made in the pending amendment are viewed as unnecessary by those who favor retaining high levels of legal immigration. They have been saying that legal and illegal immigration provisions should not be considered together because there is confusion between legal and illegal. They say that Congress might let concerns over illegal immigration taint its view on how legal immigration should be handled, and that this could lead unjustly to reductions in legal numbers.

Well, after talking about immigration with many citizens in Alabama and elsewhere, I must admit that I have found that there is in fact considerable public confusion about legals and illegals. Furthermore, I agree that this is affecting how Congress is dealing with these issues, but the effect is not what immigrationists think. Ironically, the confusion is greatly benefiting the special interest immigration advocates and their congressional allies and undercutting the efforts of those of us who believe that major cuts in legal immigrant numbers and other reforms must be made. Concerns and confusion over illegal immigration actually are keeping Congress from making the large cuts in legal admission that otherwise clearly would be made this year. Let me explain why.

What I have found in repeated discussions with citizens from all types of backgrounds is that they are overwhelmingly concerned about the high numbers of new immigrants moving to our country. However, most people are under the mistaken impression that almost all of the recent immigrants came here illegally. When you explain to them that in fact that about three-fourths of the immigrants in the last decade are legal immigrants they are shocked. At first, they can't believe that Congress has passed laws letting millions of new people come here legally. Then, I have found that the shock and disbelief of most individuals I talked to quickly turns to outrage and anger, and they start demanding that Congress change its policy and slash legal admissions.

Thus, Mr. President, what I have found convinces me that most of our constituents are really just as upset about legal immigrants as they are about illegal ones. However, they frequently have only been voicing their concerns in terms of illegal aliens because they did not realize that the people they are upset about actually were here legally.

LEGAL AND ILLEGAL IMMIGRATION ARE LINKED

High immigration advocates also have argued that there is no link between legal and illegal immigration and that amendments relating to legal immigration are not appropriate to the illegal reform bill we are now debating. I strongly disagree. Legal and illegal immigration are closely linked and interrelated.

LEGAL PROVISIONS NOW INCLUDED

First, with respect to the linkage of legal and illegal immigration, Mr. President, let me also remind my colleagues that the so-called illegal immigration bill that we are debating already contains important provisions relating to legal immigration like those imposing financial responsibility on sponsors of legal immigrants. Thus, it clearly is appropriate to consider the pending amendment to reduce legal immigration.

LEGAL FOSTERS ILLEGAL

Our current legal admissions system makes literally millions of people eligible to apply, and therefore causes them to have an expectation of eventual lawful admission. But, the law necessarily limits annual admission numbers for most categories and massive backlogs have developed. By allowing far more people to qualify to apply for admission than can possibly be admitted within a reasonable time under the law's yearly limits, the present law guarantees backlogs. It can take 20 years or longer for an immigrant's admission turn to come up. This then encourages thousands of aliens to come here illegally. Some come illegally because they know that under current law they either have no reasonable chance for admission or they will have to wait many years for admission given the backlogs.

ILLEGALS CAN LEGALIZE WITHOUT PENALTY

It is important to note that our current law does not disqualify those who come illegally from later begin granted legal admission. Therefore, illegals often feel they have nothing to lose and everything to gain by jumping ahead of the line. In short, our legal immigration process has the perverse effect of encouraging illegal immigration. Even though we granted amnesty to legalize over 3 million illegal aliens in 1986, today well over 4 million—and quite possibly over 5 million—illegal aliens now reside in the United States Hundreds of thousands of the new illegal immigrants later will be getting a legal visa when their number eventually comes up through the extended family preference system. Many of these illegals—ho I remind you have broken the law, and who everyone in Congress seems to be so concerned about—thus will become legal immigrants. Magically, it would seem the bad guys become the good guys and all problems go away. Mr. President, how can this be? How can anyone honestly say the legal and illegal issues are not very intertwined and linked together?

ILLEGAL INCREASES LEGAL

In another paradoxical result of our current flawed system, illegal immigration also tends to increase legal immigration. How? Well, look at the situation under the 1986 amendments. The 3 million illegals who received amnesty were allowed to become legal, thereby increasing the number of legal immigrants. And, after becoming legal residents and citizens, what have these former illegals done? After being transformed into good guys by legalization, they have played by the rules, as flawed as the rules are, and petitioned to bring in huge numbers of additional legal immigrants who are the relatives of these legalized illegal aliens. This greatly increases the backlogs. The Jordan Commission found that about 80 percent of the backlogged immediate family relatives are eligible because of their relationship with a former illegal alien. And, as the backlogs grow, Congress is asked to raise admission levels by special backlog reduction programs, which will then increase the number of legal aliens.

Thus, we have an integral process here where the legal system works so as to guarantee backlogs which in turn lead to special additional admission programs and to more illegals who, after a while, may be legalized and then become eligible to bring in more relatives legally. Many of the new legal applicants in each cycle are then thrown into the backlogs so the process can repeat itself. Many of the applicant's relatives also will come here illegally to live, work and go to school while waiting to legalize.

LEGAL HAS SIMILAR IMPACTS

Legal immigration is also linked to illegal immigration because it has many of the same impacts. Both legal and illegal immigration involve large numbers of additional people, with legal in fact accounting for nearly three times more new U.S. residents every year than illegal immigration. Many of my colleagues have expressed grave concerns about illegal immigrants taking jobs from Americans, or these immigrants committing crimes, or costing taxpayers and State and local governments millions for public education and welfare and other public assistance. Well, as I will point out later in detail, it is time to recognize that legal immigrants often cause these same types of adverse impacts. Congress must stop overlooking or disregarding this patently obvious fact. Let there be no mistake we will not solve most of our national immigration problem by just dealing with illegal immigration. Legal immigration is in many ways an even greater part of the problem.

FLORIDA EXAMPLE

Often, the adverse impacts of legal immigration actually will be much greater than illegal because so many more people are involved. For example, consider the situation in the State of Florida. As my colleagues know all too well, especially those who are concerned with unfunded Federal mandates, the Governors of high immigration States like Florida have been coming to Congress for the last several years demanding billions of dollars in reimbursements for their States' immigration-related costs. Governor Lawton Chiles, a former distinguished Member of this body, presented testimony in 1994 to the Senate Appropriations Committee asking for such reimbursement. Governor Chiles' detailed cost analysis showed that in 1993 Florida's State and local governments had net—not gross—immigration costs of $2.5 billion. About two-thirds of this cost—$1.6 billion—came from legal immigration. That's right, listen up everyone, legal immigrants were responsible for two-thirds of Florida's immigration costs. Florida's public education costs alone from legal immigrants came to about $517 million that year. So, my colleagues, we must face the facts that many concerns being raised apply with equal or greater force to legal immigration and that legal and illegal immigration are interrelated.

NEITHER IMMIGRANT BASHING NOR GLORIFICATION

While I do not condone unjustified immigrant bashing, neither do I subscribe to much of the one-sided emotional immigrant glorification and mythology that so often permeates the legal immigration debate. Supporters of high immigration levels often appear to be saying that legal immigrants are much smarter than citizens and that almost all are harder working, more law abiding and have stronger family values than native-born Americans. They imply that we do not support family values if we do not support allowing every immigrant who comes here to later bring his or her entire extended family of perhaps 50 or more relatives. Immigrationists also tend to see only positive benefits from legal immigration and to disregard or downplay any negatives.

BOTH POSITIVE AND NEGATIVE IMPACTS MUST BE WEIGHED

Well, Mr. President, this Senator believes that Congress has the responsibility to weigh both the positive and negative aspects of immigration and to factor in our national needs and citizens' interests when setting legal admissions levels and procedures. Yes, we should consider the positive contributions made by immigrants, and the fact that legal immigrants pay taxes to help defray some of our immigrant-related costs. However, we also need to consider the impacts on American families when one or both parents loses job opportunities to legal immigrants, or when a parent's wages are depressed by cheap immigrant labor. We need to consider the impacts on American schoolchildren of having hundreds of millions of dollars diverted from other educational needs to pay for special English-language instruction or scholarships for children from recent immigrant families. We need to consider the impacts on America's senior citizens and our needy native-born people who are unable to obtain nearly the level of public assistance they require because billions are going to pay for benefits for millions of legal immigrants. We need to consider the impact of legal immigration-related unfunded mandates on State and local governments and taxpayers, especially in high immigration areas like Florida and California. And, we need to remember that many immigrants who do pay taxes are paying relatively little because they are making very low wages, and thus do not necessarily pay taxes at a level that will cover nearly all of their costs.

LEGAL IMMIGRATION SHOULD CONTINUE

The central question that Congress must decide is not whether we should continue legal immigration. Of course we should. The problem is not that legal immigrants or legal immigration are bad per se. They are not. We are a Nation of immigrants, and immigrants have made great contributions to our country. Immigration is an integral part of our heritage, and it should continue. However, while immigrants bring us many benefits, but they also bring certain added costs and other adverse impacts. Furthermore, we do not have unlimited capacity to accept new immigrants.

WHAT LEVEL AND WHAT CRITERIA

The ultimate question that Congress must face here is what level of legal immigration is most consistent with our resources and needs, and what criteria should be used to pick those who are admitted. After studying this question, I am convinced that our current legal immigration law is fundamentally flawed. The heart of the problem is twofold: First, the present law has for years allowed the admission of excessive numbers of legal immigrants; and second, the selection criteria are discriminatory and skewed so as to disregard what's in our country's overall best interests.

DRAMATIC LEGAL INCREASES

The current immigration system, based on the 1965 Immigration Act, has allowed legal immigration levels to skyrocket. Legal immigration has grown dramatically in recent decades after the 1965 Immigration Act. We have been averaging 970,000 legal immigrants—that's nearly 1 million people legally every year—during the last decade! When you add in the 300,000 plus illegal immigrants who move here every year, this means we are taking well over a million immigrants a year.

We now have over 23 million foreign-born individuals residing in the United States, both legally and illegally. This translates to 1 in 11 U.S. residents being foreign-born, the largest percentage since the Depression. Immigrants cause 50 percent of our Nation's population growth today and will be responsible for 60 percent of the U.S. population increase that is expected in the next 55 years if our immigration laws are not reformed.

Before commenting further on our high levels of immigration, let me briefly explain why the 1965 act is discriminatory. Most immigration under the act occurs through the family preference system. In the early years after the act was passed, a few countries were then the primary immigrant sending countries. After a few years, immigrants from those nations were able to petition for admission of more and more relatives. These relatives from those countries came and in turn sponsored other relatives from those countries, further expanding the immigrant flow from these sending countries. As a practical matter, few immigrants can now be admitted other than on the basis of a family relationship so new immigrants tend to come from the same countries where their earlier family members came from.

This means that there is a de facto discrimination both against admitting immigrants from other countries and against immigrants from even the favored nations unless they happen to be a relative of other recent U.S. immigrants. Would-be non-relative immigrants can be much better educated and higher skilled, but unless they qualify under the much more limited employment categories, they need not apply because under the 1965 act's nepotistic system the admission quotas go to relatives.

Well, Mr. President, I strongly believe that it's long past time for Congress to recognize the 1965 act's flaws and to readjust the statutory process so that we have far lower legal admission levels and fairer admission criteria that are more closely keyed to our national needs and interests. Some of my colleagues and I will probably disagree at least on the numbers of immigrants to be allowed, but I would hope that most will at least agree that an issue of such overriding and strategic importance to the future of our country merits their careful and detailed consideration. Our Nation should not be changed so fundamentally without Congress debating the issue and making a conscious, informed decision on how immigration should be allowed so as to best promote and protect our national interests.

NOT LIKE TRADITIONAL IMMIGRATION LEVELS

Historically, except for a brief 15-year period around 1900, our legal immigration levels have been much lower than what we have experienced after the 1965 act and its subsequent amendments. Many of my colleagues may be surprised by this fact because immigration mythology may have led them to believe that high levels of immigration like we have experienced in recent years are typical or traditional throughout American history. Well, quite the opposite is true.

During the 50-year period from 1915 through 1964, for example, legal immigration levels averaged only about 220,000 annually. From 1820 when our formal immigration records were begun until 1965, it averaged only about 300,000, including the unusually high years around 1900. From 1946 to 1955, it averaged about 195,000 annually; then from 1956 to 1965, it was averaging roughly 288,000 yearly. With the passage of the 1965 Act, the numbers began to skyrocket: from 1966 to 1975, the yearly average became 381,000; then from 1976 to 1985 it hit 542,000; and for the last decade from 1986 through 1995, legal immigration on average hit about 970,000 yearly.

The post-1965 act constant high legal immigrant influx is radically different than our historical pattern. Another important aspect of our legal immigration problem is that there have been no immigration timeouts or break periods for the last 30 years to give immigrants time to assimilate and be Americanized.

Even with the ending of legalizations under the 1986 amnesty law, the legal numbers are still very high. And, this huge wave of immigrants has helped fuel the application backlogs which now run around 3.6 million. Some apologists for high immigration numbers say that since legal immigration has averaged somewhat lower for the last couple of years, we are on a significant new downward trend. Well, we are not. Recent INS projections call for a large increase in legal immigration in fiscal year 1996, thanks largely to the current law's provisions allowing immigration by extended relatives of recent immigrants and the effects of family chain migration.

TIMES HAVE CHANGED

Mr. President, not only are such extremely high immigration levels not traditional, but it is important to realize that today times and circumstances have changed dramatically so that it is far less appropriate to have either such high immigration or the limited skills most current immigrants now bring us.

THEN

In the good old days of yesteryear, we had a much smaller U.S. population and many more people were needed for settling the frontier and working in our factories. In earlier times, our economy also needed mostly low-skilled workers. We still had plenty of cheap land and resources. Quite significantly, we had no extensive taxpayer-funded government safety net of public benefit programs for unsuccessful immigrants to fall back on. Not surprisingly, 30 to 40 percent of our immigrants returned to their homelands. Furthermore, our domestic population's cultural and ethnic heritages were more similar to those of new immigrants. More Americans then had large families because the high domestic birthrate was similar to that of new immigrant families. And, the melting pot concept was generally accepted and fostered assimilation. In addition, there were periodic lulls in immigrant admission levels so as to allow for assimilation.

NOW

Today, circumstances are quite different. Land and resource availability are much more limited and expensive. The United States now is a mature nation with a host of serious domestic difficulties, economic problems, chronic unemployment, crime, millions of needy, and so forth. Our population has grown many times over. In fact, the United States now doesn't need more people—we have no frontier to settle, and we have plenty of workers. And, our economy has been undergoing fundamental structural changes. We have been restructuring toward a high-technology economy that needs higher skilled, more educated workers to compete in the new global marketplace instead of unskilled or low-skilled immigrant labor. We now have a costly taxpayer-funded safety net of government assistance that immigrants can rely on such as welfare, AFDC, SSI, health care, and other benefit programs. Not surprisingly, now only 10 to 20 percent return to their home country. And, multi-culturalism is favored over the "melting pot" concept by many immigrant groups, making assimilation often much more difficult and slower. Instead of following our traditional course of enhancing our strengths by melding a common American culture out of immigrants' diversity, multiculturalists now push to retain newcomers' different cultures.

Mr. President, yes, times and circumstances have changed. How many Senators would be willing to vote today to start voluntarily admitting three-quarters of a million, or more, new people—most of whom are poor, unskilled or low-skilled and don't speak English—every year? I dare say that most of those who did so would face serious reelection problems when outraged voters learned of their actions. Perhaps, this is why the Judiciary Committee's legal immigration bill uses admission assumptions that are much lower than recent INS projections. Perhaps, some people hope to escape voters' wrath by claiming that they did not know what's happening and what's obviously going to happen if we don't make big cuts and other reforms. Whatever their reasoning, what we are experiencing is legislative business as usual, catering to the high immigration and cheap labor lobbies when it comes to legal immigration.

TIME TO FACE LEGAL IMMIGRATION REALITIES

Well, my colleagues, we are paying a high price now for years of excessive Federal spending and for using smoke and mirrors accounting to understate our budgetary problems. We are facing an analogous problem here for having allowed both legal and illegal immigration levels to be excessive for years, and for failing to acknowledge difficulties caused by high legal immigration.

We simply must begin facing up to the real numbers and the problems associated with admitting far too many new people through legal immigration. About three-fourths of our immigration comes from legal immigrants. That's three times our level of illegal immigration. Why are we trying to close the backdoor of illegal immigration and lamenting about all the impacts illegals are causing, but at the same time disregarding the fact that the front door is open wider than ever? Congress must stop giving little or no thought to the obvious interconnection between legal and illegal immigration and their similar adverse impacts. In the last Presidential campaign, there was a popular saying "It's the economy stupid!" Well, with respect to the heart of our immigration problems it can be said "It's the numbers stupid!"—we get three times more numbers from legal immigration than illegal.

LEGAL IMMIGRATION'S COSTS

Our current legal admissions policy fails to take into account whether such a massive influx of newcomers is needed, or the burdens placed on taxpayers for the immigrants' added costs for public education, health care, welfare, criminal justice, infrastructure and various other services and forms of public assistance. Let me highlight some of these costs:

Education—For example, excessive numbers of legal immigrants are putting a crippling strain on America's education system. About one-third of our immigrants are public school aged. Immigrant children and the children of recent immigrants are greatly increasing school enrollments and adding significantly to school costs in many areas.

Schools in many high immigration communities are twice as crowded as those in low immigration cities.

In 1995, the Miami public school system was getting new foreign students at a rate of 120 per day, and as I noted earlier, Florida's costs in 1993 for legal immigrant education came to over half a billion dollars.

Hundreds of thousands of children from immigrant families speak little or no English. This causes a tremendous increase in education costs and diverts limited dollars that are needed elsewhere in our school systems. English as a Second Language programs are very expensive. Non-English speaking immigrant children cost taxpayers 50 percent more in education costs per child.

Welfare—Legal immigrants, who make up the largest part of our foreign-born population, also are costing billions for various forms of public assistance:

According to the GAO, about 30 percent of all U.S. immigrants are living in poverty. The GAO has found that legal immigrants received most of the $1.2 billion in AFDC benefits that went to immigrants.

Immigrants now take 45 percent of all the SSI funds spent on the elderly according to the GAO. In 1983, only 3.3 percent of legal resident aliens received SSI, but in 1993 this figure jumped to 11.5 percent; 128,000 in 1983 vs. 738,000 by 1994. This is a 580 percent increase in just 12 years.

The House Ways and Means Committee indicates that in 1996, around 990,000 resident aliens—who are non-citizens—are receiving SSI and Medicaid benefits, costing $5.1 billion for SSI and another $9.3 billion for Medicaid, for a total of $14.4 billion. The committee projects that this cost for legal immigrants will jump to over $67 billion a year by 2004.

As our colleague from California, Senator FEINSTEIN, has pointed out, only about 40 percent of our immigrants are covered by health insurance, and therefore immigrants have to rely heavily on taxpayer funded public health services.

Recent analysis by Prof. George Borjas of Harvard University of new Census Bureau data also has confirmed immigrants are using more public benefits. Borjas points out that immigrant households were less likely than native-born Americans to receive welfare in 1970. However, his analysis shows that today immigrant households are almost 50 percent more likely to receive cash and non-cash public assistance—they are about 50 percent more likely to receive AFDC; 75 percent more likely to receive SSI; 64 percent more likely to receive Medicaid; 42 percent more likely to receive food stamps; and 27 percent more likely to receive public housing assistance.

Borjas also notes that 22 percent of the California's households are immigrants, but they get 40 percent of the public benefits; that 9 percent of Texas' households are immigrants, but they get 22 percent of the public assistance; and that 16 percent of New York's households are immigrants, but they get 22 percent of the public assistance benefits.

Jobs—At a time when we have millions of unemployed and underemployed American citizens—and millions more who will be needing jobs as they are weaned off welfare—our Federal immigration law continues to allow in a flood of foreigners to depress wages and take jobs that our own citizens need. While corporate cheap labor interests profit, it is American workers who suffer, especially those who are competing for lower skilled jobs. Most new legal immigrants are unskilled or low-skilled, and they clearly take many jobs native citizens otherwise would get.

Dr. Frank Morris, a noted African-American professor, pointed out in House testimony last year that immigration is having disproportionate adverse impacts on American blacks as follows:

> There can be no doubt that our current practice of permitting more than a million legal and illegal immigrants a year into the US into our already difficult low skill labor markets clearly leads to both wage depression and the de facto displacement of African American workers with low skills. . .. The American labor market is not exempt from the laws of supply and demand. If the supply

> of labor, especially unskilled labor, increases in markets where significant numbers of African Americans reside for any reason, you have either a wage depression or labor substitution effect upon African Americans, who because we have less education, work experience and small business creation rates than other Americans, are disproportionately negatively impacted in those markets. . .. America is the only country in the world that has mass immigration at a time of slow growth, and industrial restructuring of the economy. African Americans are disproportionately hurt by this process because almost half of all immigrants head for cities that also have a large number of African American residents searching and fighting for better low rent housing, better low skill requirement but high paying jobs, and better public school education for their offspring.

Secretary of Labor Reich in testimony regarding needed immigration reforms on September 28, 1995 before the Senate's Subcommittee on Immigration commented on the "fundamental question of what purpose our employment- or skill-based immigration policy is meant to serve" as follows:

> This nation of immigrants always has and always will welcome new members into the American family, though at a different pace and in different ways to suit the times. . .. Employment-based immigration to fill skill shortages, as well as the temporary admission of selected skilled foreign workers, is sometimes unavoidable. But I firmly believe that hiring foreign over domestic workers should be the rare exception, not the rule. And I believe such exceptions should be even rarer, and more tightly targeted on gaps in the domestic labor market than is generally the case under current policy. . .. If employers must turn to foreign labor, this is a symptom signaling defects in America's skill-building system. Our system for giving employers access to global markets should be structured to remedy such defects, not acquiesce in them. And it should progressively diminish, not merely perpetuate, firms' dependence on the skills of foreign workers.

Crime—Immigrants also put a strain on our criminal justice system—over 25 percent of the Federal prison inmates are foreign-born. This is clearly very disproportionate to immigrants' percentage of our general population, which is about 9 percent. Large numbers of these criminal aliens were admitted legally. It cost taxpayers hundreds of millions of dollars just to incarcerate them.

After an extensive study, the Senate Permanent Subcommittee on Investigations reported in April 1995 that:

> Aliens now account for over 25 percent of Federal prison inmates and represent the fastest growing segment of Federal prison population. A conservative estimate is that there are 450,000 aliens who have been convicted of a crime and who are in prison, in jail, on probation or on parole in the United States. Criminal aliens not only occupy beds in our prisons and jails, they also occupy the time and resources of law enforcement and our courts.

Mr. President, I say that we must recognize such negative impacts from excessive levels of legal immigration, and that we have a moral obligation to take care of American citizens first. We certainly cannot do so without making drastic cuts in legal immigration numbers. We also must change the criteria to give much more emphasis to immigrants' skills and our changing labor needs.

RESPONSIBLE, REASONABLE LEGAL IMMIGRATION REFORMS

Many opponents of reforming legal immigration who are fighting desperately to continue the status quo say that only radical or even reactionary people favor major changes in this area. Their contentions are erroneous. Bringing our legal immigration system back under control and making it more in accord with our national interests is far from radical.

Let me remind my colleagues again that the bipartisan U.S. Immigration Reform Commission, under the leadership of the late former Congresswoman Barbara Jordan, has recommended fundamental reforms in the current legal immigration system. The Commission's recommendations included substantial reductions in legal admission levels and abolishing a number of admission categories including brothers and sisters of citizens and adult children of permanent residents. Surely, proposing such fundamental changes because they concluded this would be in our national interest does not mean that distinguished Americans like Barbara Jordan are radical or reactionary.

Moreover, the overwhelming majority of the American people certainly are not radical or reactionary, and they clearly want Congress to dramatically reduce legal immigration numbers. And dramatic is perhaps the best way of describing the results of a recently released national Roper Poll on immigration. This Roper Poll found over 83 percent of Americans favor lower immigration levels. Seventy percent favor keeping overall immigration below 300,000 per year, and this view is supported generally across racial, ethnic, and other lines—52 percent of Hispanics, 73 percent of blacks, 72 percent of Democrats and 70 percent of Republicans. A majority of the public—54 percent—want immigration cut below 100,000 per year; and 20 percent favor having no immigration at all. Even reform opponents were surprised to learn that only 2 percent favor keeping the current levels. It should be noted that the questions used in this poll specifically advised respondents that current levels of legal and illegal immigration totaled over 1,000,000 new immigrants per year. The people's answers stated the immigration levels they favored for all immigration, including both legal and illegal. While this new Roper Poll is consistent with many earlier polls, it shows even stronger public sentiment on these issues. Thus, it is clear that the public wants dramatically lower legal immigration.

Mr. President, we must listen to the American people on this vital issue. If we care what our constituents think, if we truly want to represent their views, and if we care about doing what's best for our country, we will cut legal immigration substantially and we will make other fundamental changes in the system to end chain migration by extended family members and to give much greater weight to immigrants' education and skills and our employment needs. Therefore, I urge my colleagues to support this amendment to begin to make the responsible, reasonable reforms needed in our legal immigration policies.

Mr. President, I ask unanimous consent that several articles showing the need for immigration reform be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the San Diego Union Tribune, Apr. 24]

BORDER SURPRISE

WASHINGTON.—Despite contentions by President Clinton's administration that legal immigration is tapering off under existing law, the flow is expected to soar by 41 percent this year over 1995 and remain substantially above last year's level for the foreseeable future.

This forecast comes from unreleased data compiled by the Immigration and Naturalization Service (INS).

The projections, obtained by Capley News News Service, triggered an outcry yesterday from advocates of tougher restrictions on legal immigration. They responded to the disclosures by charging that the INS had intentionally misled Congress and the public during this year's stormy debate over whether to cut legal immigration.

The projections show immigration rising from 593,000 last year to 835,000 this year and 853,000 in 1997. The overall numbers actually will be about 100,000 higher because the projections do not include refugees and several other groups of people admitted legally.

For that reason, the overall number for next year is expected to be closer to 1 million than to 853,000.

At a key moment in the congressional debate the INS held a press conference during which it stressed the downward trend in the immigration levels during the past two years. The officials failed to disclose the agency's forecast showing the huge surge beginning this year.

If the law remains substantially unchanged as appears likely at this point, the average annual level of legal immigration over the next eight years would be about 29 percent higher than in 1995.

They clearly misled the American people and Congress, knowing they were telling part of the truth but not the whole truth," said Rep. Lamar Smith R-Texas, chairman of the House Immigration subcommittee.

"It's inexcusable, and what it really says is, 'How can we believe what they say again when it comes to immigration figures?' "

Smith led a failed 16-month drive in the House to cut legal immigration. It was defeated earlier this month.

A White House spokeswoman said she could not comment on internal INS projections she had not seen. But she said the notion that legal immigration would rise sharply was inconsistent with what INS officials had told her.

A senior INS official denied any effort on the part of the agency to mislead Congress, saying agency officials had testified on Capitol Hill that they expected immigration levels to rise—not fall—under current law.

Robert Bach, executive associate commissioner for policy and planning of the INS, briefed reporters hours before a pivotal March 28 Senate vote and stressed the declines in immigration during fiscal years 1994 and 1995. The report he released that day also was circulated widely on Capitol Hill.

Yesterday, Bach said there had been no effort to mislead reporters.

He said that "we reported on what was" in the two previous years.

"We didn't spin the future," Bach said.

He said that "it was a straightforward report" on what happened in 1994 and 1995.

But Smith disagreed.

"They (INS officials) justified their position in supporting an amendment to take out legal immigration reform by saying the numbers were coming down anyway," he said. "And they knew the numbers would be jumping up as they were speaking."

Restrictionsists including Smith argue that current levels of legal immigration have placed economic burdens on states such as California, Texas, Florida, New York and New Jersey where most immigrants reside. They also say immigrants increase the competition that low-skill domestic workers face for low-wage jobs.

Immigration advocates argue that the burdens of legal immigration are exaggerated and that, overall, it is good for America. Some of them attribute restrictionist sentiment to racism and xenophobia.

Clinton had endorsed a controversial 1995 recommendation by the U.S. Commission on Immigration Reform to significantly cut legal immigration. But his administration has quietly lobbied against the congressional initiatives, saying they go too far. And it provided a crucial and possibly fatal blow to reform efforts in the House by coming out in support of the amendment that killed legal immigration reform there earlier this month.

An effort by Sen. Alan K. Simpson, R-Wyo., chairman of the Senate immigration subcommittee, also was defeated. Instead, the Judiciary Committee approved an amendment by Sens. Spencer Abraham, R-Mich., and Edward M. Kennedy, D-Mass.

Their proposal is the only legal immigration legislative initiative that remains alive in Congress. No date has been set for it to be debated on the Senate floor.

The INS predicts that immigration under the Abraham-Kennedy provision would decline by 4,000 from current law, or less than .5 percent. That means the 29 percent higher levels forecast for the next eight years would occur even under the Abraham-Kennedy plan. Sen. Dianne Feinstein, D-Calif., voted for the amendment after being assured by its authors that it would entail significant cuts.

Feinstein has said California needs cuts in legal immigration. But she was unavailable Monday or yesterday to comment on the INS projections.

Those projections show that legal immigration even under the scuttled Simpson provisions—the most restrictive of the proposals—would have been 7.5 percent higher over the next eight years than last year's level.

The immigration surge is attributed to the rougly 3 million people legalized under the 1986 overhaul of the nation's immigration laws. Many have become citizens and are petitioning for the immediate and unlimited admission of their spouses, minor children and parents.

"It's very clear that INS is trying to play down these (rising immigration) numbers as much as possible," said Rosemary Jenks of the Center for Immigration Studies. "It's just amazing what information the INS decides to leave in or leave out or present or not present. And there's no reason for it other than to affect the current congressional immigration debate."

Immigration advocacy groups, which were allies with the INS in the effort to defeat the legislative reforms, said they had been waryed how the INS used its figures.

"We never made a big deal about the declines (in 1994 and 1995); the INS did," said Frank Sharry, head of the National Immigration Forum, which has played a key role in the campaign to block substantial cuts in legal immigration. "We always knew the numbers would spike up."

But Sharry insisted that the INS projections overstated both the extent and the duration of the surge. He called the INS projections "laughable."

"This will be a one-time blip that will occur over the next few years," he said. "We're quibbling over rather small differences based on questionable projections that are being (politically) spun by restrictionists to bring about a major reduction in immigration levels."

[From the New York Times, Mar. 19, 1996]

TOO MANY ENGINEERS, TOO FEW JOBS

(By Michael S. Teitelbaum)

Is there such an acute shortage of skilled scientists and engineers that America's computer industry and research laboratories must recruit thousands of foreign workers yearly in order to compete globally?

That's what Sun Microsystems, Intel, Microsoft, the National Association of Manufacturers and the American Immigration Lawyers Association would have you believe. They successfully lobbied Congress to drop immigration reform proposals that would have held down increases in the number of highly skilled foreign workers. Statistics, however, contradict them. There is no shortage of scientists, engineers or software professionals. If anything, there is a surplus.

Claims of an impending dearth of scientists and engineers began a decade ago, when Erich Bloch, then the director of the National Science Foundation, declared that unless action was taken, there would be a cumulative shortfall of 675,000 over the next two decades.

Congress responded. The National Science Foundation received tens of millions of additional dollars for science and engineering education. And in 1990, Congress nearly tripled the number—to 140,000 per year—of employment-based visas for immigrants with certain skills.

Not surprisingly, the number of science and engineering doctorates reached record levels. From 1983 to 1993, the annual number of Americans earning such Ph.D.'s increased 13 percent. But the number of slots for graduate students grew even more dramatically during that time—about 40 percent. The excess spaces were filled by foreign students, who often stayed in America to compete in the job market. Meanwhile, the United States sharply increased the number of foreign-born scientists and engineers it let in; 39,000 were admitted in 1985, 82,000 in 1993.

The labor shortage never materialized. But global competition rose and the cold war ended. High-tech corporations and defense contractors were forced to downsize; state budget crises forced large universities to sharply reduce their hiring of new faculty.

Unemployment among scientists and engineers remains much lower than for low-skilled workers, as it does for all highly educated workers. Nonetheless, tens of thousands of highly skilled professionals have been laid off. For instance, from 1991 through 1994, I.B.M. laid off 86,000 workers; AT&T, Boeing and Hughes Aircraft laid off a total of 135,000 workers.

It is an employer's market; stagnant or declining salaries have been the trend. For instance, from 1968 through 1995, the median annual salary, including benefits, for an engineer with 10 years of experience declined 13 percent in constant dollars, to $52,900. Meanwhile, salaries in other professions like medicine and law greatly increased.

Job prospects for recently minted scientists and engineers have plummeted. A 1995 study by Stanford University's Institute for Higher Education Research concluded that "too many doctorates are being produced in engineering, math and some sciences," not including biological and computer sciences. It said: "Overproduction, estimated to average at least 25 percent, contradicts predictions of long-term shortages, given current demand."

Engineers and software professionals who have lost their jobs could be easily retrained to the big high-tech companies. However, there is no incentive to do so, as long as they can easily hire from U.S.-educated foreign nationals.

As one software professional let go by a computer company reported, he and his colleagues are "disposable" rather than "recyclable."

In short, the situation is out of balance. A record number of Ph.D.'s, but a weak job market. Claims of a labor shortage, but stagnant or declining wages. Thousands of laid-off professionals, but increased foreign recruitment. Shortage or surplus? Ask any downsized engineer or computer professional for the answer.

[From the National Review, Mar. 11, 1996]

THE WELFARE MAGNET

(By George Borjas)

The evidence has become overwhelming: immigrant participation in welfare programs is on the rise. In 1970, immigrant households were slightly less likely than native households to receive cash benefits like AFDC (Aid to Families with Dependent Children) or SSI (Supplementary Security Income). By 1990, immigrant households were more likely to receive such cash benefits (9.1 per cent v. 7.4 per cent). Pro-immigration lobbyists are increasingly falling back on the excuse that this immigrant-native "welfare gap" is attributable solely to refugees and/or elderly immigrants; or that the gap is not numerically large. (Proportionately, it's "only" 23 per cent).

But the Census does not provide any information about the use of noncash transfers. These are programs like Food Stamps, Medicaid, housing subsidies, and the myriad of other subsidies that make up the modern welfare state. And noncash transfers comprise over three quarters of the cost of all means-tested entitlement programs. In 1991, the value of these noncash transfers totaled about $140 billion.

Recently available data help provide a more complete picture. The Survey of Income and Program Participation (SIPP) samples randomly selected households about their involvement in virtually all means-tested programs. From this, the proportion of immigrant households that receive benefits from any particular program can be calculated.

The results are striking. The "welfare gap" between immigrants and natives is much larger when noncash transfers are included [see table]. Taking all types of welfare together, immigrant participation is 20.7 per cent. For native born households, it's only 14.1 per cent—a gap of 6.6 percentage points (proportionately, 47 per cent).

And the SIPP data also indicate that immigrants spend a relatively large fraction of their time participating in some means-tested program. In other words, the "welfare gap" does not occur because many immigrant households receive assistance for a short time, but because a significant proportion—more than the native-born—receive assistance for the long haul.

Finally, the SIPP data show that the types of welfare benefits received by particular immigrant groups influence the type of welfare benefits received by later immigrants from the same group. Implication: there appear to be networks operating within ethnic communities which transmit information about the availability of particular types of welfare to new arrivals.

The results are even more striking in detail. Immigrants are more likely to participate in practically every one of the major means-tested programs. In the early 1990s, the typical immigrant family household had a 4.4 per cent probability of receiving AFDC, v. 2.9 per cent of native-born families. [Further details in Table 1].

AVERAGE MONTHLY PROBABILITY OF RECEIVING BENEFITS IN EARLY 1990S

Type of Benefit	Immigrant Households	Native Households
Cash Programs:		
Aid to Families with Dependent Children (AFDC)	4.4	2.9
Supplemental Security Income (SSI)	6.5	3.7
General assistance	0.8	0.6
Noncash programs:		
Medicaid	15.4	9.4
Food stamps	9.2	6.5
Supplemental Food Program for Women, Infants, and Children (WIC)	3.0	2.0
Energy assistance	2.1	2.3
Housing assistance (public housing or low-rent subsidies)	5.6	4.4
School breakfasts and lunches (free or reduced price)	12.5	6.2
Summary:		
Receive cash benefits, Medicaid, food stamps, WIC, energy assistance, or housing assistance	20.7	14.1

Source: George J. Borjas and Lynette, Hilton, "Immigration and the Welfare State: Immigrant Participation in Means-Tested Entitlement Programs," Quarterly Journal of Economics, forthcoming, May 1996.

And that overall "welfare gap" becomes even wider if immigrant families are compared to non-Hispanic white native-born households. Immigrants are almost twice as likely to receive some type of assistance—20.7 percent v. 10.5 percent.

The SIPP data also allow us to calculate the dollar value of the benefits disbursed to immigrant households, as compared to the native-born. In the early 1990s, 8 percent of households were foreign-born. These immigrant households accounted for 13.8 percent of the cost of the programs. They cost almost 75 percent more than their representation in the population.

The disproportionate disbursement of benefits to immigrant households is particularly acute in California, a state which has both a lot of immigrants and very generous welfare programs. Immigrants make up only 21 percent of the households in California. But these households consume 39.5 percent of all the benefit dollars distributed in the state. It is not too much of an exaggeration to say that the welfare problem in California is on the verge of becoming an immigrant problem.

The pattern holds for other states. In Texas, where 89 percent of households are immigrant but which has less generous welfare, immigrants receive 22 percent of benefits distributed. In New York State, 16 percent of the households are immigrants. They receive 22.2 percent of benefits.

The SIPP data track households over a 32-month period This allows us to determine if immigrant welfare participation is temporary—perhaps the result of dislocation and adjustment—or long-term and possibly permanent.

The evidence is disturbing. During the early 1990s, nearly a third (31.3 percent) of immigrant households participated in welfare programs at some point in the tracking period. Only just over a fifth (22.7 percent) of native-born households did so. And 10.3 percent of immigrant households received benefits through the entire period, v. 7.3 percent of native-born households.

Because the Bureau of the Census began to collect the SIPP data in 1984, we can use it to assess if there have been any noticeable changes in immigrant welfare use. It turns out there has been a very rapid rise.

During the mid-1980s, the probability that an immigrant household received some type of assistance was 17.7 percent v. 14.6 percent for natives, a gap of 3.1 percentage points. By the early 1990s, recipient immigrant households had risen to 20.7 percent, v. 14.1 percent for natives. The immigrant-native "welfare gap," therefore, more than doubled in less than a decade.

Thus immigrants are not only more likely to have some exposure to the welfare system; they are also more likely to be "permanent" recipients. And the trend is getting worse. Unless eligibility requirements are made much more stringent, much of the welfare use that we see now in the immigrant population may remain with us for some time. This raises troubling questions about the impact of this long-term dependency on the immigrants—and on their U.S.-born children.

There is huge variation in welfare participation among immigrant groups. For example, about 4.3 percent of households originating in Germany, 26.8 percent of households originating in Mexico, and 40.6 per cent of households originating in the former Soviet Union are covered by Medicaid. Similarly, about 17.2 per cent of households originating in Italy, 36 per cent from Mexico and over 50 per cent in the Dominican Republic received some sort of welfare benefit.

A more careful look at these national-origin differentials reveals an interesting pattern: national-origin groups tend to "major" in particular types of benefit. For example, Mexican immigrants are 50 per cent more likely to receive energy assistance than Cuban immigrants. But Cubans are more likely to receive housing benefits than Mexicans.

The SIPP data reveal a very strong positive correlation between the probability that new arrivals belonging to a particular immigrant group receive a particular type of benefit, and the probability that earlier arrivals from the same group received that type of assistance. This correlation remains strong even after we control for the household's demographic background, state of residence, and other factors. And the effect is not small. A 10 percentage point increase in the fraction of the existing immigrant stock who receive benefits from a particular program implies about a 10 per cent increase in the probability that a newly arrived immigrant will receive those benefits.

This confirms anecdotal evidence. Writing in the New Democrat—the mouthpiece of the Democratic Leadership Council—Norman Matloff reports that "a popular Chinese-language book sold in Taiwan, Hong Kong, and Chinese bookstores in the United States includes a 36-page guide to SSI and other welfare benefits" and that the "World Journal, the largest Chinese-language newspaper in the United States, runs a 'Dear Abby'-style column on immigration matters, with welfare dominating the discussion."

And the argument that the immigrant-native "welfare gap" is caused by refugees and/or elderly immigrants? We can check its validity by removing from the calculations all immigrant households that either originate in countries from which refugees come or that contain any elderly persons.

Result: 17.3 per cent of this narrowly defined immigrant population receives benefits, v. 13 per cent of native households that do not contain any elderly persons. Welfare gap: 4.3 percentage points (proportionately, 33 per cent). The argument that the immigrant welfare problems is caused by refugees and the elderly is factually incorrect.

Conservatives typically stress the costs of maintaining the welfare state. But we must not delude ourselves into thinking that nothing is gained from the provision of antibiotics to sick children or from giving food to poor families.

At the same time, however, these welfare programs introduce a cost which current calculations of the fiscal costs and benefits of immigration do not acknowledge and which might well dwarf the current fiscal expenditures. That cost can be expressed as follows: To what extent does a generous welfare state reduce the work incentives of current immigrants, and change the nature of the immigrant flow by influencing potential immigrants' decisions to come—and to stay?

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to oppose the pending amendment, but at the outset, I want to compliment my colleague, Senator SIMPSON, for the outstanding work that he has done for so many years on this very important subject, and similarly to compliment my colleague, Senator KENNEDY, for his work in the immigration field and for his work in Judiciary in general.

Senator SIMPSON has been intimately involved in immigration work for more than a decade, going back to Simpson-Mazzoli. In my tenure in the Senate, Senator SIMPSON has taken on some of the toughest jobs which we have had in this body. I talk about Senator SIMPSON in particular because he will be leaving us at the end of this year. It will be an enormous loss for the Senate and for the country.

The first extensive contacts I had with Senator SIMPSON were on the Veterans' Committee where we had a disagreement or two. I would frequently cite the experience of my father, Harry Specter, who was a World War I veteran.

When Senator SIMPSON came to talk to me recently about the immigration legislation that he has worked on judiciously, two private visits to talk to me, he noticed a grouping of photographs on the wall and said when he had been in my office occasionally for lunch he had never taken the time to look at the pictures.

So I introduced him to my mother's father, Mordecai Shanin, who came from a small town on the Russian border when my mother was 5 and settled in St. Joe, MO. And I reintroduced Senator SIMPSON to my father, Harry Specter, who was in his uniform, and I recounted that he emigrated from Ukraine, walking across Europe with barely a ruble in his pocket.

At that point, Senator SIMPSON said to me he did not think he and I would agree too much on the pending immigration legislation.

I come to this issue from a somewhat different vantage point. My sense is that America is a big, broad, growing country and that we do have room for immigrants. I grew up in Kansas. I was born in Wichita and grew up in the small town of Russell, with wide open spaces like Wyoming. My sense is that it is not in the national interest to reduce immigration from 675,000 to 607,000. Both categories of immigrants—the family-based and the employment-based—will make a great contribution to our country. This is a country of immigrants. When we had the debate in the committee, Senator ABRAHAM started off with his immigrant background. Senator FEINSTEIN talked about her immigrant background and I talked about mine, and everybody on the committee could talk about it in one way or another because we are a country of immigrants.

I understand the priorities for minor children and spouses, and, of course, these groups have to be the first priority. But I believe that when you talk about siblings and adult children, talk about family values and talk about having room for the families, that the figures are relatively modest.

When we talk about illegal immigration, there is no doubt about the need to control our borders and to control illegal immigration. But when we talk about legal immigration, I think we are talking about something that is very, very different.

When there is a proposal to reduce employment-based visas by some 28.5 percent, from 140,000 a year to 100,000 for a period of 5 years, I must say that this is a fundamental mistake.

In Pennsylvania, I have had many of my constituents come to me and say that there is a real need for these visas; that the immigrants who come here legally are very highly skilled, are Ph.D.'s, are technicians, and they will be instrumental in creating more jobs, not in taking jobs. I have worked on the bill in committee to be sure that people who come in on these visas do not take existing jobs; that there has to be a premium payment and there has to be a care and consideration so they do not displace existing workers, but these highly skilled people will create more jobs.

I was involved in this issue back in 1989 and 1990 on behalf of the U.S. Chamber of Commerce where I think we increased the number by about 40,000. The situation is so acute in my State, Pennsylvania, that I have held meetings in both Pittsburgh and Philadelphia which were very, very well attended. At these meetings various companies having immediate needs for highly skilled people came in to comment to me about their opposition to the reduction in the number of visas.

There is no doubt that there is concern about displacing U.S. workers, and I think we have to be careful not to do that, to make sure that does not happen by requiring a premium payment for those who come in as legal immigrants.

I wanted to make these few brief comments. It is not an easy matter. When Senator SIMPSON and Senator KENNEDY are the managers and go through this bill and have very protracted hearings and a markup before the Judiciary Committee, it is a very large job.

So, again, I compliment my colleagues on their work and do express my view that this legal immigration is something which will build a stronger America and provide more jobs. The humanitarian aspects have to be considered as we have the families who ought to have an opportunity to come into this country. Currently, the waiting period to enter the country is as long as 10 years for some family members. We ought not to extend that waiting period. I thank the Chair and yield the floor.

Mr. MCCAIN. Mr. President, throughout the years legal immigration has helped to make our Nation great. America has attracted and continues to attract the best and the brightest—each year many highly skilled and exceptionally talented individuals legally migrate to the United States. In addition, many hard-working individuals who have come to this Nation and contributed their skills, ideas, and cultural perspectives. We must remember that we are and always have been a nation of immigrants.

Illegal immigration is an entirely different matter and presents a whole host of problems that need to be addressed. We must pull together our resources to enforce our borders, streamline deportation of illegal aliens and increase penalties on those who traffic in illegal immigration.

In doing all that we should to combat illegal immigration, however, we must be careful not to unfairly punish those who have entered this country legally. By dealing with the very separate issues presented by legal and illegal immigration separately, we can go a long way to ensuring that our desire to stop illegal immigration does not result in penalizing those who have abided by the law to enter the country.

The Senate Judiciary Committee has already considered the very issue of whether legal and illegal immigration legislation should be addressed separately. They voted by a margin of 2 to 1 to keep the two separate. We should stay that course and give well-reasoned consideration to legal immigration apart from the discussion of the serious national problems presented by illegal immigration.

I understand that some of my colleagues wish to reduce the numbers of legal immigrants in order to eliminate the backlog of spouses and minor children waiting to enter this country. But we should address these issues when the matter before us is legal immigration. Otherwise, legal immigrants who have long enriched this Nation, may be unfairly impacted by the negative views which understandably are associated with illegal immigration.

In addition, we cannot give appropriate consideration to employment-related provisions of a bill discussing both legal and illegal immigration. Legal immigration has helped to strengthen America's economic base, providing our Nation's businesses with highly skilled individuals to meet critical needs in special fields and disciplines. American businesses who employ legal immigrants already must comply with a series of rules and regulations which can be very costly. Also, as a recent Cato Institute study makes clear, legal immigration does not increase the rate of native unemployment.

Obviously, illegal immigration poses a different set of employment-related issues such as what appropriate sanctions should be levied against employers who hire illegal immigrants and the best and most efficient way to verify citizenship of potential employees.

Again, I hope that my colleagues will remember that we are a nation of immigrants and that legal immigration has been a source of great strength and diversity. We can best and most fairly address any problems associated with legal immigration by discussing that issue separately from the far greater problems illegal immigration presents. Thus, I urge my colleagues to vote to keep illegal and legal immigration provisions separate.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I rise in support of the Simpson amendment. Mr. President, what the Senator from Wyoming has recommended to this body is that we try to consider the immigration questions together, both legal and illegal. There have been some very sincere Members who have worked in committee to separate the bills. I understand their interest in considering them separately. But I hope the membership of the Senate will consider the question of joining these together, for several reasons. The first is simply that these questions are integrated. Illegal and legal immigration questions do overlap. It is logical to consider them all in one bill. It makes the most sense.

The second reason, Mr. President, is, frankly, I think we are much more likely to get a bill through and passed if we have them together, as well. That is a judgment on my part. Others may have a different view. But I think there is, one, a need to move ahead with legislation in this area, and, two, that need is much better accomplished if we have those measures together. So it makes sense to have them together, makes it better to legislate, more cohesive. Second, I think it makes it much more likely we will pass a bill.

In ascribing motives to lobbyists who have worked to separate the bills, I want to make it clear that I do not attribute those to the Members who have risen on this floor to speak. I think they are sincere. Mr. President, it is my impression that those Members have made a very enormous, positive contribution to this debate. But it is also my impression that some of the groups that have lobbied for separation of the bills have done it because they did not like provisions of one or either of the particular measures. Many business groups lobbied very hard against having the bills considered together.

Mr. President, I think the reason for their interest in separating the bills no longer exists, frankly. There were provisions in the original bill, as it came to the Senate Judiciary Committee as a full committee markup, that caused concern. There were provisions of it that I thought were quite antibusiness. There were provisions, in my view, that should be stricken from the bill.

But, Mr. President, that original reason, that reason that had caused the interest groups to try to separate the bills no longer exists. Literally, the harmful provisions, at least almost all of them in my view, have been taken out of the bills. The very reason for separating them has been done away with. It came about because we had in the Judiciary Committee what I consider the most positive markup I have ever been involved in in 16 years in the Congress. It was very akin to the kind of markup that occurs in State legislatures all across this country.

The difference? The difference is it was bipartisan. The difference is that people listened to each other. The difference was that the accommodation was reached. I am sure Members will reflect that is not always the case in markups. I came out of that Senate Judiciary Committee markup feeling very positive, not only about our results, because I think the bill was dramatically improved in that process, but about the process itself.

I hope, as Members deliberate this question, they will look for a logical way to legislate, which is to combine these subjects, and they will look for a reason to get both of these bills passed because, Mr. President, there is not a Member who comes to this floor who does not understand and does not share the view that we need to change the laws in this area, that we are not accomplishing the purposes that both parties agree on. So it is a logical way to do it and a way to make sure we get good legislation.

Lastly, Mr. President, I simply add this. It is important that we move on this subject. As we explored this subject in markup, what we found is that there were a great many areas that both liberals and conservatives, Democrats and Republicans agreed on—that there are errors and loopholes in our current laws, and there are many areas where the common purpose of all people in the United States are not being met. They are not being met because our laws are deficient in that area.

I simply believe this subject is compelling and the need to act is compelling. That need, that purpose that I believe almost all Americans share, can be much better accomplished if we move to join these two measures rather than keep them separate. I yield the floor.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I do thank my friend from Colorado. This Senate will miss him, and certainly I will miss him. He is a very special friend and one for whom I have come to have the highest respect and admiration and affection.

I want to thank Senator SHELBY. Such a fine ally. I admire him so, a very steady, thoughtful, extremely authentic man when he deals with the issues of the day.

I just say to my friend from Colorado that I think my colleague from Michigan was a bit shocked when the Senator said we were talking about joining these issues. My amendment is not about joining the issues. I want to express that. This is a singular amendment based upon the majority recommendations from the Jordan commission. We have seen fit to see that it is an issue that will be discussed, voted on, whichever way it goes, and then move on. I think once we finish this amendment, things will move in a swifter fashion.

But just let me say this to kind of summarize some things that have occurred during the debate. Please understand that I think what my friend, Senator FEINGOLD, was talking about—parents—there is no change in my amendment in the definition of "immediate family," none. Parents, minor children, spouses, no change. That, I think, is unfortunate; and perhaps it may have been misconstrued. But there is no change in the definition of "immediate family" in what I am doing.

I say, too, that in the debate I have heard the phrase that these people come here to work. I agree with that totally. There was another reference to the fact that they are a tremendous burden on the United States. I have never shared that view. I have never shared the view that these people who come here are a tremendous burden.

But there are some touching stories here I just have to comment on. You knew that I would not completely allow that to slip away.

We can all tell the most touching stories that we can possibly conjecture. My friend from Ohio tells those stories. My friend from Massachusetts tells those stories. I can tell those stories, for I have a brother who is just about the most wonderful man you can ever imagine. I would like to have him here. But the problem is, nobody will raise the numbers, no one will come to this floor and say, "I think legal immigration should be 1,000,002." I do not know of anybody who is going to come here and do that. Unless you do that, then I have to make a choice, which is not quite as dramatic as Sophie's choice. That would be a poor illustration. But I have to decide whether I want to bring my spouse and minor children or my brother or raise the numbers. That is where we are. So you either deal with the priorities or you lift the numbers. There is not much place to go.

When Senator DEWINE talks about this gutsy guy, this gutsy, hard-working guy—and that I will remember for a long time because I know that story now—that gutsy, hard-working guy cannot come here, ladies and gentlemen, because 78 percent of the visas have been used by family connection. This gutsy, hard-working guy, the people we all think about when we talk about immigration, these people who come and enrich our Nation, as memorialized on the Statue of Liberty by Emma Lazarus, are not going to get here, ladies and gentlemen, because 78 percent of the visas are used by family connection, period. That is where we are. You take more or give more. I have the view, which is consistent, that we ought to give the precious numbers to the closest family member. That is the purpose of my amendment.

Senator KENNEDY talks about the adult child who will have to wait, and it is a poignant story—or the only sister of the Cambodian who will not be able to come for 5 years. I ask my colleagues if you really prefer to admit brothers and sisters or adult children while husbands and wives and minor children are standing in line, who want to join their family here, who can be described as "little kids," "little mothers, little fathers." That is what this is. What kind of a policy is that?

I tell you what kind of a policy it is, it is our present policy. The present policy of the United States is that there is a backlog on spouses and minor children of permanent resident aliens, which is 1.1 million. There is a backlog of brothers and sisters in that fifth preference, of 1.7 million people. No one is going to wait that long, I can assure you. No one is going to wait that long. They will come here. Who would not?

There are two choices: Raise the numbers, or give true priorities. There is no other choice. None. Americans will not put up with the first one, which is to raise the numbers. You can see what they say. They do not want new numbers. The Roper Polls, the Gallup Polls down through the years, ever since I have been in this issue, ask the people of America, do they want to limit illegal immigration. The response is "Yes," 70 to 75 percent. And the second question, do you want to limit legal immigration, and the answer is "Yes," 70 percent consistently throughout my entire time in the U.S. Senate.

You cannot do both. You cannot lower numbers and keep the current naturalization system, so you have to raise the numbers or else go to a true priority. There is nothing about persons, human beings, and all the rest of that. That is one we can all tell. It is about if you really care, if you really, really care about what we are all saying here, then raise the numbers. If you want to do that, we should have that debate—raise the numbers. If you do not raise the numbers, you are going to continue to see a 40-year-old brother of a U.S. citizen taking away the number of a spouse, a little spouse or a minor child, a tiny child—we can all do that. That is why we do not get much done and probably will not get much done here. At least we will have a vote. That is what this is about.

What about my spouse and minor children that I love? Why not both of them? Why cannot my spouse, minor children and my brother come? It is because they will not raise the figures. Raise the figures and then they can all come. Make your choice. I can tell you, in grappling with this issue and all the issues of emotion, fear, guilt, and racism—I keep using it again and again and again—and Emma Lazarus, I know all about Emma Lazarus. I read up on that remarkable woman years ago. Of course, the Statue of Liberty does not say, "Send us everybody you have, legally or illegally." That is not what it says.

The most extraordinary part of it all is that the people who want to do everything with illegal immigrants and do something to "punish them" and do something to limit them and do something here, here and there, are the very people who will also not allow us to do anything with a proper verification system that will enable us to get the job done. We will have a debate on that one and see where that goes. That is an amendment of mine on verification.

You cannot do anything in the illegal immigration bill unless you do something with the gimmick documents of the United States. When we try to do that one, here comes wizards like the Cato Institute talking about tattoos and people who have found an enclave there, to reign down and give us no answers, not a single answer about what you do with illegal immigration, if you do not do something with the documents, verification or the gimmick Social Security and the gimmick driver's licenses and all the rest. What a bunch. What a bunch.

I am still waiting for the editorial from one of their wizards over there to pour out for me what happened to the slippery slope here. When I go to the airport and get asked by the baggage clerk for a picture ID, I did not really think about that being the slippery slope, but I guess it must be the slickest slope we can ever imagine if this other stuff is the slippery slope. This is bizarre. Get asked by a baggage clerk for a picture ID will not do something to keep illegal, undocumented people out of the United States and keep them from working in the United States so the American citizens can have the job and do the work. It is a curious operation, but things I needed to say. That is why this amendment is here. We will just see where it goes. Let her rip.

Somebody can come and look at what the debate was and say, "How did it ever reach that point? Hundreds of thousands of people playing by the rules will have to wait?" Under the current system which would be perpetuated by the present committee language, 1.1 million spouses and children of permanent residents, must wait for up to 5 years. While the closest families members are waiting for years, now we admit under our current system 65,000 siblings of citizens and their families every single year.

Finally, Barbara Jordan did know about the figures that have been presented in this debate. The INS statistics, their division of statistics sent one of their experts to the commission to help with their deliberations, to help the commission, and they certainly did know about these figures. The magnitude is alarming, but they knew.

So the important link between legal and illegal immigration, many of those we are often told are waiting patiently in the backlog and some in fact are not waiting patiently in the backlog. In fact, they are not waiting at all. Why should they? They have entered this country legally or illegally. Legally they are residing here. When their place on the backlog is reached they apparently feel a sense of entitlement there because their visa has been approved. They say, "Gosh, I have been approved to come to the United States of America, but I cannot come for 10 or 15 years because some brother is taking up the slot. Some 30-, 40-year-old brother down the road has taken my slot and I want to be with my spouse and minor children or some closer relative, an unmarried son, a daughter, a married son or daughter." But no, because we have this huge line of preferences and we meet them all and we are required to meet them all with a total of 226,000 people. We are required to do that.

They certainly feel they have a technical ability to come here. How many are in that group? Let me tell you how many are in that group—1 million people in that group. Let me tell you who are these people waiting to come in who are currently in the United States who are not playing by the rules. Here are people who are, I hope my colleagues will hear, who are not playing by the rules. We have in the family first preference, the estimated percent of people, waiting list applicants, who are currently in the United States, should not be in the United States, but are in the United States because they have been approved, but they have not been approved for entry. But they are here. Mr. President, 25 percent are in the family first category. Sixty-five percent of spouses and children in the family second category are not playing by the rules. They are here. Where do you think they would be? They have been approved. They are on the list, and they have not been finally adjudged, and they are here, and 65 percent are not playing by the rules. Adult sons and daughters, 25 percent are not playing by the rules. Third preference, 8 percent. Family, 5 percent—all not playing by the rules. I will enter into the RECORD that estimate of the waiting list and family sponsored preferences as of February 1996.

I ask unanimous consent that that be printed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ESTIMATED IV—WAITING LIST IN THE FAMILY-SPONSORED PREFERENCES AS OF FEBRUARY 1996

Category	Estimated February 1996 totals	January 1995 totals	Increase from 1995
Family first	80,000	69,540	+10,460
Family second:			
Spouses/children	1,140,000	1,138,544	+1,456
Adult sons/daughters	550,000	494,064	+55,936
Pref. total	1,690,000	1,632,608	+57,392
Family third	285,000	260,414	+24,586
Family fourth	1,700,000	1,592,424	+107,576
Family total	3,755,000	3,554,986	+200,014

Estimated percent of waiting list applicants who are currently in the United States

Family first	25
Family second:	
Spouses/children	65
Adult sons/daughters	25
Family third	8
Family fourth	5

Mr. SIMPSON. Perhaps the debate is drawing to a close. It has been a good debate. I very much have enjoyed it. I enjoy my colleagues. I have worked with them and am learning to know them. It will be a great influence on the debate in years to come. That is very important. The purpose of this amendment is simply to try to stabilize what is presently totally out of control, unless you raise the numbers.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. ABRAHAM. Mr. President, I thank the Senator from Wyoming. I was not as surprised as he was at the remarks of the Senator from Colorado about this effort to bring legal immigration into the illegal immigration bill. As I said in my earlier comments, and as I think the remarks of the Senator from Colorado also reflect, this is a very substantial joining together of two very, very, in my judgment, different issues that ought to be dealt with independently of each other, as we were able to do so in the Judiciary Committee, and as the House did in their consideration of immigration already this year.

The fact of the matter is that these issues that pertain to the number of legal immigrants who can come into this country are very complicated, significant, and weighty issues. Mr. President, I say to you that anybody who has been watching the discussions today, who has been following this debate, I hope they recognize already what we recognized on the Judiciary Committee, that these are not simple amendments. These are not amendments that should be considered in the flash of the day here. These are, in fact, deserving of being independently considered in a much broader context that looks at the whole range of matters that pertain to legal immigration at the same time.

To take the illegal immigration bill—an outstanding piece of legislation, in most respects already—and suddenly inject into it considerations of legal immigration on the basis of one amendment at the very end of this process is not the way the full Senate should take this up today. In my judgment, Mr. President, anybody watching this debate would recognize that the Senate deserves to have a full and complete consideration of legal immigration, rather than to attach one highly controversial and very complicated element of it on the illegal immigration bill.

That said, Mr. President, let me move on to address some of the substantive components of the Simpson amendment, which is at the desk right now. I think it is important for our colleagues to understand exactly what would happen if this amendment were to pass. First of all, Mr. President, I think the priorities in this amendment are out of line. Under this amendment, the practical effect of priorities that have been set is that virtually no visas will be available for people who fall into categories such as the adult children or the married children of U.S. citizens.

Given the backlog of spouses and children of permanent residents, given the anticipated numbers by the INS, the normal categories of an unlimited immigration of the spouses and children of legal citizens, it is clear that, for the 5-year period the legislation contemplates, there will not be any visas available, in my judgment, for anyone who is the child, married child, or adult child, of a U.S. citizen.

What that means, Mr. President, and what our colleagues have to understand is that if the Simpson amendment were to pass, we would establish the following priority. The children of noncitizens would have a greater priority in terms of gaining access to this country than the children of U.S. citizens. Let me repeat that. The children of noncitizens would be given a higher priority than the children of citizens. In fact, virtually no adult children or married children of citizens would, under this amendment, have a chance to come here during this 5-year period.

Let me reflect further on the point I am making, because it turns out, as Senator SIMPSON indicated, and as we have discussed here already today, that a substantial portion of those people who are in this category of permanent residents, were themselves amnestied here in 1986 by the legislation that this Congress passed and which was signed into law. Prior to that, they entered the country illegally. They were illegal aliens. And so if we place, as a priority, the children of these permanent residents on the basis that the Simpson amendment does, above the adult children and married children of U.S. citizens, we would not only be placing priority on the children of permanent residents, noncitizens over the children of citizens, we would be placing as a higher priority the children of illegal aliens over the children of U.S. citizens.

Now, several Members have tried to differentiate between adult children of U.S. citizens and minor children, between married children of U.S. citizens and minor children, between married or adult children of U.S. citizens and minor children of noncitizens; but I have a hard time believing that any Member of the U.S. Senate or Congress wants to exclude virtually every adult or married child of U.S. citizens and, instead, propose such a substantial priority on the children of noncitizens, indeed, so many of whom were at one point illegal aliens.

It just seems to me that these are not the priorities we, as a body, ought to follow. In addition to that, as was alluded to also by Senator SIMPSON, there are a huge number of children and siblings of U.S. citizens who are on this backlog list, people who have been waiting for, in some cases, as many as 10 years to come here. The Simpson amendment would virtually wipe out anybody on that list from having access over these 5 years that the amendment would seek to apply.

These people have been waiting already a long time. They have paid the dollars that are involved in securing applications and a variety of other things that are part of this process. Now they will be told that, basically, for at least 5 years, the door is going to be shut. I think that is a huge mistake. These are the people that all of our offices hear from all the time. These are the people whose fathers and mothers contact us and ask us, "What can be done? How can we get our children here?"

Well, many times we have had to say "no." Now we are going to, with a vote today, say "no" for an additional 5 full years, Mr. President. I think that is a terrible delay to continue.

But let me talk, also, Mr. President, about some of the other comments that have been made with respect to exactly who is affected by this legislation. We have heard a lot today about the concept known as chain migration. It is always said in a very kind of threatening way and a worrisome-sounding way—chain migration. That is something we, apparently, do not like. But let us just talk a little bit about these folks who were on the charts we saw earlier today—the sons and daughters of U.S. citizens, who we seek to keep the door open to. Are these really people we want to keep out, Mr. President? Are these really people we want to put at a lower priority? Are these really people who, as some described, are taking from our system? It is exactly those people who Senator DEWINE referenced when he talked about the gutsy guys who have come here. Who are those people who have come here over the years to make a contribution? That is exactly these people.

The notion of chain migration has been dramatically exaggerated here today. As the General Accounting Office study indicates, the average time between a person's arrival and their effort to sponsor somebody is 12 years. The chart, which attempts to depict huge influxes of people coming as a result of one person's immigration—in fact, that covers half a century. That, I believe, is exaggerated at that point as well.

The fact is that, under the law that we are considering, the illegal immigration bill, countless provisions have been placed in that legislation to prevent this—sponsorship agreements that can be enforced, so that before people come over here, there has to be a sponsorship agreement by the person sponsoring, and that agreement can now be enforced under this legislation.

That is not going to encourage immigration; it is going to advertise courage. It is a dramatically exaggerated contention. To the extent it exists, the illegal immigration bill will discourage it. To the extent that anybody is trying to exploit the system, this bill discourages it.

This bill contains sponsorship provisions, deeming provisions, provisions which limit access to the Government services by illegal aliens and by noncitizens that are going to discourage any advantage taken of the system, which will leave instead the kind of country that so many people sought over its history, the kind of nation where people came here to play by the rules and make a contribution, and, indeed, they have.

An earlier speaker talked about immigration places a huge strain on the process. The type of immigration we are talking about, the ability of U.S. citizens to bring their children to this country, which this amendment would dramatically reduce, is not a strain on this system. To the extent any strain might exist, we have already addressed it in this illegal immigration bill by cutting off access to the kinds of services that may have been exploited.

So, although I have several other things that I will bring back to the floor so other speakers get their chance, let me just conclude by restating two fundamental points.

First, the Simpson amendment is an attempt, no matter how it is characterized, to bring very weighty, very complicated legal immigration issues and inject them into the illegal immigration bill. Those issues should be considered separate and very comprehensively in the bill that is before the Senate that is already at the desk on legal immigration. To bring them in now, especially to bring them in piecemeal, is a mistake.

The practical effect of the Simpson amendment, were it to be enacted here today, would be to place a higher priority on access to coming to this country on the children of noncitizens versus the children of citizens. It would place a higher priority on the children of illegal aliens versus the children of citizens. If we are to address, and effectively address, issues of legal immigration, then at least we should address them in a way that puts the priority the way it ought to be. Citizens of this country and their children should have a higher priority than noncitizens and certainly than those who are illegal aliens.

Mr. President, I yield the floor. I will continue my discussion of this amendment after others have spoken.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, let me again strongly associate myself with the comments of the Senator from Michigan. Although it is suggested that somehow this amendment does not violate the distinction between the illegal and the legal immigration issue, I do not know how else you can say it. It is indisputable that this amendment is not only about people who may at one time be illegal immigrants. But they are legal immigrants. It is not about people engaged in any kind of activity that is illegal.

I made this point in my earlier remarks. Senator ABRAHAM and I did offer an amendment that was approved in committee for those situations where someone has come here legally and then overstays their visa. We increased the penalties for that. That is appropriately in an illegal immigration bill. But this amendment has nothing to do with that issue at all. It has to do with which family members and which relationships and in what order people should be able to come to this country in a strictly legal context.

So I am troubled by the attempt here to, on the one hand, suggest that, of course, we should separate these two issues and then come right here at the beginning of this bill and offer an amendment that clearly goes over the line, that clearly goes into legal immigration, and to somehow suggest it is just one little amendment. It is not one little amendment. It is a big deal that is going to affect thousands and thousands of families, of people who are acting completely legally, and they are going to be forced into a bill that is all about the public anger and concern having to do with illegal immigration. I think that paints the issue.

That is why I think an overwhelming majority of people in this body, if they are given a simple opportunity to vote, whether they wanted to consider illegal and legal immigration separately would vote to separate the issue.

Mr. President, what I am going to suggest, since the amendment came up in this order, is that this is going to be the key vote on whether or not you really think the issues of legal and illegal immigration should be separated. I talked to a number of Senators about this issue. They think it is very clear. There is no question in their minds that the illegal and legal issues should be separate. Make no mistake. This is the amendment that will decide whether that is really their position.

Those who vote for the Simpson amendment cannot possibly argue that they have kept the faith of keeping the legal and illegal issues separate. It is impossible. It is too big of an issue. In fact, I would even argue that it is worse than just straightforwardly saying, "We are going to merge legal and illegal immigration." It is just piecemeal. It takes one very significant aspect of legal immigration, family immigration, and somehow decides it in the context of an illegal immigration bill while leaving other important issues having to do with legal immigration to this side, presumably to be dealt with when we bring up the legal immigration bill.

This is the worst of all worlds because it does not allow people to look at the legal immigration issue in its context. It just separates one thing, puts it in the illegal bill, and in my view it is a disingenuous attempt to have the cake and eat it, too—that you respect the split, but, nonetheless, we are going to resolve the very basic issue at this time.

Whatever the merits of the issue, I think the Senators from Michigan, Ohio, and others have done a wonderful job of explaining the problems with the extreme limitations that this amendment brings forward. Whatever your view on the merits, I hope Senators will realize that this is the vote about whether you want to keep the issues of illegal and legal immigration separate. There may be other related amendments later. There may be a sense of the Senate. But if you go ahead and pass this amendment, you have already broken the line between the two issues, and you cannot put it back together.

Mr. President, I hope all Members realize the importance of this, not just from the point of view of the merits, which are terribly important, but also from the integrity of this whole process, which the vast majority of the House and the vast majority of this body believe it would receive by separating and keeping separate the issues of legal and illegal immigration.

Mr. President, I suggest that it is very, very important that we reject this amendment.

I yield the floor.

Mr. DEWINE. Mr. President, I would like at this point to try to respond to my friend and colleague from Wyoming and to some of the comments that he has made. I think we are engaging in a good debate here. This has gone on for a few hours. It is probably going to go on for a few more hours. But I think these are very, very important issues.

I believe that the Simpson amendment is in fact antifamily, anti-family reunification, and goes against the best traditions of this country.

Let me explain why I say this because this can get very, very confusing, and you have to really spend some time. It has taken me some time to get into it. I certainly do not today pretend to be any kind of expert. But let me explain what I understand the facts to be.

The Simpson amendment would have the effect of pushing aside adult children of U.S. citizens. It would have the effect of pushing aside the minor children of U.S. citizens who happen to be married. It would say to a U.S. citizen—let me again emphasize "a U.S. citizen"—you cannot bring in your adult child. We are not going to consider that person part of your nuclear family anymore. That is going to be your extended family, those of us who have children over a wide range of ages. Try to tell that to your older children, my son Patrick, or Jill, or John, that they are no longer part of our family; you cannot come in.

It says to a U.S. citizen, if your minor child has made the decision to get married, well, you cannot even bring your minor child in. It says that to the U.S. citizen. It pushes these children aside in favor of—let us be very careful how we state this—the spouses and minor children of illegal aliens, people who were illegal aliens, who came here illegally and who were ultimately granted amnesty in the Simpson-Mazzoli bill.

That is the choice. That is what it is doing. But when you get into it further, what you also find out is that the vast majority of these people, which this amendment purports to help, with children, with spouses, people who were illegal aliens, who came in here then because of the amnesty provision of Simpson-Mazzoli, were legalized, we say that is OK—their children.

The facts are the vast majority of their children and their spouses are already here. They are already in the country. They are not leaving one way or the other, no matter what this bill does. That is the reality. No one can come to this floor and say this is going to impact it one way or the other. So we are pushing aside family members of U.S. citizens purportedly for the reason to help other people, the vast majority of whom are already here anyway. That is antifamily. It is wrong. It is wrong. It is wrong. We should not do it.

How did this all come about? Let us look at the facts. Let me cite the Jordan commission because my colleague from Wyoming very correctly cites the Jordan commission for many things. Let me cite the Jordan commission. It is stated, stated by proponents of the Simpson amendment—it was talked about in our committee—that there are 1.2 million spouses and children of permanent resident aliens who are waiting to come in. That is the people the Simpson amendment purports to help. Let me repeat it—1.2 million spouses and children of permanent resident aliens who are waiting to come in. End of quote. Here is what the Jordan Commission says about this group of people. The Jordan commission said that at least, at least 850,000 of these people, at least 850,000 of them are already here. They are already in the country.

Who are they? Again, they are the children, they are the spouses of people who this Congress in the Simpson-Mazzoli bill in 1986 granted amnesty to.

So I think it is very important that we keep this in mind.

Now, no one can come to this floor and say these people are going to be kicked out. That is not happening. It is not going to happen. In fact, the husbands, the mothers, people who are granted amnesty, once they were granted amnesty, were on the road to citizenship if they wanted it. Now, many of them for any number of reasons that I cannot fathom have decided not to become citizens, but no one is talking about kicking them out. INS is not deporting them, nor is INS deporting their children, nor is INS deporting their spouses. And there is no one who can come to this floor and say anybody is talking about doing that. So I think it is very, very important to emphasize who these people are. And again I would cite the Jordan Commission. Mr. President, the 850,000 of this group of people the Simpson amendment purports to help—it purports to help family members—get help only on paper because they are here already. The fact is that when a legalized person becomes a U.S. citizen after 5 years, the spouses and children are legalized immediately. They can do that. All that person has to do is become a citizen. And even if that person does not elect to become a citizen, no one is going to kick those kids out and no one is going to kick the parents out. So I think, while what is said about the Simpson amendment makes sense and is technically correct, we have to look behind that and look at who these people really are and what the real facts are.

Let me turn, if I could, to another issue but it is related. It is related to Simpson-Mazzoli that passed in 1986, and it is related to the overall rhetoric about the extent, number of legal immigrants who are coming into this country. The statement is made that we are at an all-time high. That is simply not true. It is not even close to being true. It is not accurate.

We are at the rate of approximately, talking about legal immigrants, of 2 per thousand of our population. We have been at roughly this rate for 30 years. We have been at higher, we have been at lower during our history. Just to take one example, though, if you go back to the turn of the century we were at about 10 per thousand. We are at roughly 2 per thousand now.

What about my colleagues who may say, well, we just heard the argument made that we have new statistics out from INS that show the numbers are up. Yes. What it shows is that we got what we expected. When we decided to grant amnesty in 1986, we knew there was going to be a spike, and we knew there was not only going to be a spike but there was going to be additional spiking as a result of that because of the children that could be legalized, could become U.S. citizens of those people who are granted amnesty.

That was expected. So I think you have to put this again in its historical perspective, and we have to understand that this should be a shock to no one. It was totally expected. It is an increase that we have seen as a direct result of the amnesty that was granted in 1986 and it is basically just as the amnesty was a one-time shot, the results of that amnesty are also a one-time occurrence.

Let me talk, if I could, about another argument that my friend from Wyoming made. He had a very interesting chart. I walked over to take a look at it. It was something that I heard him talk very eloquently about a great deal and that is the chain migration problem.

Just a couple comments. As my friend from Michigan said a moment ago, that chart may be accurate, it may be accurate for a family. I can come up with a hypothetical. It might be accurate—might be. But if it was accurate, assuming it was accurate, assuming that is a real case, it takes about a half a century for that all to take place. So I think we need to put that in perspective.

My colleague from Wyoming agreed with me; we should favor the gutsy people, gutsy people who picked up and came here. What is to say those people on that chart are not gutsy? What is to say they are not people who contributed to society? What is to say they are not people who work with their family, maybe work in a business to make things happen? That chart is almost the history of this country, almost a reflection of our own, not just the history of this country but a reflection of many of our own families, if we go back a generation or two or three.

I wish to return to another issue because this issue keeps coming up. I just want to return to it because it shows I think how many times the mixing in our bills and in our mind of the issue of legal immigration and illegal immigration leads not only to what I think would be bad legislation but I think bad thinking and confusing thinking and confusing rhetoric. Let me give one example. It has been stated time and time again one-half of the people who come here—let me get the precise language. I wrote it down. One-half of the people who are illegally here came here legally. One-half of the people who are illegally here came here legally. Yes, that is true. But these are not the people we are talking about when we talk about legal immigrants. These people were never immigrants, immigrants meaning someone who is here on the path to becoming a citizen.

Rather, these are people who came here—yes, legally—but who came here with absolutely no expectation that they would ever become a U.S. citizen. These are people who came here to work on visas. These are people who came here as students. Frankly, they overstayed; they overstayed their welcome, they overstayed the law, and they are a problem. This bill begins to address the problem, the bill as currently written. The Simpson amendment does not do anything about this problem.

In all due respect to my friend from Wyoming, I think the only thing this rhetoric does is confuse the issue because people then make the jump and say you have to combine the two issues. They are separate and distinct. Legal immigrants is a term of art. People who are here—that is not the problem. There are some people, a lot of them, who overstay the law. They came here legally but they were never legal immigrants. I think it is important to keep those two things in mind.

The statement is also made that aliens use social services more than native-born Americans. Again, every statistic, every study that I have seen, as well as anecdotal evidence that I think most of us have seen in our home States, would indicate that you have to look beyond that statement. That statement may be technically true, but if you break out legal immigrants, people who came here legally, people who have become citizens, people who got in line the way they were supposed to get in line, people who are now naturalized citizens or who are legal resident aliens, in line to become citizens—if you look at that group, and that is the group that the Simpson amendment is going to affect, what you find is statistically they are on welfare less than native-born Americans; less. Again, I think it shows the problem when we try to mix the arguments and when we try to combine legal and illegal.

This vote is a vote not just on the merits of the Simpson amendment. It is also a vote on whether or not this Senate is going to take an illegal immigration bill that I do not think is perfect—in fact, I have a couple of amendments. One amendment I am going to offer; another amendment from Senator ABRAHAM I am going to support. We are going to fight about those and vote on them. But it takes an illegal immigration bill that I think is a very good bill, a bill that addresses the legitimate concerns that honest Americans have that their laws be enforced, that we play by the rules and that people who come here illegally are dealt with—it it takes that concern and superimposes on it—this is what the Simpson amendment does—a whole other issue, an issue that this Senate should debate, should talk about. But on a different day. It confuses the two issues, puts them together, and I think that is a mistake.

For those of my colleagues who are concerned, and I think virtually everybody in this Senate is, about passing an illegal immigration bill and getting it signed and having it become law, the best way to do this is to defeat the Simpson amendment.

Do not take us down the path of getting in the swamp, getting in the muck of all the other issues we are going to be into if, in fact, the Simpson amendment passes. Legal and illegal, they simply, I believe, have to be kept separate.

I am going to have a few more comments later on. I do see several of my colleagues who are on the floor waiting to speak. I will, at this time, yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I rise in favor of the Simpson amendment. First of all, let us understand something very clearly. The discussion about separating the bills, the legal and illegal bills, boils down to one simple political fact. Those who do not want any changes in the laws relating to legal immigration in this country, who do not want to change the numbers, who want to continue to see the number of legal immigrants in this country continue to rise, as the charts that were shown earlier indicate—those people who do not want to see any constraints on legal immigration also do not want to see the issues of legal and illegal immigration combined into one bill because they understand that there is a very strong political desire to deal with the problem of illegal immigration. This body will not refrain from dealing with the problem of illegal immigration. Therefore, if we are talking about the same subjects in the same bill—there is going to be a bill and there could be a change in the law relative to legal immigration—so they do not want to see that. They would rather see the legislation regarding illegal immigration pass and then do nothing with respect to legal immigration.

The Jordan Commission made some very substantial recommendations about both legal and illegal immigration. Specifically, it determined that our law should be changed to put some caps on the numbers of people legally immigrating to the United States. The basis for the recommendation was what has occurred in the last 10 years, both with respect to illegal immigration and the increases in legal immigration. Ten years ago or so when the law was changed, the assumption was that we would stop illegal immigration. How naive, I guess, everyone was. We thought by making it illegal to hire those who were here illegally, we would remove the magnet and people would stop coming here illegally. We would not employ them. Therefore we would not have as many illegal entrants. And, therefore, we could afford to raise the number of legal entrants.

So the Senate and the House in their wisdom, before the occupant of the chair and I came to the Congress, decided that what they would do, since we were going to have so many fewer illegal immigrants, was to simply raise by almost a quarter of a million the number of people who could come here legally.

Of course not only have we had more legal entrants every year, but illegal immigration has also risen. It is the combination of both of these numbers increasing that has resulted in the substantial majorities of people surveyed, regardless of which survey you look at, who say we need to do something about the problem, both problems. We need to get a handle on controlling our borders. We need to make it harder for illegal immigrants to be employed and receive welfare benefits. And we also need to reduce somewhat the number of people coming into the country legally.

You can argue about where the numbers should be. My own view is that at least it ought to be taken about to the level that it was 10 years ago. It is still about a quarter of a million people a year. The Jordan Commission actually recommended fewer than that. The Simpson amendment actually recommends more than the Jordan commission did, but it recommends it as a true cap. It says this is a real number; 480,000 will be it. Period. That is, each year, how many people can come in legally.

The bill, as it came out of the Judiciary Committee and as it is here on the floor, however, does not really limit the numbers. It provides a cap but it is called a pierceable cap, meaning you can actually have more numbers than that. And, because of a phenomenon which I will discuss in a moment, the net result is that there really is no cap at all. So let us speak very plain English here. Nobody is trying to cut off legal immigration. Nobody is trying to cut it in half. Nobody is trying to cut it even by 25 percent. But what we are saying is that there should be some limit on it, as opposed to the bill, which will enable it to escalate substantially.

Those who favor basically open, legal immigration, will say, "Oh, no, the bill actually has a cap in it." That is true. But, as I will point out in a minute, the cap does not mean anything. It can be pierced and it will be pierced because of the large number of people who are awaiting their turn to become legal citizens, just precisely as Senator ALAN SIMPSON pointed out during his remarks about an hour ago.

Let me return to a point that I made just a second ago and actually cite some numbers. A recent ABC poll showed that 73 percent of the people in the country want reduced immigration. A recent Roper poll showed that only 2 percent of the respondents supported the current levels of immigration; only 4 percent of blacks and Hispanics supported the current level. There is overwhelming view in our country that immigration numbers should be somewhat reduced.

If I look at the actual survey numbers, as was pointed out before, most of our citizens would reduce those numbers far below what any of us are talking about doing here today.

We ought to be responding to what our constituents are asking, but as happens so much here inside the beltway, with various lobby groups putting pressures on Members, we are not even going to come close to what the majority of the people in this country are asking. We are not going to reduce the number of legal immigrants in the country to 100,000 per year, as a majority of Americans would like to see. We are not going to call a time out on any legal immigration. We are not going to reduce it to 200,000 or 300,000 or 400,000.

The most that we are going to do is to get it about at the level that it was 10 years ago, somewhere in the neighborhood of 480,000. So all of the great speeches about how we are shutting off immigration and we are keeping people from coming to this country obscures the fact that we would be allowing about one-half million legal immigrants into the country every year. Of course, this bill applies only to 5 years, and then we go back to the levels that exist today. The Simpson amendment is just a temporary 5-year breathing space to establish a true priority system for family immigration.

As Senator SIMPSON pointed out, one of two things has to happen here. Either we have to change the priorities so that instead of spouses and minor children, the two groups that we want to grant the top priority to—that is existing law; I think that is what all of us would agree to—we are either going to have to change that priority so that brothers and sisters or others could come in ahead of them or, if we are going to do what the proponents of more immigrants want, we are going to have to increase the total numbers, because the current priority system will result in far more people coming in than the current numbers allow. That is why this pierceable cap—it is only a cap in name, because the fact is the proponents of more immigration understand that if you leave the priority system as it is, inevitably there will be far more legal immigrants than there are today.

The goal with the Simpson amendment is reunification of the nuclear family to ensure that the spouses can come in, that they have a top priority and that the minor children have a top priority.

One of my colleagues made this argument, "Well, Senator SIMPSON is actually giving a greater priority to the children of permanent residents than to the children of citizens." That is not true, Mr. President. Minor children of citizens are the first priority. Minor children of permanent residents are the second priority. It is true that minor children of permanent residents have a priority above adult children of either citizens or permanent residents.

I ask my colleagues who made the argument, would they change that priority? Would you put a higher priority on the adult children of citizens than on the minor children of permanent residents? Because, remember, permanent residents are legal, too. They have a right to live in this country as long as they live, and if we are talking about keeping nuclear families together, we have to be very straightforward about this, and I do not think there is anyone here who would not agree that the current priority, which is for spouses and minor children, should be the top priority.

So let us not hear discussion about how we are putting the children of permanent residents above the children of citizens. We are putting the minor children of permanent residents above the adult children of those who become citizens.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. KYL. Yes, just for a moment.

Mr. DEWINE. Does the Senator agree with the Jordan Commission when they said that of those individuals that you just referenced, there are at least 850,000 of them who are not waiting to come in but who are already, in fact, here?

Mr. KYL. As has been noted earlier, that statistic could well be accurate, and about 65 percent of those people who are here are here illegally, if Senator SIMPSON's statistics are correct, which would suggest to me that we should not be granting a priority to people who, though they are here, got here illegally. I will be happy to yield for another question.

Mr. DEWINE. If you will yield for an additional comment or additional question.

Mr. KYL. Sure.

Mr. DEWINE. If the figures of the Jordan Commission are true, that 850,000 spouses and children are here, would you agree that no one is seriously talking about kicking them out of the country? So, in other words, when we talk about it is important to reunify these families, that may be true on paper but in reality they are already reunified. They were never apart because they are here together.

Mr. KYL. My colleague makes a point. I think he proves too much by his argument, though. Nobody is going to kick them out. That is the whole point. So all the bleeding heart stories about how these people are not going to be reunified is, frankly, beside the point. They are here. Many of them are here illegally, but they are here. What they will have to wait for is simply their opportunity in line to have their status recognized as legal. So in point of fact, they are not being hurt one iota.

Mr. DEWINE. Will the Senator yield?

Mr. KYL. Let me finish making this point. Because what we are talking about with the backlog requires two points of clarification.

One, that backlog will be cleared up; those people will get their legal status eventually and, in the meantime, as my colleague points out, they are here already, they are already unified, they are not suffering apart from each other.

Second, it is important to note that the Simpson amendment grandfathers all of those people who came, I believe it is before May 1988—the exact date Senator SIMPSON can clarify—so that we are really not talking about in any real numbers creating a hardship for those adult children who would want to be reunified under the third priority.

Mr. President, I really would like to get on.

Mr. DEWINE. Will the Senator yield for just one more?

Mr. KYL. I will yield one more time.

Mr. DEWINE. Then I will sit down and get my own time. I appreciate my friend's generosity with his time.

I wonder if he could just respond to this. Is it not true that the individuals he just described who are already unified, who are together, are the people that Senator SIMPSON says his amendment is intended to benefit and who, I argue, because of that amendment, are people who really do not need to be unified anyway; they are already unified. They, with his amendment, would be pushing out adult children, yes—adult children—of U.S. citizens who could not come in and minor children of U.S. citizens who happen to be married?

I want to clarify for the membership who we are really talking about. These are people—850,000 of them—who are already here. My colleague says no one is talking about kicking them out. They are already in the country. So to me it is a little misleading, or maybe it does not tell the whole story, to use the term we are "reunifying" these people—and that is the purported sense of the Simpson amendment—when, in fact, they are already physically unified. They may not be on paper unified but they are here and living together. That is who he intends to benefit.

I appreciate the Senator's generosity.

Mr. KYL. It is a point well made, but I believe the point relates to all the categories. As Senator SIMPSON related before, in all four categories of priorities, there are people here illegally who are simply waiting for their turn to become officially recognized as legal. The largest number is in the first category, and then it goes down in number to the point in the bottom category it is the fewest.

So in each of these categories there are people who are here illegally who will have to wait a while before their status can be made legal and who, as my colleague from Ohio rightly points out, are not going to be kicked out.

It is important for us, however, therefore, to focus on this question of priority. Senator SIMPSON and I and others simply believe that the first priority should be the priority of the Jordan Commission and of the existing law that minor children and spouses are the first to receive their legal status. In some cases, it will be legal status for the first time reunifying the family because the rest of the family is not in the country. In other cases, they are already here, and it is simply legalizing the status quo.

The next priority and the priority after that would then come into play. In each case, there are some people who are already here illegally who would become legal, and there are others who were abroad and would be allowed to come to the country, reunify with the family, and eventually become legal. It is all a matter of priorities, Mr. President.

As Senator SIMPSON noted, one of two things is true: Either we change the priorities—and, again, I do not really think anybody is really suggesting that—or we have to recognize that there are so many people who are eligible that the numbers are going to increase dramatically. I think there is an interesting story.

By the way, may I just go back and point out when I talked about pierceable, I meant to describe what we mean by that. The Simpson amendment provides for 480,000 admissions per year. The question is whether or not that number is pierceable or not. The Simpson amendment is a true number. What you see is what you get. What the Jordan Commission recommended was a far lower number, 400,000, but theirs was pierceable, as is the current bill. "Pierceable" means that, because admission of nuclear family members of citizens is unlimited, the admission limit can be pierced. That is the top category, the citizen category. It is actually two categories, because the citizen's both minor children and spouses and then also other relatives of citizens.

Because the number of relatives of citizens is unlimited, when we say there is a cap of 480,000 or 400,000 or whatever it may be, that is not really true. It is that number plus however many additional relatives of citizens are allowed to come in.

The Simpson number is a true number: 480,000, period. Over time, that will accommodate all of the categories that they want to come in. Some will simply have to wait longer than others. We say the ones that should have to wait longer are the more distant relatives, not the spouses and the minor children.

What are the official estimates of how many numbers we are talking about? According to the official INS estimates, immediate relatives will range from 329,000 to 473,000. Mr. President, let me read those numbers again for the benefit of my colleagues. Remember, the Simpson amendment calls for 480,000 family members—additional employment and diversity numbers—but 480,000 family members. INS' official estimates are there will be from 329,000 to 473,000 immediate relatives over the next 7 years, with an average of about 384,000 for immediate relatives.

So the number of 480,000 is plenty to accommodate these immediate relatives. There would be about 100,000 additional slots for family-based categories other than the immediate relatives, the people who my colleagues from Ohio and Michigan have primarily addressed, 100,000 a year.

It does not provide additional slots for the legalization backlog reduction. It is assumed those individuals will be absorbed in the immediate relatives category of U.S. citizens, many of whom, as my colleague noted, are now eligible for naturalization. As I noted, at the end of 5 years this limitation of 480,000 ends anyway. So under the official INS statistics, there is plenty of room for all of the people who have been talked about here to become legal in the United States of America.

The facts, however, are somewhat different than the official story. Here is where we find out the rest of the story, as Paul Harvey would say. It appears that there are some informal INS estimates that differ from the formal estimates. In fact, according to the San Diego Union-Tribune article that has been mentioned here, there will be a significant increase, a 41-percent increase in legal immigration that the INS now says will enter the United States over the next 2 years. They have undercalculated or miscalculated too low for the next 2 years, and the fact of the matter is, we are going to see about a 41-percent increase in the next 2 years.

The article provides details about unreleased data from the INS showing that immigration will rise 41 percent this year and next year over 1995 levels. This is the result of an approximate 300,000 administrative backlog of relatives of individuals who have not realized applying for alien status. Therefore, the fact is, under the bill as currently written, we are not going to see a slight decrease. As the proponents like to say, we are going to see a huge increase.

As Senator SIMPSON noted, you cannot have it both ways: Either you change the priority, which nobody wants to do, or recognize there have to be a whole lot more numbers. The truth is, as the INS-reported numbers in the San Diego paper show, that will be substantially increased over 1995: 41 percent in both years.

As I said, the Simpson amendment is important because it provides a true temporary limit. In 1990—in 1990—the level of immigration was increased substantially, by 37 percent. There was an increase because it was thought that the new employer sanctions would reduce illegal immigration, as I mentioned before. That has not occurred. We know that there are approximately 4 million illegal immigrants in the country and about 300,000 to 400,000 new illegal immigrants entering the country each year. So that number has to be added to the numbers that we are talking about for legal immigrants.

Mr. President, the United States has always been—and, as long as I have anything to say about it, is going to be—a land of opportunity both for U.S. citizens and certainly for all of those who come here legally. But as much as we are a nation of immigrants, we are also a nation of laws. We cannot afford, as a nation, to continue to incur the unrestrained costs of both legal and illegal immigration in jobs, welfare, education and health care. Senator SIMPSON is trying to get a handle on this by limiting immigration very slightly over a very limited period of time, 5 years, as the American people have demanded.

Unless we reform our legal and illegal immigration laws, I believe we will undermine the United States as a land of opportunity for all, both foreign and native born. Everybody has a story to tell how they got here.

My grandparents emigrated here from Holland. My grandmother hardly spoke English. I am very proud of my Dutch ancestry and the traditions that we have maintained, but I think that my grandparents, who assimilated into our society and became Americans, would be rather shocked and somewhat disappointed at the way that the system has grown over recent years. My guess is that they would be supporting attempts of people like Senator SIMPSON to try to bring the right kind of balance and to try to provide opportunity for all of those who are here already and who we will invite legally to come here in the future.

That is why I support the Simpson amendment. I think it is a very reasonable amendment. It is even more liberal, if you want to use that term, than the Jordan Commission recommendation. I know that we all regret that the chairman of the Jordan Commission, Barbara Jordan, herself is not here, cannot be here, because of her untimely death, to defend the rationale for the Jordan Commission report, which, as I said, is even more conservative in this regard than the Simpson amendment. But I think we ignore that report at our peril, and we ignore the sensible arguments that Senator SIMPSON has made here at our peril. As I said, that is why I support and hope that others will support the Simpson amendment.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, a number of my colleagues have made some comments with regard to the underlying legislation, with regard to the amendment that is before the Senate, and also in reference to the Jordan Commission. I will make a brief, brief comment about those comments and also come back to the underlying reason why I am opposed to the Simpson amendment.

Mr. President, we can talk about numbers, and I will get back to where we are in terms of numbers, but for the purpose of understanding in family terms—in family terms—what this amendment is really all about: If you are an American citizen today, you can bring your wife in, you can bring minor children in, you can bring parents in without any limitation at all. That is the same with the Simpson proposal and the underlying amendment. That will not change under this particular proposal.

Under the current law, if you are an American citizen, you can bring your adult children and your brothers and sisters in. There are numbers for those. Today the demand on that does not overrun the numbers which are available. We are talking about 23,000 adult children that come in and some 65,000 brothers and sisters. All of those get in now currently. Under the Simpson amendment, there would not be the guarantee that those would get in. I think it is highly unlikely they would be admitted.

Today, if you are an American citizen, you can bring in the adult children and the brothers and sisters of American citizens. Beyond that, we also have for the permanent resident aliens, slots for minor children and spouses. There are numbers for them, but they get in now. They are able to rejoin. We are talking about the minor children and the wives of the permanent resident aliens that are coming in here today. They are all at risk. There are some 85,000 of those. They get in today.

Now, what does the Simpson proposal basically do? It provides for a limitation on the overall numbers. Then there is what is called the spillover. There are 7,000 slots for that spillover. Mr. President, 7,000 slots for the spouses and minor children of permanent resident aliens. It was 85,000 last year. Those wives and those children were able to get in here. Under the Simpson proposal, there will only be 7,000 available.

Then the Simpson proposal says if the wives and small children all get in here, we will spin what else is left over to take care of the adult children and brothers and sisters. That is just pie-in-the-sky if you look at what the numbers are and what the demands are.

Effectively, what the Simpson amendment does, by his own description: We will say, OK, we will permit citizens to bring their spouses and minor children and parents in here but virtually no one else, at least in the first year, because the other groups now, the adult children, which are 23,000 that are coming in here, and the brothers and sisters, which are 65,000 that are coming in here, and the children and wives of the permanent resident aliens that are coming in here, SIMPSON will say all of those together will get 7,000 visas.

Effectively we are closing the door on those members of the family. That is the principal reason I oppose it. No. 1, it is dealing with legal immigration and not illegal. If we are interested in legal, we have a variety of different additional issues. This is the heart of the legal immigration, the numbers of families. It is the heart of the whole program. Always has been. It is the heart of it. That is what he is changing.

We say that the reason we have this slight blip in the flow line of the increase is because of a set of circumstances that were put in motion by Senator SIMPSON, myself, and others who voted for that 1986 act and the amnesty. It has taken 12 years or so for those individuals to get naturalized that were under the amnesty and now are joining members of the family. After a couple of years, it begins to go down.

As a matter of fact, for example, the total immigration for 1995 in the family preference was 236,000; in the year 2001, it will be 226,000. These are the latest figures. We have the blip now on personal family members. We are committed, even with that, when we get to legal immigration, to lower those numbers in a way that is going to be fair in terms of the different groups that are coming in here. We are not reducing the numbers on the real professionals that are coming in here. Senator SIMPSON reduces it to 100,000. The fact is they are not using 100,000. Do we understand that? We are not using the 100,000 that is incorporated in the Simpson amendment. There is no cutback there. No cutback there, my friends. Mr. President, 32 percent in families—no cutbacks in the permanent numbers.

Where are some of those permanent? We are talking about cooks, auto mechanics. They will be able to come in here. But the reunifications of brothers and sisters—no, they are not.

Mr. President, I do think that what we ought to do is say, Look, on this issue, we had tried. Senator ABRAHAM and myself had offered an amendment in the Judiciary Committee to reduce the overall numbers by 10 percent on that. We have found out in recent times that the numbers have bubbled up. Doris Meissner testified in September of last year that the numbers were increasing. Barbara Jordan had highly professional staffers, and they had access to the same information. They did not identify this kind of a bubble. Senator ABRAHAM indicated—and I join with him—when we get to legal immigration, we will see a fair reduction across the board in terms of these visas, 32-percent reduction for brothers and sisters and the wives and small children of permanent residents. Now, that is not fair.

Finally, Mr. President, I think the argument that has been made by my colleagues and friends about not addressing this issue at this time but addressing it at the time we were going to deal with the legal immigration is the preferable way of proceeding.

I listened to the presentation of my friend and colleague from Alabama, Senator SHELBY, and I watched those charts go up and come down. The fact about the presentation was that we had the mixture of legal and illegal. He points out that 25 percent are in jail. The problem is about 85 or 90 percent of those are illegals that are in jail. When he says on the chart, looking at this foreign born, "They are in jail, they are using the system," those are illegals. Most are involved in drug selling in the United States. They ought to be in jail. They ought to be in jail. They are violating our laws. They are the ones who are in jail.

The fact of the matter is, as others have pointed out during the course of this debate, when you are talking about illegal, you are talking about people who are breaking the rules, talking about unskilled individuals who are displacing American workers, you are talking about a heavier incidence in drawing down whatever kind of public assistance programs are out there. That is the fact. That is why we want to address it.

When you are talking about legals, you are talking about individuals who, by every study, contribute more than they ever take out in terms of the tax systems, who do not overutilize any more than any native American the public programs for health and assistance—with the one exception of the SSI where they have greater use, primarily because of the parents who have come here for children after a period of time are older and therefore need those services. We have addressed that with our deeming provisions. We will have an opportunity to go through the progress that has been made in saving the taxpayer fund.

We are asking, why are we getting into all of those issues suddenly? We will take some time, when we address the legal immigration issue, to go over what has happened in terms of the deeming provisions for senior citizens. That makes a great deal of sense.

Finally, I heard a great deal about the Jordan Commission. The fact of the matter, on the Jordan Commission numbers it is recognized it would be 400,000 that would come here with families. They had another 150,000 in backlog which would be added on to that. They did not even include refugees, which they cited would be 50,000. You add all of those up and you are talking about 400,000 for family, 100,000 in employment, 150,000 in backlog, and 50,000 in refugees. That comes to between 700,000 to 750,000. All of these figures are virtually in the ballpark.

The point my friend from Arizona left out is that one of the central provisions of the Jordan Commission was to do something about the backlogs of spouses and children. It is out there now. With this amendment, you are going to make it even worse. You are going to say to any spouse or child of any American citizen, "You are not coming in here for 5 years, and you will be lucky if you get in after that because of the way this is structured." No backlog reduction, ignoring one of the basic facts.

Mr. President, I think the family issue is the most important. We can work out our numbers in ways that it is going to be fair and balanced along the way. We are seeing the tightening of the screw, a 32-percent reduction with the Simpson proposal, if this measure is adopted, for immediate members of the family. Nothing in terms of the employment. They were down to 83,000 last year. Senator SIMPSON allows for 100,000. Those numbers can continue to grow. I think that is absolutely wrong.

Even if we were dealing on the merits of it, I do not know why we should tighten the belt on families quicker than on those that are coming in and displacing American workers, and, in many instances, they are, as I mentioned, auto mechanics and cooks and other jobs. I think families are more important than those, if you have to choose between them.

Mr. President, we have had a good discussion. Many have spoken about this. I hope the Simpson measure will not be accepted.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from North Carolina is recognized.

Mr. FAIRCLOTH. Madam President, while we are debating the Simpson amendment on legal immigration, let me stress the need to address the problem of illegal immigration as part of Senate bill 1664. I support S. 1664. Madam President, stopping illegal immigration is one of the most difficult problems facing the United States.

A recent study concluded that, since 1970, illegal immigrants have cost the American people over $19 billion in both direct and indirect public assistance.

None of us doubt that illegal immigration is soaring in the country. Some estimate that the number of illegal aliens in the United States is over 4 million people. Moreover, the number of illegal immigrants coming into the United States is growing by over some 300,000 a year.

During the recent recess, I visited many counties in North Carolina. It was very interesting that each county I went into, the county commissioners and the health officials all said, "We have a particular problem in this country that does not apply to other counties. We are being inundated with illegal immigrants." Well, it became almost a joke because each county was of the assumption that they were the only one that had the problem. The truth of it is, the problem is not only statewide, but it is nationwide. We need to stop it.

Illegal immigrants are not supposed to be able to get public benefits; yet, over time, this has been changed. The Supreme Court ruled that children of illegal immigrants are entitled to a public education. Illegal immigrants are entitled to Medicaid benefits under emergency circumstances—which are most circumstances. Further, illegal aliens may receive AFDC payments and food stamps for their children. This is simply another burden on the working, taxpaying people of this country. In defiance of all common sense, it seems that only in America can someone who is here illegally be entitled to the full benefits that the Federal Government has to provide.

We are stripping the money out of the paychecks of the working people, to support 4-million-plus illegal immigrants. Is it any wonder that they are pouring into the country at an enormous rate of something like 30,000 a month?

What does this say about the breakdown in the welfare system—that it can provide benefits for illegal aliens? We simply should not be doing it. That was not the design of the welfare system. We are bankrupting it and corrupting it by continuing to sponsor and support illegal aliens in this country.

Madam President, we have people coming into the United States illegally for higher-paying jobs, free schools, food stamps, and Government-sponsored health care. By flooding the United States, the illegal immigrant population is taxing fewer and fewer public resources. We simply cannot afford the continuing rise in illegal immigration.

Madam President, this bill is not perfect, but at the very least it will attempt to control the flow of illegal immigrants coming into this country by providing additional enforcement and personnel and by streamlining the deportation procedures, so that they can be removed.

Further, this bill will stop the practice of people entering the country legally—and then going onto our welfare rolls. Anyone who goes on welfare within 5 years after arriving here can be deported. This is not as much as we ought to be doing, but it is a start.

Madam President, we need to pass this bill to stem the flow of illegal immigrants. We cannot let this become another issue that the Democrats in the Senate stop. It is too important to stop. For that reason, I hope the Senate can act on this legislation.

I thank the Chair and yield the remainder of my time.

Mr. SIMPSON. Madam President, I think we may be nearly ready to properly proceed to a rollcall vote on this issue. And then I think that will remove greater delay, as we move into the other items that are in the amendments that we are presently aware of.

I hope that people with amendments will submit those, giving us an opportunity on both sides of the aisle to see what amendments there may be yet forthcoming, because at some point in time—maybe today—we can close the list of amendments so that at least we would have some perspective. I have given up one or two of my amendments—one that Senator FEINGOLD and I debated in committee. I have withdrawn that. I hope that that marvelous, generous act will stimulate others to do such a magnanimous thing as to take one of their "babies," one of their very wonderful things, and lay it to rest, perhaps.

In any event, I think that we are nearly ready to proceed to a final vote on that. I think anything else I would say would be repetitive, other than to say that the choices are clear. To do all the things we want to do, which play upon your heartstrings, you have to raise the numbers. If you do not raise the numbers, then you have to make priorities. If you are making priorities, it was my silly idea that you ought to have the priorities as minor children and spouses, and not adult brothers and sisters. That is where my numbers would come from. No mystery. That is where they would come from. They would go to spouses and minor children and come from adult brothers and sisters, who, in my mind, are removed from the immediate family category. That comes with wife, children, mother, father. All of us surely will remember that that is from whence we all sprang.

We can proceed, hopefully. I yield the floor.

Mr. ABRAHAM. Madam President, I have a couple of more issues that I want to inject at this point relative to this amendment.

I know there is at least one, or maybe two, of our colleagues who have come by this morning and indicated they wanted to speak. So I urge them, if they are in their office, or if their staff is watching, at this point to please proceed here if they are still interested. I do not have any intent to prolong the debate much further. But I want to make sure that some people who we had promised to find a time for will come here for that opportunity.

I would like to comment again on a couple of points I have been making today but also on some other issues that have been raised by previous speakers. One is the issue of polls and polling data.

I think certainly it is a responsibility of elected officials to be observant of public opinion and constituent views. But I think it is also important to understand that polling and the use of polls is oftentimes quite contradictory and quite confusing. We all know that the polls have said for years that Americans overwhelmingly want a balanced budget. But then, as we have learned, if they are told it means something specific that affects them, they all of a sudden have a little different opinion.

In that vein, I say that some of the polling related to immigration can be both, on the one hand, telling and, on the other hand, contradictory. Yes, it is true, overwhelmingly people want to deal with the immigration problems. The polling I have seen suggests, though, that the first priority they have is to deal with illegal immigration. That is why the first bill before us is a bill on illegal immigration.

I also suggest that those who say they want to see the number of people who are permitted to come to the country legally reduced, those who say that would have different opinions if they understood the ramifications that might affect them or their communities. I have not seen polls go to that kind of extent. But I suspect if people understood that the children of U.S. citizens would have a lower priority than the children of noncitizens, they would surely not favor that form of legal immigration changes.

I also would like to comment just as a postscript to the comments of the Senator from North Carolina. He is deadly accurate in his comments about the impact this bill has on the welfare access that noncitizens will have. Indeed one of the foremost objectives of this bill on illegal immigration has been the objective of trying to address the issuance of public assistance to noncitizens. One of the reasons we think this is a major problem with regard to immigration has been that people have—some people at least—tried to come here illegally to gain access to benefits. This bill attempts to address it. I think it forcefully will.

The point I would like to touch on now very specifically is the broad question of numbers because the comments of the Senator from Arizona a few moments ago in the dialog between him and the Senator from Ohio—I do not know how many Members were watching—I thought that was perhaps as telling as any other discussion we have had here today on the question of exactly what really is going to happen if this amendment passes.

As has been pointed out, the Immigration and Naturalization Service has noted that there will be a spike, an increase, in the number of people who become able to become legal immigrants in the next couple of years under the so-called family preference categories of spouses and children of U.S. citizens. That is an unlimited category. That is going to go up. But what the Senator from Ohio, I think, has said and which I think is important, is that all Senators considering this amendment should understand that increase does not mean new people coming into the United States. What it reflects overwhelmingly is a group of people who, because of the 1986 act which gave amnesty to those in the country illegally and a subsequent action by the Congress in 1990 which gave quasi-legal status to the spouses of minor children of those who gained amnesty, these people are largely overwhelmingly already in the United States. Consequently, the increase that has been alluded to is not an increase in people coming to the country; it is a shifting of people already in the country from one category to another, from a quasi-legal status category to a legal status category. It does not mean a lot more people coming as immigrants to the United States.

That said and acknowledged—I might add, by everybody who has spoken here today—let us think about the ramifications of the Simpson amendment before us. What that amendment will do is basically preclude others who are not already here from coming in huge numbers and in what I consider to be appropriate priorities, as I said in my last statement. In other words, people who are noncitizens will be able to bring their children to this country and people who are citizens will not be able to bring their children if their children are either married or adults. That will be the ramification, because the use of these 480,000 visas that are part of this amendment will be exhausted by the first categories of the relatives; that is, spouses and minor children of U.S. citizens and permanent resident noncitizens.

In short, we will be placing priorities, in my judgment, in the wrong bay. We will be giving the children of citizens a lower priority than the children of noncitizens. We will be giving the children of citizens a lower priority than the children of people who came here as illegal immigrants. We will be giving children of U.S. citizens a lower priority simply because of making a paper transaction in the status of folks who are already in the country. That, in my judgment, is not the way we should be dealing with legal immigration issues.

I also point out that the impact of this is really quite profound. We are talking about, I think, turning away from in many ways, really, the historic basis on which this country was built. Legal immigrants, the children of U.S. citizens, have been great contributors to this country. They have come here and made contributions. Literally hundreds of this Nation's Medal of Honor winners were legal immigrants. Hundreds of people who make contributions in the sciences, high-tech industries, and so on, and built our great cities are the children of legal immigrants. This amendment will basically shut the door on them—those children of legal immigrants who are not minors.

Much has been made of this distinction between minors and so-called adult or married children, that somehow they are no longer part of the nuclear family. Maybe that is true for some families in this world, but it is certainly not the case in my mind. It is not the case for the Senator from Ohio, as he pointed out. I do not think it should be the policy of the U.S. Government to distinguish in that fashion. I think that would be a huge step in the wrong direction.

So, Madam President, I stress that the priorities in the Simpson amendment in terms of who has access to immigration are wrong. Even if you think there should be changes in legal immigration, these are not the priorities that we should establish.

Let me now move on to the point that I made a little earlier in a little different way. The complexities of these issues, the sorting out of what ought to be the priorities, the sorting out of what ought to be the method by which people gain legal access to the country ought not be dealt with in this type of vacuum, ought not to be dealt with as an amendment to the illegal immigration bill.

This Senate should focus—and I would be perfectly happy to have the comments made by an earlier speaker—I would be happy to have the legal immigration at the desk be brought up for full consideration and passed. But let us deal with these issues in their totality, not a small part of them. I think that approach is the wrong way to go.

That is why we, from the beginning of this discussion in the Judiciary Committee, urged that these issues be divided. It is how the House did it. It is how the Judiciary here did it, both in the full committee and in the subcommittee, and that is how the full Senate ought to do it as well.

Finally, we should not lose sight of the fact that countless organizations and groups who represent the most directly affected in all of this strongly believe in maintaining the separation.

It is interesting to note the many organizations that share this opinion: The American Electronics Association, American Council on International Personnel, the American Business Software Alliance, the Electronic Industries Association, the National Association of Manufacturers, the U.S. Chamber of Commerce, the Information Technology Association of America.

They believe we should not try to merge these issues of legal immigration into the bill before us, the bill on illegal immigration. Their opinion is the same whether the amendment is one pertaining to business immigration or an amendment, as the current one is, that pertains to family immigration.

They believe we should continue the distinction we have made here all the other times we have considered immigration questions, and separate these legal immigration issues that are very weighty and very complicated from issues of illegal immigration, which are equally complicated and weighty. And that I strongly urge, Madam President, be the approach we take today.

I am perfectly willing to have Senator SIMPSON's proposals and the proposals to be offered later by Senator FEINSTEIN, from California, on legal immigration debated fully here the way that we did in committee along with the rest of the issues that are all around legal immigration.

That is the way we should proceed. I do not fear that debate, and I suspect a bill such as was the case in the Judiciary Committee can be passed, but the sequence ought to be illegal immigration is the top priority. We have a good bill. Let us pass it and conference it with the House bill that is already out there on this topic, and then let us bring legal immigration from the desk to the floor and have at that issue as well.

I know the Senator from Wyoming would like to speak, and there is one other Senator on the way here, so I am going to yield the floor at this time.

I thank the Chair.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I believe Senator GRAMM is coming to indicate his support against the amendment so we certainly will withhold. I just want to say to my friend from Michigan, I think what happens in issues like this is you establish a degree of trust. You may have your own views, but we do not lay snares on each other. That is a very important part of legislating—to establish trust, and then you get in there and belt it around and then you move on. That is what I do and have always done in 30 years of this work. I have been in some that are much, much more intense than this particular one.

However, I do have to comment on the one thing that keeps coming back like a theme.

Oh, then I wanted to say that there is one group the Senator left off of that list, the American immigration lawyers. You would not want to leave them off the list. They have messed up more legislation in this area than any living group, and they will continue to do it forever. This is their bread and butter. The bread and butter of the American immigration lawyers is confusion. And when you try to do something, you use families, children, mothers, sons and daughters, and violins. That is the way they work, but they never give us many other options, nor do the opponents ever give us many options.

What priorities would you, I say to the opponents, like to take away if you do not raise the numbers? If you do not raise the numbers, what priorities of the preference system would you reduce? You cannot have it both ways. It cannot be. That is really one of the big issues.

Then the argument is we need to separate legal and illegal immigration because legal immigration reform is so important that it deserves our full and separate consideration on the Senate floor. That is the theme of all of those who are opposed to this amendment.

It is curious, very curious, that many, in the House at least, who support no benefits at all for permanent resident aliens, none, are talking about that as if it were separate and apart. I do not see how that can be. You are talking about permanent resident aliens. That means you are talking about illegal immigration and legal immigration. You cannot separate them.

It is a purpose of the original measure—and I compliment those who created this remarkable—not the Senator from Michigan. Some of the think tanks, whoever, some of the Government reps. Give them the credit. When you see it work, give them the credit. I compliment them on that issue because here we are—and this is the curious part. They say out there, down the street, wherever they are, in support of the argument, that the House voted to divide the legal and illegal issues. That is very true. The House voted to split their bill, and I assume the same arguments were made about the importance of legal immigration and the need to deal with that separately.

What actually occurred in the House is quite instructive. Legal immigration in the House is dead—dead. That is exactly what the message was in the House—dead. It will never get the careful and separate consideration that this body wishes to give to the issue—period. That is exactly what many of those who complain about combining the issues want—death. They want to kill legal immigration in all of its reforms, in every form of reform as suggested by the Commission on Immigration Reform. They want to kill legal immigration reform in any form, in any incubation, in any rebirth, in any form in the Senate just as it has happened in the House. They do not want a reduction of numbers. They do not want reform of the priorities. They want death, and that has worked very well in the House.

In the Senate, I appreciate the remarks of those in opposition because they are telling me they want a separate and careful consideration. I think that is great. I am going to wait for that. I am waiting for the separation. I will wait after this bill is finished to hear the separate and careful consideration of legal immigration. It is very pleasing to me to know that we will have that debate, I take it. I am overjoyed. Perhaps we can work out a time agreement. Perhaps we can work up the amendments. I would certainly drop away from some of the things. But to know that these things should be separated and to know with a heartening of my bosom that we will have that separate and careful consideration of legal immigration, that will be a very appropriate response at some future time. I think that all of us then will be looking forward to that because we know that in the House it was simply the death knell, and to hear it is not here is quite heartening.

I thank the Chair.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. I would like to reiterate the sincerity of my comments with respect to having the legal immigration bill considered separately. I was under the impression—during the April recess, in fact, I was approached, I know, by the majority leader and asked if that was an acceptable approach. I know that the people who are here today arguing that these issues be maintained separately, approved and signed off and said they were fully supportive of having that bill come to the floor.

It was my understanding that the Senator from Wyoming had opposed that, and so I am a little bit uncertain right now exactly what did happen a couple of weeks ago. But I would just reiterate, from my point of view, our sincerity, and I guess my understanding was that a proposal to bring the legal bill to the floor had been rejected by the chairman of the Immigration Subcommittee.

Maybe I got the wrong story, but it is my understanding that offer was already extended and rejected. That is why, instead, we are here today trying to merge these issues, notwithstanding the fact that the House sought to split them, notwithstanding the fact that the Senate Judiciary Committee sought to split them. But I will reserve further comments for the moment. I see other speakers here.

Mr. SIMPSON. Madam President, I appreciate that.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I guess I remain somewhat skeptical—not of the Senator. Of course there is no House conference, but we will hold the debate. I think that is good. It will be good for America. I yield to the Senator from Texas—I yield the floor.

Mr. GRAMM addressed the chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Madam President, I rise in opposition to the pending amendment. There is something in American folklore that induces us to believe that America has become a great and powerful country because brilliant and talented people came to live here. There is something in the folklore of each of our families that leads us to believe that we are unique. We all have these stories in the history of our families, of how our grandfathers came here as poor immigrants who did not speak the language.

I love to tell the story of my wife's family. My wife's grandfather came to America as an indentured laborer, where he signed a contract to come to America with a sugar plantation where he agreed to work a number of years to pay off that contract. And, when he had worked off that contract, he looked in a picture book and picked out the picture of a young girl and said, "That's the one I want." And he tore that picture out of the book and sent for her to come to America to be his wife.

His son became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. And his granddaughter—my wife—became Chairman of the Commodity Futures Trading Commission which, among other commodities and commodity futures, regulates the market for cane sugar in the United States of America.

I could have told much the same story about Spence Abraham, and about his grandfather coming to this country, and about my own grandfather, who came from Germany. But the point is, each of us in our own family has a folklore that basically tells a story, and the story is partly true but it is not totally true.

Folklore holds that America became a great country because of us; that America is a great and powerful country because these brilliant people from Lebanon and from Korea and from Germany and from everywhere in the world came to live here and their innate genius made America the richest, freest and happiest country in the world.

And because we believe that, we believe that America became great because we were unique and this miracle only worked for us, but it is not going to work for other people; that is, if people come here and they look different than we do or they sound different than we do or if their customs are different than ours or if their native clothing is different than ours, somehow they are different where we were unique and made America great by our coming, they are "different" and it will not work on them. That is a myth, and this amendment is based fundamentally on a belief in that myth.

America is not a great and powerful country because the most brilliant and talented people in the world came to live here. America is a great and powerful country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And, with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things.

While it is somehow not so reassuring about ourselves to say it, it is very reassuring about our country to know it. Most of us would be peasants in almost any other country in the world. We are extraordinary only because our country is extraordinary.

Now, with the best of intentions, this amendment says that we have immigrants coming to America and by getting here and getting a foothold and getting a job and building a life, that they are reaching out as each of us would do if we came from somewhere else, and they are trying to bring their mama and their daddy and their sisters and brothers and their cousins and their aunts to America. So what?

Let me just take that one point and develop it for a moment, if I may. Of all immigrant groups in America, to the best of my ability to ascertain, the identifiable group that uses things like the fifth preference in the immigration laws, the people who are the most focused on their extended family, the people, as immigrants to America, who have reached out the most to try to bring their families to America, are people who are from the Indian subcontinent.

Probably more than any other immigrants, at least if one looks at the use of things like the fifth preference—and I am not an expert in this area, but a fifth preference is a preference where you are trying to bring somebody in who is not, by the conventional definition, that close kin—this is a group that has used this provision of law that this amendment tries to reduce.

Let us look at a subsample of this group—Indian Americans. No. 1, of all identifiable ethnic groups in America, Indian Americans have the highest per capita income. Some people might find that shocking. The average Indian American in this country makes more money than does the average Episcopalian—which, if you break down by religious groups, is the highest income group in America. The average Indian American makes substantially more money than the average American who traces his or her lineage back to Great Britain. Madam President, 50 percent of all motels in America are owned by Indian Americans. In fact, 80 percent of them have the same family name. If you go to a hotel and you see an Indian American working there, and the chances are you are going to, and you want to guess at his name or her name, say, "Mr. or Mrs. Patel," and you are going to be right 80 percent of the time. Now, this is not the same family, but it is a very common name.

The point being, why in the world are we trying to keep out of America an ethnic group that has the highest per capita income and the highest average education level in the country? It struck me as I was walking over here for this debate, I was talking to my youngest legislative assistant, named Rohit Kumar, Indian American, honor graduate from Duke University, that his family story is a perfect example of why we ought to crush this amendment. Let me just tell his family story.

His father and mother came to this country in 1972. They did not come on any kind of family preference. They were original immigrants. They both became medical doctors.

They then started the process of bringing their family to America. They brought their brother. He became a doctor. In fact, he is an oncologist in northern California. He brought his wife, who became an interior designer. They brought their nephew, who is a computer engineer. And they brought their father.

My point is, and I am a conservative as many of you know, but if we add up the combined Federal income tax that was paid 10 days ago by the people who came to America as a result of this first Kumar who came in 1972, this little family probably paid, at a minimum, $500,000 in taxes. Our problem in America is we do not have enough Kumars, working hard and succeeding. We need more.

Why do we want to stop this process? We want to stop it because somehow we believe that people are changing America instead of America changing people. We could have had this debate in the early 1900's. In fact, my guess is if we went back somewhere, we would find we did have the debate, because in the years between 1901 and 1910, we had, on average, 10.4 immigrants come to America each year for every 1,000 Americans. From 1911 to 1920, we had 5.7 immigrants per year per 1,000 Americans; from 1921 to 1930, we had 3.5. Today, even though the number of immigrants in 1995 was just 2.8 per 1,000 Americans, some would have us believe we are just being flooded, we are being overrun by these people who become doctors and engineers and pay all these taxes, and I could mention win Nobel Prizes.

I could read the list of foreign-born Americans who have won the Nobel Prize, except the list is too long. I could read down the list of people who have become historic names in the scientific history of our country, names that we now think about and the world thinks about as American names, including Ronald Coase, who won the Nobel Prize in 1991 in economics, and

Franco Modigliani, who won the Nobel Prize for economics in 1985. As a graduate student, I had no idea that they were foreign born.

The point is, the list goes on and on, full of people who have come here, who have caught fire, who have unleashed creative genius that has made America the greatest country in the world, and they may have brought their mothers. Great. May it never end. Could America be America without immigrants?

I know there are people who say, "Well, they're taking our jobs." I want to make just one point about that. Go out in Washington today, go to a shoe store where they are repairing shoes, go to a laundry, go into a restaurant, in the kitchen of a restaurant, go any place in America where people are getting their hands dirty, and do you know what they are going to discover? They talk funny.

People who work for a living in America often talk with distinct foreign accents. Do you know why? Because we have a welfare system that rewards our own citizens for not working. A lady in Washington, DC, with one child on welfare, if she qualifies for the four big programs, earns what $21,000 of income would be required to buy. I do not think it is fair to say because people come to America and they are willing to work, when some Americans are not, that they are taking jobs away. I think that is our problem; that is not their problem. I know how to fix that. The way to fix it is to reform welfare and, at least on my side of the aisle, there is unanimity we ought to do that.

Let me also say that there is a provision in the bill—and I am a strong supporter of the underlying bill—that changes law, a change that is needed, and I congratulate our distinguished colleague, Senator SIMPSON, for his leadership in this. He and I worked on this together on the welfare bill. It is part of this bill, and it is vitally important.

We change the law to say that you cannot come to America as an immigrant and go on welfare. We have room in America for people who come with their sleeves rolled up, ready to go to work. But we do not have room for people who come with their hand out.

Let us remember that when people come to America legally and go to work, and with their energy and with the sweat of their brow they build their life, they build the future of our country.

A final point that I want to address is this whole question about the changing nature of immigration. There is something in each of us that leads us to believe that we are the unique Americans, that somehow we made the country what it is, that somehow it was because American immigration in the early days was basically drawn first from northern Europe and then from southern Europe that it made us somehow unique.

I think it was the system that made America, and we might have had this debate in the year of 1900 when the immigration patterns of the country had shifted to southern Europe and eastern Europe. I am sure at the turn of the century there were those in corporate boardrooms who were wondering what was going to happen in America with the changing makeup of the country when they, as people from British stock who had come to the country on the Mayflower or in some historic voyage, had to share their America with Americans who had come from Germany or from Italy or with Americans who had come from all over the world who were of the Jewish faith. I do not doubt somebody in 1900, and maybe a lot of people, worried about it.

But look what happened. Did those of us who came from other places prove less worthy of being Americans than the colonists? Did we find ourselves less worthy successors of the original revolution? I do not think so.

I believe we have room for people who want to come and work because America could not be America without immigrants. The story that is uniquely American is the story of people coming to America to build their dream and to build the American dream. I have absolutely no fear that by people coming to America legally and to work—no one should come to America to go on welfare—that America's future is going to be diminished by that process. I believe their new vision, their new energy will transform our country, as it has always transformed it, and we will all be richer for it.

The bill before us tries to stop illegal immigration. We have an obligation to control the borders of our country.

I am proud of the fact that in my year as chairman of Commerce, State, Justice Appropriations Subcommittee, we began the process to double the size of the Border Patrol and we enhanced the strength of that action in this bill. We deny people who come to America illegally welfare benefits, and we deny those benefits to people who come here legally. We do not want people coming to America to go on welfare.

But I do not believe we have a problem today in America with people who have come to this country and succeeded and who want to bring their brother or their cousin or their mother here. When you look at the people who are doing that, you find that they are the ones who are enriching our country.

A final point, and I will yield the floor. It has struck me as I have come to know ethnic Americans that many ethnic groups fight an unending and losing battle to try to preserve their identity in America. It is a losing battle because what happens is that young people who grow up in this country become Americans. There is no way that can ever be changed. Any differences that concern us very quickly vanish in this country with great opportunity, where people are judged on their individual merit.

What we are talking about today is trying to stop illegal immigration, which is what we should do, but we should not back away from our commitment to letting people come to America to build their dream and ours. We should not close the door on people who want to bring their relatives to America as long as their relatives come to work, as long as they continue to achieve the amazing success that immigrants have achieved in America.

There are a lot of things we ought to worry about before we go to bed every night. We ought to worry about the deficit. We ought to worry about the tax burden. We ought to worry about the regulatory burden. We ought to even worry about the weather. But as long as we preserve a system which lets ordinary people achieve extraordinary things, we do not have to worry that our country is somehow going to be diminished when an immigrant has gotten here, succeeded, and put down roots and then wants to bring a sister or mother to America. If that is all you have to worry about, you do not have a problem in the world. Let me assure you, I do not worry about it. I do not want to tear down the Statue of Liberty. There is room in America for people who want to work.

I remember, as a closing thought, 3 years ago I was chairman of the National Republican Senatorial Committee, and we had a big event where we invited our supporters from all over the country. I do not know whether it just happened to be the letter I sent out that time or what, but for some remarkable reason, about 80 percent of the people who came to this particular event were first-generation Americans. As a result, they all talked funny.

So we were about a day into the meeting and this sweet little lady from Florida stood up in the midst of this meeting and with all sincerity said to me, "Senator GRAMM, why do all the people here talk funny?" Boy, there was a collective gulp that you could have heard 100 miles away. So I thought for a minute, and in one of the better answers that I have given in my political life I said, "Ma'am, 'cause this is America."

If we ever get to the point where we do not have a few citizens who talk funny, if we ever get to the point where we do not have a new infusion of energy and a new spark to the American dream, then the American dream is going to start to fade and it is going the start to die. It is not going to fade and it is not going to die on my watch in the U.S. Senate.

I yield the floor.

Mr. DEWINE. Will the Senator yield for a moment?

Mr. GRAMM. I am glad to.

Mr. DEWINE. I just want to compliment my colleague from Texas for one of the most eloquent statements I have heard since I have been in the U.S. Senate, a little over a year. His story of his family, but frankly most particularly his story of Wendy Gramm's family, his lovely wife, is America's story. I have heard him, because he and I have been out campaigning before together, I have heard him tell that story I think eight or nine times. Each time I hear it, I am still touched by it because it is truly America's story.

I will also compliment him on his comments about chain migration. When you look at the chart of chain migration, that is America's story, too. Those are people who are trying to bring their families here. You see it—and, again, it is anecdotal—but you see it when you go into restaurants in Ohio or you go into dry cleaning stores or you go into any kind of establishments in Ohio, Washington, or Texas.

You see people in there who, you just assume they are all family. You do not know whether they are brothers or cousins or who. They are all working. They are working. That is what is the American dream. That is what has made this country great. I just want to compliment him on really, after kind of a long, difficult debate, coming over to the floor and really cutting through some of our rhetoric and just getting right down to it. I compliment him for that.

Mr. GRAMM. I thank the Senator very much.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we have had a good debate. I listened attentively to the remarks of my friend from Texas. I heard him speak of a woman who is remarkable, Wendy Gramm. I can only tell him that people have told me many times in the past years that anyone who knows Senator PHIL GRAMM and Senator AL SIMPSON and knows Wendy Gramm and Ann Simpson, knows that the two of us severely overmarried—severely. In fact, a lot of people do not vote for us; they vote for them. But that is just an experience that I share.

As we close the debate, I hope we can keep this in perspective. We will continue to have the most open door of any country in the world, regardless of what we do here. The numbers in my amendment are higher than they have been for most of the last 50 years. We will continue to have the most generous immigration policy in the world. We take more immigrants than all the rest of the world combined. We take more refugees than all the rest of the countries in the world combined. That is our heritage. We have never turned back.

An interesting country, started by land gentries, highly educated people, sophisticates who came here for one reason—to have religious freedom. The only country on Earth founded in a belief in God. That is corny nowadays, but that is what we have in America. And it will always be so. People who came here were not exactly ragamuffins. They read Locke and Montesquieu and Shakespeare and the classics. Interesting country. No other country will ever have a jump-start like that in the history of the world, period. So it is unique, it is extraordinary.

AMENDMENT NO. 3737

Mr. SIMPSON. Let me have a call for the regular order. I alert my friend, Senator KENNEDY, that I call for the regular order with respect to the Coverdell amendment of last night. That was 3737. It was laid down. There was debate. It was held back, the Coverdell amendment.

Mr. President, I call for the regular order.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The amendment is now before the Senate.

(The text of amendment No. 3737 was printed in the RECORD of April 24, 1996.)

Mr. SIMPSON. Mr. President, I know of no other speakers on that amendment. I believe the managers are prepared to accept that amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3737) was agreed to.

Mr. SIMPSON. I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 3739

The PRESIDING OFFICER. The question occurs on agreeing to amendment No. 3739.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second. There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 3739. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 20, nays 80, as follows:

[Rollcall Vote No. 83 Leg.]

YEAS—20

Baucus
Brown
Bryan
Burns
Byrd
Cohen
Exon
Faircloth
Grassley
Hollings
Jeffords
Johnston
Kassebaum
Kyl
Lott
Reid
Roth
Shelby
Simpson
Thomas

NAYS—80

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Inouye
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Robb
Rockefeller
Santorum
Sarbanes
Simon
Smith
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 3739) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

APPOINTMENT OF CONFEREES—H.R. 3103

Mr. LOTT. Mr. President, I now ask unanimous consent that the Senate insist on its amendment to H.R. 3103, the Senate request a conference with the House, and that the Chair be authorized to appoint conferees on part of the Senate.

Mr. KENNEDY. Reserving the right to object, Mr. President, I ask unanimous consent that the request be modified to provide for the appointment of eight Republicans and six Democrats from the Committees on Labor and Human Resources and the Finance Committee instead of the 7 to 4 ratio proposed by the majority leader.

Mr. LOTT. Mr. President, let me clarify the situation. Let me ask for a clarification and the parliamentary situation.

Is the Senator from Massachusetts asking for a modification of my unanimous-consent request that you have appointments to this conference as he outlined just from the Labor Committee and the Finance Committee?

The PRESIDING OFFICER. That is the Chair's interpretation.

Mr. LOTT. I would be constrained to object to that modification of the unanimous-consent request.

Mr. KENNEDY. Then I object to the proposal of the Senator from Mississippi.

The PRESIDING OFFICER. Objection is heard to the unanimous-consent request by the assistant majority leader.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

Mr. KENNEDY. Mr. President, point of order: There is obviously a quorum here, Mr. President.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER (Mr. CRAIG). Objection has been heard. The clerk will call the roll.

The assistant legislative clerk continued with the call of the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, we go on now to continue our work. I think most of us know the lay of the land and our colleagues listening would soon know.

I would withdraw my option to offer the next amendment, which is the pending business, with the understanding that Senator FEINSTEIN be recognized to offer an amendment regarding levels of immigration. And you might, I say to my colleagues, expect a motion to table on that particular amendment within the next 20 or 25 minutes.

I yield.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. And that is with the understanding that the time would be equally divided. Is that correct?

Mr. SIMPSON. That would be correct.

The PRESIDING OFFICER. The time would be equally divided between——

Mr. SIMPSON. The time would be equally divided.

Mrs. FEINSTEIN. How much time would we have?

The PRESIDING OFFICER. Is this a unanimous-consent request?

Mr. SIMPSON. Mr. President, it is not a unanimous-consent request. It was felt that the parties had resolved this and so it was presented on that basis. There was to be little debate, as I understood it, and I was told that there would be a motion to table within 20 or 25 minutes.

The PRESIDING OFFICER. It is the Chair's understanding there is no time agreement.

Mr. SIMPSON. Mr. President, that is correct. I think we will see it take place in its ephemeral form, somewhat obscure but nevertheless quite appropriate, I think.

AMENDMENT NO. 3740 TO AMENDMENT NO. 3725

(Purpose: To limit and improve the system for the admission of family-sponsored immigrants)

Mrs. FEINSTEIN. Mr. President, it is my understanding that we have 10 minutes on amendment 3740. I should like to take 5 minutes of that time and then have 5 minutes accorded to the Senator from Arizona.

The PRESIDING OFFICER. Will the Senator send the amendment to the desk.

Mrs. FEINSTEIN. I call up the amendment. The amendment is at the desk. The amendment is No. 3740.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN] proposes an amendment numbered 3740.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mrs. FEINSTEIN. Mr. President, I will explain the amendment this way.

Essentially, the amendment is a compromise between the Simpson amendment and what is in the bill as a product of the Abraham-Kennedy amendment.

I believe we need to stop the pierceable cap, and my amendment would place a hard cap on family totals of 480,000, which is the current law, without the anticipated increase. It would stop the spillover from the unused employment visas, the loophole in the current system. And it would not close out the preference categories.

Under my family amendment, parents and adult children are guaranteed to receive visas every year, remaining consistent with the goal of family reunification. The amendment allocates visa numbers on a sliding scale basis for parents and adult children of citizens, allowing for increases in visas when the numbers fall within the unlimited immediate family category, always remaining within the hard cap of 480,000. It would allow a backlog clearance of spouse and minor children of permanent residents by allowing 75 percent of any visas left over within the family total to be allocated for this category's backlog clearance.

Now, to control chain migration, which Commissioner Doris Meissner told me is created by the Sibling of Citizens category, it places a moratorium on that category for 5 years, but if there are any visas left over with the hard cap of 480,000, the amendment would allow 25 percent of the leftover to be used for the backlog clearance of siblings, those who have been waiting for many, many years.

The point of this is that if we do not address this issue, the numbers swell 41 percent over what we were indicated they would be in committee to nearly a million. This creates the hard total of 480,000. It permits the sliding scale down the family preference, and it eliminates what is the chain migration concern that had been raised by many in committee.

I believe it is a modest amendment to control overall numbers. Coming from the State with the largest numbers, with the absence of classes for youngsters, with the cutbacks in welfare money, with the absence of adequate housing for people, we cannot keep taking 40 percent of the Nation's total of legal immigrants, of refugees, of asylees, and therefore I think this is a prudent, modest, fair compromise.

So, again, we would place a hard cap at the current law level, 480,000. We would close a loophole where unused employment visas spill over into the family immigration numbers, and we would guarantee that close family members of citizens get visas each year with flexible limits allowing an increase in the allocation of visas with decreases in the immediate family categories.

I retain the remainder of my time and yield the floor.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, this is essentially the same amendment that we just disposed of. Once you maintain the cap that Senator FEINSTEIN does as well as Senator SIMPSON, you use up 472,000, which leaves 7,000 left over. Senator SIMPSON targeted those to the wives and children of permanent resident aliens. Senator FEINSTEIN spreads those out—adult unmarried citizens, adult children of citizens.

Quite frankly, I think we ought to be dealing with this in the legal immigration, but if you had to ask me I would rather put them in for the children and married members of permanent resident aliens. We are talking about 7,000 visas on this—7,000. That is the amount that will be available under this. So I really fail to see how this is very much more than sort of Simpson-like.

I reserve the remainder of the time.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I support the amendment offered by the Senator from California. It is a good-faith effort to try to respond to the critics of the SIMPSON amendment, and I think it does a very good job of doing that.

As Senator KENNEDY pointed out just now, however, it does retain the cap of 480,000, and this is what we are trying to say here today. You really cannot have it both ways. You cannot say that we are not increasing illegal immigration and then not do anything to achieve that goal, because under the bill as written, immigration is going to skyrocket. That is what the INS figures and formally reported by the San Diego Union paper said: 40 percent next year; 41 percent the year after that.

If we are willing to accept those large numbers, then we should be up front about that. But everyone who has supported the bill out of committee and opposed the Simpson amendment has inferred that we are really not going to increase numbers at all. The fact is, we would increase them.

Under both the Simpson and Feinstein amendment, we would have a cap. So that problem, the problem of, in effect, runaway numbers, is solved by this cap of 480,000. But at the same time, Senator FEINSTEIN is attempting to respond to the criticism that opponents of the Simpson amendment made, which is that all of the preference could be used up by the first category, theoretically, and you would never guarantee that some of the second, third and fourth preferences could be satisfied.

So what Senator FEINSTEIN has done is to say there will be certain slots left open for, for example, the grown children of citizens or siblings and, therefore, to the extent the 480,000 cap was not reached by the first preference, that the other preferences would each have a number—and it is not 7,000, the numbers would range between 35,000, 75,000, depending upon how many are available.

Just in conclusion, it seems to me this is a good-faith effort to deal with legitimate concerns that were raised, but, yes, it is also true that there is an absolute cap of 480,000, because the purpose here is twofold: to allow several different categories, each to have a number of slots to be made legal under our system, but at the same time draw an overall limit so that annually no more than 480,000 would be permitted to come in under this particular family category.

So I think the Feinstein amendment is a good compromise, and I urge my colleagues to support it.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I would like to respond, if I might, to the argument raised by the Senator from Massachusetts. Using an Immigration and Naturalization Service document entitled "Immigration and Backlog Reductions Under Current Law," and adding the three categories—spouses and children's space, spouses and children's change, an increase due to legalization through IRCA, here are the totals that we come up with: In fiscal year 1995, 206,000; in fiscal year 1996, 270,000; in fiscal year 1997, 370,000; in fiscal year 1998, 349,000. The highest year would be 1997, which leaves 110,000 even in 1997 to filter down through the categories.

I ask that the chart entitled "Immigration and Backlog Reductions Under Current Law"—these are assumptions, so I recognize that depending on the assumptions that one uses, you can get different figures. These are the ones that, again, are a little different from what Senator KENNEDY is working on because they project this very large total at the bottom of 1 million in 1995, of 984,000 in 1996, of 600,000 in 1997. Those are the total numbers.

So I think if these come in to be the case, even in the most difficult year, there is 110,000 that would filter down through the remaining categories.

Mr. KENNEDY. If I could have a moment to respond.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. These various charts have been provided by the INS to me, as well as the other chart on which we have the numbers. I will put those that were provided by the INS in, and I refer the Senator, if she has these same charts—we do not have to take the time of the Senate. We will be glad to have a quorum or let others speak.

But it points out in 1997, there is 472,781. That is the immediate relative estimate, 472,000. If you have 472,000 and you have a cap at 480,000, it means you have 7,151 left over. The idea of representing to this body that we are going to spill some of those over into these categories is a stretch, I just say.

Those numbers, in fairness to the Senator, build over a period of time. There are still 40,000 in 1998; 86,000 in 1999. So those numbers still go up, but they still do not justify the kind of spilldown in the coverage that the Senator has explained.

It says 7,151 here, which was provided by the INS and 7,151. I will be glad to go into a quorum call to make sure we are not talking about different charts, but these were the ones provided by the INS. Whatever time—it is Senator ABRAHAM's time and Senator FEINGOLD's time.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would appreciate being apprised of the circumstances with respect to time.

The PRESIDING OFFICER. There is no time limit or time designated. It was an approximate time.

Mr. ABRAHAM. I was not sure whether that had actually been formulated in a unanimous-consent agreement. If not, let me make a couple of quick points.

I do not think we want to extend the debate unnecessarily here, because the issues on this amendment are virtually identical to the issues that were on the floor in the context of Senator SIMPSON's amendment.

The fact is that this is almost the same amendment as Senator SIMPSON's amendment. As we heard, modest efforts are being made to apply some of these visas to, as I understand it, some of the other categories besides the children and spouses of permanent residents, but it is going to work out, as Senator KENNEDY has said, to a very, very few, just because those categories will consume such a high percentage of the visas that are going to be available under this very substantial amendment.

Second, the priorities, as I see them, that were established in the previous amendment are in this amendment as well. Once again, we see an overwhelming percentage of the immigration that will be legal under this amendment going not to the children of citizens of the United States, adult children or married children, but rather to the children of noncitizens, many of whom are, in fact, individuals who were once illegal aliens. It seems to me those priorities are not the appropriate ones that we should establish.

But I have to say, Mr. President, already just in the discussion that has happened in the first few minutes of this amendment, it is quite clear—we just received this amendment late this afternoon—the projections that are being made are hypothetical projections. There is confusion with respect to this amendment.

It is unclear to me, after studying it for the last hour or so, exactly what its effects will be. At least we had a little bit of time to look at the effects of the previous amendment. But from what I can tell, it would definitely cut overall family preference immigration by roughly 60 percent. It would cap and slash the immigration of parents of U.S. citizens. It would cut the immigration of adult children of U.S. citizens by over 60 percent. It would eliminate all immigration of siblings, basically. These are dramatic changes in the legal immigration laws of this country.

As I said with some frequency during the debate on the last amendment, Mr. President, they should be dealt with separately from the debate on illegal immigration. These are two very distinct issues with a very powerful and important impact on citizens of this country and their families.

We should deal in this bill with illegal immigration. We should maintain the split which was put together in the Judiciary Committee that divided these two. We should follow the lead of the House keeping legal immigration separate from illegal immigration.

Even if we were to consider legal immigration, I once again argue it should not be done in this type of piecemeal fashion, such weighty, complicated amendments brought in this fashion. It is impossible to even determine the potential impact of this amendment.

For those reasons, Mr. President, I urge the Senate to once again follow the lead of the last amendment, keep these issues separate, keep legal immigration separate from illegal immigration, pursue ahead today, and let us get a good illegal immigration bill through the Senate. I think it will address many of these problems. Then let us take the legal immigration bill that is at the desk, and then let us deal with that in a deliberative fashion here on the floor of the Senate. I think that is the way we should go.

This amendment is hardly different from the last one. It has the same priorities, has the same dramatic changes. I strongly oppose it.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, for those Members in the Chamber or those Members watching back in their offices, this is really the same vote that we just had. It is not substantially changed. The issues are essentially the same. I am not going to take the time of my colleagues to wade through this again. We had about 6 or 7 hours already today on very, very similar issues. It is essentially the same vote.

This bill still, I say with all due respect, is antifamily, is antifamily reunification. It flies in the face of the best traditions of our country as far as immigration policy is concerned. It mixes, unfortunately, the legal immigration issue and the illegal immigration issue. This is the illegal immigration bill. We should continue the tradition, and we should continue what the Judiciary Committee did, and that is to not mix the two.

This is the sheet that has been passed out. When you go through it, what you really find is that it is very, very similar to the previous amendment, very, very similar to the previous issue. It is true that some of these slots have been sprinkled down into some of the family groups, but effectively—effectively—it is very, very little. The essence then is that it is pretty much the same vote that we had a few minutes ago. I urge my colleagues again to reject the amendment.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Thank you, Mr. President. I agree with the comments of the Senators from Massachusetts, Michigan, and Ohio. We just had an overwhelming vote, that I think in large part reflected the will of this body, that the legal and illegal immigration issues have to be kept separate. I am sure there were a variety of concerns, as well, about the specifics of the previous amendment. But the overwhelming sentiment, I think, is that these issues have to be kept separate.

As indicated in the comments during that debate, that last vote was the vote on whether or not we should take up the legal immigration issues in this bill or not. The vote was very overwhelming.

The Senator from Massachusetts suggests that this amendment might be referred to as Simpson-like. I differ. I argue that it is more like perhaps "Simpson, the sequel," because in both amendments you have this absolute cap. The consequence of that, I think, is very real for families that want to be reunited. In fact, there is an element of the Feinstein amendment that is even harsher.

As I understand, the amendment provides for a 5-year moratorium on siblings being able to come into the country and be reunited in this way. At least the Simpson amendment provided for a category, although, practically speaking, it was pretty clear we would never get to that.

I think anyone who thinks that this is somehow a major compromise or splitting the difference between current law and the Simpson amendment—I think that would be inaccurate. But the most important point is that because of this amendment, if we go this route, there will be families who are conducting themselves legally, who today could legally obtain a visa and will not obtain a visa. Those families will not be reunited. That is what will happen because of this amendment.

In the end, Mr. President, obviously, this is a legitimate debate. It is the kind of thing we should do out here, but we should do it at the right time. There is a legal immigration bill where this subject could be brought up and dealt with at the appropriate time to review this amendment.

So in light of the last vote, in light of the fact that this will have a real harsh consequence on many families conducting themselves legally, in light of the fact that this body clearly has indicated a desire to keep these issues separate, I urge that the amendment be rejected. Mr. President, I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been noted. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMM. Mr. President, I think we are ready to vote on this side. We thoroughly debated this issue. In fact, we debated it all day. This, in reality, is the same amendment we voted on before. It simply does the same thing in a different way. This amendment, in our opinion, is wrongheaded and wronghearted. It needs to be defeated. I hope we can maintain the 80 votes we had before. I hope everyone who voted against the previous amendment will vote exactly the same way they did for exactly the same reason. I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I move to table the amendment of the Senator from California and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment No. 3740. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 74, nays 26, as follows:

[Rollcall Vote No. 84 Leg.]

YEAS—74

Abraham
Akaka
Ashcroft
Bennett
Biden
Bingaman
Bond
Bradley
Bumpers
Campbell
Chafee
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Feingold
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Gregg
Harkin
Hatch
Hatfield
Hutchison
Inhofe
Inouye
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Pell
Pressler
Pryor
Robb
Rockefeller
Santorum
Sarbanes
Simon
Smith
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—26

Baucus
Boxer
Breaux
Brown
Bryan
Burns
Byrd
Cohen
Dole
Exon
Faircloth
Feinstein
Grassley
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kyl
Nunn
Reid
Roth
Shelby
Simpson
Thomas

The motion to lay on the table the amendment (No. 3740) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

Mr. President, I yield to the Senator from West Virginia for a personal privilege.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I thank the Senator.

CHANGE OF VOTE

Mr. ROCKEFELLER. Mr. President, I seek unanimous consent to change my vote on rollcall No. 82 from yesterday, April 24, 1996. At the time of the vote, I did not realize it was a tabling motion. Had I realized that, I would have voted "no", not to table it. This vote change, if I get unanimous consent, in no way would change the outcome of the vote.

I, therefore, ask unanimous consent that the permanent RECORD be changed to reflect that I support the Dorgan amendment No. 3667 and that I oppose the motion to table the Dorgan amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Mr. President, as the U.S. Senate continues to debate the illegal immigration reform legislation, I would like to make a brief statement on an issue of importance to the State of Hawaii and our Nation. Tourism is the No. 1 industry in the State of Hawaii. The State has expressed an interest in extending the current Visa Waiver Pilot Program to other Asian countries, particularly the Republic of Korea. The current Visa Waiver Pilot Program covers only three countries in the Asia-Pacific region: Japan, New Zealand, and Brunei. New Zealand, Canada, and Guam all have visa waiver agreements with Korea. Since implementing visa waiver agreements with Korea, arrivals increased in the first year by 285 percent to New Zealand, 96 percent to Canada, and 147 percent to Guam. In 1995, the State of Hawaii wecomed over 120,000 visitors from Korea, and the State is anxious to see future growth in visitors from this important emerging market.

Travel and tourism also play a major role in reducing the United States unfavorable balance of trade. There is an increasing demand by citizens of the Republic of Korea to visit the United States. In fiscal year 1994, 320,747 nonimmigrant visas were issued to Korean travelers. In fiscal year 1995, 394,044 nonimmigrants visas were issued to Korean travelers. Of this amount, 320,120 were tourist visas.

The Republic of Korea is not eligible to participate in the current Visa Waiver Pilot Program. On March 14, 1996, I, along with Senators MURKOWSKI, AKAKA, and STEVENS, introduced S. 1616, legislation that would establish a 3-year Visa Waiver Pilot Program for Korean nationals who are traveling in tour groups to the United States. Under the program, selected travel agencies in Korea would be allowed to issue temporary travel permits. The applicants would be required to meet the same prerequisites imposed by the U.S. Embassy.

The pilot legislation also includes additional restrictions to help deter the possibility of illegal immigration. These are:

The stay in the United States is no more than 15 days.

The visitor poses no threat to the welfare, health, and safety, or security of the United States.

The visitor possesses a round-trip ticket.

The visitor who is deemed inadmissible or deportable by an immirgation officer would be returned to Korea by the transportation carrier.

Tour operators will be required to post a $200,000 performance bond with the Secretary of State, and will be penalized if a visitor fails to return on schedule.

Tour operators will be required to provide written certification of the on-time return of each visitor within the tour group.

The Secretary of State and the Attorney General can terminate the pilot program should the overstay rate exceed 2 percent.

Accordingly, I urge Senators SIMPSON and KENNEDY to schedule a hearing on this proposal. I also encourage my colleagues to cosponsor S. 1616.

Mr. MURKOWSKI. Mr. President, during today's debate on S. 1664, I wanted to take the opportunity to speak on a bill I have cosponsored, the Korea visa waiver pilot project legislation, S. 1616. While this legislation is not being offered as an amendment to S. 1664, the subject of the bill is relevant to today's debate.

I would urge all Senators to consider cosponsoring this legislation, and I would hope that the Senate Subcommittee on Immigration of the Senate Judiciary Committee will hold hearings on the problems of visa issuance for Koreans, and the partial solution offered by S. 1616.

I have worked closely with Senators INOUYE, AKAKA, and STEVENS on this legislation. This bill addresses the problem of the slow issuance of United States tourist visas to Korean citizens, and their, too often, subsequent decision not to vacation in the United States, including Alaska even though there are direct flights available for tourists from Korea to Alaska. The United States Chamber of Commerce in Korea has made resolving this issue a top priority on their agenda.

The main problem is that Koreans typically wait 2 to 3 weeks to obtain visas from the United States Embassy in Seoul. As a result, these spontaneous travelers decide to go to one of the other 48 nations that allow them to travel to their country without a visa, including both Canada and New Zealand.

This bill provides the legal basis for a carefully controlled pilot program for visa free travel by Koreans to the United States. The program seeks to capture the Korean tourism market lost due to the cumbersome visa system. For example, in 1994, 296,706 nonimmigrant United States visas were granted to Koreans of which 7,000 came to Alaska. It is predicted that there would be a 500- to 700-percent increase in Korean tourism to Alaska with the visa waiver pilot project. In New Zealand, for example, a 700-percent increase in tourism from Korea occurred after they dropped the visa requirement.

This pilot program allows visitors in a tour group from South Korea to travel to the United States without a visa. However, it does not compromise the security standards of the United States. The program would allow selected travel agencies in Korea to issue temporary travel permits based on applicants meeting the same preset standards used by the United States Embassy in Seoul. The travel permits could only be used for supervised group tours.

Many restrictions are included in the legislation for the pilot proposal.

The Attorney General and Secretary of State can terminate the program if the overstay rates in the program are 2 percent.

The stay of the visitors is less than or equal to 15 days.

The visitors have to have a round-trip ticket, in addition, the visitors have to arrive by a carrier that agrees to take them back if they are deemed inadmissible.

We recommend to the Secretary of State to institute a bonding and licensing requirement that each participating travel agency post a substantial performance bond and pay a financial penalty if a tourist fails to return on schedule.

The on-time return of each tourist in the group would be certified after each tour.

Security checks are done to ensure that the visitor is not a safety threat to the United States.

This legislation's restrictions ensure that the pilot program will be a successful program. Again, I urge my colleagues to support and cosponsor this legislation.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I move to table the motion to recommit and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE THE MOTION TO RECOMMIT

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to recommit.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 85 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

So the motion to lay on the table the motion to recommit was agreed to.

Mr. DOLE. Let me indicate to my colleagues that it will probably be fairly late. We will have a series of votes here. I will try to reduce the votes from three to one. That may be objected to. If not, there will be three votes. That will be followed by the appropriations bill that is here from the House.

I am not certain how much debate we will have. It is a $160 billion package. I assume there will be considerable debate. We are probably looking at 12 o'clock, somewhere in there.

Having said that, I now ask unanimous consent that it be in order for me to move to table en bloc, which would save time, amendments numbered 3669, 3670, and 3671. I ask for the yeas and nays.

Mr. KENNEDY. Mr. President, reserving the right to object, we inquire from the majority leader whether there is any willingness to set a time for the minimum wage debate so that we could have an up or down vote and the leader could have an up or down vote so we could avoid all of this parliamentary business.

Mr. DOLE. Let me indicate to my colleague from Massachusetts—and I have discussed this briefly with him and with the Democratic leader. I have asked Senator LOTT to discuss it further with the Democratic leader.

We made a proposal—as I understand, it has been objected to—that we would take it up not before June 4 but not later than June 28, and other provisions, but we understood that would not be agreed to. It is not that we have not tried. We will continue to work with the Democratic leader and the Senator from Massachusetts.

I would like to pass the immigration bill. It seems to me that immigration, particularly illegal immigration, is a very, very important issue in this country. It has broad bipartisan support. The minimum wage, whatever its merits may be, does not belong on this bill. We waited 3 years into the Clinton administration for anybody to even mention minimum wage. At least, the President never mentioned minimum wage.

Since the action on the Senate floor, the President has mentioned, I guess this year, minimum wage 50-some times—not once the previous 3 years. So, it is not too difficult to understand the motivation.

Having said that, we are prepared to try to work out some accommodation with my colleagues on the other side, and we hope that we can save some time. These are going to be party line votes. There will be three of them. We could have three votes or we could have one vote, whatever my colleagues would like to have.

Mr. KENNEDY. Further reserving the right to object, it is my understanding the proposal that was made was not an up or down vote and clean vote on the issue of the minimum wage. That was not the proposal that was made. That is what we are asking for. That is what we are asking for. I would also say that we have had some 2½ hours of quorum calls today. All we are asking for is a short time period for an up-or-down vote and for the majority leader's proposal on this, and a reasonable timeframe. If we are not given that kind of an opportunity—we have gone, for three and a half or 4 days, through various gymnastics to try to avoid a vote on the minimum wage, and now we are asked to truncate what has been done in order to avoid the vote on the minimum wage. So I object.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

AMENDMENT NO. 3669

Mr. DOLE. Mr. President, I now move to table amendment No. 3669 and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. I will yield for a question. I do not want to frustrate the Democratic leader.

The PRESIDING OFFICER. Debate is not in order.

Mr. DASCHLE. Mr. President, I ask unanimous consent to speak for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE. I do not want to delay the vote. I know everybody wants to move on. This issue has two pieces to it. The first is the one the Senator from Massachusetts described, relating to our determination to get a vote on the minimum wage. The other is the opportunity we want to be able to offer amendments. A tree was constructed, parliamentarily, to deny Democrats the opportunity to offer these amendments. That is really what this whole arrangement has been all about—denying Democrats the opportunity to offer amendments. We hope that we can accommodate a way with which to deal with Democratic amendments, and it is only through this process that we are going to be able to do that.

So I am sorry that Senators are inconvenienced, but there is no other way, short of an agreement on amendments, that we are going to be able to resolve this matter.

Mr. McCAIN. Regular order.

The PRESIDING OFFICER. The question is on agreeing to the motion to table.

The yeas and nays have been ordered.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

QUORUM CALL

Mr. PRYOR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1]

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens

Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The PRESIDING OFFICER. The rollcall has been completed and a quorum is present.

AMENDMENT NO. 3669

The PRESIDING OFFICER. The clerk will call the roll on the motion to table.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] is necessarily absent.

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 86 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

Lautenberg

So the motion to lay on the table the amendment (No. 3669) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I now ask it be in order for me to table en bloc amendments Nos. 3670 and 3671, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. We object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3670

Mr. DOLE. I now move to table amendment No. 3670 and ask for yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent the vote be limited to 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 53, nays 47, as follows:

[Rollcall Vote No. 87 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3670) was agreed to.

The PRESIDING OFFICER. The majority leader.

AMENDMENT NO. 3671

Mr. DOLE. Mr. President, I move to table amendment No. 3671 and ask for the yeas and nays. I ask unanimous consent that the vote be 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 3671

The PRESIDING OFFICER. The question is on agreeing to the motion.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 53, nays 46, as follows:

[Rollcall Vote No. 88 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—46

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NOT VOTING—1

McCain

So the motion to lay on the table the amendment (No. 3671) was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, we still have just a couple of items to do with reference to the pending legislation. But I have had a discussion with the distinguished Democratic leader. We would like to move now to the conference report, then following the vote on the conference report go back and complete action on the pending measure.

1996 BALANCED BUDGET DOWNPAYMENT ACT—CONFERENCE REPORT

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of the conference report to accompany H.R. 3019, the omnibus appropriations bill, with the reading having been waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The report will be stated.

The legislative clerk read as follows:

> The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019), a bill making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 24, 1996.)

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, maybe just for 1 minute the chairman and the distinguished Senator from West Virginia might give us a summary of the bill. This will be the last vote of the day.

There will be a vote on Monday, late Monday on cloture.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I ask unanimous consent that we make it 2 minutes for a brief outline.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, let me, first of all, assure the body that the leadership of this committee will be here on the floor following the vote to engage in any colloquy required or asked for or to answer any questions.

Basically, this is where we are. Seven months into the fiscal year we are completing 5 of the 13 appropriations bills, totalling $162 billion in nondefense discretionary funds.

This covers the Labor-HHS, Commerce, State, Justice, HUD and related agencies, Interior, and the District of Columbia. I want to say that we have accomplished this by a very strong bipartisan effort on the part of both the House and the Senate and the White House.

Leon Panetta, representing the White House, and DAVID OBEY and Chairman LIVINGSTON from the House, Senator BYRD and myself from the Senate were the five principals, with staff assisting us, and we resolved seven riders relating to environmental issues and to the other riders that were very controversial: population control, HIV, repeal of the military, and the abortion package relating to certification.

We had the opportunity to engage in having the administration and executive branch help offset the add-backs that were requested by the administration. We added $4.2 billion totally offset the $8 billion that they had asked for as add-backs. We took a .00009 percent reduction across the board on all travel accounts in the executive branch of Government, which was about $350 million offset—some of those matters that we had on some of the add-backs for the administration.

This is a compromise bill, and it is one that has been crafted in the best condition and under the best circumstance that we function under.

I ask further, Mr. President, for the same amount of time to be allocated to the ranking minority member of the committee. Senator BYRD and his staff were an absolutely key and integral part of being able to bring this bill to the floor. I want to thank him and his staff very much for that cooperation.

Mr. BYRD. Mr. President, I thank the very distinguished senior Senator from Oregon, the chairman of the committee. I thank him for his work. I thank him for his cooperation and his friendship.

I intend to vote for the continuing resolution.

Mr. President, enactment of the thirteen Fiscal Year 1996 Appropriations Bills has been a long and arduous process. As Senators are aware, the departments and agencies funded under five FY 1996 Appropriations Bills are presently operating under a one day Continuing Resolution (the thirteenth continuing resolution this year). That continuing resolution expires at midnight tonight. Further continuing resolutions will not be necessary for FY 1996 if the Senate adopts the pending measure and if it is signed into law by the President by midnight tonight.

Title I of this Conference Agreement contains the Fiscal Year 1996 appropriations for the following appropriations subcommittees: Commerce, Justice, State; D.C.; Interior; Labor-HHS; and VA–HUD. In addition, Title II includes emergency and supplemental appropriations totaling $2.125 billion. Contained in that amount are funds for emergency disaster assistance payments to States and communities throughout the nation which have suffered devastation from floods, tornadoes, and other natural disasters. These amounts are fully paid for by rescissions and other offsets contained in Title III of the measure.

In total, H.R. 3019 provides net spending totaling $159.4 billion. This is $794 million in greater spending than the Senate-passed bill. However, the Conference Agreement also contains $2.1 billion more in spending cuts than the Senate-passed bill. These additional spending reductions were necessary in order to fully offset the emergency appropriations contained in the measure, as well as the additional spending agreed to in conference.

The bill before the Senate restores $5.1 billion for education and training, national service, law enforcement, technology, and other key priorities of Congress and the Administration. This amounts to well over half of the President's requested $8.1 billion increase. Among the major provisions contained in the bill are the following:

For Labor/HHS/Education, the conference agreement provides for increases of nearly $3 billion for key programs including: $195 million more for Goals 2000 (for a total of $350 million); $953 million more for Title I—Education for the Disadvantaged (total of $7.2 billion); $266 million more for Safe and Drug-Free Schools (total of $466 million); $71 million more for School-to-Work at the Education Department (total of $180 million), and $61 million more for School-to-Work at the Labor Department (total of $170 million); $625 million more for Summer Jobs for Youth (total of $625 million); $233 million more for Dislocated Worker Assistance (total of $1.1 billion); and $169 million more for Head Start (total of $3.6 billion).

For VA/HUD the bill provides $1.6 billion more for key programs in this part of the bill, out of the President's request for $2.5 billion, including: $387 million more for national service (total of $402 million); $45 million more for Community Development Financial Institutions (total of $45 million); and $817 million for the EPA budget, including: $465 million more for Water Programs (total of $1.8 billion); $40 million more for EPA enforcement (total of $231 million); $150 million more for Superfund (total of $1.3 billion).

For Commerce/Justice/State the bill provides increases for key programs including: $1.4 billion for the "COPS" program, together with conference report language which stipulates that Congress is committed to deploying 100,000 police officers across the nation by the year 2000; $503 million for a new local law enforcement block grant; $403 million for a new state prison grant program; and $221 million more for the Advanced Technology Program (total of $221 million).

Finally, as members are aware, there were a number of controversial legislative riders which had to be addressed in this conference. To their great credit, the Chairmen of the Appropriations Committees, my distinguished colleague from Oregon [Mr. HATFIELD] and the distinguished gentleman from Louisiana, [Mr. LIVINGSTON], after devoting many long hours to these issues, were able to conclude them in a way that addressed the concerns of members of the House and Senate, but also met the concerns of the President in a way that will enable this measure to be signed into law. Without addressing each of these controversial riders, suffice it to say that a number were dropped, others were left in the agreement but with waiver authority provided to the President, and still others were modified sufficiently to achieve agreement on all sides.

I commend the Chairmen and Ranking Members of all of the Subcommittees involved in this conference, as well as the excellent work of all of the staff. I particularly want to recognize the outstanding efforts of the Chairman of the Senate Appropriations Committee, Mr. HATFIELD. As Chairman of the Conference, he carried out his responsibilities with great patience and aplomb, which are characteristic of my good friend from Oregon. I appreciate your efforts, Senator HATFIELD, and I congratulate you on the successful completion of this very difficult conference. I am hopeful that all Senators will vote to adopt H.R. 3019 and that later today it will receive the President's signature. At that point, we will have completed the most difficult and trying appropriations cycle for any fiscal year that I can recall in my years of service in the U.S. Senate. I look forward to working with the distinguished Chairman of the Committee on the upcoming FY 1997 Appropriations Bills and I pledge to him my total cooperation in hopes that we can avoid many of the difficulties we have had to overcome in fiscal year 1996. Mr. President, I ask that a more complete statement be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

COMMERCE, JUSTICE, STATE

The conference agreement includes $1.4 billion for the Community Oriented Policing Services program or the "COPS" program as it is commonly known. This is $100 million above fiscal year 1995, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000.

The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called "Truth in Sentencing." This program, which will provide grants to States to build or renovate or expand prisons.

The conference agreement provides $221 million for the Commerce Department's Advanced Technology Program. This is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. These funds will be principally used to pay for continuation of ATP awards made in fiscal year 1995 and prior years. The ATP program provides for cost-shared R&D projects with industry to help bring leading edge technologies from the drawing board to the market place. This was a high priority for the President and the Secretary of Commerce in these negotiations. I should note, that the late Secretary of Commerce, Ron Brown was a major advocate of this program.

The conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076.

The agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization.

Finally, the Conference Agreement includes $100 million for the Small Business Administration (SBA) disaster loan program. This will replenish SBA's funds and enable the agency to respond to future disasters. Further, the Conference Agreement also includes $18 million for Economic Development Administration (EDA) within the Commerce Department. This funding, which requires a certification and request by the President, provides for emergency repairs of facilities that were damaged by flooding in the Northwest and provides for mitigation of flooding at Devil's Lake, North Dakota, as well as other disasters.

DISTRICT OF COLUMBIA

With regard to the District of Columbia, the annual Federal payment to the District of Columbia was provided to the District of Columbia government in earlier continuing resolutions. This bill provides for the appropriations for programs, projects, and activities in the District of Columbia budget. The bill also includes a number of legislative provisions designed to improve the quality of education in the District of Columbia public school system.

Among the provisions are several which I authored which are intended to improve order and discipline in the D.C. public school system. These include: a dress code which shall include a prohibition of gang membership symbols and which may include a requirement that students wear uniforms; a requirement that any students suspended from classes should perform community service during the period of suspension; and the placement of the Chief of the National Guard Bureau, who manages a number of programs for at-risk youth, on the Commission on Consensus Reform in the District of Columbia Public Schools.

DEFENSE

The conferees agreed to provide $820 million of costs of on-going operations in Bosnia. The amounts have been designated an emergency, as recommended by the House. However, the full amount included is offset by recommended rescissions from existing defense resources.

The amount included for Bosnia operations represents the second phase of financing for the Defense Department portion of the costs. Previously, the Committees on Appropriations have approved a reprogramming to cover an additional $875 million of the funding requirement. Congress is expected to consider additional reprogrammings to cover the remaining balance which is estimated to be around $640 million for the remainder of this fiscal year.

The conferees agreed to a Senate proposal to repeal Section 1177 of title 10 which would have required the mandatory discharge or retirement of members of the Armed Forces infected with the HIV–1 virus.

As proposed by the Senate, the conferees agree to authorize the Air Force to award a multiyear procurement contract for the C–17 program. The conferees direct that savings from this contract must exceed those of current proposal under consideration by the Air Force.

In addition, the conference agreement includes several technical corrections, and clarifies guidance offered in the FY 1996 DoD Appropriations Act. To more closely track authorization recommendations of the Congress, the conferees have added $44.9 million for continued B–52 operations, and $50 million for SEMATECH. All funding recommended in the Defense Chapter is fully offset by proposed rescissions of $994.9 million from classified programs and savings from lower inflation.

ENERGY AND WATER DEVELOPMENT

For programs and activities under the jurisdiction of the Subcommittee on Energy and Water Development, the Conference Agreement includes $135 million, the same as the budget request and the amount proposed by the House and Senate, for the Corps of Engineers to damages to non-Federal levies and other flood control works in states affected by recent natural disasters, and to replenish funds transferred from other accounts for emergency work, under Public Law 84–99.

In addition, the Agreement includes $30 million, the same as the budget request, for repair of Corps of Engineers projects caused by severe flooding in the Northeast and Northwest.

For the Bureau of Reclamation, an amount of $9 million is included for emergency repairs as Folsom Dam in California.

An amount of $15 million is provided for the Department of Energy to accelerate activities in the Materials Protection, Control and Accounting program, to improve facilities and institute national standards to secure stockpiles of weapons usable fissile materials in Russia, and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

In addition, the conference agreement also includes several provisions dealing with the transfer of funds for the Western Area Power Administration, an item under the Federal Energy Regulatory Commission's jurisdiction involving the Flint Creek Project in Montana, additional language involving appropriations for the Upper Mississippi River and Illinois Waterway navigation study, and language regarding refinancing of the Bonneville Power Administration debt.

Finally, the conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the Corporation to the private sector.

FOREIGN OPERATIONS

Title II of the Conference Report contains two provisions under the heading Foreign Operations, Export Financing, and Related Programs.

The first provides $50 million for emergency expenses necessary to meet unanticipated needs for the acquisition and eradication of terrorism in and around Israel. The conferees agreed that the fragility of the Middle East peace process warranted this extraordinary action. This emergency appropriation is fully offset.

The second provides $70 million, also fully offset, for grant Foreign Military Financing for Jordan in recognition of its central role in the search for peace in the Middle East. These funds are to be used to finance transfers by lease of 16 F–16 fighter aircraft to the Government of Jordan. In recognition of the downsizing of the U.S. defense industry and the loss of jobs this is causing, the conferees directed that the Department of Defense give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to delivery.

INTERIOR

Mr. President, the Interior portion of this omnibus bill finally brings to closure action on the Interior bill. As many Senators know, the Interior bill went to conference three different times, only to be vetoed by the President. In response to the concerns raised by the Administration, this bill has made significant changes, particularly with respect to the legislative language. These items were among the most contentious items in the conference on H.R. 3019 and were among the last items to be resolved.

With regard to the Tongass National Forest, the language follows closely the provisions proposed by the Senate regarding the land management plan and alternative P, as well as the contested timber sales under a recent lawsuit (AWARTA). However, these provisions may be waived by the President pursuant to the terms of this legislation. The language clarifies that the AWARTA provisions in section 325(b) shall have no effect during a suspension. To assist with the economic impacts of a declining timber sales program on the Tongass National Forest, a disaster assistance fund of $110 million is established.

Language from earlier conferences about the management of the Mojave National Preserve and the endangered species moratorium has been modified to address concerns expressed by the Administration. However, in the event the President believes such improvements do not allow for adequate protection of the resource, a waiver is provided wherein these provisions can be suspended.

Language about the Columbia Basin ecosystem project has been deleted and instead, language is included which clarifies that this project does not apply to non-Federal lands and will not provide the basis for any regulation of private property.

Because of concerns expressed by the Administration, the timber provisions that provided authority for substitution of alternative timber sales or buyout of timber sales are deleted.

Language, and funding of $3 million, is extended to the Smithsonian Institution to conduct another round of employee buy-outs between enactment of this legislation and October 1, 1996.

In total, the Interior bill ends up being funded at a level $1.2 billion below the fiscal year 1995 enacted level. There are very real spending cuts in this legislation—many agencies have already begun reducing programs and downsizing their workforces. Some reductions in force have occurred, but further drastic actions should be avoided as a result of completion of this legislation.

With respect to funding, the Interior portion of this bill seeks to protect the operating base budgets for the land management agencies. Additional funding of $25 million each for the Bureau of Indian Affairs and the Indian Health Service is included above earlier conference levels. Funding for the Payments in Lieu of Taxes (PILT) program is increased $12 million above the earlier conference agreement. A total of $4 million is provided to the Fish and Wildlife Service to handle the emergency listings allowed by the act, or to address program requirements in the event a waiver is issued.

In addition, this bill provides funding of $245.3 million for natural disaster recovery efforts, stemming from flooding earlier this year in the East and Pacific Northwest, as well as other disasters in other regions of the country.

LABOR, HEALTH, AND EDUCATION

I am pleased that an agreement has finally been reached on the funding levels for the Labor, HHS programs, and that the most controversial legislative riders have been dropped or substantially modified.

The conference agreement closely follows the Senate bill providing overall funding at $64.6 billion. This is $206 million over the Senate bill and $2.6 billion above the House bill. Moreover, the agreement is fully $3.8 billion over the original House-passed Labor, HHS bill, H.R. 2127. Nonetheless, critical health, education and job training programs sustained cuts of $2.6 billion or 4% below the fiscal year 1994 funding level. Certain programs, such as the Low Income Home Energy Assistance program which was slashed by 30%, were cut much deeper than the overall spending reduction.

I am also pleased that it was bi-partisan cooperation in the Senate which resulted in the overwhelming vote, 84-16, for passage of the Specter-Harkin education restoration amendment. This amendment restored $2.7 billion to high priority education programs including Title I grants to school districts with large numbers of poor children, and the Goals 2000 program which funds state-wide public school improvement initiatives. The conference agreement includes education restorations which slightly exceed the funding level in the Senate bi-partisan amendment.

There are a number of programs important to me and the state of West Virginia which were terminated by the original House Labor, HHS bill but which were restored in the Senate bill and the conference committee. These include black lung clinics, the Byrd Scholarship program, and full funding for staffing the new, state-of-the-art NIOSH facility in Morgantown.

Included in the bill is the termination of over 110 programs viewed by the conferees as having met their objectives, being duplicative of other programs, or having low priority. Protected are high priority programs, such as, medical research, student aid, compensatory education for the disadvantaged, and summer youth jobs. The bill's highlights include the following:

$625 Million for the 1996 Summer Youth Employment Program of the Department of Labor. The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 Million for the School to Work program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate America Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided.

As Senators know, the House included many legislative riders in its version of the FY 1996 Labor-HHS appropriations bill. Disposition of some of these provisions occurred as follows:

1. OSHA—Ergonomics Rider: House Recedes to the Senate language that was included in last year's rescission bill prohibiting OSHA from promulgating an ergonomic standard or guideline. The language is modified to include the reference in the House language "directly or through section 23(g) of the Occupational Safety and Health Act."

2. NLRB—Single Site Bargaining Units: Senate Recedes to language proposed by the House to prohibit the Board from using funds in FY'96 to promulgate a rule regarding single location bargaining units in representation cases.

3. Direct Lending: House recedes to the Senate with no cap on loan volume, but a cap on administrative costs. This saves $114 million by reducing the amounts available for administrative costs from $550 million to $436.

4. Female Genital Mutilation: The agreement modifies the Senate amendment to include the language requiring the Secretary of HHS to collect data, conduct surveillance, and develop outreach, prevention and education programs regarding female genital mutilation, both for the general public and the medical community. However, the agreement does not establish new federal criminal penalties.

5. Abortion: The agreement adopts the Senate position on the abortion riders in the bill, including the "Hyde" language prohibiting the use of federal funds for abortions, except in the cases of rape or incest, or for the life of the mother. Also included is the "Coats/Snowe" amendment related to the accreditation of OBGYN training programs.

TREASURY, POSTAL SERVICE AND GENERAL GOVERNMENT

The conference agreement deletes the appropriations cap of $1,406,000 for Customs Service Small Airports to permit the Customs Service to fund requests for user fee airports through full reimbursement from requesting airports.

The conferees also added a new general provision requiring the Internal Revenue Service to provide a level of taxpayer service in fiscal year 1996 not below that provided in fiscal year 1995.

In addition, the conference agreement adds a new general provision to provide $1 million to the Office of National Drug Control Policy to fund conferences on model state drug laws through funding made available in fiscal year 1996 for the Counter-Drug Technology Assessment Center. The bill also includes a supplemental appropriation of $3,400,000 for the Office of National Drug Control Policy. This supplemental funding will permit the new Director of ONDCP, General McCaffrey, to hire and retain an additional 80 FTEs bringing the total number of FTE for this Office to 125 in fiscal year 1996. This supplemental funding has been fully offset through rescissions in the General Services Administration, installment acquisition payments account ($−3.5 million).

The conference agreement also includes a section proposed by the Senate to increase the number of appointees to the Commission on Restructuring the IRS by 4, bringing the number of members of the Commission up to a new level of 17. This provision permits the

Majority Leader of the Senate and the Speaker of the House to each name 4 members to the Commission instead of 2 each as provided in current law.

VA-HUD-INDEPENDENT AGENCIES

The final conference agreement maintains, and even strengthens, the bipartisan agreement passed overwhelmingly by the Senate restoring funding cuts in environmental programs. The final package includes an additional $817 million over the amounts in the vetoed VA-HUD bill for Environmental Protection Agency programs.

The VA-HUD chapter also includes increased funding for science and technology programs, including an additional $83,000,000 for the National Aeronautic and Space Administration (NASA) and $40,000,000 for the National Science Foundation.

The final conference agreement deletes two controversial riders proposed in the original bill, including: (1) language which would have taken away EPA's ability to overrule Corps of Engineers decisions on wetlands, and (2) language which would have transferred oversight of Fair Housing from HUD to the Department of Justice.

Mr. BYRD. Mr. President, I thank all Senators.

Mr. DOLE. Mr. President, let me just clarify, following the vote we will finish the action on the immigration matter. We will then come back, and it will be all the time anybody needs for colloquy, debate, or any other question they may want to ask either Senator BYRD or Senator HATFIELD on the large appropriations bill.

Mr. WARNER. That would include matters which are cleared on both sides.

Mr. DOLE. Yes.

The PRESIDING OFFICER. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Arizona [Mr. MCCAIN] is necessarily absent.

The PRESIDING OFFICER (Mr. THOMAS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 88, nays 11, as follows:

[Rollcall Vote No. 89 Leg.]

YEAS—88

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Gregg
Harkin
Hatch
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—11

Ashcroft
Brown
Faircloth
Gramm
Grassley
Helms
Hutchison
Inhofe
Kyl
Murkowski
Smith

NOT VOTING—1

McCain

So the conference report was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. STEVENS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. I think now we can complete action on the other and turn it over to the chairman of the Appropriations Committee and anybody else who wishes to speak.

I will start where we left off.

For the information of all Senators, pending before the Senate is 1664, as reported by the Judiciary Committee.

I now ask unanimous consent that all remaining amendments to the immigration bill be relevant.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

AMENDMENT NO. 3743

Mr. DOLE. Therefore, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3743.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

[Amendment No. 3743 is located in todays RECORD under "Amendments Submitted."]

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3744 TO AMENDMENT NO. 3743

Mr. DOLE. I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for Mr. SIMPSON, proposes an amendment numbered 3744 to amendment No. 3743.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

[Amendment No. 3744 is located in today's RECORD under "Amendments Submitted".]

MOTION TO RECOMMIT

Mr. DOLE. I move to recommit the bill, and I send a motion to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

Motion to recommit S. 1664 to the Judiciary Committee with instructions to report back forthwith.

AMENDMENT NO. 3745 TO INSTRUCTIONS OF MOTION TO RECOMMIT

Mr. LOTT. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Mississippi [Mr. LOTT] proposes an amendment numbered 3745 to instructions of motion to recommit.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Add at the end of the instructions the following: "that the following amendment be reported back forthwith".

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745

Mr. DOLE. Now I send a second-degree amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3746 to amendment No. 3745.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

SEC. 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

CLOTURE MOTION

Mr. DOLE. Mr. President, I now send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No. 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Dirk Kempthorne, Strom Thurmond, Dan Coats, James Inhofe, Jesse Helms, Richard Shelby, Trent Lott, Conrad Burns, Connie Mack, Hank Brown, Kay Bailey Hutchison, Paul Coverdell, Fred Thompson, and Rick Santorum.

CLOTURE MOTION

Mr. DOLE. I now send a second motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole (for Simpson) amendment No 3743 to the bill, S. 1664, the immigration bill.

Bob Dole, Alan Simpson, Jesse Helms, Fred Thompson, Richard Shelby, Judd Gregg, Jon Kyl, Dirk Kempthorne, Trent Lott, Orrin Hatch, Larry Craig, Rick Santorum, John McCain, Kay Bailey Hutchison, Slade Gorton, and Don Nickles.

Mr. DOLE. Mr. President, for the information of all Senators, I just sent two cloture motions to the desk which would limit debate on the new Simpson amendment which encompasses all the Senate has adopted on the immigration bill to date.

The first cloture vote will occur on Monday, April 29, and I will consult with the Democratic leader before setting the cloture vote. I have been thinking about 5 o'clock, or something near that, so that all Members can be prepared for the cloture vote on Monday.

The second cloture vote will occur on Tuesday. And, again, I will speak with the distinguished Democratic leader.

I also indicate that I regret that I had to file cloture motions to fill up the amendment tree. But we would like to finish the immigration bill.

We still have ongoing discussions of when we can agree, if we can agree, on a procedure to handle a minimum wage. If we can work that out, a lot of this would end, and we could finally end the immigration bill very quickly.

So I do not really have much alternative unless I submit to the request of the Senator from Massachusetts.

It seems to me that we can work out some agreeable time for all Senators and some agreeable procedure. We will try to do that between now and Monday. Maybe we can vitiate many of these things.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I appreciate the comments of the distinguished majority leader.

The leader is absolutely right. This is all necessary because we are not in a position to agree tonight apparently on when that time certain may be for the minimum wage. I am optimistic, given our conversations in the last few hours, that we might be able to find a way in which to schedule the vote on the minimum wage in the not too distant future.

I am very hopeful that that can be done, that we can preclude in the future this kind of unnecessary filling of the tree and the parliamentary procedures involved with it. It is unfortunate, but under the circumstances there may not be an alternative.

1996 BALANCED BUDGET DOWN-PAYMENT ACT—CONFERENCE REPORT

Mr. DASCHLE. Mr. President, I commend the distinguished chairman of the Appropriations Committee and our ranking member, the very distinguished Senator from West Virginia, for their work in bringing us to the point we are tonight. This has been a very long, difficult struggle. Seven months, two Government shutdowns and 13 continuing resolutions later, we resolved many of these extraordinarily difficult and contentious issues in a way that I feel has done a real service to the Senate.

I commend our colleagues. I commend all of those involved for having finally concluded this effort. I certainly appreciate the effort on both sides. I know others wish to speak, and I now yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I yield to the distinguished chairman of the Appropriations Committee, who, as I understand it, is going to manage some time here under the agreement we have with the distinguished majority leader so that we can make the comments we would have made before the passage of the omnibus bill at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. I believe that was the majority leader's indication of the procedure we would follow. Let me say at this point in time, I suggest that those who have statements to make that do not relate to a colloquy which requires my presence would then follow after the colloquy that does require my presence with the Senator from Texas [Mrs. HUTCHISON]. So that would be the procedure. And then if there are no questions for me afterward, I am going to retire and let the speeches flow on.

Mr. President, returning now to the omnibus appropriations bill that just passed the Senate by an 88 to 11 vote, has passed the House of Representatives by a 399 to 25 vote, remarkable votes on a matter that has as much controversy and issues that excited people's passions as has this particular bill, I would like to acknowledge the support and the backing of the Senate and House leadership. We kept the leadership informed periodically throughout the negotiations with the White House, and we had the constant and consistent support by the leadership for the strategy that we had laid out and for the steps we were able to achieve.

I also want to pay particular attention to the subcommittee chairmen who served on the Appropriations Committee and the ranking members of those subcommittees, because they were involved in the negotiations as they related to their particular issues under their jurisdiction in the subcommittees. So we had a very broad base of participation in spite of the fact that five individuals had been put together in order to achieve the agreement—Senator BYRD and myself, and Chairman LIVINGSTON and Mr. OBEY of the House, and Mr. Panetta representing the White House.

I also want to express our deep appreciation to the White House negotiators for their responding to short-time notices. When we were ready to meet again—and all these meetings took place in the Appropriations Committee room of the Senate side of the building—they responded within minutes of the times when we said we would like to talk to you again on this issue, or we are ready to return to the table on a package of issues.

I want to also acknowledge Senator DOMENICI, as chairman of the Budget Committee. As you know, we function in a linked, and oftentimes in a lockstep with the Budget Committee, vis-a-vis the budget resolution and maintaining the caps and limits of spending established by that budget resolution. In this particular case we were making add-backs and offsets, but it impacted upon the scoring system of the CBO. We had constant, immediate response to needs by the Budget Committee and its staff, under the leadership of Senator DOMENICI, to give us an update or an immediate response to a question of scoring. We also had, for every add-back, offsets; so that it was deficit neutral in every step we took. Those offsets had to be called upon again by imaginative, creative ideas—uranium enrichment programs and other such things, again, which had a scoring implication that the Budget Committee responded to regarding our need and helping us along.

In any case, there is something that comes up in the tail end that you do not anticipate and do not suspect. One such incident is illustrative of the close working relationship with the Budget Committee. In a case where $15 million was asked for nuclear safety as it related to nuclear nonproliferation, it was considered as one of those oversights for some reason, but nevertheless it had to be acted upon at the request of the sponsoring Member. Here we had to reopen, in a sense, the Energy Subcommittee that had been closed in relation to this conference on the omnibus package. Again, Senator DOMENICI, as chairman of that subcommittee, came with the assistance required in order to not only reopen that committee but also to, in effect, find an offset. So, I want to pay special attention to the support from the Budget Committee, particularly Senator DOMENICI.

Mr. President, I am sure at the time the Senate acted upon these issues one by one, when we came out of our committee with a reported bill, people were very much aware of the heated debates that took place here on the floor before we were able to take that bill, having passed the Senate, with leadership support of both Senator DOLE and Senator DASCHLE, with the overwhelming support of Republicans and Democrats—we went into that conference with that kind of vote support which was very important. But we tend to forget, after we have gone through these debates and do not relive them as those of us do who have to relive them within a smaller context of a conference. Let me tell you, those debates were just as intense, they were just as heated, they were just as divisive as they are on the floor, if not more so, because here you are sitting across a table, looking eyeball to eyeball to the adversary in the debate.

Let me just say, we got into abortion. That was the Coats amendment. We got into population planning. We got into HIV, which was lifting the ban that had been done in the managers' report here on this floor. But we got into it in that situation within this very small context of basically five principals. We got into seven debates on environmental issues. I think they are equal in the intensity that people express their viewpoints and ideas as were the social issues. And we had to work through every one of those.

Let me say, the White House position initially was that all seven of those environmental issues that had been put there by the Senate and the House had to be excised; it would be a veto on the entire package if any one of those amendments, riders, stayed on this package. We kept five of them. We kept five of the seven, modifying four of the five, but we kept five of those environmental riders.

So, you see from that, the White House had moved. The White House had asked for $8 billion in add-backs. We agreed with offsets on $4.8 billion, about a split. We denied the White House half of what they wanted. The White House got half of what they wanted.

I think, when you come to a conference, it is a matter of giving and getting, so when the conference is over, everybody can say we won. That is a successful conference. I think we spend too much of our time trying to determine who loses and who wins, and if we do not spend that time, the media do. The media likes winners and losers. It is kind of strange. It is difficult for them to comprehend and handle a situation where everybody wins. They may not have won everything, and they did not lose everything. To me that is the art of compromise. That is the art of legislation. That is recognizing the pluralism of our society.

We do not all think alike. God forbid we should ever. But, nevertheless, what I am saying is these votes in both the House of Representatives and in the Senate of the United States demonstrated my thesis—everybody won, or at least they can claim victory in this or that or the other thing.

We have to recognize one other thing. The Appropriations Committee, 7 months into this 1996 fiscal year, are behind already for the 1997 fiscal year. What we did in this conference was going to affect how expedited we can make the 1997 procedure. Sure, we might have won more from the House on the Senate side, but we would have done so at the expense of being able to find the kind of compromises to expedite the 1997 process. So we always, I think, have to realize that what we are doing at the moment has an impact on what we are going to have to do next. Again, we live in the moment and in a culture of instantaneous gratification: instant this, instant news, bite-size everything, and very few people in our culture are looking beyond today and this very hour.

I want to say, in my view, the exception to that is the Republican determination to balance the budget by the year 2002, because we are looking ahead to what implications today's actions are going to have on our children and our grandchildren, to the year 2002. But very few things are happening in our culture total, not just the political, that gives any indication that people are looking beyond the moment.

We were looking as well to resolve this issue, knowing we were going to be immediately thrust into the next fiscal year activity, of 1997. We have to always remain conscious of the fact that the President has legislative power.

He cannot force us to legislate anything, but we cannot legislate independent of the President either. That is the marvelous mystery of our mixing of powers within a separation of powers organization.

So when you look at the issues, the riders on the bill—and I am going to use any and every occasion that I have an opportunity to remind ourselves that, blast it all, it is the authorizers who should be doing these riders in the first place and they are dumping on to us, complicating the appropriations process unnecessarily.

Why? Well, we are the only committee that has to act. A lot of people like to talk, and they do. The appropriators not only talk, they have to act. We have to pass our bills. No other committee in this Congress, except the appropriators, are required by law to pass their bills to keep the Government going. Not even the Budget Committee has to act. In fact, the Budget Committee did not give the appropriators a budget resolution until August a few years ago which, really, by that time, was a rather futile gesture because we had to move ahead before the Budget Committee even acted in order to meet the October 1 fiscal year deadline.

So I want to say again, a lot of people talk about budget reductions, but it is the appropriators who have done it. We have cut the budget over $22 billion. No other committee has done it. They have talked about it. We have done the cutting, $22 billion. And sometimes we have had to do that without the benefit of anesthetic. This is a bloody surgery we are into.

I am always amused by the Members who come around to the appropriating committee and say, "Be sure and put that in. Be sure and hang on to that one," spend that money and then get up here and talk about the appropriators or people refusing to cut spending. We are all guilty of it. It gets a little weary at times, I must say, but, nevertheless, that is the way the system functions. It is still the best system in the world, no matter how many times we find fault with it.

So I can say this to the body today that it is not the bill I would have written if I had been the only one, but it certainly is a bill of consensus. We had to deal with Democrats, Republicans, House Members, Senate Members and the White House, and to have engaged in that was, indeed, both an experience and one that took team effort. I am indebted to my colleagues in the Senate for this vote of 88 to 11 and to the superior leadership of Congressman LIVINGSTON. Let me tell you, we have sometimes divisions on this side, and we think it is hard to bridge those differences and so forth, but let me tell you, that House side—it is an amazing, amazing accomplishment that the leadership and Chairman LIVINGSTON were able to get a 399-to-25 vote and, again, everybody won.

Mr. President, I said I would yield to my friend from Texas, Mrs. HUTCHISON, and engage in a colloquy, and if there are no other questions, I will engage in that colloquy at this time in order to accommodate the Senator. If there are no questions, then I will depart.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I thank the chairman of the committee. There is a high price for leadership, and he certainly has provided the leadership in this body in a very difficult circumstance. I appreciate the courtesies that he has given to me because it has been a very tough vote. I feel very strongly on principle, and I will talk about that later, but I appreciate the integrity of the process and of the Senator from the State of Oregon.

Mr. President, today the Senate passed H.R. 3019, the omnibus appropriations bill for 1996. Included in that bill as part of the appropriations for the Fish and Wildlife Service of the Department of the Interior was a provision that has twice passed the Senate. It puts a moratorium on the listing of endangered species and the designation of critical habitat in order to permit the reauthorization of the Endangered Species Act to go forward without the controversy of new listings and seeks to prevent further unnecessary harm to workers and property owners in the meantime.

As reported by the conference committee, the moratorium was revised to include language permitting the moratorium to be suspended if the President determines that it is in the public interest in the protection of naturally or locally affected interests. I certainly agree that it is in the national and local interest to have sound environmental management. But I also believe that it is in the national and local interest to protect agricultural, ranching and timber jobs. We must have the food, clothing, and shelter that our farmers, ranchers and lumberjacks provide. It is also in the national and local interest to protect human access to water for health, safety and economic reasons. We cannot have the people's access to water threatened, as it has been in my State, by environmental laws that were enacted before their effect on the water supply was fully understood.

Mr. President, I ask the Senator from Oregon, is it his intention and understanding that in using this provision, the President shall take into account jobs and people in addition to species?

Mr. HATFIELD. Mr. President, I thank Senator HUTCHISON. That is correct. In his exercise of the Executive power, the President is bound to consider the health and safety of the people and the economy in making Executive orders.

This is, of course, true with the suspension provision, too. I appreciate the assistance of the Senator from Texas in bringing this issue into focus at this particular time.

Mrs. HUTCHISON. I thank the Senator from Oregon, Mr. President. I thank him very much. I think that clarification should be a guide for the President if he decides to override what the Senate has passed.

Mr. HATFIELD. Mr. President, I wonder if the Senator from Texas will yield momentarily for a unanimous-consent request.

I ask unanimous consent that a summary of this bill be printed in the RECORD.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

HIGHLIGHTS IN TITLE I OF H.R. 3019, OMNIBUS APPROPRIATIONS FOR FISCAL YEAR 1996

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, THE JUDICIARY AND RELATED AGENCIES

A total of $14.7 billion for the Department of Justice, roughly a 20 percent increase over FY 1995 levels.

$1.4 billion for the Community-Oriented Policing Services to meet the goal of putting cops on the beat. This program received no direct funding in the conference report to accompany H.R. 2076, the FY 96 Commerce, Justice, State & the Judiciary Appropriations bill.

$503 million for a Local Law Enforcement Block Grant, which will give those on the front lines in the fight against crime greater authority to make decisions about which crime-fighting strategies can work best in their communities.

Under the Department of Commerce, $221 million for the Advanced Technology Program (ATP), which receive no funding in the conference report to H.R. 2076, the FY 1996 Commerce, Justice, State and the Judiciary Appropriations bill, and $80 million for the Manufacturing Extension Partnership Program (MEP). Both ATP and MEP are part of NIST's (National Institute of Standards and Technology) Industrial Technology Services.

$185 million for the Federal Communication Commission, an increase of $10 million over the conference report to H.R. 2076.

Under the Department of State, sufficient funding for the United States to maintain its commitment to the United Nations at the 25 percent assessment rate, including $395 million to support U.N. Peacekeeping.

$278 million for the Legal Services Corporation.

DISTRICT OF COLUMBIA

$4.9 billion spending limit on total city expenditures.

In response the District's request, language regarding reductions-in-force (RIF) procedures is provided to make it easier for the city to reduce staff and control spending.

Public education reforms: authority for establishing independent charter schools; an oversight Commission on Consensus Reform in the public schools to ensure implementation of a required reform plan; technical assistance from GSA to repair school facilities.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES

$1.321 billion is provided for the National Park Service activities, an increase over the FY 1995 level.

The partial moratorium on Endangered Species Act listings is retained in the bill, as is language protecting historical management practices in the Mojave National Preserve. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection.

Language providing a one-year moratorium on establishment of a new Tongass Land Management Plan and allows certain timber sales on the Tongass National Forest to be awarded if the Forest Service determines additional analysis is not necessary. The President would be allowed to suspend these provisions if he determines such suspension is appropriate based upon the public interest in sound environmental management and resource protection. Should the provision be suspended, $110 million would be available for economic disaster assistance in Southeast Alaska timber communities.

Language affecting Western Oregon and Western Washington, that would give greater flexibility to the Forest Service and the Bureau of Land Management to offer alternative timber sale volume to timber sale purchasers, has been dropped.

Language providing the Administration the authority to purchase all or portions of previously sold timber sales in Western Oregon and Western Washington has been dropped.

DEPARTMENTS OF LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

$625 million for the 1996 Summer Youth Employment Program of the Department of Labor; The House bill had terminated this program.

$1.1 billion for the Dislocated Worker Retraining program, bringing the total $233 million above the House bill.

$350 million for the School to Work program, jointly administered by the Department of Labor and Education, an increase of $105 million from the 1995 appropriated level.

$11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over 1995, or 5.8 percent.

$738 million for the Ryan White AIDS programs. This is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs.

$93 million to continue the Healthy Start program. This is $43 million above the original level passed by the House.

$3.57 billion for the Head Start program. This is $36 million above 1995.

$350 million for the GOALS 2000 Educate American Act program. The House bill had terminated funding for this program.

$7.2 billion for the Title I, Compensatory Education for the Disadvantaged, program. This is the same as the 1995 level and nearly $1 billion more than the House bill.

$466 million for the Drug Free Schools program. This is $266 million above the House bill.

$78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

$973 million for Vocational Education Basis Grants. This is the same as the 1995 level and $83 million over the House bill.

$93 million to recapitalize the Perkins Loan student aid program. The House had proposed no funding for this purpose.

$32 million for the State Student Incentive Grant program. The House bill had proposed terminating funding for this program.

The bill also raises the maximum Pell Grant to $2.47 billion. This is an increase of $130 million in the maximum grant and is the highest maximum grant ever provided.

DEPARTMENT OF VETERANS AFFAIRS, HOUSING & URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES

$16.564 billion for Veteran's Medical Care, an increase of $400 million over FY 1995.

The overall EPA level is increased to $6.528 billion, which is $818 million more than was included in the conference report to accompany H.R. 2099, the FY 96 VA, HUD & Independent Agencies Appropriations bill.

Under EPA, $490 million was provided for enforcement, $40 million more than was included in the conference report and an increase of $10 million over FY95.

Superfund receives an additional appropriation of $150 million bringing its total to $1,313,400,000.

State Revolving Funds: an increase of $448,500,000 over the conference level, including $225 million for drinking water SRFs and $223,500,000 for clean water SRFs.

Council on Environmental Quality: $2,150,000, which is double the CEQ conference level.

Economic Development Initiative: $80 million. No funding was provided for EDI in the conference report to accompany H.R. 2099.

Severely Distressed Public Housing: $380 million, an increase of $100 million over the H.R. 2099 conference report level.

Community Development Financial Institutions: $45 million compared to zero in the conference report.

National Service: $400 million compared to $15 million for termination in conference report.

$3.2 billion for the National Science Foundation, an increase of $40 million over the amount provided in H.R. 2099.

$13.9 billion for NASA, and increase of $83 million over the original amount in H.R. 2099.

H.R. 3019, OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996

	Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed	Senate reported S. 1594	Senate passed	H.R. 3019 conference	Conference compared to—					
								Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed H.R. 3019	Committee reported S. 1594	Senate passed
Commerce-Justice:													
New budget (obligational) authority	$26,698,342,000	$31,158,679,000	$27,287,525,000	$27,284,734,000	$27,285,234,000	$27,299,134,000	$27,841,284,000	$1,142,942,000	($3,317,395,000)	$553,759,000	$556,550,000	$556,050,000	$542,150,000
Appropriations	24,541,692,000	27,148,479,000	23,538,956,000	23,536,165,000	23,572,165,000	23,586,065,000	24,097,215,000	(444,477,000)	(3,051,264,000)	558,259,000	561,050,000	525,050,000	511,150,000
Rescissions	(171,250,000)	....	(207,400,000)	(207,400,000)	(242,900,000)	(242,900,000)	(211,900,000)	(40,650,000)	(211,900,000)	(4,500,000)	(4,500,000)	31,000,000	31,000,000
Crime trust fund	2,327,900,000	4,010,200,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	3,955,969,000	1,628,069,000	(54,231,000)	....	....	....	....
(By transfer)	56,500,000	55,500,000	106,000,000	106,000,000	106,000,000	106,000,000	106,000,000	49,500,000	50,500,000	....	....	....	....
(Limitation on administrative expenses)	3,463,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	3,559,000	96,000	....	....	....	....	....
(Limitation on direct loans)	741,000	741,000	741,000	741,000	741,000	741,000	741,000	....	....	....	....	....	....
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)	....	....	....	....	....
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	....	....	....	....	....	....
District of Columbia: Appropriations	712,070,000	712,070,000	727,000,000	727,000,000	727,000,000	727,000,000	712,070,000	....	....	(14,930,000)	(14,930,000)	(14,930,000)	(14,930,000)
Interior:													
New budget (obligational) authority	13,519,230,000	13,817,404,000	12,164,636,000	12,164,505,000	12,165,355,000	12,167,985,999	12,294,592,000	(1,224,638,000)	(1,522,812,000)	129,956,000	130,087,000	129,237,000	126,606,001
Appropriations	13,549,230,000	13,832,204,000	12,194,636,000	12,194,505,000	12,197,527,000	12,200,157,999	12,324,592,000	(1,224,638,000)	(1,507,612,000)	129,956,000	130,087,000	127,065,000	124,434,001
Rescissions	(30,000,000)	(30,000,000)	(30,000,000)	(30,000,000)	(32,172,000)	(32,172,000)	(30,000,000)	....	....	....	....	2,172,000	2,172,000
Crime trust fund	....	15,200,000	....	....	....	....	....	....	(15,200,000)	....	....	....	....
(By transfer)	107,764,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	187,000,000	79,236,000	....	....	....	....	....
Labor-HHS-Education:													
Total budget (obligational) authority	244,495,303,000	268,133,087,000	258,971,170,000	257,256,285,000	258,357,553,000	257,914,331,000	260,151,017,000	15,655,714,000	(7,982,070,000)	1,179,847,000	2,894,732,000	1,793,464,000	2,236,686,000
New budget (obligational) authority, 1996	204,547,586,000	226,132,133,000	217,325,820,000	216,620,935,000	216,722,203,000	216,278,981,000	218,217,281,000	13,669,695,000	(7,914,852,000)	891,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Appropriations	205,154,584,000	225,956,733,000	217,360,820,000	216,667,935,000	216,769,203,000	216,325,981,000	218,264,281,000	13,109,697,000	(7,692,452,000)	903,461,000	1,596,346,000	1,495,078,000	1,938,300,000
Rescissions	(617,998,000)	....	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	(100,000,000)	517,998,000	(100,000,000)	....	....	....	....
Crime trust fund	11,000,000	175,400,000	65,000,000	53,000,000	53,000,000	53,000,000	53,000,000	42,000,000	(122,400,000)	(12,000,000)	....	....	....
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)	....	....	....
(Limitation on trust funds)	11,396,796,000	12,259,261,000	11,487,093,000	11,573,093,000	11,490,092,000	11,490,766,000	11,546,926,000	150,130,000	(712,335,000)	59,833,000	(26,167,000)	56,834,000	56,160,000
VA, HUD:													
New budget (obligational) authority	89,927,686,000	90,551,351,093	80,606,927,000	81,311,016,000	81,995,196,000	81,995,196,000	82,442,966,000	(7,484,720,000)	(8,108,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Appropriations	90,260,686,000	90,746,470,093	80,805,046,000	81,509,135,000	82,193,315,000	82,193,315,000	82,641,085,000	(7,619,601,000)	(8,105,385,093)	1,836,039,000	1,131,950,000	447,770,000	447,770,000
Rescissions	(333,000,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	(198,119,000)	134,881,000	....	....	....	....	....
Crime trust fund	....	3,000,000	....	....	....	....	....	....	(3,000,000)	....	....	....	....
(By transfer)	100,061,000	63,000	17,561,000	17,561,000	17,561,000	17,561,000	17,561,000	(82,500,000)	17,498,000	....	....	....	....
(Limitation on administrative e	623,746,500	2,502,000	17,602,000	17,602,000	17,602,000	17,602,000	17,602,000	(606,144,500)	15,100,000	....	....	....	....
(Limitation on direct loans)	1,200,523,034	1,075,421,120	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	1,075,363,000	(125,160,034)	(58,120)	....	....	....	....
(Limitation on guaranteed loans	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000	....	....	....	....
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000	....	....	....	....
Title I—Omnibus Appropriations													
Total budget (obligational) authority	375,352,631,000	404,372,591,093	379,757,258,000	378,743,540,000	380,530,338,000	380,103,646,999	383,441,929,000	8,089,298,000	(20,930,662,093)	3,684,671,000	4,698,389,000	2,911,591,000	3,338,282,001
New budget (obligational) authority	335,404,914,000	362,371,637,093	338,111,908,000	338,108,190,000	338,894,988,000	338,468,296,999	341,508,193,000	6,103,279,000	(20,863,444,093)	3,396,285,000	3,400,003,000	2,613,205,000	3,039,896,001
Appropriations	334,218,262,000	358,395,956,093	334,626,458,000	334,634,740,000	335,459,210,000	335,032,518,999	338,039,243,000	3,820,981,000	(20,356,713,093)	3,412,785,000	3,404,503,000	2,580,033,000	3,006,724,001
Rescissions	(1,152,248,000)	(228,119,000)	(535,519,000)	(535,519,000)	(573,191,000)	(573,191,000)	(540,019,000)	612,229,000	(311,900,000)	(4,500,000)	(4,500,000)	33,172,000	33,172,000
Crime trust fund	2,338,900,000	4,203,800,000	4,020,969,000	4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	(12,000,000)	....	....	....
Advance Appropriations, 1997	39,687,717,000	41,704,554,000	41,385,350,000	40,385,350,000	41,385,350,000	41,385,350,000	41,683,736,000	1,996,019,000	(20,818,000)	298,386,000	1,298,386,000	298,386,000	298,386,000
Advance Appropriations, 1998	260,000,000	296,400,000	260,000,000	250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	(10,000,000)	....	....	....
(By transfer)	264,325,000	242,563,000	310,561,000	310,561,000	310,561,000	310,561,000	310,561,000	46,236,000	67,998,000	....	....	....	....
(Limitation on administrative expenses)	627,209,500	6,061,000	21,161,000	21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000	....	....	....	....
(Limitation on direct loans)	1,201,264,034	1,076,162,120	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)	....	....	....	....
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000	....	....	....	....
(Limitation on corporate funds)	516,041,000	549,626,000	554,401,000	554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000	....	....	....	....
(Liquidation of contract authority)	214,356,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	162,610,000	(51,746,000)	....	....	....	....	....
(Foreign currency appropriation)	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	1,420,000	....	....	....	....	....	....
Title II—Emergency Supplemental Appropriations													
New budget (obligational) authority	....	1,033,329,000	....	1,147,600,000	1,529,214,000	1,585,814,000	2,124,714,000	2,124,714,000	1,091,385,000	2,124,714,000	977,114,000	595,500,000	538,900,000
Appropriations	....	140,000,000	....	70,000,000	847,700,000	901,600,000	193,300,000	193,300,000	53,300,000	193,300,000	123,300,000	(654,400,000)	(708,300,000)
Emergency appropriation	....	1,784,329,000	....	1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations	....	69,000,000	....	173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Rescissions	....	(960,000,000)	....	(931,000,000)	(820,000,000)	(895,200,000)	....	....	960,000,000	....	931,000,000	820,000,000	895,200,000

H.R. 3019, OMNIBUS CONSOLIDATED RESCISSIONS AND APPROPRIATIONS ACT OF 1996—Continued

	Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed	Senate reported S. 1594	Senate passed	H.R. 3019 conference	Conference compared to—					
								Fiscal year 1995 enacted	Fiscal year 1996 request	Fiscal year 1996 conference [1]	House passed H.R. 3019	Committee reported S. 1594	Senate passed
(By transfer)		5,500,000		10,500,000		64,900,000	28,500,000	28,500,000	23,000,000	28,500,000	18,000,000	28,500,000	(36,400,000)
(Liquidation of contract authority)		375,000,000		375,000,000	375,000,000	375,000,000	375,000,000	375,000,000		375,000,000			
(Exempt obligations)		267,000,000		267,000,000	300,000,000	300,000,000	300,000,000	300,000,000	33,000,000	300,000,000	33,000,000		
(Limitation on direct loans)		118,874,000							(118,874,000)				
Title III—Offsets and Rescissions													
New budget (obligational) authority							(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)	(4,170,246,000)
Rescissions							(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)	(1,631,246,000)
Offsets							(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)
Rescissions of contract authority							(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Title IV—Contingency Appropriations													
Total budget (obligational) authority				3,332,900,000	4,781,500,000	3,649,102,000					(3,332,900,000)	(4,781,500,000)	(3,649,102,000)
New budget (obligational) authority				3,332,900,000	4,781,500,000	2,382,863,000					(3,332,900,000)	(4,781,500,000)	(2,382,863,000)
Appropriations						1,458,000,000							(1,458,000,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Advance Appropriations, 1997						1,266,239,000							(1,266,239,000)
Rescission of contract authority						(616,000,000)							616,000,000
Offset: Petroleum reserves						(227,000,000)							227,000,000
Title V—Environmental Initiatives													
New budget (obligational) authority						439,000,000							(439,000,000)
Appropriations						487,000,000							(487,000,000)
Rescission of contract authority						(48,000,000)							48,000,000
Offset: Debt collection						(440,000,000)							440,000,000
TOTAL													
Total budget (obligational) authority	375,352,631,000	405,405,920,093		383,224,040,000	386,841,052,000	384,623,562,999	381,396,397,000	6,043,766,000	(24,009,523,093)	381,396,397,000	(1,827,643,000)	(5,444,655,000)	(3,227,165,999)
New budget (obligational) authority	335,404,914,000	363,404,966,093		342,588,690,000	345,205,702,000	341,721,973,999	339,462,661,000	4,057,747,000	(23,942,305,093)	339,462,661,000	(3,126,029,000)	(5,743,041,000)	(2,259,312,999)
Appropriations	334,218,262,000	358,535,956,093		334,704,740,000	336,306,910,000	337,392,118,999	338,232,543,000	4,014,281,000	(20,303,413,093)	338,232,543,000	3,527,803,000	1,925,633,000	840,424,001
Emergency appropriation		1,784,329,000		1,835,600,000	1,043,100,000	1,093,100,000	1,655,600,000	1,655,600,000	(128,729,000)	1,655,600,000	(180,000,000)	612,500,000	562,500,000
Contingency emergency appropriations		69,000,000		173,000,000	458,414,000	486,314,000	275,814,000	275,814,000	206,814,000	275,814,000	102,814,000	(182,600,000)	(210,500,000)
Contingency appropriations				3,332,900,000	4,781,500,000	1,540,863,000					(3,332,900,000)	(4,781,500,000)	(1,540,863,000)
Rescissions	(1,152,248,000)	(1,188,119,000)		(1,466,519,000)	(1,393,191,000)	(1,468,391,000)	(2,171,265,000)	(1,019,017,000)	(983,146,000)	(2,171,265,000)	(704,746,000)	(778,074,000)	(702,874,000)
Rescissions of contract authority						(664,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(762,000,000)	(98,000,000)
Crime trust fund	2,338,900,000	4,203,800,000		4,008,969,000	4,008,969,000	4,008,969,000	4,008,969,000	1,670,069,000	(194,831,000)	4,008,969,000			
Emergency rescission							(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)	(1,000,000,000)
Offsets						(667,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(777,000,000)	(110,000,000)
Advance Appropriations, 1997	39,687,717,000	41,704,554,000		40,385,350,000	41,385,350,000	42,651,589,000	41,683,736,000	1,996,019,000	(20,818,000)	41,683,736,000	1,298,386,000	298,386,000	(967,853,000)
Advance Appropriations, 1998	260,000,000	296,400,000		250,000,000	250,000,000	250,000,000	250,000,000	(10,000,000)	(46,400,000)	250,000,000			
(By transfer)	264,325,000	248,063,000		321,061,000	310,561,000	375,461,000	339,061,000	74,736,000	90,998,000	339,061,000	18,000,000	28,500,000	(36,400,000)
(Limitation on administrative expenses)	627,209,500	6,061,000		21,161,000	21,161,000	21,161,000	21,161,000	(606,048,500)	15,100,000	21,161,000			
(Limitation on direct loans)	1,201,264,034	1,076,162,120		1,076,104,000	1,076,104,000	1,076,104,000	1,076,104,000	(125,160,034)	(58,120)	1,076,104,000			
(Limitation on guaranteed loans)	264,939,072,000	237,400,000,000		238,900,000,000	238,900,000,000	238,900,000,000	238,900,000,000	(26,039,072,000)	1,500,000,000	238,900,000,000			
(Limitation on corporate funds)	516,041,000	549,626,000		554,401,000	554,401,000	554,401,000	554,401,000	38,360,000	4,775,000	554,401,000			
(Liquidation of contract authority)	214,356,000	537,610,000		537,610,000	537,610,000	537,610,000	537,610,000	323,254,000		537,610,000			
(Foreign currency appropriation)	1,420,000	1,420,000		1,420,000	1,420,000	1,420,000	1,420,000			1,420,000			

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[1] Senate-reported level for Labor-HHS-Education.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, once again, I thank the Senator from Oregon for completing a very tough job, and I commend him for the job that he has done.

Mr. President, I want to talk about my vote, because I voted against this bill on a principle that I think is very important, and I would like to step back and talk about the background.

Over the past 20 years, we have greatly improved the environment in the United States. As a Nation, we have spent over a trillion dollars to clean our air, water, and land. We have cleaner air and water than we have had for the past 40 years in our country. Now we are at a crossroads in environmental policy. We can preserve all of the environmental gains that we have made and still move forward to assure our children a safer, cleaner, and healthier environment.

But we will not be able to move forward if we continue to rely on the old, top-down command and control solutions from Washington, DC. Instead of orders from Washington, DC, we need to allow communities and businesses to find the best way to meet our national environmental standards themselves.

The administration and its leaders on Capitol Hill have used every opportunity to demagog and politicize environmental policy in order to protect the status quo and appease extremist environmental ideologs. They seek to take every opportunity to accuse Republicans of harming the environment, as if we had a separate supply of water and air to breathe.

I was accused by one of these groups of being supported by antienvironmental groups. So I asked the question, "What groups are you referring to as antienvironment?" And they said, "Realtors, home builders, electrical co-ops, farm bureaus."

Mr. President, I am proud to be associated with those groups that give to our economy and create the jobs in our country. They are not antienvironmental. And neither are any of us in this body. The rhetoric is misleading and it is even false in some cases.

They claimed that the Senate bill that we passed originally lowered clean air standards. It did not. They claimed that the Senate bill would have increased industrial pollution. It did not. It provided increases in clean water and drinking water programs.

They claimed the Senate bill would have ignored toxic waste sites. It did not. In fact, it is time for this administration to stop rhetoric like that and stop dragging its heels on Superfund cleanups, to put aside the red tape and get things done that actually clean our water and air.

So what happened tonight? In order to prevent the President from shutting down the Government again, to protect the Washington bureaucrats' power, today's bill cedes to the President too much authority that is our authority to write laws and then to make sure that the regulators are doing what we intended for them to do. I think that is a mistake.

Last year this Congress recognized that reform of the Endangered Species Act is long overdue. It called a timeout on new listings and new designations of critical habitat. Congress recognizes that we must protect the environment at the least possible cost to American workers and families.

The conference report that was before us today permits President Clinton to suspend the moratorium on new listings at will. The Endangered Species Act has been good. It has focused us on the need to preserve plants and animals. There have been some notable successes. But the heavyhanded means that are being employed now to preserve hundreds of subspecies of bait fish and rats are increasingly counterproductive.

The moratorium on listings have kept American workers from losing their jobs. It has stopped narrow-minded interest groups from hijacking the Endangered Species Act and hurting our economy. Timber growers that have worked for years to grow trees to save for their retirement or for their children's education have had to cut trees on the basis of a rumor that their land might be listed as an endangered species habitat. Why? In order to avoid having Washington bureaucrats tell these people that they cannot cut down a tree after they have cultivated it for decades.

In central Texas, my home State, the Fish and Wildlife Service limited cutting of cedars to protect habitat for the golden-cheeked warbler. The warbler uses cedar bark to make its nest. Cedars are a weed. They are a weed. Our homeowners and land owners clear the land. If they are not cleared, in fact it hurts health. It also absorbs water that should be going into the Edwards Aquifer which is a water supply to the city of San Antonio and ranches and farms all over the area.

If we cannot rely on the support and cooperation of the people who live with the animals that we want to save, I do not think the animals are going to be saved. And that is not in anyone's interest nor is it in the interest of saving the animals.

That is why I have made such a high priority of reforming the Endangered Species Act. We need to forge a new consensus about saving endangered species. We need to make private property owners stakeholders, not adversaries in the process.

That is why I proposed and the President signed into law the moratorium on new listings. The President says we must go back to the old law that is obsolete that everyone admits does not work. Even the people who are trying to keep it admit it does not work. It puts the power back in the hands of Washington bureaucrats.

The President should not be able to change what has passed this body twice in the last year with the stroke of a pen and take away the savings, the property, and even the jobs of hardworking Americans. We can set national environmental standards.

We can put Federal resources behind environmental cleanup and enforcement. But it must be done in a sensible way. It must take human needs into account. Before we list species again we must put common sense into the law, put control back in the hands of the people. Only then will we be able to assure a healthier, safer environment for all Americans.

Mr. President, there is some good in the bill that passed tonight. There are some lower spending levels. That was a step in the right direction in many ways. But the President pushed too far. Economic damage could occur. Jobs could be lost. If the Fish and Wildlife Service acts without considering good science, local concerns, and water supplies for people, there could be untold damage to the people of our country.

I feel that I must oppose the compromise that passed tonight on this principle and say to the President, Mr. President, you must assume full responsibility for your administration's actions. If people and communities are not considered in this process, when farmers cannot farm, and water sources for cities are shut down, and when working people lose their jobs, Mr. President, you have pushed too far, and this politicization of the environment must stop. Thank you, Mr. President.

Mr. LAUTENBERG. Mr. President, as the only Democratic member of this body who sits on both the Appropriations Subcommittee dealing with EPA and on the Environment and Public Works Committee, I have had a special interest in the funding of the Environmental Protection Agency.

And I want to thank Senators BOND and MIKULSKI for their work on these issues.

Mr. President, when the EPA budget first passed the the Senate, EPA's funding level was 17 percent below the fiscal year 1995 level. The House was 33 percent below the previous year level. Those figures were unacceptable to me, to the President and the American people.

The people of America have made clear that they want us do all we can to protect their drinking water from contaminates, their air from harmful smog and their land from the improper disposal of toxic wastes. Since the President vetoed that funding bill for EPA, there has been significant progress.

When this pending continuing resolution was considered in the Senate, I offered an amendment that would have raised EPA funding $726 million. That would have raised EPA to the full 1995 level by adding money for state assistance for drinking water and sewage treatment, for global climate change research, for environmental enforcement and for Boston Harbor clean up.

Once that amendment was offered, there were long, and ultimately painful negotiations among the parties. Needless to say, negotiations were not easy; if they had been today would be October 25,1995 not April 25, 1996.

I want to especially acknowledge the efforts of the Junior Senator from Massachusetts, JOHN KERRY, who fought relentlessly to fund EPA and, in particular, to address the special needs of Boston Harbor. Without his persistent efforts during our negotiations, the additonal dollars for Boston Harbor would not be in this bill.

As a member of the Conference, I want to take this opportunity to thank Senator KERRY for his hard work and persistent efforts in getting the funding for this important water pollution control program.

Mr. CRAIG. Mr. President, this bill contains extremely important funding for the State of Idaho, along with other items I must clearly support. For that reason, I will be voting in favor of this bill.

However, I think it is important to make a record of some of the shortcomings of this bill.

First, I am extremely disappointed that this bill ignores the concerns of many communities and citizens in the Columbia Basin who worked honestly and deliberately over the years to develop local forest management plans. Those plans will now be summarily overridden by two gigantic environmental impact statements which will dramatically alter all the existing local plans on 144 million acres. It remains my opinion that these EIS's represent an inappropriate application of the National Environmental Policy Act. They are too big; they are too remote for comment by the citizens who will be affected; and they are too complex for any reasonable understanding by any affected party. I am told that this project will have cost the Forest Service and Bureau of Land Management up to $30 million. I submit that the advancement of science through this project has been worth but a fraction. Despite my efforts and those of Congressman NETHERCUTT to interject some common sense and fiscal responsibility, the language we worked hard to support has been dropped. As a result, I am very apprehensive that our local governments, our citizens who depend upon the public lands for livelihood and recreation, and many others who use the forest will be locked out of the forest for reasons none of us will ever understand.

Another item missing from this agreement that concerns me is my amendment, passed by the Senate, relating to the Legal Services Corporation. Let me acknowledge the efforts of the Senate conferees—and particularly, Senator GREGG—to protect this amendment. As my colleagues will recall, this amendment was aimed at what some of us believe is a pattern of straying from the important mandate of providing legal services to the poor, instead pursuing a political agenda. In the case I highlighted, the Legal Services Corporation grantee drove my constituents to the edge of bankruptcy in a 6-year battle over an adoption that went all the way to the U.S. Supreme Court and twice to the Idaho State Supreme Court. Eventually, my constituents prevailed and the adoption was finalized. If anyone benefited from this gross waste of taxpayer funds, I have yet to discover it. It's my intention to continue pursuing my amendment to redress this unfairness in another forum.

Mr. HOLLINGS. Mr. President, I rise in support of H.R. 3019, the Omnibus Fiscal Year 1996 Appropriations Bill which includes five separate appropriations bills for the balance of fiscal year 1996. This bill provides full year funding for the Veterans, Housing Urban Development and Independent Agencies appropriations bill, the Labor, Health and Human Services appropriations bill, the District of Columbia appropriations bill, the Interior and Related Agencies appropriations bill, and the Commerce, Justice and State appropriations bill. It also includes emergency funding to deal with the floods in the Pacific Northwest and other disasters.

Mr. President, I serve as ranking member on the Commerce, Justice and State Subcommittee. I have served in that capacity or as Chairman of that Subcommittee since 1977. And, I want to speak today most of all in support of the conference agreement as it pertains to the departments, agencies, programs and people covered by that important appropriations bill.

We need to keep in mind that we have had 13 stop-gap "continuing resolutions" since October 1, 1995 when the fiscal year began. In the case of the CJS bill, the Senate completed action on the bill on September 29, 1995, and passed the conference report to H.R. 2076 on December 7, 1995. I voted against that conference report as did 48 of my colleagues. The President then vetoed H.R. 2076 on December 19, 1995. While the President's official veto message mentioned many problems with the CJS bill, in his actual statement he mentioned only the elimination of the Cops on the Beat program and the Advanced Technology Program as his reasons for finding the bill to be unacceptable.

So, we have now gone through this somewhat difficult process and conferenced what is essentially a new Commerce, Justice and State bill. During the past weeks, we have had negotiations between the White House and the Congressional leadership. And, during the past week, we have had intensive negotiations going on between the White House represented by President's Chief of Staff, Leon Panetta, his able assistant Martha Foley, and Jack Lew of OMB and the Congressional leadership represented by our distinguished Chairman, Senator HATFIELD, Senator BYRD, House Chairman Mr. LIVINGSTON, and Mr. OBEY. They have had to work long hours on a number of difficult, controversial issues. I think that they have done an excellent job. I think that our Congressional team deserves special praise. They conducted these negotiations in a bipartisan manner, something that has been seriously lacking in the 104th Congress.

Mr. President, the Commerce, Justice and State portion of this agreement represents a good, realistic compromise that responds to our spending priorities at the same time that it cutbacks overall spending. This conference report provides $27.8 billion for the CJS bill. This is $3.2 billion BELOW the level requested in the FY 1996 President's Budget request.

This agreement restores funding for several high priority programs and makes several other changes that lead me to conclude that it is a vast improvement over the CJS bill that the President vetoed. I will just mention a few.

First, and most important to me, this agreement provides $221 million for the Commerce Department's Advanced Technology Program (ATP). I authored this program in the 1988 Trade Act and I can tell you that it is strongly supported by the President and was a high priority for our late Secretary of Commerce. Ron Brown. ATP provides cooperative agreements that are cost-shared with industry. These ATP awards are intended to help industry take leading edge technologies from the drawing board to the marketplace. It is intended to develop entirely new industries, create high-paying jobs, and to help us compete with the Japanese, French, and Germans who maintain quite similar programs.

This conference agreement is $221 million above the vetoed CJS bill, H.R. 2076, but is still about $210 million below the level enacted for the ATP program in fiscal year 1995. Report language notes that the highest priority should be to continue ATP awards made in fiscal year 1995 and prior years—but, the new Commerce Secretary, Mickey Kantor, is allowed under this agreement to continue to make new ATP awards.

And, I should note, that the agreement includes an additional $2 million for the Office of our Under Secretary of

Commerce for Technology, Mary Lowe Good. She is the best. And report language expresses our commitment to continue the U.S./Israel Science and Technology Agreement which is overseen by her office.

Second, this conference agreement includes $1.4 billion for the Community Oriented Policing Services program or "COPS" as it is commonly known. This is $100 million above the fiscal year 1995 level, $1.4 billion above the level included in H.R. 2076, the Commerce, Justice and State bill that the President vetoed last December. I should note that it is almost the identical amount that was restored on the Senate floor in September when the Senate considered H.R. 2076. The conference report reiterates, for the first time since the Republicans won a majority in the House and Senate, that the Congress remains committed to deploying one hundred thousand additional police officers on the beat across America by the year 2000. The conference agreement also provides $503 million for a new local law enforcement block grant. This program is intended to meet other law enforcement needs that communities may have, such as equipment. It is my hope that this latter program will not simply become a new Law Enforcement Assistance Administration (LEAA) program.

On another crime issue, the conference report includes $403 million for a new State prison grant program, sometimes called "Truth in Sentencing." This program, which will provide grants to States to build or renovate or expand prisons. Senator GREGG, our Chairman, and his staff director, David Taylor, worked very, very hard on this issue. I think they have come up with a program that is much better than the existing program which is authorized in the 1994 Crime Bill. This new prison program will now really address the needs of small states, and will help all states add prison cells to incarcerate violent offenders.

Third, this conference agreement includes $1.254 billion for Department of State international organizations and conferences. For the most part this represents assessed contributions to the United Nations and other international organizations, for example the World Health Organization and Organization of American States, and for United Nations Peacekeeping. The conference agreement represents an increase of $326 million above the vetoed CJS bill, H.R. 2076. While this is not a personal priority of mine, I know that the Administration's view was that these funds would have to be restored for the President to sign this bill.

Fourth, the agreement waives Section 15a of the State Department basic authorities Act, so the State Department can continue to obligate appropriations even in the absence of a fiscal year 1996 authorization. Only in this CJS bill do we have this crazy situation where an agency is told that it legally cannot obligate appropriations if an annual authorization has not been enacted. The Department of Defense doesn't live under this ridiculous rule. Nor does the Justice Department or Health and Human Services, or anyone else. I'm all for the importance of the authorization process—I am ranking minority and former Chairman of an authorization committee. But, I would never think of trying to stop NASA, or the Transportation Department, or the National Science Foundation or other agencies from obligating appropriations that the Congress and the President considered, approved, and enacted.

I also should note that the bill language regarding Vietnam allows the State Department, USIA, and Foreign Commercial Service to maintain a presence in that nation. We have opened diplomatic relations with Vietnam and have an Embassy in that nation. It's time to move forward in our relations with Hanoi. I'm glad that Senators HATFIELD, KERRY, KERREY, MCCAIN, and LAUTENBERG were able to prevail on this issue.

Fifth, this bill includes some very important appropriations for disaster assistance: $100 million is provided for the SBA for disaster loans. This ensures that parts of the United States that are hit by disasters in the future, such as tornadoes and hurricanes, can receive assistance. And, $18 million is provided to EDA to help the Northwest and North Dakota deal with flooding and to address other disasters if necessary.

I urge my colleagues to support this bill. What is most important to note is that this bill will become law unlike the previous appropriations bills that were vetoed. This is happening because members from my side of the aisle were included in the appropriations process. The role of the Presidency was recognized and the administration's views were considered in making spending decisions. This is not the way the Appropriations Committee and the Commerce, Justice and State Subcommittee started business in the 104th Congress. I truly hope it is the way we now will continue to do business as we embark on fiscal year 1997.

In conclusion, I think there are many people who deserve credit for getting this bill to this point. But, no one deserves more credit than our distinguished Chairman, Senator HATFIELD. He and I have been Governors and know what it means to run a government. We have been legislators together in this Senate for some thirty years. Senator HATFIELD understands the responsibilities of being a Senator and what it means to be Chairman of the Senate Appropriations Committee, a Committee with such an important tradition and mission. Senator HATFIELD took control a few months ago and literally brought the appropriations process back from total chaos. During this fiscal year, he has repeatedly tried to bring some sanity, and bipartisanship to the appropriations decisions. I think the President and the many Federal employees in the Executive Branch owe him a real debt of gratitude. But, most of all, I think he has done this Senate, this Congress, and this Nation a very real service and I, for one, want to express my appreciation.

Mr. JEFFORDS. Mr. President, this conference agreement includes the final conference agreement on the District of Columbia appropriations for fiscal year 1996. Like each of the other appropriations bills contained in this omnibus agreement, the District's bill has endured a long and arduous course to enactment today.

The District of Columbia portion is not all that we would want, but it is the best we can do. A key feature of this bill is the education reform that it contains. It would have been better and more effective if we could have included the $15 million in additional assistance that our original conference agreement included to begin these reforms. But that was not possible. However, legislative language is included on many of the reforms and I will work with the Superintendent, the Board of Education, other city officials and the control board to make sure that these reforms are implemented. The children of this city can not, and now will not, wait another day.

The District is in a fiscal crisis. Research by the General Accounting Office and the Congressional Research Service of cities who have faced similar crises tells us that if we are to restore the economic vitality, an essential ingredient to restoring fiscal health, we must reform the schools. We must provide quality public schools to retain and attract a tax base. That pursuit within Congress begins with this bill.

One of the important reforms in the bill is the creation of a Consensus Commission on Education Reform. This group of citizens will cast a watchful eye over the reform process in the District and, if there are impediments or a failure to act on the required reform plan, it will recommend and request the control board to take the required steps to make reform a reality. I am determined that we will no longer have wonderful plans or insightful reports that go unimplemented. This time the intentions of the reformers will be realized.

The agreement does not include additional funds to carry out these reforms in 1996, but it does authorize funds for fiscal year 1997 and beyond. I can assure city officials and my colleagues that I intend to do everything that I can to see that these funds are appropriated next year and in the future so that the changes envisioned are achieved.

Mr. President, in closing I want to thank the Senator from Oregon for his tenacious and tireless work on this bill and his invaluable help in the regular D.C. conference. His help and guidance made an agreement possible. Many others contributed to the D.C. bill and the Omnibus bill's success, especially the Senator from West Virginia who helped craft the agreement we are considering today.

I also need to thank our subcommittee's distinguished ranking member, the Senator from Wisconsin, Senator KOHL, for his cooperation and support during the consideration of this bill. Finally, Mr. President, our counterparts in the House, Representative JIM WALSH and Representative JULIAN DIXON, who worked with us in a partnership to find common ground and bring this bill to this point today.

Mr. President, I urge Senators to support this agreement, we need to get on with the task of reforming public education in the District and restoring fiscal sense to it's budget process. This bill sets that course. I yield the floor.

Mrs. MURRAY. Mr. President, I rise today to gratefully express my relief that finally, 7 months into the current fiscal year, we are debating the bill that will put this year's budget to bed. And I am pleased to be able to support this bill based on changes that have been made over the past few days.

This agreement did not come easy, and it comes nearly too late for many people. It's unfortunate that it took two Government shut-downs, innumerable furloughs, and needlessly bitter partisan disputes, before we reached the path of resolution: serious bipartisan negotiations.

I do not think many families would make their budgets this way, 6 months late. I know I would not. But I am glad we've reached an agreement nonetheless.

I said to all my colleagues and the people of Washington State early last year there is a right way, and a wrong way, to balance the Federal budget. The wrong way would be to use quick and dirty gimmicks, paper tigers like the constitutional amendment or the line item veto.

I said the right way is to go through the budget line-by-line, program-by-program, and make the tough choices necessary to balance the books. Well, that is what happened on this bill. It reflects tough decisions, and strong, clearly-set priorities of both political parties.

The final agreement saves the taxpayers another $23 billion under last year's budget, and I think that's a good thing. But it also redirects funds to support important education programs, health programs, and environmental programs. In other words, we achieved a rare balance between spending cuts and spending increases that is good for the people.

I want to talk briefly about each of these three areas, environmental priorities, education priorities, and public health priorities.

Mr. President, I am so pleased with the progress the administration made in stripping this bill of almost all environmental riders. I believe this cleaner bill represents a victory for all of us who care about the health of our environment and protection of natural resources. Two provisions I spoke against on the floor 3 days ago have been dropped: those affecting the Columbia Basin Ecosystem Project and those addressing the timber salvage provisions.

Now, the Columbia Basin Ecosystem Project can go forward, providing resource managers with comprehensive, scientific information about how best to protect the land, restore riparian habitat, and sustainably use our natural resources. This offers us one of our first opportunities to get ahead of the curve, and proactively address resource management before it we face a debilitating crisis. I appreciate my Senate colleagues agreeing to allow this project to move forward.

Likewise, I appreciate Senator HATFIELD dropping the salvage provisions. I know there was legitimate disagreement between the chairman and the President about whether these provisions would help or hinder the administration's ability to alter current timber contracts to protect old growth forests. This has been such a contentious, divisive issue that finding the right course of action in this atmosphere has been nearly impossible. I wish this Senate had chosen simply to repeal the entire timber salvage rider and replace it with the long-term salvage program I had advocated in my amendment.

Overall, the Interior portion of this bill is balanced and fair. The President's Forest Plan is well-funded, the Elwha Dam has initial acquisition funds, Native American programs have been sufficiently funded, some important land acquisitions have been made, and many vital programs remain intact. I am very sorry the Lummi People are still being coerced about water rights on their reservation and wish we could have made more progress on this provision.

Now on to education. Mr. President, my greatest concerns in this budget were the deep and painful cuts to programs that support America's young people. When we began this debate, we were faced with a proposal that would have slashed nearly $4 billion away from the education of our next generation. Had these cuts been enacted, we would have faced the largest setback to education in our Nation's history.

Thankfully, for children in Washington State and the millions of young people who can not be heard through the vote, rational and thoughtful leadership prevailed. The add backs to education and training represent a commitment to programs that provide opportunity and hope.

We have restored $333 million for dislocated worker retraining that puts my State's timber workers back into the work force. We have added back $137 million Head Start dollars that insure our kids begin school ready to learn. We have restored $635 million for summer youth jobs for our young people that provide many of our most disadvantaged kids with the opportunity to give back to their communities. We have also saved the Safe and Drug Free Schools Program with $200 million that works proactively to take the fear out of our classrooms. Finally, the School-to-Work Program, which has been proven effective in the State of Washington received an additional $182 million. These programs, along with $814 million new Title I dollars that provide our schools with the essentials of learning, will immeasurably benefit our kids and our Nation's future.

I also want to talk about how AIDS research, prevention, and treatment issues have been handled by this Congress. Today's agreement has been a long-time coming. Finally, we have the opportunity to vote and pass a spending measure that will give help and peace of mind to many who need it most. Of course, we can always do more and there is always room for improvement. But, after months of debate and disagreement, we have come up with a plan that I can vote for. I recognize the need to cut spending and allocate Federal resources with strict scrutiny.

But, these decisions cannot be made at the expense of our most vulnerable citizens.

Programs like the Ryan White CARE Act receive a much needed increase. This bill raises funding for programs which care for those living with HIV/AIDS by $106 million over last year. These are critical dollars for: emergency care for particularly hard-hit cities like Seattle; comprehensive care for all our States to cope with the epidemic; early intervention services to save money down the road; and funds for Pediatric AIDS demonstration projects.

The AIDS Education Training Center program, which I fought so hard to protect last fall, and which I fought hard for throughout this process, will be maintained. This critical program provides information to health care professionals about HIV and keeps them up-to-date on the latest in treatment for those living with HIV and AIDS. We must make sure that information and public awareness are kept at an all-time high, and I congratulate my colleagues for having the good sense to recognize the importance of the AETC program.

I also want to briefly express my relief that the blatantly discriminatory policy of discharging HIV-infected service members is repealed in this bill. This proposal was closed-minded, unfounded, and offensive to our men and women in uniform who have chosen to serve our country. The Dornan-provision sent the wrong message; it said that Congress bases decisions on ignorance, fear and hate. I want no part of sending that message, and today we have the chance to right a terrible wrong.

Finally, Mr. President, while I am pleased with many of the changes that were made to this bill, I am deeply disappointed that Senator HATFIELD's language on International Family Planning was not maintained. Like many issues in this Congress, the Senate has taken a different approach than our counterparts in the House with respect to International Family Planning assistance. Throughout the debate on this issue, the Senate has continually supported funding for this program, and I have spoken many times in favor of our efforts to continue providing these services.

As it stands now, none of the appropriated funds can be spent until July 1. After that, money can only be spent on a month-to-month basis at a rate of 6.7 percent a month until the new fiscal year begins on October 1. The result is funding for U.S. population assistance will be reduced by about 85 percent from last year's level. This is a disastrous situation that will severely hamper this program.

As a member of the Appropriations Subcommittee on Foreign Operations, I will work this year to try to restore these funds in fiscal year 1997. The millions of couples who rely on these valuable services are counting on this assistance.

Mr. President, I am glad we have finished the fiscal year 1996 budget. It's the people's business, and it's our responsibility to conduct. While the process over the past several months has been dominated by partisanship and dispute, the past few weeks have demonstrated that if reasonable leaders get together, they can usually resolve their differences and reach agreements that serve the public interest.

I sincerely hope this example sets a new tone that will carry into the fiscal year 1997 budget process. We have a short year, only a few months left to complete work on 13 new budget bills, before the political season completely overtakes Congress. I think it is in everyone's interest that we remain at the table and complete our next set of tasks with good humor and discipline.

Mr. SPECTER. Mr. President, when H.R. 3019 passed the Senate on March 19, substantial progress had been made to protect critical funding for education and training programs. The amendment I offered with Senator Harkin during Senate consideration provided $2.7 billion more for education, job training and Head Start programs for the 1996/1997 academic year. These additional funds were fully offset, thus preserving the balanced budget objectives for discretionary appropriations in fiscal year 1996.

The conference agreement before the Senate today maintains the increased funds for education provided by the Specter/Harkin amendment. It also protects funding for other important objectives, such as, worker safety, medical research, health services, and domestic violence prevention.

Overall, H.R. 3019 appropriates $64.6 billion for discretionary programs of the Labor, HHS and Education Subcommittee. This is $204 million above the Senate passed bill, $2.6 billion above the House bill, and $2.6 billion, or 4 percent, below the 1995 post-rescission level. Included in the bill is the termination of over 110 programs viewed by the conferees as either having met their objectives, being duplicative of other programs, or having low priority. The bill's highlights include the following: $625 million for the 1996 Summer Youth Employment Program of the Department of Labor; the House bill had terminated this program; $1.1 billion for the Dislocated Worker Retraining Program, bringing the total $233 million above the House bill; $1.3 billion for worker protection programs, bringing the average funding level for each enforcement agency to 98 percent of the 1995 level; $350 million for the School to Work Program, jointly administered by the Departments of Labor and Education, an increase of $105 million from the 1995 appropriated level. $11.9 billion for medical research supported by the National Institutes of Health. This is an increase of $654 million over the 1995 level, or 5.8 percent; $738 million for the Ryan White AIDS Programs. this is an increase of $105 million over 1995. Within the total is $52 million specifically set aside for the AIDS drugs reimbursement program. These additional funds will enable states to better meet the growing cost and demand for new AIDS drugs; $93 million to continue the Healthy Start Program. This is $43 million above the original level passed by the House. $3.57 billion for the Head Start Program. This is $36 million above the 1995 level; 350 million for the GOALS 2000 Educate America Act Program. The House bill had terminated funding for this program; $7.2 billion for the Title I, Compensatory Education for the Disadvantaged Program. This is the same as the 1995 level and nearly $1 billion more than the House bill; $466 million for the Safe and Drug Free Schools Program. This is $266 million above the House bill; and $78 million for education technology programs which assist schools in expanding the availability of technology enhanced curricula and instruction to improve educational services. This is $23 million above 1995.

H.R. 3019 also preserves funding for student aid programs. The agreement raises the maximum Pell Grant to $2,470. This is an increase of $130 in the maximum grant and is the highest maximum grant ever provided. Funds also are provided to maintain the capital contributions to the Perkins Loan Program and Federal support for the State Student Incentive Grants Program.

Finally, the agreement includes $900 million for the Low Income Home Energy Assistance Program (LIHEAP) in fiscal year 1996. The original House bill, H.R. 2127, had included no funding for the LIHEAP Program. H.R. 3019, also makes available $420 million in "emergency" contingency funds for the fiscal year 1997 program. Regular funding for next winter's LIHEAP Program will be considered during the fiscal year 1997 appropriations process.

It is always easy to add money, but much more difficult to find the offsets for additional spending in order to not add to the Federal deficit. The conference agreement before the Senate today succeeds in both restoring funding to critical education, health and training programs and in maintaining our commitment to balance the federal budget. It is an excellent appropriations bill, and I urge my colleagues to give it their support.

Ms. MOSELEY-BRAUN. Mr. President, with the passage of this bill, and with the signature of the President, the Federal Government will, at long last, resume normal operations. The Federal Government will function as planned—for the first time in 7 months.

Much has happened in those past 7 months. Thirteen times, the Government of the United States faced uncertain funding. Twice, the Government ground to a halt. Federal services were interrupted, Federal paychecks were stopped, and Federal employees were treated as helpless pawns in the midst of congressional grandstanding. Financial markets, international image, and public confidence were put at risk. There seems to be no resolution to this situation.

Seven months of uncertainty, said some of my colleagues, yes—but a necessary sacrifice to achieve 7 years of deficit reduction and a balanced budget by 2002.

That reasoning, Mr. President, was just plain wrong.

The type of Federal spending that pays for Government salaries and Government programs, known as domestic discretionary spending, is not responsible for our Federal deficits. Discretionary spending has not increased as a percentage of the Gross Domestic Product since 1969—the last time we had a balanced budget. Discretionary spending is a mere one-sixth of the $1.5 trillion total of Federal spending—and that is steadily declining.

The real problems with the deficit are with what are known as entitlement spending—Social Security, Medicare, Medicaid, federal retirement programs, and interest on the national debt. These programs are consuming a rapidly growing portion of overall federal revenues, and, by 2012, will consume 100 percent of the revenue the Federal Government takes in.

I know how important it is to reduce the deficit. That's why I cosponsored the Balanced Budget Amendment. We cannot leave a legacy of debt to our children. We have an obligation to restore budget discipline, so that our children—and future generations—will be able to achieve the American Dream.

In order to do that, tough choices must be made. All federal programs must be on the table. Nothing can be exempt from review. Everything must be examined to see where we can do better, and what we no longer need to do.

That does not mean, however, that reducing the debt can be achieved simply by cutting one Federal program in favor of another. Yet that's exactly what this omnibus appropriations bill attempts to do.

This $163 billion bill funds programs normally funded through individual appropriations bills, such as education, job training, Head Start, crime and the environment. Over $5 billion in programs once targeted for termination or deep cuts are restored, such as Community Development Financial Institutions, Head Start, Safe and Drug Free Schools, and School-to-Work programs.

The bill provides $1.4 billion to put 100,000 additional police officers on the streets. The bill restores the Summer Jobs for Youth Program, restores $195 million for the Goals 2000 program, for a total $350 million; restores $387 million more for National Service, for a total of $402 million, and restores Title I funding for disadvantaged students. The bill also boosts Ryan White funds by $82 million, EPA water programs by $465 million, and Superfund by $150 million.

The agreement deletes, or allows the President to waive such controversial legislative riders as the anti-environmental provisions associated with the Tongass National Forest, Mojave National Preserve, and Endangered Species Act.

Also included in the bill is a repeal of the discriminatory provision that would have forced HIV-positive members of the military to leave the service.

This bill is a great improvement over the spending levels initially proposed by this Congress. The restoration, or near restoration, of many of these education and job training programs means that the priorities of the American people have prevailed.

The bill still cuts important discretionary spending by $23 billion.

Some may hail that as deficit reduction, Mr. President, and yes, a number of these program reductions and terminations are justified.

But cutting those items will not make a dent in Federal deficits. The appropriations process cannot be expected to compensate for our failure to address our deficit problem.

We can cut this $23 billion, cut welfare and foreign aid, stop pork barrel spending, and eliminate funding for Congress altogether, but we still will not solve our more fundamental budget problems.

The only way to really balance the budget is to act based on the budgetary realities, rather than the myths. If we fail to do so, in less than 20 years, the skyrocketing growth in entitlement programs means there will not be one single dollar for agriculture, for education, for national defense, or transportation, cancer research, or flood control, or any of the myriad of other Federal activities.

It is as simple as that, Mr. President, and it's a critical fact that this bill, with all its cuts, simply misses.

We are halfway into this fiscal year. There is a time to debate, and a time to act. While I believe we can do far better than this bill, going forward with additional temporary funding extensions is something I find even more unpalatable, and that is why I reluctantly will support final passage of this conference report.

Mr. COATS. Mr. President, I rise to voice my serious concerns that this omnibus appropriations bill fails to include an important provision: a limitation on the expansion of the Federal Direct Loan Program to 40 percent of loan volume for the academic year that begins on July 1, 1996.

As my colleagues know, back in the fall when we passed the Balanced Budget and Reconciliation Act, Congress agreed to return this questionable, big-government program to a true demonstration size—10 percent of total student loan volume. Many of us viewed the 10 percent cap as a reasonable compromise, especially in light of the House vote to repeal the program altogether. And, many of us would still prefer to repeal this misguided takeover of the student loan program.

Nonetheless, I and many of my colleagues on both sides of the aisle, were willing to support a middle ground on this issue: a limit on the expansion of direct lending to 40 percent of loan volume. I believe that this was a more-than-reasonable compromise because it would permit all currently participating schools to remain in the program. Let me say that again: not one school that is already participating in direct loans would be forced out.

However, the administration would not accept this reasonable compromise. The President allegedly threatened to veto the entire omnibus appropriations bill if a cap on direct lending was included. This is incredible! That the President would be willing to hold the entire appropriations process hostage to ensure the continued expansion of a program which is nothing more than a delivery system for loans, is truly an extreme position.

Remember, this President told the country just a few short months ago, during his State of the Union address, that the era of big Government is over. This same President stressed the need for stronger public-private partnerships in meeting the needs of the American people. Yet he threatened to stop the budget process once again if this omnibus appropriations bill included a cap on a massive, new government bureaucracy which seeks to end a public/private partnership which has been successfully serving students for 30 years!

We should not allow the President to pretend to be moderate on the campaign trail while he engineers a potentially disastrous federal takeover of the student loan industry. The President's refusal to negotiate a reasonable cap on the untested direct loan program exposes the true colors of this administration: rather than new Democrats they are clearly old-fashioned, bureaucracy-building, Washington-knows-best liberals.

Unlike the more complex debates over Medicare, Medicaid and welfare delivery systems, it is quite obvious that direct lending is an intuitively backward idea that will:

Make the Department of Education the single largest consumer finance lender in the country, while driving private lenders out of the student loan business.

Result in a $150 billion increase in federal debt by 2002, and a $350 billion increase over the next 20 years.

Eliminate a program where the private lenders share default risk, and replace it with a system where private sector contractors shift the entire risk to the taxpayer.

Replace private sector competition with government contractors.

Substitute an untested student aid delivery system that has yet to demonstrate the ability to collect the loans it makes for the guaranteed loan program, which has dramatically improved the performance of the student loan portfolio in recent years.

We should keep in mind that the Department of Education's management track record bodes ill for the future of the direct loan program.

The management track record of the Department of Education over the past few years—and the last several months in particular—raises grave questions concerning whether the Department has the management ability to take over student lending without jeopardizing the uninterrupted flow of funds in the Nation's largest program of student financial assistance.

Major missteps in the past year have included:

I. Inability to process on a timely basis the Federal Application for Student Financial Aid (FAFSA), the basis calculation of financial need required of all applicants for student assistance.

Although the Department continues to blame weather and Federal furloughs for the unprecedented delays, the fact is that the Department started 6 months behind schedule, and hired new contractors using new, untested technology. In trying to cover up their very serious mistakes, the Department has had to hire additional processors and authorized 24-hour, 7-day-a-week operation, at unknown additional taxpayer cost.

Students and institutions have been severely affected by this mix-up at the Department: institutional financial aid officers and State scholarship programs are unable to offer student aid packages to prospective students; a million students do not know where or whether they will be able to attend college this fall; and 23 percent of our Nation's colleges are planning to push back their May 1 deadline for students to decide which college to attend.

II. The Department has mismanaged the congressionally mandated anti-default initiative, which is designed to terminate high-default schools from Federal student loan programs.

Although the law requires the Department to decide institutional appeals within 45 days, the Department failed to meet this requirement. In an effort to get rid of its 1992 backlog, the Department threw in the towel and accepted whatever default rate a school claimed for itself, without investigation. As a result, schools with default rates of as high as 24 percent now boast single digit official rates for fiscal year 1992. Incredibly, there is still a backlog of 400 appeals of rates calculated for 1990 and 1991.

As a result, students at high-default institutions have remained eligible for student loans—loans which have a high probability of defaulting, burdening taxpayers with millions of dollars in unnecessary costs. The Department's default rate for 1993 for high risk schools was so flawed that it had to be withdrawn and reissued in February 1996.

III. The Inspector General severely criticized the cost effectiveness of the Department's efforts to encourage defaulters to consolidate their defaulted loans into direct lending's income contingent repayment.

The Inspector General estimated this flawed initiative could cost taxpayers $38 million.

IV. Failure of the Department's contractor to post information received from guaranty agencies on a timely basis has resulted in thousands of defaulted borrowers having their income tax refunds wrongly withheld.

In addition, these individuals have been subjected to Federal collections efforts despite the fact that they had entered into satisfactory repayment arrangements with their guarantor.

V. The National Student Loan Data System, mandated by Congress in 1986 and only implemented by the Department in 1995, is so flawed that it has erroneously calculated school default rates and cannot be relied upon for its basic function of determining student's eligibility for grants or loans.

What does this woeful litany of mismanagement mean?

It means that the Department of Education has used poor judgment in developing its computer systems and overseeing its contractors.

It means that its current management is incapable of performing essential technological functions which it had been performing successfully for a number of years.

It means that the taxpayer will be unnecessarily burdened with additional costs incurred because of the Department's inability to manage.

It means that millions of students and their parents are, at the very least, extremely inconvenienced by the Department's inability to generate information essential to awarding of student financial aid on a timely basis. And in far too many cases, a student's entire future—whether or not he/she attends college—may be jeopardized by the Department's mismanagement.

And it means that it would be foolhardy to trust the Nation's largest student financial assistance program—student loans—to the same Departmental officials that have in the past few months mismanaged every major contract and system for which they have been responsible.

This debate is about what is the best way of delivering student loans—whether through a Federal bureaucracy, or through a private-public partnership. While I believe very strongly that the latter will prevail in the long run, the compromise that the President would not allow simply called for leaving things where they are, and not expanding this program further.

We should not be allowing the administration to go forward with its grandiose plans for taking over the student loan program with its own untested, costly direct government lending program. The administration's direct loan program is more Federal bureaucrats, more Government spending, and a more costly program. The administration wants this massive, new bureaucracy to replace the current bank-based student loan program.

By not including a cap on this experimental program in this omnibus appropriations bill we are trusting the Department of Education to distribute, account for, and collect billions of dollars in student loans. This is the same Department that is currently causing students across the country to have to worry needlessly about their financial aid awards because the Department was unable to manage the processing of the forms.

We should be stopping this insanity today. A reasonable cap of 40 percent on direct lending would have forced the Department to slow down and pay attention to all the student aid programs, not just direct lending—hopefully avoiding a repeat of the trauma which is facing students now during the application cycle. Unfortunately, this reasonable approach was lost along the way.

President Clinton's pronouncements in his State of the Union Address notwithstanding, the era of big government continues.

Mr. KOHL. Mr. President, there is no excuse for the Congress to have delayed the fiscal 1996 budget this long. But thankfully, the high stakes game of political chicken is finally over. After closing the Government on 2 occasions, passing 13 separate stop-gap funding bills, and waiting a full 7 months beyond the start of the budget year, Congress will finally pass the 1996 spending bill.

This $160 billion measure funds the programs from five separate appropriations bills throughout the rest of this fiscal year. I will vote for the bill because it demonstrates that, when we work as a bipartisan majority, we can do what America has been asking us to do for a long time: cut the budget while protecting priorities like education, health care, and the environment. With this plan, overall Federal spending will be cut by $23 billion. However, $5 billion for health, education, environment, and job training programs has been restored under this measure.

Because some were intent on trying to score political points this year rather than finishing our budget in a timely fashion, important programs for education, public health and job training and safety had been left in precarious funding situations since October 1, the beginning of the fiscal year. State labor departments were hampered in their ability to help those affected by plant closings. Head Start administrators wondered if they would have to close doors in the middle of their program year, negating recent gains from this early intervention program. And it looked like Americorps would be killed before the benefits from this promising community service program were ever realized.

But no cuts would have had a more detrimental and long-term effect than the proposed cuts in education. I say this as a strong advocate of balancing the budget. To get to that goal, I know we have to consider cuts in programs we support. And I am willing to do so in every area—except education. The drastic cuts in education initially proposed would have set our Nation back in the attempt to build a work force needed to lead our economy into the 21st century.

During negotiations with the House, the Senate and the administration insisted on basing overall education funding on the levels contained in the Senate bill—that is, funding at least at last year's level. As a member of the Appropriations Committee, I have fought for the Senate education levels. With the diligent leadership of Senators HATFIELD, BYRD, SPECTER, and HARKIN, the Senate position on education prevailed.

The title I education program, our largest contribution to schools across the country to help teach disadvantaged kids, has been funded at $7.2 billion. This is a full restoration to last year's level. Safe and drug free schools, a program granting schools the resources they need to curb drugs and violence and create a productive learning environment, is funded at last year's amount of $466 million. Goals 2000 will be funded at $350 million, $22 million less than 1995, but enough to allow States and school districts to continue in their efforts to pursue effective education benchmarks. I am very pleased to say that the School to Work Program, which helps kids obtain technical skills critically needed in today's work force, received a $105 million increase.

Although these levels may not seem like a huge victory, just take a look at what could have been, and what would have been, had the Senate and the President caved to extremist policies. The House proposed cutting title I education by almost $1 billion; Goals 2000 was completely eliminated as was the State student incentive grant program; $266 million was slashed from the Safe and Drug Free Schools Program; vocational education was cut $83 million; and, school to work cut $55 million.

These levels would have had dire consequences for Wisconsin's education system. Wisconsin was originally slated to lose $28 million in education resources—including over $1 million in cuts to Goals 2000, almost $2 million in cuts to safe and drug free schools, over $4 million in vocational education cuts, and an unsustainable $20 million cut in title I, the money that goes to our most disadvantaged young students. This bill today prevents these shortsighted education cuts.

Other programs important to the future of Wisconsin received needed investments under this bill. The Ryan White AIDS programs received a $105 million increase from last year. This total includes $52 million directed to the AIDS drug reimbursement program so that States may better meet demands for breakthrough drugs. Healthy Start, which funds a promising demonstration program in Milwaukee aimed at preventing infant mortality, was restored to $93 million, or $43 million above the House cut. Funding was added back to the mental health block grant, which provides resources to help adults and children with severe mental illness and emotional disturbance. Dislocated worker assistance and the Summer Youth Employment Program were also restored under the bill.

Mr. President, this bill is much more than a day late, but at least it's not billions of dollars short on education. Although I am disappointed with some provisions of the bill, I am pleased that our efforts to restore the investment in education prevailed.

I am also pleased that the most egregious antienvironmental riders have been either eliminated or modified in this bill. Further, I am pleased that a significant portion of the funding for environmental programs has been restored. While overall fiscal constraints will undoubtedly become more severe in the coming years as we take the steps necessary to move toward a balanced budget, I think we should take a closer look at our priorities for discretionary spending. In my view, spending on the environment, as an investment in our future, should be a priority.

There are some aspects of this bill with which I am much less happy. I am very disappointed that this budget fails to fund an adequate amount of crime prevention—programs that can reach young people before they are lost to a life of crime. Last fall, a bipartisan Senate agreed to shift $80 million into crime prevention programs like Weed & Seed, the Boys and Girls Clubs, and DARE—only about one-quarter of what was authorized by the 1994 Crime Act for prevention in 1996. As we started on a new version of the budget this spring, a separate bipartisan vote of the full Appropriations Committee again set aside $80 million for a broad range of local crime prevention—less than 5 percent out of the $1.9 billion local law enforcement block grant.

Despite these votes, and continuing bipartisan support on the Senate side, our $80 million in crime prevention funding was quietly stripped out of this legislation, leaving only a small increase for Weed & Seed and the Boys and Girls Clubs, and entirely neglecting those areas that do not have one of these programs. After all these months, we are shut out—and so are all of the young people who are looking for a little help in their efforts to get off the streets and stay out of prison.

The 1994 Crime Act authorized a reasonable 80 percent to 20 percent split between law enforcement and prevention. But this budget wipes out almost all prevention funding. As any professional in the juvenile justice system will tell you, that is a big mistake.

I am also disappointed with the conferees' action on agricultural credit. The fiscal year 1996 agriculture appropriations bill was completed by Congress and signed by the President in a timely manner last year, and therefore we have not needed to include regular agriculture funding in any of the continuing resolutions. However, there is an agricultural credit provision in this bill, which seeks to rectify a credit provision of the recently passed farm bill that I believe is very unfair.

The farm bill provision in question essentially prohibits farmers from receiving USDA loans or loan guarantees if they ever had their debts restructured. During the 1980's, the Federal Government actively encouraged farmers to restructure and write down their debts. Now the new farm bill tells farmers that they are barred from getting more loans if they took that advice, even if they are creditworthy today. In my mind, that's close to a breach of contract.

A number of us in this body have cosponsored a bill, S. 1690, introduced by Senators CONRAD and GRASSLEY, that would provide some short-term relief for farmers that have been caught by this mid-stream change of policy by delaying implementation of these unfortunate credit eligibility provisions for 90 days.

Further, as a member of the Agriculture Appropriations Subcommittee, I have also been working with others to try to craft language to be included in this continuing resolution to resolve this matter. While there is a provision included in the bill to try to provide some relief, I believe that it is far too narrow because it doesn't address the plight of farmers with farm ownership loans that have been approved, but not yet obligated. Even under the credit provision included in this bill, those farmers will be denied those loans that they had previously been promised. To address this problem, 11 Senators recently signed a letter asking for the necessary revisions to the provision. I am discouraged that these efforts were rejected.

All in all, I think this bill is a victory for fiscal sanity and a victory for education, health care, and the environment. Unfortunately, the battle went on too long and extracted too high a price—the uncertainty for Federal fund recipients, the Government shutdowns, the partisan budget negotiations, and the divisive parliamentary maneuvering around the 13 continuing resolutions. We should strive for a similar end next year. But lets hope that our means of getting there is more sensible, more bipartisan, and more productive.

NATIONAL COMMISSION ON RESTRUCTURING THE IRS

Mr. KERREY. Mr. President, I want to compliment the work of the distinguished Senator from Alabama, Mr. SHELBY, for securing the adoption of an amendment in the conference to modify the composition of the National Commission on Restructuring the IRS, which was authorized in Public Law

104–52. This amendment increases to 17 the number of members of the Commission. With this change, Mr. President, I believe we can stop the logjam which we have found ourselves in and get the majority and minority leaders of both bodies and the President to make their appointments to this Commission in an expeditious manner. I would, however, like to take this opportunity to clarify two points with respect to the Commission with the distinguished subcommittee chairman, Mr. SHELBY. First, by increasing the number of Commission members to 17 under section 637(b)(2) of Public Law 104–52, we intended that the number of members to constitute a quorum under section 637(b)(4), would increase from 7 to 9. Is that the Senator's understanding?

Mr. SHELBY. Yes, that is my understanding. Because we did not want to reopen the Treasury chapter in the conference, this technical change was not made, but it is certainly my intention as the subcommittee chairman that the Commission should honor our intent that nine members of the Commission will constitute a quorum.

Mr. KERREY. I thank the distinguished Senator for that clarification. Finally, I want to ask if it is the Senator's understanding we intended that the Commission not issue its report until after December 31, 1996?

Mr. SHELBY. Yes, that is my understanding.

Mr. KERREY. Again, I thank the distinguished Senator for all of his work on this important matter. In addition, I want to thank the distinguished majority and minority leaders and the President for their involvement in this issue and urge them to make their appointments to this Commission as quickly as possible.

ESTABLISHMENT OF A PEDIATRIC INTENSIVE CARE CENTER IN AN EMPOWERMENT ZONE ENCOMPASSING CAMDEN, NEW JERSEY

Mr. LAUTENBERG. Mr. President, I would like to bring to the chairman's attention, and to the attention of my esteemed colleague, Senator HARKIN, that Cooper Hospital/University Medical Center and its Children's Regional Hospital are the only acute care hospitals in the empowerment zone that encompass Camden, NJ. These hospitals provide critical services to the Camden community. Now they are proposing to establish a new pediatric rehabilitation center which will address a vital unmet need in the community. There are many worthy organizations seeking these empowerment funds; however, this project is expected to provide community based quality care for children from communities in the Camden area. I strongly suggest that this project be considered for empowerment zone funding.

Mr. HARKIN. I thank the Senator for bringing this matter to our attention. I concur with his recommendation and underscore the value of such a facility. This project should certainly be considered for empowerment zone funding.

Mr. SPECTER. I agree with my distinguished colleagues and am encouraged by the significant contributions such a project can make. Consideration should be given to the establishment of the pediatric intensive care center with empowerment zone funds.

UNIVERSAL NEWBORN HEARING SCREENING COLLOQUY

Mr. HARKIN. Mr. President, I would like to engage the chairman of the subcommittee, Senator SPECTER, in a colloquy. As you know, the Department of Health and Human Services recently issued a plan to improve the health of this country's citizens by the year 2000. Included in that plan, commonly referred to as the healthy people 2000 report, was a goal to reduce the average age at which children with significant hearing impairment are identified to no more than 12 months.

In March 1993, NIH convened a consensus panel on early identification of hearing impairments in infants and young children. That panel recommended that all children be screened for hearing impairment before they discharged from the birthing hospital. Unfortunately, at that time, few hospitals or audiologists and experience with the newborn hearing screening techniques which were recommended. Therefore, in October 1993, the Maternal and Child Health Bureau funded a consortium of sites who were experienced with NIH-recommended technique to encourage and assist with the implementation of the NIH recommendation. That consortium, with a relatively small amount of Federal money, has been extremely successful in assisting with the implementation of newborn hearing screening programs. Through their efforts, there are now over 70 hospitals in 14 different States doing universal newborn hearing screening following the NIH-recommended protocol.

Mr. SPECTER. I think the work of the consortium which you have described is the kind of work which is needed to continue universal newborn hearing screening consistent with the healthy people 2000 report and the NIH recommendations. I would support the continued funding of these activities by the Maternal and Child Health Bureau.

VISTA LITERACY CORPS

Mr. SIMON. Mr. President, I would like to clarify the intent of the conferees in regard to funding for the VISTA Program. It is my understanding that the conference agreement provides an additional $2.1 million for VISTA and that this represents half of the $5 million added by amendment in the Senate for the VISTA Literacy Corps. Is this correct?

Mr. SPECTER. The Senator is correct.

Mr. SIMON. Am I also correct in assuming that the conferees intend that these funds may be allocated specifically to the efforts to combat illiteracy that have been carried out by the VISTA Literacy Corps?

Mr. SPECTER. The Senator is correct in his understanding of our intent.

Mr. SIMON. I thank the Senator and appreciate the support of the Committee for the effective work of the VISTA Literacy Corps.

DISASTER ASSISTANCE

Mr. DORGAN. Mr. President, I see the distinguished chairman of the Senate Appropriations Committee, Senator HATFIELD, on the floor and wonder if he would be willing to engage in a short colloquy with Senator CONRAD and myself on the disaster assistance section of the omnibus appropriations bill, H.R. 3019.

Mr. HATFIELD. I will be happy to respond to any questions you may have.

Mr. CONRAD. We are particularly concerned that the conference agreement does not explicitly mention that Devils Lake, ND, is eligible to receive disaster and hazard mitigation assistance from the Economic Development Administration, as was the case in the Senate-passed version of the bill.

Mr. DORGAN. Is it the Chairman's view that the ongoing and severe flooding problems at Devils Lake should be given serious consideration for EDA assistance under the terms of this agreement?

Mr. HATFIELD. That was the position of the Senate, and these severe problems remain eligible for some assistance under this agreement.

Mr. DORGAN. We thank you for your help on this extremely urgent matter for North Dakota, and sincerely appreciate your views as chairman of the Appropriations Committee.

Mr. CONRAD. I also thank the chairman, and sincerely appreciate all his assistance.

SMALL AIRPORT USER-FEE PROGRAM

Mr. COHEN. I am concerned that section 107 of this bill, which lifts the cap on the amount of funds that may be expended on a customs service program for small airports, could lead to abuse of this program and unfair competition.

Under current law, all large airports, such as Bangor International Airport, which are designated ports of entry, must charge passengers $6.50 per ticket to pay for the cost of customs inspection and processing. In 1984, Congress established a program for small airports that could not qualify for port-of-entry status to enable them to provide customs services to international passengers. Passengers arriving at airports that qualify for this program do not pay the $6.50 fee. Instead, a user-fee airport pays a user fee directly to the Customs Service, which goes into an account that pays the salaries of the customs inspector and the cost of customs inspections and other services at the user fee airport. By law, the Secretary of the Treasury may only qualify an airport to participate in this user-fee program upon finding that the volume or value of business cleared through such airport is insufficient to justify the availability of customs services at such airport.

Guidelines published by the Customs Service provide that airports with over 15,000 international passengers annually, or which meet other criteria, can qualify for port-of-entry status. By implication, airports receiving more than 15,000 passengers annually should not qualify for the user-fee program because they have sufficient volume to justify full-time customs' services. Unfortunately, there is no mechanism under current law for automatic graduation of user-fee airports into port-of-entry status. This loophole enables airports designated by the Secretary as a user-fee airport to service substantial numbers of international passengers, but circumvent the $6.50 per passenger fee that must be paid by passengers arriving at port-of-entry airports. Unless the law is changed, airports with user-fee status, that nonetheless enter the business of large-scale international transit, have a built-in competitive advantage over port-of-entry airports that must charge each passenger $6.50.

I would like to ask the Chairman of the Finance Committee for his comments on this situation.

Mr. ROTH. I agree that there appears to be a significant loophole in the current law that should be closed regarding user fee airports. We need to ensure that the advantages of the user-fee program benefit the small airports it is designed to help and not give an unfair and unintended advantage to big airports that remain in the program.

Therefore, I think we need to find a way to discourage user fee airports that have a substantial increase in the number of international passengers from remaining in the user-fee program and to encourage their designation as a port of entry, which is appropriate for larger airports. Otherwise, a user fee airport could receive an unfair competitive advantage over port-of-entry airports merely by avoiding the $6.50 passenger processing fee on airline tickets, as the Senator from Maine has pointed out.

Ms. SNOWE. I thank the distinguished chairman of the Finance Committee for his comments. As the chairman may be aware, this is a critical issue for the State of Maine, as abuse of the user-fee program by airports that no longer qualify for that program have the potential of causing severe economic harm to Bangor International Airport, one of Maine's most important employers. If this abuse of the program is permitted to continue, flights that currently refuel and clear Customs in Bangor could decide to move their refueling operations to Canada, where the Government heavily subsidizes fuel costs at competing transit airports. Those flights could then continue on to Sanford Airport in Florida, a user-fee airport that has been able to gain an unfair competitive advantage because it can offer to international charter flights the ability to avoid the $6.50-per-passenger fee that must be paid by port-of-entry airports such as Bangor. Indeed, there can be little doubt that this diversion of air traffic will occur, as, according to press reports, Sanford Airport is scheduled to receive 325,000 passengers during the remainder of the year, a level far above the 15,000-passenger threshold for user-fee airports. I am very concerned that the expansion of the user-fee program, made possible by the lifting of the funding cap in this appropriations bill, will create an immediate threat to Bangor International Airport's business and have the unintended effect of diverting to a Canadian airport important international air traffic that currently uses American transit airport facilities.

Can the chairman of the Finance Committee provide assurances that this problem will be dealt with as expeditiously as possible and that he will support a legislative remedy to close the loophole that currently provides user-fee airports engaged in substantial international business to circumvent the $6.50 per passenger fee?

Mr. ROTH. I am sensitive to the imminent problems facing Bangor International Airport as a result of the loophole in the user-fee airport program. I assure you that I will provide whatever help I can to ensure that the customs laws provide a level playing field for all airports that receive significant numbers of international passengers.

TONGASS LAND MANAGEMENT PLAN

Mr. MURKOWSKI. Mr. President, the language agreed to by the conferees and the President directs the Secretary to: first, maintain the land base of the 1992 Tongass Land Management Plan—1.7 million acres—for timber for 1 year; and second, release the enjoined AWRTA sales. The President may waive either or both of these requirements. If he chooses, he triggers a $110 million appropriation over 4 years—fiscal years 1996–99—for timber worker employment, community development, and to replace lost timber sale receipts.

I want to extend to my colleague, Senator STEVENS, well deserved credit for protecting the people of southeast Alaska and penalizing the administration for not meeting its obligations under the Tongass Timber Reform Act of 1990 to sustain the timber dependent communities of southeast Alaska. And I want to thank all of my colleagues, particularly Senator HATFIELD and Senator GORTON, for standing by us in the fact of Clinton administration recalcitrance, ignorance about the conditions in Alaska, and extreme prejudice about sustainable forest management.

Like the Sierra Club earlier this week, the Clinton administration appears opposed to any forest management on the national forests. I suppose this should not be terribly surprising, given the high number of former Sierra Club lobbyists in the Clinton administration. At least the current lobbyists at the Sierra Club had the honesty to publicly announce their total opposition to all timber harvesting.

I am going to be equally candid. My bottom-line goal over the next year is going to be to make it as difficult and painful as possible for the administration to complete its draft Tongass Land Management Plan preferred alternative and suspend the 1.7 million acre land base requirement that we have just enacted. It would unacceptably reduce the productive forest land base and throw workers out of jobs and families in the streets. The draft TLMP contains alternatives that maintain the 1.7 million acre land base and allowable sales quantity. One of these alternatives can and should be selected.

Let me make a few additional points so that there is no confusion about what we are doing today and so that all of my colleagues have a complete context for the current and coming debate. And the debate will definitely continue.

The purpose of today's amendment is to penalize the Clinton administration for failing to meet its multiple use obligations under the Tongass Timber Reform Act of 1990, and to make it as difficult as possible for the administration to shirk these obligations in the future.

The administration has been—and, under our amendment, will continue to be—required to seek to meet market demand for Tongass forest products and thereby protect southeast Alaska communities under the provisions of the 1990 act.

All along, what we have wanted to do was to protect the forest land base so a sustainable industry and associated communities can exist in southeast Alaska. We can't make the administration—particularly this administration—manage the forest. Our hope is that we can at least protect the landbase, and to the greatest extent possible we have done this.

In my oversight of the Forest Service's development of a new Tongass Land Management Plan I have been flatly appalled by: first, the lack of sound scientific information involved in the effort; second, the poor credibility of the socio-economic impact analysis conducted; third, the offering of more multiple-use promises that can't be kept; and fourth, the rush to complete this effort which is, in part, politically driven. Indeed, the White House press office's statement today that the President would use the suspension, without even consulting with the Forest Service is evidence of crass politicization of the resource agency. Last week, we had an 8-hour hearing on this draft plan. Here are the transcripts; I would be happy to share them with anyone who wants to read them to see how little the Forest Service knows about the resources and the people of the Tongass.

The TLMP uses voodoo economics to evaluate the effects of weird science employed to justify Greenpeace politics in southeast Alaska.

We will proceed with our oversight of the TLMP process to continue to press the Forest Service to do a professionally credible job in developing a final plan.

This is important because nothing requires the Forest Service or the President to ignore the requirements of common sense and multiple use and reduce the forest land base. There are TLMP alternatives which would maintain the land base.

The challenge today's amendment lays before Bill Clinton is to manage a Federal forest resource wisely to protect the environment, provide jobs, and sustain communities without falling back as a substitute to the old, large Federal grants programs of the past. We sincerely hope the President doesn't rely on a failed policy of large Federal grants to shore up a failed policy of forest preservation that has reduced the health of our forests nationwide.

The challenge to Phil Janik, our regional forester, is to get a lot better data before he selects an approach which costs the taxpayers $110 million. But at least the people of southeast Alaska will not be penalized if he fails to meet this responsibility.

Janik is a $110 million man. His decisions, if not wisely made, will take $110 million from the U.S. Treasury, assuming the administration does not eliminate his authority to make a decision.

Mr. DOLE. Mr. President, we have just passed in the last hour and a half the Omnibus Appropriations Act for fiscal year 1996. I think we have dealt a big blow to the era of big government. My view is the Americans—whether Republicans, Democrats or Independents—wanted us to make changes, and we have delivered a true victory for all of America's taxpayers.

We have saved $23 billion over last year's level of discretionary spending. That is $23 billion less Washington spending, and $30 billion less than the President requested. That is a lot more savings than many people predicted. I think we probably could have done more had we had a little more time. It is the biggest decrease in Washington spending in more than half a century, according to some who have been around.

It has been a long and difficult process and has taken a lot of bipartisanship in many cases, working with the White House in other cases, but it covers five separate appropriations bills, nine Cabinet agencies, and appropriates over $160 billion.

There has been a lot of back and forth with the White House. A lot of negotiations. A lot of give and take. Both sides had to give a little. Certainly nobody got everything they wanted in the final version of this bill.

But what the American people got was a spending bill that is $23 billion less than last year and $30 billion less than President Clinton's request. We did our duty for the taxpayers of America.

If we maintain our path of savings, we will stay on path to a balanced budget in 2002.

We will continue to follow through on our promise for smaller Government, less Washington spending, and letting America's working families keep more of their hard-earned money.

There is also good news in other parts of this bill. For instance, the "stop-fril" language will help stop frivolous inmate litigation. This much-needed legislation makes it harder for inmates to sue States and localities on prison conditions—like the prisoner who sued because he wanted "Reebok" brand tennis shoes instead of the "Converse" brand shoes provided by the prison.

Some 33 States have estimated that frivolous lawsuits cost them more than $55 million annually. We are doing something about that in this bill.

I also want to say a word about the funding restriction on Vietnam in this legislation. I am disappointed the certification standard was changed from "fully cooperating" to "cooperating in full faith" in this conference report. This is an issue of great importance to many Members of Congress, including myself. I know some voted against the entire bill because of this provision. It is also very important to me. The administration was successful in including this change, but Congress will continue to monitor cooperation on POW/MIA issues very closely—regardless of the certification standard.

I want to thank the chairman of the Appropriations Committee, Senator HATFIELD, for his leadership, and also the distinguished ranking minority member, Senator BYRD, for his leadership, in putting together this historic legislation, as well as all the other Senators on the Appropriations Committee who worked so hard and so successfully on this legislation.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

ENDANGERED SPECIES ACT

Mr. KEMPTHORNE. Mr. President, first, I would like to acknowledge the Senate Appropriations Committee chairman, Senator HATFIELD, for his efforts on bringing us to the point where we now have the appropriations bills resolved. Tough, tough assignment. Senator HATFIELD did it with a great deal of insight and skill.

Mr. President, I would like to make a few points concerning the language that is contained in the appropriations bill. I would like to reference the moratorium on the listing of the endangered species. I appreciated what the Senator from Texas, Senator HUTCHISON, stated in her comments. I also want to inform Members of the Senate as to the progress toward reform of the Endangered Species Act. The appropriations bill before us continues the moratorium language that has been in previous bills before this Congress. I remind all of us that the authorization of the Endangered Species Act expired in 1993. Yet, the act continues. And it is not working.

It also contains a provision that allows the President to waive the moratorium in its entirety. I am concerned that the latter provision will bring a halt to real progress for Endangered Species Act reform.

When the Senate adopted the omnibus appropriations bill, which continued the moratorium, I was already in negotiations on Endangered Species Act reform with Senators CHAFEE and REID. Soon following that, Senator BAUCUS joined us in a very intensive effort in finding a way to reform the Endangered Species Act in a true bipartisan fashion. We have made significant progress in these talks.

Starting in each case with Senate bill 1364, the Endangered Species Conservation Act, which I have introduced, and its companion bills, S. 1365 and S. 1366, we have come to agreement on reform of conservation plans; we are near agreement on recovery; and will soon discuss listing and consultation. There are a number of other issues, no less important, that we are already discussing that are on the table as well.

As of this week, the U.S. Fish and Wildlife Service informs me that they have proposed 239 United States and foreign species for which they have not completed final action. I am told the National Marine Fisheries Service has no proposed rules outstanding at this time.

I want to provide you with a summary of the list of proposed species that could be immediately listed upon lifting of the moratorium, which the President may do.

I ask unanimous consent that this data provided by the Department of the Interior be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE LISTS OF SPECIES PROPOSED FOR LISTING

The U.S. Fish and Wildlife Service has proposed 239 species for which they have not completed a final action (U.S. and Foreign as of October, 1995).

The National Marine Fisheries Service has no proposed rules outstanding at this time.

Most of the 239 FWS species are from California (>120) and Hawaii (79). Twenty-five other states have from 1 to 9 species proposed more than one year ago.[1] They are:

ALABAMA

Combshell, Cumberlandian (*Epioblasma brevidans*)
Mussel, oyster (*Epioblasma capsaeformis*)
Slabshall, Chipola (*Elliptio chipolaensis*)
Bankclimber, purple (*Ellptodieus sloatianus*)
Pocketbook, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medlonidus panicillatus*)
Pigtoe, oval (*Pleurobema pyriforme*)
Eggert's sunflower (*Hellanthus eggertil*)

ALASKA

Elder, Steller's (AK breeding population) (*Polysticta stellen*)

ARIZONA (9) NOTE: 8 ON MAP

Lizard, flat-tailed horned (*Phrynosoma mcalll*)
Talussnail, San Xavier (*Sonorella aremita*)
Parish's alkali grass (*Puccinella parishii*)
Spindace, Virgin (*Lepidomada mollispiris mollispinis*)
Jaguar, US population (*Panthera onca*)
Pygmy-owl, cactus ferruginous (*Glaucidium brasilianum cactorum*)
Salamander, Sonoran tiger (*Ambystoma tigrinum stebbinsi*)
Hauchuca water umbel (*Lilaeopsis schaffneriana* ssp. *recurva*)
Canelo Hills ladies'-tresses (*Spiranthes delitescents*)

ARKANSAS

Shiner, Arkansas River (native pop. only) (*Notropis girardi*)

CALIFORNIA (121) NOTE: 123 ON MAP

Sheep, Peninsular bighorn (*Ovis canadensis cremnobates*)
Lane Mountain (=Coolgardle) milk-vetch (*Astragalus jaegarianus*)
Coachella Valley milk-vetch (*Astraglus lentiginosus* var. *coachellae*)
Shining (=shiny) milk vetch (*Astragalus lentiginosus* var. *micans*)
Fish Slough milk-vetch (*Astragalus lentiginosus* var. *Piscinansis*)
Sodaville milk-vetch (*Astragalus lantiginosus* var. *sesquimetralis*)
Pairson's milk-vetch (*Astragalus magdainae* var. *pairsonil*)
Triple-ribbed milk-vetch (*Astragalus tricarinatus*)
Braunton's milk-vetch (*Astragalus brauntonil*)
Conejo dudleya (*Dudleya abramsil* ssp. *parva*)
Marcascent dudleya (*Dudleye cymosa* ssp. *marcencans*)
Santa Monica Mountains dudleya (*Dudleya cymosa* ssp. *ovatifolla*)
Verity's dudleya (*Dudleya verityl*)
Lyon's pentachaeta (*Pentachaeta lyonil*)
Hartweg's golden sunburst (*Pseudobahia bahilfolla*)
San Joaquin adobe sunburst (*Pseudobahia peirsonll*)
Fleshy owl's-clover (*Castilleja campestris* ssp. *succelenta*)
Hoover's spurge (*Chamaesyce hooveri*)
Colusa grass (*Neostaplla colusana*)
San Joquin orcutt grass (*Orcuttla inequalls*)
Hairy (=pilose) orcutt grass (*Orcuttla pilosa*)
Slender orcutt grass (*Orcuttla tenuis*)
Sacramento orcutt grass (*Orcuttla visida*)
Green's orcutt grass (*Tuctoria greenel*)
Del Mar manzanita (*Arctostaphylos glandulosa* ssp. *crassifolla*)
Encinitis baccharis (=Coyote brush) *Baccharis vanessae*)
Orcutt's spineflower (*Chorizanthe orcuttiana*)
Del Mar sand aster (*Corethrogyne filaginifolla* var. *linifolia*)
Short-leaved dudleya (*Dudleya blochmaniae* ssp. *bravifolia*)
Big-leaved crownbeard (*Verbesina cissita*)
Lizard, flat-tailed horned (*Phrynosoma mcallll*)
Splittail, Sacramento (*Pogonichthys macrolepidotus*)
Frog, California red-legged (*Rana aurora draytonl*)
Whipsnake, (=striped racer) Alameda (*Masticophis lateralis euryxanthus*)
Butterfly, Callippe silverspot (*Speyeria callippe callippe*)
Butterfly, Behren's silverspot (*Speyeria zerene behrenzil*)
Parish's alkali grass (*Puccinellia parishil*)
Stabbins morning glory (*Calystegia stubbinsil*)
Pine Hill ceanothus (*Ceanothus roderickil*)
Pine Hill flannelbush (*Fremontodedron decumbens*)
El Dorado bedstraw (*Callum californicum* ssp. *sierrae*)
Layne's butterweed (*Senacio layneae*)
Grasshopper, Zayanta band-winged (*Trimerotropis infantilis*)
Beetle, Santa Cruz rain (*Pleocoma conugens conjugens*)
Beetle, Mount Hermon June (*Polyphylia barbata*)
Jaguar, U.S. population (*Panthera onca*)
Butterfly, Quino checkerspot (*Euphydryas editha quino*)
Skipper, Laguna Mountains (*Pyrgus rurlis lagunae*)
Fairy shrimp, San Diego (*Branchinecta sandiegoenis*)
Cuyamaca Lake downingia (*Downingia concolar* var. *brevior*)
Parish's meadowfoam (*Limnanthes gracillis* ssp. *parishil*)
Rawhide Hill onion (*Allium tuolumnense*)
San Bruno Mountain manzanita (*Arctosstaphyios imbircata*)
Chinese Camp brodiaea (*Brodiaea pallida*)
Carpenteria (*Carpenteria californica*)
Mariposa pussy-paws (*Calyptridium pulchellum*)
Springville clarkia (*Clarkia springvillensis*)
Greenhorn adobe-lily (*Fritillaria striata*)
San Francisco lessingia (*Lessingia germanorum* var. *germanorum*)
Mariposa lupine (*Lupinus citrinus* var. *deflexus*)
Kelso Creek monkey-flower (*Mimulus shevockil*)
Plute Mountains navarretia (*Navarretia setiloba*)
Red Hills vervain (*Verbena californica*)
Munz's onion (*Allium munzil*)
San Jacinto Valley crownscale (=saltbush) (*Atriplex coronata* var. *notatior*)
Thread-leaved brodilaea (*brodlaea fillfolia*)
Navarretia few-flowered (*Navarretia leucocephla* ssp. *pauciflora*)
Navarretia, many-flowered (*Navarretia laucocephala* ssp. *plleantha*)
Lake County stonecrop (*Parvisadum leiocarpum*)
Suisun thistie (*Cirsium hydrophilum* var. *hydrophilum*)
Soft bird's-beak (*Cordylanthus mollis* ssp. *mollis*)
Hoffmann's Rock-crass (*Arabis hoffmannll*)
Santa Rosa Island manzanita (*Arctostaphyios confertiflora*)
Island barberry (*Barberis pinnata* ssp. *insufaris*)
Soft-leaved paintbrush (*Castilleja mollis*)
Catalina Island mountain-mahogany (*Carcocarpus trasklae*)
Santa Rosa Island dudleya (*Dudleya blochmaniae* ssp. *insularis*)
Santa Cruz Island dudleya (*Dudleya nesiotica*)
Island bedstraw (*Galium buxifolium*)
Hoffmann's gilla (*Gilla tenuiflora* ssp. *hoffmannil*)
Island rush-rose (*Helianthermum greenel*)
Island alumroot (*Heuchera maxima*)
San Clemente Island woodland-star (*Lithophragma maximum*)
Santa Cruz Island bush-mallow (*Matacothamnus fasciculatus* var. *nesioticus*)
Santa Cruz Island malocothrix (*Malacothrix indecora*)
Island malacothrix (*Malacothrix squalida*)
Island phacelia (*Phacelia insuiaris* var. *insuiaris*)
Santa Cruz Island rockcress (*Sibara flifolla*)
Santa Cruz Island lacepod (=fringepod) (*Thysanocarpus conchuliferus*)
Munchkin dudleya (*Dudleya* sp. nov. *fined* "East Point")
Black legless lizard (*Anniella pulchra nigra*)
Sonoma alopecurus (*Alopecurus awqualis* var. *sonomensis*)
Johnaton's rock-cress (*Arabis johnstonil*)
Pailid manzanita (*Arctostaphios pailida*)
Bear Valley sandwort (*Arenaria ursina*)
Clara Hunt's milk-vetch (*Astragalus clarianus*)
Coastal dunes milk-vetch (*Astragalus tener* var. *titi*)
White sedge (*Carex albida*)
Ash-gray Indian paintbrush (*Castilleja cinerae*)
Vine Hill clarkia (*Clarkia imbrieata*)
Gowen cypress (*Cupressus goveniana* ssp. *goveniana*)
Southern mountain wild buckwheat (*Eriogonum kennedyl* var. *austromontanum*)
Pitkin Marsh lily (*Lilium partalinum* ssp. *pitkinense*)
Yadon's piperia (*Piperia vadonll*)
Callstoga allocarya (*Plagiobothrys strictus*)
San Bernadino bluegrass (*Pos atropurpurea*)
Napa bleugrass (*Poa napensis*)
Hickman's potentillia (*Potentilla hickmanll*)
Kenwood Marsh checkemallow (*Sidalcea oregana* ssp. *valida*)
California dandelion (*Taraxacum californicum*)
Hidden Lake bluecuris (*Trichostema austromontanum* ssp. *compactum*)
Showy Indian clover (*Trifolium amoenum*)
Monterey (=Del Monte) clover (*Trifolium trichocalyx*)
San Diego thornmint (*Acanthomintha licifolia*)
Laguna Beach liveforever (*Dudleya stolonifera*)
Otay tarweed (*hemizonia conjugens*)
Willowy monardella (*Monardella linoides* ssp. *viminea*)
Nevin's barberry (*Berberis nevinll*)
Vail Lake ceanothus (*Ceanothus ophiochilus*)
Mexican flannelbush (*Fremontodendron mexicanum*)
Dehasa bear-grass (*Nolina interrata*)

COLORADO (1) NOTE: 0 ON MAP

Jaguar, US population (*Panthera onca*)

FLORIDA

Mussel, fat three-ridge (*Amblema naisteril*)
Slabshell, Chipola (*Elliptia chipolaensis*)
Bankclimber, purple (*Ellptoideus sloatianus*)
Pocket, shiny-rayed (*lampsilis subanguiata*)
Gulf, moccasinshell (*Medionidus penicillatus*)
Ochiockonee, moccasinshell (*Medionidus simpsonianus*)

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[1] These lists were made from a Department of Interior list and map. Discrepancies between the list and the map in the number of proposed species in each State are shown.

Pigtoe, oval *(Pleurobema pyriforme)*

GEORGIA

Mussel; fat three-ridge (*Amblema neisteril*)
Bankclimber, purple (*Ellptoideus sloatianus*)
Pocket, shiny-rayed (*Lampsilis subanguiata*)
Gulf moccasinshell (*Medionidus penicillatus*)
Ochiockonee, moccasinshell (*Medionidus simpsonianus*)
Pigtoe, oval (*Pleurobema pyriforme*)

HAWAII

Wahane (=Hawane or lo'ulu) (*Pritchardia aylemer-robinsonll*)
Amaranthus brownli (plant-no common name)
Lo'ulu (*Pritchardia remota*)
Schledee verticillata (plant-no common name)
Delissea undutata (plant-no common name)
Kuawawaenohu (*Alsinidendron lychnoides*)
'Oha wal (*Clermontia drepanomorpha*)
Mapele (*Cyrtandra cyaneoldes*)
Hau kuahiwi (*hibiscadelphus gitfanlianus*)
Hau kuahiwi (*Hibiscadelphus hualalalensis*)
Kokl'o ke'oke'o (*Hisbiscu waimeae* ssp. *hannerae*)
Kaua'i Kokl' o (*Kokia kauaiensis*)
Alani (*Melicope zahibrucknerl*)
Myrsine llnearifolla (plant-no common name)
Neraudia ovata (plant-no common name)
Kiponapona (*Phyilostegia racemosa*)
Phyllostegia veluntina (plant-no common name)
Phyllostegia warshaureri (plant-no common name)
Hala pepe (*Pleomela hawaliensis*)
Loulu (*Pritchardia napallensis*)
Loulu (*Pritchardia schattaueri*)
Loulu (*Pritchardia viscosa*)
Schiedea membranacea (plant-no common name)
'Anunu (*Sicyos alba*)
Nani wai 'ale 'ale (*Viola kauaiensis* var. *wahiawaensis*)
A'e (*Zanthozylum dipetlum* var. *tomentosum*)
Aisinodendron viscasum (plant-no common name)
Haha (*Cyanea platyphylla*)
Haha (*Cyanea recta*)
Oha (*Dollssea rivularis*)
Phyllostegia knudsenll (plant-no common name)
Phyllostegia wawrana (plant-no common name)
Schiedea helleri (plant-no common name)
Laulihillhi (*Schleda stellarioides*)
Haha (*Cyanea remyi*)
Hau kuahiwi *(Hibiscadelphus woodll)*
Kamakahala *(Labordia tinifolla)*
Haha *(Cyanea grimesiana* ssp. *grimesiana)*
Pu'uka'a *(Cyperus trachysanthos)*
Ha'iwale *(Cyrtandra subumbeilata)*
Ha'iwale *(Cyrtandra viridiflora)*
Fosberg's love grass *(Eragrostis fosbergil)*
Aupaka *(Isodendrion laurifollum)*
Kamakahala *(Labordia cyrtandrae)*
'Anaunau *(Lepidium arbuscula)*
Kotea *(Myrsine juddil)*
Lau 'ehu *(Panicum nilheuense)*
Platanthera holochila (Plant, no common name)
Schiedea hookeri (Plant, no common name)
Schiedea nuttallii (Plant, no common name)
Trematolobella sinoularis (Plant, no common name)
Viola cabuansis (Plant, no common name)
Achyranthes mutica (Plant, no common name)
Haha *(Cyanea dunbarii)*
Ha 'lwale *(Cyrtandra dentata)*
'Oha *(Delissea subcortata)*
'Akoko *(euphorbia haelaeleana)*
Aupaka *(Isodendrion longifolium)*
Lobelia gaudichaudii ssp. *koolauensis* (Plant, no common name)
Lobelia monostechya (Plant, no common name)
Alani *(Mellcope saint-johnll)*
Phyllostegia hirsuta (Plant, no common name)
Phyllostegia parviflora (Plant, no common name)
Loulu *(Pritchardia kaatae)*
Sanicula purpurea (Plant, no common name)
Ma 'oli 'oli *(Schiedae kealiae)*
Kamanomano *(Cenchrus agrimonioides)*
Haha *(Cyanea (=Rollandia) humboldtiana)*
Haha *(Cyanea (=Rollandia) st-johnll)*
Lysimachia macima (=tenmifolia) (Plant, no common name)
Schladea kaualensis (Plant, no common name)
Schladea sarmentosa (Plant, no common name)
'Akoko *(Chamaesyca herbstll)*
'Akoko *(Chamaesyca rockii)*
Haha *(Cyanea koolauensis)*
Haha *(Cyanea acuminata)*
Haha *(Cyanea longiflora)*
Nanu *(Gardenia mannii)*
Phyilostegia kallaensis (Plant, no common name)

ILLINOIS

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

INDIANA

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

KANSAS

Shiner, Arkansas River (native population only) *(Notropis girardi)*

KENTUCKY

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*
Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Eggert's sunflower *(Hellanthus eggertll)*

LOUISIANA

Jaguar, US population *(Panthera onca)*

MAINE

Atlantic salmon *(Salmo salar)* distinct pop. in seven Maine rivers.

MICHIGAN

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*

MONTANA (1) NOTE: 0 ON MAP

Parish's alkali grass *(Puccinellia parishll)*

NEVADA (2) NOTE: 1 ON MAP

Sodaville mild-vetch *(Astragalus lentiginosus var. Piscinensis)*
Spindace, Virgin *(Lepidomeda mollspinis mollispinis)*

NEW MEXICO

Parish's alkali grass *(Puccinellia parishll)*
Spindace, Virgin *(Lepidomada mollspinis mollispinis)*
Jaguar, US population *(Panthera onca)*

OHIO

Snake, northern copperbelly water *(Nerodia erythrogaster neglecta)*
Snake, Lake Erie water *(Nerodia sipadon insultarum)*

OKLAHOMA

Shiner, Arkansas River (native population only) *(Notropis girardi)*

OREGON

Golden paintbrush *(Castilleja levisetta)*

TENNESSEE

Elktoe, Cumberland *(Alasmidonta atropurpurea)*
Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*
Spring Creek badderpod *(Lesquerella perforata)*
Eggert's sunflower *(Hellanthus eggertll)*

TEXAS (4) NOTE: 7 ON MAP

Salamander, Barton Springs *(Eurycea sosorum)*
Jaguar, US population *(Panthera onca)*
Shriner, Arkansas River (native population only) *(Notropis girardi)*
Pygmy-owl, cactus ferruginous *(Glaucidium brasillanum cactorum)*

UTAH

Spindace, Virgin *(Lepidomada mollispinis mollispinis)*
Least chub *(Lotichthys phlegethontis)*

VIRGINIA

Combshell, Cumberlandian *(Epioblasma brevidans)*
Mussel, oyster *(Epioblasma capsaeformis)*
Rabbitsfoot, rough *(Quadrula cylindrica strigillata)*
Bean, Purple *(Villosa perpurpurea)*

WASHINGTON

Golden paintbrush *(Castilleja levisetta)*

Mr. KEMPTHORNE. Mr. President, most of the 239 species are from California and Hawaii; 25 other States have from 1 to 9 species proposed each. If I may, I would like to just reference this chart and show you a sampling of what we are talking about.

In the State of California, you see ready to be listed 123 species. In Hawaii, there are 79. In State of Arizona, 8. Texas, 7 species. Alabama, 8. Georgia has 6. Florida has 7. Tennessee has 7 species. Kentucky has 6 species.

I am concerned that the President will decide to waive the moratorium. I am concerned for the people whose lives will be affected by an additional 239 species being placed on the list. These people, and those species, would fall victim to a law that does not work.

If this language passes, I urge the President to not waive the moratorium language. I hope that he will agree with me that it is better to consider these species for listing under a new reformed bill that we have worked together to create. In 23 years, since the Endangered Species Act first became law, we have made significant progress in science that has been identified, and techniques that have been utilized, and in management practices.

I remind the President that if there are species that are in imminent danger of extinction, he can still use the emergency authority to list them. Rather than exercise the waiver, I believe the administration would be wiser to accelerate negotiations with Congress on a comprehensive reform of the Endangered Species Act.

Now, should the President choose to waive the moratorium on these 239 species, there are other considerations. I think under the current law we can expect these newly listed species to be the subject of many lawsuits. The $4 million that we have provided to accomplish emergency listing activities, to manage petitions, and deal with existing lawsuits would soon be totally exhausted. Waiving the moratorium would leave us worse off than before.

I met with my negotiating partners this week. We made a commitment to continue our talks. We have made a commitment that we are going to do everything possible to reach a reformed Endangered Species Act that will have bipartisan support. I sincerely hope the possible lifting of the moratorium on listings will not change that commitment. Now I urge all of the Members of the Senate to join Senators CHAFEE, BAUCUS, REID, and myself, in reforming the Endangered Species Act this year. This is a task we must accomplish so that endangered and threatened species can be protected for future generations and, also, so that future generations will have the quality of life that goes with a strong economy. We can and, I believe with all sincerity, we will save species without putting people and their communities at risk.

DISASTER RELIEF

Mr. President, contained in the omnibus bill is disaster relief for a number of States that have experienced recent disaster. In the State of Idaho, in February, 10 of the northern counties were deemed national disasters because of the onslaught of flooding. As of yesterday, Mr. President, 6 of those 10 counties have, once again, by the Governor of Idaho, been declared disasters because the rains, once again, are hitting. In a 24-hour period, one river rose 4 feet. So, once again, we are right back in it. Therefore, these funds are so critical and the timing of this is absolutely important.

While we can rebuild and we can put back into place the infrastructure for these communities, and while people can see their homes restored, I have to point out that one of the other provisions that was lost in this omnibus bill is the fact that we no longer have the timber salvage language in there. They dropped the Senate additions made during the March conference.

I can show you in the State of Idaho miles upon miles the acres of blackened forest from forest fires. We simply wanted to get in there and be able to remove up to 10 percent of the dead trees because there is still economic value in those trees. We also wanted to remove them because they simply become new fodder for future forest fires.

That is what that language provided. It also provided jobs to the people that live in those areas that have been so devastated by the floods. Yes, we will rebuild the infrastructure. But I do not know what kind of a future is upon us now.

That is one of the implications of the passage of this omnibus bill. It concerns me deeply. And, therefore, again I urge all Members of the Senate, let us work together to find a solution to this so that we, the stewards of this land, can demonstrate our love and appreciation for this environment but also so that a good, strong environment also can produce a good, strong economy. They are not mutually exclusive.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE INFRASTRUCTURE COSTS

Mr. GRASSLEY. Mr. President, I would like to speak briefly about Department of Defense [DOD] infrastructure costs.

DOD is expected to spend $152 billion in fiscal year 1996 on infrastructure. Infrastructure dollars are spent to maintain the bases, facilities, and activities that house and sustain the Armed Forces. They support costs.

The General Accounting Office [GAO] has just completed a report on DOD infrastructure costs. The report was prepared by one of GAO's best analysts, Mr. Bill Crocker.

The GAO's findings are truly amazing. Despite four rounds of base closures since 1988 and dramatic cuts in the force structure, there are no savings. DOD infrastructure costs are going up—not down.

We have had four rounds of base closures—1988, 1991, 1993, and 1995. This was the Base Realignment and Closure or BRAC process. And BRAC was quite painful for many communities.

Well, the driving force behind BRAC was "to save money by reducing overhead."

Mr. President, that was the promise. Streamline Defense Infrastructure and save money. That was the deal. The base structure exceeded the needs of a shrinking force structure. The whole idea was to close excess, obsolete bases and save money.

Well, once again savings promised by the Pentagon have evaporated into thin air.

Now, I know that base closings require upfront costs. In some cases, these are quite substantial. But the upfront costs are supposed to be followed by down stream savings. Secretary of Defense Perry made this very point in testimony before the Senate Armed Services Committee as recently as March 5, 1996.

This is what he said, and I quote: "While BRAC initially costs money, there will be significant savings in the future."

To back up his assertion, Mr. Perry points to the fiscal year 1999 budget.

Again, this is what Mr. Perry said, and I quote: "In the FY 1999 budget, the Department projects $6 billion in savings from closing the bases, thus allowing a $10 billion 'swing' in savings."

He went on to say:

> These and future savings from baseclosing will be devoted to modernization.

Well, Mr. President, what happened to those savings?

The GAO can't find them.

The GAO audited the fiscal year 1996 to 2001 Future Years Defense Program or FYDP.

The Department's own numbers—the numbers in the FYDP—indicate that infrastructure costs will rise in the outyears.

Infrastructure costs rise as follows, beginning with fiscal year 1998: 1998, $147 billion; 1999, $152 billion; 2000, $156 billion; 2001, $162 billion.

Where are the savings promised by Mr. Perry?

Why are not those savings reflected in the department's books?

I think the GAO report provides a partial answer to the question.

It is true.

Base closing did produce some decreases in base support costs.

BRAC did produce some real savings.

But I underscore "did," which is past tense.

Bureaucrats at the Pentagon don't look on savings like the average American citizen.

To bureaucrats, it is theirs to spend. It's not the peoples' money to be returned to the Treasury.

Put a sponge on it, and make it disappear. That is how they see savings.

As soon as the savings popped up on the radar screen, they grabbed the money and spent it.

Those savings are not being plowed into readiness and modernization—as Mr. Perry promised.

Those savings are being diverted into new infrastructure projects.

Those savings are being used to create more excess overhead.

"Force Management" is an excellent case in point.

Force Management is one of the infrastructure cost categories.

More money for force management sounds reasonable enough, but it does not stand up too well under scrutiny.

Force management covers such things as military and departmental headquarters and public affairs.

To me, more money in force management means fatter headquarters.

Fattening up the headquarters doesn't come cheap, either.

Spending for expanded headquarters will rise as follows, beginning in fiscal year 1998: 1988, $13.6 billion; 1999, $15.2 billion; 2000, $16.1 billion; 2001, $17.2 billion.

Now, Mr. President, why is DOD planning to beef up headquarters, when

DOD continues to make dramatic deceases in the force structure?

A much smaller force structure should be much cheaper to manage.

Right?

And a smaller force should mean much smaller and fewer headquarters.

Right?

Not at the Pentagon.

As the force gets smaller and smaller, the headquarters are getting bigger and bigger. Why?

It's needed to accommodate a top-heavy rank structure.

Base closures and realignments mean that some headquarters will have to be consolidated with others.

We know that.

But with continued shrinkage in the force structure, there still should be plenty of excess headquarters space.

There is no need to fatten up headquarters operations.

That just does not make any sense at all right now.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE V-3—FORCE STRUCTURE [a] —PART V: FORMULATING THE DEFENSE BUDGET

	Cold war fiscal year 1990	Base force plan [b]	Fiscal year 1996	Fiscal year 1997	BUR-based plan [c]
Army—active divisions	18	12	10	10	10
Reserve component brigades [d]	57	34	47	42	42
Marine expeditionary force [e]	3	3	3	3	3
Navy aircraft carriers (active/reserve)	15/1	12/1	11/1	11/1	11/1
Carrier air wings (active/reserve)	13/2	11/2	10/1	10/1	10/1
Battle force ships (active/reserve)	546	430	359	357	346
Fighter wing equivalents (active/reserve)	24/12	15/11	13/8	13/7	13/7

[a] Dual entries in the table show data for active/reserve forces, except for carriers, which depicts deployable/training carriers.

[b] Bush Administration's planned fiscal year 1995 force levels, as reflected in the January 1993 Annual Defense Report.

[c] Shown are planned force levels, which may differ slightly from those recommended by the BUR, but which are consistent with its proposals.

[d] An approximate equivalent. The BUR plan calls for 15 enhanced readiness brigades, a goal that DoD will begin to reach in fiscal year 1996. Backing up this force will be an Army National Guard strategic reserve of eight divisions (24 brigades), two separate brigade equivalents, and a scout group.

[e] One reserve Marine division, wing, and force service support group supports the active structure in all cases.

TABLE V-4—DEPARTMENT OF DEFENSE PERSONNEL

[End of fiscal year strength in thousands]

	Fiscal year—			Goal	Percent change fiscal year 1987–1997
	1987	1996	1997		
Active military	2,174	1,482	1,457	1,418	−33
Army	781	495	495	475	−37
Navy	587	424	407	394	−31
Marine Corps	199	174	174	174	−13
Air Force	607	388	381	375	−37
Selected reserves	1,151	931	901	893	−19
DoD civilians	1,133	841	807	728	−27

Mr. GRASSLEY. These two tables are taken from page 254 of Secretary Perry's March 1996 report to Congress.

These tables contain the data that point to dramatic decreases in our force structure since the late 1980's.

Those tables tell the tale:

They tell me that there should be dramatic cuts in infrastructure costs.

But the savings are nowhere in sight.

Once again, the Pentagon is proving that it is incapable of allocating money in sensible ways.

Once again, the Pentagon is proving that it is incapable of saving money—even with such a golden opportunity.

Mr. President, it makes me sad to say this.

The Pentagon bureaucrats are just frittering away the money on stupid projects.

The benefits of the painful base closure process are being wasted.

If Pentagon bureaucrats have their way, the goals of base closure effort will never be reached.

The GAO has presented 13 different options for cutting defense infrastructure costs.

The GAO says these options would save about $12.0 billion between fiscal years 1997–2001.

Mr. President, I hope the defense committees will examine the GAO options.

I hope the defense committees will consider using those options to recoup some lost savings.

I hope they will do that, rather than ask for more money in this year's defense budget.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3746 TO AMENDMENT NO. 3745, AS MODIFIED

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that amendment No. 3746 be modified, and I send the modification to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3746), as modified, is as follows:

At the end of the amendment add the following: "Notwithstanding any other provisions of the bill, provisions of the bill regarding the use of volunteers shall become effective 30 days after enactment".

MORNING BUSINESS

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO M. GAYLE CORY

Mr. DASCHLE. The Senate family this week lost one of its own, Gayle Cory, the former postmaster of the Senate, who died of cancer on Wednesday evening.

Gayle's Senate career spanned 35 years. Beginning as a receptionist with Senator Ed Muskie in 1959, Gayle became the executive assistant to our former majority leader, George Mitchell, before her appointment to the Senate post office.

As an officer of the Senate, Gayle reformed and strengthened the operations of the Senate post office, improving service to Members and assuring the strong financial controls so essential as a matter of public trust. The Senate lost a dedicated employee of enormous personal integrity when Gayle resigned in January of 1995.

It was not her work, however, that defined Gayle. It was her personal warmth and her generous spirit. Gayle gave of herself and her time to all who asked—colleagues at work, constituents from Maine, citizens from around the entire country. All who turned to Gayle Cory knew they were heard and that she would do her best.

She was realistic about people's behavior but optimistic about their potential. Perhaps that is why she dedicated all of her life to public service. Gayle believed that if people were given the opportunity to behave well, most of them would, so she made it her business to create such opportunities for everyone who came into contact with her. Perhaps that is why Gayle was so well loved by so many. She brought out the best in everyone.

On behalf of the Senate family, I extend my condolences to Don Cory, Gayle's husband, to her daughters and stepchildren, to her brother, Buzz Fitzgerald, and her sister, Carol. Our prayers and our thoughts are with them.

Mr. COHEN. Mr. President, many of us in the Senate are today mourning the loss of a very dear friend, long-time aide to Senators Edmund S. Muskie and George J. Mitchell, and former Postmaster of the U.S. Senate.

Gayle Cory died Wednesday night, succumbing to the cancer that caused her retirement in January 1995 after a too brief career as Senate Postmaster. Her death comes nearly 1 month after the death of her dear friend, former Secretary of State Edmund S. Muskie. Gayle was a member of Senator Muskie's staff from the very beginning of his Senate career in 1959, and she was at his side throughout his years in the Senate. She was one of a very few Senate aides who moved with him to the Department of State when Senator Muskie was appointed Secretary of State in 1980. But their friendship, and Gayle's friendship with Jane Muskie and the Muskie children, continued long after Senator Muskie left public life.

She returned to the Senate to join the staff of former Senator George J. Mitchell. She served as his top personal assistant until he became Senate Majority Leader, when he appointed her Postmaster of the U.S. Senate. As Senate Postmaster, Gayle oversaw many improvements in the post office security operations. She also instituted many reforms which effectively preserved the integrity of the Senate Post Office during the same period of time that the House postal services were engulfed by scandal.

Gayle Cory was very special to all of us fortunate enough to know her and work with her. She did not have acquaintances * * * to meet Gayle was to be her friend, and all of us, regardless of our political affiliation, knew we could count on her help and her wise counsel. Few of us in this body today understand the workings of the Senate as thoroughly as Gayle did, and she used her knowledge and experience to work for the people of Maine. She loved Maine deeply, and the people of Maine were always her first priority. She was the first contact for many Mainers coming to Washington, and even those meeting her for the first time were made to feel welcome, to know they had found a friend. In fact recently, my office was visited by a family from Gayle's hometown of Bath, whose sole reason for stopping by was to inquire about Gayle.

Gayle worked hard and successfully over the years but she never sought personal recognition for her efforts. She was loved and deeply respected by members of my staff, many of whom kept in touch with her after her retirement. We are deeply saddened by her passing. We have lost a wonderful friend, but she will live on in our memories and in our hearts.

I want to extend my deepest sympathies to Gayle's husband, Don, to their two daughters, Carole and Melissa, and to her brother and sister, Duane Fitzgerald and Carole Rouillard of Bath, ME.

I extend my sympathies, too, to Gayle's extended family here in the Senate—the staffs of former Senators Edmund S. Muskie and George Mitchell, and the staff of the Senate Post Office. They, too, have lost a member of their family.

THE SALVAGE LAW AND NATURAL RESOURCES DECISION MAKING

Mr. HATFIELD. Mr. President, as part of the negotiations with the White House on appropriations for the remainder of Fiscal Year 1996, we have agreed to eliminate language designed to make the so-called Salvage Rider more workable for the Administration. To my colleagues with whom I worked to fashion this language, let me say that I did not drop it willingly. I dropped it in the face of a direct and specific veto threat by the President. I continue to believe it is sound policy and makes many desirable changes to the original salvage law.

This language would have given the Administration the authority, for any reason, to halt for 90 days the green tree sales released under Section 2001(k) of the law on which harvesting had not begun by March 28, 1996. During that 90 day period, the President would have been able to negotiate with contract holders to provide replacement timber or a cash buy out as a substitute for harvesting the original timber sale. Current law restricts the President's ability to enter into such agreements.

The proposed language would also have lifted the completion deadline imposed by current law so that the owners of these sales would not have been rushed to harvest their timber before the deadline. By lifting that deadline, I sought to provide a longer time frame for parties to negotiate with the Administration on mutually agreeable ways to avoid operating sales that may have adverse environmental consequences.

Mr. President, I have always believed that the high road for public officials is in solving legitimate policy problems, not in retaining issues for some perceived partisan gain. In negotiating improvements to the current timber salvage law, it is my view that the Administration dropped the former approach for the latter. The President determined, for reasons that puzzle me greatly, that he was unable to embrace the additional flexibility that we had offered to him under the salvage law. I can only assume that the White House has determined that retaining the issue as a political cudgel is more valuable during an election year than actually solving the problem.

Recall that when the President signed this measure into law, he issued a statement praising Congress for making a number of changes that would greatly improve the provision. Soon thereafter, with the wrath of the environmental community unleashed upon it, the White House changed its tune. The new, and unflattering, message was that the President had been duped into signing the Salvage law.

As someone intimately involved in much of the process, I can say with absolute confidence that the White House was aware of every letter in this provision. It was negotiated in excruciating detail over a period of 6 months.

Even though I am convinced the White House was fully aware of what was included in the current salvage law, I appreciate the controversial nature of the subject matter and the need to address genuine problems with the law. For this reason, I have attempted in good faith to address the President's legitimate concerns. In fact, I share a number of the same concerns. Since December, when the White House first approached me for assistance in amending this law, my staff and I have met repeatedly with the President's staff. I have responded to the White House's concerns by proposing effective solutions that are, frankly, difficult for supporters of the Salvage Law to accept.

It now appears to me that the thinking at the White House has again changed since we began our meetings last December. Only the President and his advisors know the political calculus behind his decision to reject this language. Most of the changes to the current salvage law were suggested by the White House. It would have given the President the unilateral authority to immediately halt the very timber sales he has publicly objected to.

By threatening to veto the entire budget agreement over the inclusion of this single provision, the President appears to be willing to continue the budget stalemate and furlough thousands of Federal workers in order to play politics with the forests of the Northwest.

I hope the President's advisors will keep this language handy. Later this summer, these sales will be rapidly harvested prior to the deadline and within weeks of the November election. I am confident the President will wish he had the substantial authority the Congress had offered to give him and which he had originally requested. He could have stopped the very sales he and the environmental community have objected to so strongly in the press. Let no one be confused about why the President lacks the authority to resolve concerns with these sales—the President rejected it.

It is my belief that the White House rejected this reasonable language because of its fear of being at odds with the environmental community. The position of the environmental community is total repeal and they oppose anything less.

I told the President when he was about to announce his forest plan for the Pacific Northwest that his advisors were putting him in a box in which he would have no choice but to take the extreme position. Today, the President has found himself inside that same box.

The historic timber debates in the Northwest have never been about owls or old growth. I have argued for many years that the true agenda of many in the environmental community is to eliminate timber harvests on Federal lands—zero cut. Now this view is in the mainstream of the environmental movement, a movement the President is determined to satisfy.

The Sierra Club voted 2-to-1 this week to back a ban on logging of any kind on all Federal land. The adoption of this single-minded preservation perspective by one of our Nation's largest environmental organizations has finally disrobed the underlying agenda of the environmental community—lock-up of our Nation's forests. We can now debate the merits of entirely eliminating timber harvest on our millions of acres of Federal lands.

Today, in Oregon, the zero-cut proposition has been put squarely before the public in the form of the Enola Hill timber sale.

This sale is about 40 miles outside Portland on the way to Mount Hood. The Forest Service initially prepared this sale in 1987. Since then, it has undergone a long and distinguished legal history. It has been unsuccessfully challenged in four separate lawsuits. It is now in the midst of its fifth legal action and was the focus of hundreds of protesters last week.

With this kind of controversy and divisive legal history, one might imagine that the Enola Hill sale involves critical salmon habitat, various listed endangered species, miles of new forest road construction or huge clearcutting of 1,000-year-old trees. My colleagues may be surprised to learn that the Enola Hill sale involves none of these controversial things.

There are no Endangered Species Act concerns with this sale. There are no spotted owls, no marbled murrelets, no endangered salmon runs to be concerned about in the area.

The sale is comprised of second growth timber, not old growth.

The sale is not a clearcut, but rather a 250 acre selective cut which will remove about one third of the trees. The entry will hardly be visible when the sale is completed.

The sale involves no new roads to be built. How can this be? Because all logs will be removed by helicopter, a fairly expensive, but much more common practice in timber management in the Northwest today.

The sale has the further attribute of addressing a very real forest health problem. Laminated root rot is killing these trees that are to be harvested. This sale is designed to slow the spread of this disease to other forest stands.

So why all the controversy? The primary challenge to this sale is cultural. A number of individual Native American tribal members have argued that the Enola Hill area is sacred. However, no Tribe has objected to the sale going forward, including the largest Tribe in my State and the one in closest proximity to the sale area, the Warm Springs Tribe.

The Courts and the Forest Service have weighed the questions of cultural significance of the site and the evidence has been inconclusive at best. The Forest Service continues to state its willingness to consider adjusting the sale to accommodate any identified culturally significant areas, but those individual tribal members who object to the sale refuse to identify any particular areas as being any more culturally significant than other areas in the Mount Hood National Forest. I have chosen to highlight this sale only because the environmental community has chosen to highlight it. It is the flagship sale for the Northwest environmentalists as they protest "lawless logging."

I have a difficult time locating any environmental issue on the Enola Hill sale that would not be present in any timber sale. We have now reached the bottom line debate: Is cutting down trees in our national forests to satisfy the public's increasing demand for wood products inherently unsound from an environmental perspective?

In this debate, the environmental community's true agenda comes through loud and clear: zero cut, lock up. This position is socially and environmentally irresponsible and I reject it in the strongest possible terms.

As I have said before, I do not enjoy seeing trees being cut down. I am a former tree farmer. I plant trees. Like many others, however, I enjoy having a roof over my head. I enjoy having furniture to sit on, and I imagine my colleagues enjoy these beautiful wooden desks and the wood paneling here in the Senate Chamber. The demand for wood products to fulfill our Nation's housing and other wood fibre demands is growing, Mr. President, not shrinking. Fortunately, our primary resources for meeting these demands, wood products, are renewable and are grown from free solar energy.

Moreover, arguably the greatest tree growing region in the world is the Pacific Northwest. It troubles me greatly that timber harvesting in this very region has been drastically reduced and is now well below scientifically sustainable levels.

With demand continuing to rise, America is now forced to look elsewhere to satisfy its needs. I have called this practice Environmental Imperialism—lock up our own forests but go to the Third World and other countries to satisfy American demand. Unfortunately, most, if not all, of these countries do not have comprehensive forest practices statutes in place like we do here. Their harvesting is most often based on satisfying economic needs without consideration for ecological concerns.

I have seen the detrimental effects of this U.S.-centered policy with my own eyes. I traveled to Russia last summer, and I learned of an interesting comparison—the timber lands of Siberia are 15 times less productive than the timber lands in western Oregon. In other words, it takes 1.5 million acres of Siberian timber land to grow the same amount of timber we can grow on 100,000 acres in the Northwest. I have also recently visited the rain forests of South America and seen the impacts that the exporting of our domestic problems has caused in that area.

These experiences have helped me put the global nature of our timber policies in perspective. When we reduce timber production from the great timber growing lands of the Pacific Northwest, there is an undeniable global impact.

I believe that the administration wants to be sensitive to the global effects of our environmental policies in this country. I want to commend Secretary of State Christopher for his commitment to looking at environmental issues on a global basis. However, along with this view must come the recognition that not only do the practices of other nations impact us here in the United States, but that our domestic practices and policies also have a great impact on other nations.

Mr. President, I have always believed that we have a responsibility to conserve our natural resources. I have authored nearly 1.5 million acres of wilderness legislation in Oregon and added 44 river segments to the National Wild and Scenic Rivers System. At the same time, I believe that we have a moral obligation to satisfy the demand of Americans with the wise use of American resources, not by going abroad to rape the resources of other countries.

Unfortunately, Mr. President, with its latest action to oppose giving itself flexibility on the Salvage Rider, the White House has chosen political convenience over the best interests of the environment both in the Pacific Northwest and throughout the world. The provisions stricken from the Omnibus Appropriations package would have given the President significant authority to resolve problems with sales released under the current Salvage Law. I hope that in the future our negotiations will hinge on the resolution of legitimate policy issues, rather than clinging to a political issue for perceived partisan advantage.

Mr. President, I ask unanimous consent that the rejected language, and a letter related to the issues I have raised here be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SALVAGE FLEXIBILITY LANGUAGE—DROPPED

SEC. 325. Section 2001(k) of Public Law 104–19 is amended by striking "in fiscal years 1995 and 1996" in paragraph (1), and by striking paragraph (3) and inserting in lieu thereof:

"(3) TIMING AND CONDITIONS OF ALTERNATIVE VOLUME.—For any sale subject to paragraph (2) of this subsection, the Secretary concerned shall, and for any other sale subject to this subsection, the Secretary concerned may, within 7 days of enactment of this paragraph notify the affected purchaser of his desire to provide alternative volume, and within 90 days of the date of enactment of this paragraph, reach agreement with the purchaser to identify and provide, by a date agreed by the purchaser, a volume, value and kind of timber satisfactory to the purchaser to substitute for all or a portion of the timber subject to the sale, which shall be subject to the original terms of the contract except as otherwise agreed, and shall be subject to paragraph (1). Upon notification by the Secretary, the affected purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. Except for sale units subject to paragraph (2), the purchaser may operate the original sale under the terms of paragraph (1) if no agreement is reached within 90 days, or after the agreed date for providing alternative timber until the Secretary concerned designates and releases to the purchaser the alternative timber volume in the agreement. The purchaser may not harvest a volume of timber from the alternative sale and from the portion of the original sale to be replaced which has greater contract value than the contract value of the alternative sale agreement. Any sale subject to this subsection shall be awarded, released and completed pursuant to paragraph (1) for a period equal to the length of the original contract, and shall not count against current allowable sale quantities or timber sales to be offered under subsections (b) and (d). A purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed upon time frame in federal district court.

"(4) BUY-OUT AUTHORIZATION.—The Secretary concerned is authorized to permit a requesting purchaser of any sale subject to this subsection to return to the Government all or a specific volume of timber under the sale contract, and shall pay to such purchaser upon tender of such volume a buy-out payment for such volume from any funds available to the Secretary concerned except from any permanent appropriation of trust fund, subject to the approval of the House and Senate Committees on Appropriations. Such volume and such payment shall be mutually agreed by the Secretary and the purchaser. Any agreement between the purchaser and the Secretary shall be reached within 90 days from the date on which the negotiation was initiated by the purchaser. The total sum paid for all such buy-out payments shall not exceed $20,000,000 by each Secretary and $40,000,000 in total. No less than half of the funds used by the Secretary concerned must come from funds otherwise available to fund Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretary is authorized to offset any portion of a buy-out payment agreed under the provisions of this paragraph with an amount necessary to retire fully a purchaser's obligation on a government guaranteed loan."

Section 325. Deletes language regarding the redefinition of the marbled murrelet nesting area and inserts a new provision that amends subsection 2001(k) of Public Law 104–19 to provide alternative timber options or buyout payments to timber purchasers for both Forest Service and Bureau of Land Management sales offered or sold originally in units of the National Forest System or districts of the Bureau of Land Management subject to section 318 of Public Law 101–121. The new language neither expands nor reduces the sales to be released under subsection 2001(k). The managers do not intend to interdict or affect prior or pending judicial decisions with this language.

The provision increases the Administration's flexibility by allowing the Secretary concerned to notify a purchaser within 7 days, and agree with a purchaser within 90 days of the date of enactment, to provide alternative volume for part or all of any sale subject to subsection 2001(k) in a volume, value, and kind satisfactory to the purchaser, by a date agreed by the purchaser. The precise designation of alternative timber need not occur within the initial 90-day period. Upon notification by the Secretary, the purchaser shall suspend harvesting and related operations for 90 days, except for sale units where harvesting and related activities have commenced before March 28, 1996. For any sale that cannot be released due to threatened or endangered bird nesting within the sale unit, the amendment requires the agreement for alternative volume, in quantity, value, and kind satisfactory to the purchaser, and by a date agreed by the purchaser, to be reached within 90 days of the date of enactment of this section.

The Administration has delayed implementing subsection 2001(k) well beyond the original 45-day time limit set by Congress, and still has not released all the sales required under the statute. Therefore, except for sale units affected by paragraph (2) of subsection 2001(k), the purchaser may operate the original sale under subsection 2001(k) if: 1) the Secretary has not designated and released timber by the date agreed or 2) if no agreement has been reached 90 days after notification. Also, a purchaser may enforce the rights established in this paragraph to obtain substitute timber within the required or agreed time frame in Federal district court. The managers continue to endorse the statement of the managers language accompanying the conference report on the 1995 Rescissions Act (House Report 104–124; Public Law 104–19) relating to section 2001(k).

A purchaser may not be compelled to accept alternative volume over the purchaser's objection, as he cannot be under present law. The purchaser may not operate on both the portion of the original sale to be replaced, and the alternative timber such that the combined contract value harvested exceeds the contract value of the alternative timber in the agreement. Sales with alternative volume under the amendment are subject to the original terms of the contract unless the parties agree otherwise and are subject to paragraph (1) of subsection (k). Any alternative volume under paragraph (3) shall not count against current allowable sales quantities or timber sales to be offered under subsections (b) and (d) of section 2001 of Public Law 104–19. Alternative volume may, at the Secretary's discretion, come from areas not otherwise contemplated for harvesting.

To avoid forcing purchasers to operate sales hastily before environmental considerations can be taken into account, the limitation in paragraph (1) to fiscal years 1995 and 1996 is deleted, and all sales awarded or released under subsection 2001(k) are now subject to the legal protections in paragraph (1) for a period equal to the length of the original contract (including any term adjustment or extensions permitted under the original contract or agreed by the Secretary and the purchaser). The period of legal protection for each sale begins when the sale is awarded or released under subsection 2001(k), or when alternative volume is provided under this statute.

The provision also gives the Secretary of the Interior and the Secretary of Agriculture, upon request of a sale owner, the authority to purchase all or a specific volume of timber under the sale contract covered under this subsection. Payment may be made directly to the purchaser, or to agents or creditors to retire fully the purchaser's obligation on a government guaranteed loan. The volume and payment must be mutually agreed by the Secretary and the purchaser. The payments would come from any funds available to the Secretary concerned, except for any permanent appropriation or trust funds, such as the timber salvage sale funds and the Knudsen-Vandenburg fund. In order to relieve partially the burden on programs in the rest of the nation, no less than half of the funds used for the payments must come from accounts which otherwise would be available to the Secretaries for Oregon and Washington programs of the Forest Service and the Bureau of Land Management. The Secretaries shall follow established reprogramming procedures when seeking the approval of the House and Senate appropriations committees to designate funds for the buy-out payments. Each Secretary may use up to $20 million for such payments. Any agreement between a purchaser and the Secretary concerned shall be reached within 90 days of the date on which a negotiation was initiated by the purchaser.

THE CONFEDERATED TRIBES OF THE WARM SPRING RESERVATION OF OREGON, NATURAL RESOURCE DEPARTMENT,
Warm Spring, OR, April 3, 1996.

KATHLEEN MCGINTY,
Chair, Council on Environmental Quality, Washington, DC.

DEAR CHAIR MCGINTY: The April 10, 1996 correspondence to President Clinton from Richard Moe, president of the National Trust for Historic Preservation, regarding Enola Hill and its potential eligibility to the National Register of Historic Places and related issues is extremely dismaying. During the past 10 years the Mount Hood National Forest administrators and technical staff have consulted at both the government to government and technical levels regarding resource issues at Enola Hill.

The destruction issue raised by the opponents of the Enola Hill timber sale is debatable. It is our understanding through direct coordination and consultation with the Mount Hood National Forest staff and administrators that the sale is being implemented to insure the forest health on Enola Hill. The existing timber stand is approximately 80 to 100 years old and represents a monoculture of Douglas fir which is being affected by laminated root rot. This affliction is endemic, yet can be controlled through stand manipulation. The proposed treatments through harvest and introduction of fire and pathogen control will mimic the natural stand regimes present in the region prior to Euro-American settlement. The timber sale will thus add to the quality of the natural and cultural landscape.

The planning process for the Enola Hill timber sale has to our satisfaction attempted to document the tangible and intangible values associated with the area. It is also our understanding that the C6.24 clause of the award contract is to insure that upon discovery of any properties potentially eligible to the National Register of Historic Places all work will cease and mitigation measures developed in conjunction with professional staff and in consultation and coordination with the Confederated Tribes of the Warm Springs and public.

Ongoing claims and concerns regarding Native American traditional use and cultural resources at the Enola Hill area has created an air of controversy within the Native American community, the Forest Service, non-native people and the judicial system. Our tribal government adopted the "Warm Springs Tribal Council Position Paper Regarding Enola Hill" through Resolution 8607 on January 19, 1993 in the interest of the Tribe and its members. This position paper firmly expresses that the Warm Springs elders and religious leaders are the only Indian people with the sovereign authority to speak about the cultural significance of Enola Hill as well as the entire area surrounding Mount Hood. The proposed timber sale opposition to Enola Hill are voices of those individuals not from our tribes who claim the right to speak as Indian people about cultural significance, traditional uses and sacred sites.

We are currently unaware of any tribal government request to consider Enola Hill as a "traditional cultural property" eligible for inclusion to the National Register of Historic Places. A true traditional Indian interpretation of cultural significance of any part of Mount Hood whether within the ceded or traditional lands is based on a special relationship of Warm Springs tribal members and their ancestors since time immemorial with Wy'east or Mount Hood. Consent for use has and is still based on ancestral courtesy and custom with regard to exercising aboriginal and treaty rights within the ceded or traditional use lands.

In addition it is the Tribal Council position that "the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional people of this area. We are those people and we should be the only ones to answer those questions."

Sincerely yours,

CHARLES R. CALICA,
General Manager.

RESOLUTION

Whereas, The Tribal Council has determined that the controversy over management of the area of Mount Hood National Forest called "Enola Hill" is of great concern to the Tribe; and

Whereas, Non-Indians and Indians from other tribes have made many public claims about the cultural and spiritual significance of Enola Hill; and

Whereas, The Tribal Council believes that our tribe has primary rights in the Mount Hood area and that we are the only Indian people with the sovereign authority to speak about the importance of Enola Hill to Indian people; and

Whereas, The Tribal Council has reviewed the "Warm Springs Tribal Council Position Paper Regarding Enola Hill" attached to this resolution as Exhibit "A", and believes that the approval of this position paper is in the best interest of the Tribe and its members; now, therefore

Be it *Resolved,* By the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon pursuant to Article V, Section 1 (1) and (u) of the Constitution and By-Laws that the "Warm Springs Tribal Council Position Paper Regarding Enola Hill" attached to this resolution as Exhibit "A", is hereby approved and adopted.

CERTIFICATION

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the Nineteenth Tribal Council is composed of 11 members of whom 7, constituting a quorum, where present at a meeting thereof, duly and regularly called, noticed, convened and held this 19th day of January 1993; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

WARM SPRINGS TRIBAL COUNCIL POSITION PAPER REGARDING ENOLA HILL

This paper represents the official position of the Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon regarding the controversy over logging and other activities in the area of Mount Hood National Forest known as "Enola Hill."

Enola Hill is part of Zig Zag Mountain and is located north of U.S. Highway 26 on the lower slopes of Mount Hood near the community of Rhododendron, Oregon. The entire area surrounding Mount Hood, including the headwaters of the Sandy, Zig Zag, and Salmon Rivers where Enola Hill is located, is very familiar to our people. The seven bands and tribes of Wasco and Sahaptin-speaking Indians who signed the Treaty with the Tribes of Middle Oregon of June 25, 1855, all lived within close proximity to Mount Hood. The mountain itself, the trees and berries and plants that grow on its slopes, the deer and elk and other wildlife that call the mountain home, and the rivers, springs and other waters that originate on Mount Hood, and the fish and other creatures that live in these waters, all occupy a special place in the cultural, spiritual and historical life of our people.

There is no federally recognized Indian tribal government in existence today with closer ties to Mount Hood than the Confederated Tribes of the Warm Springs Reservation of Oregon. In pre-treaty times, Mount Hood rose high into the sky above our traditional homes along the Columbia River and its Oregon tributaries. Today, the mountain is located mostly within our treaty-reserved ceded area and just outside of the Northwest boundary of our present reservation. In short, we regard Mount Hood as our mountain.

Based on our special relationship with Mount Hood, which has existed since time immemorial, we believe that no other tribe, band or group of Indian people has a right greater than or equal to the natural sovereign right of the Confederated Tribes of the Warm Springs Reservation of Oregon to speak about the importance of Mount Hood from an Indian point of view. Our historic, cultural and spiritual attachment to Mount Hood has caused us to be involved in many public policy, administrative and legal proceedings involving use and development of the mountain. Currently, we are party to several legal proceedings involving land management decisions of the Mount Hood National Forest. We are concerned about these decisions because of the potential impacts of these developments on our treaty fishing rights, and other legally protected interests. We are, for example, the only tribes involved in the Mount Hood Meadows Ski Area expansion proceedings. We believe that Mount Hood National Forest should consult only with our tribe on issues relating to proposed developments on public lands in the vicinity of Mount Hood.

With regard to the area called "Enola Hill," our people are familiar with this place. Many of our elders camped with their families in this area, fished for salmon and picked huckleberries in the general vicinity of Enola Hill. Whether there is special cultural significance to Enola Hill as a whole, and whether there are special religious and spiritual places there, is not something we wish to speak about in a position paper or put down in writing. In the past, our tribal elders have provided such information to appropriate officials once they have been assured of confidentiality and convinced of the serious need for the information. However, we are concerned that culturally sensitive information our elders have disclosed concerning Enola Hill could be exploited and used for improper purposes. Unwarranted public access to such information through the courts or the media only makes our job of protecting our people's sacred sites more difficult. We hope that the cure does not become worse than the affliction.

We believe very strongly that only Warm Springs tribal elders and religious leaders should be questioned on this issue. Certain individuals who are not from our tribe, and indeed some of them are not even Indian, have spoken out frequently and loudly about what they believe is the desecration of sacred Indian religious places at Enola Hill. Mount Hood, including Enola Hill, is not theirs—it is ours. It is not for them to talk about the traditional Indian cultural and religious significance of any part of Mount Hood. It is the mountain of our people and we believe that we should be the only ones asked to give the true traditional Indian interpretation of the significance of any part of the Mount Hood region. For this reason, we oppose the voices of those individuals about the importance of Enola Hill. Furthermore, we ask that the Federal Government, the State of Oregon, the Federal Court, and the non-Indian public, look to our people for the answers to their questions about what Mount Hood, including Enola Hill, means to the traditional Indian people of this area. We are those people, and we should be the only ones to answer those questions.

Dated: January 20, 1993.

NATIONAL ORGAN DONOR AWARENESS WEEK

Mr. KENNEDY. Mr. President, this week is National Organ Donor Awareness Week. It is a privilege to be part of this important effort to increase public awareness about the need for donors. Organ donation literally saves lives. It truly is the gift of life.

As Carl Lewis, the Olympic Gold medalist, told the Labor and Human Resources Committee in his testimony this week, "One thing about organ and tissue donation: it is the absolute definition of altruism—giving solely for the sake of giving . . . It is an opportunity that is almost impossible to find anywhere else you might look. It is the opportunity to actually save the life of another human being."

Eleven years ago, a Massachusetts constituent, Charles Fiske, came to Congress and testified eloquently about the financial and emotional ordeal of his family's search for a liver transplant for their 9-month-old daughter. Out of that testimony came a long-overdue national effort to increase the number of organ donors, enhance the quality of organ transplantation, and allocate the available organs in a fair manner. In 1984, President Ronald Reagan signed the National Organ Transplant Act into law. Its primary goal was to assure patients and their families a fair opportunity to receive a transplant, regardless of where they live, who they know, or how much they could afford to pay. We have not yet achieved these goals, but we are closer to them today.

Additional legislation is now pending. The Organ and Bone Marrow Transplant Program Reauthorization Act was recently approved unanimously by the Senate Labor and Human Resources Committee, and is now awaiting action by the full Senate. That measure will improve the current organ procurement and allocation systems by earmarking funds for public education, training health professionals and others in appropriate ways to request donations, improving information for patient, and increasing the role of transplant recipients and family members in these efforts.

Legislation will help, but the shortage of organs for transplantation cannot be solved by legislation alone. Our goals can be achieved only through broad participation by people across the country.

Every day, eight Americans die who could have lived if they had received a transplant in time. Last year, 3,500 patients died because no donor was available, including 173 from Massachusetts. As technology for transplants continues to improve, the gap between demand and supply will continue to widen. The number of persons needing transplants has doubled since 1990. A new name is added to the list every 18 minutes.

Currently, 45,000 Americans are in need of an organ transplant, including 1,400 children. By the end of this year, the total is expected to exceed 50,000. Despite the need, fewer than 20,000 transplant operations will be performed in 1996—because of the shortage of donors.

In part, we are not obtaining enough donors because of the myths surrounding organ donation. Many citizens don't know that it is illegal in this country to buy and sell organs. There is no age limit for donors. Donations are consistent with the beliefs of all major religions.

Except in rare cases such as kidney transplants among close relations, virtually all donations actually take place after death, in accord with the wishes of the donors and their families. The removal of the organs does not interfere with customary burial arrangements or an open casket at the funeral, since the organ is obtained through a normal surgical procedure where the donor s body is treated with respect.

The decision to become a donor will not affect the level of the donor's medical care, or interfere in any way with all possible efforts to save patients where the patients are near death. We need to do all we can to dispel the myths that contradict these facts.

Most important, as members of Congress, we can lead by example, by signing our own organ donor card. I have done so and I have discussed organ donation with my family, so that they know my wishes. Senator FRIST and Senator SIMON have urged all of us in the Senate to sign organ donor cards, and over 50 Senators have now done so.

I encourage all of my colleagues to become organ donors. We must do more, and we can do more, to save the lives of those who need transplants. Each of us can save several lives by agreeing that we ourselves will be donors. And we can save many more lives as other Americans learn from our examples and become donors themselves.

JUNK GUN VIOLENCE PROTECTION ACT

Mrs. BOXER. Mr. President, along with my colleague from New Jersey, Senator BRADLEY and my colleague from Rhode Island, Senator CHAFEE, I have introduced legislation to ban the production and sale of junk guns—or as they are sometimes called, Saturday night specials. My bill would take the standards for safety and reliability that are currently applied to imported handguns, and apply them to domestically produced firearms. It is a simple common sense proposal that deserves the support of all Senators.

I had a meeting with a very special physician today and I want to share with my colleagues some of the things that I learned. Dr. Andrew McGuire is Director of the Trauma Foundation, a nonprofit organization based out of San Francisco General Hospital. The Trauma Foundation has a simple goal: keep people out of the emergency room.

Several years ago, Dr. McGuire was asked to write a policy paper aimed at developing strategies to curtail violence in the San Francisco area. He concluded that something had to be done to curtail the proliferation of handguns. Specifically, he advised banning these cheap, poorly constructed junk guns.

Since then, Dr. McGuire has been on a crusade to educate the country about the danger of junk guns. He has developed a national network of trauma surgeons to spread the word about gun violence. On this issue, we should listen to our doctors. They are the ones who see the destruction caused by these weapons first hand.

Some of the statistics Dr. McGuire shared with me were truly frightening. Since 1930—when statistics were first recorded—more than 1.3 million American have died of gunshots. That is more Americans than died in all of our wars since the Civil War.

Two weeks ago, the Children's Defense Fund released a study showing that nationwide gunshots were the second leading cause of death among children. In California, gunshots are No. 1.

Let me say that again. Among California children ages 0 to 19, gunshots are the single leading cause of death. More die of gunshots than automobile accidents or any disease. That is a crisis that I, as a Senator from California, cannot overlook.

We must do something to stop this epidemic of violence. Passing the Junk Gun Violence Protection Act, would be an excellent step.

A PRESCIENT MOMENT 25 YEARS PAST

Mr. PELL. Mr. President, one of the great benefits that accrues to those of us who have served in the U.S. Senate over a period of time—measured not in years but in decades—is that of perspective. Serving here since my election in 1960 has provided me with a gift of hindsight that only time and experience can produce.

It was 25 years ago this week that I participated in a historic Senate Foreign Relations Committee hearing. We scheduled that hearing to provide leaders of the anti-war movement with a legitimate forum to focus their collective anger and voice their passionate resistance to a heart-rending war that was dividing this country.

I remember this hearing clearly. It was held during the historic encampment of Vietnam veterans in our Capital City and the committee invited the veterans to testify. It was from the witness table in our hearing room, in what was then the New Senate Office Building, that the veterans sounded their call for an end to the war.

What stands out most in my mind, however, was the testimony, the eloquence and the authority of a tall, lanky young man who testified on behalf of his friends and peers. A decorated hero, he was speaking for those who were paying the ultimate price for a disastrous foreign policy.

The large hearing room was crowded and the tension was electric. As I sat behind the raised dais, with Senators William Fulbright, our chairman; Stuart Symington, George Aiken, Clifford Case, and Jacob Javits, I remember looking at the drama before us and saying that the young man who was testifying should be on my side of the dais.

He had just returned from the war and had been decorated for heroism, having been injured in combat (three Purple Hearts) and saved the lives of his Swift Boat crewmen (a Silver Star and two Bronze Stars). As an early and outspoken opponent of the war myself, I knew him and had worked to win support for him and his fellow anti-war veterans.

After his testimony, when it became my turn to address him, I welcomed him with these words: "As the witness knows, I have a very high personal regard for him and hope before his life ends he will be a colleague of ours in this body". That young man was JOHN KERRY.

Mr. President, since that historic time, one which truly marked a milestone in the shift of public opinion, I have come to know JOHN much better. I am happy to find that history has proven me right—both in my opposition to the war in Vietnam and in my glimpse of a young man's future.

When JOHN KERRY, as the Junior Senator from Massachusetts, joined us on the Foreign Relations Committee, I could not have been more delighted with my prescience.

During my service Chairman of the Committee, I asked him to handle the State Department authorization bill—one of the major annual bills that come before the committee—because I knew he had the knowledge, the mastery of the legislative process and the negotiating skills to do the job.

I was right. Senator KERRY has skillfully managed that bill several times now. And in the past year he negotiated with the Chairman JESSE HELMS, over an intensely difficult question, and acquitted himself superbly.

Perhaps his greatest contribution, however, has been his chairmanship of the Senate Select Committee on POW/MIA Affairs. Thanks to JOHN KERRY's doggedness and leadership, we are finally on the path to healing the wounds and closing the last chapter on a painful time in American history—that of the Vietnam war.

ADDRESS BY SENATOR JOHN McCAIN AT THE DOW JONES AND COMPANY DINNER

Mr. NICKLES. Mr. President, I ask unanimous consent to insert into the RECORD the remarks delivered by the distinguished Senator from Arizona [Mr. McCAIN] to Dow Jones and Company on April 23, 1996.

In his remarks, Senator McCAIN addresses a very important issue: what are the obligations of a candidate for the presidency in how he criticizes his opponent—a sitting President—when the President is abroad representing the United States? As he points out, the Clinton administration is insisting on a double standard. During the 1992 campaign, when then-Governor Bill Clinton was challenging President Bush, candidate Clinton had no hesitation in taking President Bush to task even on foreign policy and national security topics while President Bush was outside of the United States meeting with world leaders. On the other hand, now, in 1996, when Bill Clinton is the incumbent, he is criticizing his challenger, the Republican leader, for his recent comments on the Clinton domestic record—specifically on the issue of Federal judges. As Senator McCAIN details the matter, there is simply no precedent for the White House's distorted and self-serving assertions. I hope all of my colleagues will take a look at these remarks, as well as members of the media who are interested in setting the record straight.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

ADDRESS BY SENATOR JOHN McCAIN

Thank you. I welcome this opportunity to have as a captive audience people whose attention I spend a fair amount of time trying to get. Al Hunt told me that I could speak on any subject I wished to, and never one to waste such opportunities, I want to spend some time this evening analyzing in detail the pathology of karnal bunt, the fungal disease afflicting wheat crops in Arizona. . . . Or perhaps I should save that analysis for a speech to the New York Times.

I will instead ask your indulgence while I talk a little bit about the press and the presidential race. As I will include a few constructive criticisms in my remarks, I want to assure everyone here that I exempt you all from any of the criticisms that follow. Each and everyone of you has my lasting love and respect.

I would like to begin by quoting a presidential candidate.

"What's the President going to Japan for? He's going to see the landlord."

Here's another quote:

"[The President] has slowed progress toward a healthier and more prosperous planet. . . . He has abdicated national and international leadership on the environment at the very moment the world was most amenable to following the lead of a decisive United States."

And one more:

"[The President should not give trade preferences] to China while they are locking their people up."

Now, let me offer a quote of more recent vintage by that same individual.

"I like the old-fashioned position that used to prevail that people didn't attack the president when he was on a foreign mission for the good of the country. It has been abandoned with regularity in the last three and a half years. But I don't think that makes it any worse a rule."

President Clinton is, of course, the author of all four quotations. The first three—those he made as a candidate for President—were delivered while former President Bush was on foreign missions "for the good of the country," in Japan and Brazil.

The last quote was taken from the President's Moscow press conference last Saturday when he responded to Senator Dole's criticism of his judicial appointments. As you can see, he used the occasion to denounce a practice he regularly employed as a candidate.

What made this particular example of presidential hypocrisy so galling, was that Senator Dole has scrupulously avoided criticizing the President's foreign policy while the President was overseas. I know that for a fact because I have been involved in Dole campaign decisions about when and when not to draw comparisons between the President's foreign policies and prospective Dole Administration foreign policies. It was Senator Dole himself who insisted that the campaign make no criticisms of the President's foreign policies while the President was abroad. In fact, Senator Dole specifically declined the opportunity to criticize the President's China policy on Face the Nation Sunday, showing extraordinary restraint given that policy's abundant defects.

What President Clinton suggested in his Moscow press conference was that he should be immune from criticism of his domestic policies while abroad. The President's protestation notwithstanding, that has never been a political custom in the United States. Were it to be, I suspect the President would open his reelection headquarters and establish temporary residence in a foreign capital where he could blissfully ignore the scrutiny that comes with campaigning for the presidency.

Indeed, I limited the examples of candidate Clinton's criticisms of President Bush only to those which referred to President Bush's foreign policies; criticisms which did violate—egregiously so—a venerable and worthy American political custom. In fact, in researching those quotes we discovered pages and pages of domestic policy criticism which candidate Clinton leveled at President Bush's while the President was traveling overseas. But as those did not violate the custom in question, only the new custom which President Clinton invented in Moscow, I left them out of my remarks.

When it comes to campaigning, President Clinton always shows surprising audacity. He quite cheerfully discards one identity for its opposite, and often appropriates with astonishing ease the arguments of his critics, always laying claim to first authorship. As a Dole supporter, I have an obligation to point out such incidents of presidential hypocrisy. But so, I submit, does the press.

Almost every news account of Senator Dole's speech on the President's judicial nominees observed that Senator Dole had voted for most of those nominees. But nary a report of President Clinton's virtuous appeal for a respite from partisanship examined the legitimacy of the custom he professed to uphold, or included a reference to the President's own violations of that custom.

The President is a formidable candidate. He'll be hard to beat even in a fair contest. He'll be impossible to beat if Senator Dole must adhere to standards which the President is free to ignore. After all, it should hardly come as a surprise to any journalist that the President has, on occasion, shown a tendency toward a little self-righteous posturing when he has little cause to do so. Indeed, I have often observed that the more accurate the arguments against him, the more self-righteous the President becomes.

Of all the people to accuse of excessive partisanship in foreign policy debates, Bob Dole is the least deserving of such criticism. I would refer the President to the debate over his decision to deploy 20,000 American troops to Bosnia. Without Bob Dole's leadership the President would not have received any expression of Congressional support for the deployment. Bob did not even agree with the decision to deploy. But he worked to support that deployment even while his primary opponents were gaining considerable political advantage by opposing his support for the President.

Senator Dole gave his support because he had as much concern for the President's credibility abroad as the President had. I would even contend that on many occasions Bob Dole has shown greater concern for presidential credibility than has the President. Which brings me to my next point.

I have lately noticed that in comparisons of the foreign policy views of President Clinton and Senator Dole, some in the media—more often broadcast media than print—have resorted to facile, formulaic analysis as a substitute for insightful political commentary. Some reporters have increasingly asserted that there isn't much difference between the candidates' foreign policy views, only, perhaps, in their styles as foreign policy leaders. They further assert that these stylistic differences have narrowed as President Clinton has lately recovered from his earlier ineptitude on the world stage. Thus, they mistakenly conclude, foreign policy should not play a significant role in the presidential debate this year.

I am sure you will not be surprised to learn that I strongly dispute both the premises and conclusion of that argument. It overlooks not only major policy differences between Senator Dole and the President—Ballistic Missile Defense, Bosnia, Iran, Korea and NATO expansion come immediately to mind—but it devalues the importance of leadership style to the conduct of foreign policy. Both the conceptual and operational flaws of the incumbent Administration's statecraft and the alternatives which Senator Dole's election offers should be and will be an important focus of this campaign.

As we all know, a presidential election is primarily a referendum on the incumbent's record. A challenger draws distinctions between himself and the incumbent by first examining the performance of the incumbent, and criticizing the flaws in that performance as a means of identifying what the challenger would do differently.

As a campaigner, even as an incumbent campaigner, the President is remarkably adroit at staying on offense. As one politician to another, I respect the President's political abilities. He really does not need any assistance from the press in this regard.

To combat the curt dismissal of "stylistic differences" between the candidates we could supply a shorthand response: "style is substance." But we serve voters better by elaborating what those differences say about each candidates' leadership capacity. Those differences are important. They should be an important focus of campaign debates.

In a comparison of foreign policy views, to minimize distinctions between candidates as merely "stylistic" is to reject important principles of American diplomacy. Let me elaborate a few of the principles which I think have been casualties of the President's "style" of foreign policy leadership.

First, words have consequences: The President must make no promise he is unprepared to keep and no threat he is unwilling to enforce. The casual relationship between presidential rhetoric and presidential action in the Clinton Administration has damaged the President's credibility abroad and harmed many of the most important relationships we have in this world.

Second, diplomacy must be led from the Oval Office for it is the President who gives strategic coherence to American diplomacy. The President must prioritize our interests and oblige policymakers to integrate policies to serve those priorities. When the President is passive, government will not be organized cohesively to conduct foreign policy; second and third level officials are elevated to leading policy roles; and single issue advocates will fragment U.S. diplomacy.

Absent such cohesiveness, Clinton Administration officials have poorly prioritized U.S. interests, often placing peripheral interests before vital ones. They have pursued case-by-case policies that often collided with one another and conducted relations with some countries in ways that disrupted our relations with others. Diminished presidential leadership in foreign policy has also resulted in the franchising of foreign policy to retired public officials whose goals may or may not be compatible with the Administration's.

Third, there is no substitute for American leadership in defense of American interests. The Administration's reluctance to give primacy in our post Cold War diplomacy to American leadership or even, at times, to American interests has violated proven rules of American leadership. Among those are: protect our security interests as the precondition for advancing our values; force has a role in, but is not a substitute for diplomacy; build coalitions to protect mutual security interests, don't neglect security interests to build coalitions; and don't slight your friends to accommodate your adversaries.

The direct consequences of the Administration's failure to observe these rules, have been its misguided efforts to cloak the national interest in "assertive multilateralism"; its poor record of building coalitions despite its virtuous regard for multilateralism; and its paralyzing confusion about when and how to use force.

Fouth, foreign policy should serve the ends of domestic policy, and just as importantly, domestic policy should serve the ends of foreign policy. The President has often misconstrued that relationship, often using foreign policy as an international variant of pork barrel politics to serve his own political ends. This in part explains the Administration's interventions in Haiti and Northern Ireland, and its mania for managed trade solutions to our trade imbalance with Japan. It explains, in part, their gross mishandling of our relationship with China.

However, the most damaging effect of this flaw is that it has damaged the President's ability to persuade the American public that our vital interests require America to remain engaged internationally. This failure has led to a demonstrative increase in isolationist sentiments in both political parties.

We need not look far in the past to measure the consequences of the President's style of foreign policy leadership. The purpose of the President's recent state visit to Japan, and his brief visit to Korea were, in fact, damage control expeditions intended to repair the harm which the President's leadership style had done to our relationships with our allies.

The President's heavy handed threats of economic sanctions to coerce Japan's acceptance of numerical quotas for American exports risked divesting our relationship of its vitally important security components. Thus, when we required Japan's help in mustering a credible threat of economic sanctions against North Korea the Japanese demurred. And when the despicable rape of an Okinowan girl by three American marines increased opposition among the Japanese public to our military bases there, Japanese leaders were noticeably slow to defend our presence. Hence, the need for the President to go to Japan to reaffirm the importance of our security relationship.

The President's visit to Korea was intended to reaffirm American resistance to North Korea's attempts to drive a wedge between us and our South Korean allies. South Korea has cause to worry about the effect North Korea's recent provocations in the DMZ might have on alliance solidarity considering the wedge we allowed North Korea to drive between the U.S. and South Korea during our earlier negotiations with Pyongyang over their nuclear program.

Our relationship with one country that wasn't on the President's itinerary, but should have been—China—has also suffered as a result of the strategic incoherence of Administration statecraft. Both the President's passivity in foreign policy and his poor record of linking rhetoric with deeds have badly damaged our ability to manage China's emergence as a superpower—the central security problem of the next century.

Administration diplomacy for China has been fragmented as officials from the Commerce Department, USTR, Defense and various bureaus of the State Department pursued different, and often conflicting agendas in China. (Chicken export lobbyist lately gained brief control over our Russia policy, but that's the subject of another speech.) Moreover, the wounds the President inflicted on his own credibility as he mishandled the MFN question and the visit of President Lee—first assuring the Chinese that Lee wouldn't come, and then reversing his decision without informing Beijing—have seriously crippled the Administration's ability to have a constructive dialogue with the Chinese on the host of issues involved in our relationship.

Lastly, I want to make brief reference to another topical foreign policy mistake which reveals the leadership flaws of the incumbent administration: the recent disclosure that the administration acquiesced in, and possibly facilitated Iranian arms shipments to Bosnia. Currently the media and Congress are focusing on whether that action was illegal. Such focus may overlook the policy's more important security implications.

President Clinton campaigned for office by denouncing the arms embargo against Bosnia. As president, his expressed intent to keep his campaign promise encountered stiff resistance from Russia and our European allies. Rather than exert maximum leadership to persuade others to join in lifting the embargo or conceding that his earlier position had been mistaken, the President chose to allow Iran to arm the Bosnian Government. Consequently, the President helped create an Iranian presence in Bosnia that threatens the security of our troops stationed there, and which has destroyed the Administration's efforts to enlist our allies in efforts to isolate Iran internationally.

The legality of such a policy may be suspect. But what is beyond dispute is the stupidity of a policy that risks our larger security interests for the sake of avoiding a difficult diplomatic problem.

Thus ends my lecture on the criticality of "stylistic differences" in choosing a president. I fear I have abused your hospitality by making what could be construed as a partisan speech. But my purpose was not to take cheap shots at the Administration for the benefit of the Dole campaign. I think both Senator Dole and I have proven our regard for bipartisanship in the conduct of American foreign policy. That does not mean, however, that we should refrain from criticizing the President's foreign policy when we find it to be in error.

It would be a terrible disservice to the voters for either campaign to devalue the importance of foreign policy differences in this election—both conceptual and operational differences. The quality of the next President's leadership abroad will have at least as great an impact on the American people as will the resolution of the current debate on raising the minimum wage. And I end with a plea to all journalists to accord appropriate attention to all the issues in the voters' choice this November.

Now, I am happy to respond to your questions on this or any other subject which interests you.

THE BAD (VERY) DEBT BOXSCORE

Mr. HELMS. Mr. President, I think so often of that memorable evening in 1972 when the television networks reported that I had won the Senate race in North Carolina.

At first, I was stunned because I had never been confident that I would be the first Republican in history to be elected to the U.S. Senate by the people of North Carolina. When I got over that, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

I have kept that commitment and it has proved enormously meaningful to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the 23 years I have been in the Senate.

A large percentage of them are greatly concerned about the total Federal debt which recently exceeded $5 trillion. Of course, Congress is responsible for creating this monstrous debt which coming generations will have to pay.

Mr. President, the young people and I almost always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 25, 1992. I decided that it was important that a daily record be made of the precise size of the Federal debt which, at the close of business yesterday, Wednesday, April 24, stood at $5,110,704,059,629.39. This amounts to $19,307.33 for every man, woman, and child in America on a per capita basis.

The increase in the national debt since my report yesterday—which identified the total Federal debt as of close of business on Tuesday, April 23, 1996—shows an increase of more than 4 billion dollars—$4,331,633,680.00, to be exact. That 1-day increase is enough to match the money needed by approximately 642,294 students to pay their college tuitions for 4 years.

THE PLO CHARTER

Mr. PELL. Mr. President, yesterday the Palestine National Council voted by an overwhelming margin to revise its so-called Charter by removing clauses referring to the destruction of Israel. The vote is further evidence of sea change in Palestinian attitudes and ideology, and provided a welcome respite from the otherwise troubling situation in the Middle East.

In September 1993, during the signing of the historic Israel-PLO Declaration of Principles, PLO Chairman Yasir Arafat made a commitment to Israel to amend the Charter—the spirit and letter of which was clearly at odds with the peace agreement. Yesterday, Arafat, who is now Chairman of the autonomous Palestinian Authority, secured near-universal Palestinian backing for his pledge.

In voting to carry out this commitment, the Palestinians remain eligible under the terms of the Middle East Peace Facilitation Act, also known as MEPFA, to receive United States assistance. The vote also appears to open the way for the resumption of substantive peace talks between Israel and the Palestinians leading to a final status agreement.

As one of the original authors of MEPFA, I was particularly pleased by yesterday's events. In February, I led a congressional delegation to the Middle East, where the distinguished Senator from Virginia [Senator ROBB], the distinguished Senator from Oklahoma [Senator INHOFE], and I met with Chairman Arafat to urge that the Charter be amended. While I was somewhat skeptical after that meeting that Chairman Arafat would deliver on his promise, yesterday's vote helps to convince me that there is a forceful and sincere desire on his part to implement the peace agreements with Israel.

To be sure, Mr. President, there remains much concern about the future of Israeli-Palestinian relations. The issue of terrorism remains the most important factor in determining the success or failure of the peace process. We can, and should, continue to press the Palestinians to root out completely the terrorist element—which they will only be able to do with the support and good will of Israel. The vote yesterday, in my opinion, will do much to bolster Arafat's standing in Israel's eyes. And that bodes well for the future.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:54 am., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small business, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies.

At 5:05 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

ENROLLED BILLS SIGNED

At 8:56 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

The enrolled bills were signed subsequently by the President pro tempore [Mr. THURMOND].

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1675. An act to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2715. An act to amend chapter 35 of title 44, United States Code, popularly known as the Paperwork Reduction Act, to minimize the burden of Federal paperwork demands upon small businesses, educational and nonprofit institutions, Federal contractors, State and local governments, and other persons through the sponsorship and use of alternative information technologies; to the Committee on Governmental Affairs.

Under the order of the Senate of April 25, 1996, if and when reported, the following bill be referred to the Committee on Commerce, Science, and Transportation for not to exceed twenty calendar days:

S. 1660. A bill to provide for ballast water management to prevent the introduction and spread of nonindigenous species into the waters of the United States, and for other purposes.

MEASURES PLACED ON THE CALENDAR

The following measures were read the second time and placed on the calendar:

H.R. 2937. An act for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

S. 1698. A bill entitled the "Health Insurance Reform Act of 1996."

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2318. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–248 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2319. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–249 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2320. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–253 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2321. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–255 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2322. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11–256 adopted by the Council on April 2, 1996; to the Committee on Governmental Affairs.

EC–2323. A communication from the District of Columbia Auditor, transmitting, pursuant to law, the report entitled "Comparative Analysis of Costs of Selected Programs of the District of Columbia and Other Jurisdictions"; to the Committee on Governmental Affairs.

EC–2324. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of General Accounting Office reports and testimony for March 1996; to the Committee on Governmental Affairs.

EC–2325. A message from the General Sales Manager and Vice President of the Commodity Credit Corporation, Department of Agriculture, transmitting, pursuant to law, the report relative food assistance programs in both developing and friendly countries for fiscal years 1994, 1993, and 1992; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2326. A communication from the Acting Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, notification of the intention to obligate funds to support law enforcement activities in the Balkans; to the Committee on Appropriations.

EC–2327. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the Reserve Forces Policy Board for fiscal year 1995; to the Committee on Armed Services.

EC–2328. A communication from the Director of Administration and Management, Office of the Secretary of Defense, transmitting, pursuant to law, a report of a cost comparison study relative to cleaning services performed at the Pentagon; to the Committee on Armed Services.

EC–2329. A communication from the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence), transmitting, pursuant to law, the report on the National Defense Authorization Act for fiscal year 1996; to the Committee on Armed Services.

EC–2330. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to authorize construction at certain military installations for fiscal year 1997, and for other military construction authorizations and activities; to the Committee on Armed Services.

EC–2331. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, notice relative to the compensation plan for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2332. A communication from the Director of the Financial Crimes Enforcement Network, transmitting, pursuant to law, the report of an interim rule relative to transactions in currency (RIN1506–AA10); to the Committee on Banking, Housing, and Urban Affairs.

EC–2333. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report summarizing recent actions to reduce risk in financial markets; to the Committee on Banking, Housing, and Urban Affairs.

EC–2334. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving U.S. exports to Indonesia; to the Committee on Banking, Housing, and Urban Affairs.

EC–2335. A communication from the President and Chairman of the Export-Import Bank, transmitting, pursuant to law, a statement regarding a transaction involving exports to People's Republic of China (China); to the Committee on Banking, Housing, and Urban Affairs.

EC–2337. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation entitled "Disposal of Certain Materials in the National Defense Stockpile"; to the Committee on Armed Services.

EC–2338. A communication from the Director of Defense Procurement, Office of the Under Secretary of Defense, transmitting, pursuant to law, a report of final and interim rules amending the Defense Federal Acquisition Regulation Supplement (DFARS); to the Committee on Armed Services.

EC–2339. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2340. A communication from the Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, the notice of an intention to offer a transfer by grant; to the Committee on Armed Services.

EC–2341. A communication from the Administrator of the Panama Canal Commission, transmitting, a draft of proposed legislation to authorize expenditures for fiscal year 1997 for the operation and maintenance of the Panama Canal and for other purposes; to the Committee on Armed Services.

EC–2342. A communication from the Secretary of Transportation, transmitting, pursuant to law, the report on the Tanker Navigation Equipment, Systems, and Procedures; to the Committee on Commerce, Science, and Transportation.

EC–2343. A communication from the Secretary of Transportation, transmitting, a draft of proposed legislation to authorize appropriations for fiscal year 1997 for certain maritime programs of the Department of Transportation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

EC–2344. A communication from the Acting Director of the Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the annual consumer report for calendar year 1995; to the Committee on Commerce, Science, and Transportation.

EC–2345. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule (FRL–5462–2); to the Committee on Environment and Public Works.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. CHAFEE, from the Committee on Environment and Public Works, without amendment:

S. 1611. A bill to establish the Kentucky National Wildlife Refuge, and for other purposes (Rept. No. 104–257).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and an amendment to the title:

S. Res. 217. A resolution to designate the first Friday in May 1996, as "American Foreign Service Day" in recognition of the men and women who have served or are presently serving in the American Foreign Service, and to honor those in the American Foreign Service who have given their lives in the line of duty.

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 966. A bill for the relief of Nathan C. Vance, and for other purposes.

S. 1624. A bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

By Mr. HELMS, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Con. Res. 56. A concurrent resolution recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations:

(The following is a list of all members of the nominees' immediate family and their spouses. Each of these persons has informed the nominee of the pertinent contributions made by them. To the best of the nominees' knowledge, the information contained in this report is complete and accurate.)

Charles O. Cecil, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Niger.

Nominee: Charles O. Cecil.

Post: Ambassador to Niger.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse: Jean M. Cecil, none.
3. Children and spouses names: Thomas C. Cecil, none; Kathryn M. Cecil, none; and Richard A. Cecil, none.
4. Parents Names: Charles M. Cecil, Anna Louise Parr, none.
5. Grandparents names: James R. Price, deceased; Lizzie Rea Price, deceased; and Charles O. Cecil and Ruth Cecil, deceased.
6. Brothers and spouses names: none.
7. Sisters and spouses names: Grace Medina, none and Paul Medina, none.

Sharon P. Wilkinson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Burkina Faso.

Nominee: Sharon P. Wilkinson.

Post: Burkina Faso, nominated October 20, 1995.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names: Fred Wilkinson, none and Jeane Wilkinson, none.
5. Grandparents names: deceased.
6. Brothers and spouses names: Rick Wilkinson, none.
7. Sisters and spouses names: Dayna Wilkinson, none.

George F. Ward, Jr., of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Namibia.

Nominee: George F. Ward, Jr.

Post: Republic of Namibia.

Contributions, amount, date, and donee:

1. Self: George F. Ward, Jr., none.
2. Spouse: Peggy E. Ward, none.
3. Children and spouses names: Pamela W. Priester, none and Wilbur M. Priester, none.
4. Parents names: George F. Ward, deceased. Hildegard L. Ward: My mother, Hildegard L. Ward, is resident in an extended care facility in Dunedin, Florida. She is 89 years old, and her powers of memory and reason have declined greatly over the past several months. Since July 1995, I have exercised power of attorney over my mother's financial affairs.

During the time that I have exercised power of attorney, my mother has made no Federal campaign contributions. I have been unable to determine by asking my mother whether she made any Federal campaign contributions over the balance of the past four years.

5. Grandparents names: Deceased.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Barbara Stiles, none and Robert Stiles, none.

Dane Farnsworth Smith, Jr., of New Mexico, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Senegal.

Nominee: Dane F. Smith, Jr.

Post: Ambassador to Republic of Senegal.

Contributions, amount, date, and donee:

1. Self, $100, 1994, Senator Harris Wofford.
2. Spouse, none.
3. Children and spouses names: Jennifer L. Smith, none, Dane F. Smith III, none, and Juanita C. Smith, none.
4. Parents names: Dane F. Smith (deceased), none, and Candace C. Smith, none.
5. Grandparents names: E. Dan and Mary F. Smith (deceased), none, and Christian Carl and Blanche M. Carstens (deceased), none.
6. Brothers and spouses names: none.
7. Sisters and spouses names: Mary Candace S. Mize and Robert T. Mize, 20, 1992, Representative Steve Schiff.

Day Olin Mount, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iceland.

Nominee: Mr. Day Olin Mount.

Post: U.S. Ambassador to Iceland.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names, none.
4. Parents names: Mr. and Mrs. Wilbur S. Mount (joint) $100, November 19, 1991, Mobil PAC; $100, August 24, 1992, GOP Victory Fund; $100, September 23, 1992, GOP Victory Fund; $20, August 10, 1993, American Conservative Union; $25, April 14, 1995, National Republican Congressional Committee; $25, May 2, 1995, Republican National Committee; $100, May 30, 1995, National Republican Congressional Committee; $25, July 1, 1995, Sixty Plus/Abolish Inheritance Tax; $200, July 6, 1995, National Republican Congressional Committee; and $200, March 1, 1994, National Republican Congressional Committee. Eleanor O. Mount, $15, March 14, 1993, Republicans for Choice; $25, August 5, 1993, Republicans for Choice; $25, January 10, 1994, Healy, Senate, $25, September 14, 1995, Republican National Committee; $25, November 1, 1995, Republican National Committee, $35, July 25, 1990, National Republican Congressional Committee; $15, January 5, 1995, Republicans for Choice; $15, March 1, 1995, Bateman, for Term Limits; $6, September 3, 1995, Notice to Congress; $20, July 21, 1990, Packwood, for Freedom of Choice; $10, May 1, 1990, Planned Parenthood; $20, June 15, 1991, Packwood, for Freedom of Choice; and $20, April 1, 1991, Reelect Packwood, for Freedom of Choice.
5. Grandparents names: Deceased prior to 4 years ago.
6. Brothers and spouses names; None.
7. Sisters and spouses names: None.

Morris N. Hughes, Jr., of Nebraska, a Career member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Burundi.

Nominee: Morris N. Hughes, Jr.

Post: Burundi.

Contributions, amount, date, and donee:

1. Self: Morris N. Hughes, Jr., none.
2. Spouse: Barbara F. Hughes, none.
3. Children and spouses names: Guy C. Hughes (son), none and (daughter) Catherine A. Hughes, none.
4. Parents names: Mother, Calista Cooper Hughes, $100, 1994, Congressman Bereuter; and father, Morris N. Hughes, deceased.
5. Grandparents names: Guy L. Cooper, deceased; Josephine B. Cooper, deceased; Samuel K. Hughes, deceased; and Pauline N. Hughes deceased.
6. Brothers and spouses names: None.
7. Sisters and spouses names: Sister, Judith H. Leech, $60 a year to local Nebraska Democratic Party; spouse, Keith R. Leech, none; sister, C. Mary Solari, none; and spouse, Kenneth Solari, none.

David C. Halsted, of Vermount, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Nominee: David C. Halsted.

Post: Ambassador to Chad.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names: Edward, Sarah, David J., Charles, none.
4. Parents names: Katharine P. Halsted, none.
5. Grandparents names: Deceased.
6. Brothers and spouses names: E. Aayard Halsted, Alice Halsted, none.
7. Sisters and spouses names: Margaret Tenney, T.H. Tenney, none.

Christopher Robert Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to The Former Yugoslav Republic of Macedonia.

Nominee: Christopher Robert Hill.

Post: Skopje.

Contributions, amount, date, and donee:

1. Self, none.
2. Spouse, none.
3. Children and spouses names: Children all minors.

4. Parents names: Robert B. Hill, none; Constance Hill, $300, 1992, Clinton.

5. Grandparents names: deceased.

6. Brothers and spouses names: Jonathan Hill and Susan; Nicholas Hill and Yuka.

7. Sisters and spouses names: Prudence; Elizabeth and Rick.

Prudence Bushnell, of Virginia, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Kenya.

Nominee: Prudence Bushnell.

Post: Republic of Kenya.

Contributions, amount, date, donee:

1. Self: none.

2. Spouse: Richard A. Buckley, none.

3. Children and spouses names: Patrick Michael Buckley, none; Kathleen Mary Buckley, none; Thomas Francis Buckley, $250, 1992; $900, 1995, Republican Party; Delia Maria Buckley, none; Eileen Marie Buckley, none.

4. Parents names: Bernice and Gerald Bushnell, $50/year, 1993-95, Democratic Party.

5. Grandparents names: Frank and Edna Duflo, deceased. Sherman and Ethel Bushnell, deceased.

6. Brothers and spouses names: Peter Bushnell and Elsie Gettleman, none; Jonathan Bushnell and July Fortam, none.

7. Sisters and spouses names: Susan Bushnell and John F.X. Murphy: $125 over past 5 years, Republican Party.

Kenneth C. Brill, of California, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Nominee: Kenneth C. Brill.

Post: Ambassador to Cyprus.

Contributions, amount, date, donee:

1. Self, none.

2. Spouse, none.

3. Children and spouses names: Katherine (age 12), none; Christopher (age 9), none.

4. Parents names: Heber Brill, none; Carolyn Urick, none.

5. Grandparents names: Mr. and Mrs. Alfred Brill, deceased; Mr. and Mrs. Chandler Lapsely, deceased.

6. Brothers and spouses names: Bruce Brill (single), none; Gary and Barbara Brill, none; Doug Brill (single), none.

7. Sisters and spouses names: Diane and Michael Cummings, none; Janet and Robert Dodson, none.

Richard L. Morningstar, of Massachusetts, for the rank of Ambassador during his tenure of service as Special Advisor to the President and to the Secretary of State on Assistance to the New Independent States (NIS) of the Former Soviet Union and Coordinator of NIS Assistance.

Princeton Nathan Lyman, of Maryland, a Career Member of the Senior Foreign Service, Class of Career Minister, to be an Assistant Secretary of State.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

By Mr. HATCH, from the Committee on the Judiciary:

Eric L. Clay, of Michigan, to be United States Circuit Judge for the Sixth Circuit.

Nanette K. Laughrey, of Missouri, to be United States District Judge for the Eastern and Western Districts of Missouri.

Charles N. Clevert, Jr., of Wisconsin, to be United States District Judge for the Eastern District of Wisconsin.

Donald W. Molloy, of Montana, to be United States District Judge for the District of Montana.

Susan Oki Mollway, of Hawaii, to be United States District Judge for the District of Hawaii.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the Act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

By Mr. MCCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

By Mr. NUNN (for himself and Mr. COVERDELL):

S. 1706. A bill to increase the amount authorized to be appropriated for assistance for highway relocation with respect to the Chickamauga and Chattanooga National Military Park in Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PRESSLER:

S. 1707. A bill to amend the Packers and Stockyards Act, 1921, to establish a trust for the benefit of the seller of livestock until the seller receives payment in full for the livestock, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. THURMOND (for himself and Mr. DOLE):

S. 1708. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts; read the first time.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1710. A bill to authorize multiyear contracting for the C-17 aircraft program, and for other purposes; to the Committee on Armed Services.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred, or acted upon, as indicated:

By Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE):

S. Res. 251. A resolution to commemorate and acknowledge the dedication and sacrifice by the men and women who have lost their lives while serving as law enforcement officers; considered and agreed to.

By Mr. PRESSLER (for himself and Mr. DASCHLE):

S. Res. 252. A resolution to congratulate the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship; considered and agreed to.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 1702. A bill to require institutions of higher education to provide voter registration information and opportunities to students registering for class, and for other purposes; to the Committee on Rules and Administration.

THE STUDENT VOTER REGISTRATION ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that I believe will effectively increase voter registration among college and university students and will positively change the voting patterns of this Nation.

Mr. President, currently there are over 15 million college students across this country who are eligible to vote. This highly concentrated group of individuals, when allowed increased access to voter registration, can be a very powerful and influential political voice. The legislation I am introducing today provides colleges and universities the mechanisms and the opportunities to increase voter registration among college students so that they can be an active and visible political force within our country.

College and university students are one of the most highly mobile constituent groups in this country and our voter registration systems have not been entirely effective in empowering our Nation's college students to register and to vote. It is estimated that college students in America move on an average of twice a year. To continue to vote, college students must re-register to vote or change their address every year. No other constituent group in America faces such a significant barrier. My legislation will empower college and university students to overcome this barrier.

Mr. President, this bill, which may be cited as the Student Voter Registration Act of 1996, will amend the National Voter Registration Act of 1993. It will require all colleges and universities that receive Federal funds, have 2-year or 4-year programs of instructions and confer associate, baccalaureate or graduate degrees, to provide voter registration opportunities and forms, including absentee ballots, to students at the time of class registration. Although the National Voter Registration Act of 1993 has made significant advances in the voter registration arena, this legislation will reach out and assist an additional constituency group.

According to a recent study prepared by the Harwood Group for the Kettering Foundation, students feel alienated from the current political process and pessimistic about the prospects for change. This same study challenged America's students "to be more aware of the power and possibility that lie(s) in their own innate capacity for common action." The legislation allows students to overcome the political barriers currently placed before them by a system that has not fully recognized their needs and their power.

If you look at youth participation compared to all eligible voters in Presidential elections from 1972 to 1992, you can see the red column shows that 64 percent of eligible voters voted in the 1992 election, and 43 percent of those in the age group 18 to 24, went to the polls in 1992 to express their political views.

When you look at the same comparison of eligible voters to this age group 18 to 24 in midterm elections, from 1974 to 1994, the disparity is even greater. Among all eligible voters the percentage is 45 percent. Among this age group it is 20 percent. We need to take action to deal with that.

The legislation I am introducing today would amend the law to provide that voter registration opportunities exist in much larger numbers for this age group.

I think it is important legislation for us to enact and to do so, hopefully, before we get too much further into this election year.

As these charts behind me show, for the past 24 years, 18 to 24-year-olds have had a significantly lower voter participation rate as compared to all eligible voters. For example, in the 1992 Presidential election, of young people in the 18 to 24-year-old age category eligible to vote, only 53 percent had registered to vote and only 43 percent of eligible young people actually voted. During the last midterm election, 40 percent of young people age 18 to 24 were registered to vote and only half of them voted. That is less than 20 percent Mr. President. These numbers are staggering when compared to the numbers of all eligible voters who turned out to vote. In 1994's midterm election, 45 percent of eligible voters went to the polls to express their political views. In the last Presidential election over 60 percent of eligible voters went to the polls to vote. Mr. President, in 1992, youth participation reached its highest level—43 percent—since 1972, the first year that 18 to 24-year-olds were eligible to vote. We need to continue this upward trend. The bill I am bringing to the Senate floor is a solid mechanism for this.

Mr. President, this is not a partisan issue. I do not stand here in the Senate today in an effort to increase registration for my party, but instead I hope this legislation will increase registration and political involvement among students regardless of party affiliation.

Mr. President, anyone who believes that this is a partisan issue needs to just look at this final chart that I have here. It is clear that when you look at this age group, in this case 18- to 29-year-olds, the numbers, in terms of party affiliation for Democrats versus Republicans is almost identical.

Again, this is not a partisan issue. This is not a way to get more Democrats registered at the expense of the Republicans, or vice versa. It is a way to get more young Americans registered and to get them participating in our political system. What is important is that students have every opportunity to register—not what party they align themselves with and not how they chose to vote. This bill gives college and university students the opportunity to register and provides accessibility to registration forms.

As the American people look ahead to the 1996 election, it is important that we began to establish the foundation for an effective dialogue regarding the electoral process. For many college students this may be the first general election they participate in and it is critical that they do participate. It is also critical, that we here in Congress accept the challenge of energizing America's college students and presenting them the opportunity to be an influential part of the development and the continuation of this great democracy.

I commend this legislation to my colleagues, and I will file it with the clerk today and ask that it be appropriately referred.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1702

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Student Voter Registration Act of 1996".

SEC. 2. PURPOSE.

The purpose of this Act is—

(1) to increase voter registration accessibility to students; and

(2) to increase voter participation among college and university students.

SEC. 3. AMENDMENT OF NATIONAL VOTER REGISTRATION ACT OF 1993.

Section 7(a) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-5(a)) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "and";

(B) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(C) each institution of higher education (as defined in section 1201(a)) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)) in that State that—

"(i) receives Federal funds; and

"(ii) provides a 2-year or 4-year program of instruction for which the institution awards an associate, baccalaureate, or graduate degree."; and

(2) in paragraph (6)(A), by inserting "or, in the case of an institution of higher education, with each registration of a student for enrollment in a course of study," after "assistance,".

SEC. 4. IMPLEMENTATION.

Institutions of higher education shall implement the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.) as amended by this Act—

(1) in the case of an institution with enrollment of not less than 10,000 students on the date of enactment of this Act, by 1997;

(2) in the case of an institution with enrollment of not less than 5,000 and not more than 9,999 students on the date of enactment of this Act, by January 1, 1998;

(3) in the case of an institution with enrollment of not less than 2,000 and not more than 4,999 students on the date of enactment of this Act, by January 1, 1999; and

(4) in the case of an institution with enrollment of less than 2,000 students on the date of enactment of this Act, by January 1, 2000.

By Mr. MURKOWSKI (for himself, Mr. JOHNSTON, Mr. BENNETT, and Mr. KEMPTHORNE):

S. 1703. A bill to amend the act establishing the National Park Foundation; to the Committee on Energy and Natural Resources.

THE NATIONAL PARK FOUNDATION ACT AMENDMENT ACT OF 1996

Mr. MURKOWSKI. Mr. President, I rise today and along with my colleagues, Senators JOHNSTON, BENNETT, and KEMPTHORNE to introduce a bill which, when enacted, will generate as much as $100 million annually from the private sector in support of our national parks.

This legislation contains a number of amendments to the National Park

Foundation Act, which I am pleased to say will revitalize and expand the scope of operations of the Foundation.

An act of Congress created the National Park Foundation in 1967 as the official nonprofit partner of the National Park Service. The Foundation provides a vehicle for donors who want to contribute to national parks with the assurance that gifts will be carefully managed and used wholly and exclusively for the purpose specified by the donor.

The Foundation provides a simple and direct way for individuals, corporations, and private foundations to help conserve and preserve the natural, cultural, and historical value of the national parks for the enjoyment of future generations.

Mr. President, there are a number of organizations who claim to support our national parks, and to some extent they do. Unfortunately, there is little evidence that the parks ever receive any monetary or tangible benefits from these organizations.

Mr. President, I ask unanimous consent to have three pages of the National Park Foundation's annual report printed in the RECORD which will show some of the benefits the Foundation provides.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FINANCIAL REPORT

The National Park Foundation continued to generate solid financial results in fiscal year 1995, which ended June 30, 1995.

Total revenue from all sources increased for the fifth consecutive year, rising from $6.7 million in 1994 to $9.9 million in 1995. The major revenue item, contributions to the Foundation, increased from $5.9 million to $6.3 million. These contributions from individuals, corporations, foundations, and through marketing programs and the Combined Federal Campaign, play an important role in supporting the Foundation's mission this year and in the future.

Unrestricted revenue is used to support the Foundation's discretionary grantmaking to the National Parks and to support operations. Restricted revenue is used to benefit specific parks or projects. The donor's designation is honored through the years.

Total grants made by the Foundation to the National Parks increased 13 percent, from $2.3 million in 1994 to $2.6 million in 1995. Grants made from unrestricted funds totalled $1 million and grants made from restricted funds totalled $1.6 million. The Foundation has made grants totalling $10.4 million during the past five years.

The Foundation's total expenditures for 1995 were $4.3 million. Grants to the National Parks and program related expenditures accounted for 83 percent of that spending.

The balance sheet remains in healthy condition. Assets are $27.1 million at June 30, 1995, compared to $20.7 million a year ago.

Total fund balances increased 29 percent, from $19.9 million to $25.6 million. These fund balances, which will benefit the National Parks in future years, have grown from $9.6 million to the current $25.6 million during the past five years.

The management of restricted funds and programs is a major activity of the Foundation. Restricted fund balances increased from $8.3 million in 1994 to $12.5 million in 1995.

The Permanent Fund balance, which acts as the Foundation's endowment for resources so designated by the Board, increased from $10.4 million to $11.9 million. The increase resulted mainly from market appreciation in investments of $1.4 million. The increase in the Permanent Fund balance provides the Foundation with the resources to meet the current and future needs of the National Parks.

The Foundation has successfully managed all funds received. Total market value appreciation on invested funds was $2.4 million in 1995.

The National Park Foundation is extremely grateful to the many individual, philanthropic and corporate supporters who have given generously of themselves to strengthen our efforts.

NATIONAL PARK FOUNDATION

[Financial summary for the fiscal years ended June 30, 1995 and 1994]

Statements of activity	Unrestricted		Donor Restricted Funds	1995 Total All Funds	1994 Total All Funds
	General Fund	Permanent Fund			
Support and revenue:					
Contributions and gifts	$1,633,963		$4,452,651	$6,086,614	$5,926,776
Contributed goods and services	23,458		171,804	195,262	
Investment income	594,248		465,714	1,059,962	854,605
Publication sales	145,273		13,021	158,294	215,999
Management and other income	16,629			16,629	532,921
Realized and unrealized gains (losses) or investments	106,040	$1,396,977	874,285	2,377,302	(791,412)
Total support and revenue	2,519,611	1,396,977	5,977,475	9,894,063	6,738,889
Expenses:					
Program grants—					
Outreach and education projects	598,557		559,164	1,157,721	1,351,930
Interpretive projects	156,375		571,566	727,941	733,765
Resource conservation projects	200,600		300,520	501,120	
Volunteer projects	5,000			5,000	82,540
NPS staff projects	53,117		86,479	139,596	109,839
Other projects			62,184	62,184	29,766
Total program grants	1,013,649		1,579,913	2,593,562	2,307,840
Program support	601,411		256,899	858,310	663,135
Cost of publications sold	92,012			92,012	178,503
Yosemite management					6,413
Total program expenses	1,707,072		1,836,812	3,543,884	3,155,891
General and administrative	564,802			564,802	319,599
Fundraising	151,503			151,503	136,857
Total expenses	2,423,377		1,836,812	4,260,189	3,612,347
Support and revenue in excess of expenses	96,234	1,396,977	4,140,663	5,633,874	3,126,542
Fund Transfers	(138,189)	100,000	38,189		
Net change in fund balances	(41,955)	1,496,977	4,178,852	5,633,874	3,126,542
Fund balances, beginning of year	1,253,990	10,410,068	8,271,029	19,935,087	16,808,545
Fund balances, end of year	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087
BALANCE SHEET SUMMARY					
Assets:					
Cash and cash equivalents	253,024		157,340	410,364	487,513
Marketable securities, at market	923,925	11,869,268	12,210,183	25,003,376	19,246,431
Total assets	2,697,729	11,907,045	12,483,118	27,087,892	20,741,868
Liabilities	1,485,694		33,237	1,518,931	806,781
Fund Balances	1,212,035	11,907,045	12,449,881	25,568,961	19,935,087

Note: The information shown herein has been summarized by the National Park Foundation from its Fiscal Year 1995 audited statements. To obtain a copy of the Foundation's complete audited financial statements, write to: National Park Foundation, 1101 17th Street, NW, Suite 1102, Washington, DC 20036–4704.

NATIONAL PARK FOUNDATION

[Schedule of donor restricted funds for the fiscal year ended June 30, 1995]

Donor Restricted Funds	Balance June 30, 1994	Contributions and other Income	Fund Transfers	Investment Income	Net Investment Gain (Losses)	Expenditures	Balance June 30, 1995
Endowment Funds:							
Albright Wirth Employee Development Fund	$2,028,140	$10,000		$91,459	$260,979	$94,341	$2,296,237
Francis B. Crownshield	3,634			185	434	80	4,173
Charles C. Glover	8,934			456	1,065	197	10,258
Lyndon Baines Johnson Memorial Grove Fund	1,374,049			68,295	170,736	25,135	1,587,945
Kahlil Gibran-Memorial Endowment Fund	3,987			229	535	99	4,652
Marguerite M. Root Parkland Purchase Fund	88,477			4,513	10,551	1,946	101,595
Theodore Roosevelt Association, Principal	985,783		$(26,661)	47,261	122,110	19,478	1,109,015
Saint-Gaudens Memorial, Principal	193,533		(4,938)	9,312	24,019	4,215	217,711
Luis Sanjurjo Memorial Fund	271,155			13,429	32,401	5,922	311,063
Yosemite National Park Centennial Medal Fund	33,149	740		1,889	4,418	812	39,384
Total Endowment Funds	4,990,841	10,740	(31,599)	237,028	627,248	152,225	5,682,033
Other Funds:							
American Scenic and Historic Preservation Society Fund	128,648			6,027	13,791	15,975	132,491
Art Acquisition	1,191	3,617		13	56	5,297	(420)
Boston Properties Fund	49,597			2,574	6,019	1,110	57,080
C&O Canal Fund		2,522		83	319	26	2,898
Chesapeake and Ohio Canal Fund	70						70
Chesapeake and Ohio Canal Tidal Lock	385,110			17,777	39,088	108,108	333,867
Civil War Sites Fund	100,147	1,000		5,707	12,983	2,270	117,567
George Rogers Clark Park Film Project Fund		6,000				3,655	2,345
Edison National Historic Site Development Fund		440		22	54	7	509
Ellis Island Fund	22,457			1,145	2,678	494	25,786
EPA/NPS Urban Integrated Pest Mgt. Fund		9,608		207	656	73	10,398
Everglades National Park Freshwater Wetlands Mitigation Trust Fund	283,487	844,742		28,130	25,223	11,014	1,170,568
French Memorial at Yorktown Fund	7,324			422	989	249	8,486
German-American Friendship Garden Fund	47,264			2,454	5,738	1,058	54,398
Gettysburg Cemetery Annex Fund	24,799			1,421	3,322	613	28,929
Gettysburg Monument Preservation Fund	30,431			1,552	3,629	669	34,943
Gettysburg Museum of the Civil War	2,326			118	277	51	2,670
Richard V. Giamberdine Memorial Fund		905		12	57	2	972
General Grant National Monument Fund	541			30	71	13	629
Historic American Building Survey Fund	3,639			160	374	69	4,104
Labor National Historic Landmark Theme Study Fund	4,351			62	78	2,808	1,683
Lowell National Historical Park Fund	4,579			184	436	1,085	4,114
Maryland State Monument at Gettysburg Fund		10,000		404	1,272	119	11,557
Andrew Mellon Foundation	19,774			1,008	2,358	435	22,705
Minute Man National Historical Park Fund		27,314		1,407	2,863	5,531	26,053
National Capital Region Handicapped Access Fund	130,059			6,633	15,510	2,861	149,341
National Historic Landmark Fund	9,419			485	1,135	209	10,830
National Park Enhancement Fund	237,217			12,007	28,072	6,911	270,385
NPF/Robert Glenn Ketchum Publication Fund	2,836			27	62	12	2,913
National Park Service Advisory Board Fund	3,558			181	424	78	4,085
National Park Service Video Fund	25,800	694		1,328	3,120	793	30,149
National Register of Historic Places Fund		2,130		26	145	4	2,297
Franklin Delano Roosevelt Memorial Fund	793,744	2,176,387		114,464	38,375	135,728	2,987,242
Theodore Roosevelt Association Income	83,899		26,661	4,571	1,502	2,438	114,195
Saint-Gaudens Memorial, income	54,499		4,938	2,800	732	2,112	60,857
Salt River Bay National Historical Park Museum Fund	1,163			60	141	26	1,338
LJ and MC Skaggs Foundation	1,942			99	232	43	2,230
Theodore Smith Memorial Fund	191,645			9,717	22,721	4,191	219,892
Tourism and Park Conference Fund	24,520			1,172	2,720	1,876	26,536
Wirth Lecture Fund	55,042			2,807	6,564	1,210	63,203
Yellowstone Recovery Fund	25,250	155,000		1,263	2,954	155,545	28,922
Zion National Park Visitor Fund	2,487			127	297	55	2,856
Other projects	521,373	1,386,377	38,189			1,209,764	736,175
Total Other Funds	3,280,188	4,626,736	69,788	228,686	247,037	1,684,587	6,767,848
Subtotal	8,271,029	4,637,476	38,189	465,714	874,285	1,836,812	12,449,881

Mr. MURKOWSKI. Mr. President, with the notable exception of the National Park Foundation, I am aware of no national conservation organizations whose actual cost of conducting business is less than 10 percent of their entire operating program.

In other words, Mr. President, donations made to the National Park Service through the Foundation are actually used to enhance the operation of programs conducted by the National Park Service. The Foundation is governed by a board of distinguished civic and business leaders committed to helping the national parks. By law, the Secretary of the Interior, Bruce Babbitt, serves as the chairman of the board, and the Director of the Park Service, Roger Kennedy, serves as the secretary of the board.

The Foundation is a partnership between the public and private sectors. It provides direct support for park units through a competitive program that grants venture capital to seed creative efforts to conserve park resources.

With the help of private partners, the National Park Foundation has made grants of over $10 million to support projects in our national parks in the last 5 years. I know of no other organization, Mr. President, which claims to support our National Park System that has a record that even comes close to this achievement.

The National Park Foundation does not engage in activities normally associated with lobbying, and as a result it does not enjoy the notoriety or the vast fundraising programs that benefit other environmentally motivated organizations or environmental causes. Unfortunately, not many people even know about the existence of the National Park Foundation.

Mr. President, administrative requests and congressional appropriations are simply not keeping pace with increased visitations and other demands placed on the National Park System. With the current demands on Congress to balance the budget and eliminate the Federal deficit, it would be more and more difficult for Congress to authorize sufficient funding for our national parks. As a result, there is a great need for additional support to protect, conserve and enhance our national parks.

Mr. President, the National Park Foundation is well positioned to take on this important task.

This bill contains amendments which will authorize the National Park Foundation to: First, engage in business relationships with appropriate private partners to raise revenue for the National Park System similar to the authority Congress has already granted the National Fish and Wildlife Foundation and the National Forest Foundation. Second, it would operate similarly to the U.S. Olympic Committee, where once a sponsor has been approved by the United States Olympic Committee, moneys are being generated from the private sector partners for the benefit of the Olympics.

This bill, when enacted, will allow the Foundation to optimize and capture for our national parks the economic value of selective, appropriate sponsorships of national parks similar to, as I have said, the authority Congress has granted to the United States Olympic Committee.

As commercial advertisers have long demonstrated, the national parks have great commercial value. Each year advertising, publishing, commercial broadcasts, moviemaking, merchandising and other commercial activity worth hundreds of millions of dollars is made on the intellectual property and other assets of the parks with virtually no return to the Park Service.

A change is needed to enable the Park Service, through the National Park Foundation, to capture some of that potential income through licensing and other marketing agreements.

Mr. President, my bill provides safeguards which will negate any untoward, inappropriate commercialization of our parks; however, it will allow new revenue-generation opportunities outside the parks in partnership with private enterprise.

It is private enterprise that will ultimately provide additional funding in the billions of dollars for resource management and infrastructure repair required for park facilities throughout our Nation.

If we do not count the damage to the C&O canal, the current backlog in maintenance and facility repair for our parks is in excess of $4 billion. It is going to take literally hundreds of millions of dollars to reestablish resource management and visitor service programs which have been deferred servicewide.

According to the National Park Service, employee housing faces a backlog of $500 million. Mr. President, it is apparent that we cannot even afford to take care of the caretakers, much less properly address the needs of the National Park System.

Enactment of this legislation will provide an economically cost-efficient and accountable program by which the Foundation can begin the long quest to address the needs of our National Park System with the assistance of private sector resources.

Mr. President, the concept is exciting. The results will surely contribute to the future financial stability of our Park System as well as the protection of those national treasures we described as our national parks.

I urge my colleagues to support this important legislation. Together we can make it possible for the National Park Foundation to play the role originally intended by Congress back in 1967, making a significant contribution to preserving America's national parks through private partnerships between Government, private business, and individuals.

By Mr. McCAIN:

S. 1704. A bill to provide for the imposition of administrative fees for medicare overpayment collection, and to require automated prepayment screening of medicare claims, and for other purposes; to the Committee on Finance.

THE MEDICARE OVERPAYMENT REDUCTION ACT OF 1996

• Mr. McCAIN. Mr. President, today I am introducing an initiative to address Medicare overpayments—a serious problem which is depriving the trust fund of billions of dollars every year.

I'd like to thank Martha McSteen, president of the National Committee to Preserve Social Security and Medicare, and her talented staff, for their invaluable efforts and continued support of this important crusade.

Today, I introduce the Medicare Overpayment Reduction Act. This bill imposes an administrative fee on providers who submit inaccurate Medicare claims and are overpaid by the Health Care Financing Administration. The fee will be equal to 1 percent of the overpaid amount, and is intended to discourage overpayments and to offset the cost of recovering them.

In addition, the bill will require the Health Care Financing Administration to screen claims for accuracy, before payment is made, for certain procedures and services where there is a high rate of mis-billing.

Hospitals, and other providers under Medicare Part A, are prepaid annually by HCFA for anticipated Medicare expenditures. Currently many hospitals grossly overestimate their Medicare funding needs and use the overpayment to subsidize their non-Medicare operations. This is an abuse and it must stop. The legislation will impose the administrative fee if a hospital overestimates its Medicare needs by more than 30 percent, and does not repay the overage within 30 days.

Doctors, on the other hand under part B, submit claims for services. Sometimes claims are submitted for services that were never provided, or that are incorrectly coded in order to receive greater payments. The fee will discourage this activity and help us recoup the cost of seeking reimbursement.

Moreover, prepayment screening will help eliminate overpayments from occurring in the first place. Prescreening technology is readily available and used extensively in the private sector, and we should use prescreening to improve Medicare payment accuracy.

It should come as no surprise to my colleagues, or to any interested citizen, that the Medicare system is in serious condition. It is estimated that Medicare funds will be exhausted by the year 2002. The Washington Post today reported that the trust fund is in worse shape than previously thought.

We have an obligation to take every step we can to protect the trust funds and ensure their health and viability for this and future generations.

While overpayments are not the only problem with Medicare, they are a significant problem. GAO reports that last year over $4.1 billion was overpaid from the trust funds. Had this bill been in effect last year, I would submit that a healthy portion of these mis-billings and overpayments might not have occurred and even if they had, we would have been able to recoup over $15 million from imposing the administration fee.

While this bill is not a panacea, it is a step in the right direction in the effort to discourage overbilling, and to recoup recovery costs in every instance.

Overpayments are costly, unnecessary and wasteful. They contribute to the Medicare solvency problem and they must be stopped. This bill will help.

Again, I want to thank Martha McSteen, her staff and the membership for their continued support of the effort to help protect and preserve the future of the Medicare program, and for their leadership on this legislation.•

By Mr. THURMOND:

S. 1705. A bill to eliminate the duties on Tetraamino Biphenyl; to the Committee on Finance.

DUTY ELIMINATION LEGISLATION

Mr. THURMOND. Mr. President, today I am introducing legislation to permanently suspend the duty on the chemical tetra amino biphenyl [TAB]. This chemical is imported to the United States from Germany. TAB is an essential raw material used in the production of a high performance fiber called "PBI."

PBI is a unique heat and chemical resistant fiber that, in some uses, can be a suitable replacement for asbestos. PBI has a wide range of thermal protective applications including flight suits and garments for firefighters, boiler tenders, and refinery workers.

Mr. President, in previous Congresses, I introduced similar legislation to apply duty-free treatment to TAB. These bills were ultimately incorporated into the Omnibus Tariff and Trade Act of 1984, the Omnibus Trade Act of 1988, and the Customs and Trade Act of 1990. The current duty suspension for this chemical expired December 31, 1992.

During the Uruguay Round negotiations, the Administration made a commitment to negotiate the elimination of duties on products covered by duty suspension legislation. However, TAB was inadvertently deleted from Tariff Schedule XX during talks on the GATT Agreement. This chemical has been on the duty suspension list for several years. It is a noncontroversial item and should have been included in the final Tariff Schedule XX approved at Marrakesh.

Mr. President, it is my understanding that TAB was on the original Department of Commerce "Consolidated Duty Suspension List" of products to be incorporated into the U.S. offer and on subsequent offers until the final document was prepared in March. The February 25th offer, which was the last list made available to the public, included TAB as "free" under the proposed HTS 2921.59.14. When the importing company asked why it was deleted, they were told that it was incorporated into either the pharmaceutical or intermediate chemicals for dyes lists.

Recently, importers were surprised to discover that TAB was not covered under any duty suspension and would be assessed a 12.8 percent duty. According to the company, it is not covered under any tariff heading, no industry opposition has been found, and no instructions were issued which would have deleted TAB from the list. I hope the Senate will consider this measure expeditiously.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1705

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF DUTIES ON 3,3'-DIAMINOBENZIDINE (TETRAAMINO BIPHENYL).

(a) ELIMINATION OF DUTIES.—The President—

(1) shall proclaim duty-free entry for 3,3'-diaminobenzidine (Tetraamino Biphenyl), to be effective with respect to the entry of goods on or after January 1, 1995, and

(2) shall take such actions as are necessary to reflect such tariff treatment in Schedule XX, as defined in section 2(5) of the Uruguay Round Agreements Act (19 U.S.C. 3501(5).

(b) LIQUIDATION OR RELIQUIDATION AND REFUND OF DUTY PAID ON ENTRIES.—

(1) LIQUIDATION OR RELIQUIDATION.—Notwithstanding section 514 of the Tariff Act of 1930 (19 U.S.C. 1514) or any other provision of law, and subject to paragraph (2), the Secretary of the Treasury shall liquidate or reliquidate any entry of goods described in subsection (a) that was made on or after January 1, 1995, and before the proclamation is issued under subsection (a), and refund any duty or excess duty that was paid on such entry.

(2) REQUESTS.—Liquidation or reliquidation may be made under paragraph (1) with respect to any entry only if a request therefor is filed with the Customs Service, within 180 days after the date of the enactment of this Act, that contains sufficient information to enable the Customs Service—

(A) to locate the entry; or

(B) to reconstruct the entry if it cannot be located.

SEC. 2. DEFINITION.

As used in this Act, the term "entry" includes a withdrawal from warehouse for consumption.

By Mr. CRAIG:

S. 1709. A bill to amend the Fair Labor Standards Act of 1938 to adjust the maximum hour exemption for agricultural employees, and for other purposes; to the Committee on Labor and Human Resources.

THE WATER DELIVERY ORGANIZATION FLEXIBILITY ACT OF 1996

Mr. CRAIG. Mr. President, I am introducing a bill today, which this body previously approved as an amendment to the first bill amending the Fair Labor Standards Act [FLSA] that the Senate passed in 1989. This bill would solve a problem with the interpretation of a provision of the FLSA, clarifying that the maximum hour exemption for agricultural employees applies to water delivery organizations that supply 75 percent or more of their water for agricultural purposes.

Representative MIKE CRAPO, of the Second District of Idaho, is today introducing an identical bill in the other body. Our bill would restore an exemption that was always intended by Congress.

Companies that deliver water for agricultural purposes are exempt from the maximum-hour requirements of the FLSA. The Department of Labor has interpreted this to mean that no amount of this water, however minimal, can be used for other purposes. Therefore, if even a small portion of the water delivered winds up being used for road watering, lawn and garden irrigation, livestock consumption, or construction, for example, delivery organizations are assessed severe penalties.

The exemption for overtime pay requirements was placed in the FLSA to protect the economies of rural areas. Irrigation has never been, and can not be, a 40-hour-per-week undertaking. During the summer, water must be managed and delivered continually. Later in the year, following the harvest, the work load is light, consisting mainly of maintenance duties.

Our bill is better for employers, workers, and farmers. Winter compensation and time off traditionally have been the method of compensating for longer summer hours. Without this exemption, irrigators are forced to lay off their employees in the winter. Therefore, our bill would benefit employees, who would continue to earn a year-round income. It also would keep costs level, which would benefit suppliers and consumers.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1709

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13(b)(12) of the Fair Labor Standards Act of 1938 (29 U.S.C. 213(b)(12)) is amended by inserting after "water" the following: ", at least 75 percent of which is ultimately delivered".

ADDITIONAL COSPONSORS

S. 773

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 811

At the request of Mr. SIMON, the name of the Senator from North Dakota [Mr. CONRAD] was added as a cosponsor of S. 811, a bill to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes.

S. 1487

At the request of Mr. GRAMM, the names of the Senator from Kentucky [Mr. MCCONNELL], the Senator from Idaho [Mr. CRAIG], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of S. 1487, a bill to establish a demonstration project to provide that the Department of Defense may receive Medicare reimbursement for health care services provided to certain Medicare-eligible covered military beneficiaries.

S. 1491

At the request of Mr. GRAMS, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Delaware [Mr. BIDEN] were added as cosponsors of S. 1491, a bill to reform antimicrobial pesticide registration, and for other purposes.

S. 1498

At the request of Ms. SNOWE, the name of the Senator from New Hampshire [Mr. SMITH] was added as a cosponsor of S. 1498, a bill to authorize appropriations to carry out the Interjurisdictional Fisheries Act of 1986, and for other purposes.

S. 1506

At the request of Mr. ABRAHAM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1506, a bill to provide for a reduction in regulatory costs by maintaining Federal average fuel economy standards applicable to automobiles in effect at current levels until changed by law, and for other purposes.

S. 1641

At the request of Mr. GRAMS, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1641, a bill to repeal the consent of Congress to the Northeast Interstate Dairy Compact, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from West Virginia [Mr. BYRD] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the university be recognized and celebrated through regular ceremonies.

SENATE CONCURRENT RESOLUTION 56

At the request of Mr. LAUTENBERG, the names of the Senator from New York [Mr. D'AMATO], and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of Senate Concurrent Resolution 56, a concurrent resolution recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear powerplant.

AMENDMENT NO. 3737

At the request of Mr. COVERDELL the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Amendment No. 3737 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE RESOLUTION 251—RELATIVE TO LAW ENFORCEMENT OFFICERS

Mr. KEMPTHORNE (for himself, Mr. AKAKA, Mr. ASHCROFT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BRYAN, Mr. BURNS, Mr. CAMPBELL, Mr. CHAFEE, Mr. COCHRAN, Mr. COVERDELL, Mr. CRAIG, Mr. D'AMATO, Mr. DOLE, Mr. DORGAN, Mr. FAIRCLOTH, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. FORD, Mr. FRIST, Mr. GORTON, Mr. GRAMM, Mr. GREGG, Mr. HEFLIN, Mr. HELMS, Mr. HOLLINGS, Mrs. HUTCHISON, Mr. INHOFE, Mr. JEFFORDS, Mrs. KASSEBAUM, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. LEVIN, Mr. LOTT, Mr. MCCAIN, Ms. MIKULSKI, Ms. MOSELEY-BRAUN, Mr. MOYNIHAN, Mr. MURKOWSKI, Mr. NICKLES, Mr. PELL, Mr. REID, Mr. ROBB, Mr. ROTH, Mr. SARBANES, Mr. SIMON, Mr. SIMPSON, Mr. SMITH, Mr. SPECTER, Mr. STEVENS, Mr. THURMOND, Mr. WARNER, and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S.RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

SENATE RESOLUTION 252—TO CONGRATULATE THE SIOUX FALLS SKYFORCE

Mr. PRESSLER (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne fury, of Fort Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

ABRAHAM (AND DEWINE) AMENDMENT NO. 3738

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

At the appropriate place insert the following four new sections:

SEC. . ELIMINATION OF REPETITIVE REVIEW OF DEPORTATION ORDERS ENTERED AGAINST CRIMINAL ALIENS.

Section 242b (8 U.S.C. 125b) is amended by—

(a) redesignating subsection (f) as subsection (g); and

(b) adding the following new subsection (f) to read as follows—

"(f) CRIMINAL ALIENS.—No alien convicted of any criminal offense covered in Section 1251(a)(2)(A)(i) or (iii) or (B)-(D), shall be granted more than one administrative hearing and one appeal to the Board of Immigration Appeals concerning or relating to such alien's deportation. Any claims for relief from deportation for which the criminal alien may be eligible must be raised at that time. Under no circumstances may such a criminal alien request or be granted a reopening of the order of deportation or any other form of relief under the law, including but not limited to claims of ineffective assistance of counsel, after the earlier of:

"(i) a determination by the Board of Immigration Appeals affirming such order; or

"(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals."

SEC. . ELIMINATION OF MOTIONS OF REOPEN ORDERS OF EXCLUSION ENTERED AGAINST CRIMINAL ALIENS.

Section 236, 8 U.S.C. 1226, is amended by adding the following sentence to the end of subsection (a): "There shall be no judicial review of any order of exclusion, or any issue related to an order of exclusion, entered against an alien found by the Attorney General or the Attorney General's designee to be an alien described in Section 212(a)(2) (8 U.S.C. 1182(a)(2)) or of any administrative ruling related to such an order."

SEC. . EXPANSION OF THE BOARD OF IMMIGRATION APPEALS; NUMBER OF SPECIAL INQUIRY OFFICERS; ATTORNEY SUPPORT STAFF.

(a) In General.—Nothwithstanding any other provision of law, effective October 1, 1996, there are authorized to be employed within the Department of Justice a total of—

(1) 24 Board Members of the Board of Immigration Appeals;

(2) 334 special inquiry officers; and

(3) a number of attorneys to support the Board and the special inquiry officers which is twice the number so employed as of the date of enactment of this Act.

(b) Authorization of Appropriations.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to pay the salaries of the personnel employed under subsection (a) who are additional to such personnel employed as of the end of fiscal year 1996.

SEC. . PROHIBITION UPON THE NATURALIZATION OF CERTAIN CRIMINAL ALIENS.

Section 4 (a) (8 U.S.C. 1424) is amended by—

(a) inserting "or who have been convicted of certain crimes" after "or who favor totalitarian forms of government"

(b) in subsection (a)—

(1) replacing "of this subsection" with "of this subsection; or" in paragraph (6)

(2) adding new paragraph (7) to read as follows—

"(7) who has been convicted of any criminal offense covered in Section 1251(a)(2)(A)(i) or (iii) or (B)–(D)."

SIMPSON (AND SHELBY) AMENDMENT NO. 3739

Mr. SIMPSON (for himself and Mr. Shelby) proposed an amendment to amendment No. 3725 proposed by Mr. Simpson to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

SEC. . TEMPORARY WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRATION, ALLOCATION OF FAMILY-SPONSORED IMMIGRANT VISAS, AND PER-COUNTRY LIMIT

(a) Temporary Worldwide Level of Family-Sponsored Immigration.—Notwithstanding any other provision of law, the following provisions shall temporarily supersede the specified subsections of section 201 of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

(1) Section 201(b) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"Aliens Not Subject to Direct Numerical Limitations.—Aliens described in this subsection, who are not subject to the worldwide levels or numerical limitations of subsection (a), are as follows:

"(1) Special immigrants described in subparagraph (A) or (B) of section 101(a)(27).

"(2) Aliens who are admitted under section 207 or whose status is adjusted under section 209.

"(3) Aliens born to an alien lawfully admitted for permanent residence during a temporary visit abroad."

(2) Section 201(c) of the Immigration and Nationality Act shall be temporarily superseded by the following provision:

"Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is equal to 480,000."

(b) Temporary Allocation of Family-Sponsored Immigrant Visas.—Notwithstanding any other provision of law, the following provision shall temporarily supersede section 203(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

"Priorities for Family-Sponsored Immigrants.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

"(2) Spouses and children of permanent resident aliens.—Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the class specified in paragraph (1).

"(3) Unmarried sons and unmarried daughters of citizens.—Qualified immigrants who are the unmarried sons or daughters (but are not the children) of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraphs (1) and (2).

"(4) Married sons and married daughters of citizens.—Qualified immigrants who are the married sons or married daughters of citizens of the United States shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (3).

"(5) Unmarried sons and unmarried daughters of permanent resident aliens.—Qualified immigrants who are the unmarried sons or unmarried daughters (but are not the children) of a alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas required for the classes specified in paragraph (1) through (4).

"(6) Brothers and sisters of citizens.—Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed the worldwide level of family-sponsored immigrants specified in section 201(c) minus the visas not required for the classes specified in paragraphs (1) through (5)."

(c) Definition of Immediate Relatives.—For purposes of subsection (b)(1), the term "immediate relatives" means the children, spouses, and parents of a citizen of the United States, except that, in the case of parents, such citizens shall be at least 21 years of age. In the case of an alien who was the spouse of a citizen of the United States for at least 2 years at the time of the citizen's death and was not legally separated from the citizen at the time of the citizen's death, the alien (and each child of the alien) shall be considered, for purposes of this subsection, to remain an immediate relative after the date of the citizen's death but only if the spouse files a petition under section 204(a)(1)(A)(ii) within 2 years after such date and only until the date the spouse remarries.

(d) Temporary Per-Country Limit.—Notwithstanding any other provision of law, the following provision shall temporarily supersede paragraphs (2) through (4) of section 202(a) of the Immigration and Nationality Act during the first fiscal year beginning after the enactment of this Act, and during the four subsequent fiscal years:

"Per-country levels for family-sponsored and employment-based immigrants.—(A) The total number of immigrant visas made available in any fiscal year to natives of any single foreign state or dependent area under section 203(a), except aliens described in section 203(a)(1), and under section 203(b) may not exceed the difference (if any) between—

"(i) 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States; and

"(ii) the amount specified in subparagraph (B).

"(B) The amount specified in this subparagraph is the amount by which the total of the number of aliens described in section 203(a)(1) admitted in the prior year who are natives of such state or dependent area exceeded 20,000 in the case of any foreign state (or 5,000 in the case of a dependent area) not contiguous to the United States, or 40,000 in the case of any foreign state contiguous to the United States."

(e) Temporary Rule for countries at Ceiling.—Notwithstanding any other provision of law, the following provision shall temporarily supersede, during the first fiscal year beginning after the enactment of this Act and during the four subsequent fiscal years, the language of section 202(e) of the Immigration and Nationality Act which appears after "in a manner so that":

"visa numbers are made available first under sections 203(a)(2), next under section 203(a)(3), next under section 203(a)(4), next under section 203(a)(5), next under section 203(a)(6), next under section 203(b)(1), next under section 203(b)(2), next under section 203(b)(3), next under section 203(b)(4), and next under section 203(b)(5)."

(f) Temporary treatment of new applications.—Notwithstanding any other provision of law, the Attorney General may not, in any fiscal year beginning within five years of the enactment of this Act, accept any petition claiming that an alien is entitled to classification under paragraph (1), (2), (3), (4), (5), or (6) of Section 203(a), as in effect pursuant to subsection (b) of this Act, if the number of visas provided for the class specified in such paragraph was less than 10,000 in the prior fiscal year.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3740

Mrs. FEINSTEIN (for herself and Mrs. Boxer) proposed an amendment to amendment No. 3725 proposed by Mr. Simpson to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. —. ABSOLUTE NUMERICAL LIMITATION ON ADMISSION OF FAMILY-SPONSORED IMMIGRANTS; REALLOCATION OF PREFERENCE SYSTEM.

(a) Absolute Numerical Limitation on Family-Sponsored Immigration.—(1) Section 201(c) (8 U.S.C. 1151(c)) is amended to read as follows:

"(c) Worldwide Level of Family-Sponsored Immigrants.—The worldwide level of family-sponsored immigrants under this subsection for a fiscal year is 480,000.".

(2) Section 201(a) (8 U.S.C. 1151(a)) is amended by striking "Exclusive of aliens described in subsection (b)," and inserting "Exclusive of aliens described in paragraph (1),

paragraph (2)(A)(ii), and paragraph (2)(B) of subsection (b),".

(b) PREFERENCE SYSTEM.—Section 203(a) (8 U.S.C. 1153(a)) is amended to read as follows:

"SEC. 203. (a) PREFERENCE ALLOCATION FOR FAMILY-SPONSORED IMMIGRANTS.—Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:

"(1) SPOUSES AND MINOR CHILDREN OF CITIZENS.—Qualified immigrants who are the spouses or minor children of citizens of the United States shall be allocated visas in a number not to exceed 480,000.

"(2) PARENTS OF CITIZENS.—Qualified immigrants who are the parent of citizens of the United States who are 21 years of age or older shall be allocated visas in a number—

"(A) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is less than 100,000;

"(B) not to exceed 35,000, if the number of visas not required for the class specified in paragraph (1) is 75,000 or more, but less than 150,000; and

"(C) not to exceed 45,000, if the number of visas not required for the class specified in paragraph (1) is 100,000 or more.

"(3) SPOUSES AND MINOR CHILDREN OF PERMANENT RESIDENT ALIENS.—Qualified immigrants who are the spouses and minor children of an alien lawfully admitted for permanent residence shall be allocated visas in a number—

"(A) not to exceed 50,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 75,000;

"(C) not to exceed 75,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 75,000.

"(4) ADULT UNMARRIED SONS AND ADULT UNMARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult unmarried sons or adult unmarried daughters of citizens of the United States shall be allocated visas in a number—

"(A) not to exceed 15,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 25,000;

"(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 25,000.

"(5) ADULT MARRIED SONS AND ADULT MARRIED DAUGHTERS OF CITIZENS.—Qualified immigrants who are the adult married sons or adult married daughters of citizens of the United States shall be allocated visas in a number—

"(A) not to exceed 10,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is equal to or less than 10,000;

"(C) not to exceed 25,000, if the number of visas not required for the classes specified in paragraphs (1) and (2) is more than 10,000.

"(6) BROTHERS AND SISTERS OF UNITED STATES CITIZENS.—Qualified immigrants who are the brothers and sisters of citizens of the United States and adult children of permanent residents shall be allocated visas, except that no such visas shall be allocated in fiscal years 1997 through 2001.

"(7) BACKLOGGED SPOUSES AND MINOR CHILDREN OF LAWFUL PERMANENT RESIDENTS.—(A) Qualified immigrants who are the spouses or children of an alien lawfully admitted for permanent residence, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 75 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

"(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.

"(8) BACKLOGGED BROTHERS AND SISTERS OF CITIZENS.—(A) Qualified immigrants who are the brothers and sisters of citizens of the United States, and who had a petition approved for classification under section 203(a)(2)(A) of the Immigration and Nationality Act (as in effect immediately prior to the date of enactment of this Act), and who remain qualified for classification under that section as if such section remained in effect, shall be allotted visas in a number which is 25 percent of the number of visas not required for the classes specified in paragraphs (1) through (6).

"(B) The additional visa numbers provided under this paragraph shall not be subject to the numerical limitations of section 202(a) of the Immigration and Nationality Act.".

(c) PER COUNTRY LIMITATION.—Section 202(a)(2) (8 U.S.C. 1152(a)(2)) is amended to read as follows:

"(2) PER COUNTRY LEVELS FOR FAMILY-SPONSORED AND EMPLOYMENT-BASED IMMIGRANTS.—Subject to paragraphs (3) and (4), the number of immigrant visas made available to natives of any single foreign state or dependent area in any fiscal year—

"(A) under subsection (a) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year; and

"(B) under subsection (b) of section 203 may not exceed 7 percent (in the case of a single foreign state) or 2 percent (in the case of a dependent area) of the number of visas made available under that subsection in that fiscal year.".

(d) TRANSITION.—

(1) IN GENERAL.—Any petition filed under section 204(a) of the Immigration and Nationality Act before October 1, 1996 for preference status under section 203(a)(1), section 203(a)(2)(A), section 203(a)(3) (insofar as the alien is an adult), or section 203(a)(4) of such Act (as in effect before such date) for qualified immigrants shall be deemed, as of such date, to be a petition filed under such section for preference status under section 203(a)(4), section 203(a)(3), section 203(a)(5), or section 203(a)(6), respectively, of such Act (as amended by this Act).

(2) ADMISSIBILITY STANDARDS.—When an immigrant, in possession of an unexpired immigrant visa issued before October 1, 1996, makes application for admission, the immigrant's admissibility under paragraph (7)(A) of section 212(a) of the Immigration and Nationality Act shall be determined under the provisions of law in effect on the date of the issuance of such visa.

(e) REFERENCES.—References in the Immigration and Nationality Act before the effective date of this section to sections 203(a)(1), 203(a)(2)(A), 203(a)(3) (insofar as it relates to adult aliens), and 203(a)(4) shall be deemed on or after such date to be references to sections 203(a)(4), 203(a)(3), 203(a)(5), and 203(a)(6), respectively.

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 1996.

WYDEN (AND OTHERS) AMENDMENT NO. 3741

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAHY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, and Mr. LUGAR) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in S. 1664, the Immigration Control and Financial Responsibility Act of 1996, insert the following:

SEC. . REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that passage of legislation to reform the nation's immigration laws may impact on the future availability of an adequate work force for the producers of our nation's labor intensive agricultural commodities and livestock. Therefore, the United States Comptroller General shall review the existing H-2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after passage of immigration reform legislation. The United States Comptroller General shall report the findings of this review to the Congress.

(b) REVIEW.—The United States Comptroller General shall review the effectiveness of the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the United States Comptroller General shall review the program to determine—

(1) that it ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the enactment of this Act; and

(2) that there is timely approval of the applications for temporary foreign workers under section 101(a)(15)(H)(ii)(a) of such Act in the event of shortages of United States workers after the enactment of this Act; and

(3) that implementation of the program is not displacing United States agricultural workers; and

(4) if and to what extent implementation of the program is contributing to the problem of illegal immigration.

(c) REPORT.—On or before December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the United States Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

KYL AMENDMENT NO. 3742

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendment, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103-317, 108 Stat. 1765), is amended in paragraph (1), by inserting "pursuant to section 301 of the

Immigration Act of 1990 is not required to depart from the United States and who" after "who" the first place it appears.

(b) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

SIMPSON AMENDMENT NO. 3743

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to the bill S. 1664, supra; as follows:

Strike all after the word "SECTION" and insert the following:

1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Control and Financial Responsibility Act of 1996".

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

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Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
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Sec. 108. Construction of fencing and road improvements in the border area near San Diego, California.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.

Part 3—Alien Smuggling; Document Fraud

Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. New exclusion for document fraud or for failure to present documents.
Sec. 132. Limitation on withholding of deportation and other benefits for aliens excludable for document fraud or failing to present documents, or excludable aliens apprehended at sea.
Sec. 133. Penalties for involuntary servitude.
Sec. 134. Exclusion relating to material support to terrorists.

Part 4—Exclusion and Deportation

Sec. 141. Special exclusion procedure.
Sec. 142. Streamlining judicial review of orders of exclusion or deportation.
Sec. 143. Civil penalties for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Requirement for immunization against vaccine-preventable diseases for aliens seeking permanent residency.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
Sec. 158. Incitement as a basis for exclusion from the United States.
Sec. 159. Conforming amendment to withholding of deportation.

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Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the "system"), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term "business day" means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term "record" means an item, collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term "legislative branch of the Federal Government" includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term "Administration" means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term "employment authorized alien" means an alien who has been provided with an "employment authorized" endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term "Service" means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: "The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.".

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end "or";

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

"(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—"; and

(v) in clause (ii) (as redesignated)—

(I) by striking "and" at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting ", and"; and

(III) by adding at the end the following new subclause:

"(III) contains appropriate security features."; and

(B) in subparagraph (C)—

(i) by inserting "or" after the "semicolon" at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes of paragraph (1), a" and inserting "A"; and

(2) by striking "relating to the hiring of individuals" and inserting the following: "if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)".

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term "birth certificate" means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

"(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SECRETARY OF LABOR SUBPOENA AUTHORITY

"SEC. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.".

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

"Sec. 294. Secretary of Labor subpoena authority.".

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program "IDENT", operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

"(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.".

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after "must retain the form" the following: "(except in any case of disaster, act of God, or other event beyond the control of the person or entity)".

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking "or section 1992 (relating to wrecking trains)" and inserting "section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" at the end of paragraph (*l*);

(3) by redesignating paragraphs (m), (n), and (*o*) as paragraphs (n), (*o*), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);".

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of clause (E); and

(3) by adding at the end the following: "(F) any act, or conspiracy to commit any act, in violation of—

"(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

"(ii) section 274, 277, or 278 of the Immigration and Nationality Act.".

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) In General.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting "; or"; and

(C) by adding at the end the following new clause:

"(v)(I) engages in any conspiracy to commit any of the preceding acts, or

"(II) aids or abets the commission of any of the preceding acts,";

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting "or (v)(I)" after "(A)(i)";

(B) in clause (ii), by striking "or (iv)" and inserting "(iv), or (v)(II)";

(C) in clause (iii), by striking "or (iv)" and inserting "(iv), or (v)"; and

(D) in clause (iv), by striking "or (iv)" and inserting "(iv), or (v)";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved" and inserting "for each alien in respect to whom a violation of this paragraph occurs"; and

(B) in the matter following subparagraph (B)(iii), by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years."; and

(4) by adding at the end the following new paragraph:

"(3) Any person who hires for employment an alien—

"(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

"(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.".

(b) Smuggling of Aliens Who Will Commit Crimes.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or".

(c) Sentencing Guidelines.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a)(1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) Requirements.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) Effective Date.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.".

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) In General.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

"(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

"(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5), by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

"(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

"(B) any property real or personal—

"(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

"(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

"(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.".

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

"(b)(1)(A) An offense under subsection (a) that is—

"(i) the production or transfer of an identification document or false identification document that is or appears to be—

"(I) an identification document issued by or under the authority of the United States; or

"(II) a birth certificate, or a driver's license or personal identification card;

"(ii) the production or transfer of more than five identification documents or false identification documents; or

"(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

"(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

"(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

"(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

"(2) A person convicted of an offense under subsection (a) that is—

"(A) any other production or transfer of an identification document or false identification document; or

"(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

"(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

"(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

"(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

"(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.".

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both." each place it appears and inserting the following:

", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(3) Section 1546(a) of title 18, United States Code, is amended by striking "be fined under this title, imprisoned not more than 10 years, or both." and inserting the following:

", except as otherwise provided in this subsection, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking "be fined not more than $5,000 or imprisoned not more than five years, or both" each place it appears and inserting ", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

"Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—".

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(2) in paragraph (2), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(3) in paragraph (3)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the comma at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking "or" at the end;

(4) in paragraph (4)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the period at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking the period at the end and inserting ", or"; and

(5) by adding at the end the following new paragraphs:

"(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

"(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.".

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

"(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.".

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each place it appears and inserting "each document that is the subject of a violation under subsection (a)".

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

"(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

"(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) Misrepresentation" and inserting the following:

"(C) Fraud, misrepresentation, and failure to present documents"; and

(2) by adding at the end the following new clause:

"(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.".

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

"(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

"(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.".

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(d)(2), deportation"; and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(d)(2), if".

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking "five" each place it appears and inserting "10".

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting "documentation or" before "identification".

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

"(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.".

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

"(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

"(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

"(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

"(ii) is excludable under section 212(a)(6)(C)(iii);

"(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

"(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

"(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

"(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

"(2) As used in this section, the phrase 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity for the inspection and examination of such aliens.

"(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

"(B) The provisions of this subsection may be invoked under paragraph (1)(B) for a period not to exceed 90 days, unless, within such 90-day period or an extension thereof authorized by this subparagraph, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek, and seeks, asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

"(6) A special exclusion order entered in accordance with the provisions of this subsection is not subject to administrative review, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to be, and appears to be, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

"(8) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

"SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

"(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

"(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

"(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

"(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

"(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

"(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

"(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

"(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

"(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

"(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

"(C) The petitioner may have the nationality claim decided only as provided in this section.

"(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

"(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

"(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

"(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

"(7) This subsection—

"(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

"(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

"(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

"(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

"(d) REVIEW OF FINAL ORDERS.—

"(1) A court may review a final order of exclusion or deportation only if—

"(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

"(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

"(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

"(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

"(2)(A) Except as provided in this subsection, there shall be no judicial review of—

"(i) a decision by the Attorney General to invoke the provisions of section 235(e);

"(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

"(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

"(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

"(A) whether the petitioner is an alien;

"(B) whether the petitioner was ordered specially excluded; and

"(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

"(4)(A) In any case where the court determines that the petitioner—

"(i) is an alien who was not ordered specially excluded under section 235(e), or

"(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

"(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

"(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

"(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.".

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting "by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.".

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

"Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

"CIVIL PENALTIES FOR FAILURE TO DEPART

"SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

"(1) willfully fails or refuses to—

"(A) depart on time from the United States pursuant to the order;

"(B) make timely application in good faith for travel or other documents necessary for departure; or

"(C) present himself or herself for deportation at the time and place required by the Attorney General; or

"(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

"(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

"(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.".

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

"(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

"(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

"(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

"(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

"(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

"(3) The Attorney General shall by regulation establish procedures necessary to implement this section.".

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

"Sec. 274D. Civil penalties for failure to depart.".

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: "Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.".

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking "under this subsection" and all that follows through "(B)" and inserting "under this subsection".

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: ", except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242".

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: "(at no expense to the Government or unreasonable delay to the proceedings)".

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.".

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

"(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

"(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

"(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

"(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

"(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

"(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

"(5) This subsection shall apply only to an alien in proceedings under section 236.".

(b) Cancellation of Deportation.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

"CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

"Sec. 244. (a) Cancellation of Deportation.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

"(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

"(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

"(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

"(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

"(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

"(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

"(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

"(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

"(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

"(b) Continuous Physical Presence Not Required Because of Honorable Service in Armed Forces and Presence Upon Entry Into Service.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

"(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

"(2) at the time of his or her enlistment or induction, was in the United States.

"(c) Adjustment of Status.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

"(d) Alien Crewmen; Nonimmigrant Exchange Aliens Admitted To Receive Graduate Medical Education or Training; Other.—The provisions of subsection (a) shall not apply to an alien who—

"(1) entered the United States as a crewman after June 30, 1964;

"(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

"(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

"(B) is subject to the two-year foreign residence requirement of section 212(e); and

"(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), has not fulfilled the requirements of section 214(k).

"(e) Voluntary Departure.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

"(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

"(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

"(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

"(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

"(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

"(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

"(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

"(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

"(B) No court may review any regulation issued under subparagraph (A).

"(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.".

(c) Conforming Amendments.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking "section 244(e)(1)" and inserting "section 244(e)"; and

(B) in subsection (e)(5)—

(i) by striking "suspension of deportation" and inserting "cancellation of deportation"; and

(ii) by inserting "244," before "245".

(d) Amendment to the Table of Contents.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

"Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

"(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.".

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: ", or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right"; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: "Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).".

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

"(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

"(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

"(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

"(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

"(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

"(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

"(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.".

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

"PHYSICAL AND MENTAL EXAMINATIONS

"SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

"(1) Aliens applying for visas for admission to the United States for permanent residence.

"(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

"(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

"(4) Alien crewmen entering or in transit across the United States.

"(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

"(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

"(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

"(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

"(c) MEDICAL EXAMINERS.—

"(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

"(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

"(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

"(B) Each civil surgeon designated under subparagraph (A) shall—

"(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

"(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

"(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

"(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

"(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

"(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

"(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

"(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

"(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

"(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

"(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

"(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

"(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

"(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

"(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

"(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

"(2) the term 'Secretary' means the Secretary of Health and Human Services.".

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

"(i) the alien's education, training, license, and experience—

"(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

"(II) are comparable with that required for an American health-care worker of the same type; and

"(III) are authentic and, in the case of a license, unencumbered;

"(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

"(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

"(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.".

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking "(9)(A) of section 212(a)" and inserting "(10)(A) of section 212(a)".

(2) Section 212(c) is amended by striking "(9)(C)" and inserting "(10)(C)".

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking "one year" and inserting "five years"; and

(B) by inserting ", or within 20 years of the date of any second or subsequent deportation," after "deportation";

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

"(ii) has departed the United States while an order of deportation is outstanding,";

(C) by striking "or" after "removal,"; and

(D) by inserting "or (c) who seeks admission within 20 years of a second or subsequent deportation or removal," after "felony,".

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

"(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter".

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

"(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

"(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

"(B) where extraordinary circumstances are found by the Secretary of State to exist.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking "or" at the end of clause (i)(I);

(2) in clause (i)(II), by inserting "or" at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,".

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

"(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.".

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking "$100,000" and inserting "$10,000";

(2) in subparagraphs (F), (G), and (O), by striking "is at least 5 years" each place it appears and inserting "at least one year";

(3) in subparagraph (J)—

(A) by striking "sentence of 5 years' imprisonment" and inserting "sentence of one year imprisonment"; and

(B) by striking "offense described" and inserting "offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or";

(4) in subparagraph (K)—

(A) by striking "or" at the end of clause (i);

(B) by adding "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.";

(5) in subparagraph (L)—

(A) by striking "or" at the end of clause (i);

(B) by inserting "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)";

(6) in subparagraph (M), by striking "$200,000" each place it appears and inserting "$10,000";

(7) in subparagraph (N)—

(A) by striking "of title 18, United States Code"; and

(B) by striking "for the purpose of commercial advantage" and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(8) in subparagraph (O), by striking "which constitutes" and all that follows up to the semicolon at the end and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

"(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

"(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;" and

(11) in subparagraph (R) (as redesignated), by striking "15" and inserting "5".

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.".

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: "For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

"(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

"(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.".

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: "No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.".

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking "section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))" and inserting "sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)".

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after "unless" the following: "(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)".

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

"(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.".

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking "(c)" and inserting "(c)(1)"; and

(B) by inserting "(other than an alien described in paragraph (2))"; and

(2) by adding at the end the following new paragraphs:

"(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

"(i) the date of such order, or

"(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

"(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.".

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting "(1)" immediately after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.".

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).".

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

"(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

"(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

"(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

"(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act."; and

(B) by adding at the end the following new paragraphs:

"(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

"(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

"(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.".

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking "242A(d)" and inserting "242A(c)".

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking "242A(d)" and inserting "242A(c)".

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

"(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.".

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting "(1)" immediately after "(b)";

(3) by striking the sentence beginning with "Except as provided in section 242A(d)" and inserting the following:

"(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

"(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien."; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(2) Section 212(a)(6)(B)(iv) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(3) Section 242(a)(1) is amended by striking "subsection (b)" and inserting "subsection (b)(1)".

(4) Section 242A(b)(1) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(6) Section 4113(a) of title 18, United States Code, is amended by striking "section 1252(b)" and inserting "section 1252(b)(1)".

(7) Section 1821(e) of title 28, United States Code, is amended by striking "section 242(b) of such Act (8 U.S.C. 1252(b))" and inserting "section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))".

(8) Section 242B(c)(1) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

(9) Section 242B(e)(2)(A) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

(10) Section 242B(e)(5)(A) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.".

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading "Miscellaneous" of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) Negotiations With Other Countries.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) Sense of Congress.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) Prisoner Consent.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) Annual Report.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) Training Foreign Law Enforcement Personnel.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) Authorization of Appropriations.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) Use of Treaty.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) Recommendations.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking "alien" each place it appears;

(B) by inserting after "individual" the first place it appears the following: ", knowing or in reckless disregard of the fact that the individual is an alien"; and

(C) by striking "within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic";

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking "thirty" and inserting "five business"; and

(B) by striking "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,";

(3) in the text following the third undesignated paragraph of subsection (a), by striking "two" and inserting "10"; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting ", or for enforcement of the provisions of section 274A of the Immigration and Nationality Act".

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) In General.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103-322) is redesignated as subsection (j) of such section.

(b) Conforming Amendment.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking "section 245(i)" and inserting "section 245(j)".

(c) Denial of Judicial Order.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking "without a decision on the merits".

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term "illegal alien" means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after "paragraph (2)" by striking "and" and inserting a comma,

(B) by striking "State" and inserting "other Federal agencies and States",

(C) by inserting ", and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States" before "except", and

(D) by adding at the end the following new sentence: "The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists."; and

(2) in paragraph (2)(A)—

(A) by inserting "to Federal agencies providing support to the Department of Justice or" after "available"; and

(B) by inserting a comma before "whenever".

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting "or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response," after "United States," the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: "In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.".

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting "(A)" after "NONDISCRIMINATION.—"; and

(2) by adding at the end the following:

"(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.".

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking "except that the Attorney General" and inserting the following: "except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

"except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).".

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new sentence: "Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.".

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

"(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period at the end the following: "; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa".

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as "immigration judges") under the Immigration Judge Schedule (designated as IJ-1, IJ-2, IJ-3, and IJ-4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ-1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ-1, and shall be advanced to IJ-2 upon completion of 104 weeks of service, to IJ-3 upon completion of 104 weeks of service in the next lower rate, and to IJ-4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

"(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

"(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

"(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

"(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

"(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

"(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

"(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

"(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

"(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

"(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

"(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

"(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.".

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking "100" and inserting "200"; and

(2) by striking "25" and inserting "50".

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking "for emergent reasons or for reasons deemed strictly in the public interest" and inserting "on a case-by-case basis for urgent humanitarian reasons or significant public benefit".

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

"(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus"; and

(2) by adding at the end the following new paragraphs:

"(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).".

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).".

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

"(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

"(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

"(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

"(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

"(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

"(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

"(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

"(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

"(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

"(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

"(7) As used in this subsection, the term 'asylum officer' means an immigration officer who—

"(A) has had professional training in country conditions, asylum law, and interview techniques; and

"(B) is supervised by an officer who meets the condition in subparagraph (A).

"(8) As used in this section, the term 'credible fear of persecution' means that—

"(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

"(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking "The" and inserting the following: "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following:

"(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

"(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.".

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

"(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

"(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.".

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such

provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

"(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

"(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

"(C) DEFINITIONS.—

"(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

"(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

"(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

"(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

"(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

"(i) The aid to families with dependent children program under title IV of the Social Security Act.

"(ii) The medicaid program under title XIX of the Social Security Act.

"(iii) The food stamp program under the Food Stamp Act of 1977.

"(iv) The supplemental security income program under title XVI of the Social Security Act.

"(v) Any State general assistance program.

"(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.".

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) Federal poverty line.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) Qualifying quarter.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) Deeming Requirement for Federal and Federally Funded Programs.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) Deemed Income and Resources.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) Length of Deeming Period.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) Exceptions.—

(1) Indigence.—

(A) In general.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) Determination described.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) Education assistance.—

(A) In general.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) Duration.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) Certain services and assistance.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) Deeming Authority to State and Local Agencies.—

(1) In general.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) Length of deeming period.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) Report Requirement.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) Report Elements.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) In General.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) Limitation.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) In General.—

(1) Limitation.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) Identification number required.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) Identification number requirement.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.".

(b) Special Identification Number.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) Identification Numbers.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).".

(c) Extension of Procedures Applicable to Mathematical or Clerical Errors.—

Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting ", and", and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§ 506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

"(2) the term 'unlawful alien' means an individual who is not—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

"(C) an alien granted asylum under section 208 of such Act;

"(D) a refugee admitted under section 207 of such Act;

"(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

"(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

"(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.".

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading " Immigration and Naturalization Service, Salaries and Expenses" of Public Law 103–121, the

Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) Automated Permit Pilot Projects.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) Persons Eligible for Student Visas.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking "academic high school, elementary school, or other academic institution or in a language training program" and inserting in lieu thereof "public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program"; and

(2) by inserting before the semicolon at the end of clause (ii) the following: ": *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.";

(b) Exclusion of Student Visa Abusers.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) Student visa abusers.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable"; and

(c) Deportation of Student Visa Abusers.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) Student visa abusers.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable".

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) In General.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) Covered countries.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) Information to be Collected.—

(1) In general.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) Participation by Colleges and Universities.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a conditon of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) Funding.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting "(a)" after "**SEC. 281.**"; and

(B) by adding at the end the following:

"(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government."

"(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government.

"(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

"(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively."

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) Joint Report.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) Worldwide Applicability of the Program.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) Definition.—As used in this section, the phrase "approved colleges and universities" means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) Exclusion of Aliens Who Have Falsely Claimed U.S. Citizenship.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

"(D) Falsely claiming citizenship.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable."

(b) Deportation of Aliens Who Have Falsely Claimed U.S. Citizenship.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable".

"SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

"§ 611. Voting by aliens

"(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

"(1) the election is held partly for some other purpose;

"(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

"(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices."

"(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both";

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable."

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a)(8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable".

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

"(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

"(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

"(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

"(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

"(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.".

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

"(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3744

Mr. DOLE (for Mr. SIMPSON) proposed an amendment to amendment No. 3744 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In pending amendment strike all after the word "SECTION 1." and insert the following:

SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Control and Financial Responsibility Act of 1996".

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

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Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of fencing and road improvements in the border area near San Diego, California.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
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SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.

Part 3—Alien Smuggling; Document Fraud

Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Amendments to RICO relating to alien smuggling and document fraud offenses.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
Sec. 125. Expanded forfeiture for alien smuggling and document fraud.
Sec. 126. Criminal forfeiture for alien smuggling or document fraud.
Sec. 127. Increased criminal penalties for fraudulent use of government-issued documents.
Sec. 128. Criminal penalty for false statement in a document required under the immigration laws or knowingly presenting document which fails to contain reasonable basis in law or fact.
Sec. 129. New criminal penalties for failure to disclose role as preparer of false application for asylum or for preparing certain post-conviction applications.
Sec. 130. New document fraud offenses; new civil penalties for document fraud.
Sec. 131. New exclusion for document fraud or for failure to present documents.
Sec. 132. Limitation on withholding of deportation and other benefits for aliens excludable for document fraud or failing to present documents, or excludable aliens apprehended at sea.
Sec. 133. Penalties for involuntary servitude.
Sec. 134. Exclusion relating to material support to terrorists.

Part 4—Exclusion and Deportation

Sec. 141. Special exclusion procedure.
Sec. 142. Streamlining judicial review of orders of exclusion or deportation.
Sec. 143. Civil penalties for failure to depart.
Sec. 144. Conduct of proceedings by electronic means.
Sec. 145. Subpoena authority.
Sec. 146. Language of deportation notice; right to counsel.
Sec. 147. Addition of nonimmigrant visas to types of visa denied for countries refusing to accept deported aliens.
Sec. 148. Authorization of special fund for costs of deportation.
Sec. 149. Pilot program to increase efficiency in removal of detained aliens.
Sec. 150. Limitations on relief from exclusion and deportation.
Sec. 151. Alien stowaways.
Sec. 152. Pilot program on interior repatriation and other methods to multiple unlawful entries.
Sec. 153. Pilot program on use of closed military bases for the detention of excludable or deportable aliens.
Sec. 154. Requirement for immunization against vaccine-preventable diseases for aliens seeking permanent residency.
Sec. 155. Certification requirements for foreign health-care workers.
Sec. 156. Increased bar to reentry for aliens previously removed.
Sec. 157. Elimination of consulate shopping for visa overstays.
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Sec. 163. Expeditious deportation creates no enforceable right for aggravated felons.
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Sec. 168. Annual report on criminal aliens.
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Sec. 202. Definition of "public charge" for purposes of deportation.
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Sec. 205. Verification of student eligibility for postsecondary Federal student financial assistance.
Sec. 206. Authority of States and localities to limit assistance to aliens and to distinguish among classes of aliens in providing general public assistance.
Sec. 207. Earned income tax credit denied to individuals not citizens or lawful permanent residents.
Sec. 208. Increased maximum criminal penalties for forging or counterfeiting seal of a Federal department or agency to facilitate benefit fraud by an unlawful alien.
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Sec. 212. Treatment of expenses subject to emergency medical services exception.
Sec. 213. Pilot programs.

Subtitle C—Effective Dates

Sec. 221. Effective dates.

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF FENCING AND ROAD IMPROVEMENTS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

(a) IN GENERAL.—The Attorney General shall provide for the construction along the 14 miles of the international land border between the United States and Mexico, starting at the Pacific Ocean and extending eastward, of second and third fences, in addition to the existing reinforced fence, and for roads between the fences.

(b) PROMPT ACQUISITION OF NECESSARY EASEMENTS.—The Attorney General shall promptly acquire such easements as may be necessary to carry out this subsection and shall commence construction of fences immediately following such acquisition (or conclusion of portions thereof).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section not to exceed $12,000,000. Amounts appropriated under this subsection are authorized to remain available until expended.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the "system"), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document (other than a document used under section 274A of the Immigration and Nationality Act) required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a motor vehicle, a certificate of birth, or a social security account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term "business day" means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term "record" means an item, collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii), the President, acting through the Attorney General, shall begin conducting several local and regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(B) For purposes of this paragraph, the term "legislative branch of the Federal Government" includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four

years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term "Administration" means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term "employment authorized alien" means an alien who has been provided with an "employment authorized" endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term "Service" means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: "The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.".

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end "or";

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

"(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document—"; and

(v) in clause (ii) (as redesignated)—

(I) by striking "and" at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting ", and"; and

(III) by adding at the end the following new subclause:

"(III) contains appropriate security features."; and

(B) in subparagraph (C)—

(i) by inserting "or" after the "semicolon" at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes of paragraph (1), a" and inserting "A"; and

(2) by striking "relating to the hiring of individuals" and inserting the following: "if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)".

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local government registrar and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Secretary of Health and Human Services, after consultation with the Association for Public Health Statistics and Information Systems (APHSIS), and shall include but not be limited to—

(i) certification by the agency issuing the birth certificate, and

(ii) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and use by impostors.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(5) CERTIFICATE OF BIRTH.—As used in this section, the term "birth certificate" means a certificate of birth registered in the United States.

(6) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document is issued by a State that requires, pursuant to a statute enacted prior to the date of enactment of this Act, or pursuant to a regulation issued thereunder or an administrative policy, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATE.—This subsection shall take effect on October 1, 1997.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

"(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(2) Document Fraud.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(b) Secretary of Labor Subpoena Authority.—

(1) In general.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SECRETARY OF LABOR SUBPOENA AUTHORITY

"Sec. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.".

(2) Conforming amendment.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

"Sec. 294. Secretary of Labor subpoena authority.".

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) Establishment.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) Composition.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) Annual Report.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program "IDENT", operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

"(6) State agency referrals.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.".

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after "must retain the form" the following: "(except in any case of disaster, act of God, or other event beyond the control of the person or entity)".

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking "or section 1992 (relating to wrecking trains)" and inserting "section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" at the end of paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (*l*) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);".

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of clause (E); and

(3) by adding at the end the following: "(F) any act, or conspiracy to commit any act, in violation of—

"(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

"(ii) section 274, 277, or 278 of the Immigration and Nationality Act.".

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) In General.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting "; or"; and

(C) by adding at the end the following new clause:

"(v)(I) engages in any conspiracy to commit any of the preceding acts, or

"(II) aids or abets the commission of any of the preceding acts,";

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting "or (v)(I)" after "(A)(i)";

(B) in clause (ii), by striking "or (iv)" and inserting "(iv), or (v)(II)";

(C) in clause (iii), by striking "or (iv)" and inserting "(iv), or (v)"; and

(D) in clause (iv), by striking "or (iv)" and inserting "(iv), or (v)";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved" and inserting "for each alien in respect to whom a violation of this paragraph occurs"; and

(B) in the matter following subparagraph (B)(iii), by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years."; and

(4) by adding at the end the following new paragraph:

"(3) Any person who hires for employment an alien—

"(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

"(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.".

(b) Smuggling of Aliens Who Will Commit Crimes.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or".

(c) Sentencing Guidelines.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to

smuggling, transporting, harboring, or inducing aliens in violation of section 274(a) (1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.".

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

"(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

"(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5), by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

"(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

"(B) any property real or personal—

"(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

"(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

"(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.".

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

"(b)(1)(A) An offense under subsection (a) that is—

"(i) the production or transfer of an identification document or false identification document that is or appears to be—

"(I) an identification document issued by or under the authority of the United States; or

"(II) a birth certificate, or a driver's license or personal identification card;

"(ii) the production or transfer of more than five identification documents or false identification documents; or

"(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

"(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

"(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

"(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

"(2) A person convicted of an offense under subsection (a) that is—

"(A) any other production or transfer of an identification document or false identification document; or

"(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

"(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

"(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

"(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

"(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.".

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking "be fined under this title, imprisoned not more than 10 years, or both." each place it appears and inserting the following:

", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(3) Section 1546(a) of title 18, United States Code, is amended by striking "be fined under this title, imprisoned not more than 10 years, or both." and inserting the following:

", except as otherwise provided in this subsection, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking "be fined not more than $5,000 or imprisoned not more than five years, or both" each place it appears and inserting ", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

"Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—".

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(2) in paragraph (2), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(3) in paragraph (3)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the comma at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking "or" at the end;

(4) in paragraph (4)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the period at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking the period at the end and inserting ", or"; and

(5) by adding at the end the following new paragraphs:

"(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

"(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.".

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

"(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.".

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each place it appears and inserting "each document that is the subject of a violation under subsection (a)".

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

"(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

"(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. NEW EXCLUSION FOR DOCUMENT FRAUD OR FOR FAILURE TO PRESENT DOCUMENTS.

Section 212(a)(6)(C) (8 U.S.C. 1182(a)(6)(C)) is amended—

(1) by striking "(C) Misrepresentation" and inserting the following:

"(C) Fraud, misrepresentation, and failure to present documents"; and

(2) by adding at the end the following new clause:

"(iii) FRAUD, MISREPRESENTATION, AND FAILURE TO PRESENT DOCUMENTS.—

"(I) Any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is forged, counterfeit, altered, falsely made, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, is excludable.

"(II) Any alien who is required to present a document relating to the alien's eligibility to enter the United States prior to boarding a common carrier for the purpose of coming to the United States and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States is excludable.".

SEC. 132. LIMITATION ON WITHHOLDING OF DEPORTATION AND OTHER BENEFITS FOR ALIENS EXCLUDABLE FOR DOCUMENT FRAUD OR FAILING TO PRESENT DOCUMENTS, OR EXCLUDABLE ALIENS APPREHENDED AT SEA.

(a) INELIGIBILITY.—Section 235 (8 U.S.C. 1225) is amended by adding at the end the following new subsection:

"(d)(1) Subject to paragraph (2), any alien who has not been admitted to the United States, and who is excludable under section 212(a)(6)(C)(iii) or who is an alien described in paragraph (3), is ineligible for withholding of deportation pursuant to section 243(h), and may not apply therefor or for any other relief under this Act, except that an alien found to have a credible fear of persecution or of return to persecution in accordance with section 208(e) shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(2) An alien described in paragraph (1) who has been found ineligible to apply for asylum under section 208(e) may be returned under the provisions of this section only to a country in which (or from which) he or she has no credible fear of persecution (or of return to persecution). If there is no country to which the alien can be returned in accordance with the provisions of this paragraph, the alien shall be taken before a special inquiry officer for exclusion proceedings in accordance with section 236 and may apply for asylum, withholding of deportation, or both, in the course of such proceedings.

"(3) Any alien who is excludable under section 212(a), and who has been brought or escorted under the authority of the United States—

"(A) into the United States, having been on board a vessel encountered seaward of the territorial sea by officers of the United States; or

"(B) to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States;

shall either be detained on board the vessel on which such person arrived or in such facilities as are designated by the Attorney General or paroled in the discretion of the Attorney General pursuant to section 212(d)(5) pending accomplishment of the purpose for which the person was brought or escorted into the United States or to the port of entry, except that no alien shall be detained on board a public vessel of the United States without the concurrence of the head of the department under whose authority the vessel is operating.".

(b) CONFORMING AMENDMENTS.—Section 237(a) (8 U.S.C. 1227(a)) is amended—

(1) in the second sentence of paragraph (1), by striking "Deportation" and inserting "Subject to section 235(d)(2), deportation"; and

(2) in the first sentence of paragraph (2), by striking "If" and inserting "Subject to section 235(d)(2), if".

SEC. 133. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking "five" each place it appears and inserting "10".

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

SEC. 134. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting "documentation or" before "identification".

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION PROCEDURE.

(a) ARRIVALS FROM CONTIGUOUS FOREIGN TERRITORY.—Section 235 (8 U.S.C. 1225) is amended—

(1) by redesignating subsection (b) as subsection (b)(1); and

(2) by adding at the end of subsection (b)(1), as redesignated, the following new paragraph:

"(2) If an alien subject to such further inquiry has arrived from a foreign territory contiguous to the United States, either at a land port of entry or on the land of the

United States other than at a designated port of entry, the alien may be returned to that territory pending the inquiry.".

(b) SPECIAL ORDERS OF EXCLUSION AND DEPORTATION.—Section 235 (8 U.S.C. 1225), as amended by section 132 of this Act, is further amended by adding at the end the following:

"(e)(1) Notwithstanding the provisions of subsection (b) of this section and section 236, the Attorney General may, without referral to a special inquiry officer or after such a referral, order the exclusion and deportation of any alien if—

"(A) the alien appears to an examining immigration officer, or to a special inquiry officer if such referral is made, to be an alien who—

"(i) has entered the United States without having been inspected and admitted by an immigration officer pursuant to this section, unless such alien affirmatively demonstrates to the satisfaction of such immigration officer or special inquiry officer that he has been physically present in the United States for an uninterrupted period of at least two years since such entry without inspection;

"(ii) is excludable under section 212(a)(6)(C)(iii);

"(iii) is brought or escorted under the authority of the United States into the United States, having been on board a vessel encountered outside of the territorial waters of the United States by officers of the United States;

"(iv) is brought or escorted under the authority of the United States to a port of entry, having been on board a vessel encountered within the territorial sea or internal waters of the United States; or

"(v) has arrived on a vessel transporting aliens to the United States without such alien having received prior official authorization to come to, enter, or reside in the United States; or

"(B) the Attorney General has determined that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation.

"(2) As used in this section, the phrase 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity for the inspection and examination of such aliens.

"(3)(A) Subject to subparagraph (B), the determination of whether there exists an extraordinary migration situation or whether to invoke the provisions of paragraph (1) (A) or (B) is committed to the sole and exclusive discretion of the Attorney General.

"(B) The provisions of this subsection may be invoked under paragraph (1)(B) for a period not to exceed 90 days, unless, within such 90-day period or an extension thereof authorized by this subparagraph, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(4) When the Attorney General invokes the provisions of clause (iii), (iv), or (v) of paragraph (1)(A) or paragraph (1)(B), the Attorney General may, pursuant to this section and sections 235(e) and 106(f), suspend, in whole or in part, the operation of immigration regulations regarding the inspection and exclusion of aliens.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek, and seeks, asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in section 208(e), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion, in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.
An alien may be returned to a country in which the alien does not have a credible fear of persecution and from which the alien does not have a credible fear of return to persecution.

"(6) A special exclusion order entered in accordance with the provisions of this subsection is not subject to administrative review, except that the Attorney General shall provide by regulation for prompt review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to be, and appears to be, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this subsection shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236, except that judicial review of such an order shall be available only under section 106(f).

"(8) Nothing in this subsection may be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.".

SEC. 142. STREAMLINING JUDICIAL REVIEW OF ORDERS OF EXCLUSION OR DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

"SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

"(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

"(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown.

"(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

"(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

"(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

"(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

"(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

"(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

"(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

"(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

"(C) The petitioner may have the nationality claim decided only as provided in this section.

"(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

"(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

"(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

"(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

"(7) This subsection—

"(A) does not prevent the Attorney General, after a final order of deportation has been issued, from detaining the alien under section 242(c);

"(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

"(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

"(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

"(d) REVIEW OF FINAL ORDERS.—

"(1) A court may review a final order of exclusion or deportation only if—

"(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

"(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

"(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

"(f) LIMITED REVIEW FOR SPECIAL EXCLUSION AND DOCUMENT FRAUD.—(1) Notwithstanding any other provision of law, except as provided in this subsection, no court shall have jurisdiction to review any individual determination or to hear any other cause of action or claim arising from or relating to the implementation or operation of sections 208(e), 212(a)(6)(iii), 235(d), and 235(e).

"(2)(A) Except as provided in this subsection, there shall be no judicial review of—

"(i) a decision by the Attorney General to invoke the provisions of section 235(e);

"(ii) the application of section 235(e) to individual aliens, including the determination made under paragraph (5); or

"(iii) procedures and policies adopted by the Attorney General to implement the provisions of section 235(e).

"(B) Without regard to the nature of the action or claim, or the identity of the party or parties bringing the action, no court shall have jurisdiction or authority to enter declaratory, injunctive, or other equitable relief not specifically authorized in this subsection, or to certify a class under Rule 23 of the Federal Rules of Civil Procedure.

"(3) Judicial review of any cause, claim, or individual determination made or arising under or relating to section 208(e), 212(a)(6)(iii), 235(d), or 235(e) shall only be available in a habeas corpus proceeding, and shall be limited to determinations of—

"(A) whether the petitioner is an alien;

"(B) whether the petitioner was ordered specially excluded; and

"(C) whether the petitioner can prove by a preponderance of the evidence that he or she is an alien lawfully admitted for permanent residence and is entitled to such further inquiry as is prescribed by the Attorney General pursuant to section 235(e)(6).

"(4)(A) In any case where the court determines that the petitioner—

"(i) is an alien who was not ordered specially excluded under section 235(e), or

"(ii) has demonstrated by a preponderance of the evidence that he or she is a lawful permanent resident,

the court may order no remedy or relief other than to require that the petitioner be provided a hearing in accordance with section 236 or a determination in accordance with section 235(c) or 273(d).

"(B) Any alien who is provided a hearing under section 236 pursuant to these provisions may thereafter obtain judicial review of any resulting final order of exclusion pursuant to this section.

"(5) In determining whether an alien has been ordered specially excluded under section 235(e), the court's inquiry shall be limited to whether such an order in fact was issued and whether it relates to the petitioner. There shall be no review of whether the alien is actually excludable or entitled to any relief from exclusion.

"(g) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.".

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting "by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.".

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

"Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

"CIVIL PENALTIES FOR FAILURE TO DEPART

"SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

"(1) willfully fails or refuses to—

"(A) depart on time from the United States pursuant to the order;

"(B) make timely application in good faith for travel or other documents necessary for departure; or

"(C) present himself or herself for deportation at the time and place required by the Attorney General; or

"(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

"(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

"(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.".

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

"(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

"(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

"(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

"(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

"(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

"(3) The Attorney General shall by regulation establish procedures necessary to implement this section.".

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

"Sec. 274D. Civil penalties for failure to depart.".

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: "Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.".

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking "under this subsection" and all that follows through "(B)" and inserting "under this subsection".

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: ", except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242".

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: "(at no expense to the Government or unreasonable delay to the proceedings)".

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.".

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

"(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

"(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

"(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

"(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

"(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

"(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

"(5) This subsection shall apply only to an alien in proceedings under section 236.".

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

"CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

"SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

"(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

"(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

"(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

"(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

"(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

"(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

"(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (A), (B), or (C).

"(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

"(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

"(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

"(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

"(2) at the time of his or her enlistment or induction, was in the United States.

"(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

"(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

"(1) entered the United States as a crewman after June 30, 1964;

"(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

"(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

"(B) is subject to the two-year foreign residence requirement of section 212(e); and

"(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416), has not fulfilled the requirements of section 214(k).

"(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

"(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

"(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

"(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

"(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

"(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

"(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

"(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

"(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

"(B) No court may review any regulation issued under subparagraph (A).

"(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.".

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking "section 244(e)(1)" and inserting "section 244(e)"; and

(B) in subsection (e)(5)—

(i) by striking "suspension of deportation" and inserting "cancellation of deportation"; and

(ii) by inserting "244," before "245".

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

"Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

"(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.".

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: ", or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right"; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: "Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).".

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

"(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

"(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

"(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

"(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

"(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

"(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

"(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.".

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

"PHYSICAL AND MENTAL EXAMINATIONS

"SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

"(1) Aliens applying for visas for admission to the United States for permanent residence.

"(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

"(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

"(4) Alien crewmen entering or in transit across the United States.

"(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

"(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

"(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

"(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

"(c) MEDICAL EXAMINERS.—

"(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

"(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

"(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

"(B) Each civil surgeon designated under subparagraph (A) shall—

"(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

"(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

"(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

"(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

"(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps, measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

"(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

"(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

"(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

"(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

"(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

"(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

"(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

"(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

"(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

"(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

"(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

"(2) the term 'Secretary' means the Secretary of Health and Human Services.".

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

"(i) the alien's education, training, license, and experience—

"(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

"(II) are comparable with that required for an American health-care worker of the same type; and

"(III) are authentic and, in the case of a license, unencumbered;

"(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

"(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

"(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.".

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking "(9)(A) of section 212(a)" and inserting "(10)(A) of section 212(a)".

(2) Section 212(c) is amended by striking "(9)(C)" and inserting "(10)(C)".

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking "one year" and inserting "five years"; and

(B) by inserting ", or within 20 years of the date of any second or subsequent deportation," after "deportation";

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

"(ii) has departed the United States while an order of deportation is outstanding,";

(C) by striking "or" after "removal,"; and

(D) by inserting "or (c) who seeks admission within 20 years of a second or subsequent deportation or removal," after "felony,".

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

"(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter".

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

"(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

"(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

"(B) where extraordinary circumstances are found by the Secretary of State to exist.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking "or" at the end of clause (i)(I);

(2) in clause (i)(II), by inserting "or" at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,".

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

"(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.".

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking "$100,000" and inserting "$10,000";

(2) in subparagraphs (F), (G), and (O), by striking "is at least 5 years" each place it appears and inserting "at least one year";

(3) in subparagraph (J)—

(A) by striking "sentence of 5 years' imprisonment" and inserting "sentence of one year imprisonment"; and

(B) by striking "offense described" and inserting "offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or";

(4) in subparagraph (K)—

(A) by striking "or" at the end of clause (i);

(B) by adding "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.";

(5) in subparagraph (L)—

(A) by striking "or" at the end of clause (i);

(B) by inserting "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)";

(6) in subparagraph (M), by striking "$200,000" each place it appears and inserting "$10,000";

(7) in subparagraph (N)—

(A) by striking "of title 18, United States Code"; and

(B) by striking "for the purpose of commercial advantage" and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(8) in subparagraph (O), by striking "which constitutes" and all that follows up to the semicolon at the end and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

"(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

"(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;" and

(11) in subparagraph (R) (as redesignated), by striking "15" and inserting "5".

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.".

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: "For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

"(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

"(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.".

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: "No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.".

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended by striking "section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))" and inserting "sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)".

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after "unless" the following: "(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)".

(b) Custody Upon Release From Incarceration.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

"(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.".

(c) Period in Which To Effect Alien's Departure.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking "(c)" and inserting "(c)(1)"; and

(B) by inserting "(other than an alien described in paragraph (2))"; and

(2) by adding at the end the following new paragraphs:

"(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

"(i) the date of such order, or

"(ii) the alien's release from incarceration, within which to effect the alien's departure from the United States.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

"(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.".

(d) Criminal Penalty for Unlawful Reentry.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting "(1)" immediately after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.".

(e) Definition.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).".

SEC. 165. JUDICIAL DEPORTATION.

(a) In General.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

"(1) Authority.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

"(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

"(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

"(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

"(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act."; and

(B) by adding at the end the following new paragraphs:

"(5) State court finding of deportability.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

"(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

"(6) Stipulated judicial order of deportation.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.".

(b) Conforming Amendments.—(1) Section 512 of the Immigration Act of 1990 is amended by striking "242A(d)" and inserting "242A(c)".

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking "242A(d)" and inserting "242A(c)".

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) Exclusion and Deportation.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

"(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.".

(b) Apprehension and Deportation.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting "(1)" immediately after "(b)";

(3) by striking the sentence beginning with "Except as provided in section 242A(d)" and inserting the following:

"(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

"(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien."; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) Conforming Amendments.—(1) Section 106(a) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(2) Section 212(a)(6)(B)(iv) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(3) Section 242(a)(1) is amended by striking "subsection (b)" and inserting "subsection (b)(1)".

(4) Section 242A(b)(1) is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking "section 242(b)" and inserting "section 242(b)(1)".

(6) Section 4113(a) of title 18, United States Code, is amended by striking "section 1252(b)" and inserting "section 1252(b)(1)".

(7) Section 1821(e) of title 28, United States Code, is amended by striking "section 242(b) of such Act (8 U.S.C. 1252(b))" and inserting "section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))".

(8) Section 242B(c)(1) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

(9) Section 242B(e)(2)(A) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

(10) Section 242B(e)(5)(A) is amended by striking "section 242(b)(1)" and inserting "section 242(b)(4)".

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking "or" at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United

States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.”.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading “Miscellaneous” of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act, for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking "alien" each place it appears;

(B) by inserting after "individual" the first place it appears the following: ", knowing or in reckless disregard of the fact that the individual is an alien"; and

(C) by striking "within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic";

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking "thirty" and inserting "five business"; and

(B) by striking "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,";

(3) in the text following the third undesignated paragraph of subsection (a), by striking "two" and inserting "10"; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting ", or for enforcement of the provisions of section 274A of the Immigration and Nationality Act".

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103-322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking "section 245(i)" and inserting "section 245(j)".

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking "without a decision on the merits".

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term "illegal alien" means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after "paragraph (2)" by striking "and" and inserting a comma,

(B) by striking "State" and inserting "other Federal agencies and States",

(C) by inserting ", and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States" before "except", and

(D) by adding at the end the following new sentence: "The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists."; and

(2) in paragraph (2)(A)—

(A) by inserting "to Federal agencies providing support to the Department of Justice or" after "available"; and

(B) by inserting a comma before "whenever".

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting "or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response," after "United States," the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: "In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.".

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting "(A)" after "NONDISCRIMINATION.—"; and

(2) by adding at the end the following:

"(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.".

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking "except that the Attorney General" and inserting the following: "except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

"except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).".

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new sentence: "Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.".

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

"(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period at the end the following: "; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa".

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as "immigration judges") under the Immigration Judge Schedule (designated as IJ-1, IJ-2, IJ-3, and IJ-4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ-1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ-4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ-1, and shall be advanced to IJ-2 upon completion of 104 weeks of service, to IJ-3 upon completion of 104 weeks of service in the next lower rate, and to IJ-4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

"(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States, may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

"(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

"(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

"(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

"(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

"(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

"(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

"(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

"(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

"(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

"(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

"(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.".

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking "100" and inserting "200"; and

(2) by striking "25" and inserting "50".

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking "for emergent reasons or for reasons deemed strictly in the public interest" and inserting "on a case-by-case basis for urgent humanitarian reasons or significant public benefit".

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

"(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus"; and

(2) by adding at the end the following new paragraphs:

"(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).".

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).".

PART 2—ASYLUM

SEC. 193. LIMITATIONS ON ASYLUM APPLICATIONS BY ALIENS USING DOCUMENTS FRAUDULENTLY OR BY EXCLUDABLE ALIENS APPREHENDED AT SEA; USE OF SPECIAL EXCLUSION PROCEDURES.

Section 208 (8 U.S.C. 1158) is amended by striking subsection (e) and inserting the following:

"(e)(1) Notwithstanding subsection (a), any alien who, in seeking entry to the United States or boarding a common carrier for the purpose of coming to the United States, presents any document which, in the determination of the immigration officer, is fraudulent, forged, stolen, or inapplicable to the person presenting the document, or otherwise contains a misrepresentation of a material fact, may not apply for or be granted asylum, unless presentation of the document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled from such country directly to the United States.

"(2) Notwithstanding subsection (a), an alien who boards a common carrier for the purpose of coming to the United States through the presentation of any document which relates or purports to relate to the alien's eligibility to enter the United States, and who fails to present such document to an immigration officer upon arrival at a port of entry into the United States, may not apply for or be granted asylum, unless presentation of such document was necessary to depart from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution, and the alien traveled directly from such country directly to the United States.

"(3) Notwithstanding subsection (a), an alien described in section 235(d)(3) may not apply for or be granted asylum, unless the alien traveled directly from a country in which the alien has a credible fear of persecution, or from which the alien has a credible fear of return to persecution.

"(4) Notwithstanding paragraph (1), (2), or (3), the Attorney General may, under extraordinary circumstances, permit an alien described in any such paragraph to apply for asylum.

"(5)(A) When an immigration officer has determined that an alien has sought entry under either of the circumstances described in paragraph (1) or (2), or is an alien described in section 235(d)(3), or is otherwise an alien subject to the special exclusion procedure of section 235(e), and the alien has indicated a desire to apply for asylum or for withholding of deportation under section 243(h), the immigration officer shall refer the matter to an asylum officer.

"(B) Such asylum officer shall interview the alien, in person or by video conference, to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from—

"(i) the country of such alien's nationality or, in the case of a person having no nationality, the country in which such alien last habitually resided, and

"(ii) in the case of an alien seeking asylum who has sought entry under either of the circumstances described in paragraph (1) or (2), or who is described in section 235(d)(3), the country in which the alien was last present prior to attempting entry into the United States.

"(C) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B), the alien may be specially excluded and deported in accordance with section 235(e).

"(D) The Attorney General shall provide by regulation for the prompt supervisory review of a determination under subparagraph (C) that an alien physically present in the United States does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in subparagraph (B).

"(E) The Attorney General shall provide information concerning the procedure described in this paragraph to persons who may be eligible. An alien who is eligible for such procedure pursuant to subparagraph (A) may consult with a person or persons of the alien's choosing prior to the procedure or any review thereof, in accordance with regulations prescribed by the Attorney General. Such consultation shall be at no expense to the Government and shall not delay the process.

"(6) An alien who has been determined under the procedure described in paragraph (5) to have a credible fear of persecution shall be taken before a special inquiry officer for a hearing in accordance with section 236.

"(7) As used in this subsection, the term 'asylum officer' means an immigration officer who—

"(A) has had professional training in country conditions, asylum law, and interview techniques; and

"(B) is supervised by an officer who meets the condition in subparagraph (A).

"(8) As used in this section, the term 'credible fear of persecution' means that—

"(A) there is a substantial likelihood that the statements made by the alien in support of the alien's claim are true; and

"(B) there is a significant possibility, in light of such statements and of country conditions, that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).".

SEC. 194. TIME LIMITATION ON ASYLUM CLAIMS.

Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking "The" and inserting the following: "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following:

"(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

"(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.".

SEC. 195. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

"(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

"(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.".

SEC. 196. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsections (b) and (c) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION OR LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

(c) USE OF FEDERAL RETIREES.—(1) In order to carry out the purpose described in subsection (a), the Attorney General may employ temporarily not more than 300 persons who, by reason of retirement on or before January 1, 1993, are receiving—

(A) annuities under the provisions of subchapter III of chapter 83 of title 5, United States Code, or chapter 84 of such title;

(B) annuities under any other retirement system for employees of the Federal Government; or

(C) retired or retainer pay as retired officers of regular components of the uniformed services.

(2) In the case of a person retired under the provisions of subchapter III of chapter 83 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) the annuity of such person may not be terminated,

(C) payment of the annuity to such person may not be discontinued, and

(D) the annuity of such person may not be recomputed, under section 8344 of such title, by reason of the temporary employment authorized in paragraph (1).

(3) In the case of a person retired under the provisions of chapter 84 of title 5, United States Code—

(A) no amounts may be deducted from the person's pay,

(B) contributions to the Civil Service Retirement and Disability Fund may not be made, and

(C) the annuity of such person may not be recomputed, under section 8468 of such title, by reason of the temporary employment authorized in paragraph (1).

(4) The retired or retainer pay of a retired officer of a regular component of a uniformed service may not be reduced under section 5532 of title 5, United States Code, by reason of temporary employment authorized in paragraph (1).

(5) The President shall apply the provisions of paragraphs (2) and (3) to persons receiving annuities described in paragraph (1)(B) in the same manner and to the same extent as such provisions apply to persons receiving annuities described in paragraph (1)(A).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 197. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89-732, as amended, is hereby repealed.

(b) SAVINGS PROVISIONS.—(1) The provisions of such Act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban Migration Agreement of 1995.

(2) The individuals obtaining lawful permanent resident status under such provisions in a fiscal year shall be treated as if they were family-sponsored immigrants acquiring the status of aliens lawfully admitted to the United States in such fiscal year for purposes of the world-wide and per-country levels of immigration described in sections 201 and 202 of the Immigration and Nationality Act, except that any individual who previously was included in the number computed under section 201(c)(4) of the Immigration and Nationality Act, as added by section 192 of this Act, or had been counted for purposes of section 202 of the Immigration and Nationality Act, as amended by section 192 of this Act, shall not be so treated.

Subtitle C—Effective Dates

SEC. 198. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

"(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

"(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

"(C) DEFINITIONS.—

"(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

"(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

"(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

"(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

"(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

"(i) The aid to families with dependent children program under title IV of the Social Security Act.

"(ii) The medicaid program under title XIX of the Social Security Act.

"(iii) The food stamp program under the Food Stamp Act of 1977.

"(iv) The supplemental security income program under title XVI of the Social Security Act.

"(v) Any State general assistance program.

"(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.".

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to

such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not

apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.".

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).".

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting ", and", and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§ 506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

"(2) the term 'unlawful alien' means an individual who is not—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

"(C) an alien granted asylum under section 208 of such Act;

"(D) a refugee admitted under section 207 of such Act;

"(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

"(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

"(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in

State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 210. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.".

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) REIMBURSEMENT.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) STATUTORY CONSTRUCTION.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading " Immigration and Naturalization Service, Salaries and Expenses" of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking "academic high school, elementary school, or other academic institution or in a language training program" and inserting in lieu thereof "public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program"; and

(2) by inserting before the semicolon at the end of clause (ii) the following: ": *Provided*, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified.";

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable"; and

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), is deportable".

This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATION TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)(F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(C) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15)(F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting "(a)" after "**SEC. 281.**"; and

(B) by adding at the end the following:

"(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15)(F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government."

"(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those "J" visa holders whose presence in the United States is sponsored by the United States government."

"(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

"(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively."

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase "approved colleges and universities" means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF U.S. CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

"(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable."

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED U.S. CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable".

"SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

"§ 611. Voting by aliens

"(a) It shall be unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

"(1) the election is held partly for some other purpose;

"(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

"(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices."

"(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both";

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a)(8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable."

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable".

SEC. 218 EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

"(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

"(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

"(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

"(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

"(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.".

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

"(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(c) This section will become effective one day after the date of enactment of the act.

Subtitle C—Effective Dates

SEC. 221. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of section 201 and 204 shall apply to benefits and to applications for benefits received on or after 1 day after the date of the enactment of this Act.

LOTT AMENDMENT NO. 3745

Mr. LOTT proposed an amendment to the motion to recommit proposed by

Mr. DOLE to the bill S. 1664, supra; as follows:

Add at the end of the instructions the following: "that the following amendment be reported back forthwith".

Add the following new subsection to section 182 of the bill:

(c) STATEMENT OF AMOUNT OF DETENTION SPACE IN PRIOR YEARS.—Such report shall also state the amount of detention space available in each of the 10 years prior to the enactment of this Act.

DOLE AMENDMENT NO. 3746

Mr. DOLE proposed an amendment to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment add the following:

Section 178 of the bill is amended by adding the following new subsection:

(c) EFFECTIVE DATE.—This section shall take effect 30 days after the effective date of this Act.

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies. The hearing will be held on Wednesday, May 15, at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet at 9:30 a.m., during the Thursday, April 25, 1996, session of the Senate for the purpose of conducting a hearing on Air Service to Small Cities and Rural Communities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 2:00 p.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, April 25, 1996, at 10:00 a.m. to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INDIAN AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to conduct a joint hearing on Thursday, April 25, 1996 with the Subcommittee on Native American and Insular Affairs of the House Committee on Natural Resources on S. 1264, a bill to provide certain benefits of the Missouri River Basin Pick-Sloan Project to the Crow Creek Sioux Tribe, and for other purposes. The joint hearing will be held at 9:00 a.m. in room 485 of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Thursday, April 25, 1996 to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON INTERNATIONAL TRADE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Caucus on International Narcotics Control be authorized to meet during the session of the Senate on Thursday, April 25 at 19:00 a.m. to receive testimony on the domestic consequences of illegal drug trade.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, April 25, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 902, a bill to amend Public Law 100–479 to authorize the Secretary of the Interior to assist in the construction of a building to be used jointly by the Secretary for park purposes and by the city of Natchez as an intermodal transportation center; S. 951, a bill to commemorate the service of First Ladies Jacqueline Kennedy and Patricia Nixon to improving and maintaining the Executive Residence of the President and to authorize grants to the White House Endowment Fund in their memory to continue their work; S. 1098, a bill to establish the Midway Islands as a National Memorial; H.R. 826, a bill to extend the deadline for the completion of certain land exchanges involving the Big Thicket National Preserve in Texas; and H.R. 1163, a bill to authorize the exchange of National Park Service land in the Fire Island National Seashore in the State of New York for land in the Village of Patchogue, Suffolk County, NY.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

INTERGOVERNMENTAL MANDATES

• Mr. MURKOWSKI. Mr. President, pursuant to Public Law 104–4, the Committee on Energy and Natural Resources has requested, and obtained, the opinion of the Congressional Budget Office regarding whether S. 1271, the Nuclear Policy Act of 1996 contains intergovernmental mandates as defined in that act. I ask that the opinion of the Congressional Budget Office be printed in the CONGRESSIONAL RECORD in its entirety.

The opinion follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 18, 1996.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 1271, the Nuclear Waste Policy Act of 1996 as ordered reported by the Senate Committee on Energy and Natural Resources on March 13, 1996, in order to determine whether the bill contains intergovernmental mandates. CBO provided federal and private sector mandates cost estimates for this bill on March 28, 1996. CBO is unsure whether the bill contains intergovernmental mandates, as defined in Public Law 104–4, but we estimate that if there are mandates, they would impose costs on state, local and tribal governments totaling significantly less than the $50 million threshold established in the law.

S. 1271 would amend the Nuclear Waste Policy Act by directing the Department of Energy (DOE) to:

Begin storing spent nuclear fuel and high-level nuclear waste at an interim storage facility in Nevada, no later than November 30, 1999;

Establish an intermodal transfer facility at Caliente, Nevada, by November 30, 1999, to transfer material from rail facilities to heavy-haul trucks for transport to the interim storage facility;

Enter into a benefits agreement with Lincoln County, Nevada (the site of the transfer facility), and make payments to the county under that agreement as specified in the bill; and

Continue site characterization activities at the proposed permanent repository site at Yucca Mountain, also in Nevada.

In addition, the bill would authorize the appropriation of such sums as are necessary to establish a pilot program to decommission and decontaminate an experimental reactor owned by the University of Arkansas.

While S. 1271 would, by itself, establish no new enforceable duties on state, local, or tribal governments, it is possible that the construction and operation of an interim storage facility as required by the bill would increase the cost to the state of complying with existing federal requirements. CBO has not yet determined whether these costs would be considered the direct costs of a mandate for the purposes of Public Law 104–4.

Interim Storage Facility.—The state of Nevada and its constituent local governments would incur additional costs as a result of the interim storage facility required by this bill. CBO expects that state spending would increase by as much as $20 million per year until shipments to the facility begin in 1999 and $5 million per year between that time and the time that the permanent facility at Yucca Mountain begins operations. This additional spending would support a number of activities, including emergency response planning and training, escort of waste shipments, and environmental monitoring. In addition, spending by Nevada counties for similar activities would probably increase, but by much smaller amounts. Not all of this spending would be for the purpose of complying with federal requirements.

These costs are similar to those that the state would eventually incur under current law as a result of the permanent repository planned for Yucca Mountain. DOE currently does not expect to begin receiving material at a permanent repository until at least 2010, while under S. 1271 it would begin to receive material at an interim facility in 1999. As a result, the state would have to respond to the shipment and storage of waste at least ten years sooner. Further, state costs would increase because it would have to plan for two facilities.

The state could incur substantial additional costs relating to road construction and maintenance as a result of the shipment of waste by heavy-haul truck from the transfer facility in Caliente to the interim storage facility. Based on information provided by DOE, however, CBO expects that the federal government would pay most of these costs.

Federal Payments to State and Local Government.—S. 1271 would authorize payments to Lincoln County, Nevada, of $2.5 million in each year before waste is shipped to the interim facility and $5 million annually after shipments begin. In addition, the bill identifies several parcels of land that would be conveyed to Lincoln County by the federal government.

The state government and other governments in Nevada would lose payments from the federal government if S. 1271 is enacted, however. The bill would eliminate section 116 of the Nuclear Waste Policy Act, which authorizes payments to the state of Nevada and to local governments within the state. Section 116 currently authorizes DOE to make grants to the state and to affected local governments to enable them to participate in evaluating and developing a site for a permanent repository and to offset any negative impacts of such a site on those governments. Further, that section authorizes DOE to make payments to the state and to local governments equal to amounts they would have received in taxes if all activities at the repository site were subject to state and local taxes.

In recent years, Congress has appropriated amounts ranging from $12 million to $15 million per year under this section for Nevada and for local governments in the state. No funds have been specifically appropriated for these grants in fiscal year 1996, but DOE is authorized to provide funds from other appropriations.

S. 1271 would continue the provision in current law that directs DOE to provide technical assistance and funds to state and local governments and Indian tribes through whose jurisdictions radioactive material would be transported. This assistance would primarily cover training of public safety officials. In addition, DOE would be required to conduct a program of public education in those states. The amount of costs reimbursable under these provisions is very uncertain and would depend largely on the routes selected by DOE for transport of material to the storage sites. Based on information provided by state officials, we believe that states would be unlikely to spend their own funds on these activities unless reimbursed by the federal government.

If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL, *Director*.•

THE LINE-ITEM VETO

• Mr. DORGAN. Mr. President, 2 weeks ago President Clinton signed the line item veto into law. I would just like to explain briefly why I voted for this bill during the Senate's debate in March.

I have long believed that giving the President line-item veto authority will be helpful in imposing budget discipline. I think it will be helpful in preventing unsupportable spending projects from being added to spending bills without public notice, debate, or hearings. I have voted for the line-item veto three times in the past three Congresses. So I am delighted that the Senate finally had a chance to vote on the conference report.

LINE-ITEM VETO SEES THE LIGHT OF DAY

I was especially pleased, Mr. President, because I had been in some suspense as to whether the line-item veto bill would emerge at all from the Senate's conference with the House. It was on March 23, 1995 that the Senate passed our line-item veto bill. The House took so long that I had to offer an amendment to urge the Speaker to agree to the Senate's invitation to a conference. When the House passed its bill, the budget debates slowed down the conference. There were weeks when I questioned whether we would be able to send the line-item veto to the President at all.

Once the line-item veto did emerge from conference, a full year after the Senate passed its version, I could not help wondering whether the timing was an attempt by the majority to avoid giving President Clinton the line-item veto this year. The veto law will take effect only in January 1997, long after this Congress should complete its budget work. Since I voted to give Presidents Reagan and Bush the line-item veto, I regret that President Clinton will gain the line-item veto power only after this year's heavy legislative lifting is done.

Having gotten my disappointment about the bill's timing off my chest, Mr. President, let me go on to discuss my views on the conference report.

LINE-ITEM VETO A SENSIBLE REFORM

Let there be no mistake about the line-item veto. It is a historic budget reform. It would enable the President to veto spending projects. That power is important because Congress has a bad habit of spending money on projects that we have not reviewed in committee hearings or permitted in authorization bills.

The line-item veto law would also enable vetos of new entitlement spending and targeted tax benefits. This is crucial because entitlements are the fastest-growing portion of the Federal budget. Lastly, the bill also contains a provision requiring that savings achieved by the line-item veto be devoted solely to deficit reduction. Presidents will use the line-item veto only to save money.

So, Mr. President, I am pleased that we have achieved this bipartisan budget reform. Fully 43 Governors have the line-item veto, which suggests to me that it is a power that the President can safely wield.

The bill will help the President control spending abuses, especially unauthorized projects in appropriations bills. The line-item veto seemed to me to be a sensible reform. That is why I voted for it, and why I am pleased it is now the law of the land.•

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

• Mr. THOMPSON. Mr. President, on February 1 of this year, the Governor of Tennessee, the Honorable Don Sundquist, signed a proclamation stating that this past week, April 17–22, 1995, would be known in Tennessee as National Association of Retired Federal Employees Week.

Last week, on April 19, also marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter to the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community in Oklahoma following this tragic event. This spirit of contribution continues to distinguish civil servants, retired and employed.

It gives me great pleasure at this time to request the unanimous consent of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF TENNESSEE

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually every state, county, and municipal civil service system has developed from the Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently, and with little notice to uphold the highest traditions and ideas of our country; and

Whereas, thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of April 14–20, 1996, as National Association of Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.•

RETIREMENT OF DR. ROBERT A. ALOST

• Mr. JOHNSTON. Mr. President, I rise today to pay tribute to an outstanding Louisianian, my good friend, Dr. Robert A. Alost, who has announced his retirement as president of Northwestern State University after a long and distinguished career of service to NSU, the city of Natchitoches, and the State of Louisiana.

During his 10-year presidency at NSU, Northwestern has been transformed from a regional university to an institution of statewide prominence. Dr. Alost's tireless efforts to widen and enrich the educational experience of his school have strengthened every aspect of the institution. Student enrollment has increased by over 71 percent and the average ACT score is up, the school's academic curriculum has expanded by leaps and bounds, and its financial status has never been stronger.

While this progress merits commendation, Dr. Alost is even more deserving of recognition because he considers his accomplishments as simply part of his service to his alma mater, to a school he loves, and to a faculty and student body he considers his family. There are three words which come to mind when describing Robert Alost: service, leadership, and innovation. I know that countless other Louisianians would agree with this assessment, for his personal and professional history truly exemplify each of these qualities.

Dr. Alost's dedication to Northwestern State University is rooted in his own experience as a student at NSU, where he received his undergraduate degree is 1957 and a masters degree in 1958. After receiving a doctoral degree from Louisiana State University in 1963, Dr. Alost had a wide range of aspirations, and of all the opportunities available to him, he decided to dedicate his career to the advancement of Northwestern State University. He has risen from a young faculty member to its president, and has left a lasting legacy which will be appreciated for generations.

Under Dr. Alost's watch, the expansion of NSU's research and academic programs have placed it at the forefront of several innovative programs in higher education. Northwestern became America's first university selected to participate in the JointVenture [JOVE] Program with the NASA Marshall Space Flight Center. The results of this project, involving the analysis of data collected in space exploration, will have unlimited applications. Young people from across the United States will benefit from this cutting-edge program, and NSU's new space science curriculum and summer camp program will help support America's future scientists. Dr. Alost oversaw the development of the Louisiana Scholars College, which was designated by the State Board of Regents as the State's selective-admission college of the liberal arts and has elevated NSU's reputation to statewide prominence.

Dr. Alost has overseen many other noteworthy additions to NSU. Northwestern began a program in intercollegiate debate which won the 1994 Cross Examination Debate Association National Championship and has been the top program in the country over the past 5 years. Dr. Alost supervised the establishment of a doctoral program in educational technology to instruct educators on the most effective methods of using technology in the classroom. Northwestern is working with the nationally recognized Duke University Talent Identification Program, which identifies verbally and mathematically gifted young people, and it offers regional residential courses to these special students. Dr. Alost has also overseen the establishment of Northwestern Abroad, which provides travel-study opportunities to students who wish to expand their knowledge of other cultures.

I had the pleasure of working with Dr. Alost when we brought the National Center for Preservation Technology and Training to NSU, a national institution dedicated to historic preservation. This one-of-a-kind center was established by the National Park Service to train cultural resource professionals and serve as a clearinghouse for the transfer of historic preservation technology across the country. It is the innovate examples I have just cited which have designated Northwestern State University as a premier institution for higher learning.

Dr. Alost's service has also touched those outside of the Northwestern community. Over the years, numerous civic, professional, and religious organizations have flourished under his leadership. He has served as president and on the board of directors of the Natchitoches Tourist Commission. As an administrator and educator, he served as president of the Louisiana Council for Deans of Education, the Louisiana Association for Colleges and Teacher Education, and the Louisiana Association for Health, Physical Education and Recreation.

While Dr. Alost is a great source of pride for Northwestern State University, he has also been honored with many local, State, and national awards. In 1985, he was recognized by the Louisiana Association of School Executives as the State's Educator of the Year. In 1986, he received the Leadership Award from the Louisiana Association of Gifted and Talented Students. The citizens of Natchitoches proclaimed him Man of the Year in 1987. His achievements were heralded on a national level in 1989 when he was presented with the Phi Kappa Phi Distinguished Member Award.

Dr. Robert Alost's lifetime of achievement is truly an inspiration, and he serves as an incredible role model for those who believe that the possibilities are limitless. It has been an honor and a privilege to know him. I congratulate Dr. Alost on his distinguished career and wish him well as he enjoys the well-earned rewards of retirement.•

INDIANAPOLIS MOTOR SPEEDWAY AND THE INDIANAPOLIS 500

• Mr. LUGAR. Mr. President, I rise today as the month of May approaches to pay tribute to an important part of Hoosier heritage, the Indianapolis Motor Speedway and the Indianapolis 500.

The Indianapolis Motor Speedway was built in 1909 to provide a testing ground for Indiana's burgeoning automobile industry. Indiana was home at the time to such names as Duessenburg, Cord, Marmon, Stutz, National, Cole, Auburn, and Apperson.

The first Indianapolis 500 was run in 1911 and races have been run ever since. In 1917, the track backstretch was given over to the military for use as an aviation maintenance training center. It became one of the first lighted runways in the world. Races were canceled during the years 1917, 1918 and 1942–45 out of respect for the war effort. Since those early days, the race has grown to become a rite of spring for millions of Americans, attracting the world's largest 1-day sporting event crowd, as well as an immense broadcast audience.

Indianapolis is the home of the IndyCar racing industry, and the month of May is an especially dynamic time in our State. As race season begins, it is appropriate that we honor this uniquely American event and all those who have made it possible. In particular, we take pride in honoring the memory and vision of Tony Hulman, Jr.; the steadfast service of his wife, Mary Fendrich Hulman; and their daughter, Mari Hulman George; as well as the strong leadership of Indianapolis Motor Speedway president Anton H. George, who personifies the very future of IndyCar racing.•

TRIBUTE TO ADM. JAMES S. RUSSELL

• Mrs. MURRAY. Mr. President, it is with great sadness that I rise today to record the passing of a truly great American, Adm. James S. Russell. Admiral Russell built a remarkable legacy as a distinguished and decorated military officer and a respected civic leader in Washington State.

James Sargent Russell was born on March 22, 1903, in Tacoma, WA, where he spent his childhood. Eager to serve his country in World War I, he attempted to join the U.S. Navy after graduating from high school. Because he was too young, the Navy would not accept his enlistment. Instead, he followed his love of the sea, beginning his maritime career as a seaman in the Merchant Marine.

In 1922, he entered the U.S. Naval Academy, from which he graduated in 1926. This marked the beginning of a long and illustrious tour of duty with the U.S. Navy. After serving aboard the battleship *West Virginia*, he entered the young field of naval aviation, and was designated a Naval Aviator in 1929.

During World War II, then-Lieutenant Commander Russell led Patrol Squadron 42 in the Aleutian Island Campaign. For his heroism and exceptional service, he was awarded the Distinguished Flying Cross, the Air Medal, and the Legion of Merit. After serving in the Office of the Chief of Naval Operations in Washington, DC, he returned to combat duty in the Pacific and was awarded a Gold Star in lieu of a second Legion of Merit.

Following World War II, he assumed the post of commander of the U.S.S. *Coral Sea* and then was chief of the Bureau of Aeronautics, rising to the rank of vice admiral. From 1958 to 1962, he served as Vice Chief of Naval Operations with the four-star rank of Admiral. Because of his exceptionally meritorious efforts in that capacity, he was awarded the Distinguished Service Medal.

In 1962, Admiral Russell was named commander in chief of the Allied Forces in Southern Europe, a position he held until his retirement from active duty in 1965. His leadership during a time of heightened tensions earned him a Gold Star in lieu of the second Distinguished Service Medal.

The advancement of the field of naval aviation owes a great deal to the work of Admiral Russell. He entered the field when biplanes ruled the skies and aided the development of supersonic fighters. For his work on the development of the F-8 Crusader Navy fighter, the first ship-based fighter to fly faster than 1,000 miles per hour, Admiral Russell was awarded the prestigious Collier Trophy in 1956.

Recognition of his work extends beyond the borders of the United States, and is evidenced by his receipt of three foreign decorations. These include: the Order of Naval Merit (Grand Officer) by Brazil, the Legion of Honor (Commander) by France, and the Peruvian Cross of Naval Merit (Great Cross).

After retiring from active duty, Admiral Russell returned to the Tacoma area and became a prominent member of that community. He remained active in the aerospace industry as a consultant and board member. However, his second career, which spanned almost as many years as his first, was as a civic leader who bridged the civilian and military communities. Indeed, at an age when many of his contemporaries were enjoying a quiet retirement, Admiral Russell took an active role in community affairs.

Admiral Russell leaves his wife, Geraldine; his son and daughter-in-law, Don and Katherine Russell; his daughter-in-law, Anitha Russell; five grandchildren; and three great-grandchildren. I wish to express my sincere sympathy and condolences to these and other members of his family.

All who are acquainted with Admiral Russell know that his work has benefited and will continue to benefit countless individuals in Washington State, across this Nation, and around the globe. Admiral Russell served his country and community selflessly for three-quarters of a century. He led by example and earned the respect of all who knew him. I and so many people —his friends, colleagues, family, and community members—are sincerely grateful for his many contributions to military and civilian life. He leaves behind a great legacy and will not be soon forgotten.•

TRIBUTE TO THE UNIVERSITY OF KENTUCKY WILDCATS

• Mr. McCONNELL. Mr. President, as my colleagues well know, I do not frequently venture down to the other side of Pennsylvania Avenue. The current occupant of the White House and I do not always see eye to eye. But, times change and I am anxiously awaiting the opportunity to set aside political differences in order to join the President in welcoming to Washington the 1996 NCAA Division I National Champions, the University of Kentucky Wildcats.

Mr. President, University of Kentucky basketball enjoys a proud history, one unequaled by any other school. In fact, in this season of unparalleled achievements, Kentucky not only earned bragging rights for the year, but they also became the winningest program in college basketball history. With their victory in the Mideast Regional Final, the Wildcats overtook the University of North Carolina and returned to their perch atop basketball's elite.

This fact is further demonstrated by the yearend Sagarin basketball Ratings. These figures compiled by basketball expert Jeff Sagarin factor in numerous variables, including schedule strength, to determine the top teams in Division I NCAA. This year, Kentucky posted a yearend rating of 103.26, which put the Wildcats not only in first place for the year, but also made it the top rated team in the 22-year history of these figures.

As for history, let's review a few quick facts about this Wildcat team. On their way to a 34-to-2 record, the Cats defeated every team on their schedule at least once by a minimum of 7 points. They scored 86 points in one-half against the LSU Tigers. Mr. President, for those of my colleagues who may not follow college basketball closely, allow me to put this achievement in terms more readily understandable. Scoring 86 points in one half is equivalent to BOB DOLE winning the Presidency before the polls in the Midwest even close, which, by the way, I anticipate he will do. Finally, the Wildcats did something that nobody believed was possible in this age of parity in college athletics: they played the entire Southeastern Conference regular season without losing a single game. A perfect 16 and 0.

Rupp, Issel, Groza, Givens, Macy, Mashburn, Hall, and now Pitino. The Fabulous Five, Rupp's Runts, the Fiddlin' Five, Pitino's Bombinos, the Unforgettables, and now the Untouchables. UK basketball enjoys a tradition unequaled by any other program. Mr. President, I believe this tradition will continue to grow for decades to come.

I urge my colleagues to join me in extending congratulations to this team of outstanding young men, a group distinguished not only by their athletic achievements but their character as well. As an unabashed college basketball fanatic, I want to personally thank Coach Pitino, Athletic Director C.M. Newton, and President Charles Wethington for restoring dignity, excitement, and honor to this proud program. Their leadership provides an example all of us in public life would do well to emulate.•

ROLE OF RELIGION IN AMERICAN SOCIETY

• Ms. MIKULSKI. Mr. President, the State of Maryland is very fortunate to have many churches and religious institutions which serve families and individuals with special needs. I am pleased that the world headquarters for the Seventh-day Adventist Church is located in Maryland. On March 10, more than 500 community service directors and volunteers of the Allegheny East Conference of Seventh-day Adventists convened in Hyattsville, MD, under the leadership of Pastor Robert Booker. The keynote address was delivered by Dr. Clarence E. Hodges, vice-president of the North American Division of the General Conference of Seventh-day Adventists. He spoke eloquently on the role of religion in American society. I want to share with my colleagues some of his thoughts. Dr. Hodges began his remarks by speaking of the freedom of religion which the United States enjoys.

> When freedom of religion is combined with other economic and social freedoms, society flourishes and the quality of life is enhanced for all citizens. The United States has the model which must be protected. Religious institutions stay out of government and governmental institutions stay out of religion while both employ their special approaches to advance the interests of society and the individual.

In his remarks, Dr. Hodges highlighted the vital role religion plays in our country, not only in meeting spiritual needs, but also in meeting the day to day needs in our communities. As he points out: Where would we be without their immense contributions?

> What would it cost for government to replace all church operated charitable organizations, educational institutions, hospitals, nursing homes, welfare centers, soup kitchens, and other services provided to individuals?

And as he pointed out in his concluding comments, the contributions that people of faith and religious-based organizations are making to communities are needed now more than ever, in these times of declining spending at all levels of government.

> The family, the basic unit of society, is coming apart. Divorces are at record high levels. First time marriages are being delayed. Babies are born to babies. Children are being raised in single parent families. Only nine percent of the children who live with both parents are poor while forty-six percent of the children who live with only one parent are poor. Since 1970, out of wedlock births have tripled. Child abuse and neglect contribute to the death of twelve children each day. Three hundred fifty thousand children between eight and eighteen years of age are put out of their homes each year. Homeless and runaway children are exploited by perverted adults for money and sick pleasures. The foster care system which is designed to provide protection and hope for neglected children actually feeds thousands into the corrections system as felons each year. Mothers are battered in front of and with their children and many see no other option but to suffer through this kind of domestic violence year after year. But your services are making a difference. We will never know the full value or impact of your services. Our governmental agencies at all levels and all tax payers appreciate what you are doing in response to human needs, family problems, and natural disasters. Since you serve anyone in need, without strings attached, and since your clients include all races, cultures and religious groups, I am pleased to congratulate you for doing the work of your Lord in an outstanding manner. You are ready for welfare reform, changes in Medicaid, nutrition programs, and the various block grant proposals. Thanks be to our founding fathers for their vision of religious freedom.
>
> We live in a world where there is no suffering-free zone. We can relocate to beautiful communities but there is no comfort zone. We can run but we cannot hide. We can have creature comforts and luxuries far beyond our needs but we will have no comfort zone until we have reached out to all in need.
>
> What is the value of a good neighbor? What is the value of the Good Samaritan? What is the value of religion? What is the value of religious freedom? The value of mankind, that's the answer. May we and America forever place a high value on all our freedoms and on all mankind.

I believe all of my colleagues will find food for thought in Dr. Hodges' comments.•

ALLEGED SWISS COLLABORATION WITH THE NAZIS AND THE SMUGGLING OF GERMAN LOOTED PROPERTY TO ARGENTINA

• Mr. D'AMATO. Mr. President, I rise today to discuss an issue that continues to trouble me, namely that of the role played by Swiss banks and their continued retention of assets belonging to European Jews and others before and during World War II.

In a document from the State Department, entitled, "Nazi and Fascist Capital in Latin America," dated March 23, 1945, found at the National Archives, details Nazi capital infiltration of Latin and South America. Yet, within the report, there are sections which explain the role of the Swiss bankers in helping to secret Nazi assets out of Europe. At this time, Mr. President, I ask unanimous consent that this report be printed in the RECORD.

The relevant part of the report states that,

> Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.

If this is true, it suggests that Swiss bankers might have directly help get Nazi assets out of Europe to Latin and South America. This revelation could lead to serious questions about the sincerity of the Swiss bankers with regard to Jewish assets in their possession, as well as those of the Nazis. Where did all of the money go? That is what the Banking Committee will try to find out.

The report follows:

NAZI AND FASCIST CAPITAL IN LATIN AMERICA

Ever since the Nazis and the followers of Mussolini began to lose confidence in their ultimate victory, they started to establish safe refuges for their capital in neutral countries. The object of these transfers is only, in a minor degree, for the purpose of establishing coches for their loot, for the purpose of enjoying a comfortable old age, with personal and economic security, such as that of Kaiser Wilhelm II in the Netherland town of Doorn. The main purpose is the reestablishment of German industrial and financial power or influence in countries from which they could again attempt to dominate the world, first economically and later politically.

These transfers are being accomplished by various methods. Most of them are being made by the intermediacy of neutral countries. A great deal of capital, British and United States currency, jewels, and technical secrets and stock certificates have been transported from Germany to neutral Switzerland, Spain, Tangier, and Portugal, and from there to the final destination, largely to neutral Argentina where the capital is expected to enjoy safety from any Allied interference. Spanish Falangists, aristocrats, and businessmen have been helping in these transfers, with their voyages from Spain to Argentina. These activities gained momentum in 1944.

In Spanish ships and German submarines, as much as possible of Germany's capital, American and other currency of the Allied nations, confiscated by the Nazis, inventions, technical personnel, officers, and machinery has been sent to Latin America, including some industrial plants complete with administrators. A typical example was the arrival in Argentina, at the beginning of 1945, of the heads of the CHADE (Compania Hispano-Americana de Electricidad), Juan Ventosa y. Calvet and F.A. de Cambo. The heads of the Deutsche Bank and the Allgemeine Elektrizitats Gesellschaft figure prominently on the board of directors of CHADE which controls electric light and power for the city and province of Buenos Aires. Before his trip to Argentina, Ventosa y. Calvet was seen several times in Berne and Montreux, Switzerland, in the company of Hitler's financial advisor, Dr. Hjalmar Schacht. That is one example of how the Argentine Government has managed to speed up the development of war industries. In that way, Fritz Mandl, former Austrian munitions manufacturer, organized his armament factories in Argentina. Collaborators with German investments in Argentina are: Gen. Basilio Pertine, Dr. Arnold Stoops, Guillermo Schulenberg, Max Kleiner, Federico Curtins, Dr. Alejandro Czisch, Fernando Ellerhorst, Dr. C.E. Niebuhr. All of them are members of the board of directors of the most important German, or German-controlled, companies in Argentina: Siemens Bauunion, Siemens Schuckert, Osram, Wayss & Freytag, Bayer, Allgemeine Elektrizitats Gesellschaft, known as A.E.G., and many others.

The main German investments include banks, such as the Banco Aleman Transatintico and the Banco Germanico de la America del Sud; insurance companies, such as La Germano Argentina, Compania de Segures Aachen y Munich; construction companies, such as Siemens Bauunion; electric machinery companies, such as the half-dozen subsidiaries of Siemens-Schuckert, and Siemens & Halske; chemical companies, most of the subsidiaries of I.G. Farbenindustrie, such as Quimica Bayer S.A., Quimica Schering, Quimica Merck Argentina, Anilinas Alemanas; machinery distributors, such as Compania de Motores Otto Deutz Legitima S.A., Sociedad Tubos Mannesman Ltda., Aceros, Roechling-Buderus, S.A., Aceros Schoeller-Bleckman, S. de R.L. and many others.

Accusations have also been voiced that Nazi German capital is escaping in Swiss diplomatic pouches, probably without the knowledge of the Swiss federal government, because of the government's practice of entrusting diplomatic missions to its bankers and businessmen traveling to the Western Hemisphere.

The vast fortunes of Nazi party leaders and industrialists, sent out of the Reich for safekeeping to neutral countries, but mainly to Buenos Aires, are ready to resume business through Germany's industrial and chemical cartels in new headquarters as soon as Germany surrenders. The alleged or Swiss aid to Germany in these matters is believed to have contributed to Russia's refusal to attend last year's international Aviation Conference in Chicago because of the presence there of Swiss and Spanish delegates.

The personal fortunes of Nazi officials, including Hermann Goering, Joseph Goebbels, Robert Ley and others, are said to be reaching Geneva via German diplomatic pouches, and from there—it is alleged—they are sent to Buenos Aires.

The Nazis once used Spanish diplomatic pouches in Venezuela and other countries to send strategic materials like industrial diamonds and platinum home from South America. Before Argentina broke its official ties with Germany, the Nazis sent vital materials to Berlin in their diplomatic pouches and received large shipments of such diverse items as propaganda, short-wave radio transmitters, and the blueprints for war weapons now produced in several Argentine arms plants, notably that of the former Austrian munitions king, Fritz Mandl.

Another method of obtaining allied or "free" currency in neutral countries, a method which furthermore obviates the necessity—often involving a certain risk—of smuggling currency, valuables, or stock certificates into neutral countries, was extortion from Germans living in neutral countries. The system of extortion, which the Nazis had employed on a world-wide scale during that year, was based upon the sale of exist permits from Germany and occupied territories. Persons seeking such permits were compelled to persuade their relatives or friends in the Western Hemisphere to place at the disposal of the Nazis large sums of "free" currency of the neutral powers. At the same time, residents of the American Republics were informed that their relatives or friends in Germany, or in territories occupied by it, would be sent to concentration camps or subjected to other tortures if the specified sums of money were not paid within a fixed period of time. Through this procedure, many persons in Europe, who had ties of friendship or relationship with residents of the New World, were held as hostages pending the payment of ransom in the free currencies.

The fortunes in securities, bullion and cash transferred to the Argentine capital are only part of the sums being invested abroad for the Nazi hierarchy by banks of neutral countries. International financial speculators have invaded the United States, Argentina, and Panama to assist the Germans in one of the greatest mass exodi of capital ever known. United States Government agents have successfully blocked the activities of a number of these speculators but have as yet been unable to do anything about the misuse of diplomatic immunity of neutral countries. Such neutral diplomatic pouches are passed without inspection on Spanish, Portuguese, and Swiss merchant ships at the British control stations in Gibraltar and Trinidad.

It is reported that Reichsmarshal Goering lately used this method to transfer personal funds. According to these reports, Goering previously sent more than $20,000,000 of his personal fortune to Argentina via the Dresdener Bank of Berlin and the Schweizer Bankverein of Geneva. His representative in Argentina is Dietrich Borchardt, a German of Argentina citizenship, who not long ago visited the United States and engaged in financial transactions.

Goering is also reported to have transferred some funds to Argentina by a Nazi submarine which in the Spring of 1943 surfaced near Mar del Plata on the Argentina coast and transferred some forty boxes to a tugboat of an Axis-owned line in Buenos Aires. Part of that money is said to have been invested in the "Electro Metalúrgica Sema" arms plant in Buenos Aires which Goering recently sold to the Argentine government for $5,000,000.

One of the latest reports is the discovery that Nazi Propaganda Minister Joseph Goebbels has $1,850,000 in United States money in a safety deposit box in a German-controlled bank in Buenos Aires, under the name of a friend of German origin there.

Foreign Minister Joachim von Ribbentrop has a large sum deposited in the name of his cousin, a German named Martin, who recently received $500,000 from a Swiss bank from the account of the Nazi diplomat.

Admiral Karl Doenitz, chief of the German Navy, has an undisclosed sum in the care of a relative, Edmundo Wagenknecht, owner of one of the largest German import and export firms in Argentina.

Robert Ley, Chief of the Nazi Labor Front, recently bought a large farm near Bahia Blanca, Argentina, under the name of Franz Borsemann, a trusted Nazi friend.

It is estimated that in 1939 German investments in Latin America amounted to at least 150 million dollars or 16 percent of the total foreign investment of Germany. This figure does not include the capital belonging to persons of German lineage or capital employed by those who had acquired an American citizenship while maintaining Nazi contacts and sympathies. It consists of those investments whose ownership is known to be German, hence it is a minimum figure. Much of this, although small in proportion to British and United States holdings, was effectively and intensively organized and integrated into the Nazi political system.

When the Germans overran almost all of continental Europe, they seized many millions of French francs, Dutch guilders, Belgian belgas, Norwegian and Danish kronen, Czech korunas, Polish zlotys, and a great deal of American and British currency found in the banks of these countries. They transported or transferred them to neutral banks, and from there much of it went to South America, mainly to Argentina. This money was partly used for the purpose of expanding Nazi controlled industries in these neutral countries.

According to some Argentine estimates, the Germans have $750,000,000 cashed or invested in South America, including their pre-war investments.

During the war, these investments have been considerably increased through the infiltration of German capital.

"Anilinas Alemanes" (German Anilines), which is part of the huge German dye trust, is an example. According to figures registered by this company with the Argentine government, its capital there in 1940 was 5,000,000 pesos. In 1943 it was 9,600,000 pesos, the balance having been invested from abroad during the war. Although the company officially was cut off from all supplies from Germany during that period, its 1939 profits of 69,453 pesos had soared to 1,731,847 pesos in 1943.

German government officials "bought" millions of dollars in Argentine securities from their owners in occupied Europe, giving the victims worthless German paper money or securities in exchange. The Argentine securities thus obtained have been sent to Buenos Aires for safe-keeping. Future attempts of the victims to recover these Argentine securities will be a difficult, if not impossible task.

PREVIOUS COMMERCIAL TIES

Industries and commercial houses operated by Germans in Latin America conducted their activities as though nationalized by the Third Reich, in the interest of the Party and often with little regard for financial profit and ordinary business enterprise. Commercial enterprises such as retail and wholesale distribution, importing and exporting, commodity brokerage, and drug compounding and distribution were the types preferred for German investment. More than half of the German capital in Latin America was invested in this field of endeavor.

The largest and most extensive investments were made by Germans in Brazil. Here the basis for a thriving trade in German and Brazilian commodities existed as a result of a large colonies of Germans in Brazil which had been established under the leadership of the Hanseatic Colonization Company beginning in 1887. Most of these early colonists were farmers and laborers and as their economic status became stronger and more prosperous, German industrialists, traders, technicians, and small capitalists were attracted to the country. Thousands of farms owned by Germans and citizens of German descent and in 1939 an estimated 40 million dollars in German capital was invested in commercial houses. German traders maintained the closest of ties with Germany, dealing principally in German goods and in products specially prepared, packed and shipped from Brazil to German markets. These strong commercial ties were fully utilized by the Nazi party organization not only to extend the party network but to provide powerful financial support.

Similar commercial penetration occurred throughout Latin America reaching a position of dominance in Chile, Colombia, and Bolivia. In 1939, German investments in commercial firms in Chile were estimated at 16 million dollars, in Colombia 9 million, and in Bolivia 5 million. German business agents covered the area reaching remote districts with products of German industry and seeking commodities in exchange. Easy credit terms were extended, personal favors granted, and buyers tied to sellers by means of continuing obligations. Such firms as Bayer, Becker, Elsner, Kyllman, Swertzer, and Zeller operated prosperously and with extensive credit furnished by banks with German connections. With typical thoroughness the Germans extended their control until dominance was achieved in many fields. In Uruguay a Nazi gauleiter named Delldorf used the firm of Lahusen and Company as a center of party espionage. This firm with other German-owned and controlled units dominated the wool export trade of the country. The financial strength and commercial prestige of these firms enabled them to exert effective powers over press and radios; a power which was fully used.

In addition to these strictly German investments there were substantial capital holdings in the hands of local citizens of German descent with Nazi sympathies and connections. In Colombia alone there were an estimated 225 firms of this type with capital aggregating about 5 million dollars.

AGRICULTURAL INVESTMENTS

Second in size to German investment in commercial enterprises were German land holdings in Latin America. In Argentina, German colonies were established, principally in Patagonia. More than half of the population in this area was foreign, the Germans numbering 15,000. Several of the richest and most extensive land holdings in Patagonia were dominated directly or indirectly by powerful German interests. The Germans lived here as Germans speaking their own language, retaining German customs, schools, and religion, celebrating German holidays, and spreading a continuous flow of Nazi propaganda. The area was virtually a Nazi State, followed the party line, and kept alive the issue of creating a separate State.

In Peru, Gildermeister and Company with home offices in Lima and Berlin operated under the name of Negociacion Agricola Chicama, Limitada (formerly Casagrande Luckner Plantagen, A.G.). In 1939 this firm owned the largest sugar plantation in the world (more than 1.5 million acres) and controlled the production of more than half of all sugar produced by Peru. The capital investments of this firm were estimated at about 20 million dollars; it possessed its own private seaport, Puerto Chicama, but the total quantity and composition of exports and imports which flowed through the port is a matter of conjecture. Gildermeister maintained close ties with the Nazis, one of the Gildermeister brothers serving as the Peruvian ambassador in Berlin until 1942. The concern employed German as well as native personnel, and dominated completely the economy of the Chicama Valley.

In Central America, notably Guatemala and Costa Rica, German land holdings were substantial. In Guatemala, German capital controlled about 60 percent of the coffee acreage and the amount invested was estimated at 20 million dollars. Similarly, in Costa Rica about 5 million dollars of German capital was invested in coffee and sugar plantations.

BANKING INTERESTS

Ranking third in size, the German investments in banking in Latin America were of considerably greater importance as instruments of Nazi control then might appear from their capital. German personnel was strategically placed in local banks; correspondent contacts were developed and maintained on an extensive scale; loans to institutions of strategic importance and to governments were made and the dominant motive was often clearly political rather than economic.

In every report or news dispatch from South America, two banks have been named as the key transmission-belts for financing German enterprises in Latin America: the German Overseas Bank (Deutsche Ueberseeische Bank) and the German-South American Bank (Deutsche-Suedamerikanische Bank). The former—its Spanish name is Banco Alemán Transatlántica—is under the control of the Deutsche Bank, the largest private bank in Germany, with eighteen branches in Argentina, Brazil, Chile, Peru, and Uruguay. Its board of directors contains, besides the heads of the Deutsche Bank, the director of the Krupp combine, Dr. Busemann; the general director of the potash trust, Dr. Diehn; and representatives of the Steel Trust and of Siemens-Schuckert, one of the two largest electricity trusts in Germany. The German Overseas Bank has interests in the Central Banks of Argentina, Chile, and Peru.

The majority of shares in the German-South American Bank (Banco Germánico de la América del Sud) belong to the Dresdener Bank, Germany's second largest private bank. Here, too, the Krupp combine is represented in the person of Krupp's brother-in-law, Baron von Wilmosky. Hermann Buecher, chairman of the board of AEG, Allgemeine Elektrizitats Gesellschaft, the largest German electricity trust, is also a director of the bank. Consul Heinrich Diederichsen, head of a large Hamburg import and export house, is a director of the bank; while his son, utilizing the money of the German-South American Bank, plans a very important role in the fascist Integralists movement in Brazil.

German banks were of notable importance in Argentina, Brazil, Colombia, and Chile, operating with numerous branches and controlled from Berlin. The former Banco Italiano (now El Banco Crédito del Peru) was a 10 million dollar Axis institution which dominated the banking business of Peru. It has such power that few important steps, affecting government finance or of major economic importance, were taken without consulting the officers of this institution. Through selective financing, it controlled the public utilities and a substantial number of private business interests in Peru.

INVESTMENTS IN TRANSPORTATION

The major German investment in Latin American transportation was made in airlines. The systems developed in strategic areas. The principal lines, Condor, Lufthansa, Sedta, Varig, Scadta, and Lloyd Aero Boliviano, operated largely with German personnel (some of whom were officers in the Nazi Army) and systematically mapped the strategic areas of Latin America. This subject is treated in a separate section of this report.

German shipping companies forced to suspend business activities as a result of the British blockade did not close their offices but in many cases expanded and opened new offices to carry on propaganda functions.

The Compania Unión Industrial de Barranquilla was the only shipbuilding firm in Colombia for the river trade. Its control was German, most of its personnel was German and nearby property and business was owned or dominated by Germans.

PUBLIC UTILITIES

Though direct financial investments by Germans in public utilities in Latin America were small, Germans held key positions in many utility concerns, notably Argentina; and in Uruguay, the German firm, Siemens, contracted to build a great hydroelectric power and distribution system at Rio Negro using German technicians and German equipment and installations. The entire technical personnel of the electric plant in Quito was German. The chief engineer on this project was Walter Giese, a Nazi gauleiter who established in Ambato a powerful Nazi radio transmitting station.

TRANSFER OF ITALIAN FASCIST CAPITAL

The Italian Government in Rome, cooperating with the Allied Commission, seized and sequestered Fascist estates valued at $80,000,000 in liberated Italy. But high-ranking Fascists are said to have smuggled between $400,000,000 and $500,000,000 into neutral countries, most of which is the result of wholesale looting.

Edda Mussolini, the Duce's daughter and widow of Count Ciano, executed Fascist Foreign Minister, escaped to Switzerland and is credited with having stored away more pillage than any other Italian Fascist.

Other nations where Fascists have succeeded in hiding funds include Portugal, Argentina, and Brazil, according to an Allied Commission official.

Italian "epuration" (purge) officials are not investigating a report that Mussolini himself hid some loot in the United States.

Mussolini's family, including children and grandchildren, his mistress, Clara Petacci and all of her family, comprise sixteen names of 267 whose estates in liberated Italy have thus far been sequestered. Not all of the 267 are Fascist leaders. Some are simply profiteers and war contract swindlers.

SWISS BANKERS AND GERMAN CAPITAL

Three members of the Swiss delegation of the International Business Conference, held at Rye, N.Y., in November 1944, made several attempts to induce the U.S. Treasury Department to rescind its ruling that the true ownership of all funds deposited by Swiss banks in this country be revealed within one year after hostilities cease in Europe. The Swiss banking system in which numbers designate accounts instead of names, makes it enormously difficult to trace secret or hidden funds.

According to sources having connections in Geneva and Buenos Aires, the reason for Swiss bankers; anxiety to evade disclosure of their clients, names is the fact that Swiss banks have for several years been aiding in the transfer of immense fortunes of Nazi leaders and their European collaborators to the United States, Spain, Argentina, and Brazil.

The Swiss Committee, headed by Edmond Barbey of Lombard, Odier et Cie., includes André Fatio of Ferrier, Lullin, and F.H. Bates, all representing the Union de Bancs Suisses (The Swiss Banking Association). They are basing their plea on the Swiss banking tradition of absolute secrecy concerning their clients' accounts—or even of the fact that the account exists.

At present Swiss funds deposited in the United States anonymously are blocked by the Treasury Department which promises to release them upon definite proof that they do not belong to enemy aliens or war criminals.

The chairman of the Swiss delegation to the International Business Conference was Hans Sulzer of Gebrueder Sulzer in Geneva (and a branch in Frankfort-on-Main, Germany), who was on the British blacklist. (Charged with supplying Diesel engines for Nazi submarines, Sulzer hotly replied, "They were not for submarines!).

In allowing men like Sulzer and their bankers the cloak of diplomatic immunity, the Swiss government has, probably unwittingly, enabled German leaders like Goering, Goebbels, and von Ribbentrop to spirit huge funds abroad. For centuries Swiss banks have been confidants of men who want to keep their financial transactions secret. A banker is forbidden by the Swiss constitution from disclosing his clients' maneuvers. He would rather go to jail than do so.

The Swiss Banking Association is therefore doubly anxious to induce the United States to refrain from insisting on postwar disclosure of the names of its depositors here. Besides being forced to confess their relations with war criminals, they will have lost the advantage of secrecy which has enabled them to vie in world influence with the greatest banks.●

RESURGENCE OF THE AMERICAN STEEL INDUSTRY

● Mr. ROCKEFELLER. Mr. President, I wish to draw the Senate's attention to a most important development that seems to have gone virtually unnoticed by a great many in the general public. As the co-chairman of the Senate Steel Caucus, I am pleased to report that the story of the resurgence of the American steel industry is a genuine American success story. In the April 16, 1996, edition of the New York Times, there was an extensive article which outlined many of the ways in which American steel companies have been able to rebound from huge losses and, in some cases, bankruptcy. Today the American steel industry is simply the most cost effective, and highest quality steel industry in the world.

During the 1980's, as many of my colleagues will remember, the steel industry was confronted with many serious problems, not the least of which was the fact that foreign steel producers, with the approval of their governments, targeted our steel industry for extinction by means of dumping and other unfair trade practices. In response to the threat of our using our antidumping and countervailing duty laws, foreign governments negotiated voluntary restraint agreements [VRA's] with the United States that kept a lid on imports of unfairly traded steel.

These VRA's were desperately needed medicine which gave our steel companies the extra boost they needed to rise from the ashes. In addition, Congress worked on a bipartisan basis to maintain the effectiveness of U.S. antidumping and countervailing duty laws. Effective use and administration of our trade laws were—and remain—absolutely vital to the health of our steel industry.

That is why I fought so hard, when we were negotiating the Uruguay round of the GATT, and when Congress was writing the legislation to implement the round, to make sure that the sanctity and effectiveness of our fair trade laws were maintained. Today, some are trying to undermine our trade laws through covert means, to find ways of getting around our trade laws. Mr. President, we can't afford to let that effort succeed. America's steel industry, the backbone of our economy, can't afford to let that effort succeed.

However, our trade laws alone didn't bring about American steel's resurgence. Since 1980, U.S. steel producers have invested over $35 billion in modernization—a figure higher than the industry's total cash flow! But the revitalization of America's steel industry has been costly and painful. Between 1980 and 1992, the workforce was cut by 57 percent and 450 facilities were closed.

Most of the 235,000 people whose jobs were lost in those down years won't benefit from the resurgence of America's steel industry, but the polishing-up of the rust belt will benefit thousands of other workers and their families.

Today, the United States has a world class steel industry. American steel is the lowest cost producer for the U.S. market; U.S. labor productivity—man hours/ton—in the steel sector leads the world; the quality of American steel is second to none; and the United States is emerging as a center of innovative steelmaking technology.

As we all know, successful competition in today's global marketplace requires a vigorous manufacturing base. Steel is fundamental to that base and continues to be essential to manufacturing, infrastructure and defense—mainstays of our economy.

Mr. President, I ask that the New York Times article entitled, "Big Steelmakers Shape Up," be printed in the RECORD.

The article follows:

[From the New York Times, Apr. 16, 1996]

BIG STEELMAKERS SHAPE UP—U.S. MILLS WIN BACK BUSINESS AT HOME AND ABROAD

(By John Holusha)

SPARROWS POINT, MD.—Richard Moore was laid off from the Bethlehem Steel Corporation's sprawling mill here in 1981, one of tens of thousands of workers shed by the American steel industry as it fought to cut bloated costs and fend off surging imports.

Now, after a nearly 15-year stint selling auto parts, Mr. Moore is back on the job, one of 400 production workers hired here last year, the first new arrivals since 1979. More are expected to be hired soon.

"The work here is dirtier, hotter, more dangerous and strenuous" than the sales job, Mr. Moore said during a brief break. But, at $24 an hour in base pay and benefits, it is also "much better than what I was doing," he added.

The return of Mr. Moore and his colleagues—and others like them at steel plants around the country—marks the return as well of an industry that was nearly given up for dead in the United States a decade or so ago.

Slimmer now and better run, American steelmakers are taking back more and more pieces of their domestic business from competitors in Japan and other countries. And at levels not seen for half a century, they are going abroad with a vengeance, more than holding their own on foreign turf in terms of quality and price, even with the added expense of shipping.

Last year, they shipped 7.1 million tons of steel slabs, sheets and structural beams to foreign countries, nearly doubling the 3.8 million tons exported in 1994. It was the best export performance since 1940, according to the American Iron and Steel Institute, the principal industry trade group. And orders are booming this year.

As explanation of why he expects to stay on this time around, Mr. Moore pointed to the fact that the tinplating line he works on had sold its full 1996 production capacity by mid-March. Last year, Bethlehem exported 500,000 tons of steel from the plant here, along the Chesapeake Bay about 12 miles southeast of Baltimore. That is up from just 50,000 tons the year before. All in all, the performance last year and the strong orders so far this year "confirm that the U.S. steel industry has become competitive on a world basis," said Peter F. Marcus, a metals analyst at Paine Webber.

To be sure, the United States still imports more steel than it exports, at least partly because so many outmoded mills have been closed that the domestic industry cannot fully supply the market. Imports totaled 24.4 million tons last year. And the bulk of the hiring here and at other plants is to replace retiring workers, not to add to the payroll.

Still, in one basic category, hot rolled sheet steel, the United States has been a net exporter since last June. And overall employment in the industry—now thought to be around 170,000—has begun to increase as the first few of nearly a dozen new mills scheduled to open by the end of the decade have started production. Taken together, the numbers show just how far American steelmakers have come in changing their old ways, analysts and industry executives say.

Those ways were marked by a full plate of inefficiencies: overstaffing, outmoded production processes and poor quality control. Foreign steelmakers, led by the Japanese and the Europeans, saw their chance and moved in. But there were domestic threats to the steel giants as well, from so-called mini-mills, upstart operators that turned out low-cost steel from scrap rather than from raw materials. And some foreign companies bought plants in the United States and began to revamp them.

Eventually, the big American steelmakers got serious about survival. They slashed payrolls, shuttered the most antiquated of their hulking mills and spent billions on new technology and equipment.

With costs down and quality up, the industry has been positioned of late to take advantage of currency swings that have made American products cheaper abroad. Besides making American steel itself more attractive to foreign markets, the relative weakness of the dollar has helped many domestically made products, from cars to appliances, that contain steel. And that, in turn, has given the American steelmakers a chance to retake at least some of their home ground.

Noting that the Chrysler Corporation is exporting steel to Europe to make Jeeps there and that cars containing American steel are being exported in larger numbers than they used to be, Michelle Applebaum, an analyst with Salomon Brothers, said: "The Rust Bowl in the United States has become competitive again. The steel market is the primary beneficiary of the new competitive heartland in the United States and is stronger than it has been in decades."

The evidence of the shift is striking in sheet steel, the biggest category and a major component of cars, building materials and appliances. At the beginning of 1995, Ms. Applebaum said, imports accounted for a net market share (subtracting exports) of 17 percent. But by the end of the year that figure was down to 5 percent. "That means that a full 12 percent share was given back to the U.S. market," she said, equaling twice the output of one large steelmaker, Inland Steel Industries.

One measure of efficiency is the amount of labor it takes to produce a given quantity of steel. According to Mr. Marcus, the average integrated mill in the United States requires 4.42 hours of labor to produce a metric ton, or 2,200 pounds, of steel. That compares with 4.49 hours in Japan, 4.69 in Germany and 4.71 in Britain. Twenty years ago, when far more labor was required, Japan was the leader, at 11.36 hours, followed by the United States, at 12.49.

Steel executives say exports provide a long-term opportunity, though shipments are likely to vary from year to year, depending on domestic demand. Because it costs about $50 a ton to ship steel overseas, the profit margin is less than in a domestic sale. But because blast furnaces must be run continuously, disgorging ton after ton of molten pig iron, manufacturers like having an alternative market if demand fails at home.

"Right now, the domestic market is more attractive, so our exports will probably be less this year than in 1995," said Paul Wilhelm, president of the U.S. Steel Group of the USX Corporation. U.S. Steel exported 1.5 million of the 11.4 million tons of steel it made last year. But the company is a permanent player in the export business, with long-term overseas accounts, Mr. Wilhelm said.

John J. Connelly, the president of U.S. Steel International Inc., added, "we see this as an ongoing 4 to 5 percent of our business through thick and thin."

And while the cheap dollar helps keep that market open, industry experts say, there are other factors.

"Currency has an effect, but in the end if you are low-cost, high-quality and meet customer expectations, you will get business," said Curtis H. Barnette, Bethlehem Steel's chairman.

This newfound efficiency and quality will have increasing importance in coming years as the new mills begin opening in this country. If products from the new mills can push out imports rather than cannibalize older mills, as has been the case in the past, jobs at places like Sparrows Point look like a better long-term bet.

All the start-ups are patterned on mini-mills, which have small, highly efficient work forces. The Nucor Corporation, the mini-mill leader, can make steel at some of its mills with less than half an hour of labor a ton.

But the mini-mills may no longer enjoy the big advantage over traditional mills that they had in the past, some experts say. In part, that is because the traditional mills have become so much more efficient.

Another reason has to do with the production process of most mini-mills: They have to live with the impurities in the recycled materials they use, and the price of high-quality scrap has been rising. Integrated mills, because they work from raw materials, can better tune the chemistry of their products.

Because the price of scrap is likely to keep rising as new mini-mills add to demand, many companies are investing in ways to separate iron from ore that do not involve blast furnaces, which are costly to build and operate. Nucor, for example, is converting ore into iron carbide, a form of the metal that can be added to scrap.

As the mini-mills lose some of their edge, the slimmed-down integrated mills should be able to hold their own better on the domestic front, analysts predict.

At Sparrows Point, the changes have been profound. In the 1950's and 60's, it was more like an independent empire than a factory. The mill employed about 30,000 people and there was a company town, complete with company-owned housing, stores and schools. There was even a police force and a semi-professional football team.

In the late 60's, the company decided to end this paternalistic system and to gradually close down the town. New mill buildings swallowed the remains of the town, and the workers who stayed on the payroll moved to Baltimore and the surrounding area.

"There was a high school where the blast furnace is now," said Duane Dunham, the president of Bethlehem's Sparrows Point division.

Over the last decade, Bethlehem poured in $1.6 billion for improvements. Everything in the mill is automated and run by computer, allowing only a few people to control the movement of vast amounts of material by watching wall-sized displays. Today the plant employs just 3,250 people and can make 3.5 million tons of steel a year, about one-third of its capacity in the old days.

The attitude of the employees and their union, the United Steelworkers of America, has changed as well. At the tin plate plant to which Mr. Moore is assigned, for instance, the rigid union work rules of the past have become flexible.

"We are all cross-trained, so we can fill in for people who are not here," said Brenda Matthews, one of the new workers, adding that little distinction was made between men and women. "Women do the same jobs as men," she said, with one exception: Only the men load the heavy bars of tin needed in the electroplating process.

Even some of the veterans are whistling a new tune. James Henson has been at Sparrows Point for 25 years, mostly as an operator of a tractor that moves coils of sheet steel prior to shipment.

"In the old days, we had people chasing coils all over the place," he said, waving at a warehouse that is easily as long as three football fields. "Now it is all on computer and we are shipping to our customers on a just-in-time basis. Every tractor operator has a computer and every coil is logged in. It's better this way."•

NATIONAL PARK WEEK

• Mr. BURNS. Mr. President I rise today to recognize National Park Week from April 22–28.

Mr. President, Montana is known for its wonderful landscapes, abundant game, and a Big Sky. Montana is also known as a tourist's haven because of the State's access to two of the Nation's most beautiful treasures, Glacier National Park and Yellowstone National Park.

Our complex National Park System includes the likes of the crown jewel itself, Yellowstone National Park, but also includes the more urban historical treasures in Washington, DC.

The caliber and diversity of our National Park System is uncontested throughout the world. However, so is the cost of maintaining such a vast ecological system. We in Congress have worked to preserve our national parks and ensure the public's access to these native gems.

In an effort to meet the costs of preservation without limiting public access, the 104th Congress has passed legislation that increases entrance fees. The fees are our guarantee that national parks can maintain quality services and preservation practices that make each visitor's experience a memorable one.

Our National Park System provides a popular retreat for families. I believe the parks should be accessible to all people of all ages regardless of physical abilities. The parks do not belong singularly to the hearty wilderness explorer, they belong to all Americans.

So whether your view is of Glacier's majestic snow covered peaks overshadowing the Going-To-The-Sun road, or Yellowstone's Lamar Valley boasting its elk, waterfowl, buffalo, and the occasional grizzly, the preservation of the national park system will be secured.•

COMMEMORATION OF THE WARSAW GHETTO UPRISING

• Mr. MOYNIHAN. Mr. President, I rise to commend to the Senate three remarkable public addresses delivered last week on the Days of Remembrance, designated by the Congress to the memory of the Holocaust victims. Two of these speeches were given at New York City's Annual Commemoration of the Warsaw Ghetto Uprising and the third graced the U.S. Holocaust Memorial Council's National Civic Commemoration in the Rotunda of the Capitol Building.

These addresses by my friend Benjamin Meed, president of the Warsaw Ghetto Resistance Organization and Avroham Burg, the dynamic director general of the Jewish Agency for Israel, are important statements that deserve the attention of all who cherish human freedom and democratic values.

I ask to have these remarks by Mr. Meed and Director General Burg printed in the Record.

The remarks follow:

An Address by Benjamin Meed, President, Warsaw Ghetto Resistance Organization 53rd Annual Commemoration of the Warsaw Ghetto Uprising

We are together again—the entire Jewish people, men, women, and children, to commemorate the murder of the Jewish people by the Germans and their collaborators. They made no distinctions among Jewish people at the gates of hell. Together we were all pushed to the gas chambers. For one reason only—we were born as Jews.

This commemoration, which I have the honor to chair for the 35th year, is deeply emotional for me as it is for many of you. For many years, the survivors alone remembered. We kept reliving our nightmares in the hope that the world would pay attention to our past, and now, the world has heard our story.

People have started to understand that what happened was real. When we testified collectively, the world began to take our tragic experience seriously—and to heed our warning.

Or perhaps it is because all humanity is frightened that the tragic, unique lesson that we Jews experienced, can happen again—this time on a cosmic scale—to all people. And it is all because survivors kept faith with the final command imparted to us by the Kedoshim! Zachor—Gedenk—Remember!

We accepted that obligation and took it with us to our adopted homes throughout the world. In Israel or Argentina—in Sweden or France—throughout the United States and Canada—survivors remember. How can we forget? How can we allow others to forget? How betrayed and isolated we were by the high and the mighty—and the ordinary people. The so called ordinary people were not so ordinary. Many highly educated were nevertheless motivated to murder us.

Immediately after the Holocaust they said they did not know. How could they not have known? On the cattle cars to Auschwitz and Treblinka—throughout Poland, Czechoslovakia and Hungary on the way to death—we criss-crossed all of Europe—day after day after day—screaming for help in Yiddish and Polish, Greek and German, Dutch and Flemish, Russian and French. But the world would not listen as we were herded together from the four corners of Nazi Europe to be murdered—only because we were Jews.

We Jews now speak other languages. And on Yom Hashoah we gather from every part of the world—to remember together! And Jews are united—not by death—but by memory and by a love of Israel. To us survivors, the State of Israel is not only a political entity. It is a homeland—a realized dream—a bright beacon of light in a world desperate for hope.

And yet we are still afraid—but it is a different fear. Those who were fortunate enough not to have experienced the Holocaust do not and cannot understand how we survivors feel when we see how our tragic past is remembered by others. We are deeply hurt when we see the way the Holocaust is portrayed as only dead bodies—piles and piles of corpses and mass graves. We survivors shudder, for in a way we fear that Hitler succeeded because the world is not aware of the vibrant Jewish life that was before the Holocaust—or of the cultural heritage of 1,000 years of Jewish history in Europe. It does not hear the songs of the shtetl, the theme of Warsaw, the Yeshivot of Vilna, the Hasidim of Belz, or the poets of Lodz and Krakow.

All it recognizes is death. Yet we remember the life that was destroyed—the world that is no longer. The world of Yiddishkeit and Menchlichkeit.

We are still asking the questions—how did it happen? Who failed? What failed? But these questions should not distract our attention from the real murderers—the Germans and their collaborators—or from the profound failure of world leaders and church leaders. Their silence has yet to be judged by history.

And we think not only of the past but also of the future. To you—our children assembled here, we would like to entrust our memories—as part of our last will and testament. You are the last generation to be blessed with the memories of the survivors—the living witnesses to the kingdom of night. This is your heritage, which we are transmitting to you. You must know your roots. You must remember that your very birth was testimony of the triumph of hope over despair—of dreams over pain. You are our response to those who tried to destroy us.

We also want to protect the truth from innocent and well-meaning people who speak only of the good—of the rays of hope and goodness—the righteous Gentiles whose memories we cherish with gratitude. But where was the reality? For every righteous person, there were thousands who collaborated or who shared the enemy's desire to murder the Jews or who, at best, stood idly by and did nothing.

Let us remember the Holocaust as it was. It was painful. It was bitter. It was ugly. It was inhuman. But it was real. Let us not permit it to be diluted or vulgarized. Let us not diminish its meaning by treating every event in human history—every instance of human suffering or discrimination as a Holocaust.

We survivors know that time is growing short, we are getting older and we need each other more than ever before, and we need you—our children and our fellow Jews to continue our legacy.

Remarks of Avroham Burg, Director General of the Jewish Agency for Israel

Shalom Moishe, my dead elder brother.

A year has passed, and once again we are gathered to honor your memory. Each year, we promise you that we will never forget. We will not forget you and all our brothers and sisters who will forever remain the young boys and girls you were on the day of your deaths.

You really haven't changed. You are still so much like the old, faded picture hanging on the wall at home. It was hand painted with life-like colors.

In our memories, you are still smiling as if the world wasn't such a hard place to live in. It's as if you really haven't noticed that another year has gone by. The sun is hotter, and the cold is even colder. My legs are weaker, and my eyes are filled with more tears. And strangely, as more time passes, and we grow further apart we grow closer together. Because each year, fewer survivors remain. They leave this world, and we remain here with the heavy burden of memory. And, as we eulogize you, we also eulogize lost childhood and history that—like you—we can never ever bring back.

Six million brothers died. Sisters, children, parents and their loved ones. How many of you are there really? Another entire State of Israel. Another community the size of the American Jewish community. Another fifteen communities of Latin American Jews? So many boys, girls and grandchildren that will never be born.

Our mourning will never cease. Never, because you—the fallen—never will have children. There were those who never had children because they were too young, and those who had children whose spirits never ran free, and those who had children who never had the chance to fulfill their dreams.

As time passes, we miss you more than ever. We miss the children that you never had. So many unborn children. For those of you, the childless generation, we are here for you, standing by your side, here and now.

And the cycle of our mourning will never be completed. Our continuous grieving is the grieving of a people that is missing so many of its members.

And we—the living—each year, we bring children into the world. So many of them bear your name, Moishe, to honor the dead, and we hope that they will experience all the things we wanted for you but you never had.

Our children are continuing in your footsteps, from the point at which your life was cut off.

They will never know you, and we silently pray:

That they will carry your name but please God, that they will know a different fate. That they will live, and know goodness and peace. Each year we promise our children the things that our mothers promised us:

Son, when you are all grown up, there won't be violence in the world. When you grow up, there will be peace in our world. And we also promise our children something that we may not accomplish.

Will our grandchildren enjoy the redemption on behalf of our dead loved ones?

I really don't know what to say to you. You who come here every year. You who come here to unite with the memory of those no longer with us. We have come here because of the togetherness, and the awesome atmosphere of condolence. We want to be with you today, in this gathering of mourners. It is here, and in every place that we take our revenge.

On that painful and horrifying day, at the moment before the flames engulfed you, we cried out—revenge!

Oh God of Vengeance—Hashen—appear!

And, as time passed, something deep inside of us cried out to us, and we pray to God, but differently:

Oh God, full of mercy—Father of Compassion!

Because Jewish revenge is not taken by shedding blood.

We do not want to resemble our killers when we take our revenge. Our revenge is different.

We remember, and never forget. We remember the murderers, and know that we can never forget that in every man there is an evil inclination. We remember the march of the dead, and we march for the living.

We remember the glorious legacy of communities that were ruthlessly executed.

And we swear that our grandchildren and great-grandchildren will never, ever forget you, Moishe.

The world, it seems, wants us to accept that your souls and the worldly goods you worked for were taken away from us forever. Your souls are protected by God, and your spirit rests in the next world. But we will have your goods returned. Because justice was not fully served on the day of surrender in 1945.

We have not forgotten the despondency of the final moments. And we have demands from and messages to the once Nazi-occupied European countries, and the neutral nations:

You will not benefit from the deposits or the possessions of those who were murdered. We are all too aware of the "dormant" accounts.

There are no dormant accounts. And there are no dormant memories.

Because each individual is a messenger, and there is no man who does not have a mission.

And, it is not our mission because of the individual or for the individual. Rather, this is the mission of the individual on behalf of his people.

One individual comes to the world to teach, and another to learn. One person comes into the world to cry, and the other to console. One person is born to live, and yet you were born and then died so soon. Was this your mission? You died so that we could live. And we were born to remember.

Today, we are your messengers, Messengers who must remember to live by your commandments. To have the ultimate Jewish revenge—the revenge of peace, as in the Jewish prayers that we say three times per day:

Bring upon us peace and goodness and a blessed life, grace and kindness, upon us and the entire House of Israel, amen. Bless us our Father, each of us as one in the glorious light of your powers, because the light of your powers gave us the Torah and the love of kindness, and the love of charity and blessings and mercy and life and peace.

And it would please you to bless us, and to bless your entire House of Israel at every moment and at every hour and the strength of your peace be upon us. Blessed art thou, our Lord who blesses his people of Israel in peace.

Amen. May their memories be a blessing.

Welcoming Remarks by Benjamin Meed, Chairman, Days of Remembrance, U.S. Holocaust Memorial Council

Members of the Diplomatic Corps, distinguished Members of Congress, Honorable members of the Holocaust Memorial Council, Fellow Survivors, Dear Friends.

When Congress created the United States Holocaust Memorial Council in 1980, there were only a few Yom Hashoah observances held in communities of Holocaust survivors living in this country. You, the Members of Congress, entrusted us, the members of the Council, with the responsibility of teaching American citizens about the Holocaust. We have complied with your mandate by building the Holocaust Memorial Museum, which most of you have visited, and by leading the nation in annual civic commemorations, known as the Days of Remembrance. I am privileged to tell you that now, during this week of Holocaust Remembrance, more than a million people from all the states of our great Union will come together in Memory. We are joined by Governors, Mayors and community leaders as well as professors, teachers and schoolchildren.

Earlier today, the entire nation of the State of Israel stopped and stood silent in Remembrance. We are together in dedication to Memory and aspiration for Peace.

Over the past fifteen years that we have gathered to commemorate in this Rotunda, we have observed an anniversary—the fiftieth year of a milestone event: the Night of Broken Glass, the Warsaw Ghetto Uprising, the encounter between American soldiers and Holocaust survivors.

This year we confront the anniversary of the aftermath of the Holocaust: what happened as we survivors attempted to rebuild our lives. This was not an easy thing to do. It was years before we could ask a policeman for directions. Why? Because he was wearing a uniform. For a long time, it took great courage just to answer a knock on the front door.

It is true that we looked to the future in hope, but the shadows of the past remained. And so we dedicated our lives to Remembrance—remembrance of all those for whom the future had been destroyed by the Shoah.

Rebuilding became a central concern for the world—rebuilding a Europe devastated by war; rebuilding the shattered image of humanity in a world of Auschwitz, Belzec and Treblinka. America understood the necessity of encouraging the European nations to work together for economic recovery. Thus the Marshall Plan was implemented, and the groundwork for the Europe of today was laid.

The Allied leaders also realized that to build a sound future, there had to be an accounting for crimes so great as to be unparalleled in recorded history.

Nuremberg, the city where Nazi party pageants had been held, the place where the Nuremberg Laws were promulgated and the German legal system became an accomplice to mass murder, was chosen as the site for the first, joint International Military Tribunal.

In its charter, three forms of crimes were specified. Two of them were ancient, but one was unprecedented. Crimes against the peace and war crimes were familiar terms to all of us, but Crimes Against Humanity was a new category. It described mass murder and extermination, enslavement and deportation based on racial, religious, or political affiliation.

Through the proceedings of the Nuremberg Trials, we came to know the perpetrators. Documents that the killers had so carefully created were gathered and studied. In the defense testimony of accused doctors, judges and industrial leaders as well as military generals, Einsatzgruppen commanders, and concentration camp commandants, the world learned "how the crimes were committed." We also learned that tens of thousands of ordinary Germans from all walks of life had willingly participated in the annihilation process. Ironically, those on trial pled not guilty to the charges, they did not claim innocence. Rather, they attempted to shift the burden of responsibility to those of higher rank.

Was justice achieved? Certainly not! For what meaning can justice have in a world of Majdanek, Chelmno and Sobibor? What punishment is appropriate for the crimes?

Still, the attempt to speak of justice was important. It was a way of setting limits, of saying there are crimes so evil and so enormous that civilization itself is on trial. For such crimes, there must be punishment.

For many years at hundreds of commemorations around the world, we have pleaded Zachor—Remember. Remember the children of Teresienstadt. Remember the fighters of Warsaw. Remember the poets of Vilna. Remember all of our lost loved ones.

Today, let us also not forget the killers. Let us not forget their evil and their infamy. Let us not forget them because they express what happens to the power of government and the majesty of legal systems that become detached from moral values and humane goals. The same powers that heal and help can also humiliate and decimate. There is a difference; there must be a difference: and you and I must make sure that we make a difference.

With these words, here in this great Hall of democracy, let us recommit ourselves to the principles of justice and liberty for all—and to Remembrance—now and forever.

Thank you.•

TAKE OUR DAUGHTERS TO WORK DAY

• Ms. SNOWE. Mr. President, I rise today on Take Our Daughters to Work Day, to encourage young women and girls across America to set their sights high, and to reach for their dreams.

When I was a young girl, most women worked in the home. Girls were not frequently asked, "What do you want to be when you grow up?" Our options appeared limited, and we had far fewer women role models telling us, "If you work hard, you can be whatever you put your mind to." Some women broke the gender barrier, and served as role models for a whole generation of young women and girls. One such woman was Margaret Chase Smith, whose service in this body inspired many girls and young women in Maine and across the Nation to seek a career in politics.

Since my childhood, the composition of the work force has changed dramatically, and job opportunities have significantly increased for young women and girls. Today, women comprise 46 percent of the paid labor force, and by the year 2000, two out of three new entrants into the labor force will be women.

Despite these gains, studies show that during adolescence girls often receive less attention in school and suffer from lower expectations than do boys. They also set their future sights lower than their male counterparts. This is reflected in a 1994 New York Times/CBS poll, which found that over one-third of girls surveyed believed that there are more advantages to being a man than a women. For many girls, low self-esteem can lead them to lose confidence in their abilities, which may prevent them from achieving their fullest potential later in life. For others, this low self-esteem can lead to teen pregnancy, drug use and other problems which threaten women's professional and economic opportunity, not to mention their health and social welfare.

In this day and age, we cannot accept reduced opportunities for girls and women from either an equity standpoint or an economic one. Today, women are equally responsible for the financial well-being of their families. Many American families find two incomes a necessity if they wish to thrive, and others require two incomes simply to stay above poverty. So it is not just their own futures that are at stake, but the future of their children and their children's children.

We need to do far more to challenge our daughters' notions of women's work. While most school-age girls plan to work, they do not plan for careers that could sustain themselves and their families. Women and girls continue to be enrolled in education and training programs that prepare them for low-wage jobs in traditionally female occupations. Women remain significantly underrepresented in careers requiring math and science skills—women comprise only 11 percent of today's technical workforce, and only 17 percent of all doctors are women. Nearly 75 percent of tomorrow's jobs will require the use of computers, but girls comprise less than one-third of students enrolled in computer courses. And a study by the Glass Ceiling Commission found that women occupy only 5 percent of senior-level management of the top Fortune 1000 industrial and 500 service companies. As leaders and as parents, we must do our best to ensure that American girls are prepared to step into those high wage jobs and management positions that command higher salaries in the workforce.

I am extremely pleased to participate on the steering committee for Take Our Daughters to Work Day, organized by the Maine's Women's Development Institute, in my home State. Girls in Maine and across the Nation need to see first-hand that they have a range of life options. They need that extra support to boost their confidence and believe in themselves and their potential. They need to be encouraged to reach out and use their creative spirit. It is our responsibility to set high standards and provide them with the experiences and role models that will inspire them to be the leaders of the future.

Today, millions of parents across the Nation are taking their daughters to work. These parents perform a great service by exposing their daughters to new and exciting experiences. They are not only expanding their horizons and helping them to explore career opportunities, but teaching them important lessons about goal setting as well. Take Our Daughters to Work Day is of great importance to girls across the Nation, and to the women of tomorrow.•

TRIBUTE TO THREE OF DELAWARE'S FINEST CITIZENS—THE ALLEN BROTHERS: CHARLES, JR., WARREN, AND JACK

• Mr. BIDEN. Mr. President, I rise today to pay tribute to three brothers who are pioneers in Delmarva's flourishing poultry business. Over the past 50 years, Charles C. Allen, Jr.; Warren L. Allen; and John R. "Jack" Allen, have built what was once a small, mom and pop family business, into one of our Nation's top poultry companies, Allen Family Foods Inc. Their contributions to the industry and to our State of Delaware are as rich and diverse as the history of the poultry business itself, and I congratulate them on their half-century of dedication and achievement.

Their parents, C. Clarence and Nellie Allen, first got into the poultry business in 1919, incubating about 250 chicks. Things got off to a bit of a shaky start for the Allens. On one occasion Nellie banished Clarence to the garage after one of his chicken incubation experiments nearly burned their house down. But the Allens persisted and 4 years later in 1923, the family expanded the operation by purchasing a 38-acre farm on the outskirts of Seaford, DE. This 100-year-old farmhouse became one of the first commercial chicken houses on the Delmarva peninsula and remains the company's headquarters.

Charles Jr., Warren, and Jack continued the family tradition and expanded this once-modest enterprise vigorously through the years. Today, Allen's Family Foods is a privately held, multimillion dollar, integrated poultry company. Allen's processed chicken is sold in stores from Virginia to Massachusetts. Charles C. handles the farming side of the business; Warren is vice president in charge of finance; and Jack is secretary-treasurer. The elder Allens have in turn brought their three sons: Charles C. Allen III; John R. Allen, Jr.; and Warren L. "Wren" Allen Jr., into the business, ensuring that Allen's Family Foods will be operating in Delaware well into the next century.

In addition to this commercial success, the Allen family has made tremendous contributions to their community. Warren Allen served three 2-year terms as the Delaware State Representative for the 38th district, in addition to service as the chairman of the advisory council of the Delaware Home and Hospital for the Chronically Ill in Smyrna, and on the board of trustees of the Delaware State Hospital. Charles Allen was campaign manager for the hospital's expansion fundraising drive. Their generosity also led to the creation of the Allen Little League baseball field at Williams Pond. For their lifetimes of service, the Delmarva Poultry Industry recently honored Charles, Jr., Warren, and Jack as the 1995 distinguished citizens; the first time in history that this award has been shared by three members of one family. I can think of no more deserving individuals and I again extend my congratulations to the Allen family.

The story of Allen's Family Foods encompasses all that is just and good in America: Ingenuity, perseverance, dedication, and compassion for our fellow citizens. Simply put, Delaware is a better place because of the Allen Family. Again, I extend my heartfelt congratulations to my friends Charles, Jr., Warren, and Jack, and wish them many more years of health, happiness, and prosperity.•

HUMANITARIAN AID TO LEBANON

• Mr. ABRAHAM. Mr. President, I rise today to express my disappointment in the aid package for Lebanon which was recently announced by the Clinton administration. The aid package consisted of a mere $1 million to fulfill the International Committee for the Red Cross request, an additional $25,000 from USAID through the U.S. Embassy in Beirut, and 50,000 pounds of U.S. military medical supplies and equipment.

Due to the most recent violence in Lebanon, some 400,000 refugees have been displaced. There is an extreme amount of pressure upon the country's infrastructure, particularly in Beirut where there is very little electricity. In southern Lebanon it has been reported that the water supply has been cut off to dozens of villages. The Lebanese people have suffered greatly over the last two decades, but they are particularly in need of urgent assistance. The United States has always viewed Lebanon as a good friend and ally, and thus the United States should make a greater commitment of resources.

Considering the President's past emergency aid packages of $59 million for Rwandan and Burundi refugees and $11 million for Cuban and Haitian refugees, the Clinton administration efforts with respect to Lebanon is clearly and grossly insufficient. For approximately the same amount of refugees in Russia, this administration donated 1.2 million pounds of medical supplies and equipment. This inequity with respect to Lebanon is clearly unfair.

Mr. President, I urge the Clinton administration to immediately redouble its aid efforts to Lebanon. In addition, as I have done for the past week, I urge the administration to utilize all of its diplomatic resources to negotiate a cease fire in this region and to bring and end to the hostility immediately.•

RECOGNIZING STUDENTS FROM TRUMBULL HIGH SCHOOL

• Mr. LIEBERMAN. Mr. President, today I would like to recognize a group of students from Trumbull High School. This weekend, April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia will be in Washington, DC to compete in the national finals of the We the People—The Citizen and the Constitution Program. I am proud to announce that a class from Trumbull High School will represent Connecticut. These young scholars have worked diligently to reach the national finals by winning first place at the statewide competition in Connecticut.

The distinguished members of the team representing Connecticut are: David Abbate, Stephen Britton, Meredith Bucci, William Dunn, Brian Emery, Michael Felberbaum, Kristina Gospic, Pamela Harinstein, Bruce Malloy, Philip Moore, Jessica Paris, Michael Ragozzino, Douglas Rowe, Matthew Rowland, Jason Saunders, John Urbanati, Richard Van Haste and Alison Veno.

I would also like to recognize their teacher, Rita Altieri, who deserves a share of the credit for the success of the team. The district coordinator Jane Hammer and the State coordinator Joani Byer also contributed a significant amount of time and effort to help the team to the national finals.

The We the People—The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. Administered by the Center for Civic Education, the We the People—Program, now in its ninth academic year, has reached more than 70,400 teachers and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People—Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I wish these students the best of luck in the national finals and look forward to their continued success in the years ahead.•

WATER RESOURCE RESEARCH ACT

• Mr. THOMAS. Mr. President, I am pleased that today the Senate will pass H.R. 1743, a bill to reauthorize the Water Resource Research Act, as amended by the Senate Committee on Environment and Public Works. This is a small, but vitally important piece of legislation that gained unanimous support in the House of Representatives, as well as the Environment and Public Works Committee here in the Senate. I want to thank Senator KEMPTHORNE and Senator REID, along with Chairman CHAFEE and Senator BAUCUS for working with me to ensure the swift passage of this legislation. Their hard work, and that of their staffs, is greatly appreciated.

H.R. 1743 extends the authorization for the water resources research institutes program through the year 2000. The water resources research institutes program is a vital Federal/State water research, education and information transfer partnership. This program supports a network of institutes at the land grant colleges in each of the 50 States, 3 trust territories and the District of Columbia. These institutes are the primary link between the academic community, the water-related personnel of the Federal and State government, and the private sector. The institutes provide a mechanism to promote State, regional and national coordination of water resources research and training, as well as information transfer. This is a very productive program. In fiscal year 1995, the Federal appropriation for the water institutes—under $5 million—leveraged approximately $65 million from State, private and other sources to support the institutes research and training activities.

Federal regulations and programs designed to solve water problems have their primary impact at the State and local level. State and local governments are in a far better position to tailor solutions to local water problems than the Federal Government. Programs such as the water resources research institutes are an efficient and effective way for the Federal Government to assist States to conduct research and solve problems in the water resources field. In administering the State water resources research institute program, the Interior Department and the Geological Survey distribute funds equally among all the institutes. The State institutes then award research funds through a competitive, peer review process. Institutes have advisory panels comprised of local, State, and Federal water officials, representatives from water user groups and other interested parties, which develop yearly research priorities for their States and review the allocation of funds among various competing projects. This is the true strength of this program. Individual State institutes are able to focus grants on research that addresses the most pressing water problems in that State. There have been efforts made to strengthen the competition for funding between the individual water institutes. I have serious concerns about that. We must fund this program at a level that allows us to maintain the network of institutes in every State. In addition, we must preserve the role of the advisory panels in each State, continuing to allow each State to determine the research agenda for themselves. I would hope the Department of Interior would not impose new restrictions on State water resources research programs in the future.

In addition to the core program, I am pleased the bill before us contains an authorization for a second program focused on regional issues. I amended the House bill to include this important program, which will allow the institutes to conduct research of regional, interstate issues. Increasingly the water issues we're asking States to deal with are of a regional, interjurisdictional nature. The bill as amended in committee reauthorizes the section 104(g) program to support this needed interdisciplinary research and analysis necessary for assessing regional and interstate water resource problems.

Finally, Mr. President, this bill takes a realistic look at future funding. This bill funds the institute programs at a level more in line with historical appropriations, reducing the current authorization by more than 40 percent below the current authorized level.

This is a good bill, a good program, and I'm pleased the Senate is moving ahead with passage today. I'm hopeful the House will agree to our changes quickly and we can get this bill signed into law without delay. Thanks again to the leadership of the Environment and Public Works Committee for working with me on this legislation.•

COMMEMORATING THE TENTH ANNIVERSARY OF THE CHERNOBYL TRAGEDY

• Mr. BIDEN. Mr. President, I rise today to solemnly commemorate the tenth anniversary of the worst nuclear accident since the dawn of the nuclear age.

On April 26, 1986, a flawed structural design and operator error caused a sudden power surge within reactor number four at the V.I. Lenin atomic power plant in Chernobyl, Ukraine.

The resulting chemical explosion vaporized nuclear fuel, melted the reactor's substandard shell and released into the atmosphere a gigantic, 180-ton cloud of deadly radioactive iodine, cesium and other lethal isotopes—containing 200 times the amount of radioactive material emitted during the atomic blasts at Hiroshima and Nagasaki.

Within a 4-month period, 31 power plant employees and cleanup workers died of acute radiation poisoning. Tens of thousands of other Ukrainian and Belarusian men, women and children suffered radiation sickness. Invisible fallout—detected as far away as California—contaminated forever more than 10 million acres of nearby forests and farmland, permanently poisoning the local food chain.

When the magnitude and the severity of the catastrophe became clear, close to 200,000 people were hastily and permanently evacuated from the rich, fertile land which was their home for generations. The Chernobyl area—once lush with old-growth forests rich in mushrooms, berries and other medicinal herbs—is now a 30 kilometer dead zone.

Human habitation is strictly forbidden.

A decaying, 24-story concrete tomb known as the sarcophagus now encases the destroyed reactor, serving as a grim reminder of this dark page in human history.

A decade later, those affected continue to struggle with the lingering health effects. The incidence of adolescent thyroid cancer throughout northern Ukraine and nearby Belarus is an astounding 200 percent higher than average, due in part to the consumption of poisoned milk.

Already 800 children have contracted the disease, and experts say that as many as 5,000 will develop it.

The incidence of radiation-related birth defects in the region has doubled. A team of British and Russian scientists recently concluded that genetic DNA mutations caused by radiation poisoning are being passed along to a generation of children who did not even exist at the time of the accident.

Whether these malformations will affect the future health of these children is a mystery.

Many surviving Chernobyl victims also suffer from a myriad of psychological disorders, more difficult to identify and treat but every bit as harmful as the physiological effects of radiation.

Sadly, a recent study comparing mortality rates before and after the disaster places the total number of fatalities at roughly 32,000.

Despite these disturbing findings, we really know very little.

Information on radiation exposure is incomplete and unreliable, and many of those affected have moved or relocated hampering study efforts. Others may suffer from yet-to-be diagnosed diseases caused by prolonged exposure to unsafe levels of background radiation.

It is unlikely that we will ever know the true scope of this tragedy.

Though two of Chernobyl's four nuclear units remain operational, I am pleased that President Clinton and Ukrainian President Lenoid Kuchma agreed to an accord earlier this year to close the facility completely by the year 2000.

I am also pleased that the United States is committed to improving international nuclear reactor safety.

I am hopeful that more can be done for the afflicted region, and was heartened by the serious dialog at last week's G–7 nuclear safety summit in Moscow.

These are all important steps toward putting this devastating tragedy behind the Ukrainian people.

I also want to pay tribute to the compassion of the Ukrainian-Americans who have remained steadfast in their support for Chernobyl's victims.

Mr. President, the legacy of the Chernobyl disaster extends beyond nationalistic and ethnic boundaries and reaches all humanity.

Indeed, fallout from the accident affected 5 million people and set off monitors throughout the Northern Hemisphere.

Radiation knows no borders.

Here in the United States, I am comforted by the knowledge that because of our superior design and safety standards a Chernobyl-type event is, for all practicable purposes, an impossibility.

The Chernobyl facility never would have been permitted to open under our regulations.

Nonetheless, we can never be too vigilant in our efforts to ensure that nuclear power plants are operated in the safest possible manner.

As my colleagues in this body know, I have long believed that there exists an inherent conflict of interest in our nuclear regulatory system that requires the Nuclear Regulatory Commission to sit in judgment of itself.

NRC's two functions—providing day-to-day oversight and investigating serious events—are incompatible in my view.

For this reason, I have asked the General Accounting Office to look into the extent to which this conflict is responsible for events and accidents at nuclear plants.

I also propose that we remove the investigatory functions from the NRC, and give these functions to an impartial, truly independent nuclear safety board.

This watchdog would have broad authority to look into all circumstances surrounding any accident and to lay blame where it rightfully belongs—whether it is the utility, the reactor manufacturer, or the NRC.

By removing the structural conflict which currently exists within the NRC, it is my hope that we can regain the public's confidence and provide the utmost degree of safety to all Americans.

I look forward to working with my colleagues as we strive to restore needed objectivity to the oversight process.

Mr. President, the 10th anniversary of the Chernobyl disaster is more than just a reminder of the potential cost of nuclear energy.

It is a call to us, our Nation's elective representatives, to work together to ensure the safe operation of nuclear power, both domestically and internationally, for our children and our grandchildren.

Let us not watch this day pass without thoroughly and carefully examining our current nuclear regulatory system. All of humanity is depending on us.●

AUTHORIZATION FOR THE USE OF THE CAPITOL GROUNDS

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 166, which has just been received from the House of Representatives.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 166) authorizing the use of the Capitol Grounds for the Washington for Jesus 1996 prayer rally.

Mr. WARNER. Mr. President, I ask unanimous consent that the concurrent resolution be considered and agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 166) was agreed to.

The preamble was agreed to.

Mr. WARNER. Mr. President, I thank the distinguished ranking member of the Rules Committee, Mr. FORD. I raise this matter in my capacity as chairman of the Rules Committee. We did not have time, given the nature of the schedule, to take it up in the Rules Committee but both sides have cleared this.

I also thank the distinguished majority leader and the Senator from Missouri, [Mr. ASHCROFT], for their cooperation and support.

COMMEMORATING THE 1996 NATIONAL PEACE OFFICERS MEMORIAL DAY

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 251 submitted earlier today by myself.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 251) to commemorate and acknowledge the dedication and sacrifice made by the men and women who have lost their lives while serving as law enforcement officers.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. KEMPTHORNE. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 251) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 251

Whereas, the well-being of all citizens of this country is preserved and enhanced as a direct result of the vigilance and dedication of law enforcement personnel;

Whereas, more than 500,000 men and women, at great risk to their personal safety, presently serve their fellow citizens in their capacity as guardians of the peace;

Whereas, peace officers are the front line in preserving our childrens' right to receive an education in a crime-free environment that is all too often threatened by the insidious fear caused by violence in schools;

Whereas, 162 peace officers lost their lives in the performance of their duty in 1995, and a total of 13,575 men and women have now made that supreme sacrifice;

Whereas, every year 1 in 9 officers is assaulted, 1 in 25 is injured, and 1 in 4,000 is killed in the line of duty;

Whereas, on May 15, 1996, more than 15,000 peace officers are expected to gather in our nation's Capital to join with the families of their recently fallen comrades to honor them and all others before them: Now, therefore, be it

Resolved by the Senate of the United States of America in Congress assembled, That May 15, 1996, is hereby designated as "National Peace Officers Memorial Day" for the purpose of recognizing all peace officers slain in the line of duty. The President is authorized and requested to issue a proclamation calling upon the people of the United States to observe this day with the appropriate ceremonies and respect.

CONGRATULATION TO THE SIOUX FALLS SKYFORCE ON WINNING THE 1996 CONTINENTAL BASKETBALL ASSOCIATION CHAMPIONSHIP

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Resolution 252 submitted earlier today by Senators PRESSLER and DASCHLE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 252) congratulating the Sioux Falls Skyforce, of Sioux Falls, South Dakota, on winning the 1996 Continental Basketball Association Championship.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. PRESSLER. Mr. President, due to a last second shot at the buzzer, South Dakota is home to the newest champions of professional basketball. Last night, the Sioux Falls Skyforce were crowned Champions of the Continental Basketball Association (CBA). The Skyforce dramatically defeated the Fort Wayne (Indiana) Fury, 118–117, after overcoming a 16-point deficit. That is my kind of deficit reduction.

In honor of this event, I am introducing a Senate resolution congratulating the Skyforce, and their fans, for this victory. I am pleased that Senator DASCHLE has also agreed to cosponsor the measure.

At this time, I want to personally extend my congratulations to the owners of the Skyforce, Greg Heineman, Robert J. Correa, and Roger Larson, General Manager Tommy Smith, and the Skyforce staff, for guiding the Skyforce to its first CBA Championship in the team's 7-year history. I also congratulate Head Coach Morris "Mo" McHone, Assistant Coach Paul Woolpert, and the talented Skyforce players, especially Playoff MVP Henry James. Their hard work, sweat, and determination really paid off when it counted. The Skyforce won the championship convincingly, beating Fort Wayne four games to one.

Most of all, I congratulate the people of Sioux Falls and the surrounding area. They have enthusiastically embraced the Skyforce and provided loyal support over the years. The success of the Skyforce, and the CBA as a league, prove that professional basketball can survive and prosper in smaller cities across the Nation. I have been to many Skyforce games. Their games are always very fun and exciting. It is family-orientated entertainment at its best.

Sioux Falls is rapidly becoming a sports mecca in the Midwest. The city's current professional baseball team, the Sioux Falls Canaries, have been playing in the northern league since 1993. But the city has been home to a number of professional baseball teams since the beginning of the century. Professional teams from other sports would do well to take note of the city's enthusiasm for sports and consider moving to Sioux Falls.

Finally, Mr. President, let me state that I was thrilled to learn of the Skyforce victory for personal reasons. Before the final series began for the CBA Championship, I made a small wager with the Senator from Indiana, Senator COATS. I gambled 12 pounds of South Dakota's finest steak, while my colleague risked 12 gallons of Edy's Grand Ice Cream, made in Fort Wayne. This afternoon, my good friend from Indiana graciously paid off. I will gladly take a scoop or two, but I will be sharing the fruits of this victory with several children's charities in Sioux Falls.

Mr. President, I ask consent that a roster of the Skyforce players and staff, along with a news article about the Skyforce victory, be printed in the RECORD.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows.

1995–96 SIOUX FALLS SKYFORCE

PLAYERS

Stevin Smith, Reggie Fox, Trevor Wilson, Henry James, Corey Beck, Carlton McKinney, Emmett Hall, Tony Massop, Rich King, Devin Gray, Mike Williams.

COACHES

Morris "Mo" McHone, Paul Woolpert.

OWNERS

Greg Heineman, Robert J. Correa, Roger Larson.

STAFF

Tommy Smith, John Etrhelm, Renae Sallquist, Tom Savage, Laura Musser, Sandra Hogan, Tim Hoover, Trent Dlugosh, Scott Brako, Scott Johnson.

[From the Sioux Falls Argus-Leader, Apr. 25, 1996]

WE'RE NO. 1—GRAY'S SHOT GIVES SKYFORCE TITLE

(By Stu Whitney)

FORT WAYNE, IND.—If Devin Gray didn't have NBA playoff tickets, the Skyforce might not be the Continental Basketball Association champions today.

But he does. And Sioux Falls has something to scream about.

Gray wanted to end the CBA Finals on Wednesday night so he could catch tonight's first-round game in Indianapolis between the Pacers and Atlanta Hawks. He got front-row tickets from his friend Dale Davis, who plays for Indiana.

The rookie forward made it happen by swishing a leaning 7-footer at the buzzer, giving the Skyforce a 118–117 Game 5 win over the Fort Wayne Fury before 4,377 at the Allen County War Memorial Coliseum.

Gray's drive from the right side sealed the fifth consecutive road victory for Sioux Falls, which took the best-of-seven series 4–1.

And after seven years of searching for greatness, this ambitious franchise has finally—and emphatically—reached the top.

"If I had to draw the play up, I'd do it the same way," a beaming Gray said as his teammates eagerly embraced the Jay Ramsdell Trophy with help from owners, wives, girlfriends and fans.

"I was looking to get the rock and go to the hole, and I figured I'd either make it or get fouled. They didn't call the foul, so I'm glad it went in. I was laying on the court when it did."

Playoff MVP Henry James led Sioux Falls (42–26) with 26 points, while Trevor Wilson added 24 and Reggie Fox had 20 behind four 3-pointers.

James was hugged by his mother, Betty, after winning his second CBA title before 75 family members and friends in his hometown.

And he professed faith in the timely touch of Gray.

"I was used as a decoy, and I knew his shot was going in," said James, donning a freshly furnished Skyforce championship cap and T-shirt.

"He was able to lower his shoulder moving along the baseline, and you can't let him do that. He's too strong. We've all seen him make that shot a million times."

But Fort Wayne—which got 29 points from Jaren Jackson and Carl Thomas—refused to end its surprisingly successful season without an admirable and fitting fight.

The Fury (32–38) led by as many as 15 points in the third quarter and nearly forced Game 6 in Sioux Falls with a heroic shot of its own.

Thomas, who struggled mightly in the first four games, gently coaxed in a driving one-hander with 2.9 seconds left to give his team a 117–116 lead that delighted the devoted crowd.

But during the ensuing timeout, Skyforce coach Mo McHone figured that Fort Wayne would be mainly concerned about the Skyforce/See 5C perimeter potency of James and Fox.

Having seen Gray perform with toughness and maturity throughout the playoffs, he called upon his seventh-round draft pick out of Clemson, who finished with 17 points.

Gray had missed two crucial free throws with 35 seconds left, but he had also preceded Thomas' basket with a strong drive that put Sioux Falls briefly ahead by one.

"Devin's been on five for us, and Trevor set him up with a great (inbounds) pass," said McHone, who is the first coach to claim consecutive CBA titles since Bill Musselman won four in a row (1985–88).

"We've been winning games like this, and this was such a great way to end it. We just fought hard all night, because we had to. They pretty much outplayed us."

But never was McHone worried, not with a team that has frequently floored him during a magical playoff run.

By winning three straight to clinch the title on Fort Wayne's floor, the Skyforce once again displayed a maturity that stemmed from having a meaningful mission.

"We were lucky and good—and we came together when it counted," said Wilson, who added 11 rebounds and six assists.

"Earlier in the season, we were trying to win, but guys were also worrying about NBA callups and overseas offers. There was a little more selfishness at that point.

"When the playoffs started, everyone realized there was one common goal, and we did what we had to do."

Both Wilson and Fox said they wanted to return to Sioux Falls, but not for a basketball game. Only for a celebration.

And when the CBA's finest team crooned "We Are The Champions" as cameras captured the moment, it seemed celebrating was the only logical thing to do.

Mr. KEMPTHORNE. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 252) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 252

Whereas the Sioux Falls Skyforce are the 1996 Champions of the Continental Basketball Association, a professional basketball league consisting of 12 teams from around the country;

Whereas the Sioux Falls Skyforce defeated the Fort Wayne Fury, of Fort-Wayne, Indiana, 4 games to 1 in the best-of-seven championship series;

Whereas the 1996 Continental Basketball Association Championship is the first championship in the 7-year history of the Sioux Falls Skyforce;

Whereas the Sioux Falls Skyforce players exemplify the virtues of hard work, determination, and a dedication to developing their talents to the highest levels; and

Whereas the people and businesses of Sioux Falls, South Dakota, and the surrounding area have demonstrated outstanding loyalty and support for the Sioux Falls Skyforce throughout the 7-year history of the team: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Sioux Falls Skyforce and their loyal fans on winning the 1996 Continental Basketball Association Championship;

(2) recognizes and commends the hard work, determination, and commitment to excellence shown by the Sioux Falls Skyforce owners, coaches, players, and staff throughout the 1996 season; and

(3) recognizes and commends the people of Sioux Falls, South Dakota, and the surrounding area for their outstanding loyalty and support of the Sioux Falls Skyforce throughout the 7-year history of the team.

THE 10TH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Senate Con. Res. 56, introduced by Senator LAUTENBERG.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 56) recognizing the 10th anniversary of the Chernobyl nuclear disaster, and supporting the closing of the Chernobyl nuclear power plant.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the concurrent resolution?

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DOLE. Mr. President, I am pleased to join Senator LAUTENBERG in offering this legislation to remember the 10th anniversary of the terrible nuclear accident at Chernobyl. While 10 years have passed since that tragic day, the health and economic consequence of Chernobyl continue to be borne by the Ukrainian people.

I recall quite well how the Chernobyl accident on April 26, 1986 signaled the inhumanity of the totalitarian system of government. At first, the Soviet Government feebly attempted to deny the incident—with the effect of causing further harm to those who lived in its vicinity. Ultimately, the full scale of the disaster became known, but only after millions in Ukraine, Belarus, Russia, and Poland had been exposed to radioactive fallout.

That a government could be so brutal to its people is no surprise to those of us who worked for many years to confront and defeat the totalitarian system. That the Soviet Government could be so brutal to the people of Ukraine was no surprise to a people who endured the forced starvation, massacres, and genocidal policies of Joseph Stalin in the 1930's. The radioactive wasteland around Chernobyl will, unfortunately, serve as a lasting and hideous monument to refute those who would defend such a system, or whose historical memory has faded sufficiently to allow them to forget its evil.

Within the catastrophe at Chernobyl were sown the seeds of the downfall of the Soviet system. A fiercely independent people such as the Ukrainians cannot be subjected forever to such abuse. I am proud of the role that I was able to fulfill in the Congress, in full support of Presidents Reagan and Bush, as the United States prevailed, the Soviet Union collapsed, and Ukraine again became an independent state in the momentous year of 1991. I was proud to sponsor legislation which called for direct United States aid to the republics, rather than through Moscow in 1990. The goal of defeating communism and achieving independence for Ukraine was not easily achieved, it was one that required the combined efforts of many nations and many people, including the Ukraine-American community, who simply refused to accept that communism would prevail over the spirit of Ukrainians.

Democracy is prevailing in Ukraine today, but the Ukrainian people and Government continue to shoulder the burden of the Chernobyl disaster. Just as the United States joined with the Ukrainian people to defeat communism, we work in partnership to overcome the tragic consequences of Chernobyl. I was pleased to support the Republican initiative in Congress to provide Ukraine with $225 million in assistance this year, including specific assistance to nuclear safety, the development of alternatives to nuclear power and to address the ongoing health problems due to the Chernobyl disaster. I am certain that working together we can bring peace, prosperity, and a better quality of life to the people of Ukraine. I urge my colleagues to support our resolution.

Mr. D'AMATO. Mr. President, I am pleased to cosponsor Senate Concurrent Resolution 56, which recognizes the 10th anniversary of the Chernobyl nuclear disaster, the worst of its kind in history, and supports efforts to close the Chernobyl nuclear powerplant.

In the early morning hours of April 26, 1986, reactor number 4 at the Chernobyl nuclear power plant in northern Ukraine exploded, releasing massive amounts of radioactive substances into the atmosphere. This explosion released 200 times more radioactivity than was released by the atomic bombs at Hiroshima and Nagasaki, profoundly affecting the health of millions of people in the surrounding contaminated areas.

A decade after, Chernobyl's legacy continues and shows no signs of abating. At a hearing earlier this week of the Helsinki Commission, which I cochair, four experts, including the Ambassadors to the United States from both Ukraine and Belarus, the countries most adversely affected by the explosion, testified eloquently about the environmental, health, social, political, and economic consequences of the Chernobyl disaster. Their testimonies only reinforced the fact that Chernobyl's deadly fallout continues.

Thyroid cancers, especially among children in the contaminated areas in Belarus and Ukraine have risen dramatically. The rate of leukemia, and of birth defects, appears to be increasing. And an article in today's New York Times reports that scientists claim that they have found inherited genetic damage in people exposed to the fallout. While the depressing consequences to human health and the environment are increasingly coming to light, we need to understand more about the ongoing ramifications of the disaster.

Mr. President, Senate Concurrent Resolution 56 addresses the legacy of Chernobyl, recognizing the serious health and socioeconomic consequences for millions of people in Ukraine, Belarus, and western Russia. Ukraine and Belarus, in the process of a painful transition following 60 years of communism, simply are unable to deal with the full consequences of what is, ultimately, a global problem. The resolution calls upon the President to support continued and enhanced assistance to provide medical relief, humanitarian assistance, and hospital development for the countries most afflicted by Chernobyl's aftermath. It also calls upon the President to encourage research efforts into the public health consequences of the disaster, so that the world can benefit from the findings. Importantly, the resolution supports the December 1995 Ukraine—G–7 memorandum of understanding which calls for closing the Chernobyl nuclear power plant and broadening Ukraine's regional energy sources to reduce its dependence on any individual country.

Mr. President, continued and enhanced international cooperation is essential to address the suffering of the millions affected, and to prevent future Chernobyls. I urge my colleagues to join with me in supporting Senate Concurrent Resolution 56 as an expression of the American people's concern for the victims of Chernobyl.

Mr. KEMPTHORNE. I ask unanimous consent that the concurrent resolution be agreed to, the motion to reconsider be laid upon the table, that the preamble be agreed to, and that any statements relating thereto be placed at the appropriate place in the RECORD as if read.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the concurrent resolution (S. Con. Res. 56) was agreed to.

The preamble was agreed to.

S. CON. RES. 56

Whereas April 26, 1996, marks the tenth anniversary of the Chornobyl nuclear disaster;

Whereas United Nations General Assembly resolution 50/134 declares April 26, 1996, as the International day Commemorating the Tenth Anniversary of the Chornobyl Nuclear Power Plant Accident and encourages member states to commemorate this tragic event;

Whereas serious radiological, health, and socioeconomic consequences for the populations of Ukraine, Belarus, and Russia, as well as for the populations of other affected areas, have been identified since the disaster;

Whereas over 3,500,000 inhabitants of the affected areas, including over 1,000,000 children, were exposed to dangerously high levels of radiation;

Whereas the populations of the affected areas, especially children, have experienced significant increases in thyroid cancer, immune deficiency diseases, birth defects, and other conditions, and these trends have accelerated over the 10 years since the disaster;

Whereas the lives and health of people in the affected areas continue to be heavily burdened by the ongoing effects of the Chornobyl accident;

Whereas numerous charitable, humanitarian, and environmental organizations from the United States and the international community have committed to overcome the extensive consequences of the Chornobyl disaster;

Whereas the United States has sought to help the people of Ukraine through various forms of assistance;

Whereas humanitarian assistance and public health research into Chornobyl's consequences will be needed in the coming decades when the greatest number of latent health effects is expected to emerge;

Whereas on December 20, 1995, the Ukrainian Government, the governments of the G–7 countries, and the Commission of the European Communities signed a memorandum of understanding to support the decision of Ukraine to close the Chornobyl nuclear power plant by the year 2000 with adequate support from the G–7 countries and international financial institutions;

Whereas the United States strongly supports the closing of Chornobyl nuclear power plant and improving nuclear safety in Ukraine; and

Whereas representatives of Ukraine, the G–7 countries, and international financial institutions will meet at least annually to monitor implementation of the program to close Chornobyl: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress—

(1) recognizes April 26, 1996, as the tenth anniversary of the Chornobyl nuclear power plant disaster;

(2) urges the Government of Ukraine to continue its negotiations with the G–7 countries to implement the December 20, 1995, memorandum of understanding which calls for all nuclear reactors at Chornobyl to be shut down in a safe and expeditious manner; and

(3) calls upon the President—

(A) to support continued and enhanced United States assistance to provide medical relief, humanitarian assistance, social impact planning, and hospital development for Ukraine, Belarus, Russia, and other nations most heavily afflicted by Chornobyl's aftermath;

(B) to encourage national and international health organizations to expand the scope of research into the public health consequences of Chornobyl, so that the global community can benefit from the findings of such research;

(C) to support the process of closing the Chornobyl nuclear power plant in an expeditious manner as envisioned by the December 20, 1995, memorandum of understanding; and

(D) to support the broadening of Ukraine's regional energy sources which will reduce its dependence on any individual country.

MERCURY-CONTAINING AND RECHARGEABLE BATTERY MANAGEMENT ACT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 2024 just received from the House.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2024) to phase out the use of the mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. SMITH. Mr. President, on September 19, 1995, the Senate unanimously passed the Mercury-Containing and Rechargeable Battery Management Act, S. 619. This legislation, which I introduced on March 24, 1995, was cosponsored by Senators LAUTENBERG, FAIRCLOTH, MCCONNELL, LIEBERMAN, SIMON, MACK, BOND, GRAHAM, WARNER, REID, INHOFE, and SNOWE. The purpose of this legislation was to remove Federal barriers detrimental to much-needed State and local recycling programs for batteries commonly found in cordless products such as portable telephones, laptop computers, tools, and toys. In addition to facilitating the recycling of rechargeable batteries made out of nickel-cadmium (Ni-Cd), my legislation also codified the phaseout of the use of mercury in batteries.

The House of Representatives, on April 23, passed by voice vote under suspension, the House version of the battery bill, H.R. 2024. The House legislation, with the exception of some enforcement-related technical changes to the bill that were advocated by the Environmental Protection Agency, is virtually identical to the language contained in S. 619 that the Senate passed 7 months ago.

For the benefit of my colleagues I should like to remind them of what this legislation is intended to do. Most notably the legislation—

First, facilitates the efficient and cost effective collection and recycling or proper disposal of used nickel cadmium (Ni-Cd) and certain other batteries by: (a) establishing a coherent national system of labeling for batteries and products; (b) streamlining the regulatory requirements for battery collection programs for regulated batteries; and (c) encouraging voluntary industry programs by eliminating barriers to funding the collection and recycling or proper disposal of used rechargeable batteries; and second, phase out the use of mercury in batteries.

I am pleased to report that not only is H.R. 2024 supported by the U.S. Conference of Mayors, the National Conference of State Legislatures, the Electronic Industries Association, the Portable Rechargeable Battery Association, the National Electrical Manufacturers Association, the National Retail Federation, and the North American Retail Dealers Association, but it is also supported by the Environmental Protection Agency.

The prompt passage of this bipartisan legislation will achieve a number of important goals. First, by establishing uniform national standards to promote the recycling and reuse of rechargeable batteries, this legislation provides a costeffective means to promote the reuse of our Nation's resources. Second, this legislation will further strengthen efforts to remove these potentially toxic heavy metals from our Nation's landfills and incinerators. Not only will this lower the threat of groundwater contamination and toxic air emissions, but it will also significantly reduce the threat that these materials pose to the environment. Third, this legislation represents an environmentally friendly policy choice that was developed as the result of a strong cooperative effort between the States, environmental groups, and the affected industries.

Mr. President, passage of this legislation will not only provide a significant and positive step in removing potentially toxic heavy metals from our Nation's solid waste stream, but it will also provide a cost-effective and sensible method of protecting the environment. If we adopt H.R. 2024 today, this legislation can be quickly sent to President Clinton for his signature, and we can get to work to get these materials out of our solid waste stream and ensure protection of the environment. I urge its immediate adoption.

Mr. CHAFEE. Mr. President, I rise in strong support and urge the adoption of H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act. The bill is nearly identical to S. 619, legislation introduced by Senator SMITH, reported by the Environment Committee and approved by the full Senate by voice vote on September 21, 1995.

H.R. 2024 is an industry initiative developed to respond to the environmental threats posed by used, spent batteries. The approach is twofold. First, the bill promotes the recycling of rechargeable batteries through uniform labeling requirements and streamlined regulations for battery collection programs. Second, the bill limits mercury content in and phases out the use of mercury in certain batteries.

The bill is straightforward and contains two titles. Title I would facilitate the efficient recycling of nickel-cadmium rechargeable batteries, small lead-acid rechargeable batteries, and rechargeable batteries used in consumer products through: One, uniform battery labeling requirements; two, streamlined regulatory requirements for battery collection programs; and three, the elimination of barriers to funding voluntary industry collection programs.

Title II is intended to phase out the use of mercury in batteries, thus reducing the threat this material poses to our air and groundwater.

H.R. 2024 and its Senate companion S. 619 are prime examples of industry's concern for the environment. The legislation is an excellent example of a point that I have made many times: protection of the environment and a strong economy go hand in hand. By providing a coherent national system for labeling batteries and products, requiring the easy removability of batteries from consumer products, and streamlining Federal regulations, the Mercury-Containing and Rechargeable Battery Management Act will provide States, localities, consumers, and industry the opportunity to join together to achieve greater environmental protection without imposing burdens on the States or local taxpayers. In fact, the bill will generate substantial savings for Federal, State, and local entities and commercial operations that ship batteries due to the lower cost associated with the bill's streamlined requirements.

H.R. 2024 is legislation supported by the Portable Rechargeable Battery Association and the National Electrical Manufacturers Association. In addition, the administration has expressed its support for the bill. I am convinced that H.R. 2024 will result in greater protection of our environment and I urge its adoption.

Mr. LAUTENBERG. Mr. President, I rise to join Senator CHAFEE and Senator SMITH in supporting H.R. 2024, the Mercury-Containing and Rechargeable Battery Management Act.

The bill is based on the bipartisan bill that I sponsored with Senators FAIRCLOTH, LIEBERMAN, REID, and GRAHAM during the last Congress.

This legislation is an important step in our efforts to control the amount of toxic wastes entering the waste stream. Specifically, it deals with mercury, cadmium, and lead, which are contained in some battery casing. These materials pose no risk while a battery is in use. But they can be a significant concern when discarded in our solid waste stream.

Cadmium, which is used in the electrodes of rechargeable nickel-cadmium batteries, can cause kidney and liver damage.

Mercury exposure can cause significant damage to the nervous system and kidneys. It has also been linked to decreased motor functions and muscle reflexes, memory loss, headaches, and brain function disorders. And when mercury enters the aquatic environment, it can form methyl mercury, which is extremely toxic to both humans and wildlife.

Although dry cell batteries account for less than one-tenth of 1 percent of the 180 billion tons of garbage we generate each year, dry cell batteries have been significant sources of mercury, cadmium, and lead in our waste stream.

According to a New York State report, mercury batteries accounted for 85 percent of the mercury, and rechargeable batteries accounted for 68 percent of the cadmium, in New York's solid waste.

In landfills, dry cell batteries can break down to release their toxic contents and contaminate our waters. In incinerators, the combustion of dry cell batteries containing toxic metals leads to elevated toxic air emissions, and has increased the concentrations of toxic metals in the resulting fly and bottom ash.

This bill, by limiting the amount of toxics used in primary batteries and creating a recycling program for rechargeable nickel cadmium, will remove a significant source of toxics from our landfills.

Mr. KEMPTHORNE. I ask unanimous consent that the bill be deemed read for the third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (H.R. 2024) was deemed read for the third time, and passed.

AUTHORITY TO SIGN DULY ENROLLED BILLS AND RESOLUTIONS

Mr. DOLE. Mr. President, I ask unanimous consent that I be permitted to sign duly enrolled bills and resolutions during today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

SEQUENTIAL REFERRAL OF S. 1660

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that if and when the Environment and Public Works Committee reports the bill S. 1660, the National Invasive Species Act of 1996, the bill be sequentially referred to the Committee on Commerce, Science, and Transportation for a period not to exceed 20 calendar days; further, that if the measure has not been reported following that period, it be automatically discharged and placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRINTING OF SENATE DOCUMENT

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that the statement submitted with reference to the death of Secretary Brown and other officials at the Commerce Department and from the business community be compiled and printed as a Senate document.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE READ FOR THE FIRST TIME—S. 1708

Mr. KEMPTHORNE. Mr. President, I understand that S. 1708, introduced earlier today by Senator THURMOND, is at the desk.

The PRESIDING OFFICER. The clerk will read the bill for the first time.

The assistant legislative clerk read as follows.

> A bill (S. 1708) to amend title 28 of the United States Code to clarify the remedial jurisdiction of the inferior Federal courts.

Mr. KEMPTHORNE. Mr. President, I now ask for its second reading and, on behalf of Senator DASCHLE, I object.

The PRESIDING OFFICER. Objection is heard. The bill will remain at the desk.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure which will be offered by Senator GRAMM regarding the gas tax repeal; that no other amendments be in order; further, that immediately following the disposition of the Gramm amendment, the bill be read a third time and the Senate proceed to vote on passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. KEMPTHORNE. Mr. President, I have to object on behalf of the minority leader, and I would state that the Democrats are cleared with no amendments.

The PRESIDING OFFICER. Objection is heard.

ORDERS FOR MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 11:30 a.m. on Monday, April 29; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 2:30 p.m., with the first 90 minutes under the control of Senator DASCHLE and the last 90 minutes under the control of Senator COVERDELL, and that at 2:30 p.m., the Senate resume the immigration bill.

I further ask unanimous consent that Friday, April 26, be considered the intervening day with respect to rule XXII, and the cloture vote occur at 5 p.m. on Monday, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. KEMPTHORNE. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, at 2:30 p.m. on Monday, and at that time Senators are urged to offer amendments that may be cleared to the immigration bill.

Senators are also reminded that all second-degree amendments to the Simpson amendment must be filed by 4 p.m. on Monday in order to qualify postcloture.

Mr. President, Senators can expect additional votes on the immigration bill on Monday following the cloture vote; however, no votes will occur prior to 5 p.m. on Monday. The Senate may also be asked to turn to any other legislative items that can be cleared for action.

ADJOURNMENT UNTIL 11:30 A.M. MONDAY, APRIL 29, 1996

Mr. KEMPTHORNE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 9:20 p.m, adjourned until Monday, April 29, 1996, at 11:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 25, 1996:

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF LIEUTENANT GENERAL WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN A. GORDON [redacted] U.S. AIR FORCE.

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) THOMAS B. FARGO [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTIONS 601 AND 5141:

CHIEF OF NAVAL PERSONNEL

To be vice admiral

REAR ADM. DANIEL T. OLIVER [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be vice admiral

VICE ADM. DENNIS C. BLAIR [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be admiral

VICE ADM. ARCHIE R. CLEMINS [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. (SELECTEE) ROBERT J. NATTER [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. JAMES B. PERKINS III [redacted]

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 UNITED STATES CODE, SECTION 601:

To be vice admiral

REAR ADM. HERBERT A. BROWNE II [redacted]

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR APPOINTMENT IN THE REGULAR AIR FORCE, IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE, WITH A VIEW TO DESIGNATION IN ACCORDANCE WITH SECTION 8067 OF TITLE 10, UNITED STATES CODE, TO PERFORM DUTIES INDICATED WITH GRADE AND DATE OF RANK TO BE DETERMINED BY THE SECRETARY OF THE AIR FORCE PROVIDED THAT IN NO CASE SHALL THE FOLLOWING OFFICERS BE APPOINTED IN A HIGHER GRADE THAN THAT INDICATED:

MEDICAL CORPS

To be colonel

KATHLEEN S. BOHANON [redacted]

MEDICAL CORPS

To be lieutenant colonel

SCHUYLER K. GELLER [redacted]
ROGER R. HESSELBROCK [redacted]
JANET M. WALKER [redacted]

DENTAL CORPS

To be lieutenant colonel

ROBERT C. PARKER [redacted]

MEDICAL CORPS

To be major

GREGG A. BENDRICK [redacted]
BRUCE T. HEWETT [redacted]

DENTAL CORPS

To be major

JEFFREY C. BANKER [redacted]
DAVID B. CHIESA [redacted]
GIAO V. WEBB [redacted]

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. AIR FORCE IN ACCORDANCE WITH SECTIONS 624 AND 1552 OF TITLE 10, UNITED STATES CODE. THE OFFICER IS ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE:

LINE

To be major

NANCY MELENDEZ CAMILO

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203 SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE:

LINE

To be lieutenant colonel

JAMES C. BAIR [redacted]
MARK C. CROCKER, [redacted]
LARRY D. HALE [redacted]
TERESA A. HARDEN [redacted]
THERESA G. JEANE [redacted]
EARL K. JUSKOWIAK [redacted]
THOMAS, J. KEOUGH [redacted]
MARK R. KRAUS, [redacted]
ROBERT E. LALLY, JR. [redacted]
ROBERT L. LEWIS [redacted]
KENNETH A. LUIKART, [redacted]
TIMOTHY A.J. MCGREER [redacted]
MARK A. RELFORD [redacted]
RONALD D. STRALEY [redacted]
SIEGFRIED G. VONSCHWEINITZ, JR. [redacted]

CHAPLAIN CORP

To be lieutenant colonel

LESLIE R. HYDER [redacted]

BIO-MEDICAL SCIENCE CORPS

To be lieutenant colonel

CHARLES A. MIRANDA [redacted]

NURSE CORPS

To be lieutenant colonel

PATRICIA M. YOW, [redacted]

DENTAL CORPS

To be lieutenant colonel

DONALD W. DAVISON, [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL RESERVE OFFICERS TO BE APPOINTED PERMANENT LIEUTENANT IN THE MEDICAL CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

JAMES A. CAVINESS [redacted]
TONY S. CLINTON, [redacted]
ANGELIQUE CRAIG [redacted]
DONALD S. CRAIN, [redacted]
KARA L. CRISMOND [redacted]
KIMBERLY D. DAVIS [redacted]
ANTHONY E. DELGADO [redacted]
KEVIN A. DORRANCE [redacted]
DAVID M. DROMSKY, [redacted]
CARL C. EIERL [redacted]
STEVEN J. ESCOBAR [redacted]
MARK J. FOWLER [redacted]
JACOB L. FRIESEN [redacted]
JAMES J. GEORGE [redacted]
BRYN J. HAASE, [redacted]
KEITH A. HANLEY [redacted]
TERENCE A. HEATH [redacted]
MARK E. HERRERA [redacted]
REID D. HOLTZCLAW [redacted]
SUEZANE L. HOLTZCLAW [redacted]
PRISCILLA HUYNH [redacted]
SEAN R. KELLY [redacted]
JANETH F. KIM [redacted]
MARK A. KOBELJA [redacted]
CHRISTOPHER B. LANDES [redacted]
HENRY LIN, [redacted]
THOMAS C. LUKE [redacted]
KEVAN E. MANN, [redacted]
JOHN M. MC CURLEY [redacted]
PATRICK M. MC ELDREW [redacted]
MARGARET M. MC GUIGAN, [redacted]
MARK E. MICHAUD, [redacted]
ERICA S. MILLER [redacted]
ELIZABETH M. NORRIS [redacted]
TIMOTHY W. O'HARA [redacted]
RALPH H. PICKARD [redacted]
EMERICH D. PIEDAD [redacted]
ANNA M. RAFANAN [redacted]
SARA L. SALTZSTEIN [redacted]
ANDREW W. SCHIEMEL [redacted]
CATHLEEN M. SHANTZ [redacted]
STEVEN T. SHEEDLO [redacted]
CRAIG R. SPENCER [redacted]
MICHAEL S. SULLIVAN [redacted]
ADRIAN D. TALBOT [redacted]
SALLY G. TAMAYO [redacted]
GREGORY T. THIER [redacted]
CHRISTOPHER WESTROFF [redacted]
WILLIAM M. WIKE [redacted]

EXTENSIONS OF REMARKS

HEALTH INSURANCE HELP FOR THOSE 55 AND OLDER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. STARK. Mr. Speaker, I am introducing today legislation to make the COBRA health continuation program available to anyone between age 55 and the time they are eligible for Medicare.

Restructuring, layoff, downsizing, cutback, retrenchment—these words are heard too often in the 1990's. Amid corporate struggles to maintain profitability or simply to stay afloat, something else is shrinking: the number of permanent, full-time jobs.

As the level of employer-provided insurance declines and as hundreds of thousands of older workers face early retirement because of corporate downsizing, layoffs, and restructuring, the problem of health insurance for those not yet eligible for Medicare is becoming more and more serious.

While corporate profits were surging to record levels in 1994, the number of job cuts approached those seen at the height of the recession, according to a May, 1995 Wall Street Journal article. Profits rose 11 percent in 1994, on top of a 13-percent increase in 1993. Corporate America cut 516,069 jobs in 1994.

International Business Machines Corp. [IBM] notified 1,200 employees last fall that they would no longer have jobs. Yet IBM's fourth-quarter profits were $2.03 billion.

At AT&T, 40,000 jobs were recently cut. Workers will get a lump-sum payment based on years of service, up to 1 year of paid health benefits and cash to cover tuition costs or to start a new business—but what happens to health coverage after the 1 year?

In Colorado, the Adolph Coors Co. announced plans in February to lay off as many as 150 of its 230 construction workers, despite profits of $5.3 million in the fourth quarter.

Safety Stores undertook one of the most brutal corporate downsizing in history as a result of its leverage buyout in the mid 1980's. Safeway dumped 55,000 employees with no medical insurance, virtually no notice, and a maximum of 8 weeks severance.

A 1994 Nationwide study of 2,395 employers by A. Foster Higgins & Co., a New York based benefits consulting firm showed that among large companies—those with 500 or more employees—46 percent provide some form of coverage for early retirees, while only 39 percent provide insurance for Medicare-eligible retirees. Fewer than one in five large employers are willing to pay the entire cost of health care for their retirees, while 40 percent of the companies that do offer some form of health care coverage require the retiree to pay all of the costs. Those companies that do provide health care coverage for their retirees are increasingly requiring them to pay a share of the cost, especially for dependents.

Employee Benefit Research/Institute [EBRI] tabulations of the March 1995 Current Population Survey reveal that almost 14 percent of the near elderly, consisting of persons aged 55–64, was uninsured in 1994. As the baby boom generation approaches near elderly and elderly status, the issue of health insurance coverage for this group becomes increasingly important, particularly if the proportion of individuals aged 55–64 with employment-based coverage continues to decline.

Group health insurance is, of course, much less expensive than individual policy insurance, and that is why the COBRA benefit is so important and useful. The difference in cost can easily be several thousand dollars.

Help with the cost of this insurance is particularly important for those in their 50's and 60's because most insurance premiums rise sharply with age. For example, in the Los Angeles market, Blue Cross of California offers a basic, barebones in-hospital $2000 deductible plan. This is a PPO plan where you are restricted to the hospitals you can use. For a couple under age 29, it costs $64 a month. For a couple between age 60 and 64, it costs $229 a month.

To help ensure that the cost of COBRA continuation is not a burden to business, my bill calls for age-55+ enrollees to pay 110 percent of the group rate policy—compared to 102 percent for most current COBRA eligible individuals and 150 percent for disabled COBRA enrollees.

I know that the cost of paying one's share of a group insurance policy will still be too much for many Americans and many of them will be forced into the uncertain mercies of State Medicaid policies. But for many others, this bill will provide an important bridge to age 65 when they will be eligible for Medicare. I wish we could do more—I'd like to see the gradual expansion of Medicare to all age groups, for example—but in the current climate, this bill is our best hope.

Over the years, I've received many letters from around the Nation on the need for national health insurance reform. Several of these letters describe lives which would be greatly helped by the passage of this legislation, and I include them at this point in the RECORD.

I am attaching a copy of a letter that I sent to several people earlier this year. I have to amend one inference in that letter—that I would have no health coverage after the expiration of the COBRA coverage. I would have coverage if I could afford the ridiculous $12,000 or $14,000 figures I quoted previously.

MAN FROM ILLINOIS, AGE 55+.

DEAR REPRESENTATIVE STARK: I am 60 years old and I have been employed as a publishers representative for many years with a large company, Harcourt Brace Jovanovich. They became victims of a hostile take-over and I watched a distinguished company break down under the weight of excessive debt.

About four years ago I developed a heart condition, which was being treated for medically and I was able to function without any handicap in my work. Three years ago, a smaller firm, "XYZ", made me the proverbial "offer that can't be refused" and I joined them with their full knowledge of my heart problem.

A year later, my doctor advised a by-pass operation which went well and after about a month I was back at work. One year later I was laid off due to "a slowdown in the economy." I can only speculate on the real reason but, it followed a letter explaining that the company's self-insurance plan would not allow additional expenses for my heart condition. Thank all of you for COBRA, which now covers me until March, 1993, (at a cost of over $6000/year). I can only hope the by-pass will last until some other coverage can be found.

The point of all this is: what happens now? As a sixty year old "cardiac case", I have had not one job offer, although many people want me to work for them as a "per-diem" or independent sales representative. I'll probably resort to this, but having talked to many insurance companies, including the company which offers the group policy for the National Association for the Self-Employed, they all say I'm uninsurable. This means that regardless of whether I can afford insurance or not, I can't get it and that leaves me and my family vulnerable for years, until I reach 65 and Medicare becomes available, (assuming you can keep the wolves away from it and it still exists in 1996).

After talking with neighbors and colleagues, I find I am not alone in this problem. There seems to be an increasing number of 55 to 65 year olds, who are laid off for weak reasons, and find themselves very much alone and without a spokesman.

A MAN FROM TEXAS.

I recently turned 62 years of age and have become the recipient of Social Security benefits. During my 48 years of working life (yes, I began at 14 in Idaho at the Farragut Naval training Station), I have paid my way through the various taxing bodies and reaped the harvest and the bounty created by living in this great nation (California since 1948). The major portion of my career was spent with the Bank of America where I was employed for 27 years reaching the highest position of branch manager. After leaving them in 1981, I was in a management position with a local yacht club and following this I worked as a private contractor doing research work for a computer company and an architectural supply firm. The reason I chose to apply for Social Security at age 62 was because I found (over the past year) no interest in my years of experience in any kind of a employment. I applied to a number of employers including the local County School Districts and Administrative offices to no avail! That's enough for background.

Now for the help I hope my State or National government can provide. I recently discovered I had to apply for health insurance. The coverage I now have, which I obtained from my last employer under COBRA and for which I have been paying $136.27 a month (out of the $911.00 a month I receive under SS and BofA retirement plans) will soon run out. I applied to Kaiser Permanente which I felt has representative coverage with a comparable cost (I really can't afford to pay more the 15% of my gross income for health care). Because I was honest in answering the application questions I received a letter denying me coverage. I haven't yet applied elsewhere and will not until I get some kind of response to this plea. I suspect I will be further denied or be offered something beyond my economic abilities. I might point out (which I did to Kaiser) that beyond normal physical exams I have had good enough health that I have not had to consult a physician in over 15 years and that was for some minor surgery.

MAN FROM CALIFORNIA.

DEAR REPRESENTATIVE STARK: Terrorism. From my mailbox.

Monthly major medical premiums to Washington National Insurance Company were raised to $408. per month ($5000/year) from $247. per month ($3000/year), with a $1500 deductible! Writing about it even terrifies me.

I am 62 years old now; minimum costs by age 65 will be $15,000 without considering the usual yearly or 6 months premium increases. I live on a modest fixed income. Premiums have risen over 900% in 11 years.

There are millions like me who will go without insurance and even minimum health care, I know some already. We do not live in the ghetto. We have worked hard, raised families and contributed to our communities.

Who is proposing a way to stop this obscene, outrageous extortion? Please don't write to me reciting the usual cliches about health care. The problem has been defined and redefined already. Action is needed!

A WOMAN FROM ILLINOIS.

DEAR REPRESENTATIVE STARK: My husband is a retiree and is now covered by Medicare. I am still covered under COBRA; this coverage will last until the end of the year. This is a problem for me.

Over five years ago, I had breast cancer and underwent a mastectomy. There has been no recurrence of malignancy since; however, I am unable to purchase health insurance unless the "cancer clause" is eliminated. I am 61 years old. My insurance will end when I am 62 . . . three years away from Medicare.

Although we are retired and have saved for such a retirement, a recurrence of cancer would "wipe out" all that we have saved for, would endanger our son's college education as well as threaten my own life.

You cannot save my life; but you can save the future that we have planned for our entire lives.

A WOMAN FROM ILLINOIS.

DEAR REP. STARK: Although I am not part of your California constituency, this letter is written to commend and encouage you on your efforts to enact national health insurance for spouses of retirees over 62 years of age. A small packet of information is enclosed to supply additional information in this regard.

I've been out of work for five years due to "corporate downsizing" (or restructuring). I was 59 years of age with 9+ years of service at the time. Since then, I have paid constantly escalating Ohio Blue Cross payments while eagerly looking forward to the day when I would be covered by Medicare. I recently reached that age and invite you to look at my "big savings". My wife is 61.

Before 65: $723.62. After 65: Wife's bill, $491.24; my bill, $156.40; Medicare bill, $59.80; (2 months at $29.90) $707.44.

These oppressive costs are being taken out of savings accumulated way back from my first job paying 32 cents per hour. I have no pension nor paid benefits. I probably hold the record working for companies going out of business.

My basic plea: Grant Medicare coverage to spouses over 62 years of age wedded to present Social Security recipients.

Want to pull the country out of the recession? Relieve us of this medical cost burden and we'll spend like drunken sailors. . . . I drive a 10 year old car and haven't bought any new appliances in over 15 years.

MAN FROM OHIO.

DEAR CONGRESSMAN PETE STARK: My left leg was amputated because of diabetes on 2-6-89. While I was still in the hospital, just after surgery, I was dropped from Travelers Insurance Lifetime and Fifty Thousand Dollar Coverage and Union Pacific Railroad Health Systems. The latter being a Supplemental Coverage. I have no coverage at all now, and can't get any. I have tried to sign up with any and all companies, but was turned down, because no Insurance Company will cover my disabilities (Diabetes and Heart). Have also tried to get Social Security, Medicare and Midicare for Railroad Retirement Beneficiaries because of my disabilities. I do not qualify for any of these, because I am 62 years old and do not have enough quarters in for Social Security. I was told to get in touch with you, and maybe you might be able to help me get some coverage.

WOMAN FROM CALIFORNIA.

I urgently need help in obtaining information on any health insurance plans that might be available for non-employed persons who have been turned down by other providers.

My mother is 60 years old and the health insurance provided through my father's employment will soon expire (he retired in August 1987). The provider advised her that she will no longer be covered after this July. She has never filed a claim against this company; her coverage is being terminated because her eligibility through my father is expiring. She will not be eligible for Medicare until she is 65, and she has been unable to find other health insurance due to her age and poor health.

WOMAN FROM CALIFORNIA.

As I am sitting here and collecting my thoughts before writing to you, I find myself becoming more incensed at my health insurance situation or the future lack of it.

At the present time, I have group health coverage for myself and my wife because of the COBRA Law. This coverage is good for another approximately 8 months. At the expiration of that coverage, I can apply for group conversion. Sounds rather civil, doesn't it?

At only $12,769 or $14,031 annually for myself and dependent coverage. Needless to say, I cannot afford that. What are my alternatives?

Apply for the Illinois Comprehensive Health Insurance Plan under which our insurance costs would be $9,768 or $8,928 annually?

Ignore health coverage completely and wait for some illness to eat up my assets and then go on state aid?

Change employers and hope that its group insurance is more benevolent?

Or try to convince some responsible person or persons that our bottom line insurance industry is just that and nothing more. Our society has gone through its revolution and evolutions and deregulations. Perhaps it is time to go through a period of regulation (another form of evolution)—regulation of the insurance industry. Or if that is not possible, then I think that the Federal government must step in to fill the void that private industry will not handle—we cannot leave it to Beaver or private industry.

HONORING THE TIMOTHY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Timothy Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

LAUDING THE REPEAL OF THE BAN ON MILITARY PERSONNEL WITH HIV

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, I wish to commend President Clinton in particular and my colleagues in the Congress who agreed in the latest appropriations legislation for fiscal year 1996 to repeal the recent provision in the defense authorization bill which would have mandated summary discharge of military personnel with the HIV virus. That provision, Mr. Speaker, was an outrage, and I applaud its repeal.

The so-called problem of HIV-infected military personnel is a shibboleth. No logical reason exists to single out those people serving in the armed forces who have HIV. People suffering from other, far more contagious ailments are not subjected to the same discrimination. They are not kicked out and forced to lose accrued benefits and promised health care. This ban is more a reflection of fear and bigotry than rational military and health policy. It is patently discriminatory and unfair.

Although HIV can be contracted in a number of ways, let us not pretend that this ban was not directed at gay and lesbian Americans who contribute to our national defense. Gay and lesbian Americans have served our Nation in the military with great distinction for as long as this Nation has existed. They deserve much better than this.

Mr. Speaker, I share the President's conviction that compassion and clearheaded reason must be employed in confronting the HIV virus and its effects. The repeal of this ban is a positive step in restoring reason to the discussion. I ask my colleagues to join me in applauding the repeal of the ban on military personnel with HIV.

A TRIBUTE TO THE LUCY BARNSLEY SCHOOL, ROCKVILLE, MD

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mrs. MORELLA. Mr. Speaker, I rise in tribute to the students, faculty, and parents of the Lucy Barnsley School in Rockville, MD on the occasion of the thirtieth anniversary of their school. The Lucy Barnsley School opened in 1965 for elementary school children and is currently responsible for educating 542 students from kindergarten through fifth grade.

Lucy Barnsley is one of four elementary centers in Montgomery County for highly gifted students in grades four and five. In 1979, a program for deaf and hearing-impaired students was incorporated into the regular teaching program. The school boasts a unique fifth grade singing group known as the Fabulous Flying Fingers. Under the direction of Theresa Burdett, the group uses sign language to communicate the meaning of their songs to the hearing-impaired. The group has performed on two occasions at the White House.

The Lucy Barnsley School demonstrates its dedication to children and their education through innovative programs like the Fabulous Flying Fingers. Principal William Beckman emphasizes the importance of innovative teaching methods, team teaching techniques, and a strong sense of cooperation among the faculty at Lucy Barnsley.

Please join me in congratulating the Lucy Barnsley School on 30 years of dedication to the education of children in Rockville and best wishes for 30 more to come.

TRIBUTE TO CAPT. MICHAEL DOWD

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special individual from the Eighth Congressional District of New Jersey.

On the night of February 27, 1995, Captain Michael Dowd tied a rope around his waist, was lowered down the side of a four-story burning building, and saved the life of a 3-year-old child. For this remarkable display of bravery, I am proud to honor Captain Dowd for receiving the New Jersey state Firemen's Mutual Benevolent Association's Valor Award.

Valor and courage are attributes that are essential for all firefighters, yet hopefully they are never truly tested in a life-threatening situation. On February 27, 1995, Captain Dowd displayed the kind of valor and courage that not only makes us all proud but leaves us stunned with amazement and admiration.

It is these displays of intense dedication to public service and community, as well as the pure compassion and value for human life, that symbolize what America is all about. Captain Dowd serves as a wonderful role model not only for those in his community of West Orange, NJ, but for the national community as well.

Captain Dawd was willing to risk his own life in order to save another's, and for this he has received the New Jersey State Firemen's Mutual Benevolent Association's Valor Award. I am proud to give praise and honor to this remarkable individual for his extraordinary demonstration of heroism.

Speaking for the citizens of the Eighth Congressional District, I offer heartfelt congratulations, and wish you continued success.

TRIBUTE TO LA GRANGE POLICE OFFICERS ROBIN PROKASKI AND JIM LIOTTA

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, today I wish to pay tribute to two outstanding police officers who heroically risked their lives to save two people from a burning house in my district.

Officers Robin Prokaski and James Liotta of the La Grange, IL police department were the first to respond to an alarm that brought them to a burning house in the community in the early morning hours of February 24. One occupant of the house, Jerry Chlapcik, had escaped the flames and smoke, but his elderly wife and his daughter, a guardriplegic, were still trapped inside. Officers Prokaski and Liotta climbed through a window and found the mother attempting to get the daughter out of bed.

Working quickly in the dense smoke, they were able to get both mother and daughter out of the house, handing the victims out of the window.

For their heroic efforts, Officers Prokaski and Liotta were awarded the Chief's Award of Valor from the fire department.

Mr. Speaker, I commend these two brave police officers, and I wish to remend all Americans of the debt they owe those who risk their lives to protect ours.

IN CELEBRATION OF THE ANNIVERSARY OF ISRAELI INDEPENDENCE

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DORNAN. Mr. Speaker, on April 24, we joyously celebrated the 48th anniversary of the birth of the State of Israel. For more than 1,800 years, the Jewish people would recite a prayer: "Vesechezena Aynanu B'Schuvcha L'Zion" (May we behold Your return in mercy to Zion). It is by the grace of God that the children of Israel were able to return to their ancestral homeland.

Independence Day is celebrated as a Jewish holiday on the fifth day of the Hebrew month of Iyar, which is recognized on April 24 this year, and marks the Athchalta D'Guela, the beginning of the redemption, as promised by God. The struggle of the survival of Israel is a testament to the determination of Jewish people worldwide. Regardless of how difficult it has been over the last 48 years to protect and defend Israel, it pails in comparison to the trials and tribulations the Jewish people have suffered throughout history. From Moses leading the Jews from slavery in Egypt to surviving the tyranny of the Roman Empire and the ensuing diaspora to the horrors of the Holocaust, the perseverance and faith of the Jews is unmatched.

Unfortunately, this last year has been another tragic test for Israel in its quest for peace. As Israel has tried to expand peace with its neighbors, starting with Egypt and spreading to Palestine and Jordan, we lost one of the great men of our time—Prime Minister Yitzhak Rabin, who was a true patriot and a man of everlasting honor to his nation, to his people, and to the rest of the world. His quest to resolve the disputes with Israel's neighbors and to expand peace to Syria and the other Arab States will be of lasting historical significance. I continue to miss the presence of Mr. Rabin because of his calming influence in the sea of trouble.

The State of Israel has been the beacon of freedom and democracy in the Middle East for nearly a half a century. I am proud to see the peace process expand and to see Israel and the Arab States begin the process of building economic ties. I firmly believe once these nations cement their relationship through economic association, the binds of peace will be permanent, as long as all concerned respect the peace and security of the Israeli State.

I am, therefore, pleased to join my colleagues in wishing Israel a warm greeting in recognition of their independence. I will always pray for her safety and I will continue to work to ensure that the United States remains its loyal ally and friend. May God continue to bless this nation.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, on rollcall No. 127, H.R. 1965, the Coastal Zone Prevention Act, had I been present, I would have voted "aye." On rollcall 128, H.R. 2160, the Cooperative Fisheries Management Act, had I been present, I would have voted "aye." On rollcall vote 129, had I been present, I would have voted "aye." And on rollcall vote 130, H.R. 2715, the Paperwork Elimination Act of 1995, had I been present, I would have voted "aye."

HONORING THE WATERTOWN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Watertown Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO ANN BELKNAP BENNER

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, on Tuesday, Ann Benner, a great friend and a truly extraordinary American, passed away. The boundless energy that drove her to be a heroic supporter of her family and her community every day of her 77 years succumbed in the face of its ultimate challenge. Now, her many companions in the afterlife can enjoy the strength of her spirit and the glow of her love.

Over the 2 years that Ann knew she had terminal cancer, she was at her desk in my district office doing the good work on which I and countless others had come to depend. It is hard to imagine that office without the reassuring presence of Ann. She was a true friend, an invaluable asset and the most compassionate human being I have ever met. I will miss her terribly. All of us in San Mateo and those in Washington who have worked with her will miss her terribly.

When I first sought office 17 years ago, Ann was one of the first people to volunteer for my campaign. It was obvious from looking at Ann's remarkable list of credentials and accomplishments that she was a woman instilled with an incredible sense of community spirit, education and political activism that went far beyond ordinary civic duty. I was only too happy to offer her an outlet for this fountain of enthusiasm, just as I have been happy to do so for the last 17 years. She started that day, and continued every day after that, doing what was necessary to promote the ideas that she believed in and was willing to fight for.

As a special assistant in my district office, Ann took every constituent problem, large or small, with the same zeal that she tackled everything else in her remarkable life. As I did when I first met her, everyone recognized and appreciated that they receive a straight answer from Ann—she told it like it was, and found out all she could about every question or complaint.

One of the most compassionate acts I have ever witnessed was when Ann, at the age of 70, took on the awesome responsibility of adopting a young girl from South Africa. Ann gave that girl access to a modern society that was closed to a South African black. Ann did this with no regard for her own comfort and at considerable personal sacrifice because she thought the treatment that girl had received in South Africa was unjust.

Ann's contribution to the country that she loved began long before I met her, demonstrating the vision and initiative that characterized her whole life. In 1941, she was a founding member of the Unitarian-Universalist Church in San Mateo. In recognition of her commitment to the Unitarian community, the congregation established and annual award for service to the church and community which was named the "Ann Benner Award." In 1945, she was a founding member of the League of Women Voters of Central San Mateo County. Not one to limit herself to one category or cause, Ann was an active lifetime member of the NAACP, promoting civil rights in many effective capacities.

More recently, Ann was named the "Democrat of the Year" by the San Mateo County Democratic Central Committee in 1975. In 1981 she was named "Woman of the Year" by the San Mateo County Business and Professional Women. And, in testament to her overwhelming contributions to the advancement of women, in 1991 Ann was named to the Women's Hall of Fame of San Mateo County.

Ann's departure leaves a void in my heart and in the community we shared that will be impossible to fill. Because of her efforts, Ann has left the world she entered 77 years ago a richer, more humane place. There will always be a place in my heart for Ann, just as her memory will live on in all the lives she touched. Ann, yours is a light that cannot be extinguished. I send you my love.

IN MEMORY OF LESLIE STRATHMANN, VILLAGE MANAGER OF FRIENDSHIP HEIGHTS

HON. CONSTANCE A. MORELLA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mrs. MORELLA. Mr. Speaker, I rise today in memory of Leslie Strathmann, village manager of Friendship Heights. For 9 years Mrs. Strathmann served in exemplary fashion at this post. On April 13, her coworkers honored her at the 10th anniversary celebration of the Friendship Heights community center, naming a conference room in her honor and dedicating the ceremony to her. Leslie Strathmann passed away later that day, her lifetime of dedicated public service cut short by cancer at 54. She will be dearly missed.

Leslie Strathmann's extensive career in pubic service brought much to the Friendship Heights community. She served as vice president of the Friendship Heights Rotary where she helped organize annual Rotary fundraisers and community service projects to benefit village residents. While serving on the Montgomery County Committee on Committees she reviewed all county committees and helped streamline committee rules and structure. She coordinated Bethesda Action Group meetings between county transportation officials and citizens to resolve traffic and transportation issues.

It is hard to imagine Friendship Heights without Leslie Strathmann. The programs that she helped to create have made Friendship Heights' community center a true meeting place for the community, with classes in various disciplines, care groups for the young, and organizational meetings of all sorts. As village manager, she took it upon herself to do all that she could to better the Friendship Heights community.

In all of her work, Leslie Strathmann helped to resolve the everyday concerns of the people of Friendship Heights. Her skills and her dedication made her a valuable member of the Friendship Heights community. Leslie Strathmann leaves behind a vacancy that will be hard to fill, not only as village manager, but in the hearts of the people that knew her. She will be missed, but she will live on in love. I know that my colleagues will join me in honoring and remembering Mrs. Leslie Strathmann, and in giving condolences to her husband of 33 years, Dr. William D. Strathmann, her two sons, Joseph and William, her daughter-in-law, Kathleen, her father, Joseph R. Micali, and her sister, Judy M. Daly.

THE FUTURE IS OURS TO CREATE

HON. RICK WHITE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. WHITE. Mr. Speaker, I am pleased to welcome the Wound, Ostomy, and Continence Nurses Society [WOCN] to Seattle, in my home State of Washington, June 15 to 19, for their 28th annual conference. The theme of the conference, "The Future Is Ours To Create," will focus on future opportunities and challenges relating to the changing and expanding role of ET—enterostomal therapists—nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN, an association of ET nurses, is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.

TRIBUTE TO WILLIAM C. DUNNE

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, today I come to the floor of the U.S. House of Representatives to honor one of my constituents, William C. Dunne, for his long and distinguished career with the U.S. Secret Service.

This month Bill Dunne retired from the Secret Service and tonight his colleagues from the law enforcement community, as well as his family and friends, will all come together to honor him at a retirement dinner.

One from a family of 10, Bill was born and raised on Chicago's Southwest Side. After receiving a degree in law enforcement administration from the University of Oklahoma, Bill began his career as a special agent with the U.S. Treasury's Bureau of Alcohol, Tobacco and Firearms. Within 2 years Bill was presented with the opportunity he sought since childhood—to become a special agent with the U.S. Secret Service.

For over 20 years, Bill served with distinction as a special agent with the Secret Service. Bill worked in the Secret Service's Syracuse and Chicago field offices, as well as the Washington, DC, headquarters where he served on the protection detail for President Ronald Reagan. In Washington, Bill's protection experience, talents, and skills caused his elevation to head the protection detail for former U.S. Secretary of the Treasury and Chief of Staff Donald Regan.

During his distinguished career, Bill Dunne traveled abroad frequently ensuring the safety of U.S. Presidents, Vice Presidents, and other Government officials in foreign lands. Bill's protection duties over the years also included Presidential candidates, foreign diplomats, and Pope John Paul II during his visit to Chicago in 1979.

His last assignment was in the capacity as a supervisor in the Chicago field office. In addition to his protection responsibilities, Bill led many successful criminal investigations in counterfeit and fraud cases involving U.S. currency and financial instruments.

Mr. Speaker, I ask my colleagues to join with me today in saluting Bill Dunne, his wife Pat, and their four children, Bill, Patrick, Shannon, and Colleen, and to wish them the best in the future.

HONORING THE SALEM-BLACKMAN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Salem-Blackman Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their homes catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO THE VETERANS OF FOREIGN WARS, MILES A. SUAREZ POST 711

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MARTINI. Mr. Speaker, I rise today to pay tribute to a very special group of Americans from the Eighth Congressional District of New Jersey.

The Veterans of Foreign Wars, Post 711 has for 75 years offered a steadfast portrait of loyalty, sacrifice, and self-resolve.

Our loyalties mark the kinds of persons we have chosen to become. Real loyalty endures inconvenience, withstands hardship, and does not flinch under assault. The individuals who make up the Miles A. Suarez VFW Post consistently allow this genuine loyalty to pervade the whole of their lives.

The members of VFW Post 711 remind us that the loyal, patriotic citizen expects no great reward for coming to his country's aid. On the contrary, a devoted patriot seeks only that his country flourishes.

When it comes to honoring their country, their faith, and their comrades, the veterans of post 711 have demonstrated both the wisdom to know the right thing to do, and the will to do it. Truly, they have lived up to the obligations of loyalty, patriotism, and service.

To be a loyal citizen means to achieve a high standard of caring seriously about the well-being of one's Nation. I am proud to honor and praise VFW, Post 711 for exceeding this standard. Congratulations for your 75 year history of community pride and American patriotism.

AGRICULTURAL WATER DELIVERY ACT

HON. MICHAEL D. CRAPO

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. CRAPO. Mr. Speaker, I rise today to introduce legislation to help remedy a problem that is particularly burdensome to the water delivery companies in the West. Like many seasonal businesses, complying with the Fair Labor Standards Act has become a huge burden to both water delivery companies and their employees.

Irrigation has never nor will it ever be a 40 hour a week job. During peak agricultural months, water must be managed and delivered continually. Later in the year, the work load is light, consisting mainly of maintenance duties. Time off and winter compensation have been the methods of compensating for overtime during these peak agricultural months. Instead of being allowed to offer their employees winter compensation or time off, water delivery companies must now lay off water delivery personnel after the peak agricultural months.

Under current law, contained at 29 U.S.C., sec 213(b)(12), an exemption from the maximum hour requirement exists for employees hired to work in conjunction with water delivery companies that deliver water "exclusively" for agricultural use. This exemption was designed specifically to address the unique problems faced by water delivery companies when complying with the Fair Labor Standards Act.

Under the current interpretation of the law, water delivery organizations must deliver their water "exclusively" for agricultural purposes to qualify. For many water delivery organizations who deliver a small portion of their water for nonagricultural purposes, this interpretation has been disastrous. They are unable to benefit from the exemption even though it was designed with water delivery companies in mind.

I am introducing legislation that would expressly set the requirement of water to be ultimately delivered for agriculture purposes at 75 percent. This adjustment more accurately reflects the realities of agricultural water delivery. It would also benefit agricultural employees by making it possible for employers to provide them with year-round compensation rather than seasonal wages.

IN HONOR OF CARMEN MALDONADO: WOMAN OF THE YEAR

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Carmen Maldonado, a woman of distinguished character and grace. The Puerto Rican Society of Elizabeth, Inc. will honor her with its Woman of the Year Award on April 28 in Linden, NJ.

Mrs. Maldonado arrived in New York from her native Puerto Rico in 1950. While living in New York, she met and married Sal Maldonado and later moved to Elizabeth with their children Edgar, Joseph, Carmen, and Edna Isabel. Shortly thereafter, Mrs. Maldonado began working with the Elizabeth Board of Education. For a quarter of a century, she has dedicated herself to improving our educational system. As a liaison between the community and the school district, Mrs. Maldonado interacts with the students, parents, and teachers to create a better environment for our school children.

Mrs. Maldonado genuinely cares about her community. She dedicates her energy to various community services that aid the citizens of Elizabeth. For example, Mrs. Maldonado devotes her time to improving city services for the elderly as a board member of Community Services for Senior Citizens. Her charitable committment to the community does not stop there. She is also involved in improving the educational needs of the adult community, an active member of P.R.O.C.E.E.D., Inc. and president of the local Y.M.C.A. With her busy schedule as a full time mother and career woman, Mrs. Maldonado still finds time to help her community.

In addition, Mrs. Maldonado is a member of other organizations, including the Puerto Rican Society of Elizabeth, Inc. and Saint Patrick's School and Church. Over the course of her distinguished career, Mrs. Maldonado has won many awards. She has been honored by the Hispanic Association of Saint Patrick's and has received the Elizabeth Port Pride Day Good Neighbor Award.

Mrs. Maldonado's committment to the people of Elizabeth exemplifies the true meaning of compassion, dedication, and service. I ask my colleagues to join me in honoring Mrs. Carmen Maldonado, an outstanding individual.

IN COMMEMORATION OF THE 25TH ANNIVERSARY OF FOSTER CITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LANTOS. Mr. Speaker, I rise today, on the 25th anniversary of the founding of Foster City, CA to pay tribute to the city and its citizens for building an exemplary community.

Foster City was originally founded and developed by T. Jack Foster. In 1960 he acquired the 4 square miles known as Brewers Island in order to begin building a vision that today we honor as a dream fulfilled. The original concept was to develop a balanced community able to function physically, economically, and socially to meet the needs and desires of its residents.

A massive construction operation was necessary to convert the land into a new city of the future. Eighteen million cubic yards of fill were necessary to provide gradient for the storm water runoff and cover for the utility lines as well as support for the buildings. Two hundred and thirty acres of lagoons had to be created to collect the storm water and hold it for pumping into the Bay. Drinking water was later brought to Foster City through the City of San Mateo from the San Francisco water system.

Foster City faced a number of adversities both political and physical. The engineering challenge of creating Foster City from the marshlands of Brewer's Island required enormous financial backing, but this did not deter its developers. For 5 years the Foster City Community Association fought an intense legal battle with the district board to obtain incorporation of the city. Despite the daunting task, the citizens of Foster City overcame the mire of bureaucracy to deliver on a promise that T. Jack Foster had originally envisioned. On April 27, 1971 Foster City was incorporated thus establishing a council/city manager form of local government with a five member city council. By 1971 there were more than 10,000 residents of this emerging community, and they voted to incorporate as a city. Since that time, public facilities, commercial developments, and new homes have continued to be built.

Foster City is a community of people dedicated to the purpose of education and maintaining the quality of life of the community. In keeping with these commitments, 1996 marks the opening of a new library, a remodeled recreation center, and an updated Brewer Island Elementary School. Foster City remains a planned community today—dedicated to the fundamental values that ultimately enrich America as a whole.

Today, Foster City is widely regarded in the San Francisco Bay Area as one of the preeminent communities in which to live. Prosperity has come with stability. It is the proud home of over 30,000 people. It is especially meaningful for me to be able to rise today on behalf of each of those citizens to pay tribute to the city they call home.

Mr. Speaker, on this day, I invite my colleagues to join me in honoring the celebration of Foster City's Silver Anniversary, and I invite my colleagues to join me in congratulating the community of Foster City for its admirable accomplishments and outstanding determination.

TRIBUTE TO FRANK GARCIA

HON. ROBERT K. DORNAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DORNAN. Mr. Speaker, I would like to take this opportunity to recognize an outstanding individual who resides in my district, Francisco "Frank" J. Garcia. Frank was recently recognized by the Points of Light Foundation for his exceptional community service, 1 of just 20 recipients of the prestigious 1996 President's Service Award.

Frank is a local restaurant owner in Anaheim, CA. His restaurant, La Casa Garcia, is actually located just across the street from my district office. Everyone just raves about the food there. In fact, the Orange County Register has recognized La Casa Garcia for serving the best Mexican food in the area.

But what's amazing is this, Mr. Speaker. Since 1987, Frank has served more than 50,000 needy individuals at his restaurant with free, home-cooked meals on Thanksgiving Day. In fact, just last year, Frank led 500 volunteers to serve a complete Thanksgiving dinner to needy people throughout our community. He organized the event, collected the food through donations and wholesale prices, and recruited the necessary volunteers to make the whole day a success.

Frank has so much to be proud of. The President's Service Award, established back in 1982, is the most prestigious award ever presented for community service. The winners are honored not only for their own outstanding work, but also as representatives of volunteers in every community nationwide. The award recognizes individuals who have performed outstanding work in public safety, education, environmental protection, and humanitarian aid.

In a recent news article in our local paper, Frank noted that "everybody needs to take pride in themselves. We all should support each other." These are powerful words that emulate the kind of life all Americans should lead.

Mr. Speaker, Frank Garcia is a shining example of the American spirit and an exemplary inspiration to us all. His outstanding public service has set a high standard for others to follow. I want to congratulate him for this honor and thank him for serving his fellow man so selflessly. May God bless him and reward him for his kindness and generosity.

HONORING THE SOUTH ALLEN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the South Allen Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro, where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MICHAEL J. ZALEWSKI

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding young man from my district, Michael J. Zalewski, who was recently honored for academic excellence at St. Rita High School.

During St. Rita's academic awards banquet, Mr. Zalewski, a senior bound for the University of Illinois, was recognized nine times for his scholastic achievements. He was cited as a member of the St. Rita 1996 Academic All-Stars, a winner of the 1996 Heeney Award, as an Illinois State scholar, and as a recipient of the Presidential Educational Award.

Mr. Zalewski was named as a member of the Gold Honor Roll at St. Rita, the JETS Science Team, the National Honor Society, and was listed in "Who's Who Among American High School Students." In addition, he received the U.S. Marine Corps Scholastic Excellence Award.

Mr. Speaker, I congratulate Michael J. Zalewski, and of course his parents, Michael R. and Millie Zalewski, on his academic achievements, and extend to him, as well as the members of the Class of '96, my best wishes for much success in the future.

IN HONOR OF EDWARD "ROY" HUELBIG: A TRUE AMERICAN HERO

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MENENDEZ. Mr. Speaker, I rise today to pay tribute to Edward "Roy" Huelbig, an exceptional individual, who had distinguished himself through tireless dedication to the veterans, firefighters, and police officers of his community in Hoboken and throughout the State of New Jersey. Mr. Huelbig will be honored for his numerous years of service by United Cerebral Palsy of Hudson County at a ceremony at the F.A. Mckenzie American Legion Post 165 in Bayonne, NJ on April 27.

Mr. Huelbig's record of service to helping others began in Hoboken, where he was born and raised. He attended Our Lady of Grace Grammar School and St. Michael's High School in my hometown of Union City. When the Nation called, Mr. Huelbig answered by entering the U.S. Army in 1943, where he served in the European theather of operations during World War II. For his steadfast bravery in combat, Mr. Huelbig was awarded four battle stars and a Purple Heart.

Upon returning to the United States, Mr. Huelbig was appointed to the Hoboken Fire Department in 1948, which benefited from his valuable contributions as a firefighter for over 25 years. After retiring from a position with the A-P-A Trucking Co. in 1986, Mr. Huelbig devoted his time to a number of charitable organizations. Mr. Huelbig's expertise in community involvement has been an invaluable resource for a number of groups throughout the State. While Mr. Huelbig serves as secretary of the Retired Police and Fireman's Association, it is the veterans of New Jersey who owe Mr. Huelbig the greatest debt of gratitude. He is chairman of the Hoboken Elks Lodge 74 Veterans' Committee which "adopts" five individuals at the Veterans Home of Paramus by celebrating birthdays and Christmas with them, in addition to organizing field trips to sporting events. A past commander, Mr. Huelbig now serves as legislative chairman of the Disabled American Veterans Hoboken Chapter 8, which helps raise funds for the five veterans hospitals in New Jersey.

Even though Mr. Huelbig has exhibited a tremendous commitment to community organizations, the main focus of his life has been his family. He was married to the former Ellen Lynsky who passed away in November 1985. Mr. Huelbig is the father of three children: a daughter, Kerryann Ganter, and two sons, Kevin and Roy Huelbig. He is also the proud grandfather of five.

It is an honor to have such an outstanding and dedicated individual as Edward "Roy" Huelbig residing in my district. His efforts are testimony to the fact that one person can make a difference in the lives of others. I ask my colleagues to join me in recognition of this true American hero.

THE WOUND, OSTOMY AND CONTINENCE NURSES SOCIETY

HON. JACK METCALF

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. METCALF. Mr. Speaker, I rise to address the House and ask permission to extend and revise my remarks.

I am pleased to welcome the Wound, Ostomy and Continence Nurses Society [WOCN] to Seattle, WA on June 15–19, for their 28th annual conference. The theme of the conference, "The Future is Ours to Create," will focus on future opportunities and challenges relating to the changing and expanding role of ET (enterostomal therapists) nurses and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, the WOCN is the only national organization for nurses who specialize in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. WOCN is a professional nursing society which supports its members by promoting educational, clinical and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies and incontinence.

In this age of changing health care services and skyrocketing costs, the WOCN nurse plays an integral role in providing cost-effective care to patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I wish WOCN every success in their conference.

HONORING THE SOUTH SIDE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the South Side Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

INTRODUCTION OF H.R.—, TO EXTEND COMMUNITY NURSING CENTER DEMONSTRATIONS

HON. JIM RAMSTAD

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. RAMSTAD. Mr. Speaker, as a strong supporter of home- and community-based services for the elderly and individuals with disabilities, I rise to introduce legislation to extend the demonstration authority under the Medicare Program for community nursing organizations [CNO].

In 1987, Congress authorized the CNO demonstrations to test the efficacy of capitated nursing delivery organizations at providing quality services outside the nursing home setting, without requiring beneficiaries to join HMO's. CNO programs serve Medicare beneficiaries in home and community-based settings under contracts that provide a fixed, monthly capitation payment for each beneficiary who elects to enroll.

The benefits include not only Medicare-covered home care and medical equipment and supplies, but other services not presently covered by traditional Medicare, including patient education, case management and health assessments. CNO's are able to offer extra benefits without increasing Medicare costs because of their emphasis on primary and preventative care and their coordinated management of the patient's care.

At the end of this year, current authority will expire for these effective and growing programs, which currently serve approximately 6,000 Medicare patients in four States.

Mr. Speaker, we need to act now to extend this demonstration authority for another 3 years. This experiment provides an important example of how coordinated care can provide additional benefits without increasing Medicare costs. For Medicare enrollees, extra benefits include expanded coverage for physical and occupational therapy, health education, routine assessments, and case management services—all for an average monthly capitation rate of about $21. In my home State of Minnesota, the Health Seniors Project is a CNO serving over 1,500 patients in four sites, two of which are urban and two rural.

These demonstrations should also be extended in order to ensure a full and fair test of the CNO managed care concept. These demonstrations are consistent with our efforts to introduce a wider range of managed care options for Medicare beneficiaries. I believe we need more time to evaluate the impact of CNO's on patient outcomes and to assess their capacity for operating under fixed budgets.

Mr. Speaker, it is important to recognize that the extension of this demonstration will not increase Medicare expenditures for care. CNO's actually save Medicare dollars by providing better and more accessible care in home and community settings, allowing beneficiaries to avoid unnecessary hospitalizations and nursing home admissions. By demonstrating what a primary care oriented nursing practice can accomplish with patients who are elderly or disabled, CNO's are helping show us how to increase benefits, save scarce dollars, and improve the quality of life for patients.

Mr. Speaker, I urge my colleagues to consider this bill carefully and join me in seeking to extend these cost-savings and patient-enhancing CNO demonstrations for another 3 years.

AEGIS EXCELLENCE AWARD TO LONG BEACH NAVAL SHIPYARD

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. HORN. Mr. Speaker, the Long Beach Naval Shipyard has, throughout its history, demonstrated that it is one of the most effective, cost efficient yards, public or private, in the Nation. Despite this impressive record, the Navy recommended, as part of the 1995 base closure round, that the Long Beach Naval Shipyard be closed. That recommendation was ratified by the Base Closure and Realignment Commission and signed into law by President Clinton.

The closure of the Long Beach Naval Shipyard in September 1997 will be a tremendous loss to the Navy and to the Nation. Just how serious this loss will be was demonstrated again last month when the Long Beach Naval Shipyard was given the AEGIS Excellence Award by Rear Adm. G. A. Huchting, the Navy's AEGIS program manager, "for its outstanding contributions to the completion of the Regular Overhaul [ROH] of the USS *Antietam* (CG 54)."

In his message to Cpt. John Pickering, commanding officer of the Long Beach Naval Shipyard, Admiral Huchting said, "Long Beach Naval Shipyard's excellent support to both the crew of *Antietam* and the AEGIS Program Office was instrumental in ensuring the success of this complex and technically demanding availability.

"The execution of *Antietam's* overhaul was challenged by several unexpected difficulties, such as consistently poor weather conditions, which significantly delayed progress on all outside work. Long Beach Naval Shipyard accepted each challenge with an aggressive attitude and extraordinary flexibility. Through superb teamwork and perseverance, shipyard personnel accomplished nearly 100,000 mandays of industrial work, enabling *Antietam* to complete its availability on time and under budget.

"Long Beach Naval Shipyard's professionalism and dedication to qualify were key factors in the redelivery of an upgraded *Antietam* to the Fleet. In recognition of this outstanding accomplishment, I am very pleased to present the AEGIS Excellence Award to Long Beach Naval Shipyard for an effort that truly exemplifies AEGIS team spirit and the pursuit of excellence. Congratulations on a job well done!"

Admiral Huchting's message confirms what those of us who fought to preserve the shipyard argued, that the Long Beach Naval Shipyard is a critical national security resource which, when closed, cannot be replaced. And it further reaffirms the quality, commitment, and dedication of the shipyard's work force. Though they are slated to lose their positions as the shipyard closes, the men and women who work at the Long Beach Naval Shipyard remain committed to doing the best possible job on behalf of their Nation. These dedicated men and women deserve our highest praise and deepest gratitude for the contribution they are making. The AEGIS Excellence Award is well deserved. I am proud to represent the employees of the Long Beach Naval Shipyard who earned it through their superb efforts and their commitment to excellence.

TRIBUTE TO JERRY TROLZ

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. ROEMER. Mr. Speaker, I rise today to pay tribute to an extraordinary citizen, businessman, and community leader in my district, Mr. Jerry Trolz of Goshen, IN, and to his hardworking employees.

Jerry is the owner of Goshen Stamping Co. I recently visited with him at his plant to observe an innovative "Partners in Education" Program which he has developed in conjunction with Goshen High School.

Under this program, Jerry puts talented high school students to work in his company as part of a structured academic/work curriculum. The students are given an opportunity to develop basic work skills and work habits and begin to learn a trade while they are still in school.

Before they can be admitted into the program, students must demonstrate a proficiency in basic reading, math, writing, communications, and economics. They must also demonstrate a commitment to the basic values of hard work, honesty, and integrity. Successful participants are guaranteed a job with Goshen Stamping after they graduate.

The partners in Education Program is filling an important niche in both the education and business communities in the Goshen area. It gives motivated students—particularly those who do not wish to attend college—a chance to learn a trade and secure a good paying job. At the same time, it provides companies such as Goshen Stamping with the steady influx of skilled workers they need to remain competitive in the increasingly global economy.

The program is working extremely well for both the students and the sponsoring businesses. Indeed, Goshen Stamping recently received the Emerson Tool Group's 1995 Distinguished Supplier Award, in recognition of its quality workmanship and skilled work force.

This is a reflection not only of Jerry's business skills, but also of the talented and dedicated employees at Goshen Stamping, and the commitment they have made to excellence in the work place.

While Jerry Trolz has been a leader in developing the Partners in Education Program, his contributions to the community do not stop here. Earlier this month, Jerry was named the 1996 winner of the Book of Golden Deeds Award by the Exchange Club of Goshen, in recognition of his lifetime of community service.

Jerry is a charter member and past president of the Kiwanis Club of Goshen; past chairman of the Solid Waste Advisory Committee of Elkhart County; past president of the Goshen Chamber of Commerce; and past president of the Goshen Industrial Club.

He is currently director of the Goshen Salvation Army and Goshen Hospital Health Systems Board; president of the Greater Goshen Association, a member of the advisory boards of First Source Bank, Goshen Partners in Education Committee, the Elkhard Career Center and Ivy Tech State College; and a long-time supporter of Lacasa, Habitat for Humanity, and Youth for Christ.

Mr. Speaker, it is all too common to hear people complain these days that our educational system is not doing a good enough job of motivating and teaching students, or that government is not doing enough to address the problems in our communities.

Jerry Trolz does not believe in complaining. He believes in solutions. In receiving the Book of Golden Deeds Award, Jerry was quoted as saying, "Community service is the rent you pay for being here on earth."

I am pleased to call attention to Jerry's lifetime of community service, and hope that his efforts will serve as an inspiration to all Americans to give a little more of their time and energy to make their communities and our country a better place to live.

IN MEMORY OF RONALD H. BROWN, SECRETARY OF COMMERCE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BECERRA. Mr. Speaker, I rise today to offer some thoughts on the tragic passing of Commerce Secretary Ron Brown. I would first like to convey my sincere condolences to his family: his wife Alma, and his children Tracey and Michael.

As I survey his life it is difficult not to be impressed by the richness and breadth of Ron Brown's accomplishments. It is the quintessential American story. He rose from modest beginnings in Harlem to the pinnacles of law, politics and government. Secretary Brown's life was an affirmation that in America a man of imagination, talent and determination could succeed.

His joy in serving as Secretary of Commerce was infectious. His dedication to helping young Americans aspire and succeed was genuine. And his commitment to serve his country was a constant throughout his life.

His smile, hopefulness and generosity will be missed.

HONORING THE SMYRNA VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Smyrna Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO WILLIAM G. HOUSTON

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. QUINN. Mr. Speaker, I rise today to recognize and honor the distinguished service of William G. Houston, an educator who has served the Lake Shore Central School District as Superintendent for over 30 years, on the occasion of his retirement.

Over those 30 years, William Houston dedicated his life to the enhancement of the Lake Shore District, and proved himself to be extraordinarily available to his faculty, staff, parents, and most importantly, students.

Considered the Dean of Superintendents in Western New York, William Houston's 30 year commitment to the same district far exceeds all others in Western New York, as well as most Superintendents throughout the entire State.

Throughout his tenure with Lake Shore Central, William Houston has established himself as an institution synonymous with academic commitment, rugged independence, insight and vision, hard work and dedication, and community involvement.

With retirement comes many opportunities, several personal, many professional. May he meet every opportunity with the same enthusiasm and vigor and which he demonstrated throughout his brilliant career; and may those opportunities be as fruitful as those in his past.

Mr. Speaker, today I join with the Houston family, his colleagues, friends, the Lake Shore School District, all of us who have served as educators, and indeed, the entire Western New York community, to honor Superintendent William Houston for his dedication, hard work, and commitment to our community and its education.

JIM GILLIS PAYS DIVIDENDS

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BARCIA. Mr. Speaker, managing other people's money demands a trustworthy, intelligent and sensible person. Not only is he or she responsible for shareholders' money, but for their well-being and livelihood. John Gillis is such an individual, who fulfills this responsibility with enthusiasm and dedication.

John Gillis, Vice Chair of the Board of Directors of the United Bay City Credit Union is retiring after serving 6 years as Vice Chair and 9 years as a member of the Board. He also served on the Asset/Liability Management, Building, and Personnel Committees. Prior to serving on the Board, John served for 7 years on the Credit Committee and served as its Chairman.

John spent tireless hours in these volunteer positions and performs his duties above and beyond the call of duty. His willingness to take on additional tasks and his 100 percent attendance record are extraordinary. John's keen awareness of his responsibility to keep the credit union strong matched well with his ability to speak with conviction rather than convenience.

The United Bay City Credit Union has over 16,000 members. The Board is charged with the tremendous responsibility and challenge of overseeing all activities of the credit union, including how to invest assets and watching out for shareholders' interests. John is a truly dedicated board member who always puts the credit union members first. His leadership and commitment will be sorely missed.

A lifelong resident of Bay City, John graduated from Handy High School. He started working for General Motors Powertrain when it was Bay City Chevrolet and is a valuable employee. An avid golfer, John will now have a little more time to practice his swing.

John could not have achieved these accomplishments without the support of his loving family including his wife, Kay, and their three children, Kevin, Matthew, and Amy.

John Gillis represents the spirit of volunteerism and community service which makes our country one of the greatest Nations in the world. I urge my colleagues to join me in recognizing John Gillis and wishing him well in his future endeavors.

THE PRESIDENT'S LEGACY OF DEBT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. PACKARD. Mr. Speaker, under President Clinton's spending policies, the national debt will increase by more than $1.1 trillion—rising from $4.1 trillion in January 1993 to $5.2 trillion in December 1996. By failing to balance the budget in 5 years as he promised, this legacy of debt means higher mortgage, car and student loan payments for working families.

My Republican colleagues and I have put the brakes on out-of-control Federal spending. We have cut Government beyond targets set by the budget resolution—this means a savings of $23 billion to the hard working American taxpayer. We have terminated hundreds of wasteful government programs and provided offsets to pay for disaster assistance. Since January, 1995, when Republicans gained control of Congress, my colleagues and I have saved taxpayers $43 billion.

These numbers are proof that we are doing what we promised the American people—we are committed to balancing the budget in 7 years. While the President fights to maintain the status quo and bloated bureaucracies, my colleagues and I are fighting to relieve the American taxpayer.

My Republican colleagues and I support policies that help America's hard working families earn more and keep more of what they earn. This ensures they will have more time to do more for themselves, their children, their church, and their community.

IN HONOR OF CERRITOS COMMUNITY COLLEGE ON ITS 40TH ANNIVERSARY CELEBRATION

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TORRES. Mr. Speaker, I ask my colleagues to join me today in honoring Cerritos Community College on its 40th anniversary celebration. On Saturday, April 27, 1996, members of the community, Cerritos College staff, and city officials will join in celebrating 40 years of providing exemplary educational opportunities to area residents.

Cerritos Community College was established on June 10, 1995, when residents of Norwalk, Carmenita, Bloomfield, and other elementary districts voted to form a junior college district. The proposed college site was acquired on December 5, 1956, and soon after, construction began. By the end of 1959, eight buildings had been completed on campus, and funds were made available to provide the remaining facilities to accommodate a student body of 3,500 students. By 1961, the campus was beginning to look like a college, with the completion of four more buildings. In 1964, the campus included 95 acres, and 15 permanent buildings. By 1965, the enrollment of 10,000 students exceeded the expectations of all associated with the college.

By 1966, the college had grown to 135 acres, and soon after, enrollment exceeded 11,000 students. The administration and board of trustees turned to building the excellence of the academic program, which already had a strong foundation. Innovation in satellite courses, televised instruction, open entry classes, and the move into audio-visual instruction marked the coming decade. By 1972, enrollment reached an astonishing 17,000 students.

By its 25th anniversary, Cerritos College had educated nearly 250,000 students since it first opened its doors. Course offerings had expanded, a satellite campus had been implemented, and faculty and staff had grown to meet the community's needs. The college today has a automated on-line system, a modern teleconference center, and a learning assistance lab.

Today, Cerritos College serves area communities with a combined population of more than 450,000, and has an assessment value exceeding one billion dollars. Thousands of Cerritos College graduates have gone on the become distinguished members of the community.

Mr. Speaker, it is with pride that I ask my colleagues to join me in honoring Cerritos Community College staff, administrators, President Fred Gaskin, and the board of trustees for being a part of Cerritos Community College's 40 years of valuable service to and education of our community.

DRUG AND SUBSTANCE ABUSE

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. MICA. Mr. Speaker, I rise today to introduce a bill that would require television broadcast stations to dedicate at least 5 percent of their advertising time to public service announcements on drug and substance abuse.

Drug abuse and illegal narcotics trafficking are skyrocketing. Cocaine, heroin, marijuana and designer drug use have dramatically increased in the last 3 years particularly among our young people. Many education and expensive drug treatment programs have failed.

My colleagues, it is critical that we fight illegal narcotics on four fronts: interdiction; enforcement; education; and treatment. It is critical that we reduce demand and find better, more effective means of increasing drug education.

During the past few years one of the key participants in the drug education war, television, has shirked its responsibility. Television broadcasting in the United States, a publicly granted franchise, has backslided in its public responsibility and public obligation. Since 1991, support for antidrug messages in the media has decreased from one message per day to almost zero.

Mr. Speaker, nothing in our society influences children and adults more than television. Television in many instances has a greater influence than home, church and school. Television has a public service responsibility to assist America in a national crisis—and we have a national crisis with drug and substance abuse.

We all know how television changes perceptions and attitudes in our society. Devoting a small fraction of airtime and public airwaves to fighting the drug war and ridding our children and Nation of this scourge is long overdue.

Mr. Speaker, I urge my colleagues to join me in reversing the disturbing trend toward drug use. Help our children and all Americans by cosponsoring this important bill.

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday April 25, 1996

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to introduce legislation which will afford U.S. nationals the opportunity to participate in reserve office training corps scholarship programs.

Under current law, American Samoans born in American Samoa are considered U.S. nationals. These are persons who owe their allegiance to the United States, but are not U.S. citizens. Persons born in American Samoa are the only persons in the world who are given this status, as persons born on all other U.S. soil may become U.S. citizens by right of birth.

Also under current law, only U.S. citizens are authorized to enlist in the Reserve Officer Training Corps, or ROTC for short, scholarship programs, and only U.S. citizens are eligible to become military and naval officers.

The legislation I am introducing today would require U.S. national residents residing in a State of the United States and desiring to apply for a ROTC scholarship program, to file an application to become a naturalized citizen within 60 days of being accepted into the program. The legislation would also require U.S. nationals who are not residents of a State of the United States, to become a resident of a State, and to file an application to become a naturalized citizen within 60 days of becoming a resident as defined in our immigration laws.

Mr. Speaker, I believe this legislation strikes a fair balance between two competing interests. On the one hand, it gives the resident of American Samoa the same opportunities to become military and naval officers as the residents of the States and the other territories. On the other hand, while keeping the requirement that all military and naval officers be U.S. citizens, it requires U.S. nationals to prove their willingness to serve our country in a timely manner, thereby ensuring that taxpayer dollars are not spent on someone who will later prove ineligible for service.

Mr. Speaker, I am submitting a copy of the legislation with my statement.

H.R.—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIGIBILITY OF UNITED STATES NATIONALS FOR ADVANCED TRAINING IN THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

Section 2104(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen";

(2) at the end of paragraph (6), by striking "and";

(3) in paragraph (7), by striking the period and inserting"; and"; and

(4) by adding at the end the following:

"(8) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459), become a resident of a State (within such meaning) before commencing the program for advanced training; and

"(B) file an application for naturalization within 60 days after the later of—

'(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

"(ii) the date that he is accepted into the program for advanced training.".

SEC. 2. ELIGIBILITY OF UNITED STATES NATIONALS FOR FINANCIAL ASSISTANCE AS MEMBERS OF THE SENIOR RESERVE OFFICERS' TRAINING CORPS.

(a) GENERAL FINANCIAL ASSISTANCE PROGRAM.—Section 2107(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen";

(2) at the end of paragraph (4), by striking "and";

(3) in paragraph (5), by striking the period and inserting "and"; and

(4) by adding at the end the following:

"(6) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459) become a resident of a State (within such meaning) before commencing the financial assistance program; and

"(B) file an application for naturalization within 60 days after the later of—

"(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436); or

"(ii) the date that he is accepted into the financial assistance program.".

(b) ARMY RESERVE AND ARMY NATIONAL GUARD FINANCIAL ASSISTANCE PROGRAM.—Section 2107a(b) of title 10, United States Code, is amended—

(1) in paragraph (1), by inserting "or national" after "citizen";

(2) at the end of paragraph (5), by striking "and";

(3) in paragraph (6), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(7) if he is a national but not a citizen of the United States, agree in writing that he will—

"(A) if he is not a resident of a State (within the meaning of chapter 2 of title III of the Immigration and Nationality Act; 8 U.S.C. 1421–1459, become a resident of a State (within such meaning) before commencing the financial assistance program; and

"(B) file an application for naturalization within 60 days after the later of—

"(i) the date that he meets the requirements for naturalization in section 316(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1436) or

"(ii) the date that he is accepted into the financial assistance program.".

SEC. 3. CONFORMING AMENDMENT

Section 12102(b)(1) of title 10, United States Code, is amended—

(1) by striking "or" the first place such term appears;

(2) by inserting a comma after "United States" the first place such term appears; and

(3) by inserting ", or is a national of the the United States eligible (as provided in sections 2104 (b), 2207(b), or 2107a(b) of this title) for advanced training in, or financial asssistance as a member of, the Senior Reserve Officers' Training Corps" after the close parenthessis

HONORING THE SYKES VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Sykes Volunteer Fire Department. These brave, civic minded people giving freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE TENTH ANNIVERSARY OF THE CHERNOBYL NUCLEAR DISASTER

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DURBIN. Mr. Speaker, I rise to recognize the 10th anniversary of the Chernobyl nuclear disaster, and to urge support for closing the Chernobyl nuclear powerplant.

It was 10 years ago, April 26, 1986 that reactor No. 4 at the Chernobyl nuclear powerplant exploded. And the effects of that explosion are still with us today. Millions of people, including more than a million children, were exposed to the high levels of radiation that escaped from the Chernobyl nuclear powerplant. Many have suffered the consequences of that exposure, which has led to thyroid cancer, birth defects, diseases of the immune system and more.

The world has responded to the suffering of the people affected by the Chernobyl disaster. The Ukrainian-American community, the Belarusian-American community, the Moldovan-American community, the Russian-American community and other Eastern and Central European-American communities have led the way, sending millions of dollars and teams of doctors and nurses to help the relief efforts. But even 10 years after this disaster, the effects of Chernobyl are still with us. There is much work left to do.

I have introduced, with other Members of Congress, a resolution to help ensure that the world and the people most directly affected by Chernobyl will one day be able to put this tragedy behind them. The resolution urges the Government of Ukraine to continue its efforts to close all the nuclear reactors at Chernobyl in a safe and expeditious manner. It calls upon the President of the United States to continue to support the process of closing the Chernobyl nuclear powerplant. It calls upon the President to continue and enhance humanitarian, medical, social impact planning, and hospital development assistance for Ukraine, Belarus, Russia, and other nations most directly affected by the Chernobyl disaster. It calls upon the President to encourage national and international health organizations to expand the scope of research into the public health effects of Chernobyl. And it recognizes April 26, 1996, as the 10th anniversary of the Chernobyl disaster.

The people of the United States have a deep interest in freedom and democracy in Eastern and Central Europe, which will contribute to peace and prosperity around the world. Our efforts to assist the nations affected by the Chernobyl disaster will benefit all nations, including our own. I urge my colleagues to support this resolution.

TRIBUTE TO JOE GROSCOST ON THE OCCASION OF HIS RETIREMENT

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and recognize an outstanding citizen from Sandusky, OH. Mr. Joe Groscost will be retiring from his distinguished career of teaching and coaching at the conclusion of the 1995–96 school team.

Joe started his coaching career as an assistant swim coach at Perkins High School in 1966. He became the head coach in the fall of 1967. Joe started one of the first girls' high school swim programs no northwest Ohio in 1978. His record as a head coach is outstanding. He holds the Ohio State High School record for the number of victories as a head coach at one high school with 455 wins and 136 losses. His teams have garnered more than 135 titles. He was selected Boys Northwest District Coach of the Year five times plus Girls District Coach of the Year two times.

Mr. Groscost founded the Vacationland Swim Club in 1970 to promote swimming and fitness in his community. The club has been in continuous existence since that time and is an asset to Sandusky community. Mr. Groscost also started a learn-to-swim program that has been instrumental in teaching young children how to swim and water safety.

Mr. Speaker, Mr. "G" as he is affectionately known, has been a positive influence on the lives of the many young men and women who have come in contact with him. He has been instrumental in guiding many teens and has provided constructive assistance to people that have come into contact with Joe even after their high school days were over.

I ask my colleagues to join me today in honoring the successful accomplishments of Joe Groscost and to wonderful example he has set for others.

ERMA BOMBECK: AN AMERICAN MODEL

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. PASTOR. Mr. Speaker, I rise today in memory of Erma Bombeck, who passed away on April 23, 1996. Erma Bombeck, columnist, suburban housewife, and life philosopher shared her humor with America for 25 years. Ms. Bombeck celebrated the day to day chaos and hysteria of suburban life in her syndicated column "At Wits End."

Ms. Bombeck lives on in best selling books such as: "The Grass Is Always Greener Over the Septic Tank," and "If Life Is a Bowl of Cherries, What Am I Doing in the Pits?" A true humanist, in 1989 Ms. Bombeck wrote a touching tribute to children surviving cancer titled, "I Want To Grow Hair, I Want To Grow Up, I Want To Go To Boise." She then benevolently went on to donate her $1.5 million advance fee to cancer research, 3 years before she was diagnosed with the dreadful disease. After a bout with breast cancer, she was stricken with a fatal kidney disease. Although she received a kidney transplant in early April, she was unable to recover.

As a resident of Arizona, we are proud that such a talented woman made her home in our beautiful State. Erma Bombeck will be remembered for bringing everyday life to a comedic artform. The columns, which are her legacy, will be proudly displayed for years to come in a place of honor all across America, the family refrigerator.

IN HONOR OF DR. WILLIAM "BILL" SENN

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. BAKER of Louisiana. Mr. Speaker, today I would like to pay tribute to Dr. W.L. "Bill" Senn, one of Baton Rouge's most- respected businessmen and community leaders, on the occasion of his retirement after 38 years of service with Exxon Chemical Americas.

Bill received bachelor's, master's, and doctoral degrees in chemistry from Louisiana State University and served in the U.S. Air Force. His Exxon career began in 1957 as a chemist in the Exxon Research Laboratories in Baton Rouge. He served in various supervisory assignments including department and division head posts until 1976.

Dr. Senn served as manager of the company's engineering department for 2 years and then was named manager of Exxon's Baytown, TX chemical plant. In August 1981, he returned home to Baton Rouge as manager of the Baton Rouge Chemical Plant which he has headed since.

Mr. Speaker, I've known Bill Senn since 1986 and have always sought and valued his counsel. Whenever I return home and whatever I do, Bill is always there supporting local communities with his time and talents.

Since he and his wife, the former Patricia Harrison of Baton Rouge, will continue to make their home in Baton Rouge, I expect Bill will be just as active in the community after retirement as he is now.

Highlights of his involvement in industry, governmental affairs, and community organizations include serving in the past as chairman of the board of directors of the Louisiana Chemical Association [LCA], chairman of the board of directors of the Louisiana Public Affairs Research Council, and chairman of the Baton Rouge United Way general campaign. He has been chairman of the board of directors of the Louisiana Chemical Industry Alliance since its inception and also currently serves on the LCA board.

Mr. Speaker, Dr. Bill Senn has served his company and community with distinction and integrity. I value the counsel he has shared with me over the years and wish him the best as he moves on to new challenges and opportunities.

THE DRIVE AWAY FROM ETHANOL WELFARE ACT OF 1996

HON. RANDY TATE

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TATE. Mr. Speaker, today I am introducing a bill to eliminate the ethanol tax subsidy.

In the November 1994 elections, the American people voted for a Congress that would balance the budget, scrutinize every cent that Federal Government spends and examine every Federal program, including corporate welfare. For far too long American taxpayers have subsidized one of the most egregious examples of corporate welfare—the ethanol industry.

Some people have asked me why should I care about the ethanol tax subsidy. Let me tell you why.

In November 1995, Congressman BILL ARCHER of Texas, chairman of the House Ways and Means Committee, moved the Balanced Budget Act, through his committee. That bill included a provision to eliminate the ethanol tax subsidy. However, before the full House could even consider that historic legislation that provision was stripped out. A vote was not even allowed.

My constituents were outraged. My congressional offices were besieged by upset phone callers. At first, I wasn't exactly sure why they felt so betrayed. Frankly, I didn't know much about the ethanol industry.

I discovered that between the years of 1983 and 1994, the State of Washington lost $164 million in Federal highway money which means that Washington State motorists spent an additional $97.71 per driver on car maintenance and repairs in 1993.

In my State, the Puget Sound Air Pollution Control Agency recently called for the lifting of the winter-time oxygenated fuel program. Their reasoning was that Puget Sound drivers were paying as much as $25 million a year in reduced gas mileage, clogged fuel filters and fuel injection systems and slightly higher increases at the pump. The Air Control Agency went on to find that the exhaust from cars is much cleaner and any environmental benefit from ethanol is negligible.

While working people and their families in my State paid Federal gas taxes, the safety of their everyday driving was being compromised because there was not enough money to repair roads and bridges. And, Federal highway money was being used to subsidize ethanol production which, in turn, was artificially inflating the price of beef, milk, and pop that families were paying at the corner store in my State.

What I learned was that Americans are paying Federal gas taxes designated for highway construction and bridge repair and those same hard-earned dollars are paving the ethanol industry's road to the bank with gold.

Today, I am introducing the Drive Away From Ethanol Welfare Act of 1996. It has 53 original cosponsors and enjoys the support of Chairman BUD SHUSTER, Chairman BOB LIVINGSTON, and Chairman BILL CLINGER. It is a very bipartisan bill because the ranking member of the House Ways and Means Committee, SAM GIBBONS, was my first original cosponsor.

The Drive Away From Ethanol Welfare Act ensures the elimination of this ridiculous tax break in the year 2000. It reduces the tax subsidy immediately by 3 cents. In the interim, no ethanol producer will have an investment stranded.

The Drive Away From Ethanol Welfare Act eliminates the cashflow provision that has made the industry profitable for two decades. Ether will no longer be eligible, immediately.

Mr. Speaker, I urge my colleagues to support this legislation and to take a stand against an egregious case of corporate welfare.

CONGRATULATING THE SIOUX FALLS SKYFORCE FOR WINNING THE 1996 CBA CHAMPIONSHIP

HON. TIM JOHNSON

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to offer my congratulations to the Sioux Falls Skyforce for winning the Continental Basketball Association championship. By defeating the Fort Wayne Fury 4 games to 1, the victorious Skyforce returned home to Sioux Falls with the franchise's first championship in its 7-year history. Led by most valuable player Henry James, the Skyforce battled their way through the playoffs, gathering momentum with each closely contested game, and capping their season of a lifetime with Devin Gray's buzzer beater to give the Skyforce their cherished championship.

I would like to congratulate coach Mo McHone, the Skyforce organization, and the players for their commitment to excellence during this championship season. I would also like to thank the people of Sioux Falls and the surrounding communities for their loyalty and support for the Sioux Falls Skyforce throughout the existence of the franchise. Skyforce players could always count on the fans to fill the arena, cheering them on through the last-second victories and the heartbreaking losses.

On behalf of all South Dakotans, I extend to the Sioux Falls Skyforce my congratulations on winning the 1996 Continental Basketball Association Championship.

HONORING THE WOODBURY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Woodbury Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

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By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE WISDOM OF ABE MARTIN

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. JACOBS. Mr. Speaker, Abe Martin, the mythical philospher created by the early 20th century Indianapolis News writer, Kin Hubbard, said this:

> When Lem Moon was acquitted of the murder of his wife, he was asked by Judge Pusey if he had anything to say. And he said, "I never would have shot her if I'd realized they wuz going to put me through so much red tape."
>
> Abe's wisdom endures.

TRIBUTE TO MR. HARRY A. FOSTER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. CAMP. Mr. Speaker, it is with sadness that I rise today to honor and pay tribute to a man who devoted much of his life helping and improving the lives of others through his devotion to Michigan's agricultural heritage. Harry A. Foster passed away recently in his home in Okemos, MI on March 11, 1996.

Harry was born and raised on his family's farm in southwestern Michigan where he excelled in 4–H and Future Farmers of America [FFA] projects. At a young age, he earned his American Farmer Degree while active in the FFA and served as State President of the Michigan Farm Bureau of Young People. He was also an alumnus of Michigan State University's Agricultural Technology Program and earned a B.S. degree in Agricultural Economics.

After graduation, Harry served as a 4–H extension agent in Livingston County. In 1961, he became the initial employee of the Michigan Agricultural Cooperative Marketing Association [MACMA] where he provided 27 years of outstanding service. After serving MACMA, he became Executive Director of the Michigan Asparagus and Michigan Plum Advisory Boards where his contributions were numerous. Mr. Foster's long and distinguished professional career is a testament to his dedication and to his genuine concern for agriculture and farmers in Michigan and around the country.

Harry's community involvement extended beyond his professional career. He was an active member of the Okemos Community Church and served as president of the Okemos Board of Education. Due to his outstanding advocacy and his enduring compassion, he courageously envisioned and founded the Dyslexia Resource Center.

Harry took great pride in the relationships he developed in the Nation's Capitol on behalf of the producers and their marketing interests he represented so fervently. Many of the actions of this genuine farmer's friend have benefitted producers and their attendant industries across the United States.

Mr. Speaker, I know you will join me in celebrating the many accomplishments and achievements of Harry Foster and in honoring his memory.

TRIBUTE TO MRS. JANIE A. GREENE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. TOWNS. Mr. Speaker, celebrating 101 years of a thriving lifetime is a monumental achievement. I am pleased to recognize Mrs. Janie A. Greene, a resident of Brooklyn since 1933. Mrs. Greene was born on April 29, 1895, and she has experienced a bountiful life.

Janie was born in Georgetown, SC, to her proud parents Prince and Clara Browne. In 1915 she married Walley Greene. They remained married until he died in 1931. Four children were born out of that marriage, Thelma Greene McQueen, Clifton Greene, Oreda Greene Dabney, and Myrtle Greene Whitmore, whom she presently resides with. A devoted family member, Mrs. Greene has 11 grandchildren, and a host of great-grandchildren, and great-great-grandchildren.

The church is a central part of Mrs. Greene's life. She has been a member of People's Institutional A.M.E. for over 55 years. Mrs. Greene is presently a charter member of the South Carolina Club and also a member of the Virginia Smith Missionary Society. Among her varied interests are: gardening, reading, shopping, and preparing daily brunch for herself and her family.

It is indeed rare for a person to live to be 101 years old, but it is even rarer to experience such a rich life in that length of time. I am proud to claim her as a resident in my home borough of Brooklyn.

THE CHERNOBYL DISASTER

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. SLAUGHTER. Mr. Speaker, this weekend Ukrainian-Americans across the country will commemorate the ten year anniversary of the disaster at the Chernobyl nuclear power plant.

It is hard to believe that 10 years have passed since the devastating news of the explosion at the Chernobyl Nuclear Power Plant in Ukraine. While the official death count remains at 33, we all know that the number of lives affected by this tragedy reaches well into the thousands. Besides those who have died because of the exposure, others have lost their health, their economic well-being, their environment, and their spiritual outlook on life.

We have been, however, successful in providing some of the most needed assistance to those who have suffered. The work of so many dedicated relief organizations has paved the way for aid, medical care, and government programs which have provided invaluable care for the victims of the Chernobyl calamity. Unfortunately, it is not likely we have experienced the full consequences of the disaster. Nor have we provided all the resources needed to help those living through this nightmare. As we remember this event this weekend, we must renew our pledge to continue our help in the future.

I am proud to represent a large and energetic Ukrainian community—an active and spirited community which has dedicated itself to helping the people of Ukraine. As we all work together to support Ukraine's flowering democracy and strong economic growth, we continue to hold a special place in our hearts for those affected by the Chernobyl disaster. We will remember Chernobyl.

THE FEDERAL RAILROAD ADMINISTRATION PERFORMANCE AND PERSONNEL ENFORCEMENT ACT

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. MOLINARI. Mr. Speaker, today I am introducing H.R.—, the Federal Railroad Administration Performance and Personnel Enforcement Act. The bill will provide for institutional reforms at the Federal Railroad Administration and other improvements to the rail safety statutes aimed at promoting a safer, more secure rail safety network. I would like to emphasize that the railroad system is essentially safe today, thanks to the substantial gains in safety that have been achieved since the late 1970s. In 1978, the train accident rate was nearly 15 accidents per million trainmiles, or 3.9 times what it was in 1995. Railroads are safe when compared to other modes of transportation as well. About 40,000 people are killed each year on the Nation's highways, compared to about 600 fatalities that are attributed to railroad operations.

Yet rail travel is becoming increasingly complex and we must ensure that our safety requirements keep up with today's operational realities. Traffic on the mainlines continues to grow and the increased use of freight, intercity passenger and commuter traffic on the same corridors poses new challenges for ensuring safety. Unfortunately, after the 2 best years in rail safety history, rail accidents appear to be on the rise. In January and February alone rail freight and passenger accidents resulted in 19 fatalities, 230 injuries, and $64 million in property damage.

As chairman of the Subcommittee on Railroads, I sponsored three hearings on the issue of rail safety during the month of March. These hearings focussed on the issues of human factors and grade crossing safety, equipment and technology in rail safety, and advanced train control technology. This last hearing was held jointly with the Technology Subcommittee of the Science Committee.

One thing is clear from these hearings: the Federal Railroad Administration needs to be reformed. In three significant areas where rulemakings are pending (power brake safety, two-way end of train devices and track safety standards), the Federal Railroad Administration has missed the statutory deadlines for completing the rulemakings by as much as 2 years. In the wake of the Burlington Northern Sante Fe accident at Cajon Pass, CA, the Federal Railroad Administrator issued an emergency order requiring use of the two-way end of train device for operations in the area. Sadly, the emergency order would not have been needed had the FRA met its statutory deadline for the rulemaking.

And in another area of concern, the Hours of Service Act, the FRA and rail labor and management have all been guilty of foot dragging in establishing pilot projects that were supposed to form the basis for changes to the act during the next authorization cycle. A report on the subject is due at the end of the year, and to date not a single pilot project has been implemented. This is unacceptable and I believe that my bill, through a combination of institutional reforms that will force FRA to be more accountable in carrying out congressional mandates, and improvements to the rail safety statutes will help ensure safety on the Nations' railroads.

HONORING THE WESTMORELAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Westmoreland Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

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EARTH DAY

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GEJDENSON. Mr. Speaker, we have just celebrated Earth Day here in the United States and, I hope, rededicated ourselves to protecting our environment. But at the same time, there are others on this planet commemorating the anniversary of an environmental catastrophe.

I'm speaking of the tenth anniversary of the Chernobyl nuclear accident. On April 26, in Kiev as well as in many other cities around the globe, including many here in the United States, people will gather to discuss the aftermath of that accident. But more importantly, they will be looking to the future, and not only to seek assurances that there will be no more such disasters but to rededicate countries and citizens to environmental protection.

I am particularly proud, Mr. Speaker, to note a most unique and important partnership which has developed around the anniversary. The Children of Chernobyl Relief Foundation [CCRF], a group based in Short Hills, NJ, and Hamden, CT and formed 5 years ago, has already turned about $2 million in donations into about $40 million in airlifted supplies to the people of Ukraine, most urgently needed pharmaceuticals.

CCRF has now received a large grant from the Monsanto Co. and together this charitable organization and this American firm are launching on this anniversary a major healthcare initiative for children and women in outlaying areas. It will enable CCRF and the Ukrainian doctors and hospitals with whom it works to extend vital care to people in farm communities. The initiative will have strong focus on prenatal care and education for pregnant women.

So, Mr. Speaker, what we have here is a great model for the other groups, other companies, other countries, not just a one-shot, one-day commemoration of an environmental disaster but a longer-term commitment by an American-based charitable group and an American corporation.

I might add that our State Department, especially Ambassador Richard Morningstar, the Coordinator of Assistance to the CIS, and our United States Ambassador in Ukraine, William Miller, have been most cooperative in assisting the development of this project.

Today in Kiev there was an airport event welcoming a United States Government airlift of more than $11 million of needed drugs and medical equipment. At that event, both Ambassador Morningstar and Ambassador Miller as well as high-level Urkrainian officials praised the Monsanto/CCRF project as a model for companies and charitable organizations everywhere and a sign that the Chernobyl commemoration is not just a 1 day event.

TRIBUTE TO U.S. SERVICE MEN AND WOMEN IN BOSNIA

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. SAXTON. Mr. Speaker, there is an old military saying which alerts us to expect the unexpected. This time-tested adage is as true today as we send young fighting men and women to Bosnia as it was two generations ago in World War II.

On April 27, 1996, the New Jersey Exercise Tiger Association and the VFW Post 3729 will commemorate the 52d anniversary of Exercise Tiger. Exercise Tiger was designed to be a dress rehearsal for the D-Day invasion of France. But as is so common in the "fog of war," the best laid plans are always subject to the unexpected, the unanticipated, the unforseen.

And so it was on April 28, 1944 when an American amphibious assault force which was practicing for the D-Day invasion was suddenly attacked by German warships. The surprise attack resulted in the death of 946 men, the second highest death toll of that long and embittered war.

Today, over 20,000 U.S. service men and women are serving in Bosnia in an effort to again secure peace in Europe. These dedicated individuals, like those who have served so honorably before them, have the difficult task of fulfilling the commitments made by American foreign policy makers. And like those who served in uniform over 50 years ago, the unexpected can happen at any moment with devastating effect.

I wish to salute the fine men who served and died 52 years ago while conducting Exercise Tiger. There is a special kinship between those American heroes and the men and women who today are serving in Bosnia. I wish also to pay tribute to Walter Domanski of the New Jersey Exercise Tiger Association and Bill Cadmus, Senior Vice Commander of VFW Post 3729. These two fine individuals are "keepers of the flame," ensuring that Americans will remember and reflect on the sacrifices that our military has made and continues to make on our behalf.

MERCURY ELECTRONICS: FIFTY YEARS AT THE FRONT LINES, DEFENDING AMERICA

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. GOODLING. Mr. Speaker, I rise today to honor a company that has provided important contributions to our national defense and to the defense of freedom worldwide. That company is Mercury Electronics, celebrating its 50th anniversary this month.

For half a century, Mercury Electronics has provided essential components for our Armed Forces in the air, on land, and at sea. In this role, they have contributed mightily to America's defense, and the part that our Armed Forces have played in protecting the free world throughout the cold war. They continue this activity, helping the United States and her men and women serving under arms to secure the peace and safety necessary for the preservation of the American way of life.

Not only has this company been a vital part of America's defense, but it has also been an exemplar of what America is all about. For the entire 50 years of its existence, Mercury has remained in the city of York in my district, providing jobs and economic stability. By remaining in its original locality, it has provided a continuity for its workers that has allowed them to build families in the area, and to remain close to their loved ones. Mercury Electronics has been a prime example of what small business can do. Its dedicated employees have enriched the local community.

Mr. Speaker, I ask that the House of Representatives join me in recognizing Mercury Electronics on this occasion. Mercury has served America, not only in the role of manufacturing items for our armed forces, but also by showing what can be accomplished by hard-working people enjoying the freedoms their products have played a role in preserving. I congratulate Mercury Electronics on their 50th anniversary, and wish them many more.

GRANT PERMANENT MOST-FAVORED-NATION STATUS TO ROMANIA

HON. NORMAN D. DICKS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. DICKS. Mr. Speaker, last month, our colleague, PHIL CRANE, chairman of the Trade Subcommittee, introduced legislation to grant permanent most-favored-nation status to the country of Romania. It is a bill that is overdue and I commend my colleague and the cosponsors of the legislation for taking this step.

Of all the Eastern European nations journeying from a centrally planned economic system to that of a free market economy, Romania has had the longest road to travel. It suffered through 40 years of a Communist economic policy. Its 1989 revolution exposed the hollowness of that economic legacy, but it also exposed how deeply ingrained that way of thinking can become. Nevertheless, despite tremendous obstacles, Romania has not faltered in its attempt to join the Western economic community of nations.

Romania is making the hard choices. It is taming inflation. Between 1994 and 1995, the inflation rate was cut in half from 62 percent to 28 percent. After selling off numerous state enterprises, at the cost of increased unemployment, Romania's rate of unemployment has shrunk from over 11 percent in 1994 to less than 9 percent in 1995.

Romania's private sector has grown into a formidable economic force. Today, 45 percent of Romania's gross domestic product comes from the private sector. By the end of this year, estimates show that 70 percent of its GDP will be generated by thousands of entrepreneurs who finally have the opportunity to determine their own economic future.

Romania is traveling a road that we in this country have encouraged by provisionally granting them MFN status. As a result, trade between our two nations has increased as United States exports take advantage of these new market opportunities, I review of Romania's economic policies, when coupled with its attempt at political democracy building, I believe that the prudent course of action for the United States is to make permanent a benefit we have granted Romania several times before. For these reasons, I urge my colleagues to support Chairman CRANE's bills.

TRIBUTE TO VICE ADM. MICHAEL KALLERES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. VISCLOSKY. Mr. Speaker, it is my great honor to pay tribute to Vice Adm. Michael Kalleres, who will be honored on April 28, 1996 by the Parish Council and the entire Cathedral Community of the Saints Constantine and Helen Greek Orthodox Cathedral. This distinguished citizen of Indiana's First Congressional District will address the congregation during the Liturgy and again during a formal luncheon to be held in his honor. This event will take place at Saints Constantine and Helen Greek Orthodox Cathedral in Merrillville, IN of which he and his wife, Georgia, have been longtime pioneer members.

Admiral Kalleres retired from active duty in September 1994 after 32 years of distinguished service as a naval officer. During this time, he led eight commands in combat and in peacetime, including two Financial Management Directorates. In addition, he led surface ships, squadrons, and two Joint Fleet Organizations.

Admiral Kalleres earned a bachelor of science degree in Industrial Management and Engineering from Purdue University and a master of science degree in Political and International Affairs from George Washington University. He is also a distinguished graduate of the U.S. Naval War College and the National War College.

Admiral Kalleres has received 18 military awards and decorations including the Defense Distinguished Service Medal, and the 1990 Son of Indiana Award for Military Service. Admiral Kalleres' dedication and involvement in the community has been recognized by several other organizations. In 1988, he was awarded the Saint Andrew's Medal for public service by the Greek Orthodox Church. Moreover, Admiral Kalleres received the 1993 Leadership Award from the American Hellenic Institute, and, in March of that same year, he was vested into the International Service Order of Saint Andrew as an Archon. He receive the AXIOs (Worthiness) Medal from the State of California, the 1992 State of Illinois Distinguished Citizen Award, and he was recognized as a Sagamore of the Wabash in

1994. Admiral Kalleres has also been cited in the Marquis Who's Who since 1990.

This past January, Admiral Kalleres was elected to the National Board of the Salvation Army, where he serves on the Disaster Relief and Communications Committee. Furthermore, he is a member of the Dean's Advisory Board at Purdue University, and he currently serves as a member of the Defense Science Board for Strategic Mobility.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring this fine citizen for his dedication to the United States, as well as his community in northwest Indiana. Admiral Kalleres' loyalty and dedication to his country should serve as a model for the citizens of Indiana's First Congressional District and all Americans.

TRIBUTE TO MR. FRANCIS A. MAIER

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise in remembrance of a much respected family man who was a part of Dallas' business community and a part of Dallas' family, Mr. Francis A. (Frank) Maier. He was among the 35 people who died in a plane crash on April 3 while on a trade mission to war-torn Croatia with United States Commerce Secretary Ron Brown. Mr. Maier was 50 years old.

Mr. Maier was originally from the Bronx in New York City. He attended college at Manhattan College earning a bachelor's degree in business administration. After graduation, he began his career at Westinghouse in 1967. Mr. Maier had a 20-year-long career with Westinghouse Electric Corporation in Pittsburgh, and held several positions at Westinghouse, including director of project finance. A recruiting firm lured him to Dallas from Westinghouse in 1993.

As President of Enserch International, a subsidiary of Enserch Development Corporation, Mr. Maier dealt with trade issues for Enserch and represented his corporation and his country overseas. In the past several months, Mr. Maier had been to 10 Asian and European countries.

This is a sad time as we mourn the deaths of all of the people who died on that ill-fated flight, but we must not forget all of the contributions that these people gave to our country. Everyone in Dallas feels the loss of Mr. Maier's family and all of Dallas grieves with them.

HONORING THE WILSON EMERGENCY MANAGEMENT AGENCY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

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ROCKY MOUNTAIN NATIONAL PARK WILDERNESS

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, April 25, 1996

Mr. SKAGGS. Mr. Speaker, today I am introducing the Rocky Mountain National Park Wilderness Act of 1996.

This bill, essentially identical to one that I introduced in the 103d Congress, is intended to provide important protection, and management direction for some truly remarkable country, adding some 240,700 acres in the park to the National Wilderness Preservation Systems.

Covering 91 percent of the park, the new wilderness will include Longs Peaks and other major mountains, glacial cirques and snow fields, broad expanses of alpine tundra and wet meadows, old-growth forests, and hundreds of lakes and streams. Indeed, the proposed wilderness will include examples of all the natural ecosystems present in the park.

The features of these lands and waters that make Rocky Mountain a true gem in our National Parks System also make it an outstanding wilderness candidate.

The wilderness boundaries for these areas are carefully located to assure continued access for use of existing roadways, buildings, and developed areas, privately owned land, and water supply facilities and conveyances—including the Grand River Ditch, Long Draw Reservoir, and the portals of the Adams Tunnel. All of these are left out of wilderness.

The bill is based on National Park Service recommendations. Since these recommendations were originally made in 1974, the north and south boundaries of Rocky Mountain National Park have been adjusted, bringing into the park additional land that qualifies as wilderness. My bill will include those areas as well. Also, some changes in ownership and management of several areas, including the removal of three high mountain reservoirs make possible designation of some areas that the Park Service had found inherently suitable for wilderness.

In 1993, we in the Colorado delegation finally were able to successfully complete over a decade's effort to designate additional wilderness in our State's national forests. I anticipate that in the near future, the potentially more complex question of wilderness designations on Federal Bureau of Land Management lands will capture our attention.

Meanwhile, I think we should not further postpone resolution of the status of the lands within Rocky Mountain National Park that have been recommended for wilderness designation. Also, because of the unique nature of its resources, its current restrictive management policies, and its water rights, Rocky Mountain National Park should be considered separately from those other Federal lands.

We all know that water rights was the primary point of contention in the congressional debate over designating national forest wilderness areas in Colorado. The question of water rights for Rocky Mountain National Park wilderness is entirely different, and is far simpler.

To begin with, it has long been recognized under the law of the United States and Colorado, including in a decision of the Colorado Supreme Court, that Rocky Mountain National Park already has extensive Federal reserved water rights arising from the creation of the national park itself.

Division One of the Colorado Water Court, which has jurisdiction over the portion of the park that is east of the continental divide, has already decided how extensive the water rights are in its portion of the park: the court has ruled that the park has reserved rights to all water within the park that was unappropriated at the time the park was created. As a result of this decision, in the eastern half of the park there literally is no more water for either the park or anybody else to get a right to.

This is not, so far as I have been able to find out, a controversial decision, because there is a widespread consensus that there should be no new water projects developed within Rocky Mountain National Park. And, since the park sits astride the continental divide, there's no higher land around from which streams flow into the park, so there is no possibility of any upstream diversions.

On the western side of the park, the water court has not yet ruled on the extent of the park's existing water rights there. However, as a practical matter, the Colorado-Big Thompson project has extensive, senior water rights that give it a perpetual call on all the water flowing out of the park to the west and into the Colorado River and its tributaries. As a practical matter under Colorado water law, therefore, nobody can get new consumptive water rights to take water out of the streams within the western side of the park.

And it's important to emphasize that any wilderness water rights amount only to guarantees that water will continue to flow through and out of the park as it always has. This preserves the natural environment of the park.

But it doesn't affect downstream water use. Once water leaves the park, it will continue to be available for diversion and use under Colorado law.

Against this backdrop, my bill deals with wilderness water rights in the following way.

First, it explicitly creates a Federal reserved water right to the amount of water necessary to fulfill the purposes of the wilderness designation. This is the basic statement of the reserved water rights doctrine, and is the language that Congress has used in designating the Olympic National Park Wilderness, in Washington, in 1988.

Second, the bill provides that in any area of the park where the United States, under existing reserved water rights, already has the right to all unappropriated water, then those rights shall be deemed sufficient to serve as the wilderness water rights, too. This means that there will be no need for any costly litigation to legally establish new water rights that have no real meaning. Right now, this provision would apply in the eastern half of the park. If the water court with jurisdiction over the western half of the court makes the same ruling about the park's original water rights that the eastern water court did, then this provision would apply to the entire park.

The bill also specifically affirms the authority of Colorado water law and its courts under the McCarran amendment. And the bill makes it clear that it will not interfere with the Adams Tunnel of the Colorado-Big Thompson Project, which is an underground tunnel that goes under Rocky Mountain National Park. Why should we designate wilderness in a national park? Isn't park protection the same as wilderness, or at least as good?

The wilderness designation will give an important additional level of protection to most of the national park. Our national park system was created, in part, to recognize and preserve prime examples of outstanding landscape. At Rocky Mountain National Park in particular, good Park Service management over the past 79 years has kept most of the park in a natural condition. And all the lands that are covered by this bill are currently being managed, in essence, to protect their wilderness character. Formal wilderness designation will no longer leave this question to the discretion of the Park Service, but will make it clear that within the designated areas there will never be roads, visitor facilities, or other manmade features that interfere with the spectacular natural beauty and wildness of the mountains.

This kind of protection is especially important for a park like Rocky Mountain, which is relatively small by western standards. As surrounding land development and alteration has accelerated in recent years, the pristine nature of the park's backcountry becomes an increasingly rare feature of Colorado's landscape.

Further, Rocky Mountain National Park's popularity demands definitive and permanent protection for wild areas against possible pressures for development within the park. While only about one tenth the size of Yellowstone National Park, Rocky Mountain sees nearly the same number of visitors each year.

This bill will protect some of our nation's finest wild lands. It will protect existing rights. It will not limit any existing opportunity for new water development. And it will affirm our commitment in Colorado to preserving the very features that make our State such a remarkable place to live.

HOUSE OF REPRESENTATIVES—*Monday, April 29, 1996*

The House met at 2 p.m. and was called to order by the Speaker pro tempore [Mr. COX of California].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 29, 1996.

I hereby designate the Honorable CHRISTOPHER COX to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May this season when nature surrounds us with the signs of spring, remind us, O God, of the benefits of restoration and renewal in our lives and in our world. We know that Your wondrous creation can become ordinary and Your remarkable presence can become routine. So we pray for the renewal of our minds and for new zeal in our hearts so we will become strong in body, and spirit. For the gifts of this season and for Your gracious spirit, O God, we offer our thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

The message also announced that the Senate had passed a concurrent resolution of the following title, in which the concurrence of the House is requested:

S. Con. Res. 56. Concurrent resolution recognizing the tenth anniversary of the Chornobyl nuclear disaster, and supporting the closing of the Chornobyl nuclear power plant.

DEPARTMENT OF INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and Committee on Resources and ordered to be printed:

To the Congress of the United States:

I hereby report that I have exercised the authority provided to me under subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996, to suspend subsection 325(a) and 325(b) of such Act. A copy of the suspension is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 26, 1996.*

GOOD NEWS REGARDING BOSNIA

(Mr. SKELTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SKELTON. Mr. Speaker, this is the fifth speech I am giving on Bosnia. It contains good news.

In my last address I stated that on March 28 I sent a letter to the President regarding the New York Times report that the United States is being urged to stay in Bosnia longer than a year. This would break the word of the administration and of the Secretary of State, who said that the American forces would be in Bosnia for only 1 year.

The Secretary of State, Warren Christopher, said that 1-year limitation would give the warring parties the opportunity to have peace but it would not be a guarantee. Mr. Speaker, I have heard from the President today with a letter dated April 22. He clearly states that the IFOR mission should be complete in about a year. This is good news, and it is in contrast with the New York Times article.

Mr. Speaker, I include for the RECORD my March 28 and the President's April 22 letters.

HOUSE OF REPRESENTATIVES,
Washington, DC, March 28, 1996.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: The March 21 edition of the New York Times reported the U.S. and NATO are being urged to keep our forces in Bosnia after the end of the year. International civilian and military authorities are alleged to be pressing for continued NATO presence beyond our scheduled departure.

To keep American troops in Bosnia past the announced date of departure at the end of 1996 would be a major mistake. First, it flies in the face of a clear statement by Secretary of State Warren Christopher: "This is not a permanent commitment. This is approximately a one-year commitment. . . . If it can't be done in a year, perhaps it can't be done in a longer period of time." Second, it breaks faith with our American troops who are presently stationed in Bosnia, who expect to return to their families in nine months. Third, it contradicts what the American people were told about the duration of the mission.

American forces are facing a difficult and challenging assignment in the NATO peacekeeping mission. The one-year deployment was intended to provide an opportunity for peace, not a guarantee of it. The people of Bosnia must assume the responsibility of ensuring their own peace.

Already, American and NATO peacekeepers are being diverted from their original mission to the task of rebuilding Bosnia. This assignment shifts the focus of our military forces from peacekeeping to assisting in civil projects.

Further, by several accounts, a cornerstone of the Dayton agreement—the continuance of the Muslim-Croat Federation—appears severely weakened. The U.S. and NATO could well be in a quandary if that alliance should crumble.

The push to keep U.S. and NATO forces in Bosnia, the expansion of mission assignments and the possible disintegration of the Muslim-Croat Federation could compel us to extend our commitment in Bosnia. We are on a slippery slope toward a lengthy deployment of five or even ten additional years.

I commend Major General William L. Nash, Commander of the American sector of NATO forces in Bosnia, who stressed his determination to withdraw on schedule. He properly stated that the burden for peace is

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□This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

"on the shoulders of those folk that live here."

Mr. President, if the people of Bosnia truly want peace, one year is more than enough time to get it started.

Very truly yours,

IKE SKELTON,
Member of Congress.

THE WHITE HOUSE,
Washington, April 22, 1996.

Hon. IKE SKELTON,
House of Representatives,
Washington, DC.

DEAR IKE: Thank you for your letter expressing concerns about American troops remaining in Bosnia beyond the end of 1996. I fully agree with you that we and the rest of the international community can only provide the people of Bosnia the opportunity for peace. The Bosnian people themselves must assume the responsibility of ensuring a stable future.

Our policy remains that IFOR should be able to complete its mission in about one year. The major military tasks have already been accomplished. In the coming months, IFOR will help provide a secure environment so that civilian implementation efforts can get firmly established, refugees can begin to return, and free elections can be held under OSCE supervision. It is our view that, with these efforts on track, there will not be a need for a robust, NATO-led force beyond a year.

IFOR Commanders have the authority to support civilian tasks, including provision of assistance to the War Crimes Tribunal and other international organizations in their humanitarian missions. IFOR has provided such support since its arrival, and it will continue to do so, within the limits of its resources and its primary mission of implementing the military aspects of the Dayton accords. For example, IFOR will provide training and support for civilian determining efforts, in tandem with mine-clearance aimed at ensuring IFOR's own safety. In this respect, military and civilian efforts complement one another.

Regarding the Federation, the parties recently signed an agreement that outlines concrete steps with specific deadlines that will strengthen the Federation and get its institutions up and running. The main provisions include abolition of customs duties, measures to facilitate return of refugees and sanctions against local officials who refuse to comply. The Bosnians and Croats have also agreed on a flag and coat of arms for the Federation. The Federation agreement, combined with Congressional approval of the $200 million supplemental and new steps by the parties to cooperate with the War Crimes Tribunal, demonstrate new momentum in the civil implementation of the Dayton accords.

As I have said before, all of these efforts underpin my commitment to complete IFOR's mission in about a year. Once again, I thank you for your support for our efforts to help the people of Bosnia achieve a lasting peace.

Sincerely,

BILL.

GOOD NEWS ON BOSNIA

(Mr. MONTGOMERY asked and was given permission to address the House 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I want to commend the gentleman from Missouri for what he said today. I have been very concerned, Mr. Speaker, that we will not get those Americans in Bosnia out within year, and the gentleman from Missouri has been following up on that and that is good news.

Mr. SKELTON. Mr. Speaker, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Speaker, I became quite concerned over this as a result of the New York Times article, and I subsequently wrote the President because the Secretary of State clearly said that we are not guaranteeing peace over there, that the 1 year of the IFOR and the American forces would give the warring parties the opportunity for peace, and the President in his letter dated April 22, which I received today, clearly states the administration's policy that they will be about a year. It gives the opportunity, though we are not guaranteeing it.

That of course is good news for the families of all the Americans.

Mr. MONTGOMERY. Mr. Speaker, reclaiming my time, I appreciate the gentleman's remarks.

I want to say, Mr. Speaker, that I was in Bosnia. We have a wonderful Army over there, wonderful Air Force, Navy and Marines. They are all doing a good job, and especially the total forces working with the Reserves, the National Guard and active duty carrying on.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 26, 1996.

Hon. NEWT GINGRICH,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Friday, April 26th at 1:07 p.m. and said to contain a message from the President whereby he notifies and transmits a copy of a suspension under the Department of the Interior and Related Agencies Appropriations Act, 1996.

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

1996 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Agriculture, Committee on Banking and Financial Services, Committee on Commerce, Committee on Economic and Educational Opportunities, Committee on Government Reform and Oversight, Committee on International Relations, Committee on the Judiciary, Committee on National Security, Committee on Resources, Committee on Science, Committee on Small Business, Committee on Transportation and Infrastructure, Committee on Veterans' Affairs and Committee on Ways and Means:

To the Congress of the United States:

I am pleased to transmit to the Congress the *1996 National Drug Control Strategy*. This Strategy carries forward the policies and principles of the 1994 and 1995 Stretegies. It describes new directions and initiatives to confront the ever-changing challenges of drug abuse and trafficking.

This past March I convened the White House Leadership Conference on Youth, Drug Use, and Violence in order to focus the Nation's attention on two major health problems faced by young people today—drug use and violence. The conference brought together over 300 young people, parents, clergy, community and business leaders, judges, prosecutors, police, entertainers, media executives, researchers, and treatment and prevention specialists from across America to examine solutions and keep us moving forward with proven strategies. The Vice President, General Barry McCaffrey, and I met with the participants in a series of roundtable discussions, discussing how to strengthen the efforts of families, the media, communities, schools, businesses, and government to reduce drug use and violence. Participants left with new energy and new ideas, determined to return home and begin implementing the solutions and strategies discussed that day.

This conference took place at an important juncture in America's ongoing fight against drug abuse. In the last few years our nation has made significant progress against drug use and related crime. The number of Americans who use cocaine has been reduced by 30 percent since 1992. The amount of money Americans spend on illicit drugs has declined from an estimated $64 billion five years ago to about $49 billion in 1993—a 23 percent drop. We are finally gaining ground against overall crime: drug-related murders are down 12 percent since 1989; robberies are down 10 percent since 1991.

At the same time, we have dealt serious blows to the international criminal networks that import drugs into America. Many powerful drug lords, including leaders of Colombia's notorious Cali cartel, have been arrested. A multinational air interdiction program has disrupted the principal air route for smugglers between Peru and Colombia. The close cooperation between the

United States, Peru, and other governments in the region has disrupted the cocaine economy in several areas. Our efforts have decreased overall cocaine production and have made coca planting less attractive to the farmers who initiate the cocaine production process. And I have taken the serious step of cutting off all non-humanitarian aid to certain drug producing and trafficking nations that have not cooperated with the United States in narcotics control. Further, I have ordered that we vote against their requests for loans from the World Bank and other multilateral development banks. This clearly underscores the unwavering commitment of the United States to stand against drug production and trafficking.

Here at home, we have achieved major successes in arresting, prosecuting, and dismantling criminal drug networks. In Miami, the High Intensity Drug Trafficking Program, through its operational task forces, successfully concluded a major operation that resulted in the indictments of 252 individuals for drug trafficking and other drug-related crimes. Operations conducted by the Drug Enforcement Administration's Mobile Enforcement Teams program (MET), a highly successful federal tool for assisting local law enforcement, have resulted in more than 1,500 arrests of violent and predatory drug criminals in more than 50 communities across the nation.

But as the White House Leadership Conference on Youth, Drug Use, and Violence showed, now is the time to press forward. We must not let up for a moment in our efforts against drug abuse, and drug abuse by young people, particularly.

There are many reasons why young people do continue to use drugs. Chief among these are ignorance of the facts about addiction and the potency of drugs, and complacency about the danger of drugs. Unfortunately, all too often we see signs of complacency about the dangers of drug use: diminished attention to the drug problem by the national media; the glamorization and legitimization of drug use in the entertainment industry; the coddling of professional athletes who are habitual drug-users; avoidance of the issue by parents and other adults; calls for drug-legalization; and the marketing of products to young people that legitimize and elevate the use of alcohol, tobacco, and illicit drugs.

All Americans must accept responsibility to teach young people that drugs are illegal and they are deadly. They may land you in jail; they may cost you your life. We must renew our commitment to the drug prevention strategies that deter first-time drug use and stop the progression from alcohol and tobacco use to marijuana and harder drugs.

The National Drug Control Strategy is designed to prevent a new drug use epidemic through an aggressive and comprehensive full-court press that harnesses the energies of committed individuals from every sector of our society. As I said in the State of the Union, we must step up our attack against criminal youth gangs that deal in illicit drugs. We will improve the effectiveness of our cooperative efforts among U.S. defense and law enforcement agencies, as well as with other nations, to disrupt the flow of drugs coming into the country. We will seek to expand the availability and improve the quality of drug treatment. And we will continue to oppose resolutely calls for the legalization of illicit drugs. We will increase efforts to prevent drug use by all Americans, particularly young people.

The tragedy of drug abuse and drug-related crime affects us all. The National Drug Control Strategy requires commitment and resources from many individuals and organizations, and from all levels of government. For the strategy to succeed, each of us must do our part.

We ask the Congress to be a bipartisan partner and provide the resources we need at the federal level to get the job done. I challenge state and local governments to focus on drug abuse as a top priority. We ask the media and the advertising and entertainment industries to work with us to educate our youth, and all Americans, about the dangers of drug use. Finally, we invite every American—every parent, every teacher, every law enforcement officer, every faith leader, every young person, and every community leader—to join our national campaign to save our youth.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 29, 1996*.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

NIKE IS A WORLD-CLASS AMERICAN COMPANY AND A GOOD CORPORATE CITIZEN IN OREGON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, just prior to the April recess, my colleague from Ohio, Ms. KAPTUR, took to the House floor and criticized the operations of Nike, an important Oregon-based company headquartered in my district. I fundamentally disagree with her assessment of Nike and rise today to set the CONGRESSIONAL RECORD straight. Simply stated, the company that my colleague from Ohio portrayed in her statement is not the company that I have been working with for the last 3½ years and which has been headquartered in my district for the last quarter century. In my view, Nike is a world-class American company, providing good American jobs, and has been and continues to be a good corporate citizen in Oregon.

I find it most unfortunate that the Congresswoman, nor her staff, nor anyone from the jobs and fair trade caucus, took the time to check with Nike, to understand their side of the story before the statement was given, neither did they check with me. So in the name of fairness, let's look at the allegations and then the facts, one by one, to get to the bottom of what this company is really about.

First, it is alleged that Nike has downsized its work force and shut down all of its U.S. production. The fact is that currently, Nike directly employs over 5,500 employees in the United States, 3,500 of whom are based in Oregon. This makes Nike one of Oregon's leading private sector employers. The majority of these U.S. jobs are professional, technical, design, or managerial positions—highly skilled jobs that command high wages. It is interesting to note that on average, Nike employees in Oregon make over $45,000 per year. That compares very favorably with the average Oregon private sector income of roughly $25,000 per year.

The remainder of Nike's U.S. jobs include customer service, distribution, sales, retail and yes, manufacturing. With a U.S. production force of nearly 1,800 people, Nike is the largest provider of American manufacturing jobs among all athletic footwear companies. This includes Nike's air sole factory in Beaverton, OR, where 800 Oregonians are employed making the air cushioning units which are incorporated into most of Nike's footwear products. In addition, it is important to recognize that Nike sources nearly 70 percent of the apparel it sells in the United States within the United States, which translates into thousands of additional U.S. jobs. In total, Nike and its U.S. subsidiaries and subcontractors manufacture hundreds of millions of dollars worth of shoes, apparel, accessories, and printed products in the United States.

And despite what was alleged, Nike hasn't downsized its work force and moved production overseas. Nike has always produced its athletic footwear in Asia, because that is where the athletic footwear industry—including the expertise, efficiency, and innovation—has always been located. It is true that in the late 1970's, in an effort to build a U.S. athletic footwear manufacturing base, Nike opened two factories in Maine and New Hampshire, but that effort proved unsuccessful for a variety of reasons. But what is important to note is that when those two factories were running, they employed 825 people—including those in research and development. Today, as mentioned earlier, Nike and its subsidiaries employ nearly 1,800 Americans in direct manufacturing—so in fact Nike has greatly increased not downsized its U.S. manufacturing work force.

Second, with regard to allegations about the exploitation of workers at Nike factories overseas, it is important to note initially that like nearly every other athletic footwear and apparel company, Nike doesn't own the factories producing Nike goods. Rather, Nike contracts with privately owned facilities. But in every factory where Nike sources product, Nike is guided by its code of conduct and Nike binds all its business partners to the code's principles with a signed memorandum of understanding [MOU]. Together, these documents require all factories in which Nike does business to:

First, certify compliance with all applicable local government regulations regarding minimum wage; overtime, child labor laws; provisions for pregnancy, menstrual leave; provisions for vacations and holidays and mandatory retirement benefits; second, certify compliance with all applicable local government regulations regarding occupational health and safety; third, certify compliance with all applicable local laws providing health insurance, life insurance, and workers compensation; fourth, certify that it and its suppliers and contractors do not use any form of forced labor—prison or otherwise; fifth, certify compliance with all applicable local environmental regulations, and adhere to Nike's own broader environmental practices, including the prohibition on the use of chlorofluorocarbons [CFC's], the release of which could contribute to the depletion of the Earth's ozone layer; sixth, certify that it does not discriminate in hiring, salary, benefits, advancement, termination, or retirement on the basis of gender, race, religion, age, sexual orientation or ethnic origin; and seventh, agree to maintain on file such documentation as may be needed to demonstrate compliance with the certification in the MOU, and further agrees to make the documents available for Nike's inspection upon request.

And Nike's code of conduct and MOU with its factories are strongly enforced. Not only does Nike have Americans in every factory where it does business to ensure that the code and MOU are being strictly adhered to, but Nike conducts independent audits also to evaluate overall compliance with the code and MOU. When a problem is discovered, Nike is quick to respond to address and remedy the problem to ensure that all workers employed in factories making Nike products are safe and treated fairly. So far, the relationship between Nike and the factories is working well. For instance, in a recent audit of an Indonesian footwear factory, 90 percent of the workers surveyed said they liked the factory's work, environment and wages.

In response to the allegation that workers making Nike shoes are paid slave wages and are mostly poverty-stricken women and hungry girls, the fact of the matter is that in the six Asian countries where Nike currently sources footwear, workers are paid an average twice the minimum wage mandated by the respective Government. And wages are only part of the equation. Compensation in factories where Nike does business often also includes subsidies for housing, transportation, food and health care, bonuses for attendance and performance, and a variety of paid days off for holidays and personal leave.

But perhaps the allegations that Nike threatens to tear up our communities with their relentless marketing and causing children to kill one another for shoes are the most outrageous and unfair of all. To say that kids are killing kids just for a pair of $150 shoes completely ignores what is really going on within our cities and with our youth, and unfairly and naively places blame where it doesn't belong.

Why didn't the Congresswoman from Ohio's floor statement mention all the things Nike was doing to rebuild our inner cities and assist our kids? Why didn't she mention that Nike actively operates a multimillion-dollar P.L.A.Y. program—which stands for Participate in the Lives of America's Youth—a program to promote sports and fitness within our inner cities. Why didn't she note that Nike has contributed hundreds of millions of dollars directly to a wide variety of charities and nonprofit organizations—the goals of which include promoting sports and fitness, improving the environment, supporting the arts and humanities, preventing and controlling disease and other illnesses, eradicating poverty and hopelessness, and many programs promoting minority and youth initiatives.

When my own daughter, Amende Briggs, suggested that Nike institute an art program in schools, the company enthusiastically supported the idea. Nike has hired a full time director of the Art Outreach project, which is currently operating in a number of schools in Oregon and other States. Nike pays employees to teach art in schools.

Just in Oregon alone, over the last 2 years Nike has directly contributed nearly $2 million to a broad assortment of programs. To start, beginning in 1984, Nike has continually donated 10 percent of its profits—up to $50,000 a year—from sales in its employee store to assist economic development in the primarily minority, low-income northeast Portland community. Programs benefiting from Nike gifts include the Portland Urban League, Northeast Community Development Corp., Oregon Association of Minority Entrepreneurs, Oregon Council for Hispanic Advancement, and others. In addition, Nike provided $250,000 to finish renovating northeast-Portland based Dishman Community Center, nearly $250,000 to open Portland House of Umoja—a residential facility for gang-affected youth—and just recently, using its environmentally acclaimed reuse-a-shoe program throughout the Portland metropolitan area. In addition, Nike annually contributes hundreds of thousands of dollars per year in establishing innercity sports leagues such as a low-income golf program for girls, several soccer programs, and direct grants to numerous Oregon agencies to help establish and maintain kids sports and recreation programs throughout the State.

Furthermore, Nike and its employees contribute support to a broad range of Oregon's civic, cultural, educational, and environmental, organizations, including the Oregon Shakespeare Festival—Ashand, the Oregon Bach Festival—Eugene, Art Quake—Portland, the Sunriver Nature Center—Sunriver, the Nature Conservancy and numerous other programs.

All told, if one combines all of Nike's Oregon tax payments, charitable contributions and direct support of other Oregon businesses, Nike directly contributed over $270 million to Oregon's economy last year.

Finally, I can't help but respond to the question raised by the Congresswoman from Ohio when she pondered whether Phil Knight, Nike's Chairman and CEO has a conscience. Not only is Knight directly and personally responsible for all of the positive things Nike has done in Oregon, the United States and the world for that matter, Knight is one of the few remaining executives of Fortune 500 companies that remain at the helm of the companies they personally started—and that is critically important in these days of corporate mergers and hostile takeovers. Knight, a University of Oregon track runner, started the company with his track coach in 1964, and sold shoes out of the back of their cars. Now Nike is the world's largest sports and fitness company, and Knight is one of the most influential figures in the world of sports. The company started in Oregon and remains in Oregon because Knight is committed to remain in the State. Any person who visits Nike's corporate headquarters in Beaverton, any person who sees the amount of economic development and employment Nike adds to the State, any person who understands Nike's global operations knows that Phil Knight has a conscience.

I know that Nike is proud of being an American company and proud of its successful operations and employment in the United States and around the world. I also can tell you that most Oregonians, and most Americans for that matter, are also proud of Nike. To call this company or Mr. Knight a corporate vulture is unfair and uncalled for. I would hope my friend from Ohio would review her criticism and reconsider her opinions of this important American company.

FDA DOES NOT SERVE PUBLIC BY DENYING TREATMENT OF LAST RESORT PURSUED BY TERMINALLY ILL PATIENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, many of us have heard from our constituents regarding the plight of cancer patients under the care of Dr. Stainislaw Burzynski of Houston, TX. My office has received many letters and phone calls concerning this matter, which is why I am on the floor today. Recently, the House Committee on Commerce, of which I am a sitting member, held a compelling hearing into the difficulty patients have in getting his experimental Antineoplaston therapy due to the FDA. Whatever the FDA's concerns are, the problem remains they are denying patents with life-threatening diseases access to this therapy. Many only have a few months to a year to live and this treatment is essentially their last hope.

Following those Commerce hearings, the FDA met with members of the committee and assurances were given that Dr. Burzynski's patients and those seeking his treatment would be accommodated. Unfortunately, his patients on clinical trials are on hold and dozens of terminally ill cancer patients who want his lifesaving therapy cannot get it. For whatever reasons the FDA claims to defend this situation, they fail to recognize that people's lives and rights are being trampled in this process. I do not see how the FDA is serving the public when, by its actions it prevents a child with a brain tumor or a young woman with non-Hodgkin's lumphoma, from getting a treatment these individuals and their families have been informed about and have freely chosen to pursue. In essence, the FDA is telling someone battling a disease like cancer that they cannot have a potential life-saving treatment. For many of these patients, this treatment is their last resort after being told to get their affairs in order and essentially wait to die.

Legislation has been introduced with wide bipartisan support by Mr. DEFAZIO of Oregon, to address this problem, called the Access to Medical Treatment Act (H.R. 2019). It has 40 Members in the House cosponsoring this legislation and has both Senate Minority Leader DASCHLE along with Senate Majority Leader DOLE and a dozen Senate cosponsors on a similar bill in the Senate.

Mr. Speaker. I just want to say that as we continue down the path toward FDA reform, let us be mindful of patients with life-threatening diseases who are grasping at their last hopes to continue to live.

GASOLINE PRICE INCREASES OUTRAGEOUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, I rise today, and I know the Speaker is well knowledgeable about this, to speak about the sudden and outrageous increases in prices of gasoline that consumers in California and across the Nation have had to face.

As you know, gasoline prices in California have gone up 40, 50, 60 cents a gallon. They threaten to go even further, and there seems to be no market reason why this has occurred. There is no emergency, there is no situation that would seem to have caused this drastic escalation in prices.

Consumers are outraged, I am outraged. My colleagues from California and I have joined together to ask for an investigation of this situation by the Attorney General to see whether any monopoly or other practices have been involved.

At the same time that these increases have occurred, the major oil companies have reported 40-, 50-, 60-percent increases in their profits from the previous year. So it is clear that this rise in price in gasoline is tied directly to the rise in profits of our major oil companies.

Now, the Speaker of the House visited California over the weekend and announced that he would ask the Congress to repeal the recently added gasoline tax of 4 cents or so a gallon. I welcome the Speaker's attention to the problems of consumers in California, but I think he has deliberately taken our eye off the ball to focus on an extraneous issue. The issue is the 50-, 60-cents-a-gallon increase, the issue is the 40-, 50-, 60-percent profit margins that have recently occurred by the oil companies. The issue is not the 4-cent-a-gallon Federal gas tax.

Mr. Speaker, I would hope that the Speaker helps us to solve our problems in California by helping us focus in on the issues and not take our eye off the issues to support some special interest friends of his and his party. So I look forward to working with the Speaker to look into this outrageous increase in gasoline prices, to find the real reason for it, and to try to bring the consumer some relief from this outrageous price increase.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Ms. FURSE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. BALLENGER) to revise and extend their remarks and include extraneous material:)

Mr. MICA, for 5 minutes each day, on April 30 and May 1.

Ms. PRYCE, for 5 minutes each day, on April 30 and May 1.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous material:)

Mr. HAMILTON.

Mr. FARR of California.

ADJOURNMENT

Mr. FILNER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 21 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 30, 1996, at 12:30 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2545. A letter from the Secretary of Health and Human Services, transmitting the annual report for fiscal year 1994 describing the activities and accomplishments of programs for persons with developmental disabilities and their families, pursuant to 42 U.S.C. 6006(c); to the Committee on Commerce.

2546. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Manufacturing Incentives for Alternative Fuel Vehicles (RIN: 2127–AF18), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2547. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—1997 High-Theft Vehicle Lines (RIN: 2127–AG34), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2548. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Light Truck Average Fuel Economy Standard, model year 1998 (RIN: 2127–AF16), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2549. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan for Indian (Direct final) (FRL–5435–8), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2550. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Mojave Desert Air Quality Management District; San Diego County Air Pollution Control District; San Joaquin Valley Unified Air Pollution Control District (FRL–5441–3), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2551. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Approval and Promulgation of Prevention of Significant Deterioration [PSD] and General Permitting Provisions Implementation Plan for Arizona State Pinal County Air Quality Control District (FRL–544–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2252. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amermectin B1 and Its Delta-8,0-Isomer; Pesticide Tolerance (FRL–5361–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2553. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans Tennessee: Revisions to Chattanooga/Hamilton County Regulations for Definitions and Ambient Air Standards for Particulate Matter (FRL–5442–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2554. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Rhode Island; Marine Vessel Rule (FRL–5405–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2555. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Control of Air Pollution; Removal and Modification of Obsolete, Superfluous or Burdensome Rules (FRL–5450–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2556. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval of Colorado's Petition to Relax the Federal Gasoline Reid Vapor Pressure Volatility Standard for 1996 and 1997 (FRL–5457–5), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2557. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act [CAA] Final Interim Approval of Operating Permits Program and Delegation of 112(1) Authority; State of Missouri (FRL–5454–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2558. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerances for Glyphosate (Final) (FRL–5351–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2559. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans: Indiana (FRL–5452–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2560. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Oil Discharge Program; Editorial Revision of Rules; Correction (FRL–5449–6), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2561. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Wisconsin; Lithographic Printing SIP Revision (FRL–5426–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2562. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Land Disposal Restrictions Phase III—Decharacterized Wastewaters, Carbamate Wastes, and Spent Potliners (FRL–5452–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2563. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Arizona Visibility Federal Implementation Plan Corrective Revision (FRL–5446–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2564. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of State Implementation Plan; Wisconsin; Wood Furniture Coating SIP Revision (FRL–5422–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2565. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance for Tribenuron Methyl (FRL–5356–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2566. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Designation of Areas for Air Quality Planning Purposes; State of Texas; Correction of the Design Value and Classification for the Beaumont/Port Arthur Ozone Nonattainment Area (FRL–5451–1) pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2567. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Tennessee; Revision to New Source Review, Construction and Operating Permit Requirements for Nashville/Davidson County (FRL–5443–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2568. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania Emission Statement Program (Direct Final) (FRL–5427–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2569. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans for Kentucky: Approval of Revisions to the KY SIP (Direct final) (FRL–5447–8), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2570. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substances Contingency Plan; National Priorities List Update (FRL–5454–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2571. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Sulfonium, trimethl-salt with N-(phosphonomethyl) glycine (1:1) (formerly glyphosate-trimesium/sulfosate); Pesticide Tolerances and Food/Feed Additive Regulations (FRL–5361–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2572. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Haxaconazole; Pesticide Tolerance (FRL–5358–6), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2573. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Delegation of 112; State of Iowa (FRL–5455–4) Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District, El Dorado County Air Pollution Control District, Ventura County Air Pollution Control District, Yolo-Solano Quality Management District, and Mojave Desert Air Quality Management District (FRL–5454–9), (6) Approval and Promulgation of State Implementation Plan; Wisconsin; Gasoline Storage Tank Vent, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2574. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District (FRL–5451–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2575. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substances Contingency Plan; National Priorities List Update (FRL–5463–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2576. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Ventura County Air Pollution Control District; Sacramento Metropolitan Air Quality Management Division; Placer County Air Pollution Control District (FRL–5459–3), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2577. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision; Placer County Air Pollution Control

District, El Dorado County Air Pollution Control District, Ventura County Air Pollution Control District, Yolo-Solano Quality Management District, and Mojave Desert Air Quality Management District (FRL–5454–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2578. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Wisconsin; Gasoline Storage Tank Vent Pipe, Traffic Marking Materials, and Solvent Metal Cleaning SIP Revisions (FRL–5424–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2579. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Solid Waste Programs; Removal of Legally Obsolete Guidelines (FRL–5462–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2580. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substances Contingency Plan National Priorities List (FRL–5461–4), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2581. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Hazardous Air Pollutants: Petroleum Refineries; Correction FRL–5463–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2582. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Full Approval of Knox County, Tennessee Operating Permits Program (FRL–5464–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2583. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Kansas and Missouri SIP. Full Approval to Establish Motor Vehicle Emissions Budget to Fulfill the Requirements (FRL–5448–9), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2584. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Wisconsin SIP. Industrial Adhesives Revision (FRL–5461–7), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2585. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—California SIP. San Joaquin Valley Unified Air Pollution Control District (FRL–5452–6), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2586. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pennsylvania SIP. Disapproval of Ozone Redesignation Request and Maintenance Plan for Pittsburgh (FRL–5465–1), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2587. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System: Exclusion for Bethlehem Steel Corporation in New York (FRL–5461–2), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2588. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–30), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2589. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–23), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2590. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96–29), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2591. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Singapore for defense articles and services (Transmittal No. 96–33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2592. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Israel for defense articles and services (Transmittal No. 96–35), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2593. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96–32), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2594. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Air Force's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2595. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Venezuela for defense articles and services (Transmittal No. 96–24), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2596. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–25), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2597. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Saudi Arabia for defense articles and services (Transmittal No. 96–26), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2598. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed letter(s) of offer and acceptance [LOA] to Egypt for defense articles and services (Transmittal No. 96–27), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2599. A letter from the Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Navy's proposed letter(s) of offer and acceptance [LOA] to Korea for defense articles and services (Transmittal No. 96–28), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

2600. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Thailand (Transmittal No. DTC–14–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2601. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Canada (Transmittal No. DTC–20–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2602. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Botswana (Transmittal No. DTC–22–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2603. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the 15th annual report on the activities of the multinational force and Observers and certain financial information concerning U.S. Government participation in that organization for the period ending January 15, 1996, pursuant to 22 U.S.C. 3425; to the Committee on International Relations.

2604. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the administration's annual report on U.S. Assistance and related programs for the Independent States of the Former Soviet Union, pursuant to 22 U.S.C. 5814; to the Committee on International Relations.

2605. A letter from the chairman, Board of Governors, Federal Reserve System, transmitting the Federal Open Market Committee's annual report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

2606. A letter from the Assistant Secretary for Indian Affairs, Department of the Interior, transmitting the fiscal year 1993 and 1994 report on the implementation of the Indian Self-Determination and Education Assistance Act, as amended, pursuant to 45 U.S.C. 450j–1(c); to the Committee on Resources.

2607. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Regulatory Reinvention; Streamlining of HUD's Regulations Implementing the Fair Housing Act (FR–4029), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2608. General Counsel, Department of Transportation, transmitting the Department's final rule—Safety/Security Zone Regulations; Savannah, GA (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2609. General Counsel, Department of Transportation, transmitting the Department's final rule—Right-of-Way Program Administration; Removal of Obsolete and Redundant Regulations (2125–AC17), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2610. General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Lake Winnebago, MO (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2611. General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Stevensville, MD (RIN: 21220–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2612. General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Auburn, CA (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2613. General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Rice Lake, WI (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2614. General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Elkins, WV (RIN: 2120–AA66), pursuant to U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2615. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Reconfiguration of Restricted Area R–6714, Yakima Firing Center; WV (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2616. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR Altitudes; Miscellaneous Amendments (Amdt. No. 395) (RIN: 2120–AA63), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2617. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1722) (RIN: 2120–AA65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2618. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Zone Regulations; Fort Vancouver Fourth of July Fireworks Display, Columbia River, Vancouver, WA (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2619. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—First and Fifth District Boundaries, Marine Inspection and Captain of the Port Zone Boundaries (RIN: 2115–AF31), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2620. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Appendix to 33 CFR Subpart 1.07, List of Penalty Provisions Coast Guard is Authorized to Enforce (RIN: 2115–AF30), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2621. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special anchorage areas: Herb River, Thunderbolt, GA; Bull River, Savannah, GA; South Channel Savannah River East, Savannah, GA; South Channel Savannah River West, Savannah, GA; Calibogue Sound, Hilton Head, SC; May River, Hilton Head, SC (RIN: 2115–AA98), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2622. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Anchorage grounds: Mississippi River below Baton Rouge, LA, including South and Southwest Passes (RIN: 2115–AA98), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2623. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety zone: Smith Creek, Vicinity of Wilmington, NC (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2624. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety zone: Atlantic Intracoastal Waterway, Vicinity of Marine Corps Base Camp Lejeune, NC (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2625. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety zone: Elizabeth and York Rivers, VA (RIN: 2115–AA97), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2626. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Annual National Maritime Week Tugboat Races, Ellicott Bay, Seattle, WA (RIN: 2115–AE46), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2627. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operations; Eltham Drawbridge, Pamunkey River, West Point, VA (RIN: 2115–AE47), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2628. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—AD: Boeing Model 747-400 Series Airplanes Powered by General Electric CF6-80C2 or Pratt & Whitney PW4000 Series Engines (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2629. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: SAAB Model SAAB SF340A & SAAB 340B Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2630. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Clerksville, VA (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2631. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—IFR-Altitudes; Miscellaneous Amendments (Amdt. No. 394) (RIN: 2120–AA63), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2632. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Vancouver, Washington (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2633. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Societe Nationale Industrielle Aerospatiale and Eurocopter France Model SA-365N, N1, and N2 Helicopters (Docket No. 95-SW-01-AD) (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2634. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives: SAAB Model SAAB SF340A & SAAB 340B Series Airplanes (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2635. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Hettinger, ND (RIN: 2120–AA66), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2636. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Standards; Manned Free Balloon Burner Testing (RIN: 2120–AE87), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2637. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1723) (RIN: 2120–AA65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2638. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Model M20J (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2639. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—AD; Hamilton standard models 14RF-9, 14RF-19, 14RF-21; & 14SF-5, 14SF-7, 14SF-11, 14SF-15, 14SF-17, 14SF-19, & 14SF-23; & Hamilton Standard/British Aerospace 6/5500/F Propellers (RIN: 2120–AA64), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2640. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—standard instrument approach procedures; miscellaneous amendments (Amdt. No. 1721) (RIN: 2120–AA65), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2641. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—general rulemaking procedures (Docket No. 28518; Amendment No. 11-41), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2642. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—commercial driver's license program and controlled substances and alcohol use and testing (RIN: 2125–AD46), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2643. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Qualification of drivers; vision and diabetes, limited exemptions (RIN: 2125–AD73), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2644. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Exemptions from Federal Motor Carrier Safety Regulations (RIN: 2125–AD83), pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2645. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the "Work First and Personal Responsibility Act of 1996"; jointly, to the Committees on Ways and Means, Agriculture, Government Reform and Oversight, Economic and Educational Opportunities, the Judiciary, Banking and Financial Services, National Security, Commerce, the Budget, Rules, Veterans' Affairs, Transportation and Infrastructure, and International Relations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2641. A bill to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service; with amendments (Rept. 104–541). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. QUINN (for himself, Mr. Solomon, Mr. Stupak, Mr. Boehlert, Mr. Rangel, Mr. Towns, Mr. Mascara, Mr. Clinger, Mr. Kildee, Mr. Holden, Mr. Traficant, Mrs. Kelly, Mrs. Lowey, Mr. Torkildsen, Mr. King, Mr. Hinchey, Mr. Kennedy of Rhode Island, Mr. Goodling, Mr. Gilman, Mr. Blute, and Mr. Petri):

H.R. 3348. A bill to direct the President to establish standards and criteria for the provision of major disaster and emergency assistance in response to snow-related events; to the Committee on Transportation and Infrastructure.

By Mr. GILMAN:

H. Res. 416. Resolution establishing a select committee of the Committee on International Relations to investigate the United States role in Iranian arms transfer to Croatia and Bosnia; to the Committee on Rules.

H. Res. 417. Resolution providing amounts for the expenses of the select subcommittee on the United States role in Iranian arms transfers to Croatia and Bosnia of the Committee on International Relations in the 2d session of the 104th Congress; to the Committee on House Oversight.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 773: Mr. LaFalce.

H.R. 885: Mr. Quinn, Ms. Molinari, and Mr. Paxon.

H.R. 1073: Mr. Blute, Mr. Fields of Louisiana, and Ms. Greene of Utah.

H.R. 1074: Mr. Blute, Mr. Fields of Louisiana, and Mr. Klug.

H.R. 1325: Ms. Lofgren, Mr. Jacobs, Mr. English of Pennsylvania, and Mr. Lipinski.

H.R. 1484: Mr. Orton, Mr. Romero-Barcelo, and Mr. Olver.

H.R. 1496: Mr. Kildee.

H.R. 1513: Mr. Condit.

H.R. 1884: Mr. Fields of Louisiana.

H.R. 2214: Mr. Green of Texas, Mr. Frost, Mr. DeFazio, Mr. Condit, and Mr. Matsui.

H.R. 2531: Mr. Goss and Mr. Lewis of Kentucky.

H.R. 2652: Mr. Fattah, Mr. Barcia of Michigan, Mr. Baldacci, Mr. Yates, Mr. Sanders, Ms. Slaughter, Mr. Neal of Massachusetts, Mr. Towns, Mr. Studds, Ms. Kaptur, Mr. Fawell, Mr. LaTourette, Mr. Engel, Mr. Hall of Ohio, Mr. Bonior, Mr. Fazio of California, Ms. DeLauro, and Mr. Forbes.

H.R. 2665: Ms. Roybal-Allard.

H.R. 2745: Mr. Martini and Mr. Jackson.

H.R. 2827: Mr. Hefner.

H.R. 2922: Mr. Poshard and Ms. Norton.

H.R. 2964: Ms. McKinney, Mr. Bereuter, and Mr. Romero-Barcelo.

H.R. 3195: Ms. Greene of Utah, Mr. Neumann, Mr. Lewis of Kentucky, and Mrs. Myrick.

H.R. 3262: Mrs. Kelly and Mr. Coburn.

H.R. 3279: Mr. Gonzalez and Mr. Burton of Indiana.

H.R. 3286: Mr. Ramstad.

H. Con. Res. 165: Mrs. Maloney, Mr. Gutierrez, Mr. Underwood, Mr. Lipinski, Mr. Engel, Mr. Shays, Mr. Brown of Ohio, Mr. Torricelli, Mr. Zimmer, Mr. Calvert, and Mr. Kennedy of Rhode Island.

SENATE—*Monday, April 29, 1996*

The Senate met at 11:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, Sovereign of this Nation, we praise You for Your amazing grace. Your unlimited love casts out fear, Your unqualified forgiveness heals our memories, Your undeserved faithfulness gives us courage, Your unfailing guidance gives us clear direction, Your presence banishes our anxieties. You know our needs before we ask You and Your spirit gives us the boldness to ask for what You are ready to give. You give us discernment of the needs of others so we can be servant leaders. Your love for us frees us to love, forgive, uplift, and encourage the people around us. We commit this day to be one in which we are initiative communicators of Your grace. We open ourselves to the infilling of Your spirit. Lead on, Gracious God, we are ready for a great day filled with grace. In the name of the Mighty Mediator. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

SCHEDULE

Mr. DOLE. Mr. President, there will be a period for morning business until the hour of 2:30. Senator DASCHLE will be in control of the first 90 minutes, Senator COVERDELL, the last 90 minutes. At 2:30 we will resume consideration of S. 1664, the immigration bill. By a previous order, a cloture vote will occur at the hour of 5 p.m. today on the Simpson amendment to the immigration bill. If additional votes are ordered with respect to amendments to the immigration bill, it is possible those votes would be stacked to occur during Tuesday's session but they could occur this evening.

I remind Senators we have until 4 o'clock to file second-degree amendments to the Simpson amendment.

Mr. President, is leaders' time reserved?

The PRESIDING OFFICER (Mr. BENNETT). Leaders' time is reserved.

JAPAN TRADE POLICY

Mr. DOLE. Mr. President, first I would like to speak briefly on Japanese trade and the President's recent trip to Japan.

Mr. President, we must now declare President Clinton's trade policy with Japan a spectacular failure, a fiasco.

The capstone of this almost unbelievable 3-year fiasco occurred recently. The White House has an electronic home-page on the Internet, where Americans can go for the latest statement of administration policy on any issue. Recently, Americans reading the official White House electronic home-page on the Internet would have found documents describing the United States-Japan trade policy. But it was a description that no one would have recognized. The documents described in glowing detail how all disputes between the two countries had been resolved, how there was no longer any need for any of the agreements that had been reached between the United States and Japan, and how the United States should just drop its complaints against Japan.

Mr. President, a closer look revealed that these documents on the White House home-page had been written by the Japanese Foreign Ministry.

I understand the Japanese materials have now been deleted.

I guess that just about sums up the Clinton record on trade. This is the point we have reached—the most powerful economic force in history, the United States of America—after 3½ years of stewardship by Bill Clinton and his advisers, and it is the Japanese who are writing the trade policy papers for the Clinton White House.

Mr. President, this is a sad, and dangerous, state of affairs. Yet it is merely the logical conclusion of a trade policy that has emphasized appearance over reality, talk over substance, and politics over national interest.

President Clinton returned a few days ago from a trip overseas that included a stop in Japan. Every American probably expected that this trip would shed at least a little additional light on the question of trade with Japan. After all, President Clinton and his advisers never tired of talking about their grand plan to deal with Japan. Last year, Clinton took this country to the brink of a trade war with Japan. Most people reasonably anticipated some progress, or at least discussion, of some of our massive trade problems with Japan.

But that is not what happened. It now appears that Clinton did virtually nothing to raise any of these serious problems. This trip might have been the best opportunity in years for the American Chief Executive to raise—at the highest level—issues that mean real jobs in towns and communities across America. Issues that mean economic growth and a higher standard of living for Americans. Clinton's trip might have been the best opportunity in years to fix a serious and destabilizing problem—the massive trade deficit with Japan—and President Clinton squandered it.

Most Americans probably would simply find this hard to believe. Most Americans are charitable, they want to believe the best about people, especially their President. They do not want to think that he would so profoundly misunderstand the opportunity that presented itself to help America and working people at home.

Yet, this is the hallmark of the Clinton trade policy. Actual substantive achievement means nothing—only appearances matter. For example, how else was it possible for Clinton to declare victory in the auto dispute with Japan when all the evidence showed nothing less than a full retreat and surrender to the Japanese?

In the auto dispute, President Clinton went to the brink of a trade war with Japan, but came away with almost nothing to show for it. When the so-called agreement was reached last July, high-level Japanese officials immediately and publicly disavowed the import targets that President Clinton hailed as his great achievement. It turns out those numbers were simply not part of the agreement. The agreement was just another political publicity stunt, designed to convey the appearance of toughness. Unfortunately, creating this appearance for Clinton and his advisers cost the United States much credibility with Japan, not to mention with other countries looking for instruction on how to deal with American demands on future trade issues.

The consequence of this massive retreat by the Clinton administration was serious and damaging for American companies and American jobs. The Japanese quickly realized that they had been dealing with a paper tiger. Suddenly, on all other fronts, negotiations with Japan came to a halt. U.S overtures even to begin a dialog on other issues were rebuffed. United States trade negotiators were told by their Japanese counterparts to find some other agency to address their complaints. This mocking of U.S. officials by a major trading partner is unprecedented—and prior to the Clinton years would have been inconceivable.

And so, Mr. President, it is easier to understand why serious trade disputes with Japan were ignored by Clinton during his summit with Mr.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Hashimoto. Clinton brought back nothing on the dispute over Japanese discrimination against Kodak film. He brought back nothing on the dispute over access to Japan for American semiconductors, one of our most competitive industries. Clinton brought back nothing on the dispute over access to the Japanese market for American insurance companies, another industry where the United States has a strong competitive advantage.

Mr. President, how can people put all of this in perspective? There is one simple way to express the damage to America of Clinton's botched trade policy. I believe the American people would be astonished to know that today, the United States trade deficit with Japan is higher than it was when Clinton took office. That is right, it is higher. The merchandise trade deficit with Japan is now a staggering $60 billion—this is $10 billion higher than when Clinton became President.

Furthermore, figures were released last week showing that the trade deficit with Japan continues to climb, growing over $100 million from January to February of this year.

Candidate Clinton talked a lot about trade deficits. He knew that trade deficits siphon our wealth and our jobs, to other countries. The giant trade deficit with Japan constitutes a massive transfer of wealth out of American communities into the hands of the Japanese. Under President Clinton, our trade deficit with Japan has gone up. Clinton has presided over the highest trade deficits with Japan in history. In fact, another shocking achievement of the short Clinton era is that the U.S. trade deficit with the world also hit a record high. He has ignored, or sought to divert attention from, these harmful acts. He has done nothing to reverse it, change it or improve it. Oh, yes, he has done plenty of talking, but he has done nothing to save the jobs that continue to be in danger.

I believe the American people deserve to know about President Clinton's failed trade policy. The American people need to know about his new policy of camouflaging the truth. I hope that he will abandon this new policy that only seeks to hide his failures. Too many important decisions lie ahead for President Clinton to continue to substitute appearances for reality.

TRIBUTE TO JERRY ROBERTSON

Mr. DOLE. Mr. President, I rise today to pay tribute to a Kansan who passed away recently. Jerry Robertson was the president of the Topeka YMCA and leader of the revitalization of downtown Topeka, KS.

Jerry Robertson was a 1965 graduate of my alma mater, Washburn University, and symbolized everything that the YMCA stands for, the Christian service to the community, respect for God and the commitment to serving everyone in Topeka and Shawnee County.

Prior to being president of the YMCA, Jerry headed the athletic department of Washburn University when Washburn won the N.A.I.A. national championship in basketball, and was a star baseball pitcher in the major leagues.

Jerry dedicated many years of his life to the YMCA and to the growth of the Topeka economy and although I did not know him personally, I am told that his sudden passing will leave a great void that will be difficult to fill.

Mr. President, I know all my colleagues join me in sending our most heartfelt sympathies to Jerry's wife, Carol, and their two sons, Jeff and Jason.

CLINTON JUDGES UPDATE

Mr. DOLE. Mr. President, as the American people know all too well, Federal judges can play an enormous role in our daily lives. Through their rulings, Federal judges help determine whether criminals walk the streets or stay behind bars; whether racial quotas or merit govern in hiring decisions; whether businesses can function, prosper, and create jobs without being subject to baseless litigation; and whether parents can control the content of their children's education.

Today, Federal judges micromanage schools, hospitals, fire and police departments, even prisons. According to one estimate, a staggering three-fourths of all State prisons and one-third of the 500 largest jails are under some form of Federal court supervision.

One notorious example of judge-acting-as-legislator is Carl Muecke, appointed to the Federal bench by President Johnson. Judge Muecke has become the de facto administrator of the Arizona State Prison System.

In a textbook example of judicial activism run amok, Judge Muecke has declared that Arizona prison libraries must be open at least 50 hours each week, that the State of Arizona must grant each of its 22,000 prisoners the opportunity to make at least three 20-minute phone calls every week to an attorney; that Arizona must provide lengthy legal research classes to inmates; and that Arizona prison officials must give each indigent inmate 1 pen and 1 pencil, 10 sheets of typing paper, 1 legal pad, and 4 envelopes upon request.

Not surprisingly, Arizona's attorney general, Grant Woods, has challenged the judge's misguided rulings, appealing all the way up to the Supreme Court. Unbelievably, Attorney General Woods has found himself at odds with a powerful adversary: the Clinton administration. In a friend of the court brief filed with the Supreme Court, the Clinton administration's top lawyer—Solicitor General Drew Days—sided not with Attorney General Woods and the taxpayers of Arizona but with Judge Muecke and the State's litigious inmates.

Let's put this in perspective: while the Justice Department should be working overtime to save the taxpayers money by reducing the number of frivolous inmate lawsuits, the Clinton administration—through its lawyers—is actually contributing to the litigation explosion.

In other cases, the Solicitor General has shown that being tough on crime is apparently not part of his justice department portfolio. In the now-famous Knox case, the Solicitor General's office actually argued for a weakening of our Federal laws against child pornography. And in another case—United States versus Hamrick—the Solicitor General's office decided not to seek a rehearing of a fourth circuit ruling overturning the conviction of someone who mailed a defective letter bomb to a U.S. attorney. Since the letter bomb failed to detonate—although it scorched the packaging in which it had been mailed—a fourth circuit panel reasoned that the bomb could not be a dangerous weapon or a destructive device under the relevant Federal statute. Of course, had it detonated, I think probably they might have had a different indication.

The Solicitor General would normally intervene in such a case, particularly since the recipient of the letter bomb was a U.S. attorney. Yet Solicitor General Drew Days declined to do so. As Prof. Paul Cassel of the University of Utah has explained:

> The . . . decision [by the Solicitor General's office] is truly hard to fathom. A ruling that otherwise dangerous bombs with defective igniters are not "dangerous weapons" could be expected to have serious effects on the Government's ability to prosecute a number of serious criminals under the relevant Federal statutes.

Fortunately, the Reagan-Bush judges on the entire fourth circuit stepped in, and on their own initiative, reversed the crazy panel decision. And yes, President Clinton's appointment to the fourth circuit, Judge Blaine Michael, joined a dissent insisting that the letter bomb was nonoperational.

In yet another case—United States versus Cheely—a panel of Carter-appointed judges on the Ninth Circuit Court of Appeals struck down the Federal death penalty statute. Despite the Clinton administration's professed support for the Federal death penalty, Solicitor General Days declined to appeal the ninth circuit panel decision.

Unfortunately, the Solicitor General's actions in the Knox, Hamrick, and Cheely cases appear to be part of a pattern. As Senator HATCH explained last week, and I quote:

> The Clinton administration's Solicitor General generally has ceased the efforts of

the Reagan and Bush administrations to vigorously defend the death penalty and tough criminal laws.

So, what is the lesson here? The lesson is this: Talk is cheap. The President may talk a good game on crime, but the real-life actions of Clinton judges and Clinton lawyers often don't match the President's tough-on-crime rhetoric.

Mr. President, I reserve the remainder of my leader's time. I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. There will now be a period for the transaction of morning business.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. I thank the Chair.

(The remarks of Mr. DORGAN and Mr. CRAIG pertaining to the introduction of S. 1712 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

UNDERMINING THE PUBLIC TRUST

Mr. GORTON. Mr. President, in the real world, when one of us makes a promise, he is expected to keep it. Politicians are held in low repute precisely because people do not expect them to keep their promises, and herein lies the heart of President Clinton's problem.

The people elected him President in 1992 because of his promises and now find that he has repudiated them. President Clinton promised to "end welfare as we know it." He broke that promise. He failed to keep his promise to give the middle class a tax cut. He failed to keep his promise to reduce the size of Government. He failed to keep his promise to balance the budget in 5 years.

The consequences of the President's broken promises are grave, not just because the country is still stuck with a broken welfare system, a Tax Code that makes it hard for workers and their families to get by, and a rising national debt that threatens the future of our children and grandchildren but also because in failing to keep his promises the President undermines the public trust.

President Clinton, I fear, does not understand that when he breaks a promise, he contributes to the cynicism and anger of the public. The American people are by nature neither cynical nor angry, but who can blame them for their distrust of politicians in Washington, DC, when they are forever being disappointed by broken promises.

The people have demonstrated to us time and time again that they want welfare reform, they want a balanced budget, and they want tax relief. Most people, unfortunately, are not aware that Congress has passed all three, and President Clinton has vetoed every one. Welfare reform, indeed, he has vetoed twice.

I am reminded of T.S. Eliot's eloquent poem "The Hollow Man." In it he paints a dismal picture of politicians whose talk means nothing and actions meaningless:

Between the idea
And the reality
Between the motion
And the act
Falls the Shadow

There is, indeed, a shadow between the President's words and his actions. He can work wonders in front of a camera or before a live audience. When he is performing, he is good. But when the time comes to act to keep his commitments and make tough decisions, sadly, he comes up short.

Of course, the picture is not irredeemably bleak. There has been progress. Two years ago, most Washington, DC, politicians were talking more and bigger Government programs, not a balanced budget; midnight basketball, not welfare reform, and tax hikes, not tax cuts. Today, the picture is different. This Congress has changed the debate. We have not won on every point but progress, especially when one is dealing with such issues, is bound to be slow and a certain amount of time and patience required, but we are doing our level best to keep our promises.

So, we can ask that age old question: Is this glass half empty or is it half full? It is half empty if you want a balanced budget and do not have it. It is half full if you recognize that Republicans in Congress have accomplished what no Congress did for 30 years—we passed a balanced budget. President Clinton vetoed it.

The glass is half empty if you expected tax cuts for families and small businesses. It is half full if you remember that Republicans passed a bill to give just such relief but the President vetoed it. The glass is half empty if you see an unreformed welfare system continuing to undercut the American ideal of family responsibility and hard work, but it is half full if you credit a Congress that took seriously its commitment and the President's to end welfare as we know it. But Bill Clinton vetoed welfare reform—twice.

Republicans passed a balanced budget for the sake of our children and grandchildren. Knowing that every American's personal share of the debt is $18,000, and that continued unrestricted growth in Government will add so much more to our national debt that a child born today can expect to pay $187,000 in interest on that debt in his or her lifetime, Congress acted. We made some tough choices and hard decisions to cut Government spending, and we came up with a plan for a balanced budget. President Clinton vetoed it. He says he favors a balanced budget, and he uses all the fine words his political consultants advise him to use, but the bottom line is President Bill Clinton vetoed the only balanced budget Congress has passed in 30 years.

Republicans reformed Medicare to preserve and strengthen it for older Americans and for those who expect it when they retire, but President Clinton vetoed it. Just last week, his own Medicare trustees reported that Medicare's hospital insurance fund is approaching bankruptcy even more rapidly than we feared, but President Clinton will not budge.

Republicans also voted tax relief to American families and to those who provide jobs and opportunity for all Americans. President Clinton vetoed this tax cut as well. With hundreds of thousands of working families just barely making ends meet, with small businesses—the driving force of the American economy—increasingly burdened by heavy taxes and regulations, the President sent the message to taxpayers that the Federal Government wants more and more of their hard-earned dollars.

Republicans twice passed welfare reforms to require able-bodied people to work and to instill responsibility and dignity into the lives of those who are subjected to the destructive forces of the current system. President Clinton vetoed welfare reform bills not once but twice.

It is unfortunate but true that Bill Clinton is the President of the status quo. He is the President of big Government, high taxes, and an unreformed welfare system.

We all must admit, of course, that President Clinton has some of the attributes of a great leader. He does an outstanding job when he makes a speech or brings the Nation together in times of tragedy. But there is much more to leadership than giving speeches, shaking hands, and acting well before the camera lens. Being a leader is not just eloquence. Being a leader is acting on that eloquence and keeping your word even when it is tough to do so.

Do the American people trust the President's word? Do we in Congress, even some in the President's own party, trust the President's word when he says something? When he makes a commitment, can we be sure that he means it now and will mean it in a week, a month, or a year?

One of my colleagues said recently, more in sorrow than anger, "My problem is I believe 90 percent of what he says and disagree with 90 percent of what he does."

When we look at the glaring difference between what the President says and what he does, our reaction can only be one of profound disappointment. So many chances we have had to set America on a new course, to change the way the Government works, and so many chances lost because the President will not stick to his word.

The President of the United States holds a special elevated place in the minds of the people. More than Congress, more than any other institution, the people look to the President for leadership. His words and his actions are of great importance, and have an immense impact.

The learned historian Donald Kagan, writing about the first great democratic leader who lived more than 2,000 years ago, Pericles of Athens, said:

> Every leader who makes any impression at all acts as an educator for good or ill, knowingly or not. His people pay attention to his words and deeds as to few others, and he contributes to their vision of the world, their nation, and themselves and their relations among them.
>
> The leader's vision may be confusing and chaotic, or it may be . . . clear and orderly; it may encourage or discourage; it may degrade or elevate the people.

How shall we assess the President's leadership by this standard? I am saddened, I am disappointed to say it has been confusing and chaotic—to the American people, and to us in Congress. It has been discouraging as well. The President has lifted our hopes by promising he is for welfare reform, tax relief, and a balanced budget, only to discourage us by going back on his word. Time and time again, the President has changed his mind. Things have come to such a sad state that we are no longer surprised when the President breaks a promise. We expect him to be inconsistent more than we expect him to be reliable.

I hope the President will decide that keeping his promises is better politics than repudiating them. If he does, we can work with him on a balanced budget, tax relief, and welfare reform—all the changes the American people want, changes, indeed, they have wanted for a long time, and that will be of enormous help for the country.

I wish I could be optimistic in this hope, but based on his past record, I doubt President Clinton will sign a balanced budget, tax relief measures, or welfare reform legislation. I doubt he will work with Congress to reduce the size of the Federal Government or to get Government off the people's backs. This is an area, however, Mr. President, in which I hope against hope that the President will prove me wrong.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the impression will not go away: The $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny that keeps moving and moving and moving on television—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—"talk" is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, April 26, the exact Federal debt stood at $5,096,090,106,286.92 or $19,250.20 per man, woman, child on a per capita basis.

TRIBUTE TO MRS. VIRGINIA N. FOSTER

Mr. THURMOND. Mr. President, I rise today to recognize a woman, Virginia N. foster, who, through her 50 years of service to our Nation, has helped to keep the United States safe and secure, and is someone who is worthy of our thanks.

Many of you may already know Mrs. Foster from your dealings with the Air Force's Directorate of legislative Liaison, where she has worked for the past 21 years. Through 12 Congresses, the 93d to the 104th, she has dutifully and faithfully assisted Members and their staffs in resolving issues and questions concerning the Air Force. Due to her long tenure, she has become more than a valued employee, she has become an important asset to the Air Force, providing her superiors and co-workers with an encyclopedic knowledge of Air Force policy, and an institutional memory that is unmatched by anyone else working in Legislative Liaison Directorate.

What is perhaps most amazing about Mrs. Foster is not necessarily her impressive abilities as an employee, but that her 23 years of working with Congress does not comprise even half of her civil service career, which began in 1944 when she went to work at a German Prisoner of War Camp in Texas. In subsequent years, she has held many positions, though since 1951, she has lived in the Washington, DC area where she has never been too far from either the U.S. Congress or the headquarters of the Air Force, both institutions which she has served with devotion and unflagging competence.

Mr. President, Mrs. Foster will mark her fifth decade of Government service on May 1 of this year. On that day, the Air Force will present her with the "Exceptional Civilian Service Award" in recognition of her dedicated work and support, a recognition of which she is truly deserving and in which she can take great pride. I know that those in this Chamber who know Mrs. Foster will want to join me in expressing our gratitude for her assistance to us over the years, and in congratulating her on celebrating 50 years of service to our Nation. We wish her great health and happiness in the years to come, and hope that she continues to be an important part of life on Capitol Hill.

TEXT OF EULOGY TO DR. I. BEVERLY LAKE, SR., BY DR. NORMAN ADRIAN WIGGINS

Mr. HELMS. Mr. President, a couple of Sunday afternoons ago, several hundred of us gathered at the Baptist Church on the campus of what, until mid-20th century, was Wake Forest College, the marvelous institution that I attended and of which I shall always be proud. (Wake Forest College moved to Winston-Salem in 1954 and is now one of the Nation's prominent universities.)

The multitude came on April 14 to pay our last respects to a great American, Dr. I. Beverly Lake, Sr., who had passed away a couple of days earlier.

At the April 14 services for Dr. Lake, a eulogy was delivered by one of North Carolina's most prominent present-day citizens, Dr. Norman Adrian Wiggins, who, to all of us who know him, is simple Ed Wiggins, our friend.

Mr. President, as Ed Wiggins spoke that afternoon, I was both touched and inspired, yes, but I was also grateful for the blessings of having known both Dr. Lake and Ed Wiggins and for having them as treasured friends.

Dr. Norman Adrian Wiggins is president and professor of law at the rapidly growing Baptist institution in North Carolina, Campbell University, of which years ago, I was honored to serve as trustee.

But, Mr. President, my purpose today is to enter into the CONGRESSIONAL RECORD the beautiful, caring eulogy to Dr. Lake delivered by Ed Wiggins on Sunday, April 14. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the eulogy was ordered to be printed in the RECORD, as follows:

EULOGY TO DR. I. BEVERLY LAKE, SR.

(By Dr. Norman Adrian Wiggins)

He is in His presence! He is in His presence! Dr. Isaac Beverly Lake is in the presence of the Master he served during life! All is well.

This is the day the Lord hath made, let us rejoice and be glad in it!

The apostle Paul said, "I have fought the good fight. I have finished my course, I have kept the faith" (II Timothy 4:7).

This towering figure and one of North Carolina's most outstanding sons whose life we honor today never made such a claim. But we who have known him best can testify to the appropriateness of this description. Few, if any, have fought the fight, finished the course or kept the faith better than the one we honor today. And today we come to celebrate his victory and final graduation.

I count it a great honor to participate in this service of my teacher, mentor, colleagues and longtime friend. What a wonderful gathering of family and friends. It is a splendid testimony to the life of one who could talk with crowds and not lose his virtue and walk with kings and not lose the common touch.

When asked by a mother what advice he could give her for the rearing of her infant son, General Robert E. Lee, then President of Washington and Lee, replied, "Madam, teach him to deny himself."

So it was with the life of the one we remember today. Few were ever so dedicated to the principle of self denial and duty.

It accounts in part for his outstanding success as practicing lawyer, brilliant legal scholar, both in the classroom and on the Bench of the North Carolina Supreme Court, outstanding Deputy (then Assistant) Attorney General in a critical time in the life of our state and as a dedicated Churchman.

If time permitted, we could study, with profit, the many facets of Dr. Lake's career. But these have been recalled frequently in the news media in recent days. They are well known. I shall not repeat them. Instead, I want to speak about what I have observed of this man of Impeccable character and invincible integrity.

In addition to his devotion to duty and self denial, the guiding light of the life of Dr. Issac Beverly Lake was his belief in and devotion to the Gospel of Jesus Christ. Whenever he spoke, he almost always used the occasion to advance the Kingdom of God here on earth. Although conservative in philosophy with a brilliant mind that could cut through and define an issue with great clarity when explaining "truth," he would go back to that greatest teacher in history who told his students, "If you continue in my word . . . ye shall know the truth, and the truth shall make you free," and again he said, "I am the way, the truth and the life,"

And then Dr. Lake would lead us to see that truth is a seamless web, woven together by God, that there are no inconsistent truths or portions of truth. And then he would strongly declare: "Jesus's definition stands alone, uncontradicted and complete—"I am the truth." This was his north star!

In addition to his faith in God and his passion for truth, Dr. Lake had an unshakeable faith in the importance of Christian higher education. This personified his education at "Dear Ole Wake Forest" where his father was a great teacher of Physics and where he was surrounded by loving parents and great Christian teachers. Always willing to acknowledge with gratitude the education he received at two other great universities, he reserved his greatest appreciation for that school where students, without sacrificing the knowledge of material things and values, were encouraged to learn and appreciate the values of the spirit and character. It was there where students were taught that as the poet said, "one must know, but to know is not enough. One must will, but to will is not enough. One must act!" (Goethe)

In William Ellery Channing's charge on the ordination of the Reverend J. S. Dwight, he urged the young minister to remember that: "The fewer the voices on the side of truth, the more distinct and strong must be your own." Dr. Lake always had a distinct and a strong voice for truth, even when others chose to remain silent.

Like John Ruskin, Dr. Lake believed that education was not so much teaching the young to learn what they previously did not know, but to teach them to behave in a way they did not previously behave. In other words, academic achievement and Christian commitment were expected to go hand in hand. And it was the teaching of these principles that elevated him to the class of the four or five greatest classroom teachers of his day.

It was bad for physics but good for law when Dr. Lake decided to study law. He said, "I had no higher ambition than to be a member of the Wake Forest Law School faculty. In speaking of the great "faculty of Gulley, Timberlake and White," he could say "I was grandson of Gulley and son of Timberlake and White." The faculty proved that you could have a great law school notwithstanding modest facilities (one room) and a weak library.

In speaking of the Wake Forest College faculty he described them as the finest collection of scholars, teachers and men with whom he was ever associated.

In traditional Christian fashion, the family came next to Dr. Lake's devotion to God. His first wife and the mother of his son, Associate Justice Beverly Lake Junior, was Gertrude Bell. Some years after her death, he married Kathleen Robinson Mackie, the widow of Dr. George Mackie. Dr. Mackie was and still is known as Wake Forest's most famous college physician. Mrs. Lake was and Mrs. Kathleen Lake is a complete homemaker. Beautiful in appearance, highly capable intellectually, the lives of both ladies have been characterized by a sense of calling and duty. Without their inspiration, daily encouragement and wise counsel, Dr. Lake could not have accomplished so much. It is a great credit to both ladies and to his devoted and distinguished son, Beverly Junior, who followed his father as Associate Justice of the North Carolina Supreme Court, that they sensed Dr. Lake was called to perform a special service and were willing to help him render it.

As you know, Dr. Lake was tremendously proud of his son. Early in Beverly Junior's life he and his father were in Raleigh to view a political parade. Dr. Lake turned to Beverly and said, "I want you to promise me that you will stay out of politics and I will promise you I will do the same."

Later on I questioned Dr. Lake about this advice and asked him how he came to get involved in politics. He replied, "I guess I just drifted into it." Notwithstanding the humorous reply, I realized that like the late Justice Arthur Vanderbilt, he came to see that the holding of political office and service to country is the lawyer's most noble service.

Speaking of family, in characteristic humor, when receiving the Medal of Honor from the National Society of the Daughters of the American Revolution for leadership, trustworthiness, service and patriotism, he stoutly disclaimed his worthiness, but declared he would take it so the "grandchildren and great grandchildren might possibly see that there were some good qualities about the old man after all." This was typical of the good humor and wit he exhibited all during his life.

Dr. Lake's entire life was characterized by his love for God, family and country. He often spoke about how his mother taught him "to love and honor his country and to learn about his country and its heritage."

"A person with no pride of heritage is a pathetic individual," said Dr. Lake.

Time and time again, as he expressed concern about the political direction of our country, he made it clear that "Whatever may have been true of Tsarist Russia, this country (the USA) needs no new foundation." He wanted everyone to know the noble purposes upon which the government was founded. While we have yet to attain them (the founding purposes) he strongly contended that "no nation on earth, past or present, ever got closer to them."

Dr. Lake wanted the Supreme Court of the United States to return to its original moorings—the Constitution. Twice Dr. Lake sought the office of Governor without success. Of course, he, the family, and all of us and especially "his boys" who supported him were disappointed. Did it impair his enthusiasm for his country? You be the judge.

Speaking at one ODK meeting held at Campbell some years after the unsuccessful campaigns and with a Supreme Court that was continuing to move from the foundation upon which the country had been founded, it could have been "pay back time." He could have weakened the faith of the young people in their country. What did he tell them?

"So often I hear thoughtful people say 'It's too late. We have already lost our way. America has passed beyond the hope of rescue.'"

"I do not believe that," said Dr. Lake with that strength of conviction for which he was famous.

But then he went on to say, "But if you are going to be a leader and going to change things, you must be willing 'to speak to your contemporaries truths they do not perceive and often do not want to hear.'"

Dr. Lake's life was characterized by enthusiasm, happiness, optimism, courage and deep faith in a risen Lord. One of the Nation's finest classroom teachers, he demanded much of his students. But love them he did. He called them "my boys." He visited with them when he met us on campus. When time permitted, he loved to join the students for a round of golf or a ball game. He and Mrs. Lake went far beyond the call of duty to make the students and other guests "feel at home" when they came calling on a visit.

If I had time to relate to you the stories that we remember and something of the good times we had, you could better appreciate why his students admired, respected, and yes, loved their teacher. Until the very end, he constantly dedicated his books, articles and lectures to "my students" to whom I owe so much.

When God sent angels to bring Dr. Lake home last Thursday, I suspect they said: "Come ye, Beverly, blessed of our father, enter thou into the joys of the Lord."

It is hard to imagine anyone more deserving of such a Divine invitation than Dr. I. Beverly Lake who spent his life in service to the people of North Carolina and the Nation!

Mr. CRAIG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Mr. President, I also ask unanimous consent that I be allowed to speak as if in morning business for up to 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAMS. Thank you very much.

REMOVE THE BARRICADES, REOPEN PENNSYLVANIA AVENUE TO THE PEOPLE

Mr. GRAMS. Mr. President, I don't know how or why it developed, but one trait most humans share is a deep interest in chronicling the passage of time. And so we attach a special significance to the observance of anniversaries—those anniversaries marking celebration and achievement, and those marking solemn events of remembrance and passage.

On May 20, 3 weeks from today, we'll have an opportunity to observe both.

We'll be celebrating the 88th birthday of actor Jimmy Stewart, the 64th anniversary of Amelia Earhart's solo flight across the Atlantic, the patenting of the fountain pen in 1830, and Levis' riveted-pocket blue jeans in 1873.

But on May 20, we'll also be observing a much more troubling event, because unless the Government takes action in the next 3 weeks to stop it, we'll be marking the 1-year anniversary of the closing of Pennsylvania Avenue in front of the White House.

Mr. President, we have an opportunity—an obligation—to prevent this anniversary from ever happening.

The city has certainly grown up around it, but Pennsylvania Avenue has changed surprisingly little since 1791, when George Washington gave his approval to Pierre L'Enfant's innovative city plan. They envisioned the avenue as a bold, ceremonial stretch of boulevard physically linking the U.S. Capitol Building and the White House, and symbolically linking the legislative and executive branches of government.

By the early 1800's, Pennsylvania Avenue had become a busy thoroughfare. The people of Washington went about their daily business in the shadow of the White House, which for much of the 19th century, wasn't set off from the street by as much as a fence. Believe it or not, folks used to pull their carriages up to the front door of the President's house to ask for directions.

By 1995, carriages had been replaced by station wagons and tour buses, and Pennsylvania Avenue—America's main street—had grown up. Over 80 feet wide, the modern, six-lane boulevard was being used by more than 26,000 vehicles every day. Families on vacation would travel down Pennsylvania Avenue past the White House on the same route their ancestors might have taken, and it gave a lot of people goosebumps. When ordinary citizens could drive by the President's home or walk by his front gate, well, that said something important to them about living in a country where freedom is valued above all else.

As the home to every President since John Adams, the White House had become one of Pennsylvania Avenue's crown jewels, a primary destination of visitors to the Nation's Capital. The People's House was hosting 1½ million tourists annually. Given its prominent location on Pennsylvania Avenue and its proximity to the people, the White House was a powerful symbol of freedom, openness, and an individual's access to their Government.

That is, until May 20 of last year, when the Treasury Department shut down two blocks of Pennsylvania Avenue. For the first time in its 195-year history, all traffic in front of the White House came to a halt.

The President ordered the avenue closed to vehicles in the wake of the tragic Oklahoma City bombing a month earlier, citing possible security risks from trucks carrying terrorist bombs. At the time, the President said the decision wouldn't change very much except the traffic patterns in Washington—but it has. By barricading a symbol of democracy and access which dates back to nearly the birth of this Nation, we've surrendered to fear. Without striking a single match in the vicinity of Washington, the terrorists have won.

Have you been to the White House lately, Mr. President? You'll see what fear looks like. With all the guards, the guns, the cement barriers, the police cruisers, Pennsylvania Avenue now looks like what some are calling a war zone. Or a bunker. This is not the White House of leaders like John Adams and Thomas Jefferson and Abraham Lincoln, who defined freedom's essence and took deep pride in being its stewards.

In fact, I don't know whose White House this is anymore. But I do know that it no longer seems to belong to the people.

Mr. President, I hope my colleagues had an opportunity to read the editorials on the subject of Pennsylvania Avenue published in the Washington Post over the last several months. The newspaper has focused on fear, and what happens when that fear is allowed to take hold and fester until it dictates and clouds the decisions made every day here in Washington.

"This is a concession to terrorism that should not be made permanent," wrote the Post last December. "Two world wars did not close Pennsylvania Avenue. Neither did the Civil War or past attempts on Presidents' lives, as the White House itself has noted. The avenue stayed open despite a British invasion, and despite street riots in the 1960's. But now, because of the devastation in Oklahoma City, the history of Pennsylvania Avenue may be erased by bulldozers."

Mr. President, it would be a second tragedy if a capital city steeped in fear is among the lasting legacies of the Oklahoma City bombing. That is not how we should honor the explosion's innocent victims.

In their rush to close Pennsylvania Avenue down, officials apparently gave little thought to the long-term consequences of their action. After all, Pennsylvania Avenue is far more than just a decorative patch of roadway, reserved for parades and official functions. It's a living, vital spoke of the city. For almost 200 years, Washington's workers and families have lived along Pennsylvania Avenue, shopped along it, dined along it, done their shopping at its corner markets, traveled on it to and from the office. The knee-jerk closing of such a major artery has had a devastating cost for the District of Columbia and its businesses, its commuters, its tourists, its residents.

With the avenue closed for two blocks, and several surrounding streets blocked off as well, the people who live, work, and visit here and give life to this city are feeling choked off from it.

Nearby businesses are no longer as accessible to employees and clients, now that daily traffic hassles tie up the downtown area. City officials are worried that commercial development will eventually suffer: with the city's east and west sides artificially separated, potential tenants may decide to skip the headaches of dealing with the closed avenue and opt to locate outside Washington.

A great deal of parking space has been eliminated, too. Add up the lost parking revenue, the cost of changing street signs and signals, higher Metrobus subsidies, and police overtime, and just 6 weeks into the closing, the District estimated the cost of closing Pennsylvania Avenue had already reached nearly $750,000. I'm afraid the cost after an entire year will be staggering.

And that doesn't begin to take into account the other indirect costs of the closing. Tour bus operators can no longer drive their customers—many of whom are strapped for time, or unable to walk the extra three or four blocks—past the White House.

What about the public transportation system? In order to provide the same services it offered before the Pennsylvania Avenue shutdown, transit officials have estimated they'll need to spend up to $200,000 more every year by adding new buses and drivers.

And the increased bus traffic on streets not meant to bear such a heavy load is threatening historic buildings like Decatur House on H Street and St. John's Episcopal Church on Lafayette Square. Both have survived more than 175 years of political turbulence, but neither was built to endure the rumbling they've been subjected to over the last 12 months. Buses now pass by at a rate of more than 1,000 trips a day—experts are afraid the traffic will reduce the structures to rubble.

What's most troubling about all of this is the fact that the Federal Government carried out the closing of Pennsylvania Avenue without any consultation with the District, without any direct public input from the people their decision would most disrupt.

Mr. President, the people of this city who depend on open access to Pennsylvania Avenue say they've accepted the present closure, but they're not going along with the idea that the avenue must be blockaded forever. That case has simply not been made, they say. And I agree.

I was pleased to learn that the National Park Service recently scrapped what they called their interim beautification plan for the 1,600-foot strip of the avenue between Lafayette Park and the White House. The plan involved replacing large sections of the asphalt with grass, but architects called it off when they realized that something as drastic as digging up the asphalt would be too hard to change in the future, once a final plan of action is decided upon.

The Park Service is still going ahead with plans to bring in 115 concrete barriers disguised as planters to ring the closed-off avenue. Most of these new roadblocks are almost 3 feet high; the largest is 7 by 13 feet and weighs 36 tons. "It will really dress the area up," said a Park Service official. Mr. President, I don't believe Martha Stewart herself could dress up a 36-ton, concrete traffic barricade.

And the cost of these new measures? About half a million dollars—a great deal of taxpayers' money, especially considering it's only supposed to be temporary.

Last December, 14 top architects, planners, and sculptors met to brainstorm about the future of Pennsylvania Avenue. They didn't publicly announce any final decisions—that won't happen until later this year. But they are expected to release five proposals later this month on how to proceed. Most of the plans are said to center around the idea of keeping the avenue closed and turning the area surrounding the White House into some sort of President's park, something they say could become a shrine of democracy. But a pretty name can't disguise a terrible idea.

Mr. President, Washington doesn't need another ceremonial park, especially around the White House. Kings live in park enclaves, as they say, while Presidents live along streets. Washington doesn't need another shrine to democracy, either. This city itself is a shrine to democracy. I would suggest that returning Pennsylvania Avenue to the way it was before May 20, 1995, would be the greatest tribute to democracy we could offer.

We all need to stop, catch our breath, and put aside the fear. If we don't, where will it stop? One year after Oklahoma City, the Government has already increased its national security force by more than 800 guards, at a cost to the taxpayers of $32 million.

New security equipment is being installed in Federal buildings to the tune of $77 million, and another $174 million is slated to be spent on additional security measures over the next 20 months.

Then what? There are 8,100 Federal buildings in the United States—do we turn each and every one of them into a fortress? Already, the drastic security measures undertaken on Pennsylvania Avenue have set a precedent and have been mirrored on Capitol Hill. Access to streets on the Senate side of the Capitol have been shut off and parking has been eliminated or restricted in many places. Security at the Capitol itself has been tightened dramatically.

How much of Washington, DC, are we going to have to rope off before the public begins thinking we simply don't want them here? As tragic as it sounds, that's the message we're sending.

Mr. President, all Americans are deeply concerned about the safety of their President. The security measures used to protect him must be well reasoned, appropriate, and thorough. I don't question the desire to afford him every ounce of security available, but I do question whether we can satisfy that desire without sacrificing the people's freedom.

The sad truth is that we can't protect the President—or any Federal worker, for that matter—by sealing them off from the world. A determined terrorist will not be stopped. But there will always be risks in a free and open society.

I received a letter from a California man who wanted to share his thoughts as an occasional visitor to this city. "I am in Washington about 10 times a year," he wrote, "and I feel an oppression there that I feel in no other city, either in the United States or abroad. I really feel the oppression around the White House." He wrote that any black or white minivan parked in the vicinity will have a policeman in it. That's in addition to the policemen with dogs, and the vast number on foot and in Secret Service cars in the area, all behind those ugly, concrete barriers. "Closing off Pennsylvania Avenue seems to be going a bit overboard," he concluded.

In the year since the closure of Pennsylvania Avenue, the calls for its reopening have grown louder. There's a deep perception among many Americans that the closing was an emotional reaction—a judgment rendered too quickly, and initiated out of fear. It's time for President Clinton to reconsider a decision made amidst such emotion, and replace it with one of reasoned courage.

And so I am sending today a letter to the President requesting the reopening of Pennsylvania Avenue no later than May 17, 1996. I ask unanimous consent that a copy of my letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAMS. Mr. President, on behalf of the American people who aren't here to stand up for themselves, I ask my colleagues to stand with me in taking back Pennsylvania Avenue from the fear to which it has been surrendered. It's time to halt these efforts to close off the people's house, on America's main street, from the people themselves. We don't need to wait for the reports and recommendations of another government commission to know that this is wrong.

By ordering the immediate reopening of Pennsylvania Avenue, President Clinton has the power to return the avenue to the people. He has the power to undo a costly mistake. He has the power to ensure that the closure of Pennsylvania Avenue does not mark its first anniversary.

We must not allow fear to claim the victory. Dismantle the barricades, Mr. President, and may the souls of the patriots who founded this Nation in freedom's name take pity on us if we don't.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 29, 1996.

Hon. BILL CLINTON,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: As you are no doubt aware, May 20, 1996 will mark the passage of one year since the closing of Pennsylvania Avenue in front of the White House. To eliminate the need for observing this somber anniversary, I am writing to respectfully request the reopening of Pennsylvania Avenue by a date no later than May 17, 1996.

Within the history of Pennsylvania Avenue can be traced the history of this great nation. In 1791, President George Washington commissioned Pierre Charles L'Enfant to draft a blueprint for America's new capital city. They envisioned Pennsylvania Avenue as a ceremonial boulevard physically linking the U.S. Capitol and the White House, and symbolically linking the Legislative and Executive branches of government. As an integral element of the District of Columbia, Pennsylvania Avenue stood for 195 years as a vital, working, unbroken roadway, elevating it into a place of national importance as "America's Main Street."

As the home to every president since John Adams, the White House has become one of Pennsylvania Avenue's "crown jewels" and a primary destination of visitors to the Nation's Capital; today, "the People's House" is host to 1.5 million tourists annually. Given its prominent location on Pennsylvania Avenue and its proximity to the People, the White House has become a powerful symbol of freedom, openness, and an individual's access to their government.

And so you can imagine the disappointment of many when your order of May 20, 1995 closed Pennsylvania Avenue to vehicular traffic for two blocks in front of the White House. By impeding access and imposing hardships upon tourists, residents of the District, commuters, and local business owners and their customers, the closure of Pennsylvania Avenue has drastically altered L'Enfant's historic city plan, replacing the openness of the area surrounding the White House with barricades, additional security checkpoints, and an atmosphere of fear and distrust.

The closure has come with not only an emotional cost, but a financial cost as well—both to the taxpayers, who have been asked to bear the burden of funding new security measures along Pennsylvania Avenue near the White House, and for those who are dependent upon access to the avenue for their livelihood.

I acknowledge that the security of the President of the United States is paramount and a matter not to be taken lightly, but I ask you to recognize that the need to ensure the president's safety must be balanced with the expectation of freedom inherent in a democracy. I believe the present situation is tilted far to heavily toward security at freedom's expense.

In the year since the closure of Pennsylvania Avenue, the calls for its reopening have grown louder. There is a deep perception among many Americans that the closing was an emotional reaction—a decision rendered too quickly, initiated out of fear fueled by the terrible disaster in Oklahoma City. I ask you to reconsider a decision made amidst such emotion, and replace it with one of reasoned courage.

By ordering the reopening of Pennsylvania Avenue by May 17, 1996, you have the power to undo a costly mistake, return the avenue to the people, and guarantee that its closure will not mark its first anniversary.

Sincerely,

ROD GRAMS,
U.S. Senate.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. I thank the Chair.

Mr. President, I ask to speak in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Michael Schiffer, a fellow in my office, be granted floor privileges during my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. FEINSTEIN. I thank the Chair.

SETTING THE RECORD STRAIGHT ON CHINA

Mrs. FEINSTEIN. Mr. President, 100 years from now, I have no doubt that when historians look back, the remarkable rise of China as a world power will be considered one of the most important international events in the latter half of the 20th century. Even more than the tragic war in Bosnia, more than the fragile attempts at peace in the Middle East, more than the collapse of the Soviet Union, I believe that China's ascendance as a great power and its impact as such—and the content and quality of the United States relationship with China—will shape the direction of global history in the Pacific century.

In recent months, Sino-American relations have reached perhaps their lowest level since President Nixon's historic trip to China in 1972. Our relationship has been plagued by tensions in nearly every area in which we interact—trade, nuclear nonproliferation, concerns about Taiwan, Hong Kong, and Tibet to name just a few. But most often the Sino-American relationship has been buffeted by clashing visions of human rights. And it is that which I wish to speak about today.

Last month, the State Department issued its annual report on human rights which contained a highly critical section on China. Having read the report and the attendant media coverage that interpreted its contents, I wish to address what I perceive to be a number of grave misjudgments and, frankly, a double standard in American foreign policy when it comes to China.

Let me begin with some examples of that double standard. The liberation of Kuwait following the Persian Gulf war is viewed as a triumph of freedom and a high point in recent American foreign policy. Yet, how many Americans are aware of the fact that upon their return the Kuwaitis expelled thousands of Palestinians and denied repatriation of thousands more who had fled during the war for their suspected—and I say suspected—support of Iraq. Before the war, there were over 400,000 Palestinians in Kuwait. Now there are 33,000, according to the Human Rights Watch/Middle East.

What happened to them, and who cares? At times, it seemed that there was more attention in the American press given to the number of wives of certain members of the Kuwaiti royal family than of how many Palestinians were expelled in political reprisal.

There has been, however, some media coverage and American criticism of Russia's brutal suppression of Chechnya's move toward independence. The Russian military decimated the city of Grozny with tremendous loss of life among civilians and the Chechnyan rebels alike. And the battle goes on today. Conservative estimates are that 30,000 people have been killed. Yet, our President just visited Russia, and our relations with Russia have never been better.

The cover story in the April 22 Washington Post puts America's blind eye in perspective: "Clinton, Yeltsin Gloss Over Chechen War."

> . . . [the two leaders] declared their admiration for each other and brushed off criticism of Russia's war against Chechen separatists.

Our relationship with the former Soviet Union is of such unquestionable importance that, muted criticism aside, American support of the Russian President has never really been in question. So how can China's importance be any the less?

Recent tragic events in Liberia, where an unknown number of people have been killed, is only the latest slaughter to emerge from that continent. Not long ago, the news media recounted the massacre of hundreds of thousands of Tutsi and Hutus in Rwanda, and the regime of Gen. Sani Abacha in Nigeria continues to suppress political dissent with lethal force. And yet, each of these countries enjoys the most-favored-nation trading status with the United States.

Even some of our closest allies have deeply flawed human rights records.

In Egypt, a legitimate effort to crack down on Islamic extremists has at times crossed the line into abuse, such as extended detention without charge, torture, and even summary executions.

In Brazil police just 2 weeks ago killed 19 people who were protesting the slow pace of land reform.

Turkey, a close NATO ally, has made considerable progress on human rights in recent years, but freedom of expression is still suppressed, torture is still widespread, and there have been numerous documented cases of the excessive use of force against the Kurds in recent years, about which we are all familiar.

I do not mean to suggest that human rights should not occupy an important place in our Nation's foreign policy. In each of the cases cited above we have, rightly, protested to the governments involved and worked with them to improve their human rights records.

The status of human rights in the countries I have just mentioned is or has been questionable, yet our relations with them do not fluctuate wildly based on human rights violations. We are able to recognize that the United States also has other important interests that must be taken into account, and we must constantly weigh these interests and values as we try to construct an effective foreign policy.

No one, for example, would suggest that we cut off relations with Kuwait, Russia, Egypt, Brazil, or Turkey based solely upon their record of human rights abuses. The United States simply has too many security, diplomatic, economic and other interest at stake to contemplate such a course of action.

And yet, that is exactly the case with what is probably our most important bilateral relationship in the world today.

Fundamental to the instability in the relationship between the United States and China is the lack of any conceptual framework or long-term strategy on the part of the United States for dealing with China. Instead, U.S. policy has been reactive and event-driven, responding to whatever happens to be the current revelation—generally about human rights. Each time we lurch from crisis to crisis, we call into question our entire relationship with China.

A whole host of events has contributed to the current deterioration in Sino-American relations, but it is important to recognize the role played by the media in this process.

I recognize that the Chinese government does not treat the international press well. But virtually everything we read, hear or see in the American press about China is negative. Yes, there is much that happens in China that is worthy of scrutiny and criticism, but there is also much that is positive as well, and it is largely ignored. The real danger in this is Americans know so little about China. They know only what they read and, particularly since Tiananmen, most of it is negative.

The most blatant example of this unbalanced reportage of China was evident when the State Department released its human rights report last month. I read the newspapers. The coverage of the section on China was 100 percent negative.

Then I read the report itself, and I am deeply troubled by what can only be described as America's blind eye when it comes to China.

Let me read you some of the press coverage following the release of the State Department's Human Rights report.

> China's economic reforms have failed to alter the government's pattern of systematic disregard for basic human rights, according to the State Department's annual report . . .—Washington Post (3/6/96).
>
> The State Department outlined Wednesday what it described as a nightmarish human rights situation in China. . .—Dallas Morning News (3/7/96).
>
> The U.S. report released Wednesday found Chinese authorities guilty of widespread and well-documented human rights abuses—San Francisco Examiner (3/7/96)
>
> China Dismal on Human Rights, U.S. Admits—Chicago Tribune (3/7/96).

Reading these articles, one could only conclude that there have been virtually no changes or improvements on human rights in China in decades, save for a modest increase in the standard of living among some.

But anyone who has any knowledge of China can see that in fact dramatic changes have taken place in that country over the course of the last 20 years, and that those changes, by their very nature, have opened the door to major improvements in human rights.

Let me read you sections of the unbound version of the State Department's report supplied to the Foreign Relations Committee that were not widely reported on:

On page 3 it notes that:

> In many respects, Chinese society continued to open up: greater disposable income, looser ideological controls, and freer access to outside sources of information have led to greater room for individual choice, more diversity in cultural life, and increased media reporting.

On page 13 it says that:

> Economic liberalization is creating diverse employment opportunities and introducing market forces into the economy, thus loosening governmental monitoring and regulation of personal and family life, particularly in rural areas.

On page 9 it notes that, "Chinese legal scholars and lawyers acknowledge the need for legal reform," and notes that development toward a system of due process—the most fundamental guarantee for human rights is due process of law—a system of due process and other legal reforms are under way.

> For example, an experimental trial system tested in 1994 has now been approved for use in Shanghai and for most civil cases. The new system introduces an adversarial element into trials by giving attorneys more responsibility for presenting evidence and arguing facts.

On page 5 it says:

> In December 1994, China enacted a new prison law designed, in part, to improve treatment of detainees and respect for their legal rights.

Farther down on the same page it says:

> In February, the National People's Congress passed three new laws designed to professionalize judges, prosecutors, and policemen.

On page 2:

> In October the Ministry of Justice promulgated implementing regulations for 1994 legislation that allows citizens to sue government agencies for malfeasance and to collect damages.

Where do we see any of this reported? We do not.

Page 3:

> The Government has also drafted a lawyers law that would clarify the nature of the attorney-client relationship, improve professional standards, separate most lawyers from state employment, and improve the ability of citizens to defend their legal interests.

The report also cites some positive development in religious freedoms in China. On page 19, it says:

> After forcefully suppressing all religious observances and closing all seminaries during the 1966 to 1976 cultural revolution, the government began in the late 1970's to restore or replace damaged or confiscated churches, temples, mosques and monasteries and allowed seminaries to reopen. According to the government, there are now 68,000 religious sites in China and 48 religious colleges. The government has also adopted a policy of returning confiscated church property.

Where is any of that reported?

On page 17, the report cites the growth and development of two specific areas of a freer press:

> Despite official admonitions, China's lively tabloid sector continued to expand in 1995. Radio talk shows remained popular and, while generally avoiding politically sensitive subjects, they provided opportunities for citizens to air grievances about public issues.

The report characterizes a nascent movement toward democracy in China on page 24:

> Direct election for basic level or village government is legally sanctioned for all China's 1 million villages. Foreign observers estimate that more than one-third of China's 900 million rural residents—which is three times the population of the United States—have already participated in elections for local leaders. . . Successful village elections have included campaigning, platforms and use of secret ballots. . . There were credible reports that candidates most favored by the authorities were defeated in some local, village elections.

Where is this reported?

And although the Chinese Government, like any government, is reluctant to accept criticism of its human rights record, on page 25, the report notes that:

> Since 1991, the government has promoted limited academic study and discussion of concepts of human rights. Research institutes in Shanghai and Beijing, including the Chinese Academy of Social Sciences, has organized symposia on human rights, established human rights research centers, and visited other countries to study human rights practices in those nations.

Some may view these changes as modest and limited in scope, and perhaps they may be, but one has only to look back 30 years to the Cultural Revolution to understand how enormous these changes truly are.

We must understand these changes in context: China is a nation which has been ruled by man for 5,000 years, by emperors in the most despotic system, by the national government in the most despotic manner. Changing to the rule of law will not happen overnight or even in a decade, but it is happening.

Thirty years ago—just 30 years ago—20 to 30 million people died during the Cultural Revolution and Great Leap Forward. Millions lost their jobs, their families and were falsely imprisoned. The human rights and political situation in China has changed dramatically for the better over the last 20 years.

When I first went to China in 1979, shortly after the end of the Cultural Revolution, no one would talk freely. You could not have a political conversation. It was a totally centrally controlled government. Now all of that has changed.

So change in a country as huge as this, as different as this, where the urban eastern cities are very different from the isolated western areas, does not happen overnight, and sometimes it is even difficult to evaluate it on a year-to-year basis.

As I think recent history and this State Department report indicates, China is changing and Americans need to recognize this. They need to know it and they need to encourage China's continued modernization.

I should note for those in this body who consider themselves to be friends of Taiwan, as I do also, that the Taiwan whose democracy we celebrate in 1996 was not so very long ago considered to be one of the most egregious violators of human rights, during which we kept all contact with Taiwan.

Beginning on February 28, 1947, thousands of political dissidents were killed and imprisoned by the nationalist government on Taiwan in a matter of weeks—the infamous "2-28 incident."

In 1948, a state of emergency was declared allowing the President to rule by decree, and from 1950 to 1987, Taiwan was ruled by martial law. During this time, it is estimated that over 10,000 civilian cases were tried in military courts. Citizens were subjected to constant surveillance, individual rights and freedoms were compromised, and political opposition was silenced.

To our credit, during this same period, the United States engaged Taiwan politically and economically, working to encourage the growth of democracy. Today, Taiwan is a democracy.

To be sure, China has a long way to go, but China is growing so rapidly—

with a 10-percent annual growth in gross domestic product. Today, China, as an export power, is where Japan was in 1980, the 11th largest exporter in the world, and it is growing much more rapidly than Japan was growing.

To this end, the report also contains a number of constructive suggestions that I feel we should seek to develop as we encourage China to modernize. I believe we should work with the Chinese to develop national legislation governing organ donations, so as to bring to an end any question about current policies, but work with them, engage with them, discuss with them, counsel with them.

We should encourage the Chinese to let the International Committee of the Red Cross monitor prisoners to assure that their rights, under these new Chinese laws just now going in place, are not being abused. We should encourage the Chinese to allow the establishment of truly independent Chinese nongovernmental organizations to monitor and discuss the human rights situation.

I also add to this list the development of a legal system that guarantees an independent judiciary, due process of law, and new civil and criminal codes. This will do more in protecting and advancing human rights than any other single thing the United States can do, and the Chinese have asked for help in this regard.

In releasing the report, Assistant Secretary of State for Democracy and Human Rights, John Shattuck, stated at the press conference on March 6:

> There is no question that economic integration enhances human rights.

As Secretary Shattuck also stated, isolating China will not enhance human rights—just the opposite. The continued improvement in the economic well-being of China's citizens is critical to the continued growth of human rights. And continued trade with the United States is critical for the continued development of China's economy.

I do not mean to suggest that the free market by itself will improve human rights records. Assistant Secretary Shattuck once again was so right when he said—and I quote—

> Economic growth is not in and of itself the ultimate sufficient condition for the full flowering of human rights.

We must also pursue other forms of engagement with China.

So it is in this context that I urge my colleagues to read in full the State Department's human rights report on China, but to do so not with a jaundiced eye and a focus only on those areas that still require improvement, but with a sense of appreciation for how far in 20 short years China has come, and with continued United States engagement, how much farther China can go in the next 20 years.

That is our challenge today. I thank the Chair. I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, under the previous order I am to be recognized during morning business for a period of 90 minutes. I ask unanimous consent that during this period I be permitted to yield portions of my time to other Members without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

DRUG USE IN AMERICA

Mr. COVERDELL. Mr. President, over the last several months we have heard a growing crescendo, so to speak, about a new national epidemic. And make no mistake about it, Mr. President, the United States is once again revisiting a drug epidemic.

This epidemic took hold of our Nation in the 1960's and 1970's. By 1979, Mr. President, somewhere in the neighborhood of 55 percent of our youth—importantly here—age 17 to 21, were involved in drugs, an alarming crisis for the Nation. From 1979 to 1992, this usage was cut in half.

For all the naysayers that said you could not do anything about drugs—wrong. This Nation did. It cut drug use in half. It took it down to 24, 26, 27 percent. But in 1992, as I am sure will be alluded to here repeatedly on the floor, something went wrong, something changed. Policies changed, and drug use took off like a rocket. It is now approaching the 40 percent level.

Over the weekend there was a lot of discussion about drug abuse because the President had a much heralded press conference in Miami this morning. But, Mr. President, this is one we cannot win with press conferences. This is one that will be exceedingly difficult to turn into some political gambit for the 1996 Presidential campaign.

Somebody will have to be responsible for what happened between 1992 and 1996. And what happened is a very ugly picture.

Over the various talk shows this quote surfaced. "This President is silent on the matter. He has failed to speak." That was Senator JOSEPH BIDEN, Jr., of Delaware. Or we have Mr. RANGEL, Congressman RANGEL, who has previously said, he has never seen a President care less about drugs. That is Congressman RANGEL. These are Members of the President's own leadership, party.

The point is, that there are ramifications for the policies we have set, Mr. President. In his first 3 years in office, President Clinton abandoned the war on drugs. He slashed the staff of his drug office 83 percent, he decreased the number of Drug Enforcement Agency agents, cut funding for drug interdiction efforts and abandoned the bully pulpit. I will mention this again. But out of 1,680 statements by the President, the word "drugs" was only used 13 times in the first 3 years. We turned away from the message that drugs are very harmful.

You know, Mr. President, President Reagan and President Bush deserve a lot of credit. They engaged this war as the Nation would expect them to, and indeed they contributed to saving millions of lives and harm to millions of families all across the land because they engaged the battle.

Yes, she was made fun of at the time, but Nancy Reagan, our First Lady, when she said, "Just say no," it made a difference. Who knows the number of families that were spared the devastation of drugs just because she led the way. She is going to be remembered very favorably for the role she played in our drug dispute.

I see, Mr. President, I have been joined by the distinguished Senator from Michigan, who has been a leading advocate in the drug war. I now yield up to 10 minutes of my time.

Is that enough, I ask the Senator?

Mr. ABRAHAM. That would be fine.

Mr. COVERDELL. I yield 10 minutes of my time to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Thank you very much, Mr. President.

I first thank the Senator from Georgia for having come here today to help lead this discussion. I think the role he is playing in trying to focus public attention on problems in the area of crime and drugs is to be commended. We are grateful to have leadership like that on these issues because we have not had enough of it, either in the Congress or particularly in the administration.

So today I will talk a little bit more specifically about some of the problems we are contending with as a society as they relate to the broadly defined topic of drug use in America.

After steadily declining for a number of years, through the administrations of Presidents Reagan and Bush, drug use has been skyrocketing in recent years. It is increasing at a very alarming rate. According to the 1994 "Monitor of the Future" study, drug use in three separate categories—use over lifetime, use in past year, use in past month—has shown a remarkable surge during the last 2 years, for young people in particular.

Lifetime drug use went from a high in 1981 of about 65 percent to a low of just over 30 percent in 1992. Recently, though, the trend has been in a different direction. In both 1993, and again in 1994, after over a decade of uneven, but steady, decline, drug use has shot up again. It has shot up not just among high school seniors either, Mr. President.

According to the 1995 National Household Survey on Drug Abuse, drug use among children from as young as the age of 12 through 17 years of age, went up by 28 percent from 1993 to 1994. That is not just percentages we are talking about. It is human lives, Mr. President.

To make it a little more specific, and to really, I think, dramatize the alarming changes we are talking about, these statistics indicate that in 1994, 1 million more children between the ages of 12 and 17 were using drugs than had been the case in 1993.

Mr. President, I would like to state very clearly that the decisions people make to abuse drugs or any other similarly abused substance of any type is an individual decision. This is not a partisan decision. This is a not a decision that can be blamed on any one individual in Washington.

I think what is critical and what we need to assess is the response that we, as Government leaders, are making to this alarming increase. I think that is where we have to take focus here today. I think we should specifically look at what this administration has done, because I think in examining it we will get a feel for the different types of priorities that can be established and give the American people a chance to decide which priorities they prefer.

In terms of the Clinton administration, the first thing that we should note is the dramatic drop in drug prosecutions, both in 1993 and again in 1994. Despite the country's increasing drug problem in those years, Federal drug prosecutions fell from a high of over 25,000 prosecutions in 1992 to fewer than 22,000 in 1994. It just 2 years, Federal drug prosecutions dropped 12 percent. In addition, this administration made the decision to dramatically reduce the budget of the drug czar's office. The war on drugs conducted through the drug czar's office, has been cut by approximately 83 percent.

Mr. President, reducing the number of prosecutions and reducing the size of the budget of the drug czar's office, in my mind, at least, is the wrong set of priorities to deal with an increasing rate of drug abuse, particularly when much of the increase can be found among young people.

Third, I think the administration has changed priorities in terms of the message it is sending, particularly the message young people are hearing. The Senator from Georgia has already identified, and I think accurately, and very positively talked about the impact of the "just say no" program. Mr. President, for the better part of a decade, the words "just say no" meant the same thing pretty much to everybody in America, and especially young people. It meant "say no to drugs." With a theme like that resonating whether through the airwaves or in speeches of the public officials and the leadership of the First Lady, Nancy Reagan, young people heard clearly one continuous message. I think that that pervasive message helped to change the direction of drug use in this country. I think that message has been blurred a lot in recent years.

Indeed, unfortunately, I think mixed signals have been sent inadvertently that have at least suggested a certain condoning of the use of drugs. I do not think that those are the kind of signals we want to send. For example, I note the Department of Health and Human Services has sponsored commercials on MTV proclaiming, "If you use drugs, don't share a needle."

Now, I realize that "just say no" may have sounded hackneyed to some, but it works and it is true. In my judgment, sending any kind of signal to our children that suggests that any form of drug use is preferable to other forms, rather than as a society we are opposed to all drug use, will confuse, and I think contribute to their reluctance to follow the message to avoid the use of drugs altogether.

In addition, I think we have sent a mixed message in terms of what the leading messengers of the administration have been saying about drugs. As we know, Surgeon General Joycelyn Elders talked at length about even going so far as to legalize drug use in this country. It just seems to me, Mr. President, if young people reach the conclusion that an administration or Washington or public officials think that drug legalization is an acceptable alternative, their willingness to begin experimenting or to use drugs will increase. Indeed, Mr. President, those seem to have been the results.

Again, according to the former "drug czar" in my State of Michigan, just a few weeks ago, the Centers for Disease Control jointly sponsored a conference in Atlanta with one of the country's leading pro-drug legalization organizations, the Drug Policy Foundation. The conference agenda was to promote needle exchanges and healthy drug use messages.

These kinds of mixed messages, combined with a drop in prosecutions and a reduction in spending on the drug czar's office, I think, Mr. President, demonstrate the wrong priorities. I think we should have a healthy debate this year over this country's priorities. I happen to think that the investment of funds in the drug czar's office, the increased prosecution of drug offenders, and the sending of one clear unmistakable message that we should say no to drugs is the only way to seriously and effectively deal with the drug abuse problems we face in this country, and particularly with youthful drug offenders. I think to divert resources from that approach is to invite increases in drug use.

I think the American people should understand that there are two very different courses, a course that was followed with great success for over a decade, and a new course that has blurred the message, invested fewer dollars and generated fewer prosecutions. That clear choice, I think, is one that we in Congress now should effectively try to address. I will be working hard to do that in my State, to try to make sure at least in Michigan we send an unequivocal message to just say no to drugs and I will do my best here to support efforts to beef up the forces that will crack down on drug abuse, those in both prosecutorial ranks and providing the drug czar's office and others with the adequate resources they need to combat this on the front lines.

Last year, Mr. President, I was involved in sponsoring a bill which ultimately became law and was signed into law to try to make sure we did not liberalize the sentences that crack cocaine dealers would receive. We have to remain vigilant and tough. I think the sentences for those who use powder cocaine should be tougher as well. We have to make clear that young people in this country, and really to all Americans, that the war on drugs has not been won. Progress that was made in the 1980's can be reversed if we are not vigilant.

I intend to come to the floor often, joining my colleague from Georgia and others, to make sure those are the messages we send. I yield the floor.

Mr. COVERDELL. Mr. President, I want to commend the Senator from Michigan. As I said, he has been a stalwart on this kind of work, on crime in general, and the United States and his State are all benefactors of his good work. I appreciate his coming to the floor.

Just to mention again or reinforce a comment I made, when I began in 1993 and 1994, President Clinton made seven addresses to the Nation. None mentioned illegal drugs—none. The President's official 1993 Presidential papers reveal 13 references to illegal drugs as a total, in a total of 1,628 Presidential statements, addresses, and interviews.

Of course, no wonder, Mr. President, if the bully pulpit is not used in whatever form it is chosen, I do not think you have to replicate what First Lady Reagan said, but you do have to use that pulpit. It got turned off.

Mr. President, I yield up to 10 minutes to my colleague from Arizona, also a Senator who has come here with enthusiasm and energy on the topic of making American citizens safer. I yield to the Senator from Arizona.

Mr. KYL. I thank the Senator from Georgia for his work on this issue and for yielding the time to me relative to the comments that he just made.

I note as recently as yesterday on the "Meet the Press" television program, Senator JOSEPH BIDEN said: "The President is silent on the matter. He has failed to speak." Of course, we are talking about the matter of drug abuse and, more broadly, the war on drugs.

Actually, I am very heartened that the President has rediscovered his enthusiasm to fight this war on drugs. When he campaigned for the Presidency in 1992, candidate Bill Clinton said, "President Bush hasn't fought a real war on crime and drugs. I will." During the first 3 years in office, the President virtually ignored the drug problem. The moving trucks had barely arrived from Little Rock when the President slashed the office, the so-called drug czar's office, by 80 percent. The drug problem received little attention thereafter from his administration.

Whatever the motivation, some might say election year politics, I assume it is an obvious realization that the policy has not worked and has had a disastrous effect. The President has now reversed course and is exercising very needed leadership in our efforts to combat drugs.

During his State of the Union Address, the President announced the appointment of General McCaffrey as the next drug czar, a welcome appointment, because General McCaffrey has a very fine reputation, and, of course, the energy and enthusiasm to deal with this problem.

CLINTON'S ABDICATION ON THE WAR ON DRUGS

A. SLASHING ONDCP'S BUDGET

As mentioned before, one of the first official acts by President Clinton was to slash the drug czar's staff by more than 80 percent. The number of workers fell from 146 to just 25—half of the size of the White's House's communication staff. The President also cut the budget from $185.8 to $5.8 million—a 90-percent cut.

After drastically reducing the size of the drug czar's office, the President took nearly a year to select a drug czar, finally settling on Lee Brown.

Lee Brown was not an effective drug czar. Instead of focusing efforts on getting cocaine and other drugs off of our streets, Mr. Brown launched an effort to have "Big League Chew" bubblegum removed from convenience store chains. The drug czar's office was concerned that the packaging resembled some chewing tobacco products, although its Deputy Director admitted that the agency didn't have any hard data to show look-alikes lead to use of the real thing.

B. APPOINTING A SURGEON GENERAL WHO PROPOSED LEGALIZING DRUGS

Lee Brown was not the only Clinton administration official to set back efforts to combat drug use. While serving as the Nation's top health official, Jocelyn Elders commented that, "[I] do feel that we would markedly reduce our crime rate if drugs were legalized."

C. DRAMATICALLY REDUCED INTERDICTION EFFORTS

Under President Clinton, interdiction has been dramatically scaled back.

Keeping drugs out of the country was an important and successful element of the Reagan-Bush drug war. Successful interdiction leads to less drugs reaching our streets, and poisoning our children. Interdiction raises the price of drugs, and lowers their purity, which translates into less people using drugs, and those who do, ingesting drugs of lower potency. As a candidate for the Presidency, Clinton recognized the importance of interdiction:

> [W]e need an effective, coordinated drug interdiction program that stops the endless flow of drugs entering our schools, our streets, and our communities. A Clinton-Gore Administration will provide cities and states with the help they need.

The President's fiscal year 1996 request represented a 37-percent cut from 1991 interdiction funding levels. And in Clinton's first year in office, the National Security Council downgraded the drug war from one of three top priorities to number 29 on a list of 29.

Between 1993 and the first half of 1995, the transit zone disruption rate—which measures the ability of the United States to seize or turn back drug shipments—dropped 53 percent. The President has cut the interdiction budgets of the U.S. Customs Service, the Department of Defense, and the Coast Guard. Not surprisingly, these agencies are showing a downturn in statistical measures of interdiction.

The administration's cuts to the Customs Service interdiction budget coincided with a 70-percent decline in Customs-supported cocaine seizure in the transit zone.

Between fiscal years 1992 and 1995, the Defense interdiction budgets were reduced by more than half.

The Coast Guard operating budget for drug missions fell from $449.2 million in fiscal year 1991 to a projected $314.2 million in fiscal year 1996. Cutter and aircraft resource hours for drug missions are projected to fall 23 and 34 percent, over the same period.

D. REDUCED EMPHASIS ON LAW ENFORCEMENT

The President has also reduced the emphasis on law enforcement.

If the President's fiscal year 1995 budget proposal had been passed, the DEA, FBI, INS, U.S. Customs Service, and the U.S. Coast Guard would have lost a total of 621 drug enforcement agents.

While Congress reversed many of the Clinton cuts, the DEA has lost over 200 agents during the President's tenure. No DEA special agents were trained in 1993, nor were any budgeted to be trained in either 1994, or 1995.

Although drug use is going up, the number of individuals prosecuted for Federal drug violations is going down. Between 1992 and 1994 drug prosecutions dropped 12 percent.

E. ABANDONED BULLY PULPIT

President Clinton has failed to use the bully pulpit.

Criticism of the President's lack of leadership on the drug issue is bipartisan. Representative CHARLES RANGEL, a Democrat from New York, said: "I've been in Congress for over two decades, and I have never, never, never seen a President who cares less about this issue."

And yesterday on "Meet the Press," Senator BIDEN said: "This President is silent on the matter. He has failed to speak."

F. TREATMENT STRATEGY

The de facto strategy of the Clinton administration in fighting drugs was to deemphasize interdiction, law enforcement, and prevention, and concentrate on treatment.

But even though Federal treatment spending was 230 percent greater in 1995 than in 1989, the number of persons served in treatment decreased 144,000.

The President has continued to pursue his treatment strategy, even though reducing hard-core drug use through treatment is generally futile. A 1994 study by the Rand Corp. prepared for the drug czar's office studied the effects of treatment of hard-core cocaine users. The study found that 27 percent of hard-core drug users continued hard core use while undergoing treatment. And 88 percent of hard-core users returned to hard-core use immediately after treatment.

RESULTS OF PRESIDENT'S LACK OF LEADERSHIP

A. DRUG USE IS UP

As a measure of President Clinton's lack of leadership, drug use is up.

The Clinton administration's abdication of the war on drugs has already had a devastating effect on all Americans—especially our Nation's children.

Last year, the University of Michigan's Institute for Social Research found that, after a decade of steady decline, drug use by students in grades 8, 10, and 12 rose in 1993.

More bad news: In September 1995, the Department of HHS released the National Household Survey on Drug Abuse, which showed that marijuana use had increased by an average of 50 percent among young people.

One in three high school seniors now smokes marijuana. We are approaching the point where a student is just as likely to drink a soft drink than use an illicit substance

The increase in marijuana use among young people is frightening, not only because so many of our young people are using this dangerous narcotic, but also because, according to surveys by the Center on Addiction and Substance Abuse, 12- to 17-year-olds who use marijuana are 85 times more likely to graduate to cocaine than those who do not use marijuana.

Hard-core drug use is also up.

The treatment strategy is failing. Far from decreasing the number of hard-core uses as Clinton predicted, the number is increasing.

The Drug Abuse Warning Network [DAWN], which monitors the number and pattern of drug-related emergencies and deaths in 21 major metropolitan areas across the country is used as a bellwether of hard-core use because so many emergency room cases involve hard-core addicts. The most recent DAWN results: Cocaine-related episodes hit their highest level in history in 1995. Marijuana-related episodes increased 39 percent, and methamphetamine cases rose 256 percent over the 1991 level.

Clearly, it makes far more sense to spend resources that will prevent people from using drugs in the first place. Once people are damaged by drugs, at most, treatment can prevent further harm. As some have said, you can't fight a war by focusing only on the treatment of the wounded.

B. WHAT THESE STATISTICS MEAN

These statistics show that more kids are becoming hooked on dope. Promising young lives are being derailed.

It is tough to imagine that American children will be equipped to compete with foreign competitors when one-third of high school seniors are smoking pot. The President can talk about education and all of the programs he wants, but if we don't work to keep kids off drugs, all the rhetoric and good intentions will be worthless.

Drug abuse is a major contributing factor to child abuse and homelessness. All Americans bear the costs of the abuse—through increased crime and increased taxes to pay for welfare and other social programs. According to the drug czar's office, the social cost of drug use is $67 billion annually.

WHAT CAN BE DONE TO RETURN TO THE SUCCESSES ACHIEVED DURING THE REAGAN-BUSH ERA

President Clinton needs to do many things to recapture the advance made during the Reagan-Bush years.

First, it needs to be recognized that the war on drugs can be won. It is not just the President who has waived a white flag—at least before his welcome change of heart—some prominent conservatives have also surrendered.

According to statistics compiled by the National Household Survey on Drug Abuse, between 1979 and 1992, overall drug use declined about 50 percent. Between 1985 and 1992, monthly cocaine use dropped by 78 percent.

If we turn from overall narcotics use to the crucial 14- to 18-age bracket, we see that the results of the Reagan-Bush efforts were just as encouraging. According to the monitoring the future study, illicit drug use by high school seniors dropped from 54.2 percent in 1979 to 27.1 percent in 1992, and cocaine use fell from an annual rate of 13.1 percent in 1985 to 3.4 percent in 1992.

I believe that we should return to the strategies that were proven effective during the Reagan-Bush administrations. These include:

Interdiction: Renewed efforts by the Federal agencies responsible for fighting drugs to spend greater resources identifying sources, methods, and individuals involved in trafficking.

Enforcement: As I mentioned before, drug prosecutions under the Clinton administration have significantly decreased. Those violating our drug laws must be prosecuted. Additionally, we must make sure that those who are profiting from the drug trade are severely punished.

Bully Pulpit: the intellectual elite laughed at the Reagan administration's "Just Say No" campaign. But it was clearly an important part of its successful efforts to reduce drug use. The "Just Say Nothing" approach of the Clinton administration has softened the attitudes of students toward marijuana. Peer disapproval of marijuana has dropped from 70 percent in 1992 to 58 percent in 1994.

Mr. President, in conclusion, I would like to say that efforts to fight drugs can and should be bipartisan. For example, earlier this year, Senator FEINSTEIN introduced a bill—which I have cosponsored—to make it more difficult to peddle the ingredients use to make methamphetamine. Senator FEINSTEIN recognized that further controls were necessary to stop a drug which is currently ravaging the Southwest from turning into the next crack epidemic.

I am glad that the President is finally putting some energy into fighting the Nation's drug problem. His recent actions are appreciated, and should be at least somewhat helpful. It is time to resume the drug war. America's future is at stake.

Mr. COVERDELL. Mr. President, I thank the Senator from Arizona for his remarks and contribution to this effort.

I yield up to 10 minutes to the Senator from Oklahoma.

Mr. NICKLES. Mr. President, first, I thank my colleague, Senator COVERDELL, from Georgia and also Senator KYL from Arizona. I want to echo the comments of the Senator because they are right on target. I hope the American people have had a chance to listen to what the Senator from Arizona said.

Whatever happened to the war on drugs?

In 1981, Americans were calling the drug epidemic the gravest internal problem facing our society. So Ronald Reagan issued a clarion call. He said, "The United States has taken down the surrender flag and run up the battle flag. And we are going to win the war on drugs." That was in 1982.

In 1992, candidate Clinton sounded out an all-out drug war charge. It is now 1996, an election year.

Today, more than 3 years into his term, President Clinton is announcing his drug policy. Maybe it is better late than never. But to this Senator it sounds a lot like an election conversion.

Under the Clinton administration, drug use amongst teenagers is up sharply, and drugs are more readily available and more cheaply available than at any time in our Nation's history. The surrender flag has been run up the pole once again.

This is not a partisan point of view. Look at what some leading Democrats said about Clinton's lack of leadership in combating drug use.

"The President is silent on the matter. He has failed to speak."

That was not made by DON NICKLES or PAUL COVERDELL. It was made by JOE BIDEN on NBC's "Meet the Press" on the 28th of April, yesterday.

Here is another quote:

"I have never seen a President care less about drugs." Again, not by a partisan Republican but by CHARLES RANGEL, Democrat from New York.

Many Americans, I think, are startled to realize these facts. "What happened to the war on drugs? I thought we were winning." Well, we were.

Between 1979 and 1992 the number of Americans using illicit drugs plunged from 24.7 million to 11.4 million. The so-called casual use of cocaine fell by 79 percent between 1985 and 1992, and monthly cocaine use fell by 55 percent between 1988 and 1992 alone; an enormous decline.

We were winning the war. We were on the way. The war was not over, to be sure, but we had won a lot of battles, and significant progress had been made. So what has happened?

Part of the answer must lie in the fact that the bully pulpit used so often and so forcefully by President Reagan and President Bush, and by their appointee, Bill Bennett, our former drug czar, and Nancy Reagan and Barbara Bush, has been vacated by this administration.

The strategy of "just say no" that Nancy Reagan used was laughed at by many of the persons in this administration. But it has turned into a policy not of "just say no" but "just say nothing" by this administration.

It could be that the administration's silence has been by design created by a need to cover up the backsliding that has resulted from the administration's failed policies.

Whatever happened to the war on drugs?

The Senate Judiciary Committee, led by Chairman ORRIN HATCH, issued a report in December of last year, and it provides several good clues.

Clue No. 1: President Clinton slashes the Office of Drug Control Policy.

President Clinton had been in office almost a year before he finally appointed his drug czar, and that was Lee Brown.

After receiving his appointment, Mr. Brown was not greeted with the support one would expect from a President who is dedicated to an all-out war on drugs.

While reminding America that drug abuse is "as serious a problem as we have in America," President Clinton greeted his Cabinet-level drug czar with a decimated budget and radically reduced staff. Staff size at the Office of Drug Control Policy was reduced from 146 employees to 25 under President Clinton. That is less than one-half the size of the White House communications staff. That is about one-sixth. He did not cut it in half. He did not cut it by a third. He cut from 146 individuals to 25.

He cut the budget from $185.8 million to only $5.8 million. It does not even show up. He cut it from $185 million to less than $6 million.

That was the President's war on drugs. That looks like a surrender to me. It looks like he gave up.

Clue No. 2: President Clinton downplays the domestic law enforcement efforts.

President Clinton's budgets have resulted in a loss of 227 agents from the Drug Enforcement Administration between September 1992 and September 1995.

The number of individuals prosecuted for Federal drug violations dropped 12 percent over this same period of time; no big surprise. If you cut the number of agents by 227 in 3 years, you are going to have a significant number of individuals prosecuted.

Clue No. 3: President Clinton scales back efforts for drug trafficking prevention.

The overall proportion of the Customs Service budget devoted to drug control fell from 45.5 percent in 1991 to projected 33.9 percent in 1996, again a significant reduction in Custom's budget.

Department of Defense airborne detection and monitoring assets were cut back from 3,400 to 1,850 hours between 1992 and 1995—again almost half.

The use of Navy vessels measured in so-called steaming days was cut from 420 to 170—less than half.

We are doing a lot less interdiction.

The Coast Guard operating expense budget for drug missions fell from $449 million in fiscal year 1991 to projected $314 million in 1996.

What is the result of these actions? Between 1993 and the first 6 months of 1995, the transit zone "disruption rate"—which measures the ability of the United States to seize or otherwise turn back drug shipments—dropped 53 percent.

The number of drug trafficking aircraft seized by Customs in the transit zone fell from 37 to 10 between 1993 and 1995.

The Coast Guard cocaine seizures remain 73 percent below the peak of 1991.

Marijuana seizures fell even more drastically—more than 90 percent over the same period.

Mr. President, I look at many of the things that President Clinton has done, and I see a real lack of leadership—almost a surrender on the war on drugs. Maybe this is best exemplified by the some of his appointees.

I think of Dr. Elders, who was President Clinton's first Surgeon General, a candidate whom many of us opposed because of her positions on a lot of issues. After she was confirmed, she made a couple of statements of note. One, she said "I think we should consider legalizing drugs." This was not anybody. This was the Surgeon General, the No. 1 public health officer appointed by this administration who said that we should "consider legalizing drugs."

What did President Clinton do? He said, "Well, I am not sure I agree with her." He asked her not to say it again. A couple of months later she said it again. "I think we should seriously consider legalizing drug use."

This is not a war on drugs. This is a capitulation. This is surrender. This is not using the bully pulpit to combat drug use. This is saying maybe top officials in Government think we should legalize drugs. Maybe drugs are not so bad after all.

She was wrong. Was she removed for those statements? No, she was not. She might have been reprimanded for the first.

The second statement she made was almost ignored, and, frankly, she was removed from office for other statements she made talking about teaching kids things on sexual tendencies and so on in the classroom. She was not removed for her discussion before the press that we should legalize drugs. Again, this is the Nation's No. 1 health officer. Is not drug use unhealthy? Certainly.

Again, what about example? President Clinton's own admission that he has used drugs—and then he came back and said, "Well, I never broke the laws of this country." Well, it was in some other country. But he said he did not inhale. What kind of example is that?

Again, we want to discourage the use of drugs, and when we talk about statistics and we see drug use is up sharply amongst teenagers, what kind of example do we have by the President himself?

Sadly, like so many other things, the war on drugs fell victim to a President who lacks conviction to back up his promises.

I am glad the President made a speech today talking about we need to stand up and fight the war on drugs. Again, it sounds to this Senator like an election conversion. For 3 years where has his leadership been? It has been actually vacant. It has been silent. It has not existed. It is surrender.

Now we have an election, and I think pollsters informed the President, "Hey, this is an important issue, and drug use is up amongst teenagers." So, finally, we have a speech 6 months before election time.

So what now? On December 13, Majority Leader BOB DOLE and Speaker of the House NEWT GINGRICH convened a bicameral Leadership Task Force on National Drug Policy. The task force was chaired by Senators GRASSLEY and ORRIN HATCH, as well as House Members WILLIAM ZELIFF and HENRY HYDE.

They were asked to develop principles for coherent, national counterdrug policy as well as supporting strategy for future actions. On March 28 of this year, the task force released a five-point national drug strategy.

Sound interdiction strategy. We must stop the enemies' attack by protecting our borders from the pestilence of drugs. On land, air, and sea, our Nation's enforcement officers must have the commitment and the resources from our Nation's leader's so they can do their job.

Serious international commitment to the full range of counter-narcotics activities. We must support renewed efforts by the U.S. Customs Service, Drug Enforcement Administration, Immigration and Naturalization Service, Department of Defense, and Coast Guard to identify sources, methods, and individuals involved in drug trafficking.

Effective enforcement of the Nation's drug laws. The Clinton administration's revolving door justice is making innocent Americans prisoners in their own communities. Our policy must be simply: If you commit the crime, you do the time.

We must also commit to nominating and confirming judges who are tough on crime, unlike President Clinton's judicial nominees —and primarily I think of Judge Baer, who basically said, no, we will not use the evidence of pounds and pounds of cocaine; it was seized illegally. Under pressure, President Clinton pressured the judge and the judge changed his mind. Maybe that is good. But the better aspect of that would have been not to have Judge Baer a Federal judge. He was President Clinton's nominee and, unfortunately, has lifetime tenure.

We need a united commitment toward prevention and education. A key component of any coherent, sustained drug program must be a public education program. This means ensuring that the bully pulpit is not empty and that national leadership is not AWOL. The antidrug message must be clear, consistent, and repeated often, not just in election years.

Mr. President, we need treatment returning to a proper balance. We must realize that emphasizing treatment alone addresses the wrong end of the problem. Treatment is most effective for those who are motivated and face substantial penalty if they do not achieve and maintain sobriety.

Mr. President, I thank again my colleague, Senator COVERDELL, and Senator GRASSLEY, Senator HATCH, and others for their work on combating drugs. We need to do this every year. It needs to be done by the White House, through the bully pulpit, appointees—appointment of good judges—and we need a consistent effort, not just in an election year. Unfortunately, I think we have not had that from this administration.

I urge my colleagues to be forceful. I urge my colleagues to speak out because the war on drugs needs to be fought, and for the sake of our children the war on drugs needs to be won.

I thank my colleague from Georgia.

Mr. COVERDELL. I thank my colleague from Oklahoma for his important remarks and observations made about the situation on the drug war.

Mr. President, I yield up to 10 minutes to the senior Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, we are talking basically today about crime, though I heard Senator GORTON speak on another subject, and obviously an important one. He mentioned Pericles of Athens and, I would only add, O that the Lord would send us a Pericles now that we really need one. But we are here today basically talking about crime, and I want to touch on three issues. I want to express frustration about two of them. For the last 6 years, as we have debated crime bills, I have offered two amendments that have passed the Senate with overwhelming votes. They both relate to mandatory minimum sentencing.

The first amendment addresses the same issue the President addressed this morning in Florida, and that is the problem we have with children and drugs. The amendment I have offered recognizes the fact that there is a drug pusher almost literally standing at the doorway of every junior high school in America. In addition, increasingly drug pushers use children to deliver the drug and to take the cash, because it is at that point of transaction, where the exchange between money and drugs actually occurs, that you have the strongest possibility of prosecution. And so, what is increasingly happening in our country is not only are drug pushers exploiting our children by selling drugs outside the doorway—and sometimes inside the doorway—of what would seem to be every junior high school in America, but increasingly our children are being used in drug conspiracies to actually transfer the drug and take the money.

Recognizing this incredible tragedy, I have repeatedly offered an amendment to require 10 years in prison without parole for selling drugs to a minor or for using a minor in drug trafficking or a drug conspiracy. Two years ago I strengthened that amendment to add life imprisonment without parole on a repeat offense.

The thing I think would be most stunning for people to know is that while we have adopted my amendment on minimum mandatory sentencing for selling drugs to children or using our children in drug sales, every time we have debated a crime bill this decade, that amendment has been adopted, and yet it has never become the law of the land. In fact, in President Clinton's so-called crime bill, in 1994, Congress overturned minimum mandatory sentencing for drug felons and, by giving discretion to judges, in essence, guaranteed that the minimum sentencing provisions we had, were largely eliminated.

This spring and summer we are going to debate crime again. I want to put my colleagues on notice. I am going to offer this amendment again: 10 years in prison without parole for selling drugs to a minor or using a minor in drug trafficking; life imprisonment without parole on the second offense. I am not going to stop until, this year, we make that amendment the law of the land.

The second provision, which I have offered now for the better part of a decade—and it normally gets an overwhelming majority in the Senate, but it never becomes law—is 10 years in prison without parole for possessing a firearm during the commission of a violent crime or a drug felony; 20 years for discharging the firearm; life imprisonment without parole for killing somebody, and, in aggravated cases, the death penalty. That provision has consistently been adopted, but what always happens is in the conference committee, where we work out the differences between the Senate bill and the House bill, it ends up being dropped. I do not intend to see that happen this year.

We have proven in the District of Columbia and all over the planet that gun control does not work. But if we add 10 years in prison without parole for simply possessing a firearm during a violent crime or drug felony, in addition to the penalty for the violent crime and drug felony, if we add 20 years for discharging the firearm, if we had the death penalty for killing somebody, we could begin to do something about gun violence in America. I am ready. The Senate has been ready, at least in terms of the public votes we cast. But in the private votes, in conference committee, this provision, year after year after year, has been dropped. It is time for that to stop.

Finally, I want to put prisoners to work in America. It seems that every year somebody offers an amendment—normally, our dear colleague from North Carolina, Senator HELMS—to ban trade with some country that uses prison labor, and every year I wonder why we cannot use prison labor. We have 1.1 million people in prison in America, yet we have three Federal statutes, all arising out of the Depression era, that criminalize prison labor in America: the Hawes-Cooper Act, the Sumners-Ashurst Act, and the Walsh-Healey Public Contracting Act. Each effectively limits our ability to have people work in prison to produce goods for sale.

One bill says it is a felony if you produce something in prison and send it across State lines; another bill limits the transport of such goods; another limits the use of prison labor in regard to Federal contracts. Converted into English, what that says it that it is illegal to make prisoners work. I do not understand that.

I want to repeal these three statutes. I want to turn our prisons into industrial parks. I want to make prisoners work 10 hours a day, 6 days a week, and I want to make them go to school at night. We spent $22,000 a year last year to keep somebody in the Federal penitentiary. If we stop building prisons like Holiday Inns, if we make prisoners work, I believe we could cut that cost by 50 percent in 5 years, and cut it by three-quarters in 10 years, and I think that ought to be our objective.

So I think it is time to stop talking about the crime problem and start doing something about it.

I remind my colleagues that last year in the Commerce, State, Justice appropriations bill, the committee adopted an amendment that I authored that would repeal these three laws. But guess what happened? It was not in the final version of the bill. The same thing that has happened on minimum mandatory sentencing for selling drugs to children, the same thing that has happened on minimum mandatory sentencing for gun violence. We cast votes in the Senate—in public everybody says, "Great," they are really serious about this problem—and then some of our most senior Members meet in the dark, dingy corners of some room here in this magnificent building and these great proposals die.

I believe the time has come for that to stop. I think these are three changes that need to be made, and I intend to continue to fight for them. It is our Republican agenda. I want to make it happen.

I thank our colleague from Georgia for his great leadership, and I yield the floor.

Mr. COVERDELL. Mr. President, I thank the senior Senator from Texas, and I wish him well on the efforts to secure the adoption of his amendments.

We have been joined by the Senator from New Mexico. I yield, if he is prepared, up to 10 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, first, I want to thank the distinguished junior Senator from Georgia, a Republican, for arranging this floor time, to give us an opportunity to talk to the issue of drugs and crime.

The remarks that the President made in Miami today concerning the administration's new drug control strategy—

and I underline the word "new"—come as a great surprise to me. Accompanying the President was the new drug czar, General McCaffrey. He has been a rather outstanding American general, and while he has only been on this job a little more than a month, he is already having an impact on the policies of this administration.

But in the past 3 years, since the President took office, drug use by children between the ages of 12 and 17 has increased 50 percent. Cocaine used by high school students has increased 36 percent during that same period of time. Juvenile crimes have increased dramatically during this same period, and studies show that drug use is closely linked to juvenile crime. According to the Justice Department, in 1994, one out of three juvenile offenders was under the influence of drugs at the time of their arrest.

There are several aspects to the drug and crime problem that I would like to touch upon today. They include drug use, interdiction, and juvenile crime as it relates to drugs.

As you know, Mr. President, my home State is in the southwestern part of America. In fact, New Mexico and Mexico share 175 miles of common border. I say that looking directly at the Senator from Georgia, because some Olympic organizers got confused and did not think there was a border. They thought New Mexico was Mexico. We have straightened that out, at least temporarily.

But to show that, seriously, we understand this issue, we have 175 miles of common border, and without an effective drug control interdiction strategy involving help from the Mexican Government, that 175 miles can and, I might say does, serve as a huge segment of the pipeline through which illegal drugs flow to these United States.

It is not uncommon for contrabandistas to cross the border at El Paso or Santa Teresa into New Mexico. Incidentally, some of these individuals are human mules. Others are actually accompanied by donkeys or other animals that have been fit with packets of illegal drugs and, in many cases, have been fed the illegal drugs—literally ingested them.

Mexican drug gangs also are responsible for large quantities of methamphetamine, or speed, as we commonly know it, as well as other drugs which have begun to pose particularly difficult problems in the Western States.

When the FBI and the DEA appeared before the Senate Banking Committee in March, their prepared statements included the following information:

> Of three dominant Mexican drug gangs, one is located in Juarez, just an hour by car from a city in New Mexico called Las Cruces. This Juarez cartel is headed by Amado Carillo Fuentes, the most powerful figure in the Mexican drug trade. He is known as "the lord of the skies" because he owns several airplanes and, indeed, several airline companies which enable him to fly 727 jet airplanes from Colombia into Juarez.
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> We used to wonder about interdicting twin engine Piper Cubs and Cessnas and single engines. We cannot catch this fellow, this "lord of the skies," because he is so big, strong and rich that he has his own airlines. His group is directly associated with the Rodriguez Orejuela drug mafia in Cali, Colombia, and through a cousin to the Ochoa brothers of the Medellin cartel as well.
>
> This Juarez cartel acts as the transportation agent for the Colombia-based distribution organizations, and the cartel's operations include the use of 18-wheelers to transport money. Murders in Juarez have increased and have been associated with Carillo Fuentes. For instance, in July of 1995, the leader of the juvenile gang Carillo Fuentes used to smuggle drugs across the border, was found shot 23 times in the head.
>
> These Mexican transportation organizations are full partners with the Colombians in the drug trade. They are full and total partners—it is customary for them to split 50–50 the drug profits.

I was shocked by this information, but it is accurate. As I said, it was excerpted from the testimony of the FBI and the DEA before the Senate Banking Committee on Mexican-American cooperation with reference to stopping the flow of drugs into this country.

My State, because of its proximity, has been particularly affected by the inability of the Republic of Mexico to deal with the illegal trade. A group, which I helped establish, called New Mexico First, recently published a report on crime in New Mexico. The results of the report show that there is a direct link between drug use and crime in my State. The report notes, and I quote, "A common and reoccurring characteristic [of those committing crime in New Mexico] is substance abuse."

According to the report, 75 percent of those arrested in 1994 and 1995 admitted to using illegal drugs. Sixty percent of the criminals in New Mexico tested positive for at least one illegal drug at the time of their arrest, and 18 percent of females arrested were under the influence of three or more illegal substances.

New Mexico first, in its report, also notes that the use of cocaine by criminals has doubled from 1992 to 1994. Amphetamine use was up fourfold during the same period.

In his speech today, the President asked Congress to increase funding for the drug war by 9.3 percent to give schools, hospitals, and communities the tools they need to fight the war on drugs, however, he offered few specific details on how this money was to be used.

The President is correct to emphasize the methamphetamine threat, which is growing every day. Nationwide that threat has risen 256 percent over the 1991 level. We are seeing it as a growing problem in New Mexico schools, and much of it is manufactured in Mexico.

Not too long ago 700 pounds of speed was intercepted in Las Cruces, NM. I just told you that is 1 hour from the Juarez headquarters of the very major gang that I described. That drug, which causes hallucinations, paranoia, and wrecks a lot of lives, is in abundance in my State. And it is becoming more abundant in America, not just in the border States.

In the city of Albuquerque, we saw a group of young girls aged 10 to 13 breaking into homes to steal jewelry, that they would sell to kids doing drugs. The kids doing drugs would sell the stolen property to pay for their drug habits. Several of the young girls have been charged with as many as 30 felonies. It is a real problem.

But, actions speak louder than words. The day after taking office the Clinton administration cut the Office of National Drug Policy staff by more than 80 percent. Soon after taking office the Attorney General announced that she wanted to reduce the mandatory sentences for drug trafficking and related Federal crimes.

The PRESIDING OFFICER. The Senator has spoken for 10 minutes.

Mr. DOMENICI. I ask the Senator, can I have 3 additional minutes?

Mr. COVERDELL. I yield 3 minutes to the Senator from New Mexico.

Mr. DOMENICI. Consequently, Federal drug prosecutions dropped 12 percent in the first 2 years of the Clinton administration. From 1992 to 1995, 227 agent positions were eliminated from the DEA. And President Clinton's 1995 budget proposed cutting 621 enforcement positions for DEA, FBI, INS, and Customs.

Fortunately, in the Subcommittee of Appropriations which I was privileged to serve on, we restored most of these positions. The Clinton administration also has shifted funding priorities away from drug interdiction to treatment of hardcore users.

The President asked for an increase, but gave no specifics about what to do with the money. I have some specifics. Reintroduce the drug education program for our youth that was developed in the 1980's. Programs like "just say no" had a visible impact on reducing drug use.

Adopt a policy of treating violent juvenile offenders in the same manner as we treat violent adult offenders. The current system fosters a lack of respect for law and the courts and encourages the commission of more crimes by more juveniles. We are reluctant to hold them accountable. As a matter of fact, we wait until they have been arrested innumerable times, incarcerated innumerable times, before we decide that they must truly be held accountable.

A survey of judges showed that 93 percent thought that juvenile offenders should be fingerprinted, which they are not. And 85 percent said that juvenile arrest records should be available to adult authorities. They are not. I believe both should become a part of common practice. While the State's business is the State's business, I believe that if we are going to supply more and more aid to fight crime, we ought to begin to ask States to do these kinds of things.

The judges want to fingerprint juveniles so we have permanent records of their criminal acts. They want the arrest records to be available, just as adult records. Perhaps there should be a time limit, maybe not 13 years of age, but starting maybe at 12. But essentially we must act and act quickly in this regard.

So I come to the floor of the Senate to say that the President's speech today was long past due. It is almost too late for the President to have credibility on this issue. Actually, if the distinguished general that recently was hired after the drug policy office was rendered a nullity, if the office would have been funded and had somebody like the general in charge 3 years ago, just look at the results we might be expecting today. For he has already taken charge and is doing some very positive things.

Let me say to the distinguished Senator from Georgia, I welcome the opportunity to speak on this subject and again thank him for arranging the time. I hope it is educational. I hope the people of our country learn from it, as the Senator expects them to. Most of all, I hope we do some very constructive things with reference to this issue. I yield the floor.

Mr. COVERDELL. I thank the Senator from New Mexico. I would remind him, as he spoke of what has not happened over the past 3 years, that there are consequences of that, the most specific of which is that where we had 1.5 million teenagers caught up in this vicious cycle, we now have 3 years later 3 million. So 1.5 million teenagers have been steered to this problem because of our lack of attention, each one of those a personal tragedy in and of itself.

I thank the Senator from New Mexico for his eloquent remarks on this subject. I now yield up to 10 minutes to the Senator from Tennessee.

Mr. FRIST. Thank you, Mr. President.

I come to the floor to echo the words of the distinguished Senator from New Mexico, as well as Georgia. We just heard the statistics on teenagers and drug abuse, misuse. I had the pleasure this morning of sitting around the breakfast table with my youngest son, who is now 9 years of age, and had the opportunity to wish him happy birthday. And across the table at breakfast this morning, I was thinking about what to say and how to express it, and I looked in the eyes of my 12-year-old son, whose birthday is in 8 days, and he will be 13 years of age.

We just heard the statistics. But the backdrop of what I had to say, as I looked at my children, who are a part of that generation, sitting around the breakfast table, was that survey done by the Department of Health and Human Services, where drug use among teenagers rose from 2.4 million 4 years ago to 3.8 million in 1994. Marijuana use increased 137 percent among 12- to 13-year-olds—the exact age of my son—since 1992. Marijuana use increased 200 percent among 14- to 15-year-olds during this same period.

This, I might add, sharply contrasts with the Reagan-Bush record where between 1979 and 1992, overall drug use declined more than 50 percent.

So that is the backdrop. It is the concern for the current young generation, the generation of our children.

President Clinton referred to action over the last 3 years, as we heard his words this morning, but the action has not been there. Ever since the start of 1996, President Clinton has been shouting about law and order. He capped his efforts today by unveiling in Miami a new drug strategy. But what you are seeing now, I am afraid, is no more than yet another demonstration of President Clinton's lack of candor with the American people. And all you have to do is go back and look at what has happened over the last 3 years.

President Clinton, in spite of his rhetoric, has been soft on crime. He has appointed judges who favor the rights of criminals over law-abiding citizens. He abandoned, as we have heard, the war on drugs. Only now in this election year does he rediscover the crime and drug issue.

As the old saying goes, "Shame on you for fooling me once, but shame on me for being fooled twice." So, before we are fooled once again by President Clinton's law and order rhetoric, we should take a closer look at the actual—I call it "dismal" —record of law enforcement and drug policy over the past 3 years.

Going back to 1992, when Clinton claimed, in an effort to win the war on drugs, he would put a premium on drug interdiction, at that time he stated: "We need an effective, coordinated drug interdiction program that stops the endless flow of drugs entering our schools, our streets, and our communities." He further stated he would provide cities and States with the help they need. It sounds good. Who could possibly disagree with this strategy?

If you look at the actual record of President Clinton, once he was elected, not only did he not pursue new efforts to stop drugs from entering this country, he gutted existing drug interdiction efforts.

First, the newly elected President Clinton cut—cut—his drug policy office staff by 83 percent. He cut the staff from 146 employees to 25 employees. Then he had his National Security Council drop the drug war from one of its top three priorities to No. 29, and there were only 29 priorities on the list.

In 1993, President Clinton stopped the training of new DEA agents. What a contrast this was to the drug interdiction record of President Bush, who trained 347 DEA agents in 1992 alone.

Does President Clinton's commitment to fighting drugs sound bad? Unfortunately, there is more when we look at the record. President Clinton cut Federal spending on drug interdiction by 14 percent during his first 2 years as President. Now, in the fiscal year 1996 budget request, he wants to cut drug interdiction spending by 37 percent from 1991 levels. His misguided efforts to gut drug interdiction programs have resulted in America losing its war on drugs.

With fewer DEA agents, there have been fewer drug prosecutions and fewer convictions. Between 1992 and 1994, Federal drug prosecutions dropped by 12.5 percent. Furthermore, fewer drugs are being stopped at the border. From 1993 to the 6 months of 1995, the transit zone so-called "disruption rate" —that is the ability of U.S. forces to seize or turn back drug shipments—dropped 53 percent from 435 kilograms per day to 205 kilograms. This means that in all probability, approximately 84 metric tons of additional illegal drugs may be arriving on the streets of America.

With fewer drugs being stopped at the border, drugs are more readily available. Under President Clinton, the supply of drugs has increased so much that between February 1993 and February 1995, the price of cocaine fell by 20 percent and the price of heroin fell by 37 percent.

Clinton's soft-on-crime approach to drug interdiction has paralleled the increase that I opened with, drug abuse among our children, with those children who, at the age of my 12- to 13-year-old Harrison, marijuana use has increased 137 percent.

We should resume, not desert, the war on drugs. So, face it, we have to look at the actions. The actions do speak louder than words. I commend President Clinton for coming forward today, but we should look at what he has done those last 3 years. While President Clinton plays lip service to the rights of law-abiding citizens, his abandonment of drug interdiction efforts has left children all over America vulnerable to drug-dealing thugs. To make matters worse, President Clinton has sprinkled his judicial appointments with judges who go out of their way to put criminals back on the streets.

Mr. President, in closing, after looking at President Clinton's crime record over the past 3 years, there is only one conclusion that anyone with common sense can have about it: President Clinton has been soft on crime and drugs, and he is trying to conceal this fact through rhetoric during this election year. It is time to be tough on crime for the future of our children.

Mr. COVERDELL. Mr. President, I thank my colleague from Tennessee. I will ask unanimous consent—we negotiated with the other side—for an additional 5 minutes on our time, and then I will yield up to 5 minutes to the distinguished Senator from Idaho.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Idaho.

Mr. CRAIG. Let me thank my colleague from Georgia for yielding and in assuming the Chair so I could speak for a few moments on this very important issue.

I want to thank the Senator from Tennessee for relating, I think, the kind of concerns that all of us have today about the future of our young people and the kind of environment in which they live and survive in. I use the word "survive" because I think when the Presiding Officer and I were growing up, the kinds of stresses in the communities, the kind of peer pressure we had, was so significantly different than it is today. There is no doubt that access to drugs, the availability of drugs, the kind of statistics that we have heard quoted here in the last little while prey heavily upon young people and provide them not only with unique opportunities, but with tremendous courses toward disaster if they choose to make themselves available to these drugs.

I must say that when I look at the statistics today, when I see there was an effort begun in this country in 1979 and early 1980 and throughout the 1980's by Members of the Senate and Members of the House, the administrations of that time, to focus Federal law enforcement and dollars to the interdiction of drugs coming into our communities and into our economy, and in doing so, we found out that it was working. We found out that illicit drugs plummeted in their usage from 24 million in 1979 to about 11.4 million by 1992. The so-called casual use of cocaine fell by 79 percent between 1985 and 1990, while monthly cocaine use fell 55 percent between 1988 and 1992.

It was not by accident, Mr. President, that that was happening. It was happening because this country, its Government and its law enforcement community, was focused. We recognized the crisis in urban America and the crisis on the streets that was dragging our young people into it. It was a drug crisis. That is why Americans told us, "Something has to be done. We are concerned about the future of our country and the future of our young people."

As recently as December of this past year, in a Gallup poll, an issue that had begun to slide on the polling of Americans as to a No. 1 issue was up again, to show that 94 percent of Americans viewed illegal drug use, again, as a crisis and a very serious problem for our society, and that something must be done about it.

That is what was going on out there. Of course, you have heard speakers here on the floor today speak of the President's initiatives announced today in a backdrop of something or nothing having been done for the first 3 years of his administration—or, I should say, a great deal being done, but none of it right: a near collapse of the drug program in this Government, the laying off of employees and personnel in the area of drug enforcement, and the focus of this administration largely disappearing from a high priority to a very low priority, showing very clearly that when you focus and when you direct resources on a problem of this nature, you can have a substantial impact. We were beginning to show the real results of the availability of these drugs on the streets, and, of course, if they are on the streets, then there is an opportunity for our young people to have access to them.

Perhaps 820,000 of the new crop of youthful marijuana smokers will eventually try cocaine. That is a statistic that has just come from a study done by the Senate Judiciary Committee, published by the chairman, ORRIN HATCH—a horrible statistic, in light of the fact that we are now being told by the criminologists of our country, "Get braced, America, for the greatest juvenile crime wave in the history of our country." What is it driven by? In part, it is driven by drugs, or the desire to have access to them and, therefore, the willingness to commit crimes to have the resources to pay for them. These are horrible statistics that we must become aware of.

I am so pleased today that the Senator from Georgia has taken this special order to speak to this issue. I say, Mr. President, thank you for waking up. But shame on you for turning your back, in the last 3 years, on an initiative that was working well and removing drugs from our streets and was creating a better environment for our youth.

Better late than never? I hope so, because I think the American people want it, and I certainly hope this President will focus the resources of our Government, once again, toward aggressive interdiction and a program worthy of this country in getting drugs off of our streets and making the environment in which our children live a safer place. I yield the remainder of my time.

(Mr. CRAIG assumed the chair.)

Mr. COVERDELL. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. COVERDELL. Thank you, Mr. President. I thank the Senator from Idaho for his remarks on this terribly important issue. If we can just step back for a moment and try to put this situation into perspective, it began with the inauguration of President Clinton. The first sign from the White House was the suspension of the preemployment drug testing program at the White House of the United States. From that moment on, the message became clearer and clearer. We have heard all the statistics that have emanated since—a shutting down of the policy of interdiction, law enforcement, and education saying to America's youth that drugs are harmful.

The result of these changed policies are these: America's youth today no longer think drugs are dangerous. That statistic has plummeted. So it should come as no surprise to any of us that usage has skyrocketed. They no longer are afraid because of signals like no more drug testing or, "Let us legalize drugs," or, "Let us shut the drug czar's office down," or do not mention drugs at all in 3 years. So that pulpit is shut off, the resources are shut off, our youngsters no longer think it is a problem, and they start exploring drugs. The result is that we have gone from just under 2 million using them to almost 4 million. So that means that 2 million American families and 2 million teenagers' lives are stunted or put at risk as a result of these policies that have been changed.

Mr. President, in closing, the ripple effect of this is stunning. I was with President Zedillo of Mexico a couple of weeks ago, and he said that the drug lords' attack on his country is the single greatest threat of national security to that nation. I say, further, Mr. President, that drugs in the narco operations are the single greatest threat to the security of the democracies in our hemisphere.

Mr. President, in closing, I say that this is the first time a war has ever been declared on children age 8 to 12 years old. What a disgusting, evil force we stand against. This is a war we cannot afford to lose.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. KYL. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The clerk continued calling the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—S. 1708

Mr. KYL. Mr. President, I understand there is a bill due for its second reading.

The PRESIDING OFFICER. The clerk will read the bill for the second time.

The legislative clerk read as follows:

A bill (S. 1708) to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts.

Mr. KYL. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar under rule XIV.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand the floor situation, we will now return for a continued discussion on the immigration bill, and then at 5 o'clock, the time has been designated for a vote on cloture relating to a matter on that immigration bill. Am I correct?

IMMIGRATION CONTROL FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, and under a previous order, at the hour of 5 p.m., the clerk will report a motion to invoke cloture.

The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Dole (for Simpson) amendment No. 3744 (to amendment No. 3743), of a perfecting nature.

Dole motion to recommit the bill to the Committee on the Judiciary with instructions to report back forthwith.

Lott amendment No. 3745 (to the instructions of the motion to recommit), to require the report to Congress on detention space to state the amount of detention space available in each of the preceding 10 years.

Dole modified Amendment No. 3746 (to amendment No. 3745), to authorize the use of volunteers to assist in the administration of naturalization programs, port of entry adjudications, and criminal alien removal.

Mr. KENNEDY. Mr. President, I was wondering if we could ask my friend from Arizona if we could divide the time between now and then between the two parties. I do not know how many other speakers we are going to have, but there may be some at the end. Just as a way of proceeding, maybe we can do that. If there is a reservation about it, I will continue to inquire of the Senator about some evenness in time. We might not approach that as an issue, but, more often than not, just before we get to the debate, a number of Senators would like to speak. I would like to see if we can reach some kind of way of allocating the time fairly and perhaps permitting Senators on both sides to make increasingly brief comments as we get closer to the time.

Mr. KYL. I do not have any objection to that. I know the Senator from Nevada wants to speak on unrelated matters now. Perhaps as we get further into that, the precise nature in which we can proceed may be more apparent to us later than it is now. I have no objection.

Mr. REID. If the Senator will yield, I want to speak on immigration matters. So it is a related matter.

Mr. KENNEDY. Mr. President, I will visit with the Senator in another hour and see where we are.

Mr. REID. Mr. President, I want this afternoon to talk about two amendments that I am hopeful will be allowed to be disposed of by a vote in this Chamber at some time during the discussion of this immigration bill.

As we all know, the parliamentary procedure is such that I do not think anyone knows at this time what the future of amendments like those that I intend to offer by 4 o'clock today will be. But I wanted to have the opportunity to talk about one or two matters in light of the unknowns that lie ahead.

Mr. President, first of all, I want to talk about a subject that, even though I have spoken about it many times on the Senate floor—I have spoken about it in other forums—it is still difficult to speak about because it is an issue about, no matter how many times you speak about the unfairness, the brutality of the procedure which is something that you never get used to.

In the fall of 1994 I introduced a sense-of-the-Senate resolution condemning the cruel practice of female genital mutilation, and at that time I applauded the Government of Egypt for taking quick action against two men who performed this illegal act on a 10-year-old girl. This act had been performed hundreds of thousands of times. But on this occasion television cameras hidden in nature were watching this brutal act by a man with his 10-year-old daughter. Dressed in the finest clothes, she had came for a celebration. The little girl was excited, and happy because the attention was focused on her. And then, Mr. President, she was held down, her legs spread apart, and she was brutally mutilated.

This little girl was screaming, "Daddy, why did you do this to me?"

My being the father of a daughter, it brought tears to my eyes.

This resolution passed on September 27, 1994. At that time I committed myself to continue to talk about this issue and informing my colleagues, and others that would listen, of the dangers it poses to the physical and emotional health of young ladies, and how basically immoral it is.

I felt it was important, and believe it is important, to inform the American public of its prevalence in immigrant communities in the United States.

That next month, in October, I came to the floor to introduce legislation to make the practice of female genital mutilation against the law in the United States. I have tried on numerous occasions to do that. I have been unable to succeed.

The latest failure was when the conferees on the omnibus appropriations bill that we just passed—and which was signed into law by the President—was stripped from that bill for procedural reasons.

The chairman of the Judiciary Committee from the House—when I explained to him the procedure—said, "You will have no objection from me." HENRY HYDE, the chairman of the House Judiciary Committee, recognizes brutality, and said he would not oppose it. But, of course, in the confines of the conference people look for all kinds of excuse and reasons to do things. And, no matter the times I spoke to people, they said, "Well, we do not want to pass any criminal law in an appropriations bill."

I do not think this is something that calls for formalities. I thought that we should have passed the law previously. I think it is wrong that we have waited so long. And, as we speak, this practice is being performed all over the world. And it is being performed in the United States.

I, Mr. President, think it is a shame that organizations like the United Nations are mute about this particular procedure. They say nothing.

In October 1994 I came to the floor to introduce legislation. The bill also directed the Secretary of Health and Human Services to identify and compile data on the immigrant communities in this country that continue this practice, and to develop recommendations for the education of medical school students so that they can treat women that have been mutilated by this ritual.

I am pleased to say that we have been successful in having the directives to the Secretary of Health and Human Services accepted in the omnibus appropriations bill which passed last week. We have made that progress. I think that is important. We know that out of Santa Clara County in California recently we heard of seven cases being reported there of this brutal act being performed on girls and young women.

I would like to thank those that made it possible to get that part of the bill passed.

But this language is only a small step in acknowledging this practice that takes place so often—this torture which has been performed on 100 million girls and young women in over 30 countries worldwide—over 100 million human beings.

Mr. President, again, as I said, I have spoken about this subject on a number of occasions. It does not become easier to speak about it in repetitive cases. But it is important to inform those who are within the sound of my voice what this barbaric procedure is.

Normally, if anything can be normal that is associated with this practice, it is performed on young girls between the ages of 4 and 10 years of age. But, if they happen to slip by some way, many teenagers and women in their twenties have had this performed on them. This procedure is often referred to as circumcision, but it has more in common with castration. Excision and infibulation are the most common practices.

Infibulation, Mr. President, is practiced in many countries. It entails the excision of all female genitalia with a razor, a piece of glass, or just a knife. The remaining tissue is stitched together leaving only a small opening for urine, and menstrual fluid. This practice has no medical justification for being performed on healthy young girls, and certainly not on women. And it is usually performed with crude, unsterile instruments without anesthesia. These young girls are many times tied down, or held down. And I have watched the one that I talked about initially where this young little girl was screaming as no one can scream. The aftereffects of this act include shock, infection, emotional trauma, hemorrhaging, debilitating scarring, infertility, and death.

If there were ever an example of sexism, this is it.

A young woman from Togo was recently called to our attention because this woman, a 20-year-old woman, was going to have this procedure. Fauziya Kasinga fled Togo and came to America in order to escape the torture of female genital mutilation. She is now seeking asylum based on the threat of this procedure being performed on her and she deserves it. She fled Togo, left behind people, and her family. She has been in the United States prisons for 2 years in order to escape this procedure. Women and children should not be forced to face this pain, potential death, and emotional scarring.

An amendment will be offered today to the pending immigration bill that would allow female genital mutilation to be the basis of asylum in this country, as well as to criminalize the act in the United States. We must join other countries in legally banning female genital mutilation. As immigrants from Africa and the Middle East travel to other nations, this practice travels with them. The United Kingdom, Sweden, and Switzerland have passed laws prohibiting this practice. France and Canada maintain that their laws will prevent this from happening. The United States is faced with the responsibility, I believe, of abolishing this specific practice within its borders as well as providing safe refuge for those in fear of having this torture inflicted upon them.

Mr. President, I think we should be very clear and precise in what we allow for asylum. I think we have been too lax in asylum cases. I do not think we have had the personnel to adequately handle these cases. People come and claim political asylum, and are lost in the vast bowels of this country.

Having said that, though, I believe there is no case clearer for demanding asylum than a woman or a girl saying I am here because if I stay in my country, they are going to rip out my genitalia.

This practice is brutal, systematic, and it is a cultural practice. It has been endured by millions of young girls and women and its prevalence is just now being revealed to the world.

Last month, the Pulitzer Prize was given to Stephanie Welsh, a Syracuse University student who photographed the procedure that was being performed on a 16-year-old girl in Kenya. These pictures show the world how horrific and real this practice is. Many nations have made efforts to deter the practice with legislation. We should do the same.

Sudan has the longest record of efforts to combat the practice of FGM and has legislated against the procedure, but it has been for show only: 80 percent of Sudanese women continue to be infibulated, according to the 1992 Minority Rights Group report.

I commend Senator SIMPSON for his work on immigration generally and for supporting me on this very important issue.

On one other issue before I give the floor back to the managers, it was brought to my attention recently that a couple in Henderson, NV, a suburb of Las Vegas, had experienced cries for legislation.

Mr. President, I practiced law and did a lot of domestic relations work. I have been an attorney for hundreds of people who have been involved in divorce proceedings. I have been involved in many, many divorce cases involving child custody. They are heart-wrenching cases, where a mother and father fight over the custody of their children. I have had experiences where it is difficult to believe that parents could do to their children what they do in order to spite their former husband and wife, but they do it. I have had cases where custody has been awarded where I thought the judge was wrong, but I have witnessed how difficult it is for a husband, wife, father and mother to lose custody of their children. That is really a heart-wrenching situation.

But what has been one of the low points of my emotional stability has been when a father or mother steals the child and then you have this mother or father coming to you, saying: What am I going to do? Will I ever get to see my little girl again, or my little boy again?

It is a difficult divorce case in Nevada, and they run off to Tennessee or Maine, and it is very expensive and difficult to get that work out. But in the United States, with rare exception, judges from one jurisdiction recognize the decrees of another jurisdiction, so if we find where that child is in Tennessee we can bring the Nevada judgment and the court in Tennessee will recognize that.

What this amendment is about is when a parent takes a child to another country, which happens very often—and that is what happened to Barbara Spierer, the mother of Mikey Spierer. What happened is her husband, the father of the child, a Croatian, in the dead of the night, took this child to Croatia, his place of birth, the father's place of birth. It was a war-torn country. It was 1993.

The mother of this baby wakes up, recognizing that her child is in Croatia, a country that is at war. I will not go into all the details, but she was finally able, after tremendous expense and exhausting emotions, to get her child back.

I believe we have to look at why that was allowed to take place. Much of the debate on immigration legislation involves complex issues and arcane areas of the law. The amendment that will be offered this afternoon is a commonsense legislative solution to a simple but extremely troubling issue. The issue is an attempt by me to resolve international parental abductions. The amendment does not attempt to right a wrong, but it does attempt to prevent future wrongs from occurring. And without this amendment future wrongs will occur.

I have indicated the nightmare forced upon this family in Henderson, NV. Few would disagree that parental consent should be given before a passport is issued to a minor child. This problem that Barbara Spierer had would not have taken place if our laws did not permit such easy procurement of passports for minors, and in short what this amendment will require is that both parents will have to sign before you can get a visa granted to a child, or if not both parents the parent with the custody of the child would have to sign and allow the child to get the passport.

Current law is an invitation to engage in the grossest of misbehavior by a scurrilous parent and usually, not for any reason that relates to the child, they want to get back at the husband or the wife or the mother or the father.

I wish the situation of Barbara Spierer and her son Mikey were an isolated incident, but it is not. In 1994, the last year we have records, over 600 cases, over 600 cases of children abducted from the United States were reported. Thousands of parents are attempting, as we speak, to bring home their children who were taken from this country by a disgruntled mother or father.

While these cases are tracked by the State Department and by children advocates, it is believed that many, many of the cases go unreported. So if we have 600 reported cases, most experts believe hundreds and hundreds more occur every year.

This usually takes place where a parent has strong ties to a foreign country like the Spierer boy whose father was Croatian, but sometimes an American-born mother or father will take off for an unfamiliar nation or flee United States law.

I had a case where I represented the father, and he was not going to be awarded those children so he just took them to Mexico and just basically lived down there. I thought it was so unfair what he had done, but it took us a couple years to get him to come back, and, of course, by then the children had been from their mother for almost 2 years. It happens often.

Why does this happen so easily? Because under present law one parent can procure the child's passport without the other knowing. Left-behind parents are faced with wading through a maze of foreign laws and customs in their efforts to secure their child's return.

Imagine how difficult it is to find a missing child in the United States. Multiply that times 1,000 to find a missing child outside our borders. Finding the child is only the start. Once you find the child, you have to submit yourself to the foreign country's legal system, and most nations do not recognize custody orders of the United States. Even when criminal charges have been filed against the abducting parent in the United States, many nations will not honor a United States request for extradition. Some countries simply discriminate against women. The decision to fight for a child's return consumes enormous amounts of time and money. Many parents are simply without the financial wherewithal to engage in a protected international legal dispute, and that ends it.

For a variety of reasons, the Government is able to do very little to assist these parents, and it is becoming more difficult all the time as the State Department moneys are being squeezed and squeezed.

So I hope my amendment, which takes cost-effective steps toward preventing future abductions, would be adopted. It provides a series of checks prior to the time of the issuance of a minor child's passport. Both parents would be required to sign an application. If the child were under the age of 16 or if the divorce were already granted, the application would have to be signed by the parent of the child having primary custody. If such a law had been in place in 1993, Barbara Spierer's ex-husband would not have been able to abduct Mikey to Croatia. The passport would not have been issued, because a written permission had not been given. I believe this legislation is drafted in such a manner as to give the State Department the discretion to implement a reasonable and flexible rule.

This amendment is not just about parental rights and preventing these tragic international abductions. It is about protecting the rights of children. Nobody disagrees that the rights, freedoms and liberties provided in our country make it the best country in the world. No child should be forced to lose those rights. No American child, regardless of age, should be abducted to the middle of a war-torn part of the world or any other part of the world. American parents should not be forced to endure the living nightmare that Barbara Spierer was forced to go through.

If my amendment prevents only one family from having to endure this nightmare, it will be judged a success. I believe we have to pass this amendment and the one on the terrible procedures performed on women, and do it as expeditiously as possible.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Mr. President, while we are waiting for some other Members to come to the floor and discuss their proposed amendments, let me talk about an amendment which I had planned to offer but which I understand may not be considered germane—it is relevant but not germane, and therefore, presumably, I would not be able to offer it—but which is included in the House-passed bill and therefore will be a subject of the conference committee, and, therefore, I hope our Senate colleagues will be able to study and, hopefully, concur in it.

This is an amendment to restrict section 245(i) of the Immigration and Nationality Act. By way of explanation, prior to 1994, if an illegal alien residing in the United States became eligible for an immigrant visa through a family relationship or other means, then the alien could adjust to lawful, permanent resident status without any financial or other penalty.

In order to obtain the visa, the alien was required to depart from the United States, obtain a visa at the foreign consulate, and then, of course, return and acquire the legal status here. Section 245(i) of the Immigration and Nationality Act was added by section 505 of the fiscal year 1995 State appropriations measure. Under this new section, an illegal alien who becomes eligible for an immigrant visa may adjust to lawful permanent status without departing the United States, but only if the individual pays a penalty of five times the normal application fee. The penalty fee is approximately $750. Some have referred to this as, "buying your way in." Those who are wealthy enough simply pay this fee, this five times the normal penalty fee, and thereby are able to convert an illegal status to legal status and never have to return home to obtain a visa to arrive here legally.

Under the proposed amendment, which I will not be able to offer but, as I said, which is included in the House-passed version of the bill and which I hope our Senate conferees will look kindly upon, under this amendment, the aliens present in the United States illegally will no longer be able to stay here and buy their way into permanent resident status. They would have to return to their home country, obtain a legal visa, and return just as they did prior to 1995.

The amendment would take effect on October 1, 1996. There are a couple of exceptions that are worth noting, because we do not want to penalize anyone who is already here and who would be acting under appropriate color of law.

First, all aliens currently eligible for lawful permanent resident status under section 245(i) of the act may, under our proposal, upon payment of the full penalty fee, apply for legal status until October 1, 1996.

After October 1, 1996, those aliens, and only those aliens in the so-called "family fairness" category, would be eligible to change their status under section 245(i). The people protected under that section are those under section 301 of the Immigration Act of 1990. They are exempt from this change.

Those in the family fairness category would be able to stay in the United States and would not be faced with this penalty fee. It includes those children and spouses of aliens granted asylum on May 5, 1988. In order to be eligible, the spouse or the child must have been present in the United States on that date. Those are the people who, in some way, were grandfathered in, and, as a result, they would not be required to go back and obtain a visa in order to obtain legal status here.

But, except for those two categories, people would no longer be able to buy their way into the United States. The amendment takes effect at the end of the fiscal year, in order to give INS and the State Department an opportunity to adjust their resources. After September 30, 1997, this whole section 245(i) would expire.

Just a word. The Immigration and Naturalization Service and the Department of State oppose the amendment, primarily on fiscal grounds because of their costs inherent in processing the visa applications. We are in the process of working out the possibility where a fee would be paid which would cover their expenses and alleviate that particular concern.

They also pose the argument that, regardless where an illegal alien applies for legal status, either in the United States or a consulate in their home country, the waiting period to achieve the visa is the same. The point I make, however, is that the illegal alien is already in the United States illegally and that is not something we should reward, at least for those who are able to pay for it, by simply having them pay a special fine.

I also think what the agencies fail to appreciate is that once an illegal alien applies for legal status in the United States, he may be considered to be permanently residing in the United States under color of law, the so-called PRUCOL status. The PRUCOL standard is frequently used as a transitional status for aliens who are becoming permanent residents of the United States. If an alien is considered under PRUCOL, then that alien is eligible for numerous Federal assistance programs, including AFDC, SSI, Medicaid, unemployment insurance, housing assistance and other unrestricted programs. So, in this manner, aliens who enter the United States illegally would be rewarded if they are allowed to reside in the United States while they are waiting for a decision on their application.

The amendment I have offered but will not reask for a vote on eliminates this reward and the accompanying drain on federally funded programs by requiring illegal aliens desiring to apply for permanent status to return to their home country.

Just to summarize it, again, if you were here illegally, you would need to go back home and get a visa to apply for permanent legal status. You would not be able to pay a five-times-the-usual-amount fee and thereby buy your way into the country, as they say.

Again, the House has adopted this. Hopefully, on the conference committee we will agree with the House proposal and we can make that change in our immigration law.

CRAIG-GORTON AMENDMENT REFORMING THE H–2A TEMPORARY AGRICULTURAL WORKERS PROGRAM

Mr. CRAIG. Mr. President, I have filed an amendment at the desk on behalf of myself and the Senator from Washington [Mr. GORTON].

Let me start by publicly thanking my good friend, AL SIMPSON. The senior Senator from Wyoming has been tireless in his efforts to maneuver this legislation through the 104th Congress. While, I am very appreciative of his efforts in general, I want to address an issue that is of utmost importance to this country's farmers and ranchers.

That issue is the impact of immigration reform on the supply of agricultural labor. There is very real concern among Idaho farmers and throughout the countryside that these reforms will reduce the availability of agricultural workers.

Farmers need access to an adequate supply of workers and want to have certainty that they are hiring a legal work force. In 1995, the total agricultural work force was about 2.5 million people. That equates to 6.7 percent of our labor force that is directly involved in production agriculture and food processing.

Hired labor is one of the most important and costly inputs in farming. U.S. farmers spent more than $15 billion on hired labor expenses in 1992—one of every $8 of farm production expenses. For the labor-intensive fruit, vegetable and horticultural sector, labor accounts for 35 to 45 percent of production costs.

The competitiveness of U.S. agriculture, especially the fruit, vegetable and horticultural specialty sectors, depends on the continued availability of hired labor at a reasonable cost. U.S. farmers, including producers of labor-intensive perishable commodities, compete directly with producers in other countries for market share in both United States and foreign commodity markets.

Wages of U.S. farm workers will not be forced up by eliminating alien labor, because growers' production costs are capped by world market commodity prices. Instead, a reduction in the work force available to agriculture will force U.S. producers to reduce production to the level that can be sustained by a smaller work force.

Over time, wages for these farm workers have actually risen faster than nonfarm worker wages. Between 1986–1994, there was a 34.6-percent increase in average hourly earnings for farm workers, while nonfarm workers only saw a 27.1-percent increase.

Even with this increase in on-farm wages, this country has historically been unable to provide a sufficient number of domestic workers to complete the difficult manual labor required in the production of many agricultural commodities. In Idaho, this is especially true for producers of fruit, sugar beets, onions, and other specialty crops.

The difficulty in obtaining sufficient domestic workers is primarily due to the fact that domestic workers prefer the security of full-time employment in year round positions. As a result the available domestic work force tends to prefer the long-term positions, leaving the seasonal jobs unfilled. In addition, many of the seasonal agricultural jobs are located in areas where it is necessary for workers to migrate into the area and live temporarily to do the work. Experience has shown that foreign workers are more likely to migrate than domestic workers. As a result of domestic short supply, farmers and ranchers have had to rely upon the assistance of foreign workers.

The only current mechanism available to admit foreign workers for agricultural employment is the H–2A Program. The H–2A Program is intended to serve as a safety valve for times when domestic labor is unavailable. Unfortunately, the H–2A Program isn't working.

Despite efforts to streamline the temporary worker program in 1986, it now functions so poorly that few in agriculture use it without risking an inadequate work force, burdensome regulations and potential litigation expense. In fact, usage of the program has actually decreased from 25,000 workers in 1986 to only 17,000 in 1995.

Our amendment will provide some much needed reforms to the H–2A Program. I urge my colleagues to consider the following parts of our amendment as a reasonable modification of the H–2A Program.

First, the amendment will reduce the advance filing deadline from 60 to 40 days before workers are needed. In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

Second, in lieu of the present certification letter, the Department of Labor [DOL] would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria and lists the number of U.S. workers referred. The employer would then file a petition with INS for admission of aliens, including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision. The purpose is to restore the role of the Labor Department to that of giving advice to the Attorney General on labor availability, and return decisionmaking to the Attorney General.

Third, the Department of Labor will be required to provide the employer with a domestic recruitment report not later than 20 days before the date of need. The report either states sufficient domestic workers are not available or gives the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer. The Department of Labor now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers.

Fourth, the Immigration and Naturalization Service [INS] will provide expedited processing of employers' petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days. This will ensure timely admission decisions.

Fifth, INS will also provide expedited procedures for amending petitions to increase the number of workers admitted on 5 days before the date of need. This is to reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

Sixth, DOL will continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. This method is needed to allow the employer at a date certain to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

Seventh, our amendment will enumerate the specific obligations of employers in occupations in which H–2A workers are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

1. The employer offers a competitive wage for the position.

2. The employer will provide approved housing, or a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

3. The employer continues to provide current transportation reimbursement requirements.

4. A guarantee of employment is provided for at least three-quarters of the anticipated hours of work during the actual period of employment.

5. The employer will provide workers' compensation or equivalent coverage.

6. Employer must comply with all applicable Federal, State and local labor laws with respect to both U.S. and alien workers.

This combination of employment requirements will eliminate the discretion of Department of Labor to specify terms and conditions of employment on a case-by-case basis. In addition, the scope for litigation will be reduced since employers—and the courts—would know with particularity the required terms and conditions of employment.

Eighth, our amendment would provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Ninth, certainty would be given to employers who comply with the terms of an approved job order. If at a later date the Department of Labor requires changes, the employer would be required to comply with the law only prospectively. This very important provision removes the possibility of retroactive liability if an approved order is changed.

Again, I urge my colleagues to support this amendment and avoid actions that would jeopardize the labor supply for American agriculture.

Thank you, Mr. President. At this time, I ask unanimous consent that a summary of our amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SUMMARY OF THE CRAIG-GORTON AMENDMENT REFORMING THE H-2A TEMPORARY AGRICULTURAL WORKERS PROGRAM

The following proposed changes to the H–2A program would improve its timeliness and utility for agricultural employers in addressing agricultural labor shortages, while providing wages and benefits that equal or exceed the median level of compensation in non-H–2A occupations, and reducing the vulnerability of the program to being hamstrung and delayed by litigation.

1. Reduce the advance filing deadline from 60 to 40 days before workers are needed.

Rationale: In many agricultural operations, 60 days is too far in advance to be able to predict labor needs with the precision required in H–2A applications. Furthermore, virtually all referrals of U.S. workers who actually report for work are made close to the date of need. The advance application period serves little purpose except to provide time for litigation.

2. In lieu of the present certification letter, DOL would issue the employer a domestic recruitment report indicating that the employer's job offer meets the statutory criteria (or the specific deficiencies in the order) and the number of U.S. workers referred, per #3 below. The employer would file a petition with INS for admission of aliens (or transfer of aliens already in the United States), including a copy of DOL's domestic recruitment report and any countervailing evidence concerning the adequacy of the job offer and/or the availability of U.S. workers. The Attorney General would make the admission decision.

Rationale: The purpose is to restore the role of the Labor Department to that of giving advice to the AG on labor availability, and return the true gatekeeper role to the AG. Presently the certification letter is, de facto, the admission decision.

3. DOL provides employer with a domestic recruitment report not later than 20 days before the date of need stating either that sufficient domestic workers are not available, or giving the names and Social Security Numbers of the able, willing and qualified workers who have been referred to the employer and who have agreed to be available at the time and place needed. DOL also provides a means for the employer to contact the referred worker to confirm availability close to the date of need. DOL would be empowered to issue a report that sufficient domestic workers are not available without waiting until 20 days before the date of need for workers if there are already unfilled orders for workers in the same or similar occupations in the same area of intended employment.

Rationale: DOL now denies certification not only on the basis of workers actually referred to the employer, but also on the basis of reports or suppositions that unspecified numbers of workers may become available. These suppositions almost never prove correct, forcing the employer into costly and time wasting redeterminations on or close to the date of need and delaying the arrival of workers. The proposed change would assure that only workers actually identified as available would be the basis for denying foreign workers. DOL also interprets the existing statutory language as precluding it from issuing each labor certification until 20 days before the date of need, even in situations where ongoing recruitment shows that sufficient workers are not available.

4. INS to provide expedited processing of employer's petitions, and, if approved, notify the visa issuing consulate or port of entry within 15 calendar days.

Rationale: The assure timely admission decisions.

5. INS to provide an expedited procedures for amending petitions to increase the number of workers admitted (or transferred) on or after 5 days before the date of need, to replace referred workers whose continued availability can not be confirmed, who fail to report on the date of need, or who abandon employment or are terminated for cause, without first obtaining a redetermination of need from DOL.

Rationale: To reduce the paperwork and increase the timeliness of obtaining needed workers very close to or after the work has started.

6. DOL would continue to recruit domestic workers and make referrals to employers until 5 days before the date of need. Employers would be required to give preference to able, willing and qualified workers who agree to be available at the time and place needed who are referred to the employer until 5 days before the date workers are needed. After that time, employers would be required to give preference to U.S. workers who are immediately available in filling job opportunities that become available, but would not be required to bump alien workers already employed.

Rationale: A method is needed to allow the employer at a date-certain close to the date of need to complete his hiring, and to operate without having the operation disrupted by having to displace existing workers with new workers.

7. Create a "bounded definition" of adverse effect by enumerating the specific obligations of employers in occupations in which H–2A aliens are employed. The proposed definition would define jobs that meet the following criteria as not adversely affecting U.S. workers:

7a. Offer at least the median rate of pay for the occupation in the area of intended employment or, if greater, an Adverse Effect Wage Rate (AEWR) of 110 percent of the Federal minimum wage, but not less than or $5.00 per hour.

7b. Provide approved housing or, if sufficient housing is available in the approximate area of employment, a reasonable housing allowance, to workers whose permanent place of residence is beyond normal commuting distance.

NOTE: Provision should also be made to allow temporary housing that does not meet the full set of Federal standards for a transitional period in areas where sufficient housing that meets standards is not presently available, and for such temporary housing on a permanent basis in occupations in which the term of employment is very short (e.g. cherry harvesting, which lasts about 15–20 days) if sufficient housing that meets the full standards is not available. Federal law should pre-empt state and local laws and codes with respect to the provision of such temporary housing.

7c. Current transportation reimbursement requirements (i.e. employer reimburses transportation of workers who complete 50 percent of the work contract and provides or pays for return transportation for workers who complete the entire work contract).

7d. A guarantee of employment for at least three-quarters of the anticipated hours of work during the actual period of employment.

7e. Employer-provided Workers' Compensation or equivalent.

7f. Employer must comply with all applicable federal, state and local labor laws with respect to both U.S. and alien workers.

Rationale: The objective is to eliminate the discretion of DOL to specify terms and conditions of employment on a case-by-case basis and reduce the scope for litigation of applications. Employers (and the courts) would know with particularity, up front, what the required terms and conditions of employment are. The definition also reduces the cost premium for participating in the program by relating the Adverse Effect Wage Rate to the minimum wage and limiting the applicability of the three-quarters guarantee to the actual period of employment.

8. Provide that workers must exhaust administrative remedies before engaging their employers in litigation.

Rationale: To reduce litigation costs.

9. Provide that if an employer complies with the terms of an approved job order, and DOL or a court later orders a provision to be changed, the employer would be required to comply with the new provision only prospectively.

Rationale: To reduce the exposure of employers to litigation seeking to overturn DOL's approval of job orders, and to retroactive liability if an approved order is changed.

AMENDMENT NO. 3789

Mrs. MURRAY. Mr. President, I have an amendment at the desk that seeks to protect legal immigrant children from being denied access to foster care. Under the deeming provisions of this bill, children who would otherwise be eligible to be placed in foster care, due to abuse and neglect for example, could be denied this benefit. The Murray amendment protects these children from being forced to remain in an abusive situation because they are deemed ineligible to receive AFDC benefits, and therefore do not qualify for foster care assistance. This applies to any situation which would result in the child being placed in a foster care, transitional living program, or adoption assistance under current law.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, we have found ourselves on Monday in the early afternoon anticipating a vote on cloture at approximately 5 o'clock. Generally, the motion for cloture is a way to terminate debate on a measure that is put before the body which is apparently being filibustered. That means a group generally does not want the measure to pass and, therefore, is using the rules of the Senate to frustrate, in this case, 60 Members of the Senate—more than a majority—so that they cannot work their will.

Under the time-honored process, in terms of the cloture motions, we have to have a 60-vote margin that says after a period of time, which is 30 hours, and after due notification, that the roll will be called and Senators will be make a judgment about whether there should be a termination of the debate. Then there is a reasonable period of time for amendments which have to be germane, and then there is the final outcome of an up-or-down vote on the matter before the Senate.

That was used in the early history of our country rarely but it has become more frequent in recent times. Certainly, there have been some, depending on how individuals look at the matter that is before the Senate, justifiable reasons for that procedure to be followed.

Today, we are in rather an extraordinary situation because there is no real desire to hold up the measure that is before the U.S. Senate. We are going to have a cloture vote at 5 o'clock, and then have a certain number of hours to debate. There has to be a germaneness issue for each of the amendments, and then there will be a certain amount of time to debate those measures. And depending on the outcome of the rollcall, they will either be attached to the measure or not attached to the measure, and they will have to follow some additional rules of the Senate. They will have to be germane.

The amendment of the Senator from Arizona, for example, that is related to the whole issue of immigration, which I find has some merit, is not going to be able to be considered on the floor of the U.S. Senate because it does not meet the strict requirements of germaneness.

But now we are back, Mr. President, in a situation where we have to ask ourselves, why are we here? Why are we here? I think there are some very important measures that ought to be debated and voted on. We will hear more about those from the Senator from Florida, the Senator from Illinois, myself with regard to the fact, in many instances, under this legislation we are treating illegal immigrants better than legal immigrants. There will be some other amendments with regard to how we are going to treat expectant mothers of American citizens and how we are going to treat veterans, because you can be a permanent resident alien and serve in the Armed Forces. We have 20,000 of them, but under this bill, they will be shortchanged because of the hammer-like punitive provisions which have been included in the legislation.

So those we can debate. On those we should enter into a time agreement. I am certainly glad to enter into a time agreement so we can dispose of this measure. This legislation could have been disposed of in 2 days. We are in the fifth day now. We are going to conclude this phase of the debate on it at 5 o'clock, in the late afternoon on the fifth day. There is probably every probability it will go for 2 more days. That will be 7 days on a bill that should have lasted no longer than 2 days with relevant, germane amendments considered and those that I consider to be germane, perhaps not the Parliamentarian, but measures like Senator KYL's amendment should have been debated and discussed. It is worthwhile. We talked about those measures in the Judiciary Committee during that period of time. That is virtually foreclosed.

So we are voting this afternoon on a cloture motion to end debate on the immigration issue. Right? Wrong. Wrong. There is no filibuster on that. What there is a filibuster on is bringing up the minimum wage. That is what the filibuster is on. That is what the issue is. It is not about closing debate on illegal immigration, even though the measure that will be called up at that particular time and the proposal will be let us cut off the debate on the illegal immigration. No one is filibustering that.

What they are filibustering, by using the illegal immigration bill, is consideration of increasing the minimum wage for working families in this country. That is what the issue is. It is not illegal immigration. It is the issue about whether the Senate of the United States is going to be given an opportunity to vote on increasing the minimum wage 90 cents—45 cents a year over a period of the next 2 years—to give working families a livable wage so that they can move out of poverty.

Respect work. We hear a great deal about how important it is we are going to honor work. We are attempting to honor work by saying men and women in our country who work 40 hours a week 52 weeks out of the year ought to be able to have a livable wage. That has not been a partisan issue. We have had Republican Presidents who voted for it. George Bush voted for an increase in the minimum wage. Richard Nixon voted for an increase in the minimum wage. Dwight Eisenhower voted for an increase in the minimum wage. President Clinton will vote for it, but we are denied an opportunity to even vote on it. We are denied, even when we have demonstrated on other occasions that a majority of the Members, Republicans and Democrats alike, want it.

The American people are overwhelmingly for it. They cannot understand why the Congress of the United States cannot allocate 30 hours of its time. Here we are at 3:15 on a Monday afternoon. We could take 30 minutes on a side and debate this and vote at 5 o'clock on the minimum wage issue. It is not complicated. Everyone understands what this provides. It is 45 cents an hour for this year and 45 cents an hour for the next year. More important, it is 8 or 9 months of groceries for a working family that depends upon it. It is the utilities for 8 months for a family that is working at a minimum wage level. It is the premiums on a health care program for a family. That is what it is. That is what 45 cents an hour is. And it is the tuition for a son or daughter who wants to go to a fine State university for 1 year. That is what an increase in the minimum wage is.

Why are we not prepared to call the roll on that issue? Why are we not prepared to do it? We are not prepared to do it because we hear those on the other side say, "Well, it's going to mean a loss of a number of jobs out there." The interesting fact is, of those individuals who are on the bottom rung of the economic ladder, 90 percent of them are for it. Why? Because they see a 20-percent increase in their wages and possibly a 5-percent reduction in the total number of hours they might have to work. It is a good deal for them. But our Republican friends will not let us have the opportunity to make a judgment and a decision on that.

That is why, Mr. President, many of us are frustrated. We know we are caught in the gymnastics of the parliamentary workings of the U.S. Senate. We know we are caught in that. We have a difficulty trying to explain to people back home, in my State or in other States, even though my State has raised the minimum wage now and has seen a reduction in unemployment—a reduction in unemployment.

It is difficult to say to the 7 million recipients of the minimum wage who are women, that we are not going to give the opportunity to debate that or to make a judgment on that. Of the 7 million who are women, 5 million of them are adult women, 2 million of them are the heads of households trying to make it on the minimum wage.

We cannot say to the 100,000 children who would be lifted out of poverty with an increase in the minimum wage, "We cannot schedule it in the U.S. Senate. We have just been in a quorum call for 45 minutes, but we haven't got time to schedule that question about whether you get an increase in the minimum wage. We haven't got time. We haven't got time all this afternoon."

Of course, we have time this afternoon. We have time tonight to do it. We have time tomorrow to do it. It would not take very long because we understand the issue. It is difficult to tell those 100,000 children that would move out of poverty with an increase in the minimum wage or the 300,000 families that would move out of poverty, "We haven't the time to schedule this, we haven't the time. We have to spend 7 or 8 days on the issues of illegal immigration in order to deny you the opportunity. We have to go to that extent to ensure you don't get a vote. Why? Because a majority of the Members of the U.S. Senate feel that you should get an increase."

So we take advantage of the Senate rules, their use. I do think it is taking advantage of them. You are advancing interests of the companies and industries and corporations that refuse to pay the minimum wage. That is who you are advancing and helping. People just do not understand it. They see the 30-percent increase in the salaries of CEO's in this country last year. They see the Senate salary increasing by $30,000 over the period of the last 6 years—$30,000—and yet we have not had an increase in the minimum wage.

None of our people in here would deny themselves that kind of increase. Maybe we have some Members who are not accepting the full increase. We heard a great deal about that previously. Maybe they are not. I apologize to them if I am mistaken. But we have not seen much evidence of it, of anyone not willing to take those five increases that Congress has had. But we are not just going to say to hard-working Americans that work is that important. So we are denying it.

We are denying that to working people. We are denying it to children. We are denying it to women. It is a women's issue. It is a children's issue. It is a family issue. Yet look at what we have had to go through here in the U.S. Senate.

Let me just take a moment of time to tell you about what we had to go through here in the U.S. Senate in order to avoid—avoid—any kind of consideration. Effectively, the unique situation where, unless you had your amendment cleared, so to speak, by the majority and effectively the majority leader, you never had a chance to get recognized around here, even during the previous debate. That was an extraordinary situation where the U.S. Senate, allegedly—and it is—the most important, deliberative body for public policy issues and questions, there is no mistake about it, effectively it has been handcuffed, been handcuffed from considering measures that these Members felt were important to have debate and discussion on and to be disposed of, as we have for 200 years on the floor of the U.S. Senate.

But what did we find out last week? We found that we went through this incredible kind of a trapeze act. As a result of going through these parliamentary procedures, we have delayed the illegal immigration bill.

Last week we were dealing with the spectacle of a rarely used motion to recommit, but only to recommit to the committee of jurisdiction for an instant, a nanosecond, an instant, and then to report back to the floor. In other words, it was a sham motion to recommit.

This was to avoid some Member of the Senate rising and saying, "Let's have 30 minutes on the increase in the minimum wage, divide the time up between those who are for it and those who are opposed to it, and let the Senate go." This is the procedure that was used effectively by the leadership.

On top of the motion to recommit, there had to be two separate amendments to fill what they call the "amendment tree" on one side of the bill. Then back on the bill itself, Senator DOLE had to maintain two amendments, a first-degree amendment and a second-degree amendment. Therefore, we were in the absurd position last week where Senator SIMPSON had to offer a Simpson second-degree amendment to the Simpson first-degree amendment to the Simpson motion to recommit to the underlying illegal immigration bill.

Look at what they had to go through from a parliamentary point of view. So you are not going to get a chance. These are the uses and abuses, I would say, of Senate rules to deny what is a clear majority position on an issue that has been understood, debated, discussed, and which over 80 percent of the American people support.

We also ended up with a Dole second-degree on illegal immigration, a Dole second-degree to the first degree, a Dole first-degree amendment to the illegal immigration bill. Then after each of these amendments had been adopted, we had to go through a half dozen unnecessary votes to adopt amendments to fill each of these slots.

Senator DOLE had to then undo each of the amendments that had been adopted. So we were then in the position of Senator SIMPSON moving to table the Simpson second-degree amendment. This is effectively the person who offered the amendment trying to table or effectively remove his second-degree amendment to the Simpson first-degree amendment to the Simpson motion to recommit the underlying bill. After that was tabled, Senator SIMPSON was in the position of offering the Simpson motion to table the Simpson first degree to the Simpson motion to recommit the underlying illegal immigration bill.

Then when that charade had been completed, we had to readopt all of the underlying first- and second-degree amendments, and then Senator DOLE had to go back and fill the tree again by adding five new amendments.

Then Senator DOLE has to get cloture, which some Democrats will support, some will oppose. Then, finally, there may be the chance, after the cloture vote, to offer amendments on the immigration bill. However, only germane amendments will be allowed after the cloture vote when the amendment is adopted sometime tomorrow perhaps.

Senator DOLE will then have to go through this whole process all over again on the underlying bill. We will then have a Dole motion to recommit, again a sham because it is only a motion to recommit for a nanosecond and then report back to the floor. We will have the Dole or Simpson first-degree amendment to the motion to the Dole motion to recommit. Then we will have the Simpson or Dole second-degree amendment to the Simpson or Dole first-degree amendment. This is truly an extraordinary parliamentary procedure. Its only purpose is to avoid a vote on the minimum wage. The result is to delay the passage of the illegal immigration bill.

This is a matter of great importance to many of those who have spoken eloquently and passionately about trying to deal with the problems of illegal immigration.

I have supported the essential aspects of the bill, the enhancements of our Border Patrol and putting in place the tamper-free cards that have been the subject of so much abuse. I worked with Senator SIMPSON on that issue. I know we will have a chance to revisit that because there will be those who will try to strike those provisions later on.

But all of Senator DOLE's parliamentary machinations on this bill, as I stated, are for the express purpose of denying Democrats their right to offer an amendment to increase the minimum wage.

So, Mr. President, we will be shut out on this particular vote prior to this afternoon. At 5 o'clock, we will be shut out from the opportunity of any debate. We are being denied an opportunity to say, "All right, we will not offer that measure on this particular legislation, but at least give us a time in these next couple of weeks where we can get a clear vote up or down on a clean bill on the increase in the minimum wage."

We are denied that opportunity. There cannot be an agreement on that, although 80 percent of the American people are for that. We are left in this situation where, when these other measures come up in the U.S. Senate, we have to, as we have for the better part of the previous year, tried to offer this measure on those measures so at least we have the chance of giving the Senate an opportunity to vote up or down and get some accountability, get some accountability in here about who is going to stand for those working families and who is against them.

I can understand why you would not want to be for that position against working families, even though Senator DOLE and Congressman GINGRICH supported the last increase that we had on the minimum wage.

I can understand why they do not want to face the music on this, but at some time in a democracy and some time in this body, and at some place here, this measure cries out for action. We are committed to try to get that action. That is why we, under the leadership of Senator DASCHLE, my friend and colleague, Senator KERRY, Senator WELLSTONE, and others, have stated that we will be forced into a situation where, at each and every legislative opportunity, we are going to offer this measure. We do not do it, in a sense, to try and obstruct the current legislative process. As we mentioned, we are at day 5 and counting on a measure, following Senate procedures. But we do not have all that amount of time to deal with the country's business, Mr. President.

We have important measures. We have the budget coming up. We still have important measures in the budget about determining where we are going on education. We have important measures on health care, and to try and get conferees, to go to conference, to get a decent health care bill, which passed 100 to 0. That is important. Senator KASSEBAUM and myself ought to be over there this afternoon trying to work out a good, clean measure that can go to the President's desk and be enacted, like the one we passed here by 100 to 0—Republicans and Democrats. We should get that passed and get it down to the President so he can sign it, and do something for 25 million Americans this afternoon.

Instead, we are over here on an amendment to an amendment to the motion to recommit to proceed, denying the opportunity to do that. That is not the way to do the Nation's business. We ought to be about health care, about increasing the minimum wage. We ought to be out here trying to give consideration to what we are going to do about pension reform, trying get stability and protection for pension funds for working families so they are not going to be plundered by the corporate raiders. We had a vote, 94-5, I think, to provide that protection. That legislation had not even gotten into the doors over there in conference, and it was dropped so quickly, exposing those pension funds for working families.

We ought to deal with those measures and provide additional opportunities for education, which is the backbone to everything this country is about, and demonstrate our priorities. We ought to be about those measures and trying to close down some of the tax loopholes that give preferences to moving jobs overseas, and bring good jobs back to the United States. Those are the things people are talking about. Instead, we had a pause even in the immigration bill to go on to the question of term limits. Then, once again, they filled up that tree so it was not making anything retroactive, moving the procedures of the Senate, jamming the various procedural parts of Senate rules, so that we were going to be denied an opportunity to address those measures.

So, Mr. President, it is important that even though we will come back at 5 o'clock to address the questions of illegal immigration, let us understand what this filibuster is about. It is a filibuster against the increase in the minimum wage. That is what the issue is. That is what is wrong. That is what the Republican leadership insisted on in order to deprive working families that are out there working. Instead of respecting their work and giving them a livable wage so they can move out of poverty, we are running through these gymnastics here in the U.S. Senate, and we are going to continue in the next couple of days dealing with legislation that should have been long since addressed, finalized, and on its way to conference.

So that is the point we have to keep repeating. There are those who do not like us to keep repeating it. They wish we would not keep repeating it. Those are the facts, and that is what the American people ought to understand, because those families that are hard pressed out there today and hardly able to make ends meet, we are their best hope, we are their last hope. We are still being denied the opportunity to help them.

I look forward to the debate on a number of these issues, about whether this dislocates workers. We will have a good opportunity to review what happened. We spent a few moments of the Senate's time going back, historically, where we provided an increase in the minimum wage and what happened in terms of the work force.

One of the best illustrations is in my own State of Massachusetts, which saw an increase in the minimum wage in January opposed by our Republican Governor up in Massachusetts. Unemployment is still going down, and the debate will show that a number of other States out there are affected by it. We will have an opportunity to talk about the impact on jobs. We will talk about what effect, if any, it has on inflation. Hopefully, we will have a chance to work out some process for those Americans, because I find that every day that goes by that we deny this institution the opportunity to express itself up or down, people wonder what we are all about.

Why are we not addressing the real concerns of working families, which is income security, job security, pension security, education for their kids, and take an opportunity to do something about the incentives that exist in the Internal Revenue Code that drive good American jobs out? That is what they want. They want us to do something about our borders as well. But to take it up when we could have used several days and made progress on all those other issues, certainly we should be about those measures.

Mr. President, I want to go into, for just a moment this afternoon, the principal areas that are germane and that I think we will have to address. I know Senator GRAHAM identified some of these measures, and I think they are very important, and we are going to have an opportunity to vote on them. We have not yet had the opportunity. We were not able to get these measures that were even germane and where we wanted to get a serious vote on these measures previously because of the way that the floor action proceeded. Now under the measure, when we get eventually toward cloture, we will address them.

Let me just mention a few of these measures here this afternoon.

Mr. President, the first of these measures will be on looking at the overall legislation, what we are doing about the illegal immigration. First, if we are to make headway in the controlling of illegal immigration, we need to find new and better ways to help employers determine who is authorized to work in the United States and who is not. We must shut off the job magnet by denying jobs to illegal immigrants.

As the late Barbara Jordan reminded us, we are a country of laws, and for immigration policy to make sense, it is necessary to make distinctions between those who obey the law and those who violate it. Illegal immigration takes away the jobs and lowers the wages of working American families on the lowest rung of the economic ladder.

Make no mistake about it: That is happening today in many of our communities, our major cities, in a number of different geographical areas around the country today. The illegal immigrants that come in, unskilled and untrained, are exploited on the one hand and are used by unethical employers in so many different instances. This has the effect of driving wages down for real working Americans and also displacing the jobs for real Americans who want to work and provide for their families.

These are the working families in America that survive from paycheck to paycheck and can least afford to lose their jobs to illegal aliens. Senator SIMPSON and I agree on this issue. We urge our colleagues to support provisions in the bill to require pilot programs to improve verification of employment eligibility. These are contained in sections 111, 112 and 113, and require the President to conduct several pilot programs over the next 3 years. After that, the President must submit a plan to Congress for improving the current system based on the results of the pilot programs. This plan cannot go into effect until Congress approves it by a separate vote in the future.

The current confusing system of employment verification is not working. It is too easy for people to come in legally as tourists and students and stay on and work illegally after their visas expire. It is too easy for illegal immigrants who impersonate local or even American citizens by using counterfeit documents.

Far too often employers seek to avoid this confusion by turning away job applicants who look or sound foreign. This employment discrimination especially hurts American workers of Hispanic and Asian origin. But it harms many other Americans in the job market as well. Some in the Senate will seek to eliminate the provisions that Senator SIMPSON and I have placed in the bill to authorize the pilot programs to find new and better ways of verifying job status. Our ability to deal with illegal immigration should not be derailed by misinformed and misguided notions that this bill would result in Big Brother abuses, or a national ID card. Nothing could be further from the truth.

The pilot programs are the core reforms in this bill. Without them this bill will accomplish very little in controlling illegal immigration.

We have to deal with the job magnet. That is the key. Every study—the Hesburgh studies of over 10 years ago, the Barbara Jordan studies—every comprehensive review of the problems with illegal immigrants; you have to deal with the job magnet. You deal with the job magnet and you are going to have a dramatic impact on illegal immigrants coming to this country. And, if you do not, then you can put up the fence all the way across the southern border and fences around this country. You are still not going to be able to adequately deal with this issue.

I support the increase in the Nation's border patrols contained in the bill. I support stepped-up efforts to combat smugglers and modern-day slave traders who risk the lives of desperate illegal immigrants, and who place them in sweatshop conditions. I support increased penalties against those who use counterfeit documents to enable illegal immigrants to pose as legal workers and take away American jobs by fraud. But without the pilot programs our ability to stem the tide of illegal immigration would be hamstrung.

The Immigration and Naturalization Service has limited authority to conduct pilot programs under current law. Under the few pilots that can be conducted there will be no assurances that they would have significant impact on business. There would be no privacy protection. In fact, there would be no standards at all other than those the Immigration Service would impose on itself.

This debate seems to have forgotten that since 1986 employers are required to check the documents of everyone they hire to make sure they are eligible to work in the United States. That means everyone—whether they are citizens or not. Those who think we do not need change should look at the ineffectiveness of the current system. Job applicants can produce any of the 289 different documents to prove their identification and eligibility to work in the United States. Most of these documents are easily counterfeited, such as Social Security, or school records. Even though this bill would reduce the number of documents from 29 to 6—6 that are the most secure—there is no assurance that this will be sufficient.

So the choice is clear. We will either keep the current system with its flaws and limit deterrence to illegal immigration, or require the President to find a new and better way of controlling illegal immigration and also avoid discrimination.

Second, we must retain a safety net for legal immigrant families. This bill is supposed to be about illegal immigration. Title I provides many needed reforms, employment verification, pilot projects, increased money for border patrols, all of which aim to control the flow of illegal immigrants into the country. But the welfare provisions in title II do just the opposite. They provide illegal immigrants with benefits that legal immigrants cannot get.

Let me repeat that. Under this legislation, title II provides illegal immigrants with benefits that legal immigrants cannot get, and they erode the safety net for legal immigrant families.

In the current law, as well as under this bill, illegal immigrants are ineligible for public assistance except where it is in the national interest to provide the assistance to everyone such as preventable communicable diseases. This bill says that illegal immigrants are ineligible for all public assistance programs except emergency Medicaid, school lunches, disaster relief, immunization, communicable disease treatment, and child nutrition. This is the way that it should be.

We want to make sure that, if the children are going to be here, they are going to at least get immunization so that they can effectively protect other children that might be exposed when these children have social contact with each other. That makes a good deal of sense. That is in the public health interest. I think we ought to be doing it with children, and I support the fact we will be doing it with these children in any event. But you have to get down to the hard line of dollars and cents of it, which is so often the final criteria here, what makes sense from a dollars and cents point of view. But this bill makes it much harder for legal immigrants to participate in these same programs. The same ones that illegal immigrants qualify for automatically, no questions asked, and this result is preposterous.

Legal immigrants play by the rules and come in under the law. They work, raise their families, pay taxes, and serve in the Armed Forces. They are here legally. Legal immigrants do not seek to cross the border, or overstay their visas. They come here the right way. They waited in line until a visa in the United States was available. And, by and large, they are here as the result of reunifying families—families.

Legal immigrants should not have to jump through a series of hoops which do not apply to illegal immigrants. This bill discriminates against those who play by the rules. Under the current law, legal immigrants have restricted access to the need-based programs—the AFDC, Social Security, SSI, and food stamps.

Their sponsor's income is deemed under these programs. Deeming means that the welfare offices consider both the sponsor's and the immigrant's income in determining whether the immigrant meets the income guidelines for the particular assistance for which the immigrant may apply. For example, if an immigrant sponsor earns $30,000 per year and the immigrant earns $10,000 per year, the immigrant is deemed to make $40,000 per year which pushes the immigrant above the income guidelines to qualify for particular assistance programs.

For legal immigrants, the deeming provisions in this bill affect not only the AFDC, SSI, and food stamps, but every other need-based program—everything from lead paint screening for immigrant children to migrant health centers, veterans' pensions, and nutrition programs for the elderly. The effect of these provisions is to bar legal immigrants from receiving virtually any means-tested Government assistance. This bar lasts at least 5 years. The practical effect of these deeming rules is almost the same as banning the benefit.

We have seen what happens in deeming. The deeming effectively causes crashing reductions in all of these programs for those that might have otherwise been eligible.

For future immigrants, deeming applies for the last 40 quarters of work. For immigrants who are already here, deeming applies until they have been here for 5 years. This means that every program must now set up a bureaucracy to carry out immigration checks on every citizen and noncitizen to see who is entitled to assistance. They have to find out if there is a sponsor.

Listen to this. I know that Senator GRAHAM will speak eloquently about this. But this means effectively that every city and town—whether in Texas, in Florida, or in Massachusetts—is going to have to find out who the sponsor is. If someone comes into a local hospital and needs emergency assistance, and they say that this person is legal, they are going to have to find out who that sponsor is and be able to get the resources from that sponsor. You and I know what is going to happen. Those hospitals are going to be left holding the bag. They are going to be the major inner city hospitals. They are going to be the Public Health Service clinics. They are going to be the health delivery systems that deliver the health services to the neediest and the poor in this country. And to expect that they are going to set up a whole system to find out who is deemed and who is not deemed, and then to expect that they are going to be able to collect the funds from those families on it is absolutely beyond thinking.

Not only are the local communities and the local hospitals going to do it, but the counties are going to have to do it and the States are going to have to do it. That is going to cost hundreds of millions of dollars. It will not be participated in by the Federal government. We are not sharing in that responsibility. We are not matching that 40 or 50 or 60 percent as we do for welfare problems. Oh, no. That is going to be the States and the local communities. They are the ones that are going to have to set up that process to be able to judge about deeming; not the Federal Government. The local communities and the schools are going to have to do it. The hospitals are going to have to do it. The counties and the States are going to have to do it. They will have to find out if there is a sponsor. They will have to get copies of the tax returns. They will have to determine the sponsors' income, and this is an immense burden.

For example, the National Conference of State Legislatures, which strongly opposes the welfare provisions, estimates that the States will have to hire at least 24,000 new staff just to implement four of the vast number of programs that this bill would cover—24,000. Those four programs are school lunch, child and adult care, social service block grants under SSI, and vocational rehabilitation.

Simply hiring the additional staff needed to run these programs will result in unfunded mandates to the States of $722 million. This is not the only cost for the poor programs. Imagine the cost of States hiring staff to run all of the means-tested programs.

We were asked earlier during the whole debate about where the Congressional Budget Office was. They said, "We do not have the figures on it." You have them now. You have the figures now. Just in these four programs you are going to find it is going to be costly—hundreds and hundreds of millions of dollars.

This bill also upsets the basic values of our social service system after years of community assistance. Outreach clinics, day care centers, schools, and other institutions will now become the menacing presence because they will be seen as a branch of the INS to determine who is here illegally. This is going to have a chilling effect on those immigrants again that are legally here. They are going to be members of families. They are not going to want to go out and risk getting involved in terms of the INS and put their principal sponsors at any kind of disadvantage.

We are talking primarily about the public—in this instance public health kinds of issues that have a common interest with all of us in making sure that their health care needs are going to be satisfactorily addressed.

Mr. President, there are many misconceptions about immigrants' use of public assistance. Here are just a few facts.

The Urban Institute says that legal immigrants contribute $25 to $30 billion more in taxes each year than they receive in services. That is almost $2,500 per immigrant, and this figure is confirmed by almost every other study. The majority of legal immigrants—over 93 percent—do not use welfare as it is conventionally defined; that is, AFDC, SSI, and food stamps. The poor immigrants are less likely to use welfare than poor native Americans. Only 16 percent of immigrants use welfare compared to 25 percent of native born Americans. Working age legal immigrants use welfare at about the same rate as citizens—about 5 percent. The only immigrant populations where welfare use is higher than by citizens is by elderly immigrants and refugees on SSI. We all understand why indigent refugees need help, so the only real issue is elderly immigrants on SSI. We ought to address those issues.

We have seen deeming go into effect and that has a positive impact. That ought to be the focus, that ought be the area where we are looking at various alternatives that are going to be responsive to protecting the interests of the taxpayers and are humanitarian, to make sure that people who are parents are going to be treated decently in our society.

Instead of addressing the specific problem of elderly immigrants, this bill broadly restricts the eligibility of all legal immigrants for any governmental help.

When it comes to public assistance, the consequences of this bill are threefold. First, it provides an inadequate safety net for legal immigrants. We ask legal immigrants to work and pay taxes just like American citizens. Immigrants must also serve in the military if they are called. We have more than 20,000 of them in the Armed Forces today, a number of them in Bosnia. In fact, we expect legal immigrants to put their lives on the line for the safety of our country, but the safety net we provide for them and their families in return is all but gone under this bill. We expect immigrants to make the ultimate sacrifice on the battlefield but under this bill America will not be there for them if they need medical care, school lunches for their children, or even their veterans' pensions.

Second, this bill passes the buck to the State and the local governments.

Mr. President, I have gone through that in some detail.

Third, this bill will be an administrative and bureaucratic nightmare for Federal, State, local and private service providers. They will be burdened with determining which immigrants have sponsors, what the sponsor's income is, what the immigrant's income is, and who is entitled to benefits. These providers will have to do this for every needs-based program from school lunches to Medicaid. That makes no sense.

Let me give you an example or two. On school lunches, teachers and school officials have their hands full as they work for the education of children but under this bill, when school starts next September, every school in America must document—listen to this—every school in America must document whether their pupils are American citizens or immigrants. Teachers must figure out whether the immigrant has a sponsor. The income of the sponsor must be determined before legal immigrant children can get school lunches, but illegal immigrant children do not have sponsors so they get the school lunches on the same basis as American citizen children.

Under medical care, suppose an immigrant child has a chronic medical condition. The parents are legal and working but have been unable to get insurance. Their sponsor's income is just high enough that it disqualifies the child for Medicaid under the bill so the child goes without care until her condition becomes an emergency. She runs up an expensive medical bill under the emergency Medicaid for a condition that could have been treated at a low cost earlier, and this result does not make any sense.

Child care. Like many American families, some immigrant families struggle to make ends meet. They rely on child care in order to stay on their jobs. These children receiving child care are American citizens. But by deeming child care programs as this bill does, it removes American citizen children from child care programs and jeopardizes the employment of their immigrant parents. That is true with regard to Head Start as well.

Finally, the United States must continue to provide the safe haven for refugees fleeing persecution, yet so-called expedited exclusion procedures in the legislation will cause us to turn away many true refugees. Under this procedure, persons arriving in the United States with false documents but who request political asylum would be turned away at our airports with little consideration of their claims, no access to counsel, and no right to an interpreter. It is often impossible for them to obtain valid passports or travel documents before they flee their homelands. Many times, even trying to get a passport from their governments, the very governments that are persecuting them, could bring them further harm. They have no choice but to obtain false documents to escape.

This reality has long been recognized under international law. In fact, the U.N. Refugee Convention, to which the United States is a party, says governments should not penalize refugees fleeing persecution who present fraudulent documents or have no documents. If it were not for the courageous efforts of Raoul Wallenberg providing false documents to Jews fleeing Nazi Germany during World War II, many thousands of fleeing refugees would have had no means of escape.

Mr. President, we spent time on this issue. We reviewed those organizations, church-based, human rights-based organizations. Most of them pointed out the trauma that is affecting individuals who have been persecuted, the distrust they have for governments even coming to the United States, their estimate that it takes anywhere from 19 to 22 months generally to get those individuals who have been persecuted, who have been tortured, who have been subject to the greatest kinds of abuses to be willing to try and follow a process of moving toward asylum here in this country.

The idea that this is going to be able to be decided at an airport makes no sense, particularly with the extraordinary progress that has been made on the issue of asylum over the period of the last 18 months—just an extraordinary reduction in the total number of cases and the percentage of cases because of the new initiatives that have been provided by the Justice Department and Doris Meissner.

Finally, there are provisions in here that can work toward discrimination against Americans whose skin is of different color and who speak with different accents and languages. We have seen too often in the past in the great immigration debates where we have enshrined discrimination. We had the national origins quota system that discriminated against persons being born in various regions of the country, the Asian-Pacific triangle provisions that said only 125 individuals from the Asian-Pacific region would come to the United States prior to the 1965 act. We eliminated some of those provisions. But we have always seen that if it is possible to discriminate and use these laws to discriminate against American citizens as well as others, that has been the case.

I am hopeful we can work some of those provisions out during the final hours of consideration.

In conclusion, I commend my colleague, Senator SIMPSON, for his continuing leadership on this issue. He has approached this difficult issue with extraordinary diligence and patience. As I have mentioned, during the markup, even though we have areas of strong difference, he has been willing to consider the views of each member of the committee, the differing viewpoints that have been advanced in committee. He has given ample time for the committee to work its will. We had good debate and discussions during the markup, and in the great tradition of the Senate legislative process. We have areas, as I mentioned, of difference but every Member of this body knows, as I certainly do, as the ranking minority member, that he has addressed this with a seriousness and a knowledge and a belief that the positions that he has proposed represent his best judgment at the time.

The comments I made in the earlier part of my statement about our parliamentary situation have nothing to do with his willingness to get a strong bill through and his desire to engage in full debate and discussion on these issues and I believe any other issue that Members of the Senate would want to address as well.

Mrs. HUTCHISON. Mr. President, I yield up to 5 minutes to my colleague from Pennsylvania, Senator SPECTER.

The PRESIDING OFFICER. Is there objection? The Senator from Pennsylvania is recognized.

Mr. SPECTER. I thank the Chair.

(The remarks of Mr. SPECTER pertaining to the introduction of S. 1715 and S. 1716 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I rise today to talk about an amendment that Senator KYL and I will introduce on the bill that is pending before us.

I appreciate the argument of the distinguished Senator from Massachusetts earlier on the minimum wage, and, in fact, I look forward to debating the minimum wage with the Senator from Massachusetts, because I have great concerns about the impact that this could have on our small business people of this country. But this is not the time to bring up the minimum wage issue.

We have been trying for years to make a better law on illegal immigration. This is of great concern to my

State and all of the States that are absorbing so many illegal immigrants in our country, because our laws do not do enough to stop illegal immigration. The States that have the illegal immigrant problems are absorbing so much of the costs of these illegal immigrants that it is time for the Federal Government to step up to the line and take its responsibility for closing our borders to illegal immigrants. That is separate from the legal immigrants who have done so much to build our country, and I am very pleased we separated those two in the bill before us today, so that today we are talking about the problem of illegal immigration.

The way we treat illegal immigrants reminds me of the distracted mother who says, "I said maybe, and that's final," because when someone does violate our illegal immigration laws, in fact, there is hardly any penalty. They can be deported on Monday, and on Tuesday apply for legal status. That is hardly a clear message from America about our illegal immigrant laws and status.

So, what we are trying to do with our amendment is to say very clearly, if you violate the laws of America, if you come into our country without taking the proper legal steps, or if you are in our country legally and overstay a visa by as much as a year, you will be barred from legal entry into our country for 10 years.

We have had laws that have penalized employers on the books for several years now. If we are going to say to employers we will penalize you if you hire an illegal immigrant, I think we should also try something else. We should make it a penalty for the person who is violating the law and coming into our country as well. Let us try a new approach. Let us make there be a penalty if you break this country's laws. If you are a citizen of our country and you break the laws, there is a penalty. If you are not a citizen of our country and you break our laws, there should be a penalty.

A 10-year ban on legal entry into our country is a penalty. It says to the illegal immigrant: Our laws are serious. We care about the legal status of aliens in our country. If they are legal, we welcome them. If they are illegal, they are breaking our laws. They may be taking jobs from our own people.

We need to control our borders. We must have control of our borders. That way, of course, we can make sure that we are using the assets of our taxpayers to help the people who are legal in our country.

This addresses a serious problem for border States. In 1994, the Immigration and Naturalization Service returned 1.1 million illegal aliens from the United States—1.1 million illegal aliens from the United States. Of those, 350,000 were from Texas. In California, in San Diego alone, 490,000 illegals were returned.

Many of those illegal aliens are caught within 45 days more than once. In fact, in San Diego, one in five apprehended in a 45-day period had been apprehended once before.

Mr. President, that just shows you that there is not a penalty that people recognize for coming into our country illegally. So now we want to change the accountability to the person who is breaking our laws. If a person comes into our country and consciously violates our laws, there must be a penalty for that.

The amendment that Senator KYL and I are offering will say there is an accountability. If you decide that you are going to break the laws of this country, there will be a penalty and you will have to acknowledge that. Mr. President, this is only fair. If we do not do something to say that the borders of our country are inviolate, we are going to continue to have problems, especially on the border States where we have infrastructure costs that are sapping our taxpayers of their strength.

This is a Federal issue, and the Federal Government must step up to the line. The amendment that we have before us today will add one more option for us to have to make sure that people know it is a serious violation of our laws to come into our country illegally. If we are going to penalize employers, we should penalize the person who is perpetrating the crime.

So, Mr. President, I hope that we can clear up the signal that we are sending. We welcome legal immigrants into our country; they have made a huge contribution to our country. But we do not welcome illegal immigrants into our country, and we must stop it. That is what this bill will do.

I want to commend Senator SIMPSON for the work he has done through the years on this issue and Senator KENNEDY, working with him, and Senator KYL, one of our new Members who is from a border State who uniquely understands, as I do, what this costs the taxpayers of a border State.

They are providing great leadership on this issue. We have a chance to do something that puts teeth into the laws of this country. I do not want us to get sidetracked on issues that are not relevant to the issue of illegal immigration. It is too important to the economy of our country and the taxpayers of our country and to the law-abiding citizens of our country.

I thank you, Mr. President, and I yield the floor.

Mr. KYL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thought I would use a few moments to outline one of the amendments that I intend to offer once we, again, get to the substance of the illegal immigration bill. I will outline it, not knowing whether we will have a chance to offer it later this evening or tomorrow.

This amendment will be relevant to the Medicaid deeming to title II of the bill. My amendment exempts children, mothers, and veterans from the Medicaid restrictions in the bill as long as they are legal immigrants.

I am deeply concerned that for the first time in the history of the program, we will begin sponsor deeming for Medicaid for legal immigrants. I recognize that this is a high-cost program, some $2 billion, for helping legal immigrants over the next 7 years, but the public's health is at stake, not just the immigrants' health.

The restrictions on Medicaid place our communities at risk. It will be a serious problem for Americans and immigrants who live in high-immigrant areas. If the sponsor's income is deemed and the sponsor is held liable for the cost of Medicaid, legal immigrants will be turned away from the program or avoided altogether. These legal immigrants are not going to go away and can get sick like everyone else, and many will need help. But restricting Medicaid means conditions will go untreated and diseases will spread.

If the Federal Government drops the ball on Medicaid, our communities and States and local governments will have no choice but to provide this medical care and pick up the cost.

In addition to veterans, my amendment exempts children and prenatal and post partum services from the Medicaid deeming requirements for legal immigrants. The bottom line is, we are talking about children, legal immigrant children who will likely become future citizens.

The early years of a person's life are the most vulnerable years for health. All of us are familiar with the various Carnegie studies that have been out in the last 3 years which reinforce that, if there was ever any question about it.

If children develop complications early in life, complications which could have been prevented with access to health care, society will pay the costs of a lifetime of treatment when that child becomes a citizen. Children are not abusing Medicaid. When immigrant children get sick, they infect American citizen children.

The bill we are discussing today effectively ensures that children in school would not be able to get school-based care under the early and periodic screening, detection, and treatment program. This program provides basic school-based health care.

Under this bill, every time a legal immigrant goes to the school nurse, the nurse will have to determine if the child is eligible for Medicaid. This bill turns school nurses into welfare officers. The end result is that millions of children will not receive needed treatment in early detection of diseases.

Consider the following example: A legal immigrant child goes to her school nurse complaining of a bad cough. The nurse cannot treat the child until it has been determined that she is eligible for Medicaid. Meanwhile, the child's illness grows worse and the parents take her to a local emergency room, where it is discovered that the little girl has tuberculosis. That child has now exposed all of her classmates, American citizen classmates, to TB, all because the school nurse was not authorized to treat the child until her Medicaid eligibility was determined.

Or consider a mother who keeps her child out of a school-based program because she knows her child will not qualify for the program. This child develops an ear infection, and his teacher notices a change in his hearing ability. Normally, the teacher would send the little boy to the school nurse, but she cannot in this case because he is ineligible for Medicaid. The untreated infection causes the child to go deaf for the rest of his life.

In addition to the basic school-based health care programs, it also provides for the early detection of childhood diseases or problems such as hearing difficulties, even lice checks.

Prenatal and post partum services to legal immigrants must also be exempt from the Medicaid deeming requirements. Legal immigrant mothers who deliver in the United States are giving birth to children who are American citizens. These children deserve the same healthy start in life as any other American citizen.

In addition to providing prenatal care, it has been proven to prevent poor birth outcomes. Problem births, low-birth-weight babies, and other problems associated with the lack of prenatal care can increase the cost of delivery up to 70 times the normal cost. According to a Baylor University Hospital report in 1994, the cost for the delivery of babies where there has been prenatal care averages $1,000; those without prenatal care over $2,000. That is double the cost.

In California, the common cost of caring for a premature baby in a neonatal unit is $75,000 to $100,000. The lack of prenatal care can result in developmental disabilities, chronic problems for American citizen children. Many children in such circumstances end up costing the taxpayer $40,000 to $100,000 annually to cover medical and special education needs.

Many things can go wrong during pregnancy and in the delivery room. Many more things will go wrong if the mother has not had adequate prenatal care. Without prenatal care, we will allow more American citizen children to come into this world with complications that could have been prevented.

This is not an expensive amendment. According to CBO, the cost of care for children and the prenatal care services is less than the cost for elderly persons, whose Medicaid eligibility would continue to be restricted under this amendment. Furthermore, the cost of providing a healthy childhood to both unborn American citizens and legal immigrant children is far less than the cost to society of treating health complications at delivery and throughout the lives of these children.

Finally, many legal immigrants serve in the Armed Forces. Many have fought and even evidenced their willingness to sacrifice their lives for the Nation. How would we reward this sacrifice under this bill? By making it harder for them and their families to receive benefits. We should hold these people as heroes. Instead, we will not ensure their families receive basic medical services upon their return to the States from duty. Most veterans benefits are means tested.

If the sponsor-deeming provisions in the bill are applied to the veterans benefits, some veterans will find themselves ineligible for VA benefits because their sponsor makes too much money, and they are too poor to purchase health insurance. My amendment allows these veterans to receive the health care they need under Medicaid.

Mr. President, the fact of the matter is, we should, in this particular proposal, support the care for expectant mothers because it is the right thing to do. We ought to be supporting the care for the children because it is the right thing to do. These children did not cause the problem with illegal immigration. It may be their father and their mother, their parents. Why did their parents come here? To get jobs. We ought to be able to deal with that aspect of the problem without taking it out on the children.

It seems to me it is that simple. I mean, why are we taking it out on the children? Why are we being bullies to children when we know what the real facts are? We have to deal with the issues of jobs and the magnet of jobs, deal with those issues.

This measure that is before us has programs to try to do that by enhancing the Border Patrol and by the other pilot programs and the other aspects which Senator SIMPSON outlined in terms of tamper-proof work cards. But the fact of the matter is, Mr. President, when we come on down on legal—legal—American children and put all kinds of blocks in their way in order to be able to obtain essential kinds of services that will protect their health and their fellow children's health, who are American citizens, it just makes no sense at all. It is hardhearted and cruel.

Mr. President, at the appropriate time I will offer that amendment. I hope the Senate will support it.

Mr. President, I will just take a few moments now, as we are coming down to 4:20, where we are reminded once again that the real filibuster is not on the issue of the illegal immigration bill—we are on day 5 and counting on that issue. There are many of us who would like to move toward being able to offer amendments. I have outlined one. Senator GRAHAM, others, Senator FEINGOLD, and Senator ABRAHAM have other amendments.

We will have an opportunity to do that in the very near future. But we are on day 5, with perhaps 2 more days on this bill, when actually the real reason that we are spending 5 to 7 days on it is so we will avoid the consideration of the increase in the minimum wage.

It is as plain as that. I outlined earlier during the course of the day the various gymnastics that we have gone through to try to get a vote on the minimum wage or at least to get a time certain to consider the minimum wage.

Mr. President, I will just take a few moments of the Senate's time now to mention and include in the RECORD some of the religious leaders' support for the minimum wage reflecting the broad religious community that recognizes this as a moral issue, out of respect for individuals and their willingness to work, and also for their necessity to provide for children and the essential aspects of life. They believe this is a moral issue, to make sure that working families are going to have sufficient resources to be able to provide for themselves with a sense of dignity as children of God.

So, Mr. President, we have discussed some of the economic issues earlier and also some of the other reasons for increasing the minimum wage. I find it so difficult to explain to people in my State and around this country why we should not raise it for families that are working, playing by the rules, trying to provide for their families and escape poverty.

I find it, particularly when we have a majority of the Members of the Senate that support that measure, difficult to comprehend why we continue to go through these gymnastics here on the floor of the Senate to pretend that there is a filibuster on illegal immigration, when the real filibuster is on the minimum wage. That is what the real filibuster is. If we were able to get a vote on that, I do not know why there would not be an early disposal of the underlying measure. That was true last week. But nonetheless, Mr. President, let me just speak briefly to this issue.

Assuring that hard-pressed minimum wage workers get the 90-cent increase they deserve is not a mere tussle for political advantage or an abstract debate over economics. The right to earn a living wage and support a family lies at the heart of this Nation's commitment to building and maintaining a moral society.

At its core, the struggle for a higher minimum wage is a battle over morality—a struggle over family values.

There are some who would have us believe that there are two types of families in America—the responsible and the ripoff artists. One kind of family works hard and plays by the rules. The other kind runs wild and lives off the dole. But the facts are quite different. Almost all families work. Single mothers with small children are working. Fathers are working, often at two jobs or even three jobs. Most poor families work. Most immigrant families work. Most families on food stamps work. And millions of Americans working today at the minimum wage—a minimum wage that has reached its lowest buying power in 40 years—are working and living in poverty.

These Americans are our neighbors and friends. They sit at the kitchen table at night, figuring out how to pay this month's bills. They pray their kids do not get sick, because the doctor bills are getting more expensive each year. They are not on welfare, although some come perilously close. Some may even have depended on it for a time in a crisis, but now they wake up early in the morning, bundle their children off to day care or a relative, and spend their days tending for our parents in nursing homes, caring for our children in day care centers, sweeping floors and cleaning carpets in our offices, and making clothes that they often cannot afford themselves.

These families are doing what we have asked them to do. They are working. They are contributing to our society. They are not asking for a handout. They are asking for what any decent society should provide: A living wage that will adequately support a family.

A moral society cannot ask its citizens to work 40 hours a week and still relegate them to live in poverty. A moral society cannot ask its citizens to work 40 hours a week and then leave them to watch their children go hungry. A moral society cannot ask its citizens to work 40 hours a week and then deny them the ability to support a family without relying on the charity of others. Surely, that is not family values.

To those who claim to support family values but oppose this 90-cent increase in the minimum wage, I urge you to listen to a sampling of letters I have received from the religious leaders of our Nation who have spoken out in support of a higher minimum wage.

This letter comes from the Most Reverend William Skylstad, the Bishop of Spokane, chair of the domestic policy committee of the U.S. Catholic Conference:

DEAR SENATOR: The United States Catholic Conference, the public policy agency of the Catholic bishops, supports the efforts to raise the minimum wage. I urge you to support legislation that helps restore the minimum wage to a living wage that respects the dignity of workers and recognizes the economic realities facing low-income families.

Work has a special place in Catholic social thought it is more than just a job, it is a reflection of human dignity and way to contribute to the common good. Most importantly, it is the ordinary way people meet their material needs and community obligations. In Catholic teaching, the principle of a just wage—a living wage—is integral to our understanding of human work. Wages must be adequate for workers to provide for themselves and their families in dignity. Our bishops' Conference has supported the minimum wage since its inception.

Recently, the bishops pointed out in their statement, "Putting Children and Families First," that "decent jobs at decent wages—what used to be called a 'family wage'—are the most important economic assets for families." As pastors, the bishops see the tragic human and social consequences on individuals, their families, and society when workers cannot support dignified lives by their own labor. The minimum wage needs to be raised to help restore its purchasing power, not just for the goods and services one can buy but for the self-esteem and self-worth it affords.

People of goodwill can and will differ over specific economic arguments. The U.S. Catholic Conference believes, however, that the technical economic debate should not overshadow the pressing human concern and moral question of whether or not our society will move toward a minimum wage that reflects principles of human dignity and economic justice. We renew our support for an increase in the minimum wage.

Another letter comes from Kay Dowhower of the Evangelical Lutheran Church in America:

DEAR SENATOR: On behalf of the Evangelical Lutheran Church in America, I urge you to support legislation that raises the minimum wage.

The church is committed to adequate income and believes that vast disparities of income and wealth are both divisive of the human community and demeaning to its members. Unfortunately, the United States has the largest wage gap of any industrialized country. The fact that the minimum wage has dropped to its lowest level in 40 years only exacerbates the problem.

This church also believes that making it possible for people to move from welfare to work is important. Work is important because employment is a means by which people become contributing participants in society. However, moving welfare recipients into employment is hindered in a labor market increasingly dominated by low-wage, part-time or temporary jobs that cannot support a family. A single mother with two children who works full time at $4.25 per hour will find that her family remains nearly 30 percent below the federal poverty level.

We urge an immediate supportive vote on an increase in the minimum wage.

This is a letter from Dr. Thom White Wolf Fassett of the Methodist Church:

DEAR SENATOR: On behalf of the General Board of Church and Society, the social justice advocacy agency of the Methodist Church, I strongly urge you to support S.413. This legislation . . . will aide the minimum wage to $5.15 over two years. By increasing the minimum wage, Congress will send a message to the American people that it is addressing the growing wage gap between the rich and the poor as well as the increasing economic anxiety.

The Book of Resolutions of The United Methodist Church represents the social justice position of our approximately 9 million [member] denomination. Our policy clearly states, ". . . we have the obligation of work with others to develop the moral foundation for public policies which will provide every family with minimum income needed to participate as responsible and productive members of society." Raising the minimum wage would help those at the bottom of our society meet their family needs.

It has been nearly seven years since the federal minimum wage has increased. The buying power of the minimum wage will soon reach it lowest level since 1955, when the minimum wage was 75 cents an hour. Nearly 60 percent of the workers who would benefit from an increase are women. Nearly two-thirds are adults struggling to support families, as opposed to the stereotype of a teenager flipping hamburgers.

Again, I urge you to vote for the passage of S. 413. It tells people working at the minimum wage that their work is important and appropriately rewarded.

Mr. DASCHLE. Will the Senator yield?

Mr. KENNEDY. I am happy to yield to the Senator.

Mr. DASCHLE. I commend the Senator from Massachusetts for bringing to the attention of the Senate the thousands of pieces of correspondence that have been coming into our offices over the last several weeks as a result of the leadership by the able Senator from Massachusetts. It is clear that this has resonated. The letters that the Senator from Massachusetts is reading are indicative, I think, of the correspondence that comes in on the e-mail, that comes in on fax machines, that comes in through the regular mail routes.

I think that the Senator does a real service to the Senate in sharing those with us. I know he has a number of others, and I do not want to preclude him from finishing what has been a very informative and helpful session, but I do believe, and I ask the Senator from Massachusetts whether he shares the view, as this issue becomes better understood and as it becomes clear to the American people just what this is all about, there appears to be a momentum that has been brought to this debate that I did not witness before, given the increase in the number of letters and pieces of correspondence we have received.

Has it been the experience of the Senator from Massachusetts that the number of letters that have come in on this in recent days has actually increased?

Mr. KENNEDY. Very much so, Senator, not only in the volume but also in the support that is out there from virtually the unanimous Judeo-Christian community. As the Senator knows, the principal debate that we have around here on the increase in the minimum wage is what its impacts will be on the economy and what will be the impact in terms of jobs and job losses.

As the Senator is a strong supporter of the increase, he knows we have addressed those and will welcome the opportunity to address them in the debate. I find so moving the fact that here are the representatives of the great Judeo-Christian ethic—really, of most of the great religious groups in our country that are talking about this as a moral issue.

I think none of us, perhaps, want to be out here putting forward that we have the moral position on a particular issue, and we can all understand that all of us have differing views about it. We respect each other's differing views. What I found very, very powerful is the underlying, continuing, strong, strong, overwhelming support, overwhelming support of the religious groups across the spectrum, what might be considered some of the most conservative of the various religious groups—others, as well—that are uniformly, universally and strenuously urging, on the basis of the dignity of the individual, the dignity of the family, the dignity of work, the dignity of service in the human condition, that this is a moral issue of importance and virtually every one of the various churches, through their own means and mechanisms, have virtually gone on record in terms of the support for this measure.

I appreciate the Senator's comments. I ask the Senator a question myself. As we move now 20 minutes away from the cloture vote, would he not agree with me that the Senate is not in a filibuster about illegal immigration, but basically we are in a filibuster on the minimum wage. I tried to point out that we are in day No. 5 now on the questions of illegal immigration. Most of us have supported the increase in the Border Patrol, although there has been some difference on the various pilot programs being developed to try and deal with the issues of jobs and the job-pull issue and amending the various numbers of cards to make them tamperproof and other factors.

Would the Senator not agree with me, as he is the Democratic leader, I do not detect that there is a desire of any Member on our side to have a filibuster. We are prepared to address those issues in a timely way and move forward. That we are here this evening on a procedural vote to close down the debate is really about the unwillingness of the majority to permit a simple vote on the increase in the minimum wage, an issue which more than half of the Senate has indicated they wanted to address and that they did support.

Does the Senator, as a leader and as someone who knows the Senate well, find it a rather extraordinary circumstance where most Americans say, "They are voting on a filibuster on illegal immigration; why are they doing that when that really has nothing to do with it at all"?

Mr. DASCHLE. I am pleased to be able to respond to the Senator from Massachusetts, that was really the reason I wanted to come out, to address that very point. Obviously, there are some of our Republican friends who would like to make this current debate out to be a choice between having a vote on minimum wage or having a debate on minimum wage and having an opportunity to vote on immigration. That is a false choice, as the Senator knows.

There is absolutely no desire on the part of our Democratic colleagues to hold up the vote on the very legitimate question of how we address more effectively illegal immigration in this country. That is the purpose of the bill. I have heard the Senator from Massachusetts say on several occasions we could complete work on that bill in a day and a half. There was not any need to extend out this debate. There was not any need to fill parliamentary trees in an elaborate fashion to deny the opportunity to raise these questions.

We were prepared to vote on minimum wage with a half hour of debate. We could have done it last week. That was not done. So it is a false choice.

The false choice is that we are being told it is either one or the other. Well, they can delay a vote on minimum wage, but they cannot deny it. Sooner or later, this Senate will have the opportunity, as we know we must, to vote on this moral issue of minimum wage, to vote on this very important, critical opportunity to provide people with a working wage, a realization that it is those economic pressures that drive families apart and give them the kind of extraordinarily difficult challenges that they have to face on a daily basis, because they do not have the economic wherewithal to pay their bills on rent, groceries, heat, and all of the things that every one of us face.

So this is a moral issue. The Senator is absolutely right to point this out so ably and eloquently as he has. So it is not a choice we are willing to accept. It is a false choice. We will vote on immigration. We will vote for cloture this afternoon on the amendment. We will ensure that we get to the key issues relating to how we resolve the differences we have with regard to illegal immigration. We will vote on that, and, ultimately, we will have our vote on one of the most important moral and family issues of the day—minimum wage.

So I only answer the distinguished Senator from Massachusetts that we recognize the importance of this bill. We recognize the importance of getting on with a debate about the amendments pending, and we will do that. And one day we will have our vote on minimum wage as well. If it is not today, it will be tomorrow, this week, or next week. But we will have our vote.

Mr. KENNEDY. I thank the leader for that reassurance, because it has been under his leadership that this issue has come forward, and his strength and resolution has to be a reassurance to working families. We will be in the situation now, Mr. President, as the leader knows, where we will have cloture and we will have the time to dispose of amendments that will be related. We have some important ones. Then what happens is we will have a vote on cloture sometime in the next day or day and a half. And then that does not even end the bill. Then the bill will be open to further amendment. So we will have an opportunity to offer the minimum wage. But I will bet that the majority leader, or the spokesman, would try effectively to fill up the tree again, and then they will put cloture on that, and we will have to deal with that particular issue.

All that time—would the Senator not agree with me—we could have disposed of this issue and moved forward with it, and still we are being effectively denied. Does the Senator not agree with me, as the minority leader, he at least would do the best he could to find time that would not interfere with other kinds of scheduled legislative matters, so that we could have a fair debate in representing our side, to ensure that there would be a fair, but limited, debate on this, so that at least we could move this issue, which has been supported by a majority of Republicans and Democrats alike, through the Senate and move that process forward so there could be focus and attention on the House? I note that the House failed to realize that, but not by all that number of votes, in recent time.

Mr. DASCHLE. I respond to the Senator that, yes, indeed, we would be prepared to enter into any short time agreement. We would not have to have amendments. We have had the opportunity to debate this issue, to talk about it. In 1990, when this issue came to the Senate floor, the overwhelming majority of Democrats and Republicans voted for an increase in the minimum wage, overwhelmingly. It was, ironically, the same amount of money we are talking about now.

Now, unfortunately, we have lost more purchasing power than at any time in the last 40 years. We are forced, again, to face the issue. How do we address it if we cannot put it on a calendar in a way that will accommodate a bill in normal parliamentary circumstances? We have no recourse but to offer it as amendments. That is what we will do. We will keep doing it, whether it is on immigration or any one of a number of other bills.

Certainly, we would be prepared to enter into any time agreement that will accommodate the schedule of our Republican colleagues, as well as the legislation pending.

Mr. KENNEDY. I thank the Senator for those assurances. We have all heard them expressed at different forums, but stating it here on the floor of the U.S. Senate so all Americans and our colleagues can understand it is about as clear and fair a position on what he is prepared to do as it can be. The assurance that we are going to keep coming back to this issue is, I think, very reassuring for working families.

I just ask, finally, of the Senator—and I will make some brief comments, because I see my friend and colleague on the floor here. It has been interesting to me—I know the Senator has been following this issue—that we have not had, since 2 o'clock or so, or even before that during the morning—one Senator that has come out to the floor and said, "No, we should not vote for cloture." There has not been one that said, "No, do not go ahead on that." The silence is deafening on this matter.

We are back into this sort of sham process and procedure, which effectively denies working families the kind of increase that they need. I thank the Senator for his comments.

I just mentioned to the Senator that I will include in the RECORD an excellent statement from Jane Motz at the American Friends Service Committee, a letter from Timothy McElwee, and a letter from Michael Newmark.

I ask unanimous consent that these letters be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEAR SENATOR: We are writing to urge you to vote in support of raising the minimum wage. . . . This is crucial to the livelihood of millions of people who, through changes in global economic processes over which they have no control, are finding it increasingly difficult to support their families.

The American Friends Service Committee is a Quaker organization committed to social justice, peace, and humanitarian service. Our experience has shown us the incredible hardships and suffering caused by poverty, as well as the disproportionate numbers of women, people of color, and children living in poverty. The decline in the real value of the minimum wage is a major factor in the ever-widening gap between the rich and poor in this country. The value of the current minimum wage is at its lowest in 40 years, and the United States now has the largest gap in wage levels of any industrialized country.

Raising the minimum wage to $5.15 per hour is a much-needed step toward addressing these inequities. It would provide relief for 4 million families trying to survive on the current minimum wage, as well as for 8 million more who work now for less than $5.15 per hour. . . . Such an increase can only help those who are struggling to feed their families. It is all the more crucial in light of current budget cuts that will reduce access to social services in times of need.

We urge you, therefore, to adopt an increase in the minimum wage to $5.15.

JANE MOTZ,
American Friends Service Committee.

DEAR SENATOR: The Church of the Brethren is very concerned about the growing gap between the rich and the poor in this country, the largest wage gap of any industrialized country. Sixty-nine percent of minimum wage workers are adults, not teenagers, and women comprise sixty percent of minimum wage workers. At a time when Congress seeks to limit the time during which a person may receive welfare, it is counterproductive and dangerous to force people into jobs that pay $4.25 an hour. A single mother of two children who earns this wage finds that her family is trapped nearly thirty percent below the federal poverty level. The minimum wage must be raised to ensure that families can support themselves with adequate food, shelter, clothing, and health care.

The Church of the Brethren 1988 General Board Resolution states that we must "work for public policies at the federal, state, and local levels that would provide wages that enable persons to live in dignity and in freedom from want."

Please vote in favor of raising the minimum wage and support those who work hard to sustain their families.

TIMOTHY A. MCELWEE,
Church of the Brethren.

DEAR SENATOR: On behalf of the National Jewish Community Relations Advisory Council, we urge you to support upcoming legislation to increase the minimum wage. The NJCRAC is the national coordinating and advisory body for the 13 national and 117 community agencies comprising the field of Jewish community relations. . . . Consistent with long-standing NJCRAC policies regarding poverty and welfare reform, we have supported legislative proposals which enable individuals to move from dependency to economic self-sufficiency, including an increase in the minimum wage.

Erosion in wages, especially for low-paying jobs, is a major factor underlying persistent poverty and a steadily widening income gap. Adjusted for inflation, the value of the minimum wage has fallen nearly 50 cents since 1991, and is now 27 percent lower than it was in 1979. As a result, the income of a worker in a full-time, year-round minimum wage job is not sufficient, at the present time, to sustain a family of three above the Federal poverty level.

For these reasons, the NJCRAC urges you to support legislative action to increase the minimum wage.

MICHAEL NEWMARK, *Chair,*
National Jewish Community
Relations Advisory Council.

Mr. KENNEDY. Mr. President, that has been the ongoing and enduring theme of each one of these measures, which are typical, and it is expressed so well in those simple words that all of the great religions have stated clearly—that they believe this increase in the minimum wage is a moral issue. The basic reason for it is that we must "work for public policies at the Federal, State, and local levels that would provide wages that enable persons to live in dignity and in freedom from want."

That says it all, Mr. President.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I would like to take a minute or two because I have heard the arguments about minimum wage for 20 years now. As a matter of fact, when I was chairman of the Labor Committee, or ranking member to the distinguished former chairman, Senator KENNEDY, we got into a lot of battles over minimum wage.

I come at it maybe from a different perspective. I understand that Senator KENNEDY believes he is fighting hard for poor people. I commend him for the efforts he has made through the years to do that. I have a lot of respect for some of the things he has done. On the other hand, I feel that many things he has argued for have been detrimental to poor people.

I was raised in an environment where I knew what it was really like to be hungry, to not have quite enough food. We did not have indoor facilities in our home when I was raised in the early years. Gradually, my dad was able to, by fighting and scratching, get us indoor facilities. But I can remember that, as a high school kid, I had to work my way through high school. I did not have a chance. If I could not have earned money going to high school, I do not know that I could have finished. I had to work my way through college and law school. In college, I was a janitor. I earned 65 cents an hour. I was so grateful for that job, I cannot begin to tell you. I was grateful in high school to work in a gas station where I worked very hard. I was captain of the basketball team. I would go to basketball practice, and afterward I would go work in the gas station so that I could buy some of the shoes and clothes that I had to have to be able to just go to school. But I never had the clothes most of the kids in that school district had.

As a matter of fact, we lived in the poor end of the borough. There was a very wealthy end of the borough. So I really saw the contrast between those who were wealthy and those who were poor.

I have to tell you. Speaking for those who maybe do not have the skills and do not have the opportunities that others had, every time the minimum wage goes up those people are left in the cold. And there are hundreds of thousands of them that are left in the cold because people just simply will not pay the higher minimum wage. They will do without the people, or they will quit their businesses. That happens all over America. You cannot ignore it.

It would be far better for us to find other mechanisms than a phony mechanism that raises the floor so that those in the union movement can make higher demands at the top. This has been a fiction for years. If the minimum wage goes up 10 percent or 15 percent, then the unions come in and say, "We deserve 10 or 15 percent." We wonder why we have these intermittent but very sustaining cycles of inflation.

It would be far better to do other things for the poor and for those who are at that lower end of the ladder. As we all know, not many total supporters of their households are on minimum wage. For a lot of these kids that take these minimum-wage jobs, it is only a matter of time until with the incentives and with their own desires to get ahead that they can move on, having acquired some skills for jobs that pay more than the minimum wage. That is what really has happened.

I do not want to continue this debate because I know that the distinguished Senator from Massachusetts is very sincere, and I commend him for that. But all the sincerity in the world does not make it necessarily right.

I would like to put it in the RECORD, but at this particular point let me just make a few comments from the Wall Street Journal editorial today.

It said:

> It is true that it's now possible to get a few economists, including a couple of Nobel laureates such as Robert Solow, to stand up in public and advocate a higher minimum wage. This is supposed to reflect a study or two that fetched up no job losses from higher minimums; our own suspicion is that it has much more to do with the intellectual bankruptcy of the Democratic Party such economists largely support. As the symposium on this page last week demonstrated, the general consensus of the profession remains firm.
>
> James Buchanan, the 1986 laureate for his work on public choice, said it best: "The inverse relationship between quantity demanded and price is the core proposition in economic science." To assert that raising the minimum wage would actually increase employment, he continued, "becomes equivalent to a denial that there is even minimal scientific content in economics." Merton Miller, a 1990 laureate for work on capital markets, asks of the notion that a minimum wage boost is costless, "Is all this too good to be true? Damn right. But it sure plays well in the opinion polls. I tremble for my profession."

The fact of the matter is that the article goes on to point out that:

> The minimum wage, however, points all of the incentives in the wrong direction. Yes, some Republicans have themselves defected for their own personal reasons, and it's conceivable that if the GPO resists, the increase will pass. But so what? It is more important that the Republicans start to assert principles, as they did when they dominated the Congress and the national discussion. That is, they need to get the ball and go back on the offensive.
>
> What the public above all wants is for politicians to stand for something, to give voters a clear choice. Our own view is that voters are pretty smart, and can understand the doleful effect of minimum wages if someone starts to explain it to them. If Republicans do this, we predict, they will come back next year with plenty of votes not only to roll back any increase but end the minimum wage charade once and for all.

Those are harsh words, but I think they are true and accurate.

Frankly, I think we have to get back to the real bill at hand, and that is the illegal immigration bill and get over these side political shows and do what really ought to be done on immigration. And then let us face this problem on the minimum wage up and down with full-fledged debate. And, if that is what it takes, I think we should make the points that I think I personally can make as somebody who did not have much of a chance when I was younger, who had to work at the minimum wage, and who worked for peanuts to be able to go through but gradually was able to work out of it because of the chance I had to have a job to begin with.

Frankly, that is what we ought to be more concerned about—the chance to have jobs to begin with, because once these kids start working and learn the value of working and the importance of working and the benefits from working, it is not long until they do not earn whatever the minimum wage is. They make far beyond that.

Mr. President, I ask unanimous consent that the full Wall Street Journal article be printed in the RECORD.

There being no objection, the material was ordered to printed in the RECORD, as follows:

[From the Wall Street Journal, Apr. 29, 1996]

REPEAL THE MINIMUM WAGE

The past two years confirm Bill Bennett's observation that politics is a ball control game; if you're not on offensive you're on defense. The House Republicans dominated Washington until they'd passed most of their Contract, but the Clinton Administration managed to grab the ball, and now dominates the game even with a crackpot idea like the minimum wage.

The Republicans many be learning. With their decision to block a House vote of the minimum wage increase, they have already staunched the talk of a GOP rout. They should now throw down the gauntlet to House Democrats and the few Republican turncoats: We are not going to schedule a vote now or ever. Two years ago, we won a big battle with the Inhofe resolution, revitalizing the discharge petition, in which Members can force release of legislation the leadership has stalled. If you democrats are serious about wanting vote, get up your discharge petition.

We Republicans are going to fight you every inch of the way because we believe the minimum wage hurts poor people, killing jobs on the first rung of the career ladder for the most vulnerable members of society. Since we believe this we are not going to compromise; no matter what other goodies may be attached, we will never vote for an increase. Especially, we will not buy the argument that since this increase is a modest one, it won't destroy *many* jobs. Indeed, when we take firmer control of the Congress next year, we are going to vote for a big change, repealing the minimum wage kit, kat and caboodle.

It is true that it's now possible to get a few economists, including a couple of Nobel laureates such as Robert Solow, to stand up in public and advocate a higher minimum wage. This is supposed to reflect a study or two that fetched up no job losses from higher minimums; our own suspicion is that it has much more to do with the intellectual bankruptcy of the Democratic Party such economists largely support. As the symposium on this page last week demonstrated, the general consensus of the profession remains firm.

James Buchanan, the 1986 laureate for his work on public choice, said it best: "The inverse relationship between quantity demanded and price is the core proposition in economic science." To assert that raising the minimum wage would actually increase employment, he continued, "becomes equivalent to a denial that there is even minimal scientific content in economics." Merton Miller, a 1990 laureate for work on capital markets, asks of the notion that a minimum wage boost is costless, "Is all this too good to be true? Damn right. But it sure plays well in the opinion polls. I tremble for my profession."

With intellectual firepower such as that on their side, why are Republicans so cowed by the minimum wage debate? Too much attention to the polls and the Beltway press corps, neither of them good barometers of the real mood of the country or especially eventual election returns, in which campaigns and debates typically change the first-blush poll numbers. And most especially, decades-long moral intimidation by Democrats waving bloody shirts about "the poor." The minimum wage *hurts* the poor, and the more so the higher it's raised.

Now, that is not to say there aren't problems to be dealt with. Republicans are right to think about ways to put more money in the pockets of beginning workers, particularly by taxing them less heavily. Under the incentives now in place, employers are shifting more beginning workers to "independent contractor" status, where these workers bear both sides of the payroll tax. Then they are trying to help their lowest paid with daycare and other in-kind benefits not subject to the payroll tax. For older workers, Republicans should be repealing earnings limitations on Social Security recipients. It is indeed important to look to incentives for work, efficiency and production.

The minimum wage, however, points all of the incentives in the wrong direction. Yes, some Republicans have themselves defected for their own personal reasons, and it's conceivable that if the GOP resists, the increase will pass. But so what? It is more important that the Republicans start to assert principles, as they did when they dominated the Congress and the national discussion. That is, they need to get the ball and go back on the offensive.

What the public above all wants is for politicians to stand for something, to give voters a clear choice. Our own view is that voters are pretty smart, and can understand the doleful effect of minimum wages if someone starts to explain it to them. If Republicans do this, we predict, they will come back next year with plenty of votes not only to roll back any increase but end the minimum wage charade once and for all.

TEMPORARY AGRICULTURAL WORKERS

Mr. CRAIG. Mr. President, I have filed, and have been prepared to offer, an amendment on behalf of myself and Senator GORTON.

Mr. President, there is an old joke about the tombstone engraved with the words, "I told you I was sick."

There are many of us in this body who do not want to come down to the floor of the Senate in October and say: We told you so. We told you the H-2A temporary agricultural worker program was broken. And now there are crops rotting in the fields and supermarket bins are empty or produce prices are going through the roof.

There is no satisfaction in being able to say "I told you so," when we have an opportunity to fix a problem before it becomes a crisis.

This is the first Congress in my memory that has made some real attempts to do just that—practice preventive legislating—most notably in our attempts to enact the first balanced budget in a generation.

We have an opportunity to prevent a crisis this year by reforming the H-2A temporary agricultural worker program in our immigration law.

The H-2A program was created because agriculture has a need, in many cases, for workers on a seasonal basis. This creates a unique combination of opportunities and problems for employer and employee.

Most growers are able to employ employees who are citizens or otherwise in this country legally.

And many growers earnestly believe they are doing exactly that. But, when a job applicant shows up with apparently valid documents showing the applicant is a citizen or is here legally, the employer has no choice but to accept those documents. This usually means he or she has no choice but to hire that applicant, for at least two reasons: First, to avoid costly and lengthy litigation or prosecution over an alleged civil rights violation. And, second, because there is no other qualified applicant for that job.

This Senate should and will, under the leadership of the chairman, Mr. SIMPSON, pass legislation that tightens up our borders and stems the tide of illegal immigration.

When that happens, many innocent employers are going to be surprised when their labor pool contracts or disappears.

When that happens, as early at this fall, American agriculture—that sector of the economy that puts the food on all our tables—will face a crisis.

Therefore, we are offering today a compromise amendment that would help prevent that crisis.

I note that our amendment is a compromise. The House considered and rejected a broader, new program. Our amendment merely reforms the current H-2A program. It would—

Streamline and simplify administrative procedures; expedite processing; and provide basic worker protections that both ensure that temporary immigrant workers do not displace American workers and protect those workers from exploitation.

I want to emphasize: The original H-2A program was needed, and these reforms are needed, because there simply are not enough American workers who are available to take these seasonal, temporary jobs. We propose to allow the legal employment of a legal, temporary immigrant, only when there is not an American worker available for that job.

Mr. SIMPSON. I appreciate and recognize the concerns of the Senator from Idaho [Mr. CRAIG] and our other colleagues in this area.

I commend my colleagues for coming here with a concrete, compromise proposal and respectfully suggest the most appropriate next step would be to fully consider this proposal in the Immigration Subcommittee.

The H-2A program was intended to fulfill all the purposes my friend mentions and I do want to work with my colleagues to make certain this program is workable and meets the needs it is intended to meet.

Mr. CRAIG. I thank the chairman for his willingness to look into and address this problem. I look forward to working on this issue with the chairman and our other colleagues in the coming weeks and months.

Senators WYDEN, KYL, LEAHY, and others, including this Senator, also have filed an amendment, which I understand will be included in the managers' amendment. That amendment:

Expresses the sense of the Congress that—

The potential impact revising our immigration laws will have on the availability of an adequate agricultural work force should be assessed; and any needs in this area should be met through a workable H-2A program; and provides for the GAO to promptly conduct a study and report back to Congress.

I commend that amendment to my colleagues' attention and strongly urge adoption. If that amendment is adopted, then I do not intend to pursue the Craig-Gorton amendment at this time, and will continue to work further with the chairman and the committee on this issue.

Mr. HATCH. Mr. President, I understand this has been cleared on both sides.

I ask unanimous consent that the pending motion and amendments thereto on amendment No. 3744 be temporarily set aside for the consideration of a manager's amendment that I understand has been cleared on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3866 TO AMENDMENT NO. 3743

(Purpose: To make manager's amendments to the bill)

Mr. HATCH. Mr. President, I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. SIMPSON, proposes an amendment numbered 3866 to amendment numbered 3743.

Mr. HATCH. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. WYDEN. Mr. President, I would like to thank Senator SIMPSON and Senator KENNEDY for working with me and my cosponsors to craft a bipartisan amendment to commission a GAO study on the effectiveness of the H-2A Guest Worker Program.

It seems to me that the H-2A Program works for no one. From what I have heard from growers and from farmworker advocates on this program: First, it does not effectively match up American workers with employers who need labor; second, it is administratively unwieldy for growers, potentially leaving them at the date of harvest without sufficient labor; and third, there are cases where the labor protections under the program have been poorly enforced and some growers have driven out domestic laborers in favor of foreign labor through unfair employment practices.

It seems to me that this program can use a good, hard look on a number of fronts, and this is why I am proposing a GAO report so that an outside agency can take a balanced look at the effectiveness of this program.

I am concerned about this issue because agriculture is one of Oregon's largest industries. It generates more than $5 billion in direct economic output and another $3 to 5 billion in related industries.

According to the Oregon Department of Agriculture, roughly 53,000 jobs in Oregon are tied to the agricultural industry. Let me clarify: these are not seasonal or temporary jobs, these are good, permanent, American jobs. If we add on seasonal workers, we are talking about 76,000 to 98,000 jobs in Oregon.

When we are talking about this many jobs in my State of Oregon, I don't want to be flip or careless about any changes to any statute that might adversely affect these jobs or this industry. At the same time, I certainly don't want to see the creation of a new Bracero Program.

In my mind I set some simple goals for looking at the H-2A Program: First, we have to make sure that the U.S. agriculture industry is internationally competitive, and second, we have to make sure that American farmworkers are not displaced by foreign workers and that they have access to good jobs, where they can earn a fair day's wage for a fair day's work.

With these goals in mind, I think that we can design a reasonable system to meet labor shortages, if and when they occur.

It is an understatement to say that the issue of the H-2A Program for bringing in temporary guest workers is polarized. Labor unions and advocates for farmworkers feel that the H-2A Program is barely a notch above the old, abusive Bracero Program. Growers feel that far from giving them access to cheap labor, the H–2A Program is extraordinarily costly and almost totally unusable and that the Department of Labor is openly hostile to their interests.

Given the passions surrounding this issue, I think that it's important that we begin any process of redesigning this program by bringing in an independent, outside agency to take a look at H–2A to try to sift out what is actually happening, and what can be done to make this program an effective safety valve, if indeed, after immigration reform legislation passes, there ends up being a shortage of American workers who are able and willing to take temporary, agricultural jobs.

I and my cosponsors, along with Senator KENNEDY and Senator SIMPSON, have agreed that it is important for the GAO to look at four issues:

First, that able and willing American workers are efficiently matched up with employers seeking labor.

I have heard criticism of the H–2A Program from both the growers and from farmworker advocates. According to the testimony by John R. Hancock, a former Department of Labor employee, before the House Committee on Agriculture December 14, 1995,

> Only about 10–15 percent of the job openings available with H–2A employers have been referred by the Employment Service in recent years, and the number of such workers who stay on the job to complete the total contract period has been minimal.

Similarly, a briefing book sent to me from the Farmworker's Justice Fund cited the Commission on Agricultural Workers' finding that "the supply of workers is not yet coordinated well enough with the demand for workers."

So, it seems that we all can agree that we seriously need to evaluate how we match up workers with employers who are experiencing labor shortages.

Second, if and when there is a shortage of American workers willing to do the necessary temporary, agricultural labor, there will be a straightforward program to address this shortage with temporary foreign workers.

I have been assured that across the country there are hundreds of thousands of migrant farmworkers, ready, willing and able to work. If there is no such shortage, then clearly there is no need for growers to use the H–2A Program.

However, growers in Oregon and across the country are afraid that if this legislation is effective in cracking down on false documents and cracking down on people who come across the border, then they will see their work force decline sharply.

Now as far as I can tell, no one can say for certain how many illegal immigrants there are in this country and how many are part of the migrant labor work force. But I know from visiting with folks in Oregon, that there is nothing that makes a farmer lose more sleep at night than worrying about his or her fruit, or berries, or vegetables, rotting in the field because there is no one there to pick it.

I know that many say that a farmer could get as much labor as he wanted if the wage was high enough. I want to make clear that I strongly support making sure that seasonal, agricultural workers get a good, living wage. I strongly support ensuring that they have good housing, and workers compensation, and safe working conditions.

But I do think we have to be realistic that if we want to keep a competitive agricultural industry, these temporary, seasonal jobs are never going to make a person a millionaire; these jobs are always going to involve tough, physical labor, and they most likely aren't going to be filled by out-of-work engineers.

So it seems to make sense to me that because we want our agricultural industry to be the most competitive in the world, that if and when there is a labor shortage of people who are willing and able to do temporary, seasonal work, there should be an effective way for the farmer to get help to harvest the crop.

I don't want to have to scramble while the food rots in the field to fix the H–2A Program. Let's straighten it out now. Hopefully, we'll never have to use it—but if we do, let's have something that is usable.

Third, if and when a farmer uses the H–2A Program, the program should not directly or indirectly be misused to displace U.S. agricultural workers, or to make U.S. workers worse off.

There are a lot of stories about misuse of the H–2A Program —I find these appalling. I do not think that the H–2A Program should be used as a conduit for cheap foreign labor, as a substitute for already available American workers.

It seems to me that everyone admits that there are some abusive employers. There are employers who have manipulated the piece rates to pay people lower wages. There are employers who, once they get into the H–2A Program, never again look for American labor. I think that this program needs careful scrutiny to ensure that workers are treated fairly—that they get a fair wage for a fair day's work, that they have places to live and reasonable benefits, and that we don't bring in foreign workers to the detriment of American workers here.

Many of the problems I hear about with the H–2A Program from farmworker advocates seem to stem from a lack of enforcement in the program. Perhaps this is something that we also need to look at—what mechanism can make sure that this program is enforceable.

Fourth, finally, I believe that it is important that we do not undermine the intent of this bill to ensure that we stop the flood of illegal immigrants coming across the border. We would ask GAO to look at the extent to which this program might cause an increase in illegal immigrants in this country.

I know that a number of concerns have been expressed about overstays among temporary workers. Obviously, our primary concern with this entire legislation is that we get some control over the illegal immigrants coming into this country, and it is important that we don't close the door in one place, only to open a backdoor elsewhere.

I know that the tensions over the guest worker issue run deep. I hope that with this GAO report we can start to take an objective, balanced look at what this guest worker program will mean both for farm workers and for employers, and how it can operate so it is fair to both.

Mr. LEAHY. Mr. President, I commend Senator RON WYDEN for offering an amendment to require the General Accounting Office [GAO] to review and report on the effectiveness of the H–2A Nonimmigrant Worker Program after passage of immigration reform legislation.

I have heard from many agriculture and labor groups about the importance of H–2A Nonimmigrant Worker Program. In my home State of Vermont, for example, apple growers depend on this program for some of their labor needs during the peak harvest season. Many of these farmers have concerns with the current operation and responsiveness of the H–2A program. Both farmers and laborers are concerned that passage of legislation to reform the Nation's immigration laws may further hamper the effectiveness of the H–2A Nonimmigrant Worker Program. I believe this amendment goes a long way in addressing their concerns.

I am proud to cosponsor this amendment because I believe it will result in the collection of public, nonpartisan information on the effectiveness of this essential program. It directs the GAO to review the existing H–2A Nonimmigrant Worker Program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers. And it requires the GAO to issue a timely report to the public on its findings. I am hopeful that the GAO study will provide a foundation for improving the program for the sake of agricultural employers and workers.

I also believe that this amendment crafts a careful balance between the needs of agricultural growers and the protection of domestic and foreign farm workers. The amendment calls on the GAO to review the H–2A Program to determine if it provides an adequate supply of qualified U.S. workers, timely approval for the applications for temporary foreign workers, protection against the displacement or diminishing of the terms and conditions of the employment of U.S. agricultural workers.

I am hopeful that this GAO report will help the H-2A admissions process meet the needs of agricultural employers while protecting the jobs, wages, and working conditions of domestic workers and the rights and dignity of those admitted to work on a temporary and seasonal basis.

I urge my colleagues to support the Wyden amendment.

INS AMENDMENT

Mr. HARKIN. Mr. President, much of the debate on this floor is focused on how to strengthen our immigration laws. But whatever we pass will not mean much if we do not make sure that our States have the tools and support they need to enforce those laws in the first place.

My amendment, which is cosponsored by Senator BYRD and Senator DASCHLE that would require the Attorney General to provide at least 10 full-time active duty agents of the Immigration and Naturalization Service in each State. These can be either new agents or existing agents shifted from other States.

In America today, immigration is not simply a California issue or a New York issue or a Texas or Florida issue. I can tell you that it is a real issue—and a real challenge—in my own State.

But today there are three States—including Iowa—that have no permanent INS presence to combat illegal immigration or to assist legal immigrants. In fact, in Iowa every other Federal law enforcement agency is represented except the Immigration and Naturalization Service.

This is a commonsense amendment. Ten agents is a modest level compared to agents in other States. According to INS current staffing levels, Missouri has 92 agents, Minnesota has 281 agents and the State of Washington has 440. And Iowa, West Virginia, and South Dakota have zero. This just does not make any sense.

Clearly every State needs a minimum INS presence to meet basic needs. My amendment would ensure that need is met. It would affect 10 States and only require 61 agents which is less than 0.3 percent of the current 19,780 INS agents nationwide.

Let me speak briefly about the situation in my own State. Currently, Iowa shares an INS office located in Omaha, NE. In its February report, the Omaha INS office reported that they apprehend a total of 704 illegal aliens last year for the two State area. This number is up by 52 percent from 1994.

The irony here is that in 1995, the INS office in Omaha was operating at a 33 percent reduction in manpower from 1994 staff levels. Yet the number of illegal aliens apprehended increased by 52 percent that year.

This same report states that there are about 550 criminal aliens being detained or serving sentences in Iowa and Nebraska city-county jails. Many of these aliens were arrested for controlled substance violations and drug trafficking crimes.

A little law enforcement relief is on its way to Iowa. The Justice Department announced that it will establish an INS office in Cedar Rapids with four law enforcement agents. That is a good step. And it is four more agents then we had before. But we need additional INS enforcement to assist Iowa's law enforcement in the central and western parts of our State.

In fact, the Omaha district office assesed in their initial report to the Justice Department that at least 8 INS enforcement agents are needed simply to handle the issue of illegal immigration in Iowa.

Mr. President, in the immigration reform legislation before the Senate this week, the Attorney General will be mandated to increase the number of Border Patrol agents by 1,000 every year for the next 4 years. Yet for Iowa, the Justice Department can only spare 4 law enforcement agents and no agents to perform examinations or inspections functions.

By providing each State with its own INS office, the Justice Department will save taxpayer dollars by reducing not only travel time but also jail time per alien, since a permanent INS presence would substantially speedup deportation proceedings.

There is also a growing need to assist legal immigrants and to speed up document processing. The Omaha INS office reported that based on its first quarter totals for this year the examinations process for legal immigrants applying for citizenship or adjusting their status went up 45 percent from last year. Even though, once again, the manpower for the Omaha INS office is down by one-third.

I have recommended that permanent INS office in Des Moines be located in free office space that would be provided by the Des Moines International Airport. Placing the office in the Des Moines International Airport would benefit Iowa in three ways. First, it would cut costs and save taxpayers money. Second, it would generate economic benefits for Iowa because the airport could then process international arrivals and advance Iowa's goal of becoming increasingly more competitive in the global market. Third, the office would be able to process legal immigrants living in Iowa.

I urge my collegues to join in support of my amendment. It is common sense, it is modest, and it sends a clear message to our States that we are committee to enforcing our immigration laws and giving them the tools they need to do it.

Mr. DASCHLE. Mr. President, I fully support Senator HARKIN's amendment to require the INS to have full-time staff in every State. Currently, South Dakota is one of only 3 States that do not have a permanent INS presence. Although South Dakota does not have the problems with immigration faced by States like California, there has been a dramatic growth in immigration, both legal and illegal, into the State and particularly into Sioux Falls. As immigration increases, it has become necessary to step up enforcement of the immigration laws nationwide, including in South Dakota.

In addition, citizens and legal residents who need help from the INS need to have an office in South Dakota to serve them. Now, they must journey to either Minnesota or Colorado. That is a huge burden on the residents of South Dakota.

Senator HARKIN is to be commended for addressing these problems and ensuring that South Dakota will have help from the INS to prevent illegal immigration and to facilitate the needs of legal residents and citizens.

Mr. CONRAD. Mr. President, my amendment is the same amendment that was added last week by unanimous consent to S. 1028, the health insurance reform bill. Although I am hopeful the House of Representatives will agree to retain the amendment during its conference with the Senate, that is not a certainty. The program this amendment extends is very important to my State and several others with large rural populations. But time is running out and this extension must be signed into law into the next few months. So I am offering the amendment today to S. 1664.

This amendment would extend what has become known by some as the Conrad State 20 Program. In 1994, I added a provision to the visa extension bill that allows state health departments or their equivalents to participate in the process of obtaining J-1 visa waivers. This process allows a foreign medical graduate [FMG} who has secured employment in the United States to waive the J-1 visa program's 2-year residency requirement.

As a condition of the J-1 visa, FMGs must return to their home countries for at least 2 years after their visas expire before being eligible to return. However, if the home countries do not object, FMGs can follow a waiver process that allows them to remain and work here in a designated health professional shortage area or medically underserved area. Before my legislation became law, that process exclusively involved finding an "interested Federal agency" to recommend to the United States Information Agency [USIA] that waiving the 2-year requirement was in the public interest. The law now allows each State health department or its equivalent to make this recommendation to the USIA for up to 20 waivers per year.

This law was necessary for several reasons. Despite an abundance of physicians in some areas of the country, other areas, especially rural and inner city areas, have had an exceedingly hard time recruiting American doctors. Many health facilities have had no other choice but turn to FMGs to fill their primary care needs. Unfortunately, obtaining J-1 visa waiver for qualified FMGs through the Federal program is a long and bureaucratic process that not only requires the participation of the interested Federal agency but also requires approval from both the USIA and the Immigration and Naturalization Service.

Finding a Federal agency to cooperate is difficult enough, considering that the Department of Health and Human Services does not participate. States who are not members of the Appalachian Regional Commission, which is eligible to approve its own waivers, have had to enlist any agency that is willing to take on these additional duties. These agencies, such as the Department of Agriculture or the Department of Housing and Urban Development, often have little or no expertise in health care issues. Once an agency does agree to participate, the word spreads quickly and soon that agency can be flooded with thousands of waiver applications from across the country.

Because States can clearly determine their own health needs far better than an agency in Washington, DC, my legislation now allows States to go directly to the USIA to request a waiver. It also is relieving some of the burden that participating Federal agencies have incurred in processing waiver applications.

The Conrad State 20 Program is still very new, and not every State has yet elected to use it. But the program is beginning to work exactly as I had hoped. At least 21 States have reported using it to obtain waivers. More States are expected to participate in the coming months. Unfortunately, the Conrad State 20 Program is scheduled to sunset on June 1, 1996, unless Congress approves an extension. The amendment I am offering would extend the program for 6 more years. This is not a permanent extension. The amendment would sunset the program on June 1, 2002.

My amendment also puts new restrictions and conditions on FMGs who use the Federal program. As a condition of using the Conrad State 20 Program to acquire a waiver. FMGs must contract to work for their original employer for at least 3 years. Otherwise, their waiver will be revoked and they will be subject to deportation. My amendment would apply the same 3-year÷ contractual obligation for those who obtain a waiver through the Federal program.

We all know that State empowerment has been a major issue of the 104th Congress. The Conrad State 20 Program is one way of giving States more control over their health care needs. States that are using the program want to keep it operating for a few more years. They understand that this program does not take away jobs from American doctors, but instead is one more valuable tool to help serve the health care needs of rural and inner city citizens. The Senate passed my original legislation with strong bipartisan support. I am hopeful the Senate will agree that creating the Conrad State 20 Program was very worthwhile, and will agree to accept this modest, 6-year extension.

Mr. HATCH. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

So the amendment (No. 3866) was agreed to.

Mr. HATCH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WELLSTONE. Mr. President, I want to thank the managers of the bill, the distinguished Senator from Wyoming [Senator SIMPSON] and the distinguished Senator from Massachusetts [Senator KENNEDY] for accepting a bloc of three amendments that I offered to the immigration reform bill and including them in the manager's amendment that was just accepted by voice vote.

I have been deeply concerned about provisions in the bill that could have the effect, perhaps unwittingly, of perpetuating violence against immigrant women and children. Two years ago, Congress made a commitment to fight the epidemic of violence against women—all women—when we passed the historic Violence Against Women Act. That commitment should not be forgotten as we debate immigration reform. There are provisions in this immigration bill before the Senate today that could trap many women in abusive relationships.

Mr. President, it would be unconscionable for our immigration laws to facilitate an abuser's control over his victim. It would be unconscionable for our immigration laws to abet criminal perpetrators of domestic violence. It would be unconscionable for our immigration laws to perpetuate violence against women and children.

Domestic abuse is one of the most serious issues our country faces—not only for the people who are in danger in their own homes, but for all of us—when that danger, that abusive behavior learned at home, spills out into our streets and schools. Domestic abuse knows no borders. Neither race, gender, geography, nor economic status shields someone from domestic violence.

Every 15 seconds a woman is beaten by a husband or boyfriend.

Over 4,000 women are killed every year by their abuser.

Every 6 minutes, a woman is forcibly raped.

Some 70 percent of men who batter women also batter their children.

A survey conducted in 1992 found that more than half of the battered women surveyed stayed with their batterer because they did not feel they could support themselves and their families.

The Violence Against Women Act was enacted to ensure that women in the United States, living under all different kinds of circumstances, have every chance to create safe lives for themselves and their children.

For a battered immigrant woman to be eligible for the protections of the Violence Against Women Act, she must show that she: First, is the spouse of a citizen or lawful permanent resident of the United States; second, is eligible for immigrant classification based on that relationship; third, is residing in the United States; fourth, has resided in the United States with the citizen or lawful permanent resident spouse; fifth, has been battered by, or subjected to extreme cruelty by that spouse; sixth, is a person of good moral character; seventh, entered into the marriage in good faith; and eighth, that her deportation would cause extreme hardship to her or her child.

Many undocumented women are undocumented because they have been victims of abuse, and in many cases their abusers have interfered with or deceived them about the immigration process.

These women, victims of domestic violence who are eligible for lawful permanent residency, but who have not yet attained residency due to the actions or inactions of their abusers, should not be penalized as undocumented immigrants. Their undocumented status is most often not willful, but results from the abusive relationship.

I want to explain this carefully. Many of these women come into the country legally, with the sponsorship of their spouse. Once they are here, the abusive partner will use her immigration status as a means of coercing her into submission—for example, "If you don't do whatever I say, I will call the INS on you and withdraw my petition." Often these women will leave the country with their spouse and then the spouse will force them to re-enter illegally. The spouse will sometimes not file the proper paperwork to petition for status, all the while telling his battered wife that he is taking care of the situation, and that her fate in the United States rests in his hands.

For example, Dania's case, originating in New Jersey, was recently brought to my attention. Dania is 27 years old. She came to the United States from India. Her husband Mihi, a U.S. citizen, told her that he would file for her to get permanent residence in the United States. Soon after they were married, he did file a petition. The couple resided with Mihi's family, who were verbally abusive to Dania and Mihi himself battered her with his fists, leaving visible marks on her face and body. The police responded to complaints from neighbors about the violence on several occasions. Mihi told Dania that if she did not do whatever he said, he would withdraw the petition he filed and have her deported.

Dania left her husband once and fled to a shelter. Soon after, he convinced her to take a "reconciliation trip" with him to India. When they got to India, he destroyed all of her documents including her passport. She obtained a passport and returned to the United States to find that Mihi had withdrawn his petition sponsoring her for legal status.

Mr. President, to treat Dania and these other VAWA eligible women as undocumented is to punish them for being victims of a crime. Remember, domestic violence is a crime, whether or not the victim has a green card.

Under this bill, these undocumented immigrant women would be ineligible for any means tested government assistance programs.

The first amendment in this bloc, accepted by the managers of the bill, would allow women who are eligible to file independently for legal residence under the Violence Against Women Act, but have yet to do so, and thus are ineligible for assistance, to receive certain benefits including AFDC and Medicaid, provided that they file for legal, permanent residence within 45 days.

Let's say a battered immigrant woman flees her abusive household in the middle of the night and goes to a domestic violence shelter. Prior to going to the shelter, she may not have even known that the Violence Against Women Act existed, and therefore, she has never self-petitioned for residency. The next morning, the first thing she needs to deal with is not her immigration status, but with the more pressing needs of finding a temporary source of food, diapers and medical care for her child.

This amendment makes her immediately available for some of the public benefits that lawful permanent residents are eligible for, and then she has 45 days to file her claim for lawful permanent residency. If she fails to file the claim or the claim is denied, the benefits would be terminated.

Women fleeing abusive relationships need the transitional assistance that is provided by government public benefits programs. This amendment would allow these women to be eligible for a narrow set of means-tested government assistance programs. This discrete group of programs has been selected because they would provide bare bones support: supplemental security income; aid to families with dependent children; social services block grants; Medicaid; food stamps; and housing assistance.

If women who have been battered do not have access to this assistance, they are thrust into the untenable position of acquiescing to abuse or facing deportation when they ask for help.

Mr. President, I want to tell another story, because I think the best way to understand about some of these problems—which seem unimaginable to so many of us—is to hear about real people who these amendments would help. Guadalupe is an undocumented woman living in Oregon, who was not a legal resident due to the inaction of her husband and sponsor, a battered woman who could have successfully fled her hideously abusive marriage if she had been able to get some kind of transitional assistance for herself and her children.

Guadalupe is from Mexico and is married to Jose. They have had two children together. Jose applied for, and received, his legal residency. Throughout the 11 years of their marriage, he promised on many occasions to file for legal residency on behalf of Guadalupe. He never did.

Guadalupe was made to stay in the house and have no contact with anyone. The only time she left the house was on weekly shopping trips to the grocery store. Soon, even the trips to the store were a thing of the past and Guadalupe and her children would go for days with nothing to eat.

Jose would belittle, humiliate, rape, and sodomize Guadalupe in front of the children, and he explained to his 3-year-old son that he would be expected to do this as well when he got older in order to "keep his mother and sister in line." When Guadalupe would attempt to defend herself and her children, Jose would pull out his pistol and threaten to kill her.

During one particularly bad incident of abuse, a neighbor became aware of what was going on and gave Guadalupe a shelter number. She moved to the shelter. Since neither Guadalupe nor her children have INS documentation, they were ineligible for public assistance and Guadalupe could not work because she doesn't have a green card. They were totally economically dependent on Jose.

She moved back in with him out of economic necessity and the abuse continued to escalate. Jose earned $2,000 a month, and yet his children suffer from malnutrition since he doesn't give Guadalupe any money to buy food. Jose repeatedly threatens to have Guadalupe and the children deported.

If Guadalupe had been eligible to receive some assistance right away, it might have been possible for her to start a new, safe, and secure life for herself and her children. This amendment would give Guadalupe and other women in similar, desperate circumstances, a chance at breaking free from abusive relationships and starting a safer life.

The second amendment accepted by the managers would protect battered women, also in the circumstance of needing some assistance, from being deported for being a "public charge," that is to say, for temporarily relying on public assistance to escape the violence.

In order to be granted suspension of deportation under the Violence Against Women Act, battered women must overcome two tests: First, she must prove that she is eligible for suspension of deportation under the Violence Against Women Act.

To do so she must prove:

That she has been battered or the subject of extreme cruelty in the United States by a U.S. citizen or lawful permanent resident spouse;

That she has a valid marriage;

That she is of good moral character; and

That her deportation would cause extreme hardship.

Second, once she has proven this, the judge could still exercise judicial discretion and deport her regardless of her VAWA eligibility because she relied on public benefits in an effort to escape her abuse.

Under this bill, any legal immigrant who receives any means-tested Federal or State assistance for an aggregate of 12 months during her first 5 years in the United States is deportable as a public charge. For these purposes, means-tested Federal or State assistance programs include things like, if she got a Pell grant, in order to further her education and make it possible to get a better job to provide for herself and her children. A battered woman could also be deported for being a "public charge" if she enrolled a child in Head Start or any similar means-tested program. This standard has the effect of punishing people who are availing themselves of programs that are there to help make them self-sufficient.

Realistically, battered women often need to rely on public assistance to escape their violent surroundings. My second amendment, like the House bill, would allow battered women to be eligible for the same discreet set of government assistance programs that require means testing, those that I listed in conjunction with my last amendment, for 4 years without being considered a public charge. A 4-year time period was selected because research has shown that half of women on public assistance are off of assistance within 4 years. This amendment would provide an exception to the provision in the Senate bill that would make such a woman deportable.

Keep in mind that the decision to leave an abusive relationship is not an easy one. When a woman leaves she knows that two things will happen immediately—she, and if she is a mother, her children, will become homeless and they will likey lose all of their economic resource. She will immediately enter poverty. For a mother, this would be an enormous step to take.

My amendment is necessary under many different circumstances. For example, some shelters, as a safety precaution, condition residence upon a battered woman not returning to her place of employment. Many battered women do no work outside the home because the abuser does not allow it. In other cases the abuser has forbidden the abused woman from getting educational or employment skills that would make her self-sufficient. These are some of the many reasons battered women may rely on transitional public assistance as they flee.

Giving battered women a longer time on assistance before they are considered a public charge, and therefore deportable, is another way of giving abused women and their children a better chance at improving their circumstances.

The third amendment accepted by the Managers relates to a practice known as deeming, whereby the income of an immigrant's sponsor is attributed to the immigrant for the purposes of determining the immigrant's eligibility for public assistance. For example, an immigrant woman is sponsored by her U.S. citizen husband who signs an affidavit that he will support her. He earns $30,000 a year. That woman is deemed to have access to $30,000 a year, even if he is not supporting her in reality.

Deeming amounts to essentially pretending that an abusive sponsor is supporting a victim of domestic abuse and it renders her ineligible for the transitional public assistance that she would need to become independent, and would imprison her and her children in a violent situation. She would be without a means of economic survival and hence forced to return to her abuser. Many times, we see affidavits of support used as a tool by the abuser to prevent the victim from leaving.

My third amendment, similar to the House bill language, would eliminate the practice of "deeming" for victims of domestic abuse for the first 4 years, and beyond 4 years if there is an ongoing need for the benefits and that need has been caused by the domestic abuse.

These 4 years give the battered woman an opportunity to become self-sufficient. Often when a woman leaves an abusive relationship she is desperate and scared. She fears for her life because leaving can be the most dangerous time for her. She has probably lost all of her self-esteem and self-confidence because of the battering. The process of putting her life and the lives of her children back together can be slow.

As a community, we need to encourage women and children recovering from an abusive situation to become a strong, healthy, independent family. To set "one size fits all" provisions and arbitrary time limits for immigrant women is unfair, unreasonable and unconscionable. It shows no understanding of the trauma that a women go through.

Just think of Monica Seles, the tennis star who was stabbed while on the tennis court. It took her 2 years to return to tennis due to the post traumatic stress disorder caused by a single attack. Although this was indeed a terrible, terrible trauma, consider the effect of years of battering and abuse some women suffer in their own homes, and think what it must take to recover from that kind of abuse.

As we strive to reform our immigration policies in a thoughtful, and not punitive manner, we must be careful that proposed reforms don't eliminate protections that help women and children, particularly vulnerable women and children, escape dangerous, violent homes.

Mr. President, all of the amendments I have offered today relating to domestic violence have been offered for the purposes of keeping the landmark legislation, the Violence Against Women Act, the strong protection for abused women and their children that it was intended to be.

We have made a lot of progress in the past few years, but there is still a large gap in the public awareness and understanding of domestic violence. It takes community support and assistance for women and children to take the first step to become safe. My fellow Senators and I have a perfect opportunity to set an example to the community today.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I believe now we should go to the regular order, and we are prepared to do that.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the hour of 5 p.m. having arrived, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Dole (for Simpson) amendment No. 3743 to the bill S. 1664, the immigration bill:

Bob Dole, Alan Simpson, Dirk Kempthorne, Strom Thurmond, Dan Coats, James Inhofe, Jesse Helms, Richard Shelby, Trent Lott, Conrad Burns, Connie Mack, Hank Brown, Kay Bailey Hutchison, Paul Coverdell, Fred Thompson, and Rick Santorum.

CALL OF THE ROLL

The PRESIDING OFFICER. The mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on amendment No. 3743 to S. 1664, the Illegal Immigration Reform Act, shall be brought to a close? The yeas and nays are required.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Montana [Mr. BURNS], the Senator from New York [Mr. D'AMATO], the Senator from Oklahoma [Mr. INHOFE], the Senator from Vermont [Mr. JEFFORDS], the Senator from Alaska [Mr. MURKOWSKI], the Senator from New Hampshire [Mr. SMITH], and the Senator from Tennessee [Mr. THOMPSON] are necessarily absent.

I further announce that, if present and voting, the Senator from Montana [Mr. BURNS] would vote "yea."

Mr. FORD. I announce that the Senator from New York [Mr. MOYNIHAN] and the Senator from Connecticut [Mr. DODD] are necessarily absent.

I further announce that, if present and voting, the Senator from New York [Mr. MOYNIHAN] would vote "aye."

The yeas and nays resulted—yeas 91, nays 0, as follows:

[Rollcall Vote No. 90 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inouye
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—9

Burns
D'Amato
Dodd
Inhofe
Jeffords
Moynihan
Murkowski
Smith
Thompson

The PRESIDING OFFICER. On this vote, the yeas are 91, the nays are 0.

Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

AMENDMENT NO. 3744 AND MOTION TO RECOMMIT WITHDRAWN

Mr. SIMPSON. Mr. President, I withdraw the pending motion to recommit and amendment No. 3744.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion to recommit and the amendment (No. 3744) were withdrawn.

CLOTURE MOTION

Mr. SIMPSON. Mr. President, I send a cloture motion to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on calendar No. 361, S. 1664, the illegal immigration bill:
>
> Bob Dole, Alan Simpson, Craig Thomas, Hank Brown, R. F. Bennett, Dirk Kempthorne, Judd Gregg, Bob Smith, Trent Lott, Jon Kyl, Rod Grams, Fred Thompson, John Ashcroft, Bill Frist, Orrin Hatch, Chuck Grassley.

Mr. KENNEDY. Mr. President, the floor manager and I have visited about what we might expect through the evening and into tomorrow. It is our best judgment that we will have an amendment dealing with the Cuban-Asian adjustment that Senator GRAHAM will speak to this evening, and then we will have the final debate as the first order of business tomorrow. Then Senator GRAHAM has indicated that he would follow up with a presentation on one of his amendments dealing with the welfare provisions on the underlying legislation with the opportunity to have, again, briefer debate on that measure tomorrow.

Then it is our hope that we will be able to, as I understand it, go from side to side in terms of the amendments themselves. We will obviously do the best we can to accommodate different Members and their time schedule. That has been certainly the agreement.

We want to express our appreciation to Senator SIMPSON for that measure. We will move through the course of the day. I have spoken to a number of our colleagues to urge the early consideration of their amendments in a timely way in the midmorning and later morning so we can make some real progress on this bill.

We can see that there is no desire on our part to delay this legislation. It was a unanimous vote, virtually, on the cloture. As I mentioned earlier, what is underlying this whole effort is really the question about whether we will get a debate or discussion on the issue of minimum wage. I made that presentation earlier.

We can see from all of our sides we are prepared to move ahead. We are going to work with the manager of the bill and try and give as much notice to our colleagues as is possible in terms of the amendments that are coming up. We urge all of them to give the focus and attention to this subject now because there is a series of very important amendments that will be coming up through the day and tomorrow, and then it will be up to the leaders about how late we meet tomorrow evening and into Wednesday.

Mr. SIMPSON. Mr. President, as always, over the years, in dealing with this issue of illegal immigration and legal immigration, I appreciated the courtesies and attention of the Senator from Massachusetts.

That is evident again. He has a very serious issue he wants to bring before the U.S. Senate. We understand that. I understand that. I would be doing the same were I in his role. I do regret that the procedural aspects of the last few days made it appear that we were doing the business all over here, and that was unfortunate.

We moved some amendments without, perhaps, doing the usual procedure of back and forth and back and forth. So we will now go to Senator GRAHAM, and that is the Cuban Adjustment Act rather than the Cuban-Haitian. It is not a Cuban-Haitian issue. It is a Cuban Adjustment Act issue.

I will define it as an anachronism, and in other terms, a little later. And then he may, if he desires, go forward with a second amendment to reduce my level of guilt.

Mr. GRAHAM. Mr. President, I want to assure my good friend from Wyoming that reducing his level of guilt, or, frankly, any other emotion that he might feel, is not the purpose of this, but it is rather to discuss the current relevance, the relevance in the spring of 1996, of legislation that this Congress passed 30 years ago.

It was on November 2, 1966, that Public Law 89-732, the Cuban Adjustment Act, became the law of the land.

Mr. President, I want to read, briefly, from that law that was passed almost 30 years ago, because an understanding of what this law does—and, frankly, what it does not do—is crucial to understanding the proposal which I will submit to the Senate.

I will read portions of the Cuban Adjustment Act. It states:

> Notwithstanding any other provision of the Immigration and Nationality law, the status of any alien who is a native or citizen of Cuba, and who has been inspected and admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present in the United States for at least 1 year, may be adjusted by the Attorney General in his—

Now her—

> discretion, and under such regulations as he or she may prescribe to that of an alien lawfully admitted for permanent residence.

Mr. President, that is the essence of the Cuban Adjustment Act. It only relates to people who are lawfully in the United States. It does not apply to people who are here illegally. You first had to have been admitted into the United States, or paroled into the United States, in order to commence the process of 1 year of presence in the United States prior to being eligible to request this discretionary act of the Attorney General.

Mr. President, last week, I made some preliminary remarks on this legislation, and I stated that one of my concerns is that, although this bill has as its title that this is the "illegal" aliens bill, as distinct from a separate "legal" alien bill, that in fact the illegal aliens bill has spotted throughout it provisions that relate primarily—or as in this case, exclusively—to legal aliens.

So I ask my colleagues to now part the veil of legal and illegal, because we are now talking about people who are in this country legally, and whose status is about to be affected by a change in a bill whose title would lead one to believe that it only relates to those persons who are in the country illegally.

What would the provision in the illegal immigration bill, S. 1664, do to those persons who are in the country legally and under current law would have the prerogative of asking the Attorney General to exercise her discretion to adjust their status? This provision, which begins on page 177, would first repeal Public Law 89-732, the Cuban Adjustment Act.

Second, it states a savings provision, which states that "The provisions of such act shall continue to apply on a case-by-case basis with respect to individuals paroled into the United States pursuant to the Cuban migration agreement of 1995."

Let me make some comments on that provision. The savings provision states that it applies on a case-by-case basis. As I indicated, in current law it is also on a case-by-case basis.

Applications must be made on an individual basis for a person who is a native or a citizen of Cuba, who has been inspected, or admitted, or paroled into the United States subsequent to January 1, 1959, and has been physically present for 1 year.

If you meet all those requirements, then you may apply to the discretionary act of the Attorney General to adjust your status. This savings provision, however, would only apply with respect to individuals paroled into the United States. The current Cuban Adjustment Act refers to persons who are inspected and admitted, or paroled. So it would narrow the categories of persons who could come into the United States to those who are paroled.

What is the significance of that? As you know, there are a number of means by which a person can come into the United States. For those persons who have come from Cuba, they have primarily come in one of three categories: as parolees, as refugees, or as visa immigrants. This amendment, as written in current law, would restrict it to only one of those three categories—those who are parolees.

As an example, in 1995, under the United States-Cuban migration amendment—I might say, Mr. President, that was the agreement entered into in the spring of 1995 as a culmination of the series of events which began almost 9 months earlier with a mass migration of small boats from Cuba to the United States, which, in turn, led to the large number of persons who were detained at the United States Naval Station at Guantanamo Bay. Of those who came into the United States in 1995, 7,500 came in with the status of refugees. Of those, 7,500 would be excluded from the applicability of the Cuban Adjustment Act, under this provision, because it would only apply to parolees. Six-thousand came as visa immigrants. Those would be excluded from the application of the Cuban Adjustment Act. There were 14,000 who came as parolees through the migration agreement having applied to the United States-Cuban interest section in Havana. Another 10,000 came as parolees, as one of those persons who were being detained at Guantanamo. So, last year, there would have been 13,500 of those persons who came that would not have been eligible because they came in a status other than as a parolee, and 24,000 would have been eligible because they came as parolees.

The next major restriction is that you have to come in pursuant to the Cuban migration agreement of 1995. There are literally tens of thousands of persons who are otherwise eligible for adjustment of status under the Cuban Adjustment Act, who have come in by means other than the Cuban Migration Agreement of 1995. In fact, from 1990 to 1994, an average of almost 20,000 persons a year adjusted their status under the Cuban Adjustment Act. None of them came in under the Cuban Migration Act because the Migration Act did not go into effect until the spring of 1995.

Assumingly, although there are no precise records, there are still many thousands of persons who came prior to the spring of 1995, prior to the Cuban Migration Act, who are still eligible because they meet the other standards of having come here legally, having resided here for 1 year, and are now legally eligible to make a request to the Attorney General for a discretionary act of adjusting their status.

So one of the consequences of adopting the language which is in 1664 today is to exclude a substantial number of people from the benefits of this legislation, people who are just like persons who for 30 years have utilized this legislation in order to adjust their status.

Second, this sends a signal that we believe, as the Senator from Wyoming alluded, that we think the situation in Cuba has changed so dramatically that now legislation passed 30 years ago is a dinosaur, is an anachronism, and no longer serves a legitimate purpose.

In fact, Mr. President, you can read as recently as this morning's Washington Post an article that states:

> Cuba Slows Changes, Reemphasizes Ideology. Tighter U.S. Embargo Draws Vow From Castro "to Resist Another 35 Years."

Mr. President, I ask unanimous consent that the article from the Washington Post of April 29 be printed in the RECORD immediately after my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I cite this as the most recent evidence of the fact that we are not dealing with an anachronism. Fidel Castro is an anachronism. But the Cuban Adjustment Act, which was designed to respond to the human rights abuses, to the circumstances that forced thousands of native citizens of Cuba to flee that country, unfortunately, the Cuban Adjustment Act still serves its humanitarian purpose in 1996 as it did when it was adopted by the Congress in 1966.

Third, the adoption of the language in 1664 would have the practical effect of turning a substantial amount of the U.S. immigration policy, substantial amount of our responsibilities to make decisions as to what is in the best interests of the United States of America, over to Fidel Castro.

Why is that? All Fidel Castro would have to do, if this language in Senate bill 1664 were to be adopted, would be to abrogate the Cuban Adjustment Act, the Cuban Migration Agreement of 1995, and no person would henceforth be eligible to utilize the Cuban Adjustment Act as a means of changing their status and securing the benefits of permanent residence in the United States.

We would be telling Fidel Castro, "If you wish to amend United States immigration law, all you have to do is abrogate the only window which is now available by which a Cuban citizen who has flown the tyranny of your government to secure the benefits that have been available for 30 years to tens of thousands people to adjust their status." I do not think this Congress wants to accede to Fidel Castro the ability to influence our policy.

Mr. President, I do not think the Cuban Adjustment Act needs to be a permanent part of American law. Frankly, I wish it had never been necessary. I wish once it was determined necessary and enacted, it would have been in a position to have been repealed as quickly as possible because its existence is testimony to Fidel Castro's continued existence and tyrannical rule over the citizens of the island of Cuba.

So, Mr. President, what I propose, joined by a number of our colleagues, including Senators DOLE, MACK, ABRAHAM, BRADLEY, and HELMS, is an alternative approach. Our amendment would say that the Cuban Adjustment Act shall be repealed, but it shall be repealed only upon a determination by the President under the Cuban Liberty and Democratic Solidarity Act of 1996—what is frequently referred to as the Helms-Burton legislation—only when a determination has been made by the President pursuant to the standards in that legislation that in fact a democratically elected government is now in power in Cuba. Once there is a democratic government in Cuba, then the need for the Cuban Adjustment Act will have been fulfilled, and there would be a celebration of repeal of the Cuban Adjustment Act.

So, Mr. President, I believe this amendment has been filed as No. 3760 with the provision that I have just stated.

Mr. President, I urge this Senate not to precipitously adopt the language that is in 1664, not to close the opportunity for thousands of Cubans, Cubans who arrived prior to the Cuban Migration Agreement of 1995, and those Cubans who arrived under it in a status other than parolees.

Let us not inadvertently send a signal to Fidel Castro that, in spite of the overwhelming evidence to the contrary, we have found some reason to believe there has been a transformation, a reformation, from the tyranny of 35 years into a government in which we are prepared to give some respect and dignity. The fact is no such transformation has occurred, and we do not wish to give such evidence that there has been. We certainly do not wish to turn over to Fidel Castro the ability to affect our immigration laws.

Mr. President, I urge the adoption of the amendment which is at the desk, and look forward to its consideration at the earliest opportunity tomorrow.

EXHIBIT 1

[From the Washington Post, Apr. 29, 1996]

CUBA SLOWS CHANGES, REEMPHASIZES IDEOLOGY—TIGHTER U.S. EMBARGO DRAWS VOW FROM CASTRO "TO RESIST ANOTHER 35 YEARS"

(By Douglas Farah)

HAVANA.—Facing a freeze in Cuban-U.S. relations and slipping state control of the economy, Cuba's ruling Communist Party has slowed moves toward free-market economics, raised pressure on dissidents and reemphasized its orthodox Marxist rhetoric.

Around the country, old propaganda signs are being refreshed, new billboards denouncing the U.S. economic embargo are going up, and buildings housing the Committees for the Defense of the Revolution are being repaired. Reaffirming the Marxist, socialist nature of the Cuban revolution is again the focal point of speeches.

While changes permitting some private enterprise and foreign investment will not be rolled back, according to senior government officials and diplomats, the pace of future moves toward a market economy—especially those related to increasing self-employment—are likely to slow down or be put on hold.

President Fidel Castro, in a ceremony on April 16 marking 35th anniversary of his declaration of the revolution as socialist, said that Cuba has resisted pressure to change and that "we're prepared to resist another 35 years, and 35 times 35 years."

In part, the call to return to ideological purity reflects increased concern that a growing sector of the economy in moving out from under state control, according to diplomats and Cubans analysts. Another factor often cited is increased government optimism that this year's crucial sugar harvest is on target to reach 4.5 million tons, up from last year's disastrous 3.3 million tons, the lowest in 40 years.

If the harvest reaches that goal, the government will be able to pay off the $300 million in commercial loans it took out last year, at 18 percent interest, to rebuild the industry, which is vital to returning the economy to sustained growth. Official figures show the economy shrank by 36 percent from 1989 to 1992, following the collapse of the Soviet Bloc, which heavily subsidized Cuba.

Since 1993, Cuba has legalized use of dollars, authorized limited self-employment, allowed farmers to sell surplus produce on the open market and offered cash incentives to workers in key sectors of the economy to produce more. The result has been not only an upturn in the economy, but also the creation of a class with access to goods and services not available to those who work for the state at fixed wages in Cuban pesos, usually about $16 a month.

"We need time to assimilate and consolidate the steps we have already taken, especially in self-employment," Alfredo Gonzalez, senior adviser in the Ministry of Economics and Planning, said in an interview. "The moves have had contradictory effects. When some people start to get rich, it has a social impact. University professors and social workers, who earn only in pesos, are starting to ask, 'When will it be my turn?'"

Some of the party faithful are not waiting. A professor of Marxism at the University of Havana can be found most nights harmonizing with a musical trio that strolls through a plush dollar restaurant, singing romantic ballads for tips. He said he made more in two nights there than at his academic job in a month.

University students, long praised as the vanguard of the revolution, are trying desperately to get into business administration and computer classes. According to academic sources, only seven students signed up last semester to study Marxism, once one of the most popular courses.

The opening salvo in the ideological rollback was fired by Raul Castro, brother of the president and head of the armed forces, in a March 23 speech to a meeting of the party's 212-member Central Committee. It was only the fifth full meeting of the committee since Fidel Castro took over in 1959, and the first since 1992.

Raul Castro called for renewed ideological vigor, especially in the watch committees. He sharply criticized some parts of the economic changes already implemented, including foreign influences spread through the growing tourism industry, and the relative wealth of some people who are now legally allowed to form their own small businesses.

"Fundamentally, it is understood that ideology is at the root of everything." Raul Castro said.

The meeting was held a month after Cuban-U.S. relations took their sharpest plunge in three decades, when Cuban air force shot down two small airplanes belonging to the Miami-based exile group Brothers to the Rescue. In response, President Clinton signed into law the Helms-Burton Act, which seeks to strengthen the 34-year-old U.S. economic embargo against Cuba.

Using the threat of covert U.S. operations, the Cuban government stepped up attacks on dissident groups, independent journalist and even reformist academic groups that were largely financed by the Communist-Party. Academic sources said that committees are reviewing the work of academic centers, their finances and their foreign contacts.

The tone was set by Raul Castro, who accused the United States of financing "the proliferation and growth of small groups of traitors within the country."

Ricardo Alarcon, president of the National Assembly, defended the crackdown on Communist Party-financed think tanks, which won international attention by pushing for faster, deeper economic change. "The party has the right to question and analyze whether a center that depends on it for material and human resources is doing what it is supposed to do, and if not, to correct things," he said.

Rep. Robert Menendez (D-N.J.), representing the United States at the U.N. Human Rights Commission meeting in Geneva, accused Havana last week of carrying out "the most repressive wave we have seen in the recent history of Cuba." On Tuesday, the commission passed a resolution condemning Cuba for not allowing freedom of assembly and expression.

Caught in the middle are the dissidents themselves.

Vladimiro Roca, a dissident whose father, Blas Roca, was a founder of the Cuban Communist Party, said he is awaiting a crackdown. "Our meetings are being blocked, we can no longer get foreign newspapers, it is getting ever more hard," Roca said in an interview at his home. "The shoot-down and the Helms-Burton act have made life more difficult."

But just how tough mobilizing people has become was tacitly acknowledged by Raul Castro when he said people's "number one daily concern is food." Still, he called for revitalizing the watch committees, powerful political structures set up in each block of every city and town to monitor ideology and instill revolutionary fervor.

Instead of going to meetings, people spend much of their time trying to put food on the table or seeking scarce transportation to work or markets. The committees gradually have lost influence, especially around Havana, and in some areas hold almost no meetings.

Officials and businesses people who travel here regularly said two reform programs already approved are still on track. One is to revive a commercial banking system abandoned in the 1960s, and the other is to break down large state companies into smaller, more efficient units.

Gonzalez and Alarcon said one of the pending changes most cherished by reformers and long rumored to be imminent—allowing the creation of small and mid-size companies under private overship—is being studied, but there are no plans to go ahead with it soon.

Mr. GRAHAM. Mr. President, under the rules under which we are currently operating, the amendment 3760 has been filed.

Would the appropriate motion be to call up the amendment at this time?

The PRESIDING OFFICER. The Senator is correct.

AMENDMENT NO. 3760 TO AMENDMENT NO. 3743

(Purpose: To condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power)

Mr. GRAHAM. I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM], for himself, Mr. DOLE, Mr. MACK, and Mr. ABRAHAM, proposes an amendment numbered 3760 to amendment No. 3743.

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON. Mr. President I thank the Senator from Florida.

This is an issue that continues, and I hope my colleagues can hear it and understand what it is that we have done here over the years.

This is the Cuban Adjustment Act. It has not anything to do with the Cuban-Haitian Adjustment Act. This is a measure that went on the books in the early 1960's when the freedom flotillas were bringing in hundreds of thousands of Cubans who were being given parole. People say, "What is parole?" It is a very distinctive remedy. It is just bringing them here, really outside the scope of immigration laws, in a sense. It is a temporary status, and the only way to change to permanent status is through adjustment. Hence, the Cuban Adjustment Act.

The Cuban Adjustment Act is a relic of the freedom flights of the 1960's and freedom flotillas in the late 1970's. The Senate repealed it first in 1982, if I recall, and then it went to the House, and it was left out of conference. The Senate has repealed it again—I do not recall that date—and it was replaced in conference.

At the time of the original Cuban Adjustment Act—it was a time of crisis, obviously a time of crisis has been continuing in that part of the world—Cubans were brought to the United States by the tens of thousands, even the hundreds of thousands. Most were given this parole status, which is this indefinite status which you cannot remain in, and it requires an "adjustment" in order to receive a permanent immigrant status in the United States.

So since we welcomed these Cubans, and we should have, and we intended that they remain here, the Cuban Adjustment Act provided—and here is the issue—that after 1 year in the United States of America all Cubans could claim a green card and become permanent residents here.

Since 1980, we have discouraged, thoroughly discouraged the illegal entry of Cubans, and there is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts—and I hope all hear this—those Cubans who come under the current agreement between the Castro Government and the Clinton administration. Those 20,000 Cubans per year who are chosen by lottery and otherwise to come here, under that agreement they will be able to have their status adjusted under the committee bill provisions. There is no change in the status of those people. However, other than that one exception, there is simply no need for the Cuban Adjustment Act, and it should be repealed.

It is very clear. No other group or nationality in the world, regardless of what is going on in their country, no other group or nationality in the world, in the entire world is able to get a green card merely by coming to the United States legally or illegally and remaining here for a year.

That is what you have here. It is an extraordinary thing. Millions of persons who have a legal right to immigrate, to join family here, are waiting in the backlog sometimes for 15 or 20 years. It makes no sense to allow a Cuban to come here illegally on a raft or an inner tube or to fly in with a visitor's visa to see friends in Miami and then simply stay on a year, violating our laws in doing so, and then be rewarded with the most precious thing we can give, and that is the green card. It strains all reason.

You have a situation where a person comes on a tourist visa, goes immediately to the home of a relative in Florida, stays there, to be sure to pick up a receipt or show something they did with a date on it, a rent receipt or something, and in a year you go into the INS and you show anything you have to show that you have been here a year and you get a green card.

We do not do that with people fleeing the most oppressive realms on the Earth. We do not do it with anybody. It is a total anachronism. It does not fit. I know that we are all trying to whack Cuba and whack Castro. I am ready to do that day and night. I admire what Senator HELMS has been up to on that. There are others—Senator GRAHAM, Senator CONNIE MACK—I understand that, and I have joined that. But if we are going to have a law on the books which does not have anything to do with oppression, it has to do with the most remarkable lapse that we can ever imagine in our immigration law, the Cuban Adjustment Act I think should be repealed.

Even though this is a different and quite unique amendment than previously, it still is a situation where it is the only country on the face of the Earth where you come, stick around a year under any circumstances—even if you violated the law—and walk in and get a green card, whereas if anybody else did that, if they had their adjustment lapse, they would be pitched.

So that is where we are. It is an interesting vote again. We will make the decision and move on. It has been thoroughly debated in years past, and I admire my friend from Florida. You cannot represent Florida and not do this. Senator CONNIE MACK is the same. And I understand that. For anyone who would miss the significance, this is very critically important for them to be doing, and they do it with great directness and authenticity, and I commend them.

Mr. President, since there seems to be a lack of spirited debate on this issue, I wonder if the Senator from Florida would wish to go forward with the second amendment and perhaps debate that and then when Senator KENNEDY returns, I believe he is supporting the Senator's position, is that not correct? Is Senator KENNEDY supporting the Senator's position on this?

I am trying to determine if we have proponents and opponents, but we need not do that. If the Senator is ready to go forward with the second amendment, I would ask that we simply set aside this amendment for the moment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I appreciate the cordiality of our colleague from Wyoming. I would move on to the second amendment, which is really one of what I anticipate will be a cluster of amendments. Again, it goes to an issue raised in the previous amendment, which is that while we are dealing with the bill S. 1664 that has as its title: "To Increase Control Over Immigration in the United States by Increasing Border Patrol and Investigative Personnel," et cetera, a bill designed to restrain illegal immigration, in fact there are provisions which apply substantially or totally to persons who are in the country legally.

Many of those provisions also go to a second major concern for the structure of this legislation, and that is the degree to which it represents a significant unfunded mandate, a transfer of financial obligations from the Federal Government to State and local communities.

Mr. President, for many years, as you well know, I have been seriously concerned with the fact that while the Federal Government has the total responsibility for determining what our immigration policy will be and has the total responsibility for enforcing that immigration policy, where the policy is either misguided or where the policy is breached, it is the local communities and the States in which the aliens reside that most of the impact is felt. That impact is particularly felt in the area of the delivery of critical public services, from health care to education to financial assistance in time of need. It has been my feeling that fundamentally the Federal Government ought to be responsible for all dimensions of the immigration issue. It sets the rules. It enforces the rules. It should be responsible when the rules are not adequately enforced and there are impacts, especially financial impacts on individual communities.

Thus, I am concerned with this legislation, which instead of moving in the direction I think represents fair and balanced policy, goes in the opposite direction and is now going to have the Federal Government withdrawing from its level of financial responsibility for legal as well as illegal aliens, and will be, by its default, imposing that responsibility on the communities and States in which the aliens live.

Compounding that is the uncertainty of just which of these programs that are intended to provide some assistance to the alien will be affected by this shift of responsibility. As currently written, S. 1664 would require that the income of the sponsor, that is the person who is sponsoring the legal alien to come into the United States, would require that the sponsor's income be deemed to be the income of the alien for "any program of assistance provided or funded in whole or in part by the Federal Government, by any State or local government entity for which eligibility for benefits is based on need." That is the standard by which there will be this transfer of responsibility, assumedly, from the Federal Government to the sponsor of the legal alien. But in reality, if that sponsor is not able to meet his obligations, it is going to be a transfer to the local community, private philanthropy, or government services, when the legal alien becomes old, unemployed, injured, or otherwise in need of services that he or she is unable to pay for.

The amendment which I am offering, which has been filed as No. 3803, and in which I am joined by Senator SPECTER, says if we are going to do this, if we are going to require this deeming, that at least we ought to know precisely what it is we are talking about because no one can say, reading the language that I just quoted from the legislation, what programs, Federal, State or local, would be impacted by these very broad and sweeping words.

What are some of the programs? I would like to ask the sponsors and supporters of the bill whether or not the following programs are intended to be impacted by S. 1664.

Minnesota has a program called "MinnesotaCare," would that be affected? Rhode Island's "Rite Care," would that be affected? Hawaii has a program called "Healthy Start," would that be affected? My own State of Florida has a program called "Healthy Kids," would that be affected? Texas's "Crippled Children's" program, Chapter I programs in the public schools, Maryland's "Minds Across Maryland," Florida's "Children's Emergency Services," Texas's "Indigent Health Care," local government public defenders, immunization programs in public health clinics, services in our Nation's public hospitals, State and local public health services, programs to take children out of abusive environments, gang prevention programs, children's lunches and nutrition programs, special education programs—which of these are intended to be covered?

Whatever you think about the underlying policy, there can certainly be no virtue in ambiguity. At least the people at the State and community level, citizens and those charged with the responsibility for providing services alike, we owe to them the obligation of clarity of what it is we intend, in terms of those programs that will be affected by the sweeping language, "any program of assistance provided or funded in whole or in part, for which eligibility for benefits is based on need", shall require deeming.

For example, Virginia uses Community Development Block Grant money to fund community centers and extension services that provide lunch programs, after-school tutoring, English classes, and recreational sports programs to residents of the community. Will Virginia have to deem participants in everything from children's soccer leagues to mobile meals to English classes? Do we intend that? If we do, let us say so.

Program providers, State and local governments and others, including the public, need to know the answers to these questions and more. They deserve nothing less. Moreover, Members of Congress should know the impact of the legislation before we are asked to decide as to whether it is appropriate public policy, policy to be enacted into laws of the United States of America. The majority leader said on the Senate floor during the debate of the unfunded mandates legislation on January 4 of 1995:

> Mr. President, the time has come for a little legislative truth in advertising. Before Members of Congress vote for a piece of legislation they need to know how it would impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for it.

The underlying bill, S. 1664, fails to meet these tests as established by the majority leader. Members of Congress have no idea what programs will be impacted by this legislation. Are 60 programs impacted? Are 88 programs? Are 417 programs? Are 3,812 programs? We have no idea and we will not, until regulations are implemented or the courts have decided what the meaning is of the phrase, programs by which "eligibility for benefits is based on need." Why should we turn over such a decision to regulators and the courts? We should decide. We should partake in a little "legislative truth-in-advertisin" ourselves.

Moreover, Members of Congress have not made the tough choices needed to pay for it. In fact, the National Conference of State Legislators has prepared a study to determine the imposed impact these deeming requirements will have, that is the requirement that the sponsor be financially responsible for the sponsored alien who is applying for a needs-based program. The National Conference of State Legislators has prepared a study on just 10 of those programs which they believe will probably be impacted. The programs that the NCSL studied were school lunch, school breakfast, child and adult care food programs, vocational rehabilitation, title 20 social service block grants, foster care, title IV–A child care, title IV–D child support, and Medicaid qualified Medicare beneficiaries.

The administrative costs alone of deeming these programs, of determining who is and who is not eligible, would exceed $700 million, according to the National Conference of State Legislators study. As a result, the National Conference of State Legislators, the National Association of Counties, and the National League of Cities have endorsed the amendment which is before the Senate this evening, to substitute a clear and concrete list of programs to be deemed. As they write, "This amendment assures that Congress and not the courts will decide which programs are deemed."

Let me repeat. This amendment assures that Congress, and not the courts, will decide which programs are deemed.

If the Senate chooses to impose new administrative requirements on State and local governments, we should do so, as the majority leader said, and "be willing to make the tough choices needed to pay for it."

For these reasons, we take a different approach by eliminating the vague language which is in S. 1664 and replacing that vague language with a list of 16 specific programs that would be required to be implemented under the new deeming provisions.

These programs are: Aid to Families with Dependent Children, Supplemental Security Income, food stamps, section 8 low-income housing assistance, low rent public housing, section 236 interest reduction payments, homeowner assisted payments under the National Housing Act, HUD low-income rent supplements, rural housing loans, rural rental housing loans, rural rental assistance, rural housing repair loans and grants, farm labor housing loans and grants, rural housing preservation grants, rural self-help technical assistance grants, and site loans.

Those would be the 16 programs that would be subjected to deeming.

Mr. President, I do not submit that these 16 programs came from a mountain and were inscribed on tablets. These are 16 programs which we and responsible organizations have identified as what they think would be appropriate to apply the deeming standard. If someone wishes to subtract or add to or modify this list, that would be the subject of a reasonable debate. But we would be in a position to be telling States and local communities and their citizens exactly what we mean. We would be deciding to which programs we would apply this requirement that the income of the sponsor be added to the income of the alien in determining eligibility. We would not be leaving that judgment up to bureaucrats through regulation or to the courts through laborious litigation.

I will be happy to work with the sponsors of this bill to work out an agreement with the State and local units impacted by deeming so what programs should be included will be understood and, hopefully, will be the result of a consensus judgment. However, I firmly agree with the majority leader that we should at least have a little "legislative truth-in-advertising."

In addition to the strong support of the National Conference of State Legislators, the National Association of Counties, and the National League of Cities, this amendment is also supported by the National Association of Public Hospitals, the American Association of Community Colleges, Catholic Charities, United States Catholic Conference, and the Council of Jewish Federation among others.

Mr. President, this is the first of what I anticipate will be a series of amendments that relate to the issue of the eligibility of legal aliens to receive a variety of benefits and the circumstances under which the Federal Government should restrict its, as well as other governments's ability to provide those need-based services for legal immigrants.

This is not a matter which should pass quietly and without considered judgment, particularly in a bill which advertises itself as dealing with illegal aliens. We are here talking, Mr. President, about the financial rights of access to public programs of people who are in the country legally, who have played by the rules that we have established, who are paying taxes, who are subject to virtually all the requirements that apply to citizens, except the right to vote and the right to serve on juries. Yet, we are about to say in a retroactive way, including to those persons already in the country today under the standards that were applicable when they entered, that they are going to have their rights severely restricted and without clarity as to what those restricted rights will be.

I think that is bad policy. I think it violates the principles of the unfunded mandate legislation, the first legislation to be passed by this Congress. I think it undercuts the essential thrust of the legislation that is intended to be dealing with the impact of illegal immigrants.

AMENDMENT NO. 3803 TO AMENDMENT NO. 3743

(Purpose: To clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply)

Mr. GRAHAM. So, Mr. President, I call up amendment No. 3803.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Florida [Mr. Graham], for himself and Mr. Specter, proposes an amendment numbered 3803 to amendment No. 3743.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(b) Deemed Income and Resources.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) Length of Deeming Perior.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) Exception for Indigence.—

(1) In general.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) Determination described.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

Mr. GRAHAM. Thank you, Mr. President.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I know there is an obligation for many of us at 6:45. I am going to be very brief, and I will cover this issue in more complete detail tomorrow so that we might meet those obligations.

This is a very fascinating amendment. It is, I gather, a list of only the issues or the programs that would be deemed to be income. I hope people can hear what we are trying to do here. There are two choices: Either the sponsor pays for a legal immigrant or the taxpayers do. That is about the simplest kind of discussion I can come to.

This issue of deeming is very simple. Deeming is this, and I hope we can try to keep toward this in the debate: The purpose of deeming is to make the sponsor of the immigrant responsible for the needs of the immigrant relative, that immigrant relative that the sponsor brought to this country.

Everything we have done here with regard to this immigration issue, including the new affidavit support requirements, says if you bring your relative to the United States, you are going to be sure that they do not become a public charge. That has been the law since 1884 in the United States of America.

The question is very simple. Either you deem the income of the sponsor, and every other thing that this person is going to get, or the taxpayer will pave to pick up the slack. That is where it is. Any other assistance will be required to be picked up by the citizens of the United States.

If you are going to be specific, as in this amendment—and remember that we are told that this is for clarity—these are the issues, these are the programs that are deemed to be judged as support. We have not even talked about Medicaid, Pell grants, State general assistance, legal services, low-income heating, as if they were not there.

This is one that needs the clear light of morning, the brilliant sun coming over the eastern hills so we can pierce this veil, because this is a concept that will assure that someone who sponsors a legal immigrant will be off the hook and that an agency will provide services and not be able to go back against the sponsor.

Ladies and gentlemen, the whole purpose of this exercise is to say, "If you bring in a legal immigrant, you give an affidavit of support, you pledge that your assets are considered to be the assets of that person. And that will be so for 5 years or until naturalization. And if you do not choose to do that, then know that the sponsor is off the hook and the taxpayers are on the hook." I do not think that is what the public charge provision of the law ever would have provided.

With that, Mr. President, unless the Senator from Florida has something further, I will go to wrap up, if I may. I thank the Senator from Florida for his courtesy.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent there now be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SISTER LUCILLE BONVOULOIR

Mr. LEAHY. Mr. President, I would like to take a moment to pay tribute to a woman who has dedicated her life to battling homelessness in Vermont. Sister Lucille Bonvouloir is the unofficial Patron Saint for the homeless in Burlington, the State's largest city and only Enterprise Community. The Committee on Temporary Shelter [COTS], an organization that she has directed since 1988, provides a range of social services as well as basic shelter to help people who have hit bottom get back on their feet again. As the problem of homelessness in Burlington has grown, so has COTS under Sister Lucille's innovative and capable direction.

In July, Sister Lucille will be taking on new responsibilities as the vice president of the Vermont Regional Sisters of Mercy. While she will be sorely missed and the shoes she leaves behind at COTS are large indeed, the homeless and the needy of Burlington have nothing to fear from the transition. They know as I do that their guardian angel will continue to watch over them and stand up for their needs as she has for so many years. I join them in wishing her the best in her new career.

I ask unanimous consent that an article from the February 7, 1996 Burlington Free Press on Sister Lucille Bonvouloir's life of service to Burlington be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SISTER BONVOULOIR TO WORK WITH SISTERS OF MERCY

(By Mike Donoghue)

A Burlington nun known as a fighter for providing shelter and vocational training for homeless people said Tuesday that she would step down in June as head of the largest program for the Vermont homeless.

Sister Lucille Bonvouloir will leave her post as executive director of the Committee on Temporary Shelter to become vice president of the Vermont Regional Sisters of Mercy on July 1.

Sister Bonvouloir and the agency, better known as COTS, provided services to 1,100 individuals through seven programs operated in Burlington last year.

The Orwell native said she expects to face new battles when she becomes part of the team managing the affairs of the 93 Sisters of Mercy serving Vermont. Among the expected scuffles will be a proposed 93-unit affordable housing development the sisters hope to build on the north side of Mount St. Mary's Convent on Mansfield Avenue.

The project will be ideal for single mothers who are returning to school at nearby Trinity College, she said. It is opposed by residents who say it is too large for the neighborhood.

Sister Bonvouloir, 53, has worked for the committee since 1986 and has been its director since June 1988. She helped expand the programs to meet the needs in the community for family shelters and vocational training.

When the number of homeless families increased, the COTS Family Shelter opened on North Champlain Street in 1988. When there was chronic shortage of affordable housing, COTS developed St. John's Hall on Elmwood Avenue.

During 1993-94, Sister Lucille improved access to vocational programs and created a voice mail system in Burlington to increase employment prospects for those without phones. Last year, 70 percent of the participants in the vocational program were placed in full-time jobs.

UNITED STATES-JAPAN AVIATION RELATIONS

Mr. PRESSLER. Mr. President, I rise today to discuss the most recent in what seems to be a never ending list of crises we have had in the past year with the Government of Japan regarding international aviation relations.

The root of the current problem, and a number of those which have preceded it, is the Government of Japan's continued refusal to fully comply with the United States-Japan bilateral aviation agreement. The Government of Japan incorrectly believes selective compliance with our bilateral aviation agreement is acceptable. The Japanese are badly mistaken. Nothing short of full compliance with the United States-Japan bilateral aviation agreement is acceptable.

Let me explain. The United States-Japan bilateral aviation agreement guarantees three United States-carriers—United Airlines, Northwest Airlines, and Federal Express—"beyond rights" which authorize them to fly to Japan, take on additional passengers and cargo, and then fly to another country. That agreement requires the Government of Japan to authorize new beyond routes no more than 45 days after one of these three carriers files notice of an intention to initiate new beyond service. If this sounds like a relatively straightforward procedure, it is.

Regrettably, the Government of Japan has made the procedure of initiating new beyond service anything but straightforward and predictable. Instead, contrary to the United States-Japan bilateral aviation agreement, they have turned a "notice and fly" provision into an approval process where the litmus test seems to be whether competition from a new route operated by a United States carrier threatens less competitive incumbent Japanese carriers. In fact, the overriding goal seems to be nothing less than imposing a de facto freeze on new air service by United States carriers beyond Japan. This violates the letter as well as the spirit of the United States-Japan bilateral aviation agreement and is intolerable.

Mr. President, I have spoken about the problem at hand numerous times in this body. Unfortunately, it remains unresolved. More than a year ago, United Airlines notified the Government of Japan of its intention to start new beyond service between Osaka and Seoul, Korea. Although United Airlines is clearly authorized to operate this new service, the Japanese continue to refuse to permit it to do so. Unquestionably, United Airlines and its employee-owners have, and are continuing to, pay a very steep financial price for Japan's decision to wrongly deny it this valuable economic opportunity.

The Japanese, unfortunately, have repeatedly rebuffed attempts by the administration to redress this violation. In fact, the most recent attempt was met by a threat from the Japanese that they may impose limits on new service by United States carriers between Los Angeles and Tokyo, even though the service in question is guaranteed by the United States-Japan bilateral aviation agreement without the threatened limitations. Make no mistake about it, whenever United States carriers are denied opportunities, the U.S. economy loses and tourism-related jobs in the United States are lost.

Consistent with an amendment I offered last year on United States-Japan aviation relations that is now part of Public Law 104-50, the administration has finally drawn a line in the sand to hopefully resolve this violation. Namely, the administration has put on hold Japan Airlines' request for service between Tokyo and Kona, Hawaii until the Japanese respect United Airlines' right to provide new service beyond Japan. Even though I regret temporarily depriving Hawaii of a new tourism opportunity, we simply should not agree to expand commercial opportunities for a Japanese carrier in the United States at the same time the Government of Japan is wrongly denying a United States carrier opportunities in the Asia-Pacific market.

Although the words of the Government of Japan suggest it wants to move forward in United States-Japan aviation relations, Japan's actions are preventing us from doing so. Moreover, the Government of Japan's continued failure to fully comply with the existing agreement is eroding the trust needed to secure a broader agreement that will create new air service opportunities for all United States and Japanese carriers between and beyond our two countries.

Mr. President, let me conclude by saying I hope the Government of Japan resolves the Tokyo-Kona problem it created by immediately complying with the United States-Japan bilateral aviation agreement. Also, I hope the Japanese will not compound the current problem by following through on its threat to impose countermeasures against United Airlines and Northwest Airlines if the Tokyo-Kona problem is not resolved to its satisfaction. Clearly, that would further undermine Japan's stated goal of moving forward in our aviation relationship.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Foreign Relations.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF A SUSPENSION UNDER THE DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT FOR FISCAL YEAR 1996—MESSAGE FROM THE PRESIDENT RECEIVED DURING THE ADJOURNMENT OF THE SENATE—PM 141

Under the authority of the order of the Senate of January 4, 1995, the Secretary of the Senate on April 26, 1996, received a message from the President of the United States, together with an accompanying report; which was referred to the Committee on Appropriations:

To the Congress of the United States:

I hereby report that I have exercised the authority provided to me under subsection 325(c) of the Department of the Interior and Related Agencies Appropriations Act, 1996, to suspend subsection 325(a) and 325(b) of such Act. A copy of the suspension is attached.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 26, 1996.*

REPORT RELATIVE TO 1996 NATIONAL DRUG CONTROL STRATEGY—MESSAGE FROM THE PRESIDENT—PM 142

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on the Judiciary.

To the Congress of the United States:

I am pleased to transmit to the Congress the *1996 National Drug Control Strategy*. This Strategy carries forward the policies and principles of the 1994 and 1995 Strategies. It describes new directions and initiatives to confront the ever-changing challenges of drug abuse and trafficking.

This past March I convened the White House Leadership Conference on Youth, Drug Use, and Violence in order to focus the Nation's attention on two major health problems faced by young people today—drug use and violence. The conference brought together over 300 young people, parents, clergy, community and business leaders, judges, prosecutors, police, entertainers, media executives, researchers, and treatment and prevention specialists from across America to examine solutions and keep us moving forward with proven strategies. The Vice President, General Barry McCaffrey, and I met with the participants in a series of roundtable discussions, discussing how to strengthen the efforts of families, the media, communities, schools, businesses, and government to reduce drug use and violence. Participants left with new energy and new ideas, determined to return home and begin implementing the solutions and strategies discussed that day.

This conference took place at an important juncture in America's ongoing fight against drug abuse. In the last few years our nation has made significant progress against drug use and related crime. The number of Americans who use cocaine has been reduced by 30 percent since 1992. The amount of money Americans spend on illicit drugs has declined from an estimated $64 billion five years ago to about $49 billion in 1993—a 23 percent drop. We are finally gaining ground against overall crime: drug-related murders are down 12 percent since 1989; robberies are down 10 percent since 1991.

At the same time, we have dealt serious blows to the international criminal networks that import drugs into America. Many powerful drug lords, including leaders of Colombia's notorious Cali cartel, have been arrested. A multinational air interdiction program has disrupted the principal air route for smugglers between Peru and Colombia. The close cooperation between the United States, Peru, and other governments in the region has disrupted the cocaine economy in several areas. Our efforts have decreased overall cocaine production and have made coca planting less attractive to the farmers who initiate the cocaine production process. And I have taken the serious step of cutting off all non-humanitarian aid to certain drug producing and trafficking nations that have not cooperated with the United States in narcotics control. Further, I have ordered that we vote against their requests for loans from the World Bank and other multilateral development banks. This clearly underscores the unwavering commitment of the United States to stand against drug production and trafficking.

Here at home, we have achieved major successes in arresting, prosecuting, and dismantling criminal drug networks. In Miami, the High Intensity Drug Trafficking Program, through its operational task forces, successfully concluded a major operation that resulted in the indictments of 252 individuals for drug trafficking and other drug-related crimes. Operations conducted by the Drug Enforcement Administration's Mobile Enforcement Teams program (MET), a highly successful federal tool for assisting local law enforcement, have resulted in more than 1,500 arrests of violent and predatory drug criminals in more than 50 communities across the nation.

But as the White House Leadership Conference on Youth, Drug Use, and Violence showed, now is the time to press forward. We must not let up for a moment in our efforts against drug abuse, and drug abuse by young people, particularly.

There are many reasons why young people do continue to use drugs. Chief among these are ignorance of the facts about addicition and the potency of drugs, and complacency about the danger of drugs. Unfortunately, all too often we see signs of complacency about the dangers of drug use: diminished attention to the drug problem by the national media; the glamorization and legitimization of drug use in the entertainment industry; the coddling of professional athletes who are habitual drug-users; avoidance of the issue by parents and other adults; calls for drug-legalization; and the marketing of products to young people that legitimize and elevate the use of alcohol, tobacco, and illicit drugs.

All Americans must accept responsibility to teach young people that drugs are illegal and they are deadly. They may land you in jail; they may cost you your life. We must renew our commitment to the drug prevention strategies that deter first-time drug use and stop the progression from alcohol and tobacco use to marijuana and harder drugs.

The National Drug Control Strategy is designed to prevent a new drug use epidemic through an aggressive and comprehensive full-court press that harnesses the energies of committed individuals from every sector of our society. As I said the State of the Union, we must step up our attack against criminal youth gangs that deal in illicit drugs. We will improve the effectiveness of our cooperative efforts among U.S. defense and law enforcement agencies, as well as with other nations, to disrupt the flow of drugs coming into the country. We will seek to expand the availability and improve the quality of drug treatment. And we will continue to oppose resolutely calls for the legalization of illicit drugs. We will increase efforts to prevent drug use by all Americans, particularly young people.

The tragedy of drug abuse and drug-related crime affects us all. The National Drug Control Strategy requires commitment and resources from many individuals and organizations, and from all levels of government. For the Strategy to succeed, each of us must do our part.

We ask the Congress to be a bipartisan partner and provide the resources we need at the federal level to get the job done. I challenge state and local governments to focus on drug abuse as a top priority. We ask the media and the advertising and entertainment industries to work with us to educate our youth, and all Americans, about the dangers of drug use. Finally, we invite every American—every parent, every teacher, every law enforcement officer, every faith leader, every young person, and every community leader—to join our national campaign to save our youth.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *April 29, 1996.*

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time and placed on the calendar:

S. 1708. A bill to amend title 28, United States Code, to clarify the remedial jurisdiction of inferior Federal courts.

The following joint resolution was ordered placed on the calendar:

S.J. Res. 53. Joint resolution making corrections to Public Law 104-134.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2346. A communication from the Deputy Associate Director for Compliance, Royalty Management Program, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, notice of the intention to make refunds of offshore lease revenues where a refund or recoupment is appropriate; to the Committee on Energy and Natural Resources.

EC-2347. A communication from the Secretary of the Interior, transmitting, a draft of proposed legislation entitled, "The California Indian Land Transfer Act"; to the Committee on Energy and Natural Resources.

EC-2348. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, a fiscal year 1995 report relative to National Historic Landmarks which are damaged; to the Committee on Energy and Natural Resources.

EC-2349. A communication from the Assistant Secretary of the Interior for Fish and Wildlife and Parks, transmitting, pursuant to law, the Final Comprehensive Management Plan and Environmental Impact Statement and Record of Decision for the City of Rocks National Reserve; to the Committee on Energy and Natural Resources.

EC-2350. A communication from the Under Secretary of Defense, transmitting, pursuant to law, the report of a violation of the Antideficiency Act, case number 94-19; to the Committee on Appropriations.

EC-2351. A communication from the Director of Defense Research and Engineering, transmitting, pursuant to law, the report on the Federally Funded Research and Development Center for fiscal year 1997; to the Committee on Armed Services.

EC-2352. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend various environmental laws of the United States as they affect the operations of the Department of Defense, and for other purposes; to the Committee on Environment and Public Works.

EC-2353. A communication from the Chief Counsel of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report with respect to Revenue Ruling 96-24; to the Committee on Finance.

EC-2354. A communication from the Fiscal Assistant Secretary of the Treasury, transmitting, pursuant to law, the report of the Treasury Bulletin for March 1996; to the Committee on Finance.

EC-2355. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, the report of the texts of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-2356. A communication from the Acting Administrator of the Agency for International Development, transmitting, pursuant to law, the report of the Development Assistance Program Allocations for fiscal year 1996; to the Committee on Foreign Relations.

EC-2357. A communication from the General Counsel of the Department of Defense, transmitting, a draft of proposed legislation to amend title 5, United States Code, to make various changes in the laws regarding the management of employees of the Federal Government especially as they affect the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC-2358. A communication from the Attorney General of the United States, transmitting, pursuant to law, the 1995 annual report on the Federal Prison Industries, Inc.; to the Committee on Governmental Affairs.

EC-2359. A communication from the Director of the U.S. Trade and Development Agency, transmitting, pursuant to law, the report of the annual audit for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2360. A communication from the Executive Director of the District of Columbia Financial Responsibility and Management Assistance Authority, transmitting, pursuant to law, the report of procedures for procurement; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. DOLE:

S. 1711. A bill to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; to the Committee on Veterans Affairs.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1712. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

By Mr. FRIST (for himself, Mr. LEVIN, Mr. MURKOWSKI, Mr. DEWINE, Mr. WARNER, Mr. SIMON, Mr. MCCAIN, and Mr. DORGAN):

S. 1713. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DOLE (for Mr. BURNS):

S. 1714. A bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. CAMPBELL, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. BOND):

S. 1715. A bill to amend the Internal Revenue Code of 1986 to provide a credit for adoption expenses, to allow penalty-free IRA withdrawals for adoption expenses, and to allow tax-free treatment for employer provided adoption assistance; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. INOUYE, Mr. LEAHY, Mr. SIMPSON, Mr. HATFIELD, Mr. COATS, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CONRAD, and Mr. DEWINE):

S. 1716. A bill to amend the Public Health Service Act to reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. HATFIELD (for himself and Mr. BYRD):

S.J. Res. 53. A joint resolution making corrections to Public Law 104-134; read twice.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DOLE:

S. 1711. A bill to establish a commission to evaluate the programs of the Federal Government that assist members of the Armed Forces and veterans in readjusting to civilian life, and for other purposes; to the Committee on Veterans' Affairs.

TRANSITION TO CIVILIAN LIFE LEGISLATION

Mr. DOLE. Mr. President, I am pleased today to introduce legislation establishing a commission to review the various programs administered by the Federal Government to assist service members transitioning from military to civilian life.

CURRENT SYSTEM LACKS COORDINATION

Currently, several Federal departments and agencies offer programs to assist military men and women, veterans and reserve component members in their transition back to civilian life. Offices in the Departments of Defense, Veterans Affairs, Labor, and others, sponsor programs offering such services as education assistance, job-training, job placement, and home loans. These are all useful and valuable services. However, changes in the labor market are challenging today's veteran readjustment programs. Unemployment rates for recently separated veterans may be as high as 17 percent, compared with a national average of about 5.7 percent. This is extremely troubling when one stops to think about the experience, discipline, and work ethic veterans bring to the workplace.

By better focusing these resources, we can make the existing programs more accessible to a greater number of veterans; we can streamline programs and make them more user-friendly; we can minimize overlap and improve cost-effectiveness. That would be a big improvement over the current situation, and would ultimately better serve our service men and women.

Let me emphasize, the purpose of this commission is not to create new programs and make a large bureaucracy. Rather it is to review the range of existing programs and determine how we can better coordinate our efforts on behalf of veterans. Both the House and Senate Veterans' Affairs Committees, as well as several veterans service organizations support this concept and agree that such a review is both appropriate and timely. There is real opportunity here to repeat the success of General Bradley's 1955 commission, which make significant improvements in transition programs with fresh concepts and approaches.

IMPROVED SERVICE TO VETERANS

In my view, establishing this commission is the first step toward providing more accessible and more practical assistance to service members who are facing fundamental changes in their personal and professional lives. These are brave men and women who committed precious years of their lives to defending their Nation. Now they are ready and willing to become productive members of their civilian communities. It is my hope that this legislation will help these very deserving individuals make better use of the opportunities and resources available to them.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1711

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the Commission on Service Members and Veterans Transition Assistance (hereafter in this Act referred to as the "Commission").

(b) MEMBERSHIP.—

(1) IN GENERAL.—The Commission shall be composed of 12 members appointed from among private United States citizens with appropriate and diverse veterans, military, organizational, and management experiences and historical perspectives, of whom—

(A) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the Senate, in consultation with the Ranking Member of that committee;

(B) four shall be appointed by the Chairman of the Committee on Veterans' Affairs of the House of Representatives, in consultation with the Ranking Member of that committee;

(C) two shall be appointed by the Chairman of the Committee on Armed Services of the Senate, in consultation with the Ranking Member of that committee; and

(D) two shall be appointed by the Chairman of the Committee on National Security of the House of Representatives, in consultation with the Ranking Member of that committee.

(2) VSO MEMBERS.—One member of the Commission appointed under each of subparagraphs (A) and (B) of paragraph (1) shall be a representative of a veterans service organization.

(3) DATE.—The appointments of the members of the Commission shall be made not later than 45 days after the date of enactment of this Act.

(c) PERIOD OF APPOINTMENT; VACANCIES.—Members shall be appointed for the life of the Commission. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold its first meeting.

(e) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(f) CHAIRMAN AND VICE-CHAIRMAN.—The Commission shall select a Chairman and Vice Chairman from among its members.

(g) MEETINGS.—The Commission shall meet at the call of the Chairman.

(h) PANELS.—The Commission may establish panels composed of less than the full membership of the Commission for the purpose of carrying out the Commission's duties under this Act. The actions of such panels shall be subject to the review and control of the Commission. Any findings and determinations made by such a panel shall not be considered the findings and determinations of the Commission unless approved by the Commission.

(i) AUTHORITY OF INDIVIDUALS TO ACT FOR COMMISSION.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take under this Act.

SEC. 2. DUTIES OF COMMISSION.

(a) IN GENERAL.—The Commission shall—

(1) review the efficacy and appropriateness of veterans transition and assistance programs in providing assistance to members of the Armed Forces in making the transition and adjustment to civilian life upon their separation from the Armed Forces and in providing assistance to veterans in adjusting to civilian life;

(2) evaluate proposals for improving such programs, including proposals to consolidate, streamline, and enhance the provision of such assistance and proposals for alternative means of providing such assistance; and

(3) make recommendations to Congress regarding means of ensuring the continuing utility of such programs and assistance and of otherwise improving such programs and the provision of such assistance.

(b) REVIEW OF PROGRAMS TO ASSIST MEMBERS OF THE ARMED FORCES AT SEPARATION.—

(1) IN GENERAL.—While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (C) and (D) of section 1(b)(1) shall review primarily programs intended to assist members of the Armed Forces at the time of their separation from service in the Armed Forces, including programs designed to assist families of such members in preparing for the transition of such members from military life to civilian life and to facilitate that transition.

(2) SPECIFIC REQUIREMENTS.—In carrying out the review, such members of the Commission shall determine—

(A) the adequacy of the programs referred to in paragraph (1) for their purposes;

(B) the adequacy of the support of the Armed Forces for such programs;

(C) the effect, if any, of the existence of such programs on combat readiness;

(D) the extent to which such programs provide members of the Armed Forces with job-search skills;

(E) the extent to which such programs prepare such members for employment in the private sector and in the public sector;

(F) the effectiveness of such programs in assisting such members in finding employment in the public sector; and

(G) the means by which such programs could be improved in order to assist such members in securing meaningful employment in the private sector upon their separation from service.

(c) REVIEW OF PROGRAMS TO ASSIST VETERANS.—

(1) IN GENERAL.—While carrying out the general duties specified in subsection (a), the members of the Commission appointed under subparagraphs (A) and (B) of section 1(b)(1) shall review primarily the adequacy of programs intended to assist veterans (including disabled veterans, homeless veterans, and economically disadvantaged veterans), including the programs referred to in paragraph (2).

(2) COVERED PROGRAMS.—The programs referred to in paragraph (1) are the following:

(A) Educational assistance programs.

(B) Job counseling, job training, and job placement services programs.

(C) Rehabilitation and training programs.

(D) Housing loan programs.

(E) Small business loan and small business assistance programs.

(F) Employment and employment training programs for employment in the public sector and the private sector.

(G) Federal Government personnel policies (including veterans' preference policies) and the enforcement of such policies.

(H) Programs that prepare the families of veterans for their transition from military life to civilian life and facilitate that transition.

(d) REPORTS.—

(1) IMPLEMENTING PLAN.—Not later than 90 days after the date on which all members of the Commission have been appointed, the Commission shall submit to the Committees on Veterans' Affairs and Armed Services of the Senate and the Committees on Veterans' Affairs and National Security of the House of Representatives a report setting forth a plan for the work of the Commission. The Commission shall develop the plan in consultation with the Secretary of Defense, the Secretary of Veterans Affairs, and the heads of other appropriate departments and agencies of the Federal Government.

(2) FINAL REPORT.—

(A) REQUIREMENT.—Not later than one year after the date of the first meeting of the Commission, the Commission shall submit to the committees referred to in paragraph (1), and to the Secretary of Defense, the Secretary of Veterans Affairs, the Secretary of Labor, and the Secretary of Education, a report setting forth the activities, findings, and recommendations of the Commission, including any recommendations for legislative action and administrative action as the Commission considers appropriate.

(B) EXECUTIVE COMMENT.—Not later than 90 days after receiving the report referred to in subparagraph (A), the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report setting forth the comments of such Secretaries with respect to the report.

SEC. 3. POWERS OF COMMISSION.

(a) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out the purposes of this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from the Department of Defense, the Department of Veterans Affairs, and any other department or agency of the Federal Government such information as the Commission considers necessary to carry out its duties under this Act. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information expeditiously to the Commission.

SEC. 4. MISCELLANEOUS ADMINISTRATIVE PROVISIONS.

(a) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(b) GIFTS.—The Commission may accept, use and dispose of gifts or donations of services or property.

(c) MISCELLANEOUS ADMINISTRATIVE SUPPORT.—The Secretary of Defense and the Secretary of Veterans Affairs shall, upon the request of the Chairman of the Commission, furnish the Commission, on a reimbursable basis, any administrative and support services as the Commission may require.

SEC. 5. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in performing the duties of the Commission. All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(b) TRAVEL AND TRAVEL EXPENSES.—

(1) TRAVEL.—Members and personnel of the Commission may travel on military aircraft, military vehicles, or other military conveyances when travel is necessary in the performance of a responsibility of the Commission except when the cost of commercial transportation is less expensive.

(2) EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Chairman of the Commission may, without regard to civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. In appointing an individual as executive director, the Chairman shall, to the maximum extent practicable, attempt to appoint an individual who is a veteran. The employment of an executive director shall be subject to confirmation by the Commission.

(2) COMPENSATION.—The Chairman of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(d) DETAIL OF GOVERNMENT EMPLOYEES.—Upon request of the Chairman of the Commission, the head of any department or agency of the Federal Government may detail, on a nonreimbursable basis, any personnel of the department or agency to the Commission to assist the Commission in carrying out its duties.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairman of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals which do not exceed the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5316 of such title.

SEC. 6. TERMINATION OF COMMISSION.

The Commission shall terminate 90 days after the date on which the Commission submits its report under section 2(d)(2).

SEC. 7. DEFINITIONS.

For the purposes of this Act—

(1) The term "veterans transition and assistance program" means any program of the Federal Government, including the Department of Defense, the Department of Veterans Affairs, the Department of Labor, and the Department of Education, the purpose of which is—

(A) to assist, by rehabilitation or other means, members of the Armed Forces in readjusting or otherwise making the transition to civilian life upon their separation from service in the Armed Forces; or

(B) to assist veterans in civilian life.

(2) The term "members of the Armed Forces" includes individuals serving in the reserve components of the Armed Forces.

(3) The term "veteran" has the meaning given such term in section 101(2) of title 38, United States Code.

(4) The term "veterans service organization" means any organization covered by section 5902(a) of title 38, United States Code.

SEC. 8. FUNDING.

(a) IN GENERAL.—The Secretary of Defense shall, upon the request of the Chairman of the Commission, make available to the Commission such amounts as the Commission may require to carry out its duties under this Act. The Secretary shall make such amounts available from amounts appropriated for the Department of Defense.

(b) AVAILABILITY.—Any sums made available to the Commission under subsection (a) shall remain available, without fiscal year limitation, until the termination of the Commission.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1712. A bill to provide incentives to encourage stronger truth in sentencing of violent offenders, and for other purposes; to the Committee on the Judiciary.

THE STOP ALLOWING FELONS EARLY RELEASE ACT

Mr. DORGAN. Mr. President, I am here today to join with the Senator from Idaho, Senator CRAIG, in introducing a piece of legislation that we call the SAFER Act, the Stop Allowing Felons Early Release Act. I am very pleased to work with Senator CRAIG from Idaho on this piece of legislation. I would like to describe briefly for my colleagues what we intend to do.

Mr. President, many Americans will remember the story that they have read and reread in recent weeks about a child molester in Texas who was convicted after confessing he had sexually abused a 6-year-old boy. This man, who describes himself as a demon, claims he has molested 240 other children and he says to prison authorities that he will continue to do so when he is on the street.

Despite his repeated statements that he will continue to assault children, this prisoner was released recently after serving 6 years of an 8-year sentence under a mandatory good-time release program. Under Texas law, authorities had no discretion to refuse to grant good-time credits to reduce this particular person's prison sentence. In fact, he is 1 of 1,000 child molesters who will be released from prison early this year.

Some of my colleagues will remember the story of Jonathan Hall, a young boy who was murdered this winter. Jonathan was a 13-year-old boy from Fairfax County, VA, who was stabbed 58 times and thrown into a pond and, apparently, left for dead. When the police discovered him, they found dirt and grass between his fingers. He did not die immediately after having been stabbed 58 times, and he tried to crawl out of this pond. He did not make it, and he died.

The person who allegedly killed Jonathan Hall has a long criminal record. In 1970, he murdered a cab driver. He was put in prison and then released on a work-release program. He kidnaped a woman while on work release and received an additional sentence. He then was convicted of murdering another prisoner. Two murders and a kidnaping, and he was set free on early release to live on the street where a 13-year-old boy named Jonathan Hall was living. Jonathan is dead because a man twice convicted of murder and kidnaping was let out of prison early.

Bettina Pruckmayr, whom I have spoken about before, was a 26-year-old attorney who was beginning her career in Washington, DC. She was abducted in a carjacking, driven to an ATM machine, and fatally stabbed over 30 times by a man who had been convicted previously of rape, armed robbery, and murder. He was on the streets of the District of Columbia legally because he was let out of prison early.

It does not take Sherlock Holmes to know who is going to commit the next violent crime. It is all-too-often someone who has committed a previous violent crime and who has been put in prison and let out early. My colleague from Idaho and I believe that those who commit violent crimes in our country ought to understand one thing: If you commit a violent crime, you are going to finish your entire sentence in a place of incarceration. No more good time, no more early release, no more parole. If you commit a violent crime, this country is determined not to turn murderers, child molesters, rapists and armed robbers back on the streets of our country.

Despite all of the talk about getting tough on crime, we still have an epidemic of violent crime in our country. I would like to use a couple of charts to demonstrate this fact.

There is one violent crime every 17 seconds in our country; one murder every 23 minutes; one forcible rape every 5 minutes; one robbery every 51 seconds; one aggravated assault every 28 seconds. That is what the time clock shows for 1994.

One in three offenders is rearrested for a violent crime within 3 years of being let out of prison. The Justice Department estimates that almost all violent criminals in State prisons are now released early before their term is up, before their sentences are completed.

I have a list of what the States do. Some States say that, if you serve a day, you get a day and a half off. That is why we have a circumstance in our country today where the average time served for murder is just slightly less than 6 years. I am not talking about the sentence; the sentence is longer than that. But we say we cannot afford to keep people locked up, so we put them back on the streets, where they commit more murder, when, in fact, they should not have been in a position to commit another murder. They should still have been in prison.

In 1991, the Bureau of Justice Statistics did a study of State prisons, and they found that 156,000 people were in jail for offenses they had committed while they were on early release from prison for a prior conviction.

Let me say that again because it is important: 156,000 people were in prison for offenses they had committed while they were on parole from a previous conviction.

They should never have been in a position to commit these new offenses, and a good number of which were murders. But we decided as a country to let them out early because we somehow cannot afford to keep them locked up. That does not add up. We have half the people in prison who are nonviolent. We can incarcerate them much less expensively than we now do.

The Senator from Ohio, Senator GLENN, talks about Quonset huts. He said he lived in one for 6 to 8 years while in the Marine Corps. We can use abandoned military facilities to incarcerate, much less expensively, nonviolent offenders and open up tens of thousands of prison cells for violent prisoners. We can put violent prisoners in those cells and say to them, "You are going to stay in those cells until the end of your term. You are not going to be out raping and murdering other Americans."

This piece of legislation affects those States that are going to access money from the Federal Government to build new prisons. We say to those States that affirmatively decide as a matter of policy, "We're going to keep violent criminals locked up for their entire term," we want you to be advantaged when it comes to grants. All States will be eligible for this program, but we are saying that we want more money to be available to those States that say, "It is our policy that violent criminals will spend their entire time in prison."

The real cost of early release of violent offenders is this: There are 4,820 people in prison who committed murders while they were out on early release.

In other words, we knew who they were. We knew what they did. But we let them out early. When we say "we," I am talking about the State and local justice systems that let them out early because they said, "We can't afford to keep you in." As a result, 4,820 people were murdered, and they should not have lost their lies. Bettina Pruckmayr is one, 13-year-old Jonathan Hall is one. We can read all their names. Every one of these cases is a tragedy because we knew who the perpetrators were. We let them out of prison early. There were 3,899 rapes, 6,238 assaults. That is the real cost of early release.

What is happening to murderers in this country? The average person sentenced for murder in the criminal justice system in this country now, in the State and local court systems, is 34 percent of the sentence and then early release—34 percent of a sentence for murder, and then early release. For kidnaping, offenders have served 40 percent of their time. For robbery, they have served 39 percent of their time. For assault, 37 percent of their time.

My point is, we can do better than that. We can say to people, clearly and deliberately, that if you commit a violent crime, understand this: Society is not going to put you back on the street to murder Jonathan Hall, to murder Bettina Pruckmayr or another person, another innocent person who relies on Governments to prosecute those who commit violent crimes, put them in jail, and keep them in jail.

The Federal system is somewhat different, I am pleased to say. I have been involved in some of that with respect to the crime bill. The Federal Government abolished parole for Federal prisoners in 1984. The 1994 crime bill included a provision that I authored that eliminated automatic good time credits for violent offenders.

But, as you know, 95 percent of the crimes are committed under the State and local jurisdictions. The State and local jurisdictions are involved in almost all of what I have been talking about. In order to do what the American people would expect us to do, we must encourage State and local governments to decide that when they find violent offenders who are committing murders and rapes, and violent assaults, and they sentence them to prison, they must be kept in prison.

We were told that the reason that you have to have good time —and some States give a day, some States nearly 2 days of good time for every day a prisoner serves; so you serve a year and get 2 years off of your sentence—the reason they say you must have good time off for good behavior is to be able to manage violent prisoners.

A Justice Department official told us at a meeting some while ago, he said, "Well, these young gang-related offenders in prison are so violent that they can't be controlled without incentives." The incentive is, "Look, either you behave and we will give you good time, or you misbehave and we'll take good time away, and, therefore, you must stay here longer." They say these people are so violent they cannot be controlled without the incentive of giving them a reduced sentence.

I guess the question is this: If prisoners are so violent that prison guards and strict prison rules cannot control them—and that is what the Justice Department says—if that is the case, why on Earth would you construct a system that says to those people, "Behave here, and we'll turn you back to the streets somewhere?" Why on Earth would we think that advances the criminal justice system in this country?

Senator CRAIG and I are not saying that we ought to run the criminal justice system. It is not what this legislation is about. We are saying, as a Federal Government, we have made some money available for new prison construction and, as a matter of policy, we should use this money as an incentive so those States who will get the most will be those States who decide to construct a policy in which those who commit violent crimes will stay in prison for their entire sentence.

That is our hope. Our hope is that we will advance that kind of public policy. Our hope is that we will save lives. So we will introduce this piece of legislation today in the memory of so many people who have been the victims of violent crimes that should never ever have occurred.

We will introduce this bill in the memory of Bettina Pruckmayr, this young woman who should not have been murdered, because the person who allegedly murdered her was a person we knew was violent, and in the memory of Jonathan Hall, a 13-year-old who happened to live on the street of person who had committed two previous murders and a kidnaping and who was released early from prison.

I hope, Mr. President, that one day soon we will be able to decide that the sentence for murder is the time served for murder. I hope we will no longer tell criminals, "You get good time off for good behavior. You get early parole if you behave. By the way, we will let you out early." I hope that is not the message we will continue to send to those who commit violent crimes in our country.

Again, I am delighted to join my colleague from Idaho, Senator CRAIG, in advancing what I think is a very important policy initiative in asking State and local governments to consider this as a method of achieving the access to Federal funds, and with the maximum capability they can, to build additional prisons and keep violent criminals in jail.

Mr. President, I yield the floor.

Mr. CRAIG. Mr. President, let me say how blessed I am to be a cosponsor of the Stop Allowing Felons Early Release Act, known as the SAFER Act. Let me, in a very sincere way, congratulate my colleague from North Dakota for what is a very sensible approach to crimefighting and for his outspoken leadership on this issue.

This bill that he has just outlined for us all this morning would help stop one of the most significant causes of crime in America. It is amazing to me, but it is true by fact and statistic, that the way our criminal justice system is operated today, Mr. President, results in increased crime. We know that a relatively small percentage of our population is responsible for a relatively large percentage of violent crimes.

Study after study has shown that a vast number of violent crimes are State crimes committed by repeat offenders—repeat offenders.

Although there are many causes of violent crime and many factors contributing to our crime rate, it appears that the most immediate and significant is the career criminal. Since that is the cause, we clearly have an opportunity to save lives and prevent crime-related losses by getting the hard-core criminals off the streets and out of our communities.

Even though crime-fighting is primarily a State and local responsibility, as my colleague has referenced, Congress has had endless debates over the best way to protect our citizenry from these dangerous predators. We have explored how crime can be prevented or deterred and how it should be punished. We have looked at better tools to help law enforcement stop criminals. We have provided significant resources for State and local governments to attack crime at its roots.

Many of those efforts have produced success at some level, but what we are finding, however, is all this good work can be undermined by programs of early release and parole that send violent felons back out into our communities to prey again and again on our citizenry.

Senator DORGAN has spoken here in the Senate on the horrifying consequences, citing example after example of these policies. The impact reaches far beyond the victims of repeat criminals, their families and communities. Justice itself is imperiled when punishment is uncertain and unpredictable. We can argue about the value of imprisonment in terms of rehabilitating criminals.

Some even argue about the value of imprisonment in terms of deterring crime. But there can be no serious argument that any rehabilitation or deterrent value is reduced in prison—if prisoners are subject to the revolving door and, as a result of that, become the repeat offenders.

More important, there can be no serious argument that early release programs destroy the most effective outcome of imprisonment: incapacitating the violent criminal by separating him or her from society and the opportunity to commit additional crimes. All too often early release and parole programs are being driven by financial considerations at the State and the local level rather than solid evidence of rehabilitation.

I understand those concerns in my own State of Idaho. Our inmate population is estimated to be increasing at about 27 inmates per month. We will need to double prison space in the next 6 years in my State. It is not necessarily bad for Government to innovate or find cost-conscious alternatives in this area.

Again, my colleague from North Dakota cited some of those for the nonviolent-type criminal or the nonviolent offender. We can find alternative methods of incarceration for them in facilities that are oftentimes already built, that can simply be modified for a new purpose. Clearly, these programs cross the line when they send hard-core violent offenders back to the streets before serving their full sentences.

Congress has established programs at the Federal level that help State and local governments with financial and human resource needs in fighting crime. Among other initiatives, we have provided financial incentive grants to States, to enact truth-in-sentencing laws to ensure that the time actually served by convicted felons reflects the sentences they were given. It just does not make sense to me, and I know it does not make any sense to the taxpayer if we support policies and provide taxpayers dollars that actually increase crime.

The SAFER bill provides an important incentive for States to get rid of the early release program for violent offenders we know will only push the crime rate higher, and the statistics prove it. As long as those programs are on the books, States will only have access to 75 percent of the funds available to them under the truth-in-sentencing programs.

Again, my colleague from North Dakota has outlined how this bill would affect those States. It is important to let those States know that these kinds of policies are no longer acceptable when the Federal tax dollars are involved. Access to full grant amounts would be available to States that eliminate those programs, only dealing with it in the way that we have outlined. If approved by a Governor after a public hearing in which the victims and other members of the public have an opportunity to be heard, then you might look at some consequences for an early release program. There are ways to deal with it in the legislation as set forth. These States would also have access to a portion of the remaining undistributed grant funds.

The SAFER bill is a measured response, strategy, to reducing one of the most significant causes of crime in our society today. I hope my colleagues would join with me and the Senator from North Dakota in what we believe is a very important piece of legislation.

Mr. President, it is not complicated. It is straightforward. It is just a heck of a lot of common sense when you look at the facts and you look at the statistics—hardened criminals are oftentimes repeat offenders. They ought to stay and do the time. That is what our legislation would require.

Mr. DORGAN. Will the Senator yield?

Mr. CRAIG. I am happy to yield to the Senator.

Mr. DORGAN. Mr. President, the Senator from Idaho has made a compelling statement on this issue. I wanted to make a couple of other observations.

Some have said to me, what about rehabilitation? Should not someone be able to be rehabilitated while in prison? I say that is fine. I am for rehabilitation. But I do not want a circumstance to continue to exist where we know that about 6 percent to 8 percent of the criminals in America commit two-thirds of all the violent criminal acts, and they go through that revolving door to commit new crimes.

We should rehabilitate them, but we should not be in a circumstance in this country where the amount of time served for murder is 5.9 years. What on Earth are we thinking of? We should decide that those people who are career criminals and who kill the people I have described today will go to prison and spend their time in prison until their sentence is complete. That is what this bill is about.

I know people say, "You are talking tough." The fact is, if we do not get tough with that 8 percent of the criminal element who commit most of the violent crimes in this country, the American people are not safe. We make victims of the American people by turning murderers out of prison years and years before their sentences are complete. It is time for us to decide that does not make sense.

We are simply shifting the costs. We shift the costs from those who would be required to pay for a prison cell to those victims and their families who now suffer the consequences of murder, rape, assault, and more.

This is not a regional issue. This is an issue that is national. A woman named Donna Martz, bless her soul, used to bring a tour bus every year to the State capitol. They came to the front steps and we would take a picture. On a quiet Sunday morning, coming out of a hotel in Bismarck, ND, a man and a woman from Pennsylvania on the run from the law, having left jail in Pennsylvania, abducted poor Donna Martz and put her in a trunk. They eventually killed her some days later out in the desert of Nevada.

Violent crime does not respect State boundaries. Victims of violent crime—the violence that is committed by people who have been in prison who we know are violent and who are let out early—are strewn across this country. That is why I am delighted the Senator from Idaho has joined in this legislation. I hope we can make some progress in advancing this in this Congress. I yield the floor.

Mr. CRAIG. My colleague from North Dakota is right. We are not talking tough. We are not even beginning to talk tough on behalf of the victims. The families that have been destroyed, torn apart by acts of violence of the type that this legislation will be directed toward.

I think the American public expect us to talk tough. If Federal tax dollars are going to be used under the assumption that the communities of our Nation will be safer when those dollars are appropriately spent, then it is our responsibility as Senators that those dollars get well spent.

What we are saying to the States in this instance, if you have a revolving door in your criminal justice system where known hardened criminal repeat offenders are back on the streets, then you are not going to get as much of the Federal dollar as is now available. You have to examine the way you handle these criminals and keep them in and let them do their time. Only under special circumstances where it is clearly evident that rehabilitation has worked and this person can return to society and live a safe and law-abiding life, can they or should they be returned.

I hope that all Senators would take a look at this legislation as we introduce it today. We would certainly hope that all would become cosponsors of it. We think it is responsible and tough when it comes to dealing with the criminal element of our society.

It just does not make sense to use U.S. taxpayer dollars to support policies that might actually increase crime. The SAFER bill provides an important incentive for States to get rid of the early release programs for violent offenders we know will only push the crime rate higher. As long as those programs are on the books, States would only have access to 75 percent of the funds available to them under the Truth in Sentencing Grant Program. Access to full grant amounts would be available to States that eliminate those programs and only allow early release if approved by the Governor after a public hearing in which the victims and other members of the public have an opportunity to be heard. These States would also have access to a portion of the remaining undistributed grant funds.

The SAFER bill is a measured, responsible strategy for reducing one of the most significant causes of crime in our society today. I hope all of our colleagues will join in supporting this bill.

By Mr. FRIST (for himself, Mr. LEVIN, Mr. MURKOWSKI, Mr. DEWINE, Mr. WARNER, Mr. SIMON, Mr. MCCAIN, and Mr. DORGAN):

S. 1713. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

THE GIFT OF LIFE CONGRESSIONAL MEDAL ACT OF 1996

Mr. FRIST. Mr. President, I take great pleasure today in introducing the Gift of Life Congressional Medal Act of 1995. I am joined by my colleague Mr. LEVIN in introducing the Senate companion version to Representative STARK's bill. With this legislation, which doesn't cost taxpayers a penny, Congress has the opportunity to recognize and encourage potential donors, and give hope to the 45,120 Americans who have end stage organ disease. As a heart and lung transplant surgeon, I saw one in four of my patients die because of the lack of available donors. Public awareness simply has not kept up with the relatively new science of transplantation. As public servants, we need to do all we can to raise awareness about the gift of life.

Under this bill, each donor or donor family will be eligible to receive a commemorative congressional medal. It is not expected that all families, many of whom wish to remain anonymous, will take advantage of this opportunity. The program will be coordinated by the regional organ procurement organizations [OPOs] and managed by the entity administering the organ procurement and transplantation network. Upon request of the family or individual, a public official will present the medal to the donor or the family. This creates a wonderful opportunity to honor those sharing life through donation and increase public awareness. Some researchers have estimated that it may be possible to increase the number of organ donations by 80 percent through incentive programs and public education.

As several recent experiences have proved, any one of us, or any member of our families, could need a life saving transplant tomorrow. We would then be placed on a waiting list to anxiously await our turn, or our death. The number of people on the list has doubled since 1990 and a new name is added to the list every 18 minutes. However, this official waiting list reflects only those who have been lucky enough to make it into the medical care system and to pass the financial hurdles. If you include all those reaching end stage disease, the number of people potentially needing organs or bone marrow, very likely over 100,000, becomes staggering. Only a small fraction of that number would ever receive transplants, even if they had adequate insurance. There simply are not enough organ and tissue donors, even to meet present demand.

Federal policies surrounding the issue of organ transplantation are difficult. Whenever you deal with whether someone lives or dies, there are no easy answers. There are close to 15,000 and 20,000 potential donors each year, yet inexcusably, there are only some 5,100 actual donors. That is why we need you to help us educate others about the facts surrounding tissue and organ donation.

This year, Mr. President, there has been unprecedented cooperation, on both sides of the aisle, and a growing commitment to awaken public compassion on behalf of those who need organ transplants. It is my very great pleasure to introduce this bill on behalf of a group of Senators who have already contributed in extremely significant ways to the cause of organ transplantation. And we are proud to ask you to join us, in encouraging people to give life to others.

Mr. DOLE (for Mr. BURNS):

S. 1714. A bill to amend title 49, United States Code, to ensure the ability of utility providers to establish, improve, operate and maintain utility structures, facilities, and equipment for the benefit, safety, and well-being of consumers, by removing limitations on maximum driving and on-duty time pertaining to utility vehicle operators and drivers, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE UTILITY CONSUMER SERVICE IMPROVEMENT AND PROTECTION ACT OF 1996

• Mr. BURNS. Mr. President, today I am introducing the Utility Consumer Service Improvement and Protection Act of 1996. This legislation would modify a Federal regulation which is unnecessary, burdensome, and which costs millions of dollars each year in return for negligible benefits.

This regulation costs the Government itself hundreds of thousands of dollars annually for the personnel and overhead needed to implement, track, and enforce it. More importantly, it imposes unnecessary costs upon almost every family and business in the

United States, due to higher rates imposed on consumers' utilities—electric, telephone, natural gas, water, sewer, garbage disposal, and even cable television. The regulation in question is the Department of Transportation's hours-of-service truck-driving rules as they are applied to the utility industry.

When we examine the hours-of-service truck-driving regulations as applied to public utility service vehicles, there is no evidence that these costly regulations improve public safety or provide any other tangible benefits whatsoever to the American public.

To the contrary, there is significant evidence that these regulations needlessly increase costs and threaten the reliability of basic utility services for average American consumers. By imposing higher costs and reducing the reliability of basic utility services, the DOT regulations themselves pose an increased risk to the health and safety of the public.

In regard to utility vehicles, this hours-of-service regulation is a classic example of a well-intended regulation which simply does far more harm than good—the costs greatly outweigh any potential benefits, and it should be immediately modified to the extent that it applies to the utility service vehicles which are vital to the installation and the maintenance of utility facilities across our country.

DOT over-reacted in issuing its regulations, which limit the number of hours drivers can be on duty at his or her job, and still operate a heavy vehicle. The DOT regulation makes no distinction in the manner in which a vehicle is operated, neither does it recognize and accommodate the purposes for which different kinds of vehicles are operated.

The hours-of-service regulations apply to virtually all drivers of all vehicles which exceed a certain weight, regardless of how the vehicle is actually used. Almost of utility service vehicle owners and drivers are subjected to the regulation, even though they are only driven an average of 50 miles per day.

Many thousands of trucks and motorized heavy equipment units owned by public utility providers exceed the DOT regulatory weight threshold, and are thus subject to the regulations. This directly increases the cost to consumers for basic utility services, and interferes with utility providers in their job of maintaining reliable service.

When the electricity goes out, persons who are dependent upon various kinds of mechanical equipment are suddenly faced with a life-threatening situation. When the phone lines are down, people with emergency situations cannot call for the ambulance, or the fire department, or the sheriff's office for help. A regulation which makes it more difficult and expensive to rapidly restore or maintain vital utility service becomes in and of itself a much greater threat to public health and safety than the very limited highway operation.

This same bill, H.R. 2144, was introduced in the House of Representatives last year. It would simply have exempted utility service vehicles and their owners and drivers from the DOT hour of service regulations.

While some portions of H.R. 2144 were incorporated into Public Law 104-59, the National Highway System Act, much of the costly and restrictive DOT hours of service truck driving regulation still applies to utility service vehicles, costing consumers unwarranted regulatory expense and still interfering with utilities' ability to ensure reliable service and repairs.

The legislation I am introducing today will complete the job started last year. My bill will exempt utility service vehicles and their drivers from the DOT hours of service regulations effective only for those vehicles and drivers while they are actively engaged in legitimate and necessary utility activities.

I want to point out that this exemption does not relieve owners from any established equipment mechanical safety standards or inspections, nor does it weaken in any way the licensing standards and testing required of drivers. It does not interfere with or pre-empt any state-imposed regulations which may affect driving-time hours.

Mr. President, I urge my colleagues to join me in this effort by cosponsoring this legislation and working for its passage. I also ask unanimous consent that a letter written by the Montana Electric Cooperatives' Association be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MONTANA ELECTRIC
COOPERATIVES' ASSOCIATION,
Great Falls, MT, March 6, 1996.

HON. CONRAD BURNS,
U.S. Senate,
Washington, DC.

DEAR SENATOR BURNS: Montana's rural electric cooperatives are writing to ask for your help in obtaining a much needed reform of specific federal regulations which are unnecessary, unwieldy, and which cost far more to comply with than any possible benefits that might theoretically be derived. The current Department of Transportation "Hours of Service" (HOS) truck driving regulations, as they apply to public utility providers, impose an entirely unreasonable cost on consumers, and compound other difficulties faced by providers in reliably maintaining vital utility services.

The HOS regulations were originally intended to address public safety concerns arising from practices in the long-haul, transcontinental trucking industry where vehicles are utilized in an entirely different manner than those in the utility business.

Citizens and legislators alike became alarmed at the frequency and severity of highway accidents caused when long-haul truckers would operate their vehicles for days at a time without getting proper rest. Operators suffering from driving fatigue and "white line fever" often exceeded their physical and mental limits, resulting in some truly horrible accidents and the tragic deaths of many innocent motorists.

However, it is important to note that utility service vehicles simply are not operated in the same fashion as the long-haul equipment, and there is no evidence that our industry's vehicles were ever a part of the problem the regulations were designed to resolve. This is especially true for utilities serving rural Montana. Clearly, the HOS rules are but one more example of a "one-size-fits-all" federal mandate that is costly, unrealistic and unnecessary.

Disregarding these distinctions, DOT crafted regulations which apply as equally to utility vehicles as to long-haul vehicles. This has resulted in a situation whereby enforcement of existing rules will require consumers to pay significantly higher utility rates to help fix a problem that didn't exist in the first place.

We also believe public safety is actually placed in far greater imminent danger by imposition of the DOT's arbitrary and restrictive Hours of Service rules.

That is because these rules hamper the ability of our cooperatives to rapidly maintain and restore electric and telephone service to the approximately 300,000 Montanans we serve. The result is that customers' lives may be in far greater danger from lack of electric or telephone service than by the possibility of a utility service vehicle accident.

Cooperative managers have called us to emphasize that the HOS rules ignore reality: When the power is out, those on life support equipment, for example, are at great risk. When phone lines are shut down, people can't call for medical, fire, or law enforcement emergency assistance.

As one western Montana cooperative manager put it, "It is our overall responsibility to ascertain the circumstances of each individual work period and draw the line between safe working/driving practices, balanced against the urgency of electric service restoration. Service restoration work can be critical and/or lifesaving by nature—much more so than the negligible risk of driving—after even 15 hours or more of work. We have prescribed rest periods in relation to hours worked which also require common sense supervisor interpretation."

An eastern Montana cooperative director described the situation this way: "Because of the great distances involved in our service area, exceeding the restriction on service hours could be a high probability. Because of the dependency on the power we supply for heat, water heaters, and communication within our service area, it is imperative to the welfare of our consumers that the restoration of power occur as quickly as possible."

As applied to utility service vehicles and drivers, the DOT regulations are totally unwarranted, extremely expensive (in the aggregate) to consumers, and pose a potentially dangerous obstacle to our ability to maintain electric and telephone lifelines.

MECA applauds your consideration of legislation which would exempt utility service vehicles from the HOS regulations. We also appreciate your well-crafted draft language because it is written in a manner which would exempt our vehicles only when they are being used for legitimate utility purposes (including emergencies arising from storms and other acts of nature).

We sincerely urge your speedy introduction of such legislation and we will work to help build the support needed for congressional passage of the measure.

Sincerely,

JAY T. DOWNEN,
Executive Vice President.•

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. HARKIN, Mr. INOUYE, Mr. LEAHY, Mr. CAMPBELL, Mr. COCHRAN, Mr. HATFIELD, Mr. STEVENS, and Mr. BOND):

S. 1715. A bill to amend the Internal Revenue Code of 1986 to provide a credit for adoption expenses, to allow penalty-free IRA withdrawals for adoption expenses, and to allow tax-free treatment for employer provided adoption assistance; to the Committee on Finance.

By Mr. SPECTER (for himself, Mr. SANTORUM, Mr. JEFFORDS, Mr. LUGAR, Mr. INOUYE, Mr. LEAHY, Mr. SIMPSON, Mr. HATFIELD, Mr. COATS, Mr. STEVENS, Mr. PRYOR, Mr. BOND, Mr. CONRAD, and Mr. DEWINE):

S. 1716. A bill to amend the Public Health Service Act reauthorize the adolescent family life program, provide for abstinence education, and for other purposes; to the Committee on Labor and Human Resources.

THE ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Mr. SPECTER. Mr. President, I have sought recognition to introduce, on behalf of 14 Senators, the Adolescent Family Life and Abstinence Education Act of 1996 and, on behalf of 12 Senators, the Adoption Promotion Act of 1996. I am pleased to be introducing these bills with many colleagues from both parties, which I shall describe shortly.

TOWARD A "GOOD" SOCIETY

Mr. President, I am introducing two bills designed to bring Americans together on one of the most controversial, if not the most controversial matter facing the United States domestically today, and that is the question of abortion, pro-choice, pro-life. While we cannot achieve agreement on all aspects of that underlying controversy, I believe it is possible to make enormous steps forward on the issue of abstinence; that is, to try to curtail premarital sex, especially among teenagers, which results in unintended pregnancies, and to promote adoption through tax credits, to try to encourage those who are in the situation of unintended pregnancy to carry through to term.

At the outset, let me provide my colleagues with a brief summary of the legislation. This legislation would support an authorization for $75 million annually to have abstinence education. While there is great concern about education dealing with matters of sex generally, there appears to be an exception when you talk about abstinence. Within the past several weeks, I have had the opportunity to visit the Carrick High School in Pittsburgh, where I met with students who are involved in an abstinence program and with officials of Mercy Hospital which has been the recipient of a $250,000 federal grant for abstinence education. The results there have been very profound. Later, I visited a program in Lancaster, PA, where young people are taking the abstinence pledge and are being counseled in how to respond to peer pressure with counter peer pressure. As I say, while we cannot agree on all aspects of the issue of abortion, pro-choice, pro-life, I believe when we talk about abstinence, that is an area of agreement.

Similarly, on adoption, there have been many efforts to give tax breaks. This legislation is another effort, with up to a $5,000 tax credit for adoption, and up to $7,500 for adopting children with special needs. These two bills will supplement legislation which I have already pushed on prenatal care for pregnancies, again involving many youngsters in their teens. I saw my first one-pound baby more than a decade ago. It is really a startling sight, a child no bigger than my hand, carrying medical problems for a lifetime and costing up to $200,000 in medical care per child for just the first year. I believe this abstinence legislation, in conjunction with adequate prenatal care and the Healthy Start program, will go a long way toward avoiding teenage pregnancies and the complications that can arise, such as low-birth-weight babies.

Mr. President, on March 28, 1996, I spoke on the Senate floor in support of the Commonwealth of Pennsylvania's Teen Pregnancy Prevention Week. During that week, communities throughout the Commonwealth of Pennsylvania conducted special activities to promote pre-marital abstinence as the best, healthiest way to prevent teen pregnancy and the many other physical, emotional, and relational consequences of early sexual activity. On Friday, March 15, 1996, I had the opportunity to kick-off this important week at Central High School in Philadelphia, and during my remarks, I stated that I would be introducing two legislative proposals that deal with the important issue of teen pregnancy, one on abstinence education and one on promoting adoption.

By way of background, nearly 200 years ago, the French writer Alexis de Tocqueville is said to have observed that "America is great because she is good, and if America ever ceases to be good, America will cease to be great." Although de Tocqueville is long gone, his analysis is timeless. It is impossible to be a public official today, to travel throughout States such as Pennsylvania and elsewhere in the United States, without recognizing that America's problems are more moral than material. The news media offer us a monthly snapshot of leading economic indicators, but it may be that our leading moral indicators are more telling, such as the staggering number of teenage pregnancies, the national divorce rate, and the rapid rise in juvenile crime.

As we have tried to steer towards a growing economy and a balanced budget, there has been a growing consensus that all our goals—personal, economic, and national security—must rest on a restored ethic of personal responsibility. There has been an increased recognition that a crisis of values underlies the many public policy problems the Senate addresses on a daily basis. This has impressed upon me the need for people of strong moral commitments to enter public service and public debate, so that we may confront the underlying problems.

On the critical question of the health of America's families, the grim statistics are well known, but worth repeating. These leading moral indicators suggest that the erosion of the American family continues unabated. For example, more than 50 percent of American marriages now end in divorce, meaning that millions of American children face at least some instability in their home environment. Then, there is the alarming number of teenagers getting pregnant in the United States. According to statistics released by the Centers for Disease Control in 1995, there were an estimated 835,000 teenage pregnancies in 1990. Further, the National Center for Health Statistics reports that in 1993, 12,000 girls under 15 years of age gave birth to a child. To me, this necessitates a strong response from public officials, the clergy, and concerned citizens.

A leading moral indicator is the rapid increase in the number of unwed mothers. The percentage of teen births that occurred outside of marriage has risen from 48 percent in 1980 to 72 percent of all teenage births in 1993. According to my distinguished colleague, Senator MOYNIHAN, within 10 years, unless we reverse current trends, more than half our children will be born to unmarried women. By comparison, the United States teenage birth rate—60 births per 1,000 females aged 15 to 19—is double the rate in other industrialized societies such as Australia and the United Kingdom. France and Japan report some of the lowest teenage birth rates, at nine and four births per 1,000 females, respectively.

It is worth pausing to reflect on the enormous significance of these statistics regarding out-of-wedlock births. Marriage is obviously important as it relates to the benefits for children to have a strong family structure based on a commitment of mutual support and respect.

On the subject of family values, I speak with considerable pride about the institution of marriage with my parents and my siblings. In addition to my parents' marriage of 45 years, my brother, Morton, and his wife, Joyce, were married for 51 years until his death in 1993. My sister, Hilda, and her husband, Arthur Morgenstern, celebrated their 53rd wedding anniversary in April. My sister, Shirley, was married to Edward Kety for 46 years until his death last summer. My son, Shanin, and his wife, Tracey, will celebrate their 10th wedding anniversary on June 29, 1996. So our family totals 248 years of marriage.

In considering the troubling statistics on out-of-wedlock births, I believe there is much we can do to reduce the likelihood that an unmarried teenager will become pregnant in the first place.

While I am personally opposed to abortion, I do not believe it can be controlled by the Government. I believe it is a matter for the woman and family, with appropriate guidance by ministers, priests, and rabbis. I do believe the government has a significant role in promoting alternatives to abortion. In my view, there is no reason why people on both sides of the abortion debate cannot work together to promote those alternatives. We can reduce teenage pregnancies by encouraging abstinence and personal responsibility. If a teen pregnancy does occur, we should promote adoption as a socially beneficial alternative.

We can, and we must, confront our leading moral indicators head-on. We must press harder in the fight to reduce the alarming number of teenage pregnancies. And, when a child comes into the world as the result of an unintended pregnancy, we must do all that we can to ensure that it is raised in a loving, stable family environment.

It is the American family, of course, to which these responsibilities chiefly belong. Nonetheless, I believe that the Government can play a role and that we in the Congress must seek out appropriate legislative means to advance this cause. Accordingly, I am today introducing these two bills which will strengthen the social fabric and family stability of our Nation.

Before I go into greater detail on these two bills, I want to point out that I have benefited from thoughtful review and comments by a number of individuals with expertise on the issues of teen pregnancy, abstinence, and adoption, including Bill Pierce of the National Council on Adoption; H. Woodruff Turner and Katrina Schulhof of the Pittsburgh Adoptive Family Rights Council; David Keene of the American Conservative Union; Ms. Molly Kelly of Philadelphia; Larry Breitenstein of the Westmoreland County Childrens Bureau; Dr. Carol Jean Vale, President of Chestnut Hill College; Sister Roseanne Bonfini of Immaculata College; James Stark of the Fayette County Community Action Agency; Danelle Stone and Melissa Mizner of Catholic Charities Counseling and Adoption Services—Erie Diocese; Washington County Commissioner Diana Irey; Reverend Horace Strand, Sr. of the Faith Temple Holy Church and Christian School; Rev. Msgr. Philip Cribben of the Archdiocese of Philadelphia; and Ted Meehan of the Mainstream Republicans.

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

My first legislative proposal provides for the continued funding of programs that are designed to reduce teenage pregnancy and to increase abstinence education. The existing Adolescent Family Life Program, known as the title XX program, is a worthwhile program which focuses directly on the issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting. If you want to reduce the number of abortions performed in the United States, teaching children to say no to negative peer pressure is a starting place.

In 1981, Congress established the Adolescent Family Life Program as the only Federal program of its kind. Through demonstration grants and contracts, Adolescent Family Life focuses on a comprehensive range of health, educational, and social services needed to improve the health of adolescents, including the complex issues of early adolescent sexuality, pregnancy, and parenting.

This legislation had bipartisan support when originally enacted in 1981 and when it was reauthorized in 1984. Authority for title XX expired in 1985 and since then, the program has been operating under funding provided in the annual Labor, HHS, and Education appropriations bill. For fiscal year 1996, the Labor, HHS, and Education Appropriations Subcommittee, which I chair, provided $7.7 million for the Adolescent Family Life program.

Now, more than 10 years after the authority for this valuable program expired, it is important that Congress reauthorize it to demonstrate our commitment to this important Adolescent Family Life Program. As I stated at the outset, my legislation, the Adolescent Family Life and Abstinence Education Act of 1996, would provide authority for $75 million annually between now and fiscal year 2000, substantially higher than the $30 million authorized in 1985. My legislation would also amend title XX to state expressly that the education services provided by the recipients of federal funds should include information about abstinence. I have also proposed amending the law to require the Secretary of Health and Human Services to ensure, to the maximum extent practicable, that approved grants have a geographic diversity that shows adequate representation of both urban and rural areas. Further, to address concerns raised by Pennsylvania constituents, my legislation would establish a simplified, expedited application process for groups seeking Title XX demonstration project funding of less than $15,000.

As I noted at the beginning of my remarks, teenage pregnancies exact a substantial emotional and financial toll on our society and deserve priority consideration by Congress. Adolescent pregnancy threatens the health of both the young mother and child. Teenage mothers are more likely to lack adequate prenatal care and to give birth to a low birthweight baby. When I refer to the problem of low birthweight babies, I am talking about babies weighing as little as 12 ounces who when born are no larger than my hand. It is tragic that these babies are not born more healthy, for low birthweight babies will carry scars for a lifetime and often do not live very long.

The Adolescent Family Life Program, in addressing early sexual relations among teenagers, can also protect their health with respect to sexually transmitted diseases. Early sexual activity, particularly with multiple partners, increases the chance that a teenager will contract such a disease. The Title XX program is designed to get teenagers to focus on the potential consequences of early sexual activity, and these health concerns certainly provide additional justification for Federal support of abstinence education.

In making the case for funding programs to address the teen pregnancy problem it is important to focus primarily on the physical, emotional, and spiritual costs associated with a young girl becoming pregnant. At a time when Federal, State, and local governments face difficult budgetary constraints, I should also note that in 1990, an estimated 51 percent of Aid to Families with Dependent Children payments went to recipients who were 19 or younger when they first became mothers. Billions of dollars could be saved by preventing unwanted teenage births to unwed mothers.

Reauthorizing the Adolescent Family Life Program at $75 million will demonstrate that Congress recognizes the serious emotional and financial impact of teenage pregnancy. Updating federal law to advocate abstinence education expressly is also necessary to provide guidance to the Department of Health and Human Services. I urge my colleagues and others to making America a "good" society to support this legislation and join me in the effort to reduce teenage pregnancies.

THE ADOPTION PROMOTION ACT OF 1996

My second legislative proposal, the "Adoption Promotion Act of 1996," is intended to provide appropriate tax incentives to encourage adoption, a policy which serves as a compassionate response to children whose own parents are unable or unwilling to care for them. This is particularly important in an era when so many teenagers are having babies and are unable to care for them.

Based upon my own strong sense of family, I firmly believe that the family is the primary building block of our society. To reinforce the important role families play in our society, the Senate and the House of Representatives recently passed balanced budget legislation which contained provisions to benefit families. For instance, the agreement provided a $500 per child tax credit to help cover the rising costs of raising children. That legislation also provided a $5,000 nonrefundable tax credit for families who follow the long and arduous, but rewarding, process of adopting a child. Although this legislation was vetoed by the President, I believe it made a very strong statement in support of the American family.

I have spent the past year advocating scrapping our current Tax Code and replacing it with a flat tax that would encourage saving, stimulate growth, and promote fundamental simplicity. In March 1995 I introduced S. 488, the Flat Tax Act of 1995, which would increase economic growth by $2 trillion and reduce interest rates by 2 full percentage points. Further, S. 488 would provide much more generous personal exemptions and deductions for children. However, as the Congress debates the merits and necessity of fundamental tax reform, and until such legislation is enacted, I believe we need to move forward with specialized tax legislation that promotes adoption.

As I stated earlier, today I am introducing the Adoption Promotion Act of 1996, which would encourage the adoption of children into healthy and stable existing families. Far too many children are left to grow up in foster care without ever experiencing the rewards of being a permanent family member. Many other couples, unable to conceive their own child, turn to infant adoption to start a family. Recognizing the cost hurdles that may discourage many American families from adopting a child, my legislation would provide a nonrefundable adoption tax credit for up to $5,000 in qualified adoption expenses for families earning up to $65,000 in annual adjusted gross income. The credit is available at a gradually reduced percentage to families with adjusted gross income between $65,000 and $95,000. The credit is available during the year of the legal, finalized adoption, but may cover expenses incurred in previous years toward the adoption.

As I will explain in greater detail later, my legislation also would allow all families to make penalty free withdrawals of up to $2,000 from Individual Retirement Accounts to pay adoption expenses. In addition, the bill allows employers to offer their employees tax-free benefits for adoption. To address the particular problem of placing children with special needs in adoptive families, my legislation would provide a $7,500 nonrefundable tax credit for such adoptions.

Mr. President, when couples realize that they are not able to conceive their own children or that it is not medically advisable, many consider adoption. Many other couples blessed with their own children consider adopting a child out of a sense of love and community, particularly where a child has been in foster care. These couples quickly learn that the costs associated with adoption can be prohibitive. It is not uncommon for the adopting family to pay thousands of dollars in legal expenses, prenatal care for the birth mother, and the cost of the adopted child's hospital delivery. In fact, according to information from congressional testimony by the National Council on Adoption, adoption costs range between zero and $30,000, averaging $15,000 for infants born in the United States.

My bill includes a provision to encourage in particular the placement of special needs children because there is good reason to provide a particular incentive for their adoption. This legislation adopts the definition contained in the balanced budget legislation and states that a child with a special need is one who has a mental, physical or emotional handicap or who may fall into a specific age, gender or minority group. However, this clinical explanation belies the frustrating condition of these children. According to the Ways and Means Committee, in fiscal year 1990, 71 percent of children with one or more special needs were waiting for adoptive placement. In cases where children have medical conditions, most through no fault of their own, costs of care can be prohibitive. It then becomes even more difficult to place such children in adoptive families because of these tragic circumstances. I am hopeful that the $7,500 tax credit will ease the financial burden on families considering adopting a special needs child. I would note that the credit is not tied solely to the actual costs of the adoption, because such adoptions are often less expensive than a typical infant adoption. Therefore, this credit is available to defray additional expenses of having a special needs child join one's family.

Under current law, if an employer helps to pay an employee's pregnancy expenses by funding an insurance policy or paying the fees for an employee to join an health maintenance organization, these expenses are treated as tax-free fringe benefits. But if an employer helps his or her employees with adoption expenses, it has to pay these expenses in after-tax dollars. That is why my legislation provides that employer-provided adoption assistance is tax free for up to $5,000 in benefits for each child (up to $7,500 for special needs children). This tax provision is also phased out based on income, but at a higher level than the tax credit, in order to allow more families to take full advantage of employee fringe benefits. I am proud to mention that several companies in Pennsylvania, including First Pennsylvania Bank, Rohm and Haas, and Wyeth-Ayerst already provide adoption assistance to their employees. Other companies offering such benefits include General Motors, DuPont and PepsiCo.

Finally, I have included provisions in my legislation to allow the penalty-free withdrawal from Individual Retirement Accounts [IRA] to help cover the costs of adoption expenses. I understand the fact that a tax credit is simply not enough to cover all the expenses associated with adoption. I believe the federal tax code must encourage savings and reward taxpayers not penalize them for the wise uses of their hard-earned money. I have supported other efforts in the past that would allow the use of IRA funds for personal capital expenses such as purchase of a family home, investment in college education, or payment of medical expenses. In my judgment, using IRA funds for adoption expenses is equally meritorious.

Given prior support in both the Senate and House for some type of tax incentives to promote adoption, I am hopeful that my colleagues will favorably consider the mix of incentives contained in the Adoption Promotion Act of 1996 and enact this legislation in the near future. By reducing the financial hurdles to adoption, I hope we will be able to give new hope to the thousands of children who live in foster care awaiting the chance to be brought into a loving family environment permanently. In conclusion, Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a "Dear Colleague" letter, dated March 25, together with a summary of the legislative provisions, together with the bills themselves, which identify the 14 sponsors of the abstinence bill and the 12 sponsors of the adoption bill, together with seven letters: one from David Keene of the American Conservative Union; the second from Danelle Stone and Melissa Mizner of the Catholic Charities (Erie Diocese); the third from Pastor Horace W. Strand of the Faith Temple Holy Church and Christian School; the fourth from Commissioner Colin A. Hanna of Chester County; the fifth from Commissioner Joseph A. Ford of Washington County; the sixth from Commissioner Jim Beckwith of Mifflin County; and the seventh from President Carol Jean Vale of Chestnut Hill College.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
SELECT COMMITTEE ON INTELLIGENCE,
Washington, DC, March 25, 1996.

DEAR COLLEAGUE: I am writing to urge you to cosponsor two bills I intend to introduce shortly: the Adolescent Family Life and Abstinence Education Act of 1966 and the Adoption Promotion Act of 1996.

While there are obviously great differences of opinion on the pro-life-pro-choice issue, there is a consensus that all efforts should be made to prevent unwanted teen pregnancies through abstinence. The first bill does just that.

Where tax breaks for adoption would encourage carrying to term, we should act on that as well. The second bill does just that.

The following describes the essence of the two bills:

Adolescent Family Life and Abstinence Education Act of 1966—Reauthorizes the Adolescent Family Life (Title XX) program, which funds demonstration projects focusing on abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting. This program had bipartisan support when originally enacted in 1981 and when it was reauthorized in 1984. Authority for Title XX expired in 1985 and since then, the program has been operating under funding provided in the annual Labor, HHS, and Education Appropriations bill. For FY 1996, the Labor, HHS, and Education Appropriations Subcommittee, which I chair, has provided $7.7 million for the Adolescent Family Life program. Congress should reauthorize Title XX to demonstrate our commitment to abstinence education and the physical and emotional health of adolescents.

The Adoption Promotion Act of 1996—Provides tax incentives to encourage adoption, a policy which serves as a compassionate response to children whose own parents are unable or unwilling to care for them. This is particularly important in an era when so many teenagers are having babies and are unable to care for them. This proposal is based substantially on the provisions contained in the balanced budget legislation which Congress passed in 1995 but was vetoed by the President.

I hope you will cosponsor one or both of these bills. If you are interested, please contact me or have your staff contact Dan Renberg at 224-4254.

Sincerely,

ARLEN SPECTER.

P.S. A more detailed statement of the bills is enclosed. My office and I would be glad to provide additional information upon request.

SPECTER PROPOSALS TO DEAL WITH TEENAGE PREGNANCY

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Reauthorizes Adolescent Family Life program (Title XX) for the first time since 1984, and at a higher ($75,000,000) level than before. It has been funded annually in Labor, HHS appropriations, but without authorization or reform.

This HHS program provides demonstration grants and contracts for initiatives focusing directly on issues of abstinence, adolescent sexuality, adoption alternatives, pregnancy and parenting.

The bill adds "abstinence" expressly into the statutory definition of educational services that can be provided under the program. (Such education is already available, but the statute wasn't explicit in this regard.)

The bill requires the Secretary of HHS to establish an expedited, simplified process for consideration of grant applications for less than $15,000. (Some organizations that wish to implement small teen pregnancy programs are unable to cope with the current process.)

Requires the Secretary to ensure, to the maximum extent practicable, that approved grant applications adequately represent both urban and rural areas.

ADOPTION PROMOTION ACT OF 1996

Builds on adoption tax incentives contained in Section 11003 of Balanced Budget Act of 1995 (budget reconciliation) conference report.

For qualified adoption expenses, provides up to a $5,000 adoption tax credit ($7,500 for children with special needs—age, ethnic group, physical/mental/emotional handicap). Credit is phased out beginning at $65,000 adjusted gross income and is eliminated at $95,000.

Provides for penalty-free IRA withdrawals of up to $2,000 for qualified adoption expenses.

Tax-free treatment of employer-provided adoption assistance, to level the playing field with tax-free treatment of employer-provided pregnancy expenses. Exclusion from gross income of up to $5,000 in benefits ($7,500 for special needs children), phasing out from $75,000 to $115,000.

THE AMERICAN CONSERVATIVE UNION,
Alexandria, VA, March 27, 1996.

Hon. ARLEN SPECTER,
U.S. Senate, Senate Office Bldg.,
Washington, DC.

DEAR SENATOR SPECTER: Your recent introduction of legislation to provide tax incentives designed to promote adoption is to be commended.

On behalf of the more than one million members and supporters of the American Conservative Union, I can say without reservation that your approach to helping parents seeking adoptive children *and* those children who in our society are too often shunted aside deserves wide public support.

It is my hope that it will also enjoy widespread Congressional support.

Sincerely Yours,

DAVID A. KEENE,
Chairman, ACU.

CATHOLIC CHARITIES,
COUNSELING AND ADOPTION SERVICES,
Erie, PA, March 11, 1996.

Hon. ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR SENATOR SPECTER, Thank you for sending a copy of the draft of the bills and a draft of the floor statement concerning the Adolescent Family Life and Abstinence Education Act and the Adoption Promotion Act.

A tax credit for adoption would be highly favored by prospective adoptive couples and would certainly benefit those children waiting for permanent families.

For the past four years, Melissa Mizner, therapist, and myself have presented a program to school students promoting sexual abstinence. We have conducted 95 presentations in over 25 schools both public and private for approximately 4,400 students in grades six to twelve. Catholic Charities Counseling and Adoption Services has assumed the financial burden of presenting this program despite our numerous attempts to secure outside funding. The agency recognizes the importance of this message and feels prevention services is money well spent.

We have not applied for money from Title XX because the process for application is so difficult for the small amount of $3,000 to $5,000 we would require each year to provide this program. I wish this process could be simplified for agencies requesting smaller grants from the Adolescent Family Life program. If it were, other agencies in Pennsylvania might consider providing a similar program such as ours.

We are in full favor of your two proposed bills. If we can be of any assistance in providing support for these proposals, please do not hesitate to contact the agency.

Thank you for taking the time to keep us informed and aware.

Sincerely,

DANELLE STONE, BSSW,
Adoption Coordinator.
MELISSA MIZNER, MS, NCC,
Marriage and Family Therapist.

FAITH TEMPLE HOLY CHURCH,
AND CHRISTIAN SCHOOL,
March 8, 1996.

SENATOR ARLEN SPECTER,
U.S. Senate,
Washington, DC.

DEAR MR. SPECTER, Thank you for giving; me the opportunity to review your statement to the Senate on the need to amend Title XX to include the teaching of Abstinence, and the promotion of the 1996 Adoption Act. First I want to say how much I appreciated hearing of the value your parents placed on the Institution of Marriage. The personal example of you and your siblings demonstrate that their value was not lost with them. I was also pleased to hear of your personal position on Abortion, and I can appreciate your position on Choice; even though I strongly believe in the protection of Life from the moment of conception. I think that more of your constituents should know you are not an advocate of Abortion; but a advocate of personal rights.

This amendment to Title XX can be the instrument to bring both sides together, and stop the need for most abortions by decreasing the growing rate of un-intended pregnancies. The additional funding, and the promotion of the Adoption Act of 1996 will help tremendously. Please be advised that as a Pastor, and school Administrator, I can see the need for resources being allocated for this purpose. If I can be of any help to you in promoting this worthy endeavor; please feel free to call on me.

Yours in His Service,

DR. HORACE W. STRAND,
Pastor.

THE COUNTY OF CHESTER,
OFFICE OF THE COMMISSIONERS,
West Chester, PA, March 14, 1996.

The Hon. ARLEN SPECTER
U.S. Senate,
Washington, DC.

DEAR ARLEN: It was great to see you again at the Conservative Political Action Conference last month, and to learn from your letter of March 7 of your support of such a bedrock conservative cause as abstinence education. Please let me know if there is anything I can do to help advance that agenda here in Chester County.

With warmest regards, I am

COLIN A. HANNA,
Commissioner.

COUNTY OF WASHINGTON,
COMMONWEALTH OF PENNSYLVANIA,
Washington, PA, March 19, 1996.
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: This is in response to your letter of March 7, 1996, regarding your proposed legislation under the titles of the Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996.

First of all, abstinence education is very important if provided in an educational forum. Since many of our young adults are members of one parent families whose family time is limited by being the sole provider and, therefore, unable to provide the ongoing moral and family stability. Because of changes in society, our children can no longer be guaranteed to receive the educational and moral values found in a stable family unit. As professionals responsible for educating our children, we have to go beyond the traditional reading, writing and arithmetic in preparing them for adult life. With this in mind, the need to continue with abstinence education is vital to the development of a moral society.

Secondly, the idea of tax incentives for adoptive parents would help ease the burden for those families who are more than willing to adopt but are not financially able to do so. This would also reduce the cost and the tragedy of long term foster care. The long term financial benefits of such an incentive plan can only benefit those children today and society tomorrow.

In conclusion, I would like to offer Washington County's support on your proposed legislation.

Sincerely yours,
JOSEPH A. FORD, SR., *Chairman.*
Washington County Board of Commissioners,

CHESTNUT HILL COLLEGE,
OFFICE OF THE PRESIDENT,
March 12, 1996.
Hon. ARLEN SPECTER,
U.S. Senate, Washington, DC.

DEAR SENATOR SPECTER: I am writing to ask you to consider introducing a bi-partisan amendment to restore targeted programs to the Omnibus Appropriations Bill (H.R. 3019). Central to such an amendment is the restoration of the Perkins Loan and SSIG. As you know, thousands of Pennsylvania college students will be affected by decisions governing the future of such financial assistance.

As in the past, I know I can count on your support of private higher education in the Commonwealth and throughout the nation.

I applaud your plan to introduce legislation titled Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996. I agree wholeheartedly that people on both sides of the abortion issue can work together to promote mutually agreeable alternatives to abortion. Moreover, your observation that the country needs to assess and respond to "leading moral indicators" is cogent, insightful, and timely.

As always, Senator, I respect your ability to cut to the core of issues, to name the problems, and to offer solutions. In addition, I appreciate your balanced approach to public policy. Different viewpoints do not have to divide, rather, they can be starting points for discussions that empower people with varying perspectives to meet on common ground and thereby establish a common agenda that will benefit the citizens of this country.

Thank you for sending me your proposed legislation and for championing causes that I, as a citizen, deeply value.

May God bless you Joan, and your family.

Cordially,
CAROL JEAN VALE, SSJ, PH.D.
President.

COSPONSORS TO SPECTER ABSTINENCE/ ADOPTION BILLS AS OF APRIL 29, 1996

ADOLESCENT FAMILY LIFE AND ABSTINENCE EDUCATION ACT OF 1996

Santorum, Jeffords, Lugar, Inouye, Leahy, Simpson, Hatfield, Coats, Stevens, Pryor, Bond, Conrad and DeWine.

ADOPTION PROMOTION ACT OF 1996

Santorum, Jeffords, Lugar, Harkin, Inouye, Leahy, Campbell, Cochran, Hatfield, Stevens and Bond.

COUNTY COMMISSIONERS OF
MIFFLIN COUNTY,
Lewistown, PA, March 28, 1996.
Hon. ARLEN SPECTER,
U.S. Senator, Senate Office Building, Washington, DC.

DEAR SENATOR SPECTER: Thank you for providing me with a copy of the Bill you are planning to introduce under titles of the Adolescent Family Life and Abstinence Education Act of 1996 and the Adoption Promotion Act of 1996.

Adoption Reform is long overdue and perhaps this could be the first step of a change.

It is appalling how many children are raised without loving, caring parents because of our archaic laws. I firmly believe, less costly, more accessible adoption could go a long way in cutting the abortion rates.

I commend you on taking the initiative to address this important issue.

Sincerely,
JIM BECKWITH,
Mifflin County Commissioner.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 1189

At the request of Mr. DEWINE, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1189, a bill to provide procedures for claims for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products.

S. 1483

At the request of Mr. KYL, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 1483, a bill to control crime, and for other purposes.

S. 1493

At the request of Mr. LAUTENBERG, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 1493, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

At the request of Mr. GRAHAM, his name was added as a cosponsor of S. 1493, supra.

S. 1578

At the request of Mr. FRIST, the names of the Senator from Kentucky [Mr. FORD], the Senator from Connecticut [Mr. DODD], the Senator from Wyoming [Mr. SIMPSON], and the Senator from South Dakota [Mr. PRESSLER] were added as cosponsors of S. 1578, a bill to amend the Individuals with Disabilities Education Act to authorize appropriations for fiscal years 1997 through 2002, and for other purposes.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1629

At the request of Mr. STEVENS, the names of the Senator from Virginia [Mr. WARNER], the Senator from Mississippi [Mr. LOTT], and the Senator from Arizona [Mr. MCCAIN] were added as cosponsors of S. 1629, a bill to protect the rights of the States and the people from abuse by the Federal Government; to strengthen the partnership and the intergovernmental relationship between State and Federal governments; to restrain Federal agencies from exceeding their authority; to enforce the tenth amendment to the Constitution; and for other purposes.

S. 1652

At the request of Mr. MCCONNELL, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 1652, a bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to establish a national resource center and clearinghouse to carry out training of State and local law enforcement personnel to more effectively respond to cases involving missing or exploited children, and for other purposes.

S. 1675

At the request of Mr. GRAMM, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 1675, a bill to provide for the nationwide tracking of convicted sexual predators, and for other purposes.

SENATE CONCURRENT RESOLUTION 41

At the request of Mr. INOUYE, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Concurrent Resolution 41, a concurrent resolution expressing the sense of the Congress that The George Washington University is important to the Nation and urging that the importance of the University be recognized and celebrated through regular ceremonies.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Louisiana [Mr. JOHNSTON], the Senator from Michigan [Mr. ABRAHAM], and the Senator from Kansas [Mr. DOLE] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

SENATE RESOLUTION 250

At the request of Mr. BROWN, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of Senate Resolution 250, a resolution expressing the sense of the Senate regarding tactile currency for the blind and visually impaired.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SNOWE AMENDMENTS NOS. 3747—3748

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

AMENDMENT NO. 3747

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3748

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an intention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3749–3750

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. FEINGOLD, and Mr. DEWINE) submitted two amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1644, supra; as follows:

AMENDMENT NO. 3749

In section 112, after subparagraph (a)(1)(ii), insert the following:

"(iv) Demonstration projects under this section shall not be conducted in any State that has not enacted legislation authorizing the Attorney General to conduct such projects within its jurisdiction."

AMENDMENT NO. 3750

In section 112, after subparagraph (a)(1)(ii), insert the following:

"(iv) Demonstration projects under this section shall not be conducted in any State that has not enacted legislation declaring such projects shall not be conducted within its jurisdiction."

ABRAHAM (AND OTHERS) AMENDMENTS NOS. 3751–3752

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. FEINGOLD, Mr. DEWINE, Mr. INHOFE, Mr. MACK, Mr. LOTT, and Mr. LIEBERMAN) submitted two amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1644, supra; as follows:

AMENDMENT NO. 3751

Strike sections 111–115.

AMENDMENT NO. 3752

Strike sections 111–115 and 118.

GRAHAM AMENDMENTS NOS. 3753–3759

(Ordered to lie on the table.)

Mr. GRAHAM submitted seven amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3753

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3754

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3755

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3756

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3757

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3758

Beginning on page 177, line 9, strike all through page 211, line 9, and insert the following:

Subtitle C—Effective Dates

SEC. 197. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) Other Effective Dates.—

(1) Effective dates for provisions dealing with document fraud; regulations to implement.—

(A) In general.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) Regulations.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) Alien smuggling, exclusion, and deportation.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) Public Assistance and Benefits.—

(1) In general.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) Benefits of residence.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) Notification of aliens.—

(A) In general.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) Failure to give notice.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) Limitation on pregnancy services for undocumented aliens.—

(A) 3-year continuous residence.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) Limitation on expenditures.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) Continued services by current state.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) Unemployment Benefits.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) Social Security Benefits.—

(1) In general.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizens or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) No refund or reimbursement.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) Housing Assistance Programs.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) Nonprofit, Charitable Organizations.—

(1) In general.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) No effect on Federal authority to determine compliance.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) Definitions.—For the purposes of this section—

(1) Eligible alien.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) Ineligible alien.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) Public assistance program.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any state or local government entity, for which eligibility for benefits is based on need.

(4) Government benefits.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) Enforceability.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit as defined in section 201(f)(3) but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) Forms.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) Notification of Change of Address.—

(1) General requirement.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) Penalty.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 201(f)(3) not less than $2,0000 or more than $5,000.

(d) Reimbursement of Government Expenses.—

(1) In general.—

(A) Request for reimbursement.—Upon notification that a sponsored individual has received any benefit described in section 201(f)(3) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) Regulations.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) Action against sponsor.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) Failure to meet repayment terms.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) Jurisdiction.—

(1) In general.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) Court may not decline to hear case.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) Definitions.—For purposes of this section—

(1) Sponsor.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) Federal poverty line.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) Qualifying quarter.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) has income tax liability for the tax year of which the period was part.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) Report Requirement.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) Report Elements.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) In General.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) Limitation.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) In General.—

(1) Limitation.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) Individual number required.—Section 21(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) Identification number requirement.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.".

(b) Special Identification Number.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) Identification Numbers.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).".

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) is amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting ", and", and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"SEC. 506. SEALS OF DEPARTMENTS OR AGENCIES.

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

"(2) the term 'unlawful alien' means an individual who is not—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

"(C) an alien granted asylum under section 208 of such Act;

"(D) a refugee admitted under section 207 of such Act;

"(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

"(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

"(3) each instance of forgery, counterfeiting, mutilation, or alternation shall constitute a separate offense under this section.".

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and "; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

AMENDMENT NO. 3759

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3760

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, and Mr. ABRAHAM) proposed an to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89-732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM (AND MACK) AMENDMENT NO. 3761

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. MACK) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

"(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.".

GRAHAM AMENDMENTS NOS. 3762–3775

(Ordered to lie on the table.)

Mr. GRAHAM submitted 14 amendments intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3762

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(17) Weatherization assistance under the Energy Conservation and Protection Act.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMED PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking in to account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

AMENDMENT NO. 3763

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(A) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit.

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2000 or more than $5000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3764

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exemption is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3765

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State agency assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT NO. 3766

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word "been."

withheld under section 243(h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980).

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS. The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by an agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 125(a)(5) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT NO. 3767

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT NO. 3768

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT NO. 3769

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT NO. 3770

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such disease.

AMENDMENT NO. 3771

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act.)

AMENDMENT NO. 3772

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionable share hospital for which an adjustment in payment to a State under the medicaid program in made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3773

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) maternal and child health services block grants under title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

AMENDMENT NO. 3774

On page 180, lines 13 and 14, strike "serious".

AMENDMENT NO. 3775

Strike page 180, line 15, through 181 line 9, and insert: "treatment for such diseases,

"(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

"(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

"(II) such service or assistance is necessary for the protection of life, safety, or public health; and

"(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; and

"(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or".

FEINSTEIN (AND SIMON) AMENDMENT NO. 3776

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mr. SIMON) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3777

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3778–3779

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to be the bill S. 1664, supra; as follows:

AMENDMENT NO. 3778

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General in consultation with the Secretary of State shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT No. 3779

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENTS.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term "appropriate court" means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

LEAHY AMENDMENTS NOS. 3780-3787

(Ordered to lie on the table.)

Mr. LEAHY submitted eight amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT No. 3780

Strike sections 131 and 132.

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trail;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) on ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

"(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Each alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining office at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.".

"(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227(a) is amended—

"(i) in the second sentence of paragraph (1), by striking "Subject to section 235(b)(1), deportation" and inserting "Deportation"; and

"(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: "judicial review of orders of deportation and exclusion".

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

"(3) section 241(d) (8 U.S.C. 1251d) is repealed.

In section 142, strike the new section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f).

Strike section 193.

On page 178, line 8, strike "and subject to subsection (b),".

Strike section 198(b).

AMENDMENT NO. 3781

Strike section 198(b).

AMENDMENT NO. 3782

Strike section 193.

AMENDMENT NO. 3783

In section 142, strike the new section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f).

AMEMDMENT NO. 3784

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FEELING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trial;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

"(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, whose privilege to land is so challenged, before a special inquiry officer.".

"(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

"(i) in the second sentence of paragraph (1), by striking "Subject to section 235(b)(1), deportation" and inserting "Deportation"; and

"(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

"(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

"(i) by striking subsection (e); and

"(ii) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION".

"(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

"(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

"(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3785

Strike sections 131 and 132.

AMENDMENT NO. 3786

On page 178, line 8, strike "and subject to subsection (b),".

Strike section 198(b).

AMENDMENT NO. 3787

Beginning on page 180, strike line 6 and all that follows through page 201, line 4, and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

"(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

"(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

"(C) DEFINITIONS.—

"(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

"(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

"(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

"(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

"(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

"(i) The aid to families with dependent children program under title IV of the Social Security Act.

"(ii) The medicaid program under title XIX of the Social Security Act.

"(iii) The food stamp program under the Food Stamp Act of 1977.

"(iv) The supplemental security income program under title XVI of the Social Security Act.

"(v) Any State general assistance program.

"(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.".

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and

opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND LEAHY) AMENDMENT NO. 3788

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. LEAHY) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting "and" after "1996;", and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

"(2) $5,000,000 for each of fiscal years 1997 through 2001.".

MURRAY AMENDMENT NO. 3789

Mrs. MURRAY submitted an amendment intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 201 of the matter proposed to be inserted, between lines 4 and 5, insert the following:

(4) CHILDREN FOUND ELIGIBLE FOR FOSTER CARE, TRANSITIONAL LIVING PROGRAMS, OR ADOPTION ASSISTANCE AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien lawfully admitted to the United States for permanent residence who is eligible for foster care, a transitional living program, or adoption assistance under title IV of the Social Security Act.

BRADLEY AMENDMENTS NOS. 3790–3792

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3790

On page 47 of the amendment, strike line 1 and all that follows through line 21 and insert the following:

SEC. . ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the "Office").

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3791

On page 7, line 4, before the period insert the following: "of which number not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a))."

AMENDMENT NO. 3792

On page 47, strike lines 1 through 21 and insert the following:

SEC. 120B. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The Office shall report annually to the Attorney General on its operations.

WELLSTONE AMENDMENTS NOS. 3793–3795

(Ordered to lie on the table.)

Mr. WELLSTONE submitted three amendments to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3793

On page 190, after line 25, add the following:

"(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

"(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.

AMENDMENT NO. 3794

On page 202 of the amendment, between lines 5 and 6, insert the following:

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply.—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

AMENDMENT NO. 3795

On page 187 of the amendment, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)10(B) of such Act.

SHELBY (AND OTHERS) AMENDMENT NO. 3796

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. COCHRAN, Mr. COVERDELL, Mr. INHOFE, Mr. FAIRCLOTH, Mr. HELMS, Mr. THOMAS, Mr. WARNER, Mr. PRESSLER, Mr. BYRD, Mr. COATS, Mr. GRAMS, Mr. LOTT, Mr. THURMOND, Mr. CRAIG, Mr. SIMPSON, and Mr. MURKOWSKI) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . LANGUAGE OF GOVERNMENT ACT OF 1996.

(a) SHORT TITLE.—This section may be cited as the "Language of Government Act of 1996".

(b) FINDINGS AND CONSTRUCTION.—

(1) FINDINGS.—The Congress finds and declares that—

(A) the United States is comprised of individuals and groups from diverse ethnic, cultural, and linguistic backgrounds;

(B) the United States has benefited and continues to benefit from this rich diversity;

(C) throughout the history of the Nation, the common thread binding those of differing backgrounds has been a common language;

(D) in order to preserve unity in diversity, and to prevent division along linguistic lines, the United States should maintain a language common to all people;

(E) English has historically been the common language and the language of opportunity in the United States.

(F) Native American languages have a unique status because they exist nowhere else in the world, and in creating a language policy for the United States Government, due consideration must be given to Native American languages and the policies and laws assisting their survival, revitalization, study, and use;

(G) a purpose of this Act is to help immigrants better assimilate and take full advantage of economic and occupational opportunities in the United States;

(H) by learning the English language, immigrants will be empowered with the language skills and literacy necessary to become responsible citizens and productive workers in the United States.

(I) the use of a single common language in the conduct of the Federal Government's official business will promote efficiency and fairness to all people;

(J) English should be recognized in law as the language of official business of the Federal Government; and

(K) any monetary savings derived by the Federal Government from the enactment of this Act should be used for the teaching of non-English speaking immigrants the English language.

(2) CONSTRUCTION.—The amendments made by subsection (c)—

(A) are not intended in any way to discriminate or restrict the rights of any individual in the United States.

(B) are not intended to discourage or prevent the use of languages other that English in any nonofficial capacity; and

(C) except where an existing law of the United States directly contravenes the amendments made by subsection (c) (such as by requiring the use of a language other than English for official business of the Government of the United States), are not intended to repeal existing laws of the United States.

(c) ENGLISH AS THE OFFICIAL LANGUAGE OF GOVERNMENT.—

(1) IN GENERAL.—Title 4, United States Code, is amended by adding at the end the following new chapter:

“CHAPTER 6—LANGUAGE OF THE GOVERNMENT

“Sec.

“161. Declaration of official language of Government.

“162. Preserving and enhancing the role of the official language.

“163. Official Government activities in English.

“164. Standing.

“165. Definitions.

“§ 161. Declaration of official language of Government

“The official language of the Government of the United States is English.

“§ 162. Preserving and enhancing the role of the official language

“The Government shall have an affirmative obligation to preserve and enhance the role of Englas the official language of the United States Government. Such obligation shall include encouraging greater opportunities for individuals to learn the English language.

“§ 163. Official Government activities in English

“(a) CONDUCT OF BUSINESS.—The Government shall conduct its official business in English.

“(b) DENIAL OF SERVICES.—No person shall be denied services, assistance, or facilities, directly or indirectly provided by the Government solely because the person communicates in English.

“(c) ENTITLEMENT.—Every person in the United States is entitled to—

“(1) communicate with the Government in English;

“(2) receive information from or contribute information to the Government in English; and

“(3) be informed of or be subject to official orders in English.

“§ 164. Standing

“Any person alleging injury arising from a violation of this chapter shall have standing to sue in the courts of the United States under sections 2201 and 2202 of title 28, United States Code, and for such other relief as may be considered appropriate by the courts.

“§ 165. Definitions

“For purposes of this chapter:

“(1) GOVERNMENT.—The term ‘Government’ means all branches of the Government of the United State and all employees and officials of the Government of the United States while performing official business.

“(2) OFFICIAL BUSINESS.—The term ‘official business’ means those governmental actions, documents, or policies which are enforceable with the full weight and authority of the Government, but does not include—

“(A) use of indigenous languages or Native American languages, or the teaching of foreign languages in educational settings;

“(B) actions, documents, or policies that are not enforceable in the United States;

“(C) actions, documents, or policies necessary for international relations, trade, or commerce;

“(D) actions or documents that protect the public health or the environment;

“(E) actions that protect the rights of victims of crimes or criminal defendants;

“(F) documents that utilize terms of art or phrases form languages other than English;

“(G) bilingual education, bilingual ballots, or activities pursuant to the Native American Languages Act (25 U.S.C. 2901 *et seq.)*; and

“(H) elected officials, who posses a proficiency in a language other than English, using that language to provide information orally to their constituents.”.

(2) CONFORMING AMENDMENT.—The table of chapters for title 4, United States Code, is amended by adding at the end the following new item:

“6. Language of the Government 161”.

(d) PREEMPTION.—This section (and the amendments made by this section) shall not preempt any law of any State.

(e) EFFECTIVE DATE.—The amendments made by subsection (c) shall take effect upon the date of enactment of this Act, except that no suit may be commenced to enforce or determine rights under the amendments until January 1, 1997.

FAIRCLOTH AMENDMENT NO. 3797

(Ordered to lie on the bill.)

Mr. FAIRCLOTH submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entitles authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

CRAIG AMENDMENT NO. 3798

(Ordered to lie on the bill.)

Mr. CRAIG submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place insert the following:

SEC. ___. H-2A WORKERS.

(a) Section 218(a) (8 U.S.C. 1188(a)) is amended—

(1) by redesignating paragraph (2) as paragraph (3); and

(2) by inserting after paragraph (1) the following:

“(2) In considering an employer's petition for admission of H-2A aliens the Attorney General shall consider the certification decision of the Secretary of Labor and shall consider any countervailing evidence submitted by the employer with respect to the nonavailability of United States workers and the employer's compliance with the requirements of this section, and may consult with the Secretary of Agriculture.”.

(b) Section 218(b) (8 U.S.C. 1188(b)) is amended by striking out paragraph (4) and inserting the following:

“(4) DETERMINATION BY THE SECRETARY.—The Secretary determines that the employer has not filed a job offer for the position to be filled by the alien with the appropriate local office of the State employment security agency having jurisdiction over the area of intended employment, or with the State office of such an agency if the alien will be employed in an area within the jurisdiction of more than one local office of such an agency, which meets the criteria of paragraph (5).

“(5) REQUIRED TERMS AND CONDITIONS OF EMPLOYMENT.—The Secretary determines that the employer's job offer does not meet one or more of the following criteria:

“(A) REQUIRED RATE OF PAY.—The employer has offered to pay H-2A aliens and all other workers in the occupation in the area of intended employment not less than the greater of—

“(i) the median rate of pay for similarly employed workers in the area of intended employment, or

“(ii) an Adverse Effect Wage Rate of not less than 110 percent of the minimum wage required to be paid under the Fair Labor Standards Act, but not less than $5.00 per hour.

"(B) PROVISION OF HOUSING.—

"(i) IN GENERAL.—The employer has offered to provide housing to H–2A aliens and those workers not reasonably able to return to their residence within the same day, without charge to the worker. The employer may, at the employer's option, provide housing meeting applicable Federal standards for temporary labor camps, or provide rental or public accommodation type housing which meets applicable local or state standards for such housing.

"(ii) HOUSING ALLOWANCE AS ALTERNATIVE.—In lieu of offering the housing required in clause (i), the employer may provide a reasonable housing allowance to workers not reasonably able to return to their place of residence within the same day, but only if the Secretary determines that housing is reasonably available within the approximate area of employment. An employer who offers a housing allowance pursuant to this subparagraph shall not be deemed to be a housing provider under section 203 of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1823) merely by virtue of providing such housing allowance.

"(iii) SPECIAL HOUSING STANDARDS FOR SHORT DURATION EMPLOYMENT.— The Secretary shall promulgate special regulations permitting the provision of short-term temporary housing for workers employed in occupations in which employment is expected to last 40 days or less.

"(iv) TRANSITIONAL PERIOD FOR PROVISION OF SPECIAL HOUSING STANDARDS IN OTHER EMPLOYMENT.—For a period of five years after the date of enactment of this section, the Secretary shall approve the provision of housing meeting the standards described in clause (iii) in occupations expected to last longer than 40 days in areas where available housing meeting the criteria described in subparagraph (i) is found to be insufficient.

"(iv) PRE-EMPTION OF STATE AND LOCAL STANDARDS.—The standards described in clauses (ii) and (iii) shall preempt any State and local standards governing the provision of temporary housing to agricultural workers.

"(C) REIMBURSEMENT OF TRANSPORTATION COSTS.—The employer has offered to reimburse H–2A aliens and workers recruited from beyond normal commuting distance the most economical common carrier transportation charge and reasonable subsistence from the place from which the worker comes to work for the employer, (but not more than the most economical common carrier transportation charge from the worker's normal place of residence) if the worker completes 50 percent of the anticipated period of employment. If the worker recruited from beyond normal commuting distance completes the period of employment, the employer will provide or pay for the worker's transportation and reasonable subsistence to the worker's next place of employment, or to the worker's normal place of residence, whichever is less.

"(D) GUARANTEE OF EMPLOYMENT.—The employer has offered to guarantee the worker employment for at least three-fourths of the workdays of the employer's actual period of employment in the occupation. Workers who abandon their employment or are terminated for cause shall forfeit this guarantee.

"(6) PREFERENCE FOR U.S. WORKERS.—The employer has not assured on the application that the employer will provide employment to all qualified United States workers who apply to the employer and assure that they will be available at the time and place needed until the time the employer's foreign workers depart for the employer's place of employment (but not sooner than 5 days before the date workers are needed), and will give preference in employment to United States workers who are immediately available to fill job opportunities that become available after the date work in the occupation begins.".

(c) Section 218 (8 U.S.C. 1188) is amended by striking out subsection (c) and inserting in lieu thereof the following:

"(c) The following rules shall apply to the issuance of labor certifications by the Secretary under this section:

"(1) DEADLINE FOR FILING APPLICATIONS.— The Secretary may not require that the application be filed more than 40 days before the first date the employer requires the labor or services of the H–2A worker.

"(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—

"(A) The employer shall be notified in writing within seven calendar days of the date of filing, if the application does not meet the criteria described in subsection (b) for approval.

"(B) If the application does not meet such criteria, the notice shall specify the specific deficiencies of the application and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—

"(A) The Secretary shall provide to the employer, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1)—

"(i) with respect to paragraph (a)(1)(A) if the employer's application meets the criteria described in subsection (b), or a statement of the specific reasons why such certification can not be made, and

"(ii) with respect to subsection (a)(1)(B), to the extent that the employer does not actually have, or has not been provided with the names, addresses and Social Security numbers of workers referred to the employer who are able, willing and qualified and have indicated they will be available at the time and place needed to perform such labor or services on the terms and conditions of the job offer approved by the Secretary. For each worker referred, the Secretary shall also provide the employer with information sufficient to permit the employer to contact the referred worker for the purpose of reconfirming the worker's availability for work at the time and place needed.

"(B) If, at the time the Secretary determines that the employer's job offer meets the criteria described in subsection (b) there are already unfilled job opportunities in the occupation and area of intended employment for which the employer is seeking workers, the Secretary shall provide the certification at the same time the Secretary approves the employer's job offer.".

(d) Section 218 (8 U.S.C 1188) is amended by striking out section (e) and inserting in lieu thereof the following:

"(e) EXPEDITED APPEALS OF CERTAIN DETERMINATIONS.—The Secretary shall provide by regulation for an expedited procedure for the review of the nonapproval of an employer's job offer pursuant to subsection (c)(2) and of the denial of certification in whole or in part pursuant to subsection (c)(3) or, at the applicant's request, a de novo administrative hearing respecting the nonapproval or denial.".

(e) Section 218 is amended—

(1) by redesignating subsections (f) through (i) as subsections (g) through (j), respectively; and

(2) by adding the following after subsection (e):

"(f) The following procedures shall apply to the consideration of petitions by the Attorney General under this section:

"(1) EXPEDITED PROCESSING OF PETITIONS.— The Attorney General shall provide an expedited procedure for the adjudication of petitions filed under this section, and the notification of visa-issuing consulates where aliens seeking admission under this section will apply for visas and/or ports of entry where aliens will seek admission under this section within 15 calendar days from the date such petition is filed by the employer.

"(2) EXPEDITED AMENDMENTS TO PETITIONS.—The Attorney General shall provide an expedited procedure for the amendment of petitions to increase the number of workers on or after five days before the employers date of need for the labor or services involved in the petition to replace referred workers whose continued availability for work at the time and place needed under the terms of the approved job offer can not be confirmed and to replace referred workers who fail to report for work on the date of need and replace referred workers who abandon their employment or are terminated for cause, and for which replacement workers are not immediately available pursuant to subsection (b)(6).".

(g) Section 218(g) (8 U.S.C. 1188(g)) is amended—

(1) by redesignating paragraph (2) as paragraph (2)(A); and

(2) by inserting after paragraph (2)(A) the following:

"(B) No employer shall be subject to any liability or punishment on the basis of an employment action or practice by such employer that conforms with the terms and conditions of a job offer approved by the Secretary pursuant to this Section, unless and until the employer has been notified that such certification has been amended or invalidated by a final order of the Secretary or of a court of competent jurisdiction.".

(h) Section 218(h) is amended by adding at the end thereof the following:

"(3) No court of the United States shall have jurisdiction to issue any restraining order or temporary or permanent injunction preventing or delaying the issuance by the Secretary of a certification pursuant to this section, or the approval by the Attorney General of a petition to import an alien as an H–2A worker, or the actual importation of any such alien as an H–2A worker following such approval by the Attorney General.".

HATFIELD AMENDMENT NO. 3799

(Ordered to lie on the table.)

Mr. HATFIELD submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . AVAILABILITY OF FORMS AT INS OFFICES.

All regional and district offices of the Immigration and Naturalization Service shall have available to the public on-site, the forms necessary—

(1) to facilitate entry of persons legally admissible as immigrants, or as visitors,

(2) to obtain asylum, temporary or permanent resident status, naturalization, or employment authorization, and

(3) to obtain any other service or benefit for which the Service is responsible.

SEC. . SENSE OF THE SENATE REGARDING INS PUBLIC SERVICES.

It is the sense of the Senate that the Immigration and Naturalization Service (hereafter referred to as the "INS") should devote adequate resources to assuring that the public has access to INS services, documents, and personnel.

ROBB AMENDMENTS NOS. 3800–3802

(Ordered to lie on the table.)

Mr. ROBB submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3800

On page 26, line 17, strike the period and insert "; and".

AMENDMENT NO. 3801

On page 26, between lines 17 and 18, insert the following:

(H)(i) A system which utilizes innovative authentication technology such as fingerprint readers or smart cards to verify eligibility for employment or other applicable Federal benefits.

(ii) For purposes of this subparagraph, the term "smart card" means a credit card-sized device containing 1 or more integrated circuits or containing technology that will facilitate individual verification.

AMENDMENT NO. 3802

On page 26, line 12, strike "and" the second place it appears.

GRAHAM (AND SPECTER) AMENDMENT NO. 3803

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3803

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following: for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help technical assistance grants under the Housing Act of 1949;

(16) Site loans under the Housing Act of 1949; and

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

ABRAHAM (AND OTHERS) AMENDMENT NO. 3804

(Ordered to lie on the table.)

Mr. ABRAHAM (for himself, Mr. DEWINE, and Mr. ROTH) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment insert the following four new sections:

SEC. . ELIMINATION OF REPETITIVE REVIEW OF DEPORTATION ORDERS ENTERED AGAINST CRIMINAL ALIENS.

Section 242b (8 U.S.C. 1252b) is amended by—

(a) redesignating subsection (f) as subsection (g); and

(b) adding the following new subsection (f) to read as follows—

(f) CRIMINAL ALIENS.—No alien convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D), shall be granted more than one administrative hearing and one appeal to the Board of Immigration Appeals concerning or relating to such alien's deportation. Any claims for relief from deportation for which the criminal alien may be eligible must be raised at that time. Under no circumstances may such a criminal alien request or be granted a reopening of the order of deportation or any other form of relief under the law, including but not limited to claims of ineffective assistance of counsel, after the earlier of:

(i) a determination by the Board of Immigration Appeals affirming such order; or

(ii) the expiration of the period in which the alien is permitted to seek review of such order by the Board of Immigration Appeals.

SEC. . ELIMINATION OF MOTIONS TO REOPEN ORDERS OF EXCLUSION ENTERED AGAINST CRIMINAL ALIENS.

Section 236, 8 U.S.C. 1226, is amended by adding the following sentence to the end of subsection (a): "There shall be no judicial review of any order of exclusion, or any issue related to an order of exclusion, entered against an alien found by the Attorney General or the Attorney General's designee to be an alien described in Section 212(a)(2) (8 U.S.C. 1182(a)(2)) or of any administrative ruling related to such an order."

SEC. . EXPANSION OF THE BOARD OF IMMIGRATION APPEALS; NUMBER OF SPECIAL INQUIRY OFFICERS; ATTORNEY SUPPORT STAFF.

(a) IN GENERAL.—Notwithstanding any other provision of law, effective October 1, 1996, there are authorized to be employed within the Department of Justice a total of—

(1) 24 Board Members of the Board of Immigration Appeals;

(2) 334 special inquiry officers; and

(3) a number of attorneys to support the Board and the special inquiry officers which is twice the number so employed as of the date of enactment of this Act.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to pay the salaries of the personnel employed under subsection (a) who are additional to such personnel employed as of the end of fiscal year 1996.

SEC. . PROHIBITION UPON THE NATURALIZATION OF CERTAIN CRIMINAL ALIENS.

Section 40(a) (8 U.S.C. 1424) is amended by—

(a) inserting "or who have been convicted of certain crimes" after "or who favor totalitarian forms of government" and

(b) in subsection (a)—

(1) replacing "of this subsection." with "of this subsection; or" in paragraph (6)

(2) adding new paragraph (7) to read as follows—

"(7) who has been convicted of any criminal offense covered in Section 1251(a)(2)(A) (i) or (iii) or (B)–(D)."

BOXER AMENDMENTS NOS. 3805–3806

(Ordered to lie on the table.)

Mrs. BOXER submitted two amendments intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3805

At the appropriate place in the bill, insert the following:

SEC. . SUPPORT OF DEMONSTRATION PROJECTS.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

AMENDMENT NO. 3806

At the appropriate place in the bill, insert the following new section:

SEC. . CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM BORDER CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Border checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing border checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing border checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

"§758. High speed flight from border checkpoint

"(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service, or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.".

Section 1251(a)(2)(A) of title 8, United States Code, is amended by inserting the following new subsection:

"(v) High speed flight

"Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35)."

Section 1182(a)(2)(A)(i) of title 8, United States Code, is amended by inserting the following new subsection:

"(III) A violation of section 758(a) of chapter 35."

WYDEN (AND OTHERS) AMENDMENT NO. 3807

(Ordered to lie on the table.)

Mr. WYDEN (for himself, Mr. LEAVY, Mr. KYL, Mr. CRAIG, Mrs. FEINSTEIN, Mr. LOTT, Mr. COCHRAN, Mr. LUGAR, and Mr. HELMS) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H-2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H-2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H-2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H-2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H-2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

HARKIN AMENDMENT NO. 3808

(Ordered to lie on the table.)

Mr. HARKIN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted, following:

SEC. .DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the "INA employment provisions"), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of the contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS OF DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor of an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor or an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that it is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term "contractor" means any individual or other legal entity that—

(A) directly or indirectly (through and affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

SIMON AMENDMENTS NOS. 3809—3810

Mr. SIMON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3809

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

"(v) Any State general cash assistance program.

"(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.".

AMENDMENT NO. 3810

In Section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

SIMON (AND OTHERS) AMENDMENT NOS. 3811–3813

(Ordered to lie on the table.)

Mr. SIMON (for himself, Mr. GRAHAM, Mrs. FEINSTEIN, and Mrs. MURRAY) submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3811

In Section 204(c), at page 199, line 4, strike ", or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer".

AMENDMENT NO. 3812

In Section 204(e)(2), at page 202, line 2, strike ", or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit of support or agreement, whichever period is longer".

AMENDMENT NO. 3813

Strike page 199, line 4, and all that follows through page 202, line 5, and insert the following:

"to provide support for such alien.

"(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(I) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under the title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which the Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien.

SIMON (AND DEWINE) AMENDMENT NO. 3814

(Ordered to lie on the table.)

Mr. SIMON (for himself and Mr. DEWINE) submitted an amendment intended to be proposed by them to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

In Section 202(a), at page 188, line 19, after "deportable", insert "for a period of five years after the immigrant becomes a public charge, as defined in subsection (c)(ii)".

SIMON AMENDMENT NO. 3815

(Ordered to lie on the table.)

Mr. SIMON proposed an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 106, at line 15, strike "(1) (A), (B), or (C)" and insert "(1) (B) or (C)".

KENNEDY AMENDMENTS NOS. 3816–3832

(Ordered to lie on the table.)

Mr. KENNEDY submitted 17 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3816

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

"(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

"(A) IN GENERAL.—For purposes of paragraph (1) a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

"(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

"(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).".

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

"(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

"(A) IN GENERAL.—Subject to subsection (a)(6)(A) and (B), if an employer—

"(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

"(ii) maintains a copy of such documents in an official record, and

"(iii) such documents appear to be genuine.

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a compliant under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

"(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6)(A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.".

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term "knowledge" as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.".

AMENDMENT NO. 3817

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT NO. 3818

On page 181, line 9, strike "or" and insert "and

"(viii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or".

AMENDMENT NO. 3819

On page 200, strike lines 12 through 25, and insert the following:

(2) EDUCATION ASSISTANCE.—The requirements of subsection (a) shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT NO. 3820

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3821

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the

Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT No. 3822

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act.

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United State Code.

AMENDMENT No. 3823

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).".

AMENDMENT No. 3824

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).".

AMENDMENT No. 3825

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT No. 3826

At the appropriate place in the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

"(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.".

AMENDMENT No. 3827

At the appropriate place in the amendment, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT No. 3828

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: "The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT No. 3829

On page 8, line 17, before the period insert the following: "except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application".

AMENDMENT No. 3830

On page 56 of the matter proposed to be inserted, strike line 17 through line 20, and insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT No. 3831

On page 69 of the matter proposed to be inserted, strike line 12 through line 15, and insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

AMENDMENT No 3832

On page 81 of the matter proposed to be inserted, between lines 9 and 10, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission may promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

DEWINE (AND OTHERS) AMENDMENT NO. 3833

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

In section 104, strike "300" and insert "600";

In section 105(a), strike "350" and insert "700".

DEWINE (AND ABRAHAM) AMENDMENTS NOS. 3834–3835

(Ordered to lie on the table.)

Mr. DEWINE (for himself and Mr. ABRAHAM) submitted two amendments intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

AMENDMENT No. 3834

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 155, section 172, is null, void, and of no effect.

AMENDMENT No. 3835

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

The language on page 177, between lines 8 and 9, is deemed to have the following insertion:

"SEC. 197. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: 'For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo such a procedure, or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.' "

DEWINE (AND OTHERS) AMENDMENT NO. 3836

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. ABRAHAM, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3735 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 37, section 118, is null, void, and of no effect.

DEWINE (AND OTHERS) AMENDMENT NO. 3837

(Ordered to lie on the table.)

Mr. DEWINE (for himself, Mr. KENNEDY, and Mr. FEINGOLD) submitted an amendment intended to be proposed by them to amendment No. 3745 proposed by Mr. LOTT to the bill S. 1664, supra; as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following:

The language on page 174 of the bill, at the end of line 4, is deemed to include the following insertion:

"(b) As used in this section, "good cause" includes, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General."

BRYAN AMENDMENT NO. 3838

(Ordered to lie on the table.)

Mr. BRYAN submitted an amendment intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

KYL AMENDMENT NO. 3839

(Ordered to lie on the table.)

Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the end of the amendments, insert the following:

SEC. . LIMITATION ON ADJUSTMENT OF STATUS OF INDIVIDUALS NOT LAWFULLY PRESENT IN THE UNITED STATES.

(a) IN GENERAL.—Section 245(i) (8 U.S.C. 1255), as added by section 506(b) of the Department of State and Related Agencies Appropriations Act, 1995 (Public Law 103–317, 108 Stat. 1765), is amended in paragraph (1), by inserting "pursuant to section 301 of the Immigration Act of 1990 is not required to depart from the United States and who" after "who" the first place it appears.

(b) AUTHORITY TO CHARGE FEE.—Notwithstanding any other provision of law, the Secretary of State is authorized to charge a supplemental fee to any immigrant visa applicant who previously entered the United States without inspection, or who was employed while living in the United States in violation of the terms and conditions of the applicant's visa status at that time. Such supplemental fee shall be no greater than the fee for an immigrant visa. No such fee shall be assessed if the applicant is under the age of seventeen, or is the spouse or child of an individual who obtained temporary or permanent status under section 210 or 245A of the Immigration and Nationality Act or section 202 of the Immigration Reform and Control Act of 1986.

(c) USE OF FEES.—Funds collected under the authority of subsection (a) as a supplemental fee shall be deposited as an offsetting collection to any Department of State appropriation only to recover the costs of consular operations. Such funds shall remain available until expended.

(d) SUPPLEMENTAL NATURE OF FEES.—Any supplemental fee imposed in accord with (b) shall be in addition to other fees imposed by the Department of State relating to adjudication, processing and issuance of immigrant visas.

(e) EFFECTIVE DATE.—(1) The amendment made by subsection (a)(1) shall apply to applications for adjustment of status filed after September 30, 1996.

CHAFEE AMENDMENTS NOS. 3840–3842

(Ordered to lie on the table.)

Mr. CHAFEE submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3840

On page 201, line 4, strike "(vii)".

AMENDMENT NO. 3841

On page 198, after line 4, insert the following:

In determining the number of qualifying quarters, an alien shall be credited with—

(A) all of the qualifying quarters worked by a parent of such alien while the alien was under age 18 if, during any such quarter, the parent did not receive any need-based public assistance and had income tax liability for the tax year of which the quarter was part; and

(B) all of the qualifying quarters worked by a spouse of such alien during their marriage if, during any such quarter, the spouse did not receive any need-based public assistance and had income tax liability for the tax year of which the quarter was part, and the alien remains married to such spouse or such spouse is deceased.

AMENDMENT NO. 3842

On page 201, strike lines 2 through 4 and insert the following:

requirements of subsection (a) shall not apply to services or assistance under the programs described below:

(A) Emergency medical services under title XIX or XXI of the Social Security Act.

(B) Short-term, non-cash, in-kind emergency disaster relief.

(C) Assistance or benefits under the National School Lunch Act.

(D) Assistance of benefits under the Child Nutrition Act of 1966.

(E)(i) Public health assistance for immunizations.

(ii) Public health assistance for testing and treatment of a serious communicable disease if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of such disease.

(F) Payments for foster care and adoption assistance under part B of title IV of the Social Security Act for a child who would, in the absence of this title, be eligible to have such payments made on the child's behalf under such part, but only if the foster or adoptive parent or parents of such child are not described under subsection (a).

(G) Programs, services, or assistance (such as soup kitchens, crisis counseling and intervention, and short-term shelter) specified by the Attorney General, in the Attorney General's sole and unreviewable discretion after consultation with appropriate Federal agencies and departments, which (i) deliver in-kind services at the community level, including through public or private nonprofit agencies; (ii) do not condition the provision of assistance, the amount of assistance provided, or the cost of assistance provided on the individual recipient's income or resources; and (iii) are necessary for the protection of life or safety.

(H) Programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

(I) Means-tested programs under the Elementary and Secondary Education Act of 1965.

SIMPSON AMENDMENT NO. 3843

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

In the table of contents, in the item relating to section 152, insert "deter" after "other methods to".

On page 56, between lines 16 and 17, insert the following:

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 56, line 17, strike "(d)" and insert "(e)".

On page 69, between lines 11 and 12, insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 56, line 17, strike "(d)" and insert "(e)".

On page 69, between lines 11 and 12, insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 69, line 12, strike "(c)" and insert "(d)".

On page 81, between lines 9 and 10, insert the following:

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

On page 164, line 12, after "United States", insert the following: "(including the transportation of such aliens across State lines to detention centers)".

On page 175, lines 1 and 2, strike "subsections (b) and (c)" and insert in lieu thereof "subsection (b)".

Beginning on page 175, strike line 13 and all that follows through line 8 on page 177.

On page 180, strike lines 6 through 9 and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98-8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100-435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88-525 (7 U.S.C. 2013(b)),

On page 180, line 10, strike "(vi)" and insert "(v)".

On page 180, line 16, strike "(vii)" and insert "(vi)".

On page 201, lines 3 and 4, strike "section 201(a)(1)(A)(vii)" and insert "clause (iv) or (vi) of section 201(a)(1)(A)".

On page 181, line 13, strike "except" and all that follows through line 18 and insert the following: "except—

"(i) if the alien is a nonimmigrant alien authorized to work in the United States—

"(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

"(II) any contract provided or funded by such an agency or entity; or

"(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.".

On page 187, line 19, strike "except" and all that follows through line 24 and insert the following: "except—

"(i) if the alien is a nonimmigrant alien authorized to work in the United States—

"(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

"(II) any contract provided or funded by such an agency or entity; or

"(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.".

On page 181, line 24, insert "except elementary or secondary education" after "government service".

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Limitation on Payments to Aliens

"(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

"(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.".

(2) Nothing in this subsection (c) shall affect any obligation or liability of an individual or employer under Title 21 of Subtitle C of the Internal Revenue Code.

On page 186, line 24, strike "or".

(3) No more than eighteen months following enactment of this Act, the Comptroller General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors and Disability Insurance (OASDI) benefits based on their earnings record.

On page 187, line 3, strike the period and insert ", or".

On page 187, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification

On page 188, line 16, strike "Any" and insert "Except as provided in subparagraphs (B) and (E), any".

On page 188, line 19, after "deportable" insert "for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D)".

On page 190, line 25, strike the quotation marks and the period the second place it appears.

On page 190, after line 25, add the following:

"(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

"(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.

On page 190, line 25, insert after "1996" the following: "or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education".

On page 191, line 12, strike "described in" and insert "deportable under".

On page 191, line 15, strike "described in" and insert "deportable under".

On page 199, line 14, after "law", insert ", except as provided in section 204(c)(2)".

On page 199, line 1, after "(c) LENGTH OF DEEMING PERIOD.—", insert "(1)".

On page 202, between lines 5 and 6, insert the following:

(f) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse's or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

Beginning on page 203, strike line 22 and all that follows through line 3 on page 206.

On page 214, between lines 21 and 22, insert the following:

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Use of Assisted Housing by Aliens Act of 1996".

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the eligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.".

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "may, in its discretion," and inserting "shall";

(2) in subparagraph (A), by adding at the end the following: "Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section."; and

(3) in subparagraph (B)—

(A) by striking "6-month period" and all that follows through the end of the subparagraph and inserting "single 3-month period.";

(B) by inserting "(i)" after "(B)";

(C) by striking "Any deferral" and inserting the following:

"(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral"; and

(D) by adding at the end the following new clauses:

"(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

"(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.".

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or to be" after "being";

(2) in paragraph (1)(A), by adding at the end the following: "If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date"; and

(B) by adding at the end the following: "In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).";

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date";

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting ", not to exceed 30 days," after "reasonable opportunity"; and

(II) by striking "and" at the end; and

(ii) by striking clause (ii) and inserting the following:

"(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

"(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and"; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) pending such verification or appeal, the Secretary may not—

"(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

"(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and";

(5) in paragraph (5), by striking "status—" and all that follows through the end of the paragraph and inserting the following: "status, the Secretary shall—

"(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

"(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.".

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding "or" at the end;

(2) in paragraph (3), by adding at the end the following: "the response from the Immigration and Naturalization Service to the appeal of that individual."; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

"(h) VERIFICATION OF ELIGIBILITY.—

"(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

"(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

"(A) may elect not to comply with this section; and

"(B) in complying with this section—

"(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

"(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

"(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

"(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.".

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN-2501-AA63 (Docket No. R-95-1409; FR-2383-F-050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824-14861), shall not apply after that date.

On page 214, line 22, strike "Subtitle C" and insert "Subtitle D".

On page 215, line 3, strike "section" and insert "sections".

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after "United States;" through "marital status;"; and

(2) by adding at the end thereof the following: "At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.".

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking "required by this section" and inserting "for an immigrant visa"; and

(2) in the third sentence—

(A) by inserting "or other document" after "stamp,"; and

(B) by striking "by the consular officer".

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking "1996" and inserting "1998".

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

"(g) DURATION AND TERMINATION OF DESIGNATION.—

"(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

"(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

"(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

"(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

"(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

"(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

"(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

"(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

"(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

"(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

"(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

"(A) the total number of nationals of the visa waiver program country—

"(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

"(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

"(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.".

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a "comma" after "(4) thereof)".

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

"§758. High speed flight from immigration checkpoint

"(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.".

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

"(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable."

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended to read as follows:

"(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived."

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 308. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 309. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 310. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the "Timothy C. McCaghren Customs Administrative Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Timothy C. McCaghren Customs Administrative Building".

SEC. 311. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "June 1, 1996" and inserting "June 1, 2002".

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after "except that in the case of a waiver requested by a State Department of Public Health or its equivalent" the following: "or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)".

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

"(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

"(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

"(B)(i) in the case of a request by an interested State agency—

"(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest; or

"(ii) in the case of a request by an interested United States Government agency—

"(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest;

"(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

"(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

"(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

"(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

"(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

"(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

"(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.".

SEC. 312. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

"(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.".

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: "A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.".

SEC. 313. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term "international matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term "recruit" means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. . APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting "and" after "1996;", and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

"(2) $5,000,000 for each of fiscal years 1997 through 2001.".

SEC. . BORDER PATROL MUSEUM.

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

SEC. . PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS District offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the term and conditions set forth in Section 213 of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. . TO CLARIFY THE JURISDICTION TO HEAR DISPUTES RELATING TO AFFIDAVITS OF SUPPORT.

(a) IN GENERAL.—

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term "appropriate court" means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SEC. ___. SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER.

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. ___. MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection.

"(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

At the appropriate place in the bill, insert the following:

SEC. ___. DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

"(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure of removal from the United States.".

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

"(G) Aliens previously apprehended:

"Any alien who (i) has at any time been apprehended in the United States within entry withoout inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.".

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period the following: "or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.".

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

At the appropriate place, insert the following new section:

SEC. ___. PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking "Before" and inserting "(a) IN GENERAL.—Before", and

(2) by adding at the end the following new subsection:

"(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

"(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

"(A) both parents of the child if the child lives with both parents;

"(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

"(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

"(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed.

SEC. ___. EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency whic if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

SEC. ___. TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Not later than 6 months following enactment of this Act, the United States Sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with, or aids or abets, a person who is not a citizen or National of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) Following such review, pursuant to section 994(p) of Title 28, United Staes Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an approximately stringent sentence for such offenders.

SEC. ___. TO MODIFY "40 QUARTERS" FOR STAY-AT-HOME SPOUSES AND DEPENDENT CHILDREN.

Strike section 203(a) and insert the following:

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H-2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H-2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H-2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H-2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H-2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

WELLSTONE AMENDMENTS NOS. 3844–3847

(Ordered to lie on the table.)

Mr. WELLSTONE submitted four amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3844

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and Except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any

publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

AMENDMENT NO. 3845

On page 106, line 9, strike the period and insert the following: "except that the Attorney General may extend the time period described in this subparagraph for aliens eligible for relief under paragraph (1)(C).".

AMENDMENT NO. 3846

At the appropriate place, insert the following:

SEC. . EXCEPTION TO DEPORTABILITY.

(a) IN GENERAL.—Section 241 of the Immigration and Nationality Act (8 U.S.C. 1251) is amended by adding at the end the following new subsection:

"(d) The provisions of subsection (d) of this section shall not apply to persons who are battered or subjected to extreme cruelty perpetrated by a United States citizen or lawful permanent resident spouse or parent who—

"(1) is eligible for status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act;

"(2) is eligible for classification pursuant to clauses (ii) or (iii) of section 204(a)(1)(B) of the Act;

"(3) is eligible for suspension of deportation and adjustment of status pursuant to 244(a)(3) of the Act; or

"(4) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act."

(b) CANCELLATION OF DEPORTATION.—Section 244(a)(1)(C) of the Immigration and Nationality Act (8 U.S.C. 1254(a)(3)), as added by section 150 of this Act, is further amended by inserting after "alien's parent or child" the following: ", or who meets the criteria of this subsection and is excludable under section 212(a) except for paragraphs (2), (3), (9)(A) of section 212(a)".

AMENDMENT NO. 3847

At the end of the matter proposed to be inserted by the amendment, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

KOHL AMENDMENT NO. 3848

(Ordered to lie on the table.)

Mr. KOHL submitted an amendment intended to be proposed by him to amendment No. 3743 by Mr. SIMPSON to the bill S. 1664, supra; as follows:

On page 167, between lines 10 and 11, insert the following:

SEC. 304. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides comes to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as up to five percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commission of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term "international matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term "recruit" means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

HELMS (AND OTHERS) AMENDMENT NO. 3849

(Ordered to lie on the table.)

Mr. HELMS (for himself, Mr. CRAIG, and Mr. GRAMM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the appropriate place in the amendment, add the following:

SEC. . (a) Notwithstanding any other provision of law, none of the funds made available, or to be made available, to the Legal Services Corporation may be used to provide financial assistance to any person or entity that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(1) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20); or

(2) an alien who—

(A) is married to a United States citizen or is a parent or an unmarried child under the age of 21 years of such a citizen; and

(B) has filed an application to adjust the status of the alien to the status of a lawful permanent resident under the Immigration and Nationality Act (8 U.S.C. 1101 et seq), which application has not been rejected;

(3) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157) (relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(4) an alien who is lawfully present in the United States as a result of withholding of deportation by the Attorney General pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h));

(5) an alien who is lawfully present in the United States as a result of being granted conditional entry to the United States before April 1, 1980, pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)), as in effect on March 31, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity.

HUTCHISON (AND KYL) AMENDMENTS NOS. 3850–3851

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KYL) submitted two amendments intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT No. 3850

At the end of the appropriate place, insert the following new section:

SEC. . REDEPLOYMENT OF BORDER PATROL PERSONNEL LOCATED AT INTERIOR STATIONS.

The Immigration and Naturalization Service shall, when redeploying Border Patrol personnel from interior stations, act in conjunction with and coordinate with state and local law enforcement agencies to ensure that such redeployment does not compromise or degrade the law enforcement functions and capabilities currently performed at interior Border Patrol stations.

AMENDMENT No. 3851

At the appropriate place insert the following new section:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

"(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

"(G) Aliens previously apprehended.

"Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.".

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period the following: "or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.".

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

SNOWE AMENDMENT NO. 3852

(Ordered to lie on the table.)

Ms. SNOWE submitted an amendment intended to be proposed by her to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the end of the matter proposed to be inserted by the amendment, insert the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CUSTOMS SERVICES AT CERTAIN AIRPORTS.

Section 13031(c)(2) of the Consolidated Omnibus Reconciliation Act of 1985 (19 U.S.C. 58c(c)(2)) is amended by inserting "(or an airport that is expected to receive more than 50,000 international passengers annually)" after "port of entry."

SIMPSON AMENDMENTS NO. 3853–3855

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT No. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clause (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 301(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

AMENDMENT NO. 3854

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

"(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term "regional project" means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.".

AMENDMENT NO. 3855

In sec. 118(b), on page 42, delete lines 18 through 19 and insert the following:

"(5) EFFECTIVENESS DATES.—

"(A) Except as otherwise provided in subparagraph (B) or (C), this subsection shall take effect on October 1, 2000.

"(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

"(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, paragraphs (1) and (3) shall apply—

"(I) during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

"(II) beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

"(C) Paragraph (4) shall take effect on October 1, 2006."

SIMPSON AMENDMENT NO. 3856

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1644, supra; as follows:

At an appropriate place, insert the following new section:

SEC. . IMPROVING AND PROTECTING THE INTEGRITY OF THE SOCIAL SECURITY ACCOUNT NUMBER CARD.

(a) IMPROVEMENTS TO CARD.—

(1) IN GENERAL.—For purposes of carrying out section 174A of the Immigration and Nationality Act, the Commissioner of Social Security (in this section referred to as the "Commissioner") shall make such improvements to the physical design, technical specifications, and materials of the Social Security account number card as are necessary to ensure that it is a genuine official document and that it offers the best possible security against counterfeiting, forgery, alteration, and misuse.

(2) PERFORMANCE STANDARDS.—In making such improvements required in paragraph (1), the Commissioner shall make the card as secure against counterfeiting as the 100 dollar Federal Reserve note, with a rate of counterfeit detection comparable to the 100 dollar Federal Reserve note.

(b) USE FOR EMPLOYMENT VERIFICATION.—Beginning on January 1, 2006, a document described in section 274A(b)(1)(C) of the Immigration and Nationality Act is a secured social security account number card (other than such a card which specifies on the face that the issuance of the card does not authorize employment in the United States).

(c) NOT A NATIONAL IDENTIFICATION CARD.—Cards issued pursuant to this section shall not be required to be carried upon one's person and nothing in this section shall be construed as authorizing establishment of a national identification card.

(c) NO NEW DATABASES.—Nothing in this section shall be construed as authorizing the establishment of any new databases.

(e) EDUCATION CAMPAIGN.—The Commissioner of Immigration and Naturalization, in consultation with the Commissioner of Social Security, shall conduct a comprehensive campaign to educate employers about the security features of the secured social security card and how to detect counterfeit and fraudulently used social security account number cards.

(f) ANNUAL REPORTS.—The Commissioner of Social Security, shall submit to Congress by July 1 of each year a report on—

(1) the progress and status of developing a secured social security account number card under this section,

(2) the incidence of counterfeit production and fraudulent use of social security account number cards, and

(3) the steps being taken to detect and prevent such counterfeiting and fraud.

(g) GAO ANNUAL AUDITS.—The Comptroller General shall perform an annual audit, the results of which are to be presented to the Congress by January 1 of each year, on the performance of the Social Security Administration in meeting the requirements in subsection (a).

(h) EXPENSES.—No costs incurred in developing and issuing cards under this section that are above the costs that would have been incurred for cards issued in the absence of this section shall be paid for out of any Trust Fund established under the Social Security Act. There are authorized to be appropriated such sums as may be necessary to carry out this section.

SIMPSON AMENDMENTS NOS. 3857–3858

(Ordered to lie on the table.)

Mr. SIMPSON submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each States and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

AMENDMENT NO. 3858

In section 118(a) on page 41, strike lines 1 and 2, and insert the following:

"(6) EFFECTIVE DATES.—

"(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

"(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B)."

SIMPSON AMENDMENT NO. 3859

(Ordered to lie on the table.)

Mr. SIMPSON submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Section 118(b)(1) is amended to read as follows:

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appear on the card.

SIMPSON AMENDMENTS NOS. 3860–3862

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3860

In section 118(a), on page 40, line 24, after "birth" insert: "of—

"(A) a person born in the United States, or

"(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is".

AMENDMENT NO. 3861

Amend section 118(a)(4) to read as follows:

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term "birth certificate" means a certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) to read as follows:

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes.

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

ROTH AMENDMENT NO. 3863

(Ordered to lie on the table.)

Mr. ROTH submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

"(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection."

REID AMENDMENTS NOS. 3864–3865

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3864

At the appropriate place in the matter proposed to be inserted, insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking "Before" and inserting "(a) IN GENERAL.—Before", and

(2) by adding at the end the following new subsection:

"(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

"(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

"(A) both parents of the child if the child lives with both parents;

"(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

"(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

"(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3865

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—THE CONGRESS FINDS THAT—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(2)) is amended—

(A)—by inserting after "political opinion" the first place it appears: "or because the person has been threatened with an act of female genital mutilation";

(B) by inserting after "political opinion" the second place it appears the following: ", or who has been threatened with an act of female genital mutilation";

(C) by inserting after "political opinion" the third place it appears the following: "or who ordered, threatened, or participated in the performance of female genital mutilation"; and

(D) by adding at the end the following new sentence: "The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.".

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after "political opinion" the following: "or would be threatened with an act of female genital mutilation".

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital multilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly, denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

"(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

SIMPSON AMENDMENT NO. 3866

Mr. HATCH (for Mr. Simpson) proposed an amendment to amendment No. 3743 proposed by Mr. Simpson to the bill S. 1664, supra; as follows:

In the table of contents, in the item relating to section 152, insert "deter" after "other methods to".

On page 56, between lines 16 and 17, insert the following:

(d) Emergency Authority to Sentencing Commission.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 56, line 17, strike "(d)" and insert "(e)".

On page 69, between lines 11 and 12, insert the following:

(c) Emergency Authority to Sentencing Commission.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

On page 69, line 12, strike "(c)" and insert "(d)".

On page 81, between lines 9 and 10, insert the following:

(d) Emergency Authority to Sentencing Commission.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) Effective Date.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

On page 164, line 12, after "United States", insert the following: "(including the transportation of such aliens across State lines to detention centers)".

On page 175, lines 1 and 2, strike "subsections (b) and (c)" and insert in lieu thereof "subsection (b)".

Beginning on page 175, strike line 13 and all that follows through line 8 on page 177.

On page 180, strike lines 6 through 9 and insert the following:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

On page 180, line 10, strike "(vi)" and insert "(v)".

On page 180, line 16, strike "(vii)" and insert "(vi)".

On page 201, lines 3 and 4, strike "section 201(a)(1)(A)(vii)" and insert "clause (iv) or (vi) of section 201(a)(1)(A)".

On page 181, line 13, strike "except" and all that follows through line 18 and insert the following: "except—

"(i) if the alien is a nonimmigrant alien authorized to work in the United States—

"(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

"(II) any contract provided or funded by such an agency or entity; or

"(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.".

On page 187, line 19, strike "except" and all that follows through line 24 and insert the following: "except—

"(i) if the alien is a nonimmigrant alien authorized to work in the United States—

"(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

"(II) any contract provided or funded by such an agency or entity; or

"(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.".

On page 181, line 24, insert "except elementary or secondary education" after "government service".

Beginning on page 184, line 11, strike all through page 185, line 2, and insert the following:

(c) Social Security Benefits.—Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Limitation on Payments to Aliens

"(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

"(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.".

On page 186, line 24, strike "or".

On page 187, line 3, strike the period and insert ", or".

On page 187, after line 3, insert the following:

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification

On page 188, line 16, strike "Any" and insert "Except as provided in subparagraphs (B) and (E), any".

On page 188, line 19, after "deportable" insert "for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D)".

On page 190, line 25, strike the quotation marks and the period the second place it appears.

On page 190, after line 25, add the following:

"(E) Special rule for battered women and children.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

"(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.

On page 190, line 25, insert after "1996" the following: "or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education".

On page 191, line 12, strike "described in" and insert "deportable under".

On page 191, line 15, strike "described in" and insert "deportable under".

On page 199, line 14, after "law", insert ", except as provided in section 204(c)(2)".

On page 199, line 1, after "(c) Length of Deeming Period.—", insert "(1)".

On page 202, between lines 5 and 6, insert the following:

(f) Special Rule for Battered Women and Children.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

Beginning on page 203, strike line 22 and all that follows through line 3 on page 206.

On page 214, between lines 21 and 22, insert the following:

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Use of Assisted Housing by Aliens Act of 1996".

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the eligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.".

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "may, in its discretion," and inserting "shall";

(2) in subparagraph (A), by adding at the end the following: "Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section."; and

(3) in subparagraph (B)—

(A) by striking "6-month period" and all that follows through the end of the subparagraph and inserting "single 3-month period.";

(B) by inserting "(i)" after "(B)";

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than eighteen months following enactment of this Act, the Comptroller General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(C) by striking "Any deferral" and inserting the following:

"(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral"; and

(D) by adding at the end the following new clauses:

"(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

"(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.".

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or to be" after "being";

(2) in paragraph (1)(A), by adding at the end the following: "If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date"; and

(B) by adding at the end the following:

"In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).";

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date";

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting ", not to exceed 30 days," after "reasonable opportunity"; and

(II) by striking "and" at the end; and

(ii) by striking clause (ii) and inserting the following:

"(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

"(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and"; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) pending such verification or appeal, the Secretary may not—

"(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

"(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and";

(5) in paragraph (5), by striking "status—" and all that follows through the end of the paragraph and inserting the following: "status, the Secretary shall—

"(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

"(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.".

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding "or" at the end;

(2) in paragraph (3), by adding at the end the following: "the response from the Immigration and Naturalization Service to the appeal of that individual."; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

"(h) VERIFICATION OF ELIGIBILITY.—

"(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

"(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

"(A) may elect not to comply with this section; and

"(B) in complying with this section—

"(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

"(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

"(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

"(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.".

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN–2501–AA63 (Docket No. R–95–1409; FR–2383–F–050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824–14861), shall not apply after that date.

On page 214, line 22, strike "Subtitle C" and insert "Subtitle D".

On page 215, line 3, strike "section" and insert "sections".

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after "United States;" through "marital status;"; and

(2) by adding at the end thereof the following: "At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.".

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking "required by this section" and inserting "for an immigrant visa"; and

(2) in the third sentence—

(A) by inserting "or other document" after "stamp,"; and

(B) by striking "by the consular officer".

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking "1996" and inserting "1998".

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

"(g) DURATION AND TERMINATION OF DESIGNATION.—

"(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

"(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

"(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

"(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

"(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

"(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

"(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

"(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

"(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

"(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

"(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

"(A) the total number of nationals of the visa waiver program country—

"(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

"(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

"(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.".

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a "comma" after "(4) thereof)".

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

"§ 758. High speed flight from immigration checkpoint

"(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.".

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

"(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable."

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103-416) is amended to read as follows:

"(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived."

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726-28; 22 U.S.C. 4212-14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 308. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 309. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 310. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the "Timothy C. McCaghren Customs Administrative Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Timothy C. McCaghren Customs Administrative Building".

SEC. 311. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "June 1, 1996" and inserting "June 1, 2002".

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after "except that in the case of a waiver requested by a State Department of Public Health or its equivalent" the following: "or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)".

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

"(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

"(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

"(B)(i) in the case of a request by an interested State agency—

"(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest; or

"(ii) in the case of a request by an interested United States Government agency—

"(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest;

"(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

"(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

"(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

"(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

"(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

"(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

"(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.".

SEC. 312. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

"(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.".

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: "A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.".

SEC. 313. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term "international matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term "recruit" means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. ___. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting "and" after "1996;", and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

"(2) $5,000,000 for each of fiscal years 1997 through 2001.".

SEC. . BORDER PATROL MUSEUM.

(a) AUTHORITY.—

Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—

The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under section 1.

SEC. . PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS District Offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the terms and conditions set forth in section 213 of the Immigration and Nationality Act.

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing

benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. . TO CLARIFY THE JURISDICTION TO HEAR DISPUTES RELATING TO AFFIDAVITS OF SUPPORT.

(a) IN GENERAL. Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term "appropriate court" means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SEC. . SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER.

On page 193, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. . MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection.

"(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

At the appropriate place in the bill, insert the following:

SEC. . DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

"(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of U.S. citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.".

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subsection:

"(G) Aliens previously apprehended:

"Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.".

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period the following: "or (6) any alien who (A) has at any

time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending.".

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking "Before" and inserting "(a) IN GENERAL.—Before", and

(2) by adding at the end the following new subsection.

"(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

"(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

"(A) both parents of the child if the child lives with both parents;

"(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

"(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

"(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed * * *.

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

SECTION 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

SEC. . TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) not later than 6 months following enactment of this Act, the United States sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) following such review, pursuant 40 section 994 (p) of Title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. . TO MODIFY "40 QUARTERS" FOR STAY-AT-HOME SPOUSES AND DEPENDENT CHILDREN.

Strike section 203(a) and insert the following:

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) and/or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H-2A nonimmigrant worker program to ensure that the program provides a workable safety value in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H-2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H-2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H-2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H-2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

NOTICE OF HEARING

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the information of the Senate and the public the scheduling of a hearing before the Subcommittee on Forests and Public Land Management on S. 1662, the Omnibus Oregon Resources Conservation Act.

The hearing will be held on Tuesday, May 7, 1996 at 2:00 PM in SD 366 of the Dirksen Senate Office Building, Washington, DC. Testimony will be received on the two major titles of the bill; Opal Creek Wilderness and Scenic-Recreation Area; and Coquille Forest Proposal.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC. 20510. For further information, please call Mark Rey of the subcommittee staff at 202-224-6170.

AUTHORITY FOR COMMITTEE TO MEET

COMMITTEE ON ARMED SERVICES

Mr. COVERDELL. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times 3 pm Monday, April 29, 1996. For markup of the fiscal year 1997 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TRIBUTE TO KEVIN MURPHY, DIANE LONERGAN, DIANE SAWYER, AND BREWSTER BARTLETT FOR RECEIVING THE 1995 PRESIDENTIAL AWARD FOR EXCELLENCE IN SCIENCE AND MATHEMATICS TEACHING

• Mr. SMITH. Mr. President, I rise before you today to congratulate four outstanding New Hampshire teachers on receiving the 1995 Presidential Award for Excellence in Science and Mathematics Teaching. Kevin Murphy of Milford, an elementary school mathematics teacher at Milford Elementary School in Milford; Diane Lonergan of Merrimack, an elementary school science teacher at Memorial School in Bedford; Diane Sawyer of Portsmouth, a secondary school mathematics teacher at Exeter Area Junior High School in Exeter; and Brewster Bartlett of Loudon, a secondary school science teacher at Pinkerton Academy in Derry were the four deserving recipients of this prestigious award.

The Presidential Awards for Excellence in Science and Mathematics Teaching Program is administered by the National Science Foundation [NSF]. The awards are designed to recognize and reward outstanding teachers from elementary and secondary schools who serve as models for their colleagues and encourage high quality teachers to enter and remain in the teaching field. In addition to the distinguished national recognition that comes with the award, each recipient's school will receive an NSF grant of $7,500 to be used under the direction of the teacher, and to supplement other resources for improving science or mathematics programs in the school system.

The four outstanding recipients of this teaching award will spend a week in May in Washington, DC, for a series of events to commemorate their selection. They will be honored at the U.S. State Department and other organizations such as the National Academy of Science.

There is no more important resource in America today than our school teachers. As a former teacher, I understand the devotion and hard work necessary to be a successful teacher and a positive role model for children. These four outstanding teachers have displayed not only extraordinary talents in their teaching, but have also shown a remarkable level of commitment to their students. I am proud to honor these four exceptional teachers for nurturing the best and the brightest students New Hampshire has to offer. I would like to congratulate Kevin Murphy, Brewster Bartlett, Diane Lonergan, and Diane Sawyer for this distinguished recognition, and thank them for their devotion to students in New Hampshire.•

CONFERENCE AGREEMENT ON THE CONTINUING RESOLUTION, H.R. 3019

• Mr. DORGAN. Mr. President, I am pleased I was able to support the conference agreement on H.R. 3019, the 14th and final effort to provide FY 96 funding for the various agencies of the Federal Government, when it passed the Senate on April 25 by a vote of 88–11.

After a long and wrenching struggle, Republicans and Democrats finally reached agreement on the remaining fiscal year 1996 appropriations measures that will fund nine cabinet departments and dozens of agencies for the balance of this fiscal year. These appropriations bills were supposed to have been completed on September 30 last year. Meanwhile more than half of the fiscal year has expired. Hopefully, the exercise we have gone through this appropriations cycle—14 continuing resolutions and 2 long government shutdowns—will not be repeated. It's time to get on with the business of Government and run it in a businesslike manner.

Overall, appropriations levels for fiscal year 1996 have been cut by $23 billion. That represents a significant downpayment on reaching a balanced budget over the next 7 years. The dispute concerning these bills was a struggle over priorities. The House bill, as originally passed, made cuts in programs that the President and many of us in Congress believe are critical to the long-term economic and social health of the Nation. While nobody received everything he or she wanted in this long-awaited conference agreement, I commend the conferees for moving significantly closer to the President's position by providing approximately $5.1 billion more than the House originally sought for education, job training, environmental protection, technology, and law enforcement. These increases, which I believe are essential investments in our future, have been fully offset with cuts in other accounts. The lack of certainty about Federal education funding levels was playing havoc with school systems throughout the country. I am pleased that they will now be able to accurately plan their budgets and sign teacher contracts for the next school year.

I would also like to commend the conferees for their efforts to eliminate most of the extraneous legislative riders in the bill. Under the conference agreement, the President was given the authority to waive implementation of these riders, most of which are attempts to weaken our environmental laws and regulations. Knowing the strong commitment that the President and Vice President have to protecting our environment, I am quite certain that the President will exercise his authority to ensure that these riders are not implemented. These legislative restrictions have no place on an appropriations bill to begin with. More importantly, they seriously undermine our commitment to ensure a healthy and safe environment for our children. Every poll indicates that the public expects the Government to be the public steward of our precious natural resources—our public lands, our air, and our water. That stewardship must not be abandoned.

This bill also addresses critical local issues. As all of my colleagues know, flooding in the Devils Lake Basin continues to pose serious problems for residents and businesses in North Dakota. Just this week, Devils Lake reached another 120-year high level and the lake is expected to rise by an additional two feet next June or July. When the lake rose to its current level last July, it caused $50 million in damages to roads and public and private property in the area. Similar damages are expected this year.

Because of this serious situation, during the Senate's original consideration of this measure, Senator CONRAD and I proposed two amendments to mitigate the flooding problems at Devils Lake. Those amendments were adopted by the full Senate. The first amendment added $10 million to the Economic Development Administration budget for hazard mitigation assistance in the form of road raises and water storage on private lands in the Devils Lake Basin. The second amendment provided an additional $2.8 million to the Fish and Wildlife Service for water storage and for necessary repairs on their already damaged lands in the Devils Lake area. The House bill had no similar provisions.

I would like to thank my colleagues on both sides of the aisle, particularly Senators HATFIELD, BYRD, HOLLINGS, GORTON and GREGG, for ensuring that the bulk of the money provided in our floor amendments was retained in conference. While there are no earmarks in the conference agreement, the statement of managers report makes clear that the Fish and Wildlife Service should give every consideration to the needs at Devils Lake in allocating the $38.9 million in additional disaster relief funding made available to that agency in the conference agreement.

The total pot of disaster funding in the bill for the Economic Development Administration—$18 million—is made available for disasters in the Pacific Northwest and for other disasters nationwide, so North Dakota will have to compete with other States for that money. Senator CONRAD and I intend to work closely with the administration to ensure that Devils Lake receives its fair share of that funding. If we successful, we can take preventive measures to mitigate the anticipated flooding in the Devils Lake Basin this summer, and significantly reduce future Federal and State disaster assistance outlays.

While this is not a perfect agreement, it's a good compromise, and I am pleased that the overwhelming majority of my colleagues supported it.•

WELCOME TO DR. ABDALLA A. NSSOUR, DEPUTY PRIME MINISTER OF THE HASHEMITE KINGDOM OF JORDAN

• Mr. ABRAHAM. Mr. President, I rise today to extend welcoming remarks to Dr. Abdalla A. Nssour, Deputy Prime Minister of the Hashemite Kingdom of Jordan. Dr. Nssour will be the honored guest at a dinner on May 2, 1996 in Livonia, MI. In addition, I would also like to welcome to Michigan His Excellency Fayez Tarawneh, Ambassador to the United States from Jordan, and Head of the Jordanian Delegation to the Middle East Peace Process. The American Arab Chamber of Commerce, Michigan, the Jordanian American Association of Michigan, and Royal Jordanian Airlines will be sponsoring the dinner honoring Dr. Nssour.

In addition to serving as Jordan's Deputy Prime Minister, Dr. Nssour also serves as the Minister of Higher Education and the Chair of the Foreign Relations Committee in the Jordanian Parliament. Prior to his esteemed government service, Dr. Nssour had many great accomplishments in the scientific community. I am certain that the dinner audience will be greatly enriched by Dr. Nssour's remarks.

It is most fitting that the Arab American community has chosen to honor Dr. Nssour for his service to his country and I am pleased to join the community in welcoming Dr. Nssour to Michigan.•

THE U.S. MILITARY AND A NEW CENTURY: CHALLENGES AND OPPORTUNITIES

• Mr. LIEBERMAN. Mr. President, this week the Senate Armed Services Committee is engaged in marking up the fiscal year 1997 Defense authorization bill. All of us on the committee, as well as many of my colleagues who are not on the defense committee, are concerned about how we fund, structure, equip, maintain and train our military forces to meet the challenges which our country faces today and will face tomorrow as we defend and advance our national interests. I would like to speak for a few moments today about some of the difficult questions I believe we are facing as we confront the challenges which lie ahead for our military forces.

The millennium is coming and beyond it a new century—a century which, if what we see occurring around us today offers any indication, will bring changes few of us can begin to imagine, no more than people at the end of the 19th century could have foretold what the 20th century would bring.

We need only to look at the incredible leaps which have occurred in technology in the past decade and the ever-increasing frequency with which new technological wonders are being introduced to know that the 21st Century will be a time of amazing change full of great opportunity and great risk for all of us.

The past years have shown us not only that new technologies are becoming more readily available—whether it is faster, smaller and cheaper computers and computer chips, inexpensive and reliable global positioning systems, or communications which permit us to bring into our homes hundreds of different television channels from around the world, movies on demand, and global news which is real-time and all too real—but that changes will have to come about in the way we organize our daily lives and the very structure of businesses and institutions in response to that technology. Those enterprises which fail to adapt to new technology quickly find themselves behind their competitors and, in the private sector, are soon out of business.

The same is true of national governments and military organizations—those which are unable to recognize that rapid change is the one constant in our lives and cannot exploit that change, risk falling behind their potential competitors. History teaches that every significant new industrial or technological advance finds its way into warfare. Unlike business, however, the price of failure for our national security is not bankruptcy or disappointed shareholders; it could well be the loss of our freedom, our foreign markets and the safe and prosperous future which all of us seek for our children.

Guaranteeing our security in the new century will require innovation. It will also require courage and wisdom as we incorporate technology and innovation into our defense structure.

To help structure the very important debate which I believe we need to engage in across the country on national security, I would like to offer a few observations and pose a few questions.

First, as we look to the future, we ought to be asking a very basic question: What is it we want our military to be able to do? Not just in the sense of military capabilities—this is an important question we will get to shortly—rather, the broader question that underlies the other. What role do we want the United States to play in the next century and what will we need our military to be able to do in order for the U.S. to play that role?

I believe that America's values and interests in the 21st century will demand that we play at least as active a role in the world as we did in this century and especially during the cold war. We can already see signs of this in the optempo rates of all our Armed Forces in the years since the fall of the Berlin Wall. We cannot shrink from playing our part as world leader, nor should we. To make a long story short, let me simply say that American leadership in world affairs increases the personal security and economic opportunities of the American people. This will be true in the next century as it is today.

We have now and will continue to have vital national interests in the security and stability of Europe, Southwest Asia, the Middle East, East Asia and elsewhere, just as we have vital interests in maintaining our freedom of access to sea- and air-lanes of transportation and commerce. We must be able to defend these interests and values and to support those who share them with us. We must continue to pursue them in the century ahead, as we have in the past, in concert with strategic allies and coalition partners. We should, if at all possible, try to go about this work with our allies, particularly our NATO and Pacific partners, but even with partners, it is essential that the military force we begin to structure in the final years of this century will enable us to fulfill our role of internationalist leader in the next century.

Second, we must consider and evaluate the sources of the challenges we are likely to face as we protect and advance our national interests in the international community of tomorrow. What kinds of regional hegemons are likely to develop in the years ahead and are any of them likely to graduate into a superpower status—either because they are smaller nations who obtain weapons of mass destruction or because they are larger nations who will have economic power coupled with weapons of mass destruction?

In the near term, the likelihood of a superpower—or "peer competitor" which could directly threaten the United States—is low. It is precisely this lack of a near-term, superpower, peer competitor which provides us with breathing room, a window of opportunity, if you will, in which we can reassess our military structures and be willing to take some risks in order to ensure our Armed Forces are properly structured, sized and equipped in the longer-term. We can afford to step back and take a look at where we are and where we want to go and to take some risk today to prevent a much greater risk in the future if we fail to make this reassessment.

Third, we must consider the form challenges to our interests are likely to take in the next century. Are conflicts likely to be of the cold war variety—either in the sense of needing to rely on our nuclear deterrent capability or requiring massive numbers of ground forces as would have been needed to fight a Soviet invasion of Western Europe—or will they be on the order and scale of Haiti, Somalia, or Bosnia. I believe that, in the near- and midterm, they are more likely to be of the latter sort. As Gen. Charles Krulak, Commandant of the Marine Corps and someone who is thinking long and hard about "the day after tomorrow," has said, the future is most likely not "Son of Desert Storm;" rather, it will be "Stepchild of Somalia and Chechnya."

We cannot rule out the possibility of another Saddam Hussein rising in a region of strategic interest to the United States nor can we discount the potential for a resurgence of Russian nationalism or aggressiveness, or Chinese or Islamic nationalism or aggressiveness particularly if coupled with the ability to deliver weapons of mass destruction. We must do all we can to prepare for such a possibility using every tool available to a country of our stature—economic, diplomatic, and military. To use the terminology of Secretary of Defense Perry, we must maintain a hedging capability to counter such threats if they arise. But we also must be ready for smaller contingencies which I believe will be more likely and, unfortunately, more frequent.

We also cannot ignore the unconventional challenges which we face today and which we will, without a doubt, face on a greater scale in the decades ahead. Here I mean the threat of terrorist actions beyond and within our borders and the ever-increasing dangers posed by the spread of relatively inexpensive weapons of mass destruction—especially chemical and biological weapons. We must have forces and policies which allow us to respond to all of these challenges and to head them off whenever we can.

Our strategic planners must think hard and innovatively about the way others—both states and non-state actors—will try to influence what we do in the future. In this regard, I recommend to you an article which appeared in the January 29th issue of the Weekly Standard by Col. Charles Dunlap, an Air Force lawyer and a provocative thinker and writer. In this article, entitled "How We Lost the High-Tech War of 2007," a fictional Holy Leader of some unstated group recaps the strategy used to defeat the United States by terror and exploiting the power of televised images of death and destruction. In a particularly unsettling passage, he says:

> Though we rarely defeated the Americans on the battlefield, we were able to inflict such punishment that they were soon pleading for peace at any price. With their economy in ruins, their borders compromised, their people demoralized, and civil unrest everywhere, they could not continue. We had broken their will! They had no choice but to leave us with the lands we conquered and the valuable resources they contain.

And finally, we are told: "We taught the Americans that no computer wages war with the exquisite finality of a simple bayonet thrust." So, while we work to exploit the technology of the future, we cannot afford to become its prisoner.

Fourth, we must confront the question of how to shape, size and equip our military forces in order for them to do what we want of them and to be able to confront—and defeat if need be —the wide range of challenges we will face. While all of the preceding questions are important, this question is the one toward which the other questions lead. It is, in fact, the reason why we must ask and answer the preceding questions.

When the Clinton administration came to office in 1993, Secretary of Defense Aspin undertook the Bottom-Up Review "to define the strategy, force structure, modernization programs, industrial base, and infrastructure needed to meet new dangers and seize new opportunities." The Bottom-Up Review was a useful transitional document, but I believe it is already inadequate to the present and certainly to the future because it does not appropriately answer the preceding questions. The reality of the strategic environment has already changed and the resources we have committed to our military have been limited. It is time for a new strategic review by the Department of Defense on behalf of the President, and, I believe we would benefit at this time in our history from the work of an independent, bipartisan commission.

I hope that Congress will mandate before long both a new Bottom-Up Review and a National Bipartisan Commission. I am confident that dedicated and innovative thinkers both within the Administration and outside it will be able to put us on the right course for the next century. This must be done soon. I do not believe that we can afford—either fiscally or strategically—to continue to tinker at the margins of our military forces or to procure just the same sorts of Cold War systems in ever diminishing quantities (and at an ever-increasing price).

As we seek to answer the questions of how best to size, shape and equip our military forces, we must take a hard look at technology, defense organization and management, industrial base capabilities, and research and development capabilities where we have a competitive advantage over potential adversaries. Then, keeping in mind the warnings of thoughtful people like Charles Dunlap, we must exploit these advantages to structure and equip our forces appropriately. I would caution against thinking of "defense innovation" strictly in terms of developing new technologies. That is overly simplistic and potentially dangerous. Innovation must incorporate organization, strategy, and doctrine as well. If we are to succeed in the new century, we must be innovative in our thinking about what we procure and how we procure it, the way our forces are organized and sized, and the way they will respond to challenges which may be unlike most of what we have encountered so far in our history.

It is conventional wisdom today to say that a technology-driven revolution in military affairs is here. The technological advances I spoke of earlier beckon us to find ways to integrate what will be commonplace tomorrow into the decisions we are making today on weapons systems, command and control systems, intelligence gathering capabilities, and the means of conducting and defeating information warfare.

As a subset of this question, we must consider "how do we get from here to there?" What is our transition strategy? How do we ensure that we do not reverse course in our procurement strategies so precipitously that important defense industries find themselves gutted of their skilled work forces, critical research and development, or essential near-term production? How do we ensure that we do not make technologically-driven alterations in our force structure that diminish the effectiveness and morale of our troops?

Government and industry need to form a new partnership in which both sides work together to ensure that we develop and buy the right products at the right price and in the right quantities to protect our national security without fiscally overburdening the Nation. We cannot afford the luxury of buying products which do not provide the capabilities we need for tomorrow. Nor can we afford to procure weapons systems which just provide more of the capabilities we already possess.

Throughout all of this runs the very serious question of fiscal resources. The traditional question "how much is enough?" is no longer sufficient—if, in fact, it ever was. We cannot be concerned just with aggregate spending levels though much of the current and future debate will center on the "right number" for the defense budget for this fiscal year or during the Future Years Defense Plan, or FYDP. If we are to succeed in making the best use of limited defense dollars, we must also ask "are we spending defense dollars wisely?"

If we hope to be able to maintain the support of our people for spending to protect our national security, we must be able to demonstrate that we have broken the chains of tradition and parochialism within the Congress, the Executive branch and in the military services and are investing in a military force for the future not the past.

The debate which many of us in the Congress have been and are engaged in must stay focused on the right questions. There is a danger that liberal Democrats, many of whom want to cut defense spending to increase social spending, will join Republican budget hawks, who want to cut defense spending to reduce the deficit, to form an odd-couple defense-cutting coalition.

But neither group, as far as I can see, is asking the right questions before recommending that defense spending should be cut. And neither group acknowledges that we are spending a smaller percentage of our GDP on defense today than at any time since Pearl Harbor. Total defense expenditures may be able to be reduced in future years—although I am skeptical—but we won't know if this is the right decision until we answer the basic questions I have posed: what are the security challenges of the next century and what do we need to meet them?

There are, in fact, a number of thoughtful studies underway today which are examining these questions. Each of them seems to start with the premise that our current force structure may well be most appropriate for the kinds of conflict which will occur least often in the future. We need to pursue this premise not as a means of hacking away at one service or another just for the sake of downsizing or as a means of capturing savings to procure one favored weapons system over another, but because technology may have the same potential to achieve personnel reductions in the military as it has in the private sector. Military success in the future will depend on how visionary and clear-headed we are today and on how courageous we are prepared to be.

Remember the familiar line from Ralph Waldo Emerson's Self-Reliance, "A foolish consistency is the hobgoblin of little minds adored by little statesmen and philosophers and divines." We have the intellectual strength in this country today both in the Pentagon and outside to ensure we do not maintain a foolish consistency and that we break with the models and standards of the past if that is what is best for our Nation's security.

Andy Marshall and Bill Owens have certainly laid the groundwork for such thinking within the Pentagon. Organizations such as the Center for Strategic and Budgetary Assessments have been active, creative and constructive in contributing to the debate with their analyses. The American Enterprise Institute, under the leadership of Dick Cheney and Richard Perle, and the Democratic Leadership Council, which I have the privilege of chairing, have completed studies or have work underway which have or will offer innovative and thought-provoking analyses and proposals. Taking these efforts in conjunction with my proposals for a new strategic review by the Department of Defense and an independent National Bipartisan Commission, I believe we can and will get it right, though the conclusions we come to may be painful for many to accept.

We must be engaged in this difficult debate today if we are to have the best defense tomorrow and avoid maintaining the world's finest fighting force for wars we have already fought. We must also engage in it in order to rebuild the popular consensus which is essential for our national security in support of sufficient defense spending. If we involve more of our citizens in these discussions, Congress and the American people will be willing to provide the necessary resources, because they will understand that Sir John Slessor was right when he said:

> It is customary in democratic countries to deplore expenditure on armaments as conflicting with the requirements of the social services. There is a tendency to forget that the most important social service that a government can do for its people is to keep them alive and free.

If we are, in fact, going to do our duty to keep the American people "alive and free," we must engage in this debate with all our energy, our intellect and our courage. We owe this to the people who have sent us to the Senate to serve them and we owe it to the future of our great country. I hope my remarks today will be seen as a contribution to this important debate and I look forward to engaging all of my colleagues in these important discussions.•

TRIBUTE TO SUSAN M. SANDERS, THE NEW HAMPSHIRE SMALL BUSINESS ACCOUNTANT ADVOCATE OF THE YEAR

• Mr. SMITH. Mr. President, I rise today to congratulate a hard working New Hampshire accountant, Susan M. Sanders, on being named the 1996 New Hampshire Small Business Accountant Advocate of the Year. The Small Business Administration recently honored Susan with this award based on a number of criteria such as volunteer work to assist small firms, advocacy of a reduction of financial and regulatory requirements for small businesses, and support for initiatives to promote legislation strengthening the financial help of small businesses.

Susan is a certified public accountant and supervisor at Melanson, Greenwood & Co., a CPA firm in Nashua. She specializes in small business accounting and management advisory services with emphasis on startup businesses. She provides assistance to small business people seeking counseling and consulting services on financial and management matters. Susan also prepares a quarterly publication of statistical information entitled Economic Conditions In NH, which is distributed free through the Nashua and Manchester Chambers of Commerce to business and government leaders, and is included in relocation packages mailed to prospective employers. Susan's commitment to the success of small businesses is also reflected by her outstanding volunteer work for local organizations such as the Nashua Chamber of Commerce, the Greater Nashua Center for Economic Development, and the Nashua Small Business Development Center.

As a dedicated small business accountant, Susan believes that small business owners are a special breed of people that should be admired for their determination, innovation, and courage. Susan's own work with small businesses demonstrates many of these same qualities.

Small business is not only the backbone of our economy, but an expression of the freedom and opportunity America has to offer. As a former small business owner myself, I am proud to honor Susan for donating her time and talents to helping small businesses succeed in the Granite State. As a professional and a volunteer, she has devoted countless hours toward securing the American dream of prosperity for small business owners. I would like to congratulate Susan for this prestigious recognition, and thank her for her steadfast devotion to small business owners in New Hampshire.•

UNIVERSITY OF MONTANA GRIZZLIES

• Mr. BAUCUS. Mr. President, in December of last year, my staff and I, as well as some Montanans who were in the DC area, traveled hundreds of miles to West Virginia to see a football game. It wasn't just any ordinary football game, it was the NCAA Division I-AA Football Championship, which pitted the University of Montana against Marshall University.

The game was the most exciting of my life. After a come-from-behind drive that lead to a last minute field goal, the University of Montana Grizzlies won their first football championship in the school's history. That day I saw my team beat an opponent that ESPN said was the heavy favorite. I saw my team beat an opponent that had played in the big game many times before. I saw my team beat an opponent that has so dominated Division I-AA football that they will soon be moved to Division I competition. You see, my team possessed qualities that are hard to measure: heart, self-discipline, work ethic. A player can learn these qualities from only one person, their coach.

Mr. President, I was saddened, but not disappointed, to learn that Don Read will retire from coaching the Montana Grizzlies football team. I was saddened to see that our coach, with 10 straight years of winning seasons and a national championship under his belt, had decided to move on. But I was not disappointed because I know that Don will still play a major role in his community.

Ask anyone involved with Grizzly football and they will tell you that Don is not only a great coach, but an even better person. UM president George Dennison said it best:

> The Read legacy has much more substance than winning at all costs. For him, winning mattered. But other things counted more. As his record and actions revealed, the welfare and success of his players as students, athletes and human beings always came first.

Coach Read rode a wave of success that went beyond winning football games. He made winners of his players on and off the field.

Don would be the first to tell you that Montana has been good to him. On behalf of all of us in our State, coach, you have also been very good to Montana.

Mr. President, I close by asking to have printed in the RECORD an editorial published by the Missoulian that reflects my sentiments exactly.

The editorial follows:

> [From the Missoulian, Apr. 16, 1996]
>
> THANKS FOR THE MEMORIES, DON
>
> Thank you, Don Read, for 10 truly remarkable and wonderful years. That national NCAA championship was something. Those faces of UM's athletes, the thrill, the pride. It was classy win on all fronts, earned outright by coaches and players alike. We still ride high.
>
> Thanks for those very impressive statistics. Ten seasons, all winners. Ten wins against the Bobcats. Wow.
>
> Thanks for selecting high-quality assistant coaches who lead with skill and compassion.
>
> Thanks for loving and respecting Missoula. We saw you walking, with your wife, Lois along the river, through downtown streets, on campus, in your own neighborhood, meandering through the Farmers' Market. You took time to know this place and all it offers. Even when you built a new house in an old district, you did so with sensitivity to neighborhood history and character.
>
> Thank you for loving your family. We saw that, too, when you talked with pride and respect of your own children and grandchildren.
>
> And who knows what marvelous effect you've had on other children. Kids who gathered to watch the Grizzlies practice met a coach who welcomed them and their daydreams—and who offered them gum and wise words on the sidelines:
>
> UM's players, too, seem to understand both the value of individual accomplishments and the necessity and beauty of teamwork, traits made strong by the quality of leaders on the coaching staff.
>
> Thank you for carrying yourself with pride and honor on the road, during and after the season, when meeting with alumni, when talking to fans, when wooing contributors, when meeting everyday people. Never once did we cringe at what you said or how you acted, in private or in public.
>
> Did you ever whine about salaries or belittle players or make snide comments about other coaches? Not that we ever heard. Even after losses you offered nothing but words of support and pride and encouragement along with honest analysis.
>
> Thanks for the seasons. For the wins. For the class.
>
> The pleasure was ours.●

CEASE-FIRE IN LEBANON

● Mr. ABRAHAM. Mr. President, I rise today to applaud the decision of the parties to the crisis in Lebanon to institute a cease-fire. Every day last week, I urged Secretary Christopher in the strongest possible terms to do everything in his power to cease the hostilities between Israel and Hezbollah in Lebanon. I would like to congratulate Secretary Christopher for his intense efforts in negotiating this cease-fire. It is my sincere hope that the parties will abide by the cease-fire, and eventually work toward a comprehensive, just and lasting peace in the Middle East.

The cease-fire is based upon an agreement on a set of understandings, the most important of which is the agreement not to fire weapons at civilians or civilian populated areas. With over 150 civilians dead as a result of the violence in Lebanon, the urgency of ceasing hostilities aimed at civilians is of utmost priority.

Now that an agreement to end the hostilities has been reached Mr. President, I urge the administration to contribute more financial resources to assist the civilians in Lebanon. As part of the most recent cease-fire agreement, the United States, France, Syria, Lebanon, Israel, Russia, and the European Union have agreed to form a consultative group which will assist in the reconstruction needs of Lebanon. It is my hope that the United States will take a leadership role in the consultative group by granting considerably more additional assistance to Lebanon than what it already has.●

WALTER MONTGOMERY: THE PASSING OF A LEGEND

● Mr. HOLLINGS. Mr. President, I would like to take a moment to pay tribute to a man who set the example for excellence and competitiveness in the textile industry. Walter Montgomery, Sr., was the godfather of textiles in South Carolina. He is the reason that we have an outstanding textile industry today. Anyone who came into contact with Mr. Walter could tell you that he was a real legend—and not only as a force in the Nation's textile industry. An outstanding figure in the field of community service, he helped countless numbers of people in his native Spartanburg County during his 95 years.

Walter Montgomery was born in Spartanburg in 1900. He began working at Spartan Mills, founded by his grandfather, Captain John H. Montgomery, in 1922. In 1929, after the death of his father, Walter Montgomery became president. He passed on the title to his son in 1972, and took his place as the chairman of Spartan Mills. In this capacity, he was one of the Nation's top textile executives and led the industry toward modernization.

Mr. Walter, as he was known affectionately, was a firm believer in the value of associations and institutes. He served as the president or chairman of just about every textile group there was, from the South Carolina Textile Manufacturers Association to what is now called the American Textile Manufacturing Institute. In 1989, Montgomery was named "Textile Leader of the Year" by Textile World Magazine. It selected him not so much for his impressive management skills within his own company, but for his unselfish leadership of the industry as a whole.

Talk to anyone about Walter Montgomery and they will tell you about his outstanding leadership. Through his tireless efforts in the industry and the boundless energy he dedicated to the community, Mr. Walter earned the respect of everyone. Working with organizations such as the Spartanburg County Foundation, United Way, Junior Achievement, and Wofford College, he created a bridge between business and humanitarianism. He was also an active member of the Episcopal Church of the Advent, and once served as scoutmaster of the church's Boy Scout troop.

If it sounds unusual for one of the Nation's top textile executives to have this active an extracurricular schedule, it is. Walter Montgomery was an extraordinary man. He had a sincere love for the textile industry, and he passed on his enthusiasm to all the workers and executives he knew. He believed in education, and contributed time and money to the establishment and maintenance of educational institutions. Among his beneficiaries were Wofford College, Converse College, the University of South Carolina-Spartanburg and what is now the Spartanburg Methodist College, which his father had been instrumental in forming.

I will miss his vigor, drive, and wise advice. He was an example to me of how one can balance work and charity. Peatsy joins me in sending our condolences to his family along with our gratitude for the many lives he touched in South Carolina.●

THE TERRORISM PREVENTION ACT

● Mr. ABRAHAM. Mr. President, I rise to make a few remarks concerning the recently-passed Terrorism Prevention Act. I was actively involved in working out the version of the bill that passed the Senate last year. However, I was not a conferee in the negotiations between the House and the Senate that produced the final version that was enacted into law last week. Recognizing how difficult it can be to reach agreement among a majority of one hundred

Senators, I appreciate the daunting task of attaining agreement between not only the two congressional bodies, but also between Congress and the President, especially on such an important piece of legislation as the Terrorism Prevention Act.

Nevertheless, I do want to note that in my view, while the final version contains provisions that make the bill one of this Congress's proudest accomplishments, it also contains other provisions included at the insistence of the Administration that have rightly raised serious concerns among serious people from all across the political spectrum.

Violent acts against American citizens, whether for political reasons or otherwise, cannot be tolerated. But for too long, our criminal justice system has been excessively solicitous of the rights of violent criminals whose guilt is not in doubt.

This must stop. The Terrorism Prevention Act's habeas corpus reforms will play an important role in stopping it by preventing prisoners on death row from gaming our legal system with countless appeals. So, too, will its provisions limiting the ability of non-citizens who have committed serious crimes in this country to avoid deportation by filing countless meritless court challenges to deportation orders.

At the same time, it is also important that we do not let the pendulum swing too far in the other direction and trample on the civil rights of those who have committed no crime. Other provisions in the Terrorism Prevention Act that were included at the insistence of President Clinton will restrict fundraising for organizations suspected but not proven to be terrorist on the basis of secret evidence. These, I believe, present a serious risk of jeopardizing the freedoms of all Americans. I would like to discuss both types of provisions.

I was delighted, though admittedly confused when, in the wake of the Oklahoma City bombing, President Clinton stated that the perpetrators of that bombing would be brought to swift and certain justice. As the victims of any type of crime in this country know, and apparently know better than the President himself, our criminal justice system in its present form makes "swift and certain" justice for criminals all but impossible.

Instead, convicted criminals—murderers, child molesters, and thieves—have been able to game the system for far too long. The parents of children who have been molested and murdered and the families of other murder victims many of whom were tortured or raped before they were killed have had to wait year after year as their child's murderer appeals a capital sentence time and time again—not on grounds of innocence but because their trials were not perfect. And sometimes the attackers have been released by courts more concerned about the technical rights of criminals than the need to see that the law is carried out and justice served.

Swift and certain justice has not been possible in this country, not for common criminals and not for the perpetrators of terrorist acts, because of the endless appeals permitted by the habeas corpus procedures enacted by Congress. As Senator HATCH has recently noted, there were about 2,976 inmates on death row in 1995. Yet, the States have executed only 263 of these convicted killers since 1973. Habeas appeals alone make up 40 percent of the total delay from sentence to execution.

The notorious case of Robert Alton Harris demonstrates rather vividly where the vices in our present criminal justice system lead. Harris killed his first victim in 1975. In a savage attack that included hours of torture, Harris beat his next-door neighbor to death. He was convicted of manslaughter and sentenced to prison. Even in prison, his uncontrollable violence was said to make him a danger to the other inmates.

Six months after he was paroled, Harris abducted two high school sophomores as they sat eating hamburgers in a car. He drove them to a wooded area and shot them to death, chasing one of the boys through the woods and gunning him down as he crouched in the bushes screaming for his life. Harris then returned to the first victim and shot him again. Over that boy's dead body, Harris sat down and finished the boys' half-eaten hamburgers.

Harris did not deny his guilt, but in fact admitted the murders in open court. He explained he had murdered the boys because he needed their car to commit a bank robbery—the crime for which he had originally been arrested. He was given the death penalty by a jury on March 6, 1979. Thirteen years passed before the jury's verdict was carried out and Harris was finally executed.

During those 13 years—the years when his teenage victims could have been completing college, starting jobs, getting married, and having children—Harris filed 10 habeas corpus petitions with the State courts and 6 habeas corpus petitions with the Federal courts. The boys' parents were notified of five execution dates, four of which were canceled by the courts. But for Harris' habeas petitions, he could have been executed as early as October 1981, after review by the California Supreme Court and further review by the U.S. Supreme Court.

Reform of our habeas corpus system has been needed, and needed badly, for several decades now.

The Oklahoma City bombing finally provided the clarion call that made it possible for the Republican majority, with President Clinton's reluctant acquiescence, and over stiff resistance by a majority of the Democrats, to enact reforms to this legal quagmire. These reforms are long, long overdue.

At last, because of the Terrorism Prevention Act, the limitless opportunities for the Federal judiciary to overturn criminal convictions will come to an end. And at last, State courts will be allowed to enforce capital sentences against convicted murderers without the Federal courts granting repetitive hearings that have allowed death row prisoners to languish in prison for a decade or more.

The habeas corpus reforms may well be the single most important legislation that this Congress has passed. If the Terrorism Prevention Act had no other provisions to recommend it, I would have voted for the act for its habeas corpus reforms.

Also praiseworthy are the provisions that address the serious problem this country has with deporting criminal aliens. Though officially designated "criminal aliens" rather than "terrorists," as far as I am concerned, noncitizens who commit violent, felonious acts against American citizens are resident terrorists, irrespective of their official designation. Indeed, according to the FBI, alien terrorists have been responsible for exactly two terrorist incidents in the United States in the last 11 years: the World Trade Center bombing and a trespassing incident at the Iranian Mission to the United Nations.

Meanwhile, more than 50,000 crimes have been committed by aliens in this country recently enough that the perpetrators are still incarcerated in State and Federal prisons right now.

Noncitizens in this country who are convicted of committing serious crimes are deportable and should be deported. These are not "suspected" criminals or members of secretly designated terrorist groups: These are convicted felons. And there are about half a million of them currently residing on U.S. soil.

The reason these criminal aliens are here, despite their deportability under U.S. law, is that they are able to manipulate our immigration laws by requesting endless review of their orders of deportation. Exactly as in the habeas corpus context, these are convicted criminals obstructing the operation of law by abusing unduly generous provisions of judicial and administrative review. As long, as a petition for review is pending, they cannot be deported. Thus, at present, aliens who are convicted felons are deported at a rate of about 4 percent a year.

The case of Lyonel Dor is typical. Lyonel Dor, a citizen of Haiti, entered the United States illegally in 1972. This alone made him deportable as an illegal alien. Six years later he participated in the murder of his aunt. For this, he was convicted of first degree manslaughter and served 6½ years in prison. This made him doubly deportable, since aliens who commit crimes of violence in the United States are deportable even if they were here legally in the first place.

Accordingly, Dor was ordered deported in March 1985 following a full administrative hearing on whether such an order should be entered. At that hearing, Dor conceded deportability. He took no direct administrative appeal from the March 1985 order, although he would have been entitled to do so.

Nevertheless, as of late 1989, Dor had not been deported.

Instead, he remained in this country, requesting and receiving unending additional collateral administrative review and judicial review of his order of deportation, tying up the courts and the INS for more than 5 years after completing his criminal sentence. As of today, April 29, 1996, I do not know whether Lyonel Dor has ever deported, or whether he is still in this country requesting more review.

According to court documents described in the 1989 case, since arriving in this country illegally, Dor received the attention of a total of 14 administrative processes and 6 judicial processes, including the criminal proceedings on his participation in the murder of his aunt. The deportation effort alone for this illegal immigrant and convicted murderer entailed 13 administrative proceedings and 4 judicial proceedings. In two of the four judicial proceedings, Federal courts directed that Dor not be deported until the order of deportation could be further subject to yet more review.

In this Act, as well as in the illegal immigration bill, I have strongly promoted legal reforms that will put an end to such absurdities. The Terrorism Prevention Act contains some of these provisions, including important reforms that will place some constraints on the almost limitless opportunities for criminal aliens to delay their deportations.

In particular, without touching in any way any direct appeal an alien may have in connection with his underlying criminal conviction, it denies judicial review of orders of deportation entered against criminal aliens, eliminates certain grounds for administrative review of the orders of deportation entered against criminal aliens, and requires the Attorney General to deport criminal aliens with 30 days of the final order of deportation. I should add that during the Judiciary Committee markup of the pending illegal immigration bill, S. 1664, I proposed amendments to that legislation that will make additional reforms, and I am pleased to say that they were adopted and form a part of the bill now before Congress.

On the other hand, there are other provisions in this act that I believe could be construed as being insufficiently attentive to civil liberties. I say this as one who is aware that cries of civil liberties violations can easily deteriorate into crying wolf when no wolf is anywhere in the neighborhood, and that it is therefore doubly important to be sure such concerns are legitimate so as not to dull the American people's vigilance against governmental excess. Nevertheless, I believe in this instance there are legitimate grounds for concern.

The provisions that most concern me regard not convicted criminals, but, at least theoretically, the wholly innocent. These are the provisions of the act that will criminalize certain fundraising activities.

The fundraising provisions have a long history to which the Conference Report provided an unsatisfactory conclusion. The fundraising proposals in the bill originally sent to Congress by the President had been quite controversial. Indeed, Senators and citizens of all political persuasions—Democrats and Republicans, liberals and conservatives—were concerned that in seeking to punish the guilty these provisions went too far in endangering the rights of the innocent. Obviously, this will always be a difficult balance to strike.

But these proposals would have given a President unilateral authority, on the basis of secret evidence and without judicial review, to make it a crime to contribute money to any organization—domestic or foreign, charitable or political—designated by the President as belonging on a "terrorist" list.

It is not difficult to imagine how such a provision would invite abuse.

People with a grievance against any organization could claim that some charitable or religious organization they didn't like was a terrorist organization. The accused organization could then be designated a "terrorist" organization without being provided any information about the basis on which it was being so charged or afforded an opportunity to contest the designation.

History teaches us that star chamber proceedings of this type present grave risks of error and injustice.

At the hearings on the bill, concerns about these provisions and their constitutional implications were raised by a number of Senators, including Senator SPECTER and myself, as well as the American Civil Liberties Union and the American Jewish Committee.

After a great deal of discussion and negotiation, the Senate bill made a number of revisions. These included additions to the fundraising provisions that would make the designation of an organization subject to the traditional legal safeguards: review by a neutral court, and maximum disclosure to the accused organization of the information against it—consistent with national security interests and the safety of those providing the information.

The provisions in the Senate bill may not have been perfect. Indeed, both the New York Times and USA Today subsequently editorialized that many of these provisions still posed risks to civil liberties, even as toned down in the Senate bill. There was, no doubt, room for improvement. But instead of providing more protections for the secretly accused organizations, the Conference Report seems to provide fewer.

For example, whereas the Senate bill provided for full judicial review of the designation of an organization as "terrorist", the act that emerged from conference provides only for limited review on the administrative record. That means that the findings of fact of the administrative officer will receive some degree of deference by the reviewing court. More seriously still, it permits an organization to be designated as "terrorist" in the administrative proceeding entirely on the basis of classified information. Under the terms of the bill, that material can remain secret from the designated organization or any of its representatives throughout both the administrative and judicial process.

Despite the serious consequences that flow from such a designation, the Conference Report nowhere expressly provides for any disclosure of summaries or partial disclosure of the secret information to the accused organization, even though the necessity for such a total blackout may often be wanting. While the courts may well find such Congressional silence insufficient to infer an intent to bar the maximum disclosure possible, in light of our country's historical distrust of secret proceedings, I believe Congress should have made express provision for such disclosure.

To a lesser degree I believe the procedures established by this legislation for removing aliens suspected of being terrorists on the basis of classified information are open to similar criticism. Although these provisions at least require some form of summary, in my view they strike the balance between the alien and the Government less carefully and less fairly than the Senate version of the bill.

The fight against terrorism and all criminal acts against Americans must be conducted vigorously, relentlessly, and in a manner that respects basic civil liberties. I believe the fundraising and alien terrorist removal provisions are one area in which the Terrorism Prevention Act could have been improved by not leaving civil liberties protections to the Executive and Judicial branches. I would have preferred for the act to have to have expressly provided for disclosure of the secret information to the maximum extent possible.

It is my hope that despite the administration's insensitivity to these concerns and its insistence on including these provisions in their current objectionable form, during the legislative process, the executive branch will be sensitive to the questionable constitutionality of these provisions when it turns to enforcing them and will take great care in their use. Should it fail to do so, I would expect the courts to step in. In any event, and especially should the executive branch restraint prove insufficient, and the abuses I fear prove not only hypothetical but real, I will seek the opportunity to revisit these provisions at the first opportunity.

Despite these weaknesses, Mr. President, I believe the Terrorism Prevention Act is an extremely important measure, and I am pleased to have had a chance to participate in its enactment into law.•

SALUTE TO CARL GARNER

• Mr. PRYOR. Mr. President, on Friday, May 3d, Mr. Carl Garner of Tumbling Shoals, AR, will retire from Federal Service after 58 years as an employee of the U.S. Army Corps of Engineers. He is one of the longest consecutive serving Federal employees in the history of this Nation, and today I want to take a brief moment to reflect on his career and service to our country.

Carl Garner began his career with the Army Corps of Engineers on June 16, 1938, following his graduation from Arkansas College—now Lyon College. His early career placed him at Bull Shoals Lake in northern Arkansas. On March 15, 1959, he was assigned to the new project at Greers Ferry Lake as a supervisor for Construction Management Engineering.

Greers Ferry Lake would become Carl Garner's life's work, and today you cannot mention one without mentioning the other. On October 14, 1962, Carl was named Resident Engineer for Greers Ferry Lake, and has held that title for 34 years. On October 3, 1963, President John F. Kennedy dedicated the last public works project of his life and short Presidency on a hillside overlooking the dam at Greers Ferry Lake. Carl Garner stood on the podium with the President on that occasion.

Carl Garner had a vision. He was an environmentalist long before the word became common in our vernacular. Carl's vision was that Greers Ferry Lake should be pollution free and should reflect the natural beauty and landscape of the region. Greers Ferry Lake should be a model for the Nation, and today, it is the pearl in our Nation's inventory of multiple purpose man-made lakes.

The vision that Carl Garner has preached for the last 30 years involves responsibility. Today, because of the tenacity and foresight of this one man, we have a public law, Public Law 99-402, which requires all Federal agencies that manage land and water to conduct a Federal lands clean-up. Carl has taught us to be responsible with our environment through the Greers Ferry Lake clean-up, which occurs on the first Saturday following Labor Day each year. Over the years, literally hundreds of thousands of volunteers have learned how to be environmentally responsible because of Carl's legacy, and Greers Ferry Lake is the result.

Mr. President, I am proud to say that Carl Garner is my friend. His impact on my world is profound. Today I salute him and wish him the very best in his future endeavors as he enjoys a well earned retirement from Federal service.•

• Mr. HATFIELD. Mr. President, it gives me great pleasure to share with the Senate the accomplishments of an outstanding researcher from Oregon Health Sciences University [OHSU], Dr. David A. McCarron. His research was recently validated by a team of researchers from McMaster University in Hamilton, Ontario. The findings of the research was published in the prestigious Journal of the American Medical Association, on April 10, 1996, accompanied by an editorial from Dr. McCarron.

The research done at McMaster University has bolstered the findings of Dr. McCarron and his team of researchers in dealing with the relationship between calcium deficiency in pregnant women, and the amount of maternal and fetal morbidity. What the team found was that if the amount of calcium taken by pregnant women is increased, the amount of maternal and fetal morbidity was significantly reduced. In fact, high blood pressure was reduced by 70 percent among women who consumed the equivalent of four servings of dairy products a day, or 1,500 milligrams of calcium.

What does this mean to all Americans? The 1992 direct health care costs related to hypertensive disorders of pregnancy have been estimated at $18 to $22 billion. But more importantly, the savings would be felt by millions of children who would have a healthier head start in life. This is another fine example of the cost savings results of biomedical research.

Let me again point out for my colleagues that an important portion of the funding for this program came from the legislative language in an appropriations bill. The fiscal year 1992 Agriculture appropriations bill led to a grant to OHSU, and Dr. McCarron, to continue their research effort in the field of assessing calcium impacts on pregnancy, infant birth weight and a wide variety of other nutritional areas. The money bridged a gap for the program until further private funds could be obtained. The importance of this grant and the continuation of this program is now being felt throughout the medical community.

This is the type of appropriations funding provision that has been the subject of heavy criticism in recent years. However, it is this type of modest investment, this type of gentle nudge to the administration, that leads to huge strides in medical research and better health for Americans. The simple fact is, without the funding that Dr. McCarron's research received, as a result of this provision, the program would likely have ended. The continued funding and granting of money to these programs is not only important, it is imperative. Billions of dollars will be saved and lives will be improved as a result of this work by Dr. McCarron.

Dr. McCarron is a soldier in the cause of medical research. He not only fought for his program, but cleared a path for all medical research programs. His tireless devotion to the betterment of the community around him has made him an ally to all medical research. His research will help hundreds of thousands of mothers and children for decades to come.

I ask to have printed in the RECORD the JAMA piece written by Dr. McCarron.

The material follows:

DIETARY CALCIUM AND LOWER BLOOD PRESSURE—WE CAN ALL BENEFIT

Dietary calcium intake fails to meet recommended levels in virtually all categories of Americans. The health implications of this trend were recently addressed by a National Institutes of Health Consensus Conference, which noted that several other common medical conditions besides osteoporosis are associated with low dietary calcium intake. The articles by Bucher et al in this issue and the April 3 issue of THE JOURNAL focus on one of these conditions: increased arterial pressure. These meta-analyses of randomized controlled trials of blood pressure and calcium levels in 2412 adults and in 2459 pregnant women provide compelling evidence that both normotensive and hypertensive individuals may experience reductions in blood pressure when calcium intake is increased.

Do these reports represent this week's favorite nutrient-disease relationship, only to be cast aside when a subsequent study fails to confirm these authors' conclusions? Several factors argue against that possibility. Viewed in the context of substantial prior observational and experimental evidence, the biological plausibility that calcium exerts a favorable effect on arterial pressure is strong. Furthermore, these summary analysis provide insights concerning why nutrient-disease relationships appear at times inconsistent. A threshold of calcium intake below which arterial pressure increases has been documented in experimental models and in epidemiological reports linking low calcium intake to higher arterial pressures. The threshold range overlaps with the median intake of calcium for adults. As observed by Bucher et al, such a threshold effect predicts that trials composed of participants with varying baseline calcium intake may result in a heterogeneous response, with a negligible or small benefit. The benefits for those individuals whose calcium intake is below the threshold may be masked by the null effect in those whose baseline calcium intake is sufficient.

To better estimate the cardiovascular impact of achieving the recommended levels of dietary calcium intake, researchers should focus either on subjects who are below the threshold or on those whose threshold has shifted upward because of biological demands. Bucher et al did both. Numerous observers have confirmed our index report that persons with hypertension consume less calcium and thus are more likely to be below the threshold. As that evidence would predict, Bucher and colleagues identified a larger benefit of increasing calcium intake in hypertensive than in normotensive subjects.

Calcium requirements vary across the life span. When calcium needs are increased, the relationship between calcium intake and biological responses may be amplified. By analyzing separately the randomized controlled trials in pregnant women, Bucher et al tested this relationship. Gestation is a transient period of increased risk of elevated arterial pressure. It is also a period in which the metabolic demand for calcium increases dramatically. In this otherwise healthy, young, normotensive population, Bucher et al established an unequivocal benefit of increasing calcium intake for both mean arterial pressure and the incidence of pregnancy-induced hypertension, which was reduced by 70%. Preeclampsia was reduced by more than 60%

The observation of Bucher et al that cardiovascular benefits of sufficient calcium intake increased with the quality of the study strongly supports the validity of these findings. The fact that pregnant women 20 years of age or younger benefited more than older pregnant women is another example of increased biological needs for calcium amplifying the relationship between calcium level and blood pressure. Younger pregnant women must provide calcium for the fetus as well as their own continued skeletal growth, thus multiplying their daily requirement. While the current calcium intake recommendation for pregnant women and adolescent females is 1200 to 1500 mg/d, their reported median intake is 600 to 700 mg/d. As the analysis of Bucher et al revealed, the cardiovascular benefits of consuming sufficient calcium are greater in those whose intake is least adequate for biological demands. As noted by these authors, what remains to be confirmed are the trends for reduced maternal and fetal morbidity. Similarly, the impact of adequate calcium intake on infant and childhood blood pressure must be defined, because calcium needs are increased at this time. The anticipated release of data from the National Institutes of Health trail of Calcium for Preeclampsia Prevention (CPEP) should address these issues.

For pregnant women the goal is clear, calcium intake must meet metabolic needs. Current intakes in women of childbearing age are not sufficient to assure optimal gestational blood pressure regulation. Younger women can no longer assume that the consequences of inadequate calcium intake will emerge only decades later as osteoporosis. They may occur within 9 months as serious complications for both mother and child. Optimizing calcium intake will benefit not only pregnant women but also society in general. The 1992 direct health care costs related to hypertensive disorders of pregnancy and their sequelue have been estimated at $18 billion to $22 billion. Using the most conservative estimates of Bucher et al, the savings from increasing calcium intake during pregnancy might reach several billion dollars within 1 year.

In virtually all age, sex, and ethnic categories of the U.S. population, median calcium intake is equal to or less than the minimum recommendation, leaving more than 50% of individuals consuming inadequate amounts of calcium. For those groups at higher risk of hypertension (African Americans, pregnant women, the obese, and the elderly), the situation is worse. Furthermore, consuming adequate calcium is no longer simply a "women, issue." After age 40 years, American men have a median calcium intake of less than 750 mg/d. For African-American men, whose risk of hypertension is two to three time that of their white counterparts, the median calcium intake is than than 600 mg/d. There are therefore many reasons, including control of arterial pressure, why every individual should be advised to consume the current recommended level of calcium as a general health measure.

DAVID A. MCCARRON, MD.
DANIEL HATTON, PHD.•

DESPITE ITS FLAWS, A RESPONSIBLE BUDGET AGREEMENT

• Mr. WELLSTONE. Mr. President, late last week we finally approved a budget for the fiscal year which started 7 months ago. After long and heated negotiations, Presidential vetoes, and numerous shutdowns of the Federal Government, that budget protected many of the priorities that had been identified by the President and by Democrats here in Congress, including key investments in education, crime prevention, the environment, and other key areas. It also effectively removed many of the policy-related riders that would have done so much damage to our efforts to protect Americans in the workplace, and to protect the environment; major victories for all Americans.

The bulk of the funding for key education and job training programs, which I had fought hard to restore through an amendment on the Senate floor, was retained by the conferees. Key Federal investments in the skills, character, and intellect of our children must remain our highest priority.

The conferees also preserved funding for the new community policing program called COPS, which has provided funding for over 430 new police in Minnesota, and over 34,000 nationwide. Ultimately, it is scheduled to put 100,000 new police on the streets of our Nation's cities and towns. Chiefs of Police and sheriffs from across the country, from big cities, small towns, rural areas and suburbs, have supported this program because they know that more police make a real difference in combatting crime. This is a victory for communities nationwide who are struggling to bring down crime and combat fear in their streets by strengthening their community policing programs.

In addition to these major victories, the measure gained overwhelming approval here in the Senate because many Senators, including myself, believed that we must not allow to continue to go unfunded key Federal agencies and departments which protect the environment, provide funding for schools, protect the health and safety of Americans in their workplaces, provide funding for critical Federal health benefits, or support a host of other Federal activities.

While on balance I believe the bill goes a long way toward protecting key priorities, there are some areas where very large budget cuts will still be made by this bill. For example, I am very concerned that the House conferees insisted on slashing advance funding for the Low Income Home Energy Assistance Program, which is critical to thousands of Minnesotans who rely on it for heating aid in very cold weather.

Despite the battles over LIHEAP funding this past winter, and my amendment urging the Senate conferees not to accede to House demands to scuttle advance funding for this program, passed by a vote of 77 to 23, Senate conferees agreed to drop advance funding for next winter. This is a major and unwise policy change, and makes it doubly important that adequate funding for the entire heating season be provided in the fiscal year 1997 Labor-HHS appropriations bill that will be developed soon by the Appropriations Committee; I will fight to fully restore these funds during that process.

There are also substantial cuts in programs for the arts, for legal service programs which ensure that the constitutionally guaranteed rights of even low-income people are secured within our legal process, for Federal Indian education efforts, for job training, for homeless programs, and for a host of other key public investments in our future. While I recognize the need to continue to reduce the deficit, I opposed these cuts, and will be working to restore critical funding in these areas in the coming months.

Mr. President, I did not agree with all of the priorities contained in the omnibus appropriations bill. It is not the bill I would have written. My colleagues know I would restructure Federal spending in very different ways, even while securing the same level of savings. But this final agreement allowed us finally to move beyond last year's funding fights, and to turn our attention to this year's appropriations process. That is why I supported it, despite its flaws. I hope we can do better this year; Americans deserve a more orderly and responsible process, with very different priorities, than Congress delivered this year.•

CONGRATULATIONS TO UNIVERSITY OF UTAH MEN'S AND WOMEN'S SKI TEAM NCAA CHAMPS

• Mr. BENNETT. Mr. President, I am pleased to offer my spirited congratulations to the University of Utah Men's and Women's Ski Team on their recent NCAA championship. The University of

Utah has a lengthy tradition of producing competitive, skilled student-athletes and I am proud to recognize these champions today.

I would like to congratulate their individual hard work and dedication, as well as their competitive team spirit and unity. Utah is proud to be represented by these talented student-athletes and coaches. The University of Utah Men's and Women's Ski Team of 1996 are true champions and I would like to mention each member of their team individually.

I congratulate Women's Alpine team members: Christi Hager, Heather Munroe, Tina Kavcic; the Men's Alpine team members: Alain Britt-Cote, Mike Elvidge, Andy Hare; the Women's Cross-Country team: Stine Hellerud, Heidi Selnes, Ingvil Snofugl; and the Men's Cross-Country team: Tor Arne Haugen, Asle Slettemoen, Kurt Wulff.

I would also like to congratulate the coaches Mark Bonnell, Kevin Sweeney, and John Farra, as well as the trainer Greg Thorpe and the Director of Skiing at the University of Utah, Pat Miller. Utah is proud of the accomplishments of this team and its coaches.

In addition to being home to the "Greatest Snow on Earth", the U.S. Ski Team and the 2002 Winter Olympic Games, Utah is proud to be the home of fine higher education institutions like the University of Utah. To the talented and skilled student-athletes and coaches on the 1996 Men's and Women's Ski Team from the University of Utah, I give my heartfelt congratulations on their 1996 NCAA championship and confidence we will continue to see their names listed among the outstanding athletes in the country and the world.•

ZOO AND AQUARIUM MONTH

• Mr. HATFIELD. Mr. President, it is my pleasure to pay tribute to the valuable research performed by the Metro Washington Park Zoo in Portland, OR, and the other member institutions of the American Zoo and Aquarium Association [AZA]. These zoos and aquariums use the most advanced technology and some of the most dedicated of our Nation's scientists to ensure the survival of species worldwide. Research is the first step in conservation, and during April, which is Zoo and Aquarium Month, I would like to recognize the many steps toward conservation taken by AZA institutions.

Zoos and aquariums were among the first institutions to recognize the threat of species extinction around the world and to make research geared to alleviating this problem one of their top priorities. Their ever-increasing expertise has since served as a valuable resource to conservation efforts throughout the world. I am proud to commend the staff of Metro Washington Park Zoo for their significant contributions to the conservation and breeding of Asian elephants. The research performed by Metro Washington Park Zoo and its AZA counterparts help ensures that our grandchildren will enjoy the same animals that we all enjoy today. The research enables us to better understand our world and, ultimately, ourselves.

Our Nation has long acknowledged the value of our local zoos and aquariums. They educate as well as entertain, and have long served as playgrounds for our children's imagination. I would like to ask my colleagues to join me in recognizing April as Zoo and Aquarium Month, and I encourage my colleagues and all Americans to visit their local zoo or aquarium with their family and friends.•

MEASURE PLACED ON CALENDAR—SENATE JOINT RESOLUTION 53.

Mr. SIMPSON. Mr. President, I send a joint resolution to the desk and ask unanimous consent that it be placed on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, APRIL 30, 1996

Mr. SIMPSON. Mr. President, I ask unanimous consent that when the Senate completes it business today it stand in adjournment until the hour of 9 a.m., Tuesday, April 30, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then shall be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each, except for the following: Senator CHAFEE and Senator BREAUX for a total of 60 minutes. I further ask unanimous consent that immediately following morning business, the Senate resume consideration of the immigration bill, and that the Senate recess from the hours of 12:30 p.m., to 2:15 p.m., for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SIMPSON. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, and the pending amendment offered by Senator GRAHAM, tomorrow morning. Senators are encouraged to offer their germane amendments to the SIMPSON amendment throughout the day, therefore, rollcall votes may occur prior to the 12:30 recess, and can be expected throughout Tuesday's session. A cloture motion was filed to the immigration bill this evening, therefore, that cloture vote will occur on Wednesday. As a reminder, under the provisions of rule XXII, Senators have until the hour of 12:30 tomorrow in order to file first-degree amendments to the underlying bill, S. 1664.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. SIMPSON. Mr. President, if there be no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:43 p.m., adjourned until Tuesday, April 30, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate April 29, 1996:

DEPARTMENT OF STATE

AVIS T. BOHLEN, OF THE DISTRICT OF COLUMBIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF BULGARIA.

MARISA R. LINO, OF OREGON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

JOHN FRANCIS MAISTO, OF PENNSYLVANIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF VENEZUELA.

ANNE W. PATTERSON, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF EL SALVADOR.

EXTENSIONS OF REMARKS

IN TRIBUTE TO SGT. CHARLES NICOLLS

HON. SAM FARR
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Monday, April 29, 1996

Mr. FARR of California. Mr. Speaker, on May 4, 1996, the Cabrillo College Police Officers Association will host a retirement party for Sgt. Charles "Chuck" Nicolls in recognition of his 27 years of service to the students, faculty, and fellow employees of Cabrillo College, located in Aptos, CA.

Mr. Nicolls has served the people of California as a firefighter and police officer for 27 years. He was employed by the city of Modesto as a firefighter and fire company engineer from August 1964 to February 1969.

He then served as a police officer, motorcycle officer, and undercover narcotics officer from February 1969 to April 1985, often under perilous conditions. Sergeant Nicolls then served the Cabrillo Community College from September 1989 to March 1996, as a police officer, training manager, administrative sergeant, and the "Chief of Barb B-Q's" for all special events. Sergeant Nicolls established a training site at Cabrillo College for the California Motorcycle Safety Training Program. Sergeant Nicolls stayed on-duty for 26 hours after the Loma Prieto earthquake.

On February 15, 1995 Sergeant Nicolls was awarded American Police Hall of Fame Distinguished Medal of Honor and citations for his contributions to the community. Throughout his whole career, Sergeant Nicolls has consistently demonstrated a sense of honor and duty, rare in today's world.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 30, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 1

9:00 a.m.
Armed Services
Closed business meeting, to mark up a proposed National Defense Authorization Act for fiscal year 1997, and to receive a report from the Senate Select Committee on Intelligence on the Intelligence Authorization Act for Fiscal Year 1997.
SR-222

9:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on Reserve and National Guard programs.
SD-192

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Labor and Human Resources
Business meeting, to mark up S. 1643, to authorize appropriations for fiscal years 1997 through 2001 for programs of the Older Americans Act, and to consider pending nominations.
SD-430

Small Business
To hold hearings on the nomination of Ginger Ehn Lew, of California, to be Deputy Administrator of the Small Business Administration; to be followed by a hearing on the President's proposed budget request for fiscal year 1997 for the Small Business Administration.
SR-428A

10:00 a.m.
Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH-216

10:30 a.m.
Judiciary
To hold hearings to review the national drug control strategy.
SD-226

2:00 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on develop assistance to Africa.
SD-419

2:30 p.m.
Appropriations
Foreign Operations Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for foreign assistance programs, focusing on the New Independent States.
SD-138

Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine airport revenue diversion.
SR-253

MAY 2

9:00 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for energy conservation programs.
SD-116

Armed Services
Closed business meeting, to continue to mark up a proposed National Defense Authorization Act for fiscal year 1997.
SR-222

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 1401, to amend the Surface Mining Control and Reclamation Act of 1977 to minimize duplication in regulatory programs and to give States exclusive responsibility under approved States program for permitting and enforcement of the provisions of that Act with respect to surface coal mining and reclamation operations, and S. 1194, to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources.
SD-366

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Aviation Administration.
SD-192

Judiciary
Business meeting, to consider pending calendar business.
SD-226

Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH-216

10:30 a.m.
Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for fossil energy, clean coal energy, the Strategic Petroleum Reserve, and the Naval Petroleum Reserve.
SD-116

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the judicial system.
S-146, Capitol

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Energy and Natural Resources
Parks, Historic Preservation and Recreation Subcommittee
To hold hearings on S. 742, to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska, and South Dakota, designated as a recreational river, to acquisition from willing sellers, S. 1167, to exclude the South Dakota segment of the Missouri River designated as a recreational river, S. 1168, to exclude any private lands from the segment of the Missouri River designated as a recreational area, S. 1174, to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System, and S. 1374, to require the adoption of a management plan for the Hells Canyon National Recreational Area that allows appropriate use of motorized and non-motorized river craft in the recreation area.
SD-342

Judiciary
To hold hearings on pending nominations.
SD-226

Select on Intelligence
To hold closed hearings on intelligence matters.
SH-219

2:30 p.m.
Environment and Public Works
To hold hearings on the nomination of Hubert T. Bell Jr., of Alabama, to be Inspector General, Nuclear Regulatory Commission.
SD-406

MAY 3

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Veterans Affairs.
SD-192

Joint Economic
To hold hearings to examine the employment-unemployment situation for April.
SD-562

MAY 7

9:30 a.m.
Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings on the General Service Administration's Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, Virginia.
SD-406

10:00 a.m.
Judiciary
To resume hearings on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure.
SD-106

Joint Library
Business meeting, to consider a report of the General Accounting Office on the Library of Congress.
SR-301

MAY 8

9:30 a.m.
Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR-301

10:00 a.m.
Veterans' Affairs
To hold hearings to examine the reform of health care priorities.
SR-418

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.
SD-138

MAY 9

9:30 a.m.
Indian Affairs
To hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe versus Florida on the Indian Gaming Regulatory Act of 1988.
SD-G50

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Transit Administration.
SD-192

MAY 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies.
SR-332

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR-301

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.
SD-192

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the United States Coast Guard.
SD-192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.
SD-192

MAY 22

9:30 a.m.
Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.
SR-301

MAY 24

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.
SD-192

JUNE 5

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine proposals to reform the Commodity Exchange Act.
SR-328A

SEPTEMBER 17

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.
334 Cannon Building

POSTPONEMENTS

APRIL 30

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on the proposed nomination of Michael Kantor, of California, to be Secretary of Commerce.
SR-253

SENATE—*Tuesday, April 30, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

O God, our help in ages past, help us to be open to Your serendipities today. Grant that we may not allow our experience of You in the past to make us think that You are predictable or limited in what You can do today. Help us not to become so comfortable with the familiar that we miss the new things that You want to do in and through us and in our Nation.

Father, our life is so often filled with stress and pressure. We need Your help in keeping our hearts receptive to Your Word in the midst of all of the other words that clamor for our attention. May our constant question be: "Is there any word from the Lord?"

Help us to have no other gods before You—neither our power, popularity, nor plans. Grant that we may value spiritual riches over material and give You first place in our hearts. With these priorities, bless us in our work today. In our Lord's name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

SCHEDULE

Mr. CHAFEE. Mr. President, today there will be a period for morning business until the hour of 10 a.m. Immediately following morning business, the Senate will resume consideration of S. 1664, the immigration bill, and the pending Graham amendment. Additional amendments are expected to be offered during today's session. Therefore, Senators can expect rollcall votes throughout the day, possibly prior to 12:30. A cloture motion was filed to the immigration bill last night, and in accordance with rule XXII, Senators have until 12:30 today to file first-degree amendments to the bill. The Senate will recess between the hours of 12:30 and 2:15 for the weekly policy conferences to meet.

I thank the Chair.

I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. BREAUX addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Louisiana is recognized.

Mr. BREAUX. I thank the Chair. I will yield myself 5 minutes under that unanimous consent.

THE CENTRIST COALITION PROPOSAL

Mr. BREAUX. Mr. President, for colleagues who may be watching by their TV monitors, Senator CHAFEE and I have taken this time this morning to talk, once again, about the so-called Chafee-Breaux centrist coalition proposal, which I think is monumental legislation in that it presents to the Senate a way to achieve a balanced budget in a 7-year period and do so in a bipartisan fashion.

A lot of people have said that something of this nature cannot be accomplished in an election year. Our operations and the legislation that we offer proves that it can be done. We have met since October 1995, last year, on a regular basis, sitting down and discussing the difficult problems that are facing this Congress. It is very clear that the alternative of doing nothing is not a real alternative.

Unless we get a handle on entitlement spending, and unless we make major changes in the entitlement programs, our country is going to be in very, very serious trouble. The alternative, I think, is a bright future for this country and for our children. With a balanced budget, people see a number of benefits that are real, that are tangible, that affect their daily lives—lower interest rates on home mortgages, lower interest rates on car notes, more spendable money to spend at home on the things that families need in terms of education and health care.

We have presented a package for our colleagues to consider, and we hope that after reading our plan, they will join with us in a true bipartisan fashion and move on and enact a balanced budget in this Congress. It is not too late. It is only too late if we do nothing. It is absolutely critical that we take this step in this Congress.

I point out that here we talked about how close we are in the various proposals. There is much similarity in the administration's latest proposal and the proposal from the Republicans and the proposal from our centrist coalition, the Chafee-Breaux proposal. There is no reason that, with all of these things that we have already agreed on, we cannot take the next step and work out the differences that still exist.

All three proposals have a balanced budget using CBO numbers. We save between $600 and $700 billion over the life of this plan, and we do it while protecting the needs of the must vulnerable in our country—the people on Medicaid, Medicare, and welfare. So it is not to say that you cannot save between $600 and $700 billion and not at the same time protect the most vulnerable in our population.

Our Medicare proposal is real reform. It is not just cutting Medicare, but it is real reform in a major way in the programs, giving beneficiaries more choices, which will increase the solvency of the trust funds. We make reductions in spending. It is not as much as some would like, but it is more than others would like. In Medicaid, we have worked with the Governors in a bipartisan fashion to come up with our Medicaid plan, which I think has gotten a lot of support from the Governors. Democratic Governors have said they would like this to be done. Republicans, I think, would agree with the direction we are moving in. It maintains flexibility and some of the standards. It is basically a Federal program working with the States.

Yes, there should be Federal standards about how the programs are going to be worked out. On welfare, as President Clinton said, a welfare reform bill should be tough on work but good for kids. Our plan does that. Our plan takes care of children. It provides more child funding for parents who are working, for child care and day care. At the same time, we have vouchers for children after their parents are terminated off of welfare. If the parents are able to work, they should work. Welfare cannot be a permanent way of life. We have time limits. We have a block grant to the States. Yes, there is more cooperation between the States and the Federal Government as to what they have to do.

Yes, we have a tax cut. Some say we need a $245 billion tax cut. Well, we have a real $105 billion tax cut, with $25 billion of loophole closings, which I think most people can agree to. We have a tax cut for families, $250 per child tax cut, which goes up to $500 per child if they invest in an individual retirement account in that child's name. We have reductions for education. This is a family friendly tax proposal in the sense that it helps working families. We have some alternative minimum

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

tax relief, which many people will agree we should have. We have a capital gains tax cut, which we think is important to create economic incentives for individuals and for corporations in this country.

Finally, we have an adjustment in the Consumer Price Index. A lot of people said you cannot do that. Well, we have done that in a bipartisan fashion. Economists who are both Republican and Democrat have told us that the CPI, Consumer Price Index, which is the vehicle that is used to project all of the cost-of-living adjustments, is overstating what those adjustments should be.

So we have taken the step of saying we are going to have a reduction of five-tenths of 1 percent, one-half of 1 percent for 2 years and then three-tenths of 1 percent for the remaining years in our budget plan. That saves $110 billion. For a Social Security recipient, it means, instead of getting the normal increase, they would still get an increase in their benefits, but it would be approximately $3 less than they would normally get per month. But what it does is help save the system.

I suggest that most people who are on retirement programs would say it is important to save the system, not only for me as a selfish reason but for my children and my grandchildren, and we are asking everybody to have a more realistic adjustment in what their increases should be—still get an increase if the cost of living goes up, of course, but guaranteed, guaranteed in a better fashion because the system is going to be stronger. All of the retirement programs will be stronger and more solvent as a result of our Consumer Price Index adjustment. People will get an increase. The increase will be smaller than it might have been, but the principle is that the formula is incorrect, and we are trying to correct the formula. What is wrong with that?

So, Mr. President, let me reserve my time and conclude by saying that there is going to be an opportunity perhaps in the next couple of weeks to present our budget in this Chamber, to have our colleagues take a look at it and to, yes, vote for it because we think it truly represents the only bipartisan effort that has a real chance of passing and getting the job done.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I want to ask the Senator from Louisiana a couple of questions, if I might, on my time.

Mr. BREAUX. Sure.

Mr. CHAFEE. I should like to say to the distinguished Senator that I encounter fellow Senators who say, "I'm all for your plan except I don't like the tax cut," or, "I am all for your plan except I don't like that change in the Consumer Price Index," or, "That's an excellent plan, but the Medicare number isn't the one I like."

Now, my question to the Senator from Louisiana is, What other vehicle is going to be presented that fixes these problems? If they do not accept our proposal, the proposal of the distinguished Senator from Louisiana and I and this wonderful group of bipartisan Senators working with us, if they do not like that, what else has a chance at being enacted that is going to balance this budget, not only at the end of the seventh year but in the outyears as well?

Mr. BREAUX. If the Senator will yield for a response to the question, the Senator has outlined a formula for failure, a formula for disaster. If every Member comes up and says, "I like what you have done except one little item," we will never get any agreement. The essence of the agreement on this issue is a compromise between those who want to do it all one way or all the other way. So, yes, there will be differences, as there was—and I know the Senator remembers this—in our own discussions. The Members said, "It is a little too far in this direction," or, "It is not far enough in that direction."

What we have shown, however, is that you can come together in a bipartisan fashion and reach an agreement that gets the job done. I think it is a genuine compromise. That is the only way the job can get done.

Mr. CHAFEE. The distinguished Senator from Vermont is here and has some comments on this, and I know he has duties presiding in a few minutes, so I would like to yield whatever time he wishes.

Mr. JEFFORDS. I thank the Senator very much, my good friend from Rhode Island. I am pleased to be here again this morning to talk about the importance of adopting a balanced budget in this Congress.

As the speakers before me have outlined, it is extremely serious, and this may be the only opportunity we have now that we have a group of moderates who believe very strongly that there is a solution and that if we all sit down together and reason, we can have a balanced budget. I believe that very strongly.

The last time I spoke here, I spoke as a member of the Appropriations Committee and of the dire need with respect to the ability to appropriate to bring the entitlements under control. I suggested at that time that we had some difficult decisions to make in that regard. In particular, we have to look at the CPI and also we have to look at entitlements, especially those in the area of Medicaid and Medicare, to find ways to better handle them so that we do not continue the rapid increase we have in expenditures, which has made it imperative that we get together on a balanced budget.

Today I would like to speak to you as the chairman of the Senate Education Committee. Those of us who depend upon discretionary funds to accomplish those goals which we have set out look at the future and realize that with the increasing needs we have because of international competition in the area of education, there is no way we can reach those by depending upon our State and local governments to raise those funds, especially if you take a look at what the present trends show would be necessary to cut back on discretionary spending, especially the nonmilitary discretionary spending.

Let me briefly outline to you some of the dire consequences with respect to education.

On the one hand, we have recognized now for over a decade the incredible need we have to improve our educational system, in particular to meet the demands of international competition. Study after study has shown that if we do not change and improve our educational system, then in the next century the United States will no longer be an economic power but will be a second-rate power.

What is the rationale and what are some of the reasons for that conclusion? First of all, international studies comparing our young people with those of other nations have shown that this country, which has been proud of its educational system, ranks dead last when it comes to the ability of our young people with respect to mathematics, with China, a growing economic power, being by far the leader with respect to education of its students in mathematics.

In addition, even a more horrible situation is the fact of the so-called forgotten half. The forgotten half are those individuals who are not college bound. We have not paid much attention to that group. In fact, studies that have been done by those who measure literacy found that half of our students who graduate from high school are functionally illiterate. That has to be turned around.

That is not even taking into consideration the fact that in some cases up to 30 percent of the students have already dropped out of high school. If you add those percentages together, you can see that this Nation's might with respect to education capacity is not there.

What do we do to change that? I am not one who would be up there to disagree with those who say you just cannot throw money at and improve education. That is a fact. What you cannot do is say you must cut back on education. Now we have suddenly gotten the message, at least from the people as well as from those who are discussing it, that cutting education is the poorest thing we can do.

But, again, I wish to point out that if we do not do something about balancing the budget, the impact upon discretionary spending is going to be so dramatic we cannot escape the fact we may have to start cutting back on education. That would put this Nation in dire peril. The public agrees with this; 86 percent say do not cut education, and 80 percent of those who said balance the budget said, yes, but do not cut education.

Congress heard that message this time, and we were able to escape. Due to the efforts of the Senator from Maine and others, we were able to stop, for instance, the tendency to seriously cut back on funding with respect to higher education. We were able to stop that and to keep it steady rather than having the dramatic cuts that were suggested by the other body.

In addition to that, the work of the senior Senator from Pennsylvania was very dramatic in the final analysis on the need not to cut back on education, and we finally recognized that we could not and we did not this time cut education. But the pressures in the future are going to be very dramatic.

Let me conclude by pointing out again there are dramatic needs in education that must be fulfilled. For instance, if we were to match what other countries do with respect to days spent in education—China spends 250 days a year in education; we spend 180, and all of the other nations, our international competition in Asia and Europe, average about 220 days—we would have to appropriate, in order to get even with the average, some $76 billion to spread over the States. That is just one example. I could go on.

Let me just stop and say we have an opportunity here through the leadership of Senator CHAFEE and Senator BREAUX to be able to bring into check the decrease in the spending of the discretionary funds which will be necessary if we do not adopt a plan such as theirs.

I commend them for their effort. I intend to work as hard as I can in order to bring the spending under control so that we do not have to have the negative impact upon education which we will have to have if we do not do so.

I yield the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDENT pro tempore. The distinguished Senator from Rhode Island, Senator CHAFEE, is recognized.

Mr. CHAFEE. Mr. President, first I would like to thank the Senator from Vermont for his effective comments.

I notice the senior Senator from Pennsylvania is here. I would be glad to hear his views on this subject.

Mr. SPECTER addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Pennsylvania, Senator SPECTER, is recognized.

Mr. SPECTER. Mr. President, I thank the Chair. I thank my colleague from Rhode Island for yielding to me, and I congratulate him and the distinguished Senator from Louisiana, Senator BREAUX, for the tremendous amount of work and success which they have brought into a program for a 7-year balanced budget.

My sense is that with a centrist approach, which is represented by the charts which Senator BREAUX has spoken about and the one which is next to Senator CHAFEE, we can have a balanced budget, and we can do it with a scalpel and not with a meat ax.

The bill which we passed last week and which was signed by the President is illustrative, in my judgment, of what we can do if we really set our minds to it. I chair the Subcommittee on Labor, Health, Human Services and Education. And, as I have said on this floor, it has been an embarrassment to me that that bill could be brought to the floor at a much, much earlier time. I will not review the bidding as to why it could not be brought to the floor, but suffice it to say that there were riders which kept it from consideration by the Senate.

Then Senator HARKIN, the ranking member on the subcommittee, and I crafted an amendment to add $2.7 billion, significantly for education, but also for health, human services, and worker safety. That amendment passed the Senate by a vote of 84 to 16, which is obviously a very strong bipartisan showing.

We then went to conference with the House of Representatives. The very difficult part is finding the figures which will be signed by the President and which will be acceptable to the House of Representatives. We had 20 hours of negotiations over 2 days, and we finally worked it through on the House-Senate conference with the House conferees to bring it to a narrow 6-to-5 vote, but it was accomplished.

I believe that is indicative of what we can do with this centrist approach. It is my hope that this will be reduced to bill form and that we will put it forward.

I have urged my colleague, Senator CHAFEE, to bring the proposal to the floor and to bring it to a vote because I believe that there are many Senators, besides the 20 or so who have joined in these meetings, who would be willing to support it if it came to the Senate floor for a vote.

It is reminiscent of the tremendous job which the distinguished Senator from Rhode Island, Senator CHAFEE, did on health care back in 1992, 1993, and 1994. He had so many meetings in his office at 8:30 in the morning every Thursday that most of us should have been lessees. We should have paid rent over there.

One of the concerns that I had on the tremendous job which he did was that it never came to the floor for a vote under the time of pressure for which I think we would have enacted that bill. He did set the stage, I think, for those of us working with him, and under Senator CHAFEE's leadership, for the legislation which was passed last week, the Kassebaum-Kennedy bill. This bill, which is targeted, did not have the problems of the administration's bill which was a complete revolution.

So that with this centrist approach, I think we have it. I hope we will bring it to the floor. I think it is the model for accommodation, and I am glad to be a part of the team.

Again, I thank my colleagues who yielded the floor.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. JEFFORDS). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the senior Senator from Pennsylvania for his kind remarks and for the wonderful work and help which he has given us on this.

I would like to turn back, if I might, to the Senator from Louisiana because both of us have encountered, as I have previously mentioned, objections to specifics here. But this is not exactly unknown territory.

Let me suggest to the Senator from Louisiana that a bill went through this body which had high tax cuts. It did not have the corrections to it in the CPI. And that bill, as I recall, did not get enacted into law. In other words, one approach was tried which many people here say, "Oh, we need more taxes. We do not like this. You only have $130 billion in taxes. You ought to have $245 billion." OK. We tried that.

Am I correct in saying that?

Mr. BREAUX. The Senator is absolutely correct. We discussed and had heated discussions about the size of all of these reductions in spending as well as the size of the tax cut. But this is reflective of a genuine compromise reached between people of differing opinions. But it reflects, I think, the only way we can get the job done.

Mr. CHAFEE. So when those others say do it this way or do it that way, there is no other train leaving the station that I am aware of that is going to reach the terminal point successfully. In other words, the President has indicated that, and the Democratic leadership has indicated that they do not want high tax cuts.

Am I correct in that?

Mr. BREAUX. The Senator is correct. I think both sides have sort of polarized on whether to have a tax cut or not. But we have tried to listen to both sides and try to come up with a recommendation that meets the concerns of both sides but reflects a true compromise.

Mr. CHAFEE. That is the point that I would like to get across to our listeners and viewers—that it is easy to be critical. It is easy to say, "oh, no. Do not fool with that CPI, that Consumer

Price Index, and the Medicare figure is too high. We do not like what you have done on welfare. The Republican Governors do not like what you have done totally on welfare an area that has been mentioned before briefly.

We make some savings out of Medicare, or actually what we do is we reduce the rate of growth over the next 7 years. Medicare, unless something is done, is truly going to go broke.

People say, "Oh, we have heard you people say that around here on this floor before." All right, let us just look and see what has happened. We have two recent reports. The New York Times reported last Tuesday that the Medicare hospital insurance trust fund—which is the fund that pays the hospital bills for the elderly—operated at a loss for the first 6 months of this current fiscal year. It fell short, the outflow as compared to the income, fell $4 billion short in that brief time.

So once upon a time we were bringing in more revenue than we were expending and we built up a surplus. Now the lines on the graph have crossed and the expenditures are exceeding the income. That is not going to change unless we do some things.

Yesterday's Washington Post reported the Congressional Budget Office now believes the Medicare trust fund will become insolvent in the year 2001. When we started on this exercise just a few months ago we thought it was going to go insolvent in 2002, so in just a few months we have seen the fiscal situation of the trust fund deteriorate by a year. So, unless something is done in this Medicare Program, along the lines that we have suggested, the Medicare trust fund, which pays the hospital costs of the elderly in this Nation, is going to go broke. That is something we ought to take very, very seriously.

I read a comment the other day in the newspaper where somebody said, "Oh, don't believe that. We are going to take care of it." It is not easy to take care of some of these situations once the downward spiral starts and the expenses exceed the income. Once that starts there is really serious trouble ahead.

I would like to now touch briefly on the Consumer Price Index. The Consumer Price Index has clearly been overstated. What we do, as the Senator from Louisiana pointed out, in our group, we say let us state the Consumer Price Index accurately. So that is what we have done. That results, fortunately, in dramatic savings, not just over this 7-year period, but for the outyears as well. So, a key part of our proposal here is the recognition of the fact that the Consumer Price Index is overstated. We hope our fellow Senators, paying attention, listening and studying this situation, will come to the conclusion that we have, that it is essential to state the Consumer Price Index in an accurate form. That results, as I mentioned, in our calculations, of a $110 billion savings over the 7-year period with dramatic savings in the outyears, and which will mean, as the Senator from Louisiana briefly said, that Social Security and Medicare will be here in the future years.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. Mr. President, I yield myself such time as I may consume.

I would like to ask a question of the distinguished Senator from Rhode Island, because he was talking about the Consumer Price Index adjustment. He and I served on the Senate Finance Committee together. We know we had asked for a study by a commission to report to the Finance Committee. I think the commission was asked for by the distinguished Senator from New York, Senator MOYNIHAN, and, at that time, Senator Packwood, to report to us as to whether the CPI, the Consumer Price Index, was correctly reporting the cost of living or not. That commission made a preliminary report and said no, it is incorrect, in that it overstates inflation by anywhere between 0.7 percent up to 2 percent.

So what we have done is suggest we make an adjustment, that we make a correction, that we make it more accurate than it was before. Our plan says we are going to take a low estimate—let us use one-half of 1 percent—and make the adjustment there.

It seems to me, and I ask the Senator, that what we are suggesting makes such great sense I am wondering if he could comment on why there is so much opposition. It seems no one wants to touch this part of our plan for fear of the political consequences. Could the Senator shed some light on why something that seems so reasonable is such a problem to do?

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Rhode Island.

Mr. CHAFEE. I think the answer to this is that people really do not want to get into trying to solve these dramatic problems that are out there in connection with the entitlements. The word "entitlement" is one we toss around here, but what are entitlements? Entitlements are, principally, Social Security. But they are also Medicare, Medicaid, and welfare. We believe—and it is not just us but every serious student of the deficit of this Nation and the direction we are going has said so—it is essential to get the expenditures in these entitlement programs under control or there just plain will not be money to pay for them in the future years.

So when we began looking into this in the Finance Committee, as the Senator from Louisiana indicated, Chairman Alan Greenspan of the Federal Reserve came and testified before us and he said you should look into the Consumer Price Index, and whether it is accurately stated? It was his view, which was corroborated by further studies, that the Consumer Price Index is overstated and the Consumer Price Index is the basis on which the cost of living adjustments are computed for Social Security, for pensions, indeed, for the Tax Code.

So we looked into this further. As the Senator said, we set up a commission to look into what is the accurate Consumer Price Index. As the Senator said, the preliminary report has come back saying that as currently computed it is overstated somewhere between, on the low side 0.7 percent, on the high side 2 percent.

So we looked at that, here is 2 percent way up here, 0.7 percent here. We said we will not go as high as either of those figures. We will only make an adjustment of 0.5 percent, from the Consumer Price Index. Actually, we would make really tremendous savings if we, for example, took the 2 percent.

Mr. BREAUX. Yes.

Mr. CHAFEE. But we chose not to do that, as the Senator recalls.

Mr. BREAUX. Let me thank the Senator for that comment. I want to talk about why we did what we did with regard to the CPI adjustment, because it is controversial. But I think, as our colleagues understand better what it actually does in the real world, they will agree with us that it is the right thing to do. I think it is the correct thing to do, not only economically, I think politically it is the correct thing to do because we are telling senior citizens and everybody else who benefits from programs that are indexed for inflation, that we are going to take the steps necessary to make sure the program is there for the future. Unless some corrections are made, you are going to have an indexed program that does not have any money in it. So if the program is broke, what in the world is the benefit of having it indexed to inflation if there is no money left in the Treasury?

I will give an example. Just with the Social Security Program, the estimates are, by the year 2030, the number of people receiving benefits is expected to rise to 43 beneficiaries for every 100 workers. Right now it is 27 beneficiaries for every 100 workers. There is an explosion with the baby boomers who are going to be retiring. What that means in real terms is that by the year 2013, not that far off—by the year 2013, Social Security benefit payments will exceed the tax revenues dedicated to the program.

That simply means we are going to be paying out more than we are taking in. So if we are going to pay out more than we are taking in, what benefit is it to say it is indexed and I will get an increase every year to make up for inflation? If you do not have any money left in the pot, it does not matter it is indexed to any kind of standard because there is no money left to pay a person.

So what we have suggested is a fix in this area. It is not the only way to solve the problem, but it is part of a package. Increasing gradually the retirement age is part of that suggestion, and that I support as well.

Let me tell you what that means in the real world. I ask unanimous consent to have printed in the RECORD a table which is entitled "Impact of 0.5 percent CPI Change on Social Security Beneficiaries."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

IMPACT OF 0.5 PERCENT CPI CHANGE ON SOCIAL SECURITY BENEFICIARIES

	1995	1996	1997	1998	1999	2000	2001	2002
Average Monthly SS Benefit	637	656	676	696	717	738	761	783
Average Monthly SS Benefit CPI—0.5 Percent	637	653	669	686	703	721	739	757
Average Monthly Difference	....	3	7	10	14	18	22	26
Average Yearly Difference	....	38	79	121	166	213	263	315

Mr. BREAUX. What this simply shows is that it has a very small dollar impact on a retiree when you look at the great benefits of shoring up the system. For instance, the average Social Security monthly benefit in 1995 was $637 a month. With no change at all, that will go up to $656 a month in 1996.

With our change—and people say, "Oh, it's so difficult. It is impossible to do politically. You will have all the seniors unhappy. It is a terrible thing to do"—with our change the person who is averaging $637 per month in 1995 will still get an increase next year; it will go up to $653 instead of $656. That is $3 less. It still is a substantial increase.

What is more important, it is a more accurate increase because it more accurately reflects what the adjustment should be. How can anyone stand up and say, "Not only am I going to have my benefits increased for inflation, guaranteeing an annual increase, but I want it to be overstated, I want it to be inaccurate, and I want it to be a mistake, which determines how much I get."

How can anyone stand up and say, "I want an error in the adjustment of what the increase should be to determine how much I'm going to get from my Government," putting in jeopardy the entire program for future generations? I cannot think of a senior who would ever want to stand up and say, "I want more than an inflation adjustment accurately says I should get," when it runs the risk of destroying the very program that their children and grandchildren, as well as themselves, have come to depend on.

So we have taken a great, courageous political step, some say. I think it is a factual step that has to be taken in order to preserve the system. I reserve the remainder of my time.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I agree with the Senator from Louisiana that this step is simply the right thing to do. All we are doing is saying, let the Consumer Price Index be accurately stated. That is what we have chosen to do here.

Some have labeled that a very courageous step. We did not look on it that way. We think of it as the logical step to take to state the CPI more accurately. Likewise, there is, as the Senator from Louisiana so aptly stated, a tremendous benefit to doing that. Otherwise, unless we do it, the Social Security system is going to go under water.

I see the Senator from Washington here, and I am glad to hear his comments.

The PRESIDING OFFICER. The Senator from Washington.

Mr. GORTON. Mr. President, last Thursday, I appeared with the two distinguished Senators from Rhode Island and Louisiana and a large number of others to speak in favor of their bipartisan balanced budget proposal on which I have worked under their tutelage over the course of the last several months.

I do not need to repeat the history which led to this point or, for that matter, the details of the proposal itself, except to say, Mr. President, that this is, in fact, a balanced budget, a truly balanced budget by making real changes in the way in which we manage spending programs in this country, true reforms in entitlement programs, to a certain extent, and, in particular, reforms that were not even included in the balanced budget that were passed by this body in December. So from a substantive point of view, it is very real.

Mr. President, the only other comment about the program that I have to say is this. At one level, of course, balancing the budget is almost a moral course of action. It is simply wrong morally and ethically for us to continue year after year spending hundreds of billions of dollars on services that we want but are unwilling to pay for, and then sending the bill for those services to our children and to our grandchildren. Beyond it simply being wrong, Mr. President, it is destructive of opportunity for future generations.

We are convinced and we are told by those who are economic experts that a balanced budget, even the clear promise of a balanced budget, with policy changes that will lead to that point, will mean more money for the Federal Government from the present tax system because of lower interest rates and greater prosperity, but, more significantly than that, more money in the pockets of American citizens, more jobs, better jobs, lower interest rates on homes and automobiles and other major purchases people make. There is a tremendous fiscal dividend to be had from a balanced budget, not only for the Government but more importantly for our citizens.

I will conclude, Mr. President, by saying that I believe that the two Senators who have led this effort deserve the gratitude not just of the Members of the Senate and of the Congress, but of the American people. They have not to this point gotten the publicity, the public acceptance, the public knowledge, for that matter, of this proposal that they deserve. But they have soldiered on to a point at which this is a very real alternative and one I hope that Members of both parties and the President of the United States will accept.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I thank the Senator from Washington for those very generous remarks. I appreciate the kind words he said. Let me just say that we cannot go too far wrong if we are doing something right for the future generations of this Nation.

It is absolutely clear that, if we continue on the present course, trying to fund these entitlements—Medicare, Medicaid, Social Security, welfare—without changes, it is clearly going to bankrupt the Nation. You see some projections that estimate an individual will have to pay 80 percent of his or her earnings to the Federal Government in order to sustain these programs in future years. They are clearly out of control.

That is why we try to bring them under control. It is not just us predicting this. It is already happening, and ahead of schedule, as we see with the Medicare Program.

The Senator from Colorado is here, the senior Senator from Colorado. I will be delighted to hear his comments.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. I thank the Senator from Rhode Island and the Senator from Louisiana for their leadership on this project.

Mr. President, why in the world would you have a budget process going on separately from the committee? I think there are some simple truths that lay out why. The reality is that this Congress tried to control spending. They did it by proposing increases last year of roughly 3-percent. That may not sound like cuts to people outside the U.S. Congress, but in reality a 3-percent increase was less than the rate we had been on and less than what the natural law provides with the automatic increases in a variety of programs.

The President honestly, sincerely felt that we ought to increase spending at least 4, 4.5 percent. Thus, they did not reach agreement. Mr. President, that fact has not gone away. The reality is that the President of the United States wants much more in the way of an increase in spending than the Republican Congress wants. There is no way around that. It is not going to change tomorrow.

I think we all hope that the President will sit down with Congress and work out an arrangement. But that has been tried, and the reality is, the two parties have dramatically different views of what is good for the country. The President sincerely believes we need to increase spending more than the Republicans want to increase spending.

Mr. President, the only salvation for us is a bipartisan effort in Congress that comes up with enough votes to override the President's veto. That is a simple reality and a simple fact. If we did not develop a budget that does that, we did not achieve any progress. That is why I think this proposal has so much merit.

It is a bipartisan proposal. Is it as strong as I would like? Of course not. The reality is we ought to be cutting spending, not increasing it at a slower rate. Anybody who looks at their family budget knows that. But this is dramatically better than no progress at all, and it is the one alternative we have this year to make some progress.

There are some other facts that are realistic, too. Medicare is going to be insolvent. We can debate about whether it is going be 5 years or 6 years or 4 years, but it is going to be insolvent. The American people are not well served if you let it go to a position where it is insolvent. Social Security is going to be insolvent. It may be 20 years, it may be 25 years, but it will be insolvent.

To pretend you are somehow helping the American people by running these trust funds into insolvency is ludicrous. The American people know it is ludicrous. The American people want a Congress that will deal with the problems, not hide from them, not gloss them over, not pretend they do not exist. They want it done fairly, they want it done evenhandedly. Mr. President, this budget offers a bipartisan way to resolve our financial difficulties.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. I thank the Senator from Colorado for those excellent remarks.

I yield what time the Senator from Utah needs.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I rise to pay tribute to the two Johns—CHAFEE of Rhode Island and BREAUX of Louisiana—for the leadership they have shown and for the tenacity which they have maintained throughout this process.

As I go home to Utah, I have two reactions from people, as they go through the process and go through what we have done here. The first one that comes from people, who are, perhaps, more partisan than some others, is to find some aspect of this thing and complain. "How can you, Senator BENNETT, support"—fill in the gap—and the reaction is, "No, I do not support that. You are right, I campaigned against that." "Well, how can you stand here and say that this was a good thing that you have been involved in?"

And then we get to the second reaction, which comes from many of the same people, but includes a broader spectrum, and it is summarized, "Can you guys not get your act together back there and solve some of these problems?" "Why are you so partisan that you cannot address the fundamental issues of the country." "Instead of a Democratic or Republican solution," one of my constituents said, "is there not an American solution?" I am not so filled with hubris as to say the result here is the "American solution" as opposed to the Republican or Democratic solution.

I remember something my father used to say when talking about his experience in the Senate. He said, "We legislate at the highest level at which we can obtain a majority." I think that is the driving force here—that we have recognized that there will be things in the bill that I will hate. There will be things in the bill that I will really like and that folks on the other side will hate. But we legislate at the highest level at which we can obtain a majority. And the way we obtain a majority is to talk to each other and work things out and make the kinds of changes and understandings that we have to make in order to get there.

Unfortunately, in the circumstance we live in today, a majority is not 51 votes; a majority is 60 votes. And you cannot get 60 votes in the Senate if you do not have some give and take. So I salute the tenacity of the folks who have been involved in this process to keep at it and to keep both sides together and to keep both sides equal. I think that is a powerful, powerful idea.

What are we doing, Mr. President? We are trying to solve the financial problems of the United States. What are the financial problems of the United States? Quite simply, spending exceeds income at an increasing rate. That is very fundamental. So we have to address ways of increasing income and ways of decreasing the growth of spending.

The thing that I endorse the most out of this is the recognition that there are ways to increase income that defy the wisdom of the computers that make straightforward extrapolations. The willingness of everyone to put a capital gains tax cut in this package is the most encouraging thing for me. The computers say it is going to cost us money. I know the computers are wrong. I know that when we get actual experience, we will find that cutting the capital gains tax rate, as this package does, will increase capital gains tax revenue. Every time we have done that in history, that has been the result. Every time we have raised the capital gains tax rate, we have reduced capital gains tax revenue. Why we cannot get the computers programmed to recognize that fact is something I have quit arguing about, because I have been unable to budge anybody who programs the computers. But the willingness of both sides to say, OK, we will score this as a revenue loss, even though I know it is not, and we will pay for it because it is the right thing to do, shows a degree of understanding that I think is terrific.

The other thing we do in this package that I salute is that we have the willingness to confront the CPI. We have the willingness to say the Consumer Price Index is out of whack. The Consumer Price Index is driving the increase in spending. We have to confront it, even though it produces a bonus for a lot of our citizens.

I am heartened by the courage of all 22 members of this group, Democrats as well as Republicans, who looked each other in the eye and said, "It is time for a little truth telling. Even though the CPI is politically sensitive, it is time to do the right thing."

So, Mr. President, as I said, I salute the two Johns for their leadership, and the other 20 members of the group, who stood together on these crucial issues. I recognized immediately that there are things in the deal I do not like. But, ultimately, the direction in which it moves us is the direction in which the country must go, in a bipartisan manner, lowering the temperature of the partisan arguments that occur on this floor. I am proud to have been a part of the overall effort.

Mr. BREAUX. Mr. President, I will yield whatever time he needs to the Senator from Wyoming. I will conclude by pointing out that I think we have laid out a good package. We have indicated that there will be an opportunity in the next week or so to present our package on the floor of the Senate as an amendment on a substitute to the Budget Committee resolution. We hope that between now and then we will have a chance to talk to our colleagues and go into greater detail with them as to what our package contains, to try and answer the questions they have, knowing that it is not perfect, but that we think it represents a true and fair compromise.

With that, I yield to the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we continue for an additional 5 minutes in morning business, which will enable me to speak 4 minutes and conclude with either Senator CHAFEE or Senator BREAUX.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I am pleased to join with Senators CHAFEE and BREAUX, and the others of the centrist coalition, in announcing this plan. This is very comprehensive. I hope our colleagues will take a very clear look at it. But I just so admire Senators CHAFEE and BREAUX—tireless, able, caring, sensible people, trying to do a sensible thing. We cannot continue this raucous partisanship about who is doing what to who. Medicare cannot be touched and now, of course, it is going to go broke a year, maybe 2 years, earlier than we thought 6 months ago. Here we rock along and, finally, we are addressing it in this proposal.

I am particularly pleased that we are looking at the Consumer Price Index, and that we propose to reduce that CPI by one-half of a percentage point in 1997 and 1998, and by three-tenths of a percentage point after that, for the purposes of computing the COLA's, the cost of living allowances. And, of course, the AARP will shriek like a gut-shot panther and leap off their pinnacle down there at their temple, for which they pay $17 million a year rent. Please go see it. I hope everybody goes there. Get your shoes cleaned off before you go in, or you will hurt the marble floors. It is quite a place. They will go crazy on this. They will wail about tearing the back door down and the terrible effort to get Social Security benefits. And we are not cutting Social Security benefits. That is not what is driving this issue.

What we are striving to do is have a more accurate CPI that reflects the true level of inflation. This is the issue that is most important to the senior citizens of this country—inflation. This certainly does drive seniors into doubt and concern. That is what we must do. It is inflation that eats away the seniors' lifetime savings.

So we have had the testimony from Alan Greenspan, and others, who believe the CPI is off the mark. We think this is a very valid step—$110 billion in savings over 7 years. That may not be a popular proposal, but it is critically important. If we were to do that for 10 years on a 1 percent, which we are not dealing with, but that would be $680 billion over 10 years. The figures are huge and, exponentially, they go on out.

So it is a total package. Some are not going to like things here, but it is a very good first step. We achieve some really significant reversal of what is happening to us as a country. I served on the Entitlements Commission, and we all know where we are headed.

I like the one about making Medicare eligibility link up with the Social Security retirement age by gradually increasing that eligibility age. That acknowledges that life expectancy is higher now.

We are going to affluence test Medicare part B. I would have done more of that. We say those who have annual incomes exceeding $50,000 and couples who have incomes exceeding $75,000 will be affluence tested. I certainly think we could do that at a lower income sometime, but we do not have the votes to do it at this time.

We limit Medicaid. I would have liked to have seen more flexibility, but I am not going to let that deter me from supporting this.

Everything here will have an objection from somebody, but the totality of it overwhelmingly outweighs the concerns I have about these other things.

So in many other areas—taxes—I had my concerns. Here is a tax package. I did not think we should just give away $250 for every child under the age of 17, but in the spirit of cooperation and consensus, we were able to address some of my concerns. There was not a single thing I addressed that was not met with the finest courtesy and genuine regard of what we were trying to do.

So I urge all my colleagues to consider the plan. Those who automatically reject the notion of a bipartisan budget will have no trouble at all finding one or two items to oppose it, but I am convinced anyone who approaches the plan with an open mind and a recognition that all true bipartisanship requires a great degree of compromise—compromising an issue without compromising ourselves—will conclude this as an impressive plan. No tricks, no gimmickry, none of the usual stuff. It makes the tough, politically unpopular decisions Republicans and Democrats alike have been putting off for far too long.

I again thank sincerely Senator CHAFEE and Senator BREAUX. They are statesmen.

Thank you.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator from Rhode Island [Mr. CHAFEE] is recognized.

Mr. CHAFEE. Mr. President, first, I want to thank each of the speakers who took the trouble to come here today in support of this effort that Senator BREAUX and I have the privilege of leading.

Second, I would like to say that what this is all about is future generations. Unless we do something about these entitlements, this country of ours is going to be in great financial and economic peril. If we take these steps now that we have outlined, then there is a wonderful chance—it is not only a chance, it is a fact—that we can reverse the trends that are now underway in our two largest spending programs—Social Security and Medicare—as well as Medicaid and welfare.

So this is it. It is easy to criticize, and people, as I mentioned earlier, will say, "I'm all for it, except for the CPI," or "I'm all for it, except for the Medicare number," or "I don't like your tax figure." But nobody else has come forward with a program that has the support of Senators on both sides of the aisle, Democrats and Republicans.

So this is it, and we hope that everybody, every single Senator in this body will carefully consider what we have come up with. We sincerely hope that they will join with us. We want more people. There are 22 of us who have worked together on this since October. But 22 is not enough, and it is not enough for Senators to say, "Well, that's pretty good. We'll see what else is going to come along." Nothing else is going to come along that we know of. We have been involved with this for some time.

So we do seek support from our fellow Senators on both sides of the aisle. The beneficiaries will be our children and our grandchildren, and that is a pretty worthwhile goal.

I thank the Chair and certainly thank my distinguished colleague, Senator BREAUX, who has been terrific in the leadership he has given to this program right from the beginning.

TRIBUTE TO FORMER JUSTICE RICHARD L. "RED" JONES

Mr. HEFLIN. Mr. President, retired Alabama Supreme Court Justice Richard "Red" Jones passed away on April 22. I had the pleasure of serving with him on the court in the mid-1970's, and remember well his great wit and ability to tell stories. He was also a true legal scholar who approached cases and issues with zeal accompanied by seriousness. He loved the law. He was always tenacious in his determination to arrive at the correct decision under the law.

Red grew up in rural Pickens County, located in west-central Alabama, where he was known by his initials, "R.L." People there continued to refer to him as R.L. throughout his life, as opposed to Richard, Dick, or Red. While he was growing up in this part of Alabama, he had an insatiable appetite for reading and for educating himself. He loved to tell of how he took full advantage of the book mobiles that would come around during those days bringing books to residents in rural areas.

Red attended law school at the University of Alabama. He began practicing law in Aliceville, AL, after obtaining his law degree. He later practiced in Fairfield and eventually became a partner in a Bessemer law firm. He then moved his law office to Birmingham, but had clients all over Alabama.

Red was an outstanding trial attorney. He handled many cases seeking compensation for lung diseases suffered by coal miners and cotton gin workers, and served for a time as the president of the Alabama Plaintiff Lawyers Association, now known as the Alabama Trial Lawyers Association. As a plaintiff attorney, he was highly regarded as an ardent advocate by attorneys and judges in both the criminal and civil fields.

He served on the Alabama Supreme Court for a total of 18 years, from 1973 to 1991. He was generally known for his keen understanding of the law and its majesty. He wrote his opinions in clear language so that all could understand them. While on the State's high court, he was consistently supportive of all judicial reform efforts. He was a true champion in the area of improving the administration of justice. He oversaw the establishment of the unified judicial system, the rules of procedure that govern the trials in both civil and criminal cases, and the establishment of training programs for judges, clerks and registers, judicial assistants, and court reporters. He participated in the revision of the Alabama code, serving on the code revision committee.

One of the hallmarks of his esteemed career was his excellent service as commissioner of the uniform State law commission. This commission's job was to propose State laws which could serve as models for the States, such as uniform commercial codes. He was highly regarded for his work on the commission. As I traveled, I encountered people all over the country who praised his accomplishments in developing model State laws.

Red's sense of self-deprecating humor is something I will always remember about him. He had a way of putting people at ease through humor and amusing stories, and often made himself the brunt of his own jokes. As his pastor at Shades Valley Presbyterian Church said so correctly of him: "He was a great talker, a great storyteller, and a great friend." It seemed as if he used humor to put serious problems and issues in their proper perspective so that personal passions and feelings would not interfere with his decision-making. It helped him retain his objectivity when considering a case.

He had an abiding interest in serving others by volunteering his time in several civic organizations and associations that he felt would improve the communities in which he lived or that he thought would advance his profession. He believed strongly in country, family, and faith.

At his funeral, Justice Hugh Maddox gave a warm eulogy to his long-time friend, saying:

> Red Jones had boundless energy, and although Red has passed his baton to those of us who are still in the race . . . he left with us the legacy of how the race should be run. He prepared well, he was totally committed, and he ran with endurance.

One of his last acts on the court a few years ago was to swear in Alabama's newest lawyers—among them his son, Rick Jones—who had recently been admitted to the State bar.

Judge Red Jones was an outstanding lawyer, family man, and public servant. Everyone liked him and enjoyed his companionship. I will miss him greatly.

I extend my sincerest condolences to his wife, Jean, and their entire family in the wake of this immeasurable and untimely loss.

LEADERS PROMOTE DEMOCRACY IN VIETNAM

Mr. GRAMS. Mr. President, last week I hosted a meeting of the International Committee for a Free Vietnam [ICFV] which resulted in the drafting and presentation of a resolution which promotes democracy in Vietnam, particularly individual freedoms and human rights. Joining us were Parliamentary leaders from Europe, Canada, and Australia. Since Vietnamese leaders will hold their Eighth Party Congress in June, it is important that we communicate the reforms recommended in the resolution to the Vietnamese, to continue the dialogue begun as we continue to normalize our relations with Vietnam.

While at the meeting, I was disturbed to learn that a distinguished member of the group Col. Bui Tin, a former member of the Vietnamese Communist Party, received a death threat which was alleged to originate from Vietnamese Government sources. He is not the only one who has received these threats, but he is the only one with whom I am personally acquainted. It was very disappointing to me to hear this, just at the time we hope to improve our relationship with Vietnam.

Col. Bui Tin, a resident of Europe, has done nothing but advocate democratic reforms in Vietnam, consistent with the first-amendment rights we have in our country. He does so out of concern for the people of Vietnam, where he was a soldier for over 37 years.

I join many of my colleagues in urging the leaders of Vietnam to cease this kind of threat, which is just as egregious, if not more, as the continuing imprisonment of many political prisoners in Vietnam today.

I ask unanimous consent that the text of the resolution of the ICFV adopted on April 24, 1996, be printed in the RECORD for the information of all Senators.

There being no objection, the text of the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION OF THE ICFV, WASHINGTON, DC,
APRIL 24, 1996

1. The representatives of the I.C.F.V. present at this conference are united in this support for:

1.1. The rule of law, multiparty politics, free elections, the release of political prisoners and prisoners of conscience;

1.2. The recognition and implementation of human rights, including the rights of free speech, freedom of association, freedom of religious belief, and freedom from arbitrary arrest, freedom to work; and

1.3. The obligation of all governments to consult their people and to govern in accordance with their wishes.

2. Thus I.C.F.V. urges all parliamentary democracies to support and extend assistance to the people of Vietnam on the basis that the forthcoming Communist Party Congress recognizes the principles embraced by this conference and that the party and the Vietnamese government implement such principles.

3. The conference recognizes the immense importance of accurate and fair information on current events and issues being made available to the people of Asia including Vietnam.

4. The conference urges the Parliaments of the countries represented here including Australia, Canada, various European countries and the U.S.A. to make funds available for enlarging existing surrogate home radio services to Asia, to broadcast otherwise unavailable news and current information to the countries of the region.

5. The conference urges the government of the United States to promote Radio Free Asia.

6. The representative of the I.C.F.V. will seek to open a meaningful, comprehensive dialogue with representatives of the Vietnamese government and Communist party.

7. The conference expresses its appreciation for those courageous persons in Vietnam who speak out for truth, democratic values and human rights.

8. The conference reaffirms the I.C.F.V.'s commitment to democratic and nonviolent change in Vietnam.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, April 29, 1996, the Federal debt stood at $5,096,726,647,358.55.

On a per capita basis, every man, woman, and child in America owes $19,251.62 as his or her share of that debt.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the hour of 10 a.m.

having arrived, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 1664, the Immigration Control and Financial Responsibility Act, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship and work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Graham amendment No. 3760 (to amendment No. 3743), to condition the repeal of the Cuban Adjustment Act on a democratically elected government in Cuba being in power.

Graham-Specter amendment No. 3803 (to amendment No. 3743), to clarify and enumerate specific public assistance programs with respect to which the deeming provisions apply.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON], is recognized.

Mr. SIMPSON. Mr. President, now may we review the activity. Am I correct that we have two amendments at the desk of Senator BOB GRAHAM of Florida, to which there has been a degree of debate and time has run on that, and that we are near readiness to vote—not at this time? I will wait until my ranking member, Senator KENNEDY, is here to be sure we concur. What is the status of matters?

The PRESIDING OFFICER. Amendment No. 3803 is pending, offered by the Senator from Florida [Mr. GRAHAM].

Mr. SIMPSON. And then, Mr. President, is there another amendment also pending?

The PRESIDING OFFICER. The Chair is informed No. 3760 has been set aside.

Mr. SIMPSON. That being the first amendment sent to the desk yesterday evening.

The PRESIDING OFFICER. That amendment was set aside.

Mr. SIMPSON. I thank the Chair. Let me just say now, we are embarking on the issue of illegal immigration. I hope my colleagues will pay very clear attention to this debate. This is the critical one. This is where we begin to get something done.

I must admit, and I thank my colleagues for their patience in my obstreperous behavior to propose to go forward with one or two items that had to do with legal immigration, thinking that I might get the attention of my colleagues to do something with regard to chain migration and other phenomenon. That certainly was a message clearly conveyed that that will have to come at another time.

So I will not be trying to link anything. I have no sinister plan to proceed to reconstruct or deconstruct. But the theme of this debate must be very clear to all of our colleagues, and it is very simply said: If we are going to have legal immigrants come to our country, then those who bring them, who sponsor them will have to agree that they will never become a public charge for 5 years, and then when they naturalize, of course, that will end. That has come through very clear.

But every single amendment that you will hear which says that the assets of the sponsor should not be deemed to be the assets of the immigrant, then remember that leaves only one person, or millions to pick up the slack, and those are called taxpayers.

So every time in this debate when there is an amendment to say, "Oh, my, we can't put that on the immigrant, that that asset should be listed as the immigrant's asset," every time that will happen, it means that the obligation of the sponsor becomes less and the obligation of the taxpayer becomes greater. You cannot have it both ways. The sponsor is either obligated, and should be, by a tough affidavit of support—and there is a tough one in there—or if they come off the hook, the taxpayers go back on the hook. That is the essence of observing this debate.

The second part is very attentive to the issues of verification, because it does not matter how much you want to do something with regard to illegal immigration—and let me tell you, this bill does big things to illegal immigration because apparently that is what is sought—but you cannot get any of it done unless you have good verification procedures, counterfeit-resistant documents, things of that nature, which are not intrusive, which are not leading us down the slippery slope, which are not the first steps to an Orwellian society, which are not equated with tattoos, which are not equated with Adolf Hitler. That is not what we are about. But you cannot get there, you cannot do what people want to do some with vigor intensified, you cannot do that unless you have some kind of more counterfeit-resistant documentation, or the call-in system, or something.

You must have, I think, pilot projects to review to see which ones might be the best that we would eventually approve, and we would have to have a vote on that at some future year as to which one we would approve. That is very important.

You cannot help the employer by leaving the law to them. The employer right now has to look through 29 different documents of identification or work authorization. Then, if the employer asks for a document that is not on there, that employer is charged, or can be charged, with discrimination. We have done something about that. We must continue to do that.

What we are trying to do is eventually even get rid of the I-9 form. But when somebody in the debate says that employers are going to be burdened, remember, they are already burdened in the sense that they do the withholding for us on our Tax Code. That is a pretty big load. They do that. God bless them. On the employment situation, all they do is have a one-page form called an I-9, and they have had that since 1986. We are going to reduce the number of documents that they have to go through. We are going to reduce it from 29 to 6. We are hopefully going to do something with the proper identifiers which eventually will get rid of the form I-9. But the whole purpose of this is to aid employers in what they are trying to do with regard to employment of others in the work force.

Of course, any kind of eventual procedure or verification system that we use will apply to all of us. It will not be just asked of people who pull for them. That would be truly discrimination. It will be asked of those of us who are bald Anglos, too. Only twice in the lifetime can one be asked to present or to assist in this verification, and that is at the time of seeking a job and at the time of seeking public support—that is, public assistance or welfare. That is where we are.

A quick review of the issues of illegal immigration reform: As I say, this is a plenty tough package. Everyone should be able to appropriately thump their chest when they get back to the old home district and say, "Boy, did we do a number on illegals in this country." The answer is, yes, but you will not have done a thing if we do not have strong, appropriate verification procedures. Nothing will be accomplished—simply a glut of the same old stuff showing one more time fake ID's like this, fake Social Security like this. You can pick them up anywhere in the United States. Within 300 yards of this building you can pick up any document you want, if you want to pay for it. You get a beautiful passport from a little shop not far from here for about 750 bucks. That will fake out most of the folks. That is where we are.

You cannot get this done unless we do something with these types of gimmick documents which then drain away the Treasury, which then create the anguish with the citizens, which give rise to the proposition 187's of the world. If we do not deal with it responsibly, we will have 187's in every State in the Union.

So those are some of the things that I just wanted to review with my colleagues.

To proceed, I will await the appearance of my good colleague, the ranking Member from Massachusetts. I suggest the absence of a quorum, Mr. President.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3871 TO AMENDMENT NO. 3743

(Purpose: To make a technical correction to sec. 204 of the bill to provide that deeming is required only for Federal programs and federally funded programs)

Mr. SIMPSON. Mr. President, I send an amendment to the desk to correct a drafting error in section 204(A) relating to an issue within our consideration, so it will, as intended, apply only to Federal and federally funded programs.

I have cleared this with my ranking member, and it is a technical amendment returning the language to what it was before the final change and to be consistent with the intent of the section and with the version that was used during the Judiciary Committee markup.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. I ask unanimous consent that it be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 3871 to amendment No. 3743.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

Mr. SIMPSON. I urge adoption of the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is agreed to.

So the amendment (No. 3871) was agreed to.

Mr. SIMPSON. I thank the Chair.

Mr. President, I make the eternal lament—if our colleagues could come forward with the same vigor in which they produced their amendments at the last call, as they draped some 100 or so up front at the desk. And, of course, we are limited procedurally. We are limited by hours, each of us having an hour. Yielding can take place or allocation of that hour.

We are ready to proceed. I believe that we need not have too much further debate. I know Senator DOLE would like to speak on the Cuban Adjustment Act. I think at the conclusion of that we will close the debate, and then we will stack the votes on the two Graham amendments. Then I will go forward with my amendment on phasing in, the issue of the birth certificate and driver's license, which I think is in form now where it does not have budget difficulty with what we have done. Of course, the birth certificate is the central breeder document of most all fraud within the system. That amendment will come up then after that. Then we will go back to an amendment of Senator KENNEDY. I believe Senator ABRAHAM had a criminal alien measure. Then I will go to a verification amendment.

Once those issues, including deeming and welfare, verification and birth certificate discussion, are disposed of—those are central issues to the debate—I think that other amendments will fall into appropriate alignment with the planets.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I yield myself 8 minutes.

Mr. President, at the time the Graham amendment is disposed of—I will offer the amendment and I will speak to it at the present time because the subject matter is very closely related to what the Graham amendment is all about. If his amendment is successful, it will not be necessary. But I want to illustrate why I think the Graham amendment should be supported by outlining a particular area of need that would be included in the Graham amendment but to give, perhaps, greater focus to the public policy questions which would be included in my amendment.

My amendment would remove the sponsor-deeming requirement for legal immigrants under the bill for those programs for which illegal immigrants are automatically eligible. These programs include emergency Medicaid, school lunches, disaster relief, child nutrition, immunizations, and communicable disease treatment. Under my amendment, illegals and legals would be eligible for these programs on the same basis, without a deeming requirement.

In addition, my amendment exempts a few additional programs from the deeming requirements. These programs were all exempted from deeming in the managers' amendment in the House immigration bill. Let me underline that. What this amendment basically does is put our legislation in conformity with what has actually passed the House of Representatives on these important programs, and for the reasons I will outline briefly. The language of the amendment is identical to the language passed by the House. For these programs, it is especially unconscionable or impractical to deem the sponsors' income. These additional programs include community and migrant health services, student aid for higher education, a means-tested program under the Elementary-Secondary Education Act, and Head Start.

This amendment does not exempt any new items. Except for prenatal care, every single program in my amendment is exempted in the House immigration bill. The House saw the importance of these programs. There is no reason why the Senate should not do the same. Legal immigrants should not be deemed for programs for which illegals qualify automatically. Let me just underline that. Legal immigrants should not be deemed for that which illegal immigrants qualify automatically.

The reason the illegal, primarily children, qualify is because we have made the judgment that it is in the public health interest of the United States, of its children, that there be immunization programs so there will not be an increase in the communicable diseases and other examples like that. We have made that judgment, and it is a wise one, and I commend the House for doing so because it is extremely important.

We have effectively eliminated the deeming program for expectant mothers for prenatal care. Why? Because the child will be an American citizen when that child is born and we want that child, who will be an American citizen, to be as healthy and as well as that child possibly can be. So we work with certain States on that. There are a few States that provide that kind of program—we are willing to support those States—after the mother has actually been in the United States for 3 years. So, this is not the magnet for that mother. The mother has to demonstrate residency, to be here for a 3-year period. It makes sense to make sure that child gets an early start. We have that in this legislation. But the other programs I have referenced here are closely related in merit to those programs.

Legal immigrants should not be deemed for programs which the illegals qualify. For example, legal immigrant children are subject to sponsor deeming before they can receive immunization. Illegals are automatically eligible for immunization. Both legal and illegal children need immunization to go to school. But if parents cannot afford immunization, the legal immigrant child cannot go to school, the illegal immigrant can. This is just one of the examples of the inequities in this bill.

Community and migrant health services, under the Public Health Services Act, go to community clinics and other small community programs. These grants are intended to ensure the health of entire communities, so legal immigrants should continue to be included in the program to keep the health of the whole community from being jeopardized.

Community and migrant health clinics are the first line of defense against communicable diseases. These programs get people into the primary health care system. There is no way, other than expensive private health insurance, for legal immigrants to take care of illness from the start, such as coughs, sore throats, skin lesions. Without this exception, immigrants will be pushed into emergency rooms to get treatment. This clogs our Nation's emergency rooms and is more expensive. Under this bill, immigrants would have to wait until their illnesses were severe enough to warrant a trip to the emergency room. This is bad health care policy.

This amendment would also exempt from the broad deeming requirements Federal student aid programs to legal immigrants to help them to pay for college. Student aid is not welfare. Student aid is not welfare. Half of the college students in this country rely on Federal grants or loans to help pay for their college, and many affluent citizens could not finance a college education without Federal assistance. Legal resident aliens are no different. Most of them would be unable to afford college without some financial help from the Government. A college graduate earns twice what a high school graduate earns and close to three times what a high school dropout earns—and pays taxes accordingly.

I want to point out, the eligibility has no impact on reducing the eligibility of other Americans. That is because the Pell and Stafford loans are a type of guarantee, so we are not saying that, by reducing the eligibility to take advantage of those programs, we are denying other Americans that. That is not the case. That is not the case. That is not so. We have some 460,000 children who are in college at the present time who are taking advantage of these programs. Many of them have extraordinary kinds of records. This would be unwise. The repayment programs under the Stafford loans have been demonstrated to be as good as, if not better than, any of the returns that come from other students as well.

The Nation as a whole reaps the benefits of a better educated work force. The Bureau of Labor Statistics estimates that about 20 percent of income growth during the last 20 years can be attributed to students going further in school. That has been true. In the House of Representatives they understood this. So this also exempts Head Start from sponsor deeming requirements.

Everyone knows investments in children pay off. Nowhere is it more true than in Head Start. Head Start is the premier social program, a long-term experiment that works. Study after study has documented the effectiveness of Head Start.

Legal immigrants should not be subject to more restrictions than illegal immigrants. We are punishing the wrong group. These people played by the rules, came here legally. Over 76 percent of them are relatives, members of families that are here. In instances of citizens or permanent resident aliens, they should not have a harsher standard than those who are illegal. In addition, there are certain services which are vital to the continued health and well-being of this country. My amendment ensures that legal immigrants will still have access to these programs.

I want to point out that our whole intention in dealing with illegals is to focus on the principal magnet, what the problem is, and that is the jobs magnet. That is why we have focused on that with the various verification provisions, which I support, which have been included in the Simpson program; by dealing with other proposals to ensure greater integrity of the birth certificates, an issue which I will support with Senator SIMPSON; the increase of the border guards and Border Patrol—again, to halt the illegals from coming in here. That is where the focus ought to be. We should not say in our assault, in trying to deal with that issue, that we are going to be harsh on the children. That does not make any sense.

The PRESIDING OFFICER. The Senator wished to be yielded 8 minutes.

Mr. KENNEDY. I yield myself 2 more minutes.

Mr. President, a final point I will make is, I know a quick answer and easy answer to this is, "If the deemers do not provide it, the taxpayers will." That is a simple answer. With regard to this program, it is wrong. The reason it is wrong is because in the SSI, the AFDC, the other programs, in order to get eligibility, there has to be preparedness for financial information in order for eligibility. That has been out there, and it exists at the present time. The deeming programs in those areas have had an important effect.

We are going to have to set up a whole new process of deeming, as the Senator from Florida has pointed out, because there is no experience in these States for dealing with Head Start or community health centers or an emergency kind of health assistance or the school lunch programs or teachers dealing with the Head Start.

That is going to be a massive new kind of a program that is going to have to be developed in the schools, local communities and in the counties. It is not out there. The cost of that is going to be considerable and is going to be paid for by the taxpayers. So this is a very targeted program.

For those reasons, I am in strong support of the Graham amendment. I hope it will be adopted. If not, we will have an opportunity to address this amendment at an appropriate time after the disposition of the Graham amendment.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Is this the second Graham amendment or the first Graham amendment?

Mr. KENNEDY. We are debating both.

Mr. SIMPSON. Either one.

Mr. DOLE. Mr. President, I would like to speak to the amendment that the Senator from Florida offered last night on behalf of himself and others.

First, I listened to the distinguished manager of the bill, Senator SIMPSON. I think he correctly stated we would like to stack those votes and have the votes occur after the policy luncheons, because apparently there is a problem with planes getting in and out of New York.

Cloture was filed last night on the bill. We would like to have that cloture vote later today. If not, then very early in the morning, 8 a.m. tomorrow morning. So we can either do it late tonight or early tomorrow morning. We could wait until midnight to have it 1 minute after midnight. I prefer not to do that. It is our hope we can complete action on this bill and move on to other legislation. We have made progress. I think we can probably make a little more.

AMENDMENT NO. 3760

Mr. DOLE. Mr. President, I have the utmost respect for Senator SIMPSON and his work on immigration. I do not often disagree with him, but on one issue I do. Section 197 of this bill repeals the Cuban Refugee Adjustment Act. The Cuban Refugee Adjustment Act of 1966 was enacted to facilitate the granting of legal permanent resident status to Cubans fleeing their homeland. The Cuban Adjustment Act, at its core, is about standing on the side of oppressed people—our neighbors—who are fleeing Castro's dictatorship. The United States has consistently stood with the Cuban people. That is why I rise in opposition to the proposed elimination of the Cuban Refugee Adjustment Act before a democratic transition takes place in Cuba.

First of all, conditions in Cuba have not changed since the implementation of the act. In 1996, as in 1966, Castro brutally represses dissent and systematically abuses human rights. The United States has had a consistent and determined policy of three decades supporting the Cuban people's aspirations for freedom and democracy. A policy that this Congress reaffirmed when it passed the Dole-Helms-Burton "Libertad" Act of 1996.

Mr. President, let me state clearly what this act does and does not do. It essentially allows Cuban refugees who reach United States shores to apply, at the discretion of the Attorney General, for permanent residence status without being forced to return to Cuba. It is not a mechanism to allow more Cubans to enter the United States. It is not an entitlement to permanent residency. It is merely a procedure for those already here and seeking legal status. To repeal this act would give the Castro regime a propaganda victory, but would not measurably affect the number of Cubans reaching America. The Clinton-Castro migration pact—negotiated in secret and without congressional consultation—allows over 100,000 Cuban immigrants to enter the United States over the next 5 years. Repealing the Cuban Refugee Adjustment Act will not decrease this number. Repealing the act will only send the wrong signal to Castro's dictatorship.

That is why I, along with Senators GRAHAM, MACK, and ABRAHAM, have offered an amendment that states that the Cuban Refugee Adjustment Act would only be repealed when conditions stipulated under the Libertad Act have been met, specifically, that a democratic government is in place in Cuba.

A repeal of the act at this time is not in the national interest of the United States. Recent events have demonstrated once again that the Castro regime remains a threat to security in the Caribbean, America's front yard. Let us once again stand together in sending a strong message to Fidel Castro and to the Cuban people that we stand for democratic change in Cuba.

It seems to me with this one provision in this bill—I know the distinguished Senator from Wyoming has worked very hard and has done an outstanding job. I respectfully disagree with him on this one aspect. I hope the amendment offered by my colleagues from Florida, Senator MACK and Senator GRAHAM, myself, and others will be adopted.

Mr. KENNEDY. Mr. President, parliamentary inquiry. Can we have a cloture vote if we are under cloture at the present time? Is it appropriate to have another cloture vote during the period we are acting under the decision of the Senate yesterday afternoon and the 30 hours have not run?

The PRESIDING OFFICER. The Senate would have to dispose of the current cloture item before the vote.

Mr. KENNEDY. How many hours remain on the cloture item?

The PRESIDING OFFICER. There remains approximately 27 hours.

Mr. KENNEDY. And does the Chair know how many amendments are out there that have been submitted at this time?

The PRESIDING OFFICER. The Chair is informed there has been approximately 130 amendments filed.

Mr. KENNEDY. I, for one, am very hopeful now that we will have a chance to dispose of these amendments. Everyone on this side voted for cloture last evening. We have not had a chance to offer amendments. Senator GRAHAM stayed last evening and spoke to the Senate on both of these measures, which are timely. Other Members have indicated they wish to offer amendments. We want to at least give assurances to Members that it is not in order to order a cloture motion until we have the final resolution on the current matter, as I understand.

Parliamentary inquiry. At the time there is final cloture and the acceptance of these amendments on the underlying amendment to the bill, at that time the bill is open to further amendment, is it not?

The PRESIDING OFFICER. That is correct.

Mr. KENNEDY. I want to indicate, we will offer the minimum wage amendment at that particular time, since that is the next open opportunity to offer the minimum wage. We want to make it very clear—I know that is the position of Senator DASCHLE—that once we conclude this at a time when we are going to work through the process of cloture and Members will have an opportunity to offer their amendments, at that time, the bill itself will be open for amendment, and it is our intention to offer the minimum wage amendment at that particular time, because it will be appropriate to offer it at that particular time.

I hope we are not going to have to go through another kind of parliamentary procedure where we are going to be blocked from offering the minimum wage at all and then another cloture motion filed, so that we are taking up the better part of a week on a matter that could have, quite frankly, been resolved in a couple of days.

I thought it at least important to understand what the parliamentary situation is. There is no effort to try and delay the consideration of this legislation. Everyone on our side voted for it. This is the first opportunity we have had to offer amendments on it. These amendments are all germane, and the floor manager himself indicated he wanted a chance to offer some amendments as well.

I think it is important to understand that when we conclude this, that there will at least be an effort made by our leader, Senator DASCHLE, myself, Senator KERRY and Senator WELLSTONE, to offer the minimum wage. The leader is in his rights to try and foreclose us from that by working out this other parliamentary procedure where we will be denied the opportunity to vote that for a period of time. I hope that will not be the case. Nonetheless, I just wanted to review where we were from a parliamentary point of view.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, we understand the parliamentary situation. It is my hope we can work out some agreement and complete action on this bill. We have been on it a number of days. I think it is a very important piece of legislation. We would like it to pass. I think it has strong bipartisan support, as indicated by the cloture vote last evening.

I think it should be limited to germane amendments. We made a proposal on minimum wage to the leader on the other side. It has been temporarily rejected. Perhaps it will be revisited.

We understand the daily comments about this issue, but we are trying to complete action on the immigration bill. If it is determined that is not possible because of an effort to offer nongermane amendments, then we will move on to something else.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I just point out at this time that the amount of Republican amendments that have been offered on this, as I understand it with a quick review, far exceed the numbers that have been offered by the Democrats. So maybe that admonition ought to be targeted in terms of Republicans because they have submitted many more amendments than have been submitted by our Democratic colleagues. I thank the Chair.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, for procedural announcements, first, I indicate that the minority leader, Senator DASCHLE, has transferred 30 minutes of his time under the cloture rule to myself.

Second, I ask unanimous consent that at such time as we take up consideration of the Graham amendments, the first amendment to be voted on be No. 3760 and the second amendment voted on be the amendment relative to deeming, which is No. 3803. Mr. President, I ask unanimous consent that that be the order in which the amendments are considered.

The PRESIDING OFFICER. Is there an objection? Hearing none, without objection, it is so ordered.

Mr. GRAHAM. Mr. President, have the yeas and nays been ordered on these amendments?

The PRESIDING OFFICER. They have not.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, if I could comment briefly on the remarks that have just been made by the majority leader and then the remarks that were made earlier by our colleague from Massachusetts. I think they both have gone to the essence of the two amendments that we will be voting on later today.

The first amendment relates to the Cuban Adjustment Act. As Senator DOLE has eloquently stated, the conditions in Cuba have not changed in the past 35 years. Therefore, the reason why the Congress in 1966, 30 years ago, adopted the Cuban Adjustment Act continue in place.

Those reasons are fundamentally a recognition of the authoritarian regime at our water's edge. The fact that, because of that regime, hundreds of thousands of people have fled tyranny, it was in the interest of the United States to have an expeditious procedure by which those persons who are here legally in the United States, have resided for 1 year, and have asked for a discretionary act of grace by the Attorney General, be given the opportunity to adjust their status to that of a permanent resident. That was a valid public policy when it was adopted in November 1966. It is a valid public policy in April 1996.

I cited yesterday and included in yesterday's CONGRESSIONAL RECORD, Mr. President, an article which appeared in the April 29 Washington Post, citing the regress that has occurred in Cuba in recent months, the heightened level of assault against human rights advocates, including journalists, the inability of human rights organizations to meet, the rollback of some of the gains that were made in terms of market economics, all of this at a time when Fidel Castro is saying that Cuba is committed to a Socialist-Communist state, will be for another 35 years and for 35 times 35 years.

That is the mindset of the regime with which we are dealing today, which is the same mindset that led this Congress in its wisdom 30 years ago to provide this expeditious procedure. The amendment before us recognizes that the Cuban Adjustment Act is intended to deal with the special circumstance, a circumstance that we hope will not be long in its future. Therefore, our amendment, the Cuban Adjustment Act, will be repealed, but it will be repealed when there is a democratic government in Cuba, not today when there is a government in Cuba which has launched a new level of repression against its people.

The second amendment, Mr. President, Senator KENNEDY has appropriately gone to the essence of that. That is an amendment which states that, if we are going to require that there be a deeming of the income of the sponsor to the income of a legal alien in making judgments as to whether that legal alien and his or her family can be eligible for literally an unlimited number of programs at the local, State, and Federal level, that we ought to be clear what we are talking about.

The way in which the legislation before us, S. 1664, describes the matter is to say that for any program which is needs based, that will be the requirement, that the income of the sponsor be attributed or deemed to be the income of the legal alien for purposes of their eligibility. I cited last night just a short list of what could have been thousands of examples of programs, from programs intended to immunize children in school, to providing after school safe places, and latchkey avoidance institutions in communities.

Is it the real intention of the U.S. Senate to say that none of those programs are going to be available to the children of legal aliens? I think not. Therefore, the thrust of this amendment is to say, let us be specific. Let us list which programs we intend this deeming of income of the sponsor to apply to.

I have listed some 16 programs which I believe are appropriate to require that deeming. As I said last evening, if it is the desire of the sponsors to modify that list by addition, deletion, or amendment, I will be happy to consider changes. But the fundamental principle, that we ought to be clear and specific as to what it is we intend to be the programs that will be subject to this deeming, I believe, is basic to our responsibility to our constituents, our citizen constituents, our noncitizen legal alien constituents, and the institutions, public and private, that render services. All of those deserve to know what it is we intend to require to be deemed.

I say, Mr. President, this is in our tradition. Currently we stipulate by statute in great detail which programs require deeming. We stipulate, for instance, that the Supplemental Security Income program be deemed. We stipulate that food stamps be deemed. We stipulate that aid to families with dependent children be deemed. Those are three programs which are in the law today specifically requiring deeming. In that tradition, if we are going to add additional programs, we should be just as specific in the future as we have been in the past.

So the challenge to us is to be faithful to our majority leader's statement earlier in this Congress in which he said this Congress is going to engage in legislative truth in advertising, we are going to say what we mean, mean what we say, and be clear in our instructions to those who will be affected by our actions.

So, Mr. President, those are the two amendments that will be voted on later today which I have offered. First the Cuban Adjustment Act, then the truth-in-advertising and deeming amendment.

I conclude, Mr. President, by asking unanimous consent that Senator LIEBERMAN of Connecticut be added as a cosponsor of the Cuban Adjustment Act amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Thank you, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I think we are nearly ready to perhaps close the debate and stack the votes on these two issues. I see no one further coming to speak on the issue. I will advise my colleagues—yes.

Mr. GRAHAM. Mr. President, it is my understanding there will be 5 minutes on each side immediately prior to the vote.

Mr. SIMPSON. Mr. President, that would be perfectly appropriate to me.

Mr. GRAHAM. Mr. President, I ask unanimous consent that, prior to the vote on each of those amendments, there be 5 minutes allocated to each side for closing arguments.

Mr. KENNEDY. Mr. President, reserving the right to object, and I do not object to it, I think that I generally want to see if we can vote after the disposition. I think that is a more orderly way. The leader has asked that we stack these. I would like to just see if we could see what understanding there is between Senator DOLE and Senator DASCHLE.

We ought to have at least the minute or two that we always do have. But I would like to inquire if there is no objection from the leaders on this before going along. So if we could inquire of the leadership if they are satisfied with that time, or make another suggestion, I would like to conform to that.

So would the Senator withhold that?

Mr. GRAHAM. I would like to add one other item. Senator SPECTER had asked to speak on the amendment, the truth in advertising and deeming amendment. I would like to protect his right to do so prior to the vote on that amendment.

Mr. KENNEDY. Mr. President, we will inquire of the majority and minority leaders, when we do our stacking, as to what procedure they want to follow in terms of the time. We will make it clear the Senator's request, and we will let him know prior to the time of asking consent.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, we will accommodate the Senator from Florida, but I agree with my colleague from Massachusetts that certainly that will be up to the majority leader and the minority leader as to that procedure. We will go forward on that basis.

Last night, I rather hurriedly commented on Senator GRAHAM's amendment. Let me be a little bit more precise at this time. I am speaking now of the Graham amendment to limit deeming to SSI, food stamps, AFDC, and housing assistance.

I do oppose the Graham amendment. This amendment would reopen a substantial loophole in our national—and traditional—immigration policy. Again, let me emphasize that before any prospective immigrant is approved to come to the United States, that newcomer must demonstrate that he or she is "not likely to become a public charge." That means that the newcomer will never, never, never use welfare—any welfare at all. That is what the law says, and that has been part of our immigration law since 1882.

Well, despite this stated policy, more than 20 percent of all immigrant households receive public assistance. There is a disconnect here between our Nation's stated policy, which is that no newcomer shall use welfare, period, and shall not become a public charge, and the reality in the United States, where one-fifth of our newcomers use welfare.

My colleagues could easily wonder, and are wondering, "How can this happen?" That is the question of the day. Many individuals show that they will not become a public charge by having a sponsor who is willing to provide support if the alien should need assistance of any kind. Under current law, however, this sponsor's promise is only counted when the alien applies for SSI, food stamps, and AFDC. No other welfare programs in the United States look toward the sponsor's promise of support. I hope that can be heard in the debate.

The bill now before the Senate—this is in the bill that is before you, this is in the bill that came from the Judiciary Committee by a vote of 13 to 4—requires that all means-tested welfare programs consider the sponsor's income when determining whether or not a sponsored individual is eligible for assistance. That is as simple as it can be. The U.S. Government expects the sponsors to keep their promises in all cases. That is what it is.

We should be clear about what deeming does. Deeming is, perhaps, a bit confusing. It is a simple word that something is deemed to be. In this case, the sponsor's income is deemed to be that of the immigrant for the purposes of computing these things. Deeming—this is very important. The bill will not deny welfare to an individual just because he or she is a new arrival. That is not what this bill does. I have heard a little bit of that in the debate. I would not favor anything like that, or any approach like that.

Instead, the bill requires that the sponsor's income be counted when determining whether the newcomer is eligible for public assistance. If the sponsor is dead, if the sponsor is bankrupt or otherwise financially unable to provide support, then this bill provides that the Federal Government will provide the needed assistance. That is what this bill before you today says.

My colleagues need to know what the Graham amendment does. It is sweeping. This amendment would limit deeming to only supplemental security income, SSI; aid to families with dependent children, AFDC; food stamps; and the public housing programs. That is it. That is all. This is almost unchanged from current law. It is the current law we are trying to change in this bill—and we do, and we did in Judiciary Committee. I hope we will continue it here because it already requires deeming for SSI and food stamps and AFDC.

Senator GRAHAM's amendment would exempt Medicaid, would exempt job training, would exempt legal services, would exempt a tremendously wide range of other noncash welfare programs from the sponsor-alien deeming provisions in this bill.

This amendment effectively undermines this entire section of the bill—the entire section—because here is what would happen. Under the Graham amendment, newcomers would have access to these various programs, and it would not be regarded as part of the sponsor's obligation. Newcomers, I think most of us would agree, who are brought here on a promise of their sponsors that they will not become a public charge, should not expect access to our Nation's generous welfare programs—cash or noncash—unless the sponsor, the individual who promised to care for the new arrival, is unable to provide assistance. If the sponsor is unable to do that for the various reasons that I just noted, then there is no obligation. The Government does pick up the tab. But if that sponsor is still able to do so, that sponsor will do so because if that sponsor does not do so, there is only one who will do so, and that is the taxpayers of the United States. There is no other person out there to do it.

So that is where we are. Our Government spends more on these noncash programs than all of the cash assistance programs put together. To exempt them would relieve the sponsors of most of their promise of support. I see no reason to exempt any sponsor from their promise of support, unless they are deceased, bankrupt, or cannot do it. If that is the case, then a very generous Government will do it, that is, the taxpayers.

I must stress that immigrant use of these noncash welfare programs is truly significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens, people who were coming only on one singular basis—that they would not become a public charge. This amendment would perpetuate the current levels of high welfare dependency among newcomers, and I urge my colleagues to oppose it.

I have never been part of the ritual to deny benefits to permanent resident aliens. I think there is some consideration there to be given in these cases. I do not say that illegal immigrants should not have emergency assistance. They should. And the debate will take place today where we will say, "Well, why is it we do these things for illegal immigrants and we do not do it for legal immigrants?" The issue is very basic. The illegal immigrant does not have someone sponsoring them to the United States who has agreed to pay their bills, and see to it that they do not became a public charge, period. That is the way that works.

So it is a very difficult issue because it has to do with compassion, caring, and all of the things that certainly all of us are steeped in. But in this situation it is very simple. The sponsor has agreed to do it, and to say that their income is deemed to be that of the immigrant. And that is the purpose of what the bill is, and this amendment would effectively in every sense undermine this aspect of the bill.

So I did want to express my thoughts on the debate indeed.

Then, finally, the Cuban Adjustment Act, as I said last night, is a relic of the freedom flights of the 1960's and the freedom flotillas of the late 1970's. At those times of crisis Cubans were brought to the United States by the tens and hundreds of thousands. Most were given this parole status which is a very indefinite status and requires an adjustment in order to receive permanent immigrant status in the United States. Since we welcomed those Cubans and intended that they remain here, the Cuban Adjustment Act—a very generous act—provided that after 1 year in the United States all Cubans could claim a green card. That is the most precious document that enabled you to work. They would claim a green card and become permanent residents here.

Since 1980 we have thoroughly tried to discourage illegal entry of Cubans. There is no longer any need for the Cuban Adjustment Act. The provision in the bill which repeals the Cuban Adjustment Act exempts those who came and will come under the current agreement between the Castro government and the Clinton administration, and one which Senator DOLE so ably described having been done without any kind of participation by the Congress. Those 20,000 Cubans per year, who were chosen by lottery and otherwise to come here under that agreement, will be able to have their status adjusted under the committee bill provisions. There is no change there at all. However, other than that one exception, there is no need for the Cuban Adjustment Act and it should be repealed.

No other group—I hope my colleagues can understand—nor nationality in the world, even among some of our most brutal adversaries, is able to get a green card merely by coming to the United States legally, or illegally, and remaining here for 1 year. That is what this is. Millions of persons who have a legal right to immigrate to join family here are waiting in the backlog sometimes for 15 or 20 years. And it would seem to me it would make no sense to allow a Cuban to come here on a raft, stay offshore and tell somebody from the INS who checks the box and says, "We saw you come," and 1 year later walk up and get a green card. That is exactly what is happening under current law. You come here, or to fly in on a tourist visa, to go to see your cousin, or sister, in Orlando, and then simply stay for 1 year and go down and get a green card, having violated our laws to do so, and then are rewarded with a precious green card which takes a number away from somebody else who has been waiting for 10 or 15 years. The Cuban Adjustment Act should be repealed.

It has been repealed on this floor three separate times, ladies and gentleman. The Cuban Adjustment Act was repealed in 1982. It was repealed in 1986. And it was repealed again I believe in 1990. That date may be imprecise. Each time it had gone to the House and then repeal had been removed.

So that is the Cuban Adjustment Act. It is certainly one of the most arcane and surely one of the most remarkable vestiges of a time long past; a remnant.

Mr. KENNEDY. Will the Senator yield for a question?

Mr. SIMPSON. Yes. I certainly will.

Mr. KENNEDY. If the immigrants come from Cuba under the existing exchange agreement, are they denied the other kinds of benefits that are available to others that come here as immigrants, or are they treated the same?

Mr. SIMPSON. Mr. President, all of those who come under the new proposal with the 20,000 per year for the 4 years, or the 5, are exempt from this provision. They would continue to come under that agreement between the President and the Cuban Government. They are not part of this.

Mr. KENNEDY. I thank the chairman.

Mr. President, I support the Senator's opposition, or I support the provisions in the legislation that would repeal it, and oppose the amendment of the Senator from Florida.

Mr. President, to move this process forward we have invited other Members of the Senate to come forward and address the Graham amendments, and we certainly welcome whatever participation they would want to make.

I would like to—and I will—introduce other amendments that are related in one form or another to the Graham amendments because I think we will find that there will be a disposition in favor of it. I hope that the Graham amendments will be accepted. And, if they are accepted, at least one of mine then will not. I would ask that we not vote on that because effectively it would be incorporated in the Graham amendments.

There are other provisions that are related to the general idea of programs that would be available to needy people that I would want to have addressed by the Senate.

So, Mr. President, I will offer—and I have talked to the floor manager on this issue, and on the amendment that I had addressed the Senate earlier on, and that was to eliminate the deeming on those legal for those particular programs that have been included in the House of Representatives as to be no deeming eligibility for. I ask that the current amendments be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. These amendments have the way to address that rather fundamental principle which I addressed earlier which requires that there be two amendments.

I would ask they be incorporated en bloc. This has been cleared with the floor manager. Then when the vote comes, if it does come on those amendments, that the one vote would incorporate both those amendments.

Effectively, Mr. President, these two amendments amend different parts of the bill but they are essentially, as I described earlier, and that is to make the programs consistent here in the Senate bill with what happened in the House bill where over there they said that there would be no deeming for the essential kinds of programs that primarily benefit children. The reason for that is because it is in the public interest for our own children that would be adversely impacted, if the legal children did not have immunizations and other kinds of emergency kinds of services, treatments, and screening programs. I addressed that earlier. I will speak to the Senate subsequently. But I ask that that follow the Graham amendment. If the Graham amendment is accepted, then I would ask to vitiate the yeas and nays on it.

Mr. President, it would be my intention to offer an amendment on the Medicaid deeming to title II of the bill. I will send that to the desk in just a moment.

Let me explain what this amendment would do. I am deeply concerned that for the first time in the history of the program we will begin to sponsor deeming for Medicaid for legal immigrants. I recognize that this is a high-cost program of $2 billion for helping legal immigrants over the next 7 years. But public health is at stake—not just the immigrants' health. The restriction on Medicaid places our communities at risk. It will be a serious problem for Americans and immigrants who live in high immigrant areas. If the sponsor's income is deemed, and the sponsor is held liable for the cost to Medicaid, legal immigrants will be turned away from the program, or avoided altogether. These legal immigrants are not going to go away. They get sick like everyone else, and many will need help. But restricting Medicaid means conditions will be untreated and diseases will spread.

If the Federal Government drops the ball on the Medicaid, our communities and States and local governments will have no choice but to pick up Medicare and pick up the cost.

In addition to veterans, my amendment exempts children and prenatal and postpartum services from the Medicaid deeming requirements for legal immigrants. The bottom line is we are talking about children, legal immigrant children who will likely become future citizens. The early years of a person's life are the most vulnerable years for health. If the children develop complications early in life, complications which could have been prevented with access to health care, society will pay the costs of a lifetime of treatment when this child becomes a citizen.

Children are not abusing Medicaid. When immigrant children get sick, they infect American citizen children. The bill we are discussing today effectively means children in school will not be able to get school-based care under the early and periodic screening, detection and treatment program. This program provides basic school-based health care. Under this bill, every time a legal immigrant goes to the school nurse, that nurse will have to determine if the child is eligible for Medicaid. The bill turns school nurses into welfare officers. The end result is that millions of children will not receive needed treatment and early detection of diseases.

Consider the following example. A legal immigrant child goes to her school nurse complaining of a bad cough. The nurse cannot treat the girl until it is determined that she is eligible for Medicaid. Meanwhile, the child's illness grows worse. The parents take her to a local emergency room where it is discovered the little girl has tuberculosis. That child has now exposed all of her classmates—American citizen classmates—to TB, all because the school nurse was not authorized to treat the child until her Medicaid eligibility was determined.

Or consider a mother who keeps her child out of the school-based care program because she knows her child will not qualify for the program. This child develops an ear infection, and the teacher notices a change in his hearing ability. Normally, the teacher would send the little boy to the school nurse but cannot in this case because he is not eligible for Medicaid. The untreated infection causes the child to go deaf for the rest of his life.

In addition, the school-based health care program also provides for the early detection of childhood diseases or problems such as hearing difficulties, scoliosis—and even lice checks.

Prenatal and postpartum services must also be exempt from the Medicaid deeming requirements. Legal immigrant mothers who deliver in the United States are giving birth to children who are American citizens. These children deserve the same healthy start in life as any other American citizen.

In addition, providing prenatal care has been proven to prevent poor birth outcomes. Problem births, low birthweight babies and other problems associated with the lack of prenatal care can increase the cost of a delivery up to 70 times the normal costs.

In California, the common cost of caring for a premature baby in a neonatal unit is $75,000 to $100,000.

Many things can go wrong during pregnancy, and in the delivery room many more things will go wrong if the mother has not had adequate prenatal care. Without it, we allow more American citizen children to come into the world with complications that could have been prevented.

This is not an expensive amendment. According to CBO, the cost of care for children and prenatal services is less than the cost for elderly persons.

What we are talking about, Mr. President, is $125 million, the cost of this amendment—$125 million to deal with the cost to exempt children under 18, services to mothers, expecting mothers, and veterans, from Medicaid deeming—$125 million out of $2 billion. So it is a very reduced program. It is, again, for the children, again, for the mothers, and, again, for veterans who have served or who may still be legal immigrants and have served in the Armed Forces and need some means-tested program.

The most outstanding one is prescription drugs. That is really the number one program, where they be costed out, and these veterans would have difficulty in program terms for that kind of attention.

Furthermore, the cost of providing a healthy childhood to both unborn American citizens and legal immigrant children is far less than the cost to society in treating health complications at delivery and throughout the lives of the children.

Finally, many legal immigrants serve in our Armed Forces. We mentioned that briefly at other times in the debates. Most veterans benefits are means tested. If the sponsor deeming provisions in the bill are applied to veterans benefits, some veterans will find themselves ineligible for VA benefits because the sponsor makes too much money or they are too poor to purchase health insurance.

My amendment allows those veterans to receive the health care they need under Medicaid.

This bill will make many immigrant veterans ineligible for health care assistance under their VA benefits. Currently veterans who are unable to defray the costs of medical care can qualify for means-tested benefits. There are several mandatory VA programs which are means tested. These programs provide vets with free inpatient hospital care and nursing home care. In addition, these programs help veterans pay for inhome care and out patient care. If these VA programs are deemed, Medicaid coverage may be the only safety net an immigrant veteran can receive.

Are we going to deny the 25,000 immigrants who are in the Armed Forces today—there are 25,000 of them who are in the Armed Forces today—who are sacrificing? And no one, I do not believe, was asking them when they joined whether they were being deemed or not being deemed. They were brought into the Armed Forces and served in the military. There are 25,000 of them who have served. All we are talking about are those particular ones who are going to have to have some special needs as I mentioned primarily in the area of prescription drugs. They have been serving this country and serving it well, many 2 or 3 or 4 years and even more.

So, Mr. President, this amendment effectively says that we will not have deeming when we are talking about children, mothers and veterans—children, mothers and veterans. We have carved that out of the Medicaid provision. You will not have deeming, one, for the public health purposes. I would like to do it because I think the most powerful argument is that the children are not the problem. Again, it is the problem of the magnet of jobs in this country and we should not be harsh on these children in particular.

I know there are those who say, well, the taxpayer has to do it. I am saying that it is a $2 billion tab. We are carving $125 million out of that and saying, both because the children are not the problem and for those who are looking for bottom lines, it is cheaper to have healthier children. These are children that are going to be American citizens. It is worthwhile that they are going to have an early start and we are going to be sensitive to those who have served under the colors of the country, the veterans who fall on particularly hard times to be able to benefit from the program.

Mr. President, will the clerk report.

The PRESIDING OFFICER. If there is no objection, the pending amendment will be—

Mr. KENNEDY. It is my intention that we temporarily set aside the GRAHAM amendments, that the two amendments incorporated in the earlier presentation that said we are in this bill going to treat those limited emergency programs the way that the House of Representatives did and saying we are not going to have a dual standard for the illegals and legals—we are going to treat the legals the same as the illegals—to achieve that there had to be two amendments offered to amend two different parts of the bill, but it is a rather straightforward provision. Rather than require a vote on each provision, I had talked to the floor manager and we had hoped that we would vote on those two en bloc.

And then the second amendment that I have sent to the desk deals with carving out the areas of Medicaid, for mothers, children, and the veterans. I believe that amendment has been sent to the desk. I would ask that my first amendment be temporarily set aside so that we would have that amendment before the Senate.

AMENDMENTS NOS. 3820 AND 3823

The PRESIDING OFFICER. If there is no objection, the Graham amendment will be set aside and the two en bloc amendments by Senator KENNEDY will be considered.

The clerk will report those amendments.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes en bloc amendments numbered 3820 and 3823 to amendment No. 3743.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments are as follows:

AMENDMENT NO. 3820

(Purpose: To provide exceptions to the sponsor deeming requirements for legal immigrants for programs for which illegal aliens are eligible, and for other purposes)

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1996.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence of child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT NO. 3823

(Purpose: To provide exception to the definition of public charge for legal immigrants when public health is at stake, for school lunches, for child nutrition programs, and for other purposes)

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).".

The PRESIDING OFFICER. If there is no objection, those amendments are set aside.

AMENDMENT NO. 3822 TO AMENDMENT NO. 3743

(Purpose: To exempt children, veterans, and pregnant mothers from the sponsor deeming requirements under the medicaid program)

The PRESIDING OFFICER. The clerk will report the third Kennedy amendment.

The bill clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3822 to amendment No. 3743.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT NO. 3760

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida [Mr. GRAHAM] is recognized.

Mr. GRAHAM. I ask unanimous consent it be in order for the yeas and nays to be ordered on amendment No. 3760.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRAHAM. Mr. President, I ask for the yeas and nays on amendment No. 3760.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. GRAHAM. Mr. President, I had not intended to speak further, prior to the time immediately preceding the vote on these two amendments, but I would like to respond to some of the comments made by the Senator from Wyoming.

First, on the Cuban Adjustment Act issue, the precise issue is the one that the Senator from Wyoming has stated, and that is, is the Cuban Adjustment Act an anachronism? Is it a dinosaur which served a purpose at a time past but is no longer relevant to the future?

The fact is, Mr. President, what is an anachronism, what is a dinosaur is the Fidel Castro regime in Cuba, a regime which has held its people in tyranny for 3½ decades. Until that regime is replaced with a democratic government, the Cuban Adjustment Act continues to play the same positive role as it did when it was adopted in 1966.

I am also concerned about the statement that there is no longer a need for the Cuban Adjustment Act. Between 1990 and 1994, prior to the current Cuban migration agreement of 1995, there were an average of 20,000 persons a year who were in the country legally, had resided here for a year, and asked for the discretionary act of the Attorney General to have their status adjusted. Assumedly, there continue to be thousands of people who arrived prior to the migration agreement of 1995 who are awaiting eligibility to ask for that discretionary act. So, yes, there is a need.

Second, the proposal which is in S. 1664 would only apply to those persons who arrived under the migration agreement of 1995 in the status of parolees. According to the statistics of the Immigration and Naturalization Service, since that agreement was in effect, approximately half of the Cubans who have arrived in the United States did not arrive as parolees. They came as either refugees or as visa immigrants. Under the reading of S. 1664, those persons who came under the migration agreement of 1995, would not be eligible to adjust their status because they did not come in the specific category of a parolee.

So the anachronism is in Havana, not in the laws of the United States. The need continues to exist today as it did 30 years ago. I urge adoption of the amendment which has been cosponsored by Senator DOLE, Senator MACK, Senator ABRAHAM, SENATOR BRADLEY, Senator HELMS, Senator LIEBERMAN—a broad, bipartisan consensus that the date for the change of the Cuban Adjustment Act is the date when democracy is restored to Cuba.

Second, on the amendment relative to truth in advertising and deeming, the Senator from Wyoming says the issue is the fact that we are not covering, under the amendment which I have offered, a variety of programs for which he thinks deeming should apply. I do not see that as being the issue.

The issue is, are we going to pass a vague law which states that the income of the sponsor shall be deemed to be the income of the legal alien for any benefits under any Federal program of assistance or any program of assistance funded in whole or in part by the Federal Government.

That is the proposition which is currently before us. I might say, happily, that that represents a restriction, because the original version of S. 1664 applied that same vague language, not just to federally funded programs but to programs by governments at the State and the local level. Now at least we are only dealing with federally funded programs, in whole or in part.

But the fundamental principle of our amendment is let us be specific. Let us tell the American people, let us tell the legal aliens and their families who are affected, let us tell those persons who are attempting to provide these services in a reasonable way what it is we intend to be covering. Let us list specifically what those programs are in the future as we have in the past. The current U.S. immigration law lists specifically those programs for which the sponsor's income is deemed to be the income of the sponsored legal alien. I think that was a wise policy in the past, and it is a policy which we should continue into the future. That is the fundamental issue.

That is why the major State-based organizations, from the Conference of State Legislators, the National League of Cities, the National Association of Counties—all of those organizations are supporting this amendment because they say we want to know precisely what it is we are going to be responsible for administering, since it is going to be our responsibility to do so. That is why those organizations are concerned about the massive, unfunded mandate that is about to fall upon them, both for the administrative costs of arriving at these judgments and the cost when services that are no longer going to have a Federal partner will become the obligation of local government.

The Senator from Wyoming left the inference that there were two places through which these services for legal aliens could be paid. One was by the Federal Government; second, by the sponsor. I suggest that there is a third, fourth, fifth, sixth, and so forth additional party who will be picking up these costs. Those are the thousands of municipalities, the 3,000 counties, and the 50 States of the United States that will be responsible.

Let me remind my colleagues that, by Federal law, we require a hospital emergency room to render service to anyone who arrives and requests that service, regardless of their ability to pay. So, what currently the law is, is that if it is a legal alien who is medically indigent, that cost will be a shared cost, with the Federal Government paying a portion and the States paying a portion. With what we are about to do, we are going to make that cost an unreimbursed cost to that hospital. Typically, it will be a public hospital. So it will end up being a charge to the taxpayers of that community or that State in which the legal alien lives. It is for that reason that, in addition to those groups that I listed, the Association of Public Hospitals supports this amendment, the Graham amendment, the truth in advertising, in deeming, amendment. It is also the case this has received support of the major Catholic organizations which, of course, operate substantial health care facilities in many communities in this country.

So, it is not correct to say the only two people who are at the table are the sponsor and the Federal Government. The reality is there is a whole array of American interests at the table. Unfortunately, under the amendment as currently written, they do not know what is being negotiated at the table. They do not know what the agenda is at the table. They do not know what their responsibilities are going to be, beyond the vague standard that they have to deem the income of the sponsor for any program of assistance funded in whole or in part by the Federal Government.

So I do not think that is good government. That is not good policy. It is not a respectful relationship with our intergovernmental partners, and it is directly contrary to the spirit of the unfunded mandate bill which this Senate passed as one of the first acts of the 104th Congress.

So for that reason, Mr. President, I urge my colleagues to vote yes on each of the two amendments that we will have before us this afternoon: First, the Cuban Adjustment Act amendment and, second, the truth in advertising in deeming for legal aliens amendment.

Thank you, Mr. President.

Mr. SIMPSON. Mr. President, I believe my friend the Senator from Alabama would like to speak on his own hour. I certainly yield for that.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. HEFLIN. Mr. President, I rise today in support of S. 1664, the Immigration Control and Financial Responsibility Act, which was reported out of the Judiciary Committee, after a rather long and arduous process, by a vote of 13 to 4.

I especially commend my long-time friend and colleague, Senator ALAN SIMPSON, who is chairman of the Judiciary Subcommittee on Immigration who has guided this legislative effort which is aimed at reducing illegal immigration in this country. He has the patience of Job, and I will miss his good company when we end our Senate careers, which began together 18 years ago. Also, I commend Senator KENNEDY who has worked diligently on this bill, as he does on so many legislative proposals.

I do not believe that there is much question that we need to reduce the high level of illegal immigration in this country, which has been an enormous drain on the country's welfare system, its public education system, as well as other Government resources.

The committee report shows that the number of illegal aliens apprehended each year since 1990 has been over 1 million. This figure alone justifies the steps that need to be taken to reduce illegal immigration.

The provisions in title I of this bill will strengthen law enforcement efforts against illegal immigration. The bill provides for additional law enforcement personnel and detention facilities, authorizes pilot projects to verify eligibility for employment and contains provisions to reduce document fraud.

Title I contains higher penalties for document fraud as well as alien smuggling, and it also streamlines exclusion and deportation procedures and establishes procedures to expedite the removal of criminal aliens.

The provisions in title II relating to financial responsibility of aliens is very important. I believe that aliens should be able to support themselves and, in fact, the U.S. law requires that an immigrant may be admitted to the United States upon an adequate showing that he or she is not likely to become a public charge. This has been a longstanding policy of our Nation, and the legislation before this body would strengthen that policy.

Title II contains certain provisions to reduce aliens being a burden on our Nation's welfare system. It contains a provision that an alien is subject to deportation if she or he becomes a public charge within 5 years from entry into the U.S.

Title II prohibits the receipt of any Federal, State or local government assistance by an illegal alien, except in rare circumstances, such as emergency medical care, pregnancy service or assistance under the National School Lunch or Child Nutrition Act.

Further, one of the ways an alien can prove he or she will not become a public charge is to have a sponsor in the U.S. file an affidavit of support which, under current law, requires the sponsor to support an alien for 3 years. This legislation increases a sponsor's liability to 10 years, which is the same time it takes any citizen to qualify for Social Security retirement benefits and Medicare. This liability against the sponsor is reduced if the alien becomes a citizen before the end of the 10-year maximum period.

These are some of the highlights of this important legislation. A number of amendments have been offered to this bill, some of which I will support and others that I will oppose. But I will keep my eye on the overall objective of the bill, which is to support a national policy to reduce illegal immigration and to make it unattractive for illegal aliens to come to the United States.

In these days of declining governmental resources, we must provide for our own citizens first and foremost. This legislation, under the worthy stewardship of Senator SIMPSON and augmented by Senator KENNEDY, is a step in the right direction.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming [Mr. SIMPSON] is recognized.

Mr. SIMPSON. Mr. President, through the years of my work in this area, no one has been more available to visit with, to commiserate with, to talk with than my old friend from Alabama, Senator HOWELL HEFLIN. He has been a wonderful friend and, more appropriate, he has listened attentively to these issues of legal and illegal immigration and always, indeed, has been supportive when he could and at least I always understood when he could not. No one could have assisted me more through the years than the senior Senator from Alabama. I appreciate that very much in many ways.

Mr. President, how much time do I have remaining on my own time before seeking time to be yielded from generous colleagues?

The PRESIDING OFFICER. The Senator has 31 minutes.

Mr. SIMPSON. Mr. President, let me speak then on the Kennedy amendments. I have spoken on the Cuban Adjustment Act, and I have spoken on the Graham amendment. Let me speak briefly on the Kennedy amendment, the Kennedy amendment en bloc, the two that have been joined and the next one, a singular one, and I address them together because they are very similar.

Let me say that, indeed, I oppose the Kennedy amendment and I go back to this singular theme that we must not deviate from: Before a prospective immigrant is approved to come to the United States, that person must demonstrate that he or she is not likely at any time to become a public charge.

I know that is repetitive. It was the law in 1882. The individuals meet this public charge requirement by a sponsor's written agreement, an affidavit of support. It is to provide support if the alien ever needs support. If the alien needs nothing, the sponsor pays nothing. If suddenly the alien says, "I can't make it, I'm going to have to go on welfare, I'm going to have to receive assistance," the sponsor steps in, not the USA. We are trying to avoid the step in these various amendments to say the sponsor is not in this game and the USA is. We say that if the sponsor is deceased or bankrupt or ill, or whatever it may be, that that person will be taken care of.

The committee bill requires all welfare programs to include the sponsor's income when determining whether a sponsored individual is eligible for assistance. In other words, the U.S. Government will require the sponsors in this bill to keep their promises.

CBO has scored this as a significant private-sector mandate. I think that is a most appropriate definition because it should be a private-sector mandate. Sponsors should not expect free medical care from U.S. taxpayers for their immigrant relative when they can provide it themselves. That is what we are talking about.

If they cannot provide it themselves, I am right with Senator KENNEDY, then this Government could do so. But why let the sponsor off the hook? I think that is a mistake.

Senator KENNEDY's amendment would exempt Medicaid from any welfare restrictions for a substantial number of cases. We again should be very clear what deeming does. It does not deny medical treatment to any child or to any pregnant woman. The stories that touch our heart are not affected. You can get that kind of care. You can get that kind of emergency care. It does not deny medical treatment to any child or any pregnant woman with all of the poignant stories we can tell. But it does require that the sponsor who promised to provide the assistance will fulfill their pledge if—if—they are capable of doing so.

I say that my colleague should know that if a sponsor does not have enough money to provide medical assistance, then Medicaid and all other welfare programs are available, all of them. If a sponsor dies, then Medicaid and all of the public assistance programs are available to the newcomer. We are not going to throw sick children into the streets or deny xrays or deny care or any of that type of activity. We are only asking sponsors to keep their promises and pay the bill, if they have the means.

I chair the Veterans Affairs' Committee. I do know how tough it is to discuss the word "veterans." But I am wholly uncertain why the veteran exemption is included at all, because all veterans and their families are eligible for medical care through our veterans hospitals—all of them. Needy veterans—needy veterans, poor veterans, incompetent veterans, whatever, they are provided free medical care, free medical care, through the more than 700 veterans facilities throughout this country, under a completely separate program, which is not Medicaid. It is a huge program. The veterans of this country receive $40 billion per year, which is not Medicaid, not that health care. They have the DOD, the Department of Defense, with CHAMPUS and dependents' health care of those in the military. That is another $4 billion we do not even count. We wonder what is happening.

It is because we are generous. We should be generous. No one—no one—disputes that. But if my colleague wants to provide an exemption for these veterans hospitals, I would certainly try to work something out. I share that. But let us not, however, exempt sponsors of a large number of Medicaid beneficiaries from any responsibility for those they have pledged to support under the guise of fair treatment for veterans.

There are 26 million of us who are veterans. We spend $40 billion. The health care portion of that is huge, over half. There are 26 million of us. We go down in numbers 2 percent per year. You could not be more generous to veterans. This is a hook. This is one of those hooks we use to do a debate; mention the word "veterans" or "kids" or "seniors." That is how we got here to a debt of $5 trillion, which is now $5.4 trillion. If we do all the evil, ugly things that will be done or could be done in our discussion, the debt will be $6.4 trillion at the end of 7 years.

So my colleagues know that the Federal Government spends more on Medicaid than any other welfare program. Use of this program by recent immigrants is very significant. For Medicaid alone, CBO estimates that the United States will pay $2 billion over the next 7 years to provide assistance to sponsored aliens. So I hope we might dispose of that amendment.

The Senator from New Mexico is here and in a time bind. I yield to Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico, Senator DOMENICI, is recognized.

Mr. DOMENICI. Might I ask, are we on time limits?

Mr. SIMPSON. The Senator's own time.

The PRESIDING OFFICER. The Senator has 1 hour under rule XXII.

Mr. DOMENICI. I yield myself 7 minutes and hope I do not interrupt what all of you have been talking about.

Mr. President, let me just suggest that if the American people understood what we have let happen to immigration in the United States with reference to the welfare program, I believe, in spite of their genuine interest in immigration and in letting the mix continue in America, I believe they would come very close to saying, "Stop it all." I am going to tell you why.

First, Senator DOMENICI from New Mexico is not against letting people from all over the world come to our country under an orderly immigration process. How could I be against that? I would not be here if we did not have such a policy at the turn of the century. Both of my parents—not grandparents—came from the country of Italy.

In fact, my mother, unknowingly, remained an illegal alien well into the Second World War because the lawyers had told my father that she was a citizen, and she was not because the law had changed. So I understand all of that. I even witnessed her getting arrested by the immigration people after she had been here 38 years with a family and was a stalwart of the community, because technically a lawyer had told my father she was a citizen, and she was not.

I understand how immigrants add to the energizing of this great Nation. I understand how they provide through their gumption and hard work, how they provide very positive things for America. I am not here talking about changing that or denying that. But I want to just start by ticking off a couple of numbers and then telling the Senate what has happened that I think this bill fixes. And welfare reform, as contemplated, completes the job.

We tend to think we have a policy that we will not provide welfare to legal aliens who come to America because we think they all want to go to work, want to take care of themselves, and we have sort of let the programs develop without any supervision. So let me give you a couple of examples.

There are 2.5 million immigrants on Medicaid—2.5 million. There are 1.2 million on food stamps—1.2 million. AFDC, 600,000.

It seems to me that, if we have a policy that you bring in aliens and somebody is responsible for them, then how did we let this happen? Then, to top it off, let me give you the case with reference to the SSI program and immigrants. SSI is itself a welfare program. It is paid for by the general taxpayers of America, not to be confused with a Social Security program for disability that is paid for with Social Security trust funds and people had to work a certain number of quarters to earn it.

I want to say since our earliest days, colonial days, excluding likely public charges has been a feature of our immigration laws.

Also, once immigrants are here and they become a public charge, that immigrant could then be deported. Let me repeat. From our earliest days, likely public charges excluded from the welfare system was part of the American tradition and law, and once here, if they became a public charge, they would be deported.

Data shows that immigrants, in fact, become public charges, and the problem is growing. In testimony before the Budget Committee, George Borjas, of Harvard University, presented some startling data showing the immigrants' use of welfare benefits, and showing that it is now higher than that of the general population. Let me repeat. This professor showed that immigrants are using our welfare system benefits in higher percentages than that of the general population.

Let me take one program on and lay it before the Senate and the public today—the supplemental security program, SSI. That is the fastest growing program in the Federal budget. It is the fastest growing program in the Federal budget. This rapid growth, Mr. President, is due largely to elderly sponsored immigrants coming onto the rolls. That means elderly immigrants are being brought to America under a law that says Americans who bring them will be responsible for them, and they sign agreements saying that is the case.

Now, is it not interesting that if that is what we intend, that something is going wrong? The American taxpayers, who are asking us to take care of Americans in many areas where we do not have money, are paying through the nose for immigrants who came here under the pretense that they would be taken care of, but now we are taking care of them.

According to the Congressional Budget Office, 25 percent of the growth in SSI—that is the supplemental security income participants—between 1993 and 1996 is due to immigrants. Now, that is an astounding number because if you look at the percentage that the immigrants bear to that population, the elderly immigrants represent 6 percent of the elderly SSI population and, today, 3 percent of the population of older Americans are legal immigrants, but 30 percent of the SSI beneficiaries are legal immigrants.

Something has gone awry when a large portion of this population is immigrants. That is what this very simple chart shows: 2.9 percent of the general population are immigrants and 29 percent of the SSI-aged beneficiaries are immigrants—10 times the ratio that their population bears to the group that would be entitled to SSI. One might say that is such a gigantic mismatch that it seems like it is almost intentionally occurring. Somebody is planning it so that Americans pay for immigrants who come here with a commitment that somebody else will take care of them, but when they get old, the Government takes care of them.

I believe that there are data—and they are growing—that maybe sponsors bringing their relatives to the United States do so intending to put them on SSI. This chart shows that the minute the deeming period is over, immigrants apply for SSI. In fact, let us look at this one. Within 5 years of entry into the United States, over half of those on SSI have applied. It almost seems that they come here, and those who bring them here plan to put them on the public welfare rolls under SSI at the very earliest opportunity.

For those of us who promote family unification, which is one reason they get their elderly parents into America, we are beginning to be very suspicious of whether the promoting of this family unification by many is to bring parents here so the Government of the United States can take care of them as immigrants in the United States. That is something that none of us really believe should happen.

There are over 1 million aliens on food stamps; half a million are on AFDC; 2½ million are on Medicaid; and untold hundreds are on small means-tested benefit programs. Clearly, there is a large number of aliens receiving public benefits and, therefore, they are now public charges.

I want to suggest that it is amazing. The testimony before our committee said that even though the INS, Immigration and Naturalization Service, is charged with deporting public charges, through the last 10 years only 13 people were actually deported. Of the millions that came in—and hundreds of thousands are obviously public charges in dereliction of our Federal law—there was a response of only 13 deportations.

So my question is, How does this happen, and will we let it happen and continue to grow? My opinion is that this bill goes a long way in trying to resolve that issue on the side of American taxpayers, who work hard to earn their money and then give it to the Government and find that, in turn, there is such dramatic abuses of our welfare assistance to those in need, perhaps by aliens who seem almost to be brought here in contemplation of taking advantage of all of this. It seems that simply making the support affidavit legally enforceable is a legislative wish.

Once again, in testimony in front of the Budget Committee, where we were concerned about the skyrocketing costs, there was an analogy drawn between a sponsor's affidavit of enforcement and child support enforcement. I only raise that because child support enforcement is almost one of these things that bear the wrong name because you cannot enforce it. You do not have enough bureaucracy or computers to enforce it. I think when we are finished, we may find ourselves in the same place again because the enforceability of these affidavits is going to be such a monster job that I am not sure it is going to work. But at least we are on record saying it is to be enforced, and we have set the rules in this bill to make this a better opportunity on behalf of our taxpayers.

A panelist asked, How can we expect to make enforcement of affidavits work? Then they said the 20 years of experience in the child support program would indicate it may not work.

Does the Immigration Service, or any other entity charged with implementing this bill, have the resources to effectively administer the deeming requirement and enforce the affidavit? I am not sure. Perhaps the sponsors can address that in due course.

Do we think that there are other steps that should be taken, perhaps along the lines of immigrant restrictions that are in the welfare bill—a 5-year ban on receipts, all noncitizens ineligible for SSI and food stamps?

Could these steps be an interim solution until we have an effective screening mechanism for public charges, enforcement of support orders and deeming requirements?

Mr. President, I did not come to the floor to criticize the bill because, in fact, it makes a dramatic change in the direction of seeing to it that the public charge is minimized when indeed it should be minimal, not played upon, abused in some instances, and even planned abuse to see to it that aliens come and when they get old enough, they go on the public welfare rolls, even though that was never contemplated by our laws—either immigration or welfare.

Mr. President, I thank Senator SIMPSON for yielding the floor so I could use part of my time.

I yield the floor.

Mr. SIMPSON. Mr. President, I hope every one of our colleagues have heard the remarks of the senior Senator from New Mexico. They were powerful, startling, and here is the man whom we entrust with handling our budget activities. And who does it with greater skill and dogged determination than this man? He is citing what has happened to the things that we believe in and that we try to support. I know they have been so seriously disrupted and distorted. They could not have been made more clear. I thank the Senator. With a few words, and with a graph or two, he placed it in better perspective than I possibly could. The present situation is simply unsustainable, and it is going to become ever more so.

Mr. DOMENICI. I thank the Senator.

I will add one further comment. I am firmly convinced—and I think the Senator from Wyoming is—that if the American people understood this problem they would be on his side on this bill. I do not believe with the budget constraints—and having to look at the many programs affecting American citizens and immigrants who become citizens who are working and moving America ahead—that we have this kind of situation involved with reference to in the broadest sense our welfare programs. That does not mean in every single sense I agree with the Senator's approach in this bill. Maybe lunches for school kids may be an exception. It is a bit burdensome. But essentially we have to know what we are giving these people, and decide what we can afford. I think that is to be the prevailing test. And, frankly, we cannot afford a lot. We just cannot. We cannot take care of American citizens in this country.

I thank the Senator for his comments.

Mr. SIMPSON. I thank the Senator from New Mexico.

I have toyed with the issue of doing something with regard to legal immigration, and that was a rather less effective exercise. Somebody else can deal with that one in the years to come because this is all a part of that.

AMENDMENTS TO BE CONSIDERED EN BLOC—NOS. 3855 AND 3857 THROUGH 3862; AND 3853 AND 3854

Mr. SIMPSON. I have two unanimous-consent requests.

I ask unanimous consent that amendments 3855 and 3857 through 3862 be considered en bloc, and I also ask unanimous consent that amendments 3853 and 3854 be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

MAKING CORRECTIONS TO PUBLIC LAW 104-134

Mr. SIMPSON. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar item No. 387, Senate Joint Resolution 53.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A joint resolution (S.J. Res. 53) making corrections to Public Law 104-134.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution.

INTERNATIONAL VOLUNTARY FAMILY PLANNING

Mr. HATFIELD. Mr. President, this resolution makes several adjustments to the Omnibus appropriations bill which the President has signed. I would like to take this unexpected opportunity to express my disappointment, and some astonishment, at the way the funding issue on international voluntary family planning found its conclusion.

Though I wrote the language on family planning that this resolution repeals, despite what misgivings I and others may have about this action, we made a deal in conference and will stick to it.

Since we are all a little battle-weary from consideration of the omnibus bill, I will forego a reiteration of the history of the family planning provision, or a reassertion of what has already been stated on the merits of the issue. A few points that were lost in the din of debate, however, deserve a brief note.

It is axiomatic that reducing the number of unintended pregnancies in the world will reduce the number of abortions. Conversely, where there is no access to family planning, and this will be the case in more regions of the world now, the number of abortions and maternal deaths will quickly rise.

Through the 85-percent cut in AID's voluntary family planning program which regrettably is now in the law, we are going to find this out the hard way. Of the many ironies which have dogged this matter from the outset, among the most painful is that hundreds of thousands of women and children are going to die because prolife Members of Congress, many of whom understand basic biology, failed to apply their understanding to this issue.

A related irony is that voluntary family planning has become hostage to the politics of abortion. Though AID is prohibited by law from using any U.S. money for abortion, the fungibility argument, a slim reed at best, is being used to deny family planning services to millions of poor couples overseas. While prolife Members continue to engage in fungibility discussions, millions more abortions will occur. This offends both decency and common sense, but for now it appears that we can do no better.

We all care about vulnerable families, particularly women and children. I will remind my colleagues, especially those who would fund child survival programs but cut family planning, that UNICEF's "State of the World's Children" report states that "Family planning could bring more benefits to more people at less cost than any other single 'technology' now available to the human race."

I assure my colleagues that this matter will not go away. It is my hope that Members on both sides of this issue will avoid the temptation to let rigid ideology stand in the way of compassion and common sense in the next round of debate, which will surely occur on the fiscal year 1997 foreign operations appropriations bill.

Mr. FEINGOLD. Mr. President, I want to speak briefly on the technical correction bill to the continuing resolution which the Senate is about to consider.

It is my understanding that the legislation passed last week inadvertently included the text of the Hatfield amendment, which provided that the harsh restrictions on the operations of the international family planning program could be waived if the President determined that they would interfere with the delivery of such services and result in a significant increase in abortions than would otherwise be the case in the absence of such restrictions. That amendment had been adopted by the Senate by a vote of 52 to 43, but the conferees nevertheless evidently decided to abandon the Senate position. That was a very unfortunate decision, in my view, that will have an adverse impact worldwide on efforts to provide family planning services to individuals in developing countries.

It is not my intent, nevertheless, to take advantage of what was a clerical error in the actual text of the continuing resolution. I recognize that the comity of the Senate requires that both sides of the aisle work in good faith in these areas.

However, I do want to note for the record, that this courtesy was not extended by the Senate Foreign Relations Committee majority to the minority when a somewhat similar drafting error occurred during consideration in the Senate Foreign Relations Committee of the international family planning authorization legislation on the foreign aid authorization bill. At that time, we were advised that although the intent of our amendment was clear, a drafting error occurred which did not reflect the intent of the Committee in adopting, by a vote of 11 to 5, an amendment relating to the international family planning program, and that a technical correction would not be permitted without the entire committee revisiting the issue. My staff was advised that this comity, which is routinely provided when committee staff are authorized to make technical and conforming amendments, would not be extended in this case because the issue involved family planning and abortion which were important to the chairman. Unfortunately, there were other incidents involving population issues during the Foreign Relations Committee's deliberations that also damaged the sense of comity that has traditionally characterized the Senate.

Mr. President, these issues are very important to me and to many Members of the Senate. Indeed, a majority of the Senate repeatedly voted in favor of the international family planning program in a number of votes taken on the foreign operations appropriations bill. The position taken by the conferees on the continuing resolution does not reflect the Senate's position on this issue and I very much regret that the Senate conferees did not uphold the Senate's position. I must say I am confounded why the anti-abortion movement would try to dismantle the very program that does more to prevent abortions than any other campaign.

However, I do not believe that it is appropriate to take advantage of a clerical error to regain our position. I hope that in the future similar courtesy will be extended when the shoe is on the other foot—even when the issue is of great importance to individual Members or is as sensitive as population policy is.

I also hope that now that the population program is resolved for this year, that the program—however small it is—be allowed to go forward. There are currently over 50 population program actions that the administration has notified the Congress of, but which cannot proceed since the chairman of the Senate Foreign Relations Committee routinely puts a hold on all population programs. Even those of us who fervently oppose these reductions accept we need to live with them; I wish that opponents of the program would also try to abide by this compromise, and allow what is left of the program to proceed.

Mr. KERRY. Mr. President, once again I come to the floor about an issue of vital importance—international family planning funding.

In the fiscal year 1996 foreign operations appropriations bill, a draconian provision was enacted that is decimating our family planning programs worldwide. Under that provision, no new funding can be used for population assistance until July 1, 1996—a full 9 months into the current fiscal year. Beginning in July, the program will be funded at a level reduced 35 percent from the 1995 funding level, to be allocated on a month-by-month basis for the next 15 months.

Mr. President, in dollar figures, the effect of this provision is catastrophic. The net result is to cut funding for family planning programs from $547 million in fiscal year 1995 to $72 million for this fiscal year. This is an 86-percent cut in just 1 year. This is indefensible. This is foolish. This is wrong.

Recognizing the damage being done by these restrictions, Senator HATFIELD sponsored an amendment to the last continuing resolution [CR] which would have allowed funding for these programs to resume. Senators DOLE and MCCONNELL tried to defeat that amendment but their effort was overwhelmingly rebuffed by a bipartisan majority in the Senate. Unfortunately, the Hatfield language did not survive in conference. Once again, the Republican majority in the House, which opposes these family planning programs, refused to accept the Hatfield amendment, or in fact any other compromise language offered by the Senate conferees to deal with this issue responsibly.

In a strange twist of fate, however, the conferees left in Senator HATFIELD's language by mistake. The final bill that was passed by the House and the Senate would, in other words, remove these intolerable and destructive limitations on family planning programs.

Now we are being asked to correct that mistake—in effect, to put back into place those very restrictions that a majority of us voted against and which we have worked so hard to overturn. I understand that this is merely the correction of an unintentional mistake. However, I would ask: Would the other side do the same for us if they were in our shoes? Would they agree to help us eliminate language they strongly supported? And sadly, the one recent instance I can remember of a case like this in the Foreign Relations Committee is that they did not accommodate us. So I think the Senate should be reminded of how far out on a limb we are going.

I will not object to this unanimous-consent request. However, should the situation be reversed, and we err at some time in the future, I hope our colleagues on the other side of the aisle will extend the same courtesy to us.

I want to express my strong conviction that international family planning programs are in America's best interest. Funding for these programs is an investment that will save the lives of thousands of women and prevent millions of unplanned births and abortions in the future. These programs will help to ensure that newborn babies will be more healthy and to avert the problem of overpopulation.

I joined Senator SIMPSON in representing the United States at the 1994 International Conference on Population and Development in Cairo, where the United States played a leadership role in galvanizing the international community to action. The conference called for a global effort to address overpopulation and to work together to promote maternal and child health care, educational opportunities for women and girls, and, most importantly, family planning programs. After pledging to provide world leadership in the area of international family planning, we cannot abandon our global partners at this juncture.

Mr. President, let me take a moment to address what I believe is clouding the debate about family planning programs. There are some who want to equate family planning with abortion. Let me make clear: Family planning does not mean abortion.

In fact, statistics prove that when women have access to voluntary family planning programs, the incidence of abortion decreases. Through education and contraception, family planning programs help women and families living in impoverished countries to begin childbearing later in life and to space their children. The issue of helping families better plan for children is in the interest of all those involved.

In addition, Federal law prohibits the United States from funding abortions abroad. The U.S. Agency for International Development has strictly abided by that law. Those who argue that international family planning programs fund abortions abroad are simply wrong.

Mr. President, by denying people access to the family planning programs worldwide by slashing their funding, there will be an estimated 4 million more unintended pregnancies every year, close to a million infant deaths, tens of thousands of deaths among women and—let me emphasize to my colleagues who oppose permitting women to choose abortions in the case of unwanted pregnancies—1.6 million more abortions.

These programs provide 17 million families worldwide the opportunity to responsibly plan their families and space their children. They offer a greater chance for safe childbirth and healthy children, and avoid adding to the population problem that hurts all of us and hurts the unborn generations even more severely.

In order to spend the population money the administration will have to send the required notifications to the appropriate congressional committees. When that process begins, I hope that those on the other side of the aisle who oppose family planning programs will remember that supporters of family planning programs, on both sides of the aisle, allowed this technical correction to be made and that they will not use the notification process to prevent the funds from flowing.

The Senate has voted time and time again in favor of international family planning programs. Soon we will begin consideration of the fiscal year 1997 budget. Make no mistake about it. Family planning will be an issue and the Senate will continue to fight for its position on this issue. The time is long overdue for the House majority to start acting responsibly on an issue that will affect generations to come.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the joint resolution be considered read for a third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the joint resolution was considered, deemed read for a third time, and passed; as follows:

S.J. RES. 53

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) In Public Law 104–134, insert after the enacting clause:

"TITLE I—OMNIBUS APPROPRIATIONS".

(b) The two penultimate undesignated paragraphs under the subheading "ADMINISTRATIVE PROVISIONS, FOREST SERVICE" under the heading "TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE" of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, are repealed.

(c) Section 520 under the heading "TITLE V—GENERAL PROVISIONS" of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104–134, is repealed.

(d) Strike out section 337 under the heading "TITLE III—GENERAL PROVISIONS" of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, and insert in lieu thereof:

"SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos."

(e) Section 21104 of Public Law 104–134 is repealed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Graham amendment No. 3760 at 2:15 today, and immediately following that vote there be 2 minutes of debate equally divided in the usual form to be followed by a vote on or in relation to the Graham amendment No. 3803 with the clarification that there be 2 minutes of debate equally divided on each of those amendments, and that the debate begin at 2:15.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I send an amendment to the desk.

Mr. President, I will submit the amendment in a moment. As we prepare to do that, let me say that I will proceed to an amendment. Senator KENNEDY has certainly accelerated the process. I am very appreciative. He and I intend to deal with the hot button items, and certainly the one with regard to deeming and public assistance and welfare is one of those. Anything to do with verification is one of those.

So now I do not think this one will be exceedingly controversial because it will deal with the issue of the birth certificate, and the birth certificate is the most abused document. It is the breeder document of most falsification. I have tried to accommodate the interests of Senator DEWINE.

I may not have met that test. But I certainly have tried. I have tried to meet the recommendations of Senator LEAHY, and certainly we have met the test of the issue of cost. Because we have it now so provided that I think we have met those conditions.

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Mr. President, I call up amendments at this time 3853 and 3854 and ask that they be considered en bloc.

The PRESIDING OFFICER. If there is no objection, the pending amendments are set aside, and without objection it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3853 and 3854 en bloc.

Mr. SIMPSON. Mr. President, I believe that those relate to verification. I am not prepared to bring those up at this time, and I ask unanimous consent that that request be withdrawn.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3855 AND 3857 THROUGH 3862, EN BLOC

Mr. SIMPSON. I call up amendments 3855 and 3857 through 3862, en bloc.

The PRESIDING OFFICER. Without objection, the pending amendments are set aside, and the clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. SIMPSON) proposes amendments numbered 3855 and 3857 through 3862, en bloc.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendments follow:

AMENDMENT NO. 3855

(Purpose: To amend sec. 118 by phasing-in over 6 years the requirements for improved driver's licenses and State-issued I.D. documents)

In sec. 118(b), on page 42 delete lines 18 through 19 and insert the following:

"(5) EFFECTIVE DATES.—

"(A) Except as otherwise provided in subparagraphs (B) or (C), this subsection shall take effect on October 1, 2000.

"(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, Paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

"(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, Paragraphs (1) and (3) shall apply—

"(I), during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

"(II), beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

"(C) Paragraph (4) shall take effect on October 1, 2006."

AMENDMENT NO. 3857

Amend section 118(a)(3) to read as follows:

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

AMENDMENT NO. 3858

(Purpose: To amend sec. 118 by providing that the birth certificate regulations will go into effect two years after a report to Congress)

In sec. 118(e), on page 41, strike lines 1 and 2, and insert the following:—

"(6) EFFECTIVE DATES.—

"(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

"(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B)."

AMENDMENT NO. 3859

Section 118(b)(1) is amended to read as follows:

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was, respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appear on the card.

AMENDMENT NO. 3860

(Purpose: To amend sec. 118 by revising the definition of birth certificate)

In sec. 118(a), on page 40, line 24, after "birth" insert:

"of—

"(A) a person born in the United States, or

"(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is".

AMENDMENT NO. 3861

Amend sec. 118(a)(4) to read as follows:

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) not later one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term "birth certificate" means a

certificate of birth registered in the United States.

AMENDMENT NO. 3862

Amend section 118(a)(1) is amended to read as follows:

(a) BIRTH CERTIFICATE.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes;

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

Mr. SIMPSON. Mr. President, these series of amendments deal with a certain issue. They are intended to improve section 118 of the bill which relates to the improvements in the birth certificate and driver's license. These were contained in a single amendment to this section of the bill, and they have been united en bloc.

These amendments in their en bloc form provide for a 6-year phase in of the driver's license improvements. It provides that the agency will develop the new minimum standards for birth certificate copies—the agency designated by the President and not necessarily the Department of Health and Human Services.

The second amendment, or the amendments, eliminate the reference to the phrase "use by imposters." And the purpose here is to remove any implication that fingerprints, or other so-called biometric information will be required. That came up in the debate in committee. I have no desire to go to that intrusive level, and it is not there.

It directs the agency developing the new standards for birth certificate copies not to require a single design. That was part of the debate. Surely we cannot require a single design, and we do not.

All of the States would not have to conform to this, and it directs the agency to take into account differences between the States and how birth records are kept and copies are produced. And it directs the agency developing the birth certificate standards to first consult with other Federal agencies as well as with the States.

It requires the agency developing the minimum standards to submit a report to Congress on their proposed standards within 1 year of enactment, and then it also modifies the definition of "birth certificate" to clarify that it includes the certificate of a person born abroad who is a citizen at birth if the birth is registered in a State.

It also provides new minimum standards for birth certificate copies—copies—which will be in effect beginning 2 years after the report to Congress by the agency developing the standards. And it makes a technical amendment to part of the driver's license provision so that it will more accurately reflect the agreement between Senator KENNEDY and I during the Judiciary Committee markup.

That is the essence of the material, but let me add this. The amendment would phase in the bill's requirements for the improved driver's licenses and State issued ID documents over 6 years beginning October 1, 2000, the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State issued ID documents with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in States with the next longest period. This one State would have 6 years to implement the improvements. This is an accommodation that Senator KENNEDY is aware of. His State has some very interesting and sweeping legislation with regard to licenses.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by Government agencies in this country would under the amendment I am now proposing not be effective until 6 years after the effective date of the legislation.

I wish to give Senator KENNEDY an appropriate time to respond before the hour of 12:30 when by previous order we will recess, but what we have tried to do is remind our colleagues once again that fraud resistant ID documents will not only make it possible for an effective system of verifying citizenship or work authorization but also greatly reduce illegal immigration.

The amendment is in response to the CBO estimate of the current requirement that these documents be implemented prior to October 1, 1997. The additional costs of replacing all licenses and ID documents by 1998, including those that would otherwise be valid for an additional number of years, would be eliminated. So instead of costing $80 to $200 million initially, plus $2 million a year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 million to $20 million incurred over 6 years, and the CBO has written a letter to me confirming that fact. I ask unanimous consent it be inserted in the RECORD at this time.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, April 15, 1996.

Hon. ALAN K. SIMPSON,
Chairman, Subcommittee on Immigration, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: As requested by your staff, CBO has reviewed a possible amendment to S. 1664, the Immigration Control and Financial Responsibility Act of 1996, which was reported by the Senate Committee on the Judiciary on April 10, 1996. The amendment would alter the effective date of provisions in section 118 that would require states to make certain changes in how they issue driver's licenses and identification documents. The amendment would thereby allow states to implement those provisions while adhering to their current renewal schedules.

The amendment contains no intergovernmental mandates as defined in Public Law 104-4 and would impose no direct costs on state, local, or tribal governments. In fact, by delaying the effective date of the provisions in section 118, the amendment would substantially reduce the costs of the mandates in the bill. If the amendment were adopted, CBO estimates that the total costs of all intergovernmental mandates in S. 1664 would no longer exceed the $50 million threshold established by Public Law 104-4.

In our April 12, 1996, cost estimate for S. 1664 (which we identified at the time as S. 269), CBO estimated that section 118, as reported, would cost states between $80 million and $200 million in fiscal year 1998 and less than $2 million a year in subsequent years. These costs would result primarily from an influx of individuals seeking early renewals of their driver's licenses or identification cards. By allowing states to implement the new requirements over an extended period of time, the amendment would likely eliminate this influx and significantly reduce costs. If the amendment were adopted, CBO estimates the direct costs to states from the driver's license and identification document provisions would total between $10 million and $20 million and would be incurred over six years. These costs would be for implementing new data collection procedures and identification card formats. If you wish further details on this estimate, we will be pleased to provide them.

Sincerely,

JUNE E. O'NEILL,
Director.

Mr. SIMPSON. So with respect to birth certificates, the bill already requires, the bill we are debating, that as of October 1, 1997 no Federal agency—and no State agency that issues driver's licenses or ID documents—may accept for any official purpose a copy of a birth certificate unless it is issued by a State or local government rather than a hospital or nongovernmental entity, and it conforms to Federal standards after consultation with the State vital records officials. The standards would affect only the form of copies, not the original records kept in the State agencies.

The standards would provide for improvements that would make the copies more resistant to counterfeiting and tampering and duplicating for fraudulent purposes. An example is the use of safety paper, which is difficult to satisfactorily copy or alter.

There is no requirement in this bill that all States issue birth certificate copies in the same form, but in response to concerns that some have expressed the amendment I now propose explicitly to require that the implementing regs not mandate that all States use the single form for birth certificate copies and require the regs to accommodate differences among the States in how birth records are kept and how copies are produced.

These are the things that this provides. There is more. We will discuss it in further depth after we return from recess for our caucuses. But these are modifications suggested by the Governors and some of my colleagues, and the real issue is a very simple one. Birth certificates are the breeder document. You get the birth certificate—you can get it by reading the obituaries. Read the obituaries and write for the birth certificate—no proper certifications.

I yield to my colleague for any time he would wish on this or any other matter.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, just a brief comment on this measure. I think that Senator SIMPSON has made several valuable changes in the bill on the driver's licenses and birth certificates. I strongly support his proposal in this area to alleviate the concerns that the provisions amounted to an unfunded mandate. He has addressed those issues.

In addition, Senator SIMPSON has made important changes in the provision on the birth certificates. The amendment instructs the HHS, when issuing the guidelines for birth certificates, to not require birth certificates to be one single form for every State, and the other measures he has outlined.

This is a difficult issue for many, but it is an absolutely essential one. We are not serious in trying to deal with illegals unless we get right back to the breeder document, which Senator SIMPSON has done, and also in terms of a verification program, which we will have an opportunity to debate, and also in terms of the Border Patrol. Those are the essential aspects.

That is where the target is. Jobs are the magnet. This helps provide assurances that illegals are not going to get the jobs and legals, legal Americans will be protected. This is an extremely important provision. It is a difficult one and we will have a chance to address some of the related matters later in the afternoon.

Just very briefly, Mr. President, on some of the matters that were talked about earlier, I know my good friend from New Mexico talked about the SSI issues and also about how legals have moved into this process and have been drawing down on the program.

This issue of deeming has worked effectively with the SSI, and Senator SIMPSON has addressed that issue as presented in the SSI because it will go on for some 10 years—10 years. The deeming is an effective program, and it will go on for a period of 10 years.

So the principal concerns that the Senator from New Mexico has as has been pointed out here will be addressed in the Simpson program. Many of us are looking at other measures where we think the deeming should not be applicable and that is to try and ensure that legal immigrants are going to be treated identically to illegal immigrants for what are basically programs that will have an impact on the public health.

My good friend from Wyoming says we ought to deem those, too. The principal fact is when you deem those programs, deeming is effective and that gets people out of the programs. We do not want children with communicable diseases out of the program. We want them to be immunized. We want them to have the emergency care so that they will not infect other children. There is a higher interest, I would say, in those limited areas. The House of Representatives has recognized it as we do.

And then in the second proposal that I have put forward we recognize the importance of protecting expectant mothers, children and the veterans. Out of the $2 billion, it is $125 million. Again I think for those who have served under the colors of the United States, they ought to have at least some additional consideration as well as children. But we will have an opportunity to address those later on in the afternoon.

I see my colleague rising. I ask unanimous consent to be able to proceed for another 15 minutes.

Mr. SIMPSON. I think that would be all right.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, there were two other items. We have tried to move this process along. I had hoped that we would be able to go back and forth, we would have one from one side, one from the other, and be able to intersperse my own amendments in with others. But as often happens around here, our colleagues are committed to important hearings over the course of the morning, so I will just finalize the last two amendments that I have. And then we will have an opportunity to address those in the postlunch period. That will conclude the debate on that.

Mr. President, I ask the current amendment be temporarily set aside. I will send——

Mr. SIMPSON. Mr. President, may I just enter this unanimous-consent request, to correct the withdrawal moments ago?

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Let me ask unanimous consent the pending amendment be set aside temporarily, and ask unanimous consent amendments 3853 and 3854 be considered en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes en bloc amendments numbered 3853 and 3854.

The amendments are as follows:

AMENDMENT NO. 3853

Amend section 112(a)(1)(A) to read as follows:

(A)(i) Subject to clauses (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

Section 112(f) is amended to read as follows:

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets

the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project except as provided in subparagraph (B).

AMENDMENT NO. 3854

(Purpose: To modify bill section 112 (relating to pilot projects on systems to verify eligibility for employment in the U.S. and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits) to define "regional project" to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State)

Sec. 112(a) is amended on page 31, after line 18, by adding the following new subsection:

"(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term "regional project" means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.".

AMENDMENT NO. 3829

(Purpose: To allocate a number of investigators to investigate complaints relating to labor certifications)

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I ask the pending amendment be temporarily set aside and it be in order to consider my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3829.

Mr. KENNEDY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 8, line 17, before the period insert the following: "except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application".

Mr. KENNEDY. Mr. President, under my amendment, up to 150 of the 350 Department of Labor wage and hour investigators authorized in the bill will be assigned the task of ensuring that employers seeking immigrant help do so according to our laws.

This amendment simply takes the same enforcement authority that is available to the Labor Department in the temporary worker program and makes it available to the permanent worker program. It does not create anything new. Enforcement activities covered under my amendment include the investigations of cases where there is a reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification application. These enforcement activities are vital to reduce the number of immigrant and nonimmigrant victims of illegal immigration practices.

There is no better example of the need for better DOL enforcement than in the recruitment area. For example, employers currently are required to recruit U.S. workers first, bringing in permanent immigrants, but the recruitment process result is the hire of a U.S. worker only 0.2 of the time. A recently released report of the Department of Labor's inspector general shows recruitment in the permanent employment program is a sham.

Another example, the IG reports that during one 6-month period, 28,000 U.S. applicants were referred on 10,000 job orders and only 5 were hired.

I have other amendments to address these problems. At the minimum, what we should do is increase our capacity to enforce our current law.

That is it basically. It is a pretty straightforward issue. We discussed this issue in general terms during the course of the amendment debate.

Mr. President, I ask it be in order to temporarily set aside the existing amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3816

(Purpose: To enable employers to determine work eligibility of prospective employees without fear of being sued)

Mr. KENNEDY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY] proposes an amendment numbered 3816.

The amendment is as follows:

On page 37 of the matter proposed to be inserted, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

"(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

"(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

"(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

"(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).".

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

"(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

"(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

"(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

"(ii) maintains a copy of such documents in an official record, and

"(iii) such documents appear to be genuine,

the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

"(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.".

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term "knowledge" as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.".

Mr. KENNEDY. Mr. President, this proposal goes to the heart of the dilemma that employers feel they are facing in the hiring of employees, many of whom speak with a different tongue, maybe have a skin color that is different from others. Many employers feel they are caught between a rock and a hard place. If they are too vigilant about ensuring they do not hire illegal aliens, they get charged with discrimination. If they are not vigilant enough, they get socked with employer sanctions.

This amendment eliminates that dilemma by amending both the employer sanctions and the document abuse provisions. For the first time, there is now explicit language guaranteeing that if the employers follow a few simple rules, they cannot be held liable under either the employer sanctions provisions or the document abuse provisions.

Here are the simple rules: As long as an applicant produces a document from the accepted list of documents—that will be the reduced list, the six that will be as a result of this bill —and the document appears authentic, the employer cannot ask for additional documents to prove employment eligibility.

If the employer follows these simple rules, my amendment contains explicit language ensuring that the employer is off the hook for employer sanctions on discrimination. If the applicant provides one of the six documents, and it is authentic or looks to be authentic and that person is hired, then effectively this provision will be a good-faith response to any charge that there was any intentional kind of discrimination against that individual.

The document abuse provision now states if the employer follows these rules, the Justice Department "shall not bring an action alleging a violation of this section." These are entirely new provisions. Everybody agrees there is a serious problem against foreign-looking and foreign-sounding American citizens and legal immigrants. Everybody agrees also, and studies have confirmed, that employer sanctions have been used to discriminate.

The most widely utilized procedure is when employers see or understand that a Puerto Rican is applying and they ask for the green card. They ask for the green card, the Puerto Rican does not have a green card because he or she is a U.S. citizen, and, therefore, they discriminate against those individuals.

What this would say is, if the individual provided any of the six, then that effectively ensures that the employer will not be subject to the charge of discrimination. It basically resolves, I think, in a very important way, the employer and the applicant's interest.

It makes no sense to enact a provision that everyone knows can lead to possible problems of discrimination. The problems are document fraud and the pressure created by the employers by the employer sanction provisions. We already addressed the document fraud problem elsewhere in the bill. We are reducing the number of applicable documents from 29 to 6, and we are making it harder for criminals to manufacture the phony document.

This amendment eliminates the pressure on employers created by employer sanctions provisions. It also provides protections for the applicants. I think it is a preferable way of dealing with this particular issue. We had discussion on this in the committee and we did not accept these provisions, but it does seem to me that they meet the challenge of protecting us against discrimination and, also, against the employer being subject to employer sanctions.

Those are the principal items. As I said, we have had a good opportunity. The members of the Judiciary Committee are familiar with these measures. We have been on the legislation for a few days. These measures are complex, they are difficult, but they are enormously important because they reach the issues of discrimination. In the last instance, they reach the whole question about the assurance that we are going to give adequate notice for Americans when there are job openings so they can be protected, their interests can be protected, and we can ensure that when there are openings for American workers and they are qualified, that they are going to be able to gain the employment and there is not going to be a circuitous way to effectively undermine the interests of workers.

What we have found is that, in so many instances, when there is a hiring of a foreign worker the salaries go down and other benefits go down for that worker, so the American worker, first of all, does not get the job. And, then, if the foreign worker gets paid less, which means that an American company on the one hand is competing with this company and the second company has an advantage because they are paying their foreign workers less, and therefore they have a competitive advantage, the American workers at the second company lose their jobs, too.

So we want to try, to the extent we can, to make sure the current law is being enforced. When we come back to the issues of legal immigration, we will have an opportunity to address some of those items, which I think are very, very high priority.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I have just 5 minutes remaining. We will, of course, return to these issues. I appreciate the cooperation of my friend from Massachusetts.

The first amendment at the desk—I do not recall the number, but the one on enforcement of labor conditions—is similar to the one my colleague offered at a subcommittee markup.

It concerned me then because of the broad grant of power that it makes to the Secretary of Labor to bring employers before a tribunal, demand various kinds of information and assess substantial penalties, and I remain very concerned about the same problems in this amendment.

He has argued that it provides investigative authority to the Department of Labor in H-1B nonimmigrant cases, indicating this simply provides similar investigative authority to the Department of Labor as in labor certification cases, but in this amendment, the DOL can initiate its own investigations. It is given authority under section 556 of title V which it does not have in H-1B cases. There is an array of penalties and remedies that is greater than that in 212. I certainly think it would not be appropriate, and I would speak against it.

Quickly, with regard to the amendment dealing with the "intent standard," I oppose that amendment. I have heard many more horror stories from employers who, when trying in absolute good faith to avoid hiring illegal aliens, have for one reason or another required more documents than the law requires or the wrong documents or fail to honor documents that appear to be genuine.

Here is a common scenario. We often hear scenarios of the aggrieved. Here is one.

A worker initially submits an INS document showing time-limited work authorization. At a later verification, however, the same employee produces documents with no time limitation—for example, a Social Security card—to show work authorization and a driver's license to show identity, both of which the employer knows are widely available in counterfeit form. What is the employer supposed to do?

Under current law, if the employer asks for an INS work authorization, he or she can be fined, for a first offense, up to $2,000 per individual. Yet, if the employer continues to employ the individual, he or she will be taking the chance of unlawfully hiring an illegal alien. Remember that compliance with the law requires an employer to act in good faith. Would there be good faith under such suspicious circumstances?

Furthermore, in hiring the individual, the employer would be facing the possibility of investing considerable time and resources, including training, in an individual whom the INS might soon force the employer to fire. There is also the loss of the work opportunity for the legal U.S. worker, people we speak of here.

In another example, a college recruiter cannot ask a job applicant, "Do you have work authorization for the next year?" That is discrimination because it would discriminate against asylees or refugees with time-limited work authorization. A recruiter may only ask, "Are you permitted to work full-time?"

Employers cannot even ask an employee what his or her immigration status is. An employer may only ask, "Are you any of the following? But don't tell me which."

I oppose any kind of employment discrimination, always have throughout the whole course of years. Employers who intentionally discriminate in hiring or discharging are breaking the law. Scurrilous. But I do not believe it fair to fine the employers who are trying in good faith to follow the law.

Under this amendment, law-abiding employers would continue to be threatened with penalties. The amendment says an employer may not ask for different documents, even when the employer has constructive knowledge that the applicant's documents are likely to be false; must reverify an employee if their time-limited work authorization expires, and must accept documents provided; and will be fined for employer sanctions or unfair discrimination unless he or she asks for any specific documents from the alien. This is the same as current law, and I think this is unacceptable.

We will review and discuss it further. I will have further comments. But I believe, under the previous order, that we will now proceed to regular order with the direction of the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate now stands in recess until 2:15 p.m. today.

Thereupon, at 12:44 p.m., the Senate recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, on behalf of the leader, I ask unanimous consent that the previously scheduled vote now occur at 2:45 today under the earlier conditions, and time between now and then be equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Thank you, Mr. President.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, it had been our intention to start voting at 2:15, but at least one of our colleagues—maybe more—is involved in heavy, heavy traffic and trying to reach the Capitol in time for the votes. We have agreed to set aside those votes. What we are trying to do now, to accommodate our colleagues who cannot reach the Capitol now, is take up a couple of more amendments and have those votes along with the other votes that we have already agreed to.

I think Senator ABRAHAM on our side has an amendment, and we will ask him to come to the floor and present that amendment. Maybe Senator SIMON on the other side will have an amendment.

REPEAL OF THE GAS TAX

Mr. DOLE. Mr. President, let me also indicate something that it is not a part of this bill. It is still our intention to work out some procedure where we can take up repeal of the 4.3-cent gas tax. That is a matter of about $4.8 billion per year. It is our intention to repeal it until the end of the year and work on a permanent repeal during the budget process.

We believe, with the skyrocketing prices of gasoline, jet fuel, and other fuels, that the most certain way to give consumers relief is to repeal the gas tax. That was part of the 1993 $265 billion tax increase President Clinton proposed, which did not receive a single Republican vote in the House or Senate. A permanent repeal of the gas tax is about $30 billion.

So what we hope to propose, and hopefully on a bipartisan basis, at the appropriate time, is to go ahead and repeal the gas tax for the remainder of this year and try to get this done before the Memorial Day recess and deal with permanent repeal during the budget process. Of course, we would have to find offsets and pay for the repeal. It seems to me that we should do that as quickly as we can before the summer driving season starts in earnest.

Mr. KENNEDY. Mr. President, I know the majority leader wants to get on with the measures. We have been in touch with Senator SIMON and others. I understand Senator SIMON is coming to the floor, and others. I will just mention that, just as the leader wants to get on to the issues in terms of the gas tax, many of us would still like to get on with the issues of the minimum wage increase. That, I think, is something we are all interested in. We are all interested in different matters, and that has been outstanding for some period of time.

As I have indicated earlier, I hope that after we finish all of these amendments, while it is open for amendment, we would at least have the opportunity to offer it under the underlying bill. I know that the majority leader has not looked kindly on that in the past. But I wanted to at least make sure that we all understood at least what we were going to attempt to do.

Mr. DOLE. Mr. President, let me indicate to the Senator from Massachusetts that we have discussed not only minimum wage, but maybe even coupling these two items, joining the two, repeal of the gas tax and maybe the minimum wage, some increase. We talked about a lot of different options and we have not reached a decision. I can assure the Senator that he will be one of the first to know once we have reached a resolution.

Mr. BREAUX addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

THE GAS TAX

Mr. BREAUX. Mr. President, I will make a quick comment regarding the comments that the leader made on a repeal of the so-called gas tax of 1993, the 4.3 cents.

Well, I think that if you look back in history, when we passed that 4.3 cents, after it was passed, the price of gas at the pump was actually lower than before we passed the tax. It is something called supply and demand, which I had thought the folks on this side of the aisle were particularly enthusiastic about. It is very clear that there are market forces at work here. Repealing the Federal 4.3 cent tax on gasoline of 1993 is certainly no guarantee that that is going to mean a 4.3 cent lower price at the pump for the citizens of this country, unless someone is going to start mandating to private industry what the price of fuel is going to be that they sell.

I point out, if we remember history, last year at this time, between the months of April and May, the price of gas rose about 6 cents a gallon because of greater use and higher crude oil prices in the world. During the middle of the summer and toward the latter summer, gas prices started coming down because of supply and demand. At the end of the year, in December, the price of gas in the country averaged about $1.16 a gallon. All of last year, in 1995, the price of gas at the pump for the whole year averaged the lowest it had been since we started recording the price of gasoline in real terms in this country—lower in real terms than it was per gallon in 1920.

All of that, I suggest, has a great deal more to do with the price of crude oil in the world. The fact that we had about a 6- to 8-percent increase in heating oil production because of a colder winter, and also because of the fact that we are now driving faster because of actions of this Congress, when we increased the miles per hour people could drive, the speed limit, up to the higher levels that we now see throughout the country.

So I just say that if anybody can guarantee that any time we reduce the gas tax it means a lower price at the pump, I think we would be willing to look at it. I do not think history proves that. I think we ought to know where we are going before we start off in what I think is a political direction.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMON. Mr. President, I ask unanimous consent that the present amendment be set aside so that I may offer an amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3809 TO AMENDMENT NO. 3743

(Purpose: To adjust the definition of public charge)

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3809 to amendment No. 3743.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In Section 202(a), at page 190, strike line 16 and all that follows through line 25 and insert the following:

"(v) Any State general cash assistance program.

"(vi) Financial assistance as defined in section 214(b) of the Housing and Community Development Act of 1980.".

Mr. SIMON. Mr. President, my amendment conforms the Senate amendment to a similar provision in the House amendment in terms of being eligible for deportation if you are here illegally and you use Federal programs of assistance.

Under the Senate bill, an immigrant receiving public assistance for 12 months within his first year in the United States may be deported as a public charge. That would include, for example, higher education assistance. The Presiding Officer, the Senator from Indiana, is on the Labor and Human Resources Committee. If a legal resident came in and got job training, under this amendment, unless we conform it to the House amendment, that would make you subject to deportation. If one of your children got into Head Start, that would do it.

My amendment would make this bill precisely like the House bill and limit the assistance to the basis for deportation to AFDC, SSI, and, frankly, SSI is the program that is being abused. As to the other welfare programs, legal immigrants to our country use these programs less than native-born Americans. But my amendment would limit the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance.

I think it makes sense. I cannot imagine any reason for opposition. But I see my friend from Wyoming is not on the floor right now. I am not sure what his disposition may be on this amendment. But I would be happy to answer any questions that my colleagues have.

Mr. President, if no one else seeks the floor, I ask to set aside my amendment so that I may offer a second amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

AMENDMENT NO. 3810 TO AMENDMENT NO. 3743

(Purpose: To exempt from deeming requirements immigrants who are disabled after entering the United States)

Mr. SIMON. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] proposes an amendment numbered 3810 to amendment No. 3743.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In section 204, at page 201, after line 4, insert the following subparagraph (4):

(4) ALIENS DISABLED AFTER ENTRY.—The requirements of subsection (a) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence, and who since the date of such lawful admission, has become blind or disabled, as those terms are defined in the Social Security Act, 42 U.S.C. 1382j(f).

Mr. SIMON. Mr. President, I see my colleague from California, who has greater concern in these areas than any other, for obvious reasons, because of the huge impact on California.

The PRESIDING OFFICER. If the Chair could interrupt the Senator for a moment, the allocated time under the previous unanimous-consent agreement has expired on the Democrat side of the aisle. Time could be yielded from the Republican side of the aisle for the Senator from Illinois to continue.

Mr. SIMON. Mr. President, I confess some lack of understanding of precisely where we are in terms of the parliamentary situation.

The PRESIDING OFFICER. The Senate is operating under a unanimous-consent agreement which provided time equally between the two sides to expire at 2:45. The time allocated to the Democrat side of the aisle has been utilized.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. I will be happy on behalf of our side to yield 2 minutes to the Senator from Illinois if that will be helpful.

Mr. SIMON. I thank the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Illinois is recognized for 2 minutes.

Mr. SIMON. My second amendment simply says—and I will just read it:

The requirements of subsection (a)—

That is deportation.—

Shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence and who since the date of such lawful admission has become blind or disabled, as those terms are defined in the Social Security Act.

This amendment, I would add, is supported by State and local governments.

I think there is consensus that while you may want to deport people who are taking advantage of welfare generally, someone who has become totally disabled is in a very different kind of situation.

This exempts them from deeming, not deportation.

Again, our colleague from Wyoming is not here, so I would ask unanimous consent that it also be set aside while we proceed to vote on the other amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is set aside. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, are we under a time limitation now prior to 2:45 or can we use our own time?

The PRESIDING OFFICER. There are 2½ minutes remaining under the previous time agreement controlled by the majority.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

AMENDMENT NO. 3760

Mr. DODD. Mr. President, I wonder if I might speak in opposition to the Graham amendment for 1 minute while we are waiting.

The PRESIDING OFFICER. Is there objection? The Senator is recognized to speak for 1 minute.

Mr. DODD. Mr. President, I thank my colleagues.

I just did not realize the language of this amendment was coming up. I say to my colleagues here—and I suspect this may carry fairly overwhelmingly—I hope people understand this applies to illegal aliens, not legal aliens. So you illegally arrive anywhere in the United States from Cuba. You are given a status we do not give anywhere else in the world. You arrive from the People's Republic of China. You do not get this status. You arrive from North Korea. You do not get this status. You arrive from Vietnam, still a Communist country. You do not get this status.

So here we are taking one fact situation, no matter how meritorious people may argue, and applying a totally different standard here for one group of people and not to others. If you come to this country from the People's Republic of China, you have lived under an oppressive government, and we are making a case here that if you come out of Cuba, even as an illegal, that you get automatic status here. Why do we not apply that to billions of other people who live under oppressive regimes?

I would say as well, in 30 additional seconds, if I may, Mr. President.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DODD. Mr. President, I would say to my colleagues, the people of Florida, too, I might point out, have their economic pressures as well. Frankly, having people just show up and all of a sudden given legal status automatically by arriving, I think is creating incredible pressures there. And if we are going to do it there, then I would suggest we go to another place.

I urge that this amendment be rejected, come back with an amendment that covers people who come from all Communist governments, not just this one. If we are truly committed to that, then people all over this globe who live under that kind of system ought to be given the same status.

The PRESIDING OFFICER. The time of the Senator has expired.

Under the previous order, the vote occurs on amendment No. 3760, offered by the Senator from Florida [Mr. GRAHAM]. The vote occurs on the conditional repeal of the Cuban Adjustment Act, on a democratically elected government in Cuba being in power. The yeas and nays have been ordered.

Mr. GRAHAM. Mr. President, under the unanimous consent, was there not an opportunity for a minute to present the amendment prior to the vote?

The PRESIDING OFFICER. It was the understanding of the Chair that that time was subsumed within the additional 30 minutes allocated for debate. Without a unanimous-consent request and agreement——

Mr. GRAHAM. I would ask unanimous consent for 1 minute on the amendment prior to the vote.

Mr. SIMPSON. Mr. President, I think it would be appropriate to each take 1 minute, and I would like to do that.

The PRESIDING OFFICER. Is there objection? Without objection, the time will be equally divided, 1 minute each, between the majority and minority.

Mr. GRAHAM. Mr. President, I urge my colleagues to listen to this because there have been some myths and misstatements with regard to the Cuban Democracy Act. The Cuban Democracy Act, which has been the law of this land since November 2, 1966, explicitly states that it only applies to aliens who have been inspected and admitted or paroled into the United States. You do not get the benefit of the Cuban Adjustment Act unless you are here under one of those legal status conditions, have been here for a year, request the Attorney General to exercise her discretionary authority, and she elects to do so.

That is what the current law is. That is the law which I believe should continue in effect until there is a certification that a democratic government is now in control of Cuba. The law was passed for both humanitarian and pragmatic reasons, to provide a means of expeditious adjustment of status of the thousands of persons who are coming from a Communist regime, not halfway around the world but 90 miles off of our shore. The simple reason that was relevant in 1966 is applicable in 1996, and therefore the law should be retained until democracy returns to Cuba.

The PRESIDING OFFICER. The time of the Senator has expired.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it was never referred to as the Cuban Democracy Act. There is no such provision. It was passed to allow the adjustment of hundreds of thousands of Cubans fleeing Castro's communism. They were welcomed with open arms. We have done that. They were given parole. They needed a means to adjust.

You can come here legally and violate your tourist visa, stay for a year, and you get a green card. You can come here on a boat illegally and after 1 year get a green card. We do not do that with anyone else in the world, and we are trying to discourage irregular patterns of immigration by Cubans. We expect them to apply at our interest section in Havana.

We do not need it. It is a remnant of the past. We have provided for the Cubans. Please hear this. We have provided in this measure for the Cubans coming under the United States-Cuba Immigration Agreement that was entered into between President Clinton and the Cuban Government. We should repeal it. It discriminates in favor of Cubans to the detriment of all other nationalities.

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to the amendment, No. 3760, offered by Senator GRAHAM of Florida. The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. FRIST). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 62, nays 37, as follows:

[Rollcall Vote No. 91 Leg.]

YEAS—62

Abraham
Baucus
Bennett
Biden
Bond
Bradley
Breaux
Bryan
Burns
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Ford
Frist
Glenn
Gorton
Graham
Gramm
Gregg
Hatch
Heflin
Helms
Hollings
Hutchison
Inhofe
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Smith
Snowe
Specter
Stevens
Thomas
Warner

NAYS—37

Akaka
Ashcroft
Bingaman
Boxer
Brown
Bumpers
Byrd
Campbell
Chafee
Coats
Cochran
Daschle
Dodd
Exon
Feingold
Feinstein
Grams
Grassley
Harkin
Hatfield
Inouye
Jeffords
Johnston
Kassebaum
Kennedy
Levin
Moseley-Braun
Moynihan
Murray
Pell
Roth
Shelby
Simon
Simpson
Thurmond
Wellstone
Wyden

NOT VOTING—1

Thompson

So the amendment (No. 3760) was agreed to.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I believe under the previous order we now go to the next amendment with a 1 minute explanation on each side. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3803

Mr. GRAHAM. Mr. President, the second amendment relates to the issue of deeming, that is, counting the income of the sponsor to that of the alien. Under the current law there are three categories in which this is done: SSI, food stamps, and aid to families with dependent children. What is significant is that under the current law, each instance of deeming is specifically listed. Under the legislation that is before us, there is a vague standard which says, "Any program which is in whole or in part funded with Federal funds shall be deemed."

There are literally hundreds, maybe thousands, of those types of programs.

This amendment speaks to the principle, let us continue the policy of specifically listing all of those programs that we intend to be deemed. We have suggested 16 programs to be deemed. It is open for amendment if others wish to offer additional programs to be deemed. But let us not leave this matter open-ended and as obscure as it is in the legislation that is before us.

Mr. SIMPSON. Mr. President, the question here is, who should pay for assistance to a new immigrant? Should the sponsor who brought the person in the United States and made the promise, the affidavit of support, or should the taxpayer? The bill before the Senate requires that all means tested—I am talking only about means-tested welfare programs—include the income of the sponsor, the person who promised their relative would never use public assistance, when determining whether a new arrival is eligible for assistance.

That is as simple as it can be. The only exceptions are for soup kitchens, school lunch and WIC. That is it. This truth in application, that is it. The U.S. Government expects sponsors to keep their promises to care for their immigrant relatives.

The Graham amendment would gut the provisions of this bill, would limit sponsored-alien deeming to only SSI, AFDC, food stamps, and public housing programs, that being almost unchanged from current law. It would exempt Medicaid, job training, legal services, a wide range of other multibillion-dollar noncash welfare programs from welfare provisions in the bill. I oppose the amendment.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3803. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 92 Leg.]

YEAS—36

Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Feinstein
Ford
Glenn
Graham
Heflin
Hollings
Inouye
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NAYS—63

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feingold
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kohl
Kyl
Levin
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner

NOT VOTING—1

Thompson

The amendment (No. 3803) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I ask unanimous consent that in accordance with the provisions of rule XXII the following Senators be considered as having yielded time under their control as follows: Senator THURMOND and Senator COHEN yield 60 minutes each to Senator SIMPSON; Senator NICKLES and Senator COCHRAN yield 60 minutes each to Senator DOLE; Senator AKAKA and Senator PELL yield 60 minutes each to Senator KENNEDY; Senator FORD and Senator ROCKEFELLER yield 60 minutes each to Senator DASCHLE.

The PRESIDING OFFICER. The Senators have that right.

AMENDMENT NO. 3871, AS MODIFIED

Mr. SIMPSON. Mr. President, I ask unanimous consent to make a modification to correct a drafting error in amendment 3871. That amendment was offered and accepted by the Senate this morning. I ask unanimous consent to modify it as indicated in the copy I am sending to the desk. I have reviewed that with my colleague.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendment (No. 3871), as modified, is as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, except as provided in section 204(f), be deemed to be the income and resources of such alien.

ORDER OF PROCEDURE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution I now send to the desk on behalf of Senator D'AMATO relative to the extradition of the murderer of Leon Klinghoffer.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I do not want to and will not object, and hopefully we will move right to that. I wanted to ask, just for the sake of the Senate, if we could take a moment on what the schedule is.

Mr. SIMPSON. Mr. President, I further ask unanimous consent that there be 10 minutes for debate to be equally divided in the usual form.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I further ask that the vote occur on adoption of the resolution immediately following the use or yielding back of time and that no amendments or motions be in order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. And before that procedure, let me just review matters. At the conclusion of this proceeding, Senator KENNEDY will go to the amendments which were discussed this morning, the deeming-parity amendment, which are two en bloc, and the Kennedy Medicaid amendment. There will be two rollcall votes obviously. There will be the vote on the Klinghoffer matter apparently, and then we will go to further debate, if any, on the two Kennedy amendments. But those will be coming shortly, I would believe. I think that debate is pretty well concluded.

Then we will go to the debate on the driver's license issue. This is not about verification. This is about driver's licenses. The language of the committee amendment and the amendment at the desk is much different. In this amendment we have relieved the burdens of some national standard card; we have relieved the burdens of the unfunded mandate, and that debate will take place. I urge all who wish to engage in that to be prepared for that scenario. I yield to my friend and colleague.

Mr. KENNEDY. Could I ask for the yeas and nays on amendments 3820 and 3823.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. Mr. President, what I would like to do since, hopefully, those will be the two measures, is maybe just take 2 minutes now and explain them just briefly so that at the end we will vote on the D'Amato resolution and then hopefully vote on these two amendments.

Do I need consent to be able to proceed for 3 minutes? Do I need consent for that now?

Mr. SIMPSON. Mr. President, just a moment.

Mr. KENNEDY. I withdraw my request.

DETENTION AND EXTRADITION OF MOHAMMED ABBAS

The PRESIDING OFFICER. The clerk will report the resolution.

The legislative clerk read as follows:

A resolution (S. Res. 253) urging the detention and extradition to the United States by the appropriate foreign government of Mr. Mohammed Abbas for the murder of Leon Klinghoffer.

The Senate proceeded to consider the resolution.

Mr. D'AMATO. Mr. President, this resolution is very straightforward and it is long overdue. It calls on the Attorney General of the United States to seek the detention and extradition to the United States of Mohammed Abbas, otherwise known as Abu Abbas.

Abu Abbas was the leader and is the leader of the Palestinian Liberation Front. In October 1985, under his leadership and his plan—and let me tell you what the Italian courts found. They found that the evidence was "multiple, unequivocal and overwhelming" that Abbas trained, financed, and chose the targets, as well as the escape, in seizing the *Achille Lauro*. It was his men who killed Leon Klinghoffer and threw his body overboard on October 7, 1985.

When this question was raised to Mr. Abbas just recently, he said that he was sorry. He said it was "a mistake." And then he went on to say that Mr. Klinghoffer, an American citizen from New York, was killed because "he had started to incite the passengers against [the kidnappers]." Imagine that, a 70-year-old man, 70 years old, in a wheelchair, totally unarmed, and that is his excuse. And he says it was "a mistake."

We owe it to every American citizen, not just to Leon Klinghoffer and to his family, but to every American citizen to say to those cowards, to those murderers who would target U.S. citizens, that they cannot escape justice, that they will be tracked down, that we will seek their extradition, that we will seek their detention, and their eventually being brought to trial for their acts, in this case a cowardly act of killing a man in a wheelchair, a U.S. citizen.

Let me tell you again what the Italian courts found when they tried Abu Abbas in absentia. They said that the evidence was "multiple, unequivocal, and overwhelming."

I sent a letter to the Justice Department. I ask unanimous consent it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. D'AMATO. I sent a letter to the Attorney General in which I called out for the murderer of Leon Klinghoffer to be extradited, Abu Abbas; that Leon Klinghoffer is entitled to justice, as every American is, and it has been denied, and, indeed, the Attorney General has the duty and obligation to see to it that we look to extradite Abu Abbas, Leon Klinghoffer's murderer.

Let me conclude by saying this. This is a very simple and straightforward case. If we fail to seek justice in this case, then what kind of message do we send to other terrorists who would look to target U.S. interests, U.S. citizens? Are we saying you can get away with this and you can simply offer an apology 10 years from now and say it was a mistake? Is that what we are going to be saying?

I think it is about time the Justice Department of the United States began to live up to its name and seek justice in the case of Leon Klinghoffer.

EXHIBIT 1

U.S. SENATE,
Washington, DC, April 26, 1996.

HON. JANET RENO,
Attorney General, U.S. Department of Justice, Washington, DC.

DEAR MADAM ATTORNEY GENERAL: I am writing to urge you in the strongest terms to seek the immediate extradition of Abu Abbas, the man convicted in an Italian court, in 1986, for the murder of Leon Klinghoffer during the hijacking of the Achille Lauro cruise ship in October 1985. It is absolutely essential that the United States obtain custody of Abbas so that he can stand trial for this brutal murder of a wheelchair-bound innocent American whose body was callously dumped overboard following the murder.

Just this week, Abbas, while attending the meeting in Gaza of the Palestine National Council stated that the killing was "a mistake" and that Mr. Klinghoffer was killed because he "had started to incite the passengers against [the kidnappers]." This pathetic excuse only reinforces our need to gain his extradition. The fact that he remains free is an insult to the memory of Leon Klinghoffer.

Abbas was convicted by a Genoan Court and sentenced to life in prison, in absentia, for "kidnapping for terrorist ends that caused the killing of a person." The evidence against Abbas, according to the Italian magistrate, was "multiple, unequivocal, and overwhelming." His actions in training and financing for this operation, and in choosing the target, as well as planning the escape, in the eyes of the magistrate, made Abbas guilty of the murder.

Mr. Klinghoffer's murder cries out for justice. For far too long, Abbas has cheated justice. Now it is our duty to locate, apprehend, and return him for trial in this country. Again, I urge you in the strongest of terms, to seek the immediate extradition of Abu Abbas.

Sincerely,

ALFONSE M. D'AMATO,
United States Senator.

Mr. D'AMATO. Mr. President, let me say I have no need for any further time. I am prepared to yield the remainder of my time so we can vote.

May I inquire of the President whether or not I have to ask for the yeas and nays or whether or not that has been agreed to already?

The PRESIDING OFFICER. The yeas and nays have not yet been requested.

Mr. D'AMATO. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. D'AMATO. Mr. President, I am prepared to yield the remainder of my time.

The PRESIDING OFFICER. If all time is yielded back, the question is on agreeing to the resolution.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. JEFFORDS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 99, nays 0, as follows:

[Rollcall Vote No. 93 Leg.]

YEAS—99

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone
Wyden

NOT VOTING—1

Thompson

So the resolution (S. Res. 253) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for "kidnaping for terrorist ends that caused the killing of a person" for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was "multiple, unequivocal, and overwhelming" and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, cancelled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as "a mistake" and that Mr. Klinghoffer was killed because he "had started to incite the passengers against [the kidnappers]";

Now, Therefore, be it *Resolved*, That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro*.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, Senator HATFIELD would like to speak for, I believe, 7 minutes on his own hour with regard to any matter that he might address. Then we will try to do this procedure. We have two Senator KENNEDY amendments. I do not think there will be any extensive—there will be debate, 30 minutes, 40 minutes, with regard to those amendments. Then those two amendments will be considered and taken up back to back.

Then we will lay down and proceed to the amendment, which is already in the mix, with regard to birth certificates and driver's licenses. I cannot describe when that might come to a vote, but that will be the matter of business.

So I urge all who wish to be involved in that debate to please review the complete changed amendment. That is a very different procedure from what was passed out of the Judiciary Committee with regard to driver's licenses, birth certificates, the breeder document that causes the most concern.

So that is the agenda. Then, of course, the time is running, under the constraints after cloture. We will simply proceed. There are many amendments and no time for many persons to do anything but speak very briefly. Some are listed with no particular topic or subject. Some 20 are by one Senator. I hope that the breath of reality will enter the scene with regard to some of those.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

THE CONSTITUTIONAL LEGACY OF LINCOLN HIGH SCHOOL

Mr. HATFIELD. Mr. President, I want to give recognition to a very outstanding group of young people from my State of Oregon, who represent the Lincoln High School of Portland, OR.

Mr. President, as you know, during the bicentennial of the Constitution, there was a commission formed of which Chief Justice Burger of the Supreme Court was chair. I was privileged to serve on that commission. In part of that commission's proceedings, we decided to develop an ongoing project, bringing a focus to the Constitution of the United States amongst the high school students of our country. That started in 1987.

I want to say that that has been a program that I think has certainly been worthy of the investment the Federal Government has made sustaining that program over the years. I suppose you might call it boasting, but I do not really think so. I am merely making a recognition of an extraordinary accomplishment. One high school out of the State of Oregon has not only won the State championship each year of the 9 years of this program, it has finished in the top 10 contestants from high schools from every State in the Union here in Washington, except for 1 year. It had won the national championship 2 years, until last night when it won it for the third time—one high school.

I want to say that this is a high school that is in an urban setting, and it is a high school that draws students from many diverse and social economic backgrounds. The students who compete have varied academic backgrounds, and the team consists of sophomores, juniors, and seniors, and they work together as a team.

The competition these student participated in was rigorous and very meaningful. Students demonstrated their knowledge of the Constitution before simulated congressional committees made up of constitutional scholars, lawyers, journalists, and government leaders. The panel of judges tested the expertise of the classroom teams on a number of significant questions—questions such as, "How did the values and principles embodied in the Constitution shape American institutions, and what are the roles of the citizens in an American democracy?"

Mr. President, these are questions I still contemplate and struggle with. There is something exciting about a room full of high school students excited themselves about the Constitution, and excited about the Nation's heritage.

Senator PELL and I had the privilege of being with this group from all over the country last night. The students have worked very hard for this honor, and there are a number of people who have helped them make this achievement a reality. Special recognition must go to Marilyn Cover, the State coordinator, and Dan James, the district coordinator for the We the People Program.

I must also recognize the teachers and volunteers who gave up their time to prepare the students. Dave Bailey and Gailen Norsworthy are both teachers at Lincoln High School and coaches for the constitutional team. Also, Chris Hardman and Chuck Sparks, who are attorneys from the local community who volunteered to prepare the students for the legal rigors of the competition. Also, I must single out the principal of Lincoln High School, Velma Johnson. She is proud of these students, and she has been extremely supportive of the We the People Program.

Mr. President, while it takes a number of outstanding individuals to achieve the winning record of Lincoln High School, one individual stands out as the catalyst and mentor for this stellar group of young scholars—Hal Hart. Hal Hart is an attorney by profession. He has a private law practice in Portland, but he takes time out of his busy practice to teach at Lincoln High School. For Hal, this is a labor of love and an opportunity to give back to the community. He teaches the students about the intricacies of the Constitution, and based on the school's record of success, he is obviously a master teacher.

I also want to individually commend the students by placing a list of the participants from all over this country in the RECORD.

I ask unanimous consent that the list be printed at this point in the RECORD.

There being no objection, the list was ordered to be printed in the Record, as follows:

CLASS ROSTER FOR THE 1995–96 LINCOLN HIGH SCHOOL BICENTENNIAL CLASS ON THE UNITED STATES' CONSTITUTION AND BILL OF RIGHTS

Vasiliki Despina Ariston, age 15; Parents: Dino and Demetra Ariston.

Jereme Rain Axelrod, age 15; Parents: Marilyn Couch and David Axelrod.

Rebekah Rose Cook, age 16; Parents: Jim and Anne Cook.

Tawan Wyndelle Thomas Davis, age 16; Parents: Sylvia Anne Davis.

Amanda Hope Emmerson, age 16; Parents: Ron and Ann Emmerson.

Tiffany Ann Grosvenor, age 16; Parents: John and Jennifer Grosvenor.

William John Hawkins IV, age 17; Parents: Bill and Kit Hawkins.

Soren Anders Heitmann, age 17; Parents: Steve Heitmann and Natasha Kern.

Stacy Elizabeth Humes-Schultz, age 15; Parents: Kathryn Humes and Duane Schulz.

Marissa Tamar Isaak, age 15; Parents: Rabbi Daniel and Carol Isaak.

Heather Brooke Johnson, age 17; Parents: Tony and K.C. Johnson.

Katherine Mace Kasameyer, age 15; Parents: Kace and Jan Kasameyer.

Christopher Michael Knutson, age 18; Parents: Michael and Carol Knutson.

Jeanne Marie Layman, age 18; Parents: Charles and Debbie Layman.

Daniel Hart Lerner, age 17; Parents: Cheryl Tonkin and Glenn Lerner.

Casey James McMahon, age 18; Parents: Patty O'Connor and and Jack McMahon.

Lindsay Katrine Nesbit, age 17; Parents: Lee and Deborah Nesbit.

Gerald William Palmrose, age 16; Parents: David and Sonu Palmrose.

Mary Ruth Pursifull, age 19; Parents: Rajiam and Meidana Pursifull.

Catherine Clare Rockwood, age 16; Parents: Theresa Rockwood and David Rockwood.

Daniel Boss Rubin, age 15; Parents: Susie Boss.

Elizabeth (Liz) Leslie Rutzick, age 16.

Mark Richard Samco, age 16; Parents: Rick and Martha Samco.

Kathryn Denelle Stevens, age 15; Parents: Steve and Janet Stevens.

Simon Brendan Thomas, age 17; Parents: Susan Rosenthal and Bill Thomas.

Miles Mark Von Bergen, age 18; Parents: Paul and Jan Von Bergen.

Lauren Elizabeth Wiener, age 17; Parents: Julie Grandfield and Jon Wiener.

Farleigh Aiken Wolfe, age 17; Parents: Stephen and Jill Wolfe.

Mr. HATFIELD. I must also recognize the program that generates the enthusiasm of the Constitution in these students, the We the People * * * The Citizen and the Constitution features an intensive curriculum, which provides students with a fundamental understanding of the Constitution and the Bill of Rights and the principles and values they embody. The program is designed to promote an understanding of the rights and responsibilities of citizens of our constitutional democracy, and gathered around this particular focus have been more than 22 million students in this country who have participated in the program, at all levels, during the last 9 years—22 million. Developed and administered by the Los Angeles-based Center for Civic Education, the program is funded by the U.S. Department of Education.

In discussing the We the People Program, I want to pay special tribute to my good friend, Senator CLAIBORNE PELL of Rhode Island. Senator PELL's commitment to education is unparalleled in this institution. He is the father of the We the People Program, and he has been actively involved in its activities since its inception. Senator PELL has been a mentor to me and to all of us over the years on the issue of education, as well as other issues. The Senate is going to miss his intellect and pragmatic approach to governing. I want to also thank a gifted member of Senator PELL's staff, David Evans, for all of his hard work in conjunction with the We the People Program and his many years of faithful service.

Mr. President, Lincoln High School has built a dynasty in the We the People Program. This is a dynasty of success, but, most importantly, a dynasty of knowledge—knowledge that will enable them to understand our country's origins and foundations and knowledge that will help them to be better citizens.

Mr. President, I shout from the housetops, congratulations, Lincoln High School. You have made many people, myself included, very, very proud.

Mr. President, I ask unanimous consent to have a list of all the winners of the 1996 competition—the national winner at the top, Lincoln High School; second place, Amador Valley High School, Pleasanton, CA; third place, East High School, Denver, CO; and the following honorable mentions, regional awards, and unit awards—printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

WE THE PEOPLE . . . THE CITIZEN AND THE CONSTITUTION—LIST OF 1996 WINNERS

National winner: Lincoln High School, Portland, OR. Second place: Amador Valley High School, Pleasanton, CA. Third place: East High School, Denver, CO.

Honorable mention: Other Top Ten Finalists Team—Alphabetically by State)—Chamblee High School, Chamblee, GA; Maine South High School, Park Ridge, IL; Lawrence Central High School, Indianapolis, IN; St. Dominic Regional High School, Lewiston, ME; East Brunswick High School, East Brunswick, NJ; Half Hollow Hills High School, Dix Hills, NY; and McAllen Memorial High School, McAllen, TX.

Winners of Regional Awards: Best Non-Finalist Team from each Region—Western States: Boulder City High School, Boulder City, NV; Mountain/Plain States: Lincoln Southeast High School, Lincoln, NE; Central States: East Kentwood High School, Kentwood, MI; Southeastern States: Hillsboro Comprehensive High School, Nashville, TN; and Northeastern States: Hampton High School, Allison Park, PA.

Winners of Unit Awards: Best Non-Finalist Team for Expertise in each Unit of Competition—Unit 1 (*Foundations of Democracy*): Johnston High School, Johnston, IA; Unit 2 (*Creation of the Constitution*): Moriarty High School, Moriarty, NM; Unit 3 (*Constitution Shapes Institutions*): Hutchinson High School, Hutchinson, MN; Unit 4 (*Extension of Bill of Rights*): Heritage Christian High School, Milwaukee, WI; Unit 5 (*Protection of Rights*): Shades Valley Resource Learning Center, Birmingham, AL; and Unit 6 (*Role of Citizen*): Joplin High School, Joplin, MO.

Mr. PELL. Mr. President, I merely wanted to rise to express my gratitude to the Senator from Oregon [Mr. HATFIELD] for his kind words. Having worked with him for thirty years, I have great admiration and respect for the gentleman from Oregon. I have come to know and revere him as a man of courage, conscience, and conviction. It is an honor to be a recipient of the We The People award, it makes it doubly an honor to share it with my friend and colleague.

I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. SIMPSON. Mr. President, let me go forward with the debate on the Kennedy proposals, so that we might press forward toward the dual votes within the shortest possible period of time. I will simply go to the root of the matter.

Mr. President, with regard to the Kennedy amendment, the American people believe strongly in the principle that immigrants to this country should be self-sufficient. We continue to emphasize this principle, as I said several times today. It has been part of U.S. immigration law since the beginning, and the beginning in this instance is 1882.

There is a continuing controversy on whether immigrants as a whole or illegal aliens as a whole pay more in taxes than they receive in welfare, noncash plus cash support. Or whether that is the case with public education and other Government services, there are experts, if you will, on both sides who say that they are a tremendous drain, and others say they are no drain at all. I have been, frankly, disenchanted by both sides in some respects, especially on the side that says bring everybody in you possibly can because it enriches our country regardless of the fact that some may not have any skills, some may not have any jobs, and without jobs there is poverty, and with poverty the environment suffers in so many ways. But that is another aspect of the debate.

I believe that, at least with respect to immigrant households—this is an important distinction; that means a household consisting of immigrant parents, plus their U.S. citizen children who are in this country because of the immigration of their parents—there is a considerable body of evidence that there is a net cost to taxpayers in that situation. George J. Borjas testified convincingly on this issue at a recent Judiciary Committee hearing.

Mr. President, an even more relevant question, however, may be whether any particular immigrant is a burden rather than immigrants as a whole. I respectfully remind my colleagues that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance to the consular office, the consular officer, and the immigration inspector that he or she is "not likely at any time to become a public charge."

Similar provisions have been part of our law since the 19th century, and part of the law of some of the Thirteen Colonies even before independence. In effect, immigrants make a promise to the American people that they will not became a financial burden, period.

Mr. President, I believe there is a compelling Federal interest in enacting new rules on alien welfare eligibility and on the financial liability of the U.S. sponsors of immigrants in order to increase the likelihood that aliens will be self-sufficient in accordance with the Nation's longstanding policy, and to reduce any additional incentive for illegal immigration provided by the availability of welfare and other taxpayer-funded benefits.

S. 1664 provides that if an alien within 5 years of entry does became a public charge, which the bill defines as someone receiving an aggregate of 12 months of welfare, he or she is deportable. It is even more important in this era that there be such a law since the welfare state has changed both the pattern of immigration and immigration—both the pattern of immigration and immigration—that existed earlier in our history because, before the great network of social systems, if an immigrant cannot succeed in the United States he or she often returned "to the old country." This happens less often today because of the welfare safety net. Many back through the chain of history in my family returned "to the old country" because they could not make it here. That is not happening today because of the support systems within the United States.

The changes proposed by the bill clarify when the use of welfare will lead a person to deportability. These changes are likely to lead to less use of welfare by recent immigrants, or more deportation of immigrants who do become a burden upon the taxpayer. One of the ways immigrants are permitted to show that they are not likely to become a public charge is providing an "affidavit of support" by a sponsor, who is often the U.S. relative petitioning for their entry under an immigrant classification for family reunification.

You heard that debate when we spoke briefly of numbers and legal immigration. We talked of that. That is what those classifications, or preferences, for family reunification are.

Under current law, sponsors agree to provide support only for 3 years. That is current law. Furthermore, the agreement is not legally enforceable, because it has been ripped to shreds by various court decisions down through the years.

The bill's sponsor provisions are based on the view that the sponsor's promise to provide support, if the sponsored immigrant is in financial need, should be legally enforceable and should be in effect until the sponsor's alien (a) has worked for a reasonable period in this country paying taxes and making a positive economic contribution or (b) becomes a citizen, whichever occurs first.

That is the provision. The bill provides that the maximum period for the sponsor's liability is 40 "Social Security quarters"—about 10 years—the period it takes any other citizen to qualify for benefits under Social Security retirement and certain Medicare programs.

The bill also provides that deeming of the sponsor's income and assets to the sponsored alien should be required in nearly all welfare programs—all—and for as long as the sponsor is legally liable for support, or for 5 years, a period in which an alien can be deported as a public charge, whichever is longer.

Remember, we are talking about means-tested programs. We are talking about all programs. Yet, amendments make distinctions, and those things have been addressed as we debated. But it is simply not unreasonable of the taxpayers of this country to expect recently arrived immigrants to depend on their sponsors for at least the first 5 years regardless of the specific terms in the affidavit of support signed by their sponsors.

It was only, I say to my colleagues, on the basis of the assurance of the immigrant and the sponsor that the immigrant would not at any time become a public charge that the immigrant was even allowed to come to our country, to come into the United States of America. It should be made clear to immigrants that the taxpayers of this country expect them to be able to make it in this country on their own.

I have heard that continually threaded through the debate—that they come here, they want to make it on their own. We are a great country for that; the most generous on the Earth. They do that, and they do it with the help of their sponsors.

Again, remember, if the sponsor is deceased, or bankrupt, or unable to provide any of the assistance or support, then, of course, the taxpayers step in in a very generous way to do that.

Mr. President, that concludes my remarks with regard to the amendments, unless Senator KENNEDY or others wish to address the issue anew.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The senior Senator from Massachusetts is recognized.

Mr. KENNEDY. Thank you very much, Mr. President.

Mr. President, I hope that at some time in the not-too-distant future we might be able to address the two amendments, 3820 and 3823, which I have offered. These amendments are quite different in one respect, but they are also similar in another respect in terms of reflecting what I consider to be the higher priorities of the American people, particularly as focused on children, expectant mothers, and also all veterans.

Let me describe very briefly, Mr. President, our first amendment that we will offer. That is what we call the "deeming party" amendments. These amendments ensure that legal immigrants are eligible for the same programs on the same terms as illegal immigrants. My amendment says that legal immigrants cannot be subject to the sponsor deeming public charge provisions in this bill for programs which illegals get automatically and for other programs such as Head Start and public health, with a minor exception for prenatal care. This is the same amendment which was passed in the House of Representatives immigration bill.

Effectively, Mr. President, this amendment tracks what was accepted in the House of Representatives. Why did the House of Representatives accept it? Because they understand, as we understand, that when you put in effect deeming that cuts down on the utilization of the program. That is why we have supported and I support the deeming in the SSI. That is the particular program where there has been the greatest utilization. You have the AFDC and food stamp programs. But the principal reason for deeming is to reduce the utilization of that program, and it is effective.

The House of Representatives has said, look, there are certain public health programs, for example, that we ought to permit the illegals to be able to use. Why? Because if they use those particular programs, this will mean that it is healthier for Americans. They do it not because they want to benefit the illegal children but because they want to protect American children.

What do I mean by that? I am talking about immunization programs. I am talking about emergency health programs—emergency Medicaid, where a child goes into the school, then ends up having a heavy cough, perhaps is denied any kind of attention in the school health clinic because he is illegal, although he should get it, and eventually goes down as an emergency student, stays in the classroom and goes down to the local county hospital and is admitted for TB, and in the meantime, while that child has not had any kind of attention, has exposed all the other American children to the possibility of tuberculosis.

That is true with regard to immunization programs. That is basically the type of issue we are trying to look at. It also includes the school lunch program, saying that if the children are going to be educated, we do not want to ask the teachers to try and separate out the illegal children in school lunch programs. That would be very complicated. It would turn our schoolteachers into really agents of INS. It would have the teachers going around and reviewing documents for each and every child to try and identify and then take those children out, separate them out.

It seems to me that we ought to understand the broader policy issue. The real problem in dealing with illegal immigration, as the Hesburgh commission found out 15 years ago and as the Jordan commission has restated, the jobs are the magnet that brings foreigners into our country illegally. Jobs is the magnet.

The real problem is, how are we going to deal with that? Senator SIMPSON has, to his credit, worked out an orderly kind of process by which we are going to reduce the number of breeder documents and we are going back to the root causes for those breeder documents, and then we are going to test various kinds of programs in terms of what can be most effective in verifying that it is Americans who are getting jobs and not the illegals.

We are going to have votes on those particular measures. But I am going to stand with the Senator from Wyoming on those measures because they are a key element if we are serious about dealing with illegal immigration. Then there are provisions dealing with the border and Border Patrol and enhanced procedures. All of those, we believe, can be effective in terms of dealing with the job magnet that draws people here.

Our problem is not with the children. Our problem is not with the expectant mothers, the expectant mothers who are going to have children born here and will be Americans. In the current bill, we have said that the mother has to be here for 3 years, so we are not encouraging expectant mothers to come over here and take advantage of the program.

This particular amendment that I have offered says we will make the Senate bill consistent with what has been passed in the House of Representatives on those key elements that primarily affect children, expectant mothers, and are listed and are structured in order to protect community health and public health issues.

That is basically what we are attempting to do with this. This amendment is effectively the identical amendment in the House of Representatives. We want to make sure that we are going to say to legal immigrants—these are people, 76 percent of whom are relatives of American families. All have played by the rules. All of them have waited their turn to get in and be rejoined with their families, all who have been qualified and may have fallen on some hard and difficult times, and what we are going to say is in this very limited area which the Congress has made a decision and determination, we are making these policy determinations not to benefit the child but to benefit Americans.

Do we understand that? These proposals have been accepted in the House of Representatives, and I am urging that they be accepted here because they protect Americans. They should not follow the same deeming requirements as in other aspects of the bill. That is effectively what this proposal does and what it would achieve. I think it is warranted. I think it is justified. We have debated it in our Judiciary Committee, and I hope it will be accepted.

Mr. PELL. Mr. President, I rise today to speak on behalf of the Kennedy amendment to S. 1664. I support the Kennedy amendment because it would protect the multitudes of students who are eligible for Federal student aid under title IV of the Higher Education Act.

Under current law, only legal immigrants are eligible to receive Federal financial aid to attend college. However, provisions in the bill that stands before us today would require that for Federal programs where eligibility is based on financial need, the income and resources of the sponsor of a legal immigrant would be deemed to be the income of the immigrant. Simply put, the resources of an immigrant student would be artificially inflated, therefore, most legal immigrants would not qualify for Pell grants or student loans.

I have always sought to expand educational opportunities for the students of this country. To my mind, any person with the desire and talent should be afforded the opportunity for at least 2 and possible 4 years of education beyond high school. The students that have legally immigrated to this country should not be excluded from the vast opportunities that a higher education can provide them.

Half of the college students in this country rely on Federal grants or loans to help pay for college. Student aid more than pays for itself over time. A college graduate earns almost twice what a high school graduate earns—and pays taxes accordingly. Denying a postsecondary education to economically disadvantaged legal immigrants is profoundly unfair and economically shortsighted. Legal immigrants pay taxes and can serve in the military. Legal immigrants also contribute significantly to the national economy. For these reasons I encourage my colleagues to join me in support of the Kennedy amendment, therefore, eliminating the deeming requirements as they apply to Federal student aid programs.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I ask unanimous consent that a vote occur on or in relation to the Kennedy amendments 3820 and 3823 en bloc at the hour of 4:50 this evening, to be followed immediately by a vote on or in relation to the Kennedy amendment 3822.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Reserving the right to object, will the Senator make it 4:53, so I can get 3 minutes in here?

Mr. SIMPSON. We have people apparently going to the White House. I will yield my time to the Senator. Take the 2. I was going to conclude. You may take that, and I will come at my friend with vigor at some later forum.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I will try to be more brief than the 3 minutes. I think so much of this makes sense. People who are here legally should get the same services as those who are here illegally.

What I particularly want to point out is the higher education provision really would devastate many campuses and the future of many young people. People who came here legally, whose children are going to American colleges and universities taking advantage of our programs in terms of loans and other programs, we ought to be encouraging that higher education rather than discouraging it. The Kennedy amendments, it seems to me, move in the right direction.

Finally, to protect pregnant women and children, I think that is kind of basic. So I strongly support the Kennedy amendments.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I have about 30 seconds. Let me just say we have already exempted school lunch and WIC in the managers' amendment which we passed yesterday.

This amendment combines several distinct exemptions to the "deeming" requirements in the bill. Everyone should understand what "deeming" does. Deeming requires sponsors to keep their promises.

Since 1882, our law has stated that no one may immigrate to this country if they are "likely at any time to become a public charge." Many individuals—about half of those admitted in 1994—were only permitted to enter after someone else promised to support that newcomer. The sponsor guarantees that the sponsored immigrant will not require any public assistance.

Senator KENNEDY's amendment provides a number of exceptions to this "deeming" rule for:

First, emergency Medicaid; second, foster care; third, Head Start; and fourth, Pell grants and other federally funded assistance for higher education.

On the general issue of exemptions from deeming, I would stress that deeming only prevents a sponsored individual from accessing welfare if the sponsor has sufficient resources to disqualify the applicant. When a sponsor is not able to provide assistance, then the Government will provide it.

I am not certain that there should be any exemptions from deeming. Why should we permit individuals to access our generous social services, when they have sponsors who have promised to provide for them and presumably have the wherewithal to provide the needed assistance?

Furthermore, I have concerns about exempting Head Start and Pell grants from the deeming requirements. These programs are not open to every American. Even though we spend more than $3 billion on Head Start, the program only serves about 30 percent of poor children ages 3–4. I am not certain that we should continue to permit newcomers access without regard to the incomes of the sponsors that promised to support them.

The Government has limited money for Pell grants as well. At a time that college tuition costs are rising, it does not make sense to provide scarce resources to sponsored individuals—who have sponsors that promised to provide support—when many citizens are having difficulty affording the high costs of college. We have already provided exemptions for those students who are in school—they will have no deeming applied to their financial aid. Are we going to educate those who come from around the world—promising never to use public assistance as a condition of coming here—before we provide enough funds to educate all the people who are here right now and who are having trouble with college expenses right now? It seems most puzzling.

I thank the Chair.

VOTE ON AMENDMENT NOS. 3820 AND 3823, EN BLOC

The PRESIDING OFFICER. The question is on agreeing to amendments Nos. 3820 and 3823, en bloc. The yeas and nays are ordered.

The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER (Mr. SANTORUM). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 46, nays 53, as follows:

[Rollcall Vote No. 94 Leg.]

YEAS—46

Akaka
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone
Wyden

NAYS—53

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Brown
Bryan
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Levin
Lieberman
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thurmond
Warner

NOT VOTING—1

Thompson

So the amendments (Nos. 3820 and 3823), en bloc, were rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3822

The PRESIDING OFFICER (Mr. ABRAHAM). The question is now on agreeing to amendment 3822.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, we are quite prepared to go to a vote on this. We addressed the Senate and had a short debate and discussion earlier today. Effectively, what this is doing is you have deeming for all of the Medicaid programs. What we are doing is carving out three narrow areas: children, expectant mothers, and veterans. There is $2 billion for all of the Medicaid programs. This is $125 million in terms of cost.

For the same reasons we have outlined here, we think that the expectant mothers ought to get the treatment because they are going to have a child that will probably be an American citizen. We think veterans—you have 24,000 veterans that will be under a means-tested program. The reality is those veterans, particularly with regard to prescription drugs, ought to be attended to. Obviously, the emergency kinds of assistance under Medicaid they should be eligible for.

A very narrow carveout. It costs $125 million over the next 5 years as compared to $2 billion. That is effectively what the carveout is.

Mr. SIMPSON. Mr. President, if Senator KENNEDY had an opportunity to address that issue, obviously, I should have the same opportunity. I think all would concur. So I want to have approximately 1½ minutes, whatever that was.

First, let me say the veterans are well taken care of in this country. That one just will not even float. We spend $40 billion for veterans. They have their own health care system. This is another hook. I yield to Senator SANTORUM.

Mr. SANTORUM. Thank you, I say to the Senator.

I just remind Senators that 87 Members of this Chamber voted for a welfare reform bill that passed the U.S. Senate that said all legal-sponsored immigrants receive no deeming. We eliminate deeming. Under the welfare bill we passed there is no deeming. If you are a legal immigrant in this country, sponsored, you are not eligible for welfare benefits until you become a citizen. And 87 Members of the Senate voted for that.

This is a much weaker version. What this keeps in place is a deeming provision that says that you are not eligible for benefits unless your sponsor cannot pay for it. We had no provision like that. There was no fallback. You just were not eligible, period.

Under the Simpson bill we are considering, at least there is a fallback that says if your sponsor can no longer help you, then we will.

So this is a weaker provision under the existing Simpson language than what 87 Members of the Senate voted for previously. So understand that you are falling back already, and those who were support this amendment would be falling back even further from the changes 87 Members voted for.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Tennessee [Mr. THOMPSON] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 47, nays 52, as follows:

[Rollcall Vote No. 95 Leg.]

YEAS—47

Akaka
Biden
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Chafee
Conrad
Daschle
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NAYS—52

Abraham
Ashcroft
Baucus
Bennett
Bingaman
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner

NOT VOTING—1

Thompson

So the amendment (No. 3822) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. SIMON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CHAFEE. I wonder, Mr. President, if I might have a brief intervention here.

Mr. SIMPSON. That will be on the Senator's hour.

CHANGE OF VOTE

Mr. CHAFEE. Mr. President, on vote 94, the Kennedy amendments Nos. 3820 and 3823 en bloc, I voted "nay," and I would ask unanimous consent that I might be recorded as "yea." That will not affect the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. I thank the Chair.

(The foregoing tally has been changed to reflect the above order.)

CRIMINAL ALIEN TRACKING CENTER

Mr. LEAHY. Mr. President, yesterday, the Senate approved an amendment that Senator HUTCHISON and I offered to bolster one of the strongest tools local and State law enforcement agencies have to identify and deport criminal aliens in our country. The Criminal Alien Tracking Center—also known as the Law Enforcement Support Center [LESC]—is the only online national data base available to local law enforcement agencies to identify criminal illegal aliens. I am proud that this facility is located in South Burlington, VT.

Our amendment will increase the authorization for the LESC in recognition of the need to bring additional States online as well as expand the scope of the work being done at the tracking center. President Clinton recently signed the Terrorism Prevention Act into law. The bill identified how important the Tracking Center has become and proposed that the Center become the repository for an alien tracking system.

Even before these additional responsibilities, the LESC staff in Vermont had demonstrated that the Center is a valuable asset and essential to our national immigration policy. The Center provides local, State, and Federal law enforcement agencies with 24-hour access to data on criminal aliens. By identifying these aliens, LESC allows law enforcement agencies to expedite deportation proceedings against them.

The Center was authorized in the 1994 crime bill. The first year of operations has been impressive as the 24-hour team identified over 10,000 criminal aliens. After starting up with a link to law enforcement agencies in one county in Arizona, the LESC expanded its coverage to the entire State. In 1996, the LESC is expected to be online with California, Florida, Illinois, Iowa, Massachusetts, New Jersey, Texas, and Washington.

The Tracking Center has become the hub at INS for seamless coordination between Federal, State, and local authorities. I would suggest to Commissioner Meissner, that the facility become the national repository for all INS fingerprint records relating to criminal aliens. Information from the fingerprints would be most accessible if the Center stored this information in an AFIS/IDENT data base with a link to FBI data bases.

As a former State's attorney, I also know that even the best tracking system does not work unless there is an adequate system to ensure that criminal files are promptly sent to investigators. That is why it would also make sense to have the LESC serve as the repository for INS A-files related to aggravated felons and aliens listed in the NCIC deported felon file. Locating these files at the Tracking Center will improve their accessibility to INS agents and U.S. attorney offices throughout the United States.

Mr. President, Congress must continue the empowerment of local law enforcement agencies in their efforts to identify criminal illegal immigrants. I am pleased that the Senate approved our amendment, No. 3788, that will increase the authorization for the Tracking Center—a resource every State should have in the fight against criminal aliens. I thank, in particular, the managers of the bill, Senator SIMPSON and Senator KENNEDY, for including these provisions in the manager's amendment.

Mr. KYL. Mr. President, I rise to comment on a provision that is included in the managers' amendment to S. 1664, the immigration reform bill. I am pleased to introduce this amendment, which will require verification of citizenship and/or immigration status for those applying for housing assistance. The applicant will have 30 days to provide proper documentation, or assistance will not be provided; applicants who have failed to provide documentation in that time will be taken off the waiting list. For those who already receive housing assistance, a verification of immigration status may be required at the annual recertification. Annual recertification for housing assistance is already required to determine income levels, and I would urge housing authorities to make good use of this option. If a housing authority requests verification, a household will have a 3-month period to obtain proper documentation or assistance will be terminated. Once the 3-month appeal is exhausted, a hearing may be granted in the fourth month. It is important to note that political refugees and asylum seekers are exempt from my proposal. The amendment I offer today passed the House immigration reform bill unanimously as part of the managers' amendment.

In 1980, Congress passed the Housing and Community Development Act, which included a section prohibiting illegal aliens from receiving Federal housing assistance. In 1995, 15 years after the bill passed, HUD issued regulations to implement the 1980 changes. Its regulations, however, will do little to prohibit illegal aliens from continuing to receive taxpayer-supported housing.

Under current regulations, illegal aliens can be placed on a waiting list and then granted housing assistance without having to provide documentation proving that they are eligible to receive the assistance. If a household is not eligible to continue receiving assistance currently it may appeal the decision in 3-month increments for up to 3 years. That is 3 years of taxpayer assistance for someone who may not be eligible to receive the funds.

In my home State of Arizona, officials of the Maricopa Housing Authority (which is primarily Phoenix) told me that, by their estimates, fully 40 percent of the people receiving housing assistance in Maricopa County are illegal. In Maricopa County, there are 1,334 Section 8 units and 917 public housing units available. The waiting list for units has 6,556 on it. If 40 percent of the current occupants are illegal, that means 900 housing units should be made available to those citizens or legal immigrants waiting their turn.

The problem in Arizona is dramatic; nationwide it is even more dramatic. In his report entitled "The Net National Costs of Immigration," Dr. Donald Huddle of Rice University estimates that the cost of public housing provided to illegal immigrants in 1994 was roughly $500 million.

Even President Clinton acknowledged that there is a problem. When proposing guidelines for public housing this year, he said most public housing residents have jobs and try to be good parents, and, that it is unfair to let lawbreakers ruin neighborhoods, especially since there are waiting lists to get into public housing. "Public housing has never been a right," he said, but rather "it has always been a privilege. The only people who deserve to live in public housing are those who live responsibly there and those who honor the rule of law."

The public housing authorities, of course, are the entities that will have to implement any new policy we enact. I contacted the housing authorities of Tempe, Yuma, Tucson, and Maricopa County. Not one of the housing authorities disagreed with my proposal. They all said that once an applicant or resident checks on an affidavit that he/she is a legal citizen, they are not allowed to pursue the issue. The housing authorities currently only ask for verification of immigration status if the applicant checks that he/she is an immigrant.

This amendment will curb the amount of housing assistance—paid for by taxpayers—going to illegal immigrants. It will return housing opportunities to the people who are here legally. I thank my colleagues for supporting this amendment.

Mr. SANTORUM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, what is the status of things at the moment? I know that is unfair.

The PRESIDING OFFICER. We have several amendments pending in the second degree. Which amendment would the Senator want to consider?

AMENDMENTS NOS. 3855, 3857, 3858, 3859, 3860, 3861, 3862

Mr. SIMPSON. The amendments have been consolidated en bloc; 3855, 3857, 3858, 3859, 3860, 3861, 3862 all relating to the birth certificate issue and driver's license portion—has my amendment on birth certificates and driver's licenses. Is that the regular order?

The PRESIDING OFFICER. It is the pending business.

Mr. SIMPSON. Let me just briefly and in 1 minute tell you what we have done. In this amendment, we provide that the new counterfeit and tamper-resistant driver's license in the bill, whatever they are, whatever State, will be phased in over 6 years, and the new standards will apply only to new, renewed or replacement licenses—not something issued 10 or 20 years before.

After this change, the bill will no longer be an unfunded mandate. CBO has an estimate after total State and local cost of driver's license and birth certificate improvements, finding it to be $10 to $20 million spread over 6 years. New minimum standards on birth certificates go into effect only after the Congress has had 2 years to review them, and cannot require all States to use a single form.

I talked to the manager of the bill and will now urge the adoption of the en bloc amendment by voice vote.

Mr. President, the amendment would phase in the bill's requirements for improved driver's licenses and State-issued I.D. documents over 6 years, beginning October 1, 2000—the year suggested by the National Governors' Association.

Under my amendment, the improved format would be required only for new or renewed licenses or State-issued I.D. documents, with the exception of licenses or documents issued in one State where the validity period for licenses is twice as long—12 years—as that in the State with the next longest period. This one State would have 6 years to implement the improvements.

Furthermore, the bill's provision that only the improved licenses and documents could be accepted for evidentiary purposes by government agencies in this country would—under the amendment I am now proposing—not be effective until 6 years after the effective date of this section, October 1, 2000. By this time 49 of the 50 States will have the new licenses and I.D. documents without any requirement for early replacement. In one State, some individuals wanting their license to be accepted by governments for evidentiary purposes would have to renew earlier than would be required without enactment of the bill, but would still have more time—6 years—than every other State except one, which would also have 6 years.

Thus, the amendment would mean that 6 years after the general effective date for this subsection of the bill—October 1, 2000—the improved licenses would have completely replaced the old ones and would be required for evidentiary purposes in all government offices.

Mr. President, I want to remind my colleagues that fraud-resistant I.D. documents will not only make possible an effective system for verifying citizenship or work-authorized immigration status—and thus greatly reduced illegal immigration. The improved documents will also make possible an effective system for verifying immigration status for purposes of welfare and other government benefits—resulting in major saving to the taxpayers. Additional benefits to law-abiding Americans would come from reduced use of fraudulent I.D. in the commission of various kinds of financial crimes, voting fraud, even terrorism.

My amendment is a response to the Congressional Budget Office's estimate of the cost of the bill's current requirement that improvements in driver's licenses and I.D. documents be implemented October 1, 1997.

If the amendment is adopted, the additional cost of replacing all licenses and I.D. documents by 1998, including those that would otherwise be valid for an additional number of years would be eliminated. Instead of costing $80 to $200 million initially, plus $2 million per year thereafter, CBO estimates that the total cost of all the birth certificate and driver's license improvements would be $10 to $20 million, incurred over 6 years.

CBO has written a letter confirming that fact.

Mr. President, with respect to birth certificates, the bill now requires that, as of October 1, 1997, no Federal agency—and no State agency that issues driver's licenses or I.D. documents—may accept for any official purpose a copy of a birth certificate unless (a) it is issued by a State or local government, rather than a hospital or other nongovernment entity, and (b) it conforms to Federal standards after consultation with State vital records officials. The standards will affect only the form of copies, not the original records kept in the State agencies.

The new standards will provide for improvements that would make the copies more resistant to counterfeiting, tampering, and fraudulent copying. One important example: the use of "safety paper," which is difficult to satisfactorily photocopy or alter.

There is no requirement in the bill that all States issue birth certificate copies in the same form. But in response to concerns that some have expressed, the amendment I am now proposing explicitly requires that the implementing regs not mandate that all States use a single form for birth certificate copies, and requires that the regs accommodate differences between the States in how birth records are kept and how certified copies are produced from such birth records.

The bill provides that the regulations are to be developed after consultation with State vital records officials. Therefore, the differences between the States in how birth records are kept and how copies are produced will be fully known and accommodated by the agency developing the regulations.

Mr. President, my amendment also requires a report to Congress on the proposed regulations within 12 months of enactment. In addition, the amendment provides that the regulations will not go into effect until 2 years after the report. This will give Congress plenty of time to consider the report and take action, if necessary, to prevent implementation of the regulations.

The amendment also provides for a number of other changes suggested by HHS in a written comment sent in March, during the Judiciary Committee markup process:

First, the implementing regs will not necessarily be issued by HHS, but by an agency designated by the President—and the agency developing the regs must consult not only with State vital records offices, but with other Federal agencies designated by the President.

Second, in the description of the standards to be established in the regs, the reference to "use by imposters" will be deleted and replaced by the phrase "photocopying, or otherwise duplicating, for fraudulent purposes." This change makes clear that there is no longer any requirement in the bill for a fingerprint or other "biometric information."

Third, funding is authorized for the required HHS report on ways to reduce fraudulent use of the birth certificates.

Fourth, the definition of "birth certificate" is modified to cover not only persons born in the United States, but also persons born abroad who are U.S. citizens at birth—because of citizenship of their parents—and whose birth is registered in the United States.

Fifth and finally, the effective date for the provisions relating to the new grant program for matching birth and death records and the requirement that the fact of death—if known—be noted on birth certificate copies of deceased persons will be 2 years after enactment rather than October 1, 1997.

These modifications represent most of the changes suggested by HHS.

Mr. President, back to the subject of driver's licenses: There is a technical correction that needs to be made to the grandfathering provision in the driver's license section of the bill. This grandfathering provision is one that my colleague, Senator TED KENNEDY, and I agreed to at the Judiciary Committee markup.

The agreement was that States would be exempted from the bill's requirement that State driver's licenses and I.D. documents contain a Social Security number, if—at the time of the bill's enactment—the State requires that applicants submit a Social Security number with their application and that a State agency verify the number with the Social Security Administration—but does not require that the number actually appear on the license or document.

This agreement is not reflected in S. 1664 in its present form. The amendment I am proposing will correct that.

Mr. SIMON. Mr. President, these amendments are acceptable on our side. We support them.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments en bloc (Nos. 3855, 3857, 3858, 3859, 3860, 3861, and 3862) were agreed to.

Mr. SIMPSON. Mr. President, just to review the matter at this time, the clock is running on the 30 hours. There are many amendments filed and few people to come to present them. That is usual procedure. We do not want to inconvenience people.

There are several amendments. Senator KENNEDY, I believe, does the desk reflect that there are two amendments of Senator KENNEDY that are pending?

The PRESIDING OFFICER. The Senator is correct.

Mr. SIMPSON. Two total?

The PRESIDING OFFICER. That is correct.

Mr. SIMPSON. Then there are two of Senator SIMON, one of Senator SHELBY. Are those at the desk or have they been presented?

The PRESIDING OFFICER. There are several Simon amendments at the desk.

Mr. SIMPSON. We can proceed with the Simon amendments, discuss those, debate those, and see if we can process those this evening.

I would like to get a time agreement if at all possible. We are trying to give our colleagues some indication as to the requirements of their preparation here.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3829

Mr. KENNEDY. Mr. President, in the course of the morning earlier today we offered amendments with regard to labor enforcement and also on the issues of discrimination. We had a brief interchange on that. We have been ready to move toward a decision on this measure. I know that the Senator from Wyoming has reservations about it, but let me just mention briefly again what the substance of this amendment is all about.

As I noted in my earlier remarks, this amendment provides the Department of Labor authority to do in the permanent workers immigrant program what it can already do on the temporary worker visa program. We effectively have two programs. On the temporary workers, even though it is called temporaries, it is up to 6 years, and there were about 65,000 last year. Under the permanent program it is 140,000, of which about 85,000 to 90,000 of those places are used. Within those 85,000, about 10,000 or 15,000 are individuals that are defined in the regulations of what we call the best and the brightest. Those are professors at universities that have a distinguished career. They are business managers that move from country to country in many of the international fields—top researchers and top scientists at the top of their fields—and regulations have been established for those individuals to be able to come in.

But the other segment of those—probably 30,000 to 40,000, it varies from year to year—there is a process and a procedure to ensure that there will be an invitation for American workers, if they are qualified, to fill those jobs before the farm workers are brought into this country.

What we have seen in recent times is that process is basically a subterfuge. There were over 10,000 applicants last year, workers that were qualified for those jobs. Only five of them were able to get the jobs. The issue has been outlined in detail both in the press and in the IG report.

So, clearly, what is happening is American workers' interests are not being attended to. As we are looking at general enforcement areas and mechanisms—and we did review the other general enforcement mechanisms in the bill which are related to enforcement procedures that apply to illegal aliens but also have a reference to legal aliens—what this amendment does is not very revolutionary. It makes provisions for the enforcement of existing laws. What use is a law if it cannot be enforced?

The Department of Labor inspector general's report, widely reported and commented upon, provides all of the additional information necessary, that our laws are not being followed and the American worker is the victim. Businesses have said that the enforcement of existing laws should be the focus of our efforts.

That is what we want to do. We are providing the Department of Labor sufficient numbers of investigative personnel. Out of the numbers that have been included in this bill, we are designating a number of those that will be used for this purpose. It does not make sense to hire additional people and then tie one hand behind their backs. If we are serious about enforcing the law to benefit American and foreign workers, the amendment I am proposing is a good place to start.

So, Mr. President, effectively that is what this amendment does. All it does is enforce existing law. All we are doing is allocating personnel to do for the permanent workers what we do for the temporary workers: to make sure that the provisions of the law are going to be respected. They are not today. It is not just my stating that they are not and reviewing the facts that they are not. I rely on the IG's report of the Department of Labor that spells this out in chapter and verse. It has been made public within the period of the last 3 weeks. I will not take the time of the Senate, unless there are Members that want to, and review their various findings, but the bottom conclusion is that this law is not being adhered to because it is not being enforced.

This measure is a very modest program, but it is an important program. The bottom line is that it will have an impact in giving greater assurance to qualified American workers that when these vacancies become available and the American workers are qualified for those vacancies, they will be considered, and considered favorably, for those particular employment opportunities. That is not the case now. What we have seen from the IG's report is that in many instances these workers are brought in, they are paid less than they are guaranteed, or provided, and they do not qualify for the other kinds of benefits. The wages go down. Other workers are brought in in a similar way.

So the bottom line is that there is a whole series of professional, skilled workers that are working for perhaps two-thirds or a half of what the American counterpart is earning, and the American counterpart is working in an American plant. So Americans are disadvantaged in two ways: No. 1, they are denied the opportunity to get the job in the first place; and, second, their brother workers who are working in a similar plant and earning a fair income, are further disadvantaged by the fact that these wages go down, and the companies are at a competitive advantage in one sense and disadvantaged in the other as a result of this program.

The program is on the books. It is not being enforced. The IG, as I said, has outlined in detail the kinds of circumstances which I have outlined, and we are allocating a certain number of those authorized personnel to be available to enforce the law.

Mr. President, we have not increased any of the penalties for violations. They will be consistent across the board between those that violate the law under the temporaries as well as those that violate the law under the permanent. There are questions about that. We can work that out and refer to the sentencing commission so there is uniformity on similar bills that might apply in other agencies.

This is an important program to help protect American workers that are qualified, so that they are not effectively being discriminated against in terms of their job applications as a result of the desire to bring in foreign workers and then to pay them less.

Mr. President, that effectively is what the amendment is about. I will be glad to either respond to questions or to move forward with the amendment.

Mr. SIMPSON. Mr. President, the concern here of some of us is the conducting of an investigation on the initiative of the Secretary of Labor or on the basis of a complaint. I wonder if I might inquire of my friend from Massachusetts, if we were to strike the word "or otherwise"—on line 6, where it says the Secretary of Labor to conduct an investigation pursuant to a complaint "or otherwise"—I wonder, if we were to remove that, my objection would be less. Then you would still have to have reasonable cause to believe the employer has made a misrepresentation of a material fact on a labor certification.

I share the Senator's view and the view of the Secretary of Labor that certainly there have been abuses, and there have been, but I think that alone rather lends an uncomfortable aspect to it as to what "otherwise" would mean there.

Mr. KENNEDY. May I respond briefly?

I welcome the opportunity to try to find other words that might be acceptable, "or otherwise." What we are attempting to address, if we strike "or otherwise," the only way that there would be any kind of triggering of this measure would be on the action of a complaint by the individuals affected. Quite frankly, that is not going to happen because the minute that happens, this person is on his way—he or she—is on his way out of the country.

What we are trying to do is to permit at least a degree of flexibility as we have in the "temporary" where there is reason to believe. I would be glad if it is "or otherwise." I was looking if it is based on receipt of information where there is reasonable cause to believe.

This is what I am concerned about. If we just strike "otherwise," we would be limiting it just to the complaint, who would be the workers themselves, and there would be such pressure on that worker, effectively that individual would not bring forth the complaint because the person would be thereby probably subject to the loss of their privilege in this country.

It is generally the understanding that there are no protections for that individual, and therefore it would be unrealistic to think that would be the case.

I would be glad to try to address what the Senator mentions as being sort of a fishing expedition, to try to find words that might define it in a way that would not only be relevant to the particular complainant but also on the basis of well-founded information. It is best in this sort of circumstance, perhaps, on this measure to suggest a short—well, I will not suggest a quorum but perhaps we might set this one aside and see if we cannot come up with some words.

Mr. SIMPSON. Mr. President, I think that is an excellent suggestion. Then we could go to the amendments of Senator SIMON, because I think we can resolve this. Under the Immigration and Nationality Act it says, "Complaints may be filed by any aggrieved person or organization, including the bargaining representatives." I have no problem with that. Maybe we can do that. Then, if Senator SIMON would proceed with his two amendments, we will have those available for voting later.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, may I inquire of the Senator from Wyoming—and I am sorry; I was off the floor for a short time—are we moving toward any kind of time agreement to stack the votes tomorrow morning or something like that?

Mr. SIMPSON. I would share with my friend, Mr. President, that apparently we are going to go forward. There is a window—we should have tried to express that—a window between now and 8 o'clock, but after 8 o'clock the leader would prefer to proceed with rollcall votes on whatever amendments are pending, and the more we can have pending the more we will get on with our work. I hope people will come here to do the work.

AMENDMENT NO. 3809

Mr. SIMON. Mr. President, I should like to call up 3809. It has already been offered but it was set aside.

The PRESIDING OFFICER. The amendment is now pending.

Mr. SIMON. What this does is to change the basis for deportation from the Senate language to the House language. The Senate language, frankly, is so wide open in terms of deporting people. For example, someone who is a legal immigrant, who receives higher education assistance, or, Mr. President, someone in the State of Minnesota who would not be aware of it and got job training assistance under this amendment, unless it is changed, that person could be deported for getting job training assistance—someone who is here legally, going to become a citizen. I just do not think that makes sense. If they have a child who gets Head Start, that can be a basis.

So what we ought to do is do as the House did. Frankly, that is still pretty sweeping. AFDC, SSI—and the SSI program is the one that is abused. I think all of us who have been working in this area know this is the area of great abuse. Overall, those who come into our country who are not yet citizens use our welfare programs less than native-born Americans percentagewise. But limited to AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. This is the language on the House side.

I think it makes just an awful lot more sense. If someone, for example, gets low-income energy assistance in the State of Minnesota, that would be a basis for deportation the way the bill reads right now. I do not think you want that. I do not think most Members of the Senate want that.

So that is what my amendment does. I think it makes the legislation a little more sensible, and I hope that my colleague, who is, I see, scribbling very vigorously over there, is scribbling the word "OK" and that he would consider accepting this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I was not scribbling the word "OK" on this document, this tattered amendment here.

I oppose the amendment. I feel this amendment will create a very large loophole in our Nation's traditional policy that newcomers must be self-supporting. Under the bill, of course, an immigrant is deportable as a public charge if he or she uses more than 12 months of public assistance within 5 years after entry.

All of the means-tested programs, means-tested welfare programs—SSI, public housing, Pell grants—count toward this 12-month total for deportation. An exception is provided only for those programs that are also available to illegal aliens —emergency medical services, disaster relief, school lunch, WIC, and immunization.

Under the House bill, only certain programs make the immigrant subject to public charge deportation, and those programs are SSI, AFDC, Medicaid, food stamps, State cash assistance, and public housing.

The Senator's amendment would limit the public charge programs to the same welfare programs as the House bill but all others would not be included—and that would be Pell grants, Head Start, legal services, noncash—in determining whether an alien should become a public charge.

I remain quite unconvinced why any newcomer should be able to freely access the majority of Federal noncash welfare programs within the first 5 years after entry, given that all aliens must promise not to become a public charge at any time after entry. It seems most inappropriate to exclude most noncash welfare from counting against the newcomer.

I oppose it. Our Nation's laws since the earliest days have required new immigrants to support themselves. The first time was in 1645. Massachusetts refused to admit prospective immigrants who had no means of support other than public assistance. That was in 1645 in the State of our Democratic leader of this legislation.

In 1882, we prohibited the admission of any person unable to take care of himself or herself. We know those things. I keep repeating them. Likely to become a public charge, section 212 of the immigration law always saying that those who become dependent on public assistance may be deported. So not only would the immigrant not only promise to be self-sufficient before receipt of an immigrant visa, but he or she should remain self-sufficient for any appropriate period after arrival. We set that period.

Where all this came about is in a 1948 decision by an administrative judge within the Justice Department. Various administrative judges made it virtually impossible to deport newcomers who became a public charge. Under the current interpretation of the law, the Government has to show, one, the alien received the benefits; two, the agency requested reimbursement from the alien; and, three, the alien failed or refused to repay the agency.

The decision has rendered this section of the law virtually unenforced and unenforceable, and, as Senator DOMENICI said, we have deported 13 people in the past, I think, year as being a public charge. This is despite the fact that research shows more than 20 percent of immigrant households are on welfare—households, not individuals. So the committee bill restored the public charge deportation. The bill already includes provisions to respond to concerns of some on the other side of the aisle. We have not destroyed the safety net. A generous safety net is provided for immigrants who must use more than 12 months of public assistance within the first 5 years of entry before becoming deportable as a public charge.

This new provision for public charge deportation is entirely prospective. It is not applicable to anyone who has already emigrated to the United States. Only those who come in the future will be affected.

And the Simon amendment permits future immigrants to receive any amount of assistance from Federal, State and local governments, as long as the newcomer avoids six major welfare programs. Newcomers would be able to access almost all noncash welfare programs for the entire time they are in the United States, without ever being deportable as a public charge. That is contrary to the stated national policy that no one may immigrate if he or she is likely to use any needs-based public assistance.

I know my friend from Illinois so well, after 25 years, nearly, of friendship. And know in each occasion that he speaks it is in the finest of intent and compassion and caring. This is one of those. But a deal is a deal. If you come here as a sponsored immigrant and somebody says we are not going to let this person become a public charge, that is it. You make a person do what I know the Senator from Illinois would like to do: If you have the bucks, you keep your promise. And the promise is they not become a public charge. And, if the sponsor cannot meet the debts and goes broke, cannot cut it anymore, then we pick up the slack as taxpayers. But why on Earth would we take up the slack on any kind of issue when they said: This person, I promise by affidavit of support, will not become a public charge? I would resist the amendment.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Illinois.

Mr. SIMON. Mr. President, the Senator from Wyoming is correct. It was not "OK," he was scribbling there.

We do not do anything about the deeming requirements here. What we are simply saying—and I would add the administration supports this amendment—what we are simply saying is that there are going to be programs that people may be taking advantage of, that are available, with no knowledge it could be a basis of deportation. Let me give an example. In rural Illinois—my guess is in rural Minnesota, rural Massachusetts and Wyoming too—there are transportation programs available for the elderly and the disabled. Under this amendment, if someone takes advantage of those programs for 1 year, that is a basis for deportation. That is crazy. You know, if you have a child in Head Start you can be deported. Maybe a spouse abuses someone and they go to legal aid. If they get legal aid they can be kicked out of the country, for getting legal aid.

I just think we have to be reasonable. I think the House language takes care of the big program. I know my friend from Wyoming agrees on this, the big program of abuse overwhelmingly is SSI. In addition to SSI, it has AFDC, food stamps, Medicaid, housing, and State cash assistance.

I think this amendment makes sense. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY. May I inquire of the Senator, ask a question?

Mr. SIMON. I will be pleased to yield.

Mr. KENNEDY. Mr. President, we had some debate and discussion about education earlier in our amendments. Is the Senator saying if you have a legal immigrant and that legal immigrant is going to take advantage of a Pell or a Stafford loan, and that person goes to the sponsor and they find out that they are still eligible for that loan, so they are playing by the rules—they waited their turn, 76 percent of those are members of American families, so they have been deemed and they go in—and then they take that Stafford loan, for example, for a year, that that subjects that person to deportation?

Mr. SIMON. The Senator from Massachusetts is absolutely correct. These people are preparing themselves to be productive citizens and all of a sudden, because they are preparing themselves, they can be deported. If they are under a JTPA program they can be deported.

Mr. KENNEDY. This is even after we have had a good deal of discussion, I think for the benefit of most Members here—they felt: OK, they should be deemed, in terms of the sponsors. And even if they play this by the rules, they waited their turn to get in here, they are rejoining their families, they get accepted into the universities and college in the Senator's State, they run through the process of checking their sponsors to deem their income to theirs and they are still qualified for a Stafford loan, they take that loan to improve themselves and they take that for 1 year, then it is your understanding that under the Simpson proposal that that individual is subject to deportation?

Mr. SIMON. That is correct. And it just makes no sense whatsoever. The sponsors may very well have had a medically devastating problem that just wiped them out. So the person who is here legally is eligible for these programs and we ought to be assisting them.

Here, let me just remind everyone again, legal immigrants take advantage of these programs, with the exception of SSI, less, as a percentage of the people, than native-born Americans. So I would hope we would use some common sense here and accept this amendment.

Mr. SIMPSON. Mr. President, I feel like somehow I have spoken on this, I think, probably 10 times today, and I am using up my precious time. Let us, if we can all understand this—maybe I do not understand, which would not be the first time, but I think I do.

We are not talking about the poor and the wretched and the ragged here, and people being taken advantage of. We are talking about people who are here under the auspices of a sponsor, a sponsor who signed up and said: I promise that this person will not become a public charge. That is who we are talking about.

If a person is as ragged as I have heard in the last 15 minutes, cannot do this, cannot do that, stumbling around—those people are taken care of under the present law. We are talking about a person who is here under the good faith and auspices of a sponsoring person. We are not talking about anything that is not means tested. Anything that is not means tested somebody is going to get. We are talking about, when you line up for whatever it is—Stafford or Pell, whatever it is, that is means tested and you line up and say, "Here I am. I need this program." And they are going to ask you, "You are an immigrant and you have a sponsor. What assets does your sponsor have?" And then they are going to say, "Those assets are deemed to be your assets for the purpose of receiving this means-tested grant." And all we are saying is the sponsor is going to be responsible before the taxpayer is responsible. There is no mystery to this. This is not some strange thing where we are pulling the rug out from under people.

They say why do we do this with legal and not illegal? Illegal immigrants receive the benefits that I have discussed: WIC, emergency medical assistance, immunization. And why? Because they are here and we want to take care of them so they do not become sick and so on. We know that.

Then the argument is why do legal persons not get the same benefits that the illegal get? The reason is simple beyond belief. It is because a sponsor, who had enough assets and resources to take care of them, promised to do so. And should. And there is no reason on God's Earth, why the taxpayer should have to pick it up, unless the sponsor cannot cut the mustard anymore, has died, is bankrupt. And we have in the bill: Under those conditions the taxpayers will pick up the slack.

Mr. KENNEDY. Mr. President, could I ask the Senator from Wyoming: You can be eligible for Stafford loans up to $60,000 if you have three kids in school.

Now, you mean to tell me that if that person, say that individual who is the legal immigrant, has $10,000 or $15,000 and the sponsor has $30,000, you are still eligible under the Stafford loan program for a Stafford loan and to repay it.

The way I read this, it talks about "for purposes of subparagraph, the term 'public charge' includes any alien who receives benefits under any program described in paragraph D for an aggregate period of more than 12 months."

Then it describes the program. In line 18 it says, "* * * any other program of assistance funded in whole or in part by the Federal Government." Stafford loans are. That individual may have a higher rate of repayment, be able to get a smaller loan but still would get some kind of public help and assistance, because education loans are not considered to be welfare. The idea is individuals will pay that back. So they can conform with the provisions of the assets of both of them and still, as the Senator points out, receive that and under this be subject to the deportation, the way I read it. I think the Senator from Illinois has a balanced program here, and I hope that it will be accepted.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I do not want to postpone this much longer. Let us just say Christopher Reeve was a sponsor, and he went through this devastating accident. Let us say the people he sponsored live in Oklahoma in a rural community and they take advantage of transportation for the elderly and the disabled. Under this proposal, without my amendment, they can be deported.

I do not think that is what the American people want. I do not think that is what the U.S. Senate wants. I really do not believe even my good friend, ALAN SIMPSON, wants that, upon greater reflection. I hope we will conform the language to the way it is in the House and say on the six programs—AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance—if they take advantage of these programs for a year, then they can be deported. That is even harsher, frankly, than I would like, because I think there will be some circumstances that are unusual.

To just say sweepingly for any kind of Federal program you can be deported, like the Stafford Loan Program, I think is a real mistake. I hope the Senate will accept my amendment.

Mr. SIMPSON. Mr. President, I am going to leave it at that. I am using precious time, but I will just say that all these things do not take place, all these horrible things, little old ladies, veterans, people. Nothing here takes place if there is a sponsor who stepped up to the plate and said, "I'm going to take care of this person, I vow that, I promise that."

So anything means tested we are simply saying the assets of the sponsor become the assets of the immigrant. If you wish to allow newcomers to come here spending more than 20 percent of their time on public assistance during the first 5 years after entry, that seems quite strange to me when people are hurting in the United States. That is where we are.

I thank the Chair.

Mr. KENNEDY. Mr. President, can we just review where we are? We have all received a lot of questions about the order. It was my understanding that we had the labor enforcement amendment and the intentional discrimination amendment. I think we are very close to working out language of the labor enforcement provisions. I hope that we will be able to do that.

We have the intentional discrimination amendment, which I hope we can in a very brief exchange dispose of, in terms of the time factor. So we might be able to do that.

The Simon amendment on public charge, do we feel we are finished with that debate? That is another item. I do not know what the other Simon amendment is, whether that is going to be brought up. Or is that in line?

Mr. SIMON. Whatever. We can bring it up tonight. It should be debated very briefly.

Mr. SIMPSON. Mr. President, if we could perhaps deal with the intent standard language, which we had discussed earlier, I maybe have another 5 minutes or so on that. And then Senator FEINSTEIN.

Mr. KENNEDY. Then we can do Senator FEINSTEIN's amendment and see if it is possible—I do not know what the length of it is—maybe it is possible to add that on as well. Maybe it will not be.

Mrs. FEINSTEIN. Very short.

Mr. KENNEDY. That will be what we will try, so Members will have an idea of what we are going to do, if that is agreeable. I will just talk very briefly.

Mr. SIMPSON. Mr. President, can we say then, at least for the purposes of those of us here debating, that we close, informally close, the debate with regard to the Simon amendment, and maybe in a few minutes close debate with regard to the intent standard and maybe perhaps be in a position to have four or five votes which should satisfy all concerned?

Mr. KENNEDY. That would be fine.

Mr. SIMPSON. Would that not be a joy?

Mr. KENNEDY. Would that not be, and then we look forward to tomorrow.

Mr. President, I will just take a brief time with regard to the amendment on discrimination and, hopefully, we will be able to get it worked out.

Let me just ask then, before we do that, on the labor provisions, on line 6, if we strike "or otherwise" and put in there "based on receipt of credible material information," does that respond to the principal concerns? I thought that might have been worked out with your staff.

Mr. SIMPSON. I am not aware of that, Mr. President, but I will certainly inquire.

AMENDMENT NO. 3816

Mr. KENNEDY. Let me then, Mr. President, just address the issues that I addressed earlier in the course of the debate, and I will do it briefly.

The dilemma is how are we going to assure adequate protection to employers who employ either foreign sounding, foreign looking individuals and ensure that they are not going to be subject to the economic sanctions and, on the other hand, how are we going to try and establish a procedure which will not lend whatever procedure is established to be utilized in ways that will open up discrimination against those individuals which, of course, in so many instances would be Americans.

I reviewed very quickly some of the more egregious situations where those citizens who came from Puerto Rico were asked to put out a green card. Since they are American citizens, they do not have green cards and were subject to forms of discrimination.

In any event, there may be differences as to the extent of discrimination that exists out there. There are many who believe it is a serious problem. There are others who do not believe so. But I do think we have an opportunity to address both the elements of discrimination which exist in varying degrees out there and also to provide a mechanism by which the employer is adequately protected and establishes a good-faith defense by accepting any one of the six cards that have been identified in this legislation that are credible.

That is effectively what we are attempting to do, Mr. President, to say that if employers have suspicions about an applicant, they already have a host of remedies. If the documents look phony, the employer can refuse to accept them and can refuse to hire the person.

If the employee has authorization documents that expire, the employer can ask for reverification of eligibility when the documents expire. Indeed, my amendment contains a provision that requires the employers to reverify eligibility.

If the documents look genuine, but the employer still has concerns, the employer can share these concerns with the applicant. For example, the employer can let the applicant know that it intends to verify the applicant's eligibility and will fire the person if it turns out the person is illegal. However, the employer cannot demand that the applicant produce additional or specific documents once the applicant has produced an authentic-looking document.

That is the fundamental issue. Otherwise, if we were to allow the employer to demand anything he wanted, it would end up with situations as I mentioned where employers demand green cards from Puerto Ricans. Under our current law these Puerto Rican victims have a remedy. Under section 117 they are out of luck. If we let employers determine what documents they will accept, which is effectively what section 117 does, everyone knows what will happen. Employers will develop suspicions about all foreign-looking and foreign-sounding people, and the discrimination that is already documented will worsen.

Keep in mind who these victims are. They are often hard-working American citizens. They are legal immigrants who are trying to become self-sufficient but are being left out because they look foreign or speak with an accent.

Mr. President, I believe that this proposal is a modest program. I think it meets the central challenges of assuring that the idea that jobs will be preserved for Americans or legal immigrants is real. It will reduce, I think in a very important way, the possibilities and reality of discrimination in the workplace.

Mr. President, I hope that the Senate will adopt the amendment.

Mr. SIMPSON. Mr. President, may I interject here with a unanimous-consent request that we lock in the two amendments? I think this may have been circulated. I will wait so that we might do that.

Mr. President, let me go forward briefly and conclude my remarks about the amendment. I spoke on that this morning. I want to readopt the language that I spoke this morning and would be appropriate here, and conclude with this.

Let me stress for my colleagues that this section of the bill does not permit employers to refuse documents because of an unreasonable concern about their validity. Administrative law judges have already found such a practice constitutes intentional discrimination. The bill is not intended to overrule any of those cases of intentional discrimination.

Employers should be able to ask an employee for additional documents only when they have reason to suspect that the new employee is an illegal alien. We are not interested in burdening employers. In fact, this bill is an extraordinary assistance to employers. No longer 29 documents to look at, but 6.

Employers around the country have been supportive of this measure. But I must also state that some of the numerous examples which are given in support of the amendment simply do not apply, especially the one about the Puerto Rican woman. Let us go to that.

One example cited by opponents of the provision in the committee bill is that a New York watch wholesaler refused to hire a Puerto Rican woman because she did not have a green card. The administrative law judge ruled that that action constituted a knowing and intentional discrimination. Think of that. Simply because the person refused to hire a Puerto Rican woman because she did not have a green card, that was knowing and intentional discrimination.

Most importantly, the employer in that case was punished under section 274B(a)(1) of the Immigration Nationality Act, a provision which is unchanged by my bill, not changed, not section 274B(a)(6), which the committee bill amends. In fact, this case was decided before the Congress enacted the section 274B(a)(6) in late 1990 and decided that merely asking for different documents constituted discrimination—merely asking.

This section of the committee bill provides protection only for employers who do not intend to discriminate. That is what the Senator is trying to reach. An employer who has constructive knowledge that an alien is unauthorized to work is permitted to ask for other documents. That is all we are saying. The employer knows something is wrong with those documents. He knows that, or he or she knows that, an alien is unauthorized to work, and they are permitted under this legislation to ask for other documents.

There is one other incorrect argument on behalf of this amendment. According to the propaganda sheet I have from certain in the Clinton administration, the lawyers of the Clinton administration, the bill would permit a Texas nursing home to fire an African American because he could not produce his birth certificate. That is wrong. That is false. The decision in that case held that when employers refused to accept certain documents because of an unreasonable concern about their validity, as opposed to a specific, justified concern, that action constitutes intentional discrimination.

We are talking about the employer. The signals are up. The employer knows something is not right. We are saying, he asks for another document. That is not discrimination. If they are in there to discriminate, the signals are not up. They are doing their hideous racism. That is not what we are talking about.

I believe we have to provide some protection from heavy penalties for employers who are attempting in good faith to follow the law. This amendment provides no relief, and in fact is no more than a detailed description of current law, the current law which squeezes the American businessman between the rock of employer sanctions and the hard place of intentional discrimination for even deigning to question an employee's documents.

So I urge my colleagues to oppose the amendment. The employers should be able to ask employees, when they have knowledge that a new hire is not legally authorized to work, for additional documentation and inquire of that without the huge fines which the administration insists on levying against employers who have never ever before—ever before—intentionally discriminated at all.

Mr. KENNEDY. Mr. President, I will take just a very few moments.

Mr. President, I will include in the RECORD the Leadership Conference on Civil Rights, their support for our amendment. Let me just mention a paragraph in here.

Some employer groups, including the National Federation of Independent Businesses and the nation's agricultural employers, argue that [my amendment] the KENNEDY amendment would put employers "between a rock and a hard place" when it comes to verifying documents that the employer "knows constructively" are not valid. The KENNEDY amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard. . . .

Mr. President, I ask unanimous consent that that letter dated April 29, 1996, from the Leadership Conference on Civil Rights be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, April 29, 1996.

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights, we are writing to urge you to support an amendment to the immigration bill, S. 1664 that would preserve the civil rights protections of the nation's immigration laws.

Congress added civil rights protections to the Immigration Reform and Control Act of 1986 (IRCA) because of concerns that requiring employers to verify the employment eligibility of their workers would lead to discrimination against persons who were perceived as "foreigners." Indeed, the law did result in widespread discrimination, as documented by a U.S. General Accounting Office (GAO) study in 1990 along with more than a dozen separate studies conducted nationwide. S. 1664 adds an "intent standard" to these civil rights provisions, which would make it impossible for most Americans suffering discrimination under the law to pursue a discrimination claim. Senator Kennedy will be offering an amendment to strike this intent standard and replace it with language addressing the legitimate concerns raised by employers. The Leadership Conference on Civil Rights strongly urges you to support this amendment and preserve the nation's tradition of equal justice under the law.

The GAO report and other studies indicate that most of the widespread discrimination resulting from IRCA stems from employer confusion. For example, some employers insist on seeing green cards from any person who appears "foreign", despite the fact that many such individuals are native-born U.S. citizens. When such an employer insists on seeing a green card, these Americans lose jobs. This was the case when Rosita Martinez, a Puerto Rican American, took her employer to court after he insisted that the law obliged him to see her green card before hiring her. Had the intent standard been the law at the time, Ms. Martinez would have lost that job without any remedy under the law.

Some employer groups, including the National Federation of Independent Business and the nation's agricultural employers, argue that the Kennedy amendment would put employers "between a rock and a hard place" when it comes to verifying documents that the employer "knows constructively" are not valid. The Kennedy amendment addresses this concern by allowing employers to check the validity of such documents when they have a question about them. An intent standard goes much too far in response to the concerns of some employers. In fact, it immunizes employers against all but the most egregious discrimination claims. There is no need to gut the civil rights protections under IRCA in order to address a concern which can be resolved through more reasonable means.

The Leadership Conference strongly urges you to support the Kennedy amendment to strike the intent standard and replace it with language which addresses employers' concerns without wiping out civil rights protections for Americans.

Sincerely,

RICHARD WOMACK,
Acting Executive Director.
DOROTHY I. HEIGHT,
Chairperson.

Mr. KENNEDY. Mr. President, I will just wind this up with the story of Representative GUTIERREZ. This was on April 18.

A Capitol Police security aide refused to accept the congressional identification of Representative Luis V. Gutierrez as he tried to enter the Capitol and told him and his daughter to "go back to the country you came from," the representative said yesterday.

Gutierrez . . . said that he was walking into the main visitor's entrance to the Capitol on March 29 with his 16-year-old daughter and 17-year-old niece when he was approached by the security aide.

The aide [I will leave that out; it is printed in the story] has been suspended with pay pending an internal investigation, said Sgt. Dan Nichols, Capitol Police spokesman.

The Congressman said that he and the girls were carrying Puerto Rican flags during a Puerto Rican appreciation day ceremony and were putting them through an X-ray scanner when Hollingsworth began "screaming" at him for allowing the flags to slightly unfurl, he said.

"She said she didn't want to see the flags, and I told her I would take care of them," Gutierrez said. "Then she said, 'Who do you think you are?' When I told her I was Congressman Gutierrez, she said, 'I don't think so.'"

Gutierrez said that when he presented his congressional identification card, Hollingsworth "said that my identification must have been a fake. Then she said, 'Why don't you all go back to the country where you came from.' She was rabidly angry."

Gutierrez said the confrontation went on for about a minute until a Capitol Police sergeant noticed what was happening and, recognizing the Congressman, and ushered Hollingsworth away.

"From the very first time she was talking to me, she was yelling," Gutierrez said. "She thought we were foreigners from another country, and she was very resentful of that. Twice she told us to go back to our country."

That has happened to a Congressman of the United States in the last few weeks here in the Nation's Capitol. What kind of chance is a worker going to have, out in the boondocks, American worker, trying to get through, when you run against that kind of an attitude?

Mr. President, this is a real problem. It is happening here in the Nation's Capitol, and it is happening around the country.

The provisions which are included in the current law need to be changed. We have outlined a fair, reasonable way of protecting the applicant, the worker, and also the employer. It is a better way to go than the current law. I hope the amendment is accepted.

I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. SIMPSON. Mr. President, let me lock in this unanimous-consent request so our colleagues will know better about the disposition of their evening activities.

I ask unanimous consent that a vote occur on or in relation to amendment No. 3816 offered by Senator KENNEDY at the hour of 8 p.m. this evening and immediately following that vote, the Senate proceed to a vote on or in relation to the following amendments in the following order, with 2 minutes of debate equally divided prior to each vote after the first vote: amendment No. 3809, amendment No. 3829—it may be resolved, but I would like to lock those in.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Finally, Mr. President, that is a powerful, poignant story of discrimination and a disgusting activity, but that is not what we are talking about. We are talking about an employer who has in front of him someone that he has an idea, and he has seen the documents, he knows something is wrong. He has been doing this for years, ever since 1986, and the signal goes up, and he says, "I want to ask you for another document," and suddenly he has violated the law and is subject to tremendous fines. That is not right.

That is the purpose of the bill. It is not about such an egregious and foul procedure as we have just heard described.

Mr. KENNEDY. Mr. President, I want to pay my respects to the Senator from California today. She was here early like other of our colleagues, at her post early today on the Judiciary Committee, and came over here just at the lunch hour and has been inquiring, I think every half hour, about when she can be recognized. We wanted to try to move the business forward. I want to commend her for her perseverance and look forward to her amendment.

AMENDMENT NO. 3777 TO AMENDMENT NO. 3743

(Purpose: To provide for the construction of physical barriers, deployment of technology, and improvements to roads in the border area near San Diego, CA)

Mrs. FEINSTEIN. I thank the Senator from Massachusetts. I send an amendment to the desk and ask for its immediate consideration.

Mr. KENNEDY. Mr. President, I ask that the pending amendment be temporarily laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mrs. BOXER, proposes an amendment numbered 3777.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

Mrs. FEINSTEIN. Mr. President, this amendment concerns the proposal to build a triple-fence barrier on the Southwest border. Specifically, the amendment I am offering would strike section 108 and replace it with a provision allowing $12 million for the construction and expansion of physical barriers along the border with Mexico, which, in addition to fencing, includes all-weather roads, low-light television systems, lighting sensors, and other technology.

I think we all know that the border represents the front line of deterrence for illegal entry into the country and that the current situation is inadequate. There is a 14-mile stretch of border that separates San Diego and Mexico, and it is patched with some single fencing that is in constant need of repair, has areas with no barriers at all, and roads that wash out and become impassable at the first sign of rain.

The House-passed bill mandates the construction of three parallel fences along the existing 14 miles of reinforced steel fence on the United States-Mexico border in San Diego County. I voted for the triple-fence amendment in the Judiciary Committee because I believed we needed to remedy that situation. After the vote, though, I had a chance to meet with representatives from the Border Patrol and the INS.

I ask unanimous consent to have printed in the RECORD a letter from the National Border Patrol signed by its president, stating:

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, [et cetera]. . . .

The Border Patrol Council strongly recommends this bill be amended by replacing the requirement with a safer and more effective alternative.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL BORDER PATROL COUNCIL,
AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES,
Campo, CA, April 15, 1996.

Hon. DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: The National Border Patrol Council, representing nearly 5,000 Border Patrol employees, is deeply concerned by the provision in S. 1664 (formerly S. 269, the "Immigration in the National Interest Act of 1995") that would require the construction of fourteen miles of three-tier fencing in San Diego, California. Such fencing would needlessly endanger the lives of Border Patrol Agents by trapping them between layers of fences and leaving them with no expeditious means of escape from the gunfire, barrages of rocks and other physical assaults that routinely occur along the U.S.-Mexico border.

A three-tier fence would also create a crime zone within the boundaries of the United States where illegal immigrants would be easy prey for robbers, rapists, and other criminals. The accomplices of these criminals could easily prevent law enforcement officers from responding to these crimes by blocking access roads with nails, broken glass, other debris, barrages of rocks and/or gunfire.

Rather than facilitating the accomplishment of the Border Patrol's mission, a three-tier fence would decrease the effectiveness of its operations, and would make an already dangerous job even more so.

The National Border Patrol Council strongly recommends that S. 1664 be amended by replacing the requirement to construct a three-tier fence with a safer and more effective alternative. Those who deal with the problem of illegal immigration on a daily basis should be allowed to decide which technologies, including physical barriers, all-weather roads, low-light television systems, lighting, sensors, and other means, are more appropriate and effective for a given area.

Your support of this amendment would be greatly appreciated.

Sincerely,

T.J. BONNER,
President.

Mrs. FEINSTEIN. Mr. President, I also ask unanimous consent to have printed in the RECORD a letter dated April 16 from the Department of Justice, Office of Legislative Affairs, to the majority leader on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, April 16, 1996.

Hon. ROBERT DOLE,
Majority Leader,
U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: I write to express the Administration's strong opposition to the proposed requirement for triple-tier fencing contained in S. 269, the "Immigration in the National Interest Act of 1995." This provision requires the construction of second and third fences, in addition to the existing 10-foot steel fence, along the 14 miles of U.S.-Mexico border in the San Diego Border Patrol Sector. The bill also requires roads to be built between the fences. Instead, we support an amendment, to be offered by Senators Feinstein and Boxer, to replace the requirement for triple fencing along portions of the Southwest border with an authorization of funds for the construction and improvement of physical barriers, lighting, sensors, and other technologies to detect and deter unlawful entry.

The requirement now in the bill, if enacted, would endanger the physical safety of Border Patrol agents. U.S. Border Patrol agent Joe Dassaro, Public Information Coordinator for Local 1613, U.S. Border Patrol Council, recently stated, "There is no support from U.S. Border Patrol agents in the field for the three tiered fence. We see it as a dangerous situation. If an agent goes between the three fences and gets into trouble, there is a longer response time for another Border Patrol agent to come to his/her aid . . ." From a tactical perspective, agents travelling along roads surrounded by fencing present an easy target for alien smugglers and others ready to thwart our enforcement efforts. Our experience has shown that when agents travel in a single, predictable line, they and their vehicles are susceptible to attack with rocks and other objects.

Response time to an emergency situation in areas adjacent to fenced in areas will be greatly and unnecessarily increased if this provision is enacted. Agents that patrol between the sections of the fence will not have the ability to quickly and directly get out of the areas at critical times. With triple fencing, smugglers can easily block a Border Patrol vehicle with debris and limit agent mobility to the fixed path bounded by the fence. In addition, the rocky terrain and deep canyons in this region of California make a continuous road impossible to build and use. The challenges presented by this terrain are better met through the other tactics currently deployed in the San Diego Sector.

We support physical barriers along the border when and where they are appropriate and have erected 23 miles of fences along the California Border as an important part of our strategic plans. In order to build the fence that is now in place, it was necessary to construct an access road along the border. Rather than specifying barriers, we recommend funding to construct "all-weather roads", since the existing roads become impassable after relatively little rainfall. The current situation prohibits the Border Patrol from actually reaching the border and interrupts repair and maintenance on the fence. Rain also precludes the Border Patrol from working close to the border in a high visibility, deterrent posture. Agents must pull back and work from hardpacked or paved streets during these periods. With an all-weather road system, Border Patrol agents would have access to the fence even during the extended rainy season.

We fully recognize the usefulness and need for border fencing and have been at the forefront of fencing innovations for many years. Single fencing is a valid deterrent in many areas and we will continue to use this tool at various locations to meet the needs of the San Diego Sector Border Patrol. In some carefully selected areas, multiple fencing may be appropriate. Other deterrence technologies, such as enhanced communications systems, lighting, low light television systems and fixed infrared/daylight cameras also will compliment the existing and planned fencing. In our view, the actual deployment of personnel, physical barriers, technology and operational judgments are decisions best left to the Border Patrol with responsibility for the day-to-day operation at the ground level.

Please do not hesitate to contact me if I can be of further assistance. The Office of Management and Budget has advised that there is no objection to the submission of this letter from the standpoint of the Administration's program.

Sincerely,

ANDREW FOIS,
Assistant Attorney General.

Mrs. FEINSTEIN. Both these letters, Mr. President, make a strong case and, to me, a convincing case that the current $12 million proposal to construct a triple-fence barrier along the entire 14-mile stretch is not feasible, and would not accomplish the intended goals, and could pose safety risks for Border Patrol agents.

The INS argues that some border areas are not suitable for multiple fences and are not sealed off by a single barrier because of the steep terrain. They made the case that it would be difficult if not impossible to erect a triple fence in these areas at below a cost of $110 million—far above the $12 million in this proposal.

This, to me, is overly expensive and a waste of taxpayer money. The INS and Border Patrol argue that a triple fence running for 14½ miles would be dangerous and ineffective.

Now, what this amendment does is present a sensible, cost-effective substitute for the triple fence concept. It has the strong support of the INS, the Border Patrol, and the National Border Patrol Council. Essentially, what the amendment would do is authorize $12 million for construction of a vitally needed all-weather road system along the border. It would allow for the low-light television system, more ground sensors and infrared night-vision equipment. It would also provide some flexibility with respect to the border fence itself.

I am told that of the 14 mile area, the INS has located eight locations which it has said could be suitable for three-tier barriers that range in length from half a mile to 3 miles in length. That totals about 9½ miles. Once again, their top priority would be construction of an all-weather road system in this area.

What this amendment does, bottom line, is say, "INS, use your best judgment." There is $12 million authorized. Have flexibility. Be able to create your all-weather roads, the necessary infrastructure, and use the triple fencing where it is safe and makes sense to do so.

I think that is the appropriate way, really, to handle this situation.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3776 TO AMENDMENT NO. 3743

(Purpose: To strike the provision relating to the language of deportation notice)

Mrs. FEINSTEIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from California [Mrs. FEINSTEIN], for herself and Mr. SIMON, proposes an amendment numbered 3776 to amendment No. 3743.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Beginning on page 99, strike line 10 and all that follows through line 13.

Mrs. FEINSTEIN. Mr. President, this amendment essentially corrects what I believe is a mistake in the bill. Present law allows for the use of both English and Spanish in deportation orders. The bill, as it came out of committee, struck that section. Therefore, only English could be used in deportation orders.

Frankly, it does not make sense to give somebody a deportation order that they cannot read. And the dominant majority of illegal immigrants in the State of California speak Spanish only. Therefore, it would make sense that a deportation order be in Spanish and in English.

My amendment would simply strike the English-only requirement. I am joined by Senator SIMON in this amendment that would restore the language to its prior situation.

If I might, I neglected to mention something, and I would like to remedy that, Mr. President. Senator BOXER is a cosponsor on the alternative language on the triple fence.

Mr. President, I ask for the yeas and nays on the second amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the pending amendment be set aside so I can call up an amendment that is now at the desk. I am not going to debate it for more than a couple of minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3865 TO AMENDMENT NO. 3743

(Purpose: To authorize asylum or refugee status, or the withholding of deportation, for individuals who have been threatened with an act of female genital mutilation)

Mr. REID. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID], for himself, Ms. MOSELEY-BRAUN and Mr. SIMON, proposes an amendment numbered 3865 to amendment No. 3743.

Mr. REID. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(A) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after "political opinion" the first place it appears: "or because the person has been threatened with an act of female genital mutilation";

(B) by inserting after "political opinion" the second place it appears the following: ", or who has been threatened with an act of female genital mutilation";

(C) by inserting after "political opinion" the third place it appears the following: "or who ordered, threatened, or participated in the performance of female genital mutilation"; and

(D) by adding at the end the following new sentence: "The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.".

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after "political opinion" the following: "or would be threatened with an act of female genital mutilation".

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

§116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

"(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation."

"(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, I have asked for a vote on amendment No. 3865, the one that has been debated at length in this body on other occasions—in fact, yesterday, during a time that I obtained the floor, I talked about this amendment at some length. This is making female genital mutilation illegal in the United States and a basis for asylum.

I ask unanimous consent that Senator CAROL MOSELEY-BRAUN be added as a cosponsor and that the senior Senator from Illinois, Senator SIMON, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, over 100 million women and girls have been mutilated by this procedure in the world. Six-thousand each day are mutilated—7 days a week, 365 days a year. Most girls, of course, are too young or do not have the means to flee.

Mr. President, 3 years ago, Canada made female genital mutilation a basis for asylum. Since that time, two women have been granted asylum for that reason. So for us to think this is going to open the floodgates for people seeking asylum on that basis, it will not happen. Remember, most of the people upon whom this procedure is performed are little girls.

So we do not have to fear a wave of immigrants coming and claiming this as a basis for their coming here. But the United States must take a stand and speak out against this horrid practice. We must make it illegal and recognize it as basis for asylum.

I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. SIMPSON. What is the status?

Mr. REID. I say to my friend this, and I should have said this earlier, before I answered the Senator's question. I appreciate the work on this immigration bill. I appreciate the work the Senator has done on helping me with other amendments and a managers' amendment. I have worked with the Senator on this issue and on a number of different pieces of legislation.

I asked for the yeas and nays on this amendment.

Mr. SIMPSON. Mr. President, I have spent not so many years with people telling me how helpful they can be, and that is the most gratifying thing that I can hardly speak on it through the years. "I want to help you, Senator SIMPSON." But this amendment is not helpful. This is a very controversial amendment.

I share the Senator's views about this brutal procedure. It is a cultural matter. You get into serious issues that are unresolvable. If we are to give the yeas and nays, is the Senator indicating he wishes that to be discussed or debated tonight? According to many I have spoken to, that will take a great deal of debate.

Mr. REID. Any time the Senator wishes. I have no desire as to when the matter is discussed.

Mr. SIMPSON. I then request of my friend, if he wishes to help the cause, not request the yeas and nays, and we will work tomorrow on a time appropriate to deal with that issue.

Mr. REID. That is fine. I withdraw the request for the yeas and nays.

Mr. SIMPSON. I thank the Senator. Certainly, it will not be foreclosed. It is a critical issue. It is also one of those issues that opens some extraordinary avenues of approach in the United States.

Mr. REID. I know the Senator wants to move this bill along. But I did state that Canada made this procedure a basis for asylum 3 years ago, and they have had two people granted asylum in 3 years.

Mr. SIMPSON. That is a very helpful part of the central debate. My friend knows I can trust him and he can trust me.

Let me speak quickly on Senator FEINSTEIN's amendment with regard to the fence. I think that that flexibility may be appropriate. I have carried a good deal of water on this. I do not see others here to speak on it. That flexibility may well be appropriate. But with regard to the requirement of deportation notices in Spanish and English—and that is also the amendment of the Senator from California—I would oppose that amendment and let me share just briefly why.

To require that all deportation notices be in Spanish as well as English, when many deportees do not speak Spanish, but rather one of a score of other languages—Spanish is not the language of all people we deport. We deport people from all over the world. Many Spanish speakers do understand English. Many deportees do not speak Spanish and, as I say, it is a puzzle and it is also wasteful. I also believe it is important. It creates the impression that Spanish is equal to English in this country.

Spanish is not equal to English in this country as the common language that is the United States of America. We are going to vote on that soon. I did not vote to make English the official language of the United States when it came up years ago. I will do so now because I think there have been some adjustments, some understandings that will be helpful. But this creates the impression that Spanish is, as I say, equal to English in this country. We should not mandate that our Government conduct its business in any language other than English.

It is in the INS' interest to guarantee that the subject of a deportation order understands its contents. I agree with that, having been a lawyer for 18 years. Therefore—please hear this —the INS does, and should, provide translations, or translators whenever necessary, and not just into Spanish, but into whatever language is most appropriate.

My colleagues should know section 164(a) does not impair the due process rights of any alien in a deportation proceeding—none. So, as I say, I am puzzled at that, unless we are going to ignore scores of other languages and that is apparently what we would do in this instance.

Mr. KENNEDY. Mr. President, I see the Senator from California still on the floor. As I understand it, current law is English and Spanish, but there is also the current practice of also printing that in other languages that are related to the language of the individual that would be subject to the deportation. That is my understanding of what currently exists.

That seems to be the way that it makes most sense. I do not know whether we are trying to make a problem here. I support the Senator. It is my understanding they print it in other languages as necessary. I do not know whether we are making a problem here that does not exist. That happens to be sort of the current situation. I intend to support the Senator.

Mrs. FEINSTEIN. Mr. President, just to respond very briefly to the Senator from Massachusetts, the present act refers to this: Each order to show cause, or other notice in this subsection, shall be printed in English and Spanish and shall specify that the alien may be represented by an attorney in deportation proceedings, et cetera.

All we are putting back in is the reference to English and Spanish. The real fact is that, if on the California border someone is going to get a deportation notice, it really should be in Spanish if one expects them to read it and understand it.

Mr. KENNEDY. If the Senator will yield. As I understand it, the effect of the amendment is to restore current law.

Mrs. FEINSTEIN. That is correct.

Mr. KENNEDY. So supporting the Senator's amendment would effectively restore the current law, which has been well explained by the Senator from California. That permits the English, Spanish, and also the language of the individual that is going to be affected. It seems to me that restoration of the current law is desirable.

AMENDMENT NO. 3829, AS MODIFIED

Mr. KENNEDY. Mr. President, I had introduced earlier amendment 3829 that is pending and has been temporarily set aside. I would like to—it is not the minimum wage—I had actually put that out of my mind for now.

Mr. SIMPSON. It will come back.

Mr. KENNEDY. It will come back.

Mr. President, on 3829, the amendment which was to try to strengthen the protections for certain workers, I send to the desk a modification to the amendment and ask, I believe since the yeas and nays have been ordered, unanimous consent that it be in order to amend the amendment and to amend it as designated.

The PRESIDING OFFICER. Is their objection to modifying the amendment?

Without objection, it is so ordered.

The amendment (No. 3829), as modified, is as follows:

On page 8, line 17, before the period insert the following: "except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or based on receipt of credible material information, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application".

Mr. KENNEDY. Mr. President, as I understand it now, with those changes which had been suggested by my friend and colleague, hopefully, it will be acceptable to the Senate. When we reach the hour of 8 o'clock and we begin the consideration, I will ask for a voice vote on this amendment. I will also ask unanimous consent that a colloquy between the Senator from Wyoming and myself be put in place.

I thank the Senator for his assistance in working this through. I think it is a very constructive suggestion, and we welcome his recommendations. Hopefully, it will be accepted in the Senate.

Mr. SIMPSON. Mr. President, I believe there is one other possible objection on my side of the aisle with regard to that. I will have that information in a few moments. With regard to the colloquy, it is perfectly appropriate for me. It resolves the issue.

I say to my friend from California—if I might have the attention of my friend from California, Senator FEINSTEIN, if I could just have a moment with my friend from California, I commend her for her extraordinary work in this field. But what we are trying to avoid here by what we did in the bill is that the law does not give an option to put it in Spanish or English. The present law says that it "shall be" in English and Spanish. "Each order to show cause, or other notice under this subsection, shall be in English and Spanish," which seems absurd when you are presenting it to Chinese or someone else. That is why we dropped it.

It was not so we could be sinister. It is absolutely bizarre that someone from any other country on Earth, non-Spanish-speaking country, is presented with this order in English and Spanish which is a waste of resources of the INS. Our provision would simply allow the translators and interpreters to be there, and they would. They are there. You can require that in any language of the dozens or hundreds of the world. That is what that was. It was a requirement. There was no option to it.

Mrs. FEINSTEIN. Will the Senator yield for a question?

Mr. SIMPSON. Yes.

Mrs. FEINSTEIN. My concern is that if this is removed from the bill, deportation notices, particularly in California, will go out in English only, and the great bulk of them go to Spanish. So we are taking out the requirement that it be—just as the Senator said, and as I believe I read—in English and Spanish, but we are replacing that with silence. My concern is that the silence will be interpreted and in English only. Therefore, we will have people who will not be able to read their notice.

Mr. SIMPSON. Mr. President, I respectfully say that the INS has translators in each of these situations. There is a clear understanding because a deportation notice is a serious issue, and the current law requires—demands—and says "shall" even if the alien does not speak Spanish. If the alien does speak Spanish, there is someone there from the INS, and it does not matter what language. That person is then provided with the translation and the translators to be certain that they heard what was said.

If you remember the Medvid issue, the Soviet ship jumper, we not only had a person there speaking Russian; we had a person there speaking Ukraine.

That is what we do in this situation. All we are saying is it seems rather puzzling to know that, though we are going to have deportees from the wide world over, we still then have presented something that is printed in English and Spanish regardless of who they are.

Mr. KENNEDY. Mr. President, I ask unanimous consent that if a rollcall vote on amendment 3829 is required, it occur following the series of votes that have already been ordered to begin at 8 o'clock.

That is already part of the order?

The PRESIDING OFFICER. The vote will now occur on——

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent that we have 2 more minutes so that the floor manager can list the order of the various amendments for the information of the Members of the Senate.

Mr. HELMS. Reserving the right to object, Mr. President.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I will agree if the Senator will agree to have 10-minute votes after the first one in the series that the unanimous-consent request would follow.

Mr. KENNEDY. Mr. President, that is more than fine with me. That would be a decision I would leave to the majority, but it is more than fine with me.

Mr. SIMPSON. Let me say, Mr. President, to my friend from North Carolina, it is perfectly appropriate with me that every succeeding vote will be 10 minutes in duration. But I have a bit of a problem with regard to the amendment, the first amendment of Senator FEINSTEIN. One of our Members who would like to speak on that issue has been a great supporter of the amendment as it left the Judiciary Committee, and so I would ask that that simply not be part of the vote, and it is not. We were going to possibly accept that, but there will be further debate on that at least from one Member on our side.

So we will have four amendments to vote on so that our colleagues will know the lay of the land. The first amendment is a Kennedy amendment to determine work eligibility of prospective employees. The second is a Simon amendment to adjust the definition of "public charge." The third is to allocate a number of investigators with regard to complaints.

Now, that one we may get taken care of with a colloquy.

And then the fourth one, and I would ask unanimous consent that a vote occur with respect to the Feinstein amendment No. 3776 last in the sequence under the same terms as previously entered.

The PRESIDING OFFICER. The Chair would ask the Senator from Wyoming to withhold the unanimous-consent request until we act on the unanimous-consent request of the Senator from Massachusetts.

Does the Senator from North Carolina object?

Mr. HELMS. I will object unless it is made clear in the unanimous-consent request that the first vote be 15 minutes and the succeeding three be 10 minutes each.

Mr. SIMPSON. Mr. President, I would certainly add that.

Mr. HELMS. Very well. In that case, I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, we move fast. Let me just say that if someone on the other side of the aisle were late for the first 15-minute vote, it might be a problem. It is not to me. But let the record show that there is also 2 minutes equally divided on each of these amendments, so that our colleagues will be aware of that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, have the yeas and nays been ordered on 3816?

The PRESIDING OFFICER. Yes, they have been ordered.

VOTE ON AMENDMENT NO. 3816

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3816. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER (Mr. ASHCROFT). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 32, nays 67, as follows:

[Rollcall Vote No. 96 Leg.]

YEAS—32

Akaka
Biden
Bingaman
Bradley
Breaux
Byrd
Conrad
Daschle
Dodd
Dorgan
Feingold
Ford
Glenn
Graham
Harkin
Inouye
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NAYS—67

Abraham
Ashcroft
Baucus
Bennett
Bond
Boxer
Brown
Bryan
Bumpers
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wyden

NOT VOTING—1

Cohen

So the amendment (No. 3816) was rejected.

AMENDMENT NO. 3809

The PRESIDING OFFICER. On amendment No. 3809, there will now be 2 minutes for debate equally divided.

Mr. SIMPSON. May we have order, please?

The PRESIDING OFFICER. The Senate will be in order.

Mr. SIMPSON. Mr. President, so that our colleagues will know the procedure and the schedule, we have three amendments with a 10-minute time agreement. One of those may be resolved within a few minutes. So the maximum will be three, unless the leader has something further. The minimum will be two.

Mr. President, now we are on the Simon amendment No. 3809 with 1 minute on each side. I yield to my friend, Senator SIMON.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. This is an amendment, my colleagues, that conforms the Senate bill to the House bill for the basis of deportation. Under the language that is now in the bill, without this amendment, any kind of Federal assistance may be a basis for deportation if you receive it for 1 year.

For example, a student who would get a student loan, where the sponsor either had to have gone bankrupt or did not have the income, together with the income of the family that came in, that would be a basis for deportation. If in rural Kentucky or Illinois someone got rural transportation for elderly and the disabled, that would be a basis for deportation. That just does not make sense. We keep the AFDC, SSI, food stamps, Medicaid, housing, and State cash assistance. If you get any of those for 1 year, you can be deported, but not any general Federal program.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, one of the improvements made by the bill is in the definition of "public charge" and "affidavits of support." The bill defines "public charge" with reference to taxpayer-funded assistance for which eligibility is based on need.

Mr. President, I believe that this definition is quite consistent with the general policy requiring self-sufficiency of immigrants. Programs should not be limited to cash programs. The noncash programs are also a serious burden on the taxpayers. If the immigrant uses such taxpayer-funded assistance, he or she is a public charge. How else should the term "public charge" be defined than someone who has received needs-based taxpayer-funded assistance? That person has not been self-sufficient, as the American people had a right to expect.

The PRESIDING OFFICER. The Senator's time has expired.

The question is on agreeing to the amendment No. 3809. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. I announced that the Senator from Maine [Mr. COHEN] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 97 Leg.]

YEAS—36

Akaka
Bingaman
Bradley
Breaux
Chafee
Daschle
Dodd
Dorgan
Feingold
Glenn
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—63

Abraham
Ashcroft
Baucus
Bennett
Biden
Bond
Boxer
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Cohen

The amendment (No. 3809) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, there will not be a necessity for two more rollcall votes. Only one will be required.

AMENDMENT NO 3829

Mr. SIMPSON. Mr. President, it is my understanding that under the revised language the Department of Labor cannot initiate a compliance review, random or otherwise, on its own initiative.

If the Department of Labor receives credible, material information giving it reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the INA, or had failed to comply with the terms and conditions of such an application, then the Department of Labor may investigate that complaint, but only that complaint.

The credible, material information may come from any source outside the Department of Labor.

Mr. KENNEDY. That is correct.

Mr. SIMPSON. I urge the amendment be adopted.

Mr. KENNEDY. Mr. President, I hope we could have a voice vote on this amendment. We have adjusted the amendment to respond to some of the concerns.

Mr. SIMPSON. On behalf of our majority leader, I announce this will be the last vote this evening.

Mr. KENNEDY. Mr. President, all this amendment does is provide equal treatment for the temporary workers and the permanent workers in terms of the enforcement procedures. There has been a recent IG report outlining the difficulties and complexity. We have modified the amendment, and I would hope that it would be adopted.

The PRESIDING OFFICER. Without objection, the Senator's amendment is agreed to.

So the amendment (No. 3829) was agreed to.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3776

The PRESIDING OFFICER. The pending question is amendment No. 3776 offered by the Senator FEINSTEIN. The yeas and nays have been ordered, and there will be 2 minutes of debate equally divided.

The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, the present law states that deportation notices will be sent out in Spanish and English. The bill coming out of committee deletes this. So deportation notices would be sent out in English, essentially. There is no requirement in the law.

What we would do in this amendment is strike what is recommended and go back to present law, so that deportation notices are required to be sent out in Spanish and English. The reason is because the great majority of illegal immigrants penetrating across the Southwest border speak Spanish, and the overwhelming bulk of them do not speak English. Therefore, when they receive a deportation notice, they should be able to read it. So we would retain the language of present law.

Mr. SIMPSON. Mr. President, to require that all deportation notices be in Spanish, as well as in English, when many deportees do not speak Spanish but rather one of other scores of languages, and many Spanish speakers do understand English, I think makes little sense.

I think you have to remember that it is in the INS's interest to guarantee that the subject of a deportation order understands what it is. Therefore, today, all the INS does is provide translations, or translators, whenever necessary in any language, not just Spanish, but into whatever language is most appropriate. That is the essence. So that we remove the word "shall." It is difficult to have someone delivered a deportation notice in English or Spanish when they are Chinese. There is no requirement for it. They will be taken care of by the INS through all types of deportation procedures, including translators.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 3776 offered by Senator FEINSTEIN.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Maine [Mr. COHEN] is necessarily absent.

The result was announced—yeas 42, nays 57, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—42

Abraham
Akaka
Bingaman
Boxer
Breaux
Bumpers
Byrd
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Feingold
Feinstein
Ford
Graham
Harkin
Hatch
Hollings
Hutchison
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Robb
Rockefeller
Sarbanes
Simon
Snowe
Thompson
Wellstone
Wyden

NAYS—57

Ashcroft
Baucus
Bennett
Biden
Bond
Bradley
Brown
Bryan
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
Dole
Dorgan
Exon
Faircloth
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatfield
Heflin
Helms
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thurmond
Warner

NOT VOTING—1

Cohen

So the amendment (No. 3776) was rejected.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I thank all of my colleagues, especially Senator KENNEDY, my fellow floor manager on that side of the aisle, for the extraordinary support and assistance today in moving the issue along.

Now I am going to propound a unanimous consent-request. I have shared this with my fellow manager so that we might move tomorrow to what I think will be a conclusion hopefully of this legislation, or at least a portion of it, a large portion of it.

I ask unanimous consent that the following amendments be the only remaining amendments in order prior to the vote on the Simpson amendment, as amended, provided that all provisions of rule XXII remain in order notwithstanding this agreement. And I hereby state the amendments: Abraham, Abraham, DeWine, Bradley, Graham, Graham, Graham, Graham—four Graham amendments—Leahy, Bryan, Harkin, three Simpson amendments, Chafee, Hutchison, DeWine again, Graham, Gramm of Texas, Senator Simon two, Senator Wellstone two, Senator Kennedy two, Reid, Robb, Feinstein No. 3777, Simpson No. 3853, and Simpson No. 3854.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. SIMPSON. Mr. President, I would ask approval of that agreement.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I thank Senator SIMPSON and our other colleagues for their attention and for their cooperation during the day. We had several interruptions which were unavoidable. We had an opportunity to debate several matters.

It does look like a sizable group remain. As of yesterday, there were 156 amendments, so we have disposed probably of 6 or 8 and we are down to 28. So we are moving at least in the right direction. From my own knowledge from some of our colleagues, they have indicated a number of these are place holders.

We will have some very important measures to take up for debate tomorrow, and we will look forward to that and to a continuing effort to reach accommodation on the areas where we can and to let the Senate speak to the areas we cannot.

Mr. President, I thank my colleague and friend from Wyoming and all of our staffs. We will look forward to addressing these issues on tomorrow.

I thank the Chair.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. GRASSLEY. Mr. President, for the leader, I have several unanimous-consent requests. I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

WARD VALLEY

Mr. PRESSLER. Mr. President, 16 years ago, we in Congress passed the Low-Level Radioactive Waste Policy Act. This bill gave the States the responsibility of developing permanent repositories for this Nation's low-level nuclear waste. Now the Clinton administration wants to take away that authority.

For 8 years, South Dakota, as a member of the Southwestern Compact, along with North Dakota, Arizona and California, has worked to fulfill its duty to license a storage site. It did the job.

Ward Valley, CA is the first low-level waste site to be licensed in the Nation. After countless scientific and environmental studies and tests, the State of California and the Nuclear Regulatory Commission approved Ward Valley as a safe and effective place to store the Southwestern Compact's low-level radioactive waste.

However, there is one problem. Ward Valley is Federal land. It is managed by the Bureau of Land Management.

The Southwestern Compact has requested that Ward Valley be transferred to the State of California. The Clinton administration refuses to take action. Instead, it has stalled—again, and again, and again.

First, the Secretary of the Interior ordered a Supplemental Environmental Impact Statement. Then, he ordered the National Academy of Sciences to perform a special report on the suitability of Ward Valley for waste storage. Each study presented the Southwestern Compact with a clean bill of health for Ward Valley. Yet, the administration still delays.

Now, the administration has ordered additional studies on the effects of tritium—studies the State of California already intended to perform, but not until the land transfer was complete. Also, I would note, the National Academy of Sciences made no mention that such studies should be a prerequisite to the land transfer.

Instead, the Academy believes that this type of study should be ongoing—conducted in conjunction with operation of the waste storage facility. Unfortunately, I suspect that even if California gives in to demands and performs these tests, the administration will just think up new demands—anything to keep the Ward Valley waste site from becoming reality.

So who benefits from these delays? No one. This is yet one more example of the Clinton administration's pandering to the environmental extremists—extremists intent on waging a war on the West.

Scientific evidence shows that Ward Valley is a safe location for low-level radioactive waste storage. Neither public health nor the environment will be at risk. In fact, most of the waste to be stored at Ward Valley is nothing more than hospital gloves and other supplies which may have come in contact with radioactive elements used by healthcare providers.

By contrast, continued delays creates risks—both to public health and the environment. Currently, low-level waste is simply stored on site—at hospitals, industries, or research institutions. In the four States of the Southwestern Compact, there are over 800 low-level radioactive waste sites. These sites were not meant to be permanent facilities. Thus, there have been no environmental studies, no long-term monitoring systems, nothing to guarantee safe storage of the waste.

With no regional low-level radioactive waste storage sites available, South Dakota is forced to transport its low-level radioactive waste across the country to a disposal facility in Barnwell, S.C.

Clearly, the costs of transporting this waste across the country are great—from the monetary cost to the waste generators, to the legal ramifications of transporting hazardous waste, to the potential Superfund liability incurred by the State and the generators. This is far too costly a price—one my State can't continue to bear.

That is why, Mr. President, I am a cosponsor of legislation pending in the Senate to convey Ward Valley to the State of California, and to allow the construction of the Ward Valley low-level radioactive waste storage site to continue unimpeded. The Senate Energy and Natural Resources Committee voted in favor of this bill.

This legislation is ready for Senate action. This legislation is necessary only because politics got in the way of good science. Transferring land such as Ward Valley is a common procedure for the administration. However, because of a political fight waged by environmental extremists, this conveyance has been held up for more than 2 years. This fight, this continued delay, will continue unless Congress acts.

We have the opportunity to institute a rational approach to the process. By approving this legislation, we can allow the Southwestern Compact—and the rest of the States—to comply with the law we created. I urge my colleagues to support this legislation, and to allow good science to prevail, rather than politics.

Mr. President, I ask that correspondence between South Dakota Governor Janklow and Gov. Pete Wilson of California regarding the Ward Valley low-level radioactive waste storage site be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF SOUTH DAKOTA,
Pierre, SD, April 2, 1996.

Hon. PETE WILSON,
Governor, State of California, State Capitol, Sacramento, CA.

DEAR GOVERNOR WILSON: Thank you for your letter concerning the Southwestern Low-Level Radioactive Waste Disposal Compact and the site of the facility in Ward Valley. While the site in Ward Valley is currently owned by the federal Bureau of Land Management, the bureau has for about 10 years declared its intent to sell to California.

I, too, am concerned and upset with the continuing needless delays imposed by the U.S. Department of the Interior on the Ward Valley land transfer. California has made tremendous efforts attempting to comply with the federal Low-Level Radioactive Waste Disposal Act and its Amendments. While these efforts have resulted in the issuance of the first license to construct a new low-level disposal site in this nation's recent history, implementation of this license has been set back again and again by the federal government. If these delays cause our generators within the Southwestern Compact to ship wastes across the United States to Barnwell, South Carolina for disposal, I fully agree that the federal government must comply with those stipulations you set forth in your letter.

Study after study has shown the proposed facility at Ward Valley to be protective of human health and environmentally safe. The U.S. Congress has it right the first time; the Southwestern Compact can solve the problem of disposal of the low-level radioactive wastes generated within its states. But, we can do it only if the federal government will transfer the site and let us get on with it.

While I agree that the latest actions of the U.S. Department of the Interior appear to confirm the notion that the Clinton Administration is trying to usurp the states' duly delegated power to regulate low-level waste disposal, I am still hoping the transfer can occur soon. If the delays by the Department of the Interior were to result in repeal of the Low-Level Radioactive Waste Disposal Act and place the responsibility for trying to manage this problem, in the federal government, that would be a huge step backwards.

Thank you again for your letter and for your efforts on behalf of the entire state of California and the other states in the Southwestern Compact to develop a responsible and safe disposal site for low-level waste.

Sincerely,

WILLIAM J. JANKLOW,
Governor.

SACRAMENTO, CA,
February 16, 1996.

Hon. WILLIAM J. JANKLOW,
Governor, State of South Dakota, Pierre, SD.

DEAR BILL: As the host state for the Southwestern Low-Level Radioactive Waste Disposal Compact, California has labored diligently for ten years to establish a regional disposal facility in accordance with the federal Low-Level Radioactive Waste (LLRW) Policy Act. This facility would serve generators of LLRW in you state and the other compact states. In the absence of this facility, these generators have no assured place to dispose of their LLRW.

To fulfil its obligations, California carefully screened the entire state for potential sites, evaluated candidates sites and selected Ward Valley from those candidates as the best site in California for the regional disposal facility. Although the site is on federal land, the Bureau of Land Management has for about ten years now declared its intent to sell it to California. We identified a qualified commercial operator to apply for a license to construct and operate a facility at that site, and took steps to acquire this land from the federal government. We subjected the application for the license to a scrupulous review to ensure that the facility would satisfy in every respect the health and safety requirement established the Nuclear Regulatory Commission.

A comprehensive Environmental Impact Report was prepared for the project, and an Environment Impact Statement (EIS) and Supplemental EIS were prepared for the land transfer. We subsequently became the first state to license a regional disposal facility under the LLRW Policy Act, and have successfully concluded our defense of that license and related environmental documents in the State courts. In short, California has in good faith has done all it can to fulfil its obligations to your state under the Compact and federal law.

The sole obstacle to the completion of this project is the failure of the U.S. Department of the Interior to transfer the Ward Valley site to California. After abruptly canceling the agreed-to transfer almost completed by former Secretary Manuel Lujan, Interior Secretary Babbitt has created a series of procedural delays ostensibly based upon his own health and safety concerns. He demanded a public hearing, then abruptly canceled it. He asked the National Academy of Sciences (NAS) to review site opponents' claims, then ignored NAS conclusions that these claims are unfounded and that the site is safe. He has unreasonably and unlawfully demanded that California agree to continued Department of the Interior oversight of the project after the transfer. Now, according to the attached press release, he intends to have the Department of Energy conduct independent testing at Ward Valley, and then will require another Supplemental EIS before deciding upon the conditions for transfer.

Every person and organization which has anxiously followed California's decade-long effort has concluded from this latest set of demands that the Clinton Administration has no intention of transferring land to California for our regional disposal facility. I cannot help but agree. There is no scientific basis for further testing prior to construction or legal requirement for a Supplemental EIS. These demands are purely political, and made for the sole purpose of delaying, if not terminating, the Ward Valley project. It is clear that, once these demands are met, more demands will be made. In short, because President Clinton doesn't trust the states to assume the obligations which Governor Clinton asked Congress to give the states, he has proven that the LLRW Policy Act does not work. Faced with this lack of political will to implement the policy he himself once supported, many now question the wisdom of expending further resources in a futile effort to further that policy.

The intransigence of the Clinton Administration in connection with the Ward Valley land transfer leaves me few options as Governor of California. The Ward Valley site is clearly the best site in California for LLRW disposal, a fact upon which my predecessor Governor Deukmejian and former President Bush agreed. All other sites, including the alternative site in the Silurian Valley, present potential threats to public safety not found at the Ward Valley site. The Silurian Valley site is also located on federal land, and there is no reason to believe that the Clinton Administration has any greater motivation to transfer that site.

Consequently, to continue the effort to establish a regional disposal facility, California would need to identify a site on privately-owned land which would be technically inferior to Ward Valley and would be unlikely to license in accordance with California's and my own uncompromisingly high standards for the protection of public health and safety. For these reasons, I would personally oppose identifying any other potential disposal site in California.

Therefore, as Governor of California, I am compelled to inform you that, because the Clinton Administration has made compliance with our obligations impossible, California will be unable to provide a regional disposal site for your state and the other states of the Compact during the tenure of this president. California will continue to seek title to the Ward Valley land, but will devote greater resources to a repeal of the LLRW Policy Act, and to the enactment of federal legislation making the federal government responsible for the disposal of LLRW.

The Department of the Interior has formally announced that California's LLRW generators are not harmed by its interference with the opening of the Ward Valley LLRW disposal facility because they have access to the disposal facility in Barnwell, South Carolina. Given the public safety threat to the good citizens of South Carolina, and the additional costs and exposure to liability to users, I find this suggestion questionable. Nevertheless, in order to make this an even marginally acceptable solution, I am calling upon the federal government to do all of the following:

Assume responsibility for assuring continued access for all California generators of LLRW to Barnwell;

Subsidize the amount of any transportation costs to Barnwell which exceed transportation costs to Ward Valley;

Ensure that California generators obtain any necessary permits for transportation across the United States and to Barnwell;

Indemnify California generators and transporters for any liability which might result from the necessity to transport California waste from coast to coast; and most importantly;

Hold California generators, including the University of California and other state entities, harmless from any federal or state cleanup related (Superfund or CERCLA) liability which they might potentially incur as a result of using a waste facility which is on a substantially less protective site than Ward Valley and which has already experienced tritium migration to groundwater.

If LLRW generators in your state have problems with storage or with use of Barnwell similar to those of California generators, I urge you to join with me in demanding similar relief.

Sincerely,

PETE WILSON.

WETLANDS AND THE NEW FARM BILL

Mr. GRASSLEY. Mr. President, I would like to enter into a colloquy with the Senator from Indiana, Senator LUGAR, who is the chairman of the Committee on Agriculture, Nutrition, and Forestry and who was a manager of the recent conference on H.R. 2854, the 1996 farm bill.

As the Senator from Indiana knows, we had a problem in Iowa in 1994 and 1995 with the Natural Resources Conservation Service delineating wetlands. It is my understanding that NRCS used aerial photography and soil surveys to review prior wetland delineations. In most cases, NRCS found additional wetland acreage on the farmland subject to this review.

This caused a lot of anxiety and uncertainty for these landowners. They had accepted the initial delineation, changed their farming practices accordingly and then, through no action of their own, received a new, more expansive delineation.

The Senator will recall that because of this situation I introduced a moratorium on new delineations until passage of the new farm bill. This moratorium passed the Senate by unanimous consent and was later accepted by the Department of Agriculture.

Mr. LUGAR. I would respond to my friend from Iowa that I am fully aware of the situation that he refers to in his State.

Mr. GRASSLEY. I am concerned that a change made to the Conference Report shortly before it was filed in the House may result in a similar situation occurring in the future. It is my understanding that the Conference Committee intended to give farmers certainty in dealing with wetlands. One way of accomplishing this goal was to allow prior delineations of wetlands to be changed only upon request of the farmer.

Mr. LUGAR. Mr. President, this is also my understanding.

Mr. GRASSLEY. After the conferees met, while the legislative language carrying out the various agreements was being finalized, the Department of Agriculture suggested a technical correction to this provision. Section 322 of the bill amends section 1222 of the 1985 farm bill to say that "No person shall be adversely affected because of having taken an action based on a previous certified wetland delineation by the Secretary. The delineation shall not be subject to a subsequent wetland certification or delineation by the Secretary, unless requested by the person * * *."

My concern is that this could read to allow the Department to change delineations that have not yet been certified. I don't argue with this, per se. I am sure there is a need for granting NRCS this authority in some specific situations.

But again, I do not want a repeat of this situation in Iowa in 1994 and 1995. Specifically, I do not want the NRCS to use this language to conduct a massive review of wetland delineations. This will just cause further uncertainty and confusion in the farm community. It can only lead to ill will between our farmers and the NRCS and should be avoided at all cost.

Under the able leadership of Chairman LUGAR, we have made some very positive changes in the 1996 farm bill that will lead to a more cooperative relationship between farmers and the NRCS. I hope this progress will not be undermined by the provision I mentioned.

Mr. LUGAR. Mr. President, we expect that the Department of Agriculture will be mindful of the need to balance the very legitimate concerns that the Senator from Iowa raises today with the desires of producers for certainty in the identification of wetlands. In addition, the rights of producers to appeal decisions should be protected. The Agriculture Committee will monitor developments as the Department develops regulations to carry out the provisions of the newly enacted farm bill, Public Law 104–127. I also encourage my colleague from Iowa and all concerned parties to contribute their input when the regulations are put out for comment.

In summary, while we realize that some administrative formalities will be necessary to give producers certainty regarding the boundaries of wetlands, we do not expect large-scale, wholesale reviews of existing wetland determinations as a result of the new legislation.

WHO NEEDS AMBASSADORS?

Mr. KENNEDY. Mr. President, Richard N. Gardner, the U.S. Ambassador to Spain, recently addressed the American Society of International Law on the subject, "Who Needs Ambassadors?"

Ambassador Gardner, who served in the Department of State under President Kennedy, as Ambassador to Italy under President Carter, and now as President Clinton's Ambassador to Spain, is among the Nation's most highly regarded experts on international relations, and is uniquely qualified to answer this important question.

Ambassador Gardner is rightly concerned about the fervor of some to slash our already small foreign policy budget because of the simplistic view that the Nation's foreign policy requirements are less significant than during the cold war.

Ambassador Gardner emphasizes that our foreign policy before the cold war was "trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world." He also reminds us that this is still the purpose of our foreign policy.

There is a tendency by some to suggest that there is a lesser need for a U.S. presence abroad, and that in an era of instantaneous information, a fax machine is all we need to conduct foreign policy. As Ambassador Gardner points out, however, our embassies serve many important functions, not least of which are to build bilateral and multilateral relationships for mutual benefit, serve as the eyes and ears of the President and the State Department, and carry out U.S. policy objectives abroad. As Ambassador Gardner notes: "Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work."

The foreign policy budget of this country is only about 1 percent of our total budget. Yet some in Congress propose to reduce it even further. As Ambassador Gardner states, further cuts "will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs."

Global interdependence is a fact of life. The United States foreign policy is best served by actively engaging with other nations, rather than reacting at greater cost to events we don't see coming because we are trying to conduct foreign policy on the cheap.

Mr. President, I believe that my colleagues will be interested in Ambassador Gardner's remarks and I ask unanimous consent that his address be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHO NEEDS AMBASSADORS?

(By Richard N. Gardner)

I was tremendously honored and pleased when Edith Weiss asked me to be the banquet speaker at this year's ASIL meeting.

Honored because I know how many illustrious statesmen and scholars have preceded me in this role. Pleased because your invitation gives me the chance to return from my diplomatic assignment in Madrid to be with many old friends, such as my Columbia Law School colleagues Oscar Schachter, Louis Henkin and Lori Damrosch, and with President Edie Weiss who took one of my seminars some twenty years ago when she came to Columbia Law School as a Visiting Scholar.

Edie, your Presidency of this Society is a splendid recognition of your achievements as teacher, public servant, and scholar. My congratulations also to Charles Brower, your President-elect, one of the world's leading experts in international arbitration, whose service as Judge in the Iran-U.S. Claims Tribunal earned the admiration of us all.

This Society is now 90 years old. I came to my first annual meeting when the Society was just half its present age—in 1951, to be exact. I was in my third year at Yale Law School and had fallen under the hypnotic spell of Myres McDougal and Harold Lasswell. My exposure to them and to the other "greats" of your 1951 meeting persuaded me to make a career in international law. I have never regretted this decision.

Fourteen years after my first annual meeting, in 1965, you made me one of your two banquet speakers. The other banquet speaker was Secretary of State Dean Rusk. Louis Sohn was the Toastmaster and explained to me that I was on the program in case the Secretary of State didn't show up.

That did not in the least diminish my pleasure in being on that podium. I delivered a brief summary of what I'm sure was a rather too detailed lecture about U.N. decision-making procedure and power realities.

Secretary Rusk delivered his speech on Vietnam, which provoked a lively discussion period. I recall that one of the questions to the Secretary was about the possible role of fact-finding in the Vietnamese conflict. It was asked by a young international lawyer named Thomas Franck. At the end of the evening Secretary Rusk asked me: "Who is that young man? I think he'll go far."

When President Jimmy Carter appointed me U.S. ambassador to Italy, my son—then 13 years old—said, "Dad, you mean you're going to be ambassador to Italy, and also get paid for it?" Thanks to President Clinton, I'm now one of only three Americans in history who have been privileged to serve as ambassador in both Rome and Madrid. I feel very fortunate, indeed, to be in Madrid, although I'm also pleased that I am being paid for it.

But I also come to you as a deeply troubled ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

During the Cold War there was also confusion and ignorance, but at least there was bipartisan consensus on the need for American leadership in defending freedom in the world against Soviet aggression and the spread of totalitarian communism.

Much of my work as ambassador to Italy was dominated by this overriding priority. At a time when some Italian leaders were flirting with the compromesso storico—a government alliance between Christian Democrats and an Italian Communist Party still largely oriented toward Moscow—I was able to play a modest role in making sure the Italians understood why the United States opposed the entry of Communist parties into the governments of NATO allies.

When the Soviet Union began threatening Europe by deploying its SS–20 missiles, it was vitally important for NATO to respond by deploying the Pershing 2 and cruise missiles. It soon became clear that the deployment could not occur without a favorable decision by Italy. Our embassy in Rome was able to persuade an Italian Socialist Party with a history of hostility to NATO to do an about-face and vote for the cruise missile deployment in the Italian Parliament along with the Christian Democrats and the small non-communist lay parties.

Some years later Mikhail Gorbachev said it was the NATO decision to deploy the Pershing and cruise missiles—not the Strategic Defense Initiative as some have claimed—that helped bring him to the realization that his country had to move from a policy based on military threats to one of accommodation with the West.

So at the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our embassies overseas.

Hence the title of my speech tonight, "Who Needs Ambassadors?" I am sure this audience needs no lecture on the subject. But let's face it—the world view of the people in this room is not the world view of most Americans.

The constructive international engagement we all believe in will continue to be at risk until we all do a better job of explaining its financial requirements to the American people and the Congress.

Now that there is no longer a Soviet Union and a Communist threat, what is our foreign policy all about? And what is the current need for ambassadors and embassies?

We need to give simple and understandable answers to these questions, showing how foreign policy and diplomacy impact on the values, interests and daily lives of ordinary Americans. in giving my own answers tonight, I'll be saying many things you will find obvious. But as Adlai Stevenson once said: "Mankind needs repetition of the obvious more than elucidation of the obscure." This is particularly true in this new world of complexity and unprecedented change.

A common refrain heard today is that American foreign policy lacks a single unifying goal and a coherent strategy for achieving it. But precisely because the post Cold War world is so complex, so rapidly evolving, and characterized by so many diverse threats to our interests, it is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

Perhaps we should start by recalling what our foreign policy was all about before there was a Cold War. It was about trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world. Well, that is still the purpose of our foreign policy today.

Presidents Franklin Roosevelt and Harry Truman, with broad bipartisan support from Republicans like Wendell Wilkie and Arthur Vandenberg, sought to implement these high purposes with a policy of practical internationalism, which I define as working with other countries in bilateral, regional and global institutions to advance common interests in peace, welfare and human rights.

Our postwar "founding fathers" in both political parties understood the importance of military power and the need to act alone if necessary in defense of U.S. interests. But they also gave us the United Nations, the Bretton Woods organizations, GATT, the Marshall Plan, NATO and the Point Four program as indispensable instruments for achieving our national purposes in close cooperation with others.

Why did they do these things?

Because they understood the growing interdependence between conditions in our country and conditions in our global neighborhood.

Because they understood that our best chance to shape the world environment to promote our national security and welfare was to share costs and risks with other nations in international institutions.

And because they understood that our national interest in the long run would best be served by realizing the benefits of reciprocity and stability only achievable through the development of international law.

Listening to much of our public debate, I sometimes think that all this history has been forgotten, that we are suffering from a kind of collective amnesia. I submit that the basic case for American world leadership today is essentially the same as it was before the Cold War began. It is a very different world, of course, but the fact of our interdependence remains. Obviously, in every major respect, it has grown.

In his address to Freedom House last October, President Clinton spelled out for Americans why a strong U.S. leadership role in the world is intimately related to the quality of their daily lives:

"The once bright line between domestic and foreign policy is blurring. If I could do anything to change the speech patterns of those of us in public life, I would almost like to stop hearing people talk about foreign policy and domestic policy, and instead start discussing economic policy, security policy, environmental policy—you name it.

"Our personal, family, and national security is affected by our policy on terrorism at home and abroad. Our personal, family and national prosperity is affected by our policy on market economics at home and abroad. Our personal, family and national future is affected by our policies on the environment at home and abroad. The common good at home is simply not separate from our efforts to advance the common good around the world. They must be one and the same if we are to be truly secure in the world of the 21st century."

What are the specific foreign policy priorities in the Clinton Administration? In a recent speech at Harvard's Kennedy School, Secretary of State Warren Christopher identified three to which we are giving special emphasis—pursuing peace in regions of vital interest, confronting the new transnational security threats, and promoting open markets and prosperity.

The broad lines of American policy in these three priority areas are necessarily hammered out in Washington. But our embassies constitute an essential part of the delivery system through which those policies are implemented in particular regions and countries.

This includes not only such vital multilateral embassies as our missions to the UN in New York, Geneva and Vienna, and to NATO and the European Union in Brussels, but also our embassies in the more than 180 countries with which we maintain diplomatic relations.

Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field.

This is a dangerous illusion indulged in by no other major country. Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.

Ambassadors today need to perform multiple roles. They should be the "eyes and ears" of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral and multilateral diplomacy. They need to build personal relationships of mutual trust with key overseas decision-makers in government and the private sector. They should also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

In a previous age of diplomacy, U.S. ambassadors spent most of their time dealing with bilateral issues between the United States and the host country. Bilateral issues are still important—assuring access to host country military bases, promoting sales of U.S. products, stimulating educational and cultural exchanges are some notable examples. And every embassy has the obligation to report on and analyze political and economic developments in the host country that may impact on U.S. interests.

But most of the work of our ambassadors and embassies today is devoted to regional and global issues—indeed, to acting upon the three key priorities identified by Secretary Christopher in his Kennedy School speech. Let me give you some examples based on my experience in Madrid and with my fellow ambassadors in Europe:

On the first priority: pursuing peace in regions of vital interest:

We are working with our host countries to fashion common policies on the continued transformation of NATO, Partnership for Peace, NATO enlargement, and NATO-Russia relations.

After having secured host country support for the military and diplomatic measures that brought an end to the fighting in Bosnia, we are now working to assure the implementation of the civilian side of the Dayton Agreement, notably economic reconstruction, free elections, the resettlement of refugees, and the prosecution of war crimes.

We are working with host governments to restore momentum to the endangered Middle East peace process by mobilizing international action against the Hamas terrorists and their supporters, providing technical assistance and economic aid to the Palestinian authority, encouraging the vital Syrian-Israeli negotiations, and promoting regional Middle East economic development.

We have been consulting with key European governments such as Spain as well as with the EU Commission in Brussels on how to achieve a peaceful transition to democracy in Cuba.

Although they share this common objective, the Europeans generally oppose the U.S. embargo and the Helms-Burton legislation, while doing nothing to limit investment in Cuba by their citizens. Our embassies are increasingly busy trying to promote allied unity on measures that will increase the pressure on Castro to end his repressive regime.

On the second priority: confronting the new transnational threat:

Having worked successfully with our host governments for the unconditional and indefinite extension of the Non-Proliferation Treaty—a major diplomatic achievement—we are focusing now on building support for a Comprehensive Test Ban Agreement, on keeping weapons of mass destruction out of the hands of countries Like Iran, Iraq and Libya, and on securing needed European financial contributions for the Korean Energy Development Organization, an essential vehicle for terminating North Korea's nuclear weapons program.

We are working to strengthen bilateral and multilateral arrangements to assure the identification, extradition and prosecution of persons engaged in drug trafficking, organized crime, terrorism and alien smuggling, and we are building European support for new institutions to train law enforcement officers in former Communist countries, such as the International Law Enforcement Academy in Budapest.

And we are giving a new priority in our diplomacy to the protection of the global environment, coordinating our negotiating positions and assistance programs on such issues as population, climate change, ozone depletion, desertification, and marine pollution. For we have learned that environmental initiatives can be vitally important to our goals of prosperity and security: negotiations on water resources are central to the Middle East peace process, and a Haiti denuded of its forests will have a hard time supporting a stable democracy and keeping its people from flooding our shores.

On the third priority: promoting open markets and prosperity:

Having worked with out host countries to bring a successful conclusion to the Uruguay Round, we are now busily engaged in discussing left-over questions like market access for audiovisuals, telecommunications, and bio-engineered foods, and new issues like trade and labor standards, trade and environment, and trade and competition policy.

We are also encouraging the enlargement of the European Union to Central and Eastern Europe and we are reporting carefully on the prospects of the European Monetary Union by the target date of 1999 and on the implications of an EMU for U.S. interests.

You can see from this still incomplete catalogue of our activities that our embassies in Europe are in a very real sense global embassies engaged on global as well as on bilateral and regional problems. You might even say we are busy carrying out the foreign policy of the president and the Secretary of State from "platform Europe."

In carrying out this rich global foreign policy agenda we will be greatly assisted by the agreement that was reached in Madrid last December between President Clinton, Prime Minister Felipe Gonzalez and President Jacques Santer of the European Commission on the "New Transatlantic Agenda" and its accompanying "U.S.-EU Action Plan."

These documents were a major achievement of Spain's EU presidency. They represent an historic breakthrough in U.S. relations with the European Union, moving those relations beyond consultation to common action on almost all of the foreign policy questions I cited earlier and many others I have no time to mention.

A senior-level group from the United States, the European Commission and the EU Presidency country (currently Italy) is responsible for monitoring progress on this large agenda and modifying it as necessary.

Just as our embassy in Madrid had a special role in U.S.-EU diplomacy during Spain's EU Presidency, Embassy Rome now has special responsibilities. The action will pass to Embassy Dublin when Ireland takes the EU presidency in the second half of the year.

The Madrid documents commit the U.S. and the EU to building a new "Transatlantic Marketplace." We have agreed to undertake a study on the reduction or elimination of tariffs and non-tariff barriers between the two sides of the Atlantic. Even as the study proceeds, we will be looking at things that can be done rather promptly, such as eliminating investment restrictions, duplicative testing and certification requirement, and conflicting regulations. This means more work not only in Brussels and Washington but in each of our embassies.

We will also be following closely the EU's Intergovernmental Conference (IGC) that is now opening in Turin. The common foreign and security policy provided for in the Maastricht Treaty is still a work in progress. Although the EU provides substantial economic aid and takes important regional trade initiatives, it has so far proved unable to deal with urgent security crises like those in the former Yugoslavia and the Aegean.

The IGC offers an opportunity to revise EU institutions and procedures so that a common foreign and security policy can be made to work in an EU whose membership could grow from 15 to 27 in the decade ahead. We hope that opportunity will be seized.

What changes the IGC should make in the Maastricht Treaty is exclusively for the EU countries to decide, but the United States is not indifferent to the outcome. We believe our interests are served by continuing progress toward European political as well as economic unity, which will make Europe a more effective partner for the United States in world affairs.

I have tried to provide a sense of what U.S. foreign policy is all about in 1996, especially in Europe, and of the critical role that ambassadors and embassies play. I have chosen examples from Europe both because Europe plays a global role and because Europe is currently my vantage point, but you would undoubtedly learn about a rich menu of activity from my ambassadorial colleagues in other key regions of the world if they were here with us tonight.

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible. The politics of our national budget situation has ominous implications for our foreign policy in general and our international diplomacy in particular.

Let us begin with some very round numbers. We have a Gross Domestic Product of about $7 trillion and a federal budget of about $1.6 trillion. Nearly $1.1 trillion of that $1.6 trillion goes to mandatory payments—the so-called entitlement programs such as Medicare, Medicaid, and social security and also federal pensions and interest on the national debt. The remaining $500 billion divides about equally between the defense budget and civilian discretionary spending—which account for some $250 billion each.

Of the $250 billion of civilian discretionary spending, about $20 billion used to be devoted on the average of years to international affairs—the so-called 150 account. This account includes our assessed and voluntary payments to the UN, our bilateral aid and contributions to the international financial institutions, the U.S. Information Agency's broadcasting and educational exchange programs, and the State Department budget.

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account goes to Israel and Egypt—rightly so, in my opinion, because of the priority we accord to Middle East peace. So under the Congressional balanced budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

That we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

That we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

That we must drastically cut back the reach of the Voice of America and the size of our Fulbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

That we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crises where our national interests are at stake;

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world-class diplomatic establishment as the delivery vehicle for our foreign policy.

A final word on this critical last point. The money which Congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

In our Madrid embassy, to take an example, this will leave us with something like three political and three economic officers besides the ambassador and deputy chief of mission to perform our essential daily diplomatic work of advocacy, representation and reporting in the broad range of vitally important areas I have enumerated. Our other embassies face similarly devastating reductions.

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting is the critical overt components of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

I know this conclusion will be greeted with incredulity by people who see hundreds of people in each of our major embassies overseas. What is not generally realized is that 80 percent of more of these people are from agencies other than the State Department. They are from the Department of Defense, Commerce and Agriculture, the Drug Enforcement Administration and the FBI, the IRS and the Social Security Administration, and so forth. And most of the 20 percent that is the reduced State Department component of the embassies is performing either consular work or administrative tasks in support of the largely non-State diplomatic mission.

Do not misunderstand me. The non-State component of an embassy is very important to our overseas interests. But the agendas of the non-State agencies are narrow and specialized. As the State Department component is slashed in relation to other agencies, it inevitably eviscerates our core diplomatic mission and diminishes the capacity of an ambassador to direct and coordinate the varied elements of his embassy in pursuit of a coherent foreign policy. Moreover, the drastic reduction in foreign service positions discourages the entry of talented young people and forces the selection out of many senior officers with experience and skills we can ill afford to lose.

Under the pressure of Congressional budget cuts, the State Department is eliminating 13 diplomatic posts, including consulates in such important European cities as Stuttgart, Zurich, Bilbao and Bordeaux. The Bordeaux Consulate dated back to the time of George Washington. Try explaining to the French that we cannot afford a consulate there now when we were able to afford one then when we were a nation of 3 million people.

The consulates I have mentioned not only provided important services to American residents and tourists, they were political lookout posts, export promotion platforms, and centers for interaction with regional leaders in a Europe where regions are assuming growing importance. Now they will all be gone.

Closing the 13 posts is estimated to save about $9 million a year, one quarter of the cost of an F-16 fighter plane. Bilbao, for example, cost $200,000 a year. A B-2 bomber costs about $2,000 million. I remind you that $2 billion pays nearly all the salaries and expenses of running the State Department—including our foreign embassies—for a year.

Let us be clear about what is going on. The commendable desire to balance our national budget, the acute allergy of the American people to tax increases (indeed, their desire for tax reductions), the explosion of entitlement costs with our aging population, and the need to maintain a strong national defense, all combine to force a drastic curtailment of the civilian discretionary spending which is the principal public vehicle for domestic and international investments essential to our country's future.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment. The President and the Secretary of State are doing their best to correct this state of affairs, but they will need greater support from the Congress and the general public than has been manifest so far if this problem is to be properly resolved.

I submit that it will not be resolved until there is a recognition that the international affairs budget is in a very real sense a national security budget—because diplomacy is our first line of national defense. The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

As a unique fraternity of international lawyers you know all this. I'm restating the obvious tonight because what is obvious to us does not seem obvious to our body politic. And let's not forget that you can't advance the cause of international law without international diplomacy.

Along with other constituencies adversely affected by the hollowing out of our foreign affairs capability—businessmen, arms controllers, environmentalists, citizen groups concerned about human rights, disease, poverty, crime, drugs and terrorism—you must make your voices heard in the Congress and the mass media.

I close this lugubrious discourse with a story. Danielle and I recently invited two bright third graders from the American School of Madrid to be overnight guests in our residence. During dinner Danielle asked one of them, a precocious little boy of 8, if he knew what ambassadors do.

The little boy looked puzzled for a moment, then smiled and said, "Save the world."

As you can imagine, I was pleased by that answer. But then the little boy thought some more and asked: "Just how do you save the world?"

I don't claim that ambassadors save the world. But until our country can answer the question "Who needs ambassadors?"—and who needs embassies—we will be heading for big trouble.

MESSAGES FROM THE HOUSE

At 6:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following joint resolution, without amendment:

S.J. Res. 53. Joint resolution making corrections to Public Law 104-134.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2361. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the annual report of the Inspector General for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2362. A communication from the Executive Director of the National Capital Planning Commission, transmitting, pursuant to law, the report on the internal controls and financial systems in effect during fiscal year 1995; to the Committee on Governmental Affairs.

EC-2363. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2364. A communication from the Assistant Secretary of State for Legislative Affairs, transmitting, pursuant to law, the report on the budget summary for International Narcotics Control Program for fiscal year 1996; to the Committee on the Judiciary.

EC-2365. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Appellate Procedure; to the Committee on the Judiciary.

EC-2366. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Civil Procedure; to the Committee on the Judiciary.

EC-2367. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Criminal Procedure; to the Committee on the Judiciary.

EC-2368. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the report of amendments to the Federal Rules of Bankruptcy Procedure; to the Committee on the Judiciary.

EC-2369. A communication from the Chairman of the National Labor Relations Board, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC-2370. A communication from the President of the Foundation of the Federal Bar Association, transmitting, pursuant to law, the report of the audit for fiscal year 1995; to the Committee on the Judiciary.

EC-2371. A communication from the Secretary of Veterans' Affairs, transmitting, pursuant to law, the report on the Montgomery GI Bill for fiscal year 1995; to the Committee on Veterans' Affairs.

EC-2372. A communication from the Chief of the Drug and Chemical Evaluation Section of the Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, a notice of final rule regarding Manufacturer Reporting; to the Committee on the Judiciary.

EC-2373. A communication from the Director of Communications and Legislative Affairs of the U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the annual report for fiscal year 1994; to the Committee on Labor and Human Resources.

EC-2374. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report under the Low-Income Home Energy Assistance Act; to the Committee on Labor and Human Resources.

EC-2375. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Developmental Disabilities Assistance and Bill of Rights Act for fiscal year 1994; to the Committee on Labor and Human Resources.

EC-2376. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Jacob K. Javits Gifted and Talented Students Education Program; to the Committee on Labor and Human Resources.

EC-2377. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Challenge Grants for Technology in Education; to the Committee on Labor and Human Resources.

EC-2378. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on the notice of final funding priorities for Fund for the Improvement of Education Program; to the Committee on Labor and Human Resources.

EC-2379. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Consortium Incentive Grants for fiscal year 1996; to the Committee on Labor and Human Resources.

EC-2380. A communication from the Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, the report on a notice relative to the Vending Facility Program for the Blind on Federal and Other Property; to the Committee on Labor and Human Resources.

REPORTS OF COMMITTEES

The following reports of committees were submitted.

By Mr. SPECTER, from the Select Committee on Intelligence, without amendment:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability system, and for other purposes (Rept. No. 104-258).

EXECUTIVE REPORT OF A COMMITTEE

The following executive report of a committee was reported on April 30, 1996:

By Mr. HELMS, from the Committee on Foreign Relations:

Treaty Doc. 103-21 Treaty Convention on Conventional Weapons.

TEXT OF THE COMMITTEE-RECOMMENDED RESOLUTION OF ADVICE AND CONSENT

Resolved (two-thirds of the Senators present concurring therein), That (a) the Senate advise and consent to the ratification of the Convention on the Prohibition of Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction, opened for signature and signed by the United States at Paris on January 13, 1993, including the following annexes and associated documents, all such documents being integral parts of and collectively referred to in this resolution as the "Convention" (contained in Treaty Document 103-21), subject to the conditions of subsection (b) and the declarations of subsection (c):

(1) The Annex on Chemicals.

(2) The Annex on Implementation and Verification (also known as the "Verification Annex").

(3) The Annex on the Protection of Confidential Information (also known as the "Confidentiality Annex").

(4) The Resolution Establishing the Preparatory Commission for the Organization for the Prohibition of Chemical Weapons.

(5) The Text on the Establishment of a Preparatory Commission.

(b) CONDITIONS.—The advice and consent of the Senate to the ratification of the Convention is subject to the following conditions, which shall be binding upon the President:

(1) AMENDMENT CONFERENCES.—The United States will be present and participate fully in all Amendment Conferences and will cast its vote, either affirmatively or negatively, on all proposed amendments made at such conferences, to ensure that—

(A) the United States has an opportunity to consider any and all amendments in accordance with its Constitutional processes; and

(B) no amendment to the Convention enters into force without the approval of the United States.

(2) PRESIDENTIAL CERTIFICATION ON DATA DECLARATIONS.—(A) Not later than 10 days after the Convention enters into force, or not later than 10 days after the deposit of the Russian instrument of ratification of the Convention, whichever is later, the President shall either—

(i) certify to the Senate that Russia has complied satisfactorily with the data declaration requirements of the Wyoming Memorandum of Understanding; or

(ii) submit to the Senate a report on apparent discrepancies in Russia's data under the Wyoming Memorandum of Understanding and the results of any bilateral discussions regarding those discrepancies.

(B) For purposes of this paragraph, the term "Wyoming Memorandum of Understanding" means the Memorandum of Understanding Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding a Bilateral Verification Experiment and Data Exchange Related to Prohibition on Chemical Weapons, signed at Jackson Hole, Wyoming, on September 23, 1989.

(3) PRESIDENTIAL CERTIFICATION ON THE BILATERAL DESTRUCTION AGREEMENT.—Before the deposit of the United States instrument of ratification of the Convention, the President shall certify in writing to the Senate that—

(A) a United States-Russian agreement on implementation of the Bilateral Destruction Agreement has been or will shortly be concluded, and that the verification procedures under that agreement will meet or exceed those mandated by the Convention, or

(B) the Technical Secretariat of the Organization for the Prohibition of Chemical Weapons will be prepared, when the Convention enters into force, to submit a plan for meeting the Organization's full monitoring responsibilities that will include United States and Russian facilities as well as those of other parties to the Convention.

(4) NONCOMPLIANCE.—If the President determines that a party to the Convention is in violation of the Convention and that the actions of such party threaten the national security interests of the United States, the President shall—

(A) consult with, and promptly submit a report to, the Senate detailing the effect of such actions on the Convention;

(B) seek on an urgent basis a meeting at the highest diplomatic level with the Organization for the Prohibition of Chemical Weapons (in this resolution referred to as the "Organization") and the noncompliant party with the objective of bringing the noncompliant party into compliance;

(C) in the event that a party to the Convention is determined not to be in compliance with the Convention, request consultations with the Organization on whether to—

(i) restrict or suspend the noncompliant party's rights and privileges under the Convention until the party complies with its obligations;

(ii) recommend collective measures in conformity with international law; or

(iii) bring the issue to the attention of the United Nations General Assembly and Security Council; and

(D) in the event that noncompliance continues, determine whether or not continued adherence to the Convention is in the national security interests of the United States and so inform the Senate.

(5) FINANCING IMPLEMENTATION.—The United States understands that in order to ensure the commitment of Russia to destroy its chemical stockpiles, in the event that Russia ratifies the Convention, Russia must maintain a substantial stake in financing the implementation of the Convention. The costs of implementing the Convention should be borne by all parties to the Convention. The deposit of the United States instrument of ratification of the Convention shall not be contingent upon the United States providing financial guarantees to pay for implementation of commitments by Russia or any other party to the Convention.

(6) IMPLEMENTATION ARRANGEMENTS.—If the Convention does not enter into force or if the Convention comes into force with the United States having ratified the Convention but with Russia having taken no action to ratify or accede to the Convention, then the President shall, if he plans to implement reductions of United States chemical forces as a matter of national policy or in a manner consistent with the Convention—

(A) consult with the Senate regarding the effect of such reductions on the national security of the United States; and

(B) take no action to reduce the United States chemical stockpile at a pace faster than that currently planned and consistent with the Convention until the President submits to the Senate his determination that such reductions are in the national security interests of the United States.

(7) PRESIDENTIAL CERTIFICATION AND REPORT ON NATIONAL TECHNICAL MEANS.—Not later than 90 days after the deposit of the United States instrument of ratification of the Convention, the President shall certify that the United States National Technical Means and the provisions of the Convention on verification of compliance, when viewed together, are sufficient to ensure effective verification of compliance with the provisions of the Convention. This certification shall be accompanied by a report, which may be supplemented by a classified annex, indicating how the United States National Technical Means, including collection, processing and analytic resources, will be marshalled, together with the Convention's verification provisions, to ensure effective verification of compliance. Such certification and report shall be submitted to the Committee on Foreign Relations, the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate.

(c) DECLARATIONS.—The advice and consent of the Senate to ratification of the Convention is subject to the following declarations, which express the intent of the Senate:

(1) TREATY INTERPRETATION.—The Senate affirms the applicability to all treaties of the constitutionally based principles of treaty interpretation set forth in Condition (1) of the Resolution of Ratification with respect to the INF Treaty, approved by the Senate on May 27, 1988. For purposes of this declaration, the term "INF Treaty" refers to the

Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter Range Missiles, together with the related memorandum of understanding and protocols, approved by the Senate on May 27, 1988.

(2) FURTHER ARMS REDUCTION OBLIGATIONS.—The Senate declares its intention to consider for approval international agreements that would obligate the United States to reduce or limit the Armed Forces or armaments of the United States in a militarily significant manner only pursuant to the treaty power set forth in Article II, Section 2, Clause 2 of the Constitution.

(3) RETALIATORY POLICY.—The Senate declares that the United States should strongly reiterate its retaliatory policy that the use of chemical weapons against United States military forces or civilians would result in an overwhelming and devastating response, which may include the whole range of available weaponry.

(4) CHEMICAL DEFENSE PROGRAM.—The Senate declares that ratification of the Convention will not obviate the need for a robust, adequately funded chemical defense program, together with improved national intelligence capabilities in the nonproliferation area, maintenance of an effective deterrent through capable conventional forces, trade-enabling export controls, and other capabilities. In giving its advice and consent to ratification of the Convention, the Senate does so with full appreciation that the entry into force of the Convention enhances the responsibility of the Senate to ensure that the United States continues an effective and adequately funded chemical defense program. The Senate further declares that the United States should continue to develop theater missile defense to intercept ballistic missiles that might carry chemical weapons and should enhance defenses of the United States Armed Forces against the use of chemical weapons in the field.

(5) ENFORCEMENT POLICY.—The Senate urges the President to pursue compliance questions under the Convention vigorously and to seek international sanctions if a party to the Convention does not comply with the Convention, including the "obligation to make every reasonable effort to demonstrate its compliance with this Convention", pursuant to paragraph 11 of Article IX. It should not be necessary to prove the noncompliance of a party to the Convention before the United States raises issues bilaterally or in appropriate international fora and takes appropriate actions.

(6) APPROVAL OF INSPECTORS.—The Senate expects that the United States will exercise its right to reject a proposed inspector or inspection assistant when the facts indicate that this person is likely to seek information to which the inspection team is not entitled or to mishandle information that the team obtains.

(7) ASSISTANCE TO RUSSIA.—The Senate declares that, if the United States provides limited financial assistance for the destruction of Russian chemical weapons, the United States should, in exchange for such assistance, require Russia to destroy its chemical weapons stocks at a proportional rate to the destruction of United States chemical weapons stocks, and to take the action before the Convention deadline. In addition, the Senate urges the President to request Russia to allow inspections of former military facilities that have been converted to commercial production, given the possibility that these plants could one day be reconverted to military use, and that any United States assistance for the destruction of the Russian chemical stockpile be apportioned according to Russia's openness to these broad based inspections.

(8) EXPANDING CHEMICAL ARSENALS IN COUNTRIES NOT PARTY TO THE CHEMICAL WEAPONS CONVENTION.—It is the sense of the Senate that, if during the time the Convention remains in force the President determines that there has been an expansion of the chemical weapons arsenals of any country not a party to the Convention so as to jeopardize the supreme national interests of the United States, then the President should consult on an urgent basis with the Senate to determine whether adherence to the Convention remains in the national interest of the United States.

(9) COMPLIANCE.—Concerned by the clear pattern of Soviet noncompliance with arms control agreements and continued cases of noncompliance by Russia, the Senate declares the following:

(A) The Convention is in the interest of the United States only if the both the United States and Russia, among others, are in strict compliance with the terms of the Convention as submitted to the Senate for its advice and consent to ratification, such compliance being measured by performance and not by efforts, intentions, or commitments to comply.

(B)(i) Given its concern about compliance issues, the Senate expects the President to offer regular briefings, but not less than several times a year, to the Committees on Foreign Relations and Armed Services and the Select Committee on Intelligence of the Senate on compliance issues related to the Convention. Such briefings shall include a description of all United States efforts in diplomatic channels and bilateral as well as the multilateral Organization fora to resolve the compliance issues and shall include, but would not necessarily be limited to a description of—

(I) any compliance issues, other than those requiring challenge inspections, that the United States plans to raise with the Organization; and

(II) any compliance issues raised at the Organization, within 30 days.

(ii) Any Presidential determination that Russia is in noncompliance with the Convention shall be transmitted to the committees specified in clause (i) within 30 days of such a determination, together with a written report, including an unclassified summary, explaining why it is in the national security interests of the United States to continue as a party to the Convention.

(10) SUBMISSION OF FUTURE AGREEMENTS AS TREATIES.—The Senate declares that after the Senate gives its advice and consent to ratification of the Convention, any agreement or understanding which in any material way modifies, amends, or reinterprets United States and Russian obligations, or those of any other country, under the Convention, including the time frame for implementation of the Convention, should be submitted to the Senate for its advice and consent to ratification.

(11) RIOT CONTROL AGENTS.—(A) The Senate, recognizing that the Convention's prohibition on the use of riot control agents as a "method of warfare" precludes the use of such agents against combatants, including use for humanitarian purposes where combatants and noncombatants intermingled, urges the President—

(i) to give high priority to continuing efforts to develop effective nonchemical, nonlethal alternatives to riot control agents for use in situations where combatants and noncombatants are intermingled; and

(ii) to ensure that the United States actively participates with other parties to the Convention in any reassessment of the appropriateness of the prohibition as it might apply to such situations as the rescue of downed air crews and passengers and escaping prisoners or in situations in which civilians are being used to mask or screen attacks.

(B) For purposes of this paragraph, the term "riot control agents" is used within the meaning of Article II(4) of the Convention.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. AKAKA:

S. 1717. A bill for the relief of Dona H. Shibata; to the Committee on Armed Services.

By Mr. SPECTER:

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the U.S. Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes; from the Select Committee on Intelligence; placed on the calendar.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH):

S. Res. 253. A resolution urging the detention and extradition to the United States by the appropriate foreign government of Mohammed Abbas for the murder of Leon Klinghoffer; considered and agreed to.

ADDITIONAL COSPONSORS

S. 386

At the request of Mr. MCCONNELL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 386, a bill to amend the Internal Revenue Code of 1986 to provide for the tax-free treatment of education savings accounts established through certain State programs, and for other purposes.

S. 491

At the request of Mr. BREAUX, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 491, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient self-management training services under part B of the medicare program for individuals with diabetes.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Montana

[Mr. BAUCUS] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1150

At the request of Mr. SANTORUM, the name of the Senator from New Mexico [Mr. BINGAMAN] was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall Plan and George Catlett Marshall.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Pennsylvania [Mr. SPECTER] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1397

At the request of Mr. KYL, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 1397, a bill to provide for State control over fair housing matters, and for other purposes.

S. 1505

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 1505, a bill to reduce risk to public safety and the environment associated with pipeline transportation of natural gas and hazardous liquids, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1623

At the request of Mr. WARNER, the names of the Senator from Maryland [Ms. MIKULSKI] and the Senator from Massachusetts [Mr. KENNEDY] were added as cosponsors of S. 1623, a bill to establish a National Tourism Board and a National Tourism Organization, and for other purposes.

S. 1624

At the request of Mr. HATCH, the name of the Senator from Vermont [Mr. LEAHY] was added as a cosponsor of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1628

At the request of Mr. BROWN, the name of the Senator from Montana [Mr. BURNS] was added as a cosponsor of S. 1628, a bill to amend title 17, United States Code, relating to the copyright interests of certain musical performances, and for other purposes.

AMENDMENT NO. 3738

At the request of Mr. ABRAHAM, the name of the Senator from Delaware [Mr. ROTH] was added as a cosponsor of amendment No. 3738 intended to be proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3760

At the request of Mr. LIEBERMAN, his name was added as a cosponsor of amendment No. 3760 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3865

At the request of Mr. REID, the names of the Senator from Illinois [Ms. MOSELEY-BRAUN] and the Senator from Illinois [Mr. SIMON] were added as cosponsors of amendment No. 3865 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

SENATE RESOLUTION 253—RELATIVE TO THE MURDER OF LEON KLINGHOFFER

Mr. D'AMATO (for himself, Mr. DOLE, Mr. MCCONNELL, Mr. NICKLES, Mr. MURKOWSKI, and Mr. HATCH) submitted the following resolution; which was considered and agreed to:

S. RES. 253

Whereas, Mohammed Abbas, alias Abu Abbas, was convicted by a Genoan Court in June 1986 and sentenced to life in prison, in absentia, for "kidnapping for terrorist ends that caused the killing of a person' for his role in the death of an American citizen, Leon Klinghoffer;

Whereas, a report from the Italian magistrate who tried the case against Abbas stated that the evidence was "multiple, unequivocal, and overwhelming" and that his actions in training and financing for this operation, and in choosing the target, as well as in planning the escape, made Abbas guilty of the murder;

Whereas, a warrant for Abbas' arrest was unsealed in October 1985 charging him with hijacking, and a bounty of $250,000 was offered for his arrest;

Whereas, the Justice Department felt that it did not have the evidence to convict him, and citing the conviction, albeit in absentia by the Italian authorities, canceled the warrant for his arrest in January 1988;

Whereas, at an April 1996 meeting of the Palestine National Council in Gaza, Abbas described the killing as "a mistake" and that Mr. Klinghoffer was killed because he "had started to incite the passengers against [the kidnappers]";

Now, Therefore, be it *Resolved*, That it is the sense of the Senate that the Attorney General should seek, from the appropriate foreign government, the detention and extradition to the United States of Mohammed Abbas (also known as Abu Abbas) for the murder of Leon Klinghoffer in October 1985 during the hijacking of the vessel *Achille Lauro*.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

FEINSTEIN AMENDMENT NO. 3867

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted an amendment intended to be proposed by her to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing Border Patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming, asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

AMENDMENT NO. 3867

Beginning on page 99, strike line 10 and all that follows through line 13.

FEINSTEIN (AND BOXER) AMENDMENT NO. 3868

(Ordered to lie on the table.)

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3868

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108 CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY, AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds not to exceed $12,000,000 for the construction, expansion, improvement, or deployment of physical barriers (including multiple fencing and bollard style concrete columns as appropriate), all-weather roads, low light television systems, lighting, sensors, and other technologies along the international land border between the United States and Mexico south of San Diego, California for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended.

FEINSTEIN AMENDMENTS NOS. 3869–3870

(Ordered to lie on the table.)

Mrs. FEINSTEIN submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3869

On page 198, between lines 4 and 5, insert the following:

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General, in consultation with the Secretary of State, shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

AMENDMENT NO. 3870

Beginning on page 193, strike line 1 and all that follows through line 4 on page 198 and insert the following:

(3) in which the sponsor agrees to submit to the jurisdiction of any appropriate court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term "appropriate court" means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

SIMPSON AMENDMENT NO. 3871

Mr. SIMPSON proposed an amendment to amendment No. 3743 proposed by him to the bill S. 1664, supra; as follows:

Section 204(a) is amended to read as follows:

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

WELLSTONE AMENDMENT NO. 3872

(Ordered to lie on the table.)

Mr. WELLSTONE submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following:

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(a) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer,

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

SNOWE AMENDMENTS NOS. 3873–3874

(Ordered to lie on the table.)

Ms. SNOWE submitted two amendments intended to be proposed by her to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3873

At the appropriate place, insert the following:

SEC. . REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3874

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an attention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States violates the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

GRAHAM AMENDMENTS NOS. 3875–3880

(Ordered to lie on the table.)

Mr. GRAHAM submitted six amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3875

Beginning on page 198, strike line 5 and all that follows through line 5 on page 202.

AMENDMENT NO. 3876

On page 177 in the matter proposed to be inserted, beginning on line 9 strike all that follows through line 4 on page 178.

AMENDMENT NO. 3877

Beginning on page 188, strike line 11 and all that follows through line 2 on page 192.

AMENDMENT NO. 3878

Beginning on page 192, strike line 3 and all that follows through line 4 on page 198.

AMENDMENT NO. 3879

Beginning on page 177, line 9 strike all through page 211 line 9 and insert the following.

SUBTITLE C—EFFECTIVE DATES

SEC. 197. EFFECTIVE DATES.

(a) IN GENERAL.—Except as otherwise provided in this title and subject to subsection (b), this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

(b) OTHER EFFECTIVE DATES.—

(1) EFFECTIVE DATES FOR PROVISIONS DEALING WITH DOCUMENT FRAUD; REGULATIONS TO IMPLEMENT.—

(A) IN GENERAL.—The amendments made by sections 131, 132, 141, and 195 shall be effective upon the date of the enactment of this Act and shall apply to aliens who arrive in or seek admission to the United States on or after such date.

(B) REGULATIONS.—Notwithstanding any other provision of law, the Attorney General may issue interim final regulations to implement the provisions of the amendments listed in subparagraph (A) at any time on or after the date of the enactment of this Act, which regulations may become effective upon publication without prior notice or opportunity for public comment.

(2) ALIEN SMUGGLING, EXCLUSION, AND DEPORTATION.—The amendments made by sections 122, 126, 128, 129, 143, and 150(b) shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

SUBTITLE A—RECEIPT OF CERTAIN GOVERNMENT BENEFITS

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under the National School Lunch Act,

(v) assistance or benefits under the Child Nutrition Act of 1966,

(vi) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vii) such other service or assistance (such as soup kitchens, crisis, counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) Benefits of residence.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) Notification of aliens.—

(A) In general.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) Failure to give notice.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) Limitation on pregnancy services for undocumented aliens.—

(A) 3-year continuous residence.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) Limitation on expenditures.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) Continued services by current states.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) Unemployment Benefits.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) Social Security Benefits.—

(1) In general.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizens or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) No refund or reimbursement.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) Housing Assistance Programs.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) Nonprofit, Charitable Organizations.—

(1) In general.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) No effect on federal authority to determine compliance.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) Definitions.—For the purposes of this section—

(1) Eligible alien.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) Ineligible alien.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) Public assistance program.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) Government benefits.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) Enforceability.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit as defined in section 201(f)(3) but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) Forms.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) Notification of Change of Address.—

(1) General requirement.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) Penalty.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section *change* 201(f)(3) not less than $2,000 or more than $5,000.

(d) Reimbursement of Government Expenses.—

(1) In general.—

(A) Request for reimbursement.—Upon notification that a sponsored individual has received any benefit described in section 201(f)(3) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such terms.

In the case of an individual who is an active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) has income tax liability for the tax year of which the period was part.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) REPORT REQUIREMENT.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) REPORT ELEMENTS.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) IN GENERAL.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) LIMITATION.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. EARNED INCOME TAX CREDIT DENIED TO INDIVIDUALS NOT CITIZENS OR LAWFUL PERMANENT RESIDENTS.

(a) IN GENERAL.—

(1) LIMITATION.—Notwithstanding any other provision of law, an individual may not receive an earned income tax credit for any year in which such individual was not, for the entire year, either a United States citizen or national or a lawful permanent resident.

(2) IDENTIFICATION NUMBER REQUIRED.—Section 32(c)(1) of the Internal Revenue Code of 1986 (relating to individuals eligible to claim the earned income tax credit) is amended by adding at the end the following new subparagraph:

"(F) IDENTIFICATION NUMBER REQUIREMENT.—The term 'eligible individual' does not include any individual who does not include on the return of tax for the taxable year—

"(i) such individual's taxpayer identification number, and

"(ii) if the individual is married (within the meaning of section 7703), the taxpayer identification number of such individual's spouse.".

(b) SPECIAL IDENTIFICATION NUMBER.—Section 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(k) IDENTIFICATION NUMBERS.—Solely for purposes of subsections (c)(1)(F) and (c)(3)(D), a taxpayer identification number means a social security number issued to an individual by the Social Security Administration (other than a social security number issued pursuant to clause (II) (or that portion of clause (III) that relates to clause (II)) of section 205(c)(2)(B)(i) of the Social Security Act).".

(c) EXTENSION OF PROCEDURES APPLICABLE TO MATHEMATICAL OR CLERICAL ERRORS.—Section 6213(g)(2) of the Internal Revenue Code of 1986 (relating to the definition of mathematical or clerical errors) in amended—

(1) by striking "and" at the end of subparagraph (D),

(2) by striking the period at the end of subparagraph (E) and inserting ", and", and

(3) by inserting after subparagraph (E) the following new subparagraph:

"(F) an unintended omission of a correct taxpayer identification number required under section 32 (relating to the earned income tax credit) to be included on a return.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1995.

SEC. 208. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"Sec. 506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered, shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

"(2) the term 'unlawful alien' means an individual who is not—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

"(C) an alien granted asylum under section 208 of such Act;

"(D) a refugee admitted under section 207 of such Act;

"(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

"(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

"(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 209. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) IN GENERAL.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) PAYMENT.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

AMENDMENT NO. 3880

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinations described in subsection (b) shall be made, and if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

GRAHAM (AND OTHERS) AMENDMENT NO. 3881

(Ordered to lie on the table.)

Mr. GRAHAM (for himself, Mr. DOLE, Mr. MACK, Mr. BRADLEY, Mr. HELMS, and Mr. ABRAHAM) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

Beginning on page 177, strike line 13 and all that follows through line 4 on page 178, inserting the following:

(b) Northwithstanding any other provision of this Act, the repeal of Public Law 89-732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

GRAHAM AMENDMENT NO. 3882

(Ordered to lie on the table.)

Mr. GRAHAM submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

Strike on page 211, line 1 through line 9, and insert:

"(C) The Secretary shall conduct an assessment of immigration trends, current funding practices, and needs for assistance. Particular attention should be paid to the funds toward the counties impacted by the arrival of Cuban and Haitian individuals to determine whether there is a continued need for assistance to such counties. If the Secretary determines, after the assessment of subparagraph (C), that no compelling need exists in the counties impacted by the arrival of Cuban and Haitian entrants, all grants, except that for the Targeted Assistance Ten Percent Discretionary Program, made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.".

GRAHAM (AND SPECTER) AMENDMENT NO. 3883

(Ordered to lie on the table.)

Mr. GRAHAM (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 198, beginning on line 11, strike all through page 201, line 4, and insert the following:

for benefits, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien for purposes of the following programs:

(1) Supplementary security income under title XVI of the Social Security Act;

(2) Aid to Families with Dependent Children under title IV of the Social Security Act;

(3) Food stamps under the Food Stamp Act of 1977;

(4) Section 8 low-income housing assistance under the United States Housing Act of 1937;

(5) Low-rent public housing under the United States Housing Act of 1937;

(6) Section 236 interest reduction payments under the National Housing Act;

(7) Home-owner assistance payments under the National Housing Act;

(8) Low income rent supplements under the Housing and Urban Development Act of 1965;

(9) Rural housing loans under the Housing Act of 1949;

(10) Rural rental housing loans under the Housing Act of 1949;

(11) Rural rental assistance under the Housing Act of 1949;

(12) Rural housing repair loans and grants under the Housing Act of 1949;

(13) Farm labor housing loans and grants under the Housing Act of 1949;

(14) Rural housing preservation grants under the Housing Act of 1949;

(15) Rural self-help; technical assistance grants under the Housing Act of 1949; and

(16) Site loans under the Housing Act of 1949;

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTION FOR INDIGENCE.—

(1) IN GENERAL.—If a determination described in paragraph (2) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(A) beginning on the date of such determination and ending 12 months after such date, or

(B) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(2) DETERMINATION DESCRIBED.—A determination described in this paragraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

GRAHAM AMENDMENTS NOS. 3884–3893

(Ordered to lie on the table.)

Mr. GRAHAM submitted 10 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3884

On page 190, beginning on line 9, strike all through page 201, line 4, and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit.

(2) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2000 or more than $5000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food or shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien received assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT No. 3885

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in section 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT No. 3886

On page 190, strike line 9 through line 25 and insert the following:

(ii) The food stamp program under the Food Stamp Act of 1977.

(iii) The supplemental security income program under title XVI of the Social Security Act.

(iv) Any State general assistance program.

(v) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) and the exceptions listed in section 204(d) of the Immigration Reform Act of 1996.

AMENDMENT No. 3887

On page 186 line 24 through page 188 line 23, strike everything and insert the following after the word "been."

withheld under section 243 (h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugees Education Assistance Act of 1980).

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by an agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96-399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 124(a)(5) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, if the alien is a Cuban or Haitian entrant (within the meaning of section 501(e) of the Refugee Education Assistance Act of 1980) or if the cause of the alien's becoming a public charge—

AMENDMENT No. 3888

On page 181, beginning on line 19, strike all through page 182, line 2.

AMENDMENT No. 3889

On page 201, between lines 4 and 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—The requirements of subsection (a) shall not apply in the case of any service provided under title XIX of the Social Security Act to an alien lawfully admitted to the United States before the date of the enactment of this Act.

AMENDMENT No. 3890

On page 201, line 5, insert the following:

(4) MEDICAID SERVICES FOR LEGAL IMMIGRANTS.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

AMENDMENT No. 3891

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); or

(B) in the case of an eligible alien (as defined in section 201(f)(1))—

(i) any emergency medical service under title XIX of the Social Security Act; or

(ii) any public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of serious communicable disease, for testing and treatment of such diseases.

AMENDMENT NO. 3892

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) in patient hospital services provided by a disproportionate share hospital for which an adjustment in payment to a State under the medicaid program is made in accordance with section 1923 of the Social Security Act.

AMENDMENT NO. 3893

On page 301, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) medicaid services provided under title XIX of the Social Security Act;

(C) public health assistance for immunizations and testing and treatment services to prevent the spread of communicable diseases.

(D) material and child health services block grants under the title V of the Social Security Act:

(E) services and assistance provided under titles III, VII, and VIII of the Public Health Service Act;

(F) preventive health and health services block grants under title XIX of the Public Health Service Act;

(G) migrant health center grants under the Public Health Service Act; and

(H) community health center grants under the Public Health Service Act.

REID AMENDMENTS NOS. 3894–3895

(Ordered to lie on the table.)

Mr. REID submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3894

At the appropriate place insert the following new section:

SEC. . PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking "Before" and inserting "(a) IN GENERAL.—Before", and

(2) by adding at the end the following new subsection:

"(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

"(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

"(A) both parents of the child if the child lives with both parents;

"(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

"(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

"(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of the enactment of this Act.

AMENDMENT NO. 3895

At the appropriate place in the bill, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State of local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) BASIS OF ASYLUM.—(1) Section 101(a)(42) (8 U.S.C. 1101(a)(42)) is amended—

(A) by inserting after "political opinion' the first place it appears: "or because the person has been threatened with an act of female genital mutilation";

(B) by inserting after "political opinion" the second place it appears the following: ", or who has been threatened with an act of female genital mutilation";

(C) by inserting after "political opinion" the third place it appears the following: "or who ordered, threatened, or participated in the performance of female genital mutilation"; and

(D) by adding at the end the following new sentence: "The term 'female genital mutilation' means an action described in section 116(a) of title 18, United States Code.".

(2) Section 243(h)(1) (8 U.S.C. 1253(h)(1)) is amended by inserting after "political opinion" the following: "or would be threatened with an act of female genital mutilation".

(c) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(d) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

BRADLEY AMENDMENTS NOS. 3896–3898

(Ordered to lie on the table.)

Mr. BRADLEY submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3896

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the "Office").

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

AMENDMENT NO. 3897

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. INVESTIGATORS OF UNLAWFUL EMPLOYMENT ACTIVITIES.

Of the number of investigators authorized by section 102(a) of this Act, not less than 150 full-time active-duty investigators in each such fiscal year shall perform only the functions of investigating and prosecuting violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)).

AMENDMENT NO. 3898

At the end of the bill, add the following new title:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. OFFICE FOR EMPLOYER SANCTIONS.

(a) ESTABLISHMENT; FUNCTIONS.—There is established within the Department of Justice an Office for Employer Sanctions charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act;

(2) assisting employers in complying with those laws; and

(3) coordinating other functions related to the enforcement under this Act of employer sanctions.

(b) COMPOSITION.—The members of the Office shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The Office shall report annually to the Attorney General on its operations.

GRAHAM AMENDMENTS NOS. 3899–3902

(Ordered to lie on the table.)

Mr. GRAHAM submitted four amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3899

Beginning on page 210, strike line 22 and all that follows through line 9 on page 211.

AMENDMENT NO. 3900

On page 201, strike lines 1 through 4, and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—the requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii); and

(B) medicare cost-sharing provided to a qualified medicare beneficiary (as such terms are defined under section 1905(p) of the Social Security Act).

AMENDMENT NO. 3901

On page 180, lines 13 and 14, strike "serious".

AMENDMENT NO. 3902

Strike page 180, line 15, through 181 line 9, and insert:

treatment for such diseases,

(vii) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; and

(viii) in the case of nonimmigrant migrant workers and their dependents, Head Start programs under the Head Start Act (42 U.S.C. 9831 et. seq.) and other educational, housing and health assistance being provided to such class of aliens as of the date of enactment of this Act, or

GRAMM AMENDMENTS NOS. 3903–3904

(Ordered to lie on the table.)

Mr. GRAMM submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3903

At the end, insert the following:

SEC. . DEVELOPMENT OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD.

(a) DEVELOPMENT.—Not later than 1 year after the date of enactment of this Act, the Commissioner of Social Security (hereafter in this section referred to as the "Commissioner") shall, in accordance with this section, develop a counterfeit-resistant social security card. Such card shall—

(1) be made of a durable, tamper-resistant material such as plastic or polyester,

(2) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(3) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(b) PROCEDURES FOR ISSUANCE.—The Commissioner shall make a social security card of the type described in subsection (a) available, at cost, to any individual requesting such a card to replace a card previously issued to such individual.

(c) COUNTERFEIT-RESISTANT CARD VOLUNTARY FOR INDIVIDUALS.—The Commissioner may not require any individual to obtain a social security card of the type described in subsection (a).

AMENDMENT NO. 3904

At the end, insert the following:

"SEC. —. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a redeployment of Border Patrol agents at interior stations would not be cost-effective and is unnecessary in view of plans to nearly double the number of Border Patrol agents over the next five years; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

LEAHY (AND OTHERS) AMENDMENT NO. 3905

(Ordered to lie on the table.)

Mr. LEAHY (for himself, Mr. DEWINE, and Mr. HATFIELD) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill, add the following:

TITLE III—MISCELLANOUS PROVISIONS

SEC. 301. (a) Notwithstanding any other provision of this Act, sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

(b) Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105(f) is repealed.

(c) The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a)(6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order enter in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding or deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trial;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

(d) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.".

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking "Subject to section 235(b)(1), deportation" and inserting "Deportation"; and

(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION".

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) the item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

LEAHY AMENDMENTS NOS. 3906–3910

(Ordered to lie on the table.)

Mr. LEAHY submitted five amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3906

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Notwithstanding any other provision of this Act, the Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exits and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trial;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

AMENDMENT NO. 3907

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. Notwithstanding any other provision of this Act, Sections 131, 132, 141, 193 and 198(b) shall have no force or effect.

AMENDMENT NO. 3908

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.".

(2) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking "Subject to section 234(b)(1), deportation" and inserting "Deportation"; and

(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

(b)(1) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION".

(2) Section 235(d) (8 U.S.C. 1225d) is repealed.

(3) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

(c) Section 241(d)(8 U.S.C. 1251d) is repealed.

AMENDMENT NO. 3909

At the end of the bill, add the following:

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301(a). Section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f) is repealed.

AMENDMENT NO. 3910

At the end of the bill add: The language on page 180, line 6 and all that follows through page 201, line 4, of the Dole amendment is deemed to read:

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93-86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98-8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100-435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88-525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license.

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law and United States citizen or nationals may receive any benefit under title II of the Social Security Act, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(2) NO REFUND OR REIMBURSEMENT.—Notwithstanding any other provision of law, no tax or other contribution required pursuant to the Social Security Act (other than by an eligible alien who has been granted employment authorization pursuant to Federal law, or by an employer of such alien) shall be refunded or reimbursed, in whole or in part.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act, or

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year.

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except, with respect to a nonimmigrant authorized to work in the United States, any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license;

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable.

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

"(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

"(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

"(C) DEFINITIONS.—

"(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

"(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

"(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

"(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

"(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

"(i) The aid to families with dependent children program under title IV of the Social Security Act.

"(ii) The medicaid program under title XIX of the Social Security Act.

"(iii) The food stamp program under the Food Stamp Act of 1977.

"(iv) The supplemental security income program under title XVI of the Social Security Act.

"(v) Any State general assistance program.

"(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996.".

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is described in section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is described in section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(1) which is legally enforceable against the sponsor by the sponsored individual, or by the Federal Government or any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) that provides any benefit described in section 241(a)(5)(D), as amended by section 202(a) of this Act, but not later than 10 years after the sponsored individual last receives any such benefit;

(2) in which the sponsor agrees to financially support the sponsored individual, so

that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters or has become a United States citizen, whichever occurs first; and

(3) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any Federal or State court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no Federal or State court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any public assistance program (as defined in section 201(f)(3)), the income and resources described in subsection (b) shall, notwithstanding any other provision of law, be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3911

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

On page 210, line 1, after "medical assistance" insert the following: "(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)".

HUTCHISON AMENDMENT NO. 3912

(Ordered to lie on the table.)

Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. .—The Immigration and Naturalization Service shall, when redeploying Border patrol personnel from interior stations, coordinate with and act in conjunction with state and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

WELLSTONE AMENDMENTS NOS. 3913–3914

(Ordered to lie on the table.)

Mr. WELLSTONE submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3913

At the end of the bill, add the following:

TITLE III: MISCELLANEOUS PROVISIONS

SEC. . TREATMENT OF CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.

(A) WAIVER OF ENGLISH LANGUAGE REQUIREMENT FOR CERTAIN ALIENS WHO SERVED WITH SPECIAL GUERRILLA UNITS IN LAOS.—The requirement of paragraph (1) of section 312(a) of the Immigration and Nationality Act (8 U.S.C. 1423(a)) shall not apply to the naturalization of any person who—

(1) served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, or

(2) is the spouse or widow of a person described in paragraph (1).

(b) NATURALIZATION THROUGH SERVICE IN A SPECIAL GUERRILLA UNIT IN LAOS.—

(1) IN GENERAL.—The first sentence of subsection (a) and subsection (b) (other than paragraph (3)) of section 329 of the Immigration and Nationality Act (8 U.S.C. 1440) shall apply to an alien who served with a special guerrilla unit operating from a base in Laos in support of the United States at any time during the period beginning February 28, 1961, and ending September 18, 1978, in the same manner as they apply to an alien who has served honorably in an active-duty status in the military forces of the United States during the period of the Vietnam hostilities.

(2) PROOF.—The Immigration and Naturalization Service shall verify an alien's service with a guerrilla unit described in paragraph (1) through—

(A) review of refugee processing documentation for the alien,

(B) the affidavit of the alien's superior officer.

(C) original documents,

(D) two affidavits from persons who were also serving with such a special guerrilla unit and who personally knew of the alien's service, or

(E) other appropriate proof.

(3) CONSTRUCTION.—The Service shall liberally construe the provisions of this subsection to take into account the difficulties inherent in proving service in such a guerrilla unit.

AMENDMENT NO. 3914

At the end of the bill, add the following:

SEC. . WAIVER OF APPLICATION FEES FOR ADJUSTMENT OF STATUS OF CERTAIN BATTERED ALIENS.

Notwithstanding any other provision of this Act, section 245(i)(1) remains in effect and is further amended as follows:

(1) by redesignating clauses (i), (ii), and (iii) as subclauses (I), (II), and (III), respectively;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(3) by inserting "(A)" immediately after "(i)(1)"; and

(4) by adding at the end the following:

"(B)(i) The Attorney General may waive the sum specified in subparagraph (A) in the case of an alien who has been battered or subjected to extreme cruelty by a spouse, parent, or member of the spouse or parent's family residing in the same household as the alien (if the spouse or parent consented to or acquiesced to such battery or cruelty) when such waiver would enhance the safety of the alien or the alien's child.

"(ii) An alien shall not be excludable under section 212(a)(4) as a public charge on the grounds that the alien requested or received a waiver under this subparagraph.".

KERRY AMENDMENT NO. 3915

(Ordered to lie on the table.)

Mr. KERRY submitted an amendment intended to be proposed by him to the bill S. 1664, supra; as follows:

At the appropriate place in the bill, insert the following new section:

SEC. . DEBARMENT OF FEDERAL CONTRACTORS NOT IN COMPLIANCE WITH IMMIGRATION AND NATIONALITY ACT EMPLOYMENT PROVISIONS.

(a) POLICY.—It is the policy of the United States that—

(1) the heads of executive agencies in procuring goods and services should not contract with an employer that has not complied with paragraphs (1)(A) and (2) of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)) (hereafter in this section referred to as the "INA employment provisions"), which prohibit unlawful employment of aliens; and

(2) the Attorney General should fully and aggressively enforce the antidiscrimination provisions of the Immigration and Nationality Act.

(b) ENFORCEMENT.—

(1) AUTHORITY.—

(A) IN GENERAL.—Using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General may conduct such investigations as are necessary to determine whether a contractor or an organizational unit of a contractor is not complying with the INA employment provisions.

(B) COMPLAINTS AND HEARINGS.—The Attorney General—

(i) shall receive and may investigate any complaint by an employee of any such entity that alleges noncompliance by such entity with the INA employment provisions; and

(ii) in conducting the investigation, shall hold such hearings as are necessary to determine whether that entity is not in compliance with the INA employment provisions.

(2) ACTIONS ON DETERMINATIONS OF NONCOMPLIANCE.—

(A) ATTORNEY GENERAL.—Whenever the Attorney General determines that a contractor or an organizational unit of a contractor is not in compliance with the INA employment provisions, the Attorney General shall transmit that determination to the head of each executive agency that contracts with the contractor and the heads of other executive agencies that the Attorney General determines it appropriate to notify.

(B) HEAD OF CONTRACTING AGENCY.—Upon receipt of the determination, the head of a contracting executive agency shall consider the contractor or an organizational unit of the contractor for debarment, and shall take such other action as may be appropriate, in accordance with applicable procedures and standards set forth in the Federal Acquisition Regulation.

(C) NONREVIEWABILITY OF DETERMINATION.—The Attorney General's determination is not reviewable in debarment proceedings.

(c) DEBARMENT.—

(1) AUTHORITY.—The head of an executive agency may debar a contractor or an organizational unit of a contractor on the basis of a determination of the Attorney General that is not in compliance with the INA employment provisions.

(2) SCOPE.—The scope of the debarment generally should be limited to those organizational units of a contractor that the Attorney General determines are not in compliance with the INA employment provisions.

(3) PERIOD.—The period of a debarment under this subsection shall be one year, except that the head of the executive agency may extend the debarment for additional periods of one year each if, using the procedures established pursuant to section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)), the Attorney General determines that the organizational unit of the contractor concerned continues not to comply with the INA employment provisions.

(4) LISTING.—The Administrator of General Services shall list each debarred contractor and each debarred organizational unit of a contractor on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs that is maintained by the Administrator. No debarred contractor and no debarred organizational unit of a contractor shall be eligible to participate in any procurement, nor in any nonprocurement activities, of the Federal Government.

(d) REGULATIONS AND ORDERS.—

(1) ATTORNEY GENERAL.—

(A) AUTHORITY.—The Attorney General may prescribe such regulations and issue such orders as the Attorney General considers necessary to carry out the responsibilities of the Attorney General under this section.

(B) CONSULTATION.—In proposing regulations or orders that affect the executive agencies, the Attorney General shall consult with the Secretary of Defense, the Secretary of Labor, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, the Administrator for Federal Procurement Policy, and the heads of any other executive agencies that the Attorney General considers appropriate.

(2) FEDERAL ACQUISITION REGULATION.—The Federal Acquisition Regulatory Council shall amend the Federal Acquisition Regulation to the extent necessary to provide for implementation of the debarment responsibility and other related responsibilities assigned to heads of executive agencies under this section.

(e) INTERAGENCY COOPERATION.—The head of each executive agency shall cooperate with, and provide such information and assistance to, the Attorney General as is necessary for the Attorney General to perform the duties of the Attorney General under this section.

(f) DELEGATION.—The Attorney General, the Secretary of Defense, the Administrator of General Services, the Administrator of the National Aeronautics and Space Administration, and the head of any other executive agency may delegate the performance of any of the functions or duties of that official under this section to any officer or employee of the executive agency under the jurisdiction of that official.

(g) IMPLEMENTATION NOT TO BURDEN PROCUREMENT PROCESS EXCESSIVELY.—This section shall be implemented in a manner that least burdens the procurement process of the Federal Government.

(h) CONSTRUCTION.—

(1) ANTIDISCRIMINATION.—Nothing in this section relieves employers of the obligation to avoid unfair immigration-related employment practices as required by—

(A) the antidiscrimination provisions of section 274B of the Immigration and Nationality Act (8 U.S.C. 1324b), including the provisions of subsection (a)(6) of that section concerning the treatment of certain documentary practices as unfair immigration-related employment practices; and

(B) all other antidiscrimination requirements of applicable law.

(2) CONTRACT TERMS.—This section neither authorizes nor requires any additional certification provision, clause, or requirement to be included in any contract or contract solicitation.

(3) NO NEW RIGHTS AND BENEFITS.—This section may not be construed to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, including any department or agency, officer, or employee of the United States.

(4) JUDICIAL REVIEW.—This section does not preclude judicial review of a final agency decision in accordance with chapter 7 of title 5, United States Code.

(i) DEFINITIONS.—In this section:

(1) EXECUTIVE AGENCY.—The term "executive agency" has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).

(2) CONTRACTOR.—The term "contractor" means any individual or other legal entity that—

(A) directly or indirectly (through an affiliate or otherwise), submits offers for or is awarded, or reasonably may be expected to submit offers for or be awarded, a Federal Government contract, including a contract for carriage under Federal Government or commercial bills of lading, or a subcontract under a Federal Government contract; or

(B) conducts business, or reasonably may be expected to conduct business, with the Federal Government as an agent or representative of another contractor.

HUTCHISON (AND KENNEDY) AMENDMENT NO. 3916

(Ordered to lie on the table.)

Mrs. HUTCHISON (for herself and Mr. KENNEDY) submitted an amendment intended to be proposed by them to the bill S. 1664, supra; as follows:

At the end of the bill add the following:

The language on page 210, line 1, after "medical assistance" is deemed to have inserted the following: "(other than medical assistance for an emergency medical condition as defined in section 1903(v)(3) of the Social Security Act)".

KENNEDY AMENDMENTS NOS. 3917–3942

(Ordered to lie on the table.)

Mr. KENNEDY submitted 26 amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT No. 3917

At the end of the bill insert:

SEC. .

(a) IN GENERAL.—Notwithstanding section 117 of this Act, paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

"(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

"(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

"(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

"(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).".

(b) LIMITATIONS ON COMPLAINTS.—Notwithstanding section 117 of this Act, Section 274B(d) (8) U.S.C. 1324b(d)) is amended by adding at the end the following new paragraph:

"(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENT ABUSE CASES.—

"(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

"(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

"(ii) maintains a copy of such documents in an official record, and

"(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

"(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.".

(c) GOOD FAITH DEFENSE.—Notwithstanding section 117 of this Act, Section 274(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term "knowledge" as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.".

AMENDMENT No. 3918

On page 37 of the bill, beginning on line 12, strike all through line 19, and insert the following:

(a) IN GENERAL.—Paragraph (6) of section 274B(a) (8 U.S.C. 1324b(a)(6)) is amended to read as follows:

"(6) TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS EMPLOYMENT PRACTICES.—

"(A) IN GENERAL.—For purposes of paragraph (1), a person's or other entity's request, in order to satisfy the requirements of section 274A(b), for additional or different documents than are required under such section or refusal to honor documents tendered that on their face reasonably appear to be genuine shall be treated as an unfair immigration-related employment practice relating to the hiring of individuals. A person or other entity may not request a specific document from among the documents permitted by section 274A(b)(1).

"(B) REVERIFICATION.—Upon expiration of an employee's employment authorization, a person or other entity shall reverify employment eligibility by requesting a document evidencing employment authorization in order to satisfy section 274A(b)(1). However, the person or entity may not request a specific document from among the documents permitted by such section.

"(C) ABILITY TO PRESENT PERMITTED DOCUMENT.—Nothing in this paragraph shall be construed to prohibit an individual from presenting any document or combination of documents permitted by section 274A(b)(1).".

(b) LIMITATIONS ON COMPLAINTS.—Section 274B(d) (8 U.S.C. 1324b)(d)) is amended by adding at the end the following new paragraph.

"(4) LIMITATIONS ON ABILITY OF OFFICE OF SPECIAL COUNSEL TO FILE COMPLAINTS IN DOCUMENTS ABUSE CASES.—

"(A) IN GENERAL.—Subject to subsection (a)(6) (A) and (B), if an employer—

"(i) accepts, without specifying, documents that meet the requirements of establishing work authorization,

"(ii) maintains a copy of such documents in an official record, and

"(iii) such documents appear to be genuine, the Office of Special Counsel shall not bring an action alleging a violation of this section. The Special Counsel shall not authorize the filing of a complaint under this section if the Service has informed the person or entity that the documents tendered by an individual are not acceptable for purposes of satisfying the requirements of section 274A(b).

"(B) ACCEPTANCE OF DOCUMENT.—Except as provided in subsection (a)(6) (A) and (B), a person or entity may not be charged with a violation of subsection (a)(6)(A) as long as the employee has produced, and the person or entity has accepted, a document or documents from the accepted list of documents, and the document reasonably appears to be genuine on its face.".

(c) GOOD FAITH DEFENSE.—Section 274A(a)(3) (8 U.S.C. 1324a(a)(3)) is amended to read as follows:

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral. This section shall apply, and the person or entity shall not be liable under paragraph (1)(A), if in complying with the requirements of subsection (b), the person or entity requires the alien to produce a document or documents acceptable for purposes of satisfying the requirements of section 274A(b), and the document or documents reasonably appear to be genuine on their face and to relate to the individual, unless the person or entity, at the time of hire, possesses knowledge that the individual is an unauthorized alien (as defined in subsection (h)(3)) with respect to such employment. The term "knowledge" as used in the preceding sentence, means actual knowledge by a person or entity that an individual is an unauthorized alien, or deliberate or reckless disregard of facts or circumstances which would lead a person or entity, through the exercise of reasonable care, to know about a certain condition.".

AMENDMENT No. 3919

At the end of the bill insert:

SEC. . Notwithstanding section 117 of this Act, section 274 of the Immigration and Nationalization Act shall remain in effect.

AMENDMENT No. 3920

On page 37 of the matter proposed to be inserted, beginning on line 9, strike all through line 19.

AMENDMENT No. 3921

At the end of the bill insert:

SEC. . Notwithstanding any provision of this Act, no program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965, shall be subject to the deeming provisions of this Act.

AMENDMENT No. 3922

On page 181, line 9, strike "or" and insert "and

"(vii) any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965; or".

AMENDMENT No. 3923

At the end of the bill insert:

SEC. . Notwithstanding any provisions of this Act, the public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under title IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT No. 3924

At the end of the bill insert:

SEC. . EDUCATION ASSISTANCE.—The public charge requirements of this Act shall not apply to any assistance provided under any program of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965.

AMENDMENT No. 3925

At the end of the bill insert:

SEC. . CERTAIN FEDERAL PROGRAMS.—Notwithstanding the provisions of this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provisions of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles, III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT No. 3926

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT No. 3927

At the end of the bill insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT No. 3928

Beginning on page 200, line 12, strike all that follows through page 201, line 4, and insert the following:

(2) CERTAIN FEDERAL PROGRAMS.—The requirements of subsection (a) shall not apply to any of the following:

(A) Medical assistance provided for emergency medical services under title XIX of the Social Security Act.

(B) The provision of short-term, non-cash, in kind emergency relief.

(C) Benefits under the National School Lunch Act.

(D) Assistance under the Child Nutrition Act of 1966.

(E) Public health assistance for immunizations with respect to immunizable diseases and for testing and treatment of communicable diseases.

(F) The provision of services directly related to assisting the victims of domestic violence or child abuse.

(G) Benefits under programs of student assistance under titles IV, V, IX, and X of the Higher Education Act of 1965 and titles III, VII, and VIII of the Public Health Service Act.

(H) Benefits under means-tested programs under the Elementary and Secondary Education Act of 1965.

(I) Benefits under the Head Start Act.

(J) Prenatal and postpartum services under title XIX of the Social Security Act.

AMENDMENT No. 3929

At the end insert:

SEC. . Notwithstanding this Act, the deeming requirements of this Act shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT No. 3930

On page 201 after line 4, insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any service or assistance described in section 201(a)(1)(A)(vii);

(B) prenatal and postpartum services provided under a State plan under title XIX of the Social Security Act;

(C) services provided under a State plan under such title of such Act to individuals who are less than 18 years of age; or

(D) services provided under a State plan under such title of such Act to an alien who is a veteran, as defined in section 101 of title 38, United States Code.

AMENDMENT No. 3931

At the end of the bill insert:

SEC. .

(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding this Act, for purposes of this Act, the term "public charge" shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d).

AMENDMENT NO. 3932

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding an program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any benefits, services, or assistance under a program described in section 204(d)."

AMENDMENT NO. 3933

At the end insert:

SEC. . (E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in this Act, for purposes of this Act, the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).

AMENDMENT NO. 3934

On page 190, after line 25, insert the following:

"(E) EXCEPTION TO DEFINITION OF PUBLIC CHARGE.—Notwithstanding any program described in subparagraph (D), for purposes of subparagraph (A), the term 'public charge' shall not include any alien who receives any services or assistance described in section 204(d)(3).".

AMENDMENT NO. 3935

At the end of the bill insert:

SEC. . LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the subparagraphs listed in section 201 shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3936

On page 182, strike lines 22 and 23, and insert the following:

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—Notwithstanding any other provision of law, the following subparagraphs shall apply to the provision of pregnancy services for ineligible aliens:

AMENDMENT NO. 3937

At the end of the bill, insert the following new section:

SEC. . LIMITATION ON EXPENDITURES FOR PREGNANCY-RELATED SERVICES TO UNDOCUMENTED ALIENS.

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by inserting after subsection (k), the following new subsection:

"(l) Notwithstanding any other provision of law, for any fiscal year, not more than $120,000,000 may be paid under this title for reimbursement of services described in section 201(a)(1)(A)(ii) of the Immigration Control and Financial Responsibility Act of 1996 that are provided to individuals described in section 201(a)(4)(A) of such Act.".

AMENDMENT NO. 3938

At the end of the bill insert the following new section:

SEC. . LIMITATION ON EXPENDITURES UNDER THE MEDICAID PROGRAM FOR PREGNANCY-RELATED SERVICES PROVIDED TO UNDOCUMENTED ALIENS.

Beginning with fiscal year 1997 and each fiscal year thereafter, with respect to payments for expenditures for services described in section 201(a)(1)(A)(ii) that are provided to individuals described in section 201(a)(4)(A)—

(1) the Federal Government has no obligation to provide payment with respect to such expenditures in excess of $120,000,000 during any such fiscal year and nothing in section 201(a)(1)(A)(ii), section 201(a)(4)(A), or title XIX of the Social Security Act shall be construed as providing for an entitlement, under Federal law in relation to the Federal Government, in an individual or person (including any provider) at the time of provision or receipt of such services; and

(2) a State shall provide an entitlement to any person to receive any service, payment, or other benefit to the extent that such person would, but for this section, be entitled to such service, payment, or other benefit under title XIX of the Social Security Act.

AMENDMENT NO. 3939

At the end of the bill insert:

The provision of section 201 of this Act shall not apply to any preschool, elementary, secondary, or adult educational benefit.

AMENDMENT NO. 3940

On page 182, line 2 of the matter proposed to be inserted, insert the following new sentence: "The preceding sentence shall not apply to any preschool, elementary, secondary, or adult educational benefit."

AMENDMENT NO. 3941

At the end of the bill insert:

"SEC. . LIMITATION.—Not more than 150 of the number of investigators authorized in section 105 of this Act shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application".

AMENDMENT NO. 3942

On page 8, line 17, before the period insert the following: "except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or otherwise, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application".

SIMPSON AMENDMENTS NOS. 3943–3945

(Ordered to lie on the table.)

Mr. SIMPSON submitted three amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3943

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly.

AMENDMENT NO. 3944

Section 201(a)(1) is amended—

(2) by deleting paragraph (4).

AMENDMENT NO. 3945

Section 201(a)(1) is amended—

(1) by deleting paragraph (A)(ii) and renumbering the following sections accordingly; and

(2) by deleting paragraph (4).

KENNEDY AMENDMENTS NOS. 3946–3947

(Ordered to lie on the table.)

Mr. KENNEDY submitted two amendments intended to be proposed by him to the bill S. 1664, supra; as follows:

AMENDMENT NO. 3946

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;".

AMENDMENT NO. 3947

At the appropriate place add the following:

SEC. . INCREASE IN THE MINIMUM WAGE RATE.

Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than $4.25 an hour during the period ending July 4, 1996, not less than $4.70 an hour during the year beginning July 5, 1996, and not less than $5.15 an hour after July 4, 1997;".

NOTICE OF HEARING

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. LUGAR. Mr. President, I would like to announce that the Senate Committee on Agriculture, Nutrition, and Forestry will hold a full committee hearing to discuss the Food Quality Protection Act. The hearing will be held on Wednesday, May 22, 1996 at 9:30 a.m. in SR–332.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following times, Tuesday, April 30, 1996, for mark up of the fiscal year 1997 Defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, April 30, 1996 session of the Senate for the purpose of conducting a hearing on S. 1420, the International Dolphin Conservation Program Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 10 a.m. to hold a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 10 a.m. to hold a hearing on California and affirmative action.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on affirmative action, during the session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, at 2:30 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Tuesday, April 30, 1996, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia, Committee on Governmental Affairs, be permitted to meet during a session of the Senate on Tuesday, April 30, 1996, at 9:30 a.m., to hold a hearing on Aviation Safety: Are FAA Inspectors Adequately Trained, Targeted, and Supervised?

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

RECOGNITION OF THE TAHOMA HIGH SCHOOL, WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION TEAM

• Mr. GORTON. Mr. President, I would like to extend my congratulations to the We the People * * * The Citizen and the Constitution team from Tahoma High School, and welcome these outstanding students to Washington, DC. As winners of the Washington State competition, the students from Tahoma High are here in Washington, DC to compete in the national "We the People" competition.

The We the People * * * The Citizen and the Constitution program focuses on the U.S. Constitution and Bill of Rights and fosters civic competence and responsibility among elementary and secondary school students in both public and private schools. The students from Tahoma High School should be commended for their diligence and the knowledge they have demonstrated of the fundamental principles and values of our constitutional democracy. I certainly wish them well in the national competition.•

WE THE PEOPLE * * * THE CITIZEN AND THE CONSTITUTION PROGRAM

• Mr. SIMON. Mr. President, over the past few days, more than 1,250 students from 50 States and the District of Columbia have been in Washington to compete in the national finals of the We the People * * * the Citizen and the Constitution Program. I am pleased to honor the advanced placement government class from Maine South High School in Park Ridge, IL, for representing Illinois and finishing in the top 10 in the national finals.

The distinguished members of the team are: Jeni Aris, Laura Batt, Stephanie Chen, Wesley Crampton, Sarah Crawford, Bryan Dayton, Vic De Martino, Bill Doukas, Jonathan Dudlak, Thomas Falk, Graham Fisher, Mark Iwaszko, Jessica Jakubanis, Hellin Jang, Chris Kiepura, Denise Knipp, Antoine Mickiewicz, Timmy Paschke, Gregory Reuhs, Kate Rowland, Chris Ryan, Brian Shields, Tracy Stankiewicz, Laurie Strotman, Tom Tsilipetros, Erica Vassilos, Walter Walczak, Cyrus Wilson, Kara Wipf, and Brian Wolfe.

I would also like to recognize Patton Feichter, their outstanding teacher, who can be credited with much of the team's success. The district coordinator, Alice Horstman, and the State coordinator, Carolyn Pereira, also devoted a great deal of time and were integral to the team's achievement.

The We the People * * * the Citizen and the Constitution Program is the Nation's most comprehensive educational program, developed specifically to educate youth about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the ability to apply constitutional principles to both historical and contemporary issues.

Administered by the Center for Civic Education, the We the People * * * Program, now in its ninth academic year, has reached more than 70,400 teachers and 22.6 million students nationwide. Congressional members and staff enhance the program by discussing current constitutional issues with students and teachers.

This extraordinary program is an excellent way for students to gain firsthand knowledge of the U.S. Constitution and assess its impact on both history and our lives. I commend these students and wish them success in their future endeavors.•

NATIONAL ASSOCIATION OF RETIRED FEDERAL EMPLOYEES WEEK

• Mr. THOMPSON. Mr. President, on February 1 of this year, the Governor of Tennessee, the Honorable Don Sundquist, signed a proclamation stating that April 14–20, 1996, would be known in Tennessee as National Association of Retired Federal Employees Week.

April 19 of this year marked the first anniversary of the bombing of the Federal building in Oklahoma City. A number of members from the Tennessee chapter of the National Association of Retired Federal Employees faithfully volunteered their time and energy to help the victims and the community of Oklahoma following this tragic event. This spirit of contribution continues to distinguish civil servants, retired and employed.

It gives me great pleasure at this time to request of my colleagues to have printed in the RECORD a proclamation by the Governor of my State of Tennessee, the Honorable Don Sundquist.

The proclamation follows:

A PROCLAMATION BY THE GOVERNOR OF THE STATE OF TENNESSEE

Whereas, the United States Civil Service Act of 1883 was signed into law by then President Chester A. Arthur, thereby creating the United States Civil Service System; and

Whereas, the United States Civil Service Retirement System was created in 1920 and signed into law by then President Woodrow Wilson; and

Whereas, virtually every state, county, and municipal civil service system has developed from the Civil Service Act; and

Whereas, untold thousands of United States Civil Service employees have worked diligently, patriotically, silently, and with little notice to uphold the highest traditions and ideals of our country; and

Whereas, thousands of Federal employees are retired in Tennessee and continue to devote inestimable time and effort toward the betterment of our communities and state;

Now therefore, I, Don Sundquist, Governor of the State of Tennessee, do hereby proclaim the week of April 14–20, 1966, as National Association of Retired Federal Employees Week in Tennessee and do urge all our citizens to join in this worthy observance.•

DR. LOREN BENSLEY

• Mr. LEVIN. Mr. President, I rise today to honor Dr. Loren Bensley who is retiring from Central Michigan University after 33 years of dedicated service.

Dr. Bensley is a Michigander who has made the State proud. He received his bachelor's degree from Central Michigan University in 1958, and returned 4 years later as a member of the department of health education and health science.

Dr. Bensley leaves his profession as an internationally recognized scholar in the field of health education. He has published over 60 articles and given more than 100 presentations during his tenure. He has also served as president of the American School Health Association. Dr. Bensley has been recognized twice by CMU for his excellence and has received 32 awards from various professional organizations for his leadership.

Dr. Bensley served as chapter adviser to the Eta chapter of Eta Sigma Gamma, the national health science honorary organization. Under his guidance, the chapter won the National Chapter of the Year Award 10 times.

After the end of the current semester, Dr. Bensley and his wife, Joy, will retire to their farm in Northport, MI. I know that my Senate colleagues join me in congratulating Dr. Bensley on his many years of service.•

TRIBUTE TO JUDGE RONALD DAVIES

• Mr. CONRAD. Mr. President, in recent weeks we have mourned the passage of two great Americans, former Senator and Secretary of State Edmund Muskie, and Secretary of Commerce Ronald Brown.

However, little note was given to the passage of another man whose contribution to America's history and future may rival those of the better known men mentioned above.

I refer to Judge Ronald Davies, who died in Fargo, ND, April 18.

Appointed to the Federal bench in 1955 by President Eisenhower, Judge Davies served the Federal judicial district of North Dakota for 35 years. But his career will be remembered most by a decision he handed down nearly four decades ago.

In September 1957, Judge Davies was called to Arkansas to make a difficult ruling—one that has changed America forever. Mr. President, on September 7, 1957, Judge Ronald Davies of North Dakota ordered the immediate integration of the Little Rock, AR school system.

What followed that ruling was, and is, history. Many angry white residents of Little Rock, incited by anti-integrationists such as Gov. Orville Faubus, opposed the order and kept their children home from school. They vowed to keep African-American children out of the all-white high school—by violent force, if necessary. President Eisenhower responded by ordering Federal troops to Arkansas to keep order and escort the nine young African-American students to Little Rock's Central High School.

That decision, Mr. President, by a North Dakota judge in an Arkansas courtroom, began a new era of race relations in America. No longer were separate but equal schools—which were always separate but seldom equal—good enough in America. All citizens were entitled to equal treatment under the law, and that included an equal opportunity in public education.

Today, Mr. President, race relations in this country are far from ideal. However, few of us can imagine a return to the legalized segregation that existed before Judge Davies made his ruling in 1957.

Judge Davies was buried Monday, April 22, in Fargo. North Dakota lost a man of courage and conviction. America lost a piece of its history.

To the 5 children and 20 grandchildren he leaves behind, I send my deepest condolences, and our country sends her thanks.•

THE OMNIBUS APPROPRIATIONS BILL

• Mr. KERREY. Mr. President, last week we voted on an omnibus bill that completed our long-delayed work on fiscal year 1996 appropriations. This legislation's arduous and agonizing history defies belief—particularly since all sides claim to be committed to reducing the Federal deficit and balancing the Federal budget.

However, I want to point out two egregious provisions in this legislation. They particularly disturb me because I share my colleagues' interest in balancing the budget. These provisions also trouble me because they will increase Medicaid spending—and therefore crowd out discretionary programs within this year's spending bill and in the future. Under the mantle of fiscal conservatism—the premise of this appropriations bill—we are providing additional Federal dollars to States that have won political favor. We are spending hard-earned tax dollars in these States, but will not see an improvement in their health systems nor any other public good that will benefit American taxpayers. Although Republicans claim that they want to control Federal spending, the reality does not live up to their rhetoric.

The omnibus appropriations bill includes State-specific provisions that permit two States—States that blatantly abused Federal matching rules in the past—to draw excessive Federal Medicaid payments. According to a host of independent analyses, the disproportionate share hospital [DSH] schemes used by these States and others nearly single handedly created double-digit increases in Federal Medicaid spending in the early 1990's. Congress shut down these schemes in 1991 and 1993 by creating State-specific and hospital-specific limits on DSH payments. However, through Republican maneuvering under this omnibus bill, two States that relied on these schemes will once again disproportionately benefit from the Federal Treasury.

First, New Hampshire will receive Federal matching payments for the disproportionate share hospital payments it made last year to a State-owned psychiatric hospital, even though these payments violate the hospital-specific limits enacted in 1993. The Department of Health and Human Services has deferred making Federal matching payments because these DSH payments normally would not be allowable under Medicaid matching rules. The omnibus appropriations bill would allow New Hampshire to receive matching payments up to $54 million, whether these payments are allowable or not.

In addition, although the majority intended to provide a fix only for New Hampshire, other States may also qualify under this provision.

Second, Louisiana will receive a guaranteed Federal payment of $2.6 billion—even though it will not be putting up the State dollars necessary to claim these matching payments. This provision, in essence, provides Louisiana with a higher Federal matching rate than allowed under current law, simply because Louisiana is unwilling or unable to commit sufficient State funds to support its existing Medicaid Program. Louisiana also used DSH scams to draw enormous Federal Medicaid payments and is now facing a budget shortfall under current, tighter rules. CBO initially estimated that this fix will cost the Federal Government an additional $900 million through 1999. Late-breaking negotiations have shortened the time-frame and lessened the Federal cost in the out-years. However, increased spending still will not be offset because the increase occurs later than fiscal year 1996.

In 1991 and 1993 Congress chose to close down some States' creative bookkeeping schemes and construct reasonable limits to the disproportionate share hospital program. These appropriations provisions will undermine those important protections for the Federal Treasury. If congressional Republicans were serious about limiting Federal spending, they would have refused to include these give-aways in this appropriations agreement. Instead, Congress will provide additional funding with no additional gain to American taxpayers.

The Republican Governors say that they can control Medicaid spending themselves—and they have clamored for Federal block grants to do so. Yet the Republican Governors in these two States sought these exceptions to Medicaid law. These legislative fixes signal that the Republican Governors in these States cannot even live within existing limits that control only one aspect of the Medicaid Program. If Medicaid block grants were to be enacted, we should expect a deluge of formula fixes in the future.●

RELIEF OF NATHAN C. VANCE

Mr. GRASSLEY. Further, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 383, S. 966.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 966) for the relief of Nathan C. Vance.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the bill be deemed read a third time and passed and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 966) was deemed to have been read the third time, and passed, as follows:

S. 966

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PAYMENT TO NATHAN C. VANCE.

(a) PAYMENT.—Subject to subsections (b) and (c), the Secretary of Agriculture shall pay $4,850.00 to Nathan C. Vance of Wyoming for fire loss arising out of the Mink Area Fire in and around Yellowstone National Park in 1988.

(b) SOURCE OF FUNDS.—The Secretary of the Treasury shall pay the amount specified in subsection (a) from amounts made available under section 1304 of title 31, United States Code.

(c) CONDITION OF PAYMENT.—The payment made pursuant to subsection (a) shall be in full satisfaction of the claim of Nathan C. Vance against the United States, for fire loss arising out of the Mink Area Fire, that was received by the Forest Service in August 1990.

AMERICAN FOREIGN SERVICE DAY

Mr. GRASSLEY. Also, for our leader, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 381, Senate Resolution 217.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 217) to designate the first Friday in May, 1996 as "American Foreign Service Day."

The PRESIDING OFFICER. Is there objection to the immediate consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the resolution (S. Res. 217) was agreed to.

The preamble was agreed to.

The resolution with its preamble is as follows:

S. RES. 217

Whereas the American Foreign Service was established in 1924 and some 11,600 men and women now serve with the foreign affairs agencies of the United States at home and abroad;

Whereas the diplomatic, consular, communications, trade, development, and numerous other functions these men and women perform constitute the first and most cost-effective line of defense of our Nation by protecting and promoting United States interests abroad;

Whereas the men and women of the American Foreign Service are increasingly exposed to risks and danger to themselves and their families, even in times of peace, and many have died in the service of their country;

Whereas in this uncertain post-Cold War era, an ever-vigilant American Foreign Service remains essential to the strategic, political, and economic well-being of this Nation by strengthening the United States' relations with other countries and promoting a safer, more peaceful world.

Whereas the United States Government's foreign affairs agencies and the American Foreign Service Association have observed Foreign Service Day on the first Friday in May for many years; and

Whereas it is both appropriate and just for the country as a whole to recognize the dedication of the men and women of the American Foreign Service and to honor those who have given their lives in the loyal pursuit of their duties and responsibilities representing the interests of the United States of America and of its citizens: Now, therefore, be it

Resolved, That the Senate—

(1) commend the men and women who have served or are presently serving in the American Foreign Service for their dedicated and important service to country;

(2) honor those in the American Foreign Service who have given their lives in the line of duty; and

(3) designate the first Friday in May 1996 as "American Foreign Service Day".

The President is authorized and requested to issue a proclamation calling upon the people of the United States and the Federal, State, and local administrators to observe the day with the appropriate programs, ceremonies, and activities.

ORDERS FOR WEDNESDAY, MAY 1, 1996

Mr. GRASSLEY. Also, Mr. President, for our leader, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Wednesday, May 1; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed of, the morning hour be deemed to have expired, and there then be a period for morning business with Senator LUGAR to be recognized for up to 45 minutes. I further ask that immediately following Senator LUGAR's statement the Senate resume consideration of the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. GRASSLEY. Mr. President, the Senate will tomorrow resume consideration of S. 1664. That is the immigration bill. That will be tomorrow morning. Senators should be reminded that there will be a cloture vote on the bill immediately following the vote on the Simpson amendment.

It is the hope of the majority leader that we will complete action on the immigration bill during Wednesday's session. All Senators can therefore be expected to have rollcall votes throughout tomorrow's session.

ORDER FOR ADJOURNMENT

Mr. GRASSLEY. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment under the previous order, following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NATION'S DRUG STRATEGY

Mr. GRASSLEY. Mr. President, yesterday I did not have an opportunity to participate in a very important series of speeches on the subject of the national drug strategy that were spoken by several of my colleagues, particularly on this side of the aisle. I am sorry I was not able to do that. That was under the leadership of Senator COVERDELL, and I compliment Senator COVERDELL for his leadership in that area. So, it is at this point, albeit 1 day later, that I would like to comment on our Nation's drug strategy.

Mr. President, when I returned to Washington after the Easter recess, I returned with a lot on my mind. During the last week of Easter recess I held a series of meetings across Iowa to brainstorm with parents, educators, law enforcement officers, country attorneys, probation officers, juvenile court officials, social service and youth specialists, and high school students. I wanted to hear their views on juvenile delinquency, violence, and drug use. I held these meetings to follow up on a town meeting I held in February. I did this, in part, as preparation for the reauthorization of the Juvenile Justice and Delinquency Act. We need to take a hard look at what works and where the act needs to be updated in order to meet today's requirements.

The meetings highlighted the deep concern of the public over the growing problem of violence and drug use among the Nation's young people. One of the causes of difficulties is the ease of availability of illegal drugs to today's young people. Not only do illegal drugs destroy families and ruin the lives of individuals; they exact a heavy cost on society as a whole. Whether it is in rising health care costs, losses at work, or greater risks on our highways and streets, drugs exact a heavy toll. Conservative estimates put the costs at over $67 billion a year. That does not include the costs of the drugs themselves. Nor is it a measure of human misery, which cannot be reduced to dollars and cents. When linked to rising crime and violence among our young people, the problems become even more disturbing.

Juvenile crime is not new but it is rising nationwide. What is worse, experts say kids commit more violent crimes today and show less remorse. In the last decade, murders committed by teens increased by 150 percent. Just recently, three children, one 6-year-old and two twins, aged 8, invaded the house of a neighbor to steal a tricycle. The 6-year-old, the ring leader, used the occasion to savagely attack an infant in its crib. The infant, beat and kicked by the 6-year-old, is not expected to live, and if he does live, he is likely to have brain damage. The crime was premeditated and vicious. Unfortunately, this tale of children killing children is becoming increasingly common. As is drug use among teenagers and even elementary school kids.

What is unfortunate about this rise in drug use is that it comes after years of declines. It comes after we had made considerable progress. After years in which "Just Say No" helped lift a generation of kids past the most vulnerable years—ages 12 to 20. Not only is use returning, but kids see less danger in using drugs than just a few years ago. Somewhere we put a foot wrong, and now we face the prospect of a new generation of addicts.

We cannot let this happen. Recently, I cochaired a congressional task force to lay the groundwork for fighting back. Last week I held a hearing on the domestic consequences of drug trafficking and use. Last month the Task Force on National Drug Policy, convened by Senator DOLE and Speaker GINGRICH, released "Setting the Course: A National Drug Strategy". In that report, we set out many of the prevention, treatment, law enforcement, and interdiction initiatives that we need to undertake to respond to the growing challenge of returning drug use. Senator HATCH, Congressman ZELIFF and I, along with others, have been working to put the drug issue back on the national agenda after years of neglect and virtual silence from the administration.

Yesterday, the administration, belatedly, issued its own strategy on how to fight back. While I welcome General McCaffrey, the new drug czar, to the fray, I am concerned that the strategy released by the administration is long on platitudes and shy on substance. While I do not doubt the General's sincerity, I am not all that confident in the administration's commitment to supporting him. Indeed, the General's first task is imply to recover much of the ground lost in the last 3 years. His effort is aimed at damage control. The strategy, unfortunately, is a prisoner to that effort. And it shows. It outlines fine sentiments, but it is skimpy on any measurable standards. It is hard to fault such language as the strategy contains. But it says little other than it is against drugs. It offers little in concrete measures to determine whether intent will be backed up by deeds. And it fights shy of providing any criteria to measure success.

I know that General McCaffrey intends to do all in his power to fight this problem, but when it comes to serious effort, my response is, "Show me, don't tell me." It is important that we get action not more words.

This administration has been more than invisible on the drug issue in the past 3 years. It has tried to bury the drug issue. The first official act on drugs of this administration was to gut the drug czar's office. To cut its staff by 80 percent. It was this administration's first Surgeon General that called for the legalization of drugs. It was this administration that replaced "Just Say No" with "Just Say Nothing." It was this administration that replaced a strategy that was working with one that has presided over one of the largest increases in use in the last 30 years. Furthermore, in the past 3 years under this administration's approach, the movement to legalize drugs has gained momentum.

It is deja vu all over again. Music, movies, and the media have begun to glamorize drug use. To normalize it in print and song. Meanwhile the response from the administration to rising teenage drug use or the effort to legalize dangerous drugs has been like pulling teeth to monitor, difficult to explain, and hard to spot with the naked eye.

It is only after growing criticism from Congress and from the public that the administration has begun, at long last, to at least talk about the drug issue. The President has had more to say about the drug issue in the past 2 months than in the past 3 years. It is about time. It is only after efforts by Congress to force a more serious strategy on the administration, and to insist upon accountability in programs, that the administration has begun to speak about meaningful efforts.

The administration is now talking about the need for a bipartisan effort. I, for one, welcome such an effort. But let us not mistake criticism of failed policies as partisanship. It is, after all, criticisms of the past few years of effort that have led to the present, election-year reversals. It is breaking the silence on poor performance and neglect that have led to renewed attention to drug policy. To the appointment of a new drug czar. To a rediscovered interest by the President in drug policy.

Better late than never. But, while I welcome the present born-again policy, I remain concerned about the intent behind it. There is more showmanship and political maneuvering in the present effort than depth of commitment. I know that General McCaffrey is not running for reelection. I believe that General McCaffrey is serious when he says he wants a bipartisan approach. I am less certain about the motives of others in the administration. I remain concerned that many of the Key advisers on policy are hostile to serious enforcement and interdiction efforts. I am concerned about the commitment of some of the advisers to the White House to keeping drugs illegal.

Nevertheless, I welcome the strategy and I hope that the administration will support the drug czar, unlike his predecessor. I hope that we will see more action. I hope that the action that we see focuses less on backdrops and photo ops, and more on results.

I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9 a.m.

Thereupon, the Senate, at 9:32 p.m., adjourned until Wednesday, May 1, 1996, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 30, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. WELLER].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 30, 1996.

I hereby designate the Honorable JERRY WELLER to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Florida [Ms. BROWN] for 5 minutes.

IN HONOR OF SAM GIBBONS

Ms. BROWN of Florida. Mr. Speaker, we are here today to honor Congressman SAM GIBBONS on the occasion of his retirement at the end of this year. Even before SAM was elected to Congress in 1962, he already had a long and distinguished career. Serving 17 terms in Congress was a fine way for SAM to finish off his remarkable career in public life. Although, I am sure he is not going to disappear. I hear that SAM is gearing up to teach, among other things—not surprising for a man who has spent his whole life serving his country in one way or another.

SAM is most treasured as a hero of World War II. He earned the Bronze Star after parachuting into Normandy on the night before D-day.

SAM served for 10 years in the Florida House of Representatives. One of his proudest accomplishments was passing legislation that created the University of South Florida. Today, SAM is proud to be recognized as the "Father of the University of South Florida."

In the Florida Senate, where he served for 4 years, SAM GIBBONS helped establish Florida's regional water management districts. These districts are important because they have enabled us to repair, maintain, and preserve our precious water resources, not just for our current enjoyment, but for Florida's future as well.

So, when SAM GIBBONS marched into Congress in 1962, he was quite accomplished in many areas of policy. And he went on to tackle Congress in grand style. As a junior Member of Congress in 1965, SAM GIBBONS was chosen by President Johnson to shepherd important legislation such as Job Corps and Head Start through Congress. SAM secured a seat on the coveted Ways and Means Committee and became chairman of its Trade Subcommittee in 1981. One of SAM's finest hours was shepherding NAFTA and GATT through Ways and Means to final passage.

In early 1994, when he became the acting chairman of the Ways and Means Committee, SAM GIBBONS was instrumental in passing a health care reform bill through his committee. Later that year, SAM worked tirelessly to protect Medicare, Medicaid, and welfare from the chopping block.

SAM is also a family man. SAM and his darling wife Martha celebrate their 50th wedding anniversary this year. His three sons Clifford, Tim, and Mark, his three daughters-in-law, and his five grandchildren will benefit from our loss when SAM returns home to Florida at the end of this year.

SAM has been our leader, SAM has been our mentor, SAM has been our friend. SAM, thank you for all that you have done for Florida, and for our Nation.

In the Bible, there is a passage "For I am now ready to be offered, and the time of my departure is at hand. I have fought a good fight. I have finished my course. I have kept the faith." SAM GIBBONS has been fighting the good fight, and he has kept the faith. We are so proud of you, SAM. You have been our leader and you have been our friend.

I have a token that I want to give SAM and his wife. SAM, would you come down, please?

A tiny token of our appreciation to you and from me personally as being my mentor when I arrived here.

Mr. GIBBONS. Thank you so much.

Ms. BROWN of Florida. God bless you, SAM, and God bless America.

Mr. RAHALL. Mr. Speaker, it is with great honor today that I rise today to pay tribute to our colleague, SAM GIBBONS of Florida. For 33 years, SAM has stood proudly as a Member of the House of Representatives representing the 11th district of Florida and he will be missed by all for his integrity and dedication to the people of Tampa and to this institution, the U.S. House of Representatives.

Mr. Speaker, although every American has a different definition of an hero, I think that most Members of the House would agree with me that SAM GIBBONS has qualities that would qualify him as a great American hero to each and every American.

To some, a hero is defined as a military man who distinguishes himself in battle. As a young captain in 1944, SAM was with 12,000 members of the 101st Airborne who parachuted into German-occupied France, providing key support for the invasion at Normandy on D-day which earned him the Bronze Star.

To some, a hero is someone who has established himself as a leader of men. And if his military service is not enough to prove this, his career in the House of Representatives and Florida Legislature has. As a young member of the then Education and Labor Committee, SAM GIBBONS was chosen to floor manage the Great Society legislation, including the Head Start Program, for President Johnson. Almost 30 years later, as chairman of the House Ways and Means Committee, he was able to muster enough support for a health bill that no one thought was ever possible.

To others, being a hero means standing up for what you believe in, no matter what the odds are against you. In my years of Congress, I have not witnessed SAM compromise his views or do something in which he did not believe. His powerful voice resonating in support of the elderly, the children, and veterans will always be heard in the hallways of the U.S. Capitol.

And to others, being a hero, means being a good husband and father. For almost 50 years, SAM has been married to Martha Hanley and they have three sons who have married and have blessed SAM and Martha with five grandchildren.

Mr. Speaker, I close by wishing the best for a great American hero, SAM GIBBONS, as he and his family embark on new endeavors together. SAM has been a great friend to me during my tenure in the House of Representatives and I will miss him greatly.

Mr. COYNE. Mr. Speaker, I rise today to pay tribute to SAM GIBBONS who is retiring from Congress at the end of this year. SAM GIBBONS has served the people of Florida for over 50 years, including 34 in the U.S. House of Representatives representing the 11th Congressional District of Florida.

A patriot and dedicated public servant, Mr. GIBBONS was an officer in the U.S. Army force that liberated France and brought about the end of World War II. He parachuted behind enemy lines during Operation Overlord, the Allied invasion of Normandy on D-day. For his bravery in the service he was honored with

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the Bronze Star. The young SAM GIBBONS found in military service not only a pride in serving his country, but a philosophy to end war through economic pragmatism. Energized against war from his combat experience, he came to believe that countries which trade together would not fight each other. It was this interest in the benefits of an open, global economy that subsequently guided SAM GIBBONS as a champion of free and fair trade during his congressional career.

SAM GIBBONS has constantly worked to meet the needs of his constituents and improve the lives of Americans during his legislative career. While serving in the Florida legislature, he championed historic legislation that created the University of South Florida and enacted legislation to establish Florida's regional water management districts. SAM GIBBONS was an early advocate of urban-renewal and drafted Florida's first successful urban-renewal initiative.

In the U.S. Congress, he crafted legislation to allow Americans over the age of 55 to protect from taxation capital gains earned from the sale of their primary homes. SAM GIBBONS was personally selected by President Johnson as House floor manager of the Great Society legislation, and he successfully navigated the anti-poverty initiatives—which included Head Start—through Congress.

In 1994, SAM GIBBONS became chairman of the House Ways and Means Committee and worked diligently to enact President Clinton's health care reform plan. In the course of this struggle, SAM demonstrated his ability to run the committee in a collegial and competent manner. During the 104th Congress, as the ranking Democrat on the House Ways and Means Committee, SAM GIBBONS was an influential leader of the House Democrats in defending Medicare and other important programs.

I urge my colleagues to join with me in honoring SAM GIBBONS as a true public servant. This institution will be diminished by his departure. However, we are enriched by the legacy he will leave. His career is truly a model of public service to be emulated by Members of Congress for years to come. We wish him the best in his future endeavors.

Mrs. KENNELLY. Mr. Speaker, I am pleased to join with my colleagues tonight to pay tribute to a great Congressman and a good friend, SAM GIBBONS. Many of us have heard SAM tell about the night he parachuted into Normandy with the 101st Airborne. That story typifies SAM and the quality has colleagues have come to value most in him: his courage. In the hedgerows of Normandy or on the House floor, SAM is willing to stand and fight for what he believes.

Throughout his career, on issue after issue, SAM has shown tremendous fortitude. He has never backed down from the principles and values he believes in.

As a World War II veteran and a student of its history, SAM came to understand the critical role of international trade in promoting not only economic well-being but long-lasting peace. He has worked for that vision of peace and plenty throughout his career. As chairman of the Ways and Means Subcommittee on Trade, he has worked tirelessly—and successfully—to bring about a fair, open, and free world trade regime. From the Caribbean Basin Initiative to GATT, from customs modernization to a whole range of bilateral agreements, SAM has been in the forefront of every issue. In my own State of Connecticut, where the healthiest part of our economy is the segment that is involved in international trade, there are any number of people and companies whose economic well-being is directly tied to SAM'S efforts. And that same story is being repeated around the country.

But I would like to conclude by offering SAM a word of thanks from another group—the Democrats who served with him on Ways and Means. He took over as chairman under difficult circumstances, and became ranking member under circumstances even more difficult. But he led us when we were in the majority, and he kept us on track when we were in the minority. His dedication to our party's principles, his commitment to fair treatment for all Americans, and his confidence about America's economic future have inspired us. On behalf of my colleagues in the committee, I would like to thank SAM GIBBONS for all he has done—for us, for this institution, and for his country.

Mrs. COLLINS of Illinois. Mr. Speaker, it is with deep respect and admiration that I rise today to pay the highest tribute to my longtime colleague and friend, Representative SAM GIBBONS of the 11th Congressional District of Florida. On this day to celebrate one of America's true military and political heroes, it is only proper that we take time to reflect upon Representative GIBBONS' dedicated service to his district, his State, and his country.

Looking over his record, of 17 terms, you have to be impressed with not only his successes but also with his battles. A listing of Representative GIBBONS experience and accomplishments is long and impressive, but I will not try to list them all, we'd be here too long.

It is well known that he parachuted into German-occupied Normandy in World War II on the night before D-day. He won the Bronze Star for his service in that major military campaign. Representative GIBBONS has long credited his experiences as a captain in the 501st Parachute Infantry/101st Airborne Division with shaping his fundamental beliefs that have guided him in his public service first in the Florida State Legislature and then in the United States Congress.

Representative GIBBONS' service in Congress has not been quite as hazardous as parachuting into Normandy, even though he would probably agree that there have been several equally long nights preparing for and fighting battles here in the House of Representatives.

Those of us who have served with him in the House of Representatives, and those of us who have had the honor of working with him to craft legislation and compromise, we know SAM GIBBONS as a man of understated wisdom, dedication, integrity, professionalism, and humility.

Since in the mid-1960's when President Lyndon Johnson tapped Representative GIBBONS to be the floor manager for the President's Great Society program, Representative GIBBONS, a son of the South, could talk about the needs of the vulnerable in our society for early education and early child development programs like Head Start. He has demonstrated that a Member with deep convictions, and from the deep South, could be for voting rights and still be re-elected, over and over again.

Representative GIBBONS has a reputation as being a defender of free trade, believing strongly that countries and communities that trade with each other don't fight each other. Some have even called him one of the founders of GATT, the General Agreement on Tariffs and Trade, and it cannot be disputed that Representative GIBBONS provided zealous leadership in the negotiations for the development of the GATT.

I had the pleasure of working closely with Representative GIBBONS when he chaired the Ways and Means Committee, and we worked together to craft the Democratic health care reform legislation in the 103d Congress. Representative GIBBONS continues to lead the way toward responsible social and fiscal policy as ranking minority member of the House Ways and Means Committee in this 104th Congress.

Representative GIBBONS represents a district in Florida that some believe is bounded by Disney World and the Gulf of Mexico. That is only partly true. Hailing from southern Hillsborough County, FL, Representative GIBBONS' district is as diverse as America itself.

Representative GIBBONS has a well deserved reputation for creating dialog among parties as diverse as students, shipbuilder, cigar industry workers, and the phosphate mining companies. Large retirement communities call on Representative GIBBONS to be ever vigilant in his shepherding of the Medicare and other social programs.

Mr. Speaker, Representative SAM GIBBONS is truly a representative of his constituents, often leading where needed. I have been and am proud to serve with him and am pleased to offer my voice to honor him on this day.

Mrs. THURMAN. Mr. Speaker, today, we are coming to the floor to honor one of the true giants of the House of Representatives, SAM GIBBONS of Florida.

Mr. Speaker, our society often laments the shortage of heroes and positive role models for young people in America.

You don't need to look further than SAM GIBBONS to find both.

For more than 44 years, SAM GIBBONS has sacrificed for his country and represented his fellow citizens honestly and faithfully on both the State and Federal level. He has played an important role in some of the most significant events of the century, from the D-day invasion to the creation of Medicare and Head Start.

Mr. Speaker, the accomplishments of SAM GIBBONS are the accomplishments of America. SAM went about doing great things with very little fanfare, and a large dose of humility. Every American living today and those not yet born will live longer, healthier, and more productive lives because of the quiet excellence of Congressman SAM GIBBONS.

Mr. Speaker, SAM GIBBONS established himself as a leader early in life.

More than 50 years ago, SAM GIBBONS was a skinny 24-year-old captain in the 501st Parachute Infantry.

In the dark, pre-dawn hours of June 6, SAM began the long and treacherous campaign to wrest control of Europe from Hitler's iron grasp by parachuting through thick machine gun fire and behind German lines near Normandy, France.

Realizing he was alone and miles from his planned drop point, SAM nonetheless quickly determined his position, picked up other Americans along the way and carried out his mission to capture French towns and prevent reinforcements from reaching German troops battling the allied invasion at Normandy.

Mr. Speaker, SAM GIBBONS helped D-day succeed by carrying out his mission. For his bravery and valor, he was awarded the Bronze Star.

SAM's career in public service began with his election to the Florida House of Representatives in 1952. While there, he passed landmark legislation creating the University of South Florida. In 1958, he was elected to the Florida Senate and enacted the law to establish Florida's regional water management districts.

Soon after coming to Congress in 1962, SAM played a pivotal role in the passage of landmark social legislation. President Lyndon Johnson appointed the junior Congressman as floor manager for much of his Great Society program, including Head Start, still recognized as one of the most successful and cost-effective programs of the Federal Government.

Just like in World War II, SAM GIBBONS was in the trenches fighting for the passage of Medicare and Medicaid, because he understood the fundamental fairness and need to maintain a minimum level of health care for every American.

And when the Republican leadership tried to significantly weaken Medicare by cutting $270 billion, SAM GIBBONS didn't just roll over, he shouted so that all of America could hear. He told the truth about what deep cuts to the program would do. He woke up Americans with the facts and they started calling their Representatives. SAM GIBBONS made people understand that the fight over Medicare was not an academic one, it involved the future of the program 37 million people and their families depend on and care deeply about. The Republican cuts to Medicare didn't go through, and SAM GIBBONS was a big reason why.

Mr. Speaker, I was deeply saddened when I heard that SAM GIBBONS had decided to retire from Congress. He is my friend, my teacher and a man with so much more to give to this institution. But I know that life goes on, and for SAM, there will be many new challenges and adventures ahead. To SAM and his wonderful wife, Martha, who will celebrate their 50th wedding anniversary this year, I offer my heartfelt wishes for continued happiness and success.

SAM, the House just won't be the same place without you.

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to honor an outstanding public servant and good friend, Congressman SAM GIBBONS. I was saddened to hear of his retirement; however, after such an illustrious career, his legacy will live on in this Chamber.

He answered his country's call to service both at home and abroad. At a tender age, he joined the U.S. Army and served with distinction during World War II. For 5 years, he fought courageously against tyranny with the 501st Parachute Infantry/101st Airborne Division. As part of the initial assault landing force on D-day, SAM parachuted onto Normandy beach. He earned a Bronze Star for his bravery on that historic day.

Shortly after the war, he entered State politics and was instrumental in establishing the University of South Florida. On November 6, 1962, the people of Florida's 11th District elected SAM GIBBONS to the U.S. House of Representatives. Since the 88th Congress, he has been an advocate of free trade and a friend to children, seniors, and the disadvantaged.

I served with him from 1965 to 1977, and together we joined in the great achievements of this era such as the creation of Head Start and the enactment of Medicare. Although he served a pivotal role in passing sweeping legislation back then, perhaps his greatest fight was in the 104th Congress. His powerful speeches in defense of programs for the elderly and children exemplified his ardent commitment to those who are powerless in our society.

I will never forget SAM's fiery contributions to the debate on my welfare substitute last March. He fought tirelessly during the heated discussion. His presence on the floor helped gain control as the issue generated passionate remarks from both sides of the aisle. Although the substitute failed, I will always appreciate SAM's support. The record will show his undying compassion for America's children.

Yes, this Chamber will miss SAM GIBBONS, but his retirement is well deserved. From the beaches of Normandy to the U.S. Congress, he dedicated a virtual lifetime to making this country a better place. He has gained my respect and admiration. For his accomplishments and devotion, he will be remembered as the essence of a public servant. My best wishes to you and your family, SAM.

Mr. STOKES. Mr. Speaker, I want to thank my colleague, the distinguished gentlelady from Florida, Representative CORRINE BROWN, and members of the Florida congressional delegation, for hosting today's special order. We are privileged to join him in paying tribute to SAM GIBBONS, the dean of their delegation and our good friend and mentor.

Once in a great while, we in the House of Representatives witness the loss of an institution within this institution. Today represents such an occasion. For 34 years, SAM GIBBONS has served in the Halls of Congress. Throughout his tenure, he has been a passionate advocate for the citizens of our Nation. Indeed, he has represented the Eleventh Congressional District of Florida with the highest level of integrity and commitment. As one of the longest-serving Members of Congress, SAM GIBBONS is a shining example of public service at its very best. I am proud to join my colleagues in reflecting upon his remarkable career.

Mr. Speaker, SAM GIBBONS began his political rise with his election to the Florida House of Representatives in 1952. Four years later, in 1958, he was elected to the Florida Senate. The highlight of his political career came in 1962 when Florida residents selected SAM GIBBONS to represent their interests in the Halls of Congress. It was an outstanding choice for the State of Florida and the Nation.

Mr. Speaker, SAM GIBBONS brought to the U.S. Congress the drive and determination to represent citizens who are often voiceless in the legislative deliberations. In the mid-1960's, while still only a junior Congressman, President Lyndon Johnson appointed SAM GIBBONS as floor manager for much of his Great Society program. SAM GIBBONS successfully navigated the antipoverty package, which included the Head Start Program, through the Congress. He has also been a staunch supporter of pension reform, and he has played a pivotal role throughout his congressional career in shaping the Nation's tax laws.

Mr. Speaker, SAM GIBBONS has served with distinction as a ranking member of the House Ways and Means Committee and the Joint Committee on Taxation. For 13 years, he served as chairman of the Ways and Means Subcommittee on Trade. In this position, SAM has advocated his position on open markets and fair trade. SAM GIBBONS also guides the 23-member Florida congressional delegation where his political insight and legislative skills have earned him the respect and admiration of his colleagues.

Mr. Speaker, we will miss SAM GIBBONS when he departs the Congress at the end of this legislative session. However, he has created a legacy of outstanding public service that will stand for many years to come. I extend my good wishes to SAM, his lovely wife of 49 years, Martha, and members of the Gibbons family. We congratulate our good friend, SAM GIBBONS, and we wish him many, many years of happiness and good health.

Mr. SENSENBRENNER. Mr. Speaker, I rise today to pay tribute to the gentleman from Florida, Mr. SAM GIBBONS, who has distinguished himself over the past 34 years in the House of Representatives through outstanding service to the people of the United States.

Mr. GIBBONS is a World War II hero who parachuted into Normandy on D-day as part of the 101st Airborne. After serving his country in the war, he began his political career while practicing law.

Mr. GIBBONS entered the Florida State House in 1952; 6 years later, he was elected to the State senate. For the past 34 years, he had admirably served in the House of Representatives for the Tampa area.

Mr. GIBBONS' legislative successes include floor-managing President Lyndon Johnson's antipoverty package, which contained Head Start and other programs.

Throughout his years in public service, SAM GIBBONS has been an unwavering advocate for the least fortunate in our society. He has admirably remained true to his values and principles even in the face of sharp opposition and criticism.

On behalf of the citizens of Wisconsin's ninth district, we thank Mr. SAM GIBBONS for his outstanding service.

Mr. FROST. Mr. Speaker, it was with great regret that I learned of the retirement of Representative SAM GIBBONS. One of our most esteemed Members, and the dean of the Florida delegation, SAM GIBBONS has decided to retire after spending 34 years working on behalf of America's families.

As a young man, SAM GIBBONS won the Bronze Star for parachuting into Normandy during World War II. After the war, he became a lawyer and served in both the Florida State House and Senate before being elected to Congress.

During his tenure in Congress, SAM GIBBONS has worked to enact meaningful legislation concerning Medicare, Medicaid, pension reform, and trade. In fact, SAM GIBBONS was the floor manager during the 1960's for President Johnson's antipoverty package, which created Head Start and the Job Corps among other programs.

In addition, as chairman of the Ways and Means Committee in 1994, SAM guided a new world trade pact, the General Agreement on Tariffs and Trade, through House passage.

It has been an honor and a privilege to serve in the House with Representative GIBBONS. Clearly, SAM's hard work and dedication to public service have improved the lives of all Americans, and he will be sorely missed. I wish him well in his retirement.

Mr. BILIRAKIS. Mr. Speaker, today I would like to pay tribute to a man who is a living symbol of what is good about this country. Next January, Congress will lose a fine man and a true fighter who has spent his entire life serving his country in one capacity or another. I want to join my colleagues in wishing Congressman SAM GIBBONS the best of luck.

Congressman GIBBONS recently announced that he will not seek reelection to another term in Congress. While he will be missed by many Members, he has left an indelible mark on the Congress and his own personal imprint on the history of our country.

SAM GIBBONS began his service to his country long before he entered public life and the political arena. In 1944, He parachuted behind German lines into Normandy as part of the Allied Forces that led the United States to victory in World War II. He was awarded a bronze star for his service.

In 1953, he was elected to the Florida House of Representatives, serving in that capacity for 6 years. As a State representative, he helped bring the University of South Florida, one of the finest institutions of higher learning in our State, to his Tampa District. He was elected to the State Senate in 1959.

He began walking the halls of Congress in 1963 and immediately established himself as a prominent voice fighting for the interests of his constituents.

He also played an instrumental role in securing Federal money for the building of the sunshine skyway bridge—one of the true architectural marvels in our beautiful State.

Mr. Speaker, having known SAM for many years, I can tell you that he is genuinely concerned for the welfare of his constituents. While we have often not agreed about certain issues, I have always known that SAM deeply cares about the people he represents—and I respect him for that.

I would like to join my colleagues in congratulating him on his outstanding service to his country and wish him the best of luck in all of his future endeavors.

Mr. DINGELL. Mr. Speaker, in the last 18 months, Democrats like SAM GIBBONS and myself have found our voices in taking on the reactionary and extremist behavior we have seen coming to the fore in this institution. Some may think SAM is retiring at a time when his voice is vital to the rejuvenation of our party. Let me tell you a little bit about the history SAM GIBBONS has created during his tenure as a Florida Congressman.

Since 1965, SAM GIBBONS has been a tireless advocate for the Nation's elderly. We both voted for Medicare during its inception in 1965 and have continued to fight for its funding especially today when the Republicans want to cut it to fund their wealthy tax break. I remember when SAM was floor manager during Lyndon Johnson's Great Society legislation which included programs like Head Start and the Job Corps.

As the chairman and now ranking member on the House Ways and Means Committee I had the honor of working closely with SAM as his committee oversaw the Medicare trust fund and Commerce oversaw Medicaid and part of Medicare.

I have watched SAM GIBBONS grow from a Florida freshman to a virtual institution and a recognized leader in his party. This Congress will not be the same without you. It will have been 34 years since I last knew this institution without SAM GIBBONS and I am saddened to return to that time.

Mr. DELLUMS. Mr. Speaker, I rise today to honor SAM M. GIBBONS, a long-time friend. He is now retiring after serving in the House of Representatives for 34 years. He has served the Tampa Bay area well these many years, and his departure will sadden those of us who have served with him and those he has represented.

SAM has been a stalwart member of the Ways and Means Committee since 1969, and he served as chair of the Subcommittee on Trade from 1981 through 1994. In that role, he championed open markets and free and fair trade around the globe, and his accomplishments have been hailed both on the international and the domestic fronts. He became ranking minority member in 1994 and showed the Republican majority that he was not afraid to stand up to them.

The work done by SAM on the domestic front is close to my own heart. SAM helped to guide President Lyndon Johnson's antipoverty package through Congress in the mid-1960's, and is largely responsible for the Head Start Program, which has nurtured young children from poor backgrounds in preparation for school ever since. This is one of the major accomplishments of the war against poverty.

His social conscience will leave a great legacy for years to come. SAM bravely supported the Voting Rights Act of 1965, helping to dismantle the artificial barriers that kept African-Americans from exercising their constitutional right to vote. He not only supported, but enhanced the anti-apartheid bill that helped to end the apartheid regime of South Africa. He also cosponsored the civil rights restoration bill of 1990.

I have the utmost respect for SAM. I respect his insight into the complex problems of our day and his sound judgment. He is principled, fighting for both personal and party principles. He is feisty and tenacious in pursuing his goals. He would not tolerate distorted exaggerations of the truth, particularly about the state of the poor in America. I will miss him and his leadership. I wish him a most happy retirement.

Mr. MONTGOMERY. Mr. Speaker, I am pleased to take this time to honor Congressman SAM GIBBONS for his service to his State and his country. I want to congratulate him on his achievements as a Representative and on his decision to retire.

After his 17 terms in office, it goes without saying that he will be missed. I am sure most of you will agree that the House Ways and Means Committee will not be the same after he leaves.

Before becoming a Member of Congress, SAM had already proven himself to be a man of honor and courage. His life has been filled with moments that showed his true merit from parachuting into Normandy during D-day, where he earned the bronze star, to the 10 years of duty in the Florida Legislature.

It was due in large part to his work in the Florida Legislature that the University of South Florida was created, and it is why today he is known as "The father of the University of South Florida."

Which leads us to his 34 years of service here in the U.S. House of Congress. As a member of the Ways and Means Trade Subcommittee and the Joint Committee on Taxation, he has left his mark on many of the bills passed through Congress. It has been because of his tenacity that bills ranging from Project Head Start to international trade agreements have been moved from committee to law.

I want to reiterate what a pleasure it has been to know SAM and his wife, Martha, and their three sons, Clifford, Tim, and Mark. I have enjoyed serving with him over the years, and I especially enjoyed attending the 40th and 50th anniversary of D-day in Europe with him.

I wish him all the best in his retirement, but I have my suspicions that his face will not just disappear off the scene. He has too much experience in areas that are crucial to the running of this country. I am sure he will pop in now and again to keep the social issues he has worked so hard on headed in the right direction.

Mr. KLECZKA. Mr. Speaker, I rise today to pay tribute to my retiring colleague and friend, the Honorable SAM GIBBONS of Florida.

SAM and I have served together on the Ways and Means Committee since 1993. Though I have only had the privilege of working closely with him for the last 3 of his 34 years in Congress, I have quickly come to value his hard work and dedication. The committee has benefited greatly from his years of experience working on behalf of economic growth and fairness for all Americans.

Even in the early days of his congressional career, Representative GIBBONS was a tireless champion of efforts to help the poorest among us. It was under his leadership and guidance that antipoverty initiatives such as Head Start were successfully steered through the House. In his more recent service as acting chairman of the Ways and Means Committee, he committed himself to efforts to ensure that all Americans would have good health care. In this, the 104th Congress, he has continued this long tradition of leadership as ranking member and leader of the Democrats on my committee.

I know that my Ways and Means colleagues and I will certainly miss SAM GIBBONS. His leadership, companionship, good humor, and fierce commitment to what he believes is right make him a valued ally whose presence will be sorely missed.

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to our distinguished colleague, Mr. GIBBONS. The unwavering determination and fighting spirit of this war hero and political hero will be sorely missed when he leaves this body.

Appointed to the chairmanship of the Ways and Means Committee in the 103d Congress, his tenure was much too brief. Congressman GIBBONS currently serves as the ranking Democratic Member.

First elected to Congress in 1962, which makes him a Member of this House for more than three decades, Mr. GIBBONS is never far from the action—in fact, we usually can find him right in the middle of it. This Congress he has been a noted and passionate defender of Medicare and Medicaid, school lunches and a welfare system that creates long-term solutions to the cycle of poverty.

The Member from Tampa has a long history of shepherding domestic programs through the House. In the 1960's, President Johnson entrusted SAM to manage on the floor much of his Great Society Program, which included the very successful Head Start and Job Corps Programs.

Congressman GIBBONS has served his country for all of his adult life, beginning with his valiant service in World War II, when he parachuted into France the night before the Normandy invasion and received a Bronze Star for his heroic efforts.

Congressman GIBBON'S contributions to this House are legion. We will miss particularly his spirit, his tenacity, his humor, and his commitment to improving our country. I join with all of my colleagues in wishing our friend well as he moves on to his next challenge.

Mr. SHAW. Mr. Speaker, I rise today to honor a truly respected 34-year veteran of the U.S. Congress. SAM GIBBONS has served the people of our great State of Florida and his Tampa congressional district with honor and distinction. Having demonstrated exceptional leadership in this extensive time span, he is well-deserved of recognition.

Serving our country in World War II, SAM proved to be a genuine hero as he took part in the parachute landing behind German lines on the Normandy coast the night before D-day. It was with this same vigor that he worked as a freshman Member of Congress to pass the 1964 Civil Rights Act.

As an outstanding leader and public servant, SAM has rendered vital assistance in a number of important matters. In 1966, he succeeded in getting the House Education and Labor Committee to meet and vote in open sessions. He later went on to write the first formal rules for that committee and also the Ways and Means Committee.

In the early 1970's, SAM championed the initiative that ended the practice of anonymous voting on the floor of the House. Twenty years later, as chairman of the Ways and Means Subcommittee on Trade, he was instrumental in crafting the two biggest trade agreements in history—NAFTA and GATT.

SAM GIBBONS has dedicated most of his life to improving this great Nation of ours. What is even more incredible is the fact that he raised three children and four grandchildren while doing so. Serving as a Congressman, a role model, and a good friend of mine, SAM has achieved the esteemed status of a truly great man. His image is impressed upon our hearts and will serve as an inspiration for leaders yet to come.

SAM GIBBONS, A LEGEND IN FLORIDA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MILLER] is recognized during morning business for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, after my colleague, the gentlewoman from Florida [Ms. BROWN], spoke and read passages from the Bible, I thought we should be in the great rotunda or something. We are here to praise SAM, not to bury SAM. SAM is going to be around for a lot longer, both here in this session of Congress but also, of course, I think here in Washington with family here, and also back in the Tampa area.

My congressional district in Florida adjoins SAM'S. I was an undergraduate at the University of Florida when he first came here in 1962. You know about SAM. He is a legend in our area. When I first had the opportunity to come to Congress in 1992, I remember meeting SAM and he would introduce me. We would have Florida gatherings, and he would say, "I am so glad that DAN MILLER now has Sun City, Florida."

Sun City is an area that SAM actually helped develop as an area of large retirement communities in south Hillsborough County. They are very Republican oriented and they were not the Great Society Democrat supporters, so they are great for me as a Republican but they always gave you a lot of trouble, I know.

Ms. BROWN was giving us some of the great things that you accomplished, whether it is Head Start and Job Corps or NAFTA and GATT and such. People do not understand our area and some of the great contributions that you have made, and I think I need to bring it to the attention.

You made the contribution to allow golf carts to cross the State highway in Sun City. That is how people get around, is driving golf carts. Instead of having two cars in every garage, you have one car and one golf cart, and it was against the law to have golf carts across the highway until SAM GIBBONS got involved. I do not think that rates in the category of Head Start, but it is something that you have been helping with the community and the area for a long, long time.

SAM and I do not necessarily agree on all the issues. We have a lot of things we do agree on, and I do respect SAM for believing in an issue and he stands for it. I can tell you two issues in the past couple of years that had strong bipartisan support, and very controversial issues, that SAM was willing to stand up and talk about it and take a stand regardless of what anyone else said within his party or such.

One is NAFTA and GATT. The Florida delegation, 23 strong, we held back, 22 of us, on doing anything on NAFTA and GATT. SAM was right out front all along, saying NAFTA is an important issue for world trade and for our growing economy in this world economy of ours, so he was a leader on that. He did not care that it was not that popular in some areas of Florida, but SAM was willing to stand up and debate that issue.

Another issue, one recently that I was involved in, was the issue of sugar. Sugar is a powerful factor in the State of Florida and a powerful influence. I, along with CHUCK SCHUMER on the Democratic side, led the drive to do away with the sugar program, very controversial. SAM was the only Democrat to stand up and speak on the floor of the House for that particular piece of legislation. We only had half of the Republicans support the legislation, but SAM was willing to stand up there and take a stand.

Last week we had a hearing in Ways and Means talking about a tomato issue and 22 of us signed a letter, but SAM felt strong enough on the issue to say that "I am not going to sign just because all of you all signed it." The point was his basic philosophy on trade and trade issues. I respect and admire SAM for taking that stand.

I also thank SAM for, as a newcomer coming to Washington and never involved in politics, how you and Martha were always so nice to us. We shared a lot of flights to and from Tampa. Your wife has been nice to my wife Glenda, and you have been to me.

And here as a chairman of the Committee on Ways and Means, and I was a lowly freshman Republican, you were always friendly and supportive and talkative in sharing your thoughts and ideas with me, and reminiscences. We will miss you. We will look forward to the next 4 months, and I am sure I will see a lot of you in the next years. Congratulations, SAM.

TRIBUTE TO SAM GIBBONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Alabama [Mr. BEVILL] is recognized during morning business for 1 minute.

Mr. BEVILL. Mr. Speaker, I rise today to pay tribute to my long-time friend and colleague, SAM GIBBONS of Florida.

I was sorry to hear that SAM has decided not to seek reelection in November. I had hoped that he would stay to continue giving our Nation the benefit of his wisdom and leadership.

But, after 34 years of outstanding service in the House of Representatives, SAM certainly deserves a well-earned retirement.

I want to thank SAM for being such a good friend to me over the years. I have certainly enjoyed working with him. And, I also want to thank him for his service to our Nation and to the people of Florida.

SAM is a true hero in my book. His bravery during the D-day invasion of German-occupied France is legendary. One of 12,000 paratroopers who landed behind enemy lines, SAM was awarded the Bronze Star for his World War II service.

He is a dedicated patriot and a dedicated public servant. SAM GIBBONS cares about people and about improving their quality of life. He spearheaded the drive to pass Lyndon Johnson's antipoverty programs in 1965 and he has been a champion for the poor, the elderly and for children ever since.

As chairman of the House Ways and Means Committee in the 103d Congress and as its ranking Democrat in this Congress, SAM has played a key role on critical issues such as health care reform, Medicare, Medicaid, Social Security and free trade.

SAM has served this body with integrity and deep commitment. He has stayed true to his values and true to the American people.

SAM, I salute you as you approach the end of your congressional career. Your accomplishments are many. They will always be remembered and appreciated.

I wish you and your lovely wife, Martha, all the best in your future endeavors.

SERVICE WORTHY TO BE REMEMBERED

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. MICA] is recognized during morning business for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the floor to join my colleagues from Florida and also from across the United States to honor my colleague and my friend, SAM GIBBONS. I came here, too, just 3 short years ago from a different party, from a different philosophy, but I have known SAM GIBBONS for a number of years even before I was elected to this Congress, and I have always held him in the highest respect. So it is indeed a great honor for me to come before the House today to pay tribute to SAM GIBBONS.

Most people do not realize the difficulty of this job. As I said, I have only been here 3 years, and I served in the minority and I served in the majority, and you realize the burdens of responsibility coming and representing the people of this great Nation and our great State and the tremendous personal sacrifice. Unless you have been there and done that, you just have no idea what it entails, the sacrifices for SAM personally, for Martha, his lovely wife, and for his family.

But I have been here for 3 years and I have seen that he has been here for three decades and he has done that. So he deserves our praise and the credit, the thanks of a State, the thanks of his colleagues and the thanks of his Nation in this short tribute to him.

Many people also see the conflict, and heaven knows we have had the conflict. SAM and I have gone at it on the floor here, and we both express our opinions and our viewpoints. But what is interesting, most people do not see, is that we come together. We come together for the State of Florida and for the country. That is the greatness of this institution, and certainly SAM does typify all those great traits and that coming together and that leadership.

So we have, my colleagues, today an opportunity to honor a distinguished leader for many years of service, not just here, in our State House in Florida and, as I said, three decades of dedication in this great body.

We have a distinguished veteran. He is a model for what made this country great in his service to his Nation, and we certainly owe him our debt of gratitude for his tremendous service as a veteran.

Then, the part I said that is so important about SAM is his distinguished character as a family person. I know his family and his wife, and he is indeed a distinguished family man, which is so important. When all the other trappings of office leave us, you still have your family. He has certainly been a great family man, a distinguished family man, which I think is so important.

So I join my other colleagues today in thanking him for his years of service, for caring about people. He is so sincere in his caring, not only for the people of Florida but for the entire country, and no matter where they came from or their persuasion or their standing in our society.

I often look up here behind me at the top of the podium, the very top of the House Chamber, and remember the words of Daniel Webster. I first looked at them when I came here. Dan Webster actually asked the question when he served here, and his comment was whether we also in our day and generation may not perform something to be worthy to be remembered.

Certainly, SAM, you have performed something worthy to be remembered, and you have served your generation and generations well. So I join my colleagues from the Florida delegation, from around the country, in saluting you today and thanking you for a job well done.

FAREWELL TO SAM GIBBONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pureto Rico [Mr. ROMERO-BARCELÓ] is recognized during morning business for 1 minute.

Mr. ROMERO-BARCELÓ. Mr. Speaker, I speak for the people of Puerto Rico in saying that we wish SAM GIBBONS the best of times following his retirement from the House of Representatives. After 34 years of devoting himself to the welfare of the people of Florida, his home State, and to the welfare of the American people, he more than deserves the opportunity to devote his time to himself and his family. I again speak for the people of Puerto Rico in saying that we also view his departure with a strong sense of personal loss. We have no voting representation in Congress, but we have always had the benefit of a few special friends who have shown great understanding in working to protect the interests of 3,700,000 disenfranchised U.S. citizens. SAM GIBBONS is one of these special friends.

SAM has honorably represented his home district in Congress since 1963, while never losing sight of the importance of being fair to the people of other districts. The intensity of his commitment to the principles of fairness and compassion for the disadvantaged and the deserving against all odds, can be summarized in one word—fearlessness.

More than 50 years ago SAM GIBBONS parachuted into Nazi-occupied France on the night before the Normandy invasion. Upon his entrance to Congress almost two decades later, he immediately began applying this same fearlessness to the defense of the disadvantaged of this country.

His early battles included floor managing President Johnson's anti-poverty programs, including Head Start, and supporting the Voting Rights Act of 1965. He has continued this fearless fight in recent years, cosponsoring the civil rights restoration bill of 1990 and fighting for health care reform and for legislation to aid the elderly. In his work as a senior member of the Ways and Means Committee he has also fought for the equal participation of the people of Puerto Rico in Federal programs and has stood against legislation which would harm the disadvantaged.

Sam has also been a strong advocate of politics aimed at creating peace and security for our country and for the rest of the world. He is well known for his view that a "world bound together by the ties of trade is a world strongly inclined toward economic growth and peace." As chairman of the Subcommittee on Trade he has successfully guided through the House such important and controversial trade legislation as the North American Free Trade Agreement, the General Agreement on Tariffs and Trade and the Caribbean Basin Initiative. This last initiative has been particularly important to the development of the economies of several countries and the security and regional integration of the Caribbean Basin.

It is a loss to the Nation and particularly to the people of Puerto Rico to have a man of such compassion and fearless idealism leave this institution. With gratitude for all he has done, I speak for the people of Puerto Rico in wishing him and his family the best in his retirement years and the recognition he so definitely deserves.

SAM GIBBONS, A REAL HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. HOUGHTON] is recognized during morning business for 5 minutes.

Mr. HOUGHTON. Mr. Speaker, I hope I am not going to bend too many rules by referring to this distinguished gentleman over here, and SAM, I am not going to say anything unusual. You have heard it, but I want to reiterate it because it means something to me.

After 50 years of public service you are stepping down, and that is pretty unusual. You are a real hero in anyone's mind, and I suppose no one can replace any one of us as individuals but you are somebody very special.

Let me go back to this World War II experience which many people have referred to. I was in World War II, but I am not a hero like SAM is. The concept of dropping 15 miles behind the enemy lines in Utah Beach, 2:30 in the morning on January 6, to wipe out the enemy, to make it safer for those boys to come in on the beach, is really an act of heroism.

And that is not all. SAM went then on to Holland and, as many of you know, remember the story "A Bridge Too Far" and the Rhine campaign, and then there was the Battle of Bastogne and the Battle of the Bulge, and then, ultimately, the final attach on Berlin. You were there. As somebody who was associated with you, but in a different part of the war, I will always be grateful for that, SAM.

So, what do you say about somebody who leads a group, there are less than 25 in this House Chamber now that served in World War II, and will be going on to other things and will not be here to give his wisdom? It is going to be a different place.

I mean, every one thing leads to another thing. In talking to SAM'S son, Cliff, a terrific young guy, he was saying, "One of the things that differentiates my father from many other people is that that experience in World War II carried on to everything he did in life."

There were two particular areas when he came to Congress. One was the field of education, and you have heard a lot about Head Start. People could say, well, anybody could have started Head Start. They could not have. They did not. This is the man who did it. But you did not do it in a vacuum. You did it because of your feeling that if people can be educated and not beaten by the time they go to first grade, they could learn, they could understand the world in which they lived.

That was the whole genesis of the great service that SAM performed in the Education and Labor Committee. SAM, I know I am talking about things that you know far better than I, but again they mean a great deal to me.

Then when you got on the Committee on Ways and Means, I understand it was not an easy task. I understand it came down to a couple of votes right here on the House floor, getting on Ways and Means. And then what you did as far as trade is concerned, I used to be in the glass business, and I remember coming down here as part of a group called the Labor-Industry Coalition for International Trade, and Senator Heinz and Senator BAUCUS and Senator ROTH and SAM GIBBONS were part. And I had a sense, and I was not looking at it from a political standpoint but I had a sense, here was a man who understood the essence of tried. Obviously that has been manifested with your support of GATT and NAFTA and things like that.

But again it was to try to relate the peoples of the world, whether it is through education or whether it is through the economy, so that they will understand each other, and there will not be a problem in terms of generating the real gulf of lack of understanding which obviously results in wars.

Now, you say you judge a man by his friends. I say you judge a man by his family. I know JOHN MICA has mentioned this, and you cannot take a look at SAM and his lovely wife Martha and Cliff and the other children—Martha and Cliff are the other members of the family that I know—without realizing that here is somebody who is not just a perception, he is a real, real person representing all those values which you and I think are important.

Now, there are going to be many people who are going to be going after your seat in Congress and there are going to be many people, SAM, who are going after your seat on the Committee on Ways and Means, and that is right and natural. But you know something, SAM's job, SAM's job is not up for grabs, and it never will be, because SAM'S job is where SAM is.

THANK YOU, SAM GIBBONS, FOR SHARING YOUR LIFE WITH US

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Florida [Mrs. MEEK] is recognized during morning business for 2 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I want to think the gentlewoman from Florida [Ms. BROWN], my colleague, for having put this together. And I would like to say to this Congress and to the world, seldom will they have a chance to either serve or even know a man like SAM GIBBONS.

Mr. Speaker, it is an unusual occurrence to have someone like SAM and to have a man who is a hero and a legend in his own time. He is a legend and he has made Florida proud. He is not one with a lot of talk and fanfare about SAM GIBBONS. He does the job and history will replicate and document that SAM GIBBONS was a hero.

He spent 50 years since he was in World War II. He has a memory that is replete with all of these memories and all of these facts and all of the tax laws and he helped to make them. He helped to bring about some of our most famous educational programs. But he is a son of Florida, both in uniform and out.

Mr. Speaker, the gentleman from Florida is serving his 17th term in the Congress and I am so pleased that I had a chance to serve with you, SAM, and to learn about your wonderful family. And I was most proud of you, SAM, when the President designated you as his personal representative.

This is the first time I have been to this floor talking about SAM GIBBONS. I could come back every day of the year and I would say something new every time about SAM GIBBONS. I saw him on television as he attended the ceremonies in Normandy last year and how he stood upright and how he spoke forthrightly about his love for this country and for his love of democracy.

Mr. Speaker, what an outstanding job he has done for all of us as the ranking minority member of the Committee on Ways and Means and how he was the chairman of the Subcommittee on Trade. SAM knows trade like no one else in this country and he does not mind sharing that information with you.

He is recognized for domestic policy as well and it is sort of hard to capsulize you, SAM, because you are an enigma. You have it all. You have the political know-how. You have the love of the people. You have the love of the State. And, SAM, again and again, we pay tribute to you, a strong America, a good hero a power, a pioneer, and a man who knows it all.

Thank you very much, SAM, for having shared your life with us.

SAM GIBBONS: A LEADER ON TRADE ISSUES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. CRANE] is recognized during morning business for 5 minutes.

Mr. CRANE. Mr. Speaker, at the close of the 104th Congress we will, with regret but with pride in having known him, bid goodbye to a valued friend and a dedicated Member of this Chamber, the Honorable SAM GIBBONS of Florida.

I have had the privilege of knowing the dean of the Florida delegation for more than 25 years and during most of that time we served together on the Ways and Means Committee. There he has served with the highest distinction, particularly as chairman of the Trade Subcommittee, a position which I now have the good fortune to hold, and later as chairman of this powerful committee with paramount jurisdiction over taxes, trade, welfare, Medicare, and Social Security.

However, I believe it is his commitment to free and fair trade for the United States which constitutes the greatest legacy of the honorable Member from Florida. He has guided numerous trade policy milestones through the sometimes contentious legislative process, including the historic passage of the United States-Israel Free Trade Agreement, the United States-Canada Free Trade Agreement, the subsequent North American Free Trade Agreement, and the Uruguay Round Multilateral Trade Agreements.

On both a bilateral and multilateral basis, he has worked tirelessly to expand markets and improve trade relationships all over the world. This includes not only our traditional trading partners, such as Canada, Mexico, Japan, and the European Union, but also the emerging economies of Eastern Europe, the former Soviet Union, and China.

It seems on the face of it such an impossible task. However, although the challenges were exceedingly difficult and the interests both at home and abroad were diverse, SAM's commitment to the philosophy of open, competitive markets and uniform trading rules provided the solid foundation for success after success. These successes meant the creation of more and more jobs and a higher standard of living throughout the world.

Mr. GIBBONS has traveled the world and talked frankly and openly with presidents, kings, dictators, and prime ministers. He also has traveled this country and talked to big business, small business, workers, and consumers—friend and foe alike. The results are his legacy—an economy that is the envy of the world, an expanding job market, and a primary role for the United States in international trade policy.

There are few instances when the welfare of the average American working family has been so directly and significantly affected by the dedicated leadership of one man. We can claim such an honor for SAM GIBBONS. His trade policy leadership, along with his contributions in the area of Medicare, Social Security, and tax reform, has touched the lives of so many, many Americans.

Jobs have been created and the quality of life has been lifted. He has improved the lives of the citizens of his congressional district, his State, and the Nation.

In the years to come, others must provide the caliber of leadership and commitment for which SAM GIBBONS has become so well known. Others will strive to achieve his high standards of integrity, dedication to family, and service to country in both peace and war. I believe SAM GIBBONS has provided a blueprint for a life of public service that will both attract and challenge a new generation of congressional leaders.

I look forward to my friend's continued contribution in private life; I will forever cherish his friendship; and, I join my colleagues in extending the Honorable SAM GIBBONS my very best wishes for the future. God bless you, SAM.

SAM GIBBONS: TRULY AN AMERICAN HERO

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I rise today to join my colleagues in honoring the gentleman from Florida, my dear friend, SAM GIBBONS. I would like to say thank you to the gentlewoman from Florida [Ms. BROWN] for organizing this tribute to a man who has served his country with distinction for over half a century.

SAM GIBBONS is truly an American hero. Most people know SAM for his work here in the House in steadfast defense of Medicare for our Nation's seniors. He understands what Medicare has meant in the lives of seniors. He understands what health insurance has meant to the seniors of this Nation. He has been inspiring in leading the charge in that important fight and I am proud to have served with SAM GIBBONS.

Yet, outstanding service to our Nation is nothing new to SAM. Mr. Speaker, 52 years ago this June SAM GIBBONS led the charge as American and Allied troops stormed the beaches in Normandy in Operation Overlord, the invasion that liberated Nazi-occupied France and marked the beginning of the end of World War II.

SAM won the Bronze Star for parachuting into France the night before the invasion. As President Clinton remarked during the 50th anniversary ceremony commemorating brave men like SAM, and I quote, "What we must remember is that when they were young, these men saved the world."

Throughout his 34 years of service to the American people in this House, SAM GIBBONS has worked long and hard to provide opportunity and progress for the American people. SAM was instrumental in the enactment of President Lyndon Johnson's Job Corps, Head Start, and other antipoverty initiatives.

As the former chairman and current ranking Democrat of the Committee on Ways and Means, SAM has long been a leader on pension reform, international trade, health care, welfare, and tax policies.

Again, to the gentlewoman from Florida [Ms. BROWN], I thank you for allowing me to participate in this tribute to this true American hero. The people's House, which is what this body is, will not be the same without SAM GIBBONS. We will miss his intelligence, his dignity, his indomitable will, his commitment to the people of this country, his love for a good fight, and his desire to make this place a better world, a better country for American men and women.

Mr. Speaker, I wish the gentleman from Florida the best fortune in his future endeavors.

A TRIBUTE TO SAM GIBBONS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I also want to participate in this commemoration to our good colleague, SAM GIBBONS, and I want to thank the gentlewoman from Florida, Ms. BROWN, my colleague, for setting aside this time to do this.

Mr. Speaker, it came as a surprise when SAM GIBBONS announced his plans to retire from Congress at the end of this year. SAM GIBBONS' name has become synonymous with Florida politics. He has represented the Tampa area for the past 44 years, first venturing into politics as a State representative and then the State senate. He was sworn into Congress during the Kennedy administration and for the past 34 years has represented Tampa in the House of Representatives.

When I first heard about SAM's plans to retire, I couldn't help but recall the 50th anniversary D-day invasion ceremonies that I had the privilege of attending and to which SAM GIBBONS was appointed as a special representative, by President Clinton.

It was indeed fitting that Mr. GIBBONS was specially designated as the President's representative. SAM has a long and distinguished career in service to his country. A decorated World War II veteran, he showed extreme bravery by parachuting into Normandy the night before D-day and then made his way behind enemy lines during the Normandy invasion.

After the war he returned to Florida and commenced his law practice. He then began a political career that spanned several decades.

Although we have not always agreed politically, I believe SAM has served his constituents well and has worked tirelessly as a champion on their behalf. Sam has long been considered a leader and supporter of free trade which he attributes to his experience during the war. Sam has often been heard to say: "I believe fundamentally, people who trade together and work together do not fight."

As a fellow Floridian, I can assure you, Sam, that you will be missed. Your spirit and energetic nature have set you apart and truly demonstrate your commitment and willingness to fight for your convictions.

Leaving can sometimes be difficult, but you leave knowing that you gave it all you've got and then some. Perhaps, now you will be able to find time for another great passion in life—arranging a tee time will now be a little easier. I wish you well in the future and I venture to say that whatever you do you will do with great passion and gusto.

SAM GIBBONS WROTE THE RULES FOR THE COMMITTEE ON WAYS AND MEANS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. Stark] is recognized during morning business for 2 minutes.

Mr. STARK. Mr. Speaker, it is a joy to get a chance to speak to Sam when he has to sit and listen to us.

Mr. Speaker, I have worked with Sam my entire 22 years on the Committee on Ways and Means. It is interesting. Sam opposed expanding the Committee on Ways and Means when all of us new youngsters came on the committee. They had a nice little club and they really did not want to add to it.

But once the caucus worked its will and the Committee on Ways and Means learned about democracy and expanded its membership, Sam turned out to be the fairest of the titans on that committee for opening up and sharing the responsibility.

Mr. Speaker, he wrote the rules for that committee which stand today I think as a mark for other committees in its fairness and its openness. And many of us who worked with Sam for so long remember that. He could oppose you and he is not shy and he is willing to speak out. And unlike some of us, he does not need to learn more diplomacy and reticence because he has Martha, and Martha has been able to keep Sam mellow and happy when he has been fighting like hell for something that he believes in.

Mr. Speaker, Sam wrote the rules for the Committee on Ways and Means. He is an expert on trade. Then in the last Congress when we were attempting to pass welfare reform, Sam sat through every markup with our subcommittee, even though he was not on that committee, and when the bill came to full committee it was the expertise not only from his experience as he had been with Medicare from the time he voted for it as an original bill but from all the service on the Committee on Ways and Means he was able to help us pull together that coalition that was able to present to the American public a health care bill that was fair, did not increase the deficit, and opened up health coverage to every American.

I hope, Sam that he can provide that for you in your retirement and you can come back and share with us when under the leadership that you set, and the goal you set for us with the President, we will accomplish that.

God bless you, Sam. We will miss you.

SAM GIBBONS: AN IDEAL CITIZEN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. Gonzalez] is recognized during morning businesses for 2 minutes.

Mr. GONZALEZ. Mr. Speaker, this is a tremendously mixed emotional feeling for me.

Sam Gibbons is an ideal American: He is absolutely honest; he is courageous in every sense of the word; he cares about his fellow human beings; and he is a public servant of the highest integrity, the deepest commitment, and the most dogged determination. Sam Gibbons is everything that anyone could ever hope to see in a friend, a neighbor, a soldier and an elected representative. Sam is the kind of man you are grateful to know and happy to serve with. If you had the ability to pick and choose who you would have for a friend and colleague. Sam would always be first on the list.

Others have or will speak about Sam's history as a D-day paratrooper, and of the details of his long and distinguished career. But I want simply to say that Sam is a decent man, the kind we all look up to, and the kind we always wish we could be.

One thing about Sam Gibbons: He fights for what he believes in and for what he knows is right. He is not afraid to challenge the kind of arbitrary and frankly brutal behavior of the current majority in this House; nor does he shade the truth when it comes to the tough issues we face. He's old-fashioned in that regard: A gentleman whenever he can be, and a fighter if he has to be.

Sam is one we can always count on to be fair, and to be square with us. His word is never open to question: When he makes a commitment, he means it and he stays with it.

I've not always agreed with the actions of the Committee on Ways and Means—who does? But one thing I have always known is that if Sam says that a bill or a provision is good, you can trust his judgment. And if Sam says that he can't help you or can't agree with you, he'll give you a reason that you can both understand and respect. That's the kind of friend and colleague this House depends on. And that's the kind of person every American should want to represent them in the House.

Not many people have had a life as filled with adventure and challenge as Sam has. And very few who have had such distinguished lives and careers are as modest and self-effacing as Sam is. It's a measure of his greatness, that he maintains—and always has maintained—a sense of balance and proportion. Sam knows what really counts, and he doesn't forget it.

The House of Representatives has been enriched and enlivened by Sam Gibbons. He has brought us life and light. He's been a friend to many, many people, and a model for all of us. I've known thousands of Members in my career here, and none has been more respected than Sam Gibbons. He is a great representative for his district and for the whole country. When he leaves, the House will be diminished. I'm glad to have known him, privileged to have served with him, and happy to join in this well-deserved tribute. Thank you, Sam, for being an ideal American, a great friend, and an outstanding colleague.

SAM GIBBONS WILL BE MISSED DEEPLY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. Levin] is recognized during morning business for 2 minutes.

Mr. LEVIN. Mr. Speaker, I first came really to know Sam Gibbons and his wife, Martha, on what is now a rather famous bus trip to Eastern Europe. I think I was just a freshman then; not on the Committee on Ways and Means. Sam was good enough to invite me.

No junket was that. We worked 12 hours, sometimes 14 hours a day. We went to Czechoslovakia, to Romania, Bulgaria, Hungary, and we went to most of those places by bus. Mr. Speaker, I saw firsthand what Sam Gibbons was really like. Hard working, down to earth, good natured, generous. He made sure that each of us had a crack at introducing the delegation to the distinguished, and not so distinguished in some cases, leaders of those countries.

Then, Mr. Speaker, I joined the Committee on Ways and Means and since then I have had a chance to work firsthand with Sam Gibbons, to work on trade. He and I have not always agreed, but one thing all of us agree on and that is the caliber of leadership and commitment of Sam Gibbons.

He has been compared to some other famous people. Claude Pepper, for example, another favorite son of Florida. But I do not think you can compare Sam with anyone. He is very much his own person. He is very much a real article.

SAM, you care so much, you have such a sense of commitment. So, I am not sure why you are leaving. I think maybe it is because his main passion is not for power; it is for public service. I think there is some hint that SAM is going to remain very much a public figure.

I close with this, SAM. I think with your streak of modesty you do not really know how much you are going to be missed. The answer is, very deeply.

SAM GIBBONS: A LIFE OF EXTRAORDINARY SUCCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Virginia [Mr. PAYNE] is recognized during morning business for 2 minutes.

Mr. PAYNE of Virginia. Mr. Speaker, I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Virginia [Mr. PAYNE] for yielding, and since he only has 2 minutes I will not take much of this time except to join my colleagues in commending SAM GIBBONS, a great leader in the Congress of the United States; a leader on the issues; and, a gentleman at all times.

Mr. PAYNE of Virginia. Mr. Speaker, I want to thank my colleague from Florida, Ms. BROWN, for requesting this special order to honor our good friend and colleague, Chairman SAM GIBBONS.

Many years ago, Teddy Roosevelt compared success in life to success in football. The key to success in both, he said, is to hit the line hard day after day.

Those of us who have served with SAM GIBBONS know that by this or any other measure, he has been an extraordinary success.

For his entire adult life, SAM GIBBONS has served this nation with courage and tenacity. From the day more than a half-century ago when he took part in the D-day invasion, to his passionate defense in this Congress of the millions of Americans who depend on Medicare, SAM GIBBONS has always put his Nation first.

I first came to know SAM well through my service on the House Ways and Means Committee. I remember the very difficult circumstances under which he assumed the chair. SAM took over the committee without a hitch. His approach was inclusive and thoughtful and was marked by a great sense of bipartisanship.

Chairman GIBBONS will always be remembered for his passionate defense of the nation's senior citizens and poor, for his tireless work on behalf of free and open trade, and for his advocacy of a fair, and equitable, and economically efficient Tax Code.

SAM GIBBONS is the consummate southern gentleman, and I am proud to call him my friend.

Mr. Speaker, as SAM and Martha enter this new phase of their lives, I know the whole House of Representatives joins me in wishing him well.

A TRIBUTE TO SAM GIBBONS, A FRIEND OF THE VIRGIN ISLANDS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from the Virgin Islands [Mr. FRAZER] is recognized during morning business for 1 minute.

Mr. FRAZER. Mr. Speaker, I would like to add my voice to my colleagues who have recognized, as many of us feel, the untimely departure of Mr. GIBBONS, but I am sure he is moving on to bigger and better things.

As a representative of the Virgin Islands, where we have no vote in this body, I would like to recognize the assistance that Mr. GIBBONS has given the Virgin Islands. As those issues that affect the Virgin Islands have come before his committee, I have always been able to go to him and ask him to make sure that he looks out for American citizens who happen to reside in the Virgin Islands, but in fact have no real voice in this institution.

So, Mr. GIBBONS, I thank you for the assistance that you have offered the people of the Virgin Islands, the friendship you have shown me over the years, and I wish you well in your new adventure. I am sure that many of us are going to wish that there were times when you were here that we can come to you for counsel, but perhaps you will leave a phone number where you can be reached.

Again, thank you for the help and assistance and recognition of the people in the islands and their position of almost helplessness. You have taken it on on our behalf. God bless you for that assistance, and God speed in your new adventure.

LOSING THE NO. 1 MEMBER OF THE COMMITTEE ON WAYS AND MEANS

(Mr. RANGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RANGEL. Mr. Speaker, in the RECORD, I guess my remarks will appear last for my dear friend, SAM, who decided to leave the Congress and to leave the Committee on Ways and Means. Politically and legislatively that puts me as the No. 1 Democrat. But, quite frankly, we are losing the No. 1 Committee on Ways and Means member, a person that served with Wilbur Mills, a person that has been on the committee since 1969 even though he came to the Congress in 1962, one that no one challenges has done more to promote U.S. trade with NAFTA and with GATT as well as being the lead person with President Johnson on social issues.

We are going to miss SAM because he is the only one on the committee that had a sense of institutional memory. And I know one thing, I feel a lot more strong knowing that SAM will be there with me in the next year whereby every possible poll and every moral reason, the Democrats will be in charge of this particular House.

So Mr. Speaker, we will make certain that the gentleman's leadership carries on in the House and try to reverse some of the setbacks that we have had in terms of legislation that gentleman has been promoting, and I regret that I am last, but I am glad that I got here in time.

☐ 1315

PARTING REMARKS BY THE HONORABLE SAM GIBBONS

The SPEAKER pro tempore (Mr. WELLER). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GIBBONS] is recognized during morning business for 5 minutes.

Mr. GIBBONS. Mr. Speaker, I appreciate this every much. First I want to thank my colleague, Ms. BROWN, for arranging this and her staff for doing all of this. I realize that many Members could not be here today and have submitted their remarks for the RECORD, for which I am most grateful. I am very grateful, too, for those who were able to show up today and pay me this honor. I am very proud that my wife, Martha, is here in the gallery to my left hearing all of this. I an overwhelmed by it. I do not deserve it all, but I darn sure appreciate every bit of it.

This is not my last speech, and for that many of you can take a deep breath, because I am sure there are going to be many more battles in which we will agree and disagree, and I intend to participate in them.

I retire now because I think it is time to do so. I have enjoyed every minute of the service I have been privileged to have for my constituents and for the American people.

I am proud of the Congress. Oftentimes the Congress is misunderstood. We do not deal with the easy issues, and Americans really do not like conflict and they do not like us to express differences of opinion. They are very uncomfortable when they do that. Therefore, the Congress is often misjudged.

This is a group of very dedicated people and vary skillful people, and people who have deep convictions about what they are doing. It takes a lot of patience to understand them and to tolerate the differences in views, but we must do that. That is democracy in action. That is what America is all about.

I have become acquainted with most of the other parliamentary bodies on

Earth, and none has the responsibility or the power that is possessed by the Congress, and particularly by the House of Representatives of the Congress. That is a form of government that most other nations have looked at and have decided not to adopt, for one reason or another, but I think it has served our country well for all these years. It will always be a tremendous privilege to me to look back and say I was able to participate in all that deliberation and all that work.

Martha and I will go to a new career. I am not exactly sure what it is going to be. I hope to teach a little. I hope to practice law with my sons a little. I hope to come back up here and work with some of my colleagues and all of my colleagues on two particular issues that I am interested in. One is keeping the markets of the world open, because I believe that nations that trade with each other do not end up fighting each other, and I think it is good for America and good for the world that we keep the markets of the world open. I am proud of the small contributions I have made in that.

The other is to do something about our revenue system. America cannot afford the terrible revenue system that we now have. It is not that the tax burden is so high on Americans; it is the clumsy way in which we collect the taxes that really irritates the Americans.

Frankly, our misunderstood tax system extracts less on a per capita basis from our people than the tax systems of 25 other industrialized nations who inhabit this globe. But our very clumsy system of collecting taxes makes it a heavy burden for all of us to carry. That needs to be changed, because we cannot remain competitive, we cannot maintain our standard of living, unless we change our tax system, unless we keep our markets open, unless we educate our people, because from the brains and the bodies of our people comes the strength of our country and the standard of living which we all love to have and which is going to be more and more difficult to maintain.

So I get ready to leave here at the end of this term in a happy frame of mind and, fortunately, in good health, and very, very grateful for the friendships, for the experience, and for what I was allowed to do while here.

Martha and I love this place. We love the people. We love the staff and all those who work around here. Particularly we are grateful to those people who elected us year after year after year and allowed us to serve here.

Thank you, and God bless America.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all persons in the gallery that they are here as guests of the House, and any manifestation of approval or disapproval of the proceedings is in violation of the rules of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 1 o'clock and 24 minutes p.m.), the House stood in recess until 2 p.m.

☐ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. CLINGER] at 2 p.m.

PRAYER

The Reverend Luis Leon, rector, St. John's Church, Lafayette Square, Washington, DC, offered the following prayer:

Gracious God, Who has given us this good land for our heritage, we humbly pray that we may always prove ourselves a people mindful of the grace You have granted us. Bless our land with honorable industry and sound learning and faithful leadership. Save us from violence and discord, confusion and chaos, pride and arrogance. Defend our liberties and fashion into one nation the good people brought here out of many lands and languages. Endue with a spirit of wisdom those to whom in Your name we entrust the authority of government, especially the President and the Congress of the United States, that there may be justice and mercy in this land. Strengthen our resolve to see fulfilled all hopes for a lasting peace among all nations. In a time of prosperity, fill our hearts with thankfulness, and in a day of trouble, remind us that we still belong to You. All this we ask in Your name. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 53. Joint resolution making corrections to Public Law 104-134.

WELCOMING THE REVEREND LUIS LEON AS GUEST CHAPLAIN

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, it is my pleasure to welcome the Reverend Luis Leon to the U.S. House of Representatives to be our Chaplain for the day and thank him for the prayer just given.

Reverend Leon was born in Guantanamo, Cuba, and was baptized in Guantanamo Episcopal Church. He moved to the United States at the age of 12 and lived with his mother and sister in Miami. He later attended the University of the South in Sewanee, TN. In 1977, Reverend Leon received his master's in divinity degree from the Virginia Theological Seminary.

Reverend Leon has spent many years in religious service at churches in North Carolina, New Jersey, and Delaware. He moved to Washington, DC, with his wife, Lu, and his two daughters are living here, too. He is now the 14th Rector of St. John's Episcopal Church at Lafayette Square here in Washington, DC.

Since its inauguration in 1815 St. John's has been a fixture in our Nation's Capital. Organized to serve as a parish church for occupants of the White House and their families, it is now known as the "Church of the Presidents" because every President since James Madison has attended services there at least once. President Clinton continues the tradition by quite often attending St. John's 8 o'clock services on Sunday mornings.

Again, we welcome Rev. Luis Leon as our Chaplain for the day.

MAKING CORRECTIONS TO PUBLIC LAW 104-134

Mr. LIVINGSTON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate joint resolution (S.J. Res. 53) making corrections to Public Law 104-134, and ask for its immediate consideration and passage in the House.

The Clerk read the title of the Senate joint resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 53

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That:

(a) In Public Law 104–134, insert after the enacting clause:

"TITLE I—OMNIBUS APPROPRIATIONS".

(b) The two penultimate undesignated paragraphs under the subheading "ADMINISTRATIVE PROVISIONS, FOREST SERVICE" under the heading "TITLE II—RELATED AGENCIES, DEPARTMENT OF AGRICULTURE" of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, are repealed.

(c) Section 520 under the heading "TITLE V—GENERAL PROVISIONS" of the Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, as contained in section 101(e) of Public Law 104–134, is repealed.

(d) Strike out section 337 under the heading "TITLE III—GENERAL PROVISIONS" of the Department of the Interior and Related Agencies Appropriations Act, 1996, as contained in section 101(c) of Public Law 104–134, and insert in lieu thereof:

"SEC. 337. The Secretary of the Interior shall promptly convey to the Daughters of the American Colonists, without reimbursement, all right, title and interest in the plaque that in 1933 was placed on the Great Southern Hotel in Saint Louis, Missouri by the Daughters of the American Colonists to mark the site of Fort San Carlos.".

(e) Section 21104 of Public Law 104–134 is repealed.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

REALITY CHECK ON CONGRESS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, it's time for a reality check on the accomplishments of the 104th Congress. At the moment Clinton is riding high in the polls—a result pleasing to the liberal media in America.

But the facts are these: this Congress majority voted for real welfare reform, but Bill Clinton vetoed it; this Congress voted for a balanced budget but Clinton vetoed it; this Congress voted to cut wasteful spending including foreign aid but Clinton vetoed it; this Congress voted to defend second amendment rights but Clinton chose another path. Let's give credit where credit is due.

If the American people want true reform in our country for those who work and pay taxes, those who farm and run small businesses, those who want to put America's interests ahead of the U.N. and world government; those who support traditional family values; then this majority in Congress must be increased and a new President must be elected. It's time to think of vetoing Clinton—he's the obstacle to real reform in America. That's the reality.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair must remind all persons in the gallery that they are here as guests of the House and that any manifestation of approval or disapproval of proceedings is in violation of the rules of the House.

RAISING THE MINIMUM WAGE IS THE ECONOMIC AND MORAL ISSUE OF THE DAY

(Ms. PELOSI asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous material.)

Ms. PELOSI. Mr. Speaker, I rise today to call upon the leadership of the House to bring up legislation increasing the minimum wage, and in doing so I ask the question, how long does it take to earn $8,440?

I call the attention of our colleagues to this cartoon, which states that it takes a full-time minimum-wage earner 1 year, while it takes the average CEO of a large U.S. corporation one-half a day. This cartoon is not funny and it is not fair.

Yes, we salute the success of the entrepreneur and the businessperson. Yes, we recognize that business must make a profit. But in a country as great and as decent as ours, this cannot all be at the expense of exploiting our work force.

For a minimum-wage earner a pay raise to $5.15 per hour would mean to have enough money for food, textbooks, simple things. We must raise the minimum wage to a decent living wage, to a wage that makes work pay. It is the political, economic and moral—yes, I repeat, moral issue of our day.

REPEALING GAS TAX WILL HELP AMERICANS AT LOWEST RUNG ON ECONOMIC LADDER

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to my good friend and colleague from California and her editorial cartoon that she brought out, but I thought she and other Members on the liberal side of the aisle would be interested in this statement from President Clinton when he was freed from the strictures of campaign fever.

"It", raising the minimum wage, "is the wrong way to raise the incomes of low-wage earners." So said the President in Time magazine February 6 of last year.

Mr. Speaker, the challenge for us is not to prescribe some artificial wage mandated by Government. The challenge for us is to allow hard-working Americans to hang on to more of the money they earn and send less of it to the Federal Government, beginning with this regressive, horrible Clinton tax on gasoline. Let us repeal that today in true bipartisan fashion and that will help American workers at the lowest rung of the economic ladder and on up.

MANHATTAN JUDGE OKAYS TAX BREAKS FOR PEDOPHILES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, a Manhattan judge has okayed tax breaks for pedophiles. The judge upheld the tax exempt status for Zymurgy, Inc., an organization that advocates sex between men and boys. The judge ruled freedom of speech extends even to those who advocate man-boy sex.

Mr. Speaker, where did this judge get his law degree, the back cover of Bazooka bubble gum trading cards or what? Will America, now Congress, subsidize pedophilia?

The truth of the matter is some of these judges have become so book smart, they are actually street dumb. I think it is time for Congress to take a look at some of this judicial branch decision-making process. Sounds pretty constipating to me.

IT IS TIME TO REPEAL REGRESSIVE GAS TAX

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, I once again return to the point I have been making since I got here, and that is that working families in this country are taxed far, far too much. Working families are being ripped off by the Federal Government and by the special interests that demand more and more money and higher and higher taxes.

So I am glad to hear the rumors that the President may at least be willing to roll back the ill-conceived gas tax that he imposed a couple of years back. That gas tax was part of the biggest tax increase in history, a tax increase that even the President later admitted was a mistake.

The President and the old Congress thought that higher taxes would fuel the economy, but a lot of working families are just about running on empty. Taxes are too high. Let us quit siphoning an extra 50, or 60 or 70 cents out of the pockets of American citizens each time they fill up their gas tanks. Let us agree right now, in a bipartisan way, to repeal this ridiculous regressive gas tax and ensure Americans get more mileage out of their own paychecks. It is time to cut taxes and get the lead out.

CONGRESS SUPPORTS HEAD START WITH $36 MILLION OVER FISCAL YEAR 1995

(Mr. BROWN of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of California. Mr. Speaker, a few days ago, I had the great pleasure of being a guest of some of my youngest constituents at the Dorothy Grant and William Bell Head Start Preschool Centers in Fontana, CA. I salute the dedicated staff and outstanding students of these two centers.

Since its enactment in 1965, Head Start has provided comprehensive child development services to more than 12 million low-income preschool children and their families.

I was proud to vote for this legislation in 1965, and I am proud of the accomplishments it is still making. While the thrust of Head Start is the same as it was 30 years ago, the program has evolved greatly and now encompasses more community and parental support.

Head Start has a proven role in reducing drop outs, providing accesses to health care, and assisting in preventing delinquency.

I applaud supportive Members of Congress for their recent work in the budget negotiations to fund head Start at $36 million over and above fiscal year 1995. This action shows our strong commitment to providing a solid footing in educating our children.

OSHA SMALL BUSINESS RELIEF

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, last week my office received a copy of a letter which the AFL–CIO is circulating to Members of Congress opposing the Small Business OSHA Relief Act, H.R. 3234.

Not surprisingly, the letter never mentions the fact that every single item in the Small Business OSHA Relief Act has been taken directly from policy pronouncements of the Clinton administration. The AFL–CIO has shown how extreme its own agenda is when it opposes this very modest legislation, which is limited in scope and represents areas of agreement between the Clinton administration's initiatives and our desire to make OSHA less adversarial and more commonsensical.

The Clinton administration has repeatedly said that OSHA needs to be reinvented. But will the Clinton administration have the backbone to stand by its own words and initiatives when the AFL–CIO comes calling?

CONGRESS SHOULD BRING MINIMUM WAGE TO VOTE

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, I would urge Speaker GINGRICH and the Republican leadership to let us vote on an increase in the minimum wage. In my State of New Jersey the minimum wage was increased to $5.05 an hour, two Princeton University economists, David Card and Alan Kruger, surveyed patterns in fast food restaurants in New Jersey and Pennsylvania after the minimum wage went into effect. The result suggested a moderate hike, much like the one President Clinton is proposing, has actually increased total employment.

The reason is that minimum wage earners do not have the ability to save. They spend their money on basic necessities, and raising the minimum wage put more money into our local economy. The money was spent to purchase more goods, adding eventually to an increase in profits for our local businesses. The fast food industry that Card and Kruger studied found most of the people earning the minimum wage were the same people who used that increase to in fact buy more fast food.

So the bottom line is a higher minimum wage increased economic activities in New Jersey. It is supported by the President and supported by most Members in both the House and the Senate, and the leadership of the Republican Party should bring it up for a vote now.

□ 1415

A SEAT ON THE COURT FOR $10 MILLION

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, $10 million is not a big deal to most liberal Democrats. But to Bill Clinton it's just enough to pay for a seat on the Federal appeals court.

That's right, Mr. Speaker. Ten million dollars.

Just think what you could buy with that much money. A trip around the world. A big, fancy yacht. Or, a seat on one of the highest courts in the land.

As a life-time Federal judge, you could have power over the lives of millions of Americans. You could make decisions that shape society and the economy. And you would not even need judicial experience. All you would need is a little fund-raising experience working for the Democrat Party.

It's really a no-brainer if you think about it, Mr. Speaker. I mean, what would you rather do with $10 million. Invest in cattle futures, or sit on the Federal bench for the rest of your life. Not a bad deal, I'd say.

AMERICA LOST IN THE WORLD TRADE ORGANIZATION

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, less than a week ago, we were celebrating Earth Day.

Today our country's environmental laws are under assault not only by the GINGRICH extremists in Congress but also in the World Trade Organization, the WTO.

The United States lost yesterday in the WTO. The WTO said our Clean Air Act violates international trade laws—yes, the same Clean Air Act that we celebrated last week.

But our environment wasn't the only loser in the WTO.

Workers in America's refineries lost, too. Workers in places like Ohio and Pennsylvania and Louisiana lost because they will have to compete with dirty gas imports from Venezuela and Brazil.

Mr. Speaker, America lost yesterday in the World Trade Organization. It was our first loss; unfortunately it will not be our last unless we repeal some of these trade agreements.

REPEAL THE CLINTON GAS TAX

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, as almost every American knows gas prices have climbed 5 cents a gallon the past 2 weeks and are at the highest level since the Persian Gulf war. President Clinton has dispatched his Energy Secretary to find the root of this problem.

She should not have to fly very far or look hard—after all, this same administration increased gas taxes by almost 5 cents per gallon in 1993. Offered in the name of deficit reduction, this tax hike is now hitting millions of American motorists who are grumbling loudly at the pumps. Fiscal conservatives in Congress are currently exploring ways to repeal this regressive tax. However, it's not easy because as we found when repealing the Clinton tax on seniors' Social Security benefits, liberals hate to give up any taxes. The American people will be given a clear choice—the tax hikes and status quo spending of the Clinton administration or the billions of dollars of real spending cuts and tax relief of this Congress.

Americans should think about that the next time they fill up knowing President Clinton feels their pain.

GAS PRICES

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Mr. Speaker, I had not intended to speak on this, but after I have heard the comments from the other side regarding the increase in the gas tax back in 1993, I cannot constrain myself. First of all, I would remind my friends, let us go back and take a look at what happened under Presidents Reagan and Bush in regard to their increase in the gas tax. Let us not be revisionist.

Let us take a look at what happened to gas prices in this country when we raised it 4.3 cents per gallon. Gas prices in 1993, in 1994, in 1995 went down. They did not go up. But here we are in 1996 and we are reaching back to 1993 to be able to blame President Clinton because we have nothing else to blame him on because the stock market went up, employment went up, unemployment went down. Misery went down, so let us blame him on something else.

We are here right now trying to make sure that these working poor have an ability to earn a living wage. We have given them, in the same bill that increased the gas taxes, an earned-income tax credit to help people get off welfare and into work. The GOP right now is opposed to giving people a 90-cent raise in the minimum wage. I would say that somewhere between Abraham Lincoln and the current Republican leadership, the GOP has taken an about-face on slavery.

THE WAR ON DRUGS

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, President Clinton has been absent on the war on drugs. Yet yesterday, after more than 3 years in office, President Clinton finally announced a plan to reduce illegal drug use. But Mr. Speaker, it would appear to be too little too late. President Clinton has backed down on the war on drugs. For example, it was President Clinton that only days after taking office, cut the Office of National Drug Control Policy by more than 80 percent. It is during the Clinton administration that drug use among children skyrocketed while interdiction and prosecution efforts dropped. It is during the Clinton administration that marijuana use among young people has increased 50 percent and has jumped 137 percent among 12- to 13-year-olds. Mr. Speaker, who is the President trying to kid?

The President has dropped the ball on the war on drugs and now he's playing election year politics.

PAY EQUITY FOR FEDERAL FIREFIGHTERS

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, tonight is the eighth annual fire and emergency services dinner. Two thousand of our Nation's fire and emergency services leaders gather in Washington to recognize the service of our Nation's firefighters and emergency responders, safety instructors, engineers, arson investigators, and others in the fire community.

However, hundreds of Federal firefighters will not be in attendance tonight because they are fighting brushfires in the West. Mr. Speaker, they are experiencing what many are calling the driest conditions in over a century.

Here in the Congress, I have introduced a bill, H.R. 858, the Federal Firefighters Pay Fairness Act, which would correct a significant pay inequity which exists for these and nearly 10,000 Federal firefighters throughout our country.

Mr. Speaker, despite the fact that my bill has over 135 bipartisan sponsors, we have been unable to get a hearing in the Committee on Government Reform and Oversight Subcommittee on Civil Service. In the next several days, I will be sending a bipartisan letter to the gentleman from Florida [Mr. MICA], the chairman, requesting a hearing on this bill with approximately 100 Members of this body. I hope, Mr. Speaker, that we will see a hearing on that bill in the near future.

HEAD START WORKS IN ARIZONA

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, I rise today in a bipartisan way to speak about a program that I think is widely applauded by most people in this House, and that is Head Start. It is a program that has certainly worked well in my district. I think it has worked well across the country, and it has worked well because it does good things and it has a performance record that we can all talk about. It is a program that is designed to provide nutrition, health screening and treatment, education, and social services to preschool-aged children and to their parents, and it has contributed greatly to our efforts to help those kids do better as they get older and to help to win the war against poverty in this country.

In my community of Tucson, AZ, 70 percent of the children served by Head Start are bilingual, and through this program, these children learn English better so that they can go to kindergarten with a better knowledge to start out of their schooling on the right footing, an that helps them stay in school. That helps everyone, the kids, their parents, and the community.

Mr. Speaker, for years Head Start has enjoyed strong bipartisan support, and in these austere budgetary times, that support has continued. I urge my colleagues to continue to provide adequate funding.

WAGES IN AMERICA

(Mr. FARR of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FARR of California. Mr. Speaker, everybody in America is worried about their wages. Here in Congress, the GOP leadership opposes the President's initiative to raise the minimum wage from $4.25 to $5.15 to begin starting next year.

The GOP leadership argues that this will have unintended consequences, therefore, let us not do it. However, what they failed to note is that paying workers more money for work performed will increase workers' purchasing power, and that will purchase more goods, more jobs will be created. This helps restore purchasing power, reduces turnover in the job place, and promotes domestic tranquility.

I think that is what this country is all about, is about paying people for work performed. Paying more to the lowest wage earner in the country, the lowest, the lowest, not the middle, not the highest. Are there not the same workers we are trying to help with struggling to keep their heads above water? Why is it the GOP wants to end welfare but does not want to pay those who work for being hard workers?

TRIBUTE TO HEAD START

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTAND. Mr. Speaker, I rise today to pay tribute to a program which I believe has had a significant, positive impact on children and their families. Head Start empowers the entire family, not just the young child. Head Start assists parents in carrying out their roles as the primary nurturers of their children. Parents assist in Head Start classrooms and sit on parent councils that have a say in how the program is run. Research shows positive impacts including improved parental awareness, and enhanced parental employment and educational status.

Mr. Speaker, on behalf of the 750,000 children currently involved in Head Start programs, and the many more children who would benefit from them, I call upon my colleagues in this chamber to fully fund Head Start for the next fiscal year. Though government cannot provide solutions to all of our Nation's problems, it can, when employed judiciously and efficiently, help poor children and their families overcome some of the hardships of life.

Let us make an investment in this Nation's future. Every dollar allocated for Head Start will save us many more dollars and much heartache in the future.

A HEAD START FOR OUR NATION'S CHILDREN

(Mr. FILNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FILNER. Mr. Speaker, I rise to call our attention to one of our Nation's most cost-effective and productive programs: Head Start.

Head Start is a comprehensive program aimed at preschool age children of low-income families. In addition to providing education, it also includes nutritional services, health screening and treatment, and social services. One of Head Start's strengths is its emphasis on involving parents in their children's education.

The idea of Head Start is simple. If you help children prepare for school, and if you work with their parents, they will enter kindergarten better able to learn, develop, and compete. Head Start invests in child development as the core of an antipoverty strategy.

In a time of declining resources, our country should protect its most cost-effective programs, especially those that invest in our youngest children, empower families, and support work. Head Start is just such a program. Comprehensive early childhood education programs have been shown to save at least $3 for every $1 invested—by reducing future costs of special education, public assistance, and law enforcement.

Rosemary Flores is one of many Head Start success stories. She is a grandmother in San Diego who was recently appointed as custodian of her grandchildren. She says, "Head Start is like a life raft. It teaches the value of education and the concept of family unity. If I had my way, it would be available to everyone."

Unfortunately, Head Start is not yet available to everyone who qualifies. Currently only 40 percent of the eligible 3-to-5-year-olds or 20 percent of the eligible children from birth to 5 years are served by Head Start.

Mr. Speaker, the President's budget request asks for $3.981 billion for Head Start in fiscal year 1997. This is a good start on Head Start. We should appropriate the full amount requested.

MEDICARE HOSPITAL TRUST FUND

(Mr. RIGGS asked and was given permission to address the House for 1 minute.)

Mr. RIGGS. Mr. Speaker, the nonpartisan Congressional Budget Office has released new data showing Medicare's hospital insurance trust fund is going bankrupt a lot faster than the President's trustees estimated.

But the President and congressional Democrats have not put forth any new or serious ideas in light of this alarming new information. In fact, the Washington Post said yesterday,

> The new numbers appear to lend support to Republican charges that the medicare hospital trust fund is deteriorating faster than had been realized and that steps must be taken quickly to arrest the decline. Last year the medicare trust fund lost $35.7 million and this year in the first 6 months of this year alone, it has lost $4 billion.

Mr. Speaker, Medicare's problems are much more serious than the President and congressional Democrats are willing to admit. They want to play politics with this issue. It is time to turn off the medicare radio and TV ads, stop the medigoguery and join with us a plan that preserves Medicare from bankruptcy while increasing spending and increasing health care choices for every single Medicare beneficiary.

□ 1430

JOIN THE TRIBUTE TO HONOR OUR FIRE AND EMS PERSONNEL

(Mr. WELDON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, today we honor America's domestic defenders, the 1.5 million men and women across the country who serve every one of our communities in responding to every type of disaster known to mankind. This evening, 2,000 of their leaders are assembled here for the eighth annual national dinner to honor the fire and EMS personnel.

When I started this effort 8 years ago, Mr. Speaker, it was to give proper recognition to these unsung heroes, and tonight we continue that tradition.

We will be joined by the Honorable Senator BOB DOLE, who will give a keynote address, along with the Vice President of the United States, AL GORE, both of whom have strongly supported, in a bipartisan way, the efforts of these brave men and women.

We will also honor the brave firefighters of the Long Island fire departments who provided such valuable service last year in responding to an unbelievably large incident in Long Island.

Mr. Speaker, today is the day when our colleagues can join together and pay appropriate tribute to these brave men and women by showing up at the dinner this evening and by meeting with them in their offices as the 2,000 leaders of the fire service address Capitol Hill and plead their case for more support and more recognition.

POLITICS, HYPOCRISY, AND THE RISE OF GAS PRICES

(Mr. BENTSEN asked and was given permission to address the House for 1 minute.)

Mr. BENTSEN. Mr. Speaker, like all Americans I am concerned about the recent rise in gas prices and the effect that it has on consumers and on our industries in this country. I do not know exactly what the answer is, I am not sure that anybody does, but I think it does merit study by this Congress and by the administration.

But I am also concerned, Mr. Speaker, by the hypocrisy that I see Members of this House, of the other body, of the de facto Presidential nominee of the other party, the Republican Party, that after 16 months of being in control they have decided now they want to repeal the gas tax.

Where were they last January? Where were they with their tax bill? Now they have had this midnight conversion, much like the Earth Day conversion on the environment, and all of a sudden they want to repeal the gas tax.

I have been talking about this for awhile. Why did we not take it up before? It is politics, it is politics plain and simple, and unfortunately as the House continues to engage in this activity, the American people suffer.

LET US HOLD HEARINGS ON THE OIL COMPANY SCAM ON THE AMERICAN PEOPLE

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, gas prices are shooting up at the pump. Meanwhile, the big oil companies have just announced record profits. Gasoline inventories dwindle. Meanwhile, three major refineries announced routine shutdowns on the very same day, last Friday. Pump prices soared 30 cents on oil company speculation. Meanwhile, their Republican defenders in Congress blame a 4-cent tax. The President initiates an investigation and releases reserves. Meanwhile, the Republican Congress sits on its hands. Where are the hearings? People want answers. Why are the oil companies doing this? But all we get is a Republican silence of the lambs.

Mr. Speaker, consumers are in need, and all we get is a Republican fig leaf for the naked greed of the oil companies.

Let us face it. The gas tax is a dry hole. If we want to strike oil, let us pass a windfall profits tax on the money that the oil companies are taking out of the pockets of consumers.

They are tipping consumers upside-down and shaking money out of the pockets of these consumers. Let us have Republican hearings on this oil company scam on the American people.

THE TIME IS RIGHT TO DO RIGHT—RAISE THE MINIMUM WAGE

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, the time is always right to do right. And raising the minimum wage is the right thing to do.

This is not just an economic issue, Mr. Speaker, this is a moral issue. Hard working people deserve the right to earn a livable wage. The minimum wage is at a 40-year low. No one can live, much less support a family, on $8,400 a year.

Mr. Speaker, stop playing politics with people's lives. Bring a clean minimum wage bill to the floor. Do not load it up and bring it down with your pet programs.

Mr. Speaker, you have the ability, you have the capacity, you have the power to bring a clean minimum-wage bill to this floor and give people a livable wage.

BLAMING THE GAS TAX ON THE REPUBLICANS?

(Mr. McINNIS asked and was given permission to address the House for 1 minute.)

Mr. McINNIS. Mr. Speaker, I was just in the House Chambers, and I cannot believe what I just heard in the last few minutes.

I was here 2 years ago, and I voted "no" on the largest tax increase in the history of this country. It was the Clinton tax increase supported by the Democrats in the House of Representatives, not one Republican voted for it, and supported by the Democrats in the U.S. Senate. What did that large tax increase do? It put on the American people and the working people, from what previous speakers have just spoken, the largest tax increase in the history of this country, and I certainly did not see any of these brave speeches, just now given recently in the last few minutes, but some of these Democrats about this onerous gas tax. It is those people right there who put that gas tax on each and every one of us.

People did not have to be rich to get the gas tax put on them. They put a 4½ cent tax on every American that buys a gallon of gas, and today they are trying to get away from it as fast as they can run and somehow do a flip-flop and blame it on the Republicans.

Forget about the partisan politics. Let us talk about the tax.

FOREIGN RELATIONS REVITALIZATION ACT SHOULD BE DEFEATED

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, SAM GIBBONS is an internationalist, and I join with many in the tribute to this great legislator.

Today we do not have an internationalist bill on the floor, the Foreign Relations Revitalization Act. It forces the consolidation of agencies, which is the President's prerogative. The levels necessary to conduct foreign policy are just not there. It get involved in China policy when we should basically be staying away. It put restrictions on our relations with Vietnam. It put restrictions on our participation in international organizations. It has severe restrictions on our family planning policies.

Mr. Speaker, this is not a bipartisan bill, it is a partisan bill. It should be defeated. The President's veto should be upheld, and we should not stand for partisanship at a time when our foreign policy should be bipartisan.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CLINGER). Pursuant to provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken after debate has concluded on all motions to suspend the rules, but not before 5 p.m. today.

AMENDING CENTRAL UTAH PROJECT COMPLETION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1823) to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1823

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PREPAYMENT OF CERTAIN REPAYMENT CONTRACTS BETWEEN THE UNITED STATES AND THE CENTRAL UTAH WATER CONSERVANCY DISTRICT.

Section 210 of the Central Utah Project Completion Act (106 Stat. 4624) is amended by striking the second sentence and inserting the following: "The Secretary shall allow for prepayment of the repayment contract between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and supplemented on November 26, 1985, providing for repayment of municipal and industrial water delivery facilities for which repayment is provided pursuant to such contract, under terms and conditions similar to those contained in the supplemental contract that provided for the prepayment of the Jordan Aqueduct dated October 28, 1993. The prepayment may be provided in several installments to reflect substantial completion of the delivery facilities being prepaid and may not be adjusted on the basis of the type of prepayment financing utilized by the District. The District shall exercise its right to prepayment pursuant to this section by the end of fiscal year 2002. Nothing in this section authorizes or terminates the authority to use tax exempt bond financing for this prepayment.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah [Mr. HANSEN] and the gentleman from New Mexico [Mr. RICHARDSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to thank Chairman DON YOUNG and Congressman DOOLITTLE for their assistance in moving this bill forward. Although it is non-controversial, it is of great importance to the State of Utah.

H.R. 1823 extends the preexisting authority of the Secretary of the Interior to accept prepayment from the Central Utah Project for municipal and industrial repayment contracts. In 1992, Congress enacted the Reclamation Projects Authorization and Adjustment Act of 1992, which included the Central Utah Project Completion Act Section 210 of the Central Utah Project Completion Act authorized the Secretary to negotiate the prepayment of the Jordan Aqueduct component of the Central Utah Project.

Negotiations between the Secretary of the Interior and the local waterusers concluded in a prepayment agreement dated October 28, 1993. Under the terms of the prepayment agreement, the future repayment debt to the Federal Government was paid back based on the 30 year U.S. Treasury borrowing rate.

H.R. 1823 extends this authority to repayment contracts and entered into on December 28, 1965 and November 26, 1985. By allowing prepayment on the District's debt, it is expected that prepayment of the District's remaining debt could yield the Federal treasury between $145 to $200 million. The receipt of these funds could be used to achieve current budget targets.

The financial benefit to the water users is also significant. Prepayment will shorten the repayment term, thereby providing for financial flexibility for the District and local taxpayers.

I commend all those involved in bringing this legislation before us today. In this time of budget austerity, I am very pleased to see the district work to come up with solutions that financially benefit the Federal Government as well as the taxpayers of Utah.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1823, a bill to amend the Central Utah Project Completion Act.

This legislation will allow the Central Utah Water Conservancy District to prepay its obligations for municipal and industrial repayment contracts.

This entity has repeatedly demonstrated its willingness and its ability to control the continued construction of the Central Utah Project, one of the largest Bureau of Reclamation projects. I believe that it is appropriate that the District be afforded an opportunity to prepay its contractual obligations under terms that are fair both to the District and to the United States.

It is my understanding that the bill language in H.R. 1823 neither explicitly allows nor precludes the use of tax exempt bond financing for this prepayment.

I further note that the terms of prepayment authorized by H.R. 1823 are specific only to the Central Utah Project and to the Central Utah Water Conservancy District. Many other water districts have proposed prepayment plans or project transfer proposals, and each of those must be considered by the Secretary of the Interior and the Congress on a case-by-case basis.

I believe this bill authored by the gentleman represents a fair deal for the taxpayers and for Utah water users, but it does not necessarily represent a policy standard or a precedent for other water agencies who may wish to proceed with an early "buy out" or transfer of their Bureau of Reclamation projects.

Mr. Speaker, I urge my colleagues to support passage of H.R. 1823.

Mr. Speaker, I want to commend the gentleman from Utah [Mr. HANSEN], the gentleman from Alaska [Mr. YOUNG], and the gentleman from Utah [Mr. ORTON] for their outstanding leadership on this bill.

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Mr. RICHARDSON. Mr. Speaker, I yield 4 minutes to the gentleman from Utah [Mr. ORTON] who worked very much on this bill.

Mr. ORTON. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in strong support of H.R. 1823, the Central Utah Water Project Payments Act. I would also like to commend my colleague, and dean of our Utah House delegation who has shepherded this bill through his committee. This bill is a win-win for everyone involved. From the Federal Government to the Central Utah Water Conservancy District to the citizens of Utah and finally to the American people who will be insured of the most cost-effective project possible. I only wish we had more examples of this kind of cooperation between the Federal Government, the States, and localities. This bill will allow the Central Utah Water Conservancy District, the builder and operator of the Central Utah Project, to prepay some of its debts to the Federal Government. The President and the Office of Management and Budget strongly support this legislation since it will guarantee an additional infusion of almost $200 million to the Federal Government over the next 5 years.

My colleagues may not be aware of the tremendous amount of time that it has taken the Central Utah Project to be built. We have now been in the process for over 40 years. Through years of hard work by my predecessors in the Utah delegation as well as the current delegation we have been able to accomplish the once unthinkable, the construction and now early repayment of the Central Utah Project. And this bill represents a hallmark moment in the history of this mammoth project—maybe for the first time, we are accomplishing something ahead of schedule that will benefit everyone involved.

While I had included this same legislation in the coalition's 7-year Common Sense Balanced Budget Act, it is obvious that this specific legislation is needed since Congress and the President have failed to agree on a 7-year balanced budget.

The largest facility to be prepaid in this bill is the Jordanelle Dam which has already been completed. It is expected that the Jordanelle Reservoir, pursuant to an already agreed upon plan with the Bureau of Reclamation, will be filled with sufficient water to start repayment by the Central Utah Water Conservancy District. And once the district's repayment obligation is triggered, the district will exercise its option to prepay its repayment debt.

Since most of the Central Utah Project is located in my district, let me assure my colleagues how important this legislation is to the people of Utah. Again, this is a great example of creative financing that will benefit everyone involved.

I again commend my colleague, the chairman of the subcommittee, in his efforts in this bill. I urge adoption, and urge all of my colleagues to vote "yes" on H.R. 1823.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in conclusion, let me commend the gentleman from Utah [Mr. HANSEN] for his authorship of this bill. It is a good bill.

Mr. Speaker, I yield back the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank my colleagues for their support of this bill. I also would like to mention the gentlewoman from Utah, Ms. ENID GREENE, who worked diligently to help get this bill through, which is a great benefit for the residents of the State of Utah.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1823, as amended.

The question was taken.

Mr. HANSEN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5, rule I, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AMENDING THE NATIONAL FOREST SKI AREA PERMIT ACT OF 1986

Mr. ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1527) to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws, as amended.

The Clerk read as follows:

H.R. 1527

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SKI AREA PERMIT RENTAL CHARGE.

(a) The Secretary of Agriculture shall charge a rental charge for all ski area permits issued pursuant to section 3 of the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b), the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), or the 9th through 20th paragraphs under the heading "SURVEYING THE PUBLIC LANDS" under the heading "UNDER THE DEPARTMENT OF THE INTERIOR" in the Act of June 4, 1897 (30 Stat. 34, chapter 2), on National Forest System lands. Permit rental charges for permits issued pursuant to the National Forest Ski Area Permit Act of 1986 shall be calculated as set forth in subsection (b). Permit rental charges for existing ski area permits issued pursuant to the Act of March 4, 1915, and the Act of June 4, 1897, shall be calculated in accordance with those existing permits: *Provided*, That a permittee may, at the permittee's option, use the calculation method set forth in subsection (b).

(b)(1) The ski area permit rental charge (SAPRC) shall be calculated by adding the permittee's gross revenues from lift ticket/year-round ski area use pass sales plus revenue from ski school operations (LT+SS) and multiplying such total by the slope transport feet percentage (STFP) on National Forest System land. That amount shall be increased by the gross year-round revenue from ancillary facilities (GRAF) physically located on national forest land, including all permittee or subpermittee lodging, food service, rental shops, parking and other ancillary operations, to determine the adjusted gross revenue (AGR) subject to the permit rental charge. The final rental charge shall be calculated by multiplying the AGR by the following percentages for each revenue bracket and adding the total for each revenue bracket:

(A) 1.5 percent of all adjusted gross revenue below $3,000,000;

(B) 2.5 percent for adjusted gross revenue between $3,000,000 and $15,000,000;

(C) 2.75 percent for adjusted gross revenue between $15,000,000 and $50,000,000; and

(D) 4.0 percent for the amount of adjusted gross revenue that exceeds $50,000,000.

Utilizing the abbreviations indicated in this subsection the ski area permit fee (SAPF) formula can be simply illustrated as:

SAPF=((LT+SS)STFP)+GRAF=AGR; AGR% BRACKETS

(2) In cases where ski areas are only partially located on national forest lands, the slope transport feet percentage on national forest land referred to in subsection (b) shall be calculated as generally described in the Forest Service Manual in effect as of January 1, 1992. Revenues from Nordic ski operations shall be included or excluded from the rental charge calculation according to the percentage of trails physically located on national forest land.

(3) In order to ensure that the rental charge remains fair and equitable to both the United States and ski area permittees, the adjusted gross revenue figures for each revenue bracket in paragraph (1) shall be adjusted annually by the percent increase or decrease in the national Consumer Price Index for the preceding calendar year. No later than 3 years after the date of enactment of this Act and periodically thereafter the Secretary shall submit to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives a report analyzing whether the ski area permit rental charge legislated by this Act is returning a fair market value rental to the United States together with any recommendations the Secretary may have for modifications of the system.

(c) The rental charge set forth in subsection (b) shall be due on June 1 of each year and shall be paid or prepaid by the permittee on a monthly, quarterly, annual or other schedule as determined appropriate by the Secretary in consultation with the permittee. Unless mutually agreed otherwise by the Secretary and the permittee, the payment or prepayment schedule shall conform to the permittee's schedule in effect prior to enactment of this Act. To reduce costs to the permittee and the Forest Service, the Secretary shall each year provide the permittee with a standardized form and worksheets (including annual rental charge calculation brackets and rates) to be used for rental charge calculation and submitted with the rental charge payment. Information provided on such forms shall be compiled by the Secretary annually and kept in the Office of the Chief, U.S. Forest Service.

(d) The ski area permit rental charge set forth in this section shall become effective on June 1, 1996 and cover receipts retroactive to June 1, 1995: Provided, however, That if a permittee has paid rental charges for the period June 1, 1995, to June 1, 1996, under the graduated rate rental charge system formula in effect prior to the date of enactment of this Act, such rental charges shall be credited toward the new rental charge due on June 1, 1996. In order to ensure increasing rental charge receipt levels to the United States during transition from the graduated rate rental charge system formula of this Act, the rental charge paid by any individual permittee shall be—

(1) for the 1995–1996 permit year, either the rental charge paid for the preceding 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(2) for the 1996–1997 permit year, either the rental charge paid for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher;

(3) for the 1997–1998 permit year, either the rental charge for the 1994–1995 base year or the rental charge calculated pursuant to this Act, whichever is higher.

If an individual permittee's adjusted gross revenue for the 1995–1996, 1996–1997, or 1997–1998 permit years falls more than 10 percent below the 1994–1995 base year, the rental charge paid shall be the rental charge calculated pursuant to this Act.

(e) Under no circumstances shall revenue, or subpermittee revenue (other than lift ticket, area use pass, or ski school sales) obtained from operations physically located on non-national forest land be included in the ski area permit rental charge calculation.

(f) To reduce administrative costs of ski area permittees and the Forest Service the terms "revenue" and "sales", as used in this section, shall mean actual income from sales and shall not include sales of operating equipment, refunds, rent paid to the permittee by sublessees, sponsor contributions to special events or any amounts attributable to employee gratuities or employee lift tickets, discounts, or other goods or services (except for bartered goods and complimentary life tickets) for which the permittee does not receive money.

(g) In cases where an area of national forest land is under a ski area permit but the permittee does not have revenue or sales qualifying for rental charge payment pursuant to subsection (a), the permittee shall pay an annual minimum rental charge of $2 for each national forest acre under permit or a percentage of appraised land value, as determined appropriate by the Secretary.

(h) Where the new rental charge provided for in subsection (b)(1) results in an increase in permit rental charge greater than one half of one percent of the permittee's adjusted gross revenue as determined under subsection (b)(1), the new rental charge shall be phased in over a five year period in a manner providing for increases for approximately equal increments.

(i) To reduce federal costs in administering the provisions of this Act, the reissuance of a ski area permit to provide activities similar in nature and amount to the activities provided under the previous permit shall not constitute a major Federal action for the purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4331 et seq.).

SEC. 2. WITHDRAWALS.

Subject to valid existing rights, all lands located within the boundaries of ski area permits issued prior to, on or after the date of enactment of this Act pursuant to authority of the Act of March 4, 1915 (38 Stat. 1101, chapter 144; 16 U.S.C. 497), and the Act of June 4, 1897, or the National Forest Ski Area Permit Act of 1986 (16 U.S.C. 497b) are hereby and henceforth automatically withdrawn from all forms of appropriation under the mining laws and from disposition under all laws pertaining to mineral and geothermal leasing and all amendments thereto. Such withdrawal shall continue for the full term of the permit and any modification, reissuance, or renewal thereof. Unless the Secretary requests otherwise of the Secretary of the Interior, such withdrawal shall be canceled automatically upon expiration or other termination of the permit and the land automatically restored to all appropriation not otherwise restricted under the public land laws.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. ALLARD] and the gentleman from New Mexico [Mr. RICHARDSON] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 1527, legislation to amend the process by which the Forest Service calculates the charges for ski areas on National Forest Service lands. This is a good bill which simplifies 40 pages of complex Government regulations and procedures, reduces costs on the private sector, and generates additional revenue for the Treasury.

Mr. Speaker, there are 143 ski areas located on Forest Service land around the country. While these ski areas represent only one-tenth of 1 percent of the land managed by the Forest Service, tens of millions of persons enjoy skiing at such internationally renown sites as Vail, Steamboat Springs, Aspen, Jackson Hole, Mammoth, and Sugarbush every year. For that reason, it is important that we establish sound policy in the management of our ski areas, which ensures continuation of this strong public-private partnership.

As ski area operations have evolved over the years into complex multi-season resorts, the existing graduate rate fee system for calculating ski area permittee fees has become increasingly complex. For example, the Forest Service has now instituted such practices as levying a charge on facilities and services on private lands which the Forest Service claims are related to the ski area. In 1986, Congress recognized that the existing system for calculating fees that ski area operators pay to the Federal Government was outdated and directed the Forest Service to develop a new fee system.

Unfortunately, in the 10 years since Congress directed the Forest Service to establish a new fee system, the agency has provided no new recommendation to Congress. The Forest Service has spent a substantial amount of money studying new ways to calculate fees, but at this point has nothing new to suggest. Last September, the Forest Service announced that they were prepared to scrap all their previous work and start a new study.

Instead of further studies, what this legislation presents is a new and simplified approach for calculating ski area permittee fees. Just as importantly, CBO has estimated that this legislation will actually increase revenues to the Treasury.

Mr. Speaker, this bill is a win-win-win: A win for the administration, who will see administrative costs go down. A win for the Treasury, where revenues will go up. And a win for the American public, who enjoys recreational skiing on Forest Service lands, which provide this country with some of the best recreational skiing in the world.

I commend the bill to my colleagues and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. RICHARDSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support H.R. 1527, the ski fee bill, although I do recognize some concerns with this legislation have been expressed by the administration and others.

I am all for simplifying the ski fee determination. The current process used by the Forest Service is cumbersome and costly, both for the agency and the permittees. H.R. 1527 greatly simplifies that process.

The Federal Government should get fair market value for the use of Federal assets. Unfortunately, as circumstances currently stand, we cannot be assured that this bill meets that test. As the GAO has reported to Congress, the ski industry's fee proposal that is embodied in H.R. 1527 does not assure that the Federal Government receives fair market value. The percentages used in the bill were designed to generate only the same amount in revenue that the Forest Service presently collects.

To address the question of fair market value, the bill includes language requiring the Secretary of Agriculture to report to Congress within 3 years on whether the bill's fee formula is achieving fair market value. I think this is a good idea.

I should also note that the administration and others have expressed concerns about the bill's NEPA waiver for permit renewals. That particular language presents some policy problems. but they are not insurmountable.

Mr. Speaker, as I noted earlier, the current Permit Fee System is cumbersome and costly. That is why the Forest Service has been moving to scrap it and replace it with a new fee program. Those proposed changes however are several years off. As such, I support H.R. 1527, with the understanding that the Congress can address this matter again if the Secretary reports to Congress that the bill's fee schedule is not achieving fair market value.

I particularly want to commend the advice on this legislation I received from Mickey Blake, my constituent who operates the world-renowned Taos Ski Valley, which happens to be the number one ski resort in the country, with all deference to my friends from Colorado.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just want to compliment the chairman of the Committee on Resources, the gentleman from Alaska [Mr. YOUNG], for carrying this valuable piece of legislation forward. I appreciate his hard work on behalf of ski country.

Mr. RICHARDSON. Mr. Speaker, I yield back the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. ALLARD] that the House suspend the rules and pass the bill, H.R. 1527, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: "A bill to further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws."

A motion to reconsider was laid on the table.

HELIUM PRIVATIZATION ACT OF 1996

Mr. ALLARD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3008) to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

The Clerk read as follows:

H.R. 3008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helium Privatization Act of 1996".

SEC. 2. AMENDMENT OF HELIUM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Helium Act (50 U.S.C. 167 to 167n).

SEC. 3. AUTHORITY OF SECRETARY.

Sections 3, 4, and 5 are amended to read as follows:

"SEC. 3. AUTHORITY OF SECRETARY.

"(a) EXTRACTION AND DISPOSAL OF HELIUM ON FEDERAL LANDS.—

"(1) IN GENERAL.—The Secretary may enter into agreements with private parties for the recovery and disposal of helium on Federal lands upon such terms and conditions as the Secretary deems fair, reasonable, and necessary.

"(2) LEASEHOLD RIGHTS.—The Secretary may grant leasehold rights to any such helium.

"(3) LIMITATION.—The Secretary may not enter into any agreement by which the Secretary sells such helium other than to a private party with whom the Secretary has an agreement for recovery and disposal of helium.

"(4) REGULATIONS.—Agreements under paragraph (1) may be subject to such regulations as may be prescribed by the Secretary.

"(5) EXISTING RIGHTS.—An agreement under paragraph (1) shall be subject to any rights of any affected Federal oil and gas lessee that may be in existence prior to the date of the agreement.

"(6) TERMS AND CONDITIONS.—An agreement under paragraph (1) (and any extension or renewal of an agreement) shall contain such terms and conditions as the Secretary may consider appropriate.

"(7) PRIOR AGREEMENTS.—This subsection shall not in any manner affect or diminish the rights and obligations of the Secretary and private parties under agreements to dispose of helium produced from Federal lands in existence on the date of enactment of the Helium Privatization Act of 1996 except to the extent that such agreements are renewed or extended after that date.

"(b) STORAGE, TRANSPORTATION AND SALE.—The Secretary may store, transport, and sell helium only in accordance with this Act.

"SEC. 4. STORAGE, TRANSPORTATION, AND WITHDRAWAL OF CRUDE HELIUM.

"(a) STORAGE, TRANSPORTATION AND WITHDRAWAL.—The Secretary may store, transport and withdraw crude helium and maintain and operate crude helium storage facilities, in existence on the date of enactment of the Helium Privatization Act of 1996 at the Bureau of Mines Cliffside Field, and related helium transportation and withdrawal facilities.

"(b) CESSATION OF PRODUCTION, REFINING, AND MARKETING.—Not later than 18 months after the date of enactment of the Helium Privatization Act of 1996, the Secretary shall cease producing, refining, and marketing refined helium and shall cease carrying out all other activities relating to helium which the Secretary was authorized to carry out under this Act before the date of enactment of the Helium Privatization Act of 1996, except activities described in subsection (a).

"(c) DISPOSAL OF FACILITIES.—

"(1) IN GENERAL.—Subject to paragraph (5), not later than 24 months after the cessation of activities referred to in subsection (b) of this section, the Secretary shall designate as excess property and dispose of all facilities, equipment, and other real and personal property, and all interests therein, held by the United States for the purpose of producing, refining and marketing refined helium.

"(2) APPLICABLE LAW.—The disposal of such property shall be in accordance with the Federal Property and Administrative Services Act of 1949.

"(3) PROCEEDS.—All proceeds accruing to the United States by reason of the sale or other disposal of such property shall be treated as moneys received under this chapter for purposes of section 6(f).

"(4) COSTS.—All costs associated with such sale and disposal (including costs associated with termination of personnel) and with the cessation of activities under subsection (b) shall be paid from amounts available in the helium production fund established under section 6(f).

"(5) EXCEPTION.—Paragraph (1) shall not apply to any facilities, equipment, or other real or personal property, or any interest therein, necessary for the storage, transportation and withdrawal of crude helium or any equipment, facilities, or other real or personal property, required to maintain the purity, quality control, and quality assurance of crude helium in the Bureau of Mines Cliffside Field.

"(d) EXISTING CONTRACTS.—

"(1) IN GENERAL.—All contracts that were entered into by any person with the Secretary for the purchase by the person from the Secretary of refined helium and that are in effect on the date of the enactment of the Helium Privatization Act of 1996 shall remain in force and effect until the date on which the refining operations cease, as described in subsection (b).

"(2) COSTS.—Any costs associated with the termination of contracts described in paragraph (1) shall be paid from the helium production fund established under section 6(f).

"SEC. 5. FEES FOR STORAGE, TRANSPORTATION AND WITHDRAWAL.

"(a) IN GENERAL.—Whenever the Secretary provides helium storage withdrawal or transportation services to any person, the Secretary shall impose a fee on the person to reimburse the Secretary for the full costs of providing such storage, transportation, and withdrawal.

"(b) TREATMENT.—All fees received by the Secretary under subsection (a) shall be treated as moneys received under this Act for purposes of section 6(f).".

SEC. 4. SALE OF CRUDE HELIUM.

(a) Subsection 6(a) is amended by striking "from the Secretary" and inserting "from persons who have entered into enforceable contracts to purchase an equivalent amount of crude helium from the Secretary".

(b) Subsection 6(b) is amended—

(1) by inserting "crude" before "helium"; and

(2) by adding the following at the end: "Except as may be required by reason of subsection (a), sales of crude helium under this section shall be in amounts as the Secretary determines, in consultation with the helium industry, necessary to carry out this subsection with minimum market disruption.".

(c) Subsection 6(c) is amended—

(1) by inserting "crude" after "Sales of"; and

(2) by striking "together with interest as provided in this subsection" and all that follows through the end of the subsection and inserting "all funds required to be repaid to the United States as of October 1, 1995 under this section (referred to in this subsection as 'repayable amounts'). The price at which crude helium is sold by the Secretary shall not be less than the amount determined by the Secretary by—

"(1) dividing the outstanding amount of such repayable amounts by the volume (in million cubic feet) of crude helium owned by the United States and stored in the Bureau of Mines Cliffside Field at the time of the sale concerned, and

"(2) adjusting the amount determined under paragraph (1) by the Consumer Price Index for years beginning after December 31, 1995.".

(d) Subsection 6(d) is amended to read as follows:

"(d) EXTRACTION OF HELIUM FROM DEPOSITS ON FEDERAL LANDS.—All moneys received by the Secretary from the sale or disposition of helium on Federal lands shall be paid to the Treasury and credited against the amounts required to be repaid to the Treasury under subsection (c).".

(e) Subsection 6(e) is repealed.

(f) Subsection 6(f) is amended—

(1) by striking "(f)" and inserting "(e)(1)"; and

(2) by adding the following at the end:

"(2)(A) Within 7 days after the commencement of each fiscal year after the disposal of the facilities referred to in section 4(c), all amounts in such fund in excess of $2,000,000 (or such lesser sum as the Secretary deems necessary to carry out this Act during such fiscal year) shall be paid to the Treasury and credited as provided in paragraph (1).

"(B) On repayment of all amounts referred to in subsection (c), the fund established under this section shall be terminated and all moneys received under this Act shall be deposited in the general fund of the Treasury.".

SEC. 5. ELIMINATION OF STOCKPILE.

Section 8 is amended to read as follows:

"SEC. 8. ELIMINATION OF STOCKPILE.

"(a) STOCKPILE SALES.—

"(1) COMMENCEMENT.—Not later than January 1, 2005, the Secretary shall commence offering for sale crude helium from helium reserves owned by the United States in such amounts as would be necessary to dispose of all such helium reserves in excess of 600,000,000 cubic feet on a straight-line basis between such date and January 1, 2015.

"(2) TIMES OF SALE.—The sales shall be at such times during each year and in such lots as the Secretary determines, in consultation with the helium industry, to be necessary to carry out this subsection with minimum market disruption.

"(3) PRICE.—The price for all sales under paragraph (1), as determined by the Secretary in consultation with the helium industry, shall be such price as will ensure repayment of the amounts required to be repaid to the Treasury under section 6(c).

"(b) DISCOVERY OF ADDITIONAL RESERVES.—The discovery of additional helium reserves shall not affect the duty of the Secretary to make sales of helium under subsection (a).".

SEC. 6. REPEAL OF AUTHORITY TO BORROW.

Sections 12 and 15 are repealed.

SEC. 7. LAND CONVEYANCE IN POTTER COUNTY, TEXAS.

(a) IN GENERAL.—The Secretary of the Interior shall transfer all right, title, and interest of the United States in and to the parcel of land described in subsection (b) to the Texas Plains Girl Scout Council for consideration of $1, reserving to the United States such easements as may be necessary for pipeline rights-of-way.

(b) LAND DESCRIPTION.—The parcel of land referred to in subsection (a) is all those certain lots, tracts or parcels of land lying and being situated in the County of Potter and State of Texas, and being the East Three Hundred Thirty-One (E331) acres out of Section Seventy-eight (78) in Block Nine (9), B.S. & F. Survey, (some times known as the G.D. Landis pasture) Potter County, Texas, located by certificate No. 1/39 and evidenced by letters patents Nos. 411 and 412 issued by the State of Texas under date of November 23, 1937, and of record in Vol. 66A of the Patent Records of the State of Texas. The metes and bounds description of such lands is as follows:

(1) FIRST TRACT.—One Hundred Seventy-one (171) acres of land known as the North part of the East part of said survey Seventy-eight (78) aforesaid, described by metes and bounds as follows:

Beginning at a stone 20 x 12 x 3 inches marked X, set by W.D. Twichell in 1905, for the Northeast corner of this survey and the Northwest corner of Section 59;

Thence, South 0 degrees 12 minutes East with the West line of said Section 59, 999.4 varas to the Northeast corner of the South 160 acres of East half of Section 78;

Thence, North 89 degrees 47 minutes West with the North line of the South 150 acres of the East half, 956.8 varas to a point in the East line of the West half Section 78;

Thence, North 0 degrees 10 minutes West with the East line of the West half 999.4 varas to a stone 18 x 14 x 3 inches in the middle of the South line of Section 79;

Thence, South 89 degrees 47 minutes East 965 varas to the place of beginning.

(2) SECOND TRACT.—One Hundred Sixty (160) acres of land known as the South part of the East part of said survey No. Seventy-eight (78) described by metes and bounds as follows:

Beginning at the Southwest corner of Section 59, a stone marked X and a pile of stones; Thence, North 89 degrees 47 minutes West with the North line of Section 77, 966.5 varas to the Southeast corner of the West half of Section 78; Thence, North 0 degrees 10 minutes West with the East line of the West half of Section 78;

Thence, South 89 degrees 47 minutes East 965.8 varas to a point in the East line of Section 78;

Thence, South 0 degrees 12 minutes East 934.6 varas to the place of beginning.

Containing an area of 331 acres, more or less.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. ALLARD] and the gentleman from Hawaii [Mr. ABERCROMBIE] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3008. This legislation demonstrates our commitment to put an end to bloated Government programs by shutting down an inefficient facility which has outlived its need and can't compete with the private sector. I thank my good friend and colleague, Mr. COX, for his tireless efforts to bring this important bill to the floor. To assure the fiscal responsibility for this closure, this legislation repeals the Secretary of the Interior's authority to borrow under the Helium Act and requires the Secretary to impose fees for helium storage, withdrawal, and transportation services.

Specifically this bill will:

Get the Federal Government out of the helium business, including sale of the stockpile, and shut down an inefficient helium refinery. Within 18 months, this bill will terminate the helium refining and marketing operations of the former U.S. Bureau of Mines at the Excell plant and the Amarillo plant. Additionally, all proceeds from the sale of these facilities and equipment will be returned to the Treasury. These funds will be applied toward reduction of the debt the Federal Government has incurred by purchasing crude helium for storage and refining since 1960.

Second, this bill ensures repayment of this debt. The total helium program debt shall be frozen at the current amount, which is approximately $1.4 billion. Future sales from the crude helium stockpile must be sold at a price determined by dividing this debt by the approximately 32 billion cubic feet of helium currently stored in the Cliffside Field. That value will be the minimum bid per thousand cubic feet for crude helium that the private distributors must pay to access this supply. Revenue received from the private sector as the result of crude helium sales will be returned to the Treasury to complete debt repayment.

And finally, this legislation protects our domestic helium industry from undue disruption by the Federal Government. By recognizing the current market surplus, the bill allows flexibility in commencement of the sale of the stockpile, so as to minimize market disruption. Sales may begin as late as 2005 but the bill requires that the stockpile be eliminated by 2015. Coincidentally, this is when many experts believe the current surplus of helium may no longer exist. Thus the Federal Government should receive a higher price for the commodity than the minimum established floor bid.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise with regrets, acknowledging H.R. 3008, a bill to close the Federal helium program, will pass today. In these days of downsizing, it seems the time has come to terminate programs which appear to have outlived their usefulness like the Federal helium program.

I want to note that I say appear, Mr. Speaker. Since 1925, when the Defense Department believed that dirigibles or blimps would be an integral part of our national defense, the Federal Government has managed a helium program. Today the Federal helium program continues to serve the needs of major Federal users of helium such as NASA and DOE laboratories, who are required to purchase helium from the Bureau of Mines.

The Federal Government got involved in helium production at a time when there was no private helium production. Today, however, the private sector manufactures 90 percent of the world's helium. For this reason groups such as the National Taxpayers Union, the "20/20" TV program, the Interior Department inspector general, and the Heritage Foundation, an unlikely conglomeration, have called for its elimination.

H.R. 3008, like its predecessor, H.R. 3967 in the 103d Congress, enjoys bipartisan support. While I did not support termination of the program, I recognize after several years of consideration Congress is poised to resolve the question of the helium program by terminating it. But I remain concerned that we have not done enough to aid the 200-plus employees in Amarillo, TX, who will lose their livelihood as consequence of our decision.

The bill directs the Secretary of the Interior to sell off all the equipment, real property, refining facilities, and gradually sell off most of the crude helium currently stored in Amarillo, TX. Funds from the sale will be deposited in a helium fund established under the 1960 act, and will be available for various termination activities, including some employee benefits already authorized under law. Eventually the fund will be applied against the debt to reduce the deficit. This is, in any event, the hope.

During the committee consideration of this bill, I offered an amendment to provide employee benefits in addition to those authorized under existing law so that the 200-plus employees in Amarillo, many of whom have built their careers on this program, would get the same kind of additional education and job placement assistance that we gave defense employees working at bases that were closed. These are people, Mr. Speaker, men and women, who through no fault of their own find themselves working for a Federal program targeted for downsizing and in fact elimination.

My amendment would have given these people help in addition to what the Secretary has already authorized to provide, the same kind of help that we have provided, as I indicated, to many of the defense employees working at military bases scheduled for closure: job placement assistance, extended life and health insurance coverage, and the option to take an early retirement without penalty.

Sadly, my Republican colleagues on the committee could not be persuaded to provide this type of much-needed aid. During committee debate, my friend and colleague from California [Mr. CALVERT] argued that the Secretary already has the authority to provide these benefits. This is simply incorrect, Mr. Speaker.

My amendment would have added authority necessary to enable the Secretary to extend health and life insurance coverage for 3 years beyond an employee's termination. The Secretary does not have the ability to provide this assistance under current law. My amendment would have allowed Federal helium employees access to the enhanced early retirement option, and current law does not provide for this protection. My amendment would have given Federal helium employees hiring preference Government-wide, not just in the Amarillo area as is provided under existing law.

So, Mr. Speaker, my amendment failed. Even though I agreed with my good friend and colleague from Texas [Mr. THORNBERRY] that we did not need to terminate this program, I, and I believe he, could see that this bill would pass. So I tried to lessen the blow so that the helium workers might be able to find another Federal job, or if they served 20 years, they could take an early out and retire from civil service.

As of now, this is not to be, Mr. Speaker. These activities would have been paid from the existing helium account and would have cost relatively pennies, especially in comparison to the costs of unemployment benefits. The Congressional Budget Office said that my amendment would have had no budgetary effect.

It seemed only fair to offer this assistance to the innocent victims of our downsizing zeal, so that the employees who had nothing to do with the difficulties facing the program would not be left stranded by their Government. But my Republican colleagues could not see their way clear to help their fellow public servants in this instance, and so today I expect we will pass H.R. 3008 under suspension of the rules so we can praise ourselves for making Government smaller.

We could have done so, Mr. Speaker, in a much more humane and compassionate manner. I will ask the other body to consider my amendment before we conclude the legislative process. Loyal workers in the helium program deserve no less.

Mr. Speaker, I reserve the balance of my time.

Mr. ALLARD. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. CALVERT] and ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. CLINGER). Is there objection to the request of the gentleman from Colorado?

There was no objection.

The SPEAKER pro tempore. The gentleman from California [Mr. CALVERT] will be recognized for 17 minutes, the balance of the time.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Speaker, I thank my colleague from California for his work on this legislation, and my other colleague from California [Mr. COX], and also the gentleman from Massachusetts [Mr. FRANK], for their work on this legislation for years. In a way it is kind of a shame to see this program come to an end because it takes away one of the great punch lines when talking about the Federal Government, because the national helium reserve has really been a laughingstock, I think, for several decades.

Looking all the way back to the early 1930's, the Federal Government got involved and continues to be involved in the operation of hydroelectric facilities, and I have to ask my constituents at home whether they think the Federal Government should be producing, marketing, and selling electric power these days, and they say no.

We continue to run and operate, believe it or not, a series of oil fields scattered around this country from California to Wyoming to Colorado, although it is with some hope in the budget agreement we just passed last week that we will be selling off, finally, some of those oil fields that have literally existed since the days that Teddy Roosevelt was President in order to guarantee the fact that our naval fleet would have an adequate supply of petroleum.

And here we are arguing, 70 years later, whether or not we need a helium reserve in order to do dirigible research in the United States. This is absolutely absurd. The private sector is capable of producing, marketing, and selling helium as it has been for the last several decades, and this is a project at this point, frankly, where we have run up about $40 million a year in losses on this program and we have an accumulated debt of nearly $1.5 billion.

This legislation in front of us today has both bipartisan support here in Congress and also is supported by the White House. It is supported by a number of taxpayer groups, including Citizens Against Government Waste and the National Taxpayers Union.

The reality today is that in 1996 it is clear that blimps have absolutely nothing to do with national security. They may have to do with some intriguing shots at the halftime of a Monday night football game, but I think they manage to do that without support from the Federal Government. The taxpayers, frankly, now are left with almost a $1.5 billion debt to pay off the cost of a reserve that has not really had any strategic interest for the last 70 years. Obviously, as well, there is an adequate supply of helium in the private sector.

I finally urge my colleagues to vote for this measure and thank the gentleman from California [Mr. CALVERT] and the rest of my colleagues for killing a program that frankly should have been killed 50 years ago.

Mr. ABERCROMBIE. Mr. Speaker, with the Chair's permission, I yield such time as he may consume to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. I thank my friend and I would say I admire him, but in the future I think when he is yielding to someone he better not ask their permission, because if they think they could deny it, they might.

Mr. ABERCROMBIE. Mr. Speaker, as the gentleman, I know.

Mr. FRANK of Massachusetts. I thank the ranking member for yielding me the time.

Mr. Speaker, I want to add my words in support of this bill. It is a lot easier, it turns out, for the Members on both sides of the House, Democratic and Republican and across the ideological spectrum, to abolish a program in principle than to abolish it in fact. We hear a great deal of talk about abolition but when we get to abolishing any specific program, it will have liberal and conservative defenders, it will have Democratic and Republican defenders.

This is one where we also fortunately have a bipartisan coalition for the abolition. The time has come, clearly, to abolish it. If we cannot at this point dispense with the helium reserve, the purpose of which is no longer valid, then we cannot undo anything.

Members who represent the area where it is involved, and they will be legitimately representing their interests, they will raise some objections. It is true that it would be a lot cleaner to do this if we never had a helium reserve in the first place. It is true that solutions to problems cannot be qualitatively more elegant than the problems themselves. When we have an entity, we have always some details to decide when we abolish it.

Nonetheless, abolition is clearly the sensible way to go, and I think the gentleman from California [Mr. COX], who has done so much work on this, has quite sensibly dealt with those problems. This is as reasonable an approach as we can get, with just one exception.

I heard the gentleman from Hawaii absolutely correctly pointing out that there are some innocent victims in this, and those are the people who went to work for the Government in the helium reserve. I agree with him completely, that they should be held harmless as much as possible. The package of proposals he outlined, especially since as he pointed out they have no budgetary impact, are entirely reasonable.

So I would join my friend from Hawaii in appealing to the Senate, when this bill goes to them, to add that kind of an amendment. In fact, as a cosponsor of the bill and as a supporter, I will join with him in urging them to act on that once we have done this.

I say that is important not just in this instance, but it is important if we are to go ahead with the kind of changes we ought to make. We have to show that we can economize with some compassion, that we can economize taking a longer look, but that we are not going to make hardworking individuals who did not make the particular policy choices bear an undue share of the burden. To the extent that we can give them equity while we go forward, I think we ought to. So therefore, as I said, I join the gentleman's amendment, and with that I also strongly support this legislation.

The gentleman from California [Mr. COX], who began calling the attention of this body to this, has as I said done a very good job of saying, look, we have this outdated program, a program which it does not make sense for the Federal Government to be involved in. One test we always have here is, if we were in fact starting a government today, would somebody come forward and say, "Hey, I know what we need, we need an army, a navy, an air force, a Justice Department, a Treasury Department, and the helium reserve." I do not think that a helium reserve would make anybody's list of the things a government ought to be doing right now.

The question, then, is how do we phase it out sensibly? The gentleman from California's legislation does that. So I hope we pass this today, and I hope we can then persuade the Senate to take advantage of their greater rules flexibility, add the amendment the gentleman from Hawaii talked about, and send the whole thing to the President.

Mr. CALVERT. Mr. Speaker, I yield 1½ minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank the distinguished gentleman from California, and I commend him for his efforts to terminate the national helium reserve and provide some relief for the American taxpayer. I think the American taxpayers will be very happy to receive the news.

I also want to congratulate my friend from California, Mr. COX, who has talked many years about this with me. I think that as a classmate of mine I am very proud of his efforts in this as well. This is a long overdue action that I have included in my own annual list of spending cuts for 4 years running as an unjustifiable expense at the Government's level. It demonstrates that slowly but surely we are making progress in downsizing Government in this town despite resistance.

□ 1515

As this bill goes through the suspension process today with the support of almost all taxpayer watchdog organizations, we have got to ask a question: How did it take this long to get rid of this turkey? This is a fair question, especially given the fact that this idea was included in the Vice President's own reinventing Government plan.

Well, the answer it turns out is easy. Preservation of the program was used as a bargaining chip in 1993 by the White House, the Clinton White House, to ensure passage of the Clinton tax hike. You remember the tax hike, the biggest one in history, the one that Americans are feeling at the gas pumps today?

Well, under this deal, the taxpayer lost twice, with $250 billion in new taxes and through the continuation of this Federal boondoggle. Liberal Democrats got two bites, taxpayers got two hits. No more excuses, no more deals, it is time to end the Federal involvement in helium and get our fiscal house in order.

This was a national security issue. It is no longer. And it cannot be justified as a jobs program either. It needs to be put to rest.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself 1½ minutes, to say that the discussion in committee, at least with respect to the gentleman from Florida's last comments, was not about whether this was a jobs program. The question is whether the jobs that were being done could be dealt with in a manner consonant with the closure of this program that would do justice to our sense of compassion and understanding of the impact that it would have on those people who are now working.

Mr. GOSS. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Florida.

Mr. GOSS. Mr. Speaker, I did not want to put words in the mouth of the gentleman from Hawaii. What I heard him say, I thought, was that we need to deal with the job dislocation in this matter. I think that is a fine sentiment. We have something called private enterprise in this country and opportunity that seems to work very well.

I would like to know if the gentleman wants to supplement that with some additional subsidy from the taxpayers for these workers, which is what I thought the intent of the gentleman's remarks were.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, if the gentleman was a bit more familiar with the fund that finances the helium project as it is presently undertaken, I think that that would not be a question.

Mr. CALVERT. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CREMEANS] who has been very helpful in this legislation.

Mr. CREMEANS. Mr. Speaker, I rise today in support of H.R. 3008, legislation to end the Federal Government's involvement in the helium business. Just as this Congress has done for the last 16 months, H.R. 3008 is another example of streamling Government and making it work for the taxpayers. I would like to thank Mr. COX, the sponsor of this bill, for his hard work and dedication in bringing the bill to the floor.

Since my election to Congress, a top priority of mine has been to shrink the Federal bureaucracy and make it work more effectively for the taxpayer. Cutting waste and unnecessary Government programs, such as the helium project, must be done if we are to balance the budget. That is why, last year I introduced H.R. 846, my own bill to end the Government Helium Program. I am pleased that this nearly identical bill has come before us for a vote today.

Getting Government out of the helium business makes sense for several reasons. First, it is responsible to taxpayers. In 1995 alone, increased debt on the helium program was about $38 million. This bill freezes the total program debt at the current amount, approximately $1.4 billion, and allows for the sale of the helium stockpile to the private sector.

In addition to being fiscally responsible, the bill also protects the private domestic helium market from disruption caused by selling the Government stockpile. Sales of the stockpile need not being for another decade, thereby ensuring time to absorb the helium into the market. This will help protect private domestic helium production jobs from any potential adverse effect of the sale.

Mr. Speaker, the Federal Helium Program's time has passed. The days of the Government, using taxpayer dollars, to compete against the private sector are over. It's time to stop producing a product we can buy cheaper from American companies. Selling off the Government reserve and returning the money to the Treasury is the right thing for the taxpayers and the domestic helium industry. This bill is long overdue.

I strongly support the legislation and urge my colleagues to do the same.

Mr. CALVERT. Mr. Speaker, I yield 5 minutes to the gentleman from Texas [Mr. THORNBERRY].

Mr. THORNBERRY. Mr. Speaker, I appreciate the gentleman yielding me time, and I appreciate my subcommittee chairman's tolerance of hearing my views on this issue. I certainly appreciate the ranking member working with us on this issue as well. He is certainly one Member of this body that is willing to question and to look beyond maybe his preconceived ideas and has worked to make this bill a better bill. I certainly appreciate his efforts in that regard.

Mr. Speaker, there is a legitimate question about whether the Federal Government ought to be in the helium business or not. I think we are beyond that. I think that this body has decided the Federal Government will get out of the helium business. But just to show my colleagues that it is not a completely one-sided issue, I will insert a couple of articles, one from the New York Times, one from the Washington Post, talking about the importance of this strategic material to defense, to our space program, to medical research, and the rest.

But I want to go beyond that. The decision has been made to get the Federal Government out of the helium business, so we ought to do it in the best way possible. I am going to vote no on this bill today because I think one of the key flaws in this bill is that it prevents the Federal helium assets from being privatized.

Now, the text of the bill says that it is OK, it will be put up for sale and somebody can buy this stuff. But as a practical matter, the formula in the bill makes it economically impossible for any company, whether it is an individual in Amarillo, TX or Exxon, from buying any of the helium that is stored in the ground. The formula in this bill has the price of helium about 25 to 48 percent above the current market price. Now, if somebody wants to spend that much more, they can do it. But I suggest that there is nobody who will do that.

So what we have are some folks in my district who might be interested in buying the refinery and buying some of the helium and competing in the market, who are essentially shut out from doing that because the formula is skewed to prevent somebody from doing it.

I have other constituents interested in buying some of the helium and building perhaps even a new refinery and to refine some of the natural gas out of it. They are shut out because of this formula.

So as we move to the other body, I suggest that one of the key improvements that must be made in this bill is looking at the formula by which the Government sells the helium that is in the ground.

As a matter of fact, not only does this prevent us from privatizing the operations, as we are doing in so many other cases in this body; it also prevents us from accruing the real savings that are being advertised by this bill. One of the projections by OMB showed that at least $43.9 million of the saving accrued by this bill would come as a result of the sale of helium that is in the stockpile and in the ground.

If it is priced 25 to 48 percent above the market, not only can it not be privatized, the taxpayers will not see the benefit of that $44 million that they are supposed to get, because it is priced far above where it should be.

In committee I offered a substitute that was very much closer to the administration's plan to end the helium program. It would have provided that the Secretary could sell some of the helium at market price within his discretion so there is not a disruption in the market. But I think it would make far more sense to do so that way. It would enable some of the helium workers to perhaps even get a job at a new privatized helium plant. Yet this bill prevents that from happening.

Mr. Speaker, I do not know, this has been around so long, I am not sure if we are really interested in doing this thing the right way for the right reasons. It is an easy program to make fun of. It is an essential program in many ways. But I suggest that if we are going to do it the right way and if we are going to do the right thing by the workers and by the country, then major revisions need to take place in this bill with a formula, as well as the way the workers are treated. We all ought to strive to not just make the Government smaller, but smarter. In that effort I will be voting no on this bill today.

Mr. Speaker, I include for the RECORD the articles referred to.

[From the Washington Post, Dec. 18, 1995]

U.S. HELIUM RESERVE FINDS A CHAMPION

(By Curt Suplee)

The venerable National Helium Reserve—32 billion cubic feet of the stuff, stored beneath the Texas Panhandle—has become the federal government equivalent of laughing gas. Marked for extinction in the Republican budget plan, the 70-year-old stockpile program has been travestied on Capitol Hill and in the news media as "a symbol for obsolete federal ventures," "the government-waste poster child" and "amazingly stupid even by government standards."

But to many scientists, it's no laughing matter. Earth's tiny supply of helium is "finite and irreplaceable," the American Physical Society (APS) warns in a strongly worded new statement, and doing away with it could prompt a national catastrophe. When present reserves are exhausted, the world's leading organization of physicists argues, there will be no economically feasible way to replace them.

That might not matter much if helium were used only for levitating blimps or filling birthday balloons. But it has become one of the most important materials in modern science. The physicists are worried that if it's left up to private industry to extract it from natural gas (the main source), much of the nation's helium simply will go up in smoke.

Liquid helium has the lowest boiling point of any substance and is essential to the production of practical superconductors—materials that have no resistance to electricity—and devices that rely on them. That includes a wide range of cutting-edge technologies such as medical MRI scanners, ultra-sensitive diagnostic detectors, weapon-guidance and astronomical systems, particle accelerators, magnetically levitated trains and resistance-free power lines.

Moreover, helium is as close to chemically inert as elements get and thus is crucial to operations in which chemical reactions could be destructive, including pressurizing space shuttle tanks (NASA is NHR's biggest customer), welding such reactive metals as aluminum and forming delicate silicon crystals.

Yet there is strong bipartisan support for selling off the federal reserves—housed in underground facilities near Amarillo, Tex.—on the private market over the next 20 years to raise an estimated $1 billion or more for the treasury.

In his last State of the Union address, President Clinton cited the National Helium Reserve as one of "over 100 programs we do not need." The Republican budget reconciliation bill vetoed by Clinton earlier this month called for a shutdown of the NHR's helium-extraction activities (which make up about 10 percent of U.S. production) and gradual sale of its inventory between 2005 and 2015. The revised balanced-budget plan Republicans are proposing contains the same provisions.

That leaves the program, which originated in 1925 to ensure ample gas supplies for "national security" uses such as dirigible inflation, with no visible means of support—except for the physicists, who have taken their case to the Office of Science and Technology Policy in hopes of emphasizing that helium is not a renewable resource.

The only commercially viable source is natural gas, some deposits of which contain as much as 0.3 percent helium. Such "helium-rich" fields exist only in the United States and, to a minor extent, in Canada. If helium is not extracted from the fuel before the gas is burned, it disappears irretrievably into the atmosphere. Some 3.2 billion cubic feet per year—approximately the same amount that is commercially extracted—is lost this way, the APS estimates.

(Theoretically, helium could be recaptured from the air, where it makes up about five ten-thousandths of 1 percent by volume. But the cost would be astronomical. Recovering even 3.2 billion cubic feet—about one year's domestic production—would require 5 percent of the annual U.S. energy consumption, according to the APS analysis.)

There are only a couple of deposits in the United States that are particularly rich in helium, said Charlotte LeGates, a spokeswoman for the Natural Gas Supply Association, who estimates that those resources probably will be exhausted "60 or 70 years from now." But that situation she said, has nothing to do with whether the federal government remains in the helium business or not. She said the current budget legislation simply aims "to turn government stockpiling—which is sort of nonsense—into an orderly private market."

A spokesman for Rep. Christopher Cox (R-Calif.), who introduced the National Helium Privatization Act of 1995 that both houses of Congress incorporated into the budget bill, agreed. "The private sector is well situated to fill the need," said Vincent Sollitto. "We are extremely confident that there's going to be plenty of helium in this country."

This is plausible in view of the fact that demand for U.S.-produced helium has nearly doubled since 1985, according to the Department of Interior.

But the APS is skeptical. The physicists are not opposed to privatization of the NHR. "It will little matter to future generations whether the helium they use was extracted and stored by the government or by private industry," said APS spokesman Robert Park of the University of Maryland. "But it cannot be assumed that private industry, motivated by short-term profits, will decide to extract more helium than there is an immediate market for. Any helium that is not extracted will be lost forever as the natural gas is burned. Some incentive or requirement to store it must be in place."

For years, that incentive was the Helium Act of 1960, in which Congress authorized the NHR—operated by the Interior Department's Bureau of Mines—to make purchases of the gas and store it. The government is uniquely positioned to do so, because 64.2 percent of "helium-rich" gas resources are on federal land, according to the Bureau of Mines. The purchases were halted in 1973, and the size of the reserve has changed little since then.

The program's financial situation, however, has changed drastically. Because it was launched with a congressionally mandated $252 million loan from the Treasury and has paid back little of its debt, the National Helium Reserve "owes" the federal government about $1.4 billion, most of which is compound interest accrued in the past 35 years. It is this obligation that the sale of the reserves is intended to pay off. And it is this ostensible debt that Cox spoke of in October when he said that the NHR is "continuing to lose tens of millions of dollars a year."

The APS disputes the logic of such reasoning. "From the viewpoint of the U.S. government's net worth," the group's statement says, "regarding this $1.4 billion as a 'debt' . . . is purely illusory. . . . Any transfer of funds from one government agency to another neither reduces the Treasury's national debt nor increases the budget deficit by a single penny."

Besides, said Park of the APS, if money is the principal issue, helium is likely to appreciate in value at least as much as any other government-held asset over the next few decades. "It's a good investment over the long term," he said. "It makes far more sense than storing gold at Fort Knox."

[From the New York Times, Feb. 6, 1996]

HELIUM WILL NOT FILL THE DEMANDS OF THE FUTURE, PHYSICISTS CAUTION

(By Malcolm W. Browne)

In the century since it was discovered as a trace ingredient of the uranium mineral clevite, helium, the second lightest of all elements, has become indispensable to science and technology. Scientists believe it could play a vital role in helping the world through future energy shortages.

But as Congress and the White House move to end Government participation in helium conservation, the American Physical Society, a professional society of physicists, warns that the most economically exploited source of this nonrenewable substance will be depleted in 21 years unless steps are taken to halt a growing helium hemorrhage.

THe society calculates that although American producers recover about 3.3 billion cubic feet of helium from natural gas each year, another 3.2 billion cubic feet are thrown away because gas companies lack financial incentives to separate, refine and store it. The Federal Government operates a combined stockpile, and buffer stock, into which commercial producers deposit helium when demand is low, for later withdrawal if necessary. Critics contend that Government involvement is unnecessary and interferes with the market's ability to match supply with demand.

A world shortage of helium a generation from now could obstruct the development of superconducting power lines, motors, generators, electricity storage systems, magnetically levitated trains and many applications not yet even imagined, the American Physical Society says. Helium is not only irreplaceable; It can also do things that no other substance can even approximate.

Helium is commercially recovered from certain natural gas reservoirs, mainly in the United States. Because it is a noninflammable gas with nearly as much lifting power as inflammable hydrogen, it was prized by airship builders and users following World War I, a conflict in which hydrogen-filled Zepplin bombers had proved to be death-traps. After the war, the United States banned the export of helium to deprive potential enemies of fire-resistant airships, and later created a strategic helium stockpile, a reserve that now contains 32 billion cubic feet.

But dirigible airships are no longer regarded as strategically important weapons and, in any case, many lawmakers opposes the continued maintenance of any Federal stockpiles. One of the present targets of Congress is the national helium stockpile, as well as Federal participation in the extraction of the gas.

In December, the American Physical Society deplored the projected liquidation of Government helium reserves and reported that 3.2 billion cubic feet of helium are being dumped into the atmosphere each year and are forever lost. Unless the Government creates economic incentives to private industry for extracting and storing the otherwise wasted helium, one of the world's most valuable resources will be squandered at incalculable cost to future generations, the group said.

"The present world growth rate in demand for helium is about 10 percent per year," the society's report said. "A simple calculation shows that if that rate were to continue, and if helium production could keep up with the demand, United States helium-rich reserves would be exhausted in only 21 years."

The United States has large reserves of helium mixed with natural methane in the gas fields of Texas, Wyoming and a few other states. America is virtually the world's only source of natural gas containing 0.3 percent or more or helium. In Russia and Poland, two of the other main sources of helium, natural gas generally contains 0.1 percent or less of helium, and such a lean mixture is much more expensive to separate, said Dr. Robert L. Park of the University of Maryland, spokesman for the physicists' society.

Helium is separated from the natural gas with which it is mixed either by adsorbing the natural gas in charcoal or other materials, or by compressing and cooling the methane and other gases until all but the helium are liquefied. Helium, which remains a gas unless it is chilled to minus 452 degrees Fahrenheit, is then pumped off.

The main obstacle to extracting and storing helium, experts agree, is the mismatch in market demands for natural fuel gas and helium. When demand for natural gas is heavy, as is normally the case in winter, large amounts of helium are withdrawn from gas wells along with the natural gas, but if there is little commercial demand for helium at that point, there is no economic incentive to extract and save it, said Dr. Park. Gas companies then generally avoid the expense of separating the helium, which consequently remains mixed with the natural gas and is lost when the gas is burned.

Congress has decreed the demise of the Bureau of Mines, and has ordered the shutdown of the bureau's helium separation plant near Amarillo, Tex. which produces about 10 percent of the nation's helium. (The rest is produced by commercial gas companies: Praxair Inc. of Danbury, Conn; the BOC Group, a British company with American headquarters in Murray Hill, N.J.; Air Products and Chemicals Inc. of Allentown, Pa., and the Exxon Corporation are among the main producers.) In his State of the Union address last year, President Clinton also proposed closing down the Government's helium reserve program, including the closing of the Cliffside Dome storage well—a depleted natural gas cavern near Amarillo—which contains the national helium stockpile.

The Cliffside Dome, which is about one-third full, is connected by pipelines to other helium-rich gas fields, and when supplies of the extracted gas exceed demand. Cliffside serves as an overrun storage site, from which helium can be later drawn.

Even defenders of the maintenance of a helium stockpile acknowledge that the Bureau of Mines's Exell helium refining plant near the Cliffside Dome is outdated, inefficient and expensive, and they say it holds an unfair financial advantage over private competitors. All Government agencies that buy helium must by law purchase it from the Bureau of Mines, which sells the gas at $55 per thousand cubic feet nearly 10 percent more than the price offered by commercial suppliers.

The bureau's helium operation, moreover, is heavily in debt. But the debt of $1.4 billion is misleading, said Dr. Philip C. Tully, a helium expert at the Bureau of Mines.

"Most of that money consists of interest we supposedly owe the Treasury Department for the $252 million they advanced to us to create the strategic helium reserve," Dr. Tully said in an interview. "It's just one Government agency in debt to another Government agency—a paper debt—and Congress could wipe it out with the stroke of a pen, at no cost to taxpayers."

But neither the Bureau of Mines nor helium conservation has many friends in Congress.

A key sponsor of legislation to end all Federal helium programs is Representative Christopher Cox, a California Republican, who believes the fears expressed by the American Physical Society are groundless.

"No matter who gains title to the helium in the Federal stockpile, the helium will still exist," Mr. Cox said in an interview. "It won't be wasted. The only real risk is that the Government might sell if off quickly to get cash to reduce the deficit. That's misleading accounting practice. But we are contemplating a gradual transfer of ownership, taking half a lifetime."

Market demand will determine how much helium commercial producers extract from the natural gas they sell, and as supplies of helium decrease, Mr. Cox believes, higher prices will create incentives to extract more helium. "The gas companies are already extracting 90 percent of the helium produced in this country, and they will certainly continue," Mr. Cox said.

Dr. Park says the American Physical Society takes no position as to whether helium conservation should be the responsibility of Government or of private companies. "Our grandchildren aren't going to give a damn who saves the world's richest supply of helium, as long as someone does it, and does it before supplies run out," he said. "Surely, our politicians should be able to devise some incentive system to encourage private industry to save the helium. Congress has created lots of incentives for other purposes."

But Mr. Cox rejects this approach, saying that "Government tinkering with future price structures would be very dangerous."

Helium was first discovered in the sun, not on earth. In 1868 while observing a solar eclipse, a French astronomer, Pierre Janssen, detected lines in the sun's light spectrum that did not match those of any known element. The presumed new element was dubbed helium after the Greek word for sun: hellos. In 1885, helium was discovered to exit on earth as well. Helium is now known to be the second most abundant element in the universe, after hydrogen. But when it escapes from underground caverns where it has collected over the eons chiefly as a decay product of radioactive minerals, it mixes with air, rises into the atmosphere and is lost.

Although American airships and balloons—both the full-size versions and small weather balloons—are still inflated with helium, that use of the gas accounts for only about 10 percent of its consumption. (The toy balloons popular at parties and political rallies consume such trivial amounts of helium that conservation advocates say they represent no significant drain.) Major American uses of helium are for purging and pressurizing the fuel tanks of NASA and Defense Department spacecraft, for high-temperature welding and in cryogenic applications like the magnetic resonance imaging machines used by hospitals.

About one-third of America's annual helium production is exported to foreign users, and foreign demand is increasing steadily.

Helium has special importance to scientists because its physical properties are unique among all the other 100-odd elements. It is the only element that remains liquid at even a tiny fraction of a degree above absolute zero, which is equivalent to minus 459.67 Fahrenheit. Liquid helium cannot freeze solid, no matter how close to the absolute zero it is chilled.

Because it remains liquid at ultra-low temperatures, liquid helium is vital as a medium for chilling mercury, arsenic, niobium and other elements to temperatures at which they lose all resistance to electricity, becoming superconductors.

Although various compounds based on copper oxide become superconductors at much higher temperatures, warmer than that of liquid nitrogen (minus 320.4 degrees Fahrenheit), these compounds are difficult to incorporate into useful implements, and so far, their use has been limited.

Among the major users of liquid helium for chilling superconductors are the huge accelerator laboratories studying nature's fundamental particles. The Fermilab Tevatron accelerator at Batavia, Ill., is a four-mile ring of superconducting magnets, all of them continuously cooled by liquid helium. Fermilab operates the world's largest liquid-helium refrigeration plant, but it will soon take second place to a project under construction near Geneva.

On a smaller scale, astronomers are heavily dependent on liquid helium for cooling infrared and microwave sensors in their telescopes. Such sensors must be chilled to eliminate the heat "noise" that otherwise masks the faint heat signals from distant celestial objects.

"Sooner or later we're going to have to start husbanding our helium," Dr. Park said. "If we do it now, we can save the helium-rich supply before it goes up the chimney. If we wait, we'll still need helium, but it will be vastly more expensive to separate from helium-poor gas supplies. Have we the right to mortgage our future?"

Mr. CALVERT. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Speaker, I am rising as a scientist to speak about the importance of helium in scientific research. I find that most Americans believe that it is simply used to fill balloons to be distributed at parties or other festivities.

I want to point out it is extremely important that we maintain a reserve of helium for use in scientific research. It is the only element that can be used to come close to absolute zero in low temperature work. It has some amazing superfluid properties which are still being uncovered, and, all and all, it is a vital component of our research program in the United States.

I do not rise to oppose the bill. I simply want to state my main objective here is to ensure that we continue to have an adequate supply of helium for the future, particularly so that our children and grandchildren will be able to carry on this important research.

I believe this bill has sufficient provisions to ensure that the reserve will be maintained in some fashion, but I want to assure the entire Congress that it is very important we keep an eye on this in the future and continue to maintain a reserve, whether it be in private hands or Federal hands.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Texas has made a good point concerning whether or not in terminating the program there will be genuine competition take place or whether there will be privatization under circumstances, to wit, a formula that inhibits competition.

At the same time, there are questions with respect to conservation and the interests of the Nation with respect to the helium reserve. My own inclination is to be sympathetic to the gentleman from Texas' commentary. However, I realize that the gentleman, who has been in the forefront of bringing this legislation to the floor, may have another view or perhaps an additional observation to make with respect to the conservation aspect.

Mr. COX of California. Mr. Speaker, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from California.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding to me. I also appreciate the opportunity to address the very good points that have been raised. While Dave Berry has made fun of the National Helium Reserve, and while P.J. O'Rourke called it a program that is amazingly stupid, even by Government standards, and while most people when they think of helium think of party balloons, the truth is that there is a very real and important high-tech application for helium.

It is irreplaceable in many high-tech applications, and it is very important to our high-tech economy that we do our utmost to conserve what is a very finite and limited resource.

Every time you make a long distance phone call, you are using helium, because the fiberoptics that carry your voice are manufactured with its aid. If you ever had an MRI, you know of the uses of helium in superconducting, because it is the cryogenic properties of liquid helium that make possible the high magnetic fields used in magnetic resonance imaging. Deep sea divers do not get the bends because of developments in oxygen and helium mixtures.

All of these and other uses of helium, even the Federal Government's own uses at NASA and the Department of Defense, are high-technology, and are examples of just how important it is to us today, as it was not in the 1920's when this program was started, to conserve all of the helium that we can.

We cannot forget that we manufacture helium as a byproduct of natural gas. When we produce that natural gas, it is important that the cost of extracting the helium is not such that we cannot make it economic to do so. We do not want to vent the helium into the atmosphere.

So this bill achieves that conservation objective by actually making it more likely people will invest their funds, private funds, into recovering helium at the wellhead.

Selling helium below the cost of extraction, which is what we would be doing without the formula in this bill, is obviously antithetical to the goal of conservation. So what the bill says is that the $1.4 billion debt to taxpayers must be recovered through the sale of the 34 billion cubic feet of helium that we now have stored underground in Texas.

Mr. ABERCROMBIE. Mr. Speaker, reclaiming my time, I do not think that we would resolve that particular dispute today. Suffice to say that Mr. THORNBERRY has raised the issue as to whether the formula is so exact in this bill that it needs no further consideration, and I think his contention is that it should receive at least another good look before it passes into a final form to be presented to the President for signature.

☐ 1530

I think that, at a minimum, we deserve at least another look and I think that that opportunity exists in the other body.

Mr. CALVERT. Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, with respect to that, I want to thank the gentleman from California [Mr. CALVERT] for his usual courtesy and kind attention toward our efforts in the minority, and I thank the gentleman from California [Mr. COX] for his remarks today.

Mr. Speaker, I yield back the balance of my time.

Mr. CALVERT. Mr. Speaker, I want to thank the gentleman from Hawaii for his courtesy through all of this debate.

Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. COX] who has really fought this battle to end the helium program once and for all, and hopefully, this time, will succeed.

(Mr. COX of California asked and was given permission to revise and extend his remarks).

Mr. COX of California. Mr. Speaker, we have actually passed this bill already once in the House and in the Senate. Unfortunately the legislation to privatize the national helium reserve was then included in the larger Balanced Budget Act that was vetoed by President Clinton. This time we are wisely passing the bill all by itself because it is, I think, enormously popular on both the Democrat and Republican sides after many, many years of hard work to get it that far.

I want to thank my colleague, the gentleman from Hawaii [Mr. ABERCROMBIE] for his work in helping us move this bill to the floor, as well as my colleague from California, who is, as chairman, responsible for bringing this bill directly to the floor.

I would also like to thank my colleague, the gentleman from Massachusetts, BARNEY FRANK, who spoke earlier on this legislation. He and I coauthored it in not only the current Congress but past Congresses. It has been many, many years that we have been working on this bill.

I am also grateful to my colleague from Nevada, Congresswoman, BARBARA VUCANOVICH, a member of the House Republican leadership; to the gentleman from Alaska, chairman DON YOUNG; and to the gentleman from Ohio, Congressman FRANK CREMEANS, who along with the gentleman from California, KEN CALVERT, who we just heard speak on this bill, they in particular have worked tirelessly on this legislation in the Committee on Resources, to make sure that what may now look very easy and completely agreeable to almost all sides could actually happen.

I would also like to thank Chris Kearney, Bill Condit, and Sharla Bickley of the Committee on Resources' staff who have done yeomen's work on this issue and whose efforts deserve recognition.

To recap. The helium program was begun in the 1920's for a good reason. At the time there was no private industry of helium production but there was a national security need to field a fleet of blimps in time of war. Fixed wing and rotary wing aircraft have now replaced the blimp in our national defense and, as I mentioned earlier, it is now the high-tech commercial and scientific uses for helium that dominate.

Today, because of all of those commercial uses, there is a thriving commercial industry in helium that supplies 90 percent of the world's needs from right here in the good old USA. There is no reason whatever that the Government of the United States should uniquely supply its own needs of this commodity when it does not for any other, even strategic metals and commodities and resources.

So this bill will do two things. It will, first, sell off and liquidate those physical assets of the Government facility in Texas; privatize them, if you will, immediately; and, second, over a 19-year period, sell off the 34 billion cubic feet of stored underground helium, not for immediate use, for continued conservation and eventual sale over who knows how many decades or perhaps centuries, to the private industry. So that, privately, suppliers will then own that helium.

But keep in mind, for those of us who are physicists, not I, but certainly the gentleman who spoke before me, keep in mind the law, the fundamental law of the conservation of matter. Just because we change title, just because we change ownership from the Federal Government to private hands does not mean that the helium will not still be there. It will be there. In fact, more of it will be there because of the incentives for increased helium recovery a the wellhead created by this legislation.

The Helium Privatization Act of 1996 will do a few more things that we can all applaud. It will require the production of honest financial statements for this Government enterprise in the short run so that we know finally just how much it is costing us. We know the operation is $1.4 billion in debt to the taxpayers right now and loses tens of millions each year because of that interest burden that it has never been able to meet. But we do not know to a certainty what the operations cost; and we shall, as a result of the passage of this bill.

In addition, we will ensure that the debt, that $1.4 billion debt to taxpayers, is recovered. That is the ultimate object of this legislation. The taxpayers hold the mortgage on the debt and now, by relying on the security of the underground stored helium, the taxpayers will get their money back.

Mr. Speaker, in conclusion, I am delighted that the leadership of this Congress has made passage of the Helium Privatization Act a priority, and I urge my colleagues on both sides of the aisle to join with me and the bipartisan leadership you have heard speak on this bill in supporting this important measure. It is high time we finally retire this expensive waste of taxpayers' money.

Mr. Speaker, several weeks ago articles in the New York Times and the Washington Post reported that concerns about U.R. 3008 had been raised by the American Physical Society. In fact, APS has not taken a position on the legislation. Moreover, the background paper prepared by APS was premised on the mistaken notion that by "privatization" of the helium reserve, the bill meant immediate sale of the stockpile. That is obviously not the case. To the contrary, many physicists (and APS members) have announced support for the bill. The following letter explains many of the problems with the original, now outdated, APS statement:

ARTHUR W. FRANCIS CONSULTING,
New York, NY, January 12, 1996.

American Physical Society,
Washington, DC.

DEAR SIRS: This letter to each member of the Council of American Physical Society (CoAPS) is sent out of concern for your 11/19/95 statement CONSERVATION OF HELIUM and its background paper. As a cryogenic engineer, business manager, and consultant for 45 years in supply and use of helium, and a very early and continuous supporter of helium conservation, I was appalled by the CoAPS statement. The fear of complete loss of helium in 20 to 25 years is understandable, but it is somewhat naive. It indicates a serious lack of understanding of events of the past fifteen years that have led Congress to undertake its first effective revision of the Helium Act of 1960.

I am writing you in hopes that you and your colleagues will reconsider your position and recognize the helium reform provision of the Budget Reconciliation Bill as a step toward optimum use of helium. It is important that you and other scientists realize that this legislation promotes use of otherwise wasting helium sources and does not threaten premature use of the government owned stored helium. It was arrived at with full knowledge of the importance of a wide variety of helium dependent technologies for science as well as the general welfare.

My credentials on this subject are these: I was Linde's principal investigator in its 1951 discovery of alternate layer super-insulations, created the basic design of all standard multi-shield vapor cooled liquid helium dewars, and was chief architect of the system of bulk liquid helium transport that now spans the globe. My baptism of fire in support of helium conservation was program chairman of a technical session of the Bureau of Mines sponsored "Helium Centennial" of 1968. Along with Dr. Ed Hammel, I wrote and spoke many times in support of helium conservation during the dark days of the 1970's.

As an expert witness I participated in the decades long litigation regarding the value of helium in natural gas and the rights of land owners and gas producers to a proper share of that value. I have continued my interest in conservation through my retirement years, attending hearings and giving advice to interested parties as the present legislation developed. I remain involved in helium supply problems as a consultant to the United States Antarctic Program, regarding liquid helium supply to Astrophysics at the South Pole. I am scheduled to make my seventh trip there next week.

The Background Paper, on which the CoAPS statement is based, contains many errors. The most critical of these is the seemingly innocuous statement that, "Some 10% of the total U.S. helium extraction presently is performed by the Bureau of Mines". This is completely false, as is also, "the helium stored in Cliffside (field) has remained approximately constant at 32 Bcf". In fact, all of the helium purified by the Bureau since 1980 has come from the Cliffside storage field, and the government owned helium in the field has been drawn down by nearly five billion cubic feet (5 Bcf) in the process. These actions have been the result of a bureaucratic policy directly at odds with the letter and spirit of the 1960 Act. The intent has been to ensure continuance of the bureaucrats' own jobs.

LEGISLATION OBJECTIVE

The prime objective of the current legislation is to eliminate the wasteful and unnecessary government helium refining activity. Private producers are able to provide this service with less than one fifth the personnel and at substantially lower cost. CoAPS says "there is no objection to this feature of the Act". Yet for ten years the sweet voice of reason had not been able to move this deeply entrenched anti-conservation cabal. What has brought us to bi-partisan support of both houses of Congress is right minded public ridicule. The caricature of conservation so presented has even moved the White House to support elimination of the Bureau of Mines refining operation.

DEBT IS REAL

CoAPS also errs in stating that the so called debt incurred to purchase helium "is purely illusory, any transfer of funds from one government agency to another neither reduces the national debt nor increases the deficit by a single penny".

Also at odds with the facts is the assertion that, "the helium issue is muddled by claims that the sale is required to pay off the $1.4 Billion debt". CoAPS has fallen for the bureaucrats' sham that the debt is internal to the government and has no intrinsic meaning. In fact, money to acquire helium for government storage was borrowed from world money markets by the Treasury. The 1960 Congress intended, and the Helium Act stated, that government helium was to be priced to repay borrowed funds, including compound interest. This was done to insure that stored helium would be priced high enough to avoid interference with helium extracted from current natural gas production.

ANTI-CONSERVATION POLICY

In spite of this clear directive, the Bureau helium management established a policy in 1979 in which the selling price would be held down so that as general inflation raised prices charged by private producers, the Bureau would sell below the market price. The managers claimed that as long as current costs were covered, it wasn't necessary to repay the purchase price and its associated interest because the debt was simply a paper transaction between two government departments.

Pricing stored helium below the cost of extraction from natural gas produced for its fuel value is obviously contrary to conservation. The present legislation language is another attempt to insure that stored helium will command a price above the market for current extraction. The legislation places emphasis on retiring the debt because that is what motivates those interested in reducing the deficit. Simply to state that helium from storage must be priced above the market from current extraction doesn't win votes at this time. The ultimate effect will be the same, as long as the price is right.

COST OF SAVING MORE HELIUM WOULD BE HIGH

CoAPS is correct in stating that the legislation makes no provision for saving helium that is now being wasted from currently produced natural gas. However, the potential for significant additional helium recovery is much smaller, and the cost of that recovery much larger, two to three times current costs, than implied by CoAPS statement.

The reason for this is that the favorable streams are already being produced. Each of the original five conservation plants is extracting as much helium as possible from the gas available. In addition three new plants extracting from Hugoton field have come on stream since 1990. With all these plants extracting helium in 1994 the total U.S. output exceeded 4.1 Bcf, about 90% of the peak year 1967, although the output of high helium content natural gas was less than 70% of the 1967 rate. The remaining unprocessed streams tend to be smaller, depleting faster, and removed from the existing infrastructure.

CONSUMPTION GROWTH IS SLOWING

CoAPS warns that "present growth rate in demand for helium is about 10% per year" which projected would exhaust U.S. helium rich reserves in 21 years. Alternatively, even without increasing helium demand the loss of unextracted helium from natural gas fuel demand would deplete U.S. gas fields in about the same time frame. In fact, sales growth began to fade in 1990, and since 1992 has leveled at 3.314 Bcf (Fy 1992), 3.313 (Fy 93), and 3.280 for (Fy 1994). This abrupt halt to the 10% growth rate has come from a combination of foreign production displacing some U.S. exports and increased user efficiency.

FOREIGN HELIUM SOURCES ARE SIGNIFICANT

CoAPS assert that "helium rich fields are found only in the U.S. and to a small extent in Canada", yet large scale foreign plants are producing in Poland, Russia, and Algeria with total capacity exceeding one billion cubic feet per year, about 25% of current U.S. capacity. Smaller plants have operated in Canada, Holland, France, China and India.

RELIQUEFACTION AND REPURIFICATION INCREASE USE EFFICIENCY

More important even than this large foreign supply is the growing user concern for efficiency. Once through then out (OTTO) use of purchased helium is being replaced by closed loops using reliquefiers and repurifiers. This allows application of helium dependent technology to expand without consuming more helium. Research in high temperature superconductivity shows promise of taking over much of today's low temperature superconducting applications.

HELIUM WILL BE PLENTIFUL LONGER

To sell the 1960 program, the Bureau of Mines predicted that helium could not be extracted from the Hugoton-Panhandle fields beyond 1985. Yet ten years later production remains at a high level and is now predicted to continue at least another ten to fifteen years. Natural gas has been produced from these fields throughout the past seventy five years, yet nearly every year there are additions to the remaining measured reserves that tend to delay the eventual abandonment. The Bureau of Mines information circular "Helium Resources of the United States, 1973" reported that 109.3 Bcf of helium @ >0.3% concentration was contained in the fifty year old, depleting natural gas fields of Kansas, Oklahoma, and Texas. From 1973 to 1987, these fields produced natural gas containing 81.8 Bcf helium. However, in the 1987 circular, the Bureau reported that 73.4 Bcf remained in the proved reserves of those fields. There had been enough upward revision of the proved gas reserves to add over 50 Bcf of contained helium >0.3%. Between 1987 and 1989 gas production contained 9 Bcf helium, but reserve revisions added 11 Bcf. In the next two years gas production contained 10 Bcf and revisions added 9 Bcf. As of 1991, the latest available publication in this series, these old fields, after producing about 102 Bcf, still held about 80 Bcf of proved reserves for future use. Further additions are still possible, even probable. The resource is never the less finite, but the finite limit has not yet been identified.

ALL GAS FROM LARGEST RESERVES IS PROCESSED FOR HELIUM

Regarding helium loss in non-processed gas it is important to recognize that all of the gas from the Riley Ridge field in Wyoming (proved reserves of about 120 Bcf) is processed for helium extraction. This field, which supplies about one third of current pure helium sales, is being produced at a rate of only one per cent of its proved reserves per year. It is unlikely that this production rate will increase until the price of natural gas increases significantly. At current fuel prices, it is not possible to obtain an acceptable return on the huge investment required to upgrade this low Btu gas to pipeline quality. It may be decades before fuel demand reaches price levels that will encourage new processing capacity. Riley Ridge is likely to produce helium throughout most of the 21st century.

NONDEPLETING FIELDS CAN PROVIDE FOR VERY DISTANT FUTURE

Beyond this, it is possible that a significant helium supply could be obtained from the proven gas fields that are not producing at all. The hydrocarbon fuel value of this gas is so low that it would barely provide energy for the processing plant. The Bureau of Mines has identified 85 billion cubic feet of helium in these non depleting sources, more than half of this is already owned by the United States government. Extracting helium as a primary rather than by-product will be expensive. However, the concentration is three orders of magnitude greater than in air, so it won't require even 0.1% of the nation's energy consumption. This helium source may well be available into the 22nd century.

It is futile to make any more detailed predictions for such distant future times. Nearly every prediction that far into the future is bound to fail because we cannot even surmise what human society will be like in even very gross measures. It is entirely fair to say that the bleak picture presented by CoAPS is unlikely, and that it is quite likely that sufficient helium to meet all reasonable needs will be available as far into the future as anyone can foresee.

I hope that you, as a member of CoAPS, can be open minded to the information I have presented. If you now have doubts about the CoAPS position, please consult with your colleagues and advise the Physical Society membership to have confidence that helium conservation is not in danger. If you want still more information on this subject, please call me at 914–354–1908. My E-mail address is 9324@mne.com. By the time you receive this letter, I will probably be on my way to Antarctica. I am scheduled to return by February 19, 1996, and you can reach me then. If you have a compelling need to pick my brains before then try an E-mail to one of my colleagues in Antarctica, Mr. Jesse Alcorta. His E-mail address is ALCORTJE.MCMURDO@mcmurdo.gov.

Very sincerely,

ARTHUR FRANCIS.

Mr. Speaker, consideration of this bill requires some background. Let us begin with these questions.

WHY IS THE U.S. GOVERNMENT IN THE HELIUM BUSINESS?

Helium is a gas whose unique physical properties make it irreplaceable in many high technology applications. As Government space exploration and defense programs expanded during the 1950's, Government scientists became convinced that demand for helium would outgrow supply. Natural gas was, and continues to be, the only economic source of helium and few natural gas streams contained a high enough concentration of helium to make extraction economically viable. If the helium is not extracted when the natural gas is produced, it is forever lost into the atmosphere. The use-it-or-lose-it dynamics of helium at the well-head lent a special sense of urgency to the perceived supply-demand imbalance.

At congressional hearings held in 1960, mining experts reported that nearly 4 billion cubic feet of helium were being lost each year—about 10 times the then current consumption. A valuable, nonrenewable resource was apparently being wasted, threatening shortages in future decades when demand for helium was expected to be much larger.

Against this backdrop, Congress passed the Helium Act of 1960. This act funded a Government program to extract crude helium from natural gas and store it in the Cliffside Field near Amarillo, TX. The Department of the Interior's Bureau of Mines [USBM] entered into 22-year purchase agreements with four natural gas producers who built helium extraction facilities in the Hugoton-Panhandle Field area of Kansas, Oklahoma, and Texas and the USBM built a pipeline to carry its helium purchases to the Cliffside Field. The Helium Act also required that Federal agencies purchase their helium requirements from the USBM. To meet those requirements, the USBM constructed a helium purification facility near Amarillo, TX. A final objective of the Act was to foster the development of a private helium industry—presumably to allow the USBM to de-emphasize or discontinue its helium program as soon as it could prudently do so.

By the time the Government terminated its helium purchase agreements in 1973, the USBM had accumulated roughly 35 billion cubic feet of helium. By most estimates, this represents a 100-year supply for U.S. Government customers, and roughly nine times the current annual worldwide demand. While the Government stopped purchasing additional helium in 1973, the remainder of the Government's helium program, including operation of its refining plant, management of the pipeline and storage system, and the sale of helium to Federal agencies has largely remained intact.

Now, 23 years later—and 36 years after the Government's helium program was expanded, it is long since time to re-examine the USBM helium program. A vibrant private sector helium industry has emerged which now supplies over 90 percent of the world's total demand for helium. Additional capacity is available which would enable private industry to easily supply the entire demand, including the demand presently supplied by the USBM. Given the current emphasis on reinventing Government, the USBM's helium programs seems to provide an excellent opportunity to restructure or discontinue a Government program that no longer provides fair value to American taxpayers.

WHY IS HELIUM A VALUABLE RESOURCE?

When we hear helium the first thoughts that come to mind are of Macy's parade, Mother's Day, and FTD's balloon bouquets. In actuality, helium touches us in our everyday lives. This rare element has unique properties that have allowed us to improve our quality of life.

Every time you place a long distance call, you can be assured helium was used in the manufacture of the fiber optic cables used to transmit your voice. Advances in medical diagnostics have been accomplished through MRI units that achieve their high magnetic fields from superconductivity made possible by the cryogenic properties of liquid helium. The construction and fabrication industries use helium and helium mixes extensively in welding and metal fabrication. Deep sea divers in the offshore oil industry can be assured that they will not be crippled from the bends with the development of helium/oxygen breathing mixes.

These are but a few of the many applications for which helium is used to improve our lives. New applications are being developed not only in high technology research such as super computer chips, but low technology industries as well. Worldwide consumption of helium increases on an average of 7–10 percent per year both from growth of current uses and development of new applications.

This natural resource which has contributed much to our development as a technological leader is not unlimited. The United States has been fortunate to be endowed with concentrations of this element in select natural gas fields which have allowed for its exploitation. While helium is a non-renewable resource, produced only as a byproduct of natural production, depletion of these reserves is inevitable. The Federal helium reserve and conservation system, which are discussed in-depth in another paper, play an important role in preserving our independence as a technological leader. This reserve serves as an important insurance that we do not compromise our future for short-term fixes. The Federal reserve and conservation system were designed to encourage maximum extraction of helium from currently produced natural gas thereby ensuring the United States of a long term position in the development of applications dependent on the unique properties of this element.

IS THE FEDERAL HELIUM OPERATION EFFICIENT?

The U.S. Bureau of Mines within the Department of the Interior operates the Federal Helium Program. Federal helium operations consist of: First, a plant to refine crude helium; second, an underground storage facility to store crude helium, and third, a pipeline to transport crude helium recovered from the source gas fields to the storage facility.

Private sector helium-refining facilities are far more efficient than the Federal refinery. The Federal refining plant employs at least 80 people, while a private facility of equivalent production capacity employing only approximately 18 people can produce three times as much helium. This astonishing discrepancy in productivity is attributed in part to the outdated plant and equipment at the Federal facility. A recent study by the General Accounting Office concluded that the Federal refining facility is so outmoded that it would have only scrap value in the event of liquidation.

Federal revenue from the sale of refined helium falls far short of Federal costs of helium production. In the market place, price is the most direct measure of efficiency. The current Federal price for refined helium is now $55 per MCF and generates revenue only sufficient to cover operational costs and a slight surplus. For instance, the Federal price does not include the cost of crude helium. The best estimate for assigning a unit value of the crude in the Federal reserve is to divide 32 BCF—total Federal reserves of crude—into $1.4 billion—total debt—to arrive at an approximate cost of $40 MCF. If the cost of this free crude were included, the Federal price would be $95 per MCF, which is hardly competitive with the private sector. Crude helium is free to the Bureau of Mines because the money borrowed from the taxpayer to buy the crude was never repaid.

The Bureau of Mines hides the inefficiency of the refining operation by including unrelated revenue. When private producers extract crude helium from Federal property, they pay a royalty to the Bureau of Mines of approximately $5 million per year. This royalty income is unrelated to Federal helium operations, yet the Bureau of Mines uses the revenue stream to subsidize its refining operation.

The Federal helium operation is the epitome of an inefficient, Federal program that continues to exist despite the absence of current need. The Department of the Interior entered into the helium business in 1960, when Federal helium requirements were projected to increase dramatically and no reliable sources of helium were available in the private sector. Today, the Federal Government's need constitutes only 10 percent of the total demand for helium, and a vigorous private sector could easily supply all Federal users at a competitive price.

WHO USES THE HELIUM RESERVE?

The 1960 Federal Helium Act has been successful in storing for the U.S. Government 32 billion cubic feet of crude helium—50 percent or greater helium content, the remainder nitrogen—in a partially depleted natural gas field near Amarillo, TX, called the Cliffside Field. A pipeline system is used to transport crude helium to storage. It is operated by the U.S. Department of the Interior, Bureau of Mines, and is also used by private industry to store any crude helium that is not required to meet market demand. Helium is being extracted by private industry plants from natural gas going to meet the energy demand of U.S. households and industry. A portion of the private crude helium is being stored in the Cliffside Field under USBM supervision.

Does the U.S. Government need a crude helium reserve? Worldwide helium demand from 1972 to 1992 had a growth rate of 9.3 percent per year and now exceeds 3 billion cubic feet per year. Although supply currently exceeds demand current helium bearing natural gas being produced for market will soon be depleted. Conservative U.S. Government estimates forecast that U.S. helium demand will exceed supply between 2001 and 2004. The real value of the 32 billion cubic feet will be its availability to the U.S. economy when the extractable helium is not adequate to supply demand. Although the U.S. Government's helium reserve will be very valuable once U.S. reserves of helium-bearing natural gas are depleted, the current market value of the crude helium reserve is far lower than some of the estimates that have been quoted by various uninformed sources. It would be totally unrealistic to expect to sell more than a small fraction of the reserve for prices approaching current market value. If the U.S. Government were to attempt to dispose of the entire reserve—nine times annual worldwide demand—over a short period of time, it would realize only pennies on the dollar and severely depress private industry prices for crude helium. Any short-term sales of crude helium into a depressed market will be at the taxpayers expense.

By 2005 the helium reserve will become very valuable—so valuable it will be considered irreplaceable for the smooth functioning of our economy and then USBM sales will be at prices consistent with the helium reserve's true value.

CAN THE GOVERNMENT SELL CRUDE HELIUM WITHOUT DISRUPTING THE PRIVATE HELIUM INDUSTRY?

The world market for refined helium is just over 3 billion cubic feet per year. Private refiner/marketers of helium are fully capable of supplying this demand for the foreseeable future. In addition, new helium production and refining capacity is coming into service will provide an abundant supply to satisfy an estimated growth in demand of 7–10 percent per year for the next 5 years.

The Government refines helium from crude helium which is held in long-term storage and sells it on the market in competition with helium from current production. Selling crude helium from the Federal helium reserve will create an oversupply of helium. An over supply of helium will push prices down making further investment to recover helium from current natural gas production less likely. Government sales of helium at below market prices is dumping a valuable and depleting commodity.

The Cliffside Field is the only economically feasible storage capacity for crude helium—50 percent or greater helium, the remainder nitrogen. The Federal helium reserve has held this crude helium since the 1960's. The Cliffside Field which contains the Federal helium reserve also serves private sector helium producers as the only commercially storage site for private sector crude helium. A fee is paid to the Bureau of Mines for use of the pipeline and storage capacity.

The natural gas from helium rich gas fields will continue to be produced as a fuel even if the helium is not recovered. This helium will be lost forever.

Any sale of Government helium will displace helium from current recovery or production plants. Therefore, Government sales of refined and/or crude helium to meet current demand are not needed, will be disruptive and will waste helium by reducing its recovery from helium bearing natural gas currently going to market.

SHOULD CRUDE HELIUM BE SOLD ANYWAY, TO RAISE REVENUE?

This is a terrible idea. The Congressional Budget Office seemingly will not credit helium sales for deficit reduction purposes. Moreover, crude helium sales to raise cash now would undermine the long term value of the reserve, because helium will continue to increase in value. The fact is, helium sales into the private market cost more than they gain.

CAN THE $1.4 BILLION HELIUM DEBT BE REPAID?

Back in 1960, Congress recognized that helium was essential for such agencies as NASA and the Atomic Energy Commission. It passed a law creating the Federal helium activity to ensure helium supplies to Federal users. Given that the nascent private helium industry could not then be expected to meet Government demand, Congress authorized the Department of Interior to borrow a quarter of a billion dollars to set itself up in the helium business, which included creating a stockpile or reserve. The Treasury Department handled the borrowing.

Mindful that Government agencies need discipline to return money to the taxpayers, Congress directed that the incurred debt be amortized and be paid in full by 1985. A final deadline of 1995 was mandated. Revenue to service the debt would come from sales of helium. Incredulously, some 36 years later not only has the principal on the debt not been repaid but neither has any of the interest. This indebtedness has now accrued to $1.4 billion.

Some in the Government attest that this billion dollar debt is not real. Since it is owned by one Government agency to another Government agency it can be forgiven without ill consequences. Yet, every week at the Treasury's auction of government securities this debt is rolled over. It has been rolling over every week now since the sixties—piling up interest accumulation.

Can the taxpayers ever realistically expect repayment of this debt? The answer is "yes". Had the Interior Department, U.S. Bureau of Mines, carried out Congress' mandate to amortize the debt, this question would not be asked today. The Department, however, chose not to employ a rational pricing policy that would have recovered this money. Instead of slowly increasing the price of helium to keep pace with inflation, it opted to simply freeze the price to its customers. It stayed nearly frozen for over 20 years!

The Interior Department should initiate a realistic pricing structure sufficient to start amortizing this debt. It may take another 30 years to pay it off, but at least taxpayers eventually could be made whole. The worst thing the Government can do now is simply to forgive this debt. It would not only reward a bureaucracy for shunning a congressional mandate, but more importantly it would forever remove the discipline the Department needs to avoid wasting this scarce, valuable element.

Helium is wasted by selling it too cheaply. Cheap Government sales discourage gas producers from extracting crude helium from current natural gas production. When it wishes to refine crude helium the Department simply pulls crude helium from its stockpile. Helium refined from current gas production ensures that it is priced to market value.

WHY DOES THE FEDERAL HELIUM PROGRAM WANT TO UNDERCUT PRIVATE INDUSTRY?

There have been several proposals made to reform the Helium Program operated by the Department of Interior's Bureau of Mines. Some of these proposals would enable the USBM to use the crude helium purchased and stored with tax-payer dollars as a free feed stock for their helium plant. The refined helium that the Government produces from this free feed stock could then be sold at prices below those charged by the industry, which does not have access to a free feed stock. Current proposals to forgive the helium fund debt would free the USBM to greatly increase their sales into the private sector.

Sales of USBM helium into the private sector enable the USBM to spread their high operating and administration costs over a larger volume. This, coupled with the free feed stock discussed above, helps hide the inefficiency of their operation. As Federal research and defense budgets have been reduced, the demand by Government agencies for helium has declined. This has left the USBM with a need to increase their sales of helium into the private sector in order to keep their inefficiency from pricing them out of the business entirely. No consideration is given to the fact that such sales disrupt the normal function of the private helium market and result in the waste of helium, and lost or reduced income tax and royalty payments to the Federal Government.

The USBM's stated policy has been to discourage the sale of Federal helium into the private sector, which according to their Annual Reports to Congress have been very limited. However, the DOI Inspector General reported that during the period from 1989 through 1990 when the USBM reported sales of only 2 million standard cubic feet of helium, 0.3 percent of their total sales, into the private sector, it actually sold 146 million standard cubic feet, 20 percent of their total sales. Their regulations required a surcharge on sales to private customers, which was almost never collected. This problem largely disappeared in 1991 when the Director of the USBM increased the USBM helium price and removed the incentive to divert helium intended for Federal use to private use. Now, the USBM is proposing to reduce their price and this diversion of helium into the private sector, whether officially encouraged or not, will return.

WHAT IS THE LEGITIMATE ROLE FOR THE FEDERAL GOVERNMENT CONCERNING HELIUM?

Why is helium a valuable resource? Helium's unique physical properties are critical in many high technology applications, such as manufacturing fiber optic cable, enhancing magnetic resonance imaging [MRI] capability, providing an environment for superconductivity, and industrial welding and fabrication. For most uses of helium, no substitute exists. Helium is a byproduct of the extraction of natural gas from certain helium-rich fields. If not captured when the natural gas is extracted, the helium will be vented and lost forever.

Why is the Federal Government in the helium business? Congress passed the Helium Act Amendments of 1960 to ensure that sufficient amounts of helium would be extracted and refined to meet the Federal Government's expanding needs for space and defense programs. Also, the act was enacted to foster the creation of a competitive private industry, which was in its infancy in 1960.

Pursuant to this Act, the Bureau of Mines within the Department of Interior now operates the Federal Helium Program, which consists of: an underground facility to store crude helium; a pipeline to transport the crude helium from the field to the storage facility and a plant to refine—purify—crude helium. The Federal refinery, which sells principally to Federal customers, provides 10 percent of the refined helium in the U.S. market.

Is the Federal Helium Program efficient? The Federal helium operation is the epitome of an inefficient Federal program that continues despite the absence of a current need. For example, the Federal refinery employs at least 80 people, while a typical private facility can produce at least three times as much helium with no more than 18 people. Moreover, net receipts from the sale of helium to Federal users, are vastly overstated because the Federal refinery does not include the cost of crude helium in its price for refined helium.

Who needs the helium reserve? The Federal Government owns approximately 32 billion cubic feet of crude helium, which is currently stored in the underground facility. These reserves represent an investment that will pay dividends when current demand for helium exceeds current supply. U.S. production capacity may well be insufficient to meet demand as early as the year 2001.

Can the $1.4 billion helium debt be repaid? Congress originally authorized the Interior Department to borrow up to $250 million to enter the helium business and stockpile crude helium. The Bureau of Mines' sales of refined helium were supposed to generate sufficient revenue to return this money to the Treasury, but the outstanding principal and interest now amount to approximately $1.4 billion. By pricing helium to account for the debt, the Bureau of Mines could repay the debt over several years and ensure that any helium sold will yield the highest possible return to the taxpayer.

Can the Federal Government sell crude helium without disrupting the private helium industry? The potential adverse affects of selling too much Federal crude helium are significant. Government sales will depress private production of helium, because less helium will be captured from current gas production. This will mean more private needs being met by Government sales. As a result, some helium would be lost forever. Any attempt to sell helium just to raise Federal revenue will likely result in below market pricing due to excess supply and, consequently, a poor return on the taxpayers' original investment. Moreover, there is no fiscal imperative to sell crude helium, because the Congressional Budget Office has advised that sales of crude helium from the reserve are asset sales and, therefore, provide no revenue for deficit reduction.

How should the Federal helium activity be reformed? Unless Congress reforms the Federal Helium Program, the Department of Interior will continue to be the subject of criticism. Since a vigorous, competitive private sector helium industry now exists, the Federal Government no longer needs to take an active role in the business. For all of these reasons, Congress should enact H.R. 3008, which will: first, require the Bureau of Mines to discontinue the processing and sale of refined helium; second, preclude the sale of crude helium by the Bureau of Mines until current production of helium no longer satisfies current demand; and third, eventually repay the helium debt over two decades with revenue generated from the sale of crude helium, when market circumstances merit its release.

Mr. Speaker, I ask that the following letter of support for H.R. 3008 be included at this point in the RECORD.

NATIONAL TAXPAYERS UNION,
April 29, 1996.

Hon. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The 300,000-member National Taxpayers Union strongly supports your legislation, H.R. 3008, the Helium Privatization Act.

Passage of the Helium Privatization Act is long overdue. For several years now, the National Helium Reserve has served as one of the most glaring examples of our government's inability to rid itself of obsolete, low-priority spending programs. This stark symbolism seems to have no end, as the *New*

York Times reported that the Reserve was operating even during last year's federal shutdown, when thousands of other federal employees were classified as "non-essential."

Conceived in 1925 to prepare for an outbreak of blimp warfare, the National Helium Reserve certainly fits the description "non-essential." Today the program costs taxpayers millions per year to staff and maintain, plus millions more due to mandated purchases by government agencies at inflated prices. Any proceeds from helium sales to outside customers must be weighed against the costs of the $1.4 billion in debt the agency has incurred during its existence. Meanwhile, private helium producers have created an adequate and efficient market that could easily sustain the needs of both government and industry for the foreseeable future in the absence of a federal program.

Your legislation resists simplistic, headline-grabbing approaches by providing a rational, methodical timetable for privatization of the National Helium Reserve. The bill will ensure a smooth transition to an all-private helium market system as well as save taxpayers $9 million annually. The Reserve's refining and marketing activities would cease, and its stocks would be liquidated so as to provide the best return for taxpayers who have continued to fund this boondoggle.

The nation's taxpayers expect and deserve a visible commitment from their elected officials to reduce wasteful spending. If Congress cannot muster the political will to eliminate an obvious target such as the National Helium Reserve, its credibility on tough deficit reduction issues such as entitlement reform could suffer. Accordingly, National Taxpayers Union's staff stands ready to assist your effort to privatize the National Helium Reserve, and to that end we urge your colleagues to work for swift passage of H.R. 3008, the Helium Privatization Act.

Sincerely,

DAVID KEATING,
Executive Vice President.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, April 29, 1996.

Hon. CHRIS COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I am writing to endorse The Helium Privatization Act (H.R. 3008). This legislation not only eliminates an archaic program, long overdue for extinction, but also eliminates a sizable debt already incurred by the program.

The National Helium Reserve was created in 1925 as a response to expectations that dirigibles would be an important aspect of the military's air might. With the rapid rise of fixed wing aircraft, the need for dirigibles was quickly eliminated. Sadly, the program was not. Over the past 70 years, government agencies have been forced to buy helium at an inflated price, now costing taxpayers $25 million annually. The Reserve has also mounted a $1.4 billion debt and a 100-year stockpile. According to some experts, the Reserve has enough helium to supply every man, woman, and child in the country for the next 19 years.

The National Helium Reserve symbolizes exactly the type of bloated government bureaucracy that taxpayers want eliminated. This program has continued to survive, despite meeting no apparent need and costing the taxpayers far more money than buying from private sources. Even worse, mismanagement has led to a sizable debt that now needs to be eliminated. H.R. 3008 would do just that. Profits from asset sales would be large enough to eliminate this debt, and taxpayers would no longer have to bear the burden of this unnecessary program.

The Helium Privatization Act is commonsense legislation. Even more encouraging is the overwhelming bipartisan support that this legislation has received. I applaud your efforts to privatize this program and urge all members of the House to support this measure. CCAGW will consider this vote for its 1996 Congressional Ratings.

Sincerely,

THOMAS A. SCHATZ,
President.

CHAMBER OF COMMERCE,
UNITED STATES OF AMERICA,
April 24, 1996.

Hon. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE COX: The U.S. Chamber Federation believes it is time to shut down the federal helium program.

The federal helium program was created over sixty years ago when it was thought our national defense would depend on blimps and dirigibles. Those days are long past but this program is still in business. Even though the private sector is capable of fulfilling our helium needs, currently producing over 90 percent of U.S. supplies, federal agencies are required to purchase helium from the federal program which has generated a $1.4 billion debt.

Our fiscal budget situation demands the elimination of this wasteful and inefficient program. H.R. 3008 would terminate the Department of the Interior's helium refining program. It would responsibly dispense with the crude helium stockpile without disrupting the market and provide a return on the millions of taxpayer dollars invested in this operation.

The U.S. Chamber Federation of 215,000 businesses, 3,000 state and local chambers, and 1,200 trade and professional associations, and 76 American Chambers of Commerce abroad respectfully requests your strong support and the expeditious adoption of H.R. 3008.

Sincerely,

R. BRUCE JOSTEN.

Hon. C. CHRISTOPHER COX,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN COX: President Clinton and both houses of Congress agree that shutting down the federal helium operation is an important reform necessary to reduce the size and scope of government and to help balance the budget.

Helium conservation is still a worthy objective and the best way to achieve it is to end this inefficient, wasteful federal program that inappropriately completes with the private sector helium industry.

We write to ask you to help move legislation that will terminate the Interior Department's helium refinery and deal responsibly with the crude helium stockpiled in the helium reserve. H.R. 3008 meets these objectives and identical language has already been approved by both the House and Senate as part of the budget reconciliation package. Since budget reconciliation is problematic, we now ask that you support H.R. 3008.

Congress should approve this "good government" legislation that will help cut waste and return to the taxpayers the tens of millions of dollars invested in the helium program.

American Gas Association, Citizens Against Government Waste, Helium Advisory Council, National Association of Manufacturers, National Taxpayers Union, Americans for Tax Reform, Compressed Gas Association, Inc., Interstate Natural Gas Association of America, Natural Gas Supply Association, U.S. Chamber of Commerce.

Mr. COMBEST. Mr. Speaker, the importance of helium and the Government involvement in helium conservation and production dates back to the passage of the Helium Act of 1925. The building and operation of a large-scale helium extraction and purification plant went into operation in 1929 in Amarillo, TX, that until 1960, was the only domestic helium producer.

In 1960, Congress amended the Helium Act to provide incentives for stripping natural gas of its helium, for purchase of the separated helium by the Government, and for its long-term storage. With now close to 34.25 billion cubic feet of helium in Government storage and a large private-sector helium recovery industry, some have asked whether or not the Federal Government should have a role in the helium business.

While interest in helium began with World War I when its military value as an inert lifting gas was recognized by the Army and Navy, its current uses have far surpassed what many could have imagined. Helium now plays a vital role in the National Aeronautics and Space Administration [NASA] Space Shuttle program as well as one of the most important materials in modern science. These are but a few of the current modern-day uses of helium that many of the opponents of the helium operations have failed to mention.

The Space Shuttle uses more helium than any other single program in the Federal Government. The principle consumption comes just before launch time when the external tank must be purged before the liquid hydrogen fuel can be loaded. During flight, the hydrogen is pressurized with a helium atmosphere to force the liquid fuel to the turbines and the three main propulsion engines. While this is certainly the most high profile use at NASA, several other space projects used liquid helium supplied by the Bureau for cooling detectors, instruments, and entire satellites down to −452 degrees F. Currently NASA requires 80 railroad cars of helium for each shuttle launch but it can only take it in gaseous form. No private company can supply it in gaseous form, so if H.R 3008 passes, NASA is going to have to spend millions of dollars to accept the helium as a liquid and then convert it to gas.

The Department of Defense [DOD] is also very reliant upon helium. Bureau helium is used by the Defense Nuclear Agency [DNA] in experiments which simulate nuclear explosions. The Air Force is deploying an operational airborne antisatellite missile system with liquid helium in an aircraft before takeoff.

DOD has also awarded two competing $12 million contracts to develop a ground-based, liquid-helium-cooled laser power system. The Navy, too, is conducting research on the use of airborne superconducting magnetometer to detect submerged enemy submarines.

The Department of Energy [DOE] awards and administers contracts with Government-owned, contractor-operated [GOCO] national laboratories at Brookhaven, NY; Oak Ridge, TN; Fermi and Argonne, IL; Los Alamos, NM, and Berkely and Livermore, CA. DOE also conducts defense-related research, development and production, primarily at Los Alamos, Sandia, Livermore, Rocky Flats, and Pantex.

Helium also plays a role in protecting our borders. Helium-filled, radar platform blimps, provide electronic surveillance of the southern border of the United States. The helium-filled inflatables float at 10,000 feet and provide round-the-clock coverage from Arizona to the Bahamas.

The Bureau is currently supplying liquid helium to several universities and medical facilities with Federal contracts who are conducting research on magnetic resonance imaging [MRI] to improve this technology.

The concern over shutting down Government operations under H.R. 3008 has prompted a warning from the American Physical Society that, "Any helium that is not extracted will be lost forever as the natural gas is burned. Some incentive or requirement to store it must be in place."

All of the Federal agencies combined purchase about $20 million per year of helium from the Bureau. This is a small part of their budgets for research, development, and operation of these Government activities. The helium operations have supplied quality service to the programs so vital to the national defense, general welfare, and security to the Nation. The helium operations provide their product for numerous state-of-the-art projects that are a far cry from the World War I dirigibles that opponents claim as its only means for existence. Incidentally, the helium operations in Amarillo began in 1929, several years after World War I.

The Helium Program does not receive Federal appropriations. The program operates on the revenues of returning between $7 to $10 million per year to the Treasury, even after operating expenses. Since 1990, the Bureau of Mines has made debt repayments totaling more than $40 million.

A General Accounting Office study in 1992 recommended that the helium debt be canceled since it was characterized as a bookkeeping transaction between two Federal agencies, with no impact on the deficit or national debt.

Mr. Speaker, I hope that my comments will give my colleagues a better understanding of Federal involvement in helium. The national media and others have both maligned and misunderstood this program. I have urged my colleagues to vote "no" on H.R. 3008 so that true reform of the helium program may become a reality. Sadly, H.R. 3008 will actually prevent speedy privatization of the helium operations and prohibit the sale of excess helium.

Mr. BEREUTER. Mr. Speaker, this Member rises in strong support of H.R. 3008, the Helium Privatization Act of 1996. This legislation represents a small but important step toward a more commonsense approach toward developing the proper role of the Federal Government.

The Federal Helium Program is clearly an anachronism which deserves elimination. While it may have served a purpose during the first part of this century, the justification for the Federal Helium Program has certainly run out of gas.

This Member has long recognized the need to eliminate this wasteful and nonessential governmental program. In 1993, this Member wrote to the President suggesting spending cuts which would help reduce the Federal deficit. This list included a proposal to sell the national helium reserves as a way to save taxpayer dollars. This Member also cosponsored helium privatization legislation introduced by the distinguished gentleman from California [Mr. COX] in this Congress as well as the previous Congress.

The healthy private helium industry offers strong evidence that the Federal Government should get out of the business. The private sector currently provides more than 90 percent of the Nation's helium needs. In fact, as a result of the efficiency of the private helium industry, the United States now produces eight times more helium than the rest of the countries combined. It is unnecessary and improper for the Federal Government to retain its current monopoly on the sale of helium to Federal agencies.

H.R. 3008 offers an effective approach toward the privatization of the Federal Helium Program. This legislation will save taxpayers money by ending the production, refining, and marketing at the Federal helium facility in Texas. It will also require the sale of the Federal Helium Program's production facilities and other equipment and privatize the current helium stockpile. The proceeds from these asset sales will then be applied toward the program's massive debt to the taxpayers.

Mr. Speaker, this Member urges his colleagues to vote for H.R. 3008, the Helium Privatization Act of 1996. It's commonsense legislation which will benefit private business and the American taxpayers.

Mr. HORN. Mr. Speaker, the recently passed omnibus appropriations bill was a historic achievement. With it, Congress significantly reduced the Washington bureaucracy. Nearly 200 outdated Federal programs were eliminated.

This was a good first step toward a balanced budget. Now, we must maintain this momentum by taking more steps. For instance, we must get the Government out of the money-draining helium production business. This will save taxpayers nearly $9 million annually—money badly needed in far more vital areas of our economy. I urge a "yes" vote on H.R. 3008.

Mr. COMBEST. Mr. Speaker, I know of no other Federal program more maligned and misunderstood that the Department of Interior, Bureau of Mines, helium operations. Many of my colleagues have piled on board to eliminate the program. They've heard the clever talking points about German zeppelins and toy balloons. Although I know I am in the minority on this issue, I hope to set the record straight on a few essential points.

The Federal helium operation is actually one of the few Federal programs that has done what it was intended to do. Going from a time when there was no helium produced by the private sector, the Helium Act has been tremendously successful in helping to develop private sector production and a strategic reserve for helium.

I hope my colleagues and the folks out there listening to this debate will reflect on 67 years of dedicated, quality service given this country by those who took on a mission in 1929. My colleagues who mention the cost to taxpayers for this program are speaking of the accumulated interest costs—not the annual cost, which is a net positive gain to the U.S. Treasury of $10 million last year alone.

A legitimate debate has taken place regarding whether or not the Federal Government should be in the helium business. Regardless of your view, this bill, H.R. 3008, is not the best answer. Here's why: This measure effectively prevents private purchase of the helium reserves and refinery. It attempts to recoup the Government's investment with a formula selling off 100 years worth of helium. But it will do so at a price still higher than what its private competitors sell at market.

The bill is designed—plain and simple—to repay the debt and interest on a loan that was made between two Federal agencies. But also just as plain and simple, this bill will not privatize the helium operations. All of that excess helium will remain unsold.

However, there is a better, more balanced approach: It was offered by another one of our colleagues, MAC THORNBERRY, during the budget debate over this legislation in the Resources Committee. His amendment would have allowed some helium to be sold at market price, as long as it did not disrupt the market. Adequate helium stockpile would remain for national security needs, while ensuring the taxpayer a sufficient return on their investment. It would have canceled the bookkeeping debt between two Federal agencies. This commonsense substitute is nowhere in today's bill. The inclusion of this language into H.R. 3008 would have made this measure a better investment for taxpayers. Without a balanced, commonsense approach, I cannot support H.R. 3008. I urge my colleagues to vote "no" so that true reform of the helium program may become a reality.

Mr. CALVERT. Mr. Speaker, I thank the gentleman, and with that, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CLINGER). The question is on the motion offered by the gentleman from California [Mr. CALVERT] that the House suspend the rules and pass the bill, H.R. 3008.

The question was taken.

Mr. THORNBERRY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. CALVERT. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the various bills considered today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the House will stand in recess until 5 p.m.

Accordingly (at 3 o'clock and 36 minutes p.m.), the House stood in recess until 5 p.m.

☐ 1704

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. GOODLATTE) at 5 o'clock and 4 minutes p.m.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1996 AND 1997—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President of the United States on the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Departments of State and related agencies for fiscal years 1996 and 1997; to responsibly reduce the authorizations of appropriations for United States foreign assistance programs for fiscal years 1996 and 1997, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding.

The gentleman from New York [Mr. GILMAN] is recognized for 1 hour.

Mr. GILMAN. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the gentleman from Indiana [Mr. HAMILTON], pending which I yield myself such time as I may consume. Mr. Speaker, during this debate, all time yielded is for purposes of debate only.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the veto message on H.R. 1561.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Speaker, despite the President's State of the Union promise to "end the era of big government", on Friday, April 12, President Clinton vetoed H.R. 1561, the Foreign Relations Authorization Act. This compromise bill delivered on the President's pledge to reduce the size of Government through a flexible reorganization of the international affairs agencies. It was, regrettably, rejected by the administration as unacceptably restrictive.

I am stunned by this assessment. Instead of working with the International Relations Committees to fulfill the mutual goals of reforming our international operations, the administration remained mute and unwilling to find a bipartisan approach.

The administration's attempts to reinvent and reform Government, are merely hollow platitudes, with little creativity, or bipartisan support to sustain them. This is a great disappointment since we should be well on our way to organizing our international relations for the next century. The only thing this administration has reinvented are new excuses to maintain the status quo.

Let me remind my colleagues that in January 1995, Secretary of State Warren Christopher proposed the idea to President Clinton to consolidate the foreign affairs agencies that proliferated during the cold war. He argued that consolidation would reduce duplication, cut the budget, and provide a firm new direction to U.S. foreign policy in this century. Secretary Christopher was right. His idea recognized that to meet a changed world, the institutions themselves need to be changed.

The core missions of the Agency for International Development, the U.S. Information Agency, and the Arms Control and Disarmament Agency to contain the spread of communism all dissipated with the fall of the Berlin Wall. Regrettably, the President disagreed with his own Secretary of State and chose to defend the bureaucracies. The Foreign Relations Authorization Act was offered as the blueprint for the future, yet the President vetoed this bill.

Many of our colleagues in the House and the Senate agreed with the need to change the foreign affairs structure to meet the future. That support is well placed and appreciated. This legislation reflects the interests of the American public to reduce spending and zero in on the essential activities of our international affairs agencies. It also applies the MacBride fair employment principles to Northern Ireland, links expansion of our embassy to progress on POW's/MIA's, backs our allies on Taiwan, helps protect Chinese women fleeing coercive abortion policies, includes the Humanitarian Corridors Act to help Armenia, and fully funds antinarcotic and Peace Corps activities.

I want to make a special note regarding Father Sean McManus. No one has fought harder against discrimination in Northern Ireland. Father Sean single-handedly brought the MacBride fair employment principles to the edge of enactment. I am greatly disturbed to see an apparent White House effort orchestrated to discredit Father Sean and his work, so as to divert attention away from another flip flop of a campaign pledge. I am ashamed of their actions and opposition to the cause of fair employment for all in Northern Ireland.

This was a well considered bill, and reflects many of the interests and concerns of the administration. Over 20 major organizations including Citizens Against Government Waste and the American Legion support provisions in this bill.

Therefore, I urge you to support the veto override motion to end waste, overlap, and duplication in our foreign affairs agencies. Let us seize this opportunity to make constructive changes that will move us effectively into the next century.

Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly urge my colleagues to vote to sustain the President's veto of H.R. 1561 and to vote no on the motion to override which will ensue shortly.

H.R. 1561 is a flawed bill. It would undermine the foreign policy powers of the Presidency and force the adoption of policies that would harm U.S. national interests. It does not give the President the funds he needs to conduct U.S. foreign policy and protect and promote U.S. interests. It mandates a far-reaching reorganization of the U.S. foreign policy apparatus that has no connection to the real problems of foreign policy.

In short, this bill, rather than revitalize U.S. foreign policy, as its sponsors suggest, would weaken the power of the President—any President—to conduct foreign policy. If we allow this bill to become law we would be reducing U.S. influence in the world.

Let me mention several specific provisions.

This bill interferes with the President's authority to organize the foreign affairs agencies. It mandates the elimination of at least one agency—any agency—and severely reduces budget levels at other agencies. Yet the proponents have never demonstrated the need for this reorganization. They have never demonstrated how the conduct of American foreign policy would be improved under this reorganization. They have merely mandated that it occur.

This bill also includes numerous policy provisions that tie the President's hands in the conduct of foreign policy. I will mention just three of the more serious problems in this area.

It amends the Taiwan Relations Act in a way that undermines longstanding United States policy on China, including the 1982 joint communique. The management of relations with China is one of the central challenges of United States foreign policy. The administration right now is working to reduce tensions between China and Taiwan. This provision if enacted would complicate, not facilitate, that task.

It unduly restricts the President's ability to normalize relations with Vietnam, which could set back progress that has been made on the POW–MIA issue.

It limits United States participation in international organizations, including the United Nations. A provision restricting intelligence sharing with the United Nations infringes on the President's power to conduct diplomacy. These provisions would also make it difficult, if not impossible, to pursue efforts to reform the United Nations and reduce the assessed United States share of the U.N. budget.

The funding levels set in this bill are inadequate to conduct U.S. foreign policy and protect U.S. interests. Reduced funding levels of U.S. missions overseas would limit our ability to promote arms control and nonproliferation, reform peacekeeping, streamline public diplomacy and promote sustainable development.

U.S. foreign policy is most effective when it enjoys bipartisan support, and when the President and Congress work together to advance U.S. interests. H.R. 1561 has never enjoyed bipartisan support, and does not appear to be based on the principle of cooperation between the branches. All but nine Democrats opposed this conference report when it was adopted in the House on March 12, by a vote of 226–172. I urge my colleagues who voted against the conference report to vote today to sustain the President's veto.

□ 1715

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my good friend for yielding me the time.

Let me just begin by expressing my very sincere thanks for the great job that Chairman BEN GILMAN did in shepARDING this legislation through the Congress, through both Houses, through a very difficult markup in full committee, the divisive floor fight that we had. Regrettably it was divisive, and then a very difficult conference, and now we are trying to deal with an override attempt, and hopefully that will succeed. He did a very good job. He was very fair, and this legislation, I think, is a very reasonable piece of legislation that merits the support of my colleagues.

Mr. Speaker, when President Clinton vetoed H.R. 1561, the Foreign Relations Authorization Act of 1996 and 1997, he gave a number of reasons. He said that we were spending too little. He said it was somehow inappropriate for Congress to require the executive branch to consolidate Federal agencies even though the legislation mirrored Secretary Christopher's consolidation proposal. As a matter of fact, it was even less, far less than what actually Secretary Christopher wanted us to do. You might call it "Christopher light" in that regard. It would only consolidate and get rid of one agency rather than three.

The President said it was inappropriate to prohibit the expansion of our Embassy in Hanoi until the Hanoi regime comes clean on POW's and MIA's. Mr. Speaker, I think the POW–MIA issue is one of the most important issues this Congress, this country could ever face, and not to link those issues with an ongoing effort to resume full diplomatic relations with Hanoi would be a serious mistake.

Mr. Speaker, he objected to the provision of H.R. 1561 which states that the Taiwan Relations Act supersedes the joint communiques with the People's Republic of China, even though this is a simple and uncontroversial statement of law and fact. A law enacted by Congress and signed by the President does supersede an agreement entered into only by the executive to the extent that there is any conflict between the two.

Then the President provided a laundry list, apparently generated by the State Department bureaucracies, of other provisions that they would prefer not to have been in the bill. By discussing these issues and only these issues, the President's veto message managed to obscure what H.R. 1561 is really all about.

Mr. Speaker, this bill is a human rights bill. It is about the United States vigorously pursuing a foreign policy which is internationalist, not isolationist, which is driven by fairness and justice and not by diplomatic convenience. Despite the need to cut spending and consolidate programs, H.R. 1561 as passed by the House and Senate manages to hold harmless or even enhance the most important programs and to enact important policy provisions that will support freedom, building democracy and save lives.

Mr. Speaker, even more important than spending levels are the foreign policy provisions themselves. The bill contains a number of important provisions that would require human rights be at the centerpiece of our U.S. foreign policy. For example, the Humanitarian Aid Corridors Act, section 1617 of the bill, would limit assistance to countries that restrict the transport or delivery of U.S. humanitarian assistance. I offered this language to the bill, and I was also the prime sponsor of the Humanitarian Aid Corridors Act because it is wrong, absolutely wrong for any country receiving American assistance to keep United States humanitarian assistance from reaching another country; yet this is precisely what is being done by Turkey, which has been blockading Armenia for several years. The result? People die, children and mothers and families get sicker because our medicines and our foodstuffs never get to Armenia, and those that do get there get there in much lesser amounts.

Then take, for example, the MacBride principles, guaranteeing that U.S. assistance programs in Northern Ireland will only go toward projects that do not engage in religious discrimination, which provide employment opportunities for members of the region's Catholic minority. Here Mr. Clinton has done 180 degrees. He has done a flip-flop.

Members might recall that in April 1992, when asked about the MacBride principles, then-candidate Clinton said: I like the principles; I believe in them. He went on to say how strongly he supports them. And yet in a letter that we received from the White House dated April 11, Anthony Lake writes: The President does not believe it would be useful to place conditions on the funding we provide to the International Fund for Ireland.

He is now against the MacBride principles. An election is coming up, so expect another flip-flop right before the election on this one. The proof is in the deed. The President vetoed the MacBride principles, Mr. Speaker, and now we have a situation where the discrimination goes on unabated.

Mr. Speaker, I have so much to say in so little time. On refugee protection we provided very, very important language in this bill that protects the Vietnamese boat people, people who fought with us side-by-side, who this administration has in the past tried to send back, joining with some in the international community.

Mr. Speaker, we would help those people and we also, as the distinguished gentleman from New York [Mr. GILMAN], the chairman, pointed out, would help those women who today languish in U.S. prisons. Their only crime? They were victims of forced abortion. These women who appeared before my Subcommittee on International Operations and Human Rights came in in chains, Mr. Speaker. These women were almost 3 years in custody simply because they fled the tyranny of the People's Republic of China.

Mr. Speaker, this legislation reinstates the Reagan-Bush policy of a well-founded fear of persecution being sufficient if they can prove that they have or are in fear of getting a forced abortion.

Mr. Speaker, we have many, many other important provisions in here dealing with broadcasting, protecting Radio Marti and Radio Free Asia and making sure that those important freedom broadcasts get up and running.

This is a good bill. I urge Members to vote to override the President's veto on this important human rights legislation.

Mr. Speaker, I include for the RECORD, the following information:

REFUGEE PROTECTION

The refugee provisions of H.R. 1561 would prevent United States tax dollars from being spent to return to Viet Nam and Laos thousands of men and women who served side-by-side with American forces.

These provisions would also restore the Reagan-Bush policy of protecting people who can show that they are fleeing forced abortion or forced sterilization, or that they have actually been subjected to such measures—such as the women now being held in Bakersfield, California, most of them victims of forced abortion or forced sterilization, all of them about to be forced back to the People's Republic of China. Mr. Chairman, this urgent humanitarian provision has passed both the House and Senate by wide margins. The Administration recently announced that it supports this provision. And yet, tragically, President Clinton vetoed the bill that would have enacted it.

H.R. 1561 would also require periodic reports to Congress on what Fidel Castro is doing to enforce his end of the Clinton-Castro immigration deal of 1994, and on how people are treated who are returned to Cuba pursuant to the second Clinton-Castro immigration deal of May 1995. And it would fill a gap in the law by prohibiting the use of authorized funds to return people to places in which they are in clear danger of being subjected to torture.

DEMOCRACY BUILDING AND FREEDOM SUPPORT

Despite the need for cuts in international broadcasting and other public diplomacy programs, H.R. 1561 would hold harmless two of our "freedom broadcasting" programs: Radio Free Asia and Radio/TV Marti. The bill would also require that when cuts must be made, they must not fall disproportionately on broadcasts to countries such as Iran and Iraq, whose people do not enjoy freedom of information within their own country. The bill also requires that Radio Free Asia commence its broadcasts into China, Viet Nam, North Korea, Burma, and other countries whose people do not fully enjoy freedom and democracy, within 6 months. And the bill would continue the authority for scholarship and exchange programs for Burmese and Tibetan scholars who have been forced into exile by the dictatorships that currently exercise authority in these countries.

Mr. Speaker, even if the President were right to oppose some provisions of H.R. 1561, these human rights provisions were far more important. Mr. Speaker, I ask my friends on the other side of the aisle: Which is more essential to America's role in the world: Preserving the federal bureaucracy in exactly the same structure it happens to have now, or helping to end pervasive discrimination against Catholics in Northern Ireland? Making the embassy in Hanoi the biggest embassy it can possibly be, or ending blockades against U.S. humanitarian aid to Armenia and other countries? The sensibilities of the dictatorship in Beijing, the soldiers of Beijing, or the internationally recognized human rights of torture victims?

The President had a clear choice. He chose to throw the baby out with the bath water. Today we in Congress—all of us, Republicans and Democrats, who are interested in a vigorous American foreign policy based on American values—have a chance to correct the President's mistake. Let us override this veto by an overwhelming bipartisan margin.

GOVERNOR CLINTON ON MACBRIDE PRINCIPLES AT IRISH FORUM, NEW YORK IN APRIL, 1992

I. QUESTION BY RAY O'HANLON, IRISH ECHO: IN EFFECT: IF ELECTED WOULD HE SUPPORT THE MACBRIDE PRINCIPLES?

Answer: "I like the principles. I Believe in them. I would encourage my successor to embrace them. If, Lord forbid, I don't get elected President, I'm going to have a legislative session in 1993 and would look at that. As President I would encourage all the governors to look and embrace them. I think it's a good idea. I like them very much."

Follow-up question by O'Hanlon: In effect: One of the objections to the MacBride Principles is that they may discourage investment, would you assure those in opposition that they have nothing to fear from MacBride.

Answer: "Absolutely. I think that it's a way to encourage investment because it's a way to stabilize the political and economic climate in the work force by being free of discrimination. That argument is made against any principles in a country where there is discrimination. I just don't buy that. I don't think that is a serious problem."

II. PRESIDENT BILL CLINTON MARCH 17TH 1993 AT THE WHITE HOUSE ST. PATRICK'S DAY CEREMONY

Asked by Conor O'Clery of the Irish Times if he still supported the MacBride Principles, Mr. Clinton replied "YES I DO."

Mr. Speaker, I include for the RECORD the letter to which I referred:

THE WHITE HOUSE,
Washington, DC, April 11, 1996.

The Reverend SEAN MCMANUS,
President, Irish National Caucus, Inc.,
Washington, DC.

DEAR FATHER MCMANUS: Thank you for your letter about the legislation linking the MacBride Principles of fair employment to funding for the International Fund for Ireland.

As you know, the Administration supports the goals of fair employment which the MacBride Principles embody. The Administration also actively supports efforts to promote trade and investment in Northern Ireland and the border counties as the best way to underpin a lasting peace. The President does not believe it would be useful to place conditions on the funding we provide to the International Fund for Ireland, which has an excellent record of attention to and effectiveness on fair employment issues. U.S. companies, with considerable experience in equal opportunity employment, are among the best employers in Northern Ireland in terms of meeting the goals of fair employment.

The setting of the June 10 date for the beginning of comprehensive negotiations on the future of Northern Ireland marks a watershed in the peace process. In this critical period, the Administration will continue to work with the two governments and the parties to help them achieve a just and lasting settlement in Northern Ireland. I appreciate your support for our efforts.

Sincerely,

ANTHONY LAKE,
Assistant to the President for National Security Affairs.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, there are some very good human rights provisions here, as my colleague from New Jersey mentioned. The gentleman from New York [Mr. GILMAN], is a very good chairman of the Committee on International Relations.

This bill, nonetheless, still needs to be defeated. It has gone through a revision. It is better than it was when we first were presented with it, but it still should be vetoed, principally because it infringes on the President's right to conduct foreign policy. It micromanages foreign policy. It forces the consolidation of agencies. It basically tells the President that he has to eliminate agencies to conduct foreign policy.

Mr. Speaker, it also authorizes spending levels that would force other organizations in the international diplomacy area to retreat. In other words, we are retreating as internationalists through some of the spending provisions in this bill. Plus, the bill fails to provide necessary flexibility for the administration to manage all of these agencies that this bill is ordering virtually be dismantled.

The bill also hurts in very key areas in the funding levels: Arms control and nonproliferation, international peacekeeping, international organizations, public diplomacy, sustainable development. What this is going to cause is a severe reduction in force of highly skilled personnel at several of our foreign affairs agencies.

Mr. Speaker, the bill messes with our China policy. We do not need right now to get into China policy. Things are very delicate there. We do not need to repudiate what President Nixon and Secretary of State Kissinger, then National Security Adviser Kissinger, preceded with in the Taiwan Relations Act. What we have now is a new venture, a new China policy, which is not in this bill what we should be doing at this moment.

Relations with Vietnam, this is a very, very sticky issue. The last thing we want to do is deter and impede progress on the POW-MIA issue. It is coming. It is coming slowly. I do not think we want to provoke a reaction that is going to stymie any further progress.

On participation in international organizations, Mr. Speaker, I am a member of the Permanent Select Committee on Intelligence. I think we have some good safeguards right now that deal with intelligence sharing with U.N. agencies. We do not need further micromanagement of this issue.

On housing guaranteed programs: South Africa, Eastern Europe, some very good country programs in these nations. Section 111 would terminate several of these programs, specifically as I said before, in South Africa and Eastern Europe. And family planning, this bill is not a good bill.

Mr. Speaker, I want to, despite the fact that this is not a good bill, acknowledge the very worthwhile efforts by many internationalists on the other side. I think the President has the main ability and right to conduct foreign policy. We are interfering in that.

Mr. Speaker, I think the gentleman from Indiana has made some very viable and positive statements about what our role as a Congress should be. We do have a role, of oversight, of war powers. But when we get in and micromanage specific situations, I do not think it is in the best interest of this country. The President's veto should be upheld.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Pennsylvania [Mr. GOODLING], a senior member of our Committee on International Relations.

Mr. GOODLING. Mr. Speaker, I rise today to urge my colleagues to join me in voting to override the President's veto of the conference report to H.R. 1561, the Foreign Relations Authorization Act.

Mr. Speaker, H.R. 1561 makes several reforms to our Nation's foreign policy apparatus: Reducing bureaucracy and cutting waste, while preserving our ability to conduct the foreign affairs of the Nation. That the President would veto a bill which reduces duplication, cuts the budget, provides firm direction to our foreign policy is baffling to me. You cannot say you support balancing the budget and then veto packages which would accomplish just that. You cannot say you support eliminating bureaucracy and then veto a bill which does just that.

However, the president's veto of the bill did more than simply damage our efforts to cut bureaucracy. His veto also directly affects the lives of Chinese detainees held for over 1,000 days in the York County jail in my district, the very city where the Articles of Confederation were written and signed, the very city which was the first capital of the United States. What is their crime? Many of these men fled China in fear of China's coercive abortion and sterilization policy.

It was mentioned that we cannot interfere with our Chinese policy. What is our Chinese policy? I have tried to speak to the President of the United States on this issue for several months, and I only get to speak to the National Security Adviser. When I spoke with him, I said: I suppose this business has something to do with our Chinese policy. He said: Oh, no, it has nothing to do with our Chinese policy or he would know about it, and he did not know about it.

Had these individuals fled China for the United States when the last two Presidents were in office, they would likely have been granted asylum in the United States. Under President Reagan, then Bush, fear of repressive coercive population control policy, which China clearly employs, was grounds for asylum. Under the Reagan-Bush policy, these individuals would likely have been set free, and the Federal Government would not be paying over $1 million in taxpayers' money each year to keep them locked up.

Unfortunately, President Clinton changed the policy when he took office in the belief that fear of forced abortion or sterilization does not merit asylum in this country. H.R. 1561 would change the U.S. law back to the Reagan-Bush policy, which was the law of the land for many years and which hardly resulted in our Nation being overrun by hordes of asylum seekers.

Mr. Speaker, I am the first to say that illegal immigrants who have no grounds for asylum must be sent away. But it is wrong to make an example of these Chinese men and women who fear coercive population policy. This provision is supported by the Family Research Council, the National Right to life Committee, various churches and pro-life groups. This provision is humane and, most of all, it speaks well of America and Americans.

Mr. Speaker, I want to thank Chairman GILMAN for his work on this bill, and I urge all Members to override the veto, return fiscal sanity and justice to American foreign policy.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California, [Mr. BERMAN], a member of the Committee on International Relations.

Mr. BERMAN. Mr. Speaker, I thank my friend from Florida for yielding me the time.

Mr. Speaker, I rise in urging my colleagues to vote to sustain the President's veto of H.R. 1561. This is the third vote we have had on this bill. Last June, 192 Democrats voted against H.R. 1561. More recently in March, only nine Democrats supported the conference report. Only six Republicans voted against the conference report.

□ 1730

There is no bipartisan support for this bill.

As I said at the time the conference report was adopted, this was the first time in 13 years that I had the honor of serving in this body that a State Department authorization bill has been taken up in committee, on the floor, or out of a conference committee without bipartisan support.

Mr. Speaker, I would be happy to yield. Let me just finish my statement, and then, if I have time, I would be happy to yield to the gentleman.

Why is this bill for the first time breaking with the tradition that this House and this Congress has had to pass this legislation on a bipartisan basis? It is because this bill is not about a bipartisan foreign policy. It is not about protecting America's national interests while rationally reforming Government. This is about tying another scalp to the Republicans' Contract With America belt. It is about nailing another agency so that the Republicans could pretend to claim to have reduced the size of the Federal Government without regard as to whether or not their plan made sense and protected our national interests, just like the cockamamie idea to abolish the Commerce Department when it took every single purpose of that Department and put it in some other part of the Federal Government.

Mr. Speaker, their plan would have eliminated the Arms Control and Disarmament Agency at a time in which clearly one of the most serious threats we face are weapons of mass destruction: nuclear, biological, and chemical. It is about usurping the rights of a Democratic Commander in Chief, trying to paint the President into a corner so he would appear ineffective. Well, President Clinton stood strong, said "No." As he stated in his veto message, the inflexible, detailed mandates and artificial deadlines included in this bill should not be imposed on any President.

I urge my colleagues to support the President, to sustain his veto, and, if I have any additional times, I am happy to yield to my friend, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I thank my friend for yielding. Just let me say that, as my colleague knows, he must find some things in this bill that he agrees with. I mean we worked together on the refugee provisions. There are a lot of things in this bill: the boat people, protections that are in the bill.

But let me just say, so the record is very, very clear about this, during markup of this legislation we had five hearings that preceded the markup in my subcommittee because major provisions of this bill went through my subcommittee because we are the committee of jurisdiction on the State Department. I was much aghast and chagrined by the fact that my ranking member walked out. Rather than participate in the markup, he walked out.

So we talk about bipartisanship. We sought at every turn to include rather than to exclude.

Mr. BERMAN. Mr. Speaker, I would like to respond simply by pointing out two things.

One, I think in retrospect that that was a mistake. Second, the gentleman knows full well, because he has told me on many occasions, he does not agree with the decision to abolish these agencies. He thinks the U.S. Information Agency has a purpose independent from the State Department in communicating a message to the captive countries of this world that agency from the government to government relationships of that State Department. He knows there is no underlying sense in the abolition of these agencies; that is why we are supporting the President's veto. That is why it is the right thing.

Mr. GILMAN. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, as the gentleman from California pointed out, I had misgivings about the consolidation taken as it was originally passed by the House, but we worked with that. There was a spirit of compromise, a spirit of giving and taking, and we got from a consolidation of three agencies down to one, leaving the option to the President of the United States to decide which agency would go. It is my feeling that USIA would not go. It is made up of many more people than ACDA and ACDA was the most likely, which is a relic of the cold war period. I did not know that for sure, but now I have come to that conclusion after much study and research.

So it could be done. We have got to save money.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio [Mr. CHABOT], another distinguished member of our Committee on International Relations.

Mr. CHABOT. Mr. Speaker, I rise in strong support of the effort to override President Clinton's ill-advised veto of the Foreign Relations Authorization Act. It is time to end the foreign aid ripoffs, and this legislation is a good start.

I want to take a moment to applaud the hard work and tremendous leadership of the chairman, the gentleman from New York [Mr. GILMAN]. Chairman GILMAN and the Committee on International Relations' staff have spent countless hours putting together a truly historic piece of foreign policy legislation, only to have it vetoed by a President who prefers the status quo. From the time our committee began deliberations last year, the Clinton administration stood in the way. In fact, top White House lobbyists promised to and I quote, "delay, obfuscate and derail any effort to consolidate outmoded foreign policy bureaucracies and reduce the amount of taxpayer dollars used for foreign aid." They tried but had failed. Congress passed the bill, but the liberal foreign policy establishment had the last word. The President vetoed the legislation saying that our money levels, quote, "fall unacceptably below the level of foreign aid" he wants.

Mr. Speaker, let us take a look at just what the President vetoed: a bill that would drastically reduce waste in our foreign affairs bureaucracies, that would fully fund our international war on drugs, that would assist Chinese women fleeing coercive abortion policies. that would finally apply McBride fair employment practices to Northern Ireland, and that would support our longtime friends and allies in Taiwan.

Why did President Clinton veto this bill? Too many reforms, too little bureaucracy, too few tax dollars going to foreign aid. So much for the President who recently told us that the era of big government is over.

Mr. Speaker, H.R. 1561 is a good bill. It would strengthen America's role in foreign affairs, and it would provide much needed relief to the American taxpayer.

Let us say no to the status quo, no to the ripoffs. Override the Clinton veto.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Houston, TX [Ms. JACKSON-LEE].

Ms. JACKSON LEE of Texas. I thank my colleague from Florida, and I guess I risk to vigorously disagree with my well-intended colleagues on the other side of the aisle.

I come from a community richly diverse, with many international citizens and international concerns. This is a bad bill, and I would rather have a better bill. I realize the intensity of the work that went into H.R. 1561, and I applaud those who have worked on it. But I think we can go a step further and make this bill more responsive to the responsibilities of the President of the United States.

This bill would impede the President's authority to organize and administer foreign affairs agencies to best serve the Nation's interests. The Agency for International Development, United States Information Agency, and the Arms Control and Disarmament Agency are doing valuable work that would be undermined if various programs are consolidated under the State Department.

Yes, we can save money. We all agree that a balanced budget is important. But the cuts in this particular legislation undermine the President's effort and this country to be a world leader.

This bill does not speak well of America's leadership in the world. As a superpower, we must lead by example. We must promote democracy and human rights. We must not isolate ourselves from the rest of the world.

I would ask my colleagues to consider sustaining the President's veto. For example, this bill limits U.S. population assistance. Here we go again, with personal interests and attitudes about the United States' very forceful and productive efforts in working with the world population.

This bill does not allow very important agencies, like the U.S. Information Agency, to carry on its responsibilities, and likewise, I say to my friends on the other side of the aisle, this bill simply ties the chief executive officer's responsibility on the world forum.

Yes, it is important to find a balance between the interests of Taiwan and China. Well, we must find it in a way that fairly treats all entities in this and respect previous obligations that this country has made and the Congress has approved. Yes, we must deal with countries like Indonesia and Burma and Turkey and Ireland, but we must likewise see fit to insure that we bring forth a balanced State Department funding and State Department legislative bill.

I would ask simply that this veto be sustained in order for us to get the better bill, the better bill that would insure the reimplementation of agencies such as the Agency for International Development, the United States Information Agency, and Arms Control and Disarmament Agency, as well as insuring that the opportunity to deal with U.S. population and opportunities and service around the world are continued.

Please respond and recognize we must work with the President, not against the President, to insure the right kind of policy internationally.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO], another member of our Committee on International Relations.

Mr. MANZULLO. Mr. Speaker, in his State of the Union Address, President Clinton boldly declared that the era of big Government was over. Sadly enough, our vote to override the President's veto of H.R. 1561, the Foreign Relations Authorization Act, proves the hollowness of his claim.

H.R. 1561 is the first bill in 40 years to reduce and reform this country's international affairs bureaucracies. A multitude of international agencies and programs proliferated during the cold war in an effort to contain and roll back global communism. With this mission successfully completed, it is time to redesign our foreign policy apparatus. H.R. 1561 consolidates the Agency for International Development, the Arms Control and Disarmament Agency, and the U.S. Information Agency into the State Department and reduces their budgets to force streamlining efforts. This bill will save the taxpayers $1.7 billion over 4 years.

In January 1995, Secretary of State Warren Christopher proposed to President Clinton that he consolidate the many foreign affairs agencies that had sprung up during the cold war. Mr. Christopher wisely argued that the Agencies' independence did not facilitate cohesive policymaking. Republicans took the Secretary at his word and devised such a streamlining bill. Unfortunately, President Clinton ignored the advice of his own Secretary of State when he vetoed H.R. 1561.

Mr. Speaker, this bill reduces bureaucratic duplication, it cuts the budget, and provides a bold new direction to U.S. foreign policy for the coming century. I ask my colleagues to help end the era of big Government and support the motion to override President Clinton's veto.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this provision, as vetoed by President Clinton, is styled the American Overseas Interest Act. I find it passing strange that in all of our discussions, not just here today, but in the runup to this particular measure being on the House floor and the subsequent veto by the President, very little is being said about American interests abroad in a fashion that allows for the private sector to be considered by those actions that are undertaken by us as policymakers.

It is a fact that American business interests benefit greatly from the efforts that are put forth on behalf of our great country. Toward that end I cannot believe that we would want to mandate such a far-reaching reorganization of the U.S. foreign policy apparatus that has no connection to the real problems of foreign policy.

□ 1645

In my view, having sat in many hearings with my colleagues, it is reorganization for the sake of reorganization. In the final analysis, it just simply will not serve the best interests of this country.

Mr. Speaker, I reserve the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from New York [Mr. LAZIO].

Mr. LAZIO of New York. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise today in support of the veto override of H.R. 1561, the American Overseas Interest Act.

One of the most important provisions in this bill is the inclusion of the MacBride Fair Employment Principles, consisting of nine fair employment, antidiscriminatory principles that are a corporate code of conduct for United States companies doing business in Northern Ireland. The MacBride Principles were initiated in November 1984 and since their inception have provided Irish-Americans with a direct, meaningful, and nonviolent means of addressing injustice in Northern Ireland. The principles do not call for quotas, reverse discrimination, divestment—the withdrawal of United States companies from Northern Ireland—or disinvestment—the withdrawal of funds now invested in firms with operations in Northern Ireland.

It is my hope that someday employment practices in Northern Ireland will be fair so that this kind of legislation will no longer be necessary. However, at this stage in the Northern Ireland peace process the voice of the United States on the topic of fair employment practices is more critical than ever. I am proud to endorse this bill and urge its passage.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Wisconsin [Mr. ROTH], a senior member of our Committee on International Relations and the distinguished chairman of our Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, I thank my friend, the chairman of the full committee, for yielding me this time.

Mr. Speaker, the President has been very badly advised in vetoing this bill. It is clear that the foreign aid establishment has closed ranks in opposition to any meaningful reforms. The bureaucracy has worked overtime to maneuver the President into opposing any changes in our Government's bloated and outdated foreign policy machinery.

Consider just two provisions of our bill which the bureaucracy has fought tooth and nail: First, our bill curtails the foreign aid pipeline. How many Members in this House know that AID has $8 billion socked away? That is right, $8 billion left over from previous years. This is on top of the $6 billion that Congress appropriated to AID this year. Five years ago, AID alerted us to this problem. For 5 years, we have fought to put some limits on this program.

The bill before us would reduce this foreign aid waste by $1 billion. It would help make permanent reforms to stop the waste that results from overfunding foreign aid programs. But the opponents of this bill say no to any cuts in the foreign aid pipeline.

Second, the bill shuts down one of the worst-run programs in the Government, the housing guarantee program. How many Members know that for 35 years, the American taxpayer has cosigned loans all over the world for housing and community development? Today, the American taxpayer is in hock for nearly $3 billion in these guaranteed loans in 44 countries.

My subcommittee has conducted a 2-year investigation of this program. Do Members know what we uncovered? We uncovered huge losses in this program. Half, half of the countries which have U.S.-backed loans have stopped payment. That is right; 22 out of the 44 countries. GAO estimates that we are going to have to pay over $1 billion in bad loans. Our bill would shut down this program and stop the losses by imposing tough penalties on these deadbeat foreign governments. But the foreign aid bureaucracy wants to keep this program going even though it is hemorrhaging money.

There are two other examples, but these two examples, I think, pinpoint the problem with this program. These examples are of vital importance if we are to make the reforms that our taxpayers demand be made. But the foreign aid establishment says no to any reform. For the bureaucrats that populate the State Department, AID, and USIA and the arms control agency, the watchword is business as usual. We cannot have business as usual. That is why we want to override the President's veto, because what we are doing is making some very basic reforms that have to be made.

Today, this House has the opportunity to strike a blow for reform and to stop the abuse and put the interests of the American taxpayer first for a change. Mr. Speaker, I urge my colleagues to join me in voting for reform by voting to override the President's ill-considered veto.

Mr. HASTINGS of Florida. Mr. Speaker, I am pleased to yield 6 minutes to the gentleman from Virginia [Mr. MORAN], a member of the Committee on International Relations.

Mr. MORAN. Mr. Speaker, I thank my friend and colleague for yielding time to me.

Mr. Speaker, I rise today to urge this body to sustain the President's veto of this neoisolationist foreign aid bill called the American Overseas Interests Act. We all know this bill proposes deep cuts in our foreign assistance budget and wants to dismantle either the Agency for International Development, the Arms Control and Disarmament Agency, or the U.S. Information Agency. But what we do not adequately appreciate is the important and distinct responsibilities that all these agencies perform on a day-to-day basis. Those functions and responsibilities will not be performed in the same independent nor effective manner as they are now performed if they are combined within the administrative structure of the State Department. Some of their mission and independence will be compromised.

It is wrong for us to restrict this or any other President's ability to address the complex international challenges and opportunities of the post-cold-war era. At issue is whether the United States will have the policies and the resources available to open markets, to prevent conflicts, to advance our national interests through people-to-people contacts by broadcasting the truth as an antidote to the poison of extremist propaganda, and to prevent crisis through humanitarian aid.

The United States must continue to lead this world. We should not turn our back on a half-century of success. Our past strong investment and a vigorous foreign policy continues to pay enormous dividends: The end of the Soviet Union, a world map dominated with democracies and allies, expanding markets, especially in the Third World, and free elections in South Africa, just to mention a few.

This bill undermines our leadership role in the world. To cut development aid will ultimately cost the United States more in the form of foregone markets, increasing demands for disaster relief, worsening environmental conditions and rising migration pressures.

Foreign aid is an important, cost-effective investment in the future. About 1 percent of the Federal budget is actually spent on foreign aid. Yet, Members have heard time and time again that most of our constituents think that it is about 15 percent of our budget that we spend, and believe it should be around 5 percent.

Mr. SMITH of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MORAN. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. Mr. Speaker, I would just remind the gentleman from Virginia that the foreign aid portion of this legislation was dropped in conference. This is consolidation and State Department reauthorization part C, which was in the original bill, and the gentleman is correct in noting that that was dropped, so the bill that the President vetoed had nothing whatsoever to do with the foreign aid portion of the legislation.

Mr. MORAN. I appreciate that clarification, Mr. Speaker, But the point that I am making, Mr. Speaker, is the support that this country has for foreign aid, more support than it is obvious to us when we listen to the debate.

The fact is that most Americans think we should be spending five times what we are spending for foreign aid. The fact is that AID is a principal funnel for that foreign aid. I do think that their mission would be compromised if in fact they are consolidated within the State Department.

We ought not wait for a disaster to act, because then the costs are going to be much higher. We ought not revert to the isolationist attitude of the 1930's. What happens in one part of the world can happen in our part of the world. We should not forsake our leadership role in this world. We should be eager to lead this world to promote our interests.

The United States is the world's leader. We have earned that position, not just because we have the strongest military, but because our diplomacy is so effective. Our political and cultural values are widely shared, and our economic system is emulated around the world. The reason is because in the past we have had bipartisan support in Congress and in the administration for a sound appropriation for the managing of our foreign affairs. But with leadership comes responsibilities. I do not think this bill meets them.

We just heard from the AID administrator, Brian Atwood, in the Committee on International Relations. He has cut over 17 percent of his personnel at AID, from 11,000 to 8,700 since President Clinton was elected. That is the second largest cut in the Federal Government. I do not think that cut would have happened if it was part of the State Department.

The administration has already implemented significant steps to reinvent our international operations and reduce costs to the taxpayers. We have asked the government to cut waste, to reduce programs, and to freeze future planning. This administration has responded vigorously with a scalpel, cutting away the fat and the dead tissue.

The problem with this bill is that it hacks away at the muscle and vital organs with a cleaver. It is all posturing and politics to be able to say we eliminated an agency, whatever that agency might be. We are given three choices, but we have to eliminate one of them. It is an artificial savings. It harms not only the body politic, but more importantly, the head of this world in terms of foreign policy, in terms of advancing democracy, advancing truth throughout the world.

We ought not do this. This is a step backward. We have need to be moving forward into a global economy and advancing our democratic interests, creating more purchasing capabilities in Third World countries that in turn result in market opportunities for our firms.

Mr. Speaker, I urge my colleagues to sustain this veto.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Kansas [Mr. BROWNBACK], a member of our Committee on International Relations.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1½ minutes to the gentleman from Kansas.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Kansas [Mr. BROWNBACK] is recognized for 3½ minutes.

Mr. BROWNBACK. Mr. Speaker, I ask my colleagues and urge them to support this veto override. We need to do this. We need to do this consolidation. If it has not been already pointed out, or even if it has, I would like to reiterate that this is being supported by Secretary Baker, and previously it had the support of Secretary Christopher, until he was talked out of it by some other people within the administration.

I think it is key to point out that lead individuals within the administration, people that have occupied key positions within the foreign policy apparatus, have said that we need to have this sort of consolidation take place. These old entities do not have a place at this point in time of U.S. history. It is important for us to be able to effectively manage our foreign affairs resources at a time of declining budgets, at a time of declining budgets, when we are going to better manage our foreign affairs budgets and resources, that they be put in together, that they be allowed to be managed and consolidated.

The very essence and focus of this bill was to allow some people that are running the foreign policy apparatus to be able to more effectively and efficiently operate the foreign policy apparatus, rather than from these myriad different stand-alone entities. Let us allow some ability to be able to manage this. Any time we are going into a time like we are of balancing the budget for the first time since 1969, we are going to be making changes, needed changes, real changes to take place. What we are going to have to do is allow some flexibility of people in the system to make those changes.

This bill does that. Secretary Christopher was supportive of this bill, and then was talked out of it by other people within the administration, saying, "Well, you should not do this." A prior Secretary of State, Secretary Baker, who I would say knows a little bit of something about foreign affairs and foreign policy, says, "This is a good thing to do. You need to be able to do this to be able to manage foreign affairs." We do not need 5 different entities doing foreign affairs in the United States. We need one Secretary of State. We need to be able to act, to be able to move, and to be able to get things done.

Mr. Speaker, I think it is more posturing and politics to leave it alone and to not do the veto override; that it is more posturing and politics to say, well, OK, they are just trying to do this to show that they can eliminate an agency, rather than listening to their own people within the system who have said that these are things that needed to be done; than to listen to the people who historically have worked in this area and are saying we need this to effectively manage in a time of downsizing.

With that, Mr. Speaker, I urge my colleagues to support the veto override. It is needed. It is needed to effectively manage the foreign affairs arena in our country. I urge my colleagues to vote in favor of the veto override.

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Mr. HASTINGS of Florida. Mr. Speaker, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Florida.

Mr. HASTINGS of Florida. Let me ask my colleague, for whom I have great respect, and I certainly have great respect for former Secretary Baker that he mentioned, did he say how this reorganization should take place? And specifically which agency should be eliminated? And could the gentleman tell me how all of that, put in context, is going to help improve foreign policy?

Mr. BROWNBACK. I would be happy to. He testified in front of the Committee on Foreign Affairs, of which my colleague is a distinguished member, as well, saying that this was an entity, that one of these or several of these entities needed to be folded within the State Department itself. What we are saying in this bill is, let us let the

State Department itself pick and choose which would be the most effective now, at this point in time, so that they could implement what Secretary Baker and what Secretary Christopher have suggested earlier, as well.

Mr. HASTINGS of Florida. But if the gentleman will yield further, how does that improve foreign policy? When a mission is closed, a U.S. citizen is seeking assistance in some foreign place, how does that help that U.S. citizen? And we do know that missions are closed.

Mr. BROWNBACK. It helps by virtue of allowing the key foreign policy leader for this country who the President has appointed, the Secretary of State, the added flexibility to be able to say in a time of declining budget, "I have this as a higher priority than this artificially set entity over on the other side that the Congress has put." It gives that individual greater flexibility to be able to address what they deem to be the key and the highest point interest. That is why we urge this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PAYNE], a distinguished member of the Committee on International Relations and the chairman of the Black Caucus.

Mr. PAYNE of New Jersey. Mr. Speaker, President Clinton in his State of the Union Address promised "to end the era of big government." Big government is over. I think we've got the wrong idea of exactly what the Government should and should not do.

The other side wants us to believe that the United States should not be responsive to the needs of the poor, the hungry, and the dying. They don't want to share in the cost of peacekeeping missions, sustainable development programs, population assistance, and our national security.

Yes, the cold war and imminent nuclear threats of communism and remnants of the past. The core missions of USAID, USIA, and ACDA have changed. Nonetheless, they have been able to adapt to the paradigm shifts of this era.

I am ashamed that I live in a society that devalues human life. While our aid budget is shrinking, our defense budget is steadily increasing. Looks to me like someone forgot to tell the GOP that the Soviet Union is gone.

The GOP claim that this piece of legislation is important because it reflects our American values. Our American values? If this is a reflection of our American values, it is clear just what we value.

We spend less than 1 percent on aid to less developed countries even though the American people said they would be in favor of a 5-percent increase. The G–7 countries especially Japan has become the No. 1 aid donor. They are outranking us in everything.

Where should U.S. foreign policy be targeted for the 21st century? I'll tell you. It should go to Africa and Asia where almost 45 percent of the people live below the U.N. level for absolute poverty.

If this piece of legislation passed, it would undercut U.S. leadership abroad and damage our ability to assure a secure future for all Americans. As an American, I was led to believe that we had a responsibility to help out our allies and friends.

Our friends on the other side of the aisle want to end the Agency for International Development's housing guaranty [HG] program, and restrict the United States from participating in the U.N. Human Rights Committee.

They clearly have different value systems.

The GOP wants to change that. The bill would also restrict funds to normalize relations with Vietnam. The Vietnam war was a horrible war in American history. The hard work we have made with the help of our foreign commercial service has opened markets. They have, more importantly, healed open wounds left from the war.

Yes, my friends, the cold war is over. However, when we talk about cutting agencies like USAID, we are talking about returning to those dark days of foreign policy. Remember—when power and democracy were synonymous, when ballistic missile proliferation were our sleeping partners, our Japan policy was viewed through Soviet lens.

The GOP wants to overturn glasnost and detente.

The bill also limits participation in international organizations such as the United Nations. It also undermines the President's ability to conduct foreign policy.

I have received many letters from my constituents saying the United States should pay up the debts owed to the United Nations. We use the United Nations as a shield and our scapegoat. We used the United Nations in the gulf war.

I cannot with a clear conscience support the veto override. The state of the American Nation and the state of the world are depending on it. At a time in history when our enemies were clear, someone once said, "We can only secure peace by preparing for war."

Even though the Berlin wall has fallen, the GOP wants to take us back to isolationism of the 1930's. Let's let our democracy programs work before our missiles do. Sustain the President's veto of H.R. 1561—Foreign Relations Authorization Act.

Mr. GILMAN. Mr. Speaker, I yield 1½ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished senior member of our Committee on International Relations.

Mr. HYDE. I thank the gentleman for yielding me the time and I thank the gentleman for the characterization as senior member. I appreciate that. I guess I am.

Mr. Speaker, I just hope that the Members will override the President's veto. I know that is difficult to do for some Members, but there are some very important human rights provisions in this legislation, most significantly, the MacBride principles which require fair employment practices by companies with using American funds over in Ireland. If there is any reason in the world why fair employment should not obtain, especially with American funds, I cannot think of it, and the MacBride principles are very important. This bill restores them. As I say, they are very significant.

In addition, this bill remedies a situation where Chinese women have come to this country to escape coerced abortion, coerced sterilization, and they have sought to apply for asylum. Instead, they were brought to our hearing rooms in chains. I think that is a stain on our Nation's conscience. This bill would give them legal status. We consolidate the foreign aid bureaucracy, which is very important.

I think there are a lot of reasons to vote to override and I hope the Members do.

Mr. HASTINGS of Florida. Mr. Speaker, would the Chair be good enough to give me the remaining time on both sides?

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman from Florida [Mr. HASTINGS] has 2 minutes remaining, and the gentleman from New York [Mr. GILMAN] has 3½ minutes remaining.

Mr. HASTINGS of Florida. The gentleman from New York has the right to close; is that correct?

The SPEAKER pro tempore. That is correct.

Mr. HASTINGS of Florida. That being the case, Mr. Speaker, then, I am pleased to yield my remaining time to the gentleman from New York [Mr. ENGEL], a former member of the Committee on International Relations and the newest member of the Committee on Commerce, and we hope that he will return to the Committee on International Relations.

The SPEAKER pro tempore. The gentleman from New York [Mr. ENGEL] is recognized for 2 minutes.

Mr. ENGEL. I thank my friend from Florida, who is my mother's Congressman and is doing such a great job, and I intend to return to the committee.

Let me say first of all, Mr. Speaker, I hope that our House will vote to sustain the President's veto. This is not a good bill and the President was correct in vetoing it. This is an isolationism bill. It is a retrenching bill, a retreating bill.

The United States is the leader of the free world. No one anointed us as leader. We took the mantle. As a result, we have a responsibility. Countries look to us and we have a responsibility for our own self-interest.

There was no Democratic input into this bill. There is a haphazard reorganization of U.S. foreign policy agencies. In fact, it is, Pick an agency, any agency, we want to close an agency, it doesn't matter what agency, just pick one. That is no way to conduct foreign policy. The appropriations are too low. There are not enough funds in here. It undermines the President's ability to conduct foreign policy.

My colleagues on the other side of the aisle unfortunately seem to want to embrace isolationism. With the collapse of the Soviet Union and the collapse of communism, I feel that the Republican Party is reverting back to its 100 years ago isolationism policies. This is a dangerous policy.

Henry Kissinger, we all know Henry Kissinger, a very prominent Republican Secretary of State, says about this bill, and I quote, "Further cuts would necessitate closing many overseas posts with the result that there would be less complete political and economic reporting on foreign conditions, less effective representation and advocacy of U.S. interests in foreign countries, and less adequate services provided to U.S. citizens traveling abroad, tourists or business people."

So even Henry Kissinger realized that the funding here is dangerously low, and that this is an isolationism bill and not really a very good bill at all. We should not undermine the President's ability to conduct foreign policy. We are the leaders of the world, my colleagues. Let us act like the leaders of the world. Let us sustain the President's veto. This bill ought not to become law.

Mr. GILMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we have all heard the President's State of the Union promise to end the era of big government. President Clinton's own Secretary of State, Warren Christopher, showed that over a year ago when he moved to close three outdated international affairs bureaucracies and fold their functions back into the State Department, giving the President the discretion to pick and choose of those three agencies which he wanted to fold.

This is not an isolationist policy. Responding to Secretary Christopher's plan, this Congress passed a major reform bill to follow through with this plan, reducing waste, duplication, and overlapping among these Federal agencies that are best designed to fight a cold war that ended 5 years ago.

And what was the President's response? His lobbyists responded by promising to, and I quote, "delay, obfuscate and derail" our bill. They failed, and the Congress passed the first sweeping foreign affairs reform bill in over 40 years. The President then used a congressional recess on a Friday afternoon, after the press deadline, to veto the bill which his own Secretary of State first suggested.

With this veto, the President defended the bureaucracy and the status quo in opposition to his own Secretary of State. This is clear proof that under this White House, the era of big government is not over. It lives on, despite the best advice of senior members of his own Cabinet.

We are here today to override the veto of the Foreign Relations Authorization Act. In short, this bill gives the President the flexibility to merge one of three foreign affairs agencies back into the State Department as recommended by Secretary Christopher. This bill fulfills the President's campaign promise to back the MacBride fair employment principles in Northern Ireland. This veto means that he has reneged on his promise to our Irish-Americans.

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This bill, the product of many hours of negotiations, fulfills many of the administration's objectives, and yet the President vetoed the bill after months of refusing to allow his agencies to work with our House and Senate Committee on International Relations to craft a bipartisan measure.

The hue and cry is that this needs to be a bipartisan bill. This needs to be a bipartisan process. Traditionally this is a bipartisan measure, but, let me point out, bipartisanship requires all parties to participate in this debate.

In this case the administration, the opposition party, offered nothing but roadblocks. In over 50 hours of negotiations on the bill's conference, the House and Senate Democrat staff only attended for purposes of note taking.

I commend the members and staff of our Committee on International Relations for their diligent, tenacious efforts to enact this bill and to fulfill our promise to the American people to reduce the size of the Federal Government.

Accordingly, I urge my colleagues to support this motion to override the President's shortsighted veto of H.R. 1561, the Foreign Relations Authorization Act. Congress has delivered and the President should be held accountable for rejecting a bill that helps to advance our U.S. foreign policy and to end the era of big government.

Mr. LANTOS. Mr. Speaker, I rise today in strong opposition to the adoption of H.R. 1561, the objections of the President notwithstanding.

I have served as a member of the Committee on Foreign Affairs and now the Committee on International Relations since I was first elected a Member of the Congress. In the nearly 16 years that I have served in this body, I have never seen such a partisan, one-sided, ill-considered piece of legislation come out of our committee.

Earlier the chairman of the Subcommittee on International Operations and Human Rights talked about the process by which this legislation was shoved through the Subcommittee and Committee. He made reference to me, in my capacity as ranking minority member of the subcommittee, although he did not mention me by name. I was the Democrat who walked out of the subcommittee markup of the sections of H.R. 1561 that were in the jurisdiction of that subcommittee. I was joined in walking out of that markup by every other Democratic member of the subcommittee. Let me explain why my colleagues and I took that action.

Mr. Speaker, the traditional practice when the Democrats were in the majority on the Foreign Affairs Committee was to consult with the minority on all of the issues being considered in the foreign affairs authorization legislation to reach bipartisan compromise on as many issues as possible on the legislation, to reach out and work together to resolve differences. That did not happen. The chairman of the International Operations Subcommittee consulted with some individuals who were not members of the subcommittee or even members of the full International Relations Committee, and he included provisions of interest to them. He did not, however, have the courtesy to consult with me or other members of the minority on the subcommittee on any of these issues.

Not only were we not consulted on the legislation, when we went into the markup of H.R. 1561, we did not have the final version of the bill until the very morning the bill was to be considered. As ranking minority member of the subcommittee, the first version of the bill was delivered to me late on a Wednesday night. Major changes were made in that bill, and a second revised version was delivered to me 2 days later on a Friday evening. The last changes in the bill were made the following Sunday afternoon. The markup took place the following day—on Monday morning.

I make this point, Mr. Speaker, because I want the record to be clear. There was no bipartisan effort to work out differences or resolve problems in advance. The fact that all of my Democratic colleagues joined me in walking out of the markup only indicates the partisan nature of the process with which we have been dealing on this legislation during the past year.

I might add, Mr. Speaker, that the conference report was handled in the same partisan fashion. The Republican members of the House International Relations Committee and Republican members of the Senate Foreign Affairs Committee met, made their decisions on the legislation, and presented what they had done to the Democratic Members. We were invited to accept what they had done without any opportunity whatsoever to participate in the process of producing a better piece of legislation.

Mr. Speaker, I have long advocated bipartisan cooperation on our foreign policy. I am still a strong advocate of such cooperation. We are strongest when we are united. There is no reason we can not and should not work together for the improvement of our country's foreign relations. There are serious threats to our Nation, serious threats in the international arena which affect all Americans. We must work together to meet those challenges. Making partisan political points—which is precisely what H.R. 1561 is about—will do nothing to strengthen our Nation's foreign policy. While there are a few good elements in the legislation, on the whole it will weaken our Nation's ability to face the international challenges we face. We need thoughtful cooperation, and we need careful bipartisan consideration of such legislation.

Mr. Speaker, I strongly urge my colleagues to join in voting against the override of the President's veto on this legislation. This is a bad bill. This is a partisan bill. This is a bill that should be defeated.

Mrs. COLLINS of Illinois. Mr. Speaker, I rise to again state for the RECORD that I am constantly amazed at the lengths to which the Gingrich Republicans will go to waste the time and money of the American people. Again, we are called to vote to override a Presidential veto on a measure that has been voted for by Members who are subservient to the conservative Republican leadership.

This bill was rejected by the President because it directs a major reorganization of U.S. foreign policy agencies—structured in the most partisan of ways. The President's veto message says: "This legislation contains many unacceptable provisions that would undercut U.S. leadership abroad and damage our ability to assure the future security and prosperity of the American people. It would unacceptably restrict the President's ability to address the complex international challenges and opportunities of the post-cold-war era. It would also restrict Presidential authority needed to conduct foreign affairs and to control state secrets, thereby raising serious constitutional concerns."

I couldn't have said it better.

Mr. Speaker, all across America, schoolchildren studying American history are learning about America's bipartisan foreign policy that allows our Government to function from administration to administration in our dealings with other countries and world leaders with the knowledge that there will be consistency in our dealings with other governments. World leaders trust American foreign policy because of the strength of our historical ability to forge and carry out a bipartisan foreign policy. This bill strikes all that down.

The Gingrich Republicans have been unable to impose their radical views on America's foreign policy through reasonable debate so they are attempting to force America's foreign policy to their philosophy by imposing reorganization and restrictions on the President. The Gingrich Republicans have been unable to work in harmony with the Clinton administration so they are attempting to force their radical conservative views on America's dealings with foreign policy.

The Gingrich Republicans apparently don't know anything about coalition-building and cooperation with others in Congress to achieve objectives through communication and coordination. These elementary organizational and management strengths are the foundations of America's foreign policy development, and without them being used successfully, America is made to look like a bunch of kids fighting over a ball on the playground.

In closing, the veto message states: "I recognize that the bill contains a number of important authorities for the Department of State and the U.S. Information Agency. In its current form, however, the bill is inconsistent with the decades-long tradition of bipartisanship in U.S. foreign policy. It unduly interferes with the constitutional prerogatives of the President and would seriously impair the conduct of U.S. foreign affairs. For all these reasons, I am compelled to return H.R. 1561 without my approval."

And for all these reasons, I urge my colleagues to vote to sustain the President's veto of H.R. 1561.

Mr. GILMAN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. GOODLATTE). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 234, nays 118, not voting 11, as follows:

[Roll No. 136]

YEAS—234

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—188

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Bryant (TX)
Clay
Ford
Hayes
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush

☐ 1836

The Clerk announced the following pair:

On this vote:

Mr. Kingston and Mr. Hayes for, with Ms. Kaptur against.

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will notify the Senate of the action of the House.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2951

Mr. PETRI. Mr. Speaker, having discovered a clerical error relative to H.R. 2951, I ask unanimous consent that the gentleman from California [Mr. BROWN] be removed as cosponsor of that bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

ORDER OF POSTPONED VOTES ON SUSPENSIONS

Mr. HOYER. Mr. Speaker, after consultation with the majority leader, I ask unanimous consent that H.R. 3008, a postponed vote on suspension, precede the vote on H.R. 1823.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules. Pursuant to the provisions of clause 5 of rule I, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed today, in the order agreed to by the unanimous-consent request of today.

Votes will be taken in the following order: H.R. 3008, by the yeas and nays; and H.R. 1823, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic vote after the first such vote in this series.

HELIUM PRIVATIZATION ACT OF 1996

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 3008.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado [Mr. ALLARD] that the House suspend the rules and pass the bill, H.R. 3008, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 411, nays 10, not voting 12, as follows:

[Roll No. 137]

YEAS—411

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—10

Abercrombie
Becerra
Collins (IL)
Combest
Dingell
Gibbons
Rahall
Thornberry
Waters
Yates

NOT VOTING—12

Bryant (TX)
Clay
Clinger
Ford
Hayes
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush

☐ 1857

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GOODLATTE). Pursuant to the provisions of clause 5, rule I, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on the additional motion to suspend the rules on which the Chair has postponed further proceedings.

AMENDING CENTRAL UTAH PROJECT COMPLETION ACT

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1823, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah [Mr. HANSEN] that the House suspend the rules and pass the bill, H.R. 1823, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device and there were—yeas 412, nays 0, not voting 21, as follows:

[Roll No. 138]

YEAS—412

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—21

Boehlert
Bryant (TX)
Clay
Clinger
Durbin
Fazio
Ford
Hayes
Hostettler
Hoyer
Jefferson
Johnson (SD)
Kaptur
Kingston
Lincoln
Molinari
Rush
Serrano
Sisisky
Watt (NC)
Weldon (PA)

□ 1907

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KINGSTON. Mr. Speaker, I was necessarily absent on Tuesday, April 30, 1996. Had I voted on H.R. 3008 and H.R. 1824, I would have voted "yes" on both.

PERSONAL EXPLANATION

Mr. WATT of North Carolina. Mr. Speaker, on Tuesday, April 30, I was unavoidably detained and missed rollcall vote No. 138. Had I been present, I would have voted "yes" on rollcall vote No. 138.

PERMISSION TO FILE CONFERENCE REPORT ON S. 641, RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

Mr. COBURN. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight, April 30, 1996, to file the conference report on the Senate bill, S. 641, to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1972

Mr. METCALF. Mr. Speaker, I ask unanimous consent to remove my name as cosponsor from the bill, H.R. 1972.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Washington?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2641, UNITED STATES MARSHALS SERVICE IMPROVEMENT ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–543) on the resolution (H. Res. 418) providing for consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2149, OCEAN SHIPPING REFORM ACT

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–544) on the resolution (H. Res. 419) providing for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes, which was referred to the House Calender and ordered to be printed.

FAREWELL TO DOORKEEPER GARY HEUER

(Mr. ARMEY asked was given permission to address the House for 1 minute.)

Mr. ARMEY. Mr. Speaker, I would like to take a few moments here to pause and offer our best wishes and our thanks to someone whom all of us in this Chamber know—Gary Heuer. After 28 years of Government service, Gary is retiring. I hope he is retiring knowing that he carries with him our admiration and respect.

After dedicating his life's work to his country, Gary deserves our heartiest thanks. As much as we might selfishly miss him here where his work has been so needed and appreciated, we can all wish that in his retirement he will always have what he always gave to us—the very best.

I direct your attention to the west doors of the Speaker's lobby. The heavily bearded gentleman—known to some of the Pages as the Mountain Man—is, as most of you know, Gary Heuer. His somewhat imposing presence masks a kind and gentle core. His even manner with all people, and an intellect sharp in the ways of the legislative process have made him a tower of stability in a too-frequently chaotic atmosphere.

Gary's government service began in 1962 with a 4 year stint in the Air Force as a member of our expeditionary forces in Southeast Asia, where he was awarded the Good Conduct Medal. In 1966 he began working for U.S. Steel after moving to Texas. As we all know, moving to Texas is the sign of a truly intelligent man.

Gary began working for the Office of the Doorkeeper in 1972, and in the following 24 years, he has provided this body and its Members with a dedication that we've all come to admire and respect. Many of us here today have found ourselves relying on Gary for his insight and information with regard to the activities in this Chamber. We—as well as those future Members who have yet to tread these Halls—will find ourselves poorer for his absence.

Few present today have been so privileged to witness the history that Gary has observed—and, in a way, been a part of. SONNY MONTGOMERY, JIM QUILLEN, BILL YOUNG, JOHN MYERS, TOM BEVILL—those are just a few of the names with whom Gary has shared his time on Capitol Hill. Starting with Carl Albert, Gary has served under five Speakers of the House.

Six Presidents have presided over our country while Gary has watched from his vantage point here on the Hill.

All of us who know Gary will mark his retirement as the departure of a knowledgeable and dependable coworker. Those of us who know him well, especially his friends in the Chamber security unit of the Sergeant at Arms, will note his retirement as we would the departure of a much-loved member of the family.

I understand Gary will be trading his station in the Speaker's Lobby for the woodlands of Maryland and Indiana—his two homes. And let me tell you, as much as we will miss him, that does not sound like a bad swap. But I hope he will not forget he also has a home in our hearts—the mat at the door will always read welcome.

With true affection and respect we say to him, Gary, thank you and God bless you.

In your retirement, for all you have seen and all you have observed, please do not write a book. Thank you, Gary.

□ 1915

TRIBUTE TO GARY HEUER

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I want to concur and associate myself with the remarks of my distinguished majority leader. I think the tribute that was made here is absolutely on target. Many times we hear a name and we do not put a name with a face, and Gary has helped so many of us.

I just want to rise and say thank you, and I know when you pass, as you chronicled all of the highlights, you also did some traveling back and forth to Jack Brooks' office. Anybody that could stand Chairman Brooks has earned some distinction in our hearts. He was a tough customer.

So Gary, on behalf of all of us on this side of the aisle, we appreciate all of the kind remarks, all of the advice and counsel you gave us, all of the little things that Members ask about, and I think it is fitting that the tribute was made by our majority leader. I want to associate myself with those remarks, and I want to say God bless you from all of us.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GOODLATTE). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

LANGUAGE AND ITS RELATIONSHIP TO IMMIGRATION IN THIS COUNTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Guam [Mr. UNDERWOOD] is recognized for 5 minutes.

Mr. UNDERWOOD. Mr. Speaker, for my 5 minutes, I want to speak to the issue of language and its relationship to immigration in this country. There has been a great deal of debate in recent months about the issue of declaring English the official language of the United States. Much of this movement is fueled by a sense of resentment about trying to deal with new, diverse elements in American society dealing with the pervasive sense of foreignness that many people have. People talk different, people look different, people act different. One of the ways that perhaps some people feel the way to kind of bring some order into this is to declare English the official language.

There is not much we can do about such resentment except to kind of wait awhile and see if people understand the origins of where their resentment comes from; but there is also allied with this a great deal of misunderstanding and misimpressions and a lack of information about what immigrants are all about.

I want to bring some attention to a study, a recent study, done by Prof. Alejandro Portes, of the Johns Hopkins University, and Ruben Rumbaut of Michigan State, who have recently concluded a study entitled "Growing up American: Dilemmas of the New Second Generation," which I believe refutes many, many of the misconceptions people have about immigrants.

One of the things that perhaps we need to bring to this debate about the role of immigrants in American society is certainly the role of language choice and language use by such immigrants in American society, in order to better inform the debate about declaring English the official language of the United States.

This study collected data from over 5,000 children and is the largest study of its kind in recent history. There are those who want to establish English as the official language who believe and frequently try to get others to believe that English is somehow in jeopardy of becoming extinct because immigrants are not willing to learn English.

In direct contrast to these assumptions, in San Diego, according to the Portes-Rumbaut findings, 90 percent of the respondents reported speaking English well or very well, and in Miami, this figure was over 99 percent. In fact, also sometimes advocates of declaring English the official language have proclaimed that immigrants have too strong a desire to retain their native language, a desire which I do not find problematic, but perhaps some people do.

However, this study found that, surprisingly, between 65 to 81 percent of the children of immigrants preferred speaking English to their parents' native language. So what we have, basically, is a replication of the exact same linguistic assimilation process that existed in this country at the turn of the century, and it has been largely undocumented and not well understood because people do not want to find out what exactly is going on in these communities.

In fact, the exact opposite problem has been expressed by many immigrant communities where, in fact, language loss is occurring at a very rapid rate, something that should be of concern to a country interested in educating its children, and certainly a country that should learn how to value bilingualism for its own sake.

This study also pointed out that quite contrary to the common assumption, if students live in kind of ethnic enclaves or neighborhoods where they have larger numbers of people from similar ethnic backgrounds, they actually are likely to learn English faster than people who live in more isolated communities related to their ethnic background. So this study challenges a lot of commonsense assumptions about the nature of linguistic assimilation this country.

This really should be the basis of our understanding of why we may not need to declare English the official language of the United States. It already functions as the lingua franca of the country. There are no problems associated with that. Any attempt to introduce English as the official language is an attempt to solve a problem which simply does not exist.

THE PRESIDENT'S VETO OF THE PARTIAL BIRTH ABORTION BAN LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, I probably will not take my 5 minutes. I do want to take a few minutes tonight and talk a little about a newspaper that came to our house that we get every month from the diocese of Winona.

Hubert Humphrey, who came from Minnesota, a great Senator from the other party, once observed that if you love your God, you must love his children. I want to talk for a few minutes about the issue that was at the center of this month's issue of the Courier newspaper that is published by the diocese of Winona; that is, the partial birth abortion ban veto of the President by a few weeks ago.

In some of the strongest language I think I have ever seen on the pages of this newspaper, they take the President and the veto and the entire issue of the partial birth abortion ban to task. I would like to read for the RECORD, and I will place this into the RECORD, a letter that was written by all of the Minnesota bishops to express their position on this issue, because, as I say, this is some of the strongest language I think I have ever heard them use, and I think it needs to be part of this debate.

I think Americans of all faiths, Americans of all particular stripes, and frankly, an awful lot of Americans who would describe themselves as pro-choice, find themselves somewhat surprised by the veto, and are saying that it is time that the Congress try to muster the votes so we can override this veto.

I want to read the letter that the Catholic bishops put together, because it is such a strongly worded letter and such a good letter.

Let me read it:

> President Clinton's veto of the Partial Birth Abortion Ban Act is no less offensive for being widely expected. We denounce it. We do so not only from the resources of our faith, but also as citizens who, like millions of others, fear that this veto further imperils the human rights principles that have guided our nation for over 200 years.
>
> The President claims that the Constitution forces him to veto the partial birth ban because *Roe* v. *Wade* requires an exception for serious adverse health consequences. But as the President and everyone familiar with abortion law knows, neither the *Roe* Court nor any other has ever ruled on the constitutionality of a law against killing a child during the process of being born. It is also well known that a "health" abortion, as interpreted by the Supreme Court, includes reasons having to do with a woman's marital status and age, as well as for any reason relevant to a pregnant woman's social or emotional "well being." In other words, the exception the President insists upon would only ensure the continued practices of partial-birth abortions for virtually any reason whatsoever.
>
> No claims about "what the Constitution requires" and no rhetoric about "safe, legal and rare" abortions can camouflage the nature of this Presidential veto. It is a declaration of unconditional support for abortion—abortions under any circumstances and by any means whatsoever, even those bordering on infanticide.
>
> We strongly urge Congress to override this indefensible presidential veto and to begin to bring a modicum of sanity to the abortion debate in our country.

□ 1930

As I said, Mr. Speaker, this is one of the strongest letters I think the Minnesota Bishops have ever put together, but this is an important issue. I hope that all Americans will join in this debate, and I hope all Americans will pray for this Congress, pray for this national leadership so that we can bring an end to this grisly, destructive practice which the Congress is attempting to outlaw. If we can get the votes to override this veto, we can bring an end to this procedure once and for all in the United States.

MENTAL ILLNESS PARITY SHOULD BE PART OF HEALTH INSURANCE REFORM

The SPEAKER pro tempore (Mr. HUTCHINSON). Under a previous order of the House, the gentleman from New York [Mr. TOWNS] is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, each year mental health services are being provided to millions of our constituents, representing every age, ethnic and economic group in the country. Unlike many insurance policies, mental health illness does not discriminate among its victims. The illness could hit any one. And, without the proper treatment, leave an entire family scarred for life.

Mental illness can be every bit as debilitating as other major medical illnesses including heart disease and cancer; like them, mental illness can be successfully treated, enabling patients to return to productive lives. It would be unconscionable to legislate limits on the scope and duration of treatment for cancer, heart disease or diabetes. Unfortunately, time after time, limits are placed on mental health services and it is wrong.

For some strange reason there is a stigma placed on mental illness and I believe this stigma is the root of ignorance. Mental illness is not due to some sinful behavior. The stigma has kept many individuals from seeking help, and it has prevented health professionals from providing needed services. It is my honest belief that if health plans provided parity in their mental health coverage the stigma would be instantaneously removed. No longer would patients be too embarrassed to seek help. And, no longer would providers be forced to turn patients away, and discriminate between illnesses.

People with mental illness, severe and otherwise, are just as sick as the next person who is suffering from cancer. The idea of not being able to think and reason for yourself is as disabled as one can be. The only real and important difference between physical illnesses such as cancer, or heart disease is that mental illness is a disease of the brain, and it appears to be more complicated. This disease can manifest itself in our centers of thought, reason, and emotion and leave us totally dependent on someone to think for us.

Individuals in need of health benefits for physical disabilities has come a long way. But mental health benefits are not at the same level, even though they serve an important population. These individuals are desperately in need of insurance reform. According to the American Psychological Association, overall national mental health costs are small—only 7 percent of the total health care spending. Insurance carriers have traditionally limited mental health benefits out of fear that parity of coverage would attract poor risks, increase their costs, and put them at a competitive disadvantage.

During the 103d Congress I actively worked to pass universal health coverage and was pleased that the disparity of mental health benefits was brought to the forefront of that debate. Now in the 104th Congress, we have a real opportunity to do something about this disparity.

I urge the conferees to allow the mental health community a chance to be on equal footing with other illnesses that are receiving benefits.

ADMINISTRATION UNVEILS NATIONAL DRUG CONTROL STRATEGY

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Florida [Mr. MICA] is recognized for 5 minutes.

Mr. MICA. Mr. Speaker, I come to the House floor tonight to talk about President Clinton and this administration's supposedly new policy relating to national drug control strategy.

Yesterday the President was in my State, and I was somewhat excited about the possibility of his coming to Florida and announcing a new drug strategy. Unfortunately, my hopes for some new approach to this tremendous problem facing our country, particularly under his stewardship, were immediately dashed when I first learned that the President's major activities were several Democratic fund-raising events in the Miami area and I guess a golf game and some other activities. I really thought he was going to come forth with a new strategy, but that was not the case.

Then I got my hopes up until I got a copy of the national drug control strategy that was just released by the administration. I had hoped that there would be some solid solutions to some of the problems, and I find that actually it is just sort of repackaging in sort of a slick cover some of the same approaches that have proven so ineffective during the past 3½ years.

What is particularly disturbing is this whole pattern from this administration relating to drug abuse, substance abuse, and it started right after the President came into office when he first of all dismantled the drug czar's office and fired the bulk of the staff. Most of the reductions in the Executive Office of the White House, the downsizing, in fact, took place in the drug czar's office. Then the President ended drug testing for White House and executive staff members.

Then the President in fact appointed Joycelyn Elders our chief health officer for the Nation, and she adopted a policy of, instead of "Just say no," her theme was "Just say maybe." Maybe we should allow legalization. Maybe we should allow children to use drugs.

Then we saw the reversal of the policy in the Andean region, where we shared information with countries that were trying to stop drug trafficking. We denied radar and intelligence sharing through a distorted policy of this administration.

Then we saw the dismantling of interdiction for 2 years under the Democrat control of the House. We saw them take apart a program which had so many successes in the 1980's and early 1990's of stopping the flow of narcotics into this country.

Then we saw drug treatment as the major emphasis in the drug war. I heard my colleague from Indiana, Mr. SOUDER, say yesterday that drug treatment as the major emphasis in a drug war is like treating only the wounded in a conflict. We see the results of it even in the President's own strategy.

Adolescent drug use. If we look at this chart, in 1992 we see it going down. In 1992, when this administration took office, we see a dramatic, sharp increase. Every one of these chart figures streaming off the chart there in marijuana, LSD, inhalants, stimulants.

With marijuana, marijuana use increase has dramatically leaped forward in the past 3½ years. In fact, there has been a 50-percent increase in marijuana use among our adolescents for each of the last 3 years.

So we see really a lack of leadership, we see a lack of initiative, ideas, and we see packaged again the same policy. We are not even at the level of interdiction funding of the last year of the Bush administration.

I look forward to working with the new drug czar, General McCaffrey, and the Members of Congress to turn this around But this is another policy for disaster. In fact, we must start getting serious about narcotics control and we must take a new, positive direction, not the path so unsuccessful in the past.

IN MEMORY OF DONNIE MINTZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. FROST] is recognized for 5 minutes.

Mr. FROST. Mr. Speaker, my friend Donnie Mintz was buried yesterday in New Orleans—the victim of a heart attack that took his life too soon at age 53.

Donnie led a remarkable life and will be missed by many.

Donnie and I met 38 years ago in 1958 when we were teenagers attending a leadership training institute of the National Federation of Temple Youth in Kresgeville, PA. Two southern boys at a camp of highly talented teenagers, mostly from the Northeast and Midwest, Donnie and I became lifelong friends.

Our lives intersected many times in the years that followed. Donnie was elected regional president of the Southern Federation of Temple Youth [SOFTY], and I was elected vice-president of the Texas-Oklahoma Federation of Temple Youth [TOFTY]. Later, Donnie was elected national president of the temple youth movement, and I was elected national treasurer.

Donnie attended Columbia University in New York where he became a Fulbright scholar and ultimately returned to Louisiana to earn a law degree from Tulane. While he attended Tulane, Donnie helped establish the annual direction speakers series and later was named to the Tulane Leadership Hall of Fame.

Though at different schools, we were members of the same college fraternity, Zeta Beta Tau, and served in the same Army Reserve program [JAG] but in different cities. During those years, we would see each other at Army Reserve summer camps.

We shared a love for politics and talked about it often. I always thought Donnie Mintz would be elected to public office long before I would be.

But Donnie's life took a different path. He built a successful law firm in New Orleans, was active in a variety of civic causes and served numerous Jewish organizations on both a local and national level. Donnie served as chairman of the Anti-Defamation League's national advisory board. He also was one of a few Jewish lay leaders chosen to meet with Saudi Arabia royalty when Israel's contacts with that country were minimal. He was granted a papal audience.

In addition, Donnie served as chairman of the Louisiana Health Care Authority, the Board of Commissioners for the Port of New Orleans, the Downtown Development District and the United Way. He was also president of the Metropolitan Area Committee, Kingsley House, Touro Synagogue and the Jewish Federation of Greater New Orleans. Donnie also served on the board of directors for the New Orleans Symphony.

His passion was for the city of New Orleans. Though a decided underdog, he ran two very competitive campaigns for mayor falling just short each time. After his attempts for mayor, Donnie returned to his law practice and pursued strengthening black-Jewish relations.

He was extremely interested in the subject because as Tulane Law School Dean John Kramer said, "he felt the bridges ought to be there. He felt the strong minority communities were the Jewish and the black communities, and the last thing that should happen was that they should be turned against each other. He never gave up."

He and his wife Susan raised two talented children, Michelle and Arthur, and always had time for me and my family whenever we visited New Orleans. And when my career took me to the House of Representatives, he hosted receptions in his home, introducing me to his friends.

My most vivid memory of Donnie comes from that leadership institute in the summer of 1958. On one of the first days of the program, we took some time off to play softball. When Donnie came to the plate for the first time, he laid down a perfect bunt and raced to first base. As he reached the bag, he stumbled, landed hard and suffered a concussion. Near the end of the 2-week institute, we played softball again.

Donnie now recovered from a serious injury, came back up to bat. On the first pitch, he laid down a bunt identical to the one on the play when he had been hurt, and beat the throw to first. Donnie was not intimidated by adversity. He never backed off from a challenge and he lived his life at full speed.

Donnie Mintz touched the lives of many people. His city, his State and his Nation are better because of him. He will be missed.

IN MEMORY OF DONALD MINTZ

(Mr. LIVINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Speaker, my home city of New Orleans lost a great leader and a good man on Sunday when my friend Donald Mintz died in his sleep. Donald was a civic activist who worked unceasingly to improve living conditions in his city and a national Jewish lay leader who strove mightily to help those of different races and faiths understand and work better with each other.

In New Orleans, Donald had been chairman of the Dock Board, the Downtown Development District and the United Way, and president of the metropolitan Area Committee, Kingsley House, Touro Synagogue and the Jewish Federation of Greater New Orleans, and had served on the board of numerous other civic organizations as well—always with an energy, a flair, a seriousness and a wisdom which helped each organization reach unprecedented achievements. He loved New Orleans, and he sacrificed greatly to serve her.

All of us who knew him, and the all very, very many whose lives were bettered by his efforts, have been enriched by his life and are sorry for his passing.

□ 1745

THE QUINN FAMILY: ANOTHER TRAGEDY CAUSED BY ICWA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. PRYCE] is recognized for 5 minutes.

Ms. PRYCE. Mr. Speaker, last week I came to this floor to announce my hopes that some minor changes can be made to the Indian Child Welfare Act so that it will no longer have the chilling effect it does on adoptions in this Nation and so that it serves the interests of children first.

Last week I told of the heart wrenching story of the Rost family from my own district in Columbus, OH, and their still unresolved battle to adopt the twin girls they have had for almost 3 years now. The girls, unbeknownst to the Rosts, turned out to be 1/32 Pomo Indian due to blood from a great-great-great-grandparent. The twins and their adoptive parents still fear the day that the courts rule the twins be returned to a dysfunctional abusive environment due to a twisted, inaccurate, yet far too common application of the Indian Child Welfare Act.

Today I want to share with you another of the countless horror stories I have heard from all over our country. This case took place in the State of Washington, where the Quinn family spent 3½ years fighting for custody of their son, Loren.

This couple had worked with a 14-year-old biological mother for 7 months prior to the birth of a baby boy. They were even present to celebrate the birth mother's 15th birthday. The prospective parents attended the birth of the little boy at the invitation of the birth mother and and later took him into their home, honoring her wishes. There they loved and nurtured him.

Weeks later, they got the horrible message, the worst fear of all adoptive parents, that nightmare that becomes a reality, that the birth mother had changed her mind and wanted the child back.

Although she had voluntarily relinquished custody of her child, even chosen this couple, she attempted to reverse her decision under the Indian Child Welfare Act by retroactively enrolling with the Cherokee Nation.

It took 3½ years to finally reach a conclusion in the courts, 3½ years of horror, sleepless nights and worry of the unknown for this family who wanted nothing more than to provide a secure and happy home for the little boy they loved so much.

Mr. Speaker, night feedings, diapers, pediatricians, bottles and baths, birthday parties, first steps, bedtime stories, bedtime prayers, colic, car seats, first words and lullabies, on and on and on, these are the joys of a family. But for 3½ years the normal joy was somewhat subdued, because for 3½ years the future of this family was unknown.

He would have been removed from the only home and family he ever knew, and, Mr. Speaker, many courts have ruled this way. They misinterpret the intent of ICWA, take these children and send them to strange places. Now, we must ask ourselves, is this what is in the best interest of the children involved? Is this what ICWA was intended to do?

Mr. Speaker, not only the legislative history but common sense dictates that the answer is no. Very simple, minor reforms to the Indian Child Welfare Act would clarify these ambiguities. Membership in the tribe would be effective from the date of admission and could not be applied retroactively as in the case of the Rosts and the Quinns and countless others.

Mr. Speaker, ICWA was intended to stop State court abuses of native American children in involuntary placements. It was needed and well intended at the time. But it was not intended to interrupt voluntary adoption proceedings. As it is currently written, ICWA is a factor in every single adoption in this country because it is hard to say, and almost impossible to determine what child may or may not, through some remote part of its heritage, be some part Native American. And who can prepare for a law being applied retroactively, no matter how diligent and careful?

The simple and minor changes to ICWA will preserve the intent of the act, ensuring the culture and heritage of Native Americans, and at the same time protect the rights of birth parents, adoptive parents, and, above all, the children.

Mr. Speaker, I can almost guarantee that every Member in this body has at least one case of a judicial abuse of ICWA in their districts. I urge my colleagues to support these changes. Congress created these ambiguities, with all the best intentions, in 1978. It is time for Congress to correct them and stop the heartbreak.

FIRST LADY'S FINGERPRINTS ON BILLING RECORDS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana [Mr. BURTON] is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, Newsweek magazine reported this week that the FBI had discovered Mrs. Hillary Rodham Clinton's fingerprints on billing records from the Rose law firm discovered at the White House in January. These billing records have been under subpoena and could not be found for over 2 years. Nobody knew where they were. And yet, just recently, they were found in President Clinton and Mrs. Clinton's personal residence at the White House by Mrs. Clinton's secretary.

Independent counsel Kenneth Starr is investigating to determine if anyone obstructed justice by hiding the subpoenaed records. The billing records supply important information about Mrs. Clinton's work for Madison Guaranty Savings & Loan and the Castle Grande real estate projects. Arkansas Governor Jim Guy Tucker, who at the time this was taking place was the Lieutenant Governor under President Clinton, is on trial right now in Arkansas for fraud because he defaulted on loans over $1 million related to Castle Grande.

Now, Mrs. Clinton was the billing partner at the Rose Law Firm for the Madison Guaranty Savings & Loan account. However, she stated in a sworn statement to the Resolution Trust Corporation that she did very little work for Madison Guaranty and could not recall the Castle Grande project.

Yet, these mysterious billing records, that could not be found for over 2 years that were just found, tell a different story. They show that she had 14 meetings and conversations with Madison executives about Castle Grande and she drafted a comprehensive option agreement for this project.

Regarding the fingerprints, White House lawyers told reporters that Mrs. Clinton reviewed the billing records during the campaign in 1992. Now, this sounds strange, because if she reviewed them in 1992, she should have remembered that she had done extensive work on this project and on this comprehensive option agreement for the project.

Anyhow, they said that the fingerprints on the telephone records can remain intact on paper and other materials for years, so her fingerprints on the billing records do not necessarily mean that she saw the records recently.

Now, this is very interesting, Mr. Speaker, because when Vincent Foster died, you remember Vincent Foster, the assistant counsel to the President at the White House, when Vincent Foster died, a suicide note was found in his briefcase. At least that is what they called it. Despite the fact that it had been torn into 28 pieces, you have to tear it to get 28 pieces 14 of 15 times, there was not one single fingerprint on any one of those pieces. Investigators and various Clinton administration officials said at the time that it was not unusual, because fingerprints do not attach themselves easily to paper.

Now, here we have the President's wife, the First Lady, Hillary Rodham Clinton, her fingerprints are all over these telephone records that nobody could find for 2 years and were found in their residence, while they were under subpoena, incidentally, and they are saying that it is not unusual for the fingerprints to be attached to paper, and that she probably attached them to those documents in 1992 during the Presidential campaign.

Now, you cannot have it both ways. Either it can be attached to paper, you can get fingerprints on paper, or you cannot. Her fingerprints were on the documents, but the fingerprints were not on Vince Foster's alleged suicide note.

Adding to the mystery, the first two times that the White House counsel at the time, Bernie Nussbaum, search Vincent Foster's briefcase, he did not find any torn up note. The note was found 6 days later when another White House aide searched the briefcase for a third time.

Now, Mr. Speaker, it has to be one way or the other. If fingerprints attach themselves easily to paper and stay there for years, there is no explanation for why Vincent Foster's note had no fingerprints on them, especially since it had been torn into 28 pieces. And if fingerprints do not attach themselves easily to paper and if they wear off quickly, then Mrs. Clinton must have handled the billing records more recently than her aides are saying, which was 4 years ago, in 1992.

Mr. Speaker, this is something else that I hope we get to the bottom of. Those records were subpoenaed over 2 years ago. They should have been given to the independent counsel. They are not. They were found in the White House Presidential residence. They had the First Lady's fingerprints all over them.

There is something very mysterious about this. It should be explained fully to the American people. They were subpoenaed. They may have been an obstruction of justice, keeping those records from the independent counsel. If that is the case, somebody should be held accountable for it.

[From the Washington Post, Apr. 29, 1996]

FIRST LADY'S PRINTS ON DOCUMENT, MAGAZINE SAYS

(By Susan Schmidt)

Hillary Rodham Clinton's fingerprints have been identified on the legal billing records that were discovered in the White House In January, according to a published report.

The records, sought for more than two years by Whitewater special investigators and the subject of several subpoenas, consist of a 116-page computer printout detailing work Clinton and other lawyers at the Rose Law Firm did during the 1980s for the now-failed Madison Guaranty Savings & Loan.

The independent counsel's office asked for the fingerprint analysis in an attempt to determine where the records were, why it took so long to find them and whether there are grounds to bring obstruction of justice charges against anyone for failure to produce them.

Newsweek reported in the issue on newsstands today that Clinton's fingerprints are among those the FBI has found on the document. Deputy White House counsel Mark Fabiani said the administration has no independent knowledge of the fingerprint analysis. "In January we said it was possible Mrs. Clinton handled these records during the 1992 campaign, so this report should not be surprising," he said. Clinton said she did not recall whether she looked at the document during the campaign.

Fingerprints can remain intact on some materials, including paper, for years.

The billing records show that most of Clinton's work for Madison was on the Castle Grande project. That real estate project led to indictments, including some of the charges in the ongoing criminal trial in Arkansas of Madison operators James B. and Susan McDougal. The Clintons and McDougals were joint owners of Whitewater, another land venture in the Ozarks. In the billing records, Castle Grande is referred to under the name "IDC," the entity that sold the land to Madison.

During interviews with federal investigators in 1994 and 1995, Clinton was unable to recall most of the work that she did for Madison.

In particular, she said she was unable to recall doing any work on Madison's Castle Grande real estate venture. The Rose billing records were discovered this year by Carolyn Huber, a White House aide who handles personal correspondence for the Clintons, as she unpacked items that had been in the "book room" in the White House residence. How the document got to the book room remains a mystery.

David E. Kendall, the Clintons' attorney, and White House special counsel Jane Sherburne, called before the Senate Whitewater committee in January, testified that they realized the document—and the circumstances of its discovery after two years—would be of great interest to independent counsel Kenneth W. Starr and the committee.

Sherburne said she raised the issue of whether Starr would want to check the document for fingerprints and questioned whether they should turn it over to Starr before copying it.

After a discussion, she, Kendall and a lawyer for Huber decided to examine and copy the document and to notify Starr and the Senate committee the following day.

Republicans contended that Sherburne and Kendall had knowingly made it more difficult to obtain fingerprints from the records.

Yesterday, a White House official who refused to be named accused Starr's office of leaking the results of the fingerprint analysis, although the official said he didn't actually know the source of the information.

"It is not surprising that this outrageous leak should come at a time when independent counsel Starr is being criticized for allowing the erosion of public confidence in the fairness of his work because of his continuing partisan affiliations," said the official. Clinton aides have recently insisted that Starr's Republican credentials and outside legal work for clients with interests adverse to the government render him unfit to conduct an impartial probe.

[From Newsweek, May 6, 1996]

TELLTALE FINGERPRINTS?

As President Clinton prepared for his videotaped testimony in the trial of his Whitewater partners James and Susan McDougal, independent counsel Kenneth Starr has received new evidence in his probe of the discovery of Rose Law Firm billing records in the White House last summer. Sources close to the inquiry told Newsweek's Michael Isikoff that FBI experts have identified Mrs. Clinton's fingerprints on the documents. The records, detailing her work for McDougal's Madison thrift, were subpoenaed in 1994 but not turned over until this January.

The documents include computer printouts and photocopied pages made during the '92 campaign. They were removed from the Rose firm in '92 by the late Vince Foster. Mrs. Clinton has said she had "no idea" the papers were in the White House. Her lawyer David Kendall later said "it is possible" Mrs. Clinton was shown the records in '92, but "she does not recall." Kendall now says the fingerprint discovery is "not surprising." At the least, the findings show Mrs. Clinton reviewed the records in '92, undercutting her claim she couldn't recall many of the mid-'80s meetings they cover. And, says one source, they could be "critical" in building a potential obstruction-of-justice case against her. Starr's office declined to comment on the FBI finding, but Newsweek has learned the prosecutor is intensifying his inquiry. In recent weeks, Mrs. Clinton's chief of staff, Maggie Williams, and close friend Susan Thomases have been recalled by a grand jury for further questioning about the records.

MEDICAL SAVINGS ACCOUNTS, THE EPITOME OF HEALTH CARE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 5 minutes.

Mr. LIPINSKI. Mr. Speaker, I rise tonight to say a few words about our health care system. The current debate over changing our system seems to have fallen victim to partisan political posturing. That is unfortunate.

Three years ago, along with a dozen of my Democratic colleagues, I cosponsored legislation to create medical savings accounts, most commonly known as MSA's. Today, I am still a Democrat, and I am still a supporter of MSA's.

MSA's are an idea whose goal is to re-introduce the consumers' best interests into the health care market place. Clearly, consumers' needs are not being met. For instance, when was the last time a mammogram sale was advertised?

We see advertisements concerning sales on eye check-ups, eyeglasses, and frames—we even receive mailings on teeth cleanings and annual dental exams. So what is the difference?

Typically, an individual's health care expenses are paid for by their insurance policy, so there is never a thought about finding premium care at low costs. Why? Because people are spending the insurance company's money, not their own.

But when it comes to spending money on eyeglasses or for a dentist—money that typically comes right out of one's own pocketbook—cost, service, and quality suddenly become important. In fact, due to cost effective shopping, spending for those industries was relatively flat during the years health care costs were soaring.

MSA's would encourage the same kind of consumer response for health care. By forcing doctors and hospitals to compete for patients who are concerned about quality and cost, health care spending will slow down. Ultimately, this competition will lead to sales on important services, such as mammograms.

Likewise, MSA's will provide a real incentive to shop around for the best values and alternatives when nonemergency treatment is needed. The incentive? Consumers will keep the money they save.

Critics of MSA's claim that this incentive will lead healthy people to choose MSA's, leaving sick people in a separate, and therefore, more expensive health insurance pool. But while many healthy people will choose to save money, the sick will also choose MSA's because their out-of-pocket costs will be less.

Moreover, during recent health care debates, a rallying cry on both sides of the aisle was choice. MSA's provide that choice for consumers, and that is exactly what MSA's are about.

And what is wrong with giving a break to people who take care of themselves, exercise regularly, watch what they eat and drink, and don't smoke? Don't they deserve something for their efforts?

We as a society are already subsidizing those who abuse drugs and alcohol and are severely overweight. According to one recent study, one out of every four welfare mothers uses illegal drugs or drinks excessively. In addition, it is documented that Medicaid recipients use prescription drugs 2.2 times as much, see their doctors 3.6 times more, and visit the hospital 4.5 times as often as those who have their own insurance.

So I ask again, what is wrong with giving people a break for taking care of themselves?

There are additional reasons that MSA's are good for the consumer. MSA's will reduce administrative overhead as small bills will be settled and paid directly between provider and consumer. They will also increase the record low savings rate of Americans. Lastly, since MSA's provide an incentive to stay healthy, preventive medicine will be encouraged.

These are the reasons I support the MSA concept when I first heard about it, and these are the reasons I support MSA's today.

□ 2000

But there is an additional and very powerful reason why I still support MSAs. They are clearly successful where they are being offered, in spite of Congress' failure to act on the needed changes in the Tax Code.

So I say to my colleagues, as we prepare to reconcile the House and Senate health reform bills, include MSAs in any health insurance reform measure that will come out of Congress this year, because MSAs will cut costs, provide choice, promote healthy lives and save money for the consumers. Is that not what the epitome of reform is?

MILITARY PREPAREDNESS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from California [Mr. HUNTER] is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, I have here in my hands a Marine ammo pouch. This is the type of a pouch that the Marine Corps infantryman uses to put his M–16 rounds of 5.56 millimeter rounds in for combat operations. This empty Marine ammo pouch represents yet another symbol, really, of the Clinton Defense budget coming apart at the seams.

Pursuant to conversations and briefings that we had with the Marine Corps and other services, when I asked as the chairman of the Procurement Subcommittee on National Security if they had enough ammunition to fight two regional conflicts, which is what we want our Marines and our Army to be able to fight, the Marines said candidly, no, Congressman, we do not. And we said, well, how short are you of ammunition? And they sent over a list of the ammunition that they were short; included in it is $30 million in basic M–16 bullets. That is 96 million bullets that the Marine Corps infantrymen are short, should they have to fight two regional conflicts.

That means if we got into a fight in the Persian Gulf, like the one we had with Saddam Hussein, and then at the same time, we saw the North Koreans moving down the Korean Peninsula and we had to stop them with Marines, with soft bodies, those Marines would not have enough ammunition to do their job and protect themselves because this administration has come up millions of dollars short in ammunition.

Now, last week we had a hearing on safety, aviation safety, after the F–14s crashed. We had three F–14 crashes before the hearing, one right after the hearing. At the same time, we had three of the *Harrier* jump jets, those are vertical takeoff jets, that the Marines use. And the Marine aviation leaders told us that the Clinton administration does not intend to make the safety upgrades to 24 of those Marine *Harrier* jump jets. They further told us that those safety upgrades that they make the aircraft 40 percent safer for the pilot flying it.

Now, when you consider that about 30 percent of our *Harrier* jump jets have crashed, that is a pretty big safety margin and a penny-wise and pound-foolish move for the Clinton administration to make, to cut safety upgrade money out of the budget. But this is a result of these massive defense cuts that the Clinton administration is administering to the men and women who serve in the Armed Services.

Well, once again the cavalry is coming to the rescue and under the leadership of the gentleman from South Carolina, FLOYD SPENCE, the chairman of the Committee on National Security, we have put in today in the procurement markup enough money for every one of those 93 million bullets that the Marine Corps is short under the Clinton administration's budget.

We have also put into the budget today enough money to make every one of those 24 upgrades, safety upgrades, for the *Harrier* jump jets so our Marine pilots will be able to fly them in a condition which is 50 percent safer than the condition the Clinton administration would have them flying in.

Mr. BURTON of Indiana. Will the gentleman yield?

Mr. HUNTER. Mr. Speaker, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Speaker, this is very, very disturbing, because we have been led to believe, I and all my colleagues, have been led to believe that our military preparedness is adequate for almost any eventuality.

We have been to Somalia, we are now in Bosnia, we have 20, 25, 30,000 troops over there, we have aircraft carriers over there, and the gentleman is saying that we are short on bullets as well as other areas of preparedness? That is very distressing.

Mr. HUNTER. I am telling my friend the story gets worse. We are $30 million short on basic bullets, that is M-16 ammo for the riflemen. Total, we are about $365 million short on ammunition, if we count the mortar rounds we are short, the howitzer rounds and all the other types of ammunition that go into a Marine amphibious force.

Mr. BURTON of Indiana. Mr. Speaker, if the gentleman will continue to yield, the reason this is very distressing to me is President Carter had the same kind of policy that the gentleman is talking about during his administration, and when Ronald Reagan came in, we had seen 10 or 11 countries go Communist because, first of all, we did not have that determination to deal with them; and, second, we were not militarily prepared. And if we are not militarily prepared, we are going to have problems with some of these terrorist states: Iran, Iraq and some of these others, Libya, that are trying to get nuclear weaponry and delivery systems now.

So I think it needs to be made very clear to everybody that is paying attention, all of our colleagues, that without military preparedness we could have all kinds of problems like we had back in the early 1980's because we were not prepared.

I remember back then when I came to Congress we had people in training exercises that were using dummy shells in order to prepare. And that is something we cannot tolerate.

Mr. HUNTER. Mr. Speaker, the gentleman is absolutely correct, but the Republicans are coming to the rescue and we are going to have enough ammo for those Marines to be fully equipped in wartime, and a lot of other equipment.

THE WORKING POOR

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, between 1979 and 1992 the number of working poor in America increased by 44 percent.

Some may not care about that—I do. I care that millions of our fellow citizens are holding down jobs, while sliding into poverty.

It's not fair. We can begin to correct some of that unfairness by increasing the minimum wage.

I also care about this Nation's small businesses—the backbone of our economy.

I would not promote a policy to help the working poor if it was shown that such a policy would substantially hurt small businesses.

Sometimes we are given false choices—employees with livable wages can be helpful to small businesses' profits.

According to the best evidence I have seen, a modest increase in the minimum wage will help the working poor, without hurting small businesses substantially or over a period of time.

Not long ago, the New York Times told the story of a town in my state of North Carolina and that town's experience the last time the minimum wage was raised.

Jacksonville is located in Eastern North Carolina, just outside of my congressional district.

The civilian population of Jacksonville is 80,000, but it is also home to 40,000 marines at Camp Lejeune.

When the marines went to the Persian gulf war in 1990 and 1991, the economy of Jacksonville suffered—small businesses were hurt.

But, according to the New York Times, when the minimum wage was last raised—for the first time in two decades—in 1991, the economy of Jacksonville did not suffer. Small businesses were not hurt.

In fact, following that increase in the minimum wage, unemployment in Onslow County, where Jacksonville is situated, declined.

In fact, unemployment declined by more than a half of a percent, following the first incremental increase, and by 1½ percent, following the second increase.

And, notably, employment in the County's restaurants grew from 3,180, the year before the first increase, to 3,778, the year after the second increase.

And, Mr. Speaker, the total number of restaurants in the County grew too during that same period of time, from 204 to 225.

The experience in Onslow County was apparently similar to the experience of other counties throughout North Carolina, following the 1991 minimum wage increase.

A recent survey of employment practices in North Carolina after the 1991 minimum wage increase, found that there was no significant drop in employment and no measurable increase in food prices.

The survey also found that workers' wages actually increased by more than the required change.

In another study, the State of New Jersey raised its minimum wage to $5.05 while Pennsylvania kept its minimum wage at $4.25.

The researchers found that the number of low wage workers in New Jersey actually increased with an increase in the wage, while those in Pennsylvania remained the same.

Mr. Speaker, sometimes we must commit our young people to war and, during those times we recognize that sacrifices must be made.

Small businesses in Onslow County sacrificed for the Persian Gulf war.

But, Mr. Speaker, we do not have to commit our young people or any of our citizens to poverty, especially when they are ready, willing and able to work.

An increase in the minimum wage may not keep us out of war, but it can keep working Americans out of poverty.

The President's proposal would increase the minimum wage 90 cents over 2 years—just as we did in 1991. In 1991, the increase enjoyed bipartisan support, with President George Bush signing the Bill.

Since 1991, the minimum wage has remained constant, while the cost of living has risen 11 percent. Greater than one-third—36 percent—of all minimum wage workers are the sole wage earner in a family. Fifty-eight percent of all poor children have parents who work full-time.

In my view, the best welfare reform is a job at a livable wage. Raising the minimum wage would make it easier for people to find an entry level job that pays better than a government subsidy, and creates a strong incentive to choose work over welfare.

That same New York Times article profiled a young woman waitress, who was saving to buy a new, $20,000 mobile home to replace the one she bought used for $2,500. It seems her goal is not threatened by a possible increase in the minimum wage.

Notwithstanding the possible minimum wage increase, the competition just introduced a new menu, with lower prices.

Let's pass H.R. 940, the minimum wage increase. It is the right thing to do. It is the fair thing to do. I care about small businesses, and it will not hurt small businesses.

HEALTH CARE REFORM UNDER THE KENNEDY-KASSEBAUM BILL

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, this evening I would like to talk about health care reform, and particularly the effort that has been put into legislation and has been passed now in both houses that was sponsored in the Senate by Senators KASSEBAUM and KENNEDY on a bipartisan basis and here in the House by the gentlewoman from New Jersey, Congresswoman ROUKEMA, who is a Republican, as well as a number of Democrats.

This reform was essentially put into motion, I believe earlier this year, when President Clinton, in his State of the Union Address, called upon both the House of Representatives and the Senate to pass the Kennedy-Kassebaum bill, as it has come to be called, in order to achieve incremental health care reform, particularly as it deals with what we call portability; that is the ability for someone to take their insurance with them if they change jobs or if they lose their job or become self-employed, and also with regard to preexisting conditions.

As many of my colleagues, I am sure, are aware, right now if one has a debilitating condition or some sort of health condition that would probably result in a greater amount of health care, many insurance companies in many States will simply not provide insurance to such an individual, even when they are willing to pay for it.

So President Clinton, who, as many of us know, was instrumental in trying to raise the attention of the American public and the Congress a few years ago to the need for health care reform and the need to provide more Americans with health insurance coverage, acknowledged in his State of the Union Address that although he had not been able to achieve a system of universal health care coverage, that did not mean that we should not try to move in an incremental way, in a small way, toward some health insurance reform.

□ 2015

He called upon the Congress to pass the Kennedy-Kassebaum bill this session and indicated that he would sign it once it passed both the House and the Senate. If I could just say very briefly the Kennedy-Kassebaum bill essentially would make it easier for workers who lose or change jobs to buy health coverage, and it would limit the length of time that insurers could refuse to cover an applicant's preexisting medical problem. Hence, again, the main purpose of it is to increase portability for health insurance and to abolish the situation with those with preexisting conditions who would not be able to get health insurance.

Now, the Senate last week passed the Kennedy-Kassebaum health insurance reform bill unanimously, 100 to 0. Unfortunately, here in the House of Representatives, much earlier, a few weeks earlier, perhaps a month earlier, we passed a bill that included and added to the Kennedy-Kassebaum measure a number of controversial provisions that, I believe and I think are almost universally recognized, would doom the chances of this legislation becoming law.

Among the special interest provisions in the House bill are the so-called medical savings accounts, tax-free savings accounts from which participants could pay for everything but catastrophic health care costs. The problem with such accounts, although they may seem like a good idea on their surface, is that they would be a good deal only for the healthiest, wealthiest people in our health care system, those who do not have the high health care costs that they have to incur on a regular basis. But health insurance would increase for the average American because insurance companies would be left with only sicker and more costly enrollees in their health insurance plans.

Mr. Speaker, so basically what the medical savings accounts do is provide a tax break, if you will, for the healthiest and wealthiest among us. That means that by dividing the insurance pool so that the healthiest and wealthiest Americans are taken out of the insurance pool, which relies on having all types of people in it, would be divided. The sicker and the poorer people would remain, which would result in the insurance companies having to raise their premiums.

Most important, though, in terms of what I believe the Republican leadership here in the House was trying to accomplish by adding these provisions, the medical savings accounts, to the Kennedy-Kassebaum bill, was essentially that they were trying to pay off, if you will, or provide a financial windfall for the Golden Rule Insurance Company, whose top executive has given Republican political committees over $1 million in contributions in the last 4 years. Now, Democrats in the House offered a straightforward health insurance reform bill as a substitute for this more controversial bill with these added provisions.

The Democratic substitute would have prohibited many of the current unfair insurance practices which fail to protect individuals and families with significant health problems and make it difficult for small businesses to obtain quality coverage for their employees. The Democratic substitute would have made it easier for people who change or lose their jobs to maintain adequate health insurance coverage, just like the original Kennedy-Kassebaum bill. It also included a provision whereby the self-employed could deduct 80 percent of their health insurance costs.

Now, of course, when a bill passes the House and a different bill passes the Senate, they have to go to conference, and in the conference they come up with an agreement on what bill would finally come back to both House of Congress and be considered before it goes to the President. What we have to hope is that when this conference occurs that the conference committee will drop the controversial House provisions and send a bipartisan bill to the House or Senate floor for final approval that can pass.

Mr. Speaker, I wanted to go into, in the time that I have tonight, a little more detail about some of the differences between this House and the bill and why I believe very strongly that we must bring something very similar to the Senate bill, in other words the original Kennedy-Kassebaum bill, to the floor if we are ever going to see health insurance reform this year.

Let me comment a little bit on the politics, if you will, of the Republican leadership in the House basically would profit because of the insurer, the Golden Rule Insurance Company that has ties with the Republican Party. Again, I do this not because I want to say terrible things about the Republican leadership but because I hope that by exposing what really is happening here, and that is to provide this big windfall to this particular insurance company, we will then allow that provision on the medical savings accounts to be dropped and will not come to the floor again and will essentially disappear. But let me talk to you a little bit about this Golden Rule Insurance Company that basically will profit from the medical savings account provision.

Now, this is a health insurance company, as I said, with close political and financial ties to Republican leaders, OK? The company, the Golden Rule Insurance Company, sells a special type of health insurance that would have to be purchased by people with these tax-free accounts, the medical savings accounts. Many of the Democrats of course have denounced this as bad health policy. Essentially what we are saying is that the Republicans are doing this to reward the Golden Rule Insurance Company. Its former chairman, J. Patrick Rooney, basically his father founded the company. His family still controls it.

If I could just make some comments about or take some quotations from a New York Times article Sunday, April 14 of this year that talked about the Golden Rule Insurance Company. I will specifically make reference to one of my colleagues, Representative CYNTHIA MCKINNEY, a Democrat of Georgia, who asked on the House floor when this bill came up why medical savings accounts were included. She said: You just follow the money.

The Golden Rule Insurance Co. has given more than $1.4 million to the GOP, and, coincidentally, Golden Rule just happens to be the premier company peddling medical savings accounts. Common Cause, the public affairs lobby, said that Mr. Rooney and John M. Whalen, the Golden Rule's president, had given more than $117,000 to GOPAC, the political action committee that helped Mr. GINGRICH take control of the House. And Golden Rule, interestingly enough, has resisted efforts by several States to require the sale of health insurance to all applicants and to limit premium variations.

Although we are trying to accomplish certain goals with health insurance reform here in the House on the Federal level, the bottom line is and in many States, including my own State of New Jersey, there have been efforts to try to eliminate preexisting conditions as a means for health insurance and also to encourage portability. But Golden Rule has resisted efforts by several States to require the sale of health insurance to all applicants. In fact, when New Hampshire was considering such legislation in 1993, State Senator Jean Shaheen, a Democrat, issued a news release saying that Golden Rule represents everything that is wrong with health care in America. She asserted that the company had resorted to lies and half-truths, telling policymakers their premiums would soar.

In Kentucky, another State that was considering this legislation, State Representative Ernest Scorzone, a Democrat, said the Golden Rule had run a campaign of disinformation, misinformation, and outright deception.

Mr. Speaker, what we are trying to point out is that Golden Rule, not only on a Federal level but also on a State level, has not been helpful in terms of the whole issue of health care reform, particularly as it pertains to the issues of portability and trying to abolish preexisting conditions, which are the hallmark, if you will, of the Kennedy-Kassebaum bill.

Now, one of the main reasons why I and others are concerned about these extra provisions that have been added to the House version of this health care reform is because we are totally convinced that these additions will imperil any possibility of getting health care reform or health insurance reform passed this year.

I think my colleagues understand that, in order to get something passed through the House and the Senate and finally passed by the Senate, signed by the President, you have to have a consensus. You have to have agreement. If you have some basic provisions, like we are trying to make it easier for people to transfer their insurance between jobs, or that we do not want preexisting conditions to be a basis for whether or not you get coverage, it is fairly easy to get a consensus on those provisions in the Kennedy-Kassebaum bill. But if you start loading this legislation up with the medical savings accounts, with malpractice reforms, with myriad other things, many of which have been included in the House version, then you will never get the health reform insurance passed in time.

Mr. Speaker, we only have another probably 6 months before the election and the new Congress. This is one thing that we can get passed on a bipartisan basis, and we should try to do so. Senator KASSEBAUM, a Republican from Kansas, has repeatedly warned that, if House Republicans are successful in getting MSA's, the medical savings accounts, approved in the final conference report, the result could devastate health insurance. She said, and I quote: "I would hate to see them included by design to a certain extent to take down the legislation."

Again, we know that, if these controversial provisions are added, that there is a real possibility we will not have health care reform passed in this Congress. Let me also point out that it was not just the medical savings accounts that were added in the House. There were other provisions as well. In the New York Times, an editorial just in the last week on April 23, 1996, said that there were three unfortunate provisions, that the conference committee should strike three provisions in the House version, that the conference committee should not include if this bill is eventually to become law.

First, they mentioned it imposes arbitrary caps on financial rewards for malpractice suits, thereby protecting doctors from patients who have been needlessly disfigured or worse. Whether or not you agree with malpractice reform, it should not be in this bill because it makes it more difficult for this bill to pass. Second, it would provide a tax break for medical savings accounts, and again the New York Times is critical of the medical savings accounts because they say that it will basically give tax breaks to the wealthy and healthy, divide the insurance pool and increase premiums for everyone else.

The third flaw they mentioned in the House then is a provision to encourage small employers to band together into purchasing cooperatives that would be allowed to steer clear of chronically ill applicants. The Senate bill on the other hand encourages small employers to form purchasing cooperatives but under rules that would prohibit discrimination. What the New York Times said is the conference committee should essentially adopt the Senate bill, and that would accomplish a lot because it would make it possible to get this bill finally passed.

Now, lest my colleagues think that we do not have anything to worry about and that in fact the conference committee, when it meets, is going to report out a clean bill, like the Senate version without the medical saving accounts and these other riders that would make it more difficult to pass, let me assure you that there are a number of forces out there that are working very hard to get the medical savings accounts, these tax breaks, if you will, for the healthy and the wealthy, included.

First of all, in today's Wall Street Journal there was an editorial that strongly urged Presidential candidate DOLE to move ahead and insist that the conference include medical savings accounts. He, the Republican Presidential candidate, has sworn that he will back MSA's, the medical savings accounts, in the health bill. In fact, it has been very difficult for the other body to actually appoint conferees to this conference committee because the Republican Presidential candidate is in fact trying to assure that proponents of medical savings accounts are included in larger numbers in the conference committee.

So clearly, clearly there is an effort not only in the media or certain media but also amongst the Republican Presidential candidate and his supporters to try to get these medical savings accounts, these tax breaks, as I said, for the healthy and the wealthy included in the Kennedy-Kassebaum bill which would ultimately make it impossible to pass any health care reform.

Mr. Speaker, I just wanted to point out, if I could, in some of the time that I have remaining, that for those who say, well, this is only a small reform, this does not address the larger issue of affordability for health insurance or the fact that so many millions of Americans now have no health insurance, well, that is true. And I would be the first to recognize the fact that we continue to have a problem with fewer and fewer people able to afford health insurance, and as a consequence more and more people do not have any health insurance. In fact, the Democratic Party, my colleagues on the Democratic side in the House, formed a health care task force, which I happen to be one of the cochairmen of last year. We put forward a set of Democratic principles on health care reform. Our two major principles are that we want to achieve more affordable health insurance and we want to expand the number of people in this country that have health insurance.

I would maintain that the Kennedy-Kassebaum bill in its pure form or in the form that passed the Senate does help in an incremental way to provide more Americans with health insurance, maybe 20, 25 million Americans who will be positively impacted by it. So, while we see the numbers of people who are uninsured continue to go up, we know that this bill, although modest, would help in the effort to try to cover more Americans and provide more Americans with health insurance.

Mr. Speaker, we also know that, if it is passed in its clean form and the way the Senate passed it without the medical savings accounts, that it certainly would not make health insurance less affordable. If in fact you include the medical savings accounts, in fact, that is what would happen. Health insurance would become less affordable for the average American.

□ 2030

Just in case, again just to give you an idea about the magnitude of the problem that we face in trying to achieve more coverage for Americans, just in my own home State of New Jersey within the last 2 weeks a new report came out, 124-page Healthy New Jersey 2000 report, that actually was released last month, and if I could just summarize some of the information that shows that the percentage of uninsured New Jersey workers, and I am talking about working Americans, working new Jerseyans, actually doubled in the last 4 years. This latest report statistically shows that 14.6 percent of New Jersey's full-time employed workers had no health insurance coverage in 1993, twice the percentage that was uninsured in 1989. About 15.5 percent of the overall population under the age of 65 was without insurance in 1993, working or not, up from 11.7 percent in 1989. That is about 1.1 million New Jerseyans. Now, you take that across the country. You will probably find about 40 million Americans now who do not have health insurance coverage, and the number continues to grow.

The statistics are even more significant when you look at minorities. The rate of insurance coverage is worse for blacks, among whom one in five is without coverage, insurance, and for Hispanics, among whom one in three is uninsured. And these figures take into account the fact that Medicaid covers the poorest families and the disabled, so we are primarily talking about working Americans because if you are below a certain income, you are eligible for Medicaid. But many people are not, and of course those are primarily working people.

I only mentioned that because again I feel very strongly that even though in the Kennedy-Kassebaum bill we are talking about a modest effort to try to increase the availability of health insurance to Americans, I think even that modest effort needs to be moved forward, and it is very wrong for the Republican leadership here in the House of Representatives to stop that reform from moving forward just because they want to include these medical savings accounts for special interests that support them. And even if they honestly believe that that is the way to go, they should drop the effort because it is going to make it virtually impossible for us to get this health insurance reform passed in this session of Congress.

In conclusion, Mr. Speaker and my colleagues, if I could just say as this health insurance reform, as the Kennedy-Kassebaum bill, goes to conference, the Republicans need to drop these controversial provisions and stop dragging their feet so we can get a bill passed this year, this Congress. I urge the House Republican leadership to follow the Senate lead and strike the special-interest tax-free accounts for the healthy and the wealthy.

The Republican leadership needs to quit stalling and pass bipartisan health insurance now so it can go to the President's desk and he can sign it, and we can all declare victory for the average American and help those people who find it more and more difficult to buy health insurance.

SUPPORT H.R. 2270

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentleman from Arizona [Mr. SHADEGG] is recognized for 5 minutes.

Mr. SHADEGG. Mr. Speaker, I rise tonight to address an issue of what I believe is of grave concern for this Nation, and that is an issue dealing with the fundamental law of the land.

I hold here the Constitution of the United States, and all of us as individuals learned about this document and studied it in grade school and high school civics. Some of us might have even gone back since then and read a provision or two. I want to focus on the importance of this document and on the importance of an issue that I think has become abused.

Mr. Speaker, this document sets forth the vision of our Founding Fathers for a powerful central Government, but with limited and specifically enumerated powers. Now, why did they spell out that? Why did they say that it should have certain powers and that they should be significant powers, but that they should be limited and specifically enumerated?

Well, if you reflect on your history, you will realize that the Founding Fathers of this Nation had themselves recently escaped an oppressive central Government, a central Government which took the form of a king, a king who could at will order whatever he wanted and command or demand what he chose. The Founding Fathers, fearing that we might return to that system, felt we should spell out in a single document which would bind the Nation forever those powers granted to the Federal Government and that they should be adequate and complete for that Government to do its jobs.

But they recognized that there were many States which would make up this Union and that those States would play a fundamental role, and they addressed and they considered the division of power between the Federal Government on the one hand and the States on the other, and to address that concern they spelled out in an amendment, which I want to call to the attention of my colleagues here in the House, the 10th amendment, which reads, and I think it is important for us to understand what it reads and to think through its meaning, the 10th amendment to the U.S. Constitution addresses this issue of what level of Government should exercise which powers. And it says specifically:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively or to the people.

Now, Mr. Speaker, many of those in my freshmen class were elected on a platform that has to do with that, the 10th amendment to the U.S. Constitution. We have watched through our lifetimes, and I have watched through my lifetime, as the Federal Government located here in Washington, DC, thousands and thousands of miles from my constituents at home in Arizona, has sought to bring to itself more and more and more and more power, and in doing that what it has done at the same time is to reduce by ever-growing amounts the power and the authority of all the good men and women who serve in State legislatures around this Nation, all the good men and women who serve on county boards of supervisors or city councils. Indeed as the Congress has arrogated unto itself all this power, it has left less and less power for individual citizens of this country.

Now, why should that be of concern? It really is kind of simple, and that is what this boils down to: The truth is my constituents back in Phoenix, AZ, have a better chance of affecting a decision if they can go down to their city council or down to the board of supervisors or even down to the legislature and raise an issue, than if in order to affect that issue they have to come all the way here to Washington, DC, thousands of miles from my home.

I believe it is critical for this Congress to recognize that in ignoring the 10th amendment over the past several decades and in arrogating more and more power to ourselves in Congress, quite frankly so that politicians here can buy themselves back into office, what we have done is we have taken power away from the citizens. It is time to end that.

Now, how do we end that? I want to talk to my colleagues tonight about one simple idea, and that is the notion as set forth in a bill which I have introduced to this Congress, which would, I believe, restore meaning to the 10th amendment of the U.S. Constitution. I hold a copy of it here. It is H.R. 2270. It is for Federal legislation quite unique in that it is less than 3 pages long. It is a simple bill which simply says that before any one of our colleagues, before any one of us here on the floor, could introduce a new bill calling for the Federal Government to take on some new project or some new legislation, you would have to spell out the powers granted to it to do that under the U.S. Constitution. I urge my colleagues to join me in supporting this and to set the terms so that we could not debate on this floor legislation in areas that the Constitution did not grant us the authority.

It is a simple idea; it is H.R. 2270. It says, out of respect for the 10th amendment, before we introduce a bill, we must spell out the constitutional authority that gives us, the Congress, the power to legislate in that area. It is a critical first step.

THE MYTH OF THE MAGICAL BUREAUCRAT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 60 minutes as the designee of the majority leader.

Mr. HOEKSTRA. Mr. Speaker, before we start with our prepared remarks this evening, I would like to assure the gentleman from Arizona that as we move forward and as we get to another week of active reform in this Congress probably around the middle of July, we expect that that piece of legislation will have worked its way through the committee process and will be one of the items that this full House will have the opportunity to talk about.

Mr. SHADEGG. If the gentleman would yield briefly? I simply want to thank the gentleman for his assistance in moving this piece of legislation forward, thank him for cosponsoring the bill, and tell him that I spoke today with the gentleman from Florida [Mr. CANADY], the chairman of the Constitution Subcommittee of the Committee on the Judiciary. He has indicated to me just what you have indicated; that is, that we are hopeful that we will get hearings on this legislation in the near future and that it can move forward. I appreciate the gentleman's effort on its behalf. I appreciate your support, and I think it is a step in the right direction.

Mr. HOEKSTRA. And the issue that we are going to be talking about tonight builds very much off of the problem that you describe. We are going to be talking about the myth of the magical bureaucrat, the myth of moving all of this power and responsibility from parents, from local levels of government to State governments, that the best place to make these types of decisions is in Washington. And we are going to be going through a number of examples this evening which we hope expose that myth for what it really is. It is for a bunch of people in Washington making decisions, spending money in areas where they really cannot have a significant, positive impact or most importantly, where they are not the most effective agent for bringing about the types of results that we want.

Mr. SHADEGG. If the gentleman would yield again, let me just simply say I commend you for this effort, and I want to pass on something. One of the greatest influences in my life, as I suppose in, hopefully, many American boys' lives, is their own father. My father was a tremendous influence on me, and he was very fond in the later years of his life of saying that the problem with the Congress was that it had come to believe that it knew how better to run every American business and every American's life than those individuals themselves. And that is the kind of notion that I think your effort is going at.

The simple truth is that the 535 Members of this Congress, House and Senate combined, no matter how well-intended, and the huge army of bureaucrats that we control, and there are thousands, tens of thousands of bureaucrats that we control, simply cannot know better how to run the day-to-day lives of every American and the day-today businesses of every American business or of every American church or synagogue. We simply cannot run those organizations better than they, and the myth of the mystical bureaucrat that can do it better than we can is indeed dead wrong.

Mr. HOEKSTRA. As we move forward this evening, we are going to talk about this myth as it applies to education, as it talks about creating jobs, as we talk about Medicare, as we talk about environmental types of legislation, so that is one of the key areas.

We could not have had a better introduction to our topic tonight than the legislation that the gentleman talked about, and I again would like to just reaffirm that I expect that this House will take positive action on legislation like that this summer so that this Congress can again begin focusing on the issues that Washington should be dealing with, that Washington is good at, in moving the other types of decisions, the other types of responsibility and the dollars back to State, local, and maybe even back to the taxpayers, parents and individuals who really are the driving force behind so much of what goes on in this country.

Mr. SHADEGG. I commend you for your efforts and wish you the best.

Mr. HOEKSTRA. Thank you.

Let me just give a little bit of a brief introduction about what we want to accomplish this evening.

This is an election year. We are in the middle of a lot of rhetoric flying around. Those of us in Congress who want to focus on the real problems are finding it very difficult to break through what we call the clutter, the clutter and the noise. As Members of the Republican majority, we have grown accustomed to being called mean-spirited, radical. We are accused of being against women, children, and the elderly. We are accused of not caring for the poor or for the environment.

In the middle of all this rhetoric, what is really going on? Many of my constituents, many of the American people, seem to be very confused. We want to take this hour to really set the record straight on what we are trying to do in this Congress. We want to focus on what we believe is the core issue that is defining this battle in Washington, that has defined the battle, really, from January 1995 to the present point.

□ 2045

Many have thrown around labels. Some have called us extremists. But let us cast aside the labels for a little while. Let us cast aside the accusations and other typical Washington political jargon, and let us get down to the bottom of the debate. What are we really trying to do here? What is the core of the debate?

We can go back to the 1930's, the New Deal. Ever since the 1930's Congress has placed more and more of its faith in Washington, its bureaucracy, its bureaucrats, and in its money, in its programs, and in its services. As we have done that, we have moved much of the decisionmaking away from parents, individuals, entrepreneurs, small businesses. What we have done is we have created a myth that too many people have come to believe, the belief in the Washington bureaucrat: A belief in Washington money, a belief in Washington programs, and that Washington services can solve many, if not all, of this Nation's problems. This is really what all the fuss is about.

Since becoming the majority in Congress, Republicans have been attacking the myth that Washington can solve everyone's problems. We know that few Americans believe in Santa Clause. Even fewer believe in the tooth fairy. But here in Washington, everyone seems to believe in the magical bureaucrat: this magical persons who can solve everyone's problems.

It is as though we believe that bureaucrats are magicians and that by spending tax money, taxpayers' money, your money on programs and services, what can they do? they can raise and educate children better than parents. They can build communities. They build communities and homes better than parents or better than Habitat For Humanity; that they are better at creating effective, income-generating jobs; that they are better than entrepreneurs and small businesses.

It is time for us to confront this bureaucratic myth. Blind faith in the Washington bureaucracy is hurting America. It is hurting America, in I believe four specific ways.

First, the myth that Washington can solve everyone's problems has created a belief that success is defined by spending money, success is defined by spending money and creating programs, not by the results that those programs or those dollars generate.

Second, the myth that Washington can solve everyone's problems has created the substitution effect, where people have a disincentive to take personal responsibility for their future and for themselves, where they have a disincentive to take care of their children and to participate in their community, because someone from Washington is supposed to do that; in other words, because a Washington magical bureaucrat is going to solve the problem, I do not have to exercise personal responsibility to solve it myself.

The third is the myth that Washington can solve everyone's problems has caused Congress to legislate to the lowest common denominator, creating one-size-fits-all programs which lower the standards. The minimum wage fight, I think, is an excellent example. Here we are debating a minimum wage, the lowest common denominator, instead of talking about increasing wages for everyone, which is the highest common denominator. Instead of focusing on the ideal, we are willing to lower the standard for everyone.

Finally, the myth that Washington can solve everyone's problems has cost the American taxpayers trillions and trillions of dollars. If it were inexpensive to believe that magical bureaucrats actually exist, we could keep spending money on the myth, but it is costing us. It is costing us, the taxpayers and working American families, big bucks, too many bucks to continue down this path. The myth that Washington can solve everyone's problems produces harmful thinking, it costs too much, it is hurting America in many different ways, and it is not working.

It is not a budgetary problem, it is a cultural problem: Magical bureaucrats substituting for parents, magical bureaucrats shoving everyone into one-size-fits-all programs, magical bureaucrats defining success by the dollars they spend, instead of the results they achieve, magical bureaucrats doing all this with trillions and trillions of dollars that working Americans pay every year in taxes. We will never restore fiscal and moral sanity to our Nation until we destroy this blind faith in Washington to solve our problems.

Why is it so hard to balance the budget? Because Washington believes the myth, Washington perpetuates the myth, and Washington works every day trying to convince American people that the myth is real. Why is it so hard to reform Medicare? Because Washington believes the myth and sells the myth. Why is it so hard to improve environmental laws? Because Washington believes the myth and perpetuates the myth.

Why is it so hard to eliminate the Department of Education? Because Washington believes the myth and sells the myth each and every day that magical bureaucrats sitting at desks in Washington educate kids better than parents and better than teachers, and have more caring for local students than parents and local school boards.

Why is it so hard to eliminate the Department of Housing? Because Washington believes the myth that magical bureaucrats sitting at desks in Washington build communities more effectively than local citizens or than organizations like Habitat for Humanity. We cannot continue down this path.

With this introduction, Mr. Speaker, I yield to the gentleman from Wisconsin [Mr. NEUMAN].

Mr. NEUMANN. Mr. Speaker, what comes to mind today is one of these mythical bureaucrats the gentleman is talking about. I was in a committee meeting with them discussing housing, this very issue. I saw in this meeting the almost fear that somehow, if Washington allowed the people in Beloit, WI, or Kenosha, WI, to decide how to handle the housing problems in their own community, if we gave them the flexibility to make decisions how to best serve the needs in their own community, that somehow things were going to go astray; but they are not going to go astray, because I have a lot of faith in Tom Kelly in Beloit, WI, and the people running the housing programs out there. They best know how to take care of the people in Beloit, much better than the people do here in Washington, DC.

I think this whole thing comes down to how can we best turn that responsibility over to the people locally to best allocate those dollars to do the best job for their people in their own community. That is really what this should be all about.

This is America. This is not supposed to be a country where somehow the people here from Washington are controlling all the lives of the people out there. This is supposed to be America, where people are taking responsibility for themselves, and the local school boards and the local towns are deciding how to best spend that money, or how to let the taxpayers keep their own money better. That really is what this is all about.

Mr. HOEKSTRA. Mr. Speaker, I yield to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. I appreciate the gentleman from Michigan yielding to me, Mr. Speaker. I appreciate very much the gentleman also taking us to the root of the problem we are talking about today. That is the concept and the idea that we are going to create governmental solutions, and from a centralized planning authority in Washington, actually solve problems.

I want to talk about one particular example in this area that we are talking about, a magical bureaucracy being able to solve an issue. This is the agency of HUD, Housing and Urban Development.

Mr. Speaker, I would like to start this off by saying that no one here questions the good intentions of the people who work in these agencies, of the employees at HUD, or the people even that design these programs. These are good people with good intentions, but the problem is we want to talk about reality and what has been the actual reality of what has happened after all these good intentions and all this investment of resources and all these people pouring in from a centralized solution.

We are talking about a centralized bureaucratic organization in the form of HUD, Housing and Urban Development as an agency, trying centralized solutions from Washington for a Nation that covers 260 million people across five time zones that has the largest economy, that is the international leader of the world. We are going to plan all this in one central entity. That is the fallacy of what we are talking about.

The Department of Housing and Urban Development began with great fanfare in 1965. It was on the front lines of Lyndon Johnson's war on poverty. It was charged with these things: Renewing our cities, encouraging job creation, providing decent, safe shelter for low-income Americans. That was the charge in 1965. You can say, did we adequately fund HUD, this centralized planning model of what we were going to do?

Since then, in 1965, HUD and other bureaucracies have spent more than $5.5 trillion on poverty programs, $5.5 trillion. That is basically about the size of our national debt today. It would be virtually about $19,000 for every man, woman, and child in America. Yet, by virtually any standard, any measure, poverty, crime, drug abuse, and violence are far worse today than when HUD was created in 1965, and since we spent the $5.5 trillion. This is what the good gentleman from Michigan is pointing out about the fallacy of saying that, OK, if we are going to solve a problem, let us create a bureaucracy with good people in it to design a program that is going to fit the entire Nation in a one-size-fits-all, and then let us fund it, and if it is not working, the answer is for us to put more money into it.

Mr. Speaker, I just beg to differ on that. The centralized command and control type of model failed in the former Soviet Union, has failed in command and control areas, and it is failing in America today. Past and current attempts to fix HUD have met with a great deal of resistance and past failure. Created in 1965, the entity has already gone through four major reorganizations of where we are going to reinvent HUD, four major reorganizations since 1965. All have failed.

Jack Kemp's efforts to reform HUD by giving power to tenants were stifled by a reluctant Congress at that point in time and an inflexible system. Yet the problem underlying HUD's national housing policy is the myth upon which it is created: The notion that Washington can address the housing needs for all Americans through a centralized system here where we set here how it is going to be in Connecticut, in Kansas, in California; this is how it is going to be. It just does not work.

There has been a surge of more than 200 separate Washington-based housing programs that have tended to displace rather than encourage local innovation and creativity. I want to add as a side note here as well, there have been a number of these that are trying to engage now more local creativity and innovation. I think those are on a positive note, as they try to localize and get local solutions brought forward.

We have had a lot of rules and regulations coming out of HUD as well that have stifled local creativity and innovative solutions to housing needs. It has caused former HUD Secretary Jack Kemp to recently conclude that HUD is an agency with a disparate and contradictory mission. "The more I was at HUD, the more I realized that the flaws were endemic to the bureaucracy."

He went on to say at a press conference we had, where Secretary Kemp was calling for the elimination of HUD and us giving these decisions back to local tenants, that there are good people that work at HUD. It is a failed design of the system. It is a failure for us to think that we can manage, and that a mythical Washington bureaucracy will solve the problem, because it will not. It tends to get more of a centralized focus.

Our model for housing opportunities is local empowerment. It is rooted in the premise that housing policy should bypass governmental bureaucrats and central planners and provide direct assistance to tenants themselves. In other words, we would seek to give vouchers to tenants that we want to help and ask them to go find their own housing abilities, whether it be with public housing, whether they purchase a housing unit, or whether it be in private renting. Housing is a local issue. Washington cannot solve local housing needs. Indeed, the more we focus on Washington, the more we take away from local housing innovative solutions that we could come forward with.

Just recently the HUD bureaucracy has announced the planned construction of a new project in Washington, DC that has an estimated cost of $186,500 per unit, $186,500 per unit. This represents, I think, an enormous waste of taxpayer money, not to mention those poor families who will lose out because of the finite resources that will be spent on this project. Instead, HUD could have provided housing vouchers to individuals, they could have provided them to 35 families for 1 year for the initial cost of building one new unit in this housing project.

The Congressional Budget Office estimates that HUD has obligated the Federal Government to spend, and get this number, $180 billion over the next 30 years to pay for the public and private housing commitments, most of which were made more than 10 years ago.

This experiment in central planning is already being passed on to our children. Besides, HUD's attempts to fix our Nation's housing problems, this bureaucracy applies Washington's answers to igniting economic growth in our urban communities.

□ 2100

A number of us believe that the key to economic growth in our urban communities and other places is to cut the burden of Washington. Let us cut that taxation, litigation, regulation and manipulation out of Washington so that we can have those localized solutions spring up and people go forward.

As Jesse Jackson once said, capitalism without capital is just another ism. We need to remove the barriers to self-creating capital. Block grants will not do this. People do it. People do these things. The Republican Congress has already passed reforms to try to be able to cut back on taxation, regulation, litigation and manipulation so people and localized solutions can flourish.

On a worse note, the HUD bureaucracy has become in some cases a catalyst of racial and economic segregation. That is according to a doctor who has worked at HUD, and an April 1996 desegregation suit brought against HUD, Thompson versus HUD, et al. by the American Civil Liberties Union of Maryland on behalf of several Baltimore public housing tenants who alleged that HUD illegally segregated black public housing tenants for 6 decades. This resulted in a settlement which caused HUD to break up several of the dilapidated Baltimore projects.

As one can see, there are direct social and economic costs to this mythical bureaucracy. The American people realize that compassion is not measured in how many billions we spend on bureaucratic solutions when this is done and people are hurt by it. This is one of the most uncompassionate solutions of all.

Fortunately, there is a better way. You have brought that to our attention. Our society benefits when people realize their own freedoms and creativity and our Government does not try to replace them. That is why I think this is a good discussion about a mythical bureaucracy does not solve things. Many times it can actually hurt or concentrate problems.

It is people. It is individual solutions. We have those solutions we are offering to the American people.

Mr. HOEKSTRA. I would just ask the gentleman to go back to his first statements where in 1965 we started creating this myth of HUD. And what were the parameters and the directives that the President in 1965 laid out? What was the myth that was created or started to be created in 1965. That continued to be driven even into 1996 as we try to change some of these programs?

Mr. BROWNBACK. The myth that was created, I want to read these off, it was on the front line of Lyndon Johnson's War on Poverty, charged with renewing our cities, encouraging job creation, providing decent, safe shelter for low-income Americans. We followed up spending-wise, spending nearly $5.5 trillion since then on HUD and other low-income programs.

Mr. HOEKSTRA. I think we should just also say that if we go into Washington, DC, we go to the public housing projects, to get to the public housing projects that are inhabited today we go by 3 and 4 empty buildings. We go into Chicago, we go by almost a mile of empty public housing. We did not do any of those things very well.

I am sure my colleague from Wisconsin would like to say something about this. He is a builder in his real life; when he has a real job, he is in the construction industry. But my guess is, I just did some rough numbers at $55,000 for a down payment for a smaller home, I recognize over these 30 years we could have built 100 million homes. Given a nicer home, we could have built, at $110,000 a house, we could have still built 50 million homes over the last 30 years. It is amazing, $19,000 for each and every American is how much we have spent on this program for the last 30 years with these kind of results.

I yield to the gentleman from Wisconsin.

Mr. NEUMANN. I will just point out with 250 million people in the United States of America, that is literally one home for every 5 people with the money we have spent.

The other thing I could not help but think, as the gentleman from Kansas was going through some of these numbers, contrasting what you are talking about to a program like Habitat for Humanity. Back when I was in the building business when, before I got into the political world in any way, shape or form, I had a group of people from Janesville, WI come to me and say, "Hey, MARK, you're building a lot of homes. Would you consider giving us a hand in this Habitat for Humanity project?"

Rather than the Government coming in to do this, we got together in the community and built the house. When the person moved into that house, it was a truly needy person that received this help. Can you imagine Habitat for Humanity, with the local support and local effort that they get from the local people, spending anywhere near this kind of money, and what they could have done with one-tenth of this amount of money if the control had just been left out there locally and we had had involvement with the local people to help the most needy people in their community? Can you imagine what we could have done in this country instead?

Mr. BROWNBACK. I think we would have renewed our cities, encouraged job creation, and provided decent, safe shelter for low-income Americans.

Mr. HOEKSTRA. I think if we take a look at Habitat for Humanity, it is active in Michigan. They take a caring attitude in reaching out and finding the people to move into these houses. These people are part of the process. They maintain their dignity. They put in sweat equity. They work hard. They put them on finance plans to enable them to buy these homes. They put them in the middle of the community so they are not segregated into little areas or pockets of the community.

Mr. NEUMANN. It is not only the person that is working on the home that winds up moving into the home, it is the community leaders and the community involvement that makes this process successful. I still ride by that first house that we built in Janesville, WI every now and then. It is still there, it is well cared for. Everything is right about it. It is not only the person that moves into the house, it is the involvement of the community in solving the problem. They own the solution to this problem and they are going to make it real.

Mr. HOEKSTRA. I would like to thank the gentleman from Kansas. You have got us off to a good start in talking about exposing this myth.

I now want to turn our attention to another myth. We have talked about the one that Washington creates communities, Washington creates homes, and we have found out that after $5.5 trillion that is not the reality. I would now like to address another myth, that Washington bureaucrats create jobs, that they are better than entrepreneurs, they are better than small business at creating jobs. To do that, I would like to go back to my colleague from Wisconsin [Mr. NEUMANN] who has created real jobs working in the private sector as a small businessman in Wisconsin.

Mr. NEUMANN. I appreciate the gentleman yielding. This is an area that I very much like to talk about because we need the American people to understand that the American dream is not dead.

When my wife Sue and I started, we literally were in a position where we could not afford to pay our bills, and we took a chance on the American dream. As we fulfilled the American dream, many jobs were created. We started in the real estate business and eventually got into home-building.

The first year in it we lost money. We built 9 homes, providing 18 jobs, and we literally lost money. My dream in that first year was simply to have the Government get out of our way, and allow our business to concentrate on growth and expansion and the things that would make a business successful.

As we stayed in the second year we basically had two choices, either let the Government take our business away from us, that is, the banks or whoever would take it, or we would turn the business around and become profitable. The second year we built 27 homes, then to 81, then to 120.

The key to this discussion is the way jobs are created is not by going to the government and asking for Government spending or a Government program. The way jobs are created is by entrepreneurs allowing their businesses to grow and expand like ours did.

At the end of 4 years when we were building 120 homes a year, there were 250 people in southeastern Wisconsin working because of that. Just think what that means. What that means is those 250 families are not on welfare.

Let us just go the next step. What were we really looking for to be successful in business? We just wanted Washington, the Government, to get out of the way so we could be successful at promoting job expansion and job growth.

When we look at the homebuilding business, and this is one I am very familiar with, what is the best thing that can happen for the creation of jobs? It is not more Government spending. It is a balanced budget. Why a balanced budget? It is because, like Alan Greenspan says, when the budget gets balanced, interest rates will stay low, 2 percent, a full 2 percentage points lower.

What happens when the interest rates are low? Our young people again have a chance to live the American dream. When the interest rates are low, people can afford to buy houses and cars, and people have to go to work to make those houses and to make those cars. When they go to work, they are no longer on the welfare rolls or on unemployment, costing the government money, but instead they are paying money in.

We just did this. We have just been through a balanced budget battle where everyone understood we were serious about getting to a balanced budget. Look what happened. When I came here they were projecting deficits for fiscal year 1996 of $200 billion. We said we cannot have that. That is not good for our country. We are going to a balanced budget.

As we went down this road to a balanced budget exactly as Alan Greenspan said, the interest rates stayed low, we stayed on track. We passed a rescission bill that took $16 billion out, then we passed the appropriations bills that took another $23 billion out, and the markets reacted.

This is the good news. It is not those numbers. The good news is the markets reacted, interest rates stayed down, people went out and bought Suburbans, they went out and bought Jeeps, they went out and bought houses, and people went to work building those products.

When they went to work, they went off the welfare rolls, and guess what happened? We not only hit the deficit targets that we had in our glide path to a balanced budget, we actually for the first time are about $13 billion ahead of schedule. We are not only on our glide path to a balanced budget but we are actually ahead of schedule in this an election year.

I have a chart that shows this. This red line is where we were with the deficit when I first came here. This is so exciting to talk about because America does not understand that we are actually winning this battle against the budget. When we win the battle, it means jobs for our young people and it means the American dream can once again be fulfilled by American citizens.

This red line shows where we were when I came here, the deficit where it was headed. After 12 months here, yes, through lots of budget fights, very difficult budget battles and a couple of presidential vetoes, we had made progress. The yellow line shows where we were after 12 months.

We dared to dream, to dream that we were actually going to balance the budget, not the Gramm-Rudman-Hollings stuff that did not get done because they hit an election year and failed. We dared to dream we were actually going to do it.

This green line shows our dream, our glide path to a balanced budget. But here is what is different about this Congress versus the other Congresses that have been here before us. This Congress not only maintained their path to a balanced budget in this, an election year, we are actually ahead of schedule.

America does not seem to know that through all of those budget battles that we went through last year, we are winning. And when we were winning, everything worked exactly the way it was supposed to. People started buying those houses and cars, they started going back to work, and the cost of the Federal Government for welfare rolls and for unemployment went down just the way it was supposed to work. That is what led us to this point where we are ahead of schedule.

Having said that, I have to caution what is going on today. For some reason, a lot of people in this city have kind of lost sight of the fact that we have to keep working, that it is not going to be easy to get to a balanced budget.

And when we start losing sight of the fact that we have to keep our efforts focused on a balanced budget, let me go right back to jobs and job creation. What is going to happen is, the interest rates are going to start to climb and inflation is going to pick up. When that happens it is much more difficult for the entrepreneurs to be successful out there and it just plain does not work. It is a spiral in reverse.

We cannot allow that to happen. We have to refocus our attention on balancing the budget, which is what I am doing here and which is what many of the freshman class came here to do.

Just one more thing. We have accomplished what is on this chart not by raising taxes on the American people like we saw in 1993, not by making it more difficult for our families to make ends meet because they have to pay higher taxes. We did this by reduced spending. The reality is that is the way it should be done. From the entrepreneurship from the private sector here, the best thing that government could do is get the mythical bureaucrat out of our way and allow the businesses to have the capital available to grow and expand and employ people so people can once again live the American dream.

I just have one final point on this, and I think it is very important. The American people need to understand that when the Federal Government balances their budget, that means the government is not going to borrow $150 billion a year. When the Government does not borrow that money, it is available out there in the private sector for our young people to use to buy houses and to buy cars.

That is the whole cycle, the positive cycle. If we can get to a balanced budget, the government does not borrow that money, it is not available in the private sector for our people to build houses and buy cars and so on, and when they do those things, there are more jobs created. When they create those jobs, businesses have to expand.

What is necessary for businesses to expand is the availability of capital. Then we are right back to balancing the budget. If the Federal Government does not borrow that money, the capital is available for our businesses to expand, and when the businesses expands, that is job opportunities. Those are real job opportunities for real American people. That is what this should be all about. That is what the budget battle is about.

The final words here, we are winning. We have been through a lot in the last year and a half in the budget battles and doggone it, we are winning. We are winning the battle and we are doing it without raising taxes on the American people.

Mr. HOEKSTRA. I thank the gentleman for his discussion on that point, because really the giant sucking sound here in Washington is the Federal Government sucking capital out of the capital markets, away from entrepreneurs, away for young people, away from people who want to start businesses or build homes or start their futures. The magical bureaucrats in Washington here define their success by how much money they spend on, quote-unquote, job creation programs, not by how many jobs they actually create.

□ 2115

If I had to make a choice about where I wanted to invest my dollars or who I wanted to have spending dollars to create jobs, I would go with entrepreneurs and not sending them to Washington and having Washington try to pick winners and losers.

Washington would never have picked Steve Jobs at Apple Computer as saying that looks like a good investment. Here is a guy working out of his garage. Let us go pump some money into that because I think that is going to create a new industry. I doubt if they would have picked Bill Gates. Those are not the type of people bureaucrats look at and say that is the wave of the future, because they are out of the mold. Entrepreneurs break the rules. Bureaucrats live by the rules. They cannot accept these kind of challenges.

I would like to yield to my colleague from Minnesota, who has joined us from the exalted Speaker's platform.

Mr. GUTKNECHT. Mr. Speaker, I thank the gentleman from Michigan for yielding. I was listening probably more intently than most of the Members of Congress to this debate. I got excited by the discussion you have been having, and particularly about this chart, listening to what you are talking about. I think you have really sort of hit on what is, if I could describe it as, the nub of the great debate we are having in America today and the great debate we are having in this Congress.

In fact, let me say it this way: Senator PHIL GRAMM from Texas said it so well earlier this year when he was accused by some of the administration, I think it may have been the President. He said, you know, if PHIL GRAMM's budget passes, it means that there is going to be less money spent on education, there is going to be less money spent on children, and there is going to be less money spent on nutrition. And he really said it right. He said this is not a debate about how much money is going to be spent on education, or children, or nutrition. This is a debate about who gets to do the spending.

Ultimately, whether we are talking about housing policy, Medicare reform, all these others things we are talking about, the debate is about who gets to decide. Is it going to the American families or some magical bureaucrat here in Washington? We know it in our hearts, and I think the people understand this better than we sometimes give them credit for. They can make those decisions much better for themselves and their own families, and they will spend the money much more firmly than we can spend it here in Washington.

We can beat on the bureaucracy and the bureaucrats, and as I think the gentleman from Kansas, Representative BROWNBACK, said, these are good people. They are trying to do the right thing. But ultimately the system consumes the participants. In fact, I was reminded as you were speaking earlier of something Thomas Jefferson said so long ago. He said, "Those who would trade freedom for security will lose both and deserve neither."

We have bought into this idea over the last 30 or 40 years that somehow Washington knows best and somehow that elected officials and bureaucrats in Washington can make better decisions than families and communities and individuals back in their neighborhoods. So I am delighted to just take a few minutes to say I think we are on the right track. We are winning this battle.

When we say we, I think we mean we, the American people, because this ultimately is not a debate between Republicans and Democrats, it is not a debate between the Congress and the President; it really is a debate about the future of this country. It is about real individuals and about real families. It is not about dollars and cents and CBO and GAO, because sometimes we get bogged down in this debate about numbers and accounting. This is not an accounting exercise, it is about whether or not we are going to preserve the American dream for our kids.

So I congratulate you for participating in this special order tonight. I think the American people need to hear more about this, because as I have said before, facts are our friends. The more the American people see about what is really going on here in this Congress, I think the more they are going to agree that this is the direction the United States of America is going to have to move.

Mr. HOEKSTRA. I thank the gentleman for his comments. I would like to move on and talk briefly about what the gentleman introduced, which was the issue of education. I think when Senator GRAMM actually got into a little bit of a debate with a bureaucrat from the Department of Education, who said that I think I know more about educating your kids and I care more about educating your kids than what you do, his retort was if you know so much about my kids, what are their names? I do not know that much about your kids was the answer.

But you know, that is the other myth that we are fighting here, that Washington bureaucrats, that a Washington bureaucracy cares more about the education of our kids than what parents in local communities do.

This myth is also hurting America. It creates the illusion that the magical Washington education bureaucrat can substitute, think about it, that the people in Washington can substitute for parents and local teachers. The myth again creates the illusion that spending equals results. The more dollars you spend, the better results you are going to have. And the myth leads to policy designed for the lowest common denominator.

Let us take a look at each one of those. The myth creates the illusion that many Washington education bureaucrats substitute for parents and local teachers. The myth assumes that parents have not addressed the major issues their children face, assumes that parents do not have the will to make the sacrifices on behalf of their children, assumes that parents do not have the knowledge and the expertise to solve their children's educational problems. Therefore, the magical Washington bureaucrat must step forward, meet the social obligations that families, citizens, local schools and communities are ignoring.

The reality is that Federal programs displace parents and local initiatives and solutions. They drive parents out of the process.

I have gone back and talked to parents, I have talked to local school administrators, and what you find is that the schools that work best are the ones that have the open door policy, that say any time a parent wants to come into their kid's school, the doors are open.

But what has happened is more programs come from Washington, more mandates come from Washington, the end result is that administrators at the local level are starting to look more toward Washington for their direction about what they should be doing in their schools rather than looking to the parent and the local community for what should be going on in their schools.

Once that link between the local community and the local school is broken, education goes only one way, and that is down, because once the local community no longer trusts the local schools because they do not reflect the values, the priorities, of the local community, the school system is lost.

The myth creates the illusion that spending equals results. Hey, if you are spending $1 billion on the Save the Kids Program, you must be saving kids, right? Otherwise why would you spend those kinds of dollars and why would you have a program with that kind of name on it?

The myth says the problem is not with the programs themselves, but with the taxpayers. According to the myth, the taxpayers never cared enough to increase taxes and spend money on these programs when they had control at the local level, and Washington had to step into the process.

The myth says that the people who want change, those of us saying this does not work and what is "this," what we have created here in Washington by showing that we care, it is kind of like what my colleague from Kansas described in the housing and urban development. What we have created here in Washington is 760 programs. We really care, 760 programs. We care even more, because we have created 40 agencies, departments, or commissions, and boy, we really care because we are spending $120 billion.

But what is the reality of all of this spending? The reality at HUD was that we were going to improve America. The reality of 40 commissions, 760 programs, is SAT scores are dropping. In 1994, 17-year-olds scored 11 points worse in math than 1970. Sixty-six percent of 17-years-olds do not read at a proficient levels and reading scores have consistently fallen since 1962. U.S. students scored worse in math than all other large countries except Spain. Finally, freshmen, think about it, 30 percent of all college freshmen, think about it, 30 percent of all college freshmen must take remedial education classes.

In 1996, despite the poor results in educational achievement, many of us that are advocating this, for saying take these dollars, move it to the parents, move it to local school districts, to get involved with the kids, we are extremists. We do not care when we say the system is broke. The myth, the reality that Washington is trying to perpetuate, is not reality. The reality is a failed program. It is a myth that we care.

The myth leads us to develop policies that are for the lowest common denominator. We are not driving for excellence in education. We are trying to design something for the lowest common denominator. There are lots of problems here in education.

Mr. BROWNBACK. If the gentleman would yield for just a minute for a question, I would ask you, you came from the private sector in the business world. What would happen to your business had you done something similar, investing this sort of time, resources, and focus in a particular program area and had the types of results that you have just articulated?

Mr. HOEKSTRA. If I were still employed, most likely if these were the results of my area of responsibilities, I would be unemployed. The business would have never let such a key part of its future languish with these kinds of results for this long. They would have stepped in a long time ago and said "You are selling us down the wrong track. You are out. We have got to take a new look at addressing it," because this is a very critical matter. We are talking about the education of our kids, the kids that are going to be running this country in 5, 10, 15 years, the kids that have to compete on an international basis if this country is going to continue to be the leading example for the world. Business would have never survived if they let this problem go on.

Mr. BROWNBACK. If I can ask another question, and I am just giving you this hypothetical question, if this was your company and this was your core product that you had to have good results out of, and you were having these sort of results, they would not have said to you, OK, Mr. HOEKSTRA, we are going to give you another $1 billion to spend because you have not produced on this, and the reason is we just did not give you enough money.

Mr. HOEKSTRA. No; they would not have given me $1 billion. They would have asked me to come up with a new plan, to come up with a new process, to systemically take a look at what I was trying to do and figure out what the real problem was.

It is very evident here in education. The problem is not money. Some of the best school districts in the country have some of the lowest per pupil spending. It is not an issue of dollars, it is an issue of where decisions are made. As we are trying to reform this and improve it, we do hear the extremists now calling us. Like you said, if I were making the kinds of decisions and changes we are trying to make here in Washington in the business world, I would be called too conservative, not willing enough to really face the issues.

We are proposing change here in Washington and we are gutting programs that in reality do not work.

Mr. BROWNBACK. If the gentleman will yield further, let me put you in another role and ask you if you were the superintendent of schools at a particular local school district and had these sort of results, spending this sort of money in this sort of program design, what do you think the school board would ask of you there?

Mr. HOEKSTRA. The school board would ask for my resignation. They would say "These are our kids. We need to get somebody in here that can get the job done." So they might, before that, they might ask me what the problem is? The problem is, I think, as we have talked about it, we have asked administrators and bureaucrats to look to Washington for their direction. When you take a look, I have oversight on the Education Department. The Education Department, they are not educational experts. You would think they would be educational exports. They are accountants, primarily, because they are moving money around the country rather than really providing expertise.

I would be glad to yield to the gentleman from Wisconsin.

Mr. NEUMANN. Just a couple of points. With the 760 different educational programs, would you have any idea how many bureaucrats are necessary to run each one of the programs?

Mr. HOEKSTRA. Well, at this point in time we are trying to gather that information. Finding 760 programs is difficult. Having them scattered over 40 different agencies, we are calling up these agencies, trying to get that data. No, I do not know how many people there are in Washington.

Mr. NEUMANN. Is it safe to say there are a good number of bureaucrats necessary to run each one of these 760 different programs?

Mr. HOEKSTRA. There are bureaucrats at every level. There are over 5,000 in the Department of Education, which administers about 260 of these programs. There are bureaucrats at the local level who are trying to figure out what is coming from Washington.

Mr. NEUMANN. How many of these bureaucrats work for nothing?

Mr. HOEKSTRA. At last count, I do not believe that there were any. Actually, it would be illegal for them to volunteer.

Mr. NEUMANN. Let me go on with the point. With 760 different programs and a large number of bureaucrats, Washington bureaucrats, necessary to run each one of the programs, and each one of those bureaucrats drawing a salary, we have many, many tax dollars designed to help the education of our young people that are going to pay salaries of people here in Washington, as opposed to getting out to the young people these dollars were designed to help.

Mr. HOEKSTRA. We have a tremendous number of dollars that should be intended to educate kids that are never making it down to the local classroom.

Mr. NEUMANN. I would just like to point out as it relates to education there is another way to do this. Before I built homes, I was a math teacher. I came out of college as a math teacher. I would go downtown and hear from our businesses downtown that my students did not understand the math that the people downtown thought they should understand.

We did not turn to Washington, DC, for a solution. I was teaching at Milton, WI, at the time. What we did was a survey. We developed a survey and we sent it out to our local people. You see, I took offense at the idea that my math students did not know the math that they thought they should know coming out my classroom. That somehow was very offensive to me.

So we did a survey. We asked them what is it you are expecting our students to know when they come out of our classrooms? We got lots of people that responded to our survey. We developed a test to see whether or not the people downtown were right or whether or not our students actually did not know what they were supposed to know when they graduated from high school. Guess what we found?

□ 2130

We found the vast majority of them did not know what our businesses expected them to know when they came into the private sector to take a job. So what we did at that point is initiated a program locally, at Milton, WI, at Milton High School, and through the school system there that corrected the problem. Within 2 to 3 years we found the problem was corrected and the vast majority of the students graduating gained the knowledge that was necessary, that the business people downtown expected them to know before they graduated from our high school.

But that is the difference between the idea of Washington, DC and the bureaucrats here solving a problem versus the people in Milton, WI; the local control and the local people being involved and what it is they expect their students to know and how to develop solutions to problems locally. It does not have to be done from Washington, DC.

The other thing that happens when Washington starts doing it, and the gentleman alluded to it, every time we take a responsibility for education away from the parents and away from the community people, that is one less reason that they have to be involved in the education of the young people. And as their involvement decreases, the test scores go down, as the gentleman was alluding to.

So the gentleman is right on the money here. We need to get education back to the local level and get the local businesses and the local employers, we need to get those folks actively involved with the school systems deciding what it is that our students need to know in order to function in our society when they get out of high school.

Mr. HOEKSTRA. Mr. Speaker, I would like to now yield to the gentleman from Kansas [Mr. BROWNBACK] to talk about, I am not sure we will have time to get all the way through with it, but to at least talk about one other myth that is being perpetuated here in Washington.

Mr. BROWNBACK. Mr. Speaker, I want to again thank the gentleman for yielding to me for a few moments. I want to take a few moments to explain how the myth of the magic of Washington bureaucracy is actually at times hurting the environment which it is designed to protect.

The environmental movement has produced some wonderful results of protecting the environment, especially in improving people's attitudes and people's outlooks and actually improving the environment. We are all committed to a good, clean, healthy environment. If we do not provide a good, clean healthy, environment for our kids and our grandchildren, they will not have anyplace to live.

We have to take care of Mother Earth, we have to do the right things to take care of the environment, and I know of no Member in Congress, no Member whatsoever that is not strongly supportive of a good, clean environment. We have to provide that. But I want to provide one bit of information that I do not know if it is commonly known about Washington bureaucracy and the environment.

Does the gentleman know who the biggest polluter in America is? The biggest polluter in America today?

Mr. HOEKSTRA. If the gentleman would yield, it is the U.S. Federal Government.

Mr. BROWNBACK. It is the Federal Government. It is the Federal Government. For example, hundreds of billions of dollars and many decades will be required to clean up Federal hazardous waste sites. I will give the gentleman some General Accounting Office numbers on this. And the General Accounting Office is the watchdog of the Federal agencies of the Federal Government.

GAO says Federal agencies expect to spend $54 billion this year, this year, to clean up their own facilities as far as environmental waste and environmental problems created. And the Office of Management and Budget estimates that as much as $389 billion in additional funds may be needed through 2070 just to clean up pollution and waste caused by Washington.

There are many government programs in Washington and run by Washington, and enacted by this Congress even, or past Congresses, and operated by government bureaucracies that actually harm the environment. The Government should take steps to make sure its own house is in order. If we could clean up the Federal Government's own mess, the bureaucracy mess that we have created, that the bureaucracy has created, we will go a long ways towards improving the environment in America, towards making this country better for our children and our grandchildren.

It makes no sense for Washington, a Washington bureaucracy to subsidize environmental destruction on the one hand while establishing laws and regulations and bureaucracies to mitigate that damage on the other hand. And here is a classic example of a place working against itself on an overall policy that we all support: a clean, good, healthy environment, better for our children and grandchildren in the future; and yet the Federal Government being the biggest polluter in America.

I yield back to the gentleman from Michigan.

Mr. HOEKSTRA. I do not know if my colleague from Wisconsin has any closing comments. I think we are about at the end of our time.

Mr. NEUMANN. Do we have a little time left to do an environmental quiz?

Mr. HOEKSTRA. We have 4 minutes.

Mr. NEUMANN. Would the gentleman like me to do a little environmental quiz here tonight? I want to see where the gentleman stands.

Mr. HOEKSTRA. Only if the gentleman asks my colleague from Kansas all the questions.

Mr. NEUMANN. I will ask my colleague from Kansas. This is a question I ask the American people in virtually every town hall meeting I go to. I do a little environmental quiz and I just ask a few questions.

The first one is, does the gentleman think it makes sense for the Federal Government, before they initiate a new rule or a new regulation, to do a cost-benefit analysis; that is, to decide if the cost is worth the benefit received?

Mr. BROWNBACK. That would seem basic to me, something we should ask of everything.

Mr. NEUMANN. That is the first antienvironment vote that we took, because that is what we said. We want a cost-benefit analysis before we enact a new regulation.

Does the gentleman think it makes sense, when we talk about spending the American taxpayers' dollars to clean up waste sites, that we first do a risk assessment and we clean up the sites that are the highest risk to the environment first and the other ones later?

Mr. BROWNBACK. Well, I would think that it would make absolute sense to clean up the highest priority ones first.

But I want to inquire of the gentleman of one. Does the gentleman think when we clean up an environmental site that we should pay more to lawyers and lawsuits on cleaning up an environmental site or should we actually pay money to clean up that site?

Mr. NEUMANN. It is clear to me we should be using the dollars to clean up the site. And right now only 50 percent of the tax dollars are actually getting out there to be used on cleaning up the site.

And I would point out that is another vote that has been scored as antienvironmental if we do a risk assessment.

Now let me ask another one. If the Federal Government initiates a new rule or a new regulation, and that new rule or new regulation causes an individual's property, has individual property, to decrease in value by more than 20 percent, say, the public is going to gain by this new rule or regulation. They want a waterway through a farm, so a farmer can no longer farm his land. So they initiate this new rule or regulation.

Does the gentleman think it is reasonable that the Federal Government should compensate the individual citizen for the loss of his property value?

Mr. BROWNBACK. Not only reasonable, but I believe constitutional.

Mr. NEUMANN. That is called takings, and that is the third antienvironmental vote we took.

Let me do one more question. If there was a forest fire and the trees burned out, and we are now looking at all this charred timber out there, and a lumber company says I can still harvest some of the timber, even though it is charred, we can still harvest some of this timber.

So the lumber company makes a deal they will buy the charred timber and replant the forest. Would it make sense to the gentleman that we would allow the lumber company to go in and harvest the charred timber and replant the forest, as opposed to leaving the charred timber to stay there to rot?

Mr. BROWBACK. That would make sense to me.

Mr. NEUMANN. That was the fourth antienvironmental vote that has been scored by the environmental groups in this country today.

Mr. HOEKSTRA. If the gentleman will yield, I think just recently the fifth environmental vote was if a Member votes against allocating family planning, which is the code word for worldwide abortion, if we vote against family planning as part of the foreign aid package, is that an environmental vote? If a Member voted against promoting abortion on an international basis, that is an antienvironmental vote.

I think the gentleman has a great quiz, and I want to thank my colleagues for joining me. I think we are going to keep raising this issue over the coming weeks.

Washington has drawn its strength from this myth for way too long. Washington cannot solve everybody's problems, and when it pretends to, it really ends up too often hurting America and Americans.

When we move decisionmaking to Washington, we substitute Washington wisdom, "Washington wisdom," for the common sense of the American people. That is not the direction we want to be going. That is not the direction we need to go to address the problems that are facing this country. It is costing us trillions and trillions of dollars.

I think working together we will one way restore Washington to its proper role in American society. That is what our colleague from Arizona talked about when we began this an hour ago. There is much work to do to make that happen, but we are committed to working on that and seeing what we get back to common sense America and away from Washington wisdom.

CUTS IN GOVERNMENT WASTE NOT MADE IN NEW BUDGET

The SPEAKER pro tempore (Mr. CHRYSLER). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

Mr. OWENS. Mr. Speaker, last Thursday we passed a large appropriations bill which completed the process of budgeting and appropriations for the fiscal year which began last October 1. It is finally all over and I have read the boast in the papers and heard them on television and radio of the majority party, the Republican majority, that they have cut the Federal budget by $23 billion this year, $23 billion since they came into power; $23 billion has been cut out of the Federal budget.

And one would say, well, it is wonderful that all that waste has been trimmed, but when we examine the nature of the cuts, we find that the places where one knows there is a great deal of waste have not received any great cuts. On the other hand, when we go to look at the fine print of what we passed last Thursday, we find there are many, many people on the bottom, the folks who need the most in our society, who are going to be hurt. They are the victims of the $23 billion in cuts.

It is quite interesting just to pick up today's paper, the New York Times, and see a contrast in articles. On one page we have an article which talks about the Freemen. You might say, well, I am getting off the subject. The Freemen are out there in Montana and surrounded by the FBI, there is a standoff, there is a possibility that we may have some kind of violent explosion there. What does it have to do with the budget of the United States? What does it have to do with the fact that the Republican majority are boasting they cut the budget by $23 billion? Well, the article that I am referring to that appeared in today's New York Times is headlined as follows: It says "Freemen Depended on Subsidies. Evicted Anti-Tax Rancher and Partners Got $676,000 in U.S. Aid."

These are people who are angry with the government and have been yelling loudly to outsiders that they want the government off their back. The latest sign that has been posted by the leader of this group calls the U.S. Government a corporate prostitute. Nevertheless, they are the beneficiaries. The Clark family is the beneficiary of $676,000 in U.S. aid.

This category certainly has not been hurt much by the $23 billion in cuts because the $23 billion in cuts that have taken place under the leadership of the Republican majority do not involve drastic cuts in the programs that the Freemen were beneficiaries of, agriculture programs of various kinds. There is a whole slew of agricultural beneficiary programs that have been flowing to the farmers, the agribusinesses, for many years and they are not being drastically cut in this $23 billion cut this year.

The farmers programs are going to be phased out over a 7-year period. That is the public relations hype that we have been told: Do not worry, they are going to be phased out over a 7-year period. But they are still absorbing billions of dollars in waste.

And I will read on in this article and we can see what kind of waste I am talking about.

In the case of Mr. Clark, Ralph E. Clark is the leader of the Freemen. It is his ranchhouse that is surrounded. "Mr. Clark, a Freeman in a cowboy hat, nailed to a fence post a manifesto denouncing the Federal Government as a corporate prostitute." I am quoting.

"Corporate prostitute" is his language. But to read on in the New York Times article obviously April 30, 1996, which I will enter into the RECORD, to read on, quoting from the article, "But tarnishing this image of rugged individualism, a new study of Federal payments indicates that over the last decade Mr. Clark and his ranch partners received $676,082 in government checks to cushion a variety of farming setbacks."

We, the government, we the people we the taxpayers have been cushioning the setbacks of Mr. Clark and his family over the last 10 years.

□ 2145

They were dependent on the helping hand of the government, just like everybody else up there in agriculture, said Kenneth Cook, who is the President of the Environmental Working Group, a nonprofit group in Washington that researches farm subsidy programs. Quote, continuing: But even by the standards of agriculture, hundreds of thousands of dollars over 10 years, that is substantial, added Mr. Cook, who is an analyst who compiled the figures on Friday after studying computer files on farm subsidy checks issued by the Department of Agriculture from 1985 to 1994. Documents filed at the Garfield County courthouse also offer glimpses into the heavy reliance on government aid by the 65-year-old farmer who now symbolizes the antigovernment Freemen group.

In the 1994 foreclosure sale of Ralph Clark's 960-acre homestead, court documents show that Mr. Clark signed a 10-year contract in 1990 to receive an annual payment of $48,269 under the Conservation Reserve Program and was paid through 1994 under that program. Under this program, which is highly popular in Montana, farmers agreed to suspend production on steep slopes and other land highly subject to erosion, planted it with grass that will not be grazed or cut for hay. Critics of the program, which began in 1985, often call the program paying farmers not to farm. I would go even worse, I would go even further. Sounds like a racketeering enterprise. To pay farmers to select steep slopes in their land and plant grass instead of planting something else in order to keep it from eroding, to pay them large amounts of taxpayers' money, I consider that a racketeering enterprise with the government participating.

Mr. Speaker, they found an excuse, they found an excuse to pay these farmers large sums of money. You would be a fool not to take it. I continue to quote from the article. You would be a fool not to take it. Nick Morner, the Garfield County attorney, said of the subsidy money, referring to the skill in winning subsidy payments. He added, everybody in the county knows that is what they have been doing with a population of only 1,300 people. Garfield County received $63 million in farm subsidy payments from 1985 to 1994. A population of only 1,300 people in Garfield County received $63 million of your taxpayers' money in farm subsidy payments from 1985 to 1994. Stop and think about what that means.

Now, these are not the people being cut in the 23 billion dollars' worth of cuts that the Republican majority is so loudly proclaiming victory about. These people are not being cut. These programs are not being cut. Whether it is in Montana or in Kansas, in Montana or in Kansas, these are not the programs being cut.

One of the programs that is receiving a big cut this year is the 23 billion dollars' worth of cuts in public housing, housing for poor people, housing for the homeless. I am going to switch to another New York Times article that happened to appear on the same day. Today, Tuesday, April 30, the article reads: Dole calls Public housing one of the last bastions of socialism. Dole calls public housing one of the last bastions of socialism.

You know, what is my theme for today? My theme is that it appears that, if there is a benefit available for very poor people, people that are on the very bottom of our economic strata, then automatically it is a horrible program and anything they get is too much. Anything that people on the bottom get is too much. Anything the average American, the needy American gets, that is too much.

Mr. Speaker, on the other hand, it appears that there is a group of people in America which never have enough, and more and more is always projected and that is still not enough. We cannot give the farmers too much. More and more is projected and that is not enough. Nobody calls the agriculture program, which is rampant in Kansas, the State of Kansas, nobody calls that socialism. But there, the Senator from Kansas in this article in the New York Times today is saying that public housing is one of the last bastions of socialism.

It seems that there is a group of people that I choose to call the overlords of America. You cannot talk about then in simple class warfare terms. Class warfare is an obsolete notion. It does not tell us anything. We talk about class warfare. You have to define people as being in the middle class and the upper class and the lower class. That does not describe what is going on in the world at all.

There is a class of overlords in the world. Overlords are people who have certain privileges and seem to have access to public funds and the public treasury, and they have their own agents in public places, and we can never give them too much, the overlords. Among the overlords are the farm program recipients. Overloads are not always millionaires. There are a lot of millionaires that are taken care of by the agents of the overlords.

Greenspan is an agent of the overlords. The Federal Reserve is part of a government banking industrial complex, and Greenspan sits on top of that. He guarantees that the banking overlords will always be taken care of, even if it means suffering for large numbers of Americans who are out there in the work force.

Greenspan makes certain that as the level of unemployment drops, if our economy is doing very well, lots of people are unemployed. Greenspan puts the brakes on, tightens up on the money and the investment lessens and unemployment goes up because people are not expanding industry. They cannot hire people, and the unemployment goes up. The suffering of workers becomes a barometer for progress for Greenspan, who is the head of the Federal Reserve Bank and the agent of the banking overlords.

So the overlords for agriculture, I suppose, the chief overlord is the Secretary of Agriculture. They got a whole lot of public complex boards and various entities that make judgments about who is going to get Farmers' Home Loan mortgage money, who is going to have money forgiven. I have talked before about the fact that we forgave $11 billion in Farmers Home Loan mortgages over a 5-year period. I still have not found out how the rules are made for forgiving loans in the Farmers Home Loan mortgage program. But obviously the rules are not for ordinary common Congressmen to know. I am not a member of the overlord group.

Agents of the overlords do not have to tell how they decide who gets all of this farm subsidy money, Farmers Home Loan mortgage money. But when it comes to my district, the 11th Congressional District in New York City, in Brooklyn, the 11th Congressional District has one of the poorest communities in America located within it. Brownsville is primarily made up of public housing units. There are about 20,000 people in Brownsville who live in public housing, some of the best public housing in the country, by the way, well-kept.

The New York City housing authority over the years, for the last 30 years, certainly since public housing expanded, has been one of the leading public housing authorities in the country in terms of the way public housing is operated and kept. A lot of problems, but still there is a long waiting list. People want to get that public housing in New York City. So, public housing is good housing for poor people in Brownsville.

They have to listen now to the Senator from Kansas, who happens to be the presidential candidate for the other party call public housing one of the last bastions of socialism. Agriculture, which funnels billions of dollars to the Ralph Clarks of the world, billions of dollars to agribusiness, is never seen as socialism, but now public housing is one of the last bastions of socialism. Well, perhaps it is, and my answer to that is it is good socialism. What is wrong with socialism for ordinary people? If you are going to have socialism for agribusiness, then why do we not have socialism for the homeless, socialism for the people who might be homeless if they did not have public housing. Socialism for senior citizens.

I was at a meeting last Friday called to take a look at what is happening here in Washington with the committee on housing and banking. The people in my district have been told that the Brook amendment, which says that no more than 30 percent of your income, if you are in public housing, you do not have to pay more than 30 percent of your income for rent. And that has been eliminated by the Republican majority in the House of Representatives. The Senate has not acted on it yet, but it has been eliminated by the Republican majority here in this House. So they are concerned.

Mr. Speaker, at that meeting the room was full of senior citizens. Yes, in the area of Brownsville, there are many young families also that live in public housing. But I suspect the problem with some of the younger families is that, unlike the senior citizens, they do not know of a time when they did not have the public housing. Every senior citizen in that room knew that when they were born, federally financed public housing did not exist. They know it did not exist before they were born. They know that it is possible to lose it, that when they die it may be gone. And they are ready to fight for it.

The people who take it for granted are the ones who came on the scene, they found public housing, and they really do not understand that it came out of Democratic efforts. It came out of the New Deal. It came out of Franklin Roosevelt's grand design to help poor people, the same Franklin Roosevelt that created public housing, socialism in housing, if you want to call planning, appropriating public funds, giving people housing according to their needs, charging them only according to their income, if you want to call that socialism, then that is one brand of socialism, I guess.

It is better than the brand of socialism that the Agriculture Department applies. Agriculture does not require people to be poor. Everybody who owns some land, by the fact that they own land, Mr. Clark owned thousands and thousands of acres, it did not stop him from getting large subsidies from the Agriculture Department. In fact, the more you own, the bigger you are, the more you get from the taxpayers of America, the more you get from the Government.

So that is a socialism you might call big belly socialism. The belly of that socialism is enormous. That socialism, indiscriminately showering its socialism on the rich and the few poor farmers left. Of course, there are a few poor farmers left in America, and we certainly want to see they get some kind of help from the Government. In fact, that is what Franklin Roosevelt intended when he created the farm subsidy program. The same man who created the subsidy program in housing created the subsidy programs in agriculture, all to help poor people. The same man who created subsidy programs in housing and subsidy programs in agriculture also created the Federal Deposit Insurance Corporation to safeguard the money that every American puts in the bank.

When Franklin Roosevelt, the Democrat, the New Dealer, the socialist, when he created the FDIC, the Federal Deposit Insurance Corporation, which is socialism in banking, you might say that the Federal Government stands behind your deposits, insuring that your deposits up to a certain point will not be lost because the Government stands behind it. When Franklin Roosevelt first created it, it was $10,000, a reasonable amount. The banking overlords took it over, and the banking overlords have raised the $10,000 amount up to $100,000. And the banking overlords can play the game so that it is $100,000 in each bank. If you are rich, you can go from bank to bank and you can end up with several million dollars in the banks insured by the FDIC so that the taxpayers are going to cover your millions of dollars under this socialized banking program.

Mr. Speaker, so socialism for banking is all right because the overlords benefit. Socialism for agriculture is all right because the overlords benefit. But all of a sudden socialism in housing is under attack and will be a leading target, one of the major targets in the coming political campaign. Socialism in housing, giving housing to poor people: Well, that also fits, I suppose in some kind of bizarre pattern, some kind of bizarre maze.

Mr. Speaker, we do not hear any attacks on the situation that created the monstrosity in Montana, the Freemen out there go home free. They are not being attacked. They are not being targeted. Probably the Democratic-Republican campaign in the coming election will completely ignore the economics of the situation that created the crisis in Montana. With a population of only 1,300 people, the taxpayers were being swindled out of $63 million in farm subsidy payments over a 10-year period.

□ 2200

Let me continue to read from the article about the standoff in Montana and show you how the standoff in Montana relates to the $23 billion in budget cuts that impact mostly on the poorest people of America and do not cut waste because these are the recipients of waste.

In the same period that Garfield County received $63 million in farm subsidy payments, the section of Jordan where the Clarks live, 76 farmers in that section, 76 farmers, received $7.3 million from 31 different farm subsidy programs.

I said before that there are a lot of different pieces in the farm racketeering setup, a lot of different pieces: The Farmers' Home Loan Mortgage, which is very seldom discussed. We talk about the farm subsidy program on the floor of the House a great deal, but we do not talk about all those other pieces. But there were 31 different farm subsidy programs that the racketeers in Ralph Clark's gang tapped into.

Continuing to read from the article, quote: "'What stands out about Ralph Clark is the complexity. Ordinarily a family farm is not that complicated.'

"Over a 10-year period, Federal checks went to 11 entities with interest in the main Clark homestead here—first, to Mr. Clark; then, from 1988 to 1993, to a corporation in which Mr. Clark was a stockholder, and then, in 1993 and 1994, to a revocable trust in which he had an interest.

"'Around 1992, they were setting up revocable trusts as a means of avoiding income taxes, State taxes,' Mr. Murnion, The County Attorney, said, referring to one of a series of strategies Mr. Clark tried over the last 15 years to avoid losing his farm."

"Mr. Clark's financial problems date to 1978, when, following the trend of the time, Mr. Clark borrowed heavily to expand his holdings, adding 7,000 acres to his original homestead."

Now, if you have the image of a struggling farmer out there in the New Deal days, when President Roosevelt first created the farm subsidy program, reaching out to the Federal Government to get much-deserved assistance to keep family farms alive, and then using that to maintain a family farm to not only take care of his own family but to provide to the overall economy, to keep the cost of food down, we know all the good things that flow from an agriculture program that is working properly, but not Mr. Clark. He went into heavy debt in order to expand his farm, which was already very large, by 7,000 additional acres.

In May of 1982, the Farmers' Home Administration, however, had to call in his entire outstanding debt of $825,000 because the greed, the greed that drove Mr. Clark to expand his farm, to buy more land, evidently was not based on anything sound. In fact, it was probably part of a racketeering plot. He knew the land he was using was not going to produce anything. They just wanted the money.

Why do I say that? I am only reading from the New York Times because in another section here I am going to skip, remember the entire article will be entered into the record, if you are interested, and I am going to skip to another section which describes the behavior of Mr. Clark in case you are weeping for the man who had his farm foreclosed because he owed the Federal Government $825,000 in outstanding debt. Do not weep. Save your tears for the people who are denied the minimum wage. Save your tears for the homeless out there who will have fewer public housing units. Save your tears for the people who really need it.

Mr. Clark, to continue reading from the article, quote, "When Mr. Clark and other Freemen farmers had money, they did not always spend it wisely, neighbors said. After winning one stay of foreclosure from the Farmers Home Administration, they recalled, he bought," Mr. Clark bought, "a Lincoln Continental. Bill Stanton, a 65-year-old neighbor who joined with the Freemen, was known by neighbors to have spent his Federal subsidy checks on things like a helicopter, a motor home and gambling trips to Las Vegas, Nevada, and the Bahamas."

Taxpayers, you want to know what you should get angry about? You want to know what should drive you into a rage? This is not atypical of the way farm subsidies, Farmers home loan mortgage money has been used.

Two years ago, we had an article on the front page of the Washington Post that talked about four millionaires, four or five millionaires; I do not remember the exact number; who were doing worse things than this. They had airplanes, they had airfields, they had all kinds of things that they were using the taxpayers' money to finance. Mr. Clark bought a Lincoln Continental, his neighbor bought a helicopter, a motor home, and he took gambling trips to Las Vegas, NV, and the Bahamas. But he is in the overlord group. No one is criticizing him. He will not be a target in the upcoming political campaign.

Agricultural socialism is acceptable socialism obviously, and the candidate who has said that we got to get rid of housing socialism is from a State where there are large amounts of this agricultural socialism.

I am sure in Kansas there are a large number of Randolph Clarks, probably smarter than Randolph Clark because they have not gone off their rocker. They have not completely lost their senses. Mr. Clark is such an overlord and has been an overlord for so long, he has gotten so much from the Government, that he really believes that he has a divine right. You are talking about a divine right of farmers to swindle the American taxpayers. That is what Mr. Clark is upset about. I have the right, and therefore the fact that I owe $825,000, why are you bothering me? You know, why come bother me after all these years of largess, of laying down millions of dollars? Why bother me? I am going to go to war.

So they are at war. They have got rifles. They are ready to kill people. Do not get between them and their right to the taxpayers' dollars.

Continuing to read from the article:

"In the 1980's, opposition to Federal aid became heresy here." In Jordan, where these people live, anybody who came along and said they opposed Federal aid was in trouble. There was a group that came along and talked about getting rid of Federal aid, and their windshield was smashed. A smashed windshield greeted Bob Scott, a Montana environmentalist, when he visited Jordan in 1987 to propose that local ranchers be weaned from Federal aid through the creation of a huge deer and bison hunting preserve.

Let me read that again. Here is an environmentalist who comes along who also obviously cares about waste in Government. He wants to see Government streamlined and downsized. He wants to see it done honestly. He does not want to see streamlining and downsizing done on the backs of people in public housing, done on the backs of children's lunch programs. He does not want to see streamlining done by decreasing the number of jobs available in the Summer Youth Employment Program.

You know this $23 billion that has been trimmed from the budget this year has come from the peasants on the bottom, the untouchables of America, and I use this because this is just a psychological labeling. It is the way things are developing. It is nothing very simple. You cannot put your hand on it. Persons untouchable today could be an overlord in a few years. In fact, that is part of why the old class warfare nomenclature does not apply. You cannot talk about America in terms of class warfare because the folks on the bottom are dreaming that one day they will be overlords, and therefore it governs the way they think, it governs the way they resist the overlords, and it governs the way they react to the agents of the overlord. Large numbers of people may think I may one day be an overlord, so let us leave the system in place. What they do not know is that the evidence has shown that there are fewer and fewer people rising from the bottom, the middle class, to become overlords.

At any rate, "Increasingly the subsidy checks became crucial for the survival of the Clark clan," quoting from the New York Times article. "Increasingly subsidy checks became crucial for survival of the Clark clan. In January 1994, the Clarks led a group of armed men to stone the county courthouse here. At issue was a Federal subsidy check that the former wife of Richard E. Clark, Ralph Clark's nephew, was seeking in a divorce payment."

They were fighting among themselves over a farm subsidy check, and they stormed the courthouse. It was the beginning of the great revolution of the Freemen in Montana.

It all relates, my colleagues. These people who say they want to get Government off their back, people who say that Government does not owe them anything, Government should not help anybody, God helps those who help themselves, leave me along, I will do my own thing. Thousands and thousands of them exist out there, receiving farm subsidy checks in large amounts. They say everybody else is the recipient of socialism, but they receive socialism in gigantic amounts.

The overlords, the agricultural overlords, they do not receive nearly as much money as the banking overlords. The oil industry overlords; we have higher gasoline prices right now. There are a dozen ways in which the Government could act to bring down the price of gasoline just by making it a level playing field for the consumers versus the oil industry. But oil prices have been kept inflated for a long time now in order to pay for investments and to pay certain rate of returns.

So the socialism of the oil industrial complex is why we are having a great increase in gasoline prices that will go on for a while, a little while, while they make large amounts of money, and they will cut it off because the outcry will be so great until they have to bring down the price of gasoline probably within about 3 or 4 weeks.

Anyway, I want to conclude this article. I did not mean to go on for so long. This is an article, I say for anybody who joined us late, that appeared in the Tuesday, April 30, today's New York Times, and it is labeled "Freemen Dependent on Subsidies, Evicted Antitax Ranching and Partners got $676,000 in U.S. Aid," and the article concludes by saying "Two weeks ago, surrounded by Federal agents, embittered by Federal justice and cut off from Federal aid, Mr. Clark ordered a follower to nail to his fence the manifesto," that proclaimed, quote, "Freemen are not a part of a de facto corporate prostitute, a.k.a. the United States."

The overlords of the agriculture industry have gone berserk, and they are biting the hand that has fed them for so long, and now they even want to get violent with the people who have fed them for so long.

Americans in the rest of the country, Americans who are not on the agricultural dole, listen carefully, understand where your money goes. Most of this was not cut. It is still flowing to people like Randolph Clark and to folks who are really much better than Randolph Clark but still they are willing to sit there and take the socialism of the agricultural industry and complain that they want to get Government off their back, complain about Government spending too much money on the homeless, they complain about Government providing jobs for poor kids during the summer. These same people are guilty of monumental hypocrisy, and the Representatives that come from their States are guilty of monumental hypocrisy when they go on the floor or go anywhere and make statements about public housing being the last bastion of socialism. Public housing may be good socialism, but it is not the last bastion. It is not the worst bastion, it is not corrupted bastion.

The corrupted bastion of socialism in America is agriculture. The overlords of agriculture must be examined very closely, the whole set of activities that are occurring in America based on the overlord assumptions, assumptions that certain people owe them more and more.

Have you ever read an article in the New York Times, the Washington, Post, or most of the establishment newspapers which criticized the corporations for making more profits?

□ 2215

On the contrary, when the corporations lay off people, downsize, streamline, merge, for whatever reason they lay off large numbers of people, they lay off thousands of people, the articles that appear on the editorial page are usually articles that say, we are sorry, we mourn the fact that people have been laid off; however, in the global economy, American corporations cannot survive unless they are tough. They cannot survive unless they do what they have to do. Unless they downsize or merge or streamline, they cannot continue to provide the good things that they provide to America.

The New York Times, the Washington Post, none of these entities are blind or stupid. They know that thousands of workers are being laid off. Why do they not write editorials and say that people are losing jobs as a result of these actions being taken by these corporations? What they are saying in the case of the proposal to raise the minimum wage is, Do not do it, it is silly, it is stupid, because people will lose jobs if you raise the minimum wage. The same newspapers that have no concern about the jobs that are lost as a result of merging, downsizing, and streamlining are very concerned about jobs that will be lost because we raise the minimum wage by 1996. The theory is that if you raise the minimum wage by 1996, employers out there will not be able to afford the workers, so they will lay off some; so crocodile tears are being cried about the possibility that people will be laid off because the economics of the situation are such that to give more to the people on the very bottom will produce a situation where people lose jobs.

If we are concerned about people losing jobs, let us start at the top and say, Do not have anymore streamlining, layoffs, or downsizing, because people will lose jobs. All of a sudden the media, the newspapers, have come to the aid of the overlords. They can do no harm by streamlining. If they want to make more profit, then they are applauded. That is great for America. But if you want to take care of the untouchables and the peasants down at the bottom all of a sudden, do not do it. We have an overlord versus the untouchables mentality.

I said last week that in too many activities the overlord versus untouchable mentality crops up. The people with disabilities in America are suddenly labeled as untouchables. We have a whole series of policies being formulated, being pushed by the Republican Party, going after people with disabilities. You want to go after their Social Security benefits, you want to go after them through Medicaid, and have them defined by each State as to who has a disability or not.

The latest attack on people with disabilities is an attack on children with disabilities. In my committee, the Committee on Economic and Educational Opportunities, a bill has just been passed by the subcommittee which deals with cutting back drastically on services, Federal assistance for children with disabilities. All of a sudden, they must save money here. We must trim money here for children with disabilities. We can no longer have a commitment by the Federal Government.

There is a commitment in the authorizing legislation which says that the Federal Government will pay 40 percent of the excess costs. The difference between what it costs to educate a child who does not have a disability and what you pay additional to educate a child who does have a disability, the Federal Government is committed by the authorizing language of the law to pay 40 percent. We have never paid that much, because the appropriation process has always kept it down. The most we pay is, we pay 8 percent. But 8 percent is still a sizeable commitment.

In the current legislation, it caught me by surprise, because when I spoke last week I did not realize that in the current legislation, somehow any discussion of the obligation of the Federal Government to that 40 percent has been omitted. Children with disabilities are on the bottom. They are untouchable in the eyes of the Republican majority here. They are not overlords. They do not deserve to be protected.

Let me just close by specifically looking at the overlord untouchable mentality at work, the attitude at work in the budget cuts last week; the final touch, the completion of the process for the budget for the fiscal year that began on October 1 of 1995. That is completed now, and as I said at the beginning, the Republican majority are happy. They are parading through the streets with a banner which says, "We cut the Federal programs. We cut the Federal Government by $23 billion." Let us take a look at those cuts in more detail.

In education, where at first they wanted to cut $5 billion out, but on the floor of this House there was a great campaign mounted to let the American people know the nature of those cuts. There are people who say that if you are in the minority, then who needs you? If you are in the minority, you are of no use to the Nation. But the campaign mounted by the minority, the Democratic minority, against the cuts in education is one example of why you always need the loyal opposition, why you always need a minority, because the interests of the people out there in the final analysis, if it is properly understood, if the people, if the voters understand where their interests lie, they will impact on the decisionmaking process in a democratic government.

It takes a lot of talking, a lot of illustrations, a lot of charts, a lot of repetition to do it, but it was done. So, $5 billion in proposed education cuts were beaten down. We did not get them because day after day, night after night, on the floor of this House, a campaign was mounted to educate the American people about what was happening and how harmful it would be to the children of America. From the school lunch cuts to the cuts in title I, the cuts in Head Start, we kept banging away at it.

There are people who say you waste time when you go on the floor during special orders, it is a waste of public money, et cetera. We get very little time during the regular session, so we need special orders. This House, with 435 Members, meets far less than the other body, which has 100 Members. The time spent on the floor by the other body is far greater than the time spent on the floor by this House. So we get the time we can get in order to educate the American people about what is going on.

It paid off. In the case of education, we beat back $5 billion in cuts to very vital programs, but we did not win totally. For $1 billion dollars was cut from the Pell grants. Pell grant carryover money was used to make up $1 billion. That was not known. That was a hidden cut. So you have the poorest college students, and Pell grants are for disadvantaged, low-income students, the poorest students contributed $1 billion in cuts that they did not know about.

The Perkins loan also took a substantial cut, from $176 million to $113 million. The money goes to disadvantaged students seeking college aid, again the untouchables people at the very lowest rungs, and they are the people who fueled this $20 billion in cuts.

In the Health and Human Services budget, the low-income heating assistance program lost $14 million. Yes, we did raise our voices about that, and I am glad that we beat back an effort to cut it totally, but they lost $14 billion.

In the housing area, which the Senator from Kansas is calling socialism today in the New York Times, there were 20 separate authorizing provisions put into the housing program. This is an appropriation bill, and the rule says you are not supposed to authorize on an appropriation bill, but rules and parliamentary procedure, democracy, in this Congress has all been thrown away long ago. So in the housing appropriations, there are 20 separate authorizing provisions, which move us closer and closer to the time when there will be no public housing as we know it.

HUD lost $1.1 billion in grants for homeless housing; $1.1 billion was taken away from grants to assist homeless people, $1.1 billion from the untouchables, the people at the very bottom. The Legal Services Corporation lost 31 percent of their funding. About a third of the neighborhood law offices will have to be closed across the country.

Legal services is for the poor, people on the very bottom who want to be able to take advantage of our great democracy and the court system. If you do not have a lawyer, it is usually impossible for you to do that. This is only for civil cases, not for criminal cases. A campaign was mounted by the Republican majority and it succeeded, so some of that $23 billion is to take away any legal assistance for poor people.

The Department of Labor took a 7-percent cut overall. The Department of Labor took a 7 percent-cut. The Department's deepest cuts, where did they fall? You can guess. The Department's deepest cuts fell in employment and training programs that help disadvantaged adults and laid-off workers. The deepest cuts fell in employment and training programs that help disadvantaged adults and laid-off workers. The pattern is clear. The untouchables, the people on the very bottom, not the overlords, have to bear the burden of the $23 billion in cuts.

We are still going to hear more later on about tax cuts, which is like giving to the overlords. That $23 billion we have cut out, we are going to take part of that and make a gift to the overlords in terms of a tax cut for the rich. Some of the other programs that were cut, I want to be specific about education, since education is the committee that I serve on.

We heard the gentleman before me talk about education and how it is awful that the Federal Government is involved in education to the extent that it is. Of all the industrialized nations, the United States of America is the least involved in education at the central government level. We give the least amount of money. Less than 7 percent of our education budget is supplied by the Federal Government.

They talk about the Federal Government trying to run our schools. If you are giving 7 percent of the money, and most of the programs that you fund with the money are voluntary, how can you be running local schools through the Federal Government? But they cut magnet schools. Magnet schools made a contribution of $16.5 million to the $23 billion cut.

Howard University, Howard University made a contribution of $22.3 million to the $23 billion cut. If you have a chessboard, you can look at the rook, the knight, the queen, et cetera, and you can see as they take it away—they took magnet schools off, they got that; they got Howard University; health professions, $19.6 million; Healthy Start, $11.2 million; dislocated workers assistance, $131 million; adult training, $146.8 million; I said Perkins loans before; State student incentive grants, $32 million; aid for institutional development lost $34 million; graduate fellowships lost $11 million.

Libraries, libraries get a very tiny amount of money in the total budget to begin with, they lost $11.7 million. The Center for Substance Abuse lost $118 million; substance abuse prevention lost $148 million; developmental disabilities, $7.6 million; the Administration on Aging, $46.6 million; vocational education, $22.9 million. The little people on the bottom lost. The overlords gained.

Mr. Speaker, I have to end on an optimistic note, so within all the darkness, there is some light at the end of the tunnel. I close with a final appreciation of the fact that our hard work paid off in education, and title I was not cut, so title I education funding is now at the same level as it was last year.

New York City schools will receive $395 million, an increase of $67 million over the $328 million level in the House-passed bill. If the House-passed bill had gone through we would have lost tremendous amounts of money, but we have now regained. We are where we were last year. The schools in New York will get the same amount of money.

Drug-free schools is restored at the 1995 level. Bilingual education, $75 million has been added to the House level for a total of $128 million. This is an increase over what the House had cut before. New York City will receive $15.3 million of that bilingual education funding.

Summer jobs, unfortunately, I have overstated that in the last week. I thought we were exactly at the same level, but we are going to lose some jobs because the amount of money received by New York City will not be $29.9 million which was received last year, it will be $21 million, which means it will be a pretty substantial cut in the number of jobs that youngsters will be able to get this year. After all, they are on the bottom. These are poor, disadvantaged youngsters, part of untouchable class, not part of the overlords. So they have been cut. They have to make their contribution to the $23 billion in downsizing.

□ 2230

The good news is that Head Start received additional money and New York City will receive $97 million, an increase of $3.8 million over last year's figure.

There is one place where we gained, Head Start for poor children, one place where the untouchables, the people at the bottom were able to gain. Cops on the Beat, $1.4 billion is included for Cops on the Beat, compared to zero that the House had cut it to at one time which means that New York City will likely get about 2,200 additional police officers.

The good news is that when you fight and you really raise your voice and you carry the message to the American people, the American people out there in all those 435 congressional districts have a lot of common sense, and they will respond. Obviously they responded to the districts of Democrats and Republicans and they let it be known they did not want the cuts in education. They understood what was happening. It was not so complicated. And they decided that we, the ordinary people, do not want the cuts. "Don't treat us the way you treat other untouchables. Treat us the way you treat overlords. We don't want the cuts."

Mr. Speaker, I will enter in its entirety in the RECORD the article that appeared in the New York Times on today, April 30, entitled "Dole Calls Public Housing One Of Last Bastions of Socialism."

Mr. Speaker, I close with one negative note. In addition to cutting $23 billion, the Appropriations Committee in the overlord atmosphere, they acted like agents of overlords and they usurped the power of the authorizing committees and they got rid of a concept called Opportunity to Learn Standards. It is just a concept really because it was in the Goals 2000 legislation and it said that in addition to testing children to see how much they have learned, in addition to establishing standards across the country so that you could compare what is being taught from one State to another and then testing young people from one State to another, to compare to see how they are doing, you ought to also have something called Opportunity to Learn Standards so that you look at from one State to another what opportunities to learn are being provided. Are you providing decent schools, safe buildings that do not have lead poisoning and asbestos? Are you providing laboratories for science teaching and science equipment? Are you providing library books that are up to date so that kids are not reading books 30 years old and history and geography which do not have the latest countries that have been established over the last 15 years in them? Are you providing qualified teachers so that you do not have a situation like the one in New York City which 3 years ago a survey showed that in three-quarters of the city where Latino and African-American children went to school, all the teachers of math and science had not majored in math and science in college so they were not qualified to teach math and science in junior high school so the kids went into high school crippled because of the fact they did not have a good foundation in junior high school. Opportunity to Learn Standards would have taken care of that.

The arrogant Appropriations Committee abused its power and it went into authorizations. It cut out the Opportunity to Learn Standards. We debated this for 6 months when the bill was reauthorized. We argued with the Senate in conference for 2 more months. It was a deliberative process which concluded with language that kept the concept in there and educated Americans as to what is happening overall in educational reform. The arrogant, abusive, over-lord-minded Appropriations Committee cut it out. It reduces the rest of us and all the authorizing committees to untouchables in the Congress. We do not have any real power. In the final analysis all decisions are going to be made by the Appropriations Committee. It bodes ill for the process.

The overlord philosophy, the overlord ideology will destroy democracy in America if we do not confront it. Understand what is happening. There are overlords, and there are untouchables. America was built for everybody, made for everybody, and we have to go to war. I do not mean physical war but political war to make certain that the overlords do not dominate and destroy us. Overlords must be stopped first in the budget process and in the appropriations process.

[From the New York Times, Apr. 30, 1996]

FREEMAN DEPENDED ON SUBSIDIES

EVICTED ANTI-TAX RANCHER AND PARTNERS GOT $676,000 IN U.S. AID

(By James Brooke)

JORDAN, MT, April 26.—Striding to the edge of Ralph E. Clark's ranch here recently, a Freeman in a cowboy hat nailed to a fence post a manifesto denouncing the Federal Government as a "corporate prostitute."

But tarnishing this image of rugged individualism, a new study of Federal payments indicates that over the last decade Mr. Clark and his ranch partners received $676,082 in Government checks to cushion a variety of farming setbacks: droughts, hailstorms and low prices for wheat wool and barley. The flow of Federal money was not enough to prevent foreclosure on the ranch two years ago, but Mr. Clark refused to leave, setting the stage for a siege that is now in its fifth week.

"They were dependent on the helping hand of Government, just like everybody else up there in agriculture," said Kenneth Cook, president of the Environmental Working Group, a nonprofit group in Washington that researches farm subsidy programs.

"But even by standards of agriculture, hundreds of thousands of dollars over 10 years—that's substantial," added Mr. Cook, whose analysts compiled the figures on Friday after weeks of studying computer files on farm subsidy checks issued by the Department of Agriculture from 1985 to 1994.

Documents filed at the Garfield County Courthouse also offer glimpses into the heavy reliance on Government aid by the 65-year-old farmer who now symbolizes the anti-government Freemen group. In the 1994 foreclosure sale of Ralph Clark's 960-acre homestead, court documents show that Mr. Clark signed a 10-year contract in 1990 to receive an annual payment of $48,269 under the Conservation Reserve Program. Payments were made through 1994 the Environmental Working Group said.

Under this program, highly popular in Montana, farmers agree to suspend production on steep slopes and other land highly subject to erosion, planting it with grass that will not be grazed or cut for hay. Critics of the program, which began in 1985, often call it "paying farmers not to farm."

"You'd be a fool not to take it," Nick Murnion, the Garfield County Attorney, said of the subsidy money. Referring to the Clark clan's skill in winning subsidy payments, he added, "Everybody in the country knows that's what they have been doing."

With a population of only 1,300 people, Garfield County received $63 million in farm subsidy payments from 1985 to 1994, the Environmental Working Group said. In the same period in Brusett, the section of Jordan where the Clarks live, 76 farmers received $7.3 million from 31 different farm subsidy programs.

"What stands out about Ralph Clark is the complexity," said Clark Williams, an analyst for the Washington group. "Ordinarily, a family farm is not that complicated."

Over a 10-year period, Federal checks went to 11 entities with interest in the main Clark homestead here—first to Mr. Clark; then, from 1988 to 1993, to a corporation in which he was a stockholder, and then, in 1993 and 1994, to a revocable trust in which he had an interest.

"Around 1992, they were setting up revocable trusts as a means of avoiding income taxes, state taxes," Mr. Murnion, the County Attorney, said, referring to one of a series of strategies Mr. Clark tried over the last 15 years to avoid losing his farm, which had been in his family since 1913.

Mr. Clark's financial problems date to 1978 when, following the trend of the time, he borrowed heavily to expand his holdings, adding 7,000 acres to his original homestead. But interest rates soared to 21 percent in 1979, drought struck in 1980 and hail flattened his wheat and barley crops in 1981. By May 1982, the Farmers Home Administration was calling in his entire outstanding debt of $825,000.

"Someone like Ralph didn't start out hating the system," recalled Sarah Vogel, a lawyer who helped him to postpone foreclosure in 1982 and who is now North Dakota's Agriculture Commissioner. "He was a genuine, old timey rancher, who grew up without a telephone, who used to deliver mail by horseback because they didn't have roads."

In dealing with the Federal bureaucracy, Ms. Vogel recalls, Mr. Clark labored under a hidden handicap: he had never learned to read or write. "He never admitted it," she said. "I remember driving to the hearing, and he said, 'I forgot my glasses at home, could you tell me what that street sign says?'"

To handle the paperwork of modern farming, he relied on his wife, Kay, or on his son, Edwin.

Ms. Vogel's defense of Mr. Clark drew an article in Life magazine and a report by Geraldo Rivera on the ABC News program "20/20." Following this publicity, charitable donations flowed from around the nation to help the beleaguered farmer. Neighbors said financial help and counseling also came in the late 1980's from Farm Aid, a support group now in Cambridge, Mass.

"Ralph flunked out of grade school, but he had an ability to mesmerize people," said Cecil Weeding, a neighboring rancher who is married to Mr. Clark's sister Ada. "He was a natural con man."

When Mr. Clark and other Freemen farmers had money, they did not always spend it wisely, neighbors said. After winning one stay of foreclosure from Farmers Home Administration, they recalled, he bought a Lincoln Continental. Bill Stanton, a 65-year-old neighbor, who joined the Freemen, was known by neighbors to have spent his Federal subsidy checks on things like a helicopter, a motor home and gambling trips to Las Vegas, Nev., and the Bahamas.

In the 1980's, opposition to Federal aid became heresy here. Jordan, with only 450 people, is at the center of a semi-desert expanse called the Big Open, where 3,000 people are scattered over 15,000 square miles.

A smashed windshield greeted Bob Scott, a Montana environmentalist, when he visited Jordan in 1987 to propose that local ranchers be weaned from Federal aid through the creation of a huge deer and bison hunting preserve. "I remember the Clarks as the ones being the most xenopobic, with the most bizarre ideas," Mr. Scott recalled in a telephone interview from his home in Missoula. "One of the Clarks said we were a cult group that was going to bring AIDS into the area."

Increasingly, subsidy checks became crucial for the survival of the Clark clan. In January 1994, the Clarks led a group of armed men to storm the county courthouse here. At issue was a Federal subsidy check that the former wife of Richard E. Clark, Ralph Clark's nephew, was seeking in a divorce payment.

But time was running out for the Clarks in the conventional courts of the land. On April 14, 1994, Ralph Clark's homestead farm was sold for $50,0000 to an out-of-state creditor bank. In October 1995, K.L. Bliss, a local rancher, paid $493,000 for the 7,000-acre spread that Mr. Clark bought nearly 20 years earlier.

But two years ago, Mr. Clark gave up on the courts and stopped leaving his farm. From his homestead, renamed "Justus Township," he signed his name to a series of pronouncements setting up a parallel "common law" system of marshals and grand juries. According to the Federal Bureau of Investigation, the Clark farm compound also began to compete with the Federal Reserve, issuing its own currency in the form of millions of dollars in bogus checks.

Two weeks ago, surrounded by Federal agents, embittered by Federal justice and cut off from Federal aid, Mr. Clark ordered a follower to nail to his fence the manifesto that proclaimed: "Freemen are NOT a part to the de facto corporate prostitute a/k/a/ the United States."

DOLE CALLS PUBLIC HOUSING ONE OF 'LAST BASTIONS OF SOCIALISM'

(By Adam Nagourney)

WASHINGTON, April 29.—Senator Bob Dole called today for an end to Government-assisted housing programs, terming public housing "one of the last bastions of socialism in the world" and attacking the Clinton Administration for regulatory excess that he likened to the "thought police."

Mr. Dole called for the elimination of the Department of Housing and Urban Development, and declared that Government had an obligation to maintain basic services for the poor, but he added: "These programs have failed in that mission. They have not alleviated poverty. They have not; in fact, they've deepened it.

"Public housing is one of the last bastions of socialism in the world. Imagine, the United States Government owns the housing where an entire class of citizens permanently live. We're the landlords of misery."

With his speech to a convention of real estate agents here this morning, the presumptive Republican Presidential nominee signaled his third attempt in two weeks to define differences between himself and President Clinton. And again, he did so by portraying the two men as occupying opposite ends of the ideological spectrum. He had previously attacked Mr. Clinton's record of judiciary appointments, and over the weekend, he called for a rollback of the 4.3 cent gasoline tax that Mr. Clinton had pushed through as part of the 1993 deficit-reduction package.

Mr. Dole's remarks about public housing were at the heart of a speech that included both a broad range of criticism of Mr. Clinton's record as well as a defense of Mr. Dole's ties to the Republican Congress. Aides to the Kansas Senator believe that Mr. Dole's recent political difficulties, suggested by his poor standing in public opinion polls, have been caused, at least in part, by his association with House Republicans and the difficulties he has encountered in trying to run the Senate as majority leader while running for President.

Mr. Dole made clear today that he intended neither to step down from his position in the Senate, nor to step away from his colleagues in the House. "I've read lately that all those radical ideas that we had are the reasons we may be in difficulty," said Mr. Dole. "First of all, I don't think we're in difficulty but secondly, they're not radical ideas."

He mentioned in particular the attempts by Congress to balance the budget over seven years. "We thought it was a pretty good idea," Mr. Dole said, "and it wasn't radical, wasn't some crackpot idea that Newt Gingrich and Bob Dole thought of at midnight some—one night, and said, 'Oh, let's do this,' And we did it."

Still, Mr. Dole's speech showed the difficulties he has encountered trying to find a middle ground between Mr. Clinton's policies and those of conservative Republicans in Congress. Even as he pointedly rejected suggestions that his political difficulties were caused by this association with Mr. Gingrich, Mr. Dole made a point of saying that he thought Government "has an obligation to maintain a safety net."

And even as he offered a broad criticism of the Department of Housing and Urban Development he offered some praise for the organization he was attacking. "I think we've certainly downsized it a great deal, and I've said before we could abolish it," Mr. Dole said. "But I think their goals are commendable. They want to reduce the number of homeless; they want to expand housing opportunities and open housing markets to minorities."

Mr. Dole suggested that the public housing programs be replaced with a system of vouchers, under which people eligible for public housing assistance would be awarded certificates that they could use to pay for rent in private housing.

To clear the way for the elimination of the housing agency, Mr. Dole proposed that homeless assistance programs should be transferred to the Department of Health and Human Services, and enforcement efforts be turned over to the Department of Justice.

Henry G. Cisneros, the Secretary of Housing and Urban Development, said that his department had tried to push the voucher program through, but had encountered resistance from Republicans in Congress. He rejected Mr. Dole's statement as "election-year simplistic answers. What about all those units, and all those people, and what has been a 60-year consensus on house policy?"

Beyond policy, Mr. Dole singled out for criticism a senior official in the Department of Housing and Urban Development—Roberta Achtenberg—as an example of liberal excesses. He noted that she has lead an effort by HUD to investigate groups that had fought the agency's efforts to build public housing.

Mr. Dole was referring to two instances in which HUD investigated citizens who sought to block public housing projects by writing letters of protest and gathering petitions.

Both investigations were scaled back in response to criticism, on orders of Mr. Cisneros. Mr. Dole, recounting the incident today, likened HUD to the thought police and said that in his administration, "There is no room for discrimination, but there will also be no room for intimidating and intrusive actions."

Ms. Achtenberg was the only HUD official Mr. Dole mentioned by name. Her appointment was noteworthy because she was the highest-level open lesbian appointed by the President, and her appointment has been opposed by some conservative Republicans, notably Senator Jesse Helms of North Carolina, who is a longtime friend and supporter of the Kansas Senator. Mr. Dole's aides said the Senator has singled her out only because she was in charge of the department behind these inquiries, and they were not trying to revive the controversy over her appointment.

CORRECTION OF THE CONGRESSIONAL RECORD OF THURSDAY, APRIL 25, 1996—CONFERENCE REPORT ON H.R. 3019, BALANCED BUDGET LOAN DOWN PAYMENT ACT

For consideration of the House Bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

Bob Livingston,
John Myers,
Bill Young,
Ralph Regula,
John Edward Porter,
Hal Rogers,
Joe Skeen,
Frank R. Wolf,
Barbara Vucanovich,
Jim Lightfoot,
Sonny Callahan,
James T. Walsh,
David R. Obey,
Louis Stokes,
Tom Bevill,
John P. Murtha,
Charles Wilson,
Bill Hefner,
Alan Mollohan,

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

John Edward Porter,
Bill Young,
Ernest Istook,
Dan Miller,
Jay Dickey,
Frank Riggs,
Roger F. Wicker,
Bob Livingston,
David R. Obey,
Louis Stokes,
Steny Hoyer,
Nancy Pelosi,
Nita M. Lowey,

Managers on the Part of the House.

Mark O. Hatfield,
Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Connie Mack,
Richard C. Shelby,
James M. Jeffords,
Robert F. Bennett,
Ben Nighthorse Campbell,
Robert Byrd,
Daniel K. Inouye,
Fritz Hollings,
J. Bennett Johnston,
Patrick J. Leahy,
Dale Bumpers,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Harry Reid,
J. Robert Kerrey,
Patty Murray,

Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing vote of the two Houses on the amendment of the Senate to the bill (H.R. 3019) making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effects of the action agreed upon by the managers and recommended in the accompanying report.

Report language included by the Senate in the report accompanying S. 1594 (S. Rept. 104-236) which is not changed by the conference are approved by the committee of conference. The statement of the managers while repeating some report language for emphasis, is not intended to negate the language referred to above unless expressly provided herein.

TITLE I—OMNIBUS APPROPRIATIONS DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

Sec. 101.(a).—The text of the language included under section 101(a) of this conference agreement represents the final agreement on appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies for fiscal year 1996, with the exception of those Department of Justice General Provisions that were enacted into law in Public Law 104-99. It marks the end of the process that began with H.R. 2076, reported by the House Committee on Appropriations (H. Rep. 104-196) on July 19, 1995, and passed by the House on July 26, 1995. The bill was then reported by the Senate Committee on Appropriations (S. Rep. 104-139) on September 12, 1995, and passed by the Senate on September 29, 1995. The conference report (H. Rep. 104-378, * print) was filed on December 1, 1995, and adopted in the House on December 6, 1995, and in the Senate on December 7, 1995. The President vetoed the bill on December 19, 1995, and on January 3, 1996, although a majority of the House voted for the conference report, the House did not override the veto by the required two-thirds vote. Since that time, funding for many of the programs in this bill has been provided on a temporary basis, although a number of critical law enforcement, judicial, consular, diplomatic security, and small business programs were provided full-year spending authority. While this conference agreement includes the full text of the fiscal year 1996 Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill, with the exception noted above, much of the language is identical to the language included in the conference report on H.R. 2076. As a result, only the changes from the conference report on H.R. 2076 are addressed in the statement of managers that follows. With the exceptions that follow, the statement of managers in the conference report on H.R. 2076 (H. Rep. 104-378, * print) and the applicable portions of the House and Senate reports on H.R. 2076, remain controlling and are incorporated by reference.

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $74,282,000 for General Administration, as provided in both the House and Senate bills. The conference agreement also includes a provision that modifies the language, proposed in the House bill and not included in the Senate bill, that limits the number of positions and amounts for the Department Leadership program. The conference agreement does not limit funding under the Department Leadership program to the Offices of the Attorney General and the Deputy Attorney General, as proposed in the House bill. The Senate bill did not include this provision.

COUNTERTERRORISM FUND

The conference agreement includes $16,898,000 for the Counterterrorism Fund, as provided in both the House and Senate bills. The conferees understand that balances of $24,445,000 remain available from the 1995 Supplemental Appropriation, Public Law 104-19, for authorized purposes of this Fund. The Senate bill included a provision in Title III which designated $7,000,000 for emergency expenses to enhance Federal Bureau of Investigation (FBI) efforts in the United States to combat Middle Eastern terrorism, including efforts to prevent fundraising in the United States on the behalf of organizations that support terrorism to undermine the peace process. These funds would have been available only pursuant to an official budget request that declares the funds to be an emergency.

The conferees support the purposes set forth in the Senate amendment. However, the conferees have not included the emergency appropriation for the FBI proposed by the Senate because the conferees were informed that the Department of Justice did not plan to submit an emergency request for funding as required by the Senate bill and the Department of Justice currently has sufficient funding available to enhance the FBI's efforts to combat the flow of dollars to support Middle Eastern terrorism. The conferees note that there are funding balances available in the Department of Justice Counterterrorism Fund which can be applied to this effort. Accordingly, the Attorney General is directed to submit a proposal by May 15, 1996 to the House and Senate Committees on Appropriations to reprogram no less than $4,000,000 in funds from the Counterterrorism Fund to enable the FBI to carry out enhanced efforts in the United States to combat Middle Eastern terrorism, and specifically to enhance FBI efforts to prevent fundraising on behalf of organizations that promote terrorism.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

The conferees are concerned about growing detention needs identified by the Marshals Service in many areas of the country. The conferees understand that the General Services Administration is planning a shared-use detention facility adjacent to the new courthouse in Portland, Oregon, and expect the Department of Justice to fully cooperate in this planning effort.

SALARIES AND EXPENSES, COMMUNITY RELATIONS SERVICE

The conference agreement provides $5,319,000 for the Community Relations Service (CRS) as proposed by both the House and Senate. The conferees have also agreed to include a provision added by the Senate, which allows the transfer of additional amounts, pursuant to reprogramming requirements under section 605, if the Attorney General determines that emergent circumstances require additional funding for conflict prevention and resolution activities. The language included in the Senate bill has been modified to assure that the transfer will not be subject to limitations that apply to other Department of Justice transfers.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes $2,407,483,000 as proposed by both the House and Senate. Of the amount in the House and Senate bills, $9,500,000 was provided for the FBI to purchase DNA equipment for State and local forensic laboratories. The conferees have agreed to expand the allowed use of these funds, and make up to the full $9,500,000 available for a new State Identification Grants project which would allow States to purchase computerized identification systems that are compatible and integrated with the National Crime Information Center and the Integrated Automated Fingerprint Identification Systems of the FBI. Funds would only be available for this new purpose upon enactment of an authorization. The Senate bill, in section 118, included the authorization and funding for this program. The House bill did not contain a provision on this matter.

The conferees have also included a technical change to clarify that funds provided for the Department of Justice Working Capital Fund to support the NCIC 2000 project are in addition to funds provided under this heading.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $810,168,000 for the salaries and expenses of the Drug Enforcement Administration (DEA) as proposed by the Senate, instead of $805,688,000 as proposed by the House. The additional funds are to support DEA's enforcement activities on the Southwest border and in rural communities.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

The conference agreement includes a technical change to amounts made available through fiscal year 1997, to reflect a bipartisan, bicameral agreement with the Administration on INS training and hiring priorities for fiscal year 1996, as proposed by both the House and Senate bills. The conference agreement also corrects a technical error in the amounts allocated under the Violent Crime Reduction Trust Fund, as proposed by both the House and Senate bills.

Realignment of Border Patrol positions from interior stations.—The conferees are concerned with the manner in which INS is developing its plan to realign Border Patrol positions from the interior to the front lines of the border. In an effort to balance the goal of the Congress to add 1,000 Border Patrol agents to the front lines of the border and the concerns of the Department of Justice and INS over the ability to hire and train a growing workforce of inexperienced agents, the Committees provided resources for 800 new Border Patrol agents and the realignment of 200 Border Patrol agent positions from interior locations to the front lines of the border. On February 1, 1996, the Committees provided guidance to the Department of Justice on how INS should implement this realignment. Specifically, the Committee directed that any agent redeployment to the border should not create a void in the INS enforcement presence in interior locations and that the backfill plan for affected interior posts should include the following considerations: (1) personnel/relocation issues of agents currently occupying interior positions; (2) the appropriate mix of personnel required to maintain the current functions and activities in interior locations; and (3) the number of INS personnel in interior locations should be maintained unless local law enforcement and other elected officials have had an opportunity to review and comment on any proposed reduction in personnel at any of these posts. The conferees are aware that there is concern in some communities about the potential effect of removing a uniformed presence of immigration officers from these locations. The conferees recognize that in some interior stations, particularly those located in Southwest border States, the "mix" of personnel should not be limited to INS officers, but should be comprised of a balanced mix of both Border Patrol agents and INS officers, with each carrying out the functions for which they are trained. The conferees therefore direct INS to adjust any preliminary plans to realign all Border Patrol agent positions from any one interior location to address the need to continue the functions and activities at current levels that require uniformed Border

Patrol agents. Furthermore, the conferees expect INS to submit a redeployment plan that addresses these concerns for approval by the Committees on Appropriations of both the House and Senate by May 15, 1996.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

The conferees are aware of a recent report issued by the National Institute of Corrections (NIC) which identifies serious problems with regard to the District of Columbia Department of Corrections operation of and facilities located at the Lorton Correctional Complex. Pursuant to the relevant section of the District of Columbia Appropriations Chapter, the conferees direct that the Bureau of Prisons spend $200,000 of the amount provided for the NIC to do a study, on behalf of the District of Columbia, for alternatives to correct the problems identified in the recent NIC report. The conferees direct that this plan be completed by December 31, 1996 and forwarded to the President, Congress, and the District of Columbia Financial Responsibility and Management Assistance Authority.

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

Local Law Enforcement Block Grant.—The conference agreement includes $503,000,000 for the Local Law Enforcement Block Grant program, instead of $1,903,000,000 as proposed by the House and $783,000,000 as proposed by the Senate. Of this amount, the conference agreement provides $11,000,000 for the Boys and Girls Clubs of America, $15,000,000 for the Metropolitan Police Department in Washington, D.C. and up to $18,000,000 for drug courts subject to the reprogramming requirement in section 605. The Senate bill included $20,000,000 for the Boys and Girls Clubs of America, $20,000,000 for the Metropolitan Police Department in Washington, D.C. and $25,000,000 for drug courts. The House bill did not include separate earmarks for these programs.

As proposed in both bills, the conference agreement provides that the funding will be distributed to local governments under the allocation and purposes set forth in H.R. 728, as passed by the House of Representatives on February 14, 1995, with some modifications included in the conference report on H.R. 2076. The conferees have added language to recognize Puerto Rico as a unit of local government for the purpose of allocation of these funds and have added language prohibiting the use of grants awarded under the block grant as matching funds for any other Federal grant program.

The conferees have also agreed that the funding provided under the block grant for Boys and Girls Clubs of America is made available for the same purposes and in the same manner as funds appropriated under previous appropriations acts for the Department of Justice and will continue to be matched at no less than the same ratio to private sector funds for the establishment of new Boys and Girls Clubs. The conferees expect that this funding will provide at least 100 new Boys and Girls Clubs to serve up to 100,000 children throughout the United States.

In addition, the conferees are aware of the negative impact that the financial crisis in the Nation's Capital has had on the Metropolitan Police Department's ability to effectively fight crime and have provided $15,000,000 specifically for this purpose, in lieu of any funds that would have been available under the formula allocation of the block grant. This is of great concern to the citizens of the city, the Mayor, the District Council, the D.C. Financial Responsibility Authority and the Congress. The amounts provided are intended to support the priorities identified by the Chief of Police to supplement budgeted amounts for the MPD as part of a long-range strategy. The conferees agree that the allocation of these funds is to be made by the Chief of Police, after appropriate consultation with the Committees on Appropriations and the Committees on Judiciary of both the House and Senate. The conferees have included language requiring that these funds, as other Federal funds appropriated to the District, are to be held by the Control Authority and allocated to the MPD by the Authority, based on compliance with the Chief of Police's plan.

The conference agreement does not include $80,000,000 for the Crime Prevention Block Grant program authorized in Subtitle B of title III of the 1994 Crime Bill, as proposed by the Senate. The House bill did not include funding for this program.

COMMUNITY ORIENTED POLICING SERVICES

VIOLENT CRIME REDUCTION TRUST FUND PROGRAMS

The conference agreement includes $1,400,000,000 for Community Oriented Policing Services (COPS), instead of $975,000,000 as proposed by the Senate and no funding for this program as proposed by the House. Of the amount provided, $10,000,000 is included for the Police Corps program. The conferees have also included a technical change referencing the authorizations for the Police Corps program under the 1994 Crime Bill, as proposed by the Senate.

The conferees agree that the funding provided should be used for the purpose of providing grants which will yield at least 19,000 additional police officers on the street in order to reach the goal of 100,000 additional police officers by the year 2000 which will require similar funding levels in fiscal years 1997 through 1999 with the balance to be funded in the year 2000. The conferees note that with this funding, two years into the six-year Community Policing program, at least 45,000 police will have been hired. A clear path to achieving the mutual objective of putting more police on the street has been established. In addition, the conferees have provided $503,000,000 for the Local Law Enforcement block Grant that should provide for even more police being hired at an even faster pace.

The conferees agree that the primary objective of COPS funding is to hire new police officers in the most cost-effective manner possible. The conferees direct that, from this point forward, the COPS office use grant funds to the maximum extent possible to hire more police, and should not use these funds for non-hiring projects. Funding for these purposes, such as equipment, training and overtime, is available to localities through the Local Law Enforcement Block Grant and need not be duplicated under this program. The conferees have also included language that limits the amount spent on program management and administration to 130 positions and $14,602,000.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

The conference agreement includes the following General Provisions for the Department of Justice that were not enacted into law under Public Law 104-99. The conferees have also included language under section 616 to reinforce that the General Provisions for the Department of Justice enacted under section 211 of Public Law 104-99 shall continue to remain in effect. A Department of Justice legal opinion dated February 27, 1996, states that all the General Provisions for the Department of Justice included in the conference report on H.R. 2076, with the exception of section 114, were enacted into law under Public Law 104-99 on January 26, 1996. The Senate bill repeated all general provisions, except for sections 116 through 119 which were permanent changes to law, and the House bill did not include any of the general provisions with the exception of section 114.

The conferees note that under section 106, which is currently enacted in law, the Department of Justice was provided the authority to spend up to $10,000,000 for rewards for information regarding acts of terrorism against the United States. The conferees agree that the Attorney General, before making any international reward, should continue to consult and coordinate with the Secretary of State.

Sec. 114. The conferees have agreed to include section 114 and have revised the language proposed in the House and Senate bills which authorizes a new Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program to replace the program currently authorized in Title II of the Violent Crime Control and Law Enforcement Act of 1994. The House bill included the revised Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program as passed in the conference report on H.R. 2076. The Senate bill included a revision to the language included in the conference report on H.R. 2076.

As provided in both the House and Senate bills, the conference agreement includes $617,500,000 under the Violent Crime Reduction Programs for State and Local Law Enforcement Assistance for this provision. Of the funds provided, and after amounts allocated for incarceration for criminal aliens, the Cooperative Agreement Program and incarceration of Indians on Tribal lands, $403,875,000 is available for State Prison Grants and the administration of this program.

The conferees agree that the Violent Offender Incarceration and Truth-in-Sentencing Incentive Grants program should reward and provide an incentive to States that are taking the necessary steps to keep violent criminals off the streets. The conferees further agree that the program currently authorized in the Violent Crime Control and Law Enforcement Act of 1994 fails to provide an adequate incentive for States to adopt tougher sentencing policies. The conferees are also concerned that sufficient seed money to States is needed to encourage States to adopt truth-in-sentencing. Thus, of the amount available, the conferees have agreed that 50 percent would be set aside for Truth-in-Sentencing Grants and the remaining 50 percent would be distributed as General Grants to all states that qualify. Under the revised language, States would no longer be forced to choose between mutually exclusive grant programs. States qualifying for Truth-in-Sentencing Grants would receive those funds in addition to any General Grant funds they are eligible to receive. The conferees further intend that in the future the percentage of prison grant funds dedicated to General Grants should decline in order to provide a greater incentive for States to adopt truth-in-sentencing policies.

The conferees have therefore adopted language that provides that all States that provide assurances to the Attorney General that the State has implemented, or will implement, correctional policies and programs that (a) ensure that violent offenders serve a substantial portion of the sentences imposed; (b) are designed to provide sufficiently severe punishment for violent offenders, including violent juvenile offenders; and (c) ensure that the prison time served is appropriately related to the determination that the inmate is a violent offender and for a period of time deemed necessary to protect the public, will receive "seed" funding to increase their capacity of prison space. A State will receive additional funding from General Grants if the State can demonstrate that, in addition to the above assurances, the State has (a) increased the number of persons sentenced to prison who have been arrested for violent crimes; or (b) increased the sentences of persons convicted of violent crimes or the average prison time actually served; or (c) increased by over 10 percent over the last three years the number of persons sent to prison for committing violent crime.

A State will be eligible to receive a Truth-in-Sentencing Grant in addition to General Grant funding it is eligible for, if the State has adopted truth-in-sentencing laws which require persons sentenced to prisons for violent crimes to serve at least 85 percent of their sentence. In addition, if a State practices indeterminate sentencing, that is, a State in which the sentence imposed by the court may involve a range of imprisonment, it may be eligible to receive a Truth-in-Sentencing Grant if (1) the State has "sentencing and release guidelines" (which refers to guidelines that by law are utilized both by courts for guidance in imposing a sentence and by parole release authorities in establishing a presumptive release date when the offender has entered prison) and violent offenders serve on average not less than 85 percent of the period to the presumptive release date prescribed by these guidelines, or (2) the State demonstrates that violent offenders serve on average not less than 85 percent of the maximum prison term allowed under the sentence imposed by the court.

The revised language included in this section authorizes $10,267,600,000 for fiscal years 1996 through 2000 for States to build or expand correctional facilities for the purpose of incapacitating criminals convicted of part I violent crimes, or persons adjudicated delinquent for an act which if committed by an adult, would be a part I violent crime. It does not allow funds to be used to operate prisons as provided in the current program and it requires a ten percent match by the State instead of a 25 percent match as included in the current program. The conferees agree that in developing criteria for determining the eligibility for funding to build or expand bedspace, the Department of Justice should include a requirement that States demonstrate the ability to fully support, operate and maintain the prison for which the State is seeking construction funds.

Other provisions of the new authorization require that States share up to 15 percent of the funds received with counties and other units of local government for the construction and expansion of correctional facilities, including jails, to the extent that such units of local government house state prisoners due to States carrying out the policies of the Act. In addition, under exigent circumstances, States may also use funds to expand juvenile correctional facilities, including pretrial detention facilities and juvenile boot camps. In order to be eligible for grants, States are also required to implement policies that provide for the recognition of the rights and needs of crime victims.

In addition, of the total amount provided, $200,000,000 is available for payments to States for the incarceration of criminal aliens. The conferees intend that this funding should be merged with and administered under the State Criminal Alien Assistance Program (SCAAP), including the normal authority to utilize up to one percent of the funds for administrative purposes. The conferees expect the Department of Justice to provide these funds to eligible States in a timely manner.

Sec. 120.—The conference agreement includes a new general provision, as proposed by the Senate as section 116, which extends the Department of Justice's pilot debt collection project through September 30, 1997. The House bill did not include this provision.

Sec. 121.—The conference agreement includes a new general provision, proposed by the Senate as section 117, which amends the 1994 Crime Bill to define "educational expenses" to be funded under the Police Corps program. The conference agreement modifies the language proposed by the Senate to assure that the course of education being pursued under this program is related to law enforcement purposes. The House bill did not include this provision.

Sec. 122.—The conference agreement includes a technical correction, similar to section 109 as proposed by the Senate, to the U.S. Code citation regarding the Assets Forfeiture Fund to conform to changes enacted into law under Public Law 104-66 and Public Law 104-99 and to ensure the intended effect of these changes. The House bill did not include this technical correction.

DEPARTMENT OF COMMERCE AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

TRADE AND INFRASTRUCTURE DEVELOPMENT

U.S. TRAVEL AND TOURISM ADMINISTRATION

The conference agreement, like the House and Senate bills, does not include funding for the U.S. Travel and Tourism Administration. Its functions are in the process of being transferred to the International Trade Administration, and no further funding is required.

ECONOMIC AND INFORMATION INFRASTRUCTURE

NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes language proposed by the Senate clarifying the authority of the Secretary of Commerce to charge federal agencies for spectrum management, analysis, operations and related services, which was not addressed in the House bill, and making technical changes to language included in the House bill regarding the retention and use of all funds so collected.

SCIENCE AND TECHNOLOGY

NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY

INDUSTRIAL TECHNOLOGY SERVICES

The conference agreement includes $301,000,000 for Industrial Technology Services, of which $80,000,000 is for the Manufacturing Extension Partnership (MEP) program, and of which $221,000,000 is for the Advanced Technology Program (ATP). The House bill included $80,000,000 for the MEP, and $100,000,000 in contingent appropriations for ATP. The Senate bill included $80,000,000 for MEP, and $235,000,000 in contingent appropriations for ATP.

The amount provided for ATP in this agreement represents the Commerce Department's most recent estimate of the amount required to pay for continuation grants required in fiscal year 1996 for ATP awards made in fiscal year 1995 and prior years. The conferees are agreed that the Commerce Department and NIST should accord highest priority to honoring these prior year commitments. The Department shall submit a plan indicating how it intends to spend the funds available for ATP this year within 30 days of the enactment of this Act.

The conferees remain supportive of biotechnology research and innovation centers which provide technical and financial assistance, education and training to help create and promote promising new companies. The conferees note that the Department has previously provided support for these centers in several States, including Massachusetts, and believe that such support is in keeping with the Department's mission of promoting both economic and trade opportunities. Therefore, the conferees believe that the Department should make available sufficient funds for continuing operations of these centers at levels consistent with previous years.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes a direct appropriation of $1,792,677,000 for the National Oceanic and Atmospheric Administration's Operations, Research, and Facilities account, as proposed by the House, instead of $1,799,677,000 as proposed by the Senate. The conference agreement does not include $7,000,000 proposed in the Senate bill for the Global Learning and Observations to Benefit the Environment program. The House bill and the conference agreement do not include funding for this program.

In addition, the following clarifications of issues in the statement of managers accompanying the conference report on H.R. 2076 are provided:

The conferees do not expect NOAA to undertake a deep ocean isolation study during fiscal year 1996.

Funds for mapping, charting, and geodesy services are to be used to acquire such services through contracts entered into with qualified private sector contractors when such contracts are the most cost-effective method of obtaining those services.

Because of the reduced funding level for the fleet and the emphasis on contracting for services, the conferees would like NOAA to submit a plan for purchases of fleet vessel equipment prior to expending funds for this purpose.

The conferees agree with language included in the Senate report on H.R. 2076 regarding NOAA utilization of the UNOLS (university) fleet for its research needs.

The conferees strongly concur with the House, Senate, and joint House/Senate conference reports to H.R. 2076 regarding NMFS and NOAA actions on sea turtle conservation and shrimp fishery issues except that the conferees direct that any revisions, if necessary, that are based on the NMFS November 14, 1994 or subsequent Biological Opinions shall include the results of the independent scientific peer review and alternatives for lessening the economic impact on the shrimp fishing industry as directed in both the House and Senate reports to H.R. 2076. Additionally, the conferees direct NMFS and the Department of Commerce to provide within 30 days of enactment of this Act a detailed written report to the Committees on Appropriations that includes: (1) the results of the independent peer review of the NMFS November 14, 1994 Biological Opinion on sea turtle conservation as directed in the conference report to H.R. 2076; (2) the findings and recommendations of the scientific expert working group directed to be established in the House and Senate reports to H.R. 2076; (3) the results of the meetings with the shrimp fishing industry and the conservation community as directed by the House and Senate reports to H.R. 2076; and (4) conclusions of the economic impact analysis directed to be completed in the House and Senate reports to H.R. 2076. The conferees are concerned that NOAA and the Department of Commerce are proceeding with additional restrictions on the shrimp fishery before the results of these analyses and reviews are completed and despite NMFS and Coast Guard data confirming that shrimp fishermen are complying with existing fishing restrictions at a 97 to 99 percent rate.

Technology Administration

Office of the Under Secretary/Office of Technology Policy

SALARIES AND EXPENSES

The conference agreement provides $7,000,000 for the Office of Technology Policy, instead of $5,000,000 as proposed by the House, and $5,000,000 and an additional $2,000,000 in contingent appropriations as proposed by the Senate.

The $2,000,000 provided over the House amount, which is also $2,000,000 over the amount provided in the conference report on H.R. 2076, is to be used to support the civilian technology initiatives with which the Technology Administration is involved, including international science and technology policy assessment, industrial competitiveness studies, support for the U.S./Israel Secretariat and the National Medal of Technology. The funds are not intended to be used to supplant the need for the downsizing of employment that is nearing completion in the Technology Administration.

The Senate bill provided an additional $2,000,000 in contingent appropriations for the U.S.-Israel Science and Technology Commission, which is not included in the conference agreement. As provided in both the House and Senate reports on H.R. 2076, the Committees continue to support the U.S.-Israel Science and Technology Commission. The conferees expect the Commerce Department to provide its commitment of $2,500,000 for this program in fiscal year 1996 from within available resources, subject to the standard transfer and reprogramming procedures set forth under sections 205 and 605 of this section of the bill.

General Provisions—Department of Commerce

Sec. 206. The conference agreement does not include language proposed by the Senate to prohibit the use of funds by the Secretary of Commerce to issue final determinations under the Endangered Species Act. The House bill contained no provision on this matter under this Chapter. Language on this issue is not necessary under this Chapter because the issue is being addressed on a government-wide basis under the Department of Interior and Related Agencies Chapter.

Sec. 210. The conference agreement includes a modified general provision proposed by the House, but not in the Senate bill, to prohibit the use of funds to develop or implement new individual fishing quota, individual transferable quota, or individual transferable effort allocation programs until offsetting fees to pay for the cost of administering such programs are authorized. The House provision applied only to individual transferable quota programs. In addition, the conference agreement adds language not in the House bill to clarify that the restriction does not apply to any program approved prior to January 4, 1995.

Sec. 211. The conference agreement includes a general provision, similar to language proposed under title III of the Senate bill, to amend Section 308(d) of the Interjurisdictional Fisheries Act of 1986 to increase flexibility in providing grants to commercial fishermen for uninsured losses resulting from a fishery resource disaster arising from a natural disaster. The changes from the language proposed by the Senate are designed to provide further assurances that any fishing boat bought back under this program must be scrapped or otherwise disposed of in a way that prevents the boat from reentering any fishery. The House bill contained no similar provision

Sec. 212. The conference report includes a general provision, not in either bill, giving the Secretary of Commerce authority to award contracts for mapping and charting activities in accordance with the Brooks Act, Title IX of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 541 et seq.). The statement of managers accompanying the conference report on H.R. 2076 indicated that the conferees expected NOAA to award contracts in accordance with this Act, but the Department has indicated that statutory language is required to carry out the conferees' intent.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

Administration of Foreign Affairs

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement, like the House and Senate versions of H.R. 3019, strikes language included in the conference report on H.R. 2076 which prohibited the extension of machine readable visa fees after April 1, 1996. In section 112 of Public Law 104-92, a full year extension of the authority to collect the fee was enacted into law.

The statement of managers in the conference agreement on H.R. 2076 (H. Rep. 104-378) contained an incorrect description of the contents of the agreement relating to funding for the Diplomatic Telecommunications Service (DTS). That conference report included language that provided $24,856,000 for DTS operation of existing base services, and not to exceed $17,144,000 for enhancements to remain available until expended, of which $9,600,000 was not to be made available until expiration of 15 days after submission of the pilot project report. The conferees have agreed to reduce the amount withheld from $9,600,000 to $2,500,000.

SECURITY AND MAINTENANCE OF UNITED STATES MISSIONS

The conference report includes $385,760,000 for Security and Maintenance of United States Missions, as proposed in both the House and Senate bills, but does not include an additional contingent appropriation of $8,500,000 as proposed in title IV of the Senate bill.

The additional rescission in this account proposed by the Senate is addressed separately under the Rescissions section.

International Organizations and Conferences

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

The conference agreement includes $892,000,000 for Contributions to International Organizations, to pay the costs assessed to the United States for membership in international organizations, compared to $700,000,000 and an additional $158,000,000 in contingent appropriations in the House bill, and $700,000,000 and an additional $223,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes language withholding $80,000,000 of the total provided, to be made available on a quarterly basis upon certification by the Secretary of State that the United Nations has taken no action to increase funding for any United Nations program without identifying an offsetting decrease elsewhere in the United Nations budget and cause the United Nations to exceed its no growth budget for the biennium 1996-1997 adopted in December, 1995. The House bill contained a proviso withholding one-half of the proposed contingent funding for this account until the Secretary of State certified that the United Nations had taken no action to cause it to exceed its no growth budget for the biennium 1996-1997 adopted in December, 1995. The Senate bill contained no provision on this matter.

From within the funds provided under this heading, funding is to be provided at the full fiscal year 1996 request level to the International Atomic Energy Agency, the World Trade Organization, the North Atlantic Treaty Organization, and the related North Atlantic Assembly. Funding is also provided at the full fiscal year 1996 request level to the United Nations to fully fund the United States commitment at the 25 percent assessment rate provided that the certifications that it is not overspending its no-growth budget are made. No funds are to be provided to the United Nations Industrial Development Organization, the Inter-American Indian Institute, the Pan American Railway Congress Association, the Permanent International Association of Road Congresses, and the World Tourism Organization. Should the requested funding level, which is provided in this conference agreement, fall short of actual assessments, the shortfall should be allocated among the remaining organizations and be prioritized according to the importance of each international organization to the national interest of the United States.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

The conference agreement includes $359,000,000 for Contributions for International Organizations, compared with $225,000,000 and an additional $2,000,000 in contingent appropriations in the House bill, and $225,000,000 and an additional $215,000,000 in contingent appropriations in the Senate bill.

In addition, the conference agreement includes a technical correction in language included in the conference report on H.R. 2076, as proposed in both the House and Senate versions of H.R. 3019.

The conference agreement retains the limitations on expenditure of these funds, as contained in both the House and Senate bills and the conference report on H.R. 2076.

RELATED AGENCIES

Arms Control and Disarmament Agency

ARMS CONTROL AND DISARMAMENT ACTIVITIES

The conference agreement includes $38,700,000, instead of $35,700,000, as proposed by the Senate, and $32,700,000, as proposed by the House.

UNITED STATES INFORMATION AGENCY

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

The conference agreement does not include bill language proposed by the Senate to provide $1,800,000 to the Mike Mansfield Fellowship Program. The House bill contained no provision on this matter.

While the conferees have not included the language proposed by the Senate, they have agreed that the USIA shall disburse funds in the amount of $1,800,000 to the Mansfield Center for Pacific Affairs to cover the Center's costs in fully implementing the Mike Mansfield Fellowships including the posting of seven 1995 fellows and their immediate families in Japan in order that the fellows may work in a Japanese government agency for one year, preparation and training for ten 1996 fellows, the recruitment and selection of the ten 1997 fellows, and attendant administrative costs.

GENERAL PROVISIONS—DEPARTMENT OF STATE AND RELATED AGENCIES

Sec. 405. The conference agreement provides a full-year waiver of the limitation on operations of the Department of State, the U.S. Information Agency, and the Arms Control and Disarmament Agency in the absence of an authorization, as proposed in the Senate bill. The House bill included a waiver until April 1, 1996.

The conference agreement does not include a provision, included in the Senate bill as section 407, to extend the authorization for the Au Pair program through the year 1999. The House bill contained no similar provision. This provision is not required, because a free-standing two-year authorization for the program has been enacted into law (P.L. 104–72).

Sec. 407.—The conference agreement includes language, as provided in both the House and Senate bills, to allow the Eisenhower Exchange Fellowship Program to use one-third of earned but unused trust income each year for three years beginning in fiscal year 1996.

Sec. 410.—The conference agreement includes a provision authorizing continuing contract authority for the construction of a USIA international broadcasting facility on Tinian, Commonwealth of the Northern Mariana Islands, as proposed by the Senate bill. The House bill contained no similar provision.

The conferees agree that prior to the award of a contract for this facility, USIA is required to submit a final plan for this facility, including expected cost, construction time, funding requirements, and expected utilization of the facility, according to the standard reprogramming requirements of the Committees on Appropriations of the House and the Senate, the House International Relations Committee, and the Senate Foreign Relations Committee.

Sec. 411.—The conference agreement includes language proposed in section 3010 of the Senate bill relating to the Arms Control and Disarmament Agency that makes unexpended carryover appropriated in fiscal year 1995 for activities related to the implementation of the Chemical Weapons Convention available for ACDA operations. The House bill contained no provision on this issue.

RELATED AGENCIES

COMPETITIVENESS POLICY COUNCIL

SALARIES AND EXPENSES

The conference agreement includes $50,000 for the Competitiveness Policy Council instead of $100,000 as proposed by the Senate and no funding as proposed by the House. The conference agreement also includes language stating that this is the final Federal payment to the Council. As a result, the conferees expect the Council to use the remaining funds to proceed with the orderly termination of the Council.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

The conference agreement provides $185,709,000 in total resources for the Federal Communications Commission, $10,000,000 more than provided in the conference report on H.R. 2076 and in the House bill, and $10,000,000 less than provided in the Senate bill. The additional $10,000,000 over the House bill is to be derived from increased fees and is being provided to the Commission to cover costs associated with implementation of the Telecommunications Act of 1996.

The conference agreement also includes bill language revisions to the FCC fee schedule relating to ten specific television broadcasting fee categories, as proposed in the Senate bill. The House bill contained no similar provision.

The conference agreement includes language, not in either the House or Senate bill, to allow the Federal Communications Commission to address an issue that appears to present unique circumstances that require immediate attention. WQED, which operates two non-commercial stations in Pittsburgh, Pennsylvania, has indicated it is in financial difficulty, and is seeking the opportunity to obtain a determination on an expedited basis as to whether it could convert one of its stations to a commercial station and then assign the license for the station, using the proceeds to relieve its financial difficulties. The language included in the conference report addresses this situation by assuring speedy consideration of the issue by the FCC. The language requires the FCC to make a determination on a petition submitted by WQED within 30 days, and gives the FCC the authority to provide WQED the relief it is seeking as one of the options that the FCC can consider in making its determination.

The Conference agreement does not include language proposed in the Senate bill requiring the FCC to pay the travel-related expenses of the Federal-State Joint Board on Universal Service, but the conferees expect that these expenses will be covered within the additional resources provided by the agreement. The House bill contained no similar provision.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

The conference agreement provides $278,000,000 for the Legal Services Corporation, as proposed by the House, instead of $300,000,000 as proposed by the Senate. In addition, the conference agreement does not include $9,000,000 in additional contingent appropriations, as proposed by the Senate under title IV of the Senate bill.

Within the total amounts provided, the conferees agree that the funds should be distributed as follows: (1) $269,400,000 for basic field programs and required independent audits carried out in accordance with section 509; (2) $1,500,000 for the Office of Inspector General; and (3) $7,100,000 for management and administration. The conferees are aware that the Legal Services Corporation has recently identified $400,000 in prior year carryover funds. The conferees expect the Committees on Appropriations of the House and Senate to be notified prior to any further expenditure of these funds in accordance with section 605 of this Act. The conference agreement does not include language, proposed by the Senate, for payment of attorneys fees for a specific civil action.

The Legal Services Corporation historically has distributed funding for basic field programs (for all eligible clients) on an equal figure per poor person based on the 1990 census, with an exception that adjusts the formula for certain isolated states and territories. The conferees are encouraged that the Corporation has worked expeditiously to distribute funding on a competitive award basis, and urge the Corporation to continue implementation of the system that has been developed to continue providing grants to all eligible populations.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

The conference agreement includes language proposed by the Senate under section 504 to provide an exception to the prohibition contained therein that would permit recipients of LSC grants to use funds derived from non-Federal sources to comment on public rulemakings or to respond to a written request for information or testimony from a governmental body, so long as the response is made only to the parties that make the request and the recipient does not arrange for the request to be made. The House bill contained no similar exception to the prohibition contained in the bill.

The conference agreement corrects a code citation in section 504(a)(10)(c), as proposed in the Senate bill. The House bill contained the code citation provided in the conference report on H.R. 2076.

The conference agreement includes language under section 508 to allow for the collection of attorneys fees for cases or matters pending prior to enactment of this Act. This provision does not allow the collection of attorneys fees for any new or additional claim or matter not initiated prior to enactment of this Act. Neither the House nor Senate bill contained a provision on this matter.

The conference agreement makes a modification to language included in section 508 in both the House and Senate bills to provide for a limited transition time for LSC grantees to dispose of pending cases and matters initiated prior to enactment of this Act, which would now be prohibited under this Act. The agreement provides LSC grantees until August 1, 1996 to dispose of all such cases.

The conference agreement contains modifications to language in section 509 proposed by the Senate related to the procedures by which LSC grantees are audited and the manner in which recipients contract with licensed independent certified public accountants for financial and compliance audits. Also included are modifications to language proposed by the Senate to clarify that only the Office of the Inspector General shall have oversight responsibility to ensure the quality and integrity of the financial and compliance audit process. Language is also included, as proposed by the Senate, to clarify the Corporation management's duties and responsibilities to resolve deficiencies and noncompliance reported by the Office of the Inspector General. Further, language is included, as proposed by the Senate, authorizing the Office of the Inspector General to conduct additional on-site monitoring, audits, and inspections necessary for programmatic, financial and compliance oversight. The House bill contained the provisions included in the conference report on H.R. 2076.

OUNCE OF PREVENTION COUNCIL

The conference agreement includes $1,500,000 for the Ounce of Prevention Council as proposed by the Senate. The House bill did not include funding for this organization.

GENERAL PROVISIONS

Sec. 609. The conference agreement includes a general provision prohibiting use of funds to pay for expansion of diplomatic or consular operations in Vietnam unless the President certifies within 60 days that Vietnam is cooperating in full faith with the U.S. on POW/MIA issues. The conference report on H.R. 2076 and the House bill contained a provision prohibiting use of funds unless the President certifies that Vietnam is fully cooperating with the U.S. on these issues. The Senate bill did not include a provision on this matter.

Sec. 616–617. The conference agreement includes two provisions clarifying the relationship of provisions in the Commerce, Justice, and State, the Judiciary, and Related Agencies appropriations bill to several full-year provisions provided in previous continuing resolutions and the Balanced Budget Downpayment Act, I.

The Senate bill included a provision repealing the section of the Balanced Budget Downpayment Act, I that set out the operating rates for programs funded under the Commerce, Justice, and State the Judiciary, and Related Agencies appropriations bill.

The House bill included a provision, section 105, that addressed the relationship of the provisions of this bill to previous year 1996 appropriations measures for all the appropriations bills included in H.R. 3019.

RESCISSIONS

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

(RESCISSION)

The conference agreement includes a rescission of $64,500,000 from balances in the Acquisition and Maintenance of Buildings Abroad account, compared with a rescission of $60,000,000 included in the conference report on H.R. 2076 and proposed in the House bill and a rescission of $95,500,000 proposed in the Senate bill.

DISTRICT OF COLUMBIA

Section 101(b) of H.R. 3019 provides appropriations for programs, projects and activities provided for in the conference report (House Report 104–455 filed January 31, 1996) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546). The conference report was adopted in the House of Representatives on January 31, 1996, but was not voted on by the Senate because of a filibuster. The Senate voted on a motion to invoke cloture and close further debate on four separate occasions. The required 60 votes were not attained on any of those votes which occurred on February 27, 1996 (54–44); February 29, 1996 (52–42); March 5, 1996 (53–43); and March 12, 1996 (56–44). H.R. 3019 as passed the House on March 7, 1996, did not include funding for the District of Columbia government; however, the bill as passed the Senate on March 19, 1996, included the conference report (House Report 104–455) that accompanied H.R. 2546 with certain modifications that are explained later in this statement. The language and allocations set forth in House Report 104–294, Senate Report 104–144, and House Report 104–455 are to be complied with unless specifically addressed to the contrary in the accompanying bill and statement of the managers. The conference agreement also includes various technical changes to headings and section references.

D.C. CHARTERED HEALTH PLAN, INC.

The conferees note that language in section 3008 of H.R. 3019, the Omnibus Consolidated Rescissions and Appropriations Act of 1996, under the jurisdiction of the Subcommittee on the Departments of Labor, Health and Human Services, and Education, provides a waiver to the D.C. Chartered Health Plan, Inc., a private provider of managed health care in the District that was established in 1988 and provides health care to 40 percent of the Medicaid AFDC beneficiaries in the District.

INFANT MORTALITY

The conferees are deeply concerned that the status of infant mortality and morbidity in the Nation's Capital continues to be the poorest in the United States. The Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriations Act for fiscal year 1991 (H.R. 5257) included funds in the budget for the National Institute of Child Health and Human Development (NICHD) "to conduct research on pregnancy and perinatology with special emphasis on the determinants and consequences of environmental contributions, including crack cocaine abuse, to the low birth weight and infant mortality problems in the District." (Senate Report 101–516, page 118). The report further states that "The plan should include research projects * * * and the means to contract with a local host institution to provide the clinical facilities associated infrastructure to operate them".

The conferees request that the NICHD continue its research on pregnancy and perinatology as directed in Senate Report 101–516 and conduct its study within the jurisdictional bounds of the Nation's Capital as spelled out in that report. Further, the conferees urge NICHD to solicit bids only within the District of Columbia, consistent with the intent of Congress as originally reflected in Senate Report 101–516.

D.C. CANINE FACILITY

As noted on page 120 of the conference report (House Report 104–455) that accompanied the District of Columbia Appropriations Act, 1996 (H.R. 2546), the Metropolitan Police Department has had a long-standing need to construct a modernized canine training facility at a location near D.C. Village. The funding for this project has been available for some time; however, for various reasons construction of the facility has been delayed and contract bids have been allowed to expire. The conferees have been informed that the District government has identified approximately $750,000 for construction of the facility and again is proceeding with the required contracting procedures. The schedule provided by District officials calls for the contract to be awarded in July with construction to begin immediately thereafter so that the facility can be occupied by February 1997. The conferees direct District officials to expedite this long overdue project and to immediately advise the House and Senate Committees on Appropriations of any delays. District officials are requested to provide monthly progress reports with detailed explanations for deviations from the schedule. The reports are to be provided to the House and Senate Committees on Appropriations on the first day of each month following the enactment of this Act.

The present canine facility being used by the Metropolitan Police Department is located on property that is being transferred to the Architect of the Capitol as required by Public Law 98–340 and referenced in section 1565 of this Act. For several years the plan has been to use the existing facility, when it becomes available, for the U.S. Capitol Police who have been occupying temporary structures while waiting for the Metropolitan Police to move to their new quarters. During the transition period while the new D.C. canine facility is being constructed, the conferees believe that co-location of the Metropolitan Police and the U.S. Capitol Police canine forces is more economical than providing two separate facilities. The conferees therefore direct the Metropolitan Police Department to share the existing canine facility at D.C. Village with the U.S. Capitol Police and its canine training program. The conferees request monthly reports from both police forces on the status of this sharing arrangement. The first report is due April 30, 1996, with subsequent reports due on the last day of each month until the Metropolitan Police move into the new D.C. canine facility.

TITLE I—FISCAL YEAR 1996 APPROPRIATIONS

FEDERAL CONTRIBUTION FOR EDUCATION REFORM

The conference action deletes this paragraph and the Federal appropriation of $14,930,000 instead of reallocating the low-income scholarship funding of $5,250,000 to repair, modernization, maintenance and planning consistent with subtitles A and F of title II of the bill, the August 14, 1995, recommendations of the "Superintendent's Task Force on Education Infrastructure for the 21st Century", and the June 13, 1995, "Accelerating Education Reform in the District of Columbia: Building on BESST" (which is the acronym for the Superintendent's educational reform agenda "Bringing Education Services to Students") as proposed by the Senate.

GOVERNMENTAL DIRECTION AND SUPPORT

The conference action includes a proviso transferred from the deleted paragraph "Education Reform" that directs the District government to enter into negotiations with Gallaudet University for the purpose of transferring the Hamilton Junior High School building from the District's public school system to Gallaudet. The conferees expect that such a transaction, which would require the agreement of both Gallaudet and the District government, would result in substantial proceeds being made available for improving the District's public school facilities in the same ward. The Hamilton School, which is in the midst of the Gallaudet campus, was appraised at approximately $4,000,000 in 1990, though it may be worth somewhat less at present. There is some evidence that the title to the land on which Hamilton is located is vested in the Federal government. The conferees are hopeful that a mutually satisfactory arrangement can be worked out voluntarily between the two parties, with area students the beneficiaries.

EDUCATION REFORM

The conference action deletes this paragraph which appropriated $14,930,000 from the District's general fund for Education Reform initiatives. The proviso in this paragraph relating to Gallaudet University has been transferred to the heading "Governmental Direction and Support".

GENERAL PROVISIONS

Lorton Correctional Complex.—The conference action amends section 151 of H.R. 2546 (House Report 104–455) concerning the Lorton Correctional Complex to reflect the findings of a report dated January 30, 1996, issued recently by the National Institute of Corrections (NIC) which identifies very serious problems with the operation, management, and physical plant. The amendment agreed to by the conferees addresses many of the concerns raised by the NIC report and conforms the initial language to changed timetables. Subsection (a) added by the conferees directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop a plan for short-term improvements on a limited number of administrative and physical plant reforms that can be completed within a three to five month time-frame. The language also requires the NIC to submit their report to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than September 30, 1996. Subsection (b) directs the NIC acting for and on behalf of the District of Columbia to hire a consultant to develop at least four optional long-term plans for the Lorton Correctional Complex, including: (1) a plan under which the Lorton Correctional Complex will be closed and inmates transferred to new facilities constructed and operated by private entities; (2) a plan under which the Lorton Correctional Complex will remain in operation under the management of the District of Columbia subject to such modification as the District considers appropriate; (3) a plan under which the Federal government will operate the Lorton Correctional Complex and the inmates will be sentenced and treated in accordance with guidelines applicable to Federal prisoners; and (4) a plan under which the Lorton Correctional Complex will be operated under private management. The language also requires the NIC to submit their report to the President, the Congress, the Mayor, and the District of Columbia Financial Responsibility and Management Assistance Authority no later than December 31, 1996.

Adoptions by unmarried couples.—The conference action deletes section 152 of H.R. 2546 (House Report 104-455) that would have prohibited adoptions by unmarried couples except in those cases where one of the individuals was the natural parent.

Chief Financial Officer powers.—The conference action inserts a new section 152 effective during fiscal years 1996 and 1997 which clarifies certain duties and responsibilities of the Chief Financial Officer to enable the CFO to exercise his authority with the independence called for under Public Law 104-8, approved April 17, 1995, which created the District of Columbia Financial Responsibility and Management Assistance Authority and established the Chief Financial Officer position. The Treasurer of the District, the Controller of the District and the head of the Office of Financial Information Services were placed under the CFO's authority by Public Law 104-8. The clarifying language places the directors of the Office of the Budget and the Department of Finance and Revenue as well as all other District of Columbia executive branch accounting, budget, and financial management personnel under the CFO's authority thereby providing the CFO with control over all financial activities of the District government as envisioned by Public Law 104-8. All of these individuals will be appointed by, serve at the pleasure of, and act under the direction and control of the CFO.

Property conveyance.—The conference action inserts a new section 156 requiring the transfer of certain property to the Architect of the Capitol. Public Law 98-340, approved July 3, 1984, provided for a multi-jurisdictional land exchange to allow the Washington Metropolitan Area Transit Authority to complete construction of the Green Line, which was the last segment of the region's rapid rail system. This land exchange resulted from a decision to place a Metro station and parking facility across the Anacostia River near the juncture of the South Capitol Street Bridge and I-295, and involved the Washington Metropolitan Area Transit Authority, the District of Columbia, the National Park Service, and the Architect of the Capitol. The Agreement, which was entered into 12 years ago, included a commitment by the District of Columbia to transfer a portion of D.C. Village to the Architect of the Capitol in exchange for land under the Architect of the Capitol's jurisdiction that was transferred for the Metro facility. All work called for under the Agreement has been completed, including the relocation of Shepherd Parkway. The conferees have included language in section 156 of this Act which requires the District government to provide the Architect of the Capitol with a deed for the property in accordance with the Agreement not later than 30 days after the enactment of H.R. 3019.

TITLE II—DISTRICT OF COLUMBIA SCHOOL REFORM

The conference action amends the District of Columbia school reforms reflected in the conference report (House Report 104-455) on H.R. 2546, the District of Columbia Appropriations Act for fiscal year 1996. the conference agreement deletes "Subtitle C—Even Start"; "Subtitle G—Residential School"; and "Subtitle N—Low-Income Scholarships" that were included in House Report 104-455. The conference agreement incorporates the provisions of "Subtitle H—Progress Reports and Accountability" that was included in House Report 104-455 as the last two sections of subtitle A. The conference agreement also incorporates many of the provisions of "Subtitle J—Management and Fiscal Accountability" and "Subtitle K—Personal Accountability and Preservation of School-Based Resources" into various general provisions under title I. The remaining sections of subtitles J and K have been consolidated into a new "Subtitle G—Management and Fiscal Accountability; Preservation of School-Based Resources".

Recently, the Council of the District of Columbia passed D.C. Bill 11-318, the Public Charter Schools Act of 1996. On March 26, 1996, the Mayor returned the bill to the Council without his signature. In his letter the Mayor states that "The legislation creates extensive regulations for proposed charter schools without providing significant independent authority." His letter further states "In addition, proposed charter schools might not have available to them certain regional and central system support provided to other schools within the system." The conferees are committed to ensuring that charter schools become a reality in the District and have therefore included Subtitle B—Public Charter Schools, in title II of the conference agreement. This subtitle addresses the concerns expressed by the Mayor.

The conference agreement includes residential education as a program that can be provided in a public charter school and requires the District to provide the $130,000 prorata share of Public Charter School Board operating expenses for the remainder of fiscal year 1996. In addition, the conferees note that other portions of this conference agreement provide the U.S. Department of Education with additional funds to support charter school activities in the various states. The conferees intend that the Department provide the District of Columbia with appropriate financial and technical assistance to support the start-up of the Charter School Board.

The conference agreement amends "Subtitle D—World Class Schools Task Force" by changing the letter designation from "D" to "C" and including language to provide funding authorizations in fiscal year 1997. The conference agreement also makes other technical changes in dates as appropriate.

The conferees are deeply concerned about the state of the facilities in the District of Columbia public school system. Subtitle E—School Facilities Repair and Improvement, calls for the U.S. General Services Administration to provide technical assistance to the District of Columbia public schools in the development of a facilities revitalization plan. It also provides waivers to allow private companies to donate materials and services to rehabilitate school facilities. The conference agreement includes narrowly drawn waivers to ensure that private employees may donate their services. The language also ensures that employees of the District of Columbia government will not be called upon to "volunteer" to provide services for which they would be paid as a part of their employment.

The conferees encourage the District of Columbia Public Schools in their efforts to establish a residential school to serve the residents of the District of Columbia. The conferees look forward to having the thoughts and plans of the Superintendent and other school officials during consideration of the District's fiscal year 1997 budget and financial plan. Without the availability of Federal funds, the authorizing language included in the conference report (House Report 104-455) on H.R. 2546 as "Subtitle G—Residential School" has been deleted.

The conferees believe that leveraging private sector funds to provide the public schools with access to state-of-the-art technology and implementing a regional workforce training initiative are essential to creating a model public education system in the Nation's Capital. In the absence of Federal funds for fiscal year 1996, the conferees have amended the authorizations included in the conference report (House Report 104-455) on H.R. 2546 for these programs to begin in fiscal year 1997. The conference agreement deletes section 2704(e) "Professional Development Program for Teachers and Administrators" that had been included in the conference report (House Report 104-455) on H.R. 2546.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Section 101(c) provides fiscal year 1996 appropriations for the Department of the Interior and Related Agencies which are effective upon enactment of this Act as if it had been enacted into law as the regular appropriations Act.

The conference agreement on section 101(c) incorporates many of the provisions of the conference agreement on H.R. 1977, House Report 104-402. Report language and allocations set forth in the conference agreement on H.R. 1977 that are not changed by the conference agreement on section 101(c) of H.R. 3019 are approved by the committee of conference. The report language and allocations adopted by the conference agreement on H.R. 1977 are unchanged unless expressly provided herein.

TITLE I—DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

MANAGEMENT OF LANDS AND RESOURCES

$567,453,000 is appropriated for Management of Lands and Resources instead of $568,062,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $609,000 for headquarters administration.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

PAYMENTS IN LIEU OF TAXES

$113,500,000 is appropriated for Payments in Lieu of Taxes instead of $101,500,000 as proposed by the conference agreement on H.R. 1977.

OREGON AND CALIFORNIA GRANT LANDS

$97,452,000 is appropriated for Oregon and California Grant Lands instead of $93,379,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $4,073,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

$501,010,000 is appropriated for Resource Management instead of $497,943,000 as proposed by the conference agreement on H.R. 1977. Changes from the earlier agreement include a decrease of $183,000 for headquarters administration and an increase of $3,250,000 for the endangered species program.

The managers understand that the Service has been directed by the U.S. district court for the western district of Washington to finalize critical habitat designation for the marbled murrelet by May 15, 1996 and that the Department of Justice has filed a motion to stay enforcement of the order. The managers expect the Service, to the extent it proceeds with the critical habitat designation process for the marbled murrelet, to consider carefully the concerns of all interested parties including the States and private landowners. Potential economic impacts on private landowners should be fully evaluated and, to the extent practicable, every attempt should be made to ameliorate adverse impacts and use Federal lands in establishing critical habitat. If the May 15 deadline remains in effect and proves to be unrealistic, the Service should so notify the court and petition for an extension.

Bill Language. Language has been included placing a moratorium on the use of funds by the Secretaries of the Interior and Commerce for endangered species listing activities, except for delisting, reclassification and emergency listings. An earmark of $4 million is included for those activities not subject to the moratorium. The managers have also provided authority to the President to suspend the moratorium if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

$1,082,481,000 is appropriated for Operation of the National Park System instead of $1,083,151,000 as proposed by the conference agreement on H.R. 1977. The change to the previous agreement is a decrease of $670,000 for headquarters administration.

The managers understand that the Service and the Federal Highway Administration are in the process of realigning and widening the 15th Street corridor at Raoul Wallenberg Place in Washington, DC. The managers are aware of concerns that this effort will have a negative impact on the size and quality of the sports field located across the street from the Holocaust Memorial Museum. The managers expect the Service to provide an assessment to the House and Senate Committees on Appropriations on the impact the construction of this corridor will have on said field including any alterations to the current size and quality of the playing area and an estimate of the length of time the field will remain unusable for sporting events. This assessment should also include a cost estimate for (1) preservation or realignment of the field needed to allow sports activities to continue; (2) leveling of the field and repair of the field's surface with new grass; and (3) annual maintenance of the field. This assessment should be completed as expeditiously as possible.

Bill Language. Language restricting the use of funds for the Mojave National Preserve in California has been deleted. This issue is dealt with in more detail in section 119 of this Act under the heading General Provisions, Department of the Interior.

CONSTRUCTION

The managers on the part of the House do not agree with the Senate position, expressed in a colloquy during Senate debate on H.R. 3019, with respect to the Natchez Trace Parkway.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

$730,163,000 is appropriated for Surveys, Investigations, and Research instead of $730,503,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $340,000 for headquarters administration.

The managers agree that, within the funds provided for natural resources research in the State of Florida, the Survey should maintain the same level of funding as was provided in fiscal year 1995 by the National Biological Service for manatee research as part of the Sirenia Project.

MINERALS MANAGEMENT SERVICE

ROYALTY AND OFFSHORE MINERALS MANAGEMENT

$182,555,000 is appropriated for Royalty and Offshore Minerals Management instead of $182,994,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $439,000 for headquarters administration.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

Bill Language. Language is included to permit the use of prior year unobligated balances for employee severance, relocation, and related expenses until September 30, 1996 instead of March 30, 1996 as proposed by the conference agreement on H.R. 1977.

DEPARTMENTAL OFFICES

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

$56,912,000 is appropriated for Salaries and Expenses instead of $57,796,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $884,000 for headquarters administration in the departmental direction account. Because it is halfway through the fiscal year, the managers agree that maximum flexibility is permitted in allocating this reduction within that account.

OFFICE OF THE SOLICITOR

SALARIES AND EXPENSES

$34,427,000 is appropriated for Salaries and Expenses instead of $34,608,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $181,000 for headquarters administration.

GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

Lanaguage is included in section 119 on the management of the Mojave National Preserve. The managers have agreed to remove the statutory restrictions on the National Park Service and the Bureau of Land Management which were included in the conference agreement on H.R. 1977. The Park Service, under this provision, is permitted to manage the Preserve but limited in its management practices to those "historical management practices" of the Bureau of Land Management until the Service has completed a conceptual management plan and received approval of that plan from the House and Senate Committees on Appropriations. The provision also limits operating funds to $1,100,000 unless approval for an additional amount is obtained from the House and Senate Committees on Appropriations. The managers agree that this provision will expire on September 30, 1996. The managers have also provided authority to the President to suspend the restrictions in section 119 if he determines that such a suspension is appropriate based on public interest in sound environmental management, sustainable resource use, protection of national or local interests or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress.

TITLE II—RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

STATE AND PRIVATE FORESTRY

$136,884,000 is appropriated for State and Private Forestry instead of $136,794,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $90,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Earmarks $200,000 as proposed by the Senate, for a grant to the World Forestry Center for research on land exchange efforts in the Umpqua River Basin Region in Oregon.

NATIONAL FOREST SYSTEM

$1,257,057,000 is appropriated for the National Forest System instead of $1,256,253,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $804,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. The managers have not agreed to a specific dollar limitation on travel expenses within the National Forest System as proposed by the Senate.

CONSTRUCTION

$163,600,000 is appropriated for Construction instead of $163,500,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $100,000 for collocation of the Oregon State office of the Bureau of Land Management with the Pacific northwest regional office of the Forest Service.

Bill Language. Language has been included to permit the transfer of trail construction funds, appropriated in fiscal year 1995 for the construction of the Columbia Gorge Discovery Center, to the group titled the "Non-Profit Citizens for the Columbia Gorge Discovery Center", as proposed by the Senate.

LAND ACQUISITION

$39,400,000 is appropriated for Land Acquisition instead of $41,200,000 as proposed by the conference agreement on H.R. 1977, a reduction of $1,800,000 below the earlier agreement, including decreases of $1,700,000 for Federal land acquisition and $100,000 for acquisition management. The managers are very concerned that the Service has proceeded with specific land acquisitions this year without the approval of the House and Senate appropriations committees, and bill language has been included requiring the Service to obtain the approval of the committees before proceeding with any further land acquisitions in fiscal year 1996.

SOUTHEAST ALASKA ECONOMIC DISASTER FUND

$110,000,000 is appropriated for the Southeast Alaska Economic Disaster Fund. No funds were provided for this new account in the conference agreement on H.R. 1977. These funds are provided for grants to communities affected by the declining timber program on the Tongass National Forest. This issue is discussed in more detail in section 325 of Title III—General Provisions.

ADMINISTRATIVE PROVISIONS, FOREST SERVICE

The Tongass National Forest provisions addressed under this heading in the conference agreement on H.R. 1977 have been moved to section 325 under Title III—General Provisions.

DEPARTMENT OF ENERGY

FOSSIL ENERGY RESEARCH AND DEVELOPMENT

$417,018,000 is appropriated for Fossil Energy Research and Development instead of $417,169,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $151,000 for headquarters administration.

The managers understand that the fiscal year 1997 budget will reflect the transfer of the health and safety research programs of the Bureau of Mines to the National Institute for Occupational Safety and Health (NIOSH) in the Department of Health and Human Services. The managers encouraged such a transfer in the fiscal year 1996 conference agreement on H.R. 1977 and see no reason to delay the transfer. The managers strongly encourage the Department of Energy to enter into an interagency agreement with NIOSH for the fiscal year 1996 funding. In determining the allocation of funds for the transferred functions, the managers expect the DOE and NIOSH to consider the concerns of all interested parties, including industry and labor. The managers also expect the agencies to recognize the importance of maintaining a health and safety research presence in the East and in the West.

ENERGY CONSERVATION

$553,189,000 is appropriated for Energy Conservation instead of $553,293,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is a decrease of $104,000 for headquarters administration.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

INDIAN HEALTH SERVICE

INDIAN HEALTH SERVICES

Bill Language. The managers have not agreed to earmark funds for inhalant abuse treatment programs as proposed by the Senate. The managers understand that the Indian Health Service provides for both direct care and referrals for adolescents afflicted with inhalant abuse problems and encourage IHS to continue to refer patients, as appropriate, for treatment of such abuse. The managers are aware of the particular expertise of the Our Home Inhalant Abuse Center, and encourage IHS to continue to refer patients to this facility, as appropriate.

OTHER RELATED AGENCIES

SMITHSONIAN INSTITUTION

SALARIES AND EXPENSES

$311,188,000 is appropriated for Salaries and Expenses instead of $308,188,000 as proposed by the conference agreement on H.R. 1977. The change from the earlier agreement is an increase of $3,000,000 for voluntary separation incentive payments and other costs associated with employee separations pursuant to the authority provided for employee "buyouts" in section 339 of this Act.

TITLE III—GENERAL PROVISIONS

Section 314. Deletes the language dealing with the Interior Columbia Basin Ecosystem Management Project proposed in the conference agreement on H.R. 1977 and replaces it with a limitation on the use of funds for implementing regulations or requirements to regulate non-Federal lands with respect to this project.

Section 325. Bill language is included providing for a one-year moratorium on establishment of a new Tongass Land Management Plan for the Tongass National Forest in southeast Alaska. The moratorium would be in effect for one year after the date of enactment of this Act rather than for two fiscal years as proposed by the conference agreement on H.R. 1977. In amending or revising the current plan, the Secretary may establish habitat conservation areas, and impose any restriction or land use designations deemed appropriate, so long as the number of acres in the timber base and resulting allowable sale quantity is not less than the amounts identified in the preferred alternative (alternative P) in the October 1992 Tongass land and resource management plan. The Secretary may implement compatible standards and guidelines, as necessary, to protect habitat and preserve multiple uses of the Tongass National Forest.

The language has been augmented from the version included in H.R. 1977 to address the Administration's concerns about clearcutting. The provision makes it clear that nothing in this section shall be interpreted as mandating clearcutting or unsustainable timber harvesting. The language also makes it clear that any revision, amendment, or modification shall be based on research results obtained through the application of the scientific method and sound, verifiable scientific data. Data are sound, verifiable, and scientific only when they are collected and analyzed using the scientific method. The scientific method requires the statement of an hypothesis capable of proof or disproof; preparation of a study plan designed to collect accurate data to test the hypothesis; collection and analysis of the data in conformance with the study plan; and confirmation, modification, or denial of the hypothesis based upon peer-reviewed analysis of the collected data. The data used shall include information collected in the southeast Alaska ecosystem.

The section also includes language to allow certain timber sales, that have cleared the National Environmental Policy Act (NEPA) and the Alaska National Interest Lands Conservation Act (ANILCA) review processes, to be awarded if the Forest Service determines that additional analysis under NEPA and ANILCA is not necessary.

The managers have also provided authority to the President to suspend the provisions mentioned above with respect to the Tongass National Forest in Alaska if he determines that such a suspension is appropriate based on public interest in sound environmental management or protection of cultural, biological or historic resources. Any such suspension must be reported to the Congress. Language is included to clarify that if the suspension is exercised, the duration of the suspension would not exceed the period in which the provisions of the section would otherwise be in effect.

The managers are very concerned about the negative impacts on the southeastern Alaska economy of a declining Federal timber program on the Tongass National Forest. The managers are aware of concerns that proposed modifications to the Tongass Land Management Plan give insufficient attention to the economic ramifications of a reduced timber sales program, and urge the Administration to consider strongly the socioeconomic impacts of its proposed alternatives. In implementing this section, the Forest Service shall prepare a city-by-city socioeconomic analysis of the effect of reducing the suitable timber land base or timber sales levels on the communities of southeast Alaska and on the potential of restoring a timber economy in Wrangell and Sitka.

To address these job losses and economic impacts, a new southeast Alaska disaster assistance fund totaling $110 million has been established under the Forest Service. The funds are provided as direct grants to the affected communities to employ former timber workers and for community development projects, and as direct payments in proportion to the percentage of Tongass timber receipts realized by these communities in fiscal year 1995.

The grants are provided with broad authority for the community to pursue economic and infrastructure development projects that employ displaced timber workers. This fund is intended to be an interim measure until while uncertainties with the available timber supply are resolved and a timber economy revitalized. The managers encourage the affected communities to develop comprehensive plans for how they intend to spend these funds.

The managers strongly urge the Administration to comply with the requirement of the Tongass Timber Reform Act to meet "market demand" for timber sales on the Tongass. The President may nevertheless choose to suspend this section.

The managers agree that the availability of funds from this new disaster assistance fund is contingent upon the President executing the waiver authority. In the event legislation is enacted in the future that increases the timber sales program to meet market demand on the Tongass National Forest, it would be the expectation of the managers that these funds would be no longer available.

Travel. The managers have not agreed to place a statutory limit on the use of travel funds as proposed by the House. The managers expect each agency under the jurisdiction of the Interior and Related Agencies bill to monitor carefully travel expenses and to avoid non-essential travel.

Section 336. Inserts new language placing a moratorium on the issuance of a final rulemaking on jurisdiction, management and control over navigable waters in the State of Alaska with respect to subsistence fishing. The moratorium is for fiscal year 1996 rather than through May 15, 1997, as proposed by the Senate. The managers are concerned that recent court decisions place requirements on the Departments of the Interior and Agriculture to assume management authority in navigable waters and that such management could cost each agency several millions of dollars annually. In an era of declining budgets, this added burden would have an adverse impact on other important programs. The managers urge the State of Alaska and all parties involved to work toward developing a viable, long term solution to the subsistence problem. The solution should provide for State management of fish and wildlife in Alaska while protecting those who depend on subsistence resources.

Employee Details. The managers have not agreed to place a statutory limitation on the temporary detail of employees within the Department of the Interior as proposed by the House. The Department should continue to report quarterly on the use of employee details and should not use such personnel details to offset programmatic or administrative reductions.

Section 337. Directs the Department of the Interior to transfer to the Daughters of the American Colonists a plaque in the possession of the National Park Service. The Park Service currently has this plaque in storage and this provision provides for its return to the organization that originally placed the plaque on the Great Southern Hotel in Saint Louis, Missouri in 1933 to mark the site of Fort San Carlos.

Section 338. Inserts new language requiring that funds obligated for salaries and expenses of the Pennsylvania Avenue Development Corporation and for international forestry activities of the Forest Service be offset from other specified sources upon enactment of this Act.

Section 339. Provides one-time authority for the Smithsonian Institution to offer early retirement opportunities and retirement bonuses to employees through October 1, 1996.

Greens Creek Land Exchange. The managers have not agreed to bill language, proposed by the Senate in Title III, section 3015 of the Senate passed version of H.R. 3019, which would have incorporated the Greens Creek Land Exchange Act of 1996 into this Act. This legislation was signed into law (Public Law 104–123) on April 1, 1996.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amount as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

BUREAU OF INDIAN AFFAIRS

OPERATION OF INDIAN PROGRAMS

An additional $500,000 in emergency supplemental appropriations for the Operation of Indian Programs is made available as proposed by the House and by the Senate.

CONSTRUCTION

An additional $16,500,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $9,428,000 as proposed by the House. Of this amount, $7,072,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

TERRITORIAL AND INTERNATIONAL AFFAIRS

ASSISTANCE TO TERRITORIES

An additional $13,000,000 in emergency supplemental appropriations for Assistance to Territories is made available as proposed by the Senate instead of $2,000,000 as proposed by the House. Of this amount, $11,000,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

An additional $26,600,000 in emergency supplemental appropriations for the National Forest System is made available as proposed by the Senate instead of $20,000,000 as proposed by the House. Of this amount $6,600,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have not agreed to bill language, proposed by the Senate, earmarking specific funds for the Amalgamated Mill site in the Willamette National Forest, OR. The Service should carefully consider the needs at this site as it allocates funds.

CONSTRUCTION

An additional $60,800,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $60,000,000 as proposed by the House. Of this amount, $20,800,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

APPROPRIATIONS FOR THE DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES AND EDUCATION AND RELATED AGENCIES

Section 101(d) of H.R. 3019 provides appropriations for programs, projects and activities in the Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, 1996. In implementing this agreement, the departments and agencies should comply with the language and instructions set forth in House report 104–209 and Senate reports 104–145 and

104-236. In those cases where this language and instruction specifically addresses the allocation of funds which parallels the funding levels specified in the Congressional budget justifications accompanying the fiscal year 1996 budget or the underlying authorizing statute, the conferees concur with those recommendations. With respect to the provisions in the above House and Senate reports that specifically allocate funds that are not allocated by formula in the underlying statute or identified in the budget justifications, the conferees have reviewed each and have included those in which they concur in this joint statement.

None of the appropriations provided herein are contingent upon any subsequent actions by the Congress or the President.

The Departments of Labor, Health and Human Services and Education and Related Agencies Appropriations Act, Fiscal Year 1996, put in place by this bill, incorporates the following agreements of the managers:

TITLE I—DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

The conference agreement includes $4,146,278,000, instead of $3,108,978,000 as proposed by the House and $4,322,278,000 as proposed by the Senate. The agreement includes $625,000,000 for the summer youth employment program, instead of $635,000,000 as proposed by the Senate and no funding as proposed by the House.

The conference recognizes that in many high unemployment and high poverty areas, the number of low-income youth seeking summer employment far exceeds the number of job opportunities. The conference also recognizes, however, that the current federally-funded summer jobs program has not lived up to its potential for providing meaningful work experience and teaching solid job skills to such youth. The conference is also aware that the relevant authorizing committees are developing job training reform legislation to consolidate over 90 separate programs and to block grant funds and authority to States and localities. The conference, therefore, considers funds for the fiscal year 1996 summer jobs program to be transition funding—in future years to be folded into the new consolidated block grants for at-risk youth. Governors and localities will have considerable flexibility to use these funds in subsequent years to develop meaningful programs for at-risk youth that teach youngsters job skills in demand and sound work habits; that are closely linked to the needs of employers; and that offer integrated work and academic learning opportunities to youth who demonstrate a willingness to learn and responsible behavior.

The agreement includes an amount of $2,500,000 for the fiscal year 1996 Paralympic Games, instead of $5,000,000 as proposed in the House and Senate bills. These funds will be used by the organizer of the games for the following activities prior to, during, and immediately following the games: (1) training and employment costs of volunteers working in the games; (2) training and staff costs for the days of the games; (3) training and travel for officials of the games. The grantee shall provide such information as shall be required by the Department of Labor, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Education and in the Social Security Administration.

The agreement includes language to permit service delivery areas to transfer funds between titles II-B and II-C of the Job Training Partnership Act, with the approval of the Governor of the State. The House and Senate bills only permitted the transfer to take place from title II-C to title II-B. In addition, the agreement permits the transfer of funds between title II-A and title III of the Act as proposed by the Senate, instead of permitting the transfer of funds between all title II programs and title III as proposed by the House.

It is the intent of the conferees that in committing National Reserve account funds appropriated under title III of the Job Training Partnership Act, the Secretary of Labor encourage Governors to contract, where possible, with the private sector for the provision of outplacement services to Federal employees seeking employment in the private sector.

The conferees have included funds to continue the National Occupational Information Coordinating Committee (NOICC) and its affiliated State committees during the anticipated transition to a new administrative structure proposed in pending authorizing legislation and urge that the Departments of Labor and Education rely on NOICC advice and personnel during this transition.

The conference agreement for the Job Training Partnership Act pilots and demonstrations maintains the current level for the Microenterprise Grants program and the American Samoan employment and training program, and includes the level recommended in the Senate report accompanying H.R. 2127 for an industrial employment program for the disabled.

COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS

The conference agreement includes $373,000,000, instead of $350,000,000 as proposed by both the House and the Senate. The agreement earmarks 22 percent of the funds for the States and 78 percent for national contractors as proposed by the Senate, instead of 35 percent for the States and 65 percent for the contractors as proposed by the House.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

The conference agreement includes $110,000,000 for the one-stop career centers program as proposed by the Senate, instead of $92,000,000 as proposed by the House.

PAYMENTS TO THE UNEMPLOYMENT TRUST FUND AND OTHER FUNDS

(RESCISSION)

The conference agreement rescinds $266,000,000 from this account as proposed by the Senate, instead of $250,000,000 as proposed by the House.

EMPLOYMENT STANDARDS ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $266,644,000, instead of $255,734,000 as proposed by the House and the Senate.

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

SALARIES AND EXPENSES

The conference agreement includes $304,984,000, instead of $280,000,000 as proposed by the House and $288,985,000 as proposed by the Senate.

It is the intent of the conferees that the Occupational Safety and Health Administration give high priority to effective voluntary cooperative efforts such as the Voluntary Protection Program.

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

The conference agreement includes $141,350,000, instead of $136,300,000 as proposed by the House and $140,380,000 as proposed by the Senate. Additional funding is provided to avoid lengthy staff furloughs in the Benefits Review Board.

The conferees have provided $8,900,000 for the Bureau of International Labor Affairs. This amount includes full funding for activities to combat international child labor problems as outlined in the Senate report on H.R. 2127.

The conferees understand that there is some question concerning the funding level for ILAB needed to avoid personnel furloughs. The conferees reiterate that they have provided transfer authority to the Secretary to deal with such exigencies and encourage him to propose reprogramming of funds if necessary to avoid furloughs.

In addition, the agreement includes language proposed by the Senate to restrict certain activities of the Office of the Solicitor and the Benefits Review Board with respect to cases under the Longshore and Harbor Workers' Compensation Act. The language provides that if the Board, prior to September 12, 1996, fails to act on any Longshore decision that has been appealed to it and has been pending before it for more than 12 months, the decision shall be considered affirmed by the Board on that date and shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. Further, beginning on September 13, 1996, the Board shall decide all appeals under the Longshore Act not later than one year after the appeal was filed; if the Board fails to do so, then the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeal. The petitioner has the option to continue the proceeding before the Board for a period of 60 days; if no decision is made during that time, the decision shall be considered the final order of the Board for purposes of obtaining a review in the U.S. Courts of Appeals. The House bill had no similar provision. The language is not applicable to the review of any decisions under the Black Lung Benefits Act.

The conferees intend that, to the extent possible, funding for technical assistance and training for local displaced homemaker programs should not be reduced by more than the overall percentage reduction for the Women's Bureau.

The conferees support the ongoing efforts to rid the International Brotherhood of Teamsters of organized crime influence pursuant to the consent decree. Consistent with direction provided in both the House and Senate committee reports on the fiscal year 1996 appropriations bill, the conferees provide that up to $5,600,000 of the amounts available for obligation to the Department of Labor during fiscal year 1996 may be allocated for this purpose, subject to normal reprogramming requirements of the committees.

The conferees have agreed to include a fund transfer provision (section 103) to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93-06.

GENERAL PROVISIONS

The conference agreement includes a general provision proposed by the House modified to set aside section 427(c) of the Job Training Partnership Act in cases where a Job Corps center does not meet national performance standards established by the Secretary. The Senate bill had no similar provision. Section 427(c) prohibits the Department of Labor from contracting with a private contractor to operate a Job Corps civilian conservation center.

The conference agreement includes a general provision as proposed by the Senate modified to prohibit the Occupational Safety and Health Administration and the State programs that operate with Federal funds from promulgating or issuing any proposed or final standard or guideline with respect to ergonomic protection but permits the agency to conduct any peer-reviewed risk assessment activity regarding ergonomics. The House bill would have also prohibited the development of any standard or guideline and the recording and reporting of any occupational injuries and illnesses related to ergonomic protection.

TITLE II—DEPARTMENT OF HEALTH AND HUMAN SERVICES

HEALTH RESOURCES AND SERVICES ADMINISTRATION

HEALTH RESOURCES AND SERVICES

The conference agreement appropriates $3,077,857,000 instead of $3,052,752,000 as proposed by the House and $2,954,864,000 in regular funding and $55,256,000 in contingency funding as proposed by the Senate.

The conference agreement includes the legal citation for the Native Hawaiian Health Care program as proposed by the Senate. The House bill did not include the citation. The conferees have increased funding for the consolidated health centers line so that health care activities funded under the Native Hawaiian Health Care program can be supported under the broader health centers line if the agency feels it is appropriate.

The conference agreement includes an additional $62,700,000 over fiscal year 1995 for title II of the Ryan White AIDS CARE Act for a total funding level of $260,847,000. The House bill included an increase of $52,000,000 over the fiscal year 1995 level. The Senate amendment provided the additional $52,000,000 but as part of its contingent funding section. The conference agreement incorporates bill language in the Senate amendment that would make clear that the $52,000,000 is to be used for the AIDS drug assistance portion of title II and distributed according to the current formula. The conference agreement also identifies in bill language the amounts appropriated for titles I and II of the Ryan White AIDS CARE Act as provided in the House bill.

The conference agreement does not include $3,256,000 in contingency funding for the National Health Service Corps (NHSC) as proposed by the Senate. The conference agreement provides $115,745,000 in non-contingent funding. The House bill did not include contingent funding for NHSC.

The conference agreement includes language as proposed by the House limiting new cities entering the title I Ryan White program to those permitted in the pending reauthorization bill. The Senate amendment had no similar provision.

The conference agreement includes language holding the formula grant funding for current title I grantees under the Ryan White AIDS CARE Act to no less than 99 percent of their fiscal year 1995 funding level by reallocating supplemental grant funds. The Senate amendment included a hold harmless provision assuring 100 percent of the fiscal year 1995 funding level in fiscal year 1996 for current title I grantees. The House bill had no comparable provision.

The conference agreement deletes language proposed in the Senate amendment and last year's bill identifying funding for Area Health Education Centers and overriding set-asides in the authorizing statute pertaining to the types of centers that may be funded. The house bill had no comparable provision. The conferees understand that this language is no longer necessary.

The conference agreement modifies a technical legal citation contained in both the House bill and Senate amendment pertaining to the Federal Tort Claims Act.

The conferees intend that the agency may use up to $3,000,000 of the funding provided for the National Health Service Corps for State offices of rural health.

The conferees strongly believe that the family planning program should be formally administered, as well as funded, in the Health Resources and Services Administration as a separate program within the Office of the Administrator, but have chosen to leave the decision regarding administration to the Secretary and have not mandated the transfer.

The conferees include $20,000,000 for health care facilities grants, of which $10,000,000 is designated for the facility requested in the President's fiscal year 1996 budget, and $10,000,000 is designated for items identified in the Senate report accompanying the amendment to H.R. 3019 pertaining to oral health care and health care for disadvantaged women. Also included as part of this second $10,000,000 is funding to improve rural health care access.

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH, AND TRAINING

(RESCISSION)

Full year funding for the Centers for Disease Control and Prevention (CDC) was provided in P.L. 104-91, the continuing resolution enacted January 6, 1996.

The conference agreement includes language as proposed by the House rescinding obligated, but unexpended, balances from grants to States in fiscal years 1993, 1994, and 1995 for immunization activities. The agreement includes language as proposed by the House providing authority to transfer funds available from the sale of surplus vaccine from the vaccine stockpile to other activities within the jurisdiction of the agency, with prompt notification of Congress of any transfer. These two provisions were included in nearly identical form in sections 209 and 211 of the Senate amendment. The conference agreement incorporates one technical citation change on the second provision contained in the Senate amendment.

The conferees are agreed that funding for the research and training activities of the National Institute for Occupational Safety and Health has been provided on a consolidated basis as proposed by the Senate. The table printed in the CONGRESSIONAL RECORD accompanying H.R. 3019 as passed by the House had allocated funds separately for research and training activities.

The conferees are supportive of CDC proceeding with a school-based immunization demonstration program to carry forward the recommendations of the Advisory Committee on Immunization Practices for early adolescents, to the extent this is possible using available funds, including section 317 carryover funds.

The conferees are aware of the benefits of community health promotion programs that control the spread of infectious diseases, reduce chronic disease, and lower risk factors and encourage the Director to support activities to evaluate innovative health information dissemination programs for the development of models for public outreach and professional development.

The conferees intend that as CDC applies the $31,000,000 administrative reduction that was included in P.L. 104-91 providing full year funding for the agency that equipment expenditures be included in the definition of administrative expenses.

The conferees confirm their understanding that the National Immunization Survey will be continued in fiscal year 1996.

NATIONAL INSTITUTES OF HEALTH

The National Institutes of Health (NIH) were funded for the full year in P.L. 104-91, the continuing resolution enacted January 6, 1996.

The conferees have specifically endorsed the following initiatives mentioned in the Senate report:

(a) The neurodegenerative disorders initiative within the Office of the Director;

(b) The Office of Rare Disease Research program;

(c) The Institutional Development Award Program (IDeA) grant program; and

(d) The Office of Dietary Supplements program.

Of the $20,000,000 provided within the National Center for Research Resources for extramural facility construction, the conferees intend that $2,500,000 be reserved for construction and renovation projects at qualified regional primate centers.

The conferees are very supportive of the efforts of the National Institute on Aging to enhance research on Alzheimer's disease and urge the Institute to consider it a top priority. The conferees understand that promising research opportunities in the neuroscience of Alzheimer's disease exist, including research on the formation and maintenance of synapses, the mechanisms of beta-amyloid formation, and the biochemical action mechanisms of drugs used in the treatment of Alzheimer's disease. The Institute is strongly encouraged to focus additional attention on these promising areas, including consideration of expanding the number of Alzheimer's Disease research centers.

The conferees are supportive of expanding alternative resources to the use of animals, particularly through ensuring regular access to human tissues and organs. The conferees recommend that the Director of NIH give consideration to establishing a multi-Institute initiative to support an expanded human tissue resource and ensure that the needs of the scientific community can be served.

The conferees are agreed that sufficient funds have been provided within the Office of the Director to provide core support for the National Bioethics Advisory Commission.

The conferees intend NIH to hold administrative costs within the research management and support category to 7.5 percent below fiscal year 1995 levels (with an additional 2.5 percent reduction to congressional and public affairs functions) as indicated in the House report on H.R. 2127. However, the conferees do not intend that public education programs that are placed within the research management and support budget of some Institutes be considered part of the cost pool to be reduced.

The conferees request NIH to expeditiously complete review of its intramural primate facilities and promptly begin the surplusing of those facilities NIH deems to be excess property.

Public Law 104–91, which provided full year funding for the National Institutes of Health, includes $26,598,000 for the Office of AIDS Research (OAR), including $10,000,000 for the Director's emergency discretionary fund authorized by section 2356 of the Public Health Service Act. Funding for AIDS research for fiscal year 1996 was provided in the manner set forth in H.R. 2127 as passed by the House, which provided appropriations to each Institute including funding for AIDS. The bill as reported in the Senate had appropriated funds for AIDS research to the Office of AIDS Research, as had been done in fiscal year 1995. The conferees are agreed that the fiscal year 1996 funding structure for AIDS research activities of the NIH is not a precedent for the allocation of AIDS research funding for fiscal year 1997. The conferees continue to strongly support the critical work of the Director of the OAR to coordinate the scientific, budgetary, legislative, and policy elements of the NIH AIDS research program and agree that the funding structure for AIDS research in fiscal year 1996 should not diminish this important responsibility. The conferees note that section 212, providing 3 percent transfer authority within the total identified by the NIH for AIDS research, enhances the Director's authority to ensure that AIDS research supported by the NIH is carried out in accordance with the AIDS research plan.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

The conference report provides $1,883,715,000 for the Substance Abuse and Mental Health Services Administration, of which $275,420,000 is provided for the mental health block grant, and $1,234,107,000 is provided for the substance abuse block grant. The agreement also funds consolidated substance abuse treatment and substance abuse prevention demonstration programs at $90,000,000 each. The House bill included $1,883,715,000 and the Senate bill included $1,800,469,000.

The conferees understand that SAMHSA has undertaken an agency reorganization to streamline administrative functions. In addition, the agency will begin implementation of new knowledge development and application (KDA) grants in fiscal year 1996. The conferees continue to encourage SAMHSA to focus on evaluation and reporting of outcomes for activities funded under the block grants, demonstrations and KDAs. The conferees understand that KDA grants will generally fund applied research and evaluation, not services. The agreement specifically directs that any KDA grant include a plan to measure and publicly report outcomes relating to the grantee's stated goals and, where relevant, the incidence of substance abuse among individuals studied. The conferees strongly encourage SAMHSA to aggressively and effectively disseminate the results of KDA grants and to integrate these results into services funded in whole or in part by the Federal block grants as well as non-federally funded substance abuse and mental health services. In determining the allocation of funding to existing substance abuse demonstration projects, the conferees encourage the agency to give full consideration to those projects which impact pregnant women and children.

The conferees recommend that in awarding KDA grants to eligible grantees the Secretary give priority to the development of knowledge and specific interventions that improve the quality and access to services in areas where there is a high incidence of substance abuse and mental illness coupled with other contributing conditions such as high rates of co-morbidities, particularly HIV infection, long waiting lists for treatment, or homelessness.

AGENCY FOR HEALTH CARE POLICY AND RESEARCH

HEALTH CARE POLICY AND RESEARCH

The conference agreement provides a total funding level of $125,310,000 as proposed by the House instead of $128,470,000 as proposed by the Senate. Of this amount, $65,186,000 is provided in Federal funds and $60,124,000 is provided through one percent evaluation funding. The House bill provided $94,186,000 in Federal funds and $31,124,000 in one percent funding, while the Senate amendment provided $65,390,000 in Federal funds and $63,080,000 in one percent evaluation funding.

HEALTH CARE FINANCING ADMINISTRATION

PROGRAM MANAGEMENT

The conference agreement makes available $1,734,810,000 as proposed by the House instead of $2,111,406,000 as proposed by the Senate and provides an additional $396,000,000 within title VI of the bill for payment safeguard activities, providing total program management funding of $2,130,810,000. The Senate amendment had no comparable title VI provision. The funding in title VI would be canceled if there is a subsequent appropriation enacted for Medicare contractors in an authorizing bill.

The conferees strongly encourage Medicare contractors to promptly purchase and utilize commercially available automated data processing systems designed to detect abusive Medicare billings.

The conferees encourage the Health Care Financing Administration to conduct a demonstration program to evaluate whether cardiac case management of patients suffering from congestive heart failure would increase the quality of care delivered and patient satisfaction, as well as deliver such care in a more cost effective manner than current practice.

The conferees specifically endorse the following:

(a) No funds may be used for implementation of the Medicare/Medicaid data bank as mentioned in the House report;

(b) HCFA is encouraged to give full and fair consideration to a proposal to develop a comprehensive health care information management system that would link patient care data across the full range of health care as mentioned in the Senate report.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM

(INCLUDING RESCISSION)

The conference agreement provides a rescission of $100,000,000 in previously appropriated 1996 funding as recommended in the House and Senate bills. Total fiscal year 1996 funding for the Low Income Home Energy Assistance Program (LIHEAP) is $900,000,000. The conferees intend that up to $22,500,000 of the amounts provided for LIHEAP for fiscal year 1996 be used for the leveraging incentive fund. The conference agreement provides $300,000,000 for the contingency fund for fiscal year 1997, instead of providing that amount for fiscal year 1996 as proposed by the Senate. The agreement also extends the availability for another year of any funds remaining unobligated in the contingency fund at the end of fiscal year 1996. Finally, the agreement does not provide advance fiscal year 1997 funding for the LIHEAP program, the same as the House bill and $1,000,000,000 less than the Senate bill. Funding for FY 1997 will be considered as part of the regular fiscal year 1997 appropriations bill.

REFUGEE AND ENTRANT ASSISTANCE

The conference agreement provides $402,172,000 for Refugee and Entrant Assistance programs, instead of $397,872,000 as proposed in both the House and Senate bills. The agreement includes $55,397,000 for the Targeted Assistance program, an increase of $4,300,000 above the amount provided in the House and Senate bills and the same amount provided in fiscal year 1995. The conferees expect that domestic health assessment activities within the preventive health program will be administered in accordance with the decisions of the Secretary of Health & Human Services and direct the Department to notify the Appropriations Committee of such decisions in a timely manner. The conferees agree to the allocation of targeted assistance contained in the House Report 104–209.

SOCIAL SERVICES BLOCK GRANT

The conference agreement provides a mandatory appropriation for the Social Services Block Grant of $2,381,000,000. The House bill provided $2,520,000,000, and the Senate bill provided $2,310,000,000.

CHILDREN AND FAMILIES SERVICES PROGRAM

The conference agreement includes $4,788,364,000, instead of $4,715,580,000 as proposed by the House and $4,743,604,000 as proposed by the Senate.

The conferees agree with language in Senate report 104–145 which would allocate $1,500,000 under the developmental disabilities program for the fifth year of a 5-year demonstration project known as transition and natural supports in the workplace.

It has come to the attention of the conferees that eligible Community Development Corporations serving remote rural areas have encountered difficulty in meeting some of the criteria for competing for Community Economic Development (CED) grants. The conferees strongly urge the Office of Community Services to adjust the criteria used in evaluating applications to take into account the unique aspects of job creation in remote rural areas, particularly as they relate to cost per job requirements.

With respect to Head Start, the conference agreement does not include $250,000 proposed in Senate report 104–145 to continue a demonstration program to train head Start teachers in scientific principles. No funds were included for the program in the House bill.

With respect to the transitional living program for runaway and homeless youth, the conferees are agreed that the increase provided over the fiscal year 1995 amount shall be for nine grantees whose grants expired in September, 1995 and who were unable to compete for fiscal year 1996 grants because of a departmental administrative oversight.

The conference agreement includes an earmark of $435,463,000 for the Community Services Block Grant Act as proposed by the Senate. The House had earmarked the same amount in a different manner.

ADMINISTRATION ON AGING

AGING SERVICES PROGRAMS

The conference agreement includes $829,393,000, instead of $801,232,000 as proposed by the House and $831,027,000 as proposed by the Senate.

The agreement eliminates as separate line items the ombudsman program and the prevention of elder abuse program. Funds for these programs are earmarked in the bill within the supportive services and centers line time and the fiscal year 1995 level.

The agreement includes a legislative provision as proposed by the Senate that would prevent any State from having its administrative costs under title III of the Older Americans Act reduced by more than five percent below the fiscal year 1995 level. The House had no similar provision.

The conference agreement includes three specific funding levels identified in Senate report 104–145 with respect to the aging research program.

OFFICE OF THE SECRETARY

GENERAL DEPARTMENTAL MANAGEMENT

The conference agreement includes $146,127,000, instead of $143,127,000 as proposed by the House and $137,127,000 as proposed by the Senate.

The conferees have included an additional $2,000,000 for the Office of the Secretary of the Department of Health and Human Services. The conferees intend that none of these additional funds shall be available to the Office of Intergovernmental Affairs, the immediate office of the Assistant Secretary for Health, the Office of the Assistant Secretary for Legislation or the Office of the Assistant Secretary for Public Affairs. The Secretary is requested to notify the Appropriations Committees of any employees detailed into these offices. The conferees commend the Secretary for the recent reorganization of her office and her decision to replace the Office of the Assistant Secretary for Health with a smaller office which would serve as the senior advisor for health policy. The conferees direct that the Secretary provide the Appropriations Committees with the estimated funding levels and FTE levels for each of the individual offices for fiscal year 1996 funded from this account as soon as possible after enactment of this bill.

The conferees are agreed that funds are to be made available to the Office of Women's Health from funds available to the Department to carry out development and implementation of the national women's health clearinghouse.

Sufficient funds have been included by the conferees for the continuation of the existing human services transportation technical assistance program at the fiscal year 1995 funding level.

The agreement does not include a legal citation for the National Vaccine program as proposed by the Senate. The House bill included no citation. No funding is provided within this account for this program.

The agreement includes a House provision identifying $7,500,000 for extramural construction within the Office of Minority Health. The Senate bill did not include this provision.

OFFICE OF INSPECTOR GENERAL

The conference agreement includes total funding for the Office of Inspector General of $79,162,000 as proposed by the Senate instead of $73,956,000 as proposed by the House. Of the total amount, $43,000,000 is provided in title VI of the Labor-HHS-Education Appropriations Act as proposed by the House, and the balance of the funds are provided in this account.

The agreement includes language proposed by the Senate, not included by the House, which would allow the Inspector General to expend funds transferred to it by the Departments of Justice or Treasury or the Postal Service as a result of asset forfeitures. The forfeitures would be from investigations in which the IG participated.

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

The conference agreement includes $9,000,000 for the Emergency Fund as proposed by the Senate. The House bill included no provision for this.

With respect to the $2,000,000 identified for the implementation of clinical trails related to the early detection of breast cancer, the conferees are agreed that those departmental agencies and institutes with substantial experience and expertise in these matters must be directly involved in the administration of this effort.

GENERAL PROVISIONS

The conference agreement includes a limitation in the House bill which prohibits the use of funds for a statutory set-aside earmarking the first $5,000,000 of any funds appropriated for NIH extramural facility construction for primate centers. Instead, the conferees have reserved $2,500,000 of the NIH funds provided for extramural construction for primate centers. The Senate amendment had no similar provision.

The conference agreement includes a provision limiting the amount of one percent evaluation set-aside funding that can be tapped from the Public Health Service agencies to amounts identified in the conference report prior to a report to Congress. The agreement also includes language prohibiting other taps and assessments unless reported to Congress. The House bill and the Senate amendment had similar language for the first provision; the House bill included languages similar to the second provision.

The conference agreement includes a general provision as proposed by the House that prohibits the funding of the Federal Council on Aging and the Advisory Board on Child Abuse and Neglect. The Senate had no similar provision.

The conference agreement deletes language included in the Senate amendment pertaining to a rescission of Centers for Disease Control and Prevention (CDC) funding and a reallocation of funds in the agency's vaccine stockpile surplus. These provisions were included under a CDC heading in the House bill, which is reflected in the conference agreement.

(TRANSFER OF FUNDS)

The conference agreement includes a general provisions as proposed by the House that would authorize the Department of Health and Human Services to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

(TRANSFER OF FUNDS)

The conference agreement includes language permitting the Director of the National Institutes of Health jointly with the Director of the Office of AIDS Research to transfer up to 3 percent among the Institutes, Centers, and the National Library of Medicine from the total identified in their apportionment for AIDS research. The transfer must take place within 30 days of enactment of the Act and Congress is to be promptly notified. The House bill and the Senate amendment had similar provisions.

The conference agreement includes a provision in the House bill permitting the National Library of Medicine at the National Institutes of Health to enter into personal services contracts. The Senate amendment had no similar provision.

The conference agreement deletes without prejudice a general provision proposed by the Senate that would deem an AFDC waiver submitted by the State of Texas under section 1115 of the Social Security Act approved upon the date of enactment of this Act, notwithstanding the Secretary's authority to approve the application. The House had no similar provision.

The conference agreement includes a provision in the Senate amendment requiring the Secretary of Health and Human Services to reimburse Medicaid claims for State-operated psychiatric hospitals between December 31, 1993 and December 31, 1995 that the Secretary would otherwise intend to defer for reimbursement. The provision caps the total amount of claims that could be reimbursed at $54,000,000. The conferees added a provision establishing a new Medicaid matching formula for a State highly affected by disproportionate share hospital payments, effective for State fiscal years 1996–97 and 1997–1997. The house bill had no similar provisions.

The conferees are aware of a number of outstanding Medicaid issues which could not be addressed in this bill. Of particular concern is the 100 percent cap on funding for public hospitals as well as the dilemma faced by several States that have included a modified Federal matching payment in their fiscal year 1997 budgets, reflecting the effort made by the Congress in Medicaid Reform to address the current inequity faced by States with rates between 40 and 50 percent. The conferees understand the difficulties that may State Medicaid programs are experiencing, and urge that these important matters be addressed expeditiously by the authorizing committees.

TITLE III—DEPARTMENT OF EDUCATION

EDUCATION REFORM

The conference agreement includes $530,000,000 for Education Reform programs. Included in this amount is $350,000,000 for the Goals 2000: Educate America Act and language, proposed by the House, which prohibits the use of funds for Goals 2000 national programs. Also included is $180,000,000 for school-to-work programs. The House bill provided $484,500,000 for Education Reform activities, including a contingent appropriation of $389,500,000. The Senate amendment provided $536,000,000 and included $151,000,000 in fiscal year 1997 funding.

The conference agreement amends the Goals 2000: Educate America Act. Specifically, the agreement includes language in title VII of the bill which:

Permits school districts, in States that elect not to participate in the Goals 2000 program, to apply directly to the Secretary of Education for Goals 2000 funding, if the State education agency approves;

Eliminates the requirement that States submit their improvement plans to the Secretary of Education for approval;

Deletes the requirement for the composition of State and local panels that develop State and local improvement plans;

Eliminates the National Education Standards and Improvement Council;

Removes the requirement for States to develop opportunity-to-learn standards;

Clarifies that no State, local education agency, or school shall be required, as a condition of receiving assistance under this title to provide outcomes-based education, or school-based health clinics; and

Clarifies that nothing in the Goals 2000 legislation will require or permit any State or Federal official to inspect a home, judge how parents raise their children, or remove children from their parents.

The conferees agree that a State education agency must give approval in order for a local educational agency to apply to the Secretary of Education for funding. A State educational agency is permitted to make a blanket approval or disapproval regarding the participation of local education agencies.

Regarding the provision on alternatives to secretarial approval of State plans, the conferees agree that submission of such report and notification of amendments to previous State plans meets the requirements of section 306.

The conferees agree that local education agencies, as part of their school improvement plan, can use their Goals 2000 funds for the acquisition of computer technology and the use of technology-enhanced curricula and instruction. The Department of Education is encouraged to advise States that their Goals 2000 funds may be used for this purpose.

The conference agreement includes a provision, proposed by the Senate, which authorizes the Secretary of Education to grant up to six additional State education agencies authority to waive Federal statutory or regulatory requirements for fiscal year 1996 and succeeding fiscal years. The House bill contained no similar provision.

EDUCATION FOR THE DISADVANTAGED

The conference agreement includes $7,228,116,000 for Education for the Disadvantaged of which $1,298,386,000 becomes available on October 1, 1996 for academic year 1996–97. The House provided an appropriation of $6,049,113,000 for this activity and a contingent appropriation of $961,000,000 for a total funding level of $7,010,113,000. The Senate amendment provided a fiscal year 1996 appropriation of $6,513,511,000 and a fiscal year 1997 appropriation of $814,489,000 for a total funding level of $7,328,000,000. With respect to the fiscal year 1997 funding, it is the intent of the conferees to provide all funding for title I for the 1997–98 school year through the appropriation of fiscal year 1997 funds in the fiscal year 1997 Labor, Health and Human Services, and Education and Related Agencies bill. The conferees intend that the committee work to adjust the fiscal year 1997 602(b) allocations such that title I can be returned to a normal appropriations and obligation pattern.

The conference agreement provides that up to $3,500,000 of title I funds be made available to the Secretary to obtain local-education-agency level census poverty data from the Bureau of the Census.

The agreement does not include provisions, included in the House bill, which would have overridden the provisions of title I regarding minimum State grants and language which would have eliminated a State option to reserve a portion of their title I funds for school improvement activities.

IMPACT AID

The conference agreement provides $693,000,000 for the Impact Aid program, the same as the House bill and an increase of $1,841,000 over the Senate amount of $691.159,000. In combination with the $35,000,000 provided for Impact Aid in P.L. 104–61, this appropriation provides a total of $728,000,000 for Impact Aid in fiscal year 1996, the same amount provided by Congress in fiscal year 1995.

Within the total provided, the conference agreement includes $581,707,000 for Basic Support Payments, $1,304,000 less than the House bill amount of $583,011,000 and $537,000 above the Senate bill level of $581,170,000. The agreement also includes $16,293,000 for Payments for Federal Property, an increase of $1,304,000 over both the House and Senate bill amounts of $14,989,000.

The conference agreement modifies a provision proposed by the Senate (Section 306) regarding unobligated Impact Aid construction funds. The agreement provides that one-half of such unobligated funds shall be awarded for the construction of public elementary or secondary schools on Indian reservations, and that one-half of such funds shall be made available to school districts with military impact according to section 8007 of the Elementary and Secondary Education Act as amended.

SCHOOL IMPROVEMENT PROGRAMS

The conference agreement includes $1,223,708,000 for School Improvement programs. The House bill provided $946,227,000 for programs in this account. The Senate provided $1,156,987,000 including $208,000,000 in fiscal year 1997 appropriations.

The conferees specifically provide for the following activity included in the Senate report:

The funds provided for the Education of Native Hawaiians are allocated as follows:

Curricula Development, Teacher Training and Recruitment	$1,500,000
Community-Based Education Learning Centers	800,000
Hawaiian Higher Education Programs	1,400,000
Gifted and Talented Program	1,200,000
Special Education Programs	1,200,000
Native Hawaiian Education Council and Island Councils	300,000
Family-Based Education Centers	5,600,000

The agreement provides $465,981,000 for Safe and Drug Free Schools and Communities instead of the $400,000,000 provided by both the House and Senate bills. This funding level, the same as in fiscal year 1995, provides for $440,981,000 for State Grants and $25,000,000 for National Programs.

BILINGUAL AND IMMIGRANT EDUCATION

The conference agreement provides $178,000,000 for Bilingual and Immigrant Education instead of the $150,000,000 provided in the House and Senate bills.

The conferees provided no funding for support services or professional development activities given their belief that funds should be focused on the education of students and the other funding sources available to the Secretary to fund these activities. However, if the Secretary feels that funding these activities within this account is justified, the two Committees will consider a reprogramming request for the Department.

SPECIAL EDUCATION

The conference agreement includes $3,245,447,000 for special education programs, the same amount recommended by both the House and Senate bills.

The conferees have also modified a provision proposed by the Senate to enable the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau to be eligible to receive both formula and discretionary grants. The agreement also includes language proposed by the Senate that permits the Department of Education to distribute funding to the federal center and regional centers in proportion to the funding levels made available in the previous fiscal year.

The conferees agree that Centers for the Deaf under Post Secondary Education programs should be awarded on a competitive basis instead of continuing the four existing centers as proposed in the Senate report.

REHABILITATION SERVICES AND DISABILITY RESEARCH

The conference agreement includes $2,456,120,000 for Rehabilitation Services and Disability Research instead of the $2,452,620,000 proposed in both the House and Senate bills.

The conference agreement includes $7,000,000 to support the Department of Education's portion of the fiscal year 1996 Paralympic Games through funding the Atlanta Paralympic Organizing Committee. The house bill included $4,500,000 while the Senate bill contained no similar provision. The grantee shall provide such information as shall be required by the Department of Education, including a detailed statement of work and budget, and financial reports providing a breakout of the costs of the activities performed under the grant. The conferees have also provided funding for the Paralympic Games in the Department of Labor and in the Social Security Administration.

The conferees increased funding for this account by $1,000,000 and direct the Department to use these funds to enable the two active regional head injury centers first funded in 1992 to continue serving as national resources to assist the States in improving the quality and cost effectiveness of services for victims of traumatic grain injury. The conferees direct the Rehabilitation Services Administration to work with the staffs of these regional centers to further develop plans of operation, including appropriate methods of organizing and coordinating State, private provider and victim support resources to improve the quality of traumatic brain injury services and for disseminating this information on a national basis. The centers are to work with the Department to present to the committees, by September 30, 1996, an evaluation plan of the present and planned services of the Centers and, upon approval, to implement the plan. In addition, the Department is instructed to work with the centers to develop a funding strategy that will eliminate the need for further federal funding for this national demonstration activity and to report to the Committees with such a plan by September 30, 1996.

VOCATIONAL AND ADULT EDUCATION

The conference agreement provides $1,340,261,000 for Vocational and Adult Education. The House bill provided $1,257,134,000 while the Senate bill included $1,340,638,000. The conference agreement eliminates the requirement for the establishment of State vocational education councils as a condition of receiving funding under the Carl D. Perkins Vocational and Applied Technology Education Act.

While the conferees have eliminated funding for State councils, the conferees have no objection to States using a portion of their Vocational Education funds for State councils or human resource investment councils.

The conference agreement includes $4,723,000 for prisoner literacy programs, instead of $5,100,000 as proposed by the Senate. The House bill contained no similar provision.

STUDENT FINANCIAL ASSISTANCE

The conference agreement specifies appropriations for Student Financial Assistance in Titles I and III of the Act. In the aggregate, the agreement appropriates $6,258,587,000, instead of $6,643,246,000 as proposed by the House and $6,165,290,000 together with $90,000,000 in contingent funding as proposed by the Senate. The conference agreement sets the maximum Pell Grant at $2,470, an increase of $30 over the House passed maximum grant of $2,440 and $30 below the $2,500 maximum grant in the Senate bill. The maximum grant of $2,470 is the highest maximum grant ever provided.

In the aggregate, the agreement provides $4,914,000,000 in new budget authority for the Pell Grant program. This amount combined with $1,304,000,000 in funding which carries forward from previous years, makes available $6,218,000,000 in budget authority for Pell Grants in fiscal year 1996. The Senate bill included $4,814,000,000 and the House bill included $5,423,331,000.

The conference agreement places a cap of 3,650,000 on Pell Grant participants in the 1995–1996 school year, as proposed by the House instead of 3,634,000 as proposed by the Senate. This cap will not deny awards to any eligible students and has been imposed to reflect the actual number of students receiving grants and actual program costs.

The conference agreement provides $93,297,000 for new contributions to institutional revolving loan funds, an increase of $93,297,000 over the House bill which did not provide new capital contributions and a decrease of $64,703,000 below the Senate bill level of $158,000,000

The conference agreement provides $31,375,000 for State Student incentive Grants, a decrease of $32,000,000 below the Senate bill level of $63,375,000. The House bill did not provide funding for this program. The conferees have provided this funding with the understanding that no new funding will be provided for the program in fiscal year 1997. The conferees reiterate that all States have participated in this program since 1978, a sufficient period of time to develop independent and self-sufficient State grant Programs. According to the Department of Education, the federal appropriation for State Student Incentive Grants represent less than 2.5% of total State student assistance. The conferees believe that States have operated this program with a combination of State and federal funds for several years, and the termination of federal support for this program should not result in the termination of substantial downsizing of continuing State grant programs.

HIGHER EDUCATION

The conference agreement provides $836,964,000 for Higher Education programs, the same amount included in the House and Senate bills. The agreement includes a provision proposed by the Senate requiring the Department to award the same number of new Byrd Scholarships in fiscal year 1996 as were awarded in fiscal year 1995 and to prorate downward the amounts for new and continuing Byrd Scholarships to accommodate the awarding of new scholarships. The House bill did not include a similar provision.

HOWARD UNIVERSITY

The conference agreement provides $182,348,000 for Howard University, an increase of $7,677,000 over the amount provided in both the House and Senate bills. The agreement includes $152,859,000 for the Academic program, $7,677,000 more than the amount in the House and Senate bills, and $29,489,000 for the University Hospital, the same amount provided in the House and Senate bills. The agreement also allows the University to use a part of its Academic program appropriation for the endowment at its discretion. The conferees direct that Howard notify the Congress of any transfer from the Academic program to the Endowment fund at least 15 days prior to execution of the transfer. The agreement does not provide funding for the research or construction programs.

EDUCATION RESEARCH, STATISTICS AND IMPROVEMENT

The conference agreement includes $351,268,000 for Education Research, Statistics and Improvement. The House bill included an fiscal year 1996 appropriation of $328,268,000 for this activity and a contingency appropriation of $23,000,000 for a total funding level of $338,268,000 through an fiscal year 1996 appropriation of $328,268,000 and an fiscal year 1997 appropriation of $10,000,000.

The agreement includes a provision proposed by the House that prohibits the use of federal funds to fund the Goals 2000 Community Partnership program.

The conference agreement earmarks $3,000,000 within the Fund for the Improvement of Education as proposed by the Senate for programs such as those authorized by Part E of title III of the ESEA for equipment and materials necessary for hands-on instruction through assistance to State and local agencies.

With respect to the Regional Educational Laboratories the agreement includes $51,000,000. The conferees note that the current laboratories' contracts have removed substantial funds from the programmatic control of the individual laboratories' governing boards and pulled the laboratories programs of work away from the needs of educators and policymakers in the ten individual laboratory regions. It is the intent of the conferees that no funds provided be used for any purpose other than work that is determined by the priorities of the regional governing board of each individual laboratory. All funds provided to the Regional Educational Laboratories shall be allocated according to each laboratory's percentage of the total amount that was provided to the ten regional educational laboratories by the Department of Education on December 11, 1995. Any special services requested by the Department of Education, other than the OERI National Educational Research Policy and Priorities Board for the purpose of aiding their oversight of federal education research and development program, shall be provided only if each Regional Educational Laboratory agrees that the priorities are consistent with its mission and the costs of such special services are reimbursed to each laboratory from the discretionary funds available to the Department. Further, the Conferees direct the Secretary to survey each regional educational laboratory to establish that all funds provided serve the priority R & D needs identified by the regional education board of each laboratory, document any resource allocation or work priority concerns reported by the laboratories and provide a report of all concerns to the House and Senate Appropriations Committees not later than January 31, 1997.

The agreement also includes a provision proposed by the Senate that extends star school partnership projects that received continuation grants in fiscal year 1996.

Due to the lateness in the fiscal year, conferees have provided that the funds provided for the International Education Exchange program should be used to continue current grantees.

The conferees have not provided funding for the extended time and learning program. The Senate bill had included $2,000,000 for this purpose. The House bill contained no similar provision.

LIBRARIES

The conference agreement includes $132,505,000 for library programs instead of $131,505,000 as proposed by both the House and Senate bills.

Within the funds appropriated for library research and demonstration, the conferees have provided $1,000,000 for the Survivors of he Shoah Visual History Foundation for a multi-media project to document Holocaust survivor testimony. The conferees acknowledge and support the mission of the U.S. Holocaust Memorial Council and the role the council plays in developing and coordinating programs relating to the Holocaust. The $1,000,000 contained in this bill are to supplement the work of the council. These funds have been included for the Survivors of the Shoah Visual History Foundation project because of the extraordinary nature of the work and contribution of Mr. Steven Spielberg. The conferees concur with the view that this direct grant will put the imprimatur of the U.S. government in a unique manner to repudiate any future claims that the Holocaust never occurred. Because of the special nature of this grant, the conferees do not view this as a precedent for future requests.

The conferees also have provided $1,000,000 for the final phase of the portals demonstration project and, finally the conferees have provided $1,000,000 for the National Museum of Women in the Arts for activities associated with the archiving of works by women artists.

GENERAL PROVISIONS

The conference agreement includes a general provision as proposed by the House that would prohibit the use of funds appropriated in the bill for opportunity to learn standards or strategies. The Senate had no similar provision.

The conference agreement includes language which reduces the fund available to the Secretary for the administration of the student loan programs, as provided under section 458 of the Higher Education Act. Section 458 provides mandatory spending for student loan administration in amounts which exceed what the Secretary needs for fiscal year 1996. By limiting the amount available to $436,000,000, compared to the $550,000,000 allowed by the Higher Education Act, the agreement achieves savings of $114,000,000. To ensure appropriate scoring of this action by the Congressional Budget Office, the agreement also limits the authority in section 458 which would otherwise permit the Secretary to draw funds from fiscal year 1997 amounts into fiscal year 1996.

The agreement further provides that the Secretary will pay to guaranty agencies the administrative cost allowances owned such agencies for fiscal year 1995 in the amount currently estimated, $95,000,000. The agreement also provides that the Secretary will calculate and pay administrative cost allowances for fiscal year 1996 at the rate of 0.85

percent of the total principal amount of loans upon which insurance was issued on or after October 1, 1995. The estimated amount of such payments is $81,000,000.

The agreement prohibits the Secretary from requiring the return of reserve amounts held by guaranty agencies in fiscal year 1996 except after consultation with the House and Senate authorizing committees. Any such amounts returned must be deposited in the Treasury to help reduce the deficit.

No funds available to the Secretary may be used by the Secretary to pay administrative fees to institutions participating in the Federal Direct Student Loan Program.

The conference agreement restricts the authority of the Secretary to hire advertising agencies or other third parties to provide advertising services to the Department for any student loan program. The Committee does not intend this language to limit the ability of the Secretary to obtain outside assistance to develop and issue informational brochures or similar material for the programs that help students, guidance counselors, student aid administrators, or others, learn such things as how the programs work or their terms and conditions.

The conference agreement includes a general provision as proposed by the House modified to prohibit the use of funds appropriated in the bill for four specific boards and commissions currently funded by the Department of Education. The Senate had no similar provision.

(TRANSFER OF FUNDS)

The conference agreement includes a general provision as proposed by the House that would authorize the Department of Education to transfer up to one percent of funds in any appropriation account to any other account in the Department, provided that the receiving account is not increased by more than three percent thereby and that the Appropriations Committees are notified at least 15 days in advance of any transfer. The Senate had no similar provision.

The conferees have agreed to include this transfer provision to give the Department more flexibility in managing its appropriations. However, the continuation of this provision in the future will depend on the Department's achieving and maintaining audited financial statements in accordance with the Chief Financial Officers Act of 1990 and Office of Management and Budget Bulletin No. 93–06.

TITLE IV—RELATED AGENCIES

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

DOMESTIC VOLUNTEER SERVICE PROGRAMS

OPERATING EXPENSES

The conference agreement appropriates $198,393,000 for the Domestic Volunteer Service programs, an increase of $2,123,000 over the House appropriation of $196,270,000 and a decrease of $2,901,000 below the Senate appropriation of $201,294,000. The agreement provides $41,385,000 for regular VISTA Operations. No funding is specifically provided for the VISTA Literacy program, however, the conferees agree that funds may be used to conduct literacy activities previously funded by the VISTA Literacy program.

FEDERAL MEDIATION AND CONCILIATION SERVICE

The agreement provides $32,896,000 for the Federal Mediation and Conciliation Service, the same as the House bill and an increase of $500,000 over the Senate bill.

NATIONAL LABOR RELATIONS BOARD

The agreement provides $170,743,000 for the National Labor Relations Board, instead of $167,245,000 provided in both the House and Senate bills. The agreement also deletes language proposed by the House concerning the issuance of section 10(j) injunctions. The agreement includes language to prohibit the agency from promulgating a final rule on the appropriateness of requested single location bargaining units in representation cases.

SOCIAL SECURITY ADMINISTRATION

SUPPLEMENTAL SECURITY INCOME PROGRAM

The agreement provides $18,545,512,000 for the Supplemental Security Income program, a decrease of $49,500,000 below the Senate bill and $208,322,000 below the House bill. Of this amount, the managers have provided $1,500,000 to support a demonstration project relating to the Paralympic Games. The grantee shall provide such information as shall be required by the Social Security Administration, including a detailed statement of the activities to be supported under the grant and the budget for each activity, and financial reports documenting how the funds were actually expended.

The agreement makes available an additional amount of $15,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

LIMITATION ON ADMINISTRATIVE EXPENSES

The agreement limits administrative expenditures to $5,821,768,000 for the Social Security Administration, a decrease of $23,415,000 below the Senate bill and $88,500,000 below the House bill. The agreement includes bill language proposed by the Senate permitting the agency to retain any unobligated funds at the end of the fiscal year for its automation initiative.

The agreement also includes an additional limitation of $60,000,000 for the processing of Continuing Disability Reviews (CDRs), which was not included in the House or Senate bills, subject to concomitant adjustment of the Subcommittee's 602(b) allocation as permitted by P.L. 104–121.

The conferees strongly urge that SSA work with an industry-based consortium dedicated to improving software productivity, and with experience institutionalizing software processes and methods; sufficient funds have been included in the conference agreement for this purpose.

RAILROAD RETIREMENT BOARD

LIMITATION ON ADMINISTRATION

The agreement provides a limitation for administrative expenses of $73,169,000 which may be derived from railroad retirement accounts. In combination with a limitation of $16,786,000 from the railroad unemployment insurance administration fund, the agreement provides a total of $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 above the Senate bill and a decrease of $861,000 below the House bill.

LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE ADMINISTRATION FUND

The agreement provides a limitation on administrative expenses of $16,786,000 from moneys credited to the railroad unemployment insurance administration fund. Combined with a limitation of $73,169,000 on administrative expenses derived from the railroad retirement accounts, the agreement provides $89,955,000 for the administrative expenses of the Railroad Retirement Board, an increase of $861,000 over the Senate bill and a decrease of $861,000 below the House bill.

TITLE V—GENERAL PROVISIONS

The conference agreement deletes language contained in the House bill stating that States remain free not to fund abortions with Federal funds provided in the bill to the extent that the State deems appropriate, except where the life of the mother would be endangered if the fetus were carried to term. The Senate amendment contained no similar provision. The conference agreement includes, as did both the House bill and the Senate amendment, the language from previous years prohibiting Federal funding of abortion except in the cases of rape, incest and endangerment of the life of the mother.

The conference agreement modifies a provision proposed by the House and Senate bills to exclude from participation in the Pell Grant program institutions which are ruled to be ineligible to participate in a federal student loan program as a result of default rate determinations issued by the Secretary subsequent to February 14, 1996.

The conference agreement includes a general provision proposed by the Senate to limit expenditures on cash performance awards to no more than one percent of amounts appropriated for salaries for each agency funded in the bill. In addition, the provision reduces the amounts otherwise appropriated for salaries and expenses in the bill by $30,500,000, to be allocated by the Office of Management and Budget, as proposed by the Senate. The House bill had no similar provision.

The conference agreement includes language contained in the Senate amendment which amends the Public Health Service Act to prohibit the Federal government and State and local entities who receive Federal financial assistance from discriminating against entities which refuse to provide or refer for provision of abortions or training to perform abortions. The provision requires the Federal government and State and local entities to deem an entity accredited that would be accredited except for accreditation requirements pertaining to the provision of abortions and abortion training. The House bill contained a similar provision.

The conference agreement includes language contained in the House bill which modifies the Medicare certification survey schedule for home health agencies to permit States greater flexibility to target resources on problem agencies in order to free up funds for certification of new facilities. The agreement also contains language not contained in the House bill that would permit expanded use by Medicare providers of private accreditation by national bodies for initial certifications and recertifications for those national bodies that can demonstrate that their accreditation assures compliance with all Medicare requirements. This "deeming" provision would not apply to renal dialysis facilities and durable medical equipment suppliers. There is no intent to change current law or current policy with respect to the deeming of skilled nursing facilities. The agreement also includes language not included in the House bill requiring the Secretary of Health and Human Services to conduct a study of and to report on the effectiveness and appropriateness of the current mechanisms for surveying and certifying skilled nursing facilities and renal dialysis facilities. The Senate amendment contained no similar provision.

The conferees are concerned that quality of care not decline for the large and growing number of Medicare beneficiaries receiving home health services. All agencies should be surveyed at reasonable intervals with no more than a 15 month schedule for those agencies with poor prior performance. If there is a change in ownership, surveys shall occur no less frequently than on a 15 month schedule. Within one year of enactment of this legislation the conferees direct HCFA to report to Congress on the status of implementation of this policy and the impact on quality of care for beneficiaries. In particular, the report shall contain data supporting HCFA's contention that quality of care will improve if resources are targeted on problem agencies.

The conferees expect that the study and report required in this provision will include careful analysis of the adequacy of current nursing facility accreditation standards. Attention should be given to the cost effectiveness of expanding the use of voluntary private accreditation, and whether it is a tool for quality enhancement and as a mean to enable government agencies to focus federal attention more directly on those nursing facilities which need increased oversight. The study should also review the information of accrediting bodies to determine whether it might assist HCFA to access data needed to monitor the performance of nursing facilities. The study should evaluate State-level changes in standards for accreditation of nursing facilities to determine the extent to which they have strengthened the safety net that is vital to assure a baseline of quality and consumer protection. Finally, the conferees are interested in innovative regulatory and nonregulatory incentives for all nursing facilities to continually improve the quality of services provided to Medicare and Medicaid patients. Therefore, the Secretary should include in the report whether such incentives would encourage and reward optimal performance with particular emphasis on improved patient outcomes.

The conference agreement includes language in the Senate amendment requiring the Secretary of Health and Human Services to grant a waiver under the Medicaid program to Charter Health Plan, Inc. of the District of Columbia of the requirement that no more than 75 percent of a managed care provider's enrollment may be Medicaid patients. The House bill had no similar provision.

The conference agreement includes language requiring the Secretary of Health and Human Services to compile data on the number of females in the U.S. who have been subjected to female genital mutilation, to conduct outreach to communities that practice female genital mutilation, and to develop curriculum recommendations for medical schools regarding the practice. The Senate amendment contained a similar provision, but also established criminal penalties for those who performed the procedure on minors. The House bill had no similar provisions.

TITLE VI—ADDITIONAL APPROPRIATIONS

The conference agreement includes title VI of the bill proposed by the House modified to exclude Social Security Administration funding for continuing disability reviews. The House bill established a separate title VI which provided partial appropriations for three different appropriation accounts. It included $396,000,000 for HCFA Program Management for payment safeguard activities, $43,000,000 for the HHS IG for Medicare-related activities and $111,000,000 for the Social Security Administration administrative account for continuing disability reviews. These amounts, when combined with the amounts appropriated for these activities in the regular titles of the bill, provided full-year appropriations. Under the language in title VI, if a subsequent appropriation is enacted in another bill for FY 1996 for these activities, then the amount appropriated in title VI would be canceled. The Senate had no similar provision.

CONFERENCE AGREEMENT

The following table displays the amounts agreed to for each program, project or activity with appropriate comparisons:

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc
						FY 1995	House	Senate	
SUMMARY									
Title I - Department of Labor:									
Federal Funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust Funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)	
Title II - Department of Health and Human Services:									
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539	
Current year	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)	
1997 advance	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)	
Trust Funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)	
Title III - Department of Education:									
Federal Funds	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies:									
Federal Funds	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403	
Current year	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)	
1997 advance	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)	
Title V - 1% Cap on performance awards	---	---	---	-30,500	-30,500	-30,500	-30,500	---	
Total, all titles:									
Federal Funds	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Current year	(204,866,788)	(226,184,133)	(216,928,551)	(219,265,520)	(219,462,221)	(+14,595,433)	(+2,533,670)	(+196,701)	
1997 advance	(39,687,717)	(41,704,554)	(40,385,350)	(41,385,350)	(40,385,350)	(+697,633)	---	(-1,000,000)	
1998 advance	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---	
Trust Funds	(11,396,796)	(12,259,261)	(11,573,930)	(11,490,766)	(11,546,926)	(+150,130)	(-27,004)	(+56,160)	

NOTE: Appropriations for the Centers for Disease Control and the National Institutes of Health were enacted in P.L. 104-91 and are not included in H.R. 3019. Appropriations for these accounts are displayed in this table for descriptive purposes only.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ----------			Mand Disc
						FY 1995	House	Senate	
BUDGET ENFORCEMENT ACT RECAP									
Federal Funds (all years)............................	244,814,505	268,185,087	257,563,901	260,900,870	260,097,571	+15,283,066	+2,533,670	-803,299	
Mandatory, total in bill..........................	184,182,317	202,641,064	202,369,599	202,161,099	202,235,599	+18,053,282	-134,000	+74,500	
Less advances for subsequent years............	-38,687,717	-40,385,350	-40,385,350	-40,385,350	-40,385,350	-1,697,633	---	---	
Plus advances provided in prior years 1/.....	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	76900
Adjustment for leg cap on Title XX SSBGs......	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	76910
Total, mandatory, current year............	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary, total in bill (incl rescissions)...	60,632,188	65,544,023	55,194,302	58,739,771	57,861,972	-2,770,216	+2,667,670	-877,799	
Less advances for subsequent years............	-1,260,000	-1,615,604	-250,000	-1,250,000	-250,000	+1,010,000	---	+1,000,000	
Plus advances provided in prior years 1/.....	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	77250
Scorekeeping adjustments:									
Trust funds considered budget authority.......	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Black lung benefit cola.......................	12,900	---	---	---	---	-12,900	---	---	77400
Adjustment to balance with FY95 bill..........	-371,792	---	---	---	---	+371,792	---	---	77425
Pell grants, rescission of FY94 funds.........	-35,000	---	---	---	---	+35,000	---	---	77560
Youth training rescission (FY 1994)...........	-50,000	---	---	---	---	+50,000	---	---	77570
NIH buildings & facilities resc (FY 1994).....	-60,000	---	---	---	---	+60,000	---	---	77580
Emergency funding............................	-35,000	---	---	---	---	+35,000	---	---	77700

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission

	FY 1995	FY 1996				Conference vs			Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
Retirement fraud............................	-410	---	---	---	---	+410	---	---	77750
Direct loan State fee........................	---	---	---	-15,000	---	---	---	+15,000	77757
HEAL loan limitation.........................	---	---	-6,983	-6,983	-6,983	-6,983	---	---	77770
Direct loan administration limitation.........	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	77775
JOBS rescission 1/..........................	---	---	---	-10,000	-10,000	-10,000	-10,000	---	77776
Direct loan 40% cap..........................	---	---	-55,000	---	---	---	+55,000	---	77777
Dept of Labor working capital fund............	---	---	3,900	3,900	3,900	+3,900	---	---	77780
Advances to the ESA account of the Unempl TF..	---	---	-56,300	-56,300	-56,300	-56,300	---	---	77785
Payments to UI trust fund & other funds.......	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	77787
Adjustment for leg cap on Title XX SSBGs 2/..	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	77790
Medicaid psychiatric hospitals................	---	---	---	50,000	50,000	+50,000	+50,000	---	77795
* Total, discretionary, current year 3/....	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	
* Crime trust fund.......................	11,000	175,400	53,000	53,000	53,000	+42,000	---	---	
* General purposes........................	67,141,944	71,956,695	61,910,000	64,319,390	64,523,137	-2,618,807	+2,613,137	+203,747	
Grand total, current year.................	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	

1/ Senate and Conference action taken in Title III, Chapter IV of H.R. 3019.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

3/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
DISTRIBUTION OF BILL TOTALS BY AGENCY									
(BUDGET ENFORCEMENT ACT SCOREKEEPING)									
Title I - Department of Labor	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Total	11,928,151	13,247,446	10,228,783	11,473,148	11,350,297	-577,854	+1,121,514	-122,851	
Mandatory	2,511,942	1,931,936	1,930,619	1,930,619	1,930,619	-581,323	---	---	
Discretionary	5,927,331	7,699,875	4,928,872	6,173,237	6,051,105	+123,774	+1,122,233	-122,132	
Trust funds considered budget authority	3,488,878	3,615,635	3,369,292	3,369,292	3,368,573	-120,305	-719	-719	
Black lung benefit cola	9,000	---	---	---	---	-9,000	---	---	79650
Retirement fraud	-410	---	---	---	---	+410	---	---	79700
Dept of Labor working capital fund	---	---	3,900	3,900	3,900	+3,900	---	---	79710
Subtotal, discretionary	9,424,799	11,315,510	8,302,064	9,546,429	9,423,578	-1,221	+1,121,514	-122,851	
Total, 602(b) scorekeeping	11,936,741	13,247,446	10,232,683	11,477,048	11,354,197	-582,544	+1,121,514	-122,851	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Title II - Dept of Health & Human Services (incl resc)	147,099,217	168,200,874	166,501,392	166,144,440	166,477,901	+19,378,684	-23,491	+333,461	
Prior year advances	32,274,998	32,447,717	32,447,717	32,447,717	32,447,717	+172,719	---	---	80150
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Total	181,590,023	202,940,035	201,107,484	200,734,175	201,087,040	+19,497,017	-20,444	+352,865	
Mandatory	121,238,448	140,717,194	140,447,046	140,237,046	140,308,046	+19,069,598	-139,000	+71,000	
Prior year advances	30,800,000	31,447,717	31,447,717	31,447,717	31,447,717	+647,717	---	---	80550
Adjustment for leg cap on Title XX SSBGs	---	---	280,000	490,000	419,000	+419,000	+139,000	-71,000	80560
Subtotal, mandatory	152,038,448	172,164,911	172,174,763	172,174,763	172,174,763	+20,136,315	---	---	
Discretionary	26,860,769	28,802,884	26,054,346	26,907,394	26,169,855	-690,914	+115,509	-737,539	
Less advances for subsequent years	-1,000,000	-1,319,204	---	-1,000,000	---	+1,000,000	---	+1,000,000	
Prior year advances 1/	1,474,998	1,000,000	1,000,000	1,000,000	1,000,000	-474,998	---	---	81000
Trust funds considered budget authority	2,215,808	2,291,444	2,158,375	2,142,018	2,161,422	-54,386	+3,047	+19,404	
Emergency funding	-35,000	---	---	---	---	+35,000	---	---	81100
Black lung benefit cola	3,900	---	---	---	---	-3,900	---	---	81150
HEAL loan limitation	---	---	-6,983	-6,983	-6,983	-6,983	---	---	81180
Adjustment for leg cap on Title XX SSBGs 2/	---	---	-280,000	-490,000	-419,000	-419,000	-139,000	+71,000	81190
Subtotal, discretionary	29,520,475	30,775,124	28,925,738	28,552,429	28,905,294	-615,181	-20,444	+352,865	
Total, 602(b) scorekeeping	181,558,923	202,940,035	201,100,501	200,727,192	201,080,057	+19,521,134	-20,444	+352,865	

1/ FY95 comparable reflects level before rescission of advance funding. FY96 amounts reflect level after rescission.

2/ CBO scores Senate at -$420,000,000 due to bill drafting error.

	FY 1995	FY 1996				---------- Conference vs	-------------		Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
Title III - Department of Education..................	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Mandatory..	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500	
Discretionary....................................	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Subtotal, discretionary 2/................	24,446,207	25,803,595	21,162,529	22,796,883	22,812,158	-1,634,049	+1,649,629	+15,275	
Total, 602(b) scorekeeping.................	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775	
Title IV - Related Agencies (incl rescissions)........	22,527,988	20,131,342	19,988,628	19,834,330	19,800,927	-2,727,061	-187,701	-33,403	
Prior year advances................................	7,252,640	7,515,000	7,515,000	7,515,000	7,515,000	+262,360	---	---	82450
Trust funds considered budget authority............	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Total..	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Mandatory..	19,390,107	17,190,073	17,190,073	17,191,573	17,191,573	-2,198,534	+1,500	---	
Prior year advances........................	6,960,000	7,240,000	7,240,000	7,240,000	7,240,000	+280,000	---	---	82750
Subtotal, mandatory........................	26,350,107	24,430,073	24,430,073	24,431,573	24,431,573	-1,918,534	+1,500	---	
Discretionary....................................	3,137,881	2,941,269	2,798,555	2,642,757	2,609,354	-528,527	-189,201	-33,403	
Prior year advances 1/......................	292,640	275,000	275,000	275,000	275,000	-17,640	---	---	83000
Trust funds considered budget authority.......	847,734	1,021,597	978,414	976,692	977,553	+129,819	-861	+861	
Subtotal, discretionary....................	4,278,255	4,237,866	4,051,969	3,894,449	3,861,907	-416,348	-190,062	-32,542	
Total, 602(b) scorekeeping.................	30,628,362	28,667,939	28,482,042	28,326,022	28,293,480	-2,334,882	-188,562	-32,542	
Title V - 1% Cap on performance awards................	---	---	---	-30,500	-30,500	-30,500	-30,500	---	

1/ Refer to footnote previous page.

2/ Conference includes $1,298,386,000 that is delayed availability until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
Scorekeeping adjustments:									
Adjustment to balance with FY95 bill..........	-371,792	---	---	---	---	+371,792	---	---	83350
Youth training rescission (FY 1994)...........	-50,000	---	---	---	---	+50,000	---	---	83370
Pell grants, rescission of FY94 funds.........	-35,000	---	---	---	---	+35,000	---	---	83375
NIH buildings & facilities resc (FY 1994).....	-60,000	---	---	---	---	+60,000	---	---	83380
Direct loan State fee.........................	---	---	---	-15,000	---	---	---	+15,000	83382
Direct loan administration limitation.........	---	---	-118,000	-90,000	-114,000	-114,000	+4,000	-24,000	83385
Medicaid psychiatric hospitals................	---	---	---	50,000	50,000	+50,000	+50,000	---	83387
Direct loan 40% cap...........................	---	---	-55,000	---	---	---	+55,000	---	83390
JOBS rescission...............................	---	---	---	-10,000	-10,000	-10,000	-10,000	---	83392
Advances to the ESA account of the Unempl TF..	---	---	-56,300	-56,300	-56,300	-56,300	---	---	83394
Payments to UI trsut fund & other funds.......	---	---	-250,000	-266,000	-266,000	-266,000	-16,000	---	83396
Total, current year, all titles....................	250,407,544	273,075,526	262,914,966	265,325,856	265,533,103	+15,125,559	+2,618,137	+207,247	
Mandatory..................................	145,494,600	162,255,714	162,264,249	162,265,749	162,269,249	+16,774,649	+5,000	+3,500	
Prior year advances........................	37,760,000	38,687,717	38,687,717	38,687,717	38,687,717	+927,717	---	---	
Subtotal, mandatory, current year.........	183,254,600	200,943,431	200,951,966	200,953,466	200,956,966	+17,702,366	+5,000	+3,500	
Discretionary................................	58,832,886	63,928,419	54,181,919	56,609,388	56,793,589	-2,039,297	+2,611,670	+184,201	
Prior year advances 1/.....................	1,767,638	1,275,000	1,275,000	1,275,000	1,275,000	-492,638	---	---	
Trust funds considered budget authority.....	6,552,420	6,928,676	6,506,081	6,488,002	6,507,548	-44,872	+1,467	+19,546	
Subtotal, discretionary current year......	67,152,944	72,132,095	61,963,000	64,372,390	64,576,137	-2,576,807	+2,613,137	+203,747	

1/ Refer to footnote previous page.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
TITLE I - DEPARTMENT OF LABOR										
EMPLOYMENT AND TRAINING ADMINISTRATION										
TRAINING AND EMPLOYMENT SERVICES 1/										
Grants to States:										
Adult training	996,813	1,054,813	745,700	900,000	850,000	-146,813	+104,300	-50,000	D	1100
Youth training	126,672	288,979	126,672	126,672	126,672	---	---	---	D	1150
Summer youth employment and training program:										
Forward funding	184,788	958,540	---	---	---	-184,788	---	---	D	1250
Current funding	---	---	---	635,000	625,000	+625,000	+625,000	-10,000	D	1260
(Summer of 1995) (non-add)	(184,788)	---	---	---	---	(-184,788)	---	---	NA	1300
Dislocated worker assistance:										
Forward funding	1,228,550	1,396,000	867,000	1,200,000	1,097,500	-131,050	+230,500	-102,500	D	1350
Current funding	---	---	---	---	2,500	+2,500	+2,500	+2,500	D	1360
Proposed leg: Dislocated workers (non-add)	---	(660,000)	---	---	---	---	---	---	NA	1370
Proposed leg: Adult Training (non-add) transfer to Department of Education (Adult Literacy)	---	(-84,161)	---	---	---	---	---	---	NA	1385
Proposed leg: Skill Grants (Pell xfer) (non-add)	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	1400
Subtotal	1,228,550	1,396,000	867,000	1,200,000	1,100,000	-128,550	+233,000	-100,000		
Federally administered programs:										
Native Americans	59,787	61,871	52,502	52,502	52,502	-7,285	---	---	D	1500
Migrants and seasonal farmworkers	79,967	78,303	69,285	69,285	69,285	-10,682	---	---	D	1550

1/ Forward funded except where noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Job Corps:										
Operations	957,193	1,029,632	972,475	972,475	972,475	+15,282	---	---	D	1650
Construction and renovation	132,029	198,082	121,467	121,467	121,467	-10,562	---	---	D	1800
Subtotal, Job Corps	1,089,222	1,227,714	1,093,942	1,093,942	1,093,942	+4,720	---	---		
Youth Fair Chance	---	49,785	---	---	---	---	---	---	D	1900
Veterans' employment	8,880	8,880	7,300	7,300	7,300	-1,580	---	---	D	1950
National activities:										
Pilots and demonstrations	33,186	35,522	27,140	27,140	27,140	-6,046	---	---	D	2150
Research, demonstration and evaluation	9,196	12,596	6,196	6,196	6,196	-3,000	---	---	D	2200
Other	10,989	73,584	13,489	13,489	13,489	+2,500	---	---	D	2250
Subtotal, National activities	53,371	121,702	46,825	46,825	46,825	-6,546	---	---		
Subtotal, Federal activities	1,291,227	1,548,255	1,269,854	1,269,854	1,269,854	-21,373	---	---		
Total, Job Training Partnership Act	3,828,050	5,246,587	3,009,226	4,131,526	3,971,526	+143,476	+962,300	-160,000		
Veterans homeless program 1/	---	5,011	---	---	---	---	---	---	D	2450
Glass Ceiling Commission 1/	738	142	142	142	142	-596	---	---	D	2500
Women in apprenticeship 1/	744	744	610	610	610	-134	---	---	D	2550
National Center for the Workplace 1/ 2/	---	---	---	---	---	---	---	---	D	2600
Skills Standards	4,500	12,000	4,000	4,000	4,000	-500	---	---	D	2650
Total, National activities, TES (non-add)	(59,353)	(139,599)	(51,577)	(51,577)	(51,577)	(-7,776)	---	---		
School-to-work	122,500	200,000	95,000	186,000	170,000	+47,500	+75,000	-16,000	D	2700
Total, Training and Employment Services	3,956,532	5,464,484	3,108,978	4,322,278	4,146,278	+189,746	+1,037,300	-176,000		
Subtotal, forward funded	(3,955,050)	(5,458,587)	(3,108,226)	(3,686,526)	(3,518,026)	(-437,024)	(+409,800)	(-168,500)		

1/ Current funded.

2/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
COMMUNITY SERVICE EMPLOYMENT FOR OLDER AMERICANS......	396,060	410,500	350,000	350,000	373,000	-23,060	+23,000	+23,000	D	3305
FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES										
Trade adjustment......................................	274,400	279,600	279,600	279,600	279,600	+5,200	---	---	M	3450
NAFTA activities......................................	---	66,500	66,500	66,500	66,500	+66,500	---	---	M	3500
Total..	274,400	346,100	346,100	346,100	346,100	+71,700	---	---		
STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS										
Unemployment Compensation (Trust Funds):										
State Operations....................................	(1,756,626)	(2,206,136)	(2,080,520)	(2,080,520)	(2,080,520)	(+323,894)	---	---	TF*	3750
State integrity activities..........................	(367,169)	---	---	---	---	(-367,169)	---	---	TF*	3850
National Activities.................................	(17,328)	(17,824)	(10,000)	(10,000)	(10,000)	(-7,328)	---	---	TF*	3900
Contingency...	(172,137)	(245,983)	(216,333)	(216,333)	(216,333)	(+44,196)	---	---	TF*	3950
Contingency bill language (OMB estimate)..........	(67,900)	---	---	---	---	(-67,900)	---	---	NA	4000
Portion treated as budget authority...........	(812)	---	---	---	---	(-812)	---	---	TF*	4050
Subtotal, Unemployment Comp (trust funds)...	(2,314,072)	(2,469,943)	(2,306,853)	(2,306,853)	(2,306,853)	(-7,219)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Employment Service:										
Allotments to States:										
Federal funds	25,254	24,177	23,452	23,452	23,452	-1,802	---	---	D	4250
Trust funds	(813,658)	(781,735)	(738,283)	(738,283)	(738,283)	(-75,375)	---	---	TF*	4300
Subtotal	838,912	805,912	761,735	761,735	761,735	-77,177	---	---		
National Activities:										
Federal funds	1,934	1,934	1,876	1,876	1,876	-58	---	---	D	4450
Trust funds	(64,194)	(64,194)	(59,058)	(59,058)	(57,058)	(-7,136)	(-2,000)	(-2,000)	TF*	4500
Targeted jobs tax credit	(10,250)	---	---	---	---	(-10,250)	---	---	TF*	4550
Subtotal, Emp. Serv., National Activities	76,378	66,128	60,934	60,934	58,934	-17,444	-2,000	-2,000		
Subtotal, Employment Service	915,290	872,040	822,669	822,669	820,669	-94,621	-2,000	-2,000		
Federal funds	27,188	26,111	25,328	25,328	25,328	-1,860	---	---		
Trust funds	(888,102)	(845,929)	(797,341)	(797,341)	(795,341)	(-92,761)	(-2,000)	(-2,000)		
One-stop Career Centers	100,000	200,000	92,000	110,000	110,000	+10,000	+18,000	---	D	4775
Total, State Unemployment	3,329,362	3,541,983	3,221,522	3,239,522	3,237,522	-91,840	+16,000	-2,000		
Federal Funds	127,188	226,111	117,328	135,328	135,328	+8,140	+18,000	---		
Trust Funds	(3,202,174)	(3,315,872)	(3,104,194)	(3,104,194)	(3,102,194)	(-99,980)	(-2,000)	(-2,000)		
ADVANCES TO UNEMPLOYMENT TRUST FUND AND OTHER FUNDS	1,004,485	369,000	369,000	369,000	369,000	-635,485	---	---	M	4950
ADVANCES TO THE ESA ACCOUNT OF THE UNEMPLOYMENT TRUST FUND	---	---	(-56,300)	(-56,300)	(-56,300)	(-56,300)	---	---	NA	4956
PAYMENTS TO UI TRUST FUND AND OTHER FUNDS	---	---	(-250,000)	(-266,000)	(-266,000)	(-266,000)	(-16,000)	---	NA	4958

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
PROGRAM ADMINISTRATION										
Adult employment and training	27,754	31,144	25,619	25,619	25,619	-2,135	---	---	D	5000
Trust funds	(2,467)	(2,637)	(2,283)	(2,283)	(2,283)	(-184)	---	---	TF*	5010
Youth employment and training	31,815	35,170	29,441	29,441	29,441	-2,374	---	---	D	5020
Employment security	6,584	3,913	6,057	6,057	6,057	-527	---	---	D	5030
Trust funds	(40,271)	(47,378)	(37,167)	(37,167)	(37,167)	(-3,104)	---	---	TF*	5040
Apprenticeship services	17,460	18,681	16,129	16,129	16,129	-1,331	---	---	D	5050
Executive direction	6,306	6,605	5,808	5,808	5,808	-498	---	---	D	5060
Trust funds	(1,414)	(1,887)	(1,343)	(1,343)	(1,343)	(-71)	---	---	TF*	5070
Total, Program Administration	134,071	147,415	123,847	123,847	123,847	-10,224	---	---		
Federal funds	89,919	95,513	83,054	83,054	83,054	-6,865	---	---		
Trust funds	(44,152)	(51,902)	(40,793)	(40,793)	(40,793)	(-3,359)	---	---		
Total, Employment & Training Administration	9,094,910	10,279,482	7,519,447	8,750,747	8,595,747	-499,163	+1,076,300	-155,000		
Federal funds	5,848,584	6,911,708	4,374,460	5,605,760	5,452,760	-395,824	+1,078,300	-153,000		
Trust funds	(3,246,326)	(3,367,774)	(3,144,987)	(3,144,987)	(3,142,987)	(-103,339)	(-2,000)	(-2,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
OFFICE OF THE AMERICAN WORKPLACE										
SALARIES AND EXPENSES										
Office of the Workplace Programs	7,082	10,770	---	---	---	-7,082	---	---	D	5750
PENSION AND WELFARE BENEFITS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement and compliance	53,492	65,163	50,750	50,750	52,083	-1,409	+1,333	+1,333	D	6000
Policy, regulation and public service	12,054	12,412	11,242	11,242	11,831	-223	+589	+589	D	6050
Program oversight	3,385	3,607	3,206	3,206	3,583	+198	+377	+377	D	6100
Total, PWBA	68,931	81,182	65,198	65,198	67,497	-1,434	+2,299	+2,299		
PENSION BENEFIT GUARANTY CORPORATION										
Program Administration subject to limitation (Trust Funds)	(11,463)	(12,043)	(10,603)	(10,603)	(10,603)	(-860)	---	---	TF	6350
Services related to terminations not subject to limitations (non-add)	(126,032)	(128,496)	(128,496)	(128,496)	(128,496)	(+2,464)	---	---	NA	6450
Total, PBGC	(137,495)	(140,539)	(139,099)	(139,099)	(139,099)	(+1,604)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
EMPLOYMENT STANDARDS ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement of wage and hour standards................	100,725	116,943	94,169	94,169	100,196	-529	+6,027	+6,027	D	6650
Office of Labor-Management Standards..................	23,997	31,075	23,097	23,097	24,192	+195	+1,095	+1,095	D	6675
Federal contractor EEO standards enforcement..........	58,725	63,831	55,245	55,245	56,851	-1,874	+1,606	+1,606	D	6700
Federal programs for workers' compensation............	76,403	82,937	71,648	71,648	73,736	-2,667	+2,088	+2,088	D	6750
Trust funds..	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)	TF	6800
Program direction and support.........................	11,490	11,690	10,597	10,597	10,662	-828	+65	+65	D	6850
Total, salaries and expenses....................	272,397	308,145	255,734	255,734	266,644	-5,753	+10,910	+10,910		
Federal funds................................	271,340	306,476	254,756	254,756	265,637	-5,703	+10,881	+10,881		
Trust funds..................................	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
SPECIAL BENEFITS										
Federal employees compensation benefits...............	254,000	214,000	214,000	214,000	214,000	-40,000	---	---	M	7200
Longshore and harbor workers' benefits................	4,000	4,000	4,000	4,000	4,000	---	---	---	M	7250
Total, Special Benefits.........................	258,000	218,000	218,000	218,000	218,000	-40,000	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
BLACK LUNG DISABILITY TRUST FUND										
Benefit payments and interest on advances............	923,005	949,494	949,494	949,494	949,494	+26,489	---	---	M	7400
Employment Standards Admin., salaries & expenses......	27,799	28,655	27,350	27,350	27,350	-449	---	---	M	7450
Departmental Management, salaries and expenses........	23,188	19,621	19,621	19,621	19,621	-3,567	---	---	M	7500
Departmental Management, inspector general............	309	310	298	298	298	-11	---	---	M	7550
Subtotal, Black Lung Disablty. Trust Fund, apprn	974,301	998,080	996,763	996,763	996,763	+22,462	---	---		
Treasury administrative costs (indefinite)............	756	756	756	756	756	---	---	---	M	7650
Total, Black Lung Disability Trust Fund.........	975,057	998,836	997,519	997,519	997,519	+22,462	---	---		
Total, Employment Standards Administration......	1,505,454	1,524,981	1,471,253	1,471,253	1,482,163	-23,291	+10,910	+10,910		
Federal funds................................	1,504,397	1,523,312	1,470,275	1,470,275	1,481,156	-23,241	+10,881	+10,881		
Trust funds..................................	(1,057)	(1,669)	(978)	(978)	(1,007)	(-50)	(+29)	(+29)		
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Safety and health standards...........................	8,906	9,471	8,354	8,000	8,499	-407	+145	+499	D	8050
Enforcement:										
Federal Enforcement...............................	145,289	155,854	114,015	116,230	121,320	-23,969	+7,305	+5,090	D	8150
State programs....................................	70,615	75,915	65,319	70,615	68,295	-2,320	+2,976	-2,320	D	8200
Technical Support.....................................	18,883	21,668	17,467	16,394	18,002	-881	+535	+1,608	D	8250
Compliance Assistance.................................	44,974	55,332	---	---	---	-44,974	---	---	D	8300
Federal Assistance................................	---	---	18,248	24,858	35,129	+35,129	+16,881	+10,271	D	8310
State Consultation Grants.........................	---	---	35,353	32,479	32,479	+32,479	-2,874	---	D	8320
Safety and health statistics..........................	15,730	20,669	14,707	14,257	14,515	-1,215	-192	+258	D	8350
Executive direction and administration................	7,263	7,594	6,537	6,152	6,745	-518	+208	+593	D	8400
Total, OSHA.....................................	311,660	346,503	280,000	288,985	304,984	-6,676	+24,984	+15,999		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
MINE SAFETY AND HEALTH ADMINISTRATION										
SALARIES AND EXPENSES										
Enforcement:										
Coal	107,039	112,957	107,039	107,039	107,039	---	---	---	D	8700
Metal/nonmetal	42,296	46,862	41,412	41,412	41,412	-884	---	---	D	8750
Standards development	1,339	1,008	1,008	1,008	1,008	-331	---	---	D	8800
Assessments	3,781	3,712	3,497	3,497	3,497	-284	---	---	D	8850
Educational policy and development	15,064	14,865	14,782	14,782	14,782	-282	---	---	D	8900
Technical support	22,097	23,575	21,268	21,268	21,268	-829	---	---	D	8950
Program administration	8,519	9,127	7,667	7,667	7,667	-852	---	---	D	9000
Total, Mine Safety and Health Administration	200,135	212,106	196,673	196,673	196,673	-3,462	---	---		
BUREAU OF LABOR STATISTICS										
SALARIES AND EXPENSES										
Employment and Unemployment Statistics	99,421	107,955	100,000	100,000	97,155	-2,266	-2,845	-2,845	D	9300
Labor Market Information (Trust Funds)	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)	TF*	9350
Prices and cost of living	93,001	99,224	93,956	93,956	97,712	+4,711	+3,756	+3,756	D	9400
Compensation and working conditions	61,188	63,855	54,625	54,625	53,444	-7,744	-1,181	-1,181	D	9450
Productivity and technology	6,970	7,419	6,413	6,413	6,974	+4	+561	+561	D	9500
Economic growth and employment projections	4,006	4,487	3,847	3,847	4,451	+445	+604	+604	D	9550
Executive direction and staff services	26,723	25,842	22,072	22,072	21,896	-4,827	-176	-176	D	9600
Consumer Price Index Revision	5,127	11,549	11,549	11,549	11,549	+6,422	---	---	D	9700
Total, Bureau of Labor Statistics	349,642	376,681	342,459	342,459	344,459	-5,183	+2,000	+2,000		
Federal Funds	296,436	320,331	292,462	292,462	293,181	-3,255	+719	+719		
Trust Funds	(53,206)	(56,350)	(49,997)	(49,997)	(51,278)	(-1,928)	(+1,281)	(+1,281)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs -------------			Mand Disc	
						FY 1995	House	Senate		
DEPARTMENTAL MANAGEMENT										
SALARIES AND EXPENSES										
Executive direction..................................	20,934	26,232	18,641	18,641	18,641	-2,293	---	---	D	10050
Legal services..	61,844	69,570	58,072	58,072	58,072	-3,772	---	---	D	10100
Trust funds.......................................	(328)	(342)	(303)	(303)	(303)	(-25)	---	---	TF*	10150
International labor affairs...........................	12,198	12,950	5,850	9,930	8,900	-3,298	+3,050	-1,030	D	10200
Administration and management.........................	14,963	15,503	13,904	13,904	13,904	-1,059	---	---	D	10250
Adjudication..	19,926	24,589	18,500	18,500	20,500	+574	+2,000	+2,000	D	10300
Promoting employment of people with disabilities......	4,358	4,772	4,358	4,358	4,358	---	---	---	D	10350
Women's Bureau..	8,326	8,973	7,743	7,743	7,743	-583	---	---	D	10400
Civil Rights Activities...............................	4,888	5,038	4,535	4,535	4,535	-353	---	---	D	10450
Chief Financial Officer...............................	4,738	5,120	4,394	4,394	4,394	-344	---	---	D	10500
Enforcement Automation................................	2,000	---	---	---	---	-2,000	---	---	D	10550
Total, Salaries and expenses......................	154,503	173,089	136,300	140,380	141,350	-13,153	+5,050	+970		
Federal funds.................................	154,175	172,747	135,997	140,077	141,047	-13,128	+5,050	+970		
Trust funds...................................	(328)	(342)	(303)	(303)	(303)	(-25)	---	---		
VETERANS EMPLOYMENT AND TRAINING										
State Administration:										
Disabled Veterans Outreach Program................	(83,601)	(83,643)	(76,913)	(76,913)	(76,913)	(-6,688)	---	---	TF*	10850
Local Veterans Employment Program.................	(77,593)	(77,632)	(71,386)	(71,386)	(71,386)	(-6,207)	---	---	TF*	10900
Subtotal, State Administration..................	(161,194)	(161,275)	(148,299)	(148,299)	(148,299)	(-12,895)	---	---		
Federal Administration................................	(21,025)	(23,017)	(19,419)	(19,419)	(19,419)	(-1,606)	---	---	TF*	11000
National Veterans Training Institute..................	(2,904)	(2,822)	(2,672)	(2,672)	(2,672)	(-232)	---	---	TF*	11050
Total, Trust Funds..............................	(185,123)	(187,114)	(170,390)	(170,390)	(170,390)	(-14,733)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
REINVENTION INVESTMENT FUND	---	3,900	---	---	---	---	---	---	D	11150
OFFICE OF THE INSPECTOR GENERAL										
Program activities	40,517	41,657	37,622	37,622	37,622	-2,895	---	---	D	11300
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---	TF*	11350
Executive Direction and Management	7,356	7,595	6,804	6,804	6,804	-552	---	---	D	11400
Total, Office of the Inspector General	51,768	53,307	48,041	48,041	48,041	-3,727	---	---		
Federal funds	47,873	49,252	44,426	44,426	44,426	-3,447	---	---		
Trust funds	(3,895)	(4,055)	(3,615)	(3,615)	(3,615)	(-280)	---	---		
Total, Departmental Management	391,394	417,410	354,731	358,811	359,781	-31,613	+5,050	+970		
Federal funds	202,048	225,899	180,423	184,503	185,473	-16,575	+5,050	+970		
Trust funds	(189,346)	(191,511)	(174,308)	(174,308)	(174,308)	(-15,038)	---	---		
Total, Labor Department	11,940,671	13,261,158	10,240,364	11,484,729	11,361,907	-578,764	+1,121,543	-122,822		
Federal funds	8,439,273	9,631,811	6,859,491	8,103,856	7,981,724	-457,549	+1,122,233	-122,132		
Trust funds	(3,501,398)	(3,629,347)	(3,380,873)	(3,380,873)	(3,380,183)	(-121,215)	(-690)	(-690)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
TITLE II - DEPARTMENT OF HEALTH AND HUMAN SERVICES										
HEALTH RESOURCES AND SERVICES ADMINISTRATION										
HEALTH RESOURCES AND SERVICES										
Consolidated health centers	---	---	756,518	759,623	759,623	+759,623	+3,105	---	D	12525
Community health centers	616,555	---	---	---	---	-616,555	---	---	D	12550
Migrant health centers	65,000	---	---	---	---	-65,000	---	---	D	12575
Health care for the homeless	65,445	---	---	---	---	-65,445	---	---	D	12600
Public housing health service grants	9,518	---	---	---	---	-9,518	---	---	D	12625
Health Centers Cluster (proposed legislation)	---	756,399	---	---	---	---	---	---	D	12650
Subtotal, Health Centers Activities	756,518	756,399	756,518	759,623	759,623	+3,105	+3,105	---		
National Health Service Corps:										
Field placements	41,979	---	41,979	40,168	40,428	-1,551	-1,551	+260	D	12925
Recruitment	78,206	---	78,206	74,832	75,317	-2,889	-2,889	+485	D	12935
Subtotal, National Health Service Corps	120,185	---	120,185	115,000	115,745	-4,440	-4,440	+745		

Note: All HHS accounts are current funded unless otherwise noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Health Professions										
Consolidated Health Professions Education & Training..	---	---	278,977	---	---	---	-278,977	---	D	13022
Grants to communities for scholarships................	474	---	---	379	474	---	+474	+95	D	13032
Health professions data system........................	548	---	---	400	240	-308	+240	-160	D	13035
Nurse loan repayment for shortage area service........	2,044	---	---	1,635	1,962	-82	+1,962	+327	D	13040
Research on health professions issues.................	600	---	---	---	---	-600	---	---	D	13075
Workforce Development Cluster (proposed leg)..........	---	127,218	---	---	---	---	---	---	D	13100
Centers of excellence.................................	23,040	---	---	20,275	22,118	-922	+22,118	+1,843	D	13175
Health careers opportunity program....................	25,350	---	---	21,996	23,996	-1,354	+23,996	+2,000	D	13200
Exceptional financial need scholarships...............	10,542	---	---	9,277	10,120	-422	+10,120	+843	D	13225
Faculty loan repayment................................	955	---	---	840	955	---	+955	+115	D	13250
Fin assistance for disadvantaged HP students..........	5,895	---	---	5,500	5,999	+104	+5,999	+499	D	13275
HPSL recapitalization.................................	8,017	---	---	---	---	-8,017	---	---	D	13300
Scholarships for disadvantaged students...............	17,376	---	---	15,638	16,681	-695	+16,681	+1,043	D	13325
Minority / Disadvantaged Cluster (proposed leg).......	---	89,450	---	---	---	---	---	---	D	13350
Family medicine training / departments................	46,057	---	---	37,427	44,215	-1,842	+44,215	+6,788	D	13575
General internal medicine and pediatrics..............	16,503	---	---	13,202	15,843	-660	+15,843	+2,641	D	13600
Physician assistants..................................	5,964	---	---	5,069	5,725	-239	+5,725	+656	D	13625
Public health and preventive medicine.................	7,546	---	---	6,414	7,244	-302	+7,244	+830	D	13650
Health administration traineeships / projects.........	978	---	---	831	978	---	+978	+147	D	13675
Primary Care Medicine and Public Health Cluster (proposed legislation)..............................	---	76,055	---	---	---	---	---	---	D	13700

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
Area health education centers	24,125	---	---	24,125	23,160	-965	+23,160	-965	D	13710
Border health training centers	3,509	---	---	2,807	3,369	-140	+3,369	+562	D	13720
General dentistry residencies	3,530	---	---	3,354	3,389	-141	+3,389	+35	D	13730
Allied health special projects	3,580	---	---	3,043	3,437	-143	+3,437	+394	D	13740
Geriatric education centers and training	8,273	---	---	6,618	7,942	-331	+7,942	+1,324	D	13750
Interdisciplinary traineeships	3,880	---	---	3,686	3,725	-155	+3,725	+39	D	13760
Podiatric medicine	615	---	---	615	615	---	+615	---	D	13770
Chiropractic demonstration grants	936	---	---	936	936	---	+936	---	D	13775
Enhanced Area Health Education Cluster (proposed legislation)	---	38,783	---	---	---	---	---	---	D	13780
Advanced nurse education	11,642	---	---	10,245	11,176	-466	+11,176	+931	D	13790
Nurse practitioners / nurse midwives	16,140	---	---	14,203	15,494	-646	+15,494	+1,291	D	13800
Special projects	9,848	---	---	8,666	9,454	-394	+9,454	+788	D	13825
Nurse disadvantaged assistance	3,606	---	---	3,173	3,462	-144	+3,462	+289	D	13850
Professional nurse traineeships	14,830	---	---	13,050	14,237	-593	+14,237	+1,187	D	13875
Nurse anesthetists	2,574	---	---	2,265	2,471	-103	+2,471	+206	D	13900
Nurse Education / Practice Initiatives Cluster (proposed legislation)	---	56,750	---	---	---	---	---	---	D	13925
Subtotal, Health professions	278,977	388,256	278,977	235,669	259,417	-19,560	-19,560	+23,748		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Other HRSA Programs:										
Hansen's disease services	20,826	20,826	17,500	17,500	17,500	-3,326	---	---	D	14425
Maternal & child health block grant	683,950	678,866	678,866	678,866	678,866	-5,084	---	---	D	14450
Healthy start	104,220	100,000	93,000	93,000	93,000	-11,220	---	---	D	14475
Organ transplantation	2,629	2,629	2,400	2,400	2,400	-229	---	---	D	14500
Health teaching facilities interest subsidies	411	411	411	411	411	---	---	---	D	14525
Bone marrow program	15,360	15,360	15,360	15,360	15,360	---	---	---	D	14550
Rural outreach grants	26,091	---	27,898	27,898	27,898	+1,807	---	---	D	14575
State Offices of Rural Health 1/	---	---	---	---	---	---	---	---	D	14600
Rural Health Cluster (proposed legislation)	---	29,029	---	---	---	---	---	---	D	14625
Trauma care	293	---	---	---	---	-293	---	---	D	14650
Emergency medical services for children	10,000	---	11,000	10,500	11,000	+1,000	---	+500	D	14675
Emergency Medical Services (EMS) Cluster (proposed legislation)	---	14,784	---	---	---	---	---	---	D	14700
Black lung clinics	4,142	---	3,811	3,811	3,811	-331	---	---	D	14725
Alzheimers demonstration grants	4,959	---	4,000	4,000	4,000	-959	---	---	D	14750
Payment to Hawaii, treatment of Hansen's Disease	2,976	---	2,045	2,045	2,045	-931	---	---	D	14775
Pacific Basin initiative	1,500	---	1,200	1,200	1,200	-300	---	---	D	14800
Native Hawaiian health care	4,336	---	---	---	---	-4,336	---	---	D	14825
Special Populations Cluster (proposed legislation)	---	17,259	---	---	---	---	---	---	D	14850
Subtotal, Other HRSA programs	881,693	879,164	857,491	856,991	857,491	-24,202	---	+500		

1/ FY 1995 funding for this program was rescinded in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Acquired Immune Deficiency Syndrome (AIDS):										
Education and training centers....................	16,287	16,287	6,000	6,000	12,000	-4,287	+6,000	+6,000	D	15025
AIDS dental services..............................	6,937	6,937	6,937	6,937	6,937	---	---	---	D	15050
Ryan White AIDS Programs:										
Emergency assistance..........................	356,500	407,000	379,500	379,500	391,700	+35,200	+12,200	+12,200	D	15100
Comprehensive care programs...................	198,147	273,897	250,147	198,147	260,847	+62,700	+10,700	+62,700	D	15125
Early intervention program....................	52,318	62,568	52,318	52,318	56,918	+4,600	+4,600	+4,600	D	15150
Pediatric demonstrations......................	26,000	32,000	26,500	26,500	29,000	+3,000	+2,500	+2,500	D	15175
Subtotal, Ryan White AIDS programs..........	632,965	775,465	708,465	656,465	738,465	+105,500	+30,000	+82,000		
Subtotal, AIDS..............................	656,189	798,689	721,402	669,402	757,402	+101,213	+36,000	+88,000		
Family planning..	193,349	198,982	193,349	193,349	193,349	---	---	---	D	15275
Rural health research..................................	9,426	9,426	9,426	9,426	9,426	---	---	---	D	15300
Health care facilities.................................	10,000	2,000	10,000	10,000	20,000	+10,000	+10,000	+10,000	D	15325
Buildings and facilities...............................	933	933	858	858	858	-75	---	---	D	15350
National practitioner data bank........................	9,000	6,000	6,000	6,000	6,000	-3,000	---	---	D	15375
User fees..	-9,000	-6,000	-6,000	-6,000	-6,000	+3,000	---	---	D	15400
Program management.....................................	120,909	120,546	120,546	120,546	120,546	-363	---	---	D	15425
Savings attributable to legislative proposal......	---	(6,000)	---	---	---	---	---	---	NA	15450
Undistributed administrative reduction.................	---	---	-16,000	-16,000	-16,000	-16,000	---	---	D	15475
Total, Health resources and services............	3,028,179	3,154,395	3,052,752	2,954,864	3,077,857	+49,678	+25,105	+122,993		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
MEDICAL FACILITIES GUARANTEE AND LOAN FUND:										
Interest subsidy program..........................	9,000	8,000	8,000	8,000	8,000	-1,000	---	---	M	15600
HEALTH EDUCATION ASSISTANCE LOANS PROGRAM (HEAL):										
New loan subsidies................................	22,050	18,044	13,500	13,500	13,500	-8,550	---	---	M	15650
Liquidating account (non-add).....................	(17,990)	(42,000)	(42,000)	(42,000)	(42,000)	(+24,010)	---	---	NA	15675
HEAL loan limitation (non-add)....................	(375,000)	(280,000)	(210,000)	(210,000)	(210,000)	(-165,000)	---	---	NA	15700
Program management................................	2,922	2,922	2,688	2,688	2,688	-234	---	---	D	15725
Total, HEAL.......................................	24,972	20,966	16,188	16,188	16,188	-8,784	---	---		
VACCINE INJURY COMPENSATION PROGRAM TRUST FUND:										
Post - FY88 claims (trust fund)...................	54,476	56,721	56,721	56,721	56,721	+2,245	---	---	M	15800
HRSA administration (trust fund)..................	3,000	3,000	3,000	3,000	3,000	---	---	---	M	15825
Subtotal, Vaccine injury compensation trust fund	57,476	59,721	59,721	59,721	59,721	+2,245	---	---		
VACCINE INJURY COMPENSATION:										
Pre - FY89 claims (appropriation).................	110,000	110,000	110,000	110,000	110,000	---	---	---	M	15900
Total, Vaccine injury.............................	167,476	169,721	169,721	169,721	169,721	+2,245	---	---		
Total, Health Resources & Services Admin........	3,229,627	3,353,082	3,246,661	3,148,773	3,271,766	+42,139	+25,105	+122,993		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
CENTERS FOR DISEASE CONTROL 1/										
DISEASE CONTROL, RESEARCH AND TRAINING										
Preventive Health Services Block Grant	157,916	154,338	145,418	145,418	145,418	-12,498	---	---	D	18700
Prevention centers	7,724	7,724	8,099	8,099	8,099	+375	---	---	D	18800
Data initiative	---	6,000	---	---	---	---	---	---	D	18850
1% evaluation funds (non-add)	---	(14,000)	---	---	---	---	---	---	NA	18900
Immunization partnership grant (proposed legislation).	---	502,818	---	---	---	---	---	---	D	18950
CDC/HCFA vaccine program:										
Proposed legislation: Vaccine tax cut (non-add)..	---	-25,000	---	---	---	---	---	---	NA	18975
Childhood immunization	463,734	---	470,497	470,497	470,497	+6,763	---	---	D	19000
HCFA vaccine purchase (non-add)	(376,000)	(408,307)	(408,307)	(408,307)	(409,759)	(+33,759)	(+1,452)	(+1,452)	NA	19075
Subtotal, CDC/HCFA vaccine program level	(839,734)	(383,307)	(878,804)	(878,804)	(880,256)	(+40,522)	(+1,452)	(+1,452)		
1995 Vaccine rescission (non-add)	---	---	(-53,000)	(-53,000)	---	---	(+53,000)	(+53,000)	NA	19090
Communicable diseases:										
HIV/STD/TB partnership grant (proposed legislation	---	848,331	---	---	---	---	---	---	D	19150
Acquired Immune Deficiency Syndrome (AIDS)	589,831	---	589,962	589,962	589,962	+131	---	---	D	19200
Tuberculosis	119,573	---	119,582	119,582	119,582	+9	---	---	D	19250
Sexually transmitted diseases	105,164	---	108,242	108,242	108,242	+3,078	---	---	D	19300
Subtotal, Communicable diseases	814,568	848,331	817,786	817,786	817,786	+3,218	---	---		
Chronic diseases:										
Chronic diseases partnership grant (proposed leg).	---	243,498	---	---	---	---	---	---	D	19400
Chronic and environmental disease prevention	139,664	---	147,439	147,439	147,439	+7,775	---	---	D	19450
Breast and cervical cancer screening	100,000	---	125,000	125,000	125,000	+25,000	---	---	D	19500
Subtotal, Chronic diseases	239,664	243,498	272,439	272,439	272,439	+32,775	---	---		

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	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Infectious disease	54,340	63,191	65,057	65,057	65,057	+10,717	---	---	D	19600
Lead poisoning prevention	36,404	36,391	36,409	36,409	36,409	+5	---	---	D	19650
Injury control	43,669	44,661	43,679	43,679	43,679	+10	---	---	D	19700
Occupational Safety and Health (NIOSH)	131,984	137,084	133,859	133,859	133,859	+1,875	---	---	D	19925
Epidemic services	73,198	73,318	73,325	73,325	73,325	+127	---	---	D	20000
National Center for Health Statistics:										
Program operations	53,508	53,564	40,063	40,063	40,063	-13,445	---	---	D	20100
1% evaluation funds (non-add)	(27,862)	(27,862)	(40,063)	(40,063)	(40,063)	(+12,201)	---	---	NA	20200
Subtotal, health statistics	53,508	53,564	40,063	40,063	40,063	-13,445	---	---		
Buildings and facilities	3,575	3,575	4,353	4,353	4,353	+778	---	---	D	20300
Program management	3,058	3,067	3,067	3,067	3,067	+9	---	---	D	20325
Savings attibutable to legislative proposal	---	6,000	---	---	---	---	---	---	D	20350
Undistributed administrative reduction	---	---	-31,000	-31,000	-31,000	-31,000	---	---	D	20375
Subtotal, Centers for Disease Control	2,083,342	2,183,560	2,083,051	2,083,051	2,083,051	-291	---	---		
Crime Bill Activities:										
Rape prevention and education	---	35,000	28,542	28,542	28,542	+28,542	---	---	D	20420
Domestic violence community demonstrations	---	4,000	3,000	3,000	3,000	+3,000	---	---	D	20430
Crime victim study	---	100	100	100	100	+100	---	---	D	20440
Subtotal, Crime bill activities	---	39,100	31,642	31,642	31,642	+31,642	---	---		
Total, Disease Control	2,083,342	2,222,660	2,114,693	2,114,693	2,114,693	+31,351	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
NATIONAL INSTITUTES OF HEALTH 1/										
National Cancer Institute	1,913,167	1,994,007	2,251,084	2,251,084	2,251,084	+337,917	---	---	D	20850
Transfer, Office of AIDS Research	(217,735)	(225,790)	---	---	---	(-217,735)	---	---	NA	20900
Subtotal	(2,130,902)	(2,219,797)	(2,251,084)	(2,251,084)	(2,251,084)	(+120,182)	---	---		
National Heart, Lung, and Blood Institute	1,242,574	1,279,096	1,355,866	1,355,866	1,355,866	+113,292	---	---	D	21100
Transfer, Office of AIDS Research	(55,485)	(57,925)	---	---	---	(-55,485)	---	---	NA	21150
Subtotal	(1,298,059)	(1,337,021)	(1,355,866)	(1,355,866)	(1,355,866)	(+57,807)	---	---		
National Institute of Dental Research	163,112	168,341	183,196	183,196	183,196	+20,084	---	---	D	21350
Transfer, Office of AIDS Research	(11,733)	(12,309)	---	---	---	(-11,733)	---	---	NA	21400
Subtotal	(174,845)	(180,650)	(183,196)	(183,196)	(183,196)	(+8,351)	---	---		
National Institute of Diabetes and Digestive and Kidney Diseases	724,974	748,798	771,252	771,252	771,252	+46,278	---	---	D	21600
Transfer, Office of AIDS Research	(10,752)	(11,735)	---	---	---	(-10,752)	---	---	NA	21650
Subtotal	(735,726)	(760,533)	(771,252)	(771,252)	(771,252)	(+35,526)	---	---		
National Institute of Neurological Disorders and Stroke	628,247	648,255	681,534	681,534	681,534	+53,287	---	---	D	21900
Transfer, Office of AIDS Research	(22,741)	(23,807)	---	---	---	(-22,741)	---	---	NA	22000
Subtotal	(650,988)	(672,062)	(681,534)	(681,534)	(681,534)	(+30,546)	---	---		

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	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
National Institute of Allergy and Infectious Diseases.	536,940	557,354	1,169,628	1,169,628	1,169,628	+632,688	---	---	D	22200
Transfer, Office of AIDS Research................	(557,766)	(596,018)	---	---	---	(-557,766)	---	---	NA	22250
Subtotal......................................	(1,094,706)	(1,153,372)	(1,169,628)	(1,169,628)	(1,169,628)	(+74,922)	---	---		
National Institute of General Medical Sciences........	880,233	907,674	946,971	946,971	946,971	+66,738	---	---	D	22450
Transfer, Office of AIDS Research................	(24,664)	(26,135)	---	---	---	(-24,664)	---	---	NA	22500
Subtotal......................................	(904,897)	(933,809)	(946,971)	(946,971)	(946,971)	(+42,074)	---	---		
National Institute of Child Health and Human Development..	509,031	526,177	595,162	595,162	595,162	+86,131	---	---	D	22750
Transfer, Office of AIDS Research................	(58,667)	(60,713)	---	---	---	(-58,667)	---	---	NA	22800
Subtotal......................................	(567,698)	(586,890)	(595,162)	(595,162)	(595,162)	(+27,464)	---	---		
National Eye Institute..............................	291,464	300,693	314,185	314,185	314,185	+22,721	---	---	D	23000
Transfer, Office of AIDS Research................	(8,606)	(9,125)	---	---	---	(-8,606)	---	---	NA	23050
Subtotal......................................	(300,070)	(309,818)	(314,185)	(314,185)	(314,185)	(+14,115)	---	---		
National Institute of Environmental Health Sciences...	266,337	278,832	288,898	288,898	288,898	+22,561	---	---	D	23250
Transfer, Office of AIDS Research................	(5,745)	(6,051)	---	---	---	(-5,745)	---	---	NA	23300
Subtotal......................................	(272,082)	(284,883)	(288,898)	(288,898)	(288,898)	(+16,816)	---	---		
National Institute on Aging..........................	432,164	445,823	453,917	453,917	453,917	+21,753	---	---	D	23500
Transfer, Office of AIDS Research................	(1,715)	(1,785)	---	---	---	(-1,715)	---	---	NA	23550
Subtotal......................................	(433,879)	(447,608)	(453,917)	(453,917)	(453,917)	(+20,038)	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
National Institute of Arthritis and Musculoskeletal and Skin Diseases..................................	228,122	235,428	241,828	241,828	241,828	+13,706	---	---	D	23800
Transfer, Office of AIDS Research.................	(2,879)	(3,039)	---	---	---	(-2,879)	---	---	NA	23850
Subtotal...	(231,001)	(238,467)	(241,828)	(241,828)	(241,828)	(+10,827)	---	---		
National Institute on Deafness and Other Communication Disorders..	167,138	172,399	176,502	176,502	176,502	+9,364	---	---	D	24100
Transfer, Office of AIDS Research.................	(1,552)	(1,650)	---	---	---	(-1,552)	---	---	NA	24150
Subtotal...	(168,690)	(174,049)	(176,502)	(176,502)	(176,502)	(+7,812)	---	---		
National Institute of Nursing Research................	48,123	50,159	55,831	55,831	55,831	+7,708	---	---	D	24250
Transfer, Office of AIDS Research.................	(4,577)	(4,896)	---	---	---	(-4,577)	---	---	NA	24300
Subtotal...	(52,700)	(55,055)	(55,831)	(55,831)	(55,831)	(+3,131)	---	---		
National Institute on Alcohol Abuse and Alcoholism....	180,064	185,712	198,607	198,607	198,607	+18,543	---	---	D	24400
Transfer, Office of AIDS Research.................	(9,741)	(10,135)	---	---	---	(-9,741)	---	---	NA	24450
Subtotal...	(189,805)	(195,847)	(198,607)	(198,607)	(198,607)	(+8,802)	---	---		
National Institute on Drug Abuse......................	289,581	298,738	458,441	458,441	458,441	+168,860	---	---	D	24550
Transfer, Office of AIDS Research.................	(147,347)	(153,331)	---	---	---	(-147,347)	---	---	NA	24600
Subtotal...	(436,928)	(452,069)	(458,441)	(458,441)	(458,441)	(+21,513)	---	---		
National Institute of Mental Health...................	541,376	558,580	661,328	661,328	661,328	+119,952	---	---	D	24700
Transfer, Office of AIDS Research.................	(88,562)	(93,556)	---	---	---	(-88,562)	---	---	NA	24750
Subtotal...	(629,938)	(652,136)	(661,328)	(661,328)	(661,328)	(+31,390)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
National Center for Research Resources................	287,341	307,544	390,339	390,339	390,339	+102,998	---	---	D	25175
Transfer, Office of AIDS Research................	(64,630)	(68,370)	---	---	---	(-64,630)	---	---	NA	25180
Subtotal......................................	(351,971)	(375,914)	(390,339)	(390,339)	(390,339)	(+38,368)	---	---		
National Center for Human Genome Research............	152,906	166,678	170,041	170,041	170,041	+17,135	---	---	D	25250
Transfer, Office of AIDS Research................	(993)	(1,000)	---	---	---	(-993)	---	---	NA	25300
Subtotal......................................	(153,899)	(167,678)	(170,041)	(170,041)	(170,041)	(+16,142)	---	---		
John E. Fogarty International Center.................	14,633	15,267	25,313	25,313	25,313	+10,680	---	---	D	25450
Transfer, Office of AIDS Research................	(9,108)	(9,694)	---	---	---	(-9,108)	---	---	NA	25500
Subtotal......................................	(23,741)	(24,961)	(25,313)	(25,313)	(25,313)	(+1,572)	---	---		
National Library of Medicine.........................	125,195	136,311	141,439	141,439	141,439	+16,244	---	---	D	25650
Transfer, Office of AIDS Research................	(2,694)	(3,162)	---	---	---	(-2,694)	---	---	NA	25700
Subtotal......................................	(127,889)	(139,473)	(141,439)	(141,439)	(141,439)	(+13,550)	---	---		
Office of the Director..............................	214,234	230,256	261,488	261,488	261,488	+47,254	---	---	D	25900
Transfer, Office of AIDS Research................	(25,394)	(27,598)	---	---	---	(-25,394)	---	---	NA	25950
Subtotal......................................	(239,628)	(257,854)	(261,488)	(261,488)	(261,488)	(+21,860)	---	---		
Buildings and facilities............................	114,120	144,120	146,151	146,151	146,151	+32,031	---	---	D	26100
Office of AIDS Research.............................	1,333,086	1,407,824	---	---	---	-1,333,086	---	---	D	26110
Total N.I.H....................................	11,284,162	11,764,066	11,939,001	11,939,001	11,939,001	+654,839	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION										
Center for Mental Health Services:										
Consolidated Mental Health Demonstrations.........	---	53,092	38,100	38,100	38,100	+38,100	---	---	D	26900
Mental Health Block Grant.........................	275,420	304,617	275,420	226,281	275,420	---	---	+49,139	D	26950
Children's mental health..........................	59,958	60,000	60,000	60,000	60,000	+42	---	---	D	27000
Clinical training / AIDS training.................	5,379	---	---	---	---	-5,379	---	---	D	27050
Community support demonstrations..................	24,147	---	---	---	---	-24,147	---	---	D	27100
Grants to States for the homeless (PATH)..........	29,462	---	20,000	20,000	20,000	-9,462	---	---	D	27150
Homeless services demonstrations..................	21,205	---	---	---	---	-21,205	---	---	D	27200
Protection and advocacy...........................	21,957	21,760	19,850	19,850	19,850	-2,107	---	---	D	27250
AIDS demonstrations...............................	1,485	---	---	---	---	-1,485	---	---	D	27300
Subtotal, mental health.......................	439,013	439,469	413,370	364,231	413,370	-25,643	---	+49,139		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand	
						FY 1995	House	Senate	Disc	
Center for Substance Abuse Treatment:										
Consolidated Treatment Demonstrations.............	---	236,694	90,000	90,000	90,000	+90,000	---	---	D	27600
Substance abuse block grant.......................	1,234,107	1,294,107	1,234,107	1,200,000	1,234,107	---	---	+34,107	D	27650
Treatment grants to crisis areas..................	35,520	---	---	---	---	-35,520	---	---	D	27700
Treatment improvement demos:										
Pregnant/post partum women and children.......	54,228	---	---	---	---	-54,228	---	---	D	27800
Transfer from forfeiture fund (non-add)...	(10,000)	---	---	---	---	(-10,000)	---	---	NA	27850
Criminal justice program......................	37,502	---	---	---	---	-37,502	---	---	D	27900
Designated populations........................	23,561	---	---	---	---	-23,561	---	---	D	27950
Comprehensive community treatment program.....	27,073	---	---	---	---	-27,073	---	---	D	28000
Transfer from forfeiture fund (non-add)...	(4,000)	---	---	---	---	(-4,000)	---	---	NA	28050
Training......................................	5,590	---	---	---	---	-5,590	---	---	D	28100
AIDS demonstration & training:										
Training......................................	2,787	---	---	---	---	-2,787	---	---	D	28300
Linkage.......................................	7,739	---	---	---	---	-7,739	---	---	D	28350
Outreach......................................	7,500	---	---	---	---	-7,500	---	---	D	28400
Treatment capacity expansion program..............	6,701	---	---	---	---	-6,701	---	---	D	28450
Subtotal, Substance Abuse Treatment.........	1,442,308	1,530,801	1,324,107	1,290,000	1,324,107	-118,201	---	+34,107		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Center for Substance Abuse Prevention:										
Consolidated Prevention Demonstrations............	---	216,080	90,000	90,000	90,000	+90,000	---	---	D	28600
Prevention demonstrations:										
High risk youth..............................	65,160	---	---	---	---	-65,160	---	---	D	28700
Pregnant women & infants......................	22,501	---	---	---	---	-22,501	---	---	D	28750
Other programs................................	6,318	---	---	---	---	-6,318	---	---	D	28800
Community partnership............................	114,741	---	---	---	---	-114,741	---	---	D	28850
Prevention education/dissemination...............	13,465	---	---	---	---	-13,465	---	---	D	28900
Training...	16,049	---	---	---	---	-16,049	---	---	D	28950
Subtotal, Substance Abuse Prevention............	238,234	216,080	90,000	90,000	90,000	-148,234	---	---		
Subtotal, Abuse Prevention program level........	(238,234)	(216,080)	(90,000)	(90,000)	(90,000)	(-148,234)	---	---		
Program management................................	61,113	58,042	56,238	56,238	56,238	-4,875	---	---	D	29050
Savings attributable to legislative proposal..........	---	3,000	---	---	---	---	---	---	D	29160
Total, Substance Abuse and Mental Health........	2,180,668	2,247,392	1,883,715	1,800,469	1,883,715	-296,953	---	+83,246		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
ASSISTANT SECRETARY FOR HEALTH										
OFFICE OF THE ASSISTANT SECRETARY FOR HEALTH										
Population affairs: Adolescent family life...........	6,678	6,144	---	---	---	-6,678	---	---	D	29700
Health Initiatives:										
Office of Disease Prevention and Health Promotion......................................	4,558	4,601	---	---	---	-4,558	---	---	D	29850
Physical fitness and sports.......................	1,407	1,406	---	---	---	-1,407	---	---	D	29900
Minority health..................................	20,540	20,592	---	---	---	-20,540	---	---	D	29950
National vaccine program............................	988	995	---	---	---	-988	---	---	D	30000
Office of research integrity.........................	3,853	3,858	---	---	---	-3,853	---	---	D	30050
Office of women's health.............................	2,542	2,552	---	---	---	-2,542	---	---	D	30100
Emergency preparedness	2,180	2,374	---	---	---	-2,180	---	---	D	30150
Health care reform data analysis......................	1,344	---	---	---	---	-1,344	---	---	D	30200
Data development program.............................	---	3,856	---	---	---	---	---	---	D	30225
Health Service Management............................	18,432	17,304	---	---	---	-18,432	---	---	D	30250
Streamlining costs...............................	1,500	785	---	---	---	-1,500	---	---	D	30300
National AIDS program office..........................	1,730	1,739	---	---	---	-1,730	---	---	D	30350
Total, OASH.....................................	65,752	66,206	---	---	---	-65,752	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RETIREMENT PAY AND MEDICAL BENEFITS FOR COMMISSIONED OFFICERS										
Retirement payments....................................	124,213	129,808	129,808	129,808	129,808	+5,595	---	---	M	30700
Survivors benefits.....................................	8,826	9,208	9,208	9,208	9,208	+382	---	---	M	30750
Dependent's medical care...............................	23,844	25,108	25,108	25,108	25,108	+1,264	---	---	M	30800
Military Services Credits..............................	2,438	2,801	2,801	2,801	2,801	+363	---	---	M	30850
Total, Retirement pay and medical benefits......	159,321	166,925	166,925	166,925	166,925	+7,604	---	---		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
AGENCY FOR HEALTH CARE POLICY AND RESEARCH										
Health services research:										
Research	58,919	63,433	38,160	38,160	9,160	-49,759	-29,000	-29,000	D	31400
1% evaluation funding (non-add)	(18,300)	(39,284)	(31,124)	(34,284)	(60,124)	(+41,824)	(+29,000)	(+25,840)	NA	31600
Subtotal including trust funds & 1% funds	(77,219)	(102,717)	(69,284)	(72,444)	(69,284)	(-7,935)	---	(-3,160)		
Medical treatment effectiveness:										
Federal funds	73,947	76,568	55,796	27,000	55,796	-18,151	---	+28,796	D	31750
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---	TF*	31800
1% evaluation funding (non-add)	---	(6,000)	---	(28,796)	---	---	---	(-28,796)	NA	31900
Subtotal, Medical treatment effectiveness	(79,743)	(88,364)	(55,796)	(55,796)	(55,796)	(-23,947)	---	---		
Program support	2,424	2,423	2,230	2,230	2,230	-194	---	---	D	32000
Undistributed administrative reduction	---	---	-2,000	-2,000	-2,000	-2,000	---	---	D	32025
Total, Health Care Policy and Research:										
Federal Funds	135,290	142,424	94,186	65,390	65,186	-70,104	-29,000	-204		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		
Total, 1% evaluation funding (non-add)	(18,300)	(45,284)	(31,124)	(63,080)	(60,124)	(+41,824)	(+29,000)	(-2,956)		
Total, Health Care Policy & Research (non-add)	(159,386)	(193,504)	(125,310)	(128,470)	(125,310)	(-34,076)	---	(-3,160)		
Total, Public Health Service:										
Federal Funds	19,138,162	19,962,755	19,445,181	19,235,251	19,441,286	+303,124	-3,895	+206,035		
Trust funds	(5,796)	(5,796)	---	---	---	(-5,796)	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HEALTH CARE FINANCING ADMINISTRATION										
GRANTS TO STATES FOR MEDICAID										
Medicaid current law benefits..........................	84,835,700	92,235,200	92,235,200	92,235,200	92,235,200	+7,399,500	---	---	M	33100
Excess benefit budget authority.......................	7,657,598	---	---	---	---	-7,657,598	---	---	M	33150
State and local administration........................	3,602,660	3,742,000	3,742,000	3,742,000	3,742,000	+139,340	---	---	M	33200
Excess admin budget authority.........................	294,891	---	---	---	---	-294,891	---	---	M	33250
Proposed legislation: Vaccine tax cut (non-add)......	---	(-46,800)	---	---	---	---	---	---	NA	33300
Subtotal, Medicaid program level, FY 1996.......	96,390,849	95,977,200	95,977,200	95,977,200	95,977,200	-413,649	---	---		
Carryover balance..............................	-7,150,074	-13,835,128	-13,835,128	-13,835,128	-13,835,128	-6,685,054	---	---	M	33450
Less funds advanced in prior year...............	-26,600,000	-27,047,717	-27,047,717	-27,047,717	-27,047,717	-447,717	---	---	M	33500
Total, request, FY 1996........................	62,640,775	55,094,355	55,094,355	55,094,355	55,094,355	-7,546,420	---	---		
New advance, 1st quarter, FY 1997.............	27,047,717	26,155,350	26,155,350	26,155,350	26,155,350	-892,367	---	---	M	33600
PAYMENTS TO HEALTH CARE TRUST FUNDS										
Supplemental medical insurance........................	36,955,000	55,385,000	55,385,000	55,385,000	55,385,000	+18,430,000	---	---	M	33700
Hospital insurance for the uninsured..................	406,000	358,000	358,000	358,000	358,000	-48,000	---	---	M	33750
Federal uninsured payment.............................	56,000	63,000	63,000	63,000	63,000	+7,000	---	---	M	33800
DOD adjustment..	---	625,000	625,000	625,000	625,000	+625,000	---	---	M	33850
SMI lapses..	---	6,737,000	6,737,000	6,737,000	6,737,000	+6,737,000	---	---	M	33900
Program management....................................	129,758	145,000	145,000	145,000	145,000	+15,242	---	---	M	33950
Total, Payment to Trust Funds, current law......	37,546,758	63,313,000	63,313,000	63,313,000	63,313,000	+25,766,242	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
PROGRAM MANAGEMENT									
Research, demonstration, and evaluation:									
Regular program, trust funds	(45,146)	(58,000)	(40,000)	(40,000)	(40,000)	(-5,146)	---	---	TF* 34150
Counseling program	(10,036)	(4,500)	---	---	---	(-10,036)	---	---	TF* 34200
Rural hospital transition demonstrations, trust funds	(17,621)	---	(13,089)	(13,089)	(13,089)	(-4,532)	---	---	TF* 34300
Essential access community hospitals, trust funds	(2,000)	---	---	---	---	(-2,000)	---	---	TF* 34350
New rural health grants	---	(2,000)	---	---	---	---	---	---	TF* 34400
Subtotal, research, demonstration, & evaluation	(74,803)	(64,500)	(53,089)	(53,089)	(53,089)	(-21,714)	---	---	
Medicare Contractors (Trust Funds)	(1,604,171)	(1,631,100)	(1,604,171)	(1,584,767)	(1,604,171)	---	---	(+19,404)	TF* 34500
State Survey and Certification:									
Medicare certification, trust funds	(145,800)	(162,100)	(147,625)	(147,625)	(147,625)	(+1,825)	---	---	TF* 34600
Proposed legislation	---	(-8,800)	---	---	---	---	---	---	NA 34650
Federal Administration:									
Trust funds	(353,374)	(396,222)	(326,053)	(326,053)	(326,053)	(-27,321)	---	---	TF* 34750
Less current law user fees	(-124)	(-128)	(-128)	(-128)	(-128)	(-4)	---	---	TF* 34800
Subtotal, Federal Administration	(353,250)	(396,094)	(325,925)	(325,925)	(325,925)	(-27,325)	---	---	
Total, Program management	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)	
PROPOSED LEG: UNDOCUMENTED ALIENS ASSISTANCE (NON-ADD)	---	(150,000)	---	---	---	---	---	---	NA 35100
HMO LOAN AND LOAN GUARANTEE FUND	15,000	---	---	---	---	-15,000	---	---	M 35200
Total, Health Care Financing Administration:									
Federal funds	127,250,250	144,562,705	144,562,705	144,562,705	144,562,705	+17,312,455	---	---	
Current year, FY 1995 / 1996	(100,202,533)	(118,407,355)	(118,407,355)	(118,407,355)	(118,407,355)	(+18,204,822)	---	---	
New advance, 1st quarter, FY 1996 / 1997	(27,047,717)	(26,155,350)	(26,155,350)	(26,155,350)	(26,155,350)	(-892,367)	---	---	
Trust funds	(2,178,024)	(2,253,794)	(2,130,810)	(2,111,406)	(2,130,810)	(-47,214)	---	(+19,404)	

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
ADMINISTRATION FOR CHILDREN AND FAMILIES										
FAMILY SUPPORT PAYMENTS TO STATES										
Aid to Families with Dependent Children (AFDC)........	12,424,136	12,999,000	12,999,000	12,999,000	12,999,000	+574,864	---	---	M	38250
Quality control liabilities...........................	-40,867	-71,121	-71,121	-71,121	-71,121	-30,254	---	---	M	38300
Payments to territories...............................	19,428	19,428	19,428	19,428	19,428	---	---	---	M	38350
Emergency assistance..................................	864,000	974,000	974,000	974,000	974,000	+110,000	---	---	M	38400
Repatriation..	1,000	1,000	1,000	1,000	1,000	---	---	---	M	38450
State and local welfare administration................	1,716,000	1,770,000	1,770,000	1,770,000	1,770,000	+54,000	---	---	M	38550
Work activities child care............................	666,000	734,000	734,000	734,000	734,000	+68,000	---	---	M	38600
Transitional child care...............................	199,000	220,000	220,000	220,000	220,000	+21,000	---	---	M	38650
At risk child care....................................	357,000	300,000	300,000	300,000	300,000	-57,000	---	---	M	38700
Subtotal, Welfare payments......................	16,205,697	16,946,307	16,946,307	16,946,307	16,946,307	+740,610	---	---		
Child Support Enforcement:										
State and local administration....................	1,966,000	1,943,000	1,943,000	1,943,000	1,943,000	-23,000	---	---	M	38850
Federal incentive payments........................	402,000	439,000	439,000	439,000	439,000	+37,000	---	---	M	38900
Less federal share collections....................	-1,213,000	-1,314,000	-1,314,000	-1,314,000	-1,314,000	-101,000	---	---	M	38950
Subtotal, Child support......................	1,155,000	1,068,000	1,068,000	1,068,000	1,068,000	-87,000	---	---		
Total, Payments, FY 1995 / 1996 program level...	17,360,697	18,014,307	18,014,307	18,014,307	18,014,307	+653,610	---	---		
Less funds advanced in previous years.........	-4,200,000	-4,400,000	-4,400,000	-4,400,000	-4,400,000	-200,000	---	---	M	39100
Total, Payments, current request, FY 1995 /1996.	13,160,697	13,614,307	13,614,307	13,614,307	13,614,307	+453,610	---	---		
New advance, 1st quarter, FY 1996 /1997.....	4,400,000	4,800,000	4,800,000	4,800,000	4,800,000	+400,000	---	---	M	39300

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
JOB OPPORTUNITIES AND BASIC SKILLS (JOBS)	970,000	1,000,000	1,000,000	1,000,000	1,000,000	+30,000	---	---	M	39350
LOW INCOME HOME ENERGY ASSISTANCE										
Advance from prior year (non-add)	(1,474,998)	(1,000,000)	(1,000,000)	(1,000,000)	(1,000,000)	(-474,998)	---	---	NA	39450
Rescission	-155,796	---	-100,000	-100,000	-100,000	+55,796	---	---	D	39500
FY 1996 program level	(1,319,202)	(1,000,000)	(900,000)	(900,000)	(900,000)	(-419,202)	---	---		
Emergency allocation (non-add)	(600,000)	---	---	(300,000)	(300,000)	(-300,000)	(+300,000)	---	NA	39600
Advance funding (FY 1996 / 1997)	1,000,000	1,319,204	---	1,000,000	---	-1,000,000	---	-1,000,000	D	39700
REFUGEE AND ENTRANT ASSISTANCE										
Transitional and medical services	258,273	278,529	263,273	263,273	263,273	+5,000	---	---	D	39900
Social services	80,802	80,802	80,802	80,802	80,802	---	---	---	D	39950
Preventive health	5,300	5,471	2,700	2,700	2,700	-2,600	---	---	D	40000
Targeted assistance	55,397	49,397	51,097	51,097	55,397	---	+4,300	+4,300	D	40050
Carryover (non-add)	(7,000)	---	(10,590)	(10,590)	(10,590)	(+3,590)	---	---	NA	40055
Total, Refugee and entrant assistance	399,772	414,199	397,872	397,872	402,172	+2,400	+4,300	+4,300		
STATE LEGALIZATION IMPACT ASSISTANCE GRANTS: SLIAG rescission	-75,000	---	---	---	---	+75,000	---	---	D	40200
Civics and English education grants	4,000	---	---	---	---	-4,000	---	---	D	40250
Total, SLIAG	-71,000	---	---	---	---	+71,000	---	---		
CHILD CARE AND DEVELOPMENT BLOCK GRANT (delay obligation until Sept. 30, 1996)	934,642	1,048,825	934,642	934,642	934,642	---	---	---	D	40550
SOCIAL SERVICES BLOCK GRANT (TITLE XX)	2,800,000	2,800,000	2,520,000	2,310,000	2,381,000	-419,000	-139,000	+71,000	M	40600

	FY 1995	FY 1996				---------- Conference vs	-------------		Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
CHILDREN AND FAMILIES SERVICES PROGRAMS										
Programs for Children, Youth, and Families:										
Head start	3,534,129	3,934,728	3,534,429	3,534,129	3,570,129	+36,000	+35,700	+36,000	D	41000
Child development associate scholarships	1,360	---	---	---	---	-1,360	---	---	D	41050
Consolidated runaway, homeless youth program	---	68,572	---	---	---	---	---	---	D	41100
Runaway and homeless youth	40,458	---	43,653	43,653	43,653	+3,195	---	---	D	41150
Runaway youth - transitional living	13,649	---	14,949	14,949	14,949	+1,300	---	---	D	41200
Runaway youth activities - drugs	14,466	---	---	---	---	-14,466	---	---	D	41250
Subtotal, runaway	68,573	68,572	58,602	58,602	58,602	-9,971	---	---		
Youth gang substance abuse	10,420	10,520	---	---	---	-10,420	---	---	D	41350
Child abuse state grants	22,854	22,854	21,026	21,026	21,026	-1,828	---	---	D	41400
Child abuse discretionary activities	15,385	15,385	14,154	14,154	14,154	-1,231	---	---	D	41450
ABCAN	288	288	---	---	---	-288	---	---	D	41500
Temporary childcare/crisis nurseries	11,835	11,835	9,835	9,835	9,835	-2,000	---	---	D	41550
Abandoned infants assistance	14,406	14,406	12,406	12,406	12,406	-2,000	---	---	D	41600
Dependent care planning and development	12,823	---	---	---	---	-12,823	---	---	D	41650
Child welfare services	291,989	291,989	277,389	268,629	277,389	-14,600	---	+8,760	D	41700
Child welfare training	4,398	4,398	2,000	2,000	2,000	-2,398	---	---	D	41750
Child welfare research	6,395	6,395	---	---	---	-6,395	---	---	D	41800
Adoption opportunities	13,000	13,000	11,000	11,000	11,000	-2,000	---	---	D	41850
Family violence	32,619	32,645	32,645	32,645	32,645	+26	---	---	D	41900
Social services research	14,961	14,961	---	---	---	-14,961	---	---	D	41950
Family support centers	7,371	---	---	---	---	-7,371	---	---	D	42000
Community Based Resource Centers	31,363	38,734	23,000	23,000	23,000	-8,363	---	---	D	42050

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995			Mand Disc	
						FY 1995	House	Senate		
Developmental disabilities program:										
State councils	70,438	70,438	40,438	64,803	64,803	-5,635	+24,365	---	D	42150
Protection and advocacy	26,718	26,718	26,718	26,718	26,718	---	---	---	D	42200
Developmental disabilities special projects	5,715	5,715	---	5,258	5,258	-457	+5,258	---	D	42250
Developmental disabilities university affiliated programs	18,979	18,979	10,000	17,461	17,461	-1,518	+7,461	---	D	42350
Subtotal, Developmental disabilities	121,850	121,850	77,156	114,240	114,240	-7,610	+37,084	---		
Native American Programs	38,382	38,461	35,000	35,000	35,000	-3,382	---	---	D	42450
Community services:										
Community Services Block Grants	389,600	391,500	389,600	389,600	389,600	---	---	---	D	42550
Homeless services grants	19,752	19,752	---	---	---	-19,752	---	---	D	42600
Discretionary funds:										
Community initiative program:										
Economic development	23,733	---	27,334	27,334	27,334	+3,601	---	---	D	42750
Rural housing 1/	---	---	---	---	---	---	---	---	D	42800
Rural community facilities	3,271	---	3,009	3,009	3,009	-262	---	---	D	42850
Farmworker assistance 1/	---	---	---	---	---	---	---	---	D	42900
Subtotal, discretionary funds	27,004	---	30,343	30,343	30,343	+3,339	---	---		
National youth sports	12,000	---	11,520	11,520	11,520	-480	---	---	D	43000
Demonstration Partnerships	601	---	---	---	---	-601	---	---	D	43050
Community Food and Nutrition	8,676	6,000	4,000	4,000	4,000	-4,676	---	---	D	43100
Subtotal, Community services	457,633	417,252	435,463	435,463	435,463	-22,170	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Program direction	162,299	173,983	150,117	150,117	150,117	-12,182	---	---	D	43200
EBT task force	---	2,000	---	---	---	---	---	---	D	43250
Total, Children and Families Services Programs	4,874,333	5,234,256	4,694,222	4,722,246	4,767,006	-107,327	+72,784	+44,760		
VIOLENT CRIME REDUCTION PROGRAMS:										
Community schools	10,000	72,500	---	---	---	-10,000	---	---	D	43300
Community economic partnership	---	10,000	---	---	---	---	---	---	D	43350
Runaway Youth Prevention	---	7,000	5,558	5,558	5,558	+5,558	---	---	D	43400
Domestic violence hotline	1,000	400	400	400	400	-600	---	---	D	43450
Battered women's shelters	---	15,000	15,000	15,000	15,000	+15,000	---	---	D	43500
Youth education demonstration	---	400	400	400	400	+400	---	---	D	43550
Total, Violent crime reduction programs	11,000	105,300	21,358	21,358	21,358	+10,358	---	---		
FAMILY SUPPORT AND PRESERVATION	150,000	225,000	225,000	225,000	225,000	+75,000	---	---	M	43750
PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION ASSISTANCE										
Foster care	3,128,023	3,749,825	3,742,338	3,742,338	3,742,338	+614,315	---	---	M	43900
Adoption assistance	399,348	488,017	509,900	509,900	509,900	+110,552	---	---	M	43950
Independent living	70,000	70,000	70,000	70,000	70,000	---	---	---	M	44000
Total, Payment to States	3,597,371	4,307,842	4,322,238	4,322,238	4,322,238	+724,867	---	---		
Total, Administration for Children and Families	32,071,019	34,868,933	32,429,639	33,247,663	32,367,723	+296,704	-61,916	-879,940		
Current year, FY 1995 / 1996	(26,671,019)	(28,749,729)	(27,629,639)	(27,447,663)	(27,567,723)	(+896,704)	(-61,916)	(+120,060)		
FY 1996 / 1997	(5,400,000)	(6,119,204)	(4,800,000)	(5,800,000)	(4,800,000)	(-600,000)	---	(-1,000,000)		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
ADMINISTRATION ON AGING										
AGING SERVICES PROGRAMS										
Grants to States:										
Supportive services and centers..................	306,711	306,711	291,375	291,375	300,556	-6,155	+9,181	+9,181	D	44600
Ombudsman services................................	4,449	4,449	---	4,449	---	-4,449	---	-4,449	D	44650
Prevention of elder abuse.........................	4,732	6,232	---	4,732	---	-4,732	---	-4,732	D	44700
Pension counseling................................	1,976	1,976	---	---	---	-1,976	---	---	D	44750
Preventive health.................................	16,982	16,982	---	15,623	15,623	-1,359	+15,623	---	D	44800
Nutrition:										
Congregate meals................................	375,809	375,809	364,535	364,535	364,535	-11,274	---	---	D	44900
Home-delivered meals............................	94,065	94,065	105,339	105,339	105,339	+11,274	---	---	D	44950
Frail elderly in-home services........................	9,263	9,263	9,263	9,263	9,263	---	---	---	D	45000
Grants to Indians.....................................	16,902	18,402	15,550	15,550	16,057	-845	+507	+507	D	45050
Aging research, training and special projects.........	25,630	45,134	---	4,991	2,850	-22,780	+2,850	-2,141	D	45100
Federal Council on Aging..............................	176	226	---	---	---	-176	---	---	D	45150
White House Conference on Aging.......................	3,000	500	---	---	---	-3,000	---	---	D	45200
Program administration................................	16,312	17,399	15,170	15,170	15,170	-1,142	---	---	D	45250
Total, Administration on Aging..................	876,007	897,148	801,232	831,027	829,393	-46,614	+28,161	-1,634		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
OFFICE OF THE SECRETARY										
GENERAL DEPARTMENTAL MANAGEMENT:										
Federal funds	88,150	86,162	96,439	96,439	98,439	+10,289	+2,000	+2,000	D	45450
Trust funds	(11,611)	---	---	---	---	(-11,611)	---	---	TF	45550
Portion treated as budget authority	(7,366)	(7,204)	(6,628)	(6,628)	(6,628)	(-738)	---	---	TF*	45600
Emergency preparedness 1/	---	---	---	---	---	---	---	---	D	45605
Population affairs: Adolescent family life	---	---	6,698	7,698	7,698	+7,698	+1,000	---	D	45620
Physical fitness and sports	---	---	1,000	1,000	1,000	+1,000	---	---	D	45630
Minority health	---	---	27,000	20,000	27,000	+27,000	---	+7,000	D	45640
Office of research integrity 1/	---	---	---	---	---	---	---	---	D	45650
Office of women's health	---	---	5,362	5,362	5,362	+5,362	---	---	D	45660
Office of Disease Prevention 1/	---	---	---	---	---	---	---	---	D	45675
Total, General Departmental Management: Federal funds	88,150	86,162	136,499	130,499	139,499	+51,349	+3,000	+9,000		
Trust funds	(18,977)	(7,204)	(6,628)	(6,628)	(6,628)	(-12,349)	---	---		
Total	(107,127)	(93,366)	(143,127)	(137,127)	(146,127)	(+39,000)	(+3,000)	(+9,000)		
OFFICE OF THE INSPECTOR GENERAL:										
Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---	D	46000
Trust funds	(7,862)	---	---	---	---	(-7,862)	---	---	TF	46050
Portion treated as budget authority	(20,846)	(21,048)	(17,623)	(20,670)	(20,670)	(-176)	(+3,047)	---	TF*	46100
Total, Office of the Inspector General: Federal funds	60,748	58,889	56,333	58,492	58,492	-2,256	+2,159	---		
Trust funds	(28,708)	(21,048)	(17,623)	(20,670)	(20,670)	(-8,038)	(+3,047)	---		
Total	(89,456)	(79,937)	(73,956)	(79,162)	(79,162)	(-10,294)	(+5,206)	---		

1/ FY 1995 funding and the FY 1996 request for this program are contained in the account for the Office of the Assistant Secretary for Health.

	FY 1995	FY 1996				---------- Conference vs ----------			Mand
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc
OFFICE FOR CIVIL RIGHTS:									
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---	D 46500
Trust funds	(4)	---	---	---	---	(-4)	---	---	TF 46550
Portion treated as budget authority	(3,776)	(3,602)	(3,314)	(3,314)	(3,314)	(-462)	---	---	TF* 46600
Total, Office for Civil Rights:									
Federal funds	18,195	17,558	16,153	16,153	16,153	-2,042	---	---	
Trust funds	(3,780)	(3,602)	(3,314)	(3,314)	(3,314)	(-466)	---	---	
Total	(21,975)	(21,160)	(19,467)	(19,467)	(19,467)	(-2,508)	---	---	
POLICY RESEARCH	9,403	12,278	9,000	9,000	9,000	-403	---	---	D 46950
Total, Office of the Secretary:									
Federal funds	176,496	174,887	217,985	214,144	223,144	+46,648	+5,159	+9,000	
Trust funds	(51,465)	(31,854)	(27,565)	(30,612)	(30,612)	(-20,853)	(+3,047)	---	
Total	(227,961)	(206,741)	(245,550)	(244,756)	(253,756)	(+25,795)	(+8,206)	(+9,000)	
PUBLIC HEALTH & SOCIAL SERVICES EMERGENCY FUND	35,000	9,000	---	9,000	9,000	-26,000	+9,000	---	D 47250
Total, Department of Health and Human Services:									
Federal Funds	179,546,934	200,475,428	197,456,742	198,099,790	197,433,251	+17,886,317	-23,491	-666,539	
Current year, FY 1995 / 1996	(147,099,217)	(168,200,874)	(166,501,392)	(166,144,440)	(166,477,901)	(+19,378,684)	(-23,491)	(+333,461)	
FY 1996 / 1997	(32,447,717)	(32,274,554)	(30,955,350)	(31,955,350)	(30,955,350)	(-1,492,367)	---	(-1,000,000)	
Trust funds	(2,235,285)	(2,291,444)	(2,158,375)	(2,142,018)	(2,161,422)	(-73,863)	(+3,047)	(+19,404)	

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
TITLE III - DEPARTMENT OF EDUCATION										
EDUCATION REFORM 1/ 2/										
Goals 2000: Educate America Act:										
State & local educ systemic improvement grants....	361,870	693,500	---	340,000	340,000	-21,870	+340,000	---	D	48050
National programs................................	---	46,500	---	---	---	---	---	---	D	48100
Parental assistance..............................	10,000	10,000	---	10,000	10,000	---	+10,000	---	D	48150
Subtotal, Goals 2000...........................	371,870	750,000	---	350,000	350,000	-21,870	+350,000	---		
School-to-work opportunities:										
State grants and local partnerships..............	115,625	185,000	95,000	186,000	180,000	+64,375	+85,000	-6,000	D	48300
National programs................................	6,875	15,000	---	---	---	-6,875	---	---	D	48350
Subtotal.......................................	122,500	200,000	95,000	186,000	180,000	+57,500	+85,000	-6,000		
Total..	494,370	950,000	95,000	536,000	530,000	+35,630	+435,000	-6,000		

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availablility of $151,000,000 until October 1, 1996.

NOTE: All Education accounts are current funded unless otherwise noted.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
EDUCATION FOR THE DISADVANTAGED 1/ 2/										
Grants to local education agencies: 3/										
Basic grants, forward funded	5,968,235	5,263,363	4,946,005	5,963,591	5,982,339	+14,104	+1,036,334	+18,748	D	48700
Basic grants, current funded	---	3,500	3,500	3,500	3,500	+3,500	---	---	D	48705
Subtotal, Basic grants	5,968,235	5,266,863	4,949,505	5,967,091	5,985,839	+17,604	+1,036,334	+18,748		
Concentration grants	663,137	663,137	549,945	806,602	677,241	+14,104	+127,296	-129,361	D	48750
Targeted grants	---	1,000,000	---	---	---	---	---	---	D	48800
Setaside for BIA/outlying areas	66,984	70,000	55,550	60,194	67,268	+284	+11,718	+7,074	D	48850
Subtotal	6,698,356	7,000,000	5,555,000	6,833,887	6,730,348	+31,992	+1,175,348	-103,539		
Capital expenses for private school children	41,434	20,000	38,119	38,119	38,119	-3,315	---	---	D	49100
Even start	102,024	---	102,024	102,024	102,024	---	---	---	D	49150
State agency programs:										
Migrant	305,475	310,000	305,475	305,475	305,475	---	---	---	D	49250
Neglected and delinquent / high risk youth	39,311	40,000	35,656	35,656	39,311	---	+3,655	+3,655	D	49300
State school improvement	27,560	35,146	---	---	---	-27,560	---	---	D	49400
Demonstration of innovative practices	---	25,146	---	---	---	---	---	---	D	49450
Evaluation	3,664	11,000	3,370	3,370	3,370	-294	---	---	D	49500
Total, ESEA	7,217,824	7,441,292	6,039,644	7,318,531	7,218,647	+823	+1,179,003	-99,884		

1/ All programs in this account are forward funded with the exception of current funded basic grants, Title I evaluation, High School Equivalency Program and the College Assistance Migrant Program.

2/ Of the total for this account, the Senate bill delayed the availability of $814,489,000 until October 1, 1996.

3/ Availability of $1,298,386,000 of the conference agreement total is delayed until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Migrant education:										
High school equivalency program..................	8,088	---	7,441	7,441	7,441	-647	---	---	D	49700
College assistance migrant program................	2,204	---	2,028	2,028	2,028	-176	---	---	D	49750
Subtotal, migrant education.....................	10,292	---	9,469	9,469	9,469	-823	---	---		
Total, Compensatory education programs..........	7,228,116	7,441,292	6,049,113	7,328,000	7,228,116	---	+1,179,003	-99,884		
Subtotal, forward funded.........................	(7,214,160)	(7,426,792)	(6,032,774)	(7,311,661)	(7,211,777)	(-2,383)	(+1,179,003)	(-99,884)		
IMPACT AID 1/										
Basic support payments..............................	631,707	550,000	583,011	581,170	581,707	-50,000	-1,304	+537	D	50050
Payments for children with disabilities..............	40,000	40,000	40,000	40,000	40,000	---	---	---	D	50100
Payments for heavily impacted districts (sec. f)......	40,000	20,000	50,000	50,000	50,000	+10,000	---	---	D	50550
Subtotal..	711,707	610,000	673,011	671,170	671,707	-40,000	-1,304	+537		
Facilities maintenance (sec. 8008)....................	---	2,000	---	---	---	---	---	---	D	50650
Payments for increases in military dep (sec. 8006)....	---	2,000	---	---	---	---	---	---	D	50700
Construction (sec. 8007)..............................	---	5,000	5,000	5,000	5,000	+5,000	---	---	D	50750
Payments for Federal property (Sec. 8002).............	16,293	---	14,989	14,989	16,293	---	+1,304	+1,304	D	50850
Total, Impact aid................................	728,000	619,000	693,000	691,159	693,000	-35,000	---	+1,841		

1/ Figures do not include $35,000,000 provided for Impact Aid basic support payments in the 1996 House National Security Appropriations Bill.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	---------- Conference vs ------------- FY 1995	House	Senate	Mand Disc	
SCHOOL IMPROVEMENT PROGRAMS 2/										
Professional development 1/..........................	251,298	735,000	275,000	275,000	275,000	+23,702	---	---	D	51155
Program innovation 1/................................	347,250	---	275,000	275,000	275,000	-72,250	---	---	D	51157
Safe and drug-free schools and communities:										
State grants 1/..................................	440,981	465,000	200,000	400,000	440,981	---	+240,981	+40,981	D	51600
National programs................................	25,000	35,000	---	---	25,000	---	+25,000	+25,000	D	51700
Subtotal, Safe & drug-free schools & communities	465,981	500,000	200,000	400,000	465,981	---	+265,981	+65,981		
Education infrastructure 1/..........................	---	35,000	---	---	---	---	---	---	D	51850
Inexpensive book distribution (RIF)..................	10,300	10,300	10,300	10,300	10,300	---	---	---	D	51900
Arts in education....................................	10,500	10,000	9,000	9,000	9,000	-1,500	---	---	D	51950
Law-Related Education................................	4,500	---	---	---	---	-4,500	---	---	D	52050
Christa McAuliffe fellowships........................	1,946	---	---	---	---	-1,946	---	---	D	52100

1/ Forward funded.

2/ Of the total for this account, the Senate bill delayed the availablility of $208,000,000 until October 1, 1996.

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
Other school improvement programs:										
Magnet schools assistance	111,519	111,519	95,000	95,000	95,000	-16,519	---	---	D	52250
Educational support services for homeless children and youth 1/	28,811	30,000	23,000	23,000	23,000	-5,811	---	---	D	52300
Women's educational equity	3,967	4,000	---	---	---	-3,967	---	---	D	52350
Training and advisory services (Civil Rights IV-A)	21,412	14,000	7,334	7,334	7,334	-14,078	---	---	D	52400
Dropout prevention demonstrations	12,000	---	---	---	---	-12,000	---	---	D	52450
Ellender fellowships/Close up 1/	3,000	---	---	2,760	1,500	-1,500	+1,500	-1,260	D	52500
Education for Native Hawaiians	9,000	9,000	12,000	12,000	12,000	+3,000	---	---	D	52550
Foreign language assistance	10,912	10,912	10,039	10,039	10,039	-873	---	---	D	52600
Training in early childhood education & violence counseling (HEA V-F)	---	9,600	---	---	---	---	---	---	D	52700
Charter schools	6,000	20,000	8,000	16,000	18,000	+12,000	+10,000	+2,000	D	52750
Subtotal, other school improvement programs	206,621	209,031	155,373	166,133	166,873	-39,748	+11,500	+740		
Technical assistance for improving ESEA programs:										
Comprehensive regional assistance centers	29,641	55,000	21,554	21,554	21,554	-8,087	---	---	D	52900
Total, School improvement programs	1,328,037	1,554,331	946,227	1,156,987	1,223,708	-104,329	+277,481	+66,721		
Subtotal, forward funded	(1,071,340)	(1,265,000)	(773,000)	(975,760)	(1,015,481)	(-55,859)	(+242,481)	(+39,721)		
VIOLENT CRIME REDUCTION PROGRAM										
FAMILY AND COMMUNITY ENDEAVOR SCHOOLS	---	31,000	---	---	---	---	---	---	D	53250

1/ Forward funded.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
BILINGUAL AND IMMIGRANT EDUCATION										
Bilingual education:										
Instructional services	117,190	155,690	100,000	100,000	128,000	+10,810	+28,000	+28,000	D	53500
Support services	14,330	15,330	---	---	---	-14,330	---	---	D	53550
Professional development	25,180	28,980	---	---	---	-25,180	---	---	D	53600
Immigrant education	50,000	100,000	50,000	50,000	50,000	---	---	---	D	53650
Total	206,700	300,000	150,000	150,000	178,000	-28,700	+28,000	+28,000		
SPECIAL EDUCATION										
State grants: 1/										
Proposed legis: Grants for Special Education	---	2,772,460	---	---	---	---	---	---	D	53950
Grants to States part ''b''	2,322,915	---	2,323,837	2,323,837	2,323,837	+922	---	---	D	54000
Preschool grants	360,265	---	360,409	360,409	360,409	+144	---	---	D	54050
Grants for infants and families	315,632	315,632	315,754	315,754	315,754	+122	---	---	D	54100
Subtotal, State grants	2,998,812	3,088,092	3,000,000	3,000,000	3,000,000	+1,188	---	---		

1/ Forward funded.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Proposed legis: Program Support and Improvement:										
Research and demonstrations	---	63,000	---	---	---	---	---	---	D	54250
Technical assistance and systems change	---	50,000	---	---	---	---	---	---	D	54300
Professional development	---	97,000	---	---	---	---	---	---	D	54350
Parent training	---	14,534	---	---	---	---	---	---	D	54400
Technology development and support	---	29,500	---	---	---	---	---	---	D	54450
Subtotal, Proposed legislation	---	254,034	---	---	---	---	---	---		
Special purpose funds:										
Deaf-blindness	12,832	---	12,832	12,832	12,832	---	---	---	D	54800
Serious emotional disturbance	4,147	---	4,147	4,147	4,147	---	---	---	D	54850
Severe disabilities	10,030	---	10,030	10,030	10,030	---	---	---	D	54900
Early childhood education	25,167	---	25,167	25,167	25,167	---	---	---	D	54950
Secondary and transitional services	23,966	---	23,966	23,966	23,966	---	---	---	D	55000
Postsecondary education	8,839	---	8,839	8,839	8,839	---	---	---	D	55050
Innovation and development	20,635	---	14,000	14,000	14,000	-6,635	---	---	D	55100
Media and captioning services	19,142	---	19,142	19,142	19,142	---	---	---	D	55150
Technology applications	10,862	---	9,993	9,993	9,993	-869	---	---	D	55200
Special studies	4,160	---	3,827	3,827	3,827	-333	---	---	D	55250
Personnel development	91,339	---	91,339	91,339	91,339	---	---	---	D	55300
Parent training	13,535	---	13,535	13,535	13,535	---	---	---	D	55350
Clearinghouses	2,162	---	1,989	1,989	1,989	-173	---	---	D	55400
Regional resource centers	7,218	---	6,641	6,641	6,641	-577	---	---	D	55450
Subtotal, Special purpose funds	254,034	---	245,447	245,447	245,447	-8,587	---	---		
Total, Special education	3,252,846	3,342,126	3,245,447	3,245,447	3,245,447	-7,399	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
REHABILITATION SERVICES AND DISABILITY RESEARCH										
Vocational rehabilitation State grants	2,054,145	2,118,834	2,118,834	2,118,834	2,118,834	+64,689	---	---	M	55750
Tech assistance to States	---	1,000	1,000	1,000	1,000	+1,000	---	---	M	55800
Client assistance State grants	9,824	10,119	10,119	10,119	10,119	+295	---	---	M	55850
Training	39,629	39,629	39,629	39,629	39,629	---	---	---	M	55900
Special demonstration programs	30,558	23,942	23,942	23,942	27,442	-3,116	+3,500	+3,500	M	55950
Migratory workers	1,421	1,421	1,421	1,421	1,421	---	---	---	M	56000
Recreational programs	2,596	2,596	2,596	2,596	2,596	---	---	---	M	56050
Protection and advocacy of individual rights	7,456	7,456	7,456	7,456	7,456	---	---	---	M	56100
Projects with industry	22,071	22,071	22,071	22,071	22,071	---	---	---	M	56150
Supported employment State grants	36,536	38,152	38,152	38,152	38,152	+1,616	---	---	M	56200
Independent living:										
State grants	21,859	21,859	21,859	21,859	21,859	---	---	---	M	56300
Centers	40,533	41,749	41,749	41,749	41,749	+1,216	---	---	M	56350
Services for older blind individuals	8,952	8,952	8,952	8,952	8,952	---	---	---	M	56400
Subtotal, Independent living	71,344	72,560	72,560	72,560	72,560	+1,216	---	---		
Evaluation	1,587	1,587	1,587	1,587	1,587	---	---	---	M	56500
Helen Keller National Center for Deaf-Blind Youths & Adults	6,936	7,144	7,144	7,144	7,144	+208	---	---	M	56600
National Institute on Disability & Rehabilitation Research	70,000	70,000	70,000	70,000	70,000	---	---	---	M	56700
Subtotal, mandatory programs	2,354,103	2,416,511	2,416,511	2,416,511	2,420,011	+65,908	+3,500	+3,500		
Assistive technology	39,249	40,426	36,109	36,109	36,109	-3,140	---	---	D	56800
Total, Rehabilitation services	2,393,352	2,456,937	2,452,620	2,452,620	2,456,120	+62,768	+3,500	+3,500		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SPECIAL INSTITUTIONS FOR PERSONS WITH DISABILITIES										
AMERICAN PRINTING HOUSE FOR THE BLIND	6,680	6,680	6,680	6,680	6,680	---	---	---	D	57150
NATIONAL TECHNICAL INSTITUTE FOR THE DEAF:										
Consolidated account	---	43,041	42,180	42,180	42,180	+42,180	---	---	D	57250
Operations	42,705	---	---	---	---	-42,705	---	---	D	57300
Endowment grant	336	---	---	---	---	-336	---	---	D	57350
Construction	150	---	---	---	---	-150	---	---	D	57400
Subtotal	43,191	43,041	42,180	42,180	42,180	-1,011	---	---		
GALLAUDET UNIVERSITY:										
Consolidated account	---	80,030	77,629	77,629	77,629	+77,629	---	---	D	57550
University programs	54,244	---	---	---	---	-54,244	---	---	D	57600
Elementary and secondary education programs	24,786	---	---	---	---	-24,786	---	---	D	57650
Endowment grant	1,000	---	---	---	---	-1,000	---	---	D	57700
Subtotal	80,030	80,030	77,629	77,629	77,629	-2,401	---	---		
Total, Special institutions for persons with disabilities	129,901	129,751	126,489	126,489	126,489	-3,412	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
VOCATIONAL AND ADULT EDUCATION 1/ 2/										
Vocational education:										
Proposed legis: State grants	---	1,141,088	---	---	---	---	---	---	D	58000
Basic State grants	972,750	---	890,000	972,750	972,750	---	+82,750	---	D	58050
Community - based organizations 3/	---	---	---	---	---	---	---	---	D	58100
Consumer and homemaking education 3/	---	---	---	---	---	---	---	---	D	58150
Tech-Prep education	108,000	---	100,000	100,000	100,000	-8,000	---	---	D	58200
Tribally controlled postsecondary vocational institutions	2,919	---	2,919	2,919	2,919	---	---	---	D	58300
State councils	8,848	---	---	---	---	-8,848	---	---	D	58350
National programs:										
Proposed legis: National programs	---	37,000	---	---	---	---	---	---	D	58450
Research	6,851	---	5,000	5,000	5,000	-1,851	---	---	D	58500
Demonstrations 3/	---	---	---	---	---	---	---	---	D	58550
National occupational information coordinating committee	4,250	---	---	---	---	-4,250	---	---	D	58650
Subtotal, national programs	11,101	37,000	5,000	5,000	5,000	-6,101	---	---		
Subtotal, Vocational education	1,103,618	1,178,088	997,919	1,080,669	1,080,669	-22,949	+82,750	---		

1/ All programs are forward funded with the exception of Tribally Controlled Postsecondary Vocational Institutions.

2/ Of the total for this account, the Senate bill delayed the availability of $82,750,000 until October 1, 1996.

3/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Adult education:										
State activities:										
Proposed legislation: State grants...........	---	479,487	---	---	---	---	---	---	D	58950
State programs................................	252,345	---	250,000	250,000	250,000	-2,345	---	---	D	59000
Subtotal, State activities..................	252,345	479,487	250,000	250,000	250,000	-2,345	---	---		
National programs:										
Proposed legislation: National programs......	---	11,000	---	---	---	---	---	---	D	59150
Evaluation and technical assistance...........	3,900	---	---	---	---	-3,900	---	---	D	59200
National Institute for Literacy..............	4,862	---	4,869	4,869	4,869	+7	---	---	D	59250
Subtotal, National programs.................	8,762	11,000	4,869	4,869	4,869	-3,893	---	---		
State literacy resource centers 1/...............	---	---	---	---	---	---	---	---	D	59350
Workplace literacy partnerships..................	12,736	---	---	---	---	-12,736	---	---	D	59400
Literacy training for homeless adults 1/.........	---	---	---	---	---	---	---	---	D	59450
Literacy programs for prisoners..................	5,100	---	4,346	5,100	4,723	-377	+377	-377	D	59500
Subtotal, adult education......................	278,943	490,487	259,215	259,969	259,592	-19,351	+377	-377		
Total, Vocational and adult education...........	1,382,561	1,668,575	1,257,134	1,340,638	1,340,261	-42,300	+83,127	-377		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand Disc	
						FY 1995	House	Senate		
STUDENT FINANCIAL ASSISTANCE										
Federal Pell Grants: Regular program 2/	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000	D	59900
Carryover adjustment	(-1,304,000)	(372,025)	(-23,331)	(1,020,000)	(869,000)	(+2,173,000)	(+892,331)	(-151,000)	NA	59905
Total, funding available for Pell Grants	4,874,680	6,589,150	5,400,000	5,834,000	5,783,000	+908,320	+383,000	-51,000		
Memo (non-add): Maximum grant	(2,340)	(2,500)	(2,440)	(2,500)	(2,470)	(+130)	(+30)	(-30)	NA	60000
Memo (non-add): Outlay effect for FY96 1/	---	(1,302,517)	(1,281,000)	(1,124,600)	(1,301,000)	(+1,301,000)	(+20,000)	(+176,400)	NA	60010
Benefits for participants in Operation Desert Storm (non-add)	(3,165)	---	---	---	---	(-3,165)	---	---	NA	60100
Subtotal, Pell Grants - New BA Current law	6,178,680	6,217,125	5,423,331	4,814,000	4,914,000	-1,264,680	-509,331	+100,000		
Proposed legislation: Pell Grants (non-add):										
Base grants, degree candidates	(4,351,578)	(4,087,759)	---	---	---	(-4,351,578)	---	---	NA	60300
Increment for increase in max from $2500 to $2620.	---	(384,378)	---	---	---	---	---	---	NA	60350
Skill grants, non-degree candidates	(1,827,102)	(2,129,366)	---	---	---	(-1,827,102)	---	---	NA	60400
Subtotal, Proposed legis (non-add)	(6,178,680)	(6,601,503)	---	---	---	(-6,178,680)	---	---		

1/ The House version of H.R. 3019 caps 1995 Pell Grant participation at 3,650,000 students. The Senate cap is 3,634,000 students. The Conference agreement includes the House provision.

2/ Conference includes a rescission for -$53,446,000 that is included as part of Title III in H.R. 3019.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Federal supplemental educational opportunity grants...	583,407	583,407	583,407	583,407	583,407	---	---	---	D	60525
Federal work-study....................................	616,508	616,508	616,508	616,508	616,508	---	---	---	D	60550
Federal Perkins loans:										
Capital contributions............................	158,000	158,000	---	158,000	93,297	-64,703	+93,297	-64,703	D	60650
Loan cancellations...............................	18,000	20,000	20,000	20,000	20,000	+2,000	---	---	D	60750
Subtotal, Federal Perkins loans.................	176,000	178,000	20,000	178,000	113,297	-62,703	+93,297	-64,703		
State student incentive grants........................	63,375	31,375	---	63,375	31,375	-32,000	+31,375	-32,000	D	60850
State postsecondary review program....................	---	25,000	---	---	---	---	---	---	D	60900
Total, Student financial assistance............	7,617,970	7,651,415	6,643,246	6,255,290	6,258,587	-1,359,383	-384,659	+3,297		
FEDERAL FAMILY EDUCATION LOANS PROGRAM										
(EXISTING GUARANTEED STUDENT LOANS PROGRAM)										
Federal education loans: Federal administration......	62,096	30,066	30,066	30,066	30,066	-32,030	---	---	D	61750
Total Outstanding Loan Volume (Current Law) (non-add).	(85,274,999)	(89,413,915)	(85,274,999)	(85,274,999)	(85,274,999)	---	---	---	NA	61775
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(85,274,999)	(85,928,408)	(89,413,915)	(89,413,915)	(89,413,915)	(+4,138,916)	---	---	NA	61800
FEDERAL DIRECT STUDENT LOAN PROGRAM										
Mandatory administrative costs (indefinite)...........	(283,565)	(550,000)	(320,000)	(460,000)	(436,000)	(+152,435)	(+116,000)	(-24,000)	NA	61900
Permanent authority (direct loan administration)......	-61,000	---	---	---	---	+61,000	---	---	D	61910
Total Outstanding Loan Volume (Current Law) (non-add).	(5,385,699)	(17,710,285)	(17,710,285)	(17,710,285)	(17,710,285)	(+12,324,586)	---	---	NA	61920
Total Outstanding Loan Volume (Adm Proposal) (non-add)	(5,385,699)	(21,195,791)	---	---	---	(-5,385,699)	---	---	NA	61930

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HIGHER EDUCATION										
Aid for institutional development:										
Strengthening institutions........................	80,000	40,000	55,450	55,450	55,450	-24,550	---	---	D	62050
Hispanic serving institutions....................	12,000	12,000	10,800	10,800	10,800	-1,200	---	---	D	62100
Strengthening historically black colleges & univ..	108,990	108,990	108,990	108,990	108,990	---	---	---	D	62150
Strengthening historically black grad institutions	19,606	19,606	19,606	19,606	19,606	---	---	---	D	62200
Endowment challenge grants:										
Endowment grants............................	6,045	---	---	---	---	-6,045	---	---	D	62300
HBCU set-aside...............................	2,015	2,015	---	---	---	-2,015	---	---	D	62350
Evaluation..	1,000	---	---	---	---	-1,000	---	---	D	62400
Subtotal, Institutional development.........	229,656	182,611	194,846	194,846	194,846	-34,810	---	---		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Program development:										
Fund for the Improvement of Postsecondary Educ....	17,543	17,543	15,000	15,000	15,000	-2,543	---	---	D	63000
Native Hawaiian and Alaska Native Culture Arts Development....................................	500	---	---	---	---	-500	---	---	D	63100
Eisenhower leadership program....................	1,080	---	---	---	---	-1,080	---	---	D	63150
Minority teacher recruitment......................	2,458	3,000	2,212	2,212	2,212	-246	---	---	D	63200
Minority science improvement.....................	5,839	5,839	5,255	5,255	5,255	-584	---	---	D	63250
Community service projects........................	1,423	---	---	---	---	-1,423	---	---	D	63300
International educ & foreign language studies:										
Domestic programs............................	52,283	52,283	50,481	50,481	50,481	-1,802	---	---	D	63400
Overseas programs............................	5,790	5,790	4,750	4,750	4,750	-1,040	---	---	D	63450
Institute for International Public Policy.....	1,000	1,000	920	920	920	-80	---	---	D	63500
Subtotal, International education...........	59,073	59,073	56,151	56,151	56,151	-2,922	---	---		
Cooperative education............................	6,927	---	---	---	---	-6,927	---	---	D	63600
Law school clinical experience...................	13,222	---	5,500	5,500	5,500	-7,722	---	---	D	63650
Urban community service..........................	10,000	---	9,200	9,200	9,200	-800	---	---	D	63700
Student financial aid database & info. line 1/...	---	---	---	---	---	---	---	---	D	63750
Subtotal, Program development..................	118,065	85,455	93,318	93,318	93,318	-24,747	---	---		
Construction:										
Interest subsidy grants, prior year construction..	17,512	16,712	16,712	16,712	16,712	-800	---	---	D	63900
Special grants:										
Bethune Cookman College Fine Arts Center..........	4,000	---	3,680	3,680	3,680	-320	---	---	D	64000
Federal TRIO programs............................	463,000	463,000	463,000	463,000	463,000	---	---	---	D	64050
Early intervention scholarships and partnerships..	3,108	---	3,108	3,108	3,108	---	---	---	D	64150

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Scholarships:										
Byrd honors scholarships..........................	29,117	38,117	29,117	29,117	29,117	---	---	---	D	64400
National science scholars.........................	3,303	---	---	---	---	-3,303	---	---	D	64450
National academy of science, space & technology 1/	---	---	---	---	---	---	---	---	D	64500
Douglas teacher scholarships......................	299	---	---	---	---	-299	---	---	D	64550
Olympic scholarships 1/...........................	---	---	---	---	---	---	---	---	D	64600
Teacher corps 1/..................................	---	---	---	---	---	---	---	---	D	64650
Subtotal, Scholarships..........................	32,719	38,117	29,117	29,117	29,117	-3,602	---	---		
Graduate fellowships:										
Harris fellowships................................	10,144	---	---	---	---	-10,144	---	---	D	64800
Javits fellowships................................	6,845	---	5,931	5,931	5,931	-914	---	---	D	64850
Graduate assistance in areas of national need.....	27,252	27,252	27,252	27,252	27,252	---	---	---	D	64900
Faculty development fellowships...................	212	3,732	---	---	---	-212	---	---	D	64950
Subtotal, Graduate fellowships..................	44,453	30,984	33,183	33,183	33,183	-11,270	---	---		
School, college & university partnerships............	3,893	3,893	---	---	---	-3,893	---	---	D	65050
Legal training for the disadvantaged (CLEO)...........	2,964	---	---	---	---	-2,964	---	---	D	65100
Total, Higher education.........................	919,370	820,772	836,964	836,964	836,964	-82,406	---	---		

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
HOWARD UNIVERSITY										
Academic program	156,530	158,330	145,182	145,182	152,859	-3,671	+7,677	+7,677	D	65300
Endowment program:										
Regular program	3,530	3,530	---	---	---	-3,530	---	---	D	65400
Clinical law center (includes construction)	5,500	---	---	---	---	-5,500	---	---	D	65450
Research	4,614	4,614	---	---	---	-4,614	---	---	D	65500
Howard University Hospital	29,489	29,489	29,489	29,489	29,489	---	---	---	D	65550
Construction	5,000	---	---	---	---	-5,000	---	---	D	65650
Total, Howard University	204,663	195,963	174,671	174,671	182,348	-22,315	+7,677	+7,677		
COLLEGE HOUSING & ACADEMIC FACILITIES LOANS PROGRAM:										
Federal administration	757	1,027	700	700	700	-57	---	---	D	65950
Loan subsidies 1/	---	---	---	---	---	---	---	---	D	66000
Loan limitation (non-add) 1/	---	---	---	---	---	---	---	---	NA	66050
HISTORICALLY BLACK COLLEGE AND UNIVERSITY CAPITAL FINANCING PROGRAM										
Federal administration	346	166	166	166	166	-180	---	---	D	66350

1/ FY 1995 funding for this program was rescinded in in P.L. 104-19.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs			Mand	
						FY 1995	House	Senate	Disc	
EDUCATION RESEARCH, STATISTICS, AND IMPROVEMENT 1/										
Research and statistics:										
Research	86,200	97,600	107,600	107,600	56,600	-29,600	-51,000	-51,000	D	66550
Regional education laboratories	---	---	---	---	51,000	+51,000	+51,000	+51,000	D	66575
Statistics	48,153	57,000	46,227	46,227	46,227	-1,926	---	---	D	66600
Assessment:										
National assessment	29,757	34,500	29,757	29,757	29,757	---	---	---	D	66700
National assessment governing board	2,995	3,500	2,880	2,880	2,880	-115	---	---	D	66750
Subtotal, Assessment	32,752	38,000	32,637	32,637	32,637	-115	---	---		
Subtotal, Research and statistics	167,105	192,600	186,464	186,464	186,464	+19,359	---	---		
Fund for the Improvement of Education	36,750	36,750	37,624	37,624	37,624	+874	---	---	D	66900
International education exchange (title VI)	3,000	3,000	5,000	5,000	5,000	+2,000	---	---	D	66950
21st century community learning centers	750	---	750	750	750	---	---	---	D	67200
Civic Education	4,463	4,463	4,000	4,000	4,000	-463	---	---	D	67250
Eisenhower professional development national activities	21,356	35,000	18,000	18,000	18,000	-3,356	---	---	D	67350
Eisenhower regional mathematics & science education consortia	15,000	15,000	15,000	15,000	15,000	---	---	---	D	67500
Javits gifted and talented education	4,921	9,521	3,000	3,000	3,000	-1,921	---	---	D	67650
National writing project	3,212	---	2,955	2,955	2,955	-257	---	---	D	67700
National Diffusion Network	11,780	14,480	---	---	---	-11,780	---	---	D	67750

1/ Of the total for this account, the Senate bill delayed the availablility of $10,000,000 until October 1, 1996.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Education technology:										
Technology for education..........................	22,500	83,000	25,000	35,000	48,000	+25,500	+23,000	+13,000	D	68175
Star schools......................................	25,000	30,000	23,000	23,000	23,000	-2,000	---	---	D	68200
Ready to learn television.........................	7,000	7,000	6,440	6,440	6,440	-560	---	---	D	68250
Telecommunications demo project for mathematics...	1,125	2,250	1,035	1,035	1,035	-90	---	---	D	68300
Subtotal, Education technology..................	55,625	122,250	55,475	65,475	78,475	+22,850	+23,000	+13,000		
Total, ERSI.....................................	323,962	433,064	328,268	338,268	351,268	+27,306	+23,000	+13,000		

	FY 1995	FY 1996				Conference vs			Mand	
	Comparable	Request	House	Senate	Conference	FY 1995	House	Senate	Disc	
LIBRARIES										
Public libraries:										
Services	83,227	89,135	92,636	92,636	92,636	+9,409	---	---	D	68700
Construction	17,792	17,792	16,369	16,369	16,369	-1,423	---	---	D	68750
Interlibrary cooperation	23,700	---	18,000	18,000	18,000	-5,700	---	---	D	68800
Library literacy programs	8,026	---	---	---	---	-8,026	---	---	D	68850
Library education and training	4,916	---	2,500	2,500	2,500	-2,416	---	---	D	68900
Research and demonstrations	6,500	---	2,000	2,000	3,000	-3,500	+1,000	+1,000	D	68950
Total, Libraries	144,161	106,927	131,505	131,505	132,505	-11,656	+1,000	+1,000		
DEPARTMENTAL MANAGEMENT										
PROGRAM ADMINISTRATION	355,476	370,844	327,319	327,319	327,319	-28,157	---	---	D	69250
HEADQUARTERS RENOVATION 1/	---	20,000	7,000	7,000	7,000	+7,000	---	---	D	69275
Proposed leg: GI Bill savings (non-add)	---	(-1,729)	---	---	---	---	---	---	NA	69300
OFFICE FOR CIVIL RIGHTS	58,236	62,784	55,451	55,451	55,451	-2,785	---	---	D	69350
OFFICE OF THE INSPECTOR GENERAL	30,390	34,066	28,654	28,654	28,654	-1,736	---	---	D	69400
Total, Departmental management	444,102	487,694	418,424	418,424	418,424	-25,678	---	---		
Total, Department of Education	26,800,310	28,220,106	23,579,040	25,213,394	25,232,169	-1,568,141	+1,653,129	+18,775		

1/ Funds available for 3 years.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
TITLE IV - RELATED AGENCIES										
ARMED FORCES RETIREMENT HOME										
Operation and maintenance (trust fund limitation):										
Soldiers' and Airmen's Home	45,248	45,090	---	---	---	-45,248	---	---	D	70225
United States Naval Home	11,015	11,979	---	---	---	-11,015	---	---	D	70250
Consolidated account	---	---	54,017	54,017	54,017	+54,017	---	---	D	70260
Subtotal, O & M	56,263	57,069	54,017	54,017	54,017	-2,246	---	---		
Capital program (trust fund limitation):										
Soldiers' and Airmen's Home	2,500	1,483	---	---	---	-2,500	---	---	D	70325
United States Naval Home	406	568	---	---	---	-406	---	---	D	70350
Consolidated account	---	---	1,954	1,954	1,954	+1,954	---	---	D	70360
Subtotal, capital	2,906	2,051	1,954	1,954	1,954	-952	---	---		
Total, AFRH	59,169	59,120	55,971	55,971	55,971	-3,198	---	---		
CORPORATION FOR NATIONAL AND COMMUNITY SERVICE										
Domestic Volunteer Service Programs (formerly Action):										
Volunteers in Service to America:										
VISTA operations	42,676	53,800	39,262	39,262	41,385	-1,291	+2,123	+2,123	D	70500
VISTA Literacy Corps	5,024	6,200	---	5,024	---	-5,024	---	-5,024	D	70525
Subtotal, VISTA	47,700	60,000	39,262	44,286	41,385	-6,315	+2,123	-2,901		
National Senior Volunteer Corps:										
Foster Grandparents Program	67,812	78,810	62,237	62,237	62,237	-5,575	---	---	D	70600
Senior Companion Program	31,244	43,090	31,155	31,155	31,155	-89	---	---	D	70625
Retired Senior Volunteer Program	35,708	44,500	34,949	34,949	34,949	-759	---	---	D	70650
Senior Demonstration Programs	1,000	2,000	---	---	---	-1,000	---	---	D	70675
Subtotal, Senior Volunteers	135,764	168,400	128,341	128,341	128,341	-7,423	---	---		
Program Administration	31,160	34,500	28,667	28,667	28,667	-2,493	---	---	D	70750
Total, Domestic Volunteer Service Programs	214,624	262,900	196,270	201,294	198,393	-16,231	+2,123	-2,901		

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
Corporation for Public Broadcasting: FY98 (current request) with FY97 comparable	260,000	296,400	250,000	250,000	250,000	-10,000	---	---	D	70825
1997 advance (non-add) with FY96 comparable	(275,000)	(315,000)	(260,000)	(260,000)	(260,000)	(-15,000)	---	---	NA	70850
1996 advance (non-add) with FY95 comparable	(285,640)	(275,000)	(275,000)	(275,000)	(275,000)	(-10,640)	---	---	NA	70900
Rescissions:										
1995 funding	-7,000	---	---	---	---	+7,000	---	---	D	70950
1996 advance funding (non-add)	(-37,000)	---	---	---	---	(+37,000)	---	---	NA	70960
1997 advance funding (non-add)	(-55,000)	---	---	---	---	(+55,000)	---	---	NA	70970
Federal Mediation and Conciliation Service	31,344	33,290	32,896	32,396	32,896	+1,552	---	+500	D	71000
Federal Mine Safety and Health Review Commission	6,200	6,467	6,200	6,200	6,200	---	---	---	D	71025
National Commission on Libraries and Information Science	901	962	829	829	829	-72	---	---	D	71150
National Council on Disability	1,793	1,830	1,793	1,793	1,793	---	---	---	D	71325
National Education Goals Panel	---	2,785	1,000	1,000	1,000	+1,000	---	---	D	71350
National Education Standards & Improvement Council	---	3,000	---	---	---	---	---	---	D	71375
National Labor Relations Board	176,047	181,134	167,245	167,245	170,743	-5,304	+3,498	+3,498	D	71400
National Mediation Board	8,519	8,933	7,837	7,837	7,837	-682	---	---	D	71425
Occupational Safety and Health Review Commission	7,595	8,127	8,100	8,100	8,100	+505	---	---	D	71450
Physician Payment Review Commission (trust funds)	(4,176)	(4,100)	(2,923)	(2,923)	(2,923)	(-1,253)	---	---	TF*	71475
Prospective Payment Assessment Commission (trust funds)	(4,667)	(4,656)	(3,267)	(3,267)	(3,267)	(-1,400)	---	---	TF*	71525

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SOCIAL SECURITY ADMINISTRATION										
PAYMENTS TO SOCIAL SECURITY TRUST FUNDS..............	25,094	22,641	22,641	22,641	22,641	-2,453	---	---	M	71725
ADDITIONAL ADMINISTRATIVE EXPENSES 1/................	---	10,000	10,000	10,000	10,000	+10,000	---	---	M	71750
SPECIAL BENEFITS FOR DISABLED COAL MINERS										
Benefit payments.....................................	712,693	660,215	660,215	660,215	660,215	-52,478	---	---	M	71800
Administration.......................................	5,181	5,181	5,181	5,181	5,181	---	---	---	M	71825
Subtotal, Black Lung, FY 1996 program level.....	717,874	665,396	665,396	665,396	665,396	-52,478	---	---		
Less funds advanced in prior year...............	-190,000	-180,000	-180,000	-180,000	-180,000	+10,000	---	---	M	71875
Total, Black Lung, current request, FY 1996.....	527,874	485,396	485,396	485,396	485,396	-42,478	---	---		
New advances, 1st quarter FY 1996 / 1997......	180,000	170,000	170,000	170,000	170,000	-10,000	---	---	M	71925

1/ No-year availability for these funds related to sections 9704 & 9706 of the Internal Revenue Code of 1986.

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
SUPPLEMENTAL SECURITY INCOME										
Federal benefit payments	25,435,739	23,548,636	23,548,636	23,548,636	23,548,636	-1,887,103	---	---	M	71975
Beneficiary services	143,400	176,400	176,400	176,400	176,400	+33,000	---	---	M	72000
Research and demonstration	27,700	6,700	6,700	8,200	8,200	-19,500	+1,500	---	M	72025
Administration	2,042,781	1,727,098	1,727,098	1,719,098	1,719,098	-323,683	-8,000	---	D	72075
Investment proposals:										
Automation investment initiative	67,000	138,159	103,000	55,000	55,000	-12,000	-48,000	---	D	72125
Disability investment initiative	280,000	267,000	252,000	147,678	98,178	-181,822	-153,822	-49,500	D	72150
Subtotal, SSI FY 1996 program level	27,996,620	25,863,993	25,813,834	25,655,012	25,605,512	-2,391,108	-208,322	-49,500		
Less funds advanced in prior year	-6,770,000	-7,060,000	-7,060,000	-7,060,000	-7,060,000	-290,000	---	---	M	72250
Subtotal, regular SSI current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,545,512	-2,681,108	-208,322	-49,500		
Additional CDR funding	---	---	---	---	15,000	+15,000	+15,000	+15,000	D	72265
Total, SSI, current year, FY 1995 / 1996	21,226,620	18,803,993	18,753,834	18,595,012	18,560,512	-2,666,108	-193,322	-34,500		
New advance, 1st quarter, FY 1996 / 1997	7,060,000	9,260,000	9,260,000	9,260,000	9,260,000	+2,200,000	---	---	M	72300

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
LIMITATION ON ADMINISTRATIVE EXPENSES									
OASDI trust funds	(2,357,464)	(2,689,071)	(2,684,071)	(2,687,986)	(2,684,071)	(+326,607)	---	(-3,915)	TF 72425
HI/SMI trust funds	(735,575)	(902,233)	(864,099)	(864,099)	(864,099)	(+128,524)	---	---	TF* 72450
SSI	(2,042,781)	(1,727,098)	(1,727,098)	(1,719,098)	(1,719,098)	(-323,683)	(-8,000)	---	TF 72475
Subtotal, regular LAE	(5,135,820)	(5,318,402)	(5,275,268)	(5,271,183)	(5,267,268)	(+131,448)	(-8,000)	(-3,915)	
DI disability initiative	(40,000)	(267,000)	(155,000)	(259,322)	(289,322)	(+249,322)	(+134,322)	(+30,000)	TF 72525
SSI disability initiative	(280,000)	(267,000)	(252,000)	(147,678)	(98,178)	(-181,822)	(-153,822)	(-49,500)	TF 72550
Subtotal, Disability initiative	(320,000)	(534,000)	(407,000)	(407,000)	(387,500)	(+67,500)	(-19,500)	(-19,500)	
OASDI automation	(21,283)	(218,841)	(125,000)	(112,000)	(112,000)	(+90,717)	(-13,000)	---	TF 72600
SSI automation	(67,000)	(138,159)	(103,000)	(55,000)	(55,000)	(-12,000)	(-48,000)	---	TF 72625
Subtotal, automation initative	(88,283)	(357,000)	(228,000)	(167,000)	(167,000)	(+78,717)	(-61,000)	---	
TOTAL, REGULAR LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,821,768)	(+277,665)	(-88,500)	(-23,415)	
Additional CDR funding	---	---	---	---	(60,000)	(+60,000)	(+60,000)	(+60,000)	TF 72680
TOTAL, LAE	(5,544,103)	(6,209,402)	(5,910,268)	(5,845,183)	(5,881,768)	(+337,665)	(-28,500)	(+36,585)	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc
OFFICE OF INSPECTOR GENERAL									
Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---	D 72725
Trust funds	(3,851)	(9,704)	(10,099)	(10,099)	(10,099)	(+6,248)	---	---	TF 72750
Portion treated as budget authority	(4,187)	(10,549)	(10,977)	(10,977)	(10,977)	(+6,790)	---	---	TF* 72775
Total, Office of the Inspector General:									
Federal funds	2,408	6,964	4,816	4,816	4,816	+2,408	---	---	
Trust funds	(8,038)	(20,253)	(21,076)	(21,076)	(21,076)	(+13,038)	---	---	
Total	(10,446)	(27,217)	(25,892)	(25,892)	(25,892)	(+15,446)	---	---	
Total, Social Security Administration:									
Federal funds	29,021,996	28,758,994	28,706,687	28,547,865	28,513,365	-508,631	-193,322	-34,500	
Current year FY 1995 / 1996	(21,781,996)	(19,328,994)	(19,276,687)	(19,117,865)	(19,083,365)	(-2,698,631)	(-193,322)	(-34,500)	
New advances, 1st quarter FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---	
Trust funds	(5,552,141)	(6,229,655)	(5,931,344)	(5,866,259)	(5,902,844)	(+350,703)	(-28,500)	(+36,585)	

	FY 1995 Comparable	FY 1996 Request	House	Senate	Conference	Conference vs FY 1995	Conference vs House	Conference vs Senate	Mand Disc	
RAILROAD RETIREMENT BOARD										
Dual benefits payments account	254,000	239,000	239,000	239,000	239,000	-15,000	---	---	D	73050
Less income tax receipts on dual benefits	-19,000	-17,000	-17,000	-17,000	-17,000	+2,000	---	---	D	73075
Subtotal, Dual Benefits	235,000	222,000	222,000	222,000	222,000	-13,000	---	---		
Federal payment to the Railroad Retirement Account	300	300	300	300	300	---	---	---	M	73125
Limitation on administration:										
Consolidated account	---	(92,700)	---	(89,094)	---	---	---	(-89,094)	TF*	73175
Retirement	(73,803)	---	(73,561)	---	(73,169)	(-634)	(-392)	(+73,169)	TF*	73200
Unemployment	(17,013)	---	(17,255)	---	(16,786)	(-227)	(-469)	(+16,786)	TF*	73225
Subtotal, administration	(90,816)	(92,700)	(90,816)	(89,094)	(89,955)	(-861)	(-861)	(+861)		
Special management improvement fund..	(1,638)	(659)	(659)	(659)	(659)	(-979)	---	---	TF*	73275
Total, limitation on administration	(92,454)	(93,359)	(91,475)	(89,753)	(90,614)	(-1,840)	(-861)	(+861)		
Inspector General	(6,675)	(6,700)	(5,673)	(5,673)	(5,673)	(-1,002)	---	---	TF*	73325
United States Institute of Peace	11,500	11,500	11,500	11,500	11,500	---	---	---	D	73375
Total, Title IV, Related Agencies: Federal Funds (all years)	30,027,988	29,857,742	29,668,628	29,514,330	29,480,927	-547,061	-187,701	-33,403		
Current year, FY 1995 / 1996	(22,527,988)	(20,131,342)	(19,988,628)	(19,834,330)	(19,800,927)	(-2,727,061)	(-187,701)	(-33,403)		
FY 1996 / 1997	(7,240,000)	(9,430,000)	(9,430,000)	(9,430,000)	(9,430,000)	(+2,190,000)	---	---		
FY 1997 / 1998	(260,000)	(296,400)	(250,000)	(250,000)	(250,000)	(-10,000)	---	---		
Trust funds	(5,660,113)	(6,338,470)	(6,034,682)	(5,967,875)	(6,005,321)	(+345,208)	(-29,361)	(+37,446)		
TITLE V										
1% Cap on performance awards (sec. 520)	---	---	---	-30,500	-30,500	-30,500	-30,500	---	D	73970

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

SEC. 101(e)

The conferees agree that House report 104–384 is to be used as the guiding document for the departments, agencies, commissions, corporations, and offices under the jurisdiction of the House and Senate subcommittees on the Departments of Veterans Affairs and Housing and Urban Development and Independent Agencies, along with House report 104-201 and Senate report 104-140. The following explanations are to be taken as clarifications or supplements to the directions contained in House report 104-384, dated December 6, 1995 and Senate report 104-236 dated March 6, 1996:

TITLE I—DEPARTMENT OF VETERANS AFFAIRS

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

Limits the amount of funds available for payroll costs of the Office of the Secretary to not exceed $3,206,000, instead of $2,766,000 as proposed by the House and deleting such limitation as proposed by the Senate. Deletes the salary limitations proposed by the House and stricken by the Senate for the Office of the Assistant Secretary for Policy and Planning, the Office of the Assistant Secretary for Congressional Affairs, and the Office of the Assistant Secretary for Public and Intergovernmental Affairs. The limitation of salary funds for the Office of the Secretary is the amount requested in the 1996 Budget and will support the current employment level.

CONSTRUCTION, MAJOR PROJECTS

Deletes language proposing contingent appropriations of an additional $70,100,000 for construction, major projects as proposed by the House and $16,000,000 as proposed by the Senate. The approved major construction projects are as specified in House Report 104–384, the Conference Report and Joint Explanatory Statement of the Committee of Conference on H.R. 2099.

ADMINISTRATIVE PROVISIONS

Inserts section 108 authorizing the construction of outpatient clinics in Brevard County, FL, Travis Air Force Base, CA, and Boston, MA; leases at Ft. Myers, FL and New York, NY; and a research facility at Portland, OR. The conferees urge the VA to review its options to acquire additional land for the expansion of the Camp Butler National Cemetery.

Inserts, as section 109, language designating the Walla Walla VA Medical Center as the Jonathan M. Wainwright Memorial VA Medical Center. The Senate proposed this language as a miscellaneous provision.

Deletes a miscellaneous provision as proposed by the Senate that would require the VA to develop a plan for the allocation of health care resources. This matter was addressed in amendment numbered 14 of House Report 104–384, the Joint Explanatory Statement of the Committee of Conference on H.R. 2099. The conferees note that the VA is currently developing the allocation plan.

TITLE II—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ANNUAL CONTRIBUTIONS FOR ASSISTED HOUSING

The conferees recommend decreasing the amount appropriated for annual contributions for assisted housing in H.R. 2099, from $10,155,795,000 to $9,818,795,000. The decrease of $337,000,000 is comprised of three components. First, $69,000,000 is taken from amounts available for property disposition activities associated with selling mortgages and properties acquired or held by the Federal Housing Administration (FHA). Despite the decrease, the conferees understand the reduction will not materially impact the Department's ability to meet its statutory and policy responsibilities in disposing of these properties on a timely basis.

Second, the conferees agree to add $25,000,000 to the $233,168,000 provided for the section 811 housing program for the disabled, and to add $50,000,000 to the $780,190,000 provided for the section 202 housing program for the elderly. However, rather than spending the additional funding on new construction or acquisition of buildings, the funds must be applied to extending the contract terms of the rental assistance program.

Finally, funding for renewing expiring or terminating section 8 subsidy contracts has been reduced from $4,350,862,000 to $4,007,862,000. Though the decrease will not reduce the number of households assisted under this program from the level specified in H.R. 2099, it will reduce the term of the rental assistance contracts from two years.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation.

H.R. 2099, the 1996 VA/HUD and Independent Agencies appropriations measure, included a provision designed to replace the Low Income Housing Preservation and Resident Homeownership Act (LIHPRHA) with a less expensive program that avoids dependence on continuing section 8 rental subsidies while, at the same time, preserves affordable housing opportunities for low-income families.

The recently enacted Housing Opportunity Program Extension Act of 1996 incorporated the provisions of the revised preservation program contained in H.R. 2099. Due to delays, however, the calendar deadlines utilized in this legislation for filing and for funding eligibility determinations are no longer valid and must be adjusted. Therefore, the conferees have adjusted dates to conform the provisions in the Extension Act.

As a further refinement of the revised preservation program, the conferees have added a third criteria for the Department to utilize in setting appropriate rents for properties. This change will enable properties which utilize the capital loan/capital grant program to retain working families in affordable housing developments and to achieve an appropriate mix of income levels.

PUBLIC HOUSING DEMOLITION, SITE REVITALIZATION, AND REPLACEMENT HOUSING GRANTS

The conferees are aware of the urgent need to accelerate the demolition of distressed public housing developments and have agreed to provide $200,000,000 above the amount recommended in H.R. 2099 for the severely distressed public housing program. This addition increases funding for the program from $280,000,000 to $480,000,000.

The HOPE VI program was created in 1992 as a means to replace obsolete public housing developments aggressively with homes that are architecturally appealing, have lower densities, and are better suited to the needs of low-income families and their surrounding neighborhoods. In the last four years, the Department has found it necessary to refine PHA plans after awarding the grants, usually because of complicated financing associated with the construction of these developments. The formal competition process required by the Act, however, constrains HUD from being able to make changes on a timely basis. Therefore, to facilitate actual site demolition and rehabilitation, the conferees have deleted a requirement for a formal competition regarding how these funds are awarded. In place of a formal competition, HUD plans to utilize a comprehensive, merit-based selection process.

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

The conference agreement permits the Secretary to waive the requirement to set-aside a portion of these funds for the youth sport program, though the activity remains an eligible activity of the program. This requirement has been burdensome for both the Department and public housing authorities to administer.

Noting the importance and need to fight crime in public housing and to create safe environments for low-income families, the conferees have decided to fully fund the Drug Elimination Grant program despite dwindling discretionary resources. There is, however, a significant crime problem that plaques the assisted housing portfolio. Unfortunately, the owners of these properties do not have access to funding from the drug elimination program. It is the opinion of the conferees that the authorizing committee should consider this problem and rectify it with appropriate legislation.

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

At the request of the Secretary, the conferees agree to set-aside $50,000,000 from the community development block grant account for economic development initiatives to be made available pursuant to a competitive selection process.

ADMINISTRATIVE PROVISIONS

EXTEND ADMINISTRATIVE PROVISIONS FROM THE RESCISSION ACT

It is critical to deregulate the public and assisted housing portfolios by providing them with the greatest degree of flexibility possible, and therefore agree to expand the eligible uses of modernization funds to capital purposes.

The conferees believe that mixed-income developments, where the portion of apartments dedicated to low-income families are indistinguishable from the remaining market-rate apartments, will foster safe neighborhoods and will provide for fiscally viable developments. Therefore, the conferees recommend inclusion of several provisions designed to facilitate their creation and financing.

EMPLOYMENT LIMITATIONS

The conferees agree to increase the number of assistant secretaries to eight from the seven provided in H.R. 2099, but have retained the provisions regarding the levels of Schedule C and noncareer SES employees. HUD is directed to present a plan to the House and Senate Committees on Appropriations by September 30, 1996, that describes its reorganization strategy, including:

(1) the organizational structure, including the number of field offices, regional offices, and FHA offices;

(2) the programmatic staffing levels required to meet the needs and services identified in HUD's mission statement;

(3) the responsibilities and duties of headquarters, the field offices, regional offices and FHA offices, the services they will provide, and the level of programmatic staff necessary to carry out these functions;

(4) the relationship between Headquarters and the field offices, regional offices, and FHA offices; and

(5) the annual schedule by which the Secretary intends to reduce staff to 7,500 by the year 2002.

If the level of FTEs required to administer the programs effectively is greater than 7,500, the Secretary must justify the increase.

REPEAL OF FROST-LELAND

Although the conferees agree to repeal the Frost-Leland amendment, it was not agreed that the City of Dallas be reimbursed for expenses it incurred demolishing a public housing project in West Dallas pursuant to a court order.

FHA ASSIGNMENT PROGRAM

The conferees have amended provisions of the Balanced Budget Downpayment Act, I, which reformed the FHA Assignment Program. The first change corrects terminology included in that Act. Additionally, because of delays in enacting this appropriations measure, several dates used in the original legislation are no longer valid and have been changed. First, the effective date of the reform has been changed to the date of enactment of this legislation to prevent a circumstance where people who applied for assignment after March 15, 1996, would find the program retroactively terminated. Thirty days after enactment, HUD is required to issue regulations. The second date change allows the reforms to be utilized for all mortgages executed during fiscal year 1996 and in prior years.

CHANGES TO STATE OF NEW YORK'S COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME PROGRAMS

To ensure that the CDBG Small Cities program in the State of New York is operated as efficiently as possible, the conferees agree to limit the amount of funds made available for multi-year commitments to 35 percent. Additionally, the conferees agree to provide the State of New York's HOME funds directly to the Chief Executive Officer of the State, to be used in accordance with provisions of law.

MINIMUM RENT TENANT PROTECTIONS

The conferees agree that every public housing and section 8 housing resident who receives the benefit of housing assistance should contribute at least $25 towards their rent. There may be occasions, however, where families are experiencing serious financial hardship and cannot afford even the most minimal contribution. Therefore, a provision has been added to allow the Secretary or a public housing agency to waive the minimum rent requirement to provide a transition period for affected families not to exceed three months.

The conferees have agreed to delete a provision proposed in H.R. 2099 which would have directed the transfer of fair housing enforcement responsibilities to the Department of Justice.

TITLE III—INDEPENDENT AGENCIES

DEPARTMENT OF THE TREASURY

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND

PROGRAM ACCOUNT

The conferees agree to provide $45,000,000, instead of $50,000,000 as proposed by the Senate and $25,000,000 as proposed by the House. The conferees also agree to remove legislative provisions restricting the size of the staff for this effort.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS OPERATING EXPENSES

Appropriates $400,500,000 for National and Community Service Programs Operating Expenses as proposed by the Senate, instead of termination, or $383,500,000 if offsetting savings were found, as proposed by the House. The recommended amount is $69,500,000 below the 1995 level and $416,976,000 below the budget request.

The bill includes language eliminating grants to Federal agencies. This will permit all money to be directed outside of the Federal bureaucracy and should help reduce the cost per participant.

The conferees are aware of recent commitments by the Corporation to improve the management of the AmeriCorps program and reduce costs. In addition to eliminating grants to federal agencies, such actions include decreasing the reliance on federal funds by increasing the matching requirement for private funds, reminding sponsors of all prohibited activities, including lobbying and partisan political activities, improving grant reviews, and expanding efforts in program evaluation. It is the conferees' intent that the appropriating and authorizing committees will carefully monitor the Corporation's activities to ensure that the agreed to reforms are carried out and to prevent any abuses in the future.

The conferees agree to include the Sense of the Congress language proposed by the Senate. This language urges the President to nominate expeditiously a Chief Financial Officer and to implement as quickly as possible the recommendations of the independent auditors to improve the financial management of the Corporation's funds. The language also urges the Corporation to submit a reprogramming proposal for up to $3,000,000 to carry out financial management system reforms if the Chief Financial Officer determines such additional resources are needed.

OFFICE OF INSPECTOR GENERAL

Appropriates $2,000,000 for the Office of Inspector General. The conferees expect that the Inspector General will periodically report to the Congress on progress in improving the Corporation's financial management systems and in developing auditable financial statements.

ENVIRONMENTAL PROTECTION AGENCY

SCIENCE AND TECHNOLOGY

The conferees agree to a technical change to House Report 104-384 related to the Mine Waste Technology program. The science and technology account includes $3,000,000 for this program, in lieu of funding in the hazardous substance superfund account.

ENVIRONMENTAL PROGRAMS AND MANAGEMENT

The conferees agree to provide $127,000,000 in addition to the amount proposed for environmental programs and management in H.R. 2099. Of this amount, the conferees agree that up to $40,000,000 is available for enforcement activities.

In 1994, under the U.S. Global Climate Change Action Plan, the Administration approached developing countries about undertaking joint activities to reduce global emissions. The joint implementation project thus established encourages partnerships between businesses and non-governmental organizations in the United States and developing countries, offering the potential to achieve greater emission reductions worldwide than would be possible with each country acting alone. Recognizing that meaningful near-term reductions in greenhouse gas emissions can only be realized through voluntary, public-private relationships such as the joint implementation program, the conferees urge that from the funds provided for the climate change action plan, the Agency provide $3,000,000 for completion of climate change country studies and development of developing country national action plans and $7,000,000 for joint implementation plan activities.

BUILDINGS AND FACILITIES

The conferees agree to provide $50,000,000 in addition to the amount proposed for buildings and facilities in H.R. 2099. This additional funding is for the first phase of construction of a new consolidated research facility at Research Triangle Park, North Carolina. The conferees agree that the total construction cost for this new research facility shall not exceed $232,000,000.

HAZARDOUS SUBSTANCE SUPERFUND

The conferees agree to provide $150,000,000 in addition to the amount proposed for hazardous substance superfund in H.R. 2099. The conferees agree that such additional funds, $100,000,000 of which become available on September 1, 1996, are for clean-up response and enforcement activities, subject to normal reprogramming guidelines. The conferees agree that $2,000,000 of this additional amount is for worker training grants under NIEHS, bringing this program to $18,500,000 for fiscal year 1996.

STATE AND TRIBAL ASSISTANCE GRANTS

The conferees agree to provide $490,000,000 in addition to the amount proposed for environmental programs and infrastructure assistance under state and tribal assistance grants in H.R. 2099. Of this additional amount, $448,500,000 is for capitalization grants, $3,500,000 is for a water distribution system grant in the South Buffalo/Kittaning area, Pennsylvania, $25,000,000 is for a special projects grant for Boston Harbor for a total of $50,000,000 in fiscal year 1996, and $13,000,000 is for a construction grant for wastewater treatment facilities in Watertown, South Dakota. Of the $448,500,000, $225,000,000 is for Safe Drinking Water State Revolving Fund capitalization grants which, added to the $275,000,000 proposed in H.R. 2099 and the $225,000,000 provided in previous appropriations acts, brings the total available for the Safe Drinking Water SRF to $725,000,000. All of these funds shall be available if authorization for such SRF is enacted prior to August 1, 1996, however, if no such authorization is enacted prior to August 1, 1996, these funds will become available for wastewater capitalization grants.

The conferees understand the Agency has convened a federal advisory committee to address water pollution issues related to wet weather. The conferees believe that EPA should take advantage of the many stakeholders concerned about stormwater at the table and use this opportunity to see if these participants can reach consensus on a simplified, environmentally protective, workable, cost-effective stormwater program for municipalities regardless of population and all entities whether or not they are already covered under the Phase I NPDES program.

Finally, the conferees note that $700,000 of funds proposed in H.R. 2099 for Manns Choice and $100,000 of funds proposed in H.R. 2099 for Taylor Township, Pennsylvania, be used for wastewater treatment facility improvements in Juniata Terrace Borough, Mifflin County, Pennsylvania ($250,000) and Curwensville Borough-Pike Township, Clearfield County, Pennsylvania ($150,000) and for combined sewer overflow improvements for Logan Township, Blair County, Pennsylvania ($400,000).

ADMINISTRATIVE PROVISIONS

The conferees have included bill language in section 304 which transfers real property located in Bay City, Michigan to the City of Bay City or another municipal entity. In addition, up to $3,000,000 of previously appropriated funds shall be provided to the recipient of such real property for necessary environmental remediation and rehabilitation costs of the property. It is the intent of the Conferees that the recipient of the property shall accept full responsibility for compliance with any applicable environmental conditions and that the Agency's liability shall terminate upon transfer.

The conferees have agreed to delete a provision proposed in H.R. 2099 which prohibited the use of funds to implement section 404(c) of the Federal Water Pollution Control Act, as amended.

EXECUTIVE OFFICE OF THE PRESIDENT

COUNCIL ON ENVIRONMENTAL QUALITY AND OFFICE OF ENVIRONMENTAL QUALITY

The conferees agree to provide $1,150,000 in addition to the amount proposed in H.R. 2099, for a fiscal year 1996 total of $2,150,000 for CEQ. The conferees agree that CEQ and OEQ should not augment their workforce by utilizing personnel paid for by appropriations provided to any other Federal agency or department.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF CONSUMER AFFAIRS

The conferees have agreed to provide $1,800,000 for the Office of Consumer Affairs. Neither the House or the Senate had included this funding in the bill.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

The conferees agree to provide $83,000,000 for Science, Aeronautics and Technology in addition to the amounts proposed H.R. 2099. Distribution of the additional funding is to be addressed in the NASA operating plan for fiscal year 1996 and is subject to final approval by the Committees on Appropriations of the House and Senate.

The conferees do not agree that all NASA aircraft consolidation should be held in abeyance pending the final reports of the NASA Inspector General and the General Accounting Office as proposed by the Senate. The conferees note that in a letter dated March 8, 1996, the Inspector General endorsed an alternative aircraft consolidation plan which would leave in place five aircraft currently based at Lewis Research Center, Langley Research Center, and Wallops Island. Therefore, the conferees agree that the consolidation of these aircraft should await final resolution of the issues addressed in the initial report by the NASA Inspector General with regard to consolidation savings.

The conferees are concerned with NASA's unexpected recent announcement regarding additional and accelerated personnel reductions at NASA headquarters. This announcement was made without prior consultation with the Congress. The proposed reduction is disproportionately excessive relative to the aggregate funding profile for this agency. Such substantial staffing reduction may jeopardize NASA's ability to manage adequately programs of continuing priority to the Congress and the Nation. Therefore, the conferees direct NASA to suspend immediate implementation of the administrative steps to execute this proposed reduction-in-force, pending full consideration by the Congress of the agency's budget for fiscal year 1997.

The conference agreement also includes two new administrative provisions. The first provision ensures that section 212 of Public Law 104-99 remains in effect as if enacted as part of this Act. The second new provision urges NASA to fund Phase A studies for a radar satellite initiative.

NATIONAL SCIENCE FOUNDATION

The conferees agree to provide an additional $40,000,000 for Research and Related Activities for the National Science Foundation. The effect of this adjustment is a net reduction of $140,000,000 from the budget request as compared to a reduction of $180,000,000 proposed in H.R. 2099.

TITLE V—GENERAL PROVISIONS

The conference agreement includes a general provision which supersedes section 201(b) of Public Law 104-99.

TITLE II—SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES

DEPARTMENT OF AGRICULTURE

FOOD SAFETY AND INSPECTION SERVICE

The conferees retain bill language included by the Senate to earmark funds appropriated to the Food Safety and Inspection Service for in-plant inspection personnel. The House-passed bill contained no similar provision. Providing sufficient funds to fully cover the salaries and expenses of in-plant inspections mandated by current law was the priority of Congress in the fiscal year 1996 appropriations Act. The conferees regret that it has become necessary to earmark funds for inplant inspector salaries and expenses, but because the agency could not provide assurances that it would fulfill the intent of Congress, the conferees found this as the only alternative available.

NATURAL RESOURCES CONSERVATION SERVICE

WATERSHED AND FLOOD PREVENTION OPERATIONS

The conference agreement provides a supplemental appropriation of $80,514,000 for Watershed and Flood Prevention Operations to repair damages to waterways and watersheds resulting from flooding in the Pacific Northwest, the Northeast blizzards, floods, and other natural disasters instead of $73,200,000 as proposed by the House and $107,514,00 as proposed by the Senate. The conferees encourage the Department, when repairing projects with funds appropriated for Emergency Watershed and Flood Prevention Operations, to do so with the intent of minimizing future costs and flooding.

The conference agreement provides that the entire amount shall be available only to the extent that an official budget request for $80,514,000 is submitted that includes designation of the entire amount as an emergency requirement.

The conference agreement also provides that if the Secretary of Agriculture determines that the cost of land and restoration of farm structures exceeds the fair market value of affected cropland, the Secretary may use sufficient amounts "not to exceed $7,288,000' from funds provided under this heading to accept bids from willing sellers to provide conservation easements for cropland inundated by floods, as provided for by the Wetlands Reserve Program.

CONSOLIDATED FARM SERVICE AGENCY

EMERGENCY CONSERVATION PROGRAM

The conference agreement provides a supplemental appropriation of $30,000,000 for the Emergency Conservation Program for expenses resulting from floods in the Pacific Northwest and other natural disasters as proposed by the Senate instead of $24,800,000 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

The conference agreement provides a supplemental appropriation of $5,000,000 for section 502 direct loans and $1,500,000 for section 504 housing repair loans for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods, Hurricane Marilyn, and other natural disasters as proposed by the Senate. The House bill proposed a total of $6,500,000 for both section 502 direct loans and section 504 housing repair loans.

The conference agreement provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

VERY LOW-INCOME HOUSING REPAIR GRANTS

The conference agreement provides a supplemental appropriation of $1,100,000 for emergency expenses resulting from flooding in the Pacific Northwest, the Northeast blizzards and floods. Hurricane Marilyn, and other natural disasters as proposed by both the House and Senate. The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

RURAL UTILITIES SERVICE

RURAL UTILITIES ASSISTANCE PROGRAM

The conference agreement provides a supplemental appropriation of $11,000,000 for direct loans and grants of the Rural Utilities Assistance Program and the Emergency Community Water Assistance Program to assist in the recovery from flooding in the Pacific Northwest and other natural disasters as proposed by the Senate. The House bill proposed separate appropriations of $5,000,000 for the Emergency Community Water Assistance Program and $6,000,000 for the Rural Utilities Assistance Program. The conference agreement also provides that funds be used for the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974 as proposed by the House.

The conference agreement does not include a provision proposed by the Senate that the entire amount be available subject to an official budget request from the Administration.

COMMODITY CREDIT CORPORATION

EMERGENCY LIVESTOCK FEED ASSISTANCE PROGRAM

The conference agreement does not provide $10,000,000 of Commodity Credit Corporation funds for cost-sharing assistance under provisions consistent with the Emergency Livestock Feed Assistance Program as proposed by the House. The Senate bill contained no similar provision. The Department has indicated that livestock producers who are eligible for cost-sharing assistance under the Emergency Livestock Feed Assistance Program will continue to be eligible for this assistance provided a valid contract for this program has been signed prior to enactment of new legislation.

SUPPLEMENTAL AND RESCISSION REQUESTS

As part of its fiscal year 1996 supplemental and rescission requests, the Administration proposed a rescission of $12,000,000 from Cooperative State Research, Education, and Extension Service, Buildings and Facilities, and supplemental requests of $2,500,000 for the U.S.-Israel Binational Agricultural Research and Development Fund program and $9,500,000 for the Food Safety and Inspection Service. The conference agreement does not include these proposals.

GENERAL PROVISIONS

The conference agreement deletes the administrative provision proposed by the Senate that would have allowed the Secretary to transfer funds provided in this Chapter between accounts included in this Chapter. The House bill contained no similar provision.

SEAFOOD SAFETY

The conference agreement provides that any domestic fish or fish product produced in compliance with food safety standards or procedures accepted by the Food and Drug Administration shall be deemed to have met any inspection requirements of the Department of Agriculture or other Federal agency for any Federal commodity purchase program, and that the Department or other Federal agency may utilize lot inspection to establish a reasonable degree of certainty that such fish or fish product meets Federal product specifications as proposed by the Senate. The House bill contained no similar provision.

FARM LOANS

The conference agreement includes language that allows the Department of Agriculture to make or guarantee an operating or an emergency loan to a loan applicant who was less than 90 days delinquent on April 4, 1996, if the loan applicant had submitted an application for the loan prior to April 5, 1996. The recently enacted Federal Agriculture Improvement and Reform Act altered conditions under which loans could be made at the time of enactment. This provision allows those borrowers, whose application had been submitted, to complete the process. The provision also provides that no applicant may be more than 90 days delinquent.

CHAPTER 1A

DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

FOOD AND DRUG EXPORT REFORM

The conference agreement includes a modification of language included in both the House and Senate versions of the bill allowing the export of certain unapproved drugs, biologicals, animal drugs, and medical devices. The provision allows pharmaceuticals and medical devices not approved in the United States to be exported to any country in the world if the product complies with the laws of that country and has valid marketing authorization in one of the following countries: Australia; Canada; Israel; Japan; New Zealand; Switzerland; South Africa; or the European Union or a country in the European Economic Area. The Secretary is given authority to add countries to the list based on criteria set forth in the conference agreement.

The conference agreement also sets forth criteria upon which the Secretary may allow direct export of a drug not first approved in one of the listed countries. However, devices were not included because under current law devices may be exported to any country after the Secretary determines that the export of the device is not contrary to public health and the import is permitted into the importing country. In addition, the conference agreement sets forth conditions under which the Secretary may approve the export of a drug or device which is used for tropical diseases or other diseases not of significant prevalence in the United States. To approve an application under this section, the Secretary must find that the medical product will not expose patients to an unreasonable risk of illness or injury and that the probable health benefits outweigh the risk of injury or illness, taking into account currently available treatments and their economic accessibility.

In general, a medical product may not be exported under this provision unless it is unadulterated, accords to the specifications of the foreign manufacturer, complies with the laws of the importing country, is labeled for export, and is not sold in the U.S. The drug or device must be manufactured in substantial conformity with good manufacturing practices applicable to that specific product or else be in compliance with recognized international standards. The Secretary may prohibit exports of products which are found to pose an imminent hazard.

Any person who exports a drug or device may request the Secretary of Health and Human Services to certify in writing that the exportation is legal. A fee of up to $175 is authorized for issuance of each written export certification. The conferees intend that fees be established on a sliding scale to minimize the impact on small business.

IMPORT COMPONENTS USED FOR EXPORT

The conference agreement also allows import of certain articles, which cannot now be lawfully imported, used in the manufacture of drugs, biological products, devices, foods (including dietary supplements), food additives, and color additives if the finished products are then exported. Under this provision, importers must provide the Secretary of Health and Human Services with notification of the initial importation, maintain records of such imports, and destroy any component not used in an exported product. The agreement also allows import of certain blood and tissue products provided they comply with the Public Health Service Act requirements, or the Secretary allows such imports. The Secretary could make such a determination, for example, where a blood component is imported from a country which has laws and regulations relating to the collection and processing of blood; the products are in compliance with such requirements; the importer assures that such products are segregated from U.S. products, that contamination of equipment is prevented, and that records are maintained and made available to the Secretary to verify such assurances; and that the importer performs such tests as the Secretary may require.

PATENT EXTENSION

The conference agreement includes a provision that would extend a patent on a nonsteroidal anti-inflammatory drug. Congressional hearings held on this issue support the claims that the Food and Drug Administration took an unreasonable length of time in the approval process for this drug. The provision provides a two year extenstion.

CHAPTER 2

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES

DEPARTMENT OF COMMERCE

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

The conference agreement includes $18,000,000 for emergency expenses related to recovery and mitigation efforts associated with flooding in the Pacific Northwest and other disasters, to remain available until expended and to be available only pursuant to an official budget request that declares the funds to be emergency. The Senate bill proposed $25,000,000 for emergency expenses resulting from flooding, and $2,500,000 to be transferred to Salaries and Expenses. The House bill contained no similar provision.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

CONSTRUCTION

The conference agreement includes $7,500,000 in emergency funds for the National Oceanic and Atmospheric Administration's (NOAA) "Construction" account. The House bill provided no funds for this purpose; the Administration request was $10,000,000. These funds are to support the immediate repair of fish hatcheries along the Columbia River which experienced severe damage from the recent flooding in the Northwest.

The conferees note that the National Marine Fisheries Service funds the Mitchell Act Hatcheries. If additional funds are needed for repairs in this instance, the conferees understand that funds are available within existing amounts at the Federal Emergency Management Administration (FEMA) and would encourage FEMA to give every consideration to applications received in relation to this flood damage.

DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

The conference agreement includes no emergency funding for State Department operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $2,000,000.

RELATED AGENCIES

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

The conference agreement includes no emergency funding for United States Information Agency operations to offset operating costs being incurred in Bosnia as a result of the Dayton Accords, as proposed by the Senate. The House bill included $1,000,000.

RELATED AGENCY

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

The conference agreement provides $71,000,000 for subsidy costs associated with the SBA Disaster Loans Program, instead of $72,300,000 as proposed by the House and $69,700,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to allow for additional loan volume in response to declared disasters.

In addition, the conferees have included $29,000,000, for administrative expenses under this account, instead of $27,700,000 as proposed by the House and $30,300,000 as proposed by the Senate, as an emergency appropriation to remain available until expended, to support SBA's disaster activities in response to declared disasters.

The conferees are concerned about the manner in which SBA budgets for, and administers, disaster assistance funds. The conferees are disturbed that during development of the supplemental funding requirements, SBA identified $79,000,000 in unspent prior year funding not previously known to SBA. In addition, SBA indicated a shortfall in disaster administrative expenses, even though the conferees had already fully funded SBA's request for these expenses. The conferees expect disaster funding to be used only for the purpose for which it was provided, and to accurately budget for and administer these funds.

Therefore, the conferees direct the SBA to provide, not later than May 30, 1996, a report to the House and Senate Appropriations Committees on the obligation of administrative expenses funding to date in fiscal year 1996, and to provide an updated report on August 15, 1996. These reports should identify the following: (1) each headquarters' office receiving administrative funding, the total funding provided, and the number of FTE supported: (2) the total funding and FTE (permanent and temporary) provided to each field location, the date the field location was established, the expected duration of employment for temporary employees for each location, and the expected termination date for each location; and (3) the total loan volume by location.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

GENERAL INVESTIGATIONS

The conference agreement includes language contained in section 3007 of the Senate bill to permit the Secretary of the Army to utilize funds previously appropriated for the St. Louis Harbor, Missouri, project for the Upper Mississippi River and Illinois Waterway navigation study. The conferees agree that they will work to restore funds to the St. Louis Harbor project in the future as needed.

OPERATION AND MAINTENANCE, GENERAL

The conference agreement includes $30,000,000, the same as the budget request, for the repair of damages to Corps of Engineers projects caused by severe flooding in the Northeast and Northwest as proposed by the House and the Senate. The conferees have also agreed to adopt the language contained in the House bill.

FLOOD CONTROL AND COASTAL EMERGENCIES

The conference agreement includes $135,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Corps of Engineers to repair damage to non-Federal levees and other flood control works located in states affected by the Northeast and Northwest floods of 1996 and other natural disasters, and to replenish funds transferred from other accounts for emergency work pursuant to the authority of the Secretary of the Army contained in Public Law 84-99. The conferees have also agreed to adopt the language contained in the House bill.

DEPARTMENT OF THE INTERIOR

BUREAU OF RECLAMATION

CONSTRUCTION PROGRAM

The conference agreement includes $9,000,000, the same as the budget request and the amount proposed by the House and the Senate, for the Bureau of Reclamation to continue emergency repairs at Folsom Dam in California. The conferees have also agreed to delete funding requested by the President and proposed by the Senate for the payment of claims associated with flooding in March of 1995 in California's San Joaquin Valley.

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

OTHER DEFENSE ACTIVITIES

The conference agreement includes an additional $15,000,000 to accelerate activities in the Materials Protection, Control and Accounting program to improve facilities and institute national standards to secure stockpiles of weapons usable fissible materials in Russia and the Newly Independent States. No similar provision was included in the House bill, the Senate bill, or the budget request.

POWER MARKETING ADMINISTRATIONS

CONSTRUCTION, REHABILITATION, OPERATION AND MAINTENANCE, WESTERN AREA POWER ADMINISTRATION

(TRANSFER OF FUNDS)

The conference agreement provides for the transfer of $5,500,000 from this account to the account "Operation and Maintenance, Alaska Power Administration", as proposed by the House bill and budget request, only for necessary termination expenses of the Alaska Power Administration. The Senate bill did not contain this provision.

FEDERAL ENERGY REGULATORY COMMISSION

The conference agreement deletes language contained in section 3017 of the Senate bill providing for a limited waiver of annual charges for the Flint Creek Project in Montana.

CHAPTER 4

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

FUNDS APPROPRIATED TO THE PRESIDENT

UNANTICIPATED NEEDS

UNANTICIPATED NEEDS FOR DEFENSE OF ISRAEL AGAINST TERRORISM

The conference agreement provides $50,000,000 for emergency expenses necessary to meet unanticipated needs for the acquisition and provision of goods, services, and/or grants for Israel necessary to support the eradication of terrorism in and around Israel as proposed by the Senate. The conferees further agree that none of the funds appropriated in this paragraph shall be made available except through the regular notification procedures of the Committee on Appropriations. The conferees expect the aid to be provided consistent with information transmitted to the Committees on Appropriations in a classified document on March 25, 1996. The House bill contained no similar provision.

MILITARY ASSISTANCE

FOREIGN MILITARY FINANCING PROGRAM

The conference agreement provides $70,000,000 for grant Foreign Military Financing for Jordan as proposed by both the House and Senate. The conference agreement also provides that such funds may be used for Jordan to finance transfers by lease of defense articles under chapter 6 of the Arms Export Control Act. These funds will be used to support the transfer of 16 F-16 fighter aircraft to the Government of Jordan. The conferees also note that the overall downsizing of the U.S. defense industry is costing thousands of American defense-related jobs. The conferees therefore direct the Department of Defense to give priority consideration to American defense firms in awarding contracts for upgrades and other major improvements to these aircraft prior to their delivery to the Government of Jordan.

CHAPTER 5

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES

Agency Priorities. The managers have not agreed to statutory language, proposed by the Senate in section 1203 of Title II, chapter 12, which would have mandated the allocation of emergency supplemental funds based on agency prioritization processes. The managers understand that the initial estimates of emergency requirements that have been provided are based on very preliminary information and that those initial estimates, because of time constraints, may not have included every project which needs to be addressed. The managers expect each agency to develop on-the-ground estimates of all its natural disaster related needs and to address these needs consistent with agency priorities.

Contingent Appropriations. The availability of those portions of the appropriations detailed in this chapter that are in excess of the Administration's budget request for emergency supplemental appropriations are contingent upon receipt of a budget request that includes a Presidential designation of such amounts as emergency requirements as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

CONSTRUCTION AND ACCESS

An additional $5,000,000 in emergency supplemental appropriations for Construction and Access is made available as proposed by the Senate instead of $4,242,000 as proposed by the House. Of this amount, $758,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

OREGON AND CALIFORNIA GRANT LANDS

An additional $35,000,000 in emergency supplemental appropriations for Oregon and California Grant Lands is made available as proposed by the Senate instead of $19,548,000 as proposed by the House. Of this amount, $15,452,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

An additional $1,600,000 in emergency supplemental appropriations for Resource Management is made available as proposed by the Senate instead of no funding as proposed by the House. The entire amount is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CONSTRUCTION

An additional $37,300,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $20,505,000 as proposed by the House. Of this amount, $16,795,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

The managers have neither agreed to bill language, proposed by the Senate, earmarking specific funds for Devils Lake, ND nor to report language earmarking funds for other locations. The Service should carefully consider the needs at Devils Lake, ND and at Kenai, AK as it allocates funds.

NATIONAL PARK SERVICE

CONSTRUCTION

An additional $47,000,000 in emergency supplemental appropriations for Construction is made available as proposed by the Senate instead of $33,601,000 as proposed by the House. Of this amount, $13,399,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

An additional $2,000,000 in emergency supplemental appropriations for Surveys, Investigations, and Research is made available as proposed by the Senate instead of $1,176,000 as proposed by the House. Of this amount, $824,000 is contingent upon receipt of a budget request that includes a Presidential designation of such amount as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended.

CHAPTER 6

Department of Defense

MILITARY CONSTRUCTION

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

The conference agreement includes an additional $37,500,000 for the NATO Security Investment Program, as provided in both the House and Senate bills. In addition, the conference agreement includes rescissions totaling $37,500,000 to offset this additional appropriation, as explained in Title III of this report.

GENERAL PROVISION

The conferees agree to language proposed by the Senate which gives the Secretary of the Army discretionary authority to convey approximately five acres of land in Hale County, Alabama. The House bill contained no similar provision.

CHAPTER 7

DEPARTMENT OF DEFENSE—MILITARY SUPPLEMENTAL APPROPRIATIONS

The House recommended a total of $782,500,000, designated as emergency appropriations pursuant to the Budget Act, for additional incremental U.S. military costs associated with the Bosnia operation, including the NATO-led Peace Implementation Force (IFOR) and Operation Deny Flight. The Senate recommended $777,700,000 in new appropriations, none of which were designated emergency. The House and Senate each fully offset their respective supplemental funding through rescissions of funds previously provided in Department of Defense Appropriations Acts.

The conference agreement provides a total of $820,000,000, all designated as emergency appropriations. This amount is fully offset by rescissions contained in Title III, Chapter 6 of the conference agreement. A summary of the conference agreement by appropriations account is as follows:

[Dollars in thousands]

Account	Request	House	Senate	Conference
Military Personnel:				
Army	244,400	262,200	244,400	257,200
Navy	11,700	11,800	11,700	11,700
Marine Corps	2,600	2,700	2,600	2,600
Air Force	27,300	33,700	27,300	27,300
Total	286,000	310,400	286,000	298,800
Operation and Maintenance:				
Army	48,200	235,200	195,000	241,500
Marine Corps	900	900	900	900
Air Force	141,600	130,200	190,000	173,000
Defense-wide	79,800	79,800	79,800	79,800
Total	270,500	446,100	465,700	495,200
Procurement:				
Other Procurement, Air Force	26,000	26,000	26,000	26,000
Grand Total	582,500	782,500	777,700	820,000

MILITARY PERSONNEL

The conference agreement recommends a total of $298,800,000 for costs of active and reserve military personnel pay and allowances. The conferees believe they have met the most urgent military personnel requirements for the Bosnia operation, and expect the Department to keep the Committees on Appropriations advised of any revisions to these estimates.

OPERATION AND MAINTENANCE

The Department of Defense requested a total of $270,500,000 for operation and maintenance to fund the incremental costs of U.S. participation in the NATO-led Bosnia Peace Implementation Force (IFOR). The conferees recommend $495,200,000, an increase of $224,700,000 above the supplemental request, to provide for additional requirements of the Army and the Air Force.

PROCUREMENT

Composite Shaft Fairwaters

The Department of Defense Appropriations Act for Fiscal Year 1996 contained $3,000,000 in "Other Procurement, Navy" for procurement of composite shaft fairwaters for CG-47 cruisers. The Navy recently conducted testing of composite shaft fairwaters and demonstrated extended life, reduced maintenance, and improved capability for removing fairwaters while a ship is waterborne. The Navy concluded, however, that the most-cost effective approach is to incorporate this new technology into Aegis destroyers while under construction rather than to retrofit Aegis cruisers. The conferees therefore direct the Under Secretary of Defense (Comptroller) to submit a fiscal year 1996 transfer of $3,000,000 from "Other Procurement, Navy" to Shipbuilding and Conversion, Navy" using standard reprogramming procedures.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

Ballistic Missile Defense Management and Support

The conferees note that a total increase to the budget of $528,939,000 was provided for Ballistic Missile Defense programs in the Department of Defense Appropriations Act, 1996. This total included a recommendation contained in the National Defense Authorization Act, 1996, which cut $30,000,000 from the Ballistic Missile Defense Organization's (BMDO) Program Management and Support program element.

In executing the additional tasks and responsibilities required by the fiscal year 1996 program funding increases, it has become clear that the burden on the BMDO Program Management and Support program element has actually increased. To minimize this impact, Congressional action to date in proposed reprogrammings and rescissions has rejected the application of any inflation reductions to BMDO accounts. This bill includes a provision which further prohibits the application of any portion of the proposed inflation reductions against BMDO program elements.

However, these restorations still leave BMDO with the challenge of managing activities in the appropriate program elements Therefore, the conferees hereby restore the $30,000,000 reduction made to the Program Management and Support program element. BMDO shall internally manage this restoration by reallocating funds preciously identified as excess because of decreased inflation estimates. The inflation decreases shall be applied proportionally to each BMDO RDT&E program element and project. The Director, BMDO, shall provide the congressional defense committees a statement detailing the specific decreases as applied to all program elements.

Defense Advanced Research Projects Agency

The conferees direct that $500,000 of the funds provided for the Defense Advanced Research Projects Agency may be available to purchase photographic technology to support research in detonation physics. The director of Defense Research and Engineering shall provide the congressional defense committees with a plan for the acquisition and use of this instrument no later than may 29, 1996.

Joint DOD-DOE Munitions Technology Development

The conferees direct that $2,000,000 of the fiscal year 1996 funds allocated to the Joint DOD-DOE Munitions Technology Development program element shall be used to develop and test an open-architecture machine tool controller.

Electronic Commerce Resource Centers

The FY 1996 Defense Appropriations conference agreement directed the transfer of the managerial responsibility for the Electronic Commerce Resource Centers program to the Defense Logistics Agency. Information from the Department has subsequently come to the conferees' attention indicating that the next implementation stage for this program can best be accomplished under the direction of Deputy Under Secretary of Defense for Logistics. The conferees endorse such action and direct that a transfer of ECRC managerial responsibility to the Deputy Under Secretary of Defense for Logistics be accomplished expeditiously under the overall program guidance expressed in the FY 1996 Defense Appropriations conference report.

GENERAL PROVISIONS

General Transfer Authority

Section 2701 of the conference agreement amends both House and Senate provisions regarding the amount of additional transfer authority provided under Section 8005 of the Department of Defense Appropriations Act for Fiscal Year 1996, by providing $700,000,000 in additional transfer authority. The conferees direct that the additional transfer authority provided herein shall be available only to the extent funds are transferred, or have been transferred during the current fiscal year to cover costs associated with United States military operations in support of the NATO-led Peace Implementation Force (IFOR) in and around the former Yugoslavia.

F-15E Aircraft

The conference agreement includes a technical amendment (Section 2702) requested by the Department of Defense and contained in the Senate bill, which is needed to permit the obligation of funding which was both authorized and appropriated in fiscal year 1996 for the procurement and advance procurement of F-15E aircraft.

C-17 Multiyear Procurement

The conferees strongly support the multiyear procurement of eighty C-17 advanced transport aircraft and have agreed to bill language (Section 2703) authorizing the Air Force to begin a seven-year multiyear program.

However, the conferees also agree that additional savings potentially can be generated from an accelerated multiyear procurement of the C-17 over six program years. Therefore, Section 2703 also directs the Secretary of Defense to enter into negotiations with the C–17 aircraft and engine prime contractors for contract alternatives for multiyear procurement over a six-year period.

The conference agreement prevents the exercise of the multiyear authority until the Secretary of Defense certifies that the Air Force will save more than 5 percent in the price for eighty C–17 aircraft under a multiyear contract as compared to annual lot procurement. The savings must exceed the total amount of $895.3 million shown in the "Multiyear Procurement Criteria Program: C–17" document submitted to the Appropriations Committees on February 29, 1996.

In calculating the savings from the multiyear proposals, the conferees direct that the weapon system budget estimates submitted with the C–17 multiyear procurement exhibits be used as the baseline. The conferees also direct that in conjunction with the certification required by section 2703(c) of the C–17 multiyear bill language, the Secretary of Defense shall submit a new multiyear justification exhibit package which reflects the additional savings achieved over the original multiyear proposal submitted by the Administration.

The conferees believe that the seven-year authority should enable the Air Force to generate savings significantly in excess of the $895.3 million reflected in the original multiyear proposal. It is the conferees' intent that the additional savings should be realized from multiyear contracts currently being negotiated. In addition, the conferees believe that a six-year multiyear plan has the potential to generate even greater savings.

The conferees also agree to provisions delaying the exercise of the multiyear authority to the earlier of May 24, 1996, or the day after enactment of a subsequent Act authorizing entry into a C–17 multiyear contract. The Secretary of Defense also is required to provide a detailed program plan for a six-year multiyear procurement by May 24, 1996.

SEMATECH

Section 2704 of the conference agreement amends a Senate amendment and provides $50,000,000 for SEMATECH. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report.

Overseas Humanitarian, Disaster, and Civic Aid

The conference agreement includes Section 2705, as proposed by the Senate, which provides authority to transfer up to $15,000,000 in support of specific activities associated with humanitarian assistance activities related to landmines.

Environmental Restoration Activities

Section 2706 of the conference agreement amends a Senate provision making $15,000,000 of "Operation and Maintenance, Army" funding available in order to complete the Army's remaining environmental remediation activities in recognition of its 1988 agreement with National Presto Industries, Inc.

Discharge of HIV-Positive Servicemembers

Section 2707 of the conference agreement includes a Senate provision regarding the discharge of HIV-positive servicemembers.

B–52 Force Structure

Section 2708 of the conference agreement amends a Senate provision and adds $44,900,000 to "Operation and Maintenance, Air Force" for the operation and maintenance of 94 B–52H bomber aircraft in active status or in attrition reserve. This amount is fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees express their intent to not recommend additional funding for B–52 aircraft in excess of the Air Force's stated requirements unless the Air Force revises its bomber force inventory estimates.

Mine Countermeasures

Section 2709 of the conference agreement includes an additional $10,000,000 for Shallow Mine Countermeasure Demonstrations. This restores a general reduction made to this account earlier in fiscal year 1996. These additional funds are fully offset by rescissions in Title III, Chapter 6 of the conference report. The conferees believe the navy has recently presented a more compelling strategy for developing countermine warfare technology centered around a joint exercise with Army, Navy, and Marine Corps forces of the U.S. Atlantic Command in 1998. The additional funds provided in the conference agreement will enable the Navy to test a number of promising technologies that would otherwise miss the 1998 exercise completely or else be demonstrated at less than full scale. The Navy has indicated that it plans to use $5,000,000 to allow the Advanced Lightweight Influence Sweep System to be tested in the 1998 exercise with a full scale magnet, and $5,000,000 would be used for the Explosive Neutralization Advanced Technology Demonstration and Advanced Degaussing.

ARMY MEDICAL RESEARCH

Section 2710 of the conference agreement transfers $8,000,000 of previously appropriated "Defense Health Program" funds to the "Research, Development, Test and Evaluation, Army" account in order to continue research of neurofibromatosis. The Army has an ongoing successful research program in this area. This makes a technical clarification to the designation for this activity in the Fiscal Year 1996 Defense Appropriations conference agreement and involves no additional funds.

COUNTER-DRUG SUPPORT

Section 2711 of the conference agreement authorizes the Department to make grants to local counternarcotic task forces in a high crime, low income area under its Counter Drug program to provide Kevlar vests for enhanced personal protection.

HAVE GAZE

In section 2712 the conferees have recommended language to clarify Section 8105 of Public Law 104–61 with respect to the use of fiscal year 1995 funds appropriated for this Air Force RDT&E program.

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

PAYMENTS TO AIR CARRIERS

(AIRPORT AND AIRWAY TRUST FUND)

The conference agreement includes language that limits obligations from the airport and airway trust fund to $22,600,000 for payments to air carriers, as proposed by the Senate. The House bill contained no similar provision.

This limitation permits the obligation of general fund carryover balances to pay outstanding commitments in fiscal year 1996.

Federal Highway Administration

FEDERAL-AID HIGHWAY

(HIGHWAY TRUST FUND)

The conference agreement appropriates $300,000,000 for the emergency fund to cover expenses resulting from the flooding in the Mid-Atlantic, Northeast, and Northwest states, and other disasters, as proposed by the Senate instead of $267,000,000 as proposed by the House.

The conference agreement waives the provisions of 23 U.S.C. 125(b)(1), which limit obligations to a single state resulting from a single natural disaster to $100,000,000, as proposed by the Senate. The House bill contained no similar provision.

Federal Railroad Administration

LOCAL RAIL FREIGHT ASSISTANCE

The conference agreement deletes the Senate appropriation of $10,000,000 to repair and rebuild rail lines of other than class I railroads damaged as a result of the floods of 1996. The House bill contained no similar appropriation.

Federal Transit Administration

MASS TRANSIT CAPITAL FUND

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

The conference agreement includes an appropriation of $375,000,000 to liquidate contract authority obligations for mass transit capital programs as proposed by both the House and Senate.

Related Agencies

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

The conference agreement increases the limitation on administrative expenses of the Panama Canal Commission by $2,000,000, to be derived from the Panama Canal revolving fund, as proposed the House. The Senate bill contained no similar provision.

General Provisions

The conference agreement deletes the Senate provision that allows $3,250,000 of the Federal Transit Administration's discretionary grants program for Kauai, Hawaii, to be used for operating expenses. The House bill contained no similar provision.

The conference agreement includes a provision that requires the Federal Highway Administration to make available up to $28,000,000 in federal-aid obligation limitation to the State of Missouri to make obligations for construction of a new bridge in Hannibal, Missouri, from limitation set asides for discretionary programs or limitation on general operating expenses for fiscal year 1996. The provision further requires restoration of that limitation before any funds made available for the August redistribution prescribed in section 310 of Public Law 104–50 may be distributed. This provision shall not affect the federal-aid bonus limitation provided by section 310. The Senate bill contained a provision that advances emergency relief funds to the State of Missouri for the replacement in kind of the Hannibal bridge on the Mississippi River. The House bill contained no similar provision.

The conference agreement includes a provision that permits the state of Vermont to use up to $3,500,000 of the discretionary grants identified in the conference agreement accompanying Public Law 104–50 provided to the state and the marble Valley Regional Transit District for improvements to support commuter rail operations on the Clarendon-Pittsford rail line between White Hall, New York, and Rutland, Vermont. The Senate bill allowed the State of Vermont to obligate funds apportioned to the state under the surface transportation and congestion mitigation and air quality improvement programs for railroad capital and/or operating expenses. The House bill contained no similar provision.

The conference agreement includes language that provides the administrator of the Federal Aviation Administration discretion to take into consideration unique circumstances in the State of Alaska when making certain changes to specified regulations, effective until June 1, 1997. The House and Senate bills contained no similar provision.

The conference agreement includes a provision that specifies that the unobligated funds provided for the Chicago central area circulator project in Public Law 103–122 and Public Law 103–331 be available only for constructing a 5.2-mile light rail loop within the downtown Chicago business district as described in the full funding grant agreement signed on December 15, 1994, and shall not be available for any other purpose. The House and Senate bills contained no similar provision.

DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

Deletes provision proposed by the Senate as part of the Administration's initiative to combat middle eastern terrorism, which included $3,000,000 for the Office of Foreign Assets Control.

UNITED STATES CUSTOMS SERVICE

CUSTOMS SERVICES AT SMALL AIRPORTS

Deletes provision in P.L. 104–52 capping collections for Customs services at small airports at $1,406,000 as proposed by the House. The Senate had no comparable provision.

INTERNAL REVENUE SERVICE

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

Amends P.L. 104–52 by adding a new provision which sets a floor on the level of service, staffing, and funding for IRS taxpayer service operations as proposed by the House. The Senate had no comparable provision.

EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

OFFICE OF NATIONAL DRUG CONTROL POLICY

SALARIES AND EXPENSES

Provides that $1,000,000 of the amounts available to the Counter-Drug Technology Assessment Center shall be used for conferences on model State drug laws as proposed by the House. The Senate had no comparable provision.

Appropriates an additional $3,400,000 for the salaries and expenses of the Office of National Drug Control Policy as requested by the Administration, instead of no additional funding as proposed by the House and $3,900,000 as proposed by the Senate. This will provide resources for an additional 80 full-time equivalent positions and overhead expenses for 30 military detailees, raising the complement of ONDCP to 154 positions by the end of the fiscal year.

ONDCP has a strategic mission: to aid and oversee operational agencies in coordinating the national drug control policy. The Congress never intended ONDCP to become an operational entity, but instead to formulate, direct, and oversee the implementation of the annual drug control strategy using the expertise of line agencies. The conferees are concerned that a rapid expansion in staffing that is not carefully thought out will result in ONDCP duplicating the functions of already existing programs and agencies.

To ensure that this does not occur, the conferees direct the Director of ONDCP to submit a detailed staffing plan to the House and Senate Committees on Appropriations within 30 days of enactment of this legislation. Such plan shall include an organizational chart, a detailed description of the function of each component of the office, and a detailed description of the duties associated with each position.

GENERAL PROVISIONS

COMMISSION ON RESTRUCTURING THE INTERNAL REVENUE SERVICE

Includes a provision which increases, by four, the membership of the Commission on Restructuring the Internal Revenue Service as proposed by the Senate. The House had no comparable provision.

CHAPTER 10

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY DEVELOPMENT GRANTS

The Conferees agree to provide $50,000,000 for the Department of Housing and Urban Development Community Development Block Grant Program for emergency activities related to recent Presidentially declared flood disasters.

FEDERAL EMERGENCY MANAGEMENT AGENCY DISASTER RELIEF

(INCLUDING TRANSFER OF FUNDS)

The conference agreement includes language allowing up to $104,000,000 by transfer from the disaster relief account to the disaster assistance direct loan program account for the cost of direct loans as authorized by section 417 of the Stafford Act. Language is included which limits community disaster loan authority to $119,000,000, requires that the Director of FEMA certify that the provisions of section 417 of the Stafford Act will be complied with and requires that the entire amount of this transfer is available only to the extent that an official budget request for a specific dollar amount is forwarded to the Congress. The Conferees fully expect that these terms be complied with in an expeditious manner so as to release necessary loan funds to meet known emergency disaster needs of the Virgin Islands.

GENERAL PROVISIONS

WAIVER OF STATUTES OR REGULATIONS FOR ASSISTANCE

The conference agreement retains a provision proposed by the Senate allowing the Secretary of any department to waive any statute or regulation that the Secretary administers in connection with the obligation of funds for domestic assistance. The Secretary may also specify alternative requirements to the statutes or regulation being waived. Civil rights, fair housing and nondiscrimination, the environment, and labor standards statutes and regulations could not be waived. The Secretary must find that the waiver is required to facilitate the obligation of the assistance and would not be inconsistent with the statue or regulation being waived. The House bill contained no similar provision.

This provision has been included in past disaster appropriations bills. The managers expect this provision to be implemented in a manner similar to past practices and only in those cases where not waiving the statutes or regulations would cause unnecessary and significant delays in assistance.

PRIORITIES OF ALLOCATION OF EMERGENCY FUNDS

The conference agreement deletes a provision proposed by the Senate that funds for emergency or disaster assistance programs for USDA, HUD, EDA, SBA, the National Park Service and the U.S. Fish and Wildlife Service could be allocated in accordance with the prioritization process of the respective department. The House bill contained no similar provision.

In developing this conference agreement, the managers have carefully developed the priority considerations for funding the various activities included in it. For the most part, there are no restricting allocations imposed in this conference agreement on the funding provided for disaster assistance. Priorities on allocations have only been imposed where specific concerns needed to be addressed. Because these matters were addressed on a case by case basis, the general provision has been deleted.

DISASTER ASSISTANCE OFFSETS

The conference agreement deletes a provision proposed by the Senate that the conference agreement should include sufficient reductions and savings to offset the funding provided for disaster assistance. The House bill, which did include offsets for disaster funding, contained no similar provision. Since this conference agreement does include the necessary offsets, this provision has been complied with and is no longer necessary.

BUDGET TREATMENT OF DISASTER ASSISTANCE

The conference agreement deletes a provision proposed by the Senate to have Congress address the manner in which disaster assistance is provided and develop a long-term funding plan for the budget treatment of disaster assistance funding. The House bill contained no similar provision.

This matter has been reviewed several times, and the managers agree that another review and analysis would only delay any decision on possible changes in how the budget treatment of these type appropriations is handled. The conferees agree that the results of previous analyses should be considered as future budget resolutions are developed to see if any changes might be warranted.

RESTRICTION ON EXPENDITURES

The conference agreement deletes a provision proposed by the Senate that would have restricted non-defense expenditures to certain fixed amounts if the funds in this conference agreement and other previous Acts would cause these amounts to be exceeded. The House bill contained no similar provision.

Because the funding included in this conference agreement is either within the spending limits or is offset herein, this provision is no longer necessary.

ADDITIONAL SUPPLEMENTAL APPROPRIATIONS

On April 12, 1996, the President forwarded to the Congress a supplemental appropriations request for various counter-drug programs. The conferees express their intent to fund these additional requirements in the fiscal year 1997 appropriations process.

TITLE III—RESCISSIONS AND OFFSETS

CHAPTER 1

ENERGY AND WATER DEVELOPMENT

SUBCHAPTER A—UNITED STATES ENRICHMENT CORPORATION PRIVATIZATION

The conference agreement includes language contained in the Senate bill authorizing the Board of Directors of the United States Enrichment Corporation to transfer the interest of the United States in the United States Enrichment Corporation to the private sector.

SUBCHAPTER B—BONNEVILLE POWER ADMINISTRATION REFINANCING

The conference agreement includes language contained in section 3003 of the Senate bill regarding refinancing of Bonneville Power Administration debt.

Chapter 2

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS

EXPORT AND INVESTMENT ASSISTANCE

EXPORT-IMPORT BANK OF THE UNITED STATES

SUBSIDY APPROPRIATION

(RESCISSION)

The conference agreement rescinds $42,000,000 of the unobligated balances available under this heading instead of $41,000,000 as proposed by the House. The Senate had proposed a rescission of $25,000,000 from funds made available under this heading in Public Law 104–107.

Chapter 3

Department of the Interior and Related Agencies

Department of Energy

STRATEGIC PETROLEUM RESERVE

The managers have agreed to sell $227,000,000 worth of oil from the Weeks Island site of the Strategic Petroleum Reserve (SPR). The Weeks Island site in Louisiana is currently being decommissioned and the oil is being relocated to other SPR locations because of a water intrusion problem. This sale is proposed to offset partially additional funding provided for high priority education programs identified by the Administration. To pay for decommissioning of the site, 5.1 million barrels of the 70 million barrels of Weeks Island oil have already been sold in fiscal year 1996. An additional 12 million to 15 million barrels will need to be sold to realize $227 million in revenues.

Chapter 4

Departments of Labor, Health and Human Services, and Education

Departments of Health and Human Services

The conference agreement includes a provision as proposed by the Senate rescinding funding available but unclaimed by States under the Job Opportunities and Basic Skills program.

Department of Education

The conference agreement includes a provision that was not included in either the House or Senate bill reducing the amount of new funding for the Pell Grant program by $53,446,000. Because of the substantial amount of funding carrying forward in FY 1996 from previous appropriations, this reduction will not reduce the amount of funding actually expended for Pell Grants in FY 1996.

The conference agreement does not include a general provision proposed by the Senate (section 3014) that expressed the sense of the Senate with respect to funding for the Low Income Home Energy Assistance Program (LIHEAP).

Military Construction

(RESCISSIONS)

The conference agreement rescinds a total of $37,500,000 from funds appropriated for fiscal year 1996 (Public Law 104–32), instead of no rescissions as proposed by both the House and the Senate. The conferees agree to rescind the following sums from the following accounts:

Military Construction, Army	$6,385,000
Military Construction, Navy	6,385,000
Military Construction, Air Force	6,385,000
Military Construction, Defense-wide	18,345,000
Total	37,500,000

The conferees agree to rescissions in the Army, Navy, and Air Force accounts in order to bring the fiscal year 1996 appropriation amounts into conformance with authorization. The conferees emphasize that the construction programs funded by these accounts will not be changed by these rescissions, and that no project will be reduced in scope or canceled.

With regard to the "Military Construction, Defense-wide" account, the conferees agree to the following rescissions:

Energy Conservation Investment Program	$10,000,000
Planning and Design	8,345,000
Total	18,345,000

In the case of the Energy Conservation Investment Program, the conferees agree to the rescission of $10,000,000 in order to bring the program into conformance with authorization, and $40,000,000 remains available for this program in fiscal year 1996. In the case of Planning and Design funds, the conferees agree to the rescission of $8,345,000 which is not required at this time, and $60,492,000 remains available in fiscal year 1996.

DEPARTMENT OF DEFENSE—MILITARY RESCISSIONS

The House and Senate bills contained rescissions proposed by the President or transfers of previously appropriated Department of Defense funding in order to fully offset the new defense appropriations in their respective bills. In this chapter, the conferees recommend total rescissions of $994,900,000, which totally offset the new appropriations contained in Title II, Chapter 7 of the conference report, as well as funds provided for the transfer of F–16 aircraft to Jordan in Title II, Chapter 4.

A summary of rescissions showing House, Senate, and conference recommendations by appropriation account is in the following table:

RESCISSIONS

[Dollars in thousands]

Appropriation	House	Senate	Conference
Missile Procurement, Air Force 1995/1997	$310,000	$310,000	$310,000
Other Procurement, Air Force 1995/1997	265,000	265,000	265,000
Research, Development, Test and Evaluation, Air Force 1995/1996	245,000	245,000	245,000
Research, Development, Test and Evaluation, Army 1996/1997	9,750	7,000	19,500
Research, Development, Test and Evaluation, Navy 1996/1997	17,500	12,500	45,000
Research, Development, Test and Evaluation, Air Force 1996/1997	22,450	16,000	69,800
Research, Development, Test and Evaluation, Defense-wide 1996/1997	20,300	14,500	40,600
Grand Total	890,000	870,000	994,900

Chapter 7

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

GRANTS-IN-AID FOR AIRPORTS

(AIRPORT AND AWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $664,000,000 in contract authority from the grants-in-aid for airports program as proposed by the Senate. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House bill contained no similar rescission.

Federal Highway Administration

HIGHWAY-RELATED SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $9,000,000 in contract authority from highway-related safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

MOTOR CARRIER SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $33,000,000 in contract authority from motor carrier safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

National Highway Traffic Safety Administration

HIGHWAY TRAFFIC SAFETY GRANTS

(HIGHWAY TRUST FUND)

(RESCISSION OF CONTRACT AUTHORIZATION)

The conference agreement includes a rescission of $56,000,000 in contract authority from highway traffic safety grants. The rescission of contract authority applies to those funds that are not available for obligation due to annual limits on obligations. The House and Senate bills contained no similar rescission.

INDEPENDENT AGENCIES

GENERAL SERVICES ADMINISTRATION

(RESCISSION)

The conferees have agreed to rescind $3,400,000 from funds made available to the General Services Administration (GSA) for installment acquisition payments instead of the $3,500,000 rescission as proposed by the Senate and no rescission as proposed by the House. This rescission offsets the $3,400,000 in new budget authority for the Office of National Drug Control Policy (ONDCP) as discussed in Chapter 9 of Title II of this Act.

The conferees have agreed to no rescission of funds made available to GSA for advance design ($200,000) and the U.S. Tax Court ($200,000) as proposed by the Senate. The House did not address this rescission.

Chapter 9

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT AND INDEPENDENT AGENCIES

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

(RESCISSION)

The conferees have proposed a rescission of $1,000,000,000 of disaster relief funds to help off-set appropriations levels provided in H.R. 3019. Such disaster funds were provided in the disaster relief and disaster relief contingency fund accounts in Public Law 104–19.

The conferees expect that this rescission will leave the Federal Emergency Management Agency approximately $1,300,000,000 short of known or expected requirements by the end of fiscal year 1997. As such, it is expected that FEMA will request an appropriate supplemental budget request to meet necessary requirements at an early point during fiscal year 1997.

Chapter 10

DEBT COLLECTION IMPROVEMENTS

The conferees have agreed to include and amend a provision proposed by the Senate which addresses debt collection improvements, instead of no provision as proposed by the House. The conferees have modified the provision so that it more closely resembles the Debt Collection Improvement Act of 1995, as developed by the Government Reform and Oversight Committee of the House of Representatives. The conferees have not included language as proposed by the Senate which would have permitted non-judicial foreclosure of mortgages.

The conferees direct that the Office of Management and Budget (OMB) provide coordination and oversight for development and implementation of the debt collection program created by this section. Additionally, with regard to the Debt Collection Improvement Account, the conferees direct the OMB to determine the baseline from which the increased collections are measured over the prior fiscal year, taking into account the recommendations made by the Secretary of the Treasury in consultation with creditor agencies.

The conferees strongly support repayment of delinquent government debt by all those who can afford to do so. However, the conferees recognize that those who receive federal benefits, particularly Social Security benefits, may be dependent upon them for a substantial part of their income. In order to avoid unreasonable hardship, the conferees insist that any federal debt collection effort give full consideration to the financial situation of the individual who may repay the debt.

By definition, recipients of Social Security benefits are elderly or totally disabled workers and their dependents, or the surviving dependents of deceased workers. The conferees intend that in cases where such benefits are involved, it is particularly important for the Treasury Department as well as all other Executive Branch organizations involved in developing regulations to implement this provision, to create regulatory safeguards which separate those debtors who cannot repay from those who refuse to pay. In particular, those who have become delinquent because of personal hardship, such as debilitating disability, or death of the breadwinner, and who may therefore be unable, rather than unwilling, to repay, must be protected if administrative offset of those benefits would cause undue financial hardship. Such safeguards are critical when benefits such as Social Security are the sole or major source of income for the debtor.

The conferees want to ensure that the Department of the Treasury regulations governing new debt collection procedures will be cautiously and thoughtfully implemented, providing full safeguards for beneficiaries. Recognizing the dependence of those receiving federal benefits on those benefits, the conferees direct that the Treasury Department limit automatic withholding of benefits above the $9,000 annual exemption to a reasonable percentage of those benefits, not to exceed 15 percent. Of course, debtors wishing to repay more would be free to do so by remittance or other voluntary means.

The conferees agree that it is particularly important to recognize that individual circumstances change and even an individual with a good repayment record could face a personal or financial misfortune that makes further repayment difficult, if not impossible. For example, the death of the family breadwinner, despite the payment of survivor benefits, could indicate a substantial loss of income to a family. To suddenly or excessively reduce a surviving dependent's benefits could further threaten an already precarious economic situation for the affected dependent.

CONTINGENT APPROPRIATIONS

The conference agreement does not include any appropriations which would have been available only on the enactment of subsequent legislation that would have credited the Committees on Appropriations with sufficient savings to offset these appropriations. The House bill and the Senate amendment both contained this type of contingent appropriations but in different amounts. In lieu of providing any such contingent appropriations the conference agreement includes regular appropriations and offsetting savings above the regular appropriations or offset amounts in either the House or Senate passed versions of the bill. The additional amount of offsets result in this conference agreement being within the designated spending limits.

ENVIRONMENTAL INITIATIVES

The conference agreement does not include a separate title on environmental initiatives as proposed by the Senate. Instead these issues have been addressed in other parts of the conference agreement.

DISCLOSURE OF LOBBYING ACTIVITIES BY FEDERAL GRANTEES

The conference agreement deletes a provision requiring disclosure of lobbying activities by Federal grantees as proposed by the House. The Senate amendment contained no similar provision.

DEFICIT REDUCTION LOCK-BOX

The conference agreement deletes a provision proposed by the House that would have reduced the Committees on Appropriations spending allocations when spending reduction amendments are adopted during consideration of appropriations bills in either body. The Senate amendment contained no similar provision.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1996 recommended by the Committee of Conference, with comparisons to the fiscal year 1995 amount, the 1996 budget estimates, and the House and Senate bills for 1996 follow:

New budget (obligational) authority, fiscal year 1995	$374,952,232,061
Budget estimates of new (obligational) authority, fiscal year 1996	404,545,750,093
House bill, fiscal year 1996	382,607,656,000
Senate bill, fiscal year 1996	384,492,162,999
Conference agreement, fiscal year 1996	380,684,327,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1995	5,732,094,939
Budget estimates of new (obligational) authority, fiscal year 1996	−23,861,423,093
House bill, fiscal year 1996	−1,923,329,000
Senate bill, fiscal year 1996	−3,807,835,999

For consideration of the House Bill (except for section 101(c)) and the Senate amendment (except for section 101(d)), and modifications committed to conference:

Bob Livingston,
John Myers,
Bill Young,
Ralph Regula,
John Edward Porter,
Hal Rogers,
Joe Skeen,
Frank R. Wolf,
Barbara Vucanovich,
Jim Lightfoot,
Sonny Callahan,
James T. Walsh,
David R. Obey,
Louis Stokes,
Tom Bevill,
John P. Murtha,
Charles Wilson,
Bill Hefner,
Alan Mollohan,

For consideration of section 101(c) of the House bill, and section 101(d) of the Senate amendment, and modifications committed to conference:

John Edward Porter,
Bill Young,
Ernest Istook,
Dan Miller,
Jay Dickey,
Frank Riggs,
Roger F. Wicker,
Bob Livingston,
David R. Obey,
Louis Stokes,
Steny Hoyer,
Nancy Pelosi,
Nita M. Lowey,
Managers on the Part of the House.

Mark O. Hatfield,
Ted Stevens,
Thad Cochran,
Arlen Specter,
Pete V. Domenici,
Christopher S. Bond,
Slade Gorton,
Mitch McConnell,
Connie Mack,
Richard C. Shelby,
James M. Jeffords,
Robert F. Bennett,
Ben Nighthorse Campbell,
Robert Byrd,
Daniel K. Inouye,
Fritz Hollings,
J. Bennett Johnston,
Patrick J. Leahy,
Dale Bumpers,
Frank R. Lautenberg,
Tom Harkin,
Barbara A. Mikulski,
Harry Reid,
J. Robert Kerrey,
Patty Murray,
Managers on the Part of the Senate.

CONFERENCE REPORT ON S. 641

Mr. BLILEY submitted the following conference report and statement on the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes:

CONFERENCE REPORT (H. REPT. 104–545)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the text of the bill and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ryan White CARE Act Amendments of 1996".

SEC. 2. REFERENCES.

Whenever in this Act an amendment is expressed in terms of an amendment to a section or other provision, the reference shall be considered to be made to a section or other provision of the Public Health Service Act (42 U.S.C. 201 et seq.).

SEC. 3. GENERAL AMENDMENTS.

(a) PROGRAM OF GRANTS.—

(1) NUMBER OF CASES.—Section 2601(a) (42 U.S.C. 300ff–11) is amended—

(A) by striking "subject to subsection (b)" and inserting "subject to subsections (b) through (d)"; and

(B) by striking "metropolitan area" and all that follows and inserting the following: "metropolitan area for which there has been reported to the Director of the Centers for Disease Control and Prevention a cumulative total of more than 2,000 cases of acquired immune deficiency syndrome for the most recent period of 5 calendar years for which such data are available.".

(2) OTHER PROVISIONS REGARDING ELIGIBILITY.—Section 2601 (42 U.S.C. 300ff–11) is amended by adding at the end thereof the following new subsections:

"(c) REQUIREMENTS REGARDING POPULATION.—

"(1) NUMBER OF INDIVIDUALS.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Secretary may not make a grant under this section for a metropolitan area unless the area has a population of 500,000 or more individuals.

"(B) LIMITATION.—Subparagraph (A) does not apply to any metropolitan area that was an eligible area under this part for fiscal year 1995 or any prior fiscal year.

"(2) GEOGRAPHIC BOUNDARIES.—For purposes of eligibility under this part, the boundaries of each metropolitan area are the boundaries that were in effect for the area for fiscal year 1994.

"(d) CONTINUED STATUS AS ELIGIBLE AREA.—Notwithstanding any other provision of this section, a metropolitan area that was an eligible area under this part for fiscal year 1996 is an eligible area for fiscal year 1997 and each subsequent fiscal year.".

(3) CONFORMING AMENDMENT REGARDING DEFINITION OF ELIGIBLE AREA.—Section 2607(1) (42 U.S.C. 300ff–17(1)) is amended by striking "The term" and all that follows and inserting the following: "The term 'eligible area' means a metropolitan area meeting the requirements of section 2601 that are applicable to the area.".

(b) EMERGENCY RELIEF FOR AREAS WITH SUBSTANTIAL NEED FOR SERVICES.—

(1) HIV HEALTH SERVICES PLANNING COUNCIL.—Subsection (b) of section 2602 (42 U.S.C. 300ff–12(b)) is amended—

(A) in paragraph (1)—

(i) by striking "include" and all that follows through the end thereof, and inserting "reflect in its composition the demographics of the epidemic in the eligible area involved, with particular consideration given to disproportionately affected and historically underserved groups and subpopulations."; and

(ii) by adding at the end thereof the following new sentences: "Nominations for membership on the council shall be identified through an open process and candidates shall be selected based on locally delineated and publicized criteria. Such criteria shall include a conflict-of-interest standard that is in accordance with paragraph (5).";

(B) in paragraph (2), by adding at the end thereof the following new subparagraph:

"(C) CHAIRPERSON.—A planning council may not be chaired solely by an employee of the grantee.";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "area;" and inserting "area, including how best to meet each such priority and additional factors that a grantee should consider in allocating funds under a grant based on the—

"(i) documented needs of the HIV-infected population;

"(ii) cost and outcome effectiveness of proposed strategies and interventions, to the extent that such data are reasonably available, (either demonstrated or probable);

"(iii) priorities of the HIV-infected communities for whom the services are intended; and

"(iv) availability of other governmental and nongovernmental resources;";

(ii) by striking "and" at the end of subparagraph (B);

(iii) by striking the period at the end of subparagraph (C) and inserting ", and at the discretion of the planning council, assess the effectiveness, either directly or through contractual arrangements, of the services offered in meeting the identified needs; "; and

(iv) by adding at the end thereof the following new subparagraphs:

"(D) participate in the development of the Statewide coordinated statement of need initiated by the State public health agency responsible for administering grants under part B; and

"(E) establish methods for obtaining input on community needs and priorities which may include public meetings, conducting focus groups, and convening ad-hoc panels.";

(D) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(E) by inserting after paragraph (1), the following new paragraph:

"(2) REPRESENTATION.—The HIV health services planning council shall include representatives of—

"(A) health care providers, including federally qualified health centers;

"(B) community-based organizations serving affected populations and AIDS service organizations;

"(C) social service providers;

"(D) mental health and substance abuse providers;

"(E) local public health agencies;

"(F) hospital planning agencies or health care planning agencies;

"(G) affected communities, including people with HIV disease or AIDS and historically underserved groups and subpopulations;

"(H) nonelected community leaders;

"(I) State government (including the State medicaid agency and the agency administering the program under part B);

"(J) grantees under subpart II of part C;

"(K) grantees under section 2671, or, if none are operating in the area, representatives of organizations with a history of serving children, youth, women, and families living with HIV and operating in the area; and

"(L) grantees under other Federal HIV programs."; and

(F) by adding at the end thereof the following:

"(5) CONFLICTS OF INTEREST.—

"(A) IN GENERAL.—The planning council under paragraph (1) may not be directly involved in the administration of a grant under section 2601(a). With respect to compliance with the preceding sentence, the planning council may not designate (or otherwise be involved in the selection of) particular entities as recipients of any of the amounts provided in the grant.

"(B) REQUIRED AGREEMENTS.—An individual may serve on the planning council under paragraph (1) only if the individual agrees that if the individual has a financial interest in an entity, if the individual is an employee of a public or private entity, or if the individual is a member of a public or private organization, and such entity or organization is seeking amounts from a grant under section 2601(a), the individual will not, with respect to the purpose for which the entity seeks such amounts, participate (directly or in an advisory capacity) in the process of selecting entities to receive such amounts for such purpose.

"(6) GRIEVANCE PROCEDURES.—A planning council under paragraph (1) shall develop procedures for addressing grievances with respect to funding under this part, including procedures for submitting grievances that cannot be resolved to binding arbitration. Such procedures shall be described in the bylaws of the planning council and be consistent with the requirements of subsection (c).

"(c) GRIEVANCE PROCEDURES.—

"(1) FEDERAL RESPONSIBILITY.—

"(A) MODELS.—The Secretary shall, through a process that includes consultations with grantees under this part and public and private experts in grievance procedures, arbitration, and mediation, develop model grievance procedures that may be implemented by the planning council under subsection (b)(1) and grantees under this part. Such model procedures shall describe the elements that must be addressed in establishing local grievance procedures and provide grantees with flexibility in the design of such local procedures.

"(B) REVIEW.—The Secretary shall review grievance procedures established by the planning council and grantees under this part to determine if such procedures are adequate. In making such a determination, the Secretary shall assess whether such procedures permit legitimate grievances to be filed, evaluated, and resolved at the local level.

"(2) GRANTEES.—To be eligible to receive funds under this part, a grantee shall develop grievance procedures that are determined by the Secretary to be consistent with the model procedures developed under paragraph (1)(A). Such procedures shall include a process for submitting grievances to binding arbitration.".

(2) DISTRIBUTION OF GRANTS.—Section 2603 (42 U.S.C. 300ff–13) is amended—

(A) in subsection (a)(2), by striking "Not later than—" and all that follows through "the Secretary shall" and inserting the following: "Not later than 60 days after an appropriation becomes available to carry out this part for each of the fiscal years 1996 through 2000, the Secretary shall"; and

(B) in subsection (b)

(i) in paragraph (1)—

(I) by striking "and" at the end of subparagraph (D);

(II) by striking the period at the end of subparagraph (E) and inserting a semicolon; and

(III) by adding at the end thereof the following new subparagraphs:

"(F) demonstrates the inclusiveness of the planning council membership, with particular emphasis on affected communities and individuals with HIV disease; and

"(G) demonstrates the manner in which the proposed services are consistent with the local needs assessment and the Statewide coordinated statement of need."; and

(ii) by redesignating paragraphs (2), (3), and (4) as paragraphs (3), (4), and (5), respectively; and

(iii) by inserting after paragraph (1), the following new paragraph:

"(2) DEFINITION.—

"(A) SEVERE NEED.—In determining severe need in accordance with paragraph (1)(B), the Secretary shall consider the ability of the qualified applicant to expend funds efficiently and the impact of relevant factors on the cost and complexity of delivering health care and support services to individuals with HIV disease in the eligible area, including factors such as—

"(i) sexually transmitted diseases, substance abuse, tuberculosis, severe mental illness, or other comorbid factors determined relevant by the Secretary;

"(ii) new or growing subpopulations of individuals with HIV disease; and

"(iii) homelessness.

"(B) PREVALENCE.—In determining the impact of the factors described in subparagraph (A), the Secretary shall, to the extent practicable, use national, quantitative incidence data that are available for each eligible area. Not later than 2 years after the date of enactment of this paragraph, the Secretary shall develop a mechanism to utilize such data. In the absence of such data, the Secretary may consider a detailed description and qualitative analysis of severe need, as determined under subparagraph (A), including any local prevalence data gathered and analyzed by the eligible area.

"(C) PRIORITY.—Subsequent to the development of the quantitative mechanism described in subparagraph (B), the Secretary shall phase in, over a 3-year period beginning in fiscal year 1998, the use of such a mechanism to determine the severe need of an eligible area compared to other eligible areas and to determine, in part, the amount of supplemental funds awarded to the eligible area under this part.".

(3) DISTRIBUTION OF FUNDS.—

(A) IN GENERAL.—Section 2603(a)(2) (42 U.S.C. 300ff-13(a)(2)) (as amended by paragraph (2)) is further amended—

(i) by inserting ", in accordance with paragraph (3)" before the period; and

(ii) by adding at the end thereof the following new sentences: "The Secretary shall reserve an additional percentage of the amount appropriated under section 2677 for a fiscal year for grants under part A to make grants to eligible areas under section 2601(a) in accordance with paragraph (4).".

(B) INCREASE IN GRANT.—Section 2603(a) (42 U.S.C. 300ff-13(a)) is amended by adding at the end thereof the following new paragraph:

"(4) INCREASE IN GRANT.—With respect to an eligible area under section 2601(a), the Secretary shall increase the amount of a grant under paragraph (2) for a fiscal year to ensure that such eligible area receives not less than—

"(A) with respect to fiscal year 1996, 100 percent;

"(B) with respect to fiscal year 1997, 99 percent;

"(C) with respect to fiscal year 1998, 98 percent;

"(D) with respect to fiscal year 1999, 96.5 percent; and

"(E) with respect to fiscal year 2000, 95 percent;

of the amount allocated for fiscal year 1995 to such entity under this subsection.".

(C) ADDITIONAL REQUIREMENTS FOR GRANTS.—Section 2603 (42 U.S.C. 300ff-13) is amended by adding at the end thereof the following subsection:

"(c) COMPLIANCE WITH PRIORITIES OF HIV PLANNING COUNCIL.—Notwithstanding any other provision of this part, the Secretary, in carrying out section 2601(a), may not make any grant under subsection (a) or (b) to an eligible area unless the application submitted by such area under section 2605 for the grant involved demonstrates that the grants made under subsections (a) and (b) to the area for the preceding fiscal year (if any) were expended in accordance with the priorities applicable to such year that were established, pursuant to section 2602(b)(3)(A), by the planning council serving the area.".

(4) USE OF AMOUNTS.—Section 2604 (42 U.S.C. 300ff-14) is amended—

(A) in subsection (b)(1)(A)—

(i) by inserting ", substance abuse treatment and mental health treatment," after "case management"; and

(ii) by inserting "which shall include treatment education and prophylactic treatment for opportunistic infections," after "treatment services,";

(B) in subsection (b)(2)(A)—

(i) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities,"; and

(ii) by striking "and homeless health centers" and inserting "homeless health centers, substance abuse treatment programs, and mental health programs";

(C) by adding at the end of subsection (b), the following new paragraph:

"(3) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, the chief elected official of an eligible area, in accordance with the established priorities of the planning council, shall use, from the grants made for the area under section 2601(a) for a fiscal year, not less than the percentage constituted by the ratio of the population in such area of infants, children, and women with acquired immune deficiency syndrome to the general population in such area of individuals with such syndrome."; and

(C) in subsection (e)—

(i) in the subsection heading, by striking "AND PLANNING";

(ii) by striking "The chief" and inserting: "(1) IN GENERAL.—The chief";

(iii) by striking "accounting, reporting, and program oversight functions";

(iv) by adding at the end thereof the following new sentence: "In the case of entities and subcontractors to which such officer allocates amounts received by the officer under the grant, the officer shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses)."; and

(v) by adding at the end thereof the following new paragraphs:

"(2) ADMINISTRATIVE ACTIVITIES.—For the purposes of paragraph (1), amounts may be used for administrative activities that include—

"(A) routine grant administration and monitoring activities, including the development of applications for part A funds, the receipt and disbursal of program funds, the development and establishment of reimbursement and accounting systems, the preparation of routine programmatic and financial reports, and compliance with grant conditions and audit requirements; and

"(B) all activities associated with the grantee's contract award procedures, including the development of requests for proposals, contract proposal review activities, negotiation and awarding of contracts, monitoring of contracts through telephone consultation, written documentation or onsite visits, reporting on contracts, and funding reallocation activities.

"(3) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this subsection, subcontractor administrative activities include—

"(A) usual and recognized overhead, including established indirect rates for agencies;

"(B) management oversight of specific programs funded under this title; and

"(C) other types of program support such as quality assurance, quality control, and related activities.".

(5) APPLICATION.—Section 2605 (42 U.S.C. 300ff-15) is amended—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by inserting ", in accordance with subsection (c) regarding a single application and grant award," after "application";

(ii) in paragraph (1)(B), by striking "1-year period" and all that follows through "eligible area" and inserting "preceding fiscal year";

(iii) in paragraph (4), by striking "and" at the end thereof;

(iv) in paragraph (5), by striking the period at the end thereof and inserting "; and"; and

(v) by adding at the end thereof the following new paragraph:

"(6) that the applicant has participated, or will agree to participate, in the Statewide coordinated statement of need process where it has been initiated by the State public health agency responsible for administering grants under part B, and ensure that the services provided under the comprehensive plan are consistent with the Statewide coordinated statement of need.";

(B) in subsection (b)—

(i) in the subsection heading, by striking "ADDITIONAL"; and

(ii) in the matter preceding paragraph (1), by striking "additional application" and inserting "application, in accordance with subsection (c) regarding a single application and grant award,"; and

(C) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(D) by inserting after subsection (b), the following new subsection:

"(c) SINGLE APPLICATION AND GRANT AWARD.—

"(1) APPLICATION.—The Secretary may phase in the use of a single application that meets the requirements of subsections (a) and (b) of section 2603 with respect to an eligible area that desires to receive grants under section 2603 for a fiscal year.

"(2) GRANT AWARD.—The Secretary may phase in the awarding of a single grant to an eligible area that submits an approved application under paragraph (1) for a fiscal year.".

(6) TECHNICAL ASSISTANCE.—Section 2606 (42 U.S.C. 300ff-16) is amended—

(A) by striking "may" and inserting "shall";

(B) by inserting after "technical assistance" the following: ", including assistance from other grantees, contractors or subcontractors under this title to assist newly eligible metropolitan areas in the establishment of HIV health services planning councils and,"; and

(C) by adding at the end thereof the following new sentences: "The Administrator may make planning grants available to metropolitan areas, in an amount not to exceed $75,000 for any metropolitan area, projected to be eligible for funding under section 2601 in the following fiscal year. Such grant amounts shall be deducted from the first year formula award to eligible areas accepting such grants. Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2677 for grants under part A may be used to carry out this section.".

(c) CARE GRANT PROGRAM.—

(1) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—Section 2611 (42 U.S.C. 300ff–21) is amended—

(A) by striking "The" and inserting "(a) IN GENERAL.—The"; and

(B) by adding at the end thereof the following new subsection:

"(b) PRIORITY FOR WOMEN, INFANTS AND CHILDREN.—For the purpose of providing health and support services to infants, children, and women with HIV disease, including treatment measures to prevent the perinatal transmission of HIV, a State shall use, of the funds allocated under this part to the State for a fiscal year, not less than the percentage constituted by the ratio of the population in the State of infants, children, and women with acquired immune deficiency syndrome to the general population in the State of individuals with such syndrome.".

(2) USE OF GRANTS.—Section 2612 (42 U.S.C. 300ff–22) is amended—

(A) in subsection (a)—

(i) by striking the subsection designation and heading;

(ii) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(iii) by inserting the following new paragraph:

"(1) to provide the services described in section 2604(b)(1) for individuals with HIV disease;";

(iv) in paragraph (5) (as so redesignated), by striking "treatments" and all that follows through "health," and inserting "therapeutics to treat HIV disease"; and

(v) by adding at the end thereof the following flush sentences:

"Services described in paragraph (1) shall be delivered through consortia designed as described in paragraph (2), where such consortia exist, unless the State demonstrates to the Secretary that delivery of such services would be more effective when other delivery mechanisms are used. In making a determination regarding the delivery of services, the State shall consult with appropriate representatives of service providers and recipients of services who would be affected by such determination, and shall include in its demonstration to the Secretary the findings of the State regarding such consultation."; and

(B) by striking subsection (b).

(2) HIV CARE CONSORTIA.—Section 2613 (42 U.S.C. 300ff–23) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by inserting "(or private for-profit providers or organizations if such entities are the only available providers of quality HIV care in the area)" after "nonprofit private,"; and

(ii) in paragraph (2)(A)—

(I) by inserting "substance abuse treatment, mental health treatment," after "nursing,"; and

(II) by inserting "prophylactic treatment for opportunistic infections, treatment education to take place in the context of health care delivery," after "monitoring,"; and

(B) in subsection (c)—

(i) in subparagraph (C) of paragraph (1), by inserting before "care" "and youth centered"; and

(ii) in paragraph (2)—

(I) in clause (ii) of subparagraph (A), by striking "served; and" and inserting "served;";

(II) in subparagraph (B), by striking the period at the end and inserting "; and"; and

(III) by adding after subparagraph (B), the following new subparagraph:

"(C) grantees under section 2671, or, if none are operating in the area, representatives in the area of organizations with a history of serving children, youth, women, and families living with HIV.".

(3) PROVISION OF TREATMENTS.—Section 2616 (42 U.S.C. 300ff–26) is amended—

(A) in subsection (a)—

(i) by striking "may use amounts" and inserting "shall use a portion of the amounts";

(ii) by striking "section 2612(a)(4)" and all that follows through "prolong life" and inserting "section 2612(a)(5) to provide therapeutics to treat HIV disease"; and

(iii) by inserting before the period the following: ", including measures for the prevention and treatment of opportunistic infections";

(B) in subsection (c)—

(i) in paragraph (3), by striking "and" at the end thereof;

(ii) in paragraph (4), by striking the period and inserting "; and"; and

(iii) by adding at the end thereof the following new paragraph:

"(5) document the progress made in making therapeutics described in subsection (a) available to individuals eligible for assistance under this section."; and

(C) by adding at the end thereof the following new subsection:

"(d) DUTIES OF THE SECRETARY.—In carrying out this section, the Secretary shall review the current status of State drug reimbursement programs established under section 2612(2) and assess barriers to the expanded availability of the treatments described in subsection (a). The Secretary shall also examine the extent to which States coordinate with other grantees under this title to reduce barriers to the expanded availability of the treatments described in subsection (a).".

(4) STATE APPLICATION.—Section 2617(b) (42 U.S.C. 300ff–27(b)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end thereof; and

(ii) by adding at the end thereof the following new subparagraph:

"(C) a description of how the allocation and utilization of resources are consistent with the Statewide coordinated statement of need (including traditionally underserved populations and subpopulations) developed in partnership with other grantees in the State that receive funding under this title; and";

(B) by redesignating paragraph (3) as paragraph (4);

(C) by inserting after paragraph (2), the following new paragraph:

"(3) an assurance that the public health agency administering the grant for the State will periodically convene a meeting of individuals with HIV, representatives of grantees under each part under this title, providers, and public agency representatives for the purpose of developing a Statewide coordinated statement of need; and".

(5) PLANNING, EVALUATION AND ADMINISTRATION.—Section 2618(c) (42 U.S.C. 300ff–28(c)) is amended—

(A) by striking paragraph (1);

(B) in paragraphs (3) and (4), to read as follows:

"(3) PLANNING AND EVALUATIONS.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for planning and evaluation activities.

"(4) ADMINISTRATION.—

"(A) IN GENERAL.—Subject to paragraph (5) and except as provided in paragraph (6), a State may not use more than 10 percent of amounts received under a grant awarded under this part for administration. In the case of entities and subcontractors to which the State allocates amounts received by the State under the grant (including consortia under section 2613), the State shall ensure that, of the aggregate amount so allocated, the total of the expenditures by such entities for administrative expenses does not exceed 10 percent (without regard to whether particular entities expend more than 10 percent for such expenses).

"(B) ADMINISTRATIVE ACTIVITIES.—For the purposes of subparagraph (A), amounts may be used for administrative activities that include routine grant administration and monitoring activities.

"(C) SUBCONTRACTOR ADMINISTRATIVE COSTS.—For the purposes of this paragraph, subcontractor administrative activities include—

"(i) usual and recognized overhead, including established indirect rates for agencies;

"(ii) management oversight of specific programs funded under this title; and

"(iii) other types of program support such as quality assurance, quality control, and related activities.";

(C) by redesignating paragraph (5) as paragraph (7); and

(D) by inserting after paragraph (4), the following new paragraphs:

"(5) LIMITATION ON USE OF FUNDS.—Except as provided in paragraph (6), a State may not use more than a total of 15 percent of amounts received under a grant awarded under this part for the purposes described in paragraphs (3) and (4).

"(6) EXCEPTION.—With respect to a State that receives the minimum allotment under subsection (a)(1) for a fiscal year, such State, from the amounts received under a grant awarded under this part for such fiscal year for the activities described in paragraphs (3) and (4), may, notwithstanding paragraphs (3), (4), and (5), use not more than that amount required to support one full-time-equivalent employee.".

(6) TECHNICAL ASSISTANCE.—Section 2619 (42 U.S.C. 300ff–29) is amended—

(A) by striking "may" and inserting "shall"; and

(B) by inserting before the period the following: ", including technical assistance for the development and implementation of Statewide coordinated statements of need".

(7) COORDINATION.—Part B of title XXVI (42 U.S.C. 300ff–21 et seq.) is amended by adding at the end thereof the following new section:

"SEC. 2621. COORDINATION.

"The Secretary shall ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate the planning and implementation of Federal HIV programs in order to facilitate the local development of a complete continuum of HIV-related services for individuals with HIV disease and those at risk of such disease. Not later than October 1, 1996, and biennially thereafter, the Secretary shall submit to the appropriate committees of the Congress a report concerning coordination efforts under this title at the Federal, State, and local levels, including a statement of whether and to what extent there exist Federal barriers to integrating HIV-related programs.".

(d) EARLY INTERVENTION SERVICES.—

(1) ESTABLISHMENT OF PROGRAM.—Section 2651(b) (42 U.S.C. 300ff–51(b)) is amended—

(A) in paragraph (1), by inserting before the period the following: ", and unless the applicant agrees to expend not less than 50 percent of the grant for such services that are specified in subparagraphs (B) through (E) of such paragraph for individuals with HIV disease"; and

(B) in paragraph (4)—

(i) by striking "The Secretary" and inserting "(A) IN GENERAL.—The Secretary";

(ii) by inserting ", or private for-profit entities if such entities are the only available provider of quality HIV care in the area," after "nonprofit private entities";

(iii) by realigning the margin of subparagraph (A) so as to align with the margin of paragraph (3)(A); and

(iv) by adding at the end thereof the following new subparagraph:

"(B) OTHER REQUIREMENTS.—Grantees described in—

"(i) paragraphs (1), (2), (5), and (6) of section 2652(a) shall use not less than 50 percent of the amount of such a grant to provide the services described in subparagraphs (A), (B), (D), and (E) of section 2651(b)(2) directly and on-site or at sites where other primary care services are rendered; and

"(ii) paragraphs (3) and (4) of section 2652(a) shall ensure the availability of early intervention services through a system of linkages to community-based primary care providers, and to establish mechanisms for the referrals described in section 2651(b)(2)(C), and for follow-up concerning such referrals.".

(2) MINIMUM QUALIFICATIONS.—Section 2652(b)(1)(B) (42 U.S.C. 300ff–52(b)(1)(B)) is amended by inserting ", or a private for-profit entity if such entity is the only available provider of quality HIV care in the area," after "nonprofit private entity".

(3) MISCELLANEOUS PROVISIONS.—Section 2654 (42 U.S.C. 300ff–54) is amended by adding at the end thereof the following new subsection:

"(c) PLANNING AND DEVELOPMENT GRANTS.—

"(1) IN GENERAL.—The Secretary may provide planning grants, in an amount not to exceed $50,000 for each such grant, to public and nonprofit private entities for the purpose of enabling such entities to provide HIV early intervention services.

"(2) REQUIREMENT.—The Secretary may only award a grant to an entity under paragraph (1) if the Secretary determines that the entity will use such grant to assist the entity in qualifying for a grant under section 2651.

"(3) PREFERENCE.—In awarding grants under paragraph (1), the Secretary shall give preference to entities that provide primary care services in rural or underserved communities.

"(4) LIMITATION.—Not to exceed 1 percent of the amount appropriated for a fiscal year under section 2655 may be used to carry out this section.".

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2655 (42 U.S.C. 300ff–55) is amended by striking "$75,000,000" and all that follows through the end of the section, and inserting "such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, and 2000.".

(5) REQUIRED AGREEMENTS.—Section 2664(g) (42 U.S.C. 300ff–64(g)) is amended—

(A) in paragraph (2), by striking "and" at the end thereof;

(B) in paragraph (3)—

(i) by striking "5 percent" and inserting "7.5 percent including planning and evaluation"; and

(ii) by striking the period and inserting "; and"; and

(C) by adding at the end thereof the following new paragraph:

"(4) the applicant will submit evidence that the proposed program is consistent with the Statewide coordinated statement of need and agree to participate in the ongoing revision of such statement of need.".

(e) DEMONSTRATION GRANTS FOR RESEARCH AND SERVICES FOR PEDIATRIC PATIENTS.—Section 2671 (42 U.S.C. 300f–71) is amended to read as follows:

"SEC. 2671. GRANTS FOR COORDINATED SERVICES AND ACCESS TO RESEARCH FOR WOMEN, INFANTS, CHILDREN, AND YOUTH.

"(a) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with the Director of the National Institutes of Health, shall make grants to public and nonprofit private entities that provide primary care (directly or through contracts) for the following purposes:

"(1) Providing through such entities, in accordance with this section, opportunities for women, infants, children, and youth to be voluntary participants in research of potential clinical benefit to individuals with HIV disease.

"(2) In the case of women, infants, children, and youth with HIV disease, and the families of such individuals, providing to such individuals—

"(A) health care on an outpatient basis; and

"(B) additional services in accordance with subsection (d).

"(b) PROVISIONS REGARDING PARTICIPATION IN RESEARCH.—

"(1) IN GENERAL.—With respect to the projects of research with which an applicant under subsection (a) is concerned, the Secretary may make a grant under such subsection to the applicant only if the following conditions are met:

"(A) The applicant agrees to make reasonable efforts—

"(i) to identify which of the patients of the applicant are women, infants, children, and youth who would be appropriate participants in the projects;

"(ii) to carry out clause (i) through the use of criteria provided for such purpose by the entities that will be conducting the projects of research; and

"(iii) to offer women, infants, children, and youth the opportunity to participate in the projects (as appropriate), including the provision of services under subsection (d)(3).

"(B) The applicant agrees that, in the case of the research-related functions to be carried out by the applicant pursuant to subsection (a)(1), the applicant will comply with accepted standards that are applicable to such functions (including accepted standards regarding informed consent and other protections for human subjects).

"(C) For the first and second fiscal years for which grants under subsection (a) are to be made to the applicant, the applicant agrees that, not later than the end of the second fiscal year of receiving such a grant, a significant number of women, infants, children, and youth who are patients of the applicant will be participating in the projects of research.

"(D) Except as provided in paragraph (3) (and paragraph (4), as applicable), for the third and subsequent fiscal years for which such grants are to be made to the applicant, the Secretary has determined that a significant number of such individuals are participating in the projects.

"(2) PROHIBITION.—Receipt of services by a patient shall not be conditioned upon the consent of the patient to participate in research.

"(3) SIGNIFICANT PARTICIPATION; CONSIDERATION BY SECRETARY OF CERTAIN CIRCUMSTANCES.—In administering the requirement of paragraph (1)(D), the Secretary shall take into account circumstances in which a grantee under subsection (a) is temporarily unable to comply with the requirement for reasons beyond the control of the grantee, and shall in such circumstances provide to the grantee a reasonable period of opportunity in which to reestablish compliance with the requirement.

"(4) SIGNIFICANT PARTICIPATION; TEMPORARY WAIVER FOR ORIGINAL GRANTEES.—

"(A) IN GENERAL.—In the case of an applicant under subsection (a) who received a grant under such subsection for fiscal year 1995, the Secretary may, subject to subparagraph (B), provide to the applicant a waiver of the requirement of paragraph (1)(D) if the Secretary determines that the applicant is making reasonable progress toward meeting the requirement.

"(B) TERMINATION OF AUTHORITY FOR WAIVERS.—The Secretary may not provide any waiver under subparagraph (A) on or after October 1, 1998. Any such waiver provided prior to such date terminates on such date, or on such earlier date as the Secretary may specify.

"(c) PROVISIONS REGARDING CONDUCT OF RESEARCH.—

"(1) IN GENERAL.—With respect to eligibility for a grant under subsection (a):

"(A) A project of research for which subjects are sought pursuant to such subsection may be conducted by the applicant for the grant, or by an entity with which the applicant has made arrangements for purposes of the grant. The grant may not be expended for the conduct of any project of research, except for such research-related functions as are appropriate for providing opportunities under subsection (a)(1) (including the functions specified in subsection (b)(1)).

"(B) The grant may be made only if the Secretary makes the following determinations:

"(i) The applicant or other entity (as the case may be under subparagraph (A)) is appropriately qualified to conduct the project of research. An entity shall be considered to be so qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health.

"(ii) The project of research is being conducted in accordance with a research protocol to which the Secretary gives priority regarding the prevention or treatment of HIV disease in women, infants, children, or youth, subject to paragraph (2).

"(2) LIST OF RESEARCH PROTOCOLS.—

"(A) IN GENERAL.—From among the research protocols described in paragraph (1)(B)(ii), the Secretary shall establish a list of research protocols that are appropriate for purposes of subsection (a)(1). Such list shall be established only after consultation with public and private entities that conduct such research, and with providers of services under subsection (a) and recipients of such services.

"(B) DISCRETION OF SECRETARY.—The Secretary may authorize the use, for purposes of subsection (a)(1), of a research protocol that is not included on the list under subparagraph (A). The Secretary may waive the requirement specified in paragraph (1)(B)(ii) in such circumstances as the Secretary determines to be appropriate.

"(d) ADDITIONAL SERVICES FOR PATIENTS AND FAMILIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

"(1) The applicant will provide for the case management of the patient involved and the family of the patient.

"(2) The applicant will provide for the patient and the family of the patient—

"(A) referrals for inpatient hospital services, treatment for substance abuse, and mental health services; and

"(B) referrals for other social and support services, as appropriate.

"(3) The applicant will provide the patient and the family of the patient with such transportation, child care, and other incidental services as may be necessary to enable the patient and the family to participate in the program established by the applicant pursuant to such subsection.

"(e) COORDINATION WITH OTHER ENTITIES.—A grant under subsection (a) may be made only if the applicant for the grant agrees as follows:

"(1) The applicant will coordinate activities under the grant with other providers of health care services under this Act, and under title V of the Social Security Act.

"(2) The applicant will participate in the statewide coordinated statement of need under part B (where it has been initiated by the public health agency responsible for administering grants under part B) and in revisions of such statement.

"(f) APPLICATION.—A grant under subsection (a) may be made only if an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(g) COORDINATION WITH NATIONAL INSTITUTES OF HEALTH.—The Secretary shall develop and implement a plan that provides for the coordination of the activities of the National Institutes of Health with the activities carried out under this section. In carrying out the preceding sentence, the Secretary shall ensure that projects of research conducted or supported by such Institutes are made aware of applicants and grantees under subsection (a), shall require that the projects, as appropriate, enter into arrangements for purposes of such subsection, and shall require that each project entering into such an arrangement inform the applicant or grantee under such subsection of the needs of the project for the participation of women, infants, children, and youth.

"(h) ANNUAL REVIEW OF PROGRAMS; EVALUATIONS.—

"(1) REVIEW REGARDING ACCESS TO AND PARTICIPATION IN PROGRAMS.—With respect to a grant under subsection (a) for an entity for a fiscal year, the Secretary shall, not later than 180 days after the end of the fiscal year, provide for the conduct and completion of a review of the operation during the year of the program carried out under such subsection by the entity. The purpose of such review shall be the development of recommendations, as appropriate, for improvements in the following:

"(A) Procedures used by the entity to allocate opportunities and services under subsection (a) among patients of the entity who are women, infants, children, or youth.

"(B) Other procedures or policies of the entity regarding the participation of such individuals in such program.

"(2) EVALUATIONS.—The Secretary shall, directly or through contracts with public and private entities, provide for evaluations of programs carried out pursuant to subsection (a).

"(i) TRAINING AND TECHNICAL ASSISTANCE.—Of the amounts appropriated under subsection (j) for a fiscal year, the Secretary may use not more than five percent to provide, directly or through contracts with public and private entities (which may include grantees under subsection (a)), training and technical assistance to assist applicants and grantees under subsection (a) in complying with the requirements of this section.

"(j) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of the fiscal years 1996 through 2000.".

(f) EVALUATIONS AND REPORTS.—Section 2674 (42 U.S.C. 300ff–74) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "not later than 1 year" and all that follows through "title," and inserting the following: "not later than October 1, 1996,";

(B) by striking paragraphs (1) through (3) and inserting the following paragraph:

"(1) evaluating the programs carried out under this title; and"; and

(C) by redesignating paragraph (4) as paragraph (2); and

(2) by adding at the end the following subsection:

"(d) ALLOCATION OF FUNDS.—The Secretary shall carry out this section with amounts available under section 241. Such amounts are in addition to any other amounts that are available to the Secretary for such purpose.".

(g) DEMONSTRATION AND TRAINING.—

(1) IN GENERAL.—Title XXVI is amended by adding at the end, the following new part:

"PART F—DEMONSTRATION AND TRAINING

"Subpart I—Special Projects of National Significance

"SEC. 2691. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) IN GENERAL.—Of the amount appropriated under each of parts A, B, C, and D of this title for each fiscal year, the Secretary shall use the greater of $20,000,000 or 3 percent of such amount appropriated under each such part, but not to exceed $25,000,000, to administer a special projects of national significance program to award direct grants to public and nonprofit private entities including community-based organizations to fund special programs for the care and treatment of individuals with HIV disease.

"(b) GRANTS.—The Secretary shall award grants under subsection (a) based on—

"(1) the need to assess the effectiveness of a particular model for the care and treatment of individuals with HIV disease;

"(2) the innovative nature of the proposed activity; and

"(3) the potential replicability of the proposed activity in other similar localities or nationally.

"(c) SPECIAL PROJECTS.—Special projects of national significance shall include the development and assessment of innovative service delivery models that are designed to—

"(1) address the needs of special populations;

"(2) assist in the development of essential community-based service delivery infrastructure; and

"(3) ensure the ongoing availability of services for Native American communities to enable such communities to care for Native Americans with HIV disease.

"(d) SPECIAL POPULATIONS.—Special projects of national significance may include the delivery of HIV health care and support services to traditionally underserved populations including—

"(1) individuals and families with HIV disease living in rural communities;

"(2) adolescents with HIV disease;

"(3) Indian individuals and families with HIV disease;

"(4) homeless individuals and families with HIV disease;

"(5) hemophiliacs with HIV disease; and

"(6) incarcerated individuals with HIV disease.

"(e) SERVICE DEVELOPMENT GRANTS.—Special projects of national significance may include the development of model approaches to delivering HIV care and support services including—

"(1) programs that support family-based care networks and programs that build organizational capacity critical to the delivery of care in minority communities;

"(2) programs designed to prepare AIDS service organizations and grantees under this title for operation within the changing health care environment; and

"(3) programs designed to integrate the delivery of mental health and substance abuse treatment with HIV services.

"(f) COORDINATION.—The Secretary may not make a grant under this section unless the applicant submits evidence that the proposed program is consistent with the Statewide coordinated statement of need, and the applicant agrees to participate in the ongoing revision process of such statement of need.

"(g) REPLICATION.—The Secretary shall make information concerning successful models developed under this part available to grantees under this title for the purpose of coordination, replication, and integration. To facilitate efforts under this subsection, the Secretary may provide for peer-based technical assistance from grantees funded under this part.".

(2) REPEAL.—Subsection (a) of section 2618 (42 U.S.C. 300ff–28(a)) is repealed.

(h) HIV/AIDS COMMUNITIES, SCHOOLS, CENTERS.—

(1) NEW PART.—Part F of title XXVI (as added by subsection (e)) is further amended by adding at the end, the following new subpart:

"Subpart II—AIDS Education and Training Centers

"SEC. 2692. HIV/AIDS COMMUNITIES, SCHOOLS, AND CENTERS.".

(2) AMENDMENTS.—Section 776 (42 U.S.C. 294n) is amended—

(A) by striking the section heading; and

(B) in subsection (a)(1)—

(i) by striking subparagraphs (B) and (C);

(ii) by redesignating subparagraphs (A) and (D) as subparagraphs (B) and (C), respectively;

(iii) by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) training health personnel, including practitioners in title XXVI programs and other community providers, in the diagnosis, treatment, and prevention of HIV infection and disease, including the prevention of the perinatal transmission of the disease and including measures for the prevention and treatment of opportunistic infections;"; and

(iv) in subparagraph (B) (as so redesignated) by adding "and" after the semicolon.

(3) TRANSFER.—Section 776 (42 U.S.C. 294n) (as amended by paragraph (2)) is amended by transferring such section to section 2692 (as added by paragraph (1)).

(4) AUTHORIZATION OF APPROPRIATIONS.—Section 2692 (as added by paragraph (1)) is amended by adding at the end thereof the following new subsection:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of the fiscal years 1996 through 2000.".

SEC. 4. AMOUNT OF EMERGENCY RELIEF GRANTS.

Paragraph (3) of section 2603(a) (42 U.S.C. 300ff-13(a)(3)) is amended to read as follows:

"(3) AMOUNT OF GRANT.—

"(A) IN GENERAL.—Subject to the extent of amounts made available in appropriations Acts, a grant made for purposes of this paragraph to an eligible area shall be made in an amount equal to the product of—

"(i) an amount equal to the amount available for distribution under paragraph (2) for the fiscal year involved; and

"(ii) the percentage constituted by the ratio of the distribution factor for the eligible area to the sum of the respective distribution factors for all eligible areas.

"(B) DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii), the term 'distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).

"(C) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the eligible area during each year in the most recent 120-month period for which data are available with respect to all eligible areas, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to—

"(I) the first year during such period, .06;

"(II) the second year during such period, .06;

"(III) the third year during such period, .08;

"(IV) the fourth year during such period, .10;

"(V) the fifth year during such period, .16;

"(VI) the sixth year during such period, .16;

"(VII) the seventh year during such period, .24;

"(VIII) the eighth year during such period, .40;

"(IX) the ninth year during such period, .57; and

"(X) the tenth year during such period, .88.

The yearly percentage described in subparagraph (ii) shall be updated biennially by the Secretary, after consultation with the Centers for Disease Control and Prevention. The first such update shall occur prior to the determination of grant awards under this part for fiscal year 1998.

"(D) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this paragraph, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.".

SEC. 5. AMOUNT OF CARE GRANTS.

Paragraphs (1) and (2) of section 2618(b) (42 U.S.C. 300ff-28(b)(1) and (2)) are amended to read as follows:

"(1) MINIMUM ALLOTMENT.—Subject to the extent of amounts made available under section 2677, the amount of a grant to be made under this part for—

"(A) each of the several States and the District of Columbia for a fiscal year shall be the greater of—

"(i)(I) with respect to a State or District that has less than 90 living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $100,000; or

"(i)(I) with respect to a State or District that has 90 or more living cases of acquired immune deficiency syndrome, as determined under paragraph (2)(D), $250,000;

"(ii) an amount determined under paragraph (2); and

"(B) each territory of the United States, as defined in paragraph (3), shall be an amount determined under paragraph (2).

"(2) DETERMINATION.—

"(A) FORMULA.—The amount referred to in paragraph (1)(A)(ii) for a State and paragraph (1)(B) for a territory of the United States shall be the product of—

"(i) an amount equal to the amount appropriated under section 2677 for the fiscal year involved for grants under part B, subject to subparagraph (H); and

"(ii) the percentage constituted by the sum of—

"(I) the product of .80 and the ratio of the State distribution factor for the State or territory (as determined under subsection (B)) to the sum of the respective State distribution factors for all States or territories; and

"(II) the product of .20 and the ratio of the non-EMA distribution factor for the State or territory (as determined under subparagraph (C)) to the sum of the respective distribution factors for all States or territories.

"(B) STATE DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(I), the term 'State distribution factor' means an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).

"(C) NON-EMA DISTRIBUTION FACTOR.—For purposes of subparagraph (A)(ii)(II), the term 'non-ema distribution factor' means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).

"(D) ESTIMATE OF LIVING CASES.—The amount determined in this subparagraph is an amount equal to the product of—

"(i) the number of cases of acquired immune deficiency syndrome in the State or territory during each year in the most recent 120-month period for which data are available with respect to all States and territories, as indicated by the number of such cases reported to and confirmed by the Director of the Centers for Disease Control and Prevention for each year during such period; and

"(ii) with respect to each of the first through the tenth year during such period, the amount referred to in 2603(a)(3)(C)(ii).

"(E) PUERTO RICO, VIRGIN ISLANDS, GUAM.—For purposes of subparagraph (D), the cost index for Puerto Rico, the Virgin Islands, and Guam shall be 1.0.".

"(F) UNEXPENDED FUNDS.—The Secretary may, in determining the amount of a grant for a fiscal year under this subsection, adjust the grant amount to reflect the amount of unexpended and uncanceled grant funds remaining at the end of the fiscal year preceding the year for which the grant determination is to be made. The amount of any such unexpended funds shall be determined using the financial status report of the grantee.

"(G) LIMITATION.—

"(i) IN GENERAL.—The Secretary shall ensure that the amount of a grant awarded to a State or territory for a fiscal year under this part is equal to not less than—

"(I) with respect to fiscal year 1996, 100 percent;

"(II) with respect to fiscal year 1997, 99 percent;

"(III) with respect to fiscal year 1998, 98 percent;

"(IV) with respect to fiscal year 1999, 96.5 percent; and

"(V) with respect to fiscal year 2000, 95 percent;

of the amount such State or territory received for fiscal year 1995 under this part. In administering this subparagraph, the Secretary shall, with respect to States that will receive grants in amounts that exceed the amounts that such States received under this part in fiscal year 1995, proportionally reduce such amounts to ensure compliance with this subparagraph. In making such reductions, the Secretary shall ensure that no such State receives less than that State received for fiscal year 1995.

"(ii) RATABLE REDUCTION.—If the amount appropriated under section 2677 and available for allocation under this part is less than the amount appropriated and available under this part for fiscal year 1995, the limitation contained in clause (i) shall be reduced by a percentage equal to the percentage of the reduction in such amounts appropriated and available.

"(H) APPROPRIATIONS FOR TREATMENT DRUG PROGRAM.—With respect to the fiscal year involved, if under section 2677 an appropriations Act provides an amount exclusively for carrying out section 2616, the portion of such amount allocated to a State shall be the product of—

"(i) 100 percent of such amount; and

"(ii) the percentage constituted by the ratio of the State distribution factor for the State (as determined under subparagraph (B)) to the sum of the State distribution factors for all States.".

SEC. 6. CONSOLIDATION OF AUTHORIZATIONS OF APPROPRIATIONS.

(a) IN GENERAL.—Part D of title XXVI (42 U.S.C. 300ff-71) is amended by adding at the end thereof the following new section:

"SEC. 2677. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—Subject to subsection (b), there are authorized to be appropriated to make grants under parts A and B, such sums as may be necessary for each of the fiscal years 1996 through 2000.

"(b) DEVELOPMENT OF METHODOLOGY.—

"(1) IN GENERAL.—With respect to each of the fiscal years 1997 through 2000, the Secretary shall develop and implement a methodology for adjusting the percentages allocated to part A and part B to account for grants to new eligible areas under part A and other relevant factors. Not later than July 1, 1996, the Secretary shall prepare and submit to the appropriate committees of Congress a report regarding the findings with respect to the methodology developed under this paragraph.

"(2) FAILURE TO IMPLEMENT.—If the Secretary determines that such a methodology under paragraph (1) cannot be developed, there are authorized to be appropriated—

"(A) such sums as may be necessary to carry out part A for each of the fiscal years 1997 through 2000; and

"(B) such sums as may be necessary to carry out part B for each of the fiscal years 1997 through 2000.".

(b) REPEALS.—Sections 2608 and 2620 (42 U.S.C. 300ff–18 and 300ff–30) are repealed.

(c) CONFORMING AMENDMENTS.—Title XXVI is amended—

(1) in section 2603 (42 U.S.C. 300ff–13)—

(A) in subsection (a)(2), by striking "2608" and inserting "2677"; and

(B) in subsection (b)(1), by striking "2608" and inserting "2677";

(2) in section 2605(c)(1) (42 U.S.C. 300ff–15(c)(1)) is amended by striking "2608" and inserting "2677"; and

(3) in section 2618 (42 U.S.C. 300ff–28)—

(A) in subsection (a)(1), is amended by striking "2620" and inserting "2677"; and

(B) in subsection (b)(1), is amended by striking "2620" and inserting "2677".

SEC. 7. PERINATAL TRANSMISSION OF HIV DISEASE.

(a) FINDINGS.—The Congress finds as follows:

(1) Research studies and Statewide clinical experiences have demonstrated that administration of anti-retroviral medication during pregnancy can significantly reduce the transmission of the human immunodeficiency virus (commonly known as HIV) from an infected mother to her baby.

(2) The Centers for Disease Control and Prevention have recommended that all pregnant women receive HIV counseling; voluntary, confidential HIV testing; and appropriate medical treatment (including anti-retroviral therapy) and support services.

(3) The provision of such testing without access to such counseling, treatment, and services will not improve the health of the woman or the child.

(4) The provision of such counseling, testing, treatment, and services can reduce the number of pediatric cases of acquired immune deficiency syndrome, can improve access to and provision of medical care for the woman, and can provide opportunities for counseling to reduce transmission among adults, and from mother to child.

(5) The provision of such counseling, testing, treatment, and services can reduce the overall cost of pediatric cases of acquired immune deficiency syndrome.

(6) The cancellation or limitation of health insurance or other health coverage on the basis of HIV status should be impermissible under applicable law. Such cancellation or limitation could result in disincentives for appropriate counseling, testing, treatment, and services.

(7) For the reasons specified in paragraphs (1) through (6)—

(A) routine HIV counseling and voluntary testing of pregnant women should become the standard of care; and

(B) the relevant medical organizations as well as public health officials should issue guidelines making such counseling and testing the standard of care.

(b) ADDITIONAL REQUIREMENTS FOR GRANTS.—Part B of title XXVI (42 U.S.C. 300ff–21 et seq.) is amended—

(1) by inserting after the part heading the following:

"Subpart I—General Grant Provisions";

(2) in section 2611(a), by adding at the end the following sentence: "The authority of the Secretary to provide grants under part B is subject to section 2626(e)(2) (relating to the decrease in perinatal transmission of HIV disease)."; and

(3) by adding at the end thereof the following new subpart:

"Subpart II—Provisions Concerning Pregnancy and Perinatal Transmission of HIV

"SEC. 2625. CDC GUIDELINES FOR PREGNANT WOMEN.

"(a) REQUIREMENT.—Notwithstanding any other provision of law, a State shall, not later than 120 days after the date of enactment of this subpart, certify to the Secretary that such State has in effect regulations or measures to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for human immunodeficiency virus counseling and voluntary testing for pregnant women.

"(b) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 120-day period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under this section until such certification is provided.

"(c) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

"(1) IN GENERAL.—If a State provides the certification required in subsection (a) and is receiving funds under part B for a fiscal year, the Secretary may (from the amounts available pursuant to paragraph (2)) make a grant to the State for the fiscal year for the following purposes:

"(A) Making available to pregnant women appropriate counseling on HIV disease.

"(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

"(C) Making available to such women voluntary HIV testing for such disease.

"(D) Offsetting other State costs associated with the implementation of this section and subsections (a) and (b) of section 2626.

"(E) Offsetting State costs associated with the implementation of mandatory newborn testing in accordance with this title or at an earlier date than is required by this title.

"(2) FUNDING.—For purposes of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this section unless otherwise authorized.

"(3) PRIORITY.—In awarding grants under this subsection the Secretary shall give priority to States that have the greatest proportion of HIV seroprevalance among child bearing women using the most recent data available as determined by the Centers for Disease Control and Prevention.

"SEC. 2626. PERINATAL TRANSMISSION OF HIV DISEASE; CONTINGENT REQUIREMENT REGARDING STATE GRANTS UNDER THIS PART.

"(a) ANNUAL DETERMINATION OF REPORTED CASES.—A State shall annually determine the rate of reported cases of AIDS as a result of perinatal transmission among residents of the State.

"(b) CAUSES OF PERINATAL TRANSMISSION.—In determining the rate under subsection (a), a State shall also determine the possible causes of perinatal transmission. Such causes may include—

"(1) the inadequate provision within the State of prenatal counseling and testing in accordance with the guidelines issued by the Centers for Disease Control and Prevention;

"(2) the inadequate provision or utilization within the State of appropriate therapy or failure of such therapy to reduce perinatal transmission of HIV, including—

"(A) that therapy is not available, accessible or offered to mothers; or

"(B) that available therapy is offered but not accepted by mothers; or

"(3) other factors (which may include the lack of prenatal care) determined relevant by the State.

"(c) CDC REPORTING SYSTEM.—Not later than 4 months after the date of enactment of the this subpart, the Director of the Centers for Disease Control and Prevention shall develop and implement a system to be used by States to comply with the requirements of subsections (a) and (b). The Director shall issue guidelines to ensure that the data collected is statistically valid.

"(d) DETERMINATION BY SECRETARY.—Not later than 180 days after the expiration of the 18-month period beginning on the date on which the system is implemented under subsection (c), the Secretary shall publish in the Federal Register a determination of whether it has become a routine practice in the provision of health care in the United States to carry out each of the activities described in paragraphs (1) through (5) of section 2627. In making the determination, the Secretary shall consult with the States and with other public or private entities that have knowledge or expertise relevant to the determination.

"(e) CONTINGENT APPLICABILITY.—

"(1) IN GENERAL.—If the determination published in the Federal Register under subsection (d) is that (for purposes of such subsection) the activities involved have become routine practices, paragraph (2) shall apply on and after the expiration of the 18-month period beginning on the date on which the determination is so published.

"(2) REQUIREMENT.—Subject to subsection (f), the Secretary shall not make a grant under part B to a State unless the State meets not less than one of the following requirements:

"(A) A 50 percent reduction (or a comparable measure for States with less than 10 cases) in the rate of new cases of AIDS (recognizing that AIDS is a suboptimal proxy for tracking HIV in infants and was selected because such data is universally available) as a result of perinatal transmission as compared to the rate of such cases reported in 1993 (a State may use HIV data if such data is available).

"(B) At least 95 percent of women in the State who have received at least two prenatal visits (consultations) prior to 34 weeks gestation with a health care provider or provider group have been tested for the human immunodeficiency virus.

"(C) The State has in effect, in statute or through regulations, the requirements specified in paragraphs (1) through (5) of section 2627.

"(f) LIMITATION REGARDING AVAILABILITY OF FUNDS.—With respect to an activity described in any of paragraphs (1) through (5) of section 2627, the requirements established by a State under this section apply for purposes of this section only to the extent that the following sources of funds are available for carrying out the activity:

"(1) Federal funds provided to the State in grants under part B or under section 2625, or through other Federal sources under which payments for routine HIV testing, counseling or treatment are an eligible use.

"(2) Funds that the State or private entities have elected to provide, including through entering into contracts under which health benefits are provided. This section does not require any entity to expend non-Federal funds.

"SEC. 2627. TESTING OF PREGNANT WOMEN AND NEWBORN INFANTS.

"An activity or requirement described in this section is any of the following:

"(1) In the case of newborn infants who are born in the State and whose biological mothers have not undergone prenatal testing for HIV disease, that each such infant undergo testing for such disease.

"(2) That the results of such testing of a newborn infant be promptly disclosed in accordance with the following, as applicable to the infant involved:

"(A) To the biological mother of the infant (without regard to whether she is the legal guardian of the infant).

"(B) If the State is the legal guardian of the infant:

"(i) To the appropriate official of the State agency with responsibility for the care of the infant.

"(ii) To the appropriate official of each authorized agency providing assistance in the placement of the infant.

"(iii) If the authorized agency is giving significant consideration to approving an individual as a foster parent of the infant, to the prospective foster parent.

"(iv) If the authorized agency is giving significant consideration to approving an individual as an adoptive parent of the infant, to the prospective adoptive parent.

"(C) If neither the biological mother nor the State is the legal guardian of the infant, to another legal guardian of the infant.

"(D) To the child's health care provider.

"(3) That, in the case of prenatal testing for HIV disease that is conducted in the State, the results of such testing be promptly disclosed to the pregnant woman involved.

"(4) That, in disclosing the test results to an individual under paragraph (2) or (3), appropriate counseling on the human immunodeficiency virus be made available to the individual (except in the case of a disclosure to an official of a State or an authorized agency).

"(5) With respect to State insurance laws, that such laws require—

"(A) that, if health insurance is in effect for an individual, the insurer involved may not (without the consent of the individual) discontinue the insurance, or alter the terms of the insurance (except as provided in subparagraph (C)), solely on the basis that the individual is infected with HIV disease or solely on the basis that the individual has been tested for the disease or its manifestation;

"(B) that subparagraph (A) does not apply to an individual who, in applying for the health insurance involved, knowingly misrepresented the HIV status of the individual; and

"(C) that subparagraph (A) does not apply to any reasonable alteration in the terms of health insurance for an individual with HIV disease that would have been made if the individual had a serious disease other than HIV disease.

For purposes of this subparagraph, a statute or regulation shall be deemed to regulate insurance for purposes of this paragraph only to the extent that such statute or regulation is treated as regulating insurance for purposes of section 514(b)(2) of the Employee Retirement Income Security Act of 1974.

"SEC. 2628. REPORT BY THE INSTITUTE OF MEDICINE.

"(a) IN GENERAL.—The Secretary shall request that the Institute of Medicine of the National Academy of Sciences conduct an evaluation of the extent to which State efforts have been effective in reducing the perinatal transmission of the human immunodeficiency virus, and an analysis of the existing barriers to the further reduction in such transmission.

"(b) REPORT TO CONGRESS.—The Secretary shall ensure that, not later than 2 years after the date of enactment of this section, the evaluation and analysis described in subsection (a) is completed and a report summarizing the results of such evaluation and analysis is prepared by the Institute of Medicine and submitted to the appropriate committees of Congress together with the recommendations of the Institute.

"SEC. 2629. STATE HIV TESTING PROGRAMS ESTABLISHED PRIOR TO OR AFTER ENACTMENT.

"Nothing in this subpart shall be construed to disqualify a State from receiving grants under this title if such State has established at any time prior to or after the date of enactment of this subpart a program of mandatory HIV testing.".

SEC. 8. SPOUSAL NOTIFICATION.

(a) IN GENERAL.—The Secretary of Health and Human Services shall not make a grant under part B of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-21 et seq.) to any State unless such State takes administrative or legislative action to require that a good faith effort be made to notify a spouse of a known HIV-infected patient that such spouse may have been exposed to the human immunodeficiency virus and should seek testing.

(b) DEFINITIONS.—For purposes of this section:

(1) SPOUSE.—The term "spouse" means any individual who is the marriage partner of an HIV-infected patient, or who has been the marriage partner of that patient at any time within the 10-year period prior to the diagnosis of HIV infection.

(2) HIV-INFECTED PATIENT.—The term "HIV-infected patient" means any individual who has been diagnosed to be infected with the human immunodeficiency virus.

(3) STATE.—The term "State" means any of the 50 States, the District of Columbia, or any territory of the United States.

SEC. 9. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation, except for training necessary to protect the health and safety of the Federal employee and the individuals served by such employees. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

SEC. 10. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff-71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.".

SEC. 11. LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

SEC. 12. ADDITIONAL PROVISIONS.

(a) DEFINITIONS.—Section 2676(4) (42 U.S.C. 300ff-76(4)) is amended by inserting "funeral-service practitioners," after "emergency medical technicians,".

(b) MISCELLANEOUS AMENDMENT.—Section 1201(a) (42 U.S.C. 300d(a)) is amended in the matter preceding paragraph (1) by striking "The Secretary," and all that follows through "shall," and inserting "The Secretary shall,".

(c) TECHNICAL CORRECTIONS.—Title XXVI (42 U.S.C. 300ff-11 et seq.) is amended—

(1) in section 2601(a), by inserting "section" before "2604";

(2) in section 2603(b)(4)(B), by striking "an expedited grants" and inserting "an expedited grant";

(3) in section 2617(b)(3)(B)(iv), by inserting "section" before "2615";

(4) in section 2647—

(A) in subsection (a)(1), by inserting "to" before "HIV";

(B) in subsection (c), by striking "section 2601" and inserting "section 2641"; and

(C) in subsection (d)—

(i) in the matter preceding paragraph (1), by striking "section 2601" and inserting "section 2641"; and

(ii) in paragraph (1), by striking "has in place" and inserting "will have in place";

(5) in section 2648—

(A) by converting the heading for the section to boldface type; and

(B) by redesignating the second subsection (g) as subsection (h);

(6) in section 2649—

(A) in subsection (b)(1), by striking "subsection (a) of"; and

(B) in subsection (c)(1), by striking "this subsection" and inserting "subsection";

(7) in section 2651—

(A) in subsection (b)(3)(B), by striking "facility" and inserting "facilities"; and

(B) in subsection (c), by striking "exist" and inserting "exists";

(8) in section 2676—

(A) in paragraph (2), by striking "section" and all that follows through "by the" and inserting "section 2686 by the"; and

(B) in paragraph (10), by striking "673(a)" and inserting "673(2)";

(9) in part E, by converting the headings for subparts I and II to Roman typeface; and

(10) in section 2684(b), in the matter preceding paragraph (1), by striking "section 2682(d)(2)" and inserting "section 2683(d)(2)".

SEC. 13. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act, and the amendments made by this Act, shall become effective on October 1, 1996.

(b) EXCEPTION.—The amendments made by sections 3(a), 5, 6, and 7 of this Act to sections 2601(c), 2601(d), 2603(a), 2618(b), 2626, 2677, and 2691 of the Public Health Service Act, shall become effective on the date of enactment of this Act.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill, and agree to the same.

TOM BLILEY,
MICHAEL BILIRAKIS,
TOM COBURN,
HENRY A. WAXMAN,
GERRY STUDDS,
Managers on the Part of the House.
NANCY LANDON
KASSEBAUM,
JIM JEFFORDS,
BILL FRIST,
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE ON CONFERENCE

1. SHORT TITLE

The Senate Bill titles the Act the Ryan White CARE Reauthorization Act of 1995. The House bill is titled the Ryan White CARE Act Amendments of 1995. The Senate recedes.

2. ELIGIBILITY AND EFFECTIVE DATES

The Conferees agreed to make October 1, 1996 the general effective date for the Act. However, the amendments limiting eligible areas to those with a population of 500,000 or higher, continuing the eligibility of current EMAs, and all formula changes (including the provisions on single appropriations and funding for Special Projects of National Significance) are effective immediately upon passage of the Act. The Secretary is required to make a report to Congress on the single appropriations provision by July 1, 1996.

It is the intent of the Conferees that, beginning in fiscal year 1996 and continuing through the reauthorization period, no new metropolitan area with fewer than 500,000 people be eligible for Part A funds. On October 1, 1996, the period for counting AIDS cases to determine eligibility is reduced to the most recent five calendar years. The Conferees wish to make clear, however, that metropolitan areas, once eligible to receive Part A funds, and all metropolitan areas currently receiving such funds, shall remain eligible regardless of fluctuations in the five year case count over time.

3. PLANNING COUNCIL ROLES AND RESPONSIBILITIES

The Senate bill prohibits the Planning Council from being chaired solely by an employee of the grantee. The House bill contains no such prohibition. The House recedes.

The House bill provides that the planning council may not be directly involved in the administration of a grant to a provider under Section 2601(a) nor designate particular entities as recipients of grants. Planning council members must also agree to comply with measures relating to conflicts of interest. The Senate bill does not contain such provisions. The Senate recedes with an amendment that the duties of the planning council, in addition to establishing funding priorities, include making recommendations concerning how best to meet established priorities.

It is the intent of the Conferees that the planning council provide guidance to the grantee regarding the types of organizations that may best meet each service priority established by the planning council. Types of organizations may, for example, include outpatient clinics, community-based organizations that historically have served affected communities and other types of organizations that meet criteria outlined in the legislation (i.e., cost effectiveness, priority of the affected community, etc.) While the conferees expect the grantee through the grant making process to satisfy the target population, service, and service delivery priorities established by the planning council, they do not intend that the planning council select which particular organizations receive funding, either by specific direction or by narrowly describing a type of organization. The legislation clearly states that such a planning council role is prohibited. The Conferees expect that the planning council will help to guide the grantee in how best to meet the established service priorities.

4. GRIEVANCE PROCEDURES

The Senate bill mandates that planning councils establish operating procedures which include specific policies for resolving disputes, responding to grievances, and minimizing and managing conflicts of interest. The House bill contains no such mandate. The House recedes with an amendment that the operating procedures relating to conflict of interest and grievance procedures be locally developed and included in the eligible area's application for Part A formula funds.

The Senate bill includes a requirement that the Secretary develop grievance procedures specific to each part of the Act, to resolve egregious violations of each part, and to establish appropriate enforcement mechanisms. The House bill contains no such provision. The Senate recedes with an amendment to require the Secretary to convene a process involving grantees and outside experts to develop models and prototypes for locally established grievance procedures, and lay out key elements that should be addressed in setting up grievance and arbitration processes at the local level.

The Committee wishes to emphasize that the grievance procedures should be locally established, with assistance from the Secretary. The procedures are to be reviewed by the Health Resources and Services Administration to ensure that they adequately address potential conflicts and grievances. While the bill does not require the Secretary to establish federal grievance procedures, the Committee emphasizes that the Secretary has the power, under this Act and existing law on federal contracts and grants, to withhold funds for violations of the Act.

5. SUPPLEMENTAL GRANTS

The Senate bill requires that the supplemental grant application demonstrate that the planning council include representatives of the requisite population groups, service provides, and affected communities. The House bill does not include such a provision. The House recedes.

The House bill requires that the supplemental grant application demonstrate that both formula and supplemental grant funds from the previous year were distributed according to the priorities established by the planning council. The Senate bill does not contain such a provision. The Senate recedes.

6. SEVERE NEED

The Conferees agreed to clarify the meaning of "severe need" for the purposes of supplemental funding under Title I. The Secretary is directed to develop a quantitative measurement of that need and incorporate it into supplemental funding allocation decisions. The development of a quantitative measurement of severe need is not intended to replace existing factors the Secretary may use to determine supplemental awards, such as comprehensive planning, magnitude of the epidemic, planning council functioning and CEO responsibilities, program and fiscal performance, needs assessment and the match between needs and service priorities.

The Conferees believe that a comparison of severe need across EMAs should be part of the review of applications for supplemental grants and compare service delivery costs and complexity of delivering services due to comorbidity and other factors listed in the legislation. The Conferees emphasize that the list of factors is not all inclusive and recognizes that data needed to quantify these factors may not be available. The Secretary may consider other factors, to account appropriately for differences in the cost and complexity of service delivery across eligible areas. Those factors which are associated with nationwide quantitative data, however, should be given the highest importance. The Conferees intend that the Secretary have flexibility in developing this quantitative mechanism to carry out comparisons across eligible areas.

In the past, supplemental awards have been allocated on the basis of the formula grant. By including criteria for severe need, the conferees intend that those eligible areas with the greatest public health challenges be given appropriate consideration for larger supplemental awards.

7. WOMEN, INFANTS, AND CHILDREN

The House bill requires Part A and Part B grantees to utilize a portion of their funds to provide health and support services to women, infants, and children. The grantees are required to utilize at least 5 percent of such funds or a percentage of funds equal to the ratio of women, infants, and children with AIDS to the entire population with AIDS, whichever is less. The Senate bill does not contain such provisions. The Senate recedes with an amendment to strike the 15 percent comparison and, in the case of Part A grantees, to require that the grantee utilize the appropriate percentage of funds in accordance with the priorities established by the planning council.

The House bill requires that these funds be used primarily for the prevention of perinatal HIV transmission. The Senate bill does not contain such a provision. The House recedes with an amendment that language be included which indicates that services funded by the set-aside may include treatments to prevent the perinatal transmission of HIV.

It is the intent of the conferees that funding be allocated based on the demographics of the epidemic in a local area, and that spending for services for women, infants, and children be equal, on a percentage basis, to the percentage of women, infants, and children with AIDS.

8. ADMINISTRATIVE COSTS

Both the House and Senate bills maintain the administrative costs caps for Part A grantees and the Senate bill defines these costs. For Part B, the Senate bill defines administrative costs and modifies existing administrative cost caps for grantees. Part B grantees are limited to spending not more than than 10% of the award they receive in a fiscal year on administrative costs and 10% of that award on planning and evaluation activities. However, total spending on administration, planning, and evaluation cannot exceed 15% of the award a grantee receives in a fiscal year. The House recedes to the definition of administrative costs and to the 15% cap.

Regarding entities receiving funds from Part A or Part B grantees, the Senate limits expenditures for administrative activities to 12.5% for each such entity. The bill specifically defines administrative costs for these entities. The House bill limits such expenditures to 10% as measured across all entities receiving funding from Part A or Part B grantees, without regard to whether an individual entity is above or below that percentage. For example, if a state or eligible area awards $1 million to 10 service providers, regardless of the amount an individual provider spends on administration, the amount spent on administration added across all 10 providers cannot exceed $100,000 (10% of $1 million). For Part B grantees, entities subject to this cost cap include the lead agencies of consortia in carrying out their administrative duties associated with the operation of the consortium. The Senate recedes with an amendment to include the Senate bill's definition of administrative costs.

The Conferees wish to emphasize that grantees and subcontractors that can restrain administrative costs to less than 10% should do so. The set amount should be regarded as a ceiling, not a floor.

9. SINGLE APPLICATION

The Senate bill allows the Secretary to phase in the use of single application for formula and supplemental Part A funds and the awarding of a single grant. The House bill makes this allowance contingent upon the request of an individual grantee. The House recedes.

It is the intent of the conferees that the Secretary have the authority to implement mechanisms necessary to make a single grant based on a single application. It is the understanding of the conferees that the use of such a grant and application will reduce the administrative burdens on the Secretary, grantees, and individual providers. Under current methods, these entities often must track two separate funding streams that accrue to a single provider for the same services.

Use of a single grant or single application, however, must not result in a delay in allocating funding under the Act.

10. USE OF PART B FUNDS

The House bill adds a fifth eligible use of Part B funds, allowing states to fund services directly. The Senate bill does not include such a provision. The Senate recedes with an amendment that, in order to fund these services outside an existing consortia system, the state must demonstrate to the Secretary that utilizing other service delivery mechanisms is more effective. In making that determination, the State must consult with service provider representatives and recipients of services.

The House bill eliminates the requirement that states with more than 1% of all cases of AIDS expend at least 50% of their Part B funds on consortia. The Senate does not eliminate this provision. The Senate recedes.

The Conferees want to emphasize that the purpose of the Act is to provide health care services to individuals with HIV and AIDS. It is the expectation of the conferees that states will maximize the funds spent directly on health care services.

The Conferees wish to emphasize that the eligible funding areas under Part B are flexible enough to allow states to implement an appropriate array of services. With Part B funds, states can establish treatment programs, health insurance continuation programs, home health care programs and consortia. The Conferees expect states to use funds to provide or ensure the provision of services eligible for funding under Part A. Where consortia exist or are established under this part, in areas that would have been eligible for direct part A funding prior to enactment of this Act, they should function as planning bodies for local service delivery, much as planning councils function under Part A.

The Conferees also emphasize that the elimination of the requirement that states with more than 1% of national AIDS cases expend at least 50% of their Part B award on consortia is not to be interpreted to mean that Part A medical services should not be provided to beneficiaries who reside outside an eligible area. Eliminating the 50% expenditure requirement provides more flexibility to respond to local needs.

11. MINIMUM DRUG FORMULARY

The Senate bill requires the Secretary to develop a minimum drug formulary for suggested use by the states which must document their success in implementing the developed formulary. The House bill requires some portion of Part B funds to be used to fund drug assistance programs, including measures for the prevention and treatment of opportunistic infections. The Senate recedes with an amendment to strike references in Section 2612(a)(2) and Section 2616(a) to "treatments that have been determined to prolong life" and replace them with "therapeutics to treat HIV disease".

These amendments expand State flexibility to provide a broader range of treatments through State drug treatment programs funded by Ryan White Care Act funds, by allowing State drug treatment programs to provide any therapeutics that treat HIV and AIDS, rather than only those that "have been determined to prolong life." This is intended to increase access for persons with HIV and AIDS to treatments targeted toward various aspects of the disease, to prolong life. Such treatments may, for example, by addressing certain specific symptoms of HIV and AIDS, improve an individual's quality of life. With this flexibility, states will be able to improve access to the growing range of treatment options for HIV and AIDS, enabling patients to benefit from recent advances in the treatment of the disease.

The Senate bill requires the Secretary to review the current status of State drug reimbursement programs and assess barriers to the expanded availability of prophylactic treatments for opportunistic infections. The House bill does not contain such provisions. The House recedes with an amendment to replace "prophylactic treatment" with "treatments described in subsection (a)" and to require states to document their progress in making those treatments available.

In addition, the amendments require the Secretary to evaluate the effectiveness of State drug treatment programs in removing barriers to the availability of this wider range of therapeutics to treat HIV and AIDS, and also to evaluate the extent to which State drug treatment programs coordinate with other recipients of Ryan White Care Act funds to remove barriers to the availability of treatments for HIV and AIDS. States also are required to document their progress in making treatments available to those eligible for assistance under the Ryan White Care Act, namely low-income individuals who have been medically diagnosed with HIV or AIDS. These requirements for evaluation and documentation are designed to assure that these funds are being used efficiently and effectively to achieve the goals of the Ryan White Care Act, specifically in the area of improving access for low income individuals to medical treatments for HIV and AIDS.

The Conferees emphasize that the Secretary is encouraged to advise states on classes of drugs that have been found effective in preventing and treating HIV disease as part of the assessment of barriers to expanded availability of therapeutics. For the purposes of this section, the Conferees include as therapeutics as pharmaceuticals (including the necessary equipment to utilize them) and other therapies which prevent the onset of opportunistic infections or deterioration of health.

12. STATEWIDE COORDINATED STATEMENT OF NEED

The Senate bill requires the state public health agency administering Part B funds to convene an annual meeting for the development of a coordinated statement of need. The House bill does not define the Statewide Coordinated Statement of Need. The House recedes with an amendment to require a periodic convening of such a meeting and to remove the parentheticals which describe required attendees.

The Conferees intend for this activity to result in a joint written statement developed in partnership with all CARE Act grantees within the State which identifies unmet need, epidemiological trends, barriers to care and other appropriate issues which impact on service availability.

The Conferees wish to emphasize that the Statewide Coordinated Statement of Need and the process to create it should not supplant existing planning processes utilized by grantees under this Act. It is meant to augment such planning and should be used as a tool to maximize coordination, integration, and effective linkages among the individual entities funded by the Act. For existing grantees, local plans and programs shall be considered consistent with the Coordinated Statement of Need if the grantees can show a good faith effort to participate in crafting the statement and a good faith consideration of the statement in their planning and decision making processes. New grantees must demonstrate their good faith consideration of the statement in making their applications for funding.

13. COORDINATION

The Senate bill requires the Public Health Service to coordinate the activities of the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration regarding the local development of a complete continuum of HIV-related services for individuals with HIV disease or at risk for HIV disease. The House bill requires the Secretary to submit a report to Congress on coordination of agency activities. The Senate recedes with an amendment that the report be submitted biennially beginning October 1, 1996.

14. EARLY INTERVENTION PROGRAMS

The Senate bill stipulates that early intervention funds are for primary care services for people with HIV. The House bill lists four types of services that are eligible for early intervention funds. The Senate recedes with an amendment that the House listed services are for people with HIV.

The Senate requires that 50% of early intervention grants to primary health care facilities, including migrant health centers, centers that provide health services for the homeless, and other federally-qualified health centers, be expended on-site or at sites where other primary care services are rendered. The House bill does not contain such a provision. The House recedes.

The conferees recognize that some grantees operate as consortia to provide services specifically designed for HIV/AIDS. These programs and the guidelines developed must meet the needs of people living with HIV/AIDS and assure that direct services are provided consistent with the needs of consumers.

The Senate bill provides planning and development grants to public and nonprofit entities that are not direct providers of primary health care to provide HIV-specific care services. The House bill provides the grants to all eligible public and private nonprofit entities to provide early intervention services. The Senate recedes with an amendment to add "HIV" to "early intervention services".

The Senate bill requires the Secretary to give preference to entities that would provide HIV primary care services in rural or under-served communities. The House bill requires preference to entities that currently provide HIV primary care services in rural and under-served communities. The Senate recedes with an amendment to delete "HIV" from "HIV primary care services".

The Senate bill requires family planning and hemophilia center grantees to ensure the availability of early intervention services through a series of linkages to community-based primary care providers and to establish mechanisms for referrals and follow-up. The House bill does not contain such a provision. The House recedes.

The Senate bill increases the cap on administrative costs to 10% and expands those costs to include planning, evaluation, and technical assistance. The House bill contains no such provision. The House recedes with an amendment to lower the cap to 7.5% and eliminate inclusion of technical assistance.

15. TITLE IV

The House bill titles Section 2671, Coordinated Services and Access to Research for Women, Infants, and Children. The Senate bill titles this section, Grants for Coordinated Services and Access to Research for Children, Youth, and Families. The Senate recedes with an amendment to add "Grants for" at the beginning of the title, and "and Youth" at the end of the title.

The House bill makes grants available to primary health care providers to provide opportunities for women, infants, and children to participate as subjects in research of potential clinical benefit. The Senate bill makes available such grants to facilitate voluntary participation of those groups in research protocols at the facility or by direct referral. The Senate recedes with an amendment to include youth in the eligible population group.

The House bill requires entities to provide outpatient health care to women, infants, and children. The Senate bill requires that health care and support services be provided to children, youth, and women with HIV disease and the families of such individuals. The Senate recedes with an amendment to require applicants to provide to patients and their families case management, transportation, child care, and other incidental services as may be necessary to enable the patient and the family to participate in the applicant's program, and referrals to inpatient hospital services, treatment for substance abuse, mental health services, and other support services as appropriate.

The House bill requires the grant applicant to make reasonable efforts to identify prospective patients who would be appropriate participants in research projects and to offer patients the opportunity to participate in projects. The Senate bill requires a broader list of assurances from the applicant, including that the grant will be used primarily to serve children, youth, and women; and that the applicant will arrange with research entities to collaborate in the conduct of facilitation of voluntary patient participation in qualified research protocols. The Senate recedes with an amendment to require entities to identify appropriate patients through the use of criteria provided by the entity for that purpose.

The House bill requires that applicant and the project of research comply with accepted standards of protection for human subjects including the provision of written informed consent. The Senate bill requires the Secretary to establish procedures which ensure those requirements. The Senate recedes.

The Conferees wish to emphasize that receipt of services by a patient shall not be conditioned upon consent to participate in research.

The House bill requires that for the third or subsequent fiscal year for which an applicant seeks a grant, the applicant must assure that a significant number, as determined by the Secretary, of women, infants, and children who are patients of the applicant are participating in research projects. The Senate bill does not contain such a provision. The Senate recedes.

Under the House bill, if the grantee is temporarily unable to comply with the "significant number" requirement, the Secretary may grant a reasonable amount of time for the grantee to reestablish compliance, under certain circumstances. The Senate bill does not contain such a provision. The Senate recedes.

In the House bill, the Secretary may waive the "significant numbers" requirement for an applicant who received a grant in fiscal year 1995 if the applicant is making a reasonable effort toward meeting this goal. The authority for the Secretary to issue this waiver expires on October 1, 1998, and waivers issued before October 1, 1998, expire on or before that date. The Senate bill does not contain such a provision. The Senate recedes with an amendment to provide that applicants must, not later than the end of the second fiscal year, meet the requirement that a significant number of women, infants, children, and youth participate in research projects.

The Conferees intend that the Secretary interpret the term "significant number" in a relative way. For grantees located in areas where there is access to many research activities, the "significant number" will be higher than for grantees located in more remote areas where research for women, infants, and children is less accessible. The Conferees intend that the Secretary take into account a variety of factors in determining "significant numbers", including: the number and type of clients serviced by the grantee, and the nature and availability of research programs accessible to patients of the grantee, and other factors the Secretary considers to be relevant.

The Senate bill includes a provision requiring submission of an application in such form as the Secretary determines is necessary. The House bill does not contain such a provision. The House recedes.

The House bill includes a section on Provisions Regarding Conduct of Research, allowing for the project of research to be conducted by the applicant or by an entity with which the applicant has made arrangements. The Senate bill does not contain such a provision. The Senate recedes.

The House bill requires that the grant may not be expended for the conduct of any research project, that the research entity must be appropriately qualified to conduct the project, and that the research project must be in accordance with the priorities determined and listed by the Secretary in consultation with public and private research entities, providers and recipients of services under Part B. An entity shall be considered qualified if any research protocol of the entity has been recommended for funding under this Act pursuant to technical and scientific peer review through the National Institutes of Health. Under certain circumstances, the Secretary may give priority to a research protocol not on the list of high priority research. The Senate bill requires the Secretary to establish mechanisms, including an independent research review panel, to ensure that the research projects are of potential clinical benefit and meet accepted standards of research design. The Senate recedes with an amendment to allow grantees to fund services that facilitate and coordinate client access to comprehensive care services and research projects.

The Senate bill allows the Secretary to waive the requirements regarding coordination, statewide coordinated statement of need, and appropriate research opportunities if the applicant provides assurances that the requirements will be met by the end of the second grant year, or, in the case of existing grantees, within one year. The House bill does not contain such a provision. The Senate recedes.

The Senate bill contains a provision on Evaluations and Data Collection, requiring the Secretary to review the programs carried out under the section at the end of each fiscal year. The review may include recommendations on improving access to and participation in research protocols. The House bill does not contain such a provision. The House recedes with an amendment to title this section "Review Regarding Access To And Participation in Programs;" to require the review to be completed not later than 180 days after the end of the fiscal year; to state that the purpose of the review shall be to develop recommendations on procedures to allocate services and opportunities among patients of the entity and other procedures and policies of the entity regarding the participation of women, infants, children, and youth in research programs; and to require the Secretary to provide for evaluations of programs carried out by the entity.

The Senate bill allows the Secretary to establish reporting requirements necessary to administer the program and carry out the reviews, measure outcomes, and document clients served, services provided and participation in research protocols. The House bill does not contain such provisions. The Senate recedes.

The Senate bill includes a definition of qualified research entities and qualified research protocols. The House bill does not contain such a provision. The Senate recedes.

The House bill requires the Secretary to develop a plan that provides for the coordination of the activities of the National Institutes of Health (NIH) with the activities of this section, including that the projects of research conducted or supported by NIH are made aware of applicants and grantees of this section and that those projects as appropriate enter into arrangements for purposes of this section. The Senate bill does not contain such a provision. The Senate recedes.

The Conferees emphasize that Part D was enacted to provide funds for coordinated health and social services in association with voluntary participation in research programs. Such research will lead to a greater understanding of HIV disease among women, infants and children and to the development of preventive and therapeutic measures appropriate for those populations. The Conferees recognize that participation of children, youth, and pregnant women in HIV research programs is more successful when projects are convenient to women and children with HIV disease, when they are sensitive to needs for nontraditional services such as child care and transportation services, and when the opportunities to participate in research are provided within an established, comprehensive and community based HIV care system. For this reason, it is the intent of the Conferees that entities receiving grants under this program provide or arrange for innovative comprehensive HIV care for children, youth, women, and families with or affected by HIV.

It is the intent of the Conferees for this program to be flexible but to organize, coordinate and support a broad range of HIV services linking institutional and community-based providers. Grantees may provide a wide range of health services and may make referrals for, or provide services to, facilitate access to care.

16. AIDS DENTAL SCHOOL TRAINING

The House bill reauthorizes the current program and transfers it from Title 7 of the Public health Service Act to Title 26. The Senate bill does not reauthorize the program. The Senate recedes.

17. EVALUATION OF RYAN WHITE PROGRAMS

The House bill authorizes funding for the evaluation of Ryan White programs to come from the 1% Public Health Service set aside. The Senate bill does not contain such a provision. The Senate recedes.

18. SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE

The Senate bill includes service delivery grants as special projects and describes those grants, which include programs that support family-based care networks critical to the delivery of care in minority communities and programs that build organizational capacity in disenfranchised communities. The House bill does not specifically define such grants. The House recedes with an amendment to replace the term "disenfranchised communities" with "minority communities".

19. AIDS EDUCATION AND TRAINING CENTERS

The House bill includes as an eligible activity the training of health providers in the prevention of perinatal HIV transmission and prevention and treatment of opportunistic infections. The Senate bill does not include such language. The Senate recedes.

By including the AIDS Education and Training Centers in the CARE Act reauthorization, the conferees reaffirm that this is an important federal program and will serve an important role in the future.

20. FORMULAS

The Senate bill distributes Part A funds to eligible metropolitan areas with a formula based only on weighted AIDS case counts. The Senate formula caps funding losses such that no eligible area will receive less than 98% of its FY 95 award in FY 96, 97% of its FY 95 award in FY 97, 95.5% of its FY 95 award in FY 98, 94% of its FY 95 award in FY 99, and 92.5% of its FY 95 award in FY 2000. The House bill uses the same weighted AIDS case count, but includes in its formula the Medicare Hospital Wage Index for each metropolitan area as a measure of service delivery cost. The House formula caps funding losses such that no eligible area will receive less than 99% of its FY 95 award in FY 96, 98% of its FY 95 award in FY 97, 97% of its FY 95 award in FY 98, 96% of its FY 95 award in FY 99, and 95% of its FY 95 award in FY 2000. The House recedes with an amendment to replace the Senate funding loss caps with losses such that no eligible area will receive less than 100% of its FY 95 award in FY 96, 99% of its FY 95 award in FY 97, 98% of its FY 95 award in FY 98, 96.5% of its FY 95 award in FY 99, and 95% of its FY 95 award in FY 2000.

The conferees feel that the formula changes for Part A, including the hold harmless provisions, adequately respond to the geographic diversification of the epidemic while simultaneously protecting against major disruptions in service delivery. The Committee understands that the formula changes will reduce the amount of supplemental funds that have been traditionally available to all Part A grantees because supplemental funds will be used to fund the hold harmless provisions. The Committee further understands that this reduction in the availability of supplemental funds could result in resource shifts beyond those built into the revised formula depending on the quality of the supplemental application as determined by the review process.

The Senate bill distributes Part B funds to states based on a formula that calculates two distribution factors: the state factor, based on weighted AIDS case counts for each state and the non-EMA factor based on weighted AIDS case counts for areas within the state outside of Part A eligible areas. Each of these distribution factors is weighted equally. The Senate bill also includes a provisions to cap funding losses such that no state will receive less than 98% of its FY 95 award in FY 96, 97% of its FY 95 award in FY 97, 95.5% of its FY 95 award in FY 98, 94% of its FY 95 award in FY 99, and 92.5% of its FY 95 award in FY 2000. The House bill retains the Part B formula contained in current law and sets aside 7% of available funds for distribution to states without Part A eligible areas, based on the relative case counts within those states. The House recedes with an amendment to weight the state factor in the Senate formula by a constant of .8 and the non-EMA factor by a constant of .2, and to substitute the Senate loss caps with the same loss caps used in the House version of the Part A formula.

Neither the House bill nor the Senate bill contained a provision allowing for the adjustment of the weights used to determine the estimate of living AIDS cases over the required 120 month period, in either the Part A or Part B formulas. The Conferees feel that such an adjustment may be necessary over time as life expectancy and disease progression changes for people living with AIDS. Therefore the Conferees expect the Secretary, in consultation with the Centers for Disease Control, to evaluate the need to update those weights every two years beginning with the grant awards in FY 1998 and report to the appropriate congressional committees.

The Conferees intend that if funds are appropriated specifically for the Drug Assistance Program, such funds be allocated according to the states entire weighted case counts.

21. SINGLE APPROPRIATION

Under the Senate bill, after one year, if the Secretary is unable to devise a methodology to adjust the split in the single appropriation between Parts A and B, the single appropriation reverts to two separate appropriations, beginning in FY 1997. Under the House bill, the single appropriation and the 64%/36% split between the two Parts remains in effect over the entire reauthorization period. The Secretary has the discretion to adjust the apportionment of the single appropriation between the two Parts. The House recedes with an amendment that, by July 1, 1996, the Secretary devise the methodology or recommend that such a methodology is not feasible. In addition, the appropriation committee will determine the relative allocation of funds for Part A and Part B for fiscal year 1996.

22. PERINATAL TESTING

The Senate bill mandates that states with an incidence of HIV among childbearing women of .25 or greater or an estimated number of births to HIV positive women in 1993 of 175 or greater have in effect regulations implementing the guidelines issued by the Centers for Disease Control (CDC) concerning voluntary HIV testing and counseling for pregnant women. The House bill does not contain such a provision. The House recedes with an amendment to require all states to implement the CDC guidelines.

In the Senate bill, for states providing such certification, $10 million in grant funds are made available to implement the CDC guidelines, to provide outreach to at-risk pregnant women and to make available appropriate counseling and voluntary testing. The House bill makes available $10 million in grants for states to offer HIV testing and counseling to pregnant women, to test newborns for HIV, and to collect data on pregnant women and newborns who have undergone HIV testing. In order to be eligible for these grants, the state by statute or regulation must require that all newborns whose biological mother has not undergone prenatal testing for HIV, be tested for HIV at birth and that the results be made available to the biological mother or guardian of the infant. The House recedes with an amendment to restrict access to these funds to states that have implemented the CDC guidelines and to prioritize the $10 million to those states with high HIV seroprevalence rates among childbearing women.

In the Senate bill, the Secretary is required to evaluate the effect of these grants on reducing the perinatal transmission of HIV. In the House bill, in two years, if the Secretary establishes that testing newborns for HIV has become routine practice in the provision of health care, states, by regulation or statute, must require such testing of newborns and notification to the mother or guardian in order to receive Ryan White Part B funds. Alternatively, states can demonstrate that of newborns in the state, the HIV status of 95% of the infants is known. The House recedes with an amendment to require the following.

(1) Within four months of enactment of this Act, the CDC, in consultation with states, will develop and implement a reporting system for states to use in determining the rate of new cases of AIDS resulting from perinatal transmission and the possible causes for that transmission.

The Secretary of HHS is directed to contract with the Institute of Medicine to conduct an evaluation of the extent to which state efforts have been effective in reducing perinatal transmission of HIV and an analysis of the existing barriers to further reduction in such transmission. The Secretary shall report these findings to Congress along with any recommendation made by the Institute.

(2) Within two years following the implementation of such a system, the Secretary will make a determination whether mandatory HIV testing of all infants born in the U.S. whose mothers have not undergone prenatal HIV testing has become a routine practice. This determination will be made in consultation with states and experts. If the Secretary determines that such mandatory testing has become a routine practice, after an additional 18 month period, a state will not recieve Title 2 Ryan White funding unless it can demonstrate one of the following:

(A) A 50% reduction (or a comparable measure for low-incidence states) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data;

(B) At least 95% of women who have received at least two prenatal visits with a health care provider or provider group have been tested for HIV; or

(C) A program for mandatory testing of all newborns whose mothers have not undergone prenatal HIV testing.

The House bill requires states by statute or regulation to prohibit health insurance companies from discontinuing coverage for a person solely on the basis that the person is infected with HIV or that the individual has been tested for HIV. The Senate bill does not contain such a provision. The Senate recedes with an amendment that only states which implement mandatory testing of newborn infants be required to implement such insurance regulations. The conferees intend for these insurance provisions to augment, and in no way diminish, existing federal or state law.

The House bill requirements on insurance regulations do not apply to persons who knowingly misrepresent their HIV status, facts regarding whether the person has been tested for HIV, and facts regarding whether the person has engaged in any behavior that places the person at risk for HIV. The Senate recedes with an amendment to delete the last two exemptions on testing and behavior.

The Conferees wish to emphasize that nothing in this provision should be construed to mean that states are required to implement HIV reporting.

23. SPOUSAL NOTIFICATION

The Senate bill prohibits the Secretary from making any grant under the Act to any state, political subdivision of any state, or other recipient of CARE Act funds within the state unless the state requires a good faith effort to notify the spouses of AIDS-infected patients that the patients are infected with HIV. The House bill does not contain such a provision. The House recedes with an amendment to tie the provision to Part B funds only, change "AIDS-infected patient" to "known HIV-infected patient", replace "such AIDS infected patients is infected with the human immunodeficiency virus" with "he or she may have been exposed to the human immunodeficiency virus and should seek testing," define HIV-infected as any person diagnosed with the human immunodeficiency virus, and change the definition of spouse to mean a current marriage partner or a person that was the marriage partner at any time within the ten years prior to the diagnosis of HIV infection.

The Conferees wish to emphasize that nothing in this provision should be construed to require states to implement HIV name reporting.

24. STUDY ON ALLOTMENT FORMULA

The Senate bill requires the Secretary to conduct a study of the funding formulas contained in the Act and submit a report to Congress. The House bill does not contain such a provision. The Senate recedes.

25. PROHIBITIONS ON THE USE OF FEDERAL FUNDS AND PROMOTION OF CERTAIN ACTIVITIES

The Senate bill prohibits funds appropriated under the Act from being used to promote or encourage, directly or indirectly, homosexuality or intravenous drug use. The House bill does not contain such a prohibition or definition. The Senate recedes.

The Senate bill prohibits funds appropriated under the Act from being used to develop materials designed to promote or encourage directly intravenous drug use or sexual activity, whether homosexual or heterosexual. The House bill does not contain such a provision. The House recedes.

26. OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING

The Senate bill prohibits the federal government from requiring any employee to attend or participate in an AIDS or HIV training program if the employee refuses to participate. The House bill does not contain such a provision. The House recedes with an amendment that exempts from this provision federal training programs necessary to protect the health and safety of federal employees and those they serve.

This provision is intended to apply to those employees whose position requires knowledge of the universal precautions for the prevention of the transmission of the HIV virus.

27. LIMITATION ON APPROPRIATIONS

The Senate bill requires that of the total amounts of Federal funds expended in any fiscal year, funds expended for AIDS and HIV activities not exceed the amounts expended for activities related to cancer. The House bill does not contain such a provision. The House recedes.

The Conferees wish to make clear that the term "total amounts" includes all research, treatment and prevention funding, including amounts expended through the Medicare and Medicaid programs, wherhe administered by the federal government or paid to states in block grants.

TOM BLILEY,
MICHAEL BILIRAKIS,
TOM COBURN,
HENRY A. WAXMAN,
GERRY STUDDS,
Managers on the Part of the House.

NANCY LANDON KASSEBAUM,
JIM JEFFORDS,
BILL FRIST,
EDWARD M. KENNEDY,
CHRISTOPHER J. DODD,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and the balance of the week, on account of maternity leave.

Mr. KINGSTON (at the request of Mr. ARMEY) for today, on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. UNDERWOOD) to revise and extend their remarks and include extraneous material:)

Mr. UNDERWOOD, for 5 minutes, today.
Mr. TOWNS, for 5 minutes, today.
Mr. FROST, for 5 minutes, today.
Mr. MARKEY, for 5 minutes, today.
Mr. LIPINSKI, for 5 minutes, today.
Mrs. CLAYTON, for 5 minutes, today.
Ms. FURSE, for 5 minutes, today.

(The following Members (at the request of Mr. GUTKNECHT) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes, each day, today and on May 1 and 2.
Mr. HUNTER, for 5 minutes, today.
Mr. ENGLISH of Pennsylvania, for 5 minutes, on May 1.
Mr. WELDON of Pennsylvania, for 5 minutes, today.
Mr. RIGGS, for 5 minutes, each day, today and on May 1 and 2.
Mr. GUTKNECHT, for 5 minutes, each day, today and on May 1.
Mr. MCINTOSH, for 5 minutes, on May 2.
Mr. METCALF, for 5 minutes, today.
Mr. WELDON, for 5 minutes, today.
Mr. SHADEGG, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to review and extend remarks was granted to:

(The following Members (at the request of Mr. UNDERWOOD) and to include extraneous matter:)

Mr. HAMILTON.
Mr. BONIOR.
Mr. MANTON.
Mrs. MALONEY in two instances.
Mr. SCHUMER.
Mr. TOWNS.
Mr. LIPINSKI in two instances.
Mr. REED.
Mr. PAYNE of New Jersey.
Mr. POSHARD.
Mr. HASTINGS.
Mr. MONTGOMERY.
Mr. GORDON in 10 instances.
Mr. HALL of Ohio.
Mrs. MEEK of Florida.

(The following Members (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. DORNAN.
Mr. DAVIS in two instances.
Mr. PORTMAN.
Mr. BURTON of Indiana.
Mr. HAYWORTH.
Mr. BAKER of California.
Mr. SOLOMON.
Mr. KINGSTON.
Mr. WELDON of Pennsylvania.
Mr. COLLINS of Georgia.
Mr. FOX of Pennsylvania.

(Mr. RANGEL, during morning business, tribute to SAM GIBBONS, in the House today.)

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on the following days present to the President, for his approval, bills of the House of the following titles:

On April 25, 1996:

H.R. 3019. An act making appropriations for fiscal year 1996 to make a further downpayment toward a balanced budget, and for other purposes.

H.R. 3055. An act to amend section 326 of the Higher Education Act of 1965 to permit continued participation by Historically Black Graduate Professional Schools in the grant program authorized by that section.

On April 30, 1996:

H.R. 956. An act to establish legal standards and procedures for product liability litigation, and for other purposes.

ADJOURNMENT

Mr. OWENS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 35 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 1, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2646. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order; Suspension of Late Payment Charges (FV-96-702 IFR) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2647. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 1996-97 Marketing Year (FV-96-985-1 IFR) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2648. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Grading and Inspection, General Specification for Approved Plants and Standards for Grades of Dairy Products; United States Standards for Grades of Monterey Jack Cheese (DA-91-010B) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2649. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's interim rule—Karnal Bunt (Amendment of Quarantined Areas Interim Rule) (Docket No. 96-016-5) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2650. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rules—(1) Export Certificates (Cyclical Review) (Docket No. 90-117-3), (2) National Poultry Improvement Plan and Auxiliary Provisions (Docket No. 94-091-2), (3) Imported fire ant (Docket No. 95-063-2), (4) Horses from Bermuda and the British VI; VEE Quarantine Requirements (Docket No. 95-052-2), and (5) Allow New Vaccine for Brucellosis (Docket No. 96-015-1) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2651. A letter from the Administrator, Food and Consumer Service, transmitting the Services's final rule—food Stamp Program: Failure to Comply with Federal, State, or Local Welfare Assistance Program Requirements (RIN: 0584-AC08) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2652. A letter from the Comptroller of the Currency, Department of the Treasury, transmitting the annual report on enforcement actions taken by the Office of the Comptroller of the Currency during the 12-month period ending December 31, 1995, pursuant to 12 U.S.C. 1833; to the Committee on Banking and Financial Services.

2653. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development (FR-3331) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2654. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Regulatory Reinvention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments (FR-3985) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2655. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition of Advance Disclosure of Funding; Accountability in the Provision of HUD Assistance (FR-3954) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2656. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Streamlining of the FHA Single Family Housing, Multifamily, and Multifamily Housing and Health Care Facility Mortgage Insurance Programs Regulations (FR-3966) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2657. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Revision of FHA Multifamily Processing and Fees (FR-3349) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2658. A letter from the Assistant Secretary for Elementary and Secondary Education, Department of Education, transmitting notice of Final Criteria for Consortium Incentive Grants for fiscal year 1996 and subsequent fiscal years—Title I, Part C—Education of Migratory Children, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2659. A letter from the Assistant Secretary for Educational and Improvement, Department of Education, transmitting notice of Selection Criteria, Selection Procedures, and Application Procedures—Challenge Grants for Technology in Education, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2660. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of final priorities—Jacob K. Javits Gifted and Talented Students Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2661. A letter from the Assistant Secretary for Educational Research and Improvement, Department of Education, transmitting notice of final priorities—Fund for the Improvement of Education Program, pursuant to 20 U.S.C. 1232(d)(1); to the Committee on Economic and Educational Opportunities.

2662. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final schedule of arbitration fees and expenses under the Randolph-Sheppard Act—Vending Facility Program for the Blind on Federal and Other Property, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2663. A letter from the Director, Office of Communication and Legislative Affairs, Equal Employment Opportunity Commission, transmitting the Commission's final rule—Coverage of Apprenticeship Programs Under the Age Discrimination in Employment Act [ADEA] received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2664. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rules—(1) Valuation of plan benefits in single-employer plans; valuation of plan benefits and plan assets following mass withdrawal; amendments adopting additional PBGC rates, (2) Notice and collection of withdrawal liability; adoption of new interest rates, and (3) Late premium payments and employer liability underpayments and overpayments; interest rate for determining variable rate premium; amendments to interest rates—received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2665. A letter from the Secretary, Consumer Product Safety Commission, transmitting the Commission's final rule—Requirements for Labeling of Retail Containers of Charcoal (16 CFR Part 1500) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2666. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rules—(1) Future Development of Paging Systems (WT Docket No. 96-18) and (2) Implementation of Section 309(j) of the Communication Act—Competitive Bidding (PP Docket No. 93-253) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2667. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Trade Regulation Rule: Labeling and Advertising of Home Insulation (16 CFR Part 460) (1996) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2668. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Pricing for Sales of Defense Articles (DFARS Case 96-D309) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2669. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the board's annual report for fiscal year 1995, pursuant to D.C. Code, section 1-174, 1981 edition; to the Committee on Government Reform and Oversight.

2670. A letter from the Agency for International Development, transmitting a report of activities under the Freedom of Information Act for the Calendar year 1995, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2671. A letter from the Executive Director, Committee For Purchase From People Who Are Blind Or Severely Disabled, transmitting the Committee's final rule—Procurement List Additions—received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2672. A letter from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, transmitting the Administration's final rules—(1) Modifications of Existing Contracts (Far Case 94-723), (2) Application of Cost Accounting Standards Board Regulations to Educational Institutions (Far Case 95-002), (3) Assignment of Claims—Presidential Delegation (Far Case 94-767), and (4) Interest Clause Revisions (Far Case 92-045) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2673. A letter from the NARA Regulatory Policy Official, National Archives, transmitting the Archive's final rule—Preservation and Protection of and Access to the Presidential Historical Materials of the Nixon Administration; Amendment of Public Regulations (RIN: 3095-AA59) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2674. A letter from the Chairman, National Labor Relations Board, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2675. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Use of Private Sector Temporaries (RIN: 3206-AE80) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2676. A letter from the Director, Administrative Office of the U.S. Courts, transmitting the annual report on applications for court orders made to Federal and State courts to permit the interception of wire, oral, or electronic communications during calendar year 1995, pursuant to 18 U.S.C. 2519(3); to the Committee on the Judiciary.

2677. A letter from the Secretary, Federal Trade Commission, transmitting the Commission's final rule—Premeger Notification; Reporting and Waiting Period Requirements (16 CFR Parts 801 and 802) (1996) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

2678. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1724) (RIN: 2120-AA65) (1996-0008) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2679. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Amdt. No. 1725) (RIN: 2120-AA65) (1996-0007) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2680. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Temporary Establishment of Class D Airspace; Anchorage International Airport, Alaska [AK] (RIN: 2120-AA66) (1996-0010) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2681. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Excluding Model A300 and Model A30-0 F4-600 Series Airplanes) (RIN: 2120-AA64) (1996-0012) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2682. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Diamond Aircraft Industries Model DA 20-A1 Airplanes; Docket No. 96-CE-21-AD (RIN: 2120-AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2683. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Brackedtt Aircraft Company; Air Filter Gaskets, superseding Docket No. 95-CE-61-AD (RIN: 2120-AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2684. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Incentive Grant Criteria for Alcohol Traffic Safety Programs (RIN: 2127-AG22) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2685. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Changes in Accounting Periods and in Methods of Accounting (Revenue Procedures 96-31) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2686. A letter from the Chief Regulations Unit, Office of Assistant Chief Counsel (Domestic), Internal Revenue Service. transmitting the Service's final rule—Withholding and Reporting of Certain Income Paid to Foreign Persons (Announcement 96-23) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2687. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Safe Harbor for Organizations that Provide Low-Income Housing To Be Considered Charitable as described in section 501(c)(3) of the Internal Revenue Code (Revenue Procedure 96-32) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2688. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Relief from Filing Form 3115 for a Change in Methods of Accounting Required by Statement of Financial Accounting Standards No. 116 (Notice 96-30) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2689. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Revenue Ruling 96-24) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2690. A letter from the Chief, Regulations Branch, U.S. Customs Service, transmitting the Service's final rule—Suspension of United States-Canada Free-Trade Agreement Implementing Regulations (RIN: 1515-AB93) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. YOUNG of Alaska: Committee on Resources. H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children; with an amendment (Rept. 104-542, Pt. 1). Ordered to be printed.

Ms. PRYCE: Committee on Rules. House Resolution 418. Resolution providing for consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service (Rept. 104-543). Referred to the House Calendar.

Mr. QUILLEN: Committee on Rules. House Resolution 419. Resolution providing for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes (Rept. 104-544). Referred to the House Calendar.

Mr. BLILEY: Committee of Conference. Conference report on S. 641. An act to reauthorize the Ryan White CARE Act of 1990, and for other purposes (Rept. 104-545). Ordered to be printed.

DISCHARGE OF COMMITTEES

Pursuant to clause 5 of rule X the following action was taken by the Speaker: The Committee on Economic and Educational Opportunities discharged from further consideration.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FATTAH (for himself, Mr. ROMERO-BARCELO, Mr. FILNER, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. MCKINNEY, Ms. NORTON, Mr. THOMPSON, and Mr. TOWNS):

H.R. 3349. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to authorize Federal Home Loan Banks to make advances for community development activities to units of general local government and for such advances to be guaranteed by community development block grants amounts to which such units of local government become eligible, to expand the community participation requirements relating to community development loan guarantees to include participation of major community stakeholders, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. BARRETT of Nebraska (for himself, Mr. ROBERTS, Mr. BEREUTER, and Mr. CHRISTENSEN):

H.R. 3350. A bill to extend contracts between the Bureau of Reclamation and irrigation districts in Kansas and Nebraska, and for other purposes; to the Committee on Resources.

By Mr. FOGLIETTA (for himself, Mr. BONIOR, Mr. WAXMAN, Ms. MCKINNEY, Mr. RAHALL, Mr. KLECZKA, Mr. WATT of North Carolina, Mr. MINGE, Mr. MORAN, Mr. LANTOS, Mr. KENNEDY of Massachusetts, Mr. COLEMAN, Ms. NORTON, Mr. BARRETT of Wisconsin, Mr. EVANS, Ms. RIVERS, Mr. FILNER, Mr. DEUTSCH, Mr. SERRANO, Mr. LIPINSKI, and Mr. HINCHEY):

H.R. 3351. A bill to establish a Corporate Independence Commission, for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concern.

By Mr. HASTINGS of Florida:

H.R. 3352. A bill to award a congressional gold medal to representatives of Varian Fry in recognition of the tremendous effort he made at great personal risk to secure the escape of thousands of trapped Jewish artists, writers, and intellectuals from the Nazis in Europe and the greatly detrimental treatment he received at the hands of the U.S. Government as a result; to the Committee on Banking and Financial Services.

H.R. 3353. A bill to establish a commission to study employment and economic insecurity in the workforce in the United States; to the Committee on Economic and Educational Opportunities.

By Mr. HAYWORTH:

H.R. 3354. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Committee on Resources.

By Mr. HINCHEY:

H.R. 3355. A bill to require Medicare providers to disclose publicly staffing and performance in order to promote improved consumer information and choice, to protect employees of Medicare providers who report concerns about the safety and quality of services provided by Medicare providers or who report violations of Federal or State law by those providers, and to require review of the impact on public health and safety of proposed mergers and acquisitions of Medicare providers; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JOHNSON of South Dakota (for himself and Mr. LIGHTFOOT:

H.R. 3356. A bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mrs. LOWEY:

H.R. 3357. A bill to amend title II of the Social Security Act to provide for an increase of up to 5 in the number of years disregarded in determining average annual earnings on which benefit amounts are based upon a showing of preclusion from renumerative work during such years occasioned by need to provide child care or care to a chronically dependent relative; to the Committee on Ways and Means.

H.R. 3358. A bill to amend title II of the Social Security Act to repeal the 7-year restriction on eligibility for widow's and widower's insurance benefits based on disability; to the Committee on Ways and Means.

H.R. 3359. A bill to amend title II of the Social Security Act to provide for increases in widow's and widower's insurance benefits by reason of delayed retirement; to the Committee on Ways and Means.

H.R. 3360. A bill to amend title II of the Social Security Act to eliminate the 2-year waiting period for divorced spouse's benefits following the divorce; to the Committee on Ways and Means.

H.R. 3361. A bill to amend title II of the Social Security Act to provide for full benefits for disabled widows and widowers without regard to age; to the committee on Ways and Means.

By Mrs. MALONEY:

H.R. 3362. A bill to increase access of State child support enforcement agencies to certain financial information of noncustodial parents, and to encourage States to improve their enforcement of child support obligations; to the Committee on Ways and Means, and in addition to the Committee on Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCDADE:

H.R. 3363. A bill to establish within the Department of the Navy a mission to enhance and increase knowledge of the oceans; to the Committee on National Security.

H.R. 3364. A bill to designate a U.S. Courthouse in Scranton, PA, as the "William J. Nealon United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. MCINNIS:

H.R. 3365. A bill to redesignate the Black Canyon of the Gunnison National Monument as a national park, to establish the Gunnison Gorge National Conservation Area, to establish the Curecanti National Recreation Area, to establish the Black Canyon of the Gunnison National Park Complex, and for other purposes; to the Committee on Resources.

H.R. 3366. A bill to direct the Secretary of Interior to convey the Collbran reclamation project to the Ute Water Conservancy District and the Collbaran Conservancy District; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHUMER:

H.R. 3367. A bill to amend the National Highway System Designation Act of 1995 to increase the number of States that may participate in the State infrastructure bank pilot program authorized by that act; to the Committee on Transportation and Infrastructure.

By Mr. STEARNS:

H.R. 3368. A bill to permit retired members of the Armed Forces and their dependents who are entitled to Medicare to enroll in the Federal Employees Health Benefits Program; to the Committee on National Security, and in addition to the Committee on Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 3369. A bill to provide notice to employees when there are reductions in business operations and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. MCDADE:

H.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. LEWIS of Kentucky (for himself and Mr. MONTGOMERY):

H. Con. Res. 168. Concurrent resolution calling upon the members of the Army Reserve to wear army uniforms on April 23 each year and calling upon the American people to remember the members of the Army Reserve and those who support them; to the Committee on National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CALLAHAN:

H.R. 3370. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Top Gun*; to the Committee on Transportation and Infrastructure.

By Mr. GRAHAM:

H.R. 3371. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade vessel *White Wing*; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 218: Mr. QUINN.

H.R. 248: Mr. THORNBERRY.

H.R. 528: Ms. DELAURO.

H.R. 580: Mr. BOEHLERT.

H.R. 620: Mr. BECERRA.

H.R. 739: Mrs. MYRICK.

H.R. 789: Mr. SPRATT.

H.R. 873: Mrs. CUBIN and Mr. KENNEDY of Massachusetts.

H.R. 969: Mr. MANZULLO.

H.R. 973: Mr. LATOURETTE.

H.R. 1005: Mr. MARTINI.

H.R. 1023: Ms. SLAUGHTER, Mr. CHAMBLISS, and Mr. JACKSON.

H.R. 1161: Mr. FUNDERBURK.

H.R. 1210: Mr. BARCIA of Michigan.

H.R. 1227: Mr. ARCHER.

H.R. 1507: Mr. OLVER.

H.R. 1618: Ms. GREENE of Utah.

H.R. 1713: Mr. WATTS of Oklahoma and Mr. MONTGOMERY.

H.R. 1758: Mr. RANGEL and Mr. FILNER.

H.R. 1776: Mr. WALKER, Mr. NEAL of Massachusetts, Mr. MANTON, Mr. ROMERO-BARCELO, Mr. STARK, Mr. SOLOMON, Ms. ESHOO, and Mr. WHITFIELD.

H.R. 2026: Mr. GREEN of Texas, Miss COLLINS of Michigan, Mrs. THURMAN, Mr. PETERSON of Minnesota, Mrs. COLLINS of Illinois, Mr. WISE, Mr. TOWNS, Ms. SLAUGHTER, Mr. SANDERS, Mr. STENHOLM, and Ms. DELAURO.

H.R. 2178: Mrs. MALONEY.

H.R. 2244: Mr. CAMP and Mr. HUTCHINSON.

H.R. 2246: Mr. FLAKE.

H.R. 2270: Mr. KIM.

H.R. 2285: Mr. STUMP, Mr. FUNDERBURK, Mr. PETE GEREN of Texas, Mr. ROHRABACHER, Mr. ROMERO-BARCELO, and Mr. HAYES.

H.R. 2320: Mr. TORRICELLI, Mr. PORTER, Mr. SCHAEFER, Ms. GREENE of Utah, Mr. CRANE, Mr. TATE, and Mr. LATHAM.

H.R. 2472: Mr. HILLIARD, Mr. DIXON, Mr. MCDERMOTT, Mr. SABO, Ms. PRYCE, Mr. ORTON, Ms. MCKINNEY, and Mr. DICKS.

H.R. 2497: Mr. WELDON of Florida, Mr. NORWOOD, Mr. BARR, and Mr. BOEHNER.

H.R. 2579: Mr. MCHUGH, Mr. FUNDERBURK, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. NORWOOD.

H.R. 2682: Mr. MANTON.

H.R. 2723: Mr. SHADEGG.

H.R. 2779: Mr. CRAPO, Mr. HASTERT, and Mr. MONTGOMERY.

H.R. 2875: Mr. ENGLISH of Pennsylvania.

H.R. 2892: Mr. PORTER and Mr. DELLUMS.

H.R. 2893: Mr. CRAMER.

H.R. 2932: Mrs. CLAYTON, Mr. TAYLOR of North Carolina, and Mr. THORNBERRY.

H.R. 2951: Mr. BRYANT of Texas.

H.R. 2994: Mr. JACOBS and Mr. CARDIN.

H.R. 3008: Mrs. CUBIN, Mr. WELLER, Mr. HORN, and Mr. KENNEDY of Massachusetts.

H.R. 3081: Mr. SCOTT, Mr. PASTOR, Ms. ROYBAL-ALLARD, Mr. SERRANO, Ms. VELAZQUEZ, Mr. TEJEDA, Mr. DE LA GARZA, Mr. ORTIZ, Mr. ROMERO-BARCELO, Mr. FILNER, and Mr. DURBIN.

H.R. 3089: Mr. HINCHEY, Mrs. CLAYTON, Ms. NORTON, and Mr. CAMPBELL.

H.R. 3118: Mr. LINDER, Mr. WELLER, Mr. MCCRERY, Mr. GILMAN, Mr. FLAKE, and Mr. DOYLE.

H.R. 3119: Mr. FLAKE.

H.R. 3142: Mr. FLANAGAN, Mrs. THURMAN, Mr. SCHIFF, Mr. WAMP, Mr. KOLBE, Mr. TATE, Mr. CONDIT, Mr. LAFALCE, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BLUTE, Mr. CUNNINGHAM, Mr. FILNER, Mr. GOODLATTE, Mr. UNDERWOOD, Mr. DURBIN, Mr. HAYWORTH, and Mr. BOEHLERT.

H.R. 3144: Mr. BAKER of Louisiana, Mr. BALLENGER, Mr. BARR, Mr. BARRETT of Nebraska, Mr. BARTLETT of Maryland, Mr. BARTON of Texas, Mr. BATEMAN, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BLILEY, Mr. BONILLA, Mr. BONO, Mr. BRYANT of Tennessee, Mr. BUNNING of Kentucky, Mr. BURTON of Indiana, Mr. CALVERT, Mr. CALLAHAN, Mr. CANADY, Mr. CHAMBLISS, Mrs. CHENOWETH, Mr. CHRYSLER, Mr. CLINGER, Mr. COBURN, Mr. COLLINS of Georgia, Mr. COX, Mr. CRAPO, Mr. CREMEANS, Mr. CUNNINGHAM, Mr. DELAY, Mr. DICKEY, Mr. DORNAN, Ms. DUNN of Washington, Mr. EMERSON, Mr. EHRLICH, Mr. EVERETT, Mr. FOLEY, Mr. FORBES, Mrs. FOWLER, Mr. FUNDERBURK, Mr. GEKAS, Mr. GILLMOR, Mr. GRAHAM, Ms. GREENE of Utah, Mr. HANSEN, Mr. HASTINGS of Washington, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOBSON, Mr. HORN, Mr. HOSTETTLER, Mrs. JOHNSON of Connecticut, Mr. JONES, Mr. KIM, Mr. KINGSTON, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAHOOD, Mr. LARGENT, Mr. LAUGHLIN, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. LONGLEY, Mr. LUCAS, Mr. MCCOLLUM, Mr. MCHUGH, Mr. MCINNIS, Mr. MCINTOSH, Mr. MCKEON, Mr. MANZULLO, Mr. METCALF, Mr. MICA, Mr. MILLER of Florida, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. NETHERCUTT, Mr. NEUMANN, Mr. NORWOOD, Mr. PACKARD, Mr. ROTH, Mr. SAXTON, Mr. SCARBOROUGH, Mr. SHAW, Mr. SKEEN, Mr. SOLOMON, Mr. SOUDER, Mr. STOCKMAN, Mr. STUMP, Mr. TALENT, Mr. THORNBERRY, Mr. TIAHRT, Mrs. VUCANOVICH, Mr. WAMP, Mr. WATTS of Oklahoma, Mr. WELDON of Pennsylvania, Mr. WELDON of Florida, Mr. WHITFIELD, Mr. WICKER, Mr. YOUNG of Alaska, and Mr. ZELIFF.

H.R. 3172: Ms. ROYBAL-ALLARD, Mr. SAXTON, and Mr. WALSH.

H.R. 3173: Mr. ACKERMAN.

H.R. 3199: Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. ROHRABACHER, Mr. LARGENT, Mr. WHITFIELD, Mr. COBLE, Mr. PETE GEREN of Texas, Mr. FAZIO of California, Mr. PETERSON of Minnesota, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. HEFNER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mrs. KELLY, Mr. FRANKS of Connecticut, Mr. MANTON, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. STUMP, Mr. GILMAN, Mr. WHITE, Mr. ZIMMER, Mr. HAYES, Mr. BOUCHER, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. GRAHAM, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. KINGSTON, Mr. WICKER, Mr. GUTKNECHT, Mr. INGLIS of South Carolina, Mr. FRELINGHUYSEN, Mr. CHRYSLER, Mr. SOUDER, Mr. CHRISTENSEN, Mrs. MYRICK, Mrs. SEASTRAND, Mr. HASTINGS of Washington, Mr. RADANOVICH, Mr. OBERSTAR, Mr. STENHOLM, Mr. LATOURETTE, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. MILLER of Florida, and Mr. FOLEY.

H.R. 3201: Mr. MOORHEAD, Mr. ROHRABACHER, Mr. LARGENT, Mr. WHITFIELD, Mr. COBLE, Mr. PETERSON of Minnesota, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mrs. KELLY, Mr. FRANKS of Connecticut, Mr. BARTLETT of Maryland, Mr. TORKILDSEN, Mr. GILLMOR, Mr. WHITE, Mr. ZIMMER, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. WICKER, Mr. GUTKNECHT, Mr. INGLIS of South Carolina, Mr. CHRYSLER, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. SOUDER, Mr. STUMP, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. OBSERSTAR, Mr. STENHOLM, and Mr. FOLEY.

H.R. 3207: Mr. PETRI, Mr. BRYANT of Texas, Mrs. LINCOLN, Mr. NORWOOD, Mr. KLUG, Mr. OXLEY, Mr. GREENWOOD, Mr. MCNULTY, Mr. STUPAK, and Mr. ROBERTS.

H.R. 3217: Mr. SAWYER and Mr. BROWN OF OHIO.

H.R. 3224: Mr. HORN and Mr. QUINN.

H.R. 3226: Ms. ESHOO.

H.R. 3234: Mr. DELAY, Mr. COMBEST, Mr. COBLE, Mr. HEFLEY, Mr. BEREUTER, Mr. FAWELL, Mr. ZELIFF, Mr. KNOLLENBERG, Mr. CRANE, Mr. CUNNINGHAM, Mr. SAM JOHNSON, Mr. BONO, Mr. LATHAM, Mr. HERGER, Mr. COLLINS of Georgia, Mr. GUNDERSON, and Mr. HAYWORTH.

H.R. 3246: Mr. KANJORSKI, Mr. MORAN, and Mr. BRYANT of Texas.

H.R. 3247: Mr. DIXON, Ms. WOOLSEY, Mr. MONTGOMERY, Mr. LEVIN, Mr. COSTELLO, Mrs. MEEK of Florida, Mr. JACOBS, Mr. WARD, Mrs. CLAYTON, Mr. FAZIO of California, Ms. ESHOO, Mr. FROST, Mr. FRAZER, Mr. DOYLE, Ms. JACKSON-LEE of Texas, Mr. FARR, Mr. FALEOMAVAEGA, and Ms. LOFGREN.

H.R. 3251: Mr. JOHNSON of South Dakota, and Mr. BREWSTER.

H.R. 3253: Mr. SOLOMON, Mr. MATSUI, Mr. TRAFICANT, Mr. ROMERO-BARCELO, Mr. HUNTER, Mr. TANNER, Mr. HANCOCK, Mr. HORN, Mr. FRANK of Massachusetts, Mr. JACOBS, Mr. GONZALEZ, Mr. FRAZER, Mr. FROST, Mr. JOHNSON of South Dakota, Mr. BREWSTER, Mr. CRANE, Mr. MANTON, Mr. PASTOR, Mr. KENNEDY of Rhode Island, Mr. STOKES, Mr. MOAKLEY, Mr. ARCHER, Mr. HEFNER, and Mr. CONDIT.

H.R. 3275: Mr. BLUTE, Mr. MCHALE, Mr. CREMEANS, Mr. WOLF, Mr. RAMSTAD, Mr. HOBSON, Mr. SOLOMON, and Mr. FAWELL.

H.R. 3286: Mr. INGLIS of South Carolina.

H.R. 3294: Mr. ABERCROMBIE, Mr. MILLER of California, Mr. ACKERMAN, Ms. ESHOO, Mr. BROWN of California, and Mr. MANTON.

H.R. 3300: Mr. HOSTETTLER, Mr. LARGENT, Mr. TALENT, Mr. DUNCAN, and Mr. HEFLEY.

H. Con. Res. 10: Ms. RIVERS, Mr. MANTON, and Mr. SPRATT.

H. Con. Res. 47: Mr. SALMON, Mr. GANSKE, Mr. EHLERS, and Mr. FILNER.

H. Con. Res. 50: Mr. FUNDERBURK.

H. Con. Res. 83: Mr. JEFFERSON.

H. Con. Res. 139: Mr. KINGSTON.

H. Con. Res. 151: Mr. BECERRA, Mr. ROMERO-BARCELO, Mr. GREEN of Texas, Mr. FORD, Mr. BERMAN, Mr. RANGEL, Mrs. MINK of Hawaii, and Mr. DIAZ-BALART.

H. Con. Res. 154: Mr. STARK, Mr. PAYNE of Virginia, Mr. ACKERMAN, Mr. POMEROY, Mr. CLYBURN, Mr. MARTINEZ, Mr. HINCHEY, and Mr. WYNN.

H. Con. Res. 156: Ms. WOOLSEY.

H. Con. Res. 160: Mr. HALL of Ohio, Mr. CLINGER, Mr. FUNDERBURK, Mr. TORRICELLI, Mrs. MEEK of Florida, Mrs. LOWEY, Mr. ABERCROMBIE, Mr. ROHRABACHER, Mr. MCDADE, Mr. MATSUI, Mr. BEILENSON, Mrs. MORELLA, Mr. HORN, Mr. LEACH, Mr. WARD, Mr. MANZULLO, Mr. WOLF, Mr. KIM, Mr. EHRLICH, Mrs. KELLY, Mrs. SCHROEDER, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. RICHARDSON, Mr. TOWNS, Mr. MCDERMOTT, Mr. REED, Mr. WALSH, Mr. SOLOMON, Mr. LAFALCE, Ms. VELAZQUEZ, Ms. NORTON, Mr. FRELINGHUYSEN, Mr. GUNDERSON, Mr. OXLEY, Mr. HOBSON, and Mr. MCNULTY.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rules XXII, sponsors were deleted from public bills and resolutions as follows:

[Omitted from the Record of March 19, 1996]

H.R. 2745: Mr. RICHARDSON

[Submitted April 30, 1996]

H.R. 1972: Mr. METCALF.

H.R. 2951: Mr. BROWN of California.

PETITIONS, ETC.

Under clause 1 of rule XXII,

71. The SPEAKER presented a petition of Chief Ambassador and Consul General, Republic of Texas, relative to a copy of "Diplomatic Notice of Perfection of International Relations Between the United States of America and the 'Republic of Texas' "; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted to follows:

H.R. 2149

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 1: Page 10, line 23, strike "(5)" and insert "(5)(A)".

Page 11, line 7, strike the closing quotation marks and the final period.

Page 11, after line 7, insert the following:

"(B) Notwithstanding subparagraph (A), the essential terms of a contract entered into under this section shall be made publicly available electronically in a manner prescribed by the Commission. This subparagraph does not apply to service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste.

"(C) For purposes of subparagraph (B), the essential terms of a contract shall include—

"(i) the origin and destination port ranges in the case of port-to-port movements, and the origin and destination geographic areas in the case of through intermodal movements;

"(ii) the commodity or commodities involved;

"(iii) the minimum volume;

"(iv) the line-haul rate;

"(v) the duration;

"(vi) service commitments; and

"(vii) the liquidated damages for nonperformance, if any.".

Page 14, line 11, insert "except as provided by section 8(b)(4)(B)," after "(B)".

At the end of section 301(a) of the bill insert the following:

The Secretary of Transportation shall delegate such functions, powers, and duties to the Surface Transportation Board.

H.R. 2149

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 24, line 15, strike "United States carriers" insert "one or more ocean common carriers".

H.R. 2149

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 3: Page 24, strike lines 19 through 24 and insert the following:

"(b)(1) The Secretary shall issue regulations by June 1, 1997, that prescribe procedures and requirements governing the submission of price and other information necessary to enable the Secretary to determine under subsection (g) whether prices charged by carriers are unfair, predatory, or anticompetitive.

"(2)(A) If information provided to the Secretary under this subsection does not result in a finding by the Secretary of a violation of this section or enforcement action by the Secretary, the information may not be made public and shall be exempt from disclosure under section 552 of title 5, United States Code, except for purposes of an administrative or judicial action or proceeding.

"(B) This paragraph does not prohibit disclosure to either House of the Congress or to a duly authorized committee or subcommittee of the Congress.".

H.R. 2149

OFFEERED BY: MR. TRAFICANT

AMENDMENT NO. 4: At the end of title II, add the following new section:

SEC. 203. REPORT BY THE SECRETARY.

The Secretary shall report to the Congress by January 1, 1998, and annually thereafter, on—

(1) actions taken by the Secretary under the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) and section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708); and

(2) the effect on United States maritime employment of laws, rules, regulations, policies, or practices of foreign governments, and any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country, that adversely affect the operations of United States carriers in United States oceanborne trade.

EXTENSIONS OF REMARKS

HONORING THE RICKMAN VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rickman Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MARYNEZ TORRES

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I pay tribute today to a brave young woman in my district whose quick thinking saved her family.

Ms. Marynez Torres, 15 was baby-sitting her two younger brothers when a fire broke out in the kitchen of the family's home. Unable to extinguish the fire, Ms. Torres rushed her two brothers out of the house to a safe location and dialed "911".

She was recently honored by both the Hodgkins Village board president and the Pleasantview Fire Protection District for her heroic efforts. As Pleasantview Fire Chief Dan Hermes told Ms. Torres, "You did everything right. We thank you for remembering what to do."

Mr. Speaker, I commend Ms. Torres for her quick thinking that saved the life of her two brothers.

"WE THE PEOPLE * * * THE CITIZEN AND CONSTITUTION" PROGRAM

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BURTON of Indiana. Mr. Speaker, on April 27–29, 1996, more than 1,300 students from 50 States and the District of Columbia were in Washington, DC to compete in the national finals of the We the People * * * The Citizen and the Constitution program. I am proud to announce that the class from Lawrence Central High School from Indianapolis, represented the 6th district of the State of Indiana. These young scholars worked diligently to reach the national finals by winning local competitions in their home State.

The distinguished members of the team representing Indiana are: Amber Anderson, Carrie Anderson, Heather Bailey, Alicia Crichton, Nathan Criswell, Finda Fallah, Jeremy Freismuth, Lourie Gilbert, Robert Gordon, Phillip Gray, Amanda Gross, Tim Halligan, Lindsey Hamilton, Brandon Hart, Scott King, Brent Patterson, Mike Petro, Megan Pratt, Jason Roberts, Anthony Roque, C. David Smith, Tony Snider, Tomeka Stansberry, Crystal Sullivan, Sarah Thompson, Gene Wagner, Maurice Williams, and Mike Zabst.

I would also like to recognize their teacher, Drew Horvath, who deserves much of the credit for the success of the team. The district coordinator, Langdon Healy, and the State coordinator, Robert Leming, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People * * * The Citizen and the Constitution program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People * * * program, now in its 9th academic year, has reached more than 70,400 teachers, and 22,600,000 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People * * * program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I am very proud of the achievements of these students from Lawrence Central High School.

TRIBUTE TO DALE BROWN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. PORTMAN. Mr. Speaker, I am extremely pleased to rise today in recognition of Ms. Dale P. Brown, a distinguished citizen of Cincinnati.

On Wednesday, May 1, Ms. Brown will receive the prestigious Human Relations Award from the Cincinnati Chapter of the American Jewish Committee, a much deserved honor for all of the work she has done both professionally and for her community.

Ms. Brown has made quite a mark on Cincinnati. As the president and CEO of the Sive/Young & Rubicam advertising firm, Dale Brown has led her company through a period of rapid growth and deep community involvement.

Dale Brown also helped reengineer the United Way "Shaping the Future" Task Force, is the communications chair for the 1996 United Way campaign, and was named a Career Woman of Achievement by the Cincinnati YWCA. And I have had the pleasure of working with Ms. Brown, in her role as a founding member of the steering committee of the Coalition for a Drug-Free Greater Cincinnati, a grassroots group that I organized to fight the war on drugs at the local level.

Mr. Speaker, I hope that you will join me and the rest of my colleagues in recognizing Dale Brown for all her selfless contributions to her community. Whether leading her business to unprecedented success or volunteering in the fight against teenage drug use, Brown is an inspiration to those around her. Cincinnati is fortunate to have someone of her caliber in our midst.

PRAISING OUR DIPLOMATIC CORPS

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. RICHARDSON. Mr. Speaker, as a member of our Permanent Select Committee on Intelligence, I have had the unique opportunity to participate in a number of highly sensitive foreign affairs missions. In each of my overseas assignments, I have had the great pleasure of working with exceptional members of our diplomatic corps.

Sadly, the corps is not always appreciated as the State Department has been under siege, even by some Members of this body who seek to undermine the activity of our diplomatic corps to properly represent U.S. interests and citizens overseas.

The work that our diplomats do in representing this country has a profound impact. Their work enables our country to engage in international business, but more importantly, they save our country blood by defusing crises before we need to send our military.

Ambassadors, and indeed our entire diplomatic corps, are our country's first line of defense and are critical to our national security and interest.

Our most able Ambassador to Spain, the Honorable Richard Gardner recently presented an eloquent case defending and explaining the work of our diplomats. I urge my colleagues to review Ambassador Gardner's March 29, 1996, speech to the American Society of International Law which is excerpted here.

WHO NEEDS AMBASSADORS?

I come to you as a deeply troubled ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

During the Cold War there was also confusion and ignorance, but at least there was bipartisan consensus on the need for American leadership in defending freedom in the world against Soviet aggression and the spread of totalitarian communism.

Much of my work as ambassador to Italy was dominated by this overriding priority. At a time when some Italian leaders were flirting with the compromesso storico—a government alliance between Christian Democrats and an Italian Communist Party still largely oriented toward Moscow—I was able to play a modest role in making sure the Italians understood why the United States opposed the entry of Communist parties into the governments of NATO allies.

When the Soviet Union began threatening Europe by deploying its SS-20 missiles, it was vitally important for NATO to respond by deploying the Pershing 2 and cruise missiles. It soon became clear that the deployment could not occur without a favorable decision by Italy. Our embassy in Rome was able to persuade an Italian Socialist Party with a history of hostility to NATO to do an about-face and vote for the cruise missile deployment in the Italian Parliament along with the Christian Democrats and the small non-communist lay parties.

Some years later Mikhail Gorbachev said it was the NATO decision to deploy the Pershing and cruise missiles—not the Strategic Defense Initiative as some have claimed—that helped bring him to the realization that his country had to move from a policy based on military threats to one of accommodation with the West.

So at the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our embassies overseas.

Now that there is no longer a Soviet Union and a Communist threat, what is our foreign policy all about? And what is the current need for ambassadors and embassies?

A common refrain heard today is that American foreign policy lacks a single unifying goal and a coherent strategy for achieving it. But precisely because the post Cold War world is so complex, so rapidly evolving, and characterized by so many diverse threats to our interests, it is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

Perhaps we should start by recalling what our foreign policy was all about before there was a Cold War. It was about trying to create a world in which the American people could be secure and prosperous and see their deeply held values of political and economic freedom increasingly realized in other parts of the world. Well, that is still the purpose of our foreign policy today.

Presidents Franklin Roosevelt and Harry Truman, with broad bipartisan support from Republicans like Wendell Willkie and Arthur Vandenberg, sought to implement these high purposes with a policy of practical internationalism, which I define as working with other countries in bilateral, regional and global institutions to advance common interests in peace, welfare and human rights.

Our postwar "founding fathers" in both political parties understood the importance of military power and the need to act alone if necessary in defense of U.S. interests. But they also gave us the United Nations, the Bretton Woods organizations, GATT, the Marshall Plan, NATO and the Point Four program as indispensable instruments for achieving our national purposes in close cooperation with others.

We are working with host governments to restore momentum to the endangered Middle East peace process by mobilizing international action against the Hamas terrorists and their supporters, providing technical assistance and economic aid to the Palestinian authority, encouraging the vital Syrian-Israeli negotiations, and promoting regional Middle East economic development.

We have been consulting with key European governments such as Spain as well as with the EU Commission in Brussels on how to bring a peaceful transition to democracy in Cuba.

On the second priority: confronting the new transnational threat:

Having worked successfully with our host governments for the unconditional and indefinite extension of the Non-Proliferation Treaty—a major diplomatic achievement—we are focusing now on building support for a Comprehensive Test Ban Agreement, on keeping weapons of mass destruction out of the hands of countries like Iran, Iraq and Libya, and on securing needed European financial contributions for the Korean Energy Development Organization, an essential vehicle for terminating North Korea's nuclear weapons program.

We are working to strengthen bilateral and multilateral arrangements to assure the identification, extradition and prosecution of persons engaged in drug trafficking, organized crime, terrorism and alien smuggling, and we are building European support for new institutions to train law enforcement officers in former Communist countries, such as the International Law Enforcement Academy in Budapest.

And we are giving a new priority in our diplomacy to the protection of the global environment, coordinating our negotiating positions and assistance programs on such issues as population, climate change, ozone depletion, desertification, and marine pollution. For we have learned that environmental initiatives can be vitally important to our goals of prosperity and security: negotiations on water resources are central to the Middle East peace process, and a Haiti denuded of its forests will have a hard time supporting a stable democracy and keeping its people from flooding our shores.

On the third priority: promoting open markets and prosperity:

Having worked with our host countries to bring a successful conclusion to the Uruguay Round, we are now busily engaged in discussing left-over questions like market access for audiovisuals, telecommunications, and bio-engineered foods, and new issues like trade and labor standards, trade and environment, and trade and competition policy.

We are also encouraging the enlargement of the European Union to Central and Eastern Europe and we are reporting carefully on the prospects of the European Monetary Union by the target date of 1999 and on the implications of an EMU for U.S. interests.

In carrying out this rich global foreign policy agenda we will be greatly assisted by the agreement that was reached in Madrid last December between President Clinton, Prime Minister Felipe Gonzalez and President Jacques Santer of the European Commission on the "New Transatlantic Agenda" and its accompanying "U.S.-EU Action Plan."

These documents were a major achievement of Spain's EU presidency. They represent an historic breakthrough in U.S. relations with the European Union, moving those relations beyond consultation to common action on almost all of the foreign policy questions I cited earlier and many others I have no time to mention.

A senior-level group from the United States, the European Commission and the EU Presidency country (currently Italy) is responsible for monitoring progress on this large agenda and modifying it as necessary.

The Madrid documents commit the U.S. and the EU to building a new "Transatlantic Marketplace." We have agreed to undertake a study on the reduction or elimination of tariffs and non-tariff barriers between the two sides of the Atlantic. Even as the study proceeds, we will be looking at things that can be done rather promptly, such as eliminating investment restrictions, duplicative testing and certification requirements, and conflicting regulations. This means more work not only in Brussels and Washington but in each of our embassies.

We will also be following closely the EU's Intergovernmental Conference (IGC) that is now opening in Turin. The common foreign and security policy provided for in the Maastricht Treaty is still a work in progress. Although the EU provides substantial economic aid and takes important regional trade initiatives, it has so far proved unable to deal with urgent security crisis like those in the former Yugoslavia and the Aegean.

The IGC offers an opportunity to revise EU institutions and procedures so that a common foreign and security policy can be made to work in an EU whose membership could grow from 15 to 27 in the decade ahead. We hope that opportunity will be seized.

What changes the IGC should make in the Maastricht Treaty is exclusively for the EU countries to decide, but the United States is not indifferent to the outcome. We believe our interests are served by continuing progress toward European political as well as economic unity, which will make Europe a more effective partner for the United States in world affairs.

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible. The politics of our national budget situation has ominous implications for our foreign policy in general and our international diplomacy in particular.

Let us begin with some very round numbers. We have a Gross Domestic Product of about $7 trillion and a federal budget of about $1.6 trillion. Nearly $1.1 trillion of that $1.6 trillion goes to mandatory payments—the so-called entitlement programs such as Medicare, Medicaid, and social security and also federal pensions and interest on the national debt. The remaining $500 billion divides about equally between the defense budget and civilian discretionary spending—which account for some $250 * * *.

Of the $250 billion of civilian discretionary spending, about $20 billion used to be devoted on the average of years to international affairs—the so-called 150 account. This account includes our assessed and voluntary payments to the UN, our bilateral aid and contributions to the international financial institutions, the U.S. Information Agency's broadcasting and educational exchange programs, and the State Department budget.

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account, goes to Israel and Egypt—rightly so, in my opinion, because of the priority we accord to Middle East peace. So under the Congressional balanced budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

that we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

that we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

that we must drastically cut back the reach of the Voice of America and the size of our Fullbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

that we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crisis where our national interests are at * * *.

Why did they do these things?

Because they understood the growing interdependence between conditions in our country and conditions in our global neighborhood.

Because they understood that our best chance to shape the world environment to promote our national security and welfare was to share costs and risks and other nations in international institutions.

And because they understood that our national interest in the long run would best be served by realizing the benefits of reciprocity and stability only achievable through the development of international law.

Listening to much of our public debate, I sometimes think that all this history has been forgotten, that we are suffering from a kind of collective amnesia. I submit that the basic case for American world leadership today is essentially the same as it was before the Cold War began. It is a very different world, of course, but the fact of our interdependence remains. Obviously, in every major respect, it has grown.

What are the specific foreign policy priorities in the Clinton Administration? In a recent speech at Harvard's Kennedy School, Secretary of State Warren Christopher identified three to which we are giving special emphasis—pursuing peace in regions of vital interest, confronting the new transnational security threats, and promoting open markets and prosperity.

The broad lines of American policy in these three priority areas are necessarily hammered out in Washington. But our embassies constitute an essential part of the delivery system through which those policies are implemented in particular regions and countries.

This includes not only such vital multilateral embassies as our missions to the UN in New York, Geneva and Vienna, and to NATO and the European Union in Brussels, but also our embassies in the more than 180 countries with which we maintain diplomatic relations.

Americans have fallen into the habit of thinking that ambassadors and embassies have become irrelevant luxuries, obsolete frills in an age of instant communications. We make the mistake of thinking that if a sound foreign policy decision is approved at the State Department or the White House, it does not much matter how it is carried out in the field.

This is a dangerous illusion indulged in by no other major country. Things don't happen just because we say so. Discussion and persuasion are necessary. Diplomacy by fax simply doesn't work.

Ambassadors today need to perform multiple roles. They should be the "eyes and ears" of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government.

They need to build personal relationships of mutual trust with key overseas decisionmakers in government and the private sector. They should also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

In a previous age of diplomacy, U.S. ambassadors spent most of their time dealing with bilateral issues between the United States and the host country. Bilateral issues are still important—assuring access to host country military bases, promoting sales of U.S. products, stimulating educational and cultural exchanges are some notable examples. And every embassy has the obligation to report on and analyze political and economic developments in the host country that may impact on U.S. interests.

But most of the work of our ambassadors and embassies today is devoted to regional and global issues—indeed, to acting upon the three key priorities identified by Secretary Christopher in his Kennedy School speech. Let me give you some examples based on my experience in Madrid and with my fellow ambassadors in Europe:

On the first priority: pursuing peace in regions of vital interest:

We are working with our host countries to fashion common policies on the continued transformation of NATO, Partnership for Peace, NATO enlargement, and NATO-Russia relations.

After having secured host country support for the military and diplomatic measures that brought an end to the fighting in Bosnia, we are now working to assure the implementation of the civilian side of the Dayton Agreement, notably economic reconstruction, free elections, the resettlement of refugees, and the prosecution of war crimes.

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world-class diplomatic establishment as the delivery vehicle for our foreign policy.

A final word on this critical last point. The money which Congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

In our Madrid embassy, to take an example, this will leave us with something like three political and three economic officers besides the ambassador and deputy chief of mission to perform our essential daily diplomatic work of advocacy, representation and reporting in the broad range of vitally important areas I have enumerated. Our other embassies face similarly devastating reductions.

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting is the critical overt component of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

Under the pressure of Congressional budget cuts, the State Department is eliminating 13 diplomatic posts, including consulates in such important European cities as Stuttgart, Zurich, Bilbao and Bordeaux. The Bordeaux Consulate dated back to the time of George Washington. Try explaining to the French that we cannot afford a consulate there now when we were able to afford one then when we were a nation of 3 million people.

The consulates I have mentioned not only provided important services to American residents and tourists, they were political lookout posts, export promotion platforms, and centers for interaction with regional leaders in a Europe where regions are assuming growing importance. Now they will be all gone.

Closing the 13 posts is estimated to save about $9 million a year, one quarter of the cost of an F-16 fighter plane. Bilbao, for example, cost $200,000 a year. A B-2 bomber costs about $2,000 million. I remind you that $2 billion pays nearly all the salaries and expenses of running the State Department—including our foreign embassies—for a year.

Let us be clear about what is going on. The commendable desire to balance our national budget, the acute allergy of the American people to tax increases (indeed, their desire for tax reductions), the explosion of entitlement costs with our aging population, and the need to maintain a strong national defense, all combine to force a drastic curtailment of the civilian discretionary spending which is the principal public vehicle for domestic and international investments essential to our country's future.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment. The President and the Secretary of State are doing their best to correct this state of affairs, but they will need greater support from the Congress and the general public than has been manifest so far if this problem is to be properly resolved.

I submit that it will not be resolved, until there is a recognition that the international affairs budget is in a very real sense a national security budget—because diplomacy is our first line of national defense. The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

TRIBUTE TO CALIFORNIA WORKING GROUP

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor the California Working Group, whose TV producers are being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families for their production of "We Do the Work."

California Working Group has for 6 years produced "We Do the Work," the only national public television series that addresses contemporary life and issues faced by working people. The weekly series has been broadcast on more than 130 PBS stations across the country, with programs highlighting Americans' concerns about unemployment, child labor, job wages, job migration, health and safety issues, and job training, as well as programming which examines the labor culture, media coverage of work issues, and leadership within the labor movement.

The staff and board of directors of California Working Group have succeeded in their mission by producing programs that bring positive images of working people to television. The distinguished producers and members on the staff are Patrice O'Neill, Rhian Miller, Linda Peckham, Kyung Sun Moon, Debra Chaplan, Valerie Lapin, Craig Berggold, and Steve Diputado and the board of directors are Rome Aloise, Mary Anne Barnett, Danny Beagle, Barbara Byrd, Art Carter, Dave Elsila, John Garcia, Kathy Garmezy, Jeff Greendorfer, Conn Hallinan, Ben Hudnall, Bob Kalaski, Karen Keiser, Shelley Kessler, Ed Logue, Ken Lohre, Jack McNally, Kerry Newkirk, Gladys Perry, Art Pulaski, Erica Rau, Charlie Reiter, Alicia Ribeiro, Steve Roberti, Dan Scharlin, Steve Shriver, Carole Sickler, Dave Sickler, and Michael Straeter. Together they have successfully provided a forum for ordinary Americans to speak their minds and share their stories with the public at large.

California Working Group productions have been awarded Golden and Silver Apple Awards from the National Educational and Film & Video Festival, silver and gold plaques from the Chicago International Film Festival, and the Sidney Hillman Award.

Mr. Speaker, the California Working Group is an exemplary nonprofit organizations that has contributed great depth and diversity to our community and the labor movement. I ask my colleagues to join me in saluting the California Working Group, its staff and board of directors whose dedication and commitment to quality programming has given a voice to working Americans.

HONORING THE ROCK CITY/ROME VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rock City/Rome Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO EMIL SCHIEVE POST, AMERICAN LEGION ON ITS 75TH ANNIVERSARY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to an outstanding veterans organization in my district, the Emil Schieve Post of the American Legion, in Lyons, IL, as it celebrates its 75th anniversary this year.

The post was founded in 1921 by a group of World War I veterans. Its namesake, Emil Scheive was the first Lyons man killed in World War I. He died in action in France on October 4, 1918.

In its three quarters of a century in, the post has had four homes, moving to its current location at 4112 Joliet Avenue, the village's former library in 1967. In honor of its anniversary, the post is displaying historical photos from its archives that not only highlight its history, but the community's as well.

Mr. Speaker, I commend the members, living and past, of Emil Schieve American Legion Post on its 75th anniversary serving the veterans of their community.

TRIBUTE TO TING LOU

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. MANTON. Mr. Speaker, I rise today to pay tribute to Ting Lou of Stuyvesant High School in Manhattan who was chosen Monday March 11, 1996, as the second place winner in the prestigious Westinghouse Science Awards.

Mr. Speaker, since 1942, the Westinghouse Science Talent Search has identified and encouraged high school seniors nationwide to pursue careers in science, mathematics, and engineering.

Westinghouse Talent Search alumni have won more than 100 of the world's most coveted science and math awards and honors. Five have gone on to win the Nobel prize, three have been awarded the National Medal of Science, and thirty have been elected to the National Academy of Sciences.

Mr. Speaker, Ting Lou finished second among the 1,869 nationwide entries. She investigated gene expression, a fundamental cellular process, and proposed a mechanism for turning gene expression on and off.

Ting Lou who resides in Woodside, NY attends Stuyvesant High School, a magnet school located in Manhattan which contributed four overall finalists, only one of two schools nationwide to contribute multiple finalists.

Mr. Speaker, I am proud to recognize the achievements of Ting Lou and I know my colleagues join me in congratulating her and all the other finalists in the Westinghouse Talent Search.

FUTURE OF U.S. DIPLOMACY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAMILTON. Mr. Speaker, several weeks ago, Richard Gardner, our distinguished ambassador to Spain, gave a thoughtful speech entitled, "Who Needs Ambassadors? Challenges to American Diplomacy Today." I believe these remarks are very relevant to our ongoing deliberations on H.R. 1561, which would authorize spending levels for the State Department and other foreign policy agencies. Ambassador Gardner points out what happens to American foreign policy when our Ambassadors do not have the resources to conduct our business overseas. He rightly points out that "what our ambassadors and embassies do is one of our country's best kept secrets." I commend his remarks to my colleagues.

WHO NEEDS AMBASSADORS? CHALLENGES TO AMERICAN DIPLOMACY TODAY

EXCERPTS FROM AN ADDRESS BY RICHARD N. GARDNER, U.S. AMBASSADOR TO SPAIN, TO THE ANNUAL BANQUET OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW, MARCH 29, 1996

I * * * come to you as a deeply troubled Ambassador. I am troubled by the lack of understanding in our country today about our foreign policy priorities and the vital role of our embassies in implementing them. I sometimes think that what our ambassadors and embassies do is one of our country's best kept secrets.

* * * * *

[A]t the height of the Cold War, it did not take a genius to understand the need for strong U.S. leadership in the world and for effective ambassadors and embassies in support of that leadership.

Today, however, there is no single unifying threat to help justify and define a world role for the United States. As a result, we are witnessing devastating reductions in the State Department budget which covers the cost of our Embassies overseas.

* * * * *

The constructive international engagement we all believe in will continue to be at risk until we all do a better job of explaining its financial requirements to the American people and the Congress.

* * * * *

[I]t is difficult to encapsulate in one sentence or one paragraph a definition of American foreign policy that has global application.

* * * * *

In his address to Freedom House last October, President Clinton spelled out for Americans why a strong U.S. leadership role in the world is intimately related to the quality of their daily lives:

"The once bright line between domestic and foreign policy is blurring. If I could do anything to change the speech patterns of those of us in public life, I would almost like to stop hearing people talk about foreign policy and domestic policy, and instead start discussing economic policy, security policy, environmental policy—you name it."

* * * * *

Ambassadors today need to perform multiple roles. They should be the "eyes and ears" of the President and Secretary of State; advocates of our country's foreign policy in the upper reaches of the host government; resourceful negotiators in bilateral and multilateral diplomacy. They need to build personal relationships of mutual trust with key overseas decision-makers in government and the private sector. They should also radiate American values as intellectual, educational and cultural emissaries, communicating what our country stands for to interest groups and intellectual leaders as well as to the public at large.

* * * * *

The question that remains to be answered is whether the American people and the Congress are willing to provide the financial resources to make all this activity possible.

* * * * *

Congressional spending cuts have now brought the international affairs account down to about $17 billion annually—about 1 percent of our total budget. Taking inflation into account, this $17 billion is nearly a 50 percent reduction in real terms from the level of a decade ago. For Fiscal Year 1997, the Congressional leadership proposes a cut to $15.7 billion. Its 7-year plan to balance the budget would bring international affairs spending down to $12.5 billion a year by 2002.

Keep in mind that about $5 billion of the 150 account goes to Israel and Egypt * * * So under the Congressional balance budget scenario only $7.5 billion would be left four years from now for all of our other international spending.

These actual and prospective cuts in our international affairs account are devastating. Among other things, they mean:

That we cannot pay our legally owing dues to the United Nations system, thus severely undermining the world organization's work for peace and compromising our efforts for UN reform.

That we cannot pay our fair share of voluntary contributions to UN agencies and international financial institutions to assist the world's poor and promote free markets, economic growth, environmental protection and population stabilization;

That we must drastically cut back the reach of the Voice of America and the size of our Fulbright and International Visitor programs, all of them important vehicles for influencing foreign opinion about the United States;

That we will have insufficient funds to respond to aid requirements in Bosnia, Haiti, the Middle East, the former Communist countries and in any new crises where our national interests are at stake;

That we will have fewer and smaller offices to respond to the 2 million requests we receive each year for assistance to Americans overseas and to safeguard our borders through the visa process.

And that we will be unable to maintain a world class diplomatic establishment as the delivery vehicle for our foreign policy.

The money that congress makes available to maintain the State Department and our overseas embassies and consulates is now down to about $2.5 billion a year. As the international affairs account continues to go down, we face the prospect of further cuts. The budget crunch has been exacerbated by the need to find money to pay for our new embassies in the newly independent countries of the former Soviet Union.

In our major European embassies, we have already reduced State Department positions by 25 percent since Fiscal Year 1995. We have been told to prepare for cuts of 40 percent or more from the 1995 base over the next two or three years.

* * * * *

I have to tell you that cuts of this magnitude will gravely undermine our ability to influence foreign governments and will severely diminish our leadership role in world affairs. They will also have detrimental consequences for our intelligence capabilities since embassy reporting in the critical overt component of U.S. intelligence collection. In expressing these concerns I believe I am representing the views of the overwhelming majority of our career and non-career ambassadors.

Having no effective constituency, spending on international affairs is taking a particularly severe hit within the civilian discretionary account and with it the money needed for our diplomatic establishment.

The failure to build solid international relationships and treat the causes of conflict today will surely mean costly military interventions tomorrow.

REFLECTIONS OF HOLOCAUST

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. SCHUMER. Mr. Speaker, I rise today to acknowledge a fifth grade student, Samantha Peay, from my district who has written the most beautiful and profound poem on the Holocaust. Her astute analysis of this chilling event reminds us of the horror and pain that so many endured. I congratulate Samantha for her eloquent poem and hope that students in classrooms throughout the world will also explore the history of the Holocaust.

REFLECTIONS OF HOLOCAUST

(By Samantha Peay)

Eyes ablaze in frightened faces
Staring into empty spaces
Arms and hands that bear a stamp
Lonely and scared in a crowded camp
Tortured, beaten, waiting for the kill
Death houses waiting cold and still
Its frightening to look back and think
Trying to make a people extinct
It may have happened long ago
In a place I do not know
I read and talk about this sorrow
But can it happen again tomorrow?
Can some madman filled with hate
Cause a future holocaust date?
Never again must we torture, kill or burn
From the pages of history we must learn
People of the world take a stand
Tell the world throughout the land
Spread the news from door to door
Holocaust, Holocaust never more!

HONORING THE RUTHERFORD VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rutherford Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MARCY VACURA SCHULTZ

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to honor Marcy Vacura Schultz, a dedicated community leader from California's 14th Congressional District who is being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families with the prestigious Unity Award.

Marcy Vacura Schultz is the business manager of the Building and Construction Trades Council of San Mateo County. She is the first woman to be elected to such a position in the United States. As a former flight attendant, she led 2,500 coworkers in a strike against a major airline in 1983. Based on her belief that female-dominated unions should be treated equally with male-dominated unions, she successfully lobbied the California Joint Legislature to pass a resolution in support of flight attendants and convinced then-Congresswoman Barbara Boxer to launch a national boycott of conscience against the airline. She worked with 12 cities and the board of supervisors to pass resolutions in support of protecting the existing California prevailing wage laws. She is currently working to assist the economic growth and development of the city of East Palo Alto.

Marcy Vacura Schultz has distinguished herself in San Mateo County in the labor movement. Since joining the Building Trades Council as assistant manager in 1987, she has worked with the Private Industry Council, the Advisory Council on Women, the County Economic Development Advisory Council and has been inducted into San Mateo County's Women's Hall of Fame. She was a founding member of the START program, a project designed to train women in nontraditional jobs, and currently serves on the board of directors of Shelter Network of San Mateo County, the County Expo Advisory Board, the Housing Task Force, and the County Leadership Council on the United Way.

Mr. Speaker, Marcy Vacura Schultz is an outstanding citizen of California's 14th Congressional District. I salute her for the commitment she brings to, and the contributions she has made to our community and the labor movement. I ask my colleagues to join me in saluting Ms. Schultz as she is awarded the prestigious Unity Award.

ATOMIC VETERANS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I rise today in support of a group of forgotten cold war veterans who, along with their families, are suffering the after-affects of serving in the military during the nuclear age.

I am speaking of atomic veterans and their survivors. These service people were the ones called in to clean up after accidents involving nuclear weapons, apparently with little regard to their safety and long-term health.

While we may never fathom the number and full extent of these accidents, there are two we do know something about, thanks mainly to the diligence of many of the veterans involved in these cleanups who brought the truth to their fellow citizens.

One mishap occurred in Greenland in 1968, when a B–52 bomber carrying four 1.1 megaton bombs crashed, spreading radioactive debris across the frozen tundra. Service people, who were not even issued protective masks, reportedly picked up the deadly pieces with shovels, and in some cases, their bare hands.

In a 1962 incident, Navy personnel on Johnston Atoll in the Pacific were subjected to incredibly high levels of radioactive materials for days when a Thor rocket tipped with a 1.4 megaton warhead blew up on the launch pad during testing. Debris strewn about the atoll, including across the air strip, prevented the flight crews of a Navy air patrol squadron from leaving for days.

Veterans of this squadron suffer from various cancers, teeth and hair loss, sterility, joint disease, eyesight failure and reproductive problems. However, the most insidious manifestation of this problem may not be among these veterans, but in their children, who are also suffering from their parents' exposure. These children suffer from a variety of ailments, ranging from learning disabilities to congenital deformities, related to genetic damage to their parents who were stationed at these nuclear hot spots.

I believe that these children have suffered because of the negligence of our Government toward their parents, and therefore, am a cosponsor of H.R. 2401, the Atomic Veterans Survivors Benefits Act. This much needed legislation was introduced by my good colleagues from Illinois, Mr. HYDE and Mr. FAWELL.

This bill would simply treat the children of atomic veterans suffering from these disabilities like veterans with service-related injuries in regard to compensation. Advocates for those who served at nuclear hot spots such as Johnston Atoll and Greenland include the Veterans Rights Coalition and the Alliance of Atomic Veterans.

Mr. Speaker, I encourage my colleagues to join me in supporting H.R. 2401. It is the least this country can do for those veterans and their children who have ended up as casualties of the cold war long after it ended.

TRIBUTE TO THE CREW OF THE COAST GUARD CUTTER "BRAMBLE"

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BONIOR. Mr. Speaker, I have the privilege to represent the constituents of the Tenth Congressional District in Michigan. This part of Michigan borders Lake Saint Clair, the Saint Clair River, and Lake Huron, one of the five Great Lakes. It is a beautiful area where our water resources are treasured as a source of recreation and commerce.

The ice that forms on these waters in the winter is always impressive. In the spring, the ice often becomes treacherous for the fans of ice fishing. And, in some years, the ice is a major inconvenience, not only to shipping, but to the residents of places like Harsen's Island.

Ice flows were particularly troublesome this spring. Mother Nature prevented the Harsen's Island ferry from operating, stranding the island's residents. Many freighters have had to wait near Detroit and Port Huron for the United States and Canadian Coast Guard ice cutters to clear a path. This year, the cutters' abilities were seriously challenged.

However, in keeping with the U.S. Coast Guard's vision as "the world's premier maritime service," the crew of the *Bramble* was "Sempter Paratus," always ready to perform their duties. In addition to breaking up the ice, the *Bramble* also provided emergency ferry service to the residents of Harsen's Island.

We are truly fortunate to have people committed to serving our nation as members of the Coast Guard. Regardless of conditions, these professionals stand ready to assist people 24 hours a day.

On behalf of the residents of Harsen's Island, and all of us who are grateful for the Coast Guard's devotion to duty, I ask that my colleagues join me in offering a sincere thank you to these "Lifesavers and Guardians of the Sea," especially to the crew members of the *Bramble*.

BUREAU OF INDIAN AFFAIRS REORGANIZATION ACT OF 1996

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAYWORTH. Mr. Speaker, today I am introducing the Bureau of Indian Affairs Reorganization Act of 1996. This legislation will address the long-standing problem of an overly bureaucratic BIA which is often unresponsible to the trial constituencies it is supposed to serve.

Since its establishment in 1824, the BIA has functioned as the lead agency through which the Federal Government carries out its trust responsibilities to native Americans. However, the evidence shows that the BIA largely fails to meet these obligations. Recent reports indicate that the BIA cannot account for billions of dollars it was supposed to hold in trust for native Americans. The Interior Department Inspector General has reported that many BIA school facilities are very poorly maintained and, in some cases, native American children must attend classes in buildings that have been condemned.

Compounding these problems is the lack of tribal input into BIA priorities and operations. There have been several attempts to reorganize and reform the BIA, including, most recently, the Joint Tribal/BIA/DOI Reorganization Task Force. Despite the fact that the Joint Reorganization Task Force submitted its final recommendations in the fall of 1994, shortly thereafter the BIA proposed its own organizational reform plan. Most tribes opposed the BIA proposal, in large part because the BIA plan was not devised with tribal input and because it ignored several key recommendations of the Joint Reorganization Task Force which the tribes supported.

The legislation that I am introducing, the Bureau of Indian Affairs Reorganization Act of 1996, will address these issues by allowing tribes to assume certain functions of the BIA. The bill requires the BIA to enter into negotiations with tribes to reorganize the agency. Tribes in the jurisdiction of each BIA Area Office will be allowed to decide which functions the BIA will continue to provide, and which functions the tribes will take over. These decisions may differ from region to region, as some tribes are more willing and able than others to administer particular services. Tribes which choose to perform certain BIA functions will receive corresponding BIA funds. Before any negotiated reorganization plan for a BIA Area Office is implemented, it must be approved by a majority of tribes in that region.

As you can see, Mr. Speaker, this legislation does not prescribe a certain outcome to reorganization of the BIA, but instead requires the BIA to follow a particular process which respects the sovereignty of tribal governments and our trust responsibilities to native Americans. The Senate Committee on Indian Affairs has already approved legislation, authored by my colleague from Arizona, Senator JOHN MCCAIN, similar to the bill I am introducing today. I hope that my colleagues will join me in supporting this effort to reform the BIA.

HONORING THE PORTLAND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Portland Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO JOHN F. HENNING

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Ms. ESHOO. Mr. Speaker, I rise today to pay tribute to Ambassador John F. "Jack" Henning, a distinguished leader who is being honored by the 110 affiliated local unions of the Central Labor Council of San Mateo County, AFL–CIO, and their 65,000 members and families.

John F. Henning has dedicated his life to fight for racial and economic equality for all working women and men in California, the Nation, and internationally. He began his successful career in the labor movement in1938 while working with the Association of Catholic Unionists in San Francisco. He continued his fight for working people of the Nation while serving in the highest offices of government as the State Labor Federation's research director, director of the State's industrial relations department, Under Secretary of Labor in both the Kennedy and Johnson administrations, and U.S. Ambassador to New Zealand.

John F. Henning has been one of the most eloquent spokespersons in our time for the rights of working people. John F. Henning's leadership has produced some of the great milestones in labor's history, from the passage of landmark proworker legislation in California, to gaining labor rights for farm workers, to fighting for affirmative action as a regent of the University of California, to leading the successful fight to have the university divest in apartheid South Africa.

Mr. Speaker, John F. Henning is an exceptional man who has graced the stage of our Nation's labor movement. I ask my colleagues to join me in honoring and saluting him for his leadership, his commitment and his dedication to the workers of our Nation.

REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HAMILTON. Mr. Speaker, I take great pleasure in bringing to the attention of my colleagues excerpts from a speech recently delivered by our Ambassador to the United Nations, Madeleine K. Albright, at the Thomas Aquinas College in Sparkill, NY, on "Initiatives for World Peace." Ambassador Albright was the guest speaker in The Honorable Benjamin Gilman Lecture Series sponsored by that college. I commend Congressman GILMAN for his leadership in foreign affairs and for inviting Ambassador Albright to speak at this important function. I ask that excerpts of her speech reviewing U.S. foreign policy initiatives and the U.S. role in the United Nations be included in the CONGRESSIONAL RECORD.

REMARKS OF AMBASSADOR MADELEINE K. ALBRIGHT, REPRESENTATIVE TO THE UNITED NATIONS

Dr. Fitzpatrick, Chairman Gilman, faculty, students and friends, I am delighted to be here. As a former professor, I get a little homesick every time I visit a university campus, especially a beautiful campus such as this, especially in spring.

So I feel very much at home. I am pleased to play a part in your celebration this week of Dr. Fitzpatrick's inauguration. And I am honored to deliver a lecture named for our mutual friend, Representative Ben Gilman.

I have known Ben Gilman for many yerars. Throughout his career, he has been a thoughtful and principled public servant and a virgorous advocate of American leadership around the world. He has been an especially strong defender of human rights. I hope that those of you who live in this District are as proud of your representative as I am sure he is of you.

This morning, I would like to discuss America's role at the United Nations within the context of our overall foreign policy, and with an eye towards past lessons, present realities and future challenges.

Today's threats include the spread of nuclear and other advanced arms, the rise of international criminal cartels, the poisoning of our environment, the mobility of epidemic disease, the persistence of ethnic conflict and—as we have seen too often in recent weeks—the deadly and cowardly threat of terror.

Despite all this, the trend towards isolationism in America is stronger today than it has been in 70 years. As I know Representative Gilman would agree, this trend must be rejected.

We must, of course, devote primary attention to problems at home. Our position in the world depends on good schools, a healthy economy, safe neighborhoods and the unity of our people.

Today, under President Clinton, we are called upon to develop a new framework—to protect our citizens both from old and emerging threats and to reinforce principles that will carry us safely into the next century.

That framework begins with our armed services.

As we have seen in recent years in the Persian Gulf, Haiti and the Balkans, the U.S. military is the most potent instrument for international order and law in the world today. And it is keeping America safe.

That is why our armed forces must remain modern, mobile, ready and strong. And as President Clinton has pledged, they will.

America must also maintain vigorous alliances—and we are.

In Europe, the trans-Atlantic alliance is defying those who thought it would fall apart as soon as the Soviet empire disappeared. NATO air strikes played a key role in ending the Balkans War. And for the first time in history, there exists a real possibility of a fully democratic Europe, fully at peace.

In Asia, our core relationships with Japan and South Korea remain strong and our commitments are being met. During the President's visit to the Far East this week, he made it clear to North Korea that there is no future in military adventurism but that the door to multilateral discussion and negotiation is open. And he re-iterated our insistence that the problems between China and Taiwan must be resolved without violence.

This brings us to the third element in our foreign policy framework: creative diplomacy in support of peace. Here, our goal is to build an environment in which threats to our security and that of our allies are diminished, and the likelihood of American forces being sent into combat is reduced.

One way to do that is lower the level of armaments around the world. Last year, we were able to gain a global consensus to extend indefinitely and without conditions the Treaty barring new nations from developing nuclear weapons. That is a gift to the future.

Currently, we are working hard to build a similar consensus achieve the total elimination of anti-personnel landmines—weapons that kill or maim 26,000 people per year around the world, mostly innocent civilians.

This brings us to a fourth essential element in our foreign policy framework, and one of particular interest to me, and that is the United Nations.

The UN performs many indispensable functions, from establishing airplane safety standards to feeding children, but its most conspicuous role—and the primary reason it was established—is to help nations preserve peace.

The Clinton Administration has continued efforts, begun under President Bush, to improve and reform UN peacekeeping. We know that the better able the UN is to contain or end conflict, the less likely it is that we will have to send our own armed forces overseas.

UN peacekeepers have shown that they can separate rivals in strategic parts of the world, such as Cyprus, South Asia and the Persian Gulf.

They can assist democratic transitions as they have done successfully in Namibia, Cambodia, El Salvador, Mozambique and Haiti.

And they can save lives, ease suffering and lower the global tide of refugees, as they have done in Africa and former Yugoslavia.

During the Cold War, most UN peace missions were limited to separating rival forces, with their consent, until permanent peace agreements could be forged. Today's more complex operations include a menu of functions from humanitarian relief to disarming troops to repatriating refugees to laying the groundwork for national reconstruction.

There is a limit, however, to how ambitious these new peacekeeping mandates should be. The challenge of keeping a peace is far simpler than that of creating a secure environment in the midst of ongoing conflict. In Somalia and Bosnia, the Security Council sent forces equipped for peacekeeping into situations with which they could not cope. We are determined not to make that mistake again.

So, at out insistence, the Council has adopted rigorous guidelines for determining when to begin a peace operation. We are insisting on good answers to questions about cost, size, risk, mandate, and exit strategy before a mission is started or renewed.

We are also working to make the UN more professional.

Five years ago, the UN's peacekeeping office consisted of a handful of people—mostly civilians—working nine to five. Today, a 24 hour situation center links UN headquarters to the field and a host of military officers are on hand. A Mission Planning service helps assure that lessons learned from past missions are incorporated in future plans. And special units focused on training, civilian police, de-mining, logistics and financial management all contribute to an integrated whole.

The goal of these efforts is to design peacekeeping operations that don't go on forever, don't cost too much, don't risk lives unnecessarily and do give peoples wracked by conflict a chance to get back on their feet.

The UN's role in responding to conflicts and other emergencies is especially important now, when we have so many emergencies is especially important now, when we have so many of them. Like other eras of historical transition, ours is beset by political upheaval. The human costs are high. Over the past decade, the number of regional conflicts has quintupled and the population at risk is up sixty percent.

Americans are a generous people, but we could not begin to cope with such a crisis alone. Today, twenty-seven million people are under the care of the UN High Commissioner for Refugees. Millions more benefit from the efforts of the UN Development Program, the World Food Program and the UN Children's Fund.

Working with the Red Cross and other nongovernmental organizations, UN agencies provide the shelter, food, medicine and protection that help families displaced by violence or disaster to rebuild and resume normal lives. The work is always difficult and often dangerous. It is tempting to ask those who believe the U.S. should get out of the UN what their choice would be. Are they prepared to do this work themselves? Or would they simply let the displaced and impoverished die?

Peacekeeping and emergency response are two UN functions that contribute to our security and wellbeing; another is international economic sanctions.

Since the end of the Persian Gulf war, strict economic and weapons sanctions have been in place against Iraq. Our purpose has been to prevent that country from once again developing weapons of mass destruction or threatening its neighbors with aggression.

We do not wish to hurt the Iraqi people, but Saddam Hussein has still not formally accepted the chance we have offered to sell oil to buy humanitarian supplies. He continues to squander Iraq's money building palaces for his cronies. He continues to demonstrate ruthless brutality towards those who oppose him—even within his own family. And he continues to evade full compliance with the Resolutions of the UN Security Council.

Until last summer, Iraq denied outright the existence of a biological warfare program. Because the UN refused to accept that lie, Iraq finally confessed to producing more than 500,000 liters on anthrax and botulinin toxin—enough poison to kill everyone on Earth.

Before the Persian Gulf war, the Iraqis had placed much of this material in artillery shells, ready to use. The danger to American forces and to our allies could not have been more real. And that danger will remain real until we have hard evidence that this material and the capacity to produce it have been destroyed.

So the burden of proof is not on us; it is on Iraq. Iraq must demonstrate through actions, not words, that its intentions are now peaceful and that it respects the law of nations. After years of deceit, that proof will not come easy.

Saddam Hussein's complaints about the unfairness of all this remind me of the story about the schoolboy who came home with his face damaged and his clothes torn. When his mother asked him how the fight started, he said: "It started when the other guy hit me back."

From our perspective near millennium's end, we can look back at centuries of arrangements developed to deter aggression and prevent war. Before the UN, there was the League of Nations; before that the Congress of Vienna; before that the Treaty of Westphalia; before that medieval nonagression pacts; and before that the Peloponnesian League.

No perfect mechanism has been found. We have little reason to believe it ever will. Certainly, the UN is no panacea.

But, the UN does give us military and diplomatic options we would not otherwise have. It helps us to influence events without assuming the full burden of costs and risks. And it lends the weight of law and world opinion to causes and principles we support.

That is why former President Reagan urged us to "rely more on multilateral institutions". It is why former President Bush said recently that we should "pay our debts to the UN." And it is why the Clinton Administration will continue to place a high priority on our leadership there.

Force, strong alliances, active diplomacy and viable international institutions all contribute to American security. But the final element in our foreign policy framework is even more fundamental. To protect American interests in the coming years and into the next century, we must remain true to American principles.

Some suggest that it is softheaded for the United States to take the morality of things into account when conducting foreign policy.

I believe a foreign policy devoid of moral considerations can never fairly represent the American people. It is because we have kept faith with our principles that, in most parts of the world, American leadership remains not only necessary, but welcome. And central to our principles is a commitment to democracy.

The great lesson of this century is that democracy is a parent to peace. Free nations make good neighbors. Compared to dictatorships, they are far less likely to commit acts of aggression, support terrorists, spawn international crime or generate waves of refugees.

Democracy is not an import; it must find its roots internally. But we can help to nourish those roots by opening the doors to economic integration, granting technical assistance, providing election monitors and backing efforts to build democratic institutions.

Not all of these tools work quickly, but none should be discounted. Remember that, for half a century, we refused to recognize the Soviet conquest of the Baltics. For decades, with Representative Ben Gilman in the lead, we pled the cause of emigration for Syrian and Soviet Jews. And despite the resistance of some, the west ultimately joined the developing world in isolating South Africa's racist regime.

There were times when these efforts seemed almost hopeless. We could not stop the tanks that entered Budapest in 1956 or Prague 12 years later. We could not save the victims of apartheid. But over the past decade, almost two billion people, on five continents, in more than five dozen countries, have moved towards more open economic and political systems.

Today, a global network exists helping new democracies to succeed. America belongs at the head of this movement. For freedom is perhaps the clearest expression of national purpose and policy ever adopted—and it is America's purpose.

My own family came to these shores as refugees. Because of this nation's generosity and commitment, we were granted asylum after the Communist takeover of Czechoslovakia. The story of my family has been repeated in millions of variations over two centuries in the lives not only of immigrants, but of those overseas who have been liberated or sheltered by American soldiers, empowered by American assistance or inspired by American ideals.

I will remember all my life the day the PLO-Israeli agreement was signed. I will remember, in particular, something that was said by then-Israeli Foreign Minister Shimon Peres. When the history books are written, he said:

"Nobody will really understand the United States. You have so much force and you didn't conquer anyone's land. You have so much power and you didn't dominate another people. You have problems of your own and you have never turned your back on the problems of others."

Now this generation, our generation, of Americans has a proud legacy to fulfill.

We have been given an opportunity, at the threshold of a new century, to build a world in which totalitarianism and fascism are defeated, in which human liberty is expanded, in which human rights are respected and in which our people are as secure as we can ever expect them to be.

By rejecting the temptations of isolation, and by standing with those who stand against terror and for peace around the world, we will advance our own interests; honor our best traditions; and help to answer a prayer that has been offered over many years in a multitude of tongues, in accordance with diverse customs, in response to a common yearning. We cannot guarantee peace; but we can—and will—do all we can to minimize the risks of peace.

That is our shared task as we prepare for the future.

And if we are together, it is a task in which we will surely succeed.

TRIBUTE TO SISTER ELLEN SPRINGER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. LIPINSKI. Mr. Speaker, I would like to pay tribute to an outstanding educator who was recently honored for her half century of dedication to the young people of her community.

Sister Ellen Springer, the chair of the Nazareth Academy science department, recently received a Citation for Excellence in Science Teaching from the Pittsburgh Conference Science Week Committee.

Sister Springer first joined the La Grange Park, IL, based school in 1946. In her 50 years with the school, she has helped students adjust to many changes, as the formerly girls Catholic high school became a coeducational institution.

Mr. Speaker, I commend Sister Springer on this important honor and on her five decades of dedicated service helping to shape the minds and spirits of the young people of her community.

CONGRATULATING THE AIR FORCE SERGEANTS ASSOCIATION ON ITS 35TH ANNIVERSARY

HON. G.V. (SONNY) MONTGOMERY

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. MONTGOMERY. Mr. Speaker, the Air Force Sergeants Association [AFSA] is celebrating a special event this month. On May 1, the AFSA turns 35. That is 35 years spent serving the needs of the active and retired members of the Air Force, Air Force Reserve, and Air National Guard.

Created in 1961, AFSA's mission was to provide the Air Force enlisted members a voice on the Hill. Today there number and members have grown. Currently there are 300 AFSA chapters and 160,000 members, but their mission remains the same. To speak to Congress on behalf of their members.

Through the efforts of AFSA, Congress is kept informed on important issues to the active, reserve, and retired Air Force personnel. Programs such as pay raises, dental insurance, colas, mobilization insurance, and adequate housing for service members and their families are just a few examples of AFSA's success.

Today educating Congress is just one way the AFSA works for its members. In 1983, the Airmen Memorial Foundation was established. through this fund, the AFSA has furthered their members educational goals by providing grants, scholarships, and awards. Having a longstanding tradition myself of wanting the best educated military possible, I applaud AFSA's efforts in this area.

But the AFSA knows that higher education is not for everyone. Some of their members are more interested in starting a new career when their tour is up. To help in this area, the AFSA created the postmilitary employment program. Again providing for the needs of its members.

As the AFSA begins its celebration, I would like to extend my congratulations and wish them another 35 years of success.

HONORING THE RED BOILING SPRINGS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Red Boiling Springs volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

STAND UP FOR HEAD START DAY

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HALL of Ohio. Mr. Speaker, I rise today to express my support for the Head Start Program. Since 1965, this program has helped millions of low-income children prepare intellectually, physically, and emotionally for entrance into our school system.

I have spent my career as a Congressman in pursuit of ways to ensure that the paths to success are accessible to all. Head Start represents a program that leads our country closer to this goal by providing low-income children with educational training, as well as hot meals and essential medical services. By emphasizing community and parental involvement in achieving school preparedness, the Head Start Program helps kids take the first step toward achieving self-sufficiency.

I have visited Head Start facilities in my district of Dayton, and have been impressed with the demonstrated success of these projects. During the past few months, I heard from many parents whose children have benefited from enrollment in Head Start, and who expressed their concerns over the future of funding for the program.

Head Start serves as an example of what this country is doing right. It is not a charity program, but the type of empowerment program that is instrumental to breaking the chain of poverty in this country. I am relieved that after months of debate on appropriations for 1996, the final budget package restores funding for this initiative, because we should not allow our children to be defeated before they begin.

HONORING MRS. CARLEAN OWINGS

HON. THOMAS M. DAVIS

OF VIRIGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to Mrs. Carlean Owings, who has dedicated her life's work to the education and nurturing of the children of Fairfax County in the Eleventh district of Virginia. After devoting 36 years to teaching, Mrs. Owings will be retiring this year from Armstrong Elementary School in Reston, VA.

Mrs. Owings started her teaching career in Baltimore, MD, where she taught for 8 years. In 1968, she came to Fairfax County to teach at Mosby Woods, Hunters Woods, and Terraset Elementary Schools before joining the Armstrong faculty in 1986 to teach third-grade students. Outside the classroom, Mrs. Owings continually participated in education development activities and served as a member of both the Virginia and National Education Associations.

In light of the increasing pressures we place on our educators to not only teach our children reading, writing, and arithmetic, but to discipline and provide guidance to them outside the classroom, Mrs. Owings' unwavering commitment to her student make her a model of excellence in the teaching profession. She promoted a positive classroom and school environment by encouraging her students to build personal relationships with peers, staff, and the community. With her professional and caring attitude, Mrs. Owings has inspired the many achievements of her students as well as the commendations of their parents and her colleagues.

Mr. Speaker, I know my colleagues would like to join me in applauding Mrs. Owings for her invaluable contributions to our community and to wish her and her husband much success in their future endeavors.

AMADOR HIGH SCHOOL RECOGNITION

HON. BILL BAKER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BAKER of California. Mr. Speaker, they did it again. A remarkable group of students from Amador Valley High School in Pleasanton, CA once again made it to the final round of the national "We the People * * * the Citizen and the Constitution" competition after winning the California State championship earlier this year.

Unlike last year, the Amador bunch did not win the national championship. Yet their achievement is no less formidable than it was in 1995. The top three schools were separated by only five points. And the calibre of the East Bay students' knowledge and obvious expertise was beyond question.

Praise for the Amador Team went beyond appreciation for their scholarship. As one competition judge put it, "I've been working with kids a long time, and I've never seen such an energetic, lovable group of kids."

The "We the People" Program encourages analysis and discussion among high school students as they evaluate how the Constitution is best understood within its own historical context and how it applies to current issues. The competition, established by the U.S. Congress and the Department of Education, is an effective way of encouraging young men and women to consider the ongoing importance of the Constitution to our daily lives.

The members of the Amador Valley team and their remarkable coach, civics teacher Skip Mohatt, merit high praise for their determination, dedication to excellence, and commitment to understanding those principles which embody our national life. In taking second place in the national competition, they did not lose. They simply demonstrated that a commitment to knowledge cannot be measured strictly in terms of an award. It is manifested in the way we live our lives, make decisions, and participate in society as members of a free Republic. In such an effort, there can be no true loss.

HONORING THE PUTNAM COUNTY VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Putnam County Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensitifed training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MARY MANLEY HOWARD

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. PAYNE of New Jersey. Mr. Speaker, on Thursday, May 2, a retirement dinner is being held in honor of Mary Manley Howard. Mrs. Howard is "a woman for all seasons." She has spent all of her life achieving. And through those achievements she has been better prepared to help others.

Mary Manley was born to Susie Manley in Louisburg, NC. Her family had very limited resources yet she was instilled with a sense of pride and accomplishment and was taught that she could be anything she wanted to be if she worked for it.

She knew the value of education and diligently worked to complete hers. During the summer months she would come to Jersey City, NJ, a city in my district, to work in different factories in order to save for a college education. During those summer trips she met and later married Donald Howard. Still committed to obtaining her degree, she returned to North Carolina with her husband and continued her education. She graduated from North Carolina Central University with a bachelor of arts in social studies and library science. Her studies didn't end there. She earned certificates in seven different education areas. She attended graduate school and graduated from Jersey City State College with a master of arts in reading.

Upon her return to Jersey City, she was employed by the Jersey City Board of Education. Her career in the Jersey City school system has spanned more than 36 years. She has worked as a librarian, a classroom teacher, a reading specialist, and as a title I reading coordinator.

The saying goes, "to get something done ask a busy person." That is certainly true in Mary's case. Not only has she taken care of a family but she has also lent herself to her community. She has been active, very often in leadership roles, with the College Women of Jersey City, Delta Sigma Theta Sorority, Phi Delta Kappa, the International Reading Association, the New Jersey Reading Association, the National Council of Negro Women, the New Jersey Education Association, the Jersey City Education Association, the Hudson County Education Association, the Association of Supervision and Curriculum Development, the Pavonia Girl Scouts of American, Monumental Baptist Church, and she served as a head teacher at summer school and as a volunteer probation officer.

Mr. Speaker, I am sure my colleagues will join me as I offer congratulations to Mary Manley Howard. I would also like to extend my best wishes to her and her family—her husband, Donald; and her three children, Deborah, Deirdre, and Donald, Junior.

THE 1996 NATIONAL FINALS

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. PASTOR. Mr. Speaker, from April 27 to April 29, 1996, more than 1,300 students from 50 States and the District of Columbia competed in the national finals of the We the People * * * The Citizen and the Constitution Program. I am proud to announce that a class from Nogales High School represented Arizona's Second Congressional District. These young scholars worked diligently to reach the national finals by winning the State competition in Arizona.

The distinguished members of the team representing Arizona are: Veneranda Aguirre, Victor Ahumada, Gerritt Bake, Melinda Bejarano, Hector Ceballos, Karina Celaya, Chris Chapman, Micheal Cooper, Lily Courtland, Odette Felix, Tadeo Garcia, Carlos Gonzalez, Dino Hainline, Jacob Kory, Aishah Levine, Melissa Leyva, Marco Lopez, Danny Mandel, Hector Martinez, Miguel Montiel, Loren Pruzin, Daniel Rodriquez, Peter South, Isreal Valenzuela, Alberto Vega, Sarah Wright, and Priscilla Yubeta.

I would also like to mention their teacher, Mr. George Thomson, who deserves much of the credit for the success of the team. The State coordinator, Ms. Lynda Rando also contributed a significant amount of time and effort to help Nogales High School reach the national finals.

The We the People * * * The Citizen and the Constitution Program is the most extensive educational program in the country developed specifically to educate young people about the Constitution and the Bill of Rights. The 3-day national competition simulates a congressional hearing in which students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues.

Administered by the Center for Civic Education, the We the People * * * Program now in its ninth academic year, has reached more than 70,400 teachers and 22,600 students nationwide at the upper elementary, middle, and high school levels. Members of Congress and their staff enhance the program by discussing current constitutional issues with students and teachers.

The We the People * * * Program provides an excellent opportunity for students to gain an informed perspective on the significance of the U.S. Constitution and its place in our history and our lives. I am proud that the students from Nogales High School were able to take part in the national finals, and look forward to their continued success in the years ahead.

TRIBUTE TO JOSEPH H. POTTER

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. REED. Mr. Speaker, I rise today to recognize the achievements of an accomplished businessman and civic activist. After 38 years of leadership at the Washington Trust Co. of Westerly, RI, Mr. Potter has chosen to retire. I would like to recognize him for his dedicated service and commend him as a model businessman: Dedicated to company, community, and family.

Joe joined the "home-town bank" of South County in 1958 and has presided over the bank's tremendous growth and profitability. While tending to the heavy demands of a successfully growing business, Joe also found the time to become active in both the business community and as a civic leader.

Joe has served as executive vice president and president of The Rhode Island Bankers Association, as well having served as a member of the board of directors of Washington Bancorp, Inc. The Westerly community also benefited greatly from his generous contributions.

In a town proud of its Italian heritage, Joe currently serves as the president of the Permanent Columbus Day Committee, working diligently to make the Columbus Day Parade Westerly's finest processional each year. Additionally, Joe serves as a member of the Board of Governors of Rhode Island Junior Achievement and the Board of Governors for Community Health of Westerly.

From 1968 to 1974 Joe served the community through the State legislature, serving in the Rhode Island House of Representatives. As a public servant, Joe was instrumental in drafting the State Civil Defense Preparedness Act of 1974. He also received the coveted Department of Defense Award, one of the highest awards bestowed upon civilians.

As the Congressman representing Rhode Island's Second District, I am proud to acknowledge an individual who exemplifies true humanitarianism, citizenship, a strong work ethic, and sense of commitment. Joe, your contributions to the State of Rhode Island and the town of Westerly are an inspiration to all residents of the Ocean State.

Congratualtions on the culmination of a wonderful career with the Washington Trust Co. Please accept my best wishes for all your future endeavors.

HONORING THE ROCKVALE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Rockvale Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

CONDEMNING THE MASSACRE IN AUSTRALIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to extend my deepest sympathies to the families and friends of the 35 people who were killed this past Sunday in Australia. Allegedly killed by a 28-year-old man with a history of mental illness, the killer was random and deadly with his rifle. The victims were visiting a popular tourist site in the Australian state of Tasmania when their day was interrupted by this horror.

Mr. Speaker, it is tragedy enough when one person is shot and killed. However, it is nearly unthinkable to have 35 dead and have the lives of many more changed forever because of this violence. The victims ranged in age from 3 to 72 and came from all parts of the world. On behalf of the people of the State of Florida and the entire United States, I extend my sincere condolences to the people of Australia and to all those who mourn this tragedy.

TRIBUTE TO ANDREW P. HOGAN

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. WELDON of Pennsylvania. Mr. Speaker, it is with great sadness that I rise today to honor and pay tribute to a man who devoted much of his life to helping and improving the lives of others through his dedication to the fire service. Andrew P. Hogan, a lifelong member of the fire service, passed away recently in his home in Woodlyn, PA on April 20, 1996.

A member of the fire service for over 40 years, Andy was a key leader in the State and national effort to improve the public's recognition of the fire community. Andy served as a lifetime member of the Woodlyn and Milmont fire companies, belonged to the board of directors of the Milmont fire company, and was active in the Pennsylvania State Firemen's Association, the Pennsylvania State Fire Police Association, the Keystone State Fire Chief's

Association, and the Delaware County Fire Police Association.

During his many years of service, Andy was honored for his dedication and work on numerous occasions. In 1980, he was named Fireman of the Year by Ridley Township. Andy was also honored in 1991 by the Pennsylvania State Firemen's Association who awarded him first place in their Fire Prevention Awards.

Andy took great pride in his involvement in the fire community. Because of his efforts, the fire service in Pennsylvania and throughout the United States is better off. Mr. Speaker, I know you and my colleagues join me today in celebrating the many accomplishments and achievements of Andrew Hogan and in honoring his memory.

CLINTON PUTS FRUITS OF COLD WAR VICTORY AT RISK

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. SOLOMON. Mr. Speaker, I submit for the RECORD an excellent analysis of the failures of the Clinton administration in Europe by retired Gen. William Odom.

For over 3 years, I and other Republicans have been warning of the dangers inherent in appeasement, the preferred policy of this administration. As General Odom notes, Clinton's appeasement of Russia on the question of NATO expansion puts at risk the fruits of our victory in the cold war.

What is so astonishing, Mr. Speaker, is the Clinton administration's stubborn refusal to adapt its NATO or Russia policies to the changing realities in the region. Four years ago, Russia was led by a team of young reformers determined to set Russia on a path toward democratic, free market modernity. It is these reformers whom the Clinton administration ostensibly wanted to help when it announced its massive and poorly thought out aid proposals in 1993. It is these reformers whom the Clinton administration ostensibly wanted to help when it began appeasing Russia at every turn in 1993, clamining that confronting Russia would embolden the hardliners.

Well today, not one of these reformers from 1992 and 1993, not one, remains in power. The hardliners we tried to discourage a few years ago are in control and are very much emboldened. Yet despite the fact that the resurgence of these hardliners has occurred in an atmosphere of unmitigated appeasement, the response of the Clinton administration has been, well, more appeasement.

Where does this leave us? With our NATO alliance adrift. With our friends in Central Europe in limbo. With a dangerous strategic vacuum in a historically unstable region. With a Russian Government peopled entirely by ex-Communist apparatchiks whose commitment to democracy and the free market was unknown until the Clinton administration said it was so. With the U.S. taxpayer on the hook for billions of dollars which have disappeared into a black hole. And with a Russia whose foreign and military policies become more reactionary and anti-Western by the day.

In sum, Mr. Speaker, it leaves us, as General Odom puts it, with the fruits of victory in the cold war at risk.

[From the Washington Post, Apr. 28, 1996]

WE'RE RIGHT TO BE WARY

(By William E. Odom)

Europe, from the Oder River to the Ural Mountains, may appear placid, but it is fast becoming a strategic vacuum, conducive to violence and competitive diplomacy that could eventually cause major instabilities. Only U.S. leadership can reverse this trend. But on the two central issues in the region—Bosnia and the expansion of NATO—the Clinton administration dallies and speaks in contradictory language.

The proper U.S. strategy to cope with the challenge of peaceful European realignment is simple. It consists of keeping the NATO peacekeeping forces in Bosnia long after their scheduled withdrawal in December, and of a limited expansion of NATO into central Europe. As Clausewitz observed, everything in strategy is simple but very difficult. The longer the United States hesitates in central Europe, the more difficult the challenge.

At risk are the fruits of victory in the Cold War. During the years 1989-91; Europe experienced its largest strategic realignment in history. Not only was Germany reunified and kept in NATO, but Soviet military forces completely withdrew from eastern Europe. All such earlier realignments involved wars. Thus far, this one has only catalyzed small military conflicts in the Balkans—and in the Caucaus not traditionally considered part of Europe. The key was the U.S. presence in Europe. Without aggressive U.S. diplomacy, Germany might never have been reunified, much less kept in NATO.

But this achievement, while difficult to exaggerate, is still incomplete. The West must now contain and resolve the Balkan wars and consolidate the new democratic states of central Europe against resurgent Russian ambitions. The Clinton administration's approach to these two issues is not reassuring.

Rhetorically, Clinton has defined the Bosnian issue well. He told the American people that the establishment of a stable Bosnian government is the primary goal of the NATO deployment and a critical U.S. strategic interest. The architect of the Bosnian peace agreement, Richard Holbrooke, added the logical corollary: "We cannot afford to fail." But Clinton remains committed to withdrawing the NATO peacekeeping forces by December (even if U.S. officials now acknowledge that some troops will stay longer). After that, the director of the Defense Intelligence Agency has warned, the opposing forces are likely to partition the country and then resume fighting. If withdrawal may well lead to another war, why does the Clinton administration remain committed to it.

Similarly, Secretary of State Warren Christopher has recently told Russian leaders that NATO expansion will go forward but was ambiguous about the timing. Such hesitation gives Russian hard-liners time to whip up domestic public fears and to pursue a diplomacy aimed at defeating the expansion.

Moscow has already succeeded in prodding German chancellor Helmut Kohl to retreat on the issue. He had been for it but recently called for taking it off the current agenda in light of Moscow's attitude. To be sure, the impact of Russian policy in Poland, Hungary, the Czech Republic and Slovakia has been largely negative. When Russian Foreign Minister Yvegeny Primakov visited Hungary last month, he demanded that Hungary desist from joining NATO; Hungarian Foreign Minister Laszlo Kovacs refused, reiterating Hungary's desire to enter the western alliance. Primakov was sufficiently jolted, to leave the door slightly ajar for a "compromise," "taking into account the concerns of all sides." But how long can these governments withstand Russian pressure? What alternatives will they be forced to seek?

Opponents of NATO's expansion say that the central European states should be satisfied with membership in the European Union and its security sub-group, the Western European Union. As these countries are beginning to realize, the European Union is setting economic criteria for admission that they cannot meet in this decade, and perhaps not in the next. They are likely to react by pushing much harder for early admission to NATO. If they don't get it, the only alternative for central European countries would be accommodation to Russian demands.

The hesitant U.S. policy on NATO expansion reflects anything but strong U.S. leadership. Why the delay? Several technical reasons have been advanced. The armies of these countries are insufficiently modernized to meet NATO standards. The military costs to their weak economies are too high at present. The cost to the United States of accepting the defense of these countries is too high. These arguments are mostly spurious

The external military threat to the region is so small that it imposes virtually no risk to the United States and its NATO allies for years to come. Moreover, the cost of defending the eastern border of Poland is far less than the cost of defending the inter-German border during the Cold War. And what about the more distant eastern border of Turkey we are now committed to defend? Nor is there good reason to demand that the Polish, Czech, and Hungarian armies meet NATO standards in the short term. Spain joined NATO without being able to meet them. And some countries already in NATO hardly meet them.

The real reason for hesitating on NATO expansion is fear of Russia's reaction. Admitting even three, maybe four central European countries, some administration officials believe, will strengthen Russian hardliners, divide Europe, and provoke a milder version of the Cold War. This fear should be taken seriously—but only because the administration's policy of forbearance on NATO expansion is encouraging Russian belligerence.

In the summer of 1993, Russian President Boris Yeltsin told the Polish and Czech governments that they could join NATO if they desired. He returned home and reversed his position under pressure from hard-liners in his military and in the parliament. This apparently convinced the administration that postponing NATO expansion would strengthen Yeltsin and his liberal advisers. During the subsequent two and a half years, those advisers have been replaced by hard-liners, and Yeltsin now sounds like the Russian defense minister, Gen. Pavel Grachev, the ultranationalist Vladimir Zhirinovsky and the Communist leader, Gennady Zyuganov, all of whose bash NATO expansion. In other words, hesitation has strengthened precisely those Russian leaders it was intended to weaken. If Russia's intentions beyond its current borders are in doubt, the Duma's non-binding rejection in March of the treaty ending the Soviet Union should clarify Moscow's aims; today the restoration of the Soviet Union, tomorrow Russian hegemony over central Europe.

Most American opponents of NATO expansion insist that no Russian, now favors NATO expansion. This, of course, is true. The climate of intimidation that delaying expansion has allowed to develop in Moscow makes it unsafe to express honest views on the matter. In a recent visit to Moscow, I was told by two former government officials that the United States should expand NATO quickly right after the June presidential elections. That would take the air out of the balloons of the Russian hard-liners, and they would soon come to accept it. My interlocutors also confirmed my suspicions about the climate of intimidation that prevents them and others from speaking out in favor of NATO expansion.

All this is not to say that NATO expansion is simple. Legitimate questions can be raised about the security of countries not included, particularly Ukraine and the Baltic states. Still, leaders in all of these countries privately concede that a limited NATO expansion is better for them than none, especially if additional future expansion is not ruled out in principle.

The main purpose of NATO expansion is not primarily military protection for new members but to provide an umbrella that engenders confidence among democratic and market reformers and intimidates extreme nationalists who might try to exploit ethnic minority sentiments in the way former Yugoslav communists used them to create the war in Slovenia, Croatia, and Bosnia.

The opportunities for nationalist provocation are real. A large number of Hungarians live uneasily in southern Slovakia, in Romanian Transylvania and in northern Serbia. Russia has been pressing Poland for a ground corridor to its Kaliningrad enclave on the Baltic Sea (formerly East Prussia). A Polish minority lives in Lithuania, while Latvia and Estonia have large Russian minorities. Moldava formerly part of Romania, faces an uncertain status. NATO expansion is to preempt some of these problems and to give pause to those who might exploit them.

Indeed, we cannot afford to fall in Bosnia, even if it takes more than a year to succeed, any more than we can afford to encourage an irresponsible Russian foreign policy by delaying a limited expansion of NATO. The two challenges are a single piece of cloth. And they are the unfinished business of the peaceful strategic transformation of Europe.

HONORING THE EASTERN ILLINOIS UNIVERSITY 1995 FOOTBALL SEASON

HON. GLENN POSHARD

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. POSHARD. Mr. Speaker, it has been a part of our heritage as Americans to recognize excellence. The American Dream is built upon the premise that if someone gives his best, plays by the rules and never gives up, good things will happen. Today, I want to talk about one such success story that occurred this past fall in Charleston, IL.

The 1995 Eastern Illinois University Panther football team had an outstanding 1995 campaign. Under the leadership of Coach Bob Spoo, the Panthers finished the season with a 10–2 mark—the fifth best record in school history—while qualifying for the NCAA I–AA playoffs. The team was cochampion of the Gateway Conference, and has won 14 of its last 16 games. For these accomplishments coach Spoo was named Coach of the Year by the Gateway Conference and the American Football Coaches Association Region I–AA and Co-Coach of the Year by the Football Gazette National. These are the results when a team has good leadership and is dedicated to striving for excellence.

Mr. Speaker, as their record attests, Eastern Illinois University has one of the elite football programs in the country. The Panthers have been an enormous source of pride for the surrounding community, and the prospect of spring practice is eagerly anticipated. I am honored to represent Charleston and Eastern Illinois University in Congress. I wish Coach Spoo and his players continued success as they prepare for another season in the fall.

HONORING THE SOUTHEAST VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Southeast Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO THE CENTER FOR JEWISH HISTORY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mrs. MALONEY. Mr. Speaker, today I rise to pay tribute to the Center for Jewish History. I ask my colleagues to join with me in celebrating the establishment of this very important institution and in recognizing the immeasurable contribution it will make to the study of Jewish history.

The Center for Jewish History is comprised of four established institutions: the American Jewish Historical Society; the Leo Baeck Institute; Yeshiva University Museum; and the YIVO Institute for Jewish Research. These established and highly respected institutions have become partners in the visionary creation of a center devoted to the study of Jewish history and culture. The goal of this major partnership is to house each of the partner-institutions' research libraries, preserve each of their collections of historical documents, works of art, and objects, and to plan and mount exhibits of these combined collections. The new Center for Jewish History will also publish important works of scholarship, present lectures and educational events, and sponsor fellowships in Judaic studies. With the cooperation of major universities, the center will also establish specialized graduate and post-graduate studies programs.

The collaboration of these four important institutions to form the center for Jewish History is an unprecedented enterprise. Sunday, April 28, 1996, marks the celebration of the center's founder's day. With the support of the Jewish community and the collaboration of the four established partner-institutions, the center is destined to become a major educational and cultural resource for all Americans.

Mr. Speaker, I am proud to pay tribute here today to the inception of the Center for Jewish History, whose establishment marks an important milestone in the advancement of the study and preservation of Jewish history. I ask my colleagues to join with me in this tribute and to celebrate the creation of the Center for Jewish History, a very significant contribution to the resources for advanced Judaic scholarship in the United States.

ON COSPONSORING H.R. 3199, H.R. 3200, AND H.R. 3201, FDA REFORM

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. STENHOLM. Mr. Speaker, today, I am pleased to add my name as a cosponsor of the three bills that make up the comprehensive Food and Drug Administration [FDA] reform being considered in the House. Most Americans believe that the FDA approval process for new drugs, medical devices, and foods should be streamlined to ensure that citizens have access to life-saving products. Many believe, however, that this streamlining effort also must preserve the public's confidence in the agency's mission of protecting the health and safety of consumers. I agree with both concerns and believe that both goals can be met through commonsense legislation.

While I have some concerns about these FDA reform bills, I strongly agree with the underlying principle that there are constructive reforms of FDA that should be enacted. I am cosponsoring these bills because I believe they are a step in the right direction. At the same time, I believe it is critical that the hearing process function as it should, providing an opportunity for all interested parties to air their concerns and assisting Congress in making changes in the legislation as appropriate.

Some of the people who have approached me about FDA reform have described it as a "work in progress." Therefore, I look forward to seeing what progress can be made to address some of the concerns I have heard regarding safety. In particular, I know that breast implant recipients, understandably, have some concerns along these lines. I also have had expressed to me an uncertainty about moving too quickly to privatization, as well as concerns expressed from the State level about changes in the State and Federal relationship.

I am convinced that a middle ground can be reached to reduce bureaucracy and delay, while also protecting the public health and safety. I believe that, while not perfect, these three bills set us off down that path toward appropriate FDA reform.

HONORING DELMONT LODGE 43, FORMERLY VALLEY FORGE COUNCIL, BSA

HON. JON D. FOX

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. FOX of Pennsylvania. Mr. Speaker, I rise today to recognize the accomplishments of a group of citizens that have had a tremendous impact on the 13th Congressional District over the past 66 years.

This year these citizens, members of an organization known as the Order of the Arrow, will merge their lodge, Delmont Lodge No. 43, with the founding lodge of the Order, Unami Lodge No. 1, to form a new lodge. They are merging as a result of a merger between two Boy Scout councils in the area. Valley Forge Council, which formerly served Montgomery and Delaware Counties, including the 13th Congressional District, and Philadelphia Council, which served the city of Philadelphia, consolidated their operations into the Cradle of Liberty Council on the first day of this year.

The Order of the Arrow is an honor camper society within the Boy Scouts of America. The scout units select from members in their troop those who have represented the best principles of Scouting and nominate them for membership in this organization. Following an ordeal which the candidates face several personal challenges, they become members of the brotherhood.

This organization has its roots in the Delaware valley. It was started in the summer of 1915 by E. Urner Goodman on Treasure Island, an island no more than 30 miles up river from Philadelphia in the middle of the Delaware River. He devised this organization as a means to keep young men interested in returning to summer camp every year.

Word of Goodman's organization spread, and some members of Valley Forge Council, known at that time as Delaware and Montgomery Counties Council, were inducted by members of this original lodge. As time progressed, staff at the council's camp in Green Lane, Camp Delmont, decided to start their own lodge. In 1929, with the help of Jack Foster, Delmont Lodge was born, and with it increased opportunity for the scouts in the 13th Congressional District.

One of the crowning achievements of the order has been its ability to successful combine youth leadership with adult advising. As a result, through participation in this organization millions of scouts have had the opportunity to experience direct leadership. The organization offers opportunities to work in event planning, publications, promotions, acting, and service.

Delmont's brothers have also spent innumerable hours giving service to the community and to Camp Delmont itself. They provide money for disadvantaged scouts to attend summer camp. They also promote the camp's program to over 150 individual scout units every year.

Delmont has also been recognized nationally for their outstanding level of service. In 1995, the lodge received the highest recognition any lodge can receive, the Urner E. Goodman Camping Award. It is only presented to eight lodges each year, two in each region. And in 1982, as well as every year from 1989 to 1995, they received national honor lodge recognition, ranking it consistently among the best of the lodges across the country.

Mr. Speaker, while on September 1, 1996, Delmont Lodge will merge with Unami Lodge, and despite that the name and number of this institution will no longer exist, the spirit and dedication of the individuals associated with this brotherhood will help preserve what they have accomplished over the years. These citizens will work to ensure that the new lodge works just as hard to provide assistance to just as many, if not more members of the community, and will honor their former lodge in all their endeavors.

SECOND ANNIVERSARY OF BLACK HAWK SHOOTDOWN

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. COLLINS of Georgia. Mr. Speaker, April 14 marked the second anniversary of the Black Hawk shootdown, an accident which claimed the lives of 26 international servicemen. Among the victims was Capt. Patrick McKenna, the son of my constituents, Mr. and Mrs. Robert J. McKenna of Columbus, GA.

Captain McKenna was among an elite group of brave men and women who sacrificed their lives to complete a mission of selflessness in the face of tyranny. Their bravery and courage epitomize the strength of the human spirit and the dedication of those who give their lives to defend others.

To commemorate this heroism, the Eagle Flight Detachment Memorial Monument was constructed at the Giebelstadt Army Airfield in Giebelstadt, Germany. This memorial provides a tangible reminder to the victims' families and friends that their loss will never be forgotten. I commend all parties involved who had a hand in making this project a reality.

There are still many unanswered questions concerning this accident, yet one thing is certain. These men and women died for the honor and glory of giving to others. This is an example from which we can all learn.

In remembrance of this tragedy, I would like to once again express my heartfelt sympathy to the families and friends of those lost. May they all rest in peace.

HONORING THE RIDDELTON/DIXON SPRINGS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Riddleton/Dixon Springs Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within 1 year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

COMMENDATION FOR POLICE OFFICER JOSEPH WITTE ON HIS RETIREMENT

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BORSKI. Mr. Speaker, I rise today to pay tribute to one of Philadelphia's finest police officers, Joseph Witte, on the celebration of his retirement from the force on March 22, 1996.

Joe's dedication and hard work on the police force lasted over 26 years. His police work in Philadelphia started when Joe was appointed to the police department on September 29, 1969. Four months later, he graduated from the police academy and was assigned to the sixth district where he patrolled the streets of Center City.

On July 19, 1971, Joe was transferred to the accident investigation division to investigate fatal, serious injury and hit and run traffic accidents. He was one of the first police officers to be certified as a breathalyzer operator where he performed sobriety tests on persons arrested for driving under the influence. Less than 10 years on the force, Joe was promoted to corporal and assigned to the police radio room supervising call takers and dispatchers for the northeast division. Shortly after his promotion to corporal, Joe was transferred on January 30, 1975, to the 25th district and supervised that district's operation center and cell room.

Moving up the ladder at the police department continued for Joe when he was promoted to detective and assigned to the east detective division on October 18, 1976. In 1979, Joe was transferred to the homicide division. On March 1980, he returned to the detective division and was selected as one of the first detectives assigned to a divisional, special investigation unit by then Lt. Edward McLaughlin—now deputy commissioner of license and investigation. His responsibilities ranged from investigating high profile cases to multiple crimes and acting as a liaison with other police departments.

Joe's next step up the ladder with the police force was his promotion to sergeant in 1981. He served as a patrol supervisor in the 15th district in northeast Philadelphia and 16th district in west Philadelphia. In 1986, Joe was promoted to the rank of lieutenant and again returned back to the east detective division.

On September 19, 1989, Joe was transferred back to the homicide division where he presided over the operations and investigations of No. 1 platoon. During his tenure at homicide, Joe supervised many high profile murder cases with No. 1 platoon and led his division in solved investigations. As a lieutenant with the homicide division, Joe dealt with both the broadcast and print media on a daily basis. Joe became well known to the reporters on the police beat and was often complimented for his relationship with him.

Finally, on December 19, 1994, Joe was transferred back to the east detective division and commanded that division's special investigations unit, which was responsible for the arrests in the Quaker Lace fire, The narcotic processing unit, robbery, burglary and stolen auto teams. He also acted as the division's executive officer taking over the command duties in the absence to the captain.

Now Joe is starting his career as the director of the Pennsylvania Masonic Foundation for the Prevention of Drug and Alcohol Abuse Among Children. He works with the State department of education which pays for the training of student assistance teams in schools throughout the commonwealth. Also, this group provides the training facility, lodging, meals and recreation for the police officers throughout the State while they train to be D.A.R.E. officers.

Joseph Witte's accomplishments as a dedicated and valiant officer of the Philadelphia Police Department have earned him well-deserved respect and praise from his peers. Mr. Speaker, I wish Joe all the best in his retirement from the Philadelphia Police Department.

A POINT OF LIGHT FOR ALL AMERICANS: JANIE A. GREENE

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. OWENS. Mr. Speaker, I rise to pay homage to an individual who serves as an inspiration to many. Her life of 101 years leaves an indelible impression on all with whom she comes in contact. Her life is a testament that humanness is a factor that matters most in life. Mrs. Janie A. Greene is a model human and a great point of light whose contributions to this Earth must not go unacknowledged.

For over 55 years, Mrs. Greene has worked tirelessly for the People's Institutional A.M.E. Church. She is a pillar of support in the church and has become a reliable church laborer. Throughout her five-decade service, Janie Greene has been involved with the Shut-In Club and the South Carolina Club. She has been a member of the stewardess board, trustee, auxiliary, and the missionary society. Presently, Ms. Greene is a charter member of the South Carolina Club and a member of the Virginia Smith Missionary Society.

Admirably, Janie Greene is one who knows how to enjoy life in its purest form: She is the matriarch of a prosperous family. She serves as a guiding light to those whom she welcomed into this world: her children, Thelma Greene McQueen, deceased, Clifton S. Greene, Oreda Greene Dabney, and Myrtle Green Whitmore; 11 grandchildren and scores of great-grandchildren and great-great-grandchildren. At the very least, Walley Greene, Janie's husband who passed on in 1931, has a lineage which is very well preserved.

Born in Georgetown, SC, to Prince and Clara Browne, Mrs. Janie Greene has been a beloved resident of Brooklyn for over 60 years. During this time, Janie has lived in appreciation of every hour of life. This is evident in the way she chooses to enjoy precious moments. Under no circumstances does she reserve enjoyment to those her junior. Janie enjoys gardening, reading, listening to the radio, and watching television. Mrs. Greene's favorite pastimes further include attending public events, shopping, and decorating. Preparing daily brunch for the family and sending greeting cards are also regular forms of recreation for Janie Greene.

Service to God, family, and community can be a difficult task to accomplish. Consistently, Janie Greene has made it appear to be effortless. I sincerely appreciate the richness, beauty, and dedication that mark Mrs. Greene's life. Janie Greene is a great point of light for all of the people of America to revere.

IN HONOR OF NORTH MIAMI FOUNDATION FOR SENIOR CITIZENS' SERVICES

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mrs. MEEK of Florida. Mr. Speaker, May is Older Americans Month and on May 1, 1996, the North Miami Foundation for Senior Citizens' Services will celebrate 21 years of community service at its 18th annual volunteer recognition luncheon.

In the increasingly busy world in which we live, it is vitally important to recognize the efforts of those who give freely of their own time. Without volunteers, many services would go unprovided.

In 1995 alone, the North Miami Foundation provided to North Dade's elderly 26,545 hours of chore service, 38,388 hours of friendly companionship visits, and 56,519 telephone reassurance calls. In addition, 6,227 hours of special projects were conducted by local organizations and schools. These volunteer hours are equivalent to 47 full-time staff positions.

It can easily be seen that the North Miami Foundation is exactly that: a foundation. Upon their shoulders rest thousands of people who can not as easily help themselves. The groundwork that they and their volunteers provide is truly the basis on which a community is built. I am proud to say that they are part of my constituency and rise today to thank each volunteer for their efforts.

TRIBUTE TO REV. CURLEE WINDHAM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. TOWNS. Mr. Speaker, I want to recognize Rev. Curlee Windham for his longstanding service to God and the community of Brooklyn and the members of Liberty Baptist Church. Reverend Windham is a native of St. George, SC. Employed as a New York Housing Authority housing inspector, Reverend Windham is guided by spiritual faith and devotion.

As the pastor of Liberty Baptist Church he has been instrumental in mentoring and creating spiritual leadership within the church community and the community at-large. Under the pastor's religious and organizational direction his congregation has retired the mortgage on his church. Additionally programs that nourish the soul, body, and mind have been developed under Pastor Windham's guidance. His initiatives include a 12-step program of Narcotics Anonymous, and programs that provide food, clothing, tutoring, and community outreach.

Reverend Windham has established himself as a pillar and visionary in the community. On May 3, 1996, he will celebrate his 13th anniversary of service to God, his church, and the community. I am pleased to recognize his selfless efforts and dedicated service.

ALLISON OWENS WINNER IN VOICE OF DEMOCRACY CONTEST

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. BEVILL. Mr. Speaker, I rise today to congratulate my constituent, Allison Owens of

Gadsden, who is the State winner of the Voice of Democracy broadcast scriptwriting contest, sponsored by the Veterans of Foreign Wars of the United States and its ladies auxiliary.

I am very proud of Allison who wrote a stirring script based on the patriotic theme, "Answering America's Call."

With your permission, I would like to submit her winning script for the RECORD:

ANSWERING AMERICA'S CALL

(By Allison Owens)

SSSHH, Can you hear it? It echoes in our spacious skies, it rings from purple mountainside, and crashes in our waves, from sea to shining sea. It is America's call. Can you hear it?

Washington heard it as he took a challenge many would not face by becoming this country's first President. As a general, he took many risks for this great country because he heard her call to him. But, America does not call without firmness. The call to her people is not weak. But, is strong and stern. Abraham Lincoln heard it as he took the measures needed to preserve his country in its greatest hour of trial—The Civil War. Theodore Roosevelt heard it. His answer prepared America for her role in the twentieth century as he built the world's first modern Navy. Franklin D. Roosevelt heard her call, though it was not an easy one. He responded by saying "Let me assert my firm belief that the only thing we have to fear is fear itself."

But, fear is little when you live in a country as strong as our America; we proved this in WWII. Her call is reflected with determination by her people. The slogan of the U.S. Air Force is "The difficult we do immediately, the impossible takes a little longer." Some of America's calls are quite difficult.

John F. Kennedy heard it. "A Nation of Immigrants," he called her. And, we are. Sometimes, people especially from such a diverse group of backgrounds, have a difficult time understanding each other. Kennedy also said "In the final analysis, our most basic common link is that we all inhabit this small planet. We all breathe the same air. We all cherish our children's future. And we all are mortal." Kennedy answered her call by submitting civil rights legislation to Congress to ensure equality for all. America is calling for unity. E Pluribus Unum—From Many—One. That is America. That is her call. Do you hear it?

America is facing many more trials. Her people are suffering. Franklin D. Roosevelt also said, "The test of our progress is not whether we add more to the abundance of those who have much, it is whether we provide enough for those who have too little." He answered this call by passing Social Security legislation to protect all Americans from catastrophes like the depression. America is still today calling for those who have no voice. Can you hear it?

Ronald Reagan heard it. He held the hand of a dying American spirit. He heard her call for what many people thought would be the last time. Spirit like ours. DOES NOT DIE, but will live forever no matter what trials may come our way. We overcame Vietnam. We overcame Watergate. We overcame the Iranian Hostage Crisis. Every time America has called, her people have answered. America is calling for a resurrection of triumph. We will overcome the seemingly impossible trials that lay in our path. America will never die. Answering America's call keeps her alive. Can you hear it?

Do you hear her calling to you? In big ways and small, she calls to us for we are Americans, and answering this call is part of our duty. Not just for this country, but for the world. Dwight D. Eisenhower heard it and said "Whatever America hopes to pass in this world must first come to pass in the heart of America." The Heart of America, where her call begins. Is the Heart of America not the heart of her people? Is the call of America not the call of her people? Of our people, the young, the old, the poor, the prosperous, the weak, and the strong. The ones who call to us loudly, and the ones who suffer silently. They are all America's calls. Can you hear it? Will you answer? Theodore Roosevelt said, "There can be no 50/50 Americanism in this country. There is room here for only 100% Americanism." And how can you be 100% American if you do not answer America's call? Listen, can you hear it? I can!

HONORING THE PEA RIDGE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 30, 1996

Mr. GORDON of Tennessee. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Pea Ridge Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

SENATE—*Wednesday, May 1, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, whose dwelling place is the heart that longs for Your presence and the mind that humbly seeks Your truth, we eagerly ask for Your guidance for the work of this day. We confess anything that would hinder the flow of Your spirit in and through us. In our personal lives, heal any broken or strained relationships that would drain off creative energies. Lift our burdens and resolve our worries. Then give us a fresh experience of Your amazing grace that will set us free to live with freedom and joy.

Now, Lord, we are ready to work with great confidence fortified by the steady supply of Your strength. Give us the courage to do what we already know of Your will, so that we may know more of it for the specific challenges of this day. Our dominate desire is for Your best in the contemporary unfolding of the American dream. Lead on, O King Eternal, Sovereign of this land. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today there will be a period for morning business. Senator LUGAR of Indiana has 45 minutes under his control. Following his remarks, the Senate will resume consideration of S. 1664, the immigration bill. Senators can expect rollcall votes on amendments throughout the day. A cloture vote is expected on the bill following the disposition of the Simpson amendment. It is the hope of the majority leader to complete action on the immigration bill during today's session.

I believe that Senator LUGAR is prepared to proceed. I thank the Chair and I yield the floor, Mr. President.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. KYL). There will now be a period for morning business.

Mr. LUGAR addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana, Senator LUGAR, is recognized.

Mr. LUGAR. I thank the Chair.

INDIANA SENATE HISTORY

Mr. LUGAR. Mr. President, during my campaign for reelection in 1994, a number of Indiana papers published articles describing the fourth-term jinx that had afflicted Indiana Senators and speculating whether I would be fortunate enough to overcome that jinx. Although five of my predecessors had each won three Senate elections, all of them had been defeated in their fourth race. Some of the most prominent and accomplished names in Indiana politics, including James Watson, Homer Capehart, Vance Hartke, and Birch Bayh had fallen victim to the fourth-term jinx.

The independent-minded voters of Indiana have never been shy about expressing their dissatisfaction with an incumbent. In fact, the average length of service among all Indiana Senators is just a little more than 8 years. Five Hoosier Senators held office less than a year. The shortest Senate service was that of Charles William Cathcart, who served less than 2 months of an unexpired term. Only 10 of the 43 Hoosier Senators served more than 2 terms.

One reporter—Mary Dieter, who covers Indiana politics for the Louisville Courier-Journal—added a twist to the fourth-term jinx story. She noted that even if I broke the jinx, I would not become the longest serving Indiana Senator upon being sworn in. That distinction would still belong to Daniel Wolsey Voorhees, who had served more than a year of an unexpired term before winning three of his own. He served in this body from November 1877 until March 1897.

As a consequence of Voorhees' long tenure, not until today has this Senator passed the previous record for length of service by a Senator from Indiana. This day marks my 7,059th in office, passing the 7,058-day record set by Voorhees.

I am enormously grateful to the people of Indiana for granting me the opportunity to serve them; to my family for supporting my endeavors in public service; and to all my past and present colleagues in the Senate who have made my service here so rewarding and enjoyable.

I would like to commemorate this occasion by paying homage to the important record of Hoosier service to the U.S. Senate. I regret that legislative history is a topic that rarely receives adequate attention, either in our schools or during deliberations in this body. So often our work in the Senate would improve with a greater understanding of the history that lies behind us and of our role as stewards of an institution that will survive long after all of us are gone.

I have attempted in a small way to resist the erosion of Hoosier Senate history by asking my summer interns during the last few years to research Indiana Senators. Invariably my interns are surprised and bemused by the parallels between our present legislative labors and the actions of long forgotten Senators. One wrote after researching the life of the venerable Oliver P. Morton: "One of the greatest Hoosiers of all time has been forgotten. Let us recall him and learn from his experiences."

FRONTIER YEARS

Mr. President, although few Hoosiers have had long Senate careers, many of my predecessors made indelible contributions to the Nation. Curiously, only 16 of the 43 Indiana Senators—37 percent—were born within the State: 10 were born in neighboring Ohio; 4 were born in New York; 2 each were born in Pennsylvania and Virginia; 2 were born in foreign lands; and the remaining 8 came from assorted Eastern States.

No Indiana Senator has ever been born west of the Mississippi River. For my Indiana Senate predecessors, the trek westward stopped at the Wabash River. In Indiana they found land that brought abundance, the confluence of great waterways, and a brand of frontier politics that proved irresistible to many young lawyers, farmers, and businessmen seeking to make names for themselves.

JAMES NOBLE

Ironically, one of Indiana's original Senators, James Noble, might have set an insurmountable record of service had he not died at the young age of 45. Elected by the Indiana Legislature in 1816 as a Democratic-Republican, he took office 5 days before his 31st birthday. He died during his third term on February 26, 1831. Noble's 14 years of service in the Senate would stand as a Hoosier record for three decades.

Noble was a prominent lawyer who had played a central role in Indiana's constitutional convention and was a natural choice for appointment to the Senate by the Indiana Legislature. In the Senate he was a leading advocate for using Federal funds to improve the Nation's roads and waterways, and he was instrumental in securing appropriations to extend the Cumberland Road westward from the town of Wheeling, in Virginia at that time. He argued against the view held by some of his contemporaries that Federal

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

spending on infrastructure improvements was unconstitutional. For Noble, building roads and waterways to bind the States together was a vital activity of the Federal Government.

Noble and other early Hoosier Senators had been settlers of the Indiana Territory and had weathered the rigors of frontier life. Befitting a frontier Senator, Noble always insisted on traveling to and from Washington on horseback, rather than by stagecoach.

Several Hoosier Senators participated in military campaigns against Tecumsah's Shawnees and other Indian tribes. Noble served as a colonel in the Indiana militia. Senator Waller Taylor, who was Indiana's other original Senator, served as Gen. William Henry Harrison's aide-de-camp during the War of 1812. Senator Robert Hanna, who replaced Noble, was a general in the Indiana militia.

JOHN TIPTON

But the Hoosier Senator who epitomized the rugged life in a frontier State was John Tipton, an unschooled Tennessee native, who served in the Senate from 1832 to 1839. Tipton's father was killed by Indians when the boy was just 7 years old. By the time he crossed the Ohio River into Indiana at the age of 21, Tipton was already the breadwinner of his household. He settled his mother and siblings in Harrison County, where he earned a living as a gunsmith and farmhand.

Tipton served under General Harrison during the Tippecanoe campaign, rising to the rank of brigadier general. After his military service, Tipton would become a justice of the peace, sheriff of Harrison County, Indian agent, and State legislator. He helped select the site for a new State capital that would become Indianapolis. He also did an official survey of the Indiana border with Illinois. Tipton strenuously but unsuccessfully maintained that a port on Lake Michigan called Chicago rightfully belonged within Indiana's borders.

As Senator, Tipton continued to focus on frontier issues. He served on the Military Affairs and Indian Affairs Committees. Later in his term, he became chairman of the Committee on Roads and Canals, taking over from fellow-Hoosier William Hendricks. Like his predecessors in the Senate, Tipton fought for appropriations to build roads connecting Indiana with the East.

As these roads were built and the Ohio River and Great Lakes were developed, the frontier pushed westward. By the 1840's, Indiana had developed from a frontier State into a burgeoning crossroads of commerce and travel. With this transformation, the men representing Indiana in the Senate tended to be better educated and more motivated by national political ambitions than their pioneer predecessors.

EDWARD HANNEGAN

Senator Edward Hannegan, who served in this body from 1843 to 1849 provides a good example. He was a renowned orator who sought unsuccessfully the Democratic nomination for President in 1852. The legendary Daniel Webster said of him: "Had Hannegan entered Congress before I entered it I fear I never should have been known for my eloquence."

Hannegan's mix of rhetorical fire and elegance was demonstrated on one occasion when he took to the Senate floor to denounce President Polk for his offer to Great Britain to set the northern border of the Oregon Territory at the 49th parallel. Hannegan was a leading proponent of the expansionist view that was represented by the battlecry: "54, 40, or fight." Said Hannegan of Polk:

> So long as one human eye remains to linger on the page of history, the story of his abasement will be read, sending him and his name together to an infamy so profound, a damnation so deep, that the hand of resurrection will never drag him forth. . . . James K. Polk has spoken words of falsehood with the tongue of a serpent.

POLITICAL TURBULENCE

In any event, Mr. President, Indiana's position as a crossroads of the Nation was not limited to commerce and travel. Up to the present day it also has been a crossroads for American subcultures, economic forces, and political ideas. In his 1981 bestseller "The Nine Nations of North America", Joel Garreau conceptually divided the North American Continent into nine subregions according to their economic, social, and cultural identity. It is not surprising that Garreau placed Indianapolis at the very intersection of three of these regions: the industrial Midwest centered on the Great Lakes, the broad grain growing region of the plains, and the South.

As a result, through much of its history, the cauldron of Indiana politics has been characterized by its swirling unpredictability. Viewed from a broad historical perspective, political parties in Indiana have never been able to dominate the landscape for long before they were toppled by their rivals. For example, only one time since 1863 has the seat that I hold been passed between members of the same party. In the entire history of Indiana, the two Hoosier Senate seats have never been occupied by members of the same party for longer than 16 consecutive years.

The most turbulent time in Indiana politics was the Civil War era. In many counties, residents had considerable sympathy for the southern cause, while other Hoosiers were ardent abolitionists. Democrats who opposed the war and supported the South were known as "Copperheads." Another group of Democrats opposed abolition, but wished to hold the Union together. Before the war, these Constitutional-Union Democrats backed political concessions to the South in the hope of preserving the Union without war. When war began, however, many Constitutional-Union Democrats reluctantly supported the northern war effort.

JESSE BRIGHT

Throughout the era of the Civil War and Reconstruction, at least one of the two Hoosier seats was occupied by a Democratic Senator with sympathies for the southern point of view. In 1862, one of these Senators, Jesse Bright of Madison, became the only Senator from a nonslave State to be expelled by the Senate for supporting the rebellion. The expulsion was all the more notable because Bright had served as President pro tempore from 1854 to 1856 and again in 1860. The catalyst for the expulsion was a letter from Bright to his friend Jefferson Davis written on March 1, 1861—more than a month before the attack on Fort Sumter. The letter introduced another friend, Mr. Thomas Lincoln, formerly of Madison, IN, to Davis. It read:

> MY DEAR SIR: Allow me to introduce to your acquaintance my friend, Thomas B. Lincoln, of Texas. He visits your capital mainly to dispose of what he regards [as] a great improvement in fire-arms. I recommend him to your favorable consideration as a gentleman of the first respectability, and reliable in every respect.
>
> Very truly yours,
>
> JESSE BRIGHT.

The discovery of the letter late in 1861 provided an opening to Republican Senators seeking to expel Bright for his southern leanings. The Senator not only voted against many wartime provisions, he owned slaves and a plantation in Kentucky.

On December 16, 1861, Senator Morton Wilkinson of Minnesota introduced a resolution to expel Bright. Wilkinson contended that the letter and Bright's addressing of Davis as "His Excellency Jefferson Davis, President of the Confederation of States" amounted to a recognition of the legitimacy of the secession of Southern States. Bright responded that in the days before the war began, many leaders in the North continued friendly correspondence with acquaintances in the South and that his method of addressing Davis was nothing more than the polite use of a title.

Although the Judiciary Committee recommended against expulsion, the Senate debate ran strongly against Bright. He was harshly denounced by Indiana's Republican Senator Henry S. Lane and by future President, Andrew Johnson of Tennessee. On February 5, with the Senate Gallery filled with onlookers, the Senate expelled Bright by a vote of 32 to 14. His Senate career came to an end 1 month short of 17 years. Since the Indiana Legislature was under the control of the Democratic Party in 1862 when Bright would have been up for reelection, his expulsion denied him an almost certain fourth term.

OLIVER P. MORTON

During the Civil War, Indiana was administered by Gov. Oliver P. Morton, the spiritual leader of the Indiana Republican Party. Morton went on to become one of the most important Senators of the era of Reconstruction and a national spokesman for the Republican Party. His likeness can be viewed today a few hundred feet away in Statuary Hall.

Originally a Democrat, Morton broke with his party in 1854 over the Kansas-Nebraska Act. His views on the slavery question developed in much the same manner as those of Abraham Lincoln. Beginning in the late 1850's, he was an outspoken critic of slavery. In one 1860 speech he denounced it as "a moral, social, and political evil * * * a curse to any people, a foe to progress, the enemy of education and intelligence, and an element of social and political weakness." Like Lincoln, however, Morton carefully avoided advocating outright abolition, instead focusing on stopping the extension of slavery. But after the South seceded and the fighting began, Morton was a key ally of Lincoln in prosecuting the war and supporting the Emancipation Proclamation.

Within a week of Lincoln's call for troops on April 15, 1861, Morton had organized 12,000 Hoosier recruits—a number three times Indiana's quota. Over the course of the war, Governor Morton continued to be one of the most effective troop organizers for the Union. Indiana contributed more than 200,000 soldiers to the Union war effort; all but 17,000 of these were volunteers. Morton was revered by Hoosier troops because he used State funds to ensure that Indiana's soldiers were well clothed and equipped and to care for the widows and orphans of fallen Hoosiers. Like Lincoln, Morton was not timid about using the power at his disposal. He declared martial law in parts of southern Indiana to quell subversive activities by Copperhead groups. When the State ran low on funds, Morton bypassed the Democratic legislature, financing the war effort by borrowing from private bankers and soliciting contributions from citizens and businesses.

In 1867 Morton began 10 years of service in the Senate. In 1865 he had suffered an apparent stroke that left him partially paralyzed. Despite his infirmity, he was a vigorous debater and party organizer who reveled in the political combat of the Senate. He became chairman of the Manufactures Committee and the Privileges and Elections Committee. He also served on the Foreign Affairs and Military Affairs Committees.

But the central issue during Morton's time in the Senate was, of course, Reconstruction. Though he had supported Lincoln's magnanimous gestures toward the South immediately after the war, Morton gradually became convinced that an uncompromising and complete reconstruction of the South was necessary. He led the fight for passage and ratification of the 15th amendment which granted blacks the right to vote. To gain ratification by the necessary three-fourths of the States, he proposed a floor amendment requiring several Southern States to ratify the 15th amendment as a condition for reclaiming their seats in Congress. His hardball tactics ultimately prevailed, but they brought accusations that he was overly vindictive toward the South. To these charges, he replied: "I want peace in the South. I want it as earnestly as any man can, but I want peace in the South on correct principles. I am not willing to purchase peace by conceding that they were right and we were wrong."

Morton died in 1877 before the end of his second term. With his passing, his seat fell into Democratic hands for almost 20 years. For it was the long-serving Daniel Voorhees who was appointed by the Democratic-controlled legislature to replace Morton.

DANIEL VOORHEES

Voorhees, who was known as the Tall Sycamore of the Wabash was a prominent Terre Haute lawyer who shared Jesse Bright's sympathy for the South and Edward Hannegan's passionate speaking style. During the entirety of the Civil War, Voorhees served in the House of Representatives where he frequently criticized President Lincoln. As a fervent believer in States rights, he saw the North's prosecution of the war as unconstitutional. After Lincoln issued the Emancipation Proclamation Voorhees declared:

> Ten days before he issued it he said that he had not the power to promulgate such a document and that it would do no good if he did. In that he was right for once. But I suppose he gave way to pressure. Yes, pressure. He was pressed. By whom? By Horace Greeley, that political harlot, who appeared in a praying attitude in behalf of 20 millions of people.

Lincoln's reelection in 1864 was a great disappointment to Voorhees, who hoped that the President's defeat would allow for a compromise that would reestablish both the Union and the rights of States to make their own decisions on slavery. After the war, Voorhees adopted a softer view of Lincoln because of the President's intentions to implement a magnanimous reconstruction program.

As a Senator, Voorhees was a prominent forefather of the populist movement headed by William Jennings Bryan at the end of the century. Voorhees devoted much energy to defending the agrarian interests of the Midwest and South. He opposed protectionist tariffs designed to benefit eastern manufacturers, and he advocated a liberal monetary policy that would expand currency to benefit farmers. He denounced the U.S. financial system as "an organized crime against the laboring, tax-paying men and women of the United States."

In 1893, Voorhees became chairman of the powerful Finance Committee. That year, a major financial panic caused President Cleveland to call a special session of Congress to consider the repeal of the mildly inflationary Sherman Silver Purchase Act. To pass the repeal, he needed the support of Voorhees. The issue divided Democrats, many of whom, like Voorhees, strongly supported silver purchases. But Voorhees set aside his natural inclinations to help the President from his party respond to the financial panic. Voorhees considered passage of the repeal of the Silver Purchase Act his greatest legislative accomplishment, although the measure actually did little to remedy the country's financial crisis.

HOOSIERS IN NATIONAL OFFICE

Mr. President, Senator Vorhees had the distinction of defeating a future President—Benjamin Harrison—in his first Senate election and being unseated by a future Vice President—Charles Fairbanks—in his last. In fact, the late 18th and early 19th centuries saw Indiana become a frequent supplier of candidates for national office. Circumstances had positioned Indiana to play a leading role in national politics. Indiana had grown to become the seventh largest State in the Union by the 1870's, and it had become a swing State where party control changed from election to election. Both parties, therefore, had strong incentives to put Hoosiers on their national tickets.

Of the 20 individuals who served as either President or Vice President between 1870 and 1920, five were Hoosiers. Only New York, with six, placed more individuals in Executive Offices during this period. Each of these Hoosiers was connected to the Senate, either as a former Member or in performing their Vice Presidential duties as presiding officer.

SCHUYLER COLFAX

This succession of Hoosiers was begun by the unfortunate Schuyler Colfax, who was President Grant's first Vice President from 1869 to 1873. Colfax, whom Lincoln described as a "friendly rascal," never held a seat in the Senate. His political career was brought to a close by revelations that he had participated in a financial scandal that occurred during his earlier tenure as Speaker of the House. He avoided impeachment proceedings largely because the scandal was not revealed until his Vice Presidential term was about to expire.

THOMAS HENDRICKS

Thomas Hendricks, a Democrat and lawyer from Shelbyville, IN, became the second Hoosier Vice President, and the first to serve a previous term in the Senate. He was elected by the Indiana Legislature in 1863 to the term that could have been the expelled Jesse Bright's fourth. In the Senate, Hendricks was a sharp critic of President Lincoln. He voted for appropriations to pay for troops, weapons, and supplies, but he opposed the Emancipation Proclamation, the draft, and the 13th, 14th, and 15th amendments. Hendricks lost his seat after just one term when the Indiana Legislature fell into GOP hands in 1869.

In 1876, after a term as Governor, Hendricks got his first shot at the Vice Presidency when he ran on the Democratic ticket with ill-fated Presidential candidate Samuel J. Tilden. In the most controversial Presidential election in American history, Tilden and Hendricks seemingly had won the election by a 203 to 166 count in the electoral college and by 260,000 popular votes. The Democrats were denied victory, however, when Republicans disputed the results of voting in several Southern States. An election commission that favored the Republicans ruled in favor of the GOP Presidential candidate Rutherford B. Hayes.

Hendricks again was the Democratic Vice Presidential nominee in 1884. This time he was successful, as the Democratic ticket headed by Grover Cleveland came out on top for the first time since before the Civil War. As Vice President, Hendricks would preside over only a 1-month session of the Senate before his death in November 1885.

Hendricks' untimely death left the country without a Vice President, President pro tempore, or Speaker of the House for the second time in the decade. Under the 1792 Succession Act, this was the line of succession in the event of the President's death. No other official was mentioned. Had Cleveland died before Congress convened later in the year, the country would have been left temporarily without a President.

Hendricks' death prompted Congress to pass a revision of the Succession Act in 1886. It removed the President pro tempore and the Speaker of the House from the line of succession and substituted the President's Cabinet officers in the order the departments were created beginning with the Secretary of State. In 1947 at President Truman's urging, Congress again revised the succession order, returning the Speaker and the President pro tempore to the line, but reversing their order so the Speaker ranked second behind the Vice President and the President pro tempore ranked third, followed by the Cabinet Secretaries.

BENJAMIN HARRISON

Indianapolis Republican Benjamin Harrison, who would become our 23d President, also had the good fortune to gain experience in the Senate. He served in this body from 1881 until 1887. During that time he chaired the Committee on Territories and was a strong advocate for protecting and expanding the pensions of Civil War veterans. Harrison was turned out of his Senate seat after only one term by a newly elected Democratic State legislature.

Nevertheless, Harrison retained his national prominence and defeated President Cleveland in the 1888 Presidential election, despite losing the popular vote. Harrison's narrow victory in New York brought him that State's 36 electoral votes and a 233 to 168 triumph in the electoral college.

As President, Harrison implemented much of his economic program, including a high tariff. He signed the Sherman Silver Purchase Act, while resisting the far more inflationary proposal for free coinage of silver that was supported by Daniel Voorhees. In a rematch of the 1888 election, Grover Cleveland easily defeated Harrison, who would return to his law practice in Indianapolis.

CHARLES FAIRBANKS

Another Indianapolis Republican, Charles Fairbanks, served in the Senate before attaining the vice presidency. A close friend and staunch ally of President McKinley, Fairbanks' Senate tenure ran from 1897 until 1905. Fairbanks was under consideration for the 1900 GOP Vice Presidential nomination, but he took his name out of contention. He planned to run for President in 1904 when McKinley's second term expired, and he believed that the Senate offered a better position from which to seek the GOP Presidential nomination. After all, no Vice President since Martin Van Buren had been elected to succeed his President.

This turned out to be a colossal miscalculation. In September 1901, Fairbanks was cut off from a possible Presidential run by the tragedy of President McKinley's assassination. Vice President Theodore Roosevelt was elevated to the Presidency, ensuring that he would be the Republican nominee in 1904. Fairbanks had to settle for the Republican Vice Presidential nomination on the ticket with Roosevelt. This time he did not pass up the opportunity, and he became Vice President in 1905 after the GOP ticket swept to victory.

Fairbanks attempted to gather support for the GOP Presidential nomination in 1908, but Roosevelt's endorsement of William Howard Taft again blocked the Hoosier's path to the White House. Once more in 1916, Fairbanks was a candidate for Vice President on the ticket with Charles Evans Hughes. But they were defeated by incumbents Woodrow Wilson and Hoosier Thomas Marshall.

THOMAS MARSHALL

Marshall never served in the Senate, but he presided over this body for 8 years as Vice President from 1913 until 1921. He was the first Vice President to serve two full terms since Daniel Tompkins had done so under James Monroe.

During his time of presiding over the Senate, Marshall gained a reputation for his dry Hoosier wit. After listening to a long speech by Senator Joseph Bristow of Kansas on the needs of the country, Marshall remarked in a voice audible to many in the Chamber: "What this country needs is a really good five-cent cigar." This line was widely reported in newspapers and became his most famous utterance. Marshall would frequently poke fun at his own role as Vice President. He told a story of two brothers: "One ran away to sea; the other was elected Vice President. And nothing was ever heard of either of them again."

Ironically, though Marshall was considered a good Vice President, his most notable action perhaps was something that he did not do. After President Wilson suffered a stroke in October 1919, many leaders advised him to assume the Presidency while Wilson was incapacitated. At the time, however, there was no provision in the Constitution governing this situation. Marshall refused to replace the President, fearing that it would divide the country and create a precedent that could be used mischievously against future presidents. With the ratification of the 25th amendment in 1967, which was sponsored by Senator Birch Bayh of Indiana, the Constitution provided a legal procedure for dealing with the difficult situation of an incapacitated President.

THE NEW CENTURY

Mr. President, just as Marshall's decision affected the future of the Vice Presidency, several Hoosier Senators deeply affected the operations and customs of the Senate during the early 20th century.

ALBERT BEVERIDGE

One such Senator was Albert J. Beveridge of Indianapolis. Beveridge began his service in March 1899 at the age of 36. He had never held a political office prior to his election to the Senate. He served two terms, gaining a reputation for his energy and intelligence, as well as his ambition.

Beveridge is the patron saint of freshman Senators seeking to resist the constraints of the Senate's seniority system. In his excellent collection of addresses on the history of the Senate, Senator ROBERT BYRD of West Virginia offers an enlightening account of Beveridge's vigorous, but largely unsuccessful efforts to secure desired committee assignments as a freshman.

Beveridge ventured across the sea for a 6-month trip to the Philippines, China, and Japan after his election by the Indiana Legislature in January 1899. Upon returning to Indiana in September of that year, he was praised in the press for investigating an important issue firsthand. Up to this point, Senators had rarely ventured overseas on factfinding trips. When he traveled to Washington, DC, later in the year for the opening of the congressional session, he was summoned to the White House to brief President McKinley on his observations.

Believing that his experience in the Philippines had made him the preeminent expert on the newly acquired islands, Beveridge campaigned to be appointed chairman of the Senate Committee on the Philippines. He also sought a seat on Henry Cabot Lodge's powerful Foreign Relations Committee. Among other steps, Beveridge visited Gov. Theodore Roosevelt in New York, who recommended him to Lodge. But Beveridge would be granted neither the Philippines chairmanship nor a seat on Foreign Relations. Lodge wrote back to Roosevelt explaining: "Beveridge is a very bright fellow, well informed and sound in his views. I like him very much, but he arrived here with a very imperfect idea of the rights of seniority in the Senate, and with a large idea of what he ought to have." Beveridge had to settle for an ordinary seat on the Philippines Committee.

In March 1900, freshman Beveridge again scandalized the Senate by delivering his second major floor speech just 3 months into his first session. For many of his senior colleagues, Beveridge was flouting the unwritten Senate rules governing the behavior of new members. In response to this transgression against his elders, Beveridge was the recipient the next day of a subtle but stinging parody of his speech by Senator Edmund W. Pettus of Mississippi. According to a report in the New York Times the performance caused Senators to roar in laughter at the expense of Beveridge.

Beveridge survived and learned from his hazing. Though still boisterous and aggressive for a freshman, he focused his attention on committee work, eventually becoming chairman of the Committee on Territories and a member of the Foreign Relations Committee.

During his time in the Senate, Beveridge's political philosophy transformed from the standard conservatism of his party to progressivism. Beveridge became a leader of the nationwide progressive movement and worked to construct a foundation for progressive legislation such as the first National Child Labor Law, the Meat Inspection Act, and the Pure Food and Drug Act. This shift toward progressivism, however, weakened his support among Republicans and contributed to his defeat for re-election to a third term in 1910.

On April 8, 1913, the 17th amendment was ratified, forever transforming the nature of Senate elections. The amendment transferred the power to choose Senators from the State legislatures to popular elections.

BENJAMIN SHIVELY

In Indiana, Senator Benjamin Shively's election was at the heart of the debate over the amendment. In 1908 as Democrat State legislators met to choose their nominee, Shively was matched against John W. Kern. Kern was the favorite among the people of Indiana, but Shively prevailed by two votes in a secret ballot. Since the Democrats controlled the State legislature, Shively was elected Senator.

Given the closeness of the balloting, State legislators were asked by reporters and constituents to reveal their votes. When informal tallies of the legislators' announced votes had Kern winning by as many as eight votes, it was clear that many State legislators were lying about how they had voted. This fueled public cynicism in Indiana with the method of electing Senators and helped build support in the State for ratification of the 17th amendment.

In 1914, after the amendment had been ratified, Shively demonstrated that he did have popular support. He became the first Indiana Senator to be elected by popular vote, a distinction of which he was enormously proud. Shively also became chairman of the important Pensions Committee. Unfortunately, he did not survive his second term, dying in 1916 after serving only a year.

JOHN KERN

Shively's rival in 1908, John Kern, went on to place his own extraordinary mark on the Senate. He defeated Albert Beveridge in the 1910 Senate election, the last Senate race held before ratification of the 17th amendment. But it was the 1912 election that brought Kern to Senate prominence.

That election resulted in a sweeping victory for the Democratic Party. With Teddy Roosevelt's Bull Moose candidacy splitting Republicans, Woodrow Wilson rolled to victory. Democrats strengthened an already huge majority in the House, and seized control of the Senate for the first time in 18 years.

The majority party's prospects for enacting its legislative program rested, as they so often do, on the Senate. Democrats held just a 51 to 44 seat majority. Up to that time Senate party caucuses had chosen their leader largely on the basis of seniority. In 1913, however, Democrats broke with this practice in an effort to make the most of their legislative opportunities. They decided that their caucus leader should be the Senator who would be the most effective legislative leader.

The man they chose by unanimous vote was John Kern, who had been elected to the Senate 2 years before in 1910. Thus a freshman, with just 2 years of Senate experience, was entrusted with shepherding one of the most ambitious legislative plans in American history through the Senate. Kern was no political neophyte. He was a respected politician who had been the Democratic Vice Presidential nominee in 1908 on the ticket with William Jennings Bryan.

Historians often regard Kern as the first modern majority leader, although he did not formally have that title. Kern established numerous precedents during his 4 years as the head of the Democratic caucus. He conferred closely with the administration on its program, frequently visiting Wilson at the White House to discuss strategy. He demanded party unity and employed threats, compromises, and personal entreaties to achieve it. He established the post of Democratic whip to assist him in maintaining discipline. He also used the prerogative to grant committee assignments as an enforcement mechanism. In his 4 years as caucus leader, Kern's energy and organization failed only once to deliver Senate passage of a major Presidential legislative initiative. This was Wilson's ship purchase bill, that was blocked by a 1915 filibuster.

Despite Kern's power in the Senate and his close relationship with President Wilson, he was defeated by Republican Harry S. New in the 1916 election. New garnered 51 percent of the vote to Kern's 49 percent. Wilson won his reelection bid but lost Indiana by an even narrower margin to Charles Evans Hughes.

JAMES WATSON

In 1929, another Hoosier was chosen to be majority leader. That year Senate Republicans elected, James Eli Watson, who served as majority leader during the 4 years of Herbert Hoover's Presidency. Watson began his Senate career when he was elected to complete the unexpired term of Senator Benjamin Shively in 1916. He was reelected in 1920 and 1926.

Watson had been one of President Hoover's major rivals for the GOP Presidential nomination in 1928. As a result, they did not develop the close working relationship that had existed between Wilson and Kern. As Republican leader, Watson's primary tactic was to build majorities through careful compromises. Like Kern, Watson's status in the Senate did not insulate him from electoral defeat back home. He lost his quest for a fourth Senate election victory when he was turned out of office by the national Democratic landslide of 1932.

SHERMAN MINTON

Like John Kern, Sherman Minton played a prominent role in the Senate, despite serving only one term. Elected as a Democrat in 1934, Minton was an ardent New Dealer and loyal Senate ally of President Franklin Roosevelt. In January 1937 Majority Leader Joseph T. Robinson named Minton to the new position of assistant Democratic whip. Minton, who was an aggressive legislator, relished this responsibility. Two years later, Minton was promoted to majority whip.

Minton had the bad luck of running for reelection in 1940. That year his Republican opponent, Raymond Willis of

Angola, IN, got a big boost from the presence of Hoosier favorite son Wendell Willkie at the top of the ticket. Minton's support for the 1940 Selective Service Act and other defense preparations also cost him votes. Willis defeated Minton by a narrow 25,000-vote margin.

During his career in public service, Minton had the distinction of serving in all three branches of the Federal Government. After Minton's Senate defeat, Roosevelt brought him to the White House as an administrative assistant to the President. Roosevelt used him primarily as his liaison with Congress.

In May 1941, however, Roosevelt appointed Minton to the Seventh Circuit U.S. Court of Appeals. He served there until President Harry Truman appointed him to the Supreme Court in 1949. Minton spent 7 years on the High Court until illness forced his retirement in 1956. A number of former Senators have served on the Supreme Court during its history, including James Francis Byrnes and Hugo Black. Since Minton's appointment in 1949, however, no former Senator has been appointed to the High Court.

MODERN ERA

Since the end of World War II, seven individuals have been elected to the Senate by the people of Indiana. Several of my colleagues served in Congress with William Jenner and Homer Capehart, two Republicans whose careers significantly impacted my early political development in Indiana. And, of course, many of my colleagues had close and productive associations with the three distinguished former Hoosier Senators who often visit with us: Birch Bayh, Vance Hartke, and Dan Quayle.

Hopefully, those of us who have served Indiana in the Senate during recent years have upheld the tradition of achievement established by our Hoosier predecessors. It may be premature to make historical judgments on the most recent seven Hoosier Senators, and I will resist the temptation to do so.

Our Nation and our world have changed profoundly since James Noble and Waller Taylor came to the Senate in 1816. Noble's horseback journeys to Washington, DC, are said to have taken him about 17 days. Today we can travel to Indiana in less than 2 hours. Indiana's population has grown from about 150,000 in 1820 to almost 6 million people today.

As our world has become more complex, so has our job here in the Senate. We have more constituents, more Members, more issues, more bills, more staff, and more floor votes than our early predecessors could likely have imagined. The 7 most recent Hoosier Senators have cast more floor votes than the previous 36 Hoosier Senators combined. The second session of the 14th Congress—the 1st in which Indiana was represented —lasted just 92 days. Today the Senate is in session almost year round.

But even as this body has grown and developed, the fundamentals of being a good legislator have always remained the same. Down through history, this has been an institution that has depended on honesty, civility, hard work, thoughtfulness, an understanding of the people we represent, and a willingness to stand on conviction. When these elements have been present, the Senate has succeeded.

Mr. President, I would encourage each of my colleagues, if they have not done so, to explore the service of their Senatorial ancestors from their own States. Inevitably they will find both triumphs and tragedies; heroic acts and embarrassing mistakes. But as I have surveyed the unbroken line that stretches from Waller Taylor and James Noble to Senator DAN COATS and myself, I have gained an even stronger appreciation of the character of my State and the performance of the U.S. Senate.

Mr. President, I ask unanimous consent to have printed in the RECORD two tables relating to Indiana Senators.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

INDIANA SENATORS: DATES OF SERVICE

James Noble—Dec. 11, 1816–Feb. 26, 1831.

Waller Taylor—Dec. 11, 1816–Mar. 3, 1825.

William Hendricks—Mar. 4, 1825–Mar. 3, 1837.

Robert Hanna—Aug. 19, 1831–Jan. 3, 1832.

John Tipton—Jan. 4, 1832–Mar. 3, 1839.

Oliver Smith—Mar. 4, 1837–Mar. 3, 1843.

Albert White—Mar. 4, 1839–Mar. 3, 1845.

Edward Hannegan—Mar. 4, 1843–Mar. 3, 1849.

Jesse Bright—Mar. 4, 1845–Feb. 5, 1862.

James Whitcomb—Mar. 4, 1849–Oct. 4, 1852.

Charles Cathcart—Nov. 23, 1852–Jan. 11, 1853.

John Pettit—Jan. 11, 1853–Mar. 3, 1855.

Graham Fitch—Feb. 4, 1857–Mar. 3, 1861.

Henry Lane—Mar. 4, 1861–Mar. 3, 1867.

Joseph Wright—Feb. 24, 1862–Jan. 14, 1863.

David Turpie—Jan. 14, 1863–Mar. 3, 1863.

Thomas Hendricks—Mar. 4, 1863–Mar. 3, 1869.

Oliver Morton—Mar. 4, 1867–Nov. 1, 1877.

Daniel Pratt—Mar. 4, 1869–Mar. 3, 1875.

Joseph McDonald—Mar. 4, 1875–Mar. 3, 1881.

Daniel Voorhees—Nov. 6, 1877–Mar. 3, 1897.

Benjamin Harrison—Mar. 4, 1881–Mar. 3, 1887.

David Turpie—Mar. 4, 1887–Mar. 3, 1899.

Charles Fairbanks—Mar. 4, 1897–Mar. 3, 1905.

Albert Beveridge—Mar. 4, 1899–Mar. 3, 1911.

James Hemenway—Mar. 4, 1905–Mar. 3, 1909.

Benjamin Shively—Mar. 4, 1909–Mar. 14, 1916.

John Kern—Mar. 4, 1911–Mar. 3, 1917.

Thomas Taggart—Mar. 20, 1916–Nov. 7, 1916.

James Watson—Nov. 8, 1916–Mar. 3, 1933.

Harry New—Mar. 4, 1917–Mar. 3, 1923.

Samuel Ralston—Mar. 4, 1923–Oct. 14, 1925.

Arthur Robinson—Oct. 20, 1925–Jan. 2, 1935.

Fredrick Van Nuys—Mar. 4, 1933–Jan. 25, 1944.

Sherman Minton—Jan. 3, 1935–Jan. 2, 1941.

Raymond Willis—Jan. 3, 1941–Jan. 2, 1947.

Samuel Jackson—Jan. 28, 1944–Nov. 13, 1944.

William Jenner—Nov. 14, 1944–Jan. 2, 1945.

Homer Capehart—Jan. 3, 1945–Jan. 2, 1963.

William Jenner—Jan. 3, 1947–Jan. 2, 1959.

Vance Hartke—Jan. 3, 1959–Jan. 2, 1977.

Birch Bayh—Jan. 3, 1963–Jan. 2, 1981.

Richard Lugar—Jan. 3, 1977–

Dan Quayle—Jan. 3, 1981–Jan. 2, 1989.

Daniel Coats—Jan. 3, 1989–

Indiana Senators: Length of Service

1. Richard Lugar—19 Years 4 Months—(1977–)

2. Daniel Voorhees—19 Years 4 Months—(1877–1897)

3–5. Homer Capehart—18 Years—(1945–1963)

3–5. Vance Hartke—18 Years—(1959–1977)

3–5. Birch Bayh—18 Years—(1963–1981)

6. Jesse Bright—16 Years 11 Months—(1845–1862)

7. James Watson—16 Years 4 Months—(1916–1933)

8. James Noble—14 Years 2 Months—(1816–1831)

9. William Jenner—12 Years 2 Months—(1944–45; 1947–59)

10. David Turpie—12 Years 2 Months—(1863; 1887–99)

11–12. William Hendricks—12 Years—(1825–1837)

11–12. Albert Beveridge—12 Years—(1899–1911)

13. Fredrick Van Nuys—10 Years 11 Months—(1933–1944)

14. Oliver Morton—10 Years 8 Months—(1867–1877)

15. Arthur Robinson—9 Years 2 Months—(1925–1935)

16. Waller Taylor—8 Years 3 Months—(1816–1825)

17–18. Charles Fairbanks—8 Years—(1897–1905)

17–18. Dan Quayle—8 Years—(1981–1989)

19. Daniel Coats—7 Years 4 Months—(1989–1997)

20. John Tipton—7 Years 2 Months—(1832–1839)

21. Benjamin Shively—7 Years—(1909–1916)

22–23. Oliver Smith—6 Years—(1837–1843)

22–33. Albert White—6 Years—(1839–1845)

22–33. Edward Hannegan—6 Years—(1843–1849)

22–33. Henry Lane—6 Years—(1861–1867)

22–33. Thomas Hendricks—6 Years—(1863–1869)

22–33. Daniel Pratt—6 Years—(1869–1875)

22–33. Joseph McDonald—6 Years—(1875–1881)

22–33. Benjamin Harrison—6 Years—(1881–1887)

22–33. John Kern—6 Years—(1911–1917)

22–33. Harry New—6 Years—(1917–1923)

22–33. Sherman Minton—6 Years—(1935–1941)

22–33. Raymond Willis—6 Years—(1941–1947)

34. Graham Fitch—4 Years 1 Month—(1857–1861)

35. James Hemenway—4 Years—(1905–1909)

36. James Whitcomb—3 Years 7 Months—(1849–1852)

37. Samuel Ralston—2 Years 7 Months—(1923–1925)

38. John Pettit—2 Years 2 Months—(1853–1855)

39. Joseph Wright—11 Months—(1862–1863)

40. Samuel Jackson—10 Months—(1944)

41. Thomas Taggart—7 Months—(1916)

42. Robert Hanna—4 Months—(1831–1832)

43. Charles Cathcart—2 Months—(1852–1853)

SENATOR RICHARD LUGAR—A MAN OF CHARACTER

Mr. DOLE. Mr. President, Henry Clay, one of the most eloquent men to serve in the U.S. Senate, once said, "Of all the properties which belong to honorable men, not one is so highly prized as character."

I know I speak for my colleagues on both sides of the aisle in saying that Senator RICHARD LUGAR is truly a man of character. And I join today in saluting Senator LUGAR as he becomes the longest serving Senator in Indiana history.

Today marks Senator LUGAR's 7,059th day in this Chamber. They have been days spent making a difference in nearly every issue that has come before this body, including agriculture, trade, the budget, foreign policy, and nuclear security.

As chairman of the Foreign Relations Committee, Senator LUGAR played a key role in bringing freedom to the Philippines. And as chairman of the Agriculture Committee, he produced legislation which will bring freedom to America's farmers.

DICK LUGAR's service to his State and his country are not limited to the time he has served in the Senate.

It was Naval Officer LUGAR who prepared intelligence briefings for the Chief of Naval Operations and President Eisenhower.

It was Mayor LUGAR who led the city of Indianapolis for 8 years, earning a reputation as one of the Nation's most innovative and successful mayors.

And it is husband and father DICK LUGAR who stands as a role model for countless young Americans.

Mr. President, over the last few years, Senator LUGAR has asked summer interns in his Washington office to research an Indiana Senator of their choice.

I am confident that in decades yet to come, when young Indiana students research those who have served their State, they will conclude that not only did RICHARD LUGAR set a standard in terms of longevity, he also set a standard in terms of integrity.

COMMENDING SENATOR RICHARD LUGAR

Mr. COATS. Mr. President, I rise to congratulate my friend and colleague, Senator RICHARD LUGAR, on his remarkable achievement and extraordinary service to the people of Indiana. He has had the privilege of representing Hoosiers in the U.S. Senate longer than any other Senator in Indiana history. His tenure has been distinguished and well deserved.

In Indiana, we are proud of DICK LUGAR and his leadership. Both in the Senate and on the campaign trail, he has consistently raised issues our Nation cannot afford to ignore. His thoughtful and skillful approach to policy has made our Nation safer and America's influence in the world more secure.

We are proud of his long record of accomplishments: fighting for freedom in the Philippines, enhancing the world's nuclear security, working for American farmers.

But DICK LUGAR brings more to the Senate than his skills as a legislator. His politics are informed by character. DICK LUGAR understands that values count and that principle is worth defending. He represents the bet of Hoosier values—honesty, integrity, determination.

On behalf of the people of Indiana, I thank RICHARD LUGAR for his service to our State and to our Nation. It is my privilege to serve with them in the U.S. Senate.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 1664, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Simpson amendment No. 3853 (to amendment No. 3743), relating to pilot projects on systems to verify eligibility for employment in the United States and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits.

Simpson amendment No. 3854 (to amendment No. 3743), to define "regional project" to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State.

Simon amendment No. 3810 (to amendment No. 3743), to exempt from deeming requirements immigrants who are disabled after entering the United States.

Feinstein/Boxer amendment No. 3777 (to amendment No. 3743, to provide funds for the construction and expansion of physical barriers and improvements to roads in the border area near San Diego, California.

Reid amendment No. 3865 (to amendment No. 3743), to authorize asylum or refugee status, or the withholding of deportation, for individuals who have been threatened with an act of female genital mutilation.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my colleagues. I thank the ranking member, Senator KENNEDY. I think we are in a position, now, to perhaps conclude this measure, at least on the so-called Simpson amendment, today.

We had some 156 amendments proposed a day ago. We are down to about 30 today. Some are known in the trade as place holders—pot holders or whatever might be appropriate, some of them. Nevertheless we will proceed today. The debate will take its most important turn, and that is the issue of verification; that is the issue of the birth certificate and the driver's license, changes that were made yesterday and adopted unanimously by voice vote in this Chamber. We will deal with that issue.

But one thing has to be clearly said because I am absolutely startled at some of the misinformation that one hears in the well from the proponents and opponents of various aspects of immigration reform. It was said yesterday, by a colleague unnamed because I have the greatest respect for this person, that tomorrow to be prepared to be sure that we do not put any burden on employers by making employers ask an employee for documents.

That has been on the books since 1986. I could not believe my ears. Someone else was listening to it with great attention. I hope we at least are beyond that point. Today the American employer has to ask their employee, the person seeking a job, new hire, for documentation. There are 29 documents to establish either worker authorization or identification. And then, also, an I–9 form which has been required since that date, too. In other words, yes, you do have to furnish a document to an employer, a one-page form indicating that you are a citizen of the United States of America or authorized to work. That has been on the books, now, for nearly 10 years. If we cannot get any further in the debate than that, then someone is seriously distorting a national issue. Not only that, but someone is feeding them enough to see that it remains distorted.

So when we are going to hear the argument the employer should not be the watchdog of the world, what this bill does is take the heat off of the employer. Instead of digging around through 29 documents they are going to have to look at 6. If the pilot program works, and we find it is doing well, and is authentic and accurate, then the I–9 form is not going to be required. That is part of this.

Then yesterday you took the real burden off of the employer, and I think it was a very apt move. We said, now, that if the employers are in good faith in asking for documents and so on, and have no intention to discriminate, that they are not going to be heavily fined, or receive other penalties. That was a great advantage to the employer.

So I hope the staffs, if there are any watching this procedure, do not simply load the cannon for their principal, as we are called by our staff—and other things we are called by our staff—principals, that they load the cannon not to come over here and tell us what is going to happen to employers having to ask for identity, having to prove the person in front of them is a citizen or authorized to work, unless you want to get rid of employer sanctions and get rid of the I-9. Those things have been on the books for almost 10 years.

With that, I hope that is a starting point we take judicial notice thereof.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, my friend and colleague has stated absolutely accurately what the current state of the law is. For those who have questions about it, all they have to do is look at the Immigration and Nationality Act, section 274, that spells out the requirements of employment in the United States. I will not take the time to go through that at this particular moment, but for those who doubt or question any of the points the Senator has made, it is spelled out very clearly in section 274(a).

That is why we have the I-9 list, which is the list, A, B, and C. This is the part of the problem which we hope will be remedied with the Simpson proposal, and that is there will be just the six cards. You have list A, you can show one of these items, because under the law you have to have identity and employment eligibility. You can have one of the 10 items on A. Or you can have an item listed on B and an item listed on C, in order to conform with the current law. As has been pointed out both in the hearings as well as in the consideration and the presentation of this legislation, and the consideration of the Judiciary Committee, the result is that there is so much mischief that is created with the reproduction and counterfeit of these particular cards that they have become almost meaningless as a standard by which an employer is able to make a judgment as to the legitimacy of the applicant in order to ensure that Americans are going to get the jobs. Also it makes complex the problems of discrimination, which we talked about yesterday.

It is to address this issue that other provisions in the Simpson proposal—the six cards have been developed as have other procedures which have been outlined. But if there is any question in the minds of any of our colleagues, there is the requirement at the present time, specified in law, to show various documents as a condition of employment. That exists, as the Senator said, today. And any representation that we are somehow, or this bill somehow is altering that or changing that or doing anything else but improving that process in the system is really a distortion of what is in the bill and a distortion of what is intended by the proposal before the Senate. So I will welcome the opportunity to join with my colleague on this issue.

It has been mentioned, as we are awaiting our friend and colleague from Vermont, who is going to present an amendment, that what we have now is really the first important and significant effort to try to deal with these breeder documents, moving through the birth certificate, hopefully on tamper-proof paper. Hopefully that will begin a long process of helping and assisting develop a system that will move us as much as we possibly can toward a counterfeit-free system, not only in terms of the cards but also in terms of the information that is going to be put on those cards.

We hear many of our colleagues talk about: Let us just get the cards out there. But unless you are going to be serious about looking at the backup, you are not really going to be serious about developing a system. That is what this legislation does. It goes back to the roots, to try to develop the authoritative and definitive birth certificate and to ensure the paper and other possible opportunities for counterfeiting will be effectively eliminated, or reduced dramatically. Then the development of these tamperproof cards; then the other provisions which are included in here, and that is the pilot programs to try to find out how we can move toward greater truth in verification that the person who is presenting it is really the person it has been issued to, and other matters. But that is really the heart of this program.

Frankly, if we cut away at any of those, then I think we seriously undermine an important opportunity to make meaningful progress on the whole issue of limiting the illegal immigration flow. As we all know, the magnet is jobs. As long as that magnet is out there, there is going to be a very substantial flow, in spite of what I think are the beefed-up efforts of the border patrol and other steps which have been taken.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEWINE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand the distinguished Senator from Wisconsin has asked for time in morning business. I will yield for that purpose.

Mr. FEINGOLD. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator is recognized.

Mr. FEINGOLD. Thank you, Mr. President.

CAMPAIGN FINANCE REFORM

Mr. FEINGOLD. Mr. President, just briefly, before we go back on to the important business at hand, the immigration bill, I just want to call to the attention of the body an article today in the Washington Post entitled "Campaign Finance Proposal Drawing Opposition From Diverse Group." Mr. President, I ask unanimous consent that that article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1996]

CAMPAIGN FINANCE PROPOSAL DRAWING OPPOSITION FROM DIVERSE GROUP

(By Ruth Marcus)

An unusual alliance of unions, businesses, and liberal and conservative groups is trying to defeat campaign finance legislation that would abolish political action committees and impose other restrictions on election spending.

The informal coalition, which met for the second time yesterday, includes groups that usually find themselves on opposite sides of legislative and ideological battles: unions including the AFL-CIO, National Education Association and National Association of Letter Carriers, and the National Association of Business Political Action Committees (NABPAC), which represents 120 business and trade association PACs.

Also among the 30 organizations at the meeting were conservative groups such as the Cato Institute, Conservative Caucus and Americans for Tax Reform; liberal groups such as EMILY's List, the women's political action committee; and others, including U.S. Term Limits, the National Women's Political Caucus, the National Association of Broadcasters and the American Dental Association.

Yesterday's meeting, at AFL-CIO headquarters here, was organized by Curtis Gans of the Committee for the Study of the American Electorate, a nonpartisan organization that studies voter turnout. Gans opposes the campaign finance proposal pending in Congress.

"The unifying principle is essentially that the approaches that have been pushed by Common Cause and Public Citizen are wrong . . . and their answers to the problems are wrong," Gans said, referring to two of the leading groups pushing the campaign finance legislation.

He said the groups that met yesterday were "unanimous" about the need to do "public education" activities to counter a debate that Gans said "has essentially been dominated by the Common Cause position." But the diverse assemblage was unable even to agree to Gans's draft joint statement about the issue.

Common Cause president Ann McBride said the meeting showed "labor and business . . . coming together and agreeing on the one thing that they can agree on, which is maintaining the status quo and their ability to use money to buy outcomes on Capitol Hill."

The meeting reflects a stepped-up effort by foes of the proposal. NABPAC has launched a print and radio advertising campaign here and in districts of members who support the bill. The ads target individual lawmakers by name.

"Legislation sponsored by Rep. David Minge . . . will make it harder for average Americans to contribute to campaigns and to run for office," said a newspaper ad that ran in the Minnesota Democrat's district. "The next time you see Rep. David Minge ask him this simple question: Why do you want more millionaires in Congress?"

NABPAC also is encouraging its members to cut off contributions to lawmakers who support the bill, and last month sent a memorandum to members of Congress enclosing copies of its ads. "The plans are to aggressively market this in other appropriate areas of the country," NABPAC executive vice president Steven F. Stockmeyer said in the memo.

Three sponsors of the campaign finance bill in the House, Reps. Christopher Shays (R-Conn.), Martin T. Meehan (D-Mass.) and Linda A. Smith (R-Wash.), fired back at NABPAC in a letter to its members last week, calling the memorandum a "thinly veiled threat to keep members from co-sponsoring" the legislation.

"[I]ntimidating members into staying off of the bill by either subtly or blatantly threatening to withhold campaign contributions is disgraceful and justifies why our legislation is needed," they wrote. "Frankly, these efforts simply inspire us further to try to end the system of checkbook lobbying in Washington."

But Shays said yesterday that "some members are [scared] because they don't want to be the enemy of these groups." A Common Cause study released last week found that NABPAC members gave $106 million to current members of Congress from 1985 to 1995.

In addition to abolishing PACs, the campaign finance bill, sponsored in the Senate by Sens. John McCain (R-Ariz.), Russell Feingold (D-Wis.) and Fred D. Thompson (R-Tenn.), would set voluntary state-by-state spending limits and, for those who agree to the limits, require television stations to offer 30 minutes of free time in evening hours and cut rates for other advertising before primary and general elections.

Critics contend that abolishing PACs would diminish the ability of average citizens to join together to have their voices head and would increase the influence of wealthy citizens.

Mr. FEINGOLD. Mr. President, what this article is about is a reaction to the effort that Senator McCAIN and I and others have been preparing to try to change our Nation's campaign financing system. There are those who have indicated that the effort will go nowhere because it is already too late in the 104th Congress, and that it is just going to go the way of all other campaign finance reform efforts in the past.

Frankly, Mr. President, this article gives me heart. It is eloquent testimony to the reason why we have got to have campaign finance reform in this country and why we need it now. What happened yesterday was, according to the article, an unusual alliance of unions, businesses, and liberal-conservative groups trying to defeat campaign finance legislation that would abolish political action committees and other restrictions on election spending, got together, all together, to try to kill the McCain-Feingold bill. It included groups such as the AFL–CIO, the NEA, National Association of Letter Carriers, the National Association of Business Political Action Committees, Cato Institute, Conservative Caucus, Americans for Tax Reform, EMILY's List—you name it—National Association of Broadcasters, the American Dental Association. This was a gathering of all the special interests in Washington, even before we have had the bill come up, saying, "Let's kill it before it has a chance to live."

The reason it gives me heart, Mr. President, really, there are two reasons. First of all, if this bill is not going anywhere, what are they worried about? Why are they coming together, as they so infrequently do, to kill a piece of legislation that is the first bipartisan effort in 10 years in this body to try to do something about the outrageous amount of money that is spent on campaigns and the outrageous influence that this community, Washington, has on the entire political process in this country?

I recall when I ran for the U.S. Senate, I might talk to somebody from the labor community or to an independent banker, and they would say, "Gee, we think you are a pretty good candidate, but first I have to check with Washington to see if I can support you." That is how the current system works. You have to check in with Washington first. I think that gives way too much power to this town and way too much power to these special interests that want to kill campaign finance reform in this Congress.

It gives me heart that there is concern. It also gives me heart that they are drawing attention to the fact. In fact, this article is eloquent testimony to what is really going on in this country. There is too much money in this town; there is too much money in these elections. What they are trying to do, Ann McBride of Common Cause pointed out, is to preserve the status quo, the meeting of labor and business coming together and agreeing on the one thing they can agree on, which is maintaining the status quo and their ability to use money to buy outcomes on Capitol Hill.

What our bipartisan effort is about is returning the power back to the people in their own home States, to let them have more influence over elections than the special interests that run this town. We will join this issue on the floor, and we will fight these special interests head on, regardless of their new coalitions.

Mr. President, I simply indicate we are prepared, as I did a couple of days ago along with other Senators, we are prepared to offer this as an amendment to a bill in the near future, or if the leadership sees it this way, to bring this up as separate legislation. The time is drawing near for campaign finance reform.

I thank the Chair. I yield the floor.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with consideration of the bill.

AMENDMENT NO. 3780 TO AMENDMENT NO. 3743

(Purpose: To provide minimum safeguards in expedited exclusion procedure to prevent returning bona fide refugees to their persecutors)

Mr. LEAHY. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. LEAHY], for himself, Mr. DEWINE, Mr. HATFIELD, and Mr. KERRY, proposes an amendment numbered 3780 to amendment No. 3743.

Mr. LEAHY. Mr. President, I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike sections 131 and 132.

Strike section 141 and insert the following:

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trial;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.".

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking "Subject to section 235(b)(1), deportation" and inserting "Deportation"; and

(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION".

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

In section 142, strike the new section 106(f) of the Immigration and Nationality Act (8 U.S.C. 1105f).

Strike section 193.

On page 178, line 8, strike "and subject to subsection (b),".

Strike section 198(b).

Mr. LEAHY. Mr. President, this amendment is offered on behalf of myself, the distinguished Presiding Officer, the distinguished senior Senator from Oregon [Mr. HATFIELD], and the distinguished Senator from Massachusetts [Mr. KERRY].

I offer this amendment to the provisions in the bill that I believe gut our asylum law. This is not just my opinion but is the opinion of at editorial boards from newspapers that normally do not agree with each other.

Let me first refer to the editorial in The Washington Times yesterday. It says:

> In their rush to pass an anti-terrorism bill, lawmakers perhaps unwillingly and unnecessarily restricted the present rights of persons seeking asylum in this country to escape political or religious persecution in their own countries. Such persons used to get a hearing before an immigration judge. Now they can be sent home without a hearing or judicial review. Lawmakers should restore procedural protections for asylum-seekers.

Then the Washington Post, in another editorial today, speaks of the antiterrorism law being revisited and says, again, that this amendment should be supported.

I ask unanimous consent to have printed in the RECORD those two editorials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Times, Apr. 30, 1996]

IMMIGRANTS AND OTHER ORDINARY PEOPLE

The story goes that Texas Sen. Phil Gramm was attending a National Republican Senatorial Committee meeting with political supporters a few years ago when a woman rose and asked an awkward question. "Sen. Gramm," she said, "why do all the people here talk funny?" As it happened, about 80 percent of those supporters were first-generation Americans—immigrants—and Mr. Gramm says you could hear the collective gulp from the room about 100 miles away. His answer? "Ma'am, 'cause this is America."

He elaborated on that answer in memorable remarks to the Senate last week. "If we ever get to the point where we do not have a few citizens who talk funny, if we ever get to the point where we do not have a new infusion of energy and a new spark to the American dream, then the American dream is going to start to die. It is not going to fade, and it is not going to die on my watch in the U.S. Senate."

No doubt in part because of his emotional speech, the Senate last week defeated legislation that would have effectively limited immigration. But the chamber is not done with this issue. If you want to see just how far some lawmakers would go to restrict people who, as Mr. Gramm puts it, talk funny, then consider some of the immigration legislation up for a vote as early as this week.

Perhaps the most controversial issue involves so-called demonstration projects intended to test the use of verification systems for workers in this country. The idea is that if the government could just figure out how to keep illegal immigrants from working then fewer would come here in the first place. Presto, no more illegal immigration.

This editorial page has said from the beginning of this debate that it sees nothing wrong with a person's coming here to work. As the quotable Mr. Gramm put the matter the other day, "We have room in America for people who come with their sleeves rolled up, ready to go to work. But we do not have room for people who come with their hand out." Exactly right.

Laying the groundwork for a national identification system, as the demonstration projects do, sets a terrible precedent. What has this country come to that it would require aspiring workers to get permission from the government before they can roll up their sleeves and get to work? Work is not an entitlement to be disbursed by the politically powerful for the benefit of the politically favored. Nor is it something to be trusted to some distant federal worker.

Even if one assumes the government can manage a national ID system, how is it going to match the ID with the worker? With fingerprints? With blood and tissue samples? That's the sort of treatment ordinarily reserved for criminals, not mere workers.

There's one other thing to keep in mind when senators take up immigration reform. In their rush to pass an anti-terrorism bill, lawmakers perhaps unwittingly and unnecessarily restricted the present rights of persons seeking asylum in this country to escape political or religious persecution in their own countries. Such persons used to get a hearing before an immigration judge. Now they can be sent home without a hearing or judicial review. Lawmakers should restore procedural protections for asylum-seekers.

There's room here for workers. There's room here for people who genuinely need asylum. "America is not a great and powerful country because the most brilliant and talented people in the world came to live here," said Mr. Gramm. "America is a great and powerful country because it was here that ordinary people like you and me have had more opportunity and more freedom than any other people who have ever lived on the face of the Earth. And with that opportunity and with that freedom, ordinary people like us have been able to do extraordinary things."

[From the Washington Post, May 1, 1996]

THE TERRORISM LAW REVISITED

Think back about 10 days to the celebratory pictures of the president signing the terrorism bill. That measure, deeply flawed by provisions restricting habeas corpus, allowing the use of secret evidence at deportation proceedings and providing for summary exclusion of asylum-seekers, was hailed as a vital bulwark protecting Americans against international terrorists. In the rush to pass that legislation by April 19, the first anniversary of the Oklahoma City bombing, scant attention was paid to Sen. Patrick Leahy, who pointed out some of these flaws. But this week, when the Vermont Democrat seeks to use the pending immigration bill to repeal one of them, the administration is on his side.

Every year, thousands of individuals arrive in this country seeking asylum from persecution. Until recently, this process was subject to a lot of abuse. Claimants were admitted, given a work permit and released with the understanding that they would show up some time in the distant future (there were terrible backlogs then) for a hearing. Most of them simply disappeared into the general population and were never heard from again. But the Immigration and Naturalization Service (INS) instituted reforms early in 1994—streamlining procedures, withholding work permits and keeping many claimants in custody until their hearings—which have reduced the problem substantially. The system now in place works well, and both the Justice Department and the INS say there is no need for change.

But in the rush "to combat terrorism" Congress passed, and the president signed, new restrictions that create a presumption that anyone seeking asylum who enters with false documents, or has traveled through other countries to get here, does not have a valid claim. In these cases, the claimant would have to make his case to an immigration officer on site, without any guarantee that he can be represented by a lawyer or even have an interpreter. If he does not persuade this official, he can be returned to his own country summarily without further hearing before an immigration judge or review by the Board of Immigration Appeals.

It is fair to suspect anyone who enters the country with a false passport, or who has left a place of safety in Western Europe, for example, to ask for asylum here. But suspicions need to be proved. It should surprise no one that persecuted people might not be able to apply for passports in their own countries, or might have to use a false name to get out. And a two-hour layover in Germany or France on a long flight to freedom shouldn't disqualify an applicant for asylum. Sen. Leahy's effort, which has the backing of the people charged with enforcing the immigration laws, should be supported.

Mr. LEAHY. Now, we should be clear what the provisions of the bill do and what they and our amendment do not concern. These are not provisions that cover alien terrorists. It is safe to say that there is not a single Member of this body who wants to allow alien terrorists into our midst. That is not a partisan issue; every single Member of this body is against terrorists. We can accept that as a point of fact.

There are a number of other provisions in the antiterrorism law that the President signed last week that cover the exclusion of those affiliated with foreign terrorist organizations. They forbid the grant of asylum to alien terrorists.

We are not seeking to defend alien smuggling or false documentation used for that purpose. That is already a crime. Senators DEWINE, HATFIELD, KERRY, and I totally agree on that.

But we know that there are some circumstances and there are some oppressive regimes in the world from which escape may well entail the use of false papers. We want to make sure that we do not create barriers to true refugees and those deserving asylum, and prevent them from making an application for asylum.

Let me give an example, using first a hypothetical and then go to some real examples. You are in a country with an oppressive regime. You are in a country where you are being persecuted for your religious beliefs or your political beliefs. In fact, you may even face death for your religious beliefs or your belief in democracy. You know that the arm of that government is out to get you. These are not cases of just paranoia; they may already have gone and killed members of your family for similar beliefs. You look at the one great beacon of freedom: the United States of America. You figure, "How do I get there?"

Now, you are facing the possibility of a death penalty for your religious beliefs. Do you think you could walk down to the government that is out to kill you for those religious beliefs and say, "Could I please have a passport? Here is my name and address. And, by the way, I want to book passage, I want a visa and I want to go directly to the United States."

We all know what would happen in a case like that. The realty of the situation is that people in those circumstances are probably going to get a forged or a false passport. They are not going to go on a flight that will go directly to the United States because that is something the government may be watching. They are going to go to another country—maybe a neighboring country, maybe two or three countries—and then make it to the United States.

Under the immigration law that is before us, once they got here, because they used false passports and went through other countries, they are probably going to be summarily sent back. Summarily being sent back is in an equal amount of time to the summary execution or imprisonment that they face when they arrive back in their home country.

Now, let us be realistic. The Justice Department does not want these provisions and has not requested them. They were not recommended by the Jordan Commission. The Department has told us that they want a type of standby authority in case of immigration emergency, similar to what I have proposed in this amendment.

Think of some of the history of this country. Fidel Castro's daughter came to this country and was granted asylum, for appropriate reasons, and, of course, with great political fanfare. But Fidel Castro's daughter did not fly directly to the United States with a passport bearing her name. She took a false passport, she went to Spain, and then came here. Under this new law, we would likely have said, "Sorry, you are out."

The most recent and famous example of why we must not adopt the summary exclusion provisions of this bill is, of course, the case of Fauziya Kasinga and her flight from Togo to avoid female genital mutilation. We first talked about that case here in the Senate a couple of weeks ago.

There have been two extremely positive developments since then. First, the INS filed a brief with the Board of Immigration Appeals, arguing—I believe for the first time—that the fear of female genital mutilation should present a sufficient cause to seek asylum in the United States.

I do not think there should have been any question about this. If there is any doubt, we should amend this bill or law without hesitation to ensure that flight from such practices are covered by our asylum policies, as the Senator from Nevada [Mr. REID] has already suggested.

Second, last Thursday, April 25, after more than a year in detention under conditions that subjected her to unnecessary hardship, Ms. Kasinga was finally released by INS to await determination by the Board on her asylum application.

Her case was first reported on the front page of the April 15 New York Times by Celia Dugger. Both she and her newspaper deserve a great deal of credit for bringing this to our attention.

Ms. Kasinga has sought for 2 years to find sanctuary in this country, only to be detained, tear-gassed, beaten, isolated and abused.

Well, now we all realize how bad this is. It is something that should outrage men and women alike. I believe it does outrage men and women in this country.

Unfortunately, one thing has not changed yet, that is the provision I am seeking to amend in this bill. The provisions in the bill would still summarily exclude Ms. Kasinga, and others like her, from ever making an asylum claim. She traveled through Germany on a false British passport in order to escape mutilation in Togo. Under the bill before us, she would be subjected to summary exclusion at the border without judicial review.

In fact, does anybody in this body believe that an immigration officer at her point of entry would, as a matter of first impression, have agreed with her claim that fear of female genital mutilation was a proper ground to seek asylum?

We should, instead, restore protections in our laws to protect her ability to get a fair opportunity to be heard.

On April 19, Anthony Lewis wrote a column for the New York Times that captured the essence of this issue. In his column, he notes, "The asylum provisions effectively impose the absurd presumption that anyone who flees a country without proper papers is not a genuine refugee." As Mr. Lewis puts it, "Political asylum is one saving grace in a world of too much political brutality. Why should Americans want to undermine the asylum concept?" Indeed.

This is what has always distinguished the United States in our 200 years of constitutional history—200 years as a Nation protecting democracy and individual freedoms and rights more than any other country in existence. No wonder people seek asylum in the United States. No wonder people facing religious persecution, or political persecution, or physical persecution, look to the United States, knowing that we are the symbol of freedom. But that symbol would be tarnished if we were to close our doors.

Mr. President, in Mr. Lewis' column, he wrote: "The Senate will in fact have another chance to consider the issue when it takes up the immigration bill."

I ask unanimous consent that a copy of Mr. Lewis' column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 19, 1996]

SLAMMING THE DOOR

(By Anthony Lewis)

BOSTON.—The case of 19-year-old Fauzlya Kasinga, who says she fled her native Togo to avoid the rite of female genital mutilation, has aroused much sympathy. She arrived at Newark Airport in 1994, told officials she was using someone else's passport, sought asylum, was turned down and has been held in prison ever since. The Board of Immigration Appeals will hear her appeal on May 2.

But in future we are not likely to know about desperate people like Ms. Kasinga. If their pleas for asylum are turned down by a low-level U.S. immigration officer, they will not be allowed to appeal—and review by the courts will be barred. They will be sent back at once to the land where they face persecution.

This extraordinary change in our law is part of the counter-terrorism bill awaiting President Clinton's signature. It is not directed at terrorists. It applies to anyone seeking asylum who arrives here with false documents or none—the situation of many people fleeing persecution.

The issue raised in Fauzlya Kasinga's case, female genital mutilation, is an important one: Does that cruel practice come within the grounds for asylum? But the new summary process of exclusion will affect many more people seeking asylum for traditional reasons: the man fleeing a Nigerian Government that executed his political colleagues, for example, or the Vietnamese who escaped from a re-education camp.

The asylum provisions effectively impose the absurd presumption that anyone who flees a country without proper papers is not a genuine refugee. By that test Fidel Castro's daughter was not a true refugee because she fled Cuba with a false passport. Nor were Jews who fled the Nazis without papers.

Political refugees are not the only losers. The bill trashes the American tradition of courts as the arbiters of law and guarantors of freedom. I have seen a good deal of nastiness in the work of Congress over the years, but I do not remember such detailed and gratuitous cruelty.

The bill gives virtually final authority to immigration officers at 300 ports of entry to this country. Each is directed to interview people seeking asylum and exclude them if he finds that they do not have "a credible fear of persection." That phrase is unknown to international law.

The officer's summary decision is subject only to "Immediate review by a supervisory office at the port." The bill prohibits further administrative review, and it says, "no court shall have jurisdiction" to review summary denials of asylum or to hear any challenge to the new process. (Our present system for handling asylum applications works efficiently, so there is no administrative need for change.)

Stripping away the protection of the courts may be the most alarming feature of the legislation. It is reminiscent of the period after the Civil War, when a Congress bent on punishing the South took away the jurisdiction of the Supreme Court to consider cases that radical Republicans thought the Court would decide against their desires.

Political asylum is one saving grace in a world of too much political brutality. Why should Americans want to undermine the asylum concept? And why should a bill supposedly aimed at terrorists be used as a vehicle to keep the victims of official terrorism from finding refuge?

Why should senators as decent as Orrin Hatch, chairman of the Judiciary Committee, stand still for such harshness? The asylum restrictions originated in the House and were kept in the bill by conferees, so the Senate was presented with a fait accompli. A motion by Senator Patrick Leahy to send the terrorism bill back to conference on that issue failed, 61 to 38.

President Clinton has been so eager for an anti-terrorism bill that he is not likely to veto this one, over the asylum sections any more than over the gutting of habeas corpus. But he could call on Congress to reconsider the attack on political asylum.

The Senate will in fact have another chance to consider the issue when it takes up the immigration bill, which has in it a similar provision for summary exclusion of asylum-seekers. On reflection, Senator Hatch and other's should see the threat to victims of persecution and to our tradition of law.

Mr. LEAHY. Mr. President, I have an editorial by the New York Times, entitled, "Not So Harsh on Refugees." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Apr. 22, 1996]

NOT SO HARSH ON REFUGEES

The ordeal of a young woman from Togo who came to America to avoid the practice of female genital mutilation should give members of Congress pause before they approve any further limitations on the rights of refugees seeking sanctuary in the United States. As detailed last week by Celia Dugger of The Times, Fauziya Kasinga was detained for months before she obtained a hearing, and she was strip-searched and held with convicted criminals. Shamefully, the anti-terrorism bill just passed by Congress and immigration bills still pending could subject many more refugees to similar treatment.

Ms. Kasinga's case involves female genital mutilation, a common practice in some two dozen African nations that involves cutting off portions of a young woman's genitals, often without anesthesia.

Ms. Kasinga fled Togo in 1994 to avoid mutilation after losing her status as a member of a privileged family. Her determination to avoid the practice could have subjected her to harsh treatment had she stayed, or if she is forced to return home. She may have a reasonable claim for asylum on the basis of membership in a social group vulnerable to persecution in her homeland.

But when Ms. Kasinga landed at Newark Airport in December 1994, seeking asylum with a phony passport, she was immediately detained. Under the law, people who have credible claims for asylum and family members already living in the United States can be released, pending a hearing. Ms. Kasinga has a cousin in the Washington area, but she was kept in custody anyway. After being held for months at a New Jersey detention center, Ms. Kasinga was transferred to a Pennsylvania prison and housed with convicted criminals.

Ms. Kasinga fared no better in court, where an immigration judge denied her claim. The Board of Immigration Appeals will hear her case in May.

If some members of Congress had their way, Ms. Kasinga would have been returned to Togo long ago. Under an immigration bill passed by the House, but now held up in the Senate, anyone attempting to enter the country without proper documents would only be entitled to a one-hour interview with an asylum officer. Denial of an asylum claim would be subject to review by a supervisor, but not by any other administrative or judicial body. These provisions, similar to ones in the anti-terrorism bill, would deny a fair hearing to many asylum seekers.

The House immigration bill also calls for detention of any asylum seeker who is awaiting a hearing, even when a credible claim has been presented. That could subject more would-be refugees to the harsh treatment suffered by Ms. Kasinga.

Senator Patrick Leahy of Vermont plans to offer an amendment that would not only override the harsh exclusion provisions in the immigration bill but also supersede the same provisions in the anti-terrorism bill. Congress should follow his lead.

Mr. LEAHY. It is hard to think of a time when you find the New York Times, the Washington Post, and the Washington Times all agreeing on an issue. But this is, as I said before, not an issue of political ideology, it is an issue of simple justice. It is an issue that reflect what is best in this country, what is the best in us as Americans.

In fact, it would be hard to think of a better example of how unworkable this provision is—the one in the bill that we seek to correct—than a woman who joined me at a press conference yesterday. Two years ago, she fled Peru. She had been horribly treated and threatened by rebel guerrillas there. She came to this country without proper documents. She was able to convince an immigration judge after an opportunity for a fair hearing that she would suffer persecution if she returned home.

Yesterday, I asked her to tell about her experience. Less than two sentences into her story, as the memories of what she had put up with 2 years ago played back, she broke down crying. Her case has been very well-documented. She was able to establish a basis for asylum. But now, 2 years later, the memories are so strong that, emotionally, she was unable to talk with us about it.

Can you imagine if the provisions in this bill had been the law and she got to the border, and an INS officer said, "Quick, tell me why you should stay here. What is going on? Why should you stay here?" This woman, who was unable to talk about it 2 years later after having been granted asylum, what would she have done, how would she have established her case? The answer would have been, "Well, obviously, you are not establishing the necessary criteria. You did not come here with a proper passport, so you are going back. Come back when you get a proper passport." What would she have gone back to?

Fortunately, instead of being sent back summarily to the hands of her abusers, she had a chance to be heard before a judge.

Mr. President, I am sure there are others who wish to speak. I will have more to say about this.

Mr. President, I withhold my time.

Mr. SIMPSON. Mr. President, there is no one I enjoy and regard more highly than my friend from Vermont. He and I have, fortunately, been on the same side of more issues than ever on opposite sides. I find him a fast and true friend whom I enjoy very, very much. When he speaks, he speaks with genuine clarity and authenticity about something in which he deeply believes.

Let me be so very clear here. We are, as the Senator from Vermont said, not talking about an antiterrorism bill. There was an amendment on the antiterrorism bill which passed the Senate by a vote of 61 to 38 which is, in many cases, quite similar to this measure. It had to do with exclusion and summary proceedings. We are not speaking of that. What we are talking about is the bill itself, and Senator LEAHY is intending to strike—we are not talking about female genital mutilation, we are not talking about terrorism; we are talking about the immigration laws of the United States. The bill as it stands before you has section 131, which is a new ground for exclusion of aliens, for aliens using documents fraudulently. That would be stricken by the Senator's amendment. There is a section 132 which is a limitation on withholding of deportation relief for aliens excludable for using documents fraudulently. There is a provision for summary exclusion. That would substitute a similar procedure for only situations which would be described as an extraordinary migration situation and not for other circumstances of the bill.

So, I speak against the amendment for these reasons. The committee's bill provision, which is in the version we are addressing now on the new ground of exclusion relating to document fraud, on summary exclusion, and on asylum applications, three things there—new ground, summary exclusion, and asylum application by those who have attempted to enter the U.S. with fraudulent documents—will greatly reduce the ability of aliens to unlawfully enter this country and then remain here for years through use, or misuse, of various administrative and judicial proceedings and appeals. It is almost what we would refer to as an overuse of due process.

These people in the past—this is what we are trying to correct—often receive more due process than a U.S. citizen receives. For example, the provisions relating to asylum and withholding of deportation will help the United States deal promptly and fairly with a very common scenario. Here is the scenario. For every example that touches our hearts—and this floor is filled with stories that touch our hearts; we will hear many of them today—for each one I get to tell another one. Here is a story that will not touch your heart.

A young person with no obligation to family, or anything else, who has decided to take off from his country to seek the promised land, and that is us—here is the common scenario used by those who would abuse the compassion of the American people. This is why the American people suffer compassion fatique. This is what gives rise to proposition 187's. This is what gives rise to the continual polls saying 70 to 80 percent of these people should be excluded and so on—not excluded, but indeed that we should do something with both illegal and legal immigration.

The scenario is this: The young person with no family, no spouse over there in the country they are leaving, no children, no parents perhaps, maybe an orphan, whatever—they board the plane with documents. Then they give them back to the smuggler on the plane who is with them, or else flush them down the toilet of the aircraft. Some have eaten them. Then they come to the United States, and at the U.S. port of entry they claim asylum.

Many of us saw this so dramatically in the "60 Minutes" presentation. We are going to talk about dramatic things, where the alien without the document said the magic words. The magic words in any language, or their own, is, "I want asylum. I want to claim asylum," just as the smuggler instructed him or her to say. You need to know only one word when you are there, "asylum." The program of "60 Minutes" ended with the alien going forward out of the door of JFK, suitcase in hand with a rolling cart to disappear into America probably never to be heard from again because he is certainly going to tear up any notice to appear at some future time.

Mr. LEAHY. Mr. President, will the Senator yield?

Mr. SIMPSON. If I could finish my remarks, I would—I yield for a question. Yes.

Mr. LEAHY. One question: Is it not under the new procedures, when they ask for asylum, would they not be held in detention until a preliminary determination has been made about false documents?

Mr. SIMPSON. Mr. President, much of this is being relieved by the simple procedure of detention facilities. When those detention facilities are available—and we have provided significantly more money for detention facilities—we find that these things are going to be glimmering in more cases. But I wanted to cite it indeed.

Mr. President, I want to emphasize that the bill provides very clearly an opportunity for every single person, every single person without documents, or with fraudulent documents—please hear this—fraudulent documents or proper documents allow every person to seek asylum. A specially trained asylum officer will hear his or her case. This is the key. I want my friend from Vermont to share with me in the debate as we do this, which he will in fairness. A specially trained asylum officer will hear his or her case, and if the alien is found to have a "credible fear of persecution," he or she will be provided a full—full—asylum hearing. However, if he or she does not have such a credible claim, he or she will be subject to the summary exclusion procedures as will all persons who enter without documents or with fraudulent documents.

There is discussion about persons not being permitted to apply for asylum if they do not travel directly from the country in which they allegedly have a fear of persecution. This is always a difficult situation because we find people who will leave the country where they are being persecuted legitimately, or, if they are just simply using an inappropriate way to get here, they will go to one, or two, or three other countries all of which might be democracies, all of which would be free countries, all of which would be giving the precious refuge of a refugee or an aslyee. The only difference between a refugee and an aslyee is a refugee is over in the home country and an aslyee is here. They are absolutely the same. But the term is used "aslyee" when they are here, and "refugee" when they are there.

So the United States cannot be expected to provide asylum. I am not talking about asylum. I am talking about people who are fleeing persecution or have a well-founded fear of persecution based on race, religion, national origin, or membership in a social or political organization. That is an aslyee. That is a refugee. That is the definition under the law of the United States of America and the United Nations. We will always provide asylum.

There are some great asylee-receiving countries in the world. Two of them have completely revised their asylum laws because of the absolute gimmickry that is taking place. One is my native land, my original native land, Holland, the most open country in the world, a country that gave solace and comfort to fleeing Jews 500 years ago and to those fleeing Nazi Germany. They have now changed their asylum laws the same as we are doing in order to avoid gimmickry. The other country is Germany. After the war, the horror of the war, and the imprint of the Nazis upon the German people, who were appalled—I believe this because I lived among them for 2 years—appalled at the Nazi regime, real Germans are appalled by that.

They realized that, because of what they had done during the war, they made the broadest, most extensive asylum laws in the world because they had to; people were watching them after the war. And being the most generous country, they have had now to simply shut down the process because of gimmickry.

So it is important to know that those who come from a safe country where they could have obtained asylum—normally someone who is fleeing, I mean fleeing in terror of their lives, with the dogs and the soldiers and the arms coming at them—they stop where it is safe to do so, not select or choose leaving one or more safe countries in order to enter the United States or another country for which he or she has a personal preference. And the ultimate personal preference is always the United States of America.

Mr. President, I do want to point out, however, that the Attorney General will have the discretion to waive, under my proposal, under extraordinary circumstances this requirement of direct travel to the United States.

I wish to conclude by saying a few words about the summary exclusion procedure in general. The present system is vulnerable to mass migration and other extraordinary situations and to persons who exploit the numerous levels of administrative and judicial review to stay in this country for years even though they have surreptitiously entered or sought to enter this country or have presented themselves for inspection with fraudulent documents or no documents and such individuals have no grounds for being in the United States of America except the possibility of asylum.

The bill's summary exclusion procedures provide a method for the Attorney General to significantly reduce this problem while still giving aliens a reasonable opportunity to seek asylum or withholding of deportation because of a fear of persecution for race, religion or one of the statutory or treaty grounds. And subject to the credible fear asylum procedure I have already described, an immigration officer can order an alien who has entered without documents or with fraudulent documents to be removed from the United States without bringing the alien before the immigration judge or the Board of Immigration Appeals. Only limited judicial review would be available. It would be limited to a habeas corpus proceeding devoted to no more than three issues:

First, Whether the individual is an alien or if he or she claims to be a U.S. citizen;

Second, Whether the individual was in fact specially excluded;

Third, Whether the individual has proven that he or she is a lawful permanent resident.

The court could order no relief other than the full exclusion hearings.

Finally, let me conclude, at least for this moment, and I hope we will continue toward a result here. We are talking here of immigration, and certainly there has been a reference to female genital mutilation. That is a very serious issue. I certainly concur totally as to the horror of that, and who could not? Certainly any compassionate person could not.

My colleague from Nevada, Senator HARRY REID, noted that Canada had made female genital mutilation a ground of asylum 3 years ago and had only two persons apply since that time. My information from the Canadian Embassy is a bit different, and I hope my colleagues will hear this. All of us admit that this is a hideous, barbaric thing. I understand, first, that this mutilation is not by itself grounds for a grant of asylum. This is our Canadian neighbors. But it is merely one of several factors to be considered in determining whether the applicant qualifies under the definition of a refugee.

Second—I think we must hear this—I understand that as victims of mutilation have come to Canada, they have brought their relatives along with them, or the relatives at least followed later. In any case, the result now has been that the practice of female genital mutilation has become a growing legal and criminal problem in Canada. It has now been imported into Canada, and one or more Provinces plan to make it a criminal offense. Police currently have to prosecute it under the assault statute, I say to my friend from Vermont, who has been a prosecutor, as I have, on the lower levels.

In other words, we have a situation where Canada has found that the victims end up being joined by the perpetrators. That fact suggests as well that we may be dealing here with a cultural practice—and that is exactly what we are dealing with, ladies and gentlemen, a cultural practice—and perhaps not a practice of official government-sanctioned persecution. This is going to be a real debate in the coming times because we in this body talk continually about respect of other cultures—cultures of the native American in my State, cultures of other ethnic groups, cultures of Hispanic-Americans, cultures of African-Americans.

The best practice is not to create some per se ground of asylum but do just as we do in all asylum and refugee determinations, and that is consider each one of them on a case-by-case basis. That is what we must do.

So, again, we get into these situations by our remarkable strength and our remarkable weakness, which is our compassion, and then we get the blend of emotion, fear, guilt, and racism and blend that in, and we do erratic things in immigration reform, or we would not be doing what we are doing in these last days. The reason this is so difficult, you will be on one side or the other and you say: "How can we do this? Why can't we do this? How can this be? How did I vote this way? How can I get out of this thicket?"

The reason is, you are going to stay right in it because this is about America. It is about America, and America is a very complex place, thank God. We still have one thing that binds us, or several—a common flag, a common language, and a public culture. When we break it all down into individual cultures, Balkanize these great States that were fought so hard for in this Chamber to unite and to unite in the great melting pot, we do a disservice.

We are about to pass what many in this body will describe as a tough illegal immigration bill, and it will be, and it will pass, whatever form it is. Win or lose your amendments, forget it. It is an accomplishment that we will proudly reflect to our constituents. But remember this: We take in more asylees than all the rest of the countries on Earth, total. We take in more refugees than all the rest of the countries on Earth, total. We take in more immigrants than all the rest of the countries on Earth, total, period.

Finally—you have all heard that a thousand times—and it is very important to someone listening, wherever these words fall, this bill explicitly provides that this special exclusion procedure does not apply if the alien has a credible fear of persecution on one of the required grounds—race, religion, membership in national organization, and so on. Therefore, nearly the entire argument of the Senator from Vermont, my friend, vests on the inadequacy of the procedure provided in the bill to determine whether an alien has a credible fear of persecution—that is the intent of the Senator from Vermont, saying it is inadequate.

Let me read the standard that would be used by the specially trained asylum officers to determine whether an applicant for asylum has a credible fear of persecution and therefore should receive a full—full—asylum hearing and not be subject to the special exclusion. I cite the language in section 193 on page 173 of the bill, lines 6 through 14, saying:

> As used in this section, the term "credible fear of persecution" means that (A) there is a substantial likelihood—

"Substantial likelihood" that is,

> that the statements made by the alien in support of the alien's claim are true, and (B) there is a significant possibility in light of such statements and of country conditions—

Which will be determined by the State Department,

> that the alien could establish eligibility as a refugee within the meaning of section 101(a)(42)(A).

That is what this bill provides. It is not some swift or harsh provision. And this bill does not gut our asylum laws. The bill's provisions bring some sense and effectiveness to our asylum laws. These are laws that have been effectively gimmicked over the years because 400,000 backlogged asylum cases can well attest to that.

As my friend from Vermont says, if a person is fleeing for his life because of religious beliefs and must use forged papers and travel through several countries to get here under the bill that person will be summarily sent back—it is not so. If such a person arrives under the provisions of the bill he or she would get a hearing before a specially trained asylum officer. And if he or she had a credible fear of persecution, and there was a substantial likelihood the facts are true, as I have just cited, he or she will be permitted to remain in the United States and have a full asylum hearing when he or she is prepared and ready, with counsel.

So, I yield at this time.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Vermont.

Mr. LEAHY. Mr. President, I just want to make sure my colleagues understand the Senator from Wyoming and I have a longstanding friendship and affection and respect for each other, but we do look at this somewhat differently.

To begin with, regarding the vote on the anti-terrorism bill, while the issue may appear similar, the procedural situation was much different. There my motion would have required a recommitting of the whole conference report, a great burden to overcome.

As a matter of fact, I had a number of Senators come up to me and say, "Why do you not do this on the immigration bill? We will have a lot easier time voting for you on the immigration bill." Well, God bless you all, you will now have a chance to vote with me on the immigration bill.

In addition, that motion did not include the creation of authority for the Attorney General to declare a special migration situation of immigration emergency. The amendment I offer today includes such provisions.

Further, when we talk about the people coming in with false passports fleeing persecution, they do not get a hearing under the bill. They get an interview. They get an interview by whoever is there at the border, and they can get kicked out right then and there. It is cruel, it is fundamentally unfair to a traumatized and fatigued refugee, who would be allowed no assistance and no interpreter, to treat them so summarily.

The kind of screening process provided in the bill will mean an investment of enormous resources for a special screening that we do not need. We would be requiring extra resources to do an ineffectual job.

In 1995, for example, after our asylum processes were reformed, we had only 3,287 asylum seekers who arrived without valid documents. They could be handled through the normal process. They do not have to be bounced out following some truncated and confusing interview. As we have heard, these people have faced such traumatic experiences. They are not likely to be prepared to respond when hit with that first, all important interview.

We reformed, in 1994 and 1995, our asylum processes. The Justice Department can handle it very well under my amendment.

Do not confuse illegal immigrants with refugees.

This bill would establish summary exclusion procedures for refugees seeking to claim asylum. It would give low-level immigration officers unprecedented authority to deport refugees without allowing them a fair opportunity to establish valid claims. These provisions should not even be in this bill, if it is intended to focus on the problems of illegal immigration. Refugees who seek asylum in the United States are not causing problems for America and Americans. They come to us for refuge. They come to us for protection. They come to us for what America promises in constitutional freedoms and protections. We should not turn them back, and turn our back on them or destroy our country's reputation for protecting human rights.

Look at the Washington Times editorial, look at the Washington Post editorial, look at the New York Times editorial. They express the feelings of so many in this country.

Think about a person who talked before a press conference here on Capitol Hill yesterday, Alan Baban, who was held 16 months in detention.

He is a Kurdish national who had been in prison for over a year in Iraq. He was tortured, both because of his Kurdish nationality and his political involvement with an organization committed to securing political freedom for Kurds. His body has the scars of that ordeal. At one point in his captivity he bribed a guard and he escaped. His family's possessions were seized by the Iraqis.

Finally, in November 1994, he and his mother, who had been hiding for close to 3 years, used false documents to get out and arrived in the United States.

Most of us know what terrible treatment the Kurds have had at the hands of the Iraqis. But somehow the immigration inspector at the airport did not believe Alan and did not think that he had established a credible claim of persecution. So Alan was placed in detention, in prison, in the United States. A year later, without a translator to help him, he was denied political asylum.

After 16 months in detention, when his true story came out, an immigration judge finally granted him asylum. Yesterday, he thanked the United States for finally listening to him and letting him out.

This is one of a number of examples of refugees who were initially ruled not to have satisfied a credible fear standard but who after a hearing were able to prove a claim for asylum.

I know the Senator from Massachusetts is seeking time.

Before I yield the floor, Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEAHY. Mr. President, I just might ask the distinguished manager, am I correct in my understanding, as we offer these various amendments they will then be set aside for others so there will be a series of votes? Is that correct?

Mr. SIMPSON. Mr. President, at least this amendment and the next amendment of Senator ABRAHAM and Senator FEINGOLD will come up at a time around the hour of 2 o'clock. We will stack votes on these two, or others we might have problems on, including, perhaps, that of Senator BRADLEY, who is here.

Mr. LEAHY. Mr. President, just before that vote will we follow the usual thing where each side has a minute or so?

Mr. SIMPSON. We will put that in the unanimous-consent request, that there be 2 minutes equally divided.

Mr. LEAHY. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will just take a moment because the Senator from Vermont has made the presentation and made it exceedingly well, which he did in our judiciary markup as well.

What I want to do is just take a moment of the Senate's time to describe the conditions that we were facing a number of years ago, and where we are on the issues of asylum today, because I think it reaches the core of the Leahy amendment. There is no question that, as he outlined, there are people who come here with a well-founded fear of persecution. They come here, few of them with papers, many of them without any papers, for the obvious reasons they are in terror and have been persecuted by the existing regime. That is an important group, but I will come back to the numbers in just a moment.

But there is no question that large numbers of people came here requesting asylum for one reason: they wanted jobs. As Senator SIMPSON has correctly stated, the process and procedure was that people would come in and declare they wanted asylum. The first thing that happened was they got a green card, went out and got lost in society. There was very, very significant abuse of that whole process. But that has changed dramatically in the last year.

By and large, we ought to be looking at what the current condition is, not what the conditions were 1 year ago, 2 years ago, 3 years ago when we had all the significant abuses in the asylum system. The principal abuses for the asylum system, as in the whole issue of illegal immigration, were jobs. People saw this as an opportunity to come to the United States, say "asylum," get that green card and then go to work. Instead of running across the Rio Grande or trying to come on in across another border, that was one of the ways that they came in here.

That whole spigot, in terms of the jobs, has been closed down by the INS because they no longer provide the green card so that these people can go out to work, and second, they are held in detention.

We have to ask ourselves whether we are going to be satisfied with a counselor, as well trained as they are, making the final judgment about a well-founded fear of persecution. I can remember it was not long ago when we had a number of Soviet Jews who came through Rome and were being evaluated as to whether they were real or refugees coming into the United States. There were a series of counselors out there. All had been trained, all seeing these various refugees, refuseniks, people who had been persecuted in the Soviet Union. At the end of the day, one group let in 60 percent and another group let in 20 percent. We had hearings on that. So you find diversity.

What we are talking about are the limited numbers which we are faced with now. In 1994, we had 122,000 asylum claims and we completed 60,000. In 1995, we had 126,000 claims and we completed 53,000. We have seen this dramatic change that has taken place with asylum claims—dramatic, dramatic change. Out of the 53,000, there are approximately 6,000 that actually receive asylum. Mr. President, 6,000 in this country, 6,000 that are actually granted asylum.

These are individuals who have gone through not just the airplane ride across and flushed their ID cards down the toilet or ate their ID cards, these are 6,000 people who have a well-founded fear and have gone through the process. It seems to me that those individuals whose lives have been a struggle, as we define them, to try to develop democratic institutions, democratic ideals, democratic values, democratic priorities in their countries so that their countries will move toward the kind of value system in the broad terms of respect for democracy and individual rights and freedoms are real heroes in many, many instances. We have recognized that over the long history of this country.

So I think the amendment of the Senator from Vermont makes a great deal of sense. I think the opposition, quite frankly, is directed toward a condition which no longer exists because of the excellent work of the INS in addressing it. Asylum claims declined 57 percent as productivity doubled in 1995. That is in this last year. They are continuing to make progress.

We ought to be sensitive to this issue of individuals who have gone through the harshness and the brutality of these foreign regimes. We cannot pick up the newspaper without being reminded of them. In so many instances, these individuals, who really do deserve asylum, deserve to be able to receive that in our country, approximately 6,000. I have very serious fears that that kind of sensitivity to the real needs of individuals who have been struggling for democratic ideals will not be as respected as it has been if we adopt the proposed recommendations.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I also rise in support of the Leahy amendment. Senator SIMPSON is correct that for a period, we went through this where people just memorized three or four words in the English language, "I seek asylum."

When his bill was first introduced, I was inclined to believe some additional strengthening language was needed. But I was visited by the INS people. I have to say Commissioner Doris Meissner just has made a terrific impression on all of us. She really knows her stuff, is very conscientious, and is very able.

This morning's Washington Post has a story, "Russia Bars Jewish Agency," and the Russian Ambassador to Israel said he thinks it was just a bureaucratic slipup. But then you get to the inside pages and read the story that out in the boondocks in Russia there are some anti-Jewish activities taking place. I hope it is just temporary and isolated.

We do not know what is going to happen. I think that the Leahy amendment is one that moves us in the right direction. I think the graph that Senator KENNEDY has shown us shows fairly dramatic improvement in the situation. I hope the Leahy amendment will be accepted.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article to which I referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, May 1, 1996]

RUSSIA BARS JEWISH AGENCY—BAN COULD HAMPER IMMIGRATION TO ISRAEL

(By Barton Gellman)

JERUSALEM, April 30.—The Jewish Agency, a quasi-governmental body that has brought 630,000 Jewish immigrants to Israel from the former Soviet Union since 1989, announced tonight that Russian authorities have revoked its accreditation and notified local jurisdictions that the agency no longer is authorized to function in Russia.

There was no clear indication of Russia's intentions and no explanation from Moscow. But the potential stakes were seen in Israel as high.

Russian immigration has changed the face of Israel, adding nearly one-fifth to its Jewish population and infusing the state with one of the world's most productive flows of human capital. Before the thaw that accompanied the Soviet Union's final days, the Moscow government's sharp restrictions on emigration—and ill-treatment of Jewish "refuseniks" who could not leave—were a major source of friction with the West.

An estimated 1.4 million Jews remain in the former Soviet Union, 600,000 of them in Russia, and Israel had projected until now that they would continue to make new homes in Israel at last year's rate of 65,000 for several years to come. Officials here have observed no slowdown in Russia's distribution of exit visas, and they do not foresee a return to Russia's old bans on emigration itself, but they said most Russian Jews could not readily leave without the practical and financial assistance of the Jewish Agency.

Israeli officials said they were uncertain of the origins of the present impasse, and the Russian ambassador here qualified it as a bureaucratic slipup. But Israelis voiced two theories about what is happening.

One focused on the growing nationalist cast of a Russian election campaign that is threatening to unseat President Boris Yeltsin. The second looked to bilateral tensions and the bitterness of the new foreign minister, Yevgeny Primakov, at Israeli moves to keep Russia far from its desired role at the center of Middle East diplomacy.

A third explanation—mere misunderstanding—prevailed at first when the Jewish Agency lost its legal accreditation on April 4, which effectively terminated its right to operate offices, hold meetings and stage other activities in Russia. Agency officials treated it as a slipped formality and discouraged Israeli reporters from writing about the change.

Other signs—including closure of the agency's Birobidjan and Makhachkale offices in the Russian hinterland, a Justice Ministry notice to local authorities about the loss of accreditation and an increase in vandalism directed at agency properties—began to convince them otherwise as the month wore on.

Avraham Burg, the agency's chairman, decided to make public his protests after police and local government officials descended on a Jewish Agency gathering today in Pyatigorsk, an important regional emigration center in the northern Caucasus, and ordered the meeting to break up. Three Israeli representatives of the agency were asked to leave town.

"If this is just a bureaucratic stupidity, I will be happy," Burg said in an interview, "and if it is something else, we shall be ready in the international arena with the Jewish voice, Jewish pressure."

"We are working in the former Soviet Union under two assumptions," he added. "The first one is that the right of the ancient Jewish people to repatriation is a given, and the second one is that the constitutional, basic, elementary right of family reunification is [Russia's] passport to the free world. Without this you are not a Western modern country."

Burg said he had summoned the Russian ambassador to Israel, Alexander Bovin, for what became a sharp meeting last week. Burg said the ambassador assured him that the difficulty was merely technical.

Neither Bovin nor any other Russian diplomats here, nor officials in Moscow, could be reached for comment tonight.

Burg and Prime Minister Shimon Peres agreed to take the position that there can be no link between the agency's travails in Russia and any bilateral disputes between the Moscow and Jerusalem governments on the grounds that it affects the human rights of individual Jews and the broader interests of the world Jewish community. Foreign Ministry officials said tonight that they would play no role in protesting the change in Russian policy, and Burg planned to fly to New York Wednesday to confer with American Jewish leaders on possibly bringing pressure to bear in Moscow.

Alla Levy, chief of the Jewish Agency's efforts in the former Soviet Union and a 1970 immigrant, said today's crackdown in Pyatigorsk was especially sensitive because that city is one of 10 from which Russian Jews fly directly to Israel.

Several irritants trouble Israeli-Russian relations, and Primakov rebuffed a meeting request last month from Foreign Minister Ehud Barak. A specialist in the Arab world, Primakov is seen as resenting the combined efforts of Israel and the United States to squeeze Moscow out of its place as co-sponsor of regional peace talks.

Israel acknowledges, in addition, that it has been slow to transfer legal rights to Russia from the former Soviet Union's valuable land holdings in Jerusalem. Additional frictions arose at Israel's treatment of Russian visitors at passport control points after police found evidence that Russian organized crime had made inroads here.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, thank you very much. I rise today in strong support of this amendment. Our amendment would, in our view, greatly improve this section of the bill dealing with asylum. Frankly, this section does need improvement. It really creates a summary exclusion, a summary exclusion that would keep out of America some of the worthiest of all asylum seekers.

Further, it sets a legal standard that is both unprecedented and excessive for people who are the most in need, for people who are truly fleeing persecution, and it puts what for some people is a life-or-death decision in the hands of the INS bureaucrats.

As has been pointed out by my colleagues from Illinois and Massachusetts, there really is not the problem today that we may have seen 2, 3, 4 years ago. Today, the asylum system works pretty well, and we do not need this change, we do not need this summary exclusion. It is not worth the price that we are going to pay.

It is clear that several years ago, the asylum system was, in fact, broken. Under the old system, people could get a work authorization simply by applying for asylum, and this, obviously, became a magnet, even for those who had absolutely no realistic claim for asylum.

But the INS changed its rules in 1994, and it stopped automatically awarding work permits to those filing for asylum. Instead, it began to require an adjudication of the asylum claim before it awarded work authorization.

It also began resolving asylum claims within 180 days. The results are very, very significant.

According to the INS, in 1994, before the new rules were put in place, 123,000 people claimed asylum.

In 1995 however, after the new rules were established, only 53,000 people even applied for asylum. That is a 57-percent decline in those people who even apply for asylum, a 57-percent decrease in 1 year.

Also, the INS reports that it is now completing 84 percent of the new cases within 60 days of filing, and 98 percent—virtually all new cases—within 180 days of filing. That is why the administration, the INS, say that they did not need this provision.

Second point, Mr. President. The most worthy cases for asylum would be excluded if we impose this new summary exclusion procedure. Among those excluded would be cases of victims of politically motivated torture and rape, the very people who are most likely—most likely—to use false documents to flee from the country of their torture. These are the people who would be hurt the most, frankly, by this summary exclusion.

Let us talk about these individuals. We have already heard about the young woman who was seen in the press the last few days from Togo. But let me use two other examples. These are real world cases. These are cases where, if the law, as it is currently written in this bill, if this change does in fact go into effect, these people never would have gotten into this country. They would have been excluded by an INS bureaucrat and sent back to their country in that 1-hour determination that we have talked about.

A real example. First, a student in Sudan was beaten and given electric shocks by Government torturers for the crime of engaging in a peaceful protest against the Government. He escaped to the United States without a passport. He was placed in detention because an INS bureaucrat concluded he did not have the credible fear of persecution standard that we have heard about. However, on judicial review, this individual was granted asylum.

So under the procedure that is contained in the bill, under that procedure, the new procedure that we are trying to take out, under the new procedure, it never would have gone beyond the INS bureaucrat. This student from Sudan would have been sent back to Sudan. There would have been no opportunity for this person to have a hearing on the matter beyond an initial 1-hour hearing from the bureaucrat where the bureaucrat made the decision, "Send him home."

Second example. A man from India—this is a true case—was imprisoned and tortured by the Government because of his religious beliefs. His family's home was bombed. Fearing for his life, he fled to the United States, where INS bureaucrats verbally abused him, and denied him food and water until the next day. They said his fear was not credible. This case on judicial review was changed. He was granted asylum. Again, under the provisions of this bill, without our amendment, this person never would have gotten to the judicial review, would have been sent back by the determination made by the bureaucrat.

Mr. President, I think that is too heavy a price to pay. I think it is very clear that we do not need to change the law in this area.

I think America, Mr. President, stands for something better than that. We have historically held out the lamp of freedom to the world. We are different than other countries. We have held out a lamp that is lit by the flames of justice, not by bureaucracy.

Mr. President, I ask the Members of the Senate, whether watching on TV or sitting in the Chamber, think back to stories you have heard—we have all heard stories—about people who have fled persecution, and whether that was in Nazi Germany, or more recent examples. How often did that person who fled persecution have to have a forged document? How often did that person go to great pains to obtain a forged document to flee the country? How often did that person have to have another country of immediate destination before they ended up in the country that they wanted to end up in? How many by necessity had to have that third country there?

Each one of us can remember these stories. I remember, as a very young boy, listening to a story told by a friend of my father, who fled Nazi Germany. Although some of the details have left me over the 40-some years since I heard this story, I can still remember parts of it, and how difficult it was and what great risks he took to get out of Nazi Germany, to get out of Nazi Germany with documents that clearly were fake. I think we need to keep this in mind, Mr. President, when we decide what to do in regard to this amendment.

My friend from Wyoming talks about compassion fatigue. I understand that. I get it. That is why, quite frankly, we have made changes. There are major changes in this bill. That is why the INS has made very, very significant changes in the last several years to speed up the process, to make sure that they weed out these cases that do not have merit. That system is working.

But I would just say that as we look at this amendment, I would ask my colleagues to keep this in mind, that in an immigration bill, more than in any other bill that we pass on the floor, more than any other bill that we debate, we do define who we are as a country. I think we should be different.

I understand the argument that Holland does it one way or Germany does it another way. That is fine. I understand the argument. But I think, quite frankly, we have to do it our way. We have to do it in a way that is consistent with our tradition. One of the great traditions of this country is that we have been a beacon of hope, and of light, as Ronald Reagan would say. We have been the country where people could come to when they were persecuted.

If you look at our history and our immigration policy, our best days—our best days—have been when we reached out and said, "Yes. We are this country that is different." The few times in our history when we have turned our back on people who are persecuted—and there are examples of this; the Nazi Germany situation, the few times we have done that—we have lived to regret it. And we have been sorry for it.

So, yes, I understand compassion fatigue. But we are, in a sense, in this bill defining who we are as a people and redefining that. I think the amendment that has been offered by my friend from Vermont is entirely consistent with that great tradition of this country. Thank you, Mr. President. I yield the floor.

Mr. JEFFORDS. Mr. President, I would like to express my strong support for the Leahy-DeWine amendment, which preserves critical due process rights for refugees arriving in the United States after fleeing persecution in their countries of origin. While the United States must control its borders and ensure that its hospitality is never abused, it must also live up to its finest traditions as a land of freedom and refuge for the oppressed.

Our country is built on the rule of law, and must preserve and protect that legacy for all. This amendment would ensure that those fleeing oppression have a fair opportunity to present their cases and have them studied and reviewed by appropriate officials. Many genuine refugees are forced to come to the United States with false documents and then apply for asylum. In fact, an argument could be made that the more dangerous their situation, the more urgent it is that they come to apply for asylum, and the more likely that they will not have access to government travel documents from the government which is persecuting them. It is just these most needy people who will suffer most directly from the summary exclusion measures which this amendment seeks to modify.

With adoption of this amendment, the United States will remain able to ensure that those with valid, deserving cases for asylum will continue to be able to apply for asylum in the United States.

I urge my colleagues to support this important amendment.

Mr. SIMPSON. Mr. President, I ask unanimous consent that this amendment be set aside for a few moments so Senator BRADLEY can go forward with an amendment. I do not think it will take a great deal of time. So if Senator BRADLEY will go forward, and then Senator HATCH could speak on this bill, and then I have a few more remarks on the pending amendment. I ask unanimous consent that it be set aside at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, I thank the distinguished chairman.

AMENDMENT NO. 3790 TO AMENDMENT NO. 3743

(Purpose: To establish an Office for the Enforcement of Employer Sanctions)

Mr. BRADLEY. Mr. President, I call up amendment No. 3790.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Jersey [Mr. BRADLEY] proposes an amendment numbered 3790 to amendment No. 3743.

Mr. BRADLEY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 47 of the amendment, strike line 1 and all that follows through line 21 and insert the following:

SEC. . ENFORCEMENT OF EMPLOYER SANCTIONS.

(a) ESTABLISHMENT OF NEW OFFICE.—There shall be in the Immigration and Naturalization Service of the Department of Justice an Office for the Enforcement of Employer Sanctions (in this section referred to as the "Office").

(b) FUNCTIONS.—The functions of the Office established under subsection (a) shall be—

(1) to investigate and prosecute violations of section 274A(a) of the Immigration and Nationality Act (8 U.S.C. 1324a(a)); and

(2) to educate employers on the requirements of the law and in other ways as necessary to prevent employment discrimination.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General $100,000,000 to carry out the functions of the Office established under subsection (a).

Mr. BRADLEY. Mr. President, this amendment is a second-degree amendment to the one proposed by the distinguished Senator from Wyoming. The amendment will improve the Federal Government's ability to deter illegal immigration by enhancing the enforcement of our existing laws. In particular, this amendment would create a separate office within the INS to ensure that our employer sanction laws are effectively and fairly enforced. The fact is that employment is the single most important enticement that brings illegal immigrants to our shores.

If we want to address seriously the illegal immigration problem in this country, we must address ourselves to the root of that problem, which is the jobs.

In 1986 we started down the right track with the Immigration Reform Control Act, better known as the Simpson-Mazzoli Act. In that bill we enacted, after considerable debate, employer sanctions which imposed civil penalties on employers of illegal aliens and criminal penalties for pattern or practice violations.

We put very tough teeth in the law—up to a $10,000 fine, up to 3 years in jail. Those provisions are strong and, if enforced adequately, would deter the hiring of illegal aliens.

This bill makes important headway in improving these laws. However, one critical element is missing: These laws, those that we passed in 1986, are not being adequately enforced.

I have heard many in the Chamber complain that employer sanction laws are not working and perhaps should be eliminated. I agree that they are not working as well as they could be working, but the problem is not with the law. The problem is with the implementation of the law. The INS' ineffective implementation of these laws has been noticed time and again by independent observers, including the Jordan Commission and the Office of the Inspector General.

For example, the Jordan Commission found that employer sanctions are accorded a low priority by the INS. The INS' own data bear that out. Between 1989 and 1995, the number of INS investigations of employer sanction violations dropped by more than 50 percent.

Let me repeat that: From 1989 to 1995, the number of investigations by the INS of employer sanctions dropped by more than 50 percent. The GAO found that the number of agents assigned to the workplace enforcement dropped more than half between 1989 and 1994.

Overall, financial resources allocated to the enforcement of employer sanctions also has declined significantly. While the INS is now increasing the number of workplace agents and resources directed toward the enforcement of employer sanctions, projections indicate that the INS will only employ, after these improvements are made, only employ about 708 workplace agents in 1996. Mr. President, 708 agents to cover a nation with 6.5 million employers—this contrasts sharply with the over 5,000 Border Patrol agents that the INS projects in 1996.

This disparity is notable given that according to the INS' own estimates, their own estimates, about half of all illegal immigrants do not cross the border illegally but overstay their visas.

Let me repeat that: Half of all illegal immigrants in this country are not sneaking across the border in the middle of the night but they are people that come into this country on a visitor's visa and overstay. They are people who come in on a visitor's visa, then get a job illegally. They are here in the workplace taking jobs away from Americans.

The law says an employer who hires an illegal immigrant who overstays on his visitor's visa, for example, is subject to fine and possible imprisonment. Yet, nobody is going after these employers. There is not enough enforcement.

Furthermore, the INS is failing to conduct investigations effectively. Like the Jordan Commission's report a year earlier, a September 1995 inspector general audit found numerous problems with the INS conduct of its employer sanctions investigations. The inspector general specifically found that "the INS is sending a signal to the business community that it does not take seriously its enforcement responsibilities in the area of employer sanctions." Those are the words of the inspector general that the INS is not seriously pursuing employer sanctions.

The problem is more, however, than numbers and authorizations. This bill provides much needed authorization for additional investigators available for the INS to use for employer sanctions. That is good. It does not go far enough because those investigators are not necessarily going to be directed toward employer sanction enforcement.

Moreover, these investigators are likely to continue to be wasted on less important and less effective enforcement efforts. That certainly is the case if past practice is any indication.

New investigators could deal with the part of the INS problems in this area, but only if they are used appropriately. As the critique of the Jordan Commission, the inspector general, and others have indicated, the problem is more than resources; it is more than simply a few more agents. Consequently, our solution must provide more than resources.

Mr. President, what is needed is a separate office for the enforcement of employer sanctions that will focus its activities on the most serious problem, which is employers hiring illegals, not having anyone go after them, as well as address the problems of employers discriminating on the basis of national origin. It is clear that a fundamental change is needed in the INS bureaucracy to make these laws work.

The amendment I am suggesting specifically addresses this problem by changing the task force provided by section 120(b) of the bill to an office for enforcement of employer sanctions and authorizing it for $100 million, the figure contained in the 1986 Immigration Act. The office will have two primary functions: to investigate and prosecute employer sanction violations, and to educate employers on the requirement of the law in order to prevent unlawful employment discrimination.

I think this amendment corrects the weaknesses in the existing bureaucracy. It will separate and dedicate necessary resources to the enforcement of employer sanctions so that it will be accorded the priority that it deserves. Of equal importance, the creation of a separate office within the INS will tell employers that the INS is now serious about enforcing the employer sanctions provision, that it has the budget and the manpower to investigate and follow up leads on the worst violations of these laws. As well, it will send a strong message to the INS that it needs to improve its enforcement activities.

I think it is also important to point out that this amendment does not add new sanctions or increase the burden on employers. It does not add one single form to the mountain of paperwork they must already fill out when they hire a new legal worker. It just asks that existing law be adequately enforced.

Finally, and of equal importance, it will require better education of employers to prevent discrimination.

In short, this amendment goes to the source of the illegal immigration problem in this country—the job magnet—by improving our mechanism for seriously working to eliminate that employment magnet, with adequate enforcement directed toward the problem, with no excuses, and with results required.

Mr. SIMPSON. Mr. President, I think my old friend, Senator BRADLEY from New Jersey, has put his finger right down on one of the most critical issues in dealing with the problem of illegal immigration, which is the magnet of jobs, employment, which draws illegals to this country.

This amendment would establish an office within the INS, as I understand it, specifically staffed and mandated to perform both of the functions that are essential to the success of any employer sanction provisions.

That is, the office would both educate employers about the law and their responsibilities to prevent unlawful discrimination, and would investigate and prosecute those employers who knowingly hire illegal aliens. I think that we cannot claim to be serious about dealing with the problems of illegal immigration unless we are serious about dealing with those who knowingly hire illegals. So long as they can get the jobs they seek, illegal aliens will continue to regard this country as the land of opportunity, and some will refer to it almost as the land of slave labor as they come here as illegals and remain in that status. That is why it is important that we remove illegal persons from our society or else make them legal.

So we already have a special counsel for the prevention of discrimination against aliens. That is already on the books. I did not like that when it went in, but it is on the books. Surely, it would be appropriate to have an office of employer sanctions to deal with the single-most important element. As Barbara Jordan's Commission put it, "Shifting priorities and reduced funding have hamstrung some of those provisions."

As I understand it, this does not create a new Justice Department agency to enforce employer sanctions. It creates a new office within the INS. But there is a funding level increase. That is correct. Originally, that was not so, but it is so now, is that correct?

Mr. BRADLEY. Yes.

Mr. SIMPSON. This provision would not disrupt the balance between employer sanctions and antidiscrimination. I will have to, if I may, set the amendment aside because several wish to speak on that amendment. I personally do not have grave reservations about it, but others do.

AMENDMENT NO. 3780

Mr. SIMPSON. I ask that the amendment be set aside and that we go back to the Leahy amendment, and then we go to Senator ABRAHAM to lay down his amendment.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me just come to a little review of the amendment of Senator LEAHY. The Senator from Vermont spoke of the alien who was so traumatized that he or she cannot speak about it at entry, and so they would not be in a position to immediately show a credible fear and, thereby, attain a full asylum hearing.

The Senator certainly goes to the hardest case. If the Senator's amendment was precisely directed only to that possibility, it would be appropriate. But the Senator's amendment goes far beyond that. It would simply gut the reforms proposed in the bill to deal with the large number of aliens. What we are trying to get at is aliens who enter without inspection, or with fraudulent documents, and those who board a plane with documents, then dispose of them, and upon entry fraudulently claim asylum.

I think we are still having a bit of distortion, not from the Senators from Vermont or Ohio, but when someone says that they will not be interviewed by "the guy at the border," that is simply not true. This provision will only be administered by specially trained asylum officers with translators. There will be translators. There always are translators of any language, subject to review by a superior, another trained asylum officer. These are not low-level immigration officers. This is not correct. These are highly trained individuals.

I remind our colleagues of one other item that has sprung from the debate. Our laws and treaties prevent our Government from returning any person to any country where their life or freedom may be in danger. That is the law of the United States. It is the law of the United Nations. It is the sacred law. It is called nonrefoulment: You cannot return a person to a country where their life or freedom may be in danger. That is not done. We do not do it, and that is the law of the United States. That is the law of the United Nations. No matter if a person can establish credible fear or not, the person will not be returned to certain imprisonment and danger. That will not change under any provisions of this bill.

Finally, I hope that we recognize that 70 percent—I hope these figures can be heard—of all asylum applicants in fiscal year 1995 came from three countries. El Salvador, 72,000, which, at last look, was a democracy. They had worked through tremendous civil war to get where it is a democracy. We gave their people an extended program called "extended voluntary departure" a few years ago. Guatemala, 22,900; and 9,300 from Mexico. So out of a total of 149,500 applicants, they are the countries: El Salvador, Guatemala, Mexico.

While there may be problems in those countries, they are not highly repressive countries. At least our Government does not find them such. There is turmoil in Guatemala, killings in Guatemala. There are killings in the United States—an awful lot of them. They are, however, known as leading sources of illegal immigration.

What you are seeing is, when you have a country that is your leading source of illegal immigration, they are picking them up, and they have been here 2, 3 years, and they say, "I am seeking asylum" because they know that these procedures are interminable. That is what we are trying to get at. We are not after the person from Iraq, or the Kurd, or those people. We are after the people gimmicking the system. For every one that you can point to with passion and drama, you can point to a hundred who are gimmicking the system. This is what the people of America are appalled at, that we will not deal with the issue.

There is a balance to be struck between granting asylum to those who are qualified and preventing this country's traditional hospitality being taken advantage of in a most extraordinary way. Remember, when you have 9,304 cases from Mexico—and a case can be more than one person—how many of those asylum claimants from Mexico were granted asylum? There were 55—55 out of 9,304. If that is not gimmickry of the system, I am missing something. It means that one-seventh of our asylum applicants, even under the new provisions, are almost guaranteed to be bogus or fraudulent. I hope that our colleagues will hear that as we go to the eventual vote on that.

Of the first four major countries of asylum cases—Guatemala, Mexico, China, and India—the final approval rate is 2 percent—2 percent of these people that we have heard these poignant, powerful stories about. And 98 percent of them are fake or bogus. So if we hear the 1 and forget the 100, we are making a mistake.

I yield the floor.

Mr. BRADLEY. If the distinguished Senator from Wyoming will yield, I wonder if we can get some time agreement on the amendment that I offered. I know a couple other Senators would like to speak. Is that possible?

Mr. SIMPSON. Mr. President, I do not think I am prepared to do that until the two people that have indicated they wish to debate come over. When I get in touch with them, and I will get back to you, perhaps we will get a half hour or an hour. I will work toward that, with the approval of Senator KENNEDY.

I yield the floor.

AMENDMENT NO. 3752 TO AMENDMENT NO. 3743

Mr. ABRAHAM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. FEINGOLD, Mr. DEWINE, Mr. INHOFE, Mr. MACK, Mr. LOTT, Mr. LIEBERMAN, and Mr. NICKLES, proposes an amendment numbered 3752 to amendment No. 3743.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike sections 111–115 and 118.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that Senator NICKLES be added as a cosponsor for the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABRAHAM. Mr. President, the amendment I proposed is cosponsored, in addition to myself, by Senators FEINGOLD, DEWINE, LOTT, MACK, LIEBERMAN, INHOFE, and NICKLES.

Mr. President, our amendment does basically two things. First, it would strike sections 111 through 115 of the bill, which would currently begin to implement a national identification system.

Second, the amendment would strike a related provision, section 118 of the bill, which would require State driver's licenses and birth certificates to conform to new Federal regulations and standards.

Mr. President, I intend to devote at least my opening statement here today to the first Senate provisions that we seek to strike with this amendment, those which pertain to the national identification system. Senator DEWINE, while in addition to commenting on those sections, will be speaking in more specific terms about the driver's license and birth certificate provisions.

I recognize that we are not under a time agreement and that it will be the option of the Presiding Officer in terms of floor debate. But we hope Senator DEWINE will have an opportunity following my remarks to be recognized soon so that he may comment on that portion of the bill which he has particularly been focused on.

That said, Mr. President, let me just begin by making it clear that those of us proposing this amendment consider the hiring of illegal aliens to be a wrong thing. We think wrongful hirings, no matter how they might be brought about, are not appropriate. We are not bringing this amendment to in any way condone, or encourage, or stimulate wrongful hirings of people who are not in this country under proper documentation.

The question is, how do we best address that problem, and how do we do it in the least intrusive fashion? Already this bill contains a variety of provisions which will have, I think, a marked impact on addressing the problem. In the bill we already increase substantially the number of Border Patrol employees, people patrolling the borders to prevent illegal aliens from entering the country.

Mr. President, in the bill we already addressed a very serious problem alluded to by the Senator from New Jersey, people who overstay their visas, and constitute some 50 percent of the illegal alien population by for the first time imposing sharp, stiff penalties on those who violate the visa rules. In addition, as we dealt with on numerous occasions yesterday, Mr. President, we have attempted to address the issue of access to public assistance for noncitizens, and particularly for illegal aliens, as a way of discouraging some who may have come to this country, or who might consider doing so for purposes of accessing our social service programs.

In addition, under the bill, we have dramatically, I think, moved to try to expedite the deportation of criminal aliens, a very substantial part of our current alien community, and by definition, in the case of those who have committed serious offenses, individuals who are deportable, and thus no longer appropriate to be in the country.

I believe these steps, combined with other provisions in the legislation, move us a long way down the road toward addressing the concerns we have about the wrongful hiring of illegal aliens. I think we need to understand the provisions that pertain to verification, which, at least in this Senator's judgment, are a very obvious example of a highly intrusive approach that will not have much of an effect on the problems that we confront.

Frankly, Mr. President, what we confront in this country is less, in my judgment, of a case of an innocent employer who has been somehow deceived, or baffled by a clever alien. We have largely confronted a situation in which some form of complicity takes place between employers who are looking for ways to hire less expensive labor, and illegal aliens who have no choice in terms of the options available to them. So what we find is intent on the part of the employer, and, obviously, a willingness on the part of the illegal alien to be an employee.

This identification system is not going to do very much to address that problem because no matter what type of identification document is used, whether it is a birth certificate, a driver's license, an ID card, a Social Security card, or anything else, at least in my judgment, it is not going to matter if the employer's objective is to hire a lower priced employee who happens to be an illegal alien because, whatever the system is, it will be circumvented intentionally to accomplish the objective of trimming down on overhead.

As a consequence, to a large extent, the system, no matter how effectively it is perfected, is not going to really have much impact on the large part of the problem we confront with regard to the hiring of illegal aliens. In my judgment, that makes the cost of this program greatly disproportionate to any potential benefit it might have in terms of reducing the population of illegal aliens who are improperly employed.

I also say in my opening today that we have taken, I think, with the amendment, with the provisions of the bill that were sustained yesterday in the vote with respect to providing employers with a shield against discrimination cases, a further tool that will allow employers who are innocent to take the steps necessary to avoid hiring unintentionally people who are meant to be hired under the current laws.

That is the backdrop, Mr. President. We have big Government, an expansive Government, an intrusive Government solution being brought to bear in a circumstance where I do not think it is going to do much good. For that reason, I think the verification system is headed in the wrong direction.

This approach is flawed, and it is, in my judgment, overextensive in the way it is structured in the bill right now without any definition as to the dimensions that such pilot programs are envisioned in the bill might encompass, it has the potential to be a very, very large program. What is the region? And how advanced are all regions in an entire quarter of the country? The bill does not specify how large the pilot programs might be.

So for those reasons we believe that the verification part of this legislation is unnecessary and should be struck.

Let me talk more specifically about why the costs are going to be greater than the benefits under the program.

First, Mr. President, even though this is a potential pilot program, it seems to me, it is impossible to effectively run a pilot program of this type unless a national database is collected. That national database check is going to be a very extensive step in the direction of a national identification system.

Furthermore, Mr. President, it seems to me, given the enormous downstroke cost of developing that kind of system, that there will be an enormous amount of pressure on us to continue building the system into a national system in the very near future. Indeed, that is the direction that the sponsors of the legislation in both the House and Senate had originally envisioned. But the bottom line in terms of the costs of the program really falls on three categories of U.S. citizens that we need to focus on today.

First, it is extremely unfair and costly to honest employers. Any kind of system that involves verifying new employees prior to hiring them in the fashion that is suggested here will be costly. The employer must phone a 1-800 number in Washington, or someplace else to determine whether an individual's name is in the database, or the person who is the employer must develop some type of, or require some type of, computer interface system, whatever it might be. These are additional business costs that will fall hard—especially hard—on small businesses at a time when I think this Congress at least in its rhetoric has been talking about trying to make the burdensome costs on small business less cumbersome.

In addition, there will be a very disproportionately costly burden on those types of small businesses that have a high turnover of employees. And there are a number of them in virtually every one of our States, whether it is the small fast food restaurant, or whether it is the seasonal type of small business. The list is endless of those kinds of businesses which have huge amounts of turnover in terms of their employee ranks. For each of those under a verification system we are adding additional costs and additional burdens that must be borne regardless of the circumstances.

But really, Mr. President, this is an unfunded mandate on these small businesses, on businesses in general, on employers in general, whoever they might be. And, in my judgment, it sets a very bad precedent because it would be for the first time the case that we would require people to affirmatively seek permission to hire an employee.

To me, Mr. President, that is a gigantic step in the direction of big government that we should not take. I do not think we want to subject employers, no matter how, or how many employees they have, to this new-found responsibility to affirmatively seek permission to hire employees.

Again, though, the people who will pay these costs and suffer these burdens are going to be the honest employers.

Those who are dishonest, those who would hire illegal aliens knowingly will not engage in any of these expenses, will not undertake any of these steps because, obviously, their intent is to circumvent the law, whatever it might be. They are doing it today. They will do it whatever the system is that we come up with.

So what we are talking about in short is a very costly, very cumbersome, very burdensome new responsibility on employers in this country that will disproportionately fall on the shoulders of those employers who are playing by the rules instead of those who are breaking them. As I say, Mr. President, it will, for the first time, require employers to affirmatively seek permission to hire employees, seek that permission from Washington.

However, it is not just the employers who will suffer through a system of verification as set forth in the legislation; it is also the workers, the employees, U.S. citizens who will now be subjected to a verification system that, in my judgment, cannot be perfected accurately enough to avoid massive problems, dislocations and unhappy results for countless American citizens.

As I have said, there is no way such a system can really be effective unless there is, first, a national database. Such a national database, no matter how accurately constructed, is bound to be riddled with errors. Indeed, some of the very small projects the INS has already launched have been discovered to have error rates, in terms of names in the database, as high as 28 percent.

Now, I hope that we could do better than 28 percent, but let us just consider if the database had an error margin of 1 percent and let us also consider that that was a national program. That would be 600,000 hirings per year that would be basically derailed due to error rates in the database.

The project, of course, is not a national program to begin with, but 1 percent of any sizable regional project is going to mean that U.S. citizens who are entitled to be hired will not be hired and be placed in limbo because of this experimental program.

Again, though, Mr. President, this is not going to be a problem in the case of illegal aliens hired by employers who knowingly choose to do so because they will not be subjected to this verification process.

If we were to have this margin of error, if we were to even have a small handful of American citizens denied employment under these provisions, we would set in motion what I think would be an extraordinarily costly process for those employers and employees so affected.

Is it right to impose a system that would in fact mean that U.S. citizens or legal permanent residents who are entitled to work would be potentially put on hold for weeks to months while the system's database is corrected? I think that is wrong. I think it is the wrong direction to go. Anybody who has dealt with computer databases knows the potential for error in these types of systems. In my judgment, to invite that kind of high cost on the employees and employers of this country would be a huge mistake.

So those are the first two issues to consider, the first two. The victims are the honest, play-by-the-rules employers and employees or potential employees who want to play by the rules. They are going to be the victims. They are going to pay a high cost.

So, too, Mr. President, will the taxpayers pay a high cost for this, in effect, unfunded mandate, because just building the database capable of handling any kind of sizable regional project will cost hundreds of millions of dollars. The question is, is it going to produce the results that are being suggested? I would say no.

As I have indicated already, those who want to circumvent a system will circumvent this system, and they will do so intentionally. Meanwhile, the taxpayers will be footing a very substantial bill for a system that can be easily avoided by those employers and illegal alien employees who wish to do so.

I intend to speak further on this amendment this morning, but let me just summarize my initial comments. I believe we should strike these verification procedures. I believe that the cost of imposing these programs even on a trial basis is going to be excessive. I feel as if it leads us in the direction of big Government, big Government expansion and the imposition of costly Federal regulations and burdens, especially on small businesses that they do not need at this time.

I believe that the tough standards we have placed in the bill to deal with illegal aliens, combined with some of the other relief that has been granted to employers to try to ferret out those who should not be employed, are the sorts of safeguards that will have the least intrusive effect on those who play by the rules. The costs of this verification system, in my judgment, far outweigh any potential benefits. For those reasons, I urge my colleagues to support our effort to strike these provisions.

At this point, as I said, Mr. President, I realize we are not on a time agreement to yield time, but I know the Senator from Ohio would like to speak to another part of this, so I yield the floor.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The Senator from Ohio.

Mr. DEWINE. I thank the Chair. I rise today to support this amendment.

The Senator from Michigan has discussed very eloquently the problems that we see with the employer verification section of the bill. I am going to talk in a moment about a related problem, a problem that we see in the part of the bill that will require for the first time, in essence, a national birth certificate, a national driver's license.

Before we discuss these parts of the bill, however, let me start by congratulating my colleague from Wyoming. He said something about an hour ago on this floor that is absolutely correct. We are going to pass an illegal immigration bill, and after we have had our way with the amendments, one way or the other, we are going to pass a bill. It is going to be a good bill, and it is going to be a real tribute to his work over the years and his work on this particular bill.

Make no mistake about it: This bill has very, very strong provisions, strong provisions that are targeted directly at the problem of illegal immigration. The bill that the Senator reported from the subcommittee, because of his great work and the other members of the subcommittee, is a strong bill targeted at illegal immigration, targeted at those who break the law. The bill that the committee reported out is a good bill as well. There are, however, several provisions in this bill—and this amendment deals with these provisions—we believe, frankly, are misguided and that are targeted and will have the undue burden not on the lawbreakers but we believe will have an undue burden, unfair burden on the other law-abiding citizens in this country. Let me discuss these at this point.

My colleague from Michigan has talked about the employer verification system. What is now in the bill is a pilot project. I am going to discuss this at greater length later on in this debate, but let me state at this point my experience in this area comes from a different but related field, and that is the area of criminal record systems. I started my career as a county prosecutor, and I became involved in the problem with the criminal record system.

In fact, I discussed this at length with the current occupant of the chair.

I have seen, as other Members have, how difficult it is to bring our criminal record system up to date, to make sure that it is accurate. We have spent hundreds of millions of dollars in this country to try to bring our criminal record system up to snuff so that when a police officer or parole officer or the judge setting bond makes a life and death decision—that is what it is many times—about whether to turn someone out or not turn them out, they have good, reliable information. We have improved our system and we are getting it better, but we still have a long, long way to go.

If, when the stakes are so high in the criminal system, and that is a finite system—we are dealing with a relatively small number of people—if we have such a difficult time getting it right in that system, can you imagine how difficult it is going to be for us to create an entirely new database, a much, much larger database? How many millions are we going to have to spend to do that and what are the chances we are going to get it right, and get it right in a short period of time? So I support the comments of my colleague from Michigan in regard to this national database, in regard to this national verification system.

Let me now turn to another part of this bill, a part that is addressed also by this same amendment we are now debating. This section has to do with the creation, for the first time, of a federally prescribed birth certificate and the creation for the first time of a federally prescribed driver's license.

Under the bill as currently written, on the floor now, all birth certificates and all driver's licenses would have to meet Federal standards. For the first time in our history, Washington, this Congress, would tell States how they produce documents to identify their own citizens. Let me read, if I could, directly from the law, or the bill as it has been introduced and as it is in front of us today. Then in a moment I am going to have a chart, but let me read from the bill. My colleagues who are in the Chamber, my colleagues who are in their offices watching on TV, I ask them to listen to the words because I think, frankly, they are going to be very surprised.

> No Federal agency, including but not limited to the Social Security Administration and the Department of State and no State agency that issues driver's licenses or identification documents may accept for any official purpose a copy of a birth certificate as defined in paragraph 5 unless it is issued by a State or local authorized custodian of records and it conforms to standards prescribed in paragraph B.

Paragraph B, then, basically is the Federal prescribed standards. The bureaucracy will issue those regulations. Again, we are saying no Federal agency could issue this, and "No State agency that issues driver's licenses or identification documents may accept for any official purpose." Those are the key words.

Let me turn to what I consider to be the first problem connected with this language. It is a States rights issue. We hear a lot of discussion on this floor about States rights. This seems to be the time and the year when we are trying to return power to the local jurisdictions, return power to the people. It is ironic that the language of this bill as it is currently written goes in just the opposite direction. Although we oftentimes talk about the 10th amendment, I cannot think of a more clear violation of the 10th amendment than the language that we have in front of us today. This is the language that pertains directly to the States.

> . . . no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate . . . unless it is issued by a State or local government registrar and it conforms to standards . . . promulgated by the Federal agency designated by the President. . . .

Listen to the language, "No State agency that issues driver's licenses or identification documents, may accept for any official purpose. * * *" We are telling a State in one of the basic functions of government, one of their oldest functions, the issuance of birth certificates, and other functions we rely on States to do, issuing driver's licenses, we are turning to them and saying you cannot accept documents except as prescribed by the Federal Government. We are telling that agency, we are telling that State, what they can and cannot accept. This, I think, is going in the wrong direction.

I am not a constitutional scholar but I think it has clear problems with the 10th amendment if anything has any problems with the 10th amendment. You tell the State what they can accept and what they cannot accept for their own purposes.

Let me move, if I could, to another problem that I see with this provision. The second problem, I will call it sort of a nonmonetary problem, the nonmonetary cost. This bill as currently written, going to the national driver's license, going to a national birth certificate, is going to cause a tremendous amount of anguish and tremendous amount of inconvenience for the American people. It is the American people who are abiding by the law who are really going to be punished by this. This is, in essence, what the bill says. It says to the approximately 260-some million Americans, each presumably who has a birth certificate somewhere, that your birth certificate is still valid, it is still valid, you just cannot use it for anything, or almost anything. If you want to use that birth certificate, you have to get a new one. You have to get a new one that conforms to what the bureaucracy has said the new birth certificate must conform to.

Your old birth certificate is no good. You can keep it at home, you can keep it stored in your closet or wherever you have it, that is OK, it is still valid, but if you want to use it to get a passport or you want to use it for any purpose, you cannot do that. You have to go back and get a new birth certificate.

What am I talking about in the real world where we all live and our constituents live? Let me give three examples, real world examples of inconvenience and problems that this is going to cause. Every year, millions of Americans get married and many of them change their names. To have a name change legally accepted by Social Security—this is the law today—today, to have a name change legally accepted by Social Security or by the IRS, today you must show a marriage certificate plus birth certificate. That is the law today.

This amendment will not change that. But here is how it will affect it. If this bill becomes law, the birth certificate you currently have is no good and you will not be able to use it for this purpose. You are going to have to go back to your origin, the place of your birth. You are going to have to do as Mary and Joseph did, you are going to have to go back to where you came from, where you were born, or at least you are going to have to do this by mail, or in some way contact that county where you were born, because the birth certificate they gave your parents 20 years ago, 25 years ago, you cannot use that anymore, because that is what this bill says. They are going to have to issue you a new one and you are going to have to go back and get that new birth certificate. I think that is going to be a shock to many people when they decide they want to get married.

June is historically the most popular month, we are told, for weddings. My wife Fran and I were married in June so I guess we are average, with a number of million other Americans. If this bill passes, I do not think it is too much to say that June will not only be known as the month of weddings, people getting married, it will also be the month where people will have to stand in line, because that is really what people are going to have to do. It is one more step back to get a new birth certificate for them. How many people get married each year? I do not know, but each one of these people will be affected.

Let me give a second example. What happens when you turn 16 years of age? You ask any teenager. They will tell you that in most States at least they get the opportunity to try to get a driver's license. How many of us have had that experience, gone down with their child or, if we remember that long ago, ourselves, trying to get a driver's license? How many people had to stand in line? I do not think it is unique to my experience, or the experience of my friends. You go and stand in line and it takes a while. Imagine your constituent or my constituent, our family members going down with our child at the age of 16, standing in line at the DMV. We get to the head of the line. You have a birth certificate. And the clerk looks at you and says, "Sorry." You say, "What's wrong? I have this birth certificate."

They say, "No, we are sorry. This is not one of the new federally prescribed birth certificates. This was issued 16 years ago. This doesn't conform. It doesn't work. The Federal law says we cannot accept that birth certificate."

You then leave and either go back to the place your child was born or write to the place your child was born and you get that birth certificate.

We live in a very mobile society. I always relate things to my own experience. In the case of our children, that means we would have to go back to Hamilton, OH; we would have to go back, for one of them, to Lima, OH; one to Springfield, OH; one to Springfield, VA, a couple to Xenia, OH. You would have to go back in each case to where that child was born and go back to the health department or whatever the issuing agency was of the State to get that birth certificate.

Once you got the birth certificate, you then have to get in line at the DMV. That is how it is going to work in the real world. Let me give one more example.

When people turn 65 in this country, they have an opportunity to receive Social Security and they have the opportunity to get Medicare. One of the things you have to do, obviously, is prove your age. How many people, Mr. President, who turn 65 in 1996, live in the same county they lived in when they were born? I suspect not too many.

How shocked they are going to be when they go in to Social Security and they present a birth certificate and Social Security says, "Sorry. Yeah, you waited in line for half an hour; sorry, we can't take this birth certificate."

"Why not? I have had this certificate for 65 years."

"No, Congress passed a law 2, 3 years ago. You can't use this birth certificate anymore. You have to go get a new one."

Imagine the complaints we are going to get in regard to that.

Getting married, turning 16 and getting a driver's license, wanting to go on Social Security—these are just three examples of how this is going to work in the real world.

I think it is important to remember that this is an attempt to deal with a problem not created by the people who we are, in essence, punishing by this language, not created by the teenager or his or her parents who turned 16, not created by the senior citizen who turned 65 and wants Social Security.

How many times are we going to have people call us saying, "I certainly hope you didn't vote for that bill, Senator." "I certainly hope, Congressman, you didn't vote for that bill."

Let me turn to another cost, because this is a costly thing, and we will talk just for a moment about the costs incurred in the whole reissuing of birth certificates. You can just imagine how many million new birth certificates are going to have to be issued. Somebody has to pay for that.

It is true the CBO has said this does not come under the new law we passed, because under that law, you have to be up to $50 million of unfunded mandates per year before it is labeled an unfunded mandate. But that does not mean it is not an unfunded mandate, nor does it mean it is not a cost to local or State government. Nor does it mean it is not going to be a cost to citizens. Let me go through a little bit on the cost.

If you look at the language in the bill, the idea behind the language is very good, and that is to get birth certificates that are tamper-free. We took the opportunity to contact printers and to talk to them to find out, under the language of this bill, what a State would have to do.

Although there is discretion left to the bureaucracy in how this is going to be implemented and the States are going to have some option about how it is done, the printers we talked to said there is anywhere from 10 to 18 to 20 different safety features that one would expect to be included in this new birth certificate.

Let me just read some of the things that they are talking about. I am not going to bore everyone with the details. We have two pages worth of different types of things:

Thermochromic ink—colored ink which is sensitive to heat created by human touch or frictional abrasion. When activated, the ink will disappear or change to another color.

Abrasion ink—a white transparent ink which is difficult to see, but will fluoresce under ultraviolet light exposure.

Chemical voids—incorporated into the paper must be images that will exhibit a hidden multilingual void message that appears when alterations are attempted with chemical ink eradicators, bleach or hypochlorites.

A fourth example: Copy ban and void pantograph.

A fifth example: Fluorescent ink.

A sixth example: High-resolution latent images.

A seventh example: Secure lock.

And on and on and on. This is not something, as I say, that is brain surgery. It is not something that cannot be done. It is something that clearly can be done. But let no one think this is not going to cost millions and millions of dollars, and someone is going to pay for it.

The American people are going to pay for it one way or the other. They are going to pay for it if the local government eats up the cost or absorbs the cost, and that is going to be what we like to refer to as an unfunded mandate.

If they pass it on to the consumer, to the couple who just got married, or the 16-year-old who gets his driver's license, or they pass it on to the 65-year-old who wants Social Security, that is going to be a tax. It will be a hidden tax. The cost is going to be there, and it is going to be millions and millions of dollars.

As my colleague from Michigan pointed out, all these changes, all this burden, all this inconvenience, all these violations of the States rights is being done, really, to go after the problem of illegal aliens and the people, really, who are hiring them.

We have talked—it is difficult to get accurate statistics on this—we talked to INS, we talked to the people who are experts in the field, and I think it is a common opinion that the majority of illegal aliens who are illegally hired are hired by people who know it. They know it.

This portion of this bill is not going to solve that problem at all. So, again, we narrow it down. We are doing an awful lot. We are doing all these things to correct only a portion of the problem.

Let me conclude by simply stating, again, this is a good bill. No one should think that there are not tough provisions in this bill. If a bill like this had been brought to the Senate floor 2 years ago, 4 years ago, 8 years ago, it probably would not have had any chance. I think I heard my colleague from Wyoming say something very similar to that.

It is a strong bill. It is a very strong bill without this what I consider to be a horrible infringement on people's rights. What we intend to do, or try to do, with this amendment is to take out these sections, these sections that are going to impact 260 million, 270 million Americans and punish them to try to get at this problem. We do not think it is going to work. We think it is going to be very intrusive, and we point out also that the bill, without these provisions, is, in fact, a very, very strong bill, and it is a bill that every Member in this Chamber can go home and be proud of and can say, "We have taken very tough measures to deal with illegal immigration."

I thank the Chair, and I yield the floor.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the Abraham-Feingold amendment. Let me not mince words. This amendment, in my view, is a bill killer, it is a bill gutter, it decimates the foundation of employer sanctions. It will provide, if it passes, a bill that is gutless, toothless, aged, and will not work.

We must make employer sanctions work. And let me tell you why. The reason why is, take my State, California. We have 2 million people in California illegally. How do these people survive? They survive one of two ways—they either get on benefits through fraudulent documents or they work. How do they work? With employer sanctions, an employer is not supposed to give them jobs.

My opponents would have you believe that every employer wants to break the law, that every employer is going to hire people simply because they know them. I can tell you from the State that has the largest number of illegal immigrants in the Nation—40 percent of them—that is not the case.

Employer sanctions can only be effective if there is some method of verification. The Simpson-Kennedy language is a pilot to ask the INS to see how we can verify information that employers receive. Let me show you graphically why it is important that we do so. The birth certificate, which Senator SIMPSON has pointed out correctly, is the most counterfeited document in the United States. Let me show you why. Let me show you a few forms for birth certificates.

This is one from the State of Illinois. It is a fraudulent document that has not been printed upon.

This is a second one from the State of Illinois. There are literally tens of thousands of different kinds of birth certificates in the United States. This is a form from somewhere in Texas.

So the birth certificate is easy. These papers are duplicated in the right color, that of Austin, TX, then they are put out wholesale. They are then laminated, as you see here. And no one can tell the difference.

Same thing goes here. This is a forged copy of a record of marriage, a marriage certificate.

This is another from Cook County, IL, a forged copy of a marriage certificate.

This is another one, a forged copy of a marriage certificate.

This is a forged GED application. I mean, if I am interviewing someone and this application is filled out, and they say this is testimony to the fact that they have gotten an equivalency degree in this country—and, look, there is the official seal and here are my grades on it—who am I to say it is not true? I would have no way of knowing.

Here is a forged divorce certificate. If this were handed to me as an employer I would have no way of knowing.

Here is a trade school diploma that is forged. If this were handed to me, I would have no way of knowing.

Here is an achievement test certificate for high school from the State of Indiana. If this were handed to me as an employer, when I asked the question, "are you qualified to work in this country?" how would I know? I would not.

Here is another forged divorce certificate. If this were handed to me, I would not know. Why would I not? Because the industry is very sophisticated.

Here are some of the preliminary forgeries, the basic paper from which these forgeries are done. How easily it is replicated.

Here is the back of a green card before it is finished. How easy it is replicated.

Let me show you what the final result is. This is a forged green card. The names are blotted out. This is a real green card. Who can tell the difference? No one. These are the backs. Who can tell the difference? No one.

This is a forged green card. Who can tell the difference?

This is forged—and look at them, look at the numbers. These are all perfect forgeries, every single one of these. These exist by the millions. They are made in less than 20 minutes. And they cost anywhere from $25 to $150. Anyone can get them. How is an employer supposed to know? You cannot know without some way of verifying the authenticity of the document which is submitted to you.

What the Simpson-Kennedy test pilot does is ask INS to see what can be done so that the documents can be verified by an employer. The bill narrows the list of documents down to six. So at least some of the confusion can be avoided there.

It is not fair to anybody to have a system that exists in a bogus form more frequently than it exists in a real form. How does a birth certificate mean anything to anybody for any official purpose if it is counterfeited by the tens of millions in this country? How does a green card mean anything? How does a divorce certificate mean anything if it is counterfeited and you cannot verify it?

These are the real problems with which this bill attempts to deal. If this amendment is successful, you might as well junk employer sanctions, you might as well say, "We're going to permit people to continue to submit bogus documents."

Remember, somebody here illegally has only two choices—one, they earn a living, secondly, they go on public support. Unless they have somebody very well to do in this country who can take care of them—and I would submit to you that that is a remote possibility—those are the only two chances. So the only way they can exist or stay—and right now it is very attractive to come to this country illegally because it is so easy to obtain these counterfeit documents.

That is the reality. That is why we have on the Southwest border 5,000 people crossing every single day, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday, Sunday, because they can go to Alvarado Street in Los Angeles, and they can purchase these documents on the street within 20 minutes. Our system of verification is nonexistent, and they know that. Therefore, if they submit a counterfeit document to an employer, the employer has little choice other than to accept it or ask for more documents. Then if the employer asks for more documents, the employer very often is sued.

So it is a very, very tenuous, real-life experience out there. This bill makes a very modest attempt—where in committee, it became a test pilot. The language, which I think it was a Kennedy amendment, was already a compromise. Many of us on the committee wanted an absolute verification system, put into affect right away. That did not pass in committee.

So the compromise was a pilot. Then the results of the pilot would be brought back to Congress. Now we see an attempt to get rid of the pilot. If you get rid of a pilot, what is left? What is left is that we make ourselves into hypocrites, in my opinion, because we create a system that cannot function.

What we are seeing today is an employer verification method that does not function. It does not function because you cannot verify fraudulent documents, and because fraudulent documents abound.

I must say that I think it is very possible to verify. We live in an information age. Hundreds of data bases now exist in both public and private sectors, data bases for national credit cards, for health insurance companies, credit rating bureaus. Technology is, in fact, advancing so rapidly that the ability to create these data bases and ensure their accuracy is enhanced dramatically every year.

Why, then, does the Senate of the United States not want the U.S. Government to use a computer data base to try to find a better way to help employers verify worker eligibility? I really believe that many of the issues raised by opponents to this provision—that it is bureaucratic, that it is prone to errors, that it is unworkable, that it is too intrusive—are simply unfounded.

In fact, the provision was specifically written, as I understand, to alleviate such concerns, by defining clear limits on the use of the system, establishing strict penalties for the misuse of information, and requiring congressional approval before any national system goes into effect. What are the authors of this amendment so afraid of? Any national pilot system would come back to this body for approval prior to its being put in place.

The legislation also imposes some limits. It limits the use of documents.

Documents must be resistant to counterfeiting and tampering. The system will not require a national identification card for any reason other than the verification of eligibility for employment or receipt of public benefits. There is no one card. Those who use, I think, as a ruse to defeat this pilot project, I hear out there, "Well, Senator FEINSTEIN, you are calling for a national ID. That violates all our civil rights." To that I have to say, "There is no national ID anywhere in the legislation before this body". None. It is a red herring. It is a guise. It is a dupe. It is a ruse, simply to strike a mortal blow at the system.

I have a very hard time because California is so impacted by illegal immigration. For 3 years we have said we must enforce our border, we must improve customs, we must be able to really put a lid on the numbers because the numbers are so large. I have come to the conclusion that within the scope of possible immigration legislation, we are stuck with an existing system. That existing system is employer sanctions. Therefore, why not try to make them work? The already compromised verification system—just a pilot, which allows the INS to work it out, and bring it back to this body and let us say yea or nay to it—is simply a modest attempt to get some meaning into this legislation.

Let me say what I honest to God believe is the truth. If we cannot effect sound, just and moderate controls, the people of America will rise to stop all immigration. I am as sure of that as I am that I am standing here now, because where the grievances exist, they exist in large number. Where the fraud exists, it exists in large numbers. Where it exists, wholesale industries develop around it. It is extraordinarily important, in my opinion, that this amendment be defeated.

Let me talk for a moment about discrimination because I just met with a group of California legislators who wanted to know how this works. One of the big areas they raised was discrimination. As I understand the system, it must have safeguards to prevent discrimination in employment or public assistance. The way it would do that is through a selective use of the system or a refusal of employment opportunities or assistance because of a perceived likelihood that additional verification will be needed. The legislation contains civil and criminal remedies for unlawful disclosure of information. Disclosure of information for any reasons not authorized in the bill will be a misdemeanor with a fine of not more than $5,000. Unauthorized disclosure of information is grounds for civil action. The legislation also contains employer safeguards, that employers shall not be guilty of employing an unauthorized alien if the employer followed the procedures required by the system and the alien was verified by the system as eligible for employment.

In my view, the Simpson-Kennedy test pilot makes sense. I have a very hard time understanding why anyone would oppose it because it is the only way we can make employer sanctions work.

I yield the floor.

Mr. KENNEDY. Mr. President, the case for ensuring that birth certificates are going to be printed on paper to reduce the possibility of counterfeit has been made here. I want to speak to that issue because it has been addressed by some saying this is ultimately the responsibility of the State, and the Federal Government does not really have any role in this area.

Mr. President, sometime we will have to decide whether States will have their own independent immigration policies or whether we will have a national immigration policy. It really gets down to that. I have my differences with some of the provisions in this bill. One that I think the case has been made, and I know it will be made again in just a few moments by the Senator from Wyoming, is that if we do not deal in an important way with ensuring that we will have birth certificates which are going to be, effectively, even printed on paper that cannot be duplicated and other safeguards, really, this whole effort ought to be understood for what it is.

That is, basically, a sham. It will be a sham not only with regard to immigration, but it will be a sham on all of the programs that we talked about yesterday in terms of the public programs because individuals will be going out and getting the birth certificates and getting citizen documents to prove they are American citizens and then drawing down on the public programs.

We spent hours yesterday saying which programs we are going to permit, even for illegals to be able to benefit from, or which ones we will be able to permit legals to be eligible for, and we went through the whole process of deeming. If you go out there and are able to get the birth certificates and falsify those, you will be able to demonstrate you are a senior citizen and you will be able to draw down on all of those programs. This reaches the heart of the whole question of illegal immigrants. It reaches the whole question of protecting American workers. It reaches the whole issue of protecting employers. It reaches the issue about protecting the American taxpayers.

Let me give a few examples of what we are looking at across the country. Some States have open birth record laws. In these States, anyone who can identify a birth record can get a copy of it. The birth certificates are treated as public property. In some States—for example, in the State of Ohio, you can walk into the registry of vital statistics in Ohio, an open record State, and ask for, in this instance, Senator DEWINE's birth certificate. The registry would have to give it to me, no questions asked. I could walk into the registry in Wisconsin and get Senator FEINGOLD's birth certificate just as easily. Some States even let you have a copy through the mail. Once I have a copy of one of their birth certificates, I could take it, for example, down to the Ohio Department of Motor Vehicles and get an Ohio driver's license with Senator DEWINE's birth date and address, but my picture instead of his. I now have two employer identification documents to establish an eligibility to work in the United States and also to be able to be eligible for public programs.

Mr. President, with all that we are doing in terms of tamperproof programs, and all that we are doing in terms of setting up additional agencies and investigators and protections for American workers, and all of the resources that we are providing down at the border, when you recognize that half of the people that will be coming in and will be illegals came here legally, and they will have an opportunity to take advantage of these kinds of gaping holes in our system, then the rest of the bill—with all due respect, we can put hundreds of thousands of guards down on the border, but if they are able to come in, as half of them do, on various visas and be able to run through that process that anybody can achieve in a day or day and a half and circumvent all of that, then I must say, Mr. President, we are not really being serious about this issue.

We can all say, well, our local—I know the arguments and I have heard the arguments. There is a lot of truth in much of what is said in the arguments. But we have to, at some time—and I hope it is now—recognize that we are going to have to at least set certain kinds of standards and let the States do whatever they want to do within those standards. They have to print it on paper that is as resistantproof to tampering as we can scientifically make it. They can set this up, and they can do it whatever way they want to do it. But there are minimum kinds of standards to try to reach the basic integrity of the birth certificates that are going to be necessary. That has been pointed out. That is the breeder document. That is where all of this really starts. It is easily circumvented. We can build all the other kinds of houses of cards on top of trying to do something about illegal aliens, and unless we are going to reach down and deal with this basic document, we are really not fulfilling, I think, our responsibility to the American people with a bill that is really worthy of its name, because we are leaving these gaping holes.

I could go into other things, but I will not take the time because others want to speak. I will go through other kinds of illustrations that are taking place today. We know what the problem is. You have, as Senator DEWINE said, the fraudulent documents that are all being duplicated fraudulently down at the border when we might be able to do something about tamperproof elements. But unless we are going to deal with the breeder document, which is the birth certificate, we are really not going to be able to get a handle not only on illegal immigration, but also on protecting the taxpayers, because people will be able to use the birth certificate to demonstrate that they are a citizen and then draw down on the various programs. That, I think, really makes a sham of a great deal of what is being attempted at this time.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I rise today to urge my colleagues to support the Abraham-Feingold amendment to strike the worker verification proposal from this bill.

It has been said many times already in the past, and today on the floor, that we cannot effectively combat illegal immigration without having a national worker verification proposal. It has been said that the employer sanction laws implemented in the 1986 act have been largely ineffective due to the absence of such a verification system.

As we all know, Mr. President, there are two major channels of illegal immigration. The first is composed of those who cross our borders illegally, without visas and without inspection. Roughly 300,000 such individuals enter and remain in our country unlawfully each year.

This, as we all know and agree, is unquestionably a serious problem along our southwestern border. This Congress does have a responsibility to provide additional resources to the U.S. Border Patrol and other enforcement agencies to prevent such individuals from crossing the border in the first place. So I strongly support the provisions in S. 1664 that provide additional border guards and enforcement personnel.

Mr. President, the second part of the equation, though, which represents up to one-half of the illegal immigration problem, is the problem known as visa overstayers. These are people who enter our country legally, usually on a tourist or student visa, and then remain in the United States unlawfully only after the visa has expired.

But despite this phenomenon, representing up to 50 percent—50 percent—of our illegal immigration problem, there was not a single provision in the original committee legislation to address this problem—not a single word about half of the whole illegal immigration problem.

Instead, the bill supporters proposed a massive, new national worker verification system, complete with uniform Federal identification documents. So, rather than targeting the individuals who break our laws and are here illegally, the premise of that proposal was to ensure that the identity of every worker in America—U.S. citizens, legal permanent residents, and so on—had to be verified by a Government agency in Washington, DC.

Mr. President, we are going to hear extensive debate about whether or not what is in this bill is actually going to work, and I will comment on that in a few minutes. But I think we first need to ask the question of whether this, in any way, is an appropriate response to the illegal immigration problem.

According to INS figures, less than 2 percent of the U.S. population is here illegally. Mr. President, do we really want to require 98 percent of Americans to have their identities verified by the Federal Government every time they apply for a job or public assistance?

Think about what this means to every employer in this country, Mr. President. Every employer would have to live under such a system if it was fully implemented. Suppose a dairy farmer in rural Wisconsin, or perhaps rural New Hampshire, wants to hire a part-time employee. Should that farmer have to get permission from a Washington bureaucrat before he hires the worker? How is the verification check to be completed? If it ends up being an electronic system, does that mean the farmer is going to have to spend $2,000 or $3,000 on a new computer and another $1,000 on the required software to be able to interface with a computer somewhere in Washington, DC—all so he can hire just one part-time employee on his farm in Wisconsin or New Hampshire?

Mr. President, if fully implemented, this, obviously, is not a measured response to the illegal immigration problem. It suggests that the way to find a needle in a haystack is to set the haystack on fire.

It is not as if we are moving to a national verification system as a last resort. Just in the past few years has the administration begun to take seriously the task of patrolling our Nation's borders. Experiments such as Operation Hold the Line in El Paso, and Operation Gatekeeper in San Diego, have demonstrated that there is a way to prevent undocumented persons from entering the United States.

Moreover, we have never tried to attack the visa overstayer problem. Again, that is the problem that constitutes nearly one-half of the illegal problem. No one has ever proposed such targeted reforms—until now.

Our amendment contains provisions that impose tough new penalties on persons who overstay their visas by withholding future visas from persons who violate the terms of their agreements.

In addition, anybody who applies for a legal visa must submit certain information to the INS that will allow the INS to track such persons and determine who is here lawfully and who is here unlawfully.

These bold reforms should be given an opportunity to work. Let us give them a try before we commit ourselves to experimenting with a costly and burdensome national verification system.

Moreover, Mr. President—and, of course, I acknowledge that during the committee's work, this was turned into more of a pilot program approach. Nonetheless, the so-called pilot programs contained in this legislation are riddled with problems. Let us be honest. We would not be having these so-called pilot programs if the eventual goal was not to have a national verification system up and running in the near future. Why would we do them if that was not the ultimate objective? Indeed, in addition to the pilot programs, this bill, as reported out of the Judiciary Committee, requires the President to develop just such a plan for a national system and submit it to Congress.

We also know there are going to be numerous errors in the system. As the Senator from Michigan has pointed out, one Federal data base that is to be used with this system currently has an error rate of over 20 percent.

So we know that millions and millions of Americans will be wrongfully denied employment and Government assistance due to bureaucratic errors.

Now the sponsors of the provision will tell you that the system is only supposed to have an error rate of 1 percent. But read the bill. The bill clearly states that the system should have an objective of an error rate of less than 1 percent. It could have an error rate of 5, 10, or 20 percent and it would be perfectly OK under this bill.

But perhaps nothing is as troubling to me about this proposal as the fact that it puts us squarely on the road to having some sort of national ID card.

Now I know that the very words "ID card" ruffles the feathers of the sponsors of this provision. And I know that they have crafted this language very carefully so there is not an actual identification document created by this language.

But even many of the congressional supporters of a national verification system have pointed out that this proposal will not work without some sort of national identification document. Why? Because any job applicant can hand an employer a legitimate ID card that has, for example, been stolen or doctored.

The employer will run the card through the system and it will check out. But the card does not belong to the individual, so that individual has just fraudulently obtained a job or received welfare assistance.

That is exactly what is likely to happen if this bill becomes law.

Well, Mr. President, is there any way to prevent this sort of fraud from happening? One solution has been suggested. Let me quote Frank Ricchiazzi who is the assistant director of the California department of motor vehicles.

In testimony before the Judiciary Committee last May, Mr. Ricchiazzi said the following:

> All the databases and communication systems in the world fill not prevent the clever and resourceful individual from assuming multiple identities with quality fraudulent documents. What is needed is the ability to tie the documents back to a unique physiological identifier commonly referred to as biometric technology (retinal scan, fingerprint, hand print, voice print, etc).

So fingerprinting every person in America is one suggested solution to this problem.

Now this approach may sound a little farfetched, but my colleagues on both sides of the aisle may be surprised that the original committee bill required every birth certificate and driver's license in America to be adorned with a fingerprint.

This is not totally far-fetched. It is what we had to consider in the first place in committee.

And it is my understanding that even with the last-minute changes made yesterday to the birth certificate requirements, the bill continues to allow Federal agencies to preempt the authority of the States by requiring State agencies to follow federally mandated regulations with respect to the composition and issuance of their birth certificates and drivers license.

The bill's supporters claim that the fingerprint requirements have been removed from the legislation. But again, read the bill. The legislation before us allows the administration to determine what sort of safety and tamper-proof features every State's driver's licenses must have.

We are going to put something in this Congress to say you cannot use it for something else.

So if the Department of Transportation decides to require the State of Wisconsin to begin collecting and processing fingerprints of all driver's license applicants, the State of Wisconsin would be forced to comply under this legislation with the national fingerprint mandate.

That is why this provision, even with the recent modifications, continues to be opposed by the National Association of Counties and the National Conference of State Legislatures.

The bill's supporters will also say that the legislation clearly prohibits any identification documents required for the verification system to also be required for other purposes.

Mr. President, that is not much of a guarantee. In fact, it is no guarantee and on the contrary, by establishing such federally mandated identification documents we open the door for these documents and the verification system to be used in the future for a variety of purposes that could be completely different from what we intended, and something that none of us would support.

At first, Mr. President, Members of Congress may propose that people present these documents and go through the verification process for very legitimate purposes. Maybe they will say, "Well, we have to use these ID's or documents to board an airplane; maybe we will be required to use them to adopt a child; maybe it will be required if you want to enlist in the Armed Forces."

And pretty soon, the verification process and identification documents will be required for so many purposes that it just might be a good idea to carry the I.D. document around in your wallet.

Does that sound farfetched Mr. President? It should not, because I just described the Social Security card—a card that was originally intended for one purpose and is now required for so many purposes that most people carry it around in their wallets or pocketbooks. And Social Security numbers are used for numerous identification purposes from the number on your driver's license to assessing computer networks.

I know, Mr. President, that the Senator from Wyoming will claim that the bill specifically prohibits the verification system from being used for other purposes.

But nothing in this legislation, including the so-called privacy protections, can prevent a future Congress from passing a law to require these identification documents and the verification system to serve different purposes than originally intended.

That is precisely why Senators should not be misled into believing that the pilot projects contained in this legislation are harmless and will have no effect on their constituents.

The pilot programs are not intended to merely provide a testing ground. If the pilot programs are just meant to provide us with test results, why does the bill specifically require the President to develop and submit to Congress a plan for expanding the pilot projects into a nationwide worker verification system?

That is the goal of the verification proposal contained in the legislation and Senators should not be misled into believing that these are harmless pilot programs that are not going to affect their constituents and are going to somehow magically disappear in a few years.

Mr. President, the number and range of groups and organizations supporting the Abraham-Feingold amendment is quite astounding. It is a coalition of the left, represented by the ACLU, the National Council of La Raza and the American Jewish Committee, and the right, represented by the NFIB, the National Restaurant Association and the U.S. Chamber of Commerce, as well as some 30 other national organizations representing business, labor, ethnic and religious organizations which all support the Abraham-Feingold amendment.

Why do they do this? Because they know it is critical that we abandon this rather heavyhanded, costly approach to combating illegal immigration and instead focus on true reform that focuses on the individuals who break the law, and not those who abide by them.

So I very much commend my friends from Michigan and Ohio, and others, in their efforts in fighting this intrusive proposal.

I ask unanimous consent that a listing of the organizations supporting the Abraham-Feingold amendment be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ORGANIZATIONS SUPPORTING ABRAHAM-FEINGOLD

National Federation of Independent Business.
National Council of La Raza.
National Restaurant Association.
American Civil Liberties Union.
U.S. Chamber of Commerce.
American Bar Association.
Americans For Tax Reform.
United States Catholic Conference.
Mexican-American Legal Defense and Education Fund.
National Retail Federation.
American Jewish Committee.
Associated Builders and Contractors.
Associated General Contractors.
National Asian-Pacific American Legal Consortium.
Asian-American Legal Defense and Education Fund.
International Mass Retail Association.
Cato Institute.
Service Employees International Union.
Asian-Pacific American Labor Alliance.
National Association of Beverage Retailers.
UNITE (Union of Needletrades, Industrial and Textile Employees).
National Association of Convenience Stores.
League of United Latin-American Citizens.
Food Marketing Institute.
Hispanic National Bar Association.
Food Distributors International.
The College and University Personnel Association.
American Hotel and Motel Association.
International Association of Amusement Parks and Attractions.

Mr. FEINGOLD. I thank the Chair. I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I rise in strong opposition to the amendment.

Let me differ with my friend from Wisconsin who is one of the finest

Members of this body. It was a great day for the Senate when RUSS FEINGOLD was elected to serve here.

When he says this amendment increases penalties for those who come in legally and overstay, this amendment does nothing of the sort. This amendment does one thing and one thing only, and that is to weaken enforcement of illegal immigration.

What the bill does—not this amendment—on those who overstay legally, anyone who overstays more than 60 days cannot apply for coming back in again legally for 3 or 5 years. We hire more investigators. You have to apply for a visa to the original consular office where you made the original application.

Three things I do not think anyone can question. No. 1 is the thing that Senator SIMPSON has stressed over and over again, and that is the attraction for illegal immigration is the magnet of a job. I do not think anyone seriously questions that. No. 2 is that we have massive fraud that assists people who are here illegally. I do not think anyone questions that. No. 3 is the GAO report shows that we have a serious problem with discrimination particularly against Hispanics and Asian-Americans or people who speak with an accent, maybe a Polish accent or whatever the accent might be because there is a reluctance on the part of employers to hire them.

Unless we have some method of a voluntary identification, that discrimination is going to continue. So, in line with the recommendations of the Jordan Commission, pilot programs have been suggested. No pilot program can be followed through by a Clinton administration or a Dole administration or anyone else without congressional action. So there is that safeguard here.

I think this is essential. If this amendment is adopted, frankly, you just defang the whole bill. It is a toothless venture. You are trying to eat steak without teeth. I hope to never try that. I hope the Presiding Officer never has to try that. You have to have teeth in this if we are going to do anything about illegal immigration.

There are provisions in this bill that I do not like. I was defeated last night on an amendment, and I am probably going to be defeated today on a couple of amendments that I think make a great deal of sense. I think in some ways the bill is too harsh. But it is essential that we take a look at this.

Let me just add—and I know you should not make appeals on the basis of personalities—this whole issue of immigration is one of these cyclical things. Right now there is a lot of interest, but for a while there was very little interest. There were just three of us who served on that subcommittee, the smallest subcommittee in the Senate, because there was not that much interest—ALAN SIMPSON, TED KENNEDY, and PAUL SIMON. I was the very junior member both in terms of service and in terms of knowledge.

I say to my colleagues who may be listening or their staffs who may be listening, whenever ALAN SIMPSON and TED KENNEDY say this is a bad amendment in the field of immigration, I think you ought to listen very, very carefully. They know this area. Complicated as it is, they know this area well. We have a problem with illegal immigration, and you cannot deal with this problem unless you deal with the magnet that employers have, the area of fraud, and I also think the area of discrimination. There is no way of solving this without having some pilot programs.

We could launch something without having a pilot program. I think that would be unwise. It seems to me this is a prudent approach that really makes sense, and with all due respect to my friend from Michigan, I think this amendment should be defeated.

I yield the floor, Mr. President.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Wyoming.

Mr. SIMPSON. I think we have had an interesting debate. We probably will have a little bit more. There is no time agreement here. But there are some serious distortions presented to us, and that is always vexing because obviously persons are listening to those distortions and taking them to heart.

I have been in this business for 17 years, and that is not to say it has been a joyful experience, but it was much more a pleasure when Senator PAUL SIMON joined this ragged subcommittee consisting of Senator TED KENNEDY and myself because no one else would take on the issue. So for several years it was just a little three-member subcommittee—Senator KENNEDY, myself, and Senator SIMON—because others would come up to us in the course of the entire year of work saying, "When you get busy on doing something about illegal immigration, you let me know and I will help you."

Unfortunately, nobody does help because there are so many cross-currents. I have never seen more—I am not talking about the Senate. I am talking about outside the Senate. I have seen groups hop into the sack with other groups they would not even talk to 10 years ago. I have seen some of the most egregious pandering and prostituting of ideals outside this beltway that I have ever seen, people who are cynical, cynical in the extreme with what they are doing on this issue, some of the think tanks cynical to the extreme. I am not, please hear me, talking about a single person in this arena. I have the deepest respect for Senator SPENCER ABRAHAM. I helped campaign for him in Michigan and would do it again in an instant. I have high regard for Senator MICHAEL DEWINE. I helped campaign for him in Ohio, and I would do it instantly. Senator FEINGOLD I have come to know, a spirited legislator of the old school—doing your homework. So that is not the issue.

But you are missing everything we are trying to do. Somebody is missing the entire thing, and Senator SIMON has expressed it beautifully: You cannot do the things that are in this bill unless you have at least an attempt to find out what verification systems we will use in the United States.

The present stature of the bill simply says that we will have verification projects or processes of these following options. If I had my way, I would make them requirements, and I would say it is required that these following pilot projects take place in the next years. That is what we should be doing. Then none of them go into effect, or not one of them goes into effect, until we have another vote.

That is what is in this bill. There is nothing in here that has to do with national ID or all the sinister activity that you can ever discuss—Americans on the slippery slope, a tragedy of employers having to seek permission to hire people. They already do. It is almost as if one were speaking into a vacuum.

I know what it is. It comes from the fact when you are in it this long, you understand the nuances. That is not a cocky statement, I can assure you. But, boy, I tell you, when I first started the business, I would say, "You can't do that." Then 2 years later I said, "You have to do that."

That is where this one is. When I am up at Harvard teaching, I shall think of you all, and I will reflect. In a year or two—and I hope you are all here for many years—you are going to say, "I didn't know that's what we did," because if this amendment passes, you will have taken away everything from this bill. The rest of it, as Senator PAUL SIMON says, is like eating steak without teeth. You cannot do it with what you have put in this bill. If you think you have solved the problems of illegal immigration by the Border Patrol—put 20,000 of them down there—if you think you are going to solve it by this or that and all the things that are in this bill, forget it, because over half the people come here legally. You will not even touch them unless, ah, with the new Border Patrol we will give them the power to now go up and ask visa overstayers if they are visa overstayers. How is that one for discrimination in America? You are going to go up to people who look foreign under this provision, when we have nothing else that gives us any power or authority to do anything, and find out whether people are visa overstayers. I assume they will most likely be people who look foreign. So, remember, that one will take place.

It is a curious thing that the people and the institutions who want to do the most to hammer illegal, undocumented persons will give us the least hammer. I do not understand that and I would like to have that explained to me in the course of the debate. How you can come to subcommittee and full committee and the floor and add layer upon layer of things which have to do with tightening the screws on illegal, undocumented people—and that is what you have done, and that may assuage all guilt, it may take care of all pain—but, then to take every bit, every tiny crumb left of how to do something about illegal undocumented persons in the United States, and that is to allow some kind, some kind of more counterfeit-resistant, more verifiable, identifiable—whether it is through the phone system with a slide-through or some kind of revised Social Security card or something—and then to go home and tell our people that, here in the United States of America, we finally did something about illegal immigration? And a year from now or 2 years from now you find out you could not get it done because you did not take the final step, which was minuscule, and that was to do something about the breeder document that Senator FEINSTEIN described so powerfully—you did not do anything with that document, did not do a thing with it.

You did not do a thing with the most stupefying thing that happens in America, where you look at the obituary list, and if you are between 20 and 40 years old you really look at that. You find out who died and then you go get their birth certificate—and between the years of 20 and 30 and 40, that is when most of this happens—and then off they go with the new birth certificate and into the stream they go, into the stream they go with a Social Security card, and into the stream with a driver's license, and into the stream of the public support system.

We are talking about the cost of a system to set that up? The cost to America, by what is happening to the welfare systems, the cost of what is happening to America with the hemorrhaging of California and Illinois and Florida, hemorrhaging—absolutely hemorrhaging, and we are not going to do anything about it? We are going to talk about the cost of a system? If this system costs $10 billion, it would be worth it, because we are losing $20, $30, $40 billion, with people who gimmick the housing programs, gimmick the welfare program, gimmick the employers. That is where we are. It is absolutely startling to me that those who want to do the most will allow us to do the least.

Let me just address a couple of old canards that just have to be addressed. In this league you are supposed to be as patient as you can. But I am always reminded of that great phrase in Rudyard Kipling's "If." Read it. You want to read "If." Read it every 5 years of your life because it will change.

If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated, don't give way to hating,
And yet don't look too good, nor talk too wise:

* * * * *

If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And—which is more—you'll be a Man, my son.

But there is one part in it that is marvelous. It says:

If you can bear to hear the truth you've spoken
Twisted by knaves to make a trap for fools,

And that is what I have seen outside, in this beltway, "twisted by knaves to make a trap for fools." I am not referring to a single person in this Chamber. I am referring to people who I know out there. I know the groups. I know them well. I have seen them in action.

So, let us look at the stuff that has floated through here with regard to the national ID card. In an April 11 "Dear Colleague" letter you were all told that:

> Americans should not have to receive permission from the Federal Government to work and support their families, nor should U.S. employers need permission from the Federal Government to hire their fellow citizens. But ill-conceived measures in the illegal immigration bill to be taken up on the Senate floor during the week of April 15 will do just that.

And we have heard similar claims here on the floor today. I do not know whether this outrageous statement reflects willful distortion or something more bizarre, because, first, it is already unlawful under section 274(a) of the Immigration and Nationality Act, 8 U.S.C. 1324(a) for any person or entity to knowingly employ illegal aliens, or to hire without complying with the requirements of an "employment verification system." That is the law. And that is described in that section.

Most important, neither current law nor the proposals in S. 1664 require citizens or lawful permanent residents to obtain any form of permission from the Federal Government to work: None. Nor is there any requirement that U.S. employers obtain "permission" to employ such persons. In the present context, the word permission connotes a form of consent that can be withheld, at least partly on the basis of discretion.

In fact, there is not, under current law, and there would not be under any pilot project authorized under the bill or any system actually implemented in accordance with the provisions of this bill, after the required implementing legislation, that would give any legal authority to withhold verification except on the basis that an individual is not a citizen, lawful, permanent resident, or alien authorized to work.

Indeed, the bill includes as an explicit prohibition, a requirement that verification may not be withheld except on that basis. That was to protect the employer. We did not do that for any other reason but to protect the employer.

In that same letter you were informed that the verification provisions of the bill are "more than merely a pilot program. It is a new system that can cover the entire United States and last for up to 7 years at the discretion of the President."

In fact—fact, section 112 of the bill authorized the President to conduct "several local or regional demonstration projects." Are you going to let California just sink? Are you going to let California just sink and float off into the ocean? That is what you are doing if you do not allow them at least to do something; a pilot program. What about Texas? Are you just going to let it sink? What about Illinois? What about Florida? You cannot get there.

So we provided several local or regional demonstration projects. That this does not authorize at all what the authors of this letter assert, it will be made ever clearer as we finish up our work on this bill.

I had an amendment. We will see what happens with that. The word "regional" will be defined as an area more than an entire State, or various configurations. That would make it clear that the system covering nearly the United States of America, the entire Nation, would not be authorized. No one ever intended that. But the letter also asserts that the bill "does not replace the I–9 form but is added on top of the existing system."

The bill does not say that. The bill provides that if the Attorney General determines that a pilot project satisfies accuracy and other criteria, then requirements of the pilot project will take the place of the requirements of current law, including the I–9 form.

Furthermore, those are things that seem to escape us. We are trying to assure that employers will not have to comply with the requirements of both current law and pilot projects, pilot projects where their participation is mandatory. In addition, this same letter states, "Error rates are a serious problem." The letter refers to an estimate by the Social Security Administration that in 20 percent of the cases handled, it will not be able to identify an individual's employment eligibility "on the first attempt."

Hear that, "the first attempt." I am not familiar with the details of the estimate, but there are three responses that come to mind immediately.

First, in the INS' pilot project, if verification is not obtained electronically and the very first time, an additional, nearly instantaneous, electronic attempt is made—instantaneous—using alternative databases or names. In the vast majority of cases, verification of persons actually authorized to work is obtained in a very few seconds.

Obviously, the whole point is to not verify certain individuals. Illegal aliens will not be verified. A handful of cases then require a visit to an INS office. To our knowledge, every one of those cases was resolved without significant delay, and remember that this is a pilot project and not a fully developed system.

Second, if there is something wrong with the data base of the Social Security Administration, it should be fixed, but we will not have to worry about that because we do not deal with that issue either. We cannot do anything with the Social Security card, to make it as secure as the new $100 bill. We cannot seem to do that, and it will not bother us because we are already told that Social Security will be broke in the year 2029 and will begin to go broke in the year 2012. But we do not deal with that one at all. That one will be one for all of you to deal with.

Third, the whole point of the pilot project is to develop a workable system, I say to my colleagues. We are not trying to do a number on our fellow Americans. We do not have a workable system right now, and you helped correct some of that yesterday, and I appreciate that. Well done. You protected the employer from a heavy fine or penalty just by asking for another document. That was good work; I think good work.

We do not have a workable system. We do not know all the problems on the surface as these projects are conducted, but if the development process is not begun, if something as milk soup in consistency as the present part of the bill, which is the Kennedy-Simpson verification process, which is all optional, if we cannot even start that, we will never have a workable system, at least in the years to come.

The letter also states that, "Employers who break the rules will continue breaking the rules while legitimate business owners must confront new levels of bureaucracy."

Most employers try to comply with the current law. They work hard to do that. They work hard not to hire illegal aliens. However, the current verification system, with which they are required to comply, is not reliable because of fraudulent documents.

I am going to show it one more time. There is no such thing in our line of work as repetition. There it is. Anybody can get one and when you get one, you can begin to do things that to the Cato Institute would be repugnant, because when you get one of these, you can go down and get welfare. You can get welfare, you can access other programs, you can do this and you can even vote in some jurisdictions with that kind of a card.

What are you going to do about that? Well, we have something in there about that, about forgery and about this and about that. We handle that. You will not handle it until you go to a pilot program to figure out what you are going to do with this kind of gimmickry, and then every time I read a report or paper from some of these opinion-filled brilliants off campus here, I am always stunned by the fact that they say what are we going to do, what are we going to do about people who abuse the welfare system, what are we going to do about people who come here pregnant and have a child in the United States of America and then give birth to a U.S. citizen? What are we going to do about people who denied a mother or father the opportunity to receive a welfare benefit because the county and the State had expended it all? It is all gone, millions are gone down the rat hole because of fake documents.

So what you have here without reliable documents is you have hundreds of thousands of illegal aliens employed by such employer. Employers can be punished if they fail to employ someone because they suspect a person is illegal if such person has documents that "reasonably appear on their face to be genuine." At least we protected the employer a bit yesterday. Right now employers can be fined by simply asking for another form of document.

Now the letter asserts, finally, "The system will lead to a national ID card. A number of congressional advocates of this system have admitted that the system will not work without a biometrically encoded identification card." I am quoting. "Establishing this far-reaching program sets us on a dangerous path toward identity papers and other objectionable elements incompatible with a free society."

I also saw an article during the days of this issue coming before the American public where it was even suggested that we were looking into the examination of bodily fluids. There is a debate and there is a thing of give and take and there is a thing such as honesty, but bodily fluids was never anything ever mentioned by any "congressional advocate" that I have ever met.

This is an especially blatant—blatant—example of the misleading nature of so many of the statements in these letters.

First, the assertion that there is a national ID card, but then the statement about congressional advocates does not refer to a national ID card, and I am one of those trained "congressional advocates" who has opposed national ID cards for all of the 17 years I have been involved in this issue, period.

I put it in every bill. Anybody who can read and write has found it in there and ignored it. I am tired of that one. You do not have to take all the guff in this place, and that is not a personal reference. I have heard that one, too. I am talking about lying.

I have put in every bill I ever did that this would not be a national ID card, and that it would be used only at the time of new hire, and it would be only presented at that time or at the time of receiving welfare benefits, that it would not be carried on the person, that it would not be used for law enforcement. That is in every single bill I have ever done, period.

The card that I believe is probably necessary is the one already used for ID purposes by most Americans, and especially in California, the State that takes all the lumps while we give all the advice. That is the driver's license or some kind of a State-issued identification card. But, ladies and gentlemen, what do you think this is? This is a State-issued identification card. That is what this is. That is why I favor the bill's required improvements in these State documents.

The reference to "biometrically encoded" is pure demagogery. "Biometric" merely refers to information relating to physical characteristics that are unique to an individual making it easier to determine if a card is being used by an impostor. That is what "biometric" is. Look it up. A photograph is a common example. A fingerprint is another.

Use of the ominous term "encoding," I guess, just appears as a totally gratuitous crack or shot. Is a photograph on a card encoded on that card? I guess it is, if you want to be stern about it. You will have to ask the authors what they mean, if they mean anything at all, by the use of that term, except inflammatory language.

With respect to the "dangerous path" statement, it is an indication of something I have noticed about many of the opponents of any improved verification system. I have found, in the 17 years of my work in this area, and especially with the Congressman from California, who is tougher than anybody ever in this Chamber—he is no longer a Member, but I had the highest respect for him; he was tough—but he displayed a fundamental distrust of the Government to do what it would do, fundamental distrust of our people, fundamental distrust of our political system. That has to be the root of this, a fundamental distrust of what we are doing. For, as I said many years ago, "There's no slippery slope toward some loss of liberty, only a long descending stairway. Each step downward has to be allowed by the American people and their leaders." That will never happen.

The claim is also made that the system "imposes costly new burdens on States and localities." CBO estimates the cost of all of the birth certificate and driver's license improvements required by section 118 of the bill, as modified by the floor amendment which was adopted without objection yesterday—how curious, a floor amendment of mine to get all of the snarls and the bumps out of an amendment that had objection in the committee, and I then made these specific corrections to satisfy most of my colleagues, and it passed here by a voice vote without objection. That will be stricken by this amendment.

This motion to strike will take the work product that was done, with all of us in here and their staffs, and junk it, gone, history. You can do that. You may do that. If that happens, life will go on, the Sun will rise in the east, and it will be a joyous day on the morrow.

But let us be real. What I did with the phase-in of the driver's license requirements is going to cost now $10 to $20 million, spread over 6 years. I have seen estimates of the losses to the American people because of the use of fraudulent ID's. That is in the billions and billions and billions of dollars, ladies and gentlemen. That is what is happening. Not to mention voter fraud, terrorism, and other crimes that often involve document fraud.

One other one we have to put to bed, at least pull the covers up, and then go on anywhere you wish to go with this. I have to respond to a wild charge that has been made before. You try not to respond to all this stuff, but finally you just kind of get a belly full of it. The heated rhetoric which has been flying about the Chamber—threatening and stern—is totally untrue. That was about the pilot program in Santa Ana, CA.

My colleagues have heard the bill will create a massive, time-consuming, error-prone, error-riddled bureaucracy. They have heard accusations that we are racing, with no brakes, toward a national ID card that will be "riddled with mistakes" and will be "dangerous to our own workers."

Mr. President, I would like to extinguish this fiery, heated rhetoric with the cold splash of hard fact. Once my colleagues hear the truth, maybe they will be better able to sort out some of the rest of it, and the American people will finally hear the truth. I believe we will no longer have to deal with some of the old canards which are in vogue and have been in vogue for weeks here, because currently under the authority of the 1986 immigration bill, the INS is conducting a pilot project on an employment verification system. I hope no one here will try to stop it, but you never know. It is working. You might want to go scotch it before it goes too far. It is just like the pilot projects authorized by this bill.

Let me tell you what has happened so that you can hear it. Over 230 employers in Santa Ana, CA—230 employers—have volunteered to participate in this INS project, volunteered.

After the hiring of a new worker, the employer fills out an I-9 form and checks the worker's documents. Everybody is doing that in the United States, so if you hear any more argument about what we are putting on the employers to find out if the people in front of them are authorized to work in the United States of America, are citizens, do not think that I put it in this bill. It has been in the law for nearly 10 years.

So this is just like every other employer in the United States. It is a requirement of current law. It is a total distortion of fact and reality to say that we are going to ask something more of an employer to either get "permission to hire," or to "clear it" when he had not had to clear it before.

Ladies and gentlemen, they have been doing it for 10 years, every single day while we go about our work here. The I-9 is asked for, and people do it every single day. Some were offended when it first began. "Why should I do that?" I have a provision, if you are a U.S. citizen, you need do nothing more than a test that you are a U.S. citizen. That would take care of that. But we will not get the opportunity, likely, to get to that.

So let us at least start with what is there. We have a requirement in current law which requires the employer to ask the potential employee in front of him for documents. He is asked to ask for 29 different ones under the previous legislation, the present law—worker authorization ID—and then to make a tragic mistake, with no intent to discriminate, and ask for another one, and get a fine or the clink. So we corrected that. I hope we will keep that.

But remember now, in this pilot program, if the new hire is not a U.S. citizen, the employer then begins the verification process. Using a computer the employer transmits the alien registration number or the "A" number on an employee's green card to the INS. This happens after the employee has been hired. Please remember that. It happens after the employee has been hired. The majority of the time the employer's request is answered in 90 seconds. All of the inquiries are answered within 48 hours by the INS.

Here is where this fake figure comes in. For 17 percent of the newly hired workers—or maybe it is 20; I have heard both, about 1,100 workers; this was newly hired, about 1,100 workers—the INS was unable to confirm that they were legally authorized to work, ladies and gentlemen. So all of those individuals then were given 30 days to set up an appointment with a specific INS officer in a special office set up to correct possible mistakes in the INS data base.

Guess how many—I hope my colleagues will hear this—guess how many of these 1,100 individuals actually came to the INS? Mr. President, 22—22—of them came to the INS. Of these 22 people, only 17 were actually authorized to work in the United States. Their troubles were resolved within the day—within the day. The other five people who showed up were not authorized to work in the United States. I guess you have to assume that the other 1,000 people or so who never showed up to the INS were not authorized to work, either.

What about the 17-percent error rate, or 20 percent, that some opponents have spoken about? Is it the number of illegal aliens who were denied jobs by the INS pilot program? Is that it? Look at the statistics, the real statistics. The current INS pilot project is more than 99 percent accurate. In the few cases where mistakes were made, they were fixed promptly. In no case did any legal permanent resident of the United States lose a job due to this system—not one, nor any U.S. citizen.

Let me repeat myself because this is one of the most important facts my colleagues should remember: No one has ever lost a job due to faulty data in the INS pilot program. The system is used only after a new employee had been hired.

No one will ever be denied a job under this system. The horror stories which opponents have bandied about are completely and utterly without basis and fact. They are fears and illusions summoned up from the vapors to scare the wits out of the American people.

My colleagues should also know that the employers who participate in this verification pilot program think it is great stuff. They do not consider it a burden. They believe it to be a great help. I share with my colleagues' comments of those who use the system and try to look askance at the blather of the business lobbyists. When I make these remarks, I am not speaking of people in this Chamber, but those groups I know so well. I know them well. So they look askance at this blather of the business lobbies whose sole job is to vigorously oppose all legislation which impacts business.

Here is what these employers say about the INS pilot program. "I love this system," says Virginia Valadez, the human resources officer for GT Bicycles. "Now I don't have to be responsible for whether or not these people are legal. I don't have to be the watchdog."

Comments of the California Restaurant Association: "Some means of verifying Government documents is vital to the integrity of the employment system. We desperately need a reliable, convenient means for employers to verify the authenticity of the documents that the Government itself requires. I can assure you the restaurant industry will participate eagerly." It will be the first time in my memory—the restaurant groups, when I started this business, were the most resistant, and they feel this would be extremely helpful.

Says their publication, describing the fledgling pilot verification program, "Bring offers of ready volunteer to our offices." The testimony of Robert Davis, the president of St. John Knits Co., before the select committee of the California Assembly, after describing the widespread availability of this stuff and the great difficulty that puts on the law-abiding employer says, "To a business that wants to comply and build a stable labor force, this is a major concern. Economic loss from hiring, training and loss of output from the removal of a forged document worker can be severe." He said, now he can "invest with confidence in the training of the individual, and plan for a long-term permanent work force." He believes in it. He has seen it work. "As a businessman * * * it is exciting and reassuring" and has had dramatic success.

There they are. The current program only tests individual or noncitizens in order to get a job. The illegal alien only has to claim to be a U.S. citizen, present a driver's license, Social Security card, and those are the things we will find out. How do they avoid the verification process? What do they do? Find out.

Others say we should try and call in—there has been a toll-free number called 1–800–BIG-BROTHER. They must have forgotten the one called 1–800–END-FRAUD. That is an 800 number, too, that you want to pipe into that next time you are grappling with 1–800–END-FRAUD or BIG-BROTHER and find out whether it will be cost effective, find out what we will do, see what is up in this country, do the testing we need to do, trust a Congress 6 years in the future having to cast another vote to do it right. If you do not get started, you will never get it started.

Obviously, I hope my colleagues will oppose the Abraham amendment and will acknowledge that some of the apocalyptic cries that come from out there, from the beltway, are truly without foundation and reality or fact. Remember, this is a pilot project that you are seeking to strike, with all the inevitable problems that a pilot project to a new system will involve, but if we do not even try to work out the bugs through pilot projects, we will never have a workable system. That will be, then, truly a hazing of the American public. They thought we got the job done, but we failed—and failed totally—in that.

I yield the floor.

Mr. ABRAHAM. Mr. President, I similarly acknowledge the efforts of Senator SIMPSON both with respect to the broad subject of immigration policy over the last 17 years and, more specifically, his hard work on the bill before the Senate on illegal immigration.

The positions which I have advocated on a number of the issues that are part of this bill, in some cases, have been this opposition to his position, and, in some cases, they have been on the same side. They have always been advocated with great respect for his efforts here.

I must say I sympathize with his feelings about some of the rhetoric which those outside of this Chamber have launched during the past couple of months as we have dealt with this issue before both the committee and here on the floor. I, too, have been the target of many rather unusual, strange, and exaggerated charges, as well as complaints. In my State of Michigan, in fact, groups who oppose some of the views I have on this issue have even launched paid media campaigns critiquing my activities here in the U.S. Senate on these issues. I am both an admirer of Senator SIMPSON's efforts and a sympathizer with the role he finds himself thrust into when he chose to become involved in highly important issues that touch a large number of Americans.

I comment now and finish on the comments I made earlier with respect to the implications of this verification system on the American people. We have been told as a starting point that the bill, without this pilot program, would be gutless, it would be toothless and, in various other ways, be a bill unworthy of us here. I cannot help, when we talk about exaggerated rhetoric, be a little shocked and surprised at those allegations, because I consider the bill as it currently stands, even if it did not have these pilot programs, an extraordinary piece of legislation that will combat many of the problems this country has with illegal immigration, and combat them squarely, head on, effectively, whether it is increasing the border patrols, whether it is cracking down on and ensuring the deportation of alien criminals, whether it is in partially penalizing the visa overstayers who make up such a large percentage of the illegal alien population, or whether it is sharply reducing the availability of public assistance programs to illegal aliens. All of these, I think, combined, will play a very effective role in dramatically reducing the illegal immigration problems we confront.

Equally, I think, we will see that the provisions in the legislation which protect employers, particularly small employers, from charges of discrimination, in cases where no intent to discriminate exists, are going to, likewise, allow us to address the problem of individuals who are legal aliens securing employment in this country and do so, I think, with great effectiveness.

(Mr. BROWN assumed the Chair.)

Mr. ABRAHAM. Does that make this pilot program that we are talking about, this identification verification program, the linchpin in this legislation? Is the absence of that going to make this toothless, Mr. President? I do not think so. Quite the contrary. I think, if anything, it will burden the bill and burden American citizens—taxpayers, employers, and employees—with an excessive amount of redtape, bureaucracy, and big Government intrusion that is not going to handsomely pay off in terms of the benefits it produces.

Let me just talk about some of those costs once again. First of all, this approach is the kind of big Government bureaucracy approach that I think most of us in this Congress have been arguing we find too dominant already in the American economy. Do we really want to have another bureaucracy, another effort here to try to create hoops for businesses to jump through as they make employment decisions, or for U.S. citizens, who are entitled to be employed, to jump through in order to secure employment?

Clearly, it is going to be a costly venture and a costly one both in terms of bureaucratic redtape as well as in taxpayer dollars. I was glad to hear the term "$10 billion" used as a possibility of the cost involved here. I do not know what the total costs are going to be. No one, in fact, on the floor knows that. But it is certainly conceivable that it will be great. Just as far as we are aware to this point, the assembling of this database is going to be in the hundreds of millions of dollars. The Social Security Administration has said that a national program would be $3 to $6 billion, and then it would have to be sustained.

Mr. President, that is thousands of dollars per illegal immigrant in the country just to build this system, if that is what we would end up doing. I do not think that is exactly the kind of cost-benefit approach we want to take. Let us not just talk about the burdened taxpayers; let us talk about the burden to business, and particularly to small business.

We can debate the terminology, we can talk about whether it is seeking permission or some other way to describe what would be called for under this type of an approach. But it certainly would be an additional step in the process, and it certainly would require, in some way, communicating with someone in a bureaucracy run by the Federal Government somewhere in America to determine whether or not verification indeed has occurred.

We have never, in my judgment, Mr. President, ever placed that level of burden on employers in this country. It is a costly burden, potentially a very costly burden, for small businesses, and particularly for those small businesses that have a large turnover of employees.

In addition, it is a burden on the employees themselves. Again, we have one pilot program in Santa Ana, CA, carefully monitored by the INS, who are presumably pulling out all the stops to try to minimize delays on a database. So there are 22 cases out of 1,000—1, 2, 3 percent. Extrapolate that to the entire country or a large region, as is contemplated by the pilot program, and we are talking about thousands of American citizens who will be, in one way or another, denied initial hiring because the verification system database is not able to run at 100 percent.

While it may be the case that when a program is highly localized in a single city, with INS monitoring, the 22 people can get relatively quickly into the correct category, I do not think such a quick turnaround will be possible if the program is indeed larger, whether it is larger in terms of a full State or a region that goes beyond one State, or certainly if it was a national program.

We have had other similar kinds of things happen, Mr. President. Whenever databases are involved, there could be interminable delays. The Social Security Administration encounters this quite often, and it takes days to months to correct errors. I do not think that is the way to deal with the illegal immigration problem in America—by creating problems for people who are citizens who are entitled to work, rather than cracking down on those who are not entitled to work.

Let us not overlook the acquisition costs of the documents that will be required in order to effectuate this type of system if it goes beyond a very small project. The acquisition costs were so, I think, accurately and movingly laid out by the Senator from Ohio earlier. Imagine what we will encounter from our constituents if they determine or learn that we have moved us in a direction where new birth certificates are required, whether it is for passports, weddings, or anything else. Imagine what we will encounter if when young people go to get their driver's license, now living in a wholly different State or part of the country, find out that our law here today, in attempting to crack down on illegal immigration, has thwarted that effort, forcing them to incur additional costs in order to get their first license.

These are significant costs—costs not borne by the people who are breaking the rules, but by the people who are playing by the rules.

I do not believe, Mr. President, that we should attempt to solve the illegal immigration problem by bringing huge burdens on people who are playing it straight. I am sympathetic to the problems raised with respect to people who live in States such as California. I understand that they have different circumstances than we might have in my State, or yours. But to basically impose upon the entire country ultimately or, in the short-term, full States or regions the kinds of burdens that are contemplated by this type of verification system, it just seems to me, Mr. President, that is not a cost-benefit analysis that works out favorably for the American people.

Now, Mr. President, the real issue that we should focus on, in addition to costs, are benefits, because that is the calculus. I think it is important for everyone who is considering how they feel about this issue to think about the degree to which such a program as is being contemplated here can possibly work. Will the forgery stop, Mr. President? Will it really mean that there is not the capability of circumventing the new system that might be developed? Do we really believe that a system can be made perfect? Do we really think that on Alvarado Street in Los Angeles, or in any other city where there might be this type of forgery, in a couple of years, if not sooner, somebody not will come up with a system that breaks the code, that somehow penetrates the new security that is developed as part of these pilot programs? I am very skeptical, Mr. President.

But, also, let us not lose sight of the fact that, even separate from the ability to develop a foolproof system, we have the problem that many, if not an overwhelming percentage, of the employer problems we have are intentional. So let us ask ourselves this: If there is an employer who knowingly or intentionally intends to hire someone who is an illegal alien, are they even going to participate in the verification system? I do not think so. I do not think so, Mr. President.

So while the people who play by the rules are incurring the additional costs of setting up the kinds of systems that will be required to interface with the database in Washington, the ones who would shun the rules today will shun the rules tomorrow. As a consequence, the issue of whether or not there is a job magnet will not be very effectively addressed by this type of an approach, because as long as there are people willing to work around the rules, there will be an audience of people who will think they can come to the country illegally and get jobs with those who basically eschew the responsibilities as employers of following the rules today.

So there we bring ourselves to the final balance. On the one hand, massive costs, taxpayer costs, putting this kind of program together. Whether it is a national database, regional database, State database, it is going to be costly—costs for the small businesses, in particular, but for the employers of America, who have to develop whatever system it is to comply with and interface with the database; and then costs in terms of actually doing such compliance; costs to the employees themselves, who will be required to go through the additional step, and especially to those who, because of a database mistake, do not initially get hired and have to go through the additional bureaucratic red tape to get back into the system; costs to all who will need either birth certificates and driver's licenses and find out that because of what we have done, they now have to get a new one. Those are the costs on one side.

On the other side, as I say, the benefits, in my judgment, are substantially less than that which has been suggested earlier, because I think it will ultimately still be possible to find a way around the system. For those who want to find a way around the system on the employer side, a verification system will only make a very minimal impact. For that reason, I think we do not need this step in the direction of more big Government. I think we should strike the verification system and the driver's license and birth certificate provisions of the legislation.

I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. Mr. President, I again rise in support of the amendment.

I would like to return, if I could, to the issue of the birth certificate because I think it is so revolutionary what we would do if we actually passed this bill as it is written and if we turn this amendment down. As I pointed out earlier, we are saying to 270 million Americans that your birth certificates are still valid. You just cannot use them for anything. If you really want to use them in the traditional way in which we use birth certificates today, you have to go back to the county where you were born or contact that county. You have to get a new birth certificate under the prescription of the Federal Government. For the first time, we have a federally prescribed birth certificate. We have a federally prescribed driver's license. In essence, they are not even "grandfathered in," to use the term we use many times. You will have to get a new one if you want to use it.

A 16-year-old who just wants to get his or her driver's license, we are going to say, "No, you cannot use that birth certificate that your parents have held onto for 16 years. You have to get a new one." We are going to say the same thing to someone who wants to get married. You have to go back to contact that county where you were born 20, 30, or 40 years ago to get that birth certificate. You have to be reissued a new form. We will have to say to someone 65 years of age who wants to get Social Security, or Medicare, "Sorry." You come into the Social Security Administration and you think you are going to get your check next month. You sign up, doing what you are supposed to be doing. We will say to them, "No, you have to go back and get a new birth certificate," a birth certificate that was issued initially 65 years before that. I think that is an undue burden. I think it is a terrible burden.

I would like to talk now for a moment about another aspect of this, and that is those who argue in favor of requiring this national birth certificate—nationally prescribed birth certificate. To those who argue that it is worth it, we are going to help solve the illegal immigration problem—and I know they are well intentioned when they say this—and it is worth it to require the people we represent to do all of this, I would argue, walk through this with me and see if at the end you still think that a birth certificate—this new tamperproof birth certificate—is really going to solve very many problems, because it is based upon the premise that the person who gets this new tamperproof birth certificate is in fact the person they purport to be. That, I think, is a leap in logic which may not necessarily be true.

My colleague from Wyoming has consistently—and I respectfully say that he has been at this for 17 or 18 years. He refers to the birth certificate as the "breeder document." This is the real problem: We have to get at the birth certificate. The difficulty with that is that under the laws of many States and the way it operates in many States, that breeder document may be a second-generation document or a third-generation document.

Let me take my home State of Ohio. Ohio is what might be referred to as an open State. It is not the only State that follows this procedure. There are many other States that follow this as well. All you need to do in Ohio to get a birth certificate is to stop in at the county health department office. You put down your $7, and you get a copy of your birth certificate. Not only can you get a copy of your birth certificate, Mr. President, but you can get a copy of anybody's birth certificate. It is a public document. It is a public record. So I can go into Ohio and get a birth certificate for anybody if they were born in that county.

What is the protection here? You can issue the finest document in the world, with all the bells and whistles on it in the world; you can spend all of the money you want to make it tamperproof, but if the person who walks in and gets that document is not that person, what good have you done? So in States like Ohio that have this open system, open record system, what good does it do? There is absolutely no good at all.

There are other States that probably are more restrictive, but I would say even in those States that are more restrictive, unless we are willing to impose burdens on American citizens that no one in this Chamber will impose, unless we are willing to say to the 65-year-old who wants to get Social Security who now lives in South Carolina and was born in Ohio that you have to personally go back to Cleveland, OH, or Cincinnati where you were born to get your birth certificate, unless we are willing to say that, how in the world do you protect the integrity of that birth certificate? How in the world do you do it by mail?

Let us take it a step further. Let us assume the State even has some very restrictive ways in which they will issue a birth certificate. What is the use of being able to demonstrate who you are, whether it is a driver's license, if you have a driver's license such as Senator SIMPSON has over there—I heard him tell the story of how cheap it was to get that driver's license. It is a great story. It illustrates a lot of the problems that we have. Then you go to get the breeder document, and you can go circular. Even if you have a restrictive State, not like Ohio and other States where you can get anybody's birth certificate, what in the world good does it do to have all these bells and whistles on these birth certificates?

We will spend a ton of money. We will violate States' rights because we are going to tell the States what they can accept and what they cannot accept for official State business, all in the name of trying to solve this problem. I would submit it is not going to solve it at all. In fact, again, it is not too much of a leap of the imagination to think it may create more problems. Why? Because now you are going to have this routine of millions of people every year having to go back through when they turn 16 and want their driver's license and want their Medicare card, or when they want to get married; millions of people have to go back to the origin county of their birth to get a birth certificate. These will be issued en mass.

It seems to me that you do not have to be too smart if you are a person who wants to violate the system. If you are a person who wants to game the system, as the Senator from Wyoming said very eloquently, there are people who are doing it, and it is a problem. But now you do not have to be too bright to be able to figure out how to start working that system and how to get out of some of these counties, particularly in States that are open for birth certificates, this breeder document. Only now it is going to be a breeder document that is going to be superior. You are going to be in the situation where you, as an imposter, are going to have a better document than the person who is actually that person.

MIKE DEWINE can go in; I could figure out how to game the system. I could get someone's birth certificate if I was close in age to that person. It might be able to pass. It might be able to work. I have a great birth certificate. If I took it to the Chair and he was the employer, he would say, "That's it, a new birth certificate, it has to be right." And if the next day the real person came in and they had their old birth certificate, the old, moldy birth certificate that had been in their closet or in their attic, or had been in the desk for a number years, you would say, "Well, that is not as good. I have to take the other one."

So I think when you work this out—it all sounds great in theory—it just will not work. If you look at how the government really works at the county level, if you look at how health departments issue these certificates that really work, if you take into consideration the fact that an open State can get anybody's birth certificate, this just does not make any sense.

Let me turn to another point. I think my friend from Wyoming has been too modest. This is a good bill. He has made it a good bill. He has had 17 years of experience at looking at things that we need to do. There is a consistent list of things that we have done. I say "we"—"he" has done. This is the legal immigration bill passed by the subcommittee, a portion of it. These are the things each one of us think relates to a specific problem of dealing with illegal aliens.

I reduced it to a chart form because I do not want anyone in this Chamber to think that if this amendment is accepted—which I certainly hope it will be—that there is nothing left in the bill to deal with illegal aliens. This is a tough bill. The Senator has done a great job. He has taken his years of experience in the subcommittee, along with members of the subcommittee, and he did a great job.

Look at what the subcommittee did:

Increased Border Patrol, INS investigators, wiretaps for alien, smuggling, and document fraud;

RICO for alien smuggling and document fraud;

Increased asset forfeiture for alien smuggling and document fraud;

5. Doubled fines for document fraud;

Next, faster deportation of illegal aliens;

And finally, faster deportation of immigrants convicted of crimes.

That was the bill coming out of the subcommittee. It is a bill that I think I have heard my friend say would have been hard to get through on the Senate floor even as recently as a couple of years ago. But it is tough and it is good.

Then the bill went to the full committee, and the full committee even upped the ante. The full committee added additional things. This is what the full committee did.

"Bill Made Tougher in Committee."

Increased penalties for visa overstayers.

Let me stop with that for a minute because that is a problem. My friend from Wyoming has identified this as a problem. These are people who overstay. They are people who come here legally—they are not legal immigrants, but they are people who come here legally. They are students. For any number of reasons they are here, but then they stay. That is a problem. This provision put in by the full committee deals with that—increased penalties for visa overstayers.

Next: More investigators for visa overstayers;

Next: Eliminate additional judicial review of deportations;

No bail for criminal aliens;

Three-tier fence along the border;

Next: Expand detention facilities by 9,000 beds;

And finally: Increase Border Patrol by 1,000 agents.

All of those provisions are in this bill. So it is a bill that is a strong bill, and no one, no one should be ashamed of voting for this bill. No one should feel they cannot go home and be able to say, "We passed a very, very tough bill."

Let me turn, as I said I would earlier, to the issue of a national verification system.

I understand that this is a pilot project. Again, I only bring to the floor my own experience. Each one of us brings our own experience. I think that is the great thing about the Congress and the Senate. We do have varied backgrounds. My background has been, at least in part, in law enforcement as a county prosecuting attorney.

One of the things that shocked me 20 years ago is when I found what kind of state our criminal records were in. What am I talking about when I am talking about criminal records? I am talking about basically the same type of thing here, only I am talking about a finite group of individuals, criminals.

It is important for the police officer who comes up behind a car to be able to determine who is in that car, if that person has a record, to be able to determine if that person is wanted, or at least if that car is a stolen car. When someone is apprehended, then it is important to be able to determine whether that person is wanted, whether they have had a criminal record in the past. The same way for a judge who looks down at arraignment. He is on his 52d person, or she is on her 52d person, the judge is, and is trying to determine what the bond is. It is important, when they glance at that record, the record be complete; that they know 3 years ago this person committed a rape, or they know that 4 years ago this person fled the jurisdiction. All of that is important, and police officers deal with this every day and have to rely on this information to make life and death decisions.

I was shocked a number of years ago to find that this system is not entirely accurate. That is a kind way of putting it. When I became Lieutenant Governor in Ohio, we had as one of our goals to try to upgrade the criminal records system so police officers would know who they were dealing with. We found that only 5 percent of the criminal records in the State of Ohio were totally accurate—only 5 percent. That is not unusual. That is not unusual.

In all the discussion about the Brady bill, we got into the whole issue of the accuracy of criminal records. We found that there are very, very few States that could put in an instant check system because of the high inaccuracy level.

Now, after having spent hundreds of millions of dollars to try to upgrade a criminal record system that we depend on to make life and death decisions, how in the world do we expect to, overnight, re-create a national data base system for employment, a system that, by definition, is going to have to be a lot bigger?

Now, people could say: "Well, you are talking about a pilot project, Senator. Isn't that what you are talking about?"

"Yes."

Yes, we are talking about a pilot project, but I have been thinking about this, and I cannot come up with any way you can have a pilot project that really works and is really accurate and really protects employees or potential employees unless you have a national system. We cannot build walls around States. We cannot build walls around communities. People go back and forth. You have to create a national system, even if you are only using it in four or five pilot projects, and so we will have to build a national system. We will have to build a national system that is not going to be error prone. Anyone who has had any experience with the criminal system in this country, who really has looked at it, I think is going to be hard pressed to be able to make a good argument that this new system we are going to create is not going to cause serious, serious problems as well as be extremely expensive.

I know there are some of my colleagues who want to talk some more on this bill, but I just believe this amendment makes eminent sense. It is a good bill without it. It is a great bill. It does a lot. The Senator from Wyoming is to be commended for the work he has done. But unless we take out these provisions, unless this amendment passes, I think we are all going to be very sorry, and I think we are going to have a lot of explaining to do to our constituents when that 16-year-old wants to get his or her driver's license and they find out, no, that birth certificate is not any good; the 65-year-old finds out, no, my birth certificate is not any good anymore; I have to go back and get a new one, or when someone wants to get married and they find out their birth certificate is not any good either. I think that is a very serious problem.

Mr. President, I see my friend from Wyoming standing. I yield the floor.

The PRESIDING OFFICER. Is there further debate on the amendment?

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank the Senator. I wish to review the situation. We have a Leahy amendment, on which, I believe, if anyone wishes to address that, we are ready to close that debate. There is no time agreement here, but I think that is ready to be closed. I think Senator HATCH has a statement and maybe will enter that in the RECORD. Senator BRADLEY has an amendment, and there were several who said they wished to speak on that. I have not had any further word from anyone on that. There is no time agreement on it. Then the Abraham amendment, which now goes to Senator KYL for his time. I have really nothing much further on any of those three.

So, again, if we are going to go on, maybe we could lock in a time agreement to be sure that we let our colleagues know there will at least be three votes on these three amendments.

Mr. KYL addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, I shall be quite brief. If the ranking majority and minority members wish to discuss a time agreement, that would be fine, or perhaps while I am speaking they could do it, but I will not speak more than 15 minutes for sure.

Mr. President, I rise in opposition to the amendment. The discussion that my colleague from Ohio has just engaged in primarily relating to the issue of the birth certificate, I will leave to Senator SIMPSON. I should rather respond to arguments primarily made earlier by the Senator from Michigan and, to some extent, the Senator from Ohio relating to the problem of verification of employment status.

I wish to go back in time to set this issue in proper context. In 1990, 6 years ago, the Congress increased the limit on legal immigration to the country by 37 percent because we thought the laws that imposed serious sanctions for hiring illegal immigrants would have the effect of reducing that illegal immigrant population; that making it harder to employ illegal immigrants would in effect remove that magnet—employment—that was drawing many people across the border, particularly from Mexico.

Unfortunately, it has not worked out that way because the system just has not worked very well. Unfortunately, between 300,000 and 400,000 illegal immigrants are now entering the United States every year, many of them people seeking these job opportunities. In fact, in my own State, the INS estimates that about 10 percent of the State's work force is made up of illegal immigrants.

I hope Members of the Senate believe that it should not be acceptable to have so many illegal immigrants taking jobs here in the United States. The question, then, is what we do about it. We have a system that is not working, and we need to do something about it.

That is what the bill attempts to deal with. We started out with a bill that dealt with it in a much more effective way. But in order to compromise and get more support over the weeks and months, many changes were made, to the point, now, that it is really a very modest approach. This is a very modest change we are seeking, to try to find out how to strengthen this verification process so not so many illegal immigrants are working in the United States. This is clearly the focus of the effort, to reduce the effect of the magnet of employment.

It has been illegal to hire illegal aliens for 10 years now. So I think the first thing you have to do is ask what is not working and what can we do about it? The Jordan commission, which has been referred to many times in this debate, studied this problem as much as any, and it came up with several recommendations. What the Jordan commission and many other immigration experts have concluded is that the best way to reduce the number of illegal aliens working in our country today is to implement some kind of an easy-to-use, reliable employment verification system. In fact, the Jordan commission reported that current employer sanction laws cannot be effective without a system for verifying the work eligibility of employees.

So, if the current system is not effective in weeding out those individuals who are here illegally and, as the Jordan commission and others have said, we have to find a way to develop a workable system, what is the next step? You do some research. You try to do some pilot projects, some experiments, some demonstration projects, as they are sometimes called, to find out what will work the best. That is what the committee did. It adopted a verification provision which authorizes a series of pilot projects. We are not changing the law. We are not imposing a system. We are certainly not imposing a national system. We are simply authorizing the Attorney General to experiment with some pilot projects over a short period of time, 4 years, to determine what will work, what is the most effective way for employers to verify that the person they have hired is legally authorized to work. That is very straightforward.

These projects are intended to assist both the employer and, frankly, the person seeking employment. Because, if an individual seeks employment and, frankly, looks like me, there probably are not going to be too many questions asked. But, in my own State of Arizona, we have a very large Hispanic population. There are a lot of people who seek employment in which the employer is basically in a dilemma, in a catch-22 situation. If he asks too many questions of that individual, perhaps because he or she looks Hispanic, speaks with a Spanish accent, that employer can be charged with discrimination. But if the employer does not ask enough questions to verify the legal status of the employee, he can be charged with violating our immigration laws for hiring somebody who is not legally authorized to work here.

As Senator SIMPSON and others have said, the system we have tried to devise to verify the working status, or legal status, of the individual for work purposes is not working because it relies on a series of documents, all of which are easy to forge. Therefore, you end up with a situation where it is virtually impossible for the employer to really know whether the individual is entitled to work or not.

The employer fills out what is called an I-9 form to verify the eligibility of each person hired. But, as I said, that system is open to great fraud and abuse. So one of the purposes of the verification system is, obviously, to make the law work. Another purpose is to make it easier for the employer to verify the legal status of the individual. Another purpose is to protect the individual seeking employment.

I want to make it very clear that the bill specifically prohibits the establishment of any national ID card. What many of us believe, ideally, is there is no card at all. Let us take the Social Security number. You are frequently asked to give your Social Security number, but you do not necessarily have to have a card with you that identifies you as an individual for other purposes. On those few occasions in your life, hopefully few for most of us, where you are applying for a job, you give the Social Security number. Perhaps one of the pilot projects is a 1-800 number that the employer can dial up and punch in the numbers of the Social Security number and get information back that the individual who he has just hired is, in fact, legal.

In any event, we are not talking about a national ID card here, and the debate should not be confused with that prospect. Moreover, the employee verification would only be used after an individual was hired, so you do not run into problems of discrimination here. Perhaps most important—and I really view this as a deficiency in the bill, not something to brag about, but it certainly answers one of the objections of my opponents—is that these pilot projects would not in and of themselves establish any new verification system for the country. The Congress would have to actually act, would have to pass a law implementing a verification system before it ever took effect. So there would be plenty of opportunity for those who oppose this, once a pilot project had established some good ideas here, to pick those ideas apart if they do not like them. Basically what they are arguing against is something that has not even been created yet. They are saying we cannot imagine a system that would work well and therefore we should not even try to find one.

As one of my colleagues said, it is impossible to have a foolproof system. That is the last argument, except for the ad hominem argument, that is made in a debate when you do not have a good answer. It makes perfection the enemy of the good. There is only one perfect thing in this universe and that is He Who made the universe. None of us is perfect. None of our laws is perfect. No system we can devise is perfect. Nothing is foolproof. Nothing is even tamperproof for people who are not fools but are very clever individuals.

But we can try to do something to enforce a law that, 10 years ago, everyone thought was still a good law and none of the opponents of this verification system is trying to repeal. They are, in effect, willing to allow a law on the books they know cannot be enforced. Nothing detracts more from a society than keeping laws on the books that everyone knows are not being enforced. It breeds an attitude against the law, and, after all, the law is the underpinning of the country. We are a nation of laws.

If we willingly, knowingly, allow a lot of laws to be on the books that everybody ignores because we know they do not work, it makes them unimportant, in effect. It make the purpose behind them unimportant. I submit we are not seriously doing our job if we simply argue against trying to improve a law with nothing to substitute to make it better. There are no concrete, positive suggestions here, no constructive criticism. It is all negative criticism. You cannot make a perfect, foolproof system, they say.

Nobody is saying we can. But we can sure make it a lot better than it is. We cannot make a foolproof system along the border either, but that does not keep us from trying. Almost everyone here is going to support training 1,000 new agents to put on the border and in our cities every year for the next 7 years; to build fences, to build lights, to do all the other things to try to keep the border more secure than it is. It will never be totally secure, but we do not give up. We try to seek new ways of protecting that border. In fact, we have some pilot projects in this bill to experiment with different kinds of fencing and different kinds of lighting and roads, to see what works the best to secure the border.

Why can we not have some pilot projects to experiment, to see what are the best ways of verifying the legal status of people for employment purposes—and welfare benefits, I might add? It is a false argument, to make perfection the enemy of the good.

All this bill does is allow us to try some new things to see if they will work. Now what is wrong with that, Mr. President?

I also heard an argument that it is going to cost the employers. Absolutely false. First of all, we made it very clear that the pilot projects cannot cost the employers anything and, secondly, one of the reasons we are trying to develop a new verification system is to decrease the cost of compliance. It is not easy to comply with the filling out of these I-9 forms. I know, I talked to a lot of employers who do it. It is a hassle. It will be much easier and less costly for them if we can implement a truly effective verification system.

In the end, Mr. President, as I said, the verification system that is contemplated in this legislation is really a very minimal effort. It is a pilot project only. There is no assurance, as the original bill provided, that a nationwide system will ever be implemented. Such a system would only arise if we concluded that there are some really good ideas that come out of this pilot project, presumably with a majority of the House and Senate agreeing to implement that verification system with legislation.

As I said, this can really only be called a beginning, but it is an important first step, and I think that the verification provisions of this bill, minimal as they are, should not be eliminated as the opponents suggest, but rather should be retained.

Therefore, I urge my colleagues to vote against the motion to strike these important provisions from the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I know we have had a good debate and discussion on this amendment. Let me just summarize very briefly the reasons that I believe that the existing provisions are so important if we are serious about dealing with the problems of illegal immigration.

First of all, there have been comments by those who are supporting striking these various provisions that utilize an old technique that we know of around here and many of us have seen many times, and that is, misstate what is in the bill and then differ with it. Misstate what is in the bill and then differ with it.

That is true with those who have suggested that we are moving toward a national identity card. It is also true of those who say we do not want a new kind of national system that is going to be governing in the rural areas or urban areas of this country; that it somehow is going to be national.

Mr. President, at the present time, we know, as it says in the Immigration and Nationality Act, to hire for employment in the United States an individual, complying with the requirements of the subsection (B), and subsection (B) is spelled out in such a way as to require everyone in the United States of America, whether they are in Maine, Wisconsin, Florida, Massachusetts, Texas or California, to fill out this particular form, the I-9 form. That is a national requirement in existence at the present time.

Do we understand that that is already in existence? And behind that, with the other requirements in terms of the identification of the individual, you have a list of acceptable documents.

The purpose and the thrust of this particular amendment in the first instance, on the question of the birth certificate, is to make sure that documents that are going to have to be required and be supplied are going to be accurate.

Why is that important? It is important, first of all, if we are serious about doing something about illegal immigration. If we are not going to do that, then the magnet attraction of jobs in the United States is going to continue to invite people from all over the world to come to the United States.

We can build fences and fences and fences and hire border guards and border guards and border guards, but we have seen what happened in Vietnam when we had those various fences out and mine fields and every kind of lighting facility. People still were able to bore through to where they wanted to go if they had a sufficient interest in doing so.

No. 1, we have a national program at the present time.

No. 2, everyone who wants to work and every employer in this country is required to fill this out.

The thrust of the Simpson proposal is to get at the question of ensuring that the documents that are going to be provided to that employer are going to be legitimate and that we are going to make substantial improvements with the problems of fraud in the making of those documents, as well illustrated by the Senator from California. That is what this is all about.

One of the provisions says that we are going to have to try and make sure that we are going to have birth certificates put on tamperproof paper. We hear how the world is coming down because we are going to have that requirement.

Let us look at what the legislation says on birth certificates:

The standards described in this paragraph are set forth in the regulations on page 38, and it says on line 13:

> (i) certification by the agency issuing the birth certificate—

Whatever agency in the State issues the birth certificate.

Use of safety paper, tamper-free paper, that is true. We have said that they have to move toward tamper-free paper.

> The seal of the issuing agency—

Whatever that agency is in any State.

> and other features designed to limit tampering—

Left up, again, to the State.

> counterfeiting, and use by impostors.

There it is, I say to my friends. Those are the provisions that we are asking in order to stop illegal immigration into this country. How can we say that these are unreasonable? How can we say that these are not necessary? How can we say if we are serious about illegal immigration that just insisting that there is going to be tamperproof paper out there, the seal of the issuing agency, whatever that might be, and other features designed to limit tampering and counterfeiting. We let the States do whatever else they want to do, but we are trying to get a handle on this.

Mr. President, we have heard a lot of questions about how this is going to be costly. It is approximately $10 an issuance of a birth certificate in the State of Georgia. We can give other illustrations of that as well.

So it is important as we go to this issue about the birth certificates to really understand it. As has been pointed out time in and time out during this debate, the birth certificate is that breeder document. If you get that birth certificate from any State that has open files on it—we have 13 States that have open files on it—as I mentioned earlier, and you can go on in there and get a copy of anyone's birth certificate and get your own picture put with that birth certificate, and you can have a driver's license, if you pass the driver's requirement, and that is one of the eligibility cards for employment.

So, Mr. President, if we are serious about trying to deal with this underlying issue, this proposal that Senator SIMPSON has is absolutely essential, necessary and reasonable to try and deal with this issue.

On the second question about the various pilot programs to figure out a better way to help employers verify who can work, because the current approach is not working, our provision simply requires the Attorney General to conduct some pilot programs.

I wish we would spend a moment, and I will just take a moment, referring our colleagues to those provisions on page 13 of the legislation which outlines what will be necessary in terms of these various pilot projects. We pointed out they are not being put into effect. They will be completed and then a report will be made to the Congress, and the Congress will be able to take whatever steps that it will.

It says:

(2) The plan described . . . shall take effect on the date of enactment of a bill or joint resolution . . .

The objectives it must meet: the purpose is to reduce illegal immigration, to increase employer compliance, to protect individuals from unlawful discrimination, to minimize the burden on businesses.

Those are the objectives. They sound pretty good to me. That is basically what we are considering on that.

Within that, Mr. President, as I have seen as a member of the Judiciary Committee, they believe that they may very well be able to issue or develop programs to increase the certification and accuracy that are industry based, perhaps regionally based, but industry or employer based. You have about 80 percent in seven States, 80 percent of the illegals in seven States.

There are some very interesting pilot programs that are in the process at the present time. We have not the time to go through them, although I think anyone on the Judiciary Committee who took the time to get the briefing from the Justice Department has to be impressed about what they think the possibilities are of really strengthening the whole process to be able to root out illegal immigrants from the employment process in this country.

There are very important privacy protections, Mr. President, and the list goes on. We have drafted to deal with that. The amendment has been drafted to try to take into consideration every possible limitation and sensitivity.

But, Mr. President, we are going to have to ultimately make a judgment. If you are serious about controlling illegal immigration, serious about that, recognizing that half the illegals get here legally and then jimmy the system with these documents that are fraudulent, picked up easily, and get jobs and displace American workers. If you are interested in halting illegal immigration, you are going to have to do more than border guards. You are going to have to get at the breeder documents and get it in an effective system.

If you are interested in protecting the Federal taxpayer, from illegal aliens getting fraudulent documents so that they can qualify for public assistance programs, you better be interested in doing something about these fraudulent documents or otherwise we are just giving lip service to trying to protect the taxpayer.

If you recognize the importance of trying to do something about the illegals, again, displacing jobs, we feel that it is important that we at least try to develop three pilot programs to see what recommendations can be made to try to deal with this problem. These are recommendations that are made by the Jordan commission and by others who have studied it. We ought to be prepared to examine those at the time they are recommended, to evaluate them, to find out if they are going to make a difference. I believe they can make important recommendations and suggestions.

Mr. President, this is a hard and difficult issue. It is a complicated one. For people just to say that we can solve our problems with illegal immigration by bumper-sticker solutions, that with that we are going to halt illegal immigration, that all we have to do is put up fences and more border guards, that we are going to halt that just by adding more penalties—I have been around here. We have added more penalties on the problems of guns since I have been around here than you can possibly imagine. You think it is stopping gun crimes in this country? Absolutely not.

You can just keep on adding these penalties, but unless you are going to get to the root causes of any of these problems, we are not going to have a piece of legislation that is worthy of its name in dealing with a complex, difficult problem.

Let me just say, finally, unless we are going to do that, we are going to do what we have heard stated out here on the floor, the American people are going to get frustrated by the failure to act; and then we are going to have recriminations that are going to come down in a cruel kind of world and divide families and loved ones, and there will be a backlash against legitimate people being reunited and trying to make a difference and contribute to this country.

This, I think, is one of the most important pieces of this whole legislation. I hope the Abraham-Feingold amendment will be defeated.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. This has been a good debate. It appears to be winding down. Let me just add a couple responses to the comments of the Senators from Wyoming and Massachusetts.

One of the words that has been kicked around here is the word "permission." Does this employer identification system, if it is fully implemented, require permission from the Federal Government for an employer to hire somebody? It has been sort of muddying the issue.

I suppose you could call the current system, asking for "permission." It is kind of a loose use of the word, because what is required now with the I-9 is the obtaining of a certain kind of identification card. But what it does not include—and this is the phrase I used when I spoke; I did not just say "permission," I said, "having to ask permission from Washington, DC." That is what this system that could arise from this proposal may create.

What happens now is the employer does not have to get on the phone or through a computer to find out something from a national databank. That is a big difference. Ask anybody who tries to run a small business or a farm how they are going to like the idea that, in addition to everything else they have to do now to try to keep their business going, every time they want to hire somebody under one of these alternatives, they would have to either call Washington or they would have to communicate with Washington through some other system, such as a computer system.

Who is going to pay for all those systems? Who is going to make up for the lost time of the employer who has these additional burdens? It is very important to distinguish here between what is current law and what this bill could do if this amendment is not adopted—getting permission from Washington, DC. I think that is a fair statement of what this adds to this bill.

How can this possibly square with the rhetoric and legislation proposed in the 104th Congress? Whatever happened to the notion that we should not do more unfunded mandates from Washington, especially on small businesses? Whatever happened to the notion of regulatory reform, which almost every Senator at least paid lip service to? This seems to be one of the biggest potential unfunded mandates that has ever been proposed on this floor.

I am confident that almost no employer in the State of Wisconsin would feel comfortable with the notion that suddenly, in addition to everything else they have to do, they have to call up Washington under this. If there is any ambiguity involved about the possibility that this might occur, I refer to page 26 of the bill, and subsection (E), where it explicitly states that one of the things that could be done in these pilot projects is to create the following:

> A system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause.

So it is explicit in the bill. It is not just some objectives, general objectives, as the Senator from Massachusetts was reading earlier.

You go 13 pages later, there are the explicit approaches that are permitted. One of those approaches is to put in place a pilot program that presumably would lead to a national program requiring every employer to essentially call Washington after they have hired someone. I think this is very troubling and certainly something that should be removed from the bill.

Another comment that I found interesting was the comment of the Senator from Wyoming. He said that if this system costs $10 billion, it would be worth it. I think that is debatable, perhaps. But we have no assurance that even after we have gone through this process, either allowed every employer to do this or mandated every employer to do this, after we spend $10 billion, we have no assurance at all that this system will work.

There will still be fraud. There will still be fraudulent documents. No one has been able to assure us this is foolproof. We may have created this giant mandate and spent $10 billion, have this huge system in place, and it may not work. So it is not just a question of spending the money. There is no guarantee it would, in fact, work.

So the question here in the end is, What the adoption of this amendment will do to this whole bill? Some say it will destroy the bill. Others think, as I do, as Senator ABRAHAM does, that it will make it a measured response. Instead of using a meat ax to deal with the problem of illegal immigration, we will focus on the tough items that are in the bill that the Senator from Ohio identified.

There are strong measures in this bill. Frankly, I think a couple of them might go a little too far. This is not a weak-kneed piece of legislation if we get rid of this extreme mandate that could potentially arise from these pilot programs.

So, Mr. President, for those who support a strong immigration bill, I reject the notion that getting rid of this potential employer verification system would make it a weak bill. I think that is wrong. I think everyone should remember the balance here between keeping the strong provisions that are in the bill versus making the bill so difficult for so many Americans and so many businesses that it would be resented rather than welcomed. Mr. President, I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. SIMPSON. Mr. President, let me propose a unanimous-consent request, which will get us to vote on the pending amendments, if I may, and answer any questions, or you may reserve the right to object. I will certainly do that. Here is the consent agreement I would propose.

I ask unanimous consent that the vote occur on or in relation to amendment No. 3790 at the hour of 4 o'clock today to be followed by a vote on or in relation to amendment No. 3780, to be followed by a vote on or in relation to amendment No. 3752; further, that there be 2 minutes of debate equally divided in the usual form prior to each of those votes.

The PRESIDING OFFICER (Mr. KEMPTHORNE). Without objection, it is so ordered.

Mr. SIMPSON. Let me say, too, that there are two other amendments. There was an amendment of Senator FEINSTEIN from last night with regard to fencing, which Senator KYL and Senator FEINSTEIN are working toward resolving and may have something on that. We are not ready for a vote there. Of course, that is not part of this.

Then there is an amendment of Senator SIMON with regard to deeming, with regard to the issue of disabled persons. We have not included that here, but that will be coming up as soon as we conclude this.

Senator REID has an amendment with regard to criminal penalties on female genital mutilation.

Mr. ABRAHAM. Mr. President, I do not intend to speak much longer. I just wanted to give a brief summary of a few points, both in response to some of the arguments that have been made by the last few speakers and also just to kind of put in perspective exactly what this all comes down to.

First of all, a statement made earlier that this pilot program approach or the broader approach would not have any cost to employers is simply not the case for a variety of reasons, but the National Retail Federation has suggested that even the pilot program as conceptualized would probably work out to something in the vicinity of $7 per verification. That might not mean a lot to a business that does not have much turnover, but to those that have lots of employees coming and going it is a pretty big impact.

In addition, it has been suggested that somehow because the 1986 legislation has not gone as far as people had hoped for, it is a mistake to resist this approach that is being proposed with the pilot program. I think that is actually counter-intuitive, Mr. President. The fact is, every few years people come along with a new, better mousetrap, it would seem, or they would claim, for addressing the problems of illegal aliens securing employment.

Ten years ago we burdened the American economy and our businesses and employers with a lot of redtape—I–9 forms and other things—and they have not worked. Those who bring this amendment today are saying, "Let's not add yet another level, another tier, another round of redtape to those people who are trying to play by the rules and create opportunities for people in this country."

Third, Mr. President, it has been suggested that somehow this is really something good for employers, it is good for people who might be discriminated against because of their ethnicity or their race. This is a case, though, where frankly the people who are the alleged beneficiaries are saying, "Thanks, but no thanks." That is why this amendment that we are bringing, both the verification amendment as well as the amendment that Senator DEWINE has separately offered with respect to birth certificates and driver's licenses, are being supported by the National Federation of Independent Business, and they are key votes for that organization, by the chamber of commerce, by the National Association of Manufacturers, by the National Retail Federation, and yes, the National Restaurant Association. We have heard earlier somehow that restaurants were supporting this. The national association opposes it.

The businesses who will have to implement this, whether in pilot program form or otherwise, say, "Thank you, but no thanks." So, too, do groups historically fighting discrimination, such as the ACLU and others. The fact is, the beneficiaries are not really going to benefit, Mr. President, if this is looked at closely.

Meanwhile, I draw attention to the issue of the pilot project. We are being asked to support this on a theory it is not really a national system but a pilot project. The way the legislation is drafted allows that type of pilot program to encompass regions with no definition as for their size. In addition, because of the nature of verification, it almost certainly will require the creation of the type of national data base that will be both costly, onerous, and burdensome. To say that a pilot program is just a small step is not accurate, Mr. President. It is a very big step.

That brings me to the final point I want to make today—the cost versus the benefits. The costs will be great to employers who have to verify new employees, whatever the size of the program. The cost will be great to the employees themselves who are playing by the rules—U.S. citizens and those who legally can seek employment—because those people in some cases will be denied employment because of data base malfunctions. The cost to taxpayers of setting up the type of data base involved will be considerable, and the cost to average American citizens who, because of this type of program, find they need new birth certificates or new driver's licenses, will be considerable as well. A lot of costs, Mr. President.

The benefits, on the other side, are not very clear to me. First of all, as I have said in previous comments, those employers who intend to fire illegal aliens at lower-paying jobs or below the wage level they otherwise would have to pay will get around any kind of verification system because they will not participate. To the idea that we will create a foolproof system, a card that defies any type of tampering or counterfeiting, to me, is a remote possibility.

There will be plenty of costs and very few, in my view, benefits. Rather than going down the route we went in 1986, it is our argument that we understand, very simply, the losers here are the taxpayers, the employers, the employees, the people playing by the rules. Those are the folks we should be helping, Mr. President.

The balance of this legislation does exactly that, by cracking down on the people who are violating this. I do not think we should take a step other than in that direction. For those reasons, Mr. President, I strongly urge passage of this amendment, support for the striking of both the verification procedures as well as the procedure of the driver's license and the birth certificate procedure.

Mr. SIMPSON. Mr. President, I think this has been a very impressive and important debate. I commend Senator ABRAHAM. I can see why the people of his State placed him here. He will have a great career here. I wish him well. He is very able, formidable, and fair. We try to express to each other what is occurring on the floor, even though it may be arcane and somewhat bizarre from time to time, but I always try to do that. To Senator DEWINE and his participation, and Senator FEINGOLD, a very thorough debate.

Now, the reason we set that unanimous-consent agreement is that there are at least several who have told me, "I do want to get over and speak on the amendment of Senator LEAHY and Senator BRADLEY." I do not believe any further persons intend to debate on the issue of the Abraham amendment, but the reason we set the vote for 4 o'clock is to allow those who wish to debate the issues of Senator LEAHY's amendment and Senator BRADLEY to come forward. If they do not, they are foreclosed as of 4 o'clock. I hope they realize that, that there will be no further opportunity to address those two amendments, or three amendments —the Abraham amendment, too—after the hour of 4 o'clock. Then we will go to the order of the amendments as Senator BRADLEY, Senator LEAHY, Senator ABRAHAM, with the usual 2 minutes of debate.

Mr. President, let me inform the Chair that the majority leader has designated Senator HATCH as the manager of the bill for the present time and that the majority leader has yielded 1 hour to me, in my capacity as an individual Senator, for the purposes of being able to complete debate on the bill, because I only have 27 minutes left. That is the purpose of that. I promise I shall not expend any more on the other issue. Maybe on the birth certificate—I could do a few minutes on that.

Well, I think I will since no one has come forward.

Let me indicate that I will speak a very few minutes on the issue of the birth certificate, but if these Senators who are going to come forward immediately will notify me—I will yield to them—that will expedite our efforts.

Let me just briefly remark about the birth certificate, because I think it is very important that we understand that that is the fundamental ID-related document. I think it would be just as disturbing to the Senator from Ohio as it is to me. We do not have any way to match up birth and death records in the United States. That seems bizarre, but we do not. Maybe some States have tried to do that. One of the questions that arose in the debate was, well, what will this do? One thing it will do, which we do not do now, is that if it is known that the person is deceased, the word "deceased" will be placed upon that birth certificate, wherever that birth certificate is. Now, that is one of the advantages of the word "deceased" being stamped on a birth certificate. You would think, surely, they must be doing that in the United States of America. But they are not doing that in the United States of America.

That is just one part of the proposal. Again, please recognize that the motion to strike is directed toward the revised or amended form as it left the Senate Judiciary Committee, as I say, trying to work with all concerns, realizing that we cannot indeed satisfy all aspects; but a good-faith attempt was done with regard to that.

Of course, the ID-related document that is the most fundamental. It proves U.S. citizenship, the most valuable benefit the country can provide. As we all have indicated, it is the common breeder document used to obtain other documents, including a driver's license and a Social Security number and card. That is the power of the birth certificate.

With the birth certificate, plus the driver's license, and a Social Security card, a person can obtain just about any other ID-related document and would be verified as authorized to work and receive public assistance by nearly any verification system it is possible to conceive, including any system likely to be implemented in the foreseeable future.

Yet, the weird part of it is that this birth certificate—and it is a sacred document, the type of document that is pressed into the Bible; it is the book that goes into the safe deposit box—is the most easily counterfeited of all ID-related documents, partly because copies are issued by 50 States, some with laws like Ohio, some with laws like Wyoming—50 States and over 7,000 local registrars in a myriad of forms and political subdivisions and, as Senator LEAHY indicated in committee, I think townships.

So how can anyone looking at a particular certificate know whether it even resembles a bona fide certificate? Furthermore, birth certificates can readily be obtained in genuine form by requesting a copy of a deceased person's certificate. And birth and death records are only beginning—this is the very beginnings—to be matched. That is puzzling to me in every sense. In most States, it is only for recent deaths. So we have a situation where people want to build a new identity. They try to get the certificate of a person who was born in the year they were, or near their own birth year, or died as an infant, perhaps, so that the deceased person would not have obtained a Social Security card or otherwise established an identity.

It is acknowledged by a great majority of experts that a secure verification system cannot be achieved without improvements in the birth certificate, and in the procedures followed to issue it. Without a secure, effective verification system, the current law prohibiting the knowing employment of illegal aliens cannot be enforced. I emphasize current law because some of my colleagues argue as if this bill would put this provision into law, and that is not so. It need not.

This is the law now. We are not putting this into the law. There is a system in the law. The issue simply is, do we here in Congress intend to take reasonable steps so that this part of current law can be effectively enforced? That is the problem. Do we want to do that?

Mr. President, without effective employer sanctions, illegal immigration, including not only unlawful border crossing, but visa overstays, will not be brought under control. It is just that simple. Thus, fraud resistant birth certificates and procedures to issue them are a crucial part of any effort to make that effective. In addition to immigration and welfare advantages, a more secure birth certificate will help us to reduce many more harms associated with fraudulent use of ID's, ranging from financial crimes—we will see ever more of those—and then those through the Internet—and we will see more of those—and through electronic and computer-based systems, to voting fraud, to terrorism. Accordingly, S. 1664 proposes significant reforms in birth certificates themselves, and in the procedures followed to issue them, and improvements of a similar nature for driver's licenses, which I think are critically important.

The final provision on birth certificates was drafted with assistance from the Association for Public Health Statistics and Information. I want to share that with my colleagues. The National Association of State Registrars and Vital Statistics Offices—that was drafted with their assistance—these officials made very valuable suggestions to us, and they expressed their approval of the final language, which is here to be stricken. Additional improvements were made in the amendment I offered yesterday, which was accepted, and which will be stricken if this amendment is passed.

I will just summarize the birth certificate provisions of the bill. I am using my time, but I will yield to my friend from Ohio. I emphasize to those who are waiting to come to the floor on the Bradley amendment or the Leahy amendment that their opportunity will close at 4 o'clock on that procedure.

If my friend from Ohio has any comment at this time, I will save some of my time.

Mr. DEWINE. Mr. President, I thank my colleague from Wyoming, and I agree with him that we have had a very spirited debate and, I think, a very good debate—a debate that has covered, I think, most of the issues that we are going to cover here today.

Let me just state, on a couple of related subjects, the following. We have, again, confirmed, I say to the Members of the Senate, this afternoon that this amendment is supported by the National Conference of State Legislators, the National Association of Counties, and by the National League of Cities. All three organizations support this amendment. Again, they emphasize they support it on the basis of cost—cost to them as local units of government—and they also support it on the basis of the whole question of preemption. Once again, that is the Federal Government coming in and, frankly, telling them exactly what to do.

Let me just make a couple of additional comments in regard to the issue my colleague from Wyoming was talking a moment ago about, which is birth certificates. To me, it is almost shocking when we think of the implications of what this bill, as currently written, would do. I have given the example here on the floor that when you turn 65, you are hopefully going to get Social Security and Medicare; at 16, in most States, a driver's license, or try to get your driver's license; or you will get married. For any of those purposes, you will have to get a birth certificate, and your old birth certificate is no longer going to be any good for that purpose.

Let your imagination run. You can think of all the other reasons why during your lifetime you might need a birth certificate. Everybody can just about figure 270 million Americans are at some point in time going to need their birth certificates.

I suppose if you are over 65 and already on Social Security, and you are not traveling, I suppose some folks never are going to have to use this new birth certificate and are never going to have to do what tens of millions of Americans are now going to have to do under the provisions of this bill, which is to go and get new birth certificates.

Again, what we are saying in this bill and with this amendment, what we are saying to 270 million Americans is, "Yes, your birth certificate is still valid, but you really just cannot use it much for anything. You will have to get a new one." That, to me, is onerous, whether you travel overseas—how many of us have had occasion as Members of the Senate or the House to get the frantic call from someone who says, "I am supposed to be going overseas and I had this passport. I cannot find it. I found out today it is expired. I am leaving in 5 days, or 4 days." What if you had to add to all of the problems they have to go through now, with the red tape, one more thing—you have to go back and get a new birth certificate because that birth certificate which you have had all of these years will not work anymore. That might be acceptable. At least, it would not be for me. I do not think it would be.

If we could make the case that the reissuance of a new birth certificate on this tamperproof paper, with all of the bells and whistles prescribed by the Federal bureaucrats, if that would deal with the problem—but maybe I am missing something in this discussion. I believe my colleague from Wyoming when he says it is the breeder document. I trust him on it. He has had enough experience on this. He has talked about this problem. But it still is going to be a problem, and, in fact, it may be even worse of a problem, more of a problem.

There are States—and Ohio is one, but Ohio is not the only one—where you can get anybody's birth certificate. Let me repeat that: You can get anybody's birth certificate. You walk into the county, and if someone was born there, you can get their birth certificate. You put down $7; you can get 5, 20, or as many birth certificates as you want as long as you know the name of the people. You can get them. They are public records.

What we are now saying is, instead of the old birth certificate copy, these are going to be new ones. Obviously, they are more expensive—tamperproof, bells and whistles—with all of the things the printers told us when we tried to find out what the cost would be, and they will have them. So what? What is the protection? What is the protection if I have walked in and MIKE DEWINE, at the age of 49, went in and got somebody else's who is 49 and might look the same? I now have a birth certificate. I do not see what has been accomplished. I do not see what we have done in regard to this, even in States where it is more difficult.

Again, instead of the breeder document, instead of the father document or the mother document, this may be the son, or the granddaughter. This may be two generations away. It may be an illegal license, as my colleague still has displayed in the Senate here, maybe an illegal license that is the breeder document. I do not know.

Again, this is not going to solve the problem. My friend talks about now the provision is in the bill that States should, if they know it, stamp on this birth certificate if the person is deceased. We can imagine how accurate that is going to be, or what percentage of these birth certificates is going to ever be stamped with the deceased on them. It may be a great idea. But, again, it is going to be a very, very small percentage where the local clerk of the county is going to know that someone is deceased. In some cases, they will, but in a great majority of the cases, they will not. We live in a very mobile society, Mr. President. This, I do not think, is going to help a great deal.

If you really want to make these tamperproof, what you are going to do is require people to go in and, face to face, get their new birth certificate. I do not think we are going to do that. I do not think we are going to say to a retiree who lives in North Carolina or who lives in Florida or lives in California, "You have to go back to Cincinnati, OH, you have to drive back and get a new birth certificate." I do not think anyone is going to make them do that. I do not think it is a serious idea. But yet, if you are going to make it tamperproof, you at least have to do that, not allowing it to be by U.S. mail and getting anybody's birth certificate. I think it is very onerous, but I think it is not going to be effective. It is going to be no good at all.

In thinking about this, we ought to learn from our past mistakes. We ought to learn from what this Congress has done in the past that we have regretted. I have cast votes that I have regretted. I have cast votes where I looked around and said later on that I was wrong. This is not the first time we have tried in this Congress within recent memory to deal with a specific targeted problem by putting an onerous burden on everybody. We have a finite problem. It is important. But the way we deal with it, the way we would deal with it, without this amendment, is to put the burden on absolutely everyone, to say to 270 million Americans that "your birth certificate no longer is any good. You will have to go get a new one." If you ever want to use it, you will have to say to every employer in this country that if you, in fact, want to hire someone, you will have to call a 1-800 number. You will have to seek permission from the Federal Government. I know there has been comment on the floor about that not being the right terminology. That is what it is. You will have to check the person out and to do it by how the Federal bureaucracy tells you how to do it. As an employee, you are going to be in the situation of arguing with a computer.

Again, I have had some experience in dealing with the criminal records system. Anybody who has dealt with any kind of big data base knows the problems. Someone gets turned down for a job or someone is told after they have been hired that we have a problem. You need to get this problem straightened out with the INS. You need to get this problem straightened out with the computer data base. How many of us in this world today enjoy dealing with computers, particularly in regard to one of the most important things in our lives, how to make our livelihood?

So this is not the first time Congress has spread a burden among every single American to deal with a few people. If history tells us anything, it tells us that people in this country ultimately will not put up with this.

Let me give you a couple of examples. Remember contemporaneous recordkeeping for people who used their car in business? Remember when we passed that? We did it because some people cheated on their taxes when calculating the business use of their car. Because of that fact, because some people cheated, Congress made all of the people who used their car in business to keep very detailed daily records. I was in the House when that happened. I was in the House when we started getting calls. I was in the House when I would go out and have office hours and be flooded by people who said, "What is this? I do not keep records every single day just because a few people cheat." What did we do, Mr. President? We did what we always do: We repealed it. It was a mistake.

Remember section 89 because some businesses discriminated in setting up the benefit plans for their employees? Congress made all businesses comply with detailed recordkeeping to prove they were not discriminating. We did that. The public did not stand for that either. And, again, it was repealed. It happens every single time that we spread the burden among everyone for a very specific problem. In fact, I do not think Congress has ever had a provision as burdensome or really as broad as this particular provision. This provision applies to everyone who wants to use a birth certificate or a driver's license—to everyone.

I submit, Mr. President, that we do this at our own peril. The public ultimately is not going to stand for it. I think it is a very, very serious mistake.

Therefore, again, I urge my colleagues to pass the Abraham-Feingold amendment. It is an amendment that is supported by a broad group of Senators, certainly across the political spectrum.

At this point, Mr. President, I yield the floor.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent the pending amendment be set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3865, AS MODIFIED

Mr. REID. Mr. President, I send to the desk a modified version of my amendment, No. 3865.

The PRESIDING OFFICER. The amendment is so modified.

The amendment (No. 3865), as modified, is as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(c) EFFECTIVE DATE.—Subsection (c) shall take effect on the date that is 180 days after the date of the enactment of this Act.

Mr. REID. Mr. President, the modification I send to the desk is a modification of the amendment regarding female genital mutilation. The modified version of this amendment strikes the language requiring the threat of female genital mutilation be made consideration for an asylum claim.

I repeat, at this time I believe in the asylum aspect of it, but I understand the problems associated with this; that we would need to make a better case to the committee and to this body. Therefore, I will not go into the reasons why I think it should be made a basis for asylum. The fact of the matter is, we are not going to do it in this legislation. We will look down the road to work with the committee to see if we can come up with a basis for doing that.

I offer this modified version of my amendment today so we can criminalize this torture in the United States, as a number of other countries have already done.

The PRESIDING OFFICER. Is there further debate?

The Senator from Wyoming.

Mr. SIMPSON. I thank the Senator from Nevada. This is not some issue that he has come to in recent times, simply because of media attention. He has been involved in this, and I have observed him with great admiration. It is a serious issue. It is an issue of criminal activity. It is an issue of assault. It is an issue of culture. And there is much to it.

As the Canadian experience has indicated, the problem, sometimes, with bringing in an asylee is that soon thereafter, when other family members join, they have not only brought the victim but they bring the perpetrator. We will be glad to have some hearings on that. We will discuss that.

I thank the Senator from Nevada. He has always been very helpful. This is very helpful, that we do not go into the deep issue of asylum, but that we make it a crime because at that point we will solve a great deal of it.

Mr. REID. Mr. President, I will just say in closing—and I would want spread on the record—that I have spoken personally with the chairman of the Judiciary Committee in the House, HENRY HYDE. He acknowledges the brutality of this and has indicated on the bill that was signed by the President last Saturday, the omnibus appropriation bill, there was this provision that was taken out in conference.

That is not because of the chairman of the Judiciary Committee in the House that was taken out. He supports this issue. I hope my friend, as I know he will during the conference on this matter, will hang tough for this issue.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3865), as modified, was agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

AMENDMENT NO. 3810

Mr. SIMON. Mr. President, I think we may be able to dispose of one of my amendments just before the 4 o'clock vote. I will simply speak briefly on this.

This is an amendment that says, "To exempt from the deeming rules, immigrants who are disabled after entering the United States."

That is the current law. It simply goes back to the current law. It sets a safety net there. So that no one thinks all of a sudden people are going to claim that they are disabled, the amendment says, the requirements of subsection (A) shall not apply with respect to any alien who has been lawfully admitted to the United States for permanent residence and who since the date of such lawful admission has become blind or disabled, as those terms are defined in the Social Security Act.

Social Security disability is not an easy thing to achieve, as my colleagues here know. I will add, the amendment is endorsed by State and local governments. I think it makes sense, and I hope it can be adopted.

Mr. SIMPSON. Mr. President, we do have a Member ready to debate briefly the Leahy or Bradley amendment. May we come back to that, please?

I yield to Senator HATCH, whose time is limited. We certainly thank the chairman.

The PRESIDING OFFICER. The Senator from Utah is recognized.

AMENDMENT NO. 3780

Mr. HATCH. Mr. President, with regard to the Leahy-Simon amendment, let me say that this amendment is an improvement of the amendment that Senator LEAHY offered in the Judiciary Committee, because it will permit for special summary exclusion procedures in extraordinary migration situations. The amendment will remove summary exclusion procedures where they could be problematic.

In particular, the amendment removes the summary exclusion procedures for asylum applicants. Those would require that INS officers at points of entry make threshold determinations of how an alien traveled to the United States and whether someone claiming asylum has a credible fear of persecution. This would present a burden to our INS officers at borders, who would now have to become experts in asylum law and would have to perform additional bureaucratic functions.

I am also concerned about the harsh consequences that could result to asylum applicants who do have a valid claim but who may not speak English, may not have the necessary proof of their claim with them, and that sort of thing.

I also note that the INS has had success with reducing frivolous asylum claims. This provision seems unnecessary at this time and could create burdens on INS border agents, who should be focussing on other matters.

This amendment also deletes provisions of the bill providing that an alien using fraudulent documents for entry is excludable and ineligible for withholding of deportation. Many asylum applicants fleeing persecution may have to destroy their documents for various reasons and may have to present fraudulent documents. The bill does provide for an exception for those who have a valid asylum claim. Accordingly, I do not think those provisions of the bill are as problematic. but I think that on the whole the provisions of the amendment are meritorious and I support the amendment.

I realize that the terrorism bill that came out of conference included summary exclusion provisions for asylum applicants. That provision was primarily driven by some House Members and, although I did not think it belonged in the terrorism bill, I knew that we would deal with this here on the immigration bill. Accordingly, I do not think it is inconsistent for those who supported the terrorism bill to support the Leahy asylum amendment.

Mr. President, I am going to support the Leahy asylum amendment because I think it is the right thing to do. I do like the changes he made. Even though I voted against the amendment in committee, I think the changes make the amendment a good amendment.

AMENDMENT NO. 3790

Mr. HATCH. Mr. President, I would like to speak to the Bradley amendment for a few minutes as well, and I appreciate my colleagues giving me this opportunity.

This Congress is supposed to be about reducing the Federal bureaucracy. I must confess that I am perplexed about where the idea for a new Federal bureaucracy is coming from. The administration opposes this provision for a new Office of Enforcement of Employer Sanctions. It argues that this new Office would be duplicative of ongoing programs within the INS and the Office of Special Counsel. In fact, the Attorney General's office suggests that a new office would not only be a waste of money, but make the program even less effective.

The employer sanctions provisions of the Immigration Reform and Control Act of 1986 [IRCA] have not successfully controlled illegal immigration. That is not simply my opinion, it is a fact.

Illegal aliens continue to pour into this country. A cottage industry in counterfeit and fraudulent documents has flourished, and an increasingly lucrative black market in smuggling aliens into this country has thrived.

Employer sanctions do not work. If they did, we would not be debating a verification system. If sanctions worked, we would not have the level of concern we presently have about the very issue of illegal immigration. We would not have seen so much television footage of persons illegally crossing our borders by running against traffic on highways in order to defeat vehicular pursuit. We would not have seen a ship ground off of the New Jersey shore a few years ago loaded with aliens to be smuggled into our country. We would not be reading about illegal aliens loaded onto boxcars which are then sealed south of our border on their way north.

At the same time, sanctions have had serious adverse consequences. Though unintended, they are still very real. Some employers have engaged in illegal discrimination against Americans who look or sound foreign in order to avoid potential lawsuits, fines, and jail sentences under IRCA's sanctions provisions. Further, the paperwork and related burdens on American businesses—as small as entities with just one employee—impose costs onto the American consumer.

In my view, employer sanctions simply are not worth the price of increased employment discrimination and increased burdens on small business.

Let us speak for a few moments about the anticivil rights nature of employer sanctions. The easiest way for an employer to avoid sanctions is to refuse to hire those who look or sound different. To be sure, the law penalizes such discrimination. But the law does not always catch up with all the discrimination that occurs. So to place an incentive into the law for discrimination is, I respectfully submit, truly unfortunate.

The Comptroller General's testimony before the Judiciary Committee on March 30, 1990, highlighting key issues in GAO's report to Congress on IRCA and the question of discrimination was quite simple and straightforward: He stated that the GAO had found widespread discrimination as a result of IRCA.

The GAO said:

> The results of our survey of a random sample of the Nation's employers shows that an estimated 891,000 employers, 19 percent of the 4.6 million in the population surveyed reported beginning discriminatory practices because of the law.

The American people have a right to know these facts, and I think Members of the Senate have a right to know these facts.

Notably, in 1994 the AFL–CIO Executive Council called for "a thorough reexamination of * * * employer sanctions * * * and their effects on workers, as well as the exploration of changes and viable alternatives that will best meet our criteria of fairness and justice for all workers."

EMPLOYER SANCTIONS PLACE AN UNREASONABLE BURDEN ON BUSINESS, PARTICULARLY SMALL BUSINESS

Even those who have long disagreed with my position on sanctions have, in effect, acknowledged that the current system does not work. The failure is due, in part, to the number of work eligibility documents and the widespread use of fraudulent documents.

This bill seeks to address those deficiencies in some way, but potential improvement efforts have not yet been implemented, let alone evaluated. To assume, therefore, that the employer sanctions program will now be more workable is simply wrong.

There is little evidence to support the assumption that employer sanctions have done anything more than increase discrimination and place tremendous burdens on small business. While jobs may be a magnet for illegal immigration, there is no evidence that the existence of sanctions has in any way deterred illegal immigrants from attempting to enter this country. These sanctions have been in effect for 10 years. The problem of illegal immigration, as we all know, has gotten worse during that period.

The employer sanctions regime, in effect, converts our Nation's employers into guardians of our borders—that is the job for the Border Patrol and the INS.

I support many of the provisions in this bill, and I compliment my distinguished colleague from Wyoming for the hard work he has done in putting this together. I support including strengthening our Border Patrol and curbing alien smuggling.

Our 10 years of experience with employer sanctions, however, offers more than sufficient evidence that they do more harm than good.

Our employers have enough to do competing in the global marketplace while complying with hundreds of other Federal rules and regulations.

The appropriate response to a bankrupt policy with a 10-year history of all costs and no benefits should not be to throw more money at it. And most certainly, the appropriate response is not to create a new Federal bureaucracy to manage it.

Mr. President, I really believe that we should defeat this amendment, and I ask my colleagues to consider doing that.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will now be 2 minutes of debate equally divided on the Bradley amendment.

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. BRADLEY. Mr. President, I hope people will support this amendment. What is the problem with illegal immigration? Why are illegal immigrants coming to this country? Because they get jobs. Employers hire them.

In 1986 we said, if an employer hires an illegal immigrant, taking that job away from an American, that person can be fined, ultimately can be put in jail for up to 3 years. Employer sanctions were the right policy in 1986. The problem is, they were not enforced.

The number of inspections, the number of inspectors between 1989 and 1995, dropped 50 percent. Employer sanctions should be enforced. If so, we would have fewer illegal immigrants coming into this country. This amendment simply creates a special enforcement office in the Immigration Service, allocates such funds to do the job, and says to the Immigration Service, "Enforce employer sanctions. Stop illegal immigration."

I am pleased to yield the remainder of my time to the distinguished Senator from Wyoming.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I do agree with the Senator's amendment. Senator HATCH and I respectfully differ on this. There are two things wrong with employer sanctions—lack of enforcement and fraudulent documents. This will solve one.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 30 seconds to the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 30 seconds.

Mr. FEINGOLD. Thank you, Mr. President.

I use these few seconds to say I strongly agree with the Senator's opposition to this amendment. As we learned in committee, this is a duplication to add to this agency. Where is the $100 million going to come from that this amendment provides for this agency? The Clinton administration has been clear that they do not need it, that this would probably make their lives more difficult in terms of fighting the problem.

On a bipartisan basis in committee we were able to defeat this notion. I hope we will not go backward on it on the floor. I thank the Senator from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, the Clinton administration, as my distinguished colleague just said, opposes the creation of an office for the enforcement of employer sanctions. The Congress should be about cutting the Federal bureaucracy, not adding to it. This bill throws another $100 million of employer sanctions enforcement on top of the $43 million spent in the current year on worksite enforcement.

Sanctions have not worked. They are a burden on business, especially small business. They cause discrimination against those who look and sound foreign. The Judiciary Committee struck the office from the bill. Frankly, I urge the rejection of the Bradley amendment for those reasons.

The PRESIDING OFFICER. The question now occurs on agreeing to amendment No. 3790, offered by the Senator from New Jersey [Mr. BRADLEY.

Mr. BRADLEY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the amendment No. 3790, offered by the Senator from New Jersey [Mr. BRADLEY]. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

The result was announced—yeas 26, nays 74, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—26

Akaka
Boxer
Bradley
Breaux
Bryan
Daschle
Dodd
Exon
Feinstein
Ford
Graham
Hollings
Inouye
Lautenberg
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Nunn
Pryor
Reid
Robb
Rockefeller
Shelby
Simpson

NAYS—74

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Brown
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Feingold
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Leahy
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Murray
Nickles
Pell
Pressler
Roth
Santorum
Sarbanes
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The amendment (No. 3790) was rejected.

AMENDMENT NO. 3780

The PRESIDING OFFICER (Mr. THOMPSON). Under the previous order, there will now be two minutes of debate on the Leahy amendment.

The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, this is an important amendment. You each have on your desk editorials from the Washington Times, the Washington Post, and the New York Times. They all agree and are in support of this amendment.

Do not confuse asylum with illegal immigration. This speaks of America's vital role in offering asylum. Senators HATCH, KERRY, DEWINE, HATFIELD, and I have united on this because what we are saying is, if somebody comes to this country trying to escape religious oppression, political oppression, or whatever, the mere fact that they have come here under a false passport—usually the only way they can get out of the country these escape—we should not have a low-level person be able to turn them back automatically for that.

Let them have a full asylum hearing. It does not do anything for illegal immigrants. But it makes sure that the U.S. promise of a fair hearing for those who are escaping religious or political persecution can get it.

Mr. SIMPSON. Mr. President, this amendment would seriously impair the bill's provisions to expedite the exclusion of aliens who attempt to enter the United States surreptitiously, or through the use of fraudulent documents. You saw the "60 Minute" segment some time ago.

This is the scenario. The alien uses documents to board an airliner, then disposes of the documents, and claims asylum. And that cannot be. The amendment is not required to protect the deserving asylum applicants. We have a credible fear exception. If they have credible fear, they get a full hearing without any question. They simply show that to a specially trained asylum officer, and not to just somebody who is at a lower level. It is a significantly lesser fear standard than we use for any other provision.

That is what we use with Hatians.

I yield two seconds to Senator D'AMATO.

Mr. D'AMATO. Mr. President, if we pass this amendment what you are saying is let people come in with illegal documents with just plain political persecution, and set them lose. They just continue. You are just going to compound this problem. You do not have to the facilities to hold them in, nor the facilities to have hearings. You will be gutting this bill. It absolutely flies in the face of what we are attempting to do.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Vermont. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 51, nays 49, as follows:

The result was announced—yeas 51, nays 49, as follows:

[Rollcall Vote No. 100 Leg.]

YEAS—51

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Chafee
Daschle
DeWine
Dodd
Feingold
Feinstein
Ford
Frist
Glenn
Graham
Harkin
Hatch
Hatfield
Heflin
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone
Wyden

NAYS—49

Ashcroft
Bond
Brown
Bryan
Burns
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Exon
Faircloth
Gorton
Gramm
Grams
Grassley
Gregg
Helms
Hollings
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 3780) was agreed to.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3752

The PRESIDING OFFICER. The question occurs on amendment No. 3752, offered by the Senator from Michigan [Mr. ABRAHAM].

There will order in the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, after the 2 minutes of explanation on this, I will make the motion to table and ask for the yeas and nays.

The PRESIDING OFFICER. The Senate will come to order.

The Senator from Wyoming.

Mr. SIMPSON. Mr. President, it is appropriate you recognize the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. SIMON. Mr. President, I will not make the motion now, but immediately after the 2 minutes of explanation on this amendment, I will make the motion to table and ask for the yeas and nays.

Mr. SIMPSON. Are you asking for the yeas and nays?

Mr. SIMON. I have not made the motion to table because we have not had the final 2 minutes.

I move to table, Mr. President, and I ask for the yeas and nays.

The PRESIDING OFFICER. It would not be appropriate at this time. It will be necessary to wait until the time for debate has expired.

Mr. KENNEDY. Mr. President, can we have order, now? This is an extremely important 2 minutes we are having here on this debate. I think it is probably as important as any issue on the legislation. Members ought to have an opportunity to be heard.

If we could still insist on order in the Senate?

The PRESIDING OFFICER. The Senate will come to order. There will now be 2 minutes of debate equally divided.

The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I would say this is an amendment brought by Senators DEWINE, FEINGOLD, INHOFE, MACK, LOTT, LIEBERMAN, NICKLES, and myself. It represents an effort to strike from the bill a verification system that is a Government intrusive system to try to verify employment. In our view it will not succeed, but it will be very costly, costly to employers, costly to employees who will be denied jobs because it is impossible to perfect such a system, costly to the taxpayers to the tune of hundreds of millions of dollars, and costly for reasons that the Senator from Ohio will now address in terms of the need for people to obtain new birth certificates in order to comply with this legislation.

I yield the remainder of my time to the Senator from Ohio.

Mr. DEWINE. Mr. President, this bill says to 270 million Americans that your birth certificate is still valid, but if you ever want to use it, you have to go back to the origin, the place you were born, and get a new federally prescribed birth certificate that this Congress is going to tell all 50 States they have to reissue.

If you get a driver's license at age 16, when you turn 65 and you want Social Security or Medicare, or you get married, or you want a passport, you are going to need your birth certificate, and that birth certificate that you have had all these years no longer is going to be valid for that purpose.

It is very costly. It is a hidden tax, and it is going to be a major, major mistake. It will be something I think, if we vote for it, will come back and we will be very, very sorry.

Mr. SIMPSON. Mr. President, this is the critical test of the legislation. Without effective employer sanctions, the United States will not achieve control over illegal immigration. Without an effective verification system, there cannot be effective employer sanctions. Without more fraud-resistant birth certificates and driver's licenses—this is my California variety, you can get them for 75 bucks—there will never be an effective verification system.

This amendment strips the verification process that was in the bill and strips any ability to deal with the worst fraud-ridden breeder document, which is the birth certificate. I yield.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, Senator SIMPSON is absolutely right. This is the most important vote we are going to have on immigration. It is a question of whether we are going to continue with document abuse or not. That is the basic difficulty in terms of trying to protect American jobs, as well as trying to limit the magnet of immigration, which is jobs. If we deal with that, we are going to stop the magnet of immigration of people coming here illegally.

This is the heart and soul of that program. Otherwise, we are going to continue to get these false documents produced day in and day out. This is the only way to do it. It is a narrow, modest program. If we do not do it now, the rest of the bill, I think, is unworkable.

The PRESIDING OFFICER. All time has expired.

Mr. SIMON. Mr. President, I move to table the amendment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table amendment No. 3752, offered by the Senator from Michigan [Mr. ABRAHAM].

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER (Mr. ABRAHAM). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 54, nays 46, as follows:

[Rollcall Vote No. 101 Leg.]

YEAS—54

Akaka
Biden
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Byrd
Campbell
Chafee
Cochran
Cohen
Conrad
D'Amato
Daschle
Dodd
Dole
Exon
Faircloth
Feinstein
Glenn
Gorton
Grassley
Gregg
Harkin
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Mikulski
Moynihan
Murkowski
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Sarbanes
Shelby
Simon
Simpson
Specter
Stevens

NAYS—46

Abraham
Ashcroft
Baucus
Bennett
Breaux
Bumpers
Burns
Coats
Coverdell
Craig
DeWine
Domenici
Dorgan
Feingold
Ford
Frist
Graham
Gramm
Grams
Hatch
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Murray
Nickles
Pressler
Santorum
Smith
Snowe
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The motion to lay on the table the amendment (No. 3752) was agreed to.

Mr. SIMON. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, let me commend you on a very forceful and fair procedure during these many months. It has been a rare privilege for me to come to know you better and to know you as a legislator. You are fair, formidable, efficient, and effective. That is not just because of the win and lose issue. I would have said that under either circumstance and meant it. And Senator DEWINE, dogged and determined. I would not want to be practicing law or doing much more of this with worthy adversaries such as Senator SPENCER ABRAHAM and MICHAEL DEWINE and my friend RUSS FEINGOLD from Wisconsin. I commend them all.

Someone came up to me said, "Oh, you really are on a roll," and I said, "I have been rolled for 6 months." The roll is not always in the eye of the beholder. Win a few, lose a few, and you move on in good camaraderie, good spirit. You are setting that tone as you occupy the chair after a very vigorous debate. You have learned the essence of the Senate: Do your work, give it your best shot, take a shot in the neck and a belt in the head, swallow hard and move on, shake hands with the adversary, and go off, have a great big pop or something else.

Mr. KENNEDY. If I could have 30 seconds, I want to thank all those that participated in that debate and discussion. I think the Members found there were appealing arguments on all sides. I think as we find out on these immigration issues sometimes, when you prevail you are not always right. It has been a constant learning experience because it involves human beings' behavior and trying to predict how people will react to different suggestions and recommendations.

I join Senator SIMPSON and thank all those who are on different sides and those that were on our side for the courtesy and attention they gave to the debate and discussion.

Mr. SIMON. Mr. President, let me just comment, I have frequently said on the floor we are too partisan, excessively partisan. It is true. But this is a case where we discussed the issues, where on one side you had the Simpson-Kennedy leadership, on the other side you had Senator ABRAHAM and Senator FEINGOLD. That is the way it should be on most issues. Very few issues, really, involve party political philosophy. Whether you won or lost on this issue, this is the way legislating ought to take place.

AMENDMENT NO. 3810

Mr. SIMON. Mr. President, I believe the pending amendment is my amendment No. 3810, is that correct?

The PRESIDING OFFICER. The amendment is now pending.

Mr. SIMON. Mr. President, what this does—and this is not a complicated one—this simply says that we are going to go back to the current law that if someone is disabled under the definition of the Social Security Act, if you are blind or disabled, then the deeming provision does not apply.

The pending bill requires that 100 percent of an immigrant sponsor's income be deemed to the immigrants. Say your sponsor has a $30,000-a-year income; it is totally unrealistic, among other things, to assume that sponsor can provide $30,000 worth of support for the immigrant.

I hope we would keep the current law. I think it is simply sensible and compassionate as well as practical that we not move in this direction. I know my colleague from Wyoming has a slightly different perspective on this. My amendment is supported by the National Conference of State Legislatures, the Natural League of Cities and the National Association of Counties.

Mr. KENNEDY. Mr. President, I commend my colleague and friend for this amendment. I think it is important to note that disabled persons are covered by this amendment only if they become disabled after the immigrants arrive. It is unfair to make the sponsors foot the bill for unforeseen tragedies such as this. No one can predict when disability will strike. It is a very small target, but it will make a very important difference to a number of individuals who are experiencing this type of tragedy. I hope we might be able to see this amendment through and accept it.

Mr. SIMPSON. Mr. President, again, what seems to be so appropriate in immigration matters often has a deeper tenor when we are talking about the blind and the disabled. We all want to respond.

Let me say this: We only make the sponsor pay what the sponsor is able to pay. We are back to the same issue. This is a very singular issue, as were the amendments we voted on last night. The issue is, when you come to the United States of America as a sponsor, you are saying that the immigrant you are bringing here will not become a public charge. That is the law.

If you become disabled or blind and you go to seek assistance, the law provides that if your sponsor has a lot of money, you are going to get the money from the sponsor first. That is what we are going to do. It does not matter what your level of disability; that is the law, or will be the law under this bill. It will be clarified, it will be strengthened, and that is what this is about. We are not saying that we are going to break the sponsor because the person is disabled. If the sponsor has tremendous assets, and you have a disabled or blind person, that sponsor is supposed to keep their promise. Why should he or she not? That was the promise made. Maybe they were not disabled at the time. I understand that. But they become disabled and here they are. Should the taxpayers of America pick that up when the sponsor is financially able to do it?

But there is a little more to this here. The number of "disabled immigrants" receiving SSI has increased 825 percent over the last 15 years. That is an extraordinary figure. The number of disabled immigrants receiving SSI has increased 825 percent over the last 15 years. American taxpayers pay over $1 billion every year in SSI payments to disabled immigrants. The purpose of the requirement that immigrants obtain the sponsor agreement is precisely to provide a reasonable assurance to the American taxpayer that, if they need financial assistance, it will come first from the sponsor and not from the taxpayers.

It would actually be more reasonable to provide an exception, I think, here, if the sponsor became disabled and it was impossible for that sponsor to provide the support. Of course, please hear this: If the sponsor has no income, there is no income to deem, and no exception is needed. You do not need to have an exception if the sponsor went broke or if the sponsor cannot afford to do this. Then there we are. The sponsor's income is not deemed, and then the taxpayers pick up the program, pick up the individual. That is where we are.

I urge all of us to remember, as we do these amendments, that they all have a tremendous emotional pull. We have seen the emotional pulls for 11 or 12 days on this floor. But in each of these amendments related to deeming—whether it is blindness, whether it is disability, whether it is veterans, whether it is kids, whether it is senior citizens, whatever, plucks genuinely at your heartstrings—the issue is that none of those people should become the burden of the taxpayers if they had a sponsor that remains totally able, because of their assets, to sustain them. That is it. That is where we are. That was the contract made. That is what they agreed to do, and that is the public charge that we have always embraced since the year 1882, and which we are now trying to strengthen, and believe that we certainly will.

Mr. SIMON. Mr. President, I will take 1 minute in rebuttal. The figures that my friend from Wyoming cites are people, many of whom came here disabled, and so they have ended up on SSI. This applies to people who have become disabled after they have come here. I hope that the amendment will be accepted.

I ask the Senator from Wyoming this. I have another amendment that I am ready with. The understanding is that we will stack the votes, is that correct?

Mr. SIMPSON. No, Mr. President, that is not my understanding. The leader is here. Mr. President, we will work toward some type of agreement if we can either lock things in, and maybe get time agreements. There are not many amendments, actually, left. There are some place-holder amendments. But I cannot say that we will be stacking votes.

Certainly, if you wish to present an amendment and go back-to-back on that, we will certainly do that and maybe have 15 minutes on the first vote and 10 for the second. I think we can get a unanimous consent to do that, with the approval of the leader, at an appropriate time, according to the leader.

Mr. SIMON. Mr. President, if this is acceptable to the Senator from Wyoming, I will ask that we set aside the amendment I just offered so that I may consider a second amendment that I have.

Mr. SIMPSON. That is perfectly appropriate with me, Mr. President.

Mr. SIMON. Mr. President, I ask unanimous consent to set aside my first amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3813 TO AMENDMENT NO. 3743

(Purpose: To prevent retroactive deeming of sponsor income)

Mr. SIMON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON], for himself, Mr. GRAHAM, Mrs. FEINSTEIN, and Mrs. MURRAY, proposes an amendment numbered 3813 to amendment No. 3743.

Mr. SIMON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike page 199, line 4, and all that follows through page 202, line 5, and insert the following: "to provide support for such alien.

"(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(I) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such detemination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under the title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in section 201(a)(1)(A)(vii).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits,under any state or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(c) LENGTH OF DEEMING PERIOD.—Subject to exceptions quivalent to the exceptions described in subsection (d), a State of local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien.

Mr. SIMON. Mr. President, this is an amendment that is cosponsored by Senator GRAHAM of Florida, Senator FEINSTEIN of California, and Senator MURRAY of Washington.

This amendment simply makes the deeming provisions prospective. Every once in a while—not often in this body—we retroactively change the law. And three out of four times, we do harm when we do it. This simply says to sponsors that this is going to apply prospectively.

Let me give you a very practical example. Let us say that, right now, because under the present law the only Federal programs that are subject to deeming are AFDC, food stamps, and SSI. Without my amendment, I say to my colleagues here from Michigan, Kansas, New Mexico, and Wyoming, if a student is at a community college and getting student assistance of one kind or another, without this amendment, the sponsor who signed up for 3 years is responsible for 5 years, not just for the three welfare programs, but for any Federal assistance.

I just think that is wrong. We ought to say it is prospectively. And I support Senator SIMPSON in this. Let us make it 5 years, but we should not say we are going back to sponsors who signed up for 3 years, and say, "Even though you signed up for 3 years, we are making it 5. And you thought you were only going to be responsible for three programs—AFDC, food stamps, and SSI—but you are going to be responsible for every kind of Federal program."

Let me just add, the higher education community strongly favors my amendment.

I think we ought to move in this direction. I think it is fair. I think, again, three out of four times when this body tries to do something retroactively, we make a mistake. If we go ahead with this retroactively, we are going to make a mistake.

I see my colleague, Senator GRAHAM, on the floor. I believe he wants to speak on this, too.

Mr. SIMPSON. Mr. President, here we are again dealing with the issue of deeming. When I said that my colleagues were persistent, I did not mean to leave out Senator PAUL SIMON of Illinois. In my experience of 25 years knowing this likeable man, I know his persistence is indeed one of his principal attributes.

He is back again with another deeming type of amendment. They are all very compassionately offered. They are carefully thought through. But, again, it is an issue we dealt with last night.

It is true, and he is right; he has found this provision that individuals already in this country will not be the beneficiaries of the new legally enforceable sponsor agreements. They are going to be very strict. We have done a good job on that. The ones that will be required is after enactment.

It is also true that some of them who have been here less than 5 years will nevertheless be subject to at least a portion of the minimum 5-year deeming period. Thus, there could be a case where such an individual would be unable to obtain public assistance because under deeming they neither received the promised assistance from their sponsor nor were able to sue them for support.

But, again, let me remind my colleagues that no immigrants are admitted to the United States if they cannot provide adequate assurance to the consular officer, or to the immigration inspector, that they are not likely become a public charge, making that promise to the American people that they will not became a burden on the taxpayers. If they do use a substantial amount of welfare within the first 5 years, they are subject to deportation under certain circumstances. That is not a swift procedure. It is a thoughtful procedure.

I remind my colleagues again that major welfare programs already require deeming—AFDC, food stamps for 3 years, SSI for 5, even though sponsored agreements are not now legally enforceable. Furthermore, the President's own 1994 welfare bill proposed a 5-year deeming for those programs. This would have applied to those who had only received the sponsor agreement to provide support for 3 years, an agreement that is not legally enforceable.

So I just do not believe it is unreasonable for the taxpayers of this country to require recently arrived immigrants to depend on their sponsors for the first 5 years under all circumstances if the sponsor has the assets. If the sponsor does not have the assets, we will pick them up. We have never failed to do that.

It is only on that basis of assurance that they even came here because they could not have come here if they were to be a public charge.

Regardless of the compassionate aspects of it, that is what we ought to do.

Thank you.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I had not intended to speak on this subject, but we have now had about a half dozen amendments on this deeming issue. It seems to me that the Senate has spoken on this issue. Far be it from me to say that our colleagues are infringing on our patience, but it seems to me this is a very clear issue. The American people have very strong opinions about it. We have voted on it. I do not see what we gain by going over and over and over again plowing this same ground, or in this case dragging this dead cat which smells rank back across the table.

Here is the issue. When people come to America, they get the greatest worldly gift you can get. They have an opportunity to become Americans. I am very proud of the fact that I stood up on the floor of the Senate and fought an effort that was trying to slam the door on people who come to this country legally. I believe in immigration. I do not want to tear down the Statue of Liberty. I believe new Americans bring new vision and new energy, and America would not be America without immigrants. But when people come to America, they come with sponsors, and these sponsors guarantee to the American taxpayer that the immigrant is not going to become a ward of the State.

If you want to know how lousy the current program is, in the last 10 years when we have had millions of immigrants come to America legally, how many people do you think have been deported because they have become wards of the State? In 10 years with millions of legal immigrants, we have had, I understand, 13 people that have been deported. Obviously, the current system is not working.

What the bill of the distinguished Senator from Wyoming says is simply this: When you sign that pledge that you are going to take care of these people until they can take care of themselves, we expect you to live up to your promise. We expect you to use your energy and your assets to see that the person you have sponsored does not become a burden on the taxpayers.

So what the bill does, in essence, is count the sponsor's income and the sponsor's assets as yours for the purpose of your applying for welfare.

It seems to me that we do not have anything to apologize about in giving people the greatest worldly gift you can get, and that is becoming an American. I do not think we ought to have any deviations, period, from this whole deeming issue. If you come to America, you have a sponsor. They say they are going to take care of you. If things go wrong, we ought to go back on their assets.

But this idea that there ought to be some magic things that we are going to exempt—and we have seen all of these real tear-jerkers about, you know, in this particular case, or that particular case—this is a principle where I do not think there ought to be any particular cases.

If people want to come to America, let them come to America, but let them come with their sleeves rolled up ready to go to work. Do not let them come with their hand out. If you want to live off the fruits of somebody else's labor, go somewhere else; do not come to America. But if you want to come here and build your dream and build the American dream and work and struggle and succeed as the grandparents of most of the Members, the parents of most of the Members of this body did, welcome. We have too few people who want to come and work and build their dream.

But I think we pretty well settled this whole deeming issue. I think we ought to get on with it. This is now a good bill. We have spoken. I think we are at the point where people are ready to vote. I think after a half dozen votes on this issue that, "Well, you are exempt from deeming if you are going to church to say a prayer and you trip and you break your back"—I mean, I think we have established the principle. I do not think we have to go on plowing this ground over and over again.

The American people want people to come to work. They do not want people to come to go on welfare. We have a provision in the welfare bill that is even stronger than the deeming provision in this bill. Maybe we could have a vote that says under any circumstances except divine intervention that we stay with the provisions. We could vote on it and be through with it.

Mr. SIMON. Will the Senator from Texas yield?

Mr. GRAMM. I am happy to yield.

Mr. SIMON. My friend talks about the contract you sign. What I want to do is say the United States, which signs the contract with the sponsor, will live up to its side of the contract. That contract right now is for 3 years for every sponsor. I am for moving to 5 years but doing it prospectively. This bill says to the people who signed the contract that Uncle Sam has changed his mind. He is going to make you responsible for 5 years when you sign for 3 years.

Does the Senator from Texas think that is fair?

Mr. GRAMM. Let me respond by saying that I believe that when we are talking about people coming to America, that is a great deal. I do not think we have to second-guess it by saying that we are going to try to see that after so many years you can get welfare. I personally believe that until a person becomes a citizen, they ought not to be eligible for welfare. I am for a stronger provision than the Senate has adopted. I do not think immigrants should be eligible for welfare until they become citizens and, therefore, under the Constitution must be treated like everybody else, because under the Constitution there can be no differentiation between how they are treated as a natural-born American or naturalized. There is only one difference, and that is you cannot become President.

But here is the point. I think that ought to be the provision. That is not even what we are talking about here. We are talking about something much less, and that is the deeming provision. The point I am making is this:

The point I am making is this. We have voted on this thing a half a dozen times. I wish we could come up with every story or manipulation or hardship that we could get, put it all into one and vote on it and settle it. That is all I wish to do.

Mr. SIMON. First of all, the Senator does not understand the amendment, obviously.

Mr. GRAMM. No, I understand the amendment perfectly.

Mr. SIMON. The Senator then did not respond to my question. The question is whether Uncle Sam is going to live up to his contract. We say to the sponsors you are a sponsor for 3 years. Now we come back with this legislation and say, sorry, we are changing the contract. You thought you signed up for 3 years. We are going to make it 5 years.

I think that is wrong.

Mr. GRAMM. Would the Senator, if he wants to change the provision, change it to say that immigrants are not eligible for welfare or public assistance until they become citizens?

Mr. SIMON. We already have a provision in here for 5 years. That is not the issue. The issue is, are we going to go back, on this amendment, retroactively and say to sponsors, sorry, Uncle Sam is not going to live up to his word; we are changing your contract from 3 years to 5 years.

I think I know the Senator from Texas well enough—and, incidentally, he has had a lot more amendments on this floor than the Senator from Illinois over the years.

Mr. GRAMM. I do not think so today.

Mr. SIMON. Not today.

Mr. GRAMM. I object to amendments I am not participating in today.

Mr. SIMON. I am not complaining about the Senator from Texas offering too many amendments. But the question on this amendment—

Mr. GRAMM. Reclaiming my time, Mr. President. Let me just make a point on the deeming issue. The only point I wanted to make is this. We have had a half a dozen votes on it. The outcome has been the same each time, and each time we have had a new amendment we have had some new sob story where we picked out a little blue-eyed girl 3 years old or younger or something.

I am just saying I would like to settle the issue. I think the Senate has decided on the deeming issue, and I think the decision that we have made is you ought not to be able to come to America as an immigrant to go on welfare. We are having to go about that in different ways through different bills. My point is I do not know what the seventh or eighth or ninth amendment is going to do. I hope we will defeat these amendments decisively and get on with passing a bill that the American public wants.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I wish to say to Senator GRAMM, first, I am totally, fully aware of the Senator's commitment to legal immigration, and I have personally told the Senator that I saw his speech in the Chamber which had some personal aspects of the Senator's views because of his family, because of his wife and her family.

I have told the Senator of mine. Both of mine came over as little kids to Albuquerque from Italy. I was very lucky. I always say the only good thing about the farm programs of Italy at the turn of the century was they were so awful that kids like my folks could not make a living and so they sent them to America.

That is true. In my dad's family were six kids, and they had enough acreage, why, for 50 years before that they could all make a living. But as bureaucracies grow, they had a farm policy, and they could not make a nickel. So thank God for bad farm policy in Italy. That is why I am here.

From our earliest days, we did not intend that aliens be public charges. This is not today. This is America when we accepted millions that made America great. We had a philosophy that the public money would not be used for aliens.

Now, that is not a mean, harsh policy. It is a reality. And I am telling you what has happened. If it was a reality of the philosophy of America in the early days, what has happened to it today is that nobody paid attention to the programs that they were applying for, so that Medicaid has, it is estimated, up to $3 billion—it could be that high—being paid to people who are aliens. That is $3 billion of public charge when we probably never really intended it, for all of these did not come in after deeming periods. Everybody knew the deeming periods and all that were irrelevant.

Why did they know that? The Senator just stated it. Nothing happened to them if they violated them. I had them on the witness stand. I asked INS, "Could you enforce these?" "No, we cannot enforce them." I said, "Do you think there are only 13?" There are 1.2 million aliens on one program—1.2 million people. I said, "Could you enforce it? Could there be 500 of them that are illegal?" I said, "I think probably there are 600,000 that should not be on there." I think that might be so.

So I do not think this is an issue of changing the contract. In fact, this is a whole new concept about deeming the resources of a sponsor liable for an alien before the citizens of America under taxes pay for it. And it is pretty patent to me that to say everything stays just like it is for the past is just not fair to the American people.

We are talking about it is unfair to some certain patrons. We are still saying—this bill is very generous because what it says is, if a sponsor does not have the money, they are back on public charge.

Did the Senator know that?

That is different than we were thinking of. That is a generous act on the part of the chairman, saying, well, OK, if the ward does not have any money, then it does not do much good to deem them; they cannot pay for it.

That is pretty generous. That is a whole new act of generosity on the part of America, if that becomes law.

Now, I would say it is fair because if you do not want that new act of generosity, then maybe we will go back to the old one. But you can count on it: Up to the deeming period, we will not pay for you whether your sponsor runs out of money or not because that was the law, albeit never enforced.

So I think there are things on both sides of that scale of fairness, and, frankly, from my standpoint, I have been through so many efforts to cut back programs that Americans get angry at us about that are programs for Americans that I thought we had to come here as budgeteers—the Senator worked at it with me, I say to the senior Senator from Texas. We are over here saying, look, we cannot afford education money, we cannot afford this. Why, here we have $3 billion maybe, $1 to $3 billion in Medicaid going to aliens. And I am not sure the public even knows that. Where should we save first? It seems to me we should save by passing this bill. That is what I think.

I yield the floor.

Mr. SIMPSON. I thank the Senator and Senator GRAMM.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. I thank the Chair.

Let me review where we are and where the leader would like us to be. We have the Simon amendment and two Graham amendments, Senator GRAHAM of Florida, and Senator FEINSTEIN will modify her amendment. Senator KYL and she have resolved any difficulty there. We will take that.

We would like to proceed with debate and try to have votes stacked around 7 or 7:30, if we could proceed with gusto, and I will try to do that, too. It is very difficult. But that would be the pattern, if there is further debate. And I concur with Senator GRAMM. It is about deeming, and we have addressed that last night and we will address it again today.

Just remember one thing. We did not like this before. A few years ago, we voted to extend deeming from 3 to 5 years for SSI, and we did that to achieve savings for an extension of unemployment benefits. We did not ask the sponsors. We just extended the deeming period, and we have done that in the past.

I think those would be my final remarks on that. I wonder if we might—unless there is some further discussion of that amendment, if we might set that aside and go to Senator GRAHAM.

Mr. GRAHAM. Mr. President, I wish to speak in support of the amendment of the Senator from Illinois.

Mr. SIMPSON. I see.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, we had a lot of rhetoric, expressions of what we might have fantasized reality was, what we thought it might be; words like "we expect you to live up to your promise." All of those are patriotic, soaring statements, which have little to do with the reality of the amendment that the Senator from Illinois has offered.

What is the reality today, of the requirement of sponsors to their legal alien sponsoree, who is in the United States? As the Senator from Illinois has pointed out, we Members of Congress have looked at all the programs that we might wish to require deeming to apply to, that is to require the sponsor's income to be added to the alien's income in determining the alien's eligibility for programs. What have we decided? We have decided we will require deeming for SSI, supplemental Social Security income, which primarily affects older aliens; we will require deeming for food stamps; and we will require deeming for aid to families with dependent children.

We could have passed deeming for Medicaid, we could have passed deeming for college Pell grants and guaranteed Federal loans, we could have passed deeming for weatherization and heating for low-income people, we could have passed deeming for any one of the hundreds of programs the Federal Government has that requires some form of means testing in order to be eligible. But we decided thus far not to do so, but to limit it to those three programs. As the Senator from Illinois has pointed out, in two of those three programs the deeming period is 3 years, not the 5 years that is being suggested here today.

But I think even more powerful is the fact that this Congress has known for a long, long time that the courts have held the current application, the affidavit signed by the sponsor, to be legally unenforceable. Let me read a paragraph from a letter from the office of the Commissioner of INS on the issue of what is the enforceability of these affidavits that sponsors sign. To quote from the letter:

> In at least three States, however, courts have held that an affidavit of support does not impose on the person who signs it a legally enforceable obligation to reimburse public agencies and provide public assistance to an alien.

The letter then cites a case, San Diego County versus Viarea, from the California court, a 1969 opinion; the Attorney General versus Binder, an opinion from the State of our Presiding Officer, from 1959; California Department of Mental Hygiene versus Reynault, a case from 1958; another case from New York dated 1959.

The letter goes on to state,

> The Michigan Supreme Court has also held that Michigan public assistance agencies may not consider the income of a person who executed an affidavit of support to be an alien's income in determining the alien's eligibility for State public assistance programs.

That is a 1987 Michigan case, despite the fact that this income deeming is permitted in determining eligibility for food stamps.

Finally, the Missouri Court of Appeals has held that an affidavit of support does not create an express or implied contract for the payment of child support on behalf of a child adopted by a former spouse. That is a 1992 opinion.

Mr. President, I cite these cases, not with the spirit of support but of the cold reality that this is the state of the law. So a person who has sponsored an alien to come into the United States today has had the legal expectation of the unenforceability of that affidavit and this Congress has, at least since 1958, been aware that courts were ruling thus and has not, until the action of the Senator from Wyoming, taken steps to make these affidavits enforceable.

So the consequence of applying this new standard retroactively is going to be to substantially change the expectation of both the legal alien and the legal alien's sponsor, because now we are about to say that an affidavit which the courts have consistently ruled to be unenforceable, we are going to breathe life into that affidavit and we are going to expand that affidavit to cover an indeterminate number of programs for which there is some Federal financial involvement.

Mr. President, I do not disagree with the thrust of the idea that we ought to be making these affidavits financially responsible, that we ought to make them documents which have some legal enforceability. I am concerned about the reach that we are about to apply to the number of programs, but that is for another debate. But I think it is patently unfair to now say we are going to retroactively go back and make affidavits that have been unenforceable, enforceable, and expand them to an indeterminate number of programs.

The argument for doing so, for reaching back retroactively, is that, "We have two people who can pay. We have one person who can pay who is the sponsor. We have the other person who can pay who is the Federal taxpayer. It is better to force the sponsor to pay even if we do it in derogation of the understandings when the sponsor signed the affidavit, than it is to continue to ask the Federal taxpayer to pay." I suggest that is a false analysis of what is really going to happen. What is really going to happen is not that the sponsor is going to pay retroactively, because I do not think we can legally breathe life into a currently unenforceable affidavit. And I do not think the Federal taxpayer is the party that is at final risk.

I suggest what is really going to happen is what the National Conference of State Legislators has said. What really is going to happen is what the National Association of Counties has said. What is really going to happen is what the National League of Cities has said. What is really going to happen is what the National Association of Public Hospitals and Health Systems has said. What is really going to happen is what Catholic Charities USA has said. And that is that there is going to be a massive transfer of responsibility to the communities and States, and they will be asked to pick up these costs.

The most dramatic example of that is going to be in the area of health care. In the field of health care, we have the anomaly that, by Federal law, public hospitals are required to treat anybody with an emergency condition. By laws that we passed, they are prohibited from asking a person seeking emergency assistance, what is your income? What is your financial capability? So we are going to be encouraging people to get sick enough to come in and use the emergency rooms at the local hospital and then, with no one to pay and with the Federal Government no longer picking up part of the cost through Medicaid, they will become a massive burden on those hospitals and on the communities which support those hospitals.

The further irony of this is, this is going to be occurring in communities which are already paying a substantial burden because of the Federal Government's failure to enforce its immigration laws and to have provided adequately for the impact of these large populations. I know it well in my own State, which is one of the States that is particularly at risk under this proposal. Dade County, FL, Miami, has had one of the fastest if not the fastest growing urban school systems in America in the last 10 years, primarily because of the massive numbers of nonnative students who have entered that school system. It has stretched the system to the breaking point.

Now we are about to say in this bill that the Federal Government will provide less support to the education system of that and other stressed counties, and that the Federal Government will restrict the funding for individuals who would otherwise be eligible for these programs, retroactively, so that those costs will now become an additional burden of those already overburdened communities.

I think, Mr. President, in the fundamental spirit of fairness to all concerned, and specifically to those communities that have already paid a heavy price, that it is only fair and proper that we make this change of rules be prospective. Let us apply it to those people who come from the enactment of this bill forward, who come with the understanding that they are signing an affidavit, if they are a sponsor, that will be legally enforceable; that they will know if they are coming as a legal alien what they are going to be able to expect once they arrive here.

I think it is patently unfair to change the rule for thousands of people who are already here and then to have us, essentially, transfer this financial responsibility to the communities in which they happen to have chosen to live.

So, Mr. President, I urge in the strongest terms the support of the amendment of the Senator from Illinois, because without his amendment, I think this legislation carries with it the fatal flaw of fundamental unfairness.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I think we have perhaps completed the debate on that amendment and we might set that aside and proceed to—my friend from Massachusetts is not here.

Is there a second Graham amendment? Does the Senator from Florida have any idea as to the time involved in the presentation of this amendment? May I inquire, Mr. President, of the Senator from Florida if he has any idea where we are, because so many people are involved—apparently there is an Olympics banquet, many awards banquets. Many people have asked for a window. I am perfectly willing to stand right here until midnight and finish this bill. I would do that. If we can get an idea of time, that would be very helpful.

Mr. GRAHAM. Mr. President, in response to the question of the Senator from Wyoming, the time to present this amendment, which is amendment No. 3764, will be approximately 15 to 20 minutes.

Mr. SIMPSON. I thank the Senator from Florida.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the pending amendment of the Senator from Illinois be set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The amendment is temporarily set aside. The Senator from Florida is recognized.

AMENDMENT NO. 3764 TO AMENDMENT NO. 3743

(Purpose: To limit the deeming provisions for purposes of determining eligibility of legal aliens for Medicaid, and for other purposes)

Mr. GRAHAM. Mr. President, I call up amendment No. 3764.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] proposes an amendment numbered 3764 to amendment No. 3743.

Mr. GRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 201, strike lines 1 through 4 and insert the following:

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to—

(A) any services or assistance described in subsection 201(a)(1)(A)(vii); and

(B) in the case of an eligible alien (as described in section 201(f)(1))—

(i) any care or services provided to an alien for an emergency medical condition, as defined in section 1903(v)(3) of the Social Security Act; and

(ii) any public health assistance for immunizations and immunizable diseases, and for the testing and treatment of communicable diseases.

(4) MEDICAL SERVICES FOR LEGAL IMMIGRANTS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, for purposes of determining the eligibility for medical assistance under title XIX of the Social Security Act (other than services for which an exception is provided under paragraph (3)(B))—

(i) the requirements of subsection (a) shall not apply to an alien lawfully admitted to the United States before the date of the enactment of this Act; and

(ii) for an alien who has entered the United States on or after the date of enactment of this Act, the income and resources described in subsection (b) shall be deemed to be the income of the alien for a period of two years beginning on the day such alien was first lawfully in the United States.

Mr. GRAHAM. Mr. President, the underlying bill, S. 1664, for the first time would deny to legal immigrants—legal immigrants—access to Medicaid through newly federally imposed or mandated deeming requirements. This prohibition, as the discussion of the amendment of the Senator from Illinois has indicated, will apply both prospectively, to persons who arrive after this bill is enacted, and retroactively, to legal aliens who are already in the country.

My amendment changes the deeming period for Medicaid to 2 years. It eliminates the retrospective nature of this provision, and it would apply these provisions to future immigrants and provide for an exemption for emergency care and public health.

So to restate what the amendment does, the amendment changes the deeming period for Medicaid to 2 years. Second, it eliminates the retroactive nature of the legislation in the same way that the amendment of the Senator from Illinois would do to all of the deemed programs. It would apply these provisions prospectively to future legal aliens, and it would provide an exemption for emergency care and for public health.

This amendment is supported by the National Conference of State Legislators. It is supported by the National Association of Counties. It is supported by the National League of Cities. It is supported by the United States Conference of Mayors. It is supported by the National Association of Public Hospitals. It is supported by the American Public Health Association. It is supported by the National Association of Community Health Centers. It is supported by Interfaith, by the Catholic Charities USA and the U.S. Catholic Conference. It is supported by the Council of Jewish Federations, the Lutheran Immigration and Refugee Services and the Evangelical Lutheran Church of America.

Mr. President, I offer this amendment today which I consider to be a substantial improvement of this bill. It is a substantial improvement by recognizing the fact that health services are different from other benefits that a legal alien might seek.

While I strongly support the idea that sponsors should be required to provide housing, transportation, food, cash assistance to legal aliens who they have sponsored, legal aliens and the sponsor would be unable to provide for themselves, for whatever reason, reasonable access to the health care which unpredictable illness and debilitating disease or injury might impose.

Unlike cash assistance, housing or food, health care must be provided by a qualified professional, tailored to the specific diagnostic and treatment needs. Ultimately, no amount of hard work and personal responsibility can protect an immigrant or anyone else from illness or injury.

My proposal would be to deem Medicaid for 2 years. That is, for the first 2 years that the legal alien is in the United States, the income of the sponsor will be deemed to be that of the alien.

This is a reasonable compromise with what I hope will have bipartisan support. It would not exempt Medicaid from deeming altogether. Instead, it would create a 2-year deeming period for the Medicaid Program alone.

As a result, this amendment eliminates the magnet, the draw or incentive to come to the United States in order to receive medical care, especially since an immigrant cannot plan to get sick 2 years in advance.

However, it does recognize that in the long run, health care is different from other benefits. This amendment also recognizes and attempts to alleviate the tremendous other burdens, cost shifts, unfunded mandates and public health problems which potentially could be caused by S. 1664.

What are some of these potential problems?

First, cost shifting. The Medicaid provisions in S. 1664 are currently nothing more than a cost shift to States, local governmental units and our Nation's hospital system. Simply put, if people are sick and cannot afford to pay for coverage for some of the most disabling conditions, someone will absorb the cost.

The question is whether the Federal Government will pay a portion of that cost, or will such costs be shifted entirely to those States and local governments and hospitals where legal aliens will seek those services?

As the National Conference of State Legislatures, the National Association of Counties and National League of Cities wrote in an April 24, 1996, letter:

> Without Medicaid eligibility, many legal immigrants will have no access to health care. Legal immigrants will be forced to turn to state indigent health care programs, public hospitals, and emergency rooms for assistance or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone. Furthermore, without Medicaid reimbursement, public hospitals and clinics in States and localities would incur increased unreimbursed costs for treating legal immigrants.

The National Association of Public Hospitals, in their April 12, 1996, letter added:

> The [National Association of Public Hospitals] opposes a deeming requirement for Medicaid. It will lead to an increase in the number of uninsured patients and exacerbate an already tremendous burden of uncompensated care on public hospitals. * * *

The Congressional Budget Office estimates that the effect of this bill's current provision will be to reduce Federal reimbursement for such Medicaid costs by $2.7 billion. This is nothing more than a massive cost shifting to the States and local governments in which these legal aliens reside.

The bill's deeming provisions, in addition to being nothing more than a huge cost-shift to State and local governments, will also impose an administrative burden and a huge unfunded mandate on State Medicaid programs. In light of a series of calls throughout the year by the Nation's Governors, the administration and this Congress have been asked to provide States with greater flexibility to more efficiently administer their Medicaid programs. This provision is incredibly ironic and in sharp contrast to everything that we have been discussing in Medicaid policy over the last 2 years.

For a Medicaid case worker, who already has to learn the complex requirements of the Medicaid program, he or she now must also learn immigration law. As a study by the National Conference of State Legislatures notes, this would require an extensive citizenship verification made for all applicants to the Medicaid Program.

According to the Conference of State Legislatures:

> These [deeming] mandates will require States to verify citizenship status, immigration status, sponsoring status, and length of time in the U.S. in each eligibility determination for a deemed Federal program. They will also require State and local governments to implement and maintain costly data information systems.

In addition to all these costs, States will have infrastructure training and ongoing implementation costs associated with the staff time needed to make these complicated deeming calculations. The result will be a tremendously costly and bureaucratic unfunded mandate on State Medicaid programs.

This bill also threatens our Nation's public health. Residents of communities where legal aliens live would face an increased health risk from communicable diseases under this provision of the bill because immigrants would be ineligible for Medicaid and other public health programs designated to provide early treatment to prevent communicable disease outbreaks.

Such policies have historically and consistently had horrendous results. For example, in 1977, Orange County, TX, instituted a policy that required people to prove legal status or be reported to the Immigration and Naturalization Service when requesting service at any county health facility.

As noted by El Paso County Judge Pat O'Rourke, in a letter dated September 24, 1986:

> . . . within eighteen months, the county experienced a 57 percent increase in extrapulmonary tuberculosis, a 47 percent increase in salmonella, a 14 percent increase in infectious hepatitis, a 53 percent increase in rubella and a 153 percent increase in syphilis.

The judge cites a 1978 report by the Task Force on Public General Hospitals of the American Public Health Association in saying:

> Hence, what was a simple condition requiring a relatively small expense became a large matter adversely affecting all taxpayers.

In an analysis of the potential health impacts of S. 1664, the bill before us this evening, conducted by Dr. Richard Brown, the president of the American Public Health Association and director of the University of California at Los Angeles Center for Health Policy Research, Dr. Brown states:

> In a study of tuberculosis patients in Los Angeles, more than 80 percent learned of their disease when they sought treatment for a symptom or other health condition, not because they sought a TB screening. Yet [S. 1664] would make it more difficult for immigrants to seek diagnosis and treatment because their access to health care would be sharply reduced, permitting this debilitating and often deadly disease to spread throughout the community. When an infected person becomes seriously ill with tuberculosis, the costs of treating these true emergencies will be borne by everyone, especially taxpayers.

Dr. Brown concludes:

> Tuberculosis and other communicable diseases do not respect distinctions between citizens and non-citizens, legal residents and people who are not here lawfully. The key to controlling an outbreak of tuberculosis, hepatitis, sexually transmitted diseases, or other communicable diseases is early identification of the source of the infection and immediate intervention to treat all infected persons. Because these bills will discourage immigrants from seeking treatment, they will endanger the health of everyone in the community.

In the interest of our Nation's public health, why, Mr. President, why would we wish to take such an unnecessary risk?

In addition, the Medicaid deeming provisions, by creating a obstacle to preventive health services, will result in certain cases of immigrants resorting to emergency room care. Health care costs will thus be more expensive.

This would further strain the already overburdened and underfunded emergency and trauma care facilities across the country, particularly in our Nation's urban centers. Without reimbursements, such hospitals will be forced to consider shutting their emergency room doors for all residents of the county, affecting all residents, immigrants or otherwise.

For example, Jackson Memorial Hospital in Miami estimates that its uncompensated care costs for fiscal year 1995 for undocumented immigrants was $45.8 million. To repeat, for 1995, in that one public hospital, Jackson Memorial in Miami, the cost in uncompensated care for undocumented aliens was $45.8 million. An additional $60 million in uncompensated care costs was attributed by Jackson Memorial Hospital to legal aliens in the community. However, they currently do receive some reimbursement for care to legal aliens through private health care plans and Medicaid. Without the Medicaid payments, total uncompensated costs will grow and require the local community to either raise its taxes or consider reducing hospital services.

In addition, by reducing access of pregnant immigrant women to prenatal care and nutrition support programs, the health of the U.S.-citizen infants will be threatened. The National Academy of Sciences' Institute of Medicine estimates that for every $1 spent on prenatal care, there is a $3 savings in future medical care for low birthweight babies. Denying prenatal and well-baby care to an immigrant only threatens the life of her U.S.-citizen child. Mr. President, that makes absolutely no sense. In fact, it is neither cost effective nor in the interest of public health.

Another concern raised by Catholic Charities USA is the potential for increased abortions as a result of S. 1664.

To quote from the Catholic Charities U.S.A.,

> The most immediate threat of the Medicaid deeming provision is the pressure on poor pregnant women to end their pregnancies inexpensively through abortion rather than to carry them to term. A legal immigrant who becomes pregnant and does not have the means to obtain health care will be able to finance a $250 abortion at a local clinic much more easily than either she or her sponsor can pay for prenatal care or put down a $1,000 deposit at a hospital for labor and delivery.

In summary, as currently drafted, S. 1664 would have the following negative consequences: It shifts costs to States, local governments, and hospitals. It imposes an administrative unfunded mandate on State medicaid programs. It threatens the Nation's or the public's health. It is not cost effective and it may lead to an increase in abortions.

My amendment would help address these problems. Therefore, it is supported by the National Conference of State Legislatures, the National Association of Counties, the National League of Cities, U.S. Conference of Mayors, the National Association of Public Hospitals, the American Public Health Association, the National Association of Community Health Centers, InterHealth, Catholic Charities U.S.A., and the U.S. Catholic Conference, the Council of Jewish Federations, Lutheran Immigration and Refugee Services, and Evangelical Lutheran Church of America.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately after my remarks statements by several of these organizations in support of this amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GRAHAM. Mr. President, I close by saying that I regret we have had to consider so many amendments that related specifically to the provisions in this bill that will apply retroactively and prospectively the income of a sponsor to the income of a legal alien—I emphasize legal alien—for purposes determining eligibility for means-tested programs.

Mr. President, if you represent the concerns of the millions of Americans who are represented by these organizations, if you understand the pragmatic reality of what we are about to do both to individuals and to the communities in which they live, and to the taxpayers in the communities and States in which you live, you would understand why there have been so many amendments offered on this subject.

I believe that the amendment which I have offered is a reasoned middle ground. By setting a 2-year deeming provision it would give us assurance that no one would come to this country with a specific condition—whether that be pregnancy or a known medical infirmity—in order to receive U.S. taxpayer-financed medical service. Very few people are prophetic enough to know what their condition is going to be 24 months from now. By providing that this will be prospective, all persons who come into this country from this point forward, from the enactment of this bill forward, will know under what conditions they will be entering this country.

By exempting those programs that affect the public health and relate to emergency care, we will be recognizing the fact that those steps are not just for the benefit of the individual but they are for the benefit of the broad public with its interest in continuing to have access to emergency facilities and to be saved from having unintended access to communicable diseases.

Mr. President, I believe this is a constructive amendment which deals with serious issues within this legislation. I urge its adoption.

EXHIBIT 1

NATIONAL CONFERENCE OF STATE LEGISLATURES, NATIONAL ASSOCIATION OF COUNTIES, NATIONAL LEAGUE OF CITIES

April 24, 1996.

DEAR SENATOR: The National Conference of State Legislatures (NCSL), the National Association of Counties, (NCAo), and the National League of Cities (NLC) are very concerned about unfunded mandates in S. 1664, the Immigration Control and Financial Responsibility Act of 1996 that would be an administrative burden on all states and localities. We urge you to support a number of amendments that will be offered on the Senate floor to mitigate the impact of these mandates on, and cost shifts to, states and localities.

S. 1664 would extend "deeming" from three programs (AFDC, SSI and Food Stamps) to all federal means-tested programs, including foster care, adoption assistance, school lunch, WIC and approximately fifty others. As you know, "deeming" is attributing a sponsor's income to the immigrant when determining program eligibility. It is unclear what "all federal means-tested programs" means. Various definitions of the phrase "federal means-tested programs" would include a range of between 50–80 programs. Furthermore, regardless of the size of their immigrant populations, this mandate will require all states to verify citizenships status, immigration status, sponsorship status, sponsor's income and length of time in the U.S. in each eligibility determination for "all federal means-tested programs." NCSL estimates that implementing deeming restrictions for just ten of these programs will cost states approximately $744 million. Extending deeming mandates to over 50 programs garners little federal savings and should be eliminated as part of the Congressional commitment to eliminating cost shifts to state and local budgets and taxpayers.

Therefore, we urge you to support Senator Bob Graham's effort to raise a point of order against S. 1664 based on its violation of P.L. 104–4, the Unfunded Mandates Act of 1995. This is a critical test of your commitment to preventing cost-shifts to, and unfunded administrative burdens on, states and localities. We also urge you to support subsequent amendments that will reduce the scope of the deeming provisions and limit the administrative burden on states and localities. These include:

Senator Graham's amendment giving deeming mandate exemption to: 1) programs where deeming costs more to implement than it saves in state or local spending; or 2) programs that the federal government does not pay for the administrative cost of implementing deeming. This ensures that new deeming mandates are cost effective and are not unfunded mandates.

Senator Graham's amendment substituting a clear and concrete list of programs to be deemed for the vague language in S. 1664 requiring deeming for "all federal means-tested programs." This amendment ensures that Congress, and not the courts, will decide which programs are deemed.

Senator Kennedy's amendment conforming Senate deeming exemptions to those accepted by the House in H.R. 2202.

In addition, we urge you to support other amendments that would temper the unfunded mandates in S. 1664 and relieve the administrative burden on states and localities. We are especially concerned about the impact of extending the deeming requirements to the Medicaid program. Without Medicaid eligibility, many legal immigrants will not have access to health care. Legal immigrants will be forced to turn to state indigent health care programs, public hospitals, and emergency rooms for assistance or avoid treatment altogether. This will in turn endanger the public health and increase the cost of providing health care to everyone. Furthermore, without Medicaid reimbursement, public hospitals and clinics and states and localities would incur increased unreimbursed costs for treating legal immigrants. We support the following compromise amendment to preserve some Medicaid eligibility for legal sponsored immigrants.

Senator Graham's amendment to limit Medicaid deeming to two years.

We strongly support amendments to exempt the most vulnerable legal immigrant populations from deeming requirements. We urge you to support the following amendments that will preserve a minimal amount of federal program eligibility for the neediest legal immigrants and protect states and localities from bearing the cost of these services.

Senator Kennedy's amendment exempting children and pre-natal and post-partum care from Medicaid deeming restrictions.

Senator Simon's amendment exempting immigrants disabled after arrival from deeming restrictions.

Senator Leahy's amendment exempting immigrant children from nutrition program deeming.

Finally, we firmly believe that deeming restrictions are incompatible with our responsibility to protect abused and neglected children. Courts will decide to remove children from unsafe homes regardless of their sponsorship status and state and local officials must protect them. Deeming for foster care and adoption services will shift massive administrative costs to states and localities and force them to fund 100% of thee benefits. We urge you to support the following amendments to protect states and localities from this cost shift.

Senator Murray's amendment exempting immigrant children from foster care and adoption deeming restrictions.

Senator Wellstone's amendment exempting battered spouses and children from deeming restrictions.

We appreciate your consideration of our concerns and urge you to protect states and localities from the unfunded mandates in S. 1664.

Sincerely,

JAMES J. LACK,
New York Senate,
President, NCSL.
DOUGLAS R. BOVIN,
Commissioner, Delta County, MI,
President, NACo.
GREGORY S. LASHUTKA,
Mayor, Columbus, OH,
President, NLC.

CATHOLIC CHARITIES USA SUPPORTS THE ELIMINATION OF THE MEDICAID "DEEMING" REQUIREMENT INCLUDED IN THE IMMIGRATION REFORM BILL

S. 269 currently requires that the income and resources of a legal immigrant's sponsor and the sponsor's spouse be "deemed" to the income of the legal immigrant when determining the immigrant's eligibility for all means-tested federal public assistance programs, including Medicaid. The deeming period would be a minimum of 10 years (or until citizenship).

Catholic Charities USA supports the elimination of the Medicaid deeming requirement for two main reasons. First, requiring deeming for the Medicaid program ignores the dichotomy between medical services and other need-based assistance that Congress has followed since the inception of Medicaid. For over 30 years, Congress has treated Medicaid benefits for legal immigrants in a fundamentally different fashion than other federal benefits programs. Historically, Congress has never required deeming for Medicaid, recognizing that no level of hard work and personal responsibility can protect someone from illness and injury, and that payments for medical care are significantly higher and more unpredictable than payments for other necessities. In addition, although an immigrant's sponsor or other charitable individual may be able to share food and shelter—and even income to a certain extent—a person cannot share his or her medical care. Unlike housing or food, health care must be provided by a qualified professional and must be tailored to a person's specific health needs. In this sense, Medicaid is substantively different than other needs-based assistance. S. 269 would end Congress' longstanding recognition of the special nature of Medicaid.

Second, the Medicaid deeming requirement will lead to an increase in the number of uninsured patients and exacerbate an already tremendous burden of uncompensated care on public hospitals and other providers who treat large numbers of low-income patients. Although the bill would require the sponsor to agree, in a legally enforceable affidavit of support, to financially support the immigrant, many sponsors may nevertheless be unable to finance the health care costs of the immigrants, many sponsors may nevertheless be unable to finance the health care costs of the immigrants they sponsor.

Finally, it should be noted that in order to qualify for Medicaid coverage an individual must not only be very poor but in addition must qualify under one of the vulnerable categories that include pregnant women, children, the elderly, and people with disabilities. Therefore, because of the strict eligibility requirements for the Medicaid program, legal immigrants who do qualify for coverage are very limited in number and extremely vulnerable.

For these reasons, Catholic Charities USA supports the elimination of the deeming requirement for Medicaid. Should the elimination of deeming for Medicaid prove unworkable in the current political context, we would support an amendment to limit Medicaid deeming to the shortest time period possible.

MEDICAID "DEEMING" FOR LEGAL IMMIGRANTS SHOULD BE LIMITED TO TWO YEARS

The Immigration Control and Financial Responsibility Act (S. 1664), which is scheduled for Senate floor action on April 15, proposes harsh new restrictions on immigrants who are in this country legally. The bill denies Medicaid for a minimum of ten years, or until citizenship, for immigrants who have come to this country, worked hard, paid taxes, and in every respect "played by the rules." The bill does this through a mechanism called "deeming."

How Deeming Works: To be eligible for Medicaid, an individual must have sufficiently low income to qualify. Deeming is a process where by a person's income is "deemed" to include not only is or her own income, but also income from other sources. S. 1664 requires a legal immigrant's income to be deemed to include the income of the immigrant's sponsor and the sponsor's spouse. In addition, the immigrant's income is "deemed" to include the value of the sponsor's resources, such as the sponsor's car and home. Although a legal immigrant could well qualify for benefits based on his or her own resources, many immigrants will effectively be denied Medicaid because of their sponsor's income and resources.

Catholic Charities USA opposes Medicaid deeming for the following reasons:

The Risk of Increased Abortions: To most immediate threat of the Medicaid deeming provision is the pressure on poor pregnant women to end their pregnancies inexpensively through abortion rather than carry them to term. A legal immigrant who becomes pregnant and does not have the means to obtain health care will be able to finance a $250 abortion at a local clinic much more easily than either she or her sponsor can pay for prenatal care or put down a $1000 deposit at a hospital for labor and delivery.

Medical Needs are Unpredictable and Impossible to "Share:" If an immigrant cannot provide for him or herself S. 1664 requires that a sponsor provide housing, transportation, food, or even cash assistance in some circumstances. Although Catholic Charities USA opposes these extensions of current law, we acknowledge a distinction between these forms of assistance and the specific area of medical care. Unlike housing or food, health care must be provided by a qualified professional and tailored to a persons's specific diagnostic and treatments needs. Although a citizen may have enough income and resources to qualify as a sponsor, the sometimes expensive and often unpredictable nature of medical care may limit the sponsor's ability to finance a sudden and drastic emergency.

Early Diagnosis and Treatment is Less Expensive Than Emergency Care: Basic preventative and diagnostic services treat conditions inexpensively before they become aggravated. If such services are denied, relatively unthreatening illnesses may turn into emergencies to be treated with much more expansive and expensive means. For example, $3 is saved on average for every $1 spent in prenatal care. Moreover, if a legal immigrant is denied prenatal services, her child may be born with serious conditions that will last an entire lifetime. These children, born to legal immigrants, are citizens who will be eligible for Medicaid.

The Cost of Denying Care is an Unfunded Mandate to be Borne By Local Hospitals and Communities: Public hospitals in local communities are required to treat anyone with emergency conditions. If legal immigrants are denied medical services and forced to let their illnesses deteriorate, local hospitals eventually will be required to treat them as emergencies. Since public hospitals are funded by local taxpayers, this policy represents an enormous cost-shift from the federal government onto state and local entities. Although designed to reduce federal expense, the deeming provision would essentially create an entirely new population of uninsured individuals, force immigrants to wait until their conditions become more expensive, and then mandate that local hospitals serve them and pay for this service—all effects that will have real-world financial repercussions for citizens.

Denying Medical Services to Immigrants Endangers Entire Communities: Due to the increased cost to local hospitals, services will degenerate—not only for legal immigrants—but for every person in the community who relies on that hospital for care. If a portion of a hospital's budget is diverted to cover the increased expense of handling emergency conditions, less money will be available to finance services for everyone. Perhaps more importantly, if immigrants are not immunized or treated for communicable diseases, entire communities will be at risk.

Immigrants Currently Finance Benefits for Citizens: Legal immigrants are subject to the same tax laws as citizens. However, as a group, legal immigrants pay more proportionally in taxes than citizens. They also use fewer benefits than citizens. Although some claim immigrants drain resources, legal immigrants actually finance public assistance benefits for citizens. Because of these factors, basic fairness counsels against denying legal immigrants the same safety net security as citizens. Immigrants should be able to rely on support times of need in the same manner as other taxpayers, especially since they have demonstrated that they require such services less often.

Catholic Charities USA favors a reduced deeming period of two years for Medicaid. A two-year deeming period would substantially remove what some view as a "draw" for immigrants entering the country solely to obtain medical services, especially since an immigrant could hardly plan an illness two years in advance. In addition, this compromise would preserve the distinction between medical services and other forms of assistance, recognizing that no amount of hard work and personal responsibility can protect someone from illness and injury. Although opponents may oppose such an amendment because it won't reduce federal spending as much, the effect of a longer period would be an exponential increase in the cost to state and local entities. The bill itself, by setting the deeming period at two years, recognizes that a sponsor's liability should not continue indefinitely. Catholic Charities USA believes a reduced, two year deeming period for Medicaid is a viable compromise that recognizes all of these concerns.

THE HEALTH EFFECTS OF S. 1664 AND H.R. 2202

(By E. Richard Brown, Ph.D)

S. 1664 and H.R. 2202 threaten the health of immigrants and of the larger community. They threaten the health of immigrants and the larger community by making it more difficult to control the spread of serious communicable diseases and making it more likely that such diseases would spread through the community, threaten the health of U.S.-citizen infants by reducing the access of pregnant immigrant women to prenatal care and nutrition support programs; and threaten the health of immigrants by reducing management of chronic illnesses and early intervention to prevent health problems from developing into more serious ones, resulting in more disability and higher medical costs both among immigrants and their U.S.-citizen children.

PROVISIONS OF S. 1664 AND H.R. 2202

Public health care services and publicly funded community-based services are essential to control the progression and spread of disease among low-income persons and communities. These services are essential because a high proportion of low-income immigrants do not receive health insurance through employment, despite their high rates of labor force participation. Because of their low incomes, they cannot afford to purchase health insurance in the private marketplace. Although uninsured immigrants pay a considerably higher proportion of their incomes out-of-pocket for medical services than do persons with insurance, they often cannot afford an adequate level of medical care without the assistance of public programs and publicly subsidized health services.

S. 1664 and H.R. 2202 would impose such onerous financial requirements on legal immigrants that they effectively exclude millions of legally resident children and adult immigrants from receiving any health services or nutrition supplements. These bills also prohibit undocumented immigrants from receiving all but emergency medical care from any public agency or from community-based health services, such as migrant health centers and community health centers. These bills will reduce access to cost-effective primary care and prevention and force immigrants to use expensive emergency and hospital services—at increased cost to taxpayers and poorer health outcomes for immigrants and the larger community.

Legal immigrants

Legal immigrants would become deportable if they participate in Medicaid, virtually any state health insurance or health care program that is means-tested, or any local means-tested services for more than 12 months during their first five years (seven years in the House bill) in the United States. This provision would strongly deter most legal immigrants from enrolling in Medicaid or otherwise obtaining health services on a sliding fee-scale from a local health department or any community health center, migrant health center, or other community-based health service which receives any federal, state or local government funds. Receiving any combination of such benefits for a total of more than 12 months would make the immigrant ineligible for citizenship.

Furthermore, to determine eligibility for such services or programs, the sponsor's income (and the income of the sponsor's spouse) would be "deemed" available to the immigrant. The bills would require that the sponsor's income be combined with the immigrant's income until the immigrant had worked for 40 quarters (at least 10 years) in which he/she earned enough to pay taxes or until he/she became a citizen. This provision would make most sponsored legal immigrants ineligible for such benefits, even if they maintain a separate household with substantial combined expenses or do not have access to their sponsor's income.

These provisions make more stringent the conditions under which legal immigrants may receive these public benefits, lengthening the time during which they are potentially deportable for receiving benefits, reducing the conditions under which they may legitimately receive them, and extending the "deeming" process to more programs and for a longer period of time.

Undocumented immigrants

Undocumented immigrant women would be barred from receiving prenatal and postpartum care under Medicaid. States may provide prenatal and postpartum care to undocumented immigrant women who have continuously resided in the United States for at least three years (the House bill excludes pregnancy care altogether). The bills would allow undocumented immigrants to receive immunizations and be tested and treated for serious communicable diseases. Because these provisions apply to any services provided or funded by federal, state or local government, they prohibit most community-based health services, such as migrant health centers and community health centers, from providing primary or preventive care to undocumented immigrants.

Undocumented immigrants currently are not eligible for any means-tested health programs except *emergency* medical services, including childbirth services (funded by Medicaid), immunizations, and nutrition programs for pregnant women and children. These bills extend this prohibition to prenatal and postpartum care, and they extend to nearly all publicly funded programs and services the prohibitions on providing non-emergency care that formerly were restricted to Medicaid.

EFFECTS ON HEALTH

These bills would maek it more difficult for low-income immigrants, whether they are here legally or not, to obtain preventive or porimary health care. By denying access to cost-effective health services that can prevent or limit illness, this legislation would increase the use of emergency rooms and hospitals at greater cost to taxpayers and cause more disability among immigrants.

Prenatal care and birth outcomes

The provisions in these bills will result in an increased number of low birthweight and higher death rates among U.S.-citizen infants. The expanded "deeming" provisions would prevent many legal immigrant women who are pregnant and needy from qualifying for Medicaid, and the expanded threats of deportation would discourage other needy legal immigrant women from applying for Medicaid. The bills also would prohibit pregnancy-related health services to most undocumented immigrant women.

Denying inexpensive prenatal care to many pregnant women will increase the health risks to the women and their U.S.-citizen infants, all at great cost to federal and state taxpayers. The National Academy of Sciences' Institute of Medicine estimates that every $1 spent on prenatal care saves $3 that otherwise would be spent on medical care for low birthweight infants. A recent study by the California Department of Health Services found that Medi-Cal hospital costs for low birthweight babies averaged $32,800, thirteen times higher than those of non-low birthweight babies ($2,560). With no prenatal care, the expected hospital medical costs for a baby born to a Mexican-American woman with no prenatal care are 60% higher than if she had gotten adequate prenatal care, or $1,360 higher per birth. The American-born infants of immigrant mothers automatically would be U.S. citizens, entitling them to medical care paid for by Medicaid. These added medical costs may well exceed any savings due to reduced Medicaid eligibility among immigrant pregnant women.

Management of chronic illness

These bills would prohibit undocumented and many legal immigrants from using local health department clinics or community-based clinics, such as migrant or community health centers, for other than emergency care or diagnosis and treatment for a communicable disease. High blood pressure, diabetes, asthma, and many other chronic illnesses can be managed effectively by regular medical care, which includes monitoring of the condition, teaching the patient appropriate self-management, and provision of necessary medication. When diabetes goes untreated, it results in diabetic foot ulcers, blindness, and many other complications. Uncontrolled high blood pressure causes heart attacks, strokes, and kidney failure, all of which lead to expensive emergency hospital admissions. In the absence of regular care, people with these controllable diseases will present repeatedly to hospitals in severe distress, resulting in emergency and intensive care for a much higher cost than periodic visits and maintenance medication. Primary care and prevention are cost-effective alternatives to use of emergency rooms, specialty clinics, and hospitalization—and they preserve and improve the person's functional status. As with pre- and postnatal care, the costs of increased use of emergency and hospital services are likely to offset any savings due to reduced use of primary and preventive care.

Communicable diseases

These bills would make it more difficult for undocumented immigrants or legal immigrants to obtain care for communicable diseases. Although they explicitly permit undocumented immigrants to be diagnosed and treated for communicable diseases, public health services throughout the country are being restructured to eliminate dedicated clinics for tuberculosis, sexually transmitted diseases, and other cummunicable diseases. Instead diagnosis, treatment, and management of these health problems are being integrated into primary care, which would be denied to undocumented immigrants and most legal immigrants alike who cannot afford to pay the full cost of these services. Without access to primary care, immigrants would have few options to receive medical attention for persistent illnesses. Coughs that do not go away, fevers that do not subside, and rashes and lesions that do not heal may be due to communicable diseases such as tuberculosis, hepatitis, meningitis, or a sexually transmitted disease.

Tuberculosis is prevalent among legal, as well as undocumented, immigrants from Asia and Latin America. It is easily spread if those who are infected are not diagnosed and treated. In a recent study of tuberculosis patients in Los Angeles, more than 80% learned of their disease when they sought treatment for a symptom or other health condition, not because they sought tuberculosis screening. Yet these bills would make it more difficult for immigrants to seek diagnosis and treatment because their access to health care would be sharply reduced, permitting this debilitating and often deadly disease to spread throughout the community. When an infected person becomes seriously ill with tuberculosis, the costs of treating these true emergencies will be borne by everyone, especially taxpayers. The California Department of Health Services estimates that it costs $150 to provide preventive therapy to a tuberculosis-infected patient, but it costs 100 times as much for a tuberculosis patient who must be hospitalized—and more than 600 times as much if the patient has developed a drug-resistant variety of tuberculosis.

Tuberculosis and other communicable diseases do not respect distinctions between citizens and non-citizens, legal residents and people who are not here lawfully. The key to controlling an outbreak of tuberculosis, hepatitis, sexually transmitted diseases, or other communicable diseases is early identification of the source of infection and immediate intervention to treat all infected persons. Because these bills will discourage immigrants from seeking treatment, they will endanger the health of everyone in the community.

ADMINISTRATIVE COSTS

S. 1664 and H.R. 2202 would impose substantial administrative burdens on health care services to check clients' immigration status and obtain information necessary to "deeming." These administrative costs include interviewing clients and obtaining the information from them, verifying the accuracy of information, training of staff, and record keeping and processing. The administrative burden includes obtaining information about the client's immigration status, date on which the person entered the country, whether the immigrant has a sponsor, whether the immigrant has worked for 40 quarters during which they earned enough to have a tax liability, and the income and resources of the immigrant, the sponsor, and the sponsor's spouse. These administrative costs must be borne by the program or service provider, except for anti-fraud investigators in hospitals.

SUMMARY

1664 and H.R. 2202 will:

Reduce access of legal immigrants and undocumented immigrants to primary care and preventive health services and increase immigrants' use of emergency and hospital services;

Result in poorer health outcomes for immigrants and their U.S.-citizen infants;

Increase the larger community's risk of contracting communicable diseases;

Increase expenditures on emergency and hospital services, offsetting savings due to reduced use of preventive and primary care; and

Increase administrative costs for publicly funded health care providers.

Mr. SIMPSON. Mr. President, may we set aside this amendment and go directly to the amendment of Senator FEINSTEIN so she might modify a previous amendment?

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending amendment No. 3764 is set aside.

AMENDMENT NO. 3777, AS MODIFIED

Mrs. FEINSTEIN. I thank the Senator from Wyoming. Mr. President, I send a modification to amendment 3777 to the desk.

The amendment (No. 3777), as modified, is as follows:

Beginning on page 10, strike line 18 and all that follows through line 13 on page 11 and insert the following:

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds of $12 million for the construction, expansion, improvement or deployment of triple-fencing in addition to that currently under construction, where such triple-fencing is determined by the Immigration & Naturalization Service (INS) to be safe and effective, and in addition, bollard style concrete columns, all weather roads, low light television systems, lighting, sensors and other technologies along the international land border between the United States and Mexico south of San Diego, California, for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended. The INS, while constructing the additional fencing, shall incorporate the necessary safety features into the design of the fence system to insure the well-being of Border Patrol agents deployed within or in near proximity to these additional barriers.

Mrs. FEINSTEIN. Mr. President, earlier I sent an amendment to the desk on behalf of Senator BOXER and myself which relates to the triple fencing of the Southwest border, particularly in the vicinity of San Diego and Mexico. This is an amendment to that amendment which has been worked out with Senator KYL and which I believe, hopefully will be acceptable to both sides. Senator KYL and I have discussed this. We have also discussed it with Doris Meissner, the INS Commissioner. We have worked out language to which INS now agrees.

Essentially, the language would authorize the appropriation of $12 million for the construction, expansion, improvement, and deployment of triple fencing. In addition, that currently under construction where such triple fencing is determined by the INS to be safe and effective, and in addition, bollard-style concrete columns, all weather roads, low-light television systems, lighting sensors and other technologies along the international land border between the United States and Mexico south of San Diego, CA, for the purpose of detecting and deterring unlawful entry across the border.

I believe this amendment in full is acceptable to both sides. Commissioner Meissner has also agreed to send a letter to Representative HUNTER which would State that the INS is in the process of testing triple fencing, will continue that testing, and is prepared to add to it where it has proven to be effective and safe.

Mr. President, I ask unanimous consent to vitiate the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me commend the Senator from California for the fine work that she has done here in conjunction with the Senator from Arizona, Senator KYL. Both of you committed to the same objective, both of you from States heavily affected, both of you more aware of these things than any of us in this Chamber.

I insist in these remarks of all these past months that if there are people that understand illegal immigration any better than the people of Texas, California, Florida, and Illinois—although not on the border of our country but yet one of the large States with a large number of formally undocumented persons; that I think has been corrected; but a large and sometimes vexing population. I think you have resolved that to the betterment of all.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3777), as modified, was agreed to.

Mr. SIMPSON. Mr. President, I believe now that the status of matters is that we have two Simon amendments that we will deal with.

Mr. SIMON. We have dealt with them.

AMENDMENT NO. 3764

Mr. SIMPSON. We have not quite finished dealing with them. I had a comment or two to make.

Mr. President, with regard to Senator GRAHAM's remarks and his amendment, I hope—and I will not be long—we have heard in that amendment the revisitation of an old theme. The issue is very simple. As we hear the continual discussion about taxpayers and what is going to happen to taxpayers—taxpayers this, taxpayers that—I have a thought for you. I will tell you who should pay for the legal immigrant: the sponsor who promised to pay for the legal immigrant.

This is not mystery land. This is extraordinary. How can we keep coming back to the same theme when the issue is so basic?

If you are a legal immigrant to the United States, this is such a basic theme that I do not know why it needs to be repeated again and again and again. But I hope it will be dealt with in the same fashion again and again and again, because it is this: When the legal immigrant comes to the United States, the consular officer, the people involved in the decision, and the sponsor agrees that that person will not become a public charge. That was the law in 1882. We have made a mockery of that law through administrative law judge decisions and court decisions through the years, where it is not just the "steak and the tooth," as my friend from Illinois referred to, there is no steak and no teeth in it.

And so, one of the most expensive welfare programs for the United States taxpayers is Medicaid. Everybody knows it. The figures are huge. Senator DOMENICI knows it. He covered it the other day. They are huge, and we all know that. We know the burden on the States.

So all we are saying is the sponsor, the person who made the move to bring in the legal immigrant, is going to be responsible, and all of that person's assets are going to be deemed for the assets of the legal immigrant. So it does not matter what type of extraordinary situation you want to describe to us all, and all of them will be genuinely and authentically touching, they will move us, maybe to tears. I am not being sarcastic. Those things are real. They will be veterans, they will be children, they will be disabled, they will be sick, and all we are saying is that the sponsor will pay first, which is exactly what they promised to do. And so, if the sponsor, having been hit too hard, is pressed to bankruptcy, is pressed to destruction, is pressed wherever one would be pressed, then we step in, the U.S.A., the old taxpayers step into the game —but not until the sponsor has suffered to a degree where they cannot pony up the bucks that they promised to pay.

If the sponsor has the financial resources to pay for the medical care needed by an immigrant, why on God's earth should the U.S. taxpayers pay for it? That is the real question. That is one that is easy to debate.

Does any Senator in this Chamber believe that the taxpayers of this country would agree to admit to our country an immigrant if they believed that the immigrant would impose major medical costs on the taxpayers, and that the immigrant sponsor would not be providing the support that they promised to pay? Now, that is where we are. That is where we have been. We can argue on into the night and get the same result, I think, that we got last night and will get tomorrow—the issue being, regardless of the tragic nature of this situation, whatever it is, the sponsor pays.

Then if you are saying, "But if the sponsor cannot pay," we have already taken care of that. If the sponsor cannot pay—goes bankrupt, dies, or whatever—the Government of the United States of America, the taxpayers, will pick up the slack; but not until the sponsor has had the slack drawn out of them—not to the point so they cannot live or become public charges themselves, but that is what this is about.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I wish to slightly, again, correct the RECORD. I know the Senator from Wyoming feels passionately about his position. His position just happens to be at variance with the facts.

I will cite and read this and ask if the Senator would disagree that these are the words in the United States Code 42, section 1382(j). This happens to be one of the three areas in which this Congress, at its election, has decided to specifically require that the income of the sponsor be added to that of the income of the legal alien for the purposes of determining eligibility for benefits. This happens to be the program of Supplemental Security Income. Here is what the law says:

> For the purposes of determining eligibility for and the amount of benefits under this subchapter for an individual who is an alien, the income and resources of any person who, as a sponsor of such individual's entry into the United States, executed an affidavit of support, or similar agreement, with respect to such individual, and the income and resources of the sponsor spouse shall be deemed to be the income and resources of the individual for a period of 3 years after the individual's entry into the United States.

That is quite clear. That is what the obligation of the sponsor was. There is similar clarity of language to be found under the provisions relating to Aid to Families with Dependent Children and food stamps. So if a person wanted to know, what is my legal obligation when I sign a sponsorship affidavit, they could go to the law books of the United States and read, with clarity, what those programs happen to be.

My friend from Wyoming, the reality is that this Congress, until tonight, has not chosen to place Medicaid as one of those programs for which such deeming is required. By failing to do so, and by doing so for these three distinct programs, I think a very clear implication has been created that we did not intend, that there be deeming of the sponsor's income for the purposes of eligibility for Medicaid.

I believe that the kinds of arguments that are made by responsible organizations, such as the Association of Public Hospitals, is why this Congress, up until tonight, has not deemed it appropriate to deem the income of the sponsor to the legal alien for the purposes of Medicaid.

If that argument was so persuasive in the past, why have we not added Medicaid to the list of responsibilities in the past?

Mr. President, I believe—the rhetoric aside—that the facts are that there is clarity as to what the sponsor's obligation is today. No. 2, that we are about to change that responsibility and make those changes retroactive, applying to literally hundreds of thousands of people. And, in the case of Medicaid, in my judgment, we are about to adopt legislation that would have a range of negative effects, from increasing the threat to the public health of communicable diseases, to endangering the already fragile financial status of some of our most important American hospitals, to increasing the likelihood that a poor, pregnant woman would choose abortion rather than deliver a full-term child.

And so, Mr. President, I believe that both the amendment offered by the Senator from Illinois and, immodestly, the amendment I have presented to the Senate represent the kind of public policy that is consistent with the reality of our history of the treatment of legal aliens—again, I underscore legal aliens—and should be continued by the adoption of the amendments that will be before the Senate shortly.

Thank you.

The PRESIDING OFFICER. Is there further debate?

MODIFICATION TO AMENDMENT NO. 3866

Mr. SIMPSON. Mr. President, I have a unanimous-consent request cleared with the minority.

Mr. President, I ask unanimous consent to make two minor technical corrections to two provisions of amendment No. 3866 to the bill, S. 1664.

The first correction corrects a printing error, by which a provision belonging in one section of the amendment No. 3866 was inadvertently placed in a different section.

The second correction is a minor change in the wording.

These two corrections have been cleared on both sides, and I ask unanimous consent that they be accepted.

The PRESIDING OFFICER. Without objection, it is so ordered.

The modification follows:

(1) Subsection (c) of section 201 of S. 1664, (relating to social security benefits), as amended by amendment no. 3866, is further amended to read as follows:

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Limitation on Payments to Aliens

"(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

"(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.".

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than 18 months following enactment of this Act, the Comptroller General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(2) In section 214(b)(2) of the Housing and Community Development Act of 1980, as added by section 222 of S. 1664 (relating to prorating of financial assistance), as added by amendment no. 3866—

(A) strike "eligibility of one or more" and insert "ineligibility of one or more"; and

(B) strike "has not been affirmatively" and insert "has been affirmatively".

(3) In the last sentence of section 214(d)(1)(A) of the Housing and Community Development Act of 1980, as added by section 224 of S. 1664 (relating to verification of immigration status and eligibility for financial assistance), as added by amendment no. 3866, insert after "Housing and Urban Development" the following: "or the agency administering assistance covered by this section".

Mr. SIMPSON. Mr. President, I think we can go forward. We now, so that our colleagues will be aware, are in a position to vote on three amendments. We will likely do that in a short period of time.

The Feinstein amendment has been resolved.

There is a Simon amendment on disability deeming, a Simon amendment on retroactivity deeming, and the Graham amendment that we have just been debating with regard to 2-year deeming.

We have many of our colleagues who apparently are involved with the Olympic activities tonight passing on the torch, and some other activity.

There is a Gramm amendment on the Border Patrol and a Hutchison amendment on Border Patrol. Those will be accepted. There is a Robb amendment which will be accepted.

I inquire of the Senator from Florida if he has any further amendments. At one time there was a list. I wonder if there is any further amendment other than the pending amendment from the Senator from Florida.

Mr. GRAHAM. Yes. I have one other amendment that relates to the impact on State and local communities of unfunded mandates. I understand that there may be a desire to withhold further votes after the three that are currently stacked. If that is the case, I would be pleased to offer my next amendment tomorrow morning.

Mr. SIMPSON. Mr. President, I thank our remarkable staff. And Elizabeth certainly is one of the most remarkable. I think we can get a vote here in the next few minutes on three amendments which are 15 minutes in original time and 10 on the second two with a lock-in of tomorrow to take care of the rest of the amendments on this bill. We may proceed a bit tonight with the debate. That will be resolved shortly.

But the Senator from Florida has one rather sweeping amendment on which we will need further debate, will we not; more than 15 minutes perhaps?

Mr. GRAHAM. I anticipate it will require more than 15 minutes.

Mr. SIMPSON. I see. I would probably have that much on the other side.

Then I have one with Senator KENNEDY and share with my colleagues that I do have a place holder amendment. It is my intention, unless anyone responds to this, not at this time but tomorrow—you will recall that Senator MOYNIHAN placed an amendment at the time of the welfare bill with regard to the Social Security system having a study, that they should begin to do something in that agency to determine how to make that card more tamper resistant. It was cosponsored by Senator DOLE. It passed unanimously here. That would be an amendment that I have the ability to enter unless it is exceedingly contentious. I intend to do so because it certainly is one that is not strange to us, and the date of its original passage was—so that the staff may be aware of the measure, that was in the CONGRESSIONAL RECORD of September 8, 1995, page S12915, directing the Commissioner to develop—this is not something that is immediate—to be done in a year, and a study and a report will come back. There is nothing sinister with regard to it, but it is important to consider that.

We have an amendment of Senator ROBB, and apparently an objection to that amendment from that side of the aisle. I hope that might be resolved.

Let me go forward and accept the Gramm amendment, the Hutchison amendment, and if you have those, I will send them to the desk.

AMENDMENT NO. 3948 TO AMENDMENT NO. 3743

(Purpose: To express the sense of the Congress regarding the critical role of interior Border Patrol stations in the agency's enforcement mission)

On behalf of Senators GRAMM and HUTCHISON, I send an amendment to the desk.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], for Mr. GRAMM, for himself, Mrs. HUTCHISON, and Mr. DOMENICI, proposes an amendment numbered 3948 to amendment No. 3743.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, insert the following:

SEC. . FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a permanent redeployment of Border Patrol agents from interior stations is not the most cost-effective way to meet enforcement needs along the Southwest border, and should only be done where new Border Patrol agents cannot practicably be assigned to meet enforcement needs along the Southwest border; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

Mr. SIMPSON. This amendment has been cleared by both sides of the aisle. It has to do with the Border Patrol, and I urge its adoption.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. May I make an inquiry? Is this the amendment that says, in effect, that if Border Patrol personnel are relocated from the interior assignment to the assignment in a border position, that there has to be some coordination with the law enforcement agencies in the communities from which the personnel are being relocated?

Mr. SIMPSON. Mr. President, that would be the Hutchison amendment, not this amendment.

Mr. GRAHAM. That will be next, the Hutchison amendment?

Mr. SIMPSON. Yes. The one that is before the body is the sense of the Congress regarding the critical role of the interior Border Patrol saying that it plays a key role in apprehending and deporting undocumented aliens and plays a critical role in the agency's enforcement mission and serves as a valuable second line of defense. Redeployment of Border Patrol agents at interior stations would not be cost-effective, and it is unnecessary in view of plans to nearly double the Border Patrol agents over the next 5 years, and INS should hire, train, and assign new staff based on a strong Border Patrol presence, both on the Southwest border and interior stations that support border enforcement.

Mr. GRAHAM. Mr. President, I am not going to object to either of these amendments, but I would like to raise the concern that currently there is a great deal of apprehension by interior law enforcement, that is, law enforcement that is not directly on the Nation's border, at the level of support being provided by INS and the Border Patrol.

I might state that I recently met with a group of law enforcement leaders from the central part of my State who stated that the common practice was that for the first 6 to 9 months of the year, if they had an illegal alien in detention, the Border Patrol or appropriate other INS officials would come and take custody of that individual. During the last 3 to 6 months of the fiscal year depending on the status of the budget of the INS, nobody would show up, and therefore the law enforcement officials were in the position of either making a judgment to release the individual or to continue them in detention at their expense and oftentimes on a questionable legal basis for continued detention.

I raise this phenomenon to say I hope that as the INS and the Border Patrol look at the redeployment of resources that this legislation is going to call for it is more than just a coordination with local law enforcement but, rather, that there is an affirmative effort made to assure that the capability to assume responsibility for and detain illegal aliens wherever they are determined in the United States is a high priority of the agencies.

I thank the Chair.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SIMPSON. Mr. President, perhaps we could go ahead—since there was no objection to that amendment, I certainly withhold the other one because it does address what the Senator from Florida is saying. So I urge adoption of the pending amendment.

The PRESIDING OFFICER. Without objection the amendment is agreed to.

The amendment (No. 3948) was agreed to.

NUTRITION PROGRAMS AND IMMIGRATION

Mr. LEAHY. Mr. President, yesterday the Senate agreed to include an amendment which I submitted to the immigration bill. This amendment addresses the serious problem of adding to the administrative load of the already overburdened nutrition programs.

I met a couple of weeks ago with the Vermont School Food Service Association and they expressed tremendous concern over the additional workload this bill would add to their schools. Marlene Senecal, Connie Bellevance, and Sue Steinhurst of the American School Food Service Association urged me to take action as did Jo Busha, the State director of child nutrition programs.

For the school lunch and breakfast programs the ASFSA estimated that 14,881 new staff would have to be hired nationwide to handle the additional paperwork of verifying citizenship status for each child and working with the INS.

If the average salary of new staff is $25,000 to $30,000 a year we are talking about a huge burden for schools—at least $370 million per year.

The magnitude of this unfunded mandate imposed on schools could drive thousands of schools off the school lunch and breakfast program.

The National Conference of State Legislatures are also concerned that the bill, as written, places a huge unfunded mandate on local schools, local governments, and State agencies.

This bill also inflicts complex sponsor deeming procedures regarding legal immigrants in most Federal programs, including child nutrition programs, and WIC.

"Deeming", the practice of counting a sponsor's income as that of an immigrant's when calculating eligibility for Federal programs, would add unnecessary bureaucratic burdens on local and State administrators, schools, child care providers, and WIC clinics.

Those already burdened will be forced to spend more time filling out forms and less time providing for the poor and disadvantaged.

States like Vermont, with very few immigrants, will still be affected by the additional administrative burden.

Also, denying these benefits to pregnant immigrant women will lead to increased costs for taxpayers. It is estimated that for every dollar WIC spends on pregnant women $3 is saved in future Medicaid costs. We will end up paying far more through Medicaid to take care of children with low birth rates.

Regardless of the citizenship status of these mothers, their children will be U.S. citizens and eligible for means tested programs.

And, ironically, States with large native American populations who benefit from the food distribution program on Indian reservations would have been forced to verify the citizenship of their native American citizens.

The American School Food Service Association, the National Conference of State Legislatures, and others, are very concerned about the additional mandates and administrative duties that would have been imposed upon schools and States by the "deeming" requirements and the immigrant determination process as they affect child nutrition programs.

Most soup kitchen and food bank programs are run by volunteers. Requiring volunteers to do alien status checks and income verification with sponsoring families would be nearly impossible, but hiring staff for this purpose would use donated funds in ways not intended by those making the donations.

School lunch and breakfast programs are run by local schools who struggle with increasing administrative and overhead costs. Requiring them to closely monitor immigrant status and sponsor incomes would have burdened them greatly according to the American School Food Service Association. Fifty million children attend school each school day in the United States.

Similar arguments can be raised for other child nutrition programs such as the WIC Program.

My amendment also corrected what I believe are some drafting errors in the bill and makes additional improvements.

First, on page 180, ineligible aliens are disqualified from receiving public assistance except for certain programs such as those under the National School Lunch Act, the Child Nutrition Act, and other assistance such as soup kitchens if they are not means tested.

This language omits several programs such as the commodity supplemental food program which is an alternative to WIC in many areas of the country.

There is no reason I can think of for pregnant women getting WIC benefits to be treated differently from pregnant women getting the same benefits under the Commodity Supplemental Food Program which was the precursor to WIC, and is still operated in about 30 areas around the Nation.

Also, the soup kitchen program, the food bank program and the emergency food assistance program could be considered to be means tested so they would not be exempt either.

These programs provide emergency food assistance to families and I doubt if anyone intended to treat them differently from the nutrition programs already exempted.

HARKIN-BYRD-DASCHLE AMENDMENT

Mr. BYRD. Mr. President, I am pleased to have joined with my colleagues, Senators HARKIN and DASCHLE, in sponsoring an amendment to this bill which requires the Attorney General to ensure that every State has at least 10 full-time active duty agents from the Immigration and Naturalization Service. Currently, West Virginia is one of only three States that does not have a permanent INS presence. Our amendment rectifies that problem.

As the debate on this bill has shown, the Senate is determined to strengthen our current laws with respect to immigration, particularly illegal immigration. But whatever we pass, whatever new laws we fashion to combat the serious problem of illegal immigration, they will mean little if we are not also willing to provide the tools and support to enforce those laws.

Mr. President, In America today, illegal immigration is not simply a California problem, or a Texas problem, or a New York problem. On the contrary, it is a national problem that impacts on every one of the 50 States. Obviously, my State of West Virginia does not suffer the consequences associated with illegal immigration to the same degree as do other States. But I believe that if we are to have a coherent national policy, a policy based on stopping the hiring of illegal aliens and swiftly deporting those who are here illegally, then every State must be brought into our enforcement efforts. And that means providing every State, not just some States, with the law enforcement tools they need.

Clearly, every State needs a minimum INS presence to meet basic needs. By providing each State with its own INS office, the Justice Department will, I believe, save taxpayer dollars by reducing not only travel time for those agents who must now come from other areas, but also jail time per illegal alien, since a permanent INS presence would substantially speed up deportation proceedings.

Moreover, there is a growing need to assist legal immigrants and to speed up document processing. How are employers—who will be mandated under this bill to aggressively work to deter the hiring of illegal aliens—going to receive the administrative help they need without the assistance of local INS personnel?

Mr. President, this amendment makes sense, good common sense. It is a modest proposal that I believe will send a clear message that we are serious in our commitment to enforcing our immigration laws. Consequently, I am pleased to have sponsored the amendment, and equally pleased that the Senate has included it in the current bill.

Mr. SIMPSON. And now I have a unanimous-consent request to propose.

I ask unanimous consent that votes occur on or in relation to the following amendments at 7:15 p.m., with 2 minutes equally divided for debate between each vote: Simon amendment No. 3810, Simon amendment No. 3813, Graham amendment No. 3764.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Now, with that having been accomplished, we will I think be able to accommodate you, all of our colleagues, by finding out tonight and wrapping up everything so that we will finish this measure tomorrow. That will be I think attainable from what I see at the table, and I think my colleague from Massachusetts will agree. And we will then proceed at 7:15.

Mr. President, I ask unanimous consent that 60 minutes of Senator DASCHLE's time be allotted for Senator GRAHAM and 60 minutes of Senator DOLE's time be allotted to myself.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. If I may ask the Senator from Wyoming, as I understand it, that would leave the Graham, Chafee and SIMPSON amendments remaining for consideration on tomorrow. Is that the Senator's understanding? That would be at least my understanding. If we are missing something, some Member out there has a measure that we have not mentioned, we hope at the time of the vote they will mention it. We are not urging other Senators to add more to the list. But that is at least my understanding. I will be glad to hear from others if that is not correct.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. I might have more than one amendment tomorrow.

Mr. SIMPSON. Mr. President, we can all have more than one amendment. I hope the Senator from Florida will assist us in buttoning this down. If there is another amendment or two other amendments, let us button it down and get it to rest. We do have a Robb amendment, I say to the Senator from Massachusetts, which has an objection on that side of the aisle.

Mr. KENNEDY. I understand the Robb amendment has been withdrawn.

Mr. SIMPSON. Withdrawn?

Mr. KENNEDY. Withdrawn.

Mr. SIMPSON. There is a Hutchison amendment which has been questioned by the Senator from Florida. There is a Simpson-Kennedy amendment with regard to verification. And then there is a place holder amendment which I intend to present, the Moynihan-Dole amendment, which passed unanimously in September, to allow the Social Security Administration to begin, nothing more, a study to determine how in the future we are to make that system more tamper resistant. It is not anything that goes into place. It is a report. And those who were involved at the time will recall.

That is what I have. That is the extent of it.

Mr. KENNEDY. Since we have another moment then, is it the intention, after we dispose of this, to at least make a request that only those amendments which have been outlined now be in order for tomorrow? And that it would at least be our attempt during the evening time to try and get some time understandings with those——

Mr. SIMPSON. That is being done at the present time, all of that.

Mr. KENNEDY. The leader will be out here, I am sure, shortly, but we would start then early and try and move this through in the course of the day.

Mr. SIMPSON. This matter will be concluded. The staffs on both sides of the aisle are working to present that to us in a few moments, to tighten and button down a complete agreement on time agreements and unanimous consent.

Mr. KENNEDY. The leader will outline the plan for the rest of the evening. Is it the Senator's understanding that those three amendments will be the final voting amendments for the evening?

Mr. SIMPSON. I think that would be the case. The leader is not here, but I think conjecture would have it be so.

Mr. KENNEDY. We will wait on that issue until the leader makes a final definitive decision. I thank the Chair.

Mr. SIMPSON. I thank my colleagues.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, let me ask unanimous consent, in the voting to take place at 7:15, that the first vote at 7:15 be 15 minutes and the subsequent votes 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT 3810

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 3810. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mr. KASSEBAUM] is necessarily absent.

The result was announced, yeas 30, nays 69, as follows:

[Rollcall Vote No. 102 Leg.]

YEAS—30

Akaka
Breaux
Bumpers
Conrad
Daschle
Dodd
Dorgan
Feingold
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey

Kerry
Lautenberg
Leahy
Levin
Lieberman

Mikulski
Moseley-Braun
Moynihan
Murray
Pell

Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—69

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole

Domenici
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kempthorne
Kohl
Kyl
Lott

Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Kassebaum

The amendment (No. 3810) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KEMPTHORNE. Mr. President, I move to lay the motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3813

The PRESIDING OFFICER. The question before the Senate now is Simon amendment No. 3813. There are 2 minutes to be divided equally between the sides.

Mr. SIMON. Mr. President, this is a relatively simple amendment. If anything, this area is simple. If you are a sponsor of someone coming in, you sign up for 3 years. The Simpson bill says we go to 5 years. I am for that prospectively. I do not believe it is right for Uncle Sam to rewrite the contract and say, "You signed up for 3 years, now you are responsible for 5 years." That is what happens without my amendment.

I favor the 5 years prospectively, but I think if Uncle Sam signs a deal, Uncle Sam should be responsible. He should not change a contract. That is true for a used car dealer. It certainly ought to be true for Uncle Sam.

Mr. SIMPSON. It is true that individuals already in the country will not be the beneficiaries of new legally enforceable sponsor agreements that will be required after enactment. It is also true that some of those, those who have been here less than 5 years, will nevertheless be subject to at least a portion of the minimum 5-year deeming period.

I remind my colleagues, however, that no immigrant is admitted to the United States if the immigrant does not provide adequate assurance to the consular officer and commissioner and the immigration inspector that he or she is not likely to become a public charge. In effect, that is a promise to the American people that they will not become a burden to the taxpayers, under any circumstance.

Mr. SIMON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. SANTORUM). The question occurs on agreeing to amendment No. 3813. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 36, nays 63, as follows:

[Rollcall Vote No. 103 Leg.]

YEAS—36

Akaka
Boxer
Breaux
Chafee
Conrad
Daschle
DeWine
Dodd
Feinstein
Glenn
Graham
Hatfield

Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mack

Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Specter
Wellstone
Wyden

NAYS—63

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole

Domenici
Dorgan
Exon
Faircloth
Feingold
Ford
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl

Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thompson
Thurmond
Warner

NOT VOTING—1

Kassebaum

So the amendment (No. 3813) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3764

The PRESIDING OFFICER (Mr. SANTORUM). Under the previous order, the question occurs on amendment No. 3764 offered by the Senator from Florida, Senator GRAHAM.

Mr. KENNEDY. Mr. President, the Senator would like to speak.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. GRAHAM. Mr. President, the amendment, which will next be voted on, would do three things: One, it will say that the application of deeming to Medicaid will be only for a period of 2 years. Second, it will exempt emergency care and public health services. Third, it will apply prospectively.

Mr. President, this amendment is supported by groups, which range from the Catholic Conference to the League of Cities. They support it for a set of common reasons. They understand that the public health will be at risk if we deny Medicaid to this population of legal aliens, and that there will be a massive cost shift to the communities in which hospitals, which are obligated to provide medical services that will now no longer be reimbursed in part by Medicaid, are located. Catholic Charities is concerned about an increase in abortion, as poor pregnant women would find it economically necessary to seek an abortion rather than pay the cost of a delivery.

For all of those reasons, I urge adoption of this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, this amendment, like so many others before, would reduce the sponsor's responsibility for their immigrant relatives they bring to the United States on the basis that they will not become a public charge. This amendment would nearly eliminate deeming for Medicaid, the most costly and expensive of all of the welfare programs. Medicaid deeming would be limited to 2 years.

The sponsors who promised to provide the needed assistance should pay the health care assistance, as long as they have the assets to do so. Otherwise, the taxpayers pick up the tab.

The PRESIDING OFFICER. Does the Senator request the yeas and nays?

Mr. SIMPSON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Kansas [Mrs. KASSEBAUM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 22, nays 77, as follows:

[Rollcall Vote No. 104 Leg.]

YEAS—22

Akaka
Boxer
Daschle
Dodd

Feingold
Ford
Graham
Hatfield

Hollings
Kennedy
Kohl
Lautenberg

Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Rockefeller
Sarbanes
Simon
Wyden

NAYS—77

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Heflin
Helms
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kempthorne
Kerrey
Kerry
Kyl
Leahy
Levin
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Pryor
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—1

Kassebaum

The amendment (No. 3764) was rejected.

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. DOLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

UNANIMOUS-CONSENT AGREEMENT

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate resumes S. 1664 on Thursday, May 2, the following amendments be the only amendments remaining in order: Senator GRAHAM of Florida, Senator GRAHAM of Florida, Senator CHAFEE, Senator SIMPSON, and Senator DEWINE.

I further ask that following the debate on the above-listed amendments, the Senate proceed to vote on in relation to those amendments, with the votes occurring in the order in which they were debated, and there be 2 minutes equally divided for debate between each vote.

I further ask that following the disposition of the amendments or points of order, the Senate proceed for 30 minutes of debate only to be equally divided between Senator SIMPSON and Senator KENNEDY, and following that time the Senate proceed to vote on Simpson Amendment No. 3743, as amended, to be followed by a cloture vote on the bill; and if cloture is invoked, the Senate proceed immediately to advance S. 1644 to third reading and proceed to the House companion bill, H.R. 2022; that all after the enacting clause be stricken, the text of S. 1644 be inserted, the bill be advanced to third reading and final passage occur, all without further action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Senator BYRD evidently notified the leadership that he wanted to be able to address the Senate before the final vote on the bill.

Mr. DOLE. Mr. President, I also ask that Senator BYRD have whatever time he wishes under his control prior to the vote.

Mr. GRAHAM. Mr. President, reserving the right to object, it is my intention to offer a point of order prior to the vote on the Dole-Simpson amendment. Is that provided for?

Mr. DOLE. Yes. In fact, I said, "or points of order."

Mr. GRAHAM. All right.

Mr. DOLE. There could be more than one, so we did not designate any names.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I might also indicate to my colleagues and perhaps the managers that between 10 and 12 they could sort of stack the votes, whatever works out. We could have a series of votes at noon. Otherwise, whatever the managers desire.

PRESIDIO PROPERTIES ADMINISTRATION ACT

The Senate resumed consideration of the bill.

Mr. DOLE. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of Calendar No. 300, H.R. 1296, regarding Presidio properties, and the bill be considered in the following fashion:

That amendments numbered 3571 and 3572 be withdrawn and all other amendments and motions other than the Murkowski substitute and the committee substitute be withdrawn, and the committee-reported substitute be modified to reflect the adoption of the Murkowski substitute, as modified, to reflect the deletion of title XVI, Sterling Forest, and title XX, Utah Wilderness, and containing the text of amendment numbered 3572, with Lost Creek land exchange modified to reflect the text I now send to the desk, and the committee substitute, as amended, be immediately agreed to, the bill be advanced to third reading and passed, and the motion to reconsider be laid upon the table, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The modification to the Murkowski substitute amendment No. 3564 is as follows:

Delete title XVI and title XX of amendment No. 3564 and insert the following new title:

TITLE I—MISCELLANEOUS

SECTION 101. LOST CREEK LAND EXCHANGE.

The Secretary of Agriculture shall submit a plan to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the House of Representatives detailing the terms and conditions for the exchange of certain lands and interests in land owned by the R-Y Timber, Inc., its successors and assigns or affiliates located in the Lost Creek area and other areas of the Deerlodge National Forest, Montana.

TITLE —VANCOUVER NATIONAL HISTORIC RESERVE

SEC. 01. VANCOUVER NATIONAL HISTORIC RESERVE.

(a) ESTABLISHMENT.—There is established the Vancouver National Historic Reserve in the State of Washington (referred to in this section as the "Reserve", consisting of the area described in the report entitled "Vancouver National Historic Reserve Feasibility Study and Environmental Assessment" published by the Vancouver Historical Study Commission and dated April 1993 as authorized by Public Law 101-523 (referred to in this section as the Vancouver Historic Reserve Report").

(b) ADMINISTRATION.—The Reserve shall be administered in accordance with;

(1) the Vancouver Historic Reserve Report (including the specific findings and recommendations contained in the report); and

(2) the Memorandum of Agreement between the Secretary of Interior, acting through the Director of the National Park Service, and the City of Vancouver, Washington, dated November 14, 1994.

(c) NO LIMITATION ON FAA AUTHORITY.—The establishment of the Reserve shall not limit;

(1) the authority of the Federal Aviation Administration over air traffic control, or aviation activities at Pearson Airpark; or

(2) limit operations and airspace in the vicinity of Portland International Airport.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

The bill (H.R. 1296), as amended, was passed.

Mr. MURKOWSKI. Mr. President, I strongly support the passage of this important environmental legislation. Taken together, these measures represent the most significant and important conservation package to come before the Senate in over a decade. They will preserve and protect for future generations important natural resource and historic treasures of this country as well as providing critically needed management authorities.

For the most part, the measures contained in this package have languished on the Senate floor due to holds and delaying tactics from Senators. I want to congratulate the majority leader, Senator DOLE, for his successful efforts to end the seemingly endless parade of obstacles to the passage of this legislation. Had we less rhetoric and a modicum of rational assistance from the administration, we might have accomplished this far earlier. We all observed the administration's game plan and the willingness of the media to cater to it, including attaching the minimum wage package to the parks legislation.

Mr. President. I will not go into lengthy detail on the various measures that are finally being released, but I do want to highlight some of them at this time.

Title I of this measure deals with the Presidio of San Francisco. By itself, this title is an important and critically needed measure that should have been enacted months ago. With the closure of the Presidio, the National Park Service was facing an almost impossible drain on its limited funds to maintain a unique and important resource. The legislation establishes a mechanism whereby the Presidio will be preserved and maintained for future generations, the National Park Service will be able to focus on interpretation and the visitor experience, and the site will be self-supporting. I appreciate the willingness of the two Senators from California to work with me and the committee in crafting this novel approach.

Title II contains 25 miscellaneous amendments and boundary changes. Some of these measures were reported from the committee over a year ago. They affect areas from the Atlantic to the Pacific and provide essential authorities that the administration needs for proper and effective management.

The remaining 34 titles include the establishment of new areas, such as the Tall Grass Prairie National Preserve, which will preserve one of the last portions of the prairie that symbolized the West. Both Senator DOLE and Senator KASSEBAUM deserve credit for the efforts to secure passage of that measure, but it too had been held up by the other side. Among those titles is the Snowbasin Land Exchange, which is critical for the Winter Olympics. Apparently the administration is only concerned with getting through November and was prepared to let that measure languish with the other measures. The title also includes the Selma to Montgomery National Historic Trail, an important measure that will commemorate a significant part of the civil rights movement.

The Taos Pueblo Land Transfer title would transfer 764 acres of land within the Wheeler Peak Wilderness in New Mexico to the Secretary of the Interior to be held in trust for Pueblo de Taos Indians. This tract is surrounded on three sides by Pueblo lands and is an important area for use in their religious ceremonies. The Pueblo would use the lands for traditional purposes, but the lands would otherwise be managed to protect its wilderness character. Both Senator DOMENICI and Senator DOLE were instrumental in moving that measure and I appreciate their support.

The Rocky Mountain National Visitor Center, sponsored by Senators CAMPBELL and BROWN addresses a critical need at Rocky Mountain National Park through a creative public-private partnership to provide a visitor center for the park. Rocky Mountain National Park is the most popular tourist attraction in the State of Colorado, drawing over 3 million visitors every year, but has not had a visitor center.

Mr. President. All these measures are important and all should have passed on their own merits long ago. These measures are important to the environment, essential to the National Park System, and will be of lasting benefit to future generations. As I stated earlier, they represent the single largest conservation package to come before the Senate in over a decade.

This Senator at least wants to express his gratitude to the majority leader, Senator DOLE, for being able to free at least this group of hostages from the political games. He will probably not receive the credit he is due, but if we can enact the Presidio and the other measures included in this package, it will be as a result of his efforts and his leadership and I thank him.

Mr. DOLE. Mr. President, the legislation before us today contains several issues of priority for several States. Today, we are prepared to go forward with a number of items concerning parks and public lands issues across this country and I am pleased to support this package.

I would like to thank Senator MURKOWSKI for including provisions critical to Kansas and California. I am pleased that the Presidio legislation is included in this package. This critical provision will allow for the innovative preservation of the Presidio, one of our Nation's true treasures. This bill also includes the establishment of the Tall Grass Prairie National Preserve in Kansas.

More so than any other legislation, this package represents the interests and priorities of individual States. States like Kansas and California want these initiatives accomplished—not battered about by outsiders and Washington bureaucrats who think they know best. National forests; land conveyances, visitor centers, land exchanges and historic parks—these are all issues of importance to the various interest involved and should no longer be delayed. I urge the President to support this package.

PRESIDIO

Mr. President, this bill provides for the administration of the Presidio in California. I am pleased to join with my colleagues to pass this legislation which will provide for an exciting future for the Presidio.

The Presidio is a treasured resource of this country. The legislation before us today provides for national recognition of the Presidio. I believe Senator MURKOWKI has sought a balance between the interests of the trust charged with preserving this resource and the interests of the National Park Service. In my view, the Presidio trust will ensure an important partnership between the local community and this property.

This trust, established within the Department of the Interior, will manage the renovation and leasing of the specific Presidio properties. The revenues generated from these leases will then offset the costs of maintaining the Presidio as a national park, reducing the need for Federal funding. Through this innovative approach to managing one of our Nation's finest landmarks, we can ensure the preservation of the Presidio while also providing significant opportunities to the local community.

The unique history of the Presidio's operation as a military post dates back to 1776. Its designation as a national historic landmark in 1962 recognized the importance of the post in many military operations. After the Army closed the post, the National Park Service took over the Presidio. When comparing our limited resources against the number of national parks and historic sites, it is apparent that we must find new ways to manage and preserve such important resources.

ESTABLISHMENT OF THE TALL GRASS PRAIRIE NATIONAL PRESERVE IN KANSAS

For several years there have been attempts to create a National Tall Grass Prairie Preserve on nearly 11,000 acres in Kansas, known as the Z-Bar Ranch. Proposals for this preserve have faced valid opposition from concerned citizens and landowners in the area. Any involvement by the Federal Government generates concerns, but this legislation provides for involvement by the Federal Government.

Senator KASSEBAUM has worked to bring all parties together to discuss the establishment of a prairie park and strike a balance with this legislation. I have always supported Senator KASSEBAUM's efforts to encourage private participation in the establishment of a national prairie preserve in Kansas.

The Z-Bar Ranch is currently owned by a private trust, but establishing Z-Bar as a national preserve requires legislation. Under this legislation, the Federal Government is limited to ownership of a maximum of 180 acres of the Z-Bar Ranch. The Federal Government would be authorized to purchase or accept a donation of this portion of land.

The current owners of the ranch have offered to donate the core area of land to the Federal Government. This will minimize the cost of establishing the preserve. In my view, a compromise which includes minimal Federal ownership and continued local input sets this proposal apart from other efforts.

The Tall Grass Prairie is a vital part of the natural environment and heritage of the high plains. Those who have visited the Flint Hills of Kansas appreciate the beauty of this prairie. Senator KASSEBAUM's work in creating a partnership between public and private sectors will help preserve the history of the Midwest. With a private/public partnership, we can officially recognize the Tall Grass Prairie while limiting the involvement of the Federal Government. I commend Senator KASSEBAUM for her hard work on this innovative legislation and her efforts to recognize this important Kansas landmark.

I again commend Senator MURKOWSKI and Senator CAMPBELL for their work on this important piece of legislation. I know that earlier the administration expressed some concerns about the Presidio legislation, I think in reviewing the bill before us they will find their concerns were addressed by the committee. I commend the community of San Francisco and people of California for recognizing this important resource and working to develop an approach that will allow generations to come to enjoy this historic and unique landmark.

Mr. McCAIN. Mr. President, I want to thank Senator MURKOWSKI for all of his hard work on the Energy Committee and on the many difficult public lands issues he must deal with.

As my colleagues are aware, I have had serious concerns about legislation requiring rather than authorizing agency heads to acquire land and to construct particular buildings, thereby incurring costs to the Federal taxpayer.

Usually, such Federal acquisition and construction activities are authorized by Congress. Once authorized, administrative procedures are in place to ensure that the project is necessary and is undertaken in the order of its relative priority. The final decision of whether to go forward is traditionally left to the discretion of the Secretary based on merit and priorities.

When the Presidio bill first came to the floor, I expressed my concerns about several titles containing acquisition and construction mandates. In order not to hold up the bill unnecessarily, I canvassed the affected agencies to determine if they opposed any of these mandates. The purpose of this inquiry was so that I did not have to insist on changing bill mandates to authorizations if the administration intended to undertake the activity even if not congressionally mandated.

The Department of the Interior objected to one requirement dealing with a land acquisition in the Corinth, MS. The bill requires the National Park Service to acquire land in the vicinity of the Corinth battlefield, and requires the Secretary to construct, operate, and maintain an interpretive center on the property.

I had intended to offer an amendment to change the acquisition mandate to a traditional authorization so that the applicable needs assessment and prioritization procedures could be applied, but I have been assured by the chairman of the Senate Energy Committee that he will address my concern in the conference committee.

Mr. MURKOWSKI. Senator McCAIN is correct. I understand his concern about the mandate on the Corinth battlefield title, and I will address it in the conference report.

Mr. McCAIN. I thank the Senator. I would also like to add that the Senators from Mississippi have made a strong argument that the visitor center is necessary. I trust and expect that the Secretary will fully consider their views in administering the authorization.

Furthermore, I know it is the intent of the Senator from Mississippi to subject the authorization to appropriations.

Mr. LOTT. Senator McCAIN is correct. It has always been my intention that the acquisition and construction be subject to appropriations, and that this project be undertaken in the order of its relative priority.

Mr. CAMPBELL. Mr. President, I would like to congratulate all of the Members and their staff who have worked so hard on collaborating on this omnibus package. In particular, I would like to thank my good friend, the majority leader from Kansas, for his persistent efforts to shepherd this bill into law. He has done a great service for many of us, and the bill's final passage is a testament to his strength and tenacity as a leader.

I would like to say a few words about a couple of the bills, that have specific meaning to me.

The Presidio bill, the flagship of this package, offers a unique, creative, and innovative approach to provide for the long-term protection and preservation of one of our Nation's greatest cultural, historical, and natural treasures. Many people have been waiting a long time for this bill. I know the Senators from California and Congresswoman PELOSI have put a great deal of time and energy into this legislation, as have the staff from the Energy Committee and personal offices. In our efforts to try to reach consensus on all levels, we have managed to craft a bill that will provide enough balance and flexibility to incorporate all points of view.

Mr. President, I also would like to discuss several bills within the omnibus package that are of particular interest to me and my home State of Colorado. These bills deserve distinction in their own right, being crafted with years of collaborative hard work and dedication. I would like to make brief comments on each of them, and once again send my congratulations to all those who have worked so hard on these important bills.

The Rocky Mountain National Park Visitor Center title provides the authority for the National Park Service to use appropriated and donated funds to operate a visitor center outside of the boundary of Rocky Mountain National Park. The Park Service has been in need of a visitor's center at the eastern entrance to Rocky for many years now, but due to fiscal constraints, they have been unable to get adequate appropriations. Thanks to a generous private-public partnership proposal, the Park Service has an opportunity to provide a visitor service outside of the park boundaries. This legislation simply allows the Park Service to enter into this type of partnership with private individuals. I would particularly like to applaud the individuals in Estes Park, whose innovative work, generous contributions, and persevering dedication have made this idea a reality.

This type of private-public opportunity is exactly what the Federal Government should be taking advantage of these days, and I am encouraged by the proposal for this visitor center that has been put forth. This center would help the thousands of visitors that come to the park each year, and would save the Government millions in taxpayer dollars.

The Cache La Poudre title, sponsored by the distinguished senior Senator from Colorado, designates approximately 35,000 acres between the cities of Fort Collins and Greeley, CO, as the Cache La Poudre River National Water Heritage Area. The headwaters of the streams that flow into this river tell the story of water development and river basin management in the Westward expansion of the United States. This historical area holds a special meaning for Coloradans, and we feel that it deserves national recognition as a heritage area. In addition to the designation, this title helps establish a local commission to develop and implement a long-term management plan for the area.

This bill holds great distinction for me, for I have been working on it for many years with my good friend and colleague, Senator BROWN from Colorado. The good Senator has been working hard to get this bill enacted into law, and each revision of the bill has been a more worthy product than the last. There are always a couple of bills that hold special meaning for us personally, and the Cache La Poudre is a good example of one that the senior Senator from Colorado has a particular interest in. It would be a great honor to have this bill enacted into law before my friend retires this year.

The Giplin County Land Exchange title represents the best type of land exchange possible. It is a simple, straightforward land exchange bill that will convey 300 acres of Bureau of Land Management lands in Gilpin County, CO, for the acquisition of 8,733 acres of equal value within the State.

The bill seeks to address a site-specific land management problem that is a result of the scattered mining claims of the 1800's. The Federal selected lands for conveyance are contained within 133 scattered parcels near the communities of Black Hawk and Central City, most of which are less than one acre in size. These lands would be exchanged to the cities of Black Hawk and Central City to help alleviate a shortage of residential lots.

In return for these selected lands, the Federal Government will receive approximately 8,773 acres of offered lands, which are anticipated to be of approximately equal dollar value to the selected lands. These lands are in three separate locations, described as follows:

Circle C Church Camp: This 40-acre parcel is located within Rocky Mountain National Park along its eastern boundaries, and lies approximately 5 miles south of the well known community of Estes Park. This acquisition can provide additional public camping sites and address a current shortage of employee housing in the popular national park.

Quilan Ranches tract: This 3,993-acre parcel is located in Conejos County, in southern Colorado. This land has excellent elk winter range and other wildlife habitat, and borders State lands, which are managed for wildlife protection.

Bonham Ranch—Cucharas Canyon: This 4,700-acre ranch will augment existing BLM land holdings in the beautiful Cucharas Canyon, identified as an AREA of Critical Environmental Concern [ACEC]. This ranch has superb wildlife habitat, winter range, riparian areas, raptor nesting and fledgling areas, as well as numerous riparian areas, rator nesting and fledgling areas.

Any equalization funds remaining from this exchange will be dedicated to the purchase of land and water rights, pursuant to Colorado water law, for the Blanca Wetlands Management Area, near Alamosa, CO.

It is clear that the merits of this bill are numerous. Moreover, the bill is noncontroversial, and while it may not have dramatic consequence for people outside of the State of Colorado, it represents a tremendous opportunity for citizens in my State. Due to the time-sensitive and fragile nature of the various components of this bill, I am delighted that the Senate has acted as expeditiously as possible.

In addition, for the past 5 years now, I have been supporting legislation that seeks to bring some common sense and reason to the administration of Forest Service ski area permits. The ski fees title will take the most convoluted, subjective, and bizarre formula for calculating ski fees, developed by the Forest Service, and replace it with a simple, user friendly formula in which the ski areas will be able to figure out their fees with very little effort.

The current formula utilized by the Forest Service is encompassed in 40 pages and contains hundreds of definitions, rulings, and policies. It is simply Government bureaucracy at its worst. For the ski industry, this formula is a monstrous burden, and with the expansion and diversification of many ski resorts, this burden grows increasingly more complex each year. I am pleased that this title will offer some clarity and common sense to the ski resorts of my home State.

Mr. President, the Grand Lake Cemetery title simply directs the Secretary of the Interior to authorize a permit for the town of Grand Lake, CO, to permanently maintain their 5-acre cemetery, which happens to fall within the boundaries of Rocky Mountain National Park. This cemetery has been in use by the town since 1892, and continues to carry strong emotional and sentimental attachments for the residents.

Currently, the cemetery is operated under a temporary special use permit, which is set to expire this year. By granting permanent maintenance authority to the town, this title creates lasting stability to this longstanding issue. It is completely noncontroversial, and widely supported by both the community and the Park Service.

Finally, Mr. President, the last title in this package that I would like to address is another bill that holds special meaning for me. I have been working on this legislation for many years now, and I am pleased to see that this title has seven different cosponsors from both sides of the aisle. The Old Spanish Trail title will designate the Old Spanish Trail and the Northern Branch of the Old Spanish Trail for study for potential addition to the National Trails System as a National Historic Trail.

The Old Spanish Trail has rightly been called "the longest, crookedest, most arduous pack mule route in the history of America." It is that, and more. The Old Spanish Trail tells a dramatic story that spans two centuries of recorded history and originated in prehistoric times. This trail witnessed use by Ute and Navajo Indians, Spaniards, Mexicans, and American trappers, explorers, and settlers, including the Mormons. Its heyday spans the development of the West, from the native on foot to the mounted Spaniard to the coming of the transcontinental railroad. Few routes, if any, pass through as much relatively pristine country. It is time to recognize and celebrate our common heritage, and I am thrilled to have this included in the package passed.

These bills may not mean a whole lot to many Members in this Chamber, but they mean a great deal to my constituents and me. I again commend my colleagues for their hard work, and strongly support passage of this important legislative package this evening.

Mrs. BOXER. Mr. President, I would like to ask the distinguished chairman of the committee a question regarding the duties and authorities of the trust as outlined in section 104(b) of the Presidio trust legislation.

Section 104(b) provides that "Federal laws and regulations governing procurement by Federal Agencies shall not apply to the trust." However, the same section of the bill states that the Presidio trust "shall establish and promulgate procedures applicable to the trust's procurement of goods and services" that just "conform to laws and regulations related to Federal Government contracts governing working conditions and wage scales including the provisions of 40 U.S.C. Sec. 276a–276a6 (Davis Bacon Act)."

Can I ask the chairman if this language means that contractors and subcontractors who contract to do work at the Presidio on behalf of the trust will be required to comply with prevailing wage provisions in all construction contracts and subcontracts?

Mr. MURKOWSKI. I would like to tell my friend, Senator BOXER, that yes, she is correct.

Mr. BENNETT. Mr. President, I rise to express my strong support to the efforts of Chairman MURKOWSKI to move this package of bills. I would like to add my thoughts as well, as to what some have called the demise of the Utah wilderness bill.

I am disappointed that the Senate failed to break the filibuster of the Utah wilderness bill. I would have liked to have had the Senate continue to debate the bill because I believe that, given the opportunity, we could have convinced those of my colleagues who had doubts about this bill to support it. I am also a realist and I understand that in this Chamber, if one does not have the votes to invoke cloture, it is difficult to move any piece of legislation.

I want my constituents, the people of Utah, to know of my appreciation for their tremendous support over the last 14 months. Despite what a small, but very vocal minority would have the Senate believe, the people of Utah wanted a sensible, balanced wilderness bill. S. 884 achieved that balanced approach and it was supported widely across the State of Utah. I believe that a letter in support of our bill signed by over 300 elected officials in Utah is a good indicator that it has strong public support. A rigorous public comment process, involving thousands of written comments, personal testimony, and over 40 public hearings assisted the Utah delegation in drafting this bill. It was a thorough, well-thought-out process and it was open to plenty of criticism from the other side.

I, particularly, want to express my tremendous appreciation to those county commissioners from the rural Utah counties who would have been most impacted by wilderness designation. These faithful and dedicated public servants have devoted thousands of hours to develop the county proposals. Despite the fact that S. 884 included 1.1 million acres more than the counties recommended as wilderness, these individuals recognized the need to bring the 20-year debate to closure. The county commissioners have invested thousands of dollars, and sacrificed their personal time to come to Washington to enlighten my colleagues about the wilderness issue.

There are dozens of names that deserve to be mentioned, but I would like to give particular credit to Commissioner Louise Liston of Garfield County, Commissioner Lana Moon of Millard County, Commissioners Bill Redd and Ty Lewis of San Juan County, Commissioners Randy Johnson and Kent Peterson of Emery County. I would also be remiss if I failed to mention Commissioners Joe Judd of Kane County and Teryl Hunsaker of Tooele County. As always, the fine commissioners of Washington County, Gayle Aldred, Jerry B. Lewis, and Russ Gallian were instrumental in providing expertise. There are dozens of other faithful commissioners and I apologize that I cannot mention them all by name.

The Utah wilderness issue is not dead. On the contrary, it is very much alive and very much unresolved. It will come again before the Senate, and at some point we will be forced to finally deal with the issue. It is my hope that next time, my colleagues will give greater consideration to the $10 million of taxpayers' money and the 20 years of BLM expertise that went into providing the basis for our recommendation.

Again, while I am disappointed that Utah wilderness will not be included in this package, there is a silver lining in this cloud. Mr. President, as you know, Utah is preparing to host the 2002 Winter Olympics. Last fall, Senator HATCH and I introduced the Snowbasin Land Exchange, which would authorize the Forest Service to enter into a land exchange with the Snowbasin ski resort to exchange 1,320 acres of Forest Service land around Snowbasin for over 4,000 acres throughout the Wasatch Front. It is an equal value exchange, and a win-win situation for both parties. Not only for the Olympics, but for other reasons as well.

For example, in Utah open space in some areas is at a premium. As our population swells each year as thousands of people from other States like California and New Jersey come to Utah because of our quality of life, our precious open spaces along the Wasatch Front are rapidly disappearing. As part of this exchange, the Forest Service will acquire lands along the Bonneville Shoreline Trail which is one of the most heavily used recreational trails in northern Utah. The people of Weber County will benefit as the critical wildlife habitat along the benches above Ogden is preserved along with the open spaces. Development will be prevented from encroaching upon these areas. Again, it is a win-win situation arranged for through this exchange.

Unfortunately, the Snowbasin exchange was caught up in the politics of the day and for various reasons, this legislation had the brakes put on it by the Clinton administration. Snowbasin and the Utah delegation proceeded through months of negotiations with the Forest Service and finally reached agreements on virtually every one of the administration's concerns. This legislation is necessary for the successful implementation of the 2002 Winter Olympics and I know that my colleagues are as concerned as I am that this legislation is implemented so Snowbasin may proceed to prepare for the men's and women's downhill. We all want a successful Olympic event. This legislation is included as part of the chairman's package and I am pleased that we can finally act upon this bill.

Again, Mr President, I thank the chairman for his willingness to move this package and I encourage my colleagues to support it. I thank the Chair.

NICODEMUS NATIONAL HISTORIC SITE AND THE NEW BEDFORD NATIONAL HISTORIC LANDMARK

Mr. DOLE. Mr. President, I ask unanimous consent that immediately following the disposition of H.R. 2202, the immigration bill, the Senate proceed to an original bill (S. 1720), which I now send to the desk; that the bill be advanced to third reading and the vote occur on passage immediately, without further action or debate, following the vote on H.R. 2202.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask unanimous consent that it be in order for me to ask for the yeas and nays on passage of the bill at this time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. That vote will occur then tomorrow after the immigration bill.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. DOLE. Mr. President, I would now ask that we resume immigration. I understand there are a couple of amendments Senators can dispose of.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

AMENDMENT NOS. 3949 AND 3950, EN BLOC

Mr. KENNEDY. I send to the desk two amendments to S. 1664 at the request of Senator SIMPSON and myself that have been cleared on both sides, and ask unanimous consent they be considered en bloc and adopted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows.

The Senator from Massachusetts [Mr. KENNEDY], for Mr. BRYAN, proposes an amendment numbered 3949.

The Senator from Massachusetts [Mr. KENNEDY], for Mrs. HUTCHISON, proposes an amendment numbered 3950.

The amendments are as follows:

AMENDMENT NO. 3949

(Purpose: To prevent certain aliens from participating in the family unity program)

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAMS.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An aliens is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States.

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

AMENDMENT NO. 3950

(Purpose: To preserve law enforcement functions and capabilities in the interior of States)

At the appropriate place, insert the following section:

SEC. . The Immigration and Naturalization Service shall, when redeploying Border Patrol personnel from interior stations, coordinate with and act in conjunction with State and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

The PRESIDING OFFICER. There being no objection, the amendments are considered read and agreed to.

The amendments (Nos. 3949 and 3950) were agreed to.

Mr. KENNEDY. I thank the Chair. For Senator SIMPSON and myself, we thank all the Members for their attention during the course of the debate and for all of the cooperation that was given to Senator SIMPSON and myself. We made good progress. The end is in sight. These are important matters that still must be addressed tomorrow, but we will start at 10 o'clock. We know which amendments are out there. We hope those who are going to offer those amendments will make themselves available at the earliest possible times for the convenience of all Senators. We look forward to the conclusion of the bill. We thank all Members for their cooperation and attention today.

The PRESIDING OFFICER. The majority leader.

MORNING BUSINESS

Mr. DOLE. Mr. President, I now ask there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

VIOLENCE IN LIBERIA

Mr. PELL. Mr. President, I am distressed at the latest outbreak of violence in Liberia. Yesterday, young gang members fired upon the U.S. Embassy, prompting the marines to return fire. Fortunately, no Americans were injured. Since this exchange, the situation in Monrovia has calmed down and the State Department has called this an isolated incident. Nevertheless, this spasm of violence demonstrates the intractability of the conflict in Liberia and the need for a diplomatic solution.

I believe the United States should remain committed to securing a peaceful solution in Liberia. I applaud the work of Assistant Secretary of State for African Affairs, George Moose, and Deputy Assistant Secretary of State William Twaddell. Their diplomatic efforts to implement a cease-fire are important to U.S. national interests. In addition, I commend the administration's response of providing $30 million in logistical assistance to the West African Peacekeeping force, ECOMOG. Such assistance is necessary to keep ECOMOG actively engaged in the on-the-ground peace process.

Mr. President, I call upon the various warlords to respect the cease-fire and to pursue a peaceful solution. In addition, it is important to remind the warlords that an attempt by any faction to seize power by force or to undo the Abuja Accords will receive a strong American response.

While the ultimate resolution of the crisis remains the responsibility of the Liberians, the United States has an important role to play. The United States is the most influential foreign power in Liberia. The United States must remain committed to seeking peace in Liberia. An engaged United States can help a Liberia that wants peace.

FCC'S PAGING FREEZE

Mr. PRESSLER. Mr. President, on February 8, 1996, the Federal Communications Commission issued a notice of proposed rulemaking which proposed to fundamentally change the way in which paging systems are licensed. The FCC adopted a freeze on the filing of paging applications, which immediately brought about many harmful effects. I promptly expressed my concerns to the FCC about its actions and asked Chairman Hundt to do something about the freeze in a letter dated March, 15, 1996.

I am glad to say that on April 23, 1996, the FCC issued an order demonstrating it had listened to my concerns and the concerns of the industry with regard to the paging freeze. The FCC has modified the freeze so that existing paging carriers can apply to expand their systems by putting transmitters within 40 miles of stations they already are operating, so long as these stations were licensed before the freeze. The FCC also has decided against retroactively applying the freeze and will now process all applications which were filed before the February 8 freeze date.

These are two very important steps towards mitigating the harmful impact of the freeze, and I wish to congratulate the FCC on its response. However, it has come to my attention there are some significant shortcomings in the mechanics of the new rules. With minor clarifications, the FCC could eliminate these shortcomings.

In particular, the industry believes—and several Members of Congress agree—75 miles would be a more appropriate zone of expansion as opposed to 40 miles. The increased distance would allow existing paging businesses to accommodate their customers' immediate needs and respond to new requests for paging service as factories, hospitals, and neighborhoods are constructed and the need for paging coverage expands.

Paging companies should be allowed to apply for new transmitters within 75 miles of any transmitter which has been licensed or which will be licensed based on an application filed before the freeze. The point is, many expansion proposals were filed by paging companies more than 1 year ago, and have been delayed at the FCC. These applications reflect expansions that were needed months ago. Indeed, these carriers now are receiving requests for further expansions. If we limit paging companies to a zone 40 miles from transmitters already licensed and operating, the only expansion they may be able to achieve would be adding those locations for which they applied last year. Additional coverage needs in the coming months will go unmet.

Another problem is created by the FCC's proposal to allow anyone to file a competing application against the expansion proposals of existing carriers. The FCC has defended the freeze as a mechanism to prevent filing by speculators and application mills, many of which use the application process to defraud consumers out of their life savings. This is a worthy goal. However, the new rule contains an ironic twist. If anyone can file a competing application against an existing paging carrier's expansion, speculation and fraudulent filings will be encouraged. The application mills that currently are not able to file applications will now target each and every expansion proposal, because it will be their only opportunity to practice their unholy trade. This will allow continued consumer fraud. It also will prevent bona fide paging companies from expanding their coverage, since any expansion proposal which is filed against will be held in abeyance and probably dismissed. This result would nullify the good work of the FCC in modifying the freeze. I strongly suspect it is an unintended result.

To prevent this anomalous result, the FCC can make minor adjustments to its freeze modification order: First, allowing a 75-mile expansion zone; second, allowing the expansion sites to be established within 75 miles of any transmitter granted from an application filed before the freeze; and third, limiting competing applicants to other carriers.

It is vital the FCC take steps to mitigate the harmful effects of the freeze. The paging industry provides service to over 34 million subscribers. Industry members have been encouraged to make considerable investments to improve their services, and have relied in good faith on the FCC's published regulations. Paging services are designed to serve the needs of increasingly mobile customers. To be competitive, these businesses need to provide their service to the customers where and when they need it. If a paging service cannot respond to the needs of its existing and potential customers, it will not survive in this extremely competitive industry.

This competition has spurred technological advances in what can be communicated over a pager. No longer is a pager some simple little box that beeps to let you know you should call your office. Today's pagers are vehicles for communicating written messages. For example, news organizations like Reuters now offer periodic summaries of breaking news stories through pagers. Pagers also provide cost-efficient means of communicating within large factory complexes. Additionally, we must not forget the lifesaving contribution these services make when used by doctors, ambulance crews, and critically ill patients, to summon assistance in the event of an emergency.

The bottom line, Mr. President, is that this technology must be allowed to grow. That was the basis for my letter in March. At the same time, the process must not be so full of loopholes as to allow the unscrupulous to benefit at the expense of consumers. That is the challenge faced by the FCC. It has begun meeting the challenge by modifying its freeze on the filing of paging applicants. The flaws in its initial proposal should prove easy to address. As chairman of the Senate Committee on Commerce, Science, and Transportation, I stand ready to help this process in any reasonable manner.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, 4 years ago when I commenced these daily reports to the Senate it was my purpose to make a matter of daily record the exact Federal debt as of the close of business the previous day.

In that first report, February 27, 1992, the Federal debt the previous day stood at $3,825,891,293,066.80, as of the close of business. The point is, the Federal debt has since shot further into the stratosphere.

As of yesterday at the close of business, a total of $1,276,157,534,167.42 has been added to the Federal debt since February 26, 1992, meaning that as of the close of business yesterday, Tuesday, April 30, 1996, the Federal debt stood at $5,102,048,827,234.22. On a per capita basis, every man, woman, and child in America owes $19,271.23 as his or her share of the Federal debt.

TRIBUTE TO VICE ADMIRAL JOHN BULKELEY

Mr. WARNER. Mr. President, I rise today to recognize the dedication, public service and patriotism that personified the life of Vice Admiral John Duncan Bulkeley, USN. Admiral Bulkeley, who passed away on April 6, was one of the most highly decorated combat veterans of World War II, and served nearly 60 years of active duty during his career.

A native of New York City, Admiral Bulkeley entered the U.S. Navy after graduating from the Naval Academy at Annapolis, and was commissioned in March of 1934. He began his Navy career as a junior watch officer aboard the cruiser *Indianapolis*. He then spent time on the carrier *Saratoga* and as an engineering officer in Chinese waters aboard the gunboat *Sacramento*, before being given a special assignment in 1941 to help begin a new branch of naval service—patrol torpedo boats.

Lieutenant John Bulkeley's performance as a PT boat squadron leader is legendary. He earned the nickname "Sea Wolf" for his daring raids on the Japanese Navy in the early days of the Pacific war. Most notable among his heroic deeds was Lieutenant Bulkeley's bold rescue of General Douglass MacArthur from the Philippines in 1942. General MacArthur had become surrounded by the Japanese while remaining on the island of Corregidor during the Japanese invasion of the Philippines. Lieutenant Bulkeley's PT squadron broke through a Japanese blockade and carried the general and his family to safety. "Johnny," said MacArthur, "you've taken me out of the jaws of death—and I won't forget it." General MacArthur did not forget, and for his efforts in the early part of the war, John Bulkeley received the highest award this Nation bestows for valor, the Medal of Honor.

The Sea Wolf's career did not end there. In 1942, he spent time stateside recruiting young officers for the PT program, among them a stalwart young man named John F. Kennedy.

Admiral Bulkeley then headed for Europe, where he commanded a group of PT boats that helped clear the way for the D-Day invasion at Utah beach in Normandy. He commanded the destroyer *Endicott* during the invasion of southern France, and sank two German warships—the only German warships sunk in surface-to-surface combat during the entire war in the Mediterranean.

At the end of WWII John Bulkeley was not yet 32 years old, but he had already received every medal for courage that our country awards. Following the war, Bulkeley graduated from the Armed Forces Staff College. He also taught electrical engineering at the Naval Academy and served on the staff of the Joint Chiefs of Staff.

His service did not stop here, however. Admiral Bulkeley commanded a destroyer division in Korean waters during the Korean war; in 1961 he was appointed commander of the Guantanamo Naval base in Cuba, an assignment he received from his old friend President John F. Kennedy; and in 1964 he was assigned as president of the Navy Board of Inspection and Survey, a position which he held for nearly 23 years. Under his active leadership, the INSURV Board was directly responsible for the delivery of combat-ready ships, whether new or coming out of overhaul.

When his remarkable career came to an end, Vice Admiral Bulkeley was one of the most decorated sailors in American history. In addition to receiving the Medal of Honor, Admiral Bulkeley was also presented the Navy Cross, two awards of the Army Distinguished Service Cross, three Distinguished Service Medals, two Silver Stars, two awards of the Legion of Merit, two Purple Hearts, and numerous other decorations and citations for outstanding performance and service to his country.

Vice Admiral Bulkeley was a true American patriot and a superb naval officer who, throughout his naval career, led with courage and integrity. His leadership and performance throughout an intense and demanding period in naval and military history were instrumental in the successful administration of the Navy and outstanding support for naval forces throughout the world. Thanks to his inspirational leadership and selfless dedication to duty, our Navy has remained second to none. He will be sorely missed.

RELATING TO CERTAIN REGULATIONS REGARDING THE OFFICE OF COMPLIANCE

The text of the concurrent resolution (S. Con. Res. 51) to provide for the approval of final regulations that are applicable to employing offices that are not employing offices of the House of Representatives or the Senate, and to covered employees who are not employees of the House of Representatives or the Senate, and that were issued by the Office of Compliance on January 22, 1996, and for other purposes, as agreed to by the Senate on April 15, 1996, is as follows:

S. CON. RES. 51

Resolved by the Senate (the House of Representatives concurring), That the following regulations issued by the Office of Compliance on January 22, 1996, and applicable to employing offices that are not employing offices of the House of Representatives or the Senate, and to covered employees who are not employees of the House of Representatives or the Senate, are hereby approved as follows:

PART 825—FAMILY AND MEDICAL LEAVE

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825.2 [Reserved].

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PART 825—FAMILY AND MEDICAL LEAVE

§ 825.1 Purpose and scope

(a) Section 202 of the Congressional Accountability Act (CAA) (2 U.S.C. 1312) applies the rights and protections of sections 101 through 105 of the Family and Medical Leave Act of 1993 (FMLA) (29 U.S.C. 2611–2615) to covered employees. (The term "covered employee" is defined in section 101(3) of the CAA (2 U.S.C. 1301(3)). See § 825.800 of these regulations for that definition.) The purpose of this part is to set forth the regulations to carry out the provisions of section 202 of the CAA.

(b) These regulations are issued by the Board of Directors, Office of Compliance, pursuant to sections 202(d) and 304 of the CAA, which direct the Board to promulgate regulations implementing section 202 that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section". The regulations issued by the Board herein are on all matters for which section 202 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other "substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 202 of the CAA]".

(c) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

§ 825.2 [Reserved]

SUBPART A—WHAT IS THE FAMILY AND MEDICAL LEAVE ACT, AND TO WHOM DOES IT APPLY UNDER THE CONGRESSIONAL ACCOUNTABILITY ACT?

§ 825.100 What is the Family and Medical Leave Act?

(a) The Family and Medical Leave Act of 1993 (FMLA), as made applicable by the Congressional Accountability Act (CAA), allows "eligible" employees of an employing office to take job-protected, unpaid leave, or to substitute appropriate paid leave if the employee has earned or accrued it, for up to a total of 12 workweeks in any 12 months because of the birth of a child and to care for the newborn child, because of the placement of a child with the employee for adoption or foster care, because the employee is needed to care for a family member (child, spouse, or parent) with a serious health condition, or because the employee's own serious health condition makes the employee unable to perform the functions of his or her job (see § 825.306(b)(4)). In certain cases, this leave may be taken on an intermittent basis rather than all at once, or the employee may work a part-time schedule.

(b) An employee on FMLA leave is also entitled to have health benefits maintained while on leave as if the employee had continued to work instead of taking the leave. If an employee was paying all or part of the premium payments prior to leave, the employee would continue to pay his or her share during the leave period. The employing office, or a disbursing or other financial office of the House of Representatives or the Senate may recover its share only if the employee does not return to work for a reason other than the serious health condition of the employee or the employee's immediate family member, or another reason beyond the employee's control.

(c) An employee generally has a right to return to the same position or an equivalent position with equivalent pay, benefits and working conditions at the conclusion of the leave. The taking of FMLA leave cannot result in the loss of any benefit that accrued prior to the start of the leave.

(d) The employing office has a right to 30 days advance notice from the employee where practicable. In addition, the employing office may require an employee to submit certification from a health care provider to substantiate that the leave is due to the serious health condition of the employee or the employee's immediate family member. Failure to comply with these requirements may result in a delay in the start of FMLA leave. Pursuant to a uniformly applied policy, the employing office may also require that an employee present a certification of fitness to return to work when the absence was caused by the employee's serious health condition (see § 825.311(c)). The employing office may delay restoring the employee to employment without such certificate relating to the health condition which caused the employee's absence.

§ 825.101 What is the purpose of the FMLA?

(a) FMLA is intended to allow employees to balance their work and family life by taking reasonable unpaid leave for medical reasons, for the birth or adoption of a child, and for the care of a child, spouse, or parent who has a serious health condition. The FMLA is intended to balance the demands of the workplace with the needs of families, to promote the stability and economic security of families, and to promote national interests in preserving family integrity. It was intended that the FMLA accomplish these purposes in a manner that accommodates the legitimate interests of employers, and in a manner consistent with the Equal Protection Clause of the Fourteenth Amendment in minimizing the potential for employment discrimination on the basis of sex, while promoting equal employment opportunity for men and women.

(b) The enactment of FMLA was predicated on two fundamental concerns "the needs of the American workforce, and the development of high-performance organizations". Increasingly, America's children and elderly are dependent upon family members who must spend long hours at work. When a family emergency arises, requiring workers to attend to seriously-ill children or parents, or to newly-born or adopted infants, or even to their own serious illness, workers need reassurance that they will not be asked to choose between continuing their employment, and meeting their personal and family obligations or tending to vital needs at home.

(c) The FMLA is both intended and expected to benefit employers as well as their employees. A direct correlation exists between stability in the family and productivity in the workplace. FMLA will encourage the development of high-performance organizations. When workers can count on durable links to their workplace they are able to make their own full commitments to their jobs. The record of hearings on family and medical leave indicate the powerful productive advantages of stable workplace relationships, and the comparatively small costs of guaranteeing that those relationships will not be dissolved while workers attend to pressing family health obligations or their own serious illness.

§ 825.102 When are the FMLA and the CAA effective for covered employees and employing offices?

(a) The rights and protection of sections 101 through 105 of the FMLA have applied to certain Senate employees and certain employing offices of the Senate since August 5, 1993 (see section 501 of FMLA).

(b) The rights and protection of sections 101 through 105 of the FMLA have applied to any employee in an employment position and any employment authority of the House of Representatives since August 5, 1993 (see section 502 of FMLA).

(c) The rights and protections of sections 101 through 105 of the FMLA have applied to certain employing offices and covered employees other than those referred to in paragraphs (a) and (b) of this section for certain periods since August 5, 1993 (see, e.g., title V of the FMLA, sections 501 and 502).

(d) The provisions of section 202 of the CAA that apply rights and protections of the FMLA to covered employees are effective on January 23, 1996.

(e) The period prior to the effective date of the application of FMLA rights and protections under the CAA must be considered in determining employee eligibility.

§ 825.103 How does the FMLA, as made applicable by the CAA, affect leave in progress on, or taken before, the effective date of the CAA?

(a) An eligible employee's right to take FMLA leave began on the date that the rights and protections of the FMLA first went into effect for the employing office and employee (see § 825.102(a)). Any leave taken prior to the date on which the rights and protections of the FMLA first became effective for the employing office from which the leave was taken may not be counted for purposes of the FMLA as made applicable by the CAA. If leave qualifying as FMLA leave was underway prior to the effective date of the FMLA for the employing office from which the leave was taken and continued after the FMLA's effective date for that office, only that portion of leave taken on or after the FMLA's effective date may be counted against the employee's leave entitlement under the FMLA, as made applicable by the CAA.

(b) If an employing office-approved leave is underway when the application of the FMLA by the CAA takes effect, no further notice would be required of the employee unless the employee requests an extension of the leave. For leave which commenced on the effective date or shortly thereafter, such notice must have been given which was practicable, considering the foreseeability of the need for leave and the effective date.

(c) Starting on January 23, 1996, an employee is entitled to FMLA leave under these regulations if the reason for the leave is qualifying under the FMLA, as made applicable by the CAA, even if the event occasioning the need for leave (e.g., the birth of a child) occurred before such date (so long as any other requirements are satisfied).

§ 825.104 What employing offices are covered by the FMLA, as made applicable by the CAA?

(a) The FMLA, as made applicable by the CAA, covers all employing offices. As used in the CAA, the term "employing office" means—

(1) the personal office of a Member of the House of Representatives or of a Senator;

(2) a committee of the House of Representatives or the Senate or a joint committee;

(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) the Capitol Guide Board, the Capitol Police Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

(b) [Reserved].

(c) Separate entities will be deemed to be parts of a single employer for purposes of the FMLA, as made applicable by the CAA, if they meet the "integrated employer" test. A determination of whether or not separate entities are an integrated employer is not determined by the application of any single criterion, but rather the entire relationship is to be reviewed in its totality. Factors considered in determining whether two or more entities are an integrated employer include:

(i) Common management;

(ii) Interrelation between operations;

(iii) Centralized control of labor relations; and

(iv) Degree of common financial control.

§ 825.105 [Reserved]

§ 825.106 How is "joint employment" treated under the FMLA as made applicable by the CAA?

(a) Where two or more employing offices exercise some control over the work or working conditions of the employee, the employing offices may be joint employers under FMLA, as made applicable by the CAA. Where the employee performs work which simultaneously benefits two or more employing offices, or works for two or more employing offices at different times during the workweek, a joint employment relationship generally will be considered to exist in situations such as:

(1) Where there is an arrangement between employing offices to share an employee's services or to interchange employees;

(2) Where one employing office acts directly or indirectly in the interest of the other employing office in relation to the employee; or

(3) Where the employing offices are not completely disassociated with respect to the employee's employment and may be deemed to share control of the employee, directly or indirectly, because one employing office controls, is controlled by, or is under common control with the other employing office.

(b) A determination of whether or not a joint employment relationship exists is not determined by the application of any single criterion, but rather the entire relationship is to be viewed in its totality. For example, joint employment will ordinarily be found to exist when—

(1) an employee, who is employed by an employing office other than the personal office of a Member of the House of Representatives or of a Senator, is under the actual direction and control of the Member of the House of Representatives or Senator; or

(2) two or more employing offices employ an individual to work on common issues or other matters for both or all of them.

(c) When employing offices employ a covered employee jointly, they may designate one of themselves to be the primary employing office, and the other or others to be the secondary employing office(s). Such a designation shall be made by written notice to the covered employee.

(d) If an employing office is designated a primary employing office pursuant to paragraph (c) of this section, only that employing office is responsible for giving required notices to the covered employee, providing FMLA leave, and maintenance of health benefits. Job restoration is the primary responsibility of the primary employing office, and the secondary employing office(s) may, subject to the limitations in §825.216, be responsible for accepting the employee returning from FMLA leave.

(e) If employing offices employ an employee jointly, but fail to designate a primary employing office pursuant to paragraph (c) of this section, then all of these employing offices shall be jointly and severally liable for giving required notices to the employee, for providing FMLA leave, for assuring that health benefits are maintained, and for job restoration. The employee may give notice of need for FMLA leave, as described in §§ 825.302 and 825.303, to whichever of these employing offices the employee chooses. If the employee makes a written request for restoration to one of these employing offices, that employing office shall be primarily responsible for job restoration, and the other employing office(s) may, subject to the limitations in §825.216, be responsible for accepting the employee returning from FMLA leave.

§ 825.107 [Reserved]

§ 825.108 [Reserved]

§ 825.109 [Reserved]

§ 825.110 Which employees are "eligible" to take FMLA leave under these regulations?

(a) An "eligible employee" under these regulations means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

(b) The 12 months an employee must have been employed by any employing office need not be consecutive months. If an employee worked for two or more employing offices sequentially, the time worked will be aggregated to determine whether it equals 12 months. If an employee is maintained on the payroll for any part of a week, including any periods of paid or unpaid leave (sick, vacation) during which other benefits or compensation are provided by the employer (e.g., workers' compensation, group health plan benefits, etc.), the week counts as a week of employment. For purposes of determining whether intermittent/occasional/casual employment qualifies as "at least 12 months", 52 weeks is deemed to be equal to 12 months.

(c) If an employee was employed by two or more employing offices, either sequentially or concurrently, the hours of service will be aggregated to determine whether the minimum of 1,250 hours has been reached. Whether an employee has worked the minimum 1,250 hours of service is determined according to the principles established under the Fair Labor Standards Act (FLSA), as applied by section 203 of the CAA (2 U.S.C. 1313), for determining compensable hours of work. The determining factor is the number of hours an employee has worked for one or more employing offices. The determination is not limited by methods of record-keeping, or by compensation agreements that do not accurately reflect all of the hours an employee has worked for or been in service to the employing office. Any accurate accounting of actual hours worked may be used. For this purpose, full-time teachers (see §825.800 for definition) of an elementary or secondary school system, or institution of higher education, or other educational establishment or institution are deemed to meet the 1,250 hour test. An employing office must be able to clearly demonstrate that such an employee did not work 1,250 hours during the previous 12 months in order to claim that the employee is not "eligible" for FMLA leave.

(d) The determinations of whether an employee has worked for any employing office for at least 1,250 hours in the previous 12 months and has been employed by any employing office for a total of at least 12 months must be made as of the date leave commences. The "previous 12 months" means the 12 months immediately preceding the commencement of the leave. If an employee notifies the employing office of need for FMLA leave before the employee meets these eligibility criteria, the employing office must either confirm the employee's eligibility based upon a projection that the employee will be eligible on the date leave would commence or must advise the employee when the eligibility requirement is met. If the employing office confirms eligibility at the time the notice for leave is received, the employing office may not subsequently challenge the employee's eligibility. In the latter case, if the employing office does not advise the employee whether the employee is eligible as soon as practicable (i.e., two business days absent extenuating circumstances) after the date employee eligibility is determined, the employee will have satisfied the notice requirements and the notice of leave is considered current and outstanding until the employing office does advise. If the employing office fails to advise the employee whether the employee is eligible prior to the date the requested leave is to commence, the employee will be deemed eligible. The employing office may not, then, deny the leave. Where the employee does not give notice of the need for leave more than two business days prior to commencing leave, the employee will be deemed to be eligible if the employing office fails to advise the employee that the employee is not eligible within two business days of receiving the employee's notice.

(e) The period prior to the effective date of the application of FMLA rights and protections under the CAA must be considered in determining employee's eligibility.

(f) [Reserved].

§ 825.111 [Reserved]

§ 825.112 Under what kinds of circumstances are employing offices required to grant family or medical leave?

(a) Employing offices are required to grant leave to eligible employees:

(1) For birth of a son or daughter, and to care for the newborn child;

(2) For placement with the employee of a son or daughter for adoption or foster care;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition; and

(4) Because of a serious health condition that makes the employee unable to perform the functions of the employee's job.

(b) The right to take leave under FMLA as made applicable by the CAA applies equally to male and female employees. A father, as well as a mother, can take family leave for the birth, placement for adoption or foster care of a child.

(c) Circumstances may require that FMLA leave begin before the actual date of birth of a child. An expectant mother may take FMLA leave pursuant to paragraph (a)(4) of this section before the birth of the child for prenatal care or if her condition makes her unable to work.

(d) Employing offices are required to grant FMLA leave pursuant to paragraph (a)(2) of this section before the actual placement or adoption of a child if an absence from work is required for the placement for adoption or foster care to proceed. For example, the employee may be required to attend counseling sessions, appear in court, consult with his or her attorney or the doctor(s) representing the birth parent, or submit to a physical examination. The source of an adopted child (e.g., whether from a licensed placement agency or otherwise) is not a factor in determining eligibility for leave for this purpose.

(e) Foster care is 24-hour care for children in substitution for, and away from, their parents or guardian. Such placement is made by or with the agreement of the State as a result of a voluntary agreement between the parent or guardian that the child be removed from the home, or pursuant to a judicial determination of the necessity for foster care, and involves agreement between the State and foster family that the foster family will take care of the child. Although foster care may be with relatives of the child, State action is involved in the removal of the child from parental custody.

(f) In situations where the employer/employee relationship has been interrupted, such as an employee who has been on layoff, the employee must be recalled or otherwise be re-employed before being eligible for FMLA leave. Under such circumstances, an eligible employee is immediately entitled to further FMLA leave for a qualifying reason.

(g) FMLA leave is available for treatment for substance abuse provided the conditions of §825.114 are met. However, treatment for substance abuse does not prevent an employing office from taking employment action against an employee. The employing office may not take action against the employee because the employee has exercised his or her right to take FMLA leave for treatment.

However, if the employing office has an established policy, applied in a non-discriminatory manner that has been communicated to all employees, that provides under certain circumstances an employee may be terminated for substance abuse, pursuant to that policy the employee may be terminated whether or not the employee is presently taking FMLA leave. An employee may also take FMLA leave to care for an immediate family member who is receiving treatment for substance abuse. The employing office may not take action against an employee who is providing care for an immediate family member receiving treatment for substance abuse.

§825.113 What do "spouse", "parent", and "son or daughter" mean for purposes of an employee qualifying to take FMLA leave?

(a) Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

(b) Parent means a biological parent or an individual who stands or stood in loco parentis to an employee when the employee was a son or daughter as defined in (c) below. This term does not include parents "in law".

(c) Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is either under age 18, or age 18 or older and "incapable of self-care because of a mental or physical disability".

(1) "Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in three or more of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

(2) "Physical or mental disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. See the Americans with Disabilities Act (ADA), as made applicable by section 201(a)(3) of the CAA (2 U.S.C. 1311(a)(3)).

(3) Persons who are "in loco parentis" include those with day-to-day responsibilities to care for and financially support a child or, in the case of an employee, who had such responsibility for the employee when the employee was a child. A biological or legal relationship is not necessary.

(d) For purposes of confirmation of family relationship, the employing office may require the employee giving notice of the need for leave to provide reasonable documentation or statement of family relationship. This documentation may take the form of a simple statement from the employee, or a child's birth certificate, a court document, etc. The employing office is entitled to examine documentation such as a birth certificate, etc., but the employee is entitled to the return of the official document submitted for this purpose.

§825.114 What is a "serious health condition" entitling an employee to FMLA leave?

(a) For purposes of FMLA, "serious health condition" entitling an employee to FMLA leave means an illness, injury, impairment, or physical or mental condition that involves:

(1) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or

(2) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(i) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(A) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(B) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(ii) Any period of incapacity due to pregnancy, or for prenatal care.

(iii) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(A) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(B) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(C) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(iv) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(v) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(b) Treatment for purposes of paragraph (a) of this section includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under paragraph (a)(2)(i)(B), a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(c) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(d) Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(e) Absences attributable to incapacity under paragraphs (a)(2) (ii) or (iii) qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

§825.115 What does it mean that "the employee is unable to perform the functions of the position of the employee"?

An employee is "unable to perform the functions of the position" where the health care provider finds that the employee is unable to work at all or is unable to perform any one of the essential functions of the employee's position within the meaning of the Americans with Disabilities Act (ADA), as made applicable by section 201(a)(3) of the CAA (2 U.S.C. 1311(a)(3)). An employee who must be absent from work to receive medical treatment for a serious health condition is considered to be unable to perform the essential functions of the position during the absence for treatment. An employing office has the option, in requiring certification from a health care provider, to provide a statement of the essential functions of the employee's position for the health care provider to review. For purposes of FMLA, the essential functions of the employee's position are to be determined with reference to the position the employee held at the time notice is given or leave commenced, whichever is earlier.

§825.116 What does it mean that an employee is "needed to care for" a family member?

(a) The medical certification provision that an employee is "needed to care for" a family member encompasses both physical and psychological care. It includes situations where, for example, because of a serious health condition, the family member is unable to care for his or her own basic medical, hygienic, or nutritional needs or safety, or is unable to transport himself or herself to the doctor, etc. The term also includes providing psychological comfort and reassurance which would be beneficial to a child, spouse or parent with a serious health condition who is receiving inpatient or home care.

(b) The term also includes situations where the employee may be needed to fill in for others who are caring for the family member, or to make arrangements for changes in care, such as transfer to a nursing home.

(c) An employee's intermittent leave or a reduced leave schedule necessary to care for a family member includes not only a situation where the family member's condition itself is intermittent, but also where the employee is only needed intermittently "such as where other care is normally available, or care responsibilities are shared with another member of the family or a third party.

§825.117 For an employee seeking intermittent FMLA leave or leave on a reduced leave schedule, what is meant by "the medical necessity for" such leave?

For intermittent leave or leave on a reduced leave schedule, there must be a medical need for leave (as distinguished from voluntary treatments and procedures) and it must be that such medical need can be best accommodated through an intermittent or reduced leave schedule. The treatment regimen and other information described in the certification of a serious health condition (see §825.306) meets the requirement for certification of the medical necessity of intermittent leave or leave on a reduced leave schedule. Employees needing intermittent FMLA leave or leave on a reduced leave schedule must attempt to schedule their leave so as not to disrupt the employing office's operations. In addition, an employing office may assign an employee to an alternative position with equivalent pay and benefits that better accommodates the employee's intermittent or reduced leave schedule.

§825.118 What is a "health care provider"?

(a)(1) The term "health care provider" means:

(i) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or

(ii) Any other person determined by the Office of Compliance to be capable of providing health care services.

(2) In making a determination referred to in subparagraph (1)(ii), and absent good cause shown to do otherwise, the Office of Compliance will follow any determination made by the Secretary of Labor (under section 101(6)(B) of the FMLA, 29 U.S.C. 2611(6)(B)) that a person is capable of providing health care services, provided the Secretary's determination was not made at the request of a person who was then a covered employee.

(b) Others "capable of providing health care services" include only:

(1) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law;

(2) Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law;

(3) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts. Where an employee or family member is receiving treatment from a Christian Science practitioner, an employee may not object to any requirement from an employing office that the employee or family member submit to examination (though not treatment) to obtain a second or third certification from a health care provider other than a Christian Science practitioner except as otherwise provided under applicable State or local law or collective bargaining agreement.

(4) Any health care provider from whom an employing office or the employing office's group health plan's benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits; and

(5) A health care provider listed above who practices in a country other than the United States, who is authorized to practice in accordance with the law of that country, and who is performing within the scope of his or her practice as defined under such law.

(c) The phrase "authorized to practice in the State" as used in this section means that the provider must be authorized to diagnose and treat physical or mental health conditions without supervision by a doctor or other health care provider.

SUBPART B—WHAT LEAVE IS AN EMPLOYEE ENTITLED TO TAKE UNDER THE FAMILY AND MEDICAL LEAVE ACT, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT?

§825.200 How much leave may an employee take?

(a) An eligible employee's FMLA leave entitlement is limited to a total of 12 workweeks of leave during any 12-month period for any one, or more, of the following reasons:

(1) The birth of the employee's son or daughter, and to care for the newborn child;

(2) The placement with the employee of a son or daughter for adoption or foster care, and to care for the newly placed child;

(3) To care for the employee's spouse, son, daughter, or parent with a serious health condition; and

(4) Because of a serious health condition that makes the employee unable to perform one or more of the essential functions of his or her job.

(b) An employing office is permitted to choose any one of the following methods for determining the "12-month period" in which the 12 weeks of leave entitlement occurs:

(1) The calendar year;

(2) Any fixed 12-month "leave year", such as a fiscal year or a year starting on an employee's "anniversary" date;

(3) The 12-month period measured forward from the date any employee's first FMLA leave begins; or

(4) A "rolling" 12-month period measured backward from the date an employee uses any FMLA leave (except that such measure may not extend back before the date on which the application of FMLA rights and protections first becomes effective for the employing office; see §825.102).

(c) Under methods in paragraphs (b)(1) and (b)(2) of this section an employee would be entitled to up to 12 weeks of FMLA leave at any time in the fixed 12-month period selected. An employee could, therefore, take 12 weeks of leave at the end of the year and 12 weeks at the beginning of the following year. Under the method in paragraph (b)(3) of this section, an employee would be entitled to 12 weeks of leave during the year beginning on the first date FMLA leave is taken; the next 12-month period would begin the first time FMLA leave is taken after completion of any previous 12-month period. Under the method in paragraph (b)(4) of this section, the "rolling" 12-month period, each time an employee takes FMLA leave the remaining leave entitlement would be any balance of the 12 weeks which has not been used during the immediately preceding 12 months. For example, if an employee has taken eight weeks of leave during the past 12 months, an additional four weeks of leave could be taken. If an employee used four weeks beginning February 1, 1997, four weeks beginning June 1, 1997, and four weeks beginning December 1, 1997, the employee would not be entitled to any additional leave until February 1, 1998. However, beginning on February 1, 1998, the employee would be entitled to four weeks of leave, on June 1 the employee would be entitled to an additional four weeks, etc.

(d)(1) Employing offices will be allowed to choose any one of the alternatives in paragraph (b) of this section provided the alternative chosen is applied consistently and uniformly to all employees. An employing office wishing to change to another alternative is required to give at least 60 days notice to all employees, and the transition must take place in such a way that the employees retain the full benefit of 12 weeks of leave under whichever method affords the greatest benefit to the employee. Under no circumstances may a new method be implemented in order to avoid the CAA's FMLA leave requirements.

(2) [Reserved].

(e) If an employing office fails to select one of the options in paragraph (b) of this section for measuring the 12-month period, the option that provides the most beneficial outcome for the employee will be used. The employing office may subsequently select an option only by providing the 60-day notice to all employees of the option the employing office intends to implement. During the running of the 60-day period any other employee who needs FMLA leave may use the option providing the most beneficial outcome to that employee. At the conclusion of the 60-day period the employing office may implement the selected option.

(f) For purposes of determining the amount of leave used by an employee, the fact that a holiday may occur within the week taken as FMLA leave has no effect; the week is counted as a week of FMLA leave. However, if for some reason the employing office's activity has temporarily ceased and employees generally are not expected to report for work for one or more weeks (e.g., a school closing two weeks for the Christmas/New Year holiday or the summer vacation or an employing office closing the office for repairs), the days the employing office's activities have ceased do not count against the employee's FMLA leave entitlement. Methods for determining an employee's 12-week leave entitlement are also described in §825.205.

(g)(1) If employing offices jointly employ an employee, and if they designate a primary employer pursuant to §825.106(c), the primary employer may choose any one of the alternatives in paragraph (b) of this section for measuring the 12-month period, provided that the alternative chosen is applied consistently and uniformly to all employees of the primary employer including the jointly employed employee.

(2) If employing offices fail to designated a primary employer pursuant to §825.106(c), an employee jointly employed by the employing offices may, by so notifying one of the employing offices, select that employing office to be the primary employer of the employee for purposes of the application of paragraphs (d) and (e) of this section.

§ 825.201 If leave is taken for the birth of a child, or for placement of a child for adoption or foster care, when must the leave be concluded?

An employee's entitlement to leave for a birth or placement for adoption or foster care expires at the end of the 12-month period beginning on the date of the birth or placement, unless the employing office permits leave to be taken for a longer period. Any such FMLA leave must be concluded within this one-year period.

§ 825.202 How much leave may a husband and wife take if they are employed by the same employing office?

(a) A husband and wife who are eligible for FMLA leave and are employed by the same employing office may be limited to a combined total of 12 weeks of leave during any 12-month period if the leave is taken—

(1) for birth of the employee's son or daughter or to care for the child after birth;

(2) for placement of a son or daughter with the employee for adoption or foster care, or to care for the child after placement; or

(3) to care for the employee's parent with a serious health condition.

(b) This limitation on the total weeks of leave applies to leave taken for the reasons specified in paragraph (a) of this section as long as a husband and wife are employed by the "same employing office". It would apply, for example, even though the spouses are employed at two different work sites of an employing office. On the other hand, if one spouse is ineligible for FMLA leave, the other spouse would be entitled to a full 12 weeks of FMLA leave.

(c) Where the husband and wife both use a portion of the total 12-week FMLA leave entitlement for one of the purposes in paragraph (a) of this section, the husband and wife would each be entitled to the difference between the amount he or she has taken individually and 12 weeks for FMLA leave for a purpose other than those contained in paragraph (a) of this section. For example, if each spouse took 6 weeks of leave to care for a healthy, newborn child, each could use an additional 6 weeks due to his or her own serious health condition or to care for a child with a serious health condition.

§ 825.203 Does FMLA leave have to be taken all at once, or can it be taken in parts?

(a) FMLA leave may be taken "intermittently or on a reduced leave schedule" under certain circumstances. Intermittent leave is FMLA leave taken in separate blocks of time due to a single qualifying reason. A reduced leave schedule is a leave schedule that reduces an employee's usual number of working hours per workweek, or hours per workday. A reduced leave schedule is a change in the employee's schedule for a period of time, normally from full-time to part-time.

(b) When leave is taken after the birth or placement of a child for adoption or foster care, an employee may take leave intermittently or on a reduced leave schedule only if the employing office agrees. Such a schedule reduction might occur, for example, where an employee, with the employing office's agreement, works part-time after the birth of a child, or takes leave in several segments. The employing office's agreement is not required, however, for leave during which the mother has a serious health condition in connection with the birth of her child or if the newborn child has a serious health condition.

(c) Leave may be taken intermittently or on a reduced leave schedule when medically necessary for planned and/or unanticipated medical treatment of a related serious health condition by or under the supervision of a health care provider, or for recovery from treatment or recovery from a serious health condition. It may also be taken to provide care or psychological comfort to an immediate family member with a serious health condition.

(1) Intermittent leave may be taken for a serious health condition which requires treatment by a health care provider periodically, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy. A pregnant employee may take leave intermittently for prenatal examinations or for her own condition, such as for periods of severe morning sickness. An example of an employee taking leave on a reduced leave schedule is an employee who is recovering from a serious health condition and is not strong enough to work a full-time schedule.

(2) Intermittent or reduced schedule leave may be taken for absences where the employee or family member is incapacitated or unable to perform the essential functions of the position because of a chronic serious health condition even if he or she does not receive treatment by a health care provider.

(d) There is no limit on the size of an increment of leave when an employee takes intermittent leave or leave on a reduced leave schedule. However, an employing office may limit leave increments to the shortest period of time that the employing office's payroll system uses to account for absences or use of leave, provided it is one hour or less. For example, an employee might take two hours off for a medical appointment, or might work a reduced day of four hours over a period of several weeks while recuperating from an illness. An employee may not be required to take more FMLA leave than necessary to address the circumstance that precipitated the need for the leave, except as provided in §§825.601 and 825.602.

§ 825.204 May an employing office transfer an employee to an "alternative position" in order to accommodate intermittent leave or a reduced leave schedule?

(a) If an employee needs intermittent leave or leave on a reduced leave schedule that is foreseeable based on planned medical treatment for the employee or a family member, including during a period of recovery from a serious health condition, or if the employing office agrees to permit intermittent or reduced schedule leave for the birth of a child or for placement of a child for adoption or foster care, the employing office may require the employee to transfer temporarily, during the period the intermittent or reduced leave schedule is required, to an available alternative position for which the employee is qualified and which better accommodates recurring periods of leave than does the employee's regular position. See §825.601 for special rules applicable to instructional employees of schools.

(b) Transfer to an alternative position may require compliance with any applicable collective bargaining agreement and any applicable law (such as the Americans with Disabilities Act, as made applicable by the CAA). Transfer to an alternative position may include altering an existing job to better accommodate the employee's need for intermittent or reduced leave.

(c) The alternative position must have equivalent pay and benefits. An alternative position for these purposes does not have to have equivalent duties. The employing office may increase the pay and benefits of an existing alternative position, so as to make them equivalent to the pay and benefits of the employee's regular job. The employing office may also transfer the employee to a part-time job with the same hourly rate of pay and benefits, provided the employee is not required to take more leave than is medically necessary. For example, an employee desiring to take leave in increments of four hours per day could be transferred to a half-time job, or could remain in the employee's same job on a part-time schedule, paying the same hourly rate as the employee's previous job and enjoying the same benefits. The employing office may not eliminate benefits which otherwise would not be provided to part-time employees; however, an employing office may proportionately reduce benefits such as vacation leave where an employing office's normal practice is to base such benefits on the number of hours worked.

(d) An employing office may not transfer the employee to an alternative position in order to discourage the employee from taking leave or otherwise work a hardship on the employee. For example, a white collar employee may not be assigned to perform laborer's work; an employee working the day shift may not be reassigned to the graveyard shift; an employee working in the headquarters facility may not be reassigned to a branch a significant distance away from the employee's normal job location. Any such attempt on the part of the employing office to make such a transfer will be held to be contrary to the prohibited-acts provisions of the FMLA, as made applicable by the CAA.

(e) When an employee who is taking leave intermittently or on a reduced leave schedule and has been transferred to an alternative position no longer needs to continue on leave and is able to return to full-time work, the employee must be placed in the same or equivalent job as the job he/she left when the leave commenced. An employee may not be required to take more leave than necessary to address the circumstance that precipitated the need for leave.

§ 825.205 How does one determine the amount of leave used where an employee takes leave intermittently or on a reduced leave schedule?

(a) If an employee takes leave on an intermittent or reduced leave schedule, only the amount of leave actually taken may be counted toward the 12 weeks of leave to which an employee is entitled. For example, if an employee who normally works five days a week takes off one day, the employee would use ⅕ of a week of FMLA leave. Similarly, if a full-time employee who normally works 8-hour days works 4-hour days under a reduced leave schedule, the employee would use ½ week of FMLA leave each week.

(b) Where an employee normally works a part-time schedule or variable hours, the amount of leave to which an employee is entitled is determined on a pro rata or proportional basis by comparing the new schedule with the employee's normal schedule. For example, if an employee who normally works 30 hours per week works only 20 hours a week under a reduced leave schedule, the employee's ten hours of leave would constitute one-third of a week of FMLA leave for each week the employee works the reduced leave schedule.

(c) If an employing office has made a permanent or long-term change in the employee's schedule (for reasons other than FMLA, and prior to the notice of need for FMLA leave), the hours worked under the new schedule are to be used for making this calculation.

(d) If an employee's schedule varies from week to week, a weekly average of the hours worked over the 12 weeks prior to the beginning of the leave period would be used for calculating the employee's normal workweek.

§825.206 May an employing office deduct hourly amounts from an employee's salary, when providing unpaid leave under FMLA, as made applicable by the CAA, without affecting the employee's qualification for exemption as an executive, administrative, or professional employee, or when utilizing the fluctuating workweek method for payment of overtime, under the Fair Labor Standards Act?

(a) Leave taken under FMLA, as made applicable by the CAA, may be unpaid. If an employee is otherwise exempt from minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA), as made applicable by the CAA, as a salaried executive, administrative, or professional employee (under regulations issued by the Board, at part 541), providing unpaid FMLA-qualifying leave to such an employee will not cause the employee to lose the FLSA exemption. This means that under regulations currently in effect, where an employee meets the specified duties test, is paid on a salary basis, and is paid a salary of at least the amount specified in the regulations, the employing office may make deductions from the employee's salary for any hours taken as intermittent or reduced FMLA leave within a workweek, without affecting the exempt status of the employee. The fact that an employing office provides FMLA leave, whether paid or unpaid, or maintains any records regarding FMLA leave, will not be relevant to the determination whether an employee is exempt within the meaning of the Board's regulations at part 541.

(b) For an employee paid in accordance with a fluctuating workweek method of payment for overtime, where permitted by section 203 of the CAA (2 U.S.C. 1313), the employing office, during the period in which intermittent or reduced schedule FMLA leave is scheduled to be taken, may compensate an employee on an hourly basis and pay only for the hours the employee works, including time and one-half the employee's regular rate for overtime hours. The change to payment on an hourly basis would include the entire period during which the employee is taking intermittent leave, including weeks in which no leave is taken. The hourly rate shall be determined by dividing the employee's weekly salary by the employee's normal or average schedule of hours worked during weeks in which FMLA leave is not being taken. If an employing office chooses to follow this exception from the fluctuating workweek method of payment, the employing office must do so uniformly, with respect to all employees paid on a fluctuating workweek basis for whom FMLA leave is taken on an intermittent or reduced leave schedule basis. If an employing office does not elect to convert the employee's compensation to hourly pay, no deduction may be taken for FMLA leave absences. Once the need for intermittent or reduced scheduled leave is over, the employee may be restored to payment on a fluctuating workweek basis.

(c) This special exception to the "salary basis" requirements of the FLSA exemption or fluctuating workweek payment requirements applies only to employees of employing offices who are eligible for FMLA leave, and to leave which qualifies as (one of the four types of) FMLA leave. Hourly or other deductions which are not in accordance with the Board's regulations at part 541 or with a permissible fluctuating workweek method of payment for overtime may not be taken, for example, where the employee has not worked long enough to be eligible for FMLA leave without potentially affecting the employee's eligibility for exemption. Nor may deductions which are not permitted by the Board's regulations at part 541 or by a permissible fluctuating workweek method of payment for overtime be taken from such an employee's salary for any leave which does not qualify as FMLA leave, for example, deductions from an employee's pay for leave required under an employing office's policy or practice for a reason which does not qualify as FMLA leave, e.g., leave to care for a grandparent or for a medical condition which does not qualify as a serious health condition; or for leave which is more generous than provided by FMLA as made applicable by the CAA, such as leave in excess of 12 weeks in a year. The employing office may comply with the employing office's own policy/practice under these circumstances and maintain the employee's eligibility for exemption or for the fluctuating workweek method of pay by not taking hourly deductions from the employee's pay, in accordance with FLSA requirements, or may take such deductions, treating the employee as an "hourly" employee and pay overtime premium pay for hours worked over 40 in a workweek.

§825.207 Is FMLA leave paid or unpaid?

(a) Generally, FMLA leave is unpaid. However, under the circumstances described in this section, FMLA, as made applicable by the CAA, permits an eligible employee to choose to substitute paid leave for FMLA leave. If an employee does not choose to substitute accrued paid leave, the employing office may require the employee to substitute accrued paid leave for FMLA leave.

(b) Where an employee has earned or accrued paid vacation, personal or family leave, that paid leave may be substituted for all or part of any (otherwise) unpaid FMLA leave relating to birth, placement of a child for adoption or foster care, or care for a spouse, child or parent who has a serious health condition. The term "family leave" as used in FMLA refers to paid leave provided by the employing office covering the particular circumstances for which the employee seeks leave for either the birth of a child and to care for such child, placement of a child for adoption or foster care, or care for a spouse, child or parent with a serious health condition. For example, if the employing office's leave plan allows use of family leave to care for a child but not for a parent, the employing office is not required to allow accrued family leave to be substituted for FMLA leave used to care for a parent.

(c) Substitution of paid accrued vacation, personal, or medical/sick leave may be made for any (otherwise) unpaid FMLA leave needed to care for a family member or the employee's own serious health condition. Substitution of paid sick/medical leave may be elected to the extent the circumstances meet the employing office's usual requirements for the use of sick/medical leave. An employing office is not required to allow substitution of paid sick or medical leave for unpaid FMLA leave "in any situation" where the employing office's uniform policy would not normally allow such paid leave. An employee, therefore, has a right to substitute paid medical/sick leave to care for a seriously ill family member only if the employing office's leave plan allows paid leave to be used for that purpose. Similarly, an employee does not have a right to substitute paid medical/sick leave for a serious health condition which is not covered by the employing office's leave plan.

(d)(1) Disability leave for the birth of a child would be considered FMLA leave for a serious health condition and counted in the 12 weeks of leave permitted under FMLA as made applicable by the CAA. Because the leave pursuant to a temporary disability benefit plan is not unpaid, the provision for substitution of paid leave is inapplicable. However, the employing office may designate the leave as FMLA leave and count the leave as running concurrently for purposes of both the benefit plan and the FMLA leave entitlement. If the requirements to qualify for payments pursuant to the employing office's temporary disability plan are more stringent than those of FMLA as made applicable by the CAA, the employee must meet the more stringent requirements of the plan, or may choose not to meet the requirements of the plan and instead receive no payments from the plan and use unpaid FMLA leave or substitute available accrued paid leave.

(2) The FMLA as made applicable by the CAA provides that a serious health condition may result from injury to the employee "on or off" the job. If the employing office designates the leave as FMLA leave in accordance with §825.208, the employee's FMLA 12-week leave entitlement may run concurrently with a workers' compensation absence when the injury is one that meets the criteria for a serious health condition. As the workers' compensation absence is not unpaid leave, the provision for substitution of the employee's accrued paid leave is not applicable. However, if the health care provider treating the employee for the workers' compensation injury certifies the employee is able to return to a "light duty job" but is unable to return to the same or equivalent job, the employee may decline the employing office's offer of a "light duty job". As a result the employee may lose workers' compensation payments, but is entitled to remain on unpaid FMLA leave until the 12-week entitlement is exhausted. As of the date workers' compensation benefits cease, the substitution provision becomes applicable and either the employee may elect or the employing office may require the use of accrued paid leave. See also §§ 825.210(f), 825.216(d), 825.220(d), 825.307(a)(1) and 825.702(d) (1) and (2) regarding the relationship between workers' compensation absences and FMLA leave.

(e) Paid vacation or personal leave, including leave earned or accrued under plans allowing "paid time off", may be substituted, at either the employee's or the employing office's option, for any qualified FMLA leave. No limitations may be placed by the employing office on substitution of paid vacation or personal leave for these purposes.

(f) If neither the employee nor the employing office elects to substitute paid leave for unpaid FMLA leave under the above conditions and circumstances, the employee will remain entitled to all the paid leave which is earned or accrued under the terms of the employing office's plan.

(g) If an employee uses paid leave under circumstances which do not qualify as FMLA leave, the leave will not count against the 12 weeks of FMLA leave to which the employee is entitled. For example, paid sick leave used for a medical condition which is not a serious health condition does not count against the 12 weeks of FMLA leave entitlement.

(h) When an employee or employing office elects to substitute paid leave (of any type) for unpaid FMLA leave under circumstances permitted by these regulations, and the employing office's procedural requirements for taking that kind of leave are less stringent than the requirements of FMLA as made applicable by the CAA (e.g., notice or certification requirements), only the less stringent requirements may be imposed. An employee who complies with an employing office's less stringent leave plan requirements in such cases may not have leave for an FMLA purpose delayed or denied on the grounds that the employee has not complied with stricter requirements of FMLA as made applicable by the CAA. However, where accrued paid vacation or personal leave is substituted for unpaid FMLA leave for a serious health condition, an employee may be required to comply with any less stringent medical certification requirements of the employing office's sick leave program. See §§825.302(g), 825.305(e) and 825.306(c).

(i) Compensatory time off, if any is authorized under applicable law, is not a form of accrued paid leave that an employing office may require the employee to substitute for unpaid FMLA leave. The employee may request to use his/her balance of compensatory time for an FMLA reason. If the employing office permits the accrual of compensatory time to be used in compliance with applicable Board regulations, the absence which is paid from the employee's accrued compensatory time "account" may not be counted against the employee's FMLA leave entitlement.

§825.208 Under what circumstances may an employing office designate leave, paid or unpaid, as FMLA leave and, as a result, enable leave to be counted against the employee's total FMLA leave entitlement?

(a) In all circumstances, it is the employing office's responsibility to designate leave, paid or unpaid, as FMLA-qualifying, and to give notice of the designation to the employee as provided in this section. In the case of intermittent leave or leave on a reduced schedule, only one such notice is required unless the circumstances regarding the leave have changed. The employing office's designation decision must be based only on information received from the employee or the employee's spokesperson (e.g., if the employee is incapacitated, the employee's spouse, adult child, parent, doctor, etc., may provide notice to the employing office of the need to take FMLA leave). In any circumstance where the employing office does not have sufficient information about the reason for an employee's use of paid leave, the employing office should inquire further of the employee or the spokesperson to ascertain whether the paid leave is potentially FMLA-qualifying.

(1) An employee giving notice of the need for unpaid FMLA leave must explain the reasons for the needed leave so as to allow the employing office to determine that the leave qualifies under the FMLA, as made applicable by the CAA. If the employee fails to explain the reasons, leave may be denied. In many cases, in explaining the reasons for a request to use paid leave, especially when the need for the leave was unexpected or unforeseen, an employee will provide sufficient information for the employing office to designate the paid leave as FMLA leave. An employee using accrued paid leave, especially vacation or personal leave, may in some cases not spontaneously explain the reasons or their plans for using their accrued leave.

(2) As noted in §825.302(c), an employee giving notice of the need for unpaid FMLA leave does not need to expressly assert rights under the FMLA as made applicable by the CAA or even mention the FMLA to meet his or her obligation to provide notice, though the employee would need to state a qualifying reason for the needed leave. An employee requesting or notifying the employing office of an intent to use accrued paid leave, even if for a purpose covered by FMLA, would not need to assert such right either. However, if an employee requesting to use paid leave for an FMLA-qualifying purpose does not explain the reason for the leave—consistent with the employing office's established policy or practice—and the employing office denies the employee's request, the employee will need to provide sufficient information to establish an FMLA-qualifying reason for the needed leave so that the employing office is aware of the employee's entitlement (i.e., that the leave may not be denied) and, then, may designate that the paid leave be appropriately counted against (substituted for) the employee's 12-week entitlement. Similarly, an employee using accrued paid vacation leave who seeks an extension of unpaid leave for an FMLA-qualifying purpose will need to state the reason. If this is due to an event which occurred during the period of paid leave, the employing office may count the leave used after the FMLA-qualifying event against the employee's 12-week entitlement.

(b)(1) Once the employing office has acquired knowledge that the leave is being taken for an FMLA required reason, the employing office must promptly (within two business days absent extenuating circumstances) notify the employee that the paid leave is designated and will be counted as FMLA leave. If there is a dispute between an employing office and an employee as to whether paid leave qualifies as FMLA leave, it should be resolved through discussions between the employee and the employing office. Such discussions and the decision must be documented.

(2) The employing office's notice to the employee that the leave has been designated as FMLA leave may be orally or in writing. If the notice is oral, it shall be confirmed in writing, no later than the following payday (unless the payday is less than one week after the oral notice, in which case the notice must be no later than the subsequent payday). The written notice may be in any form, including a notation on the employee's pay stub.

(c) If the employing office requires paid leave to be substituted for unpaid leave, or that paid leave taken under an existing leave plan be counted as FMLA leave, this decision must be made by the employing office within two business days of the time the employee gives notice of the need for leave, or, where the employing office does not initially have sufficient information to make a determination, when the employing office determines that the leave qualifies as FMLA leave if this happens later. The employing office's designation must be made before the leave starts, unless the employing office does not have sufficient information as to the employee's reason for taking the leave until after the leave commenced. If the employing office has the requisite knowledge to make a determination that the paid leave is for an FMLA reason at the time the employee either gives notice of the need for leave or commences leave and fails to designate the leave as FMLA leave (and so notify the employee in accordance with paragraph (b)), the employing office may not designate leave as FMLA leave retroactively, and may designate only prospectively as of the date of notification to the employee of the designation. In such circumstances, the employee is subject to the full protections of the FMLA, as made applicable by the CAA, but none of the absence preceding the notice to the employee of the designation may be counted against the employee's 12-week FMLA leave entitlement.

(d) If the employing office learns that leave is for an FMLA purpose after leave has begun, such as when an employee gives notice of the need for an extension of the paid leave with unpaid FMLA leave, the entire or some portion of the paid leave period may be retroactively counted as FMLA leave, to the extent that the leave period qualified as FMLA leave. For example, an employee is granted two weeks paid vacation leave for a skiing trip. In mid-week of the second week, the employee contacts the employing office for an extension of leave as unpaid leave and advises that at the beginning of the second week of paid vacation leave the employee suffered a severe accident requiring hospitalization. The employing office may notify the employee that both the extension and the second week of paid vacation leave (from the date of the injury) is designated as FMLA leave. On the other hand, when the employee takes sick leave that turns into a serious health condition (e.g., bronchitis that turns into bronchial pneumonia) and the employee gives notice of the need for an extension of leave, the entire period of the serious health condition may be counted as FMLA leave.

(e) Employing offices may not designate leave as FMLA leave after the employee has returned to work with two exceptions:

(1) If the employee was absent for an FMLA reason and the employing office did not learn the reason for the absence until the employee's return (e.g., where the employee was absent for only a brief period), the employing office may, upon the employee's return to work, promptly (within two business days of the employee's return to work) designate the leave retroactively with appropriate notice to the employee. If leave is taken for an FMLA reason but the employing office was not aware of the reason, and the employee desires that the leave be counted as FMLA leave, the employee must notify the employing office within two business days of returning to work of the reason for the leave. In the absence of such timely notification by the employee, the employee may not subsequently assert FMLA protections for the absence.

(2) If the employing office knows the reason for the leave but has not been able to confirm that the leave qualifies under FMLA, or where the employing office has requested medical certification which has not yet been received or the parties are in the process of obtaining a second or third medical opinion, the employing office should make a preliminary designation, and so notify the employee, at the time leave begins,

or as soon as the reason for the leave becomes known. Upon receipt of the requisite information from the employee or of the medical certification which confirms the leave is for an FMLA reason, the preliminary designation becomes final. If the medical certifications fail to confirm that the reason for the absence was an FMLA reason, the employing office must withdraw the designation (with written notice to the employee).

(f) If, before beginning employment with an employing office, an employee had been employed by another employing office, the subsequent employing office may count against the employee's FMLA leave entitlement FMLA leave taken from the prior employing office, except that, if the FMLA leave began after the effective date of these regulations (or if the FMLA leave was subject to other applicable requirement under which the employing office was to have designated the leave as FMLA leave), the prior employing office must have properly designated the leave as FMLA under these regulations or other applicable requirement.

§ 825.209 Is an employee entitled to benefits while using FMLA leave?

(a) During any FMLA leave, the employing office must maintain the employee's coverage under the Federal Employees Health Benefits Program or any group health plan (as defined in the Internal Revenue Code of 1986 at 26 U.S.C. 5000(b)(1)) on the same conditions as coverage would have been provided if the employee had been continuously employed during the entire leave period. All employing offices are subject to the requirements of the FMLA, as made applicable by the CAA, to maintain health coverage. The definition of "group health plan" is set forth in § 825.800. For purposes of FMLA, the term "group health plan" shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that—

(1) no contributions are made by the employing office;

(2) participation in the program is completely voluntary for employees;

(3) the sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) the employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) the premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

(b) The same group health plan benefits provided to an employee prior to taking FMLA leave must be maintained during the FMLA leave. For example, if family member coverage is provided to an employee, family member coverage must be maintained during the FMLA leave. Similarly, benefit coverage during FMLA leave for medical care, surgical care, hospital care, dental care, eye care, mental health counseling, substance abuse treatment, etc., must be maintained during leave if provided in an employing office's group health plan, including a supplement to a group health plan, whether or not provided through a flexible spending account or other component of a cafeteria plan.

(c) If an employing office provides a new health plan or benefits or changes health benefits or plans while an employee is on FMLA leave, the employee is entitled to the new or changed plan/benefits to the same extent as if the employee were not on leave. For example, if an employing office changes a group health plan so that dental care becomes covered under the plan, an employee on FMLA leave must be given the same opportunity as other employees to receive (or obtain) the dental care coverage. Any other plan changes (e.g., in coverage, premiums, deductibles, etc.) which apply to all employees of the workforce would also apply to an employee on FMLA leave.

(d) Notice of any opportunity to change plans or benefits must also be given to an employee on FMLA leave. If the group health plan permits an employee to change from single to family coverage upon the birth of a child or otherwise add new family members, such a change in benefits must be made available while an employee is on FMLA leave. If the employee requests the changed coverage it must be provided by the employing office.

(e) An employee may choose not to retain group health plan coverage during FMLA leave. However, when an employee returns from leave, the employee is entitled to be reinstated on the same terms as prior to taking the leave, including family or dependent coverages, without any qualifying period, physical examination, exclusion of pre-existing conditions, etc. See § 825.212(c).

(f) Except as required by the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) or 5 U.S.C. 8905a, whichever is applicable, and for "key" employees (as discussed below), an employing office's obligation to maintain health benefits during leave (and to restore the employee to the same or equivalent employment) under FMLA ceases if and when the employment relationship would have terminated if the employee had not taken FMLA leave (e.g., if the employee's position is eliminated as part of a nondiscriminatory reduction in force and the employee would not have been transferred to another position); an employee informs the employing office of his or her intent not to return from leave (including before starting the leave if the employing office is so informed before the leave starts); or the employee fails to return from leave or continues on leave after exhausting his or her FMLA leave entitlement in the 12-month period.

(g) If a "key employee" (see § 825.218) does not return from leave when notified by the employing office that substantial or grievous economic injury will result from his or her reinstatement, the employee's entitlement to group health plan benefits continues unless and until the employee advises the employing office that the employee does not desire restoration to employment at the end of the leave period, or FMLA leave entitlement is exhausted, or reinstatement is actually denied.

(h) An employee's entitlement to benefits other than group health benefits during a period of FMLA leave (e.g., holiday pay) is to be determined by the employing office's established policy for providing such benefits when the employee is on other forms of leave (paid or unpaid, as appropriate).

§ 825.210 How may employees on FMLA leave pay their share of group health benefit premiums?

(a) Group health plan benefits must be maintained on the same basis as coverage would have been provided if the employee had been continuously employed during the FMLA leave period. Therefore, any share of group health plan premiums which had been paid by the employee prior to FMLA leave must continue to be paid by the employee during the FMLA leave period. If premiums are raised or lowered, the employee would be required to pay the new premium rates. Maintenance of health insurance policies which are not a part of the employing office's group health plan, as described in § 825.209(a), are the sole responsibility of the employee. The employee and the insurer should make necessary arrangements for payment of premiums during periods of unpaid FMLA leave.

(b) If the FMLA leave is substituted paid leave, the employee's share of premiums must be paid by the method normally used during any paid leave, presumably as a payroll deduction.

(c) If FMLA leave is unpaid, the employing office has a number of options for obtaining payment from the employee. The employing office may require that payment be made to the employing office or to the insurance carrier, but no additional charge may be added to the employee's premium payment for administrative expenses. The employing office may require employees to pay their share of premium payments in any of the following ways:

(1) Payment would be due at the same time as it would be made if by payroll deduction;

(2) Payment would be due on the same schedule as payments are made under COBRA or 5 U.S.C. 8905a, whichever is applicable;

(3) Payment would be prepaid pursuant to a cafeteria plan at the employee's option;

(4) The employing office's existing rules for payment by employees on "leave without pay" would be followed, provided that such rules do not require prepayment (i.e., prior to the commencement of the leave) of the premiums that will become due during a period of unpaid FMLA leave or payment of higher premiums than if the employee had continued to work instead of taking leave; or

(5) Another system voluntarily agreed to between the employing office and the employee, which may include prepayment of premiums (e.g., through increased payroll deductions when the need for the FMLA leave is foreseeable).

(d) The employing office must provide the employee with advance written notice of the terms and conditions under which these payments must be made. (See § 825.301.)

(e) An employing office may not require more of an employee using FMLA leave than the employing office requires of other employees on "leave without pay".

(f) An employee who is receiving payments as a result of a workers' compensation injury must make arrangements with the employing office for payment of group health plan benefits when simultaneously taking unpaid FMLA leave. See paragraph (c) of this section and § 825.207(d)(2).

§ 825.211 What special health benefits maintenance rules apply to multi-employer health plans?

(a) A multi-employer health plan is a plan to which more than one employer is required to contribute, and which is maintained pursuant to one or more collective bargaining agreements between employee organization(s) and the employers.

(b) An employing office under a multi-employer plan must continue to make contributions on behalf of an employee using FMLA leave as though the employee had been continuously employed, unless the plan contains an explicit FMLA provision for maintaining coverage such as through pooled contributions by all employers party to the plan.

(c) During the duration of an employee's FMLA leave, coverage by the group health plan, and benefits provided pursuant to the plan, must be maintained at the level of coverage and benefits which were applicable to the employee at the time FMLA leave commenced.

(d) An employee using FMLA leave cannot be required to use "banked" hours or pay a greater premium than the employee would have been required to pay if the employee had been continuously employed.

(e) As provided in § 825.209(f), group health plan coverage must be maintained for an employee on FMLA leave until:

(1) the employee's FMLA leave entitlement is exhausted;

(2) the employing office can show that the employee would have been laid off and the employment relationship terminated; or

(3) the employee provides unequivocal notice of intent not to return to work.

§ 825.212 What are the consequences of an employee's failure to make timely health plan premium payments?

(a)(1) In the absence of an established employing office policy providing a longer grace period, an employing office's obligations to maintain health insurance coverage cease under FMLA if an employee's premium payment is more than 30 days late. In order to drop the coverage for an employee whose premium payment is late, the employing office must provide written notice to the employee that the payment has not been received. Such notice must be mailed to the employee at least 15 days before coverage is to cease, advising that coverage will be dropped on a specified date at least 15 days after the date of the letter unless the payment has been received by that date. If the employing office has established policies regarding other forms of unpaid leave that provide for the employing office to cease coverage retroactively to the date the unpaid premium payment was due, the employing office may drop the employee from coverage retroactively in accordance with that policy, provided the 15-day notice was given. In the absence of such a policy, coverage for the employee may be terminated at the end of the 30-day grace period, where the required 15-day notice has been provided.

(2) An employing office has no obligation regarding the maintenance of a health insurance policy which is not a "group health plan". See § 825.209(a).

(3) All other obligations of an employing office under FMLA would continue; for example, the employing office continues to have an obligation to reinstate an employee upon return from leave.

(b) The employing office may recover the employee's share of any premium payments missed by the employee for any FMLA leave period during which the employing office maintains health coverage by paying the employee's share after the premium payment is missed.

(c) If coverage lapses because an employee has not made required premium payments, upon the employee's return from FMLA leave the employing office must still restore the employee to coverage/benefits equivalent to those the employee would have had if leave had not been taken and the premium payment(s) had not been missed, including family or dependent coverage. See § 825.215(d)(1)–(5). In such case, an employee may not be required to meet any qualification requirements imposed by the plan, including any new preexisting condition waiting period, to wait for an open season, or to pass a medical examination to obtain reinstatement of coverage.

§ 825.213 May an employing office recover costs it incurred for maintaining "group health plan" or other non-health benefits coverage during FMLA leave?

(a) In addition to the circumstances discussed in § 825.212(b), the share of health plan premiums paid by or on behalf of the employing office during a period of unpaid FMLA leave may be recovered from an employee if the employee fails to return to work after the employee's FMLA leave entitlement has been exhausted or expires, unless the reason the employee does not return is due to:

(1) The continuation, recurrence, or onset of a serious health condition of the employee or the employee's family member which would otherwise entitle the employee to leave under FMLA;

(2) Other circumstances beyond the employee's control. Examples of "other circumstances beyond the employee's control" are necessarily broad. They include such situations as where a parent chooses to stay home with a newborn child who has a serious health condition; an employee's spouse is unexpectedly transferred to a job location more than 75 miles from the employee's worksite; a relative or individual other than an immediate family member has a serious health condition and the employee is needed to provide care; the employee is laid off while on leave; or, the employee is a "key employee" who decides not to return to work upon being notified of the employing office's intention to deny restoration because of substantial and grievous economic injury to the employing office's operations and is not reinstated by the employing office. Other circumstances beyond the employee's control would not include a situation where an employee desires to remain with a parent in a distant city even though the parent no longer requires the employee's care, or a parent chooses not to return to work to stay home with a well, newborn child; or

(3) When an employee fails to return to work because of the continuation, recurrence, or onset of a serious health condition, thereby precluding the employing office from recovering its (share of) health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition. Such certification is not required unless requested by the employing office. The employee is required to provide medical certification in a timely manner which, for purposes of this section, is within 30 days from the date of the employing office's request. For purposes of medical certification, the employee may use the optional form developed for this purpose (see § 825.306(a) and Appendix B of this part). If the employing office requests medical certification and the employee does not provide such certification in a timely manner (within 30 days), or the reason for not returning to work does not meet the test of other circumstances beyond the employee's control, the employing office may recover 100 percent of the health benefit premiums it paid during the period of unpaid FMLA leave.

(b) Under some circumstances an employing office may elect to maintain other benefits, e.g., life insurance, disability insurance, etc., by paying the employee's (share of) premiums during periods of unpaid FMLA leave. For example, to ensure the employing office can meet its responsibilities to provide equivalent benefits to the employee upon return from unpaid FMLA leave, it may be necessary that premiums be paid continuously to avoid a lapse of coverage. If the employing office elects to maintain such benefits during the leave, at the conclusion of leave, the employing office is entitled to recover only the costs incurred for paying the employee's share of any premiums whether or not the employee returns to work.

(c) An employee who returns to work for at least 30 calendar days is considered to have "returned" to work. An employee who transfers directly from taking FMLA leave to retirement, or who retires during the first 30 days after the employee returns to work, is deemed to have returned to work.

(d) When an employee elects or an employing office requires paid leave to be substituted for FMLA leave, the employing office may not recover its (share of) health insurance or other non-health benefit premiums for any period of FMLA leave covered by paid leave. Because paid leave provided under a plan covering temporary disabilities (including workers' compensation) is not unpaid, recovery of health insurance premiums does not apply to such paid leave.

(e) The amount that self-insured employing offices may recover is limited to only the employing office's share of allowable "premiums" as would be calculated under COBRA, excluding the 2 percent fee for administrative costs.

(f) When an employee fails to return to work, any health and non-health benefit premiums which this section of the regulations permits an employing office to recover are a debt owed by the non-returning employee to the employing office. The existence of this debt caused by the employee's failure to return to work does not alter the employing office's responsibilities for health benefit coverage and, under a self-insurance plan, payment of claims incurred during the period of FMLA leave. To the extent recovery is allowed, the employing office may recover the costs through deduction from any sums due to the employee (e.g., unpaid wages, vacation pay, etc.), provided such deductions do not otherwise violate applicable wage payment or other laws. Alternatively, the employing office may initiate legal action against the employee to recover such costs.

§ 825.214 What are an employee's rights on returning to work from FMLA leave?

(a) On return from FMLA leave, an employee is entitled to be returned to the same position the employee held when leave commenced, or to an equivalent position with equivalent benefits, pay, and other terms and conditions of employment. An employee is entitled to such reinstatement even if the employee has been replaced or his or her position has been restructured to accommodate the employee's absence. See also § 825.106(e) for the obligations of employing offices that are joint employing offices.

(b) If the employee is unable to perform an essential function of the position because of a physical or mental condition, including the continuation of a serious health condition, the employee has no right to restoration to another position under the FMLA. However, the employing office's obligations may be governed by the Americans with Disabilities Act (ADA), as made applicable by the CAA. See § 825.702.

§ 825.215 What is an equivalent position?

(a) An equivalent position is one that is virtually identical to the employee's former position in terms of pay, benefits and working conditions, including privileges, perquisites and status. It must involve the same or substantially similar duties and responsibilities, which must entail substantially equivalent skill, effort, responsibility, and authority.

(b) If an employee is no longer qualified for the position because of the employee's inability to attend a necessary course, renew a license, fly a minimum number of hours, etc., as a result of the leave, the employee shall be given a reasonable opportunity to fulfill those conditions upon return to work.

(c) Equivalent Pay:

(1) An employee is entitled to any unconditional pay increases which may have occurred during the FMLA leave period, such as cost of living increases. Pay increases conditioned upon seniority, length of service, or work performed would not have to be granted unless it is the employing office's policy or practice to do so with respect to other employees on "leave without pay". In such case, any pay increase would be granted based on the employee's seniority, length of service, work performed, etc., excluding the period of unpaid FMLA leave. An employee is entitled to be restored to a position with the same or equivalent pay premiums, such as a shift differential. If an employee departed from a position averaging ten hours of overtime (and corresponding overtime pay) each week, an employee is ordinarily entitled to such a position on return from FMLA leave.

(2) Many employing offices pay bonuses in different forms to employees for job-related performance such as for perfect attendance, safety (absence of injuries or accidents on the job) and exceeding production goals. Bonuses for perfect attendance and safety do not require performance by the employee but rather contemplate the absence of occurrences. To the extent an employee who takes FMLA leave had met all the requirements for either or both of these bonuses before FMLA leave began, the employee is entitled to continue this entitlement upon return from FMLA leave, that is, the employee may not be disqualified for the bonus(es) for the taking of FMLA leave. See §825.220 (b) and (c). A monthly production bonus, on the other hand, does require performance by the employee. If the employee is on FMLA leave during any part of the period for which the bonus is computed, the employee is entitled to the same consideration for the bonus as other employees on paid or unpaid leave (as appropriate). See paragraph (d)(2) of this section.

(d) Equivalent Benefits. "Benefits" include all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office through an employee benefit plan.

(1) At the end of an employee's FMLA leave, benefits must be resumed in the same manner and at the same levels as provided when the leave began, and subject to any changes in benefit levels that may have taken place during the period of FMLA leave affecting the entire workforce, unless otherwise elected by the employee. Upon return from FMLA leave, an employee cannot be required to requalify for any benefits the employee enjoyed before FMLA leave began (including family or dependent coverages). For example, if an employee was covered by a life insurance policy before taking leave but is not covered or coverage lapses during the period of unpaid FMLA leave, the employee cannot be required to meet any qualifications, such as taking a physical examination, in order to requalify for life insurance upon return from leave. Accordingly, some employing offices may find it necessary to modify life insurance and other benefits programs in order to restore employees to equivalent benefits upon return from FMLA leave, make arrangements for continued payment of costs to maintain such benefits during unpaid FMLA leave, or pay these costs subject to recovery from the employee on return from leave. See §825.213(b).

(2) An employee may, but is not entitled to, accrue any additional benefits or seniority during unpaid FMLA leave. Benefits accrued at the time leave began, however, (e.g., paid vacation, sick or personal leave to the extent not substituted for FMLA leave) must be available to an employee upon return from leave.

(3) If, while on unpaid FMLA leave, an employee desires to continue life insurance, disability insurance, or other types of benefits for which he or she typically pays, the employing office is required to follow established policies or practices for continuing such benefits for other instances of leave without pay. If the employing office has no established policy, the employee and the employing office are encouraged to agree upon arrangements before FMLA leave begins.

(4) With respect to pension and other retirement plans, any period of unpaid FMLA leave shall not be treated as or counted toward a break in service for purposes of vesting and eligibility to participate. Also, if the plan requires an employee to be employed on a specific date in order to be credited with a year of service for vesting, contributions or participation purposes, an employee on unpaid FMLA leave on that date shall be deemed to have been employed on that date. However, unpaid FMLA leave periods need not be treated as credited service for purposes of benefit accrual, vesting and eligibility to participate.

(5) Employees on unpaid FMLA leave are to be treated as if they continued to work for purposes of changes to benefit plans. They are entitled to changes in benefits plans, except those which may be dependent upon seniority or accrual during the leave period, immediately upon return from leave or to the same extent they would have qualified if no leave had been taken. For example if the benefit plan is predicated on a pre-established number of hours worked each year and the employee does not have sufficient hours as a result of taking unpaid FMLA leave, the benefit is lost. (In this regard, §825.209 addresses health benefits.)

(e) Equivalent Terms and Conditions of Employment. An equivalent position must have substantially similar duties, conditions, responsibilities, privileges and status as the employee's original position.

(1) The employee must be reinstated to the same or a geographically proximate worksite (i.e., one that does not involve a significant increase in commuting time or distance) from where the employee had previously been employed. If the employee's original worksite has been closed, the employee is entitled to the same rights as if the employee had not been on leave when the worksite closed. For example, if an employing office transfers all employees from a closed worksite to a new worksite in a different city, the employee on leave is also entitled to transfer under the same conditions as if he or she had continued to be employed.

(2) The employee is ordinarily entitled to return to the same shift or the same or an equivalent work schedule.

(3) The employee must have the same or an equivalent opportunity for bonuses and other similar discretionary and non-discretionary payments.

(4) FMLA does not prohibit an employing office from accommodating an employee's request to be restored to a different shift, schedule, or position which better suits the employee's personal needs on return from leave, or to offer a promotion to a better position. However, an employee cannot be induced by the employing office to accept a different position against the employee's wishes.

(f) The requirement that an employee be restored to the same or equivalent job with the same or equivalent pay, benefits, and terms and conditions of employment does not extend to de minimis or intangible, unmeasurable aspects of the job. However, restoration to a job slated for lay-off, when the employee's original position is not, would not meet the requirements of an equivalent position.

§825.216 Are there any limitations on an employing office's obligation to reinstate an employee?

(a) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. An employing office must be able to show that an employee would not otherwise have been employed at the time reinstatement is requested in order to deny restoration to employment. For example:

(1) If an employee is laid off during the course of taking FMLA leave and employment is terminated, the employing office's responsibility to continue FMLA leave, maintain group health plan benefits and restore the employee ceases at the time the employee is laid off, provided the employing office has no continuing obligations under a collective bargaining agreement or otherwise. An employing office would have the burden of proving that an employee would have been laid off during the FMLA leave period and, therefore, would not be entitled to restoration.

(2) If a shift has been eliminated, or overtime has been decreased, an employee would not be entitled to return to work that shift or the original overtime hours upon restoration. However, if a position on, for example, a night shift has been filled by another employee, the employee is entitled to return to the same shift on which employed before taking FMLA leave.

(b) If an employee was hired for a specific term or only to perform work on a discrete project, the employing office has no obligation to restore the employee if the employment term or project is over and the employing office would not otherwise have continued to employ the employee.

(c) In addition to the circumstances explained above, an employing office may deny job restoration to salaried eligible employees ("key employees", as defined in paragraph (c) of §825.217) if such denial is necessary to prevent substantial and grievous economic injury to the operations of the employing office; or may delay restoration to an employee who fails to provide a fitness for duty certificate to return to work under the conditions described in §825.310.

(d) If the employee has been on a workers' compensation absence during which FMLA leave has been taken concurrently, and after 12 weeks of FMLA leave the employee is unable to return to work, the employee no longer has the protections of FMLA and must look to the workers' compensation statute or ADA, as made applicable by the CAA, for any relief or protections.

§ 825.217 What is a "key employee"?

(a) A "key employee" is a salaried FMLA-eligible employee who is among the highest paid 10 percent of all the employees employed by the employing office within 75 miles of the employee's worksite.

(b) The term "salaried" means paid on a salary basis, within the meaning of the Board's regulations at part 541, implementing section 203 of the CAA (2 U.S.C. 1313) (regarding employees who may qualify as exempt from the minimum wage and overtime requirements of the FLSA, as made applicable by the CAA, as executive, administrative, and professional employees).

(c) A "key employee" must be "among the highest paid 10 percent" of all the employees "both salaried and non-salaried, eligible and ineligible "who are employed by the employing office within 75 miles of the worksite":

(1) In determining which employees are among the highest paid 10 percent, year-to-date earnings are divided by weeks worked by the employee (including weeks in which paid leave was taken). Earnings include wages, premium pay, incentive pay, and non-discretionary and discretionary bonuses. Earnings do not include incentives whose value is determined at some future date, e.g., benefits or perquisites.

(2) The determination of whether a salaried employee is among the highest paid 10 percent shall be made at the time the employee gives notice of the need for leave. No more than 10 percent of the employing office's employees within 75 miles of the worksite may be "key employees".

§ 825.218 What does "substantial and grievous economic injury" mean?

(a) In order to deny restoration to a key employee, an employing office must determine that the restoration of the employee to employment will cause "substantial and grievous economic injury" to the operations of the employing office, not whether the absence of the employee will cause such substantial and grievous injury.

(b) An employing office may take into account its ability to replace on a temporary basis (or temporarily do without) the employee on FMLA leave. If permanent replacement is unavoidable, the cost of then reinstating the employee can be considered in evaluating whether substantial and grievous economic injury will occur from restoration; in other words, the effect on the operations of the employing office of reinstating the employee in an equivalent position.

(c) A precise test cannot be set for the level of hardship or injury to the employing office which must be sustained. If the reinstatement of a "key employee" threatens the economic viability of the employing office, that would constitute "substantial and grievous economic injury". A lesser injury which causes substantial, long-term economic injury would also be sufficient. Minor inconveniences and costs that the employing office would experience in the normal course would certainly not constitute "substantial and grievous economic injury".

(d) FMLA's "substantial and grievous economic injury" standard is different from and more stringent than the "undue hardship" test under the ADA (see, also §825.702).

§ 825.219 What are the rights of a key employee?

(a) An employing office which believes that reinstatement may be denied to a key employee, must give written notice to the employee at the time the employee gives notice of the need for FMLA leave (or when FMLA leave commences, if earlier) that he or she qualifies as a key employee. At the same time, the employing office must also fully inform the employee of the potential consequences with respect to reinstatement and maintenance of health benefits if the employing office should determine that substantial and grievous economic injury to the employing office's operations will result if the employee is reinstated from FMLA leave. If such notice cannot be given immediately because of the need to determine whether the employee is a key employee, it shall be given as soon as practicable after being notified of a need for leave (or the commencement of leave, if earlier). It is expected that in most circumstances there will be no desire that an employee be denied restoration after FMLA leave and, therefore, there would be no need to provide such notice. However, an employing office who fails to provide such timely notice will lose its right to deny restoration even if substantial and grievous economic injury will result from reinstatement.

(b) As soon as an employing office makes a good faith determination, based on the facts available, that substantial and grievous economic injury to its operations will result if a key employee who has given notice of the need for FMLA leave or is using FMLA leave is reinstated, the employing office shall notify the employee in writing of its determination, that it cannot deny FMLA leave, and that it intends to deny restoration to employment on completion of the FMLA leave. It is anticipated that an employing office will ordinarily be able to give such notice prior to the employee starting leave. The employing office must serve this notice either in person or by certified mail. This notice must explain the basis for the employing office's finding that substantial and grievous economic injury will result, and, if leave has commenced, must provide the employee a reasonable time in which to return to work, taking into account the circumstances, such as the length of the leave and the urgency of the need for the employee to return.

(c) If an employee on leave does not return to work in response to the employing office's notification of intent to deny restoration, the employee continues to be entitled to maintenance of health benefits and the employing office may not recover its cost of health benefit premiums. A key employee's rights under FMLA continue unless and until either the employee gives notice that he or she no longer wishes to return to work, or the employing office actually denies reinstatement at the conclusion of the leave period.

(d) After notice to an employee has been given that substantial and grievous economic injury will result if the employee is reinstated to employment, an employee is still entitled to request reinstatement at the end of the leave period even if the employee did not return to work in response to the employing office's notice. The employing office must then again determine whether there will be substantial and grievous economic injury from reinstatement, based on the facts at that time. If it is determined that substantial and grievous economic injury will result, the employing office shall notify the employee in writing (in person or by certified mail) of the denial of restoration.

§ 825.220 How are employees protected who request leave or otherwise assert FMLA rights?

(a) The FMLA, as made applicable by the CAA, prohibits interference with an employee's rights under the law, and with legal proceedings or inquiries relating to an employee's rights. More specifically, the law contains the following employee protections:

(1) An employing office is prohibited from interfering with, restraining, or denying the exercise of (or attempts to exercise) any rights provided by the FMLA as made applicable by the CAA.

(2) An employing office is prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) for opposing or complaining about any unlawful practice under the FMLA as made applicable by the CAA.

(3) All employing offices are prohibited from discharging or in any other way discriminating against any covered employee (whether or not an eligible employee) because that covered employee has—

(i) Filed any charge, or has instituted (or caused to be instituted) any proceeding under or related to the FMLA, as made applicable by the CAA;

(ii) Given, or is about to give, any information in connection with an inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA;

(iii) Testified, or is about to testify, in any inquiry or proceeding relating to a right under the FMLA, as made applicable by the CAA.

(b) Any violations of the FMLA, as made applicable by the CAA, or of these regulations constitute interfering with, restraining, or denying the exercise of rights provided by the FMLA as made applicable by the CAA. "Interfering with" the exercise of an employee's rights would include, for example, not only refusing to authorize FMLA leave, but discouraging an employee from using such leave. It would also include manipulation by an employing office to avoid responsibilities under FMLA, for example—

(1) [Reserved];

(2) changing the essential functions of the job in order to preclude the taking of leave;

(3) reducing hours available to work in order to avoid employee eligibility.

(c) An employing office is prohibited from discriminating against employees or prospective employees who have used FMLA leave. For example, if an employee on leave without pay would otherwise be entitled to full benefits (other than health benefits), the same benefits would be required to be provided to an employee on unpaid FMLA leave. By the same token, employing offices cannot use the taking of FMLA leave as a negative factor in employment actions, such as hiring, promotions or disciplinary actions; nor can FMLA leave be counted under "no fault" attendance policies.

(d) Employees cannot waive, nor may employing offices induce employees to waive, their rights under FMLA. For example, employees (or their collective bargaining representatives) cannot "trade off" the right to take FMLA leave against some other benefit offered by the employing office. This does not prevent an employee's voluntary and uncoerced acceptance (not as a condition of employment) of a "light duty" assignment while recovering from a serious health condition (see §825.702(d)). In such a circumstance the employee's right to restoration to the same or an equivalent position is available until 12 weeks have passed within the 12-month period, including all FMLA leave taken and the period of "light duty".

(e) Covered employees, and not merely eligible employees, are protected from retaliation for opposing (e.g., file a complaint about) any practice which is unlawful under the FMLA, as made applicable by the CAA.

They are similarly protected if they oppose any practice which they reasonably believe to be a violation of the FMLA, as made applicable by the CAA or regulations.

SUBPART C—HOW DO EMPLOYEES LEARN OF THEIR RIGHTS AND OBLIGATIONS UNDER THE FMLA, AS MADE APPLICABLE BY THE CAA, AND WHAT CAN AN EMPLOYING OFFICE REQUIRE OF AN EMPLOYEE?

§ 825.300 [Reserved]

§ 825.301 What notices to employees are required of employing offices under the FMLA as made applicable by the CAA?

(a)(1) If an employing office has any eligible employees and has any written guidance to employees concerning employee benefits or leave rights, such as in an employee handbook, information concerning both entitlements and employee obligations under the FMLA, as made applicable by the CAA, must be included in the handbook or other document. For example, if an employing office provides an employee handbook to all employees that describes the employing office's policies regarding leave, wages, attendance, and similar matters, the handbook must incorporate information on FMLA rights and responsibilities and the employing office's policies regarding the FMLA, as made applicable by the CAA. Informational publications describing the provisions of the FMLA as made applicable by the CAA are available from the Office of Compliance and may be incorporated in such employing office handbooks or written policies.

(2) If such an employing office does not have written policies, manuals, or handbooks describing employee benefits and leave provisions, the employing office shall provide written guidance to an employee concerning all the employee's rights and obligations under the FMLA as made applicable by the CAA. This notice shall be provided to employees each time notice is given pursuant to paragraph (b), and in accordance with the provisions of that paragraph. Employing offices may duplicate and provide the employee a copy of the FMLA Fact Sheet available from the Office of Compliance to provide such guidance.

(b)(1) The employing office shall also provide the employee with written notice detailing the specific expectations and obligations of the employee and explaining any consequences of a failure to meet these obligations. The written notice must be provided to the employee in a language in which the employee is literate. Such specific notice must include, as appropriate—

(i) that the leave will be counted against the employee's annual FMLA leave entitlement (see § 825.208);

(ii) any requirements for the employee to furnish medical certification of a serious health condition and the consequences of failing to do so (see § 825.305);

(iii) the employee's right to substitute paid leave and whether the employing office will require the substitution of paid leave, and the conditions related to any substitution;

(iv) any requirement for the employee to make any premium payments to maintain health benefits and the arrangements for making such payments (see § 825.210), and the possible consequences of failure to make such payments on a timely basis (i.e., the circumstances under which coverage may lapse);

(v) any requirement for the employee to present a fitness-for-duty certificate to be restored to employment (see § 825.310);

(vi) the employee's status as a "key employee" and the potential consequence that restoration may be denied following FMLA leave, explaining the conditions required for such denial (see § 825.218);

(vii) the employee's right to restoration to the same or an equivalent job upon return from leave (see §§ 825.214 and 825.604); and

(viii) the employee's potential liability for payment of health insurance premiums paid by the employing office during the employee's unpaid FMLA leave if the employee fails to return to work after taking FMLA leave (see § 825.213).

(2) The specific notice may include other information—e.g., whether the employing office will require periodic reports of the employee's status and intent to return to work, but is not required to do so. A prototype notice is contained in Appendix D of this part, or may be obtained from the Office of Compliance, which employing offices may adapt for their use to meet these specific notice requirements.

(c) Except as provided in this subparagraph, the written notice required by paragraph (b) (and by subparagraph (a)(2) where applicable) must be provided to the employee no less often than the first time in each six-month period that an employee gives notice of the need for FMLA leave (if FMLA leave is taken during the six-month period). The notice shall be given within a reasonable time after notice of the need for leave is given by the employee—within one or two business days if feasible. If leave has already begun, the notice should be mailed to the employee's address of record.

(1) If the specific information provided by the notice changes with respect to a subsequent period of FMLA leave during the six-month period, the employing office shall, within one or two business days of receipt of the employee's notice of need for leave, provide written notice referencing the prior notice and setting forth any of the information in subparagraph (b) which has changed. For example, if the initial leave period were paid leave and the subsequent leave period would be unpaid leave, the employing office may need to give notice of the arrangements for making premium payments.

(2)(i) Except as provided in subparagraph (ii), if the employing office is requiring medical certification or a "fitness-for-duty" report, written notice of the requirement shall be given with respect to each employee notice of a need for leave.

(ii) Subsequent written notification shall not be required if the initial notice in the six-month period and the employing office handbook or other written documents (if any) describing the employing office's leave policies, clearly provided that certification or a "fitness-for-duty" report would be required (e.g., by stating that certification would be required in all cases, by stating that certification would be required in all cases in which leave of more than a specified number of days is taken, or by stating that a "fitness-for-duty" report would be required in all cases for back injuries for employees in a certain occupation). Where subsequent written notice is not required, at least oral notice shall be provided. (See § 825.305(a).)

(d) Employing offices are also expected to responsively answer questions from employees concerning their rights and responsibilities under the FMLA as made applicable under the CAA.

(e) Employing offices furnishing FMLA-required notices to sensory impaired individuals must also comply with all applicable requirements under law.

(f) If an employing office fails to provide notice in accordance with the provisions of this section, the employing office may not take action against an employee for failure to comply with any provision required to be set forth in the notice.

§ 825.302 What notice does an employee have to give an employing office when the need for FMLA leave is foreseeable?

(a) An employee must provide the employing office at least 30 days advance notice before FMLA leave is to begin if the need for the leave is foreseeable based on an expected birth, placement for adoption or foster care, or planned medical treatment for a serious health condition of the employee or of a family member. If 30 days notice is not practicable, such as because of a lack of knowledge of approximately when leave will be required to begin, a change in circumstances, or a medical emergency, notice must be given as soon as practicable. For example, an employee's health condition may require leave to commence earlier than anticipated before the birth of a child. Similarly, little opportunity for notice may be given before placement for adoption. Whether the leave is to be continuous or is to be taken intermittently or on a reduced schedule basis, notice need only be given one time, but the employee shall advise the employing office as soon as practicable if dates of scheduled leave change or are extended, or were initially unknown.

(b) "As soon as practicable" means as soon as both possible and practical, taking into account all of the facts and circumstances in the individual case. For foreseeable leave where it is not possible to give as much as 30 days notice, "as soon as practicable" ordinarily would mean at least verbal notification to the employing office within one or two business days of when the need for leave becomes known to the employee.

(c) An employee shall provide at least verbal notice sufficient to make the employing office aware that the employee needs FMLA-qualifying leave, and the anticipated timing and duration of the leave. The employee need not expressly assert rights under the FMLA as made applicable by the CAA, or even mention the FMLA, but may only state that leave is needed for an expected birth or adoption, for example. The employing office should inquire further of the employee if it is necessary to have more information about whether FMLA leave is being sought by the employee, and obtain the necessary details of the leave to be taken. In the case of medical conditions, the employing office may find it necessary to inquire further to determine if the leave is because of a serious health condition and may request medical certification to support the need for such leave (see § 825.305).

(d) An employing office may also require an employee to comply with the employing office's usual and customary notice and procedural requirements for requesting leave. For example, an employing office may require that written notice set forth the reasons for the requested leave, the anticipated duration of the leave, and the anticipated start of the leave. However, failure to follow such internal employing office procedures will not permit an employing office to disallow or delay an employee's taking FMLA leave if the employee gives timely verbal or other notice.

(e) When planning medical treatment, the employee must consult with the employing office and make a reasonable effort to schedule the leave so as not to disrupt unduly the employing office's operations, subject to the approval of the health care provider. Employees are ordinarily expected to consult with their employing offices prior to the scheduling of treatment in order to work out a treatment schedule which best suits the needs of both the employing office and the employee. If an employee who provides notice of the need to take FMLA leave on an intermittent basis for planned medical treatment neglects to consult with the employing office to make a reasonable attempt to arrange the schedule of treatments so as not to unduly disrupt the employing office's operations, the employing office may initiate discussions with the employee and require the employee to attempt to make such arrangements, subject to the approval of the health care provider.

(f) In the case of intermittent leave or leave on a reduced leave schedule which is medically necessary, an employee shall advise the employing office, upon request, of the reasons why the intermittent/reduced leave schedule is necessary and of the schedule for treatment, if applicable. The employee and employing office shall attempt to work out a schedule which meets the employee's needs without unduly disrupting the employing office's operations, subject to the approval of the health care provider.

(g) An employing office may waive employees' FMLA notice requirements. In addition, an employing office may not require compliance with stricter FMLA notice requirements where the provisions of a collective bargaining agreement or applicable leave plan allow less advance notice to the employing office. For example, if an employee (or employing office) elects to substitute paid vacation leave for unpaid FMLA leave (see §825.207), and the employing office's paid vacation leave plan imposes no prior notification requirements for taking such vacation leave, no advance notice may be required for the FMLA leave taken in these circumstances. On the other hand, FMLA notice requirements would apply to a period of unpaid FMLA leave, unless the employing office imposes lesser notice requirements on employees taking leave without pay.

§825.303 What are the requirements for an employee to furnish notice to an employing office where the need for FMLA leave is not foreseeable?

(a) When the approximate timing of the need for leave is not foreseeable, an employee should give notice to the employing office of the need for FMLA leave as soon as practicable under the facts and circumstances of the particular case. It is expected that an employee will give notice to the employing office within no more than one or two working days of learning of the need for leave, except in extraordinary circumstances where such notice is not feasible. In the case of a medical emergency requiring leave because of an employee's own serious health condition or to care for a family member with a serious health condition, written advance notice pursuant to an employing office's internal rules and procedures may not be required when FMLA leave is involved.

(b) The employee should provide notice to the employing office either in person or by telephone, telegraph, facsimile ("fax") machine or other electronic means. Notice may be given by the employee's spokesperson (e.g., spouse, adult family member or other responsible party) if the employee is unable to do so personally. The employee need not expressly assert rights under the FMLA, as made applicable by the CAA, or even mention the FMLA, but may only state that leave is needed. The employing office will be expected to obtain any additional required information through informal means. The employee or spokesperson will be expected to provide more information when it can readily be accomplished as a practical matter, taking into consideration the exigencies of the situation.

§825.304 What recourse do employing offices have if employees fail to provide the required notice?

(a) An employing office may waive employees' FMLA notice obligations or the employing office's own internal rules on leave notice requirements.

(b) If an employee fails to give 30 days notice for foreseeable leave with no reasonable excuse for the delay, the employing office may delay the taking of FMLA leave until at least 30 days after the date the employee provides notice to the employing office of the need for FMLA leave.

(c) In all cases, in order for the onset of an employee's FMLA leave to be delayed due to lack of required notice, it must be clear that the employee had actual notice of the FMLA notice requirements. This condition would be satisfied by the employing office's proper posting, at the worksite where the employee is employed, of the information regarding the FMLA provided (pursuant to section 301(h)(2) of the CAA, 2 U.S.C. 1381(h)(2)) by the Office of Compliance to the employing office in a manner suitable for posting. Furthermore, the need for leave and the approximate date leave would be taken must have been clearly foreseeable to the employee 30 days in advance of the leave. For example, knowledge that an employee would receive a telephone call about the availability of a child for adoption at some unknown point in the future would not be sufficient.

§825.305 When must an employee provide medical certification to support FMLA leave?

(a) An employing office may require that an employee's leave to care for the employee's seriously ill spouse, son, daughter, or parent, or due to the employee's own serious health condition that makes the employee unable to perform one or more of the essential functions of the employee's position, be supported by a certification issued by the health care provider of the employee or the employee's ill family member. An employing office must give notice of a requirement for medical certification each time a certification is required; such notice must be written notice whenever required by §825.301. An employing office's oral request to an employee to furnish any subsequent medical certification is sufficient.

(b) When the leave is foreseeable and at least 30 days notice has been provided, the employee should provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(c) In most cases, the employing office should request that an employee furnish certification from a health care provider at the time the employee gives notice of the need for leave or within two business days thereafter, or, in the case of unforeseen leave, within two business days after the leave commences. The employing office may request certification at some later date if the employing office later has reason to question the appropriateness of the leave or its duration.

(d) At the time the employing office requests certification, the employing office must also advise an employee of the anticipated consequences of an employee's failure to provide adequate certification. The employing office shall advise an employee whenever the employing office finds a certification incomplete, and provide the employee a reasonable opportunity to cure any such deficiency.

(e) If the employing office's sick or medical leave plan imposes medical certification requirements that are less stringent than the certification requirements of these regulations, and the employee or employing office elects to substitute paid sick, vacation, personal or family leave for unpaid FMLA leave where authorized (see §825.207), only the employing office's less stringent sick leave certification requirements may be imposed.

§825.306 How much information may be required in medical certifications of a serious health condition?

(a) The Office of Compliance has made available an optional form ("Certification of Physician or Practitioner") for employees' (or their family members') use in obtaining medical certification, including second and third opinions, from health care providers that meets FMLA's certification requirements. (See Appendix B to these regulations.) This optional form reflects certification requirements so as to permit the health care provider to furnish appropriate medical information within his or her knowledge.

(b) The Certification of Physician or Practitioner form is modeled closely on Form WH–380, as revised, which was developed by the Department of Labor (see 29 C.F.R. Part 825, Appendix B). The employing office may use the Office of Compliance's form, or Form WH–380, as revised, or another form containing the same basic information; however, no additional information may be required. In all instances the information on the form must relate only to the serious health condition for which the current need for leave exists. The form identifies the health care provider and type of medical practice (including pertinent specialization, if any), makes maximum use of checklist entries for ease in completing the form, and contains required entries for:

(1) A certification as to which part of the definition of "serious health condition" (see §825.114), if any, applies to the patient's condition, and the medical facts which support the certification, including a brief statement as to how the medical facts meet the criteria of the definition.

(2)(i) The approximate date the serious health condition commenced, and its probable duration, including the probable duration of the patient's present incapacity (defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom) if different.

(ii) Whether it will be necessary for the employee to take leave intermittently or to work on a reduced leave schedule basis (i.e., part-time) as a result of the serious health condition (see §825.117 and §825.203), and if so, the probable duration of such schedule.

(iii) If the condition is pregnancy or a chronic condition within the meaning of §825.114(a)(2)(iii), whether the patient is presently incapacitated and the likely duration and frequency of episodes of incapacity.

(3)(i)(A) If additional treatments will be required for the condition, an estimate of the probable number of such treatments.

(B) If the patient's incapacity will be intermittent, or will require a reduced leave schedule, an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any.

(ii) If any of the treatments referred to in subparagraph (i) will be provided by another provider of health services (e.g., physical therapist), the nature of the treatments.

(iii) If a regimen of continuing treatment by the patient is required under the supervision of the health care provider, a general description of the regimen (see §825.114(b)).

(4) If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), whether the employee—

(i) is unable to perform work of any kind;

(ii) is unable to perform any one or more of the essential functions of the employee's position, including a statement of the essential functions the employee is unable to perform (see §825.115), based on either information provided on a statement from the employing office of the essential functions of the position or, if not provided, discussion with the employee about the employee's job functions; or

(iii) must be absent from work for treatment.

(5)(i) If leave is required to care for a family member of the employee with a serious health condition, whether the patient requires assistance for basic medical or personal needs or safety, or for transportation; or if not, whether the employee's presence to provide psychological comfort would be beneficial to the patient or assist in the patient's recovery. The employee is required to indicate on the form the care he or she will provide and an estimate of the time period.

(ii) If the employee's family member will need care only intermittently or on a reduced leave schedule basis (i.e., part-time), the probable duration of the need.

(c) If the employing office's sick or medical leave plan requires less information to be furnished in medical certifications than the certification requirements of these regulations, and the employee or employing office elects to substitute paid sick, vacation, personal or family leave for unpaid FMLA leave where authorized (see §825.207), only the employing office's lesser sick leave certification requirements may be imposed.

§825.307 What may an employing office do if it questions the adequacy of a medical certification?

(a) If an employee submits a complete certification signed by the health care provider, the employing office may not request additional information from the employee's health care provider. However, a health care provider representing the employing office may contact the employee's health care provider, with the employee's permission, for purposes of clarification and authenticity of the medical certification.

(1) If an employee is on FMLA leave running concurrently with a workers' compensation absence, and the provisions of the workers' compensation statute permit the employing office or the employing office's representative to have direct contact with the employee's workers' compensation health care provider, the employing office may follow the workers' compensation provisions.

(2) An employing office that has reason to doubt the validity of a medical certification may require the employee to obtain a second opinion at the employing office's expense. Pending receipt of the second (or third) medical opinion, the employee is provisionally entitled to the benefits of the FMLA as made applicable by the CAA, including maintenance of group health benefits. If the certifications do not ultimately establish the employee's entitlement to FMLA leave, the leave shall not be designated as FMLA leave and may be treated as paid or unpaid leave under the employing office's established leave policies. The employing office is permitted to designate the health care provider to furnish the second opinion, but the selected health care provider may not be employed on a regular basis by the employing office. See also paragraphs (e) and (f) of this section.

(b) The employing office may not regularly contract with or otherwise regularly utilize the services of the health care provider furnishing the second opinion unless the employing office is located in an area where access to health care is extremely limited (e.g., a rural area where no more than one or two doctors practice in the relevant specialty in the vicinity).

(c) If the opinions of the employee's and the employing office's designated health care providers differ, the employing office may require the employee to obtain certification from a third health care provider, again at the employing office's expense. This third opinion shall be final and binding. The third health care provider must be designated or approved jointly by the employing office and the employee. The employing office and the employee must each act in good faith to attempt to reach agreement on whom to select for the third opinion provider. If the employing office does not attempt in good faith to reach agreement, the employing office will be bound by the first certification. If the employee does not attempt in good faith to reach agreement, the employee will be bound by the second certification. For example, an employee who refuses to agree to see a doctor in the specialty in question may be failing to act in good faith. On the other hand, an employing office that refuses to agree to any doctor on a list of specialists in the appropriate field provided by the employee and whom the employee has not previously consulted may be failing to act in good faith.

(d) The employing office is required to provide the employee with a copy of the second and third medical opinions, where applicable, upon request by the employee. Requested copies are to be provided within two business days unless extenuating circumstances prevent such action.

(e) If the employing office requires the employee to obtain either a second or third opinion the employing office must reimburse an employee or family member for any reasonable "out of pocket" travel expenses incurred to obtain the second and third medical opinions. The employing office may not require the employee or family member to travel outside normal commuting distance for purposes of obtaining the second or third medical opinions except in very unusual circumstances.

(f) In circumstances when the employee or a family member is visiting in another country, or a family member resides in a another country, and a serious health condition develops, the employing office shall accept a medical certification as well as second and third opinions from a health care provider who practices in that country.

§825.308 Under what circumstances may an employing office request subsequent recertifications of medical conditions?

(a) For pregnancy, chronic, or permanent/long-term conditions under continuing supervision of a health care provider (as defined in §825.114(a)(2) (ii), (iii) or (iv)), an employing office may request recertification no more often than every 30 days and only in connection with an absence by the employee, unless:

(1) Circumstances described by the previous certification have changed significantly (e.g., the duration or frequency of absences, the severity of the condition, complications); or

(2) The employing office receives information that casts doubt upon the employee's stated reason for the absence.

(b)(1) If the minimum duration of the period of incapacity specified on a certification furnished by the health care provider is more than 30 days, the employing office may not request recertification until that minimum duration has passed unless one of the conditions set forth in paragraph (c) (1), (2) or (3) of this section is met.

(2) For FMLA leave taken intermittently or on a reduced leave schedule basis, the employing office may not request recertification in less than the minimum period specified on the certification as necessary for such leave (including treatment) unless one of the conditions set forth in paragraph (c) (1), (2) or (3) of this section is met.

(c) For circumstances not covered by paragraphs (a) or (b) of this section, an employing office may request recertification at any reasonable interval, but not more often than every 30 days, unless:

(1) The employee requests an extension of leave;

(2) Circumstances described by the previous certification have changed significantly (e.g., the duration of the illness, the nature of the illness, complications); or

(3) The employing office receives information that casts doubt upon the continuing validity of the certification.

(d) The employee must provide the requested recertification to the employing office within the time frame requested by the employing office (which must allow at least 15 calendar days after the employing office's request), unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

(e) Any recertification requested by the employing office shall be at the employee's expense unless the employing office provides otherwise. No second or third opinion on recertification may be required.

§825.309 What notice may an employing office require regarding an employee's intent to return to work?

(a) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work. The employing office's policy regarding such reports may not be discriminatory and must take into account all of the relevant facts and circumstances related to the individual employee's leave situation.

(b) If an employee gives unequivocal notice of intent not to return to work, the employing office's obligations under FMLA, as made applicable by the CAA, to maintain health benefits (subject to requirements of COBRA or 5 U.S.C. 8905a, whichever is applicable) and to restore the employee cease. However, these obligations continue if an employee indicates he or she may be unable to return to work but expresses a continuing desire to do so.

(c) It may be necessary for an employee to take more leave than originally anticipated. Conversely, an employee may discover after beginning leave that the circumstances have changed and the amount of leave originally anticipated is no longer necessary. An employee may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave. In both of these situations, the employing office may require that the employee provide the employing office reasonable notice (i.e., within two business days) of the changed circumstances where foreseeable. The employing office may also obtain information on such changed circumstances through requested status reports.

§ 825.310 Under what circumstances may an employing office require that an employee submit a medical certification that the employee is able (or unable) to return to work (i.e., a "fitness-for-duty" report)?

(a) As a condition of restoring an employee whose FMLA leave was occasioned by the employee's own serious health condition that made the employee unable to perform the employee's job, an employing office may have a uniformly-applied policy or practice that requires all similarly-situated employees (i.e., same occupation, same serious health condition) who take leave for such conditions to obtain and present certification from the employee's health care provider that the employee is able to resume work.

(b) If the terms of a collective bargaining agreement govern an employee's return to work, those provisions shall be applied. Similarly, requirements under the Americans with Disabilities Act (ADA), as made applicable by the CAA, that any return-to-work physical be job-related and consistent with business necessity apply. For example, an attorney could not be required to submit to a medical examination or inquiry just because her leg had been amputated. The essential functions of an attorney's job do not require use of both legs; therefore such an inquiry would not be job related. An employing office may require a warehouse laborer, whose back impairment affects the ability to lift, to be examined by an orthopedist, but may not require this employee to submit to an HIV test where the test is not related to either the essential functions of his/her job or to his/her impairment.

(c) An employing office may seek fitness-for-duty certification only with regard to the particular health condition that caused the employee's need for FMLA leave. The certification itself need only be a simple statement of an employee's ability to return to work. A health care provider employed by the employing office may contact the employee's health care provider with the employee's permission, for purposes of clarification of the employee's fitness to return to work. No additional information may be acquired, and clarification may be requested only for the serious health condition for which FMLA leave was taken. The employing office may not delay the employee's return to work while contact with the health care provider is being made.

(d) The cost of the certification shall be borne by the employee and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

(e) The notice that employing offices are required to give to each employee giving notice of the need for FMLA leave regarding their FMLA rights and obligations as made applicable by the CAA (see § 825.301) shall advise the employee if the employing office will require fitness-for-duty certification to return to work. If the employing office has a handbook explaining employment policies and benefits, the handbook should explain the employing office's general policy regarding any requirement for fitness-for-duty certification to return to work. Specific notice shall also be given to any employee from whom fitness-for-duty certification will be required either at the time notice of the need for leave is given or immediately after leave commences and the employing office is advised of the medical circumstances requiring the leave, unless the employee's condition changes from one that did not previously require certification pursuant to the employing office's practice or policy. No second or third fitness-for-duty certification may be required.

(f) An employing office may delay restoration to employment until an employee submits a required fitness-for-duty certification unless the employing office has failed to provide the notices required in paragraph (e) of this section.

(g) An employing office is not entitled to certification of fitness to return to duty when the employee takes intermittent leave as described in § 825.203.

(h) When an employee is unable to return to work after FMLA leave because of the continuation, recurrence, or onset of the employee's or family member's serious health condition, thereby preventing the employing office from recovering its share of health benefit premium payments made on the employee's behalf during a period of unpaid FMLA leave, the employing office may require medical certification of the employee's or the family member's serious health condition. (See § 825.213(a)(3).) The cost of the certification shall be borne by the employee and the employee is not entitled to be paid for the time or travel costs spent in acquiring the certification.

§ 825.311 What happens if an employee fails to satisfy the medical certification and/or recertification requirements?

(a) In the case of foreseeable leave, an employing office may delay the taking of FMLA leave to an employee who fails to provide timely certification after being requested by the employing office to furnish such certification (i.e., within 15 calendar days, if practicable), until the required certification is provided.

(b) When the need for leave is not foreseeable, or in the case of recertification, an employee must provide certification (or recertification) within the time frame requested by the employing office (which must allow at least 15 days after the employing office's request) or as soon as reasonably possible under the particular facts and circumstances. In the case of a medical emergency, it may not be practicable for an employee to provide the required certification within 15 calendar days. If an employee fails to provide a medical certification within a reasonable time under the pertinent circumstances, the employing office may delay the employee's continuation of FMLA leave. If the employee never produces the certification, the leave is not FMLA leave.

(c) When requested by the employing office pursuant to a uniformly applied policy for similarly-situated employees, the employee must provide medical certification at the time the employee seeks reinstatement at the end of FMLA leave taken for the employee's serious health condition, that the employee is fit for duty and able to return to work (see § 825.310(a)) if the employing office has provided the required notice (see § 825.301(c)); the employing office may delay restoration until the certification is provided. In this situation, unless the employee provides either a fitness-for-duty certification or a new medical certification for a serious health condition at the time FMLA leave is concluded, the employee may be terminated. See also § 825.213(a)(3).

§ 825.312 Under what circumstances may an employing office refuse to provide FMLA leave or reinstatement to eligible employees?

(a) If an employee fails to give timely advance notice when the need for FMLA leave is foreseeable, the employing office may delay the taking of FMLA leave until 30 days after the date the employee provides notice to the employing office of the need for FMLA leave. (See § 825.302.)

(b) If an employee fails to provide in a timely manner a requested medical certification to substantiate the need for FMLA leave due to a serious health condition, an employing office may delay continuation of FMLA leave until an employee submits the certificate. (See §§ 825.305 and 825.311.) If the employee never produces the certification, the leave is not FMLA leave.

(c) If an employee fails to provide a requested fitness-for-duty certification to return to work, an employing office may delay restoration until the employee submits the certificate. (See §§ 825.310 and 825.311.)

(d) An employee has no greater right to reinstatement or to other benefits and conditions of employment than if the employee had been continuously employed during the FMLA leave period. Thus, an employee's rights to continued leave, maintenance of health benefits, and restoration cease under FMLA, as made applicable by the CAA, if and when the employment relationship terminates (e.g., layoff), unless that relationship continues, for example, by the employee remaining on paid FMLA leave. If the employee is recalled or otherwise re-employed, an eligible employee is immediately entitled to further FMLA leave for an FMLA-qualifying reason. An employing office must be able to show, when an employee requests restoration, that the employee would not otherwise have been employed if leave had not been taken in order to deny restoration to employment. (See § 825.216.)

(e) An employing office may require an employee on FMLA leave to report periodically on the employee's status and intention to return to work. (See § 825.309.) If an employee unequivocally advises the employing office either before or during the taking of leave that the employee does not intend to return to work, and the employment relationship is terminated, the employee's entitlement to continued leave, maintenance of health benefits, and restoration ceases unless the employment relationship continues, for example, by the employee remaining on paid leave. An employee may not be required to take more leave than necessary to address the circumstances for which leave was taken. If the employee is able to return to work earlier than anticipated, the employee shall provide the employing office two business days notice where feasible; the employing office is required to restore the employee once such notice is given, or where such prior notice was not feasible.

(f) An employing office may deny restoration to employment, but not the taking of FMLA leave and the maintenance of health benefits, to an eligible employee only under the terms of the "key employee" exemption. Denial of reinstatement must be necessary to prevent "substantial and grievous economic injury" to the employing office's operations. The employing office must notify the employee of the employee's status as a "key employee" and of the employing office's intent to deny reinstatement on that basis when the employing office makes these determinations. If leave has started, the employee must be given a reasonable opportunity to return to work after being so notified. (See §825.219.)

(g) An employee who fraudulently obtains FMLA leave from an employing office is not protected by job restoration or maintenance of health benefits provisions of the FMLA as made applicable by the CAA.

(h) If the employing office has a uniformly-applied policy governing outside or supplemental employment, such a policy may continue to apply to an employee while on FMLA leave. An employing office which does not have such a policy may not deny benefits to which an employee is entitled under FMLA as made applicable by the CAA on this basis unless the FMLA leave was fraudulently obtained as in paragraph (g) of this section.

Subpart D—What Enforcement Mechanisms Does the CAA Provide?

§825.400 What can employees do who believe that their rights under the FMLA as made applicable by the CAA have been violated?

(a) To commence a proceeding, a covered employee alleging a violation of the rights and protections of the FMLA made applicable by the CAA must request counseling by the Office of Compliance not later than 180 days after the date of the alleged violation. If a covered employee misses this deadline, the covered employee will be unable to obtain a remedy under the CAA.

(b) The following procedures are available under title IV of the CAA for covered employees who believe that their rights under FMLA as made applicable by the CAA have been violated—

(1) counseling;

(2) mediation; and

(3) election of either—

(A) a formal complaint, filed with the Office of Compliance, and a hearing before a hearing officer, subject to review by the Board of Directors of the Office of Compliance, and judicial review in the United States Court of Appeals for the Federal Circuit; or

(B) a civil action in a district court of the United States.

(c) Regulations of the Office of Compliance describing and governing these procedures are found at [proposed rules can be found at 141 Cong. Rec. S17012 (November 14, 1995)].

§825.401 [Reserved]

§825.402 [Reserved]

§825.403 [Reserved]

§825.404 [Reserved]

Subpart E—[Reserved]

Subpart F—What Special Rules Apply to Employees of Schools?

§825.600 To whom do the special rules apply?

(a) Certain special rules apply to employees of "local educational agencies", including public school boards and elementary schools under their jurisdiction, and private elementary and secondary schools. The special rules do not apply to other kinds of educational institutions, such as colleges and universities, trade schools, and preschools.

(b) Educational institutions are covered by FMLA as made applicable by the CAA (and these special rules). The usual requirements for employees to be "eligible" apply.

(c) The special rules affect the taking of intermittent leave or leave on a reduced leave schedule, or leave near the end of an academic term (semester), by instructional employees. "Instructional employees" are those whose principal function is to teach and instruct students in a class, a small group, or an individual setting. This term includes not only teachers, but also athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. It does not include, and the special rules do not apply to, teacher assistants or aides who do not have as their principal job actual teaching or instructing, nor does it include auxiliary personnel such as counselors, psychologists, or curriculum specialists. It also does not include cafeteria workers, maintenance workers, or bus drivers.

(d) Special rules which apply to restoration to an equivalent position apply to all employees of local educational agencies.

§825.601 What limitations apply to the taking of intermittent leave or leave on a reduced leave schedule?

(a) Leave taken for a period that ends with the school year and begins the next semester is leave taken consecutively rather than intermittently. The period during the summer vacation when the employee would not have been required to report for duty is not counted against the employee's FMLA leave entitlement. An instructional employee who is on FMLA leave at the end of the school year must be provided with any benefits over the summer vacation that employees would normally receive if they had been working at the end of the school year.

(1) If an eligible instructional employee needs intermittent leave or leave on a reduced leave schedule to care for a family member, or for the employee's own serious health condition, which is foreseeable based on planned medical treatment, and the employee would be on leave for more than 20 percent of the total number of working days over the period the leave would extend, the employing office may require the employee to choose either to:

(i) Take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

(ii) Transfer temporarily to an available alternative position for which the employee is qualified, which has equivalent pay and benefits and which better accommodates recurring periods of leave than does the employee's regular position.

(2) These rules apply only to a leave involving more than 20 percent of the working days during the period over which the leave extends. For example, if an instructional employee who normally works five days each week needs to take two days of FMLA leave per week over a period of several weeks, the special rules would apply. Employees taking leave which constitutes 20 percent or less of the working days during the leave period would not be subject to transfer to an alternative position. "Periods of a particular duration" means a block, or blocks, of time beginning no earlier than the first day for which leave is needed and ending no later than the last day on which leave is needed, and may include one uninterrupted period of leave.

(b) If an instructional employee does not give required notice of foreseeable FMLA leave (see §825.302) to be taken intermittently or on a reduced leave schedule, the employing office may require the employee to take leave of a particular duration, or to transfer temporarily to an alternative position. Alternatively, the employing office may require the employee to delay the taking of leave until the notice provision is met. See §825.207(h).

§825.602 What limitations apply to the taking of leave near the end of an academic term?

(a) There are also different rules for instructional employees who begin leave more than five weeks before the end of a term, less than five weeks before the end of a term, and less than three weeks before the end of a term. Regular rules apply except in circumstances when:

(1) An instructional employee begins leave more than five weeks before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) the leave will last at least three weeks, and

(ii) the employee would return to work during the three-week period before the end of the term.

(2) The employee begins leave for a purpose other than the employee's own serious health condition during the five-week period before the end of a term. The employing office may require the employee to continue taking leave until the end of the term if—

(i) the leave will last more than two weeks, and

(ii) the employee would return to work during the two-week period before the end of the term.

(3) The employee begins leave for a purpose other than the employee's own serious health condition during the three-week period before the end of a term, and the leave will last more than five working days. The employing office may require the employee to continue taking leave until the end of the term.

(b) For purposes of these provisions, "academic term" means the school semester, which typically ends near the end of the calendar year and the end of spring each school year. In no case may a school have more than two academic terms or semesters each year for purposes of FMLA as made applicable by the CAA. An example of leave falling within these provisions would be where an employee plans two weeks of leave to care for a family member which will begin three weeks before the end of the term. In that situation, the employing office could require the employee to stay out on leave until the end of the term.

§825.603 Is all leave taken during "periods of a particular duration" counted against the FMLA leave entitlement?

(a) If an employee chooses to take leave for "periods of a particular duration" in the case of intermittent or reduced schedule leave, the entire period of leave taken will count as FMLA leave.

(b) In the case of an employee who is required to take leave until the end of an academic term, only the period of leave until the employee is ready and able to return to work shall be charged against the employee's FMLA leave entitlement. The employing office has the option not to require the employee to stay on leave until the end of the school term. Therefore, any additional leave required by the employing office to the end of the school term is not counted as FMLA leave; however, the employing office shall be required to maintain the employee's group health insurance and restore the employee to the same or equivalent job including other benefits at the conclusion of the leave.

§825.604 What special rules apply to restoration to "an equivalent position"?

The determination of how an employee is to be restored to "an equivalent position" upon return from FMLA leave will be made on the basis of "established school board policies and practices, private school policies and practices, and collective bargaining agreements". The "established policies" and collective bargaining agreements used as a basis for restoration must be in writing, must be made known to the employee prior to the taking of FMLA leave, and must clearly explain the employee's restoration rights upon return from leave. Any established policy which is used as the basis for restoration of an employee to "an equivalent position" must provide substantially the same protections as provided in the FMLA, as made applicable by the CAA, for reinstated employees. See §825.215. In other words, the policy or collective bargaining agreement must provide for restoration to an "equivalent position" with equivalent employment benefits, pay, and other terms and conditions of employment. For example, an employee may not be restored to a position requiring additional licensure or certification.

SUBPART G—HOW DO OTHER LAWS, EMPLOYING OFFICE PRACTICES, AND COLLECTIVE BARGAINING AGREEMENTS AFFECT EMPLOYEE RIGHTS UNDER THE FMLA AS MADE APPLICABLE BY THE CAA?

§825.700 What if an employing office provides more generous benefits than required by FMLA as made applicable by the CAA?

(a) An employing office must observe any employment benefit program or plan that provides greater family or medical leave rights to employees than the rights established by the FMLA. Conversely, the rights established by the FMLA, as made applicable by the CAA, may not be diminished by any employment benefit program or plan. For example, a provision of a collective bargaining agreement (CBA) which provides for reinstatement to a position that is not equivalent because of seniority (e.g., provides lesser pay) is superseded by FMLA. If an employing office provides greater unpaid family leave rights than are afforded by FMLA, the employing office is not required to extend additional rights afforded by FMLA, such as maintenance of health benefits (other than through COBRA or 5 U.S.C. 8905a, whichever is applicable), to the additional leave period not covered by FMLA. If an employee takes paid or unpaid leave and the employing office does not designate the leave as FMLA leave, the leave taken does not count against an employee's FMLA entitlement.

(b) Nothing in the FMLA, as made applicable by the CAA, prevents an employing office from amending existing leave and employee benefit programs, provided they comply with FMLA as made applicable by the CAA. However, nothing in the FMLA, as made applicable by the CAA, is intended to discourage employing offices from adopting or retaining more generous leave policies.

(c) [Reserved].

§825.701 [Reserved]

§825.702 How does FMLA affect anti-discrimination laws as applied by section 201 of the CAA?

(a) Nothing in FMLA modifies or affects any applicable law prohibiting discrimination on the basis of race, religion, color, national origin, sex, age, or disability (e.g., title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act), as made applicable by the CAA. FMLA's legislative history explains that FMLA is "not intended to modify or affect the Rehabilitation Act of 1973, as amended, the regulations concerning employment which have been promulgated pursuant to that statute, or the Americans with Disabilities Act of 1990, or the regulations issued under that Act. Thus, the leave provisions of the [FMLA] are wholly distinct from the reasonable accommodation obligations of employers covered under the [ADA] * * * or the Federal government itself. The purpose of the FMLA is to make leave available to eligible employees and employing offices within its coverage, and not to limit already existing rights and protection". S. Rep. No. 3, 103d Cong., 1st Sess. 38 (1993). An employing office must therefore provide leave under whichever statutory provision provides the greater rights to employees.

(b) If an employee is a qualified individual with a disability within the meaning of the Americans with Disabilities Act (ADA), the employing office must make reasonable accommodations, etc., barring undue hardship, in accordance with the ADA. At the same time, the employing office must afford an employee his or her FMLA rights. ADA's "disability" and FMLA's "serious health condition" are different concepts, and must be analyzed separately. FMLA entitles eligible employees to 12 weeks of leave in any 12-month period, whereas the ADA allows an indeterminate amount of leave, barring undue hardship, as a reasonable accommodation. FMLA requires employing offices to maintain employees' group health plan coverage during FMLA leave on the same conditions as coverage would have been provided if the employee had been continuously employed during the leave period, whereas ADA does not require maintenance of health insurance unless other employees receive health insurance during leave under the same circumstances.

(c)(1) A reasonable accommodation under the ADA might be accomplished by providing an individual with a disability with a part-time job with no health benefits, assuming the employing office did not ordinarily provide health insurance for part-time employees. However, FMLA would permit an employee to work a reduced leave schedule until the equivalent of 12 workweeks of leave were used, with group health benefits maintained during this period. FMLA permits an employing office to temporarily transfer an employee who is taking leave intermittently or on a reduced leave schedule to an alternative position, whereas the ADA allows an accommodation of reassignment to an equivalent, vacant position only if the employee cannot perform the essential functions of the employee's present position and an accommodation is not possible in the employee's present position, or an accommodation in the employee's present position would cause an undue hardship. The examples in the following paragraphs of this section demonstrate how the two laws would interact with respect to a qualified individual with a disability.

(2) A qualified individual with a disability who is also an "eligible employee" entitled to FMLA leave requests 10 weeks of medical leave as a reasonable accommodation, which the employing office grants because it is not an undue hardship. The employing office advises the employee that the 10 weeks of leave is also being designated as FMLA leave and will count towards the employee's FMLA leave entitlement. This designation does not prevent the parties from also treating the leave as a reasonable accommodation and reinstating the employee into the same job, as required by the ADA, rather than an equivalent position under FMLA, if that is the greater right available to the employee. At the same time, the employee would be entitled under FMLA to have the employing office maintain group health plan coverage during the leave, as that requirement provides the greater right to the employee.

(3) If the same employee needed to work part-time (a reduced leave schedule) after returning to his or her same job, the employee would still be entitled under FMLA to have group health plan coverage maintained for the remainder of the two-week equivalent of FMLA leave entitlement, notwithstanding an employing office policy that part-time employees do not receive health insurance. This employee would be entitled under the ADA to reasonable accommodations to enable the employee to perform the essential functions of the part-time position. In addition, because the employee is working a part-time schedule as a reasonable accommodation, the employee would be shielded from FMLA's provision for temporary assignment to a different alternative position. Once the employee has exhausted his or her remaining FMLA leave entitlement while working the reduced (part-time) schedule, if the employee is a qualified individual with a disability, and if the employee is unable to return to the same full-time position at that time, the employee might continue to work part-time as a reasonable accommodation, barring undue hardship; the employee would then be entitled to only those employment benefits ordinarily provided by the employing office to part-time employees.

(4) At the end of the FMLA leave entitlement, an employing office is required under FMLA to reinstate the employee in the same or an equivalent position, with equivalent pay and benefits, to that which the employee held when leave commenced. The employing office's FMLA obligations would be satisfied if the employing office offered the employee an equivalent full-time position. If the employee were unable to perform the essential functions of that equivalent position even with reasonable accommodation, because of a disability, the ADA may require the employing office to make a reasonable accommodation at that time by allowing the employee to work part-time or by reassigning the employee to a vacant position, barring undue hardship.

(d)(1) If FMLA entitles an employee to leave, an employing office may not, in lieu of FMLA leave entitlement, require an employee to take a job with a reasonable accommodation. However, ADA may require that an employing office offer an employee the opportunity to take such a position. An employing office may not change the essential functions of the job in order to deny FMLA leave. See §825.220(b).

(2) An employee may be on a workers' compensation absence due to an on-the-job injury or illness which also qualifies as a serious health condition under FMLA. The workers' compensation absence and FMLA leave may run concurrently (subject to proper notice and designation by the employing office). At some point the health care provider providing medical care pursuant to the workers' compensation injury may certify the employee is able to return to work in a "light duty" position. If the employing office offers such a position, the employee is permitted but not required to accept the position (see §825.220(d)). As a result, the employee may no longer qualify for payments from the workers' compensation benefit plan, but the employee is entitled to continue on unpaid FMLA leave either until the employee is able to return to the same or equivalent job the employee left or until the 12-week FMLA leave entitlement is exhausted. See §825.207(d)(2). If the employee

returning from the workers' compensation injury is a qualified individual with a disability, he or she will have rights under the ADA.

(e) If an employing office requires certifications of an employee's fitness for duty to return to work, as permitted by FMLA under a uniform policy, it must comply with the ADA requirement that a fitness for duty physical be job-related and consistent with business necessity.

(f) Under title VII of the Civil Rights Act of 1964, as amended by the Pregnancy Discrimination Act, and as made applicable by the CAA, an employing office should provide the same benefits for women who are pregnant as the employing office provides to other employees with short-term disabilities. Because title VII does not require employees to be employed for a certain period of time to be protected, an employee employed for less than 12 months by any employing office (and, therefore, not an "eligible" employee under FMLA, as made applicable by the CAA) may not be denied maternity leave if the employing office normally provides short-term disability benefits to employees with the same tenure who are experiencing other short-term disabilities.

(g) For further information on Federal anti-discrimination laws applied by section 201 of the CAA (2 U.S.C. 1311), including title VII, the Rehabilitation Act, and the ADA, individuals are encouraged to contact the Office of Compliance.

SUBPART H—DEFINITIONS

§ 825.800 Definitions.

For purposes of this part:

ADA means the Americans With Disabilities Act (42 U.S.C. 12101 et seq.).

CAA means the Congressional Accountability Act of 1995 (Pub. Law 104–1, 109 Stat. 3, 2 U.S.C. 1301 et seq.).

COBRA means the continuation coverage requirements of title X of the Consolidated Omnibus Budget Reconciliation Act of 1986 (Pub. Law 99–272, title X, section 10002; 100 Stat. 227; as amended; 29 U.S.C. 1161–1168).

Continuing treatment means: A serious health condition involving continuing treatment by a health care provider includes any one or more of the following:

(1) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom) of more than three consecutive calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(i) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(ii) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(2) Any period of incapacity due to pregnancy, or for prenatal care.

(3) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(i) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(ii) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(iii) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(4) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(5) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

Covered employee—The term "covered employee", as defined in the CAA, means any employee of—(1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Capitol Police; (5) the Congressional Budget Office; (6) the Office of the Architect of the Capitol; (7) the Office of the Attending Physician; (8) the Office of Compliance; or (9) the Office of Technology Assessment.

Eligible employee—The term "eligible employee", as defined in the CAA, means a covered employee who has been employed in any employing office for 12 months and for at least 1,250 hours of employment during the previous 12 months.

Employ means to suffer or permit to work.

Employee means an employee as defined in the CAA and includes an applicant for employment and a former employee.

Employee employed in an instructional capacity: See Teacher.

Employee of the Capitol Police—The term "employee of the Capitol Police" includes any member or officer of the Capitol Police.

Employee of the House of Representatives—The term "employee of the House of Representatives" includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (9) under "covered employee" above.

Employee of the Office of the Architect of the Capitol—The term "employee of the Office of the Architect of the Capitol" includes any employee of the Office of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants.

Employee of the Senate—The term "employee of the Senate" includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (9) under "covered employee" above.

Employing Office—The term "employing office", as defined in the CAA, means—

(1) the personal office of a Member of the House of Representatives or of a Senator;

(2) a committee of the House of Representatives or the Senate or a joint committee;

(3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or

(4) the Capitol Guide Board, the Capitol Police Board, the Congessional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment.

Employment benefits means all benefits provided or made available to employees by an employing office, including group life insurance, health insurance, disability insurance, sick leave, annual leave, educational benefits, and pensions, regardless of whether such benefits are provided by a practice or written policy of an employing office or through an employee benefit plan. The term does not include non-employment related obligations paid by employees through voluntary deductions such as supplemental insurance coverage. (See § 825.209(a)).

FLSA means the Fair Labor Standards Act (29 U.S.C. 201 et seq.).

FMLA means the Family and Medical Leave Act of 1993, Public Law 103–3 (February 5, 1993), 107 Stat. 6 (29 U.S.C. 2601 et seq.).

Group health plan means the Federal Employees Health Benefits Program and any other plan of, or contributed to by, an employing office (including a self-insured plan) to provide health care (directly or otherwise) to the employing office's employees, former employees, or the families of such employees or former employees. For purposes of FMLA, as made applicable by the CAA, the term "group health plan" shall not include an insurance program providing health coverage under which employees purchase individual policies from insurers provided that—

(1) no contributions are made by the employing office;

(2) participation in the program is completely voluntary for employees;

(3) the sole functions of the employing office with respect to the program are, without endorsing the program, to permit the insurer to publicize the program to employees, to collect premiums through payroll deductions and to remit them to the insurer;

(4) the employing office receives no consideration in the form of cash or otherwise in connection with the program, other than reasonable compensation, excluding any profit, for administrative services actually rendered in connection with payroll deduction; and

(5) the premium charged with respect to such coverage does not increase in the event the employment relationship terminates.

Health care provider means:

(1) A doctor of medicine or osteopathy who is authorized to practice medicine or surgery by the State in which the doctor practices; or

(2) Podiatrists, dentists, clinical psychologists, optometrists, and chiropractors (limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by X-ray to exist) authorized to practice in the State and performing within the scope of their practice as defined under State law; and

(3) Nurse practitioners, nurse-midwives and clinical social workers who are authorized to practice under State law and who are performing within the scope of their practice as defined under State law; and

(4) Christian Science practitioners listed with the First Church of Christ, Scientist in Boston, Massachusetts.

(5) Any health care provider from whom an employing office or a group health plan's

benefits manager will accept certification of the existence of a serious health condition to substantiate a claim for benefits.

(6) A health care provider as defined above who practices in a country other than the United States, who is licensed to practice in accordance with the laws and regulations of that country.

"Incapable of self-care" means that the individual requires active assistance or supervision to provide daily self-care in several of the "activities of daily living" (ADLs) or "instrumental activities of daily living" (IADLs). Activities of daily living include adaptive activities such as caring appropriately for one's grooming and hygiene, bathing, dressing and eating. Instrumental activities of daily living include cooking, cleaning, shopping, taking public transportation, paying bills, maintaining a residence, using telephones and directories, using a post office, etc.

Instructional employee: See Teacher.

Intermittent leave means leave taken in separate periods of time due to a single illness or injury, rather than for one continuous period of time, and may include leave of periods from an hour or more to several weeks. Examples of intermittent leave would include leave taken on an occasional basis for medical appointments, or leave taken several days at a time spread over a period of six months, such as for chemotherapy.

Mental disability: See Physical or mental disability.

Office of Compliance means the independent office established in the legislative branch under section 301 of the CAA (2 U.S.C. 1381).

Parent means the biological parent of an employee or an individual who stands or stood in loco parentis to an employee when the employee was a child.

Physical or mental disability means a physical or mental impairment that substantially limits one or more of the major life activities of an individual. See the Americans with Disabilities Act (ADA), as made applicable by section 201(a)(3) of the CAA (2 U.S.C. 1311(a)(3)).

Reduced leave schedule means a leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

Secretary means the Secretary of Labor or authorized representative.

Serious health condition entitling an employee to FMLA leave means:

(1) An illness, injury, impairment, or physical or mental condition that involves:

(i) Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity (for purposes of this section, defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom), or any subsequent treatment in connection with such inpatient care; or

(ii) Continuing treatment by a health care provider. A serious health condition involving continuing treatment by a health care provider includes:

(A) A period of incapacity (i.e., inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefor, or recovery therefrom) of more than three consecutive calendar days, including any subsequent treatment or period of incapacity relating to the same condition, that also involves:

(1) Treatment two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment under the supervision of the health care provider.

(B) Any period of incapacity due to pregnancy, or for prenatal care.

(C) Any period of incapacity or treatment for such incapacity due to a chronic serious health condition. A chronic serious health condition is one which:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.).

(D) A period of incapacity which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

(E) Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

(2) Treatment for purposes of paragraph (1) of this definition includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations. Under paragraph (1)(ii)(A)(2) of this definition, a regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition (e.g., oxygen). A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bedrest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

(3) Conditions for which cosmetic treatments are administered (such as most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or unless complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomach, minor ulcers, headaches other than migraine, routine dental or orthodontia problems, periodontal disease, etc., are examples of conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave. Restorative dental or plastic surgery after an injury or removal of cancerous growths are serious health conditions provided all the other conditions of this regulation are met. Mental illness resulting from stress or allergies may be serious health conditions, but only if all the conditions of this section are met.

(4) Substance abuse may be a serious health condition if the conditions of this section are met. However, FMLA leave may only be taken for treatment for substance abuse by a health care provider or by a provider of health care services on referral by a health care provider. On the other hand, absence because of the employee's use of the substance, rather than for treatment, does not qualify for FMLA leave.

(5) Absences attributable to incapacity under paragraphs (1)(ii) (B) or (C) of this definition qualify for FMLA leave even though the employee or the immediate family member does not receive treatment from a health care provider during the absence, and even if the absence does not last more than three days. For example, an employee with asthma may be unable to report for work due to the onset of an asthma attack or because the employee's health care provider has advised the employee to stay home when the pollen count exceeds a certain level. An employee who is pregnant may be unable to report to work because of severe morning sickness.

Son or daughter means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is under 18 years of age or 18 years of age or older and incapable of self-care because of a mental or physical disability.

Spouse means a husband or wife as defined or recognized under State law for purposes of marriage in the State where the employee resides, including common law marriage in States where it is recognized.

State means any State of the United States or the District of Columbia or any Territory or possession of the United States.

Teacher (or employee employed in an instructional capacity, or instructional employee) means an employee employed principally in an instructional capacity by an educational agency or school whose principal function is to teach and instruct students in a class, a small group, or an individual setting, and includes athletic coaches, driving instructors, and special education assistants such as signers for the hearing impaired. The term does not include teacher assistants or aides who do not have as their principal function actual teaching or instructing, nor auxiliary personnel such as counselors, psychologists, curriculum specialists, cafeteria workers, maintenance workers, bus drivers, or other primarily noninstructional employees.

APPENDIX A TO PART 825—[RESERVED]

APPENDIX B TO PART 825—CERTIFICATION OF PHYSICIAN OR PRACTITIONER

CERTIFICATION OF HEALTH CARE PROVIDER

(FAMILY AND MEDICAL LEAVE ACT OF 1993 AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995)

1. Employee's Name:

2. Patient's Name (if different from employee):

3. The attached sheet describes what is meant by a "serious health condition" under the Family and Medical Leave Act as made applicable by the Congressional Accountability Act. Does the patient's condition[1] qualify under any of the categories described? If so, please check the applicable category.

(1) ______

(2) ______

(3) ______

(4) ______

(5) ______

(6) ______, or

None of the above ______

4. Describe the medical facts which support your certification, including a brief statement as to how the medical facts meet the criteria of one of these categories:

5.a. State the approximate date the condition commenced, and the probable duration of the condition (and also the probable duration of the patient's present incapacity[2] if different):

b. Will it be necessary for the employee to take work only intermittently or to work on a less than full schedule as a result of the condition (including for treatment described in Item 6 below)? ______

If yes, give probable duration:

c. If the condition is a chronic condition (condition #4) or pregnancy, state whether the patient is presently incapacitated[2] and the likely duration and frequency of episodes of incapacity[2]:

6.a. If additional treatments will be required for the condition, provide an estimate of the probable number of such treatments:

If the patient will be absent from work or other daily activities because of treatment on an intermittent or part-time basis, also provide an estimate of the probable number and interval between such treatments, actual or estimated dates of treatment if known, and period required for recovery if any:

b. If any of these treatments will be provided by another provider of health services (e.g., physical therapist), please state the nature of the treatments:

c. If a regimen of continuing treatment by the patient is required under your supervision, provide a general description of such regimen (e.g., prescription drugs, physical therapy requiring special equipment):

7.a. If medical leave is required for the employee's absence from work because of the employee's own condition (including absences due to pregnancy or a chronic condition), is the employee unable to perform work of any kind? ______

b. If able to perform some work, is the employee unable to perform any one or more of the essential functions of the employee's job (the employee or the employer should supply you with information about the essential job functions)? ______ If yes, please list the essential functions the employee is unable to perform: ______

c. If neither a. nor b. applies, is it necessary for the employee to be absent from work for treatment? ______

8.a. If leave is required to care for a family member of the employee with a serious health condition, does the patient require assistance for basic medical or personal needs or safety, or for transportation? ______

b. If no, would the employee's presence to provide psychological comfort be beneficial to the patient or assist in the patient's recovery? ______

c. If the patient will need care only intermittently or on a part-time basis, please indicate the probable duration of this need:

(Signature of Health Care Provider)

(Type of Practice)

(Address)

(Telephone number)

To be completed by the employee needing family leave to care for a family member:

State the care you will provide and an estimate of the period during which care will be provided, including a schedule if leave is to be taken intermittently or if it will be necessary for you to work less than a full schedule:

(Employee signature)

(Date)

A "Serious Health Condition" means an illness, injury, impairment, or physical or mental condition that involves one of the following:

1. Hospital Care.—Inpatient care (i.e., an overnight stay) in a hospital, hospice, or residential medical care facility, including any period of incapacity[1] or subsequent treatment in connection with or consequent to such inpatient care.

2. Absence Plus Treatment.—A period of incapacity[2] of more than three consecutive calendar days (including any subsequent treatment or period of incapacity[2] relating to the same condition), that also involves:

(1) Treatment[3] two or more times by a health care provider, by a nurse or physician's assistant under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider; or

(2) Treatment by a health care provider on at least one occasion which results in a regimen of continuing treatment[4] under the supervision of the health care provider.

3. Pregnancy.—Any period of incapacity due to pregnancy, or for prenatal care.

4. Chronic Conditions Requiring Treatments.—A chronic condition which:

(1) Requires periodic visits for treatment by a health care provider, or by a nurse or physician's assistant under direct supervision of a health care provider;

(2) Continues over an extended period of time (including recurring episodes of a single underlying condition); and

(3) May cause episodic rather than a continuing period of incapacity[2] (e.g., asthma, diabetes, epilepsy, etc.).

5. Permanent/Long-term Conditions Requiring Supervision.—A period of incapacity[2] which is permanent or long-term due to a condition for which treatment may not be effective. The employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider. Examples include Alzheimer's, a severe stroke, or the terminal stages of a disease.

6. Multiple Treatments (Non-Chronic Conditions).—Any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider, either for restorative surgery after an accident or other injury, or for a condition that would likely result in a period of incapacity[2] of more than three consecutive calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), kidney disease (dialysis).

FOOTNOTES

[1] Here and elsewhere on this form, the information sought relates only to the condition for which the employee is taking FMLA leave.

[2] "Incapacity", for purposes of FMLA as make applicable by the CAA, is defined to mean inability to work, attend school or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom.

[3] Treatment includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine physical examinations, eye examinations, or dental examinations.

[4] A regimen of continuing treatment includes, for example, a course of prescription medication (e.g., an antibiotic) or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider.

APPENDIX C TO PART 825—[RESERVED]

APPENDIX D TO PART 825—PROTOTYPE NOTICE: EMPLOYING OFFICE RESPONSE TO EMPLOYEE REQUEST FOR FAMILY AND MEDICAL LEAVE

EMPLOYING OFFICE RESPONSE TO EMPLOYEE REQUEST FOR FAMILY OR MEDICAL LEAVE

(OPTIONAL USE FORM—SEE §825.301(B)(1) OF THE REGULATIONS OF THE OFFICE OF COMPLIANCE)

(FAMILY AND MEDICAL LEAVE ACT OF 1993, AS MADE APPLICABLE BY THE CONGRESSIONAL ACCOUNTABILITY ACT OF 1995)

(Date)

To:______
(Employee's name)

From:______
(Name of appropriate employing office representative)

Subject: Request for Family/Medical Leave

On______, (date) you notified us of your need to take family/medical leave due to:

(Date)

The birth of your child, or the placement of a child with you for adoption or foster care; or

A serious health condition that makes you unable to perform the essential functions of your job; or

A serious health condition affecting your spouse, child, parent, for which you are needed to provide care.

You notified us that you need this leave beginning on ______(date) and that you expect leave to continue until on or about______ (date).

Except as explained below, you have a right under the FMLA, as made applicable by the CAA, for up to 12 weeks of unpaid leave in a 12-month period for the reasons listed above. Also, your health benefits must be maintained during any period of unpaid leave under the same conditions as if you continued to work, and you must be reinstated to the same or an equivalent job with the same pay, benefits, and terms and conditions of employment on your return from leave. If you do not return to work following FMLA leave for a reason other than: (1) the continuation, recurrence, or onset of a serious health condition which would entitle you to FMLA leave; or (2) other circumstances beyond your control, you may be required to reimburse us for our share of health insurance premiums paid on your behalf during your FMLA leave.

This is to inform you that: (check appropriate boxes; explain where indicated)

1. You are ☐ eligible ☐ not eligible for leave under the FMLA as made applicable by the CAA.

2. The requested leave ☐ will ☐ will not be counted against your annual FMLA leave entitlement.

3. You ☐ will ☐ will not be required to furnish medical certification of a serious health condition. If required, you must furnish certification by______ (insert date) (must be at least 15 days after you are notified of this requirement) or we may delay the commencement of your leave until the certification is submitted.

4. You may elect to substitute accrued paid leave for unpaid FMLA leave. We ☐ will ☐ will not require that you substitute accrued paid leave for unpaid FMLA leave. If paid leave will be used the following conditions will apply: (Explain)

5(a). If you normally pay a portion of the premiums for your health insurance, these payments will continue during the period of FMLA leave. Arrangements for payment have been discussed with you and it is agreed that you will make premium payments as follows: (Set forth dates, e.g., the 10th of each month, or pay periods, etc. that specifically cover the agreement with the employee.).

(b). You have a minimum 30-day (or, indicate longer period, if applicable) grace period in which to make premium payments. If payment is not made timely, your group health insurance may be cancelled: *Provided*, That we notify you in writing at least 15 days before the date that your health coverage will lapse, or, at our option, we may pay your share of the premiums during FMLA leave, and recover these payments from you upon your return to work. We ☐ will ☐ will not pay your share of health insurance premiums while you are on leave.

(c). We ☐ will ☐ will not do the same with other benefits (e.g., life insurance, disability insurance, etc.) while you are on FMLA leave. If we do pay your premiums for other benefits, when you return from leave you ☐ will ☐ will not be expected to reimburse us for the payments made on your behalf.

6. You ☐ will ☐ will not be required to present a fitness-for-duty certificate prior to being restored to employment. If such certification is required but not received, your return to work may be delayed until the certification is provided.

7(a). You ☐ are ☐ are not a "key employee" as described in §825.218 of the Office of Compliance's FMLA regulations. If you are a "key employee", restoration to employment may be denied following FMLA leave on the grounds that such restoration will cause substantial and grievous economic injury to us.

(b). We ☐ have ☐ have not determined that restoring you to employment at the conclusion of FMLA leave will cause substantial and grievous economic harm to us. (Explain (a) and/or (b) below. See §825.219 of the Office of Compliance's FMLA regulations.)

8. While on leave, you ☐ will ☐ will not be required to furnish us with periodic reports every ______ (indicate interval of periodic reports, as appropriate for the particular leave situation) of your status and intent to return to work (see §825.309 of the Office of Compliance's FMLA regulations). If the circumstances of your leave change and you are able to return to work earlier than the date indicated on the reverse side of this form, you ☐ will ☐ will not be required to notify us at least two work days prior to the date you intend to report for work.

9. You ☐ will ☐ will not be required to furnish recertification relating to a serious health condition. (Explain below, if necessary, including the interval between certifications as prescribed in §825.308 of the Office of Compliance's FMLA regulations.)

Subtitle C—Regulations Relating to the Employing Offices Other Than Those of the Senate and the House of Representatives—C Series

CHAPTER III—REGULATIONS RELATING TO THE RIGHTS AND PROTECTIONS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

PART C501—GENERAL PROVISIONS

Sec.

C501.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.
C501.101 Purpose and scope.
C501.102 Definitions.
C501.103 Coverage.
C501.104 Administrative authority.
C501.105 Effect of Interpretations of the Labor Department.
C501.106 Application of the Portal-to-Portal Act of 1947.
C501.107 [Reserved].

§C501.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the parts of the Secretary of Labor Regulations at Title 29 of the Code of Federal Regulations under the FLSA with the corresponding parts of the Office of Compliance (OC) Regulations under section 203 of the CAA:

Secretary of Labor regulations	*OC regulations*
Part 531 Wage payments under the Fair Labor Standards Act of 1938	Part C531
Part 541 Defining and delimiting the terms "bona fide executive", "administrative", and "professional" employees	Part C541
Part 547 Requirements of a "Bona fide thrift or savings plan"	Part C547
Part 553 Application of the FLSA to employees of public agencies	Part C553
Part 570 Child labor	Part C570

SUBPART A—MATTERS OF GENERAL APPLICABILITY

§C501.101 Purpose and scope

(a) Section 203 of the Congressional Accountability Act (CAA) provides that the rights and protections of subsections (a)(1) and (d) of section 6, section 7, and section 12(c) of the Fair Labor Standards Act of 1938 (FLSA) (29 U.S.C. §§206(a)(1) and (d), 207, 212(c)) shall apply to covered employees of the legislative branch of the Federal Government. Section 301 of the CAA creates the Office of Compliance as an independent office in the legislative branch for enforcing the rights and protections of the FLSA, as applied by the CAA.

(b) The FLSA as applied by the CAA provides for minimum standards for both wages and overtime entitlements, and delineates administrative procedures by which covered worktime must be compensated. Included also in the FLSA are provisions related to child labor, equal pay, and portal-to-portal activities. In addition, the FLSA exempts specified employees or groups of employees from the application of certain of its provisions.

(c) This chapter contains the substantive regulations with respect to the FLSA that the Board of Directors of the Office of Compliance has adopted pursuant to sections 203(c) and 304 of the CAA, which requires that the Board promulgate regulations that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of §203 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section".

(d) These regulations are issued by the Board of Directors, Office of Compliance, pursuant to sections 203(c) and 304 of the CAA, which directs the Board to promulgate regulations implementing section 203 that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 203 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section". The regulations issued by the Board herein are on all matters for which section 203 of the CAA requires regulations to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of the promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other "substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 203 of the CAA]".

(e) In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

§C501.102 Definitions

For purposes of this chapter:

(a) "CAA" means the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438).

(b) "FLSA" or "Act" means the Fair Labor Standards Act of 1938, as amended (29 U.S.C. §201 et seq.), as applied by section 203 of the CAA to covered employees and employing offices.

(c) "Covered employee" means any employee, including an applicant for employment and a former employee, of the (1) the

Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; (6) the Office of Compliance; or (7) the Office of Technology Assessment, but shall not include an intern.

(d)(1) "Employee of the Office of the Architect of the Capitol" includes any employee of the Architect of the Capitol, the Botanic Garden, or the Senate Restaurants;

(2) "Employee of the Capitol Police" includes any member or officer of the Capitol Police.

(e) "Employing office" and "employer" mean (1) the Capitol Guide Service; (2) the Capitol Police; (3) the Congressional Budget Office; (4) the Office of the Architect of the Capitol; (5) the Office of the Attending Physician; (6) the Office of Compliance; or (7) the Office of Technology Assessment.

(f) "Board" means the Board of Directors of the Office of Compliance.

(g) "Office" means the Office of Compliance.

(h) "Intern" is an individual who (a) is performing services in an employing office as part of a demonstrated educational plan, and (b) is appointed on a temporary basis for a period not to exceed 12 months: *Provided*, That if an intern is appointed for a period shorter than 12 months, the intern may be reappointed for additional periods as long as the total length of the internship does not exceed 12 months: *Provided further*, That the defintion of "intern" does not include volunteers, fellows or pages.

§ C501.103 Coverage

The coverage of section 203 of the CAA extends to any covered employee of an employing office without regard to whether the covered employee is engaged in commerce or the production of goods for interstate commerce and without regard to size, number of employees, amount of business transacted, or other measure.

§ C501.104 Administrative authority

(a) The Office of Compliance is authorized to administer the provisions of section 203 of the Act with respect to any covered employee or covered employer.

(b) The Board is authorized to promulgate substantive regulations in accordance with the provisions of sections 203(c) and 304 of the CAA.

§ C501.105 Effect of interpretations of the Department of Labor

(a) In administering the FLSA, the Wage and Hour Division of the Department of Labor has issued not only substantive regulations but also interpretative bulletins. Substantive regulations represent an exercise of statutorily-delegated lawmaking authority from the legislative branch to an administrative agency. Generally, they are proposed in accordance with the notice-and-comment procedures of the Administrative Procedure Act (APA), 5 U.S.C. §553. Once promulgated, such regulations are considered to have the force and effect of law, unless set aside upon judicial review as arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law. See Batterton v. Francis, 432 U.S. 416, 425 n.9 (1977). See also 29 C.F.R. §790.17(b) (1994). Unlike substantive regulations, interpretative statements, including bulletins and other releases of the Wage and Hour Division, are not issued pursuant to the provisions of the APA and may not have the force and effect of law. Rather, they may only constitute official interpretations of the Department of Labor with respect to the meaning and application of the minimum wage, maximum hour, and overtime pay requirements of the FLSA. See 29 C.F.R. §790.17(c) (citing Final Report of the Attorney General's Committee on Administrative Procedure, Senate Document No. 8, 77th Cong., 1st Sess., at p. 27 (1941)). The purpose of such statements is to make available in one place the interpretations of the FLSA which will guide the Secretary of Labor and the Wage and Hour Administrator in the performance of their duties unless and until they are otherwise directed by authoritative decisions of the courts or conclude, upon reexamination of an interpretation, that it is incorrect. The Supreme Court has observed: "[T]he rulings, interpretations and opinions of the Administrator under this Act, while not controlling upon the courts by reason of their authority, do constitute a body of experience and informed judgment to which courts and litigants may properly resort for guidance. The weight of such a judgment in a particular case will depend upon the thoroughness evident in the consideration, the validity of its reasoning, its consistency with earlier and later pronouncements, and all those factors which give it power to persuade, if lacking power to control.". Skidmore v. Swift, 323 U.S. 134, 140 (1944).

(b) Section 203(c) of the CAA provides that the substantive regulations implementing section 203 of the CAA shall be "the same as substantive regulations promulgated by the Secretary of Labor" except where the Board finds, for good cause shown, that a modification would more effectively implement the rights and protections established by the FLSA. Thus, the CAA by its terms does not mandate that the Board adopt the interpretative statements of the Department of Labor or its Wage and Hour Division. The Board is thus not adopting such statements as part of its substantive regulations.

§ C501.106 Application of the Portal-to-Portal Act of 1947

(a) Consistent with section 225 of the CAA, the Portal-to-Portal Act (PPA), 29 U.S.C. §§216 and 251 et seq., is applicable in defining and delimiting the rights and protections of the FLSA that are prescribed by the CAA. Section 10 of the PPA, 29 U.S.C. §259, provides in pertinent part: "[N]o employer shall be subject to any liability or punishment for or on account of the failure of the employer to pay minimum wages or overtime compensation under the Fair Labor Standards Act of 1938, as amended, . . . if he pleads and proves that the act or omission complained of was in good faith in conformity with and reliance on any written administrative regulation, order, ruling, approval or interpretation of [the Administrator of the Wage and Hour Division of the Department of Labor] . . . or any administrative practice or enforcement policy of such agency with respect to the class of employers to which he belonged. Such a defense, if established shall be a bar to the action or proceeding, notwithstanding that after such act or omission, such administrative regulation, order, ruling, approval, interpretation, practice or enforcement policy is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect.".

(b) In defending any action or proceeding based on any act or omission arising out of section 203 of the CAA, an employing office may satisfy the standards set forth in subsection (a) by pleading and proving good faith reliance upon any written administrative regulation, order, ruling, approval or interpretation, of the Administrator of the Wage and Hour Division of the Department of Labor: *Provided*, That such regulation, order, ruling, approval or interpretation had not been superseded at the time of reliance by any regulation, order, decision, or ruling of the Board or the courts.

§ C501.107 [Reserved]

PART C531—WAGE PAYMENTS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

SUBPART A—PRELIMINARY MATTERS

Sec.
C531.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.
C531.1 Definitions.
C531.2 Purpose and scope.
SUBPART B—DETERMINATIONS OF "REASONABLE COST" AND "FAIR VALUE"; EFFECTS OF COLLECTIVE BARGAINING AGREEMENTS
C531.3 General determinations of "reasonable cost".
C531.6 Effects of collective bargaining agreements.

SUBPART A—PRELIMINARY MATTERS

§ C531.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the sections of the Secretary of Labor Regulations at Title 29 of the Code of Federal Regulations under the FLSA with the corresponding sections of the Office of Compliance (OC) Regulations under section 203 of the CAA:

Secretary of Labor regulations	*OC regulations*
531.1 Definitions	C531.1
531.2 Purpose and scope	C531.2
531.3 General determinations of "reasonable cost"	C531.3
531.6 Effects of collective bargaining agreements ...	C531.6

§ C531.1 Definitions

(a) "Administrator" means the Administrator of the Wage and Hour Division or his authorized representative. The Secretary of Labor has delegated to the Administrator the functions vested in him under section 3(m) of the Act.

(b) "Act" means the Fair Labor Standards Act of 1938, as amended.

§ C531.2 Purpose and scope

(a) Section 3(m) of the Act defines the term "wage" to include the "reasonable cost", as determined by the Secretary of Labor, to an employer of furnishing any employee with board, lodging, or other facilities, if such board, lodging, or other facilities are customarily furnished by the employer to his employees. In addition, section 3(m) gives the Secretary authority to determine the "fair value" of such facilities on the basis of average cost to the employer or to groups of employers similarly situated, on average value to groups of employees, or other appropriate measures of "fair value". Whenever so determined and when applicable and pertinent, the "fair value" of the facilities involved shall be includable as part of "wages" instead of the actual measure of the costs of those facilities. The section provides, however, that the cost of board, lodging, or other facilities shall not be included as part of "wages" if excluded therefrom by a bona fide collective bargaining agreement. Section 3(m) also provides a method for determining the wage of a tipped employee.

(b) This part 531 contains any determinations made as to the "reasonable cost" and "fair value" of board, lodging, or other facilities having general application.

SUBPART B—DETERMINATIONS OF "REASONABLE COST" AND "FAIR VALUE"; EFFECTS OF COLLECTIVE BARGAINING AGREEMENTS

§ C531.3 General determinations of "reasonable cost"

(a) The term "reasonable cost" as used in section 3(m) of the Act is hereby determined to be not more than the actual cost to the employer of the board, lodging, or other facilities customarily furnished by him to his employees.

(b) Reasonable cost does not include a profit to the employer or to any affiliated person.

(c) The reasonable cost to the employer of furnishing the employee with board, lodging, or other facilities (including housing) is the cost of operation and maintenance including adequate depreciation plus a reasonable allowance (not more than 5½ percent) for interest on the depreciated amount of capital invested by the employer: *Provided*, That if the total so computed is more than the fair rental value (or the fair price of the commodities or facilities offered for sale), the fair rental value (or the fair price of the commodities or facilities offered for sale) shall be the reasonable cost. The cost of operation and maintenance, the rate of depreciation, and the depreciated amount of capital invested by the employer shall be those arrived at under good accounting practices. As used in this paragraph, the term "good accounting practices" does not include accounting practices which have been rejected by the Internal Revenue Service for tax purposes, and the term "depreciation" includes obsolescence.

(d)(1) The cost of furnishing "facilities" found by the Administrator to be primarily for the benefit or convenience of the employer will not be recognized as reasonable and may not therefore be included in computing wages.

(2) The following is a list of facilities found by the Administrator to be primarily for the benefit of convenience of the employer. The list is intended to be illustrative rather than exclusive: (i) Tools of the trade and other materials and services incidental to carrying on the employer's business; (ii) the cost of any construction by and for the employer; (iii) the cost of uniforms and of their laundering, where the nature of the business requires the employee to wear a uniform.

§ C531.6 Effects of collective bargaining agreements

(a) The cost of board, lodging, or other facilities shall not be included as part of the wage paid to any employee to the extent it is excluded therefrom under the terms of a bona fide collective bargaining agreement applicable to the particular employee.

(b) A collective bargaining agreement shall be deemed to be "bona fide" when pursuant to the provisions of section 7(b)(1) or 7(b)(2) of the FLSA it is made with the certified representative of the employees under the provisions of the CAA.

PART C541—DEFINING AND DELIMITING THE TERMS "BONA FIDE EXECUTIVE", "ADMINISTRATIVE", OR "PROFESSIONAL" CAPACITY (INCLUDING ANY EMPLOYEE EMPLOYED IN THE CAPACITY OF ACADEMIC ADMINISTRATIVE PERSONNEL OR TEACHER IN SECONDARY SCHOOL)

SUBPART A—GENERAL REGULATIONS

Sec.

C541.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.
C541.01 Application of the exemptions of section 13(a)(1) of the FLSA.
C541.1 Executive.
C541.2 Administrative.
C541.3 Professional.
C541.5b Equal pay provisions of section 6(d) of the FLSA as applied by the CAA extend to executive, administrative, and professional employees.
C541.5d Special provisions applicable to employees of public agencies.

SUBPART A—GENERAL REGULATIONS

§ C541.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the sections of the Secretary of Labor Regulations at Title 29 of the Code of Federal Regulations under the FLSA with the corresponding sections of the Office of Compliance (OC) Regulations under section 203 of the CAA:

Secretary of Labor Regulations	*OC Regulations*
541.1 Executive	C541.1
541.2 Administrative	C541.2
541.3 Professional	C541.3
541.5b Equal pay provisions of section 6(d) of the FLSA apply to executive, administrative, and professional employees.	C541.5b
541.5d Special provisions applicable to employees of public agencies	C541.5d

§ C541.01 Application of the exemptions of section 13(a)(1) of the FLSA

(a) Section 13(a)(1) of the FLSA, which provides certain exemptions for employees employed in a bona fide executive, administrative, or professional capacity (including any employee employed in the capacity of academic administrative personnel or teacher in a secondary school), applies to covered employees by virtue of section 225(f)(1) of the CAA.

(b) The substantive regulations set forth in this part are promulgated under the authority of sections 203(c)and 304 of the CAA, which require that such regulations be the same as the substantive regulations promulgated by the Secretary of Labor except where the Board determines for good cause shown that modifications would be more effective for the implementation of the rights and protections under § 203.

§ C541.1 Executive

The term "employee employed in a bona fide executive * * * capacity" in section 13(a)(1) of the FLSA as applied by the CAA shall mean any employee:

(a) Whose primary duty consists of the management of an employing office in which he is employed or of a customarily recognized department or subdivision thereof; and

(b) Who customarily and regularly directs the work of two or more other employees therein; and

(c) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring or firing and as to the advancement and promotion or any other change of status of other employees will be given particular weight; and

(d) Who customarily and regularly exercises discretionary powers; and

(e) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours of work in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (d) of this section: *Provided*, That this paragraph shall not apply in the case of an employee who is in sole charge of an independent establishment or a physically separated branch establishment; and

(f) Who is compensated for his services on a salary basis at a rate of not less than $155 per week, exclusive of board, lodging or other facilities: *Provided*, That an employee who is compensated on a salary basis at a rate of not less than $250 per week, exclusive of board, lodging or other facilities, and whose primary duty consists of the management of the employing office in which the employee is employed or of a customarily recognized department or subdivision thereof, and includes the customary and regular direction of the work of two or more other employees therein, shall be deemed to meet all the requirements of this section.

§ C541.2 Administrative

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13(a)(1) of the FLSA as applied by the CAA shall mean any employee:

(a) Whose primary duty consists of either:

(1) The performance of office or nonmanual work directly related to management policies or general operations of his employer or his employer's customers, or

(2) The performance of functions in the administration of a school system, or educational establishment or institution, or of a department or subdivision thereof, in work directly related to the academic instruction or training carried on therein; and

(b) Who customarily and regularly exercises discretion and independent judgment; and

(c)(1) Who regularly and directly assists the head of an employing office, or an employee employed in a bona fide executive or administrative capacity (as such terms are defined in the regulations of this subpart), or

(2) Who performs under only general supervision work along specialized or technical lines requiring special training, experience, or knowledge, or

(3) Who executes under only general supervision special assignments and tasks; and

(d) Who does not devote more than 20 percent, or, in the case of an employee of a retail or service establishment who does not devote as much as 40 percent, of his hours worked in the workweek to activities which are not directly and closely related to the performance of the work described in paragraphs (a) through (c) of this section; and

(e)(1) Who is compensated for his services on a salary or fee basis at a rate of not less than $155 per week, exclusive of board, lodging or other facilities, or

(2) Who, in the case of academic administrative personnel, is compensated for services as required by paragraph (e)(1) of this section, or on a salary basis which is at least equal to the entrance salary for teachers in the school system, educational establishment or institution by which employed: *Provided*, That an employee who is compensated on a salary or fee basis at a rate of not less than $250 per week, exclusive of board, lodging or other facilities, and whose primary duty consists of the performance of work described in paragraph (a) of this section, which includes work requiring the exercise of discretion and independent judgment,

shall be deemed to meet all the requirements of this section.

§ C541.3 Professional

The term "employee employed in a bona fide * * * professional capacity" in section 13(a)(1) of the FLSA as applied by the CAA shall mean any employee:

(a) Whose primary duty consists of the performance of:

(1) Work requiring knowledge of an advance type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study, as distinguished from a general academic education and from an apprenticeship, and from training in the performance of routine mental, manual, or physical processes, or

(2) Work that is original and creative in character in a recognized field of artistic endeavor (as opposed to work which can be produced by a person endowed with general manual or intellectual ability and training), and the result of which depends primarily on the invention, imagination, or talent of the employee, or

(3) Teaching, tutoring, instructing, or lecturing in the activity of imparting knowledge and who is employed and engaged in this activity as a teacher in a school system, educational establishment or institution by which employed, or

(4) Work that requires theoretical and practical application of highly-specialized knowledge in computer systems analysis, programming, and software engineering, and who is employed and engaged in these activities as a computer systems analyst, computer programmer, software engineer, or other similarly skilled worker in the computer software field; and

(b) Whose work requires the consistent exercise of discretion and judgment in its performance; and

(c) Whose work is predominantly intellectual and varied in character (as opposed to routine mental, manual, mechanical, or physical work) and is of such character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; and

(d) Who does not devote more than 20 percent of his hours worked in the workweek to activities which are not an essential part of and necessarily incident to the work described in paragraphs (a) through (c) of this section; and

(e) Who is compensated for services on a salary or fee basis at a rate of not less than $170 per week, exclusive of board, lodging or other facilities: *Provided*, That this paragraph shall not apply in the case of an employee who is the holder of a valid license or certificate permitting the practice of law or medicine or any of their branches and who is actually engaged in the practice thereof, nor in the case of an employee who is the holder of the requisite academic degree for the general practice of medicine and is engaged in an internship or resident program pursuant to the practice of medicine or any of its branches, nor in the case of an employee employed and engaged as a teacher as provided in paragraph (a)(3) of this section: *Provided further*, That an employee who is compensated on a salary or fee basis at a rate of not less than $250 per week, exclusive of board, lodging or other facilities, and whose primary duty consists of the performance either of work described in paragraph (a) (1), (3), or (4) of this section, which includes work requiring the consistent exercise of discretion and judgment, or of work requiring invention, imagination, or talent in a recognized field of artistic endeavor, shall be deemed to meet all of the requirements of this section: *Provided further*, That the salary or fee requirements of this paragraph shall not apply to an employee engaged in computer-related work within the scope of paragraph (a)(4) of this section and who is compensated on an hourly basis at a rate in excess of 6½ times the minimum wage provided by section 6 of the FLSA as applied by the CAA.

§ C541.5b Equal pay provisions of section 6(d) of the FLSA as applied by the CAA extend to executive, administrative, and professional employees

The FLSA, as amended and as applied by the CAA, includes within the protection of the equal pay provisions those employees exempt from the minimum wage and overtime pay provisions as bona fide executive, administrative, and professional employees (including any employee employed in the capacity of academic administrative personnel or teacher in elementary or secondary schools) under section 13(a)(1) of the FLSA. Thus, for example, where an exempt administrative employee and another employee of the employing office are performing substantially "equal work", the sex discrimination prohibitions of section 6(d) are applicable with respect to any wage differential between those two employees.

§ C541.5d Special provisions applicable to employees of public agencies

(a) An employee of a public agency who otherwise meets the requirement of being paid on a salary basis shall not be disqualified from exemption under section C541.1, C541.2, or C541.3 on the basis that such employee is paid according to a pay system established by statute, ordinance, or regulation, or by a policy or practice established pursuant to principles of public accountability, under which the employee accrues personal leave and sick leave and which requires the public agency employee's pay to be reduced or such employee to be placed on leave without pay for absences for personal reasons or because of illness or injury of less than one workday when accrued leave is not used by an employee because—(1) permission for its use has not been sought or has been sought and denied; (2) accrued leave has been exhausted; or (3) the employee chooses to use leave without pay.

(b) Deductions from the pay of an employee of a public agency for absences due to a budget-required furlough shall not disqualify the employee from being paid "on a salary basis" except in the workweek in which the furlough occurs and for which the employee's pay is accordingly reduced.

PART C547—REQUIREMENTS OF A "BONA FIDE THRIFT OR SAVINGS PLAN"

Sec.

C547.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.

C547.0 Scope and effect of part.

C547.1 Essential requirements of qualifications.

C547.2 Disqualifying provisions.

§ C547.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the sections of the Secretary of Labor Regulations under the FLSA with the corresponding sections of the Office of Compliance (OC) Regulations under section 203 of the CAA:

Secretary of Labor regulations	*OC regulations*
547.0 Scope and effect of part	C547.0
547.1 Essential requirements of qualifications	C547.1
547.2 Disqualifying provisions	C547.2

§ C547.0 Scope and effect of part

(a) The regulations in this part set forth the requirements of a "bona fide thrift or savings plan" under section 7(e)(3)(b) of the Fair Labor Standards Act of 1938, as amended (FLSA), as applied by the CAA. In determining the total remuneration for employment which section 7(e) of the FLSA requires to be included in the regular rate at which an employee is employed, it is not necessary to include any sums paid to or on behalf of such employee, in recognition of services performed by him during a given period, which are paid pursuant to a bona fide thrift or savings plan meeting the requirements set forth herein. In the formulation of these regulations due regard has been given to the factors and standards set forth in section 7(e)(3)(b) of the Act.

(b) Where a thrift or savings plan is combined in a single program (whether in one or more documents) with a plan or trust for providing old age, retirement, life, accident or health insurance or similar benefits for employees, contributions made by the employer pursuant to such thrift or savings plan may be excluded from the regular rate if the plan meets the requirements of the regulation in this part and the contributions made for the other purposes may be excluded from the regular rate if they meet the tests set forth in regulations.

§ C547.1 Essential requirements for qualifications

(a) A "bona fide thrift or savings plan" for the purpose of section 7(e)(3)(b) of the FLSA as applied by the CAA is required to meet all the standards set forth in paragraphs (b) through (f) of this section and must not contain the disqualifying provisions set forth in § 547.2.

(b) The thrift or savings plan constitutes a definite program or arrangement in writing, adopted by the employer or by contract as a result of collective bargaining and communicated or made available to the employees, which is established and maintained, in good faith, for the purpose of encouraging voluntary thrift or savings by employees by providing an incentive to employees to accumulate regularly and retain cash savings for a reasonable period of time or to save through the regular purchase of public or private securities.

(c) The plan specifically shall set forth the category or categories of employees participating and the basis of their eligibility. Eligibility may not be based on such factors as hours of work, production, or efficiency of the employees: *Provided, however*, That hours of work may be used to determine eligibility of part-time or casual employees.

(d) The amount any employee may save under the plan shall be specified in the plan or determined in accordance with a definite formula specified in the plan, which formula may be based on one or more factors such as the straight-time earnings or total earnings, base rate of pay, or length of service of the employee.

(e) The employer's total contribution in any year may not exceed 15 percent of the participating employees' total earnings during that year. In addition, the employer's total contribution in any year may not exceed the total amount saved or invested by the participating employees during that year.

(f) The employer's contributions shall be apportioned among the individual employees in accordance with a definite formula or method of calculation specified in the plan, which formula or method of calculation is based on the amount saved or the length of time the individual employee retains his savings or investment in the plan: *Provided*, That no employee's share determined in accordance with the plan may be diminished because of any other remuneration received by him.

§ C547.2 Disqualifying provisions

(a) No employee's participation in the plan shall be on other than a voluntary basis.

(b) No employee's wages or salary shall be dependent upon or influenced by the existence of such thrift or savings plan or the employer's contributions thereto.

(c) The amounts any employee may save under the plan, or the amounts paid by the employer under the plan may not be based upon the employee's hours of work, production or efficiency.

PART C553—OVERTIME COMPENSATION: PARTIAL EXEMPTION FOR EMPLOYEES ENGAGED IN LAW ENFORCEMENT AND FIRE PROTECTION; OVERTIME AND COMPENSATORY TIME-OFF FOR EMPLOYEES WHOSE WORK SCHEDULE DIRECTLY DEPENDS UPON THE SCHEDULE OF THE HOUSE

INTRODUCTION

Sec.

C553.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.
C553.1 Definitions.
C553.2 Purpose and scope.

SUBPART C—PARTIAL EXEMPTION FOR EMPLOYEES ENGAGED IN LAW ENFORCEMENT AND FIRE PROTECTION

C553.201 Statutory provisions: section 7(k).
C553.202 Limitations.
C553.211 Law enforcement activities.
C553.212 Twenty percent limitation on nonexempt work.
C553.213 Public agency employees engaged in both fire protection and law enforcement activities.
C553.214 Trainees.
C553.215 Ambulance and rescue service employees.
C553.216 Other exemptions.
C553.220 "Tour of duty" defined.
C553.221 Compensable hours of work.
C553.222 Sleep time.
C553.223 Meal time.
C553.224 "Work period" defined.
C553.225 Early relief.
C553.226 Training time.
C553.227 Outside employment.
C553.230 Maximum hours standards for work periods of 7 to 28 days—section 7(k).
C553.231 Compensatory time off.
C553.232 Overtime pay requirements.
C553.233 "Regular rate" defined.

SUBPART D—COMPENSATORY TIME-OFF FOR OVERTIME EARNED BY EMPLOYEES WHOSE WORK SCHEDULE DIRECTLY DEPENDS UPON THE SCHEDULE OF THE HOUSE

C553.301 Definition of "directly depends".
C553.302 Overtime compensation and compensatory time off for an employee whose work schedule directly depends upon the schedule of the House.
C553.303 Using compensatory time off.
C553.304 Payment of overtime compensation for accrued compensatory time off as of termination of service.

INTRODUCTION

§ C553.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the sections of the Secretary of Labor Regulations under the FLSA with the corresponding sections of the Office of Compliance (OC) Regulations under section 203 of the CAA:

Secretary of Labor regulations	*OC regulations*
553.1 Definitions	C553.1
553.2 Purpose and scope	C553.2
553.201 Statutory provisions: section 7(k)	C553.201
553.202 Limitations	C553.202
553.211 Law enforcement activities	C553.211
553.212 Twenty percent limitation on nonexempt work	C553.212
553.213 Public agency employees engaged in both fire protection and law enforcement activities	C553.213
553.214 Trainees	C553.214
553.215 Ambulance and rescue service employees	C553.215
553.216 Other exemptions	C553.216
553.220 "Tour of duty" defined	C553.220
553.221 Compensable hours of work	C553.221
553.222 Sleep time	C553.222
553.223 Meal time	C553.223
553.224 "Work period" defined	C553.224
553.225 Early relief	C553.225
553.226 Training time	C553.226
553.227 Outside employment	C553.227
553.230 Maximum hours standards for work periods of 7 to 28 days—section 7(k)	C553.230
553.231 Compensatory time off	C553.231
553.232 Overtime pay requirements	C553.232
553.233 "Regular rate" defined	C553.233

INTRODUCTION

§ C553.1 Definitions

(a) "Act" or "FLSA" means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201–219), as applied by the CAA.

(b) "1985 Amendments" means the Fair Labor Standards Amendments of 1985 (Pub. L. 99–150).

(c) "Public agency" means an employing office as the term is defined in § 501.102 of this chapter, including the Capitol Police.

(d) Section 7(k) means the provisions of § 7(k) of the FLSA as applied to covered employees and employing offices by § 203 of the CAA.

§ C553.2 Purpose and scope

The purpose of part C553 is to adopt with appropriate modifications the regulations of the Secretary of Labor to carry out those provisions of the FLSA relating to public agency employees as they are applied to covered employees and employing offices of the CAA. In particular, these regulations apply section 7(k) as it relates to fire protection and law enforcement employees of public agencies.

SUBPART C—PARTIAL EXEMPTION FOR EMPLOYEES ENGAGED IN LAW ENFORCEMENT AND FIRE PROTECTION

§ C553.201 Statutory provisions: section 7(k).

Section 7(k) of the Act provides a partial overtime pay exemption for fire protection and law enforcement personnel (including security personnel in correctional institutions) who are employed by public agencies on a work period basis. This section of the Act formerly permitted public agencies to pay overtime compensation to such employees in work periods of 28 consecutive days only after 216 hours of work. As further set forth in § C553.230 of this part, the 216-hour standard has been replaced, pursuant to the study mandated by the statute, by 212 hours for fire protection employees and 171 hours for law enforcement employees. In the case of such employees who have a work period of at least 7 but less than 28 consecutive days, overtime compensation is required when the ratio of the number of hours worked to the number of days in the work period exceeds the ratio of 212 (or 171) hours to 28 days.

§ C553.202 Limitations

The application of § 7(k), by its terms, is limited to public agencies, and does not apply to any private organization engaged in furnishing fire protection or law enforcement services. This is so even if the services are provided under contract with a public agency.

EXEMPTION REQUIREMENTS

§ C553.211 Law enforcement activities

(a) As used in § 7(k) of the Act, the term "any employee . . . in law enforcement activities" refers to any employee (1) who is a uniformed or plainclothed member of a body of officers and subordinates who are empowered by law to enforce laws designed to maintain public peace and order and to protect both life and property from accidental or willful injury, and to prevent and detect crimes, (2) who has the power to arrest, and (3) who is presently undergoing or has undergone or will undergo on-the-job training and/or a course of instruction and study which typically includes physical training, self-defense, firearm proficiency, criminal and civil law principles, investigative and law enforcement techniques, community relations, medical aid and ethics.

(b) Employees who meet these tests are considered to be engaged in law enforcement activities regardless of their rank, or of their status as "trainee", "probationary", or "permanent", and regardless of their assignment to duties incidental to the performance of their law enforcement activities such as equipment maintenance, and lecturing, or to support activities of the type described in paragraph (g) of this section, whether or not such assignment is for training or familiarization purposes, or for reasons of illness, injury or infirmity. The term would also include rescue and ambulance service personnel if such personnel form an integral part of the public agency's law enforcement activities. See section C553.215.

(c) Typically, employees engaged in law enforcement activities include police who are regularly employed and paid as such. Other agency employees with duties not specifically mentioned may, depending upon the particular facts and pertinent statutory provisions in that jurisdiction, meet the three tests described above. If so, they will also qualify as law enforcement officers. Such employees might include, for example, any law enforcement employee within the legislative branch concerned with keeping public peace and order and protecting life and property.

(d) Employees who do not meet each of the three tests described above are not engaged in (law enforcement activities' as that term is used in section 7(k). Employees who normally would not meet each of these tests include:

(1) Building inspectors (other than those defined in section C553.213(a)),

(2) Health inspectors,

(3) Sanitarians,

(4) Civilian traffic employees who direct vehicular and pedestrian traffic at specified intersections or other control points,

(5) Civilian parking checkers who patrol assigned areas for the purpose of discovering parking violations and issuing appropriate warnings or appearance notices,

(6) Wage and hour compliance officers,

(7) Equal employment opportunity compliance officers, and

(8) Building guards whose primary duty is to protect the lives and property of persons within the limited area of the building.

(e) The term "any employee in law enforcement activities" also includes, by express reference, "security personnel in correctional institutions". Typically, such facilities may include precinct house lockups. Employees of correctional institutions who qualify as security personnel for purposes of the section 7(k) exemption are those who have responsibility for controlling and maintaining custody of inmates and of safeguarding them from other inmates or for supervising such functions, regardless of whether their duties are performed inside the correctional institution or outside the institution. These employees are considered to be engaged in law enforcement activities regardless of their rank or of their status as "trainee", "probationary", or "permanent", and regardless of their assignment to duties incidental to the performance of their law enforcement activities, or to support activities of the type described in paragraph (f) of this section, whether or not such assignment is for training or familiarization purposes or for reasons of illness, injury or infirmity.

(f) Not included in the term "employee in law enforcement activities" are the so-called "civilian" employees of law enforcement agencies or correctional institutions who engage in such support activities as those performed by dispatcher, radio operators, apparatus and equipment maintenance and repair workers, janitors, clerks and stenographers. Nor does the term include employees in correctional institutions who engage in building repair and maintenance, culinary services, teaching, or in psychological, medical and paramedical services. This is so even though such employees may, when assigned to correctional institutions, come into regular contact with the inmates in the performance of their duties.

§ C553.212 Twenty percent limitation on nonexempt work

(a) Employees engaged in fire protection or law enforcement activities as described in sections C553.210 and C553.211, may also engage in some nonexempt work which is not performed as an incident to or in conjunction with their fire protection or law enforcement activities. For example, firefighters who work for forest conservation agencies may, during slack times, plant trees and perform other conservation activities unrelated to their firefighting duties. The performance of such nonexempt work will not defeat the § 7(k) exemption unless it exceeds 20 percent of the total hours worked by that employee during the workweek or applicable work period. A person who spends more than 20 percent of his/her working time in nonexempt activities is not considered to be an employee engaged in fire protection or law enforcement activities for purposes of this part.

(b) Public agency fire protection and law enforcement personnel may, at their own option, undertake employment for the same employer on an occasional or sporadic and part-time basis in a different capacity from their regular employment. The performance of such work does not affect the application of the § 7(k) exemption with respect to the regular employment. In addition, the hours of work in the different capacity need not be counted as hours worked for overtime purposes on the regular job, nor are such hours counted in determining the 20 percent tolerance for nonexempt work discussed in paragraph (a) of this section.

§ C553.213 Public agency employees engaged in both fire protection and law enforcement activities

(a) Some public agencies have employees (often called "public safety officers") who engage in both fire protection and law enforcement activities, depending on the agency needs at the time. This dual assignment would not defeat the section 7(k) exemption, provided that each of the activities performed meets the appropriate tests set forth in sections C553.210 and C553.211. This is so regardless of how the employee's time is divided between the two activities. However, all time spent in nonexempt activities by public safety officers within the work period, whether performed in connection with fire protection or law enforcement functions, or with neither, must be combined for purposes of the 20 percent limitation on nonexempt work discussed in section C553.212.

(b) As specified in section C553.230, the maximum hours standards under section 7(k) are different for employees engaged in fire protection and for employees engaged in law enforcement. For those employees who perform both fire protection and law enforcement activities, the applicable standard is the one which applies to the activity in which the employee spends the majority of work time during the work period.

§ C553.214 Trainees

The attendance at a bona fide fire or police academy or other training facility, when required by the employing agency, constitutes engagement in activities under section 7(k) only when the employee meets all the applicable tests described in section C553.210 or section C553.211 (except for the power of arrest for law enforcement personnel), as the case may be. If the applicable tests are met, then basic training or advanced training is considered incidental to, and part of, the employee's fire protection or law enforcement activities.

§ C553.215 Ambulance and rescue service employees

Ambulance and rescue service employees of a public agency other than a fire protection or law enforcement agency may be treated as employees engaged in fire protection or law enforcement activities of the type contemplated by § 7(k) if their services are substantially related to firefighting or law enforcement activities in that (1) the ambulance and rescue service employees have received training in the rescue of fire, crime, and accident victims or firefighters or law enforcement personnel injured in the performance of their respective duties, and (2) the ambulance and rescue service employees are regularly dispatched to fires, crime scenes, riots, natural disasters and accidents. As provided in section C553.213(b), where employees perform both fire protection and law enforcement activities, the applicable standard is the one which applies to the activity in which the employee spends the majority of work time during the work period.

§ C553.216 Other exemptions

Although the 1974 Amendments to the FLSA as applied by the CAA provide special exemptions for employees of public agencies engaged in fire protection and law enforcement activities, such workers may also be subject to other exemptions in the Act, and public agencies may claim such other applicable exemptions in lieu of § 7(k). For example, section 13(a)(1) as applied by the CAA provides a complete minimum wage and overtime pay exemption for any employee employed in a bona fide executive, administrative, or professional capacity, as those terms are defined and delimited in part C541. The section 13(a)(1) exemption can be claimed for any fire protection or law enforcement employee who meets all of the tests specified in part C541 relating to duties, responsibilities, and salary. Thus, high ranking police officials who are engaged in law enforcement activities, may also, depending on the facts, qualify for the section 13(a)(1) exemption as "executive" employees. Similarly, certain criminal investigative agents may qualify as "administrative" employees under section 13(a)(1).

TOUR OF DUTY AND COMPENSABLE HOURS OF WORK RULES

§ C553.220 "Tour of duty" defined

(a) The term "tour of duty" is a unique concept applicable only to employees for whom the section 7(k) exemption is claimed. This term, as used in section 7(k), means the period of time during which an employee is considered to be on duty for purposes of determining compensable hours. It may be a scheduled or unscheduled period. Such periods include "shifts" assigned to employees often days in advance of the performance of the work. Scheduled periods also include time spent in work outside the "shift" which the public agency employer assigns. For example, a police officer may be assigned to crowd control during a parade or other special event outside of his or her shift.

(b) Unscheduled periods include time spent in court by police officers, time spent handling emergency situations, and time spent working after a shift to complete an assignment. Such time must be included in the compensable tour of duty even though the specific work performed may not have been assigned in advance.

(c) The tour of duty does not include time spent working for a separate and independent employer in certain types of special details as provided in section C553.227.

§ C553.221 Compensable hours of work

(a) The rules under the FLSA as applied by the CAA on compensable hours of work are applicable to employees for whom the section 7(k) exemption is claimed. Special rules for sleep time (section C553.222) apply to both law enforcement and firefighting employees for whom the section 7(k) exemption is claimed. Also, special rules for meal time apply in the case of firefighters (section C553.223).

(b) Compensable hours of work generally include all of the time during which an employee is on duty on the employer's premises or at a prescribed workplace, as well as all other time during which the employee is suffered or permitted to work for the employer. Such time includes all pre-shift and post-shift activities which are an integral part of the employee's principal activity or which are closely related to the performance of the principal activity, such as attending roll call, writing up and completing tickets or reports, and washing and re-racking fire hoses.

(c) Time spent away from the employer's premises under conditions that are so circumscribed that they restrict the employee from effectively using the time for personal pursuits also constitutes compensable hours of work. For example, where a police station must be evacuated because of an electrical failure and the employees are expected to remain in the vicinity and return to work after the emergency has passed, the entire time spent away from the premises is compensable. The employees in this example cannot use the time for their personal pursuits.

(d) An employee who is not required to remain on the employer's premises but is merely required to leave word at home or with company officials where he or she may be reached is not working while on call. Time spent at home on call may or may not be compensable depending on whether the restrictions placed on the employee preclude using the time for personal pursuits. Where, for example, a firefighter has returned home after the shift, with the understanding that he or she is expected to return to work in the event of an emergency in the night, such time spent at home is normally not compensable. On the other hand, where the conditions placed on the employee's activities are so restrictive that the employee cannot use the time effectively for personal pursuits, such time spent on call is compensable.

(e) Normal home to work travel is not compensable, even where the employee is expected to report to work at a location away from the location of the employer's premises.

(f) A police officer, who has completed his or her tour of duty and who is given a patrol car to drive home and use on personal business, is not working during the travel time even where the radio must be left on so that the officer can respond to emergency calls. Of course, the time spent in responding to such calls is compensable.

§ C553.222 Sleep time

(a) Where a public agency elects to pay overtime compensation to firefighters and/or law enforcement personnel in accordance with section 7(a)(1) of the Act, the public agency may exclude sleep time from hours worked if all the conditions for the exclusion of such time are met.

(b) Where the employer has elected to use the section 7(k) exemption, sleep time cannot be excluded from the compensable hours of work where—

(1) the employee is on a tour of duty of less than 24 hours, and

(2) the employee is on a tour of duty of exactly 24 hours.

(c) Sleep time can be excluded from compensable hours of work, however, in the case of police officers or firefighters who are on a tour of duty of more than 24 hours, but only if there is an expressed or implied agreement between the employer and the employees to exclude such time. In the absence of such an agreement, the sleep time is compensable. In no event shall the time excluded as sleep time exceed 8 hours in a 24-hour period. If the sleep time is interrupted by a call to duty, the interruption must be counted as hours worked. If the sleep period is interrupted to such an extent that the employee cannot get a reasonable night's sleep (which, for enforcement purposes means at least 5 hours), the entire time must be counted as hours of work.

§ C553.223 Meal time

(a) If a public agency elects to pay overtime compensation to firefighters and law enforcement personnel in accordance with section 7(a)(1) of the Act, the public agency may exclude meal time from hours worked if all the statutory tests for the exclusion of such time are met.

(b) If a public agency elects to use the section 7(k) exemption, the public agency may, in the case of law enforcement personnel, exclude meal time from hours worked on tours of duty of 24 hours or less: *Provided*, That the employee is completely relieved from duty during the meal period, and all the other statutory tests for the exclusion of such time are met. On the other hand, where law enforcement personnel are required to remain on call in barracks or similar quarters, or are engaged in extended surveillance activities (e.g., stakeouts), they are not considered to be completely relieved from duty, and any such meal periods would be compensable.

(c) With respect to firefighters employed under section 7(k), who are confined to a duty station, the legislative history of the Act indicates congressional intent to mandate a departure from the usual FLSA "hours of work" rules and adoption of an overtime standard keyed to the unique concept of "tour of duty" under which firefighters are employed. Where the public agency elects to use the section 7(k) exemption for firefighters, meal time cannot be excluded from the compensable hours of work where (1) the firefighter is on a tour of duty of less than 24 hours, and (2) where the firefighter is on a tour of duty of exactly 24 hours.

(d) In the case of police officers or firefighters who are on a tour of duty of more than 24 hours, meal time may be excluded from compensable hours of work provided that the statutory tests for exclusion of such hours are met.

§ C553.224 "Work period" defined

(a) As used in section 7(k), the term "work period" refers to any established and regularly recurring period of work which, under the terms of the Act and legislative history, cannot be less than 7 consecutive days nor more than 28 consecutive days. Except for this limitation, the work period can be of any length, and it need not coincide with the duty cycle or pay period or with a particular day of the week or hour of the day. Once the beginning and ending time of an employee's work period is established, however, it remains fixed regardless of how many hours are worked within the period. The beginning and ending of the work period may be changed: *Provided*, That the change is intended to be permanent and is not designed to evade the overtime compensation requirements of the Act.

(b) An employer may have one work period applicable to all employees, or different work periods for different employees or groups of employees.

§ C553.225 Early relief

It is a common practice among employees engaged in fire protection activities to relieve employees on the previous shift prior to the scheduled starting time. Such early relief time may occur pursuant to employee agreement, either expressed or implied. This practice will not have the effect of increasing the number of compensable hours of work for employees employed under section 7(k) where it is voluntary on the part of the employees and does not result, over a period of time, in their failure to receive proper compensation for all hours actually worked. On the other hand, if the practice is required by the employer, the time involved must be added to the employee's tour of duty and treated as compensable hours of work.

§ C553.226 Training time

(a) The general rules for determining the compensability of training time under the FLSA apply to employees engaged in law enforcement or fire protection activities.

(b) While time spent in attending training required by an employer is normally considered compensable hours of work, following are situations where time spent by employees in required training is considered to be noncompensable:

(1) Attendance outside of regular working hours at specialized or follow-up training, which is required by law for certification of public and private sector employees within a particular governmental jurisdiction (e.g., certification of public and private emergency rescue workers), does not constitute compensable hours of work for public employees within that jurisdiction and subordinate jurisdictions.

(2) Attendance outside of regular working hours at specialized or follow-up training, which is required for certification of employees of a governmental jurisdiction by law of a higher level of government, does not constitute compensable hours of work.

(3) Time spent in the training described in paragraphs (b) (1) or (2) of this section is not compensable, even if all or part of the costs of the training is borne by the employer.

(c) Police officers or firefighters, who are in attendance at a police or fire academy or other training facility, are not considered to be on duty during those times when they are not in class or at a training session, if they are free to use such time for personal pursuits. Such free time is not compensable.

§ C553.227 Outside employment

(a) Section 7(p)(1) makes special provision for fire protection and law enforcement employees of public agencies who, at their own option, perform special duty work in fire protection, law enforcement or related activities for a separate and independent employer (public or private) during their off-duty hours. The hours of work for the separate and independent employer are not combined with the hours worked for the primary public agency employer for purposes of overtime compensation.

(b) Section 7(p)(1) applies to such outside employment provided (1) the special detail work is performed solely at the employee's option, and (2) the two employers are in fact separate and independent.

(c) Whether two employers are, in fact, separate and independent can only be determined on a case-by-case basis.

(d) The primary employer may facilitate the employment or affect the conditions of employment of such employees. For example, a police department may maintain a roster of officers who wish to perform such work. The department may also select the officers for special details from a list of those wishing to participate, negotiate their pay, and retain a fee for administrative expenses. The department may require that the separate and independent employer pay the fee for such services directly to the department, and establish procedures for the officers to receive their pay for the special details through the agency's payroll system. Finally, the department may require that the officers observe their normal standards of conduct during such details and take disciplinary action against those who fail to do so.

(e) Section 7(p)(1) applies to special details even where a State law or local ordinance requires that such work be performed and that only law enforcement or fire protection employees of a public agency in the same jurisdiction perform the work. For example, a city ordinance may require the presence of city police officers at a convention center during concerts or sports events. If the officers perform such work at their own option, the hours of work need not be combined with the hours of work for their primary employer in computing overtime compensation.

(f) The principles in paragraphs (d) and (e) of this section with respect to special details of public agency fire protection and law enforcement employees under section 7(p)(1) are exceptions to the usual rules on joint employment set forth in part 791 of this title.

(g) Where an employee is directed by the public agency to perform work for a second employer, section 7(p)(1) does not apply. Thus, assignments of police officers outside of their normal work hours to perform crowd control at a parade, where the assignments are not solely at the option of the officers, would not qualify as special details subject to this exception. This would be true even if the parade organizers reimburse the public agency for providing such services.

(h) Section 7(p)(1) does not prevent a public agency from prohibiting or restricting outside employment by its employees.

OVERTIME COMPENSATION RULES

§ C553.230 Maximum hours standards for work periods of 7 to 28 days—section 7(k)

(a) For those employees engaged in fire protection activities who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7(k) until the number of hours worked exceeds the number of hours which bears the same relationship to 212 as the number of days in the work period bears to 28.

(b) For those employees engaged in law enforcement activities (including security personnel in correctional institutions) who have a work period of at least 7 but less than 28 consecutive days, no overtime compensation is required under section 7(k) until the number of hours worked exceeds the number of hours which bears the same relationship to 171 as the number of days in the work period bears to 28.

(c) The ratio of 212 hours to 28 days for employees engaged in fire protection activities is 7.57 hours per day (rounded) and the ratio of 171 hours to 28 days for employees engaged in law enforcement activities is 6.11 hours per day (rounded). Accordingly, overtime compensation (in premium pay or compensatory time) is required for all hours worked in excess of the following maximum hours standards (rounded to the nearest whole hour):

MAXIMUM HOURS STANDARDS

Work period (days)	Fire protection	Law enforcement
28	212	171
27	204	165
26	197	159
25	189	153
24	182	147
23	174	141
22	167	134
21	159	128
20	151	122
19	144	116
18	136	110
17	129	104
16	121	98
15	114	92
14	106	86
13	98	79
12	91	73
11	83	67
10	76	61
9	68	55
8	61	49
7	53	43

§ C553.231 Compensatory time off

(a) Law enforcement and fire protection employees who are subject to the section 7(k) exemption may receive compensatory time off in lieu of overtime pay for hours worked in excess of the maximum for their work period as set forth in section C553.230.

(b) Section 7(k) permits public agencies to balance the hours of work over an entire work period for law enforcement and fire protection employees. For example, if a firefighter's work period is 28 consecutive days, and he or she works 80 hours in each of the first two weeks, but only 52 hours in the third week, and does not work in the fourth week, no overtime compensation (in cash wages or compensatory time) would be required since the total hours worked do not exceed 212 for the work period. If the same firefighter had a work period of only 14 days, overtime compensation or compensatory time off would be due for 54 hours (160 minus 106 hours) in the first 14 day work period.

§ C553.232 Overtime pay requirements

If a public agency pays employees subject to section 7(k) for overtime hours worked in cash wages rather than compensatory time off, such wages must be paid at one and one-half times the employees' regular rates of pay.

§ C553.233 "Regular rate" defined

The statutory rules for computing an employee's "regular rate", for purposes of the Act's overtime pay requirements are applicable to employees or whom the section 7(k) exemption is claimed when overtime compensation is provided in cash wages.

SUBPART D—COMPENSATORY TIME-OFF FOR OVERTIME EARNED BY EMPLOYEES WHOSE WORK SCHEDULE DIRECTLY DEPENDS UPON THE SCHEDULE OF THE HOUSE AND THE SENATE

§ C553.301 Definition of "directly depends"

For the purposes of this Part, a covered employee's work schedule "directly depends" on the schedule of the House of Representatives and the Senate only if the eligible employee performs work that directly supports the conduct of legislative or other business in the chamber and works hours that regularly change in response to the schedule of the House and the Senate.

§ C553.302 Overtime compensation and compensatory time off for an employee whose work schedule directly depends upon the schedule of the House and Senate

No employing office shall be deemed to have violated section 203(a)(1) of the CAA, which applies the protections of section 7(a) of the Fair Labor Standards Act ("FLSA") to covered employees and employing office, by employing any employee for a workweek in excess of the maximum workweek applicable to such employee under section 7(a) of the FLSA where the employee's work schedule directly depends on the schedule of the House of Representatives or the Senate within the meaning of § C553.301, and: (a) the employee is compensated at the rate of time-and-a-half in pay for all hours in excess of 40 and up to 60 hours in a workweek, and (b) the employee is compensated at the rate of time-and-a-half in either pay or in time off for all hours in excess of 60 hours in a workweek.

§ C553.303 Using compensatory time off

An employee who has accrued compensatory time off under § C553.302 upon his or her request, shall be permitted by the employing office to use such time within a reasonable period after making the request, unless the employing office makes a bona fide determination that the needs of the operations of the office do not allow the taking of compensatory time off at the time of the request. An employee may renew the request at a subsequent time. An employing office may also, upon reasonable notice, require an employee to use accrued compensatory time-off.

§ C553.304 Payment of overtime compensation for accrued compensatory time off as of termination of service

An employee who has accrued compensatory time authorized by this regulation shall, upon termination of employment, be paid for the unused compensatory time at the rate earned by the employee at the time the employee receives such payment.

PART C570—CHILD LABOR REGULATIONS

SUBPART A—GENERAL

Sec.
C570.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance.
C570.1 Definitions.
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SUBPART B [RESERVED]

SUBPART C—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE (CHILD LABOR REG. 3)

C570.31 Determination.
C570.32 Effect of this subpart.
C570.33 Occupations.
C570.35 Periods and conditions of employment.

SUBPART D [RESERVED]

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

C570.50 General.
C570.51 Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1).
C570.52 Occupations of motor-vehicle driver and outside helper (Order 2).
C570.55 Occupations involved in the operation of power-driven woodworking machines (Order 5).
C570.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7).
C570.59 Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8).
C570.62 Occupations involved in the operation of bakery machines (Order 11).
C570.63 Occupations involved in the operation of paper-products machines (Order 12).
C570.65 Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14).
C570.66 Occupations involved in wrecking and demolition operations (Order 15).

C570.67 Occupations in roofing operations (Order 16).
C570.68 Occupations in excavation operations (Order 17).

SUBPART A—GENERAL

§ C570.00 Corresponding section table of the FLSA regulations of the Labor Department and the CAA regulations of the Office of Compliance

The following table lists the sections of the Secretary of Labor Regulations under the FLSA with the corresponding sections of the Office of Compliance Regulations under section 202 of the CAA:

Secretary of Labor regulations	*OC regulations*
570.1 Definitions	C570.1
570.2 Minimum age standards	C570.2
570.31 Determinations	C570.31
570.32 Effect of this subpart	C570.32
570.33 Occupations	C570.33
570.35 Periods and conditions of employment	C570.35
570.50 General	C570.50
570.51 Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1)	C570.51
570.52 Occupations of motor-vehicle driver and outside helper (Order 2)	C570.52
570.55 Occupations involved in the operation of power-driven woodworking machines (Order 5)	C570.55
570.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7)	C570.58
570.59 Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8)	C570.59
570.62 Occupations involved in the operation of bakery machines (Order 11)	C570.62
570.63 Occupations involved in the operation of paper-products machines (Order 12)	C570.63
570.65 Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14)	C570.65
570.66 Occupations involved in wrecking and demolition operations (Order 15)	C570.66
570.67 Occupations in roofing operations (Order 16)	C570.67
570.68 Occupations in excavation operations (Order 17)	C570.68

§ C570.1 Definitions

As used in this part:

(a) "Act" means the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201–219).

(b) "Oppressive child labor" means employment of a minor in an occupation for which he does not meet the minimum age standards of the Act, as set forth in section 570.2 of this subpart.

(c) "Oppressive child labor age" means an age below the minimum age established under the Act for the occupation in which a minor is employed or in which his employment is contemplated.

(d) [Reserved].

(e) [Reserved].

(f) "Secretary" or "Secretary of Labor" means the Secretary of Labor, United States Department of Labor, or his authorized representative.

(g) "Wage and Hour Division" means the Wage and Hour Division, Employment Standards Administration, United States Department of Labor.

(h) "Administrator" means the Administrator of the Wage and Hour Division or his authorized representative.

§ C570.2 Minimum age standards

(a) ALL OCCUPATIONS EXCEPT IN AGRICULTURE.—(1) The Act, in section 3(1), sets a general 16-year minimum age which applies to all employment subject to its child labor provisions in any occupation other than in agriculture, with the following exceptions:

(i) The Act authorizes the Secretary of Labor to provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor, if and to the extent that the Secretary of Labor determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being (see subpart C of this part); and

(ii) The Act sets an 18-year minimum age with respect to employment in any occupation found and declared by the Secretary of Labor to be particularly hazardous for the employment of minors of such age or detrimental to their health or well-being.

(2) The Act exempts from its minimum age requirements the employment by a parent of his own child, or by a person standing in place of a parent of a child in his custody, except in occupations to which the 18-year age minimum applies and in manufacturing and mining occupations.

SUBPART B [RESERVED]

SUBPART C—EMPLOYMENT OF MINORS BETWEEN 14 AND 16 YEARS OF AGE (CHILD LABOR REG. 3)

§ C570.31 Determination

The employment of minors between 14 and 16 years of age in the occupations, for the periods, and under the conditions hereafter specified does not interfere with their schooling or with their health and well-being and shall not be deemed to be oppressive child labor.

§ C570.32 Effect of this subpart

In all occupations covered by this subpart the employment (including suffering or permitting to work) by an employer of minor employees between 14 and 16 years of age for the periods and under the conditions specified in § 570.35 shall not be deemed to be oppressive child labor within the meaning of the Fair Labor Standards Act of 1938.

§ C570.33 Occupations

This subpart shall apply to all occupations other than the following:

(a) Manufacturing, mining, or processing occupations, including occupations requiring the performance of any duties in work rooms or work places where goods are manufactured, mined, or otherwise processed;

(b) Occupations which involve the operation or tending of hoisting apparatus or of any power-driven machinery other than office machines;

(c) The operation of motor vehicles or service as helpers on such vehicles;

(d) Public messenger service;

(e) Occupations which the Secretary of Labor may, pursuant to section 3(1) of the Fair Labor Standards Act and Reorganization Plan No. 2, issued pursuant to the Reorganization Act of 1945, find and declare to be hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being;

(f) Occupations in connection with:

(1) Transportation of persons or property by rail, highway, air, water, pipeline, or other means;

(2) Warehousing and storage;

(3) Communications and public utilities;

(4) Construction (including demolition and repair); except such office (including ticket office) work, or sales work, in connection with paragraphs (f) (1), (2), (3), and (4) of this section, as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels, or other media of transportation or at the actual site of construction operations.

§ C570.35 Periods and conditions of employment

(a) Except as provided in paragraph (b) of this section, employment in any of the occupations to which this subpart is applicable shall be confined to the following periods:

(1) Outside school hours;

(2) Not more than 40 hours in any 1 week when school is not in session;

(3) Not more than 18 hours in any 1 week when school is in session;

(4) Not more than 8 hours in any 1 day when school is not in session;

(5) Not more than 3 hours in any 1 day when school is in session;

6) Between 7 a.m. and 7 p.m. in any 1 day, except during the summer (June 1 through Labor Day) when the evening hour will be 9 p.m.

SUBPART D [RESERVED]

SUBPART E—OCCUPATIONS PARTICULARLY HAZARDOUS FOR THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE OR DETRIMENTAL TO THEIR HEALTH OR WELL-BEING

§ C570.50 General

(a) HIGHER STANDARDS.—Nothing in this subpart shall authorize non-compliance with any Federal law or regulation establishing a higher standard. If more than one standard within this subpart applies to a single activity the higher standard shall be applicable.

(b) APPRENTICES.—Some sections in this subpart contain an exemption for the employment of apprentices. Such an exemption shall apply only when: (1) The apprentice is employed in a craft recognized as an apprenticeable trade; (2) the work of the apprentice in the occupations declared particularly hazardous is incidental to his training; (3) such work is intermittent and for short periods of time and is under the direct and close supervision of a journeyman as a necessary part of such apprentice training; and (4) the apprentice is registered by the Executive Director of the Office of Compliance as employed in accordance with the standards established by the Bureau of Apprenticeship and Training of the United States Department of Labor.

(c) STUDENT-LEARNERS.—Some sections in this subpart contain an exemption for the employment of student-learners. Such an exemption shall apply when:

(1) The student-learner is enrolled in a course of study and training in a cooperative

vocational training program under a recognized State or local educational authority or in a course of study in a substantially similar program conducted by a private school; and

(2) Such student-learner is employed under a written agreement which provides:

(i) That the work of the student-learner in the occupations declared particularly hazardous shall be incidental to his training;

(ii) That such work shall be intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person;

(iii) That safety instructions shall be given by the school and correlated by the employer with on-the-job training; and

(iv) That a schedule of organized and progressive work processes to be performed on the job shall have been prepared. Each such written agreement shall contain the name of student-learner, and shall be signed by the employer and the school coordinator or principal. Copies of each agreement shall be kept on file by both the school and the employer. This exemption for the employment of student-learners may be revoked in any individual situation where it is found that reasonable precautions have not been observed for the safety of minors employed thereunder. A high school graduate may be employed in an occupation in which he has completed training as provided in this paragraph as a student-learner, even though he is not yet 18 years of age.

§C570.51 Occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components (Order 1)

(a) Finding and Declaration of Fact.—The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous for minors between 16 and 18 years of age or detrimental to their health or well-being:

(1) All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in paragraph (a)(2) of this section) manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a "nonexplosives area" as defined in paragraph (b)(3) of this section.

(2) The following occupations in or about any plant or establishment manufacturing or storing small-arms ammunition not exceeding .60 caliber in size, shotgun shells, or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(i) All occupations involved in the manufacturing, mixing, transporting, or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosives area in which explosive compounds are manufactured or mixed.

(ii) All occupations involved in the manufacturing, transporting, or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(iii) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(iv) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(v) All occupations involved in the loading, inspecting, packing, shipping and storage of blasting caps.

(b) Definitions.—For the purpose of this section:

(1) The term "plant or establishment manufacturing or storing explosives or articles containing explosive component" means the land with all the buildings and other structures thereon used in connection with the manufacturing or processing or storing of explosives or articles containing explosive components.

(2) The terms "explosives" and "articles containing explosive components" mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder, and all goods classified and defined as explosives by the Interstate Commerce Commission in regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR parts 71 to 78) issued pursuant to the Act of June 25, 1948 (62 Stat. 739; 18 U.S.C. 835).

(3) An area meeting all of the criteria in paragraphs (b)(3) (i) through (iv) of this section shall be deemed a "nonexplosives area":

(i) None of the work performed in the area involves the handling or use of explosives;

(ii) The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distances for the protection of inhabited buildings;

(iii) The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

(iv) Satisfactory controls have been established to prevent employees under 18 years of age within the area from entering any area in or about the plant which does not meet criteria of paragraphs (b)(3) (i) through (iii) of this section.

§C570.52 Occupations of motor-vehicle driver and outside helper (Order 2)

(a) Findings and Declaration of Fact.—Except as provided in paragraph (b) of this section, the occupations of motor-vehicle driver and outside helper on any public road, highway, in or about any mine (including open pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in §C570.68(a) are particularly hazardous for the employment of minors between 16 and 18 years of age.

(b) Exemption.—The findings and declaration in paragraph (a) of this section shall not apply to the operation of automobiles or trucks not exceeding 6,000 pounds gross vehicle weight if such driving is restricted to daylight hours: *Provided*, That such operation is only occasional and incidental to the minor's employment; that the minor holds a State license valid for the type of driving involved in the job performed and has completed a State approved driver education course: *Provided further*, That the vehicle is equipped with a seat belt or similar restraining device for the driver and for each helper, and the employer has instructed each minor that such belts or other devices must be used. This paragraph shall not be applicable to any occupation of motor-vehicle driver which involves the towing of vehicles.

(c) Definitions.—For the purpose of this section:

(1) The term "motor vehicle" shall mean any automobile, truck, truck-tractor, trailer, semitrailer, motorcycle, or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) The term "driver" shall mean any individual who, in the course of employment, drives a motor vehicle at any time.

(3) The term "outside helper" shall mean any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

(4) The term "gross vehicle weight" includes the truck chassis with lubricants, water and a full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body and special chassis and body equipment, and payload.

§C570.55 Occupations involved in the operation of power-driven woodworking machines (Order 5)

(a) Finding and Declaration of Fact.—The following occupations involved in the operation of power-driven wood-working machines are particularly hazardous for minors between 16 and 18 years of age:

(1) The occupation of operating power-driven woodworking machines, including supervising or controlling the operation of such machines, feeding material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning power-driven woodworking machines.

(3) The occupations of off-bearing from circular saws and from guillotine-action veneer clippers.

(b) Definitions.—As used in this section:

(1) The term "power-driven woodworking machines" shall mean all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening, or otherwise assembling, pressing, or printing wood or veneer.

(2) The term "off-bearing" shall mean the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this section include: (i) The removal of material or refuse from a circular saw or guillotine-action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or by some mechanical means such as a moving belt or expulsion roller, and (ii) the following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation: The carrying, moving, or transporting of materials from one machine to another or from one part of a plant to another; the piling, stacking, or arranging of materials for feeding into a machine by another person; and the sorting, tying, bundling, or loading of materials.

(c) Exemptions.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section 570.50 (b) and (c).

§C570.58 Occupations involved in the operation of power-driven hoisting apparatus (Order 7)

(a) Finding and Declaration of Fact.—The following occupations involved in the operation of power-driven hoisting apparatus are particularly hazardous for minors between 16 and 18 years of age:

(1) Work of operating an elevator, crane, derrick, hoist, or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one ton capacity.

(2) Work which involves riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.

(3) Work of assisting in the operation of a crane, derrick, or hoist performed by crane hookers, crane chasers, hookers-on, riggers, rigger helpers, and like occupations.

(b) DEFINITIONS.—As used in this section:

(1) The term "elevator" shall mean any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but shall not include dumbwaiters.

(2) The term "crane" shall mean a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term shall include all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle, portal, semi-gantry, semi-portal, storage bridge, tower, walking jib, and wall cranes.

(3) The term "derrick" shall mean a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with a hoisting mechanism or operating ropes. The term shall include all types of derricks, such as A-frame, breast, Chicago boom, gin-pole, guy and stiff-leg derrick.

(4) The term "hoist" shall mean a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term shall include all types of hoists, such as base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum and trolley suspension hoists.

(5) The term "high-lift" truck shall mean a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded pallets or skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork, or other attachments for handling specific loads. The term shall mean and include highlift trucks known under such names as fork lifts, fork trucks, fork-lift trucks, tiering trucks, or stacking trucks, but shall not mean low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of material.

(6) The term "manlift" shall mean a device intended for the conveyance of persons which consists of platforms or brackets mounted on, or attached to, an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) EXCEPTION.—(1) This section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator: *Provided*, That the exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door, and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend; all hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked; the elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and the elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal and a final limit switch which will prevent the movement in either direction and will open in case of excessive over travel by the car.

(2) For the purpose of this exception the term "automatic elevator" shall mean a passenger elevator, a freight elevator, or a combination passenger-freight elevator, the operation of which is controlled by pushbuttons in such a manner that the starting, going to the landing selected, leveling and holding, and the opening and closing of the car and hoistway doors are entirely automatic.

(3) For the purpose of this exception, the term "automatic signal operation elevator" shall mean an elevator which is started in response to the operation of a switch (such as a lever or pushbutton) in the car which when operated by the operator actuates a starting device that automatically closes the car and hoistway doors from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

§ C570.59 Occupations involved in the operations of power-driven metal forming, punching, and shearing machines (Order 8)

(a) FINDING AND DECLARATION OF FACT.—The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven metal forming, punching, and shearing machines:

(i) All rolling machines, such as beading, straightening, corrugating, flanging, or bending rolls; and hot or cold rolling mills.

(ii) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(iii) All bending machines, such as apron brakes and press brakes.

(iv) All hammering machines, such as drop hammers and power hammers.

(v) All shearing machines, such as guillotine or squaring shears; alligator shears; and rotary shears.

(2) The occupations of setting up, adjusting, repairing, oiling, or cleaning these machines including those with automatic feed and ejection.

(b) DEFINITIONS.—(1) The term "operator" shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term "helper" shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

(3) The term "forming, punching, and shearing machines" shall mean power-driven metal-working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls, or knives which are mounted on rams, plungers, or other moving parts. Types of forming, punching, and shearing machines enumerated in this section are the machines to which the designation is by custom applied.

(c) EXEMPTIONS.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section 570.50 (b) and (c).

§ C570.62 Occupations involved in the operation of bakery machines (Order 11)

The following occupations involved in the operation of power-driven bakery machines are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operating, assisting to operate, or setting up, adjusting, repairing, oiling, or cleaning any horizontal or vertical dough mixer; batter mixer; bread dividing, rounding, or molding machine; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(2) The occupation of setting up or adjusting a cookie or cracker machine.

§ C570.63 Occupations involved in the operation of paper-products machines (Order 12)

(a) FINDINGS AND DECLARATION OF FACT.—The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operation or assisting to operate any of the following power-driven paper products machines:

(i) Arm-type wire stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single-or-double-facing machine, envelope die-cutting press, guillotine paper cutter or shear, horizontal bar scorer, laminating or combining machine, sheeting machine, scrap-paper baler, or vertical slotter.

(ii) Platen die-cutting press, platen printing press, or punch press which involves hand feeding of the machine.

(2) The occupations of setting-up, adjusting, repairing, oiling, or cleaning these machines including those which do not involve hand feeding.

(b) DEFINITIONS.—(1) The term "operating or assisting to operate" shall mean all work which involves starting or stopping a machine covered by this section, placing or removing materials into or from the machine, or any other work directly involved in operating the machine. The term does not include the stacking of materials by an employee in an area nearby or adjacent to the machine where such employee does not place the materials into the machine.

(2) The term "paper products" machine shall mean all power-driven machines used in:

(i) The remanufacture or conversion of paper or pulp into a finished product, including the preparation of such materials for recycling; or

(ii) The preparation of such materials for disposal. The term applies to such machines whether they are used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or nonmanufacturing establishment.

(c) EXEMPTIONS.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section 570.50 (b) and (c).

§ C570.65 Occupations involved in the operations of circular saws, band saws, and guillotine shears (Order 14)

(a) FINDINGS AND DECLARATION OF FACT.—The following occupations are particularly hazardous for the employment of minors between 16 and 18 years of age:

(1) The occupations of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(i) Circular saws.

(ii) Band saws.

(iii) Guillotine shears.

(2) The occupations of setting-up, adjusting, repairing, oiling, or cleaning circular saws, band saws, and guillotine shears.

(b) DEFINITIONS.—(1) The term "operator" shall mean a person who operates a machine covered by this section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) The term "helper" shall mean a person who assists in the operation of a machine covered by this section by helping place materials into or remove them from the machine.

(3) The term "machines equipped with full automatic feed and ejection" shall mean machines covered by this Order which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.

(4) The term "circular saw" shall mean a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting, and used for sawing materials.

(5) The term "band saw" shall mean a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys, and used for sawing materials.

(6) The term "guillotine shear" shall mean a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

(c) EXEMPTIONS.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section 570.50 (b) and (c).

§ C570.66 Occupations involved in wrecking and demolition operations (Order 15)

(a) FINDING AND DECLARATION OF FACT.—All occupations in wrecking and demolition operations are particularly hazardous for the employment of minors between 16 and 18 years of age and detrimental to their health and well-being.

(b) DEFINITION.—The term "wrecking and demolition operations" shall mean all work, including clean-up and salvage work, performed at the site of the total or partial razing, demolishing, or dismantling of a building, bridge, steeple, tower, chimney, other structure.

§ C570.67 Occupations in roofing operations (Order 16)

(a) FINDING AND DECLARATION OF FACT.—All occupations in roofing operations are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health.

(b) DEFINITION OF ROOFING OPERATIONS.—The term "roofing operations" shall mean all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal, translucent materials, and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term shall also include all work performed in connection with: (1) The installation of roofs, including related metal work such as flashing and (2) alterations, additions, maintenance, and repair, including painting and coating, of existing roofs. The term shall not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment, or similar appliances attached to roofs.

(c) EXEMPTIONS.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section 570.50 (b) and (c).

§ C570.68 Occupations in excavation operations (Order 17)

(a) FINDING AND DECLARATION OF FACT.—The following occupations in excavation operations are particularly hazardous for the employment of persons between 16 and 18 years of age: (1) Excavating, working in, or backfilling (refilling) trenches, except (i) manually excavating or manually backfilling trenches that do not exceed four feet in depth at any point, or (ii) working in trenches that do not exceed four feet in depth at any point. (2) Excavating for buildings or other structures or working in such excavations, except: (i) Manually excavating to a depth not exceeding four feet below any ground surface adjoining the excavation, or (ii) working in an excavation not exceeding such depth, or (iii) working in an excavation where the side walls are shored or sloped to the angle of repose. (3) Working within tunnels prior to the completion of all driving and shoring operations. (4) Working within shafts prior to the completion of all sinking and shoring operations.

(b) EXEMPTIONS.—This section shall not apply to the employment of apprentices or student-learners under the conditions prescribed in section C570.50 (b) and (c).

EXCLUSION FOR EMPLOYEES OF THE CAPITOL POLICE

None of the limitations on the use of lie detector tests by employing offices set forth in section 204 of the CAA apply to the Capitol Police. This exclusion from the limitations of section 204 of the CAA applies only with respect to Capitol Police employees. Except as otherwise provided by law or these regulations, this exclusion does not extend to contractors or nongovernmental agents of the Capitol Police; nor does it extend to the Capitol Police with respect to employees of a private employer or an otherwise covered employing office with which the Capitol Police has a contractual or other business relationship.

APPLICATION OF RIGHTS AND PROTECTIONS OF THE EMPLOYEE POLYGRAPH PROTECTION ACT OF 1988

SUBPART A—GENERAL

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Appendix A—Notice to Examinee.

Authority: Pub. L. 104-1, 109 Stat. 3, 2 U.S.C. 1314(c).

SUBPART A—GENERAL

SEC. 1.1 PURPOSE AND SCOPE.

Enacted into law on January 23, 1995, the Congressional Accountability Act ("CAA") directly applies the rights and protections of eleven Federal labor and employment law statutes to covered employees and employing offices within the legislative branch. Section 204(a) of the CAA, 2 U.S.C. §1314(a) provides that no employing office may require any covered employee (including a covered employee who does not work in that employing office) to take a lie detector test where such test would be prohibited if required by an employer under paragraphs (1), (2) or (3) of section 3 of the Employee Polygraph Protection Act of 1988 (EPPA), 29 U.S.C. §2002 (1), (2) or (3). The purpose of this Part is to set forth the regulations to carry out the provisions of section 204 of the CAA.

Subpart A contains the provisions generally applicable to covered employers, including the requirements relating to the prohibitions on lie detector use. Subpart B sets forth rules regarding the statutory exemptions from application of section 204 of the CAA. Subpart C sets forth the restrictions on polygraph usage under such exemptions. Subpart D sets forth the rules on recordkeeping and the disclosure of polygraph test information.

SEC. 1.2 DEFINITIONS.

For purposes of this part:

(a) Act or CAA means the Congressional Accountability Act of 1995 (P.L. 104-1, 109 Stat. 3, 2 U.S.C. §§1301-1438).

(b) EPPA means the Employee Polygraph Protection Act of 1988 (Pub. L. 100-347, 102 Stat. 646, 29 U.S.C. §§2001-2009) as applied to covered employees and employing offices by section 204 of the CAA.

(c) The term covered employee means any employee of (1) the House of Representatives; (2) the Senate; (3) the Capitol Guide Service; (4) the Congressional Budget Office; (5) the Office of the Architect of the Capitol; (6) the Office of the Attending Physician; (7) the Office of Compliance; or (8) the Office of Technology Assessment.

(d) The term employee includes an applicant for employment and a former employee.

(e) The term employee of the Office of the Architect of the Capitol includes any employee of the Office of the Architect of the Capitol, the Botanic Gardens, or the Senate Restaurants.

(f) The term employee of the Capitol Police includes any member or officer of the Capitol Police.

(g) The term employee of the House of Representatives includes an individual occupying a position the pay for which is disbursed by the Clerk of the House of Representatives, or another official designated by the House of Representatives, or any employment position in an entity that is paid with funds derived from the clerk-hire allowance of the House of Representatives but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(h) The term employee of the Senate includes any employee whose pay is disbursed by the Secretary of the Senate, but not any such individual employed by any entity listed in subparagraphs (3) through (8) of paragraph (c) above.

(i) The term employing office means (1) the personal office of a Member of the House of Representatives or of a Senator; (2) a committee of the House of Representatives or the Senate or a joint committee; (3) any other office headed by a person with the final authority to appoint, hire, discharge, and set the terms, conditions, or privileges of the employment of an employee of the House of Representatives or the Senate; or (4) the Capitol Guide Board, the Congressional Budget Office, the Office of the Architect of the Capitol, the Office of the Attending Physician, the Office of Compliance, and the Office of Technology Assessment. The term employing office includes any person acting directly or indirectly in the interest of an employing office in relation to an employee or prospective employee. A polygraph examiner either employed for or whose services are retained for the sole purpose of administering polygraph tests ordinarily would not be deemed an employing office with respect to the examinees. Any reference to "employer" in these regulations includes employing offices.

(j)(1) The term lie detector means a polygraph, deceptograph, voice stress analyzer, psychological stress evaluator, or any other similar device (whether mechanical or electrical) that is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual. Voice stress analyzers, or psychological stress evaluators, include any systems that utilize voice stress analysis, whether or not an opinion on honesty or dishonesty is specifically rendered.

(2) The term lie detector does not include medical tests used to determine the presence or absence of controlled substances or alcohol in bodily fluids. Also not included in the definition of lie detector are written or oral tests commonly referred to as "honesty" or "paper and pencil" tests, machine-scored or otherwise; and graphology tests commonly referred to as handwriting tests.

(k) The term polygraph means an instrument that—

(1) records continuously, visually, permanently, and simultaneously changes in cardiovascular, respiratory, and electrodermal patterns as minimum instrumentation standards; and

(2) is used, or the results of which are used, for the purpose of rendering a diagnostic opinion regarding the honesty or dishonesty of an individual.

(l) Board means the Board of Directors of the Office of Compliance.

(m) Office means the Office of Compliance.

SEC. 1.3 COVERAGE.

The coverage of section 204 of the Act extends to any "covered employee" or "covered employing office" without regard to the number of employees or the employing office's effect on interstate commerce.

SEC. 1.4 PROHIBITIONS ON LIE DETECTOR USE.

(a) Section 204 of the CAA provides that, subject to the exemptions of the EPPA incorporated into the CAA under section 225(f) of the CAA, as set forth in section 1.10 through 1.12 of this Part, employing offices are prohibited from:

(1) Requiring, requesting, suggesting or causing, directly or indirectly, any covered employee or prospective employee to take or submit to a lie detector test;

(2) Using, accepting, or inquiring about the results of a lie detector test of any covered employee or prospective employee; and

(3) Discharging, disciplining, discriminating against, denying employment or promotion, or threatening any covered employee or prospective employee to take such action for refusal or failure to take or submit to such test, or on the basis of the results of a test.

The above prohibitions apply irrespective of whether the covered employee referred to in paragraphs (1), (2) or (3), above, works in that employing office.

(b) An employing office that reports a theft or other incident involving economic loss to police or other law enforcement authorities is not engaged in conduct subject to the prohibitions under paragraph (a) of this section if, during the normal course of a subsequent investigation, such authorities deem it necessary to administer a polygraph test to a covered employee(s) suspected of involvement in the reported incident. Employing offices that cooperate with police authorities during the course of their investigations into criminal misconduct are likewise not deemed engaged in prohibitive conduct: *Provided*, That such cooperation is passive in nature. For example, it is not uncommon for police authorities to request employees suspected of theft or criminal activity to submit to a polygraph test during the employee's tour of duty since, as a general rule, suspect employees are often difficult to locate away from their place of employment. Allowing a test on the employing office's premises, releasing a covered employee during working hours to take a test at police headquarters, and other similar types of cooperation at the request of the police authorities would not be construed as "requiring, requesting, suggesting, or causing, directly or indirectly, any covered employee * * * to take or submit to a lie detector test". Cooperation of this type must be distinguished from actual participation in the testing of employees suspected of wrongdoing, either through the administration of a test by the employing office at the request or direction of police authorities, or through reimbursement by the employing office of tests administered by police authorities to employees. In some communities, it may be a practice of police authorities to request testing by employing offices of employees before a police investigation is initiated on a reported incident. In other communities, police examiners are available to covered employing offices, on a cost reimbursement basis, to conduct tests on employees suspected by an employing office of wrongdoing. All such conduct on the part of employing offices is deemed within the prohibitions of section 204 of the CAA.

(c) The receipt by an employing office of information from a polygraph test administered by police authorities pursuant to an investigation is prohibited by section 3(2) of the EPPA. (See paragraph (a)(2) of this section.)

(d) The simulated use of a polygraph instrument so as to lead an individual to believe that an actual test is being or may be performed (e.g., to elicit confessions or admissions of guilt) constitutes conduct prohibited by paragraph (a) of this section. Such use includes the connection of a covered employee or prospective employee to the instrument without any intention of a diagnostic purpose, the placement of the instrument in a room used for interrogation unconnected to the covered employee or prospective employee, or the mere suggestion that the instrument may be used during the course of the interview.

(e) The Capitol Police may not require a covered employee not employed by the Capitol Police to take a lie detector test (on its own initiative or at the request of another employing office) except where the Capitol Police administers such lie detector test as part of an "ongoing investigation" by the Capitol Police. For the purpose of this subsection, the definition of "ongoing investigation" contained in section 1.12(b) shall apply.

SEC. 1.5 EFFECT ON OTHER LAWS OR AGREEMENTS.

(a) Section 204 of the CAA does not preempt any otherwise applicable provision of Federal law or any rule or regulation of the House or Senate or any negotiated collective bargaining agreement that prohibits lie detector tests or is more restrictive with respect to the use of lie detector tests.

(b)(1) This provision applies to all aspects of the use of lie detector tests, including procedural safeguards, the use of test results, the rights and remedies provided examinees, and the rights, remedies, and responsibilities of examiners and employing offices.

(2) For example, a collective bargaining agreement that provides greater protection to an examinee would apply in addition to the protection provided in section 204 of the CAA.

SEC. 1.6 NOTICE OF PROTECTION.

Pursuant to section 301(h) of the CAA, the Office shall prepare, in a manner suitable for posting, a notice explaining the provisions of section 204 of the CAA. Copies of such notice may be obtained from the Office of Compliance.

SEC. 1.7 AUTHORITY OF THE BOARD.

Pursuant to sections 204 and 304 of the CAA, the Board is authorized to issue regulations to implement the rights and protections of the EPPA. Section 204(c) directs the Board to promulgate regulations implementing section 204 that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) [of section 204 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section". The regulations issued by the Board herein are on all matters for which section 204 of the CAA requires a regulation to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of the regulations adopted and set forth herein, there are no other "substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsections (a) and (b) [of section 204 of the CAA]".

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these regulations and those of the Secretary from which they are derived. Moreover such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

SEC. 1.8 EMPLOYMENT RELATIONSHIP.

Subject to the exemptions incorporated into the CAA by section 225(f), section 204 applies the prohibitions on the use of lie detectors by employing offices with respect to covered employees irrespective of whether a covered employee works in that employing office. Sections 101 (3), (4) and 204 of the CAA also apply EPPA prohibitions against discrimination to applicants for employment and former employees of a covered employing office. For example, an employee may quit rather than take a lie detector test. The employing office cannot discriminate or threaten to discriminate in any manner against that person (such as by providing bad references in the future) because of that person's refusal to be tested. Similarly, an employing office cannot discriminate or threaten to discriminate in any manner against that person because that person files a complaint, institutes a proceeding, testifies in a proceeding, or exercises any right under section 204 of the CAA. (See section 207 of the CAA.)

SUBPART B—EXEMPTIONS

SEC. 1.10 EXCLUSION FOR EMPLOYEES OF THE CAPITOL POLICE [RESERVED].

SEC. 1.11 EXEMPTION FOR NATIONAL DEFENSE AND SECURITY.

(a) The exemptions allowing for the administration of lie detector tests in the following paragraphs (b) through (e) of this section apply only to the Federal Government; they do not allow covered employing offices to administer such tests. For the purposes of this section, the term "Federal Government" means any agency or entity within the Federal Government authorized to administer polygraph examinations which is otherwise exempt from coverage under section 7(a) of the EPPA, 29 U.S.C. §2006(a).

(b) Section 7(b)(1) of the EPPA, incorporated into the CAA under section 225(f) of the CAA, provides that nothing in the EPPA shall be construed to prohibit the administration of any lie detector test by the Federal Government, in the performance of any counterintelligence function, to any expert, consultant or employee of any contractor under contract with the Department of Defense; or with the Department of Energy, in connection with the atomic energy defense activities of such Department.

(c) Section 7(b)(2)(A) of the EPPA, incorporated into the CAA under section 225(f) of the CAA, provides that nothing in the EPPA shall be construed to prohibit the administration of any lie detector test by the Federal Government, in the performance of any intelligence or counterintelligence function of the National Security Agency, the Defense Intelligence Agency, or the Central Intelligence Agency, to any individual employed by, assigned to, or detailed to any such agency; or any expert or consultant under contract to any such agency; or any employee of a contractor to such agency; or any individual applying for a position in any such agency; or any individual assigned to a space where sensitive cryptologic information is produced, processed, or stored for any such agency.

(d) Section 7(b)(2)(B) of the EPPA, incorporated into the CAA under section 225(f) of the CAA, provides that nothing in the EPPA shall be construed to prohibit the administration of any lie detector test by the Federal Government, in the performance of any intelligence or counterintelligence function, to any covered employee whose duties involve access to information that has been classified at the level of top secret or designated as being within a special access program under section 4.2 (a) of Executive Order 12356 (or a successor Executive order).

(e) Counterintelligence for purposes of the above paragraphs means information gathered and activities conducted to protect against espionage and other clandestine intelligence activities, sabotage, terrorist activities, or assassinations conducted for or on behalf of foreign governments, or foreign or domestic organizations or persons.

(f) Lie detector tests of persons described in the above paragraphs will be administered in accordance with applicable Department of Defense directives and regulations, or other regulations and directives governing the use of such tests by the United States Government, as applicable.

SEC. 1.12 EXEMPTION FOR EMPLOYING OFFICES CONDUCTING INVESTIGATIONS OF ECONOMIC LOSS OR INJURY.

(a) Section 7(d) of the EPPA, incorporated into the CAA under section 225(f) of the CAA, provides a limited exemption from the general prohibition on lie detector use for employers conducting ongoing investigations of economic loss or injury to the employer's business. An employing office may request an employee, subject to the conditions set forth in sections 8 and 10 of the EPPA and sections 1.20, 1.22, 1.23, 1.24, 1.25, 1.26 and 1.35 of this part, to submit to a polygraph test, but no other type of lie detector test, only if—

(1) The test is administered in connection with an ongoing investigation involving economic loss or injury to the employing office's operations, such as theft, embezzlement, misappropriation or an act of unlawful industrial espionage or sabotage;

(2) The employee had access to the property that is the subject of the investigation;

(3) The employing office has a reasonable suspicion that the employee was involved in the incident or activity under investigation;

(4) The employing office provides the examinee with a statement, in a language understood by the examinee, prior to the test which fully explains with particularity the specific incident or activity being investigated and the basis for testing particular employees and which contains, at a minimum:

(i) An identification with particularity of the specific economic loss or injury to the operations of the employing office;

(ii) A description of the employee's access to the property that is the subject of the investigation;

(iii) A description in detail of the basis of the employing office's reasonable suspicion that the employee was involved in the incident or activity under investigation; and

(iv) Signature of a person (other than a polygraph examiner) authorized to legally bind the employing office; and

(5) The employing office retains a copy of the statement and proof of service described in paragraph (a)(4) of this section for at least 3 years.

(b) For the exemption to apply, the condition of an "ongoing investigation" must be met. As used in section 7(d) of the EPPA, the ongoing investigation must be of a specific incident or activity. Thus, for example, an employing office may not request that an employee or employees submit to a polygraph test in an effort to determine whether or not any thefts have occurred. Such random testing by an employing office is precluded by the EPPA. Further, because the exemption is limited to a specific incident or activity, an employing office is precluded from using the exemption in situations where the so-called "ongoing investigation" is continuous. For example, the fact that items are frequently missing would not be a sufficient basis, standing alone, for administering a polygraph test. Even if the employing office can establish that unusually high amounts of property are missing in a given month, this, in and of itself, would not be a sufficient basis to meet the specific incident requirement. On the other hand, polygraph testing in response to missing property would be permitted where additional evidence is obtained through subsequent investigation of specific items missing through intentional wrongdoing, and a reasonable suspicion that the employee to be polygraphed was involved in the incident under investigation. Administering a polygraph test in circumstances where the missing property is merely unspecified, statistical shortages, without identification of a specific incident or activity that produced the missing property and a "reasonable suspicion that the employee was involved", would amount to little more than a fishing expedition and is prohibited by the EPPA as applied to covered employees and employing offices by the CAA.

(c)(1)(i) The terms economic loss or injury to the employing office's operations include both direct and indirect economic loss or injury.

(ii) Direct loss or injury includes losses or injuries resulting from theft, embezzlement, misappropriation, espionage or sabotage. These examples, cited in the EPPA, are intended to be illustrative and not exhaustive. Another specific incident which would constitute direct economic loss or injury is the misappropriation of confidential or trade secret information.

(iii) Indirect loss or injury includes the use of an employing office's operations to commit a crime, such as check-kiting or money laundering. In such cases, the ongoing investigation must be limited to criminal activity that has already occurred, and to use of the employing office's operations (and not simply the use of the premises) for such activity. For example, the use of an employing office's vehicles, warehouses, computers or equipment to smuggle or facilitate the importing of illegal substances constitutes an indirect loss or injury to the employing office's business operations. Conversely, the mere fact that an illegal act occurs on the employing office's premises (such as a drug transaction that takes place in the employing office's parking lot or rest room) does not constitute an indirect economic loss or injury to the employing office.

(iv) Indirect loss or injury also includes theft or injury to property of another for which the employing office exercises fiduciary, managerial or security responsibility, or where the office has custody of the property (but not property of other offices to which the employees have access by virtue of the employment relationship). For example, if a maintenance employee of the manager of an apartment building steals jewelry from a tenant's apartment, the theft results in an indirect economic loss or injury to the employer because of the manager's management responsibility with respect to the tenant's apartment. A messenger on a delivery of confidential business reports for a client firm who steals the reports causes an indirect economic loss or injury to the messenger service because the messenger service is custodian of the client firm's reports, and therefore is responsible for their security. Similarly, the theft of property protected by a security service employer is considered an economic loss or injury to that employer.

(v) A theft or injury to a client firm does not constitute an indirect loss or injury to an employing office unless that employing office has custody of, or management, or security responsibility for, the property of the client that was lost or stolen or injured. For example, a cleaning contractor has no responsibility for the money at a client bank. If money is stolen from the bank by one of the cleaning contractor's employees, the cleaning contractor does not suffer an indirect loss or injury.

(vi) Indirect loss or injury does not include loss or injury which is merely threatened or potential, e.g., a threatened or potential loss of an advantageous business relationship.

(2) Economic losses or injuries which are the result of unintentional or lawful conduct would not serve as a basis for the administration of a polygraph test. Thus, apparently unintentional losses or injuries stemming from truck, car, workplace, or other similar type accidents or routine inventory or cash register shortages would not meet the economic loss or injury requirement. Any economic loss incident to lawful union or employee activity also would not satisfy this requirement.

(3) It is the operations of the employing office which must suffer the economic loss or injury. Thus, a theft committed by one employee against another employee of the same employing office would not satisfy the requirement.

(d) While nothing in the EPPA as applied by the CAA prohibits the use of medical tests to determine the presence of controlled substances or alcohol in bodily fluids, the section 7(d) exemption of the EPPA does not permit the use of a polygraph test to learn whether an employee has used drugs or alcohol, even where such possible use may have contributed to an economic loss to the employing office (e.g., an accident involving an employing office's vehicle).

(e) Section 7(d)(2) of the EPPA provides that, as a condition for the use of the exemption, the employee must have had access to the property that is the subject of the investigation.

(1) The word access, as used in section 7(d)(2), refers to the opportunity which an employee had to cause, or to aid or abet in causing, the specific economic loss or injury under investigation. The term "access", thus, includes more than direct or physical contact during the course of employment. For example, as a general matter, all employees working in or with authority to enter a property storage area have "access" to unsecured property in the area. All employees with the combination to a safe have "access" to the property in a locked safe. Employees also have "access" who have the ability to divert possession or otherwise affect the disposition of the property that is the subject of investigation. For example, a bookkeeper in a jewelry store with access to inventory records may aid or abet a clerk who steals an expensive watch by removing the watch from the employing office's inventory records. In such a situation, it is clear that the bookkeeper effectively has "access" to the property that is the subject of the investigation.

(2) As used in section 7(d)(2), property refers to specifically identifiable property, but also includes such things of value as security codes and computer data, and proprietary, financial or technical information, such as trade secrets, which by its availability to competitors or others would cause economic harm to the employing office.

(f)(1) As used in section 7(d)(3), the term reasonable suspicion refers to an observable, articulable basis in fact which indicates that a particular employee was involved in, or responsible for, an economic loss. Access in the sense of possible or potential opportunity, standing alone, does not constitute a basis for "reasonable suspicion". Information from a co-worker, or an employee's behavior, demeanor, or conduct may be factors in the basis for reasonable suspicion. Likewise, inconsistencies between facts, claims, or statements that surface during an investigation can serve as a sufficient basis for reasonable suspicion. While access or opportunity, standing alone, does not constitute a basis for reasonable suspicion, the totality of circumstances surrounding the access or opportunity (such as its unauthorized or unusual nature or the fact that access was limited to a single individual) may constitute a factor in determining whether there is a reasonable suspicion.

(2) For example, in an investigation of a theft of an expensive piece of jewelry, an employee authorized to open the establishment's safe no earlier than 9 a.m., in order to place the jewelry in a window display case, is observed opening the safe at 7:30 a.m. In such a situation, the opening of the safe by the employee one and one-half hours prior to the specified time may serve as the basis for reasonable suspicion. On the other hand, in the example given, if the employee is asked to bring the piece of jewelry to his or her office at 7:30 a.m., and the employee then opened the safe and reported the jewelry missing, such access, standing alone, would not constitute a basis for reasonable suspicion that the employee was involved in the incident unless access to the safe was limited solely to the employee. If no one other than the employee possessed the combination to the safe, and all other possible explanations for the loss are ruled out, such as a break-in, a basis for reasonable suspicion may be formulated based on sole access by one employee.

(3) The employing office has the burden of establishing that the specific individual or individuals to be tested are "reasonably suspected" of involvement in the specific economic loss or injury for the requirement in section 7(d)(3) of the EPPA to be met.

(g)(1) As discussed in paragraph (a)(4) of this section, section 7(d)(4) of the EPPA sets forth what information, at a minimum, must be provided to an employee if the employing office wishes to claim the exemption.

(2) The statement required under paragraph (a)(4) of this section must be received by the employee at least 48 hours, excluding weekend days and holidays, prior to the time of the examination. The statement must set forth the time and date of receipt by the employee and be verified by the employee's signature. This will provide the employee with adequate pre-test notice of the specific incident or activity being investigated and afford the employee sufficient time prior to the test to obtain and consult with legal counsel or an employee representative.

(3) The statement to be provided to the employee must set forth with particularity the specific incident or activity being investigated and the basis for testing particular employees. Section 7(d)(4)(A) of the EPPA requires specificity beyond the mere assertion of general statements regarding economic loss, employee access, and reasonable suspicion. For example, an employing office's assertion that an expensive watch was stolen, and that the employee had access to the watch and is therefore a suspect, would not meet the "with particularity" criterion. If the basis for an employing office's requesting an employee (or employees) to take a polygraph test is not articulated with particularity, and reduced to writing, then the standard is not met. The identity of a co-worker or other individual providing information used to establish reasonable suspicion need not be revealed in the statement.

(4) It is further required that the statement provided to the examinee be signed by the employing office, or an employee or other representative of the employing office with authority to legally bind the employing office. The person signing the statement must not be a polygraph examiner unless the examiner is acting solely in the capacity of an employing office with respect to his or her own employees and does not conduct the examination. The standard would not be met, and the exemption would not apply if the person signing the statement is not authorized to legally bind the employing office.

(h) Polygraph tests administered pursuant to this exemption are subject to the limitations set forth in sections 8 and 10 of the EPPA, as discussed in sections 1.20, 1.22, 1.23, 1.24, 1.25, 1.26, and 1.35 of this part. As provided in these sections, the exemption will apply only if certain requirements are met. Failure to satisfy any of the specified requirements nullifies the statutory authority for polygraph test administration and may subject the employing office to remedial actions, as provided for in section 6(c) of the EPPA.

SEC. 1.13 EXEMPTION OF EMPLOYING OFFICES AUTHORIZED TO MANUFACTURE, DISTRIBUTE, OR DISPENSE CONTROLLED SUBSTANCES.

(a) Section 7(f) of the EPPA, incorporated into the CAA by section 225(f) of the CAA, provides an exemption from the EPPA's general prohibition regarding the use of polygraph tests for employers authorized to manufacture, distribute, or dispense a controlled substance listed in schedule I, II, III, or IV of section 202 of the Controlled Substances Act (21 U.S.C. §812). This exemption permits the administration of polygraph tests, subject to the conditions set forth in sections 8 and 10 of the EPPA and sections 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, and 1.35 of this part, to:

(1) A prospective employee who would have direct access to the manufacture, storage, distribution, or sale of any such controlled substance; or

(2) A current employee if the following conditions are met:

(i) The test is administered in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employing office; and

(ii) The employee had access to the person or property that is the subject of the investigation.

(b)(1) The terms manufacture, distribute, distribution, dispense, storage, and sale, for the purposes of this exemption, are construed within the meaning of the Controlled Substances Act (21 U.S.C. §812 et seq.), as administered by the Drug Enforcement Administration (DEA), United States Department of Justice.

(2) The exemption in section 7(f) of the EPPA applies only to employing offices that

are authorized by DEA to manufacture, distribute, or dispense a controlled substance. Section 202 of the Controlled Substances Act (21 U.S.C. §812) requires every person who manufactures, distributes, or dispenses any controlled substance to register with the Attorney General (i.e., with DEA). Common or contract carriers and warehouses whose possession of the controlled substance is in the usual course of their business or employment are not required to register. Truck drivers and warehouse employees of the persons or entities registered with DEA and authorized to manufacture, distribute, or dispense controlled substances, are within the scope of the exemption where they have direct access or access to the controlled substances, as discussed below.

(c) In order for a polygraph examination to be performed, section 7(f) of the Act requires that a prospective employee have "direct access" to the controlled substance(s) manufactured, dispensed, or distributed by the employing office. Where a current employee is to be tested as a part of an ongoing investigation, section 7(f) requires that the employee have "access" to the person or property that is the subject of the investigation.

(1) A prospective employee would have "direct access" if the position being applied for has responsibilities which include contact with or which affect the disposition of a controlled substance, including participation in the process of obtaining, dispensing, or otherwise distributing a controlled substance. This includes contact or direct involvement in the manufacture, storage, testing, distribution, sale or dispensing of a controlled substance and may include, for example, packaging, repackaging, ordering, licensing, shipping, receiving, taking inventory, providing security, prescribing, and handling of a controlled substance. A prospective employee would have "direct access" if the described job duties would give such person access to the products in question, whether such employee would be in physical proximity to controlled substances or engaged in activity which would permit the employee to divert such substances to his or her possession.

(2) A current employee would have "access" within the meaning of section 7(f) if the employee had access to the specific person or property which is the subject of the on-going investigation, as discussed in section 1.12(e) of this part. Thus, to test a current employee, the employee need not have had "direct" access to the controlled substance, but may have had only infrequent, random, or opportunistic access. Such access would be sufficient to test the employee if the employee could have caused, or could have aided or abetted in causing, the loss of the specific property which is the subject of the investigation. For example, a maintenance worker in a drug warehouse, whose job duties include the cleaning of areas where the controlled substances which are the subject of the investigation were present, but whose job duties do not include the handling of controlled substances, would be deemed to have "access", but normally not "direct access", to the controlled substances. On the other hand, a drug warehouse truck loader, whose job duties include the handling of outgoing shipment orders which contain controlled substances, would have "direct access" to such controlled substances. A pharmacy department in a supermarket is another common situation which is useful in illustrating the distinction between "direct access" and "access". Store personnel receiving pharmaceutical orders, i.e., the pharmacist, pharmacy intern, and other such employees working in the pharmacy department, would ordinarily have "direct access" to controlled substances. Other store personnel whose job duties and responsibilities do not include the handling of controlled substances but who had occasion to enter the pharmacy department where the controlled substances which are the subject of the investigation were stored, such as maintenance personnel or pharmacy cashiers, would have "access". Certain other store personnel whose job duties do not permit or require entrance into the pharmacy department for any reason, such as produce or meat clerks, checkout cashiers, or baggers, would not ordinarily have "access". However, any current employee, regardless of described job duties, may be polygraphed if the employing office's investigation of criminal or other misconduct discloses that such employee in fact took action to obtain "access" to the person or property that is the subject of the investigation—e.g., by actually entering the drug storage area in violation of company rules. In the case of "direct access", the prospective employee's access to controlled substances would be as a part of the manufacturing, dispensing or distribution process, while a current employee's "access" to the controlled substances which are the subject of the investigation need only be opportunistic.

(d) The term prospective employee, for the purposes of this section, includes a current employee who presently holds a position which does not entail direct access to controlled substances, and therefore is outside the scope of the exemption's provisions for preemployment polygraph testing, provided the employee has applied for and is being considered for transfer or promotion to another position which entails such direct access. For example, an office secretary may apply for promotion to a position in the vault or cage areas of a drug warehouse, where controlled substances are kept. In such a situation, the current employee would be deemed a "prospective employee" for the purposes of this exemption, and thus could be subject to preemployment polygraph screening, prior to such a change in position. However, any adverse action which is based in part on a polygraph test against a current employee who is considered a "prospective employee" for purposes of this section may be taken only with respect to the prospective position and may not affect the employee's employment in the current position.

(e) Section 7(f) of the EPPA, as applied by the CAA, makes no specific reference to a requirement that employing offices provide current employees with a written statement prior to polygraph testing. Thus, employing offices to whom this exemption is available are not required to furnish a written statement such as that specified in section 7(d) of the EPPA and section 1.12(a)(4) of this part.

(f) For the section 7(f) exemption to apply, the polygraph testing of current employees must be administered in connection with an ongoing investigation of criminal or other misconduct involving, or potentially involving, loss or injury to the manufacture, distribution, or dispensing of any such controlled substance by such employing office.

(1) Current employees may only be administered polygraph tests in connection with an ongoing investigation of criminal or other misconduct, relating to a specific incident or activity, or potential incident or activity. Thus, an employing office is precluded from using the exemption in connection with continuing investigations or on a random basis to determine if thefts are occurring. However, unlike the exemption in section 7(d) of the EPPA for employing offices conducting ongoing investigations of economic loss or injury, the section 7(f) exemption includes ongoing investigations of misconduct involving potential drug losses. Nor does the latter exemption include the requirement for "reasonable suspicion" contained in the section 7(d) exemption. Thus, a drug store operator is permitted to polygraph all current employees who have access to a controlled substance stolen from the inventory, or where there is evidence that such a theft is planned. Polygraph testing based on an inventory shortage of the drug during a particular accounting period would not be permitted unless there is extrinsic evidence of misconduct.

(2) In addition, the test must be administered in connection with loss or injury, or potential loss or injury, to the manufacture, distribution, or dispensing of a controlled substance.

(i) Retail drugstores and wholesale drug warehouses typically carry inventory of so-called health and beauty aids, cosmetics, over-the-counter drugs, and a variety of other similar products, in addition to their product lines of controlled drugs. The non-controlled products usually constitute the majority of such firms' sales volumes. An economic loss or injury related to such non-controlled substances would not constitute a basis of applicability of the section 7(f) exemption. For example, an investigation into the theft of a gross of cosmetic products could not be a basis for polygraph testing under section 7(f), but the theft of a container of valium could be.

(ii) Polygraph testing, with respect to an ongoing investigation concerning products other than controlled substances might be initiated under section 7(d) of the EPPA and section 1.12 of this part. However, the exemption in section 7(f) of the EPPA and this section is limited solely to losses or injury associated with controlled substances.

(g) Polygraph tests administered pursuant to this exemption are subject to the limitations set forth in sections 8 and 10 of the EPPA, as discussed in sections 1.21, 1.22, 1.23, 1.24, 1.25, 1.26, and 1.35 of this part. As provided in these sections, the exemption will apply only if certain requirements are met. Failure to satisfy any of the specified requirements nullifies the statutory authority for polygraph test administration and may subject the employing office to the remedies authorized in section 204 of the CAA. The administration of such tests is also subject to collective bargaining agreements, which may either prohibit lie detector tests, or contain more restrictive provisions with respect to polygraph testing.

SUBPART C—RESTRICTIONS ON POLYGRAPH USAGE UNDER EXEMPTIONS

SEC. 1.20 ADVERSE EMPLOYMENT ACTION UNDER ONGOING INVESTIGATION EXEMPTION.

(a) Section 8(a)(1) of the EPPA provides that the limited exemption in section 7(d) of the EPPA and section 1.12 of this part for ongoing investigations shall not apply if an employing office discharges, disciplines, denies employment or promotion or otherwise discriminates in any manner against a current employee based upon the analysis of a polygraph test chart or the refusal to take a polygraph test, without additional supporting evidence.

(b) "Additional supporting evidence", for purposes of section 8(a) of the EPPA, includes, but is not limited to, the following:

(1)(i) Evidence indicating that the employee had access to the missing or damaged property that is the subject of an ongoing investigation; and

(ii) Evidence leading to the employing office's reasonable suspicion that the employee was involved in the incident or activity under investigation; or

(2) Admissions or statements made by an employee before, during or following a polygraph examination.

(c) Analysis of a polygraph test chart or refusal to take a polygraph test may not serve as a basis for adverse employment action, even with additional supporting evidence, unless the employing office observes all the requirements of sections 7(d) and 8(b) of the EPPA, as applied by the CAA and described in sections 1.12, 1.22, 1.23, 1.24 and 1.25 of this part.

SEC. 1.21 ADVERSE EMPLOYMENT ACTION UNDER CONTROLLED SUBSTANCE EXEMPTION.

(a) Section 8(a)(2) of the EPPA provides that the controlled substance exemption in section 7(f) of the EPPA and section 1.13 of this part shall not apply if an employing office discharges, disciplines, denies employment or promotion, or otherwise discriminates in any manner against a current employee or prospective employee based solely on the analysis of a polygraph test chart or the refusal to take a polygraph test.

(b) Analysis of a polygraph test chart or refusal to take a polygraph test may serve as one basis for adverse employment actions of the type described in paragraph (a) of this section: *Provided*, That the adverse action was also based on another bona fide reason, with supporting evidence therefor. For example, traditional factors such as prior employment experience, education, job performance, etc. may be used as a basis for employment decisions. Employment decisions based on admissions or statements made by an employee or prospective employee before, during or following a polygraph examination may, likewise, serve as a basis for such decisions.

(c) Analysis of a polygraph test chart or the refusal to take a polygraph test may not serve as a basis for adverse employment action, even with another legitimate basis for such action, unless the employing office observes all the requirements of section 7(f) of the EPPA, as appropriate, and section 8(b) of the EPPA, as described in sections 1.13, 1.22, 1.23, 1.24 and 1.25 of this part.

SEC. 1.22 RIGHTS OF EXAMINEE—GENERAL.

(a) Pursuant to section 8(b) of the EPPA, the limited exemption in section 7(d) of the EPPA for ongoing investigations (described in sections 1.12 and 1.13 of this part) shall not apply unless all of the requirements set forth in this section and sections 1.23 through 1.25 of this part are met.

(b) During all phases of the polygraph testing the person being examined has the following rights:

(1) The examinee may terminate the test at any time.

(2) The examinee may not be asked any questions in a degrading or unnecessarily intrusive manner.

(3) The examinee may not be asked any questions dealing with:

(i) Religious beliefs or affiliations;

(ii) Beliefs or opinions regarding racial matters;

(iii) Political beliefs or affiliations;

(iv) Sexual preferences or behavior; or

(v) Beliefs, affiliations, opinions, or lawful activities concerning unions or labor organizations.

(4) The examinee may not be subjected to a test when there is sufficient written evidence by a physician that the examinee is suffering from any medical or psychological condition or undergoing any treatment that might cause abnormal responses during the actual testing phase. "Sufficient written evidence" shall constitute, at a minimum, a statement by a physician specifically describing the examinee's medical or psychological condition or treatment and the basis for the physician's opinion that the condition or treatment might result in such abnormal responses.

(5) An employee or prospective employee who exercises the right to terminate the test, or who for medical reasons with sufficient supporting evidence is not administered the test, shall be subject to adverse employment action only on the same basis as one who refuses to take a polygraph test, as described in sections 1.20 and 1.21 of this part.

(c) Any polygraph examination shall consist of one or more pretest phases, actual testing phases, and post-test phases, which must be conducted in accordance with the rights of examinees described in sections 1.23 through 1.25 of this part.

SEC. 1.23 RIGHTS OF EXAMINEE—PRETEST PHASE.

(a) The pretest phase consists of the questioning and other preparation of the prospective examinee before the actual use of the polygraph instrument. During the initial pretest phase, the examinee must be:

(1) Provided with written notice, in a language understood by the examinee, as to when and where the examination will take place and that the examinee has the right to consult with counsel or an employee representative before each phase of the test. Such notice shall be received by the examinee at least forty-eight hours, excluding weekend days and holidays, before the time of the examination, except that a prospective employee may, at the employee's option, give written consent to administration of a test anytime within 48 hours but no earlier than 24 hours after receipt of the written notice. The written notice or proof of service must set forth the time and date of receipt by the employee or prospective employee and be verified by his or her signature. The purpose of this requirement is to provide a sufficient opportunity prior to the examination for the examinee to consult with counsel or an employee representative. Provision shall also be made for a convenient place on the premises where the examination will take place at which the examinee may consult privately with an attorney or an employee representative before each phase of the test. The attorney or representative may be excluded from the room where the examination is administered during the actual testing phase.

(2) Informed orally and in writing of the nature and characteristics of the polygraph instrument and examination, including an explanation of the physical operation of the polygraph instrument and the procedure used during the examination.

(3) Provided with a written notice prior to the testing phase, in a language understood by the examinee, which shall be read to and signed by the examinee. Use of Appendix A to this part, if properly completed, will constitute compliance with the contents of the notice requirement of this paragraph. If a format other than in Appendix A is used, it must contain at least the following information:

(i) Whether or not the polygraph examination area contains a two-way mirror, a camera, or other device through which the examinee may be observed;

(ii) Whether or not any other device, such as those used in conversation or recording will be used during the examination;

(iii) That both the examinee and the employing office have the right, with the other's knowledge, to make a recording of the entire examination;

(iv) That the examinee has the right to terminate the test at any time;

(v) That the examinee has the right, and will be given the opportunity, to review all questions to be asked during the test;

(vi) That the examinee may not be asked questions in a manner which degrades, or needlessly intrudes;

(vii) That the examinee may not be asked any questions concerning religious beliefs or opinions; beliefs regarding racial matters; political beliefs or affiliations; matters relating to sexual behavior; beliefs, affiliations, opinions, or lawful activities regarding unions or labor organizations;

(viii) That the test may not be conducted if there is sufficient written evidence by a physician that the examinee is suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the examination;

(ix) That the test is not and cannot be required as a condition of employment;

(x) That the employing office may not discharge, dismiss, discipline, deny employment or promotion, or otherwise discriminate against the examinee based on the analysis of a polygraph test, or based on the examinee's refusal to take such a test, without additional evidence which would support such action;

(xi)(A) In connection with an ongoing investigation, that the additional evidence required for the employing office to take adverse action against the examinee, including termination, may be evidence that the examinee had access to the property that is the subject of the investigation, together with evidence supporting the employing office's reasonable suspicion that the examinee was involved in the incident or activity under investigation;

(B) That any statement made by the examinee before or during the test may serve as additional supporting evidence for an adverse employment action, as described in paragraph (a)(3)(x) of this section, and that any admission of criminal conduct by the examinee may be transmitted to an appropriate Government law enforcement agency;

(xii) That information acquired from a polygraph test may be disclosed by the examiner or by the employing office only:

(A) To the examinee or any other person specifically designated in writing by the examinee to receive such information;

(B) To the employing office that requested the test;

(C) To a court, governmental agency, arbitrator, or mediator pursuant to a court order;

(D) By the employing office, to an appropriate governmental agency without a court order where, and only insofar as, the information disclosed is an admission of criminal conduct;

(xiii) That if any of the examinee's rights or protections under the law are violated, the examinee has the right to take action against the employing office under sections 401–404 of the CAA. Employing offices that violate this law are liable to the affected examinee, who may recover such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement, and promotion, payment of lost wages and benefits, and reasonable costs, including attorney's fees;

(xiv) That the examinee has the right to obtain and consult with legal counsel or other representative before each phase of the test, although the legal counsel or representative may be excluded from the room where the test is administered during the actual testing phase.

(xv) That the employee's rights under the CAA may not be waived, either voluntarily or involuntarily, by contract or otherwise, except as part of a written settlement to a pending action or complaint under the CAA, agreed to and signed by the parties.

(b) During the initial or any subsequent pretest phases, the examinee must be given the opportunity, prior to the actual testing phase, to review all questions in writing that the examiner will ask during each testing phase. Such questions may be presented at any point in time prior to the testing phase.

SEC. 1.24 RIGHTS OF EXAMINEE—ACTUAL TESTING PHASE.

(a) The actual testing phase refers to that time during which the examiner administers the examination by using a polygraph instrument with respect to the examinee and then analyzes the charts derived from the test. Throughout the actual testing phase, the examiner shall not ask any question that was not presented in writing for review prior to the testing phase. An examiner may, however, recess the testing phase and return to the pre-test phase to review additional relevant questions with the examinee. In the case of an ongoing investigation, the examiner shall ensure that all relevant questions (as distinguished from technical baseline questions) pertain to the investigation.

(b) No testing period subject to the provisions of the Act shall be less than ninety minutes in length. Such "test period" begins at the time that the examiner begins informing the examinee of the nature and characteristics of the examination and the instruments involved, as prescribed in section 8(b)(2)(B) of the EPPA and section 1.23(a)(2) of this part, and ends when the examiner completes the review of the test results with the examinee as provided in section 1.25 of this part. The ninety-minute minimum duration shall not apply if the examinee voluntarily acts to terminate the test before the completion thereof, in which event the examiner may not render an opinion regarding the employee's truthfulness.

SEC. 1.25 RIGHTS OF EXAMINEE—POST-TEST PHASE.

(a) The post-test phase refers to any questioning or other communication with the examinee following the use of the polygraph instrument, including review of the results of the test with the examinee. Before any adverse employment action, the employing office must:

(1) Further interview the examinee on the basis of the test results; and

(2) Give to the examinee a written copy of any opinions or conclusions rendered in response to the test, as well as the questions asked during the test, with the corresponding charted responses. The term "corresponding charted responses" refers to copies of the entire examination charts recording the employee's physiological responses, and not just the examiner's written report which describes the examinee's responses to the questions as "charted" by the instrument.

SEC. 1.26 QUALIFICATIONS OF AND REQUIREMENTS FOR EXAMINERS.

(a) Section 8 (b) and (c) of the EPPA provides that the limited exemption in section 7(d) of the EPPA for ongoing investigations shall not apply unless the person conducting the polygraph examination meets specified qualifications and requirements.

(b) An examiner must meet the following qualifications:

(1) Have a valid current license, if required by the State in which the test is to be conducted; and

(2) Carry a minimum bond of $50,000 provided by a surety incorporated under the laws of the United States or of any State, which may under those laws guarantee the fidelity of persons holding positions of trust, or carry an equivalent amount of professional liability coverage.

(c) An examiner must also, with respect to examinees identified by the employing office pursuant to section 1.30(c) of this part:

(1) Observe all rights of examinees, as set out in sections 1.22, 1.23, 1.24, and 1.25 of this part;

(2) Administer no more than five polygraph examinations in any one calendar day on which a test or tests subject to the provisions of EPPA are administered, not counting those instances where an examinee voluntarily terminates an examination prior to the actual testing phase;

(3) Administer no polygraph examination subject to the provisions of the EPPA which is less than ninety minutes in duration, as described in section 1.24(b) of this part; and

(4) Render any opinion or conclusion regarding truthfulness or deception in writing. Such opinion or conclusion must be based solely on the polygraph test results. The written report shall not contain any information other than admissions, information, case facts, and interpretation of the charts relevant to the stated purpose of the polygraph test and shall not include any recommendation concerning the employment of the examinee.

(5) Maintain all opinions, reports, charts, written questions, lists, and other records relating to the test, including, statements signed by examinees advising them of rights under the CAA (as described in section 1.23(a)(3) of this part) and any electronic recordings of examinations, for at least three years from the date of the administration of the test. (See section 1.30 of this part for recordkeeping requirements.)

SUBPART D—RECORDKEEPING AND DISCLOSURE REQUIREMENTS

SEC. 1.30 RECORDS TO BE PRESERVED FOR 3 YEARS.

(a) The following records shall be kept for a minimum period of three years from the date the polygraph examination is conducted (or from the date the examination is requested if no examination is conducted):

(1) Each employing office that requests an employee to submit to a polygraph examination in connection with an ongoing investigation involving economic loss or injury shall retain a copy of the statement that sets forth the specific incident or activity under investigation and the basis for testing that particular covered employee, as required by section 7(d)(4) of the EPPA and described in 1.12(a)(4) of this part.

(2) Each examiner retained to administer examinations pursuant to any of the exemptions under section 7 (d), (e) or (f) of the EPPA (described in sections 1.12 and 1.13 of this part) shall maintain all opinions, reports, charts, written questions, lists, and other records relating to polygraph tests of such persons.

SEC. 1.35 DISCLOSURE OF TEST INFORMATION.

This section prohibits the unauthorized disclosure of any information obtained during a polygraph test by any person, other than the examinee, directly or indirectly, except as follows:

(a) A polygraph examiner or an employing office (other than an employing office exempt under section 7 (a) or (b) of the EPPA (described in sections 1.10 and 1.11 of this part)) may disclose information acquired from a polygraph test only to:

(1) The examinee or an individual specifically designated in writing by the examinee to receive such information;

(2) The employing office that requested the polygraph test pursuant to the provisions of the EPPA (including management personnel of the employing office where the disclosure is relevant to the carrying out of their job responsibilities);

(3) Any court, governmental agency, arbitrator, or mediator pursuant to an order from a court of competent jurisdiction requiring the production of such information;

(b) An employing office may disclose information from the polygraph test at any time to an appropriate governmental agency without the need of a court order where, and only insofar as, the information disclosed is an admission of criminal conduct.

(c) A polygraph examiner may disclose test charts, without identifying information (but not other examination materials and records), to another examiner(s) for examination and analysis, provided that such disclosure is for the sole purpose of consultation and review of the initial examiner's opinion concerning the indications of truthfulness or deception. Such action would not constitute disclosure under this part provided that the other examiner has no direct or indirect interest in the matter.

SUBPART E—[RESERVED]

SEC. 1.40 [RESERVED].

APPENDIX A TO PART 801—NOTICE TO EXAMINEE

Section 204 of the Congressional Accountability Act, which applies the rights and protections of section 8(b) of the Employee Polygraph Protection Act to covered employees and employing offices, and the regulations of the Board of Directors of the Office of Compliance (sections 1.22, 1.23, 1.24, and 1.25), require that you be given the following information before taking a polygraph examination:

1. (a) The polygraph examination area [does] [does not] contain a two-way mirror, a camera, or other device through which you may be observed.

(b) Another device, such as those used in conversation or recording [will] [will not] be used during the examination.

(c) Both you and the employing office have the right, with the other's knowledge, to record electronically the entire examination.

2. (a) You have the right to terminate the test at any time.

(b) You have the right, and will be given the opportunity, to review all questions to be asked during the test.

(c) You may not be asked questions in a manner which degrades, or needlessly intrudes.

(d) You may not be asked any questions concerning: Religious beliefs or opinions; beliefs regarding racial matters; political beliefs or affiliations; matters relating to sexual preference or behavior; beliefs, affiliations, opinions, or lawful activities regarding unions or labor organizations.

(e) The test may not be conducted if there is sufficient written evidence by a physician that you are suffering from a medical or psychological condition or undergoing treatment that might cause abnormal responses during the examination.

(f) You have the right to consult with legal counsel or other representative before each phase of the test, although the legal counsel or other representative may be excluded from the room where the test is administered during the actual testing phase.

3. (a) The test is not and cannot be required as a condition of employment.

(b) The employing office may not discharge, dismiss, discipline, deny employment or promotion, or otherwise discriminate against you based on the analysis of a polygraph test, or based on your refusal to take such a test without additional evidence which would support such action.

(c)(1) In connection with an ongoing investigation, the additional evidence required for an employing office to take adverse action against you, including termination, may be (A) evidence that you had access to the property that is the subject of the investigation, together with (B) the evidence supporting the employing office's reasonable suspicion that you were involved in the incident or activity under investigation.

(2) Any statement made by you before or during the test may serve as additional supporting evidence for an adverse employment action, as described in 3(b) above, and any admission of criminal conduct by you may be transmitted to an appropriate Government law enforcement agency.

4. (a) Information acquired from a polygraph test may be disclosed by the examiner or by the employing office only:

(1) To you or any other person specifically designated in writing by you to receive such information;

(2) To the employing office that requested the test;

(3) To a court, governmental agency, arbitrator, or mediator that obtains a court order.

(b) Information acquired from a polygraph test may be disclosed by the employing office to an appropriate governmental agency without a court order where, and only insofar as, the information disclosed is an admission of criminal conduct.

5. If any of your rights or protections under the law are violated, you have the right to take action against the employing office by filing a request for counseling with the Office of Compliance under section 402 of the Congressional Accountability Act. Employing offices that violate this law are liable to the affected examinee, who may recover such legal or equitable relief as may be appropriate, including, but not limited to, employment, reinstatement, and promotion, payment of lost wages and benefits, and reasonable costs, including attorney's fees.

6. Your rights under the CAA may not be waived, either voluntarily or involuntarily, by contract or otherwise, except as part of a written settlement to a pending action or complaint under the CAA, and agreed to and signed by the parties.

I acknowledge that I have received a copy of the above notice, and that it has been read to me.

____
(Date)

____
(Signature)

APPLICATION OF RIGHTS AND PROTECTIONS OF THE WORKER ADJUSTMENT RETRAINING AND NOTIFICATION ACT OF 1988 (IMPLEMENTING SECTION 204 OF THE CAA)

Sec.

639.1 Purpose and scope.
639.2 What does WARN require?
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639.11 [Reserved].

§ 639.1 Purpose and scope

(a) PURPOSE OF WARN AS APPLIED BY THE CAA.—Section 205 of the Congressional Accountability Act, Public Law 104–1 ("CAA"), provides protection to covered employees and their families by requiring employing offices to provide notification 60 calendar days in advance of office closings and mass layoffs within the meaning of section 3 of the Worker Adjustment and Retraining Notification Act of 1988, 29 U.S.C. § 2102. Advance notice provides workers and their families some transition time to adjust to the prospective loss of employment, to seek and obtain alternative jobs and, if necessary, to enter skill training or retraining that will allow these workers to successfully compete in the job market. As used in these regulations, WARN shall refer to the provisions of WARN applied to covered employing offices by section 205 of the CAA.

(b) SCOPE OF THESE REGULATIONS.—These regulations are issued by the Board of Directors, Office of Compliance, pursuant to sections 205(c) and 304 of the CAA, which directs the Board to promulgate regulations implementing section 205 that are "the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 205 of the CAA] except insofar as the Board may determine, for good cause shown . . . that a modification of such regulations would be more effective for the implementation of the rights and protections under this section". The regulations issued by the Board herein are on all matters for which section 205 of the CAA requires a regulation to be issued. Specifically, it is the Board's considered judgment, based on the information available to it at the time of promulgation of these regulations, that, with the exception of regulations adopted and set forth herein, there are no other "substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in subsection (a) [of section 205 of the CAA]".

In promulgating these regulations, the Board has made certain technical and nomenclature changes to the regulations as promulgated by the Secretary. Such changes are intended to make the provisions adopted accord more naturally to situations in the legislative branch. However, by making these changes, the Board does not intend a substantive difference between these sections and those of the Secretary from which they are derived. Moreover, such changes, in and of themselves, are not intended to constitute an interpretation of the regulation or of the statutory provisions of the CAA upon which they are based.

These regulations establish basic definitions and rules for giving notice, implementing the provisions of WARN. The objective of these regulations is to establish clear principles and broad guidelines which can be applied in specific circumstances. However, it is recognized that rulemaking cannot address the multitude of employing office-specific situations in which advance notice will be given.

(c) NOTICE IN AMBIGUOUS SITUATIONS.—It is civically desirable and it would appear to be good business practice for an employing office to provide advance notice, where reasonably possible, to its workers or unions when terminating a significant number of employees. The Office encourages employing offices to give notice in such circumstances.

(d) WARN NOT TO SUPERSEDE OTHER LAWS AND CONTRACTS.—The provisions of WARN do not supersede any otherwise applicable laws or collective bargaining agreements that provide for additional notice or additional rights and remedies. If such law or agreement provides for a longer notice period, WARN notice shall run concurrently with that additional notice period. Collective bargaining agreements may be used to clarify or amplify the terms and conditions of WARN, but may not reduce WARN rights.

§ 639.2 What does WARN require?

WARN requires employing offices that are planning an office closing or a mass layoff to give affected employees at least 60 days' notice of such an employment action. While the 60-day period is the minimum for advance notice, this provision is not intended to discourage employing offices from voluntarily providing longer periods of advance notice. Not all office closings and layoffs are subject to WARN, and certain employment thresholds must be reached before WARN applies. WARN sets out specific exemptions, and provides for a reduction in the notification period in particular circumstances. Remedies authorized under section 205 of the CAA may be assessed against employing offices that violate WARN requirements.

§ 639.3 Definitions

(a) EMPLOYING OFFICE.—(1) The term "employing office" means any of the entities listed in section 101(9) of the CAA, 2 U.S.C. § 1301(9) that employs—

(i) 100 or more employees, excluding part-time employees; or

(ii) employs 100 or more employees, including part-time employees, who in the aggregate work at least 4,000 hours per week, exclusive of overtime.

Workers on temporary layoff or on leave who have a reasonable expectation of recall are counted as employees. An employee has a "reasonable expectation of recall" when he/she understands, through notification or through common practice, that his/her employment with the employing office has been temporarily interrupted and that he/she will be recalled to the same or to a similar job.

(2) Workers, other than part-time workers, who are exempt from notice under section 4 of WARN, are nonetheless counted as employees for purposes of determining coverage as an employing office.

(3) An employing office may have one or more sites of employment under common control.

(b) OFFICE CLOSING.—The term "office closing" means the permanent or temporary shutdown of a "single site of employment", or one or more "facilities or operating units" within a single site of employment, if the shutdown results in an "employment loss" during any 30-day period at the single site of employment for 50 or more employees, excluding any part-time employees. An employment action that results in the effective cessation of the work performed by a unit, even if a few employees remain, is a shutdown. A "temporary shutdown" triggers the notice requirement only if there are a sufficient number of terminations, layoffs exceeding 6 months, or reductions in hours of work as specified under the definition of "employment loss".

(c) MASS LAYOFF.—(1) The term "mass layoff" means a reduction in force which first, is not the result of an office closing, and second, results in an employment loss at the single site of employment during any 30-day period for:

(i) At least 33 percent of the active employees, excluding part-time employees, and

(ii) At least 50 employees, excluding part-time employees.

Where 500 or more employees (excluding part-time employees) are affected, the 33 percent requirement does not apply, and notice is required if the other criteria are met. Office closings involve employment loss which results from the shutdown of one or more distinct units within a single site or the entire site. A mass layoff involves employment loss, regardless of whether one or more units are shut down at the site.

(2) Workers, other than part-time workers, who are exempt from notice under section 4 of WARN are nonetheless counted as employees for purposes of determining coverage as an office closing or mass layoff. For example, if an employing office closes a temporary project on which 10 permanent and 40 temporary workers are employed, a covered office closing has occurred although only 10 workers are entitled to notice.

(d) REPRESENTATIVE.—The term "representative" means an exclusive representative of employees within the meaning of 5 U.S.C. §§7101 et seq., as applied to covered employees and employing offices by section 220 of the CAA, 2 U.S.C. §1351.

(e) AFFECTED EMPLOYEES.—The term "affected employees" means employees who may reasonably be expected to experience an employment loss as a consequence of a proposed office closing or mass layoff by their employing office. This includes individually identifiable employees who will likely lose their jobs because of bumping rights or other factors, to the extent that such individual workers reasonably can be identified at the time notice is required to be given. The term affected employees includes managerial and supervisory employees. Consultant or contract employees who have a separate employment relationship with another employing office or employer and are paid by that other employing office or employer, or who are self-employed, are not "affected employees" of the operations to which they are assigned. In addition, for purposes of determining whether coverage thresholds are met, either incumbent workers in jobs being eliminated or, if known 60 days in advance, the actual employees who suffer an employment loss may be counted.

(f) EMPLOYMENT LOSS.—(1) The term employment loss means (i) an employment termination, other than a discharge for cause, voluntary departure, or retirement, (ii) a layoff exceeding 6 months, or (iii) a reduction in hours of work of individual employees of more than 50 percent during each month of any 6-month period.

(2) Where a termination or a layoff (see paragraphs (f)(1) (i) and (ii) of this section) is involved, an employment loss does not occur when an employee is reassigned or transferred to employing office-sponsored programs, such as retraining or job search activities, as long as the reassignment does not constitute a constructive discharge or other involuntary termination.

(3) An employee is not considered to have experienced an employment loss if the closing or layoff is the result of the relocation or consolidation of part or all of the employing office's operations and, prior to the closing or layoff—

(i) The employing office offers to transfer the employee to a different site of employment within a reasonable commuting distance with no more than a 6-month break in employment, or

(ii) The employing office offers to transfer the employee to any other site of employment regardless of distance with no more than a 6-month break in employment, and the employee accepts within 30 days of the offer or of the closing or layoff, whichever is later.

(4) A "relocation or consolidation" of part or all of an employing office's operations, for purposes of paragraph §639.3(f)(3), means that some definable operations are transferred to a different site of employment and that transfer results in an office closing or mass layoff.

(g) PART-TIME EMPLOYEE.—The term "part-time" employee means an employee who is employed for an average of fewer than 20 hours per week or who has been employed for fewer than 6 of the 12 months preceding the date on which notice is required, including workers who work full-time. This term may include workers who would traditionally be understood as "seasonal" employees. The period to be used for calculating whether a worker has worked "an average of fewer than 20 hours per week" is the shorter of the actual time the worker has been employed or the most recent 90 days.

(h) SINGLE SITE OF EMPLOYMENT.—(1) A single site of employment can refer to either a single location or a group of contiguous locations. Separate facilities across the street from one another may be considered a single site of employment.

(2) There may be several single sites of employment within a single building, such as an office building, if separate employing offices conduct activities within such a building. For example, an office building housing 50 different employing offices will contain 50 single sites of employment. The offices of each employing office will be its single site of employment.

(3) Separate buildings or areas which are not directly connected or in immediate proximity may be considered a single site of employment if they are in reasonable geographic proximity, used for the same purpose, and share the same staff and equipment.

(4) Non-contiguous sites in the same geographic area which do not share the same staff or operational purpose should not be considered a single site.

(5) Contiguous buildings operated by the same employing office which have separate management and have separate workforces are considered separate single sites of employment.

(6) For workers whose primary duties require travel from point to point, who are outstationed, or whose primary duties involve work outside any of the employing office's regular employment sites (e.g., railroad workers, bus drivers, salespersons), the single site of employment to which they are assigned as their home base, from which their work is assigned, or to which they report will be the single site in which they are covered for WARN purposes.

(7) Foreign sites of employment are not covered under WARN. United States workers at such sites are counted to determine whether an employing office is covered as an employing office under §639.3(a).

(8) The term "single site of employment" may also apply to truly unusual organizational situations where the above criteria do not reasonably apply. The application of this definition with the intent to evade the purpose of WARN to provide notice is not acceptable.

(i) FACILITY OR OPERATING UNIT.—The term "facility" refers to a building or buildings. The term "operating unit" refers to an organizationally or operationally distinct product, operation, or specific work function within or across facilities at the single site.

§639.4 Who must give notice?

Section 205(a)(1) of the CAA states that "[n]o employing office shall be closed or a mass layoff ordered within the meaning of section 3 of [WARN] until the end of a 60-day period after the employing office serves written notice of such prospective closing or layoff . . . ". Therefore, an employing office that is anticipating carrying out an office closing or mass layoff is required to give notice to affected employees or their representative(s). (See definitions in §639.3 of this part.)

(a) It is the responsibility of the employing office to decide the most appropriate person within the employing office's organization to prepare and deliver the notice to affected employees or their representative(s). In most instances, this may be the local site office manager, the local personnel director or a labor relations officer.

(b) An employing office that has previously announced and carried out a short-term layoff (6 months or less) which is being extended beyond 6 months due to circumstances not reasonably foreseeable at the time of the initial layoff is required to give notice when it becomes reasonably foreseeable that the extension is required. A layoff extending beyond 6 months from the date the layoff commenced for any other reason shall be treated as an employment loss from the date of its commencement.

(c) In the case of the privatization or sale of part or all of an employing office's operations, the employing office is responsible for providing notice of any office closing or mass layoff which takes place up to and including the effective date (time) of the privatization or sale, and the contractor or buyer is responsible for providing any required notice of any office closing or mass layoff that takes place thereafter.

(1) If the employing office is made aware of any definite plans on the part of the buyer or contractor to carry out an office closing or mass layoff within 60 days of purchase, the employing office may give notice to affected employees as an agent of the buyer or contractor, if so empowered. If the employing office does not give notice, the buyer or contractor is, nevertheless, responsible to give notice. If the employing office gives notice as the agent of the buyer or contractor, the responsibility for notice still remains with the buyer or contractor.

(2) It may be prudent for the buyer or contractor and employing office to determine the impacts of the privatization or sale on workers, and to arrange between them for advance notice to be given to affected employees or their representative(s), if a mass layoff or office closing is planned.

§639.5 When must notice be given?

(a) GENERAL RULE.—(1) With certain exceptions discussed in paragraphs (b) and (c) of this section and in §639.9 of this part, notice must be given at least 60 calendar days prior to any planned office closing or mass layoff, as defined in these regulations. When all employees are not terminated on the same date, the date of the first individual termination within the statutory 30-day or 90-day period triggers the 60-day notice requirement. A worker's last day of employment is considered the date of that worker's layoff. The first and each subsequent group of terminees are entitled to a full 60 days' notice. In order for an employing office to decide whether issuing notice is required, the employing office should—

(i) look ahead 30 days and behind 30 days to determine whether employment actions both taken and planned will, in the aggregate for any 30-day period, reach the minimum numbers for an office closing or a mass layoff and thus trigger the notice requirement; and

(ii) look ahead 90 days and behind 90 days to determine whether employment actions both taken and planned each of which separately is not of sufficient size to trigger WARN coverage will, in the aggregate for any 90-day period, reach the minimum numbers for an office closing or a mass layoff and thus trigger the notice requirement. An employing office is not, however, required under section 3(d) to give notice if the employing office demonstrates that the separate employment losses are the result of separate and distinct actions and causes, and are not an attempt to evade the requirements of WARN.

(2) The point in time at which the number of employees is to be measured for the purpose of determining coverage is the date the first notice is required to be given. If this "snapshot" of the number of employees employed on that date is clearly unrepresentative of the ordinary or average employment level, then a more representative number can be used to determine coverage. Examples of unrepresentative employment levels include cases when the level is near the peak or trough of an employment cycle or when large upward or downward shifts in the number of employees occur around the time notice is to be given. A more representative number may be an average number of employees over a recent period of time or the number of employees on an alternative date which is more representative of normal employment levels. Alternative methods cannot be used to evade the purpose of WARN, and should only be used in unusual circumstances.

(b) TRANSFERS.—(1) Notice is not required in certain cases involving transfers, as described under the definition of "employment loss" at §639.3(f) of this part.

(2) An offer of reassignment to a different site of employment should not be deemed to be a "transfer" if the new job constitutes a constructive discharge.

(3) The meaning of the term "reasonable commuting distance" will vary with local conditions. In determining what is a "reasonable commuting distance", consideration should be given to the following factors: geographic accessibility of the place of work, the quality of the roads, customarily available transportation, and the usual travel time.

(4) In cases where the transfer is beyond reasonable commuting distance, the employing office may become liable for failure to give notice if an offer to transfer is not accepted within 30 days of the offer or of the closing or layoff (whichever is later). Depending upon when the offer of transfer was made by the employing office, the normal 60-day notice period may have expired and the office closing or mass layoff may have occurred. An employing office is, therefore, well advised to provide 60-day advance notice as part of the transfer offer.

(c) TEMPORARY EMPLOYMENT.—(1) No notice is required if the closing is of a temporary facility, or if the closing or layoff is the result of the completion of a particular project or undertaking, and the affected employees were hired with the understanding that their employment was limited to the duration of the facility or the project or undertaking.

(2) Employees must clearly understand at the time of hire that their employment is temporary. When such understandings exist will be determined by reference to employment contracts, collective bargaining agreements, or employment practices of other employing offices or a locality, but the burden of proof will lie with the employing office to show that the temporary nature of the project or facility was clearly communicated should questions arise regarding the temporary employment understandings.

§639.6 Who must receive notice?

Section 3(a) of WARN provides for notice to each representative of the affected employees as of the time notice is required to be given or, if there is no such representative at that time, to each affected employee.

(a) REPRESENTATIVE(S) OF AFFECTED EMPLOYEES.—Written notice is to be served upon the chief elected officer of the exclusive representative(s) or bargaining agent(s) of affected employees at the time of the notice. If this person is not the same as the officer of the local union(s) representing affected employees, it is recommended that a copy also be given to the local union official(s).

(b) AFFECTED EMPLOYEES.—Notice is required to be given to employees who may reasonably be expected to experience an employment loss. This includes employees who will likely lose their jobs because of bumping rights or other factors, to the extent that such workers can be identified at the time notice is required to be given. If, at the time notice is required to be given, the employing office cannot identify the employee who may reasonably be expected to experience an employment loss due to the elimination of a particular position, the employing office must provide notice to the incumbent in that position. While part-time employees are not counted in determining whether office closing or mass layoff thresholds are reached, such workers are due notice.

§639.7 What must the notice contain?

(a) NOTICE MUST BE SPECIFIC.—(1) All notice must be specific.

(2) Where voluntary notice has been given more than 60 days in advance, but does not contain all of the required elements set out in this section, the employing office must ensure that all of the information required by this section is provided in writing to the parties listed in §639.6 at least 60 days in advance of a covered employment action.

(3) Notice may be given conditional upon the occurrence or nonoccurrence of an event only when the event is definite and the consequences of its occurrence or nonoccurrence will necessarily, in the normal course of operations, lead to a covered office closing or mass layoff less than 60 days after the event. The notice must contain each of the elements set out in this section.

(4) The information provided in the notice shall be based on the best information available to the employing office at the time the notice is served. It is not the intent of the regulations that errors in the information provided in a notice that occur because events subsequently change or that are minor, inadvertent errors are to be the basis for finding a violation of WARN.

(b) DEFINITION.—As used in this section, the term "date" refers to a specific date or to a 14-day period during which a separation or separations are expected to occur. If separations are planned according to a schedule, the schedule should indicate the specific dates on which or the beginning date of each 14-day period during which any separations are expected to occur. Where a 14-day period is used, notice must be given at least 60 days in advance of the first day of the period.

(c) NOTICE.—Notice to each representative of affected employees is to contain:

(1) The name and address of the employment site where the office closing or mass layoff will occur, and the name and telephone number of an employing office official to contact for further information;

(2) A statement as to whether the planned action is expected to be permanent or temporary and, if the entire office is to be closed, a statement to that effect;

(3) The expected date of the first separation and the anticipated schedule for making separations;

(4) The job titles of positions to be affected and the names of the workers currently holding affected jobs.

The notice may include additional information useful to the employees such as information on available dislocated worker assistance, and, if the planned action is expected to be temporary, the estimated duration, if known.

(d) EMPLOYEES NOT REPRESENTED.—Notice to each affected employee who does not have a representative is to be written in language understandable to the employees and is to contain:

(1) A statement as to whether the planned action is expected to be permanent or temporary and, if the entire office is to be closed, a statement to that effect;

(2) The expected date when the office closing or mass layoff will commence and the expected date when the individual employee will be separated;

(3) An indication whether or not bumping rights exist;

(4) The name and telephone number of an employing office official to contact for further information.

The notice may include additional information useful to the employees such as information on available dislocated worker assistance, and, if the planned action is expected to be temporary, the estimated duration, if known.

§639.8 How is the notice served?

Any reasonable method of delivery to the parties listed under §639.6 of this part which is designed to ensure receipt of notice of at least 60 days before separation is acceptable (e.g., first class mail, personal delivery with optional signed receipt). In the case of notification directly to affected employees, insertion of notice into pay envelopes is another viable option. A ticketed notice, i.e., preprinted notice regularly included in each employee's pay check or pay envelope, does not meet the requirements of WARN.

§639.9 When may notice be given less than 60 days in advance?

Section 3(b) of WARN, as applied by section 205 of the CAA, sets forth two conditions under which the notification period may be reduced to less than 60 days. The employing office bears the burden of proof that conditions for the exceptions have been met. If one of the exceptions is applicable, the employing office must give as much notice as is practicable to the union and non-represented employees and this may, in some circumstances, be notice after the fact. The employing office must, at the time notice actually is given, provide a brief statement of the reason for reducing the notice period, in addition to the other elements set out in §639.7.

(a) The "unforeseeable business circumstances" exception under section 3(b)(2)(A) of WARN, as applied under the CAA, applies to office closings and mass layoffs caused by circumstances that were not reasonably foreseeable at the time that 60-day notice would have been required.

(1) An important indicator of a circumstance that is not reasonably foreseeable is that the circumstance is caused by some sudden, dramatic, and unexpected action or condition outside the employing office's control.

(2) The test for determining when circumstances are not reasonably foreseeable focuses on an employing office's business judgment. The employing office must exercise such reasonable business judgment as would a similarly situated employing office in predicting the demands of its operations. The employing office is not required, however, to accurately predict general economic conditions that also may affect its operations.

(b) The "natural disaster" exception in section 3(b)(2)(B) of WARN applies to office closings and mass layoffs due to any form of a natural disaster.

(1) Floods, earthquakes, droughts, storms, tidal waves or tsunamis and similar effects of nature are natural disasters under this provision.

(2) To qualify for this exception, an employing office must be able to demonstrate that its office closing or mass layoff is a direct result of a natural disaster.

(3) While a disaster may preclude full or any advance notice, such notice as is practicable, containing as much of the information required in §639.7 as is available in the circumstances of the disaster still must be given, whether in advance or after the fact of an employment loss caused by a natural disaster.

(4) Where an office closing or mass layoff occurs as an indirect result of a natural disaster, the exception does not apply but the "unforeseeable business circumstance" exception described in paragraph (a) of this section may be applicable.

§639.10 When may notice be extended?

Additional notice is required when the date or schedule of dates of a planned office closing or mass layoff is extended beyond the date or the ending date of any 14-day period announced in the original notice as follows:

(a) If the postponement is for less than 60 days, the additional notice should be given as soon as possible to the parties identified in §639.6 and should include reference to the earlier notice, the date (or 14-day period) to which the planned action is postponed, and the reasons for the postponement. The notice should be given in a manner which will provide the information to all affected employees.

(b) If the postponement is for 60 days or more, the additional notice should be treated as new notice subject to the provisions of §§639.5, 639.6 and 639.7 of this part. Rolling notice, in the sense of routine periodic notice, given whether or not an office closing or mass layoff is impending, and with the intent to evade the purpose of the Act rather than give specific notice as required by WARN, is not acceptable.

§639.11 [Reserved]

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 11:56 a.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 1561) to consolidate the foreign affairs agencies of the United States; to authorize appropriations for the Department of State and related agencies for fiscal years 1996 and 1997, and for other purposes, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, the said bill did not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the Houses has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1527. An act to further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and minerals leasing laws.

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes.

H.R. 3008. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes.

ENROLLED BILL AND JOINT RESOLUTION SIGNED

The message further announced that the Speaker has signed the following enrolled bill:

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

At 4:15 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled joint resolution:

S.J. Res. 53. Joint resolution making corrections to Public Law 104-134.

The enrolled bill and joint resolution were signed subsequently by the President pro tempore (Mr. THURMOND).

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1823. An act to amend the Central Utah Project Completion Act to direct the Secretary of the Interior to allow for prepayment of repayment contracts between the United States and the Central Utah Water Conservancy District dated December 28, 1965, and November 26, 1985, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3008. An act to amend the Helium Act to authorize the Secretary to enter into agreements with private parties for the recovery and disposal of helium on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 1527. An act to further clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and minerals leasing laws.

ENROLLED JOINT RESOLUTION PRESENTED

The Secretary of the Senate reported that on May 1, 1996 he had presented to the President of the United States, the following enrolled joint resolution:

S.J. Res. 53. Joint resolution making corrections to Public Law 104-134.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2381. A communication from the Chair of the Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a package of final rules; to the Committee on Energy and Natural Resources.

EC-2382. A communication from the Director of the U.S. Office of Personnel Management, transmitting, pursuant to law, the report of a final regulation (RIN3206-AE80); to the Committee on Governmental Affairs.

EC-2383. A communication from the Deputy Associate Administrator for Acquisition Policy, General Services Administration, Office of Policy, Planning and Evaluation, transmitting, pursuant to law, the report of the Federal Acquisition Circular (Number 90-38); to the Committee on Governmental Affairs.

EC-2384. A communication from the Executive Director of the Committee for Purchase

From People Who Are Blind Or Severely Disabled, transmitting, pursuant to law, the report of additions of the Procurement List; to the Committee on Governmental Affairs.

EC–2385. A communication from the Regulatory Policy Officer of the National Archives at College Park, transmitting, pursuant to law, the report of a final and interim final rule (RIN3095–AA59); to the Committee on Governmental Affairs.

EC–2386. A communication from the Human Resources Manager of the National Bank for Cooperatives Retirement Plan, transmitting, pursuant to law, the report of the Plan for calendar year 1994; to the Committee on Governmental Affairs.

EC–2387. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the report under the Government in the Sunshine Act for calendar year 1995; to the Committee on Governmental Affairs.

EC–2388. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on Federal agency drug-free workplace plans; to the Committee on Appropriations.

EC–2389. A communication from the Acting Administrator of the General Services Administration, transmitting, pursuant to law, the report of an informational copy relative to the Capital Investment and Leasing Program for fiscal year 1997; to the Committee on Environment and Public Works.

EC–2390. A communication from the Director of the Office of Personnel Management, transmitting, pursuant to law, the report of a final rule (RIN3206–AH36); to the Committee on Governmental Affairs.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–568. A resolution adopted by the Southern Governors' Association relative to the strength of the National Guard; to the Committee on Appropriations.

POM–569. A resolution adopted by the Southern Governors' Association relative to an electronic benefits transfer system; to the Committee on Banking, Housing, and Urban Affairs.

POM–570. A resolution adopted by the Missouri Chapter of the American Fisheries Society relative to the Neosho National Fish Hatchery; to the Committee on Environment and Public Works.

POM–571. A resolution adopted by the Southern Governors' Association relative to Federal highway funds; to the Committee on Environment and Public Works.

POM–572. A resolution adopted by the Abilene Metropolitan Planning Organization relative to transportation trust funds; referred jointly, pursuant to the order of August 4, 1997, to the Committee on the Budget and to the Committee on Governmental Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, without amendment:

S. 295. A bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes (Rept. No. 104–259).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

To be senior assistant engineer officer

Arthur M. Anderson
Shib S. Bajpayee
Robin A. Dalton
Thomas J. Heintzman
Michael S. Jensen
David I. McDonnel
Kenneth E. Olson II
Philip E. Rapp
John P. Riegel
Paula A. Simenauer
Mark A. Stafford
Mark R. Thomas
Michael B. Wich
Dominic J. Wolf

To be assistant engineer officer

James H. Ludington

To be scientist

Victor Krauthamer

To be senior assistant scientist

Lemyra M. Debruyn
Jeffrey S. Gift
Darcy E. Hanes
James E. Hoadley
Rosa J. Key-Schwartz

To be senior assistant sanitarian

Artis M. Davis
Mark A. Hamilton
Michael E. Herring
Steven G. Inserra
Theresa I. Kilgus
Cynthia C. Kunkel
Gailen R. Luce
Abraham M. Maekele
Mark D. Miller
Kelly M. Taylor
Michael D. Warren
Ronald D. Zabrocki

To be senior assistant veterinary officer

Victoria A. Hampshire
Ronald B. Landy

To be pharmacist

Dennis M. Alder
John T. Babb
Daryl A. Dewoskin
Cynthia P. Smith

To be senior assistant pharmacist

Lisa D. Becker
Kristi A. Cabler
Wesley G. Cox
Kathleen E. Downs
Richard C. Fisher
Jeffrey J. Gallagher
Syrena T. Gatewood
Lillie D. Golson
Douglas P. Herold
Rita L. Herring
Mary Ann Holovac
Carl W. Huntley
Michael D. Jones
Dennis L. Livingston
Robert H. McClelland
Connie J. McGowen-Cox
Steven K. Rietz
Margaret A. Simoneau
John F. Snow
Daniel R. Struckman
Earl D. Ward, Jr

To be assistant pharmacist

David A. Konigstein

To be senior assistant health services officer

Traci L. Galinsky
William D. Henriques
Richard R. Kauffman
Dorothy E. Stephens
Gene W. Walters

To be assistant health services officer

Carol E. Auten
Cherly A. Wiseman

The following candidates for personnel action in the regular corps of the Public Health Service subject to qualifications therefor as provided by law and regulations:

1. FOR APPOINTMENT

To be medical director

Richard J Hodes
William E Paul
Douglas G Peter

To be senior surgeon

Melinda Moore

To be surgeon

Thomas R Hales
Scott F Wetterhall

To be senior assistant surgeon

Mary M Agocs
James P Alexander, Jr
Arturo H Castro
George A Conway
Theresa Diaz Vargas
Nina J Gilberg
Lana L Jeng
Philip R Krause
David E Nelson
Patrick J Oconnor
Carol A Pertowski
Rossanne M Philen
Steven G Scott
Jessie S Wing

To be senior assistant dental surgeon

Leonard R Aste
George G Bird
April C Butts
Lisa W Cayous
Sherwood G Crow
Bret A Downing
Scott K Dubois
Edward D Gonzales
Joseph G Hosek
Michael D Jones
Steven J Lien
Aaron R Means, Sr
Samuel J Petrie
Roy F Schoppert, III
Darlene A Sorrell
James N Sutherland
Charles S Walkley
Evan L Wheeler

To be nurse officer

Norma J Hatot

To be senior assistant nurse officer

Gary W Bangs
Robyn G Brown-Douglas
Priscilla A Coutu
Robin L Fiske
Colleen A Hayes
India L Hunter
Bradley J Husberg
Christopher L Lambdin
Wanda F Lambert
Michael D Lyman
Mary Y Martin
Sharon D Murrain-Ellerbe
Paul J Murter III
Steven R Oversby
Teresa L Payne
Ricky D Pearce
Candice S Skinner
Ernestine T Smartt
Yukiko Tani
Mary E Tolbert
Vien H Vanderhoof
Siona W Willie
Arnette M Wright

To be assistant nurse officer

Sandra A Chatfield
James M Simmerman

(The above nominations were reported with the recommendation that they be confirmed.)

Mrs. KASSEBAUM. Mr. President, for the Committee on Labor and Human Resources, I report favorably a nomination list in the Public Health Service which was printed in full in the CONGRESSIONAL RECORD of November 9, 1995, and ask unanimous consent, to save the cost of reprinting on the Executive Calendar, that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDENT OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORD of November 9, 1995, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON:

S. 1719. A bill to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOLE (for himself, Mr. KENNEDY, and Mr. KERRY):

S. 1720. A bill to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark; ordered held at the desk.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON:

S. 1719. A bill to require the Secretary of the Interior to offer to sell to certain public agencies the indebtedness representing the remaining repayment balance of certain Bureau of Reclamation projects in Texas, and for other purposes; to the Committee on Energy and Natural Resources.

THE TEXAS RECLAMATION PROJECTS INDEBTED PURCHASE ACT

• Mrs. HUTCHISON. Mr. President, I introduce today a bill on behalf of the State of Texas and several major water supply authorities in Texas. It would transfer title for Bureau of Reclamation projects to local control.

The purpose of this bill is to give local public agencies the right to make decisions regarding their own local water supplies. In doing so we will reduce the size of the Federal Government and save taxpayers significant amounts of money.

Mr. President, I mentioned that I am introducing this legislation on behalf of the State of Texas. Our goal is to create a process to allow the State of Texas or its public agencies to purchase and accept title to the Bureau of Reclamation projects in the State.

I submit this measure with the full support of the State of Texas. The State legislature recently passed a resolution, endorsed and signed by the Governor, accepting the responsibility for this process of title transfer.

My interest in this effort goes back to the last Congress, when in June 1994, I introduced S. 2236 in an effort to correct a longstanding problem involving the U.S. Bureau of Reclamation and the city of Corpus Christi.

That legislation directed the Secretary of the Interior to enter into and complete negotiations with the city of Corpus Christi concerning the Nueces River project, also known as Choke Canyon Reservoir. A hearing was held on the legislation, but the Congress ended before the Senate could act.

This year, with title transfers being encouraged by both the administration and Congress, it makes sense for the Choke Canyon legislation to be included with the broader Bureau of Reclamation legislation as developed by the State of Texas.

In 1976 the city of Corpus Christi and the Nueces River authority contracted with the Bureau for construction of Choke Canyon Reservoir on the Frio River near Three Rivers, TX. The primary purpose of the project was to provide additional water to the city of Corpus Christi through the year 2040. Since project completion in 1982, however, subsequent studies have determined that the current supply to the city from the project is less than contracted for, and that additional water supplies likely will be required by the year 2003.

The local sponsors are proposing that the repayment agreements be renegotiated to reflect the diminished water supply derived from the project, as well as the unanticipated expenses that the local sponsors have incurred to obtain additional water to compensate for the projected shortfall in the Choke Canyon-Lake Corpus Christi system.

I have incorporated the Choke Canyon project into this legislation for two reasons:

First, to pursue the intent of the original contract—because the city still is not getting the water it was promised;

Second and most important, I have introduced this legislation because the area is facing a very real water shortage. Due to the lower than anticipated yield from the Choke Canyon Reservoir, projections show the 12-county region it serves will be short of water within 10 years. This will affect nearly 400,000 people and numerous major industries.

The discount and prepayment conditions which the Corpus Christi is asking be negotiated are extremely important to the city's ability to ensure adequate future water supplies at affordable prices. Congressman SOLOMON ORTIZ has introduced similar legislation on the House side.

Also included in this legislation is a project near Amarillo in the congressional district of Congressman MAC THORNBERRY: the Canadian River project. Construction of the Canadian River project by the BOR was authorized by Public Law 898 on December 29, 1950, to provide a source of municipal and industrial water to member cities of the Canadian River Municipal Water Authority in the Texas Panhandle and South Plains. The cities served include Amarillo, Borger, Brownfield, Lamesa, Levelland, Lubbock, O'Donnell, Pampa, Plainview, Slaton, and Tahoka. These currently comprise a combined population of nearly 500,000 persons.

The major project facilities include Sanford Dam on the Canadian River 35 miles northeast of Amarillo, Lake Meredith which is formed by the dam, and a 322-mile aqueduct system that transports water from the lake to the member cities. The project was built in the 1960's and has supplied water to the cities continuously since 1968. Responsibility for operation and maintenance of the entire complex of municipal water supply facilities, including Sanford Dam, was transferred to the authority on July 1, 1968.

The project authorization—section 2. (c)(3)—provides that title to the aqueduct shall pass to the project sponsor upon payment of all obligations arising from the legislation and contract.

Total project cost was about $83.8 million, of which about $76.9 million is reimbursable to the United States by the Authority. Non-reimbursable components paid for flood control and fish and wildlife benefits. Including interest during construction, the original reimbursable obligation was $83.7 million, repayable with interest at the rate of 2.632 percent over a term of 50 years. Twenty-six annual payments have been made.

Under this bill the outstanding balance would be purchased by the project sponsor, the Canadian River Municipal Water Authority. Title to the aqueduct would be transferred to the Authority. Title to the dam will not be transferred because of its flood-control functions, which need to remain under the supervision of the U.S. Corps of Engineers, and title to the land around the reservoir to remain with the National Park Service because it is designated a National Recreation Area.

Purchase of the debt would be accomplished by payment of the net present value of the cash stream which would be required to repay the current indebtedness, discounted at U.S. Treasury rates on the date of purchase contract execution, after adjustment to reflect unrealized project benefits and outstanding credits.

ADVANTAGES FOR FEDERAL INTERESTS

Recent changes in the mission of the Bureau of Reclamation have reduced emphasis on water resource development projects. Now, the BOR's activities are regulatory in nature, for the most part, as they relate to existing projects. Transfer of Federal ownership would eliminate the need for BOR participation in the oversight of operation and maintenance, and relieve the Federal Government of liability related to operation of transferred facilities.

The cash payment to the Government would make funds available to support new projects that create, jobs or which cannot be funded from present budget sources. Currently, BOR is considering the prospect of title transfer for selected projects, including the aqueduct system of the Canadian River Project. The debt purchase proposal in this legislation is similar to the process which would result from those activities, without extended negotiations and added administrative costs.

ADVANTAGES FOR LOCAL SPONSORS

Because of the water supply shortfall the Canadian River Project the Authority and its member cities are forced to seek replacement water. The savings that would accrue from purchasing the outstanding debt would allow the Authority and its member cities to finance needed replacement water without undue economic hardship.

Replacement supplies capable of providing the lost annual supply of 30,000 acre-feet or more are being sought at a probable cost of $76.5 million. That additional expenditure will be necessary even if the discounted debt purchase is accomplished.

Also included in the legislation is the Palmetto Bend project authorized by Congress in 1968.

The primary purpose of Palmetto Bend is to provide municipal and industrial water to a broad area along the Texas gulf coast. The project was completed by the BOR in 1985 and includes, as its main feature, Lake Texana.

Lake Texana is located near the gulf coast midway between Houston and Corpus Christi. It is operated by the Lavaca-Navidad River Authority. In essence, the reservoir's entire yield has been committed, including more than 42,000 acre-feet/year for municipal use in the cities of Corpus Christi and Point Comfort, and more than 32,000 acre-feet/year for industrial use largely in the regional petro-chemical-plastics industry. The city of Corpus Christi provides water service to a 10-county area. Two of the industries to which Lake Texana supplies water provide more than 3,000 jobs to the local region.

Currently, the authority and the Texas Water Development Board are obligated for repayment to the Federal Government of about $70.7 million, at an interest rate of 3.502 percent over a term of 50 years. The board has made 10 annual payments; the authority is scheduled to begin payment in 1996.

Under this bill, the outstanding balance of debt would be prepaid, and the project purchased by the authority and board as State project sponsors. Purchase would be accomplished by payment of the net present value of the cash stream required to repay the current contractual debt, discounted at U.S. Treasury rates on the date of purchase, after adjustment to reflect unrealized project benefits and outstanding credits.

Title to the Federal portion of the project would be transferred to the State sponsors, the authority, and the board.

Two clear benefits of the transfer of title to the State sponsors are avoidance of the cost of Federal oversight of the project and the release from liability of the Federal Government. Transfer of this obligation should result in a reduction in the size of the Federal bureaucracy required to support the projects.

Quantified advantages include an immediate infusion of approximately $34 million to the Federal Treasury, annual savings of $250,000 for project operation and upkeep expenses and an annual savings of about $12,000 by avoiding payments-in-lieu-of-taxes to Jackson County.

Annual debt service payments for Lake Texana will be reduced by approximately $1 million per year. Currently this cost is borne by the water users, so municipal and industrial water costs would be reduced.

It is estimated also that up to $50,000 in costs due to BOR reporting mandates and management assistance would be avoided.

More importantly, however, state sponsors will be able to manage their projects to achieve the maximum benefits without the delay, expense and uncertainty which is incurred currently by BOR management oversight.

This proposal is a mutually advantageous proposition that will provide economic benefits to both Federal and State interests, while reducing duplicative and unnecessary Government programs.

Mr. President, I urge my colleagues' strong support for this legislation. It is responsible. It addresses serious local interests. It fulfills the expressed goals of both the 104th Congress and the administration, and it makes sense.

Mr. President, I ask unanimous consent that recent testimony by a representative of the Texas Water Development Board before the House Subcommittee on Water and Power Resources Subcommittee supporting this legislation be entered into the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TESTIMONY BY TOM BROWN, DEPUTY EXECUTIVE ADMINISTRATOR WATER RESOURCES DEVELOPMENT, TEXAS WATER DEVELOPMENT BOARD

Mr. Chairman and Members of the Committee, thank you for the opportunity to present the views of the Texas Water Development Board on the issue of transfer of Federal Reclamation facilities to local project beneficiaries. The Legislature of the State of Texas has passed Senate Concurrent Resolution 80 and the Governor has signed this resolution, supporting the transfer of Bureau of Reclamation projects in Texas to either the local sponsors or the State. Included in SCR 80 was the direction of the legislature to the Texas Water Development Board to work with local interests to purchase Bureau projects in Texas and to encourage Congress to adopt legislation to facilitate this acquisition. Under this legislation there are three projects being proposed to be purchased, the Canadian River Project, Palmetto Bend Project and the Nueces River Reclamation Project.

There are strong incentives for the Federal Government to sell these projects to local sponsors. These include: First, receiving lump sum cash payments totaling in excess of $100 million. Since the bill provides for the purchase of the facilities using a net present value of the outstanding debt, these payments will provide a direct cash infusion into the federal treasury while defeasing outstanding obligations of the Federal Government.

Second, the Federal Government would be able to transfer the liabilities associated with the projects to the purchaser.

Third, the Federal Government would not have to continually appropriate funds to pay for a portion of operations and maintenance of the transferred facilities.

Fourth, it would eliminate Federal overhead on these projects since oversight would not be required.

There are also significant local incentives for the purchase of these facilities. These incentives include:

1. Reducing annual debt service payments for local ratepayers.

2. Since local sponsors are currently operating and maintaining the facilities the purchase would eliminate duplication of management by both the Bureau and the local sponsor.

3. Allow for consistency in operating plans for the facilities. Since the State of Texas regulates the operation of these facilities, local or State ownership would streamline operations of the facilities through elimination of duplicative or contradictory operating plans'.

4. Eliminating the time and oversight required by the Bureau of Reclamation.

5. Eliminating additional cost associated with federal involvement. For example, The Texas Water Development Board has been working with local governments in developing water conservation plans to address local issues since 1985. In fact, under state law any applicant that borrows over $500,000 from the Board must have an approved water conservation plan. Given the recent push by the Bureau of Reclamation for the development of water conservation plans it will approve there are additional costs that should not have to be borne by local governments.

In addition, the State of Texas owns the surface water within its boundaries with rights to these surface waters being conveyed by the State to individuals and entities for beneficial uses. While the Federal Government has assisted local and State sponsors in constructing these projects to store and divert surface waters, the water rights for the projects have remained with local sponsors, not the Federal Government.

What is being proposed in this legislation, and what the Texas Water Development Board supports, is the ability of local sponsors to purchase the Federal interests in these facilities at a present value of the outstanding debt associated with the municipal and industrial uses in the projects, a transfer of all operations and maintenance and the transfer of title to the state or local sponsor. Furthermore, this legislation meets the Bureau of Reclamation's criteria for projects that could be transferred as single purpose projects: (1) A fair return to the taxpayers for Federal assets. (2) Compliance with all applicable Federal Laws. (3) That interstate compacts and interests are protected. (4) Native American assets are not affected. (5) No international treaties are affected. (6) The recipients shall maintain the public safety aspects of the project.

It is recognized that the non-reimbursable aspects of the projects such as recreational opportunities and fish and wildlife benefits are a significant public benefit. However, in the case of the projects referenced in this legislation both the Palmetto Bend and Nueces River projects, local sponsors and or the State of Texas operate all recreation and wildlife areas and the Bureau of Reclamation is not directly involved in the provision of these benefits, nor do they provide any specific or regular management function relative to these activities. The Canadian River Project transfer will not involve transfer of any facilities associated with the non-reimbursable aspects of the projects.

Through this legislation the Congress would affirm its support to the principle that the State have the primary responsibility for management and use of its water. This legislation also recognizes that it is the States responsibility to ensure that these transfers will relieve the Federal Government of the financial liabilities associated with these projects and help Texas control its water destiny and meet the needs of its citizens.

Thank you for allowing me to issue this statement and support what we believe is needed legislation.●

ADDITIONAL COSPONSORS

S. 949

At the request of Mr. GRAHAM, the name of the Senator from Maryland [Mr. SARBANES] was added as a cosponsor of S. 949, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 200th anniversary of the death of George Washington.

S. 1035

At the request of Mr. DASCHLE, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 1035, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 1129

At the request of Mr. ASHCROFT, the names of the Senator from Alabama [Mr. SHELBY] and the Senator from Texas [Mrs. HUTCHINSON] were added as cosponsors of S. 1129, a bill to amend the Fair Labor Standards Act of 1938 to permit employers to provide for flexible and compressed schedules, to permit employers to give priority treatment in hiring decisions to former employees after periods of family care responsibility, to maintain the minimum wage and overtime exemption for employees subject to certain leave policies, and for other purposes.

S. 1197

At the request of Mr. MACK, the names of the Senator from North Carolina [Mr. HELMS], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from New Hampshire [Mr. GREGG] were added as cosponsors of S. 1197, a bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the dissemination to physicians of scientific information about prescription drug therapies and devices, and for other purposes.

S. 1563

At the request of Mr. SIMPSON, the name of the Senator from Massachusetts [Mr. KERRY] was added as a cosponsor of S. 1563, a bill to amend title 38, United States Code, to revise and improve eligibility for medical care and services under that title, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from North Dakota [Mr. CONRAD] and the Senator from Maine [Ms. SNOWE] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

SENATE JOINT RESOLUTION 42

At the request of Mr. BREAUX, the names of the Senator from Pennsylvania [Mr. SPECTER] and the Senator from Pennsylvania [Mr. SANTORUM] were added as cosponsors of Senate Joint Resolution 42, a joint resolution designating the Civil War Center at Louisiana State University as the United States Civil War Center, making the center the flagship institution for planning the sesquicentennial commemoration of the Civil War, and for other purposes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

SENATE RESOLUTION 226

At the request of Mr. DOMENICI, the names of the Senator from Delaware [Mr. BIDEN], the Senator from Colorado [Mr. BROWN], and the Senator from Louisiana [Mr. BREAUX] were added as cosponsors of Senate Resolution 226, a resolution to proclaim the week of October 13 through October 19, 1996, as "National Character Counts Week."

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Rhode Island [Mr. CHAFEE], the Senator from North Dakota [Mr. DORGAN], the Senator from California [Mrs. FEINSTEIN], the Senator from Louisiana [Mr. JOHNSTON], the Senator from Wisconsin [Mr. KOHL], the Senator from New Jersey [Mr. LAUTENBERG], the Senator from Nevada [Mr. REID], the Senator from Pennsylvania [Mr. SPECTER], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 3752

At the request of Mr. ABRAHAM the name of the Senator from Oklahoma [Mr. NICKLES] was added as a cosponsor of Amendment No. 3752 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENT NO. 3780

At the request of Mr. LEAHY the names of the Senator from Oregon [Mr. HATFIELD] and the Senator from Massachusetts [Mr. KERRY] were added as cosponsors of Amendment No. 3780 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigation personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

At the request of Mr. WELLSTONE his name was added as a cosponsor of amendment no. 3780 proposed to S. 1664, supra.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1966

GRAMM (AND OTHERS) AMENDMENT NO. 3948

Mr. SIMPSON (for Mr. GRAMM for himself, Mrs. HUTCHISON, and Mr. DOMENICI) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

At the end, insert the following:

"SEC. . FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the federal government approximately $12,000,000.

(5) The cost to the federal government of hiring new criminal investigators and other

personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendations of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the U.S. Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a permanent redeployment of Border Patrol agents from interior stations is not the most cost-effective way to meet enforcement needs along the Southwest border, and should only be done where new Border Patrol agents cannot practicably be assigned to meet enforcement needs along the Southwest border; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

BRYAN AMENDMENT NO. 3949

Mr. KENNEDY (for Mr. BRYAN) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

HUTCHISON AMENDMENT NO. 3950

Mr. KENNEDY (for Mrs. HUTCHISON) proposed an amendment to amendment No. 3743 proposed by Mr. SIMPSON to the bill S. 1664, supra; as follows:

At the appropriate place, insert the following new section:

SEC. .—The Immigration and Naturalization Service shall, when redeploying Border Patrol personnel from interior stations, coordinate with and act in conjunction with State and local law enforcement agencies to ensure that such deployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

NOTICES OF HEARINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing on "Small Business Investment Company Reform Legislation" on Tuesday, May 7, 1996, at 10:00 a.m., in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey 224-5175.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. WARNER. Mr. President, I wish to announce that the Committee on Rules and Administration will meet in SR-301, Russell Senate Office Building, on Wednesday, May 8, 1996, at 9:30 a.m., to hold a hearing on Campaign Finance Reform.

For further information concerning this hearing, please contact Bruce Kasold of the Committee staff on 224-3448.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Committee on Energy and Natural Resources. The purpose of this hearing is to receive testimony on the recent increases in gasoline prices.

The hearing will take place Thursday, May 9, 1996 at 9:30 a.m. in room SD-366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Judy Brown or Howard Useem at (202) 224-7556.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet at the following time Wednesday May 1, 1996 for markup of the fiscal year 1997 Defense Authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, May 1, 1996 session of the Senate for the purpose of conducting a hearing on Airport Revenue Diversion.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, May 1, 1996, for purposes of conducting a full committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this meeting is to consider pending calendar business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, May 1, 1996, at 10:00 a.m. to hold a hearing on "Review of the National Drug Control Strategy."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet in executive session during the session of the Senate on Wednesday, May 1, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate for two hearings on Wednesday, May 1, 1996, in room 428A of the Russell Senate Office Building. The first is a hearing regarding "President Clinton's Nomination of Ginger Ehn Lew to be Deputy Administrator of the United States Small Business Administration" which will begin at 9:30 a.m., with the second hearing focusing on "The United States Small Business Administration's Fiscal Year 1997 Budget" to immediately follow.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the special committee to investigate Whitewater development and related matters be authorized to meet during the session of the Senate on Wednesday, May 1, 1996 to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, May 1, at 2:00 p.m. to hold hearing.

ADDITIONAL STATEMENTS

WE THE PEOPLE, THE CITIZENS, AND THE CONSTITUTION

• Mr. WELLSTONE. Mr. President, today I would like to honor a group of high school students who have embarked on a project that not only enhances their educations but fosters their sense of civic responsibility. Between April 27 and April 29, more than 1,300 students from all over the country were in Washington, DC, to compete in the national finals of competition sponsored by a program called We the People, The Citizens, and the Constitution. I'm proud to announce that the class from Hutchinson High School in Hutchinson represented Minnesota in the competition. These young people have undergone a rigorous course of study and worked diligently to reach the national finals by winning local competitions in their home State.

The accomplished young people representing Minnesota are the following: Adam Brodd, Megan Carls, Eddy Cox, Chris Dahlman, Aaron Douglas, Ben Froemming, Aaron Hall, Eric Holtz, Rana Kasich, Kristen Mann, Aaron May, Mike Peek, Patrick Perrine, Terri Rennick, Chelle Robinson, John Sandberg, Dave Schaefer, Sara Sharstrom, Jill Shun, Kelly Watson, and Michelle Wulkan.

I would also like to recognize their teacher, Mike Carls, who deserves some of the credit for the success of the team. The district coordinator, Jerry Benson, and the State coordinator, Robert Wangen, also contributed a significant amount of time and effort to help the team reach the national finals.

The We the People program is specifically designed to educate young people about the Bill of Rights and the Constitution. An evaluation of this program has shown that students in the program display more political tolerance and feel more politically effective than most adults in America. Students become more interested in politics and they learn how to get politically involved.

The 3-day national competition simulates a congressional hearing in which the students' oral presentations are judged on the basis of their knowledge of constitutional principles and their ability to apply them to historical and contemporary issues. In short, these students are debating some of the very issues we've been debating on the Senate floor in recent months: the division of power between State and Federal Government, the balance of power among the branches of government, the right to privacy, the role of religion in public life.

Through the We the People program, students learn the constitutional values of freedom, equality and justice, the principles that bind our Nation together. These students have taken something that is an historical document and made it a part of their lives. In an era when so much of our public discourse is polarized, when there is so much discussion of "us" and "them," these young people learn to value the "we" of "we the people." I wish these students the best of luck in the future and look forward to their continued success in the years ahead.•

JEFFERSON COUNTY MEDICAL SOCIETY

• Mr. MCCONNELL. Mr. President, twice a year, the Jefferson County Medical Society conducts a mini-internship program to inform and educate those outside the medical professional about the practice of medicine. For 2 days, about 12 to 18 business professionals and government officials are matched up with several Louisville physicians to watch them perform their jobs. Recently, Melissa Patack, a member of my staff, had this unique and worthwhile opportunity. I ask that a summary of her experience be printed in the RECORD.

The material follows:

JEFFERSON COUNTY MEDICAL SOCIETY MINI-INTERNSHIP—APRIL 16–17, 1996

On April 16 and 17, 1996, I participated in the Jefferson County Medical Society's Mini-internship program. During the course of the two days, participants accompanied physicians in their usual activities and had the opportunity to observe first-hand the practice of medicine.

On Tuesday morning, I met Dr. Kathryn Cashner, an ob-gyn with a speciality in high risk pregnancies, at her office to watch her morning appointments with more than a dozen women. Dr. Cashner is a sole practitioner, with patients from all socio-economic backgrounds. About one-quarter to one-third of her patients receive Medicare benefits. This was a morning of unusual normalcy, Dr. Cashner remarked. Virtually all of the women were experiencing normal pregnancies, although several of the patients were 4 to 6 months into their pregnancies and seeing Dr. Cashner for the first prenatal visit. Dr. Cashner counseled one woman who had a negative test result, but who was immediately sent for a follow-up sonogram which turned out to be normal. When I left Dr. Cashner at Audubon Hospital, she was about to perform surgery on one of her high-risk patients which would enable the patient to carry her baby to full term. Dr. Cashner's practice brings her into close contact with the lives of her patients; on one wall of her office she displays pictures of all the babies she has brought into the world.

The afternoon brought me to Jewish Hospital to observe Dr. Thomas O'Daniel, a plastic surgeon, performing a face lift. Watching directly over his shoulder, I saw Dr. O'Daniel perform the delicate task of reconstructing a 57 year-old woman's face. The operation was a grueling, pain-staking procedure of more than 6 hours. Dr. O'Daniel concentrates on facial injuries and gets a great deal of satisfaction from the work he does on children. The next morning, he was operating to correct a child's clef palate. Last fall, he traveled to Guatemala, where he and his staff operated on 75 children who suffered from clef palates and other facial deformities.

In the evening, I went to University Hospital where I watched Dr. Robert Couch run the night shift of the emergency room. The evening brought everything from walk-ins seeking routine medical care to the airlift of two victims from a head-on automobile crash, probably caused by a driver who had too much to drink. The residents under Dr. Couch's supervision were poised for action when the helicopter landed and two women with broken bones, head injuries and internal bleeding were wheeled in to Room 9. Within moments, life-saving actions were taken to get one patient breathing. X-rays were immediately taken and the young doctors made snap decisions on the treatment for these endangered patients. These emergency room doctors don't have on-going relationships with their patients. They treat and move on to the next crisis with enormous dedication.

After an exhausting and exhilarating day, I returned the next morning at 7:15 a.m. to Jewish Hospital to observe Dr. Laman Gray perform a quadruple coronary bypass on a 67 year-old man. One stands in sheer amazement at the sight of the human heart beating in an open chest cavity. When it came time for Dr. Gray to stitch the new bypass vessels to the aorta, the heart was stopped and then brought back to its rhythmic beating when Dr. Gray completed his delicate work. Dr. Gray had another operation scheduled for the afternoon and in-between, he was dealing with 2 other emergencies, including arranging for the airlifting of a heart attack victim from another state to Jewish Hospital for care and treatment.

Wednesday afternoon, I accompanied Dr. Cindy Zinner on her appointments at the Portland Family Clinic, a federally-sponsored community health center. Dr. Zinner specializes in internal medicine and pediatrics, and that afternoon, was working as a pediatrician. The Portland facility fills a unique role by being accessible not only to those covered by health insurance (including Medicaid) but also to the working poor who lack employer-sponsored health insurance, and who do not qualify for Medicaid. In observing Dr. Zinner treat several seemingly routine ear infections and perform a number of well-child examinations, the highly important role for preventive medicine becomes readily apparent. Dr. Zinner becomes a positive force in the lives of these struggling families.

These doctors, the residents, nurses and other assistants with whom they work are dedicated to the care and treatment of individuals from every part of our society. Each of the doctors has chosen a very different career in medicine, but all are devoted to the good health and life of the people they treat. My experience was a significant educational opportunity and I was privileged to watch these men and women perform their work.•

PRISON LITERACY

• Mr. SIMON. Mr President, you may remember that a few weeks ago, I had an amendment on the floor to restore funding to the prison literacy program. I hope that will stay in the final appropriations that we agree to.

The need to do something on the question of illiteracy was emphasized in an editorial in the Chicago Tribune and by an excellent letter to the editor from George Ryan, the Secretary of State in Illinois who, I'm pleased to say, has been a leader in literacy efforts.

I ask that the George Ryan letter be printed in the CONGRESSIONAL RECORD.

The letter follows:

LEARNING IN PRISON

SPRINGFIELD.—The March 25 editorial titled "The crime of prison illiteracy" correctly laid out the devastating problem of low literacy levels among prisoners in Illinois and across the nation. Education is an important factor in keeping people out of jail and in reducing the number of repeat offenders swelling our prisons.

Boosting overall adult literacy levels has long been a goal of mine. To this end, the secretary of state's office has made a concerted effort to assist the Illinois Department of Corrections and local law-enforcement officials in offering literacy programs to as many inmates as possible.

Over the last three years, my office has funded volunteer literacy tutoring for 6,107 inmates. There are currently volunteer programs in 22 state correctional facilities and 30 county and municipal jails.

In 1995, 785 community volunteers and inmate/peer tutors helped Illinois prisoners raise their reading levels. More inmates can be helped to overcome their literacy difficulties, however, if more volunteer tutors were available. I urge the citizens of Illinois to donate a few hours of their time to a local literacy program.

In addition to these volunteer efforts, I have awarded a $64,400 literacy grant to the Illinois Department of Corrections School District 428 to fund reading programs at the Dwight, Kankakee, Pontiac and Sheridan facilities and to supplement literacy efforts at 13 other state correctional centers. More than 430 inmates were served by these programs. Test scores indicated that the reading levels of these prisoners improved at a faster rate than the levels of other adult literacy students.

As the Tribune pointed out, education is not a panacea for reducing recidivism. But it is a proven fact that raising the reading skills of inmates helps make them productive members of society after they serve their terms and reduces the chances that they will commit another crime.

GEORGE H. RYAN,
Secretary of State.•

THE 350TH ANNIVERSARY OF THE CITY OF NEW LONDON, CONNECTICUT

• Mr. DODD. Mr. President, I rise today in honor of a very special event in the State of Connecticut this year. On Monday, May 6, 1996, the town of New London will celebrate its 350th anniversary, marking a milestone of historic significance to both the State and our Nation.

And what a history New London has. The one-room schoolhouse in which patriot Nathan Hale taught prior to his hanging by the British as a Revolutionary War spy stands in Union Plaza as a testament to the New England grit with which the city has prospered for centuries.

Founded in 1646 by John Winthrop Jr., New London is situated in the area the Pequot Indians called "Nameaug," or "good fishing place." Indeed, after Winthrop negotiated with the Pequots, the new colony's locale, New London, grew rapidly into a prosperous fishing and seafaring city on the west side of the Thames River.

Throughout the 17th and 18th centuries, the port of New London bustled with trading vessels carrying merchants and their goods between the other colonies, Europe, and the Caribbean. With the barter of lumber and horses for sugar, molasses, and rum, as well active trade of other goods and plentiful fishing reserves, the local economy flourished. The whaling industry soon took hold, and by the mid 1800's whaling was the local economy's mainstay. While that industry died quickly after whales became scarce, New London's whaling heritage is still visible throughout town. New London later grew into a manufacturing center, with silk mills and machine shops, and became a major banking, industry, and transportation hub with easy railroad and ferry access up and down the East Coast.

New London's coastline location has not only been economically important, but also strategically key. In 1776 during the Revolutionary War, the first colonial naval expedition sailed from New London, and local privateers beat the British at sea during the war. Although the town was burned in retaliation, New London was rebuilt and the area became a vital test and training ground for America's maritime forces. The U.S. Coast Guard Academy has been based in New London since 1910, and the city contributes much to nuclear submarine and Naval technology research and development via the many defense contractors based in the area.

Today, Mr. President, New London remains a busy eastern seaport city that is home to a vibrant business community, several colleges, an arts center, and vacation resorts. And the same New England grit that brought New London through the darkest days of the Revolutionary War survives.

For 350 years, the city of New London has contributed to the economic, military, and cultural progress of the United States of America. Its history precedes the founding of our Nation. Few American cities can lay claim to such a rich heritage, and as the motto for the celebration indicates, this is a time for New London to rejoice in "Pride in the Past—Progress in the Future." I am proud to join the citizens of New London and all Connecticut's citizens in celebrating this special birthday.•

CONGRESSIONAL FIRE SERVICE INSTITUTE

• Mr. SARBANES. Mr. President, I rise today to recognize the significant efforts of the Congressional Fire Services Institute, including those of Executive Director Bill Webb and others, in organizing the Eighth Annual National Fire and Emergency Services Dinner last night. Due to the tireless commitment of CFSI, this terrific event provided a highly appropriate opportunity to honor and thank the men and women of the fire service who risk their own lives every day to protect the lives and property of others.

In the 8 years since its inception, the annual dinner has grown beyond expectations, attracting an increasingly large number of friends and members of the fire service from across the country. It has attracted scores of dignitaries over the past 8 years including President Clinton who spoke at last year's dinner. Last night's program featured Vice-President AL GORE and majority leader DOLE and a number of Congressional Caucus members from both sides of the aisle demonstrating a continued bipartisan commitment and expression of gratitude to the fire service.

Mr. President, I am pleased to have this opportunity to commend the Congressional Fire Institute for its efforts in promoting fire related issues and in honoring the men and women of the fire service in a way that reflects the grace and valor with which they protect us all.•

DONALD MINTZ

• Mr. BREAUX. Mr. President, America lost a real civic leader, Louisiana and New Orleans lost a political leader who believed in cooperation, not confrontation, and I lost a good friend far too early in his life.

Don Mintz lived a beautiful life, raised a beautiful family and had a wonderful wife Susan, who together contributed so much to so many.

I ask that an editorial on Donald Mintz that ran in the New Orleans Times Picayune on April 30, 1996, which expresses the feelings of so many, be printed in the RECORD.

The editorial follows:

DONALD MINTZ

Donald Mintz, who died unexpectedly Sunday of a heart attack, was a New Orleanian first and foremost. Though he never held public office, Mr. Mintz set a highly public example of how to be a citizen in our complex, multiracial community. He was as much at home in a corporate boardroom as in the humblest neighborhood.

He tried to connect our disparate worlds. He was a builder of bridges between his black and white friends, a man of faith nationally recognized for his work as a Jewish lay leader and, most importantly, a dreamer of dreams, which he worked with ferocious energy to realize. One of his fondest, of becoming mayor of New Orleans, was unfulfilled after unsuccessful campaigns in 1990 and 1994.

But even without the portfolio of office, Mr. Mintz was a doer, a relentless actor and producer on the city's stage. There was nothing lukewarm about him. Whatever caught his interest had him thoroughly absorbed.

And then he was relentless, driven, sometimes brazen, always dedicated, especially to New Orleans.

As Marc Morial, the man who defeated him most recently for mayor, said: "Above all, he was a committed New Orleanian."

By his death at age 53, Mr. Mintz had well beyond a lifetime's worth of accomplishments. He had been chairman of the Anti-Defamation League's advisory board and achieved national stature in this country's Jewish community; he had been a founder of a law firm; chairman of the Dock Board, the Downtown Development District, the United Way and the Criminal Justice Task Force on Violent Street Crime, and president of the Metropolitan Area Committee, Kingsley House, Touro Synagogue and the Jewish Federation of Greater New Orleans.

He was the managing partner of several Warehouse District renovations, a member of the Archbishop's Community Appeal campaign committee and a board member of The Chamber/New Orleans and the River Region and the New Orleans Symphony.

Between mayoral elections, he was passionate in his leadership of the statewide committee that set up the Louisiana Health Care Authority to run the Charity hospital system and became chairman of the authority's board.

The activities bespeak involvement and dynamism, but they don't describe Donald Mintz's spirit. With his wife, Susan, he exuded a love of people, a love of life, a love of community, a devotion to New Orleans. Coupled with this tireless drive, the result is that he made a difference in his hometown.•

GAMBLING IN THE SUNLIGHT

• Mr. SIMON. Mr. President, the New York Times has again hit the mark in a recent editorial supporting a national study of the economic and social impacts of gambling. The Gambling Impact Study Commission Act has received considerable attention as it makes its way through the committee process. Although the road has at times been bumpy, we are well on the way to creating a commission with the powers it needs to produce a balanced and fair analysis of legalized gambling.

In response to constructive criticism of the original bill, we have been hard at work crafting a substitute. Developed with bipartisan support, the substitute will take into account the legitimate interests of those whose livelihoods are invested in the industry as well as the concerns of those who would prefer to limit the expansion of gambling.

However, we are quickly running out of time. The American public deserves to know the advantages and disadvantages of legalized gambling. The Commission's report will be an important national resource for policymakers at all levels of government. In order to make this happen, we need to move quickly to make room on the Senate calendar and to insure the passage of the Gambling Impact Study Commission Act.

I urge my colleagues to read the editorial and to work with me to pass this act before it is too late.

I ask that the New York Times editorial be printed in the RECORD.

The editorial follows:

[From the New York Times, Apr. 27, 1996]

GAMBLING IN THE SUNLIGHT

Just a few weeks ago, Representative Frank Wolf's proposal to create a commission on the social and economic impact of the nation's gambling explosion seemed just the sort of virtuous idea that everyone in this partisan Congress could support. In early March the House approved the nine-member study panel without dissent. But the Virginia Republican's proposal is in trouble in the Senate and may die there unless the majority leader, Bob Dole, exerts leadership to rescue it.

A special interest group known for its generous campaign contributions—the Nevada-based gaming industry—has teamed up with prominent and well-compensated Republican lobbyists to try to stop the bill. With help from Nevada's Democratic Senator, Richard Bryan, and Alaska's Ted Stevens, the Republican chairman of the Governmental Affairs Committee, the effort seems to be succeeding.

Mr. Bryan blocked Senate action. Mr. Stevens, meanwhile, has produced a weak revision that would deny the commission the powers it needs to subpoena documents, convene investigative hearings and make recommendations that go beyond such obvious issues as native-American casinos and gambling on the Internet. Angered by criticism, Mr. Stevens last week decided, for now, against reporting any bill out of his committee. The delay increases the chance that the commission will die in the usual close-of-session legislative logjam.

The social and economic consequences of the rapid proliferation of casinos and state-run lotteries have received too little attention. There is room for a comprehensive look at the true costs and benefits for local economies and at the relationship between gambling and crime. There is also a need to look at the industry's role in creating gambling addicts and the extent to which earnings derive from problem gamblers. Even staunch supporters of legalized gambling cannot object to a fair effort to give localities the information they need to make informed decisions before turning to gambling as a source of new or increased revenue.

Although Mr. Dole has received hefty campaign contributions from the gambling industry, he has indicated his support for a national gambling study. To make it happen, though, he needs to move quickly to make room for the bill on the Senate calendar and to insure its passage with the commission's full investigative powers intact. Among other things the commission would study the gambling industry's ability to influence public policy. The Senate's timidity is a case in point.•

A RECIPE FOR GROWTH

• Mr. DODD. Mr. President, I rise today to bring to my colleagues' attention a recent article by Felix Rohatyn titled "Recipe for Growth," which appeared in the April 11, 1996, Wall Street Journal.

Although he is a traditional Democrat, Flex Rohatyn has long advocated economic solutions and ideas that transcend political affiliation. And in a time when economic change and rising job insecurity are causing more and more American families to find that the promise of the American dream is increasingly unattainable his views deserve particular recognition.

Throughout my State of Connecticut, and the Nation as a whole, thousands of families are sitting around the kitchen table wondering how are they going to pay their monthly bills. How are they going to make their mortgage payments?

But the issue runs even deeper—to people's vision of the future. Will they have the money to send their kids to college? What happens if they lose their health care? How can they prepare for retirement when they barely have enough right now? These painful choices are leaving workers anxious and scared for the future.

Let me be clear on one point: There are millions of Americans who are succeeding in this economy. Since this administration took Office, the American economy has seen the creation of 8.5 million new jobs, many of which are both full time and at an increased wage.

However, while a significant number of Americans are succeeding, this rising tide is not lifting all boats. Many Americans are still suffering, and we must do more to deal with their plight.

Surely, there are no easy solutions to America's problems. We need to have a debate on these issues. But, most important, we need to start finding ways to increase economic growth be it through balancing our budget, reforming our tax laws to create new jobs, relieving business of the burdens of wasteful regulation or lowering interest rates.

I share the view of many responsible members of the business community who believe that our current growth rate of 2.5 per cent is far below the Nation's true capacity for growth. Our economy is capable of enhanced growth, and we must do more to realize this goal.

The benefits of economic growth are clear: An increase of as little as one-half of 1 percent in the growth rate, would wipe out the deficit, provide millions of dollars for tax cuts and create enormous employment opportunities for millions of American workers. Additionally, increasing economic growth would allow us to balance the budget without the draconian cuts in education, the environment, Medicare, Medicaid, and other social programs that my colleagues across the aisle have advocated.

Expanding economic growth may be the most important issue that faces our country and it is a challenge we all must undertake. Americans understand that when we all work together, from the public and private sectors to employers and employees we can face any challenge.

Felix Rohatyn's "Recipe For Growth" serves as an excellent blueprint for bringing genuine and real growth to the American economy. If we are serious about expanding growth and bringing the promise of the American dream to all our people, then I believe every Member of this body should take the time to read this article and heed the advice of Felix Rohatyn.

I ask that Mr. Rohatyn's article be printed in the RECORD.

The article follows:

[From the Wall Street Journal, Apr. 11, 1996]

RECIPE FOR GROWTH

(By Felix G. Rohatyn)

The American economy is now constrained by a financial iron triangle, in part created by the Republican majority together with the Clinton administration, from which it is difficult to break out and which is beginning to generate serious social tensions.

The first leg of this triangle is the commitment to balance the budget in seven years. Even though there has never been a rational explanation for this time frame, it has now become part of the political theology. It would be as dangerous for either party to depart from it, say by suggesting that eight or nine years would be equally logical, as it was for George Bush to abandon his "No new taxes" pledge.

The second leg is an extension of the first and is more restrictive in its effect: It is the acceptance, by both parties and blessed by the Congressional Budget Office, that our economic growth rate will be 2.2% for the seven-year period. Even though projections are notoriously inaccurate even over much shorter periods, this particular projection is becoming both a prediction and a self-limitation. It implies that this rate of growth is the limit of what our economy is capable of without inflation. Since this view has the support of the Federal Reserve, the Treasury and the financial markets, it has become a de facto limit on economic growth. The markets and the Fed react to any appearance of acceleration with higher interest rates and the economy then falls back to 2.2% or below.

The third leg of this triangle is the impact of technology and global competition on incomes and employment. THe lethal political combination of corporation downsizing together with ever-increasing differentials in wealth and income among Americans of differing levels of education and skills, and the huge rewards to capital as the result of the boom in the securities markets, are creating serious social tensions and political pressures.

Unless we can somehow break out of this iron triangle, we could face serious difficulties, and the best hope for a breakout is to make a determined effort for a higher rate of economic growth. Only higher growth, as a result of higher investment and greater productivity, can make these processes socially tolerable. In order to deal constructively with the realities of technology and the global economy. Democrats and Republicans may have to abandon cherished traditional positions and turn their thinking upside down: Democrats may have to redefine their concept of fairness, while Republicans may have to rethink the role of Government.

ECONOMIC INSECURITY

The American economy is growing very slowly despite occasional upward blips. Growth and inflation are both around 2%. Our main trading partners, Europe and Japan, are undergoing serious economic strains of their own, with German unemployment nearing 10% and French unemployment near 12%. Fiscal contraction is taking place on both sides of the ocean as the Maastricht criteria are maintained in Europe and deficit reduction continues as a priority here, feeding a general sense of economic insecurity. The winds of deflation could be stronger than the winds of inflation.

At the same time, the Dow Jones Industrial Average is near its all-time high of 5700, mergers and restructurings are still taking place at a record pace, and layoffs and downsizing are continuing as the inevitable result of global competition and technological change. And Pat Buchanan has created a political groundswell, on the left as well as on the right, by identifying real problems but proposing solutions based on fear, xenophobia, isolationism and protectionism. It is frightening to think of the political impact of a Buchanan if unemployment were now 7.5 percent instead of 5.5 percent. All that it requires is the next recession.

The social and economic problems we face today are varied. They include job insecurity, enormous income differentials significant pressures on average incomes, urban quality-of-life and many others. Even though all of these require different approaches, the single most important requirement to deal with all of them is the wealth and revenues generated by a higher rate of economic growth. John Kennedy was right: A rising tide lifts all boats. Although it may not lift all of them at the same time and at the same rate, without more growth we are simply redistributing the same pie. That is a zero sum game and it is simply not good enough.

The fact that our 2 percent-2.5 percent present growth rate is inadequate is proven by the very problems we face. The question of when, and especially how, to balance the federal budget deserves a great deal more intelligent discussion than the political sloganeering we have heard so far. The budget is a document that reflects neither economic reality nor valid accounting practices. If the budget is to be balanced in order to satisfy the financial markets, only real justification of this goal, then it must be done with growth rather than with retrenchment. That higher growth, together with controlling costs of entitlement like Medicare, Medicaid and Social Security, will generate the capital needed to provide both private and public investment adequate to the country's needs.

Bringing the rate of growth from its present 2 percent-2.5 percent to a level of 3 percent-3.5 percent would generate as much as an additional $1 trillion over the next decade. It could provide both for significant tax cuts for the private sector as well as for the higher level of public investment in infrastructure and education required as we move into the 21st Century. It would obviously generate millions of new jobs. The present bipartisan commitment to balance the budget in seven years, based on the present anemic growth, is economically unrealistic and probably socially unsustainable. In all likelihood, higher growth is in fact the only way to achieve budget balance. The question is how to achieve it.

The conventional wisdom among most academic economists as well as the Treasury, the Federal Reserve Board and Wall Street is that our economy cannot generate higher growth without running the risk of triggering inflation. Now everyone shares that view. In particular, the leaders of many of this country leading industrial corporations believe that we could sustain significantly higher growth rates based on the very significant productivity improvements they are generating in their own businesses, year-after-year.

Economics is not an exact science as we have painfully learned over and over again. It is the product of the psychology of millions of consumers, of business leaders making long term investment decisions, of capital flows instantaneously triggered by events and ideas. We must do away with the false notion that we must choose between growth or inflation. Our experience, even in the more recent past, shows that technology and competition can produce growth without serious inflationary pressures. In the face of today's totally new environment of almost daily revolutions in technology combined with globalization, we should be willing to be bolder, both in fiscal and monetary policy.

As a traditional Democrat, I have always believed that freedom, fairness and wealth, basic to a modern democracy, required an essentially redistributionist philosophy of wealth, that a fairly steeply graduated income tax was required as a matter of fairness and that lower deficits would guarantee adequate growth and a fair distribution of wealth. The experience of the last two decades, with the advent of the global economy, has very much shaken that view.

Fairness does not require the redistribution of wealth; it requires the creation of wealth, geared to an economy that can provide employment for everyone willing and able to work, and the opportunity for a consistently higher standard-of-living for those employed. Only strong private sector growth, driven by higher levels of investment and superior public services, can hope to providing the job opportunities required to deal with technological change and globalization. Only higher growth will allow that process to take place within the farmework of a market economy and a functioning democracy.

We should have no illusions about the likelihood of reducing the level of present income and wealth differentials; they are likely to increase in the near future as the requirements for skills and education increase. The world is not fair; we must, however, make it better for those in the middle as well as at the lower end of the economic scale. The key is enough growth that, even if initially the lower end does not gain as rapidly as the upper, it can improve its absolute standard of living, and being a process of closing the gap.

Higher growth requires a tax system that promotes growth as its main objective. It must encourage higher investment and savings. That is not the case today. Today's tax system aims at a concept of fairness dictated by distribution tables. That may not be the best test. A tax system with growth as its main objective may be a variation of the flat tax; or it may be a national sales tax; or it may be another system aimed at taxing consumption instead of investment such as proposed by Sens. Sam Nunn and Pete Domenici.

The power and dominance of global capital markets in today's world would seem to aim in the latter direction. Lowering taxes on capital would at first blush seem to help the already wealthy, current holders of capital. But whatever its effect on the distribution tables, it could unleash powerful capital flows, both domestic and foreign, that would lower interest rates significantly and make investment in the U.S. even more competitive than it is today. At the same time, they would maintain the strength of the dollar and maintain low rates of inflation.

Achieving the objective of higher growth could also include the gradual privatization of Social Security in order to create a massive investment pool with higher returns for the beneficiaries and greater investment capabilities for the private and the public sector. The key to economic success in the 21st Century will be cheap and ample capital, high levels of private investment to increase productivity, high levels of education and advanced technology. It also includes higher levels of public investment in building a national infrastructure supportive of the 21st century economy.

If the Democrats can redefine their concept of fairness, Republicans, on the other hand, may have to abandon their view of passive government. If growth and opportunity are to be the prime objectives of our society, the government must play an active role in some areas. The first is education; the second is higher levels of infrastructure investment; the third is in the maintenance of a corporate safety net.

Public school reform, driven by higher standards, is an absolute priority. Even though that is a state responsibility, it is a national problem. These standards, regardless of today's political conventional wisdom, will ultimately be national in scope. Access to higher education should be made available to any graduating high school senior meeting stringent national test levels and demonstrably in need of financial assistance. The equivalent of the GI Bill, providing national college scholarships to needy students, should be created and federally funded. It should be the primary affirmative action program funded by the federal government.

As part of a higher economic growth rate, state and local governments should provide higher levels of infrastructure investment. In addition to the creation of private employment, this could also provide public sector jobs to help meet the work requirements of welfare reform, as well as to provide the support to a high capacity modern economy. Financial assistance from the federal government would encourage the states in that endeavor. Higher growth would enable federal as well as state and local budgets to take on this responsibility.

A corporate safety net should be provided in order to deal with the inevitable dislocations which corporate downsizings and restructurings will continue to create. Business, labor and government should cooperate to create a system of portable pensions and portable health care to cushion the transition from one job to another. Incentives should be provided for business to make use of stock grants for employees laid off as a result of mergers and restructuring. If losing one's job creates wealth for the shareholders, the person losing his or her job should share in some of that wealth creation. Corporate pension funds, to the extent they are overfunded as a result of the stock market boom, could be part of a process to provide larger severance and retraining payments for laid-off employees.

Other than in areas such as pensions and health care, it is counterproductive to try to legislate the social side of "corporate responsibility"; it is almost impossible to define. To begin with, most large U.S. corporations are majority-owned by financial institutions including the pension funds of the very employees who are in danger of displacements. These institutions, driven by their own competitive requirements, were the source of the pressures on management which resulted in the dramatic restructuring of American industry over the last decade. Those restructurings have made American industry highly competitive in world markets; they must continue and we must continue the opening of world trade.

Boards of directors are not blind to the risks of political backlash. The issue of executive compensation, made starkly visible by its tie-in with the rise in stock market values, will be dealt with responsibly or boards will find themselves under great shareholder pressure. The use of profit-sharing, stock options and stock grants to practically all levels of the corporation will be significantly expanded and should create greater common interests between executives, shareholders and employees. However, the main role of the corporation must remain to be competitive, to grow, to invest, to hire and to generate profits for its shareholders; a significant portion of employee compensation should be related to the growing productivity of its employees.

The benefits to business in such an approach are obvious, but labor also has a large stake in such a re-examination. Some of the proposals put forth at present would have very negative results for working Americans. It is too late to return to a protected American economy; the only result would be to trigger a financial crisis that would harm America and our trading partners. It is impossible to stop the effect of global information, technology, capital and labor. What is important for working people, union or nonunion, is the creation of more well-paying jobs as a result of high levels of investment and high levels of education; to share in the profits of their employers through profit-sharing and stock ownership; to share in the benefit potential of pension funds vastly increased by the boom in the financial markets; to have access to permanent health care security and to high levels of education and training to deal with the 21st century requirements.

Business and labor, together, should hammer out such an agenda. If we are serious about balancing the budget in a responsible manner, the president and the congressional leadership could set a national objective that the economy's rate of growth reach a minimum sustainable level of 3% annually by the year 2000. They could ask the best minds in the country, from government, from business, from labor and from academia to provide a set of options which could lead to such a result. Many of these options would be politically difficult, both for Democrats and for Republicans, and some would probably be impossible. But the only way to abandon long-held notions that may no longer apply to today's world is to discuss them within the framework of a very simple and definite objective: higher growth.

A DIFFERENT PERSPECTIVE

Setting the U.S. on a path to higher growth will require coordination with our partners in the G–7. The Europeans should welcome such an initiative since they are in greater need for growth than we are. Nevertheless, the process will be slow and it must be put into motion.

The President's setting an objective of higher growth would have an important psychological impact; the economy is, after all, heavily influenced by psychological factors. If the president were to set an ambitious growth objective, then all elements affecting the economy would be subject to review from a different perspective. They would include fiscal and monetary policy; investments and savings; education and training; and international trade. Most importantly, these activities should take place within a framework in which the Democratic Party redefines its concept of fairness and the Republican Party redefines its concept of the role of government. At present, neither is appropriate for the revolution that technology, globalization and the inclusion of an additional one billion people to the global work force will bring about tomorrow.

Ultimately, a rising tide will float all ships, and both political parties can help bring this about. If they fail to do so, at a minimum the present malaise will turn uglier, and it is even conceivable that another tide will sweep away existing parties. If that were to happen, arguments about growth or fairness will be totally irrelevant.•

STEVEN P. AUSTIN—1996 FIRE SERVICE PERSON OF THE YEAR

• Mr. BIDEN. Mr. President, 30 years ago, President Lyndon Johnson stated,

> The American firefighter today must meet the challenge of fires caused by numerous new chemicals, explosives, and combustible fibers, and other dangerous materials. He must be prepared to fight fires in crowded cities and giant buildings, as well as in remote rural communities.

Today, we know that these challenges to the fire services have grown considerably. The greatest example, of course, being the tragedy in Oklahoma City.

That is why today, Mr. President, I am honored to pay tribute to Steven P. Austin, who last night at the National Fire and Emergency Services Dinner, was named Fire Service Person of the Year.

Steve Austin serves as chairman of the National Advisory Committee for the Congressional Fire Services Institute, working countless hours to meet the challenges faced by the fire and emergency services. He works diligently helping those who help us in times of crisis.

Steve Austin may remember President Johnson's words back in 1966, because 3 years prior, Steve Austin began his service as a volunteer firefighter. Today, he continues to respond to emergency calls as a member of the Aetna Hose, Hook and Ladder Company of Newark, DE.

Along with his work as chairman and firefighter, Steve Austin, continues to serve as a fire claims superintendent for the State Farm Fire and Casualty Company, external affairs representative for the International Association of Arson Investigators, chairman of the NFPA Technical Committee on Fire Investigator Professional Qualifications, and as a member of the Delaware State Fire Police. In the past, he has been president of the New Castle County Volunteer Firemen's Association and also president of the Delaware Chapter International Association of Arson Investigators.

During his distinguished career, Steve Austin has received the George

H. Parker Distinguished Service Award, the Life Membership Award, and the Presidential Award from the International Association of Arson Investigators.

Steve Austin is committed to meeting the new challenges faced by the fire services. I am confident that as long as there are dedicated people like him, the fire service will continue to serve us with the heroism, bravery and professionalism that we have all come to expect. It is an honor to pay tribute to him today as a great leader, a great Delawarean, and a great friend.•

TRIBUTE TO PAUL D. BARNES

• Mr. SIMON. Mr. President, we are quick to criticize those who work for our Government but rarely recognize the people who have dedicated long careers to making Government work better and more cost effectively for all of us. For that reason, I want to pay tribute today to Paul D. Barnes.

Mr. Barnes is currently the Regional Commissioner for the Social Security Administration's Chicago region. His fine service in Chicago will end in late May, when he assumes his new position as Assistant Deputy Commissioner for Operations in Baltimore, MD. I am confident that Chicago's loss will be Baltimore's gain as Mr. Barnes brings his strong work ethic and demonstrated leadership to his new job.

Paul Barnes has served as Regional Commissioner for the Social Security Administration's Chicago region, which includes all six Midwestern States, since November 1990. As regional commissioner, he has been responsible for providing executive direction and leadership to the region's 7,500 Federal employees and the 2,200 State employees with whom they contract for disability determinations. These employees provide Social Security services as well as administer the Supplemental Security Income Program for the 45 million people who reside in the region.

Mr. Barnes began his career with the Social Security Administration in Columbia, TN in 1968. He has held a number of management positions since joining the agency, including serving as director of the southeastern Program Service Center in Birmingham, AL from July 1987 through May 1989. Before taking the top post in the Chicago region, he was serving as the deputy regional commissioner for the Atlanta region in Georgia.

He was a magna cum laude graduate of Lane College in 1968, and earned a master's degree in public administration from the University of Southern California. He currently serves as a member of the Executive Committee of Chicago's Federal Executive Board. He has served as the federal executive board's executive vice-president and in 1993, he led the metro-Chicago Combined Federal Campaign to the city's first ever $3 million charity drive.

In 1995, Mr. Barnes received a Presidential Distinguished Executive Award from President Clinton in recognition of his efforts to meet the national performance review objectives of producing a Government that works better and costs less. In 1992, he received a Meritorious Executive Award from President Bush and the Social Security Administration's National Leadership Award.

Mr. Barnes has touched many lives in Illinois and he will be missed. I wish him the best of luck in the future and thank him for his support and dedication to the people of Illinois and our entire region.•

CONGRATULATING THE POLISH PEOPLE

Mr. DOLE. Mr. President, I ask unanimous consent the Committee on the Judiciary be discharged from further consideration of Senate Joint Resolution 51, and further that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The legislative clerk read as follows:

> A joint resolution (S. J. Res. 51) saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

The Senate proceeded to consider the joint resolution.

Mr. DOLE. Mr. President, May 3 is a very important day for the Polish people for it is on this day that they will celebrate the 205th anniversary of Poland's first constitution.

Last week, along with a number of my Senate colleagues on both sides of the aisles, I introduced a resolution commemorating this historic occasion. I am pleased that the Senate is acting today to unanimously pass this resolution.

The Polish Constitution was the first is Eastern Europe to secure individual and religious freedoms for all persons living under it. While it was short lived, its principles endured and it became the symbol around which a national consciousness was born. When the courageous people of Poland forced out their Communist oppressors, they returned to the basic freedoms and principles contained in this constitution.

Mr. President, this resolution is a manifestation of this Congress' strong support for a free independent Poland. It is also a reflection of the deep and abiding friendship between Poland and the United States.

I know that all of my colleagues join with me in congratulating Americans of Polish descent and Poles all around the globe on this important occasion.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of this resolution to commemorate the 205th anniversary of the adoption of the first Polish Constitution.

Democracy is not a new idea in Poland. The heart and soul of Poland have always been democratic. In 1791, the Polish people enacted the first liberal constitution in Europe since antiquity. It was the second constitution in the world, after the American Constitution. The Polish Constitution was similar to ours. It included the principles of individual liberty and a separation of powers. It stated that all power would be derived from the will of the people—a truly revolutionary idea in 18th century Europe.

The friendship between the United States and Poland goes back to the Revolutionary War, when the great Polish patriot Tadeusz Kosciuszko fought in our war of independence. In fact, he helped to defend Philadelphia as our constitution was being drafted. When he returned to Poland, Kosciuszko helped to defend his country from the invading Russians who feared their neighbor's growing commitment to democracy.

The Polish Constitution was in effect for less than 2 years. But its principles endured. Even while Poland was held captive behind the iron curtain, the Polish people remembered and longed for liberty. Theirs was the first country in Eastern Europe to free itself from communism and Russian domination.

Today, Poland is a free and independent nation—ready to take its rightful place as a member of NATO and the European Union.

Mr. President, I am so proud to be the first Polish American woman to be a Member of the U.S. Senate. I am proud of my heritage, and what it taught me about patriotism, loyalty and duty. And I am proud to join my colleagues in paying tribute to the Polish people for their contribution to democracy.

Mr. LEVIN. Mr. President, I rise today to commemorate the 205th anniversary of the adoption of Poland's first constitution, which will be celebrated on May 3, 1996. I am pleased to be a cosponsor of Senate Joint Resolution 51 which salutes and congratulates the Polish people on this historic milestone.

The Polish constitution of 1791 established that "all power in civil society should be derived from the will of the people." It marked the first attempt of a Central-Eastern European country to break free of the feudal system of government. It was also the first constitution in the region to uphold individual and religious rights for all people. Even though the constitution was in effect less than 2 years, the guiding principles that it put forth lived on in the hearts of the people of Poland. These principles gave them strength in the dark years that followed for Poland.

It is heartening to see the strides Poland has made in the past few years as it reemerges into the community of free nations. I salute the people of Polish descent in America who have contributed so much to our democracy and those around the world for the principles their forebears established in Central-Eastern Europe 205 years ago.

Mr. DOLE. I ask unanimous consent the joint resolution be considered read a third time and passed, the preamble be agreed to, the motion to reconsider laid upon the table, and any statements appear at the appropriate place in the RECORD. I ask my statement be included.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 51) was considered read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 51

Whereas, on May 3, 1996, Polish people around the world, including Americans of Polish descent, will celebrate the 205th anniversary of the adoption of the first Polish constitution;

Whereas American Revolutionary War hero Thaddeus Kosciuszko introduced the concept of constitutional democracy to his native country of Poland;

Whereas the Polish constitution of 1791 was the first liberal constitution in Europe and represented Central-Eastern Europe's first attempt to end the feudal system of government;

Whereas this Polish constitution was designed to protect Poland's sovereignty and national unity and to create a progressive constitutional monarchy;

Whereas this Polish constitution was the first constitution in Central-Eastern Europe to secure individual and religious freedom for all persons in Poland;

Whereas this Polish constitution formed a government composed of distinct legislative, executive, and judicial powers;

Whereas this Polish constitution declared that "all power in civil society should be derived from the will of the people";

Whereas this Polish constitution revitalized the parliamentary system by placing preeminent lawmaking power in the House of Deputies, by subjecting the Sejm to majority rule, and by granting the Sejm the power to remove ministers, appoint commissars, and choose magistrates;

Whereas this Polish constitution provided for significant economic, social, and political reforms by removing inequalities between the nobility and the bourgeoisie, by recognizing town residents as "freemen" who had judicial autonomy and expanded rights, and by extending the protection of the law to the peasantry who previously had no recourse against the arbitrary actions of feudal lords;

Whereas, although this Polish constitution was in effect for less than 2 years, its principles endured and it became the symbol around which a powerful new national consciousness was born, helping Poland to survive long periods of misfortune over the following 2 centuries; and

Whereas, in only the last 5 years, Poland has realized the promise held in the Polish constitution of 1791, has emerged as an independent nation after its people led the movement that resulted in historic changes in Central-Eastern Europe, and is moving toward full integration with the Euro-Atlantic community of nations: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(1) the people of the United States salute and congratulate Polish people around the world, including Americans of Polish descent, as on May 3, 1996, they commemorate the 205th anniversary of the adoption of the first Polish constitution;

(2) the people of the United States recognize Poland's rebirth as a free and independent nation in the spirit of the legacy of the Polish constitution of 1791; and

(3) the Congress authorizes and urges the President of the United States to call upon the Governors of the States, the leaders of local governments, and the people of the United States to observe this anniversary with appropriate ceremonies and activities.

ORDERS FOR THURSDAY, MAY 2, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 9 a.m. on Thursday, May 2; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired; and there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each with the following Senators to speak for the designated times: Senator BURNS, 5 minutes; Senator GRASSLEY, 5 minutes; Senator GRAMS, 10 minutes; Senator DORGAN, 30 minutes; Senator BINGAMAN, 5 minutes. I further ask at the hour of 10 a.m. the Senate resume consideration of the immigration bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, the Senate will resume consideration of S. 1664, the immigration bill, tomorrow morning, and Senators should be reminded there are still several amendments to be debated. Hopefully, some of those can be disposed of on voice votes. It is our expectation to complete action on the immigration bill by early tomorrow afternoon. Then we will determine what we will turn to. Hopefully, it can be something that might mean we might have debate on Friday but no votes on Friday, but I will make that announcement or Senator LOTT can make that announcement sometime tomorrow afternoon.

We would like to accommodate Members who are engaged in hearings tomorrow. So, for those who are offering amendments, if they will accommodate us, accommodate the managers, Senator KENNEDY and Senator SIMPSON, maybe we can postpone votes until 12 noon tomorrow.

Mr. FORD. Mr. President, will the distinguished majority leader yield for a question? Did I understand that we might be able to get out of here to see the greatest 2 minutes in sports?

Mr. DOLE. That would be the Kentucky Derby?

Mr. FORD. I think it is set on Friday.

Mr. DOLE. We will try to work it out.

WISCONSIN WORKS WELFARE LAW

Mr. DOLE. Mr. President, our current welfare system does not work because it is not based on the proven American formula for escaping poverty: A job. A strong family. A good education. Saving some money to buy a home.

Instead, it undermines almost every value that leads to self-reliance and success. Poverty persists and 3 out of every 10 births are out of wedlock. Unbelievably, the out-of-wedlock birth rate is 80 percent in some communities.

Within the past year, the U.S. Congress has twice passed Federal welfare reform. President Clinton has vetoed it both times. Face it, President Clinton has preserved the current system which is trapping another generation of Americans in despair and locking them out of the American dream.

Wisconsin Gov. Tommy Thompson refuses to allow this to happen. Last Thursday, he signed into law a program replacing in Wisconsin the failed national welfare system. It is called Wisconsin Works. The new program provides work opportunities and work programs. In order to help beneficiaries get a job, it makes available child care and health care to all low-income families who need it.

As Governor Thompson stated:

> After almost a decade of welfare reform experiments, Wisconsin Works represents the end of welfare in Wisconsin. The current aid to families with dependent children [AFDC] program has become, for many families, a way of life. Because the program does not require work or provide incentives to become self-sufficient, it has trapped many families in dependency. Wisconsin Works aims to rebuild the connection between work and income and help families achieve self-sufficiency.

Due to his experience, Governor Thompson knows what he is talking about. He has made welfare reform a top priority by introducing more than 10 reform initiatives and by working hard to fix the current Welfare-to-Work Program called JOBS. During his administration Wisconsin's AFDC caseload has been reduced by more than 27 percent.

Wisconsin Works is the good news. Now let me give you the bad. The Governor and the Wisconsin Legislature cannot deliver to the people of Wisconsin this replacement for the failed system until President Clinton and his administration give them permission. By twice vetoing Federal welfare reform passed by our Congress, the President has denied Wisconsin and many other States the opportunity to put into place needed reforms.

The status quo, which the President has preserved, requires Wisconsin to come to the Clinton administration on bended knee to ask Washington bureaucrats for permission to make adjustments to the current one-size-fits-all national welfare system.

No doubt about it, while welfare recipients remain trapped in the current system, President Clinton will claim he has helped reform welfare by granting States permission to experiment through controlled demonstration programs known as "waivers."

The reality is these waivers are not the solution. We all know waivers have brought us in the right direction. However, the waiver process perpetuates a flawed system. Real change will only occur when States are released from the burden of excessive Federal rules and regulations. The waiver process is too costly, time consuming, and burdensome, often requiring months and months of negotiating between a State and the relevant Federal Cabinet agency

Earlier this year, all 50 of the Nation's Governors rejected the waiver process in favor of comprehensive welfare reform. Their unanimously adopted policy would provide greater State flexibility to enhance States as "laboratories of democracy" while ensuring the necessary State accountability to promote work, family, and individual self-sufficiency among welfare beneficiaries.

The national bipartisan Governor's welfare policy reflects the principles contained in both welfare reform bills passed by the Congress and vetoed by the President. I remain committed to working with our Nation's Governors to accomplish real Federal welfare reform.

President Clinton has said that he is reluctant to return power to the States because it will lead to a "race to the bottom." As Governor Thompson and the Wisconsin Legislature have proved, however, compassion and innovation can go hand in hand. I congratulate them for their achievement, and I invite President Clinton to join with this Congress in moving power out of Washington and returning it to where it belongs—our States, our communities, and our people.

UNITED STATES LOSES FIRST WORLD TRADE ORGANIZATION CASE

Mr. DOLE. Mr. President, the World Trade Organization has just issued its first decision in a trade case brought under the new dispute settlement system.

The case was brought against the United States by Venezuela and Brazil. The allegation was that a U.S. environmental regulation, issued under the Clean Air Act, discriminated against imported gasoline.

On Monday, the United States lost the case. President Clinton must now decide whether to comply with the WTO decision. If he decides the United States should comply, he must announce a plan for doing so.

I believe the American people deserve an explanation from President Clinton about this case. They deserve an explanation about what this case might mean in the future for other U.S. laws and regulations.

Clearly there will be future WTO cases where the United States will be the losing party. We cannot expect to win every case. Perhaps Monday's case was properly decided.

But it seems to me that our laws should continue to be a matter for Americans, not international judges, to determine. We should decide what our environmental laws will be. We should decide what kinds of regulations are necessary to protect our environment. We should decide that our children deserve cleaner air and purer water, not some bureaucrat in Geneva.

We do not always agree, and that is part of our democratic process. But at least we work out for ourselves what laws and regulations are best for America.

Mr. President, I believe President Clinton has simply failed to tell the American people what his strategy is for defending other American laws in the future from potential wrongful attack in the WTO. As far as I know, President Clinton has been silent on this question, one that is deeply troubling to many Americans.

I have a strategy for defending American laws. I proposed a plan in January 1995 that would ensure that the United States could withdraw from the WTO if our laws, and our rights, were being trampled in Geneva.

Many, many Americans shared my concern—that the WTO might begin to operate out of control, might begin to issue rulings that were outside its mandate, in short, that the WTO might abuse its authority. I was concerned that if this were to happen, the United States would not have any adequate mechanism to deal with it. My proposal creates such a mechanism. It allows us to get all the benefits of the WTO, but protects us against the potential harm should the WTO fail to honor our rights.

Unfortunately, my proposal has not yet become law because of some opposition—not much. There is strong bipartisan support for this proposal, but one of my colleagues on the other side has had a hold on this bill several months, and we hope to move on it early this month or next month.

President Clinton supports my proposal. In fact, he endorsed my proposal when I endorsed the GATT at the White House nearly 2 years ago. I certainly would appreciate the President's help in getting this measure passed. I think it would be helpful to the President and to the country. It would answer a lot of concerns American workers have who are frustrated about the loss of American jobs.

So I hope we can have action on my proposal in the very near future with the President's support.

AFSA 35TH ANNIVERSARY

Mr. DOLE. Mr. President, the Air Force Sergeants Association [AFSA] marks the 35th anniversary of its founding today. I commend this association for all of its efforts on behalf of the entire military community but, in particular, the enlisted component.

In 1961, AFSA was founded as a nonprofit association to represent the interests of Air Force enlisted members, who, at that time, had no voice to speak for them. Over the years, AFSA's membership has grown to 160,000 with nearly 300 chapters around the world. Today, AFSA represents active and retire enlisted Air Force, Air Force Reserve, and Air National Guard members and their families.

In my view, AFSA's reputation on Capitol Hill is better than ever, a broker of honest information—whether through testimony, visits, or correspondence—working hand-in-hand with elected officials. AFSA has worked hard over the years to keep Members of Congress focused on the quality of the lives of the active and retired enlisted men and women AFSA represents.

AFSA was directly involved in championing improved pay and allowances for active duty members, dental and income insurance programs for reservists, the restoration of military cola equity, the end of source taxation, and the increase in the Social Security earnings limit.

Last fall, AFSA generated massive grassroots support to clearly show where military personnel stood on the "high-one" retirement recalculation proposal.

AFSA also provides awards, grants and scholarships through the Airmen Memorial Foundation, AMF, established in 1983. In addition, the AMF has a post-military employment program that aids Air Force members who are about to retire or separate.

AFSA also believes in preserving the heritage and accomplishments of Air Force enlisted personnel. In 1986, AFSA founded the Airmen Memorial Museum in Suitland, MD, which is a comprehensive reference center for Air Force enlisted history.

On the occasion of their 35th anniversary, I congratulate the Air Force Sergeants Association. I know that AFSA will continue to be an effective, strong, and dedicated voice for Air Force enlisted personnel, active, reserve, guard, retired members, and their families. I thank the association for its successful efforts and look forward to continuing to work with AFSA on matters of mutual concern.

ORDER FOR ADJOURNMENT

Mr. DOLE. Mr. President, I understand that the Senator from Massachusetts wishes to speak. I ask unanimous consent, after the Senator from Massachusetts completes his remarks, that the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

MINIMUM WAGE

Mr. KENNEDY. Mr. President, on tomorrow, I expect the Senate to conclude its action on the illegal immigration bill. During the earlier discussion on the immigration bill, I tried to take advantage of the opportunity to offer an amendment that would have raised the minimum wage 90 cents—45 cents this year, 45 cents the next year—90 cents for working families. We were unable to get sufficient recognition to put that proposal before the U.S. Senate, and the cloture motion was put before us, which effectively restricted our opportunity to take any action on the minimum wage.

A further cloture motion was offered, which further prohibits us from having considered the minimum wage, even if we had extended the time, which under the rules would have permitted debate and discussion for some 30 hours.

So for this phase of the minimum wage debate, we will conclude tomorrow, through the decision of the Senate, action on the illegal immigration bill and any opportunity to have the minimum wage amendment before the Senate.

Then we will move on to other business and, as I have stated at other times, as the minority leader, Senator DASCHLE, has stated, and as others have stated—my colleagues Senator KERRY and Senator WELLSTONE—we will look for the first opportunity to offer that amendment.

It is a rather poignant time, Mr. President, as we are having this debate on the minimum wage, because in 1960, during the campaign of President Kennedy, one of the important issues was the issue of the increase in the minimum wage.

In the 1960 campaign against Richard Nixon, John Kennedy ran an ad in which he called for an increase in the minimum wage. And in the ad, he sat in front of the camera and said:

> Mr. Nixon has said that a $1.25 minimum wage is extreme. That's $50 a week. What is extreme about that? I believe the next Congress and the President should pass a minimum wage for $1.25 an hour. Americans must be paid enough to live.

I am reminded of the same issue before us today. This Friday, May 3, is the 35th anniversary of BOB DOLE's vote against President Kennedy's legislation raising the minimum wage from $1 to $1.25.

BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage hike 35 years ago, and I believe BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage hike today.

Mr. President, this issue has been debated and discussed. It is as old as some 60 years of our history. We know what the issues are: Are we going to respect work? Are we going to honor work? Are we going to say to men and women who are working 40 hours a week, 52 weeks of the year that they ought to have a livable wage to be able to provide for their family, their children, to pay a mortgage, put food on the table, are we going to meet our responsibilities to those working families, which at other times we have done?

This issue will be before us again and again and again until we are able to meet our responsibilities to the working families in this country. That we pledge, that we commit ourselves to. And just as we found that we were successful in raising the minimum wage in the early 1960's from $1 to $1.25, all the way up to where it is at the present time, we are going to be successful in raising it to $5.15 an hour as well.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 9 a.m. tomorrow morning.

Thereupon, the Senate, at 8:38 p.m., adjourned until Thursday, May 2, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate May 1, 1996:

FEDERAL MINE SAFETY AND HEALTH REVIEW

MARY LUCILLE JORDAN, OF MARYLAND, TO BE A MEMBER OF THE FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION FOR A TERM OF 6 YEARS EXPIRING AUGUST 30, 2002. (REAPPOINTMENT)

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE, TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 8373, 8374, 12201, AND 12212:

To be major general

BRIG. GEN. KEITH D. BJERKE [redacted]
BRIG. GEN. EDMOND W. BOENISCH, JR. [redacted]
BRIG. GEN. STEWART R. BYRNE [redacted]
BRIG. GEN. JOHN H. FENIMORE, V [redacted]
BRIG. GEN. JOHNNY J. HOBBS [redacted]
BRIG. GEN. STEPHEN G. KEARNEY [redacted]
BRIG. GEN. WILLIAM B. LYNCH [redacted]

To be brigadier general

COL. BRIAN E. BARENTS [redacted]
COL. GEORGE P. CHRISTAKOS [redacted]
COL. WALTER C. CORISH, JR. [redacted]
COL. JAMES V. DUGAR [redacted]
COL. FRED E. ELLIS [redacted]
COL. FREDERICK D. FEINSTEIN [redacted]
COL. WILLIAM P. GRALOW [redacted]
COL. DOUGLAS E. HENNEMAN [redacted]
COL. EDWARD R. JAYNE II [redacted]
COL. GEORGE W. KEEFE [redacted]
COL. RAYMOND T. KLOSOWSKI [redacted]
COL. FRED N. LARSON [redacted]
COL. BRUCE W. MACLANE [redacted]
COL. RONALD W. MIELKE [redacted]
COL. FRANK A. MITOLO [redacted]
COL. FRANK D. REZAC [redacted]
COL. JOHN P. SILLIMAN, JR. [redacted]
COL. GEORGE E. WILSON III [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE NAVAL RESERVE OF THE UNITED STATES TO THE GRADE INDICATED UNDER TITLE 10, UNITED STATES CODE, SECTION 5912:

UNRESTRICTED LINE

To be rear admiral (lower half)

CAPT. JOHN NICHOLAS COSTAS [redacted]
CAPT. JOSEPH COLEMAN HARE [redacted]
CAPT. DANIEL LAWRENCE KLOEPPEL [redacted]
CAPT. HENRY FRANCIS WHITE, JR. [redacted]

UNRESTRICTED LINE (TAR)

To be rear admiral (lower half)

CAPT. JOHN FRANCIS BRUNELLI [redacted]

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR CORPS OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFOR AS PROVIDED BY LAW AND REGULATIONS:

1. FOR APPOINTMENT

To be medical director

MICHAEL M. GOTTESMAN
HAROLD W. JAFFE

To be senior surgeon

JAMES F. BATTEY, JR.

To be surgeon

HELENE D. GAYLE
JEFFREY R. HARRIS
DOUGLAS B. KAMEROW
THURMA G. MC CANN
MICHAEL E. ST LOUIS

To be senior assistant surgeon

ROBERT T. CHEN
SUSAN L. CRANDALL
AHMED M. ELKASHEF
MICHAEL M. ENGELGAU
RICHARD L. HAYS
BROCKTON J. HEFFLIN
CLARE HELMINIAK
KATHLEEN L. IRWIN
CONNIE A. KREISS
BORIS D. LUSHNIAK
DOUGLAS L. MC PHERSON
MANETTE T. NIU
ROBERT J. SIMONDS
JONATHAN T. WEBER

To be senior assistant dental surgeon

THOMAS T. BARNES, JR.
MITCHEL J. BERNSTEIN
BRENDA S. BURGES
DEBORAH P. COSTELLO
DAVID A. CRAIN
RICHARD L. DECKER
JAMES V. DEWHURST III
DEBRA L. EDGERTON
PAUL J. FARKAS
JANIE G. FULLER
KENT K. KENYON
RUTH M. KLEVENS
EDWARD E. NEUBAUER
THOMAS A. REESE
JOSE C. RODRIGUEZ
ADELE M. UPCHURCH

To be dental surgeon

MICHAEL E. KORALE

To be nurse officer

CATHY J. WASEM

To be senior assistant nurse officer

DONNA N. BROWN
GRACIE L. BUMPASS
MARTHA E. BURTON
ANNETTE C. CURRIER
THOMAS E. DALY
TERENCE E. DEEDS
JOSEPH P. FINK
ROBERT C. FRICKEY
JUDY A. GERRY
ANNIE L. GILCHRIST
BYRON C. GLENN
MARGARET A. HOEFT
LORRAINE D. KELWOOD
MARY M. LEEMHUIS
SUSAN R. LUMSDEN
BRENDA J. MURRAY
MICHAEL J. PAPANIA
MONIQUE V. PETROFSKY
PATRICIA K. RASCH
LETITIA L. RHODES-BARD
THOMAS M. SCHEIDEL
RUTH A. SHULTS
JERILYN A. THORNBURG
SCOTT A. VANOMEN
ELLEN D. WOLFE

To be assistant nurse officer

SUSAN Z. MATHEW
TERRY L. PORTER
RICHARD M. YOUNG

To be senior assistant engineer officer

TERRY L. AAKER
CHERYL FAIRFIELD ESTILL
DEBRA J. HASSINAN
DONALD J. HUTSON
ALLEN K. JARRELL
JEFFREY J. NOLTE
MUTAHAR S. SHAMSI
GEORGE F. SMITH

To be assistant engineer officer

NATHAN D. GJOVIK

To be scientist

DELORIS L. HUNTER

To be Senior assistant scientist

ANNE T. FIDLER
PATRICK J. MCNEILLY
HELENA O. MISHOE
PAUL D. SIEGEL
WILLIAM H. TAYLOR III

To be sanitarian

THOMAS C. FAHRES
DANIEL M. HARPER
CHARLES L. HIGGINS
MICHAEL M. WELCH

To be senior assistant sanitarian

GAIL G. BUONVIRI
LARRY F. CSEH
ALAN J. DELLAPENNA, JR.
ALAN S. ECHT
THOMAS A. HILL
FLORENCE A. KALTOVICH
DAVID H. MCMAHON
NATHAN M. QUIRING
DAVID H. SHISHIDO
LINDA A. TIOKASIN
RICHARD E. TURNER
BERRY F. WILLIAMS

To be veterinary officer

STEPHANIE I. HARRIS

To be senior assistant veterinary officer

HUGH M. MAINZER
SHANNA L. NESBY
META H. TIMMONS

To be senior assistant pharmacist

SARAH E. ARROYO
EDWARD D. BASHAW
CHARLES C. BRUNER
VICKY S. CHAVEZ
SCOTT M. DALLAS
MICHELE F. GEMELAS
TERRY A. HOOK
ALICE D. KNOBEN
NANCY E. LAWRENCE
ANDREW J. LITAVECZ IV
JOSEPHINE A. LYGHT
WILLIAM B. MCLIVERTY
M. PATRICIA MURPHY
ANNA M. NITOPI
ROBERT G. PRATT
KURT M. RILEY

To be assistant pharmacist

GARY L. ELAM
JAMES A. GOOD
VALERIE E. JENSEN
KIMBERLY D. KNUTSON
SANDRA C. MURPHY
JILL A. SANDERS
PAMELA STEWART-KUHN

To be assistant pharmacist pharmacist

L. JANE DUNCAN

To be senior assistant dietitian

CELIA R. HAYES
DAVID M. NELSON

To be therapist

MICHAEL P. FLYZIK

To be assistant therapist

MARK T. MELANSON

To be health services director

JAMES H. SAYERS

To be health services officer

MAUREEN E. GORMLEY

To be senior assistant health services officer

CORINNE J. AXELROD
DEBORAH DOZIER-HALL
WILLIAM M. GOSMAN
JANET S. HARRISON
REBECCA D. HICKS
BRIAN T. HUDSON
RICHARD D. KENNEDY
EDWARD M. MCENERNEY
MICHAEL R. MILNER
ANNE M. PERRY
ELIZABETH A. RASBURY
RAY J. WEEKLY
CRAIG S. WILKINS

To be assistant health services officer

WILLARD E. DAUSE

HOUSE OF REPRESENTATIVES—*Wednesday, May 1, 1996*

The House met at 11 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O God, our help in ages past,
Our hope for years to come,
Our shelter from the stormy blast,
And our eternal home.

With these stirring words of Isaac Watts we recall Your providence, O God, to us and to all people. Your abiding word has led us in days of old to acknowledge Your acts of creation and Your blessings to us as a nation. And as we anticipate the days ahead, Your gifts of justice and mercy give us hope and give us encouragement. For these and all Your gifts, O God, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. CHABOT. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. CHABOT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5, rule I, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Florida [Mr. Weldon] come forward and lead the House in the Pledge of Allegiance.

Mr. WELDON of Florida led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT AS MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP FOR 2D SESSION OF 104TH CONGRESS

The SPEAKER. Pursuant to the provisions of 22 U.S.C. 276h, the Chair appoints the following Members of the House to the Mexico-United States interparliamentary group for the 2d session of the 104th Congress: Mr. Kolbe, Arizona, Chairman; Mr. Ballenger, North Carolina, Vice Chairman; Mr. Gilman, New York; Mr. Dreier, California; Mr. Gallegly, California; Mr. Manzullo, Illinois; Mr. Bilbray, California; Mr. de la Garza, Texas; Mr. Rangel, New York; Mr. Miller, California; Mr. Gejdenson, Connecticut; and Mr. Filner, California.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain fifteen 1-minutes on each side.

WHATEVER HAPPENED TO THAT TAX CUT FOR AMERICAN FAMILIES?

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, when I go back to Cincinnati every weekend, I get a chance to talk to a lot of working folks. It's amazing how many of them ask me this question: "Whatever happened to that middle-class tax cut my family was supposed to get this year? Didn't President Clinton promise us some relief?"

In fact, during his campaign, Mr. Clinton did indeed promise tax relief. Let me quote from his book, "Putting People First": "Middle-class taxpayers will have a choice between a children's tax credit or a significant reduction in their income tax rate."

So, whatever happened to that middle-class tax break? Well, somehow, our President forgot all about it, and instead, gave the American people something else; the largest tax increase in peacetime history including a hike in gasoline taxes. The only choice we got was between higher gas prices and not driving at all. Then, when the new Republican Congress did enact a $500 per child tax credit for working families, President Clinton killed it with his veto pen, calling it a tax cut for the rich. Mr. President, let's work together to give the American people tax relief.

TIME FOR A RAISE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute.)

Ms. ROYBAL-ALLARD. Mr. Speaker, America's workers need a raise.

It has been almost 7 years since Congress raised the minimum wage.

Nearly all the benefits of that bipartisan effort have been eroded by inflation, reducing the value of the minimum wage to its lowest level since the early 60's.

Those who will benefit from a minimum wage increase are the 7 million working adults earning less than the President's proposed wage increase of $5.15 an hour, and the 40 percent of minimum wage workers who are the sole breadwinners of their family.

The additional $1,800 a year these workers will earn can pay for several months of groceries, health care services, household utilities, or go toward their children's education at a local community college.

Now is the time not for promises but for action.

If this Congress wants to encourage work we must reward working families by increasing the minimum wage and giving them hope for a better future.

It is time to give America's workers a raise.

SUPPORT THE INTERNATIONAL SPACE STATION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, the House will be considering the authorization bill for NASA next week, which includes funding for the international space station.

You will hear arguments from opponents of the space station. If their rhetoric sounds familiar, it should. They are the same arguments used last year, and the year before that, and the year before that. In fact, they are the same arguments used by opponents of any visionary project throughout history.

Space station opponents are trying to sink our country's investment in the future.

Opponents do not want you to hear that the space station is on schedule and on budget, or that nearly 90,000 pounds of hardware have been built by the United States and our international partners.

Opponents of the space station want you to cut it because they claim we cannot afford it.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

I tell you now that we can't afford not to build the space station. We cannot turn our backs now on the men and women who have worked to make the space station and its promising future a reality.

I urge everyone to support the international space station—a vote for the space station is a vote for our children's future.

WHAT GOP REALLY STANDS FOR

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute.)

Mr. GUTIERREZ. Mr. Speaker, I drove by the gas station today. Premium was up. Unleaded was up. But the minimum wage—the salary earned by a lot of people who buy the gas and pump the gas—was stuck right where it had been.

Gas prices might be at their highest point in years, but the buying power of the minimum wage is soon to be at its lowest point in 40 years. Our lowest paid employees are getting gouged everywhere—at the gas station, at the grocery store. But, instead of giving minimum wage employees a break, the Republicans tell them to wait.

Yes, two bucks a gallon is a lot to pay—especially when you are only making four and a quarter an hour.

But, of course, the Republicans are careful not to cut into the profit margin of the oil companies. After all—that is the Republicans' profit margin, too. In the past few years, oil and gas companies have pumped millions of dollars into Republican campaign coffers. Now I finally realize what GOP stands for—gas, oil, and petroleum.

America's gas tanks are running on empty, but the Republican Party is out of gas.

REPEAL THE GAS TAX

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, that last 1-minute was almost ridiculous. Why is your gas going up? Well, yes, it has to do with market, and perhaps there is a little too much coziness between the big oil companies, who have always been putting generous donations into Democratic campaign coffers. But one thing we must never forget is that gas, every single gallon, is 4.3 cents higher because Bill Clinton resides in the White House, and under a Democrat majority Congress they increased your gas prices 4.3 cents per gallon and Americans have been paying that for 2½ years.

I ask my Democrat colleagues who are so concerned about America's working class to join me in asking the President to repeal his excessive 4.3-cents-per-gallon gas tax and let us give Americans a little help this summer.

LET THE CHIPS FALL

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, the Department of Agriculture spends $200 million a year on the Environmental Quality Incentives Program known as EQUIP. Now the focus of the purpose of EQUIP is manure. That is right, manure. And after years of studies and reports and after hundreds and hundreds of millions of dollars, the Department of Agriculture has come to several conclusions.

No. 1, big farm animals produce more manure than small farm animals. And, No. 2, manure stinks. Beam me up. Mr. Speaker—$200 million to determine that manure stinks.

I think these environmentalists over at the Department of Agriculture have been smelling too many methane fumes. Why not just let the chips fall where they may, stockpile a little of it, and tell these monarchs and dictators overseas if they keep jacking around with oil prices, we are going to turn Elsie loose.

I yield back the balance of this methane.

WELFARE INVITES COMPARISONS TO SLAVERY

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, in slavery people worked but were not paid. In our current welfare system people do not work but they are paid. Neither system can be condoned. It took a Republican President, Abraham Lincoln, to end slavery and it appears as though it will take a Republican President to end welfare as we know it.

When President Clinton had a Democrat-controlled Congress, there was no welfare bill to vote on. Now that the Republicans control Congress, President Clinton has repeatedly vetoed welfare reform.

But unlike then-Governor Clinton's 12-year failure to do what 48 other States did easily, pass a State civil rights bill, we should not wait on welfare reform. We should not continue to have a system that has been like a 20th century version of slavery. Welfare and slavery have both provided the basic necessities while leaving their victims filled with despair.

CALL FOR IMPOSITION OF WINDFALL PROFITS

(Mr. MARKEY asked and was given permission to address the House for 1 minute.)

Mr. MARKEY. Mr. Speaker, the Republicans want to repeal the 4.3-cent gasoline tax. Let us debate that. But there is no guarantee that the oil companies are going to lower prices by 4.3 cents, so the consumer would just ride over to the gasoline station, pay the extra 4.3 cents that the oil companies had in lower prices and they wind up with no extra money in their pocket. The only way in which we can be sure that the consumer gets a break is if we impose a windfall profits tax on oil companies.

□ 1115

In that way, the consumer, as taxpayer, will get that 4 cents back into their pocket.

In addition, down in Texas, Koch and Citgo and Coastal have closed down 300,000 barrels of oil refinery gasoline per day as of last Friday. Up in New Jersey, there is another 190,000 barrels that Tosco is not producing.

We need the President to move in, to use his Executive power, to jawbone these energy executives, so that the 500,000 barrels of idle gasoline refining capacity is put back on line by this weekend, so that we flood the marketplace with gasoline. That drops the price of oil in the global and American marketplace.

TAX INCREASES NOT A SOLUTION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Well, Mr. Speaker, there they go again.

Mr. Speaker, it is indeed a tragedy when our liberal friends on the other side again, despite an excess of rhetoric, use as their main bone of contention that the way to solve problems is to impose a new tax. And you heard my good friend from Massachusetts, even as he called, properly I believe, for the expansion of the use of our fossil fuels, although certain friends over there will try to have it both ways, in the heat now of seeing a problem, the key to what he talked about was a tax increase.

Mr. Speaker, the way we solve these problems should be based on this acknowledgment: The American people work hard for the money they earn, and all Americans should hang onto more of that hard-earned money and send less of it to Washington.

So no to all tax increases, roll back the Clinton gas tax, and let that be not an end to itself, but the start of the rollback of the assault of Washington on the pocketbooks of Mr. and Mrs. America.

THE DRAMATIC PRICE INCREASE IN GAS PRICES

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, there is one big question in relation to the gas tax, and that is if we are going to repeal the 4.3 cent gasoline tax, how much of the reduction, if any, will the consumer see?

If the market is not working, then consumers will not see much of it at all, and there are indications that the free market in the area of big oil is not working.

Today I will be sending a letter to the Justice Department seeking answers to three questions: First, why did the prices spike so quickly, when we all knew there was cold winter months ago and when this idea that Iraq would dump oil has been known for several months as well? That does not explain a 1-week dramatic rise.

Second, if there is a true free market, why did not a couple of the companies, at least one of the big ones, decide to keep the price low and compete on price and increase their market share? That is what Adam Smith would tell us they would do.

Third, most vexing of all, when the price of crude goes up, the price of gasoline goes up immediately. But when the price of crude on the wholesale market goes down, the price of gasoline hardly goes down at all, and if it does, it is slow and grudging.

Until we answer these questions, Mr. Speaker, we are not going to know if the consumers would benefit. And if we can answer these questions, drivers will save hundreds of dollars at the pump, not just the 4.3 cents of the gas tax.

REPEAL GAS TAX OF 1993

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, here we go again, attacking the free market. I guess we need a bigger government to control more and more.

Mr. Speaker, I represent a portion of southern California where people are paying almost $2 a gallon for gasoline. That is right, $2. That is ridiculous.

The people are angry. The people are even angrier when they find out that Congress slapped a tax on gasoline to pay for numerous social programs. That is right, Congress increased the gasoline tax in 1993 to pay for numerous additional social programs.

In the past, the gas tax worked fine because all of the moneys went to fixing highways and potholes. What happens today? Only a fraction of the gas tax money is spent on highways and bridges. That is the problem.

My position is simple. If we are not going to fix the highways, then we should not collect this gas tax money.

Let me tell you how we are going to lower the cost of gasoline. It is simple. Let us repeal the Clinton gas tax increase of 1993.

CONGRESS SHOULD BRING MINIMUM WAGE INCREASE TO A VOTE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, the 104th Congress has been on now for a little over a year and let us look at the extreme Republican agenda.

They have spent the whole year trying to cut Medicare and Medicaid, to pay for a tax break for the rich. The Democrats and the President has stopped it. They want to give us the largest education cuts in the history of the United States. Can you imagine that? And they want to gut the environment and make air dirtier and water dirtier.

Now they lecture us about family values, but they do not want to increase the the minimum wage. We cannot even get a vote on the floor of this House to say whether or not we want to increase the minimum wage by a lousy 90 cents an hour, up or down. Give us a vote. The American people want an increase in the minimum wage. Do not tell us you are for family values, Republicans. You do not give a darn about the American family. You will not even allow us to have a vote to raise the minimum wage 90 cents. When 84 percent of all Americans, 84 percent, say they want an increase in the minimum wage, including 71 percent of Republicans, the House leadership here will not even give us a vote.

The minimum wage ought to be raised 90 cents; 90 cents is all we are asking. Give us a vote.

AMERICAN PEOPLE WILL SEE THROUGH DISINFORMATION CAMPAIGN

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, once again we hear what is the pithy disinformation campaign that is the basis of the Democrats' political hope in the future. What they are betting is they are betting that the American people will not see through this disinformation campaign and they are betting that in fact they will be confused and deceived and disinformed by it.

I and those who believe in the future of America are convinced that in fact the American people will see through it, and I am betting the American people will know what the truth is.

Just to be specific, a $700 billion increase in Medicare can hardly be called a cut. A 50-percent increase in student loan funding can hardly be called a cut.

Mr. Speaker, I want to bring to your attention something in the Washington Times this morning in an editorial that I thought was very interesting. It had to do with a poll conducted regarding the AFL–CIO's decision to spend $35 million in dues supporting Democratic candidates to defeat Republicans. We find out that 62 percent of the union members oppose the political use of their dues in that way. I thought that should be brought to your attention.

PERFECTING THE CASH-AND-CARRY GOVERNMENT

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, last week, the Senate voted unanimously in favor of a health care reform bill that did not include costly medical savings accounts. In fact, the other body voted explicitly on April 18 to keep medical savings accounts out of the bill.

Now the presumptive Republican nominee for President wants to appoint to the conference committee Senators whose sole purpose will be to force MSA's into the bill when no one is looking. You can tell a lot about a man the way they act when they think no one is watching.

I guess we're supposed to ignore the fact that the Golden Rule Insurance Co. has given $1.4 million in campaign contributions to Republicans. And that Golden Rule also happens to be the premier company peddling MSA's. Regardless of how the Senate voted, Golden Rule will get its way through the back door.

Mr. Speaker, this buyout is just one more fine example of how the GOP has perfected the art of cash-and-carry Government.

ALLOWING CHOICE IN HEALTH CARE

(Mr. EWING asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EWING. Mr. Speaker, I yield to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Speaker, as we take a look at what has been said in the preceding speech, I think it is the proper question to ask, or the proper contention to make, are——

PARLIAMENTARY INQUIRY

Mr. GENE GREEN of Texas. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. GENE GREEN of Texas. Mr. Speaker, is it permissible to yield in 1-minutes?

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentleman from Illinois [Mr. EWING] controls the time. The Chair is informed by the Parliamentarian he may yield to the gentleman from Arizona [Mr. HAYWORTH] while remaining on his feet.

Mr. GENE GREEN of Texas. Just so we all understand the rules.

Mr. HAYWORTH. Mr. Speaker, reclaiming my time, I would simply make this point: The American people are watching, not for partisan squabbling, but asking this question: What works? And the notion that medical savings accounts, where people control their own destiny, where people are able to visit the doctors they want to see and seek the treatment they feel is best, is at the very heart of our American system. And to suggest that it is some sort of cheap political ploy is once again to at least ignore the facts or to engage in deliberate disinformation and distortion to cloud the picture and to again try to confuse the American public, instead of allowing the American public what they deserve, and that is choice health care.

PARLIAMENTARY INQUIRY

Ms. MCKINNEY. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentlewoman will state it.

Ms. MCKINNEY. Mr. Speaker, is it not correct that $1.4 million was given to the Republican candidates by the Golden Rule Insurance Co. and now the Republicans are trying to put——

Mr. HAYWORTH. Mr. Speaker, objection. That is not a parliamentary inquiry. She is making a political speech.

The SPEAKER pro tempore. The Chair would inform the gentlewoman that that is not a parliamentary inquiry.

WELFARE PAYING MORE THAN MINIMUM WAGE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, last week the Houston Chronicle ran a story about how welfare pays more than the minimum wage. We hear a lot of rhetoric about moving people off welfare and into work, but the Republican leadership refuses a simple up or down vote on providing a liberal wage.

Using the current minimum wage, workers putting in their 40 hours a week for 52 weeks would earn just over $8,800. A working family supported by a minimum wage earner is below the national poverty level and is eligible to collect welfare benefits.

A minimum wage increase will give my constituents and other working Americans the ability to move off the welfare rolls, but Republicans continue to oppose a minimum wage increase. Instead of bringing this issue to a vote, they have proposed yet another Government subsidy for businesses. This measure is nothing more than a huge entitlement and more public assistance, more welfare, when what we need is a job that pays enough to put food on the table.

The Washington Post said today that the Senate majority leader wants to cut the gas tax and raise the minimum wage. Let us do it. I think that is a good bill.

Let us do it, Mr. Speaker. Democrats want working families to work their way off welfare. It is time for the Republicans to do the same. Support a minimum wage increase.

REPEAL 1993 GAS TAX

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, we keep hearing all this handwringing from the other side about gas prices. But what you won't hear from the liberal Democrats on the other side is how they raised the gas tax in 1993.

Not one single Republican in this body supported that Democrat-sponsored tax increase. Thanks to President Clinton and his liberal allies, the American people now pay $4.8 billion a year more for gas. That's on top of the ever-increasing prices that they pay today.

If Democrats are really concerned about the plight of the average motorist, then they should support the repeal of their 1993 increase on the gas tax. That may not cure everything, but it's a very good start.

Earlier this year, Bill Clinton and the Democrats had the opportunity to cut taxes for the Americans. But they were committed to protecting Washington spending.

I believe they should be given another opportunity to reduce the tax burden on the American people. Let's repeal the 1993 Clinton gas tax.

DROP IDEA OF MEDICAL SAVINGS ACCOUNTS

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, our colleagues on the right continue to press for inclusion of the medical savings account proposal in the health insurance bill currently pending in Congress.

Once again, they want to burden average, working Americans to benefit the wealthy and influential.

According to the Urban Institute, if the medical savings account proposal is a part of the health insurance bill, premiums for a standard policy could skyrocket by as much as 60 percent.

If the Republicans have their way, employers win big and employees lose; high income individuals win big and those earning less than $30,000 a year lose; influential insurance companies win big and average citizens lose.

In addition, according to the Urban Institute, workers may be forced into a single insurance, losing their right to choose.

Mr. Speaker, we have shaped a bipartisan health insurance plan where no citizen loses and all citizens win.

I urge my colleagues on the right to drop this idea of MSA's—an idea which cases many to lose, and support the proposal where all Americans win.

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RISING OIL PRICES AND OIL EXPORTS

(Mr. METCALF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. METCALF. Mr. Speaker, the President of the United States yesterday released oil from the Strategic Petroleum Reserve in an effort to counter inflating gas prices. But last Friday President Clinton lifted the ban on exporting oil from Alaska. At a time when gas prices are soaring, he chose to sell United States gasoline to Asian nations instead of to American citizens.

The ban on exporting oil from Alaska was part of an agreement that allowed the building of the pipeline that supplies the United States. As we face soaring oil prices at home, we are preparing to reduce domestic supplies of oil by shipping it overseas.

Mr. Speaker, the President's decisions contradict each other. He is opening the Strategic Petroleum Reserves to lower the price of oil at the same time he prepares to expand shipments of American oil to foreign consumers. He is making the problem worse than it needs to be. The American public is paying the bill.

Mr. Speaker, I would say to the President, "Mr. President, will you please try to be consistent?"

PUT FAMILIES FIRST RATHER THAN SPECIAL INTERESTS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO Mr. Speaker, House Republicans continue to work overtime on behalf of the special interests rather than the hard-working families who need our help.

Look at health care reform. House Republicans are insisting on a bad idea rejected by the Senate: Tax shelters to help the rich pay their medical bills. Giving tax breaks to the healthy and the wealthy could doom the type of health reform that working families need.

These health care tax breaks hurt working families. They will expose millions of families to increased health care costs. Estimates say that health care premiums will rise as much as 60 percent.

Once again, I urge the House Republican leadership to reject these tax breaks for the wealthy. Simply adopt the Senate bill which President Clinton has said he will sign and which puts families first, rather than special interests. That is what we need, health care relief for working families in this Nation.

MEDICAL SAVINGS ACCOUNTS A GOOD IDEA

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McCOLLUM. Mr. Speaker, I must respond to the gentlewoman's comments about the medical savings accounts. I happen to think they are a terrific idea for families in America. They are the one way in the future, with all of the costs we have associated with health care, that a moderate income family in the United States can save money. If we adopt it, they will be able to still choose their own doctor and not be forced into an HMO or another organized plan.

I have very, very strong convictions about that. I think this is the most innovative and creative thing to help health care in the United States that is under consideration today at all. I really feel that that is a very important thing.

I want to consider one other point during this 1-minute, though. When we are talking about these gas prices going up right now, I am told by those involved that one of the primary reasons that the gas prices in this country are going up is because there is uncertainty about whether the U.N. sanctions against Iraq will be lifted or not. We should be opposed to that.

This administration, the Clinton administration, should make it unequivocally clear that we will veto in the United Nations any effort to lift the oil embargo and allow people to purchase Iraqi oil. I think once that is done, stability will return to the oil prices in the world market and we will see the gas prices go back to their normal way again.

This President needs to make that statement now. He has not made it.

IMPROPER USE OF COMMITTEE STAFF

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, today I want to alert the House to a call I have made, along with eight of my fellow freshmen Democrats this morning, to ask the Speaker, we have asked Speaker GINGRICH to rescind and repudiate a request that was made in the name of the office of the House majority leader to all the subcommittees in this House. That request was a partisan effort to use House staff improperly.

The request, very simply, was sent to all House committee staffs asking them to look for specific material that could be used to attack organized labor or the Clinton administration. In an unprecedented institutionalized effort to use House staff to do the bidding of the leader's office, the Republican leadership has shown again that they are not about putting the House in order, they are not about using the House for what it is intended, the furtherance of the people's business. It was, in fact, waste, fraud, and abuse on the highest level.

RAISING MINIMUM WAGE WILL DESTROY SMALL BUSINESS

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, I have been very interested over the last several days to listen to Members of the Democratic Party telling us how committed they are to raising the minimum wage, and it is very interesting because one would wonder why, when the President of the United States himself has said this is a bad idea, and when Members of his administration have said this is a terrible way to treat poor people, why the Democrats in the House of Representatives are so insistent upon it.

Now we find out why. It is because they are doing the bidding of the union bosses who are making absolutely certain that they get this kind of debate going, because the union bosses have contract negotiations coming up this fall, and they would like to see the Federal Government raise wages by 20 percent so that they can use that as the base of what they do in their negotiations.

And guess what? Every American will suffer as a result of that because that will set off an inflationary spiral that will be a tax on every American family, but particularly low income families. If my colleagues think that kind of callous disregard of the American family is a good idea, then listen intently to the Democrats, who claim they want to raise the minimum wage.

The fact is in raising the minimum wage what they are doing is undermining small business in the country, and they are undermining the basic income of the American family. It is a shame and they should be called for what they are doing.

MINIMUM WAGE INCREASE MORE IMPORTANT THAN REPEALING GAS TAX OF 1993

(Mr. VOLKMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VOLKMER. Mr. Speaker, I stand here today requesting the Republican leadership, NEWT GINGRICH, to schedule the minimum wage bill for the House to vote on. I am not here on behalf of any union, I am here on behalf of a lot of people in my district and all over this Nation that work every day at $4.25 an hour. What do I ask for them? I ask we raise that minimum wage in a 2-year cycle for 90 cents. That means $1,800 a year more for those people.

Now, their answer, the Republicans' answer, is no, we are going to cut the gas tax 4.5 cents. We will repeal the part of the gas tax that was in the 1993 deficit reduction package. Well, how much will that give to my people? To most of my people that is $45 year. They want to give $45 a year to help my people get through the hard times, buy a pair of shoes for the kids.

I say let us give them the minimum wage. Let us give them really something that will benefit them—$1,800 a year is a lot better than $45 a year.

ASSAULT ON WORKING FAMILIES AND GAS TAX CUT ARE SEPARATE ISSUES

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, every American has the right to a livable wage. The Republicans have offered what they say is an alternative to increasing the minimum wage. They want to talk about cutting the gas tax and they claim that this will benefit the working poor.

This is a sham. The 4-cent gas tax is not designated to help working folks; it is calculated to bail out the oil and gas industry. The industry increased gas prices. If the prices are too high, the industry should reduce them.

Rising prices at the gas pump should not be offset with a tax cut that will cost the U.S. Treasury more than $4 billion this year. Republicans claim that they want to balance the budget, but then they go out and cut programs that the working poor depend on. The Republicans' assault on the working families should not be confused with a gas tax cut. They are separate issues.

We should keep the minimum wage debate clean and we should vote to increase the minimum wage. If a tax cut is necessary, then we should do that also, but they are separate issues.

AMERICANS DESERVE AN INCREASE IN MINIMUM WAGE

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, hard working Americans deserve a raise. They deserve an increase in the minimum wage. Many of our colleagues on the Republican side of the aisle do not want to provide that increase in the minimum wage because they say that, in fact, people who earn the minimum wage earn much more than that because they get food stamps, they get AFDC payments, they get medical benefits.

The question I have to ask is, Why should the taxpayers have to subsidize these people's jobs? Why should the marketplace not provide a livable wage so that these people can support their families, can support their children without the taxpayers subsidizing this through the welfare system?

When we increase the minimum wage we save a substantial amount of money for those individuals because we no longer have to subsidize their jobs as much as we did before we increased the minimum wage. We ought to make sure that, in fact, we are not asking the taxpayers to subsidize jobs where employers simply choose not to pay the minimum wage.

It is not that they cannot afford to, they just know that they do not have to pay it because the welfare system will subsidize that job. That ought not to be allowed. That ought not to be done anymore. We ought to in fact require those people to pay people for the hard work that they engage in.

RAISING MINIMUM WAGE WILL COST JOBS

(Mr. HUTCHINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUTCHINSON. Mr. Speaker, let me just say in response to the gentleman who just spoke, Republicans are in favor of helping the working poor, but we are in favor of doing it in a way that will truly lift their take-home pay, to lift their wages. Raising the minimum wage will not have that effect.

The fact is economists, 90 percent of them, agree that raising the minimum wage will, in fact, cost jobs; it will cost the jobs of those that we most want to help, the low-skilled worker. The last time we raised the minimum wage, in 1991, only 17 percent of the new benefits went to people living under the poverty level. That is not the effective way of helping those who are the working poor.

Raising the minimum wage will not only cost jobs, it will be inflationary, costing those whom we want to help more in their goods and services that they need to purchase. It is the wrong way to help those who are the working poor. There is a better way of doing it. We can do it.

I suspect the gentleman who just spoke supported the increased funding for EITC 2 years ago, and there is a better way of doing it, as we take that proposal that has had the support of Republicans and Democrats and focusing it upon those who are truly in need, the working poor, the families with children. We want to help them, but we want to help them in a way that will not hurt the economy and take jobs away from the most needy.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on House Oversight, the Committee on International Relations, the Committee on National Security, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

THE JOURNAL

The SPEAKER pro tempore (Mr. GUTKNECHT). Pursuant to clause 5, rule I, the pending business is the question of the Speaker's approval of the Journal of the last day's proceeding.

The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HAYWORTH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 358, nays 51, answered "present" 1, not voting 23, as follows:

[Roll No. 139]

YEAS—358

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Flake
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gallegly
Ganske
Gejdenson
Gekas
Geren
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefner
Herger
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Metcalf
Meyers
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Parker
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)

Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Upton
Vucanovich
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Williams
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff

NAYS—51

Abercrombie
Borski
Brown (CA)
Brown (FL)
Chenoweth
Collins (IL)
DeFazio
Durbin
Engel
Ensign
Everett
Filner
Flanagan
Funderburk
Gephardt
Gillmor
Gutierrez
Hefley
Heineman
Hilleary
Hilliard
Jacobs
LaFalce
Latham
Levin
Lewis (GA)
Longley
Martini
McDermott
Meek
Menendez
Miller (CA)
Oberstar
Pallone
Pickett
Pombo
Rush
Sabo
Schroeder
Smith (NJ)
Stark
Stockman
Talent
Taylor (MS)
Torkildsen
Velazquez
Vento
Visclosky
Volkmer
Weller
Zimmer

ANSWERED "PRESENT"—1

Harman

NOT VOTING—23

Beilenson
Berman
Bevill
Bryant (TX)
Chapman
Clay
de la Garza
Fields (TX)
Frost
Gibbons
Hayes
Johnson (SD)
Kaptur
Livingston
Moakley
Molinari
Pastor
Rivers
Sanders
Walsh
Wilson
Wise
Wolf

☐ 1201

So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PASTOR. Mr. Speaker, during rollcall vote number 139 on the Journal I was unavoidably detained. Had I been present, I would have voted "yes." I ask unanimous consent that my statement appear in the RECORD immediately following rollcall vote number 139.

U.S. MARSHALS SERVICE IMPROVEMENT ACT OF 1996

Ms. PRYCE. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 418 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 418

Resolved, That at any time after adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into Committee of the Whole House on the state of the Union of consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. After passage of H.R. 2641, it shall be in order to take from the Speaker's table the bill S. 1338 and to consider the Senate bill in the House. It shall be in order to move to strike all after the enacting clause of the Senate bill and to insert in lieu thereof the provisions of H.R. 2641 as passed by the House. If the motion is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 1338 and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentlewoman from Ohio [Ms. PRYCE] is recognized for 1 hour.

Ms. PRYCE. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I might consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

GENERAL LEAVE

Ms. PRYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this resolution, and that I may be permitted to insert extraneous materials into the RECORD following debate on the rule.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. PRYCE. Mr. Speaker, House Resolution 418 provides for the consideration of H.R. 2641, the U.S. Marshals Service Improvement Act of 1996, under a completely open rule. The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

The rule also makes in order the Judiciary Committee amendment in the nature of a substitute now printed in the bill as original text for the purpose of amendment, and provides that each section will be considered as read.

The Chairman of the Committee of the Whole may give priority in recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration, and such amendments will also be considered as read. As is customary, the rule provides for one motion to recommit, with or without instructions.

Finally, after House passage of the bill, the rule provides for the necessary steps to consider the Senate bill, S. 1338, to insert the House-passed provisions, and to request a conference with the Senate.

Mr. Speaker, let me emphasize that this is a wide open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. Although there is no preprinting requirement contained in this rule, preprinting of amendments in the RECORD is an option that is encouraged, and I hope more Members will consider that option in the future. We on the Rules committee continue to believe that making amendments available for our colleagues to read in advance of floor action serves a very useful purpose and contributes to improving the overall quality of debate.

Mr. Speaker, H.R. 2641, which this open rule makes in order, is a simple, straightforward bill that seeks to take the politics out of appointments to the U.S. Marshals Service by changing the selection of marshals from that of appointment by the President, with the advice and consent of the Senate, to selection by the Attorney General based on relevant criteria such as an individual's law enforcement and administrative expertise.

As a former judge and prosecutor, I worked very closely for many years with highly qualified and well-trained law enforcement officials, at the local, State, and Federal levels. Naturally, I was very surprised to learn that under current law, there is no criteria for the selection of U.S. marshals.

As was noted in the Judiciary Committee report on H.R. 2461, in some instances, appointed marshals lack the law enforcement experience and qualifications necessary to carry out the often multifaceted law enforcement missions currently performed by the U.S. Marshal Service. Today, those missions involve such demanding and sensitive tasks and fugitive apprehension, prisoner transportation, witness protection, the disposal of seized assets, and providing judicial security.

To address these concerns, H.R. 2641 provides that after the year 2000, new marshals will be selected on a competitive basis among career managers within the Marshals Service, rather than simply being nominated by a home State Senator.

In the meantime, marshals selected between the date of enactment of this bill and the year 2000 would continue to be appointed by the President with the advice and consent of the Senate, but would only be permitted to serve 4-year terms.

As one of my Rules Committee colleagues said yesterday, this legislation would take an important step toward professionalizing the overall Marshals Service by ensuring that only knowledgeable, qualified, career managers who have risen through the ranks of the Service will be considered for the important position of U.S. marshal. The quality of justice is based, in part, on the public's perception of fundamental fairness throughout the judicial system, and the changes advocated in this legislation will help restore fairness to the Marshals Service by taking political cronyism out of the appointments process.

For many in the Nation's law enforcement community, these are trying times, and there seems to be an ever-increasing burden placed on the entire judicial system—not just on the courts or on the local police department, but across the vast spectrum of law enforcement.

As a result, the need for capable, professional law enforcement personnel who have demonstrated outstanding expertise in their fields is very great.

Mr. Speaker, the public at large expects law enforcement positions to be filled by qualified professionals, and not by individuals with convenient political contacts. I believe this legislation makes important and necessary changes to the process by which U.S. marshals are appointed, and hopefully its enactment will serve to improve and enhance public confidence in the ability of Federal law enforcement agencies to effectively protect and defend its citizens.

H.R. 2641 was favorably reported out of the Judiciary Committee by voice vote, as was the rule by the Rules Committee yesterday. I urge my colleagues to support this wide open rule, and continue the spirit of openness and deliberation that we have attempted to restore to this body.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I yield myself such time as I may consume and I thank my colleague from Ohio, Ms. PRYCE, for yielding me the time.

House Resolution 418 is an open rule which will allow full and fair debate on H.R. 2641, a bill to change the way U.S. marshals are appointed.

As my colleague from Ohio described, this rule provides 1 hour of general debate, equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary.

Under this rule amendments will be allowed under the 5-minute rule, the normal amending process in the House. All Members, on both sides of the aisle, will have the opportunity to offer amendments.

The U.S. Marshals Service is the Nation's oldest Federal law enforcement agency, dating back to 1789. The Service has critical responsibilities, including providing protection for the Federal courts and responding to emergencies.

I am particularly proud of the U.S. marshals who are based in the Dayton, OH, Federal building, where I maintain my district office.

This bill will require the U.S. marshals be appointed on a merit-based, competitive process, instead of the current political appointment process. This will improve the professional status of this extremely important Federal agency. It is a long-overdue improvement.

Mr. Speaker, while I do not oppose the rule, I urge a "no" vote on the previous question. If the previous question is defeated, I shall offer an amendment to the rule which would make in order a new section in the rule. This provision would direct the Committee on Rules to report a resolution immediately that would provide for consideration of a bill to incrementally increase the minimum wage from its current $4.25 an hour to $5.15 an hour beginning on July 4, 1997.

This provides for a separate vote on the minimum wage. Let me make it clear to my colleagues, both Democrats and Republicans, defeating the previous question will allow the House to vote on the minimum wage increase. That is what 80 percent of Americans want us to do. That is the right thing to do. So let's do it.

□ 1215

Mr. Speaker, I urge Members to vote "no" on the previous question, and I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Ms. PRYCE. Mr. Speaker, under House Rule XIV, which requires that a Member must confine himself to the question under debate, is it relevant to the debate on either this rule or the debate it makes in order to engage in a discussion of the merits of the minimum wage?

This is in the nature of a parliamentary inquiry, Mr. Speaker,

The SPEAKER pro tempore (Mr. GUTKNECHT). The gentlewoman from Ohio [Ms. PRYCE] has made a parliamentary inquiry. The Chair would advise the body that clause 1 of rule XIV requires Members to confine themselves to the question under debate in the House.

As explained on page 529 of the manual, debate on a special order providing for consideration of a bill may range to the merits of the bill to be made in order, but should not range to the merits of a measure not to be considered under that special order.

Mr. HALL of Ohio. Mr. Speaker, I yield myself 1 minute.

I would like to address also what my friend, the gentlewoman from Ohio, has suggested under her parliamentary inquiry.

This rule on this issue has been talked about a number of times in recent years, and probably the clearest guidelines that we have had came during a speech during consideration of a rule under the Speaker's ruling of September 27, 1990.

I am quoting here by saying that "the Chair has ruled that it is certainly within the debate rules of this House to debate whether or not this rule ought to be adopted or another procedure ought to be adopted by the House. But when debate ranges onto the merits of the relative bills not yet before the House, the Chair would admonish the Members that that goes beyond the resolution."

So, Mr. Speaker, it is within the guidelines and many rulings that we have had in the past to bring the issue up to debate the procedure within the rule relative to having a vote on minimum wage. I have tried to confine my remarks thus far to the merits of the rule itself in voting, if, in fact, the previous question would be defeated, bringing up the minimum wage. I offer that to the House.

Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR], our leader.

Mr. BONIOR. Mr. Speaker, I thank my friend for yielding time to me.

Mr. Speaker, I am hopeful that Members will vote against the previous question, which will then open up the opportunity for us to offer a rule that will make in order an increase in the minimum wage for literally 12 million people across this country. These are people who clean the toilets, who clean the offices, who work hard for a living; who chose work over welfare, and who are living in this country at a wage that is less than the poverty level in this country; $8,500 a year, if you make the minimum wage. You cannot raise a family on that.

What do many of these people do? They end up, Mr. Speaker, working overtime. They work second jobs and third jobs. As a result of that, they are not there at home when their kid comes home from school. They are not there for bedtime stories, they are not there to teach them right from wrong. The father is not there for Little League. He is not there for other issues.

POINT OR ORDER

Ms. PRYCE. Regular order. Mr. Speaker, I ask the House for regular order.

The SPEAKER pro tempore. For what purpose does the gentlewoman rise?

Ms. PRYCE. To ask the House for regular order, Mr. Speaker.

The SPEAKER pro tempore. Does the gentlewoman make a point or order?

Ms. PRYCE. Pursuant to the House's rulings, I call for regular order: that the gentleman confine his remarks to the resolution at hand.

The SPEAKER pro tempore. Does any other Member wish to be heard on the point of order?

The Chair recognizes the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, I would like to be heard on the point or order.

Mr. Speaker, we find ourselves this morning in exactly the same procedural setting and procedural context as when this House considered the omnibus appropriations bill when we met last week. At that time, recognizing that the majority leader, the gentleman from Texas [Mr. ARMEY], had said that he would oppose a minimum wage with every fiber in his body, and that the Speaker of the House had made clear that the American people would have no opportunity to be considered for a raise on this floor by bringing any bill our of committee, we had a procedural context in which the omnibus appropriations bill was before the House, and many Members of this body, indeed, a majority of the Members of this body, having already publicly expressed their support for a minimum wage increase, and so the majority party, the Democrats, on a previous question, decided to raise this issue.

We devoted most of our limited half hour, and unfortunately, we only had a half hours, and we should have been able to devote, indeed, a full day to debating the merits of the need for the American people for a raise. But in exactly the same situation that we find ourselves this morning, we considered the plight of minimum wage families, discussed fully that issue, and today we have the same situation.

Unless the standard has changed, Mr. Speaker, or unless the Republicans are simply fearful that the 10 of their Member who voted against the minimum wage last week, after having had a press conference saying they were in favor of the minimum wage, might this way not have their arms twisted enough, then we ought to be able to have a full and fair debate of this minimum wage issue today in exactly the same situation we were in last week.

The SPEAKER pro tempore. Does the gentleman from California [Mr. MILLER] wish to give advice to the chair on the point of order.

Mr. MILLER of California. Mr. Speaker, on the point or order, I would hopefully advise the Chair against the point of order. The purpose of calling for a vote on the previous question is to open up the rule so that alternatives may be provided. Once that rule is opened up, it is obviously within the authors of that rule to connect unrelated matters, because you can create a rule that is self-enacting, waiving points of order against germaneness or what have you, as does the Committee on Rules.

So for the purpose of us raising for the Members of the House the alternatives which might present themselves also with respect to the minimum wage, it is necessary to do so now as we discuss the rule and discuss the vote on the previous question, because if is this exact opportunity that gives the minority, which does not control the Committee on Rules, which cannot bring these matters to the floor except under extraordinary procedures, and this being one of them, a vote against the previous question, we are at liberty to explain to the House under the Rules of the House why we need to have this extraordinary procedure to present to the country an up-or-down vote on the minimum wage.

The gentleman from Michigan in the well has made the point that one of the results of that vote is in fact to try and raise the minimum wage of 12 million people who go to work every day, go to work year round, and end up at the end of the year below the poverty line. The vote on the previous question is the opportunity that allows this.

So when the gentlewoman suggest that somehow the debate around whether or not to vote for the rule and to vote for the previous question is limited to the matter at hand, in terms of the subject matter of the bill that would then be considered after the rule is adopted, that is to limit the debate and to stifle the minority, and prevent the minority from having an opportunity to voice its concerns and to voice legislative alternatives; in this case, the minimum wage.

Why does it have to be done at this point? The reason we have to ask for a vote against the previous question and why the point of order should not be sustained is because that point of order then enforces what we have been told by the Republican majority leader, and that is that he will not allow this vote to come to the floor, that he will fight it with every fiber in his body. That precludes the minority from offering that alternative.

So when the Chair considers the point of order raised by the gentlewoman from Ohio——

Ms. PRYCE. Mr. Speaker, there is no point of order made.

Mr. WALKER. Mr. Speaker, there is a point of regular order before the House.

Ms. PRYCE. Mr. Speaker, I did not ask for a point of order, I had asked for regular order.

The SPEAKER pro tempore. The Chair asked the gentlewoman from Ohio if she was making a point of order, and it was not clear.

Ms. PRYCE. There is no point of order. I was trying to enforce regular order, that we would conform to the rules of this debate as previously announced by the Chair.

The SPEAKER pro tempore. The Chair must treat this as a point of order.

Ms. PRYCE. Mr. Speaker, if that is the case, I withdraw my point of order.

The SPEAKER pro tempore. The gentlewoman from Ohio [Ms. PRYCE] withdraws her point of order.

The gentleman from Michigan [Mr. BONIOR] is recognized for 3 more minutes.

Mr. BONIOR. Mr. Speaker, I thank my friends, the gentleman from California [Mr. MILLER] and the gentleman from Texas [Mr. DOGGETT], for making it clear to those who are listening to us this afternoon how important this issue is with respect to not only the rights of the minority to put forward a question of great importance to the people of this country, but also for the substantive value of the issue itself, which will affect the lives directly of 12 million people, and, indeed, perhaps many, many more.

When we raise the minimum wage, when we raise the minimum wage, it will not only affect people who make $4.25 to $5.15 an hour, about 12 million people, it is going to affect people who make above that, people who make $5.50, $6, $6.50, $7 an hour, because in fact they will probably be in for a raise as well.

In addition to that, this money will get circulated throughout the economy of the local area, the hardware store, the grocery store, at the gas station. This is one way, one small way, but one way in which we could have what we call the bubble-up effect in the economy, instead of the old trickle-down theory that my colleagues on this side of the aisle have adhered to now for the past 15 or 20 years; which is a theory, by the way, which has not yielded rewards for those at the lower end of the economic strata in our society today.

My colleague, the gentleman from California [Mr. MILLER], was absolutely right. The gentleman from Texas [Mr. ARMEY], the distinguished majority leader, has said that he will fight having a vote on the minimum wage with every fiber of his being. The distinguished majority whip, the gentleman from Texas [Mr. DELAY], is reported to have said that working families trying to exist on $4.25 an hour do not really exist. They do exist. They are out there. We have heard from them. We have talked to them. The gentleman from Ohio [Mr. BOEHNER], who chairs their conference, said "I will commit suicide before I vote on a clean minimum wage bill."

Mr. Speaker, this is an important issue for the country and for people who are struggling to make work pay. There are a number of States, 10 of them, that have increased the minimum wage above $4.25 an hour, and there has been no retraction in employment. Oregon has done it, Washington has done it, the District of Columbia has done it, New Jersey has done it.

In fact, there was a recent study done in New Jersey in the restaurant industry by two gentlemen from Princeton, Mr. Card and Mr. Kruger, and their findings were basically when the minimum wage was raised in the State of New Jersey, in the restaurant industry, employment actually increased.

We need to do this. These people work too hard, they give too much of their lives for their families, and it is incumbent upon us to make sure that they get a fair, decent, livable wage.

As I said earlier, Mr. Speaker, when they do not make this wage, when this $4 or $5 an hour, they are working two or three jobs, and that has a detrimental impact on their ability to be there for their kids when they get home.

Mr. Speaker, I would urge my colleagues, and I want to first of all congratulate the 13 Members of the other side of the aisle who stood with us on this issue the last time we had it up on the floor. We invite more of you to come over. This is an issue that will not go away. We will bring it up until we get a clean vote, because we understand and I think you understand a clean vote is going to pass this body. It will pass the Senate. The President will indeed sign it.

I encourage my colleagues, vote "no" on the previous question so we have an opportunity to offer a clean vote on raising the minimum wage for literally millions of workers in this country.

□ 1230

Ms. PRYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Speaker, let us talk first about the proposition that the minority party has before the House, and that is that somehow what they will do is defeat the previous question so that they can amend the rule to make in order another piece of language about the rule which is entirely out of order because it is nongermane to the rule before us.

Then what they would intend to do, I assume, is appeal the ruling of the Chair, which would have ruled in an entirely predictable and an entirely legitimate way that what they are attempting to do is totally nongermane. They would then attempt to overrule the ruling of the Chair, which was in fact a proper ruling.

All of this is done in the name of raising the minimum wage. That is an interesting ploy, and I know it comes out of the frustration of the fact that they no longer control the Rules Committee where they used to send down all kinds of outrageous rules for this House to consider, but now finding themselves in the minority, are willing to put aside virtually anything that borders upon a proper decorum in the House in order to do the things that they want to get done. It is really interesting.

Then they go out and parade this as a vote on the issue of minimum wage. There is no vote on the issue of minimum wage here. Virtually everything they are trying to do is out of order, nongermane and completely ludicrous. So the fact is that this is an exercise designed to play games in the House of Representatives.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. WALKER. No, I am going to finish my statement first. I have listened to all of you.

The fact is that they are attempting to tell the American people that they are so interested in this subject that they will go to any lengths, break the rules if necessary, in order to make their case.

Let us understand what the case is they are trying to make. What they want to do is, they want to raise taxes, because the Democrats always want to raise taxes. They love taxes. They love big government.

And the minimum wage is in fact a tax. It is a tax that is particularly cruel to working middle-class families because what it is is a huge inflationary tax within the economy.

This means that you will pay up to 20 percent more for every meal you buy at a restaurant. You will pay up to 20 percent more for that which you buy as food on your table at home. You will pay up to 20 percent more for that which you buy in a store, because what they are doing is imposing an unfunded mandate which is in fact a tax. In fact, it is a big enough tax that the bulk of the minimum wage increase that they are talking about, the minimum wage tax, goes to State and local government: a billion dollars.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I would prefer to finish my statement if I could. The fact is, I am obviously getting to you. This is obviously of concern to you, to have the truth told.

The fact is that minimum wages imposed upon the States will cost this country an extra billion dollars in State and local taxes. That is a huge tax increase upon the American people, and in my view the fact is that the Democrats know exactly what they are doing.

They detest the idea that we have been trimming back government. They hated the idea that the other day we passed a bill on the floor that cut $23 billion out of the spending of government, because the fact is they want more government and they want to raise taxes.

This is a tax increase. What the Democrats are proposing, every time they stand up and talk about minimum wage increases, is a tax increase on the American people. They want to impose more and more and more taxes so that they get more and more and more spending. That is what they are talking about here. They would bend the rules of the House, they would make illegitimate appeals of the rulings of the Chair, they will do everything possible to try to bring this minimum wage tax increase before the American people.

Middle-class families ought to look at this and be appalled. This is the way they ran the House when they were in the majority. They cared little about the rights of anyone. They simply did what it is they wanted to do at any given time. The fact is Government spending rose for a period of 25 straight years. We had bigger and bigger Government, we had bigger and bigger taxes. They in fact undermined and destroyed the economy during the period of time that they were in charge, and now they want to get back to it. They want more inflation, they want to reinflate the economy, they want to increase taxes and do the kinds of things that Democrats are always good at doing.

Do not let this happen. Do not allow them, through some ploy here of the rules, to try to undermine the entire rules process of the House. The rules are here to protect the rights of both majority and minority. The attempt by the minority to overthrow the rules so they can make a clever political point on the House floor I think is totally appalling.

But middle-class America should be particularly concerned about this, because what middle-class America is going to get out of this is a massive tax increase which is going to go to the bottom of their pocketbooks. So I would suggest that anytime we hear the Democrats come to the floor seeking to overthrow the rules of the House so that they can bring forth the minimum wage tax, then it is a real definition of who they are. This is their attempt to make certain that the taxes of the American people go up, not down.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. GENE GREEN].

Mr. GENE GREEN of Texas. Mr. Speaker, I join my colleague from Ohio and friend in also urging all my colleagues to oppose the previous question.

It was interesting to hear the gentleman from Pennsylvania, his creative thinking, talking about an increase in the minimum wage is an increase in taxes. I guess he had to get that. A lot of us Democrats last week voted for that same budget that he was bragging about.

But let me talk about what we need to do today, and the rules of the House permit this. If the previous question is defeated, my colleague from Ohio will have an amendment that will be offered to increase the minimum wage. This amendment would direct the Committee on Rules to immediately consider that, to provide for a minimum wage increase.

We hear a lot of rhetoric about moving people off welfare but the Republican leadership and I guess my colleague from Pennsylvania is scared of an up-or-down vote on a livable wage because this will move people off welfare. We hear about working families do not really exist on $4.25 an hour, but they do. We in the Democratic Party hope that we will see that increase in the purchasing power.

Last week we talked about this, and I had the opportunity to quote a late and great U.S. Senator from Texas, Ralph Yarborough. All this amendment would require is just to put the jam on the lower shelf for the little people. We are talking about $4.25 an hour for people that are working hard to support their families, yet they cannot reach up to that top of the shelf to get those tax cuts that the Republican want to give to them.

All we want is to increase their minimum wage a buck an hour, 90 cents an hour. In fact I am a cosponsor of a Republican's bill to increase it by a buck an hour. I am glad they have taken the leadership to do that. This is a bipartisan effort. Last week we saw, as my colleague from Pennsylvania said, 13 members on the Republican side support it. I know there are more than that as cosponsors of my colleague from New York's bill that I am a cosponsor of.

All we are asking for is a fair, clean vote on a minimum wage increase. Even today in the Washington Post the majority leader in the Senate talked about let us eliminate this gas tax increase from 1993 that goes for budget reduction and deficit reduction, and at the same time increase the minimum wage. Let us do it, Mr. Speaker. I think that is a great idea. That way the little people can reach it not only in their taxes they save on their gas tax, but they get a pay raise at the same time.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Speaker, I urge my colleagues to vote "no" on the previous question so the rule will allow us, then, to have an amendment that would offer the opportunity to talk and discuss the minimum wage.

I would say further that on the other side as we talk about the Republicans not wanting us to do this, Republicans have voted for a minimum wage. I would remind Members the last time, 1989, 135 Republicans voted in this House for the minimum wage increase, including our now Speaker GINGRICH. Thirty-six Republicans voted for it on the Senate side, including the now majority leader, Mr. DOLE, the Presidential nominee for the Republicans. This has been a bipartisan action.

Why can we not have this amendment that will allow us to discuss it? Since that increase in 1989, we all know the price of living has increased and has increased by some 13 percent. Yet we have not done anything about raising the wages of those who are least among us. We need a bipartisan action. Just as we did in 1989, we need it at this time.

I urge a vote against the previous question so we can be allowed an opportunity to discuss what we should discuss for all Americans, a livable minimum wage.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, the Republican men and women in this Chamber who are opposed to an increase in the minimum wage earn more salary from the taxpayer every 15 days than people on the minimum wage earn all year long. Yet they still do not want to provide an additional 25 cents to those workers. We are in charge of that here. People who earn more in 15 days will not give another 25 cents to the working poor in this country.

What President Clinton's proposal would do is buy 6 months of groceries for a family on a minimum wage. No wonder the American people overwhelmingly support this increase in the minimum wage and reject the stinginess of our colleagues on the Republican side.

Ms. PRYCE. Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank very much the Rules Committee member Mr. HALL for his leadership and I rise to ask that we defeat the previous question. I am sorry that my good friend did not yield to me, the gentleman from Pennsylvania, because I wanted to remind him of our American history.

I am proud to stand in the well of the House with a desperate act of seeking to defeat the previous question. Americans applaud when we desperately try to help other people. It was the American Founding Fathers who dumped their tea in the Boston Harbor, a desperate economic act to be able to say, "No more; no more." And so I am proud to ask to defeat the previous question so that we can do something about raising the minimum wage.

Again, I am sorry the gentleman from Pennsylvania has left the floor because let me tell Members, when New Jersey raised the minimum wage in 1992, it increased the jobs in New Jersey and there was no job loss. There is nothing to say that increasing the minimum wage to $5.15 per hour, simply 90 cents, will do anything to the American economy but help those who are in need.

Will it help those who are in fact at the bottom rung? Yes, it will. Will it help those who are in fact middle class? Yes, it will.

Let me share with Members, if you have ever worked an 8-hour shift as a dishwasher, or fry cook or if you have never walked miles in 1 day picking peas, beans, lettuce or corn and if you have never cared for the elderly or sick and you have never experienced not affording health care for yourself, then you may not understand the need to raise the minimum wage. At the same time if you are part of a family with four children who work every day, you may understand the need for the increase in the minimum wage because it impacts your wage: increases and how you ultimately will be able to provide for paying for your bills.

This is a time to listen to 80 percent of the American public. This is a time to do a desperate act. We are procedurally correct because what we are asking to do is to defeat the previous question so that we can bring to the House floor a clean bill to raise the minimum wage 90 cents.

I am for the repeal of the Btu tax, and what I would like to see is that the money goes directly back to the consumer. Let us help the consumer today, take the gas tax off, give it back to the consumer and likewise let us raise the minimum wage for the American people, those who do the work that is part of this American economy. This will promote growth. We need to raise the minimum wage. A clean bill to raise the minimum wage 90 cents is what we need now.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I do not have a little standard here but it is interesting to hear the other side rant and rail and rave about the minimum wage.

This sort of says it all, Bill Clinton, our President, in Time Magazine, February 6, 1995, that was last year, I believe, said, "Raising the minimum wage is the wrong way to raise the income of low-wage earners."

□ 1245

This is just one quote. There are other quotes with the President saying the same thing.

Now, I have only been here 3 years, Mr. Speaker. The first 2 years, the other side of the aisle controlled, as I recall, the House, the other body, the U.S. Senate, and the White House. They controlled it in very large numbers. They could have brought this issue up at any time.

Instead, as I recall, and I was here for that time, what they did was they passed the largest tax increase in history, and they said it would not have any effect on folks. But if you have not been to the gas station lately, I advise these people that are earning $4.25 an hour, low-income people, to look at their gasoline prices. They raised those gasoline taxes that they are paying, and it hurts the poorest of the poor.

They there is another report, I submit to my colleagues, out today by the Heritage Commission. Look at that report. That report says that people have less money in their pockets, and that is the result of these policies that they did their first 2 years.

This is what the President said. That is what they did. And today they are out here saying that we are not giving this issue a good opportunity to be heard. It will be heard, and we will have a solution. But this is what they said, and that is what they did.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, America needs a raise. The minimum wage, its purchasing power, is approaching a 40-year low, almost as old as I am, since the minimum wage has had purchasing power with as little capability as it does at present.

The gentleman from Pennsylvania says that it is not germane to this debate to talk about the minimum wage, the need for the American people to have a raise. Well, let me tell you, it is mighty germane to the working people of this country that they get a raise. It may not be germane to the elitist, but it is germane to the people that are out there scrubbing the floors, tending to the nursing homes, picking the peas, as my colleague from Texas said, serving the meals at the fast food restaurants. It is very germane to them. For many it is a question of whether or not they can get out of poverty by having the means to do that.

All that stands between us today and getting a raise for the American people are 10 Members of the Republican side coming over and joining a few of their colleagues from last week and so many Democrats, because it was a mere 10 Republican votes that defeated the raise for America when we considered this issue last week.

If they will simply have the courage to vote the same way they spoke at the press conference when they were facing the TV cameras and said they wanted to give even more than a 90-cent raise, if they will simply vote with us today, those 10 Members who defected, with all the arm twisting that occurred from the Republican leadership last week, then America will get a raise.

Of course, I realize not every Republican Member is going to do that. In fact, the one thing that has changed since last week is that Mr. BOEHNER, the chair of the Republican Conference, has said, "I will commit suicide before I vote on a clean minimum wage bill."

Can you imagine that, hari-kari right here on the floor of the House, falling on their sword? True, the Republicans have been falling on their political swords for the last 16 months, but we finally have a chance for them today to see the light, to join us in doing something to give the people of America a raise that they very much deserve.

Ms. PRYCE. Mr. Speaker, I yield 2 minutes to my good friend, the gentleman from the great Commonwealth of Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, the gentleman from Texas, who just addressed the House most eloquently, showed his powerful advocacy for a minimum wage. This gentleman, I am sure if I search the CONGRESSIONAL RECORD, when he was in the majority just 2 years ago, along with the President of the United States, did not make such an eloquent speech.

Mr. DOGGETT. Mr. Speaker, will the gentleman yield to a freshman Member who was not here 2 years ago and this is my first opportunity to raise the minimum wage?

Mr. GEKAS. Mr. Speaker, I said I was going to search the RECORD to determine if any similar speeches were made by his colleagues on his side. Do you understand? To see whether or not eloquent speeches of that type were made in favor of a minimum wage. But they could not, because the President of the United States was against the minimum wage, the Secretary of Labor was against the minimum wage elevation, and so were other functionaries of the Democrat Party.

Now, seeing that the Republicans have taken over in 1994, all of a sudden they see it as a grand scheme, do the Democrats, to embarrass the Republicans about a minimum wage controversy, which is not that great a controversy, yet it sounds good and makes people feel good to know that the Democrats, 2 years after they were in the majority, are in favor of a minimum wage.

What has happened to change the President's mind and all of a sudden he is an advocate of the elevation of the minimum wage, to the Secretary of Labor and to those on that side of the aisle who all of a sudden are minimum wage advocates?

Meanwhile, we have a bill on the floor, the one this rule governs, about trying to bring better government into the selection of U.S. marshals. That is what we ought to be debating ultimately, and to see whether or not we are strong enough to withstand the temptation to go into ultra-virus issues like the minimum wage and concentrating on bringing about better government in the election of U.S. marshals, part of our law enforcement, who do a wonderful job not in just helping the courts, but in helping the community.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I was very interested to hear people talk about how this was going to be a tax increase. We are some of the few people who actually paid by taxes from the American people, and if we raise the minimum wage to $5.15, the minimum wage people working 40 hours a week would still make less than Members of this House make in 1 month. It is a shame, it is an outrage, that we are not able to get a vote on the minimum wage. That is why I am asking for a vote against the previous question.

I should point out that in Oregon, our legislature raised the minimum wage to $4.75, and, since 1992, since Bill Clinton has been in office, our unemployment rate has been halved in Oregon. We are doing very well in Oregon. We presently have an initiative from the people of Oregon to raise the minimum wage in Oregon to $6.50. Yet these people here on this side of the aisle are saying no, we cannot even talk about raising the minimum wage.

Seventy-five percent of people living on minimum wage, and let me tell you if you work 40 hours a week, if you lived on minimum wage today, you would make $8,840 a year, 75 percent of those people are women; 75 percent are women.

This is anti-women to not allow this vote to be brought to the House floor. How can we stand here, paid as we are by the American taxpayer, and not have the opportunity to raise the minimum wage for the women of this country who are living on less than $9,000 a year? A family of two is under the poverty level if they make $10,260, so somebody making $8,000 is way below the poverty level.

I urge my colleagues to vote "no" on the previous question. Let us give the American people a raise. They deserve it.

Ms. PRYCE. Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia [Mr. LINDER].

Mr. LINDER. Mr. Speaker, this is silly season already. Usually it does not come until August. If this were really an important issue for people earning $9,000 a year or less, why did not the Democrats, who owned the House, the Senate, and the White House, mention it 2 years ago? Do you know how many times the President talked about the minimum wage in his first 2 years in office? Zero. Not one time.

He has talked about it over 50 times this year, because it is a political issue, and it is a crass and mean political issue, using as pawns in this political battle the very people they are pretending to help.

Raising the minimum wage is income redistribution among the poor. For every four people you purport to give a $1 increase to, you take one person off the payroll.

That is not compassion. It is the striking difference between the two parties, that one party thinks government should set wages, and the other party believes the economy sets wages.

This argument should be over. There should be zero minimum wage. That is what the New York Times editorial said, a zero minimum wage. Let people who want to start on the first rung of the income ladder earn what they are worth.

Ninety percent of people on minimum wage are not there after 1 year. Many people on the minimum wage earn also tips that are not reported. This is a phony argument for phony political reasons, and, if it was serious, it would have been done 2 years ago.

In addition to that, the minimum wage is simply not germane to this bill and would not be added even if the previous question were defeated, because it is not germane to this bill. It is simply an effort to take up your time and America's time to make political points that they refused to deal with when they were in power.

Mr. HALL of Ohio. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, I really differ strongly with the previous speaker on this issue. First of all, I would say that I do not believe the minimum wage is a partisan issue. There are a lot of Republicans who support an increase in the minimum wage. The problem here is the Republican leadership, Speaker GINGRICH and the others, who do not want to bring this to the floor, because they know that if it comes to the floor, the majority of Democrats and enough Republicans will vote for it that it will actually pass this House, the Senate, and be signed by the President.

Let us bring it up. What do I care what President Clinton said or what whoever said in the previous Congress? The fact of the matter is now we know that this minimum wage is not keeping up with inflation, and with the people's ability or need and the purchasing power. So it should be passed now.

The reason the Democrats are doing this as often as we are on the previous question or on the rule or whatever, is because we are in the minority and we have no other way to bring it up. We have to keep raising it, so eventually this Republican leadership will wake up and recognize that even its own Members, even a lot of the Republicans, are willing and want this passed and want it brought to the floor.

The time has come. In my home State of New Jersey, we have raised the minimum wage, and it has been a success and it has not affected unemployment.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I want to address the issue that has been raised by several of my colleagues that this bill is about the U.S. Marshals Service. The reason there is no debate about the bill itself is that it is an absolutely noncontroversial bill, and is brought to this floor for debate simply so my Republican colleagues can say, "We brought an open rule to the floor, and you can amend it in any way you want."

Well, we want to amend this bill. We want to amend it by attaching a minimum wage provision that will raise the wages of the American people.

So what is their response? The first time we say, "Hey, we have an amendment," they say, "Oh, no, this is not an open rule. You can't amend this bill that way. It is not even germane to talk about it on the floor."

They do not want to talk about it. You just heard the reason they do not want to talk about it, because you have got a bunch of extreme people, some of whom believe there ought not even be a minimum wage in this country, that people ought to be allowed to work for 5 cents an hour if the market dictates that. They do not care about what kind of conditions people are living in, in this country. All they care about is supporting their corporate, rich constituencies.

They talk about supporting a minimum wage, as long as they are on the television. They talk about supporting a gas tax cut, as long as they are on the television. What they will not admit is if we defeat the previous question on this rule, we can talk about both of those things in the context of this bill.

Democracy is about debate. Bring it off the television and onto the floor of Congress and let us debate it. Let us defeat the previous question on this rule.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

□ 1300

Mr. KLINK. Mr. Speaker, I have heard time and time again that this is a phony argument. There were some of us 2 years ago on the Committee on Education and Labor who talked about the need then, 2 years ago in the previous Congress when our party was leading, that the minimum wage had to be raised. I would point out that now that the Republicans are in charge, there is no longer any committee in Congress with the name labor in its name, which shows, I think, the utmost contempt that that party has for working men and women.

I have heard my colleagues from the other side of the aisle come down and talk repeatedly about the fact we do not need a minimum wage. Well, I come from an area in southwestern Pennsylvania where we have coal fields and steel mills. And when we did not have workers' protection, when we did not have minimum wage, we saw people working for next to nothing. We saw them going into the coal mines. Children were forced to work. They would go in before the sun came up each morning, go into the mines, and come out at night when the sun was down, never seeing daylight. There were no worker protections for them. They had to shop at the company store, take whatever money they would get, and usually they ended up owing the company more at the store than they had made. So they were constantly working themselves into debt.

There is a reason that we have a minimum wage in this country. There is a reason that those on the lowest end need to make a livable wage, need to be able to buy food, need to be able to take care of their families. I will paraphrase a former Republican President, Teddy Roosevelt, who said that for a man or woman to be able to participate in this great country's democracy, they have to be able to afford the absolute minimum, and they have to be able to work and make the money to pay for the absolute minimum and still have time to dedicate to their family and dedicate time to their community.

We have seen this Republican Congress attempt to eliminate the minimum corporate income tax, attempt to cut way back on capital gains for the large corporations, but when it comes to giving a livable wage, lifting from beneath the poverty rate the lowest workers in this country, they constantly try to stifle us. Somewhere between Abraham Lincoln and NEWT GINGRICH, this party has reversed its position on slavery.

Ms. PRYCE. Mr. Speaker, I yield 5 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I thank the gentlewoman from Ohio for yielding me this time.

Mr. Speaker, there are a large number of Republicans who believe that the minimum wage is destructive and that an increase would be harmful to our country. There are a number of Republicans who take a different view. My purpose for standing there today is to encourage my colleagues to vote to pass the motion for the previous question, but to say that time is running out.

I understand my colleagues on the other side have been forcing this issue each and every week. It does force others to deal with it more quickly than we may have wanted to. But our leadership on this side of the aisle needs the opportunity to see if there is a way to come forward with a package that meets the concerns of us to support a minimum wage and also meets the legitimate concerns of some of my colleagues.

I would like to tell my colleagues why I support an increase in the minimum wage, why I agree with my colleague. It is at a 40-year low. If we do not increase the minimum wage, it will be at a 40-year low. The minimum wage in 1968 was at the high point in terms of its purchasing power. If we had indexed for inflation from 1968, that minimum wage would be $7.08 today, not $4.25.

I believe the modest increase that we voted on in 1989 was fair and right. I do not believe it caused unemployment, I do not believe it created higher prices. I believe it lifted up the bottom level. I make the argument with people on my side of the aisle, and anyone else who will listen, that I really believe that if we are looking to get people off of welfare and on to work, we need to lift the minimum wage. But these are all issues that will be debated and have to be debated, and I believe they will be debated, quite frankly.

The issue is, should it happen today? And I would encourage all my Republican colleagues to give our leadership the time to deal with this issue, to give them time to come and present to us their proposal and then we can decide if it meets the test. For me, it has to be passage of minimum wage.

I believe minimum wage will pass, I believe it should pass, and I look forward to voting for it. But on this procedural question on a bill that, quite frankly, is not a substantive bill, I would encourage my colleagues to not be enticed to vote for the minimum wage at this time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself the balance of my time to say I do hope that we defeat the previous question. I will ask for a vote on it.

I look at raising the minimum wage very simply. I have just met a lot of people around the country, at different food banks and soup kitchens, and they are not making it. A lot of them are working poor, and sometime during the month they run out of money after they pay for their rent and pay for their food and they pay for other things. Two or three days every month, they run out of money.

In my own district I have 66 food banks, and many of these working poor have to go to these food banks and soup kitchens, most of which are women and children.

For that reason and other reasons, I would hope that we could get a chance to vote on the minimum wage. That is why I offered the chance to vote no on the previous question so we can make that an issue relative to offering an amendment on the floor on the minimum wage.

Mr. Speaker, I include for the RECORD the following:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(l)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments preprinted before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	1D.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive; 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text; waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	ID
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Oberstar en bloc amendment..	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 90% restrictive; 10% open. ****All legislation 104th Congress, 61% restrictive; 39% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ******PQ Indicates that previous question was ordered on the resolution. *******Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

Mr. HALL of Ohio. Mr. Speaker, I yield back the balance of my time.

Ms. PRYCE. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, let me stress that this is more than an open rule, it is, in fact, a wide open rule. Any Member can be heard on any germane amendment to the bill at the appropriate time. By ordering the previous question and adopting this fair resolution, the House will have an opportunity for a full and open debate on important legislation designed to improve the overall quality and level of professionalism in the U.S. Marshals Service.

I just want to remind everybody what we are talking about here. We are talking about the U.S. Marshals Service.

Mr. Speaker, let me point out that we have been through this same chicanery before, just last week. We checked with the appropriate nonpartisan parliamentary experts in this House and, to a person, they confirmed that the amendment that the Democrats want to make in order under this rule is completely nongermane to the rule and to the bill. So do not be fooled. The previous question vote is not a vote on the minimum wage, it is a vote on whether to close the debate and to vote for this rule.

Mr. Speaker, House rules and precedents make it very clear that it is not in order to amend a rule like this to make in order a nongermane amendment to the bill in question. In other words, even if the minority defeated the previous question and offered their amendment, this would be ruled out of order for violating the rules of this House.

At this point, Mr. Speaker, I insert for the RECORD the following material:

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of April 30, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	64	60
Modified Closed[3]	49	47	26	24
Closed[4]	9	9	17	16

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of April 30, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Total	104	100	107	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of April 30, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of April 30, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. CONYERS. Mr. Speaker, I rise to oppose the previous question so that we can finally get a vote on the minimum wage—an issue on which Speaker GINGRICH will not let the House speak its will. This despite repeated promises that the new GOP would let the House work the will of the people, and not bottle up legislation simply because they didn't like it.

All we are asking for is a vote on the minimum wage.

The facts are staggering when we look closely at the true value of our $4.25 per hour minimum wage: the current minimum wage is at its lowest value in 40 years and is 30 percent below its average level of the 1970's. Twelve million Americans earn less than $5.15 per hour, and 73 percent of minimum wage earners are adults and most are women. And it is estimated that one in five minimum wage earners live below the poverty line. It is clear that our minimum wage is too much minimum and not enough wage.

The last time the minimum wage was increased was 1991—and its value has eroded 50 cents since then. That is why the President has proposed, and I support, a 90 cent increase over 2 years, bringing the wage to $5.15 per hour.

During the two Government shutdowns, Members of Congress earned more than a minimum wage earner will make in an entire year. This Congress has spent the vast majority of its time trying to take away Medicare and other benefits from working Americans, while trying to find more tax breaks for the rich. Now we can't even have a vote on this most fundamental matter of basic decency and equity.

This is an outrage to all Americans, and most importantly the 12 million Americans who live on subminimum wages now.

I urge Members to defeat the previous question so that we can finally get a vote this issue which has been muzzled. And don't mistake it—your vote to defeat the previous question will be viewed as your vote on the minimum wage issue. Americans who work full time should be able to earn a livable wage. A full-time worker should not be forced to live in poverty. Americans who work hard and play by the rules deserve the opportunity to create a better future for their children, and an increase to the minimum wage will do just that. I urge all of my colleagues to vote "aye" on the previous question so that we can finally give 12 million workers a raise this year.

Ms. PRYCE. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HALL. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

The vote was taken by electronic device, and there were—yeas 219, nays 203, not voting 11, as follows:

[Roll No. 140]

YEAS—219

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Walker
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—203

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Collins (MI)
Condit

Conyers
Costello
Coyne
Cramer
Cummings
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—11

Berman
Bryant (TX)
Clay
Flanagan
Goss
Hayes
Kaptur
Lewis (GA)
Matsui
Molinari
Myers

□ 1327

The Clerk announced the following pair:

On this vote:

Mr. Goss for, with Ms. Kaptur against.

Mr. ORTON changed his vote from "yea" to "nay."

□ 1330

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 418 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2641.

□ 1330

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2641) to amend title 28, United States Code, to provide for appointment of United States marshals by the Director of the United States Marshals Service, with Mr. WICKER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

I want to thank all of my colleagues for allowing this discussion today. This is a very important piece of legislation, and I do not believe very controversial, but very important.

Mr. Chairman, H.R. 2641, the United States Marshals Service Improvements Act of 1995, changes the selection process of the Nation's 94 U.S. Marshals from that of appointment by the President with the advice and consent of the Senate, to appointment by the Attorney General. U.S. Marshals would be selected on a competitive basis, among career managers within the Marshals Service, rather than being nominated by the administration and approved or rejected by the Senate.

Incumbent U.S. marshals selected before enactment of this bill would perform the duties of their office until their terms expire and successors are appointed. Marshals selected between enactment of the bill and the year 2000 would be appointed by the President, with the advice and consent of the Senate, and serve for 4 years. H.R. 2641 was reported favorably out of the Judiciary Committee by voice vote, without amendment.

I might add that the bill does not change the provisions with respect to the Presidential appointment of the director of the U.S. Marshals Service who will continue just as the law presently reads.

I introduced this bill on behalf of the Federal Law Enforcement Officers Association which strongly desires to enhance the professionalism of the U.S. Marshals Service. The responsibilities of a U.S. marshal are varied and severely challenging. These duties range from maintaining the security of the Federal courts to tracking down fugitives from justice. Moreover, as complex criminal prosecutions continue to increase, the need to move essential witnesses around the country grows with it. This is also a duty of the Marshals Service. However, the current selection process does not take these responsibilities into consideration.

The current selection of U.S. marshals is as varied as the Senators who nominate them. Currently, there is no criteria for selection of a U.S. marshal. There is no age, physical fitness, educational, managerial, or law enforcement requirement or experience needed to become a U.S. marshal. In the past, U.S. marshal positions have been filled by undertakers, coroners, pig farmers, and even a host of a childrens' daytime television program, just to name a few. The only training a newly appointed marshal receives from the Marshals Service is a 40-hour orientation session. Unlike all other Marshals Service employees, the presidentially appointed marshal is not subject to disciplinary actions, cannot be reassigned, and can only be removed by the President or upon the appointment of a successor. This lack of accountability has resulted in a number of problems, including budgetary irresponsibility among individual marshals, and has created a double standard that has a negative impact on morale.

It is important to note that the current appointment process for U.S. marshals is unique among Federal law enforcement agencies. Both the FBI and the DEA select heads of their field offices based upon merit. Special agents in charge are not politically appointed. Instead, they are the best agents who have worked their way to the top. The Marshals Service should have nothing less.

It is my view that H.R. 2641 would be a commonsense approach to professionalizing the U.S. Marshals Service. The Justice Department supports this legislation, and it is similar to a recommendation of Vice President GORE's National Performance Review. This bill is a small but important step in this Congress' ongoing effort to improve the administration of Federal law enforcement, and I certainly urge my colleagues to support it.

And I might add that nothing of the criticism I have given today with respect to the problems that the U.S. Marshals Service has had from time to time should reflect adversely on the many U.S. marshals who perform their duties admirably and are doing so today, although the qualifications that they have been appointed under are not as strict as the qualifications, in the judgment of the committee, should be. And I believe that today's legislation will provide those kinds of opportunities for the Attorney General to set, by her regulation, standards for the appointment of U.S. marshals and make sure that professional law enforcement officers head our field offices in the future rather than having the opportunity for politics to be played with these very important law enforcement officers.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, this is a bill that is not opposed in the House, but this is a bill that is opposed in the Senate. Oh yes, there is another body that has to say something about how a bill becomes law, and in the Senate this is not unanimously agreed to. Sorry to announce that, my colleagues. That just happens to be the case.

Mr. BISHOP. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Georgia.

Mr. BISHOP. Mr. Chairman, I just want to point out to the gentleman that it is not unanimous in this body either.

Mr. CONYERS. Mr. Chairman, this is the first I heard of that, because everybody told me this was a done deal. It was so put together that we did not even need to close the rule up in the Committee on Rules. They gave us an open rule, as many amendments as we want on something that is going through unanimously, I guess. But, no, I understand that that may not be the case, and so I just want to remind everybody that this generous Committee on Rules that allowed us an open rule, as many amendments as we want, is the same Committee on Rules in the 104th Congress that on about 45 other occasions, when we begged them for an open rule on things that were slightly more important than this, there was no way we could get it because the Democrats on the committee were outvoted every single time. But now on this, how many amendments do we have? Not a single one. But it is an open rule, showing, I guess, that the chairman and the Republican dominated Committee on Rules is doing us a real big favor on May 1, 1996.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia [Mr. COLLINS] for purposes of a colloquy.

Mr. COLLINS of Georgia. Mr. Chairman, I thank the gentleman for yielding this time to me, and my purpose for the colloquy is to be assured that there is nothing in this legislation that would prohibit any law enforcement officer who resides in the jurisdiction of the Marshals Service where the appointment will be made from not being considered for the employment. What I understand we are doing here is we are changing the appointment process from that of a nomination by Senator and a confirmation by the Senator as recommendations of the President.

Mr. Chairman, I yield to the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, that is correct, I say to the gentleman. While it would be my opinion that the results of this law and the regulations the Attorney General promulgates, who will now have the power of the appointment instead of the President, will be that many of the marshals will be career service promotions. There is nothing that we are doing to put into the law now anything that will keep the Attorney General from being able to appoint a sheriff or another local law enforcement person if she or he wanted to do that, and there is no change in the underlying law either. The same basic law is true for the DEA or the FBI today.

Mr. COLLINS of Georgia. Mr. Chairman, I further inquire, too, about the qualifications for the person being considered for the nomination. Does the gentleman have any idea or suggestion or comments on the age or any type of retirement age or entry level age?

Mr. McCOLLUM. The bill is silent as to age, and the law that exists today is silent as to age or other qualifications. What I would assume is that the Attorney General will promulgate some guidelines with respect to the qualifications under her regulatory power which the gentleman and I would have a chance to comment on. But I do not see anything in the law that would present any impediment to the qualification of anyone based on the law.

It is just that I am expecting, with the Attorney General having this power instead of the President and having to go through the Senate where they play a lot of politics, that we will certainly have law enforcement people, professional law enforcement people, running these offices in the future. But with respect to any other qualifications, I do not have any preconceived notions.

Mr. COLLINS of Georgia. That also would include any formal law enforcement official.

Mr. McCOLLUM. That is correct. That is correct. That would be my assumption. But again it will be up to the Attorney General's discretion to the extent that the normal rules apply, the promulgation of regulations for qualifications.

Mr. COLLINS of Georgia. I know the intent of the gentleman from Florida is to take politics out of the appointment as much as possible, but I am concerned, too, that we may form some internal politics within the agency itself if we are not careful. That is where I want to make sure that no one is culled out from being considered as a nominee or as an appointee for the particular office, services, U.S. marshal.

We have in the central district of Georgia in the past, we have actually had a deputy marshal appointed as U.S. marshal. I know and I understand what the gentleman is trying to do. But any good law enforcement officer should be considered for this appointment, and I want to assure that that will be still available.

Mr. McCOLLUM. Mr. Chairman, in general I concur with the gentleman's perspective, but the law is silent in this regard. And given the qualifications and the decisions or the discretion is going to rest with the Attorney General, as it does with all other Federal law enforcement local field office appointments, which is what this will become.

□ 1345

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very important bill. It is a big deal. We are going to strip the President of the ability to appoint U.S. marshals. What are we going to do with it? We are going to give it to the Attorney General who is appointed, I think, by the President of the United States. So this is very heavy, Mr. Chairman. We ought to think carefully about this. The Attorney General is better positioned to know who should be a U.S. marshal than the President of the United States, for whom he or she works. Very heavy. Follow carefully. This is not a light matter. Do not throw this one away. U.S. marshals must be appointed by the Attorney General, not the President.

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], ranking member of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the bill. I also want Members to know why this simple bill is on the floor today and what it says about the failure of the leadership on the other side. I am referring, of course, not to the ranking member of the Subcommittee on Crime, or the Judiciary, or the Committee on the Judiciary, but by others who have constantly messed into the anticrime agenda.

Mr. Chairman, let there be no misunderstanding; in my view, this is a good bill and it should be enacted into law. It went through subcommittee and full committee without opposition. It has the support of all the major law enforcement organizations. It has the support of the Justice Department. In fact, Mr. Chairman, this bill is a perfect example of a bill that should have been brought to the floor on the Suspension Calendar and disposed of in 5 minutes.

So why is this bill on the floor today under an open rule? Why is the Republican leadership pretending that there is really something of substance for us to debate here? The answer, Mr. Chairman, is simple: The bill is on the floor today simply because the other side has nothing else to bring before the House, and it wants to boost its batting average for open rules.

The bill is here today because the other side's anticrime agenda is basically shipwrecked. America is crying out for help in its fight against the proliferation of drugs and gangs and guns in the hands of children. Yet, this bill is the best thing that Speaker GINGRICH can come up with for the House to do today.

Just look at a few of the real problems, either ignored or actually made worse during this Congress: Every day, hundreds of children are being dragged into the spider's web of drug abuse. What has the Republican leadership done about that problem? It has gutted and defunded the juvenile prevention programs we passed in the last Congress and erected nothing, nothing in their place.

Every day scores of Americans are killed or injured by gun violence. What has the leadership done about that problem? It has tried to repeal the assault weapons ban we passed in the last Congress, a ban that more than two-thirds of the American people support.

Every day hundreds of thousands of law enforcement officers put their lives on the line in the fight against drugs and guns and gangs and terrorists. Just last week, the ATF uncovered a militia plot in the Speaker's own district, yet these law enforcement officers have been vilified by radical forces of the extreme right.

And what has the Republican leadership done about that problem? Instead of focusing its attention on the radical forces of hatred and extremism, it has encouraged those forces by engaging in a concerted program to bash law enforcement: to wit, 10 long days of hearings to pick through the ashes of Waco, and come up with not a single substantial new finding. By contrast, we only held 1 short day of hearings on the right-wing militias.

The Republican leadership bowed to its right wing and included in the terrorism bill an NRA-inspired commission, the whole purpose of which was to criticize law enforcement. The Republican leadership has blocked every attempt to amend the armor-piercing bullet laws so we can protect every cop in America from cop-killer bullets. We have to ask the same question thousands of cops throughout America are asking: Whose side are those guys on?

Mr. Chairman, I support this bill and I urge my colleagues to vote for it, but it is a sad day in America, Mr. Chairman, because while the American people call out for real help in fighting crime, both punishment and prevention, the Republican leadership plays legislative games with blue smoke and mirrors.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I must say that I am disappointed in my colleagues on the other side. While they are supporting this legislation, they are mocking it and then using it for political speeches about what is and is not a Republican-Democrat position on the crime issue.

I, first of all, think this bill merits being out here solely today as it is, because it is a very significant change in law. It is not just that we are moving the appointment powers from the President to the Attorney General. It is a little more complicated than that. The appointment powers of the President require confirmation by the Senate, and as a matter of course when the Senators have that, just as with Federal judges, the appointments truly are the choices of the Senators, as much or more than they are of the President. They are never, or rarely at least, career professionals.

What we are doing today by giving the Attorney General the same power over the U.S. marshals appointments as she has today over the FBI and DEA field office heads and other law enforcement agency heads is making the U.S Marshals Service truly professional and taking a lot, if not all, of the politics out of it, the only exception being the director of the U.S. Marshals Service, which, like the director of the FBI, will remain a presidential appointment.

Mr. Chairman, this bill is not a minor bill. It is a very significant change in law. It should have been done a long time ago. If we want to play partisan politics, which was not my intent, I do not know why the Democratic majority for 40 years before this party took over this past January a year ago did not do this. It should have been done a long time ago.

Mr. Chairman, I would also respond to my colleagues about the work of this side of the aisle in the crime area. It seems to me that it would be obvious to any member of the Subcommittee on Crime, certainly the Committee on the Judiciary and this full body, that we have had 6 or 7 major crime bills that have become enacted into law and signed by the President in the past few weeks.

Granted, they were part of the terrorism bill and part of the appropriation bill, but six or seven of the Contract With America crime bills are now law. Some of them many of us have been fighting to get accomplished for years, the most significant of which, and which I will grant some of my colleagues over there do not agree with, but the most significant one is the reform of the so-called habeas corpus laws, which have allowed death row inmates to delay the carrying out of their sentences for years by procedural devices. They are not going to be able to do that anymore; a very significant provision that President Clinton, thank goodness, signed into law, that Democrat Congresses have refused to pass over the years and send to a Republican President to sign.

In addition to that, Mr. Chairman, we have prison litigation reforms that have eliminated the caps that have been strangling State prison wardens from being able to keep prisoners who should be in prison there. We have had Federal judges saying things are overcrowded that would not be overcrowded in Federal prison. Now we have removed those caps and we have set up procedures that means that we are not going to be able to strangle the wardens and we are going to keep a lot of these prisoners behind bars.

In addition to that, we have a provision that has gone into law that will change the litigation requirements for prisoner litigation. We are not going to see a lot of litigation over peanut butter sandwiches like we have seen before, and other frivolous matters.

We have also enacted into law the Republican provisions on truth-in-sentencing to make it really meaningful, as opposed to what the last Congress did, in encouraging the States to actually incarcerate violent repeat felons for at least 85 percent of their sentences. We are going to give them additional moneys to build the prison business with which to do that.

Last but not least, my friend complained about the drug program. Somehow we cut out some prevention programs. All we did, and I think this is very significant, Mr. Chairman, is that we enacted what we fought for for several years and could not get, and that is a block grant program with all that prevention money, for about $500 million for this year alone, that will now be a question of the local communities deciding how best to spend that, whether it is fighting drugs or fighting crime in any other way. If there is a high crime area, the cities and the county governments are going to get this money to spend as they see fit, because what is good for Spokane, WA, in my judgment, is not necessarily good for Charleston, SC; and Lord knows, Congress and Washington certainly do not know best when it comes to crime prevention programs and fighting crime.

Mr. Chairman, not only that, but next week on the floor we are going to have a bill out here on crimes against children and the elderly, mandatory notification of communities regarding sex offenders, an antistalking bill, a bill regarding retaliation against witnesses, and the list goes on.

This subcommittee has already, the Subcommittee on Crime and this Congress, produced more legislation and brought it to the floor, and will have, by the end of this month coming up, certainly than any other subcommittee of this Congress. I am proud of what we are doing. There is even more to come.

Mr. Chairman, I am sorry we got off into a partisan discussion but, quite frankly, my judgment is the President is a little bit late on a lot of this stuff, like with his drug program down here. I think what he announced earlier this week sounds terrific. It sounds just like Ronald Reagan and George Bush with a new drug policy. It sounds great, but where was President Clinton for the last 3½ years? Where was he when he was cutting back on the drug czar's office in order to satisfy his commitment to reduce White House personnel, when he cut them by 60 percent or 80 percent earlier in his administration? For 3½ years we languished without a good drug policy. We saw the rate of usage of marijuana and cocaine among high school students double.

I am glad he is coming around to some of this now and maybe signing things into law. Again, I did not think this bill should be the forum for this kind of political discussion, but my colleague saw fit to raise it as a political issue about the general subject of crime, and I certainly am not going to sit back and not comment on it.

The bill itself, though, Mr. Chairman needs to be passed. It is an important bill. It does take the U.S. Marshals Service out of politics.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are here today because this is an important bill. This bill is important because it takes politics out of U.S. marshals appointments. It takes politics out of the appointments by giving the appointments from the President to the Attorney General, so there are no more politics in the U.S. Marshals Service.

That is why a number of Members of both sides of the aisle in the other body are not very enthusiastic about this measure. It may not be going anywhere, as logical, inevitable, as perfect, as improving as this will be to the Department of Justice. Mr. Chairman, I do not know, if I had my druthers, I like Presidents to make appointments.

Mr. Chairman, by the way, why do we not have the Attorney General appoint the U.S. district attorneys, while we are at it, or whomever the Attorney General might be? I do not hear anybody talking about that. Would that not take the politics out of DOJ? Yes, no, maybe? Well, probably not, and probably not in this bill, either. Mr. Chairman, I do not see anything to crow about in this bill.

The one thing I do agree with my friend, the gentleman from Florida [Mr. MCCOLLUM], about is that his subcommittee has taken out the ability of prisoners to write and complain about peanut butter sandwiches. The way he did that is have the judges dismiss those as frivolous suits, which they have been doing long before he became the chairman of the Subcommittee on Crime.

Mr. Chairman, I yield back the balance of my time.

Mr. MCCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Chairman, I thank the gentleman for yielding time to me. Mr. Chairman, I was over in my office watching this debate. Let me, first of all, address the issue of the rules. I saw the gentleman from New York, who still sits on the floor, and I am amazed.

The gentleman from New York complains when the Committee on Rules issues a closed rule. I understand his complaints. The gentleman from New York complains when the Committee on Rules issues a rule based on a modified closed rule. I understand, somewhat, the legitimacy of that type of complaint.

But now the only thing remaining, an open rule, and I am sitting in my office and the gentleman from New York is objecting to a rule that is an open rule. Mr. Chairman, I want to talk about that for a minute, from the gentleman from New York. What is going to make him happy? Complain, complain, complain. We issue an open rule.

Mr. Chairman, for those who do not clearly understand what an open rule means, it means we have completely opened debate. How can Members complain against that? The Committee on Rules, I think, acting in absolute good faith, has put this bill on the floor with an open rule so we can have the type of debate we are having today.

Mr. Chairman, let me move from the rule to the other issue at hand. Now let us talk about the bill.

☐ 1400

Mr. Chairman, I used to be a cop. I know something about a good cop and a bad cop, and I can tell you the U.S. Marshals Service needs to be professionalized.

I am not embarrassed to stand up here in front of you and tell you that the Marshals Service worked a disgrace upon this country at Ruby Ridge. They were censured by the U.S. Senate. I have got the documentation right here. I am going to put it into the RECORD. They gave a black eye to all of us excops and to all current cops.

That is not professionally run over there. Not only did they goof up and cost some people some lives at Ruby Ridge, then the director of the U.S. Marshals Service went out and gave the highest award possible under the U.S. Marshals Service to the agents involved at Ruby Ridge.

Should we crow about that? Absolutely not. Should we be embarrassed by it? Absolutely yes. Should we do something to reform the U.S. Marshals Service? The answer is clearly yes.

I am proud to say that BILL MCCOLLUM from the State of Florida has taken it upon himself to clean this agency up. This is a good bill. Why are we even debating? Why are you fighting this bill? This is a good bill. It does clean up the U.S. Marshals Service, and it cleans it up under an open rule.

I would urge all Members to support this bill, I would urge all Members to take a very critical eye and to look very carefully at what the U.S. Marshals Service has done and how we can professionalize it, because if we professionalize that agency, it is a plus for all of us.

Mr. Chairman, I include the following for the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, March 13, 1996.

EDUARDO GONZALEZ,
Director, U.S. Marshals, Arlington, VA.

DIRECTOR: The granting of the U.S. Marshal's "Service Award for Valor" to the Marshals involved in the Ruby Ridge incident is wrong and you know its wrong.

It is clear from the trial, Senate hearings, and testimony from those involved that standards of "good judgment", "unusual courage" and "competence in hostile circumstances" were not met, even at a minimal level. It is also interesting that the Marshals "Information Sheet Randall Weaver Incident" conveniently excludes key facts surrounding the incident such as the censure of your agents' conduct.

Granting this prestigious award to the Marshals and calling them heroes, greatly discounts the history of the award and for that reason alone, I regret your decision and poor judgment.

Sincerely,

SCOTT MCINNIS,
Member of Congress.

THEY CALL THIS VALOR

(By James Bovard)

On March 1, the U.S. Marshals Service gave its highest award for valor to five U.S. marshals involved in the 1992 Ruby Ridge, Idaho, shoot-out, including the marshal who fatally shot a 14-year-old boy in the back and another marshal who provoked a firefight by killing the boy's dog. The award announcement sent shock waves across Capitol Hill.

The marshals received the award, according to U.S. Marshals Service Director Eduardo Gonzalez, for "their exceptional courage, their sound judgment in the face of attack, and their high degree of professional competence during the incident." Mr. Gonzalez labeled the men "heroes." This makes a mockery of the many brave marshals who serve their fellow citizens.

Randy Weaver, a white separatist who had attended a few Aryan Nation meetings, was charged in 1991 with selling illegal sawed-off shotguns to a federal informant. (A jury later concluded that Mr. Weaver had been entrapped.) The U.S. Marshals Service was assigned the job of bringing Mr. Weaver in. The marshals spent the next year and a half spying on Mr. Weaver, sneaking around his land dozens of times and erecting spy cameras to record all of his family's movements.

The marshals greatly exaggerated the threat from Mr. Weaver due in part to false information they had received from ATF agent Herb Byerly, who according to one U.S, marshal, told them that "Weaver is a suspect in several eastern Washington and western Montana bank robberies. An alleged accomplice in the robberies was arrested somewhere in Iowa and implicated a person believed to be Weaver during a confession. The accomplice has since escaped from custody with the assumption that he could be on the Weaver property.' Agent Byerly told a Senate subcommittee that the incorrect information was due to a "typographical error."

On Aug. 21, 1992, six U.S. marshals scurried onto the Weaver property, outfitted in full ninja-type camouflage and ski masks and carrying submachine guns and other high-powered weapons. The marshals had no visible badges or insignia identifying them as federal agents. After agents threw rocks near the Weaver cabin, Mr. Weaver's 14-year-old son, Sammy, and Kevin Harris, a 25-year-old friend living in the cabin, ran to see what the Weavers' dogs were barking at.

The marshals took off running through the woods, followed by one dog. The marshals later told the FBI that they had been ambushed. But according to a Justice Department confidential report, the marshals chose to stop running and take a stand behind stumps and trees. The marshals had the advantage of surprise, camouflage and vastly more firepower than the boy and Kevin Harris possessed.

The firefight began when Marshal Arthur Roderick shot and killed the family dog, as a Senate subcommittee investigation concluded last December. Marshals Roderick and Cooper claimed that the first shot of the encounter had been fired by Kevin Harris and had killed Marshal Bill Degan. But Capt. Dave Neal of the Idaho State Police team that rescued the marshals 12 hours later stated that Marshal Roderick indicated that he had fired the first shot to kill the dog.

After his dog had been killed, Sammy fired his gun in the direction the shots had come from. Sammy was running back to the cabin when according to the government's ballistics expert at Mr. Weaver's 1993 trial, a shot from Marshal Larry Cooper hit him in the back and killed him. Kevin Harris stated that he responded to Sammy's shooting by firing one shot into the woods to try to protect Sammy and defend himself. Mr. Harris's shot apparently killed Marshal Degan, an Idaho jury found that Mr. Harris acted in self-defense. Though Marshals Cooper and Roderick testified that Marshal Degan was killed by the first shot, evidence later proved that he had fired seven shots.

Marshals Roderick and Cooper stayed huddled alongside Marshals Degan's body for the next 12 hours, afraid that they might be shot if they tried to carry him off the mountain—even though the Weavers had long since retrieved their son's corpse and gone back to the ramshackle cabin. Other marshals panicked and wrongfully indicated that the Weavers had U.S. marshals "pinned down" for hours under heavy gunfire. A subsequent FBI on-site investigation found evidence that the marshals fired far more shots at Sammy Weaver and Mr. Harris than Sammy and Mr. Harris fired at them.

FBI Hostage Rescue Team snipers were called in. The subcommittee report noted, "FBI agents who were briefed in Washington and in Idaho during the early stages of the crisis at Rudy Ridge received a great deal of inaccurate or exaggerated information concerning . . . the firefight." The marshals' gross mischaracterization helped pave the way to the FBI killing of Vicki Weaver, Sammy's mother.

Marshals Roderick and Cooper testified last Sept. 15 before Senate Judiciary subcommittee hearings chaired by Sen. Arlen Specter (R., Pa.) on the Ruby Ridge case. They stunned the committee by announcing that Randy Weaver had shot his own son. Though Sammy was shot as he was running in the direction of his father, and though Mr. Weaver was far away from the scene of his son's death, and was in front of him and at a higher elevation, and though his son was shot in the back by a bullet with an upward trajectory, Marshal Cooper insisted the father still somehow shot the son.

That could have happened only if Randy Weaver had been using "Roger Rabbit" cartoon bullets—bullets that could twist around tress, take U-turns, and defy all laws of physics. The jury foreman at the federal trial in 1993 characterized the new Cooper-Roderick theory with an expletive and told the Washington Post last September that "the government's story has changed every time you turn around."

The Senate subcommittee report concluded, "The Subcommittee . . . has seen no evidence which would support the Marshals' claim . . . "Sen. Specter said last week that he was "surprised to see a commendation for U.S. marshals whose conduct was under censure from the Judiciary subcommittee."

The marshals' dubious conduct is further indicated by the Marshals Service's refusal to undertake routine internal investigations after the fatal shootings. The Senate subcommittee noted, "We were disappointed to learn that, based on his desire to avoid creating discoverable documents that might be used by the defense in the Weaver/Harris trial . . . former Director Henry Hudson decided to conduct no formal internal review of USMS activities connected with the Weaver case and the Rudy Ridge incident."

Can anyone imagine Wyatt Earp, when he served as a U.S. marshal in the 1880s, receiving a valor award for shooting a 14-year old boy in the back? Does the Marshals Service believe that Americans are obliged to give the benefit of the doubt to people in ninja outfits who jump out of the woods and begin firing submachine guns at them? Federal law enforcement agencies have yet to learn that they cannot brazenly shoot innocent Americans and then pretend that the agents involved should be treated like national heroes.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I do not intend to take much time. The bill's debate is essentially completed. But I do want to point out again to my colleagues that there are a lot of things that have been going on that have been legislation dealing with crime, that have come out here this year, and none of those have been frivolous but one of them has concerned, as the gentleman from Michigan well knows, frivolous lawsuits by prisoners.

While he may ridicule the idea that we are prohibiting suits about peanut butter sandwiches or that judges can throw out frivolous lawsuits today, the fact is the underlying principle of that bill has to do with exhausting administrative remedies, and is going to make it very much more difficult for prisoners to bring up frivolous lawsuits in the first place and make it a lot easier for judges to throw them out, not just for peanut butter sandwiches but for lots of other things.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I appreciate the gentleman for his courtesy. I just want to reiterate that for him and the chairman I have utmost respect. I think they have been trying to move a crime agenda along. I am only asking the gentleman to yield because we have yielded back our time.

The arguments of the gentleman from Colorado were the most sophistic I have ever seen about the open rule. We have a minor, narrowly drawn bill where no one wants to amend it, and the gentleman from Colorado has a big brass band with flags saying, "See, we're doing an open rule."

If the gentleman had listened to my point, it was not objecting to an open rule on this legislation but it was objecting to the fact that on far more weighty pieces of legislation, there is no open rule at all. When this majority was in the minority before the gentleman from Colorado got here, they complained royally at the fact that there were closed rules or modified closed rules, and yet when they got into power, this minority, now majority, has far more restricted the rules process than the majority ever did.

So the point is not that this is an open rule. I agree with the bill. I think it deserves about 5 minutes of debate. What I disagree with is the inability to debate crime issues, weighty issues, many of which I agree with the gentleman from Florida on, many of which I disagree. But we have had no opportunity to debate it because every major bill where we have debated crime has been under a closed rule where lots of amendments were not allowed or would not be allowed on this bill.

I thank the gentleman for yielding.

Mr. McCOLLUM. Reclaiming my time from the gentleman, I would point out to him that next week, I believe, there will be a couple more crime bills out here under open rules. I would like to see more of them all year long. Certainly we believe in that.

Mr. Chairman, I yield to the gentleman from Colorado [Mr. McINNIS], a member of the Committee on Rules, for a response to that.

Mr. McINNIS. Mr. Chairman, I, of course, find the comments amusing. All the gentleman from New York has done from what I have seen, and I saw him just a minute ago from my office, is complain, complain and complain. There is nothing we are going to do as long as we are Republicans, especially in an election year, that is going to make him happy. I can understand that, but I did not really come over to debate him. I came over to explain to my colleagues, this is an open rule.

Sure, there are some Members of this House who will complain about everything we do, but the fact is there is no justification for complaint either on the open rule and there is certainly no justification, in my opinion, to oppose this bill. This is a good bill. It cleans up the U.S. Marshals Service, it puts in some very basic reforms, and once again I commend the gentleman from Florida who I think, by the way, has really taken the lead of the pack on putting some important crime legislation into this country and into law in this country.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield very briefly to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I will give an example, one, to the gentleman from Colorado, a member of the Rules Committee. The vast majority of people in this body, the vast majority of law enforcement people would like a bill to ban cop killer bullets. We were prohibited by the Rules Committee on three different occasions in legislation from allowing that to be admitted. I could name many, many, many amendments that the gentleman would disagree with me or agree with me, that we are not allowed to debate. Let us be honest about it.

Mr. McCOLLUM. Reclaiming my time, Mr. Chairman, I will respond, and I am not going to yield more on this subject.

I want to say to my good friend from New York, he and I will debate some of the gun issues for a long time to come in the future. Cop killer bullets, as I know them defined today, are already banned by law.

Obviously, there is a great dispute over somebody wanting to set some standard that nobody knows yet is going to be a bad bullet that is going to actually pierce any of the kind of things that the cops wear to protect themselves. If he can show me that, I have always been willing to ban such a billet.

The problem is, this is an example of how we can get off track and get our political rhetoric going today, when we really ought to be together on fighting crime and this bill ought to be celebrated today.

This, as the gentleman from Colorado [Mr. McINNIS] said, is an extraordinarily important bill. Maybe it does not deserve, in and of itself, a lot of debate time, but it deserves the attention that this debate should draw on it because it is a constructive important step to finally end the politics in the appointment of U.S. marshals and make them conform, the service comform to the same kind of professionalism that the FBI, the DEA, and other Federal law enforcement bodies have.

There is no reason not to do this. The U.S. attorneys office, which was brought up by my colleague from Michigan, is an entirely different animal. Maybe we ought to take some of the politics out of them, but that is not a Federal law enforcement agency. The U.S. Marshals Service is, and it is the only one today that does not have the kind of removal from politics that this bill would give it. I therefore am very proud of the bill and urge the adoption of this bill.

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered as having been read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

The clerk will designate section 1.

The text of section 1 is as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States Marshals Service Improvement Act of 1996".

The CHAIRMAN. Are there amendments to section 1? If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. APPOINTMENTS OF MARSHALS.

(a) IN GENERAL.—Chapter 37 of title 28, United States Code, is amended—

(1) in section 561(c)—

(A) by striking "The President shall appoint, by and with the advice and consent of the Senate," and inserting "The Attorney General shall appoint"; and

(B) by inserting "United States marshals shall be appointed subject to the provisions of title 5 governing appointments in the competitive civil service, and shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and pay rates." after the first sentence;

(2) by striking subsection (d) of section 561;

(3) by redesignating subsections (e), (f), (g), (h), and (i) section 561 as subsections (d), (e), (f), (g), and (h), respectively; and

(4) by striking section 562.

(b) CLERICAL AMENDMENT.—the table of sections at the beginning of chapter 37 of title 28, United States Code, is amended by striking the item relating to section 562.

The CHAIRMAN. Are there amendments to section 2? If not, the Clerk will designate section 3.

The text of section 3 is as follows:

SEC. 3. TRANSITIONAL PROVISIONS; PRESIDENTIAL APPOINTMENT OF CERTAIN UNITED STATES MARSHALS.

(a) INCUMBENT MARSHALS.—Notwithstanding the amendments made by this Act, each marshal appointed under chapter 37 of title 28, United States Code, before the date of the enactment of this Act shall, unless that marshal resigns or is removed by the President, continue to perform the duties of that office until the expiration of that marshal's term and the appointment of a successor.

(b) VACANCIES AFTER ENACTMENT.—Notwithstanding the amendments made by this Act, with respect to the first vacancy which occurs in the office of United States marshal in any district, during the period beginning on the date of the enactment of this Act and ending on December 31, 1999, the President shall appoint, by and with the advice and consent of the Senate, a marshal to fill that vacancy for a term of 4 years. Any marshal appointed by the President under this subsection shall, unless that marshal resigns or is removed from office by the President, continue to perform the duties of that office after the end of the four-year term to which such marshal was appointed until a successor is appointed.

The CHAIRMAN. Are there amendments to section 3? If not, the question is on the committee amendment in the nature of a substitute.

The Committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. DICKEY) having assumed the chair, Mr. WICKER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2641), to amend title 28, United States Code, to provide for appointment of U.S. marshals by the Director of the U.S. Marshals Service, pursuant to House Resolution 418, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BISHOP. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 351, nays 72, not voting 10, as follows:

[Roll No. 141]

YEAS—351

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger

Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—72

Barrett (WI)
Bishop
Bonior
Brown (FL)
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
DeFazio
Dellums
Dingell
Duncan
Engel
Eshoo
Fattah
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Gejdenson
Gephardt
Gibbons
Green (TX)
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson, E. B.
Kanjorski
Kennedy (MA)
Kildee
Klink
Lewis (GA)
McDermott
McKinney
McNulty
Meek
Mollohan
Murtha
Neal
Obey
Olver
Owens
Payne (NJ)
Peterson (FL)
Poshard
Rahall
Rangel
Roemer
Rush
Sanders
Sawyer
Stark
Stokes
Thompson
Towns
Visclosky
Waters
Williams
Wynn

NOT VOTING—10

Berman
Bryant (TX)
Clay
Goss
Kaptur
Kleczka
Molinari
Myers
Walker
White

☐ 1429

Mr. HOYER and Mr. TORRES changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General."

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2641, the bill just passed.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2149, OCEAN SHIPPING REFORM ACT OF 1995

Mr. QUILLEN. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 419 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 419

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. Before consideration of any other amendment it shall be in order to consider the amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster of Pennsylvania or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment. The bill, as amended, shall be considered by title rather than by section. The first section and each title shall be considered as read. During further consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The amendment printed in part 2 of the report of the Committee on Rules shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to an amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. QUILLEN] is recognized for 1 hour.

Mr. QUILLEN. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

AMENDMENT OFFERED BY MR. QULLLEN

Mr. QUILLEN. Mr. Speaker, I ask unanimous consent that the pending resolution be amended in the form of the amendment at the desk.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. QUILLEN: Page 3, line 12, strike "an amendment" and insert in lieu thereof "amendment (except pro forma amendments)".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. MOAKLEY. Mr. Speaker, reserving the right to object, and I will not object, I want to inform my dear friend from Tennessee that this side has read the amendment and we perfectly concur with it and we have no objection to the unanimous-consent request.

Mr. QUILLEN. Mr. Speaker, I thank the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The SPEAKER pro tempore. The amendment is agreed to.

Mr. QUILLEN. Mr. Speaker, House Resolution 419 is an open rule, providing 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Transportation.

The rule provides for the consideration of a manager's amendment printed in part 1 of the report of the Committee on Rules accompanying this resolution. The amendment may amend portions of the bill not yet read for amendment and is debatable for 10 minutes equally divided between the proponent and an opponent. It shall not be subject to amendment or to a demand for division of the question. If adopted, the amendment is considered as part of the base text for further amendment purposes.

Additionally, the germaneness rule is waived against the manager's amendment printed in part 1 of the report.

The rule provides that the bill, as amended, shall be considered by title rather than by section, and that the first section and each title shall be considered as read.

Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

The rule further provides that the amendment printed in part 2 of the report may amend portions of the bill not yet read for amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

Finally, the rule provides for one motion to recommit, with or without instructions.

Mr. Speaker, I have always believed that the merchant marine was vital to national security and very necessary for the economic well being of this country. They have played a vital role in every major conflict this country has been in. I am a strong champion for any bill that aids our ocean shippers. That is why I am a strong supporter of H.R. 2149, the Ocean Shipping Reform Act.

H.R. 2149 is a bipartisan plan to deregulate the last area of regulated transportation and the bill would permit carriers and shippers to develop transportation arrangements to meet their specific needs.

Mr. Speaker, as strongly as I support the Ocean Shipping Reform Act, I oppose the Oberstar amendment and urge its defeat.

Mr. Speaker, this is an open rule for a good bill. I urge all Members to support the rule and the bill.

Mr. Speaker, I include the following material for the RECORD.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 1, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	64	60
Modified Closed[3]	49	47	26	24
Closed[4]	9	9	17	16
Total	104	100	107	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 1, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 1, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109	Social Security Earnings Reform	PQ: 228–191 A: 235–185 (10/26/95).
		H.R. 2491	Seven-Year Balanced Budget	
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. QUILLEN. Mr. Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Mr. Speaker, I thank my colleague from Tennessee, Mr. QUILLEN, for yielding me the customary half hour, and I yield myself such time as I may consume.

Mr. Speaker, I am pleased that this bill is being considered under an open rule, but I am sorry to hear that it was not the subject of a single congressional hearing in the House.

Mr. Speaker, this rule provides for the consideration of a bill that's in serious need of an amendment.

Lucky for thousands of American workers, it's an open rule and we have a good chance of making the necessary improvements.

Because unless we fix this bill, it will lead to increased prices for consumers by eliminating the public disclosure of shipping rates. It will prevent small shippers from competing with the largest, most powerful shippers and remove the enforcement of contracts with workers.

Mr. Speaker, a lot of people depend on these jobs including longshoremen, warehousing workers, trucking employees, and rail employees in addition to the thousands of people who work in and around port communities. If this bill is not fixed, their wages could go down, or they could lose their jobs.

Like the bill, Mr. OBERSTAR's amendment will lighten some of the regulatory burden and eliminate the Federal Maritime Commission. However, the Oberstar amendment will also ensure a level playing field for all shippers; continue worker protections, and keep costs down for consumers.

I have always supported the Federal Maritime Commission. I believe they have done excellent work, and served the country well. I am pleased that although the time may have come to transfer their responsibilities elsewhere the good work they started on behalf of American workers and American consumers can continue.

Mr. Speaker, I urge my colleagues to support this rule and to vote to improve this bill with the Oberstar amendment.

Mr. Speaker, I reserve the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. COBLE].

Mr. COBLE. Mr. Speaker, I thank the gentleman from Tennessee for yielding me this time.

Mr. Speaker, I have no problem coming to this floor to engage in open debate. This is, after all, our reason for being, to debate issues openly and notoriously in the hope of improving it. I do, however, Mr. Speaker, have problems when Members assure me that they are with me, then, as a result of what I call political intimidation, conclude that they are not only not with me but against me.

Oh, I am not angry. I am not that thin-skinned. I am disappointed, because we changed our position in reliance upon their assurances that they were supportive of this good legislation only to learn at the last minute that their support had vanished like the morning dew.

This bill, I say to my colleagues, promotes a sound fiscal approach by dismantling the Federal Maritime Commission and saving taxpayers approximately $20 million per year. The Federal Maritime Commission, my friends, is a vestige of the Federal bureaucracy whose usefulness, if any, has been served.

Just yesterday, at the House Committee on Rules meeting, the gentleman from Massachusetts [Mr. MOAKLEY] asked the gentleman from Minnesota [Mr. OBERSTAR] why he was going about his dismantling FMC, and here I am paraphrasing, and the gentleman from Minnesota replied to the gentleman from Massachusetts, its time has come.

And, folks, the time has come. It is time for us to move along and this is an excellent way to dismantle big Government.

This bill, secondly, promotes and encourages competition. It has the support, and, Mr. Speaker, I hope the Members are listening to this, it has the support of these groups: The American Farm Bureau. And I would say to the gentleman from Tennessee that I am told that they represent 4.5 million farm families.

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The National Retail Federation, the American Forest and Paper Association, the American Automobile Association, Sea-Land Service, American President Lines, the two largest carriers in this country, the National Broiler Council, the National Turkey Federation, and I could to on and on.

But as evidenced by the aforementioned support, Mr. Speaker, this bill affects America. The title, Ocean Shipping Reform Act, might imply to the uninformed that this affects only ports and only coastal communities. This bill, Mr. Speaker and my friends, affects people, individuals and corporations across this land who produce goods and/or services, Americans who live in New England, who live in Dixie, who live on the Great Plains, the Pacific Northwest, the scenic Southwest. Americans all will benefit, directly or indirectly, with the passage of this bill without any amendments.

This bill could be labeled, Mr. Speaker, America's bill. It is a good bill. I urge passage of this rule.

Mr. MOAKLEY. Mr. Speaker, I yield 7 minutes to the gentleman from Minnesota [Mr. OBERSTAR], the ranking minority member.

Mr. OBERSTAR. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. MOAKLEY], for yielding me the time.

Mr. Speaker, I do support this rule. I appreciate very much your comments about the amendment that I will offer in accordance with the rule. It is an open rule. It does provide us with 1 hour of general debate, makes in order my amendment. That is fair.

The rule inadvertently made a mistake on debate on my amendment. That has been corrected, and I appreciate that gesture on the part of the floor manager for the Republican side.

I have come to this floor many times in support of deregulation of aviation, of trucking, of bus, of railroad industries, and I stand here in support of deregulation of ocean shipping with some adjustments.

The goals in most of the provisions of H.R. 2149, the bill we will be considering this afternoon, are basically good goals and good provisions. They eliminate the Federal Maritime Commission, prohibit ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers, eliminate the requirement that tariffs have to be filed with a government agency. But it does not go far enough, or perhaps it goes too far.

My first concern is that the bill allows carriers and conferences, 85 percent of whom fly a foreign flag, to enter into secret contracts with shippers. Under existing law, the essential terms of those contracts must be disclosed. That is what we do in the airline industry today. Nothing wrong with that.

Allowing secret contracts would lead to contracts that would discriminate against small shippers and disadvantage smaller carriers and smaller ports. They have raised concerns about this legislation. That is why I have an amendment to require these be open contracts, as current law requires.

Secret agreements would also permit foreign carriers to set the market price for U.S. exports, while U.S. carriers would have no ability to learn the essential terms of the secret contracts and offer competitive rates.

My other concern focuses on the agency that will take over the residual functions of the Federal Maritime Commission. The bill would vest that authority to the Secretary of Transportation.

Well, I may trust this Secretary. I do not necessarily want to have confidence in every Secretary. I do not believe that major authority should be placed in a department that is subject to the ever-changing political winds or whims of any particular Secretary. My amendment would address those concerns by requiring public disclosure of the essential terms of carrier conference contracts.

Second, it will vest the remaining enforcement responsibilities of the Federal Maritime Commission in the Surface Transportation Board, an independent transportation agency that already oversees water carriers transporting goods to certain destinations.

My amendment leaves in place the objectives, major objectives of this legislation. The Federal Maritime Commission is eliminated. Restrictions on the contents of contracts between shippers and carriers would be eliminated. Laws related to unfair trade practices of foreign carriers and foreign governments would be strengthened.

But I must say, my colleagues, and I am sorry that I do not see the gentleman on the floor right now, the chairman of the subcommittee, who said certain people were subjected to political intimidation. I am sure that those words were directed to our side of the aisle and possibly to this Member, and I just wanted to ask the gentleman, since when do citizens of this country not have the right, provided in our Constitution, to petition their government for redress of grievances? Since when do we say to people who will be adversely affected by legislation, you have no voice, you have no way to express yourself, you have no opportunity to come before the body of this country that makes policy and express your dismay and ask for redress of grievances?

That is not political intimidation. That is the right of every citizen of this country to walk into our offices and to say, "I do not like the way things are happening, I do not like this law, I do not like this bill. Please correct it for me." We do that time and again, and that is right and that is fair, and my amendment is not being subjected to any kind of secret process. It is being debated right here openly on that floor, and I resent that kind of language. It is inappropriate.

We did have hearings on the concept of deregulation. There was a bill drafted by the committee at the conclusion, and a markup was held. There were no hearings on that bill, and I am not faulting that process. I am just saying that people have come since then and said 8 months later, after this bill was considered in committee, "We find fault with the bill. We do not think that it is appropriate to proceed in this manner. We want redress of our grievances." Small ports, small shippers, maritime labor, who have concerns.

Those concerns are going to be addressed in my amendment in an open, fair debate, no political intimidation. That is sheer nonsense and inappropriate and I resent it.

Mr. QUILLEN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the distinguished chairman of the Committee on Transportation.

Mr. SHUSTER. Mr. Speaker, I did not realize we would be debating the substance of this bill in the rule, but since my good friend from Minnesota is, then I think that I need to respond.

I cannot tell you how deeply disappointed I am that I believed we had a deal. We had a very delicate compromise in which everybody gave up something: the shippers, the carriers, all interested parties.

In fact, while the shippers were very much opposed to retaining antitrust immunity, this is in the bill. They swallowed hard. On the other hand, in exchange for their swallowing hard, private contracts were permitted, private contracts which are at the heart of the Staggers Act, in the railroad industry, are permitted with rail; private contracts between shippers and carriers which are permitted in the trucking industry.

Indeed, one of the essential parts of deregulation is to permit private contracts between shippers and carriers, and indeed, that was part of the deal. In fact I must particularly remind my good friend from Minnesota, who indeed is a good friend, in fact I am reminded of something that somebody told me earlier today about a chaplain saying the prayer in the Louisiana State legislature when he prayed, "O Lord, help us make our words sweet today because we might have to eat them tomorrow."

Well, I must remind my good friend from Minnesota that this legislation was passed overwhelmingly by voice vote out of our committee; that my good friend from Minnesota said and I quote him:

> I am a strong supporter of the legislation that we consider today, as are my fellow committee Democrats. The basis for this legislation has been the strong bipartisan, cooperative manner in which the bill has been developed.

Then he went on to say:

> The bill accomplishes preservation of the committee carrier system, which is important to the carriers, but it also injects a very healthy and significant dose of flexibility and competitive opportunity.

And then he said:

> Most importantly, Mr. Chairman, prior to the bipartisanship that we developed on the committee on this bill, it enjoys the support of carriers, of labor, and of the shipping community, without which we could not move the legislation. We'd have a room full of people buzzing around and all sorts of conflicts. But because we've come to this—as we are fond of saying in this committee over and over again—a delicate balance, we've got a good compromise of different interests.

Indeed, just less than a month ago my dear friend from Minnesota, in a speech, also said:

> Our committee has reported the Ocean Shipping Reform Act of 1995 to the House and proposed that we deregulate the ocean transportation industry in ways that are similar to what we have already done in the trucking, rail, and airline industries. We would eliminate tariff filings and allow for confidential service contracts.

Let me repeat that: "We would eliminate tariff filings and allow for confidential service contracts." That was part of the deal. That was the compromise. Now to be told a few days ago that, "Well, we really did not mean it when we make a deal, we do not stick to the deal, but at the last minute we try to change the deal," I find that extremely disappointing.

My good friend went on to say:

> As we deregulate transportation industries carefully over the years, each time the result has been lower rates and greater cargo and passengers movement.
>
> So if we decrease the cost of international shipping through deregulation of the ocean transportation system, and at the same time expand our port access infrastructure, everyone can and will win.

So I cannot tell you how deeply disappointed I am that after we crafted a very, very delicate compromise, after management, labor, carriers, shippers, all came to the table, all gave up something and we passed this out by voice vote, with nary a "nay" expressed, with, as my good friend from Minnesota says, strong bipartisan support from the Democrats and the Republicans, now at the last minute to be told that "Well, the deal really was not a deal, now we want changes."

So I am very disappointed by this, and if the gentleman has time on his own time, I would be happy to address him. My time has expired, I understand.

Mr. MOAKLEY. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. TRAFICANT].

(Mr. TRAFICANT asked and was given permission to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I want to start out by commending the gentleman from Pennsylvania, Chairman SHUSTER, and the ranking member, the gentleman from Minnesota, Mr. OBERSTAR, and the gentleman from North Carolina, Mr. COBLE, the subcommittee chairman, who worked hard. He is a friend of mine.

I was the ranking member at the time this bill was approved, and I remember much the things now being rehashed except to say that there was always one little asterisk in this whole process, and that was labor's concern over the secret opportunities of these contracts and certain antitrust considerations right from the beginning.

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We went along, and there was supposedly a mild-mannered agreement, gentleman's agreement, but there was never total confirmation of support from those people who were concerned.

I will yield to the gentleman when I conclude this because I would like to make this statement:

The Oberstar amendment and the original bill are not far apart. The Federal Maritime Commission has done a great job; it will be eliminated, as will all of the other salient points that are brought up in the legislation before us. Where the bill currently stands and the Oberstar amendment currently fits deals with the issue of repealing the requirement that the essential terms of contracts between ocean carriers and shippers be disclosed to the public. They would not be allowed to be disclosed to the public, and on the surface it does not seem to be a problem. That is the way it was some time ago, especially when we look at the way rail and highway shipping industries operate. But unlike rail and highway industries, in ocean shipping most of the carriers are a part of conferences that are immune from U.S. antitrust laws.

This combination, I say to my colleagues, of antitrust immunity and secret contracts, in our opinion, and in the opinion of many in the industry now, would greatly compromise the competitive balance between ocean carriers and shippers.

I am of the conclusion, as is the gentleman from Minnesota [Mr. OBERSTAR] and many others in labor, that the only way to fully protect small carriers and shippers as well as small- to mid-sized ports is to preserve the requirements in existing law for disclosure of the essential terms of ocean shipping contracts. With that, that is the issue that separates us.

But I started out, I said I wanted to compliment the gentleman from Pennsylvania [Mr. SHUSTER]. Three of my amendments are included in this bill and are included in the Oberstar substitute as well which would broaden the authority of the Secretary of Transportation to take action against foreign governments and entities that take actions that are unfair, predatory, or anticompetitive, and disadvantageous to all carriers. The original Tranficant language in the bill was criticized because it focused solely on the impact on U.S. carriers. It has been broadened, and it affects both domestic and foreign carriers.

The second amendment clarifies the manner in which regulations shall be issued by the Secretary on making determinations that prices charged by carriers are unfair, predatory, and anticompetitive. It ensures that, if a carrier is investigated by the Secretary and found not to have violated the law, the information will not be made public. Congress would have access to the information.

Finally, it would require the Secretary of Transportation to report to the Congress annually on any action taken to enforce U.S. laws prohibiting unfair, predatory, and anticompetitive foreign trade practices and the effect of U.S. maritime labor on the actions of foreign governments and carriers.

I do not know about all the small detail between the two heavyweights on our committee, but we have been truly a bipartisan committee from the day that I have first been elected and served on this committee. I do not know of any two finer Members that serve. But I do know this as the ranking member at the time, not knowing the words that were repeated by the ranking member, the gentleman from Minnesota [Mr. OBERSTAR], but there was always that element of doubt and concern from labor over that issue of disclosure/nondisclosure. With that, I would urge all to support the Oberstar amendment.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. My good friend said in the committee, and I am quoting him now: Mr. Chairman, I am in strong support of this legislation. The bill was developed in a bipartisan manner, et cetera.

Mr. Speaker, I would further say I am sure my good friend would not want to mislead the body and certainly would not do that on purpose. I am sure the gentleman would not intentionally mislead the body.

Talk about antitrust immunity here in ocean shipping, well antitrust immunity continues to exist in rail and trucking as well, and in fact in rail and in trucking the right to enter into these private contracts exists.

So the Staggers Act, which has been extraordinarily successful in revitalizing the rail industry, has the very provision in it that we have in this bill and which was supported not only in the committee by the gentleman and the Democratic side, but in a speech less than a month ago by my good friend from Minnesota.

So I find it extraordinary that we have this disagreement.

Mr. TRAFICANT. Reclaiming my time, if we went back into the archives and looked at all the memorializations of any speeches made by every Member, I am sure we would find some unusual trespasses.

Let me say this before I would yield. There is one thing that I do recall, and there was one great concern over this bill. That is the issue that was brought forth in the Oberstar language. I think it is at the right place where the deliberative body here shall make that decision, in the Congress here, the whole House, and I support the Oberstar language. I think it clarifies it, it stabilizes it, and in fact solidifies what we do here today for small ports, small business and for labor.

Mr. OBERSTAR. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the distinguished gentleman from Minnesota.

Mr. OBERSTAR. Mr. Speaker, I am sure the chairman would not want to mislead people either into thinking that labor was at the table, as he said, because in the list of witnesses on the one hearing we had, there was no representation from labor. There was no testimony from labor. So they were not part of the deal. Those maritime interests that are concerned about this issue were not part of any deal.

Mr. SHUSTER. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. Reclaiming my time, Mr. Speaker, I yield to the distinguished gentleman from Pennsylvania.

Mr. SHUSTER. I would say to my friend I was quoting my friend from Minnesota who said, and I quote, on this bill it enjoys the support of carriers, of labor, of labor, and of the shipping community. I was quoting my good friend from Minnesota.

Mr. QUILLEN. Mr. Speaker, I advise the gentleman from Massachusetts [Mr. MOAKLEY] that I have no further requests for time at this time.

Mr. MOAKLEY. I would like to inform the gentleman from Tennessee that I do not have any requests for time either, and I yield back the balance of my time.

Mr. QUILLEN. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SHUSTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 422, nays 0, not voting 11, as follows:

[Roll No. 142]

YEAS—422

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad

Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—11

Berman
Bryant (TX)
Clay
Danner
Ewing
Goss
Kaptur
McCarthy
McNulty
Molinari
Myers

□ 1526

So the resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. MCCARTHY. Mr. Speaker, during rollcall vote No. 142 on House Resolution 419 I was unavoidably detained. Had I been present, I would have voted "yes".

□ 1530

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2796

Mr. GORDON. Mr. Speaker, I ask unanimous consent that my name be withdrawn as a cosponsor of H.R. 2796.

The SPEAKER pro tempore (Mr. DICKEY). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

ANNOUNCEMENT OF PROCEDURES AND DEADLINE FOR PRINTING OF AMENDMENTS ON H.R. 3230, DEFENSE AUTHORIZATION BILL

(Mr. SOLOMON asked and was given permission to address the House for 1 minute.)

Mr. SOLOMON. Mr. Speaker, the Committee on Rules is planning to meet on Thursday, May 9 to hear testimony on Friday, May 10 to grant a rule which may restrict amendments for consideration of H.R. 3230, the fiscal 1997 defense authorization bill.

The important part is, any Member contemplating an amendment to this bill should submit 55 copies of the amendment and a brief explanation to the Rules Committee in room 312 in the Capitol no later than 12 noon on Wednesday, May 8.

OCEAN SHIPPING REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 419 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2149.

□ 1531

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes, with Mr. REGULA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Minnesota [Mr. OBERSTAR] each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is not often that we can bring to the floor a piece of legislation that can boost the entire United States economy but this legislation, the Ocean Shipping Reform Act, can do just that.

Mr. Chairman, while it is true that by abolishing the Federal Maritime Commission, which this bill does, we can save about $20 million a year in the Federal expenditures, that really does not tell the story. The real story here is that by abolishing the Federal Maritime Commission, by eliminating the tariff filings, we can stimulate this segment of American transportation to the point that we can save for America close to $2 billion a year in increased productivity through increased competition.

Yes, this abolishes the Federal Maritime Commission. Yes, it eliminates tariff filings, although it requires that such filings be made public. But it also provides for private contracts. This is at the heart of the bill, because if we are going to retain antitrust immunity, which this bill does, and which the shippers were very much opposed to but in the spirit of compromise agreed to, if we are going to retain antitrust immunity, then it is crucial that the carriers and the shippers be able to enter into private contracts.

This is not a new idea. This is an idea which has been proven, and it has been proven through the Staggers Act, which was the Rail Reform Act. The railroads have the ability with their shippers to enter into private contracts, and we all know the great success story of the revitalization of the railroad industry. The trucking industry has the ability to enter into private contracts with shippers and carriers. The aviation industry has the ability to enter into private contracts with shippers and carriers.

Indeed, every mode of transportation in America, freight transportation, has the ability to enter into these private contracts except for ocean carriage, and that is one of the fundamental reforms that we make today. We say that as all the other modes may do, now shippers and the carriers in ocean shipping can also enter into private carriage. It is a critical, fundamental part of the compromise of this legislation.

Beyond that, we are told by the U.S. Department of Agriculture that the shipping cartels fix prices and that is what we have had up to this point in ocean shipping, cartels fixing prices enforced by the Federal Maritime Commission. We are told by the Department of Agriculture that that price-fixing amounted to an 18-percent surcharge on the total ocean transportation cost of agricultural products.

And so indeed by injecting this competition, we are going to be able to make agriculture more productive. Indeed, we are going to be able to make virtually all modes that rely on ocean shipping more productive.

It is important to emphasize, Mr. Chairman, the United States is the only country in the world that maintains an agency to regulate and enforce Government ocean shipping controls. The time has come to eliminate the Federal Maritime Commission.

There are several points that served as a basis for the delicate compromise on this legislation, a compromise which had strong bipartisan support, indeed was passed out of committee by voice vote with nary a negative expression against this legislation. Republicans and Democrats alike cosponsored this legislation and passed it overwhelmingly, if not unanimously, out of the committee by voice vote.

The agreement was very simple. The shippers agreed that the ocean carriers and the ports would retain their antitrust immunity. That is what the carriers and the ports got in this compromise, including the authority to set their prices with antitrust immunity and publish those prices.

In exchange for this fundamental concession by the shippers, the carriers agreed to accept reforms to instill greater competition among the carriers. These reforms are the elimination of tariff and contract filings and enforcement, and the authority for shippers and carriers to enter into the private contractual arrangements which every other mode of transportation has. Let me emphasize, seagoing labor, the Seafarers, the part of organized labor most directly affected by this legislation, agreed to this compromise. Indeed, we bring this balance to the floor today.

Let me also emphasize, Mr. Speaker, that originally the bureaucratic ocean and shipping regime, including tariff filings and compulsory publication of contract terms, originally was designed to protect American businesses. But today, however, the ocean transportation system works against U.S. exporters and importers, and it benefits those very foreign competitors of U.S. business and foreign flag owners who dominate the price-fixing cartels. Indeed, these foreign vessel owners control nearly 85 percent of the regulated ocean shipping.

So we bring to the floor today legislation which is good for America, legislation which had the strong, strong support, bipartisan support of virtually every member on the committee. I would urge my colleagues to support this legislation, this compromise, without amendment, because if we undo the compromise, then we undo the reforms and the benefits which are so crucial and critical to the future of American productivity.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, many writers and historians have described the United States as an "Island Nation". The oceans that have protected us from foreign invasion are also the highways over which most of this country's imports and exports must travel to market.

While most people recognize that the coastal cities in our country grew up around ports, today, every congressional district in the United States is touched by this linkage to the world market—whether it be iron ranges in my district, or wheat fields in Kansas. That's why we must all be concerned about how international shipping is regulated.

The bill now before us would take major steps in shifting the regulation of international shipping from the Government to the marketplace. In general, I support this approach. The market can do a much better job than the Government in promoting efficiencies and low prices for consumers. That was proved with the successful deregulation of the domestic airlines, trucking, bus, and railroad industries.

I also support most of the provisions of H.R. 2149, including the provisions which eliminate the Federal Maritime Commission; prohibit ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers; and eliminate the requirement that tariffs must be filed with a governmental agency.

However, I believe that the bill goes too far in one important respect. By combining continued antitrust immunity for conferences of carriers with a right of these carriers to make secret agreements with individual shippers, the bill is likely to lead to less competition and higher rates. Later, I plan to offer an amendment to prevent these unfortunate consequences by banning secret agreements.

In evaluating the problems with secret agreements, we must be aware of some basic economic facts about ocean shipping today.

At the end of World War II, the United States had the greatest commercial fleet in the world to carry this commerce. Today, less than 4 percent of our commerce is transported on U.S.-flag vessels. More than ever before, we are dependent on foreign vessels owned by foreign citizens to transport the lifeblood of our Nation. Foreign carriers do not necessarily have the best interest of United States' citizens at heart. Foreign carriers can be motivated by their own nationalism, their business interests, or the interests of their government. Foreign carriers can operate as an instrument of their country's corporate or governmental policy. To further these policies, foreign carriers can set rates which increase the costs of our exporters and lower the shipping costs of their country's corporations which export to the United States. Thereby, foreign carriers can place U.S. manufacturers, even those only serving domestic markets, at a disadvantage in competing against foreign manufactured goods.

The ability of foreign carriers to create unfair advantages for their country's exporters will be greatly enhanced if the foreign carriers are allowed to enter secret agreements with these exporters, with discriminatory terms. Our shippers will be unaware of these agreements and have less leverage to obtain comparable agreements.

Secret agreements will also accelerate current trends toward industry concentration. In this regard, I would like to take a moment to read to you the views of one of the biggest supporters of H.R. 2140, John Clancy, the president and CEO of Sea-Land Services, Inc. According to an interview he granted with World Wide Shipping in September, Mr. Clancy believe that:

> A few giant shipping consortia with global reach and the freedom to function like contract carriers will dominate the world's sealanes before the end of the century. He painted a picture of a maritime environment where a few super-consortia will control 85–90% of the world's containerships. The byproduct, he says, is the demise of the niche carrier, the feeder line and the north-south lines with no other links in the shipping chain.

The controlling factor in this, according to Mr. Clancy, is the pending legislation to deregulate the U.S. shipping industry.

I thought the purpose of deregulation legislation was to increase competition, not to eliminate it. That's the fundamental flaw in H.R. 2149. It lacks balance. Everyone is looking at the quick, short-term impact—everyone; that is, except Mr. Clancy. He has his eye on the ball—a short-term cut in rates resulting from secret contracts under deregulation will drive his competitors into bankruptcy and he and the other super consortia members will have the market to themselves, with unlimited ability to control the price of international shipping—whether it be household goods, food and grain, raw materials, automobile parts, or clothing.

Secret agreements will be a major weapon enabling Mr. Clancy to achieve his goals. It will permit large companies to offer lower rates to larger shippers. If smaller shippers and carriers are unaware of these deals they will find it difficult to compete. The end result is likely to be exactly what Mr. Clancy predicts. The demise of the niche carrier, the feeder line and the north-south lines.

I served on the House Committee on Merchant Marine and Fisheries when the Shipping Act of 1984 was written. One of the fundamental purposes of the 1984 act was to counterbalance the legalization of international cartels that have anti-trust immunity by requiring public disclosure of the agreements between the carriers in the cartel, and the essential terms of the contracts between the carriers and the shippers. This way the Government and public will know that ports and manufacturers in the United States are not being discriminated against. By allowing secret contracts, this bill eliminates this balance and undermines the concept of common carriage.

I reiterate that there are good provisions in the Ocean Shipping Reform Act. There should be less governmental interference in the marketplace. The Federal Maritime Commission should be eliminated. The marketplace is a better regulator than the Government. But for the market to work, there must be daylight in the market. Carriers, conferences, consortia, and shippers shouldn't be allowed to enter into secret deals that can harm our ports, manufacturers, and consumers. It's one thing to allow for confidential contracting in our domestic commerce where the Department of Justice or the investigating agency can easily obtain evidence by subpoena. But this isn't the domestic commerce. These contracts are being made and executed in cities around the globe—Hong Kong, Singapore, Tokyo, London, Rio de Janiero, and Rotterdam. Many foreign governments have blocking statutes to prevent discovery of evidence by U.S. investigators. It will be virtually impossible to obtain information about the content of these secret deals before the harm is done to U.S. ports, manufacturers, and consumers. Was it good for the U.S. consumer and manufacturers when OPEC got together to control the world price of oil?

At the appropriate time I will offer an amendment to require that essential terms of these confidential contracts be made publicly available and to transfer the residual functions of the FMC to the Surface Transportation Board that currently regulates ocean shipping between the continental United States and Hawaii, Puerto Rico, Alaska, and Guam. I believe that my amendment will not gut or kill this bill but will restore the proper balance to this legislation and allow market forces to regulate this industry instead of the Federal Government.

Now you have already heard from the other side that this amendment will gut the bill. There's nothing further from the truth. The fact is my amendment would still allow for private contracts between shippers and carriers. My amendment would not disturb the important provision in the bill that conferences may not prevent individual carriers from making separate contracts. All my amendment would do is require that certain essential terms of these contracts be made public so that there would be an equal playing field in terms of competition. In addition, my amendment would also allow for the transfer of FMC's remaining functions to the Secretary of Transportation with the minor modification that the Secretary then delegate those responsibilities to the Surface Transportation Board.

Hardly "killer" changes, I submit.

Lastly, you have also heard that this bill received bipartisan support in the committee and that even though no hearings were held on it there was opportunity for comment and reaction.

That's true. But unfortunately as is often the case, when a bill lays around for 8 months after markup as this bill did, new issues and new interested parties emerge.

While some may charge that particular groups came late in the game, the real issue is not "when" but "what." In this case, the issues that have been raised are legitimate public policy issues which must be addressed. My amendment addresses these issues, while at the same time preserving the basic structure of deregulation established by the bill.

If my amendment is adopted, I will support final passage of the bill. Without the amendment, I believe that the bill is highly anticompetitive and I will urge a "no" vote on final passage.

☐ 1545

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I am pleased to yield 7 minutes to the gentleman from North Carolina [Mr. COBLE], the distinguished chairman of the Subcommittee on Coast Guard and Maritime Transportation.

Mr. COBLE. Mr. Chairman, I thank the gentleman from Pennsylvania, the chairman of the full committee, for yielding me time.

Mr. Chairman, at the outset I want to comment to the gentleman from Minnesota, I think he took umbrage with my earlier statement when I used the words "political intimidation." Well, I use those words again, but I certainly meant nothing personal about that, I will say to the gentleman from Minnesota.

Folks, is there anybody in this great hall who would dare think that political intimidation is not an ingredient that we see every day up here? All of us, nobody is immune to it. Sure, political intimidation is kicked around. I did not mean anything personally by that at all. But I do stand by my choice of words. I do think political intimidation is involved here.

I have heard it said, Mr. Chairman, that oftentimes the lyrics of music sometimes can bring things together. So I heard a song not long ago, and I am going to try to connect it, Mr. Chairman, to what we are about today.

The song was written by Tom T. Hall, the country balladeer, country story teller, who was reared I think in Congressman ROGERS' district in Kentucky, and it is entitled "The Ballad of $40". The lyrics depict a fellow who died and he was indebted to a friend in the amount of forty bucks.

The creditor friend goes to the funeral, and the lyrics depict him standing alongside the church there viewing the activity. And as he sees the survivors of the deceased, his debtor, walk by, he says, "That must be the widow in the car, and would you take a look at that; My, what a pretty dress, you know some women do look good in black. He ain't even in the ground, they tell me that his truck is up for sale. They say she took it pretty hard, but you can't tell too much behind a veil."

Well, many people up here obviously have been wearing veils. Veils conceal the eyes, and observers therefore are unable to determine the sincerity of the voices behind the veils, because the veils conceal eyes and faces. The observer is, therefore, at a disadvantage.

We were assured by our Democrat friends that they were supportive of this legislation. And as the gentleman from Pennsylvania, Chairman SHUSTER, said earlier, we worked hard, Democrats and Republicans alike, to strike a delicate, yet well-oiled balance.

Strategy sessions were conducted and staffers attended these sessions representing Democrats and Republicans alike. A man said to me yesterday who represents one of the groups supportive of this bill in its present form, he said, "I feel violated. I went to those strategy sessions and shared information that was very personal to my group, thinking people there were supportive of this legislation. Now I find out they were spying." Those were his words, not mine. He felt violated, he said.

All was well, Mr.. Chairman, until the Transportation Trades Department of the AFL-CIO weighed in and told many of my friends on the other side it was time for them to withdraw their support, withdraw their support, despite past assurances that they were in fact supportive.

Have we come to the point in this body where one's word, one's promise, has no significance, has no meaning?

Permit me, Mr. Chairman, to elaborate about the 11th hour involvement of the labor unions. Now, I am not being critical of rank and file, card-carrying union members. My complaint is with union bosses. Union members are rather flexible politically. They vote Republican, Democrat, Liberal, Conservative. Union bosses, on the other hand, with rare exceptions, vote straight Democrat, because I assume big government, sometimes intrusive government, has appeal to these people. Well, these bosses yell "jump", and many respond "how high must I jump?"

Recently some of my colleagues charged that the NRA had too much clout with this Congress. Well, I wonder if these same people believe the AFL-CIO has too much clout? Oh, I guess it is perfectly permissible for the AFL-CIO to dictate the course of legislation, but highly improper for the NRA and other groups to do likewise. The imposition of a double standard, I ask, Mr. Chairman? Perhaps. Perhaps indeed.

A sea change has occurred on this bill. As recently as last week, I say to my friend from Pennsylvania, I say to my friend from Minnesota, the bill was on its way to inevitable passage because of bipartisan support. Then came the AFL-CIO with their marching orders. Now those who previously supported the bill have jumped ship.

A man's word was at one time his bond, but obviously not this day. Too many people, Mr. Chairman, are wearing veils, enabling them to say one thing and do another, and yet often times get away untouched, unpunished, with this elusive approach.

This is a good piece of legislation in its present form, and America, as I said in my remarks during the debate on the rule, will benefit. The gentleman from Pennsylvania, Chairman SHUSTER, just mentioned how much money will be realized by Americans if this bill is enacted. I urge my friends to support it.

Mr. OBERSTAR. Mr. Chairman, I yield 5½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I thank the ranking member for yielding me time.

Mr. Chairman, I rise in strong opposition to this legislation. Last August, I raised questions about the wisdom of this piece of legislation. Here is why I am concerned about this bill: $571 billion of economic activity move through our Nation's ports; 15 million jobs are generated in those ports. That is one in every seven jobs in the country. Oceangoing vessels move over 95 percent of the U.S. overseas trade by weight and 75 percent by value. This generates an estimated $15 billion in U.S. customs duty revenue. These are truly staggering numbers and the bill today jeopardizes all of them. Listen my colleagues, if you have a small or medium sized port and you support H.R. 2149, you can kiss your port goodbye.

I want to cite a September 1995 article in World Wide Shipping which discusses ocean shipping deregulation. It states that a few giant shipping consortia with global reach will dominate the world sealanes before the end of the century, four short years away. One of the prime supporters of today's bill outlined the scenario where maritime container commerce would be 85 to 90 percent controlled by a few conglomerated super-companies and that is the driving factor in today's move to deregulate the U.S. shipping industry and carrier operating alliances. The Republican revolution is putting deregulation into the fast forward mode. At what cost? The byproduct will be the demise of the niche carrier, the feeder lines and the north-south lines with no other links in the shipping chain. One can almost hear the long knives sharpening as these huge combinations prepare to carve up the commerce of the United States.

You will be told that this is the wave of the future. This is the key to international competition. We were told the same things before the current downsizing craze and the merger and acquisition craze of the 1980's. Tell this lame economics to the workers who have been laid off and the port workers who will lose their jobs. See if they believe you.

I want to quote a former Republican colleague of ours from Maryland who has stood foresquare in opposition to this legislation, Helen Bentley, recognized as an expert on maritime commerce. Ms. Bentley is unequivocal: she says that this legislation will result in the reduction of U.S. ports to as few as four. There are now over 100 public ports serving this country. From 100 ports to 4, now that's downsizing any corporate pirate can be proud of.

This bill is simple. Big shippers and big carriers have gotten together and put the screws to the nations' commerce. Ask your local port authority. They oppose this legislation and have been threatened and punished for it. Right now, port-critical language in the Water Resources Development Act is being threatened with reprisal.

There has never been even a single hearing in the House on this bill. One hearing was held last February 1995 on maritime issues. Last week, there was even a hearing on the Federal Maritime Administration authorization but this legislation was not even mentioned. If you read the February 1995 testimony, only one, single witness favored the position taken in this bill. There was strong opposition from every other sector of the maritime community against wholesale deregulation. Then something mysterious happened. Let me now quote page 10 of the committee report:

> It should be noted that during the Spring and Summer of 1995 numerous, in depth meetings and discussions were held under the committee's auspices to forge a bill that could enjoy wide support among all segments of the ocean shipping industry to the greatest extent possible.

I note that the use of the phrase "forge a bill" could be construed in the same sense one could forge a check because this bill is drawn on an insufficient basis. A bill was introduced one day before the markup in August, yet it took until November to file the report. There is something very fishy about this bill and it smells of backroom, closed door, special interest at the expense of everyone else. I say let the sunshine in.

If this legislation enjoys widespread support in the ocean shipping community, why are responsible parties expressing concern about this bill being subjected to bullying, threats, and intimidation? Why were all the discussions conducted behind closed doors? I know that responsible parties with legitimate interests like the port authorities and labor have been repeatedly threatened because they have voiced concerns about what this legislation means.

Here are a few of the concerns that have been raised about this bill.

H.R. 2149 would allow large carriers and large shippers to discriminate against ports in favor of super-hub ports without public notice or public recourse.

H.R. 2149 would effectively impose higher rates on small and medium sized shippers to subsidize secret deals made between large carriers and large shippers. Many shippers would simply go out of business.

H.R. 2149 would result in massive job dislocation in port communities. Wages and benefits would be pushed downward as ports compete against ports and exporters compete against exporters.

H.R. 2149 is not deregulation. It is cartelling. H.R. 2149 will not result in an ocean transportation industry governed by market principles or competition. It will result in a system of cartels which will operate with legal impunity. The United States has never before recognized a cartel of this type.

H.R. 2149 threatens billions of dollars in taxpayer investment in public ports and facilities.

I think that these are issues of consequence. I think that a radical change in $571 billion in commerce merits at least a single hearing in an open and free atmosphere.

Here is the bottomline: H.R. 2149 smells of the bad old days of monopoly power. It reeks of secret contracts, immunity from antitrust laws and no Government safeguards to act as a referee. If you like secret deals, monopolies, unemployment, and recession, while billions of dollars get funnelled directly into the pockets of the cartels, then you should vote for H.R. 2149. If you care about the Nation, the economy or government conducted in the sunshine, you will oppose this bill.

☐ 1600

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume to emphasize that the private contracts which pejoratively are called secret contracts, these private contracts are not different from the contracts that exist in Staggers, in rail, they are no different from the contracts that exist in trucking, in aviation, and every other mode. So for that reason we should simply bring ocean shipping into what is going to become the twenty-first century.

Mr. Chairman, I yield 5½ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

(Mr. HYDE asked and was given permission to revise and extend his remarks.)

Mr. HYDE. Mr. Chairman, I thank my friend for yielding me this time.

Mr. Chairman, I rise in support of H.R. 2149, the Ocean Shipping Reform Act, and in opposition to the Oberstar amendment.

This legislation would make significant reforms in the regulatory regime contained in the Shipping Act of 1984. H.R. 2149 represents the bipartisan compromise that would reform this outdated regime by deregulating ocean shipping, infusing new price competition into the industry, eliminating the need for the Federal Maritime Commission, and maintaining oversight of ocean shipping conferences. As chairman of the Judiciary Committee, I believe that H.R. 2149 moves this important industry towards full market competition and I fully support it.

Under the Shipping Act of 1984, ocean carriers—most of whom are foreign—are allowed to organize themselves into cartels, known as conferences, and collectively fix their prices, set sailing schedules, and make other business arrangements. In fact, the Shipping Act provides an antitrust exemption for international ocean carriers and their conferences, thereby sanctioning price fixing agreements. In contrast, H.R. 2149 would lessen the power of the conferences to fix prices by authorizing private contracts for ocean transportation, as provided in all other areas of transportation.

During the consideration of the Shipping Act in the 98th Congress, the majority of the Republicans on the Judiciary Committee, including me, pushed hard for the concept of independent action. Independent action means that an ocean carrier member of a cartel can act independently of the cartel in setting its prices. We were able to achieve that goal in a limited fashion. However, we did not feel that the 1984 legislation went far enough in ending price fixing.

Fortunately, H.R. 2149 takes another step away from Government-sanctioned price fixing by allowing shippers and carriers to enter into private contracts away from the prying eyes of cartel enforcers. My preference would be to end the antitrust immunity altogether for these cartels. However, I am realistic enough to understand that H.R. 2149 represents a delicate compromise among many competing interests. While it does not go as far as I would like, it is a vast improvement over current law.

Unfortunately, Congressman OBERSTAR's amendment would upset this delicate compromise by requiring prior publication of these private ocean shipping contracts. Without the ability to negotiate reasonable transportation rates in private, U.S. shippers—that is the tens of thousands of American businesses who use the services of carriers—would be at a competitive disadvantage with their foreign competitors who are not compelled to publicize their transportation costs. This amendment would undermine the pro-competitive thrust of H.R. 2149, and I strongly urge you to vote against it.

The biggest beneficiaries of the public contracts that the Oberstar amendment seeks to preserve would be the foreign-dominated shipping cartels who fix prices that they charge American businesses. Over 85 percent of U.S. goods are carried aboard foreign vessels, and this amendment allows foreign ship owners to avoid competition and maintain high profits at the expense of U.S. businesses and consumers.

Further, the Oberstar amendment would not help small shippers as its proponents claim. According to a recent article in the Journal of Commerce, getting the Government out of ocean shipping contracting may allow smaller shippers to get a better bargain than large shippers. Obviously, the thousands of small and medium shippers who support H.R. 2149 agree.

Finally, do not be fooled by the claim that the private nature of these contracts is bad for the shippers. On the contrary, privacy allows competition in rates. Publicizing prices only allows the foreign-dominated cartels to enforce the prices they have fixed. Without this mode of enforcement, competition will ultimately undermine the cartels.

The proponents of the amendment argue that the antitrust immunity provided by the Shipping Act somehow counsels against private contracts. However, the antitrust immunity applies only to agreements among the carriers themselves and with terminal operators. It does not apply to the private contracts between carriers and shippers that the amendment seeks to overturn. Thus, the continuation of antitrust immunity for the cartels is not an argument against private contracts between carriers and shippers.

Cast your vote for the free market, lower prices and actual competition in ocean shipping. Vote for H.R. 2149 and against the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I think those listening to the debate are perhaps becoming a bit confused. We have heard from the esteemed chairman of the Committee on the Judiciary how these secret agreements and the antitrust exemptions will lead to a freer market, more competition, benefit all shippers, particularly possibly maybe smaller shippers and others, and those who have been listening to the debate have heard the opposite from this side of the aisle.

I guess that is a good argument to basically withdraw this bill and go back to the committee of jurisdiction on which I sit and hold a hearing. It would be nice to hear from the broad interests that are going to be impacted by this bill in some detail how they believe this will affect American ports, American shippers, American workers, and the American maritime industry, such as it is. But no hearings were held and none will be held before this bill is voted on. That is absurd, for something that has such a tremendous economic impact, or potential impact on this country.

I respectfully disagree with the prior speakers on that side of the aisle. I believe that antitrust immunity linked to secret, nonpublished tariffs and rates will lead to an anticompetitive environment, an environment that is particularly to the disadvantage of small- and medium-sized shippers and the businesses which they serve. I believe that this will also bring about problems for medium-sized and smaller ports in America.

I do not believe a country that concentrates all of its shipping in two or three large ports is a healthy nation, particularly a maritime nation such as the United States of America. So for those Members who represent States which contain medium-sized or smaller-sized ports, if they do not represent a megaport, this bill in all probability will deprive their port, their State, of vital interests and of carriage through those areas. That means job loss, competitive loss, competitive disadvantage for their States.

Beyond that, I disagree also, Mr. Chairman, on the fact that this will somehow disadvantage the foreign cartels; to have antitrust immunity, and secret agreements, and no transparency, and no publication of rates and tariffs is somehow going to disadvantage foreign cartels, who are right now trying to drive American shippers out of business and trying to channel business through a few select ports. No, I do not believe this bill is going to help that situation. In fact, I believe it is going to make it worse.

There is only one remedy. We can get the savings proposed here by eliminating the Maritime Commission. We can get the savings and the efficiency that underlie other parts of this bill, and we can maintain competition, maintain a viable environment for small shippers, medium shippers, small ports, medium ports if the bill is amended with the Oberstar amendment, which the chairman of the full committee objects to vehemently.

Again, perhaps we could sort those differences out if we went back and held a hearing. But absent a hearing, I think we should act in a way that is prudent to protect America's interests and the diversity of interests in this country by adopting the Oberstar amendment. And absent the Oberstar amendment, I and many others will not support this legislation.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume to respond to my good friend from Oregon that, first, hearings were held on February 2 on ocean shipping deregulation. Second, in the last Congress there were at least three different major bills on which precisely the procedure which was followed in the last Congress was followed in this Congress, and that is hearings on airline improvements, hearings on trucking deregulation, and hearings on amending the FAA, all of which, under the control of our Democratic friends, hearings were held on the issue but no hearings were held on the actual text of the legislation. So we are simply following the same procedure that our Democratic friends followed in the last Congress.

And, finally, I would also say that my good friend, the gentleman from Minnesota, Mr. OBERSTAR, in his statement on August 1 in the committee, said that, and I quote him directly, the basis of this legislation is bipartisan; a cooperative manner in which the bill was developed, and the willingness of Chairman COBLE to let the bill hang out there for a time and let people digest it, and comment on it, and be comfortable with it and with changes that need to be made.

Mr. Chairman, I yield 6 minutes to my good friend, the gentleman from California [Mr. BAKER].

Mr. BAKER of California. Mr. Chairman, I got into this process early serving on the subcommittee, and at the point we entered the debate there was a mechanism where we fixed prices and the cartels and other parts of the world fixed prices. How can we, if we want to increase our exports, use shipping when the prices are fixed artificially high? How do we expect to change our balance of payments if we are going to allow the shipping to be artificially high?

□ 1615

So the gentleman from North Carolina, Chairman COBLE, and I and other members of the committee said the end of the Maritime Commission, the end of price fixing, we are going to join the late 1800's and we are going to have competition.

No one thought we would do it. The gentleman from North Carolina [Mr. COBLE] assured them, the chairman of the committee, that we were crazy enough to eliminate them, just as has been suggested by Democratic Congresses before that. This mechanism was old. Seven years ago we asked that they study this mechanism, and this Congress demanded that they study this mechanism. And because the carriers had a lock grip on the Maritime Commission, they came back with no recommendation, surprise, surprise.

Another 4 years went on after that and nothing happened. But then we got a new Congress and we began addressing problems. We said the old days are over, this mechanism is going. They are going under the Department of Transportation and this industry is going to be deregulated, just as rail and trucking was before it.

The rail units have, quote, secret contracts. Is it not funny when we have a business agreement with somebody and we do not post it on the wall, it becomes evil at the last moment? These are now secret contracts. The shipping people and the rail industry have secret contracts. Truckers have secret contractors. And while we post the airline rates for you and me, we know what we pay when we walk in, the airlines are free to go to a corporation and say, "Use us a bunch of times and we will give you a discount." Those are secret contracts.

So now we are being besieged to, well, just take that out, do not allow competition, post the rates which then become the rates. Everybody will have the same rate once again, back to the old rule. So what happened? We allowed shippers and carriers, those who have ships, those who make the product, whether they be small manufacturers or farmers, large goods, small goods, they got into a room and they decided they could work it out by themselves, once they realized we were crazy enough to get rid of their cartel mechanism, and they worked it out.

They came out and just showed what their final product was and everybody signed off on it, until the unions decided this was 1996 and they wanted to play politics. They wanted to muscle around on the floor of the legislative body and they said, "Oh, we no longer think this is a good deal." We cannot lose American jobs in shipping because most of the people in shipping, whether they are American flags or foreign flags, are foreigners.

Mr. KASICH. Mr. Chairman, will the gentleman yield?

Mr. BAKER of California. I yield to the gentleman from Ohio.

Mr. KASICH. Mr. Chairman, I would like to alert our Members to this bill that we will be voting on here this afternoon, and I would like to pay a very high compliment to the gentleman from North Carolina, Mr. COBLE, the chairman of the subcommittee, and obviously the gentleman from Pennsylvania, Chairman SHUSTER. It is great to stand up here and be with Chairman SHUSTER, not only because we won the last time but, second, he generally wins, so it is good to be working with him this time.

But I want to say to our Members that this is another outstanding effort by this Congress to try to move things literally with an aim toward the 21st century. Now, I think we have got to give Jimmy Carter a little bit of credit, President Carter a little bit of credit for deregulating a number of industries: the trucking industry, the bus industry. We are trying to do some deregulation of railroads and of airlines, as you know.

All we are trying to do here is to say that the time has come in America where we ought to deregulate some of the activity involved in shipping. And at the same time, very similar to what we did in the Interstate Commerce Commission, we are saying we do not need this old bureaucracy anymore.

This bill will call for the dismantling of the Federal Maritime Commission. This is a fantastic vote for this Congress so we will be able to achieve several things: One is, we will deregulate because we believe that regulations cost money and strangle business. Second, we will have a lowering of prices. It will be pro-consumer. Third, it is pro-taxpayer because we are again trying to pull another one of these tired old dinosaur-like bureaucracies out by the roots and to suggest that we move into the 21st century.

So the members of our party in particular should be very enthusiastic to vote for less government, less regulation, and giving the taxpayers a break on some of the money that they are sending up here to keep piling up World War II bureaucracy. We are going to cut through that.

To my Democratic friends who are market-oriented, this makes all the sense in the world. If you believe in deregulating trucking, if you believe that people have been served well in this country, consumers, by a better product with more competition, you need to vote for this bill. If you want to get rid of some of the World War II relics, you have got to come to the floor and vote for this bill.

I one more time want to compliment Chairman SHUSTER and Chairman COBLE for their outstanding work, and would ask for very strong support of this legislation.

Mr. BAKER of California. Mr. Chairman, reclaiming my time, I think the gentleman in the budget area said $17 million savings on the commission, lower rates to consumers and a better trade balance. I ask for an "aye" vote, and a "no" vote on the Oberstar amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself 30 seconds.

I am sorry my good friend, the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, left the floor so precipitously. All he said, we are in agreement with. There is nothing that my amendment does that will affect in any way anything that he said. We are all in agreement about this deregulation, about all the good things he talked about. We just want to correct one defective aspect of this legislation.

Mr. Chairman, I yield 4 minutes to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman from Minnesota for yielding me the time, and I want to say that I feel I am compelled to speak on this particular bill because I had the fortune of being the last chairman of the late, great Merchant Marine subcommittee.

H.R. 2149, the Ocean Shipping Reform Act, provides badly needed reform to the ocean shipping industry. The ocean shipping industry is one of the only transportation industries still heavily regulated by the U.S. Federal Government. By substantially deregulating the ocean shipping industry, this bill has the potential to restore the competitiveness of the American shipper.

The United States is the only country in the world that maintains a Government agency to regulate ocean shipping. For this reason, the Ocean Shipping Reform Act sunsets the Federal

Maritime Commission—a Federal agency which has clearly outlived its usefulness.

The Ocean Shipping Reform Act also eliminates the detrimental tariff-filing and enforcement requirements. It preserves common carriage for all sizes of U.S. shippers who choose that method of ocean transportation. Most importantly, the bill also strengthens the laws that prohibit unfair trade practices on behalf of foreign carriers. Under the bill, the United States will retain the authority to police foreign carriers and governments who set anticompetitively low rates and other foreign activities detrimental to U.S. carriers.

Despite these much needed reforms, I will not be able to vote for H.R. 2149 without an amendment. The Ocean Shipping Reform Act allows conferences of carriers to enter into secret contracts and still enjoy full immunity from U.S. antitrust laws. These secret contracts will only accelerate the trend in the maritime industry toward consolidation. With carriers operating free from antitrust laws, there would be no safeguards to prevent predatory activity. Small consumers, manufacturers, and ports will have no recourse from secret deals that discriminate against them.

Allowing secret, discriminatory contracts is a fundamental flaw of H.R. 2149, the Ocean Shipping Reform Act. I urge my colleagues to adopt the amendment which would preserve the requirement that carriers file their rates. Only with the amendment will the Ocean Shipping Reform Act produce a stronger maritime industry capable of meeting the Nation's future ocean transportation needs.

I urge my colleagues to vote for the Ocean Shipping Reform Act only and only if the Oberstar amendment passes this afternoon.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, perhaps my good friend from Illinois misspoke, because when he said that the so-called secret contracts will have antitrust immunity, that simply is not the case. The antitrust immunity applies only to the published rates.

The antitrust immunity does not apply to the private contracts, the so-called secret contracts which the gentleman refers to. I wish to emphasize that very, very clearly. The antitrust immunity does not apply to the private contracts entered into, the same private contracts that already exist for every other mode of transportationin America.

Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. BORSKI].

(Mr. BORSKI asked and was given permission to revise and extend his remarks.)

Mr. BORSKI. Mr. Chairman, I want to thank the distinguished gentleman for yielding me the time.

Mr. Chairman, I wish to express my opposition to H.R. 2149 and my strong support for the Oberstar amendment.

H.R. 2149, as it now stands, would benefit a small group of large shippers and a handful of the largest ports at the expense of everyone else. The committee bill would be a serious threat for consumers, for small shippers, and for all but the largest ports.

In Philadelphia, a minimum of 11,000 people owe their jobs to port activity. H.R. 2149 could put those 11,000 jobs at serious risk because shipping activity could be funneled through a few large ports.

Just a few years ago, we saw the power of the ocean carrier cartels when the Northern Europe-United States Conference dropped its designation of Philadelphia as a port of call. Since then, the carrier conferences have become larger and even more powerful.

H.R. 2149 would provide a powerful new launching pad for concentration of the carrier industry, of the shipping industry, and of the ports of this Nation. One of the major backers of this bill has said that the 100 public ports that exist today in this country will be reduced to four. That concentration will come at the cost of tens of thousands of jobs in every part of this country.

It is the threat of the industry and port concentration that would be promoted by this bill that has prompted the strong opposition that has surfaced during the past 8 months.

We have heard from the ports, from labor, and from small shippers about the damage this bill could cause.

To make this bill acceptable, we must eliminate the cloak of secrecy that H.R. 2149 would cast over freight carrier contracts. The Oberstar amendment would lift that veil of secrecy to protect consumers, small shippers, and smaller ports from potentially serious damage that could take place if the confidentiailiy provision is allowed to stand.

If the Oberstar amendment is not adopted, the end result of this bill will be fewer shippers, fewer carriers, and fewer ports. This Congress should not be creating a special veil of secrecy for ocean shipping that will put thousands of people out of work.

This bill is a step backward from the open and public disclosure of contract terms that has existed since the Ocean Shipping Act of 1984. H.R. 2149 continues the special antitrust exemption for ocean carrier conferences but it also allows the deals made by these conferences to be secret.

The new secrecy authority will make these conferences into cartels that will become more and more powerful. Eventually, there will be no competition. That means fewer jobs.

It is also crucial that an independent regulatory board, such as the Surface Transportation Board in the Department of Transportation, take over the remaining oversight functions of the Federal Maritime Commission. The Oberstar amendment would eliminate the FMC and transfer its functions to the Surface Transportation Board.

Without the Oberstar amendment, H.R. 2149 is anticonsumer, antiworker, and will benefit only a handful of major ports. Without the Oberstar amendment, H.R. 2149 is a job killer that should not be approved.

I am also concerned about other issues that have been raised by the American Association of Port Authorities, another group which opposes the bill. AAPA has objected to the provisions on tariff filing and on steamship alliances. I hope those issues can be resolved so the ports can support the bill.

Mr. Chairman, I urge support of the Oberstar amendment and defeat of the bill unless the Oberstar amendment is adopted.

The CHAIRMAN. The Chair advises that the gentleman from Pennsylvania [Mr. SHUSTER] has 4½ minutes remaining and the right to close, and the gentleman from Minnesota [Mr. OBERSTAR] has 4 minutes remaining.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in the course of this debate, much has been made of who said what and when. At the very outset of this whole process, I made it very clear to my good friend, the chairman of our committee, that as we moved the bill through subcommittee and full committee, I supported the bill.

I felt, however, there should have been hearings on the introduced bill before we went to markup, but there was a willingness to work together to try to work out differences to come to an agreement. When we came to markup, I said very clearly, "I support the legislation being considered, as do my fellow Democrats on the committee." I thought that we had gone through a process whereby all considerations had been given an opportunity to be brought to bear on the legislation.

□ 1630

The bill that the committee was about to consider was very similar, I said, to legislation I introduced earlier in the year, but that bill that I introduced following the concept hearings the committee held never allowed for secret contracts. That was not something, it was not a provision, that I supported. We had come to an agreement, however, that I thought was about as far as we could go at that point.

Mr. Chairman, time passed 8 months went on, and agreements should never stand in the way of good public policy. If people have objection to legislation, people feel their interests are being hurt, if ports feel that they are going to be disadvantaged, if labor feels it is going to be disadvantaged, we have a right to hear their concerns, and we have a responsibility to react to those concerns. That is what I am doing in proposing my amendment.

This is not some act of disloyalty, as it seems to be portrayed in the course of this general debate. This is, however, a high act of public responsibility and public policy. Openly discussed, I did not conceal from my friends on the Republican side that there were concerns raised by valid interests that need to be heard. I was very open about it, told my colleagues directly what needed to be done and gave them an opportunity to look at this legislation, at this amendment, rise objections if they have them. We understood that they could not probably come to an agreement on it and that this is the place to take that language to the floor and have a vote on it, and we will have a vote.

Mr. Chairman, but it is done in the full spirit of openness and of respecting interests that people have and concerns in this open public policy process. There is no hidden agenda on my part or on the part of any of us on this side. We have differences; let us have them out. But let us not make them personal. I never have and I do not like that way of proceeding. We have differences on public policy issues; let us debate them out on their merits, and that is what we are going to do in a few minutes.

With that, Mr. Chairman, I yield back the balance of our time.

Mr. SHUSTER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I wish to strongly concur with the last statement my good friend made because, the minute he realized that there was going to be an effort on the part of labor to try to change this legislation, in the spirit of openness and fairness he came to me immediately, and he told me that there was this problem developing. So I salute him, and I concur with what he said in the spirit of openness with which we have always worked.

I would like to review the facts, however, as how this has developed and the whole question of this last-minute abrogation, I must call it, of an agreement from my perspective. Last June 28 we put out a bipartisan press release, both sides of the aisle, in our committee, and we listed the seven key elements of the compromise and the private contracts. The confidential contracts were one of the seven elements.

Mr. Chairman, from June 28 to August 1 and 2, the markups, we heard nothing about opposition. On August 1 and 2 we marked up the bill; we heard no opposition to this issue. On April 2, this year, less than a month ago, my good friend, the ranking member of the committee, was still supporting the private contracts in speeches to the ports.

Indeed, and I again emphasize what my good friend said because I think it is so relevant, he said our committee has reported the Ocean Shipping Act to the House and proposed that we deregulate the ocean transportation industry in ways that are similar to what we have already done in trucking and rail and airline industries. We would eliminate tariff filings and allow for confidential service contracts. My good friend went on to say, "I know that some ports may have concerns about the possible impact of this bill, but I would hope that you would look at this as an opportunity to increase your business and not as a threat to your existence." Then he further went on to say, "Shippers and consumers will pay less for their products, the ports will be handling more cargoes, and the ocean carriers will have a more competitive operating environment.".

So after all these months, 10 months after we had a compromise, a bipartisan agreement, no problem. Finally, a few days ago something changed, and I understand that, and we all know what changed, and I respect that. But really those are the facts.

Mr. Chairman, it should be emphasized once again that the compromise that was agreed to was that the carriers would swallow hard and accept private contracts for the shippers. The shippers would swallow hard and accept keeping antitrust immunity which the carriers wanted, and indeed I emphasize again, lest there be no misunderstanding. With regard to the private contracts the antitrust immunity does not apply. The antitrust immunity applies only to the published tariff rates.

Further, I would ask rhetorically to my good friends on the other side of the aisle, do they want to eliminate the private contracts that we gave to rail in the Staggers act? I have heard nobody proposing to do that. Do they want to eliminate the private contracts which exist in the trucking industry? I have heard nobody propose that. Do they want to eliminate the private contracts that exist in the aviation industry? I have heard nobody propose that.

Yes, every other mode of transportation in America has the ability to enter into private contracts between the shipper and the carrier, and we are simply doing here today what every other mode of transportation already has in America.

Now my friends can try to characterize it as secret agreements. These are private agreements which every other mode has, and for that reason I think that we should treat the ocean carriers in exactly the same way. Indeed, let us not destroy this compromise, let us not gut this bill. Let us pass the bill as it was overwhelmingly passed on a bipartisan basis out of our committee and, until last Thursday evening, had the strong bipartisan support of virtually every member of the committee on both sides of the aisle.

For all those reasons I would urge my colleagues to reject the Oberstar amendment when it comes and to support the bill so we can get on with real regulatory reform in the transportation industry.

Mr. TRAFICANT. Mr. Chairman, first of all I want to applaud the chairman of the Coast Guard and Maritime Transportation Subcommittee, HOWARD COBLE, for all the hard work he and his staff did on this bill.

I was the ranking member of the subcommittee when the bill was approved. We worked very closely with shippers, carriers, and maritime labor. The bill approved by the committee last August had the strong support of ocean shippers and carriers. At the time, maritime labor indicated that they were not opposed to the bill, although they did not expressly support it.

It has been 9 months since the bill was approved by the committee. Members of Congress and our friends in maritime labor have had time to digest the bill and fully understand every section. After this normal process of reflection, one legitimate concern has arisen over the issue of secret contracts.

H.R. 2149 amends existing law by repealing the requirement that the essential terms of contracts between ocean carriers and shippers be disclosed to the public. On the surface, this seems to make common sense—especially when one looks at the manner in which the rail and highway shipping industries operate. But unlike the rail and highway industries, in ocean shipping, most of the carriers are part of conferences that are immune from U.S. antitrust laws.

The combination of antitrust immunity and secret contracts will greatly compromise the delicate competitive balance between ocean carriers and shippers. The only way to fully protect small carriers and shippers, as well as small- to mid-size ports, is to preserve the requirements in existing law for disclosure of the essential terms of ocean shipping contracts.

All the Oberstar amendment does is retain the disclosure requirement. I support the Oberstar amendment. Far from gutting the bill, the Oberstar amendment retains all of the key provisions in H.R. 2149. These include:

Elimination of the Federal Maritime Commission; elimination of tariff filing; elimination of restrictions on the contents of contracts between shippers and carriers; repeal of current provision of law that allowed carrier conferences to bar their members from making individual, lower cost, ocean transportation contracts with shippers; reduction of the amount of notice a carrier must give a conference before it offers lower contract rate from 10 days to 3 days.

Most significantly, the Oberstar amendment retains key language I had included in the bill to strengthen the ability of the United States to combat unfair, predatory, and anticompetitive trade practices by foreign governments and carriers.

While I support the elimination of the FMC, I want to applaud the FMC for the excellent job it did over the years to protect U.S. ocean shippers and carriers from unfair and illegal foreign trade practices. The FMC rarely took action against a foreign government or a foreign carrier. It didn't have to. Merely the threat of FMC sanctions was enough to keep foreign governments and foreign carriers in line.

The Traficant language included in the bill and the Oberstar amendment will ensure that the United States retains the ability to take decisive action against foreign governments and carriers that engage in unfair trade practices. In fact, the Traficant language actually strengthens the hand of the United States.

The bottom line: The Oberstar amendment will not gut the bill. I urge Members to support the Oberstar amendment, and I applaud the distinguished ranking member, Mr. OBERSTAR, for bringing the amendment forward.

Mr. UNDERWOOD. Mr. Chairman, I rise in opposition to H.R. 2149, the Ocean Shipping Act of 1995, in its present form and in favor of the Oberstar amendment that would remove some of the onerous provisions in this legislation that are harmful to domestic offshore areas such as Guam.

Open and fair competition in the shipping industry is good. But, we do not have open and fair competition in the domestic offshore trades. Instead, because of the Jones Act and cargo preference laws, we have captive markets like Guam that are gouged by carriers with high shipping rates due to lack of competition. Because there is no effective competition in the offshore trades, we need effective regulation, or completely open markets—it seems that we are moving in the direction of having the worst of both worlds. To allow the carriers to have complete freedom to set secret rates without public disclosure would only exacerbate the exploitation of the domestic offshore markets and the raiding of consumers' wallets on Guam. I opposed certain provisions of the ICC Termination Act for this reason.

This same basic infirmity is now being proposed for the foreign commerce of the United States in H.R. 2149. Most troubling are provisions in H.R. 2149 that would allow conferences to negotiate secret rate deals with shippers. The effect on the shipping industry is potentially devastating. By allowing secret contracts, major shippers and major ports may be able to steer business away from smaller shippers and ports. Any oversight by the Department of Transportation, once the Federal Maritime Commission is eliminated, would be meaningless if critical information about the carriers' trade practices are withheld.

I am concerned about the effect of our maritime policies on captive markets such as Guam and have voiced those concerns during the debate on the ICC Termination Act. I have also urged the Department of Transportation to consider the domestic offshore trades, the impact on individual areas such as Guam, and the potential for abuse of carriers' rate-making authority in exercising its oversight responsibilities. These considerations apply with equal force to the foreign commerce of our Nation.

I urge my colleagues to support the Oberstar amendment to retain some accountability by DOT over the carriers.

Mr. ROBERTS. Mr. Chairman, I rise in support of the bill H.R. 2149, so as to eliminate the regulation by the Federal Maritime Commission [FMC] of manufactured and processed goods including many agricultural food and fiber products.

As I understand it, existing maritime law permits ocean carriers to organize into consortiums, known in the trade as shipping conferences that may collectively fix their rates, set sailing schedules, and make other business arrangements. I am informed that the United States is the only country that maintains a government agency—FMC—to regulate ocean shipping.

The apparent primary purpose of FMC is to collect and enforce thousands of transportation rates and prices—tariffs—and business contracts filed by ocean carriers and make them publicly available.

The Transportation Committee states that a report prepared by the Department of Agriculture in 1993 found that a "cartel premium" attributable to conference market power amounts to some 18 percent of the cost of ocean transportation of manufactured or processed agricultural exports.

The Committee on Agriculture for a number of years has enacted legislation urging the Secretary of Agriculture to expand on value-added—high value—processed products so that not only will the United States enhance its dollar value and volume of agricultural exports but also enhance rural development by giving jobs to our domestic work force by processing and adding value to our raw commodities and compete in foreign markets. However, to be competitive we need to diminish or eliminate that 18-percent cost of exporting U.S. value-added products and keep that advantage here in the United States to help our domestic farmers, agricultural industries and laborers.

The following groups, among about 40 or more, that support this bill include American Farm Bureau Federation, American Forest and Paper Association, American Frozen Food Institute, American Meat Institute, Calcat Ltd., Con Agra, Inc., Florida Citrus Packers, National Broiler Council, National Cattlemen's Beef Association, Sun Diamond Growers of California, and Weyerhaeuser Co.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I rise in support of the Oberstar amendment to H.R. 2149, the Ocean Shipping Reform Act. This amendment, simply put, requires the public disclosure of the essential terms of contracts that could be secret and/or discriminatory. The authority to make secret contracts is particularly inappropriate when we bear in mind that under H.R. 2149 carriers, consortia of carriers, and their conferences will operate under antitrust immunity.

Mr. Chairman, the combination of antitrust immunity and secret agreements undercuts the Shipping Act of 1984 which achieved a delicate balance between the competing interests of the ocean carrier and the shipper. Under the 1984 act, carriers were allowed to continue having conferences, but the essential terms of the contracts they entered into with shippers had to be publicly disclosed to ensure that they were not discriminating against shippers, ports, manufacturers, and freight forwarders. Without this amendment, Mr. Chairman, this balance will be destroyed. Carriers will be allowed to enter into confidential ocean transportation contracts and no one, not even the Federal Government, will know when these carriers or cartels choose to harm our ports or industries.

Mr. Chairman, with the Oberstar amendment, significant but fair deregulation will still occur. I urge my colleagues to support this amendment that will ensure that true marketplace forces will be able to provide safeguards to protect our consumers, manufacturers, and ports from secret deals that discriminate against them.

I yield back the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, last year, I was a Chair of the Budget Committee working group looking at this part of the budget. We recommended the elimination of the Federal Maritime Commission. I'm glad to support this bill to do that today.

The Federal Maritime Commission, established in 1961, is charged with maintaining a cartel formed by the steamship lines to increase ocean transportation rates above market levels. The FMC also enforces an extraordinarily burdensome tariff filing scheme and restricts the negotiation of contracts for the transportation of goods. This burdens out exporters and contributes to our negative balance of trade. Dr. Alan Furgeson an economist under contract with the U.S. Department of Agriculture, calculated that FMC regulations and restrictions increase transportation costs by an average of 18 percent above the market level. He also estimated that U.S. exporters lose hundreds of millions of dollars of sales due to these additional transport costs. The bottom line is that the FMC is costing Americans jobs by rendering U.S. products less cost-competitive. This proposal would deregulate Federal maritime policy, terminate the Commission, and transfer critical functions to the Department of Transportation.

It deserves our support.

Mr. SHUSTER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired. Before consideration of any other amendment, it shall be in order to consider the amendment printed in part 1 of House Report 104–544, if offered by the gentleman from Pennsylvania [Mr. SHUSTER] or his designee. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as an original bill by title, and the first section and each title shall be considered read.

If offered, the amendment printed in part 2 of the report shall be considered read, may amend portions of the bill not yet read for amendment, shall not be subject to amendment, except for pro forma amendments, and shall not be subject to a demand for division of the question.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SHUSTER. Mr. Chairman, I want to be sure I understand that the gentleman from Minnesota will not be limited in time on his amendment, which it is our intent that he not be limited; is that correct?

The CHAIRMAN. In response to the question, the gentleman is correct.

AMENDMENT OFFERED BY MR. SHUSTER

Mr. SHUSTER. Mr. Chairman, pursuant to the rule, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SHUSTER: Page 3, line 3, strike "rates;" and insert "rates, charges, classifications, rules, and practices;".

Page 3, line 19, strike "or" and insert "and".

Page 10, line 17, strike the closing quotation marks and the final period.

Page 10, after line 17, insert the following:

"(4) The requirements and prohibitions concerning contracting by conferences contained in sections 5(b) (9) and (10) of this Act shall also apply to any agreement among one or more ocean common carriers that is filed under section 5(a) of this Act.".

Page 10, line 23, strike "(4)" and insert "(5)".

Page 14, after line 19, insert the following:

(A) by striking subsection (c)(1) and inserting the following:

"(1) boycott, take any concerted action resulting in an unreasonable refusal to deal, or implement a policy or practice that results in an unreasonable refusal to deal;";

Page 14, line 20, strike "(A)" and insert "(B)".

Page 14, line 23, strike "(B)" and insert "(C)".

Page 14, line 25, insert "and" at the end.

Page 15, line 3, strike "; and" and insert a period.

Page 15, strike lines 4 through 9.

Page 19, strike lines 4 through 25 and insert the following:

(1) by striking subsections (a) and inserting the following:

"(a) LICENSE.—No person in the United States may act as an ocean freight forwarder unless that person holds a license issued by the Commission. The Commission shall issue a forwarder's license to any person that the Commission determines to be qualified by experience and character to render forwarding services.";

(2) by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively;

(3) by inserting after subsection (a) the following:

"(b) FINANCIAL RESPONSIBILITY.—

"(1) No person may act as an ocean freight forwarder unless that person furnishes a bond, proof of insurance, or other surety in a form and amount determined by the Commission to insure financial responsibility that is issued by a surety company found acceptable by the Secretary of the Treasury.

"(2) A bond, insurance, or other surety obtained pursuant to this section shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under this Act or order for reparation issued pursuant to section 11 or 14 of this Act.

"(3) An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(4) in subsection (c), as redesignated by paragraph (2) of this section, by striking "a bond in accordance with subsection (a)(2)" and inserting "a bond, proof of insurance, or other surety in accordance with subsection (b)(1)"; and

(5) in subsection (e), as redesignated by paragraph (2) of this section—

(A) by striking paragraph (3) and redesignating paragraph (4) as paragraph (3); and

(B) by adding at the end the following:

"(4) No conference or group of 2 or more ocean common carriers in the foreign commerce of the United States that is authorized to agree upon the level of compensation paid to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, may—

"(A) deny to any member of the conference or group the right, upon notice of not more than 3 business days, to take independent action on any level of compensation paid to an ocean freight forwarder; or

"(B) agree to limit the payment of compensation to an ocean freight forwarder, as defined in section 3(18)(A) of this Act, to less than 1.25 percent of the aggregate of all rates and charges which are applicable under a common schedule of transportation rates provided under section 8(a) of this Act, and which are assessed against the cargo on which the forwarding services are provided.".

Page 24, line 15, strike "United States carriers" and insert "one or more ocean common carriers".

Page 24, strike lines 19 through 24 and insert the following:

"(h)(1) The Secretary shall issue regulations by June 1, 1997, that prescribe procedures and requirements governing the submission of price and other information necessary to enable the Secretary to determine under subsection (g) whether prices charged by carriers are unfair, predatory, or anticompetitive.

"(2)(A) If information provided to the Secretary under this subsection does not result in a finding by the Secretary of a violation of this section or enforcement action by the Secretary, the information may not be made public and shall be exempt from disclosure under section 552 of title 5, United States Code, except for purposes of an administrative or judicial action or proceeding.

"(B) This paragraph does not prohibit disclosure to either House of the Congress or to a duly authorized committee or subcommittee of the Congress.".

Page 25, after line 10, insert the following:

"SEC. 203. REPORT BY THE SECRETARY.

"The Secretary shall report to the Congress by January 1, 1998, and annually thereafter, on—

"(1) actions taken by the Secretary under the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) and section 9 of the Shipping Act of 1984 (46 U.S.C. App. 1708); and

"(2) the effect on United States maritime employment of laws, rules, regulations, policies, or practice of foreign governments, and any practices of foreign carriers or other persons providing maritime or maritime-related services in a foreign country, that adversely affect the operations of United States carriers in United States oceanborne trade."

Page 25, strike line 14 and all that follows through line 4 on page 26 and insert the following:

SEC. 301. AGENCY TERMINATION.

(a) IN GENERAL.—On September 30, 1997, the Federal Maritime Commission shall terminate and all remaining functions, powers, and duties of the Federal Maritime Commission shall be transferred to the Secretary of Transportation.

(b) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1997.—There is authorized to be appropriated to the Federal Maritime Commission, $19,000,000 for fiscal year 1997.

The CHAIRMAN. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and a Member opposed each will be recognized for 5 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a technical amendment, contains amendments to H.R. 2149 as reported, clarifies the definition of a conference, extends the prohibition against conference interfering with contracting, terminates Federal Maritime Commission at the end of fiscal 1997. I believe this amendment is not controversial, and I would urge its adoption.

Mr. OBERSTAR. Mr. Chairman, we are not opposed to the amendment. Therefore, we claim no time.

Mr. SHUSTER. I thank the gentleman from Minnesota.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. SHUSTER].

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ocean Shipping Reform Act of 1995".

The CHAIRMAN. Are there any amendments to section 1? If not the Clerk will designate title I.

The text of title I is as follows:

TITLE I—OCEAN SHIPPING REFORM

SEC. 101. PURPOSES.

Section 2 of the Shipping Act of 1984 (46 App. U.S.C. 1701) is amended—

(1) by striking "and" at the end of paragraph (2);

(2) by striking the period at the end of paragraph (3) and inserting "; and"; and

(3) by adding a new paragraph (4) to read as follows:

"(4) to permit carriers and shippers to develop transportation arrangements to meet their specific needs.".

SEC. 102. DEFINITIONS.

Section 3 of the Shipping Act of 1984 (46 App. U.S.C. 1702) is amended—

(1) effective on January 1, 1997—

(A) by striking paragraph (9); and

(B) by redesignating the remaining paragraphs accordingly;

(2) effective on June 1, 1997—

(A) by striking paragraph (4);

(B) in paragraph (7), by striking "a common tariff;" and inserting "a common schedule of transportation rates;";

(C) by striking paragraph (10) (as redesignated by paragraph (1) of this section);

(D) by striking paragraph (13) (as redesignated by paragraph (1) of this section);

(E) by striking paragraph (16) (as redesignated by paragraph (1) of this section);

(F) by amending paragraph (18) (as redesignated by paragraph (1) of this section) to read as follows:

"(18) 'ocean freight forwarder' means a person that—

"(A)(i) in the United States, dispatches shipments from the United States via a common carrier and books or otherwise arranges space for those shipments on behalf of shippers; or

"(ii) processes the documentation or performs related activities incident to those shipments; or

"(B) acts as a common carrier that does not operate the vessels by which the ocean transportation is provided, and is a shipper in its relationship with an ocean common carrier.";

(G) by striking paragraph (20) (as redesignated by paragraph (1) of this section);

(H) in paragraph (22) (as redesignated by paragraph (1) of this section)—

(i) by striking "or" the second time it appears and inserting a comma; and

(ii) by striking the period and inserting ", a shippers' association, or an ocean freight forwarder that accepts responsibility for payment of the ocean freight.";

(I) by amending paragraph (23) (as redesignated by paragraph (1) of this section) to read as follows:

"(23) 'shippers' association' means a group of shippers that consolidates or distributes freight, on a nonprofit basis for the members of the group in order to secure carload, truckload, or other volume rates or ocean transportation contracts."; and

(J) by inserting after paragraph (18) the following new paragraph:

"(19) 'ocean transportation contract' means a contract in writing separate from the bill of lading or receipt between 1 or more common carriers or a conference and 1 or more shippers to provide specified services under specified rates and conditions.".

SEC. 103. AGREEMENTS WITHIN THE SCOPE OF THE ACT.

Section 4(a) of the Shipping Act of 1984 (46 App. U.S.C. 1703(a)) is amended, effective on June 1, 1997—

(1) in paragraph (5), by striking "non-vessel-operating common carriers" and inserting "ocean freight forwarders"; and

(2) by amending paragraph (7) to read as follows:

"(7) discuss any matter related to ocean transportation contracts, and enter ocean transportation contracts and agreements related to those contracts.".

SEC. 104. AGREEMENTS.

Section 5 of the Shipping Act of 1984 (46 App. U.S.C. 1704) is amended—

(1) effective on January 1, 1997—

(A) in subsection (b)(4), by striking "at the request of any member, require an independent neutral body to police fully" and inserting "state the provisions, if any, for the policing of";

(B) in subsection (b)(7), by striking "and" at the end;

(C) in subsection (b)(8), by striking the period and inserting "; and"; and

(D) by adding at the end of subsection (b) the following new paragraph:

"(9) provide that a member of the conference may enter individual and independent negotiations and may conclude individual and independent service contracts under section 8 of this Act.";

(2) effective on June 1, 1997—

(A) by amending subsection (b)(8) to read as follows:

"(8) provide that any member of the conference may take independent action on any rate or service item agreed upon by the conference for transportation provided under section 8(a) of this Act upon not more than 3 business days' notice to the conference, and that the conference will provide the new rate or service item for use by that member, effective no later than 3 business days after receipt of that notice, and by any other member that notifies the conference that it elects to adopt the independent rate or service item on or after its effective date, in lieu of the existing conference provision for that rate or service item;"; and

(B) by adding the following new paragraph to read as follows:

"(10) prohibit the conference from—

"(A) prohibiting or restricting the members of the conference from engaging in individual negotiations for ocean transportation contracts under section 8(b) with 1 or more shippers; and

"(B) issuing mandatory rules or requirements affecting ocean transportation contracts that may be entered by 1 or more members of the conference, except that a conference may require that a member of the conference disclose the existence of an existing individual ocean transportation contract or negotiations on an ocean transportation contract, when the conference enters negotiations on an ocean transportation contract with the same shipper.";

(C) in subsection (e), by striking "carrier that are required to be set forth in a tariff," and inserting "carrier,"; and

(D) in subsection (b)(9), by striking "service" and inserting "ocean transportation".

SEC. 105. EXEMPTION FROM ANTITRUST LAWS.

Section 7 of the Shipping Act of 1984 (46 App. U.S.C. 1706) is amended—

(1) by amending subsection (a)(6) to read as follows:

"(6) subject to section 20(e)(2) of this Act, any agreement, modification, or cancellation, in effect before the effective date of this Act and any tariff, rate, fare, charge, classification, rule, or regulation explanatory thereof implementing that agreement, modification, or cancellation."; and

(2) in subsection (c)(1), by striking "agency" and inserting "agency, department,".

SEC. 106. COMMON AND CONTRACT CARRIAGE.

(a) IN GENERAL.—Effective on June 1, 1997—

(1) section 8a of the Shipping Act of 1984 (46 App. U.S.C. 1707a) is repealed; and

(2) section 8 of the Shipping Act of 1984 (46 App. U.S.C. 1707) is amended to read as follows:

"SEC. 8. COMMON AND CONTRACT CARRIAGE.

"(a) COMMON CARRIAGE.—

"(1) A common carrier and a conference shall make available a schedule of transportation rates which shall include the rates, terms, and conditions for transportation services not governed by an ocean transportation contract, and shall provide the schedule of transportation rates, in writing, upon the request of any person. A common carrier and a conference may assess a reasonable charge for complying with a request for a rate, term, and condition, except that the charge may not exceed the cost of providing the information requested.

"(2) A dispute between a common carrier or conference and a person as to the applicability of the rates, terms, and conditions for ocean transportation services shall be decided in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.

"(3) A claim concerning a rate for ocean transportation services which involves false billing, false classification, false weighing, false report of weight, or false measurement shall be decided in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.

"(b) CONTRACT CARRIAGE.—

"(1) 1 or more common carriers or a conference may enter into an ocean transportation contract with 1 or more shippers. A common carrier may enter into ocean transportation contracts without limitations concerning the number of ocean transportation contracts or the amount of cargo or space involved. The status of a common carrier as an ocean common carrier is not affected by the number or terms of ocean transportation contracts entered.

"(2) A party to an ocean transportation contract entered under this section shall have no duty in connection with services provided under the contract other than the duties specified by the terms of the contract.

"(3)(A) An ocean transportation contract or the transportation provided under that contract may not be challenged in any court on the grounds that the contract violates a provision of this Act.

"(B) The exclusive remedy for an alleged breach of an ocean transportation contract is an action in an appropriate State or Federal court of competent jurisdiction, unless the parties otherwise agree.".

(b) CONFIDENTIALITY OF CONTRACTS.—Effective on January 1, 1998, section 8(b) of the Shipping Act of 1984 (46 App. U.S.C. 1707(b)), as amended by subsection (a) of this section, is amended by adding at the end the following:

"(4) A contract entered under this section may be made on a confidential basis, upon agreement of the parties. An ocean common carrier that is a member of a conference agreement may not be prohibited or restricted from agreeing with 1 or more shippers that the parties to the contract will not disclose the rates, services, terms, or conditions of that contract to any other member of the agreement, to the conference, to any other carrier, shipper, conference, or to any other third party.".

SEC. 107. PROHIBITED ACTS.

Section 10 of the Shipping Act of 1984 (46 App. U.S.C. 1709) is amended—

(1) effective on January 1, 1997, by amending subsection (b)—

(A) by amending paragraph (1) to read as follows:

"(1) except for service contracts, subject a person, place, port, or shipper to unreasonable discrimination;"; and

(B) by repealing paragraphs (2), (3), (4), and (8);

(2) effective on June 1, 1997, by amending subsection (b) to read as follows:

"(b) COMMON CARRIERS.—No common carrier, either alone or in conjunction with any other person, directly or indirectly, may—

"(1) except for ocean transportation contracts, subject a person, place, port, or shipper to unreasonable discrimination;

"(2) retaliate against any shipper by refusing, or threatening to refuse, cargo space accommodations when available, or resort to other unfair or unjustly discriminatory methods because the shipper has patronized another carrier or has filed a complaint, or for any other reason;

"(3) employ any fighting ship;

"(4) subject any particular person, locality, class, or type of shipper or description of traffic to an unreasonable refusal to deal;

"(5) refuse to negotiate with a shippers' association;

"(6) knowingly and willfully accept cargo from or transport cargo for the account of an ocean freight forwarder that does not have a bond, insurance, or other surety as required by section 19;

"(7) knowingly and willfully enter into an ocean transportation contract with an ocean freight forwarder or in which an ocean freight forwarder is listed as an affiliate that does not have a bond, insurance, or other surety as required by section 19; or

"(8)(A) knowingly disclose, offer, solicit, or receive any information concerning the nature, kind, quantity, destination, consignee, or routing of any property tendered or delivered to a common carrier without the consent of the shipper or consignee if that information—

"(i) may be used to the detriment or prejudice of the shipper or consignee;

"(ii) may improperly disclose its business transaction to a competitor; or

"(iii) may be used to the detriment or prejudice of any common carrier;

except that nothing in paragraph (8) shall be construed to prevent providing the information, in response to legal process, to the United States, or to an independent neutral body operating within the scope of its authority to fulfill the policing obligations of the parties to an agreement effective under this Act. Nor shall it be prohibited for any ocean common carrier that is a party to a conference agreement approved under this Act, or any receiver, trustee, lessee, agent, or employee of that carrier, or any other person authorized by that carrier to receive information, to give information to the conference or any person, firm, corporation, or agency designated by the conference or to prevent the conference or its designee from soliciting or receiving information for the purpose of determining whether a shipper or consignee has breached an agreement with a conference or for the purpose of determining whether a member of the conference has breached the conference agreement or for the purpose of compiling statistics of cargo movement, but the use of that information for any other purpose prohibited by this Act or any other Act is prohibited; and

"(B) after December 31, 1997, the rates, services, terms, and conditions of an ocean transportation contract may not be disclosed under this paragraph if the contract has been made on a confidential basis under section 8(b) of this Act.

The exclusive remedy for a disclosure under this paragraph shall be an action for breach of contract as provided in section 8(b)(3) of this Act.";

(3) effective on June 1, 1997—

(A) in subsection (c)(5), by inserting "as defined in section 3(14)(A) of this Act" after "freight forwarder"; and

(B) in subsection (c)(6), by striking "a service contract." and inserting "an ocean transportation contract.";

(4) effective on June 1, 1997, in subsection (d)(3), by striking "(b) (11), (12), and (16)" and inserting "(b) (1), (4), and (8)"; and

(5) effective on June 1, 1997, by adding a new subsection (f) to read as follows:

"(f) CONFERENCE ACTION.—No conference may subject a person, place, port, class or type of shipper, or ocean freight forwarder, to unjust or unreasonable ocean contract provisions.".

SEC. 108. REPARATIONS.

Effective June 1, 1997, section 11(g) of the Shipping Act of 1984 (46 App. U.S.C. 1710(g)) is amended—

(1) by inserting "or counter-complainant" after "complainant" the second time it appears;

(2) by striking "10(b) (5) or (7)" and inserting "10(b) (2) or (3)"; and

(3) by striking the last sentence.

SEC. 109. FOREIGN LAWS AND PRACTICES.

Section 10002 of the Foreign Shipping Practices Act of 1988 (46 App. U.S.C. 1710a) is amended, effective on June 1, 1997—

(1) in subsection (a)(1)—

(A) by striking "non-vessel-operating common carrier,"; and

(B) by inserting "ocean freight forwarder," after "ocean common carrier,";

(2) in subsection (a)(4), by striking "non-vessel-operating common carrier operations,";

(3) in subsection (e)(1), by striking subparagraph (B) and all that follows through subparagraph (D) and inserting the following:

"(B) suspension, in whole or in part, of the right of an ocean common carrier to operate under any agreement filed with the Secretary, including agreements authorizing preferential treatment at terminals, preferential terminal leases, space chartering, or pooling of cargo or revenues with other ocean common carriers; and

"(C) a fee, not to exceed $1,000,000 per voyage."; and

(4) in subsection (h), by striking "section 13(b)(5) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(5))" and inserting "section 13(b)(2) of the Shipping Act of 1984 (46 App. U.S.C. 1712(b)(2))".

SEC. 110. PENALTIES.

Section 13 of the Shipping Act of 1984 (46 App. U.S.C. 1712) is amended, effective on June 1, 1997—

(1) in subsection (b)—

(A) by striking paragraphs (1) and (3) and redesignating paragraphs (2), (4), (5), and (6) in order as paragraphs (1), (2), (3), and (4);

(B) by striking paragraph (1), as so redesignated, and inserting the following:

"(1) If the Secretary finds, after notice and an opportunity for a hearing, that a common carrier has failed to supply information ordered to be produced or compelled by subpoena under section 1711 of this Act, the Secretary may request that the Secretary of the Treasury refuse or revoke any clearance required for a vessel operated by that common carrier. Upon request by the Secretary, the Secretary of the Treasury shall, with respect to the vessel concerned, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 App. U.S.C. 91)."; and

(C) in paragraph (3), as so redesignated, by striking "finds appropriate," and all that follows through the end of the paragraph and inserting "finds appropriate including the imposition of the penalties authorized under paragraph (2).";

(2) in subsection (f)(1), by striking "section 10 (a)(1), (b)(1), or (b)(4)" and inserting "section 10(a)(1)".

SEC. 111. REPORTS.

(a) IN GENERAL.—Section 15 of the Shipping Act of 1984 (46 App. U.S.C. 1714) is amended, effective on January 1, 1997—

(1) in the section heading by striking "**and certificates**";

(2) by striking "(a) REPORTS.—"; and

(3) by striking subsection (b).".

(b) CLERICAL AMENDMENT.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended in the first section in the table of contents by amending the item relating to section 15 to read as follows:

"Sec. 15. Reports.".

SEC. 112. REGULATIONS.

Section 17 of the Shipping Act of 1984 (46 App. U.S.C. 1716) is amended—

(1) by striking "(a)"; and

(2) by striking subsection (b).".

SEC. 113. REPEAL.

Section 18 of the Shipping Act of 1984 (46 App. U.S.C. 1717) is repealed.

SEC. 114. OCEAN FREIGHT FORWARDERS.

Section 19 of the Shipping Act of 1984 (46 App. U.S.C. 1718) is amended, effective on June 1, 1997—

(1) in subsection (a), by inserting "in the United States" after "person" the first time it appears;

(2) in subsection (a)(2), by striking "a bond" and inserting "a bond, proof of insurance, or other surety";

(3) by adding after subsection (a)(2) the following:

"A bond, insurance, or other surety obtained pursuant to this section shall be available to pay any judgment for damages against an ocean freight forwarder arising from its transportation-related activities under this Act or order for reparation issued pursuant to section 11 or 14 of this Act. An ocean freight forwarder not domiciled in the United States shall designate a resident agent in the United States for receipt of service of judicial and administrative process, including subpoenas.";

(4) in subsection (b), by striking "a bond" and inserting "a bond, proof of insurance, or other surety"; and

(5) in subsection (d), by striking paragraph (3) and redesignating paragraph (4) as paragraph (3).".

SEC. 115. EFFECTS ON CERTAIN AGREEMENTS AND CONTRACTS.

Section 20(e) of the Shipping Act of 1984 (46 App. U.S.C. 1719) is amended to read as follows:

"(e) SAVINGS PROVISIONS.—

"(1) Each service contract entered into by a shipper and an ocean common carrier or conference before the date of the enactment of the Ocean Shipping Reform Act of 1995 may remain in full force and effect according to its terms.

"(2) This Act and the amendments made by this Act shall not affect any suit—

"(A) filed before the date of the enactment of the Ocean Shipping Reform Act of 1995;

"(B) with respect to claims arising out of conduct engaged in before the date of the enactment of the Ocean Shipping Reform Act of 1995, filed within 1 year after the date of the enactment of the Ocean Shipping Reform Act of 1995;

"(C) with respect to claims arising out of conduct engaged in after the date of the enactment of the Ocean Shipping Reform Act of 1995 but before January 1, 1997, pertaining to a violation of section 10(b) (1), (2), (3), (4), or (8), as in effect before January 1, 1997, filed by June 1, 1997;

"(D) with respect to claims pertaining to the failure of a common carrier or conference to file its tariffs or service contracts in accordance with this Act in the period beginning January 1, 1997, and ending June 1, 1997, filed by December 31, 1997; or

"(E) with respect to claims arising out of conduct engaged in on or after the date of the enactment of the Ocean Shipping Reform Act of 1995 but before June 1, 1997, filed by December 31, 1997.''.

SEC. 116. REPEAL.

Section 23 of the Shipping Act of 1984 (46 App. U.S.C. 1721) is repealed, effective on June 1, 1997.

SEC. 117. MARINE TERMINAL OPERATOR SCHEDULES.

(a) IN GENERAL.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended, effective on June 1, 1997, by adding at the end the following new section:

"SEC. 24. MARINE TERMINAL OPERATOR SCHEDULES.

"A marine terminal operator shall make available to the public a schedule of rates, regulations, and practices, including limitations of liability, pertaining to receiving, delivering, handling, or storing property at its marine terminal. The schedule shall be enforceable as an implied contract, without proof of actual knowledge of its provisions, for any activity by the marine terminal operator that is taken to—

"(1) efficiently transfer property between transportation modes;

"(2) protect property from damage or loss;

"(3) comply with any governmental requirement; or

"(4) store property in excess of the terms of any other contract or agreement, if any, entered into by the marine terminal operator.''.

(b) CLERICAL AMENDMENT.—The Shipping Act of 1984 (46 App. U.S.C. 1701 et seq.) is amended in the first section in the table of contents by adding at the end the following new item:

"Sec. 24. Marine terminal operator schedules.''.

AMENDMENT OFFERED BY MR. OBERSTAR

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OBERSTAR: Page 10, line 23, strike "(5)" and insert "(5)(A)".

Page 11, line 7, strike the closing quotation marks and the final period.

Page 11, after line 7, insert the following:

"(B) Notwithstanding subparagraph (A), the essential terms of a contract entered into under this section shall be made publicly available electronically in a manner prescribed by the Commission. This subparagraph does not apply to service contracts dealing with bulk cargo, forest products, recycled metal scrap, waste paper, or paper waste.

"(C) For purpose of subparagraph (B), the essential terms of a contract shall include—

"(i) the origin and destination port ranges in the case of port-to-port movements, and the original and destination geographic areas in the case of through intermodal movements;

"(ii) the commodity or commodities involved;

"(iii) the minimum volume;

"(iv) the line-haul rate;

"(v) the duration;

"(vi) service commitments; and

"(vii) the liquidated damages for nonperformance, if any.''.

Page 14, line 11, insert "except as provided by section 8(b)(4)(B)," after "(B)".

At the end of section 301(a) of the bill insert the following:

The Secretary of Transportation shall delegate such functions, powers, and duties to the Surface Transportation Board.

Mr. OBERSTAR. Mr. Chairman, I ask unanimous consent to be able to proceed for an additional 5 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. OBERSTAR] is recognized for a total of 10 minutes.

Mr. OBERSTAR. Mr. Chairman, this amendment requires that the essential terms of ocean transportation contracts be disclosed to the public. The amendment transfers, in addition, the remaining functions of the Federal Maritime Commission to the Surface Transportation Board within the Department of Transportation rather than to the secretary to ensure that investigations and decisions about ocean shipping are done in an unbiased and nonpolitical manner. Those are the only changes my amendment makes to the bill.

In evaluating the request of secret contracts, we have to remember that international shipping operates in a very different environment than any other mode in our domestic transportation industry. Over 85 percent of the containerized shipments in and out of our ports go on foreign-flagged ships.

Most of this cargo is transported on ships operated under a conference or a cartel agreement. Many foreign carriers have many agendas. Some are controlled by their governments, some are vertically integrated with manufacturing companies, some are motivated by their brand of nationalism, some will do whatever necessary to drive their competitors out of the marketplace.

Into such a complex system will this bill allow secret contracts. I do not think it is in the interest of our ports, our manufacturers, U.S. consumers, or the Nation to allow secret contracts negotiated behind closed doors to determine the fate of our international trade. There have been no hearings on this legislation in our committee. No testimony was received on the impact of that provision of the bill. Potential opponents were not given an opportunity to voice their concerns about it in open hearings. However, the Senate's hearing on an identical bill raised a number of problems about this particular issue of secret contracts.

Mr. Chairman, the basis of this bill is to promote competition, but it will result in less competition. With secret contracts, rates likely will fall below levels that provide an adequate return on assets or investments. I quoted earlier Mr. Clancy, President and CEO of Sealand Services, one of the world's largest ocean carriers and a major supporter of this bill.

□ 1645

He sees the result of this bill: that in a few years, a few giant super shipping consortia with global reach will control 85 to 90 percent of the world's container ships. There will be one cartel in the Atlantic, one in the Pacific, and one in the Asia-Europe trade. He believes it will be the demise of the niche carrier, of the feeder line, of the North-South shipping lines between North and South America. The types of carriers he believes will disappear are carriers such as Crowley Maritime and Tropical Shipping. Secret agreements will be the major weapon megacarriers are going to use to achieve their goals of consolidating power in the shipping industry.

This provision will allow large companies to offer lower rates to larger shippers, and if smaller shippers and carriers are unaware of the deals, they are going to find it difficult to compete. The end result will be exactly what Mr. Clancy predicts: the demise of niche carriers, feeder lines, and North-South lines.

Let us look at the impact on small- and medium-sized shippers and on manufacturers and retailers. With secret contracts it will be virtually impossible to enforce any of the prohibitions in the bill. For example, under the act, a carrier or a group of carriers may not retaliate against any shipper who has patronized another carrier or filed a complaint. How will anyone be able to tell if there has been retaliation or discrimination if all contracts are going to be kept confidential? With the secret contracts, small- and medium-sized shippers will likely pay more, not less, in the short run and the rates they pay will increase even more in the long run.

Everyone acknowledges that confidential contracts will lower the rates paid by the large shippers, of course. But 70 percent of the carriers' costs are fixed. Who is going to make up the difference when the large shippers get the rate breaks? Obviously, the ones who are going to make up the differences are going to be the small- and medium-sized shippers.

If Mr. Clancy's plans succeed and the cartels controlled 85 to 90 percent of the world's shipping, then we are going to see increased use of secret contracts from large shippers and higher rates for these small- and medium-sized carriers, and they will be driven right out of the marketplace.

What about our ports and our infrastructure? Ports in their communities have invested billions of dollars in developing their port facilities through local taxes and bond issues. But when these consortia enter into secret deals under the protection of antitrust immunity, they are going to drive the small carrier out of business, the very tenants in those ports that pay the rent to pay off the bonds.

When U.S. Lines, for example, went bankrupt, it left the port of New York with a vacant terminal. That terminal has been vacant for 15 years. Who paid for the construction? The port of New York-New Jersey. Who paid for the financing of an empty terminal? The port of New York-New Jersey. Do we want to see that repeated all over the country?

With the demise of small carriers in a regime of secret agreements, surviving large carriers will consolidate their operations at the larger ports. Carriers will stop calling at many of the smaller ports. Jobs, public investment, will be lost.

One of the fundamental purposes of the 1984 act was to reach a balance by legalizing international cartels with antitrust immunity, but requiring public disclosure of the agreements between the carriers in the cartel and the essential terms of the contract between carriers and shippers, so everyone would know that ports, manufacturers, retailers, consumers in the United States are not being discriminated against.

The contracts in this bill will promote survival of cartels and survival of large carriers. There may be a short-term decrease in rates as they use market power to drive small and independent carriers out of business. But when, as the chairman of Sea Land predicts, there are only three cartels left controlling 85 to 90 percent of the world trade, rates are going to go up. They are going to put U.S. exporters out of business or at a disadvantage in the international market. We should not launch that process here with this legislation.

The overriding purpose of shipping laws should be to ensure that the small as well as the large shipper is able to have their goods shipped anywhere in the world at a competitive price.

My other concern is that the bill transfers the remaining functions of the FMC to the Secretary of Transportation instead of an independent regulatory panel. The former FMC responsibilities would not appropriately be exercised by an independent panel. So my amendment would do that. My amendment will do that.

The Republic of China, for example, has restricted the ability of U.S. carriers to operate terminals and freight forwarding operations in China, even though we allow Chinese carriers to conduct these same operations in the United States. The Japanese Government imposes a harbor tax that does not benefit navigation, but only increases the price of United States exports to Japan.

I believe we ought to have an independent body, insulated from pressures by the State Department, to pursue elimination of trade barriers. That is why I propose that we transfer this function to the Surface Transportation Board.

My amendment leaves in place elimination of the Federal Maritime Commission; elimination of tariff filing and regulation by the Government; restrictions on the contents of contracts between shippers and carriers are eliminated; laws related to unfair trade practices of foreign carriers and foreign governments will be strengthened; conferences will not be able to prevent their members from making individual, lower cost ocean transportation contracts with shippers.

We deal with two shortcomings of the legislation. Airlines do not have antitrust immunity for anything domestically. Shipping conferences have antitrust immunity for point-to-point rates. No other mode of transportation has antitrust immunity for point-to-point rates. We should not allow secret deals to be made under such protection.

My amendment will make this bill acceptable in the other body, acceptable to the administration. It will make it possible for us to enact good deregulation. I urge support for the amendment I have set forth.

Mr. SHUSTER. Mr. Chairman, I rise in strong opposition to the amendment offered by my good friend, the gentleman from Minnesota.

Mr. Chairman, we already had exhaustive debate on this issue, so I will attempt to be brief. First, though I would like to again correct what perhaps was a misstatement. My good friend, the gentleman from Minnesota, said, "secret deals under protection of antitrust immunity." This legislation does not provide antitrust immunity for private contracts. We have said it several times. I hate to be repetitive. But the antitrust immunity only applies to where the tariffs are set. So again I emphasize that point. As a matter of fact, if anybody doubts it, read the bill.

Second, the ability to negotiate private contracts with carriers was the bottom line in the compromise for all our U.S. shippers.

Third, every other mode of transportation has this ability to negotiate private contracts. The airlines have it, the trucks have it, the rails have it. Every other mode has it except for ocean shipping. That is one of the fundamental reforms here which will create more competition.

Again, while my dear friend stood up now and said how harmful this is going to be, less than a month ago he said, "Shippers and consumers will pay less for their products. The ports will be handling more cargoes and the ocean carriers will have a more competitive operating environment."

I recognize, as of last Friday night, things changed. And what changed, of course, was that some of the labor unions decided at the last minute to try to get another bite at the apple to oppose it. But it is important to emphasize that the seafarers, who are most directly affected by this legislation, support the bill as we bring it to the floor.

Mr. Chairman, for all of those reasons, I will not belabor the point. We have debated it.

Mr. CLEMENT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Oberstar amendment to the Ocean Shipping Reform Act.

Mr. Chairman, I support the provisions of the Ocean Shipping Reform Act which abolish the Federal Maritime Commission. But I am proud of the work this agency has done to combat unfair foreign shipping practices that injure U.S. carriers and U.S. importers and exporters. Since 1920, we have successfully fought commercial cargo preference programs of foreign governments, restrictions on carrier operations, restrictions on port operations, and foreign taxes designed to limit imports from the United States. The FMC has experienced a remarkable success rate—100 percent. They have never failed to get the foreign government to eliminate their unfair practice—not once.

One of the major reasons for this glaring success is the independent nature of the agency. They are insulated from pressures from the State Department that may have other foreign policy objectives with the country involved. Only the President can overrule a finding by the Commission on an unfair foreign trade practice. No President has ever done this. Last summer when H.R. 2149 was reported out of committee, the Surface Transportation Board did not exist. The Surface Transportation Board, or Surf-Board, was created by the ICC Termination Act to take over the remaining functions of the ICC. It is an independent board within the Department of Transportation, insulated from the politics of the executive branch. The name of the board is deceiving—it does much more than regulate surface transportation.

It currently regulates all of the water carriers transporting goods from the continental United States to Hawaii, Alaska, Puerto Rico, and Guam. These trade routes had been regulated by the FMC. The Surf-Board has the experience and expertise necessary to handle the FMC's regulatory issues.

Even with the reforms in H.R. 2149, the statutes which govern international ocean transportation will require an agency to perform many important oversight functions. Fairness and impartiality require that these functions be performed by an independent agency, not a political department of the Executive Branch.

For example, the agency will need to resolve all allegations by U.S. or foreign shippers or U.S. ports that they have been discriminated against or have been denied service by one or a group of ocean carriers. The agency will also be required to review agreements among ocean carriers to ensure the agreements are not anti-competitive. The funding of collectively bargained fringe benefit obligations must be overseen by the agency. Finally, the agency must administer laws governing unfair trading practices by foreign governments related to the shipping industry. All of these functions demand an independent agency with expertise in maritime issues. They should not be held captive to political winds and special interest favors.

Finally, I support the Oberstar amendment because it would provide for the supervision of all transportation systems under one board—the Surface Transportation Board. In today's environment of intermodalism, this makes sense. The Surf-Board regulates rail roads, motor carriers, and water carriers engaged in our domestic transportation system. Now, with the Oberstar amendment, it can supervise intermodal movements with those carriers in our international trades as well.

I call on my colleagues to support the Oberstar amendment. Surely, the transferal of the FMC's functions to an independent agency with the expertise to govern the shipping trade is something on which we can all agree. America's business and shipping interests are at stake. Support the Oberstar amendment—it protects American business and the consumer. This approach only makes sense.

Mr. HAYWORTH. Mr. Chairman, I move to strike the requisite number of words and speak in opposition to the amendment.

Mr. Chairman, I thank the chairman of the full committee and the chairman of the subcommittee, the gentleman from North Carolina, for their insight, and indeed the ranking member, the gentleman from Minnesota, for some of his thoughts earlier today on this.

Mr. Chairman, I will confess I am new to this process. I came from the outside world. I am not a career politician. Getting here has been a rather eye-opening experience. I have noted with great interest the disdain that many of my constituents have for what they term "gridlock" or almost a playground type of contentious debate that happens here.

While major policy differences should be discussed and indeed debated in this Chamber, and we champion that, and indeed we champion differences in opinion, I cannot help but notice the irony of the situation in which the Committee of the Whole House finds itself today with reference to this piece of legislation.

Again, even taking into account the comments of my good friend, the gentleman from Minnesota [Mr. OBERSTAR], the ranking member, I just note the irony that fairly drips from the comments of August 1, 1995, from my good friend, the gentleman from Minnesota: "This bill injects a very healthy and significant dose of flexibility of competitive opportunity into the carrier and shipper relationship. That was the aim of my bill. I am pleased to see we are taking that tack in this legislation. It is what will be good for ocean shipping." So said my good friend, the gentleman from Minnesota, in August.

Indeed, as I understand, hearing from my good friend, the gentleman from Pennsylvania [Mr. SHUSTER], the chairman, essentially this point of view prevailed until what legislatively, Mr. Chairman, becomes the very last nanosecond of the 11th hour, when those who sought to find fault with the legislation chose to step in and inject the whole notion of union bossism into this process.

□ 1700

Now, this is a free country and certainly those special interests have a chance to stand up and say "no." But, Mr. Chairman, what is the prevalent difference?

Now we find, Mr. Chairman, that confidential agreements, a hallmark of doing business in almost every commercial endeavor, are suddenly given the name rhetorically, secret agreements, as if there is something ominous, as if the entire practice of doing business is somehow protected. But then again, what are we to expect of those who constantly propagate a philosophy that would tell us that taxes are really just investments in government growth, and that Washington knows best, and it must always be the constant oversight of some governmental body into every endeavor; only that process, only Washington knows best, only government exercise of oversight can ensure the true and property aims of business.

Mr. Chairman, I assert that if it is good in other areas of transportation deregulation, if confidential agreements and other essential staples of the business process are good in the deregulation that has gone on in other sectors of transportation, why now, at the very last nanosecond of the 11th hour, are there problems? This is a good piece of legislation as it stands. Mr. Chairman, I rise in support of the legislation as presented. I oppose the Oberstar amendment.

Mr. BORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. BORSKI. I yield to the gentleman from Minnesota, the distinguished ranking member.

Mr. OBERSTAR. Mr. Chairman, I thank the gentleman for his courtesies. I am sorry that the gentleman from Arizona exhibited such discourtesy in displaying a quote up there which is incomplete, takes out of context or at least leaves out conveniently something I did say. I am glad he thought it was important to quote what I said. I have quoted myself, and I do not need to be quoted in a poster by the gentleman from Arizona and then have part of it left out.

I supported the legislation as it was pending in committee. I said it accomplishes preservation of the conference carrier system, which is important to carriers, and injects a healthy and significant dose of flexibility. Put the whole thing in context. Do not just quote part of what I said.

I thank the gentleman for yielding.

Mr. BORSKI. Mr. Chairman, I rise to support the Oberstar amendment to protect the small-and medium-sized ports, the small shippers, and the working people of the Nation.

I compliment the gentleman from Minnesota, the ranking member of the Transportation and Infrastructure Committee, for offering this amendment.

It is absolutely vital for the survival of the small- and medium-sized ports in this country that rates between conferences and shippers be open for public scrutiny.

The committee bill allows those rates to be kept secret—a practice that will allow conferences to become cartels that will put everyone in their way out of business.

The secrecy provision will allow big carriers to cut deals with big shippers that get rid of most of the Nation's ports, many small shipping companies and tens of thousands of jobs.

Without the Oberstar amendment, H.R. 2149 is a protection bill for big business and big shippers.

This amendment maintains the public disclosure requirements that were enacted in 1984 and have worked well.

It will provide protection for small and medium-sized ports, for small shippers and for tens of thousands of jobs at the 90 percent of the ports in this country that will be put at risk by this bill.

We can reform the ocean shipping laws without giving our endorsement to cartels and without promoting the elimination of virtually every one of our Nation's ports.

We can reform the ocean shipping laws without jeopardizing tens of thousands of jobs throughout the country.

Mr. Chairman, H.R. 2149 has it backwards. It provides help and protection for the big guys when we should be providing that help for the small shippers and the small- and medium-sized ports.

The Oberstar amendment will correct problems with the bill by maintaining the system that has worked since 1984.

The Oberstar amendment is needed so that the thousands who depend on ports along with the Nation's consumers, are not trampled in this rush to rewrite shipping laws in a way that helps only the big ports, the big carriers and the big shippers.

Without the Oberstar amendment, H.R. 2149 is a job killer and should be defeated.

Mr. Chairman, I urge passage of the Oberstar amendment.

Mr. LATHAM. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. I thank the gentleman for yielding.

Mr. Chairman, I became quite concerned when my good friend said that only part of his quote was included, so I have the full quote here and I do not believe it changes the thrust of what was said at all. But nevertheless, in order to be totally fair, I want to insert the entire quote into the RECORD, which is the following:

> The bill accomplishes preservation of the committee carrier system, which is important to the carriers, but it also injects a very healthy and significant dose of flexibility, of competitive opportunity into the carrier and shipper relationship. That was the aim of my bill. I am pleased to see we are taking that tack in this legislation. It is what will be good for ocean shipping.

That is the complete quote of my good friend, and I think it is important to put it in the RECORD so the RECORD is clear.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. LATHAM. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, that is what I attempted to do with the quote of the gentleman from Arizona, or that he attempted to represent as attributed to me. But the point is, what I said there does not bear on the subject of our debate this afternoon.

Mr. LATHAM. Mr. Chairman, I will just make a brief statement here. Coming from northwest Iowa and a very large agricultural district, I am quite concerned about how this amendment would affect agriculture and agricultural exports. A few of the groups that support this legislation and oppose the amendment, the American Farm Bureau, the Blue Diamond Growers, National Broiler Council, National Cattlemen's Beef Association, National Council of Farmer Cooperatives, National Pork Producers Council, National Turkey Federation, United Fresh Fruit and Vegetable Association, oppose the Oberstar amendment and support the legislation as is.

I think it is critical to look as far as how it affects agriculture, the fact that in 1996 we expect to export about 60 billion dollars' worth of products, and 18 percent of the cost of exporting in the transportation sector is due to the fact that we have to disclose at this time what our rates are but our competitors overseas do not have to disclose their rates. In effect, what is happening is that if when we post our rates, our competitors come in and see what it is and just simply undercut us and we lose that business, but we still pay a premium here and it certainly is unfair.

I cannot quite understand why an amendment would be offered, I guess, that would undercut agriculture, the gentleman I know is from Minnesota and has large agricultural exports that would cause such problems for agriculture itself. I just strongly oppose this amendment because of the effect, that one of the bright parts of this legislation is the fact that we will be competitive in the world. As we move forward into the next millennium, it is essential that we are on an equal playing field in agriculture in all of our exports. That is why I strongly oppose this amendment and support the bill as it is.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words in support of the Oberstar amendment.

I want to salute the ranking member [Mr. OBERSTAR] for his creative and market-oriented proposal. This amendment is precisely what should have been done in the committee process, an open discussion of the meaning and implication of the legislation.

I am no enemy of deregulation, and believe all of us who are supporting Mr. OBERSTAR are of the same view. I personally wrote the New Jersey Telecommunications Act, which substantially deregulated the industry and modernized my State phone system into a national telecommunications leader. I have voted for similar proposals here in the House.

I think there are constructive measures that will improve ocean transportation, but it cannot be a backroom deal. The Oberstar amendment has broken the code. Look at the bill. What does the term "confidential agreement" mean? If we are deregulating this industry, why do we have to include authorization for confidential contracts?

The gentleman from Minnesota [Mr. OBERSTAR] has it right. Secret deals. This bill is carteling in its purest form, secret deals, antitrust immunity and no Government oversight. Do we really think the small shipper has any chance in the face of this monopoly power? To the friends of small businesses in this Congress, you have got to think, your transportation price may go down in the short term just long enough to consolidate the vast grants of monopoly power, and then you will pay and you will pay dearly.

Chairman SHUSTER has stated correctly that antitrust immunity covers only the conference rate and not rates negotiated by an individual carrier, but in reality both rates are part of a package. The carriers are allowed to get together under antitrust immunity to set a conference rate. Each carrier is then free to depart from this rate on a selective basis.

To evaluate antitrust immunity we need to know when the conference rate is followed and when it is not. Are special rates being made available only to certain large shippers? Is the conference rate set under antitrust immunity subsidizing discount rates for larger carriers? If individual agreements are secret as they would be under H.R. 2149, we will never know.

Mr. OBERSTAR's amendment says yes to smaller Government, it says yes to less regulation, it says yes to savings in the budget, but it says no to secret deals and cartels. If this legislation is enacted, only the largest shippers will benefit from secretive shipping contracts that discriminate against smaller shippers, and these secret deals will allow Fortune 100 corporations to avoid public disclosure and to use their already potent market powers to exact privileged rates while smaller shippers, businesses and carriers, their employees and ports across the Nation will be left defenseless.

Clearly, the thousands of smaller businesses that rely on the transparency of prices, and the level playing field that provides—we heard a lot about that in the Telecommunications Act that was passed here in the House, that everybody starting on a level playing field, about transparency. That is in fact what we are arguing for here. If not, we will be forced to pay higher rates and thus subsidize the larger more powerful competitors.

For American ports and thousands of longshore, warehousing, trucking, rail, and related industry employees in and around port communities, this unfair pricing and operating environment could lead to severe economic dislocation, declining wages, and job loss, and that is something we cannot afford. That is why the American Association of Port Authorities recently joined transportation labor and many smaller shippers to oppose H.R. 2149 in its present form.

The Oberstar amendment would eliminate a Federal agency, it would allow for sensible ocean shipping reforms, but it would ensure the essential terms of contracts are not kept in secret at the expense of ports, shippers, employees, and other shipping interests. That is why it deserves our unanimous support, and that is why we urge all of our colleagues to be voting for it.

□ 1715

Mr. DELAY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was back in my office watching this debate, and I thought I was living in the sixties and the seventies. The same arguments that those that support the Oberstar amendment were made time and time again in opposition to the deregulation of trucking, to the deregulation of aviation, to the deregulation of railroads. Small communities will not be served. We have got to have tariffs filed so that everybody can see them. We have got to have the Government involved or small shippers will not be able to find somebody to carry their goods.

How many times have we heard these arguments in trucking, in aviation, in railroads? And you know what? Not one of those arguments came true in those modes of transportation. Not one.

In fact, just the opposite happened, because those of us that oppose the Oberstar amendment believe in the free enterprise system, believe that in competition the quality of service goes up, the number of people that offer themselves for service goes up, and the cost of transportation goes down. It is not artificially held up, because the Government knows best. That is what the Oberstar amendment is attempting to do, to change a very well-crafted compromise in this bill.

I have to tell you if I was writing this bill and I had the votes, it would not be this bill, because in this bill the chairman crafted a bipartisan, at least at the time, a bipartisan compromise to take care of some of the concerns of those that do not believe in the free market system. Unfortunately, for whatever reasons, and it has already been expressed here on the floor, at the last minute, this compromise was rejected.

We ought to be opening up markets. We ought to be allowing shippers and shipping companies and ocean shipping companies to come together and, through the free market system, devise contracts that meet the needs of that market. That is what we are trying to do here.

It worked in trucking. Let me give you an example why I was so supportive of deregulation of trucking. In my part of the country, outside of Houston, TX, we have a lot of small towns and they needed trucking service. But the Government said only one truck line, in a cartel type way, could service my small towns. The argument was, oh, my goodness, if you opened it up, that truck line would not go to Rosenberg, TX, because it is too small a market.

You know what happened in Rosenberg, TX, with the car dealers? They could not get their parts shipped by this one trucking company that had authority to carry goods to Rosenberg, TX. So a Hispanic gentleman who cleaned commodes for one of the car dealers got in a truck and went up and picked up his parts on the other side of Houston and brought them back. He said, "This is a pretty good deal." He started going around to the other car dealers, and they were having the same problem, so he bought himself a van and started himself a little business, provided a service that was not being provided by the Government authority given to one trucking company.

But you know what? They caught him and they said "You can't do this anymore, because the government says you can't do it." He says, "Why not?" He says, "Because you got to have a piece of paper from the government to allow you to go pick up auto parts in Houston and bring them to Rosenberg." "How do I get that piece of paper?" "You have to hire a lawyer." "How much does a lawyer cost?" "Well, it will cost you at least $25,000, and then you are not guaranteed to get the authority."

He went back to cleaning commodes in Rosenberg, TX.

Now, they will say probably oh, well, this does not apply, because we are talking about large ships and we are talking about small ports and we are talking about small shippers. The market is the same no matter whether it is ships or trucks or airplanes or railroads. The point here is we are trying to move into the 21st century, and the proponents and the supporters of the Oberstar amendment want to keep us in the 1930's, when regulation of trucking was first passed, in the 1920's, when regulation of railroads was passed.

We are in a world economy and we cannot afford the 1930's type economics.

The CHAIRMAN. The time of the gentleman from Texas [Mr. DELAY] has expired.

(By unanimous consent, Mr. DELAY was allowed to proceed for 1 additional minute.)

Mr. DELAY. Mr. Chairman, we cannot afford to run the U.S. economy based on 1930's economics, and that is what we are trying to do here. We are trying to change it, to bring America into the 21st century. Unfortunately, the gentleman from Minnesota wants to keep us in the 1930's.

I urge you to vote "no" on the Oberstar amendment.

Mr. LIPINSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in support of the Oberstar amendment to H.R. 2149, the Ocean Shipping Reform Act of 1995.

The maritime industry is one of the few industries in the United States that enjoys full immunity from our antitrust laws. Carriers are allowed to enter into conferences which are cartels of vessels that collectively set prices and allocate routes and cargo among its members. In the Shipping Act of 1984, Congress granted antitrust immunity of ocean conferences only if the carriers file their rates and contract terms with the Federal Maritime Commission.

The Ocean Shipping Reform Act, however, would eliminate the requirement that ocean carriers disclose the essential terms of their contracts with shippers. Without this disclosure, the large carriers are likely to enter secret agreements giving major shippers low rates which could not be offered if the arrangement had to be disclosed. These secret contracts will create unfair competitive advantages for large shippers and large carriers, and the larger ports they serve. This is a real threat to the economic wellbeing and job security of smaller carriers and the smaller and medium size ports.

H.R. 2149 will not result in an ocean transportation industry governed by market principles, but will result in a system in which carrier cartels will operate with legal impunity and large corporations will be able to secure secret, below cost transportation rates from carriers, with smaller shippers being charged higher and higher rates to make up for these concessions to mega-shippers. In other words, this legislation will simply intensify the alarming trends that already exist in the maritime industry—bigger and fewer ports, fewer and larger carriers, and larger shipping conglomerates.

This is why I support the Oberstar amendment; the amendment would require carriers to file their rates and essential contract terms electronically. It balances carriers' full antitrust immunity with the simple requirement that they make the essential terms of their contracts with shippers public. It ensures that market forces are able to keep the power of industry conglomerates in check, providing safeguards to protect our consumers, manufacturers, and ports from secret deals that discriminate against them.

Like H.R. 2149, the Oberstar amendment sunsets the Federal Maritime Commission. However, the amendment transfers the remaining enforcement responsibilities to the Surface Transportation Board, an independent transportation agency. The Ocean Shipping Reform Act transfers remaining authority to the Department of Transportation, a far more politicized cabinet department of the Federal Government.

The Oberstar amendment aims to correct the two fundamental flaws of the Ocean Shipping Reform Act. The major goal of the Ocean Shipping Reform Act remains intact, which is to increase competition in the ocean shipping industry by substantially deregulating the industry. In fact, it is only with the adoption of this amendment that increased competition will occur in the maritime industry. I urge my colleagues to support the Oberstar amendment and then support the bill.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the amendment offered by the gentleman from Minnesota. The biggest beneficiaries of public ocean transportation contracts are the foreign-dominated ocean shipping cartels. Public contracting as continued under the Oberstar amendment to my way of thinking would simply enhance the ability of these cartels to fix prices for the transportation of goods in the import and export trade.

The data on ocean shipping confirms that over 85 percent of U.S. goods are carried aboard foreign vessels, and this amendment would, in my opinion, simply permit that to continue.

Meanwhile, under the Shuster bill, the committee bill, we would save 18 percent of transportation costs, according to a Department of Agriculture report. I have got the report right here.

Everybody interested in agriculture, everybody interested in rural America, everybody interested in the balance of payments benefits that agriculture provides, everybody who voted for a new change, a market-oriented farm policy, everybody who voted for freedom to farm, regardless of your personal opinion about all of the farm program policies, pay attention.

The Department of Agriculture says:

> A cartel premium attributable to conference market power, the ability to set rates above the competitive level, amounts to some 18 percent of the cost of ocean transportation.

Turn it around. Look at the benefit to our farm exports if we turn it around.

> The annual gain in agriculture revenues from increased exports resulting from lower shipping costs would produce an expected gain of $406 million, 8.1 percent of the total revenues, including more commodities, more markets. It would simply magnify the economic effect.

I am quoting from the Maritime Policy and Agriculture Interests Impacts of the Conference System of the Department of Agriculture.

My experience in the Marine Corps leads me to understand that there are very few merchant ships left that are registered in the United States. Now, think a minute. If you publicize the contracts that primarily benefit our foreign competitors by allowing them to estimate a U.S. exporter's shipping costs, that simply permits the foreign carriers to have a great advantage over our U.S. carriers. It is not only going to hurt them, it is going to hurt all of the exporters, all of the added value product exporters, and all we are trying to do in regard to agriculture today.

I am informed by the distinguished chairman that U.S. shippers, especially the small shippers, support the bill without such an amendment. So I would urge Members, all members of the House Committee on Agriculture, all members of the various task forces on either side of the aisle, to oppose this amendment, and to support not only the U.S. business, but simply U.S. agriculture, who trade overseas. So support the U.S. farmer and the producers who really wish to enhance our agriculture exports. Again, I urge my colleagues to vote against the Oberstar amendment.

Mr. FILNER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Oberstar amendment. I represent the city of San Diego. We are engaged in a major effort with the support of all members of the community to upgrade the Port of San Diego, to transform the economy of San Diego, to provide thousands of jobs in the future.

Mr. Chairman, as currently written, this legislation would hurt smaller-sized ports like the Port of San Diego. By allowing shippers and carriers to enter into secret and confidential shipping agreements, the concept of common carriage will effectively disappear. It has been this concept of the public display of contract terms that has kept ocean transportation available to small- and medium-sized shippers on the same terms and conditions as large shippers.

This public disclosure of contract terms stimulates competition and ensures a level playing field for shippers and ports alike. Keeping contract details secret would put smaller shippers and ports with niche markets at a decided disadvantage and unable to match preferential deals offered by the largest companies and ports.

We should not grant economic advantages to anyone and the Oberstar amendment ensures this by providing fair and equal opportunity for everyone—large and small—in ocean transportation: the ports, the carriers, and the employees of both. The economic well-being of America's ocean transportation depends on this amendment. Keep ocean shipping fair. Vote "yes" on Oberstar.

□ 1730

Mr. FOLEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take a moment to read a quote from a former colleague of ours in California now: "For 20 years I have advocated the orderly economic deregulation of American transportation systems. Air and ground transportation deregulation have largely been completed, with consumers and businesses benefiting from less government and more competition. This new proposal extends deregulation to ocean transportation. It is a commonsense, balanced proposal, providing a clear road map and a schedule for ocean freight deregulation." Norm Mineta, June 28, 1995.

Something has happened since then. Something has happened in Washington since that statement was uttered. And there is more. And my colleagues will share some of the other statements.

When we look at the partisanship displayed on the floor on this issue, it is no wonder things are not happening here in Washington. I heard the last speaker say we should not grant economic opportunities to select people. Some of us in this Congress feel NAFTA and GATT granted select opportunities to certain individuals.

In Florida, my agricultural industry is under great pressure from NAFTA. Tomatoes are almost being run out of business. Citrus is next. Why do we not pass a bill with bipartisan support on ocean shipping reform, allowing elimination of tariffs and tariff enforcements, giving an opportunity to American vessels, American shippers, to be able to compete in the international marketplace?

NAFTA and GATT were talked about as great incentives for the economic opportunities of all Americans. All Americans are going to benefit from NAFTA and GATT. Well, let us extend that great system we have passed on the floor to ocean shipping. Why leave shippers out of the equation?

But somehow the politics of this House turns on the dime, that thin dime Mr. GORE spoke of when he talked about minimum wage. When we talk about minimum wage, they had on the other side 2 years to do it while they had control. No discussion of minimum wage. Gas tax. All of a sudden, my God, gases are high. Call Janet Reno, have her investigate. Gas companies must be in collusion.

Nobody stands here on the floor and says, by God, I passed a 4.3 cent increase in the gas tax. I wonder if that had something to do with it. Consumers in American need to know that the taxes passed by this Congress and State legislatures throughout the Nation add probably 40, 50 cents per gallon of gasoline.

So when you pull up to the pump, do not immediately shout it must be Exxon's fault. Think of the people in this body that on partisan rhetoric destroy legislation or attempt to destroy legislation that at one time, just a short period ago, was fine with Mr. Mineta, apparently fine with the gentleman from Minnesota [Mr. OBERSTAR] and others.

Clearly, I would say to my colleagues that we have a bill on this floor that reforms a system that desperately needs reforming. We have not had all perfect experiences with deregulation, as people will testify on transportation, like airlines. But I think, by and large, the prices consumers pay today to fly from West Palm Beach, FL to Washington, DC, $137 on a round-trip basis, are largely as a result of deregulation. Lower prices for consumers, benefiting America, benefiting the airliners, benefiting everyone involved in the process.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I am delighted to yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I voted for airline deregulation, and trucking and bus deregulation, and rail deregulation. But I wanted to say, since my former colleague is no longer here to explain himself, that quote was taken at a time when we had a concept of a bill and not the specific language of a bill. It is not relevant to the present debate.

Mr. FOLEY. So the gentleman thinks the conversation has changed completely?

Mr. OBEY. I am saying the quote was taken at a time before there was an introduced bill. It is not relevant to the bill at hand.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Texas.

Mr. DELAY. Mr. Chairman, very quickly, maybe this is an insight that we are hearing about, that this was a concept. A bill was worked out, supposedly a compromise. I have three letters here, one from the AFL–CIO, one from International Brotherhood of Teamsters, and one from a group called Transportation Trades Department of the AFL–CIO, the American Federation of Labor and Congress of Industrial Organizations, all dated yesterday.

So my point is I know why from the time that this was a concept and this quote was made, through the time that a bipartisan effort was put together, to the time of yesterday, when Mr. Sweeney barked, they jumped. That is what is going on here. When the Sweeneys and the Washington union bosses barked, they jumped and changed and took another tack on this and offered the Oberstar amendment.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. FOLEY. I am delighted to yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, the date of that quote is June 28, 1995. At that time we had issued our release and we spelled out the seven principles of this bill, and nothing has changed up to this day.

Ms. BROWN of Florida. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman, a few weeks ago the House approved the truth in budgeting act. If there is truth in budgeting, surely there must be truth in contracting, and that is what the Oberstar amendment does.

I too support the goals of most of the provisions of H.R. 2149, including the provision which eliminates the Federal Maritime Commission prohibiting ocean carrier conferences from restricting the rights of individual carriers to make contracts with shippers and eliminate the requirement that tariffs must be filed with a Government agency.

However, I do believe that there should be two modifications to the bill to meet the concerns which have been raised by consumers, and that is what the Oberstar amendment does.

The Oberstar amendment is not a killer amendment, it does not gut the bill. With the amendment, the bill will still take the following important actions to deregulate the ocean shipping industry: The Federal Maritime Commission will be eliminated, restrictions on the contents of contracts between shippers and carriers will be eliminated, and laws related to unfair trade practices of foreign carriers and foreign governments will be strengthened.

As I said earlier, a few weeks ago the House approved the truth in budgeting act. If there is truth in budgeting, surely there must be truth in contracting.

Mr. OBERSTAR. Mr. Chairman, will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I thank the gentlewoman for yielding.

I just wanted to say that repeatedly my chairman has said that seagoing maritime labor supports this legislation, and I have called to find out just what is their position on this matter, and both the American maritime officers and the seafarers are not in support of the legislation unless it is amended as we have proposed. I just wanted to get the record straight.

Ms. MILLENDER-McDONALD. Mr. Chairman, I rise today in support of the Oberstar amendment to the Ocean Shipping Reform Act of 1995.

The Oberstar amendment continues current law requiring the public disclosure of the terms of ocean and shipping contracts to ensure fair competition. The amendment also preserves the objectives of the bill to ease the regulatory burden by eliminating the Federal Maritime Commission and transferring its authority to the independent Surface Transportation Board.

Mr. Chairman, all things that are done in darkness will inevitably come to light. The bill before us was abruptly reported out of committee without the benefit of public hearings—darkness Mr. Chairman, darkness. Now, there are some Members of this body who seek to keep the consumers in the dark by prohibiting the public disclosure of the terms of shipping contracts. If we allow them to prohibit the public disclosure of information and allow shippers and carriers to enter into back room deals, we will permit larger shippers and carriers to engage in secret negotiations and enter into secret contracts. Such secret contracts are anticompetitive and may have a negative impact on workers by driving the smaller shipping and carrying companies out of business. This may well also lead to higher prices for the consumer because of a lack of competition.

In 1992, when I began my service in the California State legislature, I did so with a spirit of bipartisanship and cooperation. I bring this same approach to governing with me as I begin my service in this distinguished body. This amendment enjoys bipartisan support—and let me tell you why Mr. Chairman. This issue and this amendment is not about one political party or the other. This issue is about right and wrong. In my district, in southern Los Angeles County, there is a place called Mormon Island. On Mormon Island are docks and berths where warehousemen and longshoremen work hard to earn a living to support their families. Let me tell you what would happen if we allow this bill to pass without the Oberstar amendment; larger shippers and carriers would get together and create deals and agreements without the benefit of public scrutiny. This would allow those larger companies to lock the smaller companies out of the industry and force them out of business. Without the Oberstar amendment, Fortune 100 shipping companies would be able to avoid public disclosure while hurting the smaller shipping companies that rely on the transparency of prices. If those companies are not allowed to compete fairly, on a level playing field, they will not be able to survive. The warehousemen and longshoremen, the working people in my district depend on those small companies for employment and ultimately their livelihoods. In this Congresswoman's opinion, we would serve our constituents best by supporting fair competition and maintaining the current law which prohibits shipping companies from entering into secret contracts.

Mr. Chairman, I urge my colleagues to support the consumer, support fair competition, and support public disclosure by voting "yes" on the Oberstar amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. OBERSTAR].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. OBERSTAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 224, not voting 12, as follows:

[Roll No. 143]

AYES—197

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bevill
Bilirakis
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Collins (MI)
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson

Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOES—224

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Graham
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Montgomery
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Berman
Bonilla
Bryant (TX)
Clay
Goss
Kaptur
Largent
Molinari
Myers
Solomon
Torricelli
Waxman

□ 1755

Messrs. HOSTETTLER, BACHUS, and STOCKMAN changed their vote from "aye" to "no."

Mr. SCHIFF and Mr. PAYNE of Virginia changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further amendments to title I?

□ 1800

The CHAIRMAN. If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—CONTROLLED CARRIERS AMENDMENTS

SEC. 201. CONTROLLED CARRIERS.

Section 9 of the Shipping Act of 1984 (46 App. U.S.C. 1708) is amended, effective on June 1, 1997—

(1) in subsection (a), by striking "in its tariffs or service contracts filed with the Commission" and "in those tariffs or service contracts" in the first sentence, and by striking "filed by a controlled carrier" in the last sentence;

(2) in subsection (b), by striking "filed" and inserting "published", in paragraphs (1) and (2);

(3) in subsection (c), by striking the first sentence;

(4) subsection (d) is amended to read as follows:

"(d) Within 120 days of the receipt of information requested by the Secretary under this section, the Secretary shall determine whether the rates, charges, classifications, rules, or regulations of a controlled carrier may be unjust and unreasonable. If so, the Secretary shall issue an order to the controlled carrier to show cause why those rates, charges, classifications, rules, or regulations should not be approved. Pending a determination, the Secretary may suspend the rates, charges, classifications, rules, or regulations at any time. No period of suspension may be greater than 180 days. Whenever the Secretary has suspended any rates, charges, classifications, rules, or regulations under this subsection, the affected carrier may publish and, after notification to the Secretary, assess new rates, charges, classifications, rules, or regulations—except that the Secretary may reject the new rates, charges, classifications, rules, or regulations if the Secretary determines that they are unreasonable.";

(5) in subsection (f), by striking "This" and inserting "Subject to subsection (g), this"; and

(6) by adding at the end the following new subsections:

"(g) The rate standards, information submissions, remedies, reviews, and penalties in this section shall also apply to ocean common carriers that are not controlled, but who have been determined by the Secretary to be structurally or financially affiliated with nontransportation entities or organizations (government or private) in such a way as to affect their pricing or marketplace behavior in an unfair, predatory, or anticompetitive way that disadvantages United States carriers. The Secretary may make such determinations upon request of any person or upon the Secretary's own motion, after conducting an investigation and a public hearing.

"(h) The Secretary shall issue regulations by June 1, 1997, that prescribe periodic price and other information to be submitted by controlled carriers and carriers subject to determinations made under subsection (g) that would be needed to determine whether prices charged by these carriers are unfair, predatory, or anticompetitive.".

SEC. 202. NEGOTIATING STRATEGY TO REDUCE GOVERNMENT OWNERSHIP AND CONTROL OF COMMON CARRIERS.

Not later than January 1, 1997, the Secretary of Transportation shall develop, submit to Congress, and begin implementing a negotiation strategy to persuade foreign governments to divest themselves of ownership and control of ocean common carriers (as that term is defined in section 3(18) of the Shipping Act of 1984 (46 App. U.S.C. 1702).

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—ELIMINATION OF THE FEDERAL MARITIME COMMISSION

SEC. 301. PLAN FOR AGENCY TERMINATION.

(a) No later than 30 days after enactment of this Act, the Director of the Office of Management and Budget, in consultation with the Secretary of Transportation, shall submit to Congress a plan to eliminate the Federal Maritime Commission no later than October 1, 1997. The plan shall include a timetable for the transfer of remaining functions to the Federal Maritime Commission to the Secretary of Transportation, beginning as soon as feasible in fiscal year 1996. The plan shall also address matters related to personnel and other resources necessary for the Secretary of Transportation to perform the remaining functions of the Federal Maritime Commission.

(b) The Director of the Office of Management and Budget shall implement the plan to eliminate the Federal Maritime Commission, beginning as soon as feasible in fiscal year 1996.

The CHAIRMAN. Are there any amendments to title III?

Are there any further amendments to the bill?

PARLIAMENTARY INQUIRY

Mr. SHUSTER. Mr. Chairman, I rise to clarify a matter with the distinguished chairman of the Committee on National Security, if he is on the floor. we have, Mr. Chairman, as far as I know we have, the one amendment, and it is not controversial. However, there might be a parliamentary problem with it, and we are attempting right now to clear that matter with the gentleman from South Carolina [Mr. SPENCE], chairman of the Committee on National Security.

Mr. Chairman, I have parliamentary inquiry.

The CHAIRMAN. The gentleman will state his inquiry.

Mr. SHUSTER. At what title of the bill are we now in consideration?

The CHAIRMAN. We are at the end of the bill, I would advise the gentleman from Pennsylvania.

Mr. SHUSTER. Is it possible to return to an earlier title of the bill, or is that impossible?

The CHAIRMAN. It can be done by unanimous consent only.

Mr. SHUSTER. I simply am asking a parliamentary inquiry in order to give my friend from Michigan an opportunity to get to the microphone.

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: At the end of the bill, add the following new title:

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. TRANSFER OF CERTAIN OBSOLETE TUGBOATS OF THE NAVY.

(a) REQUIREMENT TO TRANSFER VESSELS.—The Secretary of the Navy shall transfer the six obsolete tugboats of the Navy specified in subsection (b) to the Northeast Wisconsin Railroad Transportation Commission, an instrumentality of the State of Wisconsin. Such transfers shall be made as expeditiously as practicable upon completion of any necessary environmental compliance agreements.

(b) VESSELS COVERED.—The requirement in subsection (a) applies to the six decommissioned Cherokee class tugboats, listed as of the date of the enactment of this Act as being surplus to the Navy, that are designated as ATF-105, ATF-110, ATF-149, ATF-158, ATF-159, and ATF-160.

(c) TERMS AND CONDITIONS.—The Secretary may require such terms and conditions in connection with the transfers required by this section as the Secretary considers appropriate.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. STUPAK. Mr. Chairman, the amendment is relevant to the Ocean Shipping Act because it deals with maritime commerce on the Great Lakes and involves foreign commerce with Canada, highly important to my district and to the region. My amendment, the text of my bill, H.R. 2821, simply attempts to save the American taxpayers a considerable cost that the U.S. Navy incurs.

Mr. Chairman, let me explain my amendment. I do believe that this amendment is relevant to the Ocean Shipping Act because it deals with maritime commerce on the Great Lakes and it involves foreign commerce on the Great Lakes and it involves foreign commerce with Canada, highly important to my district and to the region.

My amendment, the text of my bill, H.R. 2821, simply attempts to save the American taxpayers the considerable costs that the U.S. Navy currently incurs with the storage of six *Cherokee*-class tugboats that are destined for transfer to the Northeast Wisconsin Railroad Transportation Commission.

These tugboats are obsolete and left over from recent closures of naval bases and shipyards, including Long Beach in California. They originally were destined to be scrapped if a deadline of December 31 was not met in achieving a compliance agreement between the railroad commission and the U.S. Environmental Protection Agency.

The Chief of Naval Operations, Adm. Jeremy Boorda, personally assured me the Navy would not go ahead with the planned scrapping of these vessels if this agreement could be achieved as soon as possible. I have been informed that the U.S. Navy and Admiral Boorda support my measure to expedite this transfer, as long as the agreement can be achieved. I'm pleased to report that the environmental compliance agreement will be finalized within the next 7 days, according to officials with region 5 of the EPA.

If we cannot enact this transfer within the next few months, than additional costs for taxpayers will be incurred by forcing the Navy to tow these vessels up the coast of California to Suisun Bay for storages. According to the Navy, an additional $25,000 for each tugboat will have to be spent to place these vessels in interim storage, while the Navy currently pays more than $100,000 per year to continue the storage of these six vessels.

The Government shutdowns of last November and December disrupted the process toward achieving an agreement, and the final details have finally been resolved.

Mr. Chairman, my amendment simply attempts to minimize the costs and expenses that have resulted because of Government shutdowns and delays in reaching an agreement. Not only would the American taxpayers save, but the economy of the upper Great Lakes would benefit much sooner if these tugboats could be placed into service as soon as possible. This is truly a win-win situation for everyone, for the Navy, for American taxpayers, and for the economy of the Great Lakes region.

I appreciate the chairman of the committee not objecting, and I want to thank him, as well as JIM OBERSTAR, HOWARD COBLE, and BOB CLEMENT for their assistance. As well, I want to thank the chairman of the National Security Committee, FLOYD SPENCE, and the former chairman, RON DELLUMS.

Mr. SHUSTER. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. SHUSTER. Mr. Chairman, we have examined the amendment. We have no problem with it. We support the gentleman's amendment.

Mr. STUPAK. Mr. Chairman, with those comments from the distinguished gentleman, I would like to thank him, the gentleman from South Carolina [Mr. SPENCE], the gentleman from North Carolina [Mr. COBLE], the gentleman from Virginia [Mr. BATEMAN], the gentleman from Minnesota [Mr. OBERSTAR], and others for their help on this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. KINGSTON) having assumed the chair, Mr. REGULA, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2149) to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes, pursuant to House Resolution 419, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendments? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The CHAIRMAN. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 239, nays 182, not voting 12, as follows:

[Roll No. 144]

YEAS—239

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal

DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Greene (UT)
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—182

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clayton
Clyburn
Coleman
Collins (IL)
Collins (MI)
Conyers
Costello
Coyne
Cummings
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (WA)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wynn
Yates

NOT VOTING—12

Berman
Bonilla
Bryant (TX)
Chenoweth
Clay
Goss
Graham
Kaptur
Molinari
Myers
Rogers
Torricelli

☐ 1825

Mr. DICKS changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, I was unavoidably detained and missed rollcall vote 144. Had I been here, I would have voted "yes."

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous matter on H.R. 2149 the bill just passed.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

CONFERENCE REPORT ON S. 641, RYAN WHITE CARE ACT AMENDMENTS OF 1996

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that it now be in order to proceed immediately to consider the conference report on the Senate bill (S. 641), to reauthorize the Ryan White CARE Act of 1990, and for other purposes, and that all points of order against the conference report and against its consideration be waived, and that the conference report be considered as read.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WAXMAN. Reserving the right to object, Mr. Speaker, I want to clarify that this will allow us to move forward on the House floor to consider the Ryan White reauthorization bill, allowing discussion of that legislation and a vote.

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will yield, I would say to the gentleman, yes, by all means.

Mr. WAXMAN. I withdraw my reservation of objection, Mr. Speaker.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The SPEAKER pro tempore. Pursuant to the unanimous consent agreement, the conference report is considered as having been read.

(For conference report and statement, see proceedings of the House of Tuesday, April 30, 1996, at page 9719).

The SPEAKER pro tempore. The gentleman from Florida [Mr. BILIRAKIS] and the gentleman from California [Mr. WAXMAN] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. BILIRAKIS].

☐ 1830

Mr. BILIRAKIS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of the conference agreement on the Ryan White CARE Act Amendments of 1996. This conference report represents a balanced compromise between the House and Senate positions and updates and improves these important programs.

I want to join my colleagues in saying how pleased I am that the conference on the Ryan White program has finally been completed. It has taken much longer than any of us would have liked. We are now at the point where the remainder of the fiscal year 1996 funds are about to be distributed to the States. Without the reauthorization and an adjustment to the formula, approximately 20 States were expected to lose a significant portion of their grants relative to fiscal year 1995. It is our expectation that those remaining funds will be allocated based on the formulas contained in the conference agreement.

I want to briefly summarize some of the key provisions of the conference agreement. The bill charges the criteria by which cities become eligible for title I funds and modifies both the title I and title II formulas. The allocations to cities under title I for emergency relief grants will be based on the estimated number of living cases of AIDS in the area over the most recent 10-year period.

The formula for the title II CARE grants to the States are based on two distribution factors: The State factor and the non-EMA factor. The minimum allotments to States with 90 or more cases is increased from $100,000 to $250,000.

The conference agreement provides criteria for how members of title I planning councils should be selected; these criteria include conflict of interest standards. Additionally, it requires that the composition of the planning council reflect the demographics of the epidemic in the area. The conference agreement requires the Secretary to give priority in awarding supplemental grants to cities that demonstrate a more severe need based on the prevalence of: sexually transmitted diseases, substance abuse, tuberculosis, mental illness, and homelessness.

The bill also requires cities to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. It also defines and places limits on administrative costs.

Other provisions of the bill provide that: States must spend a portion of their grants on therapeutics to treat HIV disease including measures for the prevention and treatment of opportunistic infections; all four titles contribute 3 percent to the projects of National Significance; clarification that the intent of title IV is to increase the number of women and children in clinical research projects; transfer of the dental reimbursement program from title 7 of the Public Health Service Act; and reauthorization of all programs at such sums through fiscal year 2000.

This is a conference report which represents compromise and hard work by both the House and Senate. We are proud of our efforts and are hopeful that by passing this conference report today, we can provide much-needed services, education, and treatment to those afflicted with this terrible disease.

I also want to take this opportunity to thank my staff, especially Melody Harned, for their hard work on this legislation as well as Kay Holcombe of the committee's minority staff.

I include a section-by-section summary of the bill in the RECORD at this point.

SUMMARY OF CONFERENCE AGREEMENT ON S. 641, THE RYAN WHITE CARE ACT AMENDMENTS OF 1996

Section 1. Short Title.

Section 2. References.

Section 3. General Amendments.

Part A—Emergency Relief for Areas With Substantial Need for Services (Cities):

1. Eliminates the ability for an area to become eligible based on per capita incidence of 0.0025. Changes the timeframe of the cumulative AIDS case count from total cumulative (from the beginning of the epidemic) to the total for the 5-year period prior to the year for which the grant is being made.

2. Limits eligibility for new grants to cities with populations of 500,000 or more. (All cities currently receiving funds and cities which will receive funds in FY 1996 are grandfathered).

3. Adds to the list of representatives to be included on the planning councils: (a) federally qualified health centers, (b) substance abuse treatment providers, (c) individuals from historically underserved populations, (d) the State Medicaid agency and the State agency administering Title II, and (e) grantees under Part D.

4. Clarifies that in establishing priorities, planning councils are to use the following factors: (a) documented needs of the HIV-infected population, (b) cost and outcome effectiveness data of proposed interventions, (c) priorities of HIV-infected communities for whom services are intended, and (d) availability of other resources.

5. Requires the planning council to participate in the statewide coordinated statement of need.

6. Requires the composition of the planning council to reflect the demographics of the epidemic in the area. Also requires that nominations to the council be conducted through an open process based on publicized criteria which includes a conflict of interest standard. Prohibits the planning council from being chaired solely by an employee of the grantee.

7. Prohibits the planning council from designating or otherwise being directly involved in the selection of specific service providers.

8. Requires planning councils to develop grievance procedures. Requires the Secretary to develop model grievance procedures.

DISTRIBUTION OF GRANTS

1. Formula Grant—Specifies that no city may receive a reduction from the amount received in FY95 greater than 0 percent in FY96, 1 percent in FY97, 2 percent in FY98, 3.5% in FY99 and 5% in FY 2000.

2. Supplemental Grant—Requires cities applications for supplemental grants to demonstrate the inclusiveness of the planning council membership and that proposed services are consistent with local and statewide statements of need, and that funds for the preceding year were spent in accordance with the priorities developed by the planning council.

3. Supplemental Grant—Requires the Secretary to give priority in awarding supplemental grants to cities that demonstrate a more severe need based on the prevalence of: sexually transmitted diseases, substance abuse, tuberculosis, mental illness, and homelessness.

4. Prohibits the Secretary from awarding a grant unless funds for the preceding fiscal year were expended in accordance with the priorities established by the planning council.

USE OF AMOUNTS

1. Clarifies that substance abuse and mental health treatments and prophylactic treatment for opportunistic infections are permissible uses of funds.

2. Clarifies that substance abuse treatment programs and mental health programs are eligible to receive funds from cities to provide services.

3. Requires the city to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. The minimum for each city will be the percentage of the HIV population constituted by women, infants and children infected with HIV.

4. Specifies that administrative costs of all subgrantees may not exceed an average of 10 percent. Defines administrative activities.

APPLICATION

1. Authorizes the Secretary to phase-in the use of a single application and a single grant for formula grants and supplemental grants.

TECHNICAL ASSISTANCE; PLANNING GRANTS

1. Authorizes the Secretary to make grants of $75,000 to cities who will become eligible for Part A grants (cities) the following fiscal year. The purpose of the grant is to assist the area in preparing for the responsibilities associated with being a Part A grantee.

2. A maximum of 1 percent of Part A funds may be used for planning grants. If a city receives a planning grant, the amount it receives the subsequent fiscal year (under the Part A formula) will be reduced by the amount of the planning grant.

3. Permits current grantees to provide technical assistance to new grantees.

Part B—Care Grant Program (States)

1. Specifies that an authorized use of funds is to provide outpatient and ambulatory health and support services (services authorized under Part A).

2. Amends the 15 percent set-aside for women and children to require states to allocate a percentage of its funds for providing services to women, infants, and children, including treatment measures to prevent the perinatal transmissions of HIV. The minimum for each state will be the percentage of the HIV population constituted by women, infants and children infected with HIV.

HIV CARE CONSORTIA

1. Specifies that private for profit entities are eligible to receive funds to provide services, if they are the only available provider of quality HIV care in the area.

2. Clarifies that substance abuse and mental health treatment and prophylactic treatment for opportunistic infections are permissible uses of funds.

3. Requires the consortium to consult with Part D grantees in establishing a needs assessment.

4. Deletes the requirement that states with 1% or more of the AIDS cases must spend 50% of their grant on consortia.

PROVISIONS OF TREATMENTS

1. Requires States to spend a portion of its grant on therapeutics to treat HIV disease including measures for the prevention and treatment of opportunistic infections.

2. Requires states to document the progress made in making therapeutics available to individuals eligible for assistance.

3. Requires the Secretary to review State drug reimbursement programs and assess barriers to expanded availability.

STATE APPLICATION

1. Requires the State in its application to provide a description of how the allocation of resources is consistent with the Statewide statement of need. Requires the State to periodically convene a meeting of specified individuals to develop the statement of need.

PLANNING, EVALUATION, AND ADMINISTRATION

1. Prohibits States from using more than 10 percent of its grant for planning and evaluation. Prohibits states from using more than 10 percent of its grant for administration. However, the total for planning, evaluation and administration cannot exceed 15 percent. Requires states to ensure that the average of administrative costs of entities that receive funds from the states does not exceed 10 percent. Defines administrative activities.

TECHNICAL ASSISTANCE

1. Clarifies that the technical assistance which the Secretary may provide includes

technical assistance in developing and implementing statewide statements of need.

COORDINATION

1. Requires the Secretary to ensure that the Health Resources and Services Administration, the Centers for Disease Control and Prevention, and the Substance Abuse and Mental Health Services Administration coordinate Federal HIV programs. Requires the Secretary to report to Congress by October 1, 1996 on such coordination efforts.

Part C—Early Intervention Services

1. Requires grantees to spend not less than 50 percent of the grant, providing on-site or at sites where other primary care services are rendered, the following four service categories: (a) testing, (b) referrals for health services, (c) clinical and diagnostic services, and (d) provision of therapeutic measures.

2. Specifies that private for profit entities are eligible to receive funds to provide services, if they are the only available provider of quality HIV care in the area.

PLANNING AND DEVELOPMENT GRANTS

1. Authorizes the Secretary to make grants to assist entities in qualifying for a Title III(b) grant. The amount of each grant is not to exceed $50,000. Preference is given to entities that provide HIV primary care services in rural or underserved areas. A maximum of 1 percent of the Title III(b) appropriation is authorized to be used for such grants.

REQUIRED AGREEMENTS

1. Adds planning and evaluation to activities considered administration and increases the permissible percentage from 5% to 7.5%.

2. Requires applicants to submit evidence that the proposed program is consistent with the statewide statement of need.

AUTHORIZATION OF APPROPRIATIONS

1. Reauthorizes the program at such sums as necessary for fiscal years 1996 through 2000.

Part D—Grants for Coordinated Services and Access to Research for Women, Infants, Children, and Youth

1. Clarifies that the purpose of the grants is to (a) provide opportunities for women and children to participate as subjects in clinical research projects and (b) provide health care to women and children on an outpatient basis.

2. Clarifies that the Secretary may not make a grant unless the applicant agrees: (a) to make reasonable efforts to identify women and children who would be appropriate participants in research and offers the opportunity to participate, (b) to use criteria provided by the research project in such identification, (c) to offer other specified services such as referrals for substance abuse and mental health treatment and incidental services such as transportation or child care, (d) to comply with accepted standards of protection for human subjects.

3. In order for a grantee to continue receiving funds (in a third or subsequent year), the Secretary must determine that a significant number of women and children are participating in projects of research. Permits the Secretary to take into account circumstances in which a grantee is temporarily unable to comply with this requirement for reasons beyond its control (i.e., completion of the clinical trial). Authorizes the Secretary to grant waivers of the significant number requirement if the grantee is making reasonable progress toward achieving this goal. This waiver authority expires Oct. 1, 1998.

4. Clarifies that receipt of services is not dependent upon a patient's consent to participate in research.

5. Clarifies that grant funds are not be to used to conduct research, but to provide services which enable women and children to participate in such research.

6. Requires the Secretary to establish a list of research protocols to which the Secretary gives priority regarding the prevention and treatment of HIV disease in women and children.

7. Requires the coordination of the NIH with the activities carried out under this title. Requires the Secretary to develop a list of research protocols which are appropriate for the purposes of this section. Requires the entity actually conducting the research to be appropriately qualified. Specifies that an entity is to be considered qualified if any of its research protocols have been recommended for funding by NIH.

8. Reauthorizes the program at such sums as necessary for fiscal years 1996 through 2000.

EVALUATIONS AND REPORTS

1. Requires the Secretary to conduct an evaluation provided for in current law by October 1, 1996.

SPECIAL PROJECTS OF NATIONAL SIGNIFICANCE

1. Modifies the funding source for SPNS. Current law funds SPNS through a 10 percent tap on Title II. The bill would impose a 3 percent tap on all four titles.

2. Clarifies that special projects should include the development and assessment of innovative service delivery models designed to: address the needs of special populations and ensure the ongoing availability of services for Native Americans.

3. Requires the Secretary to make information concerning successful models available.

TRANSFER OF THE AIDS EDUCATION AND TRAINING CENTERS (AETCS) AND THE DENTAL REIMBURSEMENT PROGRAM

1. Transfers to Title 26 from Title 7 of the Public Health Service Act section 776, the AIDS Education and Training Centers (AETCs) and the Dental Reimbursement Program.

2. Clarifies that training health care personnel in the diagnosis, treatment, and prevention of HIV infection, includes the prevention of perinatal transmission and measures for the prevention and treatment of opportunistic infections.

3. Reauthorizes both programs at such sums as necessary for fiscal years 1996 through 2000.

Sec. 4 Amount of Emergency Relief Grants (Cities)

1. Modifies the Title I formula. Allocations to cities will be based on the estimated number of living cases of AIDS in the area. The number of living cases is determined through a weighted average of cases over the most recent 10 year period.

Sec. 5 Amount of Care Grants

1. Modifies the Title II formula. Distributes Part B funds to states based on a formula that calculates two distribution factors: the state factor, based on weighted AIDS case counts for each state and the non-EMA factor based on weighted AIDS case counts for areas within the state outside of Part A eligible areas. The state factor is given a weight of 80% and the non-EMA factor is given a weight of 20%. This formula results in the transfer of funds among states. As a result funding losses are capped at the following percentages relative to FY95 funding levels: 0% in FY96, 1% in FY97, 2% in FY98, 3.5% in FY99, and 5% in FY2000.

Minimum allotments to states with 90 or more cases is increased from $100,000 to $250,000.

Funds appropriated specifically for the Drug Assistance Program (an eligible use of funds under Part B) shall be allocated based on states entire weighted case counts. ($52 million provided for FY96).

Sec. 6 Consolidation of Authorization of Appropriations

1. Reauthorizes Part A and Part B at such sums as necessary for fiscal years 1996 through 2000.

2. Authorizes the Secretary to develop a methodology for adjusting the amounts allocated to Part A and Part B. Requires the Secretary to report on such methodology by July, 1996.

Sec. 7 Perinatal Transmission of HIV Disease

1. Requires all states to implement the CDC guidelines on voluntary HIV testing and counseling for pregnant women.

2. Authorizes $10 million in grant funds to: (a) make available to pregnant women counseling on HIV disease; (b) make available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care; (c) make available to such women voluntary HIV testing; (d) implement mandatory newborn testing at an earlier date than required. Only states that implement the CDC guidelines are eligible for these funds. Priority is given to states with high HIV seroprevalence rates among childbearing women.

3. Requires the CDC, with 4 months of enactment, to develop and implement a reporting system for states to use in determining the rate of new AIDS cases resulting from perinatal transmission and the possible causes of transmission.

4. Requires the Secretary to contract with the Institute of Medicine to conduct an evaluation of the extent to which state efforts have been effective in reducing perinatal transmission HIV and an analysis of the existing barriers to further reduction in such transmission.

5. Within two years following the implementation of the CDC reporting system, the Secretary will make a determination whether mandatory HIV testing of all infants in the US whose mothers have not undergone prenatal HIV testing has become a routine practice. This determination will be made in consultation with states and experts. If the Secretary determines that such testing has become routine practice, after an additional 18 months, a state will not receive Part B funding unless it can demonstrate one of the following:

(a) A 50% reduction (or a comparable measure for states with less than 10 cases) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data;

(b) At least 95% of women who have received at least two perinatal visits have been tested for HIV; or

(c) A program for mandatory testing of all newborns whose mothers have not undergone perinatal HIV testing.

6. Requires states which implement mandatory testing of newborn infants to prohibit health insurance companies from discontinuing coverage for a person solely on the basis that the person is infected with HIV or that the individual has been tested for HIV. Prohibition does not apply to persons who knowingly misrepresent their HIV status.

Sec. 8 Spousal Notification

1. Prohibits the Secretary from making a grant to a State unless the state takes such action to require that a good faith effort be made to notify a spouse of a known HIV infected person that such spouse may have been exposed to HIV and should seek testing.

Sec. 9 Optional Participation of Federal Employees in AIDS Training Programs

1. Provides that a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses, except for training necessary to protect the health and safety of the employee (training in universal precautions to prevent transmission of HIV). Provides that an employer may not retaliate in any manner against such employee.

Sec. 10 Prohibition on Promotion of Certain Activities

1. Prohibits funds being used to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual.

Sec. 11 Limitation on Appropriation

1. Provides that the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

Sec. 12 Additional Provisions

1. Adds funeral service practitioners to the definition of emergency response employee.
2. Makes technical and conforming changes.

Sec. 13 Effective Date

1. The effective date is October 1, 1996 except for the following provisions, for which the effective date is the date of enactment: (a) eligibility of new cities under Part A; (b) formula for Part A; (c) formula for Part B; (d) provisions concerning perinatal transmission of HIV; (e) consolidation of authorization for Part A and Part B; and (f) the setasides for Special Projects of National Significance.

Mr. Speaker, I urge my colleagues to join me in supporting this important conference report.

Mr. Speaker, I reserve the balance of my time.

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am extremely pleased we have completed our work on the House-Senate conference and we have reached an agreement to allow us to reauthorize the Ryan White Act. This is an important program in dealing with the AIDS epidemic throughout this country.

I think from the very beginning of this reauthorization everyone wanted to continue the program, but we had some issues that we had to resolve. One issue that took some discussion was the question of how to direct our attention to deal with trying to prevent the transmission of AIDS to newborns.

Appropriately, the conference said that we should put an emphasis on encouraging pregnant women to be tested so that if they were HIV positive and undertook therapy, they could in fact stop the transmission of HIV to the newborn. But in the case where there has not been a test with the mother, we wanted to establish a procedure for having newborns tested. I think we came up with a good compromise position that will move things in the right direction and deal constructively with this problem.

The second area that we had to resolve were the funding formulas for distribution of money under this act to cities and to States under title I and title II. It makes sense to continue the two separate authorizations for these two titles. Second, we agreed in changes in the formulas which were designed in light of new information and the changing nature of the AIDS epidemic. We did not want to allow large shifts in funding that cities and States severely affected by the epidemic would face, so we did have tight limits on any losses from these areas.

In addition, we tailored the funding formulas appropriately to take into account the continuing enormous need for funding in States and cities like my own State of California and Los Angeles district, as well as the State and city of New York, States of Florida and Texas, and others where the AIDS epidemic began and where it will always remain a significant problem.

On a personal note, I am pleased that the formulas we adopted do result in significant increases of funds for Los Angeles and for the State of California, where the need for services for people with HIV and AIDS and for access to drug therapies for the very large number of affected people remains to severe problem.

Mr. Speaker, in conclusion, and I am going to make a further statement for the RECORD to reflect the views that I have on this legislation, let me say I am extremely proud to have been the original author of the Ryan White CARE Act and to have been a part of its reauthorization. This is a law that has worked, and it will continue to be an integral and essential part of this country's response to the AIDS epidemic.

I want to express my appreciation to the chairman of the Committee on Commerce, Mr. BLILEY, and the chairman of the Subcommittee on Health and the Environment, Mr. BILIRAKIS, for the cooperative and truly bipartisan way in which this legislation has proceeded. I want to acknowledge the hard work of the GAO staff who helped us with title I and II formula calculations, and I want to thank the committee staff, Melody Harned of the majority and Kay Holcombe of the minority, for their significant contributions to this process.

Mr. Speaker, I am extremely pleased that we have completed our work in the House-Senate conference and have reached agreement about the reauthorization of the Ryan White CARE Act. Programs under this Act provide health care services for people with HIV disease and AIDS throughout this country, through public health departments in cities and states; through community-based organizations; and through a variety of primary care providers and social service organizations dedicated to helping patients and families affected by this devastating disease. One very important Ryan White program focuses on the need for more research on AIDS and HIV disease in woman and children. Another focuses on programs directed toward prevention of HIV infection and AIDS. In total, this legislation represents a successful and very important comprehensive approach to HIV and AIDS, and its reauthorization is surely among the most significant legislative accomplishments of this Congress.

I think from the very beginning of this reauthorization, Members on both sides of the aisle and on both sides of the Capitol have completely agreed on one point: that we should reauthorize these important programs. We did, however, have several areas of difference which needed to be resolved and have been resolved in the conference. One of these related to the matter of HIV testing of women and newborns. This is a difficult and contentious issue, and I am extremely pleased that we were able to reach agreement.

Under this agreement, we have broadened the grant program included in the House bill so that grants can be used to assist States to implement the CDC guidelines relating to counseling and voluntary HIV testing of pregnant women, as well as to determine the HIV status of newborns. I am especially pleased with this change because I think it places emphasis where we can do the most good—preventing the perinatal transmission of HIV infection. The legislation then asks the Secretary to make a determination, in consultation with appropriate medical organizations, about whether it is the standard of practice in medicine to test newborns for HIV. If the Secretary makes this determination, then, in order to continue to receive Title II funding under Ryan White, States would need to meet one of two performance standards. The State could demonstrate that, through voluntary counseling and testing programs, it is determining the HIV status of 95 percent of women who are in prenatal care. Alternatively, the State can demonstrate that it has reduced pediatric AIDS, contracted through perinatal transmission, by 50 percent, compared to the 1993 level. This date is important in that it reflects the time at which we learned that treatment of HIV-positive pregnant women with AT can prevent perinatal transmission.

Only if States cannot demonstrate the achievement of one of these specified goals would they be required to put in place either legislative or regulatory requirements relating to the mandatory HIV testing of newborns, as a condition of their continuing to receive title II funding under the Ryan White Act.

Further, any State that did choose this route would be required to have in place important protections such as requirements that health insurance could not be denied or canceled, based on the fact that an individual has been tested or is HIV-positive. These provisions are over and above the protections already provided in the Americans with Disabilities Act and under applicable State law.

The ADA requires that all persons with disabilities—including those with HIV or AIDS—be protected from arbitrary insurance discrimination. In other words, under the ADA, an employer or insurance company cannot treat people with HIV or AIDS differently from people with other serious conditions that pose equal financial risk. That is clear.

Many State laws also provide a State remedy already for such discrimination. That is also clear.

The Coburn-Waxman amendment as included in this bill would go further and provide protection to people who have simply undergone testing for HIV, whether or not they are perceived by the insurance company as having HIV. The goal of this amendment is clear. We are all trying to reduce any disincentives for anyone to be tested. The Coburn/Waxman amendment also provides a different enforcement device to assure that such discrimination is prohibited, that is, that States could lose their Ryan White money.

With all three of these protections in place—ADA, State law, and Ryan White, the conferees feel that we will make significant public health strides in getting people who may be afraid of being tested less afraid.

I am pleased with this result, because I think we have placed the emphasis where it should be—not on testing as an end in itself, but on reducing the number of babies born with HIV. Reaching pregnant women, and educating them about the importance, both to them and to their babies, of knowing their HIV status at a time when it will do the most good and actually prevent perinatal HIV transmission, is what we should be doing. After all, our goal here is to stop the transmission of HIV to babies. I think this compromise emphasizes and also helps us achieve that goal.

A second issue that has proven difficult to resolve is how funding under this act is distributed to cities and States. The conference report deals with these issues in three ways. First, the conferees agreed that, particularly in light of the increases in funding for both titles I and II under the fiscal year 1996 appropriations bill, it made sense to continue authorizing two separate appropriations for these two titles. Second, we agreed that although changes in the formulas were designed were needed, in light of new information and the changing nature of the AIDS epidemic, we did not want to allow such large shifts in funding that cities and States severely affected by the epidemic could not absorb them. Thus, while we have agreed to make significant changes in the way funds are allocated to cities and States, we have placed tight limits on losses.

In addition, we have tailored the funding formulas appropriately to take account of the continuing enormous need for funding in States and cities, like my home State of California, and my Los Angeles district, as well as the State and city of New York, and the States of Florida and Texas, and others where the AIDS epidemic began and where it always will remain a significant problem.

On a personal note, I am pleased that the formulas we adopted do result in significant increases of funds for Los Angeles, and for the State of California, where the need for services for people with HIV and AIDS and for access to drug therapies for the very large number of affected people remains a severe problem.

Mr. Speaker, in conclusion let me say that I am extremely proud to have been an original author of the Ryan White CARE Act and to have been a part of its reauthorization. This is a law that has worked and will continue to be an integral and essential part of this country's response to the AIDS epidemic.

And finally, I want to express my appreciation to the chairman of the Commerce Committee, Mr. BLILEY, and the chairman of the Health Subcommittee, Mr. BILIRAKIS, for the cooperative and truly bipartisan way in which this legislation has proceeded. I want to acknowledge the hard work of the GAO staff, who helped us with the title I and II formula calculations. I particularly want to thank the committee staff—Melody Harned of the majority and Kay Holcombe of the minority—for their significant contributions to the process.

Mr. Speaker, I reserve the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in support of the passage of the Ryan White CARE Act, and I congratulate the conferees on their persistence in reaching agreement on several difficult issues. A final agreement on this reauthorization bill has been a long time in coming, and it is critical that we pass this bill today.

The CARE Act provides medical care to more than 350,000 people living with HIV/AIDS. Under the Act, local communities make the decisions as to how funding should be allocated, in a manner consistent with this Congress' efforts to give States and localities greater control.

In regard to the issue of HIV testing for infants and pregnant women, I commend the conferees for choosing to focus on the voluntary testing of pregnant women, instead of the mandatory testing of infants. This approach is supported by the medical and public health community as the most effective way of preventing perinatal transmission of HIV. The final provisions include funding to assist States to implement the CDC guidelines which call for voluntary HIV counseling, testing, and treatment for pregnant women.

Mr. Speaker, every Member here agrees that we must do everything possible to reduce perinatal transmission of HIV. The CDC guidelines will provide access to early interventions that will actually prevent perinatal transmission, and link them to HIV care and services.

Preserving a patient-provider relationship of trust is essential to keeping women in the health care system. Many voluntary counseling and testing programs exist, at Harlem Hospital and others; the physicians who run these programs will tell you that it is because the testing is voluntary that they are successful. In these programs, almost all women, after talking with their provider, will choose testing and the treatment recommended by their provider. We should devote our resources to replicating these models, rather than to efforts that will do nothing to prevent perinatal transmission.

Mr. Speaker, this bill is not perfect, but is the best agreement that could be reached.

Mr. Speaker, I congratulate the chairman of the subcommittee, the full committee, the ranking member of the full committee, the subcommittee, and the conferees. We should all vote for this bill.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. STUDDS], who played such a very important role in the work on the Ryan White bill and our approach to the full AIDS epidemic.

Mr. STUDDS. Mr. Speaker, as an original cosponsor of this legislation, I rise to express my strong support for the conference report. This agreement is a welcome one which was far too long in coming.

Nearly 6 years ago, I joined with colleagues on both sides of the aisle in passing the Ryan White Care Act. Since then, this legislation has been a lifeline for hundreds of thousands of people in States and communities across the land.

We could not know then that AIDS would become the primary killer of American men and women in the prime of their lives. Nearly half a million cases have been reported to the Centers for Disease Control and Prevention, and nearly half that number have died. Included in those sobering statistics are two former Members of this House and many members of our families and our official family.

As the AIDS epidemic has expanded, it has placed an enormous burden on the public health system, including both the communities in which the early cases were concentrated and those in which significant case loads are a more recent development. The public health burden has also increased with the emergence of promising but costly new drugs for treating the disease. The conference report attempts to reconcile these competing demands in a way that will help ensure continuity of care for every person living with HIV/AIDS.

I would also like to say a word about one provision that has attracted a good deal of attention and concern—the portion of the bill dealing with the HIV testing of newborns. The compromise that has been reached is precisely that—a compromise. On the one hand, it affirms explicitly what I think we are believe: That every pregnant woman should be tested for the AIDS virus, that those who test positive should be offered the best treatments currently available, and that the soundest and surest way of ensuring that both of these things will happen is to provide the woman with counseling and voluntary testing.

On the other hand, a State that fails to meet specified targets through these voluntary measures could conceivably find its title II funding curtailed unless it agrees to institute mandatory testing of newborn infants. While I respect the convictions of those who favor such a result, the simple fact is that mandatory newborn testing cannot prevent HIV transmission from mother to child and is not supported by the responsible medical community.

Under the conference agreement, no State would be required to institute mandatory testing of newborns unless the Secretary finds that the medical community has changed its mind and such testing has become routine practice. In essence, it could not be required unless it is already taking place—a logic which Yogi Berra would surely appreciate. Nevertheless, I think it would have been wiser to give State health authorities the resources they need to implement voluntary testing without holding a gun to their heads and threatening the very funds on which so many vulnerable people depend.

Fortunately, the agreement we have reached virtually assures that no State will ever be put in that position. I believe the provision will allow every State to reduce its rate of perinatal transmission by voluntary means to a level and within a time frame that is both achievable and desirable, in a manner that is respectful of the critical relationship between the woman and her physician.

The effort to reauthorize this legislation has been a long and tortuous process. It has been, from first to last, a bipartisan effort. This is as it should be, for the AIDS virus does not discriminate by race or creed or sexual orientation—or even by party affiliation. This is a crisis that compels us to put aside such differences, and I commend Chairman BLILEY, Mr. BILIRAKIS, Mr. WAXMAN, and our fellow conferees for doing so.

I urge my colleagues to join together in that spirit to pass the conference report without delay.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. BILBRAY], a member of the subcommittee.

Mr. BILBRAY. Mr. Speaker, I would like to commend Chairman BILIRAKIS and the ranking member of our Health Subcommittee, Mr. WAXMAN, for the cooperative effort that we see here today. I hate to say it is too bad, that you watch, you will not see this on the front page of the papers or you are not going to see this on national television, the cooperative effort on something that is a major, health issue. I hope we see more of this kind of cooperation and I hope that the American people take notice of this success.

I am pleased to see the conference report, Mr. speaker, that adequately funds the communities that are in desperate need of these funds to be able to address the heavy impacts of AIDS and HIV. I am also very pleased to see that this legislative piece actually directs and corrects some of the mistakes that were made from the past.

Both Republicans and Democrats have worked together at developing a formula that is fair and equitable and truly applies to the need. The old formula actually had misconstrued numbers in it, Mr. Speaker, where there were actually communities getting funds based on numbers of people that had already passed away.

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I do not think anybody meant that to happen. What I am very proud of is this body, bipartisanly, has been able to work together to straighten out the mistakes of the past and make the Ryan White CARE Act not only stronger and better, but also fairer.

I would like to take a moment to address one item, and that is an item brought up, and that is the issue of testing. I have an AIDS Advisory Committee member in my district that consists of health care experts and also advocates in San Diego for the AIDS community. They express major concerns about the mandatory testing component that was originally included. But by trying to work together and find a good compromise, this bill, through the conference process, has been able to work it out and actually present an alternative.

I think the conference report addressed the concerns that allow the time in the States of this Union to be able to work with the Centers for Disease Control and their regulations to make a voluntary system that will work out, to counsel pregnant women, make sure there is the money, up to $10 million, to help not only to test, but also to counsel in the case of high risk women who fall in this category.

With this compromise, we are able to get the job done. We are going to be able to break new ground, enter into new territory, and try to be more proactive in the first truly aggressive prevention strategy. I think that we should be very proud of that, Mr. Chairman.

I understand that my advisory committee looked at this compromise, and though they had major concerns about the original proposal, feel that this is a very sound and humane way to approach this. I think it is one of those issues that will show that we not only can be humane, but we can also be smart and intelligent. With a crisis like the AIDS crisis we are confronted with, this is going to be something we need to do more of.

Again, I thank Chairman BILIRAKIS and also my colleague from California for a job well done, and let us begin with this as an example of what we need to do more of, and not allow it to end here.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. TOWNS], a very important member of the subcommittee who played an active role in the reauthorization of this legislation.

Mr. TOWNS. Mr. Speaker, I am very pleased that we finally have the opportunity to vote on a conference concerning the reauthorization of the Ryan White CARE Act. I want to particularly commend the Chairman of the committee, the gentleman from Florida [Mr. BILIRAKIS], for his tireless efforts to reauthorize this legislation. I want to also thank the ranking minority member, the gentleman from California [Mr. WAXMAN], for his work not only on this bill but also for the tremendous role he has played in the past in working on the Ryan White Act. And, I am certain the majority and minority staff are to be equally commended for their efforts.

There is no more critical issue than funding for health care services to combat the AIDS virus. Those of us from New York State continue to have the unfortunate distinction of the highest number of AIDS and HIV infection cases in the Nation. In fact, the Ft. Greene community in my congressional district, has the highest incidence of new AIDS cases of any area in New York City.

Mr. Speaker, Ryan White programs have been critical to New York's ability to provide a continuum of care which has greatly improved the quality of life for people with AIDS and HIV infection. For example, as a result of Ryan White dollars, the HIV/AIDS dental program was able to provide over $300,000 to Brooklyn Hospital in my district for oral health services to AIDS patients who had little or no dental insurance.

The changing nature of the AIDS epidemic and its impact on minority communities is recognized in this legislation. The average person would assume that the leading cause of death for African-American men is homicide. They would be wrong, however. AIDS now kills more black men than gunshot wounds. Eighty-four percent of the AIDS cases involving children, age 12 and under, can be found in the Black community. And, AIDS has now become the second leading cause of death for black women. I.V. drug use and T.B. have exacerbated these mortality statistics in minority communities.

It is my hope, Mr. Speaker, that with today's action we can move quickly to provide the funds that our cities and small towns so desperately need to address the AIDS crisis in communities across this Nation. I believe that this reauthorization of the Ryan White CARE Act meets the needs of rural and suburban areas without devastating our metropolitan areas, which still have the burden of treating the largest number of AIDS and HIV infected patients.

This bill has been a long time coming, and I am happy we were able to get through the conference process and where we are today. I would like to encourage my colleagues to vote for the passage of this legislation.

There is a need for this legislation to pass and to pass very quickly. I am not totally pleased with the formula, but I am happy that some sensitivity was shown to those large areas, those metropolitan areas, that have a severe crisis.

So I would like to again salute the leadership on both sides, the minority and the majority, for taking these factors into consideration. It is not perfect and a lot still needs to be done, but I am happy we are moving in the right direction.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Wisconsin [Mr. KLUG], a member of the subcommittee and full committee.

Mr. KLUG. Mr. Speaker, to my colleagues on the Health Subcommittee on Commerce, this is a nice way to end the day after fairly contentious hearings on trying to figure out a way to reform the Food and Drug Administration, so that we can get pharmaceutical products and medical devices to the market faster, but at the same time not compromising public safety.

This is a fitting end for the day, because we end occasionally, as this subcommittee can, and I hope will more often in the future, in a strong spirit of bipartisan cooperation to move forward a very important piece of legislation.

This is an interesting kind of coming together of the minds, not only from both sides of the aisle, but, frankly, an interesting collaboration from people who represent very different parts of the country.

I represent Madison, WI, which, like most other smaller cities in the United States, also has AIDS problems. But in the past we feel that we have been shortchanged because so many of the resources were plowed into New York and San Francisco, which obviously just based on current numbers had a much more serious problem. But in the future communities like Madison and Milwaukee will be just as dramatically impacted. I am glad to see the gentleman from California [Mr. WAXMAN] and the gentleman from Florida [Mr. BILIRAKIS], as well as the gentleman from Michigan [Mr. DINGELL] and the gentleman from Virginia [Mr. BLILEY], were able to move closer to Senate spending levels, which at the end of the day frankly will take funding in Wisconsin that was just a little bit over $1 million and, with the different kind of grant programs, push it to nearly $2 million.

I think we have all learned over the last decades that AIDS affects every part of the country, and, obviously, given the name of the bill itself, affects very different demographic groups, whether it is a young boy who has been victimized by the AIDS virus as a result of being exposed to hemophilia in a blood transfusion, or somebody who contracts AIDS from intravenous drug users, or whatever the case may be. The bottom line is all of those people need compassion and at the end all of those people need money.

Again, I congratulate the gentleman from Florida [Mr. BILIRAKIS] for his leadership, and the gentleman from California [Mr. WAXMAN] for all of his help on this bill as well.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. ACKERMAN].

Mr. ACKERMAN. Mr. Speaker, I rise in full support of the conference report and want to take a moment to thank the chairman and the ranking member of the subcommittee and the full committee as well for the hard work and dynamic leadership that they have exhibited in bringing all parties and points of view together in this very, very important legislation.

I want to especially take a moment to acknowledge the hard work and important work that has been done in what has been called the AIDS baby part of this legislation. This is a very, very important and creative first step that we are taking, first emphasizing as strongly as we can the voluntary aspects, to try to get as many pregnant women counseled and tested for the HIV virus and then absent that, or after that, to whatever extent that does or does not work, and we all hope that will be as effective a method as possible, to then take those neonates whose mothers' HIV status is unknown, and to mandatorily test them so as to be able to save additional lives and to put off the onset of so much tragedy and emotion in so many people's lives.

I want to thank the members of the conference committee and urge everybody to support the report.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Speaker, first I rise in support of the conference report; to the commitment tonight continues. Second, I rise to extend my deep and sincere appreciation to the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee, to the gentleman from Virginia [Mr. BLILEY], chairman of the full committee, certainly to the gentleman from California [Mr. WAXMAN], to the gentleman from Oklahoma, [Mr. COBURN], and others who have worked so hard to bring this day to its reality.

The fact is that this is a difficult process and there were some issues that were obviously very difficult, the infant testing issue, the formula for title II. But both of those issues have been resolved in, I think, a very positive and constructive way.

I can tell you from a Wisconsin perspective, because we now have some reforms in the title II program, we can look toward an increase in our funding in 1996 over 1995 of from $1 million to $1.5 million. In addition, because we now have a drug assistance program, we can look at the potential because it has been funded under the appropriation process, of literally $254,000 in that regard.

I would hope that we would send a message tonight, a message that has been developed over the last 2 weeks, that shows that this Congress on a bipartisan basis, and, yes, that includes the Republican majority, has sent the word that we understand and we care and we want to help. We did it first and foremost last week when we repealed the DOD-HIV provisions. We did it second last week when we included money for the AIDS drug assistance program, because we recognize that the new protocols are there but the funding is going to be one of the emerging challenges in the next few years to deal with in this area. We did it, third, because we increased the overall funding for Ryan White. Whoever thought under a Republican-controlled Congress that we would stand here tonight and tell you that Ryan White funding is up 17 percent over what it was last year? And now, tonight, we bring you a reauthorization of the Ryan White program.

It has been a good two weeks and it is important. Many of you recall, certainly those of you who attended that hearing that began this reauthorization process a few months ago when Mr. BILIRAKIS gave me the honor of being the lead witness, I brought a former Republican staff member who had retired November a year ago with AIDS with me to that witness table and said "Hear from one of our own on Capitol Hill who has AIDS."

Tonight as we pass this reauthorization, some 8 months later, his partner died of AIDS in November, and he lies in Sibley Hospital himself tonight as the ravage of this disease continues. I think it is important as those among the 300,000-plus in this country who have lost their life to AIDS, and the over 1 million who continue to battle the fight continue, that they know as their battle goes on they do it with the support of the U.S. Congress.

Mr. Speaker, I am happy to speak in favor of the Ryan White CARE Reauthorization Act conference report. To say that this reauthorization has been a long time in coming may be an understatement. Certainly, we all had hoped that this reauthorization could have been completed sooner, but the issues this conference committee grappled with were delicate and complex. Importantly, their deliberations were careful and fair, and I think that their final product is one of which they can be proud and which we should all support. I congratulate the conference committee on their work. I plan to vote in favor of this conference report, in favor of reauthorization, and I urge my colleagues to do the same.

HIV disease, including AIDS, is devastating and has already wreaked a tremendous toll on this country and its citizens. The Centers for Disease Control and Prevention [CDC] reports that over a half million Americans have been diagnosed with AIDS, and that already over 300,000 have died. It is estimated that approximately 650,000 to 1 million more Americans are infected with HIV, and that roughly 40,000 new infections occur in the United States each year. The costs, financially, emotionally, socially, and legally, that HIV has extracted from this country have been great, but what these projections indicate is that they will only increase in the years ahead. The Ryan White CARE Act programs represent the most visible and significant response the Federal Government has made to the HIV epidemic. It has provided services and support for thousands of people affected by this disease, and through this reauthorization, we can insure that such programs will continue to be available for the next 5 years.

I would like to offer a few comments on some of the specific successes that I see in the reauthorization conference report. I view these as successes because workable and bipartisan compromises were reached, compromises that will allow us to move forward in effectively meeting the challenges HIV poses to this country.

First, funds for emergency assistance programs, those programs that serve metropolitan areas hit hardest, and for comprehensive care programs, will be linked and appropriated based on a plan devised by the Health and Human Service Secretary. This linkage will help prevent needless fighting for funds within the AIDS community and between different organizations and advocates that all have the common goal of improving the lives of people affected by HIV. In addition, the big picture of the HIV epidemic will most likely determine the disbursement of funds rather than narrowly circumscribed geographic regions or special interests.

In addition, the formula that was adopted for the distribution of title II, or part B, funds moves toward greater fairness. Previously, all funds were distributed based on all AIDS cases in a State. AIDS cases are not distributed equally across States, however, so there was great disparity in the funding levels for different States. But, the suffering caused by AIDS knows no State boundaries and is not limited to the States with the highest case counts. The new formula recognizes this important fact and disburses funds based on total AIDS case counts in a State as well as AIDS case counts that occur outside of hard-hit metropolitan areas.

My home State of Wisconsin, for example, has reported 3,239 cases for AIDS through March 1996. This total may not sound like much to my colleagues from New York, California, Florida, or Texas. But, the fact remains that for each of these cases, there is an individual whose life has been irrevocably changed, who faces new challenges everyday, and whose family and friends have been affected. Many of us know firsthand the pain of HIV and AIDS, including the pain of losing a loved one too early, and this pain is not diminished simply because we live in a low incidence area or State.

In addition, the CDC recently reported that the rate of proportionate increases in AIDS cases was high in the Midwest, and higher than the rates in the Northeast and West. In fact, during the period between 1993 and October 1995, higher proportions of cases among adolescent and young adults occurred in small metropolitan and rural areas in the Midwest and the South. Total case counts do not reveal the depth of suffering inflicted by AIDS, nor do they reveal where changes in transmission patterns are occurring. The new formulas for distributing funds move us forward in being responsive to these changes and to alleviating the suffering of all Americans affected by HIV.

Also in the name of fairness, this reauthorization stipulates that money to support AIDS drug programs, appropriated at $52 million in fiscal year 1996, will be based on total case counts. The committee has adopted the simple and compelling logic that these drugs and drug programs are intended to benefit anyone and everyone in a State with HIV disease. As long as funds for drugs and treatments remain a separate provision in appropriations, they will continue to be distributed based on the numbers of people who are affected in a State.

Lastly, there is a provision in the reauthorization that insures that cities that receive funds under title I will not lose money. For the first 2 years, these cities are held harmless and the funds that could be lost are capped at 5 percent in fiscal year 2000. Thus, there is relative insulation from dramatic changes in funding levels, even if there are substantial changes in AIDS case counts.

These formulas for distributing funds, complicated as they may be, insure that there are no losers. The States with relatively large case counts are protected from losing money, yet the new formulas benefit States with relatively few cases, too. It is a delicate balance to divide funds to combat a truly national epidemic; this conference report has successfully accomplished this difficult task.

Another issue on which a delicate compromise has been crafted has to do with perinatal testing for HIV. HIV testing, and whether it should be anonymous or confidential, mandatory or voluntary, has long been a controversial topic. I believe that testing today is a critical part of good public health. Recent advances in the treatment of HIV disease have been developed and are becoming increasingly available. To test HIV positive is no longer the death sentence that many perceived it to be previously. For individuals to access these new and effective treatments, however, they must know that they are HIV positive. Testing should be encouraged and should take place in a supportive and sensitive context. With respect to pediatric HIV, scientific research also has indicated that early treatment of a mother can reduce the risks that her baby will be born with HIV.

An important piece of this reauthorization is the way in which perinatal testing has been addressed. Rather than imposing a strict and perhaps impossible testing standard on all States, the reauthorization is flexible in its treatment of different States. In addition, critical goals or guideposts are laid out by which States can gauge their progress toward eliminating needless and tragic infant HIV infection. The conference committee has succeeded in providing carrots and not just sticks for implementing effective HIV testing programs as well as evaluation criteria by which success can be judged.

To conclude, I urge a vote in favor of this conference report. Let all of us demonstrate our compassion, concern, and commitment to fighting the HIV epidemic in this country and to ensuring the high quality of life of Americans affected by HIV disease.

Mr. WAXMAN. Mr. Speaker, I am pleased to yield 2 minutes to the gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE of Texas. Mr. Speaker, may I take a moment of personal privilege to offer my gratitude to the conference committee, to the leadership, the Republican leadership, and chairman and ranking member, and as well to the ranking member and subcommittee chairs that have worked so actively. In particular, let me add my applause and appreciation to the gentleman from California [Mr. WAXMAN] who has visited the 18th Congressional District in Texas and noted in fact that my district has one of the highest rates of HIV cases in this Nation.

So I humbly come to applaud the work, primarily because we should recognize that HIV is not a respecter of sex or race. High numbers of Hispanics and African-Americans in my community are now suffering from HIV.

This effort, the Ryan White CARE Act, also brings groups together, those who are in a different lifestyle, along with other members of the community. It is important to know that this HIV, which results in AIDS, affects people of all ages, genders, races, social and economic status and sexual orientations.

In the years following the disease's discovery, nearly half a million Americans have been diagnosed with AIDS and more than a quarter of a million men and women and children have died of AIDS. In Texas, the cumulative number of reported AIDS cases from the beginning of the epidemic in 1981 through 1994 is 30,712. The cumulative number of reported AIDS deaths for this time period is 18,435.

When I visited the Thomas Street Clinic that works not only with adults between the ages of 25 to 44, but senior citizens and children, I see the grip of AIDS. More importantly, I think it is important that this conference committee has come together to allow for voluntary testing of pregnant women and as well counseling. That helps the unborn child, the innocent child. That will help as we look toward the total elimination of the HIV virus and its devastation.

Again let me add through the Ryan White program, over 300,000 Americans living with HIV receive community-based care and support that allows them to live in their homes and neighborhoods. I join and hope my colleagues will give this an enormous vote of confidence by voting for the Ryan White CARE Act of 1996.

Mr. Speaker, let me again applaud my colleagues so that we can work together to ensure that people will live and not die from HIV.

Mr. Speaker, I rise today in support of the conference report for the Ryan White CARE Act Amendments of 1996. Next to the Medicaid Program, the Ryan White CARE Act represents the single largest Federal investment in the care and treatment of people living with HIV/AIDS in the United States.

This act authorizes a set of Federal grant programs to provide assistance to localities disproportionately affected by the HIV epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with the HIV disease. The CARE Act supports a wide range of community based services, including primary and home health care, case management, substance abuse treatment and mental health services, nutritional and housing services. Through Ryan White programs, over 300,000 Americans living with HIV/AIDS receive community-based care and support that allows them to live in their homes and neighborhoods and avoid costly in-hospital care, care that is currently the most expensive kind of health care in America. Particularly in the urban AIDS epicenters, Ryan White funds form a safety net holding communities that have been devastated by the epidemic together.

The CARE Act promotes cost effective systems of care for people living with HIV/AIDS. The use of case management services and community based alternatives ensures that the federal government is using its resources most effectively. Similarly, antibody testing and early intervention services provided through title III(B) allow individuals to monitor their health status on a regular basis and receive early, preventative care, rather than waiting until an acute episode requires more costly hospitalization.

The CARE Act provides maximum flexibility to cities and States, allowing them to develop local systems of care based on the specific service needs of people living with HIV/AIDS in their area. Title I of the CARE Act requires that each local HIV services planning council—comprised of local public health, community-based service providers and people living with HIV/AIDS assess local needs and make recommendations as to which services are needed. Similarly, through title II, each State is given maximum flexibility to craft a service mix that is responsive to the specific service needs in that State.

One of the most important programs funded by the Care Act in Texas is the AIDS Drug Assistance Program [ADAP]. Texas' ADAP is administered by the HIV/STD Medication Program at the Texas Department of Health and it provides free or low-cost HIV prescription drugs to individuals who would otherwise have no access to basic HIV treatments. The program currently has 4,775 clients enrolled and so far in fiscal year 1996 3,437 have been provided with medications they might not have otherwise received. Approximately 35 to 40 percent of the clients are Medicaid eligible at some time. Funds from the ADAP are only used to pay for drugs the clients cannot receive with Medicaid benefits. All clients have incomes below 200 percent of the poverty line.

Mr. Speaker, the AIDS epidemic is one that cries out for immediate and forceful action. The human immunodeficiency virus [HIV], which causes AIDS, does not discriminate. It affects people of all ages, genders, races, socioeconomic statuses, and sexual orientations. In the years following the disease's discovery, nearly half a million Americans have been diagnosed with AIDS, and more than a quarter of a million men, women, and children have died of AIDS. In Texas, the cumulative number of reported AIDS cases from the beginning of the epidemic in 1981 through 1994 is 30,712. The cumulative number of reported AIDS deaths for this time period is 18,435.

Mr. Speaker, AIDS is the leading killer of Americans between the ages 25 and 44. AIDS is killing the youngest and most vital part of our workforce and our whole Nation suffers as a result. The Centers for Disease Control and Prevention estimated that in 1992 the indirect cost of the AIDS epidemic to the U.S. economy was $23.3 billion, primarily due to wages lost by workers. Clearly, we must invest in HIV prevention, education and treatment. I support the conference report and I urge my colleagues to do so as well.

Mr. BILIRAKIS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. FOLEY].

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Mr. FOLEY. Mr. Speaker, let me thank the gentlewoman from Texas for her acknowledgment. That was very gracious and very kind, and I hope I hear more of that tonight from the other side because this truly is a bipartisan effort in helping people that have been stricken by a very deadly and tragic disease.

With the passage of the conference report on the Ryan White CARE amendment today we have a valuable opportunity to continue our commitment in the fight against AIDS. This legislation secures vital medical care and treatment for Americans suffering with this tragic disease and gives States more flexibility to provide them with a wider range of support services.

Since 1981, over 250,000 Americans have died from AIDS and more than a million others are expected to be infected. Sadly, the number of women, children, and teenagers infected with HIV continues to grow dramatically.

In my home district in Florida, the city of West Palm Beach has the single second highest rate of HIV infections in females. The legislation recognizes these concerns and sets up special grants to provide health services to women, infants, and children.

As more and more of our Nation's communities are affected by the AIDS epidemic, preserving the partnerships we have developed between the Federal, State and local governments to meet these health care needs is critical.

I want to single out the gentleman from Florida [Mr. BILIRAKIS] for his leadership on this important legislative initiative, but I also want to take a moment to thank some people that are often derided by both the media and the other side of the aisle as the radical extreme of this party. I want to say, thank you, Mr. NEWT GINGRICH. He first brought the Ryan White Act onto this House floor under a suspended calendar to prevent it from being intruded on by harmful amendments.

Let me thank the gentleman from Louisiana, BOB LIVINGSTON, chairman of the Committee on Appropriations, for working so closely with Mr. BILIRAKIS to secure $105 million additional for the funding of the Ryan White Act this year alone.

Let me thank my Republican colleagues for recognizing the severity of AIDS; that it affects Republicans, that it affects Democrats, that it affects Independents, that it affects men, it affects women, it affects blacks, whites, and Hispanics, that it affects heterosexuals as well as homosexuals. It affects America, our families, our children.

This legislation brings us to the point where we are fighting a dreaded disease and we are fighting it in a bipartisan spirit, caring for the soul of the human being rather than their ethnicity, their race, their gender, their preference or their voting status.

I think we embark today on a day of bipartisan spirit, and I hope the media genuinely reflects that it is a Republican majority that brings a bill to this floor to show care and compassion for human beings; it is a Republican majority, in concert with the gentleman from California [Mr. WAXMAN], and the minority who brings a bill together that funds a tragic, tragic thing in American life. It fights AIDS, it fights the battle, and it provides for human suffering when they need help the most.

Again my commendations to the gentleman from Florida [Mr. BILIRAKIS] for his excellent leadership, and I urge the floor to vote solidly for the reenactment of the Ryan White Act.

Mr. WAXMAN. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I thank the gentleman from California [Mr. WAXMAN] for yielding the time, and I rise in strong support of the conference report for the Ryan White CARE Reauthorization Act.

My State knows all too well the pain and agony that HIV and AIDS bring. Connecticut has the fifth highest number of AIDS cases per capita in the Nation. In my district, the city of Hartford has been particularly hard hit. AIDS is clearly a health crisis we must address now.

Last fall, Hartford and two adjoining counties were, for the first time, awarded title I Ryan White funding. This money will enable people living with AIDS to receive services so important to those ill—from housing to child care to respite care.

The formula under this conference report ensures that communities, like Hartford, with growing caseloads get the emergency funds they need to respond to this crisis. More importantly, it ensures the thousands of men, women, and children affected by the disease get the support they need to live their lives with dignity.

I urge a "yes" vote on this conference report.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HORN].

Mr. HORN. Mr. Speaker, I join others in commending the gentleman from Florida, Chairman BILIRAKIS, for bringing the Ryan White Act to the floor for reauthorization.

Mr. Speaker, I rise today in strong support of S. 641, the Ryan White Comprehensive AIDS Resources Emergency Reauthorization Act of 1995. Thousands of men and women and children with HIV and AIDS depend on the continuation of these vital services and this vital program.

Ryan White services include outpatient health and medical services, pharmaceuticals, funding for the continuation of private health insurance and home care, which is essential. Without such assistance, tens of thousands of people will be adversely affected. Without such assistance increased suffering will ensue.

I have been an early active supporter of the Ryan White program since coming to Congress in 1993, and in the 103d and the 104th Congresses this bipartisan act and appropriate funds and increases have been allocated by the Members with overwhelming majorities. Sufficient funding for AIDS research, care, and prevention must be the consistent goal of all future Congresses until this horror is eradicated from the Earth.

Mr. WAXMAN. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE of New Jersey. Mr. Speaker, I would like to commend my colleagues for their work in the fight against AIDS in our community. By producing this very important document, we here, in the spirit of bipartisanship, have taken another step to deal with the devastation and the threat that this disease poses to our society.

AIDS is growing fastest among women and children in our society. By early 1993, 253,448 people in the United States had been diagnosed with AIDS.

In my district in Newark, we have one of the highest reported percentages of women with AIDS. In fact, I held the first congressional hearing in my district on the AIDS issue.

Later, we held a hearing on the problem of abandoned infants, where women infected with AIDS testified about the problems they encounter and their personal plight.

As an original cosponsor of the Ryan White bill, I know the real travesty of this disease and we can prevent it. If this document is any indication, I believe there is some hope that we turn this tragedy into a triumph.

I look forward to working very closely with my colleagues to eliminate the threat to our community and our society.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Oklahoma [Mr. COBURN] who has added an awful lot of grassroots and personal experience to the subcommittee and to the full committee and, obviously, to this particular piece of legislation, and we are very grateful for his work on Ryan White.

(Mr. COBURN asked and was given permission to revise and extend his remarks.)

Mr. COBURN. Mr. Speaker, I thank the chairman of the committee. We come here tonight happy that we have accomplished some things that are new, some things that are important, but, most of all, to provide support for those that need our support in terms of facing HIV infection.

Some things have been added to this bill, which needed to be added a long time ago, and the first of those is a prohibition on discrimination based on either HIV status or the seeking of an HIV test. It is long overdue and I am glad to see it included.

Spousal notification is something that is needed. It is right. It is proper. It is a part of this bill as well.

And then, finally, putting in perspective where we have seen the best AIDS research come forward; that in terms of treating newborn infants and infants conceived to women who are HIV positive. The science is great, the science is very promising, and, hopefully, this science will lead to further discoveries and further breakthroughs that will treat those that are so ravaged by this disease.

Mr. Speaker, I want to thank the gentleman from California [Mr. WAXMAN] and those of the other side of the aisle who worked to help us forge out a compromise. I believe we have forged out a good one and I am hopeful we can get this money going straight away to help those who need it.

Mr. WAXMAN. Mr. Speaker, I yield myself 2 minutes for the purpose of engaging in a colloquy with the gentleman from Florida.

Mr. Speaker, this bill provides that funds appropriated solely for the drug assistance program be allocated based on statewide case counts. I ask the gentleman from Florida; is that correct?

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I would say to the gentleman that that is correct.

Mr. WAXMAN. The bill also specifies that 3 percent of the appropriations for each title of the Ryan White program be set aside for the special projects of national significance; that 1 percent be set aside for technical assistance; and 1 percent for the Public Health Service evaluation funds.

It was my understanding that the $52 million for the drug assistance program would not be subject to these set-asides nor would this sum be included in calculating the set-aside taken from the formula grant. Was that the gentleman's understanding as well?

Mr. BILIRAKIS. Mr. Speaker, if the gentleman will continue to yield, yes, it was my understanding, Mr. WAXMAN, and I hope this colloquy and conversations with the Health Resources and Services Administration will help to clarify this point prior to funds being distributed to States.

Mr. WAXMAN. Mr. Speaker, I thank the gentleman for entering into this colloquy so we can clarify this.

Mr. BILIRAKIS. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut [Mr. SHAYS].

Mr. SHAYS. Mr. Speaker, I just really want to express my gratitude to the gentleman from Florida [Mr. BILIRAKIS] and the ranking member, the gentleman from California [Mr. WAXMAN], for working so well together, and the full chairman of the committee as well as the gentleman from Oklahoma [Mr. COBURN], in particular, a new member who has helped bring together and help forge some very important elements to this bill.

Mr. Speaker, I am grateful that we are seeing a 17 percent increase in the Ryan White funding over last year. I am particularly grateful that we are seeing for the first time the prohibiting of health insurance discrimination against someone who suspects or in fact is HIV positive.

We have a million people in our country who are HIV positive, we have 300,000 who have died of AIDS. This country needs to come together to heal the wounds and to help them, and I am just extraordinarily grateful for the leaders on both sides of the aisle who have depoliticized this and made a significant step forward in helping the people in our country who need the help the most.

Mr. GILMAN. Mr. Speaker, over 250,000 Americans have died from AIDS, the dreaded equal opportunity killer which first became known to Americans in 1981. It is a health crisis which must be addressed now. This legislation accomplishes many of our most important goals—to modify the eligibility requirements and allocation formulas for grants to State and local governments; to give States increased flexibility to provide a wider range of treatments and support services; to emphasize the provision of services for women, infants, and children by instituting special grant set asides; to cap administrative and evaluation expenses for grant programs, and; to require states to implement center for disease control guidelines regarding HIV testing and counseling for pregnant women.

In short, this legislation not only demonstrates bipartisan humanitarian spirit of this Congress, but by working together in areas of mutual concern we can accomplish worthy goals. Accordingly, I am in strong support of the Ryan White CARE Act amendments conference support and urge its immediate passage.

Mr. BLILEY. Mr. Speaker, I am pleased that we are bringing to the floor the reauthorization of the Ryan White CARE Act.

I am particularly pleased that we were able to work on a bipartisan basis to develop this legislation. I believe that we have developed a bill that responds to changes in the HIV and AIDS epidemic, addresses some concerns with the current implementation of the Ryan White program, includes provisions regarding the perinatal transmission of HIV, and attempts to reach a compromise on funding formulas.

As is always the case, the funding formulas proved to be the most difficult issue to resolve. It was further complicated by the fact that States have not adopted the new definition of AIDS in a uniform fashion, which without a reauthorization would have resulted in large shifts of money this year. In addition, there have been some very exciting therapeutic breakthroughs over the past several months. While these breakthroughs represent tremendous hope in the treatment of HIV/AIDS, they result in additional financial strains on States. For these reasons, I believe it was very important, in agreeing on the title II formula, that we kept in mind both the disruptions caused by large shifts in money and the need to provide the non-EMA States with greater funds.

We believe we have achieved a fair compromise between the original House and Senate positions. We significantly increase funding for non-EMA States while limiting the losses to large States with title I cities. The formula we have agreed upon is a modified version of the Senate formula. I do want to point out however, that in the fiscal year 1996 appropriations bill, which just passed, an additional $52 million was provided solely for the drug assistance program. The conference agreement provides that these funds will be allocated based on the statewide case count rather than the Senate formula. I believe this is important because the States provide drugs to all individuals with HIV/AIDS regardless of where they live through the drug assistance program.

The other key issue was that of perinatal transmission of HIV. All the conferees, and I am certain all Members of the House and Senate, share the same goal—reducing the transmission of HIV to infants, and in those cases where transmission is not prevented, identifying and treating those babies as soon as possible. It is our sincere hope that the provisions included in the conference agreement will achieve that goal.

I also want to point out that we have received a letter from CBO stating that the bill does not invoice the Unfunded mandates Reform Act of 1995. And I ask that the letter from CBO follow my statement.

I want to thank all the conferees and their staffs for their perseverance and hard work on this conference agreement. I also want to thank the staff at the General Accounting Office who spent many long hours running iterations of the formulas.

I urge my colleagues to join me in supporting the conference agreement.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 1, 1996.

Hon. THOMAS J. BLILEY, Jr.
Chairman, Committee on Commerce, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: At the request of your staff, the Congressional Budget Office has reviewed the conference committee's discussion draft of S. 641, the Ryan White CARE Act Amendments of 1996, for intergovernmental and private sector mandates. The bill contains two intergovernmental mandates and no private sector mandates. The cost of the intergovernmental mandates would not exceed the $50 million threshold established in Public Law 104-4, the Unfunded Mandates Reform Act of 1995.

S. 641 would require states to determine annually the number of AIDS cases reported within their boundaries that result from perinatal transmission. The cost associated with this requirement would be insignificant because most states are already gathering this type of information.

The bill would also require states to adopt the Center for Disease Control's (CDC's) guidelines concerning HIV counseling and voluntary testing for pregnant women. In order to offset the costs associated with adopting these guidelines, the bill would authorize the appropriation of $10 million in each of fiscal years 1996 through 2000. Any state that does not adopt the guidelines would not be eligible for this funding, but the bill does not clearly relieve states of responsibility for adopting the CDC guidelines if they choose not to take any of the grant money. While CBO does not expect the costs of promulgating the CDC guidelines to be significant, public hospitals and clinics could face additional costs in implementing the guidelines. However, many hospitals and clinics are already carrying out these AIDS-related activities on their own or because their states have already adopted the CDC guidelines. In the time available, CBO has not been able to estimate the additional costs with precision, but we believe that the costs to public facilities would be well below the $50 million threshold. Furthermore, the bill authorizes funds that would at least partially offset these costs.

Finally, as a condition of receiving their Ryan White grant money, states may have to require all newborns to be tested for HIV. This requirement would not be a mandate as defined by Public Law 104-4, because it is clearly a condition for receiving federal financial assistance.

If you wish further details on this estimate, we will be pleased to provide them. The analyst for intergovernmental mandates is John Patterson, and the analyst for private sector mandates is Linda Bilheimer.

Sincerely,
JUNE E. O'NEILL, *Director.*

Mr. LAZIO of New York. Mr. Speaker, I rise today to support S. 641, the Ryan White CARE Act amendments conference Report. I am a cosponsor of the House bill. It is long overdue and I am glad that Congress is finally completing its work on this measure.

New York has been hit especially hard by the AIDS epidemic as close to 20 percent of all AIDS cases are in my home State.

Since its enactment, the Ryan White CARE Act has provided a wider range of services for people of all racial, ethnic, and social-economic classes throughout the United States who are struggling with HIV disease. These funds provide a coordinated continuum of care for these individuals. Some of the services supported by the CARE Act include outpatient health and medical serrices, pharmaceuticals, funding for continuation of private health insurance, and some health care.

As a society we have a responsibility to provide for those who are truly needy. Since its original enactment the Ryan White program has helped tens of thousands of AIDS victims in my home State of New York State as well as those throughout the country.

We need to reauthorize the Ryan CARE Act without any further delay and I urge all my colleagues to vote for its passage.

Mrs. MINK of Hawaii. Mr. Speaker, I rise in strong support of the conference report on the Ryan White CARE Reauthorization Act of 1995. The importance of this act cannot be overstated; in the 6 years since its enactment, it has been a lifeline of support to hundreds of thousands of AIDS and HIV victims throughout the country.

The challenges of our fight against AIDS are not unfamiliar to us. Since the onset of this epidemic over 15 years ago, we have struggled to contain this virus via surveillance and prevention efforts, as researchers worldwide scrambled for a cure. Meanwhile, numbers of people affected with the AIDS has spiraled upward. According to the Centers for Disease Control, more than 440,000 cases of AIDS have been reported in this country, and over 1 million are HIV-infected. Over 100 Americans die each day from the disease. Health care costs for treating the virus have risen astronomically, taking an unwieldy economical toll on its victims. Discrimination rising out of fear and lack of awareness about the AIDS and HIV has exacerbated the sense of emotional isolation faced by its victims. This is all in addition to the physical agony the disease wreaks on the body.

The scope of this crisis clearly commands the attention and resources of the American people. The Ryan White CARE Act of 1990 made available much needed Federal money to help ease the physical, emotional, and economic toll of the disease on its victims. Our Nation was caught so unprepared for the advent and explosion of AIDS and HIV in the last two decades, that this legislation provided needed relief for our reeling health services delivery system. In the 6 years since the law authorized grants to States and cities for AIDS treatment and support programs as alternatives to inpatient care, much of the burden that urban and rural hospitals face has been alleviated and the quality of life for those suffering with the virus has greatly improved. National AIDS organizations and Federal, State, and local public health officials have testified to the success of the program, while underscoring that the urgency of the AIDS epidemic has not subsided and that there exists a continued need for the CARE Act.

We are entering a new phase in our battle against the virus. A recent article in the New York Times discussed the arrival of a new class of drugs known as protease inhibitors, which, taken in combination with standard older drugs, provide the most potent therapy against HIV to date. These new treatments are unfortunately very expensive. Where Medicare and private insurance defer some of the cost, many patients are depending on the AIDS drug reimbursement program of the CARE Act as a means of easing their suffering. I strongly believe that it is especially critical as we are on the brink of medically treating this disease, that we do not withdraw our funding support.

Fighting against this killer virus is the universal charge of all Americans. AIDS is no longer a disease of a select few, but instead touches the lives of more and more people in our society. The epidemic has spread into suburban and rural areas in every State of this country and entered the ranks of sports heroes and movie stars. AIDS is currently the No. 1 killer of all Americans between the ages of 25 and 44. It does not discriminate between gender or sexual orientation. It cuts across all races and socio-economic classes. As of July 1994, 5,000 children had received an AIDS diagnosis. It is our collective social responsibility to provide for our most vulnerable citizens the best that we can, and I urge my colleagues to support this conference report.

Mr. KOLBE. Mr. Speaker, I join my fellow colleagues today in support of the Ryan White CARE Act conference report. Additionally, I would like to extend my appreciation to the conference team, chairmen BLILEY and DINGELL, and subchairmen BILIRAKIS and WAXMAN for all their hard work to see this legislation through fruition.

I also come forward today for the thousands of men, women, and children whose lives depend on the continuation of the services provided under the Ryan White CARE Act. This legislation is essential to the AIDS community. Ryan White CARE provides people living with AIDS a tool to obtain emergency care services. Ryan White CARE gives the support needed to provide AIDS patients to live their lives to its fullest potential.

Specifically, this bill requires recipients of CARE grants to utilize a portion of their funds to provide health services to women, infants, and children. This bill aims to serve all individuals infected with the AIDS virus, but acknowledges the growing number of infants and children infected with the virus. With advancements in research to deter the virus in infants, the bill targets our future—our children.

The reauthorization of the Ryan White CARE Act sends another important message. We have worked in a bipartisan manner to ensure passage of this essential legislation. This legislation is an act of simple compassion and humanity that anyone and everyone can support.

I have been a supporter of the Ryan White CARE Act since its inception, and I hope that future Congress will continue to promote its services in future Congresses. Mr. Speaker, I urge my colleagues to vote in support of the reauthorization of the Ryan White CARE Act.

Mr. SKAGGS. Mr. Speaker, this bill is long overdue, and it's the least we can do for those of our fellow citizens suffering from HIV and AIDS. I want to thank the conferees for this good final product and this step forward in the long fight against this disease.

In the Denver metro area, nearly 6,000 Coloradans and their families struggle with HIV or AIDS every day. For them, Ryan White programs provide some hope and some small measure of security.

As we take this good step today, we should also keep our eye on the ultimate goal of unlocking the secrets of this disease and someday making these Ryan White programs as obsolete as the iron lung. The research mission here has begun producing real results and fresh hope, and we should rededicate ourselves to that effort today.

This isn't a perfect bill, and I do have concerns about the provisions that could lead us down the path to mandatory HIV testing. While it's good for physicians to encourage testing, for the sake of children and mothers at risk, we must guard against the unintended and unwanted effect of discouraging women from getting the help they need. The bill does give us a couple of years of breathing room on this, and I hope we reexamine this issue with the attention it deserves.

That significant issue aside, this bill meets a dire need, and I urge my colleagues to support it—along with the other prevention and research components that are just as crucial to the fight against HIV and AIDS.

Mr. WAXMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BILIRAKIS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore (Mr. EWING). The question is on the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GUNDERSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 4, not voting 27, as follows:

[Roll No. 145]

YEAS—402

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green (TX)
Greene (UT)
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand

Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—4

Funderburk
Istook
Scarborough
Stump

NOT VOTING—27

Ballenger
Barton
Beilenson
Berman
Bliley
Bonilla
Boucher
Bryant (TX)
Clay
de la Garza
Dicks
Dingell
Engel
Gibbons
Goss
Hayes
Hobson
Houghton
Kaptur
Livingston
McDade
Miller (FL)
Molinari
Shaw
Torricelli
Weldon (FL)
Wilson

☐ 1933

Messrs. MARKEY, DIXON, and COBLE changed their votes from "nay" to "yea."

So the conference report was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WELDON of Florida. Mr. Speaker, on rollcall No. 145, I was inadvertently detained. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. GOSS. Mr. Speaker, on Wednesday, May 1, I was unavoidably detained for rollcall votes 141 through 145.

Had I been present, I would have voted "aye" on votes 141, 142, 144, and 145. I would have voted "no" on rollcall No. 143.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Speaker, on May 1, 1996, I was detained and did not cast a vote on S. 641, the Ryan White CARE Act conference report. Had I been present, I would have voted "yea" on rollcall vote No. 145.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and submit extraneous material on the conference report to S. 641.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Is there objection to the request of the gentleman from Florida?

There was no objection.

RYAN WHITE CARE ACT REAUTHORIZATION

(Ms. PELOSI asked and was granted permission to address the House for 1 minute.)

Ms. PELOSI. Mr. Speaker, I rise in support of the Ryan White Care Act reauthorization conference report. This legislation is needed to continue the vital services provided under the Ryan White Program. I commend the conferees for their hard work in reaching agreements on many difficult issues.

The final agreement revises formulas for distribution of funds for the emergency assistance program for cities and for the grants to States for AIDS-related health care. The conferees have balanced their approach to maximize fairness to all involved.

With regard to the newborn testing issues, the conferees have endorsed the CDC guidelines which emphasize voluntary testing and provided authorization for an outreach program to encourage voluntary testing of pregnant women. This would allow these women to take advantage of the latest treatments available to prevent the transmission of HIV to their babies. I am pleased that the conferees have managed to avoid approaches which may have driven many pregnant women away from medical care.

This authorization bill also allows for an orderly distribution of funds to States for new drugs recently approved by the FDA to improve longevity and quality of life for people with AIDS. Last week, Congress approved President Clinton's request for an emergency supplemental appropriation of $52 million for this important AIDS Drug Assistance Program [ADAP]. Now these funds can be more fairly distributed to the States.

Again, I commend Chairman BILIRAKIS and Mr. WAXMAN, as well as the other conferees, for their hard work in reaching agreement on these important provisions. The bill—and the 17-percent increase in funding provided in the appropriations bill—bring hope to people with AIDS, their caregivers, and their loved ones.

LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I rise for the purposes of engaging the distinguished majority Whip about the schedule for the rest of this week and next week.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend from Texas.

Mr. DELAY. I thank the distinguished minority whip for yielding, and, Mr. Speaker, I am pleased to announce that we have concluded our legislative business for the week.

On Monday, May 6, the House will meet in pro forma session. There will be no legislative business and no votes on that day.

On Tuesday, May 7, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. Members should note we do anticipate votes soon after 2 p.m. on Tuesday.

Mr. Speaker, on Tuesday, May 7, we will consider a number of bills under suspension of the rules. I will not read through the list at this time, but a complete schedule will be distributed to all Members' offices.

After consideration of the suspensions we will take up two crime bills, both of which are subject to rules: H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, and H.R. 3120, a bill regarding witness retaliation, witness tampering and jury tampering.

For Wednesday, May 8 and the balance of the week the House will consider the following bills:

H.R. 3322, a bill to authorize appropriations for fiscal year 1997 for civilian science activities; two resolutions, House Resolution 416 and 417, establishing a select subcommittee to investigate the United States role in Iranian arm transfers to Croatia and Bosnia; H.R. 3286, a bill to help families defray adoption costs and promote the adoption of minority children; and H.R. 2406, the United States Housing Act of 1995.

Mr. Speaker, we should finish legislative business and have Members on their way home to their families by 2 p.m. on Friday, May 10, and I thank the gentleman for yielding me this time.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his remarks, and I just have two questions for my friend from Texas.

Could the gentleman inform the House when we will consider the budget resolution?

Mr. DELAY. Unfortunately, we were not able to mark up the budget this week. We anticipate marking it up next week and bringing it to the floor the following week.

Mr. BONIOR. And how about the health care bill? When do we expect to go to conference on the health care bill?

Mr. DELAY. Evidently we are working with the other body, and we hope to appoint conferees sometime next week.

Mr. BONIOR. Mr. Speaker, I thank the gentleman, and I wish him well this weekend.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding to me, and I wish everyone a safe weekend.

ADJOURNMENT FROM THURSDAY, MAY 2, 1996 TO MONDAY, MAY 6, 1996

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Thursday, May 2, 1996, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

HOUR OF MEETING ON TUESDAY, MAY 7, 1996

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, May 6, 1996, it adjourn to meet at 12:30 p.m. on Tuesday, May 7, 1996, for morning hour debates.

The SPEAKER pro tempore. Is there objections to the request of the gentleman from Texas?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation from the Committee on the Budget:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 25, 1996.

Hon. NEWT GINGRICH,
Speaker, U.S. House of Representatives, The Capitol, Washington, DC.

DEAR MR. SPEAKER: I hereby resign from the Committee on the Budget.

Sincerely,

HARRY JOHNSTON.

The SPEAKER pro tempore. Without objection, the resignation will be accepted.

There was no objection.

□ 1945

SPECIAL ORDERS

The SPEAKER pro tempore. (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ICWA SPELLS HEARTBREAK FOR FAMILY IN OKLAHOMA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. PRYCE] is recognized for 5 minutes.

Ms. PRYCE. Mr. Speaker, I rise today to address the Indian Child Welfare Act, to explain that as it stands today, it has struck tragedy in the hearts of countless children, birth parents, and adoptive families throughout this entire country.

The Indian Child Welfare Act, or ICWA as it is called, was intended to stop State court abuse of Native American children in involuntary placements. In its current form, ICWA is a factor in every single adoption in this country, because it is nearly impossible to determine what child may be part Indian due to some remote part of its heritage.

I have already recounted several tragic incidences due to the misapplication of ICWA on this House floor. Today I want to tell the Members about an especially sad story that took place in Oklahoma. A couple, Rick and Kathy Clarke, who were seeking to adopt, were notified that they had been selected for possible placement and home study by a tribal worker from the birth mother's tribe. The home study was conducted by the manager of the tribe's division of children and family services.

After conducting the home study, the tribal manager told the prospective parents that ICWA could be waived, and that the tribe had only the best interests of the child at heart. He further suggested that the child be enrolled in the tribe and be allowed to explore his or her cultural heritage.

The couple enthusiastically agreed to this suggestion. Rick and Kathy Clarke were with Shonna Bear, the birth mother, when the child was born. It was a joyous and special occasion. Little did they know that because of the misapplication if ICWA, the little boy they already loved so much would be taken from them.

Mr. Speaker, the court ordered Rick and Kathy to turn the child over to the tribe. Tribe officials, using ICWA, succeeded in securing a relinquishment order, even after assuring the Clarkes that they would not. Mr. Speaker, the sad irony is that Shonna Bear wanted her baby to have a loving and stable home with these adoptive parents. She, a loving and courageous birth mother who chose life for her baby instead of abortion, had a right to feel comfortable and confident that she, in her judgment as the birth mother, had made the right decision for her baby. But her decision was overturned. The adoption plan she had so carefully and lovingly made was overturned by the court.

ICWA was never intended to cause such pain and anguish for potential parents, birth parents, and children. Rick Clarke, the adoptive father, did not enter into this adoption carelessly or without the utmost due diligence to the law that applied. He is an Oklahoma judge, very well-versed in the law and its many pitfalls.

Let me quote from the letter that Rick sent to me:

> We had less than an hour and a half to say good-bye to our baby. I will never forget Kathy sitting in Jeffrey's room, holding him and saying, "We are never going to see him again, are we?" The pain in Kathy's eyes tortures me even now.

He goes on to say:

> For weeks we were totally depressed. We cried every day. Even with the help of our pastor, we needed the help of other professionals to pull us out of our tailspin. Even now, months later, when we think of him we get so upset. When we think if adopting another child, we get fearful of this type of thing happening again.

Mr. Speaker, that is exactly the point of this legislation. Surely we want to correct our legislative overbreadth so these individual tragedies do not occur again to loving, well-meaning families, but more importantly, we must realize that this correction will be one small step this Congress can take to encourage adoption in our Nation, rather than foster impediments to it.

How many children languish in foster homes and are shuffled about from one setting to the next, year after year after year, because otherwise willing and wanting families are afraid to go through what might end up being a heartbreaking experience? I will tell the Members how many: 500,000 children are awaiting an adoptive home. We have a chance to remove yet another one of the roadblocks to adoption, that fear of being the next front page story.

Let me read one more line of Judge Clarke's letter:

> Because we committed all our resources to this adoption, after having the approval of the tribe, we are effectively prevented from attempting to adopt again.

The minor changes I have offered to the Indian Child Welfare Act go a long way towards avoiding such tragedies, while maintaining the intent of the act. Rick and Kathy will never see the little boy again that they love so much, but we can make that right, Mr. Speaker. Rick Clarke is absolutely right: This fight is for the children. I urge my colleagues to join me by supporting the adoption legislation on the floor next week.

Mr. Speaker, I include for the RECORD the letter from Rick Clarke.

The letter referred to follows:

RICK AND KATHY CLARKE,
Tulsa, OK, April 25, 1996.

Hon. DEBORAH PRYCE,
U.S. Representative,
Columbus, OH.

DEAR CONGRESSWOMAN PRYCE: Enclosed you will find a summary of what my wife and I experienced dealing with one Indian tribe and the Indian Child Welfare Act. Also, I am sending along a copy of the letter the tribal worker sent us when they agreed to waive ICWA and place Jeffrey in our home. I send this information to you at Nichole's request.

Nichole and I talked earlier today about your goals with the present legislation pending before Congress. She was very informative, professional and still compassionate concerning our ordeal. Please thank her again for me.

As you will see from our story, the effect of the ICWA is sometimes devastating to not only potential adoptive parents' lives, but even more so for the children it imprisons. Kathy and I wholeheartedly support your efforts to limit the ICWA's abusive and disastrous results. You are fighting a good fight for the sake of innocent children all over this nation. May God bless you in your battle.

We stand ready to offer any assistance you need in winning this fight. I know our story and pain don't even begin to compare to those of others, but we will do what we can to help. Please let us know how we can assist.

Sincerely,

RICK CLARKE.

EARLY NOVEMBER

John O'Connor called and said that he had someone who wanted to see a biography on us. We revised the one that we have previously given out and sent it to him. We also found out at this time that the baby's father was part Indian. We were not very optimistic because Indian tribes seldom will approve non-Indian homes for placement. However, since we thought they could waive that requirement, we went ahead and tried.

Kathy has said that if we don't have a baby by the end of the year, she wanted to stop looking for a baby and try to get an older child. With this possibility, we both agree to try.

DECEMBER

John called on 12/16/94 and told Rick that the tribal worker had agreed to do a homestudy of us. At that point, we had given up hope because we had not heard anything for a while. We assumed that since we were not Indian, the tribe had declined. However, even knowing we were not Indians, they agreed to see us.

On 12/17/94 Scott Johnson, Manager of the Division of Children & Family Services for the Muscogee (Creek) Nation, came to our home for the purpose of conducting a homestudy. Mr. Johnson spent close to three hours in our home talking to us and asking us questions. He informed us that his goal, and that of the tribe, was to make sure that the child's best interests were served by the adoption.

Mr. Johnson told us that the primary reason for the strict requirements on adoption of Indian children was to make sure that the Indian children became members of the tribe and to avoid the wholesale baby-brokering of Creek children. We made it clear to him that we were concerned about not being Indian and he told us that the preferences in the ICWA could be waived by the tribe when they thought it would be best for the child. He said that most tribal authorities were most concerned about keeping the numbers of enrolled members high—it somehow effected their financial support. The only conditions he asked us to agree to were to enroll the baby with the Creek Nation and to allow the child to freely explore his cultural heritage if he wanted to do so. We joyfully agreed to those conditions as we both thought they would be in a child's best interest.

As we talked with Mr. Johnson, he made it clear to us that he knew the Bear family. He said that the father of this child, Freddie Bear, had several children the tribe knew about that he was not providing for. His general impression of the whole family was not very favorable. He said he was happy that this child would have a chance to be raised in a better environment than would his siblings and relatives.

As Mr. Johnson left our home, he commented that he rarely had been in an adoptive home where there was as much peace and love as he felt in ours. With that, he informed us that he would approve our home as an adoptive placement for this baby and that the tribe would not intervene.

Needless to say, we got very excited. We went out almost immediately and began to buy baby stuff. We still didn't unwrap many of the items because we had such a long road ahead of us.

On 12/21/94, we met with John in his office at 4:30. He said that things were looking very good. He told us at that point we could back out of the process and there would be no legal expense to us since everything up to then was somewhat preliminary to even considering this baby. However, since the tribe was the only party that was previously unknown and they were now with and for us, there appeared to be nothing standing in the way of a successful adoption. Based on that, we agreed to go full steam ahead and committed to adopting this baby and paying all expenses to accomplish that goal.

We thought that the baby might be born around Christmas due to the mother having some complications. It was not meant to be, however.

JANUARY

Because of a lack of communication and possibly stress on the mother, we though that the adoption may be off in early January. Shonna's father did not think we were paying enough of her bills. We, however, wanted to avoid the appearance of baby-buying. We agreed to meet with the mother on 1/15/95, and were pleasantly surprised. She restated her commitment to having us adopt the baby. She also told us that we were really the only couple she seriously considered. She read several biographies and liked ours the best by far.

On 1/31/95, Shonna went he OU Medical Clinic and is told that the doctor want to induce labor. As soon as we find out, we went to the hospital and talk to her and then wait for the big event. At around midnight, we went home to let the dog out. We were only home for a few minutes when we got the call saying to return to the hospital immediately—the baby was on his way.

As we got off the elevator, we met John O'Connor and he congratulated us on the birth of a son. Jeffrey Adam was born at 12:53 A.M. on 2/1/95 and weighed 7 lbs. 20 ozs. He was 21 inches long. Without a doubt, he was and is a perfect baby.

JANUARY 1, 1995

We stayed with Jeffrey the nursery until around 6:00 A.M. Kathy got a bracelet so we could visit and take him out of the nursery. Rick went to work, but met Kathy and her mom at the hospital at noon. We went in the room with Jeffrey and the mother and had a wonderful visit.

We went back up to the hospital after work that evening. Because there was a problem with the bracelet, we could only take Jeffrey to another room if a nurse went with us. While upsetting, we agreed because we just wanted to spend time with our baby boy.

FEBRUARY 2, 1995

Again, Kathy and Rick met at the hospital at noon to visit Jeff. Rick's court guard and some friends were there also. Jeff was not in the nursery, so we thought something was wrong. He was in Shonna's room with her. She told us that her mother-in-law and other family members were up and wanted to see the baby. We think they had seen him and that was the reason why he was in her room. Kathy and her mom stayed up at the hospital for a long time after Rick went back to work. Then they went shopping to get Jeffrey a "going home outfit."

When we went back that evening, everything got much worse. We know she had been moved to a different room and went directly to the new room. When we passed the nurses desk, we saw an Indian woman and several younger Indians asking for someone's room number and being told she (later found out to be Shonna) was not at the hospital. The would-be visitors were not happy.

Shonna told us that the family was looking for her. Because she did not want to see them, she had been listed in the hospital directory as not a resident. Her door was even marked "No admittance. Check at nurse's desk." Jeffrey was in her room at that time. We sat and held him for a short time.

Then, a nurse came in the room and told us "I have to take the baby to the nursery." She would not tell us why so we would not let her take him. She returned a few minutes later and told us she had to sit in the room with us if he could not go to the nursery. We eventually found out that there were three lighthorsemen (Creek Nation tribal police) in the lobby with a tribal court pick-up order for Jeffrey. This order, I understand, requested that the child be placed in the custody of the manager of the Family Services Division of the Creek Nation That person was Scott Johnson, the same person that had previously approved us as adoptive parents for Jeffrey. When I walked through the lobby, I saw three Indian men sitting in the waiting room—one dressed in a uniform with a gun and the other two in plain clothes with guns.

At this point in time, Jeffrey had not been released by his pediatrician to leave the hospital—any removal would have to have been "Against Medical Advice." The hospital staff had called the "risk management" department who eventually got their lawyer involved. The hospital lawyer showed up at the hospital late in the evening. He told the lighthorsemen that they had no authority to be on the hospital property, threatened them with trespassing and they finally left the hospital with the threat to return with a different order. Also, apparently the date on the order was incorrect.

Needless to say, during this time we were extremely upset. We were calling everybody we knew that might be able to help. This included our attorneys, Shonna's attorney, tribal members involved with children's services, and even tried to get a hold of Scott Johnson. All of our efforts proved futile. Had it not been for the hospital attorney, we would have lost Jeffrey right then.

After they left, we stayed at the hospital until Shonna checked out at around 2:00 A.M. on 2/3/95. Jeffrey was returned to the nursery.

2/3/95

We met Shonna at the hospital around 9:00 A.M. with the intent to take him home with us. Because of the tribe's actions and the cloud of uncertainty it caused, we decided not to file the adoption petition that morning. However, because Shonna and we were still in agreement about us adopting Jeffrey, we decided to take him home with us. The hospital required that Shonna check him out and leave with him. We immediately took physical custody of him after she left the hospital with him. That was one of the happiest moments we have ever experienced.

Within 20–30 minutes after we got home with our new baby, I received a call from people at my work. They told me that Mr. Charles Tripp, Assistant Attorney General with the Creek Nation, was at the Juvenile Bureau asking Judge Crewson to sign a pick-up order for Jeffrey. It is my understanding that the reason for this was because the mother agreed to give her baby up for adoption, she was not a fit mother and the child was at risk because of that.

Our extreme joy was immediately turned into utter terror. Because of our love and concern for Jeffrey, we felt it was in his best interest to return to his mother's physical custody as opposed to the possibility of being placed in a shelter for "deprived children." We know that there was a strong possibility that she would get attached to this lovely baby boy. Also, her two sons had been told all along that the baby would not be coming home with her, but she was having him for someone else. This had to confuse them, too.

We called Shonna and told her that the tribe was still trying to remove him from our care and our fear of Jeff going to a shelter. We all agree that it would be close to impossible for the tribe to remove him from her custody and to meet in order to return Jeffrey to Shonna temporarily.

While Kathy takes Jeffrey to Shonna, Rick is on the phone with Judge Sellers (acting as presiding Judge while Judge Winslow was out of the courthouse.) Mr. Tripp was before Judge Sellers asking him for the pick-up order since Judge Crewson had recused. After Mr. Tripp talked to the tribal judge, there is an agreement to allow Jeffrey to stay in our home, without tribal interference, until a full hearing could be held in front of Judge Winslow. That hearing was to be set on 2/14/95. However, by the time the agreement was made, Kathy had already returned Jeffrey to Shonna.

The rest of that day we spent crying our hearts out. Not only for ourselves, but also for Jeffrey. He had to go back to his mom who could not afford or want to have him. He was the lifetime victim.

2/4/95

Early on Saturday we called Shonna to see if everything was all right. Since she was not prepared to take him home, we were concerned for everybody. She seemed elated and relieved to hear from us. She said she could not handle what was going on and still wanted us to adopt Jeffrey. She even suggested that we go out of state and do the adoption and lie about who the father was and say the child was not Indian. We obviously could not do that, but we told her we could come and get him and keep him until the court date.

Once again, we were overjoyed. Our hope that the Creek Nation would do the right thing for this child took over. We met Shonna and took physical custody of Jeffrey early in the afternoon. Even though we were just "baby-sitters" at that point, we felt like a family.

2/4/95 TO 2/11/95

Kathy has taken off work to spend all of her time to be with Jeffrey. We take him to church on Sunday and introduce him as our baby. We take him to friends homes, bring him to my workplace, and everywhere else we go normally. We are a family.

2/11/95

As we were eating breakfast, Shonna called and asked if she could see Jeffrey to say good-bye. Because of all the problems the tribe caused, she did not have a chance to do that. As Rick talked to her, it became obvious that she was probably changing her mind. The time she had to spend with him due to the tribe's interference forced her to bond with him. We do not believe that she did this maliciously or with the intent to just get some bills paid. Of interest, is that even now the father has not seen the baby nor expressed any interest in Jeffrey.

We had less than an hour and half to say good-bye to our baby. I will never forget Kathy sitting in Jeffrey's room, holding him and saying "We are never going to see him again, are we?" The pain in her eyes tortures me even now.

I met Shonna for the last time with only Jeffrey—Kathy could not bear having to hand him over to her. We gave her almost all of the clothes and toys we had bought for him. We knew she did not have anything to take care of him. We wanted Jeffrey to be happy and safe and have plenty of things he needed. After I gave Jeffrey to Shonna I drove away with a feeling of total loss. I had never wanted something to happen more nor experienced so much pain when it didn't.

For weeks we both were totally depressed. We cried every day when we thought of Jeffrey. Even with the help of our pastor, we almost needed the help of other professionals to pull out of our tailspin. Gradually, our pain subsided. However, even seven months later, when we think of him we get upset. Also, when we even think about adopting any other child we get fearful of this type of thing happening again. That is in addition to the fact that we have no money to even begin the adoption process since we spent so much on the failed attempt.

AFTER JEFFREY'S RETURN TO HIS MOTHER

We have been told that after this mess happened, Scott Johnson was called before tribal authorities and told to change his ways concerning his representation of the tribe's position on adoption. This is born out by his behavior. During the time we had Jeffrey in our home, Mr. Johnson called our home and talked to Kathy. He told her we were still the best place for Jeffrey to be and he still would continue to fight for that to happen. He had not, at that time, changed his opinion at all.

After his meeting with tribal authorities, we are told that he now says that he never promised us that the tribe would consider us as an adoptive placement for the child and that the tribe would follow placement guidelines as it always does, without exception. Obviously, his letter is clear on this point.

Both of us, during separate conversations with Mr. Johnson, expressed our concern over him personally and the possible negative impact he may suffer for his bold and appropriate position for the best interests of this child. He apparently has changed his position.

Two days after the article about the failed adoption was in the May 28, 1995 Tulsa World, Shelly S. Crow, Second Chief of the Muscogee (Creek) Nation called Rick at the office and wanted to meet. Within a week after that, Ms. Crow showed up at the courthouse and met with him. She informed Rick that she was very disturbed by the article and wanted to know what she could do to make everything right. She said something like what happened to us should never happen and that the tribe was concerned about Indian children. She also said that sometimes the best thing for Indian children was to be placed outside an Indian family, "as in your case."

Ms. Crow informed me that she was contacted by the paternal grandmother and told of the circumstances. She proceeded to write letters to put a stop to the adoption and insisted that the tribe intervene just as it eventually did. I asked her if she was aware that Mr. Johnson had approved our home when she decided to intervene and she said she did not know that nor had she seen the letter. She was also surprised to learn that the paternal grandmother had seven other grandchildren living with her on a permanent basis and that all were being supported by state and tribal assistance in substandard housing. She acted without even considering the best interests of Jeffrey.

Since Ms. Crow felt so guilty about her actions, she was very free with even more information. She went on to tell me that after Mr. Johnson changed his "official" position, he got promoted to a better/easier job with an extra $3,000 a year salary increase. She believed that Mr. Johnson had been reprimanded at least four times in recent years by the tribe for various infractions while employed by the tribe.

Her last comment about Mr. Johnson was that his father worked somewhere in the federal government, possibly for the Department of Housing and Urban Development. Because of this, and the fact that if the tribe did anything to Mr. Johnson the federal government may cut funding, Ms. Crow thought the tribe would put up with him no matter what he did wrong.

CONCLUSION

The Creek Nation should not be allowed to ruin so many innocent children by their selfish, destructive conduct. Not only have they shattered our lives, after encouraging us to go forward with this adoption, but they have sentenced Jeffrey to live a life in an environment where he was not wanted and could not be provided for adequately—They have not only destroyed our lives, but, more importantly, Jeffrey's.

In addition, because we committed all of our resources to this adoption, only after getting the approval by the tribe, we were effectively prevented from attempting to adopt again for some time.

The Creek Nation should suffer for the pain they have caused.

MUSCOGEE (CREEK) NATION
Okmulgee, OK, December 29, 1994.

Mr. JOHN O'CONNER,
Newton and O'Conner Law Firm,
Tulsa, OK.

DEAR MR. O'CONNER. A homestudy was conducted on the home of Richard Randal and Kathy Jean Clarke for the purpose of placing the unborn child of Ms. Shanon Boar whose spouse and father of the said child is an enrolled member of the Muscogee (Creek) Nation. The home was found to be of extraordinary quality. Mr. and Mrs. Clarke are people of integrity with high morals and quality values. Seldom have I met a couple with such character and desire to be good parents. Rarely do I have the opportunity to enthusiastically recommend a home for placement without reservation. In this instance however, I am delighted to approve this home for placement.

As a duly appointed Officer of the Court and representative of the Muscogee (Creek) Nation Division of Children and Family Services we accept the home of Mr. and Mrs. Clarke as suitable placement for the unborn child of Ms. Shanon Bear. The Muscogee (Creek) Nation declines to intervene in the adoptive placement of said child to the Clarke family. However, if an alternate placement is made, the Muscogee (Creek)

Nation reserves the right to intervene at a later time.

SCOTT A. JOHNSON,
Division Manager.

BONE MARROW TRANSPLANT FOR TOM WELCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. MEEHAN] is recognized for 5 minutes.

Mr. MEEHAN. Mr. Speaker, I have come to the floor this evening to ask for the Nation's help. A long time family friend of mine, Tom Welch, who lives in the town of Chelmsford, MA, is in serious need of a bone marrow transplant. Tom is a community activist, who tirelessly works to help others. He is employed by Hewlett Packard and he also serves as a town selectman—a position to which he was recently elected. He has a wife, Maureen, and two sons—a family to which he is absolutely committed.

Well-read and smart; a lover of jazz music, Tom is—to all who know him—an all around great guy. That is why it is with great sadness that I make this plea tonight.

In January of this year, Tom was diagnosed with Myelodysplastic Disorder, a condition which inhibits reproduction of the body's blood cells and destroys its ability to combat infection. Tom's condition is the result of long-term exposure to several forms of radiation therapy as, over the years, he has battled Hodgekin's Disease, Melanoma, and Basil-Cell Carcinoma. While his cancer is in remission, his life is now threatened by this immuno-deficient condition, and the last hope for a cure is to perform a bone marrow transplant. Such a procedure would replace his damaged bone marrow with another person's, much healthier marrow, restoring his body's blood-cell production and adding years onto his life. Since Tom is in good health, the procedure should be successful; the real obstacle is finding an acceptable donor match.

Each year over 9,000 Americans are diagnosed with Tom's condition. Unfortunately, less than 30 percent of those in need ever receive a bone marrow transplant. Matching potential donors is an extremely difficult process. Currently, two agencies in the United States are coordinating the effort: The American Bone Marrow Donor Registry, and the National Marrow Donor Program. Worldwide, over 3 million potential donors have been cataloged, but the demand for transplants still outnumbers the known supply.

Today, in my district, the friends of Tom Welch are holding a donor drive in an attempt to find a match for Tom, and this where I need America's help. I want to first encourage all Americans to contact their local donor registry to be listed as a potential donor. I also want to urge for help with the tremendous financial burden involved with such a drive. Take Tom's case for example, the cost to catalog each potential donor is approximately $50. One can easily see that such a drive quickly becomes very expensive.

So tonight I am asking, on behalf of Tom Welch and all other patients in need of a bone marrow transplant, for help. Behind me is the address and phone number of the friends of Tom Welch. I urge everyone to call and pledge your support.

In closing, I want Tom and Maureen to know that they are in my prayers and in the prayers of people across the nation. With the help of the entire Nation, donors will be found for Tom and all others in need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would request that Members address the Chair and not the television audience.

URGING HOUSE REPUBLICAN LEADERSHIP TO DROP CONTROVERSIAL PROVISIONS IN PROPOSED HEALTH INSURANCE REFORM MEASURE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, as health insurance reform goes to conference between the House and the Senate, I want to stress again tonight in the 5 minutes that I have that the Republican leadership needs to drop controversial provisions that I think are likely to scuttle this very important health insurance reform. Of course, the most important aspect of this, the most controversial provision, the one that I think really needs to be dropped, is what we call medical savings accounts; the tax breaks, if you will, for the wealthy and the healthy.

Mr. Speaker, last week the Senate passed the Kennedy-Kassebaum health insurance reform bill unanimously, 100 to zero. But the Senate bill, unlike the House bill, does not include these divisive provisions that doom the chances of this very important health insurance reform from becoming law.

The so-called medical savings accounts are essentially tax-free savings accounts from which participants could pay for everything but catastrophic health care costs. The problem with these accounts is that they would be a good deal, again, only for the healthiest and wealthiest people in our health care system, those who do not have high health care costs on a regular basis.

But health insurance costs would then increase for the average American, because essentially when we talk about health insurance, it all involves a health insurance risk pool which has all kinds of people in it. If we take out all the healthiest and the wealthiest people, we are essentially leaving in the pool the people that are the highest risk, that need the most attention or health care, so we destroy the whole basis for the health insurance pool and drive up the costs, essentially, for those who are left after those have been taken out of the pool.

Mr. Speaker, some people have asked me, why is this happening? Why is Speaker GINGRICH, why is the Republican Presidential candidate, talking and so insistent about including the medical savings accounts? Basically, it is a financial windfall for the Golden Rule Insurance Co., whose top executive has given Republican political committees over $1 million in contributions in the last 4 years.

What I am saying, Mr. Speaker, is let us forget about the political contributions. Let us forget about Golden Rule Insurance Co. Let us do what is right for the average American.

Mr. Speaker, again, I wanted to point out that medical savings accounts are designed to accompany the purchase of very high-deductible catastrophic insurance policies. They offer a myriad of tax breaks for those who can afford to save up money to pay the vastly increased out-of-pocket costs caused by an out-of-reach deductible.

I think that three questions have to be asked. Every American basically should ask the Republican leadership or every Republican lawmaker three questions with regard to these medical savings accounts: First of all, who wins if they are incorporated in this insurance reform; who loses; and why the Republican leadership insists on continuing to push for the medical savings accounts.

Who wins? The answer is simple. The wealthy win. They are the only ones who can afford to contribute thousands of dollars to a savings account. In fact, less than 1 percent of all people who might use medical savings accounts earn less than $30,000 a year, even though these families account for nearly half of all American taxpayers.

Who loses? Everyone else who relies on standard insurance. In fact, if medical savings accounts are available, some businesses could make it impossible for many families to even afford adequate health insurance.

□ 2000

The cost for premiums of regular health insurance could increase by more than 60 percent. Our goal at all times should be to try to increase the amount of Americans that have health insurance and to try to make health insurance more affordable.

We will do exactly the opposite with these medical savings accounts. We are creating tax breaks for the wealthiest and the healthiest among us and we are making costs less affordable, and we are probably making it so that fewer people in the long run would have health insurance. It makes no sense.

The only thing I can say is that I have to hope that over the next few weeks, it was mentioned earlier this evening by the gentleman from Texas [Mr. DeLay] that we may go to conference on the Kennedy-Kassebaum bill later next week. The conference has been held up essentially because there has been an effort to appoint a lot of conferees on the part of the Republican leadership who would favor these tax breaks for the wealthiest and the healthiest among us.

What I hope is that that position will change over the next week, that we can appoint conferees, and that this conference will quickly accede to the Senate version of the bill which does not include these tax breaks for the wealthiest and healthiest among us. What we need is a clean Kennedy-Kassebaum bill. Why? Because it will provide for portability and it will provide coverage for those with preexisting conditions.

The whole point of this health care reform this year, and it was stated by President Clinton in his State of the Union address, is that we must get to those people who change a job, who lose their insurance because they change jobs or become self-employed, and we must get health insurance for those people who have preexisting medical conditions. Let us deal with those problems now. Let us forget these other controversial provisions.

WE NEED TO RAISE THE MINIMUM WAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. McKinney] is recognized for 5 minutes.

Ms. McKINNEY. Mr. Speaker, I have tried to compile the reasons why the Republican majority will not allow us to vote on a minimum wage increase, and the first reason I came up with was, of course, stated by Majority Whip DeLay, who says that minimum wage families do not really exist. He says, "Emotional appeals about working families trying to get by on $4.25 an hour are hard to resist. Fortunately such families do not really exist."

An honorary member of the Republican freshman class, Rush Limbaugh, says on the official poverty line, "14,400 for a family of 4? That's not so bad."

Now he said that in November 1993.

Earlier he said, "I know families that make $180,000 a year and they don't consider themselves rich. Why, it costs them $20,000 a year to send their kids to school."

Unfortunately, the House majority leader, Dick Armey, has said that he will resist a minimum wage increase with every fiber in his being. He says that the minimum wage is a very destructive thing.

Limbaugh goes on to say, "All of these rich guys like the Kennedy family and Perot, pretending to live just like we do and pretending to understand our trials and tribulations and pretending to represent us, and they get away with this."

Well, in 1993 while Limbaugh was equating himself with the average American family, Limbaugh's 1993 income was estimated to be $15 million. That is from Forbes, April 1994.

One of the freshmen who also does not know about middle-class living, real middle-class living, says, "300,000 to $750,000 a year, that's middle class."

I think that is out of touch. And anyone who makes above $750,000 a year, he says, "that's upper middle class." Now, this is a real person who is representing all of the American folks in this Congress.

But what about the people who really are working hard and making minimum wage and need a little bit of representation down here on the floor of this House? Who is it that our Republican majority is representing, and who is it that people who are fighting for a minimum wage increase are representing?

This is a cartoon from the National Journal. How long does it take to make $8,840? Full-time minimum wage worker, it takes this poor woman one year, because most of them are women. And the average CEO of a large U.S. corporation? Half a day.

So we do need to raise the minimum wage.

Finally, I keep coming back to this poster, because it so accurately describes what is going on in Washington today with this new Republican majority. It says, "The 104th Congress may be the worst in 50 years."

And while we cannot get an increase, a vote on increasing the minimum wage, we learned that the GOP has decided that they want their committee Chairs to look into abuses of the Clinton administration and of labor organizations. This very well could go down in history as the worst Congress in 50 years.

URGING BIPARTISAN SUPPORT FOR MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina [Mrs. Clayton] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, I rise again to urge bipartisan support for the minimum wage increase and there is great precedent for such an effort. The last time the minimum wage was raised—in 1989—135 Republicans in the House voted for it, including Mr. Gingrich, 36 Republicans in the Senate voted for it, including Mr. Dole, and President Bush signed the bill into law.

Since that increase, according to the Center on Budget Priorities, "Inflation has eroded nearly all effects of this increase and the annual value of the minimum wage has returned to its 1989 level."

In other words, if we want our workers to have the same earning power in 1996 that they had in 1989, a modest, two-step increase in the minimum wage is required.

But, the bipartisan spirit from 1989 appears to be missing in 1996, at least among Republican leaders.

One Republican leader wants to abolish the minimum wage, another is quoted as saying that minimum wage families "do not exist," and a third has vowed to "commit suicide" before voting for the minimum wage increase.

Mr. Speaker, the American worker has not changed in 7 years—they still need a fair wage.

What has happened to the Republican Party?

Between 1979 and 1992 the number of working poor in America increased by 44 percent.

Again, Mr. Speaker, I would not promote a policy to help the working poor if it was shown that such a policy would substantially hurt small businesses.

According to the best evidence I have seen, a modest increase in the minimum wage will help the working poor, without hurting small businesses.

A recent survey of employment practices in North Carolina after the 1991 minimum wage increase, found that there was no significant drop in employment and no measurable increase in food prices.

The survey also found that workers' wages actually increased by more than the required change.

In another study, the State of New Jersey raised its minimum wage to $5.05 while Pennsylvania kept its minimum wage at $4.25.

The researchers found that the number of low wage workers in New Jersey actually increased with an increase in the wage, while those in Pennsylvania remained the same.

In 1991, the increase enjoyed bipartisan support, with President George Bush signing the bill.

Since 1991, the minimum wage has remained constant, while the cost of living has risen 11 percent.

If the Republican leadership in the House would allow a vote, I believe we would pass the minimum wage increase—with a bipartisan vote.

It is the right thing to do; it is the fair thing to do.

I care about small businesses, and it will not hurt small businesses.

WHAT BUSINESS SAYS ABOUT MINIMUM WAGE INCREASE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. DICKEY] is recognized for 5 minutes.

Mr. DICKEY. Mr. Speaker, I would like to talk in opposition to the minimum wage increase from the standpoint of what business would have to say about this. I do not know if that has been brought into this discussion.

Mr. Speaker, I am an employer, I am a restaurant owner, I own two different restaurants in Pine Bluff, AR, as well as being a politician. This is 100 percent politics that we are talking about here and not any of economy or not any from consideration of the people who are involved.

I first want to say that the people who pay the price of the minimum wage are the consumers. They do it in one of two ways. They either pay a higher price or they pay with less service when they go to purchase things and they go into the marketplace.

What people do not understand and what may need to be clarified in this discussion is what goes into the higher price. If you are in the restaurant business, you think, well, the labor that you have to pay is all that you would experience.

□ 2015

There is the tax, the additional tax, the payroll tax that comes from the additional pay. But there is also another factor, and it kind of compounds, and that is that the lettuce that is bought from the store or brought in is going to be at a higher cost because of the minimum wage. The meat, the condiments, all of the things that go into making the product are going to be higher.

So the restaurant owner or the business owner is sitting, looking, and thinking, what is the consumer able to stand? The first reaction is that we need to cut the number of employees because we have got price as a barrier in so many instances. When that is the case, then they usually cut the most inexperienced employee, leaving the other employees more stressed and less able to handle the press of business.

If that does not work and then you start adding back the employees, then you are faced with facing the consumer with a higher cost of the item. Now, when that happens, the consumer then has to deal with one or both of these issues, higher price or less service, and they then make choices that most of the time will bring about less sales.

When you have less sales and you confirm that in an operation, and you do that on a month-to-month basis, you then start cutting employees because the sales are down. Now, that is what can happen, it probably will happen in this particular case, and it is not necessary.

From the employee's standpoint, there is another viewpoint that needs to be looked at. The employees who are there know that when they come in to work at a minimum wage, that they are coming at a training wage, and that this is something where they probably are more of a liability to a business or an industry than they are an asset at the early stages. So they work up.

When they work up and they try to progress in this area, they have to do it in relationship to other employees. So if you have an employee who is given a raise, that employee is compared to others and there is kind of a standard that is set. If you have the Government coming in for the sake of politicians and just setting an automatic raise, you sort of disrupt all of that process.

It also gives the employee the idea that this is all I am going to make, so we take away the incentive that they have for improving themselves, which the minimum wage, as it stands right now as a starting wage, as a training wage, is in fact an indicator or a starting place for the employees.

So what I am really saying is no employer really wants his employees to stay on minimum wage. If they stay on minimum wage and they think that is all they are going to get until the politicians come and help them, they will not be committed to productivity, they will not be committed to improvement or achievement, and they will just sit there. When that happens, there is a staleness that takes place, and those employees that want to stay on minimum wage and they figure that is all they are going to do eventually need to be moved off the work force, because they are not responsive to the customer. Again, the customer is the king. He is the boss, and they are the people we are trying to please.

There is also the employee who is remaining when the cutbacks come. They have to work under more stress and confusion, and that hinders and hurts the operations.

Now, if you think through all of that and you assume all of that for the sake of this discussion as being true, coming from someone who is actually in the pits of working with consumers and with employees and trying to deal with all these forces, if those things are true, then what you have is a question of why in the world then do we do it?

I have finally concluded that the liberals, the liberal politicians, are using this as a front, using the emotionalism of this issue as a front to charge more taxes, to take more money away from businesses, and that is wrong also. That has an effect.

So these are the reasons for my being against raising the minimum wage.

THE CIVILITY PLEDGE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. BLUTE] is recognized for 60 minutes as the designee of the majority leader.

GENERAL LEAVE

Mr. BLUTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BLUTE. Mr. Speaker, we tonight gather for a special order of a different kind, not like many of the ones that deal with substantive issues that we hear every day here in this Chamber of the people's House of Representatives. Tonight we are going to deal with an issue that I think is very important with how we conduct our business here in the House of Representatives, and that is on the civility of the House debate as it has evolved over the course of our history, but also as it has evolved within recent years, which has caused many of us to be very troubled with the nature of the discourse here in the House of Representatives.

We are being joined with Members from both parties, in both the Democratic Party, the Coalition, and also with the Mainstream Alliance of which we are Members on the Republican side, Members who are commonly referred to as Blue Dogs, Blue Dog Democrats and Blue Dog Republicans, joining here together to talk about an issue that we think is very important, that we think the American people should understand why it is so important that we conduct our business here, conduct our debates, in a way that brings credit upon us and upon this institution.

Thomas Jefferson once remarked that it was very material that ordered, decency and regularity be preserved in a dignified public body. Frankly, there have been too many incidents here in our body over the last few years that have brought, I think, discredit on the membership of this body and further eroded the public's confidence in the way we conduct our business.

After all, we pass the laws that the people have to live up to. If they do not respect the institution, then it becomes more difficult for them to respect the laws that we ultimately pass, which they think is very important.

Certainly some of the incivility we have seen in the House of Representatives and in our political cultures relates and emanates from the general society's growing trend toward incivility, toward lack of respect for one another. U.S. News & World Report had a cover story called "In Your Face, Whatever Happened to Good Manners?"

So we are a reflection of the larger society. We think it is important that we be responsible and address our own problem in this area. We think that by doing this, we can improve this institution's reputation with the American people.

We have authored, the Blue Dogs jointly, Democrats and Republicans, a civility pledge that some of the Members will talk about later, but basically it commits Members of the House of Representatives to treating each other in a respectful manner during our differences of opinion. We believe that one can have tremendous disagreements, that one can have a vigorous debate on the issues that our great country faces, the divisive issues we face, without the type of acrimony and the type of personal invective that we see all too often in this House.

We are making the effort tonight, we have been doing it for a couple of months, we have over 70 cosponsors, but we wanted to have this special order to bring focus to this issue, to try to get more support within the House for this effort, and we think ultimately if we are successful, we are going to return this body to the place where it really should be, the people's House, where we can disagree without being disagreeable.

At this time I would like to yield to someone who is a great leader of this House, he is someone who in his day-to-day conduct represents the kind of civility we are talking about, and that is the chairman of the Subcommittee on Energy and Power of the Committee on Commerce, Congressman DAN SCHAEFER from Colorado.

Mr. SCHAEFER. Mr. Speaker, I thank the gentleman very much for giving me this opportunity to speak to this body and to the American people very briefly on exactly what it is we are doing.

Mr. Speaker, a quick survey of congressional history shows that lawmakers often have received low marks for their patience and civility. In past decades, physical violence marred the political landscape, but more recently, in civil language has increasingly come into political debate.

Serious violent episodes took place in the House during the years before the Civil War. In 1832, Representative Sam Houston had to be formally reprimanded for attacking Representative William Stanberry, who in turned tried to shoot at Houston. Six years later, a duel between two freshmen Congressmen ended in the death of one of them.

Then, in the 1850's, a pistol hidden in a House Member's desk accidentally discharged and instantly there were a full thirty or forty guns in the air.

The altercations didn't cease with the end of the Civil War. Resort to fists, pistols, knives and fire tongs, in addition to verbal weapons was reflective of the time. A contested election in 1890 led to three days of tumultuous debate that a reporter said looked more like a riot than a parliamentary body.

I'm glad to say we have moved past using physical violence to settle disputes, but we can improve our current inflammatory rhetoric. Last spring, in an effort to restore civility and respect back to the House of Representatives, I formed the Mainstream Conservation Alliance—known as the Republican Blue Dogs. This group of Republicans, along with the Democrats' Blue Dogs, are working together to reach across the aisle to find bipartisan solutions in the best interest of all Americans.

Given the enormity and the importance of the many difficult issues facing us, dissension is inevitable—but hostility is not. This civility pledge goes a long way in restoring the respect this chamber and all Members of Congress deserve. I encourage all of my colleagues to sign the civility pledge written by my friend, PETER BLUTE.

Mr. BLUTE. Mr. Speaker, at this time I would yield to the distinguished chairman of the Subcommittee on Health and Environment of the Committee on Commerce, who earlier today showed what bipartisanship in forging leadership positions together can mean in the passage of the Ryan White authorization bill, Chairman MICHAEL BILIRAKIS from Florida.

Mr. BILIRAKIS. Mr. Speaker, my compliments and commendation to the gentleman from Massachusetts [Mr. BLUTE] for his great work on this matter. I thank him, of course, for yielding to me.

Mr. Speaker, I am proud to serve as a United States Representative. I consider it an honor and a privilege to represent the residents of the Ninth Congressional District of Florida. I have heard from many of my constituents who believe, rightly so, that the debate in the house has become very partisan and inflammatory.

While we each hold strong beliefs and values, these can be expressed in a constructive manner to facilitate debate, rather than in a manner which relegates debate to caustic, partisan attacks.

As a Member of the mainstream conservative alliance, I gladly signed the civility pledge, and intend to continue to debate the issues before us honestly, fairly and in a constructive manner. As the pledge states, we should "respect the people who elected us through proper conduct, including honoring and showing consideration to one's colleagues regardless of ideology or personal feeling."

I believe Members of this Congress all want the same thing. We want to educate our children, take care of our senior citizens, protect our environment and ensure that everyone has the opportunity to succeed in our society. We may differ on the means to achieve these goals, but I believe we all agree on the goals themselves.

I have consistently made it a point, when speaking on the floor of this House, to debate constructively and without resorting to personal attacks. Regardless of ideology or party affiliation, we must all respect each other, this institution and our constituent by promoting civility, comity and adherence to the House rules above party loyalty.

Mr. Speaker, I will continue to accept the trust of my constituents and respect them by honoring this venerable institution. I would urge my colleagues on both sides of the aisle to join me in this pledge.

□ 2030

Mr. BLUTE. Mr. Speaker, I want to thank the distinguished gentleman from Florida and congratulate him on his great work on the health issue and for passing that important bill today with regard to our fellow citizens who unfortunately have been afflicted with that terrible disease AIDS. The Ryan White Act reauthorization is a very important bill.

At this time I recognize for 5 minutes one of our freshmen leaders here in the 104th Congress, someone from the great State of Tennessee, ZACH WAMP.

Mr. WAMP. Mr. Speaker, I want to thank Mr. BLUTE. One of the greatest honors that has been bestowed on me since I got here was being elected as a freshman as the cochairman of this Blue Dogs group over here on our side of the aisle, a group that does seek bipartisan solutions, willing to work with people on the other side, trying to find the principles and values that we might come together on and leave partisan politics and shallow rhetoric aside so we can try to get together and do the people's business.

Many of us, as myself, are former Democrats who joined the Republican Party. I know for a fact in my life there are many, many good people in both parties across the country. And, in fact, neither party has an exclusive on integrity or ideas.

Right down here on the dais, in this great room in the House of Representatives, are the words ingrained in the wood, "Peace, liberty, tolerance and justice." I think we need to remember peace and tolerance more often as we do our business here in the House of Representatives.

Not a day goes by, Mr. Speaker, that I am still not just fascinated by this opportunity that I have to serve in this incredible Capitol of ours that really has not changed much since Abraham Lincoln was the President of our country. And as I show young people through this place, I am constantly just enthralled at the magnitude of what this opportunity really means.

I think we owe it to our predecessors, we owe it to the American people to put this institution above our own careers, our own ambitions, our party's agendas. Anything that may demean or degrade this institution needs to be set aside.

The fabric of the American quilt is woven with diversity, diversity of religion, color, culture, and ideas. The thing that is different about America is that we in this country can passionately and aggressively argue the issues of the day but remain civil and come back as a Nation, come back as people at the end of the day, having argued passionately, taken sides, we can come back at the end of the day in a civil and respectful manner. And I think that is an important lesson for our children. It is an important lesson for our colleagues. It is an important lesson for the leadership of either party.

Because, frankly, if the leadership of either party thinks they are always right and the other party is always wrong, they are tragically mistaken. And the American people know better. The American people expect us to find ways to work with each other, and I think we need to do this for them.

The shallow and harsh rhetoric that has pervaded this institution in recent months needs to be set aside, from both parties. And now that the emotion of the new Congress, after 40 years of one party rule, is kind of mellowing out, I think some Members of both parties need to cool their jets just a little and get along with each other and remember that while we can disagree, we have to put this institution above the passion of the moment.

I want to close, Mr. Speaker, by talking about a word that I think is the greatest need in our country and in our world today and that word is reconciliation. I think if people, men and women, young and old, all across this country and this world would reconcile with each other, we would be so much better off. That is the No. 1 problem that separates people. It causes anxiety and division.

We are, in fact, Mr. Speaker, all God's people, and I think it is important that we remember as we come together tonight as Democrats and Republicans and talk about this issue of civility, that we remember the two great commandments; put God first and treat everybody else the way we want to be treated. And if we treat in this body everybody else the way we expect to be treated, the meanness would go away. Kindness would permeate because we would expect to be treated with that same respect and dignity. And we need to do that.

I look forward to the days ahead where we can work with our friends on the other side of the aisle, do the people's business and disagree. By George, I am not going to sacrifice my principles for anything. But if we agree on principle, we need to come together here on the floor of this House.

Mr. BLUTE. Mr. Speaker, I thank the gentleman from Tennessee for his leadership on this issue.

At this time I yield 5 minutes to another leader of the movement for more civility here in the House of Representatives. He is someone who has already shown how to work on both sides of the aisle to forge consensus on issues like telecommunications reform, securities litigation reform, private property rights. Those are very difficult contentious issues, but he has worked very closely with Members of both sides of the aisle in a very constructive way, and that is BILLY TAUZIN from Louisiana.

Mr. TAUZIN. Mr. Speaker, I thank my friend from Massachusetts, and I commend him and all of the Members of the Republican Blue Dog Alliance and the Democratic Blue Dog Coalition for initiating this effort of a civility pledge in this House.

As Mr. BLUTE pointed out, over 70 Members have now signed that pledge. It is a simple pledge. It simply pledges that we agree to respect the people who elected us, through proper conduct, including honoring and showing consideration of one's colleagues, regardless of idealogy or personal feeling.

It says that we pledge to promote civility and comity and adherence to House rules over party loyalty, and to follow these guidelines as the presiding officer in making rulings, and as Members in adhering to those rulings.

Now, we will be urging others Members of this body to sign up. We hope to get the entire membership to sign this pledge and to introduce it formally as a resolution of this House. It is so important that we begin that process here in this House.

Now, Mr. BLUTE referred to the article in U.S. News and World Report in which U.S. News and World Report wrote about the American uncivil wars, "How crude, rude and obnoxious behavior has replaced good manners and why that hurts our politics and culture." In the article, U.S. News reports that a poll that they conducted in February by Bozell Worldwide reveals a vast majority of Americans feel that the country has reached an ill-mannered watershed. Nine out of 10 Americans think that incivility is a serious problem. Nearly half think that it is extremely serious. Seventy-eight percent say the problem has worsened in the past 10 years, and their concern goes beyond annoyance at rudeness.

Respondents see in incivility evidence of a profound social breakdown. More than 90 percent of those polled believe it contributes to an increase in violence in our country; 85 percent believe it divides the national community, and the same number see it eroding healthy values like respect for others.

One of the contributors to the article, a Martin Marty, who is a philosopher of religions, wrote that civility should be the glue holding dialogue together. The alternative to civility is, first, incivility, and we have seen too much of that. And then, he says, the next alternative is war. It is the violence that this Chamber saw before the Civil War and after that Civil War when Members actually assaulted one another. And it is the violence we see on the streets as respect for one another has worsened in our country.

I am ashamed to tell my colleagues that when Americans sized up civility of different groups in our country, politicians came out almost dead last. We came out behind police officers, who 86 percent thought to be civil; athletes, 74 percent thought to be civil; government workers scored a 71 percent civility rating; lawyers got 60; journalists got 56; and politicians received a 55 percent civility rating. Forty percent thought all politicians had reached a low of incivility.

It is time we begin to change that, Mr. Speaker. The civility pledge we have introduced is just the beginning. Recently the CRS, the Congressional Research Service, issued a report for Congress entitled "Decorum in House Debate." It tracked the history of incivility in our Chamber. It told us about the violence that had preceded this Congress and other Congresses. It told us about how speech had worsened from time to time, and how disrespect and nonharmonious relations had contributed to a worsening and a polarization of attitudes in this Chamber and in America.

And then it issued a series of recommendations on how we could begin to change things. It literally listed a series, including the recommendation that the Chair should be more responsible in advising Members about breaches of decorum. The Chair should be a teacher, advising Members in the middle of a debate: You are about to step over the line, calm yourself down; you are about to breach the rules of this House; you are about to insult this institution that you fought so hard to be a Member of; you are about to bring it down in the eyes of the American public and destroy its credibility with our Nation; you are about to treat this institution as some kind of second class organization, when it is bigger than you, more important than you, and you should leave it a better place than you took it. The Chair ought to be more responsible in doing that.

The CRS report says that after the Chair, the Members ought to take more responsibility for one another. We ought to be more calming of one another's tempers and emotions. We should be advising Members when we think they have gone beyond the pale, when they have gotten out of hand.

And then our leadership ought to take a role in that regard. The leadership, for example, should restructure the 1-minutes in the morning, which have become theme-team efforts just to excite and aggravate, to get sound bites for television, rather than a healthy discourse on the issues.

The leadership ought to take responsibility by issuing Dear Colleagues to Members, advising them on what the rules require of all of us to respect this institution and one another.

The Committee on Standards of Official Conduct has established a separate Office of Advice and Education. That office ought to hold briefings for Members on what our rules require, particularly the new Members as they come in and the older Members who constantly violate those rules and have to have their words taken down.

There ought to be joint hearings of the House Committee on Rules and the Committee on Standards of Official Conduct in which we can examine the lack of decorum in our Chamber. The joint leadership could appoint Members from both aisles to informally serve as a task force on decorum to assist in maintaining respect in this Chamber.

The majority leader ought to make sure that he appoints Members to the Chair during House proceedings who really know the rules and will helpfully advise Members when they are about to violate those rules. Perhaps we could have a bipartisan summit, if it gets intolerable during this election season, and maybe we could consider stronger sanctions.

A former Member, Representative Larry Wynn of Kentucky, upon his retirement, wrote: "The growing rancor between Republicans and Democrats in the House of Representatives is deeply worrisome." Many House Members, including me, fear that this may be an ongoing trend rather than a temporary phenomenon.

It is important now for both Republicans and Democrats to recognize that a continuation of this rancor will undercut the legislative process. It is my firm belief that the majority of Members of both sides of the aisle would like to reduce the level of tension and the partisan clashes and get on with the business of this country. It is up to us all to cool off, to sit down, to talk and come up with some suggestions for restoring greater civility, tolerance, and pragmatism in our procedures. If not, not only Members of this House, but the country will suffer.

And so, Mr. Speaker, our little group, the alliance, the Blue Dog Republicans, and the small group on the other side, the Blue Dog Coalition, are nowhere near a majority of this Chamber, but we have begun what we hope is a groundswell. We hope other Members will sign up to our civility pledge. We hope tonight is just the beginning of this discussion. We hope to have future discussions about civility and incivility in this Chamber.

□ 2045

We hope as a result of what we begin tonight this House will be a place where people come to honor and respect this institution and the people who sent us up here by being more respectful of one another, by being more tolerant of the different views in this House, and by debating the issues instead of insulting and questioning the motives of one another as we enter serious debate for the sake of our country.

Our two little groups are dedicated to that, to put our party hats aside and to act like Americans in this Chamber, and to act like respectful Americans who came to this Chamber with an incredible amount of honor and respect for the folks who sent us here. If we can behave in that regard after we get here, we will not only honor this institution, we will honor this country and the people who made it so great, and who have made this institution the most and I think the greatest democratic institution in the world. We owe that to the American public and we owe that to this House.

Tonight we begin that process, but we will not stop here. We will rise occasionally when the debate gets too heated and try to calm things down. We will try to get some of these recommendations adopted into our procedures in the House. We will talk to our leadership and see if we cannot get some of these improvements made. Most importantly, we will continue to counsel with one another across this aisle about the importance of being good Members of this House and good Americans when we come here, simply that and nothing more, to honor the folks who sent us here as we honor this institution.

Thank you very much, Mr. BLUTE.

Mr. BLUTE. I thank the gentleman very much.

Mr. Speaker, at this time, I yield 5 minutes to the distinguished gentleman from Arkansas [Mr. DICKEY].

Mr. DICKEY. Thank you, Mr. BLUTE. What I would like to do if we can is hold you three here. I am kind of tagging along. I was here on another matter of businesses, and your discussion is most intriguing and I think constructive. I would like to, if we can, just go through a couple, a few things and ask you all questions specifically, and then you all ask each other questions and let us make some dialog here.

I am sitting here thinking while you all were talking as to why we do what we do, and it appears to me that we somehow may be deceived by thinking that the people who are listening to us want us to be this way. It may be that we are doing that. If that is the case, I think it is misguided because what we are probably trying to do is to show our independence.

Folks think we get up here and deal with each other, and that we say we are going to do one favor for you and one favor for you and so forth, and we would not date say anything bad about each other or disagree because we are up here swapping out and that sort of thing. I think maybe some of us got elected by saying we do not want to be a part of that up there, so we come here and to prove that. We might have in the back of our minds an unconscious goal of trying to offend people and say back home, "Look, for sure I don't get along with Mr. TAUZIN. I'm not dealing with him because we're arguing, we're fighting."

But I think what we have got to learn is that we need to learn how to disagree with each other without disliking each other. There are two perspectives.

Then I would like to talk to you all and let you tell me what you all think, since you have been on this thing a little bit more.

There is a little store out from Camden, AR, about 4 miles that is called Harvey's Grocery. I have gone there ever since I have run, and I am close friends with Bobby Hildebrandt, his two sisters and his mom. She just had her 87th birthday. We sat around, and we just sat there with Miss Minnie, and she is that old.

You sit and you say, "Well, what do you think are we doing up there?" They are saying, "Why are you all so childish? Why are you so partisan?" Folks are offended and put off by our bickering when we might be thinking we are pleasing them. We just may be missing it this way. What they are seeing, they are left out of this deal when we are bickering.

Of course it is adverse to what is said in the Bible, too, ZACH, if we are not able to show love to each other. But we have got to get the balance of being independent, having honest discussion and dialog without tearing each other up.

Mr. WAMP. Will the gentleman yield?

Mr. DICKEY. I certainly will, ZACH.

Mr. WAMP. To me, the greatest tragedy of all, Congressman DICKEY, our young people in this country are watching what we are doing. I know, as the gentleman from Louisiana said, when the parties come down on the 1 minutes in the morning, sometimes the 1 minutes from the people on my side of the aisle, they are doing it, I am going, "Oh, why does he have to do that? Why does she have to do that?"

The people back home know better. They have designed these games to trash the other party and to play the blame game, and the American people are tired of the blame game. They want solutions. They sent us all up here to work together on some solutions, and the greatest tragedy is our young poeple are looking at it and saying, "Well, I know one thing, I don't want to go into that business. I would rather play basketball for a living or go make some money and be a professional."

All those are good aspirations, but I yearn for the day when there is a young man or woman in this country who wants to be Thomas Jefferson, who wants to be a leader, who wants to go and help other people and to run this country and to say, "I am so proud to be American, and I am so proud of my people in Congress and what they are doing and how well they regard each other, and is not it interesting how they disagree on the issues but they come back and respect each other. They do not trash each other."

We owe it to our kids. Our kids do not want to be involved in politics. It is a mean, dirty business and it should not be. We are disconnecting them from their own future, JAY. That is the greatest tragedy of all.

Mr. BLUTE. If the gentleman would yield on that point, I think he says it very well. The issues is that none of us here thinks that we should have less debate—this should be made very clear—that we should have less debate, that we should examine these very difficult, divisive issues that we have to deal with on a day-to-day basis any less.

I think most of the people supporting this, certainly Mr. TAUZIN, are some of the finest, toughest debaters. They bring information to the table and boy, the clash of ideas is very important, we all believe that. But when you move beyond that clash of ideas and I think show a lack of respect or mutual admiration really of your colleagues, regardless if they are the most liberal or conservative views that are totally opposite of yours, if you get down below that level, I think that is when what happens, what you are saying. The people watch it, they tune out, they turn off.

But a great high-level debate which has the clash of ideas is something that we need. Our system was made to be adversarial, there is no doubt about that. In the Federalist Papers Hamilton wrote that ambition should be made to counteract ambition. So the ambition of one ideology or one idea would be counteracted by another ideology or another idea, and that would be the way that we would have checks and balances, keep an eye on each other.

So this is an adversarial system, just as our justice system is adversarial. You are a distinguished attorney. When you go into court, it is an adversarial system. It is tough. It is information, it is defining an issue and then exploiting perhaps weaknesses in the argument of the other side. But it is not meant to disparage, bring down, ridicule the other person. I think if we get into that, that is when the young people say, "Boy, I don't want to be in a profession that engages in that type of activity."

Mr. TAUZIN. Mr. Speaker, Will the gentleman yield?

Mr. BLUTE. Mr. Speaker, I yield to the gentleman from Louisiana.

Mr. TAUZIN. I think part of the problem, too, is that we fail to separate the politics of how we get here.

Mr. DICKEY. That is right.

Mr. TAUZIN. And how we return here in reelection campaigns with the art of governing. There is a huge difference between those two activities, yet we confuse them. Our politics have gotten meaner. Negative campaigning is the way in which candidates are now elected. Citizens are left with choosing the lesser of two evils, because they learn so many horrible things about all the candidates that they cannot really believe in any of them anymore.

Time magazine wrote an article once that said that if Burger King and, say, McDonald's——

Mr. DICKEY. How about Taco Bell?

Mr. TAUZIN. Or Taco Bell, I should not fail to mention Taco Bell—had instead of talking about the good quality of their products, of their tacos and their hamburgers, if they had instead for 10 years got on television and talked about how rotten and awful and cancer-causing these products were, people would not be choosing between Taco Bell and Burger King and McDonald's. They would turn off on the whole mess. They would not go to fast-food restaurants anymore.

The point is, our politics has led us to that. Our negative campaigning and our politics has led us to the point where the American public has kind of turned off on so much of the process by which we get elected.

Then we come to this Chamber and we confuse our role again. We think we are all campaigning still, and we get into these heated fights, these partisan debates, these acrimonious accusations. There is questioning of motives, this attribution of ill intent, all these things we do as though we are still campaigning and running negative ads against one another.

The art of governing is something else. The art of governing is putting the election behind you and debating ideas, and seeing which ideas have force and which have power and which can compel a majority to support them, and which make better common sense for the good of all the people of our country.

In that clash and debate of ideas, we ought not have this, the politics of negative campaigning, but somehow it has infiltrated into this room, and our negative campaigns go on for 2 years. We ought to somehow call that to Members' attentions, and as Americans ask one another to separate the campaigns and the negative, ugly politics from the art of governing.

Mr. BLUTE. If the gentleman would yield on that point. I think does it not begin by ceding to your opponent here in this well or on the clash of ideas over these very divisive issues, it begins by ceding one thing to your opponent up front, that their motivation is, in their view, in the best interest of their constituents.

Mr. TAUZIN. Yes.

Mr. BLUTE. And the American people.

Mr. DICKEY. Yes.

Mr. BLUTE. They are patriotic. They believe their philosophy is something that will help people. I think to some extent we have gotten away from that, and we think of our opposition in a debate format as someone who actually is out to hurt the people. That is just not the case.

Mr. DICKEY. There is a biblical principle, and that is, find first what you have in common with somebody.

Mr. BLUTE. Right.

Mr. DICKEY. Both of you talked about something that is excellent. BILLY is talking about the fact that we are bringing the politics on this floor. How can we be statesmen if we continue to try to play to the polls and to the negative things? We have some duty, as he was talking, we have some duty to educate and try to lead our constituents away from the negative that they see is sometime enjoyable. Sometimes they see that.

Let me mention two other things. One is, generalizations are so harmful. Just to say all people from Arkansas are like that in a debate, and particularly when it gets heated, all you Republicans are that way, all Democrats are that way, and someone will say, "Wait a minute, I'm an exception." That is not finding something in common with somebody, that is finding something negative, and I think we all do it.

The other perspective I want to bring to you all, before you interrupted me and just carried this debate too far, is the people who sit up here, that have sat up here for years, ask them the next time you have a chance, just go and say, how is it different? They will, the ones I have talked to and the ones that answered me, their countenance kind of falls and they say, "It's not near like it used to be. There's too much bickering." There is even one person who said, "We have never heard the profanity like we have here."

You see? That is dragging us all down, and what Billy is saying is so true. If we are constantly complaining about each other, you see, not talking about issues but each other, it is going to be destructive and we are not going to be doing what we need to do for the people of America.

Mr. TAUZIN. If the gentleman will yield, let me draw a distinction. I think the American public expects us to vigorously debate ideas.

Mr. DICKEY. That is right.

Mr. TAUZIN. And I do not think there is anything wrong with your characterizing my idea. You can characterize my idea as you see it. When you go from characterizing my idea to attacking me personally——

Mr. DICKEY. And questioning your motives.

Mr. TAUZIN. And questioning my motives or my intent, it has gone beyond the pale. It has gotten out of the debate and gotten into the negative politics, is my point. If we could all, I hope every day, listen to the speeches on the floor of the House and all of us start thinking, is that really a debate over the idea? Or is that a debate challenging the motives or the intentions of the individual?

And every time you find that difference, kind of go up to that individual and say as a friend, as a colleague, "Maybe you stepped over the line. You went too far. Go back to debate the idea, please. That person over there got elected just like you, by people just like your people back home, who love this country and sent you over here to do a good, honest day's work in debating ideas, not challenging people's intentions and motives."

Mr. BLUTE. If I could just interrupt for a second, Jefferson had a great line. I do not have the exact line, but he said that we should always believe that our opposition is at least, there is a 10-percent chance that they may be right, that we may be wrong. We should always leave that opening for us all as we debate. If we do that, it is a wise statement, then we kind of keep a broader mind.

Mr. WAMP. Another interesting dynamic, if my colleague would yield, please, is that many of the new Members feel that the seniority system in this institution that had grown out of touch over a period of time needed some reform, that the seniority system did not serve us too well, because whoever was around the longest got to be in charge, and some things just inherently were not fair. They did not reward hard work and effectiveness, they really rewarded the seniority of Members.

I think in the passion of the day, even some of my freshmen colleagues failed to recognize that while the seniority system is moving aside, I think after the last election, half this body about had been here less than 3 years, and after the next election, based on the turnover we anticipate, it may be two-thirds of this body will be here less than 5 years. So the seniority system is being moved out.

As the seniority system moves out, we have to recognize that the respect has got to stay. We cannot move it all out and replace it with some kind of bomb-throwing mentality, that we are going to storm this place and rock this place. This place is unreal. It is magnificent. It sends chills up and down your spine when you walk the hallowed Halls of the U.S. Congress.

□ 2100

We got to leave it that big. It is that big, and it deserves that.

Mr. BLUTE. The gentleman would yield, and I think he is right on target here. It is not just the history. It is the actual individuals who serve here. I have been shocked in my 4 years to see the quality of the individual, but also some of the histories are fascinating. For example, the guy in the office next to me is SAM JOHNSON from Dallas, TX, who is an American hero. And then to think that he spent 7 years of his life for his fellow citizens in a North Vietnamese prisoner-of-war camp, the Hanoi Hilton, facing torture and abuse and solitary confinement for 2 years. Now that is incredible.

Mr. Speaker, but then we look over on the Democratic side and see someone like SAM GIBBONS, who landed at D-day, and that was a long time ago. I have read about it in the history books, but to be able to sit next to someone and perhaps engage in a conversation about, boy, what was that like?

I mean, this is an incredible place. JOHN LEWIS marched with Martin Luther King.

Mr. DICKEY. And got beaten up.

Mr. BLUTE. Stood up for his people, for their civil rights. That is a tremendous history. And I think from my own area, the Kennedy family and their great history and contributions to America. You have got PATRICK KENNEDY and JOE KENNEDY. I mean, this is an incredible place. We should have on both sides of the aisle high quality individuals, men and women from all kinds of different backgrounds.

I just think that we should reflect that high quality in our debates.

Mr. DICKEY. Mr. Speaker, let me introduce one other thought to this discussion, and that is good humor. I know you all have it, and we kid each other a lot. But you know, if we could get our personalities in this thing and do jokes some, you knows, there are some good things that can be said in the heat of a debate. We can laugh, and there is nothing wrong with it.

Now some people, if you bring good humor to debate here, they say that is not congressional, you see. But if we use it as part of a dose of medicine, it is awfully good.

Now, I want to suggest something here that might seem a little trivial, it is, that we have V chips. You understand that we all have V chips. When we get over the line and we bring the politics in, somehow we cut off like we do on television.

We can do it. One of you all mentioned that we can go up to our colleagues, particularly those on the same side of the aisle, and say you have gone over the line a little bit, the V chip went off, you see.

But what do you all think of good humor and how have you seen it work to help and, BILLY, you probably have story after story.

Mr. TAUZIN. Of course, I can tell you countless stories, particularly from my Louisiana experience in the Louisiana legislature, about how Members who have spent time with another and have come to know and love, and respect one another in the same way that PETER has talked so admirably about some of my Democratic colleagues who have such a history of contribution to our country, who in the heat of debate gently, with humor, brought each other back to a point of civility when things were getting out of hand.

Mr. Speaker, I recall once we were debating the institution of a board of contractors so that the Government would not appoint all the contractors. The board will end up doing it. One of the oldest gentlemen in the House stood up and said, "Now, BILLY, you know you can't take politics out of politics any more than you can take kissing out of loving."

And I said, I know you cannot take politics out of politics, and I certainly would not want to take kissing out of loving. We just are trying to take a little kissing out of politics.

The humor of that moment of course made a point, but it also kept what otherwise was sometimes heated debate in line, and it is a useful tool. But I think the most important tool of all the tools that are available to us is a recognition that you came here the same way I did. I ought to respect you, and I ought to respect your ideas because you speak with not your own voice. You speak with the voice of 500,000 or 600,000 people who sent you up here to be their voice. And if I cannot respect you and your voice, I am disrespecting them in their homes. If I have that attitude, that is the most important tool in my arsenal to make me a little more civil in this body.

Mr. DICKEY. Is it not true that you respect my voice a little bit more because we are closer to Louisiana right on the border? Is that not true? Do you not listen to me a little bit more because it is home folks talking?

Mr. TAUZIN. You are bigger than me.

Mr. BLUTE. I just noticed that we are surrounded by Southerners here. But of course we do not have any accents up there in New England, of course.

You know, some of the finest moments that I have experienced here were interparty tributes. For example, I recall when our colleague, RAY LAHOOD, I thought did a nice job when he took the floor, Republican, to pay tribute to a Democratic colleague, BILL RICHARDSON, upon his successful diplomatic effort to liberate American citizens from Saddam Hussein's Iraq. That was a great example I think of mutual respect.

Perhaps the other one that I enjoyed so much was when our distinguished colleague from Illinois, HENRY HYDE, recognized JIM BUNNING on the day he was elected into the Baseball Hall of

Fame. We all know how important that was.

Mr. DICKEY. And there is nothing wrong with crying, letting a tear fall every now and then.

Mr. BLUTE. But again, you know, we need to have vigorous debate. I mean, again the people who were promoting this civility resolution are some of the hardest, toughest debaters, and I have heard ZACH out there. JAY gave a speech earlier on the minimum wage, on his position on that minimum wage. It was very focused on the issue. You did not characterize the other side as wanting to kill jobs, but that you felt the result would be that there would be jobs lost, and I think that is what we want.

We want a vigorous debate, tough, tough minded, tough characterizations, but we need to keep it within a limit so that we do not turn off the American people because, frankly, they need to hear and be educated about some of these very complicated issues.

Mr. TAUZIN. You know, PETER, if you yield, I think you are right. Some of the most stirring moments have been when Members have done that, have risen to congratulate Members on the other side of the aisle, and not only a good collegial way, but in a way that I think Americans said, hey, maybe these people are not just a bunch of kids. They are Americans first. Maybe they are not just Republicans and Democrats. Maybe they do care about something other than their reelection. Maybe they care about this country, and maybe they respect one another enough once in a while to say something nice about one another.

And maybe, just maybe, just thinking aloud with you, PETER, maybe that is one thing we in our two groups ought to try to encourage more, that we do more of those kinds of speeches on the floor when another Member, particularly from the other side who has had a success, who has had a tragedy, who has had something happen that is to them and to the folks that sent him here, that we rise on the floor and show our admiration, our feelings of sympathy, whatever it may be, to literally demonstrate that we do, to the American public, that we do respect one another more than our words sometimes indicate.

Mr. BLUTE. I think a great example of this was the political relationship between somebody who I have a great deal of respect for, who brought me into Republican politics. That was our former President, Ronald Reagan, and his relationship with Speaker of the House Tip O'Neill, who had tremendous differences over policy. I mean, they literally hated each other's views and direction they wanted to take the country, but, boy, they also communicated a mutual respect, a mutual admiration, and even a certain friendship.

Mr. TAUZIN. Mixed with good humor, if you remember.

Mr. BLUTE. And with some great humor exchanges between them which communicated to the American people that the Government at least could ultimately decide on things, move forward on that key question that we respect each other as Americans first and then we have differences on policy.

Mr. WAMP. If the gentleman would yield, and the theme and the message there is what you said earlier. We are reflective of the American people. I said as a candidate that I thought that Congress was a mirror image of America. Whoever is sent here is in fact a mirror image of what is out there.

Mr. Speaker, if we are mean and shallow and harsh, the country is mean and shallow and harsh. If we are kind and respectful and dignified, the country is kind and respectful and dignified. That is how important this is. This is a critical issue.

I think we should take the initiative, Congressman TAUZIN, to actually discourage the leadership of both parties from engaging in these short speeches, just openly critical, playing the blame game. I think we ought to as a group, we ought to take the lead on that to say, you know, it is time because it does not matter who wins or loses in the political blame game here. What matters most is that this institution is sinking in esteem and that our young people are seeing the wrong thing, and we need to take that off.

I like your V-chip idea. We ought to V that right out. We ought to get that right off the page here. Both parties would not be any better or any worse off if we did away with that because each party gets equal time, and they are basically just blaming each other. I do not think the people out there in the hinterland, whether they agree or disagree with people, much care for that kind.

Mr. DICKEY. Mr. Speaker, I do not think we respect ourselves when we do that. I think we walk over here saying, boy, but there is a feeling that settles in that I miss the point by doing that.

Mr. BLUTE. Some of the debates I think we all agree that we walk into here coming from our offices, we cringe at the level that it has sunk to because we may have been en route here.

Mr. TAUZIN. If the gentleman will yield, you know, Americans like a good fight. We are not talking about not having some good healthy fights over issues. We are not talking about, you know, some little-pinkie gentility in this Chamber. We are not talking about being less than healthy, hearty debaters on the issues that face America.

There are some enormous divisions in this body and in America on many of these issues. There is an extreme need for us to debate those things in a healthy fashion so that we either come to closure or realize we cannot, one or the other, and then we let the American people settle it in the next election.

That is all healthy. We ought to have those vigorous, hearty, healthy debates. Americans ought to see a good battle on this floor of ideas, not of personalities. You ought to see a healthy fight when it comes to what is right and what is wrong in terms of legislation, but they ought to never see, they ought never see us behaving like Boy Scouts without a troop leader.

Mr. DICKEY. I agree with that. Now you know, let us say something that is positive here. We are having an enormous change in our Nation. You know, ZACH was talking about it is a mirror image. But what the people of America see when they see us debating here is a change that cannot take place in any other government in the world. We are changing. I mean, we have cut $40 billion out of the budget this year, you see, for this year. We have cut spending like we have, and how have we done it? We have done it through debate, and there are some people that are still suffering. There are still some people that are still bitter, and reconciliation is a real key.

But let us change topics a second. What can we do, what permission do we have from our voters to get to know each other than on this floor, and how is the best way to do it? Now, I think we have thrown aside the trips that we take for pleasure and all the things, all the excesses that way. But what are some of the things, because that is what happens, is when you sit there and you know that you have been at a prayer breakfast with so and so, or you have been on a committee with so and so. But what can we do to promote our getting to know each other better away from the floor?

Mr. WAMP. Amazingly, as a freshman, it shocked me when I got here how from the day you are here as a new Member they separate you, Republicans over here, Democrats over here. Republicans get this training, Democrats get this training. The freshman class did not even meet as a freshman class. It was the Republicans over here the Democrats over here. And so the only way to build bridges is one on one, interactively. We even sit over here, they sit over there.

Mr. Speaker, I mean, that is amazing to me because, as BILLY said, we all had to fight the same fight to get here, and we all represent the same number of people or thereabouts, and so I think you have to.

I am in a weekly small group, bipartisan, Democrats and Republicans. We meet every week to just walk through the problems with our lives here and to hold each other accountable while we are separated from our families, while we are here. It is a great thing, and it is bipartisan. Some of my greatest relationships here: MIKE DOYLE of Pennsylvania and BART STUPAK of Michigan, are Democrats, are in my small group. Some of my greatest relationships now have been built with my friends from the other side of the aisle.

I think these small group efforts sometimes, if you exercise, you need to physically keep your body alive, you develop relationships exercising with friends from the other party. You mentioned the prayer breakfast. There are some retreats that are now planned in a bipartisan way so that people can build relationships because, once you build a relationship with somebody, you are not going to trash that person's ideas or ideology.

Mr. DICKEY. Let me ask you this. Do you not think that getting to know somebody away from here helps you with a perspective, too?

Mr. WAMP. Amen.

Mr. DICKEY. I mean, these trips are bad as we have seen the excesses, but getting away and looking back together about what we are doing here helps in the relationships, and I think it will help the dialogs if we do more of it.

Mr. TAUZIN. If the gentleman would yield, I think he has touched on a good point. The point is that we have separated one another by party in this place. We are led by party leaders who serve a dual function.

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One of their functions is to represent their party on this floor, and party positions. The other function is to be the leadership of the House. They are two different functions. I think sometimes that gets confused. As leaders of different parties, I think they probably would like to keep us separate in that role.

But there is a bigger role they play, the leadership of the House, and perhaps we could appeal to them every once in a while to literally look for ways that would bring us a little closer; maybe, as this report indicates, to hold summit conferences, where we could talk about this obligation to this House, to one another, and to the folks who elected us; where we could literally get to know one another a little better.

I am always amazed when we do have these kinds of meetings, whether it is a prayer breakfast or whether it is a joint meeting, a gathering, a coalition of mainstream Republican members, how once we learned a little bit more about one another, not only does our respect deepen, because everybody comes over here with so much experience and talent, and when you learn about it, you say, "Wow, I did not know that about you. I did not realize you had that much to offer." We are surprised sometimes about what quality people you find here. It does get harder then to debate with them and be ugly to them.

Mr. DICKEY. That is the excess. The excess of congeniality can be harmful, too. That is the balance.

Mr. BLUTE. If the gentleman will yield, many of the senior Members, reflecting back on their long careers here, mention that "In the old days we used to get along, we used to do other things, so that our wives knew each other, our husbands knew each other, our spouses." So yes, I think in recent years there has been a separation, as the gentleman from Tennessee, ZACK WAMP, said.

I remember when my freshman class in 1992 came, we did not get a chance to do anything together, either, between the freshman Democrat and Republican class. We called it separated at birth, that we were just kind of put in different camps, and it was months, really, before we ever got a chance to say, "Hey, you got elected this year, too. How did you get elected? What issues did you talk about?" Then you find out that many of them were the same issues, because we are reflecting, I think, politically what the American people are thinking they want. They want change, they want reform, and they want reasonableness in our public policy and in our public debate.

Mr. DICKEY. Where are you all going with this?

Mr. TAUZIN. There is another thing we ought to mention before we conclude this special order tonight. That is that we all share some responsibility for the decline of civility in this place, for the decline of civility in politics in general.

A recent study by the Center for Media and Public Affairs, a nonpartisan foundation group, did a study of the 1996 Presidential race coverage. They found that it was so negative. They found that it was highly negative coverage, heavy but misleading coverage of the horserace, and much less attention on the meat, the debate that was going on between the candidates.

We are in an election year right now. We see too much of that, I think, in the coverage of this Chamber. C-SPAN now brings this debate to so many people's homes, and I think when we look at television coverage of our campaigns and we see that negativism, we think maybe they ought to see it on C-SPAN, too, and we emulate it here.

I think all of that contributes generally to the decline of civility, not only in our politics, not only in this Chamber, but in the society at large. I think ZACH probably said it best: We should be a better example for America. If we expect our children and our citizens to lead a more civil life, to not run each other on the road, and to insult one another and eventually drive-by shoot one another, we ought to start by being a little more civil in this Chamber, where they watch us every day on C-SPAN.

Mr. DICKEY. Where are you going with this now?

Mr. BLUTE. We are closing out our special order now.

Mr. DICKEY. After this, what is the next thing?

Mr. BLUTE. Mr. Speaker, we are going to continue this. We are going to continue to pursue signatories. We have 70 cosponsors. We think, as the gentleman from Louisiana [Mr. TAUZIN] said, every Member should sign it. It is basically fairly basic stuff most people, I think, can agree with. It takes, I think, a commitment to try, and all of us have to do it.

Sometimes we get angry, sometimes we get upset at mischaracterizations on the debate floor, but it means thinking about, you know, let us keep this in check. I think this special order is a step forward, but also the pledge. We are also trying to get more people, so if you could help us with that, that would be very, very helpful.

Mr. TAUZIN. Mr. Speaker, if the gentleman will yield, there is nothing like peer pressure. If we all work to get each other to sign this pledge, and having signed it, to feel embarrassed when we violate it, we will have done one major step towards restoring civility in this Chamber. That is our first goal.

Our second goal is to see some of these recommendations of CRS enacted: The leadership reforms, the role of the Chair in educating the Members, the role of Members to help one another stay within the lines of decorum and, eventually, maybe some of the ideas you expressed tonight; maybe getting us together in a bipartisan way once in a while, just to know one another a little better and to learn to respect each other a little more.

Mr. DICKEY. Thank you for including me.

Mr. BLUTE. We would like to thank all of the Members who came out tonight on both sides of the aisle to participate in this special order. We think it is an important issue, and we believe that the American people think it is an important issue. We are going to move forward on this.

Ms. PRYCE. Mr. Speaker, I appreciate the opportunity to talk about civility and decorum in the House of Representatives tonight because I believe it is a very important subject. I want to thank my friends and colleagues, PETER BLUTE and PETE GEREN, for organizing this special order tonight.

The Blue Dogs were originally organized to reach across the aisle and find bipartisan, commonsense solutions to our problems. As a member of the blue dog organization, I am dedicated to seeking new ways of cooperation between members of both parties to develop a solution-oriented approach to Government. A very important part of seeking a new level of cooperation is to create a more civil and cooperative environment for the exchange of ideas.

Since the establishment of this great institution, it has been recognized that courtesy and decency among Members of Congress was necessary in order to enhance the ability of the membership to hear opposing views in the process of reaching a consensus. Further, without the presence of civility and mutual respect, the process of legislating becomes much more difficult. Hostility limits creative thinking and the sharing of views so important to good government.

But all of these logical and worthy reasons for improving decorum pale in comparison to the reasons I would like to touch on this evening. You see, when people talk about civility and decorum in Congress, we commonly hear about past confrontations involving canes, guns, and even duels. Fortunately today we don't face quite such drastic measures, but I would submit that the general lack of comity and decorum on this very floor has a wide reaching impact that I urge my colleagues to consider every time they speak on this floor.

The reason for this is television. Whenever a Member of this body stands in this well to speak, he or she is not speaking only to other Members of this body, but they are also speaking to thousands of Americans throughout our country. All of us were elected to represent the American people. We owe it to the people we represent to conduct ourselves in a respectful and proper manner. If you think about it, we are all ambassadors of our districts.

As public officials and leaders, I believe we have a responsibility to conduct ourselves in a manner that is respectful to the American people. Every poll shows that the American people hold Congress in low regard. It is no wonder they hold us in such low regard when every time they turn on the television, they see an argument taking place.

Before running for Congress, I was a judge. I had a wonderful career in the law, where respect and dignity are highly valued. When I announced to my family that I was going to run for Congress, my mother was really shocked, and maybe a little disappointed. "Why do you want to go down there and join that sleazy institution?" she asked me. Well, I will tell you the same thing I told my mother. I came here to try and do everything I could to make Congress a place the American people can once again be proud of.

We teach our children to resolve their differences peacefully and civilly. We teach them to listen to others and to air their grievances in a positive, respectful manner. Many schools in our Nation today have conflict resolution programs that are aimed at teaching our children to resolve their differences through civil negotiation and compromise. It is time we start to practice what we preach. I passionately believe that one of the most important responsibilities bestowed upon every Member of Congress as a leader, is to set an example. We have set the wrong example for our children and for the American people. How can we expect our children to heed our appeals for respectful and compassionate conduct if we do not conduct ourselves in the same manner?

Many of the issues that we debate here on this floor have great national import. Members hold firm and passionate views about these issues. And they should. There is plenty of room for vigorous and energetic debate. And we should have that. But no matter how passionately one feels about a particular issue, it is no excuse for name calling or other uncivil conduct. I cannot emphasize enough my belief that we must—must set an example for the American people, especially for our children.

In closing, let me say that the issue of conduct on this floor goes beyond any single legislative fight. It even goes beyond the issues of decorum and comity in debate. This issue is about respect. Respect for ourselves and our views as well as respect for the views of those who may disagree with us. We owe it to ourselves to conduct business in a professional and courteous manner, but most importantly, we owe it to the American people.

So I would urge my colleagues to think, every time they step onto this floor to speak, to think about the example they want to set for the people of our country, especially the children.

A DEBATE ON INCREASING THE MINIMUM WAGE

The SPEAKER pro tempore (Mr. MICA). Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 60 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to also thank the gentleman to my right for their special order tonight, Mr. Speaker. I want to thank them for their colloquy, and I want to thank them for such a great expression of the issues in terms of bringing this body to a level that this body should be at.

I am very encouraged by the gentleman's pledge, and want to pledge to the gentleman that I will be one gentleman who will sign his pledge, and I thank the gentleman for bringing it to the floor tonight to talk about it in a special order.

Mr. TAUZIN. Mr. Speaker, will the gentleman yield?

Mr. FIELDS of Louisiana. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Mr. Speaker, I want to thank the gentleman, my fellow colleague from Louisiana [Mr. FIELDS] and I go back a long way to his first days in politics. I want to say something publicly, CLEO, that needs to get said, I think.

You have made an incredible and enormous contribution to politics in Louisiana, and to government, and to this body, and I want to thank you for joining and signing this pledge. You and all of us, I think, signing it and being a part of it can help make it real and help make this place a better governmental institution. I know that was one of your goals when you came here. Thank you for that, CLEO.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentleman for his words of encouragement. I want the gentleman to know that I want to continue to work hard to remain in this body and to remain a force to change not only the conditions of this country, but the way we do business as Members of Congress.

I also want to expressly thank the gentleman from Arkansas [Mr. DICKEY] who has agreed to be a part of this colloquy tonight on an issue that is very important to me and an issue that is very important to people all across this Nation, and also the gentlewoman from Georgia [Ms. MCKINNEY] who is going to be joining in this colloquy tonight on the issue of minimum wage.

Mr. Speaker, I am here tonight to talk about the minimum wage, and why I feel that we should raise the minimum wage. There are people, Americans in this country who work hard every day. They wake up early in the morning, they go to work, they work a 40-hour work shift every week, and they go home. At the end of the day they are still poor. It is not because they are lazy, but it is because we must raise the minimum wage.

I am here tonight to offer a plea to this Congress and to you, Mr. Speaker, on behalf of the millions of Americans who cannot afford to buy the food at the restaurant that they work at on a day-to-day basis, they cannot afford to sit at the tables that they clean, they cannot afford to sleep in the beds that they make up in hotels, because they cannot afford to check in that very hotel.

They cannot even afford to go to colleges and universities and send their kids to colleges and universities that they work at as custodians and janitors. I am here tonight to offer a plea for those millions of Americans, who come in all shapes and all sizes and all colors.

Let us take this Congress. We as Members of Congress, we make about $550 a day. To have the audacity to come on the floor of this House and say that people who make $680 a month do not deserve an increase to me is wrong. Tonight I offer a plea for those millions of Americans, because I do think that they deserve a minimum wage increase.

I call upon Members from both sides of the aisle to look at this issue and give it some serious consideration, because in all frankness, Mr. Speaker, these people have not had an increase for 5 years. If we look at the history of the minimum wage when it was passed, the act when it was passed in 1938, when this Congress passed the Fair Labor Standards Act, the wage was set at 25 cents. Then this Congress came back and changed the minimum wage 17 times. Seventeen separate times this Congress voted to raise the minimum wage. Now it has been since 1991. The last time the minimum wage was raised in this country was in 1991, so this country has gone 5 years without a minimum wage increase. I think it is long overdue.

If we look at the history of the minimum wage, we will find that the minimum wage was increased on an average of about every 3½ years. We are now at 5 years, which means we are a year and a half late on raising the minimum wage. Why do we raise the minimum wage in the first place? Why did this Congress raise the minimum wage, or even start a minimum wage in 1938? It is because it is no more than fair to give people the opportunity to earn a decent wage.

No one would sit or stand before this podium or any podium tonight on this floor and suggest that inflation has not gone up in the past 5 years. It would be a bit crazy, for lack of a better word, for us to think that a person can buy a loaf of bread in 1996 at a 1991 price. It would not be fair for us to even assume that a person can buy a gallon of milk in 1996 for a 1991 price. If inflation is moving up on an average of 3 percent a year, then it just makes basic sense to give those working people the opportunity to earn a decent wage.

The other thing I want to talk about is welfare reform. People talk about it, that we need to put people on payrolls in this country and get them off of welfare rolls. I think they are right. There is not a Member of this Congress who does not want to get people off of welfare more quickly and sooner, in a compassionate way, than I do. But we are saying, "Get off the welfare rolls and go on the payrolls," but we do not want to pay people for the work they do. The best way to decrease the welfare rolls, in my estimation, is to pay people for the work they do.

People need to make a decent wage in this country. Think about it; 34 cents a day. We have decent Americans, good Americans, who wake up. They want to provide health care for their children. They want to send their kids to school. They work in restaurants. They bus tables, they make beds, they mop floors, they work at gas stations, and at 40-hour work shifts a week, because they want to be productive. They do not want to be on the welfare rolls. We criticize these people because we do not want to even give them an opportunity to be paid for the work they do.

I am happy that the gentleman from Arkansas [Mr. DICKEY] is here, who will talk about some of the reasons why we should not raise the minimum wage, and I am going to yield to the gentleman in a minute, but before we do, I am going to yield to the gentlewoman from Georgia [Ms. MCKINNEY] who has joined us to talk about the minimum wage increase as well.

I notice that the gentlewoman earlier tonight was on the floor talking about the need to raise the minimum wage. I want to thank her for her tenacity, and I want to thank her for her commitment to try to give people a decent wage in America, because in my opinion, that is just no more than fair. If we want people to get off of the welfare rolls and go to payrolls, then the very least we can do as a Congress is to make sure that they get paid for the work they do.

Mr. Speaker, I yield to the gentlewoman from Georgia [Ms. MCKINNEY].

Ms. MCKINNEY. First of all, Mr. Speaker, I thank the gentleman for securing this time so we could have this discussion about raising the minimum wage. I have a quote here: "A living wage for a fair day's work is a hallmark of the American economic philosophy." I do not know if the gentleman knows who said that. It was not some left-wing person, it was not a person who is out of left field. These words were spoken by BOB DOLE in 1974: "A living wage for a fair day's work is a hallmark of the American economic philosophy."

Yet, Mr. Speaker, in 1996, we have the House majority leader saying, "I will resist an increase in the minimum wage with every fiber in my being." We have the House Republican whip saying, "Working families trying to get by on $4.25 an hour don't really exist."

□ 2130

And then more recently we had the Republican Conference chairman say, "I will commit suicide before I vote on a clean minimum wage bill."

Now, we have had some folks who have come to us with an economic argument and they have said that this is bad for the economy. Well, we have 101 economists who have signed on to the call for a higher minimum wage. Among those 101 economists are 3 Nobel prize winners. Those economists range from Henry Aaron at the Brookings Institution to Kenneth Arrow at Stanford University to David Blanchflower at Dartmouth College; Lawrence Klein, University of Pennsylvania; James Tobin of Yale, John Kenneth Galbraith of Harvard. We have got people who have received the world's highest honor and they have said that the minimum wage increase is the right thing to do. At the same time that we were talking about not raising the minimum wage, not even allowing the vote to come on the floor, at one time there were even proposals to cut the earned income tax credit.

So I believe that this is the right thing to do and I am pleased to join with my colleague from Louisiana, and I am anxious to hear my colleague from Arkansas who is my good friend, and maybe I should not say that out loud, but this is the hour of civility, so I ask my colleague from Arkansas to join us.

Mr. FIELDS of Louisiana. I thank the gentlewoman for her presentation.

Before I recognize the gentleman from Arkansas, who is a distinguished gentleman for whom I have the utmost respect, as a matter of fact he and I have shared planes on a number of occasions. As a matter of fact, as recently as this last week, we took the same route here to Washington. I want to thank the gentleman because it is very honorable of the gentleman to stay as late as he is staying to talk about an issue that certainly I feel very strongly about and, of course, the gentleman feels very strongly about, as well.

I want to talk a little bit about, and then I want to yield to the gentleman from Arkansas, because I think he may be able to shed some light on this. Because I have heard those who are against raising the minimum wage assert the argument that it would in fact decrease jobs particularly among young people. That it would also have an adverse effect on the economy because people will in fact lose jobs.

My assertion and my belief is people did not lose jobs when we raised the minimum wage the 17 times that we did raise the minimum wage in the past, and young people were not thrown out of the work market, which, and I will be quite honest here, as one of the youngest members of Congress, I fight for and advocate for every time I walk on this floor. They did not lose their jobs then, and I suggest that they would not lose their jobs now.

If we look at the economy, and I am no economist. The gentleman has been around a lot longer than I have been around, and he has read many more books than I have read because he has been around a lot longer. But I can tell you, it just makes practical sense to me that if you give a person more buying power, then that person will probably buy more.

So to say that people will lose jobs as a result of raising the minimum wage to me does not make much sense because if you raise the minimum wage and give a person more buying power and give those producers the opportunity to come in and then take advantage of the products that we have to offer, the goods and services that we have to offer instead of at $4.25, at $5.15, then it just makes sense that that will in fact generate more money in the economy.

I have heard the argument, also, that you will also cause prices to go up. Well, I believe in the free enterprise system, and I think that our consumers are smart enough and wise enough to know where to shop and where not to shop. At hamburger stand X, if we have enough insight to raise the minimum wage, if this Congress raises the minimum wage, if hamburger shop X decides to send the price of a hamburger from 90 cents to a dollar, I just fail to understand the logic of hamburger X raising that price of a hamburger without assuming or making the assumption that every hamburger stand in that location or locality will raise the price of hamburgers as well.

As a former businessman it would just make sense to me to keep my hamburger at the same price provided that I can and if I have as good a burger as hamburger stand X, then I would suggest that people would come and buy my burger and if enough people buy my burger then hamburger stand X will reduce its burger to a reasonable price. We talk about how we let the free enterprise system grow and work and give consumers the opportunity to make decisions. I just cannot see how people are going to lose jobs if we raise the minimum wage.

Let us take it another step. Let us say the hamburgers go up, the price of goods and services go up. You are still going to have to have people who are going to produce these products, who are going to be in these service jobs, to cook the hamburgers, so forth and so on. So people are not going to lose jobs. And if you give a person $5.15 versus $4.25, and you raise the burger by a penny, then that money goes into the economy.

I am going to yield to the gentleman because I know the gentleman would like to shed some light on why this will cause an adverse effect on the economy. At this time I yield to my distinguished friend from the State of Arkansas.

Mr. DICKEY. Thank you, Mr. FIELDS.

On the question of congeniality, as you started your statement, I would like to go back to that a second.

The race you ran for Governor and the respectful way that you did not trash your opponent, you did not bring issues out that would demean the voting populace was a credit to our Nation and I want to thank you. I am your neighbor on the north. I heard about how you handled yourself in that race and I think it was just absolutely wonderful and it is an example of congeniality. You lived it, you did it in a race. And I think what the gentleman from Louisiana [Mr. TAUZIN] was talking about, you really contributed. I want to thank you for that. I also want to thank you both for letting me get in this discussion with you. I think you just kind of want to pick on me, though, particularly CYNTHIA, the gentlewoman from Georgia, Ms. MCKINNEY.

But let me try to bring a perspective, if I can, to this, and when I run out of time, you just tell me that, if you will.

This is really an issue, and let me tell you this. I am an employer. I have two restaurants, and most of the people I hire are first-time employees when they come to work for me. I have been in that business since 1962 really. I had an ice cream shop and I now own two Taco Bells. I do not sign the payrolls now, my son does, but I do know the issues. If you all could do this, please do not completely draw conclusions until you think about what it is like to sign a payroll, what it is like to sign the front part of a check. It is a difficult thing to do in this world today, in America, with all the regulations, with all the forces and everything else, and it does come down to where you have to make some decisions, and it is not a decision that is based on greed or trying to make so much money most of the time, even though we do have excesses.

What I am saying to you is what is happening is that we are not taking the view of that person who is the payroll signer, that person who is battling all the issues. The insurance can go up, taxes can go up, real estate taxes, regulations, and I know regulations about just taking grease out requires an enormous amount of paperwork. If you look at the perspective there, you are going to see what the problem is when the Federal Government comes in and says, "Though productivity is not an issue, we want you to give a raise. We want you, because we decide, we want you to give a raise to these people who are working for you now but we're not going to give you the money to do it. In fact, we're going to charge you more taxes than you had before because you're going to have to pay the payroll taxes on a higher amount for those people who are just coming into the work force."

Now, this may be a statement that you do not agree with, but there is not a person who I hire who has ever had a job at $4.25 who is worth $4.25, not one person. Either they have worked somewhere else and you have to untrain them from what they are doing and train them for your way or you have to start them on a pattern of training and you have to put somebody with them, you have to attach somebody with them. So they are not worth $4.25. Where they reach the point that they are worth $4.25 is up to them.

So what we are saying is if in fact they are entitled to a raise, it will happen, not by what the employer says, not by what the government says, not by what some politician says but what the consumer says.

Mr. FIELDS of Louisiana. Will the gentleman yield on that point?

Mr. DICKEY. Sure. It is your show.

Mr. FIELDS of Louisiana. If the gentleman would just answer a few questions for me so I can understand exactly what mode of operation the gentleman is in in terms of his philosophy on the minimum wage.

Does the gentleman believe that there should be in fact a minimum wage irrespective, and let us not get into whether or not we should raise it now or in the future. Does the gentleman believe that this country should have a standard in terms of what is the minimum wage for an individual when they enter the work force?

Mr. DICKEY. Are you asking me as an employer or as a politician?

Mr. FIELDS of Louisiana. I am asking you as a human being. As either. As a human being, do you think that this Congress should have a standard in terms of a wage when a person enters the work force?

Mr. DICKEY. If you want an answer from the politician's standpoint, we are past the point of debating that. It is behind us. We must have a minimum wage.

Mr. FIELDS of Louisiana. If the gentleman would agree to that, then let me just go to first base. The gentleman knows that this country, the American workers, have not received a minimum wage increase since 1991, and I am sure that the gentleman would agree with me that the cost of living between 1991 and 1996 did not go down but it went up. As a matter of fact, inflation is on the average 3 percent a year. So if that is the case, then the gentleman would have to agree with me, or it appears to me that the gentleman would have to agree with me that is just makes basic sense that those low-paid workers, those minimum wage workers deserve the opportunity to have their increase, not commensurate with inflation but in 5 years they are overdue for an increase. Would the gentleman not agree to that?

Mr. DICKEY. What I need to do is I need to keep going. Let me go through this whole thing if I can from the perspective. Let me say this. As a politician, the minimum wage exists and we have to have a minimum wage.

Now what I am saying to you as far as the economy is concerned, it is destructive of the economy's best interests. As an employer, I would say that I could take the case that employees are worse off with a minimum wage, whatever it is, than they would be if we did not have it at all.

Let me see if I can explain the whole thing before you gang up on me, okay? Can we do that? What I am saying to you is from the perspective of the employee, the problem with the minimum wage is that we are giving them an idea that that is the maximum wage. If an employee stays in the employ of an employer to a certain point and does not reach higher productivity than the minimum wage, they probably should be terminated.

Because what is going to happen is the consumer, and you all are not looking at it probably from the standpoint of the consumer, the consumer does not want somebody who is not trying to improve, who does not want to try to reach a higher level of achievement and does not want to please them. If someone is working for a minimum wage and waiting for politicians to come in and give them their raise, if they do, then you are going to have poorer service and you are going to have a lackluster type of performance.

What we are not doing is discussing the productivity of the employee. That is where the problem is. The minimum wage gives that employee some problems because it says, "You don't have any more incentive than that." On this segment of this, there should not be one employee who says, "That's all I'm going to get." They should think about it as being, "This is the way I'm going to learn, I'm going to get a reputation, I'm going to move on to something else or I'm going to move up in this particular operation."

Let me go further. Let me tell you about the employer. The employer is the one who is taking the risk and he or she is the one who is paying the tab. After the consumer decides to buy from them, then the employer is paying the tab.

☐ 2145

The employer for too long has been put aside in the wings and the employee is put at center stage. We have got to start considering the plight of the employer in this particular exercise or discussion, because they are looking at taxes, taxes, taxes; regulations and regulations and regulations. They are thinking about retiring sooner. They are thinking about getting out of this business about helping to meet a payroll.

What is going to happen is if we do not start paying attention to the employer, we are not going to have any employers, and the employer is looking at their taxes and what they are going to right now. The money is being taken from them, they are having troubles with trying to improve or to expand, the money is being taken and given to politicians and then given to people who will not work.

But the problem is that we are now putting the employer in competition with the Government. We have to go and say to somebody to come to work, will you come to work for us at whatever wage it is, and they say I can get paid more by staying at home.

I will be glad to step down and leave, but what I am saying to you is we need to bring the attention to the employer, he is competing against the Government, the Government is taking taxes from him to give to people, not to work, so that he cannot get them to compete with other employees. So what we have here, if we have a minimum wage increase and if you will agree it is going to cost jobs, we are going to have the workers who are working at that job with less fellow workers, their stress level is going to be higher, their fatigue is going to be higher, they are going to have the demands of the consumer and the employer at the same time, and we lose in the process. The employees lose.

So what I am hoping that you all will see is that the plight of the employer has to be taken into consideration because that middle class employer has been neglected for years and years and years, and he or she has been given promises of tax relief, of regulation relief, and been given promises for years and years and years, and all that really has happened from Government is you are making a profit and you should give that profit to somebody else. We are going to have people getting out of that business, not paying into the Government, but getting money from the Government if we continue to negate that person and not have compassion for that person.

Mr. FIELDS of Louisiana. I thank the gentleman. I certainly do not want the gentleman to leave. I just wanted a colloquy among all of us. But let me just make a couple of comments before I yield to the gentleman from Illinois.

The gentleman stated that he did not believe or feel that we should have a minimum wage at all. That being the case, you take some of these countries across the world that this Congress has passed legislation to even try to censure. You have countries that make Nike tennis shoes at the cost of paying employees 50 cents and shipping them to the United States of America and selling them for $80 to $110 a pair. Certainly the gentleman would not suggest we ought to have that type of slave labor right here in the United States of America.

First the gentleman said he was in favor of a minimum wage. Then the gentleman said we should not have a minimum wage at all. I would only suggest to the gentleman that I think a minimum wage is the right thing.

Now, lastly, finally, the gentleman stated that it gives employees some sense of knowing that the Government will reward you for an increase versus the increase being dealt with on merits. Let us be realistic. I do not think if we increase the minimum wage that employees for some reason or another are going to sit back and wait for the Government to pass another minimum wage in 6 months or 1 year after that in order to get an increase in salary. We know that all these jobs are on a competitive basis and merit. That is not going to take away the merit system from the private sector. Employers will give increases based on the productivity of that worker.

You are a businessman. You own several restaurants. You have had to operate under the minimum wage. It was the law when you had your business. You had to pay employees, you could not pay them below that minimum wage. You gave employees, I am sure, an increase, and it was not based on the Government saying you had to do it. You gave the employees an increase based on their self-worth, their ability to do the job. The Government had nothing to do with that. To suggest that is going to take away that now, it did not take it away then, to me is not a fair assumption.

Mr. DICKEY. Mr. Speaker, if the gentleman will yield, how much minimum wage do you think we ought to have? $5? $10? Why would you stop? If there is a profit in the business under your theory, why stop at $25 an hour? I am serious about this. Where do you say, OK, I am not going to take any more from the employer, even though I have compassion for the man working 40 hours a week, where, say between $5 and $25? Why would you stop going up to $25 if you really had compassion for the employee?

Mr. FIELDS of Louisiana. Realistically speaking, you have to do it based on inflation. You have to take inflation into account. I would never say that the minimum wage of this country should be $25 an hour now, henceforth and forevermore. That would not even make basic sense. The reason why is because a loaf of bread 20 years from now may cost $50. So that would not make economic sense nor would it make basic sense.

I want to thank the gentleman from Illinois who has been waiting so patiently. I want to yield to the gentleman.

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the distinguished gentleman from Louisiana for being kind enough to allow me the opportunity to participate in this special order. I also want to thank and indeed indicate it is a privilege to have the opportunity to serve with the distinguished gentleman from Arkansas in this body. I can assure him as we engage in this colloquy on the minimum wage that we are not going to gang up on him.

Mr. Speaker, I heard the debate taking place from my office and I wanted to come down and try and put, at least as I see it, the minimum wage in a particular context, a context that all too often we do not discuss in this Congress.

Let me say the very first thing, I think it is important for the purposes of our colloquy that we need to be aware that half of all of the financial assets of our Nation are owned and held by the top 10 percent, and the richest 1 percent of that 10 percent owns almost 40 percent of the Nation's wealth.

Are we aware that nearly 80 percent of the assets of the top 1 percent are owned furthermore by the richest one-half of 1 percent, about 500,000 families? The distinguished gentleman from Michigan, Representative OBEY, not long ago indicated, and he certainly has the documentation, that the holdings of those 500,000 families was worth $2.5 trillion in 1983. By 1989, it had risen to $5 trillion. To put that into perspective, the holdings of those families grew by almost three times as much as the national debt grew during that same period.

You want to talk about reducing the deficit and the debt? Those 50,000 families could have paid off the entire national debt, not just its growth, and still have owned 10 percent more wealth than they did in 1983. Remember, that does not include the increase in their wealth due to a doubling of the stock market since that time. Now we are talking about cutting even more from the poor so they can provide more tax breaks for the wealthy and do not want to give poor working people a raise in the minimum wage.

Let us put the minimum wage, Mr. DICKEY, in this particular context: The Federal minimum wage was signed into law by President Roosevelt in 1938. The Democrats' current proposal would increase the minimum wage from $4.25 to $5.15 over 2 years through two 45 cent increases. The last increase passed overwhelmingly by bipartisan vote in 1989 and was implemented in 1990 was also a 90-cent increase in two 45-cent stages.

Full-time, minimum wage workers earn $8,500 a year, and a 90 cent increase would raise their yearly income by only $1,800, as much as the average family spends on groceries in over 7 months, to $10,712.

Currently the purchasing power of those earning the minimum wage is at a 40-year low. In discussing the minimum wage, we are not talking primarily about high school and teenage workers. We are talking about 12 million people who will benefit from a 90-cent increase in the minimum wage, two-thirds of whom are adults over 20 who bring home half of their family's earnings, and the majority of the minimum wage workers are women.

For example, in the State of Michigan, 324,000 workers, representing 11.9 percent of all hourly workers in the State, will benefit from an increase in the minimum wage. Even Henry Ford understood that his workers had to earn a livable wage that would allow them to buy the cars that they built so they could even build more so that he could even make more money. Certainly the Henry Ford example is certainly indicative of how employers should certainly see an increase in the minimum wage.

Let me put this in one last context and then engage in the colloquy along with the gentleman from Arkansas and the gentleman from Louisiana. A 90-cent per hour raise to 12 million people will add $10.8 million an hour to the purchasing power of workers. It will add $432 million a week in consumer power to the economy. It will add $22.5 billion a year to the spending growth of our Nation's economy. And even though we contemplate this whole notion of raising the minimum wage so that more Americans can provide for their families, indeed take care of the kind of basic necessities that families indeed need, I am just taken aback when I think about the debate in this Congress, about raising the minimum wage to provide more security for American families.

And then I think about the auction last week. Imagine this, according to Time magazine, pearls, not even real pearls, estimated at $500 to $700, they sold for $211,500. A rocking horse, a little horse, estimated at $2,000 to $3,000, sold for $85,000. Even the Terminator purchased five McGregor golf clubs, just five of them, $772,500. Three pillows worth about $50 to $100, $25,300. Pearls estimated at $75,000 sold for $250,000.

So I think when we talk about the minimum wage, we also have to recognize that there is a group and a facet in our society that is enjoying tremendous luxury and tremendous wealth, and they are, quite frankly, not paying enough taxes. Any time we can pay golf clubs for $772,000 and there will only be five golf clubs, you cannot even get a good game out of 5 golf clubs, that certainly suggests the kind of inadequacies that this body must address by allowing working people who work in stores, who drive taxicabs, to be able to work their way out of their conditions.

Not all of us can afford a big movie. Not all of us can afford the opportunities that have been afforded Members of this body. The only way we can change that is to have some legislation that is sponsored in this body to change the conditions of working people. I thank the gentleman for yielding.

Mr. FIELDS of Louisiana. Mr. Speaker, I want to thank the gentleman for his comments. As the gentleman pointed out, many of these minimum wage workers are women. I mean, almost 60 percent, about 57 percent of the people who earn minimum wage, are female. These are the people who wake up every morning and go to work.

I think we also, whenever we talk about the minimum wage debate, if you are for getting people off of welfare, then I just cannot understand how one cannot be in the same breath for raising the minimum wage. One of the best ways to get people off of welfare is to pay the people for the work they do.

We have been joined by the distinguished gentleman from New York, the gentleman who has advocated the raising of the minimum wage long before I was elected to this Congress, a gentleman who is a strong advocate of not only the working people of this country, but of educators, who was an educator himself. I would like to yield to the gentleman from New York [Mr. OWENS] for as much time as he may consume.

Mr. OWENS. Mr. Speaker, I thank the gentleman for taking this special order. I serve on the Committee on Economic and Educational Opportunities as the ranking Democrat on the Subcommittee on Workplace Protections, which is directly responsible for the minimum wage, so I have quite a file on the minimum wage and have been living with it for some time.

The bill that is presently out, sponsored by Minority Leader GEPHARDT and the ranking Democrat on the Committee on Economic and Educational Opportunities, Mr. CLAY. That bill calls for an increase of 90 cents over a 2-year period, and I must say that I am awfully sorry that at its last count we only had about 125 people who are cosponsors of the bill. I hope we will have more cosponsors, not only from the Democratic side, a complete cosponsorship, but also some of the Republicans who have decided that this is the humane and sensible thing to do will also join us and will get on with the business of giving the lowest paid workers in America a 90-cent increase over the next two years.

It is a very conservative approach. We have an economy right now that is booming. From Brownsville and Brooklyn in my district, to Mapleton, GA, from California to New York, we have an economy that is booming. Most of the workers in this economy are not paid minimum wage. They are paid above minimum wage. Yet the businesses that these workers work for are thriving. Everybody wants to get into the American business climate.

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We appreciate that our entrepreneurs and small businesses make up a tremendously large segment of the economy. Small businesses employ more workers than anybody else, but they are doing quite well from coast to coast.

And restaurant businesses in the parts of the country where the labor supply is less, it is a matter of supply and demand. Where you have more labor, they can afford, the businesses can afford to get away, or they can get away with paying lower wages. That is what happens. They have a lot of people who want jobs, so they pay the lowest wages.

Yet the restaurant businesses in the areas where they are paying the lowest wages, they are able to survive. And they cry, if we talk about increasing the minimum wage, that they will have problems, they may go out of business. And yet the same kind of restaurant business in another part of the country, where they are paying higher wages, is thriving also.

When the wages go up in another part of the country because the supply of labor is not plentiful and they have to pay more, they continue to profit. Businesses do not stay around if they do not profit. Nobody stays in business if they are not making a profit.

The size of the profit and whether or not a business stays viable or not is not dependent on just the wages paid. McDonald's and Burger King and a number of fast food restaurants are able to supply fast foods at tremendously low prices. In fact, there is a lady in my district that says she finds it cheaper to feed her kids at McDonald's. She cannot buy beef at the prices they pay for their beef, and she cannot feed her kid hamburgers at that price.

Mr. DICKEY. Will the gentleman yield, just for a question?

Mr. OWENS. No, I will not yield now. There are some other factors that are involved that drive the prices down so low, as there is in many businesses. There are many other factors involved than the wages paid. We have a thriving economy, and we owe it to our workers to try to get a fair wage for them in those areas where the supply of labor is so great until the entrepreneurs, the business owners, are able to exploit that. They can get labor cheap, so they get it cheap.

Most people in the country are in areas where the labor supply is not so cheap and they have to work for a minimum wage. There are about 13 million people who still work for minimum wage, unfortunately, because they are in situations where they have to compete in a labor supply pool where they cannot get higher wages; or, in some cases, they may have a situation where if they were organized, they might be able to demand high wages because the supply of labor is not so much greater than the demand.

But the organization of workers has been thwarted in this country by our poor labor laws. Of all the industrialized nations, we have the worst labor laws. We make it more difficult for people to organize and for people to bargain than any other industrialized nation in the world. So we keep down the wages. And by having a minimum wage, a floor, we are only protecting ourselves as a Nation.

The Constitution talks about promoting the general welfare. Well, promoting the general welfare means the welfare for everybody, not just the entrepreneurs or businesses, or people who make a lot of money, who keep crying crocodile tears about taxes and about regulations. They are quite well off. And there are whole cadres of business people from all over the world who want to get into this economy and into this business environment, who think they can make a lot of money. I do not know why we have so many crocodile tears being cried by entrepreneurs in this business environment which is so favorable toward entrepreneurs. It is not favorable toward workers.

And one way you help workers on the very bottom is by having this much needed increase in the minimum wage which, when you look at inflation, we are still at an all time low in terms of the wage level of people on the bottom.

Mr. FIELDS of Louisiana. Since each of the gentlemen and the gentlewoman have made their opening statements, at this time I am going to allow Members to enter into a colloquy, and I notice the gentleman from Arkansas had a question of the gentleman from New York.

Mr. OWENS. I have been listening to the gentleman bemoan the fact, as a businessman, he is persecuted in America by taxes, by paperwork; he has to make out paychecks, and that is a painful experience. You should live the experience of the people that do not have any money to make out checks for. There are large numbers of people who would love to have your pain and your grief in terms of the difficulty of making out checks for payroll.

Mr. FIELDS of Louisiana. I yield to the gentleman from Arkansas.

Mr. DICKEY. Let me ask the question now. Let me ask the question, if in fact we are going to accuse people who have been successful, of what you just accused.

Mr. OWENS. I am not accusing anybody of anything. We need entrepreneurs and people to be successful.

Mr. DICKEY. I am just trying to ask a question, that is all.

Mr. OWENS. You are a good lawyer. You said I accused. Who did I accuse?

Mr. FIELDS of Louisiana. I yield to the gentleman from Arkansas.

Mr. DICKEY. I am asking a question, and any of you all can ask it. I won't ask the gentleman from New York; I will ask any of you: If we are to set up a role model for people to work toward in a capitalistic society, and if we are trying to get that message down to the lowest of the people in the economy and say, if you will work hard, this is what will happen, how can we encourage those people to get to where they can get in America? If they work hard, and that is the promise, you can do whatever you want to do in America and you can make it. How can we do that if we take the people at the top rung and say we are going to regulate you to death, and we want these people down here to know that you are the reason why no prosperity gets to you?

You see what we are doing? We are doing just exactly the opposite. We should be saying to people at the lower rungs, you can get there at the top. Look at what got them there. Use that as a role model and let the government stay out of the process of drawing attention.

Mr. JACKSON of Illinois. Mr. Speaker, let me thank the gentleman from Arkansas for that question, and at any point in time, my distinguished colleagues are more than welcome to try to answer that question.

Let us take a case study. Let us say a college student, who is working at McDonald's or Burger King, or at any particular minimum wage paying job, earning $8,500 a year, assuming they are working full time, from 9 to 5. And, obviously, they are not because they are a college student. $8,500 a year is not enough money to even pay off one's student loan to go to a 4-year, 1 year on a full academic scholarship costs more than $8,500 at a State-run institution.

So no matter how hard that student is working, and that we are promoting them because of their education, and that they have a serious work ethic, the reality is no matter how serious their work ethic is or their educational advancements or the opportunity that we provide for them, they are not able to work their way even to meet their current obligations, which include their loans.

Let me say to the gentleman from Arkansas, I think that it probably makes sense, and I would like the gentleman from New York to possibly respond to this, why not look at the minimum wage and index it to inflation so that we do not have to engage in this debate every year and a half.

Mr. OWENS. We would have to go up to $6.25 an hour. If we put it on an index inflation now it should be at $6.25 instead of $4.25.

Mr. DICKEY. It is $7.18, I believe, is that it is.

Mr. JACKSON of Illinois. I would make the argument that we can avoid this debate and we can avoid rehashing this every 3, 4, or 5 years, since we are 1½ years past due on increasing the minimum wage, by attaching the minimum wage and indexing it to inflation so that the cost-of-living for working people, and we are not talking about people who are lazy and not working, we are talking about people who are working but at the end of a hard day's work they cannot change their economic situation.

Mr. FIELDS of Louisiana. Reclaiming my time, Mr. Speaker, I will yield to the gentlewoman from Georgia.

Ms. McKINNEY. I just want to make a few points in closing, and I will yield to the gentleman here who want to dominate the debate.

The gentleman from Arkansas made some reference to productivity gains, and there have, indeed, been productivity gains experienced by our economy, except that in the past those productivity gains accrued to the community at large. Now those productivity gains are not accruing to the community, perhaps to stockholders and CEO's, but certainly not to the low-wage workers. And that is one argument in favor of protecting the interests of our low-wage workers.

I think we have also seen that the gentleman from Arkansas shares the opinion of his colleagues in the Republican leadership that he also fights the increase in the minimum wage or the concept of the minimum wage with every fiber in his being as well.

Mr. DICKEY. I did not say that.

Ms. McKINNEY. The gentleman has said that we need to take care of the employers. I would posit that Congress is doing just that. When McDonald's can get $200,000 to advertise chicken nuggets, then I think we are taking care of employers. When AT&T can get $34 million, we are taking care of employers.

We have not begun to talk about corporate welfare yet. This Congress wants to repeal the alternative minimum tax, build more stealth bombers, defend Americans who renounce their citizenship in order to avoid paying taxes, and yet they want to deny poor folks, working folks a 90 cent increase in the minimum wage. Now, you know, you have to be a little bit less heartless than that.

Mr. DICKEY. Is that a question?

Ms. MCKINNEY. Well, it is a statement.

Mr. DICKEY. I understand you are saying I am heartless, and you know better than that. What I am trying to say, what I want the question to be answered is, why not encourage these people to improve rather than to say this minimum is the maximum? Why not do that? Why not give them a role model that means achievement and improvement?

Mr. OWENS. We are encouraging them to improve by saying we are going to pay you what you should be paid in this economy. In this economy you cannot live on $8,400 a year. You need more than that. You cannot live off $4.25 an hour.

So we are going to pay you for your work. We are not going to have you work at the level of a peasant or just above slavery just because the supply and demand is such that your employer can pay you that because he can always get more people. We want to have enlightened employers.

Mr. DICKEY. But where is the role model?

Mr. OWENS. We need employers who understand that it is better for them, like Henry Ford understood at a certain point that he had to pay his workers a decent hourly wage so they could buy the cars.

Mr. DICKEY. Would you please yield a second, the gentleman from New York, for a question?

Mr. OWENS. No, I will not yield. I will yield in a minute.

The SPEAKER pro tempore (Mr. MICA). The gentleman from Louisiana has the time.

Mr. FIELDS of Louisiana. I yield to the gentleman from New York and I will then yield to the gentleman from Arkansas for a response.

Mr. OWENS. An enlightened employer would know that paying the minimum wage helps the economy as a whole. These are very poor people and every dollar they make they are going to spend in this economy. They are not like the CEO's, who make millions of dollars and travel around the world spending their money somewhere else.

An enlightened employer would know that the effort we made in the last Congress to pass health care legislation would greatly help them in their woes. They would not have to moan so much if we had a health care plan which took care of everybody's health care.

We did not ask for a minimum wage 2 years ago because we were concentrating on a universal health care plan, which meant that the poorest person would also be able to have a health care plan and maybe he would not need an increase in the minimum wage.

Here is an opportunity where you might have helped yourself and helped the Government and helped the people who work for you if you had supported a health care plan. But most employees are not enlightened. they can only see tunnel vision, and we need to give them some help in understanding how the economy really works in the rest of the world. The economy works for everybody. The workers at the lowest level——

Mr. FIELDS of Louisiana. Reclaiming my time.

Mr. DICKEY. Teacher, can I ask a question?

Mr. FIELDS of Louisiana. Mr. Speaker, may I inquire how much time I have left?

The SPEAKER pro tempore. The gentleman from Louisiana has 8 minutes remaining.

Mr. FIELDS of Louisiana. If the distinguished gentlemen from Arkansas, New York, and Illinois, and the distinguished gentlewoman from Georgia would allow me to now operate on a controlled time basis, at this time I yield 1 minute to the gentleman from Arkansas.

Mr. DICKEY. All right, this is the question I want to say in 1 minute, and thank you, teacher, for letting me.

If this plan that you have for raising the minimum wage, if, just give me that, if it, because of the increased costs of the wages and on the payroll and the taxes that comes, if this causes a taco to go from 89 to 90 cents, 1 penny, proportionately who suffers the most?

What I am saying to you all is that we have increased costs and inflation because of this, because all of the elements come into an operation, the delivery costs, the costs of the goods that come in are increased, everything is increased. It is an incremental thing. It comes up.

The harshest thing you all are doing when you do this is penalizing disproportionately the lower people on the rung of the economic scale because they have to go. If that is the case, how do you answer the question that inflation is going to hurt those people? When you say you are going to help them and you use them, in my opinion, to try to increase taxes and try to balloon the size of Government, you use that argument, they, in fact, will be suffering the most by inflation. What do you say about that?

Mr. FIELDS of Louisiana. Reclaiming the time, I yield to the gentlewoman from Georgia for 1 minute.

Ms. MCKINNEY. The bottom line on what I say about that, we all know that crime doesn't pay, but if you happen to work for Congressman DICKEY your work doesn't pay either.

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Mr. FIELDS of Louisiana. Reclaiming my time, let me try to respond to the gentleman's question.

Ms. MCKINNEY. I am just playing.

Mr. FIELDS of Louisiana. The gentleman has a very legitimate question and my response is very simple. I know that the gentleman would agree with me that most countries across the world try to pattern themselves, all of them, most of them, admire the work that we do in the area of business. Would the gentleman not agree with that?

The gentleman does agree. He is shaking his head.

Mr. DICKEY. That is correct.

Mr. FIELDS of Louisiana. That is a yes. They in fact look at us as role models for the most part. Is that not correct?

Mr. DICKEY. That is correct.

Mr. FIELDS of Louisiana. The gentleman would agree. We do not have companies and workers across the world looking at America saying we do not do our business correctly. For the most part, think we do a pretty good job at it.

Let me take the gentleman through the history of minimum wage for a second. It did not hurt then, and I would suggest to the gentleman it is not going to hurt now because, first of all, it is not going to take away the competitive angle of the work force. Individuals must still be competitive. They will be rewarded based upon their merits.

Public Law 75–718 was the first minimum wage law, 25 cents. Then in 1939 it moved from 25 to 30 cents. In 1945 it moved from 30 to 40, 40 cents. Then in 1950 it moved to 75 cents. It was still competitive then. Employees were still working and getting their just due in the merit system, and it did not have a devastating effect on the economy and certainly did not have a devastating effect on the American workers.

Let me ask the Speaker, inquire in terms of how much time the gentleman has remaining.

The SPEAKER pro tempore (Mr. MICA). The gentleman from Louisiana has 4 minutes remaining.

Mr. FIELDS of Louisiana. Because I would like to yield 1 minute to each of the gentlemen and gentlewoman before I leave, before we close.

It moved from, I will put it in the RECORD, up to 1991, it moved from 25 cents in 1938 to $4.25 in 1991. And certainly the gentleman is not suggesting that employees are coming to work waiting for the Government to raise their wage and not working hard, not trying to be promoted on jobs and waiting for this Congress to raise their wage. The gentleman is not suggesting that.

Mr. DICKEY. I am.

Mr. FIELDS of Louisiana. If the gentleman is suggesting that, I would suggest that the gentleman is wrong.

I am going to yield 30 seconds to each of the gentleman and the gentlewoman for closing. I first yield to the gentleman from New York.

Mr. OWENS. It is an insult to workers who make the minimum wage to say that they are there because they are no good, they cannot improve themselves. My father is one of the smartest men I ever knew. He worked in the Memphis furniture factory all his life, never paid more than the minimum wage. He went to school to the sixth grade. He was the smartest man. When the machines broke down, he made them operate. He understood the mechanics. They had to come get him when they laid him off because of the fact the machines could no be run by anybody else, yet they still never paid him more than the minimum wage because the supply and demand was such that they could get people who would work for the minimum wage.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Arkansas.

Mr. DICKEY. Mr. Speaker, I would yield my time.

Mr. FIELDS of Louisiana. Mr. Speaker, I yield to the gentleman from Illinois.

Mr. JACKSON of Illinois. Let me thank the gentleman from Louisiana for this opportunity. I want to make sure that we are focusing and keep the minimum wage debate in a particular context. The context is, once again, the top 500,000 families, their net worth in 1983 in this Nation was $2.5 trillion. By 1989 it had risen to $5 trillion.

Those families, those business people, they witnessed an increase in their standard of living. They have witnessed an increase in their earnings and in their wage earnings. That is a crowd that paid $700,000 for golf clubs, $300,000 for fake pearls. They need to pay more taxes, which is good. It is American because they are benefiting from America.

At the same time, we need to raise the minimum wage of people who do not have the same opportunity that those 500,000 families do.

Before I yield back the balance of my time, I just want to show this.

Mr. FIELDS of Louisiana. The gentleman has no time.

Mr. JACKSON of Illinois. The distinguished majority leader has indicated he will resist a minimum wage increase with every fiber of his body. In light of the fact there are working people in our country that we upset about this, we ought to change that.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the distinguished gentleman from Illinois, and I yield to the gentlewoman from Georgia.

Ms. McKINNEY. Mr. Speaker, I thank the gentleman for yielding.

I say we need to increase the minimum wage to a livable wage. We need to protect workers' rights and jobs. We need to decrease taxes on middle and low income families, and we need to encourage not just personal responsibility but corporate responsibility, too.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentlewoman from Georgia. I thank all the gentlemen and the gentlewoman for being here, and I want to especially thank the gentleman from Arkansas for being here tonight to participate in this colloquy. The gentleman certainly showed a lot of statesmanship and character in being part of this debate tonight, and I thank the gentleman.

In closing, Mr. Speaker, I simply say that Members of this Congress, all who I serve with and all who I have a great deal of respect for, when we go home each day we take in $550. Each day we work we get $550. A person on minimum wage only makes $680 a month. I just cannot see why we cannot give them a small 40-cent increase 1 year and another 40 cents the next year, so that they can buy bread and milk for the same price that we buy bread and milk.

I want to thank the Speaker and I want to thank the gentleman and the gentlewoman.

THE REPUBLICAN VISION FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RADANOVICH] is recognized for 60 minutes.

Mr. RADANOVICH. Mr. Speaker, I appreciate the opportunity to come speak to the American people regarding the important issues of the day, and I would like to start off by commenting on how important words are, I think in conveying messages. In my short term here in Congress, I am a freshman, I have been here a little over a year, I have learned a couple of vital things, and that is that we have to be very, very careful about the words that we say to make sure that they are communicating exactly what we mean to the American people, because words are very important.

It is in that spirit that I offer the following vision, in an attempt to determine a way to communicate to the American people the role and the mission of the Republicans here in Congress. If we can say things and put them down into easily understandable terms, using very symbolic figures, it can go a long way to explaining to the American people how we would like to go and where we would like to take this country. It is in that spirit that I offer this following vision.

Let me use the simple symbol of a chair to illustrate where we are in America and I think where the Republican Congress would like to take this country. In starting with something such as this, I think it kind of illustrates where America is right now. I believe that before we can entrust or get the American people's trust in following us, we have to accurately describe where America is right now, and this portrait of this chair is a good illustration of American society. So welcome to America.

Basically we have an unstable chair, something that does not provide very much freedom, something that does not provide very much security. This is really the condition of our country right now, I believe. You will notice the chair has four legs, but the problem is that none of the legs are the same size as the other legs on the chair.

Look at the government leg, way too long. Look at the family leg. It would be very easy to sell the argument to the American people that the family unit has basically been decimated over the last 30, 40 years with the notions of the Great Society and the Great Society mentality that this Congress has been operating under over the last 40 years. Business institutions and religious and civic institutions in this country are not operating up to their fullest capacity because of the large leg that knocks everything out of proportion and creates much instability and insecurity in the society.

Take the next chart to further illustrate this in a different way, and that is by saying I think that it is safe to state that in America today our institutions are disproportionate to one another, and that is the basis or the cause of a lot of our civil and financial problems in this country.

You will notice in the government institution, of all dollars spent on government, 70 percent of those dollars are spent at the Federal level, 30 percent of those dollars are spent at the State and local level.

Religious institutions and business institutions, as I mentioned, are not operating at full capacity due to overtaxation and regulation and problems with civic institutions that do not really fill their proper role in society, that basically have been taken over by the government institution.

The family institution has been decimated over the last 30 years.

There are two ways that we can solve this problem, because we believe that the American people sent us to Congress in this wave of the 1994 election to solve the problem of the reality that I just described. There are two ways that we can solve the problem.

This is not the way to do it. This somewhat illustrates the current efforts that we have been going through during the last year with our great deal and our determination to downsize Federal Government. What we failed to do, though, in chopping off certain responsibilities and lopping them out of the government sector, is to take into consideration how the downsizing of Federal Government would have an effect on the other institutions in the American society.

Now, I will say that Lyndon Johnson said it right. When he began to campaign for the Great Society in the early 1960's, he said "Great Society." He did not say "great government," even though that is what he did. He tried to solve all of society's problems through a great government, and it ended up getting us $5.5 trillion worth of debt and expanded the ranks of the poor and needy.

Everything that government got into basically in many of the areas of our lives has made the problems worse, not better. So I think what the Republicans need to learn is that in addition to our concept of downsizing, we have to think in terms of relationships, of how to build these other institutions in this country so that they can begin to fulfill some of the obligations that we feel government should no longer be in.

If Members would like to do it like this, we have a helter-skelter approach. It is not good for this country. Basically this is the result of a negative message, and anti-Great Society message, an antigovernment message.

I think what we would like to do, the Republicans would like to do, is to paint an accurate picture of what America would look like after using the balanced budget process as a blueprint to get to a better America. That can be accomplished, I believe, in two ways. One is through the legislation that we would be accomplishing on the House floor and in the Senate and through the White House, and the other would be to illustrate how the issue of personal responsibility ties into the reestablishing of the family institutions and the downsizing of Federal Government.

If we are to downsize Federal Government and take into consideration its effect on the other institutions in this country, and also build these other institutions up so that they are able to receive these responsibilities that we therefore determine are no longer the responsibility of the Federal Government, then it should occur in some of the following examples such as this:

There are many who believe that once government entered into the social programs, that they actually made them worse. The war on poverty is not over. There is more poverty since war was declared on poverty by the Federal Government in the early 1960's. Many of the concepts of the Good Samaritan I think people agree are found in scripture, not in the Constitution. They are better met by civic and religious institutions in this country.

We should begin designing tax overhaul problems in relationship to, with the objective, I should say, of shifting that responsibility from the institution of government over to civic and religious institutions. By that I mean providing generous deductions for contributions made to not only church groups but civic groups, nonprofit groups, private charities, anybody, any group that takes care of the poor and needy, so that as this fulfillment of that need to care for the poor and needy expands in this civic and religious institution, the social programs of the government are correspondingly reduced so that we can have a phaseout of government's participation, but the need is met and even met more effectively in this institution that begins to rebuild this one.

Deregulation and tax relief, a mantra of the Republican Party, and justifiably so, will reduce the amount of overhead of the Federal Government. Regulation costs money, and they have to raise taxes in order to make the money in order to pay for the increased regulation of government. That is, as it is shifted down, it begins to rebuild the business institution because business can expand when they get tax and regulation relief, so we have a downsizing of that institution and a beginning of the rebuilding of the business institution.

Third, an example of education and how much it can rebuild the family institutions is by making the point that the education system in this country must be answerable to the family unit, because parents are ultimately responsible for the education of their children, and not the government. I do not mean that everybody in this country should be home schoolers. What I do mean is that through local control of education, not Federal control, by the abolishment of the Department of Education, returning responsibility back to the community level, local control or a voucher system puts that responsibility back onto the family unit, so our parents can have more after choice in their child's education. It, too, reduces the amount of government.

□ 2230

On the issue of localizing, you have today 70 percent of all total dollars spent on the Federal Government, you have like laws that are current State level, and also local level. So it is to the benefit if you take all these programs and push them back down to the State level by block granting. Or if you push them down at the local level by further block granting to counties, you begin to reduce the amount of government by reducing the Federal Government's role in these problems, but still having government obligations met at the State and local level.

Mr. Speaker, these are indications of how we start downsizing in such a way that we begin to rebuild these institutions.

I want to make one point, and that is that we have begun to get some rebuilding of these institutions. But they are not operating at the full capacity that they could, and this will never occur at their full capacity without the issue of personal responsibility, which is the next slide, if you would like to go ahead and put that up there.

The issue of raising the conscience of the American people is really a very important key in bringing stability and actually recreating a free society in America, and that is not a role of the government institution. It is the role of religious institutions.

Now, civic organizations can take care of poor and needy, but it is the responsibility of the churches across the land to begin to raise the conscience of the American people so that they, the American people, can begin to operate effectively in these other institutions. By raising the conscience of the American people, it allows their capacity through religious and civic institutions to take over the social programs in this country. By raising the conscience of the American people in the family institution, it encourages personal responsibility so that parents are better parents, kids are better kids, marriages are not conducted frivolously, divorces are not conducted frivolously, people actually take serious responsibility within the family institution.

Raising the conscience of the American people allows the business institution to expand through two things, by encouraging less lawsuits and by the establishment of peer review. By peer review I mean that doctors police doctors, lawyers police lawyers, like-minded business policies like-minded business so that peer review, those of us judging each other, acts as a buffer between direct government control and no government control at all. It provides a cost-effective way by decreasing the cost of regulation, therefore decreasing taxes on business, to allow that business institution to expand to its fullest capacity.

So while you have downsized Federal Government, and the other issue is through raising the conscience of the American people, it allows us to flip this awkward percentage of large Federal, 70 percent being spent by Federal Government, and 30 percent at State and local governments, to be switched back down. Not only would we reduce the size of government, but that which we do spend is returned, 70 percent spent at the local level, 30 percent spent at the Federal level.

I cannot tell you how many times I heard on the House floor, especially when we were talking about block granting crime money at the local level, various Members standing up here, and we were arguing for no strings attached, let the local people decide how best to take care of crime in their various districts and people arguing that you simply cannot trust those local elected officials because they will go spend it on something else. My statement is, by raising the conscience of the American people, we can give more responsibility to elected officials in this country so that we can begin to attack the arrogant assumption that the only elected officials that you can trust are the 536 that are in Washington right now.

Through this idea I think what we begin to get is a proper vision of where we would like to take this country through a balanced budget process. And it is pretty much described in this one, which I call a free society, and that is where a Federal Government's role in this country is in equal proportion to the other institutions that form American society so that government is equal to religion, is equal to family, is equal to business. Not only that, but in a government institution the Federal Government's role in total spending is back to 30 percent, State and local control is the larger share of 70 percent.

Throughout history we have faced times of disproportionate institutions. Our country was developed because of the overly repressive monarchy in England, and that is what caused this disproportionate system for the Pilgrims to come to this new land. During the Industrial Revolution the business institution was disproportionate in its influence to other institutions in this country. During the inquisitions, an early church period, the religious institutions were far too disproportionate to the other institutions in this country. And in the last hundred years, through socialism, Communism, fascism we have experienced disproportionate government over the other institutions in this country. And in America we felt the ancillary effects of that through the Great Deal and also the Great Society.

So this is the vision of America: this is a free society. It provides the maximum amount of freedom and security for Americans so that they can go on to begin to pursue life, liberty and happiness with the surest amount and the greatest of success. What you end up with in relationship to my first slide was the result of that, and you can go ahead and change those, and that is a chair that works, a chair much like society in that both of them provide freedom and security so that you may sit in a chair, discuss, read, go about your business, and government is constructed in such a way that people can pursue life, liberty and happiness and not worry about insecurities or lack of freedoms.

Mr. Speaker, this is the vision of the Republican Party. This is a free society. This is when government is no longer any bigger than the religious institutions and civics institutions in this country, no longer bigger than the family institutions who have been restored to their full effectiveness, and no longer disproportionate to the business institutions providing a firm foundation for us to live on and experience the maximum amount of life, liberty and happiness in this country.

So I submit that to the American people and appreciate the time.

I do have time and want to yield to my friend and colleague from Maryland, Mr. BOB EHRLICH, who wants to begin a second portion of his presentation. I also welcome my friend and colleague, the gentlewoman from California, ANDREA SEASTRAND. So, BOB, I want to switch over to you and give you the magic wand, and I will be back up on that seat there.

Mr. EHRLICH. I thank my colleague from California. I also officially congratulate him upon his election to the presidency of the freshman class, and I welcome our colleague from California. Very well put, GEORGE, very well put.

Mr. Speaker, I would like to take the next half hour to engage my two colleagues in a discussion of what we see happening in America today, which is big labor bosses trying to buy themselves a Congress. I know the gentlewoman from California has some very, very strong views on this. I have taken the liberty actually of bringing my AFL–CIO report card, and blowing it up, and bringing it to the floor of this House because I know my two colleagues and I want to talk about exactly where big labor bosses are coming from the distinction of big labor bosses and how they have grown apart from the working folks in this country.

Mr. Speaker, what I would like to do, with the permission of my colleagues, is go over, one by one, the major issues on this report card. I am going to start with a favorite, and I know the president of the freshman class, my friend, the gentleman from California [Mr. RADANOVICH], is a businessman voting against an increase in the minimum wage. We have just heard an hour of discussion concerning the merits of raising the minimum wage. During that discussion I did not hear one sentence uttered about the ultimate irony of raising the minimum wage which is putting at risk marginal workers in this country out of work.

Every economic study I have ever seen, and, I submit, any economic study folks on the other side of the aisle have seen, holds the same result. When you raise the minimum wage, you automatically put x amount of marginal workers, unskilled, untrained, disabled workers, out of the work force, and that is compassion. That equals compassion. That is the traditional assumption that this majority challenges on this floor every day.

I know the gentlewoman from California would like to make a comment about that.

Mrs. SEASTRAND. Well, I would also say that we came here to do away with unfunded Federal mandates, and if there was anything that was a mandate, it is to increase the minimum wage, and it is just artificial.

I say, why not raise it to $10 or $25? Why stop?

Mr. EHRLICH. We could really be compassionate, let us get real compassionate. Why not $20? Why not? We could put a lot more money in a few workers' pockets, and we would cause an awful lot of unemployment.

Mrs. SEASTRAND. Well, I think statistics have proven over the years that a minimum wage will not create one job. Statistics prove that we lose jobs for those very people that we are trying to help. And you know none of us want to people to stay in a minimum wage job.

Mr. Speaker, I would just say my children, Curt and Heidi, worked their way through high school and college with different jobs. They depended on those minimum wages. You know, there are very few folks that really wanted to give them more. They were training, they were learning about getting to a job on time, learning what it meant to be there and to follow some of the rules and some of the basics.

Many of these minimum wage jobs apply to students across this Nation, both in high school and in college, and many of those students and young people are the very people, the minority students and such, that we are trying to help.

Mr. EHRLICH. Another irony at work here, and of course we have the President of the United States acting in a very compassionate way in this election year, trying to sell the American people on the notion that he supports an increase in the minimum wage. Yet it is words, it is these words that keep rebounding against the President.

February 6, 1995, Bill Clinton: It, raising the minimum wage, is the wrong way to raise the incomes of low-wage earners. In 1995, a nonelection year; 1996, we see quite different words coming from this White House.

The gentleman from California?

Mr. RADANOVICH. Mr. Speaker, my comment would be that the timing of this issue, at least in my view, and I have to let you know where I am coming from, and that is that basically I think that the establishment of a minimum wage really is a violation of the separation of government and business. I do not think that the Federal Government should be involved in the establishment of a minimum wage, No. 1.

No. 2, this issue was raised, and the comment about the President illustrates this point as a diversionary tactic, to divert the Nation's attention away from the real business at hand in Washington. That is balancing the Federal budget, getting our Federal act in order, learning how we can privatize certain things that government does, learning how we can localize.

This is a perfect example of things that probably should not be discussed on this floor of this House, is better left at the State level or even the local level for the establishment of minimum wages in States.

Mrs. SEASTRAND. If the gentleman will yield, we are going to be having an initiative on the ballot come November regarding the minimum wage. If there was someplace to discuss it, it would be at the State level.

Mr. Speaker, I would like to point out, I think the two gentleman would agree with me, that the irony is the President was in control 2 years. He had a House, he had a Senate. They could have increased the minimum wage, and instead we see comments such as on the board there, and they failed to do it, and you are right, he did do it for just getting us away from balancing the budget.

Mr. RADANOVICH. It is a political issue to divert attention away from the more urgent business at hand, and that is balancing the budget.

Mr. EHRLICH. Mr. Speaker, I think there is a far larger point here that I know many of us have discussed on the floor of this House. Should not words have meanings, even in this town, even on Capitol Hill, even in election years? It seems the institutional memory of this administration is quite limited. If you listen to the State of the Union, or you listen to this President, words simply have no meaning. An eloquent speaker, a wonderful speaker, charismatic, great on TV, yet the words are empty. The words have no meaning.

I think the American people want a little bit more out of their elected officials, both in the executive branch and the legislative branch. I know as I go door to door in the 2nd Congressional District of Maryland, people tell me they want their Representative to actually believe something.

It has become a traditional view of politics. You go get elected to anything, the State legislature or the county council, the Congress of the United States, President of the United States, because you actually have principles, because you are carried forward to public service on the philosophical foundation of things that you believe in and the vision you have for the country.

Mr. Speaker, words should have meanings.

Mrs. SEASTRAND. If the gentleman would yield, you mentioned principles. I know that, as we are discussing the minimum wage, we see polls where we see across America that perhaps Americans would like to see an increase in the minimum wage. But we came here as new Members to this Congress trying to change the policy, and I do not know about you, but I really cannot look at myself in the mirror to know that I hop on something that is popular instead of standing here and trying to share with the American people why this is not good policy and it is not going to be helpful to those people that we all say that we want to help.

□ 2245

It is not the compassionate thing to do. In fact, it is going to have the reverse. Here is an example where we might look at polls, but I think all of us came here to do what is right and not just what is correct for the next election.

Mr. EHRLICH. Which is a radical thought in this town. It is a radical thought in this town that politicians would act on the basis of what individually he or she believes is best for the country, and not on the basis of what the latest poll would dictate.

Unfortunately, Mr. Speaker, that is a radical thought in American politics. As I campaigned in my district, and I know you both find the same thing, people find that refreshing. They are stunned. Even people that believe in this opportunity agenda in the Congress of the United States still have a hard time believing that folks can go to Washington with ideas, with a philosophy, debate that philosophy, pass that philosophy, defend that philosophy, and actually believe in something, and not what the latest poll should dictate.

Mrs. SEASTRAND. Mr. Speaker, if the gentleman will yield, you have your congressional report card there by the AFL–CIO. I just want to share with the two gentleman here today that I have the AFL–CIO news for April 22, and I will tell you, I made the front page, because I also have a picture here of my congressional report card with ANDREA SEASTRAND. It is the same report card. I guess, as I said, I made the front page. It says, "Lawmakers don't make grade. Extremists feel the sting," that is you and me, you know, and "Ready Smear Campaign."

I would like to share with you the fact that that is not what I am hearing from the fellows and gals that belong to the unions in California on the central coast of California. I would just like to share the fact that I have a letter here from a gentleman from Santa Maria. I had also received one from Templeton, and a lady who is a firefighter from the northern end of the District, Atascadero, went on television and was upset with the way she is seeing her dues being spent.

This gentleman says: "I see that the freshman congressional class is a breath of fresh air. I praise you and your fellow congressional Republicans for tackling head on many of the important issues of today." He said:

> I am a blue collar union member. Many in our union feel the same as I do on national issues. I am a registered Republican, but our leadership is rabid Democrat. They seem blind to the destruction that liberalism is causing our Nation. They use our dues without regard to if the membership wishes to attack our party. Many of us wish we could stop our leadership from attacking your platform, but are powerless in a very undemocratic organization. I understand these attacks on you must frustrate and anger you, but I plead with you not to look on all blue collar workers as mindless robots. We still vote our conscience. Our contracts with management are the way we ensure a decent standard of living and protection from abuse. Please keep going.

I would just say, I am sure that is what you heard. They had an 800 number to call us, the ads on television from the AFL–CIO. I am sure my colleagues from California and Maryland heard what I did. They used that 800 number and said, "Please, do not give up. We believe in what the freshman class is doing. We believe in what this Congress is doing, and do not believe that all union workers feel the way that bureaucratic leadership in Washington, D.C. feels."

Mr. EHRLICH. Mr. Speaker, I know the gentleman from California wants to add a point, but I have to add just a quick observation. The only thing left out of that letter, and that was very well written, was the fact that also many Democrat members of unions who are blue collar, who are conservatives, share that gentleman's views.

How ironic that the big labor bosses who want to buy this Congress, who are lying to the American people every day, many of them live out in nice valleys with big houses and make lots of money. I will bet you they are the rich. I will bet you they are rich people, and we hear a lot of demagoguery about class warfare and the rich on this floor.

I do not think, and I submit to the gentleman from California this observation, I will bet you a lot of those big labor bosses who are trying to buy this Congress make an awful lot of money, a heck of a lot more than that gentleman who wrote the gentlewoman from California.

Mr. RADANOVICH. I believe that is the case, Mr. Speaker. I think, too, what the American people need to know when they are confronted with what I call fearmongering like this, all the F's that were on the report cards, and how you are against so many good things, reminds me of a scene in a jungle somewhere where a group of people, say 10 people, get stuck in a murky old swamp and they are up to their armpits in swamp water, and they are stuck in the mud and cannot get out. They have been in there so long, and by the way, the Great Society is the name of the swamp, and they are stuck in there and they cannot leave. They have been there so long that they cannot think that there is anything better than that swamp.

So finally a couple of people out of those 10 get the inspiration. They see a hill, a shining hill, and want to begin to stir the efforts of those to begin to get themselves out of the swamp, and you have people full of fear, so used to being stuck in the swamp that they cannot imagine anything different and do not want to take what even might be a perceived risk to get out of the swamp and change to a better country, which I call what the Republicans are trying to do.

That is a sad state of affairs when you have to defend the order that we are in this country right now, because many people feel, and many people believe that we indeed are stuck in a swamp. But many people believe that they would love to be inspired by that shining hill and make the journey out of the swamp and onto the hill. The people that attack you the people that give you F's, are the same people saying let us stay in the mud because we fear change. That is really what the big sin is.

One more point that I want to make, too, on the issue of minimum wage, standing up for families and seniors, and, you bad person who got the F, educational opportunities. All of those things are good things, but if we are going to change this country for the better, we have to start answering the question: If those are things of value to me, to ANDREA, to BOB, to everybody in this country, if they are so valuable to you, why on earth would you trust those things to a Washington bureaucrat?

Mr. EHRLICH. Mr. Speaker, I would ask the gentleman, is that a question?

Mr. RADANOVICH. Yes; answer me.

Mr. EHRLICH. The gentleman just used the term "fear" twice in the last minute. That is a great lead-in to category 2, issue 2, standing up for families and seniors. "Ehrlich voted to slash Medicare and Medicaid," my personal favorite whopper from the big labor bosses.

How many times have you heard the word "extremist" out there in these ads? How many times have you heard the word "slash," have you seen the word "slash" from the big labor bosses?

Mrs. SEASTRAND. Or "gut"?

Mr. EHRLICH. The last time I checked, under the Republican budget reconciliation proposal, the Balanced Budget Act, Medicare spending per beneficiary was to increase from $4,800 a year to $7,200 a year. Yet they used the term "slash and burn," and the fear and demagoguery. But do you know what, I do not think it is going to work, because the philosophical foundation of this tactic is that seniors are dumb. They have to think that the seniors of this country are dumb; that they cannot read; that the seniors will ignore the fact that the trustees just last week, and we have a quote coming up, I know, from my trusty assistant, reported just last week in the Washington Post, April 29, 1996: "The Medicare trust fund that pays hospital bills for 39 million elderly and disabled people will go bankrupt sooner and accumulate far deeper deficits over the next decade than previously projected by the trustees."

Now, short-term political calculations, which have ruled this town for 40 years, would dictate that the three of us ignore this language, because you know what, that will get you reelected. The folks on that side of the aisle know that. It kept one party in control of this town for 40 years on the basis of fear and class warfare. But I do not think that the seniors in the Second Congressional District of Maryland sent me here to be a politician.

Mr. RADANOVICH. Mr. Speaker, I have a question. I hope I will get some answers here. Was I not mistaken? Did you not say that the current amount that a beneficiary gets from Medicare is about $4,800 a year?

Mr. EHRLICH. That is correct.

Mr. RADANOVICH. If I am to believe that you are slashing and burning Medicare, my assumption then would be that we must be cutting that, then, from $4,800 a year to, what, $2,300 or $2,200.

Mr. EHRLICH. Again, what was the budget figure that the Republicans propose for the next 7 years? Was it an increase of $7,200 in the year 2002, which was very close to the President's number, by the way?

Mr. RADANOVICH. I am confused. Is that an increase?

Mrs. SEASTRAND. Mr. Speaker, apparently the gentleman from California was brought up on new math. I would just say, we know there is a big difference, and the big difference has had a big plus sign on it, so we are actually increasing Medicare spending per beneficiary. We are also going to take in more people into the system.

Mr. RADANOVICH. Excuse me, you two, but that is very extreme, I want to tell you.

Mr. EHRLICH. There is that word again.

Mrs. SEASTRAND. Mr. Speaker, if the gentleman would yield, I think, too, we talk about the seniors, but also our union members back home understand what we are trying to do. They are going to see through this.

I have a copy here of one of our local Capitol newspapers, the Hill. It says, "Local unions take back in labor blitz." So the people back home are taking a seat, going in the back seat, while the union bosses here on Capitol Hill, big special interests that make those high-priced salaries and such, they are the ones calling the shots on this congressional report card. Our union people at home did not give this. This came all from a PR firm here in Washington, DC. That is what we are up against.

Mr. EHRLICH. Mr. Speaker, if the gentlewoman would yield, I know the gentlewoman and the gentleman are both familiar with the poll that was recently conducted, a nationwide poll of union members, workers, people that built this country: horrible results for the big labor bosses. I know the results, and I know my two colleagues are familiar with the results, but I would like to share the results with the American people tonight.

We are talking about union folks, working folks. Eighty-seven percent support welfare that requires work and is of limited duration. They also support a balanced budget amendment by a huge margin, with 82 percent of union folks in favor of a constitutional requirement that Washington keep its fiscal house in order.

More than three-quarters of union families in this country voiced their support for tax cuts for working families. Think about those numbers. Demagogues hate facts. That is why the big union bosses who love big government, who want to buy this Congress, issue "report cards" such as this one. They cannot stand facts. They cannot stand the light of day. They cannot stand the fact that people that work for a living, people that built this country, are not bought and paid for by the left wing of the Democratic party, as they are. That is why we have these report cards. They just cannot stand it.

When we see poll results like this, it makes us feel pretty good, does it not?

Mrs. SEASTRAND. What I found amazing about that survey is when informed about those Washington union bosses here on the Hill, when they found out, the union members back home found out that those bosses took their union dues to more or less come up with this demagoguery, the report card and the ads that are attacking us on television and radio, 59 percent said they want to ask for a refund for their dues.

Mr. Speaker, the folks that picketed me on this one particular day, it was interesting, because I found out that one came from Los Angeles, one came from San Francisco, another was from San Jose. One was the executive director, who is the paid bureaucrat. The regular union members who are making a living were out working.

Mr. RADANOVICH. Is the gentlewoman telling me those folks were paid to picket you?

Mrs. SEASTRAND. I would certainly say they must be on a payroll. They came from San Francisco.

Mr. EHRLICH. Paid protesters? It is good work if you can get it.

Mrs. SEASTRAND. A paid protester. We call them rent-a-protester. This is an interesting thing; that when union Members found out that their dues were even increased, and that they were used to attack the new ideas that we are trying to push through here and work through in Congress, 59 percent said they would ask for a refund of their dues.

The letter I read and the lady that appeared on a local television who is a firefighter, she says she is tired of her hard-earned money being used in such a way when she agrees with what we are trying to do in this different Congress; as I say, the Congress with a new attitude.

They want to see that balanced budget, they want to see a $500 tax credit per child, they want to see a line-item veto. They want to see a change in Washington, DC. It is those Washington union bosses that, you know, they are gasping. They are on their last legs. They know if they do not get control of this House once more, it is kind of gone for a long, long time. Their special perks, their large salaries—here is the president, $192,500 a year. A chauffeur is getting $53,143 for the union boss. These are people that are living off my folks, your folks in Maryland, and the gentleman from the central coast of California, they are living off of our blue-collar workers.

☐ 2300

I think the moment many of these members find out more about this we are going to see a change.

Mr. RADANOVICH. I think you need to get back to the fact that when the gentlewoman from California, ANDREA SEASTRAND, was mentioning that the rank and file member, even the rank and file members of the unions, they want a balanced budget. They want welfare reform. They want these changes to the American society. Not because they want to give tax breaks to the rich, not because they want to promote class warfare to keep things the way they are, simply because they see that as the road to a better country, to a better America, not for certain people but for everybody so that everybody, depending on how they were born into this world and what their lot in life is, has the opportunity to better themselves.

That is what is so scary, I think, because after 40 years of operating things the way that they have been used to operating in this House, they love it in the mud and they do not want to change. It has become very comfortable. Change is scary, and you have got to learn a new way to count. That is not all that easy. Those are the things that we come up here—by the way, we are all freshmen and proud of it, and I think that those are the changes that scare the living daylights, not out of the American people, because they know what they want, they tell us what they want. They want a balanced budget. They want welfare reform. They want a better country as a result of that for them and everybody else. It is not that they are scared. It is those that have been hanging on to power and having been so used to having power for the last 40 years.

They cannot begin to grapple with the idea that maybe their philosophy was wrong to begin with and they have to begin to accept new realities. That is what the freshmen have done here in the new Congress. That is the beachhead that we have established. That is the change that is beginning to operate in this town finally.

Mr. EHRLICH. I would add this point, I want to get back to education and I want to get back to the TEAM Act. I want to go right to the balanced budget, because it includes my favorite whopper: the rich, tax cuts for the rich.

How many times do we see class warfare strategy utilized on the floor of this House? The bad news for the folks that we are talking about, the working people who built this country, what they do not know and what the bosses failed to tell them is that they are rich. They make $25,000, $35,000, $45,000 a year. They are rich. Do you know how you can prove it? How many times have you heard on the floor of this House, the Republicans are slashing Medicare to make tax cuts for their rich buddies? Do we hear that every day?

Mrs. SEASTRAND. We hear it day in an day out.

Mr. EHRLICH. Do we hear it on radio and TV? Depending on whose study you believe, every study I have been concludes that under the Republican sponsored bill, which is part of the Contract with America, between 60 and 70 percent of the families or the tax cut that we were talking about would go to families making between $30,000 and $75,000 a year, between 60 and 70 percent of that tax cut would get to families making between $30,000 and $75,000 a year. So these are facts.

If you place that fact next to what we hear on the floor of this House every day, one could only conclude, in a logical way, that folks who make between $30,000 and $75,000 a year are rich. And I am here to tell the big union bosses in this country that if they think the folks who sent me here who make $25,000, $35,000, $45,000 a year think they are rich, I would suggest those big union bosses leave their big houses out in the country and go talk to people who are still working for a living who must balance their budget, who believe the Federal Government is out of control, who understand our tort system is out of control, who understand the need for regulatory reform, and who understand the nature of government which will grow and grow and grow and grow unless the budget is brought back into balance.

Mr. RADANOVICH. I want to propose something here. Say for example person A paid $20 in income taxes to the United States Government and person B paid $10 in income taxes, and we in the Congress decide to give a 50 percent tax rebate. So the person paying $20 in taxes gets a $10 rebate. The person who pays $10 worth of taxes gets a $5 rebate. Now, that is basically because one person paid more and the other paid less. They get the equal amount in percentage backs.

My question is, if you believe that, do you really think that you want the Federal Government getting involved in income redistribution, which would mean that the person that paid in 20 does not get 10 back, he gets 5 back, and the person who paid in 10 does not get 5 back, they get 10 back? Do you really trust the Federal Government to start getting involved that closely in that detail in your life, and do you really believe in income redistribution? Is that what we are here to do? It is a simple fact that the person who paid 20 gets 50 percent back. The person who paid 10 also gets 40 percent back. That is not unfair. That is fair. You cannot call that tax cuts for the rich.

Mr. EHRLICH. You can call it that.

Mr. RADANOVICH. It is equal in its percentage of return. Only a bumblehead would buy the argument that that is tax breaks for the rich.

Mrs. SEASTRAND. I would just say, I guess he would be an extremist.

Mr. EHRLICH. My favorite term in this debate.

Mrs. SEASTRAND. I would like to say that it is interesting, because when we talk about these things, we see, we talk about being the freshmen here trying to change the way Washington has done business for all these years. I am in possession here of a Washington Post article where the headline states, "GOP Freshmen Top House Democrats Hit List." It goes on about the AFL–CIO hit list. And I think that people should understand that when they see those ads on the central coast of California in Santa Barbara and San Luis Obispo Counties on their local television sets, they should realize that my colleague in Las Vegas, JOHN ENSIGN, is hit with that same ad. That gentleman saying our congresswoman voted to cut Medicare and to gut education spending and so on should realize again high-priced PR firms from Washington, DC, ordered by those union bosses, they are after JOHN ENSIGN, they are after me. They are after—those union bosses are after RICK WHITE and RANDY TATE in Washington and JIM BUNN. the gentlemen might be amused to know that JIM BUNN from Oregon's ad was on my local television station in Santa Barbara. They sent the wrong video to the wrong place. I do not know where I was floating and where I appeared in this country, but it is very orchestrated and it is paid by those union bosses to a high-priced public relations firm.

I just think the people should know how their, especially our union members that are in our districts, how their dollars are being utilized to fight what we are trying to do on this House floor.

Mr. EHRLICH. Of course, this whole debate is chock full of irony. You have big union bosses asking the working people in this country to take their hard-earned money to pay big time media consultants to run ads to defeat folks in this Congress who have an opportunity agenda which will benefit working people.

Mrs. SEASTRAND. Not only advertising in the form of radio, television, but direct mail, phone banks, door-to-door campaigns. I have been under siege, as I call it, since last April, a whole year. Here is a local article from one of my local newspapers, Seastrand Under Siege. Not only do they do it in advertising and direct mail, but they are bodily sending people to protest at my office. But also there is a gentleman here whose picture, Tim Allison, who is my Project '96 coordinator. He is somebody who is coming from outside the district in my district to organize against me.

I say all is fair in love and war and politics. If folks at home want to organize against ANDREA SEASTRAND and say she is not doing it, that is the way it does go. But I think be you Democrat, independent, Republican, Libertarian, whatever your philosophy, I think we should all be outraged to think that that special interest money from Washington, DC is bringing in a gentleman such as this one, I do not know where he lives. They have done that in JIM LONGLEY's district in Maine. They have done it in many of our districts. In fact, some of our Members are trying to find out who their Project '96 coordinator is. Not only are they doing it in advertising, they are actually sending an organizer into the district.

Mr. RANDOVICH. I think you need to ask the question, why are they doing that? That is simply because they have had influence, a special influence on the Congress for the last 40 years. And they are going to do anything they can to get that special interest influence back. It is plain and simple. It is power and the loss of it.

We came here to undo things in Washington because of too much government and too much government control. And we are here to localize; we are here to privatize government. They do not like it because they like it when they had influence. And under the old administration that was here for 40 years, they ran this country into the ground to the tune of $5.5 trillion worth of debt. They want to get the reins back so that the can run us deeper into debt.

Mrs. SEASTRAND. I would just ask for the gentleman to continue to yield to finish my comments. It is just interesting, because I have list upon list here of union expenditures, whether it is the salaries, the chauffeurs or the big perks, the free rent, the big ticket perks, whether it is condos or purchasing videos or purchasing artwork or whether it is gifts, on and on, luncheons, meals, convention conferences, page after page where my folks at home are trying to do it with their blue collar job, they are trying to make a living, in many instances both spouses are working in the family, here the big union bosses living off more or less the fat of the land are upset because we are trying to bring some tax relief and some common sense for our folks at home.

So with that, I just enjoyed being with my colleagues today, and I thank you for letting me participate.

Mr. EHRLICH. We thank the gentlewoman.

I would just like to add one further observation. I hope we will be able to do this again in the near future, because this is fun. This is the fun part of the job. We can talk to the American people without anybody filtering our words, directly to the folks that sent us here.

I just need to, because it is one of my favorites from the report card, talk about the TEAM Act. We all received the same report card.

Protecting your rights as workers. Congressman Ehrlich voted for the so-called TEAM Act, which allows employers to, listen to the words, I would ask the American people to listen to the words here, which allows employers to control who represents employees in discussions about wages, hours and other working conditions, H.R. 743, September 27, 1995.

Now, we have made this point time and time again tonight. Demagogs hate facts. They hate facts. Because facts kill demagogs. The Protecting Your Right as Workers Act, H.R. 743, specifies the following: Organizations, these new organizations will not have the authority to serve as the exclusive bargaining representative of employees. Second, they will not be able to enter into collective bargaining agreements. Third, workplaces that already unionized are specifically exempted under the bill.

Now, we are going to, hopefully, I know we are running out of time, we will hopefully have time to go over the two categories that we missed. But the fact needs to be made to the American people, the facts are so dangerous even in this town.

One thing, just a suggestion I throw out this evening to my colleagues in front of me and to the conservative Democrats who supported us so much in these debates and to my Republican colleagues and to the American people is that facts always kill demagogs. One thing that we do in our office, when people call me up and they say, EHRLICH, you say X and GEPHARDT said Y, or GINGRICH said X and FAZIO said Y or HOYER said Y, I do not know what to believe. In our office, and I will throw this open to the folks in the second district of Maryland, all across the country tonight, do not believe us if you choose not to. If you are so cynical about politics, if you are so cynical about Members of Congress regardless of party, do not believe any word you have heard from the three of us tonight, nor should you believe what you hear from that podium day after day. Just get the facts. Call our office. I will send you the bill. I will send you the budget numbers. I am sure my two colleagues would agree with me. We will send you the raw numbers. We will send you the actual bills. You figure it out.

Because I will not run a campaign on the foundation that the American people are dumb, that seniors cannot read the newspaper, that seniors do not expect this Congress to save Medicare. I will not run a campaign on the basis of class warfare or generational warfare, where you turn grandparents against grandchildren, where the guy making $20,000 a year is encouraged to be jealous of the woman making $28,000. That is not the way you run an economy. That is not the way you run a House. That is not the way I am going to run my campaign.

Let the word go out to the big union bosses, class warfare, generational warfare, this phony stuff will not work because the people, the American people can read and they can write and they can learn and they know better. I thank the gentleman.

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Mr. RADANOVICH. Thank you very much, Mr. EHRLICH from Maryland and Mrs. SEASTRAND from California. In closing I would like to say that our case to the American people, and you are right, this is the opportunity for us to come unedited to the American people and let them know our opinions and let them judge for themselves, because through the ballot box, the American people are the ultimate judge of who should sit in this Congress and whose philosophy should prevail.

But I would say that we are here to do a job, and the job is not to promote class warfare, not to make the rich more richer at the expense of the poor, or the poor more rich at the expense of the rich. It is simply to build a better country. And we believe that by our efforts of balancing the budget, using the balanced budget as a blueprint to change this country, that we are changing America for the better, for the betterment of everybody, for equal opportunity for everybody. We are changing America for the better.

We are not playing silly games, and we are determined to do that, and that is our job. And I hope people will realize that the changes that we want to make through a balanced budget process, by localizing government, by privatizing government, will make America a better place, will make America a better place not only for you and I, but for every American in this country.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MYERS of Indiana (at the request of Mr. ARMEY) after 12:30 p.m. today, on account of illness in the family.

(Mr. GOSS (at the request of Mr. ARMEY) from 1 p.m. today, on account of personal reasons.

Ms. KAPTUR (at the request of Mr. GEPHARDT) for April 30 and the balance of the week, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. DOGGETT) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI, for 5 minutes, today.

Mr. MEEHAN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. MCKINNEY, for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. BENTSEN, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Ms. PRYCE) to revise and extend their remarks and include extraneous material:)

Mr. DICKEY, for 5 minutes, today.

Mr. WALKER, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. NEUMANN, for 5 minutes, today.

Mr. MCINTOSH, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, on May 2.

Ms. PRYCE, for 5 minutes, on May 2.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DOGGETT) and to include extraneous material:)

Mr. KLINK.

Mr. GEJDENSON.

Mr. DURBIN.

Mr. PASTOR.

Mr. HAMILTON in three instances.

Mr. VENTO.

Ms. LOFGREN.

Mr. BARCIA in three instances.

Mr. CARDIN.

Mr. ACKERMAN in two instances.

Mr. CONDIT.

Mr. HILLIARD.

Mr. VISCLOSKY in two instances.

Mr. RANGEL.

Mr. FILNER.

Mr. DELLUMS.

Mr. LANTOS.

Mr. WILSON.

Ms. MCCARTHY.

Mr. BENTSEN.

(The following Members (at the request of Ms. PRYCE) and to include extraneous material:)

Mr. MARTINI.

Mr. KNOLLENBERG.

Mr. GINGRICH.

Mr. SHUSTER.

Mr. PACKARD in two instances.

Mr. PARKER.

Mr. BOEHLERT.

Mr. YOUNG of Alaska.

Mr. DELAY.

Mr. DAVIS.

Ms. MOLINARI.

Mr. MCCOLLUM.

Ms. ROS-LEHTINEN.

Mr. BALLENGER.

Mr. BILBRAY.

Mr. COOLEY of Oregon.

(The following Members (at the request of Mr. RADANOVICH) and to include extraneous matter:)

Mr. RAHALL.

Mr. FRANKS of New Jersey.

Mr. DELAY.

Mr. RANGEL.

Mr. LATOURETTE.

Mr. COSTELLO.

Mr. SMITH of Michigan.

Ms. FURSE.

Mr. LANTOS.

Mr. FAZIO of California.

Ms. JACKSON-LEE of Texas.

Mr. ROMERO-BARCELÓ.

Mr. FRELINGHUYSEN.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S.J. 53. A joint resolution making corrections to Public Law 104-134.

ADJOURNMENT

Mr. RADANOVICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 16 minutes p.m.), the House adjourned until tomorrow, Thursday, May 2, 1996, at 10 a.m.

OATH OF OFFICE, MEMBERS, RESIDENT COMMISSIONER, AND DELEGATES

The oath of office required by the sixth article of the Constitution of the United States, and as provided by section 2 of the act of May 13, 1884 (23 Stat. 22), to be administered to Members, Resident Commissioner, and Delegates of the House of Representatives, the text of which is carried in 5 U.S.C. 3331:

> "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely; without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Has been subscribed to in person and filed in duplicate with the Clerk of the House of Representatives by the following Members of the 104th Congress, pursuant to the provisions of 2 U.S.C. 2b:

JUANITA MILLENDER-MCDONALD, 37th District, California.

ELIJAH E. CUMMINGS, Seventh District, Maryland.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2691. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Early Warning Reporting Requirements, Minimum Financial Requirements, Prepayment of Subordinated Debt, Gross Collection of Exchange—Set Margin for Omnibus Accounts and Capital Charge on Receivables from Foreign Brokers (RIN: 3038-AB011 and 3038-AB12) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2692. A letter from the Acting Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Ethics Training for Registrants (RIN: 3038-AB09) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2693. A letter from the Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Small Disadvantaged Business Concerns (DFARS Case 95-D039) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

2694. A letter from the Assistant Secretary for Legislative Affairs and Public Liaison, Department of the Treasury, transmitting a copy of the 12th monthly report as required by the Mexican Debt Disclosure Act of 1995, pursuant to Public Law 104-6, section 404(a) (109 Stat. 90); to the Committee on Banking and Financial Services.

2695. A letter from the Director, Office of Management and Budget, transmitting OMB's estimate of the amount of change in outlays or receipts, as the case may be, in each fiscal year through fiscal year 2002 resulting from passage of S. 735, pursuant to Public Law 101-508, section 13101(a) (104 Stat. 1388-582); to the Committee on the Budget.

2696. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for the Special Studies Program received May 1, 1996, pursuant to 5 U.S.C. 801(a)91)(B); to the Committee on Economic and Educational Opportunities.

2697. A letter from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Cholorflourocarbon Propellants in Self-Pressurized Containers; Addition to List of Essential Uses (Docket No. 92P–0403) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2698. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assembly Anchorages (RIN: 2127–AF68) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2699. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Replacement Light Source Information; Federal Motor Vehicle Safety Standards Lamps, Reflective Devices, and Associated Equipment (RIN: 2127–AF65) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2700. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tebuthiuro; Pesticide Tolerances (FRL–4995–8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2701. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Pesticide Tolerance for Iprodine (FRL–5360–3) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2702. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lactofin; Pesticide Tolerance (FRL–5362–9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2703. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tolerance Processing Fees (FRL–5365–2) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2704. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Tefluthrin; Renewal of Time-Limited Tolerances (FRL–5358–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2705. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Xanthan Gum-Modified, Produced by the Reaction of Xanthan gum and Glyoxal; Tolerance Exemption (FRL–5359–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2706. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clean Air Act Interim Approval of Operating Permits Program; State of Rhode Island (FRL–5465–9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2707. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes; Ohio (FRL–5458–8) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2708. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Oil and Hazardous Substance Pollution Contingency Plan; National Priorities List (FRL–5465–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2709. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Imidacloprid; Pesticide Tolerance (FRL–5364–5) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Cyromazine; Pesticide Tolerance (FRL–5365–6) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2711. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to Italy (Transmittal No. DTC–21–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2712. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Ministry of Defense of Brunei (Transmittal No. DTC–23–96), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

2713. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Japan (Transmittal No. DTC–18–96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2714. A communication from the President of the United States, transmitting the bimonthly report on progress toward a negotiated settlement of the Cyprus question, including any relevant reports from the Secretary General of the United Nations, pursuant to 22 U.S.C. 2373(c); to the Committee on International Relations.

2715. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's final rule—Amendment to the List of Proscribed Destinations (22 CFR Part 126 received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2716. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–254, "Sports Commission Conflict of Interest Temporary Amendment Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2717. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–258, "Banking and Branching Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2718. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–260, "Tax Revision Commission Establishment Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2719. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11–261, "Contribution Limitation Initiative Amendment Act of 1996," pursuant to D.C. Code, section 1–233(c)(1); to the Committee on Government Reform and Oversight.

2720. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the financial disclosure statements of board members, pursuant to D.C. Code, section 1–732 and 1–734(a)(1)(A); to the Committee on Government Reform and Oversight.

2721. A letter from the Human Resources Manager, CoBank, transmitting the annual report to the Congress and the Comptroller General of the United States for CoBank—National Bank for Cooperatives Retirement Plan for the year ending December 31, 1994, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform and Oversight.

2722. A letter from the General Counsel, Department of Housing and Urban Development, transmitting the Department's final rule—Equal Employment Opportunity; Policies and Procedures (FR–3323) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2723. A letter from the Agency Freedom of Information Officer (1105), Environmental Protection Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995, pursuant to 5 U.S.C. 552; to the Committee on Government Reform and Oversight.

2724. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1995, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

2725. A letter from the Director, Office of Personnel Management, transmitting the Office's final rules—(1) Federal Employees Health Benefits Programs: Filing Claims; Disputed Claims Procedures and Court Actions (RIN: 3206–AH36) and (2) Federal Employees Health Benefits Acquisition Regulation Filing Health Benefits Claims; Addition of Contract Clause (RIN: 3206–AG30) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2726. A letter from the Secretary of Health and Human Services, transmitting a report of activities under the Freedom of Information Act for the calendar year 1995; pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

2727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Drawbridge Operation Regulations; Manchester Harbor, MA (RIN: 2115–AE47) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor

Vehicle Safety Standards; Compressed Natural Gas Fuel Containers (RIN: 2127-AF79) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Pipeline Safety Program Procedures; Updates and Corrections (RIN: 2137-AC79) received April 30, 1996, pursuant to 5 U.S.C. 801)(1)(A); to the Committee on Transportation and Infrastructure.

2730. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Fuel System Integrity (RIN: 2127-AG30) received April 30, 1996, pursuant to 5 U.S.C. 801)(1)(A); to the Committee on Transportation and Infrastructure.

2731. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Safety Standards; Hydraulic Brake Systems (RIN: 2127-AG28) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2732. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes (RIN: 2120-AA64) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2733. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Elimination of Unnecessary and Duplicate Hazardous Materials Regulations (RIN: 2137-AC69) received April 30, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2734. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Water Quality Standards for Surface Waters in Arizona (FRL-5467-9) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2735. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rules—Treatment of Underwriters in Section 351 and Section 721 Transactions (RIN: 1545-AT55) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Way and Means.

2736. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Environmental Settlement Funds—Classification (RIN: 1545-AT02) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2737. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Transfers to Investment Companies (RIN: 1545-AT43) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2738. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Diversification of Common Trust Funds (RIN: 1545-AQ64) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2739. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Debt Instruments Subject to Both Section 475 and the Principal-Reduction Method of Accounting (Notice 96-23, 1996-16 I.R.B. 23) received May 1, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2740. A letter from the Assistant Attorney General of the United States, transmitting a draft of proposed legislation entitled the "Methamphetamine Control Act of 1996"; jointly, to the Committees on the Judiciary, Commerce, and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HYDE: Committee on the Judiciary. H.R. 2974. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims; with an amendment (Rept. 104-548). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 3120. A bill to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering; with an amendment (Rept. 104-549). Referred to the Committee of the Whole House on the State of the Union.

Mr. WALKER: Committee on Science. H.R. 3322. A bill to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104-550 Pt. 1). Ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 1009. A bill for the relief of Lloyd B. Gamble (Rept. 104-546). Referred to the Committee of the Whole House.

Mr. SMITH of Texas: Committee on the Judiciary. H.R. 2765. A bill for the relief of Rocco A. Trecosta (Rept. 104-547). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and respolutions were introduced and severaly referred as follow:

By Mr. RAHALL (for himself, Mr. OBERSTAR, and Mr. GIBBONS):

H.R. 3372. A bill to provide for the recoupment to the highway trust fund of that portion of Federal motor fuel taxes being deposited into the general fund; to the Committee on Ways and Means.

By Mr. EVERETT (for himself, Mr. EVANS, Mr. STUMP, and Mr. MONTGOMERY):

H.R. 3373. A bill to amend title 38, United States Code, to improve certain veterans' benefits programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. BENTSEN:

H.R. 3374. A bill to amend title XVIII of the Social Security Act to provide annual and other opportunities for individuals enrolled under a Medicare-select policy to change to a medigap policy without prejudice; to the Committee on Commerce.

By Mr. ROYCE:

H.R. 3375. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in motor fuels tax, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, National Security, Government Reform and Oversight, Rules, and Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUMP (for himself, Mr. MONTGOMERY, Mr. HUTCHINSON, and Mr. EDWARDS):

H.R. 3376. A bill to authorize major medical facility projects and major medical facility leases for the Department of Veterans Affairs for fiscal year 1997, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COOLEY (for himself and Mr. DEFAZIO):

H.R. 3377. A bill to amend the Federal Land Policy and Management Act of 1976 to provide for determining tort liability of holders of rights-of-way over Federal lands under the ordinary rules of negligence and to clarify the exemption from right-of-way rental fees for certain rural electric and telephone facilities; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 3378. A bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing of Medicare, Medicaid, and other third party payors; to the Committee on Resources, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONDIT:

H.R. 3379. A bill to amend chapter 11 of title 31, United States Code, to require that each President's budget submission to Congress include a detailed plan to achieve a balanced Federal budget, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DEAL of Georgia:

H.R. 3380. A bill to authorize substitution for drawback purposes of certain types of fibers and yarns for use in the manufacture of carpets and rugs; to the Committee on Ways and Means.

By Mr. DURBIN:

H.R. 3381. A bill to amend the Internal Revenue Code of 1986 and the Social Security Act to provide tax incentives for the purchase of long-term care insurance and to establish consumer protection standards for such insurance; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FRISA:

H.R. 3382. A bill to promote safe streets by preventing the further sale of illegal assault weapons and large capacity ammunition feeding devices, and to provide for mandatory prison terms for possessing, brandishing, or discharging a firearm during the commission of a Federal crime; to the Committee on the Judiciary.

By Mr. HOUGHTON (for himself and Mr. ROBERTS):

H.R. 3383. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rate under that act and to implement a new work opportunity tax credit, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE:

H.R. 3384. A bill to amend the Internal Revenue Code of 1986 to provide for the deposit of the general revenue portion of the motor fuel excise taxes into the highway trust fund and airport and airway trust fund, and for other purposes; to the Committee on Ways and Means.

By Mr. MCCOLLUM (for himself, Mr. LAZIO of New York, Mrs. ROUKEMA, Mr. BEREUTER, Mr. BAKER of Louisiana, Mr. BENTSEN, Mr. HAYWORTH, Mr. STOCKMAN, Mr. BLILEY, Mr. FRELINGHUYSEN, Mr. GOODLATTE, Mr. GREEN of Texas, Mr. LIVINGSTON, Mr. MORAN, Mrs. MYRICK, Mr. PICKETT, Ms. PRYCE, and Mr. SHADEGG):

H.R. 3385. A bill to affirm the role of the States in setting reasonable occupancy standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MCDADE:

H.R. 3386. A bill to amend title 28, United States Code, to require prosecutors in the Department of Justice to be ethical; to the Committee on the Judiciary.

By Mr. NORWOOD (for himself and Mr. LINDER):

H.R. 3387. A bill to designate the Southern Piedmont Conservation Research Center located at 1420 Experimental Station Road in Watkinsville, GA, as the "J. Phil Campbell, Senior Natural Resource Conservation Center"; to the Committee on Resources.

By Mr. FRANKS of New Jersey:

H.J. Res. 178. Joint resolution disapproving Orders Nos. 888 and 889 of the Federal Energy Regulatory Commission; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mr. MCCRERY, Mr. HAYES, Mr. UPTON, Mr. HERGER, Mr. DOOLITTLE, Mr. GUTKNECHT, Mr. NEUMANN, Mr. SMITH of Michigan, Mr. BLUTE, Mrs. MYRICK, Mr. HOKE, Mr. BACHUS, Mr. STOCKMAN, Mr. MICA, Mr. MCINTOSH, Mr. THORNBERRY, Mr. HOUGHTON, Mrs. KELLY, Ms. DUNN of Washington, Mr. CANADY, Mr. SAM JOHNSON, Mr. PARKER, Mr. KOLBE, Mr. RIGGS, Mr. WOLF, Mr. HOBSON, Mr. FOX, Mr. LAZIO of New York, Mr. KLUG, Mr. WALKER, Mr. DICKEY, Mr. SOUDER, Mr. TATE, Mr. DAVIS, Mr. NUSSLE, Mrs. MORELLA, Mr. FORBES, Mr. FRISA, Mr. BROWNBACK, Mr. TAYLOR of North Carolina, Mr. LINDER, Mrs. CUBIN, Mr. COBLE, Mr. STEARNS, Mrs. ROUKEMA, Mr. BOEHLERT, Mr. SMITH of New Jersey, Mr. FLANAGAN, Mr. HASTINGS of Washington, Mr. LOBIONDO, Mr. HORN, Mr. MARTINI, Mr. QUINN, Mr. ENGLISH of Pennsylvania, Mrs. JOHNSON of Connecticut, Mr. GOODLING, Mr. PORTER, Mr. GRAHAM, Mr. GILCHREST, Mr. CAMP, Mr. CUNNINGHAM, Mr. SAXTON, Mr. LEWIS of Kentucky, Mr. GANSKE, Mr. GOODLATTE, Mr. DIAZ-BALART, Ms. GREENE of Utah, Mr. LUCAS, Mr. SHADEGG, Mr. LONGLEY, Mr. BARTLETT of Maryland, Mr. ZELIFF, Mr. GILMAN, and Mr. NEY):

H. Con. Res. 169. Concurrent resolution expressing the sense of the Congress that the 1996 annual report of the Board of Trustees of the Federal hospital insurance trust fund be submitted without further delay; to the Committee on Ways and Means.

By Mr. JACOBS (for himself and Mr. CONYERS):

H. Res. 420. Resolution recognizing and commending Viola Liuzzo for her extraordinary courage and for her contribution to the Nation; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

218. The SPEAKER presented a memorial of the Senate of the State of Louisiana, relative to the transfer of certain portions of the lands of the Kisatchie National Forest to the Fort Polk military base; jointly, to the Committees on Agriculture and National Security.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. GEJDENSON introduced a bill (H.R. 3388) to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Hoptoad;* which was referred to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 835: Mr. FIELDS of Louisiana, Mr. JACKSON, and Miss COLLINS of Michigan.

H.R. 1325: Mr. PAYNE of Virginia and Mr. FRAZER.

H.R. 1462: Mr. MASCARA, Mrs. KELLY, Mr. CONDIT, Mr. CHAPMAN, and Ms. RIVERS.

H.R. 1483: Mr. MONTGOMERY.

H.R. 1540: Mr. SOUDER.

H.R. 1541: Mr. FRISA.

H.R. 1708: Mr. MANZULLO, Mr. FRANKS of Connecticut, Mr. COOLEY, Mr. STEARNS, and Mr. LAHOOD.

H.R. 1713: Mr. GREEN of Texas.

H.R. 1889: Mr. LINDER.

H.R. 1892: Mr. CALVERT and Mr. ROHRABACHER.

H.R. 2200: Mr. ALLARD and Mr. CLEMENT.

H.R. 2244: Mrs. VUCANOVICH.

H.R. 2338: Mr. FRAZER.

H.R. 2400: Mr. GILMAN, Mr. TRAFICANT, and Mr. KENNEDY of Rhode Island.

H.R. 2508: Mr. BACHUS and Ms. DUNN of Washington.

H.R. 2579: Mr. SCHAEFER and Mr. BLUTE.

H.R. 2748: Mr. NADLER.

H.R. 2807: Mr. MCNULTY, Mrs. MYRICK, Mr. CLEMENT, Mrs. LOWEY, and Mr. MANZULLO.

H.R. 2891: Mr. OBERSTAR and Mr. SABO.

H.R. 2925: Mr. HOLDEN, Mr. TATE, Mr. BALDACCI, Mrs. KELLY, and Mr. HAYWORTH.

H.R. 2974: Mr. HASTERT and Mr. SOLOMON.

H.R. 3059: Mr. POSHARD, Mr. TORRES, Mrs. LOWEY, Mr. BALDACCI, and Mr. SANDERS.

H.R. 3067: Ms. WOOLSEY, Mr. MATSUI, Mr. FILNER, and Mr. CUNNINGHAM.

H.R. 3077: Mr. FROST, Mr. HAMILTON, Mrs. KELLY, Mr. HASTINGS of Florida, Mr. PAYNE of Virginia, Mr. MATSUI, Mr. PETRI, and Ms. LOFGREN.

H.R. 3083: Mr. EHLERS.

H.R. 3107: Mr. LANTOS, Mr. TORRICELLI, Mr. ROYCE, Mr. ENGLISH of Pennsylvania, Mr. ZIMMER, Mr. FILNER, Mr. FOX, Mr. BUNN of Oregon, Mr. BARCIA of Michigan, Mr. DIAZ-BALART, Mr. MEEHAN, Mr. EHRLICH, Mr. CUNNINGHAM, Miss COLLINS of Michigan, Mr. LIPINSKI, Mr. ENGEL, Mr. FRANK of Massachusetts, Mr. SANFORD, Mr. FUNDERBURK, Ms. PRYCE, Mr. KASICH, Mrs. MEEK of Florida, Mr. MCCOLLUM, Mr. TRAFICANT, Mr. KNOLLENBERG, Mr. STARK, Mr. PORTER, Mr. PAXON, Mr. DEUTSCH, Mr. SMITH of New Jersey, Mr. FRAZER, Mr. METCALF, Mr. EVANS, Mr. BRYANT of Texas, Mr. SAXTON, Mr. HOUGHTON, Mr. DURBIN, Ms. KAPTUR, Mr. SOUDER, Mr. MCHUGH, Ms. ROYBAL-ALLARD, Mr. MARKEY, Mr. OBERSTAR, Mrs. THURMAN, Mr. SISISKY, Ms. LOFGREN, Mr. LOBIONDO, Mrs. LOWEY, Mr. SHAYS, Mr. LATOURETTE, Mr. CARDIN, Mr. KLECZKA, Mr. FOLEY, Mr. YATES, Mr. ACKERMAN, Mr. TORRES, Mr. COYNE, Mr. TOWNS, Mr. COOLEY, Ms. PELOSI, Mr. DEFAZIO, Mr. MATSUI, Mr. KENNEDY of Rhode Island, Mr. KLUG, Mr. CALVERT, Mr. BLUTE, Mr. RADANOVICH, Mr. ENSIGN, Mr. HORN, Mr. ROEMER, Mr. HALL of Ohio, Mrs. CUBIN, Ms. ROS-LEHTINEN, and Mr. WHITE.

H.R. 3149: Mr. NEAL of Massachusetts.

H.R. 3161: Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 3167: Mr. KLINK.

H.R. 3170: Mr. SAXTON and Mr. FLAKE.

H.R. 3173: Mr. HYDE and Mr. BORSKI.

H.R. 3178: Mr. SANDERS, Mr. SERRANO, Mr. DELLUMS, Mr. FOX, Mr. DEFAZIO and Mr. HASTINGS of Florida.

H.R. 3180: Mr. BRYANT of Texas, Mr. MONTGOMERY, and Mr. PETE GEREN of Texas.

H.R. 3200: Mr. PETE GEREN of Texas, Mr. THORNTON, Mr. PETERSON of Minnesota, Mrs. KELLY, Mr. MOORHEAD, Mr. MYERS of Indiana, Mr. ROHRABACHER, Mr. LARGENT, Mr. COBLE, Mr. JONES, Mr. TAYLOR of North Carolina, Mr. BALLENGER, Mr. KOLBE, Mr. THORNBERRY, Mr. BLILEY, Mr. CRAPO, Mr. BOEHNER, Mr. FRANKS of Connecticut, Mr. WHITE, Mr. WATTS of Oklahoma, Mr. GILLMOR, Mr. TORKILDSEN, Mr. ZIMMER, Mr. ROSE, Mr. DELAY, Mr. SOLOMON, Mrs. VUCANOVICH, Mr. COMBEST, Mr. KINGSTON, Mr. GUTKNECHT, Mr. WICKER, Mr. INGLIS of South Carolina, Mr. HOSTETTLER, Mr. CHAMBLISS, Mr. STENHOLM, Mr. GALLEGLY, Mr. WELDON of Pennsylvania, Mr. WALKER, Mr. GEKAS, Mr. GOODLING, Mr. DEAL of Georgia, Mr. CHRYSLER, Mr. MILLER of Florida, Mr. STUMP, Mrs. MYRICK, Mr. HASTINGS of Washington, Mr. HOEKSTRA, Mrs. SEASTRAND, and Mr. CANADY.

H.R. 3246: Mr. LUTHER.

H.R. 3247: Mr. ENGEL, Mrs. KENNELLY, Ms. RIVERS, Mr. WATT of North Carolina, Mr. OWENS, Mr. SPRATT, Mr. DELLUMS, Mrs. SCHROEDER, Ms. BROWN of Florida, Mr. BISHOP, Mrs. COLLINS of Illinois, Miss. COLLINS of Michigan, Mr. FIELDS of Louisiana, Mr. HASTINGS of Florida, Mr. JACKSON, Mr. LEWIS of Georgia, Ms. MILLENDER-MCDONALD, Mr. PAYNE of New Jersey, Mr. RANGEL, Mr. RUSH, Mr. SCOTT, Ms. WATERS, and Mr. WYNN.

H.R. 3265: Mr. BARRETT of Wisconsin and Mr. KLINK.

H.R. 3267: Ms. WOOLSEY, Mr. CRAMER, and Mr. LAHOOD.

H.R. 3286: Mr. TRAFICANT, Mr. SMITH of New Jersey, Mr. MCCOLLUM, Mr. KLINK, and Mr. FAWELL.

H.R. 3300: Mr. EMERSON, Mr. COOLEY, Mr. PARKER, Mr. COBURN, Mr. LEWIS of Kentucky, Mr. CANADY, and Mr. STOCKMAN.

H.R. 3346: Mr. GIBBONS.

H. Con. Res. 10: Mr. STEARNS, Mr. FROST, Mr. POMEROY, Mr. SHUSTER, Ms. HARMAN, and Mr. KNOLLENBERG.

H. Con. Res. 51: Mr. SHADEGG.

H. Con. Res. 165: Mr. CLINGER, Mr. FRANK of Massachusetts, Mr. CUNNINGHAM, Mr. NEAL of Massachusetts, Mr. LANTOS, and Mr. ANDREWS.

H. Res. 381: Mr. LANTOS and Mr. WOLF.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2796: Mr. GORDON.

EXTENSIONS OF REMARKS

TRIBUTE TO EDGAR BRONFMAN, PRESIDENT, WORLD JEWISH CONGRESS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. GEJDENSON. Mr. Speaker, on April 24, 1996 the Senate Committee on Banking held a hearing to return the missing Jewish money, deposited by many Jews before the Holocaust, to their survivors. I would like to commend Mr. Edgar Bronfman, president of the World Jewish Congress for his tireless efforts and his dedication to obtain a full and independent accounting of Jewish and Nazi assets in Swiss banks. Mr. Speaker, I ask for you to have the testimony given by Mr. Bronfman at this hearing inserted into the RECORD, and I hope all my colleagues will take the time to read these important words.

TESTIMONY OF EDGAR M. BRONFMAN, PRESIDENT, WORLD JEWISH CONGRESS, WORLD JEWISH RESTITUTION ORGANIZATION

Mr. Chairman, I want to commend you for holding these hearings and for the outstanding job your staff has been doing in ferreting out information long lost or concealed. That which you are doing is of great historic significance. Our collective mission here is nothing short of bringing about justice. We are here to help write the last chapter of the bitter legacy of the Second World War and the Holocaust.

Today, Mr. Chairman, I am acting in my capacities as President of the World Jewish Congress and as President of the World Jewish Restitution Organization. I am also testifying on behalf of my Co-chairman, Mr. Avrum Burg, the Chairman of the Jewish Agency.

The WJRO was created in 1992 by the leading international Jewish organizations and the survivor's groups to coordinate claims for the return of Jewish community property and the transfer to the Jewish people of heirless holdings. We also work to secure for individual Jews no longer resident in the countries in question the same rights that would obtain for local Jews who remain. With your permission, Mr. Chairman, I would like to submit as part of my formal testimony, the list of the international organizations that make up the WJRO. [List to be appended]

The WJRO has also been designated by two successive Prime Ministers to represent the State of Israel in these matters. It has also concluded agreements with Jewish Communities in several countries in order to coordinate restitution efforts.

I hope it will not sound presumptuous, Mr. Chairman, but I speak to you today on behalf of the Jewish people. With reverence, I also speak on behalf of the six million, those who cannot speak for themselves.

The issue before us today, the one I want to talk to you about, can be summed up in a single word: Justice.

Fifty years after the Holocaust, as Germany and the collaborationist countries have sought to face their responsibilities and make restitution, there remains the glaring void in the behavior of the banks of Switzerland.

Just a year ago today, the bipartisan leaders of the United States Congress declared in a letter to the Secretary of State, and I quote:

"It should be made clear to the countries involved that their response on this [restitution] matter will be seen as a test of their respect for basic human rights and the rule of law, and could have practical consequences on their relations with our country. It is the clear policy of the United States that each should expeditiously enact appropriate legislation for the prompt restitution and/or compensation for property and assets seized by the former Nazi and/or Communist regimes. We believe it is a matter of both law and justice."

President Clinton has declared:

"We must confront and, as best we can, right the terrible injustices of the past. I thus support the efforts of the World Jewish Restitution Organization and the World Jewish Congress to help resolve the question of Jewish properties confiscated during and after the Second World War."

Mr. Chairman, I wish to personally commend Ambassador Stuart Eizenstat for his contribution to this effort. President Clinton assigned him a special mission to assist in this task while he was the United States Representative to the European Union, and although he returned to Washington earlier this month to become Undersecretary of Commerce for International Trade, he will continue his efforts as Special Envoy on Property Claims in Central Europe. He has been doing an outstanding job serving the interests of all Americans, not only Jews.

I would also like to take this opportunity of adding that the European Parliament unanimously added its voice to that of the United States, expressing the same view and declaring that restitution is a matter of justice which must be fulfilled.

Mr. Chairman, as the Congressional letter made clear, what today's hearing is about is "respect for basic human rights and the rule of law." Nothing less.

I am not here to talk about whether there is only $32 million remaining in Swiss banks belonging to Holocaust victims and survivors or, as may be closer to the truth, several billion. Nor am I ready to endorse those who say the records were purposely destroyed and the money confiscated.

When I met with the Swiss Bankers Association on September 12, 1995 in Bern, I was struck by one comment they made to me. "Mr. Bronfman," they said, "we do not wish to hold on to one Swiss franc that is not ours."

I told them that I certainly agreed with that sentiment. I explained to them that the World Jewish Congress initiated activity aimed at the recovery of Jewish property even before the war in Europe ended. In November 1944, Dr. Nahum Goldmann, the cofounder of the World Jewish Congress raised the issue at the War Emergency Conference in Atlantic City. He declared then:

"The principle that Jewish assets must be given back to their legitimate holders wherever possible must be regarded as inviolable."

Now that the Swiss Bankers have told me they accept this universal principle, Mr. Chairman, I ask that you, your Committee, this Congress and our Government help the Swiss Bankers fulfill their own wish not to hold on to a single Swiss franc that is not their own.

A word of concern, Mr. Chairman: time is running out for those who will be the primary recipients of this restitution. Knowing you as I do, I am confident that your investigation will be thorough and will result in the full exposure of the facts.

At the aforesaid meeting in Bern September last, I did not discuss dollar amounts. What I sought was an impartial audit. I came away thinking that we had agreed on that, but in February, the Swiss Bankers Association unilaterally announced they had done their own survey and had found only $32 million—an amount that defies credibility.

"Trust us," they told the victims of the Holocaust, "we looked into our records and our own vaults and that's all we could find."

One of the documents already uncovered and released by your own investigators, Mr. Chairman, suggest that at a single Swiss financial institution, the present values of deposits may be nearly that much alone.

Mr. Chairman, as you may know, heading these two organizations is not my only job. I am also a businessman.

As a businessman, I often deal with bankers. I know that the most important asset any banker can have is his reputation, the trust of his customers. If we cannot have faith in the integrity and trustworthiness, in the honor of the banker to protect our deposits, to give a faithful and accurate accounting, then we must go elsewhere.

Dealing with the Jewish people must be for the Swiss bankers and issue of trust.

What is urgently needed, Mr. Chairman, is a transparent mechanism to conduct a verifiable audit of all Nazi-era assets, those deposited by Jews and those assets stolen from the Jews by the Nazis and also deposited in Switzerland and their disposition so that all the parties involved can be satisfied justice has been served.

The Swiss bankers cannot be permitted to come back and say, once again, that they will create such a process, but that they want to be the ones who appoint the auditors. Their repeated failure of integrity over 50 years has forfeited for them such a privilege. There must be an arm's-length process that is credible to the entire world.

There is already much to learn from the very beginning of the documents uncovered by your Committee and by others working elsewhere. They demonstrate that during the Nazi era the Swiss were far from neutral. Their assistance to the Nazi war machine, through the clandestine conversion of looted gold into Swiss francs, enable the Germans to buy fuel and other raw materials they needed to prolong the war. Some estimates in testimony before the U.S. Senate hearings following the War suggest the cost may have been staggering in the lives of American soldiers, Allied soldiers, Jews and other civilians across that continent.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

The Germans were looting synagogues, schools, museums and the bodies they were about to toss into the ovens. They snatched works of art. They took wedding rings and gold teeth and melted them down. They cast ingots that were falsely marked to appear as if they were pre-war gold and, as records are showing, they took it to bankers who were only too willing to look the other way.

Mr. Chairman, many Jews in Central Europe, and many others in those countries, saw the Nazis coming and made the trip to Switzerland because they thought their assets could be held safely there. They put their faith in Swiss neutrality and the integrity of that nation's banking system. It appears they were betrayed.

Only through a full, fair and impartial audit can we uncover the truth. I would hope the Swiss bankers will cooperate fully in this endeavor as it appears to be the only way to deal with this crisis in confidence they have created and has been called into question by so many.

Mr. Chairman, I do not propose here a discussion of specific amounts of money. Yet, I believe that each dollar recovered represents a little piece of dignity, not just for the survivors who will benefit, but for all mankind who will have demonstrated that it remains morally unacceptable for anyone to profit from the ashes of man's greatest inhumanity to man.

MEDICARE

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. PACKARD. Mr. Speaker, the Congressional Budget Office has recently reported that Medicare is in far worse shape than the Clinton administration originally led the American people to believe. Left unchecked, Medicare beneficiaries face losing coverage and in the process our children will be robbed of the benefits of a balanced budget.

Last April, the Clinton administration predicted the trust fund would take in $45 million more this fiscal year than it would spend. Instead, it is $44.2 billion in the hole in just the first half of this fiscal year.

According to a new CBO study, the trust fund will be in the red $443 billion by the year 2005. That $443 billion figure represents the extra money the Government would have to add to the trust fund over the next decade to pay for benefits through the end of 2006. Even with the honest numbers of the CBO, the President and his advisers refuse to recognize the grave situation facing Medicare. My Republican colleagues and I have faced the challenge head on.

We have proposed measures that will not only save, but improve Medicare. The President has consistently refused to come to the table. He would rather make this an election-year issue, demagoging Medicare and scaring our seniors.

Medicare's problems are much more serious than President Clinton and his Medicare trustees will admit. It is now apparent that more is needed than the same old smoke-and-mirror gimmicks this administration relies on.

THE TERRORISM PREVENTION ACT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. HAMILTON. Mr. Speaker, it has come to my attention that the Senate Concurrent Resolution 55, making corrections to the Terrorism Prevention Act and adopted on April 24, 1996, under a unanimous-consent agreement, made a number of substantive changes to sections in the jurisdiction of the International Relations Committee. I am very supportive of the goals of the Terrorism Prevention Act and am concerned that several of these changes may actually undermine U.S. efforts to address the terrorism threat.

I am astounded that these changes were made at the last hour, without even a single call to the minority members of the International Relations Committee. The issues involved are troubling and far-reaching—not technical. They require a full airing by the committee of jurisdiction to understand all the ramifications for U.S. security and foreign policy concerns. Had I had warning, I would have objected to the inclusion of these provisions in a bill to be considered in the House under a unanimous-consent agreement.

First is the change to Section 801, Overseas Law Enforcement Training Activities. In the conference report, this section authorized the Departments of Justice and Treasury to conduct overseas law enforcement training activities "subject to the concurrence of the Secretary of State." This language, requested by the administration, was necessary to ensure coordinated, targeted, and cost-effective overseas law enforcement assistance. The new language permits the Departments of Justice and Treasury to go overseas "in consultation with the Secretary of State." This undermines the Secretary's statutory authority to conduct U.S. foreign policy and raises the likelihood of an explosion of uncoordinated training programs.

I support the Justice and Treasury Departments' law enforcement activities, including their overseas efforts to reinforce the protection of law enforcement in the United States. But we need coordination of overseas training if those programs are to be effective. The State Department, which has the global perspective on U.S. foreign policy, is the only agency with the ability and authority to coordinate U.S. civilian activities abroad.

Next are the changes to sections 325 and 326, which amend the Foreign Assistance Act of 1961. The conference report's section 325 stated the President may withhold foreign assistance from any country, whose government aids the government of a terrorist State. The report's section 326 provided that the President may do the same with regard to governments providing lethal military equipment to terrorist states. The concurrent resolution turned "may" into a "shall," tying the President's hands. The provisions retain a national interest waiver. But, they will complicate and obstruct the President's ability to conduct foreign policy.

We should press other countries to oppose terrorist governments. But we must find creative ways to fight terrorism, not tie the President's hands in making case-by-case judgments in this very important, but highly fluid, area. What does it mean that a third country provides assistance to a terrorist state? Is the President now required to cut assistance to our allies participating in the KEDO program? That program ensures that North Korea does not engage in a nuclear weapons program, and it may be undermined by this new prohibition. Does section 326 now prohibit our assistance to Russia and other emerging democracies in Europe, or our assistance to some of our most important allies? These are the questions we should have fully examined in open and closed sessions before the prohibitions on the President's authority became law.

I conclude by repeating my distress at the process in which these important statutory and policy changes were made. The changes have far reaching troubling ramifications, and should not have been done under unanimous consent without consultation of the appropriate committees of the House.

A SPECIAL TRIBUTE TO DORIS PARKER

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. RANGEL. Mr. Speaker and my colleagues of the House,

I would like to take this opportunity to bring to your attention a very special person in my 15th Congressional District who always seems to go beyond the point of commitment.

The woman of whom I speak is Doris Parker, this year's recipient of the Ted Weiss Community Service Award which will be presented to her by the Three Parks Independent Democrats on Sunday, May 5, 1996.

Ms. Parker, who is the widow of the late great musician Charlie "Bird" Parker, is certainly deserving of this award, for her commitment to the community and her tireless efforts, are well known by many.

She serves as treasurer of the 24th Precinct Community Council; recording secretary for the North West Central Park Multiblock Association, Inc.; member of the board of directors for Veritas Therapeutic Community Foundation; member of the board of directors for the Westside Crime Prevention Program; and is first vice president of the Federation of West Side Neighborhood and Block Associations.

These are just a few of the many community outreach efforts that Doris Parker gives her time and talents to.

New York is blessed to have this hard working and faithful community activist, and I am proud and fortunate to be able to call her my friend.

Doris, this is for you.

GAS TAX RESTITUTION ACT OF 1996

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to transfer to the highway trust fund revenues received from the 4.3 cents of the Federal motor fuel tax that is currently going to the general fund.

Many of us concerned with our surface transportation infrastructure were troubled when in 1993 this tax of 4.3 cents per gallon of motor fuel was imposed not for the purposes of bolstering receipts into the highway trust fund, but for the purpose of deficit reduction. I would note, however, that this was not the first time this occurred. As part of the Omnibus Budget Reconciliation Act of 1990, the Federal motor fuel tax was increased by 5 cents, with one-half of this amount dedicated to the general fund. This 2.5 cents was later restored to the highway trust fund effective September 30, 1995.

As we all know, the basic premise of the Federal motor fuel tax is that it is a user fee collected for the express purpose of making improvements to our road and highway infrastructure. It is one of the few taxes where Americans can see an immediate and direct result for having to pay it as they drive on the Nation's highways.

Today, the debate is centered on repealing the 4.3-cents-per-gallon tax. I offer an alternative. Restore it to the highway trust fund.

Few, if anyone in this body, can say that the areas they represent do not require road and highway improvements. The legislation I am introducing today will not only restore faith with the American people on the uses of the Federal motor fuel taxes, but will certainly assist in making needed surface transportation enhancements.

THE COMMON SENSE PRODUCT LIABILITY REFORM ACT

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. GINGRICH. Mr. Speaker, I would like to bring to the attention of my colleagues the following statements, made during a press conference on April 30, 1996, marking the transmission to the president of the Common Sense Product Liability Reform Act.

First, a statement of former Attorney General Dick Thornburgh; second, statement of Lewis Fuller, president of Fuller Medical Company; third, Tara Ransom, 9-year-old girl who uses a silicone shunt; and fourth, Linda Ranson, mother of 9-year-old Tara.

SENATE MAJORITY LEADER DOLE AND HOUSE SPEAKER GINGRICH BRIEFING ON PRODUCT LIABILITY LEGISLATION

Speaker GINGRICH: Let me thank all of you for coming today. We are transmitting to the president today our product liability reform bill. We believe that product liability reform will lower prices to consumers, lead to the faster development of better products, and as you'll hear today, in some cases literally save lives, because of some products which are being priced out of existence and threatened out of existence by lawsuits and by the problems of unnecessary litigation.

We believe that the product liability reform bill is an important reform of the legal system. I would just point out that Dr. Edwards Deming, the founder of the quality movement and the man who taught the Japanese the concept, said consistently for his entire lifetime that the American litigation system was a major blockage point to us being able to compete in the world market, that it caused unnecessary lawsuits and led to unnecessary expenses and did unnecessary harm. We hope that the president will decide in the interest of lower consumer prices and better products and greater American competition in the world market, that we need a product liability reform bill, and I hope—we hope that he will sign this bill. And I think when you've listened to today's statements, and particularly listened to Linda and Tara Ransom (sp), you'll see why it is vitally important to have a product liability reform bill to help Americans in a variety of ways.

And let me now turn this over to former Attorney General Dick Thornburgh.

Mr. THORNBURGH. Thank you, Mr. Speaker. Good morning. As a former governor of the state of Pennsylvania and attorney general of the United States, I've been a long-time advocate of civil justice reform. The damage lawsuit abuse does to our economy and to the rule of law in this country has reached the stage where reform is absolutely necessary. As you will hear, today's distorted system inflicts injury on thousands of small businesses like Louis Fuller's (sp), and it can do real harm to shunt-dependent children like Tar Ransom and my son Peter.

Congress has finally wrapped up its long and productive debate over civil justice reform. And I want to commend Majority Leader Dole and Speaker Gingrich, in signing the letter of transmittal for this measure today, and sending it to the president. And we must acknowledge something else, something remarkable that happened in this session of Congress to make this day possible. This was a bipartisan effort.

Senators Rockefeller and Lieberman joined Senators Dole and Gorton in spearheading the passage of this legislation to curb lawsuit abuse through its voyage through the Senate—a truly non-partisan effort against some truly non-productive practices.

As Senator Lieberman said, "This is a moderate, thoughtful bill reflecting years of effort and many compromises." He observes, "Opponents of this bill have tried to paint the bill as pro-business and anti-consumer, but the status quo is terrible for consumers. The current system is inefficient, unpredictable, costly, slow and inequitable."

He continues: "Injured people wait years for judgments. Some of those with the worst injuries are under-compensated, while those with smaller injuries are over-compensated. Businesses act defensively, avoid innovation as too risky, and devote enormous numbers of personnel and resources to litigation. The length between fault and judgments and settlements is more and more attenuated. Consumers pay higher prices in order to cover product-related costs." "And," Senator Lieberman acidly concludes, "lawyers prosper."

Reform has been too long coming. This is a modest measure. It corrects the worst abuses of our current system while fully respecting the plaintiff's need for justice. Yet defying his own personal history of support for this legislation, and after offering signals that he would sign this bill, President Clinton has promised so far to veto it. So this looks to be the message from the White House: No matter how desperately the Louis Fullers (sp) and the Tara Ransoms (sp) of America may need lawsuit reform, we're going to have to wait for a change of heart by the president, or a change of presidents to get it. I don't like to draw invidious conclusions; it's not my style. But it doesn't take this former law enforcement official long to make a link between the promise of a veto and the motive for the president's threatened action. Where's the smoking gun? I'm compelled to respond: Follow the money.

Trial lawyers give a great deal money in political campaign contributions, more than the top 10 oil companies and the big three auto companies combined. And the doors of the Clinton White House appear to have swung wide open for this lobby of greed, while closing the door on average Americans who seek justice.

The top 50 big-giver trial lawyers contributed a total of $2.6 million to Mr. Clinton's 1992 campaign. In just the first nine months of 1995, lawyers and law firms pumped another 2½ million into the president's reelection campaign coffers.

Listen to Senator Jay Rockefeller. He said, "The president needs trial lawyers and their money more than he needs good public policy." Now the president obviously does not want to appear to be buckling to this special interest, so he says he opposes reform because he's concerned that the measure will be unwarranted intrusion on state authority. This argument was dismissed years ago, when the National Governors' Association, true defenders of state authority, called for a uniform national product liability standard. Among them at the time was then-Governor Bill Clinton of Arkansas. He was in fact part of the very committee that persuaded his fellow governors to call for national lawsuit reform to greatly enhance the effectiveness of interstate commerce.

Now President Bill Clinton espouses a kind of phoney federalism to resist reform. Now he chooses to put the interests of the trial lawyers ahead of those of thousands whose lives depend on medical innovation. Now this president is banking his campaign on the forces of greed and putting the rewards of a small, powerful elite before the national interest.

And unless he has change of heart, President Clinton will be putting the interests of those trial lawyers before the lives of those like this little girl that you will hear from later, Tara Ransom (sp).

We should call and we do call on President Clinton to take a second look at his promise to veto this bill. It's not too late to change one's mind, and it's certainly not too late to change one's heart.

Mr. LOUIS FULLER (sp): Thank you, General Thornburgh.

My name is Lewis Fuller. I live in Gadsden, Alabama, where I am the president of a small medical supply company.

Every now and then, I hear Alabamans debate whether or not we need a state lottery. I remind them that we already have one—it's called the civil justice system.

I'm sure most of you have heard about the lawsuit in Alabama where a wealthy doctor won a $2 million judgment because the paint job on his car was partially refinished. It was a paint job that lead to a snow job on American justice. That decision was so bad—the judicial system that arrived at that decision is so corrupted by trial lawyer money—that this case is now before the Supreme Court of the United States.

The Alabama trial lawyers are capable of generating that kind of national publicity makes me mad. It makes me mad because Alabama is a great state, a great place to live and—all things considered—a great place to do business.

We don't deserve to live under the kind of system that we have. The cost of that system goes far beyond car companies. Lawsuit abuse hurts us all—as consumers, workers, taxpayers.

Yet our state is dominated, top to bottom, by the trial lawyers and the judges whose campaigns they bankroll. In a state where you can get $2 million for a car paint job, the danger of a reckless, ruinous punitive award is taken very seriously, a threat to one's very livelihood. That's why we have 10 times the punitive damage settlements as our four neighboring states combined.

This is the constant threat I live under as a small businessman. This is the liability threat that forced me to stop supplying my community with products that can mean the difference between life and death.

I am sad to report that because of the possibility of a ruinous lawsuit, Fuller Medical had to stop offering baby monitors designed to warn parents of the possible onset of Sudden Infant Death Syndrome.

We have no choice. We cannot afford the insurance premiums that would allow us to continue offering these in-home-life-support devices.

We were forced to shut down this part of our operation in 1993 and no company in our immediate area has filled the gap. Thanks to the greed of trial lawyers, a potential lifesaving device has been strangled in the crib.

Another casualty of lawsuit abuse is our van conversion business.

I'm not talking about making vans prettier. I am talking about making them more accessible to handicapped citizens. We did these conversions for several years, which made the vans hand-controlled, giving a handicapped driver greater mobility. But under our system of joint-and-several liability, we could be sued for any problem with a van, even if we were not actually at fault.

I have no trouble with reasonable damages for genuine fault. But I cannot pay an unlimited damage for any mistake someone else might make.

In these two ways, you see how the threat of limitless punitive damages and joint-and-several liability forced us out of these two ventures. Both of these measures would be addressed by the reforms Congress is sending to the President.

I cannot understand why Mr. Clinton has threatened to veto this bill. I cannot understand why an Administration that gives so much lip service to small business would defend a system like this one.

I cannot understand why Bill Clinton would take this stand, when any former governor must surely know that the ultimate victims are not the large corporations, or small businesses like mine. It is not even the consumers who must pay higher prices.

It is the handicapped, who need a way to drive themselves to work.

It is the parents, who don't want to lose another child to Sudden Infant Death Syndrome.

And it is tens of thousands of people like this sweet little girl, Tara Ransom, who depend on medical innovation and technology just to stay alive.

Mr. President, if you hear my words, please change your mind. Not simply for my small business, but for this little girl. Mr. President, it is not too late to do the right thing.

PHOENIX, AZ,
March 29, 1996.

DEAR MR. CLINTON: My name is Jara Ransom. I am 8 years old. I'm in 3rd grade at Magnet Traditional School.

I have a silicone shunt for hydrocephalus. I get the hydrocephalus when I was a baby. I have had 5 operations.

I need the shunt to live. I have talked to Congress about it when I testified last summer. Mom says we need a liability bill. I only know a little bit about it, but I know it will help me live. Please sign it.

I know Mrs. Clinton likes kids. Can she help me too?

Sincerely,

JARA RANSOM.

My name is Linda Ransom. I'm not a lawyer. I'm not a lobbyist. I'm just a desperate mother.

My daughter, Tara, and I have flown here from our home in Phoenix, Arizona to give President Clinton this message: President Clinton, it's not to late to change your mind. It's not too late to help Tara. Please don't veto this bill.

You see, Tara has a medical condition called hydrocephalus, and the only treatment for it is a surgically-implanted shunt in her brain which is made out of silicone. The shunt takes the excess cerebral fluid away from her brain in a silicone tube and carries the fluid down through her chest into her abdomen, with the help of a small pump under her scalp. Kids outgrow shunts, and Tara has already had 5 surgeries. She will have to have more—that is, if the shunts are still available.

They may not be, under our current legal system. Already, three of the major suppliers of raw materials have decided to restrict or stop supplying manufacturers of medical implants. One of them, Dow Corning, is the sole supplier of the raw silicone used to make Tara's shunt. While the shunt is still available for the 50,000 hydrocephalics who depend on it to stay alive, the situation is looking worse and worse for the medical device industry.

Outrageous punitive damages awards are not really the problem, although the risk is always there. The medical implant industry is more threatened by the day-to-day cost of defending itself from thousands of lawsuits, only to be found not liable again and again. Many times, the cost of the raw materials in a medical device—the Teflon in a pacemaker, or the polyester yarn in a suture—amounts to just pennies. But these suppliers are forced to spend millions of dollars defending themselves in court, from lawsuits that they shouldn't have been dragged into in the first place.

This bill would change that. Caps on punitive damages will help, but more importantly, ending joint and several liability will mean that only those who are responsible for damages will be brought to court. This will free up millions of dollars in legal costs that could be better spent on research.

Tara's long-term future lies in the hands of medical researchers—the ones who might invent a better device that won't need surgery, or maybe a drug to control the excess fluid in the brain. Today, not enough bright young people are going into research, and I think a lot of it has to do with the frustration of not getting devices off the drawing board because of the liability.

Tara may be the person to find the cure for AIDS or become the first woman President. She is a very bright girl, who is at the top of her class and has skills is beyond her current 3rd grade level at the Magnet Traditional School. Whatever her future is, she has a future because of a tiny piece of silicone plastic.

Tara is the perfect example of hope—hope in the surgeon's skills, hope in medical technology, hope in the shunt itself. She is also the perfect example of faith—faith in the belief that God's miracles are the hands of the surgeons and the minds of the scientists who make the discoveries and create the devices. Senator Dole and Speaker Gingrich have done their job in getting the bill passed. President Clinton, it's up to you. Don't take our hope away. Sign this bill.

CONGRATULATIONS ON 55 SUCCESSFUL YEARS

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor my friends Frances and Bartlett Smith, of Milford, who are celebrating their 55th year of marriage this year.

In 1937, they came to Detroit to seek their fortune and found each other. Frances, with her sister Ann, came from Milford to work at Detroit Bank & Trust. Bartlett B. Smith came from Kalamazoo to attend the Detroit College of Law and work at the National Bank of Detroit. Bart and Fran met, courted and were married May 17, 1941, at the Jefferson Avenue Presbyterian Church in the Indian Village area of Detroit.

Following Bart's graduation from law school, they moved back to the family farm in Cooper Township near Kalamazoo where Bart's family had been original settlers. Not only did he work the farm, he worked 12-hour days welding tanks for the war effort as he awaited the results of his bar exam. When Bart joined the U.S. Army, 3d Armored Division in Fort Knox, KY, Frances and their two young children, John and Sarah, moved back to Milford, MI, to be near her family.

At the end of the war, Bart joined the Oakland County prosecutors office and served for 2 years. He opened his own firm in Milford, practiced for 46 years and retired in 1993. He was admitted to practice before the U.S. Supreme Court having been sponsored by U.S. Senator Philip A. Hart and Oakland County Circuit Judge William John Beer. Frances joined the practice as secretary in the late 1950's and son Christopher joined him as partner following his graduation from law school.

Civil duty has long been a family tradition. Frances has served on the Milford Township Library Board for 47 years, the last 30 as president of the board. She continues to serve today.

Bart served as Milford Village president, councilman, member of the township board, and justice of the peace. He is a member of various civic organizations including the American Legion, Rotary, Chamber of Commerce, and Masons. His service began in the 1940's, when as "Sam McCall's son-in-law" he was grand marshal and led the V–J Day parade down Main Street on horseback.

Oldest son John is a veterinarian practicing in Ypsilanti, MI. Daughter Sarah Redmond is a financial advisor for American Express Financial Advisers. Son Steve lives in Johnson City, TN. Youngest son David lives in Howell, MI. Bart and Fran have nine grandchildren, Karen, Jeff, Brian, Kristen, Angela, Kevin, Courtney, Michael, and Paul; and two great-grandchildren, Justin and Cassandra.

Growing up on stories of the Civil War and early pioneers to standing on the edge of the 21st century, they have seen much, shared greatly, and anticipate the new century. Congratulations and best wishes.

THE FIRST STEP TOWARD A BALANCED BUDGET

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. PACKARD. Mr. Speaker, last week my Republican colleagues and I passed an historic bill which will save the American people $43 billion. It eliminates over 200 wasteful programs—more than 100 in the Labor, Health and Human Services bill alone. And it puts us on target for a balanced budget in 7 years.

In his attempt to put his best spin on this bill, President Clinton demanded we present him with a balanced budget. Apparently, he forgot—we did. He vetoed it. The President has shown little sign that he is truly committed to balancing the budget. He refuses to make tough decisions that count—like real welfare reform and saving Medicare from bankruptcy.

My Republican colleagues and I are now looking toward next year's budget. We are committed to real budget reform that balances the budget, creates real jobs and ensures a bright future for our children. We remain committed to the five keys to a balanced budget—genuine welfare reform, real reductions in spending, tax relief for families and job creation, moving power out of Washington, and saving Medicare from Bankruptcy.

Mr. Speaker, my Republican colleagues and I have proven our resolve for a balanced budget. When, the President presents us with a budget that really balances and tackles the tough issues, we will know he too is serious about saving our children's future.

EARTH DAY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, May 1, 1996 into the CONGRESSIONAL RECORD.

EARTH DAY 1996: PROTECTING OUR ENVIRONMENT

On this, the 26th anniversary of Earth Day, we can take great pride in the advances that have been made in environmental protection. We have succeeded in reducing the levels of lead and other dangerous pollutants from the air. Lakes and rivers, once so contaminated they could catch on fire, now support large fish populations. Forests are rebounding. Endangered species, like the eagle and the buffalo, have been saved from extinction and are now thriving.

Hoosiers strongly support cleaning up our air, water, and land, and they want to leave the environment safe and clean for the next generation. They do not want to cut back on our environmental investment. Hoosiers do not say to me that we have too many parks, or that the air and water are too clean. They overwhelmingly support sensible, targeted and moderate laws necessary to keep the environment clean. They also support the view that states and localities have a greater role to play in the environment, and that environmental laws should be based on sound science and a careful balancing of costs, benefits and risks. I agree with their common sense beliefs.

Several federal laws provide the foundation for environmental protection in this country. As we celebrate the 26th Earth Day, it is helpful to understand how these laws work, how they have contributed to a cleaner environment in Indiana and around the country, and how we can improve them as we meet new challenges.

IMPROVING AIR QUALITY

The Clean Air Act, originally passed in 1970, seeks to protect human health and the environment from outdoor air pollution, such as car exhaust and factory emissions. The Act has dramatically reduced air pollutant levels. From 1984 to 1993, emissions of lead declined by 89%, particulates by 20%, sulfur dioxides by 26%, and carbon monoxide by 37%.

Congress substantially revised this law in 1990 to strengthen the ability of the Environmental Protection Agency (EPA), states and the private sector to work cooperatively to improve air quality, particularly in cities with significant pollution problems. The new law also aims to reduce pollutants which cause acid rain and contribute to global environmental problems, including ozone depletion and global warming.

The new law also expanded efforts to develop cost-effective ways to reduce emissions for coal-fired power plants. Such utilities are common in southern Indiana and throughout the Midwest, providing relatively inexpensive electricity to residents in the region. The burning of coal, however, does contribute to air quality problems. The Clean Coal Technology Program, which funds six projects in Indiana, provides assistance to help defray the costs of pollution control.

CLEANING OUR WATER

The Clean Water Act, passed in 1972, is the main law protecting our streams, lakes, estuaries, and coastal waters. It aims to limit the amount of waste flowing into surface waters. It also provides local communities with low-interest loans to assist in the construction or upgrade of municipal wastewater treatment facilities.

Wastewater treatment has dramatically reduced pollution in our rivers, lakes and streams. These efforts have improved the quality of drinking water and preserved fish and other aquatic life. Since 1972 the number of people served by modern sewage treatment facilities has almost doubled and the level of pollution discharged by municipal treatment plants has declined by 36%.

The other important federal law protecting water resources is the Safe Drinking Water Act, passed in 1974. The Act requires EPA to determine which contaminants threaten public health and set standards for safe pollutant levels in drinking water. These standards generally apply to public water systems. The Act has made tap water safer from harmful contaminants, including bacteria, viruses, and certain chemicals.

I appreciate that improving water quality costs money. I am sensitive to the concerns of local leaders who want the flexibility to achieve cleaner water in more cost-effective ways. Consequently, I have supported measures to make federal rules more flexible, less costly and less complex to assist them in pollution control efforts.

CONSERVING THE LAND

The federal government has worked cooperatively with farmers since the Dust Bowl of the 1930s to control soil erosion. The Natural Resource Conservation Service, formerly the Soil Conservation Service, has national responsibility for helping farmers and ranchers develop and carry out voluntary efforts to conserve and protect our natural resources. This effort has helped improve farm productivity while preserving water and soil quality.

Considerable debate has focussed in recent years on wetlands conservation. Wetlands include swamps, bogs marshes, and prairie potholes, and are considered crucial to water quality protection and flood control. The problem is that wetlands have been disappearing at a significant rate. Indiana lost well over 80% of its wetlands between the late 1700s and the mid-1980s. Nationwide, wetlands are declining, primarily because of growth and development, at a rate of 290,000 acres a year.

The key to wetlands conservation is finding a way to protect these valuable resources without imposing significant economic costs on farmers and other landowners. The 1996 farm act approved earlier this year takes some steps toward striking an appropriate balance between environmental and economic interests. The new law streamlines current rules and makes them more understandable to farmers and other land users.

CONCLUSION

Indiana and our country have been blessed with a bountiful environment. This blessing cannot be taken for granted. We all have a stake in the preservation of our environment. Earth Day reminds us of our successes over the last 26 years—cleaner water, cleaner air, cleaner land—while committing us to preserve our natural heritage for future generations.

The challenge facing the U.S. is finding an appropriate balance between preserving our environment and promoting economic growth. Cleaning the environment has become more complicated. We must search for more effective ways to protect the environment with less cost and less regulation. My view is that we do not have to sacrifice environmental protection to get economic growth. We can have both. Growth creates jobs and increases our standard of living; environmental protection improves public health, conserves valuable resources upon which growth depends, and preserves the natural beauty of this country.

LEGISLATION TO ENCOURAGE LONG-TERM-CARE INSURANCE

HON. RICHARD J. DURBIN

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. DURBIN. Mr. Speaker, today I am introducing legislation to encourage Americans to purchase long-term insurance and address the growing cost to the Medicaid program of long-term care services.

The Long-Term Care Insurance Incentives and Consumer Protection Act of 1996 provides incentives to buy long-term care insurance and assistance in paying for long-term care.

This measure helps families afford the cost of long-term care services by treating payments for long-term care services as medical expenditures eligible for the same tax deduction as other health care services—deductible to the extent total medical expenditures exceed 7.5 percent of adjusted gross income.

The measure encourages families to buy long-term care insurance to cover future long-term care costs by providing a direct tax deduction for long-term care insurance premiums, without respect to the 7.5 percent of AGI floor that applies to other medical expenditures.

It revises the tax treatment of employer-provided long-term care insurance to encourage employers to make this coverage available to their employees.

It provides this new coverage beginning January 1, 1997.

The legislation helps protect consumers from unfair or abusive policies and marketing practices by providing this favorable tax treatment only for long-term care insurance plans that meet consumer protection standards.

The standards require the use of standardized benefits and terminology and a standard outline of coverage to make comparison shopping possible. They prohibit plans from requiring a hospital stay before coverage of long-term care services or imposing other unnecessary limits on when or from whom a patient can receive services; and prohibit a plan from discriminating against patients by providing a lesser standard of coverage for specific illnesses such as Alzheimer's disease, mental illness, or HIV.

The standards also require that consumers be offered the option of purchasing inflation protection so that the value of their benefits does not erode and become inadequate over time; provide a right to cancel a new policy within 30 days and receive a full refund of any premiums paid; and provide a partial return of premiums if a policy lapses before the death of the insured person.

In addition, the standards prohibit cancellation of coverage except for failure to pay premiums, fraud, or misrepresentations by the insured; and provide group policyholders an option to continue or convert coverage that would otherwise terminate because the person is no longer a member of the group.

This legislation will reduce Medicaid's future outlays by encouraging Americans to buy long-term care insurance rather than looking to Medicaid for this coverage. Long-term care takes up one-third of the Medicaid budget. More than half of all nursing home care is paid by Medicaid, along with a significant amount of home and community-based long-term care. As more people purchase insurance to cover their long-term care needs, fewer people will need to rely on Medicaid for that coverage.

Mr. Speaker, this measure provides stronger consumer protection standards than the similar legislation previously considered on the House floor, including stronger nonforfeiture benefits so that people do not lose everything they paid in if they must stop making payments before they obtain any benefits. This will increase consumers' willingness to buy a product that they may not need for 20 years or more.

In addition, this measure provides a stronger incentive to purchase long-term care insurance by allowing taxpayers to take the tax deduction for premiums without having to first exclude medical payments equal to the 7.5 percent of AGI. For many taxpayers, the 7.5 percent exclusion that must be met before expenses become deductible under the GOP bill virtually eliminates the value of the tax deduction. My legislation allows premiums to be deducted directly, without a 7.5 percent exclusion, which increases the incentive to obtain long-term care insurance.

Mr. Speaker, the number of senior citizens in our Nation will grow substantially in the first part of the 21st century as the baby boom generation retires. Between 1980 and 1990, the 65-and-older population grew by one-fifth. During that time, while the entire U.S. population of all ages was growing by one-tenth, the over-80 population grew by one-third. The Bureau of the Census estimates that there will be 31 million people over age 80 in 2050, around the same number as the total number of people over age 65 today.

These are the people most likely to need long-term care. An expansion in long-term care insurance coverage now can ease the burden on government to provide the care that will be needed later.

I urge my colleagues to join me as a cosponsor of this bill to encourage Americans to purchase long-term care insurance and help reduce our future Medicaid long-term care costs.

TRIBUTE TO PASSAIC SEMI-PRO BASEBALL

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. MARTINI. Mr. Speaker, I rise today to honor five members of the Passaic Semi-Pro Baseball League. Baseball is as American a tradition as Mom and apple pie. Since the middle of the last century, children and adults alike have played this wondrous game. Since the Great Depression, baseball has provided Americans with an outlet to step back from the world for a while. Although baseball at the highest level has been through ups and downs over the years, the game itself has remained pure for the millions of people, adults and children alike, who are players or fans. There is no question that baseball is truly America's pastime.

We in the Eighth Congressional District of New Jersey have indeed been fortunate to have enjoyed a rich baseball tradition for decades, one that has been carried forth by a high level of competition which has come to characterize the Passaic County Semi-Pro League. On Friday, May 3, 1996, that tradition will again be celebrated with the 11th annual Passaic semi-pro baseball reunion dinner, at the Knights of Columbus Regina Mundi Hall No. 3969 in Clifton, NJ. Hosted by the organizing committee of Ted Lublanecki Sr., Ted Lublanecki Jr., Ben Lublanecki, Jean Lublanecki, and Mike Ivanish, I am sure this celebration will be a tremendous success befitting the honorees' accomplishments.

This year's event is highlighted by the extraordinary careers of men who brought distinction not only to themselves but also to their teams and the Passaic Semi-Pro League. This year's honored group includes Jack Brady, Edward Janusz, Andy Romanko, Bob Varettoni, and Richard Zurichin. For the benefit of our colleagues, I would like to allude to some of the accomplishments of these remarkable gentlemen:

Jack Brady began his baseball career by playing 4 years of varsity ball at Pope Pius High School. While still in high school, Jack also displayed his considerable skills playing for the Clifton American Legion Team Post 8 for 1 year and then playing on Pete Reno's Passaic Memorial Post 200 Legion Team for 2 years. Following high school, Jack played for a number of semi-pro teams. Possessing great all-around skills, Jack played both infield and outfield on such local teams as the All Passaics, the Drazins, the Red Socks, and the Wallington Hillsides. Jack's love for baseball eventually gave way to his educational needs, as he graduated from the Newark School of Fine and Industrial Art. He is currently operating his own industrial advertising agency.

Edward Janusz learned to play this great game on the sandlots of Wallington. From there, Edward went on to play in the outfield for Lodi High School, where he became the leading home run hitter in Bergen County. For this accomplishment and his overall play, Edward was chosen for the first team All-State in Group III. He then moved on to Rutgers University, where he played 4 years of varsity ball and led the team in batting and most hits in 1951. Edward actually began his semi-pro career in 1944, playing for the Wallington Tigers, Wallington Coopers, and, like Jack Brady, the Wallington Hillsides. He signed on with the Passaic DeMuro Comets, one of the best teams in the area, in 1951 and led his team to the Passaic City League championship the following year.

Unfortunately, a knee injury forced Edward to retire in 1955, but not before some memorable moments. In 1951, he hit a triple batting against New York Yankee Hall-of-Famer Whitey Ford while playing in Fort Monmouth, NJ. He also hit a grand slam home run during a college game in 1952. His love and knowledge of the game, as well as his generosity toward and love for children, led him to coach Little League teams in Wallington for 22 years, leading two of his teams to State championships in 1968 and 1971. He also became an umpire in 1947 and, displaying his dedication to the game of baseball and the larger community in Passaic County, worked fast pitch softball, Little League, Babe Ruth League, and semi-pro games for 46 years. He still lives with his wife Margaret in the house where he was born.

Andy Romanko's passion for the game of baseball was lit the moment he was introduced to the game. Andy initially played for a variety of semi-pro teams in the area, where he developed into an outstanding pitcher. These teams included the Passaic Comets J.V., the Passaic Highlanders, and the Garfield Benignos. For the majority of his career, Andy played for the Passaic Demuro Comets, arguably the best team in the area. One of the best moments of Andy's career came while pitching for the powerful Comets when Andy pitched both games of a doubleheader and won them both. His proudest accomplishment as a baseball player is completing one year with 22 wins and only 2 losses. During this phenomenal year, in which his winning percentage was an astounding .909, Andy pitched a no-hitter while striking out 17 batters. Andy's love of the game led him to coach Little League for a number of years. Andy's passion for the game has never diminished, as he anxiously anticipates the Passaic semi-pro Baseball Reunion Dinners each year.

Bob "Chick" Varettoni had already developed a nasty sinker ball by the time he hurled his first semi-pro game as a 13-year-old for the Wallington Panthers. For the next 4 years, Chick played varsity ball for Pope Pius XII High School. While still in school, Chick also starred in American Legion, first pitching for Memorial Post 200 and later for Rosol-Dul Post, pitching the former to the State semifinals in 1948. Like Jack Brady, Chick's semi-pro career began with the Passaic Drazins in 1948 and continued with the Passaic Red Sox in 1949. Chick's career culminated with many stellar performances for the Passaic DeMuro Comets, one of the finest teams in the metro area.

While pitching for this championship team, Chick twice faced New York Yankee Hall-of-Famer Whitey Ford of the Fort Monmouth Army team. His excellent performances in these high-profile games earned Chick an offer to join the Boston Braves farm system. He declined this offer, however, in favor of completing his studies at Seton Hall University. He was attending Seton Hall on a scholastic scholarship, from which he graduated magna cum laude. Following graduation, Chick entered the U.S. Navy, where he served as a communications officer aboard the USS *Midway*. After his release from the Navy, Chick entered upon a 34-year executive career with the New York Telephone Co. At the same time, he remained active in the Naval Reserve Intelligence Program, eventually rising to the rank of captain. He retired in 1990 and continues to live with his wife, Frances, in Totowa.

Richard Zurichin was an exceptional all-around athlete, excelling in basketball, football, and baseball. Yet, his first love was baseball. Although he received the Most Valuable Player Award from the Passaic Time Out Club for his efforts as a quarterback, Dick went to Seton Hall University and starred for the baseball team. His 1.80 earned run average earned him the honor of being named to the Collegiate Baseball All Star Team. Playing the mighty Passaic DeMuro Comets, Dick's biggest thrill was playing the U.S. Army East District Champions at Fort Dix, NJ, where Dick pitched the DeMuro Comets to the upset victory. His lifetime record for the Comets was an impressive 27 wins and 3 losses.

Mr. Speaker, each of these outstanding individuals, through their countless contributions not only to the game of baseball but also to the communities of Passaic County, have touched and enriched the lives of thousands of people in this area. For this, I ask that you and my colleagues join me in honoring these gentlemen during the 11th annual Passaic semi-pro baseball reunion.

CHILDREN'S MENTAL HEALTH WEEK, MAY 5–11, 1996

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BARCIA. Mr. Speaker, raising a child is one of the most difficult and challenging jobs, and the difficulties are augmented when a child has an emotional, behavioral or mental disorder. Not only are parents challenged to prepare their child for an increasingly technical job market, but also must help their child understand, cope with and overcome their disorder.

A group of dedicated parents, mental health professionals and mental health agencies all over the country work tireless hours to inform the public about disorders in children and provide information on services available. Because of their efforts, this year Children's Mental Health Week will be celebrated on a national level for the first time. During the week of May 5–11 the group's goal is to disseminate information to communities about the needs of these special children and their families. I urge my colleagues to become involved with Children's Mental Health Week.

Little is known about mental disorders. Even less is known about the mental disorders in children. Diagnosing disorders in children is more complex than diagnosing adults and is very difficult to understand. While treatment is focused on the children, support and guidance is also important for families who suffer from stress. Comprehensive effective services on a local level are essential to aid communities. Continued research on the effectiveness of programs should be supported.

Mental disorders do not discriminate on the basis of income, education, race, ethnic or religious groups. Disorders are found in children of single parents, two-parent families, adoptive and foster families. Some children are born with the disorder while biological, environmental, social and psychological factors cause disorders in other children. A mental disorder, which can strike anyone at any time, range from serious to minor and include attention deficit hyperactivity disorder, autism, clinical depression, panic disorder and learning disabilities.

Public Law 102–321, the Alcohol, Drug Abuse and Mental Health Administration [ADAMHA] Reorganization Act, provides block grants to States to provide community mental health services for children. The 22 5-year grants are being used to implement community-based programs. Although data on the effectiveness and outcome of such support is not yet available, I urge my colleagues to continue to support the grant programs. I also urge my colleagues to recognize and commend these dedicated parents for their continued efforts to educate the public on emotional, behavioral, and mental disorders in children.

THE 75TH ANNIVERSARY OF CROATIAN CATHOLIC UNION OF THE UNITED STATES

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. VISCLOSKY. Mr. Speaker, I would like to congratulate the Croatian Catholic Union of the United States of America and Canada [CCU] as it celebrates its 75th anniversary and legacy of accomplishment for Croatian-Americans. The celebration will begin this Saturday, May 4, during a luncheon at the Croatian Catholic Union home office in Hobart, IN. The celebration will continue on Sunday in Chicago, with a mass at the Sacred Heart of Jesus Parish. The CCU is honored to have His Eminence Cardinal Franjo Kuharic, the archbishop of Zagerb, Croatia, and Msgr. Valdimir Stankovic, the director of pastoral care for Croatians aboard and director of Croatian Caritas, preside over the anniversary celebration. In addition, Melchior Masina, the national president of the CCU, and Myrna Jurcev, the national secretary treasurer of the CCU, will be speaking. Both the residents of Indiana's First Congressional District.

The CCU is a fraternal benefit society incorporated in 1921 under the laws of the State of Indiana as a nonprofit organization. This organization provides life insurance and other benefits to its members and promotes religious, civic, charitable, educational, social, and cultural programs for the enrichment of its members. Furthermore, the CCU promotes the values of its members' Croatian Catholic heritage.

In 1970, through its religious programs, the CCU erected two Marian Chapels, which make up the Croatian Marian Shrine in the Basilica of the Immaculate Conception in Washington, DC. This Croatian Marian Shrine offers a place to worship and it serves as a symbol of Croatian-American contributions to the New World. Moreover, it unites all visiting Croatian-Americans in a strong bind of mutual solidarity and identity. Each year, the CCU organizes a national pilgrimage to the shrine.

While the CCU's programs are civic in nature, the CCU participates in all events sponsored by the National Fraternal Congress. For example, the CCU raised significant funds to restore the Statue of Liberty, and it also made donations to Habitat for Humanity. In fact, many charitable donations have been made throughout the CCU's history, especially at times of great disasters. The CCU has raised millions of dollars in cash donations, medical supplies, food, and clothing for the refugees and orphans in the Balkans.

According to the CCU, the purpose of the organization is service to God. The center of the CCU's mission is service to Croatian-American people. The core of their vision is service, solidarity and love for one another.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in honoring the Croatian Catholic Union of the United States and Canada during its 75th anniversary celebration. All the CCU's members should be commended for their dedication to preserving their culture, as well as assisting Croatian-Americans and others in times of need.

THE NATIONAL DAY OF PRAYER

HON. MIKE PARKER

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. PARKER. Mr. Speaker. In just a few hours, Americans across this great Nation will recognize one of the most important annual events for the future of our Nation—the National Day of Prayer.

Tomorrow, May 2, people of all ages, races and denominations will bow down to give thanks for the many blessings this Nation has received. And tomorrow, hundreds of thousands will offer up prayers for the healing of our Nation and for divine guidance for its elected leaders. As Members of Congress, no matter what our religious affiliation, we should be appreciative of the intercessory prayer being offered on our behalf.

I hope that each of my colleagues, in your own personal way, will observe the National Day of Prayer—a tradition since Congress passed a resolution in 1952—and will welcome the many visitors to our Nation's Capital who come to pray for you.

As always, I commend Wanda K. Wigley for making the Mississippi National Day of Prayer a priority in our State. God bless America, guard us and guide us, and give our Nation peace.

INJURED FEDERAL WORKERS

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BILBRAY. Mr. Speaker, I have recently introduced three bills, along with my colleague from Washington, Representative JENNIFER DUNN. These bills, H.R. 3203, H.R. 3204, and H.R. 3205, would, if enacted, make only minor changes to our labor law, yet will provide major changes in the quality of the lives of many who serve this Nation as employees of the Federal Government. These bills not only continue this Congress' effort to force the Federal Government to conform to the laws that apply to all other citizens in this great country, but also bring additional accountability to one of our Government's largest Federal bureaucracies, the Department of Labor.

Mr. Speaker, of all the worker's compensation programs nationwide, only the Federal Government's does not allow for judicial review of cases to insure fair and equitable access and redress. Although proposals have been introduced in the past to address this question, the opportunity for success in this endeavor has never been greater. The culture of Congress has changed, and with this change, there is a newfound persistence in finding innovative solutions to vexing problems which previously were more easily buried or ignored.

H.R. 3205 not only provides a more equitable review process, but also provides reasonable time limitations in their deliberation. This bill expedites the initial decision process, eliminates the practice of redundant second opinions without legitimate legal or medical provocation, and provides the opportunity for claimants to have their own physician or representative present during the examinations. These provisions will significantly reduce the size of the quiet second opinions cottage industry that has developed in the wake of cases lasting up to 10 years, ruining the lives of the injured employees, and costing the Federal Government hundreds of millions of dollar.

Additionally, H.R. 3205 requires the Secretary of Labor to fix physician fees at a level comparable to the limits placed on fees charged by the claimants own physicians. By equalizing compensation levels and structures, Federal workers can be assured that they are getting a fair hearing with honorable medical representation.

Finally, H.R. 3205 requires the Secretary of Labor to provide reemployment and vocational skill training to injured workers to quickly return the injured employee to the workplace. Federal employees are valuable assets to the Federal Government, with millions of dollars spent every year in training. It makes little sense to waste the capabilities of these workers developed over years of experiences in the Federal workplace by forcing them to sit on the sideline, and in many cases, extract millions more from the Federal Government through disability and other compensation.

H.R. 3203 and H.R. 3204 are bills with similar purposes, to streamline and expedite the workers compensation policies of the Federal Government to provide fair and equitable access for all workers. Specifically, H.R. 3203 would require that in cases requiring a second opinion, that physician will be selected on an impartial basis. H.R. 3204 would require that physicians selected to provide medical opinions be board certified in the medical specialty which is being called into question. Mr. Speaker, you would be surprised to learn that despite repeated attempts by my office to have the agency in question voluntarily modify this practice, my constituents continue to be diagnosed by physicians with no certification to diagnose injuries of the nature in dispute.

In conclusion, Mr. Speaker, these bills are commonsense solutions to very specific problems. They are not legitimately controversial, and will truly make a legitimate difference in the lives of the hard-working Federal employees who provide valuable and necessary Government services. Besides the relatively mundane Federal workers that staff our bureaucracies, these unsung heroes also include the valiant members of Border Patrol agents, Federal Firefighters, U.S. Marshals, Drug Enforcement Agents, and the Secret Service who put their lives and bodies in harm's way every day.

Representative DUNN and I are committed to expediting the journey of these bills to the floor of the House of Representatives, and I urge the committee of jurisdiction to examine these issues in the context of this year's hearings, and move forward as quickly as possible.

HOOSIER BUSINESS GROWTH

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, April 24, 1996, into the CONGRESSIONAL RECORD:

HOOSIER BUSINESS GROWTH

When politicians and the media talk about the economy, they tend to focus on the big, negative stories. Everyone has heard about how major corporations like IBM and AT&T are laying off workers in an attempt to downsize and become more competitive. Hoosiers have not been immune to such news. Recently Colgate in Clarksville and Randall Textron in Switzerland County, among others, have announced layoff plans. News like that causes all workers to feel anxious about their job security and the future. Hoosiers, however, should take some comfort that the Indiana economy has improved and is generating thousands of new jobs.

CURRENT ECONOMIC CONDITIONS

In recent years the unemployment rate in Indiana has been consistently lower than the national average, and the earnings of Hoosier workers have grown faster than in the rest of the country. At the end of 1995, the unemployment rate in the state was 4.6%, compared to 5.6% nationally. Economists tell us that the Indiana economy is operating at near full capacity, inflation is in check, and interest rates are low. In 1995, more than 50,000 net jobs were created in Indiana, and Hoosiers' real earnings grew by 3.4%, well ahead of the national average of 2.1%. Leading the way in job and earnings growth was the manufacturing sector, with a 7% increase in employment and a 6.6% increase in earnings.

The performance of the economy in the 96th District mirrors that of the state as a whole. The manufacturing sector is the single largest employer in our part of the state, and other important sectors are retail trade, services, construction, and agriculture. The I-65 corridor from Columbus to the Ohio River is one of the fastest growing areas in the state. Small businesses, in particular, are playing a major role in the expansion and diversification of southern Indiana's economy. Indeed, small businesses are the backbone of the U.S. economy as a whole, responsible for generating the majority of all new jobs. There are almost 6 million small businesses in the U.S. today, employing more than 92 million workers. In Indiana alone, 129,000 small businesses employ more than 2.1 million Hoosiers.

EXPANDING BUSINESSES

Helping the economy of the 9th District has been one of my priorities, and I want to share with you a few of the stories I have heard recently about companies that are doing well, expanding, and creating jobs in the region.

Companies involved in the auto industry have been particularly successful in creating jobs. In Perry County a company that makes castings for auto and machine parts, as well as engine supports, recently invested $60 million in a 200,000 sq. ft. facility, creating 220 new jobs. In Switzerland County a company is expanding its manufacturing facility to make a brake system component for General Motors, creating up to 100 new jobs. In Jefferson County a company that makes die castings for the auto industry recently invested $14 million to expand its operation, creating 100 new jobs. In Clark County a Houston-based company announced plans to build a $12.5 million plant at the Clark Maritime Centre that will produce thermal plastic resins for the auto and appliance manufacturing industries, creating 72 new jobs. At the Northern Industrial Park in Scottsburg a new company will produce plastic-injection components for the auto, appliance, and electronics industries and will create 60 new jobs over 3 years.

Manufacturing companies other than those involved in the auto industry are also doing well. In Jeffersonville the country's largest inland shipbuilder recently received its biggest order since World War II. The ships are to be built between now and 1999, and at least 250 new jobs will be created to fill the order. In Perry County a furniture manufacturer recently increased its plant capacity, creating 60 new jobs. In Ripley County another furniture maker specializing in entertainment centers plans to expand production and create 45 new jobs by June.

It is not just manufacturing companies that are succeeding in the 9th District. In Jeffersonville a trucking company is investing $17.5 million to enlarge its truck fleet and real estate holding and to update its terminal. It will purchase 285 new trucks and add 200–300 new jobs. In Jennings County a Texas-based company is constructing a $35 million indoor shrimp-breeding facility, creating 40 new jobs once it is fully operational. In Floyd County an operator of consumer merchandise rent-to-own stores reported record results in 1995, with revenues up 35% over 1994.

Some large corporations are also playing a positive role in the region. For example, Toyota recently announced its plans to build a new $700 million truck assembly plant in Gibson County, which will create hundreds of well-paying jobs throughout southern Indiana. Hyatt is building a 118,000 sq. ft. entertainment pavilion and 200 room hotel along the river in Ohio County. That project should create about 3,000 new jobs. Similar entertainment projects are underway in other counties.

HELPING BUSINESS GROWTH

Local business and community leaders certainly take the lead in boosting job growth, but there are several ways the federal government can help.

Because small businesses are the engine of growth, we have to find ways to help make them be more competitive. One step is to make sure that affordable financing is available to them, through the private sector and the Small Business Administration. In addition, we must continue to reduce the federal budget deficit. We have cut the deficit in half in the last four years, and bringing it down further will help keep interest rates low and make it less expensive for businesses to borrow. We also have to continue reducing unnecessary, burdensome regulations that impose unreasonable costs on small businesses, and we should reform the tax code so it encourages greater investment and savings.

At the same time, we need to increase the quality of the workforce by investing in the education and skills training necessary to make Hoosiers competitive in today's economy. Finally, we should invest in affordable housing and in improving the local infrastructure, particularly roads, bridges, local airports, and water systems. A strong infrastructure helps to attract and maintain jobs in Hoosier communities.

CONCLUSION

There is no higher priority for me than helping to expand job growth and opportunity in southern Indiana. I am immensely pleased with the progress recently made. Working together, there is a lot we can do to ensure that the local economy remains healthy for years to come.

DAWNING OF A NEW ERA

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BARCIA. Mr. Speaker, there is a great appreciation in our country for hard work and diligence. Those who exhibit those characteristics are usually held in the highest regard. Not everyone achieves the recognition of hard work and diligence on their own. Rather, they earn it through a combination of their own efforts with the willingness of others to provide meaningful opportunities.

The Opportunities Industrialization Center of Metropolitan Saginaw has for the past 26 years scrupulously followed its philosophy of "helping people to help themselves." Thanks to the hard work of Rev. Roosevelt Austin, S., and Martin H. Stark, in cooperation with local businesses like General Motors, Dow Chemical, and Dow Corning, more than 10,000 young men and women have been given a renewed opportunity to show that they can be successful members of society, an inspiration to their communities, and find a new sense of self-worth.

This weekend, OIC of Metropolitan Saginaw will be celebrating the grand opening of its new facility, boasting 14 classrooms including a science lab, a day care center, dining facilities, a 250 seat auditorium, a library, and other impressive resources. It is a true tribute to Frederick D. Ford, who took over as executive director of OIC of Metropolitan Saginaw, 22 years ago, and created the vision of a state of the art building that would provide the combination of resources needed for a successful job training and development program.

This building and OIC shows what can happen when visionary individuals have the opportunity to combine public support, garnered by building fund campaign chairman Henry G. Marsh, with that of State and Federal Government assistance to create the kind of program for which we have even a greater need. Money from the Job Training Partnership Act and the Department of Housing and Urban Development leveraged private donations to create this magnificant facility. People are eagerly looking forward to this new building which will continue the impressive record of accomplishment earned by OIC of Metropolitan Saginaw.

People of all ages will benefit from this facility that will be able to provide them with the best possible training using the most modern techniques and equipment. The high national rankings earned by OIC of Metropolitan Saginaw will continue to pour in, I am sure, as those who support OIC set their sights on even newer challenges.

Mr. Speaker, I urge you and my colleagues to join me and OIC national founder Rev. Leon Sullivan in wishing the OIC of Metropolitan Saginaw every success for its future, and congratulations on its most recent accomplishment.

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19 MEMBERS OF CROATIAN FRATERNAL LODGE CELEBRATE 50 YEARS OF SERVICE

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. VISCLOSKY. Mr. Speaker, I rise today to congratulate 19 outstanding individuals who are celebrating 50 years of membership in the Croatian Fraternal Union Lodge 170. The festivities will begin this Sunday, May 5, with a mass at St. Joseph the Worker Church in Gary, IN, followed by a banquet at Lodge 170 in Merrillville, IN. The esteemed guest speaker at this celebratory event will be the Hon. John Buncich, Sheriff of Lake County, IN.

At this time, I would like to recognize the following members who be will honored on Sunday for their 50 years of membership in the Croatian Fraternal Union Lodge 170: Rosemary Adams, Bryan Magdaline; John V. Chelich; Alvin Eugene Erbesti; Lillian Gorski; Andy Horvatich; Pauline Jocha; Mary Klen; Francis Medved; Jennie Miller; Anna Mordi; Rosemary Petrovich; John Pitula; Shirley Pollizatto; Robert Razumich; Anne Wagner; Catherine Yavor; Catherine Zitz; and Christine Zivcic. These 19 members of Lodge 170 have lived up to the highest ideals of their solidarity with the people of Croatia and service to the Croatian-American population.

I would also like to recognize Ms. Elizabeth Morgavan, who has served as president of Lodge 170 for over 10 years. As an honorary lifetime member, she has dedicated her efforts to all facets of the Croatian Fraternal Union. In 1992, Elizabeth was named "Woman of the Year" by her peers at Lodge 170 for the countless hours she has dedicated to various projects and programs within the Lodge and the Croatian-American community.

Over the years, it has been my privilege and honor to work with the membership of the Croatian Fraternal Union Lodge 170. They have, in no uncertain terms, played a key role in promoting fraternal and cultural activity among the Croatian-American population of northwest Indiana. Lodge 170, the largest Croatian Fraternal Union lodge in the United States, has provided its many members with opportunities to share their ethnic heritage with their fellow countrymen. More importantly, Lodge 170 has provided social assistance and insurance benefits for its members, as well as other Croatian-Americans.

Mr. Speaker, I urge you and my other colleagues to join me in commending the dedication and longevity of all those who have served for 50 years as members of the Croatian Fraternal Union Lodge 170.

STATE OCCUPANCY STANDARDS AFFIRMATION ACT OF 1996

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. McCOLLUM. Mr. Speaker, today I am introducing a bill, the "State Occupancy Standards Affirmation Act of 1996" to assert the rights of States in establishing occupancy standards for housing providers. Currently, there is no Federal law to establish the number of people permitted to live in a housing unit. It is imperative that we ensure that States retain the right to set reasonable occupancy standards; my bill does just this.

There is a national consensus that the appropriate level for most apartment properties is two-people-per-bedroom. Most States have adopted a two-per-bedroom policy, and HUD's own guidelines state that this is an appropriate level to maintain public housing and section 8 housing. Beyond this level, the negative effects of overcrowding can be triggered, including decreasing the stock of affordable housing.

However, HUD's Fair Housing Office has initiated legal actions over the past 3 years. And then last July, HUD issued a memorandum, without any consultation, that would pressure housing providers to rent to substantially more than two-per-bedroom or be potentially subject to lawsuits charging discrimination against families.

All types of housing providers, including managers of seniors housing and public housing, were dismayed with HUD's proposal. If this change were permitted to stand, it would adversely impact all involved in housing, from tenants who could be crowded into inadequate housing, to housing providers who would have to provide services for more residents than they may be equipped for, and whose property would deteriorate.

In the fiscal year 1996 VA/HUD appropriations bill, Congress disallowed HUD from implementing its July memorandum. But we need to go one step further.

The bill I am introducing is a simple clarification of existing law and practice. It says that States, not HUD, will set occupancy standards and that a two-per-bedroom standard is reasonable in the absence of a State law. American taxpayers have spent billions of dollars on HUD programs designed to reduce crowding. It is time to ensure that overcrowding will not be a possibility.

CONCERNING ACID RAIN

HON. BRUCE F. VENTO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. VENTO. Mr. Speaker, important new long-term research shows that acid rain negatively impacts soil chemistry, which in turn has a deleterious effect on our Nation's forests. This ground-breaking study was conducted by Dr. Gene E. Likens, the director of the Institute of Ecosystem Studies in Millbrook, NY. Dr. Likens' findings were recently published in the respected professional journal, Science. Dr. Likens' work continues to provide and sustain the policymaking process. As an elected official, I am grateful for his positive efforts.

Whereas earlier research has suggested a link between acid rain and harmful impacts on deciduous forests, the Likens study provides more conclusive evidence of the damage caused by acid rain.

On Monday, April 22, we celebrated the 26th Earth Day. Let me remind my colleagues that every day is Earth Day for those of us who are entrusted by the American people to protect and conserve our Nation's natural resources. We must be responsible stewards of the environment and we have an obligation to use the best possible science and insights available to us when making critical decisions affecting America's natural treasures. Dr. Likens' study provides important new information concerning pollution and forests. I am including a New York Times article about the Likens study for the RECORD. I hope my colleagues will take a few minutes to read this important article on the topic of acid rain:

[From the New York Times, Apr. 16, 1996]

THE FOREST THAT STOPPED GROWING: TRAIL IS TRACED TO ACID RAIN

(By William K. Stevens)

In the first long-term study of its kind, researchers have found that a New England forest whose soil chemistry has been altered by acid rain essentially stopped growing nearly a decade ago and will probably be a long time in recovering.

The impact of acid rain on American forests has been a contentious subject. A 10-year Federal assessment of the problem concluded in 1990 that with some exceptions, there was no clear evidence linking acid precipitation to any important harmful effect on forests. Many scientists objected, arguing that the impact of changes in soil chemistry was not yet clear but that those changes would probably be damaging in the long term.

Now investigators have examined more than three decades of data from the Hubbard Brook Experimental Forest in the White Mountains of New Hampshire and discovered that increased acidity has deprived the soil of alkaline chemicals, mainly calcium, that are essential for plant growth. At the same time, they found that the annual rate of accumulation of forest biomass—its total plant material—dropped to nearly zero in 1987 and has remained there. Finally, they discovered that the soil was recovering its calcium and other alkaline chemicals very slowly because precipitation contains about 80 percent less of them than it is estimated to have contained in 1950.

The alkaline chemicals, or cations (pronounced CAT-ions), are leached from the soil by acid precipitation and carried away by streams. The precipitation contains sulfuric acid and nitric acid, produced by the burning of coal, oil and gasoline. A major source of these chemicals raining down on the Northeast has been the sulfur dioxide and nitrogen oxides emitted by Midwestern power plants and borne eastward by prevailing winds; they form sulfuric acid and nitric acid when they mix with water.

Congress amended the Clean Air Act in 1990 in an effort to cut the emission of sulfur dioxide and nitrogen oxides in half by 2000. But the findings from the Hubbard Brook forest suggest that this will not be enough if forests are to recover any time soon, said Dr. Gene E. Likens, the leader of the study.

Dr. Likens, an ecologist, is the director of the Institute of Ecosystem studies at Millbrook, N.Y., a nonprofit research and educational institution formerly associated with the New York Botanical Garden. The institute has been collecting a wide range of data since 1963 on the functioning of the Hubbard Brook forest, a 7,500-acre tract owned by the United States Forest Service. It is one of only a few ecological research projects looking at ecosystem behavior over the long term, and it is probably the only one to come up with decades-long detailed measurements on the effects of acid rain on American forests.

The report of the new findings appears in the current issue of the journal Science. It was prepared by Dr. Likens, Dr. Charles T. Driscoll of Syracuse University and Donald C. Buso of the Millbrook institution.

"It's just a landmark paper," said Dr. David Schindler, a prominent acid-rain researcher at the University of Alberta in Edmonton, Canada. "Hubbard Brook has the only data set that's thorough enough and long enough to show this happening."

Until now, Dr. Schindler said, the idea that acid rain is harming deciduous forests has amounted to a "robust" hypothesis. The Hubbard Brook results are "the clincher," he said, adding: "I think there's concern for the whole northeastern United States and eastern Canada that this is occurring."

Some other researchers were more cautious. "The large majority of forests in the eastern U.S. seem to be growing quite well," said Dr. Jay S. Jacobson, a plant physiologist at the Boyce Thompson Institute at Cornell University. While the Hubbard Brook results are suggestive, he said, other factors should be considered before reaching a firm conclusion on the effects of acid rain. These include the effects on forests of climatic changes and possible changes in the deposition of nitrogen, a critical forest nutrient.

Assuming that forests are recovering slowly, Dr. Jacobson said, "are we as a nation willing to accept slower growth of forests in order to avoid placing additional controls on emissions of pollutants?"

In their paper, the Millbrook researchers stopped short of asserting a firm cause-and-effect relationship between the depletion of cations in the soil and the slowing of forest growth. Pinpointing the cause of the slow growth, they wrote, "should become a major area of research." Dr. Likens said, "If indeed the forests has become limited in its growth by the disappearance of these base cations—and I emphasize the 'if'—then that's a very serious implication of these results."

Dr. Likens compared the action of acid rain in depleting the soil of cations with that of stomach acid eroding an antacid tablet. In the case of the Hubbard Brook forest's soils, he said, "it's like half the antacid has been eroded away, and you've only got half of it left." The continuing deposition of acid is making the system even less able to neutralize it. "The system is now very sensitive," he said.

The observed effects on soil chemistry were unexpected, Dr. Likens said, and neither those effects nor other data based on long-term observations were reflected in the 10-year Federal study, the National Acid Precipitation Assessment Program. The study found that acid rain generally causes significant ecological damage, but not so much as originally feared.

Among other things, the study concluded that acid rain was harming aquatic life in about 10 percent of Eastern lakes and streams, that it was reducing the ability of red spruce trees at high altitudes to withstand the stress caused by cold and that it was contributing to the decline of sugar maples in some areas of eastern Canada. While forests otherwise appeared healthy, the study said, they could decline in future decades because of nutrient deficiencies brought on by acid rain.

BEN GILMAN: A REAL FRIEND OF THE IRISH

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. DELAY. Mr. Speaker, I commend to our colleagues an article written by Father Sean McManus, the president of the Irish National Caucus, that appeared in the Irish Echo on April 3, 1996, about our colleague, Chairman BEN GILMAN of New York.

This article describes the efforts of the Republican Congress to fight for fairness and peace in Ireland, and the great leadership of BEN GILMAN on these issues.

BEN GILMAN is proving that Republicans in the Congress do fight for justice around the world, especially in Ireland. I applaud him for his leadership, and I urge my colleagues to read the following article:

MY IRISH HERO IS A JEWISH CONGRESSMAN

(By Fr. Sean McManus)

I don't think that Irish Americans are sufficiently aware of the extraordinary revolution that has taken place in the U.S. Congress regarding Irish affairs.

For over 20 years the Irish National Caucus had campaigned for Congressional Hearings on Northern Ireland. But famous Irish-Catholic speakers of the house—with names like O'Neill and Foley—steadfastly blocked all hearings. They didn't want to offend Her majesty's government:

"An ad hoc Irish committee of 119 members has been formed in Congress. But the committee's attempts to publicize the outrages being committed in Northern Ireland, along with the efforts of the Irish National Caucus, have been blocked by House Speaker Tip O'Neill and other congressional leaders (Jack Anderson, "Carter Pressured on Northern Ireland," Detroit Free Press, Oct. 29, 1978.

When the MacBride Principles were launched in 1984 we had an even more legitimate reason for hearings because U.S. dollars were subsidizing anti-Catholic discrimination in Northern Ireland, where Catholics are twice likely to be unemployed as Protestants. But again—and now under speaker Tom Foley—hearings or legislative action were blocked. Furthermore, the then-chairman of House Foreign Affairs (now called International Relations Committee, Rep. Lee Hamilton, the Indiana Democrat, kept telling me there was no interest in the MacBride Principles among members of the Committee.

This was a deeply distressing experience. We knew we had a perfectly valid case for a hearing, yet it was being unfairly and undemocratically blocked in the interest of the English government (with the connivance of the then Dublin Government).

Yet oddly enough, some Irish Americans thought that when the Republicans seized control of both House and Senate in 1995, the Irish cause would suffer. But not this Fermanagh man. The first thing the Republican takeover meant to me was that our very best ally, Rep. Ben Gilman of New York would become chairman of the House International Relations Committee.

Ireland has never had a more dedicated, consistent, or genuine friend than Ben Gilman.

As far back as July 1979, Rep. Gilman, then a member of both the Committee of Foreign Relations and the Subcommittee on International Economic Policy and Trade, commissioned Rita Mullan, executive director of the Irish National Caucus, to conduct an investigation of the hiring practices of U.S. companies doing business in Northern Ireland. This was the first-ever American study of those companies and it marked the genesis of the MacBride Principles.

Rep. Gilman has been a champion of every Irish issue: the Birmingham Six, the Guilford Four, the right of political prisoners etc. He has been absolutely fearless on the Irish issue, never allowing the State Department or any foreign government to silence him.

One of the first things Chairman Gilman did early on in the 104th Congress was to hold hearings, the first on Northern Ireland since 1972. Then, despite heavy lobbying and pressure, he attached the MacBride Principles to the International Fund for Ireland. The House International Relations Committee, after spirited debate, voted on the issue on May 15, 1995. There are 41 Members of the Committee. Thirty-two voted for MacBride Principles, only 8 voted against. And yet for all those years I had to listen to Lee Hamilton tell me there was no interest in the Committee on MacBride.

The MacBride legislation is part of the American Overseas Interest-Act, H.R. 1561. The legislation has now been passed twice by the House of Representatives. It has also been endorsed by the House and Senate Conference. And the entire Republican Leadership—from Sen. Jesse Helms—are all on record of supporting the MacBride Principles, while the State Department opposes these efforts.

What an extraordinary political realignment. None of which could have happened without Ben Gilman's leadership.

For years I have been preaching the message: "Human Rights for Ireland is an American issue—not just an Irish-American issue." And I deeply believe that. Nonetheless, I am still deeply touched when someone who is not Irish stands up for Ireland. And there are many in the Congress who do: African-Americans, Italians, Polish, Jewish, etc.

Rep. Gilman is Jewish American. Isn't it extraordinary that it took a Jewish American to move the Irish agenda to the very top of the U.S. Congress? Isn't it truly amazing that while some powerful Irish Americans in Congress were too scared to take a stand, this quiet, unassuming man has emerged as Ireland's best friend in the U.S. Congress.

Every Irish-American worth his or her salt must stand up and cheer Ben Gilman. He is my Irish Hero.

I should end by explaining that the Irish National Caucus is nonpartisan: neither Democrat nor Republican. So I do not want readers to think this is a pro-Republican article. It is not. In fact, I've personally never voted Republican in my life. But then, I've never lived in Ben Gilman's district.

TRIBUTE TO DICK HOAK

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. KLINK. Mr. Speaker, when I think of the past 35 years of the Pittsburgh Steelers organization, certain memories come to mind. The rough and tumble Steelers of the early sixties with Bobby Layne and John Henry Johnson; the glory years of the seventies when the Steelers won an unprecedented four Super Bowls coached by Chuck Noll and under the leadership of Terry Bradshaw, Mean Joe Greene, Jack Lambert, Franco Harris, and other stars too numerous to mention; and finally the current Steelers, the reigning AFC champions. All these memories have one constant. That constant is Dick Hoak.

As we honor Dick Hoak this evening, we remember the enormous contribution he has given to the Steelers as both player and coach. When Dick graduated from Penn State in 1961, he was drafted by the Steelers in the seventh round. During his 9 years as a player, Dick led the Steelers in rushing for 3 years and also was named to the Pro Bowl in 1969. Dick is the fourth highest leading rusher in Steelers' history.

Dick also has made a profound impact as a Steelers' coach. For the past 24 years, Dick has been in charge of the offensive backfield and most recently has exclusively coached the running backs. Under Hoak's guidance, the Steelers have produced such notable running backs as Franco Harris, Rocky Bleier, Frank Pollard, Earnest Jackson, and more recently Barry Foster and Bam Morris. Dick has the distinction of being the longest-tenured coach in Steelers' history.

I am honored to present Dick with this letter of commendation. The city of Jeanette is truly blessed to call Dick one of its own.

A VISION OF VALUES

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BARCIA. Mr. Speaker, all too often people dwell upon the failings of our society, and ignore the true accomplishments of many devoted Americans. Nowhere is this more evident than in the case of talking about the misfortunes of those who either lose their jobs or simply fail to find one all together. I want our colleagues to know about a man who believes that success breeds success, and who for more than 30 years has worked to have that success serve as the foundation for even more success. I am talking about Rev. Leon H. Sullivan, the founder of the Opportunities Industrialization Centers of America, Inc.

There are many people in our society who need retraining to gain improved skills to find new jobs, and others who need basic training to find meaningful jobs. Since 1964, Reverend Sullivan has worked to provide comprehensive employment training and placement for disadvantaged, unemployed, and unskilled Americans. Many of us recognize the symbol, OIC, and have seen it in our congressional districts. I am sure, however, that not many fully appreciate the effort and devotion demonstrated by Reverend Sullivan over these years.

The first OIC was founded in an abandoned Philadelphia jailhouse. It expanded to more than 70 centers around the country, and 28 centers overseas. In its more than 30 years of operation, OIC has trained and provided assistance to more than 1.5 million people.

Particularly at times like these when we are looking for private solutions to significant national problems like unemployment, Opportunities Industrialization Centers are more important than ever before. Growing from his ministry at the Zion Baptist Church in Philadelphia, Reverend Sullivan established a day care center, a credit union, an employment agency, a community center for youth and adults, adult education reading classes, athletic teams, choral groups, and family counseling services. This wonderful range of programs that became OIC goes to the heart of recognizing that the true solution to any difficulty lies within each of us personally as we take greater responsibility for solving the problems life presents to us, while taking the fullest advantage of the opportunities the same life presents to us.

Rev. Leon Sullivan has been rightly honored before for his work, having won more than 100 national and international awards, as well as the Presidential Medal of Freedom. His position on the boards of numerous corporations gives him a unique opportunity to see the kind of workers that successful businesses need so that OIC can train the best possible candidates.

Mr. Speaker, as the members of the OIC of Metropolitan Saginaw greet Reverend Sullivan at the dedication of their new facility, I ask you and all of our colleagues to join me in thanking this great man for bringing hope and opportunity to the many that OIC has touched, and pledging to work with him and his associates to restore the American dream for those who are still waiting.

COMMEMORATING A 25TH ANNIVERSARY—AND CREATING A NEW OSHA

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BALLENGER. Mr. Speaker, this week marks the 25th anniversary of the Federal Occupational Safety and Health Act [OSH Act] and the agency it helped to create, OSHA. Throughout the week events will commemorate not only the anniversary of OSHA, but highlight the importance of workplace safety. It is certainly appropriate and important for employers, employees, and public officials to be reminded of the importance of workplace safety—and of the cost to lives, families, and businesses when safety is not emphasized and accidents occur.

The 25th anniversary of the OSH Act is being used by some people for something else as well: to criticize Republicans who have been critical of OSHA.

Indeed, many of us in Congress have been critical of OSHA. We've claimed that it has too often been overreaching and lacking in common sense in its regulations, and adversarial and punitive in its enforcement. And we've said that it has not been cost effective in promoting worker safety and health.

The Clinton administration has agreed with many of our criticisms of OSHA. For example, just 1 year ago, President Clinton, speaking at a small business in Washington, DC, called for creation of "a new OSHA," an OSHA that puts emphasis on "prevention, not punishment" and uses "commonsense and market incentives to save lives." Vice President GORE was even more direct when he spoke to the White House Conference on Small Business last year: "I know that OSHA has been the subject of more small business complaints than any other agency. And I know that it is not because you don't care about keeping your workers safe. It is because the rules are too rigid and the inspections are often adversarial."

And in criticizing OSHA we've said nothing more than OSHA's record surely shows. Stories abound of OSHA's enforcement of rules that have little or nothing to do with workers' safety. We've sometimes been accused of fabricating stories about OSHA, but in each case not only has the example been true, but OSHA has then tried to quietly undo the fabricated regulation. Last year the owner of a small bakery near Chicago told the Subcommittee on Workforce Protections about her OSHA inspection, in which she was fined for not having the required documents on the health hazards associated with laundry detergent used to clean hands and aprons in the bakery. The head of OSHA publicly denied that there was any such requirement, and then quietly sent out new instructions to OSHA inspectors to "go easy" on issuing citations for such common household items. Similarly, Labor Secretary Reich assured at least two congressional committees that OSHA had no regulation banning gum chewing by workers doing roofing work: "pure fiction" he said. Then a few weeks later his own Department of Labor issued a report highlighting the same gum-chewing regulation as one that should be deleted from OSHA's books. I'll assume that when he testified before Congress the Secretary just did not know OSHA's 3,000 pages of rules in sufficient detail. But if he were a roofing contractor, rather than the Secretary of Labor, his ignorance of OSHA's rules would be no excuse, and he could be cited and fined if one of his employees violated the gum chewing ban.

Are such examples of silly and unproductive regulations and enforcement just aberrations? Hardly. Despite spending over $5 billion in taxpayer money over the past 25 years, there is little evidence that OSHA has made a significant difference to workers' health and safety. Example after example and study after study show that OSHA's focus on finding violations, no matter how minor and insignificant, has actually made OSHA ineffective in improving safety and health in the workplace. Why is that? One important reason appears to be that when the focus is on issuing penalties rather than fixing problems, there is much less attention paid to fixing problems. One study showed that the time required of OSHA to document citations increased an average inspection by at least 30 hours, thus greatly decreasing the number of workplaces OSHA could inspect. Penalties are sometimes necessary to compel irresponsible employers to address health and safety for their workers. But as the Clinton administration itself has said, inspections and penalties have not produced safety. OSHA must find new ways of operating.

The apparent agreement between the Clinton administration and those of us in Congress who support reform of OSHA marked a significant convergence of views. The 25 year history of OSHA has been marked by sharp partisan and philosophical differences over the value and direction of OSHA. So the unusual agreement in analysis and prescription for improving OSHA between the Clinton administration and Congress presented an unusual opportunity to use the 25th anniversary of OSHA to make meaningful changes.

Now the Clinton administration seems to be walking away from its own analysis and initiatives. Recently, with bipartisan cosponsorship, I introduced the Small Business OSHA Relief Act, which would enact several of the specific changes already proposed or endorsed by the Clinton administration for OSHA. We even borrowed the Clinton administration's language, so that there would be no dispute that these are initiatives to which they have already agreed.

Organized labor, which has opposed the Clinton administration's "reinvention" of OSHA all along, is also opposing the legislation, and their influence on the Clinton administration has never been stronger than it is in this election year. So the President must choose: did he really mean what he said about "a new OSHA," or will be stop meaningful change to OSHA, change which he has already said is needed, to appease his union supporters?

The 25th anniversary of OSHA is a timely opportunity to look back but also to look ahead. The President and Congress have an opportunity to enact needed reforms that will make OSHA more fair and more effective. Last May, speaking about OSHA, the President said, "Let's change this thing. Let's make it work. Let's lift unnecessary burdens and keep making sure we're committed to the health and welfare of the American workers so that we can do right and do well." If the President stands by his own words, we can in fact begin to create a "new OSHA" for the next 25 years.

BAY AREA URBAN LEAGUE CELEBRATES 50 YEARS OF SERVICE FOR SOCIAL AND ECONOMIC EQUALITY

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. DELLUMS. Mr. Speaker, as we approach the 21st century, our Nation faces important issues of priority for the betterment of our citizens. We need not reinvent the wheel. We need only to look at our local communities for the richness and wealth of experiences to achieve social and economic equality.

The Bay Area Urban League [BAUL], 1 of 144 affiliates of the National Urban League and founded in 1946, is a tremendous resource in the Ninth California Congressional District. It is a model of diversity, both in its members and the community it serves. BAUL is an interracial, nonprofit community service organization in the five Bay Area counties that helps African-Americans and minorities achieve equal opportunities in education and employment. It provides employment counseling, on-the-job training, sponsors job fairs, HIV–AIDS prevention projects, and runs the Oakland-Emiliano Zapata Street Academy for at-risk youth. BAUL's economic development program in low and moderate income communities advances economic development that promotes affordable housing and community and business lending as well as consumer education.

The five decades of outstanding and effective contribution to the community is equally marked with the recent appointment of Ms. Carole Watson, the first woman president in the Bay Area Urban League's history. Under her leadership and in her own words, "BAUL is needed today more than ever before. There are still a large number of African-Americans and people of color who are not getting access to all the opportunities of our technological world. We need to push for new activities that foster racial inclusion". This is the history and legacy of the Bay Area Urban League as it celebrates its 50 years.

TRIBUTE TO HAROLD JAMES BALLARD

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. FILNER. Mr. Speaker, I rise today to honor a great friend and community leader who passed away this week: Harold James Ballard.

Those of us in the educational community know that Harold always worked to make life better for everyone, especially our children. He lived the belief that activism was better than lipservice, progress better than the status quo.

In 1952, a young Harold Ballard decided to serve his country, joining the U.S. Army. He received the Army Occupation Medal while in Germany. For his service in Korea, he was awarded the National Defense Service Medal, Korean Service Medal, and the United Nations Medal. Following his discharge from the Army in 1955, he served for 30 years in the Army Reserve.

Those of us who care about the students in San Diego have all benefited from his many years of service. Harold started working with schools when his children were in grammar school. His concern was not limited to his own four sons, he was involved in parent groups throughout San Diego for over 30 years. He was awarded a lifetime membership in the PTA for services rendered to students and parents.

Harold supported the Encanto Little League and was honored with the Silver Beaver Award for leadership in Boy Scouts. Any child could go to him for help.

Also known as Jimmy, he volunteered as a member of the district advisory council [DAC], the school site council/school advisory council. Over the years, he served as the DAC representative for Johnson Elementary, Crawford High School, and Gompers Secondary School. His service on the DAC was recognized by his selection as its chairman. His leadership was rewarded with the Citizen of the Year for 1994–95 Award by Phi Delta Kappa, and his nomination for the J.C. Penney Golden Rule Award. I came to call him "Mr. Title I" for his commitment and service to our poorest and most disadvantaged students.

In this lifetime, we all come across a small number of special people, those who touch our minds, hearts, and souls with their activism, optimism, and dedication to making everyone's life richer. Harold was one of those chosen few. My thoughts and prayers go out to his wife, Jean, and his family, friends, and the community. This world needs more people like Harold Ballard. He will be sorely missed.

SALUTATIONS TO A LOCAL HERO

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. LATOURETTE. Mr. Speaker, the U.S. Coast Guard earlier this year presented its highest lifesaving honor, the Gold Lifesaving Medal, to Kenneth M. Bauer of Mentor, OH.

On the afternoon of June 21, 1995, Bauer was mowing the backyard of his father's home on Thunderbird Drive in Mentor-on-the-Lake when he heard cries for help coming from Lake Erie. He could see two men about 200 yards offshore, both struggling to retrieve an inflatable raft. With no thought to his own safety, Bauer grabbed two floatation devices and ventured into the 65-degree waters, battling the merciless, 5-foot Lake Erie waves.

I would like to think if we were faced with the same circumstances as Bauer—two men pleading for help in the choppy waters of Lake Erie, unable to reach their raft, we would react in the same manner and place the lives and safety of others above our own. However, I think we know that would not be the case. Some would react with cowardice, indifference, paralyzing fear or panic. Fortunately, Bauer did not.

He swam out into the lake, gave one of the personal floatation devices to the nearest victim, Tim Novak, and continued farther out to reach the second victim, Christopher Arhar. By the time Bauer reached Arhar, he had slipped under the water. Bauer didn't give up. Instead, he continued to dive under the waves until he reached Arhar, dragging him to the surface by his arm. For 15 minutes, without any flotation device of his own, Bauer held onto Arhar, keeping his head above water.

Tragically, a wave crashed down and Arhar was ripped from Bauer's grasp. Again, he searched for Arhar, but could not find him. Exhausted, Bauer returned to shore.

What Ken Bauer attempted to do that afternoon was not only heroic, but miraculous. One man, Novak, owes his life to Bauer. Another, Arhar, sadly lost his, withering in the icy grip of the lake that has claimed so many over the years.

Shortly after the heroic rescue, Bauer spoke to reporters about the last words he heard from Arhar before his struggle ended: "Please help me."

I would imagine Bauer has relived this scene in his mind countless times, and maybe even second-guessed himself. "Please help me" are words that would haunt anyone. However, this extraordinary man should know that he did all within his power to save these two men, far more than most would do. At that moment in life when Bauer faced a true gut-check, he showed a valiant, selfless side we all must admire.

Bauer possesses the proudest of legacies of what it means to be an American—about our absolute necessity to help others in times of dire crisis. He restores our faith that good deeds indeed happen. This is one that will not go unnoticed.

There are times in life when we need affirmation that ours is a Nation made up of compassionate, thoughtful people. Sometimes we need to be reminded that Americans do extraordinary deeds for others every day, not because they seek recognition, but because everyday life requires it.

What Ken Bauer did last June 21 was, by definition, an extraordinary deed. On behalf of the residents of the 19th District of Ohio, he deserves our highest praise and thanks.

SOUTHERN ILLINOIS UNIVERSITY DEBATE TEAM

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. COSTELLO. Mr. Speaker, I rise today to congratulate the debate team at Southern Illinois University at Carbondale, located in my congressional district. This team of outstanding young students has distinguished itself yet again by winning the National Championship Tournament of the National Cross-Examination Debate Association.

The contest was held March 29 through April 1, 1996, at California State University at Long Beach, with each of the teams arguing the benefits and detractions of the U.S. foreign policy in Mexico. For the first time in the championship's 11-year history, judges handed SIU the tournament victory after the final debate between SIU and Fort Hays University of Fort Hays, KS.

The SIU debate team has an excellent history in debate competitions, winning the national championship from 1986 to 1989. This year's victory shows the team's ability to put together a winning performance with a talented group of individuals.

Their championship victory is a testament to the outstanding scholarship and dedication by the SIU debate team. I want to congratulate the member of the SIU debate team, including Zachery J. Anderson; Sean M. Featherstun;

Jason E. Griffith; Melissa D. Horn; Glenn P. Frappier; Matthew M. Moore; Zachary A. Sapienza; Bill M. Shinn; Joseph M. Vuglia; Jeremy J. West; and Wendy D. Woolery. I also want to congratulate Faculty Director Greffory D. Simerly, Assistant Coaches Stephen K. Hunt, Edwin D. Phillips and Yuri V. Kostun, as well as Dean John Jackson of the College of Liberal Arts. I ask my colleagues to join me in offering congratulations on a job well done in this prestigious academic competition.

KRISTINA WONG, CALIFORNIA WINNER OF SCRIPTWRITING CONTEST

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. LANTOS. Mr. Speaker, I rise today to recognize Kristina Wong, the California winner of the 1995–96 Veterans of Foreign Wars Voice of Democracy Broadcast Scriptwriting Contest. More than 116,000 students participated in the competition for 54 national scholarships. I am proud to include the text of her award-winning script in the CONGRESSIONAL RECORD.

ANSWERING AMERICA'S CALL

(By Kristina Wong)

"Hello . . . Oh, America! How are you! . . . Great. I'm sure you're still as generous as always . . . What's that? . . . Sure. . . . Of course I will. Of course! If you are kind enough to create such opportunities, I should be gracious enough to offer you want I can in return . . . No, no, no . . . Don't be silly, we depend on each other. Without you I couldn't be here . . . And you couldn't be where you are . . . Alright, thanks for calling. Bye."

That was America calling. She calls on me as she does all of us to take advantage of her innumerable opportunities. Now, more than ever, the chance for America to answer her call is marvelous. These opportunities are practically flung at America, so how could anyone resist-answering America's call?

America was founded over 200 years ago on the principle of life, liberty, and freedom, and she calls on us to take advantage of these principles. In regards to life, the chance is ours to live where we want, how we like, and with as much education as we would like to receive. Of course in doing this we must also respect other Americans' rights to live as they choose. We are offered excellent free public education. We are offered financial assistance when we stumble. The life America offers is unique from that of all other countries. Nowhere else in the world is there such a diversity of talent, culture, and experience.

We are granted liberty—the opportunity for us to live with rights not granted by other countries. We may speak freely as long as we do not take license which injuries others in doing so. America welcomes refugees whether that are political prisoners, prisoners of war, or those who are oppressed by the economic shackles that have bound them in their native lands. In America, we can speak out to government about issues that concern us.

Along with liberty, we are granted freedom—freedom to exercise our rights to pursue the religion of our choice, to elect the candidate we support, and to assemble at will. We have the right to publish our ideas and share them with other Americans, no matter how orthodox or unorthodox they may be. We can also create groups to reform government or educate the community on the issues of concern.

It can clearly be seen that America's opportunities are hard to turn down! But America doesn't just call on us to take advantage of her bounty, she also asks us to help sustain her services by giving back to her something in return. By doing this we keep America in balance. Without contributions from America, she is incapable of fulfilling the promise of life, liberty, and freedom. She needs our help.

One way we help is through the financial contributions we make each April—those infamous taxes which fund the services America offers. Another way we contribute is in the form of direct service. Some of us are called to serve in the military to fight to defend America, while others of us are asked to serve in the community by volunteering our time and skills to assist those in need.

And America, most of all, requests the moral support of her citizens. We sing the National Anthem before sporting events to remember the efforts of those who defended our country. We also build national spirit by observing holidays such as Veterans Day, Independence Day, and Presidents Day. We display our national pride by hanging our American Flag as a symbol of unity and spirit.

I, too, have answered America's call. I have taken a citizen's role in government through my work canvassing for the Sierra Club on environmental protection issues. I have also served America by giving my time at a convalescent home where I assisted the elderly with their art activities. I have donated time at a local soup kitchen, serving meals to the homeless. I have further involved myself in working for the environment by being on my school's Green Team, which collects recyclable in the school. My team's efforts enabled us to earn a can crusher this year to further our recycling activities. This work led me to volunteer at a local recycling center where I have spoken to the community about keeping open recycling centers which were scheduled to close.

America has kept her promise of life, liberty, and freedom. She gives us the right to voice our opinions on our government. She gives us the freedom to pursue our goals and to reach for excellence. She gives us the opportunity for education and success. She only asks that we answer her call by giving her our time, service, and talents in return. So, the next time America calls, don't hang up.

STRICT LIABILITY/RIGHTS OF WAY LEGISLATION

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. COOLEY of Oregon. Mr. Speaker, today I am introducing the Rural Right-of-Way Fairness Act to make small but necessary adjustments to the way the Government manages right-of-ways [ROW] over Federal land. The provisions of the bill address situations involving right-of-way fees and liability standards affecting rural electric cooperatives and other ROW lessees.

These situations constitute examples of all too typical insensitivity on the part of Federal land regulators—particularly felt in the Western States where high percentages of Federal land ownership require rural citizens to depend on land management agencies to operate as good neighbors. Unfortunately, it appears that with regard to the management of right-of-ways for the transmission and distribution wires needed to bring electricity to the rural West, the Forest Service and the Bureau of Land Management have chosen, in some instances, to make life rough for the private citizens who live next door.

The first section of the bill deals with strict liability standards included in the contracts between the Forest Service and the Bureau of Land Management and ROW lessees. The provisions of those contracts set out the responsibility of each party for things that may go wrong on a Federal right-of-way.

Unfortunately, from time to time, things do go wrong. It would seem to make common sense that the responsibility for picking up the pieces in those instances should lie with those shown to be at fault. However, common sense seems to play little part in the calculation. In fact, as a matter of being able to qualify for use of a Federal right-of-way, rural electric cooperatives and other lessees are currently forced to take responsibility for anything that may happen on those right-of-ways whether they were at fault or not.

The 1976 Federal Land Policy and Management Act provided the Federal agencies with the authority to impose strict liability for costs associated with hazards on Federal lands. Prior to 1976, agencies recovered costs associated with hazards, such as costs required to put out a fire, through normal negligence. The agencies use crossing permits, which are a grant of right-of-way for a certain period of time, as the method for imposing strict liability.

Strict liability means that costs associated with a hazard are recovered from the holder of the rights-of-way without regard to who is responsible for the hazard or whether or not any negligence was involved. Normal negligence requires that costs associated with a hazard are recovered from whomever is responsible for that hazard.

Mr. Speaker, let me illustrate how this works on the ground by telling a story involving Midstate Electric Cooperative located in LaPine, OR. As a matter of prudent maintenance practice, Midstate Electric trims or removes trees on right-of-ways that pose a risk of falling onto electric lines. On Federal ROW's, the cooperative consults with the appropriate land management agency—who has ultimate authority to approve such actions.

After having proposed the removal of a number of trees on a Forest Service ROW in 1984, Midstate was told by the agency that it could cut some down, but had to leave other specified trees standing. Of course the predictable happened—one of the trees that Midstate had proposed cutting, which the Forest Service had refused to allow removed, fell into a power line and started a fire. It cost over $350,000 to put that fire out—a bill that was eventually forwarded to Midstate Electric. Knowing that the fire resulted from a management decision of the Forest Service, Midstate was forced to initiate court action to attempt to appropriately assign the financial liability of fighting the fire. It lost that action because of a ruling which interpreted ROW contracts as holding the co-op—and other ROW lessees—to a "strict" liability standard.

The legislation that I am introducing today removes that strict liability standard for a more commonsense one—returning to a normal negligence standard that is routinely used in private ROW contracts. In essence, the new standard will say: if you caused it, you are responsible for it. By enforcing any standard more rigid than that, the Federal Government is purposefully transferring costs to private citizens. The minimum impact of the current strict liability policy is higher electric rates for those rural communities unfortunate enough to live adjacent to public lands. The possibility exists, however, of even more punitive impacts in the form of the loss of insurance coverage for entities with Federal right-of-way liability.

Utilities, telecommunications providers, and others in the West find it impossible to avoid Federal lands in providing area coverage. In some cases, the Federal agencies are the users of the services that require crossing permits across Federal lands.

No other landowner in the United States has the power to impose strict liability for hazard costs for grants of rights-of-ways. The Federal Government can do it because it owns so much land in the West and has the power to pass laws and regulations. Normal negligence is seen as adequate protection for landowners and for holders of non-Federal rights-of-way in the United States. The Federal Government should live by that same standard.

The second section of my bill deals with ROW fees for rural electric and telephone cooperatives. In 1984, Congress passed and President Reagan signed PL 98–300, an act clarifying that rural electric and telephone utilities were to be exempted from Federal ROW fees. The legislation was put forward out of frustration that the Forest Service and BLM were not using existing authority granted to them in 504(g) of Federal Land Protection and Management Act [FLPMA] to reduce or waive right-of-way fees for nonprofit organizations found to operate in the public's interest.

This congressional fix has not proved entirely successful. Unfortunately, as in the case with the strict liability issue, the example is a utility located in my district.

Oregon Trail Electric Cooperative [OTEC] of Baker City, OR, has the distinction of being the newest formed rural electric cooperative in the United States. It was created by private citizens who formed a cooperative to buy out the facilities of an investor-owned utility which had found that serving rugged, rural territory is not a profitable venture. The buyout served to ensure continued electric service for the citizens of that part of Oregon and, significantly, was achieved without relying on government financing.

It is this last fact that is at the root of the issue. Instead of being rewarded for avoiding the use of government financing, the Forest Service has sought to penalize OTEC. The vehicle they are using is the language included in PL 98–300 which describes fee exempted cooperatives as "financed pursuant to The Rural Electrification Act of 1936." What had been a convenient way to describe cooperatives in 1984—because 100 percent were REA-financed—no longer holds true. Despite the obvious congressional intent in PL 98–300 of exempting all cooperatives; despite the numerous attempts to get the agency to utilize other administrative authorities; the Forest Service is now charging OTEC full ROW fees. Ironically, one of the ROW's is used to serve a Forest Service Office.

As an example of the attempts to reason with the Forest Service, I ask unanimous consent that a letter to the Forest Service from the Pacific Northwest Generating Cooperative on OTEC's behalf be inserted in the RECORD after my statement.

The language of my bill is simple and straightforward. It would change FLPMA to exempt from ROW fees those electric and telephone utilities that are eligible for rural utility service financing rather than those utilizing it. In this era of budget consciousness, the last thing we need is to continue a monetary incentive to perpetuate reliance on government funding. We should be congratulating the OTEC's of the world rather than burdening them with ROW fees that other, government-financed, co-ops are exempted from.

Mr. Speaker, as you can see, my bill attempts to correct yet two more examples of the Federal bureaucracy run amok. I believe that the Forest Service and BLM already have the administrative authority to solve the problems that I have identified. Unfortunately, they have refused to do so. Rural citizens who want nothing more than to have access to reasonably priced electric and telephone service have to appeal to the jurisdiction of last resort—Congress.

It is my hope that the Resources Committee will take up this legislation, whether as a free-standing measure or as an amendment to another bill. As public servants who understand the challenges of country life and the importance of keeping the lights on in areas that are rural, small, and distant, I trust that the members of the committee will ensure that a measure of common sense prevails with regard to Federal right-of-way policies.

PACIFIC NORTHWEST
GENERATING COOPERATIVE,
Portland, OR, July 20, 1994.

Mr. JIM GALABA,
U.S. Forest Service, Pacific Northwest Region, Portland, OR.

DEAR JIM: Thank you for taking the time to meet with me during my recent trip to Portland. As I mentioned last week, both the Pacific Northwest Generating Cooperative (PNGC) and Oregon Trail Electric Cooperative (OTEC) are very interested in revisiting the issue of whether Forest Service right-of-way fees should be waived for OTEC electric transmission lines.

I appreciated your willingness to run through the Forest Service regulations in an effort to help me understand earlier Forest Service decisions to charge OTEC right-of-way fees and to help explore areas of possible compromise. Per your request, I have attached several documents detailing the Congressional history surrounding the enactment of P.L. 98–300—the Federal Lands Policy and Management Act (FLPMA) amendment requiring that ROW fees be waived for rural electric and telephone systems financed by the Rural Electrification Administration (REA).

LEGISLATIVE HISTORY

As you can see from the enclosed Senate Energy Committee report, at the time of the bill's consideration, both the Forest Service and the Bureau of Land Management (BLM) opposed the legislation because of their feeling that "there is no equitable basis for granting rural electric or telephone cooperatives free access and use of the public lands, especially when regulated private utilities and their customers are treated differently." At issue was the BLM and Forest Service's failure to waive right-of-way fees for cooperatives under the existing FLPMA section 504 (g).

The prevailing concern articulated by the agencies was that cooperatives engage in "practices comparable to private commercial enterprise." It is interesting to note that this is the same basis upon which OTEC's request of a fee waiver has been so far denied. In enacting P.L. 98-300, Congress explicitly rejected the agencies' reasoning in favor of holding down the cost of electric and telephone service to rural consumers. It is also interesting to note that Senator Hatfield, who supports a fee waiver for OTEC, was a member of the Senate Energy Committee at the time of its consideration of the waiver legislation.

While the legislative history does make a number of references specifically to entities funded through the REA, the enclosed floor statements from Senator Baucus and Congressmen Lujan, Oberstar, and Boucher make clear that Congress's prime concern was supporting rural electric and telephone consumers that receive service from member-owned cooperatives. Mr. Oberstar's statement includes the sentence: "It makes little sense for a Federal agency to impose new charges on these companies, most of whom borrow from REA to build and improve their systems." Mr. Boucher refers to Congressional intent, in passing FLPMA, to "exempt or reduce fees for nonprofit utilities."

As I mentioned during our visit, we believe that Congress, in enacting P.L. 98-300, sought to clarify their intention that the Forest Service and the BLM waive right-of-way fees for rural electric cooperatives—regardless of their financing. The goal, as evidenced by the testimony, was to help keep electric and telephone costs down for rural consumers. This is precisely the reason REA exists in the first place. It is contradictory to charge fees to the types of non-profit associations that are so worthy in the eyes of Congress as to spawn a subsidized loan program. It is important to remember that OTEC remains eligible for REA financing because it is helping to fulfill the REA's mandate of rural electrification.

A further irony is that OTEC does not now have any REA loans in an effort to keep their costs as low as possible to their members—the exact goal in mind when Congress passed the amendment. OTEC should not be penalized for pursuing that end.

EXISTING ADMINISTRATIVE DISCRETION

P.L. 98-300 was clearly an attempt to clarify whether rural electric cooperatives provided a public benefit sufficient to warrant a waiver of their right-of-way fees. The legislation originated out of frustration that the agencies were not properly utilizing administrative discretion already enacted by Congress in FLPMA. The Senate report states that "both FLPMA and the regulations contain a provision which explicitly grants discretionary authority to the relevant Secretary (Agriculture or Interior) to issue rights of way to nonprofit organizations for such lesser (or zero) charge as the Secretary finds equitable and in the public interest."

Even if the Forest Service continues to deny OTEC a fee waiver under P.L. 98-300 based on a strict reading of the statute rather than its intent, it is clear the Congress believes that the agencies have broader administrative discretion to grant the waiver under existing FLPMA section 504(g). Accordingly, we would be active in urging the Forest Service to exercise that discretion in favor of a fee waiver. Oregon Trail is a nonprofit association that provides substantial benefit both to the public and (because they serve the Forest Service) the programs of the Secretary. However, we believe a more immediate decision favorable to OTEC is warranted given that the legislative intent of P.L. 98-300 was to provide a fee waver to all rural electric cooperatives.

SCOPE OF DECISION

As I mentioned during our meeting, the impact of granting OTEC a waiver, does not set a large precedent. Nationwide, out of roughly 1,000 existing rural electric cooperatives, only approximately 32 do not have REA financing. Of these, the majority are located in the Midwest and South. Only a handful are located in public land states and fewer still have service territory comprised of large amounts of Federally owned acreage. While the amount of money at stake is minuscule in terms of any impact on the Federal Treasury, it is important to the customers of Oregon Trail.

Again, thank you for taking the time to visit with me. Your willingness to review OTEC's waiver request and to explore a solution to this problem is very much appreciated. If I can provide additional information or be helpful in any other way, please feel free to contact me at either 202/857-4876 or 503/288-1234.

Sincerely,

R. PATRICK REITEN.
Director of Government Relations.

MEDIGAP PROTECTION ACT OF 1996

HON. KEN BENTSEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BENTSEN. Mr. Speaker, I rise today to introduce vital consumer protection legislation, H.R. 3374, for Medicare beneficiaries. H.R. 3374, the Medigap Protection Act of 1996, will provide real freedom to senior citizens to choose between traditional fee-for-service Medicare and managed care Medicare programs without risk of penalty. It does so by guaranteeing access to Medigap supplemental insurance for seniors who choose to enroll in fee-for-service Medicare after participating in a Medicare managed care plan.

Congress is currently debating fundamental changes to the Medicare system. The Republican plan to reform Medicare would strongly encourage Medicare beneficiaries to enroll in managed care plans. Nationwide, approximately 13 percent of the Medicare population have enrolled in managed care options. I support providing freedom of choice for senior citizens, but the choice must be real and not coerced. As more senior citizens enroll in managed care plans, we need to ensure that they can reenroll in Medicare without losing benefits or paying a financial penalty.

Under current law, Medicare beneficiaries can enroll in either a managed care product or traditional Medicare Program. Many enrollees in traditional Medicare choose to purchase supplemental insurance policies, called medigap to cover the cost of copayments, deductibles, and other uncovered benefits such as prescription drugs. When Medicare beneficiaries make this initial choice, current law protects them by requiring all insurers to sell medigap insurance. Regrettably, this consumer protection is not provided after this initial enrollment period.

H.R. 3374 would require guaranteed issue of medigap policies for those senior citizens who choose to enroll in traditional Medicare after leaving a managed care Medicare Program. This bill would require any issuer of medigap insurance to provide an annual enrollment period of 30 days for those Medicare beneficiaries that reenroll in the traditional Medicare Program. The Secretary of Health and Human Services would issue regulations to enforce this act. The bill would become effective 90 days after enactment.

Without this protection, senior citizens do not have real choice. In addition, many senior citizens are not aware of this lack of protection and may enroll in managed care plans without knowledge of this problem. A constituent of mine, Ms. Nona Phillips of Pasadena, contacted me when she had difficulty obtaining medigap insurance after switching back to fee-for-service Medicare from an HMO. Consumers should be able to choose plans without financial coercion or penalties, such as lack of medigap insurance. For many senior citizens, medigap benefits are extremely important because traditional Medicare does not provide prescription drug coverage. I want to ensure that Medicare beneficiaries make a choice between equal options. It also provides greater freedom and choice for seniors without forcing them to cover the costs of higher copayments, deductibles, and prescription drugs.

This is another incremental health care reform we can pass immediately that should be supported on a bipartisan basis. President Clinton has endorsed this provision as part of his 1997 budget. We need to pass common sense, reasonable legislation, H.R. 3374, that will improve the Medicare Program so senior citizens are protected and have real choice. I urge my colleagues to join me in this effort to strengthen consumer protections for Medicare beneficiaries.

IN CELEBRATION OF EMANUEL DAY

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues and the members of Temple Emanuel of Great Neck, as they gather on May 5, 1996, in Temple Emanual to celebrate Emanuel Day, the end of a 10-year effort that has served to beautify the synagogue, and enhance it as an ongoing source of inspiration to its congregants and the Great Neck community. Conceived by Rabbi Robert Widom, spiritual leader of Temple Israel, the project evolved into the design of six stained glass windows for the synagogue's sanctuary, a new ark and eternal light. The initial project, under the direction of Rabbi Widom, undertook a search that would last for 10 years until the appropriate artist was selected and the creative plans were developed.

An extensive search by the rabbi and the congregation's refurbishing committee yielded Paul Winthrop Wood, a Canadian born artist, who comes from a family of renowned architects and builders. Mr. Wood brought to Temple Emanuel an innate understanding of the Old Testament and the many creative and imaginative themes that flow from it. It was his early upbringing by his mother that endowed him with a rich blend of talent and insight that would be brought to fruition by the many religious building challenges he undertook.

A native of Port Washington, Mr. Wood continues the family tradition of building and design. He began his early studies in the Art Studies League and the National Academy of Design. Soon thereafter, he founded his own school, and began a career that would include the design and construction of more than 100 churches and synagogues throughout the United States and 30 houses of worship on Long Island.

In rising to the challenge of bringing to the synagogue and sense of love, understanding, and compassion, Mr. Wood succeeded grandly. It is with great pride and love that the trustees of Temple Emanuel of Great Neck have declared Sunday, May 5, as Emanuel Day. As the hundreds of congregants of Temple Emanuel gather on this day, it is most exciting and reaffirming that in the truest tradition of the American spirit, this beautiful congregation continues to so willingly give of itself, to its members and the community.

CONGRATULATIONS TO MR. AND MRS. MATTHEWS

HON. EARL F. HILLIARD

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. HILLIARD. Mr. Speaker. There has been a great deal of discussion about the importance of family values in America during this session of Congress, and I can offer no better example than of Mr. and Mrs. Matthews of Bessemer, AL.

This Wednesday, May 1, will mark the 50th wedding anniversary of William and Margaret Matthews. By celebrating 50 years of marriage, they are serving as a shining example of what love, commitment, and dedication can do for a loving relationship and for society. I want to offer them my personal best wishes and congratulations on achieving this milestone in their relationship.

HATS OFF TO THE WOODLAND WAL-MART DISTRIBUTION CENTER

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. SHUSTER. Mr. Speaker, I rise today to pay tribute to the men and women of the

Woodland Wal-Mart Distribution Center which is located in my congressional district. The Woodland Center was recently singled out by the Wal-Mart Corp. for its President's Award for Excellence. The President's Award is no small honor as it is only bestowed upon one center per year and its winner is generally recognized across the Nation as the top distribution center of the entire Wal-Mart Corp.

As if this was not enough, the private fleet operation at the Woodland Center also received the President's Award for Excellence in the area of dispatch, centerpoint and shop operations for 1995. These two awards are a testament to the drive and professionalism of the Woodland Center's employees who day in and day out do a first-class job for both their company and their community.

I will close by once again congratulating all the folks at the Woodland Center for a job well done. Your commitment to excellence speaks very well for both Wal-Mart and the people of west central Pennsylvania and it is my honor to represent you. Hats off to the best of the best. Hats off to the Woodland Wal-Mart Distribution Center.

TO AMEND THE INDIAN HEALTH CARE IMPROVEMENT ACT

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. YOUNG of Alaska. Mr. Speaker, I am pleased to introduce a bill to amend the Indian Health Care Improvement Act to extend the demonstration program for direct billing for Medicare, Medicaid, and other third-party payors to September 30, 1998.

Section 405 of the Indian Health Care Improvement Act established a demonstration program to authorize up to four tribally-operated Indian Health Service [IHS] hospitals or clinics to test methods for direct billing for and receipt of payment for heath services provided to Medicare- and Medicaid-eligible patients. This program was established to determine whether these collections could be increased through direct involvement of the tribal health provider as compared with the current practice which required such billings and collections to be channeled through the IHS.

Currently, there are four tribal health care providers participating in this demonstration project, the Bristol Bay Area Health Corp. of Dillingham, AK; the Southeast Alaska Regional Health Consortium of Sitka, AK; the Mississippi, Choctaw Health Center of Philadelphia, MI, and the Choctaw Tribe of Oklahoma of Durant, OK. All participants have unanimously expressed success and satisfaction with the demonstration program and report that dramatically increased collections for Medicare and Medicaid services, thereby providing additional revenues for Indian health programs at these facilities; significant reduction in the turn-around time between billing and receipt of payment; and increased efficiency by being able to track down their own billings and collections and thereby act quickly to resolve questions and problems.

The IHS is required to monitor participation and receive quarterly reports from the four participants. The law also requires the IHS to report to Congress on the demonstration program on September 30, 1996, the end of fiscal year 1996. This report is to evaluate whether the objective have been fulfilled, and whether direct billing should be allowed for other tribal providers who operate an entire IHS facility.

All four participants seek to extend the demonstration program authority for 2 more years to give Congress time to review the report IHS must submit on September 30, 1996, and determine the future of the program.

Without the extension, the four participants would have to close down their direct billing-collection departments and return to the old system of IHS-managed collections. This would mean the dismantling of highly specialized administrative staff and would have an immediate negative impact on revenue collection.

This is a technical amendment to extend the program in 2 more years so that the existing participants can continue their direct billing collection efforts while the required report from the IHS is reviewed.

CODY JESSE CRAIG ATTAINS RANK OF EAGLE SCOUT

HON. CHARLES WILSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. WILSON. Mr. Speaker, I am proud and honored to present to you Cody Jesse Craig who, on February 20, 1996, achieved the rank of Eagle Scout, the highest rank awarded in the Boy Scouts of America. The achievement of the Eagle Scout rank for any young person is indeed a major accomplishment that eloquently addresses their personal character, diligence, initiative, tenacity, and many other equally desirable characteristics that we all admire in individuals. The factor that focuses the attention on his personal victory and sets him apart from most of the recipients of the Eagle Scout rank is that he is 15 years old; starting his scouting when he was 6 years old, subsequently earning every award offered as he progressed from the Cubs, Webelos, and on to the Boy Scouts. He obviously is a goal-oriented young man who has a bright and exciting future.

In addition to being an outstanding Boy Scout, Cody is an honor student who has been recognized by the Duke University Talent Search. In this hour of troubled times for many of the youth of America, Cody is truly a Point of Light that illuminates a living example and role model for other young people to emulate.

TRIBUTE TO MARY LOU PLATT

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. BOEHLERT. Mr. Speaker, I would like to pay tribute to a woman who has worked tirelessly to make the lives of our disabled veterans a little brighter. Mrs. Mary Lou Platt of Westford, NY, is the New York State president of the American Legion Auxiliary, and a member of the Milford Unit #1566.

The American Legion Auxiliary has been helping veterans and their families for more than 75 years and Mrs. Platt has proudly kept up that tradition. President Platt has developed a program called RAVE which stands for recreation, audio and visual entertainment.

Many hospitalized veterans spend endless hours in their rooms or on hospital grounds. Some used to enjoy reading, but now find it difficult or impossible due to poor eyesight. Others used to enjoy listening to music on their radios, but can now only hear faint sounds. Even watching television can be difficult for many of these veterans.

President Platt has traveled extensively throughout New York's 62 counties helping veterans with her program. RAVE has provided veterans with large print books for easier reading, audio books for those who can no longer read, and VCR's and videos. RAVE even provides some video games and equipment to stimulate veterans both physically and emotionally. This program has benefited veterans in New York State VA medical centers and nursing homes.

Our veterans have sacrificed too much for their country to be left as prisoners of unproductive and frustrating lives. President Platt is trying to see that this does not happen. I think we should all RAVE about President Platt and the efforts of the American Legion Auxiliary.

NATIONAL HEAD START DAY

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. PASTOR. Mr. Speaker, I rise today to pay tribute to National Head Start Day. Head Start demonstrates the type of innovate, cost-efficient, and proactive solution necessary to address the national dilemma facing economically disadvantaged preschoolers. The holistic approach taken by Head Start addresses the needs of both parent and child. Preschoolers are provided with educational, health and social service support, while parental involvement ensures support networks for parents.

Extensive studies in child development have shown that a quality early childhood experience returns anywhere from $5 to $7 for every dollar invested. We also know that one-third more children who attend quality early childhood programs graduate from high schools, as opposed to those children who did not have the benefits of programs such as Head Start. Without question, the future of America's poorest children is brighter because of the work of Head Start. I ask my colleagues to join me in recognizing the extraordinary work of Head Start.

THE FIRST HISPANIC WOMEN'S HEALTH CONFERENCE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Ms. ROS-LEHTINEN. Mr. Speaker, in an effort to help the Nation's health care system better serve the Hispanic population, the First Hispanic Women's Health Conference will be held in the Knight Center on May 9 and 10.

It is sponsored by the U.S. Food and Drug Administration in collaboration with the Little Havana Activities and Nutrition Centers of Dade County and the University of Miami School of Medicine.

Hispanic women have a number of health problems that are complicated by the cultural differences. A doctor who is unaware of the culture framework of her patients will find her job that much harder.

For example, cancer carries a greater stigma in Hispanic populations, which results in a lack of early detection and the complications that then follow.

The conference will hear from a number of individuals with practical experience in the delivery of health care to the Hispanic population. Among the topics they will address are diabetes, breast cancer, mental health, heart disease, osteoporosis, and Alzheimer's disease.

The objectives of this conference include helping the health care system to reach out to the Hispanic population in general and to Hispanic women in particular.

The conference will provide a forum for the mutual exchange of information about the health needs and concerns of Hispanic women and to develop plans that will work in harmony with the cultural traditions of 27 million Americans.

I congratulate all who are involved in this project for their work on this important conference and wish them success in this effort to improve the quality of life for so many.

CONGRATULATING THE J. FRANK DOBIE HIGH SCHOOL DECATHLON TEAM

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. DELAY. Mr. Speaker, I want to congratulate the J. Frank Dobie High School Academic Decathlon Team for winning the national title in Atlanta. Their hard work and dedication is truly remarkable. I commend the faculty, students, and the parents at Dobie High School for their commitment to creating an excellent scholastic environment at Dobie.

I know I speak for the entire State of Texas when I say how very proud I am of your outstanding accomplishment. It is wonderful to see that the pursuit of academic excellence is alive and well in Texas.

DISAPPROVING OF ORDERS NUMBER 888 AND 889 BY THE FEDERAL ENERGY REGULATORY COMMISSION

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. FRANKS of New Jersey. Mr. Speaker, today I am introducing a joint resolution to disapprove the rules submitted by the Federal Energy Regulatory Commission on Wednesday, April 24, promoting wholesale competition through open access transmission services by public utilities.

The economic benefits of open transmission are great, as energy companies will be able to freely purchase the least expensive power from any generating facility and use open transmission lines to bring it to their customers. In fact, FERC estimates that consumers will save between $3.8 and $5.4 billion annually on their energy bills.

However, in formulating these rules, FERC has ignored the dramatic environmental impact that open transmission will have on the quality of air that drifts into the Northeastern United States. FERC's own numbers show that open transmission will result in an increase in several hundred thousand tons of nitrogen oxides into the 27 States east of the Mississippi River.

Since January, the Governors of several Northeastern States, 20 Members of Congress, and the Ozone Transport Commission urged FERC to consider environmental mitigation in the promulgation of these rules. Even the Environmental Protection Agency formally stated that this rule should be adopted only if FERC makes an appropriate commitment to mitigation of potential environmental harm.

Mr. Speaker, the restructuring of the electric power industry must only by done in conjunction with appropriate mitigation of power plant emissions. Until such measures are in place, this rule should not move forward.

Therefore, I am introducing this joint resolution to disapprove of these rules. I encourage the Federal Energy Regulatory Commission to work with the appropriate government agencies so that utility deregulation can proceed correctly. I strongly urge my colleagues to support this resolution.

HONORING PATRICK A. RODIO

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Mr. DAVIS. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to Mr. Patrick A. Rodio, who is and continues to be an outstanding member of the Fairfax City community in my State of Virginia. On Sunday, May 5, 1996, the Central Fairfax Chamber of Commerce will be honoring Mr. Rodio for his numerous contributions to northern Virginia and for his loyal commitment to his family and fellow Virginians.

Mr. Rodio grew up in southern New Jersey as the 8th of 10 children before moving to Fairfax City in 1957. He was the first in his family to complete his education and received many U.S. Army and Navy commendations for his work as a munitions expert. After joining the Fairfax community, Mr. Rodio quickly became an active community participant and leader by contributing his endless energy and vast knowledge to many civic organizations, services, and local legislative bodies.

Mr. Rodio has been instrumental in building and strengthening area youth programs through the Fairfax Police Youth Club and has always been a major supporter of programs and activities for senior citizens. From 1958 to 1968, he acted as the coach and manager of the Fairfax Little League and served as its president in 1963. He also coached and managed the Fairfax Babe Ruth Baseball League for 9 years, was an assistant scout master for 4 years, and worked as an active member of the Fire and Rescue Services Task Force and the Fairfax Fire and Rescue Review Team. Mr. Rodio participated in the noonday Optimist Club and earned its 1985–86 Club Service Award. Additionally, he is a member of the Knights of Columbus, St. Leo's Catholic Church, and the Benevolent and Protective Order of the Elks.

For 8 years, Mr. Rodio headed the Fairfax City Republican Committee as its chairman and received a well-deserved Award of Appreciation for his service to the committee in 1991. He achieved a perfect attendance record as a member of the Fairfax City Council from July 1984 to July 1994 and represented the city of Fairfax in the Virginia Silver-Haired Legislature.

His dedication to his community has proven instrumental to the achievement of many important changes in the city of Fairfax. His assistance was vital to the transformation of the old Fairfax High School into the City of Fairfax Museum and Visitors' Center and to the creation of the Veternas' Memorial Statue and Amphitheater at Fairfax City Hall. Without question, Northern Virginia gained a loyal and devoted citizen when Mr. Rodio arrived in the city of Fairfax in 1957. We are extremely proud and honored to count him as one of our own and to have the opportunity to thank him for his years of service.

Mr. Speaker, at a time when localities are trying to find ways to promote community service and harmony, I know my colleagues will join me in applauding Mr. Rodio's enduring contributions to his fellow citizens.

THE RYAN WHITE CARE ACT SAVES LIVES

HON. SUSAN MOLINARI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, May 1, 1996

Ms. MOLINARI. Mr. Speaker, I would like to thank Chairman BLILEY and the entire Commerce Committee for their efforts to reauthorize the Ryan White CARE Act.

The Ryan White CARE Act programs play a vital role in the delivery of services to AIDS and HIV-positive populations in New York City and around this country. First authorized in 1990, this legislation authorizes agencies of the Public Health Service to enhance the provision of prevention, testing. And care services to people with HIV who do not have insurance and who do not yet qualify for Medicaid or Medicare.

In New York City there is a $101 million portfolio of 300 contracts, mostly with community-based organizations. Although our Nation is facing budget restraints, we cannot ignore our Nation's health. In the United States, there is one AIDS-related death every 15 minutes; every 9 minutes another person is diagnosed with AIDS, and someone is infected with HIV every 13 minutes. Even more distressing is the fact that 17.9 percent of all the AIDS cases diagnosed in our country have been in New York City. Since 1988, AIDS has been the leading cause of death in New York City for men and women between the ages of 25 and 34. These statistics are at the very least sobering, at most they demonstrate the need for reauthorization of the Ryan White CARE Act.

Last March I was given a most vivid reminder of why I was driven to a career in public service. That afternoon, I met with several people from the Staten Island AIDS Task Force including Carol and Joseph Di Paulo. Joey is 15 years old and was infected with the AIDS virus when he underwent surgery in 1984. After speaking with Joey and his mother for an hour I couldn't help but be moved by their plight.

Like any mother, Carol DiPaulo wants what is best for her child. However, her only desire is to keep Joey healthy and alive for as long as possible. We know very little about the AIDS virus. But one thing about which we are sure is that we have no cure for this deadly disease. The best that we can do is to provide treatment through the Ryan White CARE Act.

Joey and his mom are two very courageous people. Carol is a single mother of two children, one happens to be very sick. She has taken her campaign to fight AIDS beyond her home and into the highest levels of Government and the media. Joey met with the Secretary of Health and Human Services, spoke before the United Nations, and has even done public service announcements for MTV. He is truly a hero, not merely because of what he has done, but because he is motivated not by self-gain or prosperity. Instead, he and his mom are driven because they have seen firsthand how AIDS can destroy not only an individual but a family as well.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, May 2, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 3

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Veterans Affairs.

SD–192

Joint Economic

To hold hearings to examine the employment-unemployment situation for April.

SD–562

10:00 a.m.

Finance

To hold hearings to examine transportation fuel taxes.

SD–215

MAY 7

9:30 a.m.

Environment and Public Works

Transportation and Infrastructure Subcommittee

To hold hearings on the General Service Administration's Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, Virginia.

SD–406

10:00 a.m.

Commerce, Science, and Transportation

Consumer Affairs, Foreign Commerce, and Tourism Subcommittee

To hold oversight hearings on the Federal Trade Commission.

SR–253

Commerce, Science, and Transportation

Oceans and Fisheries Subcommittee

To hold hearings on the President's proposed budget request for fiscal year 1997 for the U.S. Coast Guard.

SR–385

Judiciary

To resume hearings on S. 1284, to amend title 17 to adapt the copyright law to the digital, networked environment of the National Information Infrastructure.

SD–106

Small Business

To hold hearings on proposed legislation relating to Small Business Investment Company reform.

SR–428A

Joint Library

Business meeting, to consider a report of the General Accounting Office on the Library of Congress.

SR–301

2:00 p.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 1662, to establish areas of wilderness and recreation in the State of Oregon.

SD–366

MAY 8

9:30 a.m.

Appropriations

Defense Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on environmental programs.

SD–192

Rules and Administration

To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.

SR–301

10:00 a.m.

Judiciary

Youth Violence Subcommittee

To hold hearings to examine Federal programs relating to youth violence.

SD–226

Veterans' Affairs

To hold hearings to examine the reform of health care priorities.

SR–418

2:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.

SD–192

Appropriations

Treasury, Postal Service, and General Government Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.

SD–138

MAY 9

9:30 a.m.

Energy and Natural Resources

To hold oversight hearings to examine the recent increase in gasoline prices.

SD–366

Indian Affairs

To hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe v. Florida on the Indian Gaming Regulatory Act of 1988.

SD–G50

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Transit Administration.

SD–192

MAY 14

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Aviation Administration and the Airport Improvement Program.

SR–253

MAY 15

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies.

SR-332

Energy and Natural Resources

Business meeting, to consider pending calendar business.

SD-366

Rules and Administration

To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.

SR-301

2:00 p.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.

SD-192

MAY 16

10:00 a.m.

Appropriations

Transportation Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the United States Coast Guard.

SD-192

MAY 17

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.

SD-192

MAY 22

9:30 a.m.

Rules and Administration

To resume hearings on issues with regard to the Government Printing Office.

SR-301

MAY 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.

SD-192

JUNE 5

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine proposals to reform the Commodity Exchange Act.

SR-328A

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

HOUSE OF REPRESENTATIVES—*Thursday, May 2, 1996*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. UPTON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 2, 1996.

I hereby designate the Honorable FRED UPTON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Thomas A. Kuhn, pastor, Church of the Incarnation, Centerville, OH, offered the following prayer:

On this National Day of Prayer, Father, when we look at our great Nation, we realize that it was You who has blessed us and made us great. That in our faith we know that Your gifts are not for us alone but they are to be shared. In a world constantly torn by war, violence, and injustice, so many people do not get to enjoy the chance for the pursuit of happiness intended for all of Your children. Help us to use Your gifts to make us, in the words of St. Francis, an instrument of Your peace. May each of us work for justice in our own Nation. Help us protect those who cannot care for themselves. Help us work so the rights of each is guaranteed and our Nation is a living symbol of Your peace. Let us use Your gifts and our talents to help others find the peace You intended for all Your people. Amen.

THE JOURNAL

The SPEAKER pro tempore (Mr. UPTON). The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Mississippi [Mr. MONTGOMERY] come forward and lead the House in the Pledge of Allegiance.

Mr. MONTGOMERY led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill and a joint resolution of the Senate of the following titles:

S. 966. An act for the relief of Nathan C. Vance, and for other purposes; and

S.J. Res. 51. Joint resolution saluting and congratulating Polish people around the world as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution.

WELCOME TO THE REVEREND THOMAS A. KUHN

(Mr. BOEHNER asked and was given permission to address the House for 1 minute.)

Mr. BOEHNER. Mr. Speaker, it is my privilege to welcome Rev. Tom Kuhn to the House this morning as our guest Chaplain on this National Day of Prayer. Father Tom is pastor of the Church of the Incarnation in Centerville, OH, just outside of Dayton. He is a former principal at Cincinnati's Moeller High School, and I came to know him over a decade ago when he was the assistant pastor at St. John's Church in Westchester, my hometown.

Father Kuhn is the spiritual leader of one of Ohio's largest Catholic communities. But just as important and not always as apparent are the countless ways in which he reaches out to young people, encouraging them to make the most of God's gift. His work has truly improved the lives of a great many in our community.

Father Tom is well known for his 5-minute sermons, not for their brevity but for his way of bringing issues to a point in a very significant way so that in fact when people leave church after mass, they truly remember his sermons. As this House works for a better tomorrow for America's children, I think it is appropriate that we are joined today on this National Day of Prayer by someone who has dedicated himself to helping our Nation's youth.

Mr. Speaker, please join me today in welcoming Father Tom Kuhn.

REPORT RELEASED ON FAMILY MEDICAL LEAVE ACT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, I was honored to serve as one of the congressional members on the Commission To Oversee the Implementation of the Family Medical Leave Act. As my colleagues know, I started with that bill and it took me 9 years to get it passed, so I was very anxious to see the report that was released yesterday. I hope Members all take a look at that report.

It is very, very moving, because, guess what? Companies did not run out of jobs or did not have to shut down because of family medical leave. People did not claim family medical leave during the deer season or to go on cruises or anything else. People used it very seriously, for family issues.

When we couple that with the fact that in the last 10 years that has really been about the only work and family issue in the workplace that has happened, I think we must look at this report, realize how urgent it is to address work and family issues, and move on. This report really clears away a lot of the misstatements and the misinformation that circled around this issue. Let us get on with it and let us help America's families in the workplace.

COURTS HAVE MISAPPLIED ICWA

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Mr. Speaker, the Indian Child Welfare Act was intended to protect Indian children from being removed from their families and their heritage, as well it should. But, unfortunately and tragically, this well-intentioned legislation has been misapplied due to a lack of definition as to its scope and its application.

Last year the Minnesota Supreme Court heard a case that involved 3 little sisters who had lived in 18 different, yes, 18 different foster homes. But their tribe argued that permanency was a, quote, Eurocentric value, and could not be imposed on the tribe or the Indian children, and the court agreed.

Although the children exhibited many emotional problems, the court found that the tribe could still deny their adoption by non-Indian parents who wanted to provide the permanency and security of family life that children so desperately need. The court ordered them returned to yet another foster home.

Mr. Speaker, child welfare must put the welfare of children first. Study after study shows that above all children need permanency and security.

The Indian Child Welfare Act, as it is being applied today, does not do that.

I urge my colleagues to join me in helping put the needs of children at the top of our public policy debate. All children deserve a loving, nurturing and permanent home no matter what their race, creed, color or religion. Support the adoption legislation next week.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RESPONSIBLE CORPORATE CITIZENSHIP AND MITSUBISHI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I am here to talk about a press conference that I had with many fellow Congresswomen yesterday. It was not a happy topic. We were talking about the need for responsible corporate citizenship in this country and the problem with the impending case on the Mitsubishi factory in Normal, IL.

Many people have read about this case, and the last thing the Congresswomen meant to do was try the facts of the case. That is for the court and for the EEOC. But where responsible citizenship comes in is understanding what your role is when an American has come forward and filed this type of action, and that seems to be where the corporation has totally fallen down.

Of course the corporation can spend all the money it wants defending itself in the forums, and it is going to be considered innocent until proven guilty. But what the corporation has done instead is an all-out classic retaliatory action like I have never seen.

Let me just document some of the things that we are so concerned about. We have seen the company asking women for their medical records and women for their credit records that filed these suits. These women have received death threats on the job and they have received rape threats on the job, and yet the company refuses to protect them. They have watched the perpetrators or the alleged perpetrators be promoted to supervise them.

There is a real message for us. The clear message is these rights are not going to be able to be accommodated if that kind of environment continues on.

Furthermore, the company has given some very, very strong speeches talking about how if these things come to be, there may no longer be any jobs, the company may be closed down, all sorts of things. That type of thing is also group retaliation, because it creates a whole atmosphere of panic, an atmosphere where suddenly employees come running to the company saying, "What can we do? What can we do?" and the company says, "Oh, well, you can go to Chicago, organize great things against the EEOC, lobby outside there," and the company pays for the bus. It is a free day off. They provide the lunches, they provide free phone calls, hand them Members of Congress' phone numbers and say, "Here, phone them and go on."

Rather than deal with this as a legal case, which the company has the right to do, and hopefully they are doing that part. But they are also spending a whole lot of resources trying to make this a political case, trying to say that they are going to go out there and take on the entire Federal Government, and anybody who stands up for this case or thinks that they are going to file some kind of an action or thinks they have any employee rights, guess what, they will be destroying the plant and destroying the community because of this, and so forth.

That is not to be tolerated. That is not responsible corporate citizenship, and that is what we are talking about. So we will be sending a letter to the Equal Employment Opportunity Commission, trying to find out what we can do to see that the people who have these legitimate complaints and legal rights can pursue them without fearing for their life, fearing they are going to be raped, or fearing for anything else.

This is an absolute reign of terror going on in this plant at this moment. I must say, one has to wonder, if these types of actions are going on in Normal, IL, we kind of wonder what is going on in Abnormal, Illinois. I must say, as one who has worked in labor law before I came here, I have never seen a case with factual statements like this, nor have I seen such a history like this.

I think one of the things that is responsible for all of this has been some of the rhetoric we have seen in this city, where people talked about, "We don't need the EEOC anymore. We don't need these standards. Everything is fine, everything is wonderful." Maybe somebody in corporate America misread that to think they did not have to play by the rules anymore and there was no Equal Employment Opportunity Commission anymore.

Well, it is smaller and it is crippled, but it is still here. Thank goodness those rights have not been repealed—yet. So we stood firm yesterday with the workers who were trying to exercise their rights, and we are saying to the corporation they must try to change this reign of terror going on there and treat those people with the dignity and the respect they deserve.

□ 1015

ANSWERING AMERICA'S CALL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. GUTKNECHT] is recognized for 5 minutes.

Mr. GUTKNECHT. Mr. Speaker, it is my pleasure today to pay tribute to a remarkable youngster from my district. His name is Christopher Deufel, and he is the first place winner of the Veterans of Foreign Wars Voice of Democracy Broadcast Script Writing Contest for the State of Minnesota. Christopher is the son of Mr. and Mrs. Joseph Deufel and is currently a senior at Austin Senior High School in Austin, MN.

His interests include reading, debate, and swimming. He is also president of both his high school student council and the National Honor Society. Christopher is planning to attend St. Olav College in Northfield, MN, where he intends to pursue a degree in either physics or economics.

His essay, entitled "Answering America's Call," was a genuinely patriotic piece of writing, and I am honored to share several passages for the House today.

> We answer America's call by maintaining the ideals of democracy. Our Nation was founded on the ideals of compromise and equal opportunity. From Henry Clay to President Roosevelt, our leaders have sought solutions to our daily problems. These solutions do not come easily; they require foresight and effort, but there are solutions and it is our responsibility to answer this call. Often it seems that our society is out of focus. From big cities to rural towns, violence and poverty are issues we face daily. Too often we become immune to the problems affecting us. The desensitization of our culture is a growing problem. Acceptance of our current difficulties is acknowledgment that we have given up. Achieving social change can't be deduced to a simple formula, but two things will reverse some of the detriments we have created. Active participation and the willingness to cooperate can motivate even the most stubborn.
>
> Another way we can answer America's call is yet the most obvious. The right to vote has empowered the people with a voice and mechanism for change. The influence we wield goes deep into the concept of the ballot box. The informed citizenry is one of the most potent forces in a government. We work together to bring our Nation into focus.
>
> I see the world around me and witness both the good and the bad. I know I don't live in a perfect world, yet I will not complain about the changes that need to be made, but I will work to make those changes.

Mr. Speaker, I submit the balance of the text for the CONGRESSIONAL RECORD.

ANSWERING AMERICA'S CALL

Susan B. Anthony fought for the right to vote; Neil Armstrong took a walk on the moon; Rosa Parks refused to sit in the back of the bus.

Through the framework of time Americans have risen to become the mechanisms for progress and change. There will come a time in our lives when we are called upon to protect and preserve the ideals of America.

By utilizing our rights, maintaining the ideals of Democracy, and exercising our influence, we answer America's call.

Patrick Henry professed that if a law is unjust we are compelled to violate this law. This was the premise that motivated the Son's of Liberty to begin the quest for freedom. We are endowed with certain rights that give us checks upon our government. Our constant questioning and evaluations of law have created a system of justice and dignity.

We answer America's call by maintaining the ideals of democracy. Our Nation was founded on the ideals of compromise and equal opportunity. From Henry Clay to President Roosevelt, our leaders have sought solutions to our daily problems. These solutions do not come easily; they require foresight and effort, but there are solutions and it is our responsibility to answer this call. Often it seems that our society is out of focus. From big cities to rural towns, violence and poverty are issues we face daily. Too often we become immune to the problems affecting us. The desensitization of our culture is a growing problem. Acceptance of current difficulties is acknowledgment that we have given up. Achieving social change can't be deduced to a simple formula, but two things will reverse some of the detriments we have created. Active participation and the willingness to cooperate can motivate even the most stubborn.

Another way we can answer America's call is yet the most obvious. The right to vote has empowered the people with a voice and mechanism for change. The influence we wield goes deep into the concept of the ballot box. The informed citizenry is one of the most potent forces in a government. We work together to bring our nation into focus.

As the time arises for each of us to make a difference, we will have the power and tools to bring a positive change. As magnanimous as a bid for the presidency, or as mundane as lending a helping hand, we all can make a difference.

When I was 5 years old my parents took me to visit the Vietnam Memorial. While I was still too young to fully understand, I was quite aware of the solemnity and power of that place. It represented thousands of Americans who made the ultimate sacrifice as they answered their call.

Ever since I can remember I've felt the urge to make a difference. Each day as I settle into my chair at school, I imagine where I will be years from now. Some days I'm a doctor, others I'm a journalist, and there are days when I'm even the President.

I see the world around me and witness both the good and the bad. I know I don't live in a perfect world, yet I will not complain about the changes that need to be made, but I will work to make those changes.

As I continue onward, I carry hopes and dreams with me. Like others before me I will try to preserve justice in our Nation. And each day as I strive to realize this vision, I answer America's call.

COLA EQUITY FOR FEDERAL RETIREES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS. Mr. Speaker, I rise today to express my concern about one of the budget procedures attached in both the President's budget and now under consideration by the House Committee on the Budget that continues a delay on the cost-of-living allowance for Federal workers of 3 months.

As you know, in this last Congress a terrible mistake was made when Federal employees were singled out, not Social Security recipients, Federal employees were singled out for delays in the cost-of-living allowance to Federal retirees for 3 months. Military retirees were treated to a 6-month delay. It was a terrible mistake. There was no COLA equity, and I think Members on both sides of the aisle recognize this is not the way we want to do business.

Then comes the administration budget for this year that continues a deferral for Federal retirees, and at this point, as I understand, under the Committee on the Budget's recommendations, the military retirees will receive no COLA delay, Social Security will receive no COLA delay, but Federal retirees once again are singled out for a delay in the cost-of-living allowance, and that will be continued. A terrible mistake has been made once and they want to continue this, or at least some Members at this point are looking at this as a way to try to bring down the deficit.

The difficulty with this of course is that Federal employees and retirees have already given over $150 billion toward the deficit in terms of benefits since 1980. They continue to be willing to give on a fair and reasonable basis. But this last year has seen an assault on Federal employees and retirees as we have never seen before.

Of course, they are undergoing the downsizing that every other organization and State and local governments are going through across this country. But at the same time, they have been threatened with the loss of benefits. They were going to raise the retirement contribution, basically a 2.5-percent pay cut this body passed at one point, but fortunately was killed over in the other body. There was an effort to take their retirement and figure it on the high 5 years instead of the high 3 years. There were going to be caps on the health benefit plan. There were going to be caps on making them pay for parking that civilian employees get for free. But we defeated most of that at this point. Then, of course, we had the terrible furloughs in November and December.

In every other organization throughout this country people are recognizing your employees are the essential component of being able to deliver the service to your customer. But here at the Federal level, we do not understand that. We end up treating our own employees and retirees as if somehow this is just another pocket to be picked, instead of one of the strongest assets this Government has.

I hope as we entertain the budget deliberations this year, that we will not look to the Federal retirees to give unfairly and single them out for COLA adjustments. Many Federal retirees do not get Social Security. If they are under the Civil Service Retirement System, they do not get Social Security. They worked for the Federal Government and as a result of that gave up their rights to Social Security. Why should their cost-of-living allowance be attacked, and other retirees who by reason of the fact they did not work for the Government would continue?

COLA equity is the byword. Everybody is willing to pay on a fair, level playing field. But this Congress owes it to our Federal retirees and employees for fair treatment. We have not been fair in this last year. We can begin anew. I hope the Committee on the Budget in their final deliberations will look for COLA equity across the board.

STALEMATE WITH FREEMEN SHOULD END

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Tennessee [Mr. CLEMENT] is recognized for 5 minutes.

Mr. CLEMENT. Mr. Speaker, I have watched and deliberated and thought about what is happening in Montana with the Freemen, and more and more it is bothering me. It bothers me, because all of us have to live under the laws of the land. A lot of the laws, we do not like; a lot of the rules and regulations, we want to change; but there is a way to go about it.

The New York Times reported that the leader of the Freemen has collected over $676,000 in Federal farm supports over the past 10 years. It is all right for him to denounce the Federal Government, but the fact is, he is living off the Federal Government.

These Freemen that occupy this property in Montana, they do not own that property. Somebody else owns that property. And what about the people that own that property? They are about to lose that property because they have a big mortgage to pay. They need to plant a crop. They need to cultivate the land. They need to do something with that land. And yet they cannot even get on that land because we keep continuing to delay.

Now, I realize our reluctance. I realize maybe some mistakes were made in Waco, maybe some mistakes were made at Ruby Ridge. But the Federal Government, the Government, finally has to act or react. They cannot keep postponing and delaying, knowing that by doing nothing we are not complying with the laws and we are infringing on the majority's rights.

Sure, we want to protect the minority's rights, and, my goodness, I have supported much legislation to protect the minority's rights. I realize a lot of people in the West feel very strongly when it comes to individual rights and property rights, and much of the land in the West is owned by the Federal Government; it is not owned by the individuals. But the fact is, fair is fair, and I think a lot of people in the West would also say that this has gone on long enough, that we need closure, and we need it now.

Talks have broken down again. Just yesterday we thought we were going to have some type of conclusion to these talks, but that is not true at all. The fact is, a lot of these people have broken the law that live on this property in Montana.

Let us give this ultimatum that these people need, to get off this property and need to get off it now, and give that property back to the homeowners, to the people that own that property, to let them pursue their goals and objectives. That is the American way, and that is what we ought to do as Americans. By doing that, we will be doing something for our country and for individual rights.

THE MINIMUM WAGE AND MEANINGFUL REFORM OF WELFARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. RIGGS] is recognized for 5 minutes.

Mr. RIGGS. Mr. Speaker, I rise to address my colleagues and to focus a little bit on the subject of the minimum wage, because I would like my colleagues to know that in the 1994 campaign I promised to support a modest increase in the minimum wage, provided that that increase in the minimum wage was coupled with meaningful reform of the welfare system.

It seems to me we ought to increase the minimum wage so that the minimum wage can keep pace with inflation, so that we can restore some of the purchasing power to the minimum wage, and so that, most importantly, we can make work more attractive than welfare.

I would like to quote for you, Mr. Speaker and colleagues, the distinguished minority leader of the House of Representatives, the Congressman from Michigan, Mr. BONIOR, who said last night on the Ted Koppel ABC Nightline Show, "If you are going to move people off of welfare, you have to make work pay."

I agree with that premise. The real problem I have though is that we need to again combine a minimum wage increase with real reform of the welfare system, and many of our Democratic colleagues, who are led by Mr. BONIOR, while supporting a minimum wage increase on the one hand, adamantly oppose reforming welfare on the other.

So I want to take this opportunity to remind our colleagues that there is a definite linkage, it is sort of a natural linkage, between increasing the minimum wage and reforming welfare. It is something I think that this Congress, the 104th Congress in our country's history, has the opportunity to do, if only we can put partisan politics aside.

I also want to remind my colleagues, as you well know, Mr. Speaker, that President Clinton, who in 1992 as candidate Clinton promised to end welfare as we know it, has already vetoed two welfare reform proposals sent to him by this Congress, that is to say, two welfare reform proposals that passed the House, passed the Senate, but which he vetoed.

These were commonsense welfare reforms that put a time limit on receiving welfare benefits, that end welfare as an entitlement, that require able-bodied welfare recipients to work, at least part-time, or enter a job training program in exchange for their welfare benefits, which creates subsidized jobs for those welfare recipients who cannot find work in the private sector, and which increases child care and transportation assistance for welfare recipients so that they can make that difficult transition from welfare to work, especially single mothers, who many times struggle against heroic odds.

So I hope we can put the partisan politics aside. I hope we can get our congressional Democratic colleagues to acknowledge the premise that the minority leader was saying last night, "If you are going to move people off of welfare, you have to make work pay."

It is my belief we ought to increase the minimum wage so that the minimum wage, that is to say, an entry level job which pays a minimum wage, pays more than welfare benefits in the aggregate. That is the only way we are going to be able to reform welfare. It is a natural linkage.

So, again I say to my Democratic colleagues, when you stand up and thunder on the House floor about your desire to see the minimum wage increase, which, by the way, is something that congressional Democrats did not do during the 2 years that they controlled this whole town, when they controlled both the Congress and, of course, the Presidency, but if you are going to talk about a minimum wage increase, let us at least do it in the context of reforming the welfare system, so that, as the minority leader said last night on "Nightline," we can in fact make work pay more than welfare.

RAISE THE MINIMUM WAGE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me acknowledge the National Day of Prayer and to appreciate the words of our guest chaplain and to acknowledge that this is a country that allows all of us to be able to pray in peace and in freedom. I would encourage all those who utilize that tool as their spiritual connection to applaud and appreciate this particular day.

□ 1030

I could not help but also, just as an aside from my remarks, listen to the gentleman from Tennessee and his carefully prepared comments about the standoff in Montana, and I would only echo his very eloquent statement that freedom in America is paid at a price, and that price is the obedience to the laws of the land in a nonviolent manner.

We recognize and respect protest. It has been a part of this Nation from its earliest history, recounting the throwing of the tea into the Boston Harbor and on down into the abolition movement, the women's movement of the early 1900's, and, of course, the continuing civil rights movement now in the late 20th century. But I would say that having been a member of the Committee on the Judiciary and sat through the Waco hearings for a number of weeks, and been advised on and studied the Ruby Ridge incident, and certainly the loss of life, it is imperative that our law enforcement officers on a Federal level, one, be supported, and that our citizens recognize their responsibility to peacefully protest but not cover it in weapons and charging that they will not give up without a fight.

I would hope that we would be able to end this standoff peacefully, but I would admonish those who are holding up at this time that they have an obligation as those who have partaken of the rights of this country to protest, yes, but in peace and not in violence.

I think it is important, as we begin a new week and have concluded a legislative week to assess our week on the issue of human capital. The investment in human capital. The headlines and much of the attention of Congress this week has focused on the increasing gasoline prices that have come about over the last couple of weeks. Much of the attention, of course, has occurred because our constituents and citizens have faced an increased price at the pump.

In Houston alone, where I represent, we are finding prices $1.35, average, and maybe higher in other parts of the community. It is important, and I believe that Congress has a responsibility to recognize the investment in human capital. That means that we must understand the burden of what we do on the United States people, and then we are to be problem solvers. Not to create problems but to be problem solvers.

I have studied this issue and have come to understand that it is probably not easy to point the finger anywhere. We can look to a place like Texas, which has had a long history in the energy arena, both in oil and gas, and we have found that there have been occasions in Texas history when it has been at the peak of domestic production, when the oil barrel price was going at a high level, relatively, on an international level, and the oil wells were pumping hard.

So we have a problem of supply in this country. We, then, have not built a refinery in the last 20 years. And then those who exist have indicated that they admit that the transition process for going from heating oil into gasoline has not been the most efficient this year. In fact, because of the demand for heating oil, we have found that they have not transitioned.

We realize that the weather reports have shown us that just this past week we have had snow in the Midwest and West and so they have not transitioned. That is part of the problem. We recognize that there has been extremely cold weather in the central and eastern United States and Europe and it has forced refiners to draw down their product and crude oil inventories in order to supply the market. And, ultimately, it has forced refiners to demand more crude oil.

In short, in the first quarter of 1996, refiners around the world increased their demand for crude oil, while crude oil supplies were less than expected. That drove up crude oil prices everywhere, so refiners have paid more for crude oil and, in turn, have been passing through costs in gasoline and other products.

There lies the question, and where is the answer? The question is what are we doing about domestic energy production, in particular? What has this country been doing about a domestic energy policy.

So we can rise on the floor of the House and begin to talk about hearings and other emergency responses, but what is the long-term response? And my question then goes out to our companies that have certainly worldwide interests, many of whom that I represent. Their look and their attitudes have been focused on international production. What has happened with their production here domestically that would help enhance jobs for America?

Crude oil prices in late March were the highest level in 5 years. They have risen recently because weather and other factors increased demand for petroleum products this winter. U.S. heating oil use, for example, was estimated at 6 to 8 percent higher than during the previous year. Also, worldwide crude oil supplies failed to increase as much during the first 3 months of 1996 as had been anticipated.

It is important to realize, and many observers have stated, that additional supplies of crude oil may soon appear on world markets from a number of places inside the Persian Gulf, the North Sea, and Latin America. We note that none of those are off the Gulf of Mexico and other places where we could look to do domestic production safely and environmentally safe.

That is a key. And I think that the environmental community has a large role to play in enhancing domestic production, and we must do it sitting at the table together. The Persian Gulf and other thoughts about energy is reliance on energy outside of this country. And I might add that we are concerned or in a crisis somewhat because the oil coming from Iraq has not come because of negotiations with the United Nations.

So we have the average family that is trying to make ends meet finding themselves in America, particularly now in Houston in the 18th Congressional District, not only acknowledging but paying prices that are beyond their ability.

So I am announcing today that I am prepared to support the repeal of the gas tax contingent upon those dollars being immediately passed through to the benefit of the consumer. Immediately passed through on the basis of that reduction to the consumer.

I then call for a major energy summit of those leaders of the major companies, the big six, a domestic energy summit to talk about the increase of domestic energy production so that we are not undermined domestically or with respect to our national security.

There is a need for this Congress, as the days of legislative activity are waning, to reinvest in human capital. And certainly that is human capital, to ensure the domestic production of energy, in particular oil and gas, and as well to increase the opportunity for work in this country that I have spoken about over the years and bring some immediate relief to our constituents by repealing the gas tax, but having it based and contingent upon moving it directly to the consumer.

With that, I hope that we will, as a Congress, be able to come back next week, and, in fact, not have the partisan bickering but ensure that we respond to what appears to be an approaching energy crisis. We will have these, however, repeatedly and we will then look for other ways to cut the costs of gasoline. That is not the way to handle it, through the back door. The best way to handle it is to confront now the immediate emergency, but to deal with the issues of domestic production, job creation, and facing this crisis, whether we have cold winters or light winters, whether we have harsh summers or whether we have a busy summer for travel. We need to tell the people of America we will protect you and you have the resources that you have come to expect over the years.

That is why, Mr. Speaker, I likewise rise to speak about another aspect of human capital investment, and that is the increase in the minimum wage. I have been a constant speaker on this issue, reminded very frequently as I visit with my constituents.

It has sometime saddened me that we categorize people. And I have heard my friends on the other side of the aisle, Republicans who have said it is only a small amount of individuals who get the minimum wage. It is young people who are in entry level jobs. They do not stay there long. Well, let me tell my colleagues something. First of all, 80 percent of the American people want to see the minimum wage increased. In fact, 59 percent of those who are on minimum wage are working women with children trying to make ends meet, facing the elimination, by my colleagues on the other side of the aisle, of the earned-income tax credit. These individuals have opted for work over welfare.

And might I add to my good friend who was previously on the floor challenging that we have an increase in minimum wage and welfare reform, that I am on record for voting for welfare reform, that is the right kind of welfare reform, along with my Democratic colleagues; and that is welfare reform with child care, job training and health care, and a certain period of time on, and, as well, the ability to supplement with respect to food stamps that allows individuals to transition off of welfare into the workplace.

I assure my colleagues, however, that we are not going to be serious about the discussion of whether we need to have an increase in the minimum wage if we have the leadership of the House saying, "The minimum wage is a very destructive thing. I will resist a minimum wage increase with every fiber in my being." House Majority Leader DICK ARMEY, who was likewise on the "Nightline" program where he altered his comments. But these are his comments on Fox Morning News, CNN News, on January 24, 1995.

That is clearly not a bipartisan approach to the question of helping Americans become equal. We find out that the minimum wage presently is $4.25, which allows our citizens to make a mere $8,840. That is what someone has to work a full year on a minimum wage to make $8,840. Now, I would like the heads of our major companies, and I think they create work in this country, and I am certainly a supporter of that, but the average CEO of a large U.S. corporation works half a day to make $8,840, and yet 59 percent of working women make $8,840, and they may have two or more dependents.

What is the issue, then, of raising the minimum wage, a clean bill of 90 cents, that would allow our citizens to get $1,800 more in their pocket? The middle class should be supporting this as well, because as those raises go up, I have heard from my constituents who are two-parent families, working every day, barely making ends meet to pay for the cost of transportation, the cost of light and water bills and mortgages, the cost of caring for children. And here we have a situation where the U.S. Congress is standing in the way of increasing the minimum wage.

The Democrats are simply asking not for a political point, we can all argue political points, but we are asking for the real answer to a real problem, and that is Americans are not seeing their wages go up in equal rate, if you will, with the responsibilities that they have.

So I would ask my colleagues to give some thought to those people who pick peas and pick corn. I would ask Members to give some thought to those who sweep floors and, yes, who throw the hamburgers, because those who do that work are not only young teenagers but they are people who have responsibilities to support their families.

In fact, one story of a young person who worked, they were not just working for extra cash, they were working to be able to support themselves for a better life, to go through medical school. And they argued vigorously that we do not know what that 15 cents per hour means to them. Many of us who would not remember those days when we started out in minimum wage, and all of us did, do not understand what it is to take home $8,840 a year while some of our good friends can sit and get that in maybe 4 hours in the morning.

So I call now for an immediate increase in the minimum wage, a clean, straightforward 90 cents. I know my colleagues had offered a higher number. If the analysis will support it, I would even be willing to do that. However, I would not be willing, and I think it is, of course, an effort to stop the increase in minimum wage, to draw down on or to heavily laden that particular legislation with a whole lot of other parts of the legislation that many of us do not agree with.

Welfare reform will come, but it has to come in a bipartisan manner such that we provide to those who are transitioning off of welfare the job training, the child care, and health care that they need. Right now these individuals who are in the workplace need our help now. They are the ones that are suffering without getting health care. They are the ones, if you will, that are suffering by having to support their children. Yes, their children, plural, on $8,840.

So I would say that a minimum wage is an investment in human capital and we must invest in human capital.

□ 1045

It brings me of course to another point about the investment in human capital. I found this week and over the last week something that is most egregious. It is offensive. It takes away from the American people their privileges of seeking redress of their grievances in the Federal courts or any court, for that matter.

Mr. Speaker, I might venture to say that I am not going to make a judgment on the right or wrong of this case. I will not make a judgment. I will simply provide the facts. Those facts deal with a case dealing with the Mitsubishi Co. that makes cars out in Normal, IL. It is tragic that we find ourselves in 1996 where actions are being filed on behalf of women for sexual harassment.

I will read out of a petition by these plaintiffs indicating what has occurred there. This is about 30-some women who have gone to work in this plant for no other reason than to provide an income for themselves and their family, no other reason, to do a good job and to provide an income for their family. It said from the time Mitsubishi opened its plant in 1987 and continuing through the present, 1996, Mitsubishi has created and fostered an environment at the plant that has been severely hostile toward its female employees. As a result, plaintiffs in many of the plants, other female employees have been continually subjected on an ongoing basis to relentless sex discrimination, sexual harassment and sexual abuse from their male colleagues and in many cases from their male supervisors.

Mr. Speaker, such discrimination, sexual harassment and abuse has taken many forms that have been presented now in this particular petition. It would include unwelcome grabbing, touching, fondling, kissing, assaults, and other sexual conduct by male coworkers and/or male supervisors. This is 1996 when women and men should be allowed to go into the workplace, and it should be safe. It should be free of discrimination, and that discrimination may be racial and that discrimination may be sexual or it may be age, ethnic origin. It should be allowed to be free of discrimination.

What do we have here? We have a situation where not only are the women being provided an unsafe workplace, as it relates to their own personal feelings. There is horrendous name calling going on. They are being harangued by individuals who are supervisors and their work colleagues. In fact, as they have filed a lawsuit or a petition at the EEOC, they have been intimidated and harassed. They have gotten phone calls. Those of us who are Congresswomen who have joined in support of these women have likewise been called and asked to cease and desist.

Mr. Speaker, we will not cease and desist. We will call for further support of the EEOC by providing it with the necessary resources to be effective on this case. We will also say to this company that we are ashamed that their corporate citizenship has been so tainted and diminished. But the place to fight their case is in the courtroom and not in the battlefield of the workplace or against their employees who have every right to petition against these horrible and horrific acts.

Just this week we were shown lewd and horrendous pictures showing sexual activities of male employees and supervisors of this company. Were these private pictures gotten from the homes of these individuals? No, they brought these pictures into the workplace, into communal areas where men and women had to be. Shame on you. Shame on you. This is intolerable.

I would simply ask that we play this out in the courtroom where it needs to be played and the facts be told and a decision be rendered. Stop the intimidation. Stop the characterization of those who have sued as individuals who have no rights. And, yes, to the employees, I am in great support of your ability to work, of the plant to remain open, of the company to be successful. But I will ask that you consider your actions in being paid to go forth and picket different companies and intimidate those individuals who have taken up the responsibility of making this a safe workplace and stopping the sexual harassment that has continued from 1987 to 1996, 9 long years.

Mr. Speaker, I would ask that this case be handled appropriately, fairly, without intimidation. Then I would join in with my colleague who previously spoke, the gentlewoman from Colorado [Mrs. SCHROEDER], and others who joined us, that we write the EEOC and ensure that all the facts are had and given to us and as well to receive a status report on the progress of this case.

I said that I would talk about an investment in human capital, and now we have talked about the increase in the gasoline price at the pump. I announced that I will support the repeal of that gas tax and ask that it immediately be passed through to the consumer and call for an energy summit.

We have spoken about the need to invest in our citizens so that they can get a decent salary above $8,840, especially those at minimum wage. Those women and men are working to support their families and have refused to go back on welfare, if you will.

I have asked that that occur and then to challenge one of our corporate citizens, well known, located in Illinois to behave like a good corporate citizen and to cease and desist from activities that would bias against women and to proceed to argue and debate any issues dealing with the case in the appropriate jurisdiction, not in intimidating those who have filed their lawsuit.

Now I would like to speak on another issue dealing with the investment in human capital, and that is, of course, the siege upon affirmative action that affects minorities and women and, of course, the attack on the districts that have allowed to come to the United States Congress those individuals who come from diverse communities. It is interesting that we have found in this climate, where talk show hosts have gotten, I guess, their inspiration from the revolution of 1994, where there were candidates who ran on the contract, I call it, on America, the ugly talk of blame, blaming minorities and women for their problems. The talk show hosts across this Nation indicate that affirmative action has kept individuals from their jobs. Poppycock, at the most; bunk, whatever you want to call it. It makes no sense.

This morning I think it is important, as I track the interest in investing in human capital, that we talk about this siege, this ugly talk that has created this atmosphere where everyone feels that it is the cost of their job, their community, that minorities have been able to achieve certain levels of success.

I am reminded of a statement that was made in 1901. Mr. Speaker, it goes like this:

> This, Mr. Chairman, is perhaps the Negro's temporary farewell to the American Congress, but let me say, Phoenix-like, he will rise up some day and come again. These parting words are in behalf of an outraged, heartbroken, bruised and bleeding people, but God-fearing people, faithful, industrious, loyal people, rising full of potential.

The year was 1901, and the speaker was George H. White of North Carolina, the last African-American Congressman to serve in the 19th century.

We come now in the 20th century and we find a series of cases being filed by individuals who allege that they have been injured. You wonder, some of them have been found not to even live in the districts. These districts have included such diverse States as New York, where a Hispanic is representing a predominantly Hispanic district, Chicago, where another Hispanic is representing a predominantly Hispanic district, North Carolina, where African-Americans are representing predominantly African-American districts, along with Georgia, along with Louisiana, along with Texas.

In these cases, we found ourselves before judicial bodies, appointees of Reagan and Bush, listening to those individuals who allege gerrymandering. We know that gerrymandering, in the sense for political purposes, has been upheld as a legal basis to maintain strangely drawn districts.

My case, in particular, in Texas, it is clear, as the State has argued, that the real basis of the districts that have been drawn is to protect incumbents. States have a compelling interest to compel or to protect incumbents. They have that because of seniority and reasons where those who have gained seniority and reasons where those who have gained seniority in the United States Congress, the Senate and the House, particularly the House, that these seats are impacted, are those who can carry the business of the State of Texas, the State of Georgia, the State of North Carolina. But yet we find time after time after time, we find that these cases have been undermined and that these cases have been ruled against those who would hold these seats.

I argue not only the question of political incumbency, but I argue that these majority/minority districts do one thing and one thing only: They allow the constituents of that district to select a person of their choosing. It is based upon the 1965 Voting Rights Act which is based upon almost 400 years of discrimination and prejudice against minorities in this country, particularly African-Americans.

There is no doubt that you can cite very pertinent and pointed discrimination, for African-Americans started in this Nation three-fifths of a person and came here in the bottom of the belly of a slave boat and spent some 300 years as slaves in this country.

I am as well familiar with the opposition's position: That is not current discrimination. We have heard about that already. That is past discrimination.

Oh, I would simply take a moment of personal privilege and maybe a moment of a degree of emotionalism here. No matter how far we go in this country, you will never wipe out the history of slavery. You cannot do it. We will not allow you to do it. There is no reason to do it.

Yes, there is time to go forward, and we link arms with our brothers and sisters as Americans to go forward and take hold of the best of this country, the dreams of all, to aspire to the greatness of America. But you will not take away from me or the people that have African-American heritage their history. And you will not come into the court system, now moving away from the courts of the 1950s, when the Brown decision did allow for schools to be opened up. You are not going to take the history away forever and ever and suggest that we can go back to that place.

We have seen a sizable increase in this House, in this body, because of the Voting Rights Act of 1965, which helped eliminate things like poll tax, reading tests in order to vote, which denied many African-Americans in the Deep South their ability to vote, which intimidated them. We have taken away the history of the Ku Klux Klan and the Jim Crow days. Yes, we have, but the remnants are still there.

If these decisions are allowed to prevail, then time after time after time we will see the loss of districts which simply allow people who happen to be minority to vote for a person of their choosing.

My district in particular is less than 50 percent African-American. It is a fairly diverse and, in fact, I would argue, one of the most diverse districts in the State of Texas. It is my job to represent all of the citizens, and I work extremely hard, as do all of the Members in this body, to work for their constituents. Therefore, I think it is incredible that the case law is continually undermining the Voting Rights Act which seeks simply to fairly give to those who have been discriminated against the right to vote for a person of their choosing. The voting rights of all Americans are in danger as a result of these Federal court decisions and the Supreme Court decision. Despite the fact that the Voting Rights Act has been the law of the land for more than 30 years, it has not been truly accepted by all Americans. It has been charged unfairly with taking away the rights of others. Many Americans fail to understand the reasons underlying the passage of this Voting Rights Act. They ignore or are unaware of our Nation's history.

When the Nation was founded, only white males who owned property were allowed to vote. Through the ratification of the 15th amendment to the Constitution during the Reconstruction period and the ratification of the 19th amendment in the 1920's, were African-Americans and women of all races granted the right to vote.

□ 1100

Despite the 15th amendment, African-Americans were routinely denied the right to vote, particularly in the South, through physical and economic intimidation, political maneuvers such as racial gerrymandering, poll taxes, white primaries and at-large electoral districts instead of single-member districts for municipal and county governments. It is only in the last 5 to 6 years have we, in fact, been able to find in our local governments opportunities for minorities to be elected.

I know that I was one of the first two African-American women to be elected to the city council in the city of Houston in the history of that city that is over 150 years old.

Thus, it was necessary to pass the Voting Rights Act of 1965, which provided the first real opportunity for African-Americans to elect representatives of their choice. In 1965, there are approximately 500 black elected officials in the country. In 1995 there has been an increase, so that number has increased to a mere, to a mere 8,000.

We have not finished the fight. We have won many battles, but the fight goes on because notably from 1901 to 1973 there were no Representatives in the U.S. Congress from the deep South who were African-American. Congresswoman Barbara Jordan and Andrew Young were the first African-Americans in Congress from the South in more than 70 years, and it was only through the redistricting process engaged in by State legislatures after the 1980 census and 1990 census that African-Americans were in a position to elect a significant number of African-Americans to serve in Congress.

After all of this progress in 1993, with twisted logic and unusual semantics the Supreme Court uses the term political apartheid in the Shore versus Reno case to describe majority minority districts such as the two black majority districts in North Carolina. And then, on in 1995, to Miller versus Johnson, the court ruled a black majority district in Georgia as unconstitutional because it was drawn primarily for racial reasons.

We go on to the case in Louisiana and congressional districts in Louisiana, and, as I mentioned, Florida, Texas, Virginia are also under attack. The Fourth Congressional District in Louisiana, Third Congressional District in Florida, have already been declared unconstitutional by lower Federal courts.

We are working to improve this, and yet we find that we have a combination of a siege in the American public's perspective fueled by ugly talk, some coming out of the U.S. Congress, some coming out of talk shows, suggesting that it is too much, let us roll the clock back. I see that happening in the instance of affirmative action because this very Congress, this 104th Congress that got elected on the Contract With America, with only 37 percent of the American people voting, now wants to take back the clock on affirmative action.

Now wants to take back the clock on affirmative action? I am appalled, I am outraged, I am incensed. I would ask my colleagues of goodwill on the other side of the aisle, my Republican friends, I would ask that we not support the turning back of the clock. I would ask them to simply look in places where they might not see, and that is in the nooks and crannies of this government, in the nooks and crannies of this community and this Nation, where African-Americans, Hispanics, and Asians and women have not found their rightful place, where workplaces are predominantly of one race or the other. They have not found their rightful place.

It is tragic, then, that in the State of Texas we would have cases coming out, the Hopwood case versus University of Texas School of Law, and a district court would determine, United States Court of Appeals, would say something to the effect: Since Bakke, the court has accepted the diversity rationale only once in its cases dealing with race. The Bakke case has been good law for years. It has been inoffensive law because what the Bakke case said is that race can be considered as a factor, just a factor.

Similarly, as I went to Yale University and it was considered whether you were the child of an alumnus, very clearly so that was taken in consideration, and, yes, you were admitted along with other institutions across this land like Harvard and Stanford and Princeton. Those issues have been considered, and I might imagine the University of Texas School of Law or the University of Texas, at least, and for this court to say that there is no basis to continue to support the Bakke decision when we can look in graduate schools across this Nation and find an absence of African-Americans, you may find an absence of women, you may find an absence of Hispanics, you may find an absence of some disciplines of Asians, what is wrong with allowing an institution not to have quotas? Absolutely not. Quotas have been declared illegal for a number of years. But what is wrong with allowing institutions to effectively seek out that talent that can bring diversity of life experiences?

And then I have heard the "make way" arguments. I am incensed. The "make way" arguments, on this affirmative action, is not benefiting the poor people in America, poor blacks in America. What a ludicrous point to make. When a large company goes out to seek a CEO, do they do their search amongst CEOs around the Nation? Chief executive officers? Or do they go to the Bowery or do they go to the jailhouse and look for individuals?

The question of affirmative action, that is the myth, is based upon qualifications, being even in your qualifications, but being ignored because you happen to be a minority, African-American, Hispanic, women or otherwise. That is the crux of affirmative action, to recruit among equals short of the fact that you happen to be a person of color who has suffered immense discrimination in this Nation.

I am incensed then of the Dole-Canady legislation, which we have had a series of hearings in the Committee on the Judiciary and elsewhere, that wants to turn back the clock on affirmative action. It wants to insure that we have no affirmative action in education, in jobs, and in contracting, the very people who have provided opportunity for others to come up, the middle class, Hispanic middle class, African-American middle class, women and Asians who have moved into the workplace, moved into positions of power, who have been able to bring others in behind them. This legislation now wants to cut it to the quick, legislation that has not shown injury, and, if it has shown injury, then I would argue that we should take it to the proper forum, and that is to the EEOC, to your respective State agencies that can help assist in providing for equal opportunity.

Affirmative action programs are being unfairly attacked as reverse discrimination against white males. These programs have only been in existence for 30 years, and certainly this short period of time is not adequate enough to overcome 200 years of slavery and 100 years of legal segragation and the continued instances of discrimination that exist today.

We must not forget the continuing obligation of Federal Government and State government to remove all of the badges and incidences of the Nation's past racial attitudes. It is important to realize as late as 1974 minorities represented only 1 percent of the law schools' student body. Medical schools across this Nation are actively recruiting minorities and African-Americans in particular because of the low number of students in medical schools. They believe that their plan to force diversity in the student body was permissible under the Supreme Court decision in Bakke versus University of California, and that is, of course, the Hopwood case, this case in Texas. The very tragedy of this case, of course, is the fact that as soon as the case came about and before the High Court has ruled, the Supreme Court, everybody started rushing to judgment. Institutions throughout Houston began to have press conferences saying we are going to stop affirmative action. We had the Texas Coordinating Board indicating they were going to stop rendering scholarships. Families in Houston and Dallas and San Antonio and west Texas and east Texas and Laredo and places in south Texas depending upon scholarships for their young people to enter into the fall semester, and what does our State do? Call back the scholarship program based on a decision at best that is wrong and has not been to the Supreme Court.

Why is that? It is because there is a mind set and an attitude. Everyone is rushing to judgment. They are rushing to judgment to insure that the good work of the 30 years that have began to open the doors of opportunity be immediately turned back.

My plea is to this U.S. Congress to remember the words of George, the individual, George White, in terms of his desire to come back into the U.S. Congress through his people. He had to leave in 1901, and there was a big gap for 70 years, but he never gave up. He continued to be able to assure with his spirit that we would never give up.

And as I talk about affirmative action, it is to be emphasized that as we look at the student body population in the 1995–96 school year, only 17 percent of the student body was comprised of minorities. Additionally, 58 percent of the student body was male, and 75 percent was white. The State's minority population is currently 40 percent. This is in the State of Texas, and the State of Texas has appealed this case to the U.S. Supreme Court.

And so, in fact, when we begin to talk about whether there is an overutilization where the minorities have gotten too much, it is a fiasco, it is a false argument, and I hope when we debate this affirmative action that we will have more people coming to the floor coordinating and joining in with us to be able to say that the goodwill of the American people is that all the doors of opportunity should be opened and we should not rest until that is the case.

I am not here to argue for discrimination against the white male; far be it from me. The doors should be open for all of us to access, and in order for that to occur, the affirmative action programs around the country are designed to effectively provide aspirations, goals, not set-asides, not quotas, but goal aspirations so that we can ensure that that occurs.

We find ourselves in a climate of turning the clock back. Here in Texas we have another case that was just rendered dealing with the Houston Contractors Association versus Metro. That is a transit agency in Houston. Metro, whose program has been authorized and confirmed by the Department of Transportation, a program that is not unequal, that provides an even goal for women, for African-Americans, for Hispanics, and Asians and those economically disadvantaged, a program already given the approval as a DBE program by the Department of Transportation. The Houston Contractors Association in contrast gets 80 percent or more of the contracts rendered by Metro.

We have a community in the Houston area of almost a million minorities, some 600,000-plus African-Americans, some 600,000 approximately, well, plus Hispanics, and yet we have a lawsuit challenging a sour-grapes lawsuit because, in fact, the facts will point out that Metro was prepared to resolve some of these issues that the Houston Contractors had concern with in 1996, March 1996. What did they do? Run to the courthouse.

Here we have an opinion by the district court judge which has been declared as one of the most far-reaching opinions, has nothing to do with the cause and the issue, and, in fact, has been noted by the Department of Transportation as a wrong-headed decision primarily because they have sent a letter to Metro indicating that if your program is as we believe it to be, a goals program, only aspiring program, then your program is the kind of program we approve, and if you do not utilize that program you will lose Federal funding, you will hurt the citizens of Houston in the tax dollars they have sent to Washington, we will lose the Federal funding because you are not complying with the DBE program as approved by the Department of Transportation.

They also went on to say that if you have a set-aside program, then that should be eliminated, and, of course, Metro does not have a set-aside program, and so this opinion becomes ludicrous. If a government has as a part of its legitimate authority the redress of social ills, which Metro does not, it may seek remedies for the consequences of past governmental and individual wrongs, but its programs must address the past ills.

Mr. Speaker, I know what is trying to be said here, but Metro is a governmental agency, a quasi-governmental agency. I might ask that if that is the case, if it is a quasi-governmental agency and governmental agencies along with the private entities and this whole community, meaning America, has been discriminatory, then it is the responsibility of Metro, which receives Federal funds, to correct the past ills. And those past ills involve the whole idea of insuring that people have an equal right to justice, an equal right to access what is transpiring, and that is to secure for the American people, which includes minorities, the right to access contracts, education, and jobs.

Affirmative action simply does that. And I am quite disturbed that we have now this attitude, this siege, if you will, where we now want to undermine the opportunities for minorities, minorities to do contracting business. And, by the way, Mr. Speaker, those businesses hire minorities, create job opportunities lacking in our communities.

I am devastated that we would want to undermine an economic aspect of inner-city communities, and that is minority contractors who, in fact, are qualified and, as I said earlier, you would not try to recruit minority contractors to lay pavement, or to build a building, or to fix a pothole. You would not want to do that with individuals who have no skills. So this "make way" argument that it does not happen to help minorities who are poor, it does help those minorities who are hired, then trained, and they learn on the job by way of being hired by minority contractors.

□ 1115

There is a trickle-down effect. There will be none, of course, if we continue this siege upon affirmative action.

It is important, then, that the Dole-Canady legislation, in its form as it is today, be soundly defeated. It is important as well that this legislative body take up the moral cause of providing opportunity for all Americans. They opportunity, of course, is to declare that affirmative action is, in fact, a viable tool to be utilized by those of us who believe in government effectively opening the doors for all people.

The cases, Houston Contractors versus Metro, dealing with minority opportunities for contracting, the Hopwood decision dealing with education, are wrong on the law and should be corrected by this legislative body and not perpetrated by the Dole-Canady legislation.

I see the gentlewoman from North Carolina, who is one who has faced the issues dealing with redistricting. In fact, as I indicated, in the case of North Carolina, they had not seen an African-American coming from North Carolina for some 70 years, after 1901, when George White left the U.S. Congress. The gentlewoman from North Carolina has been a very effective fighter for her constituents on all issues, from minimum wage to welfare reform, and to providing opportunity for young people.

Mr. Speaker, I yield to the gentlewoman from North Carolina [Mrs. CLAYTON], dealing with this whole issue of affirmative action, and particularly redistricting, that we face in the U.S. Congress.

Mrs. CLAYTON. Mr. Speaker, I want to thank the gentlewoman from Texas for holding and organizing this special order so that we could expand the understanding and the thought behind the whole issue of redistricting, and also to add my comments.

Mr. Speaker, I want to just give some overview about what is involved in this.

Mr. Speaker, I want to preface my statement by saying we are at a critical point in the history of this Nation. There is no more fundamental and important right than the right to vote.

Every other right that we have is dependent upon the right to vote.

Yet, today the voting rights of millions of Americans in several States, including my State of North Carolina, hang in the balance.

That is why I am pleased to join with Congresswoman JACKSON-LEE this evening to offer my perspective on the current redistricting fight and its impact on the voting rights of the citizens of my congressional district.

This morning, I want to first discuss the history of the case of Shaw versus Hunt, which was heard by the U.S. Supreme Court on December 5, 1995, and, we are now awaiting the decision in that case.

I then want to share with my colleagues some important facts about the case, present a summary of the arguments our side made in the case and conclude with some of my thoughts about this issue.

HISTORY OF THE CASE

The redistricting plan that was before the Supreme Court in December, was adopted by the North Carolina General Assembly in January 1992.

The predecessor case of Shaw versus Reno, was decided by the Supreme Court in 1993. The SupremeCourt sent Shaw versus Reno, back to the district court in North Carolina.

The district court, on August 22, 1994, upheld—upheld, Mr. Speaker—the congressional redistricting plan, reasoning that it was narrowly tailored to further one or more compelling State interests. The district court's decision was appealed.

In June 1995, when the court decided the case of Miller versus Johnson, ruling against Georgia redistricting—dismissing for lack of standing on Louisiana—the court also decided to hear the Texas and North Carolina case, and that is why we were before the court again in December of last year.

IMPORTANT FACTS

It should not escape our attention that African-Americans make up just 50.53 percent of the voters in the my district, the First Congressional District.

African-Americans make up just 53.54 percent of the voters in the 12th District, the other North Carolina district in contest.

SUMMARY OF OUR ARGUMENT

We were able to make the same argument that prevailed initially in the Louisiana case, Congressman FIELD'S case, inasmuch as the plaintiffs lack standing in the First Congressional District because they do not live there.

In the 12th, we were able to argue that most of the plaintiffs do not live there, and the two that do lack standing because they did not allege race as a factor.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I think that is an important point. I want to focus on what this body is about. It is about representation. It is about Members being able to represent their constituents. I have not heard one constituent, when we go home and they argue about the shape, so much as questioning your representation.

In these lawsuits, I would ask the gentlewoman, have you had constituents maybe that you see in your townhall meeting or that you interact with when you go home, run to the courthouse to be part of this because they say, "Well, Congresswoman CLAYTON is in a funny drawn district"? Are those the issues your townhall constituents ask you about, or are any of them, the kind of people you see day to day who need help on the minimum wage, are they the kind of people who you see running to the courthouse on these cases?

Mrs. CLAYTON. In fact, the issue seldom comes up. The issue is an issue when the news media brings it up or it is an issue in court. But, by and large, the constituents want to know that you care about them. By and large, constituents want to think that you are fair. By and large, constituents want to think that you have their interests at heart. So it is not an issue whether my district is a large district or my district is beautifully shaped. Those who are in my district, most of them are very pleased to be in my district.

However, it is a large district. I will share with you, I will be the first one to say that I have a very large district. The reality is that I live in a rural area. The reality is also my predecessor before me had a large district. It had nothing to do about trying to respond to the 1965 Voting Rights Act. It is just the sparsity of the population, that if you are going to have a one man-one vote equal representation, in order to have the same number of people in my district as you would in a district around Raleigh and Durham, you had to have a lot of counties. So there was a reason for the largeness of my district.

Most people in my district understand that we are a rural district, because of the vastness of the land and the way we live. But people are concerned if I understand the nature of my district, if I understand the needs of my district.

Mr. Speaker, regarding the redistricting issue, more importantly, we argued, the redistricting plan should not be disturbed because race did not predominate over all the other redistricting goals. There are compelling State interests, we argued, which justify our redistricting plan:

Compliance with section 2 of the Voting Rights Act because the factors required by prior court decision had to be met.

Compliance with section 5 of the Voting Rights Act because the General Assembly determined that the Justice Department's objection to their first plan was meritorious.

The State has interest in remedying the effects of current racial discrimination.

We also argued the redistricting plan created districts narrowly tailored to approximately remedy the voting dilution harm to African-Americans without unduly burdening the rights of other North Carolinians.

SOME THOUGHTS

As a result of the Supreme Court hearing, I remain confident that the district I represent, the First Congressional District in North Carolina, should be upheld and should not be affected by the Court's decision in Miller versus Johnson.

Nearly 100 years have passed from the time North Carolina last enjoyed minority representation in Congress following the end of the term of Representative George Henry White.

That is because historically poll taxes, property requirements, and grandfather clauses, combined with scare tactics, to systematically exclude African-Americans from Congress, beginning in 1870.

It is my hope that in 1996, many current African-American Members of Congress do not face the same fate that Representative White faced in 1901—the last of 40 African-Americans elected to Congress over a quarter of a century.

It seems to me that the Court should not use the Constitution—the very document that gives us rights—to take those rights away.

It is my belief that my congressional district, as currently drawn, does withstand the standards that have been set out by the Supreme Court.

But, at stake in these cases is more than congressional seats. City and county officials, State legislatures, and even local school boards will be affected by this decision.

America has always stood for one standard of justice, and the Court should support that basic premise of our democracy.

This struggle will go on. It does not end here.

Over the years, Americans have greatly sacrificed in defense of the right to vote.

African-Americans and others have withstood fire hoses, billy clubs, and vicious dogs to gain and preserve their right to vote.

Today, with these current attacks on voting rights, groups of individuals may be discouraged and led to believe that they may not be full participants in our democracy.

Mr. Speaker, I would offer that this is a great democracy. This democracy is great both for its weaknesses and its differences as it is for its strengths. Why I say that, we may differ as to how we have representation, but we must find ways to include everybody. America is divided on this issue. Fortunately, our Constitution embraces, indeed encourages, differences.

So regardless of how the Supreme Court decision will come out in June, as we expect it, I expect I will continue to represent my district. I believe in this democracy, and I think the courts will finally uphold the fundamental principles of this democracy. Fairness and equal opportunity to represent their constituents is a fundamental right of this democracy.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to thank the gentlewoman from North Carolina for her very eloquent presentation and eloquent conclusion. I appreciate her explanation that our districts are so diverse. She represents a rural community, and the nature of its configuration is based upon the need for one man-one vote, and the need to have representation of people who live in rural communities. That is the misdirection, if you will, of some of the decisions that have previously come down. It is to not understand that even minorities are not in like situations.

I am very proud to say that the 18th congressional district that I represent may be configured as such so that we could have included an opportunity for Hispanics to be represented in my neighbors' district, District 29; likewise, District 30, to allow for the first time in the history of Texas for Dallasite African-Americans to be represented in the State of Texas since reconstruction. That election, the first time that someone was elected was in 1992.

So when we begin to understand the facts of the basis of the redrawn districts that are labeled majority-minority districts, I hope all America, as the gentlewoman from North Carolina did say, will applaud what America stands for. Its stripes and stars stand for inclusion. That inclusion, Mr. Speaker, would include, if you will, a recognition of human capital.

One, we do not want our citizens paying high gasoline prices. We want to be able to invest in them.

Two, we want to ensure the fact that those who make only $8,000 a year get an increase in minimum wage.

Three and four, Mr. Speaker, if you will, that affirmative action and the redistricting process that has opened the doors to African-Americans, Hispanics, women, and other ethnic minorities, would end the basis upon which many of us have been discriminated against.

□ 1130

Slavery was real. It existed. Let us work together to ensure that we never go back, that we have representation in the U.S. Congress and that our children, our businesses, our men and women have opportunity for jobs and contracts and education.

FACTS ARE STUBBORN THINGS

The SPEAKER pro tempore (Mr. UPTON). Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 60 minutes as the designee of the majority leader.

Mr. SCARBOROUGH. Mr. Speaker, it is certainly good to be here this morning and I certainly did enjoy the comments of the gentlewoman from Texas on gas prices, minimum wage, and other issues which I am also going to be addressing this hour, but I will be addressing them for a slightly different perspective. It may surprise the gentlewoman, many on her side of the aisle and also many in this audience that the arguments that I will be making today on gas prices, on gas taxes, on the minimum wage, on Medicare, on tax cuts, on a variety of issues are the same exact positions that Governor Bill Clinton took in 1992. But, of course, between 1992 and 1996, now that it is time to get reelected, things have changed.

Every time I walk in here, I am very honored to be a Member of Congress and honored by the history. This has been a great experience for me. It has been great to visit the monuments to Jefferson and to Washington and to Lincoln and to others who have made great changes in this country.

I think this is a good, decent Congress. I think it is a noble Government. I think that many, many Members try to do their best to make sure that working-class Americans do not suffer because of what Washington does. But, unfortunately, for the past 40 years Washington has done more to damage working-class Americans than anybody else.

The gentlewoman talked about the Contract With America and talked about the Contract With America in very disparaging terms. All last year people talked about NEWT GINGRICH and the Contract With America and, in the same sentence, talked about how horrible it was.

I guess my biggest frustration, as much as I have loved being in Washington, DC, has been how short some people's attention spans can be. Because let us talk for a second about the Contract With America. Let us talk about these items that are supposedly so radical, that Democrats claim to be so destructive and radical. Let us have a quick refresher course on what the Contract With America was about.

The first thing it was about was balancing the budget and ending 40 years of waste and abuse, 40 years of deficit spending where this Congress, run by Democrats, passed deficit budgets for 40 years.

Now, of course they had to get a lot of Republican Presidents to sign those bills. I suggest that when we are $5 trillion in debt, there is enough blame to go around for both parties. But let me say this. In 1994, part one of the Contract With America was, we said, "Enough is enough. We are going to stop stealing money from our children and grandchildren."

I have got two boys, ages 5 and 8, who right now have about a $20,000 debt on their head because this Government has not had the decency to balance its budgets. We are spending so much more money than we have and we are sending our check to our children. We are $5 trillion in debt.

I must admit I am not very good in math. That is why I went to law school instead of becoming an engineer, and I guess that is why I got in politics. I am not good with math. I try to deal in images and stories.

I had an interesting story told to me, an interesting illustration to explain to me what $5 trillion meant. This is what it means. If somebody made $1 million every day from the day that Jesus Christ was born to today, May 2, 1996, he would not make enough money to pay off our Federal debt.

Let me repeat that. If someone made $1 million every day from the day that Jesus Christ was born until today, he would not make enough money to pay off our Federal debt.

Mr. Speaker, it gets worse. You can work another 2,000 years, making $1 million a day for the next 2,000 years, and still be unable to pay off how much we owe by the Federal debt.

Democrats think that it is radical and have said that that plank of the Contract With America was radical because we wanted to balance the budget in 7 years. There are still many here, believe it or not, despite the fact that we are $5 trillion in debt, who are telling us we do not need to balance the budget in 7 years, that it is too harsh.

Mr. Speaker, we are being too harsh on our children. It may be too harsh on their political fortunes to finally show a little bit of discipline and stop sending our bills to children and grandchildren, but it is not too harsh for an America that wants to take care of their future generations.

And if you do not really care about children and grandchildren and the 21st century, you are just in it for today, I will also appeal to your greedy instincts. If we follow the first plank in the Contract With America and pass the Balanced Budget Amendment and pass those budget deals that we passed, it will also cause interest rates to go down 2 percent. That causes the economy to explode.

We passed the first balanced budget in a generation and the President vetoed it. He did not like it. He said we were moving too quickly. He said last year that he has studied it and you just cannot balance the budget in 7 years. That is what he said last summer.

In 1992, he was on "Larry King Live" and Larry King asked the Governor, he said, "Governor Clinton, will the Clinton administration, if elected, give us a balanced budget?"

He said, "Yes, Larry, I will balance the budget in 5 years."

Mr. Speaker, his 5 years are just about up. He did not balance the budget. He went back on his word, he vetoed the first balanced budget plan sent to a President in a generation, and now is claiming once again that he wants a balanced budget.

Facts are stubborn things, Mr. President. Let those who have ears to hear, hear.

He has changed his position so many times on this issue that it is almost impossible to keep up with him.

Another plank that we had in the Contract With America was tax cuts for middle-class Americans. It is very interesting because we are talking about the gas tax today. The former speaker talked about how they wanted to get gas prices down. They were trying to figure out, "How can we get gas prices down?"

What the Democrats will not tell us is that they voted for about a 5-cent a gallon tax increase which costs this economy billions and billions of dollars.

The gentlewoman probably thinks raising gas taxes in 1993 was the right thing to do. I know the Democrats did. I know Al Gore did because, remember, he cast the deciding vote. It was tied 50–50 in the Senate and Al Gore, acting on the President's behalf, voted to pass the largest tax increase in the history of this country.

In that tax increase was a 5-cent tax increase on gas prices. The President was not happy about it, mind you. He actually wanted to pass even more fuel taxes on to the American people in the form of a Btu tax but even the liberals said, "No, that's taxing too much."

Today, after the President passed the largest tax increase in the history of the country, after the President increased gas prices on all Americans, now the President is fighting our attempts to cut taxes, to repeal his tax increase. They are saying we are ridiculous for saying this will help working-class Americans, that this will help the poor.

I take out a quote that President Clinton made in 1992 when he was running for President. Again, Mr. President, facts are stubborn things. You can change your position a million times but we have got them all down on paper.

This is what the President said in 1992. During his presidential campaign Bill Clinton said:

> I oppose a Federal gas tax increase. It sticks to the lower income and middle-income Americans and it sticks to retired people in this country and that is wrong.

Facts are stubborn things.

The President said it was wrong to raise gas taxes in 1992. He got elected, and 6 months later he passed gas taxes on to senior citizens on fixed incomes, on to working-class Americans that could ill afford to pay more in taxes, and on to all Americans who would have to pay not only at the pump but at the grocery store because when you raise fuel taxes, Mr. Speaker, you raise taxes on every item you buy. There is a multiplier effect because people have to drive your bread and your milk to the market, and these other issues, and it causes a drain on the economy, a multibillion-dollar drain.

But the President went ahead despite what he said in 1992. Again, facts are stubborn things. Let us remember what the President said then and what he said now. In 1992 he was running against Paul Tsongas who made fun of him and said, "Governor Clinton, you will not cut middle-class taxes," and the Governor was defiant. Bill Clinton in the New Hampshire debate raised his plan and said, "I've got a plan. I'm going to cut middle-class taxes."

Facts are stubborn things. He said that in 1992. In 1993 he passed on the largest tax increase in the history of this country, and, Mr. Speaker, he passed it with the help of liberals in Congress and passed it without a single Republican vote.

Yesterday I was on C–SPAN on the "Morning Round Table," and I had a Democrat with me who had voted for that tax increase and was trying to justify the fact that he and the President voted for the largest tax increase in the history of this country.

He said, "Well, Republicans voted for it, too." I said, "No, they did not."

And he said, "I will guarantee you Republicans voted along with the Democrats and the President for the largest tax increase in the history of the country."

Then I pointed it out to him again to check the record, and not a single Republican voted for Bill Clinton's massive tax increase. But I will tell you what we did do, because I had a caller call me up and say, "All you Republicans do is talk about what Bill Clinton's not doing. What have you done?"

Let me tell my colleagues what we did. Again going back to the Contract With America, we promised tax cuts for senior citizens. We promised tax cuts for working-class Americans. We promised tax cuts for business men and women. We promised tax cuts for small businesses. Not irresponsible tax cuts, mind you, simply tax cuts that would repeal Bill Clinton's 1993 massive tax increase.

We promised a $500 per child tax cut that Bill Clinton vetoed. We promised a tax cut for senior citizens because Bill Clinton in 1993 raised taxes on senior citizens' Social Security checks to 85 percent. We promised to repeal that, and we did.

Well, the President thought senior citizens needed to be taxed at 85 percent, so he vetoed our attempt to cut taxes for senior citizens. Republicans believe that senior citizens ought to be able to work and make money without the Federal Government punishing them for doing it.

□ 1145

So we had an earnings limit of $34,000. The President and many of the Democrats here did not like that. I guess they do not think it is a good thing for senior citizens to remain productive in the work force, so they lowered that limit from $34,000 to $11,000. When you make $11,000, the Democrats punish you, the President punishes you, because I guess he does not think senior citizens should be in the work force.

We repealed that and pushed it back to $34,000, but the President vetoed that also. Yet today the President can stand in front of the camera, and I still have not figured out how he does it, but he can stand in front of the camera with a straight face and tell you that he supports tax cuts.

It is the most unbelievable thing I have seen in my life. I have no idea how he does it, but he has gotten very good at changing his story every week and acting shocked if anybody calls him on it.

I talk to reporters around here. I talk to people behind the scenes, even staffers for the Democrats. I talk to everybody. Everybody is shocked how the President and the Democrats can just move in so many different directions at the same time.

It seems to me either you believe that Washington taxes too much, spends too much, regulates too much, wastes too much of America's money and gets in our way too much, or you do not. Say what you will about Michael Dukakis and Walter Mondale, but at least those men believed in something. They would tell you where they stood, and, if you did not like it, you could vote against them, and Americans voted against them.

Well, Bill Clinton cannot afford that to happen and the Democrats cannot afford that to happen. So they attack this thing called the Contract With America, when in fact they are attacking a balanced budget, they are attacking tax cuts, they are attacking regulatory reform, they are attacking term limits.

Let us talk about term limits. Ninety percent of Republicans voted for term limits, 90 percent of Democrats voted against term limits. Is that radical? I do not think that is radical. I think we need to limit the terms of people who serve in Congress.

I think that is how we keep it fresh. I see a lot of young people in the audience today. They should not have to wait until they are 65 or 70 for their Member to step aside. I think there are visitors up in the audience today, in the gallery today, that will be Members of this Congress, that need to be Members of this Congress, because the challenges facing us in the 21st century are going to be monumental.

If the future leaders of this country do not step forward today, tomorrow, next week, next year and the next 5 years, we will lose the momentum we have gained through the 21st century. The next century will not be the American century, the next century will be the Asian or Chinese century if we do not act now.

So I support term limits. I support younger people coming and infusing this Chamber with new ideas on how we save not only future generations, but how we save senior citizens.

I have got to say, I have talked about how the President has waffled and changed his mind on taxes and on the balanced budget and on term limits and on all these other issues. I have got to admit something to you: I think the most frustrated I ever was, was during the Medicare debate. Just mentioning Medicare on the floor, it is like the electrified third rail of American politics. Touch it and you die, supposedly.

Well, we dared to touch that rail last year, and, if it was not death, it was a near-death experience. You heard the President every day coming out shaking his fist, and he bit his lip, he is real good at biting his lip, kind of quivering, makes him look really sincere. And then he says, "I will not let the Republicans destroy Medicare. I am going to protect senior citizens."

Well, Mr. President, facts are stubborn things. In 1993, the President and Fist Lady of the United States, Bill and Hillary Clinton, were lobbying to save Medicare. And the First Lady in her testimony said before Congress, said before a Democratic Congress, mind you, "We have got to lower the rate of increase in Medicare to twice that of inflation." The First Lady wanted to lower the rate of increase from about 10 percent in Medicare spending to approximately 6.9 percent in Medicare spending.

In our plan to save Medicare, we decided to take it a step further. In taking it a step further, we said "Okay, we will save Medicare, but what we will do is cut the increase from 10 percent to 7.2 percent. So we will give Medicare recipients even more than the First Lady suggested in 1993."

After we made that recommendation, my goodness, you would have thought that this was a radical new idea that nobody had ever thought of before, and that we had gone into a cave one weekend, came out of the cave with clubs, and said "How can we stick it to senior citizens?"

But, Mr. President and members of the Democratic Party, facts are stubborn things. This proposal is more generous for senior citizens than even the President's proposal in 1993.

And what did the press say about it? Well, there was a silence. There was a conspiracy of silence for some time. In an article in Roll Call this morning, Morton Kondracke talks about how a new study shows that 89 percent of journalists in Washington voted for Bill Clinton in 1992 and only 6 percent voted for George Bush.

I really do not care who they voted for. I care about how they report the news. Unfortunately, during the Medicare debate, the way they reported the news for a good portion of the time was one-sided and shameful.

There are notable exceptions, and I have got to say one of the most notable exceptions has been the Washington Post, long considered to be an enemy of conservatives, the Washington Post told it straight when they talked about the President's demagoguery and shameful behavior on Medicare.

The Post started with an editorial talking about medagoguery, talking about how the Democrats and the President were more interested in scaring senior citizens and allowing Medicare to go bankrupt than they were in helping senior citizens.

Later they wrote an editorial talking about what they called the real default when this Government was close to defaulting. They said the real default was the President and the Democrats' refusal to help senior citizens. In fact, the terminology was they said, "The President and the Democrats," quoting the Washington Post, "have shamelessly demagogued on the Medicare issue to scare senior citizens, because that is where they think the votes are."

Another editorialist, Robert Samuelson, for the Washington Post, wrote later in straightforward terms that "The President," and I am quoting Robert Samuelson, I would not say this on the floor myself, but Robert Samuelson said, "The President lied on Medicare to win votes from senior citizens when the President knew that Social Security was going bankrupt."

Matthew Miller, a former employee of President Clinton, wrote a front page article for the very liberal New Republic, and the headline was "Why the Democrats' Demagoguery on Medicare Is Worse Than You Thought."

And Miller's quote was, "The President has taken the low road on Medicare in ways that only the media could call standing tall."

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. UPTON). The Chair would remind the gentleman from Florida that he is not to use any personally derogatory terms in relation to the President.

PARLIAMENTARY INQUIRY

Mr. SCARBOROUGH. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. SCARBOROUGH. Mr. Speaker, are they permissible if they are not my terms?

The SPEAKER pro tempore. The rules of the House do not allow the gentleman to quote from anyone, from any source, that may give some derogatory term to the President which would be improper if spoken in the Member's own words.

The gentleman may proceed.

Mr. SCARBOROUGH. Thank you, Mr. Speaker.

Needless to say, many people have been concerned with the behavior of elected officials on this issue. Why do I bring it up? Why do I not just leave this issue alone? It is not a good issue, right?

Well, let me tell you something. I have got two parents that are about to go on Medicare. I have got a 93-year-old grandmother who is on Medicare right now. The fact of the matter is that the President of the United States had his own Medicare trustees come before him and tell him that Medicare was going bankrupt.

Unfortunately, the news got worse. This past fall they were aware of the fact that Medicare was going bankrupt even quicker than the April 1995 report stated. In fact, instead of Medicare going bankrupt in 7 years, the new reports that the White House got was that Medicare is going bankrupt in 5 years. And the CBO just came out with a new report that says it is even worse than we ever imagined. Medicare is going down the drain quickly, and something better be done about it fast.

I think it is time for us to put the demagoguery behind us. It is time to make a difference, and it is time to save Medicare for my grandmother and for my parents. I personally, if telling the truth costs me my seat, I really do not care.

The President came before this Chamber and talked about the era of big Government being over. I do not know how many of you saw the State of the Union Address, but he came before us and talked about the era of big Government being over. He said Government should not be involved in everything. Of course, 2 days ago he thought gas prices were getting too high, so he decided I am going to kind of interfere in the economy and sell off some oil reserves and we will try to cut gas prices that way, instead of course cutting the 4.56-cent per gallon tax he increased on us.

The next day the Washington Post ran an article, "Clinton Acts to Halt Drop in Beef Prices."

Well, apparently the President and his administration thought that beef prices were becoming too low for consumers, that they could actually afford to buy beef more, so they decided that they were going to do what they could to increase beef prices. And the Post says, "One day after intervening to hold down gasoline prices he said were getting too high, President Clinton yesterday announced steps to help cattle producers rally from prices they say are too low.

Clinton's action left White House aides laboring to explain the apparent contradiction of a President who says he supports free markets, but who is also launching initiatives aimed at fine-tuning prices in different industries on consecutive days.

Ladies and gentlemen, either you believe that Government is too big, that it spends too much money, and that the era of big Government is over, or you do not. We need consistency from our leaders, not only at the White House, but also in conference.

Now, we have been hearing Democrats talking for some time also this past week or two about the minimum wage. This is another one of those issues. You do not talk about Medicare, you do not talk about the minimum wage. It is a loser, right? A lot of Democrats think that they have found the Holy Grail. After being intellectually bankrupt for a year or so, now they think they have found the issue, and it is the minimum wage.

Well, facts are stubborn things. In 1992, Gov. Bill Clinton, running for President, was asked if he supported an increase in the minimum wage. The President said, then Governor, said that he opposed an increase in the minimum wage. Governor Clinton said he opposed an increase in the minimum wage. He said it would hurt too many working class Americans, it would cost too much money, and it would cause too much unemployment.

In fact, his chief economist wrote a scathing indictment of those people who would suggest that we would help the working class by raising the minimum wage.

There has been a study by a recent Nobel Prize winning economist who says that it could cost us up to 400,000 jobs, of not only high school students and college students, but also working class Americans that are holding down different jobs, that if we act this way we are going to lose 400,000 jobs.

Unfortunately, with every study showing that, with every single reputable study showing the same thing, that minimum wage increases cost jobs, we still have people advocating it.

It goes back to Medicare. If it costs me my job here to just simply speak the truth and to tell people what the facts are, fine. But facts are stubborn things. We have to tear through the emotionalism, the demagoguery, the politics of it all, and talk about what really matters, and that is figuring out a way to help working class Americans, and we do that by getting the Government off their backs, by cutting taxes, the way we attempted to cut taxes before the President vetoed them, by balancing the budget the way we attempted to balance the budget for the first time in a generation before the President vetoed those balanced budgets, to try to cut regulations to allow entrepreneurs to expand and grow, and to end welfare as we know it.

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The President in 1992, when he was campaigning, said he was going to end welfare as we know it. Well, in his first 2 years here, when he had Democrats controlling both Houses, he refused to bring up a bill on welfare reform. He also, by the way, and I think it is quite ironic that everybody has sort of had this last-minute conversion to raising the minimum wage when they know it is going to cost jobs; it is also ironic that in the 2 years that the Democrats controlled Congress and the White House, they did not try to raise the minimum wage.

Why did they not try to raise the minimum wage? Because it would have caused an increase in unemployment figures. That would have been bad politically. You see, you raise the minimum wage now, there is going to be a lull before those rates go up, which probably will be after the election.

So we have got to ask, how do we help the working class? I have to tell you, I understand it very well. I remember back in the early 1970's my father went to college, worked hard, got a job at Lockheed in Atlanta, worked there for many years, and when Lockheed fell on hard times, he got laid off and was unemployed. And I remember driving around the South with my father over a summer. We were looking for a job, any job, to keep the family going.

But during that time, during that extremely difficult time for my family, and I remember the Christmases, I remember how difficult it was at Christmas, I remember how difficult birthdays were for my parents. Not for the kids, because we really did not know any different, but it was tough for my parents. I never once remember my parents saying, hey, you know, it is all that doctor's fault down the road; or it is that businesswoman's fault down the road that started up her own business. They did not try to incite class warfare, they did not try to blame anybody else or say, oh, it is the CEO's at Lockheed. They recognized that these things happen and it is a difficult economy that we live in.

Unfortunately, the economy continues to get worse and worse. We are in the middle of what many are now calling the Clinton crunch, because the rate of growth in this economy continues to stagger at about 1.2 percent.

Now, you may remember in 1992, then Governor Clinton was talking about how the economy was terrible and how it was the economy, Stupid, and that is why George Bush needed to be voted out. What they are not telling you now is the economy is staggering along at a slower clip today than it was back in 1992. In the last quarter we had 4 percent growth in the economy. When the election was being held in November 1992, the economy was growing at 4 percent, a healthy, healthy clip. Unfortunately, right now it is staggering at about 1 percent. Facts, my friends, are very, very stubborn things.

As I go to town hall meetings I hear middle-class Americans telling me, you guys in Washington are killing us. You have got to get off our backs. You have to cut taxes. It is not people making $100,000, $200,000, that are asking for tax breaks. They are not saying, gee, I need another boat. It is working-class Americans. A lot of single parents coming up to me in town hall meetings and saying I am working two jobs, by the time I pay my taxes, I do not even have money for health care insurance or for day care.

I do not know how many of you saw last night an episode, I believe it was of "Prime Time Live," but they interviewed a family that was falling further and further behind and they broke the bad news to the wife in the family that she was actually losing money holding down a second job because of high taxes, because of child care, because of all the other expenses. And that is something Americans need to know. Facts are stubborn things. We have many people including the President and many in this Chamber, that have raised taxes and that have fought us trying to cut taxes. Women of America, working women of America, if you are in a two-income family, you are averaging about $29,000 a year, on average. The facts clearly show that you are not bringing a cent home for yourself. All of your money is going toward taxes. All of your money. It is shameful.

I figure if God gets 10 percent, I do not think Congress and Bill Clinton should get 28, 29, 30 percent. Just does not make sense. But people still ask themselves, and others last night on the TV show, they are saying, we look at our parents and we see the way our parents lived in the 1950's, when mom would stay home, dad would go out to work, and this is not a sexist thing, you could have it opposite, dad stays home and mom goes out to work, I do not care, but somebody is staying home with the children.

They say, we remember back the way it was in the 1950's and we ask ourselves what is happening to us? Are we failures? Why are both of us working, leaving our children home and working harder and harder every year and falling further and further behind? This is a societal tide.

When I was running for office in 1994, I could not afford to pay the filing fee. I did not have the money. So I went door to door and knocked on doors in neighborhoods because I had to get petitions signed. Nobody was home. Walk through your neighborhoods, they are vacant. They are ghost towns in the middle of the day. The neighborhoods of the 1950's and 1960's and 1970's that we know are gone. They are ghost towns.

When I coached football and taught school, most of the kids I coached and taught went home after school without a parent at home to ask them how their day was, to see if they could help them with their homework, to keep them out of trouble. That is when most of the kids I taught got in trouble, whether it was with drugs, or with sex, or whatever it was, it was after they got home from school, when no parents were there to say, hey, how was your day, what was going on?

It is a societal tide and people ask, why is this happening to us? Unfortunately, it goes back to taxes. Believe it or not, it goes back to taxes. In the 1950's that family was paying about 5 or 6 percent in taxes to Washington, DC, in income taxes. Today, that average American family pays about 26, 27 percent.

So, you see, if they wanted to keep up with their parents in real dollars, in current dollars, they would have to make about six times as much as their parents made in the 1950's.

We have to get Washington off the backs of working-class Americans. We have got to cut taxes, we have to balance the budget to lower interest rates, we have to cut regulations, we have to make a difference. And, unfortunately, the facts have not been getting out.

They will get out, they will get out every day from now until November, because people need to know where we stand on the issues. They need to know where the President stands on the issues. He needs to tell Americans once and for all and then act on his words. Is he for tax cuts? If so, he needs to pass our tax cuts.

He needs to cut taxes not only in gasoline, which we are going to do because he raised taxes on it; we are going to cut taxes for senior citizens that he raised in 1993; we are going to give working-class families a $500 per child tax credit; we are going to cut capital gains to stimulate investment, because let us face it, people do not like saying it these days, but there is a direct correlation between how much a small business makes and how many people they can hire.

We have to do all of these things, and we have to continue to fight. Now is not the time to back down. And it is a fight that all of America is going to have to fight. It is a fight our senior citizens are going to have to get engaged in if they want to save Medicare and if they want to save this country for future generations.

And I have to tell you, I have confidence that they will, because those who are seniors now, like my grandparents and parents, not only made it through the Great Depression in the 1930's and had incredible sacrifices, but also fought through World War II, fought back the tyranny of Nazi Germany and Hitler, fought back the tyranny of Japan, and made this country and, in fact, made Western civilization safe for democracy.

That is what we have to do in the 21st century. I am firmly committed, and I know my other Republican colleagues and some conservative Democrats are also firmly committed, to making sure that the 21st century, like the 20th eventually, will be remembered as the American century. And to do that we have to turn back to the basic truths our Founding Fathers left us.

You know, James Madison said that the government that governs least governs best. Actually, that was Thomas Jefferson. James Madison, who was really the father of the Constitution, said we have staked the entire future of the American civilization not upon the power of government but upon the capacity of the individual to govern himself, control himself, and sustain himself according to the Ten Commandments of God.

We have turned away from those basic truths, and that is why we find ourselves $5 trillion in debt in a country that is rapidly going bankrupt and that steals from future generations to pay off current political promises, that misleads senior citizens into believing they are their friends when they are allowing the coffers to run dry in Medicare, that tries to figure out how to cut gas prices in every way but repealing the gas tax that they passed just 2 years ago.

You see, we have to refocus our efforts. We have to reclaim the revolution that we wanted to start in 1994, and we have to retake America, and that is what this fight is about, and it is a fight that we will win.

Mr. Speaker, at this point, I want to yield to the gentleman from Utah.

Mr. HANSEN. Mr. Speaker, President Clinton's Parks for Tomorrow plan represents an act of plagiarism. Of the 18 proposals contained in the President's plan, not a single one represents a new idea or concept. Rather, these are responses by the administration to acts of Congress, bipartisan proposals which have been circulating on Capitol Hill, in some cases for years, and even concepts which the administration has opposed, outright until recently.

However, this is National Parks Week, and the administration wants to look like it is active, even if it has no parks agenda. So it has stolen other persons' ideas. In fact, over the last 3½ years, the Clinton administration has sent a grand total of seven legislative proposals to Capitol Hill for action. Most of these proposals were for minor ministerial duties, such as increasing the development ceilings at a handful of parks, and authorizing the location of memorials to Thomas Paine and World War II on The Mall. Only one of these proposals previously submitted to Congress is even mentioned in the President's 18-point plan.

In February 1995, the General Accounting Office testified before my subcommittee that the National Park Service was in a crisis. Drastic action was needed now to solve critical funding and other problems facing the agency. According to the Interior Inspector General, the National Park Service hadn't balanced its books in three years. The National Park Service has no way to ensure its existing funds are spent on the highest priority projects, said the GAO. The response from the Clinton administration has been, and is, deafening silence.

Really, it is not too surprising. Secretary Babbitt has inserted more political appointees into the NPS in key slots than any administration in recent memory, more than the last three administrations combined. Most of these persons came from extreme environmental groups, never worked in a park a day in their life and were ill-equipped for their new jobs.

Instead of focusing on the real problems of the agency, the National Park Service has been consumed with a reorganization plan. This is a plan which has cost uncounted millions to develop, and produced literally no benefits to the parks. After unending task forces, meetings and travel, we are left with a plan which merely shifts the organizational blocks on a piece of paper, but provides no new personnel or resources to parks.

Secretary Babbitt himself has shown little interest in addressing park issues, except as they represent a photo-op or press story for himself. In fact, he has largely ignored management of the entire Interior Department, choosing instead to spend tens of thousands of dollars and a good chunk of his time on fishing trips around the country, while bashing Republicans in their districts for attempting to constructively resolve environmental issues.

I would like to examine the proposals in President Clinton's plan on a one-by-one basis.

SECTION I. EXECUTIVE ACTIONS

Aircraft overflights: President Clinton says he will address overflight problems at national parks. In 1987, Congress passed Public Law 89–249 directing the President to take action to address any impacts to parks resulting from aircraft overflights. I'm glad the President plans to implement the law, even if it means taking action 6 years after the legislative deadline. As a postscript, 2 weeks ago, the Resources Committee adopted an amendment to the recreation fee bill which provides for economic incentives for the use of quiet aircraft technology over national parks to address aircraft overflight impacts.

Historic preservation: The President promises to do a study of the funding backlog of historic preservation projects in parks. So what? What's he been doing to address this problem the last 3½ years while it's been growing under his watch?

Roads and transportation: Hey. Another study. In 1991, Congress passed the Intermodal Surface Transportation Act, Public Law 102–240, which authorized and funded an identical study. In fact, one of the parks studied then—Yosemite—is now proposed for restudy.

National Park Foundation: Congress authorized the National Park Foundation in 1967 to help raise money for parks. If it can be made more effective, we will support that.

Cooperative agreement authority: Sure let us cooperate, whatever this means.

Five Executive actions which amount to nothing.

SECTION II. NEW LEGISLATION ACTIONS

Wilderness in parks: This new legislative proposal is as much as 24 years old. President Clinton proposes to designate portions of parks as wilderness areas. This is really a meaningless proposal. Land in the major national parks in the West is already managed as if it were designated wilderness. This proposal would change nothing on the ground, and protect nothing that is not already protected. However, since the administration has not consulted with the affected delegations, this proposal is a nonstarter.

Point of Reyes seashore expansion: This is one of the most troublesome proposals of all. Under this proposal, Congress would spend tens of millions of dollars to buy up the viewshed from the existing park. Never mind that Marin County, where the proposal is located, is the wealthiest per-capita county in the country. Never mind that the National Park Service is already $1 to 2 billion in the hole to acquire land at existing parks. Never mind that all the public would get for the expenditure of tens of millions of dollars is a chance to look at the land, there would not even be public access. This is a purely political proposal in a must-win State for President Clinton's re-election. We need better reasons to spend scarce tax dollars.

Reauthorization of the Historic Preservation Fund: The Historic Preservation Fund, authorized in 1966 is scheduled to expire in 1997. It is a pretty good program and should be reauthorized. Changing a date in an existing law from "1997" to "2005" hardly qualifies as a new legislative proposal.

SECTION III. ACTION PLAN FOR PENDING LEGISLATION

National Park Service 1997 budget: The fact that the administration submitted a 1997 budget for the NPS as required by law is noted.

Fee reform: As part of the 1997 budget, the President suggests Congress should enact recreation fee reform. While he has submitted no specific language with the budget, in fairness he has submitted other legislative fee proposals to the Hill. The budget describes two key provisions of the administration's proposal. First, the administration estimates their proposal would raise $12 million for parks. Second the administration supports siphoning 20 percent off the top from recreation fees collected for deposit in the Treasury for deficit reduction. The administration proposal is inadequate in scope, and unacceptable in sending user fee revenue to the Treasury.

The administration's recreation fee proposals provides for minor tinkers to existing law, to the benefit of National Park Service visitors only. This is unacceptable to me. We need a complete overhaul of existing law. We need a proposal which addresses the needs of the hundreds of millions of visitors who choose to recreate on other Federal lands not managed by the National Park Service. We need to return all recreation fees to the benefit of visitors. We need to make sure that increases in funding due to recreation fees are not offset through reduced appropriations. Recreation fee legislation reported from the Resources Committee several weeks ago on a bipartisan basis meets all these test. I hope the administration supports my fee legislation, H.R. 2107 when it comes to the floor in the near future. The Interior Inspector General estimated that legislation similar to mine could generate over $200 million per year for parks. This is the type of positive recreation fee legislation we need.

Concession reform: The administration has never submitted a legislative proposal for concession reform. However, the administration has supported legislation which would exclude over 80 percent of existing National Park Service concession contracts from fair and open competition; and which CBO estimates would lose $79 million in existing fees to the Treasury over 5 years. By comparison, H.R. 2028, concession reform legislation which I have introduced, will open not only all 660 National Park Service concession contracts to competition, but over 7,000 other agency concession contracts as well. Further, my legislation would increase deposits to the Treasury by $84 million over 7 years. My bill has already been marked up by the House Subcommittee on National Parks, Forests, and Lands. Simply put, my legislation raises more funds for our parks and increases competition for these Federal contracts.

National Heritage Area System: The administration has never submitted heritage area legislation to Congress; however, Mr. HEFLEY has introduced this legislation. My subcommittee held a hearing on that bill over a year ago and marked it up last fall. This proposal has been developed in recent years on a bipartisan basis by Congress. Welcome aboard, Mr. President.

Presidio: After a long struggle, the administration is not supporting establishment of the Presidio Trust to manage the developed lands at the Presidio. Last Congress, the administration led the effort to address the issue. Their legislative proposal in the 103d Congress was perpetual management by the National Park Service, which would have cost the taxpayer about $1.2 billion over 15 years. The current proposal, H.R. 1296, developed on a bipartisan basis between myself and Ms. PELOSI, will protect the critical natural lands while saving the taxpayers hundreds of million of dollars. We are glad to have the administration as overdue supporters of this effort.

Sterling forest: This proposal does not even need legislation. The proposal to provide funding for a State park in New York is already authorized under section 6(b) of the Land and Water Conservation Fund Act. If the administration was really serious about this effort, they would have requested the funds for it in their fiscal year 1997 budget request.

Old Faithful Protection Act: Protecting the irreplaceable geothermal resources of this world class park is a high congressional priority. However, according to exhaustive study conducted by the U.S. Geological Survey, this legislation is unnecessary. The State of Montana has already passed legislation modifying State water law to protect the park. The States of Wyoming and Idaho remain adamantly opposed to making their State water laws subject to Federal control, as proposed in this bill, just as they have for the last several years.

Minor boundary adjustment: I agree we need flexibility to administratively make minor park boundary adjustments at parks. I introduced legislation to accomplish just that last year. The number of my legislation is H.R. 2067, and I am flattered you are trying to make my legislation part of your plan, Mr. President, but I am ahead of you again and I welcome your signature when the bill gets to your desk.

Management of museum properties: This bipartisan legislative proposal has been kicking around in Congress for over 4 years, carried alternatively by Republican and Democratic chairmen of the House Subcommittee on National Parks, Forests, and Lands. In this Congress, it is my bill, and again I ask the President, Where have you been?

Housing: This is another critical topic which Congress has been working on for several years. In the last two sessions, it has passed the Senate twice and the House once. The involvement of the Clinton administration on this effort is illustrative of how they do business. About 2 years ago, Secretary Babbitt announced a new housing initiative for the National Park Service in the Interior Department. He was going to bring in extensive outside expertise and solve this housing crisis. Press releases were issued and the Secretary showed up for a photo-op at Great Smokey Mountains National Park to help build a house being donated to the park. The sum total of that effort after 2 years has been the donation of three new housing units. Today, no one in the Secretary's office is even assigned to this program. It is dead as far as Secretary Babbitt is concerned.

So, Mr. President, you have had your press release and photo-op on your plan. Your plan even made it onto the front page of the Washington Post, above the fold. Now that you have accomplished your political goal, why do you not finally sit down and engage yourself in the work of real reform? The protection of our national parks is too important to use as a political ploy and, Mr. President, you have an obligation to start working for our national parks.

REPORT ON RESOLUTION ESTABLISHING SELECT SUBCOMMITTEE TO INVESTIGATE UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–551) on the resolution (H. Res. 416) establishing a select subcommittee of the Committee on International Relations to investigate the United States role in Iranian arms transfers to Croatia and Bosnia, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–552) on the resolution (H. Res. 421) providing for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3120, WITH RESPECT TO WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Ms. GREENE of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 104–553) on the resolution (H. Res. 422) providing for consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering, which was referred to the House Calendar and ordered to be printed.

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ISSUES OF CONCERN

The SPEAKER pro tempore (Mr. BALLENGER). Under the Speaker's announced policy of May 12, 1995, the gentleman from West Virginia [Mr. WISE] is recognized for 60 minutes as the designee of the minority leader.

Mr. WISE. Mr. Speaker, there are several topics I would like to discuss in this allotted time that I think are important and are on the floor of the House.

First is the gas tax. We have heard a lot about that recently, as consumer prices have skyrocketed, certainly certain things have to be done. I am delighted to see that the President has called for what many of us were urging, which is a complete investigation to see whether there are any antitrust violations, any evidence of collusion. Even if there is not, I think this type of investigation is important. The public needs to know what we have all seen at the tank as we have been filling it up in the last few weeks, about the rapid escalation of gasoline prices.

Mr. Speaker, I believe I paid $1.49 last night for 89 octane for my car, and I know that that is running roughly about what it is across not only West Virginia out much of the country. So as these prices suddenly skyrocket, people justifiably want to know why. Yes, there are possible answers such as failure to negotiate a deal with the Iraqis so that sanctions could be lifted and that their oil could then spill into the market. The failure to be able to turn out enough refined product because of the closure or the lack of refining capability in this country because too much petroleum product was converted to heating oil during the winter, the very cold winter, and thus taking petroleum that otherwise would have been used for refined gasoline off the market, a whole list of things could be the reason. But at the same time it is very important to have an investigation.

By the same token, the President has called for the strategic petroleum reserve to release 12 million barrels. That seems at least in the short term to have had a partial effect, and the futures price of gasoline dropped somewhat over the past couple of days. I question whether 12 million barrels, which is about a half day's supply in this country, whether 12 million barrels will have much of a market impact over a period of time, but we will see.

Mr. Speaker, the Republican leadership and some Democrats are now talking about a rollback of the 4.3 cents a gallon that was passed as part of deficit reduction in 1993. I do not have problems with that rollback. But I do want to make sure that, if it is rolled back, any savings of 4.3 cents does not go into pockets of the oil companies, does not go into the pockets of perhaps foreign producers. I want to make sure it goes into the pockets of consumers.

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So how can you guarantee in this legislation that if you roll back the 4.3 cents, that indeed the consumer is getting the benefit of that, not the foreign oil producer and not the oil company? That is going to be a test that I think is very, very important.

I do find it interesting that those now calling for that, and particularly the Presidential candidate for the Republican Party, that those now calling for it previously voted for other gasoline tax increases, as high as a dime total. And so I just say that under the heading of irony.

The other irony, I think, is this. I have also heard the charge from some of my Republican brethren and colleagues, and particularly the Republican nominee for President, that they want to keep referring to this 4.3 cents as President Clinton's gas tax, and they point out proudly that not one Republican voted for this in 1993. And they are correct, not one Republican did vote for that in 1993. But then they do not tell you what else they did not vote for in 1993. They did vote in that same package for the earned-income tax credit, a tax cut that went to every American making less than $26,000 a year, working Americans, not those on public assistance, those who are working, particularly those at minimum wage. When they voted against that deficit reduction package, they voted against a tax cut for 100,000 West Virginians.

So while they were voting to supposedly spare people a 4-cent-a-gallon tax increase, they were voting against a tax cut for 100,000 West Virginians and millions of Americans.

They were also voting against raising income taxes on who? The low-income and middle-income rank-and-file American? No, they voted against raising income taxes on those earning over $180,000 a year as part of that deficit reduction package.

How many people did that affect? Let us take my State, West Virginia. West Virginia had 1,600 people paying increased income taxes; that is 1,600 out of 1.8 million; 1,600 people paid higher income taxes as a result of that deficit reduction package—100,000 West Virginians, those earning under $26,000 a year, received a tax cut. So when they tell you how proudly they voted against the gasoline tax increase, remind them that they also voted against a very significant tax cut.

They also voted against the deficit reduction package, and I think it is important to bring this out as well because when they voted against the deficit reduction package, everyone wants to balance the budget, but when they voted against it they voted against the deficit reduction package that in 3 years has exceeded its goals and has resulted today in less Federal workers actually on the payroll than at any time since John Fitzgerald Kennedy was President. There have been roughly 180,000 to 200,000 Federal, there are less Federal workers today then there were 3 years ago. The goal was 272,000.

So when they voted against that deficit reduction package, they voted against deficit reduction. They proclaimed at the time, and these are the same folks who want to give you their balanced budget version, so I think it is important to look at the projections.

We are talking, Mr. Speaker, about the deficit reduction package of 1993 and the fact that there were dire predictions made by those on the other side about the impact of that. Mr. Speaker, of course what has been the impact has been that the deficit has dropped by one-half or will have dropped over the 5-year period by one-half, but actually today the deficit is about one-half of what it was in 1993.

The deficit has dropped 3 years in a row, the first time that has happened since Harry Truman was President. The deficit has gone from almost $300 billion a year to somewhere around

$160 billion a year, and the deficit, most significantly as a percentage of GDP, gross domestic product, which is our economy, that is what everybody puts into the economy: wages and sales and whatever; that the deficit, as a percentage of our economy, had dropped to about one-half of what is was, from roughly 4 to 5 percent of GDP to 2 to 2½ percent, which, I might add, now is one of the lowest rates of any major industrialized nation in the world. The United States for the first time is now being looked upon as a model for deficit reduction by many of our trading partners, including Japan, including Germany, including France and many, many others.

So the folks that were telling us just 3 years about how bad this was going to be, they are now the ones who are putting together their own so-called balanced budget proposal, and meanwhile, or course, trashing the work that has already been done.

So when they tell you that they voted against a gas tax increase, please remind them they voted against significant deficit reduction, they voted against asking those who made over $180,000 a year to pay a little higher, they are now up to 40 percent income tax. That is down from 70 percent in 1980. They voted against a tax cut for working Americans under $26,000 a year, and particularly those at the minimum wage and slightly higher level. That is what they voted against. And they voted against significant deficit reduction.

Just one final note. They often trot out on the floor here a group called the Tax Foundation. I love the Tax Foundation because it was the Tax Foundation that 3 years ago, on the floor, every time a Democratic Member would stand up to speak for the deficit reduction package, somebody would stand up and say, "Did you know that according to the Tax Foundation you will lose x amount of jobs in your district," in West Virginia, or in Texas, or California or wherever the Democratic Member was from.

Well, of course, the Tax Foundation got it pretty wrong. The deficit reduction package did not cause the economy to sink. It caused the economy to continue growing. The Tax Foundation got it wrong because what they were calling a job killer turned out to be a job producer, and yet this is the same Tax Foundation that now gets trotted out on the floor to justify the current-day Republican proposals, including the balanced budget proposal that will be here.

So I just think it is important to put this in a little perspective.

There is another perspective, too, that I hope we could agree on a bipartisan basis needs to be done where, once again, we are facing a rapid run-up of petroleum prices and gasoline prices. $1.45 at the pump is pretty tough, particularly when that is a 20- to 30-cent increase for many consumers in just the last couple of months. That means that that tank which took 13 or 14 dollars to fill now takes over $20 to fill, and if you are driving long distances, as many of us in rural areas do simply to get to work, you begin to feel it very, very quickly. If you are running obviously a small business, transporting goods, you begin to feel it very quickly.

When do we learn collectively as a country, as Republicans, as Democrats, about the need for energy independence? How many times do we have to go through this? I thought that after the Persian Gulf war, when for the very first time Americans sent their sons and daughters to defend the oil lifeline, I thought that that would drive the message home to all of us as policy makers, as a public, all of us, and regrettably we are today more dependent upon foreign-produced oil than at any time in our country's history, including from before the Persian Gulf War.

When do we learn? And when do we start seriously funding and assisting alternate fuel development? Gasoline is a very nice fuel, but I drive a car; in fact, it is parked out in the Capitol parking area now; I drive a car that runs on compressed natural gas. I pay about a dollar a gallon equivalent for that compressed natural gas.

In the State of West Virginia, which has had the private sector willing to make the investment along with the public sector, willing to make some commitments, I can drive almost anywhere in the State on compressed natural gas. It is much cleaner for the environment, it is much cleaner for my engine, it is much better for both the environment and the economy, and the nice thing about natural gas is it is a domestic fuel, it is produced almost exclusively in the United States of America. You are not having to ship it across oceans to get it here. It is cheaper, it is cleaner, and it is, most importantly, domestic.

There are other alternate fuels as well. I do not rule and just say there is one. We need to be funding the electricity battery research. That finally is beginning to come on. Whether it is fuel cells, whether it is other forms of alternate fuels, this country needs to set a goal of being energy independent. It does us no good to constantly be caught in the throes of economic and, in some cases perhaps, manipulations which we are very subject to when 50 percent and more of our oil comes from abroad.

So my hope is that is something that the Congress can dedicate itself to. I think it is significant. I was delighted when Speaker GINGRICH appointed a task force on alternate fuels, particularly compressed natural gas. And so my hope is that this Congress is going to be willing not move ahead shortly on some of those areas.

Now let me talk for a minute about the minimum wage, hot-button item, and yet I think rolls into what I was talking about the budget. I think there is going to be a vote on the minimum wage. I believe that an almost solid bloc of the entire Democratic Party and a significant number of Republicans are going to push for that, and indeed the minimum wage, which has not been raised legislatively since 1989; the last actual increase to $4.25 an hour was in 1991. The minimum wage is now at an all-time buying low in 40 years. I think it is interesting to note that the minimum wage in the 1950's and 1960's was designed to be roughly one-half of the average nonagricultural wage, roughly a manufacturing wage, one-half. Today it is barely a third of that. It has sunk consistently in buying power and in relation to other wages.

We talk about welfare reform. As President Ronald Reagan said, the best welfare reform is a job. It is pretty hard to ask people to go out and get a job if their income steadily sinks.

Henry Ford had it right. He said, "If I expect people to buy my product, I have got to pay them what it takes to buy it." Well, I am not saying that minimum wage will buy the kind of vehicles that are necessary, but minimum wage is necessary in order to get people up to a respectable level so that they can do the things that are so necessary for their family.

I find it interesting that there are a couple of attacks now on the minimum wage. One attack has been, "Well, listen, a minimum wage worker is eligible to receive aid to family with dependent children, eligible in some cases to receive food stamps, eligible in some cases even to receive a Medicaid card, health care for the low income. So therefore the minimum wage does not need to be raised because they are already getting these other benefits."

When was it that the taxpayer was supposed to subsidize work? I thought the goal was to make people independent of the Government, not to make workers more dependent, and so what we have is the taxpayer being asked to subsidize the minimum wage worker.

I also find it interesting because these standards vary State to State, and so what may be a threshold level in one State is not necessarily the threshold level for AFDC benefits and others in another State.

I think it is also interesting to note that the argument, and I do want to take this argument on: I have heard the argument repeatedly in the last couple of days about, well, why is it that President Clinton and the Democrats who had control of this House for 2 years prior to the present session of Congress, when they had the chance to do something about the minimum wage, they did not do it. They did not bring a minimum wage bill to the floor. And, yes, that is correct. Democrats and President Clinton did not bring a minimum wage bill to the floor.

Now, why was that? Let us look at history. 1993, President Clinton and the Democrats passed, and, the Republican leadership proudly boasts, with not one Republican vote, that President Clinton and the Democrats passed the Earned Income Tax Credit increase. What that meant was that low-income working people, those making less than $26,000 a year, got to keep more money, and if they made below a certain level, they actually got money back from the Federal Government, a tax credit. We passed that, Democrats passed that, without any help from this side.

So that was the minimum wage increase because what that did, in effect, was to bring minimum wage workers up through the tax today.

Incidentally, President Reagan—Ronald Reagan, not exactly a wild-eyed liberal by anybody's estimation—President Reagan once called the earned-income tax credit the real way to boost wages.

□ 1245

So we worked with what had been a bipartisan approach, the earned income tax credit, giving lower-income working people a larger tax credit, money back, in effect, to boost the minimum wage worker. That was in 1993. In 1994 came the health care debate. If Members remember, there was a proposal, the President's proposal, which would have asked all employees, I believe, to pay something like 4 percent of payroll to assist in providing health care.

The thought was then if you could get health care to low-income workers, that was far better than giving them a quarter or a 50 cents or 75 cents an hour increase; that health care was the major need.

Of course, we pushed ahead with that. Health care did not make it. It was defeated. But I find it interesting to note that those who helped defeat health care reform are now trumpeting, "How come there was not a minimum wage increase?" The answer was because that was to be, in effect, the minimum wage increase.

Once they killed health care reform, now they want to kill a minimum wage increase, and incidentally, they are also filing proposals in the budget to roll back part of the earned income tax credit. So now we have it coming all ways: They are against minimum wage, they are against health care reform, particularly that which will help low-income workers, and they are for rolling back the earned income tax credit. It is pretty tough, apparently, to be a low-income worker.

Let me just say, Mr. Speaker, that I support the minimum wage increase. I have consistently supported it. I have supported it since I was 18 years old, or actually, let me correct the record, I believe 20 years old, and I was working my way through Duke University in Durham, NC, at $1.25 an hour in the hospital.

The only collective bargaining agent I had, and a whole bunch of other young people and, incidentally, parents as well, because it was a mixture of students and adults working in the hospitals wards, the only collective bargaining agent we had was the U.S. Congress. When the Congress raised the minimum wage from $1.25 to $1.50, we all got a pay increase. That happened about once every 3 or 4 years.

So yes, I am for the minimum wage. To the argument that, well, the minimum wage, I believe two-thirds of it goes to people under 30 years old, half of it goes to folks under 25; come again? You mean we are supposed to be discouraging our young people from going to work, as I did and millions of other Americans have done? How is it we are supposed to get through college? How is it we are supposed to begin making ourselves independent? How is it that those young people are to get ahead?

I think they are entitled to an adequate minimum wage, and yet, indeed, an increasing number actually are now not just the student, the teenager, but an increasing number are people trying to raise a family, the sole support of their family, single parents, or those working another job.

The minimum wage I think is welfare reform. Once again the ideal is, in every piece of welfare legislation, the Republican proposal and the Democratic proposals all have a significant work component in it; you will be required to work, as it should be. But if you are not going to pay an adequate minimum wage, what is the message that you are sending out? The message is, we are not serious about work.

The other thing is, if you are not willing to pay an adequate minimum wage or if you are going to ask the Federal Government, the taxpayer, to subsidize that minimum wage worker through the welfare program, what is the message you are sending out as well? The taxpayer is supposed to subsidize the requirement that we all have.

Minimum wage I think is significant, Mr. Speaker. My hope is that finally, after 5 years, we will be able to see a significant minimum wage piece of legislation get to the floor.

Mr. Speaker, while we are talking about minimum wage, that leads into growth. Here I may be able to strike a more bipartisan chord that I have been so far, because there is a problem that both the Republican budget proposal has and the Democrat budget proposals have, whether it is the President's proposal or others. That is that there is not enough growth.

Both proposals say that if you take these steps, very tough steps to balance the budget in a 6- or 7-year period, that what you will finish up with, and really what I guess the goal is at the end of the period, is 2.3 percent growth on the average for the 7-year period. So both sides say that the best they see is 2.3 percent growth after you have gone through all these steps.

Mr. Speaker, I happen to think that that is a prescription for economic disaster, that if we are going to settle for a 2.3 percent growth, you might as well close the tent, fold the tents up right now, because that is not a growth economy. That is an stagnant economy. That is an economy that what we are going to be doing is fighting about whether or not to raise the minimum wage for the increasing number of lower-wage workers that are coming into the marketplace; because this is not the kind of economy, 2.3 percent growth will not boost productivity, will not boost investment, and is going to set the stage for an increasing severity of problems later on, particularly in Social Security, in Medicare, and in pensions.

Why do I make that statement? I believe firmly that Social Security, much of Social Security's future depends upon what the rate of growth is now. I hear some who want to predict gloom and doom for Social Security: It will not be there when those baby boomers retire, starting in 2013 or whatever, is the dire prediction.

Let us take a brief look at the history of Social Security. The fact is that Social Security, when it was created in the mid 1930's, the same kind of predictions were often made, incidentally, about it not being able to sustain itself, but the fact is that no one can predict 40 or 50 years out what the economy is going to be.

Is there anybody here, Mr. Speaker, able to predict what the economy is going to be and what the inflation is going to be in 6 months or a year? I do not think so. If so, you people are in the wrong place, because a lot of investment houses could use that expertise.

The reality is that you cannot predict. What you need to do is to constantly be monitoring a program just as, starting in the 1930's, Congress had to constantly monitor Social Security. Who could have predicted two world wars, seven recessions, and an equal number of growth spurts, all of which have led us to today?

By the same token, when Medicare was created in 1965, who could predict the rapid run-up in medical costs; the fact that the elderly began living much longer, thanks to Medicare? All of which goes to say that you need to be constantly monitoring Social Security, but that you can make Social Security's demise a self-fulfilling prophecy if you do not have adequate growth built into your economic plans and your forecasts.

That is my concern, is that Social Security does run into problems if you settle on 2.3 percent growth, which I might add is roughly two-thirds to one-half that which was the rate of growth in this country during the 1950's and 1960's, and even into the early 1970's. I am not talking about growth through inflation, I am talking about real economic growth.

So I would say to Democrats, as I say to Republicans, if you are going to struggle, if you are going to do this balanced budget approach and you are going to struggle for 7 years and make these sacrifices and then the best you can do is to promise me a no-growth economy, that is not good enough.

What is it that we ought to be focusing on? We ought to be focusing on, yes, balancing the budget, and yes, continued deficit reduction, because carrying a high level of debt is not good for anybody. But at the same time, let us not lose sight of the real goal. The real goal is a full growth economy. You reach that only by increasing productivity. You reach that only by increasing productivity. You reach that only by setting the conditions such that real wages do increase, not decline, as they have for 60 percent of the American working families in this country today; that people begin to move ahead, that people are able to buy the products.

I kind of worry as I see wages begin to shrink, real wages; I get to worry. Well, yes, it is good business sense, I guess, for this corporation to reduce wages so that you go now from $12 to $11 an hour, and then somebody else lays a group of people off, and now we are paying less over there than we were before, and it is downsizing, it is getting mean and lean. Yes, there is a need for some of that.

But by the same token, at the end of the day, or actually the end of, say, a 5-year period, where are we nationally? If people are no longer able to afford to buy the homes, the cars, the refrigerators, the high ticket items, where are we as an economy? It is possible to get us all working for $7 an hour, but when we do, I am not sure who it is that is going to be buying what it is we are producing.

The United States is still the largest single market in the world, and yet who is it that is going to be buying the more expensive items, the up ticket items that are produced? So that is why you need an approach that boosts productivity, boosts wages.

Let me just outline a couple of items that I would include in this: First of all, an increase in the minimum wage, not because it is going to produce the kind of growth that I am talking about, but because it gets people up to a slightly more equitable level, boosts their buying power slightly, makes them a little less wards or dependents of the state, and it is also just the proper thing to do, and hopefully, in some measure, welfare reform.

Second, and here I think we can get bipartisan agreement, education and training: Consolidating job training programs and funding them adequately; consolidating job training programs, making it easier for that worker who faces downsizing or who wants to increase his or her skill level to get that training that is necessary. That is in business's interest, that is in the individual's interest, that is in the Government's interest. That I think is important.

Here it has not been smooth sailing on a bipartisan basis, and that is student loans. We ought to have as a goal in this country that every qualified, emphasize and underline qualified, every qualified student will have the ability to go to college; that they will certainly have to work for it, that they will have to pay for it, so to pay back a loan for it. But the answer is not to cut student loans, as was initially proposed in this body many months ago, to cut student loans such that the average person was paying $3,000 to $4,000 more for an undergraduate loan. I know what that would have done to 35,000 students on the Stafford loan program in West Virginia.

Student loans, or the ability to go to college and to receive a higher education, ought to be enhanced, and not reduced. Also, I think it is important to recognize the victories that were fought here on this House floor and finally won, on keeping the funding at the adequate level or semiadequate level for the title I program. That is what provides remedial math and reading instruction for many of our students across the country. In West Virginia, the cutbacks alone would have meant the layoff of 225 specialized title I teachers, 90 aides, and roughly 6,500 title I students, elementary school students not getting the instructional training they needed.

Happily, after the House did pass the cuts, they were removed in the conference agreement, and the good news is that title I will continue at last year's level, meaning that you will not see those kinds of cutbacks take place. But we ought to vow that we are not going to have that fight again in the upcoming years, that title I's position is recognized.

A minimum wage increase, improvement of education and training. Third is infrastructure development. Mr. Speaker, I think it is just crucial that we recognize that we are not producing our infrastructure, our roads, bridges, our water systems, our sewer systems, our airports our telecommunications structures, in some ways, we are not either maintaining or building what we need to be a true 21st century economic power.

Indeed, if we look we will find, for instance, that as I recall, almost 50 percent of our roads and bridges are somehow deficient, that our infrastructure is way behind projected needs. We are spending far less percentage today, roughly half for infrastructure, of what we were spending just 20 years ago.

We wonder why, during the 1980's, Japan and other nations moved ahead in terms of economic growth. The answer is they put their money into infrastructure. Japan, with half the population and half the economy, actually spent more in real dollars on infrastructure development than did the United States. Then we wonder why our productivity and growth was slower during that period of time.

There are for the first time some interesting studies that show a direct correlation between amount invested in infrastructure and productivity increase. The reality is that increasing productivity and growth is our ticket out of the economic stagnation that we are presently in.

We have to be willing to look at some innovative infrastructure approaches. This House voted to take the highway trust fund off-budget, for instance, not to make it part of the regular budget process, because in the regular budget process you need to be looking at how much you are spending on day-to-day expenses: Your salary, gasoline for the Federal vehicle, pencils for the courthouse, whatever it is to run government on a daily basis.

□ 1300

That is the operation and maintenance of government. We have got to balance that.

But every family knows that they borrow money for a house, Mr. Speaker. I do not know too many people that pay for their house in the first year. I know that our mortgage certainly runs 20 years and we just refinanced, so I think we are on the hook for a little longer.

That means, Mr. Speaker, that every family borrows for its house, borrows to buy its cars, borrows, most families, for their children's education, their college education. So those items that we recognize having greater return over a period of time than what we put into it, that are investments, those, Mr. Speaker, are capital investments.

So whether we take the trust funds off budget, or whether we do as I have suggested and others on a bipartisan basis have suggested, that we devise a capital budget, that we show on one side of the ledger our investment and we account for those on a different basis than we account for our daily operating expenses, whatever it is, Mr. Speaker, this Federal Government needs to move toward it.

I make an interesting observation. I have spent some time studying capital budgeting, one of the more boring subjects, Mr. Speaker, but ironically probably one of the most exciting in terms of what could be done for growth in this economy, and also to get the Federal budget on a sound system.

I note that every family, every business, every county government, every city government and every State has some form of a capital budget. There is only one major entity that has no capital budget, the Federal Government of the United States of America. It seems to me it is time to move in that direction.

The Federal Reserve, Mr. Speaker, the Congress does not have much control over that. The reality is that the continued policy of the Federal Reserve, to always be looking over its shoulder at inflation while not looking ahead toward boosting growth beyond 2.3 percent, I think is a stalemate position that only leads to stagnation. The irony to this is that the Congress, even if the Congress could agree on a higher growth rate and policies to implement that, if the Federal Reserve is still clamping down, then what we have is a governmental stalemate.

The fact is that inflation, which is something that was deeply impeded in each of us, the fear of inflation, in the late 1970's, early 1980's, that that was last year's war. We do not make light of it, we do not ignore it. But, by the same token, the international economy has changed so significantly, Mr. Speaker, that the competition that is abroad is a natural check on rising prices and rising wages in the United States.

So we ought not to always be fighting tomorrow's economic battles with the last war's tactics, and so the Federal Reserve is another element. At this point I will leave it to jawboning the Federal Reserve, but at some point Congress may need to look at what can be done to influence.

Mr. Speaker, let us talk about growth once again. I agree that if we could, that 2.3 percent is not the ticket that we want, is not the goal; that any budget proposal has to be looking toward boosting that significantly; that the way we get there is, through equity, basically is first a minimum wage increase, second is education and training initiatives, both in job training, recognizing that the average adult is going to have to be retrained 7 to 8 times during our working lives, by adequately funding the student loan program, by making sure that the special education programs funded by the Federal Government are at an adequate level, such as the title I program; that this country embark upon an infrastructure maintenance and development effort similar to what President Eisenhower initiated with the interstate highway system back in the 1950's; that this Nation recognize that growth is a desirable component of any budget policy, and that this Government put its books on the same basis that every other entity in this country, whether private or public, has with some sort of capital budgeting approach.

All of these are very, very crucial.

Another pitch for education, Mr. Speaker, is that I look at history, recent history, since World War II, and I see the single greatest economic accelerator in our country was the GI bill. It was when millions of veterans came home from World War II and they did not know what kind of job market they were getting into. As they returned, the Congress on a bipartisan basis enacted the GI bill which said, "We're going to assist you to get the education you need to boost your skills and your opportunities."

What the Congress expended in increased educational opportunities was repaid to the Federal Government within 10 to 12 years. But the economic accelerator of that has gone on for decades as we have seen those men and women who got the chance to upgrade their skills, to improve themselves, go on to much higher income levels, to being able to produce much more for our economy and themselves.

So just as the GI bill produced that kind of economic growth that was so important following World War II, so it is that we need to take that lesson from history and vow to do the same for our present day workers and young people.

I want to speak for a second, Mr. Speaker, on the health care legislation that is emerging. The House and the Senate have both passed reform measures. They are incremental. They deal with limited areas. The reality is that that is the best we are going to get this year and probably to the next few years is incremental, and that is fine. We will move on that basis, addressing particular needs and in so doing trying to cover more and more.

The basic premise of this legislation is that it would make it much more difficult, indeed, to ban denying somebody health insurance because of a preexisting condition that they might have. That is very important. The second is that it would make it much easier for an individual who leaves one workplace where they are covered by health insurance to carry that health insurance to another workplace.

Certainly many of us have become aware of job lock, where a family is afraid to leave a job they have even if they could boost their wages, boost their opportunities, because in so doing they may endanger the health insurance which covers their children. So the House and the Senate have passed legislation. They are now trying to work out the differences.

The Senate has a piece, they did add an amendment that I consider very important. I am proud to have joined on a bipartisan basis with other Members to support parity for mental health benefits. The fact is that 30 million Americans at any time may be having trouble, may be suffering some sort of mental concerns, mental problems, emotional distress and only 20 percent of those will be seeking help. The fact is that most insurance does not encourage us to be seeking assistance for any kind of emotional distress, emotional disturbance, or mental illness.

Every study has documented that the amount of time lost in productivity to this economy because of mental health problems is way into the hundreds of billions of dollars. At some point one out of five Americans is going to have a problem with mental health, and so it becomes important that we recognize this.

I have heard all the arguments about how, well, mental health is different than physical health, and we can identify a physical illness and we know how many treatments to give it, but mental health, how do we put some kind of handle on that? How do we identify how many treatments are necessary to deal with a psychiatric problem or an emotional problem?

I guess I look at it this way. How do we identify how many treatments are necessary for chronic back pain? How do we identify what it is going to take for many of the types of pains or migraine headaches or other problems that people are afflicted with?

The fact is that physical science is not a complete science, yet and what we are learning is that mental health is indeed much more of a science than what was conceived of just 20 years ago. When I was working in that hospital at minimum wage, I was working in a psychiatric facility, and I am still struck by the incredible changes that have taken place in mental health during that period of time.

Thirty years ago, not quite 30 actually but, say, 25 years ago when I might have been up and down the hall all night with a young person afflicted with a schizophrenic process, because outside of Thorazine we did not really know what to do except sedate them, today the National Institute of Mental Health, the research that former Congressman Sil Conte was so responsible for getting started and funded, and creating the decade of the brain and the amazing research that has been done with BET technology, with MRI's, all of that, has made great breakthroughs in the treatment of mental illnesses. So that today you would not be having to walk the floors all day and all night with that affected individual. You would be administering some basic medications, you would be taking certain steps that were unknown just a few short years ago.

So that is the importance of moving ahead in research, of moving ahead in treatment techniques, and also moving ahead in recognizing the parity of mental health with physical health and, indeed, recognizing there is a holistic approach that needs to be taken here. Mental health and physical health are really one in many ways. We have not thought about it that way in the past. That is why this legislation that is in the Senate that would, in addition to safeguarding a person's right to gain insurance and not be denied because of preexisting conditions, the legislation that would protect the individual's ability to carry their insurance from one job to another, that is why that amendment is so important, and I hope the House conference will adopt it, that would say that mental health is to be considered the same in insurance as physical health and that there should be parity between the two. That is the humane approach. It is also the scientific approach and the proper one.

And so, Mr. Speaker, I join with many other Members, Republican and Democrat, on both sides of the aisle and in both Chambers, the House and the Senate, in urging that that step be taken.

Mr. Speaker, I might also say that health care can be part of that growth package I was talking about because one of the areas that so affects people, so makes them back up and say, "Well, maybe I won't take that chance and become a small business person, maybe I won't take chance and become an entrepreneur, because if I leave my regular job, I leave my insurance and I don't want to leave my children naked without it," maybe to that welfare recipient who says, "If I go and take this job, I lose my Medicaid card, which I'm prepared to give up for myself but I'm not prepared to sacrifice for my children," maybe by providing adequate health care and access to health care, then that too becomes a component of that growth package. So we add health care now to minimum wage increase, to education, and training, to infrastructure development, to capital budgeting and building a growth component into our Federal budget, and also now we add health care to make it a total package.

Mr. Speaker, I am going to be talking a lot more about growth. My hope is that Members on both sides of the aisle will join in this discussion and recognize something that actually, I think, began to develop in the Republican primaries. While I have to be honest, they did not invite me to participate as much as they might have in that process, I do think that the useful debate was started by Steve Forbes and by some of the others about the role of growth in this whole budget process.

Everybody agrees on the need for a balanced budget, but on the way to balancing the budget, if we run the economy into the ground, what have we accomplished? What we have accomplished is at the end of 7 years, we may have a balanced budget—I do not think so—we may have a balanced budget, but we will have an economy that is incapable of generating the jobs and opportunity that we want, and in so doing will be generating future and greater deficits.

That is not a situation any of us want. We do not want to be generating future problems for Social Security and Medicare and many of these other programs. So we ought to be able to rally and come together around the growth initiative and say to both Republicans and Democrats alike, 2.3 percent growth just does not get it and we need to be focusing on something much more attainable, much more achievable, and something that truly reflects where it is we want the American economy to be.

□ 1315

THE EFFECT OF RAISING THE MINIMUM WAGE ON UNEMPLOYMENT RATES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CAMPBELL] is recognized for 10 minutes.

Mr. CAMPBELL. Mr. Speaker, I stand today on behalf of the working people, whose opportunity to work will be jeopardized if we proceed with what apparently we are going to, and that is an ill-advised increase in the minimum wage. And here is the truth: The politics say it is an election year, increase the minimum wage. Never mind that the President had the chance to do so in the first two years of his administration when his party controlled the Congress. Never mind that. Now it is an election year.

But, please, think of the average man and woman who may be making the minimum wage, and ask, do you want to put that person out of a job? Who do you benefit, who do you hurt?

You hurt the person who would not get the job, except that it was at the minimum wage. Who do you benefit? You benefit those people who stay in their job and whose wages are increased. And that is a trade-off I just do not think we should make.

What data do I have to support this? Let me just recite that every time since the mid-70's, which is where my research began, that we increased the real minimum wage and the economy was like it is today, we saw an increase in unemployment.

It stands to reason, does it not? Because an increase in the minimum wage is a tax on an employer who is offering somebody a job. It is not paid for by all of us. It is paid for by the exact person, the employer, who is trying to offer a job. And we say an the natural result is that there will be fewer such jobs available.

In 1974 there was an increase in the real minimum wage; unemployment went up 14 percent. In 1990 there was an increase in the real minimum wage; unemployment went up 4 percent. In 1991, there was an increase in the real minimum wage; unemployment went up 22 percent. 22 percent!

Now, have there ever been instances when the increase in the minimum wage did not lead to an increase in unemployment? Yes. And that was when the economy was so strongly growing that even an increase in the minimum wage could not stop the effect of more jobs. Years in my search that were of that nature were in 1976 and 1978, both of which had above 5 percent real growth.

We are not at 5 percent real growth. We are at anemic real growth. Indeed, the news this morning is so optimistic that we finally achieved a 2.8 percent rate of real growth in the first quarter of this year to match the barely 1 percent real growth of the last quarter of last year.

Here it is, simply put: An increase in the minimum wage means: First, a tax on people who offer jobs to those who most need them; second, as a result, fewer jobs offered to those who most need them; but third, political again for the President. I will not have any part of that. It is not right, it is not fair.

SITUATION IN BOSNIA

Mr. Speaker, I rose for a second purpose and I would like to turn to that now, and that deals with the situation in Bosnia and the fact that the President has now requested, or told us I should say, he has not requested, Mr. Speaker, he has told us that he intends to keep United States troops in Bosnia for longer than one year. Do not you recall that when he asked, again he did not ask, when he insisted on putting United States troops in Bosnia, he said it would only be for one year? And now he is informing us it will be more than one year.

What about the constitutional responsibility of the representatives of the people of this great country in the Congress to vote yes or no on going to war? Well, I was concerned about this, and I brought it to the attention of the distinguished chairman of the Committee on International Relations, and he wrote a letter to the Secretary of State, excuse me, to the President himself. Let me just recite the facts that indicate at the very least the War Powers Resolution should now be invoked.

You remember, the War Powers Resolution was adopted to provide a system whereby Congress could decide, as our Constitution says it should, whether American troops are put into hostilities overseas, and it was a compromise. Realizing the President would occasionally have to respond to emergencies, he could go and put troops overseas in hostilities for 60 days. But if those American troops stayed for longer than 60 days, the President had to come to the Congress, because that is what the Constitution says, and let us decide, we the representatives of the people, whether our sons and daughters and brothers and sisters should be put into hostilities on behalf of what purpose and with what prospects of success.

I argued at the time that Bosnia was not like Kuwait, that the prospects of success were extremely unclear, that this 1-year promise would probably be breached. How can you say when you have succeeded in Bosnia, when the last partisan stops hating the last other partisan? That will not be within our lifetime, let alone within a year.

But what most concerned me was that the War Powers Resolution says the President must obtain the permission of Congress if American troops are put into hostilities after 60 days. And you will remember January 28 of this year, Lt. Shawn Watts was wounded by sniper fire in Ilidza, Bosnia. On January 31, a U.S. Humvee was struck by snipe fire. On February 3, two British soldiers were wounded by sniper fire as part of the NATO force and another NATO vehicle was hit by sniper fire on February 12 with one occupant wounded. If these are not hostilities, the meaning of the word is lost.

So the chairman of our Committee on International Relations wrote to the President and said, Mr. President, are these hostilities? Let me just continue with the facts. The New York Times quoted a spokesman for NATO on January 29, Lt. Colonel Brian Hoey, as saying, "Unfortunately, this shooting is not an isolated incident . . . In a city like this, it would be difficult to establish trends, but this is one of a series of recent incidents that have put soldiers at risk."

So the chairman wrote the President. He said why not bring this to Congress? Are these not hostilities? Is this not what the Constitution requires? By the way, would you please let us know if there have been any other hostilities since the date of this letter to the time of your response?

The words of the War Powers Resolution require the approval of the Congress where U.S. Armed Forces are placed overseas in hostilities, "where imminent involvement in hostilities is clearly indicated by the circumstances."

What response do we have? A very disappointing response dated April 25, not signed by the President, but by the Acting Assistant Secretary of the Department of State, who writes the chairman of the Committee on International Relations of the House of Representatives, "While there have been incidents involving sniper attacks by unknown gunmen, such sporadic criminal acts are not hostilities as that term is used in the War Powers Resolution."

Mr. Speaker, I am very disappointed. You cannot play word games with the lives and national interests of our country and its soldiers. Are there hostilities in Bosnia? Who would say no? Who would stand up before citizens in a town hall meeting like I do when I am back in my district, and again this month say, oh, Bosnia? That is not hostilities. It is, and now the President is saying 1 more year, or perhaps at least some time beyond a year. I will be fair. He did not say an additional year, he just said that 1-year promise is no longer operative.

Well, it seems to me the time is appropriate under our Constitution for the Members of the House and the other body to stand before the American people and say it is our responsibility on behalf of our citizens, our constituents, to say yes or no to the use of force in hostilities in Bosnia before we put American soldiers lives at risk. This is for Congress to decide and for the President to do beyond the 1 year without congressional approval. It is time that he come to the Congress, make his case, and if he succeeds, fine; if he does not, he must act to withdraw the United States troops from Bosnia. I put to the Speaker that we should put to the President this challenge: Abide by the Constitution, its spirit; instead of taking the word "hostilities" and straining it beyond its logical meaning.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mrs. SCHROEDER, for 5 minutes, today.

Mr. VOLKMER, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 60 minutes, today.

Mr. WISE, for 60 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. CLEMENT, for 5 minutes, today.

(The following Member (at the request of Mr. GUTKNECHT) to revise and extend his remarks and include extraneous material:)

Mr. DAVIS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. CONDIT.
Ms. LOFGREN.
Ms. WOOLSEY.

(The following Member (at the request of Mr. GUTKNECHT) and to include extraneous matter:)

Mr. CAMPBELL.

(The following Members (at the request of Mr. CAMPBELL) and to include extraneous material:)

Mr. FIELDS of Texas.
Ms. WOOLSEY.
Mr. ACKERMAN.
Mr. PALLONE.
Mrs. CHENOWETH.
Mr. GUTIERREZ.
Mr. DIAZ-BALART.
Ms. GANSKE.
Ms. NORTON.
Mr. MORAN.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 966. An act for the relief of Nathan C. Vance, and for other purposes; to the Committee on the Judiciary; and

S.J. Res. 51. Joint resolution saluting and congratulating Polish people around the world, as, on May 3, 1996, they commemorate the 205th anniversary of the adoption of Poland's first constitution; to the Committee on International Relations and the Committee on Government Reform and Oversight.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 2024. An act to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

ADJOURNMENT

Mr. CAMPBELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until Monday, May 6, 1996, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2741. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sheep and Wool Promotion, Research, Education, and Information Order [Order] (Docket No. LS-94-015) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2742. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Standards for Grade of Slaughter Cattle and Standards for Grades of Carcass Beef (Docket No. LS-94-009) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2743. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Nectarines and Peaches Grown in California; Relaxation of Quality Requirements for Fresh Nectarines and Peaches (Docket No. FV95–916–5FR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2744. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Avocados Grown in South Florida; Assessment Rate (FV95–915–1IFR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2745. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Revision of User Fees for 1996 Crop Cotton Classification Services to Growers (CN–96–001–FR) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2746. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act when the Department of the Army violated restrictions of section 101 of the Military Construction Act of 1994, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

2747. A letter from the Secretary of Energy, transmitting the annual report on research and technology development activities supporting defense waste management and environmental restoration, pursuant to Public Law 101–189, section 3141(c)(1), (2) (103 Stat. 1680); to the Committee on National Security.

2748. A letter from the Secretary of Transportation, transmitting the annual report of the Maritime Administration [MARAD] for Fiscal Year 1995, pursuant to 46 U.S.C. app. 1118; to the Committee on National Security.

2749. A letter from the Director of Defense Research and Engineering, Department of Defense, transmitting a report on the estimated amount of fiscal year 1997 staff-years of effort [STE] to be funded by DOD for each DOD sponsored Federally Funded Research and Development Center [FFRDC], pursuant to 10 U.S.C. 2367(d)(1); to the Committee on National Security.

2750. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report involving U.S. exports to the People's Republic of China [China], pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Banking and Financial Services.

2751. A letter from the Executive Director, Neighborhood Reinvestment Corporation, transmitting the Corporation's 1995 annual report, pursuant to 42 U.S.C. 8106(a); to the Committee on Banking and Financial Services.

2752. A letter from the Commissioner, Rehabilitation Services Administration, transmitting the annual report of the Rehabilitation Services Administration on Federal activities related to the administration of the Rehabilitation Act of 1973, fiscal year 1993, pursuant to 29 U.S.C. 712; to the Committee on Economic and Educational Opportunities.

2753. A letter from the Assistant Secretary for OSHA, Department of Labor, transmitting the Department's final rule—Personal Protective Equipment for General Industry (RIN: 1218–AA71) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Economic and Educational Opportunities.

2754. A letter from the Assistant Secretary for Policy, Management and Budget, Department of the Interior, transmitting the Department's final rule—Natural Resources Damage Assessment—Type A Procedures (RIN: 1090–AA21 and 1090–AA23) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2755. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Final Rule to Rescind FMVSS No. 211, Wheel Nuts, Wheel Discs, Hub Caps (RIN: 2127–AF71) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2756. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's annual report on international terrorism entitled "Patterns of Global Terrorism: 1995," pursuant to 22 U.S.C. 2656f(a); to the Committee on International Relations.

2757. A letter from the Attorney General of the United States, transmitting the 1995 annual management report for the Federal Prison Industries, Inc., pursuant to Public Law 101–576, section 306(a) (104 Stat. 2854); to the Committee on Government Reform and Oversight.

2758. A letter from the Chairman, District of Columbia Financial Responsibility and Management Assistance Authority, transmitting the proposed budget for fiscal year 1997 for the District of Columbia Financial Responsibility and Management Assistance Authority, pursuant to Public Law 104–8, section 106(a)(1) (109 Stat. 105); to the Committee on Government Reform and Oversight.

2759. A letter from the Director, Office of Personnel Management, transmitting the annual report of the Civil Service retirement and disability fund for fiscal year 1995, pursuant to 5 U.S.C. 1308(a); to the Committee on Government Reform and Oversight.

2760. A letter from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the 1995 section 8 report on National Historic and Natural Landmarks that have been damaged or to which damage to their integrity is anticipated, pursuant to 16 U.S.C. 1a–5(a); to the Committee on Resources.

2761. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

2762. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Cessna Models 208 and 208B airplanes; Docket No. 96–CE–05–AD) (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2763. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Short Brothers Model SD3–30, SD3–60, and SD3–SHERPA Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2764. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness directives; Jetstream Model 4101 Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2765. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revisions to Maintenance and Preventive Maintenance Rule (RIN: 2120–AE57) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2766. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Jackson, CA (RIN: 2120–AA66) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2767. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Alliance, OH, Salem, OH, and Youngstown, OH (3) (RIN: 2120–AA66) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2768. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–3 Airplanes; Docket No. 95–CE–47–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2769. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aviat Aircraft Inc. Models S–2A, S–2B, and S–2S airplanes; Docket No. 95–CE–101–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2770. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; HB Flugtechnik Sailplanes, elevator control system; Docket No. 95–CE–30–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2771. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Robinson Helicopter Company Model R22 Helicopters (Docket No. 95–SW–23–AD) (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2772. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; I.A.M. Rinaldo Piaggio Inc. Model P 180 Series Airplanes emergency exist door; (Docket No. 95–CE–50–AD) (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2773. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft Inc. Models PA28, PA32, PA34, and PA44 Series airplanes, flap lever assemblies; (Docket No. 95–CE–37–AD) (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2774. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation for Elderly and Persons with Disabilities (RIN: 2132–AA46) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2775. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Seaway Regulations and Rules: Miscellaneous Amendments (RIN: 2135–AA00) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2776. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Removal of Part 159; National Capital Airports (RIN: 2120–AG05) Received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2777. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Special Local Regulations; Annual Kennewick, Washington, Columbia Unlimited Hydroplane Races (RIN: 2115–AE46) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2778. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—COTP Los Angeles-Long Beach, CA; 96–007 (RIN: 2115–AA97) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2779. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB SF340A, SAAB 340B, and SAAB 2000 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2780. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Construcciones Aeronautics, S.A. [CASA] Model C–212 and CN–235 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2781. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; EMBRAER; Models EMB–110P1 and EMB–110P2 airplanes; Docket No. 96–CE–02–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2782. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica, S.A. [EMBRAER] Model EMB–120 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2783. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland, Inc. DHC–6 series airplanes; Docket No. 96–CE–01–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2784. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; de Havilland Model DHC–7 and DHC–8 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2785. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes, and Model F27 Mark 050 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2786. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes; Docket No. 96–CE–06–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2787. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Beech Aircraft Corporation Models, 99, 99A, A99A, B99, B200, 1900, 1900C, and 1900D airplanes; Docket No. 96–CE–03–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2788. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives, Dornier 228 Series airplanes; Docket No. 96–CE–04–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2789. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model BAe ATP Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2790. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace Model HS 748 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2791. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospatiale Model ATR42 and ATR72 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2792. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Aircraft Limited Jetstream Models 3101 and 3201 airplanes; Docket No. 96–CE–07–AD (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2793. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328–100 Series Airplanes (RIN: 2120–AA64) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2794. A letter from the Secretary of Veterans Affairs, transmitting the fiscal year 1995 annual report of the Secretary of Veterans Affairs, pursuant to 38 U.S.C. 529; to the Committee on Veterans' Affairs.

2795. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's Federal Equal Opportunity Recruitment Program [FEORP] accomplishments report for fiscal year 1995, pursuant to section 105(d) of Public Law 96–465; jointly, to the Committees on International Relations and Government Reform and Oversight.

2796. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the Secretary's "Certification to the Congress: Regarding the Incidental Capture of Sea Turtles in Commercial Shrimping Operations," pursuant to Public Law 101–162, section 609(b)(2) (103 Stat. 1038); jointly, to the Committees on Resources and Appropriations.

2797. A letter from the Assistant Attorney General of the United States, transmitting the Department's third quarterly report to Congress entitled "Attacking Financial Institutions Fraud" for fiscal year 1995, pursuant to Public Law 101–647, section 2546(a)(2) (104 Stat. 4885); jointly, to the Committees on the Judiciary and Banking and Financial Services.

2798. A letter from the Secretary of Energy, transmitting the Department's report to the President and the Congress on large science projects of the Department of Energy; jointly, to the Committees on Science and Appropriations.

2799. A letter from the Attorney General of the United States, transmitting the 1995 annual report on the number of applications that were made for orders and extension of orders approving electronic surveillance under the Foreign Intelligence Surveillance Act, pursuant to 50 U.S.C. 1807; jointly, to the Committees on Intelligence (Permanent Select) and the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SOLOMON: Committee on Rules. House Resolution 416. Resolution establishing a select subcommittee of the Committee on International Relations to investigate the United States role in Iranian arms transfer to Croatia and Bosnia (Rept. 104–551). Referred to the House calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 421. Resolution providing for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims (Rept. 104–552). Referred to the House Calendar.

Ms. GREENE of Utah: Committee on Rules. House Resolution 422. Resolution providing for consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering (Rept. 104–553). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the Speaker discharged the Committees on Banking and Financial Services and Government Reform and Oversight from further consideration of H.R. 3107.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 3107. Referral to the Committee on Ways and Means extended for a period ending not later than May 10, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. NORTON:

H.R. 3389. A bill to reduce the unfunded liability of the teachers', firefighters', police officers', and judges' pension funds of the District of Columbia by increasing and extending the contributions of the Federal Government to such funds, increasing employee contributions to such funds, and establishing a single annual cost-of-living adjustment for annuities paid from such funds, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. MORAN:

H.R. 3390. A bill to reform occupancy standards for public and other federally assisted housing to provide safer living environments and increased local control, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. SCHAEFER (for himself, Mr. Stupak, Mr. Burr, Mr. Hefner, and Mr. Bereuter):

H.R. 3391. A bill to amend the Solid Waste Disposal Act to require at least 85 percent of funds appropriated to the Environmental Protection Agency from the leaking underground storage tank trust fund to be distributed to States for cooperative agreements for undertaking corrective action and for enforcement of subtitle I of such act; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMPBELL (for himself, Mr. Armey, Mr. Saxton, Mr. Sanford, Mr. Thornberry, Mr. Ewing, Mr. Manzullo, Mr. Shays, Mr. Horn, and Mr. Cunningham):

H. Con. Res. 170. Concurrent resolution providing a sense of Congress that the Congressional Budget Office and the Joint Committee on Taxation should use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Rhode Island (for himself, Mr. Yates, Mr. Lantos, Mr. Regula, and Mr. LaTourette):

H. Con. Res. 171. Concurrent resolution condemning the proposed relocation to the site of the Jasenovac death camp in Croatia of the remains of individuals who were not killed there, including soldiers of the Croatian Ustashe regime who participated during the Holocaust in the mass murder of Jews and others; to the Committee on International Relations.

By Mr. GANSKE (for himself, Mr. Klug, Mr. Canady, Mr. Coburn, Mr. Deal of Georgia, Ms. Lofgren, Mr. Poshard, and Ms. Rivers):

H. Res. 423. Resolution amending the Rules of the House of Representatives to require each Member of the House of Representatives to submit annual reports for publication in the Congressional Record on certain federally funded travel taken by the Member during the year; to the Committee on Rules.

By Mr. SABO (for himself, Mr. Stenholm, Ms. Slaughter, Mr. Coyne, Mrs. Mink of Hawaii, Mr. Orton, Mr. Pomeroy, Ms. Woolsey, Ms. Roybal-Allard, Mrs. Meek of Florida, and Mr. Thompson):

H. Res. 424. Resolution providing for the consideration of the resolution (H. Con. Res. 66) setting forth the congressional budget for the U.S. Government for the fiscal years 1996, 1997, 1998, 1999, 2000, 2001, and 2002; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 969: Mr. Hinchey.

H.R. 1785: Mr. Lighfoot.

H.R. 2019: Mr. Bunn of Oregon, Mr. Gillmor, and Mr. Hefley.

H.R. 2270: Mr. Radanovich.

H.R. 2333: Mr. Christensen, Ms. Dunn of Washington, Mr. Nussle, Mr. Payne of Virginia, and Mrs. Johnson of Connecticut.

H.R. 2434: Mr. Thornberry, Mr. LaHood, Mr. Shaw, Mr. Bishop, and Mr. English of Pennsylvania.

H.R. 2531: Mrs. Chenoweth.

H.R. 2535: Mrs. Myrick.

H.R. 2911: Mr. Hayworth and Mr. Christensen.

H.R. 2925: Mr. Oxley and Mr. Lewis of Kentucky.

H.R. 2976: Mr. Fields of Louisiana, Mr. Inglis of South Carolina, Mr. LaFalce, and Mr. Pallone.

H.R. 3047: Mr. Lipinski.

H.R. 3083: Mr. Condit.

H.R. 3095: Mr. Dickey.

H.R. 3199: Mr. Emerson, Mr. Cooley, Mr. Saxton, Mr. Blute, Mr. Watts of Oklahoma, Mr. Riggs, Mr. Canady, Mr. Shadegg, Mr. Cunningham, Mr. Linder, Mr. Herger, Mr. Browder, and Ms. Greene of Utah.

H.R. 3267: Ms. Danner and Mr. Petri.

H.R. 3275: Mr. Largent, Mr. Pete Geren of Texas, and Mr. Lewis of Kentucky.

H.R. 3279: Mr. McIntosh.

H.R. 3286: Mr. Dornan, Mr. Boehner, and Mr. Hutchinson.

H.J. Res. 121: Mr. Gallegly and Mr. Thornberry.

H.J. Res. 176: Mr. Scarborough and Mr. Schaefer.

H. Con. Res. 154: Mr. Bereuter, Mr. Frazer, Mr. Kleczka, Ms. Eddie Bernice Johnson of Texas, Mr. Manton, Mrs. Maloney, Mr. Bonior, Mr. Fazio of California, Mr. Pallone, Mr. Engel, Miss Collins of Michigan, and Mr. Nadler.

H. Con. Res. 155: Mrs. Lowey.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 12 by Mrs. SMITH of Washington on House Resolution 373: John Elias Baldacci, Scott L. Klug, Bruce F. Vento, Tom Campbell, and Rodney P. Frelinghuysen.

SENATE—*Thursday, May 2, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, on this National Day of Prayer, we join with millions across our land in intercession and supplication to You, the Sovereign Lord of the United States of America. As we sound that sacred word "Sovereign," we echo Washington, Jefferson, Madison, and Lincoln along with other leaders through the years, in declaring that You are our ultimate ruler. We make a new commitment to be one Nation under You, God, and we place our trust in You.

You have promised that if Your people will humble themselves, seek Your face, and pray, You will answer and heal our land. Lord, as believers in You, we are Your people. You have called us to be salt in any bland neglect of our spiritual heritage and light in the darkness of what contradicts Your vision for our Nation. Give us courage to be accountable to You and Your commandments. We repent for the pride, selfishness, and prejustice that often contradict Your justice and righteousness in our society.

Lord of new beginnings, our Nation needs a great spiritual awakening. May this day of prayer be the beginning of that awakening with each of us in this Senate. We urgently ask that our honesty about the needs of our Nation and our humble confession of our spiritual hunger for You may sweep across this Nation. Hear the prayers of Your people and continue to bless America. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT of Mississippi, is recognized.

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, today, there will be a period for morning business until the hour of 10 a.m. Following morning business, the Senate will resume consideration of S. 1664, the immigration bill. Under the consent order of last night, there are several amendments remaining to the immigration bill. With the cooperation of those Members who have amendments still to be offered, it is hoped that we will be able to stack any votes ordered on those amendments. It is possible that those votes will not occur prior to 12 noon. Following the disposition of the amendments, there will be 30 minutes of debate, to be followed by a vote on the Simpson amendment, to be followed by a vote on invoking cloture immediately after that, and then passage of the immigration legislation. All Senators can, therefore, expect rollcall votes throughout today's session.

I understand that there are a number of Senators who have reserved time for comments during morning business that will begin now. It will go on until 10 a.m. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10 a.m., with Senators permitted to speak therein for not to exceed 5 minutes each. Time has been reserved by Senator BURNS, Senator GRASSLEY, Senator GRAMS, Senator DORGAN, and Senator BINGAMAN. The Senator from Montana is recognized for 5 minutes.

Mr. BURNS. I thank the Chair.

AMERICA ON MY MIND—THE GAS TAX

Mr. BURNS. Mr. President, 3 years ago, President Clinton raised America's taxes in the misguided effort to reduce the Federal budget deficit. He claimed that it was time for the rich to "pay their fair share," but as usual, the middle class felt the brunt of his tax hikes.

Mr. President, with the gas prices soaring to record levels, I rise today with America on my mind to call for the immediate repeal of the punitive and regressive gas tax hikes that you put in place and the Democratic Congress in 1993 forced on America in the name of "fairness."

You see, I do not believe that it is fair to force families, and especially families that have to have a certain product or item for agriculture, who are in charge of producing the food and fiber, the very necessity of America, to get the taxes hiked on them around 30 percent just to pay for programs like AmeriCorps while ignoring the real problems like welfare reform, saving Medicare, or our criminal justice system.

Since 1992, his 4.3-cents-per-gallon tax increase has generated over $11 billion for the Federal Government. It has come directly out of the pockets of America's families. I believe it is time to put that money back.

President Clinton is inconsistent. In 1993, he raised America's taxes claiming he cared about the deficit, but when it came around to 1995, he vetoed a budget that would have balanced the budget. The President's plan is more taxing, more spending, more rhetoric. It is time to stop taxing, time to stop spending, and it is time to stop the rhetoric and help America's families keep more of their take-home pay in their back pocket.

In the State of Montana, we have quite a lot of dirt between light bulbs in that part of the world—148,000 square miles, 850,000 people. People rely on their automobiles in Montana as much as those who live in a big city, maybe more so. We also have a very healthy tourist industry that thrives there. That is based on fuels and the availability of fuels. So families and agriculture suffer from the high gas tax, and so do businesses. The price of processing, the price of transportation for all the products that are produced in rural America, significantly adds to the expenses. They cannot always be passed on to the consumer. America's families and businesses are hurt by this tax.

The truth is that President Clinton raised the gas tax for purely political reasons. He had a choice of cutting spending, but he chose not to do it. He had an opportunity to forgo a regressive and punitive tax on the middle and lower class, but he chose not to do it. I believe it is time to fix this political mistake by not only eliminating the 4.3-cents-per-gallon gas tax, but also increasing the family's take-home pay with a $500 per child bonus. We need other tax cuts for families.

We are in a time when the cattle market is really low. We have farmers suffering. And, of course, yes, the grain market is very high. But if you want to do something for agriculture and take out the sort of "pockets of pain," we should look at income averaging again, allow agriculture at the production level to keep some of their money in their pockets during the time when it is profitable so they can ride out the rough years that will come—always come—in agriculture.

We promised to do that for the middle class. That was vetoed. All rhetoric. It is time to lessen that tax burden, not only to working families, but all Americans. In an era when he proclaimed big Government is over, Government keeps on growing.

So with America on my mind this morning, I call upon all of us to take a look at this gas tax, to cut Government spending, and to get our country back on a budget that will keep us fiscally responsible and fiscally solid. I thank the Chair and I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Mr. GRASSLEY is recognized for 5 minutes.

(The remarks of Mr. GRASSLEY pertaining to the introduction of S. 1721 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from New Mexico has 5 minutes.

Mr. BINGAMAN. I am pleased to yield to my friend for any statement he has and take my 5 minutes after that.

Mr. WELLSTONE. I thank the Senator from New Mexico for his graciousness.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 1722 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BINGAMAN pertaining to the introduction of S. 1723 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BINGAMAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LESS GOVERNMENT AND MORE FREEDOM

Mr. GRAMM. Mr. President, today is a very special day for Texans this year because as of today, May 2, working men and women in Texas are for the first time in 1996 working for themselves. To this point in 1996, every single day from January 1 until today, every penny earned by the average working family in my State has gone to government, and only beginning today are the working families of Texas working for themselves and for their families.

Let me share these numbers with my colleagues because I think they are very revealing of a fundamental problem in America.

By the estimates of the U.S. census the average family of four in Texas today earns $42,570. This year that average Texas family will pay $9,522 in Federal taxes, payroll taxes, and income taxes being taken out of their pocket and being brought to Washington and spent. They will also pay $4,781 in State and local taxes. In total, the average family of four in Texas this year will pay $14,303 in taxes out of an income of $42,570.

If in 1950, someone had predicted that the day would come when working families in Texas would be sending $1 out of every $3 they earn to government, no one in 1950 would have believed that could be possible. I remind my colleagues that in 1950 the average family in America with two children sent $1 out of every $50 it earned to Washington, DC. Today the average family in America is sending $1 out of every $4 it earns to Washington, DC. And the sad, and to a certain degree, untold story is that, even if we do not start a single new government program during the next 20 years but simply pay for the government we have already committed to, the average family in America will send $1 out of every $3 to Washington within 20 years, and $1 out of every $2 in 30 years. That is a future that, at least standing here today, it is hard for me to imagine. But I think the sobering lesson is who could have imagined in 1950, when the average family in America with two children was sending $1 out of every $50 to Washington, DC, that today, 46 years later, the average family in America would be sending $1 out of every $4 it earns to Washington, DC.

I will leave it to each American to try to answer the question as to whether they are getting their money's worth from our government, whether, if they got to keep more of what they earned, they could do a better job spending it on their own family and investing it in their own future, than the government is now doing. I believe that the answer that most Americans would give is that, if they got to keep more of their own money to invest in their own children, that they could make a sounder investment both for themselves and for their children than their Government is now making.

Texas is a blessed State in many ways. But one of the ways we are blessed is that our tax burden at the State and local level is lower than the national average. So it will be on May 7 that the average American family will work for itself for the first time in 1996. But today is the first day of 1996 that working families in Texas will be working for themselves. From this point on during the year of 1996 they will be able to keep what they earn to invest in their future and their family.

I believe it is a national crisis that the average working family in Texas has worked from January 1 until May 2 simply to pay tribute to government. I do not believe the government we are giving them is worth what they are paying for it. I think we need to dramatically revise government spending, and cut it. I think we need to let working families keep more of what they earn.

There is one institution in America that is more effective and more important than any other. And that institution is the family. It is the institution that provides cohesion to our society, it is the institution that passes on our values and our traditions to our children, and yet it is the one institution that we consistently starve of the resources they need to do this job.

So I just simply wanted to join the people of my State in celebrating the fact that as of today they are working for themselves. For the last 3 years the tax burden on the average Texas family and the average American family has risen, and risen at an alarming rate. I believe this trend has to stop, and I am dedicated to the principle that we need less government and more freedom, that government is too big, too powerful, too expensive, and spends too much of the money of working families, and as a result they have the opportunity to invest too little of what they earn.

I want to see this changed, and I think the real debate that we face here in Washington, a debate that is very seldom defined here on the floor of the Senate, is a choice between unlimited government and unlimited opportunity. And we have to choose. I want to make it clear on the first day of this year that Texans have worked for themselves that I choose opportunity because I know that if the average working family in America could represent itself in the U.S. Senate for one day and could cast a vote as to whether we need more government, or whether we need more freedom in America, they would cast their vote in favor of less government and more freedom.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was intrigued by listening to the Senator from Texas, and I wanted to make a couple of observations about it before I discussed what I came to discuss.

This issue that the American people have paid taxes to a certain day and somehow after that it does not affect them escapes me. I know the Senator from Texas taught economics for some while. He would understand I think that the four largest areas of public spending are education, State and local and Federal, mostly State and local, defense, Social Security and Medicare.

When the American people pay taxes to build schools to send their children to schools, I wonder if the Senator is suggesting that somehow they have not made an investment in themselves in January, February, and March to build those schools, to pay those teachers, and give their kids an education. I do not think he would believe that.

If he is believing somehow that the Social Security checks will go back to help senior citizens, that Medicare Program that helps pay medical bills for senior citizens in January, February, and March does not represent an investment in themselves when people pay taxes and get back both an education system and an opportunity to defend our country, including jobs in Texas in defense plants, and Social Security checks for senior citizens, and Medicare payments for health care for senior citizens, I think not. I think not.

I agree with the Senator from Texas. I would like to see lower taxes for everybody. We are trying to reduce the size of Government. In fact, there are 200,000 fewer Federal workers now than at the beginning of 1992. We are reducing the size of Government. He will not find an argument from me about that. But when someone suggests somehow that all of the money paid goes to Government and has no relationship to the individuals, they are suggesting that the investment parents make in the school system that benefits their children—because I think parents have pride in building a school system that works and being able to send their kids to good schools—I think the Senator misunderstands that there are a whole lot of the American people who think it is a good investment for them to send their kids to good schools and do not mind paying taxes for schools that work.

I did not come to the floor to talk about that, but I am always intrigued by the discussions about tax issues.

RESCINDING THE GAS TAX

Mr. DORGAN. Mr. President, one of the things I wanted to talk about this morning was the gas tax.

I voted for the provision in 1993 that was the largest deficit reduction act in history. I am still pleased I voted for that. We did not get one vote on the other side of the aisle even by accident. All of us on this side of the aisle had to vote for that and pass it by one vote. We did not get one vote even by accident. But I am still glad I voted for it.

Did I like everything in it? No, I did not. But the Federal deficit has decreased by nearly 50 percent since that was enacted.

We have had some folks come to the floor recently saying let us repeal the 4.3-cent gas tax. I guess the motivation for coming to the floor to do that is to say that gas prices have spiked up in this country from 20 to 25 cents a gallon. The American people are anxious and concerned about that, so some people come to the floor and say let us repeal the 4.3-cent gas tax. I ask why the 4.3 cents? Why not the 4.3 cents and the 10 cents that Senator DOLE has proposed previously and voted for. Why not decrease the whole thing if you want to do it? But if you decrease it a penny, if you decrease the gas tax at all, I am going to be here with an amendment insisting that that reduction go into the pockets of consumers who are now spending more money at the gas pumps, not into the pockets of the oil industry.

I took a look at some figures yesterday when we were talking about this subject. Let me tell my friends what has happened in the oil industry. God bless them; I think profits are fine, and I am happy they are doing well. Chevron posted gains of 34 percent last year, an increase in profits; Amoco, a 39-percent increase in profits; Texaco, profits up 30 percent; Mobil, profits up 16 percent; Exxon did just fine as well, up 14 percent; Shell, up 42 percent in the first quarter of this year.

Those are oil company profits. Now, if somebody comes to the floor of the Senate and says, let us cut gas taxes, if they do not support a provision that requires a cut in the gas tax to be ratcheted down in the price at the pumps and therefore go into the pockets of the consumers, guess who is going to pocket the reduction of the 4.3-cent gas tax? The oil industry.

Frankly, I am pleased that the Federal deficit has decreased, and I am willing to cast votes to decrease it all the way. We ought to balance the budget. That is why I say I am still proud I cast that vote in 1993, and that included some tough issues, including a gas tax. But the plain fact is we are probably going to deal with a gas tax repeal here of some type where the majority has the right to bring that to the floor and not with respect to the merits of the issue.

I will also, in this Chamber, when we deal with the gas tax, propose an amendment that says, if we cut the gas tax, let us make sure it goes in the right pocket. The oil industry has some deep pockets, and they are doing just fine, thank you. The consumer is paying 20 or 25 cents a gallon more, and the question is, why? Because of the gas tax? No. The industry decided because of supply and demand, they say, that the price had to spike up, so the price spiked up and American drivers take it in the pocketbook.

If someone wants to relieve the American drivers of a 20- or 25-cent price spike, the first thing we ought to do is launch an investigation into what caused that price to spike up 20 or 25 cents a gallon. Who decided to do that? There was no debate about that. We had a debate about the gas tax. There was no debate by the public on this issue of a 20-, 25-cent increase in the gas prices. That is done in a room someplace, I assume. They say, well, the supply and demand relationship has changed. Therefore, let us charge the drivers 20 or 25 cents more a gallon.

I say to the folks who come to the floor of the Senate that, if we want to do something for American drivers, for those who are paying the bills, let us investigate what has caused this spike in gas prices, No. 1. No. 2, if you do offer proposals to reduce the gas tax, I am going to offer an amendment to insist that that reduction go into the pockets of the taxpayers in this country, not into the pockets of the oil industry.

How do we do that? It is not very easy to do that because you have to make sure that that decrease finds its way to the price at the pump so that it is lowered for the American consumer. But if folks come here and say, let us ratchet down the gas tax and do not do that, you know exactly where that money is going. It is not going into the pockets of somebody who is going to fill their tank tomorrow. It is going to go into the deep pockets of the large multinational corporations that decide they are going to profit because of what the Congress has done.

So those are issues, I think, we will work our way through, Mr. President, in the coming week or two. When we do, I think Members ought to understand that some of us will absolutely insist that if you reduce the gas tax, that money must go into the pockets of the American taxpayer, not the pockets of the big oil companies in this country.

Mr. REID. Will my friend from North Dakota yield for a question?

Mr. DORGAN. I will be happy to yield.

Mr. REID. I say to my friend from North Dakota, I hear talk about a gas tax being repealed. What gas tax are they talking about repealing?

Mr. DORGAN. There have been proposals on the floor of the Senate and in the House to repeal a 4.3-cent-per-gallon gas tax that was imposed in 1993.

Mr. REID. My question I guess is, since there have been a number of gas taxes that have been passed in recent years—is that not true?

Mr. DORGAN. That is correct.

Mr. REID. The 4.3 cents is only a small fraction of the taxes on gas that have been increased over the past decade or so in this body. Is that not true?

Mr. DORGAN. The Senator is correct.

Mr. REID. Does the Senator know of any reason why the 4.3 cents was chosen as compared to any other tax increases that occurred when the Republicans controlled the White House?

Mr. DORGAN. I assume it is politics. I do not understand why they chose the

4.3-cent gas tax. If gas prices spike up 20 or 25 cents a gallon, why not ask the question: Where has the price increase come from? And roll back the price increase if they really want to help the American driver.

Mr. REID. I also ask my friend from North Dakota this question. I have been watching very closely since the prices, especially in the western part of the United States, have gone up. They have gone up a lot in the State of Nevada, not as much as in the State of California, but they have gone up in the State of Nevada. I have been watching very closely, and I have not seen the oil companies come forward with an explanation of why the costs of gasoline and fuel have gone up. Has the Senator seen an explanation?

Mr. DORGAN. The explanation that has been given is supply and demand relationships and difficulties with refineries in California and some other imbalances that have occurred. As the Senator from Nevada knows, President Clinton has, I think, properly asked for an investigation. Let us find out exactly what has caused this price spike. Is the spike in prices temporary or will it last some time? Is it justifiable or is it not?

I think the President has moved in the right direction, saying let us get to the bottom of this and find out who has done what and take action if action is appropriate.

Mr. REID. I say to my friend, I have been advised that in the State of New Mexico in recent years the gasoline tax was decreased and the cost of gasoline in that State went up. Has the Senator heard that? Has the Senator heard that story?

Mr. DORGAN. I have not heard that, but that is my fear. If someone were to bring a bill to the floor of the Senate that says, let us cut the gas tax 4.3 cents per gallon and provide no assurance that that is going to go into the pockets of the American drivers and American taxpayers, guess what. We might very likely have a circumstance where that 4.3 cents per gallon would go into the pockets of the oil industry. I do not think that advantages this country. All that does is increase the debt, enrich the oil companies, and leave the drivers and taxpayers in exactly the same position they are in now.

Mr. REID. I say to my friend, the Senator from North Dakota, in the form of a statement he can respond to or not, it is my understanding in recent years in the State of New Mexico the gas tax was decreased. And surprisingly, in the State of New Mexico, immediately the prices went up and, in effect, the oil companies received the benefit of the tax being decreased. The consumer did not. That is a fear that I have, that here in America today, if we repeal this gas tax, rather than the American consumer getting the benefit of it the oil companies, which have had record profits the last few years—record profits—the oil companies would be able to pay their executives even more than they have as a result of making 4.3 cents more per gallon. Does the Senator from North Dakota fear the same?

Mr. DORGAN. That is my concern and that is why there will be an amendment, if there is a gas tax proposal on the floor to reduce the tax, to make sure it goes to the right pockets.

Let me say to the Senator from Nevada, I do not like the gas taxes. I never have. And I worry about high gas prices. Why? Because I come from a State that is a very large State with not too many people; 640,000 people living in 70,000 square miles in North Dakota. We pay about twice as much gas tax per person as they do in New York City or New York State. Why? Because we drive more than they do. To do almost anything we drive much longer distances than they do in New York.

A friend of mine once told me he had a cousin in New York who was going to go to Bayonne, NJ, to visit some relatives. They got an emergency kit in the trunk and some blankets, to go 60 miles, because that is a big trip in the east coast, I think.

In North Dakota, 60 miles is absolutely nothing. We drive 60 miles at the drop of a hat, often in a snowstorm. In good weather or bad weather we drive great distances. That is why I never particularly liked the gas tax, because the gas tax imposes a higher premium for taxpayers in North Dakota than it does taxpayers in New York. We drive twice as much per person.

The same is true with gas prices generally, not just the tax. When the price goes up 20 or 25 cents a gallon and someone says that is because of a 4.3-cent charge put on 3 years ago, I say, "Wait a second. No, no, the price went up 20 or 25 cents a gallon because something has happened in recent weeks to do that. We ought to find out what has happened and find out whether it is justified."

But I guess, again, the bottom line here is if we are going to have people come to ratchet down the gas tax I am going to make certain the right people get the benefit of that. That is the American taxpayer, not the oil industry.

Mr. REID. Will my friend from North Dakota yield for another question?

Mr. DORGAN. I am happy to yield.

Mr. REID. In the State of Nevada we have, of course, the seventh-largest State in the Union areawise, but the State of Nevada has changed in recent years. We have had a huge population explosion. Mr. President, 90 percent of the people, approximately, live in the metropolitan areas of Reno and Las Vegas. But those two cities, those two metropolitan areas, are separated by 450 miles. So the people of the State of Nevada, to get to the metropolitan areas and to get to the many rural communities that we have throughout the State of Nevada, have to drive very long distances. The loneliest road in America has been designated, a road in Nevada.

The point I am making to my friend, and I want to see if he agrees with this, is the Democrats in the U.S. Senate are not trying to block a repeal of the 4.3-cent gas tax. The Senator from North Dakota and the Senator from Nevada, we would like to get rid of all the gas taxes because people in our States, our rural States, depend on automobiles to get around. There are no subways in Nevada. There is no mass transit, basically, other than a bus, anyplace in Nevada.

So, I say to my friend, does he agree that the Democrats are not trying to stand in the way of repealing the gas tax, what we are trying to do is to make sure, if it is repealed, the consumer benefits and not Chevron, not Shell, not Exxon, and all these massive multinational multilevel companies? Would the Senator agree with the Senator from Nevada?

Mr. DORGAN. I think Senator REID states the case. I do not want to increase the Federal deficit. We have it coming down. I want to keep it coming down. And I am not afraid of making hard choices—we have done that before—in order to get it down, including taxes I do not like. I would much prefer a lower gas tax. I would much prefer lower gas prices, period.

My intention is to say only this. If people come here to try to reduce the gas tax, which will increase the deficit, I am going to say to them: That is OK, but I want to make sure the benefits of that gas tax reduction go to the drivers, who are the taxpayers out there, not the oil industry, No. 1; and, No. 2, you need to find a way to make sure what you are doing does not further increase the Federal deficit, because that is not moving in the right direction.

Mr. President, I believe we had 30 minutes reserved. I ask, because we did not start until 9:40, unanimous consent the Senator from Massachusetts be given 5 minutes, and the Senator from Montana, Senator BAUCUS, be given 5 minutes following the Senator from Massachusetts.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts [Mr. KENNEDY] is recognized for 5 minutes.

THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, in just a few moments we will return to the unfinished business on the illegal immigration legislation. There is every prospect that that legislation will be concluded sometime in the afternoon.

As Members of this body know, we are operating under the procedures of cloture, which has foreclosed the opportunity for me and for our minority leader, Senator DASCHLE, or others, to raise the issue of the minimum wage, to offer that as an amendment to the underlying legislation. I have indicated that I would offer it at the earliest moment on any other legislation that comes before the Senate, including the possibility we would offer it this afternoon.

But now we are, under the procedures, foreclosed. During the course of the morning, and with the consent agreement and the cloture on the underlying bill, we have been effectively foreclosed from any opportunity to address that issue. I am hopeful still, sometime during the day, we will have the opportunity to begin the debate. I think it is an issue that is well understood in the Senate. But we might be able to establish a short time period where we would have that debate and have a vote by the Members on that issue, which is of central importance to working families, families who are working 40 hours a week, 52 weeks of the year, trying to make ends meet and are still faced with the hard realities that the minimum wage is at the lowest purchasing power it has been in 40 years. All Americans basically understand we should reward work with sufficient compensation so families can provide for themselves, can provide for their children, put food on the table, pay the rent and the mortgage.

This issue is an old issue. It has been debated and discussed each time Congress has acted to increase the minimum wage. It is quite ironic that this issue was before the U.S. Congress 35 years ago tomorrow, that would be in 1961. The issue of the increase in the minimum wage in the 1960 campaign was debated extensively during the course of that campaign. President Kennedy, in the course of that campaign, spoke about the importance of raising the minimum wage. It was considerably lower at that period of time. But in the course of the campaign then Senator Kennedy sat in front of a camera and said:

> Mr. Nixon has said that a $1.25 minimum wage is extreme. That's $50 a week. What's extreme about that? I believe the next Congress and the President should pass a minimum wage for a $1.25 an hour. Americans must be paid enough to live.

Really, the rest is history. Senator Kennedy was elected in the fall of 1960. One of the earliest messages that he sent to the Congress in February the next year was urging Congress to take action. The Congress addressed this issue 35 years ago tomorrow.

On Friday, May 3, which is tomorrow, that will be the 35th anniversary of BOB DOLE's vote against President Kennedy's legislation raising the minimum wage from $1 to $1.25. BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage hike 35 years ago—and BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage hike today.

This issue is before us. We will have an opportunity to address it. Just as the Republican leadership was opposed to moving from $1.25 35 years ago, we find opposition now to increase the minimum wage to make it a livable wage to honor work in our society.

The overwhelming majority of the people in our society are for it. Americans should not be denied it. The illegal immigration bill is important, but we have a responsibility to meet the needs of those Americans who are out there working on the bottom and next to bottom rung of the economic ladder trying to provide for themselves and working hard at it.

Mr. President, we will continue the battle to increase the minimum wage, and I do not believe for a moment that we will be defeated. This is an issue whose time has come again and again and again. It came in early 1961. I believe it will come again in 1996.

We have to ask why it has taken us so long, but we will continue to persevere today and every opportunity to have the Senate address and vote in favor of the minimum wage. The American people need it; they are entitled to it. And we will continue that struggle.

Mr. President, I yield the floor.

Mr. DOLE. Was leaders' time reserved, I ask the Chair?

The PRESIDING OFFICER. Yes, it was. Leaders' time was reserved. The Chair recognizes the majority leader.

PRODUCT LIABILITY REFORM VETO

Mr. DOLE. Later this afternoon, President Clinton is expected to veto the product liability reform bill—a bipartisan measure to curb abusive, predatory lawsuits.

This bill passed the Congress overwhelmingly, with the support of Democrats and Republicans alike. And for good reason: In 1994, lawsuits cost the American consumer a staggering $152 billion—a price tag that exceeds the entire Federal budget deficit.

Lawsuit abuse hurts consumers by raising the costs of goods and services. It limits employment opportunities for those seeking jobs. It hurts the competitiveness of U.S. businesses overseas. And, perhaps worst of all, it can prevent new, lifesaving drugs and medical devices from ever reaching the market.

As Linda Ransom of Phoenix, AZ explained to us earlier this week, abusive lawsuits have forced manufacturers to stop selling the materials that are needed to make the medical device that is keeping her 9-year-old daughter, Tara, alive. This is truly a life-and-death issue.

It is time to stop lawsuit abuse before lawsuit abuse stops America.

So, why will President Clinton veto this important legislation? The answer can be summed up in three words: The trial lawyers. President Clinton vetoed the securities litigation reform bill because of the strong-arm tactics of the trial lawyers. And he will veto the product liability bill because he believes what is good for the trial lawyers is also good for America.

America's legal system is broken and fundamental reforms are needed—and need now. Our legal system must be reformed to encourage people to be responsible for their own actions. And it should quickly and efficiently compensate victims—not lawyers. Quite simply, legal reform is a key ingredient of any serious plan to promote job creation and economic growth.

Unfortunately, with today's veto, the President will be confirming what we already suspected: It is the trial lawyers who are calling the shots at the White House.

NOTICE

Financial disclosure reports required by the Ethics in Government Act of 1978, as amended and Senate Rule 34 must be filed no later than close of business on Wednesday, May 15, 1996. The reports must be filed with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510. The Public Records Office will be open from 8 a.m. until 6 p.m. to accept these filings, and will provide written receipts for Senators' reports. Staff members may obtain written receipts upon request. Any written request for an extension should be directed to the Select Committee on Ethics, 220 Hart Building, Washington, DC 20510.

All Senators' reports will be made available simultaneously on Friday, June 14. Any questions regarding the availability of reports should be directed to the Public Records Office (224–0322). Questions regarding interpretation of the Ethics in Government Act of 1978 should be directed to the Select Committee on Ethics (224–2981).

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, the Senate will now resume consideration of S. 1664, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States, by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole (for Simpson) amendment No. 3743, of a perfecting nature.

Simpson amendment No. 3853 (to amendment No. 3743), relating to pilot projects on systems to verify eligibility for employment in the United States and to verify immigration status for purposes of eligibility for public assistance or certain other government benefits.

Simpson amendment No. 3854 (to amendment No. 3743), to define "regional project" to mean a project conducted in an area which includes more than a single locality but which is smaller than an entire State.

Mr. SIMPSON. Mr. President, let me just relate where we are, and then I will certainly yield, and we can ask unanimous consent that Senator BAUCUS continue for 7 minutes as in morning business.

We have our order from yesterday, and we are going to go forward with four amendments, perhaps a motion, and we intend to finish this bill today. I know Senator KENNEDY feels the same. He, particularly, so he can get on with his minimum wage issue—no, excuse me, I am sorry. He will eventually get on with that. We do know that. We do know him well.

So I hope Senators will—and I know the Senator shares my view—come to the floor and process these floor amendments so we can move on to the next item of business. We are going to finish this bill. The sooner the better, and we will call for third reading at some appropriate time this morning if the action does not go swiftly. I yield the floor.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I ask unanimous consent to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL THE GAS TAX AND INCREASE THE MINIMUM WAGE

Mr. BAUCUS. Mr. President, I rise to discuss a subject of great importance to Montana, my home State, and also to me personally. That is the subject of the proposal to cut the gas tax by 4.3 cents over the rest of the year.

I am reminded of a comment made by the great Irish conservative thinker, Edmund Burke, in reflections on the revolution of France where he said:

> Among an infinite number of acts of violence, of folly, some good may be done. They who destroy everything certainly will remove some grievance. They who make everything new have a chance that they may establish something beneficial.

That is about where we stand today with the 104th Congress. The Congress is approaching its close. The present-day revolutionaries are getting ready to put on their hot tar and feathers and mount up on the rail to be ridden out of town. Behind them will remain a rather weird legacy: Government shutdowns, attempts to repeal the Clean Air Act, weaken protection of our lakes and streams, slash student loan programs and cut school lunches, and radical experiments with $270 billion Medicare cuts.

But hidden away in this mess are a few good things—a few grievances removed, a small number of beneficial things established. They are hard to find, but over the next 5 months or so, we need to dig them out, pass them and get them up to the President to sign. It is a tough job, but today we have found one of them, and that is repeal of the gas tax.

Folks are hurting at home. Wages are stagnant, cattle prices are down, but the cost of housing and the cost of college and a lot of other necessities are going up, and we should be here to do something about that.

Some of these problems are pretty complex. But we can start with a few simple solutions that will put some more money in an ordinary working man's or woman's pocket. That is what repealing the gas tax will do.

Probably that should be enough reason to repeal it, but fairness and principle also say that a gas tax that is not devoted directly to transportation funding is a bad idea and ought to be repealed.

The price of gas in Montana is up from $1.29 a gallon in March to $1.42 today, as reflected by this chart: $1.29 March 26 and up in just a short period of time, over 1 month, up to $1.42 a gallon. Who knows where it will be tomorrow, the third line on this chart.

As part of this, Montanans already pay 27 cents a gallon under a gas tax in our State—that is the State gasoline tax—and 14.1 cents a gallon for transportation under the Federal gasoline tax. The rest, 4.3 cents a gallon, is an excise tax that goes to general revenues. Like all single-product excise taxes, this 4.3-cent tax is unfair, it is narrowly based, and it is grossly unfair to the West where we have to drive a long way to work, to the grocery store, or to the hospital.

That is why I have opposed gas taxes. I opposed the gas tax hike in 1990. I remember back in 1993, the administration proposed a gas tax of 9.3 cents a gallon. I spent nearly a month fighting them down, a tenth of a cent by a tenth of a cent to the present 4.3-cent level.

As I said then, and I will quote, "I will vote for the $500 billion deficit reduction plan because I don't want to let perfection be the enemy of the good. The deficits we have run up have already laid a $4 trillion debt on the backs of our children, and fast action on the deficit is the best way to increase business confidence and keep interest rates low so jobs will be created by expanding business and people can refinance their mortgages. But make no mistake about it, the gas tax is a weak point in this package."

The majority leader's proposal is a relatively modest proposal. It does not cure the weak point in the 1993 package completely by repealing the gas tax; instead, it is a temporary 7-month reduction, essentially a limited constructive response to an emergency caused by the sudden increase in gas taxes last month.

There is a little work ahead. We need to balance the budget, so we need to make sure that the gas tax cut is offset and does not widen the deficit. That is critical. The offset needs to be a fair one and does not simply put a new burden on working people, and we need to be sure that oil companies do not simply use the gas tax cut to raise prices again.

With that aside, it is a good idea. As historians mull over the Government shutdowns and otherwise pick through the debris left by the revolutionary Congress, they will be able to say, "At least they got one thing right."

We ought to be able to do this quickly, to take a few cents a gallon off at the pump, and at the same time we ought to be able to raise the minimum wage. I was on the phone yesterday with some minimum wage workers in Bozeman. A raise of 90 cents an hour will let them stay ahead on electric bills and on water bills. It will let a single-working mom give the kids a night at the movies every once in a while, give a donation to a church, maybe buy a couple of books, and that is not asking a lot.

So these are the right things to do. We ought to get the gas tax repealed by Memorial Day, and we ought to get the minimum wage raised by Memorial Day.

I hope people in both parties will take a fair, independent look at these ideas because they are good ideas, and they help ordinary people make ends meet. They deserve the Senate's support. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. KENNEDY. Mr. President, I join with Senator SIMPSON in urging our colleagues to come over and consider these amendments. We have been going on through the evening the last two nights, and we are always asked at the end of the day if we cannot conclude it so that we can accommodate Members' schedules. Here we are at 10 o'clock, ready to do business.

There are a limited number of amendments out there. The particular Senators know the amendments have been listed. We are prepared to move ahead and dispose of these amendments. It is better for us to have the debate at the present time. So we ask, just out of consideration for the other Members of the Senate, that those Members come over so we can dispose of those amendments and we can accommodate our other friends and colleagues here. We will go into a quorum call, but we hope those Senators will come to the floor and address those amendments. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I am going to proceed with a discussion of an amendment which I believe I will send to the desk because Senator GRAHAM and Senator CHAFEE apparently will not be here until approximately 11 o'clock. So we will proceed with the amendment. I will send it to the desk in a moment and proceed with the debate on the amendment.

The amendment would modify section 112 of the bill relating to pilot projects on systems to verify work authorization and eligibility to apply for public assistance.

It has three parts. The first part would require that at a minimum three particular pilot projects—remember, these are pilot projects. Remember, whatever one is selected has to have a second vote in this Chamber years down the line. This is not tomorrow. This is not next year. The purpose of the amendment is to require these to be pilot projects rather than the present language which makes it somewhat optional.

The three parts are: The first part would require that at a minimum three particular pilot projects be conducted; one providing for telephone verification of Social Security numbers; one providing for use—pilot projects again—for use of a counterfeit-resistant driver's license with a Social Security number on it, but only in a State that already issues such a license. We are not imposing this as a national standard. But if the State of Wyoming has a driver's license with a Social Security number on it, which they do, that State will have the pilot on a counterfeit-resistant driver's license.

Then the final one involves the confirmation of the immigration status of aliens, but with regard to citizens only, an attestation only for citizens, which people have said in the debate—I think it is a good debate—"Why should a U.S. citizen have to go through these procedures?" The answer is, we will have a pilot project to find out. But I certainly hope that we could do that and require eventually, through the pilot project, only an attestation by persons who are claiming to be citizens.

Under the present bill, current bill in its present form—after the amendment yesterday, this is in the bill—there are seven different types of pilot projects that are specifically authorized, but none is required. Senator KENNEDY and I have concluded that it is especially important that the three projects I have specified are conducted, at least these three. The other four, making up the seven, that is fine, too. I think we need to study every possible aspect of this.

The first type of pilot project providing for the telephone verification of the Social Security numbers of all new employees was a recommendation of the Commission on Immigration Reform, chaired by former Congresswoman Barbara Jordan, and is and was the most frequently discussed option as it was in the House of Representatives.

The second type providing for use of a counterfeit-resistant driver's license with a Social Security number on it in a State that already issues such a license—please hear that—would have the major advantage that employers would be required only to check a single document, one that is already in existence. There would be no new documents, no new database, no new procedure such as a telephone call verification.

The third type involving confirmation of the immigration status of aliens but only an attestation by persons claiming to be citizens. That would also have a major advantage, in our mind. Employers would not have to verify employees. They would have nothing to do in that situation. Of course, in that situation, the obvious weakness in such a system is the potential for false claims of citizenship. That is why I did offer a separate amendment which was accepted, I think, in the manager's amendments, creating a new disincentive for falsely claiming U.S. citizenship, which will be a new ground of exclusion and of deportation. I think that will be very effective in reducing that obvious weakness. Because of the potential advantages of these three approaches to verification, I believe that the Attorney General should be required to conduct pilot projects on those.

Mr. President, the second part of the present amendment provides that if the Attorney General—and this is very important for employers—again, if the Attorney General determines that a pilot project adequately satisfies accuracy and other criteria such as those relating to privacy, precious privacy, discrimination and unauthorized use, two results can follow. First, the project's requirements will supersede any verification requirements under current law for participating employers. In addition, the Attorney General will be authorized to make the participation mandatory for some or all employers in the pilot project's area of coverage for the remaining period of its operation.

Here is what the intent of this portion of the amendment is. It is that no employer be subject to requirements of doing both the current law and the pilot project in which participation is mandatory. Of course, an employer can voluntarily participate in any project without any preliminary determination by the Attorney General, or anyone, that the criteria are adequately met. If there is no such determination, the requirements of both the project and the current law will be required, trying to assure there is not a double burdening upon the employer.

The third and final part of this amendment defines words "regional project." That was thoroughly discussed in committee and I believe referred to here yesterday and the day before. This amendment defines a "regional project" as a project conducted in an area which includes more than a single locality but which is smaller than an entire State. This definition is included because section 112 of the bill directs the President, acting through the Attorney General, to conduct several local or regional pilot projects.

The reason the amendment is so crafted is that some persons have expressed concern that the reference to "regional projects" could be interpreted to mean projects involving several States. Then this could create something close to a de facto nationwide system, especially if there were a number of multistate projects. Thus, the reason for the amendment. Yet, such a system would not have been the subject of a Presidential recommendation or report and subsequent enactment of the legislation as would be required in the bill before a pilot project can be implemented nationwide.

Let me say that again. Before any project, whether regional—and this defines regional—whether national, and this will take years to do, before the recommended pilot project—the "preferred alternative," I suppose, would be the phrase—in some future year would be presented to the Congress, and then a second vote would take place with regard to which of the pilot projects would eventually come into the statutes of the United States.

That is the essence of the amendment. I look forward to the discussion of it.

AMENDMENTS NOS. 3853 AND 3843, EN BLOC

Mr. SIMPSON. Mr. President, I now send to the desk the amendment I have described. By previous unanimous consent, amendments 3753 and 3754 were combined to be considered as a single amendment.

The PRESIDING OFFICER. The amendments en bloc are before the Senate.

Mr. SIMPSON. Mr. President, I have no further comments with regard to the amendment, but I emphasize to our colleagues that we are going to proceed and try to accommodate each and every one of the Members who are involved in the amending process. We are certainly not going to cut off debate, but let all be aware we are going to finish this bill today in the morning hour or the darkening color of evening.

I must relate to the occupant of the chair that the Senator from Massachusetts handed me a tattered document from some calendar of some kind that says, "What State is home to more pronghorn antelope than people?" I believe the occupant of the chair and I know the answer. It is our native State of Wyoming.

But we also have a story we tell of the old cowboy out fixing his fence and doing a nice job. A tourist lady came by—I think Massachusetts plates—and she said, "I understand you have more cows than people out there. Why is that?" He looked at her with steady gaze, hooked his thumb in his belt, and he said, "We prefer 'em."

Mr. KENNEDY. On that note, Mr. President, let me just say a very brief word about the modification of the verification proposal.

The development of studies that would help and guide policy has been controversial over some period of time. The Senate now is on record in support of those pilot programs. I strongly support them. We will have maximum flexibility to see at the time when the report comes back to the Congress, what has been recommended or suggested along the guidelines that have been included in the bill and which I referenced yesterday.

This amendment effectively ensures mandates that those programs are actually going to go ahead. It was always our assumption they would go ahead. I believe this Justice Department is well on the road toward assuring they would go ahead. A number of us have been briefed on what progress has been made, and has been impressive in terms of the design of these programs. I think they offer some very, very important, hopeful indications that many of the abuses we have seen currently would be addressed with either these types of programs or those that are closely related to those programs.

Effectively, what this amendment does, as the Senator has pointed out, it defines the term "region" as an area within a State. This proposal limits the verification to local and regional pilots only. There was some question about what the region might be. We know about 80 percent of illegals are in seven States. Some are bunched into regions of the country. We wanted to make it very clear that we were not talking about regions of the country, but we are talking about an area within a State. That is an improvement, and I think it is a worthwhile statement to ensure that the purposes of this pilot program will be defined as an area within a State.

Second, it mandates the INS to conduct the three types of programs which are listed in the bill. These three had been selected after the consideration of a number of other suggestions. And, as I mentioned earlier, I think they are worthy of pursuing. We are making sure that they will be pursued. There is one pilot project where employers have to verify an employee's Social Security number over the phone; one which tests the effectiveness of the State identification card, and that includes a readable Social Security number; and one where employers have to verify employment eligibility, only for employees who are noncitizens. These three mandates of the INS cannot require employers to participate in a pilot program, unless the Attorney General certifies it is anticipated to meet the privacy and accuracy standards of the bill.

We have outlined in very careful detail the privacy provisions, and we are strongly committed to ensuring that privacy will be realized and achieved. We will work closely with the INS to make sure that that happens.

As has been pointed out in the course of the debate, we wanted to insist on accuracy. If you have just programs that are maybe 80 percent, or 85, or even 90 percent accurate, you are still 10, or 15, or 20 percent inaccurate, and you are still talking about tens of thousands of people who would be unfairly treated. And so that aspect of the pilot program—to insist on the accuracy standards which have been outlined—is 99 percent in this bill and is enormously important.

So I think questions had been raised after we had determined that the pilot program would be instituted in the Judiciary Committee, and from the Judiciary Committee to the floor, and even during the course of the debate, we have been asked to clarify these particular measures, and the Simpson amendment does that. These modifications make good sense. This amendment ensures that pilot projects can be no larger than an area within a State. It means that a pilot that covers an entire State would be too large. The amendment requires the INS to conduct the three projects, and these projects are listed as optional pilots in the bill. The amendment simply requires the INS to test these three projects. If any of these work, it will mark a major improvement in denying jobs to illegal immigrants.

Once again, this is where the focus ought to be on the issue of the job magnet, the fact that jobs are what bring people here to the United States illegally. As we know, those individuals who are the illegals basically are low-skill or no-skill workers, and they are the ones which add the least, obviously, to the economy and still are involved in displacing other Americans and driving wages down.

So if we are able to address the issues of the job magnet—and this legislation attempts to do that in a variety of ways, which have been spelled out earlier in the course of the debate, both from trying to address the issues of the fraud documents and trying to strengthen the Border Patrol, trying to develop these other kinds of proposals to limit the—and make it less likely that illegals will enter the job market, I think we are on the road to trying to take meaningful steps to deal with the problems of illegal immigrants coming to this country and still ensure the protections for American workers that may speak with a foreign language or may have a different appearance.

I do not know of any opposition to this amendment. Members have known about it for some period of time. Perhaps we will be willing to set this aside. We are personally contacting Members who have indicated an interest to find out whether they either want to address it or require a rollcall vote. It seems to me that we will pursue that. But we, again, hope that our other colleagues who have other amendments will come forward. I am sure when they do, we will set this aside. At some time later, I suppose, we will ask, when we stack the votes, that this be one that we stack.

If Members have differing views on this issue, we are here now to debate it. After a reasonable period of time, we will assume that those Members, unless they notify us, are willing to let us move forward and accept this amendment. We intend to do that in a reasonable period of time.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THOMAS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THOMAS. Mr. President, I ask unanimous consent I might take 3 minutes for the introduction of a bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

Mr. THOMAS. I thank the Chair.

(The remarks of Mr. THOMAS pertaining to the introduction of S. 1714 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WELLSTONE. I thank the Chair. I will be brief, I say to my colleagues. I will stay under 5 minutes.

RISE IN GASOLINE PRICES

Mr. WELLSTONE. Mr. President, I come to the floor to read a letter that I have today as the Senator from Minnesota sent out to a number of oil companies in our country.

I ask unanimous consent to have this letter printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

> MAY 2, 1996.
>
> Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will be holding a hearing to look into this matter on May 9, 1996.
>
> My understanding of the industry position on this question is that several unrelated factors have led to the recent increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.
>
> The crux of my concern relates to the industry practice of "just-in-time" inventory management. It appears that the inventories of crude oil and petroleum products are now being held by the industry at significantly lower levels than have historically been the practice. In fact, a particularly significant drop in inventories seems to have occurred during the summer of 1995, not during the winter as one might expect. As you know, when inventory levels are so low as to impact the availability of gasoline, consumers and the economy can be exposed to the risk of price spikes by otherwise unremarkable increases in demand. My fear is that while oil companies may use this management technique to save money, the result is that the consumer may end up paying the price.
>
> I would hope that the oil industry would not use this management technique to ring up huge profits on the backs of the American consumer.
>
> In helping me prepare for any upcoming action in the Senate Energy and Natural Resources Committee, please explain why industry inventories of crude oil and petroleum products have been maintained recently so far below the usual level, and what effect "just-in-time" inventory management may have had in contributing to or aggravating the current price increase. In crafting your response, please explain why inventories were reportedly decreased so drastically in June and July of 1995. In addition, I would appreciate knowing whether the matter of low inventories or any other issues relating to the recent increase in the consumer price of gasoline have been the subject of discussions between representatives of your company and other officials in the industry. Finally, please provide any further information you feel may be useful to me and to the Committee in our review of this matter.
>
> Thank you for your prompt reply.
>
> Sincerely,
>
> PAUL D. WELLSTONE,
> *U.S. Senator.*

Mr. WELLSTONE. Mr. President, I will quote from sections of the letter:

> Much has been said recently about the rise in the price of gasoline, attributing this rise to a number of factors. As you may know, the Senate Energy and Natural Resources Committee, of which I am a member, will hold a hearing to look into this matter on May 9, 1996.

That is next week.

> My understanding of the industry position on this question is that several unrelated factors have led to the increase of gasoline prices: high demand for heating oil due to the long winter, seasonal refinery maintenance practices, refinery shutdowns, and the failure of Iraqi oil to enter the market as expected. Although all of these are credible explanations, there is an argument that runs counter to this position which I would like you to address.

This letter is in the spirit of all of us having the information we need to make responsible decisions.

Mr. President, what I am talking about is what ways this low inventory may have affected this spike in the prices that consumers are experiencing. Since there has been a lot of information that has been coming around, or at least a lot of speeches given, it seems to me one of the things we want to do as Senators, whether we are Republicans or Democrats, is get to the bottom of this and try to really understand the why of this spike, the why of this rather dramatic increase in gasoline prices.

These low inventories, really record low inventories, are something that I think we ought to look at. Undoubtedly, this saves money for the companies. But on the other hand, what happens if demand goes up at all with the inventory, the supplies, kept down by the oil companies? Then your supply-and-demand curve is such that it could lead to the very spike in prices that we are now experiencing in the country.

I have sent this letter to the oil companies. I am hoping that they will be forthcoming with the requested information. On May 9, in the Energy and Natural Resources Committee, I will put the questions to the oil companies. I hope they will be accountable. Those of us in the U.S. Senate, Democrats and Republicans alike, will have this information. I think it is a very important issue. I think it is extremely important that we understand what is now happening to consumers that we represent. I yield the floor.

Mr. BRYAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

Mr. BRYAN. Mr. President, I understand my distinguished colleague, the senior Senator from Florida, wishes to speak shortly, but that he needs a little more time. If there is no objection from the floor managers, I will make some general comments about the bill at this time, if I may.

Mr. President, I think it is appropriate at this time, as we are, hopefully, nearing the conclusion of our debate on this important piece of legislation, to make some general observations and comments. First, to acknowledge the leadership of Senator SIMPSON. What has been accomplished, in my judgment, could not have been accomplished in earlier Congresses. I commend his leadership. Although the distinguished ranking member of the subcommittee has not been in agreement on all parts of the piece of legislation, I believe that Senator KENNEDY's role in this has been a constructive part of a process which, in my judgment, will make major changes in our immigration enforcement efforts.

Some time last year, I had the pleasure of testifying before the Immigration Subcommittee in support of S. 269, Senator SIMPSON's illegal immigration reform bill. I am pleased that the legislation that we have been debating these past few days essentially deals with the scope and the manner which the bill that I testified on last year covered.

I want to preface my remarks by reemphasizing a point that I made at the time, which I think is valid in the context of the debate this year. That is, that there are those who are critics of our attempts to reform the immigration laws in this country who suggest that our efforts are somehow mean-spirited or even "xenophobic." In my view, that is not only an unfair characterization; it is an opinion that is completely out of touch with the realities of our time.

The Commission on Immigration Reform, chaired by the late Honorable Barbara Jordan, responded to this in the 1994 report to the Congress in which she and the members of the Commission concluded:

> We disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest.

Mr. President, first and foremost, it is and it has always been the province, and indeed the responsibility, of the Congress to establish and to provide the means of enforcing our country's immigration laws and to do so in the national interest.

Since the Immigration Act of 1882, Congress has recognized the need to fashion immigration policy to fit the various public policy interests of the time. In the 19th century, our country depended on immigrants to build the railroads, to defend our unstable borders, and to populate the new frontier.

At the turn of the century, our immigrant population helped to fuel the Industrial Revolution and to promote economic expansion. As a consequence, immigrants were allowed nearly unfettered access to our shores during that same period of time.

As the needs of our country changed over the course of the early part of the 20th century, so, too, did our immigration policies. Although some of these policies were clearly the result of a racial animus, our legal immigration system has evolved into one that primarily is based on family unification and needed skills.

In spite of the Congress' best intentions, U.S. immigration laws have been violated on a massive scale over recent years. The Immigration and Naturalization Service estimates that nearly 300,000 undocumented aliens enter and remain in the United States permanently each year. That figure includes a substantial number in my own State of Nevada, estimated to be nearly 20,000.

The proposition 187 ballot initiative in California last year is an example of the frustration felt by many in that State over the failure of the Federal Government to enforce our immigration laws. The consensus that has emerged in this Congress and in the White House concerning the need to balance the Federal budget in 7 years has placed severe constraints on discretionary spending in the foreseeable future. As that discretionary pie continues to shrink, we must constantly reprioritize the spending allocations for many worthwhile spending programs that in whole or in part the Federal Government has been asked to support.

While rational people may disagree as to the overall societal cost associated with illegal immigration, it seems rather fundamental to me that limited Federal resources are better spent on those persons who have played by the rules and reside in our country legally.

I want to mention another aspect of unlawful immigration, one that is more difficult to quantify, yet clearly carries a price tag for us as a society. That is the cost to our environment. In many parts of the country, but particularly in the Southwest, the burgeoning population has placed tremendous strains on our natural resources. The quality of the air we breathe, the water we drink, and the land on which we live and recreate is directly related to population levels. Our ability to maintain a safe and healthy environment is constantly being challenged as those growth levels continue to increase. Unlawful immigration exacerbates these challenges in areas ranging from solid waste disposal to maintenance of our city parks.

Mr. President, I have cited several of the realities we face as a nation in order to put in context the need for the legislation that we have debated and, hopefully, we will pass later on today.

Quite simply, we must do a much better job of curbing the flow of illegal immigration, and that means both preventing illegal aliens from entering our country and deporting those who remained within our borders unlawfully. The legislation that we debate addresses both of these problems. It contains strong law enforcement provisions to assist in detaining and removing illegal immigrants, and, more importantly, it includes strong provisions relating to employer sanctions and verification systems.

I might just parenthetically acknowledge the support of Senator SIMPSON and Senator KENNEDY with an amendment which I added which has been included in the managers' amendment that deals with juvenile offenders who are here illegally and commit crimes that, if committed by adult offenders, would be serious felony offenses.

The fact that this provision has been accepted in the legislation, I think, will strengthen the hand of law enforcement and give us an additional tool to deal with those violent juvenile offenders who are here unlawfully who currently are protected under the provisions of the Family Unity Act and who now may be subject to the provisions which will enable a stronger effort to be made to return them to the country of their own origin when these serious felony offenses are committed.

The bill incorporates many of the recommendations of the Commission on Immigration Reform, as I alluded to earlier. It recognizes, as did the Commission, that the primary factor motivating people to enter our country illegally is the availability of jobs, jobs that pay more, often much more, than that in which an individual could expect to make in his or her native country.

While this legislation reflects the need to enhance our border security efforts by nearly doubling the authorized level of Border Patrol agents over the next 5 years, it also recognizes the fiscal and geographical constraints of patrolling the entire U.S. border.

Mr. President, the fact that more than half of all of illegal immigrants currently in the United States entered our country legally and subsequently overstayed their visas evidences the need to do much more than just to improve border security to stem the tide of illegal immigration.

The Commission on Immigration Reform found that the ineffectiveness of employer sanctions, prevalence of fraudulent documents, and continued high numbers of unauthorized workers, combined with confusion for employers and reported discrimination against employees have challenged the credibility of current work site enforcement efforts.

This bill recognizes an improved system to verify eligibility to work in this country must be developed. It includes provisions to reduce the list of documents that may be accepted by employers, and directs the President to conduct local or regional pilot projects on improved verification systems. The recommended system could not be implemented, however, until it was authorized by Congress.

The bill also contains provisions related to another recommendation of the commission, and that is the availability of public benefits to legal immigrants. The current law in this area, a version of which has been on the books for more than a century, provides that an immigrant may be admitted to the United States only if the immigrant provides adequate assurance that he or she is not likely at any time to become a public charge. The bill provides if an alien within 5 years of entry does become a public charge that immigrant may be subject to deportation.

This policy is consistent with the Commission's recommendation and with the philosophy we as a Nation admit legal immigrants, with the expectation they will reside permanently in the United States as productive residents. In addition, the bill provides sponsors should be held financially responsible for the immigrants they bring into this country. In making the affidavits of support signed by sponsors legally enforceable, the bill indemnifies the Federal Government and seeks to hold the taxpayers harmless of their current responsibility for providing for support.

Mr. President, I want to make it clear that I recognize the contribution immigrants have made to our society. With the exception of native Americans, we are all a product of our Nation's immigration system. That is why it is so important for us as a nation to establish and to enforce our immigration laws so that those who have played by the rules and followed the law are rewarded for their efforts. We can no longer allow aliens who enter or remain in the United States in violation of our immigration laws to effectively take immigration opportunities that might otherwise be extended to those potential legal immigrants whose presence would be more consistent with the public policy determinations made by this Congress about what is in our national interests.

Once again, Mr. President, I commend Senators SIMPSON and KENNEDY for their efforts in producing this piece of legislation. I look forward to supporting its enactment and its final passage. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

AMENDMENT NO. 3759 TO AMENDMENT NO. 3743

(Purpose: To suspend the requirements imposed on State and local governments if certain conditions prevail)

Mr. GRAHAM. Mr. President, I call up amendment 3759 which has been previously filed.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Florida [Mr. GRAHAM] for himself and Mr. SIMPSON, proposes an amendment numbered 3759 to amendment No. 3743.

Mr. GRAHAM. Mr. President, I ask unanimous consent reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following new section:

SEC. . UNFUNDED FEDERAL INTERGOVERNMENTAL MANDATES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 90 days after the beginning of fiscal year 1997, and annually thereafter, the determinatons described in subsection (b) shall be made, if any such determination is affirmative, the requirements imposed on State and local governments under this Act relating to the affirmative determination shall be suspended.

(b) DETERMINATION DESCRIBED.—A determination described in this subsection means one of the following:

(1) A determination by the responsible Federal agency or the responsible State or local administering agency regarding whether the costs of administering a requirement imposed on State and local government under this Act exceeds the estimated net savings in benefit expenditures.

(2) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether Federal funding is insufficient to fully fund the costs imposed by a requirement imposed on State and local governments under this Act.

(3) A determination by the responsible Federal agency, or the responsible State or local administering agency, regarding whether application of the requirement on a State or local government would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

Mr. GRAHAM. Mr. President, before I commence my remarks on this specific amendment I will provide some context. I strongly support the efforts that have been made and that are being made in this legislation to stem the tide of illegal alien entry and continued presence in the United States of America. Clearly, it is a national responsibility delegated singularly to the Federal Government under our U.S. Constitution to protect our borders and assure that in all areas, including immigration, that we live by the rule of law and not by the rule of the jungle.

What concerns me, from the State which has experienced the adverse effect of illegal aliens to a greater extent that any other State in the Nation has done so, and who feels so passionately about the national responsibility to enforce our laws and protect our borders, what concerns me is that in this legislation which is labeled, which has on its book jacket the phrase "illegal immigration," when you open the book, look at the individual chapters, there are significant provisions that do not relate to illegal immigration.

We dealt with one of those provisions earlier this week when we eliminated the provision in the original bill that would have essentially terminated immediately the Cuban Adjustment Act, an act from 1966 to today which only is available to people who are in this country with legal status. That is not the only example in a book which has in its title "illegal immigration." Its chapters have provisions relating to people who are in here, having followed the law, having followed the rules, paying taxes, doing all the things that we expect of law-abiding residents within the United States. Most particularly, Mr. President, those provisions that affect legal aliens come into play in the aspect of the eligibility of those legal aliens for a variety of programs which have some degree of Federal financial involvement.

I support, also, the principle that the sponsors of this legislation have articulated on repeated occasions that we should look first to the person who sponsored the alien into the country as being the financially responsible partner, for their needs to avoid the necessity of that individual becoming a public charge. That is a desirable and, frankly, too-long ignored principle. Our courts have ruled as recently as 2 years ago that the current affidavit of sponsorship is not legally enforceable. This legislation will hope to breathe the fire of enforceability into that affidavit.

My concern, Mr. President, is not only that we are dealing with legal aliens in a bill described as illegal immigration, and carries with it all of the momentum and all of the emotion and passion that that title brings, but also that we are placing the Federal Government in a position of being the deadbeat dad of immigration. And how is that? The Federal Government determines how many legal aliens can come into this country. The Federal Government determines under what conditions they can come and under what conditions they can stay. None of those decisions can be influenced by the local community, whether it is Dayton, OH, or Dade County, FL. None of those can be influenced by a State. They are totally national judgments, and we made several of those judgments in the past few days here on the Senate floor.

We are now saying that we are going to look primarily to the sponsor to pay the cost of that sponsored alien. But what happens if that sponsor is unable, unwilling, or cannot be found to carry on that responsibility? The way the structure of this bill is, you determine the financial condition of the sponsor, and since this bill says nobody can sponsor an alien unless they are at least 125 percent above the poverty level, and since for most of the programs of eligibility you have to have less than 125 percent in order to qualify—for instance, Medicaid—in most States, unless you are in a special category such as a pregnant woman or a child, you have to be substantially less than 100 percent of poverty in order to qualify. So, by definition, almost every one of these legal aliens with a sponsor's income is going to be rendered ineligible for needs-based programs in which the Federal Government is a participant.

But what happens when the reality is that the sponsor is unable or unwilling to meet the obligations of the sponsored legal alien? The most likely area in which that is going to occur is going to be health care. Most sponsors will be able to meet their obligations in terms of providing food, or shelter, or other basic necessities of life, but what happens when that alien is diagnosed as having cancer? What happens when that legal alien is seriously injured? That is when that sponsor, at 125 percent of the poverty level, is not going to realistically be able to meet those needs.

We have a Federal law that says that any American person—not just a citizen—any person can go to a hospital and get emergency treatment regardless of their financial condition. That is exactly what is going to happen with that legal alien with cancer, or a serious accident, or if they become pregnant and they cannot afford the cost of delivery. They are going to end up at a hospital with their medical condition and unable to pay and the sponsor being unable to pay.

Now the Federal Government has washed its hands of that responsibility.

We are the "deadbeat dad" of obligations of legal aliens. But somebody is going to pay. That somebody is going to be the hospital or, more likely, the local community and the State and their taxpayers in which that hospital is located.

So the issue is not should the sponsor be responsible. Yes, the sponsor should be responsible, and we are helping to make that more likely. But the question is, what happens when the sponsor, for a variety of reasons, is not there when the bill comes due? The fact is, what is going to happen is that there will be a new unfunded mandate imposed upon the communities in which the legal alien lives.

We also have some unfunded mandates, Mr. President, that you spoke to eloquently yesterday relative to new responsibilities on businesses. We are not willing to pick up all of the cost that it is going to take to implement many of these programs, including the verification programs. So we have said, in addition to asking local governments and States to have to pick up additional costs, we are going to shift some of these costs off to the private sector and let them pay for it. I do not think this is a fair allocation of what is a constitutional Federal responsibility for our immigration laws.

So, Mr. President, as I begin my comments on this specific amendment, I want to make it clear: I think we ought to have the strongest laws and commitment to enforce those laws against illegal immigration that are available to us. I think that it is appropriate to ask sponsors to be primarily responsible for legal aliens. I do not think we ought to be doing it in this bill. As a matter of policy, it is a desirable objective, but I do not think that we ought to be setting up a circumstance in which the Federal Government essentially shirks its financial obligation and adds that obligation to the communities in which legal aliens are living and to the business sector which is now going to carry new responsibilities for verification.

Mr. President, the first priority of the Senate during this 104th Congress was S. 1, the very first bill filed at the desk, S. 1, and the title of that was the unfunded mandate reform bill of 1995. It was also included as a top priority in the House of Representatives, and it passed both bodies in the first 100 days of the 104th Congress. At the time we considered that legislation, the majority leader of the Senate said, and I quote:

> Mr. President, the time has come for a little legislative truth-in-advertising. Before Members of Congress vote for a piece of legislation, they need to know how it would impact the States and localities they represent. If Members of Congress want to pass a new law, they should be willing to make the tough choices needed to pay for them.

I strongly concur in the statement of our majority leader.

What does that statement now have to say about the legislation that is before us this morning? The Congressional Budget Office, in the limited time available to it to review the legislation's broad, sweeping impact on State and local governments, has determined that this bill, S. 1664, does in fact violate the $50 million threshold for tripping into effect the unfunded mandate procedure. That $50 million is found just in two areas: the requirements governing increased expenses for birth certificates, and driver's licenses. Although the bill would impact literally hundreds of programs run by State and local governments, just these two—birth certificates and driver's licenses—would have an unfunded mandate on State and local governments in excess of $50 million.

With respect to all of the encompassing requirements imposed under this legislation, the Congressional Budget Office states:

> Given the scope and complexity of the affected programs, however, the Congressional Budget Office has not been able to estimate either the likelihood or magnitude of such costs at this time. These costs could be significant, depending on how strictly the deeming requirements are enforced by the Federal Government.

Let me repeat. "These costs could be significant."

Mr. President, S. 1664 fails the majority leader's truth-in-advertising test. We are prepared to vote on a bill that we truly have not the foggiest idea what its impact will be on State and local governments. We certainly are extremely concerned and strongly supportive of raising the issue of unfunded mandates.

As a result, I have offered the amendment which is currently before the Senate that would waive the imposed and mandated bureaucratic requirements if the Federal, State, or local administering agency makes one of these three determinations: a determination that the cost of imposing the requirement exceeds the benefit; second, that Federal funding is not sufficient to cover the cost of the imposed requirement; or, third, that the application of the requirement would delay or deny services to the otherwise eligible legal immigrant in a manner that threatens life, safety, or public health.

Mr. President, I have a letter dated April 24 from the National Conference of State Legislatures, the National Association of Counties, and the National League of Cities. This letter strongly supports the pending amendment. In it, these three organizations write:

> This assures that new deeming mandates are cost effective and not unfunded mandates. This is a critical test of your commitment to preventing cost shifts to, and unfunded administrative burdens on, State and local governments.

The U.S. Conference of Mayors also supports this amendment. In short, this bill, once again, creates a large unfunded mandate on State and local governments. Once again, I repeat the quote from the Congressional Budget Office:

> Given the scope and complexity of the affected programs, CBO was not able to estimate either the likelihood or the magnitude of such costs at this time. These costs could be significant.

Mr. President, the only study as to what these costs may be comes from the National Conference of State Legislatures. These are our colleagues, fellow legislators in State capitals across the land. Many of us had the privilege, at a previous time, to have served in a State legislature. We know the difficult choices that they must make in terms of balancing limited resources at the State level, because they do not have the option, as we do, to deficit finance their programs. So they are very concerned about unfunded mandates that distort priorities.

The CBO had a limited time, as did the National Conference of State Legislatures, to do its study. But the NCSL developed a report on 10 affected programs. This study, incidentally, did not include Medicaid and did not include 40 other Federal means-tested programs which will be covered by this legislation. But what did it find in the 10 programs that were studied? After contacting more than 10 States of varying sizes, the study concludes that:

> Regardless of the size of the immigrant population, all States and localities will have to implement these unfunded mandates.

In other words, this bill impacts Sioux City, IA, and Billings, MT, just as it does Los Angeles, CA, or Miami, FL. This bill requires all Federal, State, and local means-tested programs to have a new citizenship verification bureaucracy imposed upon them—even those areas which have very few aliens. As a result, what are the estimated costs being imposed on State and local governments, even for just the 10 programs that the NCSL has studied? According to the study, "The cost of these requirements for 10 selected programs would result in a $744-million unfunded mandate." A $744-million unfunded mandate.

Mr. President, let me repeat that the NCSL study indicates that the unfunded mandate cost of 10 programs will be $744 million. Once the other multitude of programs are analyzed, the cost on State and local governments could far exceed a billion dollars. It could be several billion dollars. Nobody has the foggiest idea.

However, there are no provisions in the pending legislation to reimburse State and local governments for the administrative costs and the cost shifts that will be imposed upon them. As the majority leader said, again, in debating the unfunded mandate bill:

> We do not have all the answers in Washington, DC. Why should we tell Idaho, or the State of Kansas, or the State of South Dakota, or any State, that we are going to pass

this Federal law, and we are going to require that you do certain things, but we are not going to send you any money? So you raise taxes in the local communities or in the State. You tax the people, and when they complain about it, say, "Well, we cannot help it because the Federal Government passed this mandate." So we are going to continue our drive to return power to our States and our people through the 104th Congress.

Those words were a ringing declaration of purpose in January 1995, which I think we should now recall in May 1996. All programs in all places, regardless of whether the new bureaucratic costs exceed the benefit, regardless of whether it imposes a very large unfunded mandate on State and local government, are impacted by this bill.

Some examples: Foster grandparents in Bismarck, ND, or a van to check the blood pressure of poor, pregnant mothers in Topeka, KS, using alternative child care health funding. These are examples of programs that have Federal funding that would now be subject to the verification requirements of this legislation. The local jurisdictions with few if any aliens would have to verify immigration status and sponsorship information, regardless of that fact.

My amendment would allow the State or local administrative agency, or the Federal agency, to certify and waive out of the bill's requirement in such a case where the cost of implementation clearly exceeds the savings that are contemplated. This amendment recognizes that one-size-fits-all policies do not work and are not cost effective—a recognition of a basic tenet of this country's federalism.

This amendment would also recognize that this may be virtually no savings—something that the Congressional Budget Office has verified in its scoring of the bill's savings in certain programs. For example, the maternal child health block grant funding is often used to augment services provided by the public health department for preventive health care services aimed at pregnant women. However, since the maternal child care program is capped—that is, there is a maximum expenditure—there would be no Federal savings by imposing any additional administrative requirements. Again, CBO estimates no cost savings by imposing deeming in the maternal child care program. But administrative costs would certainly increase substantially for public health units across America.

In such a case, despite the fact that the Federal funding to the public health department would account for as little as 1 percent of total funding, all of this new bureaucracy would be imposed. The added cost of administering deeming, for example, in such a program could exceed all of the Federal funding that goes into the program. This is neither prudent nor something which I believe our colleagues would think is sufficient government.

Moreover, this amendment is entirely consistent with statutory language, which provided that the implementation of the system of alien verification—the SAVE Program—was administered. Under the SAVE Program, States could be waived from the program upon a determination that implementing SAVE would cost more money than the savings that would flow from such implementation. So we already have, in the immigration law itself, an example of recognizing a cost-benefit relationship, and that cost-benefit relationship will differ from one community to another.

In addition, the amendment would allow the appropriate Federal, State, or local agency to suspend the application of the bill's administrative requirements upon the determination that the application requirement would significantly delay or deny services to otherwise eligible individuals in a manner that would hinder the protection of life, safety, or public health.

For example, the determination could be made that the alien sponsor's deeming requirement should not be applied on a temporary basis with respect to short-term disaster relief, because it could delay essential aid to citizens and aliens alike who are disaster victims. In the case of a major natural disaster, which could occur with little or no prior warning, a person's home can be destroyed in short notice. One's lost possessions could include proof of immigration, citizenship status, or financial information.

Without this amendment, emergency food or housing vouchers could not be provided to a disaster victim until the alien's citizenship status and sponsorship information has been verified, which can take weeks. It would also relieve an undue administrative burden on disaster relief agencies that would presently have to verify immigration status and sponsorship information during the course of dealing with the disaster in its aftermath. The ultimate victims of such administrative burdens would be the disaster victims themselves, who would have to wait longer to receive services.

Mr. President, we passed the unfunded mandate bill as our first priority. The National Conference of State Legislatures, the National Association of Counties, the National League of Cities, and the United States Conference of Mayors have said, "This is a critical test of our commitment to the unfunded mandate law we passed."

To be against this amendment would be to argue that we should impose costs that exceed the benefit, to impose unfunded mandates on State and local governments and to deny or delay services even if they threaten life, safety, and public health. I cannot believe that anyone in this Chamber believes that those would be wise or prudent courses of public policy.

I urge the adoption of this amendment.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, this is like a symphony. We are returning once again to the central theme: This is about deeming, and it is about the sponsor paying what the sponsor promised to pay.

I hear every one of those remarkable and compassionate examples that the Senator from Florida portrays. I know him well. He believes deeply in this. He is a caring person, and he obviously is receiving a great deal of information from his State and from those who administer health care in his State. I understand that. I understand it all.

However, I understand something even more clearly, and that is this. We are talking about legal immigrants, and a legal immigrant cannot come to this country, cannot get in until the sponsor has promised and given an affidavit of support that the person coming in will not become a public charge and that whatever assets the sponsor has or income that the sponsor has are deemed to be the assets of the legal immigrant.

Too bad we have come to the word "deem." The word "deem" seems to confuse people, but I think with the votes we have had the last few days, or 2 or 3 days on this same issue, they are not confused.

Deeming means that if your sponsor has money, his money is considered your money when you go down to get relief from the taxpayers. I do not know how that seems to escape the debate. When you walk up to get money from the Federal Treasury, from the rest of us, why should the rest of us cough up the money when the sponsor has not done it yet, or has not run out of money himself or herself?

That is the issue. There is no other issue.

Now, what if the sponsor is in trouble? What if the sponsor cannot cut the mustard? What if the sponsor says: I did agree to bring this person to the United States and I did agree that they would not become a public charge, and I did agree to sign an affidavit of sponsorship, and I promised to do that, but I cannot do it. I have had a bankruptcy. I have lost my job. I cannot do it.

And what happens then? That is it. The sponsor is off the hook, and the taxpayers pick up the load. Nobody is saying that these people wander around in the streets; that they do not make it; that they are not going to make it. All we are saying is whatever the program, if the sponsor has the assets and the income stream and can afford to pay, that sponsor will pay before the taxpayers of the United States pay anything, regardless of what it may be, with the exception of what was in the managers' amendment, which was in the committee amendment, which was about soup kitchens—that is in there. We do provide that—and there were several other items, and Senator KENNEDY will recall what those are.

If this is one that I guess our colleagues do not understand, then I think we have failed in the debate, and people may vote it certainly either way. But I urge my colleagues to defeat this amendment. It is one more amendment on deeming. The amendment would allow State welfare agencies to avoid the requirement to deem if the State agency itself—now listen to that—it is the State agency itself determining that, one, the administrative costs would exceed the net savings or, two, that Federal funds are insufficient to fund the administrative costs, or, three, that deeming would "significantly delay or deny services in a manner that would hinder the protection of life, safety, or public health."

The enactment of the bill itself would create a congressional requirement for deeming, for Federal and all federally funded programs, and that requirement is based on the basic belief that after immigrants are admitted to the United States they should be self-sufficient. It is based on the belief that when immigrants need assistance, such assistance should be provided, first, by the immigrant's sponsor who made the initial promise, and if they have not made the initial promise, these people would not have been admitted to the United States. That was the sponsor's promise. That was a condition of the immigrant's admission to our country, a very generous country. And I do not feel it should be up to a State welfare agency or even a Federal welfare agency to decide that such deeming should not be required.

Let us face the real basic fact. You have some agencies in some States and, boy, they have a tremendous drain—I am sure Florida is one—created by a legal and illegal immigrant population, created by parolees, created by Cubans and Haitians. I understand that. I do understand that. And that is why we provide and always have provided in this work for extra money, extra money always for Florida, California—I remember that in the original bills. I remember that. But let us face the facts. Those agencies, for the best of motives, are far more interested in spending money than in saving it.

Mr. President, if the Congress decides that deeming is not appropriate for particular programs or particular classes of immigrants, I think then and only then the deeming should not be required, but it should not be done by State fiat.

Let me just say a few words about the issue of administrative costs. The Senator from Florida mentions the administrative costs to the States of the deeming requirements. I remind my colleagues the deeming requirements only apply to programs that under current law are means tested.

The effect of deeming is that when an immigrant applies, as I say, for assistance, he or she must report to the provider not only his or her income and assets but also that of the sponsor. That just adds another line or two to the application form. So to be told that this is a terrible administrative burden, here is how I foresee it. You fill out the form, and it says on there your assets and your income. You fill it out, and you add two new lines: Do you have a sponsor in the United States of America? If the answer is yes, you say, what are the assets of your sponsor in dollars? And you enter it. And the second line: What is the income of the sponsor? And you enter that.

That does not seem to me to be a great administrative burden. But, how deeming is enforced, and I hear that argument, how agencies determine whether applicants are telling the truth, of course is another matter, as we all know.

I assume various agencies will have different enforcement policies, as they do today. Some may require verification of income levels from every applicant. Some may adopt an audit-type approach similar to that of the IRS. I do not understand why the bill would lead to any change in that situation. Enforcement policy would be determined by the agency involved. It appears likely to be similar to current practices. If an applicant's own income must be verified, and I assure my colleague that is always the case, then the income of the applicant's sponsor also is likely to be verified also. That is the extra administrative burden, and the purpose of it is to find out what they have, and if they have it you make them pay it before the rest of us pick up the tab for people who promised to pay for them when they came here or they could not have come here unless they made the promise.

I do not know—and I respect greatly my friend from Florida, and certainly consistency and persistency are his forte—but I just think the American public has a lot of difficulty wondering why the general taxpayers have to pick up the tab for anything on someone who came here on the sole promise that their sponsor would take care of everything and that they would not become a "public charge." Now, under the present bill, if they become a public charge for 12 months out of the 5-year period they can be subject to deportation, with certain clearly expressed exclusions.

I regret being in a position where one would have to be portrayed as, "Why are you doing this?" We are doing it only because I think Americans understand something about taking care of others. Our budget this year is $1,506,000,000,000 so we must be taking care of someone in the United States of America; $1,506,000,000,000. Food stamps, cash, noncash, I vote for those things and will continue to do so. But I do not know why I should do it if someone agreed to pay it before I had to pay it. I guess I have enough regard for my own promises, that if I promise to bring people to the United States and pay for them and they went down to get some kind of means-tested assistance or welfare, I would be embarrassed that I could not cough up the money to do it because they are probably relatives of mine and I promised they would not become a burden on the taxpayers. I would keep that promise. I have done that with relatives of mine. I do not know why that should be the responsibility of others. And that is where we are and that is what deeming is and there is a reason for it.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair recognizes the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I think the Senator from Florida is really putting his finger on a different issue, and it is a very real issue for anyone who considers, in this instance, large public hospitals. I think all of us understand the real crisis public hospitals have in serving the needy in all of our great communities and cities.

As I understand the point of the Senator from Florida, if someone is a legal immigrant and has a sponsor and arrives at the Boston City Hospital, that person is going to be treated right away. As the Senator pointed out, we are required to treat him, but it is the hospital policy, in any event, to treat that individual. So they get treated right away. Their emergency is attended to. Now the hospital goes about saying, "How are we going to recover the payments for it?" It goes to the individual. That person happens to be needy, happens to be poor, and happens to be a legal immigrant.

The point, No. 1, Mr. President, is that the foreign-born immigrants in the United States represent 6 percent of the population and only 8 percent of the utilization in the Medicaid Program. We do not find the abuses in the Medicaid Program. We do in the SSI, which has been addressed in this with effective measures over the period of the next 10 years. But this program we are talking about is not more heavily used by legal immigrants than it is by American citizens. We have to understand that.

We are not going to take the time of the Senate to demonstrate how legal immigrants pay in billions of dollars more than they ever benefit from in terms of taxes, which they are glad and willing to do.

We are talking about that individual who has fallen on hard times and has some kind of unforeseen accident. All right, that person goes in and they are attended to. Then the hospital has to set up some process and procedure—which is going to cost them something, which is not going to be reimbursed by this bill—to go on out and find out who that sponsor is. That sponsor may be in a different part of the country. He or she may be glad to participate and pay for those medical bills.

But, on the other hand, that sponsor may have died, may be bankrupt, may be in another part of the country and refuses to respond. Our concerns are what is going to happen to that city hospital? What is going to happen to that city hospital when that city hospital does not get paid by the individual, does not get paid by the sponsor, and has to go to court? Who is paying the court fees to try to get the money?

I am sure the Senator from Wyoming would assume the responsibility that they have assigned. But suppose that individual is in some financial difficulty. That would have been very easy, in my part of the country, during the 1980's, when we were having a serious, serious recession. That person comes in and the hospital cannot recover. So, what do they do? They serve primarily the poorest of the poor, the uninsured. Even though there is not overutilization of the Medicaid Program, there are many hospitals like the public hospitals, like a good hospital that serves—particularly city hospital, in Cambridge, that serves about half our foreign born—that would have very substantial additional costs.

Over the 6-year period, the Boston City Hospital estimates that the additional costs will be $26 to $28 million. We cannot say that to an absolute certainty. But looking over their lists, and at a quick review, they estimate that is the additional cost to the Boston City Hospital. And there is not going to be any additional help and assistance for Boston City Hospital.

Senators can say we do not want the taxpayers to pay. They are going to end up paying in that local community, the taxpayers are going to end up paying. All we are saying is, unless we are going to provide at least some recognition of this problem, if that is going to be the case, then do not jam it to the health institutions that are providing for the neediest people in our society. That is, effectively, an unfunded mandate, as far as I can see. It might not fall within the particular scope of the legislation that was passed. I understand that. And perhaps technically it does not. But the idea that we around here some months ago were saying that at least the Federal Government is not going to do something to States and local communities, or in this instance the city of Boston and the Boston City Hospital—"We are not going to give you something that you cannot afford to pay for"—is not so, with regard to this particular provision.

You can ask any administrator at any public hospital in this country. They have an interest in trying to, No. 1, provide health services. But, also, to be able to provide them, they are going to have at least some kind of financial assurance they are going to be able to do it.

They are going to end up either trying to pass the costs on to others who have insurance, and most of them in the inner cities—many of the clinics in rural areas just are not going to do it. We are going to see a deterioration in the quality of health care. People ought to understand it. That is what is going to happen. We can say it is not going to happen, that that hospital in Boston is just going to pick up that piece of paper and say, "Oh, it is John Doe, he has $25,000 in a safety deposit box and he just cannot wait to pay that hospital." That is unreal.

We are talking about the real world in many of these urban areas, whether it is in Florida or the hospitals in Los Angeles or Boston City Hospital, Chicago, San Francisco—any of them. They are in crisis, in any event. Given the additional kinds of responsibilities that they have had to treat people who have preexisting conditions, or who are the subject of violence and battering, which has grown and exploded, or substance abuse in those communities, or HIV infections—all of these problems fall on the inner-city hospitals. That is the reality of it.

To think these overtaxed medical professionals are going to be able to run through this gamut to find that person who is deeming and bring court cases and recover those funds, good for them when they can do it. But the purpose of this is to recognize you are still going to insist these hospitals are going to end up holding the bag, and that is unfair.

As I understand the amendment, it says if that is the case, after they made every effort to try and recover and that is the case, that this is going to be at least suspended until we address that particular issue. It seems to me that happens to be fair.

Finally, as I mentioned earlier, Mr. President, if this looks like a duck and this quacks like a duck, it is a duck. This is a requirement on State and local communities and local institutions to take actions for which we are not providing the resources. There is not a nickel in here to either try to help the State of Massachusetts or Suffolk County or the public hospitals in Boston to help relieve them when we are tightening the belt.

I think the point is well taken on this issue. I think we should recognize that and support the amendment of the Senator from Florida.

The PRESIDING OFFICER. Who seeks recognition?

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, just a query. What is the plan here? Is it to stack votes? What is the arrangement going to be?

Mr. SIMPSON. Mr. President, I have not visited with our majority leader, but the plan is to conclude the debate on the pending amendments. So I am ready to set aside the pending amendment and go immediately to the amendment of the Senator from Rhode Island, if that is appropriate.

I believe there is one other amendment to be offered by Senator DEWINE. There is a Senator Chafee amendment. There is the Graham amendment. The Simpson-Kennedy amendment is pending. We would like to complete the debate.

So, if the Senator from Rhode Island would like to offer his amendment at this time—we can set aside and continue debate later on the Graham amendment with no time agreement. We will try to get a time agreement on these various measures. If the Senator wishes to enter into a time agreement, I would enjoy that opportunity.

Mr. CHAFEE. Mr. President, I am willing to enter a time agreement of 20 minutes equally divided, with the understanding that if I do need a couple more minutes, the Senator will be good enough to let me have that. I will sure appreciate it.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Senator from Rhode Island offer an amendment with a time agreement of 20 minutes equally divided, and if the Senator should require more time, I will yield sufficient time from what little time I have left. What is the status with regard to my time, Mr. President?

The PRESIDING OFFICER. The Chair will answer the question of the Senator from Wyoming. He has 34 minutes remaining.

Mr. CHAFEE. Under the system of the stacking, will there be the usual system of when we do vote, we will have a minute to each side to explain?

Mr. SIMPSON. Mr. President, when we eventually enter that unanimous-consent request, indeed there will be the usual provision and assurance that there will be 2 minutes equally divided.

The PRESIDING OFFICER. That has already been ordered. The Senator has asked unanimous consent for 20 minutes equally divided. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I ask unanimous consent that Senator GRAHAM's amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Chair recognizes the Senator from Rhode Island.

AMENDMENT NO. 3840

(Purpose: To provide that the emergency benefits available to illegal immigrants also are made available to legal immigrants as exceptions to the deeming requirements)

Mr. CHAFEE. Mr. President, I have a very simple amendment. Some will say we have been over this ground before. I do not think that is quite accurate in that this is far narrower—

The PRESIDING OFFICER. Is the Senator from Rhode Island calling up his amendment?

Mr. CHAFEE. Amendment No. 3840, and I ask unanimous consent that Senator MACK be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Rhode Island [Mr. CHAFEE], for himself and Mr. MACK, proposes an amendment numbered 3840.

On page 201, line 4, strike "(vii)".

Mr. CHAFEE. Mr. President, as I say, this is an amendment that is far narrower than any other amendment that has been brought up in connection with this matter that we have been discussing.

I hope that the floor managers of this legislation will accept this amendment. What it does is it says in those areas where illegal aliens—illegal—who have come in unauthorized into the country are entitled to certain benefits in four categories—emergency Medicaid, prenatal and postpartum Medicaid services, short-term emergency disaster relief, and public health assistance for immunizations, all of these are emergency health matters—all of these are granted to illegal aliens, and I am saying they ought to be granted to legal aliens.

If we let those who have come into the country illegally have these services, then certainly they ought to be available for legal aliens who properly came in under all the right procedures.

There will be considerable discussion, I suspect, about deeming, about saying, "Well, their sponsors ought to pay for these things."

First of all, in a straight matter of equity, if you are illegal, you get them for free or you are able to qualify under whatever the qualifications are under these programs, and it seems to me if you are legal, you should be entitled to the same thing.

You do have situations where a legal immigrant is reluctant to go to his or her sponsor for support in certain matters. We have determined by the fact we are granting these privileges to illegal aliens, we are doing it not because we have great big good hearts, but because we think it is good for the country. We think it is good that illegal aliens get immunization shots, and certainly if that is true, for the benefit of the Nation, for the benefit of the public health, then the same ought to apply to legal aliens.

So there it is, Mr. President. It is strictly an equity matter, if you will. It is strictly a public health matter, likewise. We think it is worthwhile for illegal aliens to get proper prenatal care, and if we think that is true for illegal aliens, certainly it ought to be true for legal aliens.

This is not a budget buster. This is not going to drive the national debt through the sky. These are very narrow, very limited matters, far more limited than any of those that have been brought up in past amendments.

This is not replaying an old record. This is a very, very defined group of benefits, and I hope that the floor managers will accept it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who seeks recognition? The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, there is no one more sincere in his beliefs than my friend from Rhode Island. He is a man of great integrity and courage, and I admire his strength as he does his work. He is good at it.

This is another one of those amendments—this is my view of it, which I get to express—this is exactly what this is, another form of this amendment, of what we have done before in six previous votes and will do again.

We are considering an amendment which would have the effect of shifting cost from the persons who sponsor immigrants, usually their relatives. We are shifting that to the American taxpayers.

This argument of how could we possibly do this for illegal aliens and not do it for legal aliens who are paying and doing their share is a great argument. The reason we allow illegal aliens to receive certain benefits, if the alien is needy, is because most Americans are like Senator JOHN CHAFEE of Rhode Island or Senator AL SIMPSON of Wyoming. The issue is, they should have that basic support system if they are needy.

I have voted for that consistently. There were some in the House of Representatives who did not want to consistently stay with that support level. I have never been of that category. Most Americans, almost all Americans, would agree that that is a wonderful thing to do for illegal aliens who are here and who are needy.

The immigrants, the legal immigrants, can also receive all of those benefits, too, if they are needy. I hope you hear this. I think I will never make it through any more of it. If a legal immigrant is needy, they will get everything in the left-hand column. I hope you hear that.

But if they have a legal sponsor who said that he or she was bringing these people here only on the condition that they would not become a public charge, then when that legal immigrant goes in to get a means-tested program, cash or noncash, they say, "Are you needy?" and he says, "I am." They say, "Do you have a sponsor?" "I do." "Does your sponsor have any money?" "Yes." "How much? List it." If that sponsor has funds, that sponsor will pay the bill and not the rest of us.

It is then a confusion, I guess, for people. It is deemed that the sponsor's income and assets are the assets and income of the legal immigrant. So when they go to get those benefits, they are not going to get them if the sponsor has money. If the sponsor does not have money—and I want this very clearly heard, because the Senator from Massachusetts is saying, what will happen, what will happen if the sponsor does not have the money, cannot meet the obligation?

Ladies and gentlemen, it is very clear what will happen if the sponsor cannot cut the mustard and something has happened to the sponsor, the sponsor is sick or ill or bankrupt or whatever, then the sponsor is off the hook. That is listed in this bill; a determination that, if the sponsor cannot meet the obligation that they assumed in the promise, once that determination is made, then the U.S. taxpayers will pick that up.

That is the purpose of our effort. The issue is just as simple as it always was: Sponsor or taxpayer; take your choice.

Mr. CHAFEE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Rhode Island.

Mr. CHAFEE. There are two points I would like to make.

First, Mr. President, why in the world do we provide these benefits for illegal aliens if we do not think they are important for the national health and benefit of the Nation? I mean, we have decided as a nation that it is important that any woman have proper prenatal care because we want that baby that is born to be healthy, healthy when born, healthy throughout its life.

So we do not argue, we do not say, "You're here illegally. Go back to where you came from." We say, "You're here illegally, and we're going to see that you get proper prenatal care. We're going to see you are immunized." That is one of the provisions we have made here.

So, if it is that important that we are going to pay for that person, then it seems to me likewise for the person who is here legally—without going through a lot of song and dance about the sponsorship or deeming or tracing that person down, making sure that sponsor pays for it—get it over with, give them the immunization.

I say, Mr. President, that this is not something new I am bringing up here. In two of these categories, as you note on this sheet here, that the managers of the legislation in committee or on the floor, or someplace, have agreed to, is the fact that the legal alien should indeed get two of these benefits.

What are they? Nutrition programs. We say the illegal alien is entitled to the nutrition programs. And we say the legal alien is likewise entitled. You do not have to go to your sponsor or get involved with this deeming business. You just get it. Nutrition programs. If a nutrition program is important, it seems to me an immunization program is just as important.

So, Mr. President, to me this is not any budget buster. This is very narrow. This is not your entitlement for all of Medicaid. It is very, very limited. I hope, Mr. President, that the managers of the bill will accept the amendment. I want to thank the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I will make a statement. But first, I inquire from the managers if we are making any progress on this legislation.

Mr. SIMPSON. Mr. President, after serving as this leader's assistant for some 10 years, I do know that he does desire to move things along rather adroitly. We are ready to do that.

Let me share with my respected leader where we are. No one has come over to debate on the Simpson-Kennedy amendment, so I think we are ready to proceed with that. I think we are nearly concluded with regard to the Graham amendment—I think maybe another 5 minutes or so. The DeWine amendment is an amendment about coerced abortion in China. I think it is out of order. Respectfully I say that. A point will lie toward that. I do not know if the Senator will be coming to address that. I think he will.

Then we have the Chafee amendment under a time agreement which is nearly expired. That is it. So I am sure that that is cheerful news for the leader. There is a point of order, too, I share with Senator DOLE.

Mr. DOLE. I think a point of order by Senator GRAHAM. So do the managers anticipate when we might be voting on some of these amendments? I know we have a conflict this afternoon. I know from 2 to 3 there is a ceremony honoring the Reverend Billy Graham. Then I think at 4:30—unless that is going to change.

Mr. CHAFEE. At 3:45 we go down.

Mr. DOLE. At 3:45, a number of our Members need to go to the White House. I guess my point is whether we can have all those votes between 3 and 3:45. There will be an effort to move that White House meeting to a later time, because I assume the managers would like to finish this bill, too, so we would not have to come back at 6 o'clock after the White House meeting and have votes to 7, 8, 9 o'clock. We are just trying to be helpful to the managers. I know you have done an outstanding job, and it has taken a great deal of time to move action on the bill.

Mr. SIMPSON. Mr. President, I thank the leader.

I think that would be an appropriate scenario. I hope that might be part of a unanimous-consent request, with that time set, with a 15-minute first rollcall vote, and 10-minute votes thereafter. There will be four votes and a point of order, with a 1-minute explanation on each side of the three following votes, not the first one. We would be ready, I think, to propose that.

Mr. DOLE. Let me have drafted a consent agreement. I will show it to both Senator KENNEDY and Senator SIMPSON. Perhaps if we could somehow arrange to move the White House meeting 45 minutes, we could do all the votes between 3 and 4:30 and then move on to the next item of business.

Mr. CHAFEE. Mr. President, I am prepared to yield back the remainder of my time.

Mr. DOLE. We are prepared to accept that.

Mr. CHAFEE. I am prepared to yield back the remainder of my time on this.

Mr. SIMPSON. I will just take another 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Wyoming.

Mr. SIMPSON. Mr. President, I ask unanimous consent that we proceed to the Chafee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

The pending business is the Chafee amendment.

Mr. SIMPSON. Mr. President, in this rather unique 2 minutes, I want to go back to the chart of Senator CHAFEE, if I may. I have been given this stick. I want to tell you in 2 minutes that these people here, under the category "legal immigrant," "no, no, no," that these people are taken care of. They receive emergency Medicaid, they receive prenatal postpartum Medicaid services, they receive short-term emergency disaster relief, public health assistance, and the sponsor is paying for them—not the taxpayer. These people are not deprived.

When we say how can they be receiving something that the illegal is receiving, they are receiving it, but we are not paying for it because the sponsor that agreed to bring them here and pay for them to not become a public charge is paying for them. The reason we do this for illegal immigrants is because we are a very generous nation. I have voted for all of that. I am not generous to somebody who brings someone here and says they will pay the whole tab and they do not.

Mr. CHAFEE. Mr. President, I ask unanimous consent for an additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAFEE. Mr. President, I want to stress once again that these are all emergency or health-oriented measures. Emergency Medicaid, prenatal Medicaid services, short-term disaster relief, nutrition programs, immunization. We do not want these legal aliens hesitating to apply for those because they are reluctant to go to their sponsor, because they are a long distance from their sponsor, because their problems might involve with just going to their sponsor to start with. We want them immunized. We want them to have prenatal care.

We will not spend a lot of time asking a lot of questions. We have decided as a nation, not just out of generosity, but for the rest of us who are here, that we want illegal aliens, immigrants, immunized so that we will not have a whole series of infectious diseases passed around. Certainly we ought to have the same requirement or hope that the same thing will apply to the legal aliens.

Mr. President, that is the argument. On the basis of fairness and the basis of public health protection, I hope we support the amendment.

Mr. SIMPSON. Mr. President, I think at this point we will say debate on this amendment is concluded and it will be voted on in accordance with the unanimous-consent request which will be propounded shortly. I thank the Senator from Rhode Island very much.

Mr. CHAFEE. May I ask the Chair, is now the time to ask for the yeas and nays?

Mr. SIMPSON. Perfectly appropriate. You require one person from the other party, if I am not mistaken.

The PRESIDING OFFICER. The Senator from Wyoming is correct.

Mr. SIMPSON. We do now have a Senator from the other side.

Mr. CHAFEE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3759

Mr. SIMPSON. Mr. President, I direct my comments now to the amendment of Senator GRAHAM. I conclude in my remarks, I do not believe that the Federal Government is going to be a deadbeat dad in this situation. In fact, I am reminded of the old road sign, the picture of the very dapper-looking Uncle Sam that says, "He's your uncle, not your dad."

We are a very generous nation. Medicaid has been picked to bits by the States. Medicare has been picked to bits and will go bankrupt in the year—originally we were told 2002; now we are told it will be 2001; now the other day it will be 2000. We can talk about this all day and there will not be enough to do anything unless we deal with the entitlements programs. You will not want me to give that pitch again—deal with Social Security, deal with Medicare, Medicaid, Federal retirement. Nothing will get done. We can pick through these piles forever.

Then, of course, remember how this is happening. You are talking about legal immigrants. I did not see much activity on this floor to do much about legal immigrants. There will be a million of them next year and they will all be fitting right here, and nobody, at least the vast majority, decided to do nothing with the flow of legal immigrants.

I hope that those colleagues who have already voted to keep legal immigration at its historically highest levels in the history of our country at least will know what is happening when we find the resources of this country, where they are and where they go, for legal immigration. But remember this: If the sponsor is unable to provide the support, loses his job, dies, whatever, the Federal Government will pay. The Federal Government is here to support those people—and it should.

I encourage my colleagues to read the bill. We provide an exception for indigent immigrants whose sponsors cannot be located. We have it in there. If you cannot find their address, cannot hunt them down, or if they refuse to pay, the Graham amendment—let us be clear what the amendment does—allows the States to exempt themselves from the new welfare restrictions and forces the U.S. taxpayers to pick up the tab.

I want to be perfectly clear here. CBO says that this bill, as modified by the Simpson-Dole amendment, does not have any unfunded mandates. There are no unfunded mandates in the Simpson amendment, which is the bill. There were unfunded mandates in the original legislation which underlies. So when the point of order comes, it will look strange to you because it will say that there was an unfunded mandate—and there was—but it is corrected when we get to the final product. We have already removed the unfunded mandate portion of those provisions. I think that should be made quite clear.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NICODEMUS NATIONAL HISTORIC SITE AND THE NEW BEDFORD NATIONAL HISTORIC LANDMARK

Mr. SIMPSON. Mr. President, I ask unanimous consent that the vote ordered with respect to S. 1720 be vitiated, and I now ask for its immediate consideration, that the bill be advanced to third reading, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The bill (S. 1720) was read the third time, and passed, as follows:

S. 1720

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—NICODEMUS NATIONAL HISTORIC SITE

SEC. 101. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the town of Nicodemus, in Kansas, has national significance as the only remaining western town established by African-Americans during the Reconstruction period following the Civil War;

(2) the town of Nicodemus is symbolic of the pioneer spirit of African-Americans who dared to leave the only region they had been familiar with to seek personal freedom and the opportunity to develop their talents and capabilities; and

(3) the town of Nicodemus continues to be a viable African-American community.

(b) PURPOSES.—The purposes of this title are—

(1) to preserve, protect, and interpret for the benefit and enjoyment of present and future generations, the remaining structures and locations that represent the history (including the settlement and growth) of the town of Nicodemus, Kansas; and

(2) to interpret the historical role of the town of Nicodemus in the Reconstruction period in the context of the experience of westward expansion in the United States.

SEC. 102. DEFINITIONS.

In this title:

(1) HISTORIC SITE.—The term "historic site" means the Nicodemus National Historic Site established by section 103.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 103. ESTABLISHMENT OF NICODEMUS NATIONAL HISTORIC SITE.

(a) ESTABLISHMENT.—There is established the Nicodemus National Historic Site in Nicodemus, Kansas.

(b) DESCRIPTION.—

(1) IN GENERAL.—The historic site shall consist of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, and the Township Hall located within the approximately 161.35 acres designated as the Nicodemus National Landmark in the Township of Nicodemus, Graham County, Kansas, as registered on the National Register of Historic Places pursuant to section 101 of the National Historic Preservation Act (16 U.S.C. 470a), and depicted on a map entitled "Nicodemus National Historic Site", numbered 80,000 and dated August 1994.

(2) MAP AND BOUNDARY DESCRIPTION.—The map referred to in paragraph (1) and an accompanying boundary description shall be on file and available for public inspection in the office of the Director of the National Park Service and any other office of the National Park Service that the Secretary determines to be an appropriate location for filing the map and boundary description.

SEC. 104. ADMINISTRATION OF THE HISTORIC SITE.

(a) IN GENERAL.—The Secretary shall administer the historic site in accordance with—

(1) this title; and

(2) the provisions of law generally applicable to units of the National Park System, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (16 U.S.C. 1 et seq.), and the Act of August 21, 1935 (49 Stat. 666, chapter 593; 16 U.S.C. 461 et seq.).

(b) COOPERATIVE AGREEMENTS.—To further the purposes specified in section 101(b), the Secretary may enter into a cooperative agreement with any interested individual, public or private agency, organization, or institution.

(c) TECHNICAL AND PRESERVATION ASSISTANCE.—

(1) IN GENERAL.—The Secretary may provide to any eligible person described in paragraph (2) technical assistance for the preservation of historic structures of, the maintenance of the cultural landscape of, and local preservation planning for, the historic site.

(2) ELIGIBLE PERSONS.—The eligible persons described in this paragraph are—

(A) an owner of real property within the boundary of the historic site, as described in section 103(b); and

(B) any interested individual, agency, organization, or institution that has entered into an agreement with the Secretary pursuant to subsection (b).

SEC. 105. ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Subject to subsection (b), the Secretary is authorized to acquire by donation, exchange, or purchase with funds made available by donation or appropriation, such lands or interests in lands as may be necessary to allow for the interpretation, preservation, or restoration of the First Baptist Church, the St. Francis Hotel, the Nicodemus School District Number 1, the African Methodist Episcopal Church, or the Township Hall, as described in section 103(b)(1), or any combination thereof.

(b) LIMITATIONS.—

(1) ACQUISITION OF PROPERTY OWNED BY THE STATE OF KANSAS.—Real property that is owned by the State of Kansas or a political subdivision of the State of Kansas that is acquired pursuant to subsection (a) may only be acquired by donation.

(2) CONSENT OF OWNER REQUIRED.—No real property may be acquired under this section without the consent of the owner of the real property.

SEC. 106. GENERAL MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than the last day of the third full fiscal year beginning after the date of enactment of this Act, the Secretary shall, in consultation with the officials described in subsection (b), prepare a general management plan for the historic site.

(b) CONSULTATION.—In preparing the general management plan, the Secretary shall consult with an appropriate official of each of the following:

(1) The Nicodemus Historical Society.

(2) The Kansas Historical Society.

(3) Appropriate political subdivisions of the State of Kansas that have jurisdiction over all or a portion of the historic site.

(c) SUBMISSION OF PLAN TO CONGRESS.—Upon the completion of the general management plan, the Secretary shall submit a copy of the plan to—

(1) the Committee on Energy and Natural Resources of the Senate; and

(2) the Committee on Resources of the House of Representatives.

SEC. 107. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this title.

TITLE II—NEW BEDFORD NATIONAL HISTORIC LANDMARK DISTRICT

SEC. 201. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) the New Bedford National Historic Landmark District and associated historic sites as described in section 203(b) of this title, including the Schooner Ernestina, are National Historic Landmarks and are listed on the National Register of Historic Places as historic sites associated with the history of whaling in the United States;

(2) the city of New Bedford was the 19th century capital of the world's whaling industry and retains significant architectural features, archival materials, and museum collections illustrative of this period;

(3) New Bedford's historic resources provide unique opportunities for illustrating and interpreting the whaling industry's contribution to the economic, social, and environmental history of the United States and provide opportunities for public use and enjoyment; and

(4) the National Park System presently contains no sites commemorating whaling and its contribution to American history.

(b) PURPOSES.—The purposes of this title are—

(1) to help preserve, protect, and interpret the resources within the areas described in section 203(b) of this title, including architecture, setting, and associated archival and museum collections;

(2) to collaborate with the city of New Bedford and with local historical, cultural, and preservation organizations to further the purposes of the park established under this title; and

(3) to provide opportunities for the inspirational benefit and education of the American people.

SEC. 202. DEFINITIONS.

For the purposes of this title:

(1) The term "park" means the New Bedford Whaling National Historical Park established by section 203.

(2) The term "Secretary" means the Secretary of the Interior.

SEC. 203. NEW BEDFORD WHALING NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain districts structures, and relics located in New Bedford, Massachusetts, and associated with the history of whaling and related social and economic themes in America, there is established the New Bedford Whaling National Historical Park.

(b) BOUNDARIES.—(1) The boundaries of the park shall be those generally depicted on the map numbered NAR–P49–80000–4 and dated June 1994. Such map shall be on file and available for public inspection in the appropriate offices of the National Park Service. In case of any conflict between the descriptions set forth in subparagraphs (A) through (D) and such map, such map shall govern. The park shall include the following:

(A) The area included within the New Bedford National Historic Landmark District, known as the Bedford Landing Waterfront Historic District, as listed within the National Register of Historic Places and in the Massachusetts State Register of Historic Places.

(B) The National Historic Landmark Schooner Ernestina, with its home port in New Bedford.

(C) The land along the eastern boundary of the New Bedford National Historic Landmark District over to the east side of MacArthur Drive from the Route 6 overpass on the north to an extension of School Street on the south.

(D) The land north of Elm Street in New Bedford, bounded by Acushnet Avenue on the west, Route 6 (ramps) on the north, MacArthur Drive on the east, and Elm Street on the south.

(2) In addition to the sites, areas and relics referred to in paragraph (1) , the Secretary may assist in the interpretation and preservation of each of the following:

(A) The southwest corner of the State Pier.

(B) Waterfront Park, immediately south of land adjacent to the State Pier.

(C) The Rotch-Jones-Duff House and Garden Museum, located at 396 County Street.

(D) The Wharfinger Building, located on Piers 3 and 4.

(E) The Bourne Counting House, located on Merrill's Wharf.

SEC. 204. ADMINISTRATION OF PARK.

(a) IN GENERAL.—The park shall be administered by the Secretary in accordance with this title and the provisions of law generally applicable to units of the national park system, including the Act entitled "An Act to establish a National Park Service, and for other purposes", approved August 25, 1916 (39 Stat. 535; 16 U.S.C. 1, 2, 3, and 4) and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(b) COOPERATIVE AGREEMENTS.—(1) The Secretary may consult and enter into cooperative agreements with interested entities and individuals to provide for the preservation, development, interpretation, and use of the park.

(2) Any payment made by the Secretary pursuant to a cooperative agreement under this subsection shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this title, as determined by the Secretary, shall result in a right of the United States to reimbursement of all funds made available to such project or the proportion of the increased value of the project attributable to such funds as determined at the time of such conversion, use, or disposal, whichever is greater.

(c) NON-FEDERAL MATCHING REQUIREMENTS.—(1) Funds authorized to be appropriated to the Secretary for the purposes of—

(A) cooperative agreements under subsection (b) shall be expended in the ratio of one dollar of Federal funds for each four dollars of funds contributed by non-Federal sources; and

(B) construction, restoration, and rehabilitation of visitor and interpretive facilities (other than annual operation and maintenance costs) shall be expended in the ratio of one dollar of Federal funds for each one dollar of funds contributed by non-Federal sources.

(2) For the purposes of this subsection, the Secretary is authorized to accept from non-Federal sources, and to utilize for purposes of this title, any money so contributed. With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for the purposes of this subsection.

(d) ACQUISITION OF REAL PROPERTY.—For the purposes of the park, the Secretary may acquire only by donation lands, interests in lands, and improvements thereon within the park.

(e) OTHER PROPERTY, FUNDS, AND SERVICES.—The Secretary may accept donated funds, property, and services to carry out this title.

SEC. 205. GENERAL MANAGEMENT PLAN.

Not later than the end of the second fiscal year beginning after the date of enactment of this Act, the Secretary shall submit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park and shall implement such plan as soon as practically possible. The plan shall be prepared in accordance with section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)) and other applicable law.

SEC. 206. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), there are authorized to be appropriated such sums as may be necessary to carry out annual operations and maintenance with respect to the park.

(b) EXCEPTIONS.—In carrying out this title—

(1) not more than $2,000,000 may be appropriated for construction, restoration, and rehabilitation of visitor and interpretive facilities, and directional and visitor orientation signage;

(2) none of the funds authorized to be appropriated by this title may be used for the operation or maintenance of the Schooner Ernestina; and

(3) not more than $50,000 annually of Federal funds may be used for interpretive and educational programs for the Schooner Ernestina pursuant to cooperative grants under section 204(b).

Mr. MURKOWSKI. Mr. President. I want to express my strong opposition to the passage of this legislation. This legislation would establish a new unit of the National Park System without the benefit of any consideration by the Committee on Energy and Natural Resources during this Congress. I will continue to oppose the creation of any new units the committee and the Congress come to grips with the reality of what we are doing to the National Park System by continually adding new units and ignoring the responsibility for funding. If there had been a record vote on this measure, I would have voted "no."

I understand that the committee reported similar legislation during the last Congress, but it was not acted upon by the Senate. The committee also agreed that this Congress we would consider the effect of wanton additions to the National Park System on the ability of the National Park Service to adequately fulfill its responsibilities under the 1916 Organic Act. The committee is in the process of trying to come to grips with this insatiable appetite to simply add more and more units, some of limited merit, to a System already overburdened by past actions.

I want the RECORD to indicate that I promised the Senator from Massachusetts that the committee would consider the New Bedford whaling legislation this Congress, and we would have done so had he allowed the process to work. As it is, we are faced with another drain on the limited resources of the National Park Service without benefit of committee consideration. The superintendent and the other personnel will have to be stolen from other units of the System and the funding will come out of the already over stained budgets of existing units.

The era of the clipper ships and the days of the whalers is certainly an important part of the history of this Nation. That history is not restricted to Massachusetts, but was an important part of the west coast and Alaska. Given the opportunity, the Committee on Energy and Natural Resources could have worked with the Senator from Massachusetts and crafted workable legislation. It is particularly ironic that it is the Senator from Massachusetts who seeks to end-run the committee process since it was his totally nongermane amendment on minimum wage that held up the omnibus parks package a few weeks ago. The single most important conservation package in over a decade was held up for political purposes and then the Senator seeks passage of legislation in the dead of night.

I frankly am getting tired of the repeated chorus from the administration and the other side of the aisle on how insensitive Republicans are to the environment when all they can show is opposition to major conservation legislation. Secretary Babbitt proposes to give away three units of the National Park System as part of his Reinventing Government and then has the gall to accuse Republicans of trying to dismantle the National Park. The Senator from Massachusetts is proximately responsible for holding up a major park and conservation measure and then casually adds a new unit to an already overburdened System.

Mr. President. There is a reason for the committees of the Senate and I want to express my strong opposition to this procedure. I committed to the Senator from Massachusetts and to several other of my colleagues that our committee would consider their legislation and we would attempt to come to some resolution on the toll that new areas add to the National Park System and to the idea of "heritage" areas. The Subcommittee on Parks has been very active and the Senator from Massachusetts can have no complaint over the sympathies of the subcommittee chairman.

I have tried for over a year to move important park and conservation measures reported by the committee only to have my efforts blocked by opposition from the other side of the aisle. I find it particularly troubling that those who have spent so much time blocking passage of important legislation like the Presidio would take this opportunity to move the New Bedford legislation without benefit of committee review and recommendation.

At some point Congress must come to the realization that this insatiable appetite for adding new units to the National Park System is not benefiting the environment, it is threatening existing units. No one would come to the floor with legislation to cut the funding and personnel for the Grand Canyon, Everglades, Yosemite, Yellowstone, Independence Hall, or any other unit, yet that is exactly what enactment of the New Bedford whaling measure will do. We are loving the System to death. I will continue to oppose the creation of any new units until Congress and the administrative are willing to assume the responsibility for their actions.

Mr. KENNEDY. Mr. President, I am pleased that the Senate approved this legislation, and I ask unanimous consent that a joint statement by Senator KERRY and myself be printed in the RECORD.

There being no objection, the joint statement was ordered to be printed in the RECORD, as follows:

JOINT STATEMENT BY SENATOR EDWARD M. KENNEDY, SENATOR JOHN F. KERRY ON THE WHALING NATIONAL HISTORICAL PARK IN NEW BEDFORD, MA

We are grateful that the Senate is about to approve these provisions to establish a Whaling National Historical Park in New Bedford, Massachusetts.

This is an important measure that is well-deserved and historically long overdue. The history of whaling deserves a place among the major historical themes represented in the National Park System. The federal designation will also mean a significant boost to the economy of the region as more and more visitors come to New Bedford to learn about its extraordinary history."

The bill authorizes an estimated $4 million over the next five years in federal funds for the Park, with a ceiling of $2 million on the amount of federal funds that can be used for construction and rehabilitation.

In addition, in an innovative feature of the bill that may become a model for future park funding in the era of limited federal resources, the bill requires a 1-to-1 private-sector match for construction and rehabilitation funds, and a 4-to-1 private-sector match for other projects related to the Park. The goals of the Park can be achieved with modest federal funding, because substantial local resources have already been dedicated in New Bedford, and the community has a strong commitment to maintain these efforts in years to come.

Passage of this bill will make the New Bedford National Historical Park one of only a handful of new national parks to be approved by the Senate in the current Congress. In this era of limited federal resources, Congress is rightly skeptical of new park proposals, but the designation of New Bedford is highly appropriate.

New Bedford won early renown for its whaling expeditions in the Atlantic, and later became a key base for whaling voyages to the Arctic. The whaling industry became so prosperous that by the mid-1800s, New Bedford was the wealthiest city, per capita, in the world.

The Whaling National Historical Park will preserve and restore dozens of New Bedford's historic buildings, which are being restored to appear as they did in the whaling industry's heyday.

The Park will include the Seamen's Bethel—the church in "Moby Dick" where Ishmael heard Father Mapple offer prayers for sailors before setting out to sea. It will also encompass the restored, century-old National Historic Landmark vessel "Ernestina," the oldest Grand Banks schooner in existence, which is now moored in New Bedford's port.

The crown jewel of the Park will be the Whaling Museum, which houses the world's premier whaling archives and art collection. The library contains thousands of ship logs, charts, maps, photos and other records that document the history of whaling in America. The museum also houses a half-size model of the whaling bark "Lagoda," which can be boarded by visitors.

60,000 visitors from the United States and over 40 foreign countries come to the museum each year and participate in its programs. It also receives thousands of requests for information from historians, scientists, educators, photographers, and museum professionals.

The Whaling National Historical Park has been endorsed by numerous national organizations, including the American Institute of Architects, the American Museum Association, the National Trust for Historic Preservation, the National Melville Society, the New England Council, and the Portuguese American Leadership Council of the United States.

We have worked closely on this bill with Senate Majority Leader Bob Dole, Senate Democratic Leader Tom Daschle, Senate Energy and Natural Resources Committee Chairman Frank Murkowski, and Senate Parks Subcommittee Chairman Ben Nighthorse Campbell, and we commend them for their assistance and support.

We also commend the tireless dedication of the business community and citizens of New Bedford and their deep commitment to make this Park a reality. We have also worked very closely with Congressmen Barney Frank and Peter Blute of Massachusetts. Their effective work in the House of Representatives laid the best possible groundwork for today's successful Senate action.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

UNANIMOUS-CONSENT AGREEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that any votes ordered with respect to S. 1664 occur beginning at 2:40 p.m. today, with the first vote being 15 minutes in length and any stacked votes in sequence be limited to 10 minutes, with 2 minutes for debate, to be equally divided, between each vote.

The PRESIDING OFFICER (Mr. GORTON). Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I further ask that any votes remaining to be disposed of at 3:45 p.m. today be further postponed, to begin at 5:30 p.m. in the order in which they were debated and under the same time restraints as mentioned above.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. I thank my colleagues. That will enable us to have final passage of this bill soon after the last amendment is presented. The gap there is because the Senators Chafee-Breaux bipartisan budget group will be at the White House. We thank them for that accommodation.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMPSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENTS NOS. 3853 AND 3854, EN BLOC

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Simpson amendment, earlier presented today, be the order of business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMPSON. Mr. President, I have cleared these amendments with our side of the aisle. Senator KENNEDY has cleared them with his side of the aisle. I urge adoption of the amendments, en bloc.

The PRESIDING OFFICER. Without objection, the amendments are agreed to, en bloc.

The amendments (No. 3853 and 3854) were agreed to, en bloc.

Mr. SIMPSON. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. SIMPSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO S. SGT. RUBEN RIVERS

Mr. INHOFE. Mr. President, if you happened to have read the current edition of U.S. News & World Report, there is a front page story about some very heroic people. One of those persons is from Oklahoma.

Many years ago, back in 1944, when we were trying to push the Germans out of France and the Alsace-Lorraine area, it was the 761st Tank Battalion that was sent over to try to remove, to extract the Germans from that area.

There is one thing that was unique about the 761st Tank Battalion. All of the soldiers in that battalion were black. They called them the "Black Panthers."

One of the bright young soldiers was a staff sergeant by the name of Ruben Rivers. Ruben Rivers was born in Tecumseh, OK, a very quiet, soft-spoken person, the kind who everybody liked. When he went into the service, his desire was to see combat. Back then, even though we had 1.2 million blacks serving in World War II, less than half of them saw combat, and not one of them got the Congressional Medal of Honor, in spite of the fact that they had performed all kind of heroic acts.

Back in 1990, I was serving over in the House, and it was called to my attention by some surviving members of his family some of the things that he had done. When I heard this story, I called his commander, whose name is Capt. David Williams, retired, who was getting quite elderly, and I asked him to verify the story. This is what Ruben Rivers had done.

He was a tank driver. He had won a Silver Star by walking through a minefield and putting a chain on fallen chains and backing out with this tank to detonate all of the mines, taking great personal risk in doing this.

A few weeks later—it was November 14, 1944—Ruben Rivers was driving the lead tank, as he always wanted to do. He went through a minefield in order to detonate the mines so that the 761st Tank Battalion Group A could get through.

When he did this, he went over several mines. One mine went off, and it blew up the undercarriage of his tank and severely wounded Ruben Rivers. In fact, the bone in his right leg was penetrated all the way through. You could see the shiny white bone.

Of course, Captain Williams came over, and he, with the medic, tried to extract him and said, "Take the morphine. You have done enough for America. We're sending you back." He said, "No, my job isn't done yet." He got out of the tank and got in another tank, hobbling over with some help, with one leg, got on the turret and went out into the clearing. The Germans surrounded them from the north. They had our tank battalion completely pinned down where they could not penetrate. Ruben Rivers, in order to find out where they were, drew fire from them. He drove this tank out into the opening. All of them fired, and we were able to go in with our artillery and wipe out the German tank battalion. Of course, Ruben Rivers was dead.

Right after that Capt. David Williams went to the Army and put him up for the Congressional Medal of Honor. I will not go into detail as to what some of the responses were, but they kind of laughed. They said, "Well, I don't think that's going to happen." In fact, the paperwork mysteriously disappeared, not once, but twice, so that nobody had the record on record of Ruben Rivers.

Capt. David Williams, as I mentioned, is getting quite elderly. He said, "I'm going to live long enough to see that Ruben Rivers is posthumously awarded the Congressional Medal of Honor."

Back in 1990, I introduced a bill in the House of Representatives and told the same story I am telling today, except in perhaps a little more detail, to waive the statute of limitations past 1952 so the President could make that award. The medal has to come from the President of the United States. Then-President George Bush said he would do it, after he had read about the case. But I was unable to get it passed.

I tried it again in 1991, 1992; and until finally in 1995 the Army said, "If you don't introduce any more, we'll go ahead and conduct a study of blacks in the military in World War II to see if any of them had been deserving of the Congressional Medal of Honor who had not received it only because they were black."

That report, I am very happy to say, has come out just a few days ago. They have nominated seven blacks—one is still living today—to receive the Congressional Medal of Honor. The President of the United States, Bill Clinton, had said whoever they recommend, he would go ahead and allow them to receive that medal—their families to receive it. So that is exactly what is going to happen. So, I am very happy to say—we hear a lot of negative things that are going on—that something wonderful has happened. A great Oklahoman from Tecumseh, OK, will be awarded posthumously the highest honor to be given for valor in battle, the Congressional Medal of Honor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator wish to withhold?

Mr. INHOFE. Yes, I withhold my request.

Mr. BENNETT. Mr. President, I ask unanimous consent that I be allowed to proceed as in morning business for no more than 10 minutes.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

THE ECONOMY AND WHAT PEOPLE WANT

Mr. BENNETT. Mr. President, we have a lot of conversation going on around the country these days about the economy and what it is people want to have happen and what it is people are searching for in terms of the Federal approach to the economy.

I will suggest several guideposts that I think we need to follow when we talk about the economy. If I may, Mr. President, I want to put them in terms of the individual lives and the individual economies of each American.

I think the American people want to do three things with their economy. No. 1, they want to earn more. That is a fairly natural thing. I think we all identify with that. We want to earn more. Then we want to keep more, hang on to more of what it is we do earn by the sweat of our brow. Then we do that, earn more, keep more so that we can do more, not just to pile up the money somewhere, but to use it to do things with.

Let me give you some examples on these ideas, Mr. President. First, earning more. That comes as a function in our economy of the growth of the economy. We want to earn more because the economy is growing, not because we are taking it away from somebody else—I earn more because you earn less; we don't want that kind of approach—but growth, more jobs, more economic activity is the way we earn more.

In my home State of Utah, we are currently enjoying a tremendous economic boom. More growth is occurring, and, as a result, perhaps the sweetest result for most people's ears, is that now in Utah jobs are plentiful. People can find work in Utah, whereas as recently as a dozen years ago, it was very tough to find a job. But as the economy grows, jobs are available and everyone can earn more, keeping more.

I will talk again about my own experience in Utah. In our company, which was an S corporation—I know a lot of people turn off because this sounds technical—but an S corporation is simply, for tax purposes, a corporation where the earnings are allowed to flow through to the tax returns of the owners. So the corporation does not pay any tax. The whole earnings of the corporation are added on to the individual tax returns of the owners. The owners pay the taxes.

When we had a corporation like that in Utah, we were paying a top tax rate of 28 percent during the 1980's. Today, that tax rate, as a result of the tax increases that have occurred, is 42 percent, a 50 percent increase, Mr. President, that occurred over a period of just 3 years. So even though we may have been earning more, we were not able to keep even as much as we had been earning. We were not able to keep that which was coming in to our company, and our activity, with the taxes going up, as I say, from 28 percent to 42 percent.

Why is it important if we are earning more to keep more? Back in the days when we could keep all but 28 percent of that, we could do more. We were able to create jobs. The particular company that I was involved with, when I became involved, had just four employees. We were creating jobs for four people. I was the fifth one hired and put on the payroll.

Today that company employs close to 3,000 people. We earned more because we were in a growth industry. We were able to keep more because the tax rate was at 28 percent. We were able to do more with the money that we kept in the form of creating job security and a better lifestyle for nearly 3,000 people, new jobs created that did not exist before.

One point I think we need to understand very clearly as we talk about the jobs that were created during the Reagan years—President Clinton talks about the jobs that have been created during his administration—we must understand that the Federal Government does not create a single job. No government does. The only government jobs that are there are those jobs that are created to be paid for with somebody else's taxes. All of the new jobs that represent earning more and growth come out of the private sector.

All the Federal Government can do is create an atmosphere in which that growth can take place. It cannot, by passing a law, create a job, unless, as I said, it takes somebody's tax money to create a job. Your salary, Mr. President, my salary, the salary of everyone here comes out of somebody else's taxes. All Government jobs do.

So the Government should focus on creating an environment, an atmosphere, where the entrepreneurial energy of private Americans can create growth. Then the Government should say, "Let's look at our own expenditures to hold down the spending on the Government side so that those who are creating the jobs, allowing people to earn more, are allowed to keep more of that which they create." If we do that, we know from experience they will then do more with the money they are allowed to keep that will benefit the economy and all Americans as a whole.

But what it really comes down to, Mr. President, is this. It is a question of trust. Does the Government trust its citizens to go out in the economy and take care of their own problems? Does the Government trust its citizens to hang on to the money that they earn and make their own decisions with it? Does the Government trust its citizens to take the kinds of actions that will cause the economy as a whole to grow and create prosperity for all of us?

I am one who does trust the American people. I am one who thinks we need to roll back the tax increases that have occurred, allow people to keep more of their hard-earned money. I believe when we do that we will see the threefold result I have been talking about here, Mr. President. People will be able to earn more—if they are allowed to keep more, they can then do more.

I call upon all of us to support policies that move in that direction. I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRAHAM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3759

Mr. GRAHAM. Madam President, I see my friend and colleague, the Senator from Ohio, is on the floor, I assume, for purposes of offering his amendment. Before he commences I would like to take a few moments to comment on some statements that have been made about the amendment which I offered earlier and which will be the first amendment that will be voted on at 2:40 this afternoon. This amendment is about unfunded mandates.

It is about the reality that the legislation before us represents a staggering transfer of administrative costs and cost shift of programs from the Federal Government to the States and local communities in which legal aliens are resident.

The National Conference of State Legislatures, in examining just 10 of the literally scores of programs that will be covered by this act, has found that the cost to the States in those 10 programs is $744 million per year. The total cost could be into the billions.

The amendment that I have offered is a modest attempt to deal with that. It basically says, first, that if a Federal agency, State, or local government can make a determination that the cost savings of following the procedures of S. 1664 are less than the costs to administer the program, it would not be necessary to implement the program. We have done exactly this in a very analogous program called the SAVE Program, which is an employer verification program in which there is the capacity to waive out of the SAVE Program if it can be demonstrated that the benefits do not equal the costs of the program.

Assume, Madam President, that the issue were reversed. Would we affirmatively vote to say to a State, to a local community, that you must administer this federally mandated program even if the cost of administration can be shown to exceed the savings or the benefits of the program itself? I think not. And so our amendment would create such an opportunity.

I might just add one final point. We are requiring exactly the same administrative structure in a community such as Topeka, KS, as we are in Tampa, FL, although the number of legal aliens in Tampa, FL, probably substantially exceeds those in Topeka, KS. There should be some capability to adjust the level of burden to the reality of the circumstance in that particular community.

Second is the provision that if the Federal Government thinks this is such a good idea, then the Federal Government ought to pay for it. I thought that was the fundamental premise behind the unfunded mandate program that we passed as S. 1, as one of the first acts of the 104th Congress. I used the phrase "deadbeat dad" to describe what the Federal Government is about to do here. The Federal Government is about to say: "We are going to put all of our reliance on the sponsor, but incidentally, if, in fact, the sponsor does not come through with the health care financing or the other sources of financing that will be necessary to maintain this legal alien, we, the Federal Government, are off the hook. It is now going to be up to the local community to pay those hospital costs for that legal alien or to pay the cost of prenatal care for the pregnant legal alien, poor woman."

I think the phrase "deadbeat dad" properly describes what the Federal Government is trying to do: to shift an obligation to States and communities. If we think this is such a good idea and if we are faithful to our constitutional responsibility as the only level of Government that has jurisdiction over immigration, we ought to pay those costs, not ask the local government to do so.

Finally, in this amendment we recognize the fact that there are unusual emergency circumstances. We had one of those in my State in late August 1992 with Hurricane Andrew. I was there. I saw what happened as the emergency and disaster preparedness and response teams attempted to deal with an enormous natural disaster. The very idea of having to subject people who had seen their homes, their documents, their jobs, their lives wrecked by this hurricane, to then have to go through a tedious verification process to determine what their status was and what the income of a sponsor who may well have just been subjected to the same thing that they were, puts the public health at risk. If you cannot vaccinate people against a potential outbreak of typhoid after a natural disaster until you have gone through the bureaucratic steps of verification, just pure common sense tells you there has to be some capability to waive these in an emergency situation. This amendment provides that opportunity.

I believe this is a prudent amendment. Members of this Congress, Members of this Senate, who wish to deal effectively with the issue of illegal immigration should not have that tide of passion and emotion erase our basic sense of common sense and fairness and rational justice to preclude a community from making a judgment as to the cost-benefit analysis of implementing these programs to avoid the Federal Government assuming its responsibility to pay as well as it imposes new responsibilities and to be able to respond to unexpected emergency situations. That is the essence of the amendment which is before us, Madam President. I urge my colleagues at 2:40 to support it.

Mr. DEWINE addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. DEWINE. May I inquire as to the pending business?

The PRESIDING OFFICER. The pending question is amendment 3759 offered by the Senator from Florida.

Mr. DEWINE. I ask unanimous consent to set aside for a moment the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 3835 TO AMENDMENT NO. 3745

(Purpose: To make persecution for resistance to coercive population control policies a basis for the granting of asylum)

Mr. DEWINE. Madam President, I call up my amendment numbered 3835.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Ohio [Mr. DEWINE], for himself and Mr. ABRAHAM, proposes an amendment numbered 3835 to amendment No. 3745.

Mr. DEWINE. Madam President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment to the instructions to the motion to recommit, insert the following new section:

The language on page 177, between lines 8 and 9, is deemed to have the following insertion:

"SEC. 197. PERSECUTION FOR RESISTANCE TO COERCIVE POPULATION CONTROL METHODS.

"Section 101(a)(42) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(42)) is amended by adding at the end the following: 'For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo such a procedure, or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance shall be deemed to have a well founded fear of persecution on account of political opinion.'"

Mr. DEWINE. Madam President, as we discuss far-reaching immigration reform, I think it behooves us to try to make our immigration laws as just and as fair as absolutely possible. If there are terrible injustices going on, we should definitely make use of this rare opportunity—a fundamental reform effort on the floor of the U.S. Senate, going on now—make use of this opportunity to correct those injustices.

Madam President, there is a provision in current immigration practice—not in law but in practice—that must, in my opinion, in the interests of justice, be changed. There are women in repressive countries who are forced to undergo coerced abortions and sterilizations. Until 1994, these women were offered asylum under the same standard as others fleeing persecutions. However, starting in 1994 and since that date, they have been forced to meet a tougher standard, as if the procedures they face somehow did not qualify as prima facie evidence of persecution. That is just wrong. My amendment is very simple. It would change the policy back to what it was before 1994.

My amendment is not controversial. It is supported by groups on the right and groups on the left, by pro-choice groups and pro-life groups. It is supported by the Clinton administration, and it was passed by the U.S. House of Representatives. However, because the specific issue I am discussing is not mentioned in the bill we are considering, my amendment would, of course, be ruled nongermane under standard postcloture procedures. If no Senator objected to proceeding with this amendment, a unanimous consent would override the germaneness issue and allow us to move on the amendment. This amendment, I might add, is supported by Amnesty International, it is supported by the Center for Reproductive Law and Policy, it is supported by the U.S. Catholic Conference, the Council of Jewish Federations, by the National Right to Life Committee—the list goes on and on and on.

But the Senator from Wyoming said on the floor earlier today that he would object to consideration of this amendment. Certainly this is his right to do this, and I fully understand that under the rules of the Senate the point of order of the Senator from Wyoming would be sustained because the amendment is, in fact, not germane. I will, therefore, in a moment, withdraw my amendment. But before I do, I would like to spend just a few minutes discussing a problem that I believe it would solve if we were allowed to go forward.

Think of a college teacher in China who is forced to have not one, two, three, but four abortions by her government. Many of her coworkers were forced to have six or seven abortions. That is a true story. It was told in compelling testimony at a hearing last year in the House Committee on International Relations, a hearing on the subject of "Coercive Population Control in China." I have the transcript of that right here. That is the story, a true story.

That woman, under current procedure, would not be considered as having a per se reason to fear persecution. Madam President, I am not alone in believing that this is unjust. All the groups I have mentioned, from the Catholic Conference to abortion rights advocates, all of them agree that when a woman is forced by her government to undergo these procedures, her human rights are being violated. That is not a tough call. That is a fact.

How hard would it be, in practical terms, for us to recognize this fact in our national policy? Would it mean, as some have suggested, that we would face a deluge of millions of people flooding our shores? No, Madam President, it would not. The number of people granted asylum under the old policy, which we are asking to go back to, the policy my amendment would simply restore, that number of people who were granted asylum was actually very small every year. The number of people we let in because they were protesting China's coerced population control policy was averaging between 100 and 150 people every year. Each applicant of the kind we are discussing would not suddenly move to the front of the line. She would not get automatic asylum. She would not ever get special treatment. All she would get is the same chance as all other asylum seekers, the same judicial process and the same set of rules—what I would call simple, basic human justice.

Think of a woman who has just had her second child; another example. She gets a notice from her local commune sterilization committee, saying she has to report in and get sterilized.

Think of a woman who sees a baby girl, 7 days old, lying abandoned on the road. None of the bystanders want to rescue the baby. They are afraid of the government. The woman takes the baby home herself, and sure enough, then the sterilization police show up and see the new baby girl. They say this woman has too many children and she has to be sterilized, even though the new baby girl is not her own child. She has to escape to a distant and barren place to get away from the sterilizers.

Even years later—this is a true story—she was brave enough to go home, and she was sterilized. This is a true story, Madam President, yet another story that emerged in the hearings held by the House Committee on International Relations. It is a story of barbaric persecution in our own day and times; a crime against women and a crime against our common humanity.

I am not seeking, with this amendment, a special break for these women. All I ask is they receive the same treatment as anyone else who comes to America to seek asylum. Here is what my amendment, a noncontroversial amendment based on the people who support it, this is what it says—and then I will conclude because I know our time for a vote is shortly at hand. Let me read it.

> For purposes of determinations under this Act, a person who has been forced to abort a pregnancy, or to undergo [involuntary sterilization or who has been persecuted for failure or refusal to undergo such a procedure] or for other resistance to a coercive population control program, shall be deemed to have been persecuted on account of political opinion, and a person who has a well founded fear that he or she will be forced to undergo such a procedure or subjected to persecution for such failure, refusal, or resistance, shall be deemed to have a well founded fear of persecution on account of political opinion.

That is the substance of this amendment. It is supported by the Clinton administration, it was passed by the U.S. House of Representatives, and it will be an issue in the conference.

Madam President, at this time I do withdraw my amendment. I appreciate the courtesy of my colleague from Wyoming for the time.

The amendment (No. 3835) was withdrawn.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Madam President, I deeply thank the Senator from Ohio. With the remaining minute, let me just say I am very pleased it was withdrawn. I, too, have read the language, and the very troubling part is the part that says "resistance to a coercive population control program" deems that that person then fits the status of refugee.

We are dealing with China, a country with a population of 1.2 billion people. We are also dealing in this amendment with India, again with one of the largest populations in the world. We are dealing with an amendment that would apply, as of course it should, to all the countries in the world. When we do this, we should bear in mind that there are already young Chinese single—unmarried—males who are even now claiming asylum on the basis that one day they will want to have a family and more than one child and thus come under this coercive birth policy.

But if you are going to make a blanket application for refugee status, it reminds me so much of an American Secretary of State who visited China several years ago. He raised issues about their policies and slave labor and coercive birth policies and their immigration policies, which were very strict.

When he finished, the Premier asked the Secretary, "How many millions do you want?"

I can tell you, if this amendment, in any form or this form, were to come to pass—and I deeply appreciate the withdrawal because it was not in order—I suggest that there will be millions of people who, under this language, will qualify.

We should remember that this amendment would also apply to tens of millions of persons—male and female—in India, who have undergone population control procedures—vasectomies and tubal ligations. That program began in the 1950's. Many of those millions of persons bear the marks and scars of those procedures. I would expect that it would be very difficult for INS to prove that those procedures were not coerced. So this amendment would appear to make eligible for asylum in this country millions of persons—both male and female—in China, India and many other countries.

I understand the necessity to make foreign policy statements, but I think that they should not be made on an immigration measure.

Mr. DEWINE. Will the Senator yield for 20 seconds? Let me, if I can, briefly respond to that. We did not have this flood of the old policy and the old law, and the fact is, even with this amendment, we will still have to prove the facts. Then once you have established the facts, those facts, those compelling facts, we would then deem that meets the law.

So it is still a factual question that would have to be proved. The burden would still be there to prove. I am sure we will have another opportunity to talk about this in the future. I thank my colleague.

Mr. SIMPSON. Madam President, I sincerely thank the Senator from Ohio. It makes our work much less difficult.

Mr. KENNEDY. Madam President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I thank the Senator for raising this issue. I think it is important to note that at the present time, a number of individuals who have applied for asylum on the basis of this kind of action have already been granted asylum and had deportation delayed. But I think it is something that we ought to get into in much greater degree.

I welcome the fact that this issue has been brought up, and we will work with the Senator from Ohio to try and find out how all of us can find an adequate solution to what is a barbaric practice.

I yield the floor.

VOTE ON AMENDMENT NO. 3759

The PRESIDING OFFICER. Under the previous order, the question is on agreeing to amendment No. 3759, the amendment offered by Senator GRAHAM of Florida.

Mr. GRAHAM. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 30, nays 70, as follows:

[Rollcall Vote No. 105 Leg.]

YEAS—30

Akaka
Boxer
Bradley
Breaux
Bumpers
Conrad
Daschle
Dodd
Ford
Glenn
Graham
Inouye
Johnston
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

NAYS—70

Abraham
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 3759) was rejected.

Mr. SIMPSON. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3840

The PRESIDING OFFICER. Under the previous order, there are now 2 minutes of debate, equally divided, on amendment No. 3840 offered by the Senators from Rhode Island and Florida.

The Senator from Rhode Island is recognized.

Mr. CHAFEE. Mr. President, I hope everybody will listen to this because we think it is important. Illegal immigrants now are entitled to a series of limited benefits, such as emergency Medicaid, prenatal Medicaid services, nutrition programs, and public assistance for immunizations. Illegal aliens are entitled to this. This is not the big broad scope of things. This is limited. What we are saying is legal immigrants should be entitled to the same thing. It is a little odd to say that the illegals can get these. Why do we give them to those individuals, the illegals? It is for the benefit of public health overall. It seems to me that the legal immigrants should likewise be entitled to immunization, prenatal, and postpartum Medicaid services. That is what it is all about. It is a limited group. It is not going to break the budget, but certainly the legals under equity should be entitled to what the illegals are entitled to.

Thank you.

Mr. SIMPSON. Give me your attention just for a moment, please. This amendment is about welfare reform for legal immigrants—the same issue you have already voted on seven separate times now. The reason that legal immigrants are in the situation they are in is because the person who brought them here promised to pay for their support. All we are saying is that sponsors should pay for these benefits if they have the means to do so. That is what deeming is. No legal immigrant will receive any fewer benefits than an illegal immigrant, but the legal immigrant's sponsor will have to pay for the benefits before the American taxpayers do. Should the financial burden be on the immigrant's sponsor or on the U.S. taxpayers? Take your pick.

The PRESIDING OFFICER. The question now occurs on the amendment offered by the Senator from Rhode Island. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

The result was announced—yeas 40, nays 60, as follows:

[Rollcall Vote No. 106 Leg.]

YEAS—40

Abraham
Akaka
Boxer
Bradley
Bumpers
Chafee
Conrad
Daschle
DeWine
Dodd
Feingold
Ford
Graham
Harkin
Hatfield
Hollings
Inouye
Jeffords
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mack
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone
Wyden

NAYS—60

Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Breaux
Brown
Bryan
Burns
Byrd
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Heflin
Helms
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
McCain
McConnell
Murkowski
Nickles
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

The amendment (No. 3840) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. If I could have my colleagues' attention, I would like to make an announcement that I think is important to everyone.

I ask unanimous consent that the agreement relative to the 3:45 p.m. suspension of votes be vitiated.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. DOLE. Let me say for the information of all Senators it is my understanding that a rollcall will not be necessary on the underlying Dole-Simpson amendment. Therefore, Senators can expect two additional votes that will start within a minute, and it will be a 10-minute vote, and then we will start the other vote. The first will be on cloture on the bill. The second vote, if cloture is invoked, will be on final passage of the immigration bill.

I also ask unanimous consent that the yeas and nays be vitiated on amendment No. 3743.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I ask for the yeas and nays on those two votes and that the votes be limited to 10 minutes each.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. A number of our colleagues on both sides are headed for the White House after the second vote. There will be a bus at the bottom of the stairs to take them down there. I do not know how they will come back.

Mr. SIMPSON addressed the Chair.

(Disturbance in the Visitors' Gallery)

The PRESIDING OFFICER. The sergeant at arms will restore order.

The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, that disturbance is certainly in spirit with the last 10 days.

I did not realize I had such support up there in that quarter, and I must say I am very pleased. Somebody once said, "You're on a roll." I said, "I have been rolled for 6 months on this issue."

AMENDMENTS NOS. 3873 AND 3874, AS MODIFIED

Mr. SIMPSON. Mr. President, let me say this. I have two amendments filed by Senator SNOWE, Nos. 3873 and 3874, as modified.

Mr. President, these two noncontroversial amendments relate to problems that have developed in recent years with the movement of persons along Maine's border with the Canadian province of New Brunswick. The amendments address issues that are critically important to the economic health and livelihood of many small communities in northern Maine. These communities have suffered severe economic harm from the discriminatory application of New Brunswick's provincial sales tax and other actions taken by Canadian officials to inappropriately impede crossborder movement.

I am not aware of any objections to the amendments, and I understand that they have been cleared on the other side.

I ask that the amendments be approved.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The amendments (Nos. 3873, and 3874) as modified, were agreed to, as follows:

AMENDMENT NO. 3873

(Purpose: To require a study and review of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border)

At the appropriate place, insert the following:

SEC. . REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—

(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and federal governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult the representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the U.S. government can take to help end harassment by Canadian Customs agents found to have occurred.

AMENDMENT NO. 3874

(Purpose: To express the sense of Congress that the discriminatory application of the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States runs counter to the principle of free trade, *raises questions about the possible violation of* the North American Free Trade Agreement, and damages good relations between the United States and Canada)

At the appropriate place, insert the following:

SEC. —. SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11% New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to U.S. businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7% tax on all good bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the U.S.-Canadian border—not long New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the U.S. Trade Representative (USTR) publicly stated an intention to seek redress from the discriminatory application of the PST under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States raises questions about the possible violation of the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in Chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on U.S.-Canada cross-border trade.

AMENDMENT NO. 3951 TO AMENDMENT NO. 3743

Mr. SIMPSON. I have a unanimous consent request that the following amendments be accepted. There is a package of managers' amendments at the desk, cleared on both sides, that will be noncontroversial.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The clerk will report the amendment by number.

The bill clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON], proposes an amendment numbered 3951.

Mr. SIMPSON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

SEC. . ADMINISTRATIVE REVIEW OF ORDERS.

Section 274A(e)(7) is amended by striking the phrase ", within 30 days,".

Section 274C(d)(4) is amended by striking the phrase ", within 30 days,".

SEC. . SOCIAL SECURITY ACT.

Section 1173(d)(4)(B) of the Social Security Act (42 U.S.C. 1320B–7(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection: "(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

Page 87, at the end of line 9, insert at the end the following:

"Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under Title II of this Act shall be available only in the judicial review of a final order of exclusion or deportation under this section. If a petition filed under this section raises a constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure."

SEC. . LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended by redesignating subsections "(b)", "(c)", and "(d)" as subsections "(c)", "(d)", and "(e)" accordingly, and inserting the following new subsection "(b)":

"(b)—(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

"(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

"(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to 40 U.S.C. section 257.

"(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a)."

SEC. . SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—TRANSPORATION OF THE REMAINS OF IMMIGRATION OFFICERS AND BORDER PATROL AGENTS KILLED IN THE LINE DUTY.

(a) Notwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for:

(1) the transportation of the remains of any Immigration Officer or Border Patrol Agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. . POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

"The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service."

Section 103 of the Immigration and Nationality Act (8 U.S.C. §1103) is amended in subsection (b) by adding the following:

"The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States."

SEC. . PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. §1103(a)) is amended by adding at the end the following:

"After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers."

On page 173, line 16, insert "(a)" before the word "Section".

On page 174, at the end of line 4, insert the following:

"(b) As used in this section, "good cause" may include, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General."

Page 106, line 15, strike "(A), (B), or (D)" and insert "(B) or (D)".

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to Section 150(b)(c) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. . DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the "Commissioner") shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

Page 15, lines 12 through 14, strike: "(other than a document used under section 274A of the Immigration and Nationality Act)".

DEVELOPMENT OF COUNTERFEIT-PROOF SOCIAL SECURITY CARD

Mr. MOYNIHAN. Mr. President, I thank Senator SIMPSON and Senator KENNEDY for accepting this amendment providing for a prototype counterfeit-proof Social Security card.

It was 18 years ago that I first proposed we produce a tamper-resistant Social Security card to reduce fraud and enhance public confidence in our Social Security system. The amendment accepted today is very simple. It would require the Commissioner of the Social Security Administration to develop a prototype of a counterfeit-proof Social Security card. The prototype card would be designed with the security features necessary to be used reliably to confirm U.S. citizenship or legal resident alien status.

The amendment would also require the Commissioner to study and report to Congress on ways to improve the Social Security card application process so as to reduce fraud. An evaluation of cost and workload implications of issuing a counterfeit-resistant Social Security card is also required.

Let me point out that Congress adopted this provision last year as part of the Personal Responsibility and Work Opportunity Act (H.R. 4), the welfare legislation vetoed by the President. Senator DOLE cosponsored the amendment, and it passed the Senate by a voice vote. The Senate also included it in its version of the budget reconciliation bill, but the provision was dropped in the conference committee.

When the Social Security amendments were before us in 1983, we approved a provision to require the production of a new tamper-resistant Social Security card. The law, section 345 of Public Law 98–21, stated:

> The Social Security card shall be made of banknote paper, and (to the maximum extent practicable) shall be a card which cannot be counterfeited.

What a disappointment when late in 1983 the Social Security Administration began to issue the new card, and it became clear that the agency simply had not understood what Congress intended. The new card looks much like the old, much like the first ones produced by Social Security in 1936. It has the same design framing the name and nearly the same colors. It feels the same. An expert examining a card with a magnifying glass can certainly detect whether or not one of the new ones is genuine, but therein lies the problem. We should have a new, durable card that can hold vital information and can be authenticated easily.

A new Social Security card—one very difficult to counterfeit and easily verified as genuine—could be manufactured at a low cost. The major expense, if we were to approve new cards, would be the cost of the interview process, and that is why the amendment requires a study to include the cost and workload implications of a new card.

A Social Security card could be designed along the lines of today's high technology credit cards. The card could be highly tamper-resistant, and its authenticity could be readily discerned by the untrained eye. The card must be seen as a special document; one which would be visually and tactilely more difficult to counterfeit than the current paper card.

The magnetic strip would contain the Social Security number, encoded with an algorithm known only to the Social Security Administration. A so-called watermark strip could be placed over it, making it nearly impossible to counterfeit without technology that currently costs $10 million. The decoding algorithm could be integrated with the Social Security Administration computers.

The new cards will not eliminate all fraudulent use of Social Security cards. But it will close down the shopfront operations that flood America with false Social Security cards.

That is what the Congress intended in the 1983 legislation.

Let us try again. We have seen that it can be done. It is what the Clinton Administration intended last year when they introduced the Health Security card. As many of you remember, it had a magnetic strip to hold whatever information may be necessary.

I am pleased that the Senate has adopted this amendment, and I again thank the managers of the bill for their support.

Mr. SIMPSON. I urge adoption of the amendment.

The PRESIDING OFFICER. Without objection, the amendment is in order.

Mr. SIMPSON. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3951) was agreed to.

WORKER VERIFICATION/IDENTIFICATION SYSTEM

Mr. ROBB. Mr. President, I rise to discuss briefly an amendment I had offered to S. 1664, the Immigration and Financial Responsibility Act of 1996 but have subsequently withdrawn in the interest of completing action on the underlying bill without unnecessary delay at this time. This amendment was designed to ensure the consideration of innovative authentication technology as we develop a new verification system for alien employment and public assistance eligibility.

There is a large and important debate before us. Should we implement a national verification system in the United States? Well, we already have one, but it's failing America. It allows illegal immigrants to skirt the system—to take jobs away from Americans and immigrants who have played by the rules. Moreover, the current system also allows for abuse of our pubic assistance programs that were established to provide a safety net for those who have contributed to our society and deserve help in a time of need. We need to update the current verification system—and 53 Senate colleagues agree as evidenced by their votes to reject the Abraham amendment to strike the verification system from the bill.

The system in place now requires employers to check two forms of identification from a list of 29 acceptable documents. We know that these documents are far from being tamper-resistant and we know that employers are unfairly held accountable for hiring illegal aliens.

The bill before us sets out the goals and objectives for a new verification system and also provides for pilot projects to determine the costs, technology, and effectiveness of a new program. Contrary to what many believe, the bill's provisions address the concerns that have been expressed regarding privacy, the potential for discrimination, and cost. All of these provisions supplement the protections of the U.S. Constitution and anti-discrimination laws. And regarding cost, the unfunded federal mandates law and the recently-passed improvements to the Regulatory Flexibility Act will help insulate businesses and State and local governments against the imposition of exorbitant costs from a new verification system.

Looking at the inventive programs that businesses, universities, hospitals and other institutions are using to monitor human resources, it seems only appropriate that we consider the feasibility of upgrading our current system.

My amendment is simple. It would allow for the consideration of innovative authentication technology such as finger print readers or smart cards to verify eligibility for employment or other applicable Federal benefits in a pilot program.

Already, the INS has begun to investigate the feasibility of creating a new generation of smarter employment authorization cards, border-crossing cards, and green cards. And the Federal Government is also examining the uses of electronic benefits transfer. My amendment would supplement these activities.

Smart cards are credit card-sized devices containing one or more integrated circuits. They are information carriers like ATM cards, that can hold bank account data, school ID numbers, benefit enrollment status, Social Security numbers and biometric data, such as photographs. Unlike ATM's, which give you access to accounts or information, smart cards actually hold the value of money and information.

I know that some of our colleagues are concerned about the use of biometric data such as DNA samples, blood types, or retina scans. My amendment does not anticipate the use of these types of biometric data. But the use of biometric data has already found its way into our daily lives. We use credit cards with photographs and driver's licences that detail our height, weight and gender. If we are to reduce document fraud, we must incorporate the limited use of biometric data. That is the only way to securely connect a document to an individual.

Setting aside the merits of my amendment, I understand the hesitance of many Members to embrace innovative authentication technologies. While the future is uncertain and change is difficult, we have to look ahead. We had a full debate on the issue of the so-called national ID card yesterday. And while I am not now promoting a national ID, nor did my amendment require the use of biometrics or smart cards, the concerns raised yesterday are similar. My amendment sought only to ensure the consideration of these tools in the development of the pilot programs.

While my amendment has been withdrawn, I will continue to work toward broadening the debate on smart cards and other forms of authentication technology with our Senate colleagues.

In utilizing the most up-to-date technology in these demonstration projects, we can ensure that the President will have the most efficient and the most cost-effective alternatives to scrutinize. If we take deliberate care to develop a new identification system, then we can all benefit: American workers can be further protected; Employers can be relieved of the burden of sanctions; the jobs magnet will be shut off; and most importantly, we will be able to clearly view the benefits of immigration and diversity in our society.

INS PRACTICES CONCERNING STUDENT VISA HOLDERS

Mr. FEINGOLD. I am told by colleges and universities that it is common for foreign students and scholars temporarily to drop out of status during the course of their studies. For example, a student might be told by a professor to drop a particular course, thereby inadvertently dropping below the 12 credits per term required by INS regulations to remain a bona fide student. INS currently allows such students to be reinstated to their previous status. Such reinstatement might not occur until later in the semester, however, when INS-designated school officials notice the problem

Does the Senator intend our visa-overstayer provision to alter the INS's practice in such cases?

Mr. ABRAHAM. No. In the situation you described, where the student continues to work in good faith toward his degree, the professor's directive to the student would constitute good cause for the student falling out of status temporarily.

Mr. FEINGOLD. There are many other situations that might cause a student to fall out of status. For example, a teaching assistant might have to devote an unusual amount of time to grading papers, or a foreign government's tuition payment might be delayed. As I said, I understand that the current practice of the INS in such circumstances is to reinstate such students and scholars to a valid status so that they may continue their studies.

Does the Senator intend that these and similar INS practices should continue?

Mr. ABRAHAM. Yes. My intention is not to displace current INS practice with respect to students who continue to work in good faith toward their degree but who temporarily fall out of status because of circumstances beyond their reasonable control.

Mr. FEINGOLD. Finally, some concern has been expressed about the possibility that the 60-day threshold might be reached if the student accumulates 60 days out of status over the course of several years. Do you intend our visa-overstayer sanctions apply in such cases?

Mr. ABRAHAM. No, I do not intend the sanctions to apply in cases where, for reasons like those described in the examples you've cited, a student has accumulated a total of 60 nonconsecutive days out of status over the course of his studies. I expect the 60-day period will normally be continuous for purposes of our visa-overstayer provision.

Mr. President, I rise today to discuss an amendment I had planned to offer, along with Mr. DEWINE, Mr. ROTH, and Mr. D'AMATO that would have addressed the enormous problem this country has with deporting aliens who commit violent and other felonious acts against Americans. Because the amendment is not germane at this time, I will not be offering it, but plan to raise this issue again at another time.

Let me start by outlining the problem we have right now with criminal aliens in this country.

Noncitizens in this country who are convicted of committing a variety of serious crimes are deportable and should be deported. These are not suspected criminals: These are convicted felons. And there are about half a million of them currently residing on U.S. soil. More than 50,000 crimes have been committed by aliens in this country recently enough to put the perpetrators in State and Federal prisons right now.

The reason these criminal aliens are here, despite their deportability under U.S. law, is that they are able to manipulate our immigration laws by requesting endless review of their orders of deportation. These are convicted criminals obstructing the operation of law by abusing unduly generous provisions of judicial and administrative review. As long as a petition for review is pending, they cannot be deported. Meanwhile, because there is nowhere to put them, many of them are released into the general population, never to be seen again. Thus, at present, aliens who are convicted felons are deported at a rate of about 4 percent a year.

Parenthetically, I would like to note that the study from which most of these figures are drawn—a Senate report on criminal aliens in the United States dated April 7, 1995—was conducted under the auspices of one of the cosponsors to the amendment I am offering today—my distinguished friend and colleague from Delaware, Mr. WILLIAM ROTH.

The bill presently before the Congress does a great deal to address many of the obstacles to ensuring that these individuals are in fact expeditiously deported. As introduced, it included provisions adding a variety of serious offenses to the crimes that constitute aggravated felonies; providing that aggravated felons are not permitted to sue the Government on the grounds that their deportations were not expeditious; providing for regulations to be issued by the Attorney General permitting INS officials to enter final orders of deportation stipulated to by the alien; providing that Federal judges are authorized to order deportation as a condition of probation; and requiring the Attorney General to report to Congress once a year on the number of and status of criminal aliens presently incarcerated.

While these provisions were helpful, they were not enough to prevent a criminal alien from using the key dilatory tacits presently used by these individuals to avoid deportation.

Accordingly, during Committee consideration of this bill, I sponsored a package of four amendments addressing the criminal alien problem. My amendments were cosponsored in whole or part by four Senators on the Judiciary Committee and all were accepted by the committee in lopsided votes. The package of amendments adopted by the Judiciary Committee and now part of the pending bill will do the following: First, prohibit the Attorney General from releasing convicted criminal aliens from custody; second, end judicial review for orders of deportation entered against these criminal aliens—while maintaining their right to administrative review and the right to review the underlying conviction; third, require the Attorney General to deport criminal aliens within 30 days of the conclusion of the alien's prison sentence—with exceptions made only for national security reasons or on account of the criminal alien's cooperation with law enforcement officials; and fourth, permit State criminal courts to enter conclusive findings of fact, during sentencing, that an alien has been convicted of a deportable offense.

These amendments, now part of the bill, will go a long way toward ending the procedural chicanery by which criminal alien's make a mockery of our laws.

Still, loopholes remain, especially during the administrative review process. The amendment I had planned to offer to the illegal immigration bill would have sought to close these loopholes by doing the following: First, criminal aliens would be required to raise all claims for relief from deportation in a single administrative process including one appeal to the Board of Immigration Appeals.

The problem is this: While we have eliminated judicial review for orders of deportation entered against most criminal aliens, we have not eliminated their capacity to request repetitive administrative review of the deportation order. We have shortened the process, but it could still take, literally, a decade or more to complete the administrative procedures.

For example, criminal aliens will still be able to: First receive a hearing on their deportability from the immigration judge and then appeal that to the Board of Immigration Appeals; second, return to the immigration judge, this time requesting asylum, and then appeal that to the Board of Immigration Appeals; third, request 212(c) relief from the order of deportation and appeal that to the Board of Immigration Appeals; fourth, since several years will frequently have passed during the first rounds of administrative review, make a motion to reopen on the basis of changed circumstances, such as the connections to the community the criminal alien has formed, and frequently, the children the criminal alien has had while these other requests for relief were pending; fifth, continue to make additional motions to reopen.

Criminal aliens should be allowed only one bite at the apple. What needs to be done is this: Require that criminal aliens submit all claims for relief from deportation to the immigration judge and to the Board of Immigration Appeals the first time around. The amendment I am was going to offer does just that.

Second, judicial review for orders of exclusion entered against these criminal aliens would end.

This is a delaying tactic, much abused by excludable criminal aliens. Extensive—even repetitive—judicial review of orders of exclusion may be tolerable for other excludable aliens. There is no justifiable reason to tie up the system with such requests by criminals.

Third, the number of immigration judges, members of the Board of Immigration Appeals, and lawyers handling deportation cases at the INS would be doubled.

There are not enough judges within the INS to expeditiously dispose of deportation hearings with or without the streamlining provided by the other criminal alien provisions in this bill and the Terrorism Prevention Act. This amendment will double the number of members of the Board of Immigration Appeals, double the number of immigration judges—special inquiry officers, and double the number of INS attorneys handling deportation proceedings.

The criminal alien amendments I offered during the committee mark-up of the illegal immigration bill require the AG to deport criminal aliens within 30 days of the later of their release from incarceration, or issuance of the final order of deportation.

Such a requirement will be of no avail if the INS does not have enough judges and members of the Board of Immigration Appeals to dispose of these deportation proceedings. In 1995, the number of board members of the BIA was increased—to 12 members in all.

Meanwhile, it is conservatively estimated that there are almost half a million criminal aliens currently residing in this country. If only a quarter of those criminal aliens now on U.S. soil request deportation hearings and an appeal to the BIA—which is probably an extremely conservative estimate—12 board members will have to process over 100,000 appeals only to get through the deportations of these criminal aliens.

We will never reduce this backlog without adding much-needed personnel to handle these deportation proceedings fairly and expeditiously. Doubling their number is a modest increase if we are serious about deporting deportable criminal aliens.

Fourth, criminal aliens who have been convicted of serious crimes would be added to the list of aliens ineligible for naturalization.

Naturalization already requires that the alien demonstrate good moral character and have resided in the country for at least 5 years, among other things. Yet aliens who have been convicted of serious crimes are able to delay their deportations for many years allowing them to, first, achieve the 5 year requirement for naturalization, and, second, apply for naturalization 5 years after their conviction.

This not only injects into the deportation process an extremely powerful incentive for criminal aliens to delay their deportations, but rewards those who have not only been convicted of serious crimes to become citizens, but rewards the criminal aliens who have been able to manipulate the system in order to avoid being deported.

There are already various types of aliens that are foreclosed from naturalization. This amendment adds convicted criminals to the list. It is not unreasonable for the Congress to conclude that aliens who have been convicted of serious crimes while guests in this country cannot be deemed to have demonstrated good moral character for purposes of naturalization.

These are all reasonable reforms—reforms, I believe, that would shock most Americans only by their absence from current law.

Let me give just one example of why these reforms are needed. This example is not hypothetical. It is a real case of what happens when this country tries to deport noncitizens who are convicted of committing serious crimes in this country.

The case of Lyonel Dor is typical in all but one respect. Dor was an illegal alien, whereas the great majority of the criminal aliens in this country are lawful permanent residents.

Lyonel Dor entered the United States illegally in 1972. Six years later he was convicted of first degree manslaughter for participating in the murder of his aunt and served 6½ years in prison.

Illegal immigrants are deportable. Legal immigrants who help murder their aunts are deportable.

Yet Dor remained in this country for at least another 5 years after serving his prison sentence. He accomplished this by requesting and receiving unending review of the order of deportation against him. Dor was first ordered deported in March 1985. As of late 1989, Dor had not been deported. I do not know whether Lyonel Dor was ever deported or whether he is still here, requesting still more review.

But I do know that during that 5 years, Dor received 13 administrative proceedings and 4 judicial proceedings for review of the order of deportation against him. Every one of these proceedings concerned this country's attempt to deport Dor—an illegal immigrant and murderer. In two of the four judicial proceedings, Federal courts ordered that Dor not be deported—so that the order of deportation against Dor could be subjected to yet more review.

It is important to note that, although Dor's multiple requests for review of the deportation order were granted—upon review, not one of his claims was found to have any merit. Dor requested asylum, this was denied. Dor requested withholding of his deportation, this was denied. Dor requested adjustment of status, this was denied. Dor again applied for adjustment of status, and it was again denied. Dor applied for a writ of habeas corpus, this was denied. Each one of these requests for waiver of deportation was appealed to the Board of Immigration Appeals and sometimes to the courts, as well. Five times throughout these proceedings, Dor requested that his case be reopened. These requests, too, were denied. And these denials, he appealed.

This example is far from unique. To the contrary, it is rather typical. I could cite many, many others. It is time for this to stop.

Some reforms Senator HATCH included at my suggestion in the antiterrorism bill that was recently enacted will go a long way toward stopping it. The reforms contained in the legislation now before the Congress, including those from the original bill and those added through the amendments I offered at markup, would go still further in that direction. I am sorry that on account of the procedural posture we are in, made necessary by the effort of some Members to bring up matters entirely extraneous to reforming illegal immigration, we will not have the opportunity to consider this additional amendment. I expect, however, to find an occasion in the near future to ensure its consideration.

Mr. SIMPSON. Mr. President, I would like to commend my able colleague for this excellent suggestion. Unlike some of the rest of what he has proposed in connection with this legislation, I wholeheartedly commend his untiring efforts with respect to criminal aliens, which I believe have improved the bill. I think this most recent proposal is likewise one I would support, and I do hope to have occasion to consider it further.

Mr. ABRAHAM. I very much appreciate the kind words of my colleague and friend from Wyoming.

Mr. ROTH. Mr. President, I rise today to speak in favor of this bill, on which Senator SIMPSON and others have labored so hard and for so long. The bill will do much to stem the tide of illegal immigration into this country.

During the Judiciary Committee's mark up of the bill in March, several provisions were added that address the problem of criminal aliens in this country. I want to draw my colleagues' attention in particular to these provisions, because they significantly strengthen the Federal Government's ability to deport and exclude aliens who have committed serious crimes in our country. Senator ABRAHAM pushed for these provisions in committee, and he is to be commended for that effort.

I would like to offer a brief historical perspective on the nature of the criminal alien crisis, based on my past investigative and legislative work in this area. Criminal aliens represent a problem of enormous proportions, and a problem, regrettably, that our present criminal and immigration laws do little to address.

In simplest terms, criminal aliens are noncitizens who commit serious crimes in this country. Currently, aliens who commit certain serious felonies are deportable or excludable. The problem is that at present we permit such aliens to go through two completely separate systems—one for their crimes, and one for their immigration status—in a way that invites abuse and creates confusion. The results are dismal.

At my direction during the previous Congress, the Permanent Subcommittee on Investigations conducted an investigation and held 2 days of hearings regarding criminal aliens in the United States. The subcommittee's investigation found that criminal aliens are a serious and growing threat to our public safety. They are also an expensive problem. Under even the most conservative of estimates, criminal aliens cost our criminal justice system hundreds of millions of dollars each year.

No one, including the INS, knows for sure how many criminal aliens there are in the United States. A study by our subcommittee staff estimated that there are about 450,000 criminal aliens in all parts of our criminal justice system including Federal and State prisons, local jails, probation, and parole. Incredibly, criminal aliens now account for an all time high of 25 percent of the Federal prison population.

Under current law, aliens who commit aggravated felonies or crimes of moral turpitude are deportable. But last year only about 4 percent of the estimated total number of criminal aliens in the United States were deported. The law is not being enforced in part because it is too complex with too many levels of appeal. It needs to be simplified.

The law is also not being enforced in part because INS does not have its act together. The INS is unable to even identify most of the criminal aliens who clog our State and local jails before these criminals are released back onto our streets.

As things now stand, many criminal aliens are released on bond by the INS while the deportation process is pending. It is not surprising that many skip bond and never show up for their hearings, especially in light of the fact that the INS makes little effort to locate them when they do abscond. In 1992 alone, nearly 11,000 aliens convicted of serious felonies failed to show up for their deportation hearings. It is safe to assume that many of them walk our streets today.

A frustrated INS official described the current state of affairs aptly when he said of criminal aliens—and I quote—"only the stupid and honest get deported." The others abuse the system with impunity.

Ironically, criminal aliens who have served their time and are fighting their deportation routinely received work permits from the INS, which allow them to get jobs while their appeals are pending. One INS deportation officer told the subcommittee staff that he spends only about 5 percent of his time looking for criminal aliens who have absconded, because he must spend most of his time processing work permits for criminal aliens with pending deportation proceedings. This is an outrageous situation.

Although, our investigation found that the INS is not adequately responding to the criminal alien problem, the INS does not deserve all the blame. Congress has made it far too difficult for the INS and law enforcement officials to identify, deport, and exclude criminal aliens.

In response to these problems, I introduced legislation last Congress and again during this one that would simplify the task of sending criminal aliens home. I am gratified that through the work of Senator ABRAHAM and the Judiciary Committee, S. 1664 contains some of the provisions in my legislation, as well as some additional improvements. Among them are the following: First, the bill broadens the definition of aggravated felon to include more crimes punishable by deportation. Second, it prohibits the Attorney General from releasing criminal aliens from custody. Third, it requires the Attorney General to deport criminal aliens—with certain exceptions—within 30 days of the end of the aliens' prison sentence, and mandates that such criminal aliens ordered deported by taken into custody pending deportation. Finally, it gives Federal judges the ability to order deportation of a criminal alien at the time of sentencing.

To be sure, during the floor debate on this bill, many colleagues have expressed sharp differences in how they wish to go about reforming our immigration laws. However, it is my hope that all Senators would agree that deporting and excluding aliens convicted of committing serious crimes ought to be a top priority. Because fixing existing laws to accomplish this goal ought to be an equally high priority, I urge my colleagues to support this bill.

ASYLUM AMENDMENT

Mr. LEAHY. Mr. President, yesterday the Senate adopted the asylum amendment that I offered along with Senators DEWINE, HATFIELD, KERRY, and WELLSTONE to preserve our asylum law for those seeking refuge from oppression. In addition to our colleagues who voted for the amendment, there are a number of people to thank for this important change in the Senate bill.

Three of our House colleagues, Representatives DIAZ-BALART, ROS-LEHTINEN, and SMITH felt so strongly about these provisions that they took the extraordinary step of sending "Dear Colleague" letters to the Senate urging that others join us "in protecting human rights around the world" and in supporting this amendment.

I would like to thank Alan Baban and Ana X. who appeared with me on April 30 in advance of the vote and retold their experiences with oppression and asylum. Without them and the refugees who came forward to make the case, we could not have succeeded in amending this bill and the antiterrorism law.

I want to thank all of those from around the country who wrote to me and my colleagues about the importance of this amendment. I know that the correspondence and calls that I received from Patrick Giantonio of Vermont Refugee Assistance; Gerry Haase of the Tibetan Resettlement Project; David Ferch and Philene Taomina of Groton; Bob Rosenfeld, Jane Bradley, Jean Lathrop, and Helen Rabin of Plainfield; Brenda Torpy and Dr. Jennifer Heath of Burlington; Barbara Buckley of Worchester; Valerie Mullen of Vershire; Helen Reindel, Joanna Messing, Sylvia Terry and Charles Ballantyne of Montpelier; Margaret Turner of Belmont; Don Kizer of Cavendish; Roald Cann of Springfield; Dr. A. Joshua Sherman of Midd; Pinelope Bennett of Norwich; Richard Moore of Putney; Sydney Liff of Attamount; Abbas Alnasrawi of Shelburne; Robert and Mary Belenky of Marshfield; and other Vermonters about the asylum provisions of the bill were most meaningful. They understand what the disastrous impact of the changes in our asylum law, which would have been imposed by this bill, would have meant to real people facing oppression around the world.

I want to thank the Committee to Preserve Asylum, which has worked diligently from the beginning to focus needed attention on these provisions of the bill. Earlier this week I met with a number of representatives of organizations who support this effort, including Eve Dubrow of UNITE; John Fredicksson of the Lutheran Immigration and Refugee Service; Richard

Foltin of the American Jewish Committee; Richard Li Albores of the National Asian Pacific American Legal Consortium; Michelle Pistone of the Lawyers' Committee for Human Rights; John Swenson of the U.S. Catholic Conference, Carol Wolchok of the American Bar Association; and Patricia Rengel of Amnesty International USA. I thank them all for their efforts on behalf of the asylum amendment and in connection with serving refugees in need from around the world.

I am grateful for the letters of support from the U.S. Catholic Conference, the American Bar Association, the American Friends Service Committee, the American Immigration Lawyers Association, the American Jewish Committee, the Lawyers Committee for Human Rights, the Asian Law Caucus, the Hebrew Immigrant Aid Society, the Lutheran Immigration and Refugee Service, the Asian American Legal Defense and Education Fund, the Domestic and Foreign Missionary Society of the Protestant Episcopal Church, the Mexican American Legal Defense and Educational Fund, the United Church Board for World Ministries, the ACLU, the National Asian Pacific American Legal Consortium and the Women's Commission for Refugee Women and Children.

At the risk of offending others, I want publicly to commend Carol Wolchok of the ABA, Michelle Pistone of the Lawyers Committee for Human Rights, Michael Hill of the U.S. Catholic Conference, Professor Philip Schrag of Georgetown, and Dr. Allen Keller of N.Y.U. for their tireless efforts on behalf of this amendment. They and those working with them live their commitment to justice and freedom every day. They help make America the great country that it is and must remain.

I am also especially grateful for the support of Bishop Cummins, the chairman of the Committee on Migration of the U.S. Catholic Conference. I had received an earlier letter from Cardinal Law in which he noted his opposition to the provisions in the bill that would have virtually eliminated the United States' commitment to help refugees seek protection from persecution. I am proud that the U.S. Catholic Conference supported the Leahy amendment, even though our amendment does not get as far as they would like.

I want to thank Anne Willem Bijleveld, the Representative of the United Nations High Commissioner for Refugees, for all her support on this matter.

In signing the antiterrorism law last week, the President included the following in his message: "The bill also makes a number of major, ill-advised changes in our immigration laws having nothing to do with fighting terrorism. * * * The provisions will produce extraordinary administrative burdens on the Immigration and Naturalization Service." I believe that the President was referring to the requirements for summary exclusion that the Senate immigration bill would amend.

In a February letter the President sent to Congressman BERMAN, he noted his concern that "we not sacrifice our proud tradition of refugee protection and support for the principles of the Convention Relating to the Status of Refugees." The President noted: "This critically important Treaty, which responded to the displacement that followed the Second World War, has enjoyed broad bipartisan support in the Congress. Moreover, our efforts to urge other governments to comply with its provisions has been a major element of our diplomacy on international humanitarian issues."

Specifically on the matter of summary exclusion, the President favors a "carefully structured stand-by authority for expedited exclusion." That is what our amendment, in contrast to the bill, now provides.

With regard to the overall proposals for summary exclusion, the President wrote that they were "too broad and would also result in considerable diversion of INS resources." He noted that: "These provisions seem particularly unnecessary in view of the successful asylum reforms we have already initiated."

Human rights organizations have documented a number of cases of people who were ultimately granted political asylum by immigration judges after the INS denied their release from INS detention for not meeting a credible fear standard. Under the summary screening that was proposed in the bill, these refugees would have been sent back to their persecutors without any opportunity for a hearing. I included many such examples in the RECORD on April 17. I now have collected many, many more.

I urge my colleagues to consider how the bill will impact refugees seeking asylum here and not just consider the theoretical possibility that they might be treated as the exceptional case.

Furthermore, the bill would have denied the federal courts their historic role in overseeing the implementation of our immigration laws and review of individual administrative decisions. The bill would have allowed no judicial review whether a person was actually excludable and would have created unjustified exceptions to rulemaking procedural protections under the Administrative Procedure Act. These proposals would have signaled a fundamental change in the roles of our coordinate branches of Government and a dangerous precedent.

I urge my colleagues, especially those who did not support the asylum amendment, to think further about these important matters. While doing so, please do not continue to confuse asylum with illegal immigration. Do not vote with regard to circumstances that no longer exist after the recent reforms of the asylum process.

Refugees who seek asylum in the United States are not causing problems for America or Americans. They come to us for refuge and for protection. Let us not turn them back. Let us not abandon America's vital place in the world as a leader for human rights.

I want to thank and commend the Managers of the bill. Both Senator KENNEDY, who supported the asylum amendment, and Senator SIMPSON, who did not, have been exceptionally fair to me and to all of us on this issue and on every aspect of the bill. Immigration is a complicated issue and one that evokes emotions and strongly held feelings. They have been exceptional managers of this legislation and are extraordinary members.

I want to pay special tribute to my friend from Wyoming. On the asylum issue I might call him a worthy opponent, except that I do not believe that we are opponents. I believe that we both are working toward the same goal and both want America to remain a beacon of hope and freedom to the oppressed, wherever they may be.

He has announced that he will not be seeking reelection. That will be the Senate's loss. He is a dedicated, respected and productive member of this body. There are not many like ALAN SIMPSON and I will miss his counsel and his humor. I look forward to our continuing to work together on this important bill and many other matters in the days ahead.

Mr. SIMON. Mr. President, I want to thank the chairman and ranking member of the Immigration Subcommittee—Senators SIMPSON and KENNEDY—for their dedication and commitment to the issue of illegal immigration. They have steered the Senate through a difficult process, and we are all appreciative of their efforts this time, as we have been on numerous occasions past.

I will vote against final passage of this bill. The bill contains much that I support. I am gratified that the Senate has voted to retain the verification pilot programs that were adopted as a compromise in committee. These pilot programs are essential to combating the job magnet that lures illegal immigrants to the United States, and will also make immigration-related job discrimination less likely.

I am also gratified that the Senate passed the Leahy asylum amendment yesterday. This amendment, by preserving our Nation's commitment to providing safe haven for victims of persecution abroad, was a substantial improvement in this legislation, and one that corrected one of the major problems with this legislation as it came out of the Judiciary Committee.

Finally, unlike the House immigration bill, the Senate bill does not contain any provision allowing States to deny undocumented alien children primary or secondary education. Adoption of such an amendment would have been an imprudent response to the problem of illegal immigration, and would have cost the Nation far more than it would have saved it.

Despite the virtues of this legislation, I am compelled to vote against it because it still suffers from some serious problems—in particular, the provisions of the bill that serve to deny legal immigrants Government assistance. While I support the idea of tightening current deeming requirements, the bill will deny legal immigrants assistance that will prevent, not encourage, legal immigrants from receiving welfare, such as higher education and job training assistance. The bill makes a sieve out of the safety net that is essential for the most vulnerable of our society—children, pregnant women, and the disabled. Finally, this bill retroactively expands deeming requirements for those immigrants who are in the country today, without the benefit of a legally binding affidavit of support. There is no question that sponsors should be primarily liable for the well-being of the immigrants they bring in. At the same time, this bill lacks the flexibility that is necessary if we are to ensure a balanced and fair approach to the issue of immigrants and public assistance.

I am concerned about much of the rhetoric about immigrants and public assistance that has accompanied this debate. While we have heard much about the pressures immigrants place on our system of public assistance, the fact is that the overwhelming majority of immigrants—over 93 percent—do not receive welfare, and that working-age nonrefugee immigrants use Government assistance at the same levels as native-born Americans. While specific programs—in particular, SSI—receive disproportionate use by immigrants, we should address such problems specifically, without cutting off access to resources that will help immigrants avoid the welfare dependency that concerns us all.

Having set out my objections to the bill, I hope that I will be able to support a conference agreement on illegal immigration. The House immigration bill has several provisions in the public assistance area preferable to the Senate bill—in particular, the exemption from deeming for higher education, and the limitation on programs that can give rise to deportation as a public charge. Adoption of these provisions in the conference will substantially improve this legislation.

On the other hand, any illegal immigration conference agreement should not include any provision allowing States to deny primary or secondary educational assistance to undocumented aliens. Such a provision, while not in the Senate bill, is in the House bill. Inclusion of such a provision in the conference agreement would cause many of those who support the Senate bill to oppose the conference report.

We are close to having an illegal immigration bill we can all be proud of, but we are not there yet.

Mr. THURMOND. Mr. President, I rise today in support of S. 1664, the Immigration Control and Financial Responsibility Act of 1996. It cannot be disputed that our immigration system is currently fraught with serious problems, including a flood of illegal immigrants, criminal aliens, undesirable burdens on public services, and many other concerns. These problems weaken our country as a whole, and erode public support for basic principles which are central to our Nation. Americans are a generous people, but they do not like to have their generosity abused. I am pleased that we have confronted these hard issues with both compassion and resolve, and that the Senate is now giving consideration to final passage of this immigration reform bill.

Among the many notable provisions in this immigration bill are those designed to increase enforcement of our borders; limit ineligible aliens' public benefits; improve deportation procedures; and reduce alien smuggling. There is no serious disagreement over the pressing need to strengthen our laws against illegal immigration, but there has been much debate over the details of how this can best be achieved. I am committed to enacting this legislation in order to sharply reduce the flow of illegal aliens into our Nation, by ensuring adequate enforcement along our borders, among other things.

Mr. President, I commend Senator SIMPSON for his leadership on immigration issues, and particularly on his role in bringing this important legislation to this point today. Although we have not agreed on every issue, the commitment and expertise of Senator SIMPSON have been invaluable in moving needed reform forward.

Immigration matters are complex and tend to be divisive. It is my belief, however, that illegal immigration is among the most serious problems confronting our Nation today. We should pass this legislation to address these problems, and I urge my colleagues to adopt this measure.

RELAX NATURALIZATION REQUIREMENTS FOR HMONG PATRIOTS

Mr. WELLSTONE. Mr. President, I rise to express my support for an important provision in the House version of S. 1664, the illegal immigration bill, which I had intended to offer as an amendment to this bill. This House provision, authored by Congressman VENTO, would help expedite the naturalization of Hmong patriots recruited by the CIA who served alongside U.S. military forces during the Vietnam war. Earlier this week, I submitted a corresponding amendment in this Chamber. The Wellstone amendment No. 3872, would have relaxed the naturalization requirement for permanent residents who served in these guerrilla units in Laos, and their spouses or widows, by waiving the language requirement and the residency requirement aliens normally must meet. I still believe these steps are necessary to address the unique situation of the Hmong, and I will continue to press for their enactment.

Let me describe what has happened over the past few days. I was prepared to offer the amendment, but after discussion with numerous colleagues on and off the committee, it has become clear that a number of Senators had concerns about the reach and scope of the changes being proposed, and thus would likely be unwilling to support my amendment in its current form. While I intend to continue to press hard for these changes, I do not want to endanger the chances for these provisions in the conference committee by pushing this to a premature vote, the outcome of which is in doubt, and so I will not offer the amendment. Instead, I will continue to work with Senator SIMPSON, Senator KENNEDY, the other Senate conferees, and Congressman VENTO to craft a provision they will find acceptable.

I was surprised and disappointed that there were concerns expressed about this amendment. I had thought it would be noncontroversial. During the Vietnam war, the CIA recruited tens of thousands of Hmong people to serve in special guerrilla forces, to fight against the Communist government in Laos. Between 10,000 and 20,000 of them are estimated to have lost their lives in this struggle, and thousands more were forced to flee to refugee camps or to other nations when the war ended to avoid the persecution that many feared would follow. Many came to the United States, concentrating in California, Minnesota, Wisconsin, New York, and several other States.

These men and women, many of whom were very young when they served, have sacrificed a great deal in defense of our Nation, and they deserve an improved chance to become citizens. The waivers I have proposed are consistent with our long tradition of recognizing the service of those who come to the aid of the United States during wartime.

Normally, under current law, aliens or noncitizen nationals who served in U.S. forces are eligible for naturalization regardless of age, period of residency, or physical presence in the United States. The Hmong patriots, however, fall through the cracks because the units with which they served were not technically U.S. units, despite the fact that in many cases they were recruited, trained, and funded by the intelligence services of the U.S. Government, and coordinated closely with U.S. forces in the region. Many served as scouts for U.S. forces, and there are many stories of their extraordinary heroism in helping to rescue downed U.S. pilots during this period.

The most serious obstacle these Hmong patriots face in obtaining citizenship is the language barrier. The Hmong language has not existed in written form until very recently, so it has been enormously difficult, especially for older Hmong, despite their best efforts, to learn to read and write in English.

The House bill would waive the residency and language requirements for naturalization. These steps are necessary to address the unique situation of the Hmong. By far the most serious problem facing this community is their difficulty with learning English. While for some current law waiver regulations applying to residency are sufficient, this authority does not cover all of them.

Mr. President, there is a long-established precedent for granting waivers to groups who fought bravely on the side of U.S. forces in defense of freedom all over the world. U.S. law has allowed those who fought with us in WWI and II, the Korean war, and the Vietnam war to be naturalized, regardless of age, period of residence, or presence in the United States. It has also been allowed for those who served with us, but were not technically part of U.S units. In the 1990 immigration bill, Congress adopted a waiver for Filipino scouts who served in World War II. Many of them have now become full-fledged citizens who participate in the democratic process.

No one appreciates the value of the democratic process more than Seng Thao, who fought for 7 years against the Communists in Laos and was wounded twice. When he began his training, he was only 14. Although his military service ended in 1975, he stayed in Laos to defend his family and his village until 1979. It was in 1979 that his family made the voyage to Thailand, where they were sent to a "reeducation" camp. There they were reportedly physically abused, and coerced to give up everything they had. They were later moved to Ban Vanai Refugee camp.

Seng Thao came to the United States in 1980, and now works at Riverview Packaging in Minneapolis. He is a productive member of society, and has earned the right to be called a U.S. citizen. He writes, "I would like to be a citizen of this great country * * * because this is my home now."

Another Hmong patriot, Wa Chi Thao, was recruited in 1961 when he was 11 years old. During his 14 years of fighting, he suffered a wound in a bomb explosion, came to the aid of two downed American pilots, and saw his wife die in combat. Before coming to live in St. Paul, MN, Thao and his family spent 10 miserable years in refugee camps.

Mr. President, however we feel about the legacy of the Vietnam war, let us recognize the service of these patriots who came to the aid of the United States in a time of war, and honor the memories of those they left behind, with this modest step. It would not open the floodgates for new immigration by creating a new category of immigrants, nor would it make Hmong patriots eligible for veterans benefits. It simply recognizes the service of Seng Thao and other Hmong like him, who served in U.S.-recruited units during the Vietnam war, by granting them a waiver of the English residency requirements and a waiver of the residency requirement. It does not automatically extend them citizenship, but acknowledges their contributions by easing the path to citizenship.

As the immigration bill moves to a House-Senate conference committee, I urge my colleagues who will serve on the conference to recede to the House language on this important provision. I am confident that we can work together to provide these critical benefits to Hmong veterans who served our Nation during wartime.

Mrs. MURRAY. Mr. President, as the Senate considers S.1664, the Immigration Control and Fiscal Responsibility Act, I want to take this opportunity to explore and comment on a number of the key issues.

Immigration reform has always been a controversial issue for our immigrant based society. As our Nation continues to develop and grow, it is appropriate for the Senate to debate these issues. Therefore, I want to complement the members of the Judiciary Committee, both the majority and the minority, who have labored to bring this bill to the floor.

The bill does do much to address the problems associated with illegal immigration. I support the bill's provisions to add several thousand new border patrol agents between now and the year 2001. Additionally, I support the language to add new INS investigators to enforce alien smuggling and employment laws. Illegal immigration along our Southern border is a serious and costly problem. We have a responsibility to meet the needs of our Southern States and to ease the financial burdens associated with illegal immigration.

It is important to note that many of the bill's provisions dealing with illegal immigration are similar, and in some cases identical, to legislation proposed by President Clinton. Despite the ongoing problems with illegal immigration, the Clinton administration has waged an unprecedented campaign against illegal immigration. The administration has increased the number of Border Patrol agents by 40 percent since 1993. The administration is on target to meet its goal of 7,000 Border Patrol agents, trained and deployed, by the end of fiscal year 1998. I commend the administration for committing the financial resources and political capital to fight illegal immigration.

Despite laudable attempts to combat illegal immigration, this legislation threatens to become a punitive vehicle aimed directly at children and families. My objections are numerous; I will detail a few today. If the Senate chooses to follow our House colleagues down the road of punishing children and families as well as abandoning our historical and cultural acceptance of legal immigrants, I will oppose the legislation.

My objections begin with any effort to combine legal immigration restrictions and cutbacks with S. 1664, the bill before the Senate to curb illegal immigration. The effort to combine the two issues will doom passage of illegal immigration reform this year.

Legal immigrants have long been a source of strength for our Nation. My own family has an immigration story to tell. My husband's family immigrated to Washington State from Norway and settled in the Ballard section of Seattle. Even today, the Ballard community remains the focal point for Scandinavian culture in Seattle. Flags from Norway dot most of the storefronts, school children can learn to speak Norwegian and summer festivals highlight our shared cultural heritage. My husband's family came to Seattle as the shipping and fishing industries first began to shape the Pacific Northwest economy. Today, these industries generate thousands of jobs for Washingtonians and more than $1 billion in annual economic activity.

Just as early immigrants boosted the growth of the shipping and fisheries industries, today's immigrants are instrumental to the growth of Washington's high-technology sector. My Washington State colleague, Senator SLADE GORTON, and I wrote to Chairman SIMPSON in late November to express our opposition to language that would severely restrict the ability of the high-technology industry to access global talent when necessary to facilitate economic growth in the United States. Tens of thousands of Washington State residents are employed in the high-technology industry at high-skill, high-wage jobs. Senator GORTON and I both believe in the historic record of the United States in attracting and keeping the best international talent and harnessing this talent for the benefit of all residents of our State and our country.

I also want to take a moment to express my strong personal and moral objection to any amendment to deny educational benefits to any child. This in my mind is perhaps the most troubling language associated with this bill. I simply cannot understand this attempt to punish innocent children as well as turn our classrooms into interrogation rooms, and our teachers into INS agents. This language is veto bait; both the Secretary of Education and the Attorney General have indicated this language will generate veto recommendations for the President.

The U.S. Supreme Court in Plyler versus Doe ruled that States may not, consistent with the 14th amendment, deny undocumented children the same free public education they provide to other children living in the State.

The language barring children from school is mean-spirited. I am saddened the House of Representatives chose to include this language in its version of illegal immigration reform. I implore on the Senate, please reject this cruel attack on innocent children. The language is in reality a massive unfunded mandate upon our schools and upon the State and local government entities that will be forced to pay costs associated with these barred children in the community on a daily basis.

This legislation proposes to allow States to base a legal immigrant's eligibility for a host of public assistance programs on their income, and that of their sponsor. I am particularly concerned about this legislation's impact on children.

Here are just some of the services children now have access to that States could deny them under this proposal: Maternal and Child Health Services, Preventive Health and Health Services, public health assistance for immunizations and testing and treatment to prevent the spread of communicable diseases, services from Community Health Centers, Child Care and Development Block Grant services, Child Nutrition Act Programs, including Women and Infant Children [WIC], and Head Start.

All these programs help children. All could be denied to certain, legal immigrant children. I would like to remind the proponents that children's needs are not different, just because their paperwork is different. And what could be more noble or of greater benefit to the Nation than giving a child—any child—every opportunity to succeed in life?

Mr. President, I remain committed to combating the problems associated with illegal immigration, particularly in the Southern States where our problems are most severe. It remains my hope that this legislation will not lose focus on this objective.

Therefore, Mr. President, I intend to vote in favor of S. 1664. I do so with reservations, however, because the Senate rejected a number of very good amendments, which, if adopted, I believe would have strengthened this bill. As it stands, this bill will achieve some needed reforms in immigration policy. However, I feel it dances a bit too close to the line in terms of humanitarian treatment of individual people.

I can say with confidence that if the Senate bill is altered in any way to reflect the House-passed bill during conference, I will not support it. Specifically, I cannot in good conscience support any provisions that would deny basic human services, such as education and health care, to children. Likewise, I cannot support any conference report that places new onerous restrictions on legal immigration. I do not believe this would be in the interest of the Nation's economy or culture.

By sticking close to the Senate mark, a conference committee on illegal immigration reform can show the American people that Congress is occasionally capable of putting aside fundamental differences and crafting consensus legislation that serves the public interest. I sincerely hope this happens.

Mr. KOHL. Mr. President, I rise today in strong support of our efforts to address the problem of illegal immigration. It is shameful and, frankly, embarrassing that the strongest nation in the world has had such difficulty controlling its own borders. This bill will help us make progress in this crucial area.

The administration has already begun to make headway. Commissioner Meissner and the INS have strengthened the Border Patrol and targeted agents and equipment to the areas with the highest number of illegal entries. They've improved the asylum process, reducing asylum claims by 57 percent and clearly restoring integrity to the system. And they deported a record number of criminal and noncriminal illegal aliens in 1995.

But with almost 4 million illegal aliens residing in this country, we obviously need to do more. Mr. President, this legislation is a good start. With broad bipartisan support, S. 1664 was voted out of the Judiciary Committee. This bill is not perfect and the proposed reforms not foolproof, but the American public has sent a clear message. They want us to act against those who break our laws to come here, who take jobs at the expense of hardworking Americans, and who surreptitiously benefit from the generous safety net provided by our tax dollars.

We approved a number of good amendments during the Judiciary Committee markup, as we have done these past weeks during floor debate. We have worked together in a bipartisan manner and moved forward, recognizing that this issue is too important, and this problem too serious, for us to have let progress be indefinitely delayed by peripheral debates.

Mr. President, let me address a number of the contentious issues that arose during our debate on this bill.

First and foremost, I am pleased that we kept separate the illegal and legal immigration measures. Simply put, illegal and legal immigration are fundamentally different issues. And Congress must not let our common frustration with illegal immigrants unfairly color the circumstances of legal immigrants: The risk of injustice is too great.

Mr. President, we put our minds to it and effectively debated the provisions of S. 1664, and we can do the same with regard to the legal immigration bill. If the majority of the Senate agrees that problems exist in both areas, then combining legal and illegal reform packages would only have impeded fair and deliberative treatment of either issue.

Second, we should be pleased that we maintained the guts of this bill: The proposed verification pilot projects. Those who oppose the pilot projects have legitimate concerns about the accuracy of data, the uses to which that data is put, and whether it will really decrease employment discrimination and the employment of illegal aliens. But the response to these concerns should not be to throw out the idea altogether. I am pleased that the Senate voted to uphold the reasonable compromise adopted by the committee. That is, conduct extensive demonstration projects, see if they work and then ask Congress to take a look at the results and decide whether a national verification system is a good idea. If the verification system is ineffective or, worse, civil liberties are compromised, we can junk the system. And we should. But if pilot projects could move us down the road toward a workable approach, one which stops illegal aliens from getting jobs, then at the very least it deserves a try.

Third, with regard to the summary exclusion provisions, we all agree that the United States must uphold its obligation to provide refuge for people legitimately fleeing persecution. And obviously the challenge lies in balancing our desire to provide a safe haven with the need to protect our borders and avoid fraud.

As mentioned earlier, INS has begun to move us toward achieving this balance. And the Judiciary Committee added its help by adopting a 1-year post-entry time limit for filing defensive asylum claims. However, S. 1664's provisions establishing new grounds for the exclusion of immigrants who arrive at our borders without proper documentation and claim asylum were troubling. Senator SIMPSON's bill would have essentially left the determination of whether that claim is credible to a Border Patrol agent. These changes would have placed the United States at serious risk of sending legitimate asylees back to their persecutors. Indeed, the U.N. High Commissioner on Refugees had told us as much, all in the name of solving a problem that does not exist. Fortunately, Senator LEAHY's amendment to remove the summary exclusion provisions succeeded.

Fourth, the issue of deeming and the related obligations of an immigrant sponsor are extremely complex. Persuasive arguments can be made on both sides but, overall, this bill's provisions strengthening an immigrant sponsor's obligations are fair and prudent. It is reasonable to ask that the sponsor's affidavit of support be legally enforceable and that deeming extend to more public assistance programs. When legal immigrants come to this country they take a vow not to become a public charge. And it is the sponsor, not the taxpayer, who should foot the bill when a legal immigrant needs help. However, I must express regret that the Senate voted down the Chafee amendment. At a minimum, the Senate should have ensured that illegal aliens are not afforded more privileges than legal immigrants and approved this provision in the interest of public health.

Finally, I am pleased that S. 1664 includes my amendment on the international matchmaking business. This amendment launches a study of international matchmaking companies, heretofore unregulated and operating in the shadows. These companies may be exploiting people in desperate situations. The study is not aimed at the men and women who use these businesses for legitimate companionship. Instead, it is a very positive and important step toward gathering the information we need so that we can determine the extent to which these companies contribute to the very troubling problems of domestic violence against immigrant women and immigration marriage fraud.

Mr. President, my own parents were immigrants. There is no doubt that our Nation has benefited immensely from the hard work and ambitions of the generations of legal immigrants that have chosen to start new lives in America. This bill, by cracking down on illegal immigration, will continue this rich tradition. I commend the hard work and commitment of the managers of the bill, Senators SIMPSON and KENNEDY.

Our current immigration policies, though not perfect, stand as strong evidence that the United States is fundamentally a generous and compassionate nation. Though we sometimes differ over the best way to continue that strong tradition, we all share a common desire to stem the tide of illegal immigration to this country. With our minds on the common goal, let us approve this legislation on behalf of the American public.

Mr. DODD. Mr. President, I rise today to speak in support of this bill to curb illegal immigration.

Since its first days as a nation, the United States has always been a refuge for those seeking to escape political and religious persecution. America has consistently provided limitless economic, political, and social opportunities for those who come to our Nation and are intent on working hard and improving their lives and those of their children.

It is this influx of immigrants from diverse cultures and distant lands that has made America a shining example to the world. That's why millions of people across the globe look to the United States as a land of opportunity. It's why they come to our borders in the hopes of entering our Nation and achieving a better life.

It was the promise of the American Dream that brought my family to this country from Ireland. And it was the desire for a better life that brought millions of other immigrants to America, whether they came over on the *Mayflower* or if they came to our land in just the past few days.

As Franklin Delano Roosevelt reminded us more than 50 years ago, with the exception of native Americans, "All of our people all over the country. * * * are immigrants or descendants of immigrants, including even those who came over here on the *Mayflower*."

Nearly every Senator in this body is a descendant of immigrants. And I believe that we should provide the same opportunities for those who come after us as our forefathers accorded to those who came before us.

However, while I strongly support continued immigration to our Nation, there are proper rules and procedures to be adhered to. If you play by the rules and follow the laws of our country than the opportunity to live in America should be available.

But, the opportunity to come to America does not give people the right to enter our Nation illegally. It does not give them the right to break the law. Nor does it give companies or businessman the right to hire illegal aliens and take away jobs from hard-working Americans who pay their taxes and play by the rules.

Let me just say that I commend this administration for all it has done in curbing illegal immigration. Since 1993, the Clinton administration increased the Immigration and Naturalization Service budget by 72 percent. More than 1,000 new Border Patrol agents have been deployed. Additionally, more than 140,000 illegal and criminal aliens have been deported since 1993.

What's more, this administration is helping more eligible immigrants become citizens. In fact, in fiscal year 1995 more than half a million citizenship applications were completed.

These are substantial gains, but there is more to be done and this bill takes important steps in the right direction.

This legislation increases the size of the Border Patrol. It authorizes voluntary pilot projects to test improved employee verification system. It forces sponsors to take greater responsibility for the immigrants they bring into the country. And it increases the penalties for alien smuggling and fraud.

These are all necessary steps and I believe they are necessary to curb illegal immigration in our country. What's more they were strongly influenced by the bipartisan Jordan Commission on Immigration Reform.

While, I do remain concerned about the benefit provisions in this legislation, there are enough positive aspects of this bill to make it worthwhile.

I am particularly pleased that this body decided to defer taking up the issue of legal immigration. It is essential that we do not confuse the two issues.

Legal immigrants play by the rules that this government has established. What's more, legal immigrants have an overwhelmingly positive benefit for this Nation.

Legal immigrants pay nearly 95 percent more in taxes then they receive in benefits. More than 93 percent do not receive welfare benefits. In fact, native-born Americans are more likely to receive welfare then poor immigrants.

Legal immigrants are not the problem. They play by the rules and they don't deserve to have their benefits or their rights cut.

I am also pleased that this bill includes the Leahy amendment, which prevents barriers from being placed in front of those who seek political and humanitarian asylum.

We must avoid putting those who come to our country seeking asylum, into a position where their political beliefs could cause them to face the possibility of imprisonment, injury, or even death if they return to their homeland.

We must never forget as a nation that America has and will continue to be seen as a beacon of hope and freedom for those who are oppressed or maltreated. We must not shirk our role as a haven for those fleeing persecution.

Unfortunately, I think those facts have sometimes been lost in our recent national debate on immigration. They should always be our core concern when discussing immigration reform measures.

Our Nation was founded on the concept of taking in the downtrodden and persecuted. And throughout our history, America has prospered because we have kept the doors open for new immigrants.

Today, we must continue to maintain our obligation to immigration as a nation and as a people. While not perfect, I believe this bill takes us in the right direction toward upholding our commitment to an inclusive and commonsense immigration policy.

Mr. HELMS. Mr. President, the U.S. Government has a duty to control immigration, and it is failing miserably.

Passage of this bill will help halt the large migration of illegals into our country.

But, due in part to the service rendered by the able Senator from Wyoming [Mr. SIMPSON] on this bill, S. 1664, "The Immigration Control and Financial Responsibility Act of 1996" the Federal Government will have meaningful tools to discourage illegal immigration and better handle illegal aliens in our country. We are grateful for the enormous amount of time and expertise AL SIMPSON has devoted throughout his tenure in the Senate to the formulation of a workable, credible immigration policy. All of us have benefited from Senator SIMPSON's tireless efforts.

Mr. President, immigration is an especially important issue to the American people, and it is important that we not forget that ours is a nation of immigrants. America has always had a very generous immigration policy. But while it is politically correct in some circles to call for an open immigration policy—allowing in all who seek admission—it would be a serious mistake of judgment to fail to assess the consequences of an out-of-control influx of immigrants, legal or illegal.

During the 1985 consideration of immigration reform, some Senators cautioned against granting amnesty to the illegal aliens pouring across our borders. I was among those who stated such an apprehension. It was envisioned that such amnesty would establish a dangerous precedent certain to encourage even more illegal immigration. Another concern in the 1985 debate was the potential for an enormous increase in Federal welfare spending. Both concerns were valid and both have come to pass.

The National Bureau of Economic Research, Inc., has compiled statistics showing that from 1984 to 1990, the percentage of welfare benefits distributed to immigrant households has risen from 9.8 to 13.8 percent. There is no indication that the percentage will decrease in the years ahead.

The abuse in the Supplemental Security Income Program alone is startling. According to the Congressional Budget Office, 25 percent of the growth in SSI between 1993 and 1996 is due to immigrants—an astounding number because of the percentage of immigrants among SSI recipients—2.9 percent of the general population are immigrants and 29 percent of the SSI-aged beneficiaries are immigrants.

Thousands of North Carolinians, and others across the Nation, have contacted me to describe their problems with the current U.S. immigration system. Most often, citizens express disgust at the numbers of noncitizens receiving welfare benefits almost from the day they slip over the borders into the United States.

Mr. President, it is impossible to suggest to my fellow North Carolinians that there is any wisdom or common sense to an immigration policy that allows noncitizens to receive welfare checks or any other Federal benefits and services. Sponsors of this bill agreed. The bill correctly changes the current system which aliens can sign up for a long list of welfare benefits including Aid to Families With Dependant Children, Supplemental Security Income, and food stamps. With mention seldom, if ever made, of the U.S. law these aliens are violating—a law which clearly states that nobody may immigrate to the United States without demonstrating that he or she is not "likely at any time to become a public charge." Hard-working taxpayers should not be required to shell out funds to aliens who have broken the promise they made when entering the country.

North Carolinians will be relieved to learn that many attempts—through the amending process—to lessen the impact of the bill's rigid enforcement of this law were soundly defeated. In addition, the bill further forbids receipt of any Federal, State, or local government benefit by noncitizens.

Mr. President, it is virtually impossible to estimate the total number of illegal immigrants in our country—in 1983, the Immigration and Naturalization Service estimated that there were 3.4 million in our country. Some have crossed our borders illegally while others have overstayed their visas and permits. The National Immigration Forum has given what is perceived as a conservative estimate that the number of illegals in the United States is about 3.2 million, pushed downward by the amnesty of 1987–88 which has resulted in a 200,000 to 300,000 addition to America's population each year.

At a time when the Federal Government is wrestling with its $5 trillion debt, it is the responsibility of Congress to find out where the taxpayers' funds are being used. It is our duty to take a position on the doling out of the taxpayers' funds to people not legally in our country and aliens who should not be in line for welfare benefits.

As of Tuesday, April 30, the debt stood at $5,102,048,827,234.22, meaning that every man, woman, and child in our Nation owes $19,271.23 on a per capita basis.

Mr. President, the bill before the Senate tightens the enforcement and improves the effectiveness of our immigration law by: First, adding additional Border Patrol and investigative personnel; second, creating additional detention facilities; third, increasing penalties for alien smuggling and document fraud; fourth, reforming asylum, exclusion and deportation law and procedures; and fifth, by ending distribution of welfare to noncitizens.

I support this measure because it will make it more difficult for immigrants to enter this country illegally. This is a bold step to protect the rights and best interests of citizens of the United States.

Mr. FEINGOLD. Mr. President, I rise to explain my opposition to S. 1664, the illegal immigration bill approved by the full Senate today.

There are several provisions in the bill that I strongly support and that I believe will significantly improve our ability to curb illegal immigration. For example, providing additional personnel and resources to the Border Patrol marks an unprecedented effort to provide law enforcement agencies with the tools to maintain the integrity of our border. And the tough new penalties authored by the Senator from Michigan, Senator ABRAHAM, and myself for those who come here legally and fail to depart when their visas expire is the first time ever anyone has proposed cracking down on the visa overstayer problem—a problem that represents up to one-half of our illegal immigration problems.

In addition, I am also pleased that we were able to ensure that this legislation does not dramatically reduce current levels of legal immigration. As I have consistently said, we should focus on those who are breaking the rules, not those who are abiding by them.

Unfortunately, the bill contains very troubling provisions relating to the establishment of a national worker verification system that I remain strongly opposed to and that I believe violate the principle I have just outlined.

Some believe that a massive new national verification system to verify the identity of all U.S. citizens and alien residents is a measured response to the illegal immigration problem. I could not disagree more. INS tells us that less than 2 percent of the U.S. population is here illegally. I do not understand why some believe it is a measured response to verify the identity of 98 percent of the population—that which is residing here legally—to root out the small percentage that is here illegally.

Moreover, the cost to employers of complying with this Federal mandate and navigating this complex new Federal bureaucracy cannot be understated. Will employers be required to buy expensive computers and the necessary software so they can communicate with a Federal bureaucrat in Washington, DC?

I do not understand how some of the same Senators who so vocally supported regulatory relief for small businesses last year can be so enthusiastic about passing yet another Federal mandate and more Federal paperwork onto our Nation's employers.

Finally, I joined the Senators from Michigan, Senator ABRAHAM, and Ohio, Senator DEWINE, in a bipartisan attempt to remove the bill's new and onerous requirements relating to birth certificates and driver's license.

S. 1664 would mark an unprecedented Federal preemption of every State's right to fashion and issue their birth certificates and driver's license. Under this bill, local and State agencies must comply with federally mandated regulations relating to the composition and issuance of these identification documents. I oppose the federalization of these documents, and am gravely concerned that such an act puts us squarely on the road to having some sort of national ID card.

Moreover, the bill does not contain one word about how the States and local governments are to pay for these changes. Again, this provision stands in direct contradiction to one of the 104th Congress' few bipartisan successes—the enactment of unfunded mandates legislation. These provisions represent an enormous unfunded mandate, and is precisely why they are opposed by the National Conference of State Legislatures and the National Association of Counties.

Mr. President, I do want to take a moment to commend the senior Senator from Wyoming, Senator SIMPSON, and the senior Senator from Massachusetts, Senator KENNEDY. They have taken on a tremendously difficult task and they are to be recognized for their hard work and dedication to reforming our immigration laws.

I do regret that I have some fundamental disagreements over how we should go about reforming those laws, but I look forward to working with my colleagues to modify these provisions during the duration of the legislative process so as to minimalize the bill's impact on our Nation's employers, workers, legal immigrants and State and local governments.

I yield the floor.

Ms. SNOWE. Mr. President, I would like to express my deep appreciation to the managers of S. 1644, Chairman SIMPSON and Senator KENNEDY, for their support for my two amendments that have been adopted en bloc. These are amendments Nos. 3873 and 3874, as amended.

Mr. President, these two noncontroversial amendments relate to problems that have developed in recent years with the movement of persons along Maine's border with the Canadian province of New Brunswick.

The first amendment expresses the sense of Congress on New Brunswick's discriminatory application of its Provincial sales tax only on those Canadians crossing the border with the United States and not on Canadians crossing the border from other Canadian provinces. The second amendment calls for the U.S. Customs Service to conduct a study of reports of harassment by Canadian Customs officials of Canadians returning to New Brunswick from Maine.

Mr. President, nearly 3 years ago, in July 1993, Canadian Customs officers began collecting an 11 percent New Brunswick Provincial sales tax on goods purchased in the United States by New Brunswick residents. It immediately became clear that this tax collection at the United States-New Brunswick border was intended to discourage Canadians from shopping in Maine. This is evidenced by the fact that New Brunswick collects the tax only along its international border with the United States, not along its border with other Canadian provinces. Thus, the tax is being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States.

I would like to make it clear that while I regret such cross-border impediments to the movement of people and goods, New Brunswick's right to attempt to collect its sales tax on the purchase of goods outside the province by New Brunswick residents has never been questioned. The issue is the discriminatory application of New Brunswick's sales tax only on goods purchased in the United States, an application that runs directly counter to the letter and spirit of the North American Free Trade Agreement.

Mr. President, this impediment to the cross-border movement of persons and goods not only violates Canada's NAFTA obligations, but it has severely damaged the economies of a number of communities in northern Maine who formerly provided services to significant numbers of New Brunswick residents.

Soon after the imposition of the New Brunswick Provincial sales tax, I began working with the U.S. Trade Representative to seek redress under the then-existing dispute mechanism available under the United States-Canada Free Trade Agreement. But before that dispute mechanism could be engaged, Congress approved the North American Free Trade Agreement, which required an entirely new dispute mechanism to be created.

In February 1994, more than 2 years ago, the United States Trade Representative publicly stated that the United States would seek redress from Canada for the discriminatory application of New Brunswick's Provincial sales tax under the dispute resolution process contained in chapter 20 of the NAFTA. Trade Representative Kantor said that he would seek such redress as soon as the dispute resolution process was established.

Mr. President, the dispute resolution process contained in chapter 20 of the NAFTA has now been in place for a year, but the USTR has still not submitted this case. Therefore, my first amendment simply states the sense of Congress that the United States should move forward without delay in bringing the Provincial sales tax issue before the NAFTA dispute resolution process. The people of Maine deserve their day in court.

Mr. President, my second amendment would address disturbing reports of harassment by Canadian Customs officials of New Brunswick residents upon their return to Canada from northern Maine. The amendment asks the U.S. Customs Service to investigate these allegations, and to report back to Congress. If Customs officials find that such harassment has occurred, the amendment calls on the U.S. Customs Service to recommend actions that could be taken to address the problem.

The amendment also calls on the Customs Service to consult with representatives of the State of Maine, local businesses, and any other knowledgeable persons who might be able to assist Customs in the completion of the study. This will ensure that the Customs Service has full access to all those in Maine who have received reports of Canadian Customs harassment of New Brunswick residents.

Mr. President, these two amendments may seem minor to many of my colleagues, but they address issues that are critically important to the economic health and livelihood of many small communities in northern Maine. These communities have suffered severe economic harm from the discriminatory application of New Brunswick's Provincial sales tax and other actions taken by Canadian officials to impede cross-border shopping by Canadians in the United States. Before we move forward on this important bill to better control our own borders, I believe that these issues simply must be resolved.

Again, Mr. President, I would like to thank Chairman SIMPSON and Senator KENNEDY for their critical support for these important amendments.

F-1 VISA HOLDERS

Mr. BOND. Mr. President, I would like to bring an important issue to the attention of my colleagues, INS regulations at 8 CFR sec. 214.2(f)(10) preclude practical training during the first 9-months of a full-time undergraduate student's enrollment in a Service-approved college or university. In other words, an F-1 visa holder lawfully enrolled as an undergraduate student in a college or university with an approved curriculum may not participate in practical training or an internship program without completing 9 full months of classroom time. This restriction applies to undergraduate students but does not apply to graduate students. I might add that there is no legislative history to support such a distinction.

Mr. SIMPSON. I was not aware of that regulation. Has my colleague inquired as to the position of the INS and the agency's reasoning for writing the regulation in this manner?

Mr. BOND. I sent a letter to INS Commissioner Doris Meissner requesting her to advise me of the official position of the INS and any actions the agency may take to remedy the situation. Unfortunately the INS Commissioner must not have felt that the issue was of the importance for her to respond personally. I did receive a letter from the Office of Congressional Affairs stating that the rationale for the regulation is the well-established fact that the initial academic year of an undergraduate curriculum is focused around introductory curriculum rather than paid practical training outside the classroom. The agency representative said this position is consistent with congressional intent.

Mr. SIMPSON. Is this response acceptable to my colleague?

Mr. BOND. I say to my colleague that I remain unconvinced that this regulation is consistent with the intent of Congress. This situation concerns me because a liberal arts college in Missouri that offers a full-time undergraduate curriculum includes practical training. For a number of reasons, the foreign students are rotated along with the American students through the program and a number of students begin the internship training in their first year of school. This is an impressive program. The school ensures that all the foreign students are lawfully enrolled. Finally, the college values the enrollment and participation of the F-1 visa holders. It is important to the future and the success of the program to have the flexibility to rotate the students through the practical training as needed.

Would my colleague agree that this is a matter that deserves the attention of the INS? Should the INS find that the program is a valid program and the students are lawfully admitted, I believe these students should be permitted to participate in the practical training in this manner.

Mr. SIMPSON. I agree with my colleague that this situation deserves the attention of the INS. I would have thought that the INS Commissioner would have responded to you personally. Are the students in these programs completing their course of study? Are they receiving a liberal arts degree? I would be interested in those questions. I commend you for your interest in this issue.

Mr. BOND. The students in this program are lawfully enrolled, they complete their course of study and they receive a liberal arts degree. I have prepared an amendment to correct this situation, but I am going to withhold introducing the amendment at this time and attempt to work through this situation with the INS. However, should this situation not be addressed I will consider offering the amendment when the Senate considers the appropriate future legislation.

Mr. SIMPSON. I would be willing to give such an amendment the consideration it deserves at that time.

Mr. BOND. Will my colleague, the distinguished chairman of the Judiciary Committee, agree that this situation warrants the full attention of the Immigration and Naturalization Service?

Mr. HATCH. I agree with my colleague, the INS should give the issue the attention it deserves. Should my colleague offer such an amendment, I will also be willing to consider supporting the amendment.

Mr. BOND. I thank my colleagues for their consideration and will keep them apprised of the disposition of this important issue.

Mr. MCCAIN. Mr. President, I applaud the hard work of the Senate Judiciary Committee on this immigration reform legislation. This bill contains many important provisions that will help stem the rising tide of illegal immigration to the United States and reduce the costs to taxpayers from any continued illegal immigration.

I take this opportunity to emphasize that I voted against an amendment offered by Senator LEAHY that would have stricken summary exclusion provisions from this bill and the recently passed antiterrorism bill because we must curtail asylum abuse in order to fully address our Nation's serious problem of illegal immigration.

I also want to address a provision in the immigration bill that would allow an employer to ask an employee or potential employee for additional documentation to establish the employee's authorization to work. This provision creates an intent standard which provides that an employer does not violate fair labor standards in requesting additional documentation from an employee unless the employer intended to discriminate on the basis of race or national origin.

Under current law, an employer may not request any documents in addition to those contained on a prescribed list of documents when verifying an employee's eligibility to work. At the same time, employers fearing sanctions for hiring an illegal alien often feel compelled to request additional documents from individuals, especially when they have constructive knowledge that an individual is not authorized to work.

I understand that some have expressed concerns that changing the law could make it more difficult to prove discrimination in document abuse cases. However, cases decided before current law was enacted show that our immigration laws protect against such discrimination even without a harsh strict liability standard. Thus, I believe this change in the law strikes a proper balance between the need to protect against discrimination and the need not to punish employer's who reasonably suspect that an employee or applicant is not authorized to work.

Again, I commend the Senate Judiciary Committee on their excellent work in crafting this immigration reform legislation.

Mr. SMITH. Mr. President, I rise in strong support of H.R. 2202, the Immigration Control and Financial Responsibility Act of 1996.

It has been said before, but it bears repeating that as a nation we must close the back door to illegal immigration if the front door of legal immigration is to remain open. This landmark legislation represents a major step toward that goal.

Mr. President, as passed by the Senate, H.R. 2202 significantly augments the Nation's Border Patrol. The bill also provides the Department of Justice with important new legal tools to fight alien smuggling and document fraud. In addition, H.R. 2202 enhances the ability of the Justice Department to secure the prompt deportation of criminal aliens.

Equally important, H.R. 2202 protects the taxpayers by taking numerous steps to assure that legal immigrants come to the United States to work, not to go on welfare.

The one major provision of H.R. 2202 with which I disagree is the one that establishes pilot programs for various systems to verify the employment eligibility of new workers. Some have called this part of this bill the beginning of an eventual "national identification system" or "national identification card." I share this concern. During the Senate's consideration of this illegal immigration bill, therefore, I voted to support the Abraham-Feingold amendment to strike the national identification pilot programs provisions from the legislation.

On balance, though, H.R. 2202 is a strong bill. It will strike a powerful blow against illegal immigration. In the majestic words of the poet Emma Lazarus, America still lifts her "lamp beside the Golden Door" for legal immigrants. With this bill, however, we are now moving to put a new padlock on the back door to keep out those who seek to violate our laws against illegal immigration.

Mr. BYRD. Mr. President, as we consider this legislation, I ask my colleagues to focus on this fact: According to the Immigration and Naturalization Service, there are approximately 4 million illegal immigrants permanently residing in this country today, and that number grows by an estimated 300,000 each and every year. Clearly, such numbers should be a siren song to this Congress.

That is why I will support this final, amended version of S. 1664, the Immigration Control and Financial Responsibility Act. It is, in my opinion, a positive step in our overall effort to improve our Nation's immigration policies. The bill makes much-needed and substantive reforms in the current law by focusing on the problem of illegal immigration without unfairly punishing law-abiding employers and those who come to this country and play by the rules.

This bill concentrates on better enforcement, both at our borders and in dealing with those who overstay their visa, by increasing the number of Border Patrol agents and investigative personnel over the next 5 fiscal years. It provides for 4,700 new Border Patrol agents, a total increase of 90 percent above current levels. It authorizes the hiring of 300 full-time INS investigators who will concentrate on alien smuggling and enforcing employer sanctions. And it authorizes 300 new INS officers to investigate aliens who entered legally on a temporary visa, but have overstayed that visa and are now in the United States illegally.

This bill also works to streamline current exclusion and deportation processes for anyone attempting to enter the United States without proper documentation, or with false documentation. No longer will such individuals be able to stay on indefinitely while their case is endlessly adjudicated. While genuine refugees are still offered important protections, abuse of the system will be largely curtailed through a new system which allows specially trained asylum officers at ports of entry to determine if refugee seekers have a credible fear of persecution. If they do, then they can go through the normal process of establishing their claim. But if they cannot establish a proper claim, then the new provisions in this bill will prevent them from simply being released into the streets.

Mr. President, S. 1664 also contains new language that will effectively deal with criminal aliens. For those individuals who come to this country and commit crimes—and there are an estimated 450,000 such criminal aliens in our jails and at large throughout the Nation—there are tough new provisions in this bill that will keep them off our streets and deport them more quickly. For example, under this bill, criminal aliens will no longer have the luxury of deciding whether they will serve their sentence in this country or their home country. On the contrary, this bill allows for the renegotiation of prisoner-transfer treaties that will take away that decision from the criminal alien.

In addition, this bill places new restrictions—much-needed restrictions—on the use of welfare by immigrants. For the first time, self-sufficiency will be the watchword for those coming to the United States. By making noncitizens ineligible for Federal means-tested programs, and by "deeming" a sponsor's income attributable to an immigrant, the American taxpayer will no longer be financially responsible for new arrivals.

Mr. President, currently, individuals who sponsor an immigrant's entry into the United States must pledge financial support for that immigrant by signing an affidavit. But those affidavits, as it turns out, are not legally binding, and therefore not enforceable. Consequently, they are simply not worth the paper they are printed on. Under this bill, though, the sponsor's affidavit of support will be a legally binding document, thereby creating a legal claim that the Federal Government or any State government can seek to enforce. Moreover, the affidavit remains enforceable against the sponsor until the immigrant becomes a naturalized citizen, or has worked 40 qualifying quarters in this country.

Mr. President, each of the provisions that I have noted are, I believe, good provisions. Each will be effective in combating the problem of illegal immigration. But on their own, these reforms cannot stem the root of the problem. They cannot get at the underlying cause for why the United States has such a large illegal alien population, now estimated by the INS at some 4 million persons.

On the contrary, the only way to effectively halt the flow of illegal immigrants into the United States is to take away the biggest magnet of all: the magnet of jobs. Pure and simple, we must do more to deny jobs to those who are in the country unlawfully than we are presently doing. And I believe that the most realistic way to turn off the jobs magnet is through the new worker verification system provided for in this bill.

This provision, jointly crafted by Senators SIMPSON and KENNEDY, will require the President, acting through the Justice Department, to conduct several local or regional pilot programs over the next 3 years to test new and better ways of verifying employment eligibility. These pilot programs will test the feasibility of implementing electronic or telephonic verification systems that will reduce employment of illegal immigrants, while at the same time protecting the privacy of all Americans.

The verification systems that will be tested in these demonstration projects will be required to reliably determine whether the person applying for employment is actually eligible to work, and whether or not such individual is an imposter, fraudulently claiming another person's identity. Under the terms of the Simpson-Kennedy amendment, any system tested would be required to reliably verify employment authorization within 5 business days, and do so in 99 percent of all inquiries. The systems must also provide an accessible and reliable process for authorized workers to examine the contents of their records and correct errors within 10 business days. And any identification documents used in these demonstration projects must be resistant to tampering and counterfeiting.

Mr. President, as I noted at the start of my comments, I believe S. 1664 is a good bill, with many tough provisions. In my opinion, this legislation will make significant strides toward reducing the number of illegal immigrants in the United States, and in helping to lift the financial burden for these people from the shoulders of the American taxpayer.

At the same time, however, I am disappointed that the Senate did not see fit to address the entire issue of immigration, both illegal and legal. I do not believe, as I know some do, that the issues neatly separate into distinct matters. I do not believe, as some apparently do, that we can have a coherent, integrated policy in this area when we choose to ignore necessary reforms in legal immigration.

Mr. President, I believe that the time is way overdue for all of us to take a fresh, cold, hard look at our total national immigration policy and its impact on our society. It is clear to me that such an evaluation is badly needed and that a new consensus about the kind of immigration policies we need to enhance our particular goals must be formulated by the Congress. It seems indisputable to me that any nation's overall immigration policy must first and foremost seek to enhance the survival and integrity of that nation's culture as a whole by encouraging a broad consensus and shared beliefs. Simply put, our Nation must put its own citizens' concerns above the laudable goal of helping people from other nations. We must consider our own national priorities and the needs of our own citizens first.

As Alexander Hamilton said on January 12, 1802, "The safety of a republic depends essentially on the energy of a common national sentiment; on a uniformity of principles and habits; on the exemption of the citizens from foreign bias, and prejudice; and on the love of country which will almost invariably be found to be closely connected with birth, education and family."

But what we are beginning to see in our country is the fragmentation of peoples into groups who tend to put the group above the Nation. This trend toward Balkanization of America into ethnic enclaves is a slippage we need to take positive steps to curtail.

The extreme result of Balkanization of course is the ethnic bloodshed we have witnessed in the former Yugoslavia. When we think of immigration in America, I believe most of us draw an image of America as a melting pot where ethnic differences are subordinated for the benefit of the greater whole. Recent evidence throws this imagery into some question. The process of assimilation into a common language and belief system, and shared values, is no longer occurring as it has in the past with the waves of new immigrants now washing into our country. Rather than melting into one people, we seem to fragment and separate in warring groups.

The recent history of immigration into America shows that it is governed by, first, the laws which we write, and second, the implementation of those laws. Obviously when we write new law, we must then look to our own employment needs, to the effects on our welfare rolls, and to the impacts on the resources we dedicate to our schools and health system as we proceed. We obviously have an obligation to put our own people, their standard of living, and their opportunities for education, employment and health first. So we here in Congress must take responsibility for the effect of the immigration laws which we write on the continued health of our Nation. We cannot shirk or shift this responsibility.

The American people tell us in convincing polls, some 70 percent, that they think we are taking in more immigrants—legal and illegal—than we can properly absorb and assimilate. The Immigration Act of 1965 apparently triggered huge increases in immigration, and not necessarily by design. Various estimates, including those of the INS, project an average of well over 1 million immigrants per year, both legal and illegal, will settle in the United States in the current decade, with no subsidence of that flood in sight unless we in the Congress take action to do something about it.

To really get to the heart of the problem, we have to be willing to examine and debate the newly developing demographic dynamics among all cultural and ethnic groups including developing trends in regional and urban concentration, and our own national racial mix on a basis which is dispassionate, fair and not prejudicial. Perhaps this is difficult for many, but we cannot treat such practical analysis as taboo because a changing cultural mix in a locality, a city, a State or a region can have profound social, economic, and political consequences on us all which cannot be ignored. For instance, should we not be looking at the particular impacts of immigration in specific geographic concentrations and make an effort to reduce the possibilities of Balkanization and the creation of enclaves? There is already some documentation of demographic movements of some ethnic groups away from, and in reaction to, such enclaves. We need to take steps to better understand the demographic shifts that are occurring in our country and the consequent economic and political results of those shifting tides.

There is one area of abuse which starkly highlights the need for thorough dispassionate review of certain practices which have reached near ridiculous proportions. It is time we reexamined our policy of rewarding family preferences automatically to the children of illegal-immigrant mothers. The practice of coming to the United States, illegally, solely to have a child which is then automatically an American citizen with right to preference in bringing in other family members has reached epidemic proportions in California particularly. Most of the births, according to the Los Angeles Times of January 6, 1992, in Los Angeles County are reported to have been of this variety. Something is clearly wrong with our policy in this regard and I support addressing the problem.

One fundamental issue which ought to be discussed is the primacy of our national language. There is nothing more fundamental to an integrated state and culture than a common language. The trend toward bilingualism in some areas, I contend, may not be productive at all, but instead may simply delay the mastering of English for many immigrants. Any policy or law which encourages the use of other languages at the expense of learning English naturally erodes our traditional national identity in a most direct and important way. Requiring education to be in English is the best way I know of to keep the melting pot melting.

Second, we seem to have shifted away from employment-oriented immigration, designed to fill particular gaps in our work force, and gravitated instead to an emphasis on family reunification. The Judiciary Committee has debated the numbers allowed for family reunification, but I would question the emphasis on this priority above employment tests for potential citizens. It seems to me to be simple common sense to encourage immigration to the United States among applicants who can help the United States meet certain needs that might strengthen our workforce and help us be better able to compete in a global economy.

Third, even when we review those employment-oriented visa programs which are now on the books, we find them to be wrongly implemented. The Labor Department Inspector General has recently found two key programs, the Permanent Labor Certification [PLC] program and the Temporary Labor Condition Application [LCA] program to be approaching a "sham." These programs, allowing a combined ceiling of some 200,000 worker entry visas per year, were designed to bring in workers for jobs that could not be filled by Americans, allowing us to hire the best and the brightest in the international labor market so Americans can remain competitive in the world economy. But instead of protecting American workers' jobs and wages, the real result has been to simply displace qualified American workers for essentially middle level jobs, and the Labor Department report recommends the programs be abolished.

Fourth, there is solid evidence that some immigrants come to the United States to participate in the welfare state, or do so because of a failure to find a job in their own land. This bill, S. 1664, attempts to address this issue through strict, new, deportation rules aimed at any immigrant that becomes a "public charge," and I commend the committee for that initiative. However, these new public charge regulations will have no affect unless we aggressively work to actually deport such individuals. Implementation of similar legal provisions in the past has been disappointing, and a renewed attempt is clearly needed.

The pattern of immigration since 1965 has unfortunately shifted to less skilled workers than was the case in earlier decades and, in the 1980's a large majority of immigrants came from the developing world, particularly Latin America and Asia. Surely it should not be taboo to consider whether the great numbers of developing world cultural groups can actually provide the skills needed for the current U.S. job market. Are these prevalent immigrant groups going to strengthen our Nation with their skills or weaken it because of their needs? That should be the question we ask when we write such law. The wave of immigrants is arriving as a result of policy we write in the Congress and, therefore, I suggest we are obliged to commission ongoing evaluations of the process and success of immigrant assimilation into American society. Any ethnic and national mix caused by our immigration laws should be the result of conscious, deliberate policy embodied in the laws we consider here on this floor, not of accident or politics or a disinclination to take on sensitive groups or issues.

Finally, I suggest we need to be consistent in our approach to the growing and complex problems associated with immigration. We cannot complain about the changing ethnic mix of immigrants, on the one hand, and then exploit such people for cheap labor, on the other. We need to assume responsibility for the results of our immigration policies, evaluate them on an ongoing basis, and take the legislative steps to change what we do not favor. Let us for once attempt to remove hypocrisy and political correctness from this issue, and face the realities squarely and responsibly. If we feel the ethnic mix is becoming unbalanced and the number of immigrants is too high, for the sake of our survival as a Nation, we must take the difficult but necessary steps to correct the situation. As the 1994 U.S. Commission on Immigration Reform, chaired by the late Barbara Jordan, stated in its report on page 1, "we disagree with those who would label efforts to control immigration as being inherently anti-immigrant. Rather, it is both a right and a responsibility of a democratic society to manage immigration so that it serves the national interest."

As the Jordan Commission pointed out, we need to address legal immigration as well as illegal, and we need to install an enforcement system that makes it far harder to overstay visas. I hope we can get a time certain to consider S. 1665, on legal immigration and find a way to engage the other body on that matter.

Mr. SIMPSON. Mr. President, we are ready to proceed with the regular order.

VOTE ON AMENDMENT NO. 3743, AS AMENDED

The PRESIDING OFFICER. The question now occurs on the underlying amendment as amended.

Mr. SIMPSON. I thank the Chair.

The PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 3743), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

CLOTURE MOTION

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 361, S. 1664, the illegal immigration bill:

Bob Dole, Alan Simpson, Craig Thomas, Hank Brown, R.F. Bennett, Dirk Kempthorne, Judd Gregg, Bob Smith, Trent Lott, Jon Kyl, Rod Grams, Fred Thompson, John Ashcroft, Bill Frist, Orrin Hatch, Chuck Grassley.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the bill (S. 1664) shall be brought to a close? The yeas are automatic.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 107 Leg.]

YEAS—100

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

The PRESIDING OFFICER. On this vote, the yeas are 100, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Under the previous order, the Senate will proceed to the immediate consideration of H.R. 2202. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under the previous order, all after the enacting clause will be stricken, and the text of S. 1664, as amended, is inserted in lieu thereof.

The question is on the engrossment of the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 97, nays 3, as follows:

[Rollcall Vote No. 108 Leg.]

YEAS—97

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone
Wyden

NAYS—3

Feingold
Graham
Simon

The bill (H.R. 2202), as amended, was passed.

(The text of H.R. 2202 will be printed in a future edition of the RECORD.)

Mr. KENNEDY. Mr. President, I move to reconsider the vote.

Mr. SIMPSON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MEASURE PLACED ON THE CALENDAR—S. 1664

Mr. SIMPSON. Mr. President, I ask unanimous consent that S. 1664 be placed back on the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Mr. FAIRCLOTH assumed the Chair.)

Mr. SIMPSON. Mr. President, I will not be overly long. I just want to take a few minutes to thank my colleagues. This bill is the culmination of 17 years of work. It is interesting for me, as Senator TED KENNEDY and I were both on the Select Commission on Immigration and Refugee Policy 17 years ago. With this bill, we have brought to fruition most of the things that Father Ted Hesburgh and that commission suggested to us then. We have also taken welcome direction from the U.S. Commission on Immigration Reform, and the late Barbara Jordan, who chaired that body. I think with what we have done in this bill, the recommendations of those Commissions—instead of remaining as studies which stayed on the shelf—have become sweeping measures to control illegal immigration. This bill is truly sweeping.

I want to thank TED KENNEDY. Senator KENNEDY has worked with me and has helped me over quite a few hurdles. He chaired the Subcommittee on Immigration before I came to the Senate. After the Republicans became the majority party in 1980, I chaired it. There were times when we disagreed, but we were never disagreeable. He is a very special friend and a remarkable legislator of the first order.

I also want to thank Senator BOB DOLE, who has consistently arranged so that we could go forward with this important legislation. I personally appreciate not only his leadership, but his friendship. Serving as the assistant Republican leader—his assistant—for 10 years was one of my greatest honors and privileges.

I must also thank my staff. My staff includes Dick Day—the "Reverend" Day, I call him. He is not a Reverend, but he should have sainthood. Back in Cody, WY, I told him, I have an issue of disaster, one filled with guilt and racism, and I will be called everything in the book, but I need somebody to move to Washington to help me and love me and help me along. Well, he did that. He has lost 5 pounds within the last 13 days. I want to thank Charles Wood, who was been with me via Harvard and Berkeley and who is willing to hang in there late at night; John Ratigan, who has come to my staff from the State Department with his wealth of knowledge; John Knepper, a wonderful, bright young man from Wyoming, a very able person to assist me in these matters; Trudy Settles has been a wonderful addition to our staff; and I must also thank Kristel DeMay, Maureen McCafferty, and Uzma Ahmad—some our marvelous interns at the Subcommittee on Immigration. I also want to thank TED KENNEDY's staff, including Michael Myers; he and Dick Day work together without any kind of partisanship or things that set them apart in that way. Then there are Patty First, Bill Fleming, Ron Weich, and Tom Perez—all of whom have been a great help in moving this bill through the Senate. There have also been so many staff for so many Senators who have worked so diligently on this issue.

I must say that we have completed 51 hours and 45 minutes on this piece of legislation over 8 days—although that 51 hours 45 minutes would have been considerably shortened without the minimum wage activities of Senator KENNEDY. Nevertheless, he may have actually saved us a great deal of time because when we went into the cloture, with its parliamentary limitation of germaneness, we were saved a great deal of time on some very controversial amendments. I do not want to give him too much credit, though, because I am sure we will be trying to undo him in a few hours.

Do not go home and analyze the votes of each Senator, though, because you will never be able to explain them. Every Senator's staff is wondering why he voted this way or that. This immigration issue is about America, and America is about conflict and resolution. It is debate about these issue that pull and tear at our hearts, and that is what makes us the country we are—the most magnificent country on this bright earth.

This debate is the essence of America—passion, conflict, controversy, all the rest of it. It has been an exceedingly pleasant experience. I mean that. I love the work. I wish Senator KENNEDY well as he proceeds forward with it in the years to come. I will be observing from my future teaching post at Harvard, being assured that he is doing it correctly. I thank my colleagues. I thank those on the floor. I thank my former co-assistant leader, Senator FORD. He helps me when he can and vexes me whenever he has the opportunity. Yet, I had come to enjoy him thoroughly in my work when we served together as assistant leaders of our parties. He did not care what I did, as long as we did not do anything with the motor voter law. That was easy to accomplish.

DAVID PRYOR, who sits here, is a friend who came with me to this place. BILL BRADLEY and I have a great friendship, and we will go on and do other things, and while the rest of you will be here to do the work. As I look around the Chamber—I do not intend to address all the Members here, but I see my colleague from Montana, who is a very special, wonderful and earthy friend. Then there is BOB DOLE, who is, I think, a most remarkable leader for this body—and perhaps other places, too.

Mr. KENNEDY. Mr. President, the vote that was just taken, 97 to 3, I think, says it all. The U.S. Senate has been debating this issue for 8 days. It has been closely divided on a number of different issues. But I feel that most of the Members, or virtually all of the Members, feel that their views were given an opportunity to be presented and to be examined and to be considered and to be voted on. And the final outcome of this is 97 to 3. It is really an extraordinary personal achievement and accomplishment by my friend and colleague, the Senator from Wyoming, Senator SIMPSON.

AL SIMPSON and I have been friends for many years. Although we have some differences, we have a deep sense of mutual respect and friendship, which has been valuable to certainly me and, I think, to him. Why a Senator from Wyoming would be willing to take on this issue on immigration has always been extraordinary and interesting to me. This is not a burning issue in his particular State.

In my State of Massachusetts, they still remember the bitter whip of the national origin quota system that divided groups and communities on the basis of where one was born. Senators from the western part of the country remember the Asian Pacific triangle that discriminated on the basis of race and discriminated against Asians up until 1965. And in many parts of the country, in between, there are communities and families who have cared very deeply about this.

Senator SIMPSON has seen the importance of this issue as a national issue and an issue for the country. This issue, as he has described it, involves so many different aspects of human emotions of passion, and discrimination, and reunification of families, and exploitation, and he has taken this on as a member of the Hesburgh Commission for Legal and Illegal Immigration, as a key figure.

We passed the Refugee Act in 1980, and then in 1986, and in 1990, and now again, to deal with something, which is of very important concern to all Americans, and that is the whole question of the illegals that come to this country.

This legislation, I think, will be extremely important and, I believe, effective in stemming the tide of illegals, not just because of the expansion of the border patrols, although that will have some effect, and not just because of the increased penalties in smuggling, as all that will have an effect; it will have an important impact in helping American workers get jobs and be able to hold them and have the enhanced opportunity for employment.

That, I think, is very, very important as well. But most of all I want to pay my respects to Senator SIMPSON for his dedication and focus on this issue. If this issue had come up over a year ago, after the 1994 campaign, when the flames of distrust and anger were being fanned in many parts of the country, we would not have had this legislation. It has only been because of the exhaustive time that the Senator has taken with each and every Member, Republican and Democrat, in the Judiciary Committee and talking to each of the various groups that have a particular interest that we have gotten to this point, and his willingness to listen to the recommendations of Barbara Jordan. I thought of Barbara Jordan when I heard that last rollcall because this was an issue which Barbara Jordan, a distinguished lady and an outstanding congresswoman, that struck the conscience of the Nation on many different occasions, and tireless in her own pursuit of justice and the elimination of forms of discrimination. She took on an enormously challenging task when few others would touch it, and in working through, made a series of recommendations. That has been the basis of this particular proposal.

So I give respect to my chairman, the chairman for the remainder of this session. I think all of us who know the importance of this issue will know that ALAN SIMPSON has played an extremely important role, addressing in a serious way, bringing judgment, conscience, consideration, and intelligence to this issue. I think this country is better served by his service.

I want to mention just briefly, Mr. President, other members of our committee: Senator SIMON. Senator SIMON, I, and Senator SIMPSON for a brief period were the only three members of the Immigration Committee. He has been a steady contributor and has an unwavering commitment to fairness which has marked his career.

Senator FEINSTEIN, for her own integrity and effectiveness in dealing with our immigration laws; Senator GRASSLEY; Senator KYL; Senator SPECTER—all active on the subcommittee.

My colleague, Senator BIDEN, Senator FEINGOLD, Senator ABRAHAM, and Senator DEWINE are deeply committed to our immigrant heritage and made major contributions to legal immigration and effectively in relation to illegal reforms.

Senator HATCH, who is chairman of our Judiciary Committee, has long been involved in the human side of immigration and has handled lengthy and contentious markups with fairness. We had very extensive markups with broad attendance—virtually unanimous attendance—and he presided over them with fairness;

Senator GRAHAM, who has presented the case for a safety net for legal immigrants and the need to avoid the unfunded mandates, as well as Senator CHAFEE and Senator LEAHY on those issues of asylum. That has been a matter of particular interest and concern to him. He has been very effective on this bill on that.

Finally, I want to mention Michael Myers, who has been of such value and help, I believe, to the Senate and to the country, as our other staff have, with Democrats and Republicans. I think all of us perhaps—maybe there are those; I do not—but there are those who underestimate the power of good will and intelligence of those who provide such assistance to all of us and make our jobs easier. Michael Myers has been there:

Patti Frist, Tom Perez, Bill Fleming, Melody Barnes, Ron Weich, Michael Mershon; and I think that we on our side have felt that the Republican staff, Dick Day, Chip Wood, John Knepper, John Ratigan, and Chuck Blahous have also been not only working for Republicans but Democrats alike.

Carlos Angulo, who has been working with Senator SIMON; Leeci Eve with Senator BIDEN, and Bruce Cohen for Senator LEAHY; all of those and others have been of great help.

Finally, I want to thank TOM DASCHLE as well, who as we were going through different times and phases of the consideration of this legislation and different aspects of it, has been a constant source of strength to me and the other members of the committee.

We look forward to the conference, and we will do our very best to bring back to the Senate a conference that carries forward the commitments of the Senate to the extent that we possibly can. This is a bill that deserves to be signed by the President of the United States.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, parliamentary inquiry. What is the order of the day?

Mr. SIMPSON. Mr. President, if I may—if the Senator will yield for a moment to let me propose a unanimous-consent request, and then the Senator from Montana may proceed.

I just want to add one note. I failed to pay tribute to Chuck Blahous. He has not been part of the immigration staff, but he is my legislative director, and was he pressed into service on this bill in a most extraordinary way.

I, too, thank my colleagues on the subcommittee: Senator KENNEDY, of course; Senator SIMON, a steady friend for 25 years; Senator FEINSTEIN; Senator GRASSLEY, who is always there, always steady, always someone to count on; Senator KYL, who will leave a great impression and mark, along with Senator FEINSTEIN, on this subcommittee in the future; Senator SPECTER and his steadiness; BILL ROTH, my old steady friend who campaigned for me back when it was not safe to do that. I see him here. I thank him for his work.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the honorable majority leader.

Mr. DOLE. Mr. President, first, let me congratulate my colleagues, Senator SIMPSON and Senator KENNEDY, for completing action on what I consider to be a very good bipartisan immigration bill. It took 8 days. We had it scheduled for 3. So we have lost a little time. But I think the end product is probably worth it, and we hope to make up the time in the next few weeks on other matters.

Mr. President, we have before us an issue of great national importance—reform of this Nation's laws on illegal immigration. But while many Members have worked hard to move this issue forward, let's face it: The moving force has been my colleague and friend, the Senator from Wyoming—Senator SIMPSON. There are so many ways to describe how he has served America, but I believe that his work in this area will always be at the top of the list.

Illegal immigration reform is not a partisan issue. It is not a simple issue.

But make no mistake about it, this legislation is long overdue.

Mr. President, we are a nation justly proud of our heritage. That heritage is inseparable from the human experience of millions upon millions of immigrants—from every country on Earth.

That heritage is also bound up in a reverence for the rule of law—for playing by the rules.

The Immigration Control and Financial Responsibility Act combines both of these strands of our national character.

We cannot remain a great country and fail to control our borders.

We cannot evade one of the principal obligations of the Federal Government and expect the States and local communities to pick up the tab.

We cannot reward those who break our laws by picking the pockets of hardworking Americans.

In short, Mr. President, we are proud that our country is a nation of immigrants and a land of opportunity—but we will insist that everyone play by the rules.

The legislation before us provides for increases in the numbers of enforcement personnel and creates additional detention facilities. Perhaps most important, it provides for the first time some realistic hope that our Border Patrol can cope with the overwhelming nature of illegal immigration by increasing the numbers of agents.

The bill, however, also recognizes that fully half of the illegals currently in this country were once here legally under a visa, but then simply stayed. This is not a problem that can be addressed by fences along the border—this is a matter of the will to enforce our laws.

Visa overstayers are here now—when we discover who they are they should be sent on their way.

The bill also provides strong measures for perhaps the ultimate insult to our national sovereignty. This is the case when those who violate our immigration laws, the violate our criminal laws as well.

I am particularly pleased that the Senate adopted the Dole-Coverdell amendment which closed some of the loopholes that currently exist in our deportation laws.

Under the Dole-Coverdell amendment, violations of domestic violence, stalking, child abuse laws, and crimes of sexual violence have been added as deportable offenses.

It is long past time to stop the vicious acts of stalking, child abuse, and sexual abuse. We cannot prevent in every case the often justified fear that too often haunts our citizens. But we can make sure that any alien that commits such an act will no longer remain within our borders.

Mr. President, I salute my colleagues who have worked so hard on this legislation. They have rendered America a great service, and it is my hope that a strong, bipartisan vote in favor of this bill will send a message that America will no longer stand by passively—we will take control of our borders. And most of all, Mr. President, we will ensure that no one cuts in line in front of those who play by the rules.

So I salute my colleagues who have worked hard on this legislation. They have rendered America a great service. It is my hope that we can come out of the conference with a strong bipartisan bill.

I again congratulate my colleagues on both sides of the aisle for their efforts. I yield the floor.

Mr. HATFIELD. Mr. President, today the Senate passed much needed legislation to restructure our Nation's laws with respect to illegal immigration. I want to take this opportunity to commend my colleagues Senator SIMPSON and Senator KENNEDY for their diligence and leadership in crafting legislation to address this issue. As this debate has shown, the highly emotional and diverse views on the issues surrounding both legal and illegal immigration makes it very difficult to get a consensus on legislation reforming our immigration laws.

Despite previous efforts by Congress to control illegal immigration, the evidence shows that thousands of people cross the border illegally each year. Clearly, our Nation simply cannot continue to absorb this unregulated stream of illegal aliens. The costs to society of permitting a large group of people to live in an illegal, second-class status are enormous. It strains not only the financial resources of our local, State and Federal governments, but also the compassion of our people. The Immigration Control and Financial Responsibility Act will help ensure that the Federal Government meets it's responsibility to enforce our Nation's illegal immigration policies.

This legislation nearly doubles the number of Border Patrol agents over the next 5 years, authorizes an additional 300 INS investigators, increases criminal penalties for alien smuggling and document fraud, and authorizes additional detention facilities for illegal aliens. Through these increased enforcement activities, our Nation will be better equipped to stem the flow of illegal immigrants across our borders and to respond to the problems and abuses which accompany the presence of a significant illegal population. For these reasons, I voted in favor of final passage of this legislation.

I did so not without some reservations. While I believe in the underlying principles of the legislation, I have serious concerns over some of the provisions agreed to in this bill. I am concerned about the costs and administrative burdens this legislation may impose on the States by the extension of deeming to all Federal means-tested assistance programs. Additionally, by failing to exempt some minimal emergency and health services from deeming, I am fearful that we will discourage legal aliens from seeking basic treatments such as immunizations and prenatal care. As we know, this can lead to adverse effects to the public health and safety.

In addition, the original version of the bill contained provisions which imposed unwarranted new bars to an individual's ability to seek political asylum in this country. Due to my concern about these summary exclusion procedures, I joined Senator LEAHY as a cosponsor of his amendment to limit the use of summary exclusion except in emergency migration situations.

Mr. President, most persons who are fleeing persecution do not have the luxury of asking their governments for appropriate exit papers to leave their countries. Many flee without documents. Others flee with fraudulent documents. The summary exclusion provisions in the underlying bill had the potential of excluding these people if they failed to convince an INS border officer that they have a credible fear of persecution.

I can understand the concern that our asylum laws have been abused in the past. But we have taken steps to reform the asylum system. In 1995, our asylum system was tightened and adequate resources have been invested to root out these abuses. This effort has been successful; 90 percent of claims are now adjudicated within 60 days of their receipt. There has been a drastic decline in new asylum applications, from 13,000 per month at the end of 1994 to 3,000 per month currently. One reason for this is that asylum seekers are no longer automatically eligible for work authorization. As a result of the reforms, our asylum system now works to ensure that legitimate asylum seekers are protected and those who file fraudulent claims are weeded out.

We have a tradition in this country of protecting bona fide refugees. We have an asylum system that is working well to continue this tradition. The provisions included in the underlying bill would have undermined our good efforts to the detriment of the very people we are seeking to protect. The Leahy amendment appropriately gives the Attorney General the flexibility to address emergency migration situations but retains our current asylum procedures for those who arrive in the United States and request political asylum. I am happy to say that my colleagues in the Senate recognized the importance of retaining this flexibility and voted to include this amendment in the final bill.

While I support the general principles underlying this bill, I believe we must also find new ways to address the problems of illegal immigration. I am among the first to admit that we cannot afford to absorb an unregulated flow of immigrants into our country. However, I am concerned by the shortsighted approach that is taken to address this problem. Sometimes we find ourselves so caught up in the crises of the day that we forget to look at the root causes of problems. In the case of illegal immigration, I think we have fallen into this trap.

We can continue to increase our Border Patrol and our enforcement activities in the United States. We can build a wall that stretches along the United States-Mexico border and the United States-Canadian border. While this may make it more difficult for illegal immigrants to enter the United States, I do not believe that these measures will solve the problem of illegal immigration. Similarly, we can tighten employer sanctions and cut off all public benefits for illegal aliens, in an attempt to take away the "magnets" which create the desire for people to enter our country with or without proper documentation.

I believe we must look beyond these so-called magnets to focus on creating opportunities for people within their own countries so they aren't compelled to leave in search of better opportunities to support their families. To do this, the United States must maintain it's leadership in promoting human rights, democracy, and economic stability in our neighboring countries, and around the world. Unfortunately, I fear that we have recently begun to retreat from this position. In the past few years, the United States has curtailed it's spending on foreign aid and humanitarian assistance programs. This year, we essentially demolished our international family planning program, which will severely affect maternal and child health around the world. Further, we continue to funnel arms into the poorest and most politically unstable countries across the globe.

We cannot continue along this path. It is only when we address the root causes of illegal immigration—poverty, warfare, and persecution—that the United States can truly address and eliminate this problem.

One final note, Mr. President. In this bill, we have significantly enhanced the ability of the Immigration and Naturalization Service [INS] to meet one of its primary missions, to control the entry of illegal immigrants into this country. But, I would like to take this opportunity to remind my colleagues that the enforcement mission is not the only mission of the INS. The INS also exists to serve, to meet the needs of citizens, legal residents, and visitors. It has the responsibility to provide service to millions of individuals and employers who are following the rules, and trying to bring family and employees into the United States legally.

Due to the recent national attention that has been given to illegal immigration, I fear that this part of the INS mission statement has been severely neglected. For example, many district and regional INS offices have unreliable phone service, have tremendous backlogs in paperwork, and fail to initiate community outreach. My State's district office in Portland, OR, no longer even distributes necessary forms to the public. I had planned to introduce an amendment to this bill which would have addressed this situation. It would have required all INS district and regional offices to distribute forms, and would have expressed the Senate's desire that the INS provide adequate resources to fulfill its service mission.

Unfortunately, I did not have an opportunity to bring this amendment to the floor for consideration on this bill. However, I believe this is an issue of utmost importance and will continue to pursue enhancing the INS's service mission through subsequent legislation or through communications with Commissioner Doris Meissner. Citizens, permanent residents, and visitors across the country need, and deserve, to have access to the services only the INS can provide for them.

MORNING BUSINESS

Mr. SIMPSON. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RAISE THE MINIMUM WAGE

Mr. KENNEDY. Mr. President, the American people are baffled by the continuing, relentless, Republican opposition to a fair increase in the minimum wage. A raise of 90 cents an hour for America's lowest paid and hardest-pressed workers is so fundamentally fair and reasonable that it is hard to imagine why anyone would oppose it.

Our Republican friends are hoisted by their own hypocrisy. They preach the value of work, but they reject a living wage. The minimum wage has not been raised in 5 years. It is stuck at $4.25 an hour, $8,500 a year—not even enough to lift a family out of poverty.

There is even more hypocrisy than that. Republican Senators have voted for three pay raises themselves in that 5-year period—thousands of dollars for themselves, but not one dime for families struggling to survive on the minimum wage.

Senator DOLE has compiled, to put it mildly, an interesting voting record on the minimum wage during his career in Congress. His position appears to depend on the fads of politics, or perhaps the phases of the Moon. The only consistency is that there is no consistency.

Arriving in Congress as a freshman in the House of Representatives in 1961, he took an extreme antiminimum wage position against President Kennedy's proposal to raise the minimum wage. At the time, the minimum wage had not been increased since 1955. An increase was one of the first priorities of President Kennedy's New Frontier, and Congress responded quickly and favorably.

Tomorrow—Friday, May 3—is the 35th anniversary of BOB DOLE's vote against the bill, which President Kennedy signed into law on May 5, 1961, and which raised the minimum wage from $1 to $1.25 an hour.

In fact, the minimum wage had been one of the key issues in the Kennedy-Nixon 1960 Presidential campaign. As a Senator in 1960, President Kennedy had led a battle to raise the minimum wage, but Congress failed to act when House-Senate conferees deadlocked in a post-convention session in August 1960. President Kennedy then took the issue to the country, and in a TV ad that fall opposing Vice President Nixon's position, he stated:

> Mr. Nixon has said that a $1.25 minimum wage is extreme. That's $50 a week. What's extreme about that? I believe the next Congress and the President should pass a minimum wage for a $1.25 an hour. Americans must be paid enough to live.

BOB DOLE and Richard Nixon were wrong to oppose President Kennedy's minimum wage increase 35 years ago—and BOB DOLE and RICHARD ARMEY are wrong to oppose President Clinton's minimum wage increase today.

At least once a decade since then, however, Senator DOLE has voted the other way and supported an increase in the minimum wage. He did so in the 1970's, and again in the 1980's. And I urge him to do so now in the 1990's.

Seven years ago, Senator DOLE and many of the same Republicans who are now leading the opposition to a 90-cent increase in the minimum wage supported precisely that—a 90-cent increase.

Senator DOLE supported it. Congressman NEWT GINGRICH supported it. The Senate voted 89 to 8 in favor of the increase. The House of Representatives voted 382 to 37 in favor of the increase. In fact, 80 percent of the Republicans in Congress in 1989 voted for a 90-cent increase in the minimum wage, and Republican President George Bush signed it into law.

In 1989, the minimum wage equaled $3.35 an hour. At that time, after adjusting for inflation, it was at its lowest level since 1955. That's why there was overwhelming bipartisan support for a fair increase.

The minimum wage is now $4.25 an hour, but once again, it is nearing a 40-year low. If Senator DOLE and our Republican friends could support a fair increase in the minimum wage as recently as 1989, when its value had sunk to its lowest point since 1955, why can't they support a fair increase in 1996, when its value is once again reaching its lowest point since 1955?

Our Republican friends say, "Oh dear, we're worried that many of those nice young hard-working men and women will lose their jobs if we raise the minimum wage." Spare us those crocodile tears. A hundred and one of the Nation's most respected economists say that raising the minimum wage by the 90 cent's I'm proposing won't cause any significant job loss. The only real tears that our Republican friends are shedding are for business profits, not workers' jobs.

In fact, a great deal more evidence is available today about the job effect of a minimum wage increase than was available in 1989. Studies of the 1989 Federal increase, as well as studies of recent State increases above the Federal level, provide no evidence that these increases have had a significant adverse effect on jobs.

Professor Richard Freeman of Harvard University—one of the Nation's preeminent economists—concluded in a review of these studies:

> . . . at the level of the minimum wage in the late 1980s, moderate legislated increases did not reduce employment and were, if anything, associated with higher employment in some locales.

Professor Freeman goes on to say that the fact that "moderate increases in the minimum wage transferred income to the lower paid without any apparent adverse effect on employment . . . at the turn of the 1990s is no mean achievement for a policy tool in an era when the real earnings of the less skilled fell sharply."

These studies have convinced the overwhelming majority of leading economists to support a minimum wage increase. In the fall of 1995, 101 economists, as I have mentioned—including three Nobel Prize winners—signed a strong statement of support for a higher minimum wage.

Even the Employment Policies Institute Foundation—a think-tank which is funded primarily by the restaurant industry and which is vigorously opposed to an increase in the minimum wage—was forced to admit in a paper by Kevin Lang of Boston University that "this author can find little effect on employment levels from changes in the minimum wage."

This strong support from leading economists for a moderate increase in the minimum wage was not available in 1989. The quantity of evidence of the substantial benefits and the negligible costs of raising the minimum wage was not available at that time. And yet, Senator DOLE, Speaker GINGRICH and many other Republicans who are leading the opposition to a higher minimum wage today were still able to vote for a minimum wage increase in 1989.

Some opponents of an increase today argue that the 1989 increase was more acceptable because it set a lower minimum wage for teenagers working at their first jobs. The 1989 legislation included a so-called training wage which expired in 1993. It permitted employers to pay teenage workers 85 percent of the minimum wage for up to 90 days.

But again, we know now what we did not know in 1989—the youth subminimum wage was a failure. The Labor Department submitted a study to Congress in 1993 summarizing three surveys which found that very few employers actually used the subminimum wage. In the 27 States where State law allowed employers to pay a subminimum wage, not more than 5 percent of employers chose to use it.

Employers did not like the youth subminimum wage, and they did not use it. They did not use it because they could not find workers willing to work for that low a wage. Also, employers did not want two workers, side-by-side doing the same job, with one paid less because he or she was younger than the other.

The youth subminimum provision cannot explain the change of heart of those in Congress who supported a minimum wage increase in 1989 but oppose it today.

Issues do not get any clearer than this. More than 80 percent of all Americans support an increase in the minimum wage. In every segment of our society and every region of the country, a large majority of Americans want a fair increase in the minimum wage.

It is easy to understand why raising the minimum wage has such broad support among the American people. You don't have to be a rocket scientist to understand this issue, because it is an issue of fundamental fairness. One of the major challenges of 1996 is the economic insecurity facing the vast majority of families. Americans are working harder and earning less. They hear the talk about prosperity, but they do not see it in their lives. Millions of families feel left out and left behind, and those at the bottom of the ladder are being left the farthest behind.

A simple vote in the Senate can change all that. Our message is clear—raise the minimum wage.

The economic evidence supports an increase in the minimum wage. The American people support an increase in the minimum wage. A majority in the Senate and the House support an increase in the minimum. The time has come for an up-or-down, yes-or-no vote on increasing the minimum wage.

Let the Senate vote. Raise the minimum wage. No one who works for a living should have to live in poverty.

FOREIGN OIL CONSUMED BY UNITED STATES? HERE'S THE WEEKLY BOX SCORE

Mr. HELMS. Mr. President, the American Petroleum Institute reports, for the week ending April 26, that the United States imported 8,052,000 barrels of oil each day, 10,000 barrels less than the 8,062,000 barrels imported during the same period a year ago. This is one of those rare weeks when less oil was imported in 1996 than for the same week in 1995.

In any case, Americans now rely on foreign oil for more than 50 percent of their needs, and there are no signs that the upward trend will abate. Before the Persian Gulf war, the United States obtained about 45 percent of its oil supply from foreign countries. During the Arab oil embargo in the 1970's, foreign oil accounted for only 35 percent of America's oil supply.

Anybody else interested in restoring domestic production of oil—by U.S. producers using American workers? Politicians had better ponder the economic calamity sure to occur in America if and when foreign producers shut off our supply, or double the already enormous cost of imported oil flowing into the United States—now 8,052,000 barrels a day.

POLISH-GEORGIAN CREDIT UNION PARTNERSHIP

Mr. NUNN. Mr. President, I would like to take this time to bring to the Senate's attention an exciting movement which is currently under way in Poland. It is a movement to create and develop credit unions for the benefit of Polish citizens.

A unique partnership now exists between the Polish National Association of Cooperative Savings and Credit Unions and the Georgia Credit Union Affiliates. Georgia-based credit unions will provide assistance in the development and implementation of new credit union services and products for the benefit of Polish credit union members. This relationship provides the opportunity for the exchange of information, experience, and expertise which is critical to the formation of sound financial institutions.

Many Polish citizens now enjoy some of the same benefits of credit union membership that many here in America have long taken for granted. One of the more important benefits is the ability to play a role in the appointment of the credit union's officers through direct election. This democratic function instills greater confidence and trust in the credit union by insuring that its officers are responsive to the members' concerns and interests. It also provides hands-on experience in local democratic institutions, which are the building blocks of strong national democracies.

Along with the personal benefits associated with credit union membership comes the more important collective benefit of capital formation. Financial institutions such as banks and credit unions have always served an important function in providing capital for new businesses and in turn economic growth. This is based on the fundamental relationship between savings and investment. Greater individual savings leads to greater business investment. This investment leads to more productivity and greater competitiveness, and we know that greater competitiveness means better jobs and higher standards of living. The bottom line is that a critical component to Poland's prospects for long-term economic development and growth must be the assurance that all Polish citizens have access to sound financial institutions for their hard earned savings and that these institutions serve their communities well.

I applaud the ongoing efforts to build and strengthen Poland's private financial institutions. In particular, I want to recognize Grzegorz Bierecki who has been instrumental in the development of the credit union movement in Poland. I also want to thank Mike Mercer, president of the Georgia Credit Union Affiliates, for bringing this matter to my attention. I believe this movement is worthy of the Senate's attention and support.

RETIREMENT OF BERNICE HARRIS

Mr. HATCH. Mr. President, this is a sad day in the U.S. Senate.

Mrs. Bernice Harris, a loyal and hard-working employee in the Russell Coffee Shop, leaves the Senate today after more than three decades of dedicated service.

In a body which is divided on many issues, it is safe to say there is total agreement on Bernice.

Bernice made the Senate, and in particular the Russell Building, a better place in which to work. Each morning, we could count on seeing Bernice's smiling face and her friendly greeting, undoubtedly helping us get through a hectic day.

We will all miss Bernice's unflinching good cheer as well as her unique outlook on life. Bernice has such a wonderful perspective that she never failed to improve my day and many days of many others in the Senate community.

So although it's a sad day in the Senate, it is a happy day in the house—the household of Bernice Harris. It is hard for me to relate how much we will miss Bernice. I am sure my colleagues will join with me in wishing Bernice well for her much-deserved retirement.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, a great many Americans don't have the faintest idea that the Federal debt is so incredibly enormous. Quite often, I ask friends if they know how many millions of dollars are there in a trillion?

Few know, but one thing they do know is that it was the U.S. Congress that ran up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business yesterday, May 1, 1996, the total Federal debt—down to the penny—stood at $5,096,321,323,731.34. On a per capita basis, every man, woman, and child in America owes $19,249.10.

So, Mr. President, there are a million million in a trillion, which means that the Federal debt is now in excess of 5 million million dollars.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on Armed Services.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 10:30 a.m., a message from the House of Representatives, delivered by

Ms. Goetz, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate.

H.R. 2149. An act to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes.

H.R. 2641. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General.

The message also announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The message further announced that pursuant to the the provisions of 22 U.S.C. 276h, the Speaker appoints the following Members on the part of the House to the Mexico-United States Interparliamentary Group for the Second Session of the 104th Congress; Mr. KOLBE of Arizona, Chairman, Mr. BALLENGER of North Carolina, vice Chairman, Mr. GILMAN of New York, Mr. DREIER of California, Mr. GALLEGLY of California, Mr. MANZULLO of Illinois, Mr. BILBRAY of California, Mr. DE LA GARZA of Texas, Mr. RANGEL of New York, Mr. MILLER of California, Mr. GEJDENSON of Connecticut, and Mr. FILNER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 2149. An act to reduce regulation, promote efficiencies, and encourage competition in the international ocean transportation system of the United States, to eliminate the Federal Maritime Commission, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 2641. An act to amend title 28, United States Code, to provide for appointment of United States marshals by the Attorney General; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2391. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of comments on the second, third, and fourth special messages for fiscal year 1996; referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986, to the Committee on Appropriations, to the Committee on the Budget, to the Committee on Agriculture, Nutrition, and Forestry, to the Committee on Armed Services, to the Committee on Foreign Relations, and to the Committee on Governmental Affairs.

EC–2392. A communication from the Secretary of Veterans Affairs, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Veterans' Affairs.

EC–2393. A communication from the Chairman of the Council of Economic Advisers, Executive Office of the President, transmitting a report entitled, "Job Creation and Employment Opportunities: The United States Labor Market, 1993–1996"; to the Committee on Labor and Human Resources.

EC–2394. A communication from the Assistant General Counsel for Regulation, Department of Education, transmitting, pursuant to law, a notice of funding priorities for the Special Studies Program; to the Committee on Labor and Human Resources.

EC–2395. A communication from the Commissioner of the Office of Special Education and Rehabilitative Services, Department of to Education, transmitting, pursuant law, the annual report on Federal activities related to the Rehabilitation Act for fiscal year 1993; to the Committee on Labor and Human Resources.

EC–2396. A communication from the Director of the National Science Foundation, transmitting a draft of proposed legislation to authorize the Foundation for fiscal years 1997 and 1998; to the Committee on Labor and Human Resources.

EC–2397. A communication from the Deputy Executive Director and Chief Operating Officer of the Pension Benefit Corporation, transmitting, pursuant to law, a notice of three final rules; to the Committee on Labor and Human Resources.

EC–2398. A communication from the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the report on the activities and efforts of the Resolution Trust Corporation for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2399. A communication from the Thrift Depositor Protection Oversight Board, transmitting, pursuant to law, the final report on professional liability litigation of the Resolution Trust Corporation for the period October 1 through December 31, 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2400. A communication from the Assistant Attorney General, transmitting, a draft of proposed legislation entitled "The Methamphetamine Control Act of 1996"; to the Committee on the Judiciary.

EC–2401. A communication from the Senior Deputy Assistant Administrator, Bureau for Legislative and Public Affairs, U.S. Agency For International Development, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2402. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report under the Freedom of Information Act for calendar year 1995; to the Committee on the Judiciary.

EC–2403. A communication from the U.S. Sentencing Commission, transmitting, pursuant to law, the report of amendments to the sentencing guidelines; to the Committee on the Judiciary.

EC–2404. A communication from the Office of the Attorney General, transmitting, pursuant to law, the report under Foreign Intelligence Surveillance Act for calendar year 1995; to the Committee on the Judiciary.

EC–2405. A communication from the Program Director of the National Fund for Medical Education, transmitting, pursuant to law, the report of the audited financial statement for calendar year 1995; to the Committee on the Judiciary.

EC–2406. A communication from the Director of the Administrative Office of the U.S. Courts, transmitting, pursuant to law, the report on wiretaps for calendar year 1995; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary, without amendment:

S. 1474. A bill to provide new authority for probation and pretrial services officers, and for other purposes.

By Mr. THURMOND, from the Committee on Armed Services:

Mr. THURMOND. Mr. President, pursuant to section 3(b) of Senate Resolution 400, 94th Congress, I ask that S. 1718, the Intelligence Authorization Act for fiscal year 1997, be referred to the Senate Armed Services Committee.

S. 1718. An original bill to authorize appropriations for fiscal year 1997 for intelligence and intelligence-related activities of the United States Government, the Community Management Account, and for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Referred to the Committee on Armed Services for a period not to exceed 30 days of session, pursuant to section 3(b) of Senate Resolution 400 of the 94th Congress to report or be discharged.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

John R. Lacey, of Connecticut, to be a Member of the Foreign Claims Settlement Commission of the United States for a term expiring September 30, 1998. (Reappointment)

Glenn Dale Cunningham, of New Jersey, to be U.S. Marshal for the District of New Jersey for the term of 4 years.

(The above nominations were reported with the recommendation that they be confirmed.)

By Mr. THURMOND, from the Committee on Armed Services:

PANAMA CANAL COMMISSION

Markos K. Marinakis, of New York, to be a Member of the Board of the Panama Canal Commission, vice John J. Danilovich.

IN THE AIR FORCE

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Richard B. Myers, [redacted] U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. John P. Jumper, [redacted] U.S. Air Force

The following-named officer for reappointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Lt. Gen. Ralph E. Eberhart, [redacted] U.S. Air Force

The following-named officer for appointment to the grade of lieutenant general while assigned to a position of importance and responsibility under title 10, United States Code, section 601:

To be lieutenant general

Maj. Gen. Carl E. Franklin [redacted] U.S. Air Force

IN THE ARMY

The following U.S. Army National Guard officers for promotion in the Reserve of the Army to the grades indicated under title 10, United States Code sections 3385, 3392, and 12203(a):

To be major general

Brig. Gen. Jerome J. Berard, [redacted]
Brig. Gen. James W. Emerson [redacted]
Brig. Gen. Rodney R. Hannual [redacted]
Brig. Gen. James W. MacVay [redacted]
Brig. Gen. James D. Polk, [redacted]

To be brigadier general

Col. Earl L. Adams [redacted]
Col. H. Steven Blum [redacted]
Col. Harry B. Burchstead, Jr [redacted]
Col. James E. Caldwell III [redacted]
Col. Larry K. Eckles, [redacted]
Col. William L. Freema [redacted]
Col. Gus L. Hargett, Jr [redacted]
Col. Allen R. Leppink [redacted]
Col. Jacob Lestenkof, [redacted]
Col. Joseph T. Murphy [redacted]
Col. William T. Nesbit [redacted]
Col. Larry G. Powell [redacted]
Col. Roger C. Schultz [redacted]
Col. Michael L. Seely [redacted]
Col. Larry W. Shellit [redacted]
Col. Gary G. Simmons [redacted]
Col. Nicholas P. Sipe [redacted]
Col. George S. Walker [redacted]
Col. Larry Ware [redacted]
Col. Jackie D. Wood [redacted]

(The above nominations were reported with the recommendation that they be confirmed.)

**In the Army there are 9 promotions to the grade of colonel (list begins with Ralph G. Benson). (Reference No. 896.)

**In the Air Force there are 4 appointments to the grade of second lieutenant (list begins with Brian H. Benedict). (Reference No. 963.)

**In the Air Force Reserve there are 18 promotions to the grade of lieutenant colonel (list begins with Michael G. Colangelo). (Reference No. 964.)

**In the Marine Corps there are 92 promotions to the grade of colonel (list begins with Michael C. Albano.) (Reference No. 966.)

**In the Marine Corps there are 337 promotions to the grade of lieutenant colonel (list begins with William S. Aitken). (Reference No. 967.)

***In the Army there are 6 promotions to the grade of major (list begins with Wesley S. Ashton). (Reference No. 985.)

**In the Army there are 2,429 appointments to the grade of second lieutenant (list begins with Andre B. Abadie). (Reference No. 987.)

**In the Army there is 1 promotion to the grade of major (Mark H. Lauber). (Reference No. 1013.)

**In the Army Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Jeffrey Dootson). (Reference No. 1014.)

**In the Army there are 4 promotions to the grade of lieutenant colonel and below (list begins with Daniel Bolas). (Reference No. 1015.)

**In the Army Reserve there are 2 appointments to the grade of lieutenant colonel (list begins with Richard R. Eckert). (Reference No. 1016.)

**In the Army Reserve there are 46 promotions to the grade of colonel and below (list begins with Ernest R. Adkins). (Reference No. 1017.)

**In the Army there are 4 promotions to the grade of lieutenant colonel (list begins with Raymond A. Costabile). (Reference No. 1018.)

**In the Army there are 290 promotions to the grade of major (list begins with William E. Ackerman). (Reference No. 1020.)

**In the Marine Corps there are 522 appointments to the grade of lieutenant colonel and below (list begins with Joel H. Berry III). (Reference No. 1021.)

**In the Navy there are 754 appointments to the grade of ensign (list begins with David L. Aamodt). (Reference No. 1022.)

Mr. THURMOND. Mr. President, for the Committee on Armed Services, I report favorably 16 nomination lists in the Air Force, Army, Marine Corps, and Navy which were printed in full in the CONGRESSIONAL RECORDS of February 1, March 20, 25, 26, and April 15, 1996, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar, that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The nominations ordered to lie on the Secretary's desk were printed in the RECORDS of February 1, March 20, 25, 26, and April 15, 1996, at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. HEFLIN, and Mr. GREGG):

S. 1721. A bill to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1997, 1998, 1999, and 2000, and for other purposes; to the Committee on the Judiciary.

By Mr. WELLSTONE:

S. 1722. A bill to amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act, to strengthen minimum wage and striker replacement, and to ensure quality job training, education, health care, and pension security for workers, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. BINGAMAN (for himself, Mr. PELL, and Mr. CAMPBELL):

S. 1723. A bill to require accountability in campaign advertising, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. THOMAS:

S. 1724. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

By Mr. BROWN (for himself, Mr. SIMON, Mr. ROTH, Mr. GRASSLEY, Mr. KERREY, Mr. LUGAR, Mr. SARBANES, Mrs. FEINSTEIN, Mr. EXON, Mr. HARKIN, Ms. MIKULSKI, Mr. BRYAN, and Mr. JEFFORDS):

S. 1725. A bill to amend the National Trails System Act to create a third category of long-distance trails to be known as national discovery trails and to authorize the American Discovery Trail as the first national discovery trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. PRESSLER, Mr. LEAHY, Mr. DOLE, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. MCCAIN, Mr. WYDEN, and Mr. ASHCROFT):

S. 1726. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAMM (for himself, Mr. SMITH, and Mrs. HUTCHISON):

S. 1727. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 tax rate increase on gasoline, diesel fuel, and special motor fuels, and for other purposes; to the Committee on Finance.

By Mr. WYDEN (for himself, Mr. DORGAN, Mr. DASCHLE, Mr. REID, Mr. FORD, and Mr. HOLLINGS):

S.J. Res. 54. A joint resolution proposing a balanced budget constitutional amendment; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. HEFLIN, and Mr. GREGG):

S. 1721. A bill to authorize appropriations for the purposes of carrying out the activities of the State Justice Institute for fiscal years 1997, 1998, 1999, and 2000, and for other purposes; to the Committee on the Judiciary.

THE STATE JUSTICE INSTITUTE REAUTHORIZATION ACT OF 1996

Mr. GRASSLEY. Mr. President, I rise today to introduce legislation not only for myself, but for Senator HEFLIN, the ranking minority member of the Court Subcommittee of Judiciary, and for Senator GREGG.

This legislation would reauthorize the State Justice Institute [SJI] for 4 more years through fiscal year 2000. Congress originally authorized the State Justice Institute for 4 years in the State Justice Institute Act of 1984, then reauthorized it for 4 more years in 1988, and another 4 years in 1992. The bill I introduce today will authorize annual appropriations for this program of $20 million each of those 4 years.

The requested authorization levels will enable the State Justice Institute to fully carry out its statutory mission to award grants, to improve the quality of justice in State courts throughout the 50 States of our Nation.

The State Justice Institute serves critically important Federal purposes.

Just as Federal financial assistance to State and local police, prosecutors, and corrections is critically needed to help them control crime, it is equally imperative that Federal funds assist the State courts that decide 98 percent of the criminal cases brought in this country.

SJI plays an important role in the Nation's response to crime by providing the critically needed funding to support projects that evaluate the effectiveness of new trial and sentencing approaches, and improve judges, performance in cases involving violent crimes and drug abuse.

The Institute also has been a leader in fostering improvements in the civil justice system by supporting efforts to evaluate innovative procedures to reduce litigation delay, demonstrate innovative alternative dispute resolution programs, and increase the public's access to the legal system. In addition, the Institute has devoted considerable resources to improving the public's confidence in both the criminal and civil justice system.

The list of the Institute's current grant priorities reveals just how important it is to our overwhelmed State court system. The Institute's 1996 grants will focus on: children and families in court; improving public confidence in the courts; application of technology; education and training for judges and key court personnel; the relationship between State and Federal courts; and projects following up on recent Institute-supported conferences on court-community collaboration, drug courts, funding the courts, and eliminating race and ethnic bias in the courts.

Mr. President, the Institute has performed the mission Congress assigned it exceedingly well. The judges and court staff who toil in our Nation's underfunded and outmoded State courthouses commend the Institute as the only national source of support for innovation, education, and information about how other States are coping with similar problems in their struggle to better serve the public.

The Institute is the only vehicle the Federal Government has to assure that State courts deliver a high quality of justice to every citizen in every type of case. By doing so, the Institute fulfills the highest standards of federalism. Its seed money bears fruit across the country, carrying out SJI's important national purposes in a cost-efficient manner that maximizes the impact of every dollar that Congress provides.

Reduced to its core, that is State Justice Institute's special role: Supporting promising innovations and spreading the word about them to every key State—and Federal—judge and court official. That saves State and Federal governments significant money, time, and effort on a national scale.

The bill also specifies that funds appropriated to the Institute are available until expended, without regard to the expiration of the year in which they were appropriated, and proposes three technical amendments to the State Justice Institute Act.

Mr. President, as chair of the Judiciary Committee Subcommittee on Administrative Oversight and the Courts, which has oversight authority over SJI, I am pleased to note that the cosponsor of this bill is the ranking member of that subcommittee, senator HEFLIN. We urge the Senate to continue its support of the Institute in order to enhance the State courts' ability to deliver effective justice in areas that are critically important to the Federal Government and the American public.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1721

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Justice Institute Reauthorization Act of 1996".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713) is amended to read as follows:

"AUTHORIZATIONS

"SEC. 215. There are authorized to be appropriated to carry out the purposes of this title, $20,000,000 for each of fiscal years 1997, 1998, 1999, and 2000, to remain available until expended.".

SEC. 3. TECHNICAL AMENDMENTS.

(a) OPEN MEETINGS.—Section 204(j) of the State Justice Institute Act of 1984 (42 U.S.C. 10703(j)) is amended by inserting "(on any occasion on which that committee has been delegated the authority to act on behalf of the Board)" after "executive committee of the Board".

(b) REPORT BY ATTORNEY GENERAL.—Section 213 of the State Justice Institute Act of 1984 (42 U.S.C. 10712) is repealed.

Mr. HEFLIN. Mr. President, I am proud to cosponsor the legislation Senator GRASSLEY is introducing today to reauthorize the State Justice Institute for another 4 years.

I was the original sponsor of the State Justice Institute Act when Congress first passed the act in 1984, and when it reauthorized SJI in 1988 and 1992.

The State Justice Institute has proven to be a uniquely valuable component of the Nation's justice system. Among all the agencies in the Federal Government, SJI is the only organization dedicated to helping the State courts of our Nation. Mr. President, those counts handle well over 95 percent of all the criminal prosecutions and civil litigation brought in this country.

No one State can provide the funds for innovation that SJI can, and no State has the ability, the money, or, in fact, the reason to share its good ideas with every other State. That's the role SJI plays, and it has worked very well with the very modest appropriations Congress has provided over the years.

Congress has entrusted the decision about what innovations merit SJI support to a board of directors composed—by statute—of State supreme court justices, appellate and trial judges, court administrators, and members of the public, all of whom who are keenly aware of the real problems in our courts and dedicated to assuring that SJI target its funds at the courts' most serious problems nationwide.

In this era of Federal fiscal responsibility and restored political balance between Federal and State governments, this small, economical institute that is governed largely by State officials may be an excellent working model for any Federal grant program that serves important national purposes.

At a time when every segment of American society is demanding a more effective justice system, Congress must keep alive the only Federal entity that is dedicated to helping the State courts of this country manage an overwhelming torrent of cases with greater effectiveness, efficiency, and justice.

I am pleased to join Senator GRASSLEY in sponsoring this important legislation.

By Mr. WELLSTONE:

S. 1722. A bill to amend the Fair Labor Standards Act of 1938 and the National Labor Relations Act, to strengthen minimum wage and striker replacement, and to ensure quality job training, education, health care, and pension security for workers, and for other purposes; to the Committee on Labor and Human Resources.

THE WORKING FAMILIES ECONOMIC SECURITY ACT OF 1996

Mr. WELLSTONE. Mr. President, I rise today to introduce the Working Families Economic Security Act of 1996. This legislation is an effort to bring together in one comprehensive bill a number of items that have been on my legislative agenda for working families over the years, along with a number of new ideas, and to move forward on them in this Congress. It does not address every issue vital to the economic prosperity of American families; it does not pretend to. It is simply one more way of ensuring that bread-and-butter economic issues, which are so important to people in my State and throughout the country, are brought back front-and-center to the attention of this Congress, which has so far all but ignored them. Passing this omnibus legislation would be a good step toward protecting the working people who are the backbone of our economic, political and social system. This bill contributes significantly to efforts within the Democratic caucus in the

Senate on improving the paycheck security, health security, and retirement security of all Americans.

The very real and historic changes that have rocked the American economy have helped some Americans, but have done great harm to many others. While some of the statistics that we use to measure the performance of the economy and to gauge the standard of living seem to show that the U.S. economy is doing well, the reality for many is that good-paying jobs are being lost in the face of unprecedented downsizing by many firms. Many of the new jobs that are being created pay lower wages; corporate executives' salaries are rising, while workers' salaries are declining; the health insurance system is inadequate to the tasks of the modern workplace. There is deep apprehension and concern about the future.

Let me give just one recent example from Minnesota. I visited during the recess with members of the Cusick family in Duluth about their economic worries. A life-long resident of Duluth, Ken Cusick will graduate this Spring from the University of Minnesota-Duluth. He has three kids and a wife who works, and yet they struggle every day. They worry about having money to pay for groceries, day care costs for their kids, and rising education costs.

Their lives reflect a broader reality in our country. Underneath the numbers which reflect record highs in the stock market, low unemployment, and slow growth in the economy, a time bomb is ticking for American families. Many workers are in fact being left behind, with only dim hope for a brighter future. They are working more and earning less. And even though some Clinton administration economic advisers have begun to highlight certain positive economic news, including in a report last week that challenges certain assumptions about lay-offs and jobs in the economy, I agree with Labor Secretary Reich: it is still true that for many, especially low and moderate income working people, the economic recovery is spotty, partial, and has failed to increase their real take-home pay.

Many working families today are afraid. Workers fear losing their jobs, having no money for retraining, losing their pensions and health care, not being able to take care of aging parents, and paying for their kids' college. And they are angry that their wages are stagnant while corporate executives—even those who may be failing in their jobs—reap windfall salaries for downsizing their firms, and putting good people out of work.

Twenty years ago the typical CEO of a large company earned 30 or 40 times the salary of an average worker. Today that CEO earns almost 200 times more. A recent survey of American CEOs reported in the New York Times indicates that CEO compensation last year rose at the fastest rate since the mid-1980's, skyrocketing by 31 percent in 1995 alone. This increase was double the rise in 1994, and triple the one in 1993. This illustrates a larger societal trend that is spinning out of control: the vast majority of the economic gains in today's economy are going to the very wealthy few, while working men and women are being shortchanged.

For example, from WWII until the 1970's, American workers were responsible for an almost 90 percent increase in productivity. In return, their real wages increased by over 95 percent. But from 1973 to 1982, workers got only half as much of an increase in real wages as they gave in new productivity. And from 1982 through 1994, they got only a third as much.

This legislation addresses a number of basic economic concerns of the average American. It includes an increase in the minimum wage; a means to directly address government subsidization of growing wage disparities, protections for striking workers, a streamlining and expansion of job retraining, and modest health care portability reforms. It embodies a number of initiatives that I've worked on over the years, as well as some new ideas that I think must be part of an economic program to provide real economic security for America's families. I know this Congress won't act on all these initiatives, but I hope we will act on some this year. Those which remain may have to wait for a new Congress to be elected, controlled by a Democratic Party which considers the interests of working Americans priority one.

MINIMUM WAGE

This provision would raise the Federal minimum wage from the current $4.25 to $5.15 by 1997. But unlike some other approaches, it proposes to index the minimum wage to prevent its erosion by inflation or by long periods of Congressional inaction to the point where it is no longer possible for minimum wage workers to lift themselves or their families out of poverty. This measure provides for modest but overdue increases and, most important, begins to narrow the gap between the minimum wage and a living wage. I am pleased that we are now moving forward on the minimum wage, and I intend to push it forward with Senator KENNEDY and others until it's enacted. So far, we've been blocked from even getting a clean, up-or-down vote on raising the minimum wage, but that can't be blocked forever. Sooner or later, democracy must rule, and we will get a vote.

It is unacceptable that today an American who works full-time, year round at the minimum wage—even with the expanded earned income tax credit—does not earn enough to bring a family of three above the poverty line. At $4.25 an hour, a person working 40 hours a week at the minimum wage earns just $170 a week—before taxes and Social Security are deducted.

The current Federal poverty line for a family of four is about $15,500. Even with the tax credits available to them under current law, and food stamps, a family with one worker at the minimum wage would end up about $900 below the poverty line. But at $5.15 an hour, this same family would—when you factor in the earned income tax credit and a food stamp benefit—be lifted above officially defined poverty levels. This 90-cent increase would literally lift them above the line. For people like 26-year-old Mike Kochevar, a single dad living in Hibbing while he attends the Hibbing Community College, raising the minimum wage even modestly would be a big help. He works two jobs, and is struggling to make it.

What would such an increase mean for these workers, in practical terms, in their daily lives? It would mean an extra $1,800 or so in their pocket, for one thing. And that means more than 7 months of groceries, or rent and mortgage payments for a few months, or a full year of health care costs, or a season of heating bills in my State.

I know that minimum wage opponents will make the same dire predictions of job loss and damage to the economy that have been made every time the minimum wage has been increased since 1938. But the textbook economic theory that increases in the minimum wage result in large job losses has never had solid empirical support. Recent studies by leading economists who examined the results of the most recent increases in both State and Federal minimum wages have concluded otherwise. I was sent to Washington to be on the side of hard-working Minnesotans who are struggling to make ends meet. That's why I am pushing this so hard, and why I intend to push it until it's enacted into law.

INCOME EQUITY

As I have already noted, in recent years there has been a growing wage gap between senior corporate executives and their employees. What is more remarkable is that the Federal Government helps to subsidize this disparity by allowing corporations to deduct these fantastic salaries. Current law prevents employer deductions for employee salaries over a million dollars, with an exception for performance-based pay. I believe it is unfair for employers to deduct the first million dollars of the huge and growing salaries of corporate executives, while the real wages of workers are declining. This provision is a modest proposal; it is meant to ensure that the United States is not subsidizing gross wage disparities through the Tax Code, by barring employers from writing off that portion of salaries above the ratio set in the bill. Specifically, it would prohibit employers from deducting employee compensation—salaries, wages and bonuses—that are more than 25 times higher than the salary of their lowest paid worker.

PROTECTIONS FOR STRIKING WORKERS

This legislation is needed to protect American workers who go out on strike. There are two central principles of American labor law: workers have a right to organize without being retaliated against for exercising that right. And they have a right to negotiate wages, benefits and other items through collective bargaining. Since the 1980's, these rights have been seriously jeopardized, with the use of permanent replacements for striking workers increasing dramatically. Employers often use the permanent replacement of striking workers—or threat of their use—to undermine collective bargaining agreements, and bring in new employees. Mergers and acquisitions, leveraged buyouts, and the rise of a new breed of employers focused solely on short-term profits has created a new climate for labor-management relations, in which workers are considered by some to be expendable, and negotiated agreements subject to arbitrary and one-sided suspension.

Under current law, while employers may not fire employees for engaging in a legal economic strike, they may permanently replace striking workers; a distinction only a lawyer could love. This provision would bar the hiring of permanent replacements for striking workers. Recent strikes where employers have hired permanent replacements for striking workers, or have threatened to, underscore the urgent need for this change. Without it, the right to strike is nothing more than a right to be fired. A related provision would require the timely mediation or arbitration of initial contract negotiation disputes, to prevent employers from refusing to negotiate first contracts with a duly-elected bargaining unit.

Under my legislation, employers would be compelled to negotiate in good faith with a new bargaining unit. This measure would provide that, if within 60 days of bargaining unit certification a first contract is not agreed to, the parties would enter into negotiations with the help of a mediator. If within 30 days the mediator could not bring the two sides to agreement, the contract would go to binding arbitration.

Those provisions of this bill that I've outlined go a long way toward protecting people in their current jobs, and bolstering their wages. But we must also address the concerns American workers have about their futures.

LIFELONG LEARNING

We in Congress have a responsibility to help American workers plan and improve their futures. To prepare our work force for future jobs. And to provide some security while people are in transition between jobs. One of the most important forms of help that we can provide American working people is relevant, effective job training delivered in the most efficient way possible for jobs that really exist, and that pay a decent wage.

Lifelong learning has never been more critical, and we must do all we can to give people access to the resources they need to retool their skills. For too long, the Federal job training system has been too cumbersome, with duplicative programs that have not always been effective. And so this legislation includes provisions to streamline and consolidate these programs, and expand job training opportunities for workers. Carol Turner, director of older worker retraining for the Duluth Workforce Center, confirmed for me the other day that in her city, this kind of coordination, coupled with expanded local control, is critical to getting people off welfare and increasing their standard of living.

It would streamline the job training process for all Americans, including welfare recipients, by consolidating existing programs, and establishing state and local work force development boards to coordinate programs within each State. It would encourage States to develop one-stop delivery systems for employment services; my State has been one of the leaders in this field. It provides continued funding for summer jobs and other special training programs that have been so successful. And it imposes a cap on the amount of job training funds that can be used by States for economic development activities, to make sure that Federal funds are in fact being used for retraining. The bill retains Job Corps as a national program, with strict national oversight standards, a zero-tolerance drug policy, and other key reforms.

HEALTH INSURANCE REFORM

One of the most alarming developments for workers has been the growing fear of losing their health insurance. In order to help workers plan for their futures, this legislation will make it easier for individuals and employers to buy and keep health insurance—even when a family member or employee becomes ill. And it will allow people to change jobs without fear of losing their health coverage. For folks like the Edgett family of Duluth, who lost their coverage when they decided to start their own small business, these kinds of efforts to make health care more affordable and more portable would be a big help. And the same goes for millions of other Americans.

Despite past State and Federal reform efforts, the lack of portability of health insurance remains a serious concern for many Americans, particularly those with preexisting health conditions. The General Accounting Office estimates that as many as 25 million Americans could benefit from this legislation.

This legislation builds upon and strengthens the current private insurance market by guaranteeing that private health insurance coverage will be available, renewable, and portable; by limiting preexisting condition exclusions; and by increasing the purchasing clout of individuals and small employers through incentives to form private, voluntary coalitions to negotiate with providers and health plans. It also provides for parity between mental health and other health care benefits; its adoption would be an historic step forward in our treatment of those with mental health problems in this country.

Enactment of the bill would help millions of workers who lose their employer-based coverage and are then turned away by other insurers. It also would make it easier for workers to change jobs or start their own businesses without fear of losing their health insurance. It would accomplish this by prohibiting employers from denying coverage of a preexisting medical condition to an applicant for more than 1 year. After that year, no preexisting condition limits could be imposed on anyone who maintains coverage, even if the person changes jobs or insurance plans. In addition, individuals switching from a group plan to an individual plan could not be denied coverage as long as they maintained continuous coverage. Finally, health plans would not be allowed to drop enrollees who pay their premiums, even if they become chronically ill.

The bill also includes provisions to protect retirees, their spouses and dependents from abrupt termination—or substantial reduction—of certain health care benefits. It would require courts to order employers to provide benefits while benefit disputes are litigated, impose upon employers the burden of proof when health care contracts are silent or ambiguous about changes, and require advance warning by employers of their intent to modify retiree benefit packages.

While this is by no means comprehensive reform, it is a good first step. Even people with good health insurance coverage cannot count on protection if they lose or change jobs, especially if someone in their family has a preexisting condition. Our current health care system allows insurers to collect premiums for years and then suddenly refuse to renew coverage if individuals or employees get sick. It also allows insurers to routinely deny coverage to different types of businesses from auto dealers to restaurants.

Many States, including Minnesota, have already enacted standards for insurance carriers, but because ERISA preemption prevents States from regulating self-funded health plans, only Federal standards can apply to all health plans. More and more employers in Minnesota have been choosing to offer self-funded plans to employees. Such plans now enroll about 1.5 million people, up from 890,000 in 1992, and about 50 percent of all privately insured residents. Current estimates also show that more than 400,000 Minnesotans—including 91,000 children—are uninsured.

While I am committed to fighting for comprehensive reforms that would include everyone and enable working families to afford health care coverage as good as Members of Congress have, I recognize that this may not happen this year. At the very least, we should act on reforms that would address some of the most egregious inequities in our current system, as well as those that would allow States to expand access and contain costs.

PENSION REFORM

It is clear that this country needs strong, enforceable pension protections. The President has made some recent proposals to strengthen pension security, which we should consider seriously in the coming months. But the new Republican majority is moving in the other direction. They have passed so-called reforms, vetoed once, that would again make it easy for companies to raid "over-funded" pension plans. At a minimum we must preserve protections in current law that prohibit companies from raiding the pension plans of their employees. As we have all seen, overfunded plans can quickly become underfunded with a change in interest rates, or changes in the stock markets. For example, if interest rates decline by 2 percent—as they did between November 1994 and December 1995—a plan's funding level can drop from 125 percent to around 90 percent within a matter of weeks.

During the 1980's, when pension assets grew with a rising stock market, companies took over $20 billion from over 2,000 pension plans covering 2.5 million workers and retirees. In many cases, these companies took the funds from overfunded plans while allowing significant underfunding in other plans. In 1990, this practice was stopped virtually dead in its tracks by changes in law which made such raids prohibitively expensive by imposing a 50-percent excise tax on companies that did it. Republican proposals to weaken these and related pension rules could allow companies to draw another $15 billion or more out of these plans, potentially effecting another 4 million workers and retirees in 6,000 plans over the next 5 years. Similar efforts to dip into workers' pension plans have been a major problem for workers in my State, including those who worked for many years at Reserve Mining Co.

There is a real problem with the low rate of private savings in this country, including for retirement. Comprehensive pension, Social Security, and other retirement security reforms are difficult issues to address adequately. Even so, it is critical that we do so, especially since there are many proposals, some quite radical in their scope, now floating around to do things like privatize the Social Security System and create so-called super-IRA's, allowing people to invest all or part of their Social Security funds in the stock markets, instead of in Government securities—where they would be more secure but perhaps offer slightly lower overall returns.

As the baby boomer generation moves toward retirement, these retirement security issues, along with questions about savings rates, portability of pensions, 401(k) plan use, and related matters could become more urgent. To look at the long-term implications of these and other proposed changes to our retirement security policies, I am today calling for the establishment of a bipartisan commission to make recommendations to Congress on how best to reform our retirement security programs in a way that would have the most beneficial impact on the largest number of people, similar to a bill that was introduced recently on the House side.

CORPORATE ACCOUNTABILITY

The rash of lay-offs, corporate restructurings, and other economic dislocations that have rocked the American economy pose serious problems for American workers, their families, and communities, and have contributed to the widening income gaps in our society. For years, we have seen a growing trend toward an almost exclusive focus on the bottom line in many corporations, with firms caught in a web of leveraged buy-outs, mega-mergers, swiftly changing markets, and other forces. While we are all committed to a free economy, we cannot sustain a prosperity that permits us to be divided between the wealthy few and the worried many.

Corporations must keep in mind the interests of all of their stakeholders in making economic decisions, and not just stockholders. Workers, communities, State governments which provide economic incentives, suppliers and contractors, and a host of other stakeholders should all be considered as firms make economic decisions.

This bill attempts to create incentives for firms to engage in more responsible, forward-looking, stakeholder-driven decisionmaking. It outlines a proposed set of corporate responsibility principles that businesses would have to observe as a condition to qualify for certain preferential treatment in Federal contracting. These principles include, among others, providing a safe and healthy workplace; ensuring fair employment, including avoiding discrimination in hiring; observing environmental protections; promoting good business practices; maintaining a corporate culture that respects free expression; and encouraging similar behavior by partners, suppliers and subcontractors. This proposal would require that, in its procurement process, the Federal Government give a preference to contractors that adopt and enforce this corporate code of conduct; it would also provide for periodic reviews to ensure compliance with the code.

I believe we must encourage responsible citizenship by firms doing business with the Government, and this provision moves us in that direction. I am skeptical of providing additional tax subsidies as some have proposed, and I think this alternative approach deserves consideration. I know that there are a host of other approaches, such as those that have caught fire in my State and elsewhere, which require that a living wage—not just a minimum wage—be paid by companies that receive government benefits. I want to pursue this and other similar ideas which are bubbling up from the grassroots, because I think they too are interesting ways to prompt firms to act more responsibly, and to combat the growing layoffs that have so shaken our economy.

FAIR TRADE UNDER NAFTA

Many Americans today are concerned about losing good jobs in this country when U.S. employers seek cheaper labor abroad. I did not support the North American Free-Trade Agreement. I believed then, and do now, that this particular agreement is not in the best interests of the workers of Mexico, Canada, or the United States. I believe we have an obligation to guarantee that workers and environmental interests are not compromised. And so I have included a title in my omnibus legislation that is an effort to strengthen NAFTA and at the same time protect the interests of all workers.

The legislation I am proposing would direct the President to renegotiate portions of the North American Free-Trade Agreement to address the negative effects of the agreement's implementation since January 1994. The renegotiation would seek to achieve the original promises of NAFTA: to improve the standard of living and quality of life for United States citizens, as well as those of Mexico and Canada. A positive, fair NAFTA would open markets in a way that promotes a high-wage, high-skill strategy of growth for the whole continent, promotes environmental and consumer protection, and contributes to real development and democracy.

Instead, available evidence indicates NAFTA has failed and has contributed to a substantial U.S. trade deficit, loss of jobs, suppression of wages, and to downward pressure on environmental and health standards and conditions.

I am not opposed to free trade. I am in favor of fair trade and fair trade agreements. I believe these changes would take us along the road of building a solid foundation for the future of our workers, our health, and the future of the entire region.

Mr. President, I hope this bill, and other measures to bring the issues of economic security for working families back to center stage, will be acted on soon. I intend to continue to press legislation to address these issues here in the Senate—it was what I was elected to do. I urge my colleagues to cosponsor this important legislation, and to support its key elements as I bring some of them to the Senate floor in the coming months.

Mr. President, the Working Families Economic Security Act of 1996 is really an effort on my part as the Senator from Minnesota pulling together a lot of different legislation and a lot of work that I have been doing in the Senate over the years and putting it into one bill. The reason I do so is that I really feel as if Minnesota and the country are kind of leading the way in telling us what we must do, the work that they think is important that connects to their lives.

I am a cafe politician, and I try to spend as much time as possible with coffee and pie—probably too much pie—in cafes in Minnesota, just sitting down with people and talk and listen —and listen. What I hear, Mr. President, is, "Senator, I am retired. I don't want anybody to take my pension away."

One provision in this legislation makes it crystal clear there can be no skimming of hard-earned pension money. That belongs to the employees. It belongs to nobody else. No large multinational corporation will be allowed to skim pension money from any man or woman retired in Minnesota or anywhere in the country. People say to me in cafes in Minnesota, "Senator, it is just outrageous to me that if I have a bout with cancer in my 50's, I might see my insurance policy canceled."

This bill includes the insurance reform provisions that we should pass anyway that make sure that the insurance companies no longer are able to continue with this discrimination. It is just outrageous that an insurance company would not provide coverage to someone because of a bout with an illness, or that somebody cannot transfer from one job to another or start a small business in Minnesota or in Colorado or in New Mexico with this kind of discrimination against them because they have had a bout with cancer or because they are a diabetic.

Mr. President, Minnesotans say to me in cafes, "Senator, I don't know what your colleagues are thinking, but let me tell you, $4.25 an hour to $5.15 an hour, increasing the minimum wage nationwide is an additional $1,800. For that, I can pay my energy bill; for that, I can purchase health insurance for myself and my children; for that, I can go to a community college; for that, I can put food on the table." This includes raising the minimum wage to $5.15 an hour.

Mr. President, Minnesotans say to me in cafes, "Senator, I am really worried because I am 50 years old and I read the papers and I know that people are being downsized, restructured out of work. What will happen to me?" So there is a strong emphasis here on education and job training in this legislation. I think we have to redefine education as a teacher. It is no longer K through 12. It is for longer—K through higher education. It is K through 65. People should not just be spit out of the economy with nowhere to go, people who have worked hard and are skilled. We should give skilled men and women an opportunity, if they lose their job in one company through no fault of their own, to be able to go back to school to have the skills development to find a job, a good job, somewhere else in the economy. There is a strong emphasis on education and job training.

Mr. President, this legislation also focuses on, in general, the issue of economic opportunities. People say to me in cafes, "Senator, our children are in their 20's. They cannot find a job paying a decent wage with decent fringe benefits."

So, Mr. President, let me just say, I think from pension funds to health care to decent jobs at decent wages, to educational opportunities, to putting an end to this obscene disparity tax, funded disparity between CEO's salaries and wage earners, to some sort of accountability, that we call on large multinational corporations to be accountable. I think this is the direction people want us to go in. These are the bread-and-butter economic issues.

I say, by way of conclusion, that I think one of the mistakes—I do not believe in hate; I believe in honest debate. I think much of the mistake that the Gingrich Congress has made in 1994, there was a lot of campaigning on the bread-and-butter economic issues, and now Speaker Gingrich is taking the bread and butter, and working families do not like that. People want to see their kids have economic opportunities. These are the issues that matter: a good job, good education, opportunities to start a small business, having decent health care coverage, making sure that we focus on investing in our kids, making sure we invest in an economy that produces jobs that people can count on. That is what people are talking about in the cafes in Minnesota.

That is what people are talking about under the roofs in their homes. That is what people are talking about on their farms. This Working Family's Economic Security Act of 1996 brings that together. I will take pieces of this legislation and bring amendments to the floor and make sure we have votes on this.

By Mr. BINGAMAN (for himself, Mr. PELL, and Mr. CAMPBELL):

S. 1723. A bill to require accountability in campaign advertising, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE CAMPAIGN ADVERTISING ACCOUNTABILITY ACT OF 1996

Mr. BINGAMAN. Mr. President, I rise today to offer legislation on behalf of myself and Senator PELL that I believe is a small, yet a very important step in reforming the campaign system that has led to widespread mistrust of the political process and mistrust of those who seek public office.

Mr. President, the legislation that I am offering today is simple and straightforward. First of all, it would amend the new Telecommunications Act to provide that all legally qualified candidates for Federal elective office who refer directly or indirectly to another candidate for that office in a campaign advertisement must make the reference in person.

If the candidate voluntarily chooses not to make the reference himself or herself, he or she would not be eligible for the lowest unit rate provided to candidates under section 315(b) of the Communications Act for the remainder of the 45-day period preceding the primary or the primary runoff election, or the 60-day period presiding the date of the general or special election. The candidate would, however, of course, continue to have access to the broadcast station at the same charge made for comparable use of the station by commercial users.

Second, the bill requires that broadcasters who allow an individual or group to air advertisements in support of, or in opposition to, a particular candidate for Federal office, allow the candidate's opponent the same amount of time without charge on the broadcast station during the same period of the day.

Mr. President, these are not new concepts. In the 99th Congress, Senator Danforth offered S. 1310, which would have required a broadcast station that allowed a candidate to present an ad that referred to her opponent without presenting the ad herself, to provide free rebuttal time to the other candidate. Since then, other variations of what have become known as talking heads legislation have been incorporated in overall campaign finance reform bills and introduced as free standing bills.

Mr. President, I became interested in this issue last year when I read an editorial in the Washington Post by David Broder entitled, "Dirty Work for Dirty Campaigns." Mr. Broder referred to an issue of Campaigns and Elections which is a magazine for campaign consultants. The July 1995 issue contained an article about negative attack ads and quoted several campaign consultants. What the consultants admitted about campaigning today should shock the conscience of everyone in the Senate.

Consultants are quoted as saying in reference to developing negative, attack ad, "Welcome to the world of attack mail * * * It's a world of taunts, jeers, jabs, pointed fingers, and mudslinging." The consultants go on to write, "Excite the emotions. It's much easier and more effective to persuade with the heart than with the head alone. Fear, anger, envy, indignation and shame are powerful emotions in the political arena." And, Mr. President, in what is perhaps the most revealing revelation about these consultants' campaign strategy, they write that the candidate should never take personal responsibility for attacking the opponent but, and I quote, "It's always best to have someone else deliver the negative message, even if it's a third-person, unsigned piece. Keep your candidate at a dignified distance." Mr. President, I see nothing dignified about such a strategy. While the consultants were commenting on attack mail, I don't think it requires too much of a stretch to realize that the same rules apply to many of today 's television advertisements.

Mr. President, a little over a year ago, I went through a costly, and negative campaign. right now, many of our colleagues are preparing to go through the same process and I say with all sincerity, that I do not envy my colleagues whether they are Republican or Democrat because I know that they will soon be subjected to many of the same negative, attack ads that I had to face in my race. Many of those ads will contain misrepresentations, distortions, and outright untruths. Perhaps an image will appear but it won't be the candidate's either. Instead, it will be the candidate hiding behind the message. And if it is not the candidate himself or herself who is orchestrating the attack ad, it will be some special interest group that is not subject to even the minimal restraints on spending and other restrictions that candidates are subject to.

Mr. President, we hear that politicians are held in only slightly higher esteem by the public than lawyers and journalists. While that may be true, I know that my colleagues, regardless of their political affiliation, are honorable men and women who care about their respective States and our Nation. Unfortunately, the negative perception persists.

I believe that one of the reasons for that is the trend in today's campaigns to attack, attack and attack—to go negative early and stay negative until the votes are counted. As Senator Danforth noted, legislation requiring the candidate herself to present ads that reference her opponent would serve the purpose, "* * * to open up speech, open up the ability to respond, the ability to defend oneself. In the case of a candidate making a negative attack, we try to improve the sense of responsibility and accountability by making it clear that the candidate who makes the attack should appear with his own face, with his own voice."

I believe that the legislation I am introducing today will begin the process of restoring the confidence of the American people in public service as an honorable endeavor. I also believe that it passes first amendment scrutiny because it sets up a system of voluntary participation in receiving the benefits of section 315 of the Communications Act. A candidate's access rights to the airwaves in this instance are statutory, rather than constitutional. Congress established the requirements for candidates to be eligible for the lowest unit rate and Congress has the right to modify those requirements so long as the modifications reasonably balance the interest of candidates, broadcast licensees, and the public. Participation in this context is voluntary.

Nothing in this legislation would prohibit a candidate from offering an ad that references her opponent without making the reference in person. A candidate could offer her ad in any format and no penalty, either civil or criminal, would attach for deciding not to following the strictures of this legislation. Broadcasters would not be burdened by this bill because it does not require them to provide any additional benefits to particular candidates. Instead, it leaves the choice of whether or not to participate in the system whereby the candidate receives a lowest unit rate charge to the candidate herself. And, finally, the public is not harmed by this bill. In fact, I find it difficult to believe that anyone would argue that the public would be harmed by requiring candidates to take responsibility for their statements. More openness, more honesty and more responsibility in campaign advertising would benefit all.

Mr. President, last year the majority leader included campaign finance reform in the list of legislation that should be considered by the 104th Congress, and I commend him for that. In addition, our colleagues from Arizona and Wisconsin, Senators McCAIN and FEINGOLD introduced a comprehensive campaign finance reform bill that has received a positive response in many corners. Unfortunately, I fear that, as the majority leader has noted, the differences between the two parties on comprehensive campaign finance reform could all to easily prevent the Congress from enacting comprehensive campaign finance reform. My legislation, on the other hand, is not a Republican or Democratic issue. If the elections of 1992 and 1994 demonstrated anything, it was that neither Republicans nor Democrats have a patent on the art of negative campaigning. Both sides have resorted to these types of ads and both sides have been the victims of them. My legislation, unlike the larger issues of campaign finance reform, should attract bipartisan support.

Mr. President, we are about to enter the height of the American political season. It is no doubt just a matter of time before the negative advertisements begin to air across the country. By enacting the legislation we are introducing today, I believe that the Senate will take a major first step in bringing fresh air into the area of campaign reform and a major step toward restoring dignity and confidence in our political process. I urge my colleagues to act on this matter at the earliest possible time.

By Mr. THOMAS:

S. 1724. A bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes; to the Committee on Governmental Affairs.

THE FREEDOM FROM GOVERNMENT COMPETITION ACT

Mr. THOMAS. Mr. President, I rise today to introduce a bill called the Freedom From Government Competition Act, a bill that will create jobs and commercial opportunities for small businesses. I am joined in this effort by my friend and associate from Wyoming, Senator SIMPSON, as well as Senator KYL and Senator CRAIG. I urge, of course, other Senators to join this effort.

It has been the Federal Government's policy for a good long time to contract out services. We have not always enforced it, however. The purpose of this bill is to put some teeth in the policy; we ought to put into the private sector all those things that could be better done there, as opposed to having them done within the Federal Government.

This bill establishes a process in which the Office of Management and Budget will identify Government functions that are commercial in nature and recommend a plan to contract out those activities to the private sector over a 5-year period. It is similar to H.R. 28 in the House, introduced by Congressman DUNCAN from Tennessee. It has bipartisan support of over 40 Members in the House and it is similar, interestingly enough, to a bill that was introduced by Senator RUDMAN in the 1980's here in the Senate.

Significant portions of this idea were a part of the 1996 defense authorization bill, which had to do with procurement and moving some of these kinds of things into the private sector. This bill simply takes that concept and expands it further to other Federal Government operations.

Government competition with the private sector, as we all know, is a big problem. Often bureaucracy wastes too much time and money on goods and services that could better be delivered by the private sector. Most of us, I think, agree with the notion we ought to limit those functions of the Government to things that can only be performed by the Government and put into the private sector the other functions. That, basically, is the purpose of my bill.

It is also wrong, it seems to me, that the Government competes with the private sector. There ought to be competition, but the competition ought to exist within the private sector. For example, surveying and mapmaking can be done in the private sector. Indeed it should be. Training, education, janitorial services, laboratory services are all functions that can be performed by private industry. I proposed a similar bill when I served in our legislature in the State of Wyoming, urging and in fact setting up a process to contract out many services.

This idea has been a major concern for some time. It was one of the top issues of the most recent White House Conference on Small Business, as you can imagine. State and local governments have had success, in some areas, privatizing. Massachusetts Governor Weld said, "It's not an issue of public versus private. It's an issue of monopoly versus competition." I agree.

The Department of Defense has had considerable success in contracting out some functions. The armed services are saving $1.5 billion a year, a 31 percent reduction, from outsourcing. So it is time for us to not only talk about it but to do it. This bill basically says to the Office of Management and Budget, come back to the Congress with a plan that makes this happen. It will create jobs, help small businesses and save billions of dollars.

Mr. President, I urge my colleagues to take a look at this bill and join me in this idea of moving those nongovernmental functions that are performed by the Government into the private sector.

Mr. President, I send the bill to the desk and ask it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

By Mr. BURNS (for himself, Mr. PRESSLER, Mr.- LEAHY, Mr. DOLE, Mr. FAIRCLOTH, Mrs. MURRAY, Mr. MCCAIN, Mr. WYDEN, and Mr. ASHCROFT):

S. 1726. A bill to promote electronic commerce by facilitating the use of strong encryption, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE PROMOTION OF COMMERCE ON-LINE IN THE DIGITAL ERA ACT OF 1996

Mr. BURNS. Mr. President, I rise today to introduce the Pro-CODE bill, or the Promotion of Commerce Online in the Digital Era Act of 1996, with the following cosponsors: the distinguished majority leader, Senator DOLE, Senator PRESSLER, Senator LEAHY, Senator MURRAY, Senator WYDEN, Senator NICKLES, Senator MCCAIN, Senator ASHCROFT, and Senator FAIRCLOTH.

Like the title of the bill states, my primary objective with this legislation is to promote commerce both domestically and abroad. But I have two other goals that I believe will be achieved by Pro-CODE: one is to improve the competitiveness of American software companies with their foreign competitors, the other is to protect the intellectual property and privacy of both businesses and individuals.

Mr. President, Pro-CODE would have a profound impact on our economy and the way each of us lives our life from day to day. It is a relatively simple bill, but it deals with a term few of us are familiar with: encryption. Encryption is simply the use of a string of letters or numbers—or a key—to render our computer files and transmissions unreadable by people who have no business reading them. If you have the right key, you can unlock the code and have access to that information.

Unfortunately, American businesses and computer users face a threat—and it is a threat from their own Government—because the current administration will not let American companies export encryption at a level higher than 40 bits. This is a fancy word, but it means is that it is a level of security that can be cracked by your basic supercomputer in about one-thousandth of a second at a cost of a tenth of a cent. Companies can sell stronger encryption here at home, but it is too expensive to create two different standards, so they do not.

What this means is that commerce and communication on computer networks including the Internet is not reaching its full potential. How many of you would feel secure sending your credit card number over the Internet—especially when you learn that reported invasions by computer hackers increased ninefold between 1990 and 1994? Or when Internet World magazine estimates that the actual number of unwanted computer penetrations in 1992 alone was 1.2 million? If you were a business, how many of you would feel secure passing sensitive information to your branches around the world or around the Nation? If you were an ordinary citizen, would you feel secure knowing that many of your records and files are subject to the kind of security that the cyber-criminals of today just laugh at?

Yet that is the problem we face today, and my colleagues here today and I find it unacceptable. Just 3 months ago we passed a historic telecommunications law that is designed to make it easier to interact with each other. But the law—that vehicle which will take us along the information highway—is useless without the engine of information security driving it forward.

Mr. President, our bill would allow the unrestricted export of mass-market or public-domain encryption programs. It would also require the Secretary of Commerce to allow the export of encryption technologies if products of similar strength are available elsewhere in the world. Finally, it would prohibit the Government from imposing a mandatory key-escrow system in which the Government or another third party would have a back door to your computer files.

I come from a State where distances can often keep us apart. From Eureka, MT, in the northwest to Alzada, MT, in the southeast is the same distance as from Washington, DC, to Chicago. Anything to bring us closer together will give us benefits only enjoyed now by folks in larger areas. It will also give the mom-and-pop businesses in our smallest communities a leg up on their bigger competitors as we enter the information age.

But my concern is also based on the effect the current policy is having on jobs and industry in this Nation. Because of our current ill-advised policy, American companies will lose their share of the world market—which now stands at 75 percent—to foreign companies who do not have to abide by such restrictions. For example, I have discovered a World Wide Web page from a South African company that boasts 128-bit encryption. In many cases, these encryption programs are available to download from the Internet.

Mr. President, American companies clearly are at a competitive disadvantage. A study by the Computer Systems Policy Project found that within just the next 4 years, American companies could lose $60 billion in revenues and American workers could lose 216,000 high-tech jobs. Our bill is a jobs bill that I'm sure the administration can agree with. But it is not only that. As you can see, it is also a consumers bill.

One of the questions I have heard is, "How does this legislation differ from a bill you are also sponsoring with Senator LEAHY?" The answer is, not a lot. However, Pro-CODE is narrower in its scope. It deals exclusively with the issue of commerce and omits the criminality provisions. In addition, it does not set up guidelines for a voluntary key-escrow arrangement. This is a streamlined measure that I hope to move quickly through the Committee on Commerce, Science, and Transportation and the Science, Technology, and Space Subcommittee, which I chair. We will have hearings on this bill, hopefully as soon as this month, and I hope to have at least one of those in the field where the people are affected most by this bill.

In addition to the diverse and bipartisan group of Senators you see before you, support for this legislation in the private sector is both broad and deep. There are two homepages on the Web that are dedicated to tracking encryption legislation and making people aware of why it is needed. As with the blue-ribbon campaign, Internet users will be encouraged to download the golden key and envelope symbol. They will then be able to link to one of the two encryption pages and show their support for this effort.

I am also sending today an open letter to the Internet community encouraging support for this bill, and I expect it to be made available to hundreds of thousands of Internet users. I will also make myself available for at least two online forums to discuss my bill with computer users. Mr. President, I urge support for this bill.

Mr. PRESSLER. Mr. President, I am proud to join with my colleagues today to introduce the Promotion of Commerce On-Line in the Digital Era Act [Pro-CODE]. This bill will eliminate outdated, useless rules, and regulations so that American companies can compete effectively throughout the world in the global information technology industry. It will strengthen our economy, create jobs, and maintain the U.S. lead in telecommunications and information technology into the 21st century.

The high-technology industry is the crown jewel of the American economy—growing exponentially each year and constantly creating new jobs. This is the future of our country's economic security.

We are the world leaders in the technology revolution. Whether in hardware, software, browsers, semiconductors, cryptography, or other segments of the industry, we have the talent and capability to retain this lead indefinitely. The private sector is doing everything possible to expand this industry. Unfortunately, they frequently are held back by unnecessary or antiquated Government rules and regulations. Government should help, or at the very least, get out of the way.

Outdated Government policy must change and it must change immediately. The future of this industry, its employees and our country's economy depends on this change.

This is why I am an original sponsor of Pro-CODE. The Senate Committee on Commerce, Science, and Transportation, which I chair, will have jurisdiction over this bill, that basically, would allow unlimited export of commercially available encrypted software. I am committed to moving this legislation forward immediately and I am joined by others on the committee who fell the same way.

The health of our national economy, and my home State of South Dakota's economy in particular, is heavily dependent upon exports. We must focus on expanding our present foreign markets and opening new ones in order to strengthen our businesses and maintain our economic hegemony. It is undisputed that American business can compete evenly with their foreign counterparts when operating on a level playing field. However, they are not always given fair treatment.

When U.S. companies are treated unfairly vis-a-vis their foreign competitors, they lose contracts and their market share suffers. This leads to lower profits and less repatriation of those profits to the United States. We must do all we can to eliminate foreign trade barriers that restrict U.S. companies operating abroad. At the same time, we also must eliminate our own Government's discrimination against our American multinationals. To this end, the bill assists U.S. multinational companies, and high-technology companies in particular, by eliminating unnecessary restrictions on their operations.

The Pro-CODE bill enjoys widespread bipartisan support. I believe this change in policy is vital if the United States is to maintain its worldwide lead in the development and sale of software technology. This is an industry key to the continued strength of our economy, however, export controls—true relics of the cold war—are hurting American companies' ability to sell their products overseas. We won the cold war. We must now disarm the weapons used to win that war before they are used against us.

It is simply logical to allow U.S. companies to sell overseas some of the technology they currently are allowed only to sell within the United States. As you know, certain software readily available around the world and on the Internet is not allowed to be exported from the United States. Rules that once made sense are obsolete and harmful—only to us—in today's rapidly changing world. Encrypted software, which serves to secure communications, is the future of the industry.

If we fail to loosen our export laws, American companies face two unpleasant choices. First, they can simply stand by and watch their products be replaced by foreign competitors. This means losing this industry the way we lost consumer electronics, steel, and the auto industry in the past. In the more likely alternative, these companies will be forced to move their production and research facilities offshore. If this happens, not only will our economy suffer, but we will lose high-paying, high-technology jobs. We cannot afford either alternative. That is why I am fighting to correct this problem. We must do so—before it is too late.

When I led the effort to enact the sweeping Telecommunications Reform Act my goal was to open up all aspects of the telecommunications industry to widespread competition. Without changes in other laws this goal cannot be fully achieved. Indeed, without such changes we risk the loss of markets such as software to foreign competitors because our own Government restricts the U.S. companies.

The issue is a simple one—with the globalization of our information systems we must have secured transmissions. Those transactions should be protected by the best encrypted software available. That means American products.

As the Federal Communications Commission proceeds with implementation of the Telecommunications Act it is important for Congress to keep a watchful eye on their deliberations. For example, some at the FCC support a mandated high-definition television [HDTV] standard. Not me. I will fight any FCC attempt to set mandated equipment standards. To establish such mandates would set a dangerous precedent which could chill competitive gains the United States has made throughout the world. The computer industry has grown and flourished because the Government did not set standards or impose mandates. The Government should not get into mandating standards.

I also am working to bolster our competitiveness through the enactment of the international tax simplification for American competitiveness bill. The purpose of this legislation is to make technical corrections and simplification changes to the U.S. Tax Code—eliminating some of the discriminatory and redundant application of rules of our companies. This bill likely will include a provision eliminating the discrimination against software under the foreign sales corporation rules. This too will help U.S. software exporters. This bill contains commonsense changes to the Tax Code designed to put United States companies on more equal footing with their key competitors in Japan and Germany. I intend to introduce this bill in the next few weeks. Here too, I expect widespread bipartisan support.

I want to use my role as chairman of the Commerce Committee—with its jurisdiction over international trade and the Commerce Department—in combination with my membership on the Finance Committee—which has jurisdiction over trade and tax policy—to help strengthen American competitiveness overseas. Our economic future depends upon diligent efforts to ensure our companies are treated equitably not only by foreign countries, but by our own as well. We can compete with anyone given a fair chance. It is my goal to put America first.

Mr. LEAHY. I am pleased to join a bipartisan group of Senators in supporting legislation to encourage the development and use of strong, privacy-enhancing technologies for the Internet by rolling back the outdated restrictions on the export of strong cryptography.

As an Internet user myself, I care deeply about protecting individual privacy and encouraging the development of the Net as a secure and trusted communications medium. Current export restrictions only allow American companies to export primarily weak encryption technology. The current strength of encryption the U.S. government will allow out of the country is so weak that, according to a January 1996 study conducted by world-renowned cryptographers, a pedestrian hacker can crack the codes in a matter of hours. A foreign intelligence agency can crack the current 40-bit codes in seconds.

Perhaps more importantly, the increasing use of the Internet and similar interactive communications technologies by Americans to obtain critical medical services, to conduct business, to be entertained and communicate with their friends, raises special concerns about the privacy and confidentiality of those communications. I have long been concerned about these issues, and have worked over the past decade to protect privacy and security for our wire and electronic communications. Encryption technology provides an effective way to ensure that only the people we choose can read our communications.

Encryption is critical for electronic commerce really to flourish on the Internet, and for computer users to trust that their communciations will remain private. Today, I have sent out an open letter to the Internet about this encryption legislation. So that people reading the letter can be assured that it is really me sending it, I am using a popular encryption program called "Pretty Good Privacy," or "PGP," to authenticate my signature. This is yet another practical use of encryption, and an important one for electronic commerce.

Maintaining the privacy and confidentiality of our computer communications and information is very important to all of us both here and abroad. I have read horror stories sent to me over the Internet about how human rights groups in the Balkans have had their computers confiscated during raids by security police seeking to find out the identities of people who have complained about abuses. The human rights groups have been able to get for free from the Internet an encryption program called Pretty Good Privacy (PGP) to protect their computer communications and files. These encrypted files are undecipherable by the police and the names of the people who entrust their lives to the human rights groups are safe.

The encryption bill, called the Promotion of Commerce On-Line in the Digital Era (PRO-CODE) Act of 1996, which we introduce today, would:

> Bar any government-mandated use of any particular encryption system, including key escrow systems and affirm the right of American citizens to use whatever form of encryption they choose domestically;
>
> Loosen export restrictions on encryption products so that American companies are able to export any generally available or mass market encryption products without obtaining government approval; and
>
> Limit the authority of the Federal Government to set standards for encryption products used by businesses and individuals, particularly standards which result in products with limited key lengths and key escrow.

This is the second encryption bill I have introduced with Senator BURNS and other congressional colleagues this year. Both bills call for an overhaul of this country's export restrictions on encryption, and, if enacted, would quickly result in the widespread availability of strong, privacy protecting technologies. Both bills also prohibit a government-mandated key escrow encryption system. While Pro-CODE would limit the authority of the Commerce Department to set encryption standards for use by private individuals and businesses, the first bill we introduced, called the "Encrypted Communications Privacy Act", S.1587, would set up stringent procedures for law enforcement to follow to obtain decoding keys or decryption assistance to read the plain text of encrypted communications obtained under court order or other lawful process.

To satisfy national security and law enforcement concerns, both bills have important exceptions to restrict encryption exports for military end-uses, or to terrorist designated or embargoed countries, such as Cuba or North Korea.

I know this is not enough to satisfy our national security and law enforcement agencies, who fear that the widespread use of strong encryption will undercut their ability to eavesdrop on terrorists or other criminals.

But U.S. export controls will not keep encryption out of the hands of criminals; these controls only hurt legitimate users and American business. Any criminal intent on encrypting his computer information or messages to avoid getting caught can go into any Egghead store and buy off-the-shelf Lotus Notes or Norton Utilities encryption program, both of which contain strong encryption that cannot be exported. It is then a simple matter just to slip the software disc into his pocket to smuggle out of the country.

Actually, it is even simpler than that for a foreign terrorist or any criminal to get ahold of strong encryption. They don't even have to leave home. With a computer, a modem, and a telephone line, they could download for free off the Internet from anywhere in the world strong encryption, such as Pretty Good Privacy.

Strong encryption has an important use as a crime prevention shield, to stop hackers, industrial spies and thieves from snooping into private computer files, and stealing valuable proprietary information. We should be encouraging the use of strong encryption to prevent certain types of computer and online crime.

It is clear that the current policy toward encryption exports is hopelessly outdated, and fails to account for the real needs of individuals and businesses in the global marketplace.

In one recent example, a major high-technology firm had a multi-million dollar contract to sell digital television systems to China put at risk due to our export regulations. Why? The company suffered lengthy delays in getting export approval because the systems contained encryption technology to scramble TV signals—a critical component of the system to protect the intellectual property rights of the programming carried by the signal. Foreign competitors seeking to get into the vast China market were ready and willing to step into the company's place if it were unable to fulfill its contractual obligations. Two weeks after the contractual delivery date, the company finally got the export approval it sought. This example is particularly ironic since in trade negotiations, the United States has strongly urged China to protect intellectual property rights better.

Encryption expert Matt Blaze, in a recent letter to me, noted that current U.S. regulations governing the use and export of encryption are having a "deleterious effect * * * on our country's ability to develop a reliable and trustworthy information infrastructure." This sentiment is echoed by the chief executive officers of 13 major U.S. computer systems companies, including IBM, Apple, Digital Equipment, Hewlett-Packard, and others, which recently reported that

> * * * encryption is the most practical and effective means to protect valuable and confidential electronic information traveling across open networks. The availability of effective encryption is necessary to realize the full potential of the Global Information Infrastructure (GII).

The time is right for Congress to take steps to put our national encryption policy on the right course. The Pro-CODE bill, as well as the Encrypted Communications Privacy Act, S. 1587, are much-needed steps to reform our Nation's cryptography policy.

Mrs. MURRAY. Mr. President, I am pleased to be joining Senator BURNS, Senator LEAHY, Senator DOLE, Senator PRESSLER and others in cosponsoring the Promotion of Commerce On-Line in the Digital Era Act of 1996. The strong bipartisan support for this bill emphasizes how important our national encryption policies are becoming and reflects Congress' growing awareness of the issues surrounding the production and sale of encrypted software and hardware. I commend Senator BURNS and Senator LEAHY for their efforts in putting this legislation together.

As many of my colleagues know, the Department of Commerce recently released a report stating there are tremendous international growth opportunities for software exporters in the next five to 10 years. Unfortunately, the Department of Commerce also acknowledged most U.S. companies don't pursue international sales because our export control laws are too cost prohibitive.

Rather than dissuading international sales, our national policies should be encouraging American companies to enter the global marketplace. American software producers are losing tens of billions of dollars in lost sales due to outdated export controls. I recognize there are legitimate national security concerns underpinning the Export Administration Act. However, these archaic laws are no longer relevant to the post-cold-war world in which we now live. Today's national export controls should target those items that really need to be controlled in order to maintain national security. Simply, they should make better sense; it doesn't make sense to tell U.S. software producers they can't export a product that is already widely available on the world market.

Senator BURNS' bill makes sure our innovative private sector producers lead the way in developing acceptable encryption technology, and it makes sure government mandates and national export control policies do not hamper private sector developments.

Mr. President, I introduced the Commercial Export Administration Act in the 103rd Congress, and I am pleased Senator BURNS is incorporating the spirit of my language in his bill. My language reduced regulatory red tape and made it easier to export generally available mass-marketed commercial software. Washington state is home to some of the most innovative software producers in the world, and they are eager to export their goods. Unfortunately, our export controls keep Washington state's companies from penetrating the world market.

Some of my colleagues may not know that Washington state's small and mid-sized high-tech companies provided more than 98,000 jobs in 1995.

Mr. President, I mention this because our bill will increase exports and enable our high-tech companies to grow further. Higher growth means more jobs—plain and simple. A recent study revealed U.S. software and hardware exporters lost $60 billion in potential 1995 sales, and the study estimates a loss of 200,000 jobs in the industry by the year 2000. Given the increase in international competition, we can no longer afford to hold U.S. companies back from potential world sales.

This legislation is badly needed, and I urge my colleagues to join Senator BURNS and me in supporting this bill.

ADDITIONAL COSPONSORS

S. 704

At the request of Mr. SIMON, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 704, a bill to establish the Gambling Impact Study Commission.

S. 929

At the request of Mr. ABRAHAM, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 929, a bill to abolish the Department of Commerce.

S. 1233

At the request of Ms. MIKULSKI, the name of the Senator from South Carolina [Mr. HOLLINGS] was added as a cosponsor of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1385

At the request of Mr. BREAUX, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1385, a bill to amend title XVIII of the Social Security Act to provide for coverage of periodic colorectal screening services under Part B of the Medicare Program.

S. 1584

At the request of Mr. THOMPSON, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1584, a bill to authorize appropriations for the preservation and restoration of historic buildings at historically black colleges and universities.

S. 1646

At the request of Mr. DOMENICI, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Iowa [Mr. HARKIN] were added as cosponsors of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1647

At the request of Mr. PRESSLER, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 1647, a bill to amend the Federal Land Policy and Management Act of 1976 to provide that forest management activities shall be subject to initial judicial review only in the United States district court for the district in which the affected land is located, and for other purposes.

S. 1667

At the request of Mr. GREGG, the names of the Senator from Minnesota [Mr. GRAMS] and the Senator from Georgia [Mr. COVERDELL] were added as cosponsors of S. 1667, a bill to change the date on which individual Federal income tax returns must be filed to the nation's Tax Freedom Day, or the day on which the country's citizens no longer work to pay taxes, and for other purposes.

SENATE RESOLUTION 243

At the request of Mr. ROBB, the names of the Senator from Michigan [Mr. ABRAHAM], the Senator from Utah [Mr. BENNETT], the Senator from New Jersey [Mr. BRADLEY], the Senator from Arkansas [Mr. BUMPERS], the Senator from West Virginia [Mr. BYRD], the Senator from Indiana [Mr. COATS], the Senator from Mississippi [Mr. COCHRAN], the Senator from Idaho [Mr. CRAIG], the Senator from South Dakota [Mr. DASCHLE], the Senator from Ohio [Mr. DEWINE], the Senator from Connecticut [Mr. DODD], the Senator from Kansas [Mr. DOLE], the Senator from Nebraska [Mr. EXON], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kentucky [Mr. FORD], the Senator from Tennessee [Mr. FRIST], the Senator from Ohio [Mr. GLENN], the Senator from Washington [Mr. GORTON], the Senator from Florida [Mr. GRAHAM], the Senator from Minnesota [Mr. GRAMS], the Senator from Idaho [Mr. KEMPTHORNE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Nebraska [Mr. KERREY], the Senator from Michigan [Mr. LEVIN], the Senator from Indiana [Mr. LUGAR], the Senator from Florida [Mr. MACK], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Maryland [Ms. MIKULSKI], the Senator from New York [Mr. MOYNIHAN], the Senator from Oklahoma [Mr. NICKLES], the Senator from Arkansas [Mr. PRYOR], the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from New Hampshire [Mr. SMITH], the Senator from Wyoming [Mr. THOMAS], the Senator from Oregon [Mr. WYDEN], the Senator from Delaware [Mr. BIDEN], the Senator from Wisconsin [Mr. FEINGOLD], and the Senator from Georgia [Mr. NUNN] were added as cosponsors of Senate Resolution 243, a resolution to designate the week of May 5, 1996, as "National Correctional Officers and Employees Week."

AMENDMENT NO. 3840

At the request of Mr. CHAFEE the name of the Senator from Florida [Mr. MACK] was added as a cosponsor of amendment No. 3840 proposed to S. 1664, an original bill to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing border patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes.

AMENDMENTS SUBMITTED

THE IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT OF 1996

SIMPSON AMENDMENT NO. 3951

Mr. SIMPSON proposed an amendment to amendment No. 3734 proposed by him to the bill (S. 1664) to amend the Immigration and Nationality Act to increase control over immigration to the United States by increasing Border Patrol and investigative personnel and detention facilities, improving the system used by employers to verify citizenship or work-authorized alien status, increasing penalties for alien smuggling and document fraud, and reforming asylum, exclusion, and deportation law and procedures; to reduce the use of welfare by aliens; and for other purposes; as follows:

SEC. . ADMINISTRATIVE REVIEW OF ORDERS.

Section 274A(e)(7) is amended by striking the phrase ", within 30 days,".

Section 274C(d)(4) is amended by striking the phrase ", within 30 days,".

SEC. . SOCIAL SECURITY ACT.

Section 1173(d)(4)(B)) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 143a(d)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostat or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking subsection (i) and inserting the following new subsection:

"(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. . JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

Page 87, at the end of line 9, insert at the end of the following:

"Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under Title II of this Act shall be available only in the judicial review of final order of exclusion or deportation under this section. If a petition filed under this section raises a constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure."

SEC. . LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by redesignating subsections "(b)", "(c)", and "(d)" as subsections "(c)", "(d)", and "(e)" accordingly, and inserting the following new subsection "(b)":

"(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

"(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

"(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to 40 U.S.C. 257.

"(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a)."

SEC. . SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—Transportation of the Remains of Immigration Officers and Border Patrol Agents Killed in the Line of Duty.

(a) Notwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for:

(1) the transportation of the remains of any Immigration Officer or Border Patrol Agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. . POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

"The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service."

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (b) by adding the following:

"The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States."

SEC. . PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

"After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers."

On page 173, line 16, insert "(a)" before the word "Section".

On page 174, at the end of line 4, insert the following:

"(b) As used in this section, "good cause" may include, but is not limited to, circumstances that changed after the applicant entered the U.S. and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were unsuccessful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General."

Page 106, line 15, strike "(A), (B), or (D)" and insert "(B) or (D)".

At the appropriate place in the matter proposed to be inserted by the amendment, insert the following:

SEC. . CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. . DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the "Commissioner") shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

Page 15, lines 12 through 14, strike: "(other than a document used under section 274A of the Immigration and Nationality Act)"

NOTICES OF HEARINGS

JOINT COMMITTEE ON THE LIBRARY OF CONGRESS

Mr. HATFIELD. Mr. President, I wish to announce that the Joint Committee on the Library of Congress will meet in SR–301, Russell Senate Office Building, on Tuesday, May 7, 1996 at 10 a.m. to receive testimony on a report done by the General Accounting Office on the Library of Congress.

For further information concerning the hearing, please contact Chuck Frost of the committee staff on (202) 224–8312.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will conduct an oversight hearing during the session of the Senate on Thursday, May 9, 1996 at 9:30 a.m. on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe versus Florida. The hearing will be held in room G–50 of the Dirksen Senate Office Building.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on Armed Services and the associated subcommittees be authorized to meet on Thursday, May 2, 1996, for markup of the fiscal year 1997 defense authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be granted permission to conduct a hearing Thursday, May 2, at 2:30 p.m., hearing room (SD–406), to receive testimony from Hubert T. Bell, Jr., nominated by the President to be Inspector General, Nuclear Regulatory Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 2, 1996, at 10 a.m., to hold an executive business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Thursday, May 2, 1996, at 2 p.m. to hold a nominations hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT AND RELATED MATTERS

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Special Committee to investigate Whitewater Development and Related Matters be authorized to meet during the session of the Senate on Thursday, May 2, 1996, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Thursday, May 2, 1996 at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FOREST AND PUBLIC LAND MANAGEMENT

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 2, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to consider S. 1401, Surface Mining Control and Reclamation Amendments Act of 1995; and S. 1194, to amend the Mining and Mineral Policy Act of 1970 to promote the research, identification, assessment, and exploration of marine mineral resources.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. SIMPSON. Mr. President, I ask unanimous consent that the Subcommittee on Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Thursday, May 2, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 742, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 879, a bill to amend the Wild and Scenic Rivers Act to limit acquisition of land on the 39-mile headwaters segment of the Missouri River, Nebraska and South Dakota, designated as a recreational river, to acquisition from willing sellers; S. 1167, a bill to amend the Wild and Scenic Rivers Act to exclude the South Dakota segment from the segment of the Missouri River designated as a recreational river; S. 1168, a bill to amend the Wild and Scenic Rivers Act to exclude any private lands from the segment of the Missouri River designated as a recreational river; S. 1174, a bill to amend the Wild and Scenic Rivers Act to designate certain segments of the Lamprey River in New Hampshire as components of the National Wild and Scenic Rivers System; and S. 1374, a bill to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

205TH ANNIVERSARY OF POLISH CONSTITUTION

• Mr. ABRAHAM. Mr. President, I rise today to congratulate the Polish-American community and Polish people around the world on a very important occasion in world history. May 3, 1996, marks the 205th anniversary of the adoption of Poland's first constitution.

The concept of a constitutional democracy was introduced to Poland by Thaddeus Kosciuszko, a hero of the American Revolutionary War. The similarities between the Constitution of the United States and Poland are numerous, including protection of sovereignty and national unity, securing of individual and religious freedom for all persons, separation of powers encompassed in the judicial, legislative, and executive branches, and power derived from the will of the people. These strong principles have endured in both countries, and has made Poland an independent nation and leader in Central-Eastern Europe.

I am pleased to be able to join Senator DOLE and my other Senate colleagues in cosponsoring Senate Joint Resolution 51 which commemorates this very important anniversary. My home State of Michigan has been blessed with a wonderful Polish-American community and I extend my warmest congratulations to them and to the national Polish-American community on the commemoration of this anniversary.•

SOUTHEASTERN MICHIGAN SOCIETY OF HOSPITAL PHARMACISTS

• Mr. LEVIN. Mr. President, I rise today to commemorate the 50th anniversary of the founding of the Southeastern Michigan Society of Hospital Pharmacists. The society was founded in 1946 when a group of pharmacists decided that they needed a forum where they could exchange ideas and educate themselves about their evolving profession.

Today, the mission of the Southeastern Michigan Society of Hospital Pharmacists is still to provide an arena where pharmacists can keep abreast of new rules, regulations, and accreditation standards. The society promotes the continuing education of its members through periodic lectures. The society also seeks to educate the public every year through Pharmacy Week, Poison Prevention Week, and Child Immunization Week.

The society is a 600-member regional association of the American Society of Health-Systems Pharmacists. On May 11, 1996, the organization will hold a banquet to celebrate their 50th anniversary. This significant milestone is made even more special because it marks the first time a regional organization of the American Society of Health-Systems Pharmacists has achieved such longevity.

I know my Senate colleagues join me in celebrating the great achievements of the Southeastern Michigan Society of Hospital Pharmacists over the past 50 years.•

HIGHLANDS UNION BANK

• Mr. WARNER. Mr. President, I am pleased today to have the opportunity to give well deserved recognition to a bank in my State. Highlands Union Bank in Abingdon, VA, recently received the U.S. Small Business Administration's top ranking as one of the Nation's top "small business friendly banks". The SBA Office of Advocacy defines small business lending as loans under $250,000. I would like to commend Highlands Union Bank for this achievement. The ranking is based on many factors, including the number of loans given to small businesses, as well as the dollar values. They scored 49 out of a possible 50 points—the best in the State of Virginia.

As a member of the Senate's Small Business Committee, I believe very strongly in this Nation's small businesses. Small businesses are the job creators in our economy. Indeed, small businesses are the backbone of America. Highlands Union Bank is committed to serving small business, and providing opportunities for entrepreneurs. This financial institution believes in its community, and in helping people.

Mr. President, I would like to congratulate Mr. Sam Neese, CEO, for this outstanding recognition from the Small Business Administration. I also extend my best wishes to the staff, because I know full well they rightfully share in this honor. Highlands Union Bank is a shining example for banks across the country and I am proud to salute this Virginia institution for its hard work and accomplishments.•

HOLY CROSS ELEMENTARY SCHOOL

• Mr. BIDEN. Mr. President, this afternoon I had the privilege of meeting with 37 seventh-grade students from Holy Cross Elementary School in Dover, DE. Talking with these bright and energetic young people on the steps of the Capitol reminded me that I was about their age when I first began to develop an interest in government and consider a career in public service.

While we talked out there on this beautiful spring day, I noticed that I was not alone. A number of my colleagues were similarly engaged with young people from their own States.

Today the Senate passed important legislation on immigration reform, legislation which will have a profound impact upon the communities in which these young people are growing up. And I am glad that the students from Holy Cross had the opportunity to witness some of this important debate. It provides them with the opportunity to learn that what we do here has a real-life effect upon many, many Americans. It reinforces that point that young people, whether they are old enough to vote or not, have a stake in keeping abreast of public affairs, because it is their communities', their States', and their Nation's future that is being shaped by the actions we take here in the Halls of Congress.

It will not be too many years before those seventh-graders are our leading businessmen, teachers, doctors, and even Senators, and I think there are few things we as public officials can do that are as important as spending time with the young people who are the future of this country. I have always said that education is the best investment America can make, and as public servants, I believe we have a responsibility to encourage that investment whenever possible.

Beyond that, I honestly believe that spending time with bright, energetic, and thoughtful young people does us a lot of good. Because I never come away from meeting them without gaining a fresh perspective on some of the important questions and issues which confront us today. My meeting with the students from Holy Cross was no exception, and I am grateful to Ms. Marylou Soltys and Ms. Marie McCann and the 13 parent chaperones for bringing their students to Washington. I hope that they all enjoyed their visit, and benefited from our conversation, as much as I did.

I hope to see the day when they return to Washington as leaders in industry, education, medicine, and government.●

CYCLE OF VIOLENCE

● Mr. COHEN. Mr. President, Derrick Robie's tiny, battered body was discovered in the afternoon of August 2, 1993. The small town was shocked to find that 13-year-old Eric Smith had murdered this 4-year-old child.

Investigators found an indicator of violent crime in Eric Smith's behavioral pattern: 1 year prior to killing Derrick Robie, Eric had strangled his neighbor's cat with a hose clamp. At the time, no one paid much attention to this so-called prank.

Mr. President, it is time that we took a serious look at animal abuse and it's link to crimes against people. Perpetrators of serious animal abuse often lack empathy and respect for life in general. The absence of empathy is often manifested by striking, torturing and abusing an innocent animal. Abusing animals is a despicable act, and psychologists and criminologists tell us those who lack empathy for animals may also lack empathy for humans. As a result they may be predisposed to other violent behavior.

Violence begets violence. Child, spousal, and elder abuse are unfortunately too commonplace in our society. Often physical abuse is coupled with sexual abuse against a family member. Aggression is passed from one generation to another. In a hostile home environment, children often mimic their parents' abusive behavior. They become abusive to others, including the family pet, and learn that violence and cruelty are a way of life. Unless intervention occurs, this child is likely to continue violent acts to others, perhaps become an abusive spouse, and possibly commit other criminal acts.

The National Research Council and the Federal Bureau of Investigation agree that cruelty to animals is one childhood behavior that is a powerful indicator of violence elsewhere in the perpetrator's life. There is a strong probability that youths who abuse animals are themselves victims and perpetrators of violence.

Dr. Frank Ascione of Utah State University has been conducting research on the animal-people abuse phenomenon for more than 15 years. He has studied the common roots of violence toward people and animals and has found a strong correlation between animal abuse and people abuse. He is a leader among many researchers who have been scientifically studying this phenomenon since the 1970's. One study of 38 abuse victims at a crisis shelter found nearly 75 percent of women with pets reported their partner had threatened, hurt, or killed the animal. Researchers in child abuse cases found that in 88 percent of these family situations, the pet was also abused.

Violence is not an isolated event and animal abuse is often part of a larger cycle of violence. For this reason, violence toward animals must be taken much more seriously. Cruelty to animals can be a predictor of future violence and an indicator of the violence already in the perpetrator's life.

Experts in the family violence field instruct us to treat a single act of violence as indicators of past and future violence. Our public support systems must be coordinated so when an adult or child abuses an animal, the animal control officer will notify other public health officials to determine whether there is evidence of child, spousal or elder abuse. The perpetrator of animal or people abuse may, himself, be a victim of sexual or other abuse. Further, the Federal Bureau of Investigation has identified animal abuse as one of a cluster of juvenile behaviors that could suggest serious violent behavior later in life.

The good news is that experts are finding that compassion and empathy can be taught. Various schools across the country have recognized the linkage of animal and people violence. They have added specialized humane education to their curriculum in order to teach compassion and empathy.

In 1994 the National Research Council released a comprehensive study on understand and preventing violence, showing that childhood behavior is more important than teenage behavior in predicting future violent behavior. The report suggests that early prevention efforts have a greater potential for reducing adult crime than criminal sanctions applied later in life.

Cities and towns across the country are beginning to recognize the potential for further violence in the link between animal abuses and other abuses. Last year the city of San Diego enacted an unprecedented interagency agreement, requiring its children's services agencies to report to animal control officials suspected instances of animal abuse within 24 hours of becoming aware of it. Further, the animal control officers must report suspected child abuse to the proper authorities. These workers are cross trained to recognize signs of abuse in animals and people.

Other cities and States are strengthening penalties for animal abuse as well as requiring mental health care to be administered to the perpetrators of animal abuse. There is much to be done, and progress begins when those of authority become educated on the significance of animal cruelty.

It is the responsibility of our private and public support systems to recognize signs that a child is in trouble and intervene in an effective manner. The FBI has identified clusters of traits indicating problems: firesetting, cruelty to animals, truancy, et cetera. When there is fire setting, there could be sexual abuse. When there is truancy, there could be drug problems. When there is fighting, and cruelty to people or animals, the perpetrator could be responding to abuses he is suffering or has suffered. Most importantly these signals should not be treated as isolated events, but rather trigger responses from the educators, criminal justice professionals, public health officials, and animal control specialists, working in concert.

I believe that this cycle of violence merits further investigation. We must recognize there is continuity between animal abuse and people abuse. Further research is needed on the predictable influences of violence. Meanwhile, we must take action on the known data. Individuals, the public health system, the criminal justice professionals, and the educators must coordinate their efforts in recognizing, intervening and preventing future violent acts.

In order to encourage more in-depth analyses of this link between people and animal violence, I have asked Attorney General Janet Reno to accelerate the Department of Justice's research in this area and to take appropriate action based upon what we already know. One particular area of interest to me is the education of prosecuting attorneys and judges regarding the correlation of animal cruelty to other crimes. While experts agree the penalties for such abuse should be stiffened, they are also in agreement that a mental health analysis of the entire family involved in an abusive case may be necessary.

I intend to continue my examination of violence prevention and I intend to continue investigating where the public support systems may be further strengthened in breaking this cycle of violence. The professionals in criminal behavior are reporting to us that violence has warning signals. It is our responsibility to recognize these signals and intervene swiftly and effectively.

Admittedly this is not an exact science. Every child that abuses an animal will not necessarily become a violent offender or become a victim of violence himself, but it would be a mistake to dismiss the strong correlation between animal and people violence. As a society, we must realize that violent behavior rarely exists in a vacuum. We must recognize at-risk youths who lack empathy and compassion for animals and other human beings. It is our responsibility to do all that we can to teach these personality attributes to our youth so that today's animal abusers don't continue these despicable actions and become tomorrow's dangerous felons, thereby perpetuating the cycle of violence that has taken such a devastating toll on our society.●

SUPPORT FOR JUNK GUN VIOLENCE PROTECTION ACT

• Mrs. BOXER. Mr. President, one month ago, I introduced legislation to prohibit the manufacture and sale of junk guns—the cheap, easily concealable handguns of choice for criminals. This bill has attracted the support of 27 California police chiefs and sheriffs and numerous law enforcement and anti-crime organizations.

I ask that a list of supporters of the Junk Gun Violence Protection Act be printed in the RECORD.

The list follows:

SUPPORTERS OF THE JUNK GUN VIOLENCE PROTECTION ACT

Chief Willie Williams, Los Angeles Police Department.

Chief Art Venegas, Sacramento Police Department.

Chief Fred Lau, San Francisco Police Department.

Chief Louis Cobarruviaz, San Jose Police Department.

Chief Ed Chavez, Stockton Police Department.

Chief Arnold Millsap, Eureka Police Department.

Chief Stephen D. Walpole, Scotts Valley Police Department.

Chief Robert W. Nichelini, Vallejo Police Department.

Chief Gregory Caldwell, Downey Police Department.

Chief Sidney J. Rice, Daly City Police Department.

Chief Craig T. Steckler, Fremont Police Department.

Chief P. Robert Krolak, San Rafael Police Department.

Chief M. Lansdowne, Richmond Police Department.

Chief Daschel Butler, Berkeley Police Department.

Chief Joseph Samuels, Jr., Oakland Police Department.

Chief Steven R. Belcher, Santa Cruz Police Department.

Chief Robert J.P. Maginnis, San Leandro Police Department.

Chief Wayne C. Clayton, El Monte Police Department.

Chief Wesley R. Bowling, East Palo Alto Police Department.

Chief Larry Todd, Los Gatos Police Department.

Chairman, Firearms Committee of the Police Chief's Association.

Chief Salvatore V. Rosano, Santa Rosa Police Department.

Chief Larry Hansen, Lodi Police Department.

Chief Burnham E. Matthews, Alameda Police Department.

Chief James Cook, Westminster Police Department.

Chief Charles Brobeck, Irvine Police Department.

Chief Harold Hurtt, Oxnard Police Department.

Chief Hourie Taylor.

Compton Police Chief.

Chief Gene Kulander, Palm Springs Police Department.

Chief Skip Dicherchio, National City Police Department.

Chief Michael Stein, Escondido Police Department.

Chief Lloyd Scharf, Ontario Police Department.

Chief Wesley Mitchell, Los Angeles Unified School District Police Department.

Chief Ted J. Mertens, Manhattan Beach Police Department.

Chief Ronald E. Lowenberg, Huntington Beach Police Department.

City of Palo Alto, Lanie Wheeler, Mayor.

Sheriff Robert T. Doyle, Marin County.

Sheriff Norman G. Hicks, Monterey County.

The Honorable Luis Caldera, California State Assembly.

The Honorable Elihu Harris, Mayor, City of Oakland.

The Honorable Joe Serna, Jr., Mayor, City of Sacramento.

California Police Chiefs' Association.

Los Angeles County Police Chiefs' Association.

San Diego County Chiefs' and Sheriffs' Association.

Coalition to Stop Gun Violence.

Californians for Responsible Gun Laws.

Trauma Foundation.•

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through April 30, 1996. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the 1996 concurrent resolution on the budget (H. Con. Res. 67), show that current level spending is above the budget resolution by $15.5 billion in budget authority and by $14.3 billion in outlays. Current level is $79 million below the revenue floor in 1996 and $5.5 billion above the revenue floor over the 5 years 1996-2000. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $260.1 billion, $14.4 billion above the maximum deficit amount for 1996 of $245.7 billion.

Since my last report, dated April 15, 1996, Congress has cleared and the President has signed the Federal Tea Tasters Repeal Act of 1996 (P.L. 104-128), the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), and the Omnibus Rescission and Appropriations Act of 1996 (P.L. 104-134). These actions changed the current level of budget authority, outlays and revenues.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 2, 1996.

Hon. PETE V. DOMENICI,
Chairman, Committee on the Budget, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1996 shows the effects of Congressional action on the 1996 budget and is current through April 30, 1996. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1996 Concurrent Resolution on the Budget (H. Con. Res. 67). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended.

Since my last report, dated April 15, 1996, Congress has cleared, and the President has signed the Federal Tea Tasters Repeal Act of 1996 (P.L. 104-128), the Antiterrorism and Effective Death Penalty Act of 1996 (P.L. 104-132), and the Omnibus Rescission and Appropriations Act of 1996 (P.L. 104-134). These actions changed the current level of budget authority, outlays and revenues.

Sincerely,

JUNE E. O'NEILL,
Director.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1996, 104TH CONGRESS, 2D SESSION AS OF CLOSE OF BUSINESS APR. 30, 1996

[In billions of dollars]

	Budget Resolution H. Con. Res. 67	Current level	Current level over/under resolution
ON-BUDGET			
Budget Authority[1]	1,285.5	1,301.1	15.5
Outlays[1]	1,288.2	1,302.5	14.3
Revenues:			
1996	1,042.5	1,042.4	−0.1
1996–2000	5,691.5	5,697.0	5.5
Deficit	245.7	260.1	14.4
Debt Subject of Limit	5,210.7	5,008.9	−201.8
OFF-BUDGET			
Social Security Outlays:			
1996	299.4	299.4	0
1996–2000	1,626.5	1,626.5	0
Social Security Revenues:			
1996	374.7	374.7	0
1996–2000	2,061.0	2,061.0	0

[1] The discretionary spending limits for budget authority and outlays for the Budget Resolution have been revised pursuant to Section 103(c) of P.L. 104–121, the Contract with America Advancement Act.

Note: Current level numbers are the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the least U.S. Treasury information on public debt transactions.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS APRIL 30, 1996

[In millions of dollars]

	Budget authority	Outlays	Revenues
ENACTED IN PREVIOUS SESSIONS			
Revenues			1,042,557
Permanents and other spending legislation	830,272	798,924	
Appropriation legislation		242,052	
Offsetting receipts	−200,017	−200,017	
Total previously enacted	630,254	840,958	1,042,557
ENACTED IN FIRST SESSION			
Appropriation Bills			
1995 Rescissions and Department of Defense Emergency Supplementals Act (P.L. 104–6)	−100	−885	
1995 Rescissions and Emergency Supplementals for Disaster Assistance Act (P.L. 104–19)	22	−3,149	
Agriculture (P.L. 104–37)	62,602	45,620	
Defense (P.L. 104–61)	243,301	163,223	
Energy and Water (P.L. 104–46)	19,336	11,502	
Legislative Branch (P.L. 105–53)	2,125	1,977	
Military Construction (P.L. 104–32)	11,177	3,110	
Transportation (P.L. 104–50)	12,682	11,899	
Treasury, Postal Service (P.L. 104–52)	23,026	20,530	
Offsetting receipts	−7,946	−7,946	
Authorization Bills			
Self-Employed Health Insurance Act (P.L. 104–7)	−18	−18	−101
Alaska Native Claims Settlement Act (P.L. 104–42)	1	1	

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 2D SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1996 AS OF CLOSE OF BUSINESS APRIL 30, 1996—Continued

[In millions of dollars]

	Budget authority	Outlays	Revenues
Fishermen's Protective Act Amendments of 1995 (P.L. 104–43)		(*)	
Perishable Agricultural Commodities Act (P.L. 104–48)	1	(*)	
Alaska Power Administration Sale Act (P.L. 104–58)	−20	−20	
ICC Termination Act (P.L. 104–88)			(*)
Total enacted first session	366,191	245,845	−100
ENACTED IN SECOND SESSION			
Appropriation Bills			
Ninth Continuing Resolution (P.L. 104–99)[1]	−1,111	−1,313	
District of Columbia (P.L. 104–122)	712	712	
Foreign Operations (P.L. 104–107)	12,104	5,936	
Offsetting receipts	−44	−44	
Omnibus Rescission and Appropriations Act of 1996 (P.L. 104–134)	330,746	246,113	
Offsetting receipts	−63,682	−55,154	
Authorization Bills			
Gloucester Marine Fisheries Act (P.L. 104–91)[2]	14,054	5,882	
Smithsonian Institution Commemorative Coin Act (P.L. 104–96)	3	3	
Saddleback Mountain Arizona Settlement Act (P.L. 104–102)		−7	
Telecommunications Act of 1996 (P.L. 104–104)[3]			
Farm Credit System Regulatory Relief Act (P.L. 104–105)	−1	−1	
National Defense Authorization Act of 1996 (P.L. 104–106)	369	367	
Extension of Certain Expiring Authorities of the Department of Veterans Affairs (P.L. 104–110)	−5	−5	
To award Congressional Gold Medal to Ruth and Billy Graham (P.L. 104–111)	(*)	(*)	
An Act Providing for Tax Benefits for Armed Forces in Bosnia, Herzegovina, Croatia and Macedonia (P.L. 104–117)			−38
Contract with America Advancement Act (P.L. 104–121)	−120	−6	
Agriculture Improvement and Reform Act (P.L. 94–127)	−325	−744	
Federal Tea Tasters Repeal Act of 1996 (P.L. 104–128)			(*)
Antiterrorism and Effective Death Penalty Act (P.L. 104–132)			2
Total enacted second session	292,699	201,740	−36
ENTITLEMENTS AND MANDATORIES			
Budget resolution baseline estimates of appropriated entitlements and other mandatory programs not yet enacted	11,913	13,951	
Total Current Level[4]	1,301,058	1,302,495	1,042,421
Total Budget Resolution	1,285,500	1,288,100	1,042,500
Amount remaining:			
Under Budget Resolution			79
Over Budget Resolution	15,558	14,395	

[1] P.L. 104–99 provides funding for specific appropriated accounts until September 30, 1996.

[2] This bill, also referred to as the sixth continuing resolution for 1996, provides funding until September 30, 1996 for specific appropriated accounts.

[3] The effects of this Act on budget authority, outlays, and revenues begin in fiscal year 1997.

[4] In accordance with the Budget Enforcement Act, the total does not include $4,547 million in budget authority and $2,399 million in outlays for funding of emergencies that have been designated as such by the President and the Congress.

* Less than $500,000.

Notes: Detail may not add due to rounding.•

RECOGNIZING DR. PAUL KREIDER FOR HIS ACCOMPLISHMENTS AND YEARS OF GOOD SERVICE

• Mr. WYDEN. Mr. President, this June, Dr. Paul Kreider will be retiring from his position as president of Mount Hood Community College in Gresham, OR. I would like to recognize Dr. Kreider for his exceptional accomplishments and leadership during his many years of service.

Through strategic planning, program review and improvement, staff and organizational development, management information systems, and participatory decisionmaking, Dr. Kreider has played a significant role in the successful development of Mount Hood Community College. His effectiveness as a leader has not gone unnoticed; Dr. Kreider has received a number of awards, among them the National Council for Research and Planning 1991 Management Recognition Award, the National ACCT Marie Y. Martin CEO of the Year Award, and the National Council for Staff, Program, and Organizational Development Leadership Award.

Dr. Kreider's leadership did not stop at the doors of Mount Hood Community College; he has extended his knowledge and expertise to others in the community as well. In particular, he founded and chaired the Consortium for Institutional Effectiveness and Student Success in the Community College, an American Association Community Colleges-affiliated consortium. Additionally, he reached out to assist other community colleges in developing assessment tools to measure student outcomes, strategic planning, and program improvement.

Dr. Kreider remains quite active on State, national, and international levels. In the past, he served as president of the Board of Education Partners for International Cooperation, Inc. and the Oregon Community College Presidents' Council. Presently, he sits on the boards of several organizations including the American Association of Community Colleges and Community Colleges for International Development, Inc.

Again, I would like to both pay tribute to Dr. Kreider and congratulate him for his accomplishments and contributions to the educational community. Mount Hood Community College, as well as Oregon at large, has most certainly benefited from his initiative and leadership. I wish him the best of luck in his future endeavors.•

TRIBUTE TO DAVID IFSHIN

• Mr. McCAIN. Mr. President, today, we laid to rest a dear friend of mine, and of many of my colleagues, David Ifshin. His family honored me by inviting me to be among the eulogists at David's funeral. I want to include in the RECORD a copy of my remarks so that those many Americans who review our proceedings will know that a good and much loved man and an authentic American patriot has been lost to us.

I ask that those remarks be printed in the RECORD.

The remarks follow:

EULOGY FOR DAVID IFSHIN BY SENATOR JOHN McCAIN

It has become a common appeal of eulogists for the bereaved to celebrate the life rather than mourn the passing of the loved one to whom we bid goodbye. It is a hopeful and well-intended appeal. Gathering in sorrow is not, I suspect, what David Ifshin would have us do on this occasion. But he was such a lovely guy, and his company such a blessing, that the loss of him is a great weight which only a word from David could lift from my heart today.

Yet, the sadness of this day will not long intrude on our memories of David; memories which illuminate for me a way to live my own life. As we grow older, we all learn how brief a moment life is. David's was far too brief, but he filled his moment with so much passion and love and with such a ceaseless striving for grace that it would exhaust the lives of lesser men who manage to stay among us for more years than David could. Few people, having reached the end of a long life, will have done as much good, lived with grater dignity, deserved more honor, bestowed more love, traveled as far as David Ifshin did in his forty-seven years.

David had an uncommon capacity for personal growth. When I was in his company, I always had a sense that David derived much of his own happiness from discovering virtue in others. And I believe those discoveries made him grow. They nourished his own humanity.

David was a patriot because he found, as all patriots must, virtue in his country's cause. He always felt passionate about his country. But when we are young our passion is not always governed by wisdom gained from long experience, and, thus, is often indiscriminate in the emotions it animates. While living in Israel David discovered his country's virtue, and his love of country became the object of his enlightened passion.

David also possessed an animating love of justice. He worked to make our society more just, and he sought justice for those who were not blessed to live in this country. Even more importantly, he always tried in his personal relationships to do justice to others. And that explains why, no matter where his reason and his love took him, David never left a friend behind.

We friends of David are cast across the spectrum of contemporary American politics. Some may think that David and I became friends because David's political views became more compatible with my own. That is not really true. My regard for David is more personal then political affinity. We remained partisans in different camps. What David taught me, and, I suspect, what he taught a great many people, was how narrow are the differences that separate us in a society united in its regard for justice, in a country in love with liberty.

In this town, we accentuate our political differences to advance our respective agendas and our professional ambitions. David kept such things in perspective. He was loyal to his political beliefs, but he pledged a greater devotion to the bonds of friendship and love that connected him to so many people of diverse backgrounds, creeds and aspirations.

He was extraordinarily generous in his regard for others' virtues, and self-effacing in considering his own attributes. Because of that capacity, I always felt in David's company that I was in the presence of a better man.

Regrettably, it was not human virtue, but human weakness which created the occasion for me to publicly declare my personal regard for David. Some people who did not know David based their judgment of his character in their resentment over one brief episode in David's life. I am ashamed to admit that I once made the same mistake. My subsequent discovery of David's true character taught me to refrain in future from using snapshots of another's life as the full measure of a person's value. That was a valuable lesson to learn, and I am indebted to David for having taught it to me.

To honor that debt, I tried to impart the lesson to others who had rushed to a wrong judgment of David. Three years ago, I went to the Senate floor to respond to a protest at the Vietnam War Memorial. One of the protestors had held up a sign questioning David's patriotism and his association with the President. I wanted the protestors to know that they were bearing false witness against a good man. That this small gesture meant so much to David meant even more to me. David Ifshin was my friend, and his friendship honored me, and honors me still.

Most of the important and lasting friendships I have made in my life were formed in the shared experience of war. David and I did not fight a war together, but neither did we fight a war against each other. We chose instead to make a peace together.

I found little to differentiate the quality of our friendship from the quality of those that were begun in Vietnam. I learned about courage, honor and kindness from all my friendships. From David, I learned to look for virtue in others, and I also learned the futility of looking back in anger. I'm a better man for the experience.

I think that as David approached the closing of his life he could look back with pride, and with gratitude, that his life was not distinguished by its brevity, but by its richness, by the love of his beautiful family, and by the tender regard in which he was held by so many people who knew a good man when they saw him. We are all better people for having been blessed by David Ifshin's friendship.

Gail, Jake, Ben and Chloe, Mr. and Mrs. Ifshin, thank you for so generously sharing David with the rest of us. Please know that the day will arrive when your deep hurt subsides, when the memory of David, and the bright and gentle moments you shared with him lifts your hearts again. He will be with you always.•

THE MARK AND GARY BEEF PLEDGE

• Mr. GRASSLEY. Mr. President, cattle producers in my State of Iowa and across the country are facing substantial economic hardship. Record-high grain and feed costs, low hay reserves, drought conditions, and an oversupply of beef are compounding the problem of a 10-year-low cattle market. I am pleased the administration has taken to heart our proposals to assist the sagging cattle market. Allowing haying and grazing on CRP acres is necessary to alleviate the high feed costs and a large beef purchase by the U.S. Government should help turn the tide.

Speaking of helping to turn the tide, a farm broadcasting duo in central Iowa has embarked on a campaign to promote beef consumption in the State of Iowa. Gary Wergin and Mark Pearson of WHO-Radio in Des Moines, IA are calling on their Heartland listeners to take a pledge. As one who proudly and easily accepted their challenge to eat just one more serving of beef a week, I submit "The Mark and Gary Beef Pledge" into the CONGRESSIONAL RECORD. By working together, Iowans can make a difference.

The material follows:

THE MARK AND GARY BEEF PLEDGE

I, Chuck Grassley, am a proud consumer of beef be it broiled, roasted or grilled. I respect the efforts of all those, from the farm to the supermarket, who make American beef the safest in the world. At this time of low prices, I can help in the most delightful way . . . by consuming more beef. I therefore pledge to boost my beef consumption by one serving per week, while staying within dietary guidelines.

CHUCK GRASSLEY.•

ORDER OF BUSINESS

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

THE CHOIR FROM KENTUCKY

Mr. FORD. Mr. President, in Appalachia in a community and a county called Harlan, there is a group of young men who now for decades—some have fathers that sang in this choir, and their sons are now singing in this choir. They all donate their time. The director of this choral group donates his time. It is after everything else is done.

They have won international honors without much fanfare, without much publicity. But we know them, and we love them. In 1988, they were here to sing at the inauguration. They sang for the inauguration, the Kentucky Society, the Bullets basketball game, and they kind of took this town by storm. Everybody liked them when they found out about them, like I do.

Mr. President, this group is back in town. They are here visiting Washington again. I know the policy and rules of the committee. I can go only so far. But I want it to be in the RECORD that this group is here, and I want my colleagues to know how important they are to me, and to our State.

So, Mr. President, if any of you see some young men, fine young men, walking around this town, or walking around this Capitol Building—they have on light green T-shirts—I hope that you will walk up to them and thank them for their contribution to something that is real, something that is tangible, and something that is lasting.

I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. I thank the Chair.

(The remarks of Mr. BURNS pertaining to the introduction of S. 1726 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BRADLEY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Jersey.

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

Mr. BRADLEY. Mr. President, in 10 days it will be Mother's Day. This means something precious to mothers, grandmothers, and expectant mothers in this country. I, along with many others, also think it means something special to the Senate. It is our opportunity to take up and pass the Newborns' and Mothers' Health Protection Act of 1996.

I have several letters with me today. These were addressed to the majority leader and the minority leader of the Senate. Each letter respectfully requests that a date for Senate floor action and a vote on the newborns bill be scheduled as soon as possible. This is what we can do for mothers and their families this Mother's Day.

Let me remind us all of the history of the newborns bill. Last year, many of us began to hear disturbing stories about mothers and babies being forced to leave the hospital too soon after childbirth.

While we can all agree that sometimes it makes good medical sense for mothers and babies to go home quickly, we have to recognize that, tragically, many times it is not good sense. We have been moved and saddened to learn of the deaths of babies and of serious and sometimes lifelong threats to their health and normal development that come from leaving the hospital too soon after childbirth.

Many of us began to hear that the decision about whether or not a mother and her baby should leave the hospital was being made by the wrong people. We began to hear that those who should make this decision, the doctor or the health care practitioner attending the mother and baby, were in fact not making that decision. Instead, the decision forcing a woman to leave the hospital in less than 24 hours after childbirth was being made by a clerk at an insurance company shaving costs and shortening lives.

I think many of us began to realize that this was the moment in a situation just like this when Government should step in to try to provide protection to mothers and babies. We all know the health care environment has changed, and changed with startling speed, over the last couple of years. Such a massive, fast change, even when positive, always creates instability and temporary imbalances. On occasion, it creates a serious problem. This is a serious problem—forcing women out of hospitals after giving childbirth in less than 24 hours.

With this background, Senator KASSEBAUM and I introduced the

Newborns' and Mothers' Health Protection Act, S. 969, about a year ago—last June. This is a bill that respects the authority of doctors and other health care practitioners, in consultation with mothers, to make health care decisions about the length of time their patient should stay in the hospital following childbirth. This is a bill that respects the flexibility that health plans need to manage care efficiently in our rapidly changing health care environment.

Mr. President, the newborns act creates what my colleague and cosponsor on this bill, Doctor and Senator FRIST has called a safe haven of time—a safe haven of time for doctors, mothers, and babies, 48 hours minimum for normal childbirth, 96 hours minimum for Cesarean sections. Under this bill, doctors, nurse practitioners, nurse midwives, and nurses will all be free to do their job. Mothers will be relieved of the fear that they may be sent home too early before their babies are stable and they are prepared physically and emotionally. Newborns will be watched and tested and assisted with their job of adapting to this world.

When it is appropriate for mothers and newborns to go home before the end of a 48-hour period or a 96-hour safe haven, they will go home—if it is appropriate, they will go home. Followup care will be required and studied in greater depth because of the fine amendment that Senator DEWINE of Ohio was able to add.

Please understand that this bill does not require that all mothers stay in the hospital for a specified length of time any more than it requires all mothers to give birth in hospitals. A woman, in consultation with her doctor, may decide to leave the hospital before 48 hours, but in no event can an insurance company require that she leave in less than 48 hours.

Mr. President, April 17, 1996, is an important day for the Senate. The Labor and Human Resources Committee held a markup on the newborns bill and, after careful consideration, the committee members voted overwhelmingly to send the bill to the full Senate.

What I would like to do is return to the letters that are en route to the distinguished Senators from Kansas and South Dakota. One letter makes a bit of history. Six different professional medical groups have all signed the same letter asking for full Senate action in behalf of mothers and newborns. They are the American Medical Association, the American College of Obstetricians and Gynecologists, the American Academy of Pediatrics, the American Nurses Association, the Association of Women's Health, Obstetric and Neonatal Nurses, all joined by the March of Dimes Birth Defects Foundation. All have joined together to say:

> As organizations representing health care professionals and advocates committed to quality maternity care, we urge you to schedule for consideration by the full Senate S. 969. We ask you to lend your leadership to guarantee that women and their newborns receive adequate insurance coverage at one of the most important times in their lives.

Mr. President, this is remarkable unity and should inspire us in the Senate to do the same and take action.

A second letter comes from more than 30 cosponsors and supporters of the Newborns' and Mothers' Health Protection Act. This letter says many of the same things:

> Let us move on this bill. Newborns and their mothers need it. It is very important. We hope—

The letter goes on to say—

> we will be able to inform hundreds of thousands of interested mothers by Mother's Day when this vote will occur.

Several of our women colleagues in the Senate—in fact, all of them—have agreed to sign a third letter. Let me quote a few words from it. It simply says: "What better Mother's Day gift can we give to new mothers than passing this bill?"

A fourth letter comes from the Center for Patient Advocacy, a nonpartisan organization devoted to quality of care for patients. They write and say much the same thing. They say pass the newborn bill. Pass it so that by Mother's Day we can assure mothers that they will be taken care of.

Finally, I want to mention what I believe are the most important letters and pieces of correspondence of all. Those are from the more than 83,000—83,000 men and women, doctors and nurses, grandparents and families who have written my office alone to support this bill—83,000.

The Baumans in my State of New Jersey, the Drumms of Philadelphia, the Joneses of New York, the Avandoglios of Tennessee, are just a few of the families who have generously shared their personal experience and support for this bill.

The Newborns' and Mothers' Health Protection Act has earned unprecedented, unified, professional support from doctors and prompted many thousands of Americans to write us in support of this bill. The bill has been carefully developed with input from all interested parties on both sides of the aisle and throughout the community. It has passed the wise review of the Labor Committee and passed with flying colors.

Many in the Senate have indicated their support. I hope we will honor the occasion of Mother's Day and the voice of so many Americans by announcing as soon as possible that the Senate will vote on this bill and, in passing this bill, will say to mothers that now we understand that giving birth deserves the respect that the insurance industry has failed to give it in requiring women to leave hospitals in less than 24 hours.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Delaware.

WELFARE REFORM

Mr. ROTH. Mr. President, it has been 39 months since President Clinton outlined his welfare reform goals to the American people. But he has failed to deliver on his promise. Welfare reform was not enacted in 1993 nor in 1994.

Sixteen months ago, President Clinton declared at a joint session of Congress that, "Nothing has done more to undermine our sense of common responsibility than our failed welfare system. It rewards welfare over work. It undermines family values."

As a matter of record, the new Republican Congress passed welfare reform twice in 1995.

H.R. 4, the "Personal Responsibility and Work Opportunity Act of 1995," received bipartisan support in both the House and Senate as it was being drafted. But the President rejected this bipartisan approach. It has now been 16 weeks since he vetoed authentic welfare reform legislation for the second time.

Mr. President, few people have dared to look inside H.R. 4 as it was, after all, a complex bill reflecting a complex welfare system. Today, I would like to recommend a recent article on the Republican welfare proposal. The article describes how the bill incorporates three different conservative approaches to solving the problems which plague our failed welfare system. Let me quote from the conclusion of the article entitled, "Welfare Fixers."

> What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles MURRAY's negative incentives have their place. But neither are men brutes, and hence something more is needed than a "technology" of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

The article goes on to say that:

> Indeed, the politicians have seen the big picture in a way that is perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, make use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

Mr. President, you might expect such praise to come out of the Heritage Foundation or the National Review or another prestigious conservative organization. However, this particular article was written by Adam Wolfson, the

Executive Editor of the Public Interest and was just published in this month's edition of Commentary.

Republicans understand, and H.R. 4 reflects the reality, that there is not a singular approach to welfare reform. We believe that if families are going to escape from the vicious cycle of dependency, they must be enabled to find their own way out. Welfare reform is not simple because human beings are complex.

The goal of welfare reform for all families to leave welfare.

But the path on how they get there is not necessarily a straight line. Nor, under the Republican approach, must all families follow the same path.

In contrast, this is precisely why Washington will never be able to end welfare as we know it. The bureaucrats in Washington see people only in terms of numbers, not as individuals. In the tradition of scientific management, everything must be reduced to bureaucratic procedures and mathematical equations.

But by vetoing welfare reform, the President ignored the most important number of all. That is, if we do nothing, the number of children on welfare will increase in the coming years.

When he talks about work and family values, President Clinton may talk like a Republican, or at least like a New Democrat. But he acts like an old bureaucrat by opposing reforms which are not controlled by Washington. By his vetoes, he is protecting the bureaucracy and accepting the status quo in which more children will fall into the trap of dependency.

The causes and cures of poverty involve some of the most intimate acts in human behavior. What many families on welfare need cannot be sent through the mail nor reproduced in the Federal Register.

There is no flaw in admitting that we do not understand how or why individuals will respond to the various incentives and sanctions present in every day life in modern society. The mistake is believing, especially after 30 years of evidence to the contrary, that Washington does know how to apply these incentives and sanctions to the lives of millions of people.

Under the present system, welfare dependency is allowed to become a permanent condition. This is one of the cruelest features of the welfare system because it saps the human spirit.

The true measure of success will be whether the timeless values of work and family life are restored.

Only then while we help free families from the present welfare trap and save future generations from its effects. To do this, we must give the State and local governments all of the tools they need to change the existing welfare system. Different families have different needs.

These tools must include Medicaid, the largest welfare program. For some families, the potential loss of the value of health care coverage locks them into dependency.

Mr. President, I ask unanimous consent to have Adam Wolfson's article, "Welfare Fixers," printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Commentary, Apr. 1996]

WELFARE FIXERS

(By Adam Wolfson)

In 1982, the journalist Ken Auletta defined the question of the underclass: how do we explain why "violence, arson, hostility, and welfare dependency rose during a time when unemployment dropped, official racial barriers were lowered, and government assistance to the poor escalated"?

Indeed, government spending on welfare increased from about $33 billion in 1964 to over $300 billion in 1992 (both figures in 1992 dollars). During the Reagan and Bush years alone, total welfare spending rose more than 50 percent. But all the while, rates of poverty, illegitimacy, non-work, crime, and family break-up got worse, not better. From 1965 to 1990, the illegitimacy rate for blacks rose from 28 to 65 percent, and for whites from 4 to 21 percent. Meanwhile, work among the poor plummeted, to the point where today only about 11 percent of poor households are headed by a full-time worker. For many, Aid to Families with Dependent Children (AFDC)—what most of us think of when we speak of welfare—has become a permanent condition, with over 50 percent of its recipients remaining on the rolls for over ten years.

One thing, however, has changed. Since 1935, when AFDC was first created, through President Lyndon Johnson's War on Poverty in the 1960's, to Bill Clinton's 1992 promise to "end welfare as we know it," welfare innovation and welfare reform were pretty much a Democratic affair. That is no longer the case. When conservative Republicans gained control of Congress in 1994, they also assumed a major share of responsibility for the nation's welfare system and those trapped in it.

How do they intend to proceed? As it happens, although most conservatives agree on the permanent need to end welfare as a federal entitlement, there have been three different and, to some extent, rival schools of thought about how to reform the system. All three have been incorporated in the Personal Responsibility and Work Opportunity Act, which formed the basis of the Republican welfare bill that President Clinton eventually vetoed this past January, and also in the many state plans now being put into effect by such Republican governors as Tommy Thompson of Wisconsin and John Engler of Michigan. The three approaches therefore bear scrutiny, for it is no exaggeration to say that the well-being of America's welfare population, and indeed of American society, depends upon the conceptual clarity with which we approach this long-festering problem.

The most influential of the three schools is associated preeminently with the name of Charles Murray, and its guiding premise is that humans respond rationally to economic incentives. It is a tribute to the sheer rhetorical force and intellectual brilliance of Murray's extensive writings that, although conservatives often tend to resist mechanistic views of human nature, they have embraced this analysis almost without reservation. The most important parts of the Republican welfare bill, those dealing with "personal responsibility," are in fact based on Murray's logic. I am referring in particular to those sections which attempt to curb the high rates of family disintegration and out-of-wedlock births by the application of negative economic incentives. Under these provisions, states would be permitted (though not required) to deny cash assistance to children born out of wedlock to teenage mothers, and would also be permitted (though again not required) to deny additional cash assistance to mothers on welfare who continue to have more children.

Why, Senator Daniel P. Moynihan asked in connection with this aspect of the conservative reform effort, should children have to pay for the sins of their fathers (and mothers)? The answer is to be found in certain assumptions that were first spelled out by Murray over a decade ago in his now-classic book, *Losing Ground: American Social Policy 1950–1980*. The crucial passage appears midway through the book:

"It is not necessary to invoke the *Zeitgeist* of the 1960's, or changes in the work ethic, or racial differences, or the complexities of post-industrial economies, in order to explain . . . illegitimacy and welfare dependency. All were results that could have been predicted . . . from the changes that social policy made in the rewards and penalties, carrots and sticks, that govern human behavior. All were *rational responses* to changes in the rules of the game of surviving and getting ahead." [Emphasis added]

In other words, according to Murray, the welfare state has provided exactly the wrong incentives to the poor and the underclass by rewarding non-work, family dissolution, and out-of-wed-lock births. It follows that if we change the rules of the game, behavior will change with it. Get rid of the economic supports (e.g., AFDC) that enable poor single mothers to support additional children, and they will eventually either abstain from sex, or use birth control, or (one supposes) have abortions.

There is much to Murray's argument. But implementing it might also entail more than the American people and their representatives are willing to swallow. The key to his rationalist approach is "the overriding threat, short-term and tangible." Here is how he describes the threat in a recent article on reducing illegitimacy:

"A major change in the behavior of young women and the adults in their lives will occur only when the prospect of having a child out of wedlock is once again so immediately, tangibly punishing that it overrides everything else. . . . Such a change will take place only when young people have it drummed into their heads from their earliest memories that having a baby without a husband entails awful consequences."

Murray relies heavily on a calculus of pleasure and pain in part because, as a libertarian, he sees no other way. Since government "does not have the right to prescribe how people shall live or to prevent women from having babies," it is left with no options for affecting people's lives other than the tax code. But there is also a deeper reason for Murray's reliance on what he labels "the technology of changing behavior." He thinks it the only effective means of training the human animal. Thought he acknowledges the roles of religion and morality in forming people's sensibilities and attitudes, much of the force of these other agencies, he writes, has always been "underwritten by economics."

It is perhaps this oddly materialist version of human volition that has led some conservatives to look beyond Murray for solutions to the welfare problem. What if, they ask, gutting the welfare system does not have the desired effect forthwith? It will take a very resolute legislator indeed to go on applying negative incentives for as long as it takes. And even if we concede that negative incentives have their place in any plan of welfare reform, how can we expect young people to aspire to the roles of motherhood and fatherhood unless we offer a more elevated conception of these roles in their own terms?

Interestingly enough, Murray himself wrote the preface to a recent book, Marvin Olasky's *The Tragedy of American Compassion*, which embodies an alternative to the "technology" of behavior control. The book's legislative impact has thus far been slight, but its influence can be felt in measures that would authorize states to contract out their welfare services to private religious charities and to churches. Its stamp is also to be found on Republican efforts to restore civil society, like Senator Dan Coats's Project for American Renewal. The book has garnered the endorsements of such heavyweights as William J. Bennett and Newt Gingrich, and later this spring a more policy-oriented sequel will be published by the Free Press under the title *Renewing American Compassion*.

Though Olasky (who teaches at the University of Texas at Austin) agrees with Murray that we should scrap the current welfare system, his analysis of how we got where we are is quite different from Murray's and, correctly understood, leads down different paths. In fact, Olasky turns Murray's thesis on its head. Although he acknowledges the impact of economic incentives on people's behavior, in his view the underlying forces are spiritual and, broadly speaking, religious. Thus, according to Olasky, "the key change of the 1960's" was "not so much new benefit programs [Murray's claim] as a change in consciousness concerning established ones, with government officials approving and even advocating not only larger payouts but a war on shame."

To Olasky, American social-welfare policy has always reflected the dominant theology of the day. In the 18th and early 19th centuries, theology emphasized a merciful but just God and a sinful human nature that only God's grace could cure. This produced a hardheaded approach to social policy: aid to the poor was given in kind, but not in cash; charity, understood as "suffering with" the needy, was personal and paternalistic; material aid was considered secondary to, and dependent upon, saving souls; aid was for the "deserving," not the "undeserving," poor.

But this Calvinist theology lost out in the late 19th century to a universalistic, liberalized view that "emphasized God's love but not God's holiness," that jettisoned belief in original sin for a Rousseau-like belief in the natural goodness of man, and that essentially secularized a whole range of Christian beliefs. The effects on social policy were dramatic and devastating—and, in Olasky's opinion, completely predictable. The state took over the care of the poor, crowding out private charity. Shame and the work ethic were supplanted by the attitude that the poor have a constitutional right—that is, an entitlement—to welfare. Emphasis shifted from improving the spiritual conditions of the poor to improving their material conditions. As Owen Lovejoy, president of the National Conference of Social Work, put it in 1920, the goal would no longer be private salvation but rather the creation of "a divine order on earth as it is in heaven."

Olasky's history describes, in short, a descent, a fall from grace. As a nation, he claims sweepingly, we have been making war not on poverty but on God, and "the corruption is general." Therefore, although he too, like Murray, would tear down the welfare state, he does not expect any sudden alteration in behavior. Rather, he sees in the end of the welfare state an opportunity for private charities, and in particular private religious charities, to take over some of the responsibilities of caring for the poor, especially in the (for him) primary arena of their spiritual needs.

After all, writes Okasky, it was the federal government's entry into the welfare arena that "crowded out" private religious charities in the first place. Remove the government, and the charities will come surging back. Yet he is honest enough to admit that the historical record is not entirely clear on this point: which came first, the increasing involvement of professionals and the government in the lives of the poor, or a decline in voluntarism and religiosity? This is a crucial question, for if something in the culture led to a decline in voluntarism prior to the federal government's takeover of welfare, then a simple withdrawal of the latter will not necessarily lead to an increase in the former.

"In the end," predicts Okasky, "not much will be accomplished without a spiritual revival that transforms the everyday advice people give and receive, and the way we lead our lives." If that were really so, it would be reasonable to conclude that public-welfare programs should not be scrapped at all, but rather kept in place until the hoped-for spiritual revival occurs, lest the poor be left without God and without material support at once. Be that as it may, however, there is much else in Olasky's thinking, particularly about the role of private "compassion," that reformers can make use of in the months and years to come.

This brings us to the third current. Unlike the first two, both of which see big government as the principal culprit in the welfare mess, this one envisions a role for government in its solution.

Perhaps the principal figure here is Lawrence Mead of New York University. In his book, *The New Politics of Poverty*, Mead argues, against Murray, that the marginal economic disincentives created by welfare do not explain the really staggering extent of non-work and family dissolution in the welfare population. Moreover, having a baby out of wedlock in order to receive a welfare check is not really "rational," in Mead's judgment. Rather, this and other aspects of the behavior of the underclass are the results of a certain personality profile. The nonworking poor, says Mead, are defeatist, passive, and psychologically resistant to taking low-skilled jobs. A "culture of poverty" exists that cannot be fully explained by the rationalist model.

What to do? The answer, according to Mead, is workfare, an approach that would require able-bodied recipients of welfare to enter the labor market. By forcing the poor to be like the rest of us, workfare seeks to manage and even (in the words of Congressman Bill Archer) to "transform" them.

The thinking of Mead and others who favor workfare—Mickey Kaus of the *New Republic* is another well-known proponent of such schemes—is evident in the various versions of the Republican welfare-reform bill. All include the basic requirement that for any aid poor people receive from the government, they must work, in the private sphere if possible but in the public sector if not. According to the bill, 50 percent of welfare recipients must be working by 2002; even single mothers with children (over the age of one) should be required to work; and families receiving benefits will be cut off after five years.

Mead argues that workfare represents, in effect, a "new paternalism," a "tutelary regime." And indeed his ideas have alarmed more than a few conservatives, especially those of a libertarian bent. Many believe that any attempt by the government to mold behavior, even that of the poor, marks a break from the American tradition of limited government. Such fears are in Mead's view well-founded. But the appearance of the contemporary underclass itself marks, he believes, a watershed development in our national life, if not "the end . . . of an entire political tradition." That tradition—the tradition of the Founders, and of such classical liberals as Hobbes, Locke, and Montesquieu—"took self-reliance for granted." It assumes that people are, by nature, rational maximizers of their economic interests. But now it appears that many are not; and so a "new tradition," a "new political theory," even a "new political language" is needed.

All this seems somewhat overheated. For some reason, many of those who propose work as a solution to the welfare problem cannot resist militaristic metaphors. (Thus Mickey Kaus, in *The End of Equality*, urges Americans to build a "Work Ethic State.") But we need not really move beyond our own liberal tradition in order to enforce the norm of work. The Founders themselves recognized that humans are frequently irrational, indeed even lazy. And Adam Smith, the classical liberal *par excellence*, was not mincing words when he observed that among the "inferior ranks" of society there was a surfeit of "gross ignorance and stupidity." Rather than positing rational self-interest as a universal human trait, Smith and other classical liberals thought that through persuasion and law, it would be possible to turn men away from their former pursuits of military glory and religious enthusiasm toward "small savings and small gains." A little bit of workfare for those still unmindful of their economic self-interest thus need hardly spell the end of the American political tradition.

What is especially interesting about the three conservative strands of thought about welfare is that despite the theoretical differences among them, together they provide a coherent guide as to how to fix a broken system. As men are not angels, Charles Murray's negative incentives have their place. But neither are men brutes, and hence something more is needed than a "technology" of behavioral change. As Marvin Olasky reminds us, a rebirth of the spirit of religious charity would change many lives for the better. And as Lawrence Mead reminds us, in a commercial republic such as ours, work is the proper condition for all who are able.

Indeed, the politicians have seen the big picture in a way that this perhaps not so easy for the lone social thinker to do. The Republican welfare-reform bills in Congress, along with the many state plans being put into effect by Republican governors, makes use of Murray's incentives, Olasky's religious charities, and Mead's workfare. If there are theoretical and practical difficulties with each of these approaches, it is precisely the combination that may make conservative welfare reform politically palatable and even, in the end, effective.

CONSERVATION AND GRAZING

Mr. ROTH. Mr. President, I rise today to express my strong opposition to President Clinton's actions to open our conservation reserve lands to cattle grazing. As someone who is concerned about the environment, I am disappointed by his decision.

The conservation program pays ranchers to take ecologically fragile land out of grazing.

It has been a very successful program and has put away some 36 million acres away as a nature preserve. By removing these acres of land from cattle grazing and creating areas of undisturbed vegetative cover, the program has created habitat for many types of wildlife across the Great Plains and the Midwest, including waterfowl, pheasants, prairie grouse, raptors, and migratory songbirds. These species need undisturbed cover to nest and raise young successfully.

But good green grass is hard to come by. The price of feed is up and the price of cattle is down. For some, the solution to higher beef prices may be to open up restricted land to grazing.

But as Richard Cohen quickly pointed out in today's Washington Post, "First the oil reserves, then the conservation reserves and next—maybe—the Federal Reserve."

In the name of environmental protection, this Congress fought off any attempts to allow grazing on ecologically sensitive land.

In fact, in last month's farm bill we provided significant funding for the Conservation Reserve Program and made sure that wildlife habitat was a primary objective of the reserve program.

By opening all 36 million CRP acres nationwide to grazing and haying with few constraints and little apparent consideration for the scope of the emergency, the Clinton administration has eliminated much of the wildlife value of the Conservation Program.

In the Great Plains, it is now nesting season, and if cattle are allowed on the land, ducks and grassland songbirds are going to get trampled.

Grass is growing where it has not grown in years and species that were once threatened are making a comeback. Unfortunately, President Clinton's action probably has negated all that progress this year.

I am also disappointed that the Clinton administration made this decision without consulting the environmental and sportsmen communities. The conservation community, the Agriculture Department, even the environmentalist were surprised, and, frankly, I am surprised.

I keep asking myself how can someone who calls himself an environmentalist justify opening up some of our most fragile and protected areas to cattle grazing?

I believe that President Clinton's actions directly contradicts the belief that the Clinton administration truly cares about the environment.

This situation demonstrates that, once again, the interests of sportsmen, conservationists, and the public still rank far below those of subsidized commodity agriculture.

Mr. President, I ask unanimous consent to have printed in the RECORD the Washington Post article to which I earlier referred.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POLITICS, PRICES

(By Richard Cohen)

What's the most dangerous place in the world? Bosnia? Liberia? Chechnya? Anywhere in Montana? No. The answer is any place between Bill Clinton and reelection. It is a no-man's land where principle is sacrificed to politics and consistency is given scant regard. That explains why the administration moved this week to sell federal oil reserves and open restricted lands to cattle grazing. It wants to lower the price of gas and raise the price of beef.

The average voter, which is to say me, is confused. If I drive a little less but eat more meat, will that balance out? If I drive a lot less and eat more steak, will that be better for the country? If I drive down to see Alan Greenspan, will I get even richer? After all, I sense a pattern: First the oil reserves, then the conservation reserves and next—maybe—the Federal Reserve. Will Uncle Sam be giving away money?

Silly me, it already has. The federal government paid an average of $27 a barrel for the 587 million barrels of oil now in storage. Since Alaskan crude, the oil that most approximates what Uncle Sam has in the cellar, is now selling at about $20 a barrel, you don't have to be a regular Laura D'Andrea Tyson to figure out that you would be taking a $7 loss on each barrel. Since the government plans to sell 12 million barrels, that amounts to an anti-profit (I thought I'd coin yet another stupid economic term) of $84 million. I'd say offhand that the per-capita cost to the average American is anyone's guess.

But it is not anyone's guess that Clinton is pursuing a political, not economic, agenda. The price of gas became a problem only when the networks started reporting on the story and Bob Dole recommended repealing a 4.3-cent gas tax increase that Clinton pushed through Congress in 1993. With that, the White House rolled out its Big Bertha fax machines and bombarded Washington with press releases noting that Dole, in his reckless youth, had at one time supported a gas tax increase. Next, the president announced he would sell federal oil to drive down the price at the pump. But check the pump. Nothing's happened.

And nothing much will. Despite some Capitol Hill sound bites to the contrary, the price of gas has increased for sound economic reasons. The conspiracy to which some politicians allude happens to include consumers who are driving faster in heavier cars, a brutal winter and a miscalculation on the availability of Iraqi oil. Prices will go down eventually—but not, probably, before they go up some more.

In a sense, Clinton's response to Dole has been truly impressive. As an exercise in cynical politics, it's a masterpiece—a regular Mona Lisa or, if you will, a Jackie Kennedy bauble. Opening up restricted grazing land is a different story altogether. This is an appalling tale in which, for a few votes, a conservation program has been endangered without much thought at all.

The program in question pays ranchers to take ecologically fragile land out of grazing. In this way, some 36 million acres (about the size of Iowa) has become a sort of nature preserve. But the Great Plains are parched, and good grazing land is hard to come by. As a result, the price of feed is up and the price of cattle is down. (Ranchers have been selling off their herds.) Understandably, ranchers have been eyeing the acres in the Conservation Reserve Program. The grass there is tall—yummy for cattle.

But that land is also good for birds, and ducks. Now is the nesting season, and if cattle are allowed on the land, a lot of eggs and ducklings are going to get trampled. The program is hardly perfect—too much acreage in some areas, not enough in others—nor is it cheap. (Over a 10-year period, the average payment has been a total of $52,800 for 97 acres.) But grass is now growing where it has not grown in years.

Maybe, after due deliberation, opening the land was the best way to go. But there was no deliberation, due or otherwise. The conservation community, even Department of Agriculture officials, was taken by surprise at how fast this decision was made. Clinton would barbecue Smokey the Bear to win reelection.

The administration is at odds with itself. If everything works as planned, you could drive to McDonald's for less—and pay more for a burger when you get there. The one consistency is the fervid White House desire to put politics above everything else. In that area, it has shown true leadership.

Mr. ROTH. I yield the floor.

Mr. ROCKEFELLER addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The Chair recognizes the Senator from West Virginia.

Mr. ROCKEFELLER. I thank the Presiding Officer.

NEWBORNS' AND MOTHERS' HEALTH PROTECTION ACT OF 1996

Mr. ROCKEFELLER. Mr. President, I want to follow on the comments that were made by Senator BRADLEY with respect to the Newborns' and Mothers' Health Protection Act of 1996. I think it is an absolutely classic example of what it is the American people do expect us to do in Congress and what they would like us to take on. It is a very real problem. As he indicated, they are very real families, very real people and they are in this situation, very helpless.

I also join Senator BRADLEY in urging the majority leader, Senator DOLE, to bring this bill to the floor as soon as possible. It did pass Labor and Human Resources-by 14 to 2. That is not a close vote. That is virtually a unanimous vote. We are approaching Mother's Day. It would be nice to have this bill debated at that time.

The legislation is absolutely vital in the turmoil which is now our health care system. It shifts the decision-making power of when a mother and her baby would be leaving a hospital, discharged home, so to speak, from an insurance company or an HMO, which has interesting missions in all of this, and then send it back to the doctor and to the patient. That is, the decision when to leave. That is why I signed on to this bill and became a cosponsor very, very early.

Many large insurers are refusing to pay for more than 24 hours of maternity care. I do not know where managed care is going to take this country. I can tell you this, I am extremely worried about it, and I am even more worried about for-profit HMOs and managed care. Some HMOs even require discharge within 8 hours of delivery. I cannot imagine such a thing. I am sure that can happen from time to time, but I just cannot imagine that happening very often.

These quick discharge practices can, in fact, enormously endanger the life of the mother and endanger greatly the life of the child. Newborns are prone to problems such as dehydration. They are prone to problems like jaundice that are not even detectable until they have been alive for 24 hours. So, by definition, how are doctors going to be able to determine infants' condition if they are already at home?

New mothers are themselves very susceptible to pelvic infections, to breast infections. A new mom may be, probably is in most cases, too fatigued, just too tired, has been through too much in the delivery to properly care for an infant 24 hours after a normal but nonetheless exhausting delivery problem or experience.

Quick discharges can result in devastating medical consequences, in devastating human consequences and, yes, they can result, and have resulted, in death, because new mothers and fathers are sometimes unable to detect these early symptoms of potentially life-threatening conditions. This is not ideological talk, this is medical talk.

Right now, insurance companies start the 24-hour clock, or even the 8-hour clock or the 12-hour clock ticking the minute the child is born. The minute the child emerges, the minute of the first cry, the clock begins.

The insurance companies do not distinguish between those mothers who have had a 2-hour birth and a mother who has been through 12 hours or 18 hours and had an extremely painful, exhausting, debilitating birth. They make no distinction whatsoever between the two; just out of here in 24 hours.

Their rules do not distinguish between an experienced mother, a mother perhaps having her third or fourth child with a father or a grandmother at home ready to help, ready to help the mother, ready to help the child, on the one hand, and then on the other hand, a 16-year-old teenage mother with an exhausting birth process who is discharged after virtually no time. A teenage mother, who is terrified at the prospect and has no idea of how to care for a healthy baby, much less a baby showing some kinds of symptoms which that 16-year-old teenage mother cannot understand. It makes no difference to the insurance company. The circumstances make no difference: 24 hours, they must all be discharged from the hospital, period.

How do we get here? I mean, this is the great debate. The Clinton health care bill did not pass, I understand that. It tried to bite off too much, I understand that. The free market is working, I understand that, but there are some very dangerous things going on. Some of the most unhappy people in America right now, and the ones most worried about quality of care, are physicians.

Judith Bowman is a first-time mom from Fairmont, WV. She recently experienced one of these speedy discharges. She wrote to me:

"I was surprised by the almost drive-thru like approach put on bringing a precious new life into the world. The information concerning the baby and personal follow up care comes fast."

"I was," she said, "exhausted. I couldn't understand it all. It was new to me. I couldn't take it all in. I was still recovering from the birth experience."

"The total length of my stay after delivery was approximately 20 hours."

Mr. President, in concluding, I say that one would hope that the Congress would not need to legislate on this kind of matter. I mean, to be quite honest with you, I think it is rather shocking. It is the kind of thing that you think that the private sector would pick up immediately at the first sense of difficulties and simply stop. But, no—insurance companies are motivated by other things.

I would think that we could trust insurance companies to do the right thing on an individual case-by-case basis. What is so strange about that? What is so radical about that? To let doctors make patient-care decisions without concern of financial or other penalties being imposed on them.

Of course, what I am saying is, if doctors who belong to HMOs want to keep the mother more than 24 hours, they may be threatened, saying, "You either start discharging after 24 hours or you're off our payroll." Do not think for a moment that is not happening. It is scary. It is scary.

So this bill would require insurers to pay for a 48-hour stay following an uncomplicated vaginal delivery and 96 hours for an uncomplicated Caesarean section. The bill permits, as Senator BRADLEY said, shorter stays. But, again, it puts the decision in the hands of the physician of the mother to decide if that is appropriate. That is who should make this critical decision, not an insurance company driven by other considerations, including those of their stockholders.

Mr. President, I conclude my remarks simply by thanking Senator BRADLEY and Senator KASSEBAUM for leading this effort. I again hope we will be able to take this matter up somewhere around Mother's Day. I thank the Chair, and I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

GAS TAX REPEAL

Mr. PELL. Mr. President, I believe that we should not have a roll-back of the 4.3-cent-a-gallon gasoline tax. Actually, retention of this tax is the sensible, national interest course to follow as we struggle to reduce the deficit. I fear that, like Sisyphus in Hades, we are doomed forever to roll the heavy stone of the deficit uphill, only to have it always roll down again, weighted down by yet another quick-fix tax cut.

In our effort to reduce the deficit, we grapple daily with the stark reality that funds for education, the environment, Medicare, and the earned income tax credit, are all being scaled back. And now, a clarion call to lower the gas tax is being heard. Repealing the gas tax is projected to save the average motorist the grand total of about $27 a year in taxes. Note too, there is no certainty that the oil companies will actually pass this rebate on to the consumer. The effect of this gesture is to reduce revenues by $4.8 billion, thereby making it all the more difficult to reduce the Federal deficit.

While I recognize that higher gas prices effectively reduce the take home pay of commuters and those whose daily livelihood depends upon the availability of low priced fuel, gasoline in the United States has become one of the "great bargains of the Western world" to quote Daniel Yergin in today's New York Times. Over the last few years, prices, adjusted for inflation, have been as low as at any time since World War II. The price of about $1.30 a gallon is exquisitely cheap when compared with the almost $5 a gallon paid in France.

Rather than providing a potentially illusory benefit of $27 per motorist, I suggest we concentrate on those issues having a far more profound impact on the lives of working Americans. We have yet to satisfactorily grapple with proposals to increase the minimum wage, the projected shortfall in Medicare funds in 2001, and the fact that our education programs are such that the mathematics scores of some of our students, particularly in the Southeast region, continue to be lamentably low. Repealing the gasoline tax is the last thing we should think of doing—and we should quickly reject the idea.

WELCOMING U.S. DECISION TO PARTICIPATE IN EXPO '98 IN LISBON

Mr. PELL. Mr. President, on another matter, last month, the White House announced that it has accepted an invitation from the Portuguese Government to participate in the international exposition to be held in Lisbon in 1998. This is good news indeed. I commend President Clinton for this decision.

I have long encouraged the administration to take this step. Last year, I sponsored a resolution calling for U.S. participation in Expo '98. In March of this year, I visited the site of the expo while in Lisbon for President Sampaio's inauguration. During my visit, I took the opportunity to learn in detail the goals and themes of the expo from Antonio Cardoso Cunha, commissioner-general and chairman of Expo '98.

Earlier this week, we welcomed Portuguese Foreign Minister Jaime Gama to Washington. Accordingly, I believe it is a particular appropriate time to bring Expo '98 to the attention of my colleagues and to express my enthusiasm for working with our Portuguese allies on this important project.

The theme of Expo '98 appropriately, will be "The Oceans, a Heritage for the Future" and will focus on environmental topics. As the resident of a coastal State which shares with Portugal a rich maritime tradition, I cannot imagine a more appropriate or more unifying theme. The U.N. General Assembly has declared 1998 as the International Year of the Ocean in an effort to alert the world to the need to improve the physical and cultural assets of the world's oceans. A fundamental goal of Expo '98 will be to focus on the growing importance of the world's oceans and to foster a debate on the sustainable use of marine resources and environmental protection. The United States, of course, has a vested interest in being part of this debate.

Our participation in this exposition, which marks the 500th anniversary of the historic voyage from Europe to India of the Portuguese explorer Vasco da Gama, should be a source of pride for those of Portuguese heritage, as well as a source of great interest for all those with a concern for the oceans and a sense of history. Portugal, of course, has a great history of sea exploration, and in fact, helped to create important trade links between the peoples of Europe, the Americas, Africa, and Asia. Lisbon, the capital of Portugal since the 12th century, is a vibrant cultural and economic center, and its location on the Atlantic makes it a fine choice for an expo focused on the sea.

Expo '98 offers opportunities for U.S. business as well. The organizers of Expo '98 will provide all facilities relating to each national pavilion free of charge. Accordingly, participating countries will have to provide only the contents of its representation. The U.S. exhibit will be financed completely by the private sector. Such an arrangement is a win-win situation—for the U.S. Government and for U.S. businesses which may be able to receive increased international exposure through their participation. I am hopeful that a commissioner general who will be responsible for coordinating the U.S. effort and for securing corporate sponsorships will soon be appointed so that we can move ahead quickly.

I add also, having it this year brings attention to the Law of the Sea Treaty, which needs to be acted upon.

I remember myself in 1940 seeing the last time we had a world exhibition in Lisbon and seeing the amount of the world's surface that was under Portuguese rule. On a personal note, I remember attending an exhibition in 1940 while visiting my father who was posted as the U.S. Minister to Lisbon. At that time, I attended the Exhibition of the Portuguese World, which focused on the contributions of Portugal's far flung colonies. Lisbon was a wonderful site, and the Portuguese people were perfect hosts for such an exhibition. With such a firm tradition of hospitality already well established, I know that Portugal will prove the ideal choice for hosting the 1998 expo.

I am pleased that the United States sill be joining dozens of other countries—including Germany, Greece, the United Kingdom, Morocco, India, Pakistan, and Cape Verde—to name a few—in participating in the last expo of this century. As a long-time friend of Portugal and the Portuguese people, I look forward to working together to make Expo '98 a success. I yield the floor.

RIGHT TO DIE DECISIONS

Mr. DOLE. Mr. President, one of the most profound and sensitive issues facing our society today is whether doctors should be allowed to assist in the suicide of their patients.

On this issue, I happen to share the view of the American Medical Association that doctors who are sworn to be life-givers, should not act as life-takers, and that the licensing of doctors to administer death is "fundamentally inconsistent with the pledge physicians make to devote themselves to healing and to life."

I recognize that there are those who do not share this point of view. But the process we use to work out such disagreements and come to a social consensus is called democracy. I will vigorously defend the right of every fellow citizen to disagree with me, but I will also defend the constitutional process by which our laws are made. The people, through their elected Representatives, should be the ones to decide whether to permit or to prohibit physician-assisted suicide. It is a give and take of meaningful public debate that enables our democratic society to examine complicated social issues and, hopefully, reach a consensus that enjoys broad popular support.

In recent weeks, however, two influential Federal courts—the ninth circuit of appeals on the west coast and the second circuit court of appeals on the east coast—have determined that the U.S. Constitution flatly prohibits the States from outlawing physician-assisted suicide.

The ninth circuit ruled that individuals have a liberty interest in controlling the time and manner of our deaths and that a Washington State law prohibiting assisted suicide was, therefore, a violation of the due process clause of the 14th amendment. In a more narrowly drawn opinion, the second circuit declared that a similar New York State law outlawing physician-assisted suicide violates the 14th amendment's equal protection clause. In fact, I think in the Washington case it was due process; also the liberty clause.

These decisions, like others in recent years, have the unfortunate effect of substituting the judgment of unelected Federal judges for the democratic process. If the ninth circuit's decision purporting to find a fundamental right to physician-assisted suicide is upheld by the Supreme Court, then all meaningful public debate on this issue would effectively be cut off. All of the moral and ethical concerns on both sides would, with a single stroke, be replaced with a judicial fiat. The only citizens whose voices matter in such a decision would be the judges themselves. As columnist Charles Krauthamer writes: "Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have declared that America will be such a country, indeed that the Constitution demands that America be such a country."

I yield to no one in my respect for the role of the judiciary in preserving our fundamental liberties. On occasion, judges may even be required to strike down a legislative act because it clearly conflicts with fundamental freedoms and guarantees of equal protection set forth in our Constitution. This is part of the genius of our system, the fundamental check on the legislative and executive branches created by the Framers of the Constitution.

But what would the Framers say of these decisions or others like these? Does anyone doubt that they would be astonished to learn that the Constitution prohibits the people from prohibiting physicians from administering death? At some point, the legal arguments advanced by our judges to strike down an otherwise valid legislative act must be examined in the light of common sense.

In creating a new constitutional right to kill oneself with a physician's help, the unelected members of the ninth circuit, judges appointed by both Democratic and Republican Presidents, have taken it upon themselves to deny millions of their fellow citizens the opportunity to address this sensitive and morally charged issue through the democratic process. That is the denial of a fundamental right that would have made the Framers shake with anger. They did not fight so hard to win and preserve the freedom of self-government simply to abandon that freedom to unelected judges.

As one judge who dissented from the ninth circuit's decision observed: "That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials could decide trivia, while all the great questions would be decided by the judiciary."

In recent days, I have highlighted the enormously influential role that judges play in the daily lives of the American people. Today, Federal judges micromanage hospitals, schools, police and fire departments, even prisons. Federal judges have unilaterally raised property taxes, and now they have struck down popularly enacted laws on the theory that physician-assisted suicide is no less than a right guaranteed by the Constitution.

The Constitution is a precious legacy. It was precious when it emerged as that "miracle in Philadelphia." Americans of all generations have made it more precious by fighting an dying to defend it. These sacrifices were not made so that Federal judges with life tenure could warp the meaning of the Constitution to fit their own political agenda or personal beliefs. When that happens, judicial review becomes an expression of tyranny, no longer the guarantee of liberty intended by the Framers.

On the admittedly difficult issue of physician-assisted suicide, I am prepared to trust the American people. The American people, not a small group of unelected judges seeking to dispense their own superior moral wisdom, should be the ones deciding whether assisted suicide is consistent with the values our great country does, and should represent.

Mr. President, I ask unanimous consent that opinion pieces by Charles Krauthamer and E.J. Dionne be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 12, 1996]

DECIDING ON LIFE OR DEATH

(By Charles Krauthammer)

In the most morally laden judicial decision since Roe v. Wade, two U.S. appeals courts (for the 2nd and 9th circuits) have within the last five weeks struck down as unconstitutional laws banning physician-assisted suicide. Two issues are at stake here: (1) Should physician-assisted suicide be permitted? And (2) should judges be deciding the issue? The first is a difficult question. The second is not.

In this column and elsewhere, I have argued that permitting doctors to kill their patients is a bad idea, however compassionate the motives, principally because the erosion of the taboo against physician-assisted suicide will inevitably lead to abuses. But whatever my private view and whatever the private view of the robed eminences of the 2nd and 9th circuits, is this not an issue that a democratic people ought to decide themselves?

Have these judges learned nothing from Roe v. Wade? The United States is the only country in the Western world that has legalized abortion not by popular vote or legislative action but by judicial fiat. The result has been 25 years of social and political turmoil.

Having disenfranchised a democratic people on one of the fundamental moral issues of our time, the courts are now bent on doing it again. Not a single country in the world (save Holland) permits doctors to help patients kill themselves. Now judges have decreed that America will be such a country, indeed that the Constitution demands that America be such a country.

It is not as if the people have neglected the issue. Since 1991, three states have held referenda on the question. California and Washington voted narrowly to retain the ban, Oregon voted even more narrowly to lift it.

Well, they can forget their votes. Judge Stephen Reinhardt and the 9th Circuit Court in San Francisco have decided the issue for them. Congratulating his own steely self-discipline, Reinhardt writes: "We must strive to resist the natural judicial impulse to limit our vision to that which can plainly be observed on the face of the document before us," meaning the Constitution. And resist he does, heroically. In a manifesto longer than the Unabomber's, Reinhardt embraces a "dynamism of constitutional interpretation" and proclaims a constitutional "right to die" lodged, lo, undiscovered all these years right under our noses in the "liberty interest" of the Due Process Clause of the 14th Amendment.

(Question: If the liberty interest mandates permitting assisted suicide, how can one justify the current drug laws? If the state may not impinge on your liberty to make yourself dead, how can it impinge your liberty to make yourself high?)

The prize for judicial presumption, however, goes to Judge Guido Calabresi of the 2nd Circuit in New York for his opinion concurring that current laws banning assisted suicide must be thrown out but for a different—and revealing—rationale: They must go because they are obsolete. They were originally enacted at a time when suicide was either a crime or considered a "grave public wrong." Now that suicide is considered neither, he says, the assisted suicide laws make no sense. Calabresi grants that the Constitution and its history do not clearly render these statutes invalid. But that deters him not a bit. He would throw them out anyway until the New York legislature comes up with new assisted-suicide laws sporting more modern rationales.

Are democratically enacted laws to be stricken until a new moral exegesis can be cooked up to satisfy a judge's personal ethics? Judges rule on the constitutionally of laws, not their currency.

Calabresi presumes that the people of New York retain their prohibition against physician-assisted suicide out of absent-mindedness. Yet he himself notes that in 1994 a task force of doctors, bioethicists and religious leaders organized at the request of Gov. Mario Cuomo concluded (unanimously, mind you) that the laws against physician-assisted suicide should be retained. Yet Calabresi carriers on as if no one other than he has bent his mind to the problem.

Calabresi is a Clinton appointee. Judge Roger Miner, who wrote the 2nd Circuit's majority opinion, was appointed by Reagan. The 9th Circuit majority (1 Kennedy, 5 Carter, 2 Reagan appointees) is similarly ecumenical. Which proves that judicial imperialism is a bipartisan occupational disease.

Is it too much to hope that the Supreme Court will put a stop to it? It would do a great service to the democratic character of this country by reviewing these opinions, overturning them and remonstrating against the breathtaking arrogance of these imperial judges. It might begin by quoting from the dissent of the 9th Circuit's Andrew Kleinfeld: "That a question is important does not imply that it is constitutional. The Founding Fathers did not establish the United States as a democratic republic so that elected officials would decide trivia, while all great questions would be decided by the judiciary."

[From the International Herald Tribune, Apr. 16, 1996]

ON DYING IN AMERICA: A QUIET REVOLUTION

(By E.J. Dionne, Jr.)

WASHINGTON. Thanks to two court decisions, the people of the United States are hurtling down a road they did not choose and have grave doubts about pursuing. The decisions, by the 9th U.S. Circuit Court of Appeals on the West Coast and the 2d Circuit on the East Coast, abruptly struck down laws prohibiting doctor-assisted suicide.

It all happened without a full national debate, without any consultation of patients or doctors. These judges decided there ought not be a national dialogue on what is one of the most difficult ethical, moral and practical decisions confronting modern medicine. They were sure they knew better than the rest of us.

What needs to be recognized is that this is not some small legal step. These decisions, if kept in force, will revolutionize the way we Americans think about dying. They will hugely increase the pressures on the very ill to agree to kill themselves, utterly transform the relationship between doctors and patients and create gaping loopholes for abuse.

It is especially chilling that these decisions come up as the country is moving rapidly into managed-care health plans where all the incentives are to cut costs. What easier way to cut costs than to create subtle pressures on patients to kill themselves? Of course there is no managed-care plan out there that would ever do such a thing consciously—one hopes so, anyway. But as medical care for the very ill becomes more and more expensive, it is naive to pretend that such pressures will never arise.

That is why those who call themselves liberal should not rush to the cause of assisted suicide just because the battle flag of "a liberty interest" has been raised. One of the most badly needed protections in America's increasingly complicated health system is to insulate individuals from bureaucratic pressures when they make the hardest decisions of their lives.

Many doctors vigorously oppose assisted suicide precisely because they want their own missions to remain clear and unequivocal. The American Medical Association worries that assisted suicide is "fundamentally incompatible with the physician's role as healer and care-giver." Medicine is, as the medical ethicist Leon Kass put it, "an inherently ethical activity." The doctors we admire most are those who keep their ethical obligations in the forefront. We ought not transform their ethical role without debating what such a change would mean. This choice cannot be thrust upon us, of a sudden, by courts claiming higher ethical wisdom.

The confusion created when judges decide this issue by fiat is illustrated by the fact that the two courts reached their decisions for entirely different constitutional reasons. The 2d Circuit judges said laws against assisted suicide violated the 14th Amendment's equal protection clause, since the law permits one class of people to end their lives by withdrawing treatment but requires another class to stay alive because it denies them suicide.

This gives the concept of "equal protection" a chilling twist. It is a terrible leap to declare that withdrawing support is exactly the same as helping a patient commit suicide. In the first case, we are acknowledging that great medical advances permit us to trump nature and keep people alive long after they would otherwise have died. In the second, we are taking active measures to kill people. Surely this is not a line we should erase casually.

The 9th Circuit, on the other hand, relies on the liberty protections of the 14th Amendment. "At the heart of liberty is the right to define one's concept of existence, of meaning, of the universe and of the mystery of human life," wrote Judge Stephen Reinhardt. Well, sure, But what is at stake here is the relationship of the individual to the medical system. What needs arguing is whether liberty will actually be enhanced by giving doctors Q and hospitals and HMOs Q new powers over life and death.

One cannot escape the suspicion that we have here an outcome in search of a rationale. The goal is to legalize assisted suicide and the judges rummage around for constitutional language to justify the goal.

This is no easy issue. Modern medicine can keep people alive far longer now than in the past. It's fair to debate if more people may now suffer more pain in the last stages of life, and what that should mean for the practices of medicine. But the courts should not decide this for us.

TRAVELGATE

Mr. GRASSLEY. Mr. President, today I read a story in the Washington Times that ought to absolutely outrage every Member of this body. It should also outrage the American people. The article is entitled "Democrats Stymie Effort to Pay Travelgate Legal Fees." It is written by Mr. Paul Bedard.

The story is about how Democrat Senators are secretly trying to pull the plug on a Republican bill to pay legal fees for this person. The bill would help undo some of the damage that the Clinton White House perpetrated against seven innocent employees of the White House travel office. Mr. Billy Dale was the head of that office. He is the most prominent of the seven and the most harassed by the White House. The bill would restore only a small part of the economic damage done to these citizens and their families. It would simply pay their legal fees. It would do little or nothing to restore their reputations, their dignity, their psychological trauma, or their faith in their Government, especially in this White House.

Now, to make matters worse, Mr. President, the Democrats want to take away their legal fees, too. This, of course, is adding insult to injury. By their putting a stop to this bill, the Democrats would deprive these seven of legal fees, even after it has been shown that the seven should not have been targets of the Clintons in the first place.

These seven innocent—let me repeat, innocent—workers were given their walking papers so a Clinton family member and a rich Hollywood crony and a Clinton contributor could reap spoils for themselves. The seven became unjust targets of the enormous power of the Federal Government. Their rights were trampled all over.

Why should our Democrat colleagues be trying to secretly kill the legal fees for the Travelgate seven? Here is what Mr. Bedard of the Washington Times says: "A Senate leadership official said Democrats hope to kill the aid for Mr. Dale in order to save the President the embarrassment of having to sign it."

Mr. President, that is no justification whatever. If that is the justification, then that explains why this effort is being done in the secrecy of the back room. First, the President fails to take responsibility for his actions. He points the finger and blames the firings of the Travelgate seven on others. Now it appears that his lieutenants do his bidding to stop the legal fee bill, once again failing to take responsibility as a President of the United States for his own actions.

This is precisely why I have often repeated on this floor my observation that there is an absence of moral leadership coming from this White House. If there was ever an appropriate illustration of what I am talking about, this clandestine maneuvering on the Travelgate bill is it. If all of this is true, these Senators are doing the President of the United States a disservice, as well as Mr. Dale, and the President would best show some leadership by standing up and saying he wants no part of this effort to harass these citizens any longer.

In the Travelgate case, the President and First Lady already have been accused of coverup, damage control, stonewalling, a failure of moral leadership, cronyism, nepotism and, most importantly, a breach of public trust.

Why should these Senators, whom I assume are allies of the President, want to add to this list of accusations legislative as well?

It is all right for the President of the United States to create a fund and have his own legal fees paid by lobbyists, cronies, and high rollers. But if the average "Joe Citizen" wants and deserves to be made whole in the face of Federal harassment, he gets, as Mr. Dale has found, the plug pulled on him secretly behind closed doors.

I submit that the harassment of Billy Dale by the Democrats continues. First, it was the Clinton White House doing it to Mr. Dale. Then it was the FBI and the Federal prosecutors. Now it is friends of the President in the U.S. Senate. It seems like everybody in Government is in a league together to frustrate an attempt to help make Mr. Dale whole—at least economically. There is no way you are going to help him with all these other problems he has.

I will urge our leaders—meaning our Republican leaders in this body—to lift up this rock to the light of day and see who scurries away from the refuge of secrecy, closed doors, and the dark. I will urge that a full public debate be allowed on this bill, followed by a recorded vote instead of a voice vote. Let those who are doing their work behind the scenes face the American people and make their case in public.

This is a fairly outrageous position for anybody to take, particularly since the President is trying to get his legal bills paid by donations from his friends. Now, this is outrageous. I have not seen a whole lot like it in the 15 years I have been here. This is not a debate about corporate or trade associations or labor organizations or large grassroots organizations; this is a debate about doing justice for just one person—a man who was wrongly accused and harassed by our Federal Government.

Mr. President, in a sense, this is a debate about our moral leaders in the White House. Mr. Dale and his family have been left financially, emotionally, and psychologically drained. Since a Federal jury acquitted Mr. Dale after all of 2 hours of deliberations, how can anyone in this body defend such action? One thing is for sure: I do not think the people will want to defend such action in public. In that, I have much confidence.

I ask unanimous consent to have this article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, May 2, 1993]

DEMOCRATS STYMIE EFFORT TO PAY "TRAVELGATE" LEGAL FEES

(By Paul Bedard)

Senate Democrats have ganged up in secret to block legislation that would pay off "Travelgate" figure Billy R. Dale's $500,000 legal bill in an apparent effort to shield the president from further embarrassment in the scandal.

Senate leadership sources said yesterday that Sen. David Pryor of Arkansas, a close ally of the president, put a confidential "hold" on the bill, blocking it from being considered by the Senate.

They said Mr. Pryor, who is retiring this year, then passed the hold to other Democrats, and they have kept the legislation from being considered for passage in a voice vote.

Pryor spokesman Beau Morrison denied that the senator now has a hold on the bill, adding that a senator's privilege to put a hold on legislation is supposed to be confidential.

Senate protocol allows any member to place a confidential hold on any legislation for any reason. Democratic senators recently tried to kill that rule.

"Pryor did put a hold on it, and we expect another Democrat to drop one on it now that you have caught wind of it," a Republican source said.

Mr. Dale accumulated legal bills of $500,000 in defending himself against two counts of embezzlement that followed his surprise ouster as White House travel office director May 19, 1993. A U.S. District Court jury took two hours to acquit him after a three-week trail.

The firings of Mr. Dale and his six aides sparked the Travelgate scandal.

A House panel is investigating a former senior White House aide's accusation that first lady Hillary Rodham Clinton demanded the firings in order to make room for Clinton associates. Mrs. Clinton has denied the charge.

Republicans upset with Senate Majority Leader Bob Dole's refusal to force the issue on the Senate floor yesterday urged the likely GOP presidential nominee to bring the legislation to a vote.

"Please do whatever you can to bring this bill to the floor, thus allowing those opponents the opportunity to make their arguments in public, in the light of day," Sens. Christopher S. Bond, Missouri Republican, and Richard C. Shelby, Alabama Republican, wrote to Mr. Dole in a letter provided to The Washington Times.

"The careers of seven long-time employees were put in jeopardy, their finances devastated and their reputation forever stained. And now a simple bill designated to attempt to right one of the wrongs perpetrated against these seven employees is being held up by at least one Democrat senator," they wrote.

"We believe the 'Travel Office Seven' has suffered enough—this bipartisan, widely supported bill should be allowed to pass."

The House in March voted 350–43 to pay Mr. Dale's bills. Swift Senate action was promised—along with presidential approval—but the bill was stopped dead by Democratic opposition.

The House and Senate previously approved a $150,000 bill to help cover the legal bills of the other travel office workers.

Unless Mr. Dole pushes the bill Republicans expect the hold "to continue until we begin putting pressure on the Democrats," Senate leadership official said "We should be going to the floor every day to force and embarrass the Democrats, but we aren't there yet."

The official said Senate Democrats hope to kill the aid for Mr. Dale in order to save the president the embarrassment of having to sign it. Mr. Clinton has said he will sign it, but he isn't pushing Democrats to let the bill go.

Mr. PRYOR addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. PRYOR] is recognized.

Mr. PRYOR. Mr. President, if I might, I would like, through the Chair, to request my good friend from Iowa to stand by for a few moments, because I would very much like to know some of the points that he raised so that I might be able to respond. I say that in great respect to him. When I saw him take the floor and mention the Travelgate issue, I literally ran from my office in the Russell Building to be here so that I may attempt to respond.

First, I do not know if the Senator from Iowa, in any way, has indicated or implied that a Member on this side of the aisle—especially this Senator from Arkansas—or would have inferred that this Senator from Arkansas has had a hold on this particular bill, known as the Travelgate reimbursement bill for legal fees.

In this morning's Washington Times, Mr. President——

Mr. GRASSLEY. If the Senator will let me answer, and I will not take the floor.

Mr. PRYOR. Sure.

Mr. GRASSLEY. Mr. President, I did not say anybody's name. However, the article I have put in the RECORD does have the name of the Senator from Arkansas in a headline. This was the basis for my comments. I did get unanimous consent to have this printed in the RECORD.

Mr. PRYOR. I do not object. I am very proud that my good friend is raising this point so that I can finally respond to it.

The Washington Times indicated this morning that the Senator from Arkansas, myself, Senator PRYOR, had a hold on this bill to repay all of the legal fees, some $500,000, which had been amassed by those people involved in the Travelgate episode.

Mr. President, I want to state this: I do not have a hold on this bill. I have never placed a hold on a bill in my 18 years in the Senate. I will be here about another few months, and I will never place a hold on a bill, or a piece of legislation. I do not think that is a healthy way to conduct the business of the Senate. And I deeply resent—not the Senator from Iowa—but any insinuation by anyone from the media that the Senator from Arkansas has a hold on this bill. I do not have a hold. I have never talked to anybody about having a hold. I have never mentioned to the majority leader, to the minority leader, to the floor staff, to the Cloakroom, or anyone, that I want to stop this bill.

In fact, Mr. President, I want to see this bill come to the floor. I wish it would come to the floor tonight. I wish we would vote on it tonight, because I am probably going to support it because I have an amendment I may want to add to this bill. This amendment relates to changing the implementation of the GATT treaty, so that a handful of drug companies will not continue taking advantage of the American consumer, the American taxpayer, in the sale of certain pharmaceutical drugs.

I might use this bill as that vehicle, Mr. President, to offer that amendment so that we can correct this odious mistake that the Congress has made in carving out a special exemption and a special place for Glaxo, the manufacturer of Zantac, and other drug firms of the manufacturing nature, in the manufacture of drugs that are necessities of life for people. I was going to use this as a possible vehicle to make that change and to offer that amendment.

There is another bill that I hope will come to the floor. The Senator from Iowa had worked for many years on something we called the taxpayers' bill of rights. I was going to see if there would be a way to offer my amendment on Glaxo and the GATT implementing legislation. I have been consulting with my colleague, Senator BROWN of Colorado, and Senator CHAFEE of Rhode Island, to establish which vehicle would be best for us to use to get the maximum number of votes. If Travelgate was the one, that would be fine, or the taxpayers' bill of rights, that would be fine. Whatever the legislation, Mr. President, I was prepared to offer this amendment to correct this mistake Congress made, which allows extra profits of $5 million each day to one particular firm, which I think is unconscionable.

I state to my friend, once again, I do not have a hold on this bill. Please insert the article. I will certainly not object. I thank the Senator for raising the point, because all day I have been asked by various members of the press if I actually had a hold on the bill. I do not. I see that my friend may be seeking recognition.

Mr. GRASSLEY. Will the Senator yield for rebuttal on my part?

Mr. PRYOR. I am happy to yield to my friend.

Mr. GRASSLEY. Mr. President, first of all, I thank the Senator very much for coming to the floor to make his remarks. I absolutely believe what the Senator says. I hope that the Senator will have an opportunity, maybe, to study what I said, because, as he said, he had to leave his office to come over here. I will be happy to discuss, either privately or on the floor of the Senate, any of the comments that I made. I did not name any Senator, albeit, the Senator's name could be implied from putting the article in the RECORD. But I did not accuse any Senator of putting a hold on it. People on this side of the aisle did inquire about whether or not there was a hold by somebody on your side of the aisle on the bill, and we were told there was a hold. We were not told who it was, but that there is a hold on the bill.

So I want to take time to clarify that because the Senator from Arkansas asked me to, and I appreciate how he approaches this issue as well.

I still would leave my comments, though, that we should get this bill passed. It is not going to restore the situation prior to the firing the way it was for Mr. Dale. But I think that this is something which will bring some justice to it and some equity to other situations in this town where people are getting their legal fees paid.

I thank the Senator for yielding.

Mr. PRYOR. Mr. President, I thank my friend from Iowa very much.

I once again appreciate this opportunity to be able to come to the floor and attempt to clarify this situation which I think is somewhat of sync. If I might, before my friend and colleague leaves the floor, I am just going to take a very few moments before my colleague leaves.

There seems to be sort of an insinuation in some of the media writings—in the Washington Times—that the White House, through Senator PRYOR from Arkansas, being from the same State as the President and the First Lady, might be inclined to put a hold on this bill so as not to embarrass the White House, or whatever.

Mr. President, let me state in the presence of my colleague, the Senator from Iowa, that I have never talked to anyone in the White House about this bill. Never, ever have I talked to anyone in the White House about this bill. I do not think they have any idea whether there is a hold on this bill or not. In fact, I think I have seen in the press, or I have heard somewhere, that the President has indicated that he would probably sign this bill. I do not know what the President's position on this bill is.

But, if I may, I am so appreciative of the Senator remaining to let me tell him how this might have started. This is a very small body, and we all know each other. I went the other evening to one of Senator GRASSLEY's colleagues, Mr. President, on the other side of the aisle, and I said, "When is the Travelgate reimbursement for legal fees bill coming?" They said, "Well, we are not sure." I said, "I may have an amendment to the bill." I may amend it either with the GATT implementation legislation to try to cure this terrible mistake we have made to allow all these windfall profits to occur for Glaxo and other companies, or I may have another amendment. I may offer an amendment to put some extra money in this bill as a contingency fund, a contingency fund to somehow begin to compensate and to give some protection, even a modest amount of protection, for those individuals who are being dragged up here to Washington, DC, time and again at their own expense incurring enormous backbreaking legal fees to appear before the Whitewater committee.

Mr. President, these people are financially destitute. These are not Presidents and First Ladies necessarily. These are secretaries and file clerks who are having to answer a subpoena and bring records, bring themselves, pay for airplanes, and come up here and give opportunities to be grilled and interrogated by the Whitewater committee.

Mr. President, I do not know if Mr. Dale's firing was right or not. I have not truly followed that case. I think the President probably had the right to fire him should he have wanted him fired. I do not know how that worked. But whether he did or whether he did not, that is irrelevant to the other issue.

Do we need to start looking at a way to protect private citizens in the payment of their legal fees when they are not a target of an investigation, when they are not even truly a part of any problem that has given rise to an investigation when those individuals cannot pay their legal bills?

Mr. President, when these people are first talked to about appearing before this committee or before Kenneth Starr's grand jury in Arkansas or before a grand jury here, they do not know what is happening. They do not know if they need an attorney or not. They do not know in most cases whether they are a target of an investigation or not. They are having to produce mountains of information. They are having to produce file drawers full of documents. For many of those documents, they do not know where they are. But in most cases they are trying to comply in good faith and with good intentions.

So, Mr. President, that may have been how this rumor started about the Senator from Arkansas putting a hold. I said that I might have an amendment. One amendment might be on the GATT Glaxo issue; one amendment might be to add additional funds so that we could cover those individuals who could not pay attorney's fees who are not targets of an investigation.

I remember hearing the majority leader sometime back. I tell you, I think he was right. I remember him talking about someone who had been hauled—perhaps hauled or subpoenaed—before the Iran-Contra committee. I believe that was the case. The majority leader said then that what he was going to have to do is go out and try to get his reputation back.

Those words rang in my ears, and they ring in my ears again as we continue dragging these people up from especially our State and where it is going to wreak financial devastation on some of these individuals who have had no part in creating this problem but were merely what you might call lower echelon public servants who are going to be financially destitute after all of this is over.

Mr. President, I see the distinguished majority leader is here. I want to thank once again my friend from Iowa, Senator GRASSLEY, for remaining, and he has had to leave the floor now.

Seeing no other Senators seeking recognition, I yield the floor at this time.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate immediately proceed to executive session to consider the following nominations on today's Executive Calendar: Executive Calendar nomination Nos. 507 and 508.

I further ask unanimous consent that the nominations be confirmed, en bloc, the motions to reconsider be laid upon the table, en bloc, that any statements relating to the nominations appear at the appropriate place in the RECORD, the President be immediately notified of the Senate's action, and that the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations were considered and confirmed as follows:

DEPARTMENT OF ENERGY

Thomas Paul Grumbly, of Virginia, to be Under Secretary of Energy.

Alvin L. Alm, of Virginia, to be an Assistant Secretary of Energy (Environmental Management).

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

RYAN WHITE CARE ACT AMENDMENTS OF 1996—CONFERENCE REPORT

Mr. DOLE. Mr. President, I submit a report of the committee of conference and ask for its immediate consideration.

The PRESIDING OFFICER. The report will be stated.

The legislative clerk read as follows:

> The committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641), a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses this report, signed by all of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of April 30, 1996.)

Mrs. KASSEBAUM. Mr. President, I rise in support of the conference report on the Ryan White CARE Act Amendments of 1996, S. 641. This bipartisan legislation reauthorizes critical health care programs which provide services for individuals living with HIV and AIDS. Accordingly, I urge the Senate to move expeditiously to pass this conference report, which has already moved through the House with near-unanimous support.

The Ryan White CARE Act plays a critical role in improving the quality and availability of medical and support services for individuals living with HIV disease and AIDS. As the HIV epidemic continues, the need for this important legislation remains.

Achieving a compromise on the Ryan White CARE Act reauthorization bill has been a long process, and I am delighted to see it come to a completion. The give-and-take involved in the conference rarely leaves everyone satisfied with every aspect of the final agreement. I believe, however, that the compromise bill offers constructive change, and I am particularly pleased that it provides greater equity for rural states through changes in the funding formulas.

The present distribution formulas have led to disparity in funding for individuals living with AIDS based on where they live. When the CARE Act was first authorized in 1990, the epidemic was primarily a coastal urban-area problem. Now it reaches the smallest and most rural areas of this country. Our agreement ensures that the amount of Federal AIDS support for an individual in a rural State more closely approximates the support for an individual living in a high AIDS population area. This agreement ensures that any individual living with AIDS, regardless of where he or she lives, will have similar support from the Federal Government.

Mr. President, with any formula change, there is always concern about the potential for disruption of services to individuals now receiving them. To address this concern, the bill maintains hold-harmless floors designed to assure that no entity receives less than 95 percent of its 1995 allocation over the next 5 years, and all entities are held harmless in fiscal year 1996.

The Senate-House HIV testing compromise shifts the emphasis from mandatory testing of infants to voluntary testing of pregnant women. It provides $10 million to help States meet CDC guidelines for voluntary HIV counseling, testing, and treatment for pregnant women. I believe the emphasis on voluntary testing for pregnant women makes sense and is an appropriate compromise. Medical technology today enables us to greatly reduce the chance that a HIV-positive mother will pass HIV to her newborn if she receives proper treatment prior to delivery. This is why I felt it was so critical to focus our Federal resources on voluntary testing of mothers rather than testing newborns, when it would be too late to try to prevent most HIV transmission.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges.

Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts. I particularly appreciate the constructive and cooperative approach which the Senate conferees, Senators JEFFORDS, FRIST, KENNEDY, and DODD, lent to the development of this legislation. I wish to thank both the Senate and the house conferees for their efforts in crafting the compromises reflected in this conference bill.

I also wish to thank their staffs, including Sharon Winn, Susan Ramthun, Jonelle Rowe, M.D., Joe Musker, Michael Iskowitz, Seth Kilbourn, Jane Loewenson—as well as Marty Ross, M.D., James Wade, M.D. and Kent Bradley, M.D. of my staff—for their hard work in reaching this agreement.

Mr. KENNEDY. Mr. President, it is a privilege to join Senator KASSEBAUM in bringing to the Senate floor the conference report for the Ryan White CARE Reauthorization Act of 1996. This is critically important legislation and I am pleased that after months, an agreement has finally been reached.

For 15 years, America has been struggling with the devastating effects of AIDS. More than 1 million citizens are infected with the virus. AIDS itself has now become the leading killer of all young Americans from ages 25 to 44. AIDS is killing our brothers and sisters, parents and children, friends and loved ones—all in the prime of their lives. This epidemic knows no walls and has no mercy.

More than 500,000 Americans have been diagnosed with AIDS. Over half have already died—while the epidemic marches on unabated.

The epidemic is now a decade and a half old, but almost 40 percent of the AIDS cases in this country have been diagnosed in the last 2 years. Another American gets the bad news every 6 minutes. Each day, 100 more of our fellow citizens die of AIDS.

As the crisis continues, it becomes more and more difficult for anyone to pretend that AIDS is someone else's problem. There are few of us who do not know someone who is either infected or affected by AIDS. In a very real way, we are all living with AIDS.

In 1990, AIDS advocates and service providers gave us the sound advice that the development and operation of community-based care networks could help shore up the Nation's overburdened health system, and improve the quality of life and efficiency of services for individuals and families living with AIDS.

In response, and in the name of Ryan White and all the other Americans who had lost the battle against AIDS, Congress passed the Comprehensive AIDS Resources Emergency Act, called the CARE Act. With broad bipartisan support, we put people before politics, and took constructive action that has made a world of difference.

America can take satisfaction that, in difficult times, sometimes we get it right. In the case of the CARE Act, we have.

The act contains a series of provisions that have reduced inpatient hospitalization and emergency room visits—and allowed more than 300,000 Americans with HIV disease to live longer, healthier, and more productive lives.

Title 1 of the act provides emergency relief for cities hardest hit by AIDS.

Title 2 provides funding for all 50 States to organize and operate HIV care consortia, to offer home care services and lifesaving therapeutics, and to continue private insurance coverage for those who would otherwise fall onto the public rolls.

Title 3 funds community health centers and family planning clinics which offer primary care and early intervention services to those living with HIV in underserved urban and rural communities face an increasing demand for care.

Title 4 links cutting-edge pediatric AIDS research with family centered health and support services to meet the unique needs of children, youth, and families with HIV.

Title 5 funds national demonstration projects for HIV populations with special needs, including teenagers, minorities, the homeless, and Native Americans.

Together, these titles put in place a strong national response with a proven track record of success that has saved both money and lives.

In Boston, the act has led to dramatically increased access to essential services. Because of the act, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements. This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

While our response has changed significantly since 1990, the brutality of the epidemic remains the same. When the act first took effect, only 16 cities qualified for "emergency relief". In the past 5 years, that number has more than tripled.

This crisis is no longer limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts, and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. This reality challenges us to move forward together in the best interest of all people living with HIV. And that is what this conference report seeks to do.

This bill acknowledges that the HIV epidemic has expanded its reach, but we have not forgotten its roots. While new faces and new places are now affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make desperately needed resources available to cities and States, based on the number of people living with HIV disease. These changes will increase the availability of medical care and the support services to individuals with HIV in many cities, including Boston, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, and Miami is far from over—and in many ways, the worst is yet to come.

Finally, the compromise includes a provision promoting voluntary HIV counseling, testing, and treatment for pregnant women as part of comprehensive prenatal care.

Thanks to recent research advances, we now know that this sound public health approach will save countless young lives. Doctors, nurses, public health officials and AIDS organizations have all called for this responsible action.

This aspect of the bill is a dramatic departure from the provisions contained in the House bill, which focused on mandatory testing of newborns. That approach is both too little and too late. In addition, it is likely to prove counterproductive for achieving the goal of preventing HIV in newborns or prolonging the lives of children infected with HIV.

The participation and cooperation of parents and physicians is essential if children are to receive the care they need. Mothers must be involved in the health care system, not alienated from it. Mandatory testing programs threaten to drive women away from essential services, for fear of losing their health care or the custody of their children. This is especially true for poor women and IV drug users who are at high risk for HIV, but who are also often highly mistrustful of the health care system.

An HIV test by itself does not guarantee needed participation, and does not ensure access to care. It does not provide access to health insurance or to necessary followup treatment. It does not mean that a mother will be able or willing to follow a complex treatment schedule.

Doctors, nurses, patients, and all those on the front lines of this epidemic agree that to maximize the potential for appropriate care, the relationship between a woman and her health provider must be based on compassion, confidence, and trust.

Coercive, mandatory procedures are hostile to such a relationship and hostile to the American tradition of respect for the doctor-patient relationship.

The compromise contained in the conference report focuses on the promising strategy of offering voluntary HIV counseling, testing, and treatment to pregnant women. States are given the time and the resources to implement the CDC guidelines and to begin to save lives.

Medical professional and public health officials have expressed serious concerns about Congress withholding funds unless they implemented a program which they do not believe is in the best interest of those they serve. Under this bill, no doctor or State will be forced to implement a program of mandatory HIV testing of newborn during this reauthorization cycle.

No State will be forced to implement a mandatory testing program at all unless, first, the Secretary of HHS decides that such a program has become the standard of practice; and second, the State is unable to achieve a significant reduction in HIV transmission from mother to child by the year 2000. This compromise allows States to keep their eyes on the goal, rather than divert their attention or resources to a strategy they believe is wrong.

If States do implement mandatory testing programs, this provision requires that States have in place protection against insurance discrimination based on HIV status or based on the fact that an individual has undergone HIV testing. This protection adds to the protection already provided under the Americans With Disabilities Act [ADA].

Under the ADA, an insurance company or an employer cannot place different requirements or restrictions on people with HIV or AIDS than they place on people with diseases of similar financial risk. This protects against insurance discrimination based on fears and myths, rather than objective actuarial and financial considerations.

The requirements in this provision add to those of the ADA, and prohibit insurance discrimination against individuals who have simply undergone HIV testing. The ADA has an important provision which protects people who are perceived to have HIV or AIDS. Many people who have undergone HIV tests, and are subsequently discriminated against, may be perceived as having HIV and are thus protected by the ADA. But this provision makes clear that such individuals may not be discriminated against in insurance, whether or not they are perceived as having HIV.

The reason for this provision is clear. As I have noted, I do not believe mandatory testing is appropriate. But if a State ultimately chooses to fulfill its obligations under this law by enacting such testing, it must also ensure that comprehensive insurance protection is in place. Congress has already ensured significant protection when we passed the ADA. These State laws or regulations will complement such protection.

Like most compromises, it is not perfect and it will not please everyone. But on balance, it is a fair one. We have sought sound policy. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands.

With the enactment of this conference report, Congress has put aside political, geographic, and institutional differences to face this important challenge squarely—and in all likelihood, successfully.

In these times of partisan politics and scarce resources, it is a tribute to the effectiveness of this landmark legislation that Congress voted nearly unanimously to continue this program—and to provide a $105 million increase for this year.

This action will sustain and expand the act's lifeline. It will provide better care and support for hundreds of thousands of individuals and families caught in the epidemic's path.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about caring and the American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what is happening in his name. His example, and the tireless commitment of so many others, are bringing help and hope to our American family living with AIDS.

I am pleased that the House of Representatives passed the conference report earlier this evening by a vote of 402 to 4 and I urge my colleagues to unanimously approve this critically important conference report.

Before we take final action, I would like to thank the committee staff who have worked tirelessly on this legislation and made it possible for us to reach this point. First and foremost, I would like to thank Michael Iskowitz of my staff, who was instrumental in the development of this act in 1990, and who has been indispensable throughout this reauthorization process.

I would also like to thank Seth Kilbourn who, during his detail with the Labor Committee, proved invaluable to our efforts. Finally, I would like to thank Senator KASSEBAUM and her able staff, including Kent Bradley, Jim Wade, and Marty Ross. This has been a solidly bipartisan effort and I am grateful to the chairman and her staff for their cooperation and collaboration.

I ask unanimous consent that my remarks, a summary of the legislation and of the voluntary testing compromise be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RYAN WHITE AIDS CARE ACT SUMMARY

TITLE I—DISASTER RELIEF TO CITIES

Provides emergency assistance to metropolitan areas hardest hit by the AIDS epidemic. Urban areas with more than 2,000 diagnosed AIDS cases qualify for such assistance (FY91=16 cities, FY93=24 cities, FY95=42, and FY96=48 projected cities). Funds are used for outpatient health care and support services for individuals and families with HIV disease to enhance quality of life and to reduce inpatient hospitalization. Funds go to mayors who must establish an HIV Planning Council to assess need and allocate resources.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$87 million; FY92=$122 million; FY93=$184.8 million; FY94=$325.5 million; FY95=$356.5 million; and FY96=$391.7 million.

TITLE II—HIV CARE GRANTS TO STATES

Provides for the development, organization, and operation of effective and cost efficient systems for the delivery of essential health care and support services to individuals and families with HIV disease in both urban and rural areas. Eligible uses of funds include:

(1)—local consortia capable of delivering a comprehensive continuum of care;

(2)—home health care services;

(3)—assuring continuity of health insurance coverage; and

(4)—paying for HIV related therapeutics.

All states must set aside not less than 15 percent of funds for the delivery of health and support services for infants, children, women and families with HIV disease.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$87 million; FY92=$108 million; FY93=$115.3 million; FY94=$183.9 million; FY95=$198.1 million; and FY96=$260.8 million.

TITLE III—EARLY INTERVENTION CATEGORICAL GRANTS

Provides early intervention services through categorical grants to public and non-profit entities including community and migrant health centers and others which deliver primary health care. Individuals who test HIV(+) receive the diagnostic and therapeutic services in order to benefit from medical advances.

Authorizes such sums as may be necessary in FY96–00. Actual appropriations: FY91=$44 million; FY92=$49.8 million; FY93=$47.9 million; FY94=$47.9 million; FY95=$52.3 million; and FY96=$56.9 million.

TITLE IV—CHILDREN, YOUTH, WOMEN AND FAMILIES

Provides grants to appropriate public and non-profit entities that offer primary care to coordinate the delivery of health care and support services with experimental therapies for women and children with HIV to increase access to services and clinical trials.

Authorizes such sums as may be necessary in FY96–00. Actual appropriation: FY94=$22 million; FY95=$26 million; and FY96=$29 million.

HELPING TO REDUCE HIV TRANSMISSION FROM MOTHER TO CHILD

The Senate-House HIV testing compromise contained in the Ryan White conference report shifts the emphasis from mandatory testing of infants to voluntary testing of pregnant women. Focusing on voluntary testing of pregnant women rather than mandatory testing of newborns is the approach supported by medical professionals and public health officials as the most effective means of preventing perinatal transmission of HIV. The compromise contains the following provisions.

Provides $10 million to assist states in implementing the CDC guidelines which call for voluntary HIV counseling, testing, and treatment for pregnant women. For states to access these funds, they must have adopted the CDC guidelines.

Within 4 months of enactment (Sept. 1996), the CDC, in consultation with states, must develop and implement a system for states to gather data related to perinatal transmission, to document reduction in such transmission.

The Secretary of HHS is directed to contract with the Institute of Medicine to evaluate the extent to which state efforts have been effective in reducing perinatal transmission of HIV and to analyze the existing barriers to further reduction in such transmission. Within two years of enactment (May 1998), the Secretary shall report these findings to Congress along with any recommendations made by the Institute.

After 2 years and 4 months (Sept. 1998), the Secretary of HHS will make a determination of whether mandatory HIV testing of all infants born in the US whose mothers have not undergone prenatal HIV testing has become routine practice in the provision of health care in the US. This determination will be made in consultation with states and experts.

If the Secretary determines that such mandatory testing has become routine practice, after an additional 18 month period (March 2000), a state will not continue to receive Title 2 Ryan White funding unless it can demonstrate one of the following:

(1). A 50 percent reduction (or a comparable measure for states with less than 10 cases) in the rate of new AIDS cases resulting from perinatal transmission, comparing the most recent data to 1993 data;

(2). At least 95% of women who are received at least two prenatal visits prior to 34 weeks gestation have been testing for HIV; or

(3). A Program for mandatory testing of all newborns whose mothers have not undergone prenatal HIV testing.

Mr. JEFFORDS. Mr. President, I am proud to be an original cosponsor of the Ryan White CARE Act; I am proud to have served on the conference committee for this very vital legislation; and I am proud to be here today to speak in support of the bill's final passage. As most of us are aware, AIDS has become one of the most difficult and complicated public health threats in recent memory. For this reason, the Ryan White CARE Act is important not only for to those already infected with HIV or suffering from AIDS—as a public health bill, this legislation is important for all of us.

We've said it a number of times before, but it bears repeating: AIDS is now the leading killer of men and women ages 25 to 44. AIDS has killed over 300,000 people since the beginning of the epidemic in the early 1980's—but half of those people, 154,077, have died in the past 2 years. The Centers for Disease Control estimates that nearly 1 million people are now infected with HIV, the virus that leads to AIDS. Clearly, then, AIDS is challenging our health care system in ways it has not been challenged before.

We discussed this bill at length nearly a year ago, so I want to take a few minutes to remind my colleagues of the valuable programs they will help to support today. As I've already mentioned, the bill provides health services to those already living with AIDS. It also relieves pressure from our critical care units and emergency rooms by utilizing early intervention techniques with AIDS and HIV patients.

The programs we're reauthorizing today work at the local level, and they're cost-effective—two things we've tried hard to stay focused on in this Congress. The Ryan White CARE Act funds community based organizations to provide needed outpatient care at the local level in the most cost effective and efficient ways possible for the populations that need help the most. One study even indicated that a person receiving outpatient managed care spends 8 fewer days in the hospital than a person not receiving such care—resulting in a cost savings of over $22,000 per person.

Dollars from the CARE Act increase the availability of critical outpatient primary care services; they provide support services; and they improve the quality of life of those living with HIV. In Vermont, CARE Act money is used primarily to provide pharmaceuticals to people with HIV and AIDS who need drugs, but cannot afford them.

Successful outpatient care keeps people out of the hospital, improves their quality of life, and saves money for the system. When early interventions and primary care are used successfully, the health care system saves untold dollars in unused emergency health services. From a purely fiscal perspective, we cannot afford not to fund these programs.

Finally, let me remind my colleagues that this is not a disease from which we can remove ourselves so easily as we might expect. Any of us who previously felt confident we could not be touched by HIV or AIDS because AIDS affects other people must now reexamine those assumptions. Soon we will all have friends whose lives have been touched by this disease. I had the honor of hosting one of my friends, David Curtis, at a Labor Committee hearing on this bill. The face of AIDS is changing, it is affecting the people I know and the people we all know.

If we and our loved ones are affected, I know we will want adequate resources to be available to help with prescription drugs, health care and support services. The Ryan White CARE Act is an assurance that help will be available. So for my friend, David Curtis and the millions of other Americans affected by HIV, I hope my colleagues will join me in supporting final passage of the Ryan White CARE Act.

Mr. DOLE. Mr. President, I ask unanimous consent that the conference report be deemed adopted, the motion to reconsider be laid upon the table, and that any statements relating to the conference report be included in the RECORD at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

The conference report was agreed to.

ORDERS FOR FRIDAY, MAY 3, 1996

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 10 a.m. on Friday, May 3; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, that no resolutions come over under the rule, the call of the calendar be dispensed with, that the morning hour be deemed expired, that there be a period for the transaction of morning business until the hour of 1 p.m. with Senators to speak for up to 5 minutes each with the following Senators to speak for the designated times: Senator COVERDELL for the first 90 minutes and Senator DASCHLE for the last 90 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, the Senate will have a period for morning business only tomorrow, and no rollcall votes will occur during Friday's session of the Senate.

Following morning business, the Senate will recess until 12 noon on Monday, May 6th. Following morning business on Monday, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 380, H.R. 2937, regarding White House Travel Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, for the information of all Senators, it is my hope that the Senate could dispose of the White House Travel Office bill by the close of business on Monday. I did not hear the debate between the Senator from Arkansas and the Senator from Iowa, but, hopefully, if there are problems, we can work those problems out. We hope there are not any nongermane amendments. We will see what happens. Perhaps we could find that out before or maybe on Monday because I may fill up what we call the amendment tree—I prefer not to do that—in order to keep the Senate germane to the pending issue.

There will be no rollcall votes during Monday's session of the Senate, and the Senate may be asked to consider any other legislative matters that may be cleared for action.

I know there are a number of nominations on the calendar. I have never been one to try to hold up nominations, but I would just say to the White House they have had nominations—Republican nominees have been down there for 6 to 8 months—that have not been sent to the appropriate committees. It seems to me there ought to be some reciprocity here. If they continue at the White House to say, "We are not going to send Republican nominees out," we do not find it very difficult to say, "Why should we clear nominations the White House wants?"—whether judicial nominations or any others.

So I hope we could have some understanding because I have never been one, regardless of who is in the White House, to try to hold up nominations. These nominees have families and obligations but so do the families we have sent down months and months and months ago. They are still waiting for some word from the White House. They cannot have it both ways.

I also hope that we could still work out some agreement—we made a tentative suggestion to our colleagues on the other side with reference to the minimum wage. I will ask Senator LOTT to try to meet again early next week with Senator DASCHLE or his designee to see if we can work out some time to take up that matter, either as a part of something else, which I will not speculate what it might be, or have separate votes, parallel votes on our proposal and a Democratic proposal, because we would like to proceed with the legislation and not have nongermane amendments at every turn. It took us 8 days to complete an immigration bill that probably should have taken 3 days, and I hope that we can catch up. We need to catch up so we can hopefully enjoy a recess or a few days off the end of this month. We have a number of bills we think should be completed prior to that time.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d session of the 104th Congress, to be held in southeast Alaska May 10–14, 1996:

The Senator from Rhode Island [Mr. CHAFEE]; the Senator from Utah [Mr. HATCH]; the Senator from Arkansas [Mr. PRYOR]; the Senator from South Dakota [Mr. PRESSLER]; the Senator from Iowa [Mr. GRASSLEY]; the Senator from Washington [Mr. GORTON]; the Senator from Vermont [Mr. JEFFORDS]; the Senator from Florida [Mr. MACK]; the Senator from Montana [Mr. BURNS]; the Senator from Utah [Mr. BENNETT]; the Senator from Oklahoma [Mr. INHOFE]; the Senator from Ohio [Mr. DEWINE], and the Senator from Minnesota [Mr. GRAMS].

The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276h–276k, as amended, appoints the following Senators as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d session of the 104th Congress to be held in Mexico May 3–5, 1996:

The Senator from Alaska [Mr. MURKOWSKI]; the Senator from Colorado [Mr. BROWN]; and the Senator from Georgia [Mr. COVERDELL].

Mr. DOLE. I will be happy to yield the floor or yield to the Senator from Arkansas.

Mr. PRYOR. I thank the Chair. I thank the distinguished majority leader for yielding.

PRESIDENTIAL NOMINATIONS

Mr. PRYOR. Once again I should have been here a few moments ago because it was my understanding that one of my colleagues, and perhaps even the majority leader himself, made some reference to the appointment of judges by President Clinton.

Mr. DOLE. Not today.

Mr. PRYOR. I did not hear the majority leader.

Mr. DOLE. I did not make any reference today to the appointment of judges, but I did make a reference to the fact that judges in the second and ninth circuits have been reaching for some way to find a constitutional right to die, and I thought that should be decided by the legislative branch.

Mr. PRYOR. I see. Notwithstanding the majority leader's assurances that he has not talked about President Clinton's appointments to the bench, Mr. President, I think the record should fairly reflect what the facts are about this. I really appreciate the majority leader yielding to me for a moment.

The appointments of President Clinton's judges—in fact, almost two-thirds of President Clinton's judicial appointments—have received the American Bar Association's highest rating: "Well qualified," the highest percentage of any of his three predecessors.

Second, U.S. News and World Report is saying with regard to President Clinton's appointments to the bench, and I quote, "Centrism is carrying the day."

Third, even Senator HATCH, our colleague and friend from Utah, our distinguished chairman of the Senate Committee on the Judiciary, has as recently as August 3, 1995, Mr. President, stated at a confirmation hearing, and I quote:

> I wish to compliment the administration for the type of people they are sending to us. It is making our job much easier.

That is a direct quote from the distinguished chairman of the Judiciary Committee, Senator Orrin HATCH of Utah. Only two more comments, because I know the distinguished majority leader may be needing to get on.

Only 3—only 3—of the 185 judges in the lower Federal court appointed by President Clinton have been even the subject of contested votes. They did not even have a vote—only three have been subjected to a contested vote in the Judiciary Committee or in this Chamber. I think this is a remarkable record.

Finally, Mr. President, let me say that the Senate has approved unanimously with the consent of all Republicans 182 of 185 lower court Federal judges President Clinton has nominated and were ultimately approved for the bench.

So I think from time to time it is necessary for us to put the facts out in the RECORD, and I am very, very grateful for the understanding and the opportunity the majority leader has given me to make this record.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I appreciate that. I would only say the fact that they got the highest rating by the American Bar Association worries me even more. It is nothing but a liberal advocacy group, and that should indicate what kind of judges are being given these very high ratings. The more liberal you are, the higher rating you get from the American Bar Association.

It is customary, it has been in Democratic and Republican administrations, to honor a President's nominees unless there was some reason—sometimes you do not know until after they have, in this case, been on the bench and made a few rulings to see precisely which direction they can go, but we will be happy to accommodate the Senator from Arkansas if he would like to have all these contested in the future. I do not know how many judicial nominees are on the calendar now.

So I would just say, obviously, the President has a right to appoint the judges that he believes more or less follow his philosophy and others would have the right to appoint those who follow their philosophy. That debate will probably continue.

LEGISLATIVE SCHEDULE

Mr. DOLE. Mr. President, it is also my hope that we can complete action on the Billy Dale matter on Tuesday, and then also Amtrak authorization which is, as I understand, not particularly controversial, and the firefighters discrimination bill, S. 849. We hope we might be able to reach a time agreement on the firefighters discrimination bill. I think it has broad bipartisan support. I know the Senator from Vermont [Mr. JEFFORDS] has an amendment; the Senator from Massachusetts [Mr. KENNEDY] has an amendment. There are three or four amendments on each side. Some will be adopted, some will be defeated. But I would like to complete action on that bill early next week so that we can move on to other matters before the week is out.

Mr. PRYOR. Mr. President, if the majority leader will answer a question, I would appreciate it.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I will be happy to yield to the Senator from Arkansas.

Mr. PRYOR. I am wondering—I guess we are calling the compensation measure, the Travelgate issue, Billy Dale—which is fine. I think we will just call it the Billy Dale legislation.

Mr. DOLE. I do not have a number.

Mr. PRYOR. I wonder if the majority leader might be favorably disposed to any kind of amendment to that which might set up a fund to ultimately compensate those people regarding the Whitewater matter who may have been called here or called to Little Rock or called to some grand jury, to help them be compensated for their legal fees, if they were not a target of the investigation, not a subject of the investigation, and are found to be destitute and cannot pay their legal bills. I wonder if the majority leader would look kindly on such an amendment.

Mr. DOLE. I would certainly look kindly on having the Senate Judiciary Committee considering that. I think Senator HATCH would be very receptive.

My view is, if someone who is not a target is not only inconvenienced but must go out and hire counsel, there should be some recompense. I do not care whether it is Whitewater or whatever it may be.

So I would certainly, if I could work with the Senator from Arkansas and encourage the Senator from Utah, Senator HATCH, to immediately go to work on it, perhaps we can work out something.

Mr. PRYOR. Mr. President, I thank the distinguished majority leader.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. DOLE. If there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:02 p.m., adjourned until Friday, May 3, 1996, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate May 2, 1996:

IN THE ARMY

THE FOLLOWING U.S. ARMY RESERVE OFFICERS FOR PROMOTION IN THE RESERVE OF THE ARMY TO THE GRADES INDICATED UNDER TITLE 10, U.S.C. SECTIONS 3371, 33384 AND 12203(A):

To be major general

BRIG. GEN. PAUL C. BERGSON [redacted]
BRIG. GEN. DOUGLAS E. CATON [redacted]
BRIG. GEN. ANTHONY R. KROPP [redacted]
BRIG. GEN. JOHN M. O'CONNELL [redacted]

To be brigadier general

COL. VONEREE DELOATCH [redacted]
COL. ROBERT M. DIAMOND [redacted]
COL. ALFONSA GILLEY [redacted]
COL. HAYWOOD S. GILLIAM [redacted]
COL. PIERCE A. ROAN, JR. [redacted]
COL. ALFRED T. ROSSI [redacted]
COL. RICHARD G. SIMMONS [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE OF ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601 AND TITLE 42, U.S.C., SECTION 7158:

DIRECTOR, NAVAL NUCLEAR PROPULSION PROGRAM

To be admiral

VICE ADM. FRANK L. BOWMAN [redacted]

THE FOLLOWING-NAMED OFFICER FOR REAPPOINTMENT TO THE GRADE OF VICE ADMIRAL IN THE U.S. NAVY WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10 U.S.C., SECTION 601:

To be vice admiral

VICE ADM. ARTHUR K. CEBROWSKI, [redacted]

CONFIRMATIONS

Executive nominations confirmed by the Senate May 2, 1996:

DEPARTMENT OF ENERGY

THOMAS PAUL GRUMBLY, OF VIRGINIA, TO BE UNDER SECRETARY OF ENERGY.

ALVIN L. ALM, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF ENERGY (ENVIRONMENTAL MANAGEMENT).

The above nominations were approved subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

EXTENSIONS OF REMARKS

THE DYNAMIC WAY TO SCORE TAX POLICY

HON. TOM CAMPBELL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. CAMPBELL. Mr. Speaker, I rise today in support of reforming the Federal budget process, to make the Federal budget process more manageable and responsive to the American people. Today, I am introducing, along with my colleagues, the Honorable Majority Leader DICK ARMEY, Joint Economic Committee Vice Chairman JIM SAXTON, Congressmen SHAYS, SANFORD, HORN, THORNBERRY, EWING, CUNNINGHAM, and MANZULLO, a sense-of-Congress resolution that would promote the concept of dynamic economic modeling.

Congress can gain valuable insight from the States in many key policy areas, and one important area is in the accurate estimation of the revenues available to provide Government services in the first place. Through the sound application of an accounting device known as dynamic economic modeling, several State governments are providing clearer and more accurate insight into revenue patterns for future years. The sense-of-Congress resolution I am introducing today is in support of the premise that dynamic economic modeling is a valuable means of estimating the effect Federal tax policy. In addition, this is a concept that Congress and the Federal Government should explore further.

The formulas now used to predict the economic impact of changes in the Tax Code don't fully reflect the fact that tax changes spur behavior and macroeconomic changes. If you don't factor in these behavior changes you get phony revenue numbers and, consequently, inaccurate budget numbers. My resolution is designed to encourage the consideration of real life and real dollars back into Government projections.

At the heart of this discussion is whether we should encourage growth and opportunity in our tax policy. By implementing dynamic economic modeling, one can get a better idea of the revenue effects that changes in sensitive tax policy cause. The Commonwealth of Massachusetts, for example, has been using dynamic economic methods for several years. My home State of California, it should be noted, has completed initial design and testing of a computable general equilibrium model [CGE]. As a State senator in California, I took part in this process by authoring Senate bill 1837, a bill authorizing the implementation of dynamic economic modeling techniques. This bill was passed by the California legislature and signed by Governor Wilson in 1994.

The California Department of Finance, I am pleased to say, has sent a copy of the model paper to members of Governor Wilson's council of economic advisers, specifically John Cogan, John Taylor, and Michael Boskin of Stanford University. I expect this model will be circulated to other academics in California and elsewhere, and am confident that these models will be excellent tools to help policymakers at the State and Federal levels understand the full economic consequences of tax legislation.

Dr. Boskin, also a former Bush administration economic adviser, argued last year before Congress that dynamic economic modeling is not an attempt to cook the books as defenders of conventional models might suggest. As Dr. Boskin added, those who claim that this is an attempt to cook the books are starting with the erroneous proposition that the books are now in good shape. What he acknowledged is that there are serious problems in conventional accounting and in the current presentation of information.

Let me illustrate how dynamic modeling may work. The House of Representatives Joint Economic Committee [JEC] cites a 1990 projection of Congressional Budget Office [CBO] realizations after capital gains tax rates were increased. Initial estimates of capital gains realizations showed significant gains even after a large increase in the capital gains tax rate after 1987. According to recent Internal Revenue Service data, however, actual realizations were less than half of what was projected by CBO for 1993. Instead of projected realizations of $295 billion in 1993, capital gains realizations remained stagnant at $141 bilion—an error or over 100 percent. In the words of the Joint Economic Committee, the higher capital gains tax rate has produced less annual real revenue in the 1990-93 time period under the lower rate of 1985, despite a larger economy.

These problems are serious enough to justify exploration of policy changes in how we project revenue. At the very least, the idea of dynamic economic modeling could provide a range of revenue estimates around the number produced by the static model.

It is time for Congress to take notice of dynamic economic modeling's implementation by States, and with the help of leading accounting firms and academics, adopt it. Ignoring the debate on alternative revenue estimating will create a bias against tax policies to create growth which are now under consideration. Good ideas which could enrich our future standard of living are a risk of outmoded economic calculations if we do not begin this dialog.

CENTENNIAL OF MILLTOWN BOROUGH, NJ

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. PALLONE. Mr. Speaker, on May 7, 1996, the Borough of Milltown, NJ, will commemorate its 100th anniversary under its present form of government and incorporation. This occasion will be marked by the borough council at its public meeting on that date. It is a great honor and pleasure to pay tribute to this beautiful, historic community, located in the heart of Middlesex County in the Sixth Congressional District.

Mr. Speaker, the community of Milltown essentially started in 1816 with Jacob Beyer, who had a local grist mill. The industrial era came to the community 27 years later. On October 9, 1888, residents met to discuss secession from the larger area of North Brunswick, and 2 weeks later a special election was held to form a borough commission and establish boundaries. On March 1889, the board of commissioners was chosen and they were sworn in on March 16 of that year. In 1896, the State legislature repealed the act relating to the commission form of government. On May 7, 1896, the new borough council was formed.

Mr. Speaker, as the Congressional Representative of Milltown, I salute the mayor and governing body, all of today's residents, and all of the men and women over the past century who have helped to build this lovely, tight-knit community into a great place to live, work, and raise a family.

INTRODUCTION OF THE CONGRESSIONAL TRAVEL ACCOUNTABILITY RESOLUTION

HON. GREG GANSKE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. GANSKE. Mr. Speaker, I rise today to introduce the congressional travel accountability resolution. This resolution will increase the accountability of House Members for domestic and foreign trips made at taxpayers' expense.

Currently, travel taken by Members of Congress is only partially reported and not all in one place. It is nearly impossible for someone to sift through the current travel reporting maze and determine who has been where and at what expense to taxpayers.

Current reporting and disclosure requirements are inadequate. The public has a right to know how its money is spent. And most importantly, Members of Congress should be held personally accountable for their travel on the taxpayers' dime.

This resolution provides accountability, responsibility, simplicity, and common sense. These are four things the American people are demanding of the Federal Government.

This proposal has already received bipartisan support. I urge my colleagues to join me and support this long overdue reform.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

CONGRATULATING THE SPRING SENIOR HIGH SCHOOL CONCERT BAND

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. FIELDS of Texas. Mr. Speaker, I appreciate this opportunity to congratulate the Spring Senior High School concert band in Spring, TX, on recently winning the Sudler Flag of Honor, which is presented to the most outstanding high school concert bands in the United States and Canada.

Under the direction of Mr. Bill Watson, Jr., the Spring Senior High School concert band is just the 34th band to have earned the Sudler Flag of Honor in the 14 years that it has been awarded. And it was one of just two high school bands nationwide to have been selected for this honor this year. The award is presented by the John Philip Sousa Foundation and is intended to recognize and salute high school concert band programs of international-level excellence.

Winning the Sudler Flag of Honor proves what many of us have known for a long time: that the Spring Senior High School concert band is among the very best concert bands in North America.

The Sudler flag is designed in red, white and blue and feature the logo of the John Philip Sousa Foundation. The flag becomes the property of the band. Each member of the band receives a personalized certificate and the band director receives a personalized plaque.

To be eligible for the Sudler flag, a high school must have maintained a fine concert band for at least 7 years. Although the band's concert activities receive the most attention in the selection process, the high school's band program must be a complete one and must include a marching band, small ensembles, and solo participation by its members in contests and festivals. Also, the band conductor must have been at the same high school for at least 7 consecutive years and is expected to be involved in professional band and music education organizations and activities on the local, state and national level.

Clearly, the Sudler Flag of Honor is one of the most significant awards that a high school band can earn. It requires that band members and their director work together to achieve not just musical competence, but musical excellence.

Mr. Speaker, I know that you join with me in congratulating the young men and women of the Spring Senior High School concert band—as well as conductor Bill Watson, Jr.—on this significant achievement, and I know you join with me in wishing everyone associated with the band continued success in the years ahead.

TEMPLE EMANU-EL'S 135TH ANNIVERSARY

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Ms. LOFGREN. Mr. Speaker, this weekend, San Jose will commemorate the 135th anniversary of Temple Emanu-El, the city's oldest synagogue, and I know that all the Members of this House will want to join me in marking this historic event.

A few dedicated families founded the Temple in 1861, originally named Bickur Cholim, to care for the sick and needy, to ensure proper burial for the dead, and, as their original articles read, to "[further] their Holy religion and language." The Temple has continued to serve this mission through this day.

Temple Emanu-El has a long history of service to both the Jewish community and the San Jose community at large. Through Interfaith Sabbaths, the congregation's work with the homeless through the Coalition of Churches and Synagogues, and their community outreach through concerts and pulpit exchanges, the Temple Emanu-El community is active in San Jose cultural and civic life. As current Rabbi Mark Schiftan remarks, the Temple provides a beacon for Jewish values and ethical imperatives for the entire community.

The history of Temple Emanu-El truly mirrors the development of San Jose. In 1861, the fledgling Temple relied on the strong support of the community's churches and civic organizations to construct its synagogue and build its congregation. Over the next 80 years, it grew with the city until a fire in 1940 destroyed the sanctuary. I am proud to tell you that, once again, the community responded enthusiastically, helping the Temple continue its services and programs. The new sanctuary was completed in 1948.

Temple Emanu-El's last 50 years have been a whirlwind of rapid growth and community development. I believe that, like San Jose, this synagogue will remain an active center of our vibrant Silicon Valley community. One of the Temple's former Rabbis, Joseph Gitin, reminds us that although the Temple has grown, its fundamental role is unchanged. "Here," he says, "we learn that our faith and discipline of Jewish ethical values prepare and equip us to live meaningful lives."

Mr. Speaker, I believe that no matter what our particular religion may be, we all strive for a similar goal. I would invite my colleagues in the U.S. House of Representatives to join me in recognizing Temple Emanu-El's 135th anniversary.

TRIBUTE TO CLARA MACNAMEE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Ms. WOOLSEY. Mr. Speaker, I rise today to honor one of my district's more dedicated and caring individuals, Clara MacNamee. Clara is being honored as Marin County Teacher of the Year for 1996. I wish that I could be with her colleagues, friends and family to celebrate her remarkable accomplishments.

Clara began working with the Marin Office of Education in 1976. There, she helped develop a classroom whose sole purpose was to serve students involved with drugs and alcohol. The success of this classroom, which focused on a variety of activities, such as peer coaching, and family involvement, expanded into a charter school called Sobriety High School. Student throughout the county are now attending this school and are being touched by Clara's enthusiasm and love of teaching. Marin County and our Nation, owe a great deal to Clara for her tireless efforts in providing exceptional education to students with special needs.

I was not surprised to learn that Clara has been the recipient of many education awards. In 1992, she received the Marin County Golden Bell Award for Academic Excellence, and, in 1993, she was awarded the California State Golden Bell Award for Academic Excellence. I continue to be impressed by Clara's dedication to the students in our community and her vision for their success.

In addition to her work in education, Clara has been a committed member of the community. She served as a CPR instructor for the American Heart Association and the Red Cross for over 10 years and was a Braille transcriber for 5 years. Clara also served as a community representative to her local Community Service District for 17 years.

Mr. Speaker, it is my great pleasure to pay tribute to Clara MacNamee during this special evening at the Marin Art and Garden Center. I extend my thanks and appreciation and my hearty congratulations and best wishes to Clara for continued success in the years to come.

HONORING ROGER TILLES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. ACKERMAN. Mr. Speaker, I rise today to join with my colleagues and the members of Temple Beth-El of Great Neck, as they gather on the weekend of May 10 and 11, 1996, to pay tribute to their president, Roger Tilles.

The son of former Temple President Gilbert Tilles, Roger's devotion to Temple Beth-El stems from his childhood. In fact, his good work began early on when, as a teenager, he was president of the Junior Temple Club.

However, Mr. Speaker, it is his charitable contributions that have been most noteworthy. Roger has been chair of the Temple's social action, building, and grounds and development committees. In 1985, he was elected a Temple trustee, eventually going on to become vice president and president of Temple Beth-El. Roger has long been a champion of family values, and he has utilized his tradition of leadership in this regard. To name but a few of these beneficial organizations, he was instrumental in launching the Beth-El Connection, a program dedicated to welcoming new families into the congregation, as well as the

Family Life Program, a group devoted to strengthening the Jewish family.

In fact, Roger's philanthropic activities extend far beyond the scope of the Jewish community to encompass the many faces of Long Island. He has been an active member of the Association for a Better Long Island. Furthermore, Roger has consistently been a strong supporter of the arts. It is his love of education and culture that led to the construction of the Tilles Center at Long Island University's C.W. Post campus.

Mr. Speaker, Roger Tilles has come to symbolize the American spirit of voluntarism and generosity. I ask all my colleagues to rise with the grateful people of the Fifth Congressional District in extending to Roger Tilles the highest accolades of appreciation and admiration.

INTRODUCTION OF H.R. 3379

HON. GARY A. CONDIT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. CONDIT. Mr. Speaker, along with our colleagues, LAMAR SMITH, JIMMY HAYES, SCOTT KLUG, WILLIAM LIPINSKI, and RALPH HALL, I am today introducing legislation to require the President of the United States to submit a balanced budget plan to the Congress and to forbid the consideration in the House of Representatives of any budget resolution that does not provide for a balanced budget. These changes would take effect at the beginning of the 105th Congress.

Under the terms of the bill, the President must submit to Congress a detailed plan to balance the Federal budget in 6 years or less. In the event the President's budget plan is not in balance, as determined by the Congressional Budget Office [CBO] after review, it would be returned to the White House. In addition, the legislation provides that the only concurrent budget resolution in order in the House is one that provides for a balanced budget and this provision is enforced by a nonwaiveable point of order. During a declared war or national emergency, these requirements could be suspended.

This measure does not interfere with the ability of the President or the Congress to set spending priorities. Under current law, title 31, Presidents are required to meet several requirements in their budget submission, and this bill only adds to these requirements. And the Budget Committee would remain free to determine spending priorities and to instruct the authorizing committees to reduce spending.

The last budget surplus occurred in fiscal year 1969, and you have to go back to fiscal years 1956 and 1957 to find 2 consecutive years of budget surplus. According to the Office of Management and Budget [OMB], President Clinton's fiscal 1997 produces balance in the year 2002. The CBO, however, found that the President's claim of budget balance is based on contingent proposals, including sunsetting tax relief, triggering new taxes and Medicare cuts, and unspecified reductions in discretionary spending of 15 percent in 2002. Absent these contingencies, the fiscal 1997 budget results in a $80 billion deficit.

In the last few years, Presidents have submitted budget plans to the Congress that rested on rosy economic assumptions and restrained spending through the generous use of budget gimmickry, and successive Congresses were all too willing to go along with these practices. The President's fiscal 1997 budget is proof that the use of blue smoke and mirrors continues unabated. President Clinton does deserve credit for agreeing to balance the budget and to work with the leadership of Congress to achieve that goal.

The American people in every opinion poll strongly support a balanced budget, and most of our colleagues now support balancing the budget. If we cannot balance the budget this year, it must be done next year.

The legislation that I am introducing today will facilitate the work of the Congress and the President. This legislation has been endorsed by the National Taxpayers Union, Citizens Against Government Waste, Americans for Tax Reform, the U.S. Chamber of Commerce, and the National Federation of Independent Business.

I urge you and our colleagues, Mr. Speaker, to join me in supporting this needed bill. The text of the legislation follows.

H.R. 3379

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRESIDENT'S BUDGET.

Section 1105(a) of title 31, United States Code, is amended by adding at the end the following new paragraph:

"(32) A detailed plan to achieve a balanced Federal budget by the close of the sixth fiscal year beginning after the current fiscal year.".

SEC. 2. CONGRESSIONAL TREATMENT OF BUDGET SUBMISSIONS.

Upon the submission by the President of a budget for the United States Government to the Congress pursuant to section 1105(a) of title 31, United States Code, the Director of the Congressional Budget Office shall determine and certify whether the balanced budget plan submitted pursuant to section 1105(a)(32) of that title does achieve a balanced budget. The Director shall inform the Clerk of the House of Representatives and the Secretary of the Senate of the results of the certification. If the budget is certified as not being in balance pursuant to such plan, the Clerk and the Secretary shall return the budget submission to the President.

SEC. 3. POINT OF ORDER.

(a) The Rules of the House of Representatives are amended by adding at the end the following new rule.

"RULE LIII

"BALANCED BUDGET ENFORCEMENT

"1. It shall not be in order in the House to consider any concurrent resolution on the budget unless it provides for a balanced budget for the United States Government.".

"2. The House may waive the provisions of clause 1 if a declaration of war is in effect or if the United States faces an imminent and serious military threat to national security and is so declared by a joint resolution (adopted by a majority of the whole number of each House) which becomes law.".

(b) The second sentence of clause 4(b) of rule XI of the Rules of the House of Representatives is amended by inserting before the period at the end the following: "; nor shall it report any rule of order waiving clause 1 of rule LIII".

NEW JERSEY RECOGNIZES LOYAL HEART AWARD DAY

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. PALLONE. Mr. Speaker, today I have the distinct honor of recognizing the activities of caregivers throughout the State of New Jersey. Sunday, May 5 marks the third annual "Loyal Heart Award Celebration." In my home State of New Jersey, Governor Whitman has designated May 5 as "Loyal Heart Award Day."

The Loyal Heart Award is sponsored by the Middlesex County Chapter of the New Jersey Coalition on Women and Disabilities. The award was initiated in 1994 by Elayne Hyman Risley to recognize the contributions made by individuals who provide care for persons with disabilities.

Those recognized on Loyal Heart Award Day represent the wide range of caregivers; they are friends, relatives, nurses or assistants to a person with a disability. Those we honor today embody the qualities of faithfulness, dedication, and commitment. Their efforts are tireless and dependable. Ms. Risley, inspired by the quality of care she had received from her daughter Robyn, son Ryan and her assistant, Nancy Namowicz; became determined to establish a formal day of tribute to caregivers. This is truly a grassroots effort; I was contacted first by New Jersey Assemblyman, John Wisniewski.

The role of caregivers is varied and significant. Caregivers may provide personal care or help around the house or furnish transportation which makes possible participation in community programs. This care may be temporary or extend over a lifetime. Whatever assistance the caregiver is providing, it is of great importance to the individual with disabilities. But to express it most succinctly, I will use the words of Ms. Risley: "Through caregivers" efforts, individuals with disabilities are able to reach their fullest potential."

Many of us have a personal connection to individuals with disabilities. Perhaps we are one of million of people in the United States with a disability. Perhaps we are a family member, advocate or one of the very special people, a caregiver, whom we honor today. Individuals with disabilities and their caregivers deserve our acknowledgement, our support, our appreciation and our respect.

In my own district, we are trying to reach out to individuals with disabilities, their families, caregivers and advocates for the purposes of keeping them informed about issues of importance to this exceptional community. I encourage my congressional colleagues to remember that these groups of persons need information so that they can be in the best position to know about issues of significance to individual with disabilities. I also encourage other Members of Congress to join me in support and recognition of the humanitarian efforts of the loyal hearts.

In addition, I have sponsored or cosponsored legislation that I believe is of importance to individuals with disabilities and their families.

Potentially, any of us could become a person with a disability. If I were ever to face that situation, it is my hope that I would be blessed by support and care equal to that provided by one of the selfless individuals we recognize here today.

ONE STRIKE YOU'RE OUT FOR ASSISTED HOUSING

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. MORAN. Mr. Speaker, I am pleased to introduce legislation extending the "One Strike You're Out" provisions to screen and evict drug and alcohol abusers in public and tenant-based section 8 housing to all types of low-income, rent-subsidized housing.

For too long, drug dealers and other criminals have plagued low-income housing projects. Despite Federal policies that date back to 1988, a number of legal loopholes have enabled criminals to evade eviction. The new law closes these loopholes and grants housing authorities new powers to screen and evict problem tenants. I was pleased to see that the Housing Opportunity and Extension Act [S. 1494] included my language closing several legal loophole that enabled drug dealers and problem tenants to evade the expedited eviction procedures in public housing.

I have a personal interest in the expedited eviction procedure dating back to my service as mayor of the city of Alexandria. Unfortunately, it took the tragic death of Alexandria police officer Charlie Hill in 1989 before HUD responded with an expedited eviction procedure for public housing residents. I tried to deal with his death in the most constructive way possible and sought a waiver from then Secretary Jack Kemp to expedite the eviction of known drug dealers from public housing.

The police and the community knew who the drug dealers were, but every time they attempted to do something, they were stymied by the legal aid advocates. Fortunately, Alexandria was successful and the city's public housing units are a far different place to live today. The expedited eviction procedure works but it needed to be strengthened further.

The work begun following officer Hill's death, however, is not yet complete. The new law fails to cover residents living in federally-assisted housing. Residents in project-based section 8 and FHA insured multifamily housing have no similar protection today when drug dealers threaten their health and safety. There are approximately 1.4 million public housing units, while there are more than 2.1 million section 8 publicly assisted housing units. Residents of these 2.1 million units deserve equal protection under the law.

With enactment of this legislation, tenants, victimized by drug dealers and others who threaten their safety and well being, will receive equal protection. With enactment of this legislation, drug dealers in project-based section 8 housing will no longer be able to ply their trade outside the project's boundary where they were erroneously exempt from the expedited eviction procedure. And, ignorance of a fellow tenant's illegal drug activity will no longer be exclusive grounds to exempt a lease-holder from the expedited eviction procedure. Ignorance of illegal drug activity should not, by itself, be grounds for exempting a tenant from the expedited eviction procedure.

Too often the actual knowledge standard is an easy way out for the tenant. It also encourages lease holders to avoid knowing what members of their family or other persons under their roof are doing.

Mr. Speaker, this legislation is good public policy. It's good for the tenants, it's good for the neighbors and it's good for the managers and owners.

It is also important that as we shift from Government-run public housing to community-based vouchers and assistance, we need to provide communities with the tools to enforce the laws and foster good responsible neighbors.

This legislation helps bring us closer to this goal.

HOUSE CONCURRENT RESOLUTION 165 HONORS THE POLISH CONSTITUTION OF 1791 AND PROMOTES DEMOCRACY IN EAST-CENTRAL EUROPE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. GUTIERREZ. Mr. Speaker, I rise today to honor the 205th anniversary of Poland's first Constitution on May 3. The Polish Constitution of 1791 was the first liberal Constitution in Europe, narrowly preceded by our own Constitution in 1787.

I would also like to announce my cosponsorship of the House Concurrent Resolution 165, to honor the Polish Constitution of 1791 and to promote democracy in East-Central Europe.

Throughout our Nation's history, the sons and daughters of Poland have immigrated to our shores. In fact, a native son of Poland, Thaddeus Kosciuszko, fought alongside General Washington during the Revolutionary War. Upon returning to Poland, after his heroic efforts for American liberty, Mr. Kosciusko helped draft the Polish Constitution. The American concept of constitutional democracy was thus born in Europe in 1791.

However, just as American independence had threatened the colonial establishment and balance of power, Poland's early democratic experiment threatened the autocratic regimes of its neighbors, imperial Russia and the Hapsburg Austro-Hungarian Empire. Two years after Poland embarked on its bold path the Russian and Austrian armies conquered Poland and ended constitutional rule.

Today, 205 years after it began, the democratic experiment in Poland has been restored. A free Poland has experienced its first real open elections in several generations and the positive economic successes it has achieved are unparalleled in its history.

Poland is looking to cement its economic and political achievements by joining the North Atlantic Treaty Organization [NATO] and the European Community. Poland's efforts to exercise civilian control over its military and its cooperation with the NATO alliance through the Partnership for Peace and in Bosnia are important steps toward greater military and economic integration with the rest of Europe and the United States.

Today, I salute and congratulate Polish people around the world, including the thousands of Polish-Americans in the Fourth Congressional District of Illinois and in the Chicago area, as we commemorate the adoption of the first Polish Constitution. I also urge my colleagues and the people of the United States to recognize Poland's rebirth as a free and independent nation in the spirit and legacy of the Polish Constitution of 1791.

SMUGGLING BANNED CHLOROFLUOROCARBONS IN THE UNITED STATES

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Mr. DIAZ-BALART. Mr. Speaker, I rise today to address smuggling activities occurring in the United States by Indian chemical manufacturing companies. A report, published in the Washington Times earlier last month cites India as the source of a multimillion-dollar ring, which is smuggling banned chlorofluorocarbons, or CFC's into the United States.

According to this report, tons of banned CFC's are being smuggled into the United States by Indian manufacturers with government patronage, generating huge profits in illegal sales.

CFC importation has become a serious problem. The Customs Service says that it is now the No. 2 problem behind illegal drugs. Until it was banned under the Montreal Protocol, CFC–12, or freon gas, was widely used to run refrigerators and car air conditioners. According to the article, Customs recently broke up an operation that was smuggling $52 million worth of CFC–12. The newspaper said that a substantial portion of CFC–12 in U.S. commerce has been smuggled. Much of it appears to have been produced by Mafatlal, an Indian chemical company. The report goes on to say that one Indian CFC smuggling operation involved 2,750 tons of gas. In this article, the newspaper reports that by labeling the CFC–12 for transshipment to a third country or identifying it as another gas, "the smugglers can avoid the ban by delivering CFC–12 to unscrupulous distributors, auto chains, and others and make a fat profit."

In this light, it becomes more important than ever for the United States to stop providing assistance to the Indian Government. I urge my colleagues to pass H.R. 1425, which will end American development aid to India until human rights are respected, and House Concurrent Resolution 32, which calls for self-determination for Khalistan, the independent Sikh country declared on October 7, 1987. Both bills should be passed as soon as possible. We must make it clear to the Indian regime that smuggling, genocide, and repression are not acceptable.

I am entering into the RECORD a press release issued by the Council of Khalistan, the government in exile of Khalistan, which deals with this scandal.

[News release from the Council of Khalistan]

INDIA SMUGGLES BANNED CFCS TO U.S.

WASHINGTON, DC, April 23.—The Associated Press reported recently that chlorofluorocarbons, or CFC gas, which is banned in the United States, is being heavily smuggled from India. CFC gas was widely used in car air conditioners, but environmentalists contend that the gas is harming Earth's ozone layer. Under terms of the 1987 Montreal Protocol, industrial nations agreed to phase out CFCs. CFCs have been banned in the United States since January 1. According to the Customs Service, CFCs are now the number two problems after illegal drugs.

According to the AP report, CFC gas from India is "routinely marked as another gas or labelled as being transshipped to a third country." CFC production remains legal in India. In one single case, AP reports, more than 2,750 tons of CFC-12 were smuggled into the United States. Authorities say that at least some of that gas came from India. Another operation in Florida was worth $52 million. Experts estimate that one-third or more of CFC-12 in U.S. commerce, worth nearly $3 billion, may have been smuggled. According to a U.S. prosecutor, quite a bit of the CFC-12 confiscated from smugglers "was labelled as having been produced by the Indian chemical company Mafatlal," the report said.

"This is additional evidence of India's irresponsibility. First it refused to sign the NPT and the Comprehensive Test Ban treaty, and now we find out that it is complicit in the smuggling of banned substances," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, the government in exile of Khalistan, the independent Sikh country declared on October 7, 1987. "In 1994, according to a Heritage Foundation study, India was the third largest recipient of U.S. aid at that time. Should the U.S. be supporting such an irresponsible country?"

"India is one of the worst human rights violators in the world," said Dr. Aulakh. "It is a nuclear threat to its neighbors in South Asia and was a strong ally of the former Soviet Union," he said. "Now we find out that it is an environmental threat as well. Americans aid to this corrupt, repressive country should be cut off immediately," Dr. Aulakh said. He urged the U.S. Congress to pass two bills: HR 1425, the Human Rights in India Act, which would cut off U.S. development aid to India until human rights are respected, and House Concurrent Resolution 32, which calls for an internationally-supervised plebiscite on independence in Indian-occupied Khalistan. "Clearly, India is unwilling to allow these questions to be decided according to democratic principles," said Dr. Aulakh. "In view of India's repressive record, Congress should pass these two bills immediately to help restore freedom, peace, and democracy to the South Asian subcontinent. As Representative Gerald Solomon said, 'Isn't it time the United States stops dumping American taxpayer money into this black hole?' "

DISTRICT OF COLUMBIA PENSION LIABILITY FUNDING REFORM ACT OF 1996

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 2, 1996

Ms. NORTON. Mr. Speaker, today I have introduced the District of Columbia Pension Liability Funding Reform Act of 1996. This bill is indispensable to the District's return from insolvency. As long as 10 percent of the District's operating budget must pay for pensions, the District cannot revive.

This bill is the fraternal twin, or complement, to the D.C. Economic Recovery Act (H.R. 3244) which I introduced last month. Together, these bills provide the most pragmatic approach available at this time for obtaining revenue. Both are critically important to restoring solvency by 1999 and enabling the District to achieve a balanced budget as contemplated by the Financial Authority legislation.

The D.C. Pension Liability Funding Reform Act provides the missing congressional piece of the city's financial puzzle. The huge pension liability passed on at home rule by Congress has been a huge and definitive part of the city's financial problems for 16 years. It is time that Congress also becomes a part of the solution.

There has long been bipartisan agreement that the District's pension liability is congressional liability and that the Congress must contribute more. This bill challenges Congress to play a significant role for the first time since home rule in helping the District to eliminate the pension liability that Congress alone created. Because Congress has required the District to balance its budget in 4 years, this is the appropriate time for Congress to begin to pay its fair share of contributions to help eliminate this crushing liability.

A precedent for raising the Federal contribution was established this year in the President's fiscal year 1997 budget when the administration proposed increasing the Federal contribution to $104 million from its current level of only $52 million. Like the administration's recommendation, the Federal contribution in my bill recognizes that reducing the liability that Congress created is very different from providing direct revenue to the District—the action Congress has repeatedly refused to take until the District does more to downsize and reform its operations. None of the funds my bill will authorize go toward operating the District government. Rather, the bill requires the D.C. government, residents, employees and retirees alike to make significant sacrifices to reduce the pension liability that has become a stone around the city's neck.

Congress instituted pension plans for the District's police officers and firefighters in 1916, for teachers in 1920, and for judges in 1970 but never funded the plans. Instead, Congress paid the pensions of individuals as they retired. In 1979, Congress passed the District of Columbia Retirement Reform Act and transferred all the unfunded pension liability associated with these plans—all $2 billion that had accumulated— from the Federal Government to the District of Columbia. The annual pension payments required of the District by the Federal Government were to be made on the same pay-as-you-go basis as Congress employed, with payments each year covering only that year's benefit payments. Thus, the District has fully funded all the pensions under its control from the day the city was handed this liability. Stated another way, there has been no new unfunded liability of these pensions on the District's watch. Since fiscal year 1980, however, the $2 billion unfunded liability has never been funded but instead has increased to $5 billion. Most of the increase is interest on the original unfunded liability that accumulated under Federal management. The transfer of this liability is an amazing case study in Federal fiscal irresponsibility. It is one of those rare instances in U.S. history when the Federal Government has off-loaded its indebtedness to an American city.

The unfunded pension liability has grown from an unfair burden to a crippling threat to the economic viability of the District of Columbia. The District, struggling to survive with a sharply declining taxpayer and revenue base and the continuing responsibility for State, municipal, and county functions, cannot recover without systematic relief from the unfunded pension liability created and passed on to the city by Congress. The legislation I am introducing today will provide that relief by significantly reducing the District's annual retirement plan contribution by 43 percent. The consequence of this one change will be to reduce the District's annual pension contribution from about $321 million today to a flat rate of $185 million, which will remain constant for 40 years. This change is accomplished by allocating to the Federal Government 80 percent of the accrued actuarial liability as of October 1, 1979 for services rendered by employees hired prior to home rule but who continued to work for the District government. As of now, the Federal Government has assumed no responsibility whatsoever for pension rights accrued by these employees while the District was under Federal management. The contribution will prefund the cost of the benefits of active employees as they are earned, and will liquidate the District's reduced and much more equitable share of the unfunded pension liability that accrued before home rule. This change will bring critical relief to the District's deficit and allow the District desperately needed breathing room in its budget.

By no means does the bill simply require only the Federal Government to increase it share of the responsibility for the liability. Current and future retirees will receive only one cost of living adjustment per year rather than two, and the rate of contribution from employees will increase from 7 to 8 percent of their annual wages. The unions and retirees deserve credit for having negotiated these sacrifices. In return, the Federal Government will increase its annual pension contribution from a virtually token payment of $52 million to a flat rate of $295 million per year. This payment will also be extended over 40 years to liquidate the recalculated amount of the Federal Government's share of the unfunded pension liability. These are painful prescriptions, especially for the employees and retirees, but as they have already recognized, these sacrifices are absolutely necessary. If the District is to reach the goal of a balanced budget by the end of fiscal year 1999, and sustain that performance, it is necessary that the burden be shared.

These reforms will implement a plan that is the result of years of intensive work from the time I came to Congress in 1991 by Members of Congress and their staffs in bipartisanship, representatives from the affected employee groups, retirees, the Council, the Mayor's office, the District of Columbia Retirement Board, the Congressional Research Service, and the General Accounting Office. I deeply appreciate all of the cooperation and support they have given to this endeavor. The evaluation of this bill reflects their thoughtful contributions. This plan is the most practical from among numerous alternatives we have developed and discarded.

It is impossible to overemphasize the importance of this legislation to the fiscal health and stability of the District. Under the current District of Columbia Retirement Act, upon reaching the year 2004, the Federal Government's annual payments cease, and the 1979 law requires the amount the District contributes to nearly double in order to cover both accruing pension obligations and interest payments on unfunded obligations. The unfunded pension liability will have reached $7.7 billion with the District solely responsible for this debt. This result would be catastrophic, crushing the District financially and wiping out its capacity to ensure future pension benefits for covered beneficiaries.

To complement my bill, the Mayor and the city council are developing local legislation that will create a third tier within the retirement system to cover new hires who will be provided with an adequate but modified and less costly benefit plan. Experts here in Congress are now assisting the city by reviewing and advising on two bills now pending before the city council.

I feel fully justified in asking my colleagues to support this legislation now because it is designed to help the District with a problem which is not of its making, but a financial burden created solely by Congress. Corrective action is not only fair. It is quite simply indispensable.

SENATE—*Friday, May 3, 1996*

The Senate met at 10 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

We begin this day with the words of the psalmist, "Bless the Lord O my soul, and all that is within me bless His holy name! Bless the Lord, O my soul and forget not all of His benefits".—Psalm 103:1–2.

Let us pray:

Our Father, You have created us to glorify You and enjoy You forever. You have developed in us the desire to know You and You have given us the gift of faith to accept Your unqualified love. You turn our struggles into stepping stones. We know Your promise is true: You never leave us or forsake us. You give us strength when we are weak, gracious correction when we fail, and undeserved grace when we need it most. You lift us up when we fall and give us new chances when we are devoid of hope. And just when we think there is no place to turn You meet us and help us return to You.

Lord, our work today is an expression of our grateful worship. You have called us to lead this Nation. Fill us with Your spirit. Infinite wisdom, we need Your perspective, plan, and purpose. We must make crucial evaluations and decisive decisions. The future of this Nation is dependent on the guidance You give us. Thank You for making us wise. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Georgia is recognized.

SCHEDULE

Mr. COVERDELL. Mr. President, today there will be a period for morning business until the hour of 1 p.m., with Senators to speak for up to 5 minutes each, with Senator COVERDELL or his designee in control of the first 90 minutes, and Senator DASCHLE or his designee in control of the second 90 minutes. No rollcall votes will occur during today's session of the Senate, and, as announced last night, no rollcall votes will occur during Monday's session.

On Monday, the Senate will consider Calendar No. 380, H.R. 2937, regarding the White House Travel Office. It is hoped that if Senators feel compelled to offer amendments to this legislation, those amendments will be germane to the bill.

Also, for the information of all Senators, next week, the Senate may be asked to consider S. 1318, the Amtrak authorization, H.R. 849, the firefighters age discrimination bill, or any other legislative items that can be cleared for action.

PRIVILEGE OF THE FLOOR

Mr. STEVENS. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Darryl Roberson, who is temporarily a member of my staff, and this privilege extend for the month of May 1996.

The PRESIDENT pro tempore. Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business.

The distinguished Senator from Georgia.

FREEDOM FROM BURDENSOME TAXES

Mr. COVERDELL. Mr. President, President Clinton, as a candidate, told the American people that once in office, he would lower taxes—lower taxes—on the American middle class.

Three years later, as we stand here, the cost to the typical family has risen in higher taxes and lower earnings under President Clinton's administration by $2,600 per family.

It was President Clinton who said, "I oppose Federal excise gas taxes." That is in his "Putting People First," Clinton's 1992 campaign book.

Here is another quote from President Clinton: "It sticks it to the lower income and middle-income retired people in the country, and it's wrong."

That is candidate Bill Clinton on Paul Tsongas' proposal for a gas tax increase.

Today, as we all know, President Clinton proposed and forced and enacted by a 1-vote margin in the Senate a new gas tax which adds 4.3 cents on every gallon of gasoline. I believe most of us remember that when we were debating that tax, for which no one on this side of the aisle voted, we were told that the tax increase would only apply to the wealthy. I am sure that everybody who pulls up at that gas pump once or twice a week and sees that little ticker going off at 4.3 cents per gallon probably does not consider themselves among the wealthy. In fact, the lower income population of our country dedicates 7 percent of their wages to the purchase of gasoline.

So it is an inordinate burden on middle- and lower income Americans. I read it again: "It sticks it to the lower income and middle-income retired people in the country, and it's wrong." That is candidate Bill Clinton.

But every American who goes to a gasoline pump understands what President Bill Clinton did. He raised gas taxes on every family, every citizen, every business and every community, and they are all suffering from these new taxes.

They ought to be repealed. The gas tax should be repealed as another step of lowering the economic burden on the American working family and the American working business.

Mr. President, I yield up to 10 minutes to the distinguished Senator from Minnesota.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Minnesota is recognized for 10 minutes.

Mr. GRAMS. Thank you very much, Mr. President, and I thank the Senator from Georgia.

Mr. President, Webster's dictionary defines freedom as "the quality or state of being free; the absence of necessity, coercion, or constraint in choice or action."

That is the dictionary definition anyway. But how do Americans define freedom for themselves and their families?

For most of us, freedom means the ability to make our own choices—basic decisions like where we are going to live, what kind of job we are going to have, where we would like our children to go to school, and how we want to raise them. And in a free society like ours, freedom certainly has to include controlling our own finances.

But does it?

American families feel like they are being stripped of their financial freedom. There is strong evidence to back that up. And you can blame it on taxes.

Each year, the nonpartisan Tax Foundation calculates Tax Freedom Day.

That is the day on which Americans stop working just to pay their State, Federal, and local taxes and actually begin keeping their earnings for themselves or for their families.

In 1925, Tax Freedom Day arrived on February 6. But this year, New Year's Day, Groundhog Day, Valentine's Day, President's Day, St. Patrick's Day—Earth Day and Arbor Day, as well—will all have come and gone before Americans get to keep the first dime of their own money on May 7.

At 128 days into the year, 1996 marks Tax Freedom Day's latest arrival ever. In fact, Tax Freedom Day has jumped ahead an entire week since President Clinton took office, because under Bill Clinton's watch, the Government is taking more from the paychecks of middle-class Americans than ever before.

Today, the typical American family faces a total tax burden of 38 percent. Taxpayers are turning more money over to the Government than they are spending for their family's food, clothing, shelter, and transportation combined.

The news is even more discouraging for the taxpayers of Minnesota, my home State. Because of higher State and local tax rates and differences in the Federal tax burden, Minnesota is tied with Wisconsin in having the fourth-latest Tax Freedom Day in the Nation.

Minnesotans will not begin keeping their own dollars until May 15, fully 8 days later than the national average. Only the residents of Connecticut, New York, and New Jersey pay higher taxes than we Minnesotans.

By imposing his record-breaking, $265 billion tax increase in 1993, President Clinton bears the responsibility for the ever-increasing tax burden on Americans.

From singles, to families, to seniors, to job-providers, every segment of society has felt the pinch. Motorists were hit especially hard by the President's gas tax increase, which has boosted the cost of gasoline by nearly $5 billion every year.

Whatever you call it—the "Clinton crunch" or the "middle-class squeeze"—as long as taxes keep rising, the dollars Americans have left over to provide for their families will keep falling.

And so it should be the goal of Congress and the President to help Americans earn more money, and keep more of the money they earn, so they can do more for themselves, their kids, their communities, their churches.

If Washington wants to ensure that Tax Freedom Day arrives earlier next year, there are four important steps we'll have to take.

No. 1. Cut taxes for working families.

Tax-cutting ideas like the $500-per child tax credit, elimination of the marriage penalty, adoption and eldercare tax credits, and tax incentives designed to create jobs and boost salaries, were the centerpiece of the balanced budget plan passed by Congress last year. That was the same balanced budget vetoed by the President. He does not seem to understand what you and I and the American people already know: cutting taxes is the singlemost valuable way Washington can give families back control of their own dollars.

And the first tax we are going to roll back is the Clinton gas tax increase. It comes at a time when hard-working Americans are feeling anxious and worried about making ends meet. Congress must not rest until President Clinton has signed our tax relief into law.

No. 2. Make it harder for Washington to raise taxes.

It is easy for the Government to claim that compassion is fueling the billions spent each year on its smorgasbord of expensive Federal programs. But what the Government keeps forgetting is that its compassion is funded by the tax dollars it takes from hard-working Americans. If we are ever going to rein in big Government and wasteful spending, we must make it harder for the big spenders in Washington to take more of the taxpayers' money through higher taxes. We have to make it more difficult.

My colleague from Arizona, Senator JON KYL, and I introduced a constitutional amendment in February to require that any new tax, or expansion of a current tax, be approved by the House and Senate by a three-fifths supermajority vote, not the simple majority needed today. The House recently debated a similar amendment—theirs required a two-thirds majority vote. Ten States have supermajority laws on the books, and taxes have actually dropped in those States by about 2 percent. Taxpayers elsewhere are dealing with a 2-percent increase in the taxes they pay to government without that supermajority.

There have been 16 major votes in Congress over the last 30 years to increase taxes. That is a new tax increase every 22 months on average—apparently there has been no shame of going to the well of taxpayer money every time the big spenders in Washington wanted to spend more.

Many of those tax increases, however, passed by slim margins—including the one-vote margin approving President Clinton's 1993 increase—and would not have been enacted at all if the three-fifths or two-thirds requirement had been in effect at that time.

No. 3. Educate the taxpayers about where their tax dollars are going.

Most people know that their Federal tax dollars fund the Social Security program, and Medicare. But beyond that, few give much thought as to how the rest of the $1.4 trillion the Government will collect in taxes this year is spent.

For example, they probably would not think that some of the most successful products in the world—products like Tyson chicken, McDonald's hamburgers, and Gallo wine—would need to have their advertising subsidized by the taxpayers.

Yet the Federal Government will spend 90 million tax dollars this year promoting these and other household names overseas.

Would taxpayers guess that many of the Nation's wealthiest communities are taking tax dollars to build boating marinas and riding trails?

Or that the Government runs 125 separate job-training programs at an annual cost of $16 billion—often training people for dead-end jobs, or jobs that do not exist?

The taxpayers have every right to feel ripped off.

But what should disturb them most is that in 1996, we are spending 15 percent of the Federal budget just to pay the interest on money we borrowed to finance expensive programs we could not afford in the first place.

Mr. President, an educated taxpayer is the Washington establishment's worst enemy.

No. 4. Reform the tax system.

There are not many Americans who celebrate when April 15 rolls around. Not only are taxes too high, but people are frustrated by a tax collection system that is too complicated, too big, and too unfair. As proof of just how massive the IRS has grown, consider that the FBI, the Drug Enforcement Agency, and the Border Patrol have a combined work force of 36,600 employees, while the IRS itself carries 111,000 workers on its payroll.

We need tax reform—a fairer, simpler, more sensible way to pay for the services of Government. The National Commission on Economic Growth and Tax Reform recently outlined six goals for Congress to consider in reinventing our tax system to make it more responsive to the taxpayers:

First, fairness for all taxpayers; economic growth through incentives to work, save, and invest; simplicity, because the tax system should be less costly to manage, and everyone should be able to understand it; neutrality so that people, not Government, are making the choices; visibility so that Americans know what they're getting for the taxes they pay; and stability, to allow families more freedom to plan for their futures.

Mr. President, Tuesday, May 7—Tax Freedom Day—should be more than just another day for counting up the high cost of Government. We want to give back Americans control of their lives. We want to give Americans their freedom.

Therefore, Washington can and must do better by the taxpayers. Mr. President, let us use Tax Freedom Day as a reminder of what freedom really means to Americans, and just how important it is that we continue fighting for it on their behalf.

I thank the Chair and yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, at this time I first want to thank the Senator from Minnesota. I yield up to 10 minutes to the distinguished Senator from South Dakota.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 10 minutes.

Mr. PRESSLER. Mr. President, I want to commend my friend from Minnesota, who speaks so eloquently on the issue of taxes. I follow his leadership and depend on it in this area. I want to continue on the theme he has raised so eloquently here.

We must repeal the gas tax. It is hurting farmers, truckers, tourists, airlines. It seems that every time Washington wants to solve a problem it passes an additional tax. It is with the belief that this will somehow solve problems. But we can actually get more revenue into the Federal Treasury by restraining certain types of taxes on production.

For example, in my State of South Dakota, if we could repeal the gas tax and make sure it went to consumers, we would be in the position that our truckers would be better off who haul agricultural commodities to markets. It costs us about 50 cents a bushel to move our agricultural commodities to market. Our airlines would be better off, especially with the tourism season.

Tourism is our No. 2 industry in South Dakota. I have in my hand an article from today's USA Today, Friday, May 3, "Rising Jet Fuel Tab May Lead to Fare Hikes." If there are fare hikes, they will perhaps be the highest in perhaps some of the nonhub airports. That will hit at the heart of South Dakota's tourism season.

Mr. President, I ask unanimous consent to have the article "Rising Jet Fuel Tab May Lead to Fare Hikes" printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the USA Today, May 3, 1996]

RISING JET FUEL TAB MAY LEAD TO FARE HIKES

(By Keith L. Alexander)

Soaring jet fuel prices are threatening travelers' budgets and airlines' profits.

Jet fuel prices have increased an average 11 cents from a year earlier, to 65 cents a gallon in April.

If sustained, the increase in jet fuel prices would translate to more than $1.8 billion a year in higher costs for airlines.

The industry worries that higher fuel prices could threaten hopes for a second straight annual profit. The industry earned $2.4 billion last year, its first profitable year since 1989.

Fuel is the second-largest expense after personnel. Each penny increase represents $170 million in annual costs.

"Whenever we have a sharp increase in jet fuel costs, it's almost always resulted in enormous losses in the industry," says Air Transport Association economist David Swierenga. Travelers could notice higher fares this year as airlines try to compensate for the rise in fuel costs, Swierenga says.

The money has "to come from someplace," says Gus Whitcomb of America West. Its fuel costs rose to 71 cents a gallon from 60 cents in January.

"The traveler will have to pay more," agreed Delta Air Lines spokesman Bill Berry.

Airline fares already have increased about 8% this year.

American Airlines is trying to develop a plan with the Federal Aviation Administration to fly more direct routes that tend to burn less fuel.

But Wall Street analysts say airlines are overly concerned: The analysts expect fuel prices to subside later this year.

Another plus: the expiration of the 10% ticket tax in January, which could save the industry $5 billion this year.

"There would have to be a lot of negative events for the industry not to have a profit this year," says Lehman Brothers airline analyst Brian Harris.

Mr. PRESSLER. Mr. President, we speak a great deal about families and people who are struggling to make a living. In the Midwest everybody who produces things uses fuel. Our farmers get on a tractor and drive it all day using fuel all day. A trucker runs a truck and uses fuel all day.

A builder uses fuel all day. There are some who believe in taxing the means of production. I say we should lessen the tax on the means of production and let us discover, as we know that will stimulate the economy and we will have more revenue in the Federal Treasury, because we will have more economic activity.

Now, some have said that we do not want to pass this cut in the gas tax, this repeal, because the benefits will go to the companies and not the consumers. That is not true. This will be structured in such a way that the consumers and the users will get this.

Others have said the high gas prices are caused in part by a need for more antitrust action. I say fine. I am an advocate of vigorous enforcement of the antitrust laws under Scott-Hart-Rodino antitrust or under Clayton or under the Sherman Antitrust Acts. Also, the price-fixing aspects of those, if there is evidence thereof.

All those steps are necessary and good but as a member of the Senate Finance Committee we have a chance to repeal the gas tax. We should do so. It will help consumers. It will help families. It will help agriculture. It will help tourism. It will help all the aspects of our economy as we enter this summer after this long, difficult winter.

Mr. President, in conclusion, let me say that it is time to repeal the gas tax. It is time to give to consumers that break. It is time to create more economic activity in agriculture and tourism and trucking so that our economy can grow instead of being restricted by taxation. This is a rare opportunity at the beginning of this spring and summer season, after this long, hard winter. Our people are bursting forth with energy to do things. To repeal this tax now would be another boost to them.

I am proud to join in this effort to repeal the gas tax. I yield the floor.

Mr. COVERDELL. Mr. President, I thank the Senator from South Dakota. He represents a rural economy. We all know that the gas tax is uniquely difficult for rural communities. I know the Presiding Officer would like to speak to this issue. I yield up to 10 minutes to the Senator from Alaska.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Alaska.

Mr. STEVENS. Mr. President, I thank the Senator from Georgia, the current occupant of the chair for his courtesy. I am very privileged to join this group that is talking today about the economics, and particularly about taxes.

Mr. President, yesterday, May 2, was Tax Freedom Day in Alaska. Next Tuesday will be the National Tax Freedom Day. That is the day we quit working for governments—whether it is Federal, State, or local government—and start working for our children, for ourselves, for our families.

For the period from January 1 to May 2, in Alaska we have to take what we earn, literally, and pay it to one of those governments. I think it was especially difficult for middle-income Americans to make their checks out to the Internal Revenue Service this year because the tax cut that Congress approved to reduce taxes for families was vetoed by President Clinton.

The Balanced Budget Act that Congress passed cut taxes for low- and middle-income taxpayers. It would have reduced the tax burden on married couples and allowed homemakers to save for their retirement with an individual retirement account. Congress also provided a $500-per-child tax credit. If President Clinton had signed our bill into law, many Americans who had filed their tax returns on April 15 would be getting a tax refund now, instead of having to have made the payment they did make on April 15.

Three years ago, President Clinton demanded and obtained approval of the Congress of the largest tax increase in history. That was a bill that I opposed. I want to point out not one Republican voted for it. What really made Alaskans mad, when that was passed, was that it was a retroactive tax.

I am pleased to see the Senator from Georgia in the chair at this particular time, when it is announced that the Governmental Affairs Committee, which I chair, will mark up his legislation to ban unfair retroactive tax increases the next time we meet in markup.

Our Senate Committee on Governmental Affairs has oversight over all governmental agencies, and I want to share some observations about that jurisdiction. We have some difficult problems with the IRS. They are taxpayer problems, not our committee's problems, but we have been reviewing them.

The problems are literally horror stories, situations that terrorize Americans who work hard and try to abide by the laws that we pass. Among the horror stories I have heard recently include the IRS repeatedly levying against the property of a widow in Anchorage, AK. That widow did nothing improper. She filed a joint return for the year of her husband's death in 1993 and later applied to use the credit from their overpayment in 1993 to pay her own tax bill as a widow in 1994. The IRS has stopped processing the 1993 return, so when the 1994 tax return was reviewed, the credit could not be used. Her first notice of the situation was a notice of the levy on her property, which she received in the fall of 1995; that notice of levy was for underpayment of her 1994 taxes, notwithstanding the fact she had overpaid taxes in 1993.

Now, that is an impossible situation. Why should a taxpayer be called to task before the Internal Revenue Service checks its own records as to whether or not there is a prior year overpayment? Another case is the levy and sale of State fishing permits by the Internal Revenue Service. We have in the State of Alaska a number of hard-working individuals who have developed a tax compliance program to try and help rural Alaskan Native fishermen who are now starting to earn money through the management of our fisheries. Many of them do not have English as a first language, Mr. President. The Tax Code can be a difficult thing for them.

In Alaska, our State will actually loan money to fishermen to pay their Federal taxes if they get behind because of the economy—the fishing prices change, their costs are difficult, and many of them look to their current income to pay taxes when they are due. It can be difficult to save in the prior year, and they are not subject to withholding. They are self-employed.

The IRS recently went ahead and seized and auctioned permits belonging to Alaskan Native fisherman. That sent a very negative message to these people who were just coming forward to work with our State and the group that joined together to help them understand the tax laws. The State had already committed funds to help with regard to such taxes. If they had had proper notice of IRS intentions with respect to these cases, they would have loaned money to these people.

I must say, just parenthetically, that Commissioner Margaret Richardson showed genuine concern for the Native people. She went to Alaska with me. She visited some of the people involved, and I think she is going to try and help work out some solutions to the problems.

I am sure that every Member of Congress hears routinely the kind of complaints and horror stories from constituents as I hear from Alaskans. These are stories regarding lost records, missing notices, computer errors, and just the all-around hardness of some people in the IRS, who have the job of collection.

In my judgment, there are a great many mistakes in the IRS that cost taxpayers dearly. Each time they get in one of these problems, they have to hire an attorney, take time off from work, or try to get an accountant to help them solve their problems. The real difficulty is, when we think about when I was talking about Tax Freedom Day, Alaskans work all those first 4 months of the year to pay the people who bring these problems to their doors. We have a lack of understanding too many times by Government employees about who is really paying their salaries.

Many of the problems I find in our oversight of the IRS by the Governmental Affairs Committee results from the IRS's 10-year attempt to modernize its computers. The IRS goal in this regard to centralize the data base and make taxpayer data immediately accessible when a taxpayer calls to resolve a problem is a good goal. But the IRS computer system currently cannot interface. These computers do not talk to each other, Mr. President. When taxpayers call to resolve a computer error, they can find themselves talking to a computer, not an individual that can analyze their problem.

Furthermore, IRS financial management system is in disarray. Millions in taxpayers' money has been spent on modernization, with very little results. The General Accounting Office recently reported to our committee that the IRS cannot account for $10.4 billion in taxes that its records show it collected.

In addition, taxpayer privacy is now at risk. Federal standards for information systems are not being followed by the IRS. The National Research Council, which again has helped our committee analyze this problem, stated to us, "the gap between the current tax system modernization security posture and the minimum security acceptable will continue to widen, thus, virtually assuring massive security breaches in coming years."

That is a warning to our committee that if the IRS continues on the path it is on now, the security of taxpayer information is going to become worse, despite the fact that we are spending millions trying to improve the computer system. Computers cannot replace human beings, Mr. President. The IRS must administer the tax system with the precision it demands of taxpayers.

The Tax Code is too complex. The Internal Revenue Service reported to us that it takes, they believe, an average of 12 hours for a taxpayer to complete a standard 1040 form. The Schedule C, small business people will need an average of 22 hours, they say, to fill out the 1040. I am advised that Money Magazine ran a little experiment. They hired 50 professional tax preparers—professionals—each to complete a tax return for the same hypothetical taxpayer. The result was 50 different tax bills.

Americans should not have to play Russian roulette with the IRS.

Recently, our Senate Governmental Affairs Committee held an oversight hearing on the IRS. As I say, these problems are significant. I have come to the floor today to announce to the Senate that we will hold four more hearings on the IRS. The hearings will provide the Senate with information about steps that the Congress and the administration must take to bring the IRS into the 21st century, with fairness and protection for taxpayers.

I will close with what I said earlier, Mr. President. Congress must demand that the Internal Revenue Service administer our tax system with the same precision it demands of the taxpayers themselves.

Thank you very much.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Hampshire.

Mr. GREGG. I understand we are in morning business.

The PRESIDING OFFICER. We are in morning business with 90 minutes dedicated to the Senator from Georgia, or his designee.

Mr. GREGG. Pursuant to that, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 minutes.

Mr. GREGG. Mr. President, we are here to talk a little bit about taxes and how we got into this mess on gasoline prices. I suspect this mess came to my attention about the same way it came to everybody else's attention. I went down to my gas station to fill up my Ford Taurus, which usually takes about 11 gallons of gas, unless my daughter, who is 16, has been driving it—then it takes about 12½ gallons of gas. But I noticed that when it got to the usual dollar amount where it is full and I pay the bill, the thing was still taking gas and the dollars were still going up. It appeared to me that, by the time it stopped taking its 11 or so gallons of gas, the bill I was getting was about 20, 25 percent more than what I was used to paying. I asked myself, "Why, suddenly, is gas costing so much? Why has it become so expensive"

Well, clearly, one of the elements of this is the tax we have to pay on the gas. Today in some States the percentage of the actual cost of a gallon of gas in taxes is as high as 40 percent.

One of the core taxes that we have to pay is the Federal tax. I think that to understand why the Federal tax has gotten so expensive, we have to review a little bit of history. It was back in 1993, 3 years ago, which is a time that

I am afraid what happened may have faded from people's attention. But it certainly has not faded from people's attention as to how it is affecting their pocketbooks, because when they fill up their car, they are paying the cost for what happened in that period of time. It was at that time that President Clinton came forward with his budget bill and proposed the largest tax increase in the history of the United States, which was passed at the time, and in which there was included the gas tax increase.

There are three things in particular that I think we should focus on, because these three issues were the key focus of the debate back then. The first is the size of that tax increase, which was extraordinary. The second was the retroactivity, which was discussed earlier by the Senator from Alaska. And the third is the energy tax component and what ultimately became the gas tax. But it started out as another energy tax.

Now, that tax that occurred 3 years ago was $275 billion over 5 years. That is, as I mentioned, the largest tax increase in history. I opposed it, and I know Senator COVERDELL opposed, Senator STEVENS opposed it, Senator MACK opposed it. All of us presently on the floor here opposed it. It was pushed through the Congress by President Clinton and his supporters on the liberal side of the aisle. They pooh-poohed our resistance to it. They said America can afford to pay more taxes.

So let me translate what that tax increase means in terms of today. For the past year or so, we as Republicans have been talking about cutting taxes. In fact, we sent a balanced budget down to the President. As part of that balanced budget, we suggested we cut taxes. Initially, we suggested a tax cut of $270 million. That was a 7-year figure. We ended up with a tax cut proposal of $170 billion. Once again, the President said, "That is outrageous, you cannot cut taxes that much." Well, I guess I can understand that, because the tax increase that he hit the American people with back in 1993, over a 5-year period, was scored as a $275 billion increase. But if you look at it in the 7-year context of the budget that we proposed, that was a $400 billion increase in taxes on the American people.

So when you hear the President say that our $170 billion tax cut, which is aimed at benefiting families with children—a $500 credit for families with children—is excessive and too much, you might think, "I guess that is his view of the world," because, in his view, he thought a $400 billion tax increase was just right back in 1993.

And then we have this retroactivity content. This massive tax increase that the American people were hit with in 1993 included an incredibly insidious event. The tax increase was so aggressive, there was so much frothing at the mouth to hit the American taxpayers with new taxes on the other side of the aisle, and from this new President, Mr. Clinton, they were not happy with taxing you in the future $400 billion, they decided to tax you even before you arrived there, putting in retroactive language that said the tax would actually start before President Clinton became President. That is pretty outrageous. Luckily we have people like Senator COVERDELL in this body who has taken that bull by the horns and proposed repealing the concept of retroactivity, or not to allow retroactivity again. Senator STEVENS, chairman of his committee, has agreed to take up that matter.

That is an important point because I think, on the issue of taxes, we ought to be at least as good as the former Soviet Union, as Russia. In the Russian Constitution you cannot have retroactive taxes. But here Bill Clinton has come forward and hit us with retroactivity.

So thanks to people like Senator COVERDELL and Senator STEVENS, hopefully, we will be able to change that so that will not occur again on the American people.

The third issue, of course, is this question of the specifics of this gas tax, because this really is frustrating, because originally what the President suggested was that he wanted, in 1993, something called the Btu tax. They were going to tax every element of energy that people in this country used—every element. In New England that would have been a horrendous event because we have to heat our homes. It is cold in New England, and we use oil, and the Btu tax would have been attached to oil.

But the claim was that this was not really a tax—that this really was not a tax in the sense that we were taking money from the American people. No. The claim of the administration was that this was an attempt to conserve energy, that this was an environmental action. This was sold as an environmental necessity—to hit the American people with a Btu tax. Well, even this Congress could not swallow that piece of malarkey. Oh, they backed up and they said, "All right, we cannot get the Btu tax. We will hit the American people with a 4.3-cent increase in the gasoline tax instead." Again, they claimed it was on the issue of the environment that they were going to do that, raise that tax. Pretty outrageous. Pretty outrageous because at the same time the leadership on the other side of the aisle and the President were excoriating Republicans for being the party of the rich, for being the party that was only concerned about the rich, and they were going to pass a tax on the rich.

That is what their tax was going to be—their tax package of $275 billion back in 1993, which is actually $400 billion if you put it on the budget cycle we are on today.

Retroactivity. It was not going to affect the average, everyday Americans. It was going to hit rich. That is the way it was sold. It was an energy that would benefit people. It would be a benefit to the people of this country because it was needed for environmental protection; and, two, that this whole tax package was going to just be an attack on the rich in this country.

Let me quote from the present Democratic leader—at that time a Member of good standing in the Senate on the Democratic side but not the leader at that time—as to what Senator DASCHLE said about this tax increase that they put on the American people.

> So let no one be misled when it comes to taxes. The taxes affect mostly those making $180,000. The taxes affect those businesses in only 4 percent of the highest income brackets available today, an average income, by the way, of about $565,000.

You tell me when you go to fill up your car at the gas pumps. Does the attendant ask you, "Are you making $180,000 a year?" I do not think so. When you pull your pickup truck up, if you are a farmer in New Hampshire or a logger in New Hampshire and you are trying to make a very small margin because you are in a tough business, does the gas attendant say, "Are you a corporation making $560,000 a year?" I do not think so.

The fact is that this is an incredibly regressive tax, and it was not put in place for environmental protection. It was put in place because there was an avarice amongst the liberal Members of this Congress and amongst this administration by demanding that they take more money from the American people so that they could spend it because they do not happen to believe you can spend your own money.

There is a basic philosophical difference between our two parties. The party of the other side of the aisle does not believe that you know how to spend your money. They happen to think the Government knows how to spend your money. We happen to believe that you know how to spend your money, and you should be allowed to. For that reason, we do not happen to support this type of a tax increase. We did not support it then, and we do not support it now.

So our basic view is, let us let the American people keep their own hard-earned money. When you go into a gas station, let us not have the gas station attendant have to question you as to your income level in order to remain consistent with the loftiness of this administration, but rather let us allow you, the American people, to keep your money and spend it yourself.

That is why we put in place a balanced budget amendment. We put forward a balanced budget bill which would reduce spending and allow us to also reduce taxes. We did not put forward, as the President did, a bill which increased spending and increased your taxes. There is a fundamental difference in philosophy.

So I congratulate the Senator from Georgia on having this special order. I also especially congratulate him on his proposal to pass a constitutional amendment to end retroactive taxes so that we can at least do as well as the new democracy of Russia.

I congratulate the Presiding Officer, the Senator from Alaska, for being willing to hold hearings.

I yield.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. COVERDELL. I want to commend the Senator from New Hampshire not only for his remarks, but I appreciate the very kind remarks addressed to myself and the Chair.

At this time, I yield up to 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 10 minutes.

Mr. MACK. Thank you, Mr. President. I thank the Senator for yielding.

Mr. President, I rise today to address the future of the American dream. America was built on the spirit of innovation and ingenuity, the belief in responsibility, and in risk taking. We believed that, if we just did the right thing and we worked hard at it, opportunity would be there. But for many Americans who struggle to earn a living and raise a family, the American dream is now out of reach.

When I ask my constituents this question, "How many of you have a better quality of life than your parents did when they were your age?" most said yes. But when I asked them, "How many of you honestly believe your children will have a better quality of life when they reach your age?" most said no.

Today, Americans are anxious. They are anxious about job security with an economy which is not growing as fast as it should. They are anxious about the future of our Nation when every child born in America today will receive a tax bill of $187,000 just to pay the interest on the Federal debt. They are anxious about paying for a welfare system that discourages work as opposed to encouraging work. They are anxious about the quality of their children's education. They are anxious about the safety of their neighborhoods. They are anxious about a Washington that spends too much, dictates too much, and takes too much of their money to pay for programs that we all now know have failed. We can and must do better.

The Clinton administration will brag that economic growth is strong. However, under Clintonomics, the economy is moving at a slower pace than it has historically. We should not allow this administration to hide behind statistics and lower expectations for the greatest economy in the world.

America was made great because we have strived, sacrificed, and worked together to be the best. We must not settle for economic mediocrity. The Clinton administration will brag that it has created more than 8 million new jobs. So where is the problem? They will not tell you that, if this recovery were similar to previous recoveries, there should have been over 11 million new jobs created. That is 3 million jobs that should have been created for American families and were not because of excessive Washington interference.

The Clinton administration will tell the American worker, "Do not worry. Everything is fine." But the American worker knows better. They feel the anxiety of Clintonomics every time they pick up their pay checks or read a story about loss of jobs and layoffs. We can and must do better. Like every other issue, this administration wants to blame Americans' anxieties on everyone else. Bill Clinton cannot impose the largest tax hike in American history and spend more on Washington programs and work to control more of our lives from Washington without facing the consequences of lost jobs, low wages, and limited opportunities.

A small businessman in Florida told me that he is often forced to tell his employees that the pay raise they were hoping to receive was just sent to Washington, DC.

We can and must do better. We can begin to restore the American dream by cutting Bill Clinton's tax increases.

Next Tuesday marks Tax Freedom Day, the day your entire tax bill would be paid off if 100 percent of your salary were devoted to taxes since January 1.

Let me say that in a different way.

What that means is that between January 1 of this year until May 2, it will take everything you earn to pay your tax bill for the State, local, and Federal governments. This year tax freedom day is the latest it has ever been. For every dollar that is earned, the American people pay 38 cents for taxes at all levels. That is 38 percent of everything we earn. The more you pay in taxes, the less you have to feed your family, educate your children, and put gas in the car. It is no wonder that of all the new jobs in America, more than one-third have gone to people taking an extra job just to make ends meet. Those jobs are not going to young Americans entering the work force for the first time or to those who should be off welfare. They are second jobs that families must have just to get by. It strains the economy, and it hurts our families.

We must free the economy from the burdens of more taxes and more government so resources can be invested in new technologies for tomorrow's jobs. We must cut the capital gains tax rate to allow for more savings and more investment, for more innovation and more opportunity for future generations. Americans are having to work harder and harder just to pay for larger and larger bureaucracies in Washington that include 160 job training programs, 240 education programs, 300 economic development programs, and 500 urban aid programs. American taxpayers feel they are not getting their money's worth and they are not. We must end Washington's appetite for more spending because higher deficits mean higher interest rates for homes, cars and student loans.

President Clinton was wrong to veto the only balanced budget to reach the White House in a generation. We must recover the American dream by controlling America's spending habits. I proposed a way to guarantee spending cuts. It is called the Spending Reductions Commitment Act. An outside group would cut wasteful spending if Washington does not. In other words, it is patterned after the Base Closure Commission. We restore the American dream when we have reduced the cost, size, and scope of government. Most of us believe that Washington is too big, spends too much, and has too many failed programs. We can and must do better to restore the American dream, to free up the American spirit, to restore the promise of hope and opportunity for all Americans. If we get Washington off our backs, away from our schools and out of our pocketbooks, we can return this country to the road of greatness where it has been in the past and where it is destined to be in the future.

I thank the Senator for yielding.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I really appreciate the remarks and comments about hopes and dreams of Americans as represented by the Senator from Florida. It reminded me of a snapshot that we recently took, a financial snapshot as it were, of an average family in Georgia. My guess is there is not a lot of difference between the average family in Georgia and the average working family in Florida. The American people have really been asking us in Washington to change the way we do business.

It is very understandable when you look at this picture. This family of four estimated median income is $45,093. The total Federal taxes on that income are $9,511. That is just over 20—it is approaching 25 percent. The total State and local taxes are $5,234. That is about 12 percent. So the total family tax burden now—they may have had $45,000, but $14,700, or $15,000 has left the family, gone somewhere else for a policy wonk up here in Washington or the State capital to decide how the earnings of that family ought to be spent. They have been removed from the family.

Then there is the estimated cost of Federal regulation. We have gotten into the business, as every American knows, of managing every aspect of our lives and our communities. Well, that cost a whopping $6,615. My goodness, that is more than State and local taxes that that family is now having to pay out in order to regulate. I think if the American family knew that it was paying over $500 a month—more than their car payment, more than their student loan—to fund this regulatory apparatus, they would be astounded.

Then they have to pay the excess family interest payments which are caused by Federal borrowing—$2,011 in higher interest payments because of Federal borrowing.

So the estimated total Government cost to this Georgia family that made $45,093 is $23,371, or 52 percent, Mr. President, of every dollar the family earned.

Thomas Jefferson has got to be rolling in his grave. Not any of our Founders could ever have conceived of a government that would remove over 50 percent of the wages of a wage earner and take it away. And we wonder why there has been a breakdown in the American family. There is no institution that has had a more profound effect on this family than the Government itself. We talk about Hollywood from time to time, we talk about pop culture and everything else, and I think they have had an effect, but nothing compares to this, Mr. President. I mean nothing. To take 52 percent of the working wages out of an American family has a profound effect on the activities of the family.

Mr. President, I see that I have just been joined by the distinguished Senator from Alaska. I know he is eager to speak on the subject of taxation, and I will yield up to 10 minutes to the Senator from Alaska.

The PRESIDING OFFICER (Mr. STEVENS). The Senator from Alaska is recognized.

Mr. MURKOWSKI. I thank my friend from Georgia and wish him a good day as well as the Presiding Officer, my good friend and colleague, Senator STEVENS. Good morning.

Mr. President, I just came from a Finance Committee hearing where our majority leader, Senator DOLE, spoke very eloquently about the issue of the removal of the 4.3-cent-per-gallon gasoline tax. I commend the majority leader as well as our colleague, Senator GRAMM, for proposing the repeal of this unwise and unjust tax.

As everyone knows in this body, the pressure to repeal the 1993 gas tax is, to a large degree, related to the recent spike in gasoline prices that has occurred in every State, with California being especially hard hit. In my State of Alaska where, by necessity, a large number of vehicles must be four-wheel drive, we are currently paying $1.33 for unleaded regular. The irony of that, as you know, Mr. President, is we are providing about 22, 23 percent of all the crude oil that is produced domestically in this country.

Next week, as chairman of the Energy and Natural Resources Committee, I will be holding hearings in that committee to examine the underlying reasons for these price hikes. We are going to have representatives from the major oil companies that produce domestically as well as producers and distributors that depend heavily on imports. We are going to have refiners that depend on domestic supply and those that depend on imports. We are going to have testimony from retailers, and we are also going to examine an element that is often overlooked, and that is the gas tax aspect that is added on by both the State and Federal governments.

The preliminary information I have suggests there are several reasons for these price increases. One is, we have had a very cold, and very extended winter that has forced refiners to continue processing heating oil longer than usual. We have just-in-time inventory methods adopted by many oil companies that have left smaller than normal gasoline reserves on hand.

We have had an increase—and this is interesting—in worldwide demand as a consequence of the fast growing economy in Asia, putting pressure on oil stocks around the world. And America's demand for gasoline has been increasing as more than 40 percent of the new vehicles sold are light trucks or sport utility vehicles that are so popular. And these vehicles only get 15 miles or so to the gallon. And, of course, we have raised the speed limit in many areas.

But, realistically, the discussion of eliminating the 4.3-cent-a-gallon tax, while it is interesting, misses the underlying issue, which is the issue of supply and exploration for new sources of domestic oil. I certainly support repealing the gas tax because it should not have been adopted in the first place. The gas tax hike, along with $240 billion in other new taxes was put through by a Democratic-controlled Senate in 1993 without a single Republican Senator supporting it. It was adopted at that time at the insistence of President Clinton.

But the point I want to make is, we are talking about taking off the gas tax and we are not talking to any degree about the basic problem, and that is the problem of supply. Furthermore, the potential revenue loss associated with this is about $30 billion, if it is extended out and removed for the entire period that is anticipated in the budget.

Let us look at some energy facts. U.S. oil consumption today is 18 million barrels each day. We are importing 9 million barrels each day. In 1973, the year of the Arab oil embargo, U.S. import dependence was 36 percent. It was 36 percent in 1973. Today, it is 51 percent. The Department of Energy predicts that by the year 2000—that is only 4 years from now—the United States will be importing two-thirds of its oil consumption. Since 1973, domestic oil production has fallen by 30 percent. We are producing 30 percent less.

Let me reflect on an action recently taken by the President concerning pulling down the strategic petroleum reserve. As chairman of the Energy and Natural Resources Committee, we authorized, because one of the storage areas in the salt caverns was leaking, the removal of that oil. We anticipated revenue being generated from that sale. It was necessary to get that oil out; otherwise it would have leached into the water table. It was better to get it out and sell it than try to move it to another place.

The President jumped on this as an answer, or a potential relief to the crisis associated with increased gasoline taxes. That is absolutely absurd. Let us look at the strategic petroleum reserve. It contains 580 million barrels, valued at about $16 billion. For the President, in his announcement about releasing 12 million barrels, to suggest that his action is going to drive down prices, it is a drop in the bucket. It is less than a day's U.S. consumption. It is a spit in the ocean compared to world oil production of 60 million barrels a day.

The President also has a proposal to sell an additional 75 million barrels in the year 2002. But that proposal is to use the $1.5 billion proceeds not for energy security, but to pay for social programs. He is using the SPR for the purpose of financing social spending and using it for the purpose of regulating the market price of oil.

The letter "s" in SPR stands for strategic—strategic petroleum reserve is what it means. The purpose of SPR was to preserve the Nation's security in the event of a supply interruption such as we saw in 1973 and 1979, and not for the purpose of financing social spending or, as I indicated, regulating the market price of oil. The President has taken upon himself to turn the SPR into almost a giant piggy bank and a backdoor price regulator, without the consent of the Congress.

So we have a rather curious set of circumstances here. Among the President's other anticipated relief is the assumption, coming from the United Nations, that crude oil prices would drop if Iraqi oil came back on the market. How quickly we forget. It is interesting to look at this proposal. The United Nations suggests that if it is satisfied that Iraq has allowed full and complete inspections of its nuclear weapon capability, that for humanitarian purposes Iraq would be allowed to sell roughly $1 billion worth of oil. That amount of oil equates to about 50 million barrels every 4 months, or 150 million barrels per year.

Not so long ago we had a half million American troops, some of whom lost their lives in that Persian Gulf conflict. That conflict was all about Saddam Hussein controlling the world supply of oil and, as a consequence, the stranglehold that he imposed on the Kuwaitis—and he was looking at the Saudis.

Mr. President, I wonder if I can ask my colleague for 3 more minutes so I can finish my statement?

Mr. COVERDELL. I yield 3 minutes to the Senator.

Mr. MURKOWSKI. So, is it not rather ironic that suddenly we are looking for relief from Saddam Hussein who just a few years ago we tried to put in a cage because he was a threat? He was a threat to the world supply of oil. He must be laughing, saying, "Ain't America great? Here they are, needing the contribution of Iraqi oil on the market." What a curious set of events.

I can recall in 1971, Senator DOLE, Senator McClure, Senator SIMPSON, Senator Metzenbaum and myself met with Saddam Hussein. It was clear at that time when we were over in Baghdad that he intended to try to control the supply of oil. The problem is, nobody believed it at that time. But here we are today, looking to Iraq to come back on line so we might relieve our dependence on imported oil.

Mr. President, in the Washington Post today, Charles Krauthammer has a very interesting article. It is entitled, "A Nation of Crybabies." In answer to the question of why the price is increasing, he responds by saying: "How about—a wild guess—because supply is down and the demand is up?"

Why is the supply down? He says the country raised the speed limit. He says the sport utility roadsters are using more and more gas. He also says that crude oil production has dropped 32 percent in the last 25 years, and we will not allow drilling in the Arctic National Wildlife Refuge for fear of disturbing the mating habits of the caribou.

He goes on to say more about supply:

> U.S. crude oil production is in serious decline.

We know that. Alaska has been producing about 23 percent of the total crude oil.

He says:

> The North Slope of Alaska holds potentially the largest oil field in North America, bigger even than Prudhoe Bay next door, which produces 600,000 barrels a day. Unshakable opposition from Democrats has for 15 years prevented even test drilling there. Don't want to disturb a pristine environment, even in a place not one in a million Americans will ever see? Fine.

But you better be prepared for the cost.

Finally, Mr. President, it is fair to say that we are at a crisis. We are going to be facing increased gasoline prices. The Fourth of July we could be seeing gas prices substantially higher. I suggest they will be over $2 and in some parts of the country, they could approach $3.

Finally, we have no extraordinary political development in the Mideast that can be blamed for the current price rise, but the problem relates to supply and demand. And I suggest that this body, the Senate as well as the House of Representatives, has passed an answer. They passed ANWR. ANWR passed the House and passed the Senate. There is just one person standing in the way of opening up this huge reserve that would give us energy independence, and that is President Clinton. He has to bear the responsibility associated with it.

So repealing the 4.3-cent gas tax is a modest step, it is a necessary step, but the ultimate issue is developing our own resources.

I thank the Chair, I thank my good friend from Georgia, and I wish my colleagues a good day.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I yield up to 10 minutes to the distinguished Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa is recognized for up to 10 minutes.

Mr. GRASSLEY. Mr. President, you can still hear these words echoing from 4 years ago: "I oppose Federal excise gas tax increases. It sticks it to the lower income and middle-income retired people in the country, and it's wrong."

Four years ago those words were stated.

These are not my words, Mr. President, these are the words of Bill Clinton who was running for President in 1992 and who was elected.

Just 1 year later after that campaign, President Clinton proposed and won passage of Federal excise gas tax increases. In the process, he really stuck it to the lower income and middle-income retired people in the country and it is wrong, contrary to those very words he used in 1992.

You might say, Mr. President, that he really stuck it to a lot of people more than just the folks who are retired. He stuck it to the entire population across the board—farmers, truck drivers, commuters, bus drivers, vacationers, boaters—you name it, Mr. President, President Clinton really stuck it to them.

In fact, it was done along party-line votes. It was part of the largest tax increase in the history of our country. Not a single Republican voted for it. Democrats controlled the White House and both Houses of the Congress. Their fingerprints alone are all over the scene of this crime, the raising of the biggest tax increase in the history of the country.

This President has a real problem with his record of saying one thing and doing another. We who are elected should perform in office commensurate with the rhetoric of our campaign. We should also expect the President of the United States to do that. And, of course, the examples I am using today are just one of many cases. All of them combine to leave people cynical about their leaders in Government.

Last year, the President was in Houston addressing a group of high-dollar contributors at a Democratic fundraiser. Here is what he told them about his record tax hike of 1993. This is what he said about the biggest tax increase in the history of the country. He said this to his rich friends at that fundraiser: "Probably there are people in this room still mad at me, at that budget, because you think I raised your taxes too much. It might surprise you that I think I raised them too much, too."

What is interesting is that this seeming apology was to well-off Americans in Houston from whom he was raising money. But you have not heard the President apologizing to those lower income and middle-income Americans who he really stuck it to and he was speaking to in the 1992 campaign.

In America, I thought that we defined fairness as treating everyone the same. That means rich and poor, black or white. We are all equal. So he apologized to higher income folks in Houston for raising their taxes. Can lower and middle-income Americans and workers in this country also expect an apology from the President? Why is it fair to tax lower and middle-income workers who are trying to save for their future? These are the citizens who need tax relief the most. They have a harder time paying the bills and paying their taxes, whether it is income tax or the gas tax at the pump.

The President's response to our call to eliminate the gas tax was pure political panic earlier this week. Somehow, like selling off a few million barrels would accomplish this problem, but instead it had the effect of a gnat taking a nibble out of an elephant.

I will tell you what would have a bigger impact than selling off the strategic petroleum reserve. The President should get some of his Cabinet Secretaries to stop their frequent flier trips they have going around the world. That would save much more.

The basic problem with this administration and the other side of the aisle that supports this administration is that their idea of running Government is the old established principle of their party taxing and spending. Translated, that means that the Government's budget goes up while family budgets go down. It is a zero sum gain.

If the Government's budget grows, the family's budget automatically shrinks. This is upside-down economics, and we have seen it before from the other side. So it is not voodoo economics, it is deja voodoo economics. It is called tax-and-spend.

President Clinton and our friends, the Democrats, have it all upside down. Their way has created falling income for workers while increasing the taxes on working Americans. It is a double whammy. It is a one-two punch on the workers of America. It really sticks it to them, something the President said he was going to avoid in that 1992 campaign.

The President should show moral leadership. The President should do the right thing. He should begin by apologizing to lower- and middle-income workers for raising their taxes, like he apologized to those rich Americans at the Houston Democratic fundraiser.

We in this body may not be able to force the President to apologize, but we can do something even better for these people. We must restore their faith in their elected leaders here in Washington. That must have a high priority. We can do that right away by helping the President keep his promise to the people that he made in 1992 not to raise the gas tax because it was going to hurt the retirees and the lower and middle-income working Americans. We can help restore the faith of these people in Washington by repealing the gas tax.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I want to thank the Senator from Iowa. He has pointed to something that I think baffles many Americans. I think they expect that there should be some relevance between what people say when they seek public office and what they do if they get it. There should be a connection.

As the Senator from Iowa noted earlier, when a person travels the country and says, as President Clinton did, "Raising gas taxes sticks it to lower income and middle-income retired people in the country, and it is wrong," an intelligent American citizen would expect that that person, if in office, would not raise gas taxes because he said he would not raise gas taxes.

Then you barely get the bags unpacked at the White House, and you are up here with a proposal to raise gas taxes. The actual proposal was even higher than what happened—double. This has had a profound effect, in particular, on low-income people.

President Clinton's gas tax increase especially hurts lower income families. According to the Joint Economic Committee, the lowest 20 percent of taxpayers pay 7.1 percent of their income on gasoline. The top 20 percent of taxpayers pay only 1.6 percent. In other words, the lowest income families in America, the lowest income—we remember all the rhetoric that this tax increase only affects the rich—but the lowest income families in America pay four times as much of their disposable income on gasoline than the highest 20 percent.

Mr. President, I was talking a moment ago about this average family in Georgia which is very similar to data in every State. There are differences, but it is very close. This family, I said, made $45,093. I went through a litany of the State tax, the Federal tax, the FICA tax, regulatory costs, higher interest payments. At the end of the day, of the $45,093, this family of four got to keep $21,722. That is all they had left to do everything we asked of a family, which is to raise America, house America, clothe America, transport America, provide for the health of America. That is what we are asking of this family. But we only leave them a little less than half of their total wages to do it.

Here is the point I want to make, Mr. President. This gets back to the promise to the American people the President made. He said, "I am going to lower your taxes," which meant that this amount of money that they had left would be larger. They responded to that.

But in fact, Mr. President, what has happened? In fact, they have $2,600 less in their checking account because President Clinton came to Washington as their new President. They thought they were going to get more in the checking account, but they got $2,600 a year less. And the meter keeps running with this Presidency. The gas tax, which every time that mother takes the child to the doctor or the car pool to the school or goes to the grocery store, that tax meter is running on the gas tax. It just runs and runs and runs.

We are suggesting, Mr. President, that President Clinton's gas tax, 4.3 cents per gallon, be ended, that we stop doing that and we leave that amount of money in the checking account of this family.

That will not correct, by any means, the effect of the President's higher taxes on the family. But it starts in the right direction. It will leave about another $100 to $200 in the checking account of this family that I have been talking about, and that is where it ought to be. We ask so much of this family, our families across the country, and we have taken so much of their resources away. This is a good beginning. End this gas tax, leave that money in these checking accounts, and then get on to the business of lowering taxes even more. It is just inexcusable that American families forfeit half their income to Government, to policymakers in Washington.

Mr. President, this gas tax is pervasive because it hits in many different ways. The total cost of the gas tax increase—take, for example, the State of California. California is forfeiting $550 million. That is half a billion dollars a year coming right out of the California economy. They have had some rough times in California. They have had disaster after disaster. But they are losing $550 million per year because of this gas tax.

Take the State of Texas, $368 million a year. Florida, $263 million a year. My own State has lost $60 million a year because of this gas tax. What do State governments do when they lose revenue? They raise taxes. Sixteen States in our Union have raised gas taxes to make up for the reduced consumption that came when the President raised his taxes.

Mr. President, the majority leader, BOB DOLE, said in an article in USA Today—he was quoting the comment made by the Senator from Iowa—"Probably there are people in this room still mad at me— " this is President Clinton talking to a group in Houston. "Probably there are people in this room still mad at me over the budget because you think I raised your taxes too much. It might surprise you to know, I think I raised them too much, too."

Mr. President, for the President to admit he raised taxes too much, and then to call on his colleagues here time and time again to block every attempt to reduce taxes on the American people, no wonder the American people become cynical about our Government when we have policymakers who go to them and make promises and come here and do exactly the opposite. The empirical evidence always shows that when they do the opposite, the person that gets the brunt of the deal is the average American family.

Mr. President, I believe my 90 minutes has expired. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAIG). Without objection, it is ordered.

REPUBLICANS' SELECTIVE MEMORY

Mr. DASCHLE. Mr. President, I had the opportunity to listen to the colloquy by our colleagues on the other side of the aisle. I wanted to come to the floor for a couple of minutes to respond and I know that a number of our colleagues will also be doing so a little bit later on this morning.

I find the selective memory very intriguing, and I certainly appreciate the good words by so many of our colleagues about the impact that the 4-cent gasoline tax has had. What I am surprised at is that they have chosen not to also direct some of their concern and attention to the dime's worth of increases in gas taxes in the 1980's and early 1990's—increases that most of them supported.

We raised the tax in 1982 by 5 cents and again in 1991 by an additional 5 cents. As I understand it, almost every single Republican supported those two increases—a dime. In fact, our distinguished majority leader was one of those who supported the increase in gasoline taxes of 10 cents. We like to refer to that 10-cent increase as the "Dole dime" because, in effect, that is what has been the result of the gasoline tax policy over the last 15 years. Mr. President, a 10-cent increase was supported by virtually every single Republican in 1982 and again in 1991.

In order to cure this selective memory about gasoline taxes, I would remind my colleagues that the 4.3-cent increase that we passed in 1993 was part of an overall budget package that has led to the single most consequential deficit reduction program in the history of this country. We have not seen 4 consecutive years of deficit reduction since the Civil War, but we did it in 1993, we did it in 1994, we did it in 1995 and now for the 4th year in a row we have done it in 1996. What a remarkable achievement. We have brought the deficit down to about half of what it was when the Republican Presidents left office after 12 years of dramatic increases in the size of the deficit.

The deficit in 1980, as everyone recognized when President Reagan took office, was about $800 billion. After 12 years of Republican White House domination, that deficit had ballooned from $800 billion to $4.5 trillion. This, despite all the rhetoric about deficit reduction, despite all the promises we were given about how we would bring down the size of the debt—it increased to $4.5 trillion.

It took a Democratic White House, with leadership from this President, beginning the first year he was in office, to force this deficit to come down now for 4 years in a row. We want to continue to do that. The President has made every overture I would expect him to make, urging the majority leader, the Speaker, and others to continue negotiations, trying to find a way, in a bipartisan effort, to maintain this downward trend in the deficit.

We can achieve a meaningful deficit reduction package for the next 7 years, bringing deficits to absolute zero if we have the courage and the wherewithal and the determination to do what this President did in 1993. The opportunity is there. The door is open. We do not have to use new gas taxes. We do not have to find new sources of revenue. We can do it with the cuts proposed in this President's budget.

As everyone understands, it is a budget that has been scored by the Congressional Budget Office, something that the Republican leadership has said again and again is one of the key ingredients to coming to some resolution. The President's CBO-scored budget is, in large measure, the effect of many months of negotiations with the Republican leadership in an effort to continue the progress that this President has made now for the last 4 years.

I must say, this selective memory amazes me—I did not hear a word today about the dime increase, the 10-cent increase supported by virtually every Republican Senator in the past decade. If they are so concerned about the 4.3 cents, why is it we have not heard anything about the 10-cent increase proposed by our colleagues and supported almost unanimously on the other side? If we are going to give tax relief, maybe we ought to go to the Dole dime as well as to the 4.3-cent increase that has been discussed this morning.

I think the real issue here is obfuscation with regard to meaningful ways of which to help working families. If they really wanted to help working families who are struggling to make ends meet—in many cases, with reductions in purchasing power year after year after year—the best thing they could do would be to pass the minimum wage increase. We are talking about a 4.3-cent reduction in taxes, when if we wanted to, this very day we could pass a 45-cent increase in the minimum wage. This afternoon we could pass a 45-cent increase, 41 cents more than the relief we get out of a gallon of gasoline, providing purchasing power to millions of struggling American families.

This week marks the 35th anniversary of the signing of President Kennedy's increase in the minimum wage back in 1961. As a result of raising the minimum wage in 1961, purchasing power for a working family increased, in 1996 dollars, to $6.61 an hour. You heard it right: $6.61 an hour in 1963. That is what working families had at the lowest rung of the economic scale 35 years ago—$6.61. Today, they are relegated to $4.25. Their purchasing power goes down year after year after year after year.

We are now at a 40-year low in terms of purchasing power. While CEO's across this country saw a 28-percent increase in their purchasing power just last year to an average of $950,000 per year in salary, the purchasing power of working people at the lowest rung of the economic scale has gone down to a point where it is almost more beneficial for them to stay on welfare than to go out and work. How wrong is that, Mr. President?

I do not deny any one of those CEO's a good income. In many cases, they deserve it. But if we can find ways in which to advance the economy and build the growth within the economy that we have seen in the last several years—8.5 million jobs, an economy that is booming, the stock market has reached unprecedented levels—why is it we cannot come up with the wherewithal in this country to provide some purchasing power for people at the lowest end?

We have produced an action agenda that we want to pass sooner rather than later. That action agenda has everything to do with the paycheck—first, passing a minimum wage that every single American could ultimately benefit from; secondly, passing retirement security that allows people to take their health insurance with them; and finally, passing pension and retirement security, making sure that every time a worker changes jobs—and the average worker changes jobs now seven times in his or her lifetime—they can take that pension with them. They can go from one job to the next with the assurance they will have a pension when they ultimately retire. Pension security, especially for women, is something we ought to talk a lot more about in the Senate. We will do that in the coming weeks.

Mr. President, we can talk about gasoline taxes, this 4.3 cents. I suppose that is something that has relevance to the increase in gas prices. We ought to figure out a way to ensure that taxpayers have relief. I think we better make absolutely certain that if we provide relief, it goes in the pockets of the consumers and not the oil companies. For every 1-cent decrease in tax, we could see $1 billion in additional profit for the oil companies, unless we ensure that the benefits actually get back to the people who need it. We must make absolutely certain our tax relief is for consumers and not some bailout for the big oil companies.

If we are really serious about economic security, if we are really serious about helping working families, then the best way to help working families, Mr. President, has a lot more to do with minimum wage, it has a lot more to do with health security through passing the Kennedy-Kassebaum bill, it has a lot more to do with pension security and making sure retirements are secure when people retire, than it has to do with 4 cents on a gasoline tax.

So we hope to work with our Republican colleagues and do a number of things this year that can provide real relief. No. 1, let us pass minimum wage. No. 2, let us pass Kennedy-Kassebaum. No. 3, let us ensure that we have pension security. No. 4, let us continue this deficit reduction effort that the President has laid out for us in such an able way now for the last 4 years. No. 5, let us pass a balanced budget resolution that allows us deficit reduction, and reduced interest rates, and a healthy economy which can be brought about by a balanced budget. All of this is within our grasp. It is going to take a bipartisan effort to do it, but we ought to do it. We can do it now. Let us do it, commit to it, and send a clear message to the American working family that we are on their side.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MACK). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, may I inquire, what business is the Senate in at this moment?

The PRESIDING OFFICER. The Senate is in morning business, 90 minutes controlled by the minority leader.

Mr. CRAIG. Mr. President, then I ask unanimous consent to be allowed to continue as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE NUCLEAR WASTE POLICY ACT OF 1996

Mr. CRAIG. Mr. President, for all the right reasons our Nation has been a generator of radioactive material for nearly five decades. Most of this material is a byproduct of two principal activities: national defense activities and commercial nuclear powerplants, which generate more than 20 percent of America's electricity.

These two major activities have worked to benefit all Americans. Therefore, I believe managing these radioactive wastes is a national concern and responsibility. We cannot and must not walk away from this responsibility. To not address this responsibility would be unwise, irresponsible, and unsafe.

With specific regard to electrical generation, every American benefits from the richness and diversity of our country's natural resources and their use. Through interconnecting transmission lines that traverse the land, we have one of the world's most reliable and powerful electricity supplies that drives our economy.

Nuclear powerplants are at work in more than 30 States in every region of the country. Supplying more than 20 percent of the Nation's electricity, nuclear energy is part of the foundation for our Nation's high standard of living and economic growth.

For this reason, there is broad consensus and support for ensuring that the Federal Government meet its responsibility to provide a central storage facility for used nuclear fuel and high-level radioactive material from the defense program. Senate bill 1271 allows and directs our Federal Government to meet that responsibility.

As I know many of my colleagues have discovered in meetings, phone calls, and in their mailrooms, support for S. 1271 is coming from all quarters, including State and local government officials, public utility commissioners, newspaper editorial boards, labor unions, chambers of commerce, national trade associations, and electric utilities, just to name a few groups. I am very pleased to have the bipartisan support of 28 cosponsors for my legislation.

Lawsuits have been filed by 18 States against the Federal Government over inaction of the Government to follow their statutory direction to manage radioactive material. This clearly demonstrates the importance and urgency of fulfilling the Federal Government's obligation to accept spent fuel. That obligation has been directed in law since the 1982 Nuclear Waste Act, and it is reaffirmed by my legislation.

Since the late 1950's, scientists have been studying, testing, and successfully employing storage technologies. And since the early 1970's, the Nevada test site was singled out as one of the nine leading sites to consider for a radioactive waste repository. Hasty decisions are not being made here. S. 1271 is directing action be taken as a result of the science and technology and testing.

Electric customers have committed nearly $12 billion solely to study, test, and build a radioactive waste management system. Already more than $4.6 billion has been spent, much of it to assure public safety. Now is the time to act on the Nevada site.

Broad-based national support for the nuclear material waste management program and S. 1271 is based on the fact that this issue is clearly a national concern requiring a national solution. Furthermore, support is buttressed by the positive work that is ongoing at the Nevada test site, which is an isolated, unpopulated, dry desert location that has a long history of uses for some of the most extreme research known to man.

For these reasons, I urge my colleagues to join with the many State and local officials, labor leaders, business leaders, and scientists throughout the country in support of S. 1271. Allow our citizens the comfort of knowing our Government has acted responsible to assure safe, environmentally sound long-term storage and disposal of spent nuclear fuel and radioactive material.

Mr. President, with that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PRYOR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GASOLINE TAX

Mr. PRYOR. Mr. President, I am somewhat at a loss because I have been in the Finance Committee this morning and also have been serving in another capacity for the last few minutes, so I have not heard any of the actual statements on the floor of the U.S. Senate that have been made this morning. However, it has been brought to my attention that several statements have been made relative to the gasoline tax and the proposal to repeal 4.3-cent-per-gallon of the gasoline tax.

Considering that those statements have been made this morning and having a general idea of probably what those statements were, I would like to not only stand for a moment to respond but also to place in the RECORD some pertinent facts that I think need to be made very clear.

First, in the Finance Committee meeting this morning, which I must say was very spirited, very lively, we had a lot of discussion about whether or not we should repeal the 4.3-cent-per-gallon gas tax enacted in 1993 toward deficit reduction. We had a distinguished panel that represented the truckers, that represented the bus industry, that represented the airline industry. They had a wonderful man there who operates, in Prince Georges County, two service stations. The basic theory was, if we could get the Congress to repeal the 4.3-cent-per-gallon gasoline tax, that immediately 4.3 cents per gallon would be taken off of gasoline at the pump.

Let us look back a little bit to see if this logic will come true. After 1993, the 4.3-cent-per-gallon gasoline tax was collected, after we placed the tax on and allocated this particular new tax, this new fee toward deficit reduction, not only did we start decreasing the deficit, but we did something else. Gasoline prices came down. Gasoline prices came down after we placed the 4.3-cent user fee, in 1993, on gasoline. People do not talk about that very much right now, but that was the case.

There is another concern that I had this morning in today's hearing in the Finance Committee. The people on the panel, who are very good advocates for their constituent groups, for the truckers and the airlines, the service station owners, and all the rest, these individuals came before the Senate Committee on Finance this morning and basically stated that, first, "If you will repeal this gasoline tax, we're going to be able to spur the economy, we're going to be able to lower gasoline prices, we're going to be able to buy diesel for our trucks at 4.3 cents per gallon less."

But what was never stated, even though they were coming and saying, "Give us a break, give us some relief," they never stated—any of them—how we were going to make up this loss of revenue. We collect $4.8 billion a year in this particular tax of 4.3 cents per gallon. Not one of our witnesses this morning said, "We have a way for you to prevent the deficit from rising dramatically if you repeal this gasoline tax." Not one of them. Not one witness this morning gave us an indication of how we are going to make up this shortfall.

I guess they were saying, "Cut this tax out, let the deficit increase," because they gave us no responsible alternative for making up the difference.

There is something else that concerned me, Mr. President, about that particular hearing. It was very, very partisan. It was extremely political. In fact, I commented that I did not know yet that the nominating conventions had started. I thought those were going to be in California and in Chicago come August, but it sounded like it was a political convention this morning in the Finance Committee. I am sorry it happened that way, but it did happen. You just have to take that on and take that as it is.

But what was not said also by any of our panelists, nor Members on the other side of the aisle, I might say, is that some people's philosophy is that you should not ask the Government to solve all of the problems; that every time there is a problem, you do not seek Government intervention.

But this is what, on the other side of the aisle, we are being asked to do at this time in response to rising gas prices. By the way, there are some Senators on our side of the aisle who support the repeal of the gasoline tax. Senator BAUCUS from Montana, for example, had a letter there and it stated his intent to vote for the repeal. I might vote for the repeal. I am not sure. I do not think I will. I might, if I can be shown where the consumers might benefit. But no one yet has shown us how the consumer is going to benefit to the tune of 4.3 cents a gallon if we repeal the gasoline tax.

Here is what they also did not indicate this morning. They are coming to the Government for relief. Why do they not go to the oil companies for relief? You say, "Wait a minute, how can they go and seek relief from the oil companies?" Here is how.

Let us look at the profits of, say, Shell, Amoco, Chevron, Texaco. In the first quarter of 1996, Shell reported $483 million in profits compared to $340 million in the first quarter of 1995. Amoco, $728 million in the first quarter this year compared to $523 million in the first quarter of 1995. Chevron, $616 million in the first quarter of 1996 compared to $459 million in the first quarter of 1995. Texaco, $386 million in the first quarter of 1996 compared to $297 million in profits in the first quarter of 1995.

That is an increase, for example, of $143 million that Shell gained over the first quarter of last year. That is a situation where Amoco looks up here and all of a sudden the first quarter of this year, they have made $205 million more in net profits than they made in the first quarter of 1995—$205 million.

That is where some relief can be given, because that is where the price at the pump is determined, not with the 4.3-cent-a-gallon deficit reduction tax. The price at the pump, as the distinguished Presiding Officer knows, is established by the oil companies as to what they charge the retailer at the service station. That is where the price is decided.

The gasoline company, the Texacos and Chevrons remit that tax to the Government, not the retailer, not the Chevron dealer who was there from Prince George's County this morning. The retailers do not do that. The big oil companies collect and remit the tax, and I assume they charge a fee on top of the tax for collection and remission of the tax to the Federal Government.

This is the same tax that has increased our opportunity to deal with the deficit numbers. Had we not had them, we perhaps would have been $30 billion more in debt.

Mr. President, I know that there are a lot of organizations in this town that will steam up here in the next few days and weeks to repeal the gas tax. But I might note that we also have the taxpayer bill of rights 2. On this side of the aisle, we have cleared the taxpayer bill of rights 2 to be passed. The second taxpayer bill of rights gives equity, uniformity, and fairness to the taxpayers of America on our side of the aisle, we say, "Let's go with it." On the other side of the aisle, "Let's slow it up, because we may want to put this repeal of the gasoline tax on the taxpayer bill of rights."

I hope they do not use that vehicle, because I think the taxpayers right now need to have that protection by the taxpayer bill of rights 2. It has been a bipartisan effort. The distinguished Presiding Officer, I think, has been a cosponsor of the taxpayer bill of rights. Let us not slow that down, and let us not speed up so quickly the stampeding to repeal the 4.3-cents-a-gallon gasoline tax unless we have the assurance, the absolute ironclad assurance that should we do it, the consumers are going to benefit and not the big oil companies.

Right now, it does not seem like the big oil companies have a great deal of sympathy for the consumer when they are making 42 percent more profit; 39 percent more profit; 34 percent more profit; 30 percent more profit—Shell, Amoco, Chevron, Texaco, and on down the line. They are all awash in money.

They say, "Well, the reason that those gasoline prices are having to be increased right now"—you have heard them, Mr. President, you have watched them on television and read them—the reason is because of all these environmental standards that we have to meet; we are just having to take all of these profits and plow back in to increasing the environmental standards, and that is increasing our costs. Increase their costs? They are making 42 percent more profit than they did this time last year, Mr. President, so that argument does not work.

They sound to me like the big pharmaceutical companies. They say, "Oh, we have to make this enormous profit"—the most profitable industry in America today—"so we can do research." We pay them for research with research and development tax credits, and yet they are trying to hornswoggle the public, take advantage of the consumers, gouge the elderly. They are trying to charge the very highest prices, and they are getting by with it. They are getting by with it, Mr. President. They are charging the American consumer 40 and 50 percent more than that same drug is selling for across the border in Mexico and Canada and Great Britain, Europe—all over the world.

We subsidize them, we pay for it, and we pay for their product through the nose. It is not right, and before we rush to judgment on repealing this 4.3 cent user fee, I just urge us to step back a little bit and say, "Where are we going to make up the difference?" Why can the oil companies not use a little more sympathy, and if we repeal it, is this actually going to mean that the consumer is going to get a break? In my opinion, there is no evidence whatsoever, not one scintilla of evidence that the consumer is going to benefit from this particular break.

Mr. President, in the Wall Street Journal, I think this morning—and, by the way, we had no economists, we had only advocates for the particular constituencies there this morning—we said, "Where are all the economists? Why didn't they come? Why didn't we have someone to answer this question? Are the consumers going to get the benefit of this repeal if we do in fact repeal it, if we increase the deficit and repeal the gasoline tax?"

Here is front page of the Wall Street Journal of this morning, Mr. President. It says, "Don't Do It." I am going to quote:

> Many economists say repealing the gasoline tax is wrong. Federal Chairman Greenspan and board nominee Rivlin have previously called for higher rates to discourage consumption and balance the budget.

By the way, Mr. President, I am not calling for higher rates. I am just saying that with the rates we have, we should not be stampeded into repealing them before we know what the results are going to be.

> Berkeley Alan Auerbach calls the cut, "A silly idea."

Mr. President, that is the Wall Street Journal this morning. It is a very conservative epistle, all of us know.

Mr. President, the distinguished majority leader, who is certainly a member and former chairman of the Finance Committee, very distinguished Member of this body, Senator DOLE of

Kansas—Senator DOLE was talking this morning, today, and on the floor some this week, about the need to repeal the gasoline tax.

You know, in 1982, only 1 day before Christmas Eve, December 23—we were in session around here that particular time, and I kind of remember that time. I will read from a "Dear Colleague" letter from Senator DOLE, at that time the chairman of the Senate Finance Committee.

I am now quoting Senator DOLE's "Dear Colleague" letter:

> I urge you to vote for the [Surface Transportation Act of 1982]. . . . The bill increases the taxes on gasoline, diesel fuel and other motor fuels from 4 to 9 cents per gallon. [A]n increase of 125 percent in the fuels taxes may look onerous . . . This will only amount to a 4 percent increase in gasoline prices and the new 9-cent tax will be significantly lower relative to other consumer prices than the 4-cent tax was when [that] was enacted in 1959.

It seems the newer environment or recent events have convinced Senator DOLE that maybe gasoline taxes all of a sudden are not good, because a few years back he was supporting the gasoline tax.

Mr. President, there is also another part of our discussion this morning—I am sure there has been on the floor—that historically the Congress, in enacting a gasoline tax, puts this into the highway trust fund. Historically that is the truth except for in 1990 and 1993. Historically that is what the tradition has been.

But, Mr. President, we found in 1993 a most unique situation. We found a deficit that had run wild that was out of control. We also found that we had a President who was willing to take a risk, a political risk. Mr. President, it was a political risk. Every Democrat on this side of the Senate Chamber voted for this particular package that included 4.3 cents.

That 4.3 cents did not go to the highway trust fund. No, sir, it did not. You are correct; it did not. But at that moment we had to do something, we had to do something drastic, and we had to do something dramatic. We had a very unique situation that we had to take care of. The way that we started attacking it, Mr. President, was saying, OK, this may not be traditional, this may be unique, this may be different, but we are going to have to do it. We enacted the 4.3-cent gasoline tax.

As a result, we have cut the deficit, Mr. President. As a result, in my opinion, the people go in to the service station and buy their gasoline, and if they think they are reducing the deficit with having to pay perhaps a little more, I think they are willing to do it. I may be wrong, but I think they are willing to do it.

Our President took that opportunity. He accepted that challenge. He met the mandate of the people to do something about the national debt and the deficit. It was hard. I tell you it was a hard vote to cast over here. It was an easy vote over there because not one of our good colleagues on the other side—not one—voted for the package.

I can remember the hue and cry after that—"the biggest tax increase in American history," and all of that. I did not think it was. I think in retrospect the historians will look kindly upon those who took that risk and who accepted that challenge that we had to do something to protect and to begin to protect the future generations who are going to be called upon to pay this huge deficit, this huge national debt. The 1993 deficit reduction bill was a way to start.

To the best of my knowledge, the people out there—and I have not seen a poll on this, no sir—but to the best of my knowledge, the people have said, "If it goes for deficit reduction, if it will help defray this onerous debt that is going to be on the backs of our children and grandchildren, I am willing to pay a little more.

Let me also state once again, as I opened, Mr. President, that when we passed this 4.3-cent gasoline tax, the price of gasoline at the pump went down.

Mr. President, I ask unanimous consent that a chart and other tables which give that statement credibility and which backs it up with the facts be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TABLE 9.4.—MOTOR GASOLINE RETAIL PRICES, U.S. CITY AVERAGE

[Cents per gallon, including taxes]

	Leaded regular	Unleaded regular	Unleaded premium	All types [a]
1973 average	38.8	NA	NA	NA
1974 average	53.2	NA	NA	NA
1975 average	56.7	NA	NA	NA
1976 average	59.0	61.4	NA	NA
1977 average	62.2	65.6	NA	NA
1978 average	82.8	67.0	NA	65.2
1979 average	86.7	90.3	NA	88.2
1980 average	119.1	124.5	NA	122.1
1981 [b] average	131.1	[c] 137.6	147.0	135.2
1982 average	122.2	128.6	141.6	128.1
1983 average	115.7	124.1	138.2	122.5
1984 average	112.8	121.2	136.6	119.6
1985 average	111.6	120.2	134.0	119.6
1986 average	85.7	92.7	108.5	93.1
1987 average	69.7	94.8	108.3	95.7
1988 average	89.9	94.6	110.7	96.3
1989 average	98.8	102.1	119.7	106.0
1990 average	114.3	116.4	134.9	121.7
1991 average	NA	114.0	132.1	119.6
1992 average	NA	112.7	131.6	119.0
1993:				
January	NA	111.7	131.3	118.2
February	NA	110.8	130.1	117.2
March	NA	109.8	129.4	116.3
April	NA	111.2	130.4	117.5
May	NA	112.8	131.9	119.3
June	NA	113.0	132.1	119.4
July	NA	110.9	130.5	117.4
August	NA	109.7	129.4	118.3
September	NA	108.5	128.2	115.1
October	NA	112.7	132.3	119.3
November	NA	111.3	130.5	117.8
December	NA	107.0	126.8	113.6
Average	NA	110.8	130.2	117.3
1994:				
January	NA	104.3	124.0	110.9
February	NA	105.1	124.5	111.4
March	NA	104.5	124.3	110.9
April	NA	106.4	126.0	112.8
May	NA	108.0	127.4	114.3
June	NA	110.6	130.0	116.7
July	NA	113.6	132.7	119.9
August	NA	118.2	138.7	124.3
September	NA	117.7	138.4	123.7
October	NA	116.2	134.5	121.2
November	NA	116.3	135.4	122.2
December	NA	114.3	133.7	120.3
Average	NA	111.2	130.5	117.4
1995:				
January	NA	112.8	132.4	119.0
February	NA	112.0	131.6	118.1
March	NA	111.5	130.6	117.3
April	NA	114.0	132.5	119.7
May	NA	120.0	138.3	125.8
June	NA	122.6	141.1	128.1
July	NA	118.5	138.4	125.2
August	NA	116.4	135.2	122.2
September	NA	114.8	133.2	120.6
October	NA	112.7	131.5	118.5
November	NA	110.1	129.2	116.1
December	NA	110.1	129.0	116.0
Average	NA	114.7	133.6	120.5
1996 January	NA	112.9	131.7	118.6

[a] Also includes types of motor gasoline not shown separately.

[b] In September 1981, the Bureau of Labor Statistics changed the weights used in the calculation of average motor gasoline prices. From September 1981 forward, gasohol is included in the average for all types, and unleaded premium is weighted more heavily.

[c] Based on September through December data only.

NA=Not available.

Notes: * See Note 5 at end of section. * Geographic coverage for 1973–1977 is 56 urban areas. Geographic coverage for 1978 forward is 85 urban areas.

Sources: * Monthly Data: U.S. Department of Labor, Bureau of Labor Statistics, Consumer Prices: Energy. * Annual Data: 1973—Platt's Oil Price Handbook and Almanac, 1974, 51st Edition. 1974 forward—calculated by the Energy Information Administration as the simple averages of monthly data.

TABLE 16.—RETAIL MOTOR GASOLINE AND ON-HIGHWAY DIESEL FUEL PRICES, 1995 TO PRESENT

[Cents per gallon, including taxes]

	January	February	March	April	May	June	July	August	September	October	November	December
1995												
Motor Gasoline	113.0	112.0	111.9	115.7	122.5	123.9	120.1	117.0	115.8	113.4	110.8	111.8
Conventional Areas	109.5	108.8	108.9	113.7	121.0	122.3	118.0	115.1	113.8	110.9	108.4	109.5
Oxygenated Areas	118.4	116.8	116.6	118.8	123.8	124.8	122.4	119.8	119.8	119.0	118.0	118.0
OPRG Areas	126.2	125.1	124.0	124.0	129.6	132.7	130.9	127.6	125.8	123.2	124.0	124.5
RFG Areas	121.8	120.7	119.3	120.9	126.8	128.4	125.3	121.0	118.5	118.2	115.2	115.8
Regular	108.2	107.3	107.2	111.1	117.8	119.1	115.4	112.3	111.1	108.7	106.2	107.1
Conventional Areas	105.1	104.4	104.8	109.4	116.5	117.8	113.5	110.7	109.3	106.5	104.0	105.1
Oxygenated Areas	114.4	112.9	112.9	115.0	120.2	121.0	118.8	116.0	116.1	115.2	114.2	114.1
OPRG Areas	117.6	116.4	115.3	115.3	121.3	124.3	123.3	119.3	117.8	115.2	115.4	115.9
RFG Areas	116.4	115.3	114.0	115.7	121.7	123.1	119.9	115.6	114.0	112.8	109.8	110.3
Midgrade	117.4	118.5	115.1	119.9	128.8	128.3	124.5	121.3	120.0	117.5	115.1	116.0
Conventional Areas	113.9	113.3	113.2	117.9	125.4	126.7	122.4	119.3	118.1	115.1	112.6	113.8
Oxygenated Areas	123.3	121.5	121.1	123.5	128.5	129.5	126.8	123.9	123.5	122.7	122.5	122.7

TABLE 16.—RETAIL MOTOR GASOLINE AND ON-HIGHWAY DIESEL FUEL PRICES, 1995 TO PRESENT—Continued

[Cents per gallon, including taxes]

	January	February	March	April	May	June	July	August	September	October	November	December
OPRG Areas	130.1	129.2	127.9	127.7	133.1	135.9	134.1	130.9	129.0	126.6	128.5	128.7
RFG Areas	126.4	125.2	124.0	125.4	131.2	133.1	130.3	126.3	124.7	123.0	119.9	120.6
Premium	127.5	126.5	125.8	129.5	136.4	137.9	134.2	131.1	129.8	127.3	124.7	125.5
Conventional Areas	123.4	122.6	122.2	127.0	134.5	138.1	131.8	126.8	127.5	124.4	122.0	122.9
Oxygenated Areas	134.0	132.3	131.9	133.8	138.5	139.4	137.4	135.3	134.5	134.2	133.5	133.6
OPRG Areas	139.4	138.1	137.1	137.0	142.4	145.1	143.2	139.9	138.1	135.3	138.3	138.8
RFG Areas	135.5	134.2	132.6	134.0	139.6	141.3	138.5	134.2	132.9	131.6	128.0	129.5
On-Highway Diesel fuel	109.8	108.8	108.8	110.4	112.5	111.9	110.0	110.5	111.9	111.5	112.0	113.0
1996												
Motor Gasoline	113.7	113.6	118.3									
Conventional Areas	111.5	111.4	116.4									
Oxygenated Areas	119.0	119.1	123.5									
OPRG Areas	127.3	126.9	128.0									
RFG Areas	117.7	117.8	122.1									
Regular	109.0	108.9	113.7									
Conventional Areas	107.2	107.0	112.0									
Oxygenated Areas	115.2	115.2	119.5									
OPRG Areas	118.4	118.1	119.1									
RFG Areas	112.2	112.3	116.8									
Midgrade	117.9	117.9	122.5									
Conventional Areas	115.8	115.6	120.6									
Oxygenated Areas	123.4	123.8	128.5									
OPRG Areas	131.3	131.5	132.5									
RFG Areas	122.3	122.5	126.3									
Premium	127.6	127.4	132.0									
Conventional Areas	125.1	124.8	129.8									
Oxygenated Areas	134.6	134.9	138.8									
OPRG Areas	140.0	139.4	140.6									
RFG Areas	130.5	130.7	134.7									
On-Highway Diesel Fuel	114.5	114.5	118.3									

1996	2/5	2/12	2/19	2/26	3/4	3/11	3/18	3/25	4/1	4/8	4/15	4/22
Motor Gasoline	113.0	112.8	113.3	115.3	117.0	117.1	118.1	121.0	122.3	124.8	128.7	130.1
Conventional Areas	110.7	110.4	111.0	113.4	115.1	115.0	116.2	119.2	120.5	122.8	126.9	127.4
Oxygenated Areas	118.7	117.8	120.1	119.9	122.3	122.6	122.9	128.1	127.0	131.4	133.2	136.8
OPRG Areas	127.3	127.0	126.7	126.7	127.5	127.7	127.7	129.1	130.9	132.2	136.0	138.0
RFG Areas	117.4	117.1	117.4	119.2	120.7	121.3	122.0	124.3	126.0	128.7	133.1	137.0
Regular	108.3	108.0	108.7	110.7	112.4	112.5	113.5	116.4	117.8	120.4	124.2	125.6
Conventional Areas	106.3	106.1	106.6	109.0	110.7	110.5	111.9	114.9	116.2	118.5	122.5	123.0
Oxygenated Areas	114.9	113.9	116.0	116.0	116.1	118.6	119.0	122.2	123.2	127.5	129.3	132.8
OPRG Areas	118.4	118.1	117.9	117.8	118.6	118.8	118.8	120.2	122.2	123.7	127.6	129.9
RFG Areas	111.9	111.5	112.0	113.8	115.4	116.1	116.8	119.0	120.8	123.6	128.0	132.3
Midgrade	117.2	116.9	117.7	119.7	121.3	121.3	122.2	125.0	125.3	128.9	132.9	134.1
Conventional Areas	114.9	114.6	115.4	117.7	119.3	119.3	120.4	123.2	124.5	126.9	131.0	131.6
Oxygenated Areas	123.2	122.0	125.0	124.9	128.2	127.3	127.4	131.1	131.6	136.4	138.0	141.5
OPRG Areas	131.8	131.6	131.4	131.3	132.1	132.1	132.1	133.8	135.2	136.6	140.1	141.9
RFG Areas	122.2	121.8	122.1	123.8	125.1	125.3	126.2	128.6	130.1	132.7	137.2	140.3
Premium	126.9	125.5	127.1	129.1	130.8	130.8	131.7	134.5	135.7	138.1	142.2	143.8
Conventional Areas	124.2	123.8	124.4	126.8	128.6	128.4	129.6	132.5	133.7	136.0	140.2	140.9
Oxygenated Areas	134.4	133.8	136.0	135.4	138.0	137.9	138.2	141.1	141.6	146.4	148.6	152.4
OPRG Areas	139.8	139.5	139.0	139.3	140.8	140.3	140.2	141.7	143.2	144.2	147.9	149.5
RFG Areas	130.4	130.1	130.2	132.1	133.3	133.8	134.6	137.0	138.4	140.8	145.3	148.9
On-Highway Diesel fuel	113.0	113.4	115.1	116.4	117.5	117.3	117.2	121.0	122.2	124.9	130.5	130.4

NA-Not available.

Note: See Glossary for definitions of abbreviations. See Technical Note 1, page 40, for more information about the data in this table.

Sources: See page 34. Weekly Petroleum Status Report/Energy Information Administration.

Mr. PRYOR. Mr. President, I am going to sit down in just a moment. I know my good friend from North Dakota, Senator DORGAN, is now on the floor. But you are going to hear an awful lot now because it is 1996—it is an even-numbered year—it is getting ready to be the last election of this century, and it is going to be a humdinger. It is going to be the one that we are going to tell our grandchildren and great-grandchildren about, because it is going to get pretty exciting.

We are going to hear an awful lot about the 1993 economic plan, that it was the biggest tax increase in history, will ruin the country, whatever. I think we might start now setting that record straight. Look at the Wall Street Journal, October 26, 1994. I quote the Wall Street Journal:

> Contrary to Republican claims, the 1993 package is not the largest tax increase in history. The 1982 deficit-reduction package of President Reagan and Senator Robert Dole in a GOP controlled Senate was a bigger tax bill, both in 1993 adjusted dollars and as a percentage of the overall economy.

The Wall Street Journal, not exactly a left-wing, Democratic newspaper, Mr. President.

Let us look at the Washington Post, February 1, 1995, recently and I quote:

> The biggest tax increase in history did not occur in the Omnibus Reconciliation Act of 1993. The biggest increase in post-World War II history occurred in 1982, under President Ronald Reagan.

Mr. President, part of Senator DOLE's historic tax increase was in fact a 5-cent gasoline tax.

Let us look at November 3, 1995, Mr. President, not long ago.

> It is not true that the $240 billion tax increase approved by Congress in 1993, at Mr. Clinton's behest, is the largest in American history. When adjusted for inflation—the only way to make comparisons of dollar amounts from different years—a tax increase endorsed by Mr. Dole, in 1982, when he was chairman of the Senate Finance Committee, was larger.

So, Mr. President, as we hear a lot of these statements made on this floor of this great institution, in the U.S. Senate, over the next several months up until the election, I think from time to time it behooves us well to come to this floor and to respond and set the facts out and set the record straight. f

That is the purpose of my visit here this morning. I think as we go forward in the next several weeks, as this debate intensifies, it will be our obligation to come forward and spread the facts as to what the real story is on the record.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Are we in morning business?

The PRESIDING OFFICER. We are.

THE GAS TAX

Mr. DORGAN. Mr. President, I will add a few comments to the comments offered by Senator PRYOR from Arkansas and the comments offered by Senator DASCHLE, the minority leader. We have this morning seen a work crew of seven U.S. Senators trudge to the floor of the Senate and dutifully describe that all ills in America, present, past and future should be laid at the doorstep of the current President of the United States, President Clinton.

I listened to see if I could find the ultimate charge, maybe that would be that the President is responsible for the Andromeda Galaxy that is racing at 4,500 miles an hour toward the Milky Way, of course, which is where we live. A galaxy three times the size of ours is racing at us 4,500 miles an hour, and most estimate, I think there is no disagreement, that when it hits us it will destroy our galaxy and us in about 4 to 5 billion years. Perish the thought. But if there is a Senate at some point in the future, someone will come and probably try to lay that at the footsteps of the current incumbent President. They did not quite get that far this morning, but close, close enough.

The proposal this morning was we should cut the 4.3-cent gas tax. That may get done. I am not crazy about the gas tax because I come from a State that is a large State with very few people. The gas tax costs us twice as much per person as it costs people who live in New York because they do not drive as far as we do for much of anything. I mentioned the other day I have a friend from New York who described for me once she and her family were going to leave Yonkers, NY, I think, or Brooklyn, or one of those areas, and drive to New Jersey to see an aunt and an uncle. It was 60 or 80 miles, I guess. So they packed an emergency kit for their trunk and put blankets in the trunk, took food along and got all squared away to take the 70 mile drive, because those who live in New York do not drive 70 miles very often. It is a big drive to see the relatives. In North Dakota, we drive 70 miles at the drop of the hat and think nothing of it.

I am not a big fan of the gas tax. It affects us twice as much as it affects New Yorkers. However, the question seems to me, if we are going to repeal the 4.3 cents, how about repealing the 10-cent previous to that that Senator DOLE had supported? Why not make it 14.3 cents? Or if you repeal the 4.3 cents, ask the question, in whose pockets will the 4.3 cents go? The consumers, taxpayers, the people that drive to the pump to buy gasoline, or in the pockets of the oil industry?

When we vote on whatever this proposal will be, and we may pass a 4.3-cent gas cut—we may do that—we also will vote on an amendment that I offered that says let us guarantee, if we will do this, guarantee that this goes in the right pocket. There is a big pocket and there are small pockets, high pockets and low pockets. Make sure it goes in the right pocket.

I can see what could happen and you can too, I am sure. You cut the gas tax 4.3 cents a gallon, drive to the gas pump to fill up your car, and the price is the same. What happened? The oil companies pocketed the difference. Anything wrong with that? No, they can do that under the current circumstance. It does not matter what the gas tax is. They can price gas the way they want to price tax. If we are going to do that and do this because we decide we do not want to build roads or improve bridges or reduce the deficit, if we are going to do it, make sure the money goes in the right pocket. We will have a chance to vote on an amendment and see whether we are doing it to put it in the right pocket or whether some do it and not care which pocket it goes in.

This is not an idle issue. I do not blame anyone who wants to come to the floor and talk about taxes. It would be nice if taxes were lower for everyone at all times. I have some disagreement with a Senator who came to the floor yesterday to say until the day I was free of paying taxes I am not doing anything for myself. I have some problem with that because what does he think he is doing with the money he is paying to send his kids to school? Part of his tax bill is to build the school and pay the teacher and help send his kids to get educated. Is that not an investment for him and his family? Part of the tax is to pay for the captains, cruisers, jet airplanes and others in the Defense Department to protect the country. Is that not an investment in himself or this country? Part of his investment is in Social Security and Medicare and Medicaid.

I just described the four biggest areas of public spending: Education, Medicare, Medicaid, health care, and defense. The four biggest areas of public spending. The question is, how much of each do you want? How much do you want to spend on defense? How much are you willing to spend and do you want to spend on Medicare and Medicaid? How much do you want to spend to have a Social Security system that works? That is the question for Members of Congress to answer. Should we try to minimize the tax burden at all times? Absolutely. Should we reconcile the amount of money we have with our appetite to spend it? Yes. It is one thing to say stand up here and talk of cutting taxes, but another thing to talk about what the taxes are being used for and what we want the Federal deficit to be.

Now, if they propose to cut the gas tax, the first step would be to make sure it does not increase the Federal deficit. I think all of us believe that we ought to keep ratcheting down the Federal deficit, and it has come down for whatever reason one might want to ascribe to that. The Federal deficit has decreased rather dramatically in the last 3 years. We ought to keep it going in the same direction.

Some will say, the President ought to get the blame for everything that is wrong but not get the credit for something that is right. That is probably not a fair assessment of what should happen to a President. The fact is, the deficit has come down and some of that is to the credit of this President and to those in Congress who in 1993 voted to both cut spending and raise some additional revenue in order to bring that deficit down.

If someone now proposes that we should have a tax cut of one type or another, then it seems to me we ought to make sure that tax cut does not increase the Federal deficit, first of all. Maybe that can be done. Second, we ought to make sure that the benefit of a tax cut goes to those that we talk about here on the floor of the Senate.

It is interesting, we talk about middle-income people, a lot of folks talk about the people at the bottom of the economic ladder, the folks in the middle, middle-income Americans. I brought to the floor a discussion about middle income that I thought was the most interesting discussion last year. We were talking about safety nets and investments and spending programs and education and all the things, and how it affects various groups, and who is proposing to cut taxes and who benefits from that.

A Member of the House of Representatives, in a newspaper said the following about middle-class, and his salary of $135,000 plus the $50,000 he gets in a police pension, "does not make me rich, that doesn't make me middle class. In my opinion, that makes me lower middle class." This is a GOP Congressman from over in the House. He said, "When I see someone who is making anywhere from $300,000 to $750,000 a year, that's middle class. When I see anyone above that I think that is upper middle class." So, I read this, I scratch my head, and I think, here is someone serving in Congress that defines middle class as someone who makes between $300,000 and $750,000 a year. Then I understand why the policies this person proposed, he can claim are to benefit the middle class. I guess they are policies to benefit those who make from between $300,000 and $750,000 a year.

In my hometown, I guess we do not have any middle class. We do not have anybody that reaches $300,000 to $750,000 a year in income. That is not middle class. He knows better than that, I am sure. He said it in the middle of this debate about who you are trying to help. Some of the discussion on the floor of the Senate with respect to the gas tax and others is that we need to make sure that those at the lower end of the economic ladder or those in the middle class are helped. There is anxiety out there, and I understand that. Here is a newspaper clipping that says, "CEO's at Major Corporations Got a 23 Percent Raise in 1995." So we have an economic ladder, and if you reach the top of the economic ladder, apparently, you get to keep floating up, because at the top you get a 23-percent salary increase in 1995. At the bottom of the economic ladder, if you are working for the minimum wage, you are part of 40 percent of the people who work for the minimum wage, and you are the sole income for your family, you have no raise and you did not get 23 percent. You did not get 15 or 10 percent—you did not get 1 percent. You sure did not get the 23 percent that the CEO's of America's corporations got. You got zero.

That is part of the reason some of us have said, "Let us, this year, talk about an adjustment in the minimum wage." Is it not fair for those on the bottom rung of the economic ladder to also have an adjustment of some type? We are not saying make a dramatic wholesale change in the minimum wage. We are saying that when the bottom rung has been frozen for 5 years, without a 1-percent increase, it is time to make a reasonable, thoughtful adjustment for the bottom rung of that ladder.

I mentioned, when I began to discuss the gas tax briefly, that you have some of the same circumstances with respect to the economics of that circumstance. The major oil companies have done really quite well. Chevron had a 34-percent gain from last year; Amoco, up 39 percent; Texaco, up 30 percent, Mobil, up 16 percent. I do not begrudge them that. I want them to do fine. I want them to find more oil, and I want more oil to be available. I want us to be able to have oil prices that are reasonable for drivers in this country. But when you see this, and you see prices spike up at the gas pump by 20 cents, and you see folks busting in the door of the Senate and saying the problem is apparently a gas tax that was applied 3 years ago, it seems to me there is a disconnection. If 4.3 cents is some magic figure because that is what President Clinton proposed in 1993, why not up it another dime and make it 14.3 cents? That includes President Clinton's and Senator DOLE's gas tax proposals, and what they voted for. Just do the whole 14.3 cents, and while it is being done, make sure of two things: First, do not increase the deficit; and second, make sure it goes in the right pockets.

I am also going to offer another amendment I hope the Senate will accept somewhere along the way. As long as we are going to talk about taxes—it is hard to offer an amendment on taxes because we do not get bills dealing with the revenue code on the floor of the Senate very often. Normally, when you offer it, you have to offer it to something else because you do not have the vehicle. If we are going to have a tax bill on the floor of the Senate, it would be my intention to offer, again, a very, very simple piece of legislation, and that is, let us end deferral in the Tax Code to allow corporations to move their jobs and their plants overseas, make the same product they made while they were here in America, and ship the product back to our country, and in our Tax Code they now have the opportunity to pay zero in income taxes.

In other words, we have in our Tax Code a $2.3 billion incentive, in 7 years, to say to people and companies, "We will make you a deal. If you will close your American factory, get rid of your American workers, move overseas to a foreign country, make the same product and ship it back to America, we will give you a tax break, we will pay you to do it; we will pay you $2.3 billion to do it."

Now, if this country cannot take the first baby step in deciding that if there are incentives, there ought to be incentives for providing jobs in this country, and jobs should not be moving from this country to another country, paid for with incentives in our Tax Code that say to companies that if you do it, we will give you a break—if we cannot take a baby step to change that, nobody should dare stand up here on the Senate floor and say, "I am for jobs in America." We ought not to be export neutral where jobs are concerned. You will not find much among academicians or economists on that point. So $2.3 billion exists as a reward for companies to move their jobs overseas. If we are going to have a tax bill on the floor of the Senate, let us have a tax bill that fixes that problem as well.

I offered that last year on the floor of the Senate while debating another issue. And I lost on a near party line vote. It was 52 to 48, I believe. I indicated then I intended to raise this issue when a tax bill comes to the floor of the Senate, and I will raise this issue again, because I do not think it makes economic sense for our country to pay for moving jobs from America to foreign countries.

Mr. President, this will be a year in which I assume there will be plenty of rhetoric on the Senate floor about a lot of things—some on our side, some on the majority side. There will be huffing and puffing on both sides. I understand that. There will be claims and counterclaims. Both sides will build word castles in the air about their particular program and how awful the other side is. The plain fact is that this place will work if we can find a way to sift through some of that and decide that there are things that we will agree on and advance those pieces of legislation.

Last night, we passed an immigration bill. There were a lot of amendments to it. I supported a number of them and opposed others. But we passed it with very close to a unanimous vote. I think only three Members voted against it. We passed an antiterrorist bill a couple of weeks ago. We passed a significant health bill 100 to 0. As all of the positioning and jockeying goes on, there are things we can and should do. I am not coming here today to say that drivers in this country, taxpayers in this country, ought not to be relieved of some of their burdens. That is fine. I would like to find a way to bring the tax bill for all Americans down as far as we can reduce it. I would like to find a way to squeeze every single bit of Government waste out of this system—and there is plenty. I want to make sure that what we do is grounded in good economic sense. I want to make sure that what we do provides as their beneficiaries the American people. There are laws of unintended consequences in this Chamber, where we do a whole series of things that are alleged to accomplish one thing and end up accomplishing something very, very different.

The gas tax is a very simple proposition. I do not know whether it is going to pass or not pass in this Chamber. I do know this: If it does pass, the only merit it has for the American people—passing a reduction of the gas tax—is if it goes in their pocket, not in the pockets of the oil industry. That is something all of us, as we debate this, ought to make certain will occur.

I want to make one final point today. There have been seven speakers on the other side, and I understand that. That is the way the works. Senator DASCHLE and Senator PRYOR and I are not coming to the floor simply to say it is all unfair. These are fair discussions of public issues, and where better to have them discussed than on the floor of the Senate. As we proceed down the road on the issue of trying to put together a budget for fiscal year 1997, I hearken back to the impasse and gridlock we had last year, and the gridlock that some predict will occur this year, and simply observe this. David Gergen, who worked first for Republicans and then Democrats—I think he served in President Reagan's administration, President Bush's administration, and the Clinton administration—wrote a piece for the U.S. News & World Report. In it, he said something I think is very important. I hope all of us can pay some attention to this year in order to avoid the gridlock we had last year. He said: "Ronald Reagan, as President, insisted that there be a safety net, even as we cut Federal spending." He said, "How soon we forget that, as President, Ronald Reagan insisted that seven key programs be in the safety net. Head Start, Medicare, Social Security, veterans, SSI, school lunches, and summer jobs for youth, would not be touched."

"Now," Gergen says, "six of those seven are under the budget knife."

The point is that, as we try to establish priorities, I hope all of us understand, as President Reagan understood, we need a safety net for some people.

Summer jobs for disadvantaged youth. Is that important? Yes, I think it is. Let us measure that against some other things and decide that that is a safety net for vulnerable people.

Head Start. Let us decide not to tell 60,000 Head Start kids that we cannot afford you anymore. Let us be able to tell 3-, 4-, and 5-year-olds that there is a place in Head Start for you because we know that program works and improves your lives, and it saves this country money when it invests in young children. Let us take a look at what Ronald Reagan said in the early 1980's about a safety net, as we cut spending and chop spending in some areas where it deserves to be chopped. Let us also make sure that we have the right set of priorities with the people who need some help and need to have the comfort of a safety net because they do not have other opportunities.

Mr. President, with that, I yield the floor, and I make the point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGRICULTURAL POLICY

Mr. DOLE. Mr. President, much has been reported lately about the situation facing America's farmers and ranchers. Carryover stocks for some grains are at their lowest levels since the 1940's—causing record high grain prices.

I think, in fact, that wheat is up to about $8 a bushel. There is only one problem. In our State, nobody has very much wheat. In fact, some have none at all. The $8 price is good, but it does not really reflect that it is going to be benefiting very many producers in the State of Kansas and other States in the Midwest.

Meanwhile, cattle supplies are at a 10-year high causing extremely low cattle prices. Last year, the average FED steer sold for $80 per hundredweight, while today's bids are at $55 per hundredweight.

I have always argued the best farm policy is the marketplace. If farmers received a fair price for their products, they would not need any Federal dollars. This year, Congress passed a farm bill which finally took the Government out of the farming and ranching business.

The Federal Agricultural Improvement Act significantly reduces the Government's role in pricing, marketing, and planting decisions of farmers and ranchers. No longer will the Government tell farmers what and how much to plant.

Three days ago, the President held a meeting to discuss the situation now facing the cattle industry. Unfortunately, the Clinton administration has helped contribute to the troubles of cattle ranchers.

While Mother Nature is largely responsible for low carryover grain stocks, the Clinton administration announced a program which idled nearly 5 million corn acres in 1995. In other words, the administration told farmers that Washington is better at making planting decisions than they are.

Mr. President, idling 5 million corn acres is the same as idling 1 year of corn production in the State of Ohio—one of our Nation's most important Corn Belt States.

In fact, under the Republican farm bill, this year's corn plantings are expected to increase by 15 percent over last year. Farmers are finally planting for the marketplace and not for the Government.

As grain prices have risen, farmers have asked for an early out on their conservation reserve program contracts, in order to respond to a growing world demand for American grain.

It is estimated that 9 of the 36 million acres in the CRP are not environmentally sensitive. Even though the administration had the authority to respond in time for planting, they refused to do so. In fact, every time the administration has announced an early out for CRP acres, it has been too late for spring planting. Several of my colleagues have joined me in expressing concern about the European beef hormone ban. For years, there had been no action from the Clinton White House. Suddenly when beef prices hit a 10 year low, the administration files a WTO case. I am encouraged that the administration has finally taken notice of this issue.

But the administration cannot have it both ways. Administration officials have repeatedly criticized the beef industry. Secretary of the Interior Bruce Babbitt has led the Clinton administration's war on the west.

The administration has raised grazing fees without input from Congress. They have locked land away from reasonable development and multiuse management. They have devalued property without compensation. Worst of all, they are trying to manage this land from Washington.

Through Government manipulation of the markets and a series of harmful decisions, the administration has worsened the crises now facing farmers and ranchers.

As I travel the country, I am reminded by farmers and ranchers that they are taxpayers too. And as taxpayers, they want less of Washington in their everyday lives.

Despite all the rhetoric from the other side of the aisle, Republicans have passed a farm bill that will prepare farmers and ranchers for the 21st century.

This farm bill provides farmers and ranchers with more flexibility, more certainty, and far less Government involvement in the agricultural industry. America's farmers and ranchers want less Government intrusion in their production and marketing decisions. It is high time the Clinton administration heeds their call.

Notwithstanding considerable Democratic opposition, this was a bipartisan bill. In fact, Senator LUGAR and Senator LEAHY stood here on the floor and managed the bill in a bipartisan way, and on the House side there was bipartisan support. That effort was led by my colleague from Kansas, Congressman PAT ROBERTS, chairman of the House Agriculture Committee, who I believe will be joining other colleagues in the Senate next year.

BALANCED BUDGET AMENDMENT

Mr. DOLE. Mr. President, there is probably no more important matter that we have discussed in the last year and 3 months than the issue of the balanced budget amendment to the Constitution.

Last year the House of Representatives passed the balanced budget amendment by more than two-thirds vote required. We had several long weeks of debate here in the Senate before the amendment narrowly failed on a vote of 65 to 35 on March 2, 1995.

As leader, I changed my vote so that I could reconsider the matter later, which I could do now, or next week, or next month, or sometime before the year is out. So we are one vote short—that is the point I am making—in the Senate.

I continue to hope that we can resolve the balanced budget amendment issue and pass it this year.

To help us get to that goal, I have asked Senators CRAIG, HATCH, and DOMENICI to sit down with colleagues on the other side of the aisle in the coming days to see where accommodation is possible on the balanced budget amendment.

I have never thought this was a partisan issue. In fact, I have been around here for some time, and it has been discussed and supported by Democrats and Republicans in the U.S. Senate over the past several years, and it is now. Many Democrats voted for the amendment last year, and we would like to have a couple more. We would like to have 8, or 10 more.

Several Senators who changed their votes last year talked about a Social Security firewall. I think there are ways to add a provision to the balanced budget amendment that will ensure that Social Security surpluses can never again be used to mask deficit spending.

Make no mistake, the amendment will still require that the Federal budget be balanced by the year 2002. That is our promise to the American people. And I believe we can also require that, after a suitable phase-in, the Federal budget be balanced without counting the surpluses in the Social Security trust funds.

I am optimistic that we have an opportunity to pass the balanced budget amendment with broad bipartisan support in the U.S. Senate. Senator SIMON has been a leader in this important effort from the very beginning. I have directed our side to work with the Democrats and I would hope several of those Senators who changed their votes last year can come home again and support the balanced budget amendment as they have in the past.

It is no small accomplishment that all of us now agree that the budget should be balanced by the year 2002. That is a big change since last March. It is not just Republicans saying it now, but all of us—from Republicans to blue dog Democrats to the President of the United States.

I believe that in itself is good news for America. Since we all agree that we ought to do this by the year 2002, one way to underscore our determination and convince the American people we are serious is to pass the constitutional amendment for a balanced budget that will require that we do it by the year 2002.

So I do not give up hope that we can finally pass the balanced budget amendment and send it to the States for ratification. Remember that our action here is not the end of the line. The final decision about whether or not the balanced budget amendment will go into effect reverts to those outside Washington where most people would like to hope or think the decisions are made—with the States and with State legislators, with Governors, the American people, the taxpayers in each of the 50 States in America.

The Founding Fathers decided to give the ultimate authority over constitutional amendments to those who are closest to the people, the men and women who serve in State houses around the country. So if we get a two-thirds vote for a balanced budget constitutional amendment in the Senate and the House, it then does not go to the President because he has nothing to do with it; it goes to the States, where if three-fourths of the States ratify the constitutional amendment within a certain time period, it becomes part of the Constitution of the United States.

It has always seemed to me we should not be making judgments in an important area like balancing the budget; that we should bring in the States and bring in the State legislators, Republican or Democrat. They are closer to the people. They can better reflect the views of the people. And, again, if three-fourths of the States ratify the action by Congress and ratify the amendment, it becomes part of the Constitution.

So why not go through the constitutional process that our Founding Fathers so wisely set up? There is a word for that process, and that word is democracy. That is what it is all about: Democracy. Let us let democracy work. No more excuses, no more obstacles. Eighty percent of the American people want a balanced budget amendment to the Constitution. By passing the amendment, we can balance the budget by the year 2002. We can protect the Social Security trust funds, and we will have done the single most important thing we can do to ensure the Nation's economic security and to protect the American dream for our children and grandchildren.

Now, having said this, it is my hope that we can start this process sometime this next week. As I said, there is no issue more important. Eighty percent of the American people wonder why we have not done it by now. We failed by one vote. Six of my colleagues who had voted for it the year before, voted against it last year. Maybe they will come back home. We will do our best to accommodate some of the concerns that some of my colleagues have raised on the other side of the aisle, if we can work out some accommodations.

Let us take this out of politics. Let us tell the American people it is bipartisan, as it is, with Senator SIMON the leader on the Democratic side, Senator CRAIG and Senator HATCH, Senator DOMENICI, and others on this side of the aisle. So we hope that we can find a solution next week, start on this next week and maybe complete action the following week.

There is nothing more important. And I hope that we can come together, as we should, to do the right thing for the American people, the American taxpayers and our future generations.

REPEAL OF THE 4.3-CENT GAS TAX

Mr. DOLE. Mr. President, finally, let me say a word with reference to the Finance Committee hearing that was held this morning on repeal of the gas tax, the 4.3-cent gas tax, which was made permanent in 1993 in the Clinton tax bill, which raised taxes by $265 billion, the gas tax increase contributes about $4.8 billion a year.

Not a single Republican voted for the big, big, big tax increase, the largest tax increase in the history of America. In fact, I think one of my colleagues said, "No, in the history of the world." Whatever, it was big. It has had an impact on the economy. Only once before—in 1990—did Congress ever vote to have a gas tax to pay for deficit reduction. Gas taxes were always set aside in a trust fund to build highways, bridges, and whatever.

That is a very worthy purpose, and that is why motorists and others who use fuel are prepared to pay that tax to have better roads, better highways, and better bridges. But in 1993, in the $265 billion Clinton tax increase, which included a 4.3-cent increase in gas taxes, which was an increase of about 25 to 30 percent in the Federal gas tax, instead of dedicating the funds to bridges, highways, and whatever, it is being used for deficit reduction.

Gas prices are spiraling. They have gone up 30 cents in the State of California, for example—15 cents, 20 cents in most other States.

Will repeal of this gas tax mean the price of gas will fall? Not necessarily. If we repeal the gas tax, we are certain they are going to be 4 cents less than they were before. We should not be raising taxes. We ought to be cutting spending. The American people want us to cut spending, not raise taxes, whether it is a gas tax or some other tax on the American people, American consumers, particularly low-income Americans.

So it is my hope—in fact, on Tuesday of next week, I will introduce legislation, along with Senator GRAMM, who will be the principal sponsor, along with Members of the House, to repeal the gas tax—repeal the gas tax and remind the American people that this is the beginning, this is the beginning.

Remember, without a Republican vote, the Democrats in the House and Senate passed a $265-billion tax increase in 1993 that President Clinton wanted. We believe this is one small step we can take. It amounts to about $4.8 billion a year. We will find offsets, and they will not be tax increases. We will try to relieve the consumers and the motorists of at least that part of the burden on the Federal gas tax. It is going to go to the consumers. We cannot predict that prices may not rise because if there is no supply, prices will rise. But, as I have said, they will at least be 4.3 cents cheaper than they were before.

I believe there will be strong bipartisan support for repeal, and we hope to have that legislation ready and on the Senate floor in the very near future.

Mr. President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to commend the distinguished majority leader, and I shall join with him and ask if I may be a cosponsor of that legislation.

Mr. President, this is a tax put on gasoline that does not go to the improvement of the Nation's highway transportation system. When a driver moves up to the pump and pays the tax, which could be as high as 18 Federal, those taxes historically have gone to improve America's transportation—roads and bridges—but not in this case. President Clinton designed this tax to go elsewhere.

I commend the distinguished majority leader. This Clinton tax must be repealed and repealed promptly. And henceforth, when you go to the gas pump, whatever tax it is, that tax must be directed toward the improvement of the transportation system. Those are the users in those automobiles and those trucks, and they are entitled to those funds to be expended for the very roads on which they must drive and work to support their families.

I thank the Chair. I yield the floor.

Mr. DOLE. Mr. President, I thank the Senator from Virginia.

I hope to be meeting with him tomorrow on this very important issue.

WHITE HOUSE TRAVEL OFFICE REIMBURSEMENT

Mr. DOLE. Mr. President, I now ask unanimous consent that the Senate turn to the consideration of H.R. 2937 regarding the White House Travel Office.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 3952

Mr. DOLE. I send a substitute amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3952.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and cost (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3953 TO AMENDMENT NO. 3952

Mr. DOLE. Mr. President, I send an amendment to the desk to the substitute.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3953 to amendment No. 3952.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 1 day after the date of enactment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3954 TO AMENDMENT NO. 3953

Mr. DOLE. I now send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3954 to amendment No. 3953.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 2 days after the date of enactment.

MOTION TO REFER

Mr. DOLE. Mr. President, I send a motion to refer to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] moves to refer the pending bill to the Committee on Judiciary with instructions to report back forthwith.

Mr. DOLE. I ask for the yeas and nays on the motion to refer.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3955

Mr. DOLE. I now send an amendment to the desk to the motion.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3955 to the instructions to the motion to refer.

Mr. DOLE. I ask that reading of the amendment be dispensed with, and I ask for the yeas and nays.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the instructions, insert the following: with instructions to report back forthwith with the following amendment:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments, under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 4 days after the date of enactment.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

AMENDMENT NO. 3956 TO AMENDMENT NO. 3955

Mr. DOLE. Mr. President, I send a second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE] proposes an amendment numbered 3956 to amendment No. 3955.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word "SECTION" and insert the following:

1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 3 days after the date of enactment.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on Calendar No. 380, H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

Mr. DOLE. I will just say for the information of all Senators, the cloture vote on the White House Travel Office bill will occur on Tuesday, May 7.

I ask unanimous consent the cloture vote occur at 2:15 p.m. on Tuesday, May 7, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Let me indicate, as I will do in the closing statement, there will be no votes today. There will be no votes on Monday. The first vote will occur at 2:15 p.m. on Tuesday, May 7.

Let me also indicate, it is necessary to go through this procedure of filling up the tree so we can take action on this bill without having nongermane amendments offered to it. I would indicate we have made a proposal to the Democratic leadership with reference to minimum wage. I have asked Senator LOTT to try to resolve that with Senator DASCHLE and others. We hope they can reach some agreement so we can start bringing up legislation and passing it. This bill should not take 5 minutes. It may take 2 or 3 days. But I hope that is not the case.

I know there was some misinformation about the Senator from Arkansas, Senator PRYOR, holding up the bill. That is not accurate. He did raise some questions last night about how we might treat other people who had the same problem, where they have incurred big legal expenses through no fault of their own because they have been called to testify or because of something being investigated. I suggested, rather than try to cure that on this bill, that we ask the chairman of the Judiciary Committee if he would consider general legislation, if he would take a look at it—it might be Whitewater, it might be Iran-Contra—because I can tell you, a lot of people in this country have incurred huge legal bills when they were called before committees and their reputation was at stake and when they were really not even under investigation or targets of investigation. That has been true through the years.

So, if we want to change general policy, I suggest we do it through the process of hearings in the appropriate committee. I hope that will be satisfactory and that we can pass this bill quickly on Tuesday and move on to a couple of other bills—Amtrak authorization, which we believe is very important, and the firefighters discrimination bill, S. 849—and, hopefully, then, on Wednesday, go to the constitutional amendment for a balanced budget.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Thursday, May 2, 1996, the Federal debt stood at $5,100,092,620,432.01.

On a per capita basis, every man, woman, and child in America owes $19,262.84 as his or her share of that debt.

THE CHINA IPR AGREEMENT

Mr. THOMAS. Mr. President, yesterday the U.S. Trade Representative released its annual Special 301 report on the protection of U.S. intellectual property rights [IPR] by foreign countries. It will come as no surprise to my colleagues that topping the list of countries which routinely permit the pirating of American IPR is the People's Republic of China [PRC]. In fact, the PRC is the only country identified as a "priority foreign country," meaning that its policies and practices—or lack thereof—have had the greatest adverse impact on American goods.

The Subcommittee on East Asian and Pacific Affairs, which I chair, has held three hearings on this issue. Let me share a little of what the subcommittee has learned from those hearings with my colleagues. Section 301 of the Trade Act of 1974 is the principal mechanism through which an administration addresses unfair foreign trade practices. Section 301 gives the President broad powers to enforce U.S. rights under bi- and multi-lateral trade agreements, and to seek to eliminate acts or policies of foreign governments that burden or restrict U.S. commerce. In addition, it authorizes the President to retaliate against such practices if negotiations to eliminate the objectionable practice fail.

The Omnibus Trade and Competitiveness Act of 1988 amended the Trade Act of 1974 to include what has been commonly called the Special 301 provision. Special 301 requires the U.S. Trade Representative [USTR] to identify on an annual basis those countries that, inter alia, deny adequate and effective protections for IPR; and those countries within that category determined by the USTR to be priority foreign countries. Such countries are those that "have the most onerous or egregious [policies]."

Section 302(b) of the 1974 act directs the USTR to initiate a Section 301 investigation within 30 days after a country is identified as a priority. After such an investigation is initiated, the USTR is required to determine within 6 months if the country engages in unfair trade practices and if any retaliatory measures should be imposed. Investigations may be extended 9 months if complex or complicated issues are involved. At the end of the investigation, the USTR has the discretion in deciding whether to retaliate.

As a means of increasing the effectiveness of the Special 301 provision, the USTR has divided into two lists those countries perceived to be denying adequate and effective IPR protection but whose problems are not as pronounced as priority countries: the priority watch list [PWL], and the "watch list" [WL]. Countries placed on the PWL are those the USTR considers to have made less progress in strengthening IPR protection than those on the WL. These countries are considered to have practices that meet all or some of the statutory criteria for placement on the priority country list, but are seen as making progress in negotiations to improve their IPR protection. WL countries are those that the USTR believes to have better IPR protection, but still need to be monitored.

USTR completed the first Special 301 review of foreign countries' protection of IPR in April 1989. In that year and in 1990, the USTR placed the PRC on its priority watch list, citing a lack of protection of IPR and enforcement of intellectual property laws. IPR piracy in the People's Republic of China [PRC] was rampant, especially in the southern and eastern provinces close to Hong Kong such as Guangdong and Jiangsu. Factories in these areas mass-produced pirated versions of American computer software, compact discs, CD-ROMs, and audio/video cassettes. Of the American computer software sold or produced in China, over 94 percent was pirated; many Government ministries—including the Trade Ministry—made extensive use of pirated software. CD's and audio/video percentages ran close to 100 percent; video copies of movies were being exported in China even before being released in the United States. Trademark piracy was also prolific.

Consequently, in 1991 the PRC was designated a priority foreign country. In January 1992, the People Republic of China and United States signed a memorandum of understanding governing IPR protection. Pursuant to the MOU, the PRC enacted a comprehensive body of laws protecting IPR, and providing civil and criminal penalties for persons violating those laws. As a result of that agreement, the PRC was removed from the watch lists.

By 1993, however, it was clear that the PRC was not living up to the 1992 MOU and the country was placed back on the priority qatch list. The amount of factories known to be producing pirated goods had risen from single digits to 29. These companies were exporting pirated goods in alarmingly increasing numbers; production of CD's alone ran to 75 million while China's internal market could absorb only 5 million. Moreover, enforcement was almost nonexistent. The National Copyright Administration Office, located in less than half of China's provinces, had few qualified employees and no real authority to prosecute offenders. Compounding the problem, several of the factories were known to have financial connections to local and national political figures. In addition, several others were actually partially or wholly Government- or PLA-owned.

On June 30, 1994, the USTR initiated another Special 301 investigation of the

PRC. On December 31, that office issued a proposed determination that the PRC's IPR enforcement practices were unreasonable and burdened or restricted United States commerce. At the same time, the USTR issued a proposed list of Chinese goods to which tariffs of 100 percent would be attached as a retaliatory measure; the list included approximately $2.8 billion of goods. The goods chosen comprised 35 product categories of high-growth Chinese exports. Special care was exercised to include items in which the Chinese Government had a substantial involvement in producing, and to minimize any impact on United States consumers by picking articles readily available from other foreign or domestic sources.

The investigation period was then extended to February 4, 1995 to facilitate continuing negotiations. On that date, though, having come to no resolution with the Chinese, the USTR ordered the imposition of the proposed tariffs effective February 26. Their intent was to allow goods that were currently in transit between the two countries to arrive before the tariffs were finally imposed. It also gave both sides more time to negotiate. Had the tariff action taken affect, it would have been the largest retaliation ever taken by the U.S. Government. At the same time, the Chinese announced that they would respond with retaliatory 100 percent tariff sanctions on a long list of United States exports.

In the second week of February, the Chinese announced their willingness to resume negotiations. Then-Deputy USTR Barshefsky accepted the invitation of Wu Yi, the PRC's Minister of Foreign Trade and Economic Cooperation, to come to China on February 20. In the meantime, on February 15, the Chinese began a crackdown on the pirating. Authorities raided and closed seven of the factories, including two of the most notorious: the Shenfei factory in Shenzhen and the Dragon Arts Sound Co. in Zhuhai. The two sides finally reached an eleventh-hour accord on February 26, 1995, thereby narrowly averting the trade war.

The agreement signed in Beijing had three principle goals: to take immediate steps to stem piracy of IPR material, to make long-term changes to ensure effective enforcement of IPR in the future, and to provide United States IPR holders with greater access to the Chinese market. As for the first goal, Beijing pledged to implement a 6-month Special Enforcement Period beginning March 1 during which time the Government would increase resources to target the 29 CD and laser disc factories known to be engaging in pirated production, and confiscate and destroy illegally produced output and the machinery used to produce it. In addition, Beijing proposed to tighten its customs practices to stem the exportation of illegal products.

As for long-term changes, the Chinese Government pledged to ensure that Government ministries cease using pirated software. Furthermore, the Government pledged to establish an effective IPR enforcement structure consisting of IPR conference working groups at the central, provincial, and local level to coordinate enforcement efforts, and to ensure that the laws are strictly enforced. Similarly, the PRC stated it would remodel its customs enforcement system after that of the United States. Lastly, China would create a title verification system, and would ensure that United States copyright holders have access to effective and meaningful judicial relief in cases of infringements.

Finally, the PRC pledged to enhance access to its markets for United States right holders. It agreed it would place no quotas on the importation of U.S. audio-visual products, and would allow U.S. record companies—subject to certain censorship concerns—to market their entire catalog. United States companies were also to be permitted to enter into joint ventures for the production and reproduction of their products in the PRC.

On November 29, 1995, the subcommittee held a follow-up hearing to examine the on-going implementation of the agreement and China's compliance therewith. Since the signing of the agreement, several industry associations had complained that the agreement was not being fully implemented in the PRC and that the situation had degenerated to the pre-agreement state of affairs. According to the industry, many of the pirating factories that had been closed down in February 1995 had reopened and were doing business as usual. In addition, the Chinese Government had let pass several of the deadlines for action on its part as specified in the agreement.

The subcommittee heard from the USTR and representatives of the IPR industry (computer software, film, and recording industry). Then-Deputy USTR Barshefsky testified that implementation had been "mixed." On the positive side, she noted that:

> . . . the system is becoming more transparent—recently all of China's IPR laws, regulations, and administrative guidance were published, and public knowledge and understanding of IPR laws and regulations is much better than it was;
>
> [p]iracy at the retail level has been markedly reduced in many major Chinese cities, particularly along the booming southeast coast where U.S. losses have been the largest. According to Chinese [g]overnment statistics, since signature of the agreement, Chinese enforcement officials have launched 3,200 raids, seized and destroyed as many as 2 million pirated CDs and LDs, 700,000 pirated videos, and 400,000 pirated books; and
>
> [i]n addition, China has made many of the structural changes mandated by the agreement. China has set up ministerial task forces in virtually all provincial capitals and many major cities, 30 in all. It has set up high-level, tough enforcement task forces in at least 18 provinces and major municipalities. . . . China has now established IPR courts in Beijing, Guangzhou, Shenzhen and other major centers of piracy, and has begun an active program to train Chinese judges in the enforcement of IPR laws.

However, having noted these positive signs, she continued:

> Despite these steps, China's overall implementation of the agreement falls far short of the requirements of the agreement. Despite improved enforcement efforts, U.S. industries still estimate that they lost $866 million as a result of China's piracy in 1995.

She then listed several of the more notable problems:

> Overall, while China has taken steps to clean up retail markets, it has done little effectively so far to attack the heart of the problem—continuing, massive production, distribution, and export of pirated products. In particular, we remain deeply concerned that China has not honored its commitments to clean up production of pirated CDs in more than 29 factories throughout [southeast] China. Under the agreement, China was to have completed investigations of all factories by July 1, 1995, and to have taken measures to discipline, fine, or punish factories that violate Chinese laws and regulations. To our great dismay, China has instead reregistered—that is, given a clean bill of health to—all but one of the CD factories. Factories . . . have shifted their focus from . . . music CDs to higher value-added CD-ROMs. The seizure of exports of pirated CD-ROMs . . . in particular have risen by one hundred percent. . .. The potential economic damage to the US software industry is enormous. . . .
>
> A single CD-ROM produced in China and acquired in Hong Kong by the Business Software Alliance recently contained Lotus' Supersuite (retails for $3,300), Autodsk's AutoCad (retails for $4,250), and Novell's New Ware (retails for $2,485) along with 100 other computer programs. The disk sold in Hong Kong's notorious Golden Shopping Arcade for $6.75.

She went on to note that Chinese compliance in the printing of SID codes had not been effectively implemented, China's Customs Service had not yet aggressively pursued infringers, and Chinese promises to open market access to United States firms were not being kept. Industry spokesmen expressed similar views, although they were markedly less enthused about those areas in which Ms. Barshefsky claimed China had cooperated.

At a joint Senate-House hearing just this last March, we learned that the situation has been reported to have remained largely the same. A review of many of the major provisions of the agreement show why the USTR is so concerned. For example, the agreement calls for the Chinese to investigate all CD production lines to ensure that titles being produced there are legitimate. While the Chinese have assigned investigators to some factories to ensure title verification procedures are being followed and SID codes—a way to identify what factory a particular CD came from—are being used. Yet according to the USTR, SID codes are still not generally utilized and title verifications are being almost uniformly ignored.

In addition, the agreement calls for the revocation of business permits for factories involved in continuing illegal production. Yet of the some 37 plants known to be operating illegally, only from 4 to 7—depending on your source—have been closed. This leaves roughly 30 plants in operation with an annual production capability of from 150 to 200,000,000 units. Given that the PRC's domestic market demand for legitimate products is only around 7,000,000 units, Mr. President, you can see that leaves quite a large gap.

The agreement requires the Chinese Government to establish a copyright verification system that would prevent the manufacture and export of CD's without being cleared by the Chinese Government and representatives of affected copyright owners. While such a system has been formally established on paper, in practice U.S. copyright holders have received only 5 requests for title verification in the past 18 months—yet experts estimate that over 60 million illicit CD's have been produced since the February agreement.

The agreement called for the abolition of quotas and other restrictions on the importation into the People's Republic of China of audio products. However, there has been no change in that system. Chinese officials alternately by denying the existence of a quota system or suggesting that now is not the time to amend such a system. Similarly, the agreement called for permitting US companies to enter into joint ventures for the production and reproduction of audio products. The Chinese side now claims that—contrary to the understanding of United States copyright holders in 1995—this provision means that they may participate in joint ventures for manufacturing products and not to original production.

In response to the allegations from the USTR and industry Zhang Yuejiao, Director General of the Treaty and Law Department of the Ministry of Foreign Trade and Economic Cooperation [MOFTEC], recently told China Daily:

> Some overseas people have criticized China for not living up to its promises on [IPR] protection. Such attacks are totally groundless.

A lengthier statement from Chen Jian, a spokesman at the Chinese Foreign Ministry, appeared in a recent edition of Beijing Review:

> Protecting intellectual property rights is one of China's basic state policies. Since adopting the reform and opening policies, China has made tremendous efforts in the areas of legislation, jurisdiction and law enforcement concerning the protection of intellectual property rights. China has also instituted a legal system for [IPR]. Over the past year, China has adopted a series of measures to intensify law enforcement activities, including a major crackdown on piracy. We have achieved marked results in investigating and regulating the audio-visual and publishing markets, as well as in investigating and handling cases involving violations of [IPR] by factories and individuals. Any criticism of China for inadequately combatting piracy is groundless.
>
> I should point out that IPR violations are an international phenomenon existing in many countries, including the United States. We are willing to exchange experiences and enhance cooperation with other countries concerning IPR protection, the United States included. Frequent threats of sanctions will not only harm bilateral cooperation in IPR protection, but also Sino-US economic and trade ties. We are opposed to such practices.

A more recent trend in Chinese statements on the issue has sort of taken the tone that "the best defense is a good offense." In the past few months, the Chinese official media have engaged in a media blitz to counter assertions that the PRC is falling short of their obligations; the cover of the April 22 Beijing Review carries a picture of the deputy mayor of Chengdu, Wu Pingguo, holding up a pirated copy of "Windows '95" under the heading "No Piracy." The Chinese Government has begun to answer allegations of its failures with countercharges that the United States has failed to live up to portions of the agreement by failing to provide promised technical and financial assistance. In one of my meetings during my trip to the People's Republic of China over the April recess, one of the officials with whom I met even went so far as to say to me that while China was actually living up to its side of the agreement 100 percent, American companies were now engaged in wholesale piracy of Chinese IPR in the United States.

Now, Mr. President, I will be the first to acknowledge that, as the USTR has pointed out, the Chinese have made significant strides in implementing some portions of the agreement. Fifteen years ago the concept of intellectual property was a foreign one to the Chinese. In a Confucian-based system, knowledge was felt to belong to everyone; the Chinese even have a saying: "You cannot steal a book." This tradition, coupled with communism-based ideals that everyone works for the benefit of his or her fellow citizens, are clearly antithetical to the concept of IPR. Yet as a result of the agreement, the Chinese have moved to put in place laws and enforcement systems to deal with the problem. They have embarked on a campaign of educating citizens about IPR, and have conducted a series of raids of retail outlets selling illicit products. I applaud their efforts on this front.

But Mr. President, we have a clear agreement with the People's Republic of China. And it is equally clear, regardless of their efforts and despite their protestations to the contrary, that the People's Republic of China is not fully living up to its obligations under that agreement. I'm sorry, but they are not. They say they are, but to paraphrase a saying of which Beijing is inordinately fond of castigating us with, "Actions speak louder than words." The main problem is that while it is commendable that the government is going after retailers, it continues to overlook the source of the products. The excuse often heard is that China is a big country and the central government cannot know at all times which factories are producing illegal goods and where they are. Well, if those factories were producing pamphlets calling for the overthrow of the Communist government in Beijing, you could be quite sure that they would be shut down in a heartbeat. Moreover, it is not as though the factories involved in CD and related IPR production in China are mysterious hidden entities, Mr. President; even I have a list of them:

Zhuhai Hua Sheng Magnetic Tape Factory, Dakengmei, Wanzai, Zhuhai;

Zhuhai GLM Laser Master Matrix Mfg. Co., Zhuhai;

Shen Fei Laser & Optical System Co., Bagua Xi Lu, Shenzhen;

Zhong Qiao Laser Co., Bonded Industrial Area, Shatoujiao, Shenzhen;

Guangzhou Yong Tong Audio-Visual Prod. Co., No. 14, Shiguang Lu, Shiqiao, Punyu, Guangzhou;

Cai Ling Audio-visual Prod. Co., No. 17, Lingyuan Xi Lu, Guangzhou, Guangdong;

Foshan Jinzhu Laser Digital Storage Disk Co., Block 10, No. 44, Xinfeng Lu, Foshan, Guangdong;

Foshan Jinsheng Electronic Co., 3/F Jinchan Building, Zhangcha Lu, Kou, Foshan;

Foshan Xiandi Electronic Audio-Video Industrial Co., Dunhou Gongye Daidao, Foshan;

Foshan City Nanhai Mingzhu Audio-Video Co., Jun Bridge, Foping Gonglu, Tongshang Lu, Foshan;

Chaoyang City Jinfa Laser Disk Technology Co., Tongshan Daidao, Chaoyang;

Zhongshan Yisheng Laser Disk Manufacturing Co., Chanjiang Administrative Zone, Zhongshan, Guangdong;

Zhongqing Guosheng Laser Technology Co., Duancheng Industry Estate, Duanzhou Yilu, Zhongqing, Guangdong;

Maoming Jiahe (Shuitong) Electronic City Co., No. 1, Jiahe Lu, Shuitong Economic Dev. Zone, Maoming, Guangdong;

Xinhua Paiei Photoelectricity Co., Gaoxin Tech. Dev. Zone, Hunagkong, Xinhui, Guangdong;

Zibo Yongbao Laser Audio-Video Co., Gaoxin Tech. & Industry Development Zone, Zibo, Shantong;

Chengdou Lianyi Huaxing Audio-Video Production Co., 3/F Huaneng Group, Chengdou, Plant at: Air Harbour, Gaoxin Lu, Chengdou;

Hainan Anmei Laser Production Co., Yuejin Nan Lu, Digan, Hainan;

Shanghai Lianhe Laser Disk Co., No. 811, Hengshan Lu, Shanghai;

Suzhou Baodie Laser Electronic Co., Songling Town Industrial Development Zone, Wujiang, Jiangsu;

Nanjing Dali Laser Audio-Video Co., Danchang Town (Pukou), Nanjing, Jiangsu;

Hangzhou Huadie Photoelectricity Co., Liuxiaying Kou, Hangzhou, Zhejiang;

Tianjin Tianbao Electronics Co., Wuqing Development Zone, New Technology & Industry Park, Tianjin;

Heifei Wanyan Electronics Co., No. 127, Shushan Lu, Hefei;

Beijing Leshi Record Co., No. 1, Zhenwu Si Santiao, Fuxingmen Wai Jie, Xi Xheng Qu, Beijing.

Mr. President, at the time of reaching agreement the Chinese Government knew—or should have known—what it was and was not capable of in regards to IPR regulation and enforcement. And with that knowledge, it went ahead and legally committed itself to a comprehensive course of action—not to fulfill the terms partially, or as it felt like it, or selectively, but a comprehensive plan. The Foreign Ministry has stated that "protection of IPR is a highly complex undertaking that cannot be completely resolved in a short time." Well, Mr. President, if such is the case, then the People's Republic of China [PRC] shouldn't have agreed to do so.

I am a firm believer that once a country signs an agreement it should adhere to it. Apparently, in theory, so are the Chinese; they constantly berate us, and other countries, accusing us of failing to live up to our agreements. Yet it is abundantly clear that the Chinese side has not fully lived up to the agreement.

Now, Mr. President, that leaves us, as the aggrieved party, with few options. First, we could ignore their breach and continue to allow the PRC to flout the agreement. This would, though, have unfortunate repercussions. It would demonstrate to the PRC, indeed to all of Asia, that there is no price to pay for ignoring or otherwise failing to implement agreements with the United States. I am quite sure that that is not the kind of message we want to be sending.

Another choice would be to work quietly with the Chinese to resolve those disagreements which remain outstanding to avoid having to rely on other more public avenues to getting them to comply. Well, Mr. President, we have tried that route with no success. Assistant USTR Lee Sands has been to China several times since last year to try to work things out; Acting-USTR Barshefsky has been to Beijing several times with the same goal. Jason Berman, chairman and CEO of the Recording Industry Association of America, has been to China; representatives of the movie and computer software industries have been to China—all to no avail.

So, Mr. President, we find ourselves faced with the only remaining way to impress upon the Chinese the seriousness of the problem, our disappointment at their failure to adhere to the agreement, and the extent of the monetary loss we suffer: economic sanctions. This is not a course of action which I relish, Mr. President; unilateral sanctions are rarely an effective instrument of foreign or trade policy. They have unavoidable consequences for the domestic economy; besides effecting domestic industries which rely on imported goods from China, they can also impact other businesses. To illustrate, the Chinese have countered to suggestions of trade sanctions with a thinly-veiled threat to United States business interests in China:

> Should the US side go ahead with taking sanctions against China, US commercial interests would in the end be seriously harmed and that would amount to the US imposing counter-sanctions against itself.

We have seen this before. Last year when sanctions were pending the Chinese awarded several contracts which were considered safely in the pockets of United States corporations to European competitors; the signal was clear. Premier Li Peng recently travelled to France where he signed several significant trade deals—most notably with Airbus—pointedly aimed at reminding us that we are not their only trade source.

The Chinese are quick to say that we should not resort to the imposition of sanctions, that we should discuss the issue "on the basis of equality." Well, Mr. President, there is no equality in their version of equality. Does equality exist when one party flouts an agreement to the detriment of the other? I think not.

So, Mr. President, I reluctantly, yet fully, support the USTR on this issue. I urge the President to follow the USTR's recommendations, and to do so soon. I realize that there are some in the administration who are hesitant to press this issue for fear of rocking the boat—the same reason for the administration's emasculated response to the Chinese sales of ring magnets and the like to Pakistan—but failure to act will only embolden the Chinese and will only serve to add fuel to the fire of what already promises to be a raucous MFN debate.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. McCathran, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1728. A bill to require Navy compliance with shipboard solid waste control requirements; to the Committee on Commerce, Science, and Transportation.

THE ACT TO PREVENT THE POLLUTION FROM SHIPS AMENDMENT ACT OF 1996

Mr. STEVENS. Mr. President, today I am introducing legislation at the request of the Department of Defense [DOD] to amend the act to prevent pollution from ships to bring Navy operations in line with the International Convention for the Prevention of Pollution by Ships—the MARPOL Convention.

I ask for unanimous consent that the following summary of the bill and background information provided by the DOD be printed in the RECORD.

I ask for unanimous consent that the bill be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1728

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NAVY COMPLIANCE WITH SHIPBOARD SOLID WASTE CONTROL REQUIREMENTS.

Section 3(c) of the Act to Prevent Pollution from Ships (33 U.S.C. 1902(c)) is amended to read as follows:

"(c) DISCHARGES IN SPECIAL AREAS.—

"(1) Not later than December 31, 2000, all surface ships owned or operated by the Department of the Navy, and not later than December 31, 2008, all submersibles owned or operated by the Department of the Navy, shall comply with the special area requirements of Regulation 5 of Annex V to the Convention, except as provided in paragraphs (2) and (3) of this subsection.

"(2) Vessels owned or operated by the Department of the Navy for which the Secretary of the Navy determines that, due to a uniquely military design, construction, manning or operating requirements, full compliance with paragraph (1) would not be technologically feasible, or would impair the vessel's operations or operational capability, are authorized to discharge non-plastic and non-floating garbage consisting of—

"(A) a slurry of seawater, paper, cardboard and food waste, provided such slurry is discharged not less than three nautical miles from the nearest land and is capable of passing through a screen with openings of no greater than 12 millimeters; and

"(B) metal and glass garbage that has been shredded and bagged to ensure negative buoyancy and is discharged not less than twelve nautical miles from the nearest land.

"(3) Not later than December 31, 2000, the Secretary of the Navy shall publish in the Federal Register—

"(A) a list of those vessels planned to be decommissioned between January 1, 2001, and December 31, 2005; and

"(B) standards to ensure, so far as reasonable and practicable, without impairing the operations or operational capabilities of such vessels, that such vessels act in a manner that is consistent with the special area requirements of Regulation 5 of Annex V.

"(4) Notwithstanding paragraphs (2) and (3) of this section, it shall be the goal of the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.".

SUMMARY OF BILL

The purpose of this bill is to amend section 1902(c) of the Act to Prevent the Pollution from Ships (33 U.S.C. 1901 et seq.).

The MARPOL Convention requires party states to adopt measures requiring their warships to comply with garbage discharge restrictions to the extent reasonable and practicable. The Act to Prevent Pollution from Ships, however, established a no-discharge requirement (except food waste) in special areas for all public vessels. The proposed bill would allow U.S. Navy surface warships to discharge pulped and shredded non-hazardous, non-plastic, non-solid floating waste in special areas, consistent with the MARPOL Convention, while reaffirming the U.S. commitment to achieving eventual full compliance by all public vessels.

Paragraphs (2), (3), and (4) of section 1902(c) are eliminated. These paragraphs pertain to the one-time submission to Congress by the Secretary of the Navy of a plan for special area compliance by Navy Ships. The plan will have been submitted by November 1996, after which time the statutory language requiring such plan will be surplusage.

Paragraph (1) of section 1902(c) is amended to reiterate the special area compliance deadlines of the current paragraph (December 31, 2000 for surface ships; December 31, 2008 for submersibles), but to allow exceptions as delineated in new paragraphs (c)(2) and (c)(3).

For ships that the Secretary of the Navy determines that, due to the uniquely military characteristics, compliance would not be technologically feasible, or would impair the vessel's operations or operational capability, new paragraph (c)(2) authorizes the discharge within in-effect MARPOL Annex V special areas of non-hazardous, non-plastic, non-floating garbage consisting of either:

a. A slurry of seawater, paper, cardboard and food waste that is capable of passing through a screen with openings of 12 millimeters (about ½ inch); or

b. Metal and glass garbage that has been shredded and bagged to ensure negative buoyancy.

Discharges of pulped biodegradable material (paper and cardboard) would be authorized no closer than three nautical miles from shore and discharges of shredded non-biodegradable material (glass/metal) would be authorized no closer than 12 nautical miles from shore.

New Section (c)(3)(b) ensures that Navy vessels which are to be decommissioned within 5 years, and for which installation of solid waste processing equipment would therefore not be cost effective, will comply with special areas requirements of Annex V as far as is reasonable and practicable, without impairing the operations or operational capabilities.

New Section (c)(4) sets a goal for the Department of the Navy to achieve eventual full compliance with Annex V as part of the Department's ongoing development of environmentally sound ships.

BACKGROUND

The FY94 DoD Authorization Act required the Secretary of the Navy to submit to Congress by November 1996 a plan for compliance by Department of Navy ships with the special area provisions of the MARPOL Convention. Accordingly, the Under Secretary of the Navy formed an executive steering committee to oversee development of the plan. The Navy has conducted a thorough analysis of technologies and management practices for special area compliance. The major findings include the following:

a. Full compliance with U.S. law could be achieved through installation of incinerators, at a fleet-wide cost of about $1.2 billion. Incinerator installation would significantly degrade operations due to displacement of existing ship systems and addition of significant weight. Incineration may be regulated in the future by a new annex to MARPOL thus adding uncertainty to acceptability of shipboard incineration.

b. Full compliance with U.S. law could be achieved through garbage compaction and retrograde for shore disposal, at a fleet-wide cost of over $1.1 billion. Retention and retrograde presents a host of operational and habitability problems. Associated costs include the modification of ships to accommodate both waste processing (compaction) and storage space, additional Combat Logistics Force ships for garbage collection, increased time and maintenance for underway replenishment/garbage off-loads, and disposal costs in foreign ports. Another consideration is the uncertain fate of garbage in foreign ports and limited landfill space in many countries.

c. The National Academy of Science completed a shipboard waste technology assessment for the Navy. Other possible technologies, such as plasma arc pyrolysis and super critical water oxidation, are not yet developed sufficiently for shipboard application.

d. Full compliance with MARPOL, but not existing U.S. law, could be achieved through use of pulpers and shredders in special areas, at a fleet-wide cost of about $300 million. Installation of pulpers and shredders would actually enhance operational capability, by enabling discharge of pulped garbage from inside the ship during heavy weather and flight operations, when unprocessed garbage discharges are currently prohibited. Use of pulpers and shredders worldwide (not just in special areas) would virtually eliminate the possibility of shipboard waste wash-up on beaches and shorelines. Fate and effects studies commissioned by the Navy with the collaboration of Scripps Institute, NOAA, and the University of Georgia indicate that pulper and shredder discharges, in the types and amounts predicted from Navy vessels, would not result in significant impacts to the marine environment. An Environment Impact Statement is also being completed. In accordance with CEQ regulations, a Legislative EIS will be available within 30 days of the legislative proposal.

Accordingly, the Navy has identified the use of pulpers and shredders as the preferred method for special area shipboard waste management for its larger, ocean-going vessels. Smaller, coastal vessels would retain and retrograde waste, since at-sea time is limited. The pulper-shredder approach is environmentally benign and entirely consistent with U.S. obligations under international law. This amendment to the Act to Prevent Pollution from Ships would authorize the use of the pulper-shredder approach for solid waste discharges under U.S. law. This approach would reduce the need for shore based reception facilities and would enable the five designated but not in-effect special areas to more quickly come into effect.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the name of the Senator from Ohio [Mr. DEWINE] was added as a cosponsor of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 953

At the request of Mr. CHAFEE, the names of the Senator from Wisconsin [Mr. KOHL], the Senator from Utah [Mr. BENNETT], the Senator from Alaska [Mr. MURKOWSKI], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 953, a bill to require the Secretary of the Treasury to mint coins in commemoration of black revolutionary war patriots.

S. 1150

At the request of Mr. KENNEDY, his name was added as a cosponsor of S. 1150, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the Marshall plan and George Catlett Marshall.

S. 1437

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1437, a bill to provide for an increase in funding for the conduct and support of diabetes-related research by the National Institutes of Health.

S. 1534

At the request of Mr. HATFIELD, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 1534, a bill to amend the Public Health Service Act to provide additional support for and to expand clinical research programs, and for other purposes.

SENATE CONCURRENT RESOLUTION 42

At the request of Mrs. KASSEBAUM, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of Senate Concurrent Resolution 42, a concurrent resolution concerning the emancipation of the Iranian Baha'i community.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE EXPENSES AND FEES REIMBURSEMENT ACT OF 1996

DOLE AMENDMENT NO. 3952

Mr. DOLE proposed an amendment to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) In General.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) Verification Required.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) Limitation.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) No Inference of Liability.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the hearing "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims, of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

DOLE AMENDMENT NO. 3953

Mr. DOLE proposed an amendment to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) In General.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) Verification Required.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) Limitation.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) No Inference of Liability.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 1 day after the date of enactment.

DOLE AMENDMENT NO. 3954

Mr. DOLE proposed an amendment to amendment No. 3953 proposed by him to amendment No. 3952 proposed by him to the bill H.R. 2937, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) In General.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) Verification Required.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) Limitation.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) No Inference of Liability.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2 LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3 REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 2 days after the date of enactment.

DOLE AMENDMENT NO. 3955

Mr. DOLE proposed an amendment to the instruction to the motion to refer the bill H.R. 2937, supra; as follows:

In lieu of the instructions insert the following: with instructions to report back forthwith with the following amendment:

SECTION 1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) In General.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs incurred with respect to that termination.

(b) Verification Required.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) Limitation.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) No Inference of Liability.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the Heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 4 days after the date of enactment.

DOLE AMENDMENT NO. 3956

Mr. DOLE proposed an amendment to amendment No. 3955 proposed by him to the bill H.R. 2937, supra; as follows:

Strike all after the word "section" and insert the following:

1. REIMBURSEMENT OF CERTAIN ATTORNEY FEES AND COSTS.

(a) IN GENERAL.—The Secretary of the Treasury shall pay, from amounts in the Treasury not otherwise appropriated, such sums as are necessary to reimburse former employees of the White House Travel Office whose employment in that Office was terminated on May 19, 1993, for any attorney fees and costs they incurred with respect to that termination.

(b) VERIFICATION REQUIRED.—The Secretary shall pay an individual in full under subsection (a) upon submission by the individual of documentation verifying the attorney fees and costs.

(c) LIMITATION.—Payments under subsection (a) shall not include attorney fees or costs incurred with respect to any Congressional hearing or investigation into the termination of employment of the former employees of the White House Travel Office.

(d) NO INFERENCE OF LIABILITY.—Liability of the United States shall not be inferred from enactment of or payment under this section.

SEC. 2. LIMITATION ON FILING OF CLAIMS.

The Secretary of the Treasury shall not pay any claim filed under this Act that is filed later than 120 days after the date of the enactment of this Act.

SEC. 3. REDUCTION.

The amount paid pursuant to this Act to an individual for attorney fees and costs described in section 1 shall be reduced by any amount received before the date of the enactment of this Act, without obligation for repayment by the individual, for payment of such attorney fees and costs (including any amount received from the funds appropriated for the individual in the matter relating to the "Office of the General Counsel" under the heading "Office of the Secretary" in title I of the Department of Transportation and Related Agencies Appropriations Act, 1994).

SEC. 4. PAYMENT IN FULL SETTLEMENT OF CLAIMS AGAINST THE UNITED STATES.

Payment under this Act, when accepted by an individual described in section 1, shall be in full satisfaction of all claims of, or on behalf of, the individual against the United States that arose out of the termination of the White House Travel Office employment of that individual on May 19, 1993.

This section shall become effective 3 days after the date of enactment.

THE AMAGANSETT NATIONAL WILDLIFE REFUGE AUTHORIZATION ACT OF 1996

MOYNIHAN (AND D'AMATO) AMENDMENT NO. 3957

Mr. COHEN (for Mr. MOYNIHAN, himself and Mr. D'AMATO) proposed an amendment to the bill (H.R. 1836) to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, NY, for inclusion in the Amagansett National Wildlife Refuge; as follows:

At the end of the bill, add the following:

SEC. 2. CORRECTIONS TO COASTAL BARRIER RESOURCES MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Fire Island Unit NY-59P".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. CRAIG. Mr. President, the Finance Committee requests unanimous consent for the full committee to conduct a hearing on Friday, May 3, 1996, beginning at 10 a.m. in room SD-215.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Friday, May 3, 1996, at 10 a.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

MEXICO AND DRUGS

• Mr. D'AMATO. Mr. President, next week Secretary Christopher will attend the Annual Bi-National Commission meeting in Mexico City. Secretary Christopher should use this meeting to convey the United States' deep concern over the pervasive and consistent flow of narcotics from Mexico into the United States. The administration must insist that the Mexican Government make real and substantial efforts to stop the flow of illegal drugs into our country.

Yesterday, the Administrator of the DEA, Thomas Constantine and Attorney General Janet Reno announced the successful completion of law-enforcement operation Zorro II which resulted in the arrest of members of a major Mexican drug cartel. In Zorro II, 130 individuals were arrested for their involvement in a cocaine smuggling and distribution network that had been operating, and flourishing, in the United States. This successful law enforcement initiative is a major victory in the war against the drugs and narcotics-related crimes which are ravaging our cities.

Mr. President, there are daily news reports of rampant corruption and abuse within the Mexican Government involving members of its law enforcement. I will ask to have printed in the RECORD an article from last Sunday's Washington Post, entitled "The Drug Fiefdom of Northern Mexico." According to this April 28 article, "The four main Mexican drug mafias—all headquartered along the 2,000 mile U.S.-Mexico border—now supply more than 70% of the cocaine and half of all the marijuana sold in the U.S. The drugs funnel as much as $30 billion a year in illegal proceeds back into Mexico—more than the country's top two legitimate exports combined."

Maybe the administration and the Mexican Government are finally willing to acknowledge the severity and impact of the drug problem. According to other news reports, Mexican narcotics organizations rely on protection from members of the government, police, and judiciary for their continued success and growth. These drug syndicates then turn to the Mexican banks and exchange houses to launder their dirty money. This incredible expansion of the Mexican narcotics trade and the alleged corruption of Mexican Government officials and business leaders is unprecedented. Unfortunately, Mexico's drug problems are not confined to the south side of our shared border.

Mr. President, I was encouraged to learn that the Mexican Government finally took a long-overdue first step with its enactment earlier this week of an anti-money-laundering bill, but this is only the first step. The true test will be whether, and how, the law is actually enforced. One thing is certain, the defensiveness and reluctance of Mexican officials to acknowledge the severity of the money laundering problem is very disturbing. I am in full support of the recent, and valid, statements made by Thomas Constantine, Administrator for the U.S. Drug Enforcement Agency regarding this money laundering epidemic. Mr. Constantine's leadership in this war on drugs is exemplified by Operation Zorro II's success.

Mr. President, I sincerely hope that strong and decisive action against Mexican drug traffickers is a fundamental part of the administration's recently released 1996 National Drug Control Strategy. On behalf of the administration, and with the support of this Senator, Secretary Christopher should forcefully urge the Mexican Government to cooperate with United States requests for extraditions of Mexican narcotics traffickers and other criminals who have committed heinous acts of violence in the United States. It is a fact that to date, Mexico still has not extradited a single Mexican national convicted of drug trafficking in the United States.

At the Banking Committee's recent hearing, perhaps the most compelling, and disturbing testimony came from T. J. Bonner, a border patrol agent. Mr. Bonner testified about his first hand views of life on the firing lines in this war on drugs. He also provided a disturbing account of the January 1996 killing of Border Patrol Agent Jefferson Barr. Mr. Barr was shot and killed while intercepting a group of Mexican drug smugglers in Eagle Pass, TX. One of Mr. Barr's murderers was identified and located by the FBI in a hospital in Mexico. This killer was charged with murder and the United States is seeking his extradition. But the Government of Mexico has failed to honor this request. This is an outrage and a tragedy. The United States administration must get tough with the Mexican Government and demand their full cooperation in dealing with these criminals.

Mr. President, the flood of narcotics being sent from Mexico to the United States is tearing apart the social fabric of our country. Senator FEINSTEIN and I recently introduced a bill, S. 1547, which would prevent the administration from wasting more taxpayer dollars on the Mexican bailout unless concerted measures are taken to stop the massive flow of narcotics from Mexico into the United States. I urge my colleagues to support this bill.

Mr. President, the administration must continue to open their eyes to these problems. We cannot pretend as if they do not exist and simply hope they will disappear. As a result of the administration's past neglect and unwillingness to confront the drug problem, the narcotics crisis in this country has escalated in the last 3 years. The administration's charade in declaring Mexico as "fully cooperative" under the Foreign Assistance Act must end. If the Mexican Government wants to pretend there are no problems and feign indignation when confronted with these issues, then they should not expect United States financial support in any form. The future of our country and our children is at stake.

Mr. President, Secretary Christopher should take a strong antidrug message to Mexico. We must employ every weapon in our arsenal in this war on drugs—diplomatic, financial, enforcement, and education. Every high-level U.S. official must be recruited in our battle with the drug epidemic waging war on this country.

I ask that the Washington Post article, to which I earlier referred, be printed in the RECORD.

The article follows:

[From the Washington Post, Apr. 28, 1996]

THE DRUG FIEFDOM OF NORTHERN MEXICO

(By Molly Moore and John Ward Anderson)

NUEVA CASAS GRANDES, MEXICO.—The only sign of prosperity in this bleak desert city, 75 miles south of El Paso, is a gigantic, fake medieval castle rising like a strange mirage above cactus and scrub brush, abandoned houses and closed shops.

Camelot, as the ostentatious, slate-blue disco and concert hall is known, stands as a stark reminder of how the culture of narcotics trafficking can ravage cities as well as people. Bountiful narco-dollars—brought in by drug lords who used clandestine airstrips outside of town for cocaine shipments to the United States—built the castle and fueled an economic boom in the city.

Then, as quickly as the narco-dollars poured in, they suddenly evaporated when the new boss of Mexico's most powerful drug mafia started using Boeing 727 cargo planes to bypass Nueva Casas Grandes and similar cities, transforming their narco booms into recessionary busts.

"The drug dealers brought shoes in by the boxes, but now the money is not coming this way," complained Ricardo Contreras, 24, who shines shoes in the town square.

His is not the only ruined city along the U.S.-Mexican border. The rise and demise of Nueva Casas Grandes reflects how drug trafficking has reshaped the economic, social and political landscape of northern Mexico in the last five years. Shifting dynamics in the international drug trade, as well as growing pressure on traffickers in Colombia, where cocaine largely is produced, have turned this region known for its booming manufacturing industry, burgeoning consumer class and progressive politics into a land of laundered drug money, riddled with corruption and violence.

Northern Mexico's slide toward becoming a new Latin fiefdom for the movement of drugs is a major problem for the United States, long accustomed to viewing the region as a model of development. The four main Mexican drug mafias—all headquartered along the 2,000-mile U.S.-Mexico border—now supply more than 70 percent of the cocaine and half of all the marijuana sold in the United States, in addition to large quantities of heroin and methamphetamine. The drugs funnel as much as $30 billion a year in illegal proceeds back into Mexico—more than the country's top two legitimate exports combined.

For a decade, northern Mexico has been the embodiment of American hopes about where its southern neighbor was going. It has been the region where private enterprise and export-oriented manufacturing flourishes, where peasants move up from poverty, where the North American Free Trade Agreement is gospel, and where pluralism and the beginnings of real democracy in Mexico have taken root. Now it is threatening to become an enormous menace—an empire of drug lords who smuggle cocaine and weapons across the border, corrupt officials on both sides of the border and terrorize border cities with assassinations.

Here, where the money first arrives from the United States in car trunks, by wire transfers and—in recent months—through huge third-party check-buying networks, the influence of billions of narco-dollars has become embedded in the culture of the frontier, transcending the usual symbols of drug trafficking: the ostentatious pink mansions of the newly wealthy, the crude graffiti of the multiplying street gangs in border slums, the frequent shootouts between feuding drug factions and the wars between corrupt police units.

The money is financing the businesses where residents eat, play, work, shop and invest. It is altering the lives and health of their children and families, leading to skyrocketing homicide and overdose rates. It is greasing the governments that run the cities, states and nation.

"It is part of everyday life in northern Mexico," said Luis Astorga, a sociologist who has written extensively about the social and cultural impact of the drug trade in his native frontier region. "It cannot be separated from the legitimate economy or the authorities in power."

Northern Mexico has been a major smuggling route since early in this century, when cattle rustler-turned-guerrilla Pancho Villa stormed across the desert frontier fomenting the revolutionary fervor of 1917. It is a vast territory of dry lake beds ideal for landing cocaine-packed jets, scrub desert perfect for eluding border guards, industrial areas with numerous warehouses for stockpiling tons of illegal drugs and border stations where customs officials check barely 5 percent of the 87 million vehicles that cross each year.

The cities of northern Mexico have diverse economies, developed from decades of legitimate cross-border trade and tourism with their richer northern neighbor. The border was crossed last year by about 232 million people, making it the world's busiest international boundary.

It is Mexico's most prosperous and industrialized region, stretching from Tijuana—the country's most visited tourist destination—through dusty desert villages, past grimy Cuidad Juarez on the border and eastward toward the high-rises and belching industries of Monterrey, dubbed the Pittsburgh of Mexico. Despite the country's deepest economic recession in 60 years, northern Mexico's border cities continue to boom, adding jobs in a year of record unemployment nationally and building new industries during a period of unprecedented bankruptcies and collapsing businesses.

But now the underground economy built from decades of smuggling contraband, people and drugs to the United States has become so intertwined with the region's legitimate wealth that the two are almost indistinguishable, according to investigators. The constantly flowing river of people and money—magnified by the North American Free Trade Agreement among the United States, Mexico and Canada—is a perfect disguise for moving drugs in a narco-dollars out of the United States, investigators say.

One highly audible indication of how drug culture has penetrated the north of Mexico is found on the radio airwaves, where the most popular songs are "narco-ballads" about daring trafficking escapades with drug lords as the heroes and police as the bad guys. The songs belt out the tales of mafia rivalries and hapless U.S. drug agents with extraordinarily accurate details of the constantly changing drug world. "Mess with the mafia and pay with your hide," one warns.

While the exact amount of narcotics money flowing back to Mexico is impossible to calculate, Mexican Assistant Attorney General Moises Moreno Hernandez, speaking at a conference last August, estimated that $30 billion was returned to Mexico in 1994. The U.S. Treasury's Financial Crime Enforcement Network estimates it at $10 billion to $30 billion.

Nowhere are the effects of the drug trade more evident than in booming border cities such as Ciudad Juarez, a roiling metropolis of 1.3 million that is joined by five bridges to El Paso, Tex. Authorities say it is the home of Mexico's most powerful drug cartel.

Despite the nationwide recession, Juarez—along with many of its sister cities along the border—is growing, if not prospering. Employment is up, glitzy new office buildings are under construction, and its bars and restaurants are packed. While much of the city's economic success is the result of legitimate business, a strong industrial base and cross-border tourism from El Paso, city residents from all walks of life say drug money has become so entwined in their local economy that above-board businesses and those financed by narco-dollars are difficult to separate.

The influx of drug money has helped shape the city, from seedy discos and bars that run along the underbelly of downtown Juarez to ritzy country club estates clustered around a green oasis of golf courses in newly developing suburbs.

The Juarez Cartel and the many local organizations that are its subcontractors for transporting the drugs have bought heavily into trucking businesses and car dealerships for their operations. One major trafficking family owns a petroleum company and is said to use its tanker truckers for smuggling drugs, according to U.S. and Mexican law enforcement officials. And the boss of the Juarez cartel, Amado Carrillo Fuentes, allegedly owns several small airlines.

In Tijuana, the Arellano-Felix brothers—leaders of the violent Tijuana Cartel—are suspected of using a local racetrack to launder their drug money. Juan Garcia Abrego, the recently arrested head of the Gulf Cartel, reportedly owned more than a dozen used-car and automotive parts stores along the south Texas-Mexican border.

But law enforcement officials and local business leaders say it has become difficult to track the investments of the cartels and their associates. "They're getting much smarter," said a Juarez businessman. "You can't drive down the street anymore and say that and that and that was built by the drug lords. Now they're using middlemen to buy buildings."

For many residents, the map of northern Mexico is determined not by highways and state lines but by the frequently changing territories controlled by drug-trafficking organizations. The areas shift each time a kingpin is assassinated or jailed.

Today, two mafias dominate the region—the Juarez and the Tijuana cartels—and two other powerful groups, the Sonora and Gulf cartels, operate variously at odds or in concert with them. The major trafficking organizations are known by several names, but generally are associated with their areas of geographic control. They, in turn, subcontract the logistics of transporting their drugs among an estimated 250 families and gangs that work specific smuggling routes across the frontier.

The Juarez Cartel, headed by Carrillo, today is undisputedly the most powerful mafia, controlling the central trafficking corridor between Juarez and El Paso. In recent months Carrillo also has begun expanding east into the territory of the Gulf Cartel, which is in disarray after the arrest earlier this year of its alleged kingpin, Garcia Abrego.

Carrillo, who took over the Juarez Cartel after his rival for the leadership was gunned down on a Cancun beach three years ago, is considered the pioneer of the new breed of shrewder, more corporate cartel bosses who shun the limelight.

With many more billions of dollars at risk, Carrillo and his competitors are seldom seen in the restaurants and discos they have built across northern Mexico. They have not given up their lavish lifestyles, but now they entertain in private while threatening local newspaper editors to keep away their photographers. Often traffickers invite well-known music stars to sing for select guests inside well-guarded ranches near their northern Mexico headquarters and lavish compounds in more glamorous parts of the country, such as Guadalajara, Acapulco and other resort areas.

But Carrillo and his counterparts are no less brutal than those before them. Shootouts between rival groups often occur along the border; in some major cities, drug assassinations are nearly a daily occurrence. The victims' bodies are left with the telltale mafia signatures: hands tied and a single bullet in the head.

Last year, the largest cities along the border recorded more than 1,000 slayings, more than half of them drug-related and unsolved. In Tijuana, for example, there were 121 homicides in the last six months, and officials say at least half involved drugs.

Last year in Juarez, homicides were up 25 percent to 295, of which police estimate 70 percent were drug-related. Two years ago, the tortured bodies of the city's newly retired police chief and two of his sons were found in the trunk of their car, which had been parked on one of the busy bridges connecting Juarez and El Paso. Family members said they believed the three were murdered by drug lords who suspected the 26-year veteran policeman of being an informant for U.S. law enforcement officials.

City officials say much of the sharp rise in homicides and other crimes in Juarez is a side effect of the Juarez Cartel's practice of subcontracting its transportation and distribution needs to numerous smaller organizations along the border. Those groups in turn often hire local smuggling families on street gang members to carry the drugs into the United Sates in the trunks of cars, on the backs of mules in more remote desert areas, or hidden in boxes of tennis shoes, tomatoes or other legitimate commercial items hauled by 18-wheel trucks.

As a result, hundreds of newly created ganps—put at 450 today, up from 120 five years ago—are battling for control of the street sale of drugs in Juarez. In many parts of downtown Juarez, gangs with names such as Los Gatos (The Cats) or El Puente Negro (The Black Bridge gang), the city's most notorious, rule the night and mark their territory with bold spray-painted graffiti.

With so much cocaine entering northern Mexico, an increasing amount never leaves. The Mexican drug cartels often take payment from their Colombian cocaine suppliers in the form of drugs rather than cash—a portion of which they sell locally. Juarez last year reported that drug "shooting galleries" multiplied faster than police could track them.

So while Mexico's national leaders are fond of saying drugs merely pass through Mexico en route to the world's largest consumer market of illegal narcotics, the outspoken mayor of Juarez, Ramon Galindo Noriega, says that is no longer the case. Last year, 90 people died of overdoses—up from four or five the previous year, according to the major.

According to court testimony in the United States and U.S. and Mexican law enforcement officials, the cartels pay as much as $500 million a year in protection money to Mexican police, politicians and government officials—from the lowest border guard to the highest reaches of the federal government. Just this month, the governor of the border state of Nuevo Leon was forced to resign following accusations of mismanagement and drug-related corruption.

In some respects, northern Mexico should have had the best chance of any region of the nation to shake off decades of political corruption and offer tough resistance to the rise of the drug kingpins.

It was the first region of the country where members of the conservative opposition National Action Party (PAN) broke the stranglehold of the ruling Institutional Revolutionary Party (PRI), winning governorships, mayoralties and municipal seats with promises of fighting entrenched corruption.

Instead, the drug cartels are more powerful than ever.

One of the first PAN governors in the north, Ernesto Ruffo Appel, former governor of Baja California, said he found drug-based corruption too institutionalized to clean up from the governor's office.

"The system doesn't work," said Ruffo, who works at the national party level. "Everybody's on the take. There's just too much money."

According to many law enforcement officials and political specialists, the institutionalization of corruption is a key milestone in northern Mexico's journey toward becoming a drug fiefdom.

"In the past, you had specific protection rackets that were between particular people," said a U.S. law enforcement official who monitors drug trafficking on the border. "Now you increasingly have protection [for the cartels] regardless of who sits in a particular law enforcement job."

At the low end, police, because of their poor pay, traditionally have been thoroughly corrupted by drug cartels. Police frequently act as bodyguards and assassins for the kingpins, and raging gun battles among local, state and federal police units—some in the pay of the cartels, the others trying to arrest them—are commonplace.

Late one night a few weeks ago, a Wild West-style shootout exploded on the streets of Juarez—police were fighting it out with police.

Carloads of federal police surrounded city police headquarters and within minutes shooting broke out, leaving one federal officer dead on the bloodied pavement and several city police wounded in what many officials described as an outgrowth of simmering tensions between rival drug protection rackets.

"I know I have policemen who are paid by the drug dealers," said Mayor Galindo. "I pay 2,200 pesos [$297] a month. A drug dealer can give $1,000 a week for protection. I can't compete. When I listen to the politicians in Mexico City talk about the drug struggle, they don't know what they're talking about. Where can I hire police I can trust?"

A few months before the shootout, Juarez city police—frustrated that their federal counterparts, charged with enforcing drug laws, were taking no action to stop the proliferation of drug shooting galleries in the city—leaked the addresses of 90 known drug houses to a local newspaper. The paper published the list and confronted the federal police, who said they had never been given the list. "We published the list as proof that they'd received it," said an editor. "And they did nothing."

Ruffo and others say even the judicial system has become co-opted, by money or fear. "Judges are afraid they might be killed. It's very risky to confront this," Ruffo said. On that, he shares the pessimism of many in northern Mexico: "If we can't even trust the judicial system, we have nothing."

THE MEXICAN FEDERATION

Four organizations dominate the international drug trade in northern Mexico. Together with about a dozen smaller groups, they have been dubbed The Mexican Federation by the U.S. Drug Enforcement Administration and gross an estimated $10 billion to $30 billion annually in narcotics sales in the United States. Family ties are important to the groups, most of which can trace their lineage back decades to the cross-border smuggling of contraband such as stolen cars.

THE TIJUANA CARTEL

Currently the second most powerful cartel. Considered the most violent of the Mexican organizations. Best known for the ambush of Catholic Cardinal Juan Jesus Posadas Ocampo at Guadalajara Airport in May 1993.

Leaders: Arellano-Felix brothers—Benjamin, Ramon, Javier and Francisco (currently jailed in Mexico)—who are the nephews of Guadalajara Cartel co-founder Miguel Angel Felix Gallardo.

Activities: Controls most of drug smuggling across the California border; has recently diversified to become one of the main suppliers of methamphetamine, consolidating its position through a violent turf war in San Diego.

THE SONORA CARTEL

Also known as the Caro Quintero organization; made up of remnants of the old Guadalajara Cartel, best known for the brutal 1985 torture and killing of DEA agent Enrique Camarena.

Leaders/co-founders: Rafael Caro Quintero, under arrest. Miguel Angel Felix Gallardo, arrested in 1989, remains a major player from prison.

Acting leader: Miguel Caro Quintero, brother of Rafael.

Activities: Among the first Mexican organizations to transport drugs for the Colombian kingpins. Main trafficking routes through Arizona border area known as "cocaine alley" with movements also coordinated through the Juarez Cartel in the territory controlled by that organization.

THE JUAREZ CARTEL

Currently the most powerful of the Mexican cartels.

Leader: Amado Carrillo Fuentes, about 40; took over in 1993. Shuns flamboyant lifestyle of his competitors, and is said to represent a new breed of kingpin who believes in compromising with rivals.

Activities: Carrillo Fuentes pioneered the use of Boeing 727s for bulk shipments of as much as 15 tons of cocaine between South America and northern Mexico. Cartel operates primarily through Juarez-El Paso and surrounding desert along the west Texas and New Mexico borders.

THE GULF CARTEL

Once undisputed champ of the Mexican organizations. Cartel's fortunes began to fade about a year ago after its alleged kingpin, Juan Garcia Abrego, 51, had to go underground. He was arrested in January and deported to the United States, where he is standing trial in Houston.

Leader: Oscar Malherve, one of Abrego's top lieutenants and money-launderers.

Activities: Moves drugs primarily through the Texas border region, particularly Matamoros-Brownsville, and along the Gulf coastal shores.•

CITY OF MUNISING'S 100TH ANNIVERSARY

Mr. LEVIN. Mr. President, I rise today to commemorate the 100th anniversary of the incorporation of the city of Munising, MI. In the Chippewa language, Munising means Place of the Great Island.

Munising was first founded in 1850 when the Munising Co. bought 87,000 acres of land on the eastern shore of Munising Bay. The land changed hands for the next 20 years as businesses opened and closed in the area.

In 1870, the beginnings of a thriving town were seen. The village of 30 homes was centered around the blast furnace which had just begun producing iron. The village had a blacksmith shop, sawmill, dock, and a government lighthouse. The village continued to thrive until 1877, when a fire destroyed the whole community.

By 1895, the lumber baron Timothy Nester had acquired 184,000 acres in Munising Bay. He quickly began work on a railroad to connect Munising to South Shore. A town was planned and several buildings were built from the nearby lumber. In January 1896, a post office was opened to serve the town's 500 residents. In May 1896, the village was incorporated and Nester was named president. The new town expanded rapidly and after a year its residents numbered 3,500. The lumber industry would continue to drive the expansion of the village for many years to come.

Today, Munising is a small and vibrant community. Many people from Michigan and around the country come to Munising to experience the many activities its natural beauty has to offer. I know that my Senate colleagues join me in congratulating the city of Munising on its 100th anniversary.

RISE IN DRUG USE

• Mr. ABRAHAM. Mr. President, earlier this week I and several of my colleagues—Mr. COVERDELL, Mr. KYL, Mr. NICKLES, Mr. GRAMM, Mr. DOMENICI, Mr. FRIST, and Mr. CRAIG—came to this floor to discuss the disturbing rise in drug use in this country since the beginning of the Clinton administration. Yesterday, the Wall Street Journal editorialized on the same subject. I ask that the editorial be printed in the RECORD.

The editorial follows:

WAITING TO EXHALE

Now, in April 1996, with eight months left on a four-year term, Bill Clinton flies the press into Miami so he can be seen standing shoulder to shoulder with General Barry McCaffrey, a decorated war hero he's enlisted to lead a war on drugs. Standing among schoolchildren Monday, the President poured his great rhetorical heart onto the drug war. Along the way came these key words: "Make no mistake about it, this has got to be a bipartisan, American, nonpolitical effort." Translation: Don't blame me for this problem, especially during an election campaign.

In fact, Bill Clinton's retreat in the drug war is among the worst sins for which his Administration should be held accountable. After years of decline in drug use, recent surveys make it clear that a younger generation of Americans is again at risk. The number of 12-to-17-year-olds using marijuana increased to 2.9 million in 1994 from 1.6 million in 1992. Marijuana use increased 200% among 14-to-15-year-olds during the same period. Since 1992, according to large surveys of high school students, there has been a 52% increase in the number of seniors using drugs monthly. One in three report having used marijuana in the past year. Private anti-drug advocates such as Jim Burke of the Partnership for a Drug Free America and Joe Califano of Columbia University's Center on Addiction and Substance Abuse have been running alongside this drug fire, yelling for help to anyone who'd listen.

Better late than never, of course, and it is good that Mr. Clinton wants to mend his ways with General McCaffrey. We applaud the appointment and think General McCaffrey has sounded many right notes. Legalization, he says, "is out of the question."

A quarterly regional analysis put out by his office brings the problem up to date: "A recent New York State high school survey reports that 12% of New York teens said that they smoked marijuana at least four times a month, double the number in the 1990 survey." Discussing "Emerging Drugs," the report notes methamphetamine's popularity in the San Francisco area: "in addition to its use by young users who combine it with heroin ("a meth speedball") it can also be found in 'biker's coffee,' a combination of methamphetamine and coffee popular among young, fairly affluent urbanites." Additionally, the report notes that "Club drugs, a name which generally includes MDMA, Ketamine, 2c-B, LSD, psilocybin and a range of other hallucinogens, are increasingly mentioned in this quarter."

These recent events are not a coincidence. The drug retreat was the result of a series of explicit policy decisions by Mr. Clinton and those around him. Which is why we think it is worth focusing on the meaning of his wish that the anti-drug war be "bipartisan, American, nonpolitical." This means that between now and November's election no one is allowed to utter the phrase "didn't inhale." No one is allowed to remember Surgeon General Joycelyn Elders talking about drug legalization, even as her own son was arrested and convicted on drug-sale charges.

Nor should anyone be allowed to bring up White House deputy personnel director Patsy Thomasson's admission to a congressional committee that some dozen White House employees, including senior staff, had been "requested to be part of an individual drug testing program" because of their prior drug history. Ms. Thomasson's experience in these drug mop-up duties extends back to her days in Arkansas when she took over the business of Dan Lasater—Little Rock bond dealer, Clinton campaign contributor and friend-of-brother Roger—while Mr. Lasater served prison time for "social distribution" of cocaine. This week Mr. Lasater is testifying before the Senate Whitewater Committee, and we assume he will be asked to enlighten the committee about the millions of dollars of mysterious trades that his firm made through an account without the knowledge of the account's owner, Kentucky resident Dennis Patrick.

On matters of pure policy, among Bill Clinton's first acts was to cut spending on the war. The staff of the Office of National Drug Control Policy was cut to 25 from 146. Drug interdiction funds were cut. The number of trafficker aircraft seized by Customs fell to 10 from 37 in FY '93–'95. Drug czar Lee Brown wandered the nation's editorial pages seeking the public support he rarely got from his President. New York Democratic Congressman Charles Rangel announced: "I really never thought I'd miss Nancy Reagan, but I do."

Finally, about a year ago, Mr. Clinton received a stinging letter from FBI Director Louis Freeh and DEA director Tom Constantine, charging that the President's anti-drug effort was adrift. So now we have General McCaffrey, who says, "There is no reason why we can't return America to a 1960s level, pre-Vietnam era level of drug use."

Sorry, General, but pre-Vietnam America is not coming back. General McCaffrey's current President is a founding member of the generation that transformed America in the years of Vietnam and those that followed. It bequeathed to all of us a culture and ethos of such personal and moral slovenliness that we must now enlist a battle-hardened soldier to save the children of the anti-Vietnam generation from drugs. It is perhaps the most perfect, bitter irony that when these parents now exhort their children to stop using marijuana (of a strain that is significantly more potent than anything they dabbled in), the kids reply: "Why should we? We're not hurting anyone."

Basically, we'd very much like to know exactly why Bill Clinton took a powder on the drug wars after he became President. There was in fact a rationale of sorts offered at the time for the change in tone and direction. In contrast to what was thought to be the Republican approach of throwing people in jail for drug offenses, the Clinton approach would emphasize prevention and treatment. There is a case to be made for prevention and treatment, but the heart of our complaint with this President's attitude on drugs has to do with what we would call it character, its moral content.

Unlike the Reagans, you will never see the Clintons articulating the war on drugs as an essentially moral crusade. With its emphasis on treatment and programs and prevention, it is mainly the kind of effort that the sociologist Philip Rieff identified as the triumph of the therapeutic. Rather than the school-marmish Nancy Reagan, the Clintons, like the generation of liberal constituencies that they lead, are going to be rhetorically correct, believers in the powers of bureaucratic healing—and nonjudgmental. In their world, no one is ever quite caught for disastrous personal behavior or choices. Instead of absolution, there are explanations.

This, in our opinion, is the real reason the drug war waned when Bill Clinton became President. The message this new President sent to his young, yuppie, MTVish audiences was that he was just too cool to go relentlessly moralistic over something like recreational drugs. Sure he had an anti-drug policy in 1992 and a czar and speeches, but Bill Clinton wasn't going to have any cows over the subject. Surely, the drug-testing White House staff understood that much.

We don't doubt that a lot of people in this country, especially parents of teenaged and pre-teen children, would very much like to rediscover General McCaffrey's pre-Vietnam world of less constant cultural challenge. But the people who turned that culture upside down, making it a daily challenge for parents, have at last been given the chance to run the government. But this death-bed conversion on drugs simply lacks credibility. As much as we applaud General McCaffrey's new offensive, only a triumph of hope over experience could lead anyone to believe it would be sustained past November if Mr. Clinton and his crowd are returned to the White House.•

WHY NO HELP TO LIBERIA?

• Mr. SIMON. Mr. President, the tragedy of Liberia should be of concern to all Americans.

I have twice visited that battle-scarred country which has more ties to the United States historically than any other nation of Africa.

And the United States bears a partial responsibility for what is happening there.

I'm pleased that the latest reports show that there is relative stability temporarily, but I am confident that this relative stability will be broken once again unless the nations move together effectively under U.S. leadership.

The ECOMOG forces have brought some stability but there needs to be a stronger indication of interest outside of Africa also. Bishop John H. Ricard, chairman of the board for Catholic Relief Services, had an op-ed piece in the Washington Post, which I ask to be printed in the RECORD after my remarks. I hope his article will stir policymakers a little more.

He eloquently pleads for help to this needy, desperate country.

The article follows:

WHY NO HELP TO LIBERIA?

(By John H. Richard)

When the leaders of Liberia's warring factions signed a peace agreement in Abuja, Nigeria, last August, they did not ask for American troops to back it up. They did not ask us to broker the peace or shed our blood. What they did ask for was a credible force of properly equipped peacekeepers to persuade combatants to give up their weapons.

They knew that this relatively modest assistance would provide stability and give the country an opportunity to rejoin the rest of the world. The signatories to the agreement had hoped that Liberia-like Bosnia, Haiti, Kuwait and Somalia—might qualify for the type of aid necessary to give the nation a chance.

Rejected by the international community, Liberians were left to face the formidable tasks of nation-building without the assistance that might have seen them through those tasks. Perhaps the violence we witnessed last week would have happened anyway. The sad truth is we won't ever know whether a stronger American and International commitment might have helped Liberia avoid this bloodshed.

Liberian warlords cannot be excused for the terror inflicted in Monrovia over the past week, but neither can we place the blame entirely on Africa's doorstep. Liberia's West African neighbors, committed to bringing peace to the region, brought the warring parties to the negotiating table more than a dozen times since fighting broke out in the fall of 1990, and scores of African peacekeepers have given their lives to end the war. When the accord was signed, the fueding leaders established a functioning government that all parties upheld for nearly five months.

As skirmishes flared up-country, one or another of the Liberian leaders traveled to the point of conflict to settle it. It was not exactly a constitutional system, but the Liberian Council of State represented the resolve of a critical mass of Liberians to achieve peace. They were willing to continue, and they need our help.

It is impossible to say whether there would be peace in Liberia today if the United Nations Security Council had made the sort of commitment there that it has made in other parts of the world. But the international community never gave the African peace agreement a chance.

A week ago, international donors meeting in Brussels agreed that it would take $1.2 billion to begin the reconstruction of Bosnia. Last September, the same international donors rejected a $110 million U.N. appeal to finance demilitarization, resettlement and economic rehabilitation in Liberia, demanding that African nations shoulder more of the burden. The achievement of peace in the region is not a question of cash. But the vast disparity between monetary commitments in Eastern Europe and West Africa is telling; reflective perhaps of a basic unwillingness on the part of wealthier nations to meet Africans halfway in their efforts to build peace.

Last fall, Catholic Relief Services and other humanitarian organizations in Liberia warned the United States and European governments that if the peace process in Liberia was not supported, it would unravel. U.N. Secretary General Boutros-Boutros Ghali and Ghanaian President Jerry Rawlings noted at the time that the annual U.N. budget for Liberia would last only five days in the former Yugoslavia.

Without the support needed to foster a peaceful transition, war returned quickly. Disagreements that a well-established democracy would weather easily turned into life-and-death struggles. The resulting horror is an example of a fledgling government's inability to solve its problems. But tragically, it is also an example of our vacillation, of our reluctance to provide the sort of support and companionship that could have seen Liberians through the dark but hopeful days of an early peace.

In Liberia, thousands of teenage fighters have not only been denied formal education during the years of mayhem, but in fact have never learned how to be members of society; they know only how to kill. These boy soldiers, having grown up killing, realized as the Abuja agreement dissolved that there would be no alternative to war; there would be no chance to learn a way to make a living without a gun, or even to develop into normal human beings. Already robbed of the luxury of human emotion, they would also be denied the opportunity to leave behind the violent life they had always known.

By January, the peace was undone, and today Monrovia burns. The people of the

United States and the members of the Security Council must ready themselves to pacify Liberia and reconstruct the country from the ground up, again. As Americans, we cannot throw up our hands and walk away. Why not? Because Liberians are not all warlords. They are farmers and merchants, women and children; they are our brothers and sisters. And they need our support.•

TRIBUTE TO GEORGE W. JENKINS, JR.

• Mr. GRAHAM. Mr. President, my colleague, Senator CONNIE MACK, and I join in a special tribute to one of the great business leaders of this century and a pioneer entrepreneur in food retailing: Mr. George W. Jenkins, Jr.

After a full and rewarding life, George Jenkins died peacefully in his sleep in Lakeland, FL, on April 8, 1996. He was 88.

Today, we salute the memory of this outstanding person, who personified the economic expansion of Florida in the 20th Century and the commitment to excellence in commerce.

On the eve of the Great Depression, George Jenkins invested funds he had been saving to buy a car in the first Publix grocery store. That was 1930. Since then, Publix has evolved into one of the largest supermarket operations in the Nation, with more than 500 stores in Florida, Georgia, and South Carolina, and annual sales exceeding $9 billion.

Publix employees affectionately referred to their founder as "Mr. George." Consumer Reports, in 1993, rated Publix tops in America in customer service.

In most endeavors, the positive assessment of one's peers is perhaps the highest accolade. To say that George Jenkins' peers respected him would amount to understatement; they revered him as a genius in food retailing.

George Jenkins will long be remembered for his business leadership, but also for his generosity and love of family. His philanthropy for United Way, the Boy Scouts of America, and other beneficiaries touched countless lives.

Florida is a better place and America is a stronger nation because George Jenkins shared his special talents and his giving spirit through much of this century.•

THE ILLEGAL IMMIGRATION REFORM BILL

• Mr. LEVIN. Mr. President, I voted for the illegal immigration reform bill before the Senate yesterday. The final bill is a much more balanced approach than what was first proposed in committee. Importantly, the illegal immigration reform bill deals only with illegal immigration, and expanding deeming for legally sponsored immigrants.

I supported dealing with illegal immigration separately from legal immigration because of my concern that if the two issues were dealt with together, as first proposed, legal immigration would be swept up in very different issues surrounding illegal immigration.

The illegal immigration bill sets necessary and clear limits while continuing America's history of being a nation of immigrants.

In recent years, illegal immigration has become an issue of serious legislative and national security concern. The bombing of the World Trade Center in New York City by undocumented aliens led the Clinton administration and various Members of Congress to propose legislation reforming the immigration process in the United States, particularly political asylum.

This illegal immigration bill deals with stopping illegal immigration on two fronts—at our borders by keeping illegal aliens out in the first place, and within our borders for those who have entered the United States legally but are now here illegally.

It improves the controlling and policing of our borders from illegal entry by increasing border patrol and INS inspectors. It also addresses the magnet of jobs and public assistance that has attracted illegal immigrants to the United States by authorizing a series of pilot projects to verify eligibility for employment in the United States and for receiving public assistance and by establishing a program to develop tamper proof birth certificates and driver's licenses to reduce their vulnerability to forgery.

This bill also increases the number of border patrol agents by 4,700 over 5 years. It adds 300 full-time INS investigators over 3 years to enforce alien smuggling and employment laws.

It also deals with the fact that half of all illegal aliens in the United States came here legally—they then overstayed their visas and are now here illegally. We can't eliminate the problem of illegal immigration only by policing our borders. We must also find ways to keep people from coming here legally as tourists or students and not leaving. The bill deals with this in a number of ways, but its major thrust is clamping down on the magnets that attract illegal aliens in the first place by eliminating access to U.S. jobs and taxpayer supported benefits.

In order to block illegal aliens from working and receiving public assistance employers and administrators of public assistance need to have a reliable way to know who is eligible to work or to receive benefits and who isn't. It has been illegal since 1986 to hire illegal aliens, but far too many are working and taking jobs from American citizens and legal permanent residents. The relative ease of access to U.S. jobs is what is drawing illegal aliens to the United States. The main reason the current system is not working as it should is because we don't have an accurate or forgery-proof way to verify employment eligibility.

This bill attempts to address this issue. It simplifies the existing cumbersome employment verification system by reducing the number of acceptable documents that can be used by employers to verify a person's eligibility to work. It lays the groundwork to develop a new verification system for employment and public assistance eligibility. The INS is directed to conduct several local and regional pilot projects to demonstrate the feasibility of alternative systems for verifying eligibility. The pilot programs can last from 4 to 7 years in an effort to find a workable system. Congress must approve any permanent program.

The bill language specifically takes steps to protect privacy and guard against anti discrimination. It also contains language to protect privacy and criteria to reduce the burden and cost to business.

The verification system aims to eliminate counterfeit documents by requiring that any document required for verification must be tamper resistant. However, the legislation makes clear that this document may not be required as a national identification card. Importantly, employers are not liable if they hire a person in good faith who is later found to have been ineligible.

The bill reinforces and strengthens current U.S. immigration law requirements that immigrants be self-supporting and that they not become a public charge. Legal immigrants are accepted into the United States under the condition that their sponsors, not the taxpayer, will be responsible for them. This bill holds them to that promise. It requires sponsors of immigrants to take greater responsibility for those they bring into the United States by making the affidavit of support which they sign a legally binding document.

The bill also counts the sponsor's income as part of the immigrant's income for purposes of determining eligibility for public assistance, a process known as deeming for an expanded range of public assistance programs. I believe this provision is in line with immigrants' pledge of self-sufficiency and that they will not become a public charge. By expanding the number of programs that require deeming, we are holding immigrants to their commitment and requiring their sponsors, not the Government, take responsibility for them. I supported a Simon amendment that would have eliminated retroactive deeming requirements in the bill. I believe in deeming requirements to assure that sponsors and the legal immigrants that they sponsor meet the responsibilities they have promised to meet, but I think it's unfair to apply new rules after the fact to those who are already here. Unfortunately, that amendment was defeated.

I voted for a Kennedy amendment that would have excluded pregnant women, children and veterans from deeming requirements for Medicaid. Unfortunately, that amendment was also defeated.

Under the bill, illegal immigrants, who have broken U.S. laws and have no legal right to be here, are prohibited from using any Federal, State, or local benefit, with minor exceptions related to public health interests.

Mr. President, in conclusion, it is time we dealt firmly and directly with illegal immigration. This bill, while not perfect, makes a good effort to put in place the procedures and resources necessary to reduce illegal immigration. •

CHEMICAL WEAPONS CONVENTION

• Mr. SIMON. Mr. President, on Thursday of last week, the Senate Foreign Relations Committee reported favorably, by a 13 to 5 vote, the resolution of ratification of the Chemical Weapons Convention [CWC]. I applaud the committee's action and the leadership of Senators LUGAR, PELL, KASSEBAUM, KERRY, and BIDEN, not to mention the hard work of the committee staff, to advance this major arms control treaty. I hope that floor consideration can be scheduled as early as possible. While I realize that there may be difficulties on the floor, this treaty is of such importance that it would be an abrogation of our responsibility, when it is out of committee and ready to go, not to provide advice and consent before the end of this Congress.

I note that Majority Leader DOLE stated on December 7 of last year that it was his intention that the Senate would consider the Convention in a reasonable time period once the Convention is on the Executive Calendar. Well, the Chemical Weapons Convention is now on the calendar, and the reasonable time clock is ticking.

As all major arms control treaties must be, the CWC is a bipartisan measure. It was negotiated during the Reagan administration, signed by President Bush, and submitted to the Senate by President Clinton. It was approved by a strong bipartisan majority of the Foreign Relations Committee. It is endorsed by arms control advocates and the Chemical Manufacturers Association. Some critics of the CWC have sought to blame the Democrats for failing to ratify the Convention when they controlled the Senate. Yes, the Senate should have acted on the CWC in 1994, but that fact does not provide a reason not to act in 1996. The sooner we can ratify the Convention, the sooner we can eliminate these horrible weapons.

While U.S. accession to the treaty is not a legal requirement for the treaty to enter into force, it has become a practical requirement. The case of the CWC is yet another example of the continued primacy of U.S. leadership in international politics. Ratification by 65 countries is necessary for the CWC to enter into force. Currently, only 49 have done so, and it has become clear that many are waiting for U.S. ratification. Why? For one, because the United States maintains one of the two largest stockpiles of chemical weapons. But more fundamentally, because nations continue to look to the United States for leadership in matters of great international import. President George Bush wrote in 1994: "United States leadership is required once again to bring this historic agreement into force." This remains true today. Prompt action is our responsibility.

Critics of the CWC, and there appear to be few, argue that U.S. security is harmed by our approval of a treaty that binds us to destroy a class of weapons we currently possess, while citing that certain "rogue" states have not signed the treaty and raising questions over Russian compliance. They argue that, by proceeding to eliminate its chemical weapons stockpile under the CWC, the United States is depriving itself of a deterrent capability against any state that maintains some CW capacity. However, deterrence is based on the ability to respond in kind, and that assumes that chemical weapons are a legitimate instrument of warfare for the U.S. military.

The fundamental basis behind the CWC, however, is that chemical weapons are not legitimate for war-fighting. This consensus goes back to World War I, where the invidious use of mustard gas prompted the 1925 Geneva Protocol to prohibit the use of chemical warfare agents. More recently, the Iraqi attacks on the Kurds in 1988 and the Sarin gas attack on the Tokyo subway last year have reminded the international community of the terror of chemical weapons. Try as we might to stigmatize chemical weapons through other means, there can be no substitute for, in the words of President Bush's National Security Advisor Gen. Brent Scowcroft, "the clear international norms against chemical weapons, the legal framework, and the challenge inspections embodied in the Chemical Weapons Convention."

A chemical weapons deterrent capability for the United States is not only unnecessary, it is inconceivable. If U.S. troops or territory were subject to a chemical attack, our military has ample means to respond in conventional ways, if a military response were deemed appropriate. Defense Secretary William Perry testified last month to the Foreign Relations Committee that "we have an effective range of capabilities to protect against, to deter, or to retaliate against the use of chemical weapons * * *" JCS Chairman Gen. John Shalikashvili testified in 1994 that "while forgoing the ability to retaliate in kind, the U.S. military retains the wherewithal to deter and defend against a chemical attack." Additionally, I doubt that many Americans would feel comfortable with having a military that is prepared to wage gas attacks on foreign populations. In essence, how could we ask the world to make illegal these weapons, if we reserve the right to their legitimate use?

There are a number of other criticisms of the CWC to address, and I hope to do so at a later time. Simply put, the CWC will improve our national security by establishing the legal basis, the timetable and the verification regime necessary to ban chemical weapons. I am pleased that the Foreign Relations Committee has finally reported out the Convention, and I hope that we can proceed to give our advice and consent as soon as possible.•

THE VETERANS' ADMINISTRATION BUDGET

Mr. BOND. Mr. President, just to follow up very briefly on what the majority leader said, the Wall Street Journal earlier this week pointed out that the tax increases in 1993 had the effect of costing jobs and economic growth in this country. Two economists, William Beach and Scott Hodge, at the Heritage Foundation, used the very reputable econometric model, the Washington University macro model, to try to figure out what happened as a result of that 1993 budget deal. They calculated it reduced private sector jobs by 1.2 million. We lost $208 billion in output, or the equivalent of $2,100 per family. What is worse, they found out the tax increases did not reduce the deficit as much as predicted because tax increases change behavior and not all the taxes were generated. Only about 56 cents of additional deficit reduction came for every $1 of new taxes. So that did not work very well.

Now the majority leader has talked about how we need to get the budget in balance by cutting spending. I wanted to share very briefly today with my colleagues something that went on in our appropriations subcommittee for VA and HUD today. We had before us the Secretary of the agency, Secretary Brown. We showed him the budget projections. This chart shows what the Congress' budget projection was last year. This green line shows a flat line across here.

Actually, we raised that to this level. Last year the Secretary said holding the Veterans' Administration budget flat through 2002 would be devastating; hospitals would- be closed, veterans would not be served, there would be tremendous hardship, the system could not operate. He said the system could not operate with flat appropriations, even though the number of veterans is declining.

So I asked him what would happen, because this is the Clinton projection.

These are the Clinton administration numbers for the Veterans' Administration budget, going up here in 1997, one more year, and then just plummeting, plummeting by more than $3 billion a year out of just slightly over a $16 billion budget. This, coming down according to the CBO, this would be just around $13 billion or less for the Veterans' Administration.

The Secretary said he could not live with, and the veterans could not be served by, that budget. So I asked him if he were going to send out the e-mail messages and statements in pay stubs that he had sent to the employees of the VA last year when we proposed this budget. He said no. I asked him why not. He said, because the President has personally assured him he will negotiate the budget with him and take care of the veterans.

I asked him, I said, "Are you concerned that the President is going to live with that budget number that shows the budget plummeting for VA?" He indicated to me that he had no concern whatsoever that the Veterans' Administration budget would fall like that, because the President promised to negotiate with him.

I had to ask the question, and I ask it again. Who is the President fooling? Is he fooling the taxpayers and Congress when he proposes a budget like that that purports to cut it and cut the budget for the Veterans' Administration a total of $13 billion in this period? Or is he fooling the veterans by telling them, do not worry, we will keep spending up however high it needs to go? Whichever way it goes, it has to call into question whether the President is serious about these budget negotiations. He said that he wants to balance the budget.

We have the President on record and we have OMB on record as saying they want to balance the budget. How are they going to do it? Well, they have some very draconian cuts in their appropriated spending accounts. This red line shows how sharply those cuts are going to be made. This is the President's entire budget, and he hopes to get to a balance in 2002 by cutting it like that.

Part of those cuts are reflected in this precipitous cut in the VA budget, showing this for the Veterans' Administration only. But he is telling the people, the constituents of the Veterans' Administration, or they believe he is saying, "Don't worry, we'll negotiate with you a good budget and take care of you."

We have the promise, on the one hand, of OMB that this is a meaningful budget that shows a reduction of appropriated spending sufficient to balance the budget in the year 2002 under President Clinton's plan. On the other hand, we have the assurance, the confidence of one of the agency administrators whose budget is going to be slashed that it will not be slashed. That is the best of both possible worlds.

For the vast majority of American citizens who want to see a balanced budget, you have these numbers in a budget, but it is really a no pain-no gain situation, because you tell the people who will be directly affected, "Don't worry because we don't mean this; don't worry, the budget's not going to come down like that."

Mr. President, what they must be telling us is it is all for show. It sounds good to tell the American people we are going to balance the budget, but we can sure get out and get the word to all of the people who depend upon those particular agencies, "Don't worry, your agency is not being cut; your agency is not going to suffer any reductions."

Mr. President, I think the issue of credibility and character are going to be very important in this fall's election, and I think this budget flimflam tells a lot. I think it raises questions about the honesty of the plan that we are being presented on behalf of the Clinton administration by OMB. They would like us to think the budget is going to be balanced, but they assure the people in the area, plan for the cuts, that that $13 billion will not be cut out of the VA budget. Is it going to be cut someplace else? I doubt they will be willing to say someplace else will be cut even more.

I thank the Chair. I note several colleagues wishing to speak. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

AMENDMENT TO THE HISTORIC CHATTAHOOCHEE COMPACT

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 345, H.R. 2064.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 2064) to grant consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. COHEN. Mr. President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 2064) was deemed read the third time and passed.

THE CALENDAR

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 366, H.R. 1743, Calendar No. 367, H.R. 2243, and Calendar No. 375, S. 811, en bloc; further, I ask unanimous consent that reported amendments to the text, as may appear, be agreed to, the bills be deemed read a third time, passed, the motions to reconsider be laid upon the table, en bloc, and that any statements relating to these measures be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE WATER RESOURCES RESEARCH ACT OF 1984 AMENDMENT ACT OF 1996

The Senate proceeded to consider the bill (H.R. 1743) to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. FINDINGS.

Section 102 of the Water Resources Research Act of 1984 (42 U.S.C. 10301) is amended—

(1) in paragraph (2), by inserting ", productivity of natural resources and agricultural systems," after "environmental quality";

(2) in paragraph (6), by striking "and" at the end;

(3) in paragraph (7), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(8) long-term planning and policy development are essential to ensure the availability of an abundant supply of high quality water for domestic and other use; and

"(9) the States must have the research and problem-solving capacity necessary to effectively manage their water resources.".

SEC. 2. PURPOSE.

Section 103 of the Water Resources Research Act of 1984 (42 U.S.C. 10302) is amended—

(1) in paragraph (5)—

(A) by striking "to"; and

(B) by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(7) encourage long-term planning and research to meet future water management, quality, and supply challenges.".

SEC. 3. GRANTS; MATCHING FUNDS.

Section 104(c) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(c)) is amended by striking "one non-Federal dollar" and all that follows through "thereafter" and inserting "2 non-Federal dollars for every 1 Federal dollar".

SEC. 4. GENERAL AUTHORIZATIONS OF APPROPRIATIONS.

Section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(f)(1)) is amended by striking "of $10,000,000 for each of the fiscal years ending September 30, 1989, through September 30, 1995," and inserting "of $5,000,000 for fiscal year 1996, $7,000,000 for each of fiscal years 1997 and 1998, and $9,000,000 for each of fiscal years 1999 and 2000".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR RESEARCH FOCUSED ON WATER PROBLEMS OF INTERSTATE NATURE.

The first sentence of section 104(f)(1) of the Water Resources Research Act of 1984 (42 U.S.C. 10303(g)(1)) is amended by striking "of $5,000,000 for each of the fiscal years 1991, 1992, 1993, 1994, and 1995" and inserting "of $3,000,000 for each of fiscal years 1996 through 2000".

SEC. 6. COORDINATION.

Section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303) is amended by adding at the end the following:

"(h) COORDINATION.—

"(1) IN GENERAL.—To carry out this Act, the Secretary—

"(A) shall encourage other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to use and take advantage of the expertise and capabilities that are available through the institutes established by this section, on a cooperative or other basis;

"(B) shall encourage cooperation and coordination with other Federal programs concerned with water resources problems and issues;

"(C) may enter into contracts, cooperative agreements, and other transactions without regard to section 3709 of the Revised Statues (41 U.S.C. 5);

"(D) may accept funds from other Federal departments, agencies (including agencies within the Department of the Interior), and instrumentalities to pay for and add to grants made, and contracts entered into, by the Secretary;

"(E) may promulgate such regulations as the Secretary considers appropriate; and

"(F) may support a program of internships for qualified individuals at the undergraduate and graduate levels to carry out the educational and training objectives of this Act.

"(2) REPORT.—The Secretary shall report to Congress annually on coordination efforts with other Federal departments, agencies, and instrumentalities under paragraph (1).

"(3) RELATIONSHIP TO STATE RIGHTS.—Nothing in this Act shall preempt the rights and authorities of any State with respect to its water resources or management of those resources.".

The committee amendment was agreed to.

The bill (H.R. 1743) was deemed read the third time and passed.

Mr. CHAFEE. Mr. President, today the Senate considers H.R. 1743, a bill to reauthorize the Water Resources Research Act of 1984, as amended. This legislation was adopted unanimously by the House of Representatives on October 17, 1995. With the strong support of Senators KEMPTHORNE, THOMAS, and REID, the Committee on Environment and Public Works approved the measure with an amendment on March 28 of this year.

The legislation, which enjoys broad bipartisan support, extends the authorization for the State Water Resources Research Institutes for 5 years. Fifty-four of these institutes have been established at land grant universities in each of the 50 States, Washington, DC, and 3 of the territories.

These institutes are a primary link between the academic community, the water-related research and regulatory personnel in our State and Federal agencies, and various interests in the private sector. The institutes provide a mechanism for promoting State, regional, and national coordination of water resources research and training. They also serve as a network to facilitate research coordination and information transfer. Their programs are coordinated with the general guidance of the Secretary of the Interior.

Mr. President, this is a popular program because research from the water institutes is often directed at finding solutions to particular water problems at the local or regional level. Research results from the program are often applied to real-world problems in water management. In my own State, the University of Rhode Island's Water Resources Center has used this program to further ground water resources management and protection, wetlands preservation, and the understanding of the effects of air pollutant deposition on lakes and streams.

Nationally, this program is designed to address water resource management problems such as: the abundance and quality of water supplies, the sources of water contaminants and methods of remediation, and the training of research scientists, engineers, and technicians. In addition to continuing the general authority for the institutes, this bill extends authorization for the awarding of funds for research projects.

Mr. President, let me conclude by explaining the authorization of appropriations made in this bill. The 1984 act authorized $10 million annually to cover all general water resources research for the institutes. H.R. 1743, as approved by the House and reported by the committee, authorizes the institutional grants program at lower levels. Beginning with fiscal year 1996, $5 million is authorized. For fiscal years 1997 and 1998, $7 million is authorized. For fiscal years 1999 and 2000, $9 million is authorized. This provides the institutional grant program with a 5-year authorization total of $37 million.

Finally, the Committee on Environment and Public Works unanimously adopted an amendment offered by Senator THOMAS to add funding for research focused exclusively on water problems of an interstate nature. For interstate research, the bill authorizes $3 million for each of the fiscal years 1996 through 2000, for a total of $15 million.

Mr. President, the Water Resources Research Program authorized by H.R. 1743 is a cost-effective program. Costs of operating the program are shared with non-Federal interests. The program provides valuable research that is useful to State and local water managers throughout the Nation. This program has given us years of valuable service and I urge my colleagues to support H.R. 1743.

THE TRINITY RIVER BASIN FISH AND WILDLIFE MANAGEMENT REAUTHORIZATION ACT OF 1996

The bill (H.R. 2243) to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for 3 years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. CHAFEE. Mr. President, H.R. 2243, a bill to reauthorize and amend Public Law 98-541, the 1984 Trinity River Restoration Program, is a truly bipartisan piece of legislation. Introduced by Representative RIGGS, H.R. 2243 passed the House by a vote of 412 to 0 on December 12, 1995. The bill would extend funding authority for Trinity River basin restoration programs through fiscal year 1998. In addition, H.R. 2243 would expand the management plan to aid in the resumption of commercial and recreational fishing, and increase the task force by five members to include representatives from commercial and recreational fishing interests, two native American tribes, and the timber industry. The administration supports H.R. 2243.

To date, restoration efforts in the Trinity River basin have included the modernization of the Lewiston hatchery, the construction of the Buckhorn Debris Dam, sediment collection pools in the Grass Valley Creek, and the purchase of 17,000 acres of highly erodible land in the Grass Valley Watershed. Other habitat restoration efforts are underway to encourage natural fish spawning and rearing, including replacement of spawning gravel below the Lewiston Dam, reestablishment of meander channels, dredging of pools in the Trinity River, and feather-tapering the river's edges.

Reauthorization of Public Law 98-514 will continue the restoration of the Grass Valley Creek Watershed, control sediment on tributary watersheds, restore the South Forks Trinity River fish habitat, and implement a wildlife management program. These efforts will contribute to rebuilding the populations of salmon and trout, which are important to commercial, recreational, and tribal fishing interests.

THE WATER DESALINIZATION RESEARCH AND DEVELOPMENT ACT OF 1996

The Senate proceeded to consider the bill (S. 811) to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes, which had been reported from the Committee on Environment and Public Works, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Desalinization Research and Development Act of 1996".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the United States and the world, it is the policy of the United States to—

(1) perform research to develop low-cost alternatives for desalinization of saline water and reclamation of nonusable nonsaline water to provide water of a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses; and

(2) provide, through cooperative activities with local sponsors, desalinization and water reclamation processes and facilities that provide proof-of-concept demonstrations of advanced technologies for the purpose of developing and conserving the water resources of this Nation and the world.

SEC. 3. DEFINITIONS.

In this Act:

(1) DESALINIZATION.—The term "desalinization" means the use of any process or technique (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline water.

(2) NONUSABLE NONSALINE WATER.—The term "nonusable nonsaline water" means water that is not saline water but, because it contains biological or other impurities, is not usable water.

(3) RECLAMATION.—The term "reclamation" means the use of any process or technique (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from nonusable nonsaline water.

(4) SALINE WATER.—The term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water.

(5) SPONSOR.—The term "sponsor" means a local, State, or qualifying agency responsible for the sale and delivery of usable water that has the legal authority and financial capability to provide the financial and real property requirements needed for a desalinization or reclamation facility.

(6) UNITED STATES.—The term "United States" means the States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

(7) USABLE WATER.—The term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline or nonusable nonsaline water, the Secretary of the Interior, in consultation with the Secretary of the Army, shall conduct a basic research and development program under this section.

(b) CONTENTS OF PROGRAM.—For the basic research and development program, the Secretary of the Interior shall—

(1) conduct, encourage, and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water and nonusable nonsaline water into usable water through research grants and contracts—

(A) to conduct research and technical development work;

(B) to make studies in order to ascertain the optimum mix of investment and operating costs;

(C) to determine the best designs for different conditions of operation; and

(D) to investigate increasing the economic efficiency of desalinization or reclamation processes by using the processes as dual-purpose co-facilities with other processes involving the use of water;

(2) study methods for the recovery of byproducts resulting from the desalinization or reclamation of water to offset the costs of treatment and to reduce the environmental impact from those byproducts; and

(3) prepare a management plan for conduct of the research and development program established under this section.

(c) COORDINATION WITH OTHER AGENCIES.—

(1) IN GENERAL.—The Secretary of the Interior shall conduct activities under this section in coordination with—

(A) the Department of Commerce, specifically with respect to marketing and international competition; and

(B)(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy;

(ii) the Environmental Protection Agency;

(iii) the Agency for International Development; and

(iv) other concerned public and private entities.

(2) OTHER AGENCIES.—In addition to the agencies identified in paragraph (1), other interested agencies may furnish appropriate resources to the Secretary of the Interior to further the activities in which such other agencies are interested.

(d) AVAILABILITY OF RESEARCH.—All research sponsored or funded under this section shall be carried out in such a manner that information, products, processes, and other developments resulting from Federal expenditures or authorities shall (with exceptions necessary for national defense and the protection of patent rights) be available to the general public.

(e) RELATIONSHIP TO ANTITRUST LAWS.—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of persons in connection with grants and contracts made by the Secretary of the Interior under this section.

SEC. 5. DESALINIZATION DEVELOPMENT PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior and the Secretary of the Army shall jointly—

(1) conduct a desalinization development program; and

(2) in connection with the program, design and construct desalinization facilities.

(b) SELECTION OF DESALINIZATION DEVELOPMENT FACILITIES.—

(1) APPLICATION.—A sponsor shall submit to the Secretary of the Interior and Secretary of the Army an application for the design and construction of a desalinization facility and certification that the sponsor will provide the required cost sharing.

(2) SELECTION.—Facilities shall be selected subject to availability of Federal funds.

(c) COST SHARING.—

(1) INITIAL COST.—The initial cost of a facility shall include—

(A) design costs;

(B) construction costs;

(C) lands, easements, and rights-of-way costs; and

(D) relocation costs.

(2) MINIMUM SPONSOR SHARE.—The sponsor for a facility under the desalinization development program shall pay, during construction, at least 25 percent of the initial cost of the facility, including providing all lands, easements, and rights-of-way and performing all related necessary relocations.

(3) MAXIMUM FEDERAL SHARE.—The Secretary of the Interior and Secretary of the Army shall pay not more than $10,000,000 of the initial cost of a facility.

(d) OPERATION AND MAINTENANCE.—Operation, maintenance, repair, and rehabilitation of a desalinization facility shall be the responsibility of the sponsor of the facility.

(e) REVENUE.—All revenue generated from the sale of usable water from a desalinization facility shall be retained by the sponsor of the facility.

SEC. 6. MISCELLANEOUS AUTHORITIES.

In carrying out sections 4 and 5, the Secretary of the Interior and the Secretary of the Army may—

(1) accept technical and administrative assistance from a State or other public entities and from private persons in connection with research and development activities relating to desalinization and reclamation of water;

(2) enter into contracts or agreements stating the purpose for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary and such entities or persons;

(3) make grants to educational and scientific institutions;

(4) contract with educational and scientific institutions and engineering and industrial firms;

(5) by competition or noncompetitive contract or any other means, engage the services of necessary personnel, industrial and engineering firms, and educational institutions;

(6) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(7) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(8) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in land and water, facilities, and other property by purchase, license, lease, or donation;

(9) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(10) conduct inspections and evaluations of domestic and foreign facilities and cooperate and participate in their development;

(11) conduct and participate in regional, national, and international conferences relating to the desalinization of water;

(12) coordinate, correlate, and publish information that will advance the development of the desalinization of water; and

(13) cooperate with Federal, State, and municipal departments, agencies, and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 7. DESALINIZATION CONFERENCE.

(a) ESTABLISHMENT.—The President is requested to instruct the Administrator of the Agency for International Development to sponsor an international desalinization conference within 1 year after the date of enactment of this Act.

(b) PARTICIPANTS.—Participants in the conference under subsection (a) should include scientists, private industry experts, desalinization experts and operators, government officials from the nations that use and conduct research on desalinization, and government officials from nations that could benefit from low-cost desalinization technology (particularly nations in the developing world), and international financial institutions.

(c) PURPOSE.—The conference under subsection (a) shall—

(1) explore promising new technologies and methods to make affordable desalinization a reality in the near term; and

(2) propose a research agenda and a plan of action to guide longer-term development of practical desalinization applications.

(d) FUNDING.—

(1) AID FUNDS.—Funding for the conference under subsection (a) may come from operating or program funds of the Agency for International Development.

(2) OTHER NATIONS.—The Agency for International Development shall encourage financial and other support from other nations, including those that have desalinization technology and those that might benefit from such technology.

SEC. 8. REPORTS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of the Interior, in consultation with the Secretary of the Army, shall prepare a report to the President and Congress concerning the administration of this Act.

(b) CONTENTS.—A report under subsection (a) shall describe—

(1) the actions taken by the Secretary of the Interior and the Secretary of the Army during the calendar year preceding the year in which the report is submitted; and

(2) the actions planned for the following calendar year.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to carry out section 4—

(1) $5,000,000 for fiscal year 1997; and

(2) $7,500,000 for each of fiscal years 1998 through 2001.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out section 5 such sums as are necessary, up to a total of $40,000,000 for the period consisting of fiscal years 1997 through 2001, of which 50 percent shall be made available to the Department of the Interior and 50 percent shall be made available to the civil works program of the Army Corps of Engineers.

The committee amendment was agreed to.

The bill (S. 811) was deemed read the third time and passed.

Mr. CHAFEE. Mr. President, today the Senate has passed S. 811, the Water Desalinization and Research and Development Act. This legislation, which was approved by the full Senate in both 1992 and 1994, is sponsored by Senators SIMON, REID, MACK, and others.

Very briefly, Mr. President, S. 811 authorizes an expanded U.S. research and development program with the goal of producing lower cost desalinization technologies. The bill assigns primary program responsibility to the Department of the Interior, in coordination with the Army Corps of Engineers.

In addition to the basic research and development program, S. 811 authorizes the development of experimental desalination facilities and requires the Agency for International Development to host a conference for countries either currently using or planning to use desalinization technologies.

Mr. President, in the face of growing domestic water shortages, as well as strategic international concerns, this legislation is designed to increase the U.S. commitment to developing more economical desalinization technology.

S. 811, as reported, authorizes $5 million in fiscal year 1997 for the basic research and development at the Interior Department; $7.5 million is authorized for this purpose in each of fiscal years 1998 through 2001, for a 5-year total of $35 million.

For the facility development program, $40 million is authorized for fiscal years 1997 through 2001. I note that the total authorization for appropriations in this bill is $20 million less than the $95 million provided in the bill as introduced.

I thank Senator SIMON and the others who support this bill for working with us to reduce the authorization levels. Based upon the very limited amount of discretionary funding that will be available over the next 5 to 7 years, we have no choice but to do more with less in this area.

AMAGANSETT NATIONAL WILDLIFE REFUGE

Mr. COHEN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 378, H.R. 1836.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1836) to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. D'AMATO. Mr. President, I rise today in support of H.R. 1836 which will allow for the protection of New York's rarest plant species, the sandplain gerardia—also a federally endangered species—and six other rare plants while offering New Yorkers with spectacular recreational opportunities. I was happy to cosponsor identical legislation, S. 1422, which was introduced by my friend and colleague Senator MOYNIHAN. This bill will authorize the U.S. Fish and Wildlife Service to purchase a parcel of land on the South Fork of Long Island known as Shadmoor.

The Shadmoor property is a one-half mile stretch of sand, plants, and wildlife habitat fronted by 70-foot cliffs that reminded early settlers of the English moors. It is not only home to a number of rare and endangered plants, but also a wetland visited by several species of migratory birds. Also, the property is of interest to history buffs, as the property contains several bunkers constructed for the defense of America's coastline during World War II. It is truly a unique area that many will agree needs to be maintained.

Currently, this beachfront land with its wonderful vistas and serene beauty is threatened by development. However, because of the need to protect the sandplain gerardia, in order to provide for the habitat for migratory birds, and for the recreational opportunities it affords to all New Yorkers, it is an area that must be given proper and prompt consideration. This bill achieves these goals by allowing for the acquisition of this land for the purposes of preserving it for generations to come.

In addition, an amendment to this bill will make a technical correction in the maps of the Coastal Barrier Resources System [COBRA]. This amendment is identical to S. 1352 which I introduced earlier this year with my friend and colleague Senator MOYNIHAN. In addition, Congressman FORBES introduced similar legislation, H.R. 2005, which passed the House of Representatives on October 30, 1995.

Mr. President, the administration testified in support of the correction contained in this amendment before the Oceans, Fisheries, and Wildlife Subcommittee of the House Committee on Resources. The Department of the Interior's Fish and Wildlife Service acknowledges that it was in error when it designated part of the Point O' Woods community on Fire Island in New York as part of an otherwise protected area. This legislation directs the Secretary of the Interior to correct this error and thereby allow the residents of the Point O' Woods community to participate in the National Flood Insurance Program [NFIP]. It will ease community efforts to relocate houses away from high erosion zones and allow the community to practice effective coastal barrier management.

The Federal Government actively encourages participation in the NFIP in order to minimize taxpayer costs in the event of a natural disaster. The technical correction made by this amendment will rectify a longstanding error and provide all eligible citizens with the opportunity to protect their homes with flood insurance.

I thank Senator MOYNIHAN, Senator CHAFEE, the members of their respective staffs, and especially the staff of the Senate Committee on Environmental and Public Works for working so diligently to ensure the passage of this important legislation.

AMENDMENT NO. 3957

(Purpose: To direct the Secretary of the Interior to make technical corrections to a map relating to the coastal Barrier Resources System)

Mr. COHEN. Mr. President, I understand there is an amendment at the desk offered by Senators MOYNIHAN and D'AMATO. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Maine [Mr. COHEN], for Mr. MOYNIHAN, for himself, and Mr. D'AMATO, proposes an amendment numbered 3957.

Mr. COHEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following:

SEC. 2. CORRECTIONS TO COASTAL BARRIER RESOURCES MAP.

(a) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of the Interior shall make such corrections to the map described in subsection (b) as are necessary—

(1) to move the eastern boundary of the excluded area covering Ocean Beach, Seaview, Ocean Bay Park, and part of Point O'Woods to the western boundary of the Sunken Forest Preserve; and

(2) to ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York).

(b) MAP DESCRIBED.—The map described in this subsection is the map that is included in a set of maps entitled "Coastal Barrier Resources System", dated October 24, 1990, that relates to the unit of the Coastal Barrier Resources System entitled "Fire Island Unit NY-59P".

Mr. CHAFEE. Mr. President, I am pleased that the Senate is considering H.R. 1836, legislation which authorizes the Secretary of the Interior to acquire 98 acres, known as the Shadmoor parcel, in East Hampton, NY, for inclusion in the Amagansett National Wildlife Refuge. Identical companion legislation, S. 1422, was introduced by Senators MOYNIHAN and D'AMATO on November 17, 1995 and recently reported by the Environment and Public Works Committee.

This legislation will strengthen conservation of important fish and wildlife within the National Wildlife Refuge System by protecting valuable coastal habitat for the federally endangered sandplain gerardia, 4 State-listed plant species, and over 70 species of birds, mammals, reptiles, and amphibians.

The Shadmoor parcel consists of maritime shrubland, freshwater wetlands, and rare maritime grassland. If acquired, this critical coastal habitat would be managed from the existing refuge offices for the Long Island National Wildlife Refuge Complex, with no additional staff needed. While the estimated costs for acquisition of the Shadmore parcel range from $5 to $8 million, it is expected that the town of East Hampton and the local chapter of the Nature Conservancy will contribute a considerable portion of the project's total cost. I applaud the local community for their support for the Amagansett Refuge. This kind of partnership between the Fish and Wildlife Service, the local government, and conservation groups is exactly what we need as we seek to stretch limited Federal dollars.

Mr. President, I also support the amendment to H.R. 1836 offered by Senators MOYNIHAN and D'AMATO. This amendment also addresses important coastal resources on the barrier islands off the coast of New York. The Moynihan-D'Amato amendment simply adds a new section to H.R. 1836 directing the Secretary of the Interior to correct an error in the map relating to the Fire Island Unit of the Coastal Barrier Resources System. This provision has already been included in legislation, H.R. 2005, reported by the Environment and Public Works Committee last year and is identical to S. 1352, a bill introduced by Senators D'AMATO and MOYNIHAN.

This noncontroversial legislation would correct a mapping error by the Department of the Interior. Certainly, the residents of Point O'Woods, NY—the area affected by this legislation—deserve to have this matter set straight.

Let me take a moment to describe how we got here.

In 1982, Congress enacted the Coastal Barrier Resources Act to promote several important goals—conservation of fish and wildlife, minimization of loss of human life, and reduction in Federal expenditures. How does this law accomplish all of this? It's simple. The Coastal Barrier Resources Act prohibits most Federal Expenditures and financial assistance within undeveloped coastal barriers that are designated as units of the Coastal Barrier Resources System.

Mr. President, the Coastal Barrier Resources Act makes perfect fiscal and environmental sense. It gets the Federal Government out of the expensive business of subsidizing development of ecologically sensitive and dangerous coastal areas. In fact, between 1982 and 1990, savings associated with the Coastal Barrier Resources Act were estimated by the Department of the Interior at over $830 million.

With passage of the Coastal Barrier Improvement Act of 1990, Congress doubled the size of the Coastal Barrier Resources System, adding areas along the coast of the Atlantic Ocean and the gulf of Mexico, the beaches of Puerto Rico and the Virgin Islands, and the shores of the Great Lakes. The 1990 law also established a new category of coastal barriers designated as "otherwise protected areas." These encompass undeveloped coastal barriers with the boundaries of areas that are owned and managed for conservation purposes. Thus, otherwise protected areas include open spaces such as parklands, sanctuaries, and forest preserves. Under the 1990 law, sale of new Federal flood insurance is prohibited within otherwise protected areas, with one exception. Federal flood insurance can be obtained for structures that are used in a manner that is consistent with the purpose for which the area is protected.

Both the Coastal Barrier Resources Act and the 1990 act to expand the Coastal Barrier Resources System refer to a series of maps, approved by Congress and maintained by the U.S. Fish and Wildlife Service, that depict the boundaries of the system units and the otherwise protected areas. Unfortunately, the map of the Fire Island Unit that was added in 1990 erroneously depicts a private area owned by the Point O'Woods Association as part of an otherwise protected area, known as the Sunken Forest Preserve. To correct this mistake, the Department of the Interior has recommended that the Point O'Woods property be removed from within the boundary depicted on the map for Fire Island Unit NY-59P. And, the Moynihan-D'Amato amendment does just that.

Mr. President, this legislation directs the Secretary of the Interior to correct the error on the map relating to the Fire Island Unit of the Coastal Barrier Resources System by modifying the boundary of the otherwise protected area to exclude the Point O'Woods Association's property. As I mentioned, a bill to make this correction was introduced by Senator D'AMATO and Senator MOYNIHAN earlier this Congress and reported by the Environment and Public Works Committee.

I urge my colleagues to support this amendment. It is important that the Congress modify the maps of Coastal Barrier Resources System units and otherwise protected areas when true mapping errors are identified. That is why we enacted a technical corrections bill last Congress, Public Law 103-461, and why I support this legislation. In each case, changes to the boundaries depicted on the Coastal Barrier Resources System maps were necessary because the areas in question did not qualify as undeveloped coastal barriers or as otherwise protected areas at the time that they were included in the system by Congress. And, in each case, the Department of the Interior supported making technical changes to the maps.

Mr. President, the integrity of the Coastal Barrier Resources System—a system that continues to save American taxpayers money—depends on maintenance of strict standards. Of course there are plenty of landowners who would prefer not to be included in the Coastal Barrier Resources System. But, it would undermine the purposes of the Coastal Barrier Resources Act if Congress were to start removing areas that did qualify as undeveloped coastal barriers when they were included in the system in 1982 or 1990. Not only that, but it would be patently unfair to property owners who are within the Coastal Barrier Resources System if Congress started to bend the rules for some but not for others.

I would like to thank the Senators from New York for working closely with the committee on this legislation authorizing the Secretary of the Interior to acquire an area of critical coastal habitat and making a needed correction in the Coastal Barrier Resources System. H.R. 1836 deserves enactment without delay.

Mr. President, I ask unanimous consent that two letters from the Department of the Interior in support of the provisions included in the Moynihan-D'Amato amendment be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC.

Hon. JOHN H. CHAFEE,
Chairman, Committee on Environment and Public Works, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your January 26, 1996, request for the Department of the Interior's position regarding H.R. 2005, a bill proposing to make technical corrections to the Coastal Barrier Resources System.

Bill H.R. 2005 proposes to make technical corrections to the area identified as NY-59P which is part of the Fire Island National Seashore and is mapped as an "otherwise protected area" within the Coastal Barrier Resources System. This area was added to the System as a result of the Coastal Barrier Improvement Act in 1990.

"Otherwise protected areas" are defined by the Coastal Barrier Resources Act as coastal barriers which are "included within the boundaries of an area established under Federal, State, or local law, or held by a qualified organization as defined in Section 170(h)(3) of the Internal Revenue Code of 1954, primarily for wildlife refuge, sanctuary, recreational, or natural resource conservation purposes." Congress with passage of the 1990 legislation, prohibited the sale of Federal flood insurance within "otherwise protected areas."

Bill H.R. 2005 will modify the area currently excluded from NY-59P which includes the subdivisions of Ocean Beach, Seaview, Ocean Bay Park and a part of Point O'Woods by extending this excluded area to the western boundary of the Sunken Forest Preserve; thus, removing a part of NY-59P from the System. Bill H.R. 2005 also proposes "to ensure that the depiction of areas as "otherwise protected areas" does not include any area that is owned by the Point O'Woods Association (a privately held corporation under the laws of the State of New York)."

The Point O'Woods Association property is not a part of the Fire Island National Seashore. Therefore, the Service recommends that the boundary of NY-59P be modified to remove the Point O'Woods property from within the boundary of NY-59P.

After careful consideration, we have determined that this change is consistent with the "technical corrections" that were approved by Congress with passage of the recent Public Law 103-461, November 2, 1994, using the delineation criteria formerly developed by the Department and later approved by Congress. Therefore, the area should not remain in the System and does require "correction."

The Department supports passage of H.R. 2005.

We appreciate the opportunity to provide you with this information. If you have any questions, please contact the Office of Legislative Services at (202) 208-5403.

Sincerely,

——— ———,
Director.

DEPARTMENT OF THE INTERIOR,
NATIONAL PARK SERVICE,
Patchogue, NY, June 27, 1995.

ROBERT KINGSBURY,
President, Point O'Woods Association, Point O'Woods, NY.

Re Coastal Barrier Resources System.

DEAR MR. KINGSBURY: I support your community's efforts to make the appropriate technical corrections to the Coastal Barrier Resources Systems map of Fire Island that was adopted by Congress in 1990. The corrected map will resolve the development inequities resulting from the flood insurance restrictions placed upon the eastern portion of Point O'Woods in its designation as an "otherwise protected area", under the Coastal Barrier Resources Act.

As you are aware, the legislation establishing the Fire Island National Seashore (Public Law 88-587, 1964) contemplates that the existing communities on Fire Island would continue to be available for human habitation and development, and prohibited, with minor exceptions, the Secretary of the Interior from acquiring land within those communities.

The mapping done in 1990 excluded from "otherwise protected area" status the other 16 communities on Fire Island, while designating the eastern part of Point O'Woods as an "otherwise protected area". Although located within the park's boundary, these communities are comprised of privately held properties and are, therefore, not considered by the park service to be "inholdings". As such, the community of Point O'Woods should not be designated as an "otherwise protected area". Additionally, Point O'Woods does not fit within the definition of "undeveloped coastal barrier", in that there are approximately 150 man-made structures in this 160-acre community.

It was an error that should be corrected, in order to grant the Point O'Woods community the same development rights as every other existing community on Fire Island, as defined in the Seashore's Federal Zoning Standards (36 C.F.R. Part 28). In other words, the continued use of relocated residences into areas within the community, and away from high erosional hazards is consistent with Fire Island National Seashore policy. An amended map would enable more effective coastal barrier management in the future. If you have any questions, or wish to discuss this further, feel free to call me at (516) 289-4810.

Sincerely,

JACK HAUPTMAN,
Superintendent.

Mr. COHEN. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be deemed read a third time, passed, as amended, and the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 3957) was agreed to.

The bill (H.R. 1836) was deemed read the third time and passed.

NATIONAL CORRECTIONAL OFFICERS AND EMPLOYEES WEEK

Mr. COHEN. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 243, designating "National Correctional Officers and Employees Week," and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

A resolution (S. Res. 243) designating the week of May 5, 1996 as "National Correctional Officers and Employees Week."

The Senate proceeded to consider the resolution.

The PRESIDING OFFICER. Without objection, the resolution is agreed to and the preamble is agreed to.

The resolution (S. Res. 243) was agreed to.

The preamble was agreed to.

[The text of the resolution will appear in a future issue of the RECORD.]

Mr. COHEN. Mr. President, I move to reconsider the vote by which the resolution was agreed to and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDERS FOR MONDAY, MAY 6, 1996

Mr. COHEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 12 noon on Monday, May 6; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date; that no resolutions come over under the rule, that the call of the calendar be dispensed with; that the morning hour be deemed to have expired; and that there be a period for morning business until the hour of 3 p.m., with Senators to speak up to 5 minutes each, with the following Senators to speak for the designated times: Senator DASCHLE, or his designee, the first 90 minutes; Senator COVERDELL, or his designee, the last 90 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COHEN. Mr. President, the Senate will conduct a period for morning business until 3 p.m. on Monday.

UNANIMOUS-CONSENT AGREEMENT—H.R. 2937

Mr. COHEN. Mr. President, I ask unanimous consent that at 3 p.m. on Monday, the Senate resume consideration of H.R. 2937, regarding the White House Travel Office.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COHEN. Mr. President, Senators are also reminded that a cloture motion was filed today on the White

House travel bill. Under the provisions of rule XXII, all first-degree amendments must be filed with the clerk by 1 p.m. on Monday. Also, Senators should be aware that the cloture vote will occur at 2:15 p.m. on Tuesday, May 7. However, no rollcall votes will occur during Monday's session of the Senate.

Mr. President, I hope the Senate can dispose of the Senate White House bill by the close of business on Tuesday. Also the Senate may be asked to consider any other legislative matter cleared for action.

ORDER FOR RECORD TO REMAIN OPEN

Mr. COHEN. Mr. President, I ask unanimous consent that the RECORD remain open until 2:30 p.m. today in order for Senators to submit statements.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. COHEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order following my remarks and those of Senator BUMPERS and Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Maine.

Mr. COHEN. Mr. President, I ask unanimous consent that I be allowed to proceed for an additional 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LITTLE TIME TO GRIEVE

Mr. COHEN. Mr. President, last Sunday I had occasion to address a memorial service that was held for Senator Muskie at Bates College in Maine to comment about his life in the U.S. Senate and beyond when he served as Secretary of State. It was a very moving testimonial that highlighted his enormous accomplishments during a career of public service, including his time as Governor of Maine and his service here in the Senate and as Secretary of State.

Last week, at about this time, I also had occasion to stand on the Senate floor and offer my condolences and a brief eulogy to Gayle Cory, a woman who had served Senator Muskie for some 21 years as a very trusted and loyal aide and then went on to serve his successor, Senator Mitchell, before she became head of the Senate post office.

It seems, and I recall this so very well, when Vaclav Havel addressed a joint meeting of Congress, he made a statement about events that were taking place in the world. He said, "Things have been happening so rapidly that we have little time to be astonished." That quote keeps coming back to me in terms of so many tragedies that occur in so rapid a period of time that we have very little time to grieve.

When I first came here, I was joined by my colleague from Wyoming, AL SIMPSON. He told a story during one of our initial meetings about the time that he was advised that a very close friend of his had died. He sat down and penned a very personal letter to the wife of his close friend saying what an extraordinary human being he was and talking about some of the great times that they had together, and really expressing a wellspring of feeling about his relationship with that friend.

He sent the letter off in the mail, and lo and behold, he was advised that the report was a mistake, that his friend actually had not died. He was desperate to call the wife of the friend and say, "Please don't open the letter." The essence of the story was, from Senator SIMPSON at least, why do we wait so long, why do we wait so long to tell someone we love them? Why do we wait until it is too late? Why do we wait until they die to express all the eulogies?

This statement of AL SIMPSON came to mind as I was reading a column by William Raspberry, dated April 15. I am going to read just a portion of it. Raspberry cites an article he had read, actually a letter to the editor of USA Today written by a man named Barry Harris of Montgomery, AL.

He said:

> "It's nice to see the tributes to the work of the late Commerce Secretary Ron Brown and all those who perished in the tragic events of a few days ago," he wrote. "But I'm wondering why we didn't see such reporting before their untimely deaths.
>
> "It seems that the media spend so much time on criticism of public servants that there's little time or space to comment on their accomplishments on behalf of our country. That is a disservice which only contributes to the climate of governmental cynicism perpetrated by primarily selfish forces."

Indeed, I asked myself the same question. Why do we focus on all of the negative aspects of those who are willing to serve the public and then heap praise upon their caskets like so many flowers? We tend to judge our colleagues, and those who serve in the executive branch, on surface qualities. We talk about the quality of their clothes, the cars they may drive, their mannerisms, all the superficial aspects of an individual, without really touching upon the heart and soul of that individual.

Washington can be a very cruel city. I recall something from the very first book I ever read about Washington, Allen Drury's novel "Advise and Consent," which came out in the late 1950's.

It struck me, as I recall the imagery created by Drury's wonderful pen. He said:

> They come, they stay, they make their mark, writing big or little on their times, in that strange, fantastic, fascinating land in which there are few absolute wrongs or absolute rights, few all-blacks or all-whites, few dead-certain positives that won't be changed tomorrow; their wonderful, mixed-up, blundering, stumbling, hopeful land in which evil men do good things and good men do evil in a way of life and government so complex and delicately balanced that only Americans can understand it and often they are baffled.

That is a wonderful description of this city, a very tough and cruel city. As Vincent Foster, who committed suicide a few years ago, reminded us, many times Washington politics is such a blood sport.

Mr. President, I say that there is a general decline in civility and common decency, not only in politics, but in many aspects of our lives today. I do not intend to take the time to try to catalog the words, the deeds that pollute our conscious moments with trash and filth and violence.

I say this by way of a preface to a few comments I will make about Ron Brown who was a close friend. It has been nearly a month now since he and more than 30 people perished in that plane that was flying into Croatia to try to help rebuild and reconstruct that tortured land.

We have, I think, forgotten the significance of what he meant to so many of us, what an extraordinary human being he was, what a life-enhancing spirit he possessed that he bestowed on anyone he came into contact with.

I recently watched a program with my wife of a speech that he gave that took place on February 15 at Howard University. He spoke to what appeared to be an entirely black audience. He did not speak of hate or anger. He talked about hope and strength and courage, the will to overcome adversity, to know in advance that because racism is not a dead thing of the past, but alive and flourishing in so many overt and subtle ways, that those students would have to be twice as good as their competitors in order to win—twice as good—because we still hold on to the fiction that America has progressed to the point that society is race neutral, that it is colorblind.

The fact is, Mr. President, that is a fiction. I picked up the Washington Post today, and I saw an item about a young woman who had moved into the home of her dreams in Philadelphia. She had to abandon that hope, which has turned into a nightmare, because she has received not only threats to her own safety, but threats to kill her two daughters. So she has given up the dream.

A few weeks ago I saw in the Washington Post a story about a man in Chicago, a black man, who could not and would not drive a fancy car, a colorful car, or he would not dare to wear his beret because the moment he put the beret on or drove a red car, or something that was a sporty car, he was sure to be stopped and harassed. So he took the beret off, and he drove a plain, gray, dull ordinary-looking car with the hope that he would not be harassed by the local police officials.

These are not extraordinary events. They happen every day, day in and day out, for those who do not happen to enjoy the benefit of being white in our society.

I have been reading Colin Powell's work. He is someone who is looked upon with great admiration in this country. Many of us hope that he will reconsider his announced decision not to become involved in politics, at least for the foreseeable future. But in Powell's book "My American Journey," he talks about the time when he was in college and serving in ROTC. He went down to Fort Bragg in North Carolina. At the end of his 6 weeks—he said:

> . . . we fell out on the parade ground for presentation of honors. We were judged on course grades, rifle range scores, physical fitness, and demonstrated leadership. I was named "Best Cadet, Company D." These are the words engraved on the desk set that was presented to me that day and that I still treasure. A student from Cornell, Adin B. Capron, was selected Best Cadet for the entire encampment. I came in second in that category.
>
> I was feeling marvelous about my honor. And then, the night before we left, as we were turning in our gear, a white supply sergeant took me aside. "You want to know why you didn't get best cadet in camp?" he said. I had not given it a thought. "You think these Southern ROTC instructors are going to go back to their colleges and say the best kid here was a Negro?" I was stunned more than angered by what he said. I came from a melting-pot community. I did not want to believe that my worth could be diminished by the color of my skin. Wasn't it possible that Cadet Capron was simply better than Cadet Powell?

Then he goes on to talk about his experience upon leaving Fort Bragg, about not being able to go to the same church and sit in the same pew with his white colleagues, not being able to go into the same bathrooms in order to relieve himself on the way back, not being able to sit at the same counter to enjoy a meal, notwithstanding the fact that he might have to fight and die in the same trenches as his white colleagues.

I want to conclude my comments about Colin Powell with a reference that he made and that I think applies to what I am talking about as far as Ron Brown is concerned.

He said:

> Racism was still relatively new to me, and I had to find a way to cope psychologically. I began by identifying my priorities. I wanted, above all, to succeed at my Army career. I did not intend to give way to self-destructive rage, no matter how provoked. If people in the South insisted on living by crazy rules, then I would play the hand dealt me for now. If I was to be confined to one end of the playing field, then I was going to be a star on that part of the field. Nothing that happened off-post, none of the indignities, none of the injustices, was going to inhibit my performance. I was not going to let myself become emotionally crippled because I could not play on the whole field. I did not feel inferior, and I was not going to let anybody make me believe I was. I was not going to allow someone else's feelings about me to become my feelings about myself. Racism was not just a black problem. It was America's problem. And until the country solved it, I was not going to let bigotry make me a victim instead of a full human being. I occasionally felt hurt; I felt anger; but most of all I felt challenged, I'll show you!

That is precisely what Ron Brown's life was all about. It is what he did his entire life—take any portion of the field and be the best in that field, be twice as good as the competition. He did it with grace and humor and a great sense of humanity.

I recall when he was named to be the chairman of the DNC. I see my colleague from Arkansas who is here. When he was first proposed to be chairman of the Democratic National Committee, there were some people who worried about that. "Wait a minute. We're going to name a black man to be chairman of the Democratic National Committee? What's going to happen to our white base in the South?" But Ron Brown built bridges. There are some people in our country who want to put up walls around the country. Ron Brown's life was dedicated to seeking the best in people and not exploiting the worst. He possessed such an abundance of humanity that he took the time to read to Lee Atwater. When Lee Atwater was dying, it was Ron Brown who went beside his bed and read to him. How many of us have such a generosity of spirit? How many of us, day in and day out, would be capable of going to the other side, to people that we argue and debate with, challenge and fight with over political issues and in their time of torment and need take the time to read to someone who is dying?

After all that he did to get Bill Clinton elected as President, I think he should have been given any choice of any Cabinet position, not because he was black but because he was the best. It did not happen. He was offered the position of Secretary of Commerce. He took what was offered to him and he did what? He did exactly what Colin Powell and so many other black Americans have done and had to do throughout history. He became the best on that portion of the field that he was allowed to play on.

Mr. President, I know there are some who would like to abolish the Commerce Department as a symbol of our need to reduce the size of Government in Washington. I could perhaps understand it if Ron Brown were antibusiness. There might be some merit to that. But he was one of the most probusiness Secretaries of Commerce we have ever had. I do not recall our effort to dismantle the Department of Commerce when President Nixon was in office, President Ford, President Reagan, or President Bush. But apparently there is a need to dismantle some offices and agencies, and that is one we settle on.

I do not understand it, but let me just say that I think that Ron Brown will be remembered as one of the finest Secretaries of Commerce we ever had. He was out there the day that he died promoting business on behalf of the United States of America.

I conclude my remarks with a quote taken from Justice Oliver Wendell Holmes Jr., something I think applies to Ron Brown:

> Through our great good fortune, in our youth our hearts were touched with fire. It was given to us to learn at the outset that life is a profound and passionate thing. While we are permitted to scorn nothing but indifference and do not pretend to undervalue the worldly rewards of ambition, we have seen with our own eyes, beyond and above the gold fields, the snowy heights of honor, and it is for us to bear the report to those who come after us. But, above all, we have learned that whether a man accepts from Fortune her spade, and will look downward and dig, or from Aspiration her axe and cord, and will scale the ice, the one and only success, which it is his to command is to bring to his work a mighty heart.

Ron Brown in whatever capacity—as a lawyer, lobbyist, DNC chairman, Secretary of Commerce—brought to his work a mighty heart. While there are those in our society who would like to point to all the negatives, point to all the deficiencies or character flaws, or the superficial qualities, there are those of us here who believe that Ron Brown's humanity, his courage, his determination to succeed on that portion of the field that he was allowed to play on, brought to his work a mighty heart. I for one am going to miss him deeply.

Mr. BUMPERS. Mr. President, while the Senator from Maine is still on the floor, let me say that his magnificent accolade to our departed brother, Ron Brown, is one of the reasons so many of us are very sad that he has chosen to leave the Senate. Those remarks were eloquent. I hope they were heard by everybody in the Senate on this slow, Friday afternoon.

Senator COHEN has always been in the forefront of issues that really matter, where partisan politics do not have any role. He has, without fail, been a giant in this body. Those remarks prove conclusively that a lot of people are still in this business because public service is a noble calling.

As I say, I do not know of anybody on either side of the aisle that has not expressed profound regret at Senator COHEN's decision to retire at the end of this year. He alluded to the press and how they can very seldom find anything nice to say about a public servant until after they die or retire. Jim Fallows discusses this phenomenon in his book, titled "Breaking the News:

How the Media Undermine American Democracy.'' It is a magnificent book, and I recommend it. Fallows has made a couple of speeches in which he talks about this problem. For example, in the weeks before Ron Brown died, the New York Times editorial page was castigating him and a couple days after he died he was praised on that same editorial page.

I talked to a Senator yesterday afternoon who decided in 1994 not to run again. He said the major newspaper in his State had never said a kind word about him that he could remember until he announced his retirement. He said he then got more accolades over the next 6 months then he had had in his entire public career.

I suppose you could attribute that to human nature. It is a natural thing. It would be nice and it would be gratifying if there was some recognition for a few people who labor in the vineyards year after year because they believe in this democracy and they believe in our political system and they want to operate within it, not like the Freemen of Montana. It would be very helpful if somebody said something nice.

Most of us get enough accolades to keep our ego fueled. But I just want to again say, Mr. President, Senator COHEN and I have teamed up on several causes since we both have been here together. I will miss him greatly. One of the reasons is because of the statesmanship he demonstrated this afternoon.

Mr. President, I think that I can say what I want to say about the gas tax within 10 minutes, but rather than interrupt my remarks, let me ask unanimous consent I be permitted to proceed for such time as I may use.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE GAS TAX

Mr. BUMPERS. Mr. President, if we do not hurry up and get the Presidential race over with, I do not know what will happen in this country. How Senator DOLE has voted on the gas tax in the past is not relevant to me. What kind of a country my children and grandchildren inherit is.

I happen to strongly disagree with Senator DOLE on repealing the 4.3-cent gasoline tax that we put on—not to build highways but to balance the budget—that fateful August day in 1993. That particular deficit reduction package, in my opinion, is still the hallmark of the Clinton administration, the most responsible thing the President has done, the most courageous thing he has done. When we open our mail each day a certain portion of it is hate mail. Some of it is just plain critical. Some of it is very complimentary. When you get to the hate mail it is always, ''Why don't you people screw up your nerve and make those courageous decisions?''

I have said on the floor of the Senate many times the definition of a courageous decision is an unpopular one. The definition of a courageous vote is an unpopular vote. If it were popular, it would not be courageous. How many times do you see people walk down this aisle and vote, and they look to see how it is going, and it is 50 to 5 or 50 to 10, yeas versus nays, 9 times out of 10, nobody wants to be caught out there with 5 Senators, so they vote yea, too.

In 1993, every Republican Senator voted against that bill, and perhaps this clamor to repeal the gas tax which was part of the deficit reduction package, maybe the Republicans would like to find some justification for the fact that every single one of them voted no on a very courageous deficit reduction package which today, 1996, will give us a $144 billion deficit this year. Before we passed that bill in 1993, we were facing a $290 billion deficit for this year.

I was proud of that vote in 1993. I am proud of it now. I do not intend to take the easy political way out by voting for the repeal of the 4.3-cent gasoline tax. That might gain you applause for about 10 minutes back home, but nobody, so far, has said how we are going to make up this $3 billion-plus in revenue we lose with the repeal of this gas tax. Now, you talk about an easy, popular vote, here is one. You vote to cut that gas tax for the rest of the year, it comes to about $3 billion, and you do not have to figure out where you are going to get the $3 billion. What an easy vote that would be.

I saw in the paper this morning where the House and Senate Armed Services Committees have voted to increase defense spending in 1997 by over $12 billion. Why? Make no bones about it. So they can portray President Clinton as weak on defense. But the question ought to be, ''Weak against whom?'' Who is the enemy that we are going to spend $270 billion next year to defend against? The Soviet Union is gone. Russia is a basket case. The Chinese do not even have antiaircraft missiles on their ships, such ships as they have. That $270 billion, in 1997, will be the equivalent of the amount that our 10 most likely enemies, combined, will spend. It is twice as much as the 5 most likely enemies will spend, including China and Russia.

Mr. President, $12 billion is a lot of money to prove that the President is weak on defense. Why do we not just get on the floor and say, ''You are right, the President is weak on defense; now do not spend the $12 billion''? Or you might say, ''Please tell us the enemy that you are proposing to spend this $12 billion to defend against.''

Now, I do not normally read Charles Krauthammer in the Post, but I read it this morning because it dealt with this gasoline tax, and it was a beautiful article. He hit the nail right on the head. Everybody is looking for a scapegoat. In my 22 years in the Senate, when somebody made a terrible mistake in judgment, or somebody was just plain negligent, if the incident had any political appeal, somebody else could always be counted on to call for a hearing. Congress has to think about this. We have now spent over $30 million on Whitewater, and counting, and the American people are still wondering what it is about.

Now there is going to be a hearing in the House about the fact that the President did not take an affirmative or a negative position on Iran furnishing arms to the Bosnians. I doubt very seriously if there was anybody in the U.S. Senate that did not know it was going on. But it is only now after the fact that we have to have a hearing. We have to investigate this. Why does everybody want to investigate everything? Because that is where the television cameras come. If you hold a hearing in your committee and bring the television cameras in and turn those red lights on, they will keep going forever if they can.

You do not have to be a rocket scientist to know why gas prices are up. They are up because, under the Clean Air Act, we demanded reformulated gasoline so the air would be cleaner, and that costs about a nickel a gallon. We pay it here in Washington, but not in Little Rock because our air was not dirty enough to require us to use reformulated gasoline. What else? The average driver in this country is driving 2,000 miles more per year per car than they did 10 years ago. We have a lot of younger drivers being added to the driver rolls. We are driving bigger cars and more trucks. If you are a yuppie, you have to have a sport utility vehicle. I do not know what those suckers get per mile per gallon, but I know one thing—if you are in the in-crowd, you sure better have a Blazer, or an Explorer or a Cherokee. We took all the speed limits off. Montana does not even have a speed limit.

What else? We had a harsh winter, and we diverted so much of our oil to heating oil instead of gasoline. So our stocks of gasoline were low.

What else? Everybody thought we were going to let Iraq start selling oil on the world markets.

Those are seven reasons the price of gasoline has gone up. As Charles Krauthammer so eloquently said in his column this morning, ''Why has all this happened? How about a wild guess? Because supply is down and demand is up.''

How long will this go on? Who knows? The energy information office says that prices will start down by August. They are down 4 cents where I buy gasoline now from where they were 2 weeks ago. But this is a Presidential year. You have to get what you can when you can get it.

My good friend, the junior Senator from Louisiana, JOHN BREAUX, said that to cut the gasoline tax—that 4.3 cents per gallon—off and think that you are going to do something to relieve this problem is like spitting in the ocean and hoping to make it rise.

Mr. President, if we do this, if this is brought to the floor of the Senate, Senator BRYAN of Nevada and I are going to offer an amendment to raise what we call the CAFE standards. The CAFE standards—for the uninitiated who do not serve on the Energy Committee—are the average miles per gallon that we require the automobile makers to meet. Right now, we have CAFE standards that have given us a 21-mile-per-gallon average of all of our vehicles.

In 1973, when the Arab oil embargo hit, the average car in America got 13 miles per gallon. With Scoop Jackson, who was a great Senator from Washington and chairman of the Energy Committee, we passed the CAFE standards and said to the automobile industry that they have to provide cars that do better. They have to be more fuel efficient. They assured us that they were going to go broke. Every time we ask them to do something, we are assured that they are going to go broke. But that did not influence us much. That is when they thought the little Japanese cars were funny looking and the American people would never buy them. We probably saved their lives by imposing the CAFE standards on them. In any event, it was 13 miles per gallon. In 1990, we achieved 21 miles per gallon, and there it stands today. We have not improved our mileage per gallon one iota in 6 years.

And so Senator BRYAN and I will offer an amendment if this gas tax repeal is debated. We will say forget Presidential politics, forget the grandstanding. Let us do something meaningful. Let us raise the fuel efficiency of all the vehicles in this country. That will actually do something about saving energy.

The U.S. Public Interest Research Group says that if we raised the CAFE standards, which are about 27.5 miles per gallon now for automobiles, a little less than that for trucks, to 45 miles per gallon—which could be done—for automobiles, and 34 miles per gallon for small trucks, in 10 years' time we would save $65 billion.

You think of what that would do to our trade deficit. Everybody knows that the oil we import is the biggest single contributor to our trade deficit and our balance of payments problems. But it is very difficult to pass a CAFE standard because that inconveniences people. It is true, oil company profits were really excessive the first quarter, and the oil companies are taking advantage of these price increases because the demand is high and the supply is low. But is that not the good old American system? Is not supply and demand at the very heart of capitalism?

So, Mr. President, you can never get it perfect. The President wants the cattlemen to get a better shake, and I understand that. This morning I looked at the commodity prices. It is absolutely incredible. Wheat is almost $6 a bushel, soybeans $8 a bushel, corn $4.50 a bushel. And you know what this body did. It voted to do away with the law that made those prices possible and said we are going to pass this freedom-to-farm bill. You can get 85 cents a pound for cotton, $6 for wheat, $4.50 for corn, and we will give you a big fat check on top of that. It is going to cost $21 billion more over the next 7 years.

It is the silliest thing this body has ever done. Even the farmers did not want it. So the cattlemen are having to pay these exorbitant prices for grain, and the supply of cattle is high. You can sell oil out of the strategic petroleum reserve. That is sort of like spitting in the ocean, too. And you can repeal the 4.3-cent-a-gallon tax, which is worth $27 a year to the average car owner in this country, and say the deficit will be up $3 billion more this year, and if we allow it to stay, it will be up by several billion more in the next 2 years.

Everybody wants to vote for the easy, popular things, and if it raises the deficit, so be it. That is just something we talk about. Well, Mr. President, I do not know that anybody wants to filibuster a proposal to repeal that 4.3-cent gas tax, but I hope it will not come up. If it does, I hope the debate will be extended. It would be the height of folly.

Mr. President, the minority leader will be here momentarily, I assume. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. LOTT). Without objection, it is so ordered.

The Democratic leader is recognized.

HIGH GASOLINE PRICES

Mr. DASCHLE. Mr. President, let me thank the distinguished Senator from Arkansas for an extraordinarily strong statement with regard to gas prices and gas taxes. I do not know that anyone has said it more eloquently and passionately and more compellingly than has the senior Senator from Arkansas. There are, indeed, a number of things we can do if we are serious about addressing high gasoline prices.

The Senator from Arkansas has mentioned again yet another opportunity for us to reduce prices, and that is to find ways with which to make gasoline-powered automobiles, all kinds of vehicles, more efficient. By providing an increase in the CAFE standards, we can, indeed, make gasoline-powered vehicles a lot more efficient—not just gasoline vehicles, but diesel-powered vehicles and all transportation more efficient.

He has taken, as well as the Senator from Nevada, a very strong leadership position in making that happen. So whether or not we take that approach and whether or not we give people across this country the assurance that any tax reduction goes into their pocket, whether we take other approaches, we will have the opportunity to debate it. But I think there is a clear, clear choice here. We can bail out the oil companies, as some have suggested, or we can help consumers and taxpayers. If we really want to help consumers and taxpayers, we are going to make vehicles more efficient and we are going to ensure that whatever relief we offer goes in the pockets of consumers, and not into the pockets of the oil companies.

So we will have that opportunity perhaps as early as next week. I hope next week we can work out an arrangement that will allow us to address the real issue here, and that is, how can we address the economic stagnation that so many working families are feeling. Working families are not getting their share of the benefit of the economy in part because they are not seeing increases in wages, in part because they are not getting the kind of health benefits they deserve, in part because they do not have the pension security that they so badly need. And so we will have an opportunity to address those issues in the coming days and hopefully resolve them successfully.

SENATE ISSUES

LIVESTOCK PRICES

Mr. DASCHLE. Mr. President, I come to the floor to make a couple of remarks. It was not my intention to come back to the floor, having spoken a little bit earlier today, but I wish to make three points. The first has to do with the issue raised by the distinguished majority leader about livestock prices. He mentioned that the market is responding, and I am very hopeful that it will continue to respond to the actions taken this week.

There is no one more responsible for the fact that those actions have been extraordinarily beneficial to cattle producers across this country than the President himself. The President and I discussed, as he did with other Senators, the possibility of holding a livestock meeting last weekend. We held that meeting Tuesday afternoon, and as early as Wednesday morning the livestock markets began to respond. They responded Wednesday, they responded Thursday, and now they have responded again today. We have seen about a 12- to 14-percent increase in livestock prices in the futures markets directly as a result of the actions taken by the White House, by this President on Tuesday afternoon.

The President is limited, of course, in the actions he can take unilaterally, but he has, in my view, pulled out virtually every stop to ensure that those prices go up. He is going to do all he can within his power and authority, both internationally and domestically. So I applaud him for the actions he has taken.

Hopefully, we will have the opportunity here on the Senate floor to provide him with additional authority. There is $300 million sitting without the prospect of any utilization this year in the Export Enhancement Program. That money could be directed toward livestock and other markets abroad. It will take legislative authority, and we will provide our colleagues with an opportunity to vote on that Export Enhancement Program in the future.

Clearly, we have to respond. Prices in real terms are as low as they were in the 1930's, and the more we do, the more action we can take both in the short and the long terms, the more we can send as clear a message to the markets as possible that we want to work with those in the livestock industry to ensure a stable price, to ensure longer term viability, to ensure that we do not find ourselves in a disaster situation in the weeks and months ahead if we can avoid it.

So I applaud the President in his actions on Tuesday. It was he and the Secretary of Agriculture, of course, who formed the livestock concentration commission that, in our view, could also be very beneficial in providing some guidance on how we deal with those markets more effectively. When three corporations control more than 80 percent of the livestock market, we should not be surprised that prices are as volatile and certainly as difficult to bear for thousands of producers across the country as they are today.

So we will wait with some confidence that the commission will make recommendations that also could be very beneficial, beginning in early June.

THE MINIMUM WAGE

The second point I want to raise this afternoon has to do with the procedural situation we face yet again on the Senate floor. We will be taking up a bill that I think will probably enjoy pretty broad support. Frankly, I am disappointed once again that the so-called parliamentary trees have been filled in an effort to preclude Senators from offering other amendments.

I have never seen so many of my Republican colleagues so willing to act like Members of the House as I have in the last couple of weeks. If they want to be in the House of Representatives, perhaps they should run for the House of Representatives. In the House of Representatives of course we have limited opportunities to offer amendments, limited opportunities to debate important issues, rules that constrain individual Members. But that has never been the purpose of the U.S. Senate. Here in the U.S. Senate we have always had the opportunity to bring up amendments, to have good debates on important issues, regardless of whether committees have reported out that specific legislation. Yet, over the last several weeks, the majority has precluded amendments from the minority in an effort to thwart those of us who want to bring to the floor an up-or-down vote on the minimum wage.

We may be denied that vote temporarily. The majority can continue to delay that vote. But ultimately we will have a vote on minimum wage, whether it is this week or next week or the week after or the week after that. Sooner or later the Senate must come to the realization that we cannot for all perpetuity and for the rest of this session of Congress, deny the right of Members to have a vote on something they view to be very important.

The minimum wage must come before our Senate colleagues. The minimum wage must be voted upon. Whether it is on this bill or another bill, hopefully in the not too distant future we can work out an arrangement that will allow us the opportunity to vote on an issue that is of great importance to millions and millions of working families. Let us hope it is sooner rather than later.

CONGRESSIONAL INVESTIGATIONS

Finally, I think it is important to note that there will be many, many investigations on a lot of different issues. Senator BUMPERS said it so well just a moment ago. Often the reason investigations occur is that is where the lights are, that is where the cameras are. While there is an unlimited array of opportunities for our colleagues to investigate, I must say I am astounded, absolutely astounded that so many of our colleagues in the House of Representatives, who claim to be fiscal conservatives, who claim to be protecting the taxpayer at each and every turn, will now support a so-called investigation for $1 million in taxpayers' money to look at whether or not arms shipments were made to Bosnians in a way that may or may not be questionable—$1 million.

This is from our colleagues in the House who have said over and over again we want to balance the budget, we want to cut down expenses, cut Head Start, cut school lunch, cut all the programs directly affecting children and education; we are going to cut and cut and cut everything affecting real people. But when it comes to an investigation that has virtually no basis, which has already been investigated in the intelligence committees, we are going to find a way to spend $1 million and we are going to try to spend that $1 million in the next couple of months. For Heaven's sake, where does it all end? And how, with a straight face, can any of our colleagues conclude that an issue of this limited scope is worth a $1 million investigation?

I do not even know how they are going to spend it. Maybe they will buy television ads with it, who knows? But I must tell you, I think that is a waste. And I hope our colleagues on the other side will do everything in their power to see the taxpayers are given a better accounting; to see that we put a stop to that kind of flagrant abuse of authority. That ought not happen.

We have seen too much of it in this Congress. Again, it is an illustration of the extreme level, the extreme degree to which some on the other side will go to make a political point. That is wrong. It is deeply unfortunate. It sends all the wrong messages about what we ought to be doing and how sincere we are in bringing about a balanced Federal budget.

We will be debating a balanced budget perhaps as early as next week, once again. And how ironic, as we talk about amending our Constitution, that somehow we can find ways to spend $1 million on whether or not arms were shipped to our Bosnian friends in a way that was generally supported by many of our colleagues on the other side. So, we will have much more to say about that in the future.

I hope we can work in a bipartisan way to resolve whatever outstanding questions there are about what happened, whether it was in our long-term best interests to do so. All we can say with certainty is that our Bosnian policy is working. Having been there myself, having talked to the military, having talked to all of those directly involved, I can say without equivocation, this has been a success story the likes of which nobody could have realized a few months ago, a success story for which we can be very, very proud.

I hope we can continue to build upon that success and send the right message about our intentions there and the opportunity to bring real peace. That can happen. But it is not going to happen if we find ourselves mired in politics, spending millions and millions of dollars on investigations that are unwarranted.

With that, I yield the floor.

ADJOURNMENT UNTIL MONDAY, MAY 6, 1996

The PRESIDING OFFICER. The Senate, under the previous order, will stand adjourned until 12 noon on Monday next.

Thereupon, the Senate, at 2:27 p.m, adjourned until Monday, May 6, 1996, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate May 3, 1996:

DEPARTMENT OF COMMERCE

MICHAEL KANTOR, OF CALIFORNIA, TO BE SECRETARY OF COMMERCE, VICE RONALD H. BROWN, DECEASED, TO WHICH POSITION HE WAS APPOINTED DURING THE LAST RECESS OF THE SENATE.

COMMODITY FUTURES TRADING COMMISSION

BROOKSLEY ELIZABETH BORN, OF THE DISTRICT OF COLUMBIA, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE REMAINDER OF THE TERM EXPIRING APRIL 13, 1999, VICE MARY L. SCHAPIRO, RESIGNED.

BROOKSLEY ELIZABETH BORN, OF THE DISTRICT OF COLUMBIA, TO BE A CHAIRMAN OF THE COMMODITY FUTURES TRADING COMMISSION, VICE MARY L. SCHAPIRO, RESIGNED.

DAVID D. SPEARS, OF KANSAS, TO BE A COMMISSIONER OF THE COMMODITY FUTURES TRADING COMMISSION FOR THE TERM EXPIRING APRIL 13, 2000, VICE SHEILA C. BAIR, RESIGNED.

HOUSE OF REPRESENTATIVES—*Monday, May 6, 1996*

The House met at 2 p.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We pray, gracious God, that You would watch over us and keep us in Your favor, that You would support us in our obligations and direct us in the right path, that You would sustain us in our endeavors and point us to the way of truth. O loving God, from whom we have come and to whom we shall return, may Your peace that passes all human understanding abound in our lives. Though we may depart from You, O God, may Your grace and mercy never depart from us. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. BALLENGER] come forward and lead the House in the Pledge of Allegiance.

Mr. BALLENGER led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one Nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment bills of the House of the following titles:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1743. An act to amend the Water Resources Research Act of 1984 to extend the authorizations of appropriations through fiscal year 2000, and for other purposes; and

H.R. 1836. An act to authorize the Secretary of the Interior to acquire property in the town of East Hampton, Suffolk County, New York, for inclusion in the Amagansett National Wildlife Refuge.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 811. An act to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes; and

S. 1720. An act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark.

The message also announced that the Senate agrees to the report of the committee on conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 641) "An Act to reauthorize the Ryan White CARE Act of 1990, and for other purposes."

The message also announced that pursuant to sections 276d–276g of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. CHAFEE, Mr. HATCH, Mr. PRYOR, Mr. PRESSLER, Mr. GRASSLEY, Mr. GORTON, Mr. JEFFORDS, Mr. MACK, Mr. BURNS, Mr. BENNETT, Mr. INHOFE, Mr. DEWINE, and Mr. GRAMS, as members of the Senate delegation to the Canada-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in southeast Alaska, May 10–14, 1996.

The message also announced that pursuant to sections 276h–276k of title 22, United States Code, as amended, the Chair, on behalf of the Vice President, appoints Mr. MURKOWSKI, Mr. BROWN, and Mr. COVERDELL, as members of the Senate delegation to the Mexico-United States Interparliamentary Group during the 2d Session of the 104th Congress, to be held in Zacatecas, Mexico, May 3–5, 1996.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, May 2, 1996.

Hon. NEWT GINGRICH,
Speaker, House of Representatives.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives, I have the honor to transmit a sealed envelope received from the White House on Thursday, May 2nd at 4:15 p.m. and said to contain a message from the President wherein he returns without his approval H.R. 956, the "Common Sense Product Liability Legal Reform Act of 1996."

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

COMMON SENSE PRODUCT LIABILITY REFORM ACT OF 1996—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–207)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 956, the "Common Sense Product Liability Legal Reform Act of 1996."

I support real commonsense product liability reform. To deserve that label, however, legislation must adequately protect the interests of consumers, in addition to the interests of manufacturers and sellers. Further, the legislation must respect the important role of the States in our Federal system. The Congress could have passed such legislation, appropriately limited in scope and balanced in application, meeting these test. Had the Congress done so, I would have signed the bill gladly. The Congress, however, chose not to do so, deciding instead to retain provisions in the bill that I made clear I could not accept.

This bill inappropriately intrudes on State authority, and does so in a way that tilts the legal playing field against consumers. While some Federal action in this area is proper because no one State can alleviate nationwide problems in the tort system, the States should have, as they always have had, primary responsibility for tort law. The States traditionally have handled this job well, serving as laboratories for new ideas and making needed reforms. This bill unduly interferes with that process in products cases; moreover, it does so in a way that peculiarly disadvantages consumers. As a rule, this bill displaces State law only when that law is more favorable to consumers; it defers to State law when that law is more helpful to manufacturers and sellers. I cannot accept, absent compelling reasons, such a one-way street of federalism.

Apart from this general problem of displacing State authority in an unbalanced manner, specific provisions of

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

H.R. 956 unfairly disadvantage consumers and their families. Consumers should be able to count on the safety of the products they purchase. And if these products are defective and cause harm, consumers should be able to get adequate compensation for their losses. Certain provisions in this bill work against these goals, preventing some injured persons from recovering the full measure of their damages and increasing the possibility that defective goods will come onto the market as a result of intentional misconduct.

In particular, I object to the following provisions of the bill, which subject consumers to too great a risk of harm.

First, as I previously have stated, I oppose wholly eliminating joint liability for noneconomic damages such as pain and suffering because such a change could prevent many persons from receiving full compensation for injury. When one wrongdoer cannot pay its portion of the judgment, the other wrongdoers, and not the innocent victim, should have to shoulder that part of the award. Traditional law accomplishes this result. In contrast, this bill would leave the victim to bear these damages on his or her own. Given how often companies that manufacture defective products go bankrupt, this provision has potentially large consequences.

This provision is all the more troubling because it unfairly discriminates against the most vulnerable members of our society—the elderly, the poor, children, and nonworking women—whose injuries often involve mostly noneconomic losses. There is no reason for this kind of discrimination. Noneconomic damages are as real and as important to victims as economic damages. We should not create a tort system in which people with the greatest need of protection stand the least chance of receiving it.

Second, as I also have stated, I oppose arbitrary ceilings on punitive damages, because they endanger the safety of the public. Capping punitive damages undermines their very purpose, which is to punish and thereby deter egregious misconduct. The provision of the bill allowing judges to exceed the cap if certain factors are present helps to mitigate, but does not cure this problem, given the clear intent of the Congress, as expressed in the Statement of Managers, that judges should use this authority only in the most unusual cases.

In addition, I am concerned that the Conference Report fails to fix an oversight in title II of the bill, which limits actions against suppliers of materials used in devices implanted in the body. In general, title II is a laudable attempt to ensure the supply of materials needed to make life-saving medical devices, such as artificial heart valves. But as I believe even many supporters of the bill agree, a supplier of materials who knew or should have known that the materials, as implanted, would cause injury should not receive any protection from suit. Title II's protections must be clearly limited to nonnegligent suppliers.

My opposition to these Senate-passed provisions were known prior to the Conference on the bill. But instead of addressing these issues, the Conference Committee took several steps backward in the direction of the bill approved by the House.

First, the Conference Report seems to expand the scope of the bill, inappropriately applying the limits on punitive and noneconomic damages to lawsuits, where, for example, a gun dealer has knowingly sold a gun to a convicted felon or a bar owner has knowingly served a drink to an obviously inebriated customer. I believe that such suits should go forward unhindered. Some in the Congress have argued that the change made in Conference is technical in nature, so that the bill still exempts these actions. But I do not read the change in this way—and in any event, I do not believe that a victim of a drunk driver should have to argue in court about this matter. The Congress should not have made this last-minute change, creating this unfortunate ambiguity, in the scope of the bill.

In addition, the Conference Report makes certain changes that, though sounding technical, may cut off a victim's ability to sue a negligent manufacturer. The Report deletes a provision that would have stopped the statute of limitations from running when a bankruptcy court issues the automatic stay that prevents suits from being filed during bankruptcy proceedings. The effect of this seemingly legalistic change will be that some persons harmed by companies that have entered bankruptcy proceedings (as makers of defective products often do) will lose any meaningful opportunity to bring valid claims.

Similarly, the Conference Report reduces the statute of repose to 15 years (and less if States to provide) and applies the statute to a wider range of goods, including handguns. This change, which bars a suit against a maker of an older product even if that product has just caused injury, also will preclude some valid suits.

In recent weeks, I have heard from many victims of defective products whose efforts to recover compensation would have been frustrated by this bill. I have heard from a woman who would not have received full compensatory damages under this bill for the death of a child because one wrongdoer could not pay his portion of the judgment. I have heard from women whose suits against makers of defective contraceptive devices—and the punitive damages awarded in those suits—forced the products off the market, in a way that this bill's cap on punitives would make much harder. I have heard from persons injured by products more than 15 years old, who under this bill could not bring suit at all.

Injured people cannot be left to suffer in this fashion; furthermore, the few companies that cause these injuries cannot be left, through lack of a deterrent, to engage in misconduct. I therefore must return the bill that has been presented to me. This bill would undermine the ability of courts to provide relief to victims of harmful products and thereby endanger the health and safety of the entire American public. There is nothing common sense about such reforms to product liability law.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 2, 1996.*

The SPEAKER pro tempore (Mr. HORN). The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

Mr. HYDE. Mr. Speaker, I ask unanimous consent that further consideration of the veto message on the bill, H.R. 956, be postponed until Thursday, May 9, 1996, and that upon further consideration of the veto message on that day, the previous question be considered as ordered on the question of passage of the bill, the objections of the President to the contrary notwithstanding, without intervening motion or debate except 1 hour of debate on the question of passage.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The SPEAKER pro tempore. Without objection, consideration of the veto message on H.R. 956 will be postponed until Thursday, May 9, 1996, and, upon further consideration of the veto message on that day, the previous question shall be considered as ordered on the question of passage of the bill, the objections of the President to contrary notwithstanding, without intervening motion or debate, except 1 hour of debate on the question of passage.

There was no objection.

PERMISSION FOR COMMITTEE ON HOUSE OVERSIGHT TO FILE REPORT ON HOUSE RESOLUTION 417, PROVIDING AMOUNTS FOR EXPENSES OF SELECT SUBCOMMITTEE ON UNITED STATES ROLE IN IRANIAN ARMS TRANSFERS TO CROATIA AND BOSNIA

Mr. HYDE. Mr. Speaker, I ask unanimous consent that the Committee on House Oversight may have until midnight tonight, May 6, 1996, to file a report on House Resolution 417, providing amounts for the expenses of the Select Subcommittee on the United States role in Iranian arms transfers to Croatia and Bosnia of the Committee on

International Relations in the Second Session of the 104th Congress.

The SPEAKER pro tempore. Is there objection to the request from the gentleman from Illinois?

There was no objection.

THE PRETEND PRESIDENT

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, President Clinton is just pretending to be President, He is just pretending to propose solutions to our Nation's problems. Let me illustrate what I mean.

Take the issue of helping the working poor. The President, by proposing an increase in the minimum wage, has a pretend solution to a real problem. Raising minimum wage will cause job loss and won't help the working poor. Even President Clinton agrees. He said so in Time magazine in 1995. If President Clinton thought raising the minimum wage was a good idea, he should have raised it when the Democrats had control of the Congress during the first 2 years of his term. He didn't I can only conclude that the President doesn't want to help the working poor, only wants to pretend to help.

Another recent example of pretending is the announcement that he will sell 12 million barrels of oil from the strategic petroleum reserve in an effort to reduce rising gasoline prices. Twelve million barrels sounds like a lot of oil, but it is less than a day's supply for the Nation. The sale of oil will have a negligible effect on prices. If he wanted a real solution to a real problem, he would support repeal of his 4.3 cents a gallon gasoline tax of 1993. However, President Clinton would rather make a bold announcement and pretend to do something about rising gas prices.

We need a President that has real solutions for real problems. Not a President who is playing "let's pretend."

MEDICARE TRUSTEES REPORT

(Mr. GOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GOSS. Mr. Speaker, the Medicare trustees reported last year that the part A trust fund, covering all inpatient hospital care, would be bankrupt by the year 2002, essentially confirming the findings of the Kerrey Commission. However, in light of new Treasury Department estimates that the trust fund ran a $4.2 billion deficit through the first half of fiscal year 1996, experts, including the former Chief Actuary to HCFA, now conclude that the trust fund could be bankrupt in the year 2000, just 4 years from now. These facts should propel the administration to join the congressional initiatives to preserve Medicare. Instead, the April 1 deadline for this year's trustees report has come and gone with no White House action. It seems the White House is employing stalling tactics and stonewalling Medicare reform rather than saving the program. I urge the President to shelve the excuses, produce the report and join with the efforts currently underway in Congress to save Medicare now. Our Nation's seniors and others dependent on Medicare cannot tolerate the same White House failures to fix Medicare that we have endured for the last 4 years.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

THE THING THAT WILL NOT DIE—REPUBLICANS' PLAN TO CUT EDUCATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, increasingly the extreme agenda of the gentleman from Georgia [Mr. GINGRICH] and his leadership team reminds me of a bad 1950's B movie plot: The thing that would not die. They continue to resurrect bad ideas that have rightfully been shot down because in fact they have hurt working families in this country.

The latest example of a bad idea that will not stay dead is the House Republicans' plan to cut education.

It was only about 2 weeks ago when Speaker GINGRICH and other congressional Republicans waved the white flag and surrendered their extreme position on cutting education. They proposed making the deepest cuts in the history of public education in this Nation, totaling $3.1 billion, and it took the outrage of parents and teachers and students at the grassroots level in addition to the determination of the President, of the congressional Democrats, to force Republican leadership to stop this wrongheaded attitude and attack on our Nation's future.

But let me say that parents do not rest easy. No sooner do we think that this bad idea is dead and buried, that then it finds new life.

Yesterday House Majority Leader DICK ARMEY proposed cutting education to pay for the repeal of the gas tax. I quote:

> But the fact of the matter is, given our ability to contain the cost of energy and give tax relief, maybe we ought to take another look at the amount of money we are spending on education.

Direct quote: I watched the program.

Now I support a cut in the gas tax and would vote for such a thing. But who is going to get the benefit of it? Is the consumer going to get the 4.3 cents, or is that money going to go into the pockets of big oil?

That is what the danger is here, and what is going to get cut in order to pay for that tax cut? The last thing I want to see is a political game being played that does not really save the consumers any money in the end.

Is it not funny that when the increase, when it goes up, when the stock market goes up in its price, and the gas prices go up at the pump, when that goes down, when the stock market goes down, is it not funny that the gas prices for consumers and for families grudgingly comes down and takes a very, very long time for it to do it?

If we are going to cut the gas tax, then we should have the big oil companies pay for that gas tax cut and not education programs that serve working families in this country.

The other thing that we ought to consider at the same time is how come the prices rose so quickly, how come all the prices went up at the exact same time with the exact amount of increase? Is not that strange?

Let us take a look at and investigate that portion of this debate.

Let me just say that instead of cutting corporate pork the gentleman from the big oil State of Texas proposes cutting education for our kids to pay for a tax cut that will have resulted in a major windfall for the wealthy oil barons in this Nation.

We all know that education holds the key to the American dream for the progress of working families in this country, yet the extreme agenda of the Republican revolution calls for devastating cuts in education. Their bill last year would have cut basic skills training, reading, writing, arithmetic by 17 percent.

The Republican majority tried last year to cut safe and drug-free schools by 57 percent, which would have denied 23 million children in this country these common-sense protections.

The extremists would have proposed killing President Bush's bipartisan Goals 2000 initiative which is helping 44 million children nationwide raise the standards of their educational performance, and in an age when tuition costs for college are going through the roof, the majority attempted to roll back direct student loans which would have denied 1,200 schools and 2.5 million students the opportunity to participate in this initiative that makes college more affordable for working families in this country.

Mr. Speaker, I think the Republican leader's advisers must have been too close to the gas fumes when they told him to propose that one. Hard-working American families struggle and scrimp every simple day to provide educational opportunities for their kids. They know, no one knows better than them, that in today's economy what you earn depends on what you learn.

So these middle-class folks take responsibility for their families, and maybe they do not take that vacation, and maybe they do not buy expensive clothes. We should honor their sacrifice. Let us help working families play by the rules. Help them get their kids a good education. Let us not give a tax break and pork to the special interests. Let us help working families and not cut education programs.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. GOSS) to revise and extend his remarks and include extraneous material:)

Mr. BURTON of Indiana, for 5 minutes each day on May 7, 8, 9, and 10.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. MONTGOMERY) and to include extraneous matter:)

Mr. CARDIN.
Mr. SERRANO in two instances.
Mr. POMEROY.
Ms. HARMAN.
Mrs. LINCOLN.
Mr. SKELTON.
Mr. CONYERS.
Mr. LANTOS.
Mrs. KENNELLY.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1720. An act to establish the Nicodemus National Historic Site and the New Bedford National Historic Landmark; to the Committee on Resources.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

ADJOURNMENT

Ms. DELAURO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 22 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, May 7, 1996, at 12:30 p.m. for morning hour debates.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2800. A letter from the Chief, Forest Service, transmitting the Service's final rule—Disposal of National Forest System Timber; Modification of Timber Sale Contracts in Extraordinary Conditions (Interim Final Rule) (RIN: 0596–AB58) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2801. A letter from the Legislative and Regulatory Activities Division, Comptroller of the Currency, transmitting the Comptroller's final rule—Community Reinvestment Act Regulations (RIN: 1557–AB51) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2802. A letter from the Assistant Chief Counsel, Office of Thrift Supervision, transmitting the Office's final rule—Community Reinvestment Act Regulations (RIN: 1557–AB51) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

2803. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting the final report of the Assistant General Counsel for Professional Liability of the RTC, also the final report on Coordinated Pursuit of Claims for the period concluding December 31, 1995, pursuant to 12 U.S.C. 1441a(w)(10)(C) and 12 U.S.C. 1441a(b)(11)(G); to the Committee on Banking and Financial Services.

2804. A letter from the Executive Director, Thrift Depositor Protection Oversight Board, transmitting a report on the activities and efforts of the RTC, the FDIC, and the Thrift Depositor Protection Oversight Board for the 3-month period ending December 31, 1995, pursuant to Public Law 101–73, section 501(a) (103 Stat. 387); to the Committee on Banking and Financial Services.

2805. A letter from the Director, Regulations Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Temporary Suspension of Approval of a Premarket Approval Application (RIN: 0910–AA09) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Commerce.

2806. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—National Primary Drinking Water Regulations: Monitoring Requirements for Public Drinking Water Supplies: Cryptosporidium, Giardia, Viruses, Disinfection Byproducts, Water Treatment Plant Data and Other Information Requirements (FLR–5501–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2807. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to Standards of Performance for New Stationary Sources; Small Industrial-Commercial-Institutional Steam Generating Units (FLR–5467–8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2808. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Adjustment of Reid Vapor Pressure Lower Limit for Reformulated Gasoline Sold in the State of California (FLR–5501–3) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2809. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Texas; Revision to the State Implementation Plan [SIP] Addressing Visible Emissions (FLR–5468–2) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2810. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Attainment Extensions for PM–10 Nonattainment Areas: Idaho (FLR–5500–4) received May 2, 1996, pursuant to U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2811. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Clomazone; Pesticide Tolerance (PP 5E4521/R2230) (FLR–5364–9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2812. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Avermectin B1 and Its Delta-8, 9–Isomers; Extension of Time-Limited Tolerances (PP 4E4419/R2236) (FLR–5366–8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2813. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Fenoxaprop-Ethyl; Extension of Study Due Date and Time-Limited Tolerances (PP 9F3714/R2214) (FLR–5354–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2814. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Lactofen; Pesticide Tolerance (PP 4E4418/R2231) (FLR–5365–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2815. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plan; Illinois (FLR–5436–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2816. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Illinois (FLR–5464–1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2817. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Extremely Hazardous Substances (FLR-5468-5) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2818. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Placer County Air Pollution Control District and Ventura County Air Pollution Control District (FLR-5456-9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2819. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Ohio (FLR-5467-3) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2820. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Utah; Emission Statement Regulation, Ozone Nonattainment Area, Designation, Definition (FLR-5468-8) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2821. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, Santa Barbara County Air Pollution Control District (FRL-5464-2) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2822. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; California State Implementation Plan Revision, San Joaquin Valley Unified Air Pollution Control District, Santa Barbara County Air Pollution Control District, South Coast Air Quality Management District (direct final) (FRL-5466-1) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2823. A letter from the Managing Director, Federal Communications Commission, transmitting the Commission's final rule—Implementation of Section 204(a) and 204(c) of the Telecommunications Act of 1996 (Broadcast License Renewal Procedures) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2824. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Korea (Transmittal No. DTC-17-96), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

2825. A letter from the Director, Bureau of Alcohol, Tobacco and Firearms, transmitting the Bureau's final rule—Removal of Certain Restrictions on Importation of Defense Articles and Defense Services from the Russian Federation (27 CFR part 47) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

2826. A letter from the Executive Director, District of Columbia Retirement Board, transmitting the personal financial disclosure statements of Board members, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

2827. A letter from the NARA Regulatory Policy Official, National Archives, transmitting the Archives' final rule—Disposition of Federal Records (RIN: 3095-AA65) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2828. A letter from the Secretary of the Interior, transmitting notification that it is in the public interest to use procedures other than full and open competition to award a particular Department of the Interior program, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Government Reform and Oversight.

2829. A letter from the Chief, Forest Service, transmitting the Service's final rule—Smith River National Recreation Area (RIN: 0596-AB39) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2830. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Amendment to Requirements for Authorized State Permit Programs under Section 402 of the Clean Water Act (FLR-5500-9) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2831. A letter from the Associate Director, National Institute of Standards and Technology, transmitting the Institute's final rule—Grant Funds—Materials Science and Engineering Laboratory—Availability of Funds (RIN: 0693-ZA02) received May 2, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2832. A letter from the Associate director, National Institute of Standards and Technology, transmitting the Institute's final rule—Continuation of Fire Research Grants Program—Availability of Funds (RIN: 0963-ZA06) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

2833. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Loan Guaranty and Vocational Rehabilitation and Counseling Programs (RIN: 2900-AG65) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2834. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Delegation of Authority to Order Advertising for Use in Recruitment (RIN: 2900-AH74) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2835. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Servicemen's and Veterans' Group Life Insurance (RIN: 2900-AH50) received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans Affairs.

2836. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Revenue Ruling 96-26—received May 3, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

2837. A letter from the Deputy Under Secretary for Environmental Security, Department of Defense, transmitting an interim summary report on the DOD Environmental Scholarships and Fellowships Programs, pursuant to Public Law 102-484, section 4451(j) (106 Stat. 2737) and Public Law 103-160, section 1333(h)(2) (107 Stat. 1800); jointly, to the Committees on National Security and Economic and Educational Opportunities.

2838. A letter from the Director, Office of Management and Budget, transmitting a draft of proposed legislation entitled the "Statistical Confidentiality Act"; jointly, to the Committees on Government Reform and Oversight, Commerce, the Judiciary, Science, and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

(The following action occurred on May 3, 1996)

Mr. ARCHER: Committee on Ways and Means. H.R. 3286. A bill to help families defray adoption costs, and to promote the adoption of minority children; with an amendment (Rept. 104-542, Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted May 6, 1996]

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1861. A bill to make technical corrections in the Satellite Home Viewer Act of 1994 and other provisions of title 17, United States Code; with an amendment (Rept. 104-554). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2137. A bill to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders; with an amendment (Rept. 104-555). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 2511. A bill to control and prevent commercial counterfeiting, and for other purposes (Rept. 104-556). Referred to the Committee of the Whole House on the State of the Union.

Mr. McCOLLUM: Committee on the Judiciary. H.R. 2980. A bill to amend title 18, United States Code, with respect to stalking; with an amendment (Rept. 104-557). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOORHEAD: Committee on the Judiciary. H.R. 1734. A bill to reauthorize the National Film Preservation Board, and for other purposes; with an amendment (Rept. 104-558 Pt. 1). Ordered to be printed.

Mr. THOMAS: Committee on House Oversight. House Resolution 417. Resolution providing amounts for the expenses of the Select Subcommittee on the United States Role in Iranian Arms Transfers to Croatia and Bosnia of the Committee on International Relations in the second session of the 104th Congress; with an amendment (Rept. 104-559). Referred to the House Calendar.

DISCHARGE OF COMMITTEE

Pursuant to clause 5 of rule X the following action was taken by the Speaker: The Committees on Resources, Transportation and Infrastructure, and National Security discharged from further consideration; H.R. 3322 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

(The following action occurred on May 6, 1996)

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 1734. Referral to the Committee on House Oversight extended for a period ending not later than June 21, 1996.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CONYERS (for himself, Mr. MILLER of California, and Mr. BROWN of California):

H.R. 3392. A bill to require a separate, unclassified statement of the aggregate amount of budget outlays for intelligence activities; to the Committee on Government Reform and Oversight, and in addition to the Committee on Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TANNER (for himself, Mrs. LINCOLN, Mr. STENHOLM, and Mr. PAYNE of Virginia):

H. Res. 425. Resolution providing for the consideration of the bill (H.R. 2915) to enhance support and work opportunities for families with children, reduce welfare dependance and control welfare spending; to the Committee on Rules.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 931: Mr. SHAYS.

H.R. 940: Mr. KENNEDY of Rhode Island.

H.R. 1023: Mr. LAHOOD, Mr. MENENDEZ, and Mr. PETERSON of Minnesota.

H.R. 2137: Mr. RAMSTAD.

H.R. 2167: Mr. NADLER, Mrs. VUCANOVICH, and Mr. PETERSON of Minnesota.

H.R. 2749: Mr. STUMP and Mr. MANZULLO.

H.R. 3170: Mr. LAZIO of New York and Mrs. ROUKEMA.

H.R. 3173: Mr. WAXMAN.

H.R. 3246: Mrs. KENNELLY.

H.R. 3268: Mr. GUNDERSON, Mr. SAM JOHNSON, Mr. RIGGS, Mr. SOUDER, Mr. WELDON of Florida, Mr. GREENWOOD, Mr. BARRETT of Nebraska, Mr. BALLENGER, Mrs. MEYERS of Kansas, Mr. GRAHAM, AND Mr. KNOLLENBERG.

H.R. 3310: Mr. NEUMANN and Mr. ISTOOK.

H.J. Res. 178: Mr. ZIMMER and Mr. BLUTE.

H. Con. Res. 160: Mr. CASTLE, Mr. BERMAN, Mr. MCHUGH, Mr. BEREUTER, Ms. WOOLSEY, Mr. THOMPSON, Mrs. MEYERS of Kansas, Mr. WALKER, Mr. LEWIS of Georgia, Mr. DIXON, Mr. SHAW, Mr. FALEOMAVAEGA, Mrs. LINCOLN, Ms. SLAUGHTER, Mr. SCHUMER, Mr. DELLUMS, Mrs. MALONEY, Ms. MCKINNEY, Mr. BLUTE, and Mr. STUDDS.

H. Res. 30: Mr. TIAHRT, Mr. CARDIN, Mr. MCINNIS, Mr. WILLIAMS, and Mr. CHABOT.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2974

OFFERED BY: MS. SLAUGHTER

AMENDMENT NO. 1: Add at the end the following new section:

SEC. 3. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

"(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

"(A) violates this section; or

"(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

"(i) that conduct is in interstate or foreign commerce;

"(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

"(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(1) with respect to an offense that consists of the conduct so engaged in;

shall be imprisoned for life.

"(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

"(A) is an offense under this section or section 2242 of this title; or

"(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.".

SENATE—*Monday, May 6, 1996*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, You have promised that "As Your days, so shall Your strength be." We praise You that You know what is ahead of us this week and will provide us with exactly what we need in each hour and in each circumstance. We relax in the knowledge that You will neither be surprised by what evolves or incapable of sustaining us in any eventualities. You will show us the way all through this week.

Therefore, we resist the temptation to be anxious or to worry over whether we have what it takes. Instead, we will receive what You have offered: hope for our discouraging times, replenishing energy for our tired times, and renewed vision for our down times. We dedicate this week to You. Protect us from the pride that supposes we can be self-sufficient, and the vanity that refuses to submit our needs to You. Help us not only to walk more closely with You, but to be open to Your encouragement through others. May we all live this week as a never-to-be-repeated opportunity to glorify You by serving our Nation with patriotism and loyalty. In our Lord's name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader, Senator DOLE, is recognized.

Mr. DOLE. Thank you, Mr. President.

SCHEDULE

Mr. DOLE. Mr. President, we will have morning business until the hour of 3 p.m., with Senators to speak for up to 5 minutes each. Senator DASCHLE, or his designee, is in control of the first 90 minutes; Senator COVERDELL, or his designee, is in control of the next 90 minutes. If there are no requests for morning business, then we may stand in recess during part of that period until 3 o'clock.

At 3 o'clock, we will resume consideration of H.R. 2937. We will have no rollcall votes. There will be a cloture vote on H.R. 2937, the White House Travel Office legislation at 2:15 p.m. on Tuesday. Under the provisions of rule XXII, Senators have until 1 p.m. today to file first-degree amendments to H.R. 2937. Hopefully, we can complete action on the Travel Office bill on Tuesday.

Other items possible for consideration this week, if we can work them out, are: Amtrak authorization; the firefighters age discrimination bill; and the balanced budget constitutional amendment.

I hope we might be able to pass the balanced budget constitutional amendment early this week or next week. It is supported by 80 percent of the American people. We addressed some of the concerns that some of my colleagues who voted against the amendment expressed last year about protecting Social Security. We believe we will have language that should satisfy real concerns—if somebody is playing games, we will not satisfy them—if they have real concerns. We are also concerned about protecting Social Security.

In our balanced budget, which we sent to the President, which he vetoed, we did not touch Social Security. We believe we can overcome some of the objections that some have if they are real concerns. Otherwise, we will not be able to do that.

Tomorrow is tax freedom day. That is when people can take a break from taxes. Starting on the 8th of May, they start working for themselves instead of the governments who impose taxes. It will be a good day to pass the gas tax repeal. It seems to me it might have a nice ring to it.

Mr. President, 4.3 cents may not seem like a lot per gallon, but it adds up to about $4.8 billion a year, and it does not go into any fund to build highways. It goes into what we call deficit reduction, which has only been done one other time. That was on a very temporary basis between 1990 and 1993, when 2.5 cents went into tax reduction. That was necessary to get an agreement on the 1993 budget. Normally, gas taxes are used for highways, bridges, and other structures, and mass transit to help improve travel conditions for people to make the highways safer, mass transit safer.

But this gas tax by President Clinton for deficit reduction is permanent. We think it should be repealed. We can find ways to cut spending or some other way to offset it if we are not going to add to the deficit. We think we can do that.

There is a bill at the desk, Calendar No. 374, H.R. 2337, the taxpayer bill of rights. Sometime before the day is out, I will ask consent that we be able to take up that bill and offer one amendment—that would be the gas tax repeal—and send it back to the House. I am certain they will pass it very quickly. As I understand, there is bipartisan support now for repealing the gas tax. Maybe we can accomplish it on that revenue bill.

I have also asked Senator LOTT and Senator LOTT has reported to me he had a good discussion on Friday with Senator DASCHLE with reference to scheduling the minimum wage. We believe we have made a fair proposal. We hope it might be accepted.

Otherwise, I think the matter people are really concerned about in America is a balanced budget and whether we have the will to amend or at least send a constitutional amendment to the States and see if three-fourths of the States will ratify it. If that happens, the constitutional amendment, if it is ratified, of course, becomes part of the Constitution. Then we will have more discipline in the Congress when it comes to spending taxpayers' money and when it comes to ordering priorities.

Beyond that, anything else that should occur, we will make an announcement on the Senate floor this afternoon.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. THOMAS). Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak up to 5 minutes each, with Senator DASCHLE, or his designee, in control of the first 90 minutes, and Senator COVERDELL, or his designee, in control of the second 90 minutes.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I ask unanimous consent to speak for about 10 to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

LOW-LEVEL RADIOACTIVE WASTE STORAGE IN CALIFORNIA

Mr. MURKOWSKI. Mr. President, I wish you a good morning. I ask you to imagine the following situation: You are stricken with bone cancer. Unfortunately, your doctor informs you that radiation therapy is no longer an option because it creates low-level radioactive waste and they simply cannot store any more.

Or another one: A loved one tests HIV positive. Sadly, we learn that breakthrough research using radioactive materials to find a cure for AIDS is being suspended. Why? Because we cannot store any more waste.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Finally, imagine this: You are the parent of a student at the University of California. You're informed that a fire occurred in a radioactive storage waste building on campus and exposed your son or daughter to radiation released by the fire.

These are not farfetched situations, Mr. President. In fact, radioactive waste is piling up on college campuses, hospitals, and businesses at some 800 sites in California alone.

This chart tries to depict the distribution of low-level radioactive waste that is stored today in California. The current situation shows that it is virtually all over—in the bay area, the Sacramento area, southern California, Los Angeles, San Diego, and so forth. There are 2,254 material licensees who store waste at some 800 sites in populated areas, endangered by the threat of fires, earthquakes, and floods. It is an extraordinary expense and duplication of effort.

Over 2,000 colleges, hospitals, and businesses in California alone are licensed to use radioactive materials. I have a list of them. There are radioactive materials or waste in San Francisco, as a matter of fact, at the Golden Gate Park in San Francisco; in Chinatown, at 845 Jackson Street, to be specific; the University of San Francisco at 2130 Fulton Street; in Santa Monica at 2200 Santa Monica Boulevard; in Beverly Hills at 9400 Brighton Way.

These are just a few of the research centers, the hospitals, the biotechnical firms, and the cancer treatment centers that use radioactive materials. These materials are needed and used to improve and prolong our lives.

But we endanger our opportunity to enjoy these benefits when we do not allow the State of California to carry out the radioactive trash for proper disposal. That is exactly what is happening today because our Interior Secretary, Bruce Babbitt, will not allow the State of California to dispose of its low-level waste at Ward Valley, which is the site California has licensed for this waste.

Mr. President, let me show you the second chart. This is California without those 800-plus sites, with 1 site designated as a repository for low-level waste, 1 site in a remote area away from the populated areas, away from the area of southern California, away from the bay area. This was a site selected after a 7-year process of scientific study and public input. It is a site secure from fires, earthquakes, and floods. It is carefully monitored and regulated, meeting all Federal and State health and safety protection standards.

Is it not better, Mr. President, to just have 1 site for low-level radioactivity instead of over 800 sites? Certainly it is. Soon we could reach a point where advanced medical treatment for cancers and other medical research will be curtailed or even halted due to a failure to deal with the waste problem.

Is this a sane situation? Certainly not. Unfortunately, many of the temporary sites used for storage of radioactive waste across California are vulnerable to exposure such as fires, earthquakes, or floods, which could cause an accidental release of radioactivity in urban or suburban neighborhoods. Doctors are worried that the storage problem will impact, if you will, future cancer treatment. Researchers are worried that it will impact medical research. Educators are wondering how they will explain to the parents of students that their children live on campus that stores low-level radioactive waste.

Clearly, Mr. President, California has an environmental problem. But to California's credit, California has acted in good faith to address this problem.

Mr. President, as chairman of the Energy and Natural Resources Committee, which has the oversight for this matter of both low-level and high-level radioactive waste, I commend the Governor and the State of California for the manner in which they have attempted to live under the Federal law which has given the States the authority to address low-level waste.

Acting in accordance with the Low Level Radioactive Waste Policy Act and all applicable environmental laws and regulations, California has found a solution. California wants this radioactive waste, used, again, by more than 2,200 licensees in California, they want it to be removed from those 800 suburban and urban locations to a safe, licensed monitoring location at Ward Valley in the Mojave Desert, which I have shown on the chart here.

Let us go back and look at a little of the history. After an 8-year effort under the NRC guidelines, the Nuclear Regulatory Commission guidelines, and the expenditure of over $45 million, the California Department of Health Services issued a license for a low-level waste site at Ward Valley. The California Department of Health had the authority to issue the license. The Federal Government gave them the authority. They issued it.

But even with that license in hand, the operator of the site has been unable to begin construction and operation because radical antinuclear activists have launched a crusade to stop Ward Valley. Those activists have used every conceivable method. They have sued. They have demonstrated. They have occupied the site. They have made outrageous and scientifically indefensible claims.

But these groups are wrong. They have been proven wrong. All of their radical lawsuits challenging the licenses have been heard, and they have been dismissed. Their legal challenges have been exhausted.

Two environmental impact statements have shown their radical claims about Ward Valley's environmental impacts to be absolutely inaccurate, just plain wrong. The two biological opinions from the Endangered Species Act have shown their radical claims about Ward Valley's impact on the desert tortoise are simply wrong. They have reached out under every conceivable avenue in an attempt to find an excuse to stop going ahead with Ward Valley.

In a special scientific report which was prepared for Secretary of the Interior Babbitt, the National Academy of Sciences concluded, on the issue of ground water contamination which was certainly a legitimate consideration, that there is a highly unlikely prospect of any potential threat of ground water contamination in this area with so little rainfall out in the Mojave Desert.

They further stated that there is no health threat posed to Colorado River drinking water as some of the radical opponents continue to erroneously claim. They claim that somehow this is going to seep down into the ground water and get into the Colorado River. They will reach out and conclude almost anything, Mr. President.

As the chairman of the National Academy's committee recently wrote:

> . . . none of the data reviewed by the Committee support further delay or opposition to construction of this facility, provided the oversight and monitoring recommendations of the Committee are in place.

On the merits, the radical antinuclear activists have been slam-dunked. But merits are not enough in this process, Mr. President, as we both know. As the Senator from Wyoming and myself, the Senator from Alaska, have seen time and time again, you can win on the merits and you can lose on the emotional arguments.

But on this issue, the activists have lost every battle. They have been proven wrong again and again and again.

But the BLM land for the Ward Valley site has not been transferred to the State of California. This is BLM, Bureau of Land Management, land in California. It has not been transferred. Why? The waste still sits in the neighborhoods, still sits in the schools, still sits in the hospitals.

Why has it not been done? It has not been done because the antinuclear activists have convinced the Interior Department to stand in the way of the transfer. At each opportunity they present a new twist, a new obstacle. The latest twist involves the discovery of elevated levels of tritium gas at an old low-level waste site in Beatty, NV. Opponents of Ward Valley claim that this somehow proves that the same thing will happen at Ward Valley. The Interior Department is now using this as an excuse for further delay at Ward Valley.

It is interesting to note what Secretary Babbitt's own Director of the U.S. Geological Survey, in a memorandum dated February 14, had to say about the supposed links between the Beatty site and Ward Valley:

> . . . the observed tritium distribution at Beatty is probably the result of the burial of liquid wastes and the fact that some disposal trenches at Beatty were left open for years until filled, allowing accumulation and infiltration of precipitation. . . . The [Ward Valley] license does not permit disposal of radioactive waste in liquid form and requires that only the minimum amount of open trench necessary for the safe and efficient operation shall be excavated at any one time. Because of the differences in waste burial practices at the Beatty site compared to those intended for the Ward Valley site . . . extrapolations of the results from Beatty to Ward Valley are too trenuous to have much scientific value.

The day after receiving this memo, the Deputy Secretary of the Interior called for further tests, further delays, even though the scientific advice he received was to the contrary.

Now, what you have here is a rather interesting situation. You have the State of California, who has gone through a process of expending over $40 million on the evaluation, the application, and the licensing. Who has a greater responsibility to the health and welfare of the people of California than the Governor and the California Department of Health that have approved this site? They are certainly competent in determining whether or not the recommendations by the scientific community are carried out, all Federal and State laws are mandated in compliance with regulations. The Secretary somehow seems to dismiss this.

Why would the Interior Department want to take this attitude? Some suggest they made a political calculation that Ward Valley can yet be another environment issue that can be shaped to make perhaps Congress look bad with respect to protecting the environment.

I am here to say that their political calculation is wrong, Mr. President. On the issue of Ward Valley, the radical and antinuclear activists and their friends in the administration have simply gone too far. I think they have crossed the line, because they are jeopardizing the environment, because they are jeopardizing human health and safety, because they evidently would rather keep radioactive waste near the schools and the neighborhoods than at a licensed site in the remote desert, a remote area where people are far away, where children do not play and people do not work.

Put simply, they have gone too far because their radicalism has reached the point where it will start harming the safety of the people. They think they can get away with that, because they believe Ward Valley can be spun as an issue where the so-called environmentalists are keeping Congress from thrashing the environment. Sooner or later, even in this town, even with the media perception being what it is with respect to radioactivity, I have to believe that the plain and simple truth will eventually defeat this misinformation.

The plain and simple truth is this, Mr. President: We have an obligation to protect the environment. We want to protect the environment. If you want to maintain important medical research, advance treatment, and so forth, if you want to get stored radioactivity waste out of schools, hospitals, and neighborhoods to a site that the National Academy of Sciences and the State of California says is best, opening Ward Valley is the right thing to do.

Just do not take my word for it, Mr. President. Take the word of the National Association of Cancer Patients; the Association of American Medical Colleges; the American College of Nuclear Physicians; the California Medical Association; the American Medical Association; the Southwestern Low-Level Radioactivity Waste Commission, representing California, Arizona, North Dakota, and South Dakota; the Southeast Compact Commission, representing Alabama, Florida, Georgia, Mississippi, North Carolina, Tennessee, Virginia; the Midwest Interstate Low-Level radioactivity Waste Commission, representing Indiana, Iowa, Minnesota, Missouri, Iowa, Wisconsin; the Northwest Interstate Low-Level Radioactivity Commission, representing Alaska, Hawaii, Idaho, Montana, Oregon, Utah, Washington, and Wyoming; the State of California Department of Health; University of California at Los Angeles, UCLA; University of Southern California; Stanford University—and more, Mr. President, too numerous to name, who all support Ward Valley.

Mr. President, this should not be a partisan issue. We have not sought to make it a partisan issue. Senate bill 1596, a bill to transfer the land to the Ward Valley site, was introduced by both a Democrat and Republican. It was voted out of committee by bipartisan voice vote.

Let me warn those who attempt to make this a partisan issue. If you oppose the bill for partisan political purposes, you are on the wrong side of science. You will be on the wrong side of the environment. You will be on the wrong side of human health and safety. You will endanger the viability of the Low-Level Radioactivity Waste Policy Act. The result of that might mean that the next low-level waste will be in your State. I invite any and all my colleagues to join me in cosponsoring Senate bill 1596.

Mr. President, the point I want to make here—and I think it is very important—this is an issue that is in the interest not just of the State of California but of the entire Nation. It is going to set the threshold for just what we do with low-level waste, whether we continue, like the ostrich, to bury our head in the sand and simply ignore it.

We have seen, in this chart, in the State of California we have over 800 sites. If those critics propose no other alternative, or whether we have one site that is approved by the State, supported by the Governor, addressed by the National Academy of Science, then we can proceed with this. That will set, if you will, policy in other States where we have the same set of circumstances, perhaps not as acute in California. I suggest New York and other areas where we have a concentration of population and advanced medical and technical experiments going on. It is not a partisan issue.

It is an environmental issue. It is a responsible environmental issue. And this administration and this Secretary of the Interior by not coming up with an alternative that is better than that proposed by the State of California after the Federal Government has given the States the authority to proceed with disposing the low-level waste is acting irresponsibly.

What has happened here? I do not criticize President Clinton. But I criticize the bad advice that he has been given by Secretary Babbitt because the White House, in following the advice of the Secretary of the Interior, has made this a partisan political issue, and they should not have done so. The issue is science. Science is on our side. The public health and the safety arguments are on our side.

Ward Valley is the legitimate site. If we are going to give the States the responsibility, as we have done, and then turn around and not let them exercise that responsibility, then the enemy, as is often the case, is us.

We have an opportunity to do something about it, Mr. President. Senate bill 1596 is just that. It would legislate because the Secretary of the Interior refuses to proceed the land exchange mandating that the Federal Government make this site available to the State of California.

Mr. President, I could not be more outspoken in my frustration, and joining with the State of California in a matter in which this issue—which affects the health and the welfare, and sets the precedent for the manner in which we are going to address the eventual disposition of low-level nuclear waste—is to be addressed.

How can we, Mr. President, think we will resolve the issue of managing the high-level radioactive waste that has been generated around this country by our national defense facilities as well as our nuclear powerplants if we cannot even agree on what to do with low-level waste? That is the situation we are facing today.

We have a proposal before this body to designate the Nevada test site as the site for a temporary high-level nuclear waste storage facility. What is this all about, Mr. President?

What we have done over the last 15 years or so is expend over $5 billion to investigate the suitability of Yucca Mountain, NV, as a site for a permanent geologic repository for high-level nuclear waste. Yucca Mountain is adjacent to the Nevada test site, which, for the last 50 years or so, has been used for a series of above and below ground tests of atomic bombs. The Nevada test site is an area of Nevada that is still off limits to the public because of the activities that have taken place there. I have been there. I have been in the tunnel that is being dug into Yucca Mountain to evaluate the permanent repository site. Currently the test tunnel is nearly 3 miles long. However, the prospect of the geologic repository being the answer to our immediate high-level waste storage problem is fraught with the same bureaucratic inefficiencies associated with the Ward Valley low-level waste facility that I just discussed.

The crux of the current situation is that we have waste stored throughout the Nation adjacent to our nuclear powerplants. About 20 percent of our country's power generation comes from nuclear powerplants. This waste is stored at the plant sites. On-site storage is licensed by the Nuclear Regulatory Commission. But the fact is that the Federal Government made a contractual commitment to take that waste away from the reactor sites by the year 1998. Under those contracts, the Federal Government has collected about $11 billion from America's ratepayers to pay for a government facility to store the nuclear fuel. Under the existing program, we are not going to be able to meet the Government's commitment to take waste in 1998 or anytime in the near future. Already, there are lawsuits that have been filed against the Federal Government for nonperformance.

So here we sit, with a program that is continuing to pursue a permanent geologic repository with no other alternatives in sight. We will spend perhaps another $4 to $5 billion before the Department of Energy will make a decision as to whether or not it should apply for a license for Yucca Mountain for use as a permanent repository. Then we have to actually get it licensed. Although the odds on the site being found suitable by the Department of Energy have been set at 80 percent, the odds on actually getting a license from the Nuclear Regulatory Commission have been set at 50–50. This gives you some idea of the gamble we are taking with the ratepayer's money.

So what many of us have proposed is that the Nevada test site be used for an interim storage site for spent nuclear fuel until there is a determination of whether or not Yucca Mountain can be licensed for permanent storage.

There are some interesting things going on in the area of nuclear waste disposal. Japan, France, and England operate under an entirely different theory. Legitimate concerns over nuclear weapons proliferation arise because nuclear reactors generate small amounts of plutonium mixed into their spent nuclear fuel. It is a policy in the United States that we take this high-level waste and bury it. In France and Japan the practice is to recover it, and through a MO_x fuel process, put it back into the nuclear reactors, burn it, and thereby reduce the proliferation risk. Each country's ultimate disposition of its high-level waste is an interesting comparison, to say the least. The French and the Japanese, of course, have the theory of burning plutonium by injecting it into the reactor with depleted uranium. This disposes of the proliferation threat because the high-level waste that result does not contain plutonium. You have a residue that is a glass-like substance. The point is that this kind of material cannot be reprocessed and an explosive device made out of it.

So while it is a rather complex concept, Mr. President, the theory is that you can either choose to bury your high-level waste permanently in the belief that you can build a site that can be proven to withstand earthquakes, that will withstand flooding, if it ever should occur, or some other natural event that might interfere with the storage site, or whether you use an advanced technical process and burn the plutonium and, therefore, eliminate the threat of proliferation.

Although other countries have chosen this different approach, I would like to point out that, in S. 1271, we are proposing that a temporary storage site be built in Nevada, and that the plan to build a permanent repository facility continue. Why Nevada, Mr. President? As I have said, the site would be in that portion of Nevada that has been used for tests of atomic bombs over the last 50 years. It is a site that obviously carries a great deal of experience with radioactive materials and seems to meet—at least as far as we can tell after 5 billion dollars' worth of research—the test as a viable site for a permanent repository. Having one interim storage facility would remove this material from the areas where it is currently stored near the nuclear power stations in some 41 States. We have over 80 storage areas in those 41 States. Illinois, for example, has several in their State. Centralizing all of that spent fuel in one location is really what we are talking about in designating the Nevada test site as a temporary storage site.

My good friends from Nevada are opposed to this. Why are they opposed to this? Well, unfortunately, we only have 50 States, Mr. President. You have to put nuclear waste somewhere. Where is the best place to put it? Well, in my mind, it seems to me that Nevada is the best place because the Nevada test site, used for nuclear materials testing for so long, is remote and is because of its use in the past, must be secured by the Government for the foreseeable future.

So why not use this site as a temporary repository until we can determine where our permanent repository will be? If the permanent repository site at Yucca Mountain is found to be suitable and the Department of Energy decides to go forward to try to get a license, we will need an interim storage facility at that site. Even after a suitability decision is made, we are going to have to spend another $4.5 or $5 billion to determine whether that site meets our licensing requirements for a permanent repository. That decision will be years down the line.

There is another activity going on here that I want to point out to my colleagues. Some groups see this as a way to terminate, if you will, the operations of many of our nuclear power generating reactors around the country because the spent fuel storage at those sites is almost filled to capacity. The Nuclear Regulatory Commission licenses them to a specific capacity, and when they are filled, why, obviously, they cannot add more spent fuel without violating their license. Building additional on-site storage requires State approval. Because the Federal Government is not able to fulfill its promise to take the fuel away, getting that approval usually becomes a very contentious process.

Of course, the utilities' plans to store spent nuclear fuel on-site were dependent on the Federal Government meeting its commitment to take that high-level nuclear waste from the power generators at those sites by the year 1998. However, we do not have the ability to meet that commitment; we do not have a permanent site licensed or built. So temporary storage is an interim alternative that makes a lot of sense.

My colleagues from Nevada have suggested that interim storage is an impractical alternative because you are moving spent nuclear fuel from areas around the country where it is currently stored to one site in the State of Nevada. They have suggested that if it is decided that the permanent storage site will be somewhere else, you will have to move it again.

That is a bit presumptuous, because the site at Yucca Mountain is the best site that we have been able to come up with so far in all the 50 States. There is every reason to believe that ultimately Yucca Mountain will be determined the permanent site. In any case, we must move the spent nuclear fuel out of the other 80 sites where it is stored now and put it in one concentrated area until such time as a final decision is made about a permanent site. The Nevada test site is the best site. It will go across the country in casks that are engineered in such a way as to withstand any imaginable accident, including railroad derailments. These are very highly engineered containers. A great deal of expertise has gone into their design. So the exposure to the public from the standpoint of transportation is virtually nil. The risk can be almost eliminated. We can, therefore, safely take this waste that is in the 41 affected States, move it to Nevada, and temporarily store it until we have a permanent repository. That is what the legislation is all about.

As time goes on, I will urge the leadership to take up the legislation designating the Nevada test site as the site for a temporary storage facility, and I will proceed with extensive floor statements describing the sites around the United States where we have nuclear powerplants, the concentration of nuclear waste that is stored, and the merits of why the Nevada test site is the most logical and practical site and why we should do it now.

As I indicated earlier with my discussion of the Ward Valley low-level waste situation, this is yet another serious environmental issue where we are being urged by some to put our head in the sand rather than address a critical problem. This waste already exists. Further, we need the 20-percent electricity that is generated by the nuclear power industry. If we are to shut down those reactors, what are we going to replace it with? Are we going to replace it with coal or oil? That energy must come from some other source.

We need the nuclear power generating industry and its contribution to the electric supply of the United States. We cannot do without it. But whether or not we continue to have nuclear power, the question is how we can responsibly relieve the existing spent nuclear fuel that has accumulated over an extended period of time. How can we meet the Federal Government's obligation? The Federal Government has been paid $11 billion by ratepayers to take this waste by 1998, and we will not able to do it under the existing program.

The only responsible alternative is to proceed and designate the Nevada test site as a temporary repository site until such time as a permanent repository can be licensed. So it is my hope we can schedule this legislation in the not too distant future and proceed with legislation that presents a responsible alternative to the current irresponsible policy of simply avoiding a decision on this critical issue.

Mr. President, I have editorials from newspapers including the Oregon Statesman Journal, the Washington Post, the Denver Post, the St. Joseph, MO Herald Palladium, and the Harrisburg, PA Patriot-News, as well as many others, in support of naming Yucca Mountain a temporary repository for nuclear waste. I ask unanimous consent that a sample of these editorials be printed in the Record.

There being no objection, the editorials were ordered to be printed in the Record, as follows:

[From the Patriot-News, Jan. 26, 1996]

High-Level Risk: Federal Foot-Dragging Leaves N-Plants No Option But To Store Waste On-Site

Two of the three nuclear power stations along the Susquehanna River may soon begin storing highly radioactive spent fuel in steel-and-concrete casks in on-site facilities specially built for the purpose.

This nuclear material, one of the most dangerous substances known to science, was never intended to be stored on a long-term basis at nuclear power plants. Under a law passed in 1982 by Congress, the Federal Government was assigned responsibility to take permanent custody of spent fuel from commercial nuclear reactors.

A long-term storage facility for the waste was to be opened by 1988, by the Energy Department, still conducting studies of the proposed Yucca Mountain site in Nevada, says it doesn't expect the facility to be ready until at least 2010.

This high-level radioactive waste is so lethal that it must be stored in a manner that will shield it from the environment for thousands of years, a period longer than mankind's recorded history. Not surprisingly, no state wants to serve as permanent host for the waste, but the end result of the failure of the government to move decisively to build a storage facility is that nuclear power stations around the country are fulfilling that role by default.

Under ordinary circumstances, spent fuel is removed from the reactor and held in nearby pools of water for several months to cool and to allow some of the radiation to dissipate. Utilities have gone to great lengths to devise ways to increase the capacity of the cooling ponds, but a growing number have run out of options and are moving to construct new facilities in which the waste is stored in dry steel-and-concrete canisters.

Pennsylvania Power & Light Co. plans to begin construction this year of a $10 million on-site spent-fuel storage facility at its Susquehanna nuclear power station at Berwick. PECO Energy Co. is contemplating a similar move at its Peach Bottom nuclear power facility in York County.

Three Mile Island is expected to have sufficient storage capacity to last through the expected life of that nuclear plant, according to owner GPU Nuclear Corp.

A lawsuit, in which GPU, other utilities and the state Public Utility Commission are participants, is seeking to force the federal government to speed up the process of establishing a high-level radioactive waste repository. A federal appeals court in Washington recently heard arguments in the case.

Meanwhile, there is legislation in Congress to establish an interim storage site near Yucca Mountain until a permanent facility is completed. In our view, this offers the most sensible answer to the nuclear-storage dilemma.

The country is courting catastrophe by permitting this highly dangerous waste to be stored in dozens of areas of the country, usually along waterways, and unnecessarily creating more radioactive-conaminated facilities, as well as expense for ratepayers.

Congress needs to end its dithering on this serious issue and move to bring this waste under federal control in a single facility until a permanent one can be built.

[From the Statesman Journal, Feb. 11, 1996]

Congress Stalls on Nuclear Waste

Congress seems to be stalled on a bill to find a home for tons of waste from the nation's nuclear power plants.

Measures to establish a temporary nuclear repository at Yucca Mountain in Nevada have had strong support in both chambers, but nothing has happened. House Resolution 1020 needs to be enacted promptly.

It will rectify two financial problems. It will give residential and business customers of power generated by nuclear power plants something for their money. Oregonians and others have paid nearly $12 billion into a fund to build a repository for nuclear waste. The money has done nothing but help the government make the budget deficit look a little smaller.

And it will save utilities from having to build temporary storage facilities at their nuclear power plants to hold spent fuel rods that by now should have found a permanent national repository. At the now-closed Trojan plant, the rods are kept in pools of water. But dry storage will have to be built—at ratepayers' expense—if the Yucca Mountain site is not approved. Other nuclear power plants are running out of storage space. They either will shut down or, more likely, build expensive temporary storage.

The measure also will move the nation toward a permanent repository in Yucca Mountain. The temporary site will hold nuclear wastes until the final scientific studies of Yucca are completed.

Although the measures have strong support, controversy remains. Some in Nevada and elsewhere are not convinced the Yucca Mountain site is safe for centuries-long storage of radioactive wastes. Reputable scientific studies discount the risk.

Other people worry about transporting nuclear fuel rods to Nevada from throughout the country. This, too, is a needless worry. The casks that would hold the wastes were engineered—and tested—to withstand a head-on train crash and the hottest fires.

This country must take the decisive step and finally provide—after 13 years of political indecision—a safe place for its nuclear wastes.

[From the Washington Post, Jan. 12, 1996]

The One Best Place for Nuclear Waste

(By Luther Carter)

Despite continuing controversy and handwringing analysis, the nuclear waste problem has for early two decades grown as a political issue while seeming every more confused and opaque. Curt Suplee's recent article in The Post [Dec. 31] ably described the quagmire in which the waste issue is stuck.

But political consensus won't come on this issue until we begin looking at the waste problem as actually one of the more manageable aspects of a far larger question. With the Cold War and nuclear arms race of a bipolar world now behind us, we can address what to do about the entire atomic legacy we began creating more than a half-century ago.

This awesome issue raises two questions: What to do about nuclear weapons, and what to do about nuclear power?

It's time now for a national and global debate about the weapons and the elaborate industrial complexes established to produce them. The nuclear forces and production establishments of the nuclear weapons states were created through great human ingenuity and national sacrifice. So whether over the next generation we might summon the will and ingenuity to abolish all (or nearly all—these weapons and complexes is not a possibility to be ignored and decided by inaction or default.

It's time, too, for a debate about whether we wish to rid ourselves of civil nuclear power or, if we think it might be needed, to give this politically besieged enterprise a fair chance to rise or fall on its merits.

But however these larger questions ultimately might be decided, there will be no escaping the need for a solution to the nuclear waste problem, and this almost inescapably means establishing a national storage center at the Nevada Test Site (NTS).

Coming to this conclusion does not require sophisticated research and analysis. The country needs such a storage center for four surprisingly diverse reasons:

Relief for the electric utilities. The center would relieve the utilities' growing fear that the federal government will be unable to honor its obligation, effective three years hence, to begin accepting the spent fuel now accumulating at more than 100 power reactors in 34 states. This grievance is particularly rancorous in light of the billions in federal nuclear waste funds already collected by utility companies from their rate-payers.

Reactor decommissioning. The center would support the safe decommissioning of nuclear reactors that utilities shut down either for financial or safety reasons or in response to public mandate. Without such a national center, spent fuel must remain indefinitely in storage pools and dry vaults at reactor sites.

Cleaning up the nuclear weapons production complex. The center would offer a timely and needed place to send high-level waste and spent naval reactor fuel from Savannah River and the Idaho National Engineering Laboratory, and ultimately the high-level waste from the Hanford reservation in Washington state.

Strengthening the nuclear nonproliferation regime. The center, if placed under International Atomic Energy Agency inspection, could become a model of close accountability for large amounts of weapons-usable plutonium.

Most of this plutonium would come to the NTS in commercial spent fuel from routine reactor operations. But some of it would be plutonium recovered from weapons production sites and dismantled warheads, and (for security reasons) made highly radioactive either by mixing with high-level waste or burning in specially designated reactors. Secure but retrievable storage of plutonium could continue indefinitely at the center, given the chance that this fissionable material might eventually be recovered for its energy value.

There simply is no place other than the Nevada Test site to store all these various radioactive and proliferation-sensitive nuclear materials. The NTS is uniquely fitted for this role by its remoteness, its tradition of tight security from four decades of nuclear weapons testing, and its very real (though much disputed) potential for safe storage and disposal—a potential based on the exceptionally dry climate, great depth to the water table and location inside a closed desert basin that drains to Death Valley. The ongoing investigation of Yucca Mountain for a geologic repository shows promise but is now hampered by severe budget cuts.

The state of Nevada is, for its part, opposed to any national waste repository or storage center coming to the NTS. But that state alone could not prevent broad acceptance of a national waste policy that rests on long-term interim and possibly permanent storage at the test site.

Nevada's main hope at the moment may lie with the Clinton White House, where the president's senior advisers have favored a veto of any legislation calling for interim storage of spent fuel at a specific site. They would have the site determined by "scientific analyses." But the reality is that while technically, just about any site is acceptable for interim surface storage, politically the affected state, whatever it is, will be opposed.

Antinuclear activists and many environmental groups back Nevada's contention that spent fuel can safely remain on site at the reactors for up to a century. But this view obscures larger environmental concerns and the need now, without more years of delay, to start facing up to the dangerous legacy from a half-century of use and misuse of the atom.

[From the Herald-Palladium, Nov. 28, 1995]

GETTING CLOSER TO NUKE WASTE SOLUTION

The lethal nuclear waste sitting in Southwest Michigan and dozens of other sites across the United States may be headed to a new—and safer—home.

A bill sponsored by U.S. Rep. Fred Upton, R-St. Joseph, would open up a temporary storage site in the Nevada desert and would push the opening of a permanent site deep beneath the desert surface.

We're glad to see that his bill, approved earlier this year by committee, is headed for a House vote. We urge its passage. A similar bill is expected to come up for a Senate vote next year.

The question of what to do with high-level nuclear waste has been looming ever since the first nuclear power plant opened in this country three decades ago. From the beginning, the federal government committed itself to the eventual disposal of the waste. It recognized the danger in having high-level nuclear waste disposal sites scattered in various places across the country near populated areas.

In 1982, Congress tried to light a fire under the feet of the Department of Energy by passing a bill requiring the government to have a waste site ready by 1998. There's no chance now of meeting that deadline. The earliest a waste site will be ready is 2010, and even that won't happen at the current pace of development.

That's why Upton's bill is so important. It not only pushes DOE into selecting a waste site—probably at Yucca Mountain, Nevada—but also allows the government to store the waste temporarily above ground in an unpopulated desert location.

The chief opponents of Upton's bill—besides Nevada residents who don't want the waste site in their back yard, even though the remote desert isn't really anybody's yard—are people who are opposed to nuclear power in general. They know that settling the waste issue will open the door for the construction of more nuclear power plants and allow those that are running out of storage room to keep operating.

But closing down the nation's nuclear power plants not only would have a devastating effect on the energy production—and therefore, the economy—but would do nothing to solve the problem of nuclear waste disposal.

Upton's bill moves the process forward, and we hope Congress approves it.

[From the Denver Post, May 1, 1996]

POLITICS, NOT SCIENCE, DELAYS YUCCA MOUNTAIN

(By Linda Seebach)

The question of what to do with America's spent nuclear fuel and other detritus from the atomic era is more political than scientific. Progress toward the permanent storage facility proposed for Yucca Mountain, Nev., is slowed by endless debate about all the things that could possibly go wrong centuries from now.

I was inside Yucca Mountain last week. The Valley Study Group, an organization of people in and around Livermore, Calif., who are interested in the activities of Lawrence Livermore and Sandia national laboratories, organized a tour to the site, which is on the western edge of the Nevada Test Site about 80 miles northwest of Las Vegas.

As part of the years-long process to determine whether the site is suitable for keeping nuclear waste isolated from the environment for millennia, the project is boring a 5-mile tunnel in a loop inside the mountain. They're about 3 miles along now, and our group put on hard hats and safety belts and hiked along in for a few hundred meters to see how the tunnel is constructed and where the scientific studies are done. Project scientists sample the rock, air and water because the crucial fact that determines how long the storage is safe is whether water percolating through the rock will eventually corrode the canisters containing the wastes, and then (even more eventually) carry radionuclides through the rock to ground water.

Yucca Mountain was chosen as a potential site because there isn't much water anywhere near it, and in particular because the groundwater level is hundreds of meters below where the waste canisters would be placed.

Seeing the site and the tunnel doesn't imply anything about the quality of the science, but I already knew about that, having been reading about this project for years. Being there did impress me simultaneously with the huge sale of the project in human terms, and its insignificance in the vast and desolate landscape around Yucca Mountain.

Even the desert tortoise, a threatened species that is treated with respectful deference by tortoise-trained personnel, is at much greater risk from ravens who think soft-shell tortoise is a treat than from anything humans are doing around the project site.

The safety expectations for Yucca Mountain, or any other potential site if that one turns out to be unsatisfactory, are unreasonable, not so much because they can't be met but because they are more stringent than those applied to the alternatives. At present, spent fuel is stored in cooling ponds near the plants that used it. There's no evidence it's unsafe there now, but for the next 10,000 years? That's longer than humanity's written history.

Non-nuclear alternatives aren't clearly better. Extracting and burning coal and oil is not environmentally benign, though the effects can be mitigated, but we can't plan on doing it for millennia. There's not that much to burn.

Freezing in the dark is not healthy for children and other living things, either.

It's true that radioactive material takes a long time to decay, but the consequences of deforesting a continent are pretty permanent, too. It makes sense to store spent nuclear fuel in the safest place available, rather than leaving it where it is, but trying to plan for thousands of years in the future is wasted energy.

> A civilization that maintains our current modest level of technology should have no more difficulty coping with the consequences of using nuclear energy than it does with any other kind. And without that much technology, the human species will have far more serious things to worry about than what its forebears buried deep under a mountain in Nevada.

Mr. MURKOWSKI. I thank the Chair. I thank you for the time allotted to me and wish you a good day.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak for 12 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VOID IN MORAL LEADERSHIP—PART VII

Mr. GRASSLEY. Mr. President, the weekend before last, I had the privilege of responding to the President's Saturday radio address.

Some of my colleagues may not have heard my remarks. For their benefit, I would like to paraphrase and expand upon what I said.

A few of my colleagues or their family members have had a brush with violent crime here in our Nation's Capital. Some assaults occurred in the streets nearby the Capitol Grounds, which are patroled by our own Capitol Hill Police Force. This reinforces to us that, if it can happen here, it can happen anywhere.

Imagine, Mr. President, that you are driving home from work after a busy day in the Senate. All of a sudden, young kids pass you by in their cars. A gunfight breaks out just as they pass. A stray bullet comes crashing through your car window. Suddenly, you are slumped over your steering wheel, dead. You were caught in the crossfire of a senseless gun battle.

Although an unpleasant thought, it is not hard for us in this body to relate to the possibility of such a tragedy happening here in Washington—the murder capital of the country. But a similar tragedy happened just over 3 weeks ago in Des Moines, IA, the capital city of middle America.

The victim's name was Phyllis Davis. She was 42.

Phyllis was driving in Des Moines in broad daylight, on her way home from work. She was suddenly the victim of a gunfight between two gangs of kids. A stray bullet lodged in her body and killed her. These punks had no regard for her innocent life, let alone their own.

This tragedy stunned Des Moines. It drove home two points:

First, you cannot hide from crime, nowadays. No one and no place is safe. It could be you next, or someone you love. And second, dangerous criminals are getting younger and younger. Respect for life and property is diminishing earlier in the lives of our citizens.

The obvious question is, Why? Why is it that there is no place to hide from crime? Why is it that perpetrators of violent crimes are getting younger and younger?

Much of the reason, I have observed, is this:

We have created a culture in our society that coddles the criminal. We talk the tough talk, we throw money and resources at the problem, we throw 30,000 cops on the street. After we've done all that, what do we get? Violent criminals are getting younger and younger, and the violence can happen to you or your loved ones anywhere, anytime.

A culture that coddles the criminal, Mr. President. That is what we have got. In plain terms, we have got a bad criminal justice system. It is upside down. It seems that criminals have more rights than victims. We handcuff justice instead of crime. How can this happen in America.

One reason younger people are committing more crimes may be that word's getting out that the system will be easy on them.

Juveniles now account for nearly 20 percent of all violent crime arrests. If the trend continues, that figure will double in 15 years. This is outrageous.

When tragedies occur like what happen to Phyllis Davis, communities pull together to respond. But they get hamstrung. The system undercuts them: Too many bad laws; too many soft-on-crime judges; not enough moral leadership.

That is the problem, Mr. President. That is what causes the culture of coddling criminals. First, liberal judges let dangerous offenders back on the streets; second, the Clinton Justice Department has frustrated efforts to enforce the death penalty. And more often than any previous administration, the Department intervenes in cases on the side of convicted criminals.

Third, our leaders in the White House have abandoned the bully pulpit in the war or drugs. In the absence of moral leadership, drug use among America's youth is up dramatically. In fact, there has been a 52-percent increase in drug use by teenagers since President Clinton took office.

Republicans have waged a long battle against a legal system that coddles criminals. Instead, this Republican Congress has done much to strengthen the criminal justice system on behalf of victims instead. We passed major reforms, clamping down on frivolous prisoner lawsuits. This was in the budget bill signed 2 weeks ago. One result is that prisons will again be more like prisons, and less like Marriott Hotels.

And the antiterrorism bill signed 2 week ago will make it easier to deport criminal aliens. It also provides effective death penalty measures, for a change. This is a provision President Clinton initially opposed and worked against. But he was finally forced to accept it. His lieutenants went kicking and screaming.

Mr. President, this was the gist of my comments in response to the President's Saturday address. Following my remarks, the White House responded in turn. I will now address the White House response to me.

The Associated Press quoted a White House deputy press secretary, Ginny Terzano, as saying the following:

> The President has fought long and hard to get a tough crime bill and to place 100,000 more police officers on the streets.

Mr. President, the problem is a culture of coddling criminals. How does this statement by the White House reassure the American people? How does it reassure them that they won't be next to get caught in the crossfire of a senseless gun battle, or some equally senseless, violent act?

For one thing, the Clinton administration worked to soften the crime bill, not make it tough. Remember? It was larded up with social programs to coddle the criminal. Remember midnight basketball? Second, more cops on the street is only part of the solution. What good do more cops do if the system keeps handcuffing the cops instead of the bad guys? You just have more cops with handcuffs on them, That is all.

Meanwhile, yesterday's Washington Post had a story showing that the number of Federal criminal cases in this administration have not gone up. This, despite billings of dollars of increases in funding for the FBI, DEA, and U.S. attorneys.

The article also suggests that the caseload has lacked effective management within the law enforcement community. You can put all the cops you want in the streets. But if criminals are not being prosecuted and kept in jail, how effective is your crimefighting?

What the President should be doing is addressing the real, underlying cause of crime. He needs to attack the culture that coddles criminals. For starters, he could get a solicitor general who intervenes in cases on the side of victims, rather than using technicalities to help out convicted criminals. President Clinton's solicitor did this in United States versus Davis and again in Cheely versus United States, to cite just two examples.

Second, he should pick judges that do not let criminals back on the streets who should not be there;

Third, he should crack the whip with his Justice Department and find out why large budget increases for the FBI, DEA, and U.S. attorneys have not produced more criminal prosecutions.

Fourth, and most important, he should use the bully pulpit of the White House to show moral authority in the war on drugs.

Mr. President, this last point is the most crucial of all. So much of crime—especially violent crime—is a function of drug use and trafficking. Yet, the President has been silent on the drug issue until recently. He has said more about drugs the last 2 months than he did the last 3 years. It is a coincidence, I am sure, that this is an election year.

But when you look behind the rhetoric, and look instead at the record, the President has a lot of explaining to do. Why has the number of high school seniors using drugs frequently increased by 52 percent since this President took office? Why did he cut the drug office staff by 83 percent, and decimate its budget?

I would argue it is because he abandoned the bully pulpit. He declared a time-out in the war on drugs while the bad guys kept on playing. In short, he created a void in moral leadership on this issue.

And now, all the progress we made during the 1980's in fighting drug use are being reversed. It is just mind-boggling.

When it comes to fighting crime, the President seems to be playing in the wrong arena. He is not playing in the same arena that he talks about. People are out there driving in their cars, wondering if they could be next. And the moral leadership on this issue that the People are looking for from their leader in Washington is absent.

In my view, Congress will have to continue playing the lead role in turning our criminal justice system right-side up. We need to protect the victims of crime once again, instead of coddling criminals.

We could build a strong partnership in this effort, if only the President would joint us. Until then, this Congress will continue to battle the system that handcuffs justice rather than crime.

Mr. ROBB. Mr. President, I request that I be allowed to proceed in morning business for up to 10 minutes.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

GAS TAX REPEAL A MISTAKE

Mr. ROBB. Mr. President, I rise to address the majority leader's announced intention to introduce legislation that would repeal the 4.3-cents-a-gallon tax on gasoline that this body passed as part of the 1993 budget bill. I have a very high personal and professional regard for our majority leader and I am certainly not unmindful of the political season that is upon us. Repealing a tax—any tax—and particularly a tax consumers are reminded of every time they fill up their cars at the pump, is unarguably attractive as a matter of raw politics, but it is terrible as a matter of public policy. Just when we are beginning to make sustained progress on bringing down the deficit, just when we are within reach of actually balancing the budget in 7 years and making a serious and principled commitment to real fiscal responsibility, we blink. We cannot take the political heat. On something this important to our Nation and our children's future, if we take the heat we ought to take President Truman's advice and get out of the kitchen.

We talk about a market economy, but we won't let the market work. The Federal Government has an important role to play in our lives, but it cannot and should not attempt to solve every problem we confront—particularly when to save the average motorist $27 per year we move in precisely the wrong direction on the more important challenges of energy independence, national security, and fiscal responsibility—and send the wrong signals to our allies and others around the world about whether we are serious.

I hope a majority of our colleagues will have the political courage to resist what will undoubtedly be an extremely popular bill. If we do not, that the President will be willing to demonstrate the intestinal fortitude we lack—as he did in proposing the tax in the first place.

In my view, a $30 billion tax repeal shouldn't even be considered in the absence of meaningful action on our long-term budget problems. The 1993 deficit reduction package, which contained this modest gas tax, and had no support on the other side of the aisle, has made a substantial dent in our annual deficits, making balance in 7 years possible. In the absence of that deficit reduction effort, we probably would not be discussing seriously the idea of actually reaching balance in such a relatively short period.

Even with that 1993 effort, however, trying to reach balance has been a monumental task. A number of us in the bipartisan group of Senators referred to as the Centrist Coalition have been working for months to find a balanced budget compromise, and a repeal of the 4.3-cents-a-gallon tax will only complicate our efforts to balance the Federal budget by sometime early in the next century.

Not only would the repeal move us in the wrong direction as far as balancing the budget is concerned, it would not solve the problem of higher gasoline prices. If the energy companies are culpable, I have no desire to take them off the hook, but prices have been rising because the demand for fuel has been rising while production has fallen short of this need. Quite simply, the evidence suggests that demand is rising as Americans are driving further, at higher speeds, in less fuel efficient vehicles. Supplies have been curtailed because of a longer winter that kept refiners producing heating oil longer than expected and delayed their shift to gasoline, and fuel inventories were also allowed to remain low because of an anticipated release of oil from Iraq that has not come to pass.

Mr. President, the fact of the matter is that the recent price increases are not due to a 4.3-cents-a-gallon tax increase that was put into law 3 years ago. That 4.3-cents-a-gallon is no more responsible for the recent increase in gas prices than it was responsible for the low gasoline prices we have enjoyed for the previous 2 years when the measure was also in effect.

If we take the oil companies at their word that recent gas prices are the result of demand outstripping supply, then the last thing that we should be considering is a repeal of the 4.3-cents-a-gallon tax, further pushing up demand. For those of us who believe that a higher gasoline tax is a necessary element of sound public policy because it encourages conservation and reduces our dependence on foreign oil, a repeal of this tax would be totally inappropriate.

Mr. President, I was one of several colleagues recently recognized by the Concord Coalition as being willing to make the tough choices, and I intend to continue making them, despite the political downside. I fully understand that rejecting politically popular tax cuts in an election year represents a tough choice for legislators, even if this tax repeal would involve less than $30 a year for the average motorist. But if there is a good public policy reason for the tax in the first place and a repeal will not be likely to dramatically affect the perceived problem, it should not be that tough a choice. For these reasons, I would encourage my colleagues to join me in opposing the proposed repeal of the 4.3-cents-a-gallon tax on gasoline.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 3 p.m. with Senators permitted to speak therein for not to exceed 5 minutes each.

The Democratic leader, Mr. DASCHLE, or his designee, is recognized to speak for up to 90 minutes, and the Senator from Georgia, Mr. COVERDELL, or his designee, is recognized to speak for up to 90 minutes.

The Chair recognizes the Senator from Georgia.

Mr. COVERDELL. Mr. President, my understanding is that my designated time began, or should have begun at 1:30. I am going to ask unanimous consent that my designated time begin at 1:42 in order to accommodate my colleague who wishes to make a brief statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I thank my colleague for the courtesy. I did want to make a brief statement. I do not think I will take a full 8 minutes.

REVENUE LOST FROM REPEAL OF GAS TAX

Mr. BINGAMAN. Mr. President, there was an item in the morning paper that caused me to come to the Senate floor to speak briefly and alert my colleagues to a serious concern which I have. The article was entitled "Armey: Cheap Fuel Via Education Cuts." "House Leader Suggests Way To Offset Cost of Gasoline Tax Repeal."

The first three short paragraphs say:

> House Majority Leader Richard K. Armey, Republican from Texas, yesterday suggested that the revenue lost from a repeal of the 1993 gasoline tax could be offset by cutting spending on education. "Maybe we ought to take another look at the amount of money we are spending on education," Armey said on the NBC's "Meet the Press:" "There is a place where we are getting a declining value for an increased dollar. It's in education. If in fact we can get some discipline in the use of our education dollar, I think we can make up the difference," Armey said.

Mr. President, my reaction to this article when I read it was, "Here they go again."

We spent much of last year in this Congress trying to hold off proposed cuts in the education budget. The budget resolution as first presented here called for $18.6 billion being cut from student aid over a 7-year period, and $26 billion being cut from K through 12 levels of education over that 7-year period.

There was a proposal to zero out funding for direct student loans, and proposals to zero out funding for School to Work, for Goals 2000, and for national service.

Mr. President, those fights are now behind us. But unfortunately, even today, we see that to some extent the efforts to cut back on education have succeeded. In the final appropriations bill that was signed into law 10 days ago by the President, there are still cuts in education.

There is a 6-percent cut in the Goals 2000 funding. There is a 9-percent cut in telecommunications for math funding. There is an 8-percent cut in library construction funding. There is a 15-percent cut in the funds for magnet schools, a 27-percent cut in technical assistance center funding, a 7-percent cut in adult education budgets. In Perkins loans there is a 41-percent cut, and in State student incentive grants there is a 50-percent cut.

Mr. President, my own view is that this is a very, very mistaken set of priorities that this Congress and that the majority leader in the House, RICHARD ARMEY, are talking about when the first place they look to try to make up revenue is to further cut education.

I think in the long term our country is only as strong as the next generation, and we are only as smart as the next generation. If we cut out the funds needed to educate that next generation, I am persuaded that we are going against the will of the American people, we are going against our own best interests, and we are showing very serious shortsightedness, which I think we will come to regret.

Mr. President, I contrast this article, which, as I say, was in this morning's paper here in Washington, with an article that came out a little over a week ago, on April 27, also in the Washington Post. It was entitled, "Latinos Want D.C. School To Stay Open."

Let me just read a little bit of that article for my colleagues. It said:

> About 400 people picketed the District of Columbia Board of Education offices yesterday, protesting a recommendation by School Superintendent Franklin L. Smith to close the Carlos Rosario Adult Education Center.
>
> The demonstrators circled the block in front of the Presidential building . . . chanting "We want to learn English!" Some held bullhorns, others carried signs asking drivers to honk in support of the program.
>
> "We see it as an issue of discrimination against Latin immigrants," said Arnoldo Ramos, Director of the Council of Latino Agencies. "This is the only adult education center serving Latinos. By closing this program, they are sending a message that Latinos don't matter and that we should continue serving tables, continue picking up garbage and having the lowest positions in society."
>
> Several students said that without Rosario, it would be difficult to continue to learn English, which they say is their only ticket to a better life.

Mr. President, this article should bring home to us the importance that education has for the average people of this country. Education is not only their only ticket to a better life; it is the ticket that our children have to a better life as well.

Mr. President, I urge my colleagues to reject the recommendation of the House majority leader in looking first at education as a place to further cut the Federal budget.

Mr. President, I yield the floor.

Mr. COVERDELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

TAX FREEDOM DAY

Mr. COVERDELL. Mr. President, I was glad I had an opportunity to be here for at least the last portion of the presentation by my good colleague and friend from Virginia where he was admonishing us to be courageous and to avoid the proposal to repeal the gas tax.

It is my intention to support the repeal of the gas tax, and, frankly, I believe America is looking for a very different kind of courage today.

I do not think they are looking for courage to keep adding another burden, another tax burden, another regulatory burden on the backs of the working families.

Most Americans—in fact, in survey data every social strata of our country—feel that the appropriate tax burden should be 25 percent. It does not matter whether you ask the very wealthy family or the poorest family. It is fascinating; they all come to the same number, that the burden of government, their willingness to contribute, is about 25 percent.

Tomorrow is May 7. It is an important day in America, because May 7, believe it or not—I would never have believed I would be in the Senate talking about this kind of crisis, but May 7 is the first day for which an American family can earn money and resources for its own dreams. Every other day from January 1 through March 15, April, you name it, all of those wages that were earned on all of those working days are taken from the family. They are taken by the Federal Government at about 25 percent, some much higher, they are taken by the State and local government 10 to 12 percent, and I might add May 7 does not include the regulatory costs to every American family, which is now about $6,800 a year.

I think of that fellow who gets up, his wife who gets up, and they get the kids; they take them to school; they get to their two jobs, which are necessary now primarily because of the new tax burden on the American family; they go day after day like that working through the struggles of life, and until May 7 not a dime is available to house that family, to buy the home, to transport the family, to feed the family, to educate the family —all the things we ask the American family to do for America: Raise the country. Raise the country. But until May 7, they do not have a dime for their own dreams. They are sending all of those wages between January 1 and May 7 to some policy wonk somewhere with the task of rededicating where that money ought to go and what its priorities ought to be.

We just heard a presentation by my colleague on the other side of the aisle that it would be the opposite of courageous if we were to repeal this tax. We have a long way to go to get tax freedom day back from May 7 to where it appropriately ought to be. Every opportunity we have to lower that burden, in my judgment, is appropriate. That gas tax costs the average family of four about $100—$100 a year.

More importantly, the lowest 20 percent of taxpayers pay over 7 percent of their income on gasoline. If we are concerned about those who are disadvantaged, we ought to be concerned about lowering the burden on them, letting them keep those resources to do the things they need to do. The wealthy only pay 1.6 percent of their income on gasoline. This repeal of that gas tax primarily helps the more disadvantaged in our society. It has some auxiliary effect on those who have more resources. But we have such a long way to go, Mr. President, to get this economic burden down. It is already double what it ought to be when you add in the reg reforms.

A family should not be working until May 7 or June or July —officially it is May 7—for the Government. So I take exception to the suggestion that you lack some courage if you come to the floor and fight for lowering the economic pressure on American families, American communities, and American businesses. That is exactly what America is asking us to do, to have the courage to shrink up this Federal Government.

With that, Mr. President, I should like to yield up to 10 minutes to my colleague from Washington.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington for up to 10 minutes.

Mr. GORTON. Mr. President, as my distinguished friend from Georgia has said, tomorrow, May 7, 1996, is tax freedom day.

What is tax freedom day? Stated simply, it is the day on which the average American taxpayer stops working for the Government and begins working for himself or herself. It is a dramatic way of pointing out that if we divide the share of the income of each one of us as an average American into parts, the share that goes to Government will take us from January 1 to May 7 to earn and to pay to those governments and that only after May 7 are we working for ourselves.

Again, this is an average. For some, tax freedom day comes a little earlier; for others it comes a little later. I regret to say for the citizens of Washington State whom I represent, it comes a little later. It comes on May 10. Why? Because, of course, we are talking about the burden imposed on the people of this country by all levels of our Government, here in Washington, DC, and our State and local governments as well.

Mr. President, does it not boggle the mind to think that governments take this much of what we earn by our hard work for its own purposes?

It is vitally important that people learn we are already well through the spring of 1996 before we have earned that portion of our income which goes to our governments.

As my distinguished friend from Georgia also said, if we add the very real burdens caused by higher interest rates, which are themselves the result in part of our huge national debt and all the interest we must pay on that national debt, and the cost of regulation, we go into early July before we have discharged the real burden imposed on us by Government and begin to work for ourselves.

This is a burden that is too great, even if we ignore interest and regulation. The average citizen of the United States does not believe he or she is getting his or her money's worth out of the money earned until May 7 and turned over to Government.

That citizen is correct. Our citizens are not getting their money's worth from this investment in Government, and the great struggle here in the Congress of the United States and with this administration is over whether or not those burdens, both from the perspective of taxes and regulation, should be increased or decreased. This administration, for all of its rhetoric about smaller Government, is a liberal administration which believes that its judgments as to how we should spend our money are better than our own; that Government bureaucrats can set priorities for spending better than can individual citizens of the United States. And I am convinced that that thought is perhaps the single most important reason that people resent Government and do not trust those whom they elect to govern them. People do not believe that Washington, DC, bureaucrats are smarter than they are and know more than they do about how their money ought to be spent. And the people are right. The people are right. They do not.

There are, of course, many appropriate functions of Government. There are a few functions, especially the closer Government gets to the people, the more it is localized, that in fact are run effectively. But the people do not believe that Washington, DC, is run efficiently and effectively, and the people are right.

So, as we did last year, in spite of the frustrations of vetoes from the President of the United States—we on this side of the aisle and thinking Members on the other side of the aisle this year will attempt to lower that burden of taxation on the American people. Whether through a lowered gas tax or a family income tax credit or better treatment of investments which create new jobs, we will attempt to lower that burden. We will act on the philosophy that, by and large, people as individuals know better how their money should be spent than do the bureaucrats here in Washington, DC.

If we are able to come back to this floor next year, even to say that tax freedom day is on the 3d of May rather than the 7th of May, or the 4th of May rather than the 7th of May, we will have done what the American people want. We will have acted correctly. We will, not at all incidentally, have overcome the objections of the President of the United States, and we will at least be on the road toward an appropriate balance between the impact of government on our pocketbooks and on our day-to-day lives, in exactly the fashion that we were meant to be when the people of the United States elected us to these offices.

May 7 is tax freedom day. May 7 is far too late a date in the year for that notable event to take place.

The PRESIDING OFFICER. Who yields time?

Mr. COVERDELL. Mr. President, I compliment my colleague from Washington for his remarks. I particularly agree with his context that it had been the theory of this administration—and we saw this all too clearly when they tried to federalize or create Government-run medicine—that they believe that they know better how to manage the relationship between an employer and employee; they know better how to set the priorities for the local mayor or county commissioner. Now it has gotten to the point that they know better how to manage the financial resources of the American family. It is a very elitist point of view, in my judgment. This country was founded on the belief in the individual and the entrepreneurial spirit that comes from a free individual. That is what made this country.

Look at countries around the world that have had central or statist governments, like we have been working our way to here, and it is never a pretty picture. I was Director of the U.S. Peace Corps for a considerable period of time, during the Bush administration, and was one of the first Americans over the wall. It was not a pretty picture. It was a classic example of what central and statist governments do for people.

I remember one night in particular I was in Sophia, Bulgaria. The Ambassador asked if we wanted to go to a local opera, and I passed and decided to walk through the city. They had been operating under this central government for, I guess, nearly half a century. It is such a vivid memory. First of all, when I went through the department store I saw they had a shelf and it would have one glass on it, on the entire shelf. And then I would move to the next display and it would have one item on the entire shelf. They had no goods.

I walked probably 5 miles, and this is the key, I never saw a single adult smile—not one. There was not a smile on the face of a single person. They had a flea market, or a food market, and they had three vegetables; and they had a line that was 4 blocks long so you could line up and get the same piece of meat when you got to the window.

A planned government planned for everything. They planned for all their businesses, all their communities, and they had gotten to the point where they literally ran everybody's family. It was not a pretty picture.

The American people are the most entrepreneurial, flexible, energetic of any in the world. But we have lost some of our edge, because we have been piling up one burden after another, to the point that we are now asking these families that work from January 1 to May 7—it is actually July 3, if you add in the regulatory costs they have to pay. Again, I thank the Senator from Washington. It is actually July 3, but we take deep note of May 7 because that is the actual day that you start earning resources for your own family and not the government, which takes me back to the snapshot of a Georgia family.

I was curious, in all this debate we have, with regard to the economic pressures on an average family, just what was the situation in my own State. I have alluded to this several times. It is certainly appropriate to talk about that family here today, when we are talking about tax freedom day being May 7. That Georgia family earns about $45,000—$45,093. Both parents work and they have a couple of children. Their total Federal tax on that income, direct and indirect, is $9,511. The total State and local taxes are $5,234, or $14,745 right off the top of the $45,000 they are paying out in taxes.

The estimated cost of Federal regulation on that family is $6,615; over $500 a month. That is more than a car payment or a student loan. You are paying for your share of the growing regulatory apparatus.

This family in Georgia is paying excess family interest payments, which are caused by excessive Federal borrowing. We have just lifted the Federal debt ceiling to $5.5 trillion, so that pushes interest rates up on everyone—the interest on their home, the interest on their car, the student loan: $2,011.

So the net effect is, of the $45,000, $23,371 has been removed from that family, taken by government or government action, leaving them about 50 percent of the gross income to do all the things, as I said, we ask them to do. It is no wonder that American families all across our land, therefore, are saying this government spending and government debt and government management has gotten out of hand. Indeed, it has.

I am going to yield to my colleague from Oklahoma in 1 second. I would just say what is particularly important about this is this administration has added about $200 to $225 a month in additional economic burden on this Georgia family, and families all across the country, which is why I find it very difficult to understand the presentation that says you are courageous if you reinforce this burden on the American family, as my colleague from Virginia said a moment ago.

With that, Mr. President, I yield up to 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER (Mr. GORTON). The Senator from Oklahoma is recognized.

Mr. NICKLES. Mr. President, I compliment my friend from Georgia for his leadership on this and many other issues.

Today, we are announcing to the American people that tomorrow, May 7, is tax freedom day. That means that the average American worker had to work from January 1 through May 7 for government—for the Federal Government, State government, and local government. May 7 is the latest tax freedom day ever.

For the average American worker, 34.8 percent of their income goes to government. I do not make this point to say that all government is evil. Not all government is evil, but if workers are working for government, they are not working for themselves. As government power grows and increases, that means their freedom is diminished. If you have individuals working a third of the time for government, then they are not working for their families, and they are not able to take care of their families.

It is a very important and, in my opinion, kind of a sad fact that as government power continues to increase, people's freedom continues to decrease. We need to reverse that.

Unfortunately, this President has made it worse. This President has made tax freedom day later and later in the year because he vetoed a tax reduction effort that Congress passed. But even more important than that, he signed the largest tax increase in history. In 1993, President Clinton signed a tax bill that increased taxes and user fees $265 billion over 5 years, the largest tax increase in history.

Keep in mind, President Clinton as a candidate said he was going to cut taxes. I remember when he was campaigning in New Hampshire. He said something like, "Yes, we're going to have a tax reduction for families; we're going to have a per-child tax credit." He did not deliver.

He never said anything on the campaign trail in 1992 about increasing gasoline taxes, but that is exactly what he did. As a matter of fact, during his first year in office, not only did he pass the largest tax increase in history, but passed a tax increase that hit all American families. At the time they were playing class warfare and saying this was just going to hit the rich—and it did, they hit the rich pretty hard, but they also raised taxes on all Americans.

But also there is a gasoline tax. A gasoline tax is not just for the wealthy; that is for anybody who drives a car. I have four kids, all of whom are driving and paying that 4.3 cents a gallon. It is not inexpensive. It makes a difference.

My point being, President Clinton's tax increase hit all American families. He increased taxes on couples who receive Social Security. Their Social Security used to be taxed at 50 percent. He increased it to 85 percent, a big hit for individuals who had incomes above $34,000. A big tax increase.

I remember listening to my father-in-law, who was adversely affected by this. It cost him well over $1,000 a year. Thank you very much, President Clinton. He did not ask for that with his vote, and he was not told during the campaign that he was going to have a big tax increase, and certainly he was middle-income America.

My point being, President Clinton, instead of reducing the tax burden on American families, has increased the tax burden. Now today total tax receipts will hit a record 19.4 percent of the gross domestic product, the highest level of taxation since 1982. Ronald Reagan brought it down. His tax cuts did not go into effect really until 1983. So now we have taxes going up because of President Clinton, because of his tax increase.

A lot of us believe President Clinton was right in Houston when he said, "You know, I think I raised taxes too much," or "You might be surprised to find I agree with you, I think I raised taxes too much." A lot of us agreed with him, and so we wanted to help correct that.

Last year, we did pass a balanced budget package that not only balanced the budget but offered modest tax relief for American families. We delivered on our promise. We said, "We're going to give tax relief to children. We're going to give a $500 tax credit for families with children under the age of 18."

President Clinton said he was going to do the same thing in 1992, but he did not deliver. In his proposal before Congress, he said, "I have a children's tax credit too," but what he does not tell people is the children only get the tax credit if they are up to age 12, not if they are 13, 14, 15, 16. I hate to tell the President this, but they cost a lot of money at those ages, too. As a matter of fact, it is at those ages that you may start getting ready for college.

The Republican budget allowed individuals, if they have kids, to save $500 per child, and the families get to keep it. So the families get to make decisions on education. If the families want to, they can take the $500 and put it into a savings account to save for that child's education. President Clinton vetoed it.

President Clinton vetoed a tax bill that would have helped the economy.

We would have reduced the tax on capital gains, because we know that not only will that raise more money for the Federal Government, but it will help stimulate the economy. The capital gains tax is really a tax on a capital transaction. If it is reduced—and the United States has one of the highest taxes on capital gains of any of the industrialized countries—if we reduce it, we are going to have more transactions, more capital moving throughout the economy, more capital going where it can be used most efficiently, most effectively and it will help stimulate the economy.

President Kennedy did that in the early sixties, and it helped. It raised more money. President Kennedy was right when he said a rising tide will lift all boats, and the Republican majority wanted to do that. But President Clinton vetoed it, and he was wrong in vetoing it.

Congress passed a reduction in the inheritance tax for farmers and family business owners, and others, so they could keep more of their hard-earned money, so they would not have to sell their estate to pay an inheritance tax, a very positive provision, supported overwhelmingly by this Congress. President Clinton vetoed it, and he was wrong in doing so.

Congress passed enhanced IRA's, individual retirement accounts, so we could encourage people to save. We would use the Tax Code to help people start saving for their retirement: "Don't depend solely on Social Security; don't depend solely on a company retirement account; save for your retirement." We enhanced that.

We doubled, basically, the income at which people would be eligible to receive a tax deduction for their IRA contribution. This was really a family benefit, and it was really a family benefit for middle-income workers. The benefit right now applies to people with incomes of about some $20,000. We doubled that amount. It would not help the very wealthy, but it certainly would have helped the hard-working wage earner who wanted to start saving more, and we do not save near enough in this country.

Congress passed medical savings accounts, because we recognized that a lot of people do not get benefits from the Tax Code to encourage health care, and medical savings accounts would have allowed individuals the opportunity to put in some before-tax dollars to help pay for health care costs.

If you work for a big corporation, you do not need it because maybe the big corporation pays for all your health care and the individual gets it tax free.

Congress helped the self-employed. We increased the self-employed deduction from 30 to 50 percent. Recently, we just passed legislation to increase that to 80 percent.

But under our bill, we had medical savings accounts that also would have helped the individual who does not work. They need some help too. This would have helped them pay for their health care. It was good policy. Unfortunately, the President vetoed it.

Congress passed a provision that would have phased out and eliminated the so-called marriage penalty, where right now it is financially to a couple's detriment, if you have two wage earners, to file a joint return, to file as a married couple. It makes no sense. It is wrong. It is inequitable. The Tax Code should not be encouraging divorce or separate filings. Congress phased the penalty out. Unfortunately, the President vetoed it.

Congress passed spousal IRA's, recognizing that spouses work, whether it is at a job or at home—we know that they are working. So we had spousal IRA's so the spouse could also accumulate some money and savings in their own name, a very positive provision that would have helped a lot of people all across the country. Unfortunately, President Clinton vetoed it. Well, he was wrong in vetoing that.

Mr. President, taxes are too high. Government does spend too much money. People should not have to work 34.8 percent of their time for government. So we do need tax relief. We need to balance the budget.

Some people say, those are in contrary positions to each other. I do not think so. Certainly not. If you take a position that we have to balance the budget before we have any tax cuts you will never pass any tax cuts because people in this Congress will keep spending more money. There is no limit to the appetite of some people in Congress and this administration for spending money. You are a lot more popular spending money than you are taking it away.

So I do not agree with that philosophy—and I am probably as frugal or as fiscally conservative as anybody—but I think we should give tax relief and balance the budget and do it simultaneously. Let us balance the budget. Let us limit the revenue of the Government. Let us pass a constitutional amendment that says you cannot spend any more than you take in. That makes sense. That is what most Americans do.

The House passed a balanced budget constitutional amendment last year. The Senate came one vote short. I hope that soon, maybe this week, we will again be considering a constitutional amendment to balance the budget. I hope some of my colleagues who voted against that balanced budget amendment will reconsider. Some of our colleagues on the Democrat side of the aisle said, "Well, I'm not going to vote for the balanced budget amendment until I see a real balanced budget plan." I think we ought to do it anyway. We did it anyway in Congress, but unfortunately the President vetoed it. I hope now they realize it can be done.

I have heard President Clinton now say that he supports a balanced budget. I hope that my colleagues on the Democrat side, most all of whom voted against a balanced budget amendment, will reconsider. I want to compliment Senator SIMON, and others, who are working to try and make that happen. It has to be a bipartisan vote to make it happen. We have to have 67 votes. I hope my colleagues realize the gravity of the situation. We cannot continue to pile up debt after debt.

We passed entitlement reform last year, but the President vetoed it. I think he was wrong in doing so. I am afraid it is going to take a constitutional mandate to tell us we cannot spend any more than we take in and that we have sound fiscal policies in this country. I think at the same time, we need to be cognizant of the fact that taxpayers are taking it on the chin.

Taxpayers need relief. Taxpayers are kind of bothered by the fact that they have to work over a third of the time, an average American family has to work over a third of the year for Government; not for themselves, not for their family and not for their family's future, but for Uncle Sam and for State government and for local government. We need to reverse that.

Mr. President, I am going to put a couple of tables into the RECORD because I think a lot of times people are not aware of how fast Government spending and taxation is growing. One of them that I am going to allude to maybe surprises people, but it deals with payroll taxes. Payroll taxes have been skyrocketing.

I heard some people say maybe it should be exempt from the constitutional amendment or maybe we should not count Social Security or Medicare because those are trust funds. Mr. President, those programs are funded by payroll taxes. If you work, and you get your W-2, you find Uncle Sam takes out individual income taxes, and he also takes out payroll taxes for Social Security and for Medicare's hospital fund.

Mr. President, I ask for an additional 2 minutes.

Mr. COVERDELL. I yield another 2 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I urge my colleagues to just look at the growth in these taxes. The payroll taxes alone have just exploded. If I put in the maximum total contribution under payroll taxes, in 1960 that total for Social Security—this includes hospital or Medicare taxes—the maximum tax that anybody put in 1960 was $144. Keep in mind, the system started quite a bit earlier, but the maximum tax was $144.

In 1970, the maximum tax was $374. This is just for the employee. The employer has to match this. In 1980, it really increased substantially and went from $374 in 1970 to $1,588 in 1980. Wow, it went up about four, five times. Between 1980 and 1990 it went from $1,588 to almost $4,000—$3,924. Keep in mind, your employer is matching that. So for an individual—that is maximum; in that case somebody was making $135,000, I think—they were paying almost $4,000 and the employer was paying almost $4,000. That is $8,000, a big increase.

It continues to explode. By the year 2000, for that person still making $135,000 it goes up to $6,496, almost $6,500, with a total cost of $13,000 put in for a person to pay these Social Security taxes. My point being, this is just a payroll tax. But this tables shows, if you look at it on a curve, that Social Security taxes have gone up tremendously. The same thing for Medicare taxes, they just exploded. Yet, the Medicare fund is still going broke. Yet, Social Security still has a real funding problem. In the year 2013 it is estimated to pay out more than it takes in.

So my point is, Mr. President, some people want to ignore payroll taxes. I disagree. Ask any wage earner—ask my son; ask my daughter—who are paying these taxes. These taxes are high and they are getting higher. That means people have to work longer before they can take enough home to take care of their needs and their family and their future.

So, Mr. President, I think we have to be cognizant of the American working family. I am very critical of President Clinton for vetoing our tax reduction effort and for pushing through the largest tax increase in history. He is responsible for the fact that a lot of people have to work a lot longer for Government instead of themselves. We need to reverse that. I hope that Congress this year, soon, will pass tax reduction for American families. I thank my colleague from Georgia and I yield the floor.

The PRESIDING OFFICER. Did the Senator ask unanimous consent to have material printed in the RECORD?

Mr. NICKLES. Mr. President, I ask unanimous consent to have a couple of charts printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, follows:

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS

	Maximum annual contribution—			
	Total	OASI	DI	HI
1950	30	30	n/a	n/a
1951	54	54	n/a	n/a
1952	54	54	n/a	n/a
1953	54	54	n/a	n/a
1954	72	72	n/a	n/a
1955	84	84	n/a	n/a
1956	84	84	n/a	n/a
1957	95	84	11	n/a
1958	95	84	11	n/a
1959	120	108	12	n/a
1960	144	132	12	n/a
1961	144	132	12	n/a
1962	150	138	12	n/a
1963	174	162	12	n/a
1964	174	162	12	n/a
1965	174	162	12	n/a
1966	277	231	23	23
1967	290	234	23	33
1968	343	259	37	47
1969	374	291	37	47
1970	374	285	43	47
1971	406	316	43	47
1972	468	365	50	54
1973	632	464	59	108
1974	772	578	76	119
1975	825	617	81	127
1976	895	669	88	138
1977	965	722	95	149
1978	1,071	757	137	177
1979	1,404	992	172	240
1980	1,588	1,171	145	272
1981	1,975	1,396	193	386
1982	2,171	1,482	267	421
1983	2,392	1,705	223	464
1984	2,646	1,966	189	491
1985	2,792	2,059	198	535
1986	3,003	2,184	210	609
1987	3,132	2,278	219	635
1988	3,380	2,489	239	653
1989	3,605	2,654	254	696
1990	3,924	2,873	308	744
1991	5,123	2,990	320	1,813
1992	5,329	3,108	333	1,888
1993	5,529	3,226	346	1,958
1994[1]	5,715	3,394	364	1,958
1995[1]	5,752	3,427	367	1,958
1996[1]	5,864	3,528	378	1,958
1997[1]	5,975	3,629	389	1,958
1998[1]	6,143	3,780	405	1,958
1999[1]	6,310	3,931	421	1,958
2000[1]	6,496	4,019	520	1,958

[1] HI wage base cap was eliminated in 1993, but this table assumes it was continued at $135,000.

Source: Social Security Administration.

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS

	OASDI	HI	Tax rates (percent)—			
	Wage base	Wage base	Total	OASI	DI	HI
1950	3,000	n/a	1.000	1.000	n/a	n/a
1951	3,600	n/a	1.500	1.500	n/a	n/a
1952	3,600	n/a	1.500	1.500	n/a	n/a
1953	3,600	n/a	1.500	1.500	n/a	n/a
1954	3,600	n/a	2.000	2.000	n/a	n/a
1955	4,200	n/a	2.000	2.000	n/a	n/a
1956	4,200	n/a	2.000	2.000	n/a	n/a
1957	4,200	n/a	2.250	2.000	n/a	n/a
1958	4,200	n/a	2.250	2.000	.250	n/a
1959	4,800	n/a	2.500	2.250	.250	n/a
1960	4,800	n/a	3.000	2.750	.250	n/a
1961	4,800	n/a	3.000	2.750	.250	n/a
1962	4,800	n/a	3.125	2.875	.250	n/a
1963	4,800	n/a	3.625	3.375	.250	n/a
1964	4,800	n/a	3.625	3.375	.250	n/a
1965	4,800	n/a	3.625	3.375	.250	n/a
1966	6,600	6,600	4.200	3.500	.350	0.350
1967	6,600	6,600	4.400	3.550	.350	.500
1968	7,800	7,800	4.400	3.325	.475	.600
1969	7,800	7,800	4.800	3.725	.475	.600
1970	7,800	7,800	4.800	3.650	.550	.600
1971	7,800	7,800	5.200	4.050	.550	.600
1972	9,000	9,000	5.200	4.050	.550	.600
1973	10,800	10,800	5.850	4.300	.550	1.000
1974	13,200	13,200	5.850	4.375	.575	.900
1975	14,100	14,100	5.850	4.375	.575	.900
1976	15,300	15,300	5.850	4.375	.575	.900
1977	16,500	16,500	5.850	4.375	.575	.900
1978	17,700	17,700	6.050	4.275	.775	1.000
1979	22,900	22,900	6.130	4.330	.750	1.050
1980	25,900	25,900	6.130	4.520	.560	1.050
1981	29,700	29,700	6.650	4.700	.650	1.300
1982	32,400	32,400	6.700	4.575	.825	1.300
1983	35,700	35,700	6.700	4.775	.625	1.300
1984	37,800	37,800	7.000	5.200	.500	1.300
1985	39,600	39,600	7.050	5.200	.500	1.350
1986	42,000	42,000	7.150	5.200	.500	1.450
1987	43,800	43,800	7.150	5.200	.500	1.450
1988	45,000	45,000	7.510	5.530	.530	1.450
1989	48,000	48,000	7.510	5.530	.530	1.450
1990	51,300	51,300	7.650	5.600	.600	1.450
1991	53,400	125,000	7.650	5.600	.600	1.450
1992	55,500	130,200	7.650	5.600	.600	1.450
1993	57,600	135,000	7.650	5.600	.600	1.450
1994	60,600	no limit	7.650	5.600	.600	1.450
1995	61,200	no limit	7.650	5.600	.600	1.450
1996	63,000	no limit	7.650	5.600	.600	1.450
1997	64,800	no limit	7.650	5.600	.600	1.450
1998	67,500	no limit	7.650	5.600	.600	1.450

PAYROLL TAX DATA FOR EMPLOYEES AND EMPLOYERS—Continued

	OASDI	HI	Tax rates (percent)—			
	Wage base	Wage base	Total	OASI	DI	HI
1999	70,200	no limit	7.650	5.600	.600	1.450
2000	73,200	no limit	7.650	5.490	.710	1.450

Source: Social Security Administration.

Mr. COVERDELL. Mr. President, I thank my colleague from Oklahoma for his remarks and his expertise on this subject. He made a very, very eloquent statement on the burden of taxation.

At this time I yield up to 10 minutes to the Senator from Utah.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Thank you, Mr. President.

Mr. President, tomorrow is tax freedom day. It is an artificial calculation, but it serves to focus our attention on how much of the time we spend working as a Nation to pay our taxes, because on the 7th of May, finally, if we had paid everything we had earned to the Federal Government, we could begin taking something home.

As I say, that is an artificial calculation. We do it because it focuses our attention on one question. This is the fundamental question when you address the whole issue of taxes. Whom do you trust to spend your money? Do you trust the people in Washington? Do you trust the Federal Government to spend your money more wisely than you can or do you decide in a free society that you want to hang on to more of it to spend for yourself?

Obviously, we have to trust the Federal Government to spend some of our money. There are some things the Federal Government does that we cannot do for ourselves.

The most obvious example that I can think of is the Interstate Highway System. We could not go out as individuals and contract to build the roads, to make the plans, to lay out the routes. All of those things are appropriate activity of the Federal Government.

When the Interstate Highway System was first proposed back in Dwight Eisenhower's time it was a Member of this body, Senator Harry Byrd of Virginia, who made the decision that we would not pay for the interstate highway system with debt. He said, we will pay as we go, and that was the beginning of Federal gasoline taxes going into the national highway trust fund to pay for the Interstate Highway System. And it worked.

We trusted the Federal Government to spend our money more wisely on highways than if we had spent it ourselves. We gave the Federal Government that money, and the Interstate Highway System was created. I find it interesting, Mr. President, to know that now the tax increase that was pushed through by President Clinton 2½ years ago is a tax on gasoline that does not get spent on our roads or on the interstate highways. President Clinton is spending that money for something else.

I am supporting the repeal of the increase in the gas tax because I think in this area I trust myself more than I trust the Government to spend those extra few cents on gas. If I could be sure the Government was going to spend it on roads, I would not be so anxious to be for repeal of the gas tax. But we have broken away from that concept that was established here in this Chamber by a Member of this body that said the money that gets paid for gasoline taxes, gets spent on roads and highways and bridges.

President Clinton has broken that link and said, "No. Let's tax gasoline, but let's trust the Federal Government more than we trust the individuals on the issue of how that should be spent."

Now, we have heard in this debate the whole discussion of tax rates going up. The justification for tax rates going up is that we need more tax revenue in order to pay down the deficit. That sounds fine, Mr. President, but as Members of this body know—I come from a business background and was a businessman until I ran for the Senate, and I discovered very quickly what every businessman knows—raising prices does not mean increased sales. Raising tax rates does not mean increased tax revenue.

We have all seen the example where Ford Motor has brought out a new version of its best-selling automobile, the Ford Taurus. The Ford designers were so enthusiastic about how beautiful the Taurus was that they raised the price on the Taurus. It stayed at that higher level for something like 3 weeks when they discovered that people were not willing to pay the higher price. What did they do to get sales moving? They lowered the price. Lo and behold, when they lowered the price, sales started going up. That is exactly the same principle that applies to the Federal Government. If you lower the tax, we can see revenues begin to go up.

Let me be personal about this, Mr. President. During the 1980's, I was CEO of a company that started out literally in a basement in a suburban town in Utah. It had four employees. Today that company is listed on the New York Stock Exchange and has a market value approaching three quarters of a billion dollars. It has 2,700 employees. We built that business at a time when our effective tax rate was 28 percent. That meant we were able to make our choices as to how the money would be spent in buying inventory, building buildings, hiring new people, instead of having the Federal Government make the choices as to how that money would be spent.

Today if we were to start that business again, the effective rate on the money we would earn would not be 28 percent as it was in the 1980's, it would be 42 percent—a 50-percent increase. I say, Mr. President, we would not have created those 2,700 jobs if we had been facing a 42-percent effective tax rate.

Now, a study has been done on the impact of the tax increase that President Clinton gave us in 1993. President Clinton talks about all the new jobs that have been created since he has been President. According to the study by the Heritage Foundation, that number would be 1.2 million higher than it is if President Clinton had not given us that tax increase. Yes, we have had some increased jobs because we were coming out of a recession. We would have 1.2 million more. From my personal experience, the difference between paying 26 percent and 42 percent can account for that.

What it boils down to is this, Mr. President: Americans all want to earn more, and they want to keep more of what they earn so that they can do more with that money they are allowed to keep. In my own personal experience, I saw that happen. We earned more as our business was successful. We were able to keep more because we had a lower tax rate, and we were able to do more, reflected in those 2,700 jobs that we created.

Every one of the people that holds one of those jobs, Mr. President, pays taxes. Every one of them is adding to the revenue of the Federal Government by virtue of what we did creating that business. The Federal Government was a winner all across the board when they allowed us to earn more and then keep more that we earned so we could go out and do more in creating those additional jobs.

It comes down, again, Mr. President, to the fundamental question that I asked at the beginning. When you address the question of tax freedom day, you are asking this fundamental issue: Whom do you trust to spend your money? Do you trust the bureaucrats? Do you trust the regulators? Do you trust the planners in Washington? Or do you trust individual Americans all over this country, taking their money and making the decisions as to where it will be invested, where it will be channeled, where it will be spent, in a way to build the economy?

I, for one, Mr. President, think that government does many good things. I think I can trust the Federal Government with a good chunk of my money to do things like build roads and bridges, defend the country, and take care of the other challenges that we have as a nation. But when it comes to making the fundamental economic decisions as to what will make this country grow, I trust individual Americans more than I trust the planners in Washington.

For that reason, I am hoping that we can move the date back toward the 1st of January when Americans can say, "I have stopped working for the government and now I am working for the growth of this country as a whole."

Mr. COVERDELL. Mr. President, I thank the Senator from Utah for his remarks from a business perspective on these economic issues. I yield up to 10 minutes to my good colleague from Texas.

Mrs. HUTCHISON. Mr. President, I am pleased to be able to talk about the tax burden on American families, especially because tomorrow is a red-letter day. Tomorrow we call national tax freedom day because tomorrow is the day that Americans stop working for the government and start working for their families. They will pay their taxes tomorrow, and all of the work they have done between January 1 and May 7 will be money that goes to the Federal, State, or local government. That is about 40 cents of every dollar earned by the American family. To put it another way, 3 hours of every working day goes to pay Federal, State, and local taxes.

For most American families, making ends meet is getting harder and harder. After paying the basics—food, clothing, shelter, and taxes—there is not much left. With ever-higher costs for education, for health insurance, and for retirement, most people have to work today. Many families would like to have mom or dad at home taking care of children, being home when they get home from school, but they cannot afford it because they have to do the extra things to get the extras beyond the taxes, the food, and the shelter.

President Clinton has not eased the burden on working families. He raised taxes on seniors who depend on Social Security, on the self-employed, and on everyone who drives a car. His tax increases in 1993 and the resulting slower economic growth has cost Americans $227 a month in earnings.

Last year, the Republican Congress tried to do something unusual for families. We tried to let them keep their own money. We believe that with lower taxes, Americans will earn more and they will most certainly keep the money they worked so hard to earn.

The Republican Congress did the following things. We cut taxes for families with children by providing a $500-per-child tax credit to help parents raise their children and to offset the erosion of personal exemption from inflation. With this tax cut, 28 million families would pay fewer taxes. In my home State of Texas, 2 million families would pay fewer taxes under the bill we passed last year.

We encouraged families in that bill to save for retirement, with my homemaker IRA proposal that I have been working for 2 years to get put forward, and other expanded individual retirement accounts. This Congress believes in the expansion of IRA's because that is people taking responsibility for their own retirement. It is our encouragement for them to do so.

I want the homemakers of this country, Mr. President, to also have the ability for their retirement security because I believe the work done inside the home is every bit as important, and probably more so, than the work done outside the home. We should not penalize the hard-working family that has the ability for the mother to stay home and raise the children or the family, if that is the choice. Many people stretch to make that happen. The current Tax Code prevents married couples who rely on the one income from equitably providing for their retirement security by limiting homemaker deductions to $250.

I think it is an outrage in this country. In fact, here is what the numbers show. If you work outside the home, you can set aside $2,000 a year. If you work inside the home, you set aside $250 a year.

What this means is that under current law, a single-income married couple saving $2,250 a year for 30 years will have $188,000 for their retirement nest egg. With the bill we passed in Congress so that both spouses are able to set aside $2,000 a year, after 30 years they would have a nest egg of $335,000—$335,000, an increase in $150,000 for that working family.

We also helped families by permitting tax-deferred savings in an IRA for education costs, for medical expenses, for first-time home purchases, and allowing penalty-free withdrawals during times of unemployment. That encourages savings, and it also helps people with emergency needs that they may have so that they know, if they do set aside for their retirement security but they need a little bit extra to educate their children, or if they become unemployed, or if they have a bigger medical expense than they can afford, or to buy their first home, they can take from that tax-free income that has built up without the huge penalty that discourages them from providing for their retirement.

That is what we do in the bill that we passed. And we stopped penalizing young couples for getting married. We increased the standard deduction for married couples filing jointly. In other words, by the year 2005, under the bill we passed, the marriage penalty would be eliminated for couples that do not itemize their deductions.

So we encouraged marriage and family rather than discouraging it by saying you are going to pay more if you get married than you would have to pay if you stay single.

We cut capital gains taxes to encourage and reward investment. We wanted to create new businesses that create new jobs because we understand that the small businesses create the jobs in this country. It is not the giant corporations; it is the small businesses. A capital gains tax reduction helps them to be able to buy that piece of equipment or make that capital investment that will create the jobs that will get this economy going again.

We cut estate taxes. We cut estate taxes so that years of hard work would not be wiped out in a generation so that a family that inherits a small family business or a small family farm will not have to sell these unreadily salable assets in order to pay taxes to the Government.

Our tax cuts would reduce the tax burden on the people who actually pay taxes, Mr. President. More than three-quarters of the cuts in the first year in the bill we passed go to the middle class making under $75,000 a year.

Who are those people? They are mothers and fathers who will get help raising their children with a $500 child tax credit.

They are homemakers who will get the opportunity to contribute the maximum amount to an IRA for retirement security so that, if the homemaker loses her spouse, she will be able to have something that is her own, that will help her in her retirement years.

They are married couples who will have the Tax Code's marriage penalty reduced.

They are savers who are trying to buy a first home or pay for college for their kids.

They are small business owners who have spent their lives building a business and want to pass it to their children without the huge taxes that sometimes require the sale of that small business by the heirs because they do not have the cash to pay taxes.

They are investors who provide the capital to start businesses and create jobs.

Our tax cuts helped all Americans. It would put more money in people's pockets, and it would increase jobs. Together with a balanced budget, it would lower interest rates and increase the standard of living for millions of Americans.

So why do I keep talking about what the proposals would have done? I talk about it as if it did not happen because it did not happen. Congress passed everything I have talked about, and President Clinton vetoed it. That is why I am still talking about it.

After running for President in 1992 on a middle-class tax cut, in 1993 President Clinton raised taxes on middle-class Americans while he claimed to only hit the rich. His taxes took what could have been a robust recovery and made it a weak, lackluster recovery.

The economic reports came out last week, and they said the economy is getting better. I cannot remember a time when the economic reports were coming out saying things were better when people do not feel it. If you ask someone what their major concern is, they say job security. That is what they say. I do not care what the numbers are showing. It is what is in somebody's gut. They do not feel secure because they sense more taxes, more regulation, and more encroachment on their freedom and independence. They know things are not the way they used to be.

So why, Mr. President, do people not feel so good when all the numbers say things are getting better? Big government. Big government. Big government is costing jobs for the American people.

A report from the Rochester Institute of Technology estimates the direct cost of complying with Federal regulations to be about $668 billion in 1995.

The bottom line is, Mr. President, tomorrow Americans are going to stop working full time to pay taxes. But we have not even talked about the hidden cost of regulations. They are going to work until July 3 to finish their obligation for all of the cost of government—regulations, as well as taxes.

So, hopefully, on July 3, we can talk about the cost of government. But today we are just talking about the cost of taxes.

I do not think that Americans in general object to taxes. In fact, the Reader's Digest poll taken recently shows that Americans believe they should pay taxes to live in this great country for what this country gives them back in services and freedom. But, Mr. President, they believe about 25 percent for a family of four is the maximum that government should take from them. They believe they should be able to keep 75 percent of what they work every day to earn. In fact, however, they are paying about 40 percent.

We are working every day in Congress to bring that number down. If we could just get the President to work with us instead of just talking about it, we could make a difference for the American family. We could put government in the role that it should have, and we could give the people of this country their buying power back. They work for this country. They work for their families. We want them to keep what they earn.

Thank you, Mr. President.

Mr. COVERDELL. Mr. President, I thank my colleague from Texas for her remarks on the economic aspect of taxes on the American family.

I now yield up to 10 minutes to my distinguished colleague from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, the Senator from Texas just gave a very good explanation of what was in the bill that the President vetoed. I think it is a good exercise once in a while to remind ourselves and the public—because the public is cynical about whether or not we ever kept our commitments of the last 15 years to pass a balanced budget—that we passed a bill, a 1,800-page bill. This balanced budget legislation was the product of 8 months of work by 13 different committees in this body to balance the budget; not only balance the budget but to help lower mortgage interest rates down by $2,300 a year, student loan interest rates by $603 a year, and interest rates on a car loan by $150 a year. You can go on and on about the benefits of balancing the budget by reducing the interest rates by 2 percent, according to Greenspan, but Congress also offered all of the things that the Senator from Texas referred to—IRA's for homemakers, expanding IRA's for everybody, a $1,000 tax cut for a family of four, and estate tax reductions, and welfare reform that turns welfare over from the Federal bureaucracy to the States to administer because the States are doing a better job of it than we are in Washington, saving the taxpayers $58 billion, and saving Medicare from bankruptcy in 6 years. Medicare is going to be bankrupt in 6 years. We knew that a year ago. That is why we addressed the issue in this bill. This is the bill that President Clinton vetoed. It has been referred to by Senator NICKLES and Senator HUTCHISON. I think we ought to think of this as a document that people do not think we passed because the President is on TV saying he is for balancing the budget and making some citizens ask: Where are the Republicans?

Well, where was the President last year when we were balancing the budget? Now, I will tell you that he was passing the buck. We do not want to pass the buck. We just want to get down and get the job done again.

Part of the issue that we are dealing with today, as everybody has been hearing, is that we are recognizing tomorrow as national tax freedom day. It is a sad commentary that we are to May 7 before people are done paying their taxes and can start working for themselves and their families. But also it is beneficial to remind people that this is a day when they can start working for themselves, if they are average Americans, because I think most people feel that Congress is so irresponsible that average Americans never get done paying taxes. But we have tax freedom day to bring people's attention to the fact that an annual point arrives where our people stop toiling away to fund big Government and begin toiling away to fund their families and their ways of life.

I am happy to say that in my State of Iowa, our citizens are slight winners in this year's tax freedom day lottery. For the people of my State, tax freedom day was Saturday, May 4, instead of tomorrow, May 7. As you can imagine, the people in my State find this 3-day victory to be somewhat shallow in comparison to what others, including the Federal Government, expect of them. The fact that we have 3 days more of tax freedom than most people, I suppose, is a tribute to Iowa officials being more fiscally responsible on State and local spending than we are at the Federal level as opposed to other States. For Iowans, it took 125 days this year, including weekends, to make it to this mock Federal holiday. For the first 18 weeks of 1996, working Iowans gave up their hard-earned money to fund Federal, State and local coffers. Finally, on May 4, Iowans began to keep what they might earn for the remainder of 1996. They only now begin to work to pay for the things that they must to do and what their families want to do and what they have a responsibility to do.

If you remember back to the 1992 Presidential campaign, Vice President GORE traveled the country giving his now famous economic speech in which he said:

> Everything that should be up is down, and everything that should be down is up.

I think this theme can also be applied to President Clinton's budgetary policy.

Common sense tells us that when things go up, something else comes down. So when the Government's budget for spending grows, obviously, the family budget shrinks. Another way to describe this bloated economic policy is by means of the Washington tax-and-spend syndrome. Some folks in Washington fail to understand that most Americans are not satisfied with the way their tax dollars are spent. Again, I should like to remind my tax-and-spend colleagues that money does not grow on trees.

Unlike the retail and service sectors of our private economy, the dissatisfied taxpayer, in dealing with the Federal Government, cannot demand a Government refund for poor services rendered. Many Americans feel shortchanged for helping to support programs that they do not believe in or use. When it comes to spending money on families, the choice should belong to taxpayers, not to the Federal bureaucrats.

Washington deficit spending is the public's greatest outrage of all. Taxpayers want to know why the Federal Government has spent more money than it has collected for each of the last 27 years. Ending this trend of 27 years of spending more than we take in is what balancing the budget last year was all about—the budget that the President vetoed. Because unlike the Federal Government, working families live on limited budgets and balance a checkbook. Not the Federal Government. But those same working families expect the same of Uncle Sam, to balance the checkbook and to be in the business of life and operating profitably.

Because Iowans are economically conservative by nature, most of my citizens are outraged by the fact that Washington cannot get its fiscal house in order. The willingness to pay their share of Government services becomes harder to swallow when wasteful and inefficient Government programs continue to expand.

I should like to give you an example that I had something to do with bringing to the public's attention last year. Consider the estimated $200,000 expense for a flight from Naples, Italy, to Colorado Springs, CO, U.S.A., last year by an Air Force general. About 36 taxpaying families in Iowa worked all of last year just to pay for General Ashy, an aide, and his cat to jet nonstop across the Atlantic with two inflight refuelings. He could have taken a commercial airline flight for $1,500.

This disconnect between elected officials and the public will continue to widen if Washington clings to the fiscally irresponsible status quo. Last fall, Republicans made many tough decisions in order to pass the first Balanced Budget Act since 1969.

And again, I do not think we can hold this up too often to say, "Here it is. We passed it." One person stands in the way of this being law or not, and that is the President of the United States, Bill Clinton, because he vetoed it.

When the smoke from last year's budget battle cleared, it was obvious that no one won. We passed it, but we did not win. The President vetoed it, and you might say he won the public relations battle because he is on television having everybody believe that he thought of the balanced budget. It was 6 months past the last election when we won an election on a promise to balance the budget that the President said, "Well, I am for a balanced budget, but we will do it in 10 years." It has only been since January 13 that he came around to doing it in 7 years as we are doing it with this legislation that he vetoed.

The President still leaves about 87 percent of his expenditures to be made in the years 2000, 2001, and 2002. That is a long way off and is difficult to plan for.

The American people do not have a balanced budget, so I still have to say even though we passed it, the public has not won yet. In fact, they are losing every day that we do not balance it for next year. More importantly, faith in Government suffers yet another setback.

As the Senator from Texas said, we have to work to restore the $500-per-child tax credit. In addition, we are going to repeal Clinton's 1993 gas tax, and we are going to do that because the President ran on a platform in 1992 in which he stated so often that an increase in the gas tax is sticking it to the low- and middle-income working people of America and the retirees. The President said that he is not for doing that, and yet he did it within 6 months. We voted against it, so obviously we are still sticking by our convictions not to be for the President's gas tax increase because it is regressive. We have a chance now with high gasoline prices to make the point and to repeal something the President said in 1992 he was not going to do anyway. So that is why we are doing it. But we are also in the process of trying to free working poor and middle-income families from excessive tax burdens.

So Iowans, the people of my State, marked tax freedom day on May 4, 1996, and the rest of the country tomorrow, May 7.

During this period, and especially today, I believe it is the duty of the President to agree with Congress to cut spending and to provide tax relief so that Iowans, and their friends in every other State in the Union, can commemorate this day earlier next year.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. COVERDELL. Mr. President, I compliment my colleague, the Senator from Iowa. He reminds me of what I said in my opening remarks when I was rebutting the statement by the Senator from Virginia, who thought the courageous thing to do was to keep the gas tax in place. And he reminds us that the President himself came to the American people in 1992 and said, as you just heard from the Senator from Iowa, that a gas tax is not the thing to do and it is particularly harmful to people with low income, the middle class, and seniors. That whole episode is interesting to me because it was such a center point of the President's campaign, that he would lower taxes on America's middle class. The bags were not unpacked before that promise was forgotten. Then, by August 1993, as the Senator from Iowa has alluded to, we were confronted with the largest tax increase in American history.

So you go to the American people and say I am going to lower your taxes. Then you come up here and raise them the highest they have ever been raised. And no wonder a cynicism begins to set in across the land about the way Washington works. The bottom line here is that Americans are working 40 to 50-plus percent of a work year for a government. I know Thomas Jefferson, if he were here today, would be astounded. If you read back through his remarks, time and time again he warns and points to the egregious behavior of governments when they consume too much of the fruits of labor. He said it throughout his life and throughout his working in the founding of the Government. He also warned us that governments by their nature do just that. I do not believe a single Founder could ever conceive that our Government would be a government that sweeps half the earnings away from an American family.

I have spent a good bit of my time talking about this average family and what the burden of taxes does to them. I would like to visit on this just a little bit more. I often refer to Ozzie and Harriet as the quintessential family of the 1950's. When Ozzie and Harriet were working in the workplace, Ozzie sent 2 cents out of every dollar he earned to Washington. But if he were here today, he would send up to 24 cents; from 2 cents up to 24 cents out of every dollar of his wages being sent to Washington.

That fact raised several questions in my mind. All of us in the country are very concerned, deeply concerned about the behavior of our families and the changes that have occurred. It created a deep worry. We have heard Senators say here: If you ask parents today if they are better off than their parents, they say yes. But for the first time in American history if you ask them do you think your children will be better off than you, they say no. That is the first time that has ever happened in America.

What has been the force that created this sense of pessimism? My argument is that there is no single institution or structure or force on the American family that has so profoundly affected the way they live and function as has had their government; more than Hollywood, more than pop music stars—government. What other force sweeps through the family and takes half of everything those bread earners earn?

When I was a kid I was told the largest single investment I would ever make is my home. My guess is the Presiding Officer was told the same thing. But that is not true anymore. We have to change the rhetoric. We now have to tell America's children the single largest investment you will ever make is government. It now surpasses housing; your home, clothing, education, and transportation combined. So no institution has had a more profound effect on the way the American family functions than the government.

There is a lot of discussion in today's workplace about both parents having to work and not, therefore, having the opportunity to spend enough time with the family in setting the standards, in monitoring what is going on in the family. I would allege that the single greatest force in our country that has caused families to have both parents in the workplace is the government, too. In fact, I was so curious I wanted to know, from 1950—Ozzie and Harriet—to now, the increasing number for which both parents work each succeeding year. Then I tracked that scale or growth against the increased tax burden. Mr. President, you will not be surprised, nor would anybody else, that those two lines on a graph track each other almost simultaneously. In other words, every year, as the Government added yet another gas tax or raised the income tax or some other scheme to get more of the revenue of that working family, each time they did that another so many thousands of American families were forced to make the decision that both spouses had to work.

In fact, both parents today work on each day longer earning taxes to give to the government than they spend with their own family. They are now investing more of their workday working to pay off this tax burden and the debt and the interest on the debt and all the commensurate effects of taxation and regulatory burdens—they are spending more time doing that than they are raising their own families. Is there any wonder, then, that the behavior of that family is changed? It should not be a surprise to any of us.

If you ask the second spouses today if they are working on their own, voluntarily, 85 percent say no. Mr. President, 85 percent would do something differently. A third of them would stay home. If they had their option, they would stay home. They cannot. They cannot make ends meet without both of them being in the workplace. A third of them would volunteer, they would like to be in the workplace as volunteers. And another third would modify the amount of time that they are in the workplace.

So I wonder, you almost wish that we could cause the Federal Government or all governments to put on the tax form: "This is how many days your family has to work to meet this obligation," because I am convinced that there are not many families who think they are working from January 1 to May 7—or, as the Senator from Texas pointed out, to July 3, if you add the regulatory burden in—that they work until midyear before they have the opportunity to keep one dime for themselves, one dime to pay for what they are responsible for accomplishing for the country. This is a sad state of affairs and I believe all of us need to be engaged in absolutely sound, fundamental policy to push that burden back.

If America were picking the date, they would pick March 1; that they would have worked from January 1 to March 1, and that is a fair deal between that family and the Government: March 1. But, instead, because of all these pressures—I guess courage has been alluded to by the Senator from Virginia—they now work until May 7 instead.

Mr. President, we have just received a white paper from the Manufacturing Institute called "Improving the Economic Condition of the American Worker."

I would like to read just a small piece of what this report says. It is entitled: "Government Obstacles to Wage Growth and Job Creation."

> Taxes, particularly payroll taxes, account for much of the slowdown in compensation growth.

We read every day articles concerning the anxiety in the American family from economic pressures in the family. But this report says:

> Taxes, particularly payroll taxes, account for the slowdown in compensation growth.

It says:

> Had the relative tax burden remained at the level of 40 years ago, today's typical family would have an extra $8,847 in disposable income each year.

Eight-thousand dollars. Now remember, Mr. President, a moment ago I said that average family is earning about $40,000 a year. This is the equivalent of a 20-percent pay increase, $8,847 in additional income.

> Based on an analysis of Census Bureau figures by the Tax Foundation, the median two-earner family paid about 20 percent of its income in 1955. In 1995, taxes took an estimated 37 percent. The change is even more apparent when it comes to payroll taxes which represent the largest tax on many employees. Social Security and Medicare taxes are 45½ times higher today than in 1955.

These are the reasons Ozzie was only sending 2 cents to Washington and today he is sending 24 cents.

> Median income, on the other hand, is only 10 times higher. Companies today are burdened by heavy, nonproduction costs largely created by government—

Just as we have been saying all afternoon.

> The major ones are government regulations, legal services and taxes. If these costs could be reduced significantly, companies would have more resources available to expand and hire more workers and pay higher wages. The current regulatory system is too costly.

The Senator from Utah was talking about this very point.

In my closing minutes, I want to point out that elections have consequences. President Clinton's efforts on the economy in 1993 really had a major effect on the American family.

It is important to note that since this administration came to office in January 1993, virtually everything they have done has pushed and mounted the economic burden on the American family and American business. In other words, with all the American people saying, "We're being taxed twice what we should be, we should be free to earn our own money on March 1, not May 7," but this administration came here and has pushed the tax burden higher, blocked regulatory reform by arguing against it here on the floor, so the regulatory burden is mounting.

Since Clinton has been President, regulatory costs to the American family have risen about $300 per year. Their taxes have gone up. They are working even more for the government than they were when this administration came to office, even though this administration said, "You will be working less for the government. That's our promise to you. You'll work less. It won't be May 7; we're going to go back the other way."

Wrong. Wrong. That promise was left at the doorstep of the White House, Mr. President, and they work more than when this administration came to office and they have more regulatory burden today than they had then. As we said earlier, the largest tax increase in history—$255 billion in higher taxes—gas taxes, Social Security taxes, a $31 billion increase in the gas tax, and, as we have all alluded, that has a particularly regressive effect on low-income Americans; less family income.

According to the Joint Economic Committee, after-tax median family income for a single-earner family has fallen $803 during the Clinton Presidency. If real after-tax incomes had grown at the average rate of the Reagan expansion, 1983 to 1989, single-earner median family income would be $1,274 per year higher.

People are spending less time at home with their families and more time working to pay for big Government. According to the Tax Foundation, Americans will spend 2 hours, 47 minutes—3 hours—of each working day laboring to pay taxes, and they will work this year until tomorrow, May 7, just to pay Federal, State, and local taxes.

Mr. President, the 1993 budget has cost America dearly. It has cost her 1.2 million in additional private sector jobs between 1993 and 1996; a total of $2,600 in after-tax income for every household in America between 1993 and the end of 1996; roughly $465 in wages and salaries in 1996 alone. The list goes on.

The point we are making is that American families work too long for the government and not enough for themselves, and this administration has made that situation worse, not better. They promised to make it better. They did not. Worse yet, they made it worse.

Mr. President, I yield the floor.

Mr. THOMAS. Mr. President, I am sure there will be more conversations today, as there should, about the fact that this is tax freedom day. This is the day that has been determined that each of us on the average has worked since the first of the year until now to pay our taxes to this country.

A typical family of four pays 38.2 percent of their income in taxes. That is for all governments.

In Wyoming, and this is the U.S. Census estimate, the median income for families is about $47,000. Federal taxes are about $10,000; local and State taxes are another $5,000 or $6,000, for a total of $16,000 in direct taxes. The estimated cost of Federal regulation for a family is about $6,600. Excess family interest payments caused by Federal borrowing are approximately $2,000 for a total of $24,000 that goes to taxation.

So, Mr. President, it is an appropriate day for us to take a look at what we do with taxes. I would like to approach it from just a little different angle. Of course, taxes are dollars, taxes are numbers when we talk about those, but I think also there is a concern that we ought to have that taxes also are related to the size of Government. They are more than money. They have to do with the kind of Government we have. They have to do with the number of Government programs that we expect, and there is a relationship between spending and taxes.

Of course, we ought to be willing to pay for the programs that we want. We have not done this. For 40 years, we have not balanced the budget. What we have done is said, "Yes, we want more programs, but we are going to charge them to our kids; we're not going to pay for them." We ought to be willing to pay for the programs that we want.

I think that the message in the election of 1994, and we are coming up to another one in 1996, the message was, "government is too big, the Federal Government is too big, it costs too much and we are overregulated."

Too often in the past 40 years, we have said, "Well, we have all these programs. The question is, how do we pay for it," instead of taking a look each time at what programs we have, how effective those programs are, where should those programs be cared for, do they, indeed, need to be there at all.

One of the problems is we have been sort of distanced from the idea of paying for them. The best relationship between a taxpayer and his or her Government is that as a taxpayer in a school district where the proposition is we need a new school or we need a new science lab, we say, "All right, it costs x amount of dollars to have this new science lab. It is going to cost you this much on your taxes next year," and you make the decision whether or not you are willing to pay a cost-benefit ratio. Is it worth it to you to pay for that program?

The Federal Government removes us from that. It removes us in several ways. That is, most of us have our taxes withheld, and so we talk about after-tax dollars, and for some it is really hard to understand how many dollars we do pay in taxes.

I think it is great to have a tax day and say we have worked this year until now with nothing for ourselves, paid entirely for taxes. That is part of the problem.

The other, of course, is the Federal Government is removed to the extent that seldom do we have a chance as taxpayers to say, "Here's the program, here's what it costs. Is it worth it to me? Am I willing to pay what it costs?" We do not have that same kind of cost-benefit ratio opportunity that we have on the local level.

So I think it is appropriate that when we talk about taxes and we talk about the burden and we talk about the debt and we talk about the future, that we also take a look at government; take a basic, long look, some introspection of you and me as taxpayers and citizens, saying, "I suspect in our form of government, those who put together the Constitution did not envision that 40 percent of our earnings, of everyone's earnings, on average, would go to pay taxes for government functions." Do you think? I do not think so.

They so clearly defined in the Constitution those things that the Federal Government should do, and there are many things, indeed, that the Federal Government should do. There are many things that only the Federal Government can do—defense, interstate commerce, highways—many things.

They also put in the Constitution the 10th amendment which says that only those things enumerated in the Constitution would, in fact, be carried out by the Federal Government and others would be reserved to the States and to the people. So we find ourselves with a great relationship between the taxes we pay and the amount of Government that we have.

Big spending and big taxes go together. We have done a number of things this year to seek to work at this. When the Republicans came in and took control of the House and Senate, they changed the debate. We have changed the debate from talking about how do we get more money to continue to grow, to taking a look at the programs that are there.

We have changed the debate to one of examining programs instead of simply saying they are going to grow some more, how do you charge it or how do you put it on the debt or how do you get some more taxes.

We have changed the debate to balancing the budget. The budget has not been balanced in 25 years. For the first time, the conversation now is toward balancing the budget. We presented a balanced budget amendment to the Constitution which says, as it does in almost all State constitutions, that you cannot spend more than you take in. It lost by one vote. I hope we get another chance, Mr. President, to take a look at that issue, and I think perhaps we will this week.

In that debate, frankly, we forced the President to deal with balancing the budget. The President did not send up any balanced budgets until this year. Now, of course, we do not agree with the way it has been balanced. It does not do anything about those things that drive it. But nevertheless, the discussion now is how do you balance the budget, not if you are going to balance the budget. We have reduced the number of programs in Government. We have to do that if we are going to do anything about taxes. We sought to reduce taxes in a couple of instances. We had regulatory reform.

Mr. President, I guess what I want to emphasize is we do pay a great deal of taxes. I think we pay too many taxes. I think we expect too much from the Federal Government; that there are other ways to accomplish those things more efficiently either through local government, State government, the private sector, that we ought to take our taxes and orient them, direct them toward those things that only the Federal Government can do.

But I hope that we do not simply talk about the amount, because taxes have a great deal to do with the concept, with the principle of what you do in the Federal Government. I think that is a legitimate debate that each of us ought to undertake as we move into this election season. Each of us ought to evaluate in our judgment what role we think the Government ought to have at the Federal level, what role should the centralized Government have, how much money should we spend, how do we become responsible morally, physically to balance the budget, and that seems to me is what tax day is about. I am delighted that there will be discussions about it, there will be considerable interest in it.

I think one of the things sometimes we do not even recognize ourselves is the amount that taxes have increased. Corporate tax increases between 1992 and 1995 have gone up 55 percent. Who pays corporate taxes? Corporations? I do not think so. It is the people who use their products, of course. They are passed on.

Personal taxes have gone up 25 percent. Total receipts have gone up 23 percent. At the same time total receipts and taxes have gone up 23 percent, the GDP has only gone up 16 percent.

So tax increases have outstripped our growth by at least 1.5 times. Payroll taxes have gone up 15 percent, and indirect taxes up 11 percent.

I am not opposed to taxes. Taxes are how we fund our Government. We have to pay taxes, should pay taxes. We should pay them fairly. The real issue is, what do you want to pay for? What are you willing to pay? What should we pay for? How do we do it efficiently? Tax day ought to cause us to consider those things and consider them as we come into this election cycle. Mr. President, I yield the floor.

Mr. ABRAHAM. Mr. President, I rise today to recognize tax freedom day; a day marking the people's emancipation from government taxation; a day after which the American people begin working for themselves and their families instead of for the Government; a day which continues to recede further and further every year.

This year, Mr. President, America's tax freedom day arrives on May 7. In my own State of Michigan it arrives even later—on May 9. Michigan, thanks to its friendly atmosphere for economic growth and investment, is relatively affluent. Thus Michigan pays a significantly higher portion of its income in Federal taxes than do other States. We are 13th in the Nation in total taxes paid, again in large measure because the Federal Government takes more from our citizens' paychecks than from those of citizens of other States.

But let us look at the overall tax picture.

As tax freedom day approaches, Mr. President, I believe it is appropriate for us to ask ourselves how much of their time, what proportion of their paychecks the American people feel it is fair for them to be asked to pay to the government.

When I first saw the results of the Roper Poll on this subject I was surprised to note that Americans of all stripes—whatever their race, sex, income level, or political persuasion—felt it was fair for them to pay a full 25 percent or one quarter of their income taxes. More astounding, however, is the proportion they actually must pay in taxes—over 38 percent.

Americans are willing to pay a quarter of their incomes in taxes, Mr. President, but that is not enough for our government. No, our government taxes away over 38 percent of the income of the average American family.

And the trend is toward more, not less. The government imposes ever-higher taxes on America's working families. Commerce Department data reveal that in 1995 total taxes as a share of the gross domestic product were the highest in U.S. history. Federal, State, and local government receipts consumed a record 31.3 percent of GDP.

Mr. President, this figure is simply astounding. Even at the height of World War II, with America fighting for her very existence, total taxes only consumed 25 percent of GDP. In 1992, only 4 years ago, taxes consumed 30 percent of GDP.

What does this mean? It means that taxes have risen by 1.3 percent of GDP—of the size of our entire domestic economy—since Bill Clinton became President.

And what does our President propose to do about this deplorable situation, in which our economy is operating under the highest tax burden in history?

Recent experience does not provide much hope for relief. In 1993 President Clinton signed into law the largest tax increase in history: $241 billion. The President raised taxes on gasoline. He raised taxes on Social Security recipients. He also hit our senior citizens by reinstating the highest estate and gift tax rate of 55 percent. He raised taxes on small business owners. And he passed a retroactive tax increase on the incomes of America's working families—not only increasing taxes on their future incomes, but actually taking a portion of the incomes they already had earned.

The President's tax hikes directly and indirectly increased the tax burden on millions of middle-class taxpayers. Small wonder he recently admitted that he "may have" raised taxes too much.

But President Clinton's contribution to higher taxes does not end there. When we Republicans sought to emancipate American families from some of their tax burden—to make their tax freedom come earlier in the year—President Clinton was ready, with his veto.

Americans should judge for themselves the effects of Clinton tax policies on their ability to keep what they earn for themselves and their families. They should ask themselves a few simple questions.

First, do you have children?

If so, President Clinton's veto of our Balanced Budget Act is costing you $500 per child in tax savings—the amount of the tax credit we attempted to give you.

Second, are you married?

If so, President Clinton's veto is denying you tax savings from a higher joint standard deduction. Married couples with average incomes of $50,000 who claim the standard deduction are paying $217 more than they would otherwise, because of the President's veto.

Third, are you trying to save for your retirement?

If so, and you earn more than $40,000 a year or have a nonworking spouse, President Clinton's veto cost you $1,120 in IRA tax savings.

Fourth, are you planning to adopt a child?

If so, President Clinton's veto cost you a credit of up to $5,000 to defray adoption expenses.

Fifth, do you care for an elderly parent at home?

If so, President Clinton's veto is denying you savings from a $1,000 eldercare deduction—that's between $150 and $280 out of your pocket and into the Government's.

Sixth, do you plan to earn taxable capital gains—for example by selling your house when you retire?

If so, President Clinton's veto is preventing you from keeping more of your profits. The GOP reforms would have seen that you were taxed on only half of your net capital gain.

And finally, are you paying off a student loan?

If so, President Clinton's veto is costing you savings from a maximum $2,500 deduction on the interest paid for the first 5 years of repayment.

This veto delayed tax freedom day to May 7—the latest date ever. This veto extended to 3 hours, out of the typical 8-hour workday, the time Americans must work just to pay taxes, the longest ever. This veto means that the value of the dependent exemption continues to decline. Our families are having a harder time supporting their children, in part because the exemption has lost much of its value. For the dependent exemption to be worth the same it was worth in 1960, it would have to be $3,800 today—$1,300 more than the current $2,500.

In short, President Clinton's policies have chained America's working families to ever-higher taxes, making it harder and harder for them to support themselves.

His policies have cut the growth of Americans' real personal disposable income. They have hurt the economy, increased taxes and reduced by nearly $2,600 the amount of money every American household can use to support itself. They have contributed to a situation in which more and more families have two working parents not out of choice but out of economic necessity. At the same time these policies have reduced the size of parents' paychecks—even as parents face increased costs for their children's education, worries over their own retirement and concern that they are spending enough time with their kids.

Americans today are, and have every right to be worried about their jobs, concerned about their future, and angry that the American Dream of moving up through hard work seems to be slipping out of reach.

In one generation, Mr. President, the Government has doubled the amount of money it takes from the American people. It has severely restricted our freedom from taxation. And what have we gotten in return? Certainly not safer and better schools. Certainly not safer and cleaner streets. Certainly not reduced drug-use and juvenile crime. Certainly not lower levels of welfare dependency and hopelessness.

No, Mr. President, what Americans have bought with their tax freedom is nothing more than increased Government control over their lives. And this must end.

We must free our people from the chains of overtaxation and overregulation.

We must see to it that Americans earn more and keep more of what they earn so that they can do more for their families and communities.

We must institute reforms that will encourage economic growth, lower tax burdens, and empower America's working families to once again take charge of their own lives, helping themselves and their neighbors.

What does this mean in practice?

To begin with, Mr. President, it means relieving American families of the burden imposed by the Clinton tax increases. This is why we must pass the $500 exemption for all children under the age of 18.

It also means reducing the amount Americans must pay for gasoline by rolling back the 1993 Clinton gas tax increase that unfairly burdens lower income working families.

It also means we must create more and better paying jobs through incentives like a capital gains tax cut that will encourage businesses to invest in resources that create jobs.

And it means helping people save for the future by encouraging retirement savings and portability.

Finally, Mr. President, it means balancing the budget and stopping Government from overspending. It means regaining control over the cost and size of Government so that the tax burden and regulatory burden both may be lifted from the shoulders of the American people.

America always has been the land of freedom and opportunity. In large measure this has been true because we have recognized that opportunity—the chance to build a decent and rewarding life for yourself and your family—depends on freedom.

Only with the freedom to work, move, and invest as we see fit can we make the most of our capacities.

It is our job, Mr. President, to restore Americans' opportunity by freeing them from a Government that taxes too much and prevents them from pursuing their own good, and the good of their families and neighbors.

Tax cuts, growth incentives, and renewed responsibility in government spending and regulation will emancipate the American people from the chains of taxation and overregulation.

More than this government cannot provide. Less than this, Mr. President, we dare not provide.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The distinguished Senator from Utah.

Mr. HATCH. Mr. President, before we get into the Billy Dale bill, because it is a very important piece of legislation, as far as I am concerned, I thought I would spend a few minutes, as chairman of the Judiciary Committee, talking about habeas corpus reform because of the extraordinary action taken by the Supreme Court last Friday, and then I will launch into the Billy Dale legislation.

THE SUPREME COURT AND HABEAS CORPUS REFORM

Mr. HATCH. Mr. President, last Friday, the Supreme Court decided to hear a challenge to the constitutionality of the habeas provisions in the Anti-Terrorism Act. To examine this issue, the Court chose the vehicle of Felker versus Turpin, a case in which the prisoner, Ellis Felker, kidnaped, robbed, raped, sodomized, and then killed Evelyn Joy Ludlam, a 19-year-old college student who was working as a waitress. The Court ordered an expedited briefing and argument schedule, with the likely result that the Justices will decide the issues involved by the beginning of July.

Mr. President, I ask the Clinton administration, and in particular, its Solicitor General, Drew Days, to vigorously defend the constitutionality of our habeas reform. Habeas reform was the heart and soul of the Anti-Terrorism Act, and it is the only thing in the act that will directly affect the perpetrators of the heinous bombing in Oklahoma. Without habeas reform, those who murdered in Oklahoma, like other convicted murderers throughout our Nation, will be able to use frivolous petitions and appeals to prevent the imposition of their justly deserved punishments.

It is a sad day when we in the Senate must ask the Justice Department to vigorously side with the State in a death penalty case. But I am afraid to say that we must because of the Clinton administration's demonstrated reluctance to support habeas reform and the death penalty. Through its Solicitor General, the Clinton administration has failed to support State efforts to impose capital sentences—a 180-degree turnaround from the policies of the Reagan and Bush administrations. For example, in Judiciary Committee hearings led by myself and Senator THOMPSON, we learned that, during the 1994 Supreme Court term, the Solicitor General under the Clinton administration failed to file even one brief on the side of the State in death penalty cases. As this chart makes clear, this is a sharp drop off from the practice under the Reagan and Bush administrations, when that number was 42.9 percent in 1991 and 37.5 percent in 1992.

The Clinton Solicitor General's failure to defend the death penalty is only part of the administration's soft-on-crime litigating positions. In case after case, the Solicitor General has refused to appeal cases in which the lower courts have overruled the Government, have overturned convictions, or have made it difficult to prosecute the defendant. Take, for example, the decision in United States versus Cheely, in which a panel of Carter judges in the ninth circuit struck down the Federal death penalty as unconstitutional. The Clinton administration's Solicitor General refused to appeal that case to the full ninth circuit or to the Supreme Court. When asked by Senator THOMPSON why no appeal was filed, Drew Days responded that he felt that the case did not raise large enough concerns to justify a rehearing.

Another example is the case of United States versus Hamrick. This is the case in which a prisoner sent a mail bomb to a U.S. attorney. Luckily, the bomb did not go off. Unluckily, a panel of judges on the fourth circuit overturned his conviction for assault with a deadly or dangerous weapon because those judges felt the bomb was an incomplete bomb and could not go off. Again, President Clinton's Solicitor General failed to appeal that decision, and the fourth circuit had to sua sponte order a rehearing to reverse that activist decision.

I could go on. I could describe the Solicitor General's effort to narrow the Federal child pornography laws. I could describe the Solicitor General's support for lawsuits by prisoners against the Arizona prisons. I could describe the drop-off in the Solicitor General's support for the State in all criminal cases before the Court. I have discussed these cases elsewhere, and I think that the point is clear. If the administration were truly serious about fighting crime, more than 90 percent of which is prosecuted in State court, then it should work harder to toughen the judicially created criminal rules that bind both Federal and State law enforcement, prosecutors, and courts.

The Solicitor General's conduct follows the rest of the administration's opposition to habeas reform and the death penalty. For example, on the eve of House debate on the antiterrorism bill, the White House sent emissaries to the Hill to lobby for weakening changes to the habeas reform package. Abner Mikva, the former White House counsel, lobbied to restore the de novo standard of review in habeas petitions, which would allow Federal judges to reopen issues that had been lawfully and correctly resolved years earlier.

Before that, the Clinton Justice Department in 1994 lobbied the House for passage of the so-called Racial Justice Act. This provision, in the guise of protecting against race-based discrimination, would have imposed a quota on the imposition of the death penalty. It would have effectively abolished the death penalty. When the Senate refused to accept this death penalty abolition proposal, the Clinton administration issued a directive implementing its substance to require a racial review of all Justice Department death penalty decisions.

The weaknesses of the Clinton administration and of the Solicitor General to combat crime and to support the vigorous enforcement of the death penalty concern me in this case. The importance of winning this case cannot be overstated. One of the keys to winning the war on crime is to make clear society's determination to mete out swift, effective justice to those who are found guilty of violating its laws. Our habeas reform bill will prevent murderers from abusing our procedural system to forestall their punishments.

Because of my concerns about President Clinton's Solicitor General and the death penalty, let me announce today that I plan to file an amicus brief before the Supreme Court defending the constitutionality of habeas reform. I invite all interested Members of both the Senate and the House to join my brief. We cannot take the chance that the Clinton administration will pull another Cheely.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER (Mr. BROWN). Under the previous order, the Senate will now resume consideration of H.R. 2937, involving the reimbursement to the former White House Travel Office employees, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole Motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. HATCH. Mr. President, today we turn to H.R. 2937. This is a bill to provide for the legal expenses of Billy Dale and other former White House Travel Office employees.

Mr. President, today I rise to urge my colleagues to support the pending legislation to reimburse the legal expenses incurred by Billy Dale and the other White House Travel Office employees who were summarily discharged from their jobs on May 19, 1993. This is a bill that I believe remedies the grave miscarriage of justice that resulted in the wrongful investigation and prosecution of Mr. Billy Dale and other former White House Travel Office employees.

President Clinton has said that he supports reimbursement of legal fees for Mr. Dale. I take him at his word. I am counting on him to make sure that people on the other side do not delay this bill, that cloture will be invoked tomorrow. It is surprising to me, however, that we are here trying to move this simple measure that the President supports, that had overwhelming bipartisan support in the House, but that some of my Democratic friends continue to seek to derail.

It is time to act on this measure and put to rest the years of unnecessary expense and inconvenience suffered by Mr. Billy Dale and his former colleagues of the White House Travel Office. To do anything less, in my opinion, would be to deny justice to those wrongfully prosecuted by the Government.

The issue is simple: Mr. Dale served his country, at the pleasure of eight Presidents, as the director of the White House Travel Office. He faithfully served both Democratic and Republican Presidents. He provided years of service that involved the thankless task of ensuring that the national and international media were in a position to cover and report the movements of the President to the public. For that, Mr. Dale and the entire White House Travel Office staff were fired on May 19, 1993, and fired in what really could be nothing less than a surreptitious manner.

As if that humiliation were not enough, Mr. Dale was thereafter indicted and prosecuted for embezzlement. On December 1, 1995, after 2½ years of being investigated by the FBI and IRS and incurring tremendous legal expenses, Mr. Dale was tried before a jury of his peers and, after fewer than 2 hours of deliberation, found not guilty of all charges.

The travesty in this story is that the White House Travel Office employees simply got caught in the political crossfire of the new administration. They had served both Democratic and Republican Presidents, but found themselves in jobs that apparently were an impediment to the ambitious money-making schemes of some of the new President's friends.

President Clinton certainly had the authority to dismiss the White House Travel Office staff without cause. I do not begrudge the President his right to control White House staff. But subsequent to the firings, the Clinton White House may have felt the need to justify its actions, given the tremendous media interest in this dismissal. Unfortunately, in justifying its own actions, the White House ruined the reputations of Mr. Dale and his colleagues. The White House' actions went well beyond routine termination of jobs at the President's pleasure. What happened is simply unconscionable, and we have to right these wrongs.

In May 1993, the Travel Office employees were fired and told to vacate the premises. In fact, two staff members learned of their termination on the nightly news. That is how this White House handled it. In an attempt to justify firing these loyal public servants, the White House met with and urged the FBI to investigate the Travel Office. Usually that is done solely by calling anything they think is wrong to the attention of the Justice Department, who then can, if it is deemed necessary, call in the FBI. That was not the case here. They actually tried to influence the FBI to get involved in what really was a political matter. They used allegations concocted by those who had a vested interest in running the office themselves. Curiously, the FBI helped craft the White House' press release about the firings.

The accounting firm Peat Marwick was hired to do an audit of the office. The firm's report, however, did not substantiate the allegations of mismanagement asserted by the White House. The firm found only modest financial irregularities, which are certainly not the same thing as embezzlement.

Now, this story would indeed be tragic enough if it ended here. But it does not. The Department of Justice then proceeded to indict Mr. Dale, seemingly without concern for the weakness of its case. The case was so weak that the citizens sitting on the jury who heard all the evidence exonerated Mr. Dale in fewer than 2 hours. For those who have tried a lot of lawsuits, it takes that long to organize the jury. This question of use of the Federal criminal justice system created a situation for Mr. Dale where he had to spend some $500,000, and even considered taking a plea, when he had committed no crime, just to end it—just to end this tremendous fiscal abuse of him and his family.

Indeed, after the jury dismissed the allegations, someone leaked the existence of the plea negotiations to the public in an attempt to further discredit Mr. Dale's reputation. The Clinton administration just could not let it end with Mr. Dale's acquittal. It had to take one more swipe at Mr. Dale. Not only are plea negotiations a necessary part of our judicial system, they are intended to remain confidential and are not to be used against a criminal defendant. Mr. Dale likely considered a plea agreement because he was faced with a crushing financial problem and burden, an uncertain future, and wanted to put an end to a trial that had become too much of a strain to his family and reputation.

No one should ever have to be put through this. No citizen of this country should be treated in this fashion. I have to say there have been a number of innocent citizens through the years who have had to make pleas just to get the Government off their back because the Government has a never-ending source of funds, where they, of course, can lose their whole lives and their whole life's work. In Mr. Dale's case, that is what was happening.

Even so, he was maligned by these leaks after his acquittal. It has now been nearly 3 years since the termination of the White House Travel Office employees, and they are still in the unfair position of defending their reputations. It is time to close this chapter in their lives, and it is time to allow them to have their reputations back. I cannot, in good conscience, sit quiet when I believe an arrogant use of power has taken place. The power of the White House was used to victimize the innocent for a President's political gains. The targeting of dedicated public servants, apparently because they held positions coveted by political profiteers, demand an appropriate response. Although their muddied personal and smeared personal reputations may never be fully restored, it is only just that the Congress do what it can to rectify these wrongs.

Accordingly, this bill will make Mr. Dale and the other former White House Travel Office employees whole, at least financially. It will never make up for what they have lost otherwise. But it will financially, by providing for attorney's fees and expenses related to the criminal investigation. This is the very least we can do. After all, we can do nothing to restore their reputations, their dignity, or their faith in this White House.

Let me briefly explain to my colleagues what this bill does for the former White House Travel Office employees. This legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseaux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright in connection with the wrongful criminal investigation launched against them subsequent to their firings. Though Mr. Dale suffered the greatest financial losses, the remaining six employees collectively incurred approximately $200,000 in their own defense. These six innocent—let me repeat that, innocent—employees were unjustly dismissed so that rich White House cronies could snap up their jobs. While this bill does not provide for compensation of all expenses associated with the investigation into the Travel Office matters, such as costs incurred while appearing before Congress, it will provide for attorney's fees and costs that resulted from defending themselves against criminal investigations.

I thank my colleagues for considering this piece of legislation and, above all, the Members of the House for passing H.R. 2937 with overwhelming bipartisan support. This is an important and long overdue measure. I find it a great breach of trust with the American people that the awesome prosecutorial powers of the Federal Government will be brought to bear on innocent persons for political motives. Even the White House in hindsight recognized that justice in this matter needs to be done. Indeed, when White House spokesman McCurry stated, "Yes, and he signed it," referring to President Clinton's intentions to sign this bill reimbursing Mr. Dale, this was our call to enact this measure. We should all keep this in mind when voting to pass this bill.

I strongly urge support for the passage of this legislation.

PRIVILEGE OF THE FLOOR

Mr. HATCH. Mr. President, I ask unanimous consent that Christina Rios, of my staff, be given privileges of the floor for the pendency of the debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. This is one of the most unjust things I have seen in all the time I have been here. It is just a shame that the awesome power of the White House could be utilized in this fashion. I am pleased that the President basically stands behind this bill and will not veto this bill. I am pleased he said he would support this bill. I hope our colleagues on the other side will support it, as I hope our colleagues on our side will support it.

There is no reason in this world why we do not rectify this kind of wrong caused by the Federal Government. My only problem is I wonder how many other wrongs like this there are in our system today? I think by and large our system is as honest and good and decent as it can be, but occasionally we do find people who play politics with the law. You should never play politics with criminal laws. People's lives, reputations, their very inner psyches can be completely destroyed when put through these types of embarrassing, despicable approaches. I am very upset about it.

I would like to see this passed without event and without a lot of screaming and shouting. It ought to be done in a dignified way. Every one of us in this body ought to be proud to do it and send this message, not only to this White House but future White Houses and future Justice Departments, that we will not tolerate this kind of action in the future. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I, as you know, have made some arguments here that this is a bill that everybody ought to be for. It is to right injustices that were created by certain people at the White House which the President even acknowledges in the sense that he said he would support this legislation. He does support this legislation. He thinks an injustice was done, and he thinks that Billy Dale and the other former employees ought to be reimbursed their legal expenses. The President is behind this.

This is not a partisan issue. But I just have been informed that the Democrats on the cloture vote tomorrow are going to vote against cloture on something this bipartisan. Not one of them is going to speak against it. I do not think anybody in this body can speak against this bill. But they are going to filibuster this bill because they cannot add the minimum wage to this bill, or they cannot add any number of other liberal wish lists to this bill.

Talk about an unjust situation confounding an unjust situation. I cannot believe that my colleagues are going to do that on the other side. They ought to be the first to say, get this bill through and do it and right this wrong.

When I was a Democrat we were concerned about people's feelings. We were concerned about compassion. We were concerned about injustice. We would move heaven and Earth to try to do something about it. But that is one reason I left the party. Politics is more important than anything else, I guess.

I am calling on my colleagues on the other side to do something about this. This is a wrong that ought to be righted. This man has been mistreated, and so have his colleagues. His reputation has been smeared and besmirched. And everybody in this body knows it, and everybody in the other body. The other body acted with dispatch and reason and dignity and in a bipartisan way and passed this legislation. We are going to correct the legislation with Senate legislation and send it back. And it will pass overwhelmingly over there. And if we play a two-bit game of not invoking cloture tomorrow I think that is pathetic.

I challenge my colleagues to wake up and quit playing politics with stuff like this. There is a place and a time to filibuster. There is a place and a time to bring up the minimum wage. This is not one of them. I would be ashamed not to see this bill just pass right through especially since nobody over there is going to speak against it, or if they are I would like to hear what they have to say because I am prepared to rebut anything they say. And I mean I am really prepared. And they better expect a rough time if somebody came on this floor and said that Billy Dale should not be reimbursed.

Where is the compassion the Democrats say they have? Where is the fairness? Where is the care for somebody who has been besmirched, and everybody admits it, who had to go through 2½ years of being brutalized in a full-fledged criminal trial where it got so bad and his expenses were so high and his family was going down the drain that the fellow was ready to even take a guilty plea or a plea to a minor offense in order to get the doggone ordeal over, which happens from time to time to innocent people. Fortunately, it went to the jury, and in this country, having tried hundreds of jury cases, hundreds of them, I have to tell you, I believe in that jury system.

After the O.J. Simpson vote, I was interrogated on that, and I said I will go with the jury. I may have my own opinions, but I am going to go with the jury. In this case there is no question about it, and everybody pretty much admits it.

If we are going to play games with this type of stuff—I do not mind my friends on the other side finding fault and hustling against legislation they despise or think is wrong. I do mind it on this legislation.

Let me tell you something. There are two sides to the minimum wage. There are two sides to abortion. There are two sides to all these buzz issues. There are not two sides to this issue. There is one side. And I do not know anybody who could rebut it or who would have the temerity to come out here and try to rebut it.

So I think it is time to quit playing games with something like this.

Surely, the tree was tied up. I was not here, but it was tied up because we did not want any games played on something that will right the injustices of the past like this bill does.

I am calling on my colleagues on the other side to give some consideration to not just me as chairman of the Judiciary Committee, who has tried to work with them in so many ways, but to their own President who said he supports this legislation and get it over with. It is to their advantage to get it over with rather than have to beat this to death over the next few days. I do not want to stand here and just keep pointing out the White House deficiencies on it. I wish to right this wrong, get it over with and then not talk about it anymore.

So I am calling on my friends on the other side to give some consideration to the work that some of us are doing. I know they feel deeply about the minimum wage. Some on our side feel deeply on the other side, and there is going to be a battle on minimum wage sooner or later around here. This is just not the right vehicle to bring the complaint about, have someone to bring up their special amendments on this. I think this is the time to do what is right.

If the President said he opposed it, OK, I can accept it. But I am calling on the President of the United States to get with it as my friend and the friend of every Democrat over here and to talk to our colleagues on the other side and to say look, fellows, men and women on the Democratic side of the floor, this is something that has to be done and it should not be delayed and it ought to be done now.

I am calling on the President of the United States to see that this gets done. I expect to do my very best to get it done, and I hope this rumor that I am hearing is not true. If it is, I have to say that the comity in this body is just breaking down. I do not want to see that happen because there are a few of us who want to see things resolved. A few of us want to resolve some of these problems. Where we have head-butting things where both sides feel very deeply, that is another matter. But on most matters around here we will resolve them, and this matter should not even be in question.

I yield the floor.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

Mr. DASCHLE. Mr. President, I heard the statement of the distinguished Senator from Utah, and I did not even have my television monitor on.

I wish to begin in my response in agreement with what the Senator has just articulated. I believe as he believes, and there is no one who cares more deeply about comity in this body than does the distinguished Senator from Utah—about the need for comity, about the need for ways in which to resolve our differences in a reasonable way, in a bipartisan or nonpartisan way, and that ought to extend to legislation that may divide us as well. As he has indicated, this bill does not divide us. I do not know that there will be a vote against this particular piece of legislation when we get to that point.

I think the Senator from Utah understandably underestimates the extraordinary frustration that Democrats are feeling given the current circumstances. We were told that the so-called Presidio bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told then that the term limits bill was not the bill with which to offer the minimum wage amendment, and it was dropped. We were told that the immigration bill was not the bill with which to offer the minimum wage amendment, and again it was dropped.

On bill after bill after bill after bill after bill, the Republicans have said this is not the bill, this is not the legislation, and in fact in most cases, whether it was the Presidio legislation or immigration, in many of those cases we then voted for cloture in an effort to move this process along in the name of comity, in the name of trying to resolve the pending issue because, as the distinguished Senator from Utah said, we ought to be able to do that.

And we have also said, look, we will agree to a time certain. We will agree not only to a time certain with regard to how much time is actually devoted to the debate on minimum wage, we will take a half hour and a vote; we will do it this afternoon, tonight, tomorrow. If that cannot be done as part of an amendment to a bill, we will take it standing alone any time in the next few weeks. Tell us when. And that too has been denied us.

So, Mr. President, I have to ask, what does a guy do? How do you resolve this with comity? How do you resolve this in a way to try as best we can to work through these issues and yet be sure that we as Democrats are given an opportunity to address a very important issue?

Mr. HATCH. Will the Senator yield on that point?

Mr. DASCHLE. When I finish, I will be happy to yield. I would be more than pleased to enter into a dialog with my colleague from Utah but let me just finish some thoughts here.

I am disappointed, frankly, after all these weeks and with all of these good-faith efforts made, as amendments have come up, as bills have been considered, that we have not been able to resolve this matter. I do not know how much longer it will take, but I do know this. It appears more and more that many of our Republican colleagues secretly desire to be in the House of Representatives. I would urge them to run for the House of Representatives if that is their desire. If they want the luxury of eliminating the opportunity for the minority to offer amendments, if they want the luxury of saying we are not going to have a debate about an issue that we do not want to debate, then run for the House. I still think there may be some seats open this year. They could try it even this year. My heavens, if you want to be in the Senate, if you want all the opportunities that the Senate provides us for good, unlimited, open debate, then let us not act like the House of Representatives. Let us not foreclose every single option that Senators are supposed to have, to be able to consider and vote, consider amendments and consider issues in a bona fide way, trying to work through our differences. That is what this is all about.

But to be shut off, bill after bill after bill after bill, and to be told now this is not the bill either, in spite of the fact that we have unanimity on it, I ask the President, what should we do? We have no choice, Mr. President. We have no choice but to make our colleagues understand that this is the U.S. Senate and in the U.S. Senate you ought to be given opportunities.

I have a list here. I do not know, I do not think I will go through them because it really does not serve any useful purpose, but I can give you a list of Domenici amendments, Helms amendments, McCain amendments, Roth amendments, Gramm amendments, Hatch amendments—you name it. We have amendments with just about every Republican name on them that were not relevant to a bill in past years, in past Congresses, offered on that side and not precluded by the Democratic majority at the time, because they thought it was important. They thought it was important.

So here we are. The roles are reversed. We are the minority. Now we are supposed to offer amendments in those situations where we are not able to get a bill to the floor, and what happens? It is becoming a pattern. What happens is a bill is presented to the Senate floor and the tree is filled. There are so many leaves on this tree it looks like a forest in this place. I must tell you, it gets frustrating when we are not given the same opportunity we gave the minority when we were in the majority.

I am sorry the Senator from Utah is frustrated. He is beginning to sense a little of the frustration we feel on our side. This minimum wage vote will happen. It is just too bad that it has not happened already. There will be other votes that may not be comfortable votes. But, my heavens, this is the U.S. Senate, and we ought to have an opportunity to debate them, vote them, have our differences and work through them. We ought to allow debates to take place.

Indeed, let me end where I began and where the Senator from Utah ended: Let there be comity. Let there be a way in which to resolve these matters in a good-faith manner. I am prepared to do that. I know he is prepared to do that. The sooner it happens the better.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I am prepared to do that. I believe in comity, and I have worked hard with my colleagues on the other side for comity. There have been innumerable bills where the Democrats have brought up not-relevant amendments throughout this process.

What has happened here is they think they have a good political issue in the minimum wage. There will be a vote on the minimum wage before this year is out, there is no question. I do not blame the majority leader, who is acting no differently than the distinguished Senator from South Dakota when he was majority leader. I do not blame the majority leader for wanting to be able to schedule that at the appropriate time, not on every bill.

Also, in my whole time in the Senate I do not remember a period of time like the last 2 years where almost everything is filibustered, where it takes a cloture vote to be able to end the debate. I think part of that came because our friends on the other side did not like the Contract With America. They did not want it to succeed. They have a right to fight against it, and they have a right to filibuster against these—but not everything. I have to admit, as somebody who has utilized the filibuster in the past and is known as somebody who can utilize it, I have used it very sparingly, only on major issues where there are clear-cut differences and where it is justified. But we have had a virtual slowdown on everything.

Having said that, my colleagues on the other side have a right to do that. I am not going to take that right away. In fact, I would fight to my death for the filibuster rule. It is what makes us different from the House of Representatives. I might also add, I do not know a Senator who wants to go to the House of Representatives. I know a lot of Members of the House who would like to come here, especially Democrats. I have to say I guess Republicans have that desire as well.

But to make a long story short, I do not believe that every bill has to be a bill where you cannot debate nonrelevant amendments, but this is one that passed 350 yeas to 43 nays in the House. It is a truly bipartisan bill, one that rights a terrific wrong that the White House basically admits was done, one of which the President said, "I support it. It is the right thing to do." And which I think my friends on the other side ought to accept.

Since nobody opposes this, why make this the cause celebre with regard to the minimum wage or any other special interest legislation that either side would like to bring up? Both sides have their peculiar special interests. We all know that. Both sides are sincere on these special desires. But this is one where the President said he would support it. This is one where 350 Members of the House, Democrats and Republicans, said they would support it, and only 43 were against it.

This is one where I think 100 Senators will support it, at least I believe 100 Senators would, because I think every Senator here knows this is a terrific injustice. This bill is one that literally will not repair the reputations and the lives of those who went through this horrendous experience but will at least say to the public at large, and to them, that we in the Senate have some consideration for them, we have some compassion, that we care for them, that we are sorry for what happened, and what we can do, we will have done.

I happen to have a great deal of friendship for my friend from South Dakota, the Democrat leader on the floor. There is no question that we are close friends. I cannot imagine, knowing him as well as I do, that he would allow his party, his side to be so crass as to filibuster this bill or to even require a cloture vote. This side would be just a voice vote, although I would like to see everybody stand up and vote 100 to zip to support this bill. I really believe—I am just counseling my colleague, whom I care for and he knows it—I really believe it is the right thing. We ought to get it over with, get it done, not spend a lot of time on it, let these people know Democrats and Republicans are together on this and not get involved in the quagmire of the minimum wage or anything else.

I know that is going to come up. I know it has to come up. I know our friends in the minority have a right, have many rights, and there will be many tough votes, as the distinguished Senator says, for both sides. That is just the way it is, not only in a normal year but in a Presidential year in particular. But there are some things we should do in a bipartisan way. We should not elevate it to the level of filibuster. We should not elevate it to the level of trying to get one or the other side's own personal preferences, especially when the President supports it.

So I am calling on the President. I am calling on my colleagues on the other side. I am calling on my friend, the minority leader, to think this through and let us get this over with and do what is right and give these people a chance to walk away with at least some measure of dignity, even though they will never get their full reputations back in the eyes of some people. They have been scarred for life. The least we can do is try to do some plastic surgery here to make the scars a little less reprehensible to them. I think we all ought to have the compassion to do that.

That is all I am asking for. I can live with whatever the minority wants to do. I caution the minority to not do what I have heard might be done and to really think this through and help me, as Judiciary Committee chairman, to get this matter over and done with; get it over for the White House and done. Once it is done, it will not be mentioned again, to my knowledge, on the floor. Just go from there. I just think it makes sense to do that.

But I can live with anything. I have been around here a long time, and I have seen a lot of injustices before. But I think, if we delay this and play games with this bill, then we will play games with anything. I think this would be a tremendous, manifest injustice. That is my opinion, but I think it is shared by a wide variety of people on both sides of the aisle. I think really we ought to. There will be plenty of chances on other legislation, there will be plenty of chances to get the will of the minority done. I think, just work with the majority leader. I think it will get done because I guarantee there is going to be a bill on it, but it is going to satisfy both sides if it happens. It is not just going to be a one-sided bill.

I think there will be an appropriate time to do that. I just believe, and I think most people who look at this fairly believe, this is not the bill you should be playing games with. Having said that, I respect my dear colleague, I still love and appreciate him, and I know he has a tough job. I know he has to handle his side. But I hope he will urge them to err on the side of caution, err on the side of doing what is right, err on the side of compassion, err on the side of rectifying wrongs that are clear-cut wrongs, err on the side of supporting the President.

I think if you do that, you will win a lot of respect from some people who need to respect the minority as much as I do.

I just wanted to say those things. I feel deeply about it. I hope my colleague can help me on this.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, once again, I commend the distinguished Senator from Utah for appealing to reason and calm. I was thinking just as I was listening to his thoughtful remarks about how easy it would be to easily insert the minimum wage as he made an appeal for compassion, for doing what is right, for bipartisanship, for some appreciation of the magnitude of this problem as it affects those people who are directly going to be the beneficiaries, should the legislation pass.

Indeed, one could make that case, that it is time for us to put aside our partisan differences and do what is right, recognize that it has been a long, long time—5 years—since we passed the minimum wage. The purchasing power is the lowest it has been now in 40 years.

I would be willing to commit this afternoon to the chairman of the committee that we will vote for cloture, we will vote for final passage if he can work with me this afternoon to get a commitment for an up-or-down vote on minimum wage immediately following the vote on this particular bill.

If we can do that, we have exactly what the two Senators currently on the floor both want: Passage unanimously perhaps for this legislation, a bill to provide for the expenses of those who were victimized by the unfortunate circumstances in the travel office, and then send a clear message to more than 14 million Americans, most of whom are heads of household, that at long last we are going to give you a little more empowerment, we are going to give you a little more purchasing power. That is really what this is all about. This is an effort to try to find a way to address our mutual agendas, the majority's and the minority's.

I agree with so much of what he said, but I will disagree with one point. He made the comment that he has never seen so many filibusters. Let me tell you, as one who served in the majority in the last few Congresses, this side in the 102d and the 103d Congress, our Republican colleagues were the Babe Ruths of filibusters. We are still in the minor leagues when it comes to filibusters, when it comes to shutting this place down.

At one point, there were 60 filibusters pending in a Congress. It was unbelievable. There was nothing we could do. There was no legislation we could advance. And so we learned, hopefully well, and we will keep trying to learn better, we will keep trying to apply the lessons given us in past Congresses to be effective as Members of the minority, but we are not in that league yet. It is not even close.

When we have insisted on a filibuster in large measure is when we have been prevented from being equal partners in the legislative process, when we have not been given an opportunity to offer amendments, to participate in the debate, to have our say, to have some balance here in striking this legislative comity that we do want.

So I hope we can resolve it. I hope we can find a way to work through this. I hope that maybe this problem can be resolved in the next day. I would like to see in the next 24 hours a way to resolve it once and for all. It is within our grasp. We need to do it. The sooner we do it, the better.

I yield the floor.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have listened to my colleague, and I have to tell you that I remember the days when Majority Leader Mitchell was accusing us of filibustering all the time. He would call up a bill and then he would file cloture that very minute and accuse us of filibustering where there was no intention to filibuster whatsoever.

Be that as it may, I think both sides have misused the filibuster from time to time. I think that is one of the points I made—it can be overused. I would still fight to my death to keep it alive, because it makes this the freest legislative body in the world and it is a great protection for the minority. I believe in that because I have been in the minority and I know how tough it is to be in the minority. I have no qualms about saying to the minority leader that it is a tool that he can use.

I am just suggesting, citing the minimum wage to show compassion right now is not the same as citing the Billy Dale matter where 100 people here know he and his colleagues were very badly treated. There is not the same bipartisan support for the minimum wage.

There is a tremendous set of arguments against the minimum wage. I feel very deeply myself. For instance, it is ridiculous to tell people we have to give them a living wage when, in fact, people who are heads of families who are on the minimum wage have all kinds of other Federal benefits that are added to get them way above the approximately $8,000 or $9,000 the minimum wage gives them, and we are paying for it as taxpayers. So it is not like they are bereft and limited only to whatever the minimum wage is.

There is the other argument, and a whole raft of arguments, about loss of youth jobs for especially impoverished youth and uneducated youth; their opportunities for working are gone. We can go into that ad infinitum. There are legitimate arguments against it, and there is a, almost even, set of viewpoints concerning whether it should or should not be enacted.

I can live with it one way or the other, to be honest with you, but I think it is a mistake to keep raising the minimum wage and raising all the other social benefits as well and, basically, decreasing youth jobs by the hundreds of thousands.

Be that as it may, that is an argument. There is not the same bipartisan belief in the minimum wage that there is in the Billy Dale bill. There are many vehicles whereby the Democrats can raise cane about it and can filibuster with regard to the minimum wage, but this should not be one of them. If the President was against the Billy Dale matter, I could understand it, but he is for it.

If the distinguished minority leader was against rectifying the wrongs done to Billy Dale and his associates, then I could understand this, but he is for it. Are the other Democrats against the Billy Dale matter? Of course not. They are for it, and the reason they are is because it is right.

I think there are things to raise filibusters about and things to vote against cloture on, and I certainly would fight to my death for the minority's right to do that. But there are also things that are right and wrong, and the wrongs against Billy Dale and the way he was treated by this White House ought to be rectified, and we could do it like that.

We can do it by doing what we all know is right and not playing around with his reputation one more day. I find it unseemly that because of the difficulties over the minimum wage that our colleagues on the other side might consider not letting this bill pass and getting it over with and doing what is right. What really makes it unseemly, in my eyes, is that they had the majority for 2 years, between 1992 and 1994. They had the majority. Where was the minimum wage then when they had the majority? Why did they not pass it then? They not only had the Senate, they had the House. Where were all these compassionate minimum wage advocates in those 2 years?

Why is it suddenly in a Presidential year that our distinguished friend from Massachusetts comes on, waving his arms, saying, "Oh, we have to do something about the minimum wage"? Because he knew that 89 percent of the major media in this country who support Clinton were going to get excited and say, "Oh, BOB DOLE looks bad because he is not for minimum wage."

Come on, the people are not stupid. We know doggone well this is a game to push up from the bottom so those in organized labor can make demands at the top. They know that. It is a game that has been played for years, and one reason we are going to get back into the inflationary cycle if we get suckered into doing that again.

But even if the minimum wage is right, if it is so right today, why was it not right between 1992 and 1994? If I am shouting here, I hope they can hear me outside the Chamber. Where were all the Democrats then, these great saviors of the little people? Why, it was not politically a great thing to do then because we would have pointed out how many jobs would be lost for these disadvantaged young people that cannot get that first inception job. History shows that if they get that inception job, it will not be long until they will be making a lot more than the minimum wage.

But they have to get the job. I might add, that people who do not get the job stay in poverty and on welfare. It is very insensitive to play politics with the minimum wage. But if it seems important, if it is one of these absolute things that we have to have—I have listened now for weeks to the Senator from Massachusetts and others who are advocates for the minimum wage.

It is easy to be advocates, boy, when you have the major media behind you because of the recent polls that show who they do back—90 percent for President Clinton. Where were they, these wonderful Democrats, these wonderful liberals who are so concerned about all the little people out there who think the minimum wage is such a tragedy? Where were they between 1992 and 1994—tell me—when they had control of this body, when they had control of the other body? Where were they?

Why all of a sudden in an election year to come out here and play games with the minimum wage? Why would they use that gameplaying to disrupt a bill to correct an absolute legal injustice that all of us admit is a legal injustice caused by White House staff, caused by pure brazen politics, caused by greed of people who supported the President?

Why would they want to continue to talk about this for days on end? You would think they would have sense enough to get it over with, especially since the President says, in the most sincere fashion possible, "You were done wrong, Mr. Dale. And I support the efforts to try and resolve that wrong." Let the President retire in dignity from the Billy Dale fiasco.

The minimum wage—we can live to fight that another day. But even so—I am not going to call it hypocritical—but where were these wonderful saviors of the minimum wage in 1992, 1993, 1994? In fact, where were they when they took over the Senate in 1986, 1987, 1988? We did pass one then, I guess. But where were they in 1992 and 1994 when they controlled the Senate, they controlled the House? They could have done anything they wanted to do. I guess it was not an election year then. I guess because this President had won the heat was off, and they could wait to take care of these people during an election year so that they could score some political points.

That may be a little harsh. I will retract a little bit by saying there are literally those who have never studied economics in this body who really believe that the minimum wage needs to be raised because they really believe that they are going to help people to support their families with that extra 90 cents over 2 years.

Give me a break. It will cost hundreds of thousands of jobs for disadvantaged youth who will never get a job after that, who, if they had gotten a minimum wage job because they were not priced out of the marketplace, would go on to make more money, get trained, have the dignity that comes from working, and so forth.

It really bothers me that that battle would be used to defeat or to stop or to deter resolving a gross manifest of injustice like what happened to Billy Dale and his companions, which happened from this White House. It really is amazing to me, absolutely amazing.

The Democrats on the other side, who are so anxious to do something about the minimum wage, did not do anything in 1993. They did not do anything in 1994. Why? Because they knew it was bad for the country. They knew it was bad for the country. But today raising the minimum wage, they think, is good for Democrats, especially with their help in the media. But you know there are articles starting to come out by those who are thoughtful and reflecting on this, saying, with caution, "Be cautious with regard to raising the minimum wage. You may cause more problems than you fix."

Keep in mind for those out there who buy off on this language that you cannot live on whatever the minimum wage is— $4.25, $4.35 an hour—I agree, you cannot support a family on that. But this country is not uncompassionate. When you add food stamps, and you add the earned-income tax credit, and you add a whole raft of other social spending programs, including Medicare and Medicaid, when you add all kinds of social welfare benefits that they are entitled to under our current budget, nobody who runs a family lives on the minimum wage.

The fact of the matter is, they are entitled to these even if they work for the minimum wage. You are talking about an average family income of well over $13,000 a year that is well above what an increase in the minimum wage, this 90-cent increase, would do at $5.25. Where were these people in 1992, 1993, and 1994? Where were they over the last 5 years, if it is so important? Why were they not out here getting it done since they controlled both Houses of Congress, and in 1993 and 1994 controlled the Presidency too?

Where were the unions at that time demanding the minimum wage to be increased? I did not hear any real ruffling by the unions or anybody else. The reason was, they know doggone well that increasing the minimum wage is no panacea, that it does not solve the problems. You are still going to have to face the problems. And the best way to do that is straight up, and with opportunity, economic opportunity, not false mandating, further mandates on the backs of the American people.

If we had not passed the unfunded mandates bill, I would say, well, maybe there is a better logical argument for the minimum wage. The fact is, we passed it, and this is a mandate on the backs of American business of $1 billion annually. That is something to think about. Why would we do that if we think the unfunded mandates bill is so important, which passed overwhelmingly here in the United States? I could go on and on. But my point is, I hope our colleagues on the other side will think better by tomorrow morning.

This ought to pass on a voice vote. I would prefer to have a vote on it just so everybody will know there are 100 Senators who want to right this injustice or the series of injustices and these wrongs and who want to support the President. And in doing so, the President had the guts to stand up and say, "Yes. The White House did wrong here. And we should rectify this." I respect him for that. I think we all should.

But if we have a filibuster tomorrow, I am going to have a rough time respecting anybody who participates in that under these circumstances, especially since it passed the House 250 to 43. I yield the floor.

The PRESIDING OFFICER. Does the Senator suggest the absence of a quorum?

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CLOTURE MOTION

Mr. DOLE. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 380, H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spence Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul Coverdell, Connie Mack, Conrad Burns, Larry Craig, Richard Lugar, Frank H. Murkowski.

Mr. DOLE. I ask unanimous consent that this cloture vote, if necessary, occur at 10 a.m. on Wednesday, May 8, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. I now ask unanimous consent there be a period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, the awesome $5 trillion Federal debt stands today as an increasingly grotesque parallel to the energizer bunny on television that keeps moving and moving and moving—precisely in the same manner and to the same extent that the President is allowing the Federal debt to keep going up and up and up into the stratosphere.

A lot of politicians like to talk a good game—"talk" is the operative word here—about cutting Federal spending and thereby bringing the Federal debt under control. But watch how they vote on spending bills.

Mr. President, as of the close of business Friday, May 3, the exact Federal debt stood at $5,089,270,954,342.92 or $19,220.40 per man, woman, child on a per capita basis.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

ENROLLED BILLS SIGNED

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia.

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

The enrolled bills were signed subsequently by the President pro tempore (Mr. THURMOND).

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-2407. A communication from the Secretary of the Interior, transmitting, pursuant to law, notification of the intention to award specific watershed restoration contracts; to the Committee on Energy and Natural Resources.

EC-2408. A communication from the Senior Deputy Assistant Administrator (Bureau for Legislative and Public Affairs), U.S. Agency For International Development, transmitting, pursuant to law, the report of economic conditions prevailing in Egypt; to the Committee on Foreign Relations.

EC-2409. A communication from the Chairman of the Farm Credit Administration, transmitting, pursuant to law, the annual report for fiscal year 1995; to the Committee on Governmental Affairs.

EC-2410. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Export Certificates; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2411. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Importation of Additional Species of Embryos; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2412. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Animals and Embryos from Scrapie Countries; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2413. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to horses from Bermuda and the British Virgin Islands; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2414. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Imported Fire Ant; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2415. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Brucellosis: Approved Brucella Vaccines; to the Committee on Agriculture, Nutrition, and Forestry.

EC-2416. A communication from the Congressional Review Coordinator of the Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Karnal Bunt: Amend Quarantine Regulations; to the Committee on Agriculture, Nutrition, and Forestry.

ADDITIONAL COSPONSORS

S. 253

At the request of Mr. LOTT, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 253, a bill to repeal certain prohibitions against political recommendations relating to Federal employment, to reenact certain provisions relating to recommendations by Members of Congress, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 794

At the request of Mr. LUGAR, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 794, a bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to facilitate the minor use of a pesticide, and for other purposes.

S. 896

At the request of Mr. CHAFEE, the name of the Senator from Missouri [Mr. BOND] was added as a cosponsor of S. 896, a bill to amend title XIX of the Social Security Act to make certain technical corrections relating to physicians' services, and for other purposes.

S. 932

At the request of Mr. JEFFORDS, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 932, a bill to prohibit employment discrimination on the basis of sexual orientation.

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 1183, a bill to amend the act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the act, and for other purposes.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1607

At the request of Mr. KYL, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S.

1607, a bill to control access to precursor chemicals used to manufacture methamphetamine and other illicit narcotics, and for other purposes.

S. 1610

At the request of Mr. BOND, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 1610, a bill to amend the Internal Revenue Code of 1986 to clarify the standards used for determining whether individuals are not employees.

S. 1613

At the request of Mr. COCHRAN, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of S. 1613, a bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the Dietary Guidelines for Americans under the school lunch and school breakfast programs, and for other purposes.

S. 1624

At the request of Mr. HATCH, the names of the Senator from Arizona [Mr. MCCAIN] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 1624, a bill to reauthorize the Hate Crime Statistics Act, and for other purposes.

S. 1678

At the request of Mr. GRAMS, the names of the Senator from Arizona [Mr. KYL] and the Senator from Iowa [Mr. GRASSLEY] were added as cosponsors of S. 1678, a bill to abolish the Department of Energy, and for other purposes.

S. 1697

At the request of Mr. BINGAMAN, the name of the Senator from Kentucky [Mr. FORD] was added as a cosponsor of S. 1697, a bill to amend the independent counsel statute to require that an individual appointed to be an independent counsel must agree to suspend any outside legal work or affiliation with a law firm until the individual's service as independent counsel is complete.

S. 1724

At the request of Mr. THOMAS, the names of the Senator from Wyoming [Mr. SIMPSON], the Senator from Arizona [Mr. KYL], the Senator from Idaho [Mr. CRAIG], and the Senator from Alabama [Mr. SHELBY] were added as cosponsors of S. 1724, a bill to require that the Federal Government procure from the private sector the goods and services necessary for the operations and management of certain Government agencies, and for other purposes.

SENATE RESOLUTION 151

At the request of Mr. MACK, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 151, a resolution to designate May 14, 1996, and May 14, 1997, as "National Speak No Evil Day," and for other purposes.

AMENDMENTS SUBMITTED

THE WHITE HOUSE TRAVEL OFFICE REIMBURSEMENT ACT

PRYOR AMENDMENTS NOS. 3958–3959

(Ordered to lie on the table.)

Mr. PRYOR submitted two amendments intended to be proposed by him to the bill (H.R. 2937) for the reimbursement of legal expenses and related fees incurred by former employees of the White House Travel Office with respect to the termination of their employment in that Office on May 19, 1993; as follows:

AMENDMENT NO. 3958

At the appropriate place, insert the following new section:

SEC. . APPROVAL AND MARKETING OF PRESCRIPTION DRUGS.

(a) APPROVAL OF APPLICATIONS OF GENERIC DRUGS.—For purposes of acceptance and consideration by the Secretary of an application under subsections (b), (c), and (j) of section 505, and subsections (b), (c), and (n) of section 512, of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b), (c), and (j), and 360b (b), (c), and (n)), the expiration date of a patent that is the subject of a certification under section 505(b)(2)(A) (ii), (iii), or (iv), section 505(j)(2)(A)(vii) (II), (III), or (IV), or section 512(n)(1)(H) (ii), (iii), or (iv) of such Act, respectively, made in an application submitted prior to June 8, 1995, or in an application submitted on or after that date in which the applicant certifies that substantial investment was made prior to June 8, 1995, shall be deemed to be the date on which such patent would have expired under the law in effect on the day preceding December 8, 1994.

(b) MARKETING GENERIC DRUGS.—The remedies of section 271(e)(4) of title 35, United States Code, shall not apply to acts—

(1) that were commenced, or for which a substantial investment was made, prior to June 8, 1995; and

(2) that became infringing by reason of section 154(c)(1) of such title, as amended by section 532 of the Uruguay Round Agreements Act (Public Law 103–465; 108 Stat. 4983).

(c) EQUITABLE REMUNERATION.—For acts described in subsection (b), equitable remuneration of the type described in section 154(c)(3) of title 35, United States Code, as amended by section 532 of the Uruguay Round Agreements Act (Public law 103–465; 108 Stat. 4983) shall be awarded to a patentee only if there has been—

(1) the commercial manufacture, use, offer to sell, or sale, within the United States of an approved drug that is the subject of an application described in subsection (a); or

(2) the importation by the applicant into the United States of an approved drug or of active ingredient used in an approved drug that is the subject of an application described in subsection (a).

(c) APPLICABILITY.—The provisions of this section shall govern—

(1) the approval or the effective date of approval of applications under section 505(b)(2), 505(j), 507, or 512(n), of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355 (b)(2) and (j), 357, and 360b(n)) submitted on or after the date of enactment of this Act; and

(2) the approval or effective date of approval of all pending applications that have not received final approval as of the date of enactment of this Act.

AMENDMENT NO. 3959

At the appropriate place in the pending matter, insert the following new section:

SEC. . SENSE OF THE SENATE FOR THE REIMBURSEMENT TO CERTAIN INDIVIDUALS FOR LEGAL EXPENSES RELATING TO THE WHITEWATER DEVELOPMENT CORPORATION INVESTIGATION.

(a) FINDINGS.—The Senate finds that—

(1) the Senate Special Committee to Investigate Whitewater Development Corporation and Related Matters (hereafter referred to as the "Committee") has required depositions from 213 individuals and testimony before the Committee from 123 individuals;

(2) many public servants and other citizens have incurred considerable legal expenses responding to requests of the Committee;

(3) many of these public servants and other citizens were not involved with the Whitewater Development Corporation or related matters under investigation;

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) a legal expense fund should be established to compensate individuals for legal expenses incurred responding to requests by the Committee; and

(2) only those individuals who have not been named, targeted, or convicted in the investigation of the Independent Counsel relating to the Whitewater Development Corporation should be eligible for reimbursement from the fund.

ADDITIONAL STATEMENTS

TRIBUTE TO JAY ROY, NEW HAMPSHIRE RECIPIENT OF THE PRESTIGIOUS CONTINENTAL CABLEVISION'S EDUCATOR AWARD FOR 1996

• Mr. SMITH. Mr. President, I rise today to congratulate an innovative and dedicated New Hampshire elementary school principal, Jay Roy, on receiving the prestigious 1996 Cablevision Educator Award. Each year Continental Cablevision sponsors the Educator Awards Program to recognize teachers, librarians, media specialists, and administrators for their innovative use of Cable in the Classroom programming and the development of successful technology-based projects.

Jay was specifically recognized for his role in the development of a video-yearbook program at Rollinsford Grade School in Rollinsford, NH. Fifth and sixth grade students at Rollinsford Grade School use the daily CNN Newsroom program and Continental's original "Master Control" show to analyze and understand the elements of television productions. The students then use the skills they have mastered to produce a video-yearbook, which is sold to students, parents, and school staff. Proceeds from the video-yearbook sales enable the school to purchase technology related products.

Continental Cablevision's director of government and public affairs, Tom

O'Rourke, praised Jay's project because it addressed both television production techniques and media literary skills. O'Rourke also added that the judges were especially impressed with Jay's innovative use of the project as a fundraiser, and the subsequent reinvestment of those funds in technology. In addition to Jay's Educator Award, Continental Cablevision will present the Rollinsford Grade School with a $500 grant for video equipment.

As a former teacher myself, I understand the personal dedication, hard work, and innovation necessary to better prepare the most valuable resource we have in America today—our children. I am proud to honor Jay for donating his time and talents to help New Hampshire's best and brightest students learn how to use technology in their lives. I congratulate Jay for this prestigious recognition.•

HEROES IN MONTANA

• Mr. BAUCUS. Mr. President, I rise today to honor three individuals who are heroes in my State of Montana. They live in eastern Montana, an open spread of plains and rolling prairie. They vary in age, background, and experience. But they do have one thing in common: Each person merits recognition for extraordinary acts of courage.

Shirl Pinto of Lame Deer was recognized in April by Attorney General Janet Reno, who presented her with the Crime Victim Service Award, 1 of only 13 in the Nation, for her work as a victim's advocate. I know Shirl's family—she and her husband Rick Robinson, who heads up the Lame Deer Boys and Girls Club, and their children, are dedicated to providing safe haven for women and children. Shirl is on call 24 hours a day, 7 days a week, directing Healing Hearts, which is a shelter for victims of domestic violence. Her family knows she is devoted to her community—she has managed to make a big difference in the lives of so many people with few resources and great barriers to overcome.

Candice Rush is a 15-year-old from Sidney who rescued Lindsay Clayton of Glendive from a near-fatal drowning in a reservoir last summer. In her nomination statement of Candice for an American Red Cross Certificate of Merit, Lindsay related how she panicked after cramping up while swimming halfway across a reservoir. She grabbed onto a friend who was also in danger of being pulled under. Candice, who had received training as a lifeguard, swam to Lindsay, cleared away other swimmers who were trying to help, gripped Lindsay from the back and swam to the shore. Lindsay recounted how she was so scared and weak that she literally could not stand up on the shore. Candice displayed a cool head and used her training to save Lindsay's life—something neither Lindsay nor her family will ever forget. This kind of courage should be recognized.

Dakota Taylor, a 7-year-old, stopped by his friend's house in Whitewater, a small town near the Canadian border, and noticed something smoking in the fireplace. Dakota made sure that his clothing would not catch fire and then put out the smoldering material with water—one glass at a time. He then notified the family. Without his quick action, it is very likely his friend and his family would not have a house to live in today.

I am inspired by knowing of people like Shirl, Candice, and Dakota who have displayed courage, thoughtfulness, and leadership—qualities that we all seek in our daily lives. On behalf of myself and the rest of Montana, I am proud to recognize these individuals on the floor of the U.S. Senate.•

THE 85TH BIRTHDAY OF PRESIDENT RONALD REAGAN

• Mr. MCCAIN. Mr. President, on the occasion of President Ronald Reagan's 85th birthday, the Wall Street Journal ran an op-ed piece by Trude Feldman, which payed tribute to this extraordinary man and his lifetime of achievements. As a great admirer and friend of President Reagan, I am pleased to bring this article to the attention of my colleagues. I ask that the op-ed be printed in the RECORD.

The op-ed follows:

[From the Wall Street Journal, Feb. 5, 1996]

RONALD REAGAN AT 85: A BIRTHDAY TRIBUTE

(By Trude B. Feldman)

Tomorrow Ronald Reagan celebrates his 85th birthday, thus becoming the fifth American president to reach that milestone. "The anniversaries of my birth aren't important," he once told me. "What is important is that I've tried to lead a meaningful life, and I think I have."

The meaning of his extraordinary life goes beyond his various achievements as our 40th president. Those achievements would not have been possible were it not for a moral fiber and affability that most Americans expect but seldom get from their presidents. While Ronald Reagan's ethics and principles played a major role in his efforts to balance economic growth with true human needs, his courage and steadfast convictions helped set a new, positive direction for America—lifting it from a feeling of discouragement, and giving the people renewed confidence and pride in their nation. His commitment also served as the necessary catalyst in developments that led to the end of the Cold War.

In an era of cynicism about the character and veracity of political leaders, Mr. Reagan's integrity and vision warrant particular attention on this, the 85th anniversary of his birth.

THE "GREAT COMMUNICATOR"

His courage as the "Great Communicator" was evident in his dramatic open letter 15 months ago in which he revealed that he had been diagnosed with the early stages of Alzheimer's disease. His handwritten letter was poignant, and vintage Reagan. Afflicted with the irreversible neurological disorder, he wrote that "In sharing the news it might promote greater awareness of this condition . . . I intend to live the remainder of the years God gives me, doing the things I've always done. I now begin the journey that will lead me into the sunset of my life."

Colin Powell is among the millions who were moved by Mr. Reagan's gesture. "It was a beautiful personal letter to everyone," Gen. Powell told me. "Frankly, that action made it easier for me to deal with my wife's depression when it became public."

During a conversation I had with Ronald Reagan last year, he wondered aloud whether he had inherited the illness from his mother. Alzheimer's may have somewhat diminished his spark, but Mr. Reagan's genuineness and charisma still shine through. Away from the Oval Office for seven years now, he still looks presidential. Routinely working in his office, he continues to captivate visitors with his inimitable personality and attentiveness.

His dark brown hair is now tinged with a bit of gray, and he remains the model of good grooming and fashion. One day last week, he was his old handsome self attired in a blue pinstripe suit and blue tie, accentuated by a gold tie clip in the shape of the state of California, where he served eight years as governor. "The reason I'm doing as well as I am," he says, "is because of loving support from Nancy [his wife of 44 years]. She is my comfort, and has enhanced my life just by being a part of it. She has made it so natural for us to be as one that we never face anything alone."

Mr. Reagan's close brush with death 15 years ago changed his attitude toward life and death. It was on his 69th day as president when, from a distance of 13 feet, I saw him shot by a would-be assassin. Mr. Reagan told me the traumatic experience had given him a greater appreciation of life that he had previously taken for granted. "My survival was a miracle," he said. "The ordeal strengthened my belief in God and made me realize anew that His hand was on my shoulder, that He has the say-so over my life. I often feel as though I'm living on the extra time God has given me."

When Ronald Wilson Reagan was born in Tampico, Ill., his delivery was so complicated that his mother was cautioned not to bear more children. So she doted on him and soon became the primary influence in his life. From her, he acquired the stability and confidence that later enabled him to weather personal and political storms with equanimity. She fostered in him and his brother an incentive to work hard, and to live by the Ten Commandments and by the Golden Rule.

"My parents were rich in their live and wisdom, and endowed us with spiritual strength and the confidence that comes with a parent's affection and guidance," the former president told me. "The Reagans of Illinois had little in material terms, but we were emotionally healthy."

The Rev. Billy Graham describes Ronald Reagan as a man of compassion and devotion, a president whom America will remember with pride. "He is one of the cleanest, most moral and spiritual men I know," Mr. Graham told me. "In the scores of times we were together, he has always wanted to talk about spiritual things."

On many occasions over the past 21 years, Mr. Reagan shared with me his philosophies and his views on politics, foreign affairs, religion and human nature. "I believe that each person is innately good," he observed. "But those who act immorally do so because they allow greed and ambition to overtake their basic goodness."

These beliefs, while the source of many of his greatest triumphs, also set the stage for some of his disappointments. One regret was that he did not demand greater accountability from his a staff—"especially those who abused their power with arrogance." He acknowledged that the tendency not to fire anyone had serious ramifications. "For instance, any errors in our dialogues with Iran resulted because some of my subordinates exceeded their instructions without reporting back to me," he stressed. "When I read the Tower Commission Report, it looked as if some staff members had taken off on their own."

Another issue that troubled him was the public perception that he was prejudiced against minority groups and not concerned about the poor. He maintains that he had fought for legislation that would make welfare programs more effective. "My economic program was based on encouraging businessmen to create more jobs and to better the conditions of their employees," he noted. "I think I succeeded."

On the day before his presidency ended, Mr. Reagan granted me his last interview in the Oval Office. He told me that the saddest day of his eight-year tenure was on Oct. 23, 1983, when 241 U.S. servicemen died in a terrorist bombing in Beirut, Lebanon. "To save our men from being killed by sniper from private armies that were causing trouble in Lebanon, it was decided to shelter them in a concrete-reinforced building," he recalled. "But no one foresaw that a suicide driver with a truck load of explosives would drive into the building and blow it up."

At the close of that Oval Office interview, I asked him to describe his presidency in one line. "We won the Cold War," he said without hesitation. "That phrase didn't originate with me, but I'll settle form it. What counts is that there is an end to the Cold War, and I now feel justified in my theme of 'Peace Through Strength.'

Former President George Bush adds: "Ronald Reagan's foresight put us in a position to change our relationship with the Soviet Union and to make it possible for the changes that took place in Eastern Europe. And he certainly helped bring democracy to our hemisphere."

Mr. Bush, having worked closely with Mr. Reagan as his vice president, also told me: "True, he was a man of principle on the issues. But, even more than that, the American people loved him for his genuine decency, his unfailing kindness and his great sense of humor. He is a true believer in the goodness of America."

THE FINEST GIFT

Edwin Meese III, former attorney general, notes that Mr. Reagan's legacy to America continues to this day. "Many are calling the congressional leadership's agenda the Second Reagan Revolution," he says. "More importantly, Mr. Reagan continues to inspire Americans of all ages to value the patriotism and leadership which he so splendidly demonstrated."

Longtime Reagan aide Lyn Nofziger concurs, adding: History will surely record that the finest birthday gift already given to Mr. Reagan by Americans is a Republican House and Senate that are determined to carry on the Reagan Revolution."

Yet Mr. Reagan says that the best birthday gift for him this year would be that scientists receive the support they need to fund a treatment and a cure for Alzheimer's so that others will be spared the anguish that the illness causes.

Ever the altruist, Ronald Reagan—even for his birthday wish—places the welfare of others above his own. It is a characteristic that has served him faithfully until now, and is one that will sustain him on his "journey into the sunset" of his life.●

WARD VALLEY

● Mrs. BOXER. Mr. President, the Senator from Alaska, the chairman of the Energy and Natural Resources Committee, spoke on the floor earlier today in favor of S. 1596, which would transfer federally owned land in Ward Valley, CA, to the State of California for the purpose of building a low-level radioactive waste dump. I want to set the record straight and briefly explain why S. 1596 is not in the best interest of the people my State of California.

I am opposed to S. 1596 because it circumvents the efforts of many Californians and the administration to put safety first and to ensure the safety of the drinking water supply of over 12 million California citizens.

S. 1596 amounts to an unconditional transfer of Federal land in violation of the Federal Land Policy and Management Act of 1976 which requires the Secretary of Interior to include "such terms, covenants, conditions and reservations as he deems necessary to ensure * * * protection of the public interest."

In May 1995 the administration announced its commitment to transfer the Federal land to the State subject to receiving a binding commitment from the State of California that the additional safeguards recommended by a National Academy of Sciences panel be carried out; that the total volume and radioactivity of the material to be disposed of at the site would be limited to the amounts currently specified in the State license for the facility, and that there be a specific limit on plutonium deposited at Ward Valley. The State refused to enter into any kind of enforceable agreement.

Lack of cooperation from the State and the discovery of evidence that may indicate radioactive leakage to groundwater at a site of similar characteristics in Beatty, NV, led the administration to announce in February 1996 that it will carry out a supplemental environmental impact statement and perform key safety tests at the Ward Valley site before proceeding with the transfer.

The bill transfers the land for a payment of $500,100, and a nonbinding, nonenforceable letter from Governor Wilson to the Chairman of the Nuclear Regulatory Commission that the State will "carry out environmental monitoring and protection measures based on recommendations of the National Academy of Sciences."

The bill is another end-run at a process that needs to put the health and safety of California citizens first. It undermines the safety first approach that we have been pursing together with the administration.●

FOREIGN CURRENCY REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following report(s) of standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON APPROPRIATIONS, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Connie Mack:									
Ireland	Dollar		62.00						62.00
Total			62.00						62.00

MARK O. HATFIELD,
Chairman, Committee on Appropriations, Apr. 17, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM OCT. 1 TO DEC. 31, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Dirk Kempthorne:									
Italy	Lire	333,477	207.00		3,799.55			333,477	4,006.55
Mr. Glen Tait:									
Italy	Lire	333,477	207.00		3,143.85			333,477	3,350.85
Senator Charles Robb:									
Italy	Dollar				4,670.25				4,670.25
Senator James Inhofe:									
Italy	Dollar		1,904.00						1,904.00
Mr. John Luddy:									
Italy	Dollar		1,904.00						1,904.00
Mr. Frank Norton:									
Egypt	Pound	2,750	809.00					2,750	809.00
Turkey	Lira	13,587	262.00					13,587	262.00
Total			5,293.00		11,613.65				16,906.65

STROM THURMOND,
Chairman, Committee on Armed Services, Mar. 19, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ARMED SERVICES, FOR TRAVEL FROM JAN. 1, TO MAR. 31. 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Sam Nunn:									
South Korea	Dollar				3,843.95				3,843.95
South Korea	Dollar						40.00		40.00
Japan	Yen	39,919	381.79					39,919	381.79
Japan	Yen					2,091	20.00	2,091	20.00
China	Yuan	4,891.92	590.10					4,891.92	590.10
Senator William S. Cohen:									
Germany	Mark	495.99	334.00					495.99	334.00
Senator Joseph I. Lieberman:									
Germany	Mark	410.74	276.59					410.74	276.59
Senator Kay B. Hutchison:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Senator John McCain:									
Germany	Mark	644.49	434.00					644.49	434.00
Mr. Mark Salter:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Mr, James M. Bodner:									
Germany	Mark	986.34	664.00					986.34	664.00
Senator Jon Kyl:									
Germany	Mark	401.90	270.64					401.90	270.64
Mrs. Julie K. Rief:									
Italy	Lire		450.72						450.72
Mr. George W. Lauffer:									
Italy	Lire	628,250	394.38					628,250	394.38
Mr. George W. Lauffer:									
Italy	Lire		60.42						60.42
Senator James M. Inhofe:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Total			6,447.64		3,843.95		60.00		10,351.59

STROM THURMOND,
Chairman, Committee on Armed Services, Apr. 22, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Carl W. Bentzel:									
United States	Dollar				1,678.85				1,678.85
Denmark	Krona	4,444.50	777.00					4,444.50	777.00
Belgium	Franc	20,093	666.00					20,093	666.00
Total			1,443.00		1,678.85				3,121.85

LARRY PRESSLER,
Chairman, Committee on Commerce, Science, and Transportation,
Apr. 25, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SECTION 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON ENVIRONMENTAL AND PUBLIC WORKS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Chafee:									
Canada	Dollar	220	393.48	110.06	81.01			330.06	474.49
United States	Dollar				519.60				519.60
Total			393.48		600.61				994.09

JOHN H. CHAFEE,
Chairman, Committee on Environment and Pubic Works, Apr. 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FINANCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William Roth:									
Thailand	Baht	24,003	954.00					24,003	954.00
Daniel Bob:									
Thailand	Baht	24,003	954.00					24,003	954.00
Jeremy O. Preiss:									
United States	Dollar				858.35				858.35
France	Franc	3,218.03	633.47					3,218.03	633.47
Switzerland	Franc	762.71	633.53					762.71	633.53
Deborah Lamb:									
United States	Dollar				890.35				890.35
France	Franc	3,337.96	657.08					3,337.96	657.08
Switzerland	Franc	798.59	663.34					798.59	663.34
Total			4,495.42		1,748.70				6,244.12

WILLIAM V. ROTH, JR.,
Chairman, Committee on Finance, May 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Nancy L. Kassebaum:									
Mali	Franc	55,000	112.02					55,000	112.02
Zaire	Dollar		400.00		309.00				709.00
Kenya	Dollar		220.00						220.00
S. Africa	Rand	827.03	228.48					827.03	228.48
United States	Dollar				6,305.05				6,305.05
Tim Trenkel:									
Mali	Franc	55,000	112.02					55,000	112.02
Zaire	Dollar		400.00		309.00				709.00
Kenya	Dollar		220.00						220.00
S. Africa	Rand	827.03	228.48					827.03	228.48
United States	Dollar				6,305.05				6,305.05
Daniel Shapiro:									
China	Dollar		1,100.00						1,100.00
Hong Kong	Dollar		825.00						825.00
United States	Dollar				3,698.95				3,698.95
Senator Christopher Dodd:									
Haiti	Gourds	735	44.77					735.00	44.77
United States	Dollar				807.95				807.95
Janice O'Connell:									
Haiti	Gourds	1,035	62.35					1,035.00	62.35
United States	Dollar				1,030.95				1,030.95
Elisabeth DeMoss:									
Nicaragua	Dollar		70.00						70.00
United States	Dollar				685.95				685.95
Dan Fisk:									
Nicaragua	Dollar		185.00						185.00
United States	Dollar				685.95				685.95
Senator Claiborne Pell:									
Portugal	Escudo	35,000	244.86					35,000	244.86
Thomas G. Hughes:									
Portugal	Escudo	50,890	332.62					50,890	332.62
Michelle Maynard:									
Portugal	Escudo	64,390	420.85					64,390	420.85
Elizabeth Wilson:									
Portugal	Escudo	57,972	380.00					57,972	380.00
Senator Charles Robb:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Senator Claiborne Pell:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Edwin K. Hall:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON FOREIGN RELATIONS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Peter Cleveland:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
George A. Pickart:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pounds	71.91	153.00					71.91	153.00
Jay Ghazal:									
Jordan	Dinar	159,775	225.00					159,775	225.00
Syria	Dollar		412.00						412.00
Israel	Dollar		433.00						433.00
Cyprus	Pound	71.91	153.00					71.91	153.00
Total			12,924.45		20,137.85				33,062.30

JESSE HELMS,
Chairman, Committee on Foreign Relations, Apr. 30, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JULY 1 TO SEPT. 30, 1995

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel Bob:									
Thailand	Baht		700.00						700.00
United States	Dollar				901.00				901.00
Total			700.00		901.00				1,601.00

WILLIAM V. ROTH, JR.,
Chairman, Committee on Governmental Affairs, May 1, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON GOVERNMENTAL AFFAIRS, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Daniel S. Gelber:									
Japan	Yen	57,260	559.73					57,260	559.73
Japan	Yen						20.00		20.00
United States	Dollar				2,557.95				2,557.95
Total			559.73		2,557.95		20.00		3,137.68

TED STEVENS,
Chairman, Committee on Governmental Affairs, Apr. 30, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), SELECT COMMITTEE ON INTELLIGENCE, FOR TRAVEL FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Melvin Dubee			449.00						449.00
Alfred Cumming			449.00						449.00
Randy Schieber			406.68						406.68
Christopher Straub			918.00		5,616.65				6,534.65
Don Mitchell			958.00		5,294.65				6,252.65
Mary Sturtevant			1,864.00		6,921.95				8,785.95
Christopher Mellon			1,864.00		6,921.95				8,785.95
Eric Silagy			1,874.00						1,874.00
Senator Arlen Specter			974.43						974.43
Charles Battaglia			1,081.94						1,081.94
Victoria Lee			1,033.94						1,033.94
Senator Richard Shelby			1,024.94						1,024.94
Senator J. Bennett Johnston			1,874.00						1,874.00
Gary Reese			1,874.00						1,874.00
Senator Mike DeWine			342.00						342.00
Senator Bob Graham			449.00						449.00
Senator Richard Bryan			418.68						418.68
Mark Heilbrun			367.00						367.00
Senator Larry Pressler			367.00						367.00
Total			18,589.61		24,755.20				43,344.81

ARLEN SPECTER,
Chairman, Select Committee on Intelligence, Apr. 23, 1996.

CONSOLIDATED REPORT OF EXPENDITURE OF FOREIGN CURRENCIES AND APPROPRIATED FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), FOR TRAVEL AUTHORIZED BY THE REPUBLICAN LEADER FROM JAN. 1 TO MAR. 31, 1996

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator William V. Roth, Jr.:									
Germany	Mark	623.70	420.00					623.70	420.00
Senator Jon Kyl:									
Germany	Mark	401.90	270.64					401.90	270.64
Randy Scheunemann:									
Germany	Mark	1,015.74	684.00					1,015.74	684.00
Mira Baratta:									
United States	Dollar				1,442.95				1,442.95
Croatia	Kuna	2,516.50	470.00					2,516.50	470.00
	Dollar				683.00				683.00
Bosnia	Dollar		477.00						477.00
Total			2,321.64		2,125.95				4,447.59

ROBERT J. DOLE,
Republican Leader, Apr. 17, 1996.

IMMIGRATION CONTROL AND FINANCIAL RESPONSIBILITY ACT

The text of the bill (H.R. 2202) to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes, as passed by the Senate on May 2, 1996, is as follows:

Resolved, That the bill from the House of Representatives (H.R. 2202) entitled "An Act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes", do pass with the following amendment:

Strike out all after the enacting clause and insert:

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Control and Financial Responsibility Act of 1996".

(b) REFERENCES IN ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to or repeal of a provision, the reference shall be deemed to be made to the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title; references in Act.
Sec. 2. Table of contents.

TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

Part 1—Additional Enforcement Personnel and Facilities

Sec. 101. Border Patrol agents.
Sec. 102. Investigators.
Sec. 103. Land border inspectors.
Sec. 104. Investigators of visa overstayers.
Sec. 105. Increased personnel levels for the Labor Department.
Sec. 106. Increase in INS detention facilities.
Sec. 107. Hiring and training standards.
Sec. 108. Construction of physical barriers, deployment of technology and improvements to roads in the border area near San Diego, California.
Sec. 109. Preserve law enforcement functions and capabilities in interior States.

Part 2—Verification of Eligibility to Work and to Receive Public Assistance

SUBPART A—DEVELOPMENT OF NEW VERIFICATION SYSTEM

Sec. 111. Establishment of new system.
Sec. 112. Demonstration projects.
Sec. 113. Comptroller General monitoring and reports.
Sec. 114. General nonpreemption of existing rights and remedies.
Sec. 115. Definitions.

SUBPART B—STRENGTHENING EXISTING VERIFICATION PROCEDURES

Sec. 116. Changes in list of acceptable employment-verification documents.
Sec. 117. Treatment of certain documentary practices as unfair immigration-related employment practices.
Sec. 118. Improvements in identification-related documents.
Sec. 119. Enhanced civil penalties if labor standards violations are present.
Sec. 120. Increased number of Assistant United States Attorneys to prosecute cases of unlawful employment of aliens or document fraud.
Sec. 120A. Subpoena authority for cases of unlawful employment of aliens or document fraud.
Sec. 120B. Task force to improve public education regarding unlawful employment of aliens and unfair immigration-related employment practices.
Sec. 120C. Nationwide fingerprinting of apprehended aliens.
Sec. 120D. Application of verification procedures to State agency referrals of employment.
Sec. 120E. Retention of verification form.

Part 3—Alien Smuggling; Document Fraud

Sec. 121. Wiretap authority for investigations of alien smuggling or document fraud.
Sec. 122. Additional coverage in RICO for offenses relating to alien smuggling and document fraud.
Sec. 123. Increased criminal penalties for alien smuggling.
Sec. 124. Admissibility of videotaped witness testimony.
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TITLE I—IMMIGRATION CONTROL

Subtitle A—Law Enforcement

PART 1—ADDITIONAL ENFORCEMENT PERSONNEL AND FACILITIES

SEC. 101. BORDER PATROL AGENTS.

(a) BORDER PATROL AGENTS.—The Attorney General, in fiscal year 1996 shall increase by no less than 700, and in each of fiscal years 1997, 1998, 1999, and 2000, shall increase by no less than 1,000, the number of positions for full-time, active-duty Border Patrol agents within the Immigration and Naturalization Service above the number of such positions for which funds were allotted for the preceding fiscal year.

(b) BORDER PATROL SUPPORT PERSONNEL.—The Attorney General, in each of fiscal years 1996, 1997, 1998, 1999, and 2000, may increase by not more than 300 the number of positions for personnel in support of Border Patrol agents above the number of such positions for which funds were allotted for the preceding fiscal year.

SEC. 102. INVESTIGATORS.

(a) AUTHORIZATION.—There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate potential violations of sections 274 and 274A of the Immigration and Nationality Act (8 U.S.C. 1324 and 1324a) by a number equivalent to 300 full-time active-duty investigators in each of fiscal years 1996, 1997, and 1998.

(b) LIMITATION ON OVERTIME.—None of the funds made available to the Immigration and Naturalization Service under this section shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 for any fiscal year.

SEC. 103. LAND BORDER INSPECTORS.

In order to eliminate undue delay in the thorough inspection of persons and vehicles lawfully attempting to enter the United States, the Attorney General and the Secretary of the Treasury shall increase, by approximately equal numbers in each of fiscal years 1996 and 1997, the number of full-time land border inspectors assigned to active duty by the Immigration and Naturalization Service and the United States Customs

Service to a level adequate to assure full staffing during peak crossing hours of all border crossing lanes currently in use, under construction, or whose construction has been authorized by Congress, except such low-use lanes as the Attorney General may designate.

SEC. 104. INVESTIGATORS OF VISA OVERSTAYERS.

There are authorized to be appropriated to the Department of Justice such funds as may be necessary to enable the Commissioner of the Immigration and Naturalization Service to increase the number of investigators and support personnel to investigate visa overstayers by a number equivalent to 300 full-time active-duty investigators in fiscal year 1996.

SEC. 105. INCREASED PERSONNEL LEVELS FOR THE LABOR DEPARTMENT.

(a) INVESTIGATORS.—The Secretary of Labor, in consultation with the Attorney General, is authorized to hire in the Wage and Hour Division of the Department of Labor for fiscal years 1996 and 1997 not more than 350 investigators and staff to enforce existing legal sanctions against employers who violate current Federal wage and hour laws except that not more than 150 of the number of investigators authorized in this subparagraph shall be designated for the purpose of carrying out the responsibilities of the Secretary of Labor to conduct investigations, pursuant to a complaint or based on receipt of credible material information, where there is reasonable cause to believe that an employer has made a misrepresentation of a material fact on a labor certification application under section 212(a)(5) of the Immigration and Nationality Act or has failed to comply with the terms and conditions of such an application.

(b) ASSIGNMENT OF ADDITIONAL PERSONNEL.—Individuals employed to fill the additional positions described in subsection (a) shall be assigned to investigate violations of wage and hour laws in areas where the Attorney General has notified the Secretary of Labor that there are high concentrations of aliens present in the United States in violation of law.

(c) PREFERENCE FOR BILINGUAL WAGE AND HOUR INSPECTORS.—In hiring new wage and our inspectors pursuant to this section, the Secretary of Labor shall give priority to the employment of multilingual candidates who are proficient in both English and such other language or languages as may be spoken in the region in which such inspectors are likely to be deployed.

SEC. 106. INCREASE IN INS DETENTION FACILITIES.

Subject to the availability of appropriations, the Attorney General shall provide for an increase in the detention facilities of the Immigration and Naturalization Service to at least 9,000 beds before the end of fiscal year 1997.

SEC. 107. HIRING AND TRAINING STANDARDS.

(a) REVIEW OF HIRING STANDARDS.—Within 60 days of the enactment of this title, the Attorney General shall review all prescreening and hiring standards to be utilized by the Immigration and Naturalization Service to increase personnel pursuant to this title and, where necessary, revise those standards to ensure that they are consistent with relevant standards of professionalism.

(b) CERTIFICATION.—At the conclusion of each of the fiscal years 1996, 1997, 1998, 1999, and 2000, the Attorney General shall certify in writing to the Congress that all personnel hired pursuant to this title for the previous fiscal year were hired pursuant to the appropriate standards.

(c) REVIEW OF TRAINING STANDARDS.—(1) Within 180 days of the date of the enactment of this Act, the Attorney General shall review the sufficiency of all training standards to be utilized by the Immigration and Naturalization Service in training all personnel hired pursuant to this title.

(2)(A) The Attorney General shall submit a report to the Congress on the results of the review conducted under paragraph (1), including—

(i) a description of the status of ongoing efforts to update and improve training throughout the Immigration and Naturalization Service, and

(ii) a statement of a timeframe for the completion of those efforts.

(B) In addition, the report shall disclose those areas of training that the Attorney General determines require additional or ongoing review in the future.

SEC. 108. CONSTRUCTION OF PHYSICAL BARRIERS, DEPLOYMENT OF TECHNOLOGY AND IMPROVEMENTS TO ROADS IN THE BORDER AREA NEAR SAN DIEGO, CALIFORNIA.

There are authorized to be appropriated funds of $12,000,000 for the construction, expansion, improvement or deployment of triple-fencing in addition to that currently under construction, where such triple-fencing is determined by the Immigration and Naturalization Service (INS) to be safe and effective, and in addition, bollard style concrete columns, all weather roads, low light television systems, lighting, sensors and other technologies along the international land border between the United States and Mexico south of San Diego, California, for the purpose of detecting and deterring unlawful entry across the border. Amounts appropriated under this section are authorized to remain available until expended. The INS, while constructing the additional fencing, shall incorporate the necessary safety features into the design of the fence system to insure the well-being of Border Patrol agents deployed within or in near proximity to these additional barriers.

SEC. 109. PRESERVE LAW ENFORCEMENT FUNCTIONS AND CAPABILITIES IN INTERIOR STATES.

The Immigration and Naturalization Service shall, when deploying Border Patrol personnel from interior stations, coordinate with and act in conjunction with State and local law enforcement agencies to ensure that such redeployment does not degrade or compromise the law enforcement capabilities and functions currently performed at interior Border Patrol stations.

PART 2—VERIFICATION OF ELIGIBILITY TO WORK AND TO RECEIVE PUBLIC ASSISTANCE

Subpart A—Development of New Verification System

SEC. 111. ESTABLISHMENT OF NEW SYSTEM.

(a) IN GENERAL.—(1) Not later than three years after the date of enactment of this Act or, within one year after the end of the last renewed or additional demonstration project (if any) conducted pursuant to the exception in section 112(a)(4), whichever is later, the President shall—

(A) develop and recommend to the Congress a plan for the establishment of a data system or alternative system (in this part referred to as the "system"), subject to subsections (b) and (c), to verify eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(B) submit to the Congress a report setting forth—

(i) a description of such recommended plan;

(ii) data on and analyses of the alternatives considered in developing the plan described in subparagraph (A), including analyses of data from the demonstration projects conducted pursuant to section 112; and

(iii) data on and analysis of the system described in subparagraph (A), including estimates of—

(I) the proposed use of the system, on an industry-sector by industry-sector basis;

(II) the public assistance programs and government benefits for which use of the system is cost-effective and otherwise appropriate;

(III) the cost of the system;

(IV) the financial and administrative cost to employers;

(V) the reduction of undocumented workers in the United States labor force resulting from the system;

(VI) any unlawful discrimination caused by or facilitated by use of the system;

(VII) any privacy intrusions caused by misuse or abuse of system;

(VIII) the accuracy rate of the system; and

(IX) the overall costs and benefits that would result from implementation of the system.

(2) The plan described in paragraph (1) shall take effect on the date of enactment of a bill or joint resolution approving the plan.

(b) OBJECTIVES.—The plan described in subsection (a)(1) shall have the following objectives:

(1) To substantially reduce illegal immigration and unauthorized employment of aliens.

(2) To increase employer compliance, especially in industry sectors known to employ undocumented workers, with laws governing employment of aliens.

(3) To protect individuals from national origin or citizenship-based unlawful discrimination and from loss of privacy caused by use, misuse, or abuse of personal information.

(4) To minimize the burden on business of verification of eligibility for employment in the United States, including the cost of the system to employers.

(5) To ensure that those who are ineligible for public assistance or other government benefits are denied or terminated, and that those eligible for public assistance or other government benefits shall—

(A) be provided a reasonable opportunity to submit evidence indicating a satisfactory immigration status; and

(B) not have eligibility for public assistance or other government benefits denied, reduced, terminated, or unreasonably delayed on the basis of the individual's immigration status until such a reasonable opportunity has been provided.

(c) SYSTEM REQUIREMENTS.—(1) A verification system may not be implemented under this section unless the system meets the following requirements:

(A) The system must be capable of reliably determining with respect to an individual whether—

(i) the person with the identity claimed by the individual is authorized to work in the United States or has the immigration status being claimed; and

(ii) the individual is claiming the identity of another person.

(B) Any document required by the system must be presented to or examined by either an employer or an administrator of public assistance or other government benefits, as the case may be, and—

(i) must be in a form that is resistant to counterfeiting and to tampering; and

(ii) must not be required by any Government entity or agency as a national identification card or to be carried or presented except—

(I) to verify eligibility for employment in the United States or immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) or government benefits described in section 201(f)(4));

(II) to enforce the Immigration and Nationality Act or sections 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(III) if the document was designed for another purposes (such as a license to drive a motor vehicle, a certificate of birth, or a social security

account number card issued by the Administration), as required under law for such other purpose.

(C) The system must not be used for law enforcement purposes other than the purposes described in subparagraph (B).

(D) The system must ensure that information is complete, accurate, verifiable, and timely. Corrections or additions to the system records of an individual provided by the individual, the Administration, or the Service, or other relevant Federal agency, must be checked for accuracy, processed, and entered into the system within 10 business days after the agency's acquisition of the correction or additional information.

(E)(i) Any personal information obtained in connection with a demonstration project under section 112 must not be made available to Government agencies, employers, or other persons except to the extent necessary—

(I) to verify, by an individual who is authorized to conduct the employment verification process, that an employee is not an unauthorized alien (as defined in section 274A(h)(3) of the Immigration and Nationality Act (8 U.S.C. 1324a(h)(3));

(II) to take other action required to carry out section 112;

(III) to enforce the Immigration and Nationality Act or section 911, 1001, 1028, 1542, 1546, or 1621 of title 18, United States Code; or

(IV) to verify the individual's immigration status for purposes of determining eligibility for Federal benefits under public assistance programs (defined in section 201(f)(3) or government benefits described in section 201(f)(4)).

(ii) In order to ensure the integrity, confidentiality, and security of system information, the system and those who use the system must maintain appropriate administrative, technical, and physical safeguards, such as—

(I) safeguards to prevent unauthorized disclosure of personal information, including passwords, cryptography, and other technologies;

(II) audit trails to monitor system use; or

(III) procedures giving an individual the right to request records containing personal information about the individual held by agencies and used in the system, for the purpose of examination, copying, correction, or amendment, and a method that ensures notice to individuals of these procedures.

(F) A verification that a person is eligible for employment in the United States may not be withheld or revoked under the system for any reasons other than a determination pursuant to section 274A of the Immigration and Nationality Act.

(G) The system must be capable of accurately verifying electronically within 5 business days, whether a person has the required immigration status in the United States and is legally authorized for employment in the United States in a substantial percentage of cases (with the objective of not less than 99 percent).

(H) There must be reasonable safeguards against the system's resulting in unlawful discriminatory practices based on national origin or citizenship status, including—

(i) the selective or unauthorized use of the system to verify eligibility;

(ii) the use of the system prior to an offer of employment;

(iii) the exclusion of certain individuals from consideration for employment as a result of a perceived likelihood that additional verification will be required, beyond what is required for most job applicants; or

(iv) denial reduction, termination, or unreasonable delay of public assistance to an individual as a result of the perceived likelihood that such additional verification will be required.

(2) As used in this subsection, the term "business day" means any day other than Saturday, Sunday, or any day on which the appropriate Federal agency is closed.

(d) REMEDIES AND PENALTIES FOR UNLAWFUL DISCLOSURE.—

(1) CIVIL REMEDIES.—

(A) RIGHT OF INFORMATIONAL PRIVACY.—The Congress declares that any person who provides to an employer the information required by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) has a privacy expectation that the information will only be used for compliance with this Act or other applicable Federal, State, or local law.

(B) CIVIL ACTIONS.—A employer, or other person or entity, who knowingly and willfully discloses the information that an employee is required to provide by this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be liable to the employee for actual damages. An action may be brought in any Federal, State, or local court having jurisdiction over the matter.

(2) CRIMINAL PENALTIES.—Any employer, or other person or entity, who willfully and knowingly obtains, uses, or discloses information required pursuant to this section or section 274A of the Immigration and Nationality Act (8 U.S.C. 1324a) for any purpose not authorized by this Act or other applicable Federal, State, or local law shall be found guilty of a misdemeanor and fined not more than $5,000.

(3) PRIVACY ACT.—

(A) IN GENERAL.—Any person who is a United States citizen, United States national, lawful permanent resident, or other employment-authorized alien, and who is subject to verification of work authorization or lawful presence in the United States for purposes of benefits eligibility under this section or section 112, shall be considered an individual under section 552(a)(2) of title 5, United States Code, with respect to records covered by this section.

(B) DEFINITION.—For purposes of this paragraph, the term "record" means an item, collection, or grouping of information about an individual which—

(i) is created, maintained, or used by a Federal agency for the purpose of determining—

(I) the individual's authorization to work; or

(II) immigration status in the United States for purposes of eligibility to receive Federal, State or local benefits in the United States; and

(ii) contains the individuals's name or identifying number, symbol, or any other identifier assigned to the individual.

(e) EMPLOYER SAFEGUARDS.—An employer shall not be liable for any penalty under section 274A of the Immigration and Nationality Act for employing an unauthorized alien, if—

(1) the alien appeared throughout the term of employment to be prima facie eligible for the employment under the requirements of section 274A(b) of such Act;

(2) the employer followed all procedures required in the system; and

(3)(A) the alien was verified under the system as eligible for the employment; or

(B) the employer discharged the alien within a reasonable period after receiving notice that the final verification procedure had failed to verify that the alien was eligible for the employment.

(f) RESTRICTION ON USE OF DOCUMENTS.—If the Attorney General determines that any document described in section 274A(b)(1) of the Immigration and Nationality Act as establishing employment authorization or identity does not reliably establish such authorization or identity or, to an unacceptable degree, is being used fraudulently or is being requested for purposes not authorized by this Act, the Attorney General may, by regulation, prohibit or place conditions on the use of the document for purposes of the system or the verification system established in section 274A(b) of the Immigration and Nationality Act.

(g) PROTECTION FROM LIABILITY FOR ACTIONS TAKEN ON THE BASIS OF INFORMATION PROVIDED BY THE VERIFICATION SYSTEM.—No person shall be civilly or criminally liable under section 274A of the Immigration and Nationality Act for any action adverse to an individual if such action was taken in good faith reliance on information relating to such individual provided through the system (including any demonstration project conducted under section 112).

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

SEC. 112. DEMONSTRATION PROJECTS.

(a) AUTHORITY.—

(1) IN GENERAL.—(A)(i) Subject to clause (ii) and (iv), the President, acting through the Attorney General, shall begin conducting several local or regional projects, and a project in the legislative branch of the Federal Government, to demonstrate the feasibility of alternative systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs (as defined in section 201(f)(3) and government benefits described in section 201(f)(4)).

(ii) Each project under this section shall be consistent with the objectives of section 111(b) and this section and shall be conducted in accordance with an agreement entered into with the State, locality, employer, other entity, or the legislative branch of the Federal Government, as the case may be.

(iii) In determining which State(s), localities, employers, or other entities shall be designated for such projects, the Attorney General shall take into account the estimated number of excludable aliens and deportable aliens in each State or locality.

(iv) At a minimum, at least one project of the kind described in paragraph (2)(E), at least one project of the kind described in paragraph (2)(F), and at least one project of the kind described in paragraph (2)(G), shall be conducted.

(B) For purposes of this paragraph, the term "legislative branch of the Federal Government" includes all offices described in section 101(9) of the Congressional Accountability Act of 1995 (2 U.S.C. 1301(9)) and all agencies of the legislative branch of Government.

(2) DESCRIPTION OF PROJECTS.—Demonstration projects conducted under this subsection may include, but are not limited to—

(A) a system which allows employers to verify the eligibility for employment of new employees using Administration records and, if necessary, to conduct a cross-check using Service records;

(B) a simulated linkage of the electronic records of the Service and the Administration to test the technical feasibility of establishing a linkage between the actual electronic records of the Service and the Administration;

(C) improvements and additions to the electronic records of the Service and the Administration for the purpose of using such records for verification of employment eligibility;

(D) a system which allows employers to verify the continued eligibility for employment of employees with temporary work authorization;

(E) a system that requires employers to verify the validity of employee social security account numbers through a telephone call, and to verify employee identity through a United States passport, a State driver's license or identification document, or a document issued by the Service for purposes of this clause;

(F) a system which is based on State-issued driver's licenses and identification cards that

include a machine readable social security account number and are resistant to tampering and counterfeiting; and

(G) a system that requires employers to verify with the Service the immigration status of every employee except one who has attested that he or she is a United States citizen or national.

(3) COMMENCEMENT DATE.—The first demonstration project under this section shall commence not later than six months after the date of the enactment of this Act.

(4) TERMINATION DATE.—The authority of paragraph (1) shall cease to be effective four years after the date of enactment of this Act, except that, if the President determines that any one or more of the projects conducted pursuant to paragraph (2) should be renewed, or one or more additional projects should be conducted before a plan is recommended under section 111(a)(1)(A), the President may conduct such project or projects for up to an additional three-year period, without regard to section 274A(d)(4)(A) of the Immigration and Nationality Act.

(b) OBJECTIVES.—The objectives of the demonstration projects conducted under this section are—

(1) to assist the Attorney General in measuring the benefits and costs of systems for verifying eligibility for employment in the United States, and immigration status in the United States for purposes of eligibility for benefits under public assistance programs defined in section 201(f)(3) and for government benefits described in section 201(f)(4);

(2) to assist the Service and the Administration in determining the accuracy of Service and Administration data that may be used in such systems; and

(3) to provide the Attorney General with information necessary to make determinations regarding the likely effects of the tested systems on employers, employees, and other individuals, including information on—

(A) losses of employment to individuals as a result of inaccurate information in the system;

(B) unlawful discrimination;

(C) privacy violations;

(D) cost to individual employers, including the cost per employee and the total cost as a percentage of the employers payroll; and

(E) timeliness of initial and final verification determinations.

(c) CONGRESSIONAL CONSULTATION.—(1) Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General or the Attorney General's representatives shall consult with the Committees on the Judiciary of the House of Representatives and the Senate regarding the demonstration projects being conducted under this section.

(2) The Attorney General or her representative, in fulfilling the obligations described in paragraph (1), shall submit to the Congress the estimated cost to employers of each demonstration project, including the system's indirect and administrative costs to employers.

(d) IMPLEMENTATION.—In carrying out the projects described in subsection (a), the Attorney General shall—

(1) support and, to the extent possible, facilitate the efforts of Federal and State government agencies in developing—

(A) tamper- and counterfeit-resistant documents that may be used in a new verification system, including drivers' licenses or similar documents issued by a State for the purpose of identification, the social security account number card issued by the Administration, and certificates of birth in the United States or establishing United States nationality at birth; and

(B) recordkeeping systems that would reduce the fraudulent obtaining of such documents, including a nationwide system to match birth and death records;

(2) require appropriate notice to prospective employees concerning employers' participation in a demonstration project, which notice shall contain information on filing complaints regarding misuse of information or unlawful discrimination by employers participating in the demonstration; and

(3) require employers to establish procedures developed by the Attorney General—

(A) to safeguard all personal information from unauthorized disclosure and to condition release of such information to any person or entity upon the person's or entity's agreement to safeguard such information; and

(B) to provide notice to all new employees and applicants for employment of the right to request an agency to review, correct, or amend the employee's or applicant's record and the steps to follow to make such a request.

(e) REPORT OF ATTORNEY GENERAL.—Not later than 60 days before the expiration of the authority for subsection (a)(1), the Attorney General shall submit to the Congress a report containing an evaluation of each of the demonstration projects conducted under this section, including the findings made by the Comptroller General under section 113.

(f) SYSTEM REQUIREMENTS.—

(1) IN GENERAL.—Demonstration projects conducted under this section shall substantially meet the criteria in section 111(c)(1), except that with respect to the criteria in subparagraphs (D) and (G) of section 111(c)(1), such projects are required only to be likely to substantially meet the criteria, as determined by the Attorney General.

(2) SUPERSEDING EFFECT.—(A) If the Attorney General determines that any demonstration project conducted under this section substantially meets the criteria in section 111(c)(1), other than the criteria in subparagraphs (D) and (G) of that section, and meets the criteria in such subparagraphs (D) and (G) to a sufficient degree, the requirements for participants in such project shall apply during the remaining period of its operation in lieu of the procedures required under section 274A(b) of the Immigration and Nationality Act. Section 274B of such Act shall remain fully applicable to the participants in the project.

(B) If the Attorney General makes the determination referred to in subparagraph (A), the Attorney General may require other, or all, employers in the geographical area covered by such project to participate in it during the remaining period of its operation.

(C) The Attorney General may not require any employer to participate in such a project, except as provided in subparagraph (B).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(h) STATUTORY CONSTRUCTION.—The provisions of this section supersede the provisions of section 274A of the Immigration and Nationality Act to the extent of any inconsistency therewith.

(i) DEFINITION OF REGIONAL PROJECT.—For purposes of this section, the term "regional project" means a project conducted in a geographical area which includes more than a single locality but which is smaller than an entire State.

SEC. 113. COMPTROLLER GENERAL MONITORING AND REPORTS.

(a) IN GENERAL.—The Comptroller General of the United States shall track, monitor, and evaluate the compliance of each demonstration project with the objectives of sections 111 and 112, and shall verify the results of the demonstration projects.

(b) RESPONSIBILITIES.—

(1) COLLECTION OF INFORMATION.—The Comptroller General of the United States shall collect and consider information on each requirement described in section 111(a)(1)(C).

(2) TRACKING AND RECORDING OF PRACTICES.—The Comptroller General shall track and record unlawful discriminatory employment practices, if any, resulting from the use or disclosure of information pursuant to a demonstration project or implementation of the system, using such methods as—

(A) the collection and analysis of data;

(B) the use of hiring audits; and

(C) use of computer audits, including the comparison of such audits with hiring records.

(3) MAINTENANCE OF DATA.—The Comptroller General shall also maintain data on unlawful discriminatory practices occurring among a representative sample of employers who are not participants in any project under this section to serve as a baseline for comparison with similar data obtained from employers who are participants in projects under this section.

(c) REPORTS.—

(1) DEMONSTRATION PROJECTS.—Beginning 12 months after the date of the enactment of this Act, and annually thereafter, the Comptroller General of the United States shall submit a report to the Committees on the Judiciary of the House of Representatives and the Senate setting forth evaluations of—

(A) the extent to which each demonstration project is meeting each of the requirements of section 111(c); and

(B) the Comptroller General's preliminary findings made under this section.

(2) VERIFICATION SYSTEM.—Not later than 60 days after the submission to the Congress of the plan under section 111(a)(2), the Comptroller General of the United States shall submit a report to the Congress setting forth an evaluation of—

(A) the extent to which the proposed system, if any, meets each of the requirements of section 111(c); and

(B) the Comptroller General's findings made under this section.

SEC. 114. GENERAL NONPREEMPTION OF EXISTING RIGHTS AND REMEDIES.

Nothing in this subpart may be construed to deny, impair, or otherwise adversely affect any right or remedy available under Federal, State, or local law to any person on or after the date of the enactment of this Act except to the extent the right or remedy is inconsistent with any provision of this part.

SEC. 115. DEFINITIONS.

For purposes of this subpart—

(1) ADMINISTRATION.— The term "Administration" means the Social Security Administration.

(2) EMPLOYMENT AUTHORIZED ALIEN.—The term "employment authorized alien" means an alien who has been provided with an "employment authorized" endorsement by the Attorney General or other appropriate work permit in accordance with the Immigration and Nationality Act.

(3) SERVICE.—The term "Service" means the Immigration and Naturalization Service.

Subpart B—Strengthening Existing Verification Procedures

SEC. 116. CHANGES IN LIST OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.

(a) AUTHORITY TO REQUIRE SOCIAL SECURITY ACCOUNT NUMBERS.—Section 274A (8 U.S.C. 1324a) is amended by adding at the end of subsection (b)(2) the following new sentence: "The Attorney General is authorized to require an individual to provide on the form described in paragraph (1)(A) the individual's social security account number for purposes of complying with this section.".

(b) CHANGES IN ACCEPTABLE DOCUMENTATION FOR EMPLOYMENT AUTHORIZATION AND IDENTITY.—

(1) REDUCTION IN NUMBER OF ACCEPTABLE EMPLOYMENT-VERIFICATION DOCUMENTS.—Section 274A(b)(1) (8 U.S.C. 1324a(b)(1)) is amended—

(A) in subparagraph (B)—

(i) by striking clauses (ii), (iii), and (iv);

(ii) by redesignating clause (v) as clause (ii);

(iii) in clause (i), by adding at the end "or";

(iv) in clause (ii) (as redesignated), by amending the text preceding subclause (I) to read as follows:

"(ii) resident alien card, alien registration card, or other document designated by regulation by the Attorney General, if the document— "; and

(v) in clause (ii) (as redesignated)—

(I) by striking "and" at the end of subclause (I);

(II) by striking the period at the end of subclause (II) and inserting ", and"; and

(III) by adding at the end the following new subclause:

"(III) contains appropriate security features."; and

(B) in subparagraph (C)—

(i) by inserting "or" after the "semicolon" at the end of clause (i);

(ii) by striking clause (ii); and

(iii) by redesignating clause (iii) as clause (ii).

(2) AUTHORITY TO PROHIBIT USE OF CERTAIN DOCUMENTS.—If the Attorney General finds, by regulation, that any document described in section 274A(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1324a(b)(1)) as establishing employment authorization or identity does not reliably establish such authorization or identity or is being used fraudulently to an unacceptable degree, the Attorney General may prohibit or place conditions on its use for purposes of the verification system established in section 274A(b) of the Immigration and Nationality Act under section 111 of this Act.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b)(1) shall apply with respect to hiring (or recruiting or referring) occurring on or after such date as the Attorney General shall designate (but not later than 180 days after the date of the enactment of this Act).

SEC. 117. TREATMENT OF CERTAIN DOCUMENTARY PRACTICES AS UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

Section 274B(a)(6) (8 U.S.C. 1324b(a)(6)) is amended—

(1) by striking "For purposes of paragraph (1), a" and inserting "A"; and

(2) by striking "relating to the hiring of individuals" and inserting the following: "if made for the purpose or with the intent of discriminating against an individual in violation of paragraph (1)".

SEC. 118. IMPROVEMENTS IN IDENTIFICATION-RELATED DOCUMENTS.

(a) BIRTH CERTIFICATES.—

(1) LIMITATION ON ACCEPTANCE.—(A) No Federal agency, including but not limited to the Social Security Administration and the Department of State, and no State agency that issues driver's licenses or identification documents, may accept for any official purpose a copy of a birth certificate, as defined in paragraph (5), unless it is issued by a State or local authorized custodian of record and it conforms to standards described in subparagraph (B).

(B) The standards described in this subparagraph are those set forth in regulations promulgated by the Federal agency designated by the President, after consultation with such other Federal agencies as the President shall designate and with State vital statistics offices, and shall—

(i) include but not be limited to—

(I) certification by the agency issuing the birth certificate, and

(II) use of safety paper, the seal of the issuing agency, and other features designed to limit tampering, counterfeiting, and photocopying, or otherwise duplicating, for fraudulent purposes,

(ii) not require a single design to which the official birth certificate copies issued by each State must conform; and

(iii) accommodate the differences between the States in the manner and form in which birth records are stored and in how birth certificate copies are produced from such records.

(2) LIMITATION ON ISSUANCE.—(A) If one or more of the conditions described in subparagraph (B) is present, no State or local government agency may issue an official copy of a birth certificate pertaining to an individual unless the copy prominently notes that such individual is deceased.

(B) The conditions described in this subparagraph include—

(i) the presence on the original birth certificate of a notation that the individual is deceased, or

(ii) actual knowledge by the issuing agency that the individual is deceased obtained through information provided by the Social Security Administration, by an interstate system of birth-death matching, or otherwise.

(3) GRANTS TO STATES.—(A)(i) The Secretary of Health and Human Services, in consultation with other agencies designated by the President, shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States to encourage them to develop the capability to match birth and death records, within each State and among the States, and to note the fact of death on the birth certificates of deceased persons. In developing the capability described in the preceding sentence, States shall focus first on persons who were born after 1950.

(ii) Such grants shall be provided in proportion to population and in an amount needed to provide a substantial incentive for the States to develop such capability.

(B) The Secretary of Health and Human Services shall establish a fund, administered through the National Center for Health Statistics, to provide grants to the States for a project in each of 5 States to demonstrate the feasibility of a system by which each such State's office of vital statistics would be provided, within 24 hours, sufficient information to establish the fact of death of every individual dying in such State.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary to provide the grants described in subparagraphs (A) and (B).

(4) REPORT.—(A) Not later than one year after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit a report to the Congress on ways to reduce the fraudulent obtaining and the fraudulent use of birth certificates, including any such use to obtain a social security account number or a State or Federal document related to identification or immigration.

(B) Not later than one year after the date of enactment of this Act, the agency designated by the President in paragraph (1)(B) shall submit a report setting forth, and explaining, the regulations described in such paragraph.

(C) There are authorized to be appropriated to the Department of Health and Human Services such amounts as may be necessary for the preparation of the report described in subparagraph (A).

(5) CERTIFICATE OF BIRTH.—As used in this section, the term "birth certificate" means a certificate of birth of—

(A) a person born in the United States, or

(B) a person born abroad who is a citizen or national of the United States at birth, whose birth is registered in the United States.

(6) EFFECTIVE DATES.—

(A) Except as otherwise provided in subparagraph (B) and in paragraph (4), this subsection shall take effect two years after the enactment of this Act.

(B) Paragraph (1)(A) shall take effect two years after the submission of the report described in paragraph (4)(B).

(b) STATE-ISSUED DRIVERS LICENSES.—

(1) SOCIAL SECURITY ACCOUNT NUMBER.—Each State-issued driver's license and identification document shall contain a social security account number, except that this paragraph shall not apply if the document or license is issued by a State that requires, pursuant to a statute, regulation, or administrative policy which was, respectively, enacted, promulgated, or implemented, prior to the date of enactment of this Act, that—

(A) every applicant for such license or document submit the number, and

(B) an agency of such State verify with the Social Security Administration that the number is valid and is not a number assigned for use by persons without authority to work in the United States, but not that the number appears on the card.

(2) APPLICATION PROCESS.—The application process for a State driver's license or identification document shall include the presentation of such evidence of identity as is required by regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators.

(3) FORM OF LICENSE AND IDENTIFICATION DOCUMENT.—Each State driver's license and identification document shall be in a form consistent with requirements set forth in regulations promulgated by the Secretary of Transportation, after consultation with the American Association of Motor Vehicle Administrators. Such form shall contain security features designed to limit tampering, counterfeiting, and use by impostors.

(4) LIMITATION ON ACCEPTANCE OF LICENSE AND IDENTIFICATION DOCUMENT.—Neither the Social Security Administration or the Passport Office or any other Federal agency or any State or local government agency may accept for any evidentiary purpose a State driver's license or identification document in a form other than the form described in paragraph (3).

(5) EFFECTIVE DATES.—

(A) Except as otherwise provided in subparagraph (B) or (C), this subsection shall take effect on October 1, 2000.

(B)(i) With respect to driver's licenses or identification documents issued by States that issue such licenses or documents for a period of validity of six years or less, paragraphs (1) and (3) shall apply beginning on October 1, 2000, but only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law.

(ii) With respect to driver's licenses or identification documents issued in States that issue such licenses or documents for a period of validity of more than six years, paragraphs (1) and (3) shall apply—

(I) during the period of October 1, 2000 through September 30, 2006, only to licenses or documents issued to an individual for the first time and to replacement or renewal licenses issued according to State law, and

(II) beginning on October 1, 2006, to all driver's licenses or identification documents issued by such States.

(C) Paragraph (4) shall take effect on October 1, 2006.

SEC. 119. ENHANCED CIVIL PENALTIES IF LABOR STANDARDS VIOLATIONS ARE PRESENT.

(a) IN GENERAL.—Section 274A(e) (8 U.S.C. 1324a(e)) is amended by adding at the end the following:

"(10)(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the amount of the penalty prescribed by this subsection in any case in which the employer has been found to have committed a willful violation or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 120. INCREASED NUMBER OF ASSISTANT UNITED STATES ATTORNEYS TO PROSECUTE CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

The Attorney General is authorized to hire for fiscal years 1996 and 1997 such additional Assistant United States Attorneys as may be necessary for the prosecution of actions brought under sections 274A and 274C of the Immigration and Nationality Act and sections 911, 1001, 1015 through 1018, 1028, 1030, 1541 through 1544, 1546, and 1621 of title 18, United States Code. Each such additional attorney shall be used primarily for such prosecutions.

SEC. 120A. SUBPOENA AUTHORITY FOR CASES OF UNLAWFUL EMPLOYMENT OF ALIENS OR DOCUMENT FRAUD.

(a) IMMIGRATION OFFICER AUTHORITY.—

(1) UNLAWFUL EMPLOYMENT.—Section 274A(e)(2) (8 U.S.C. 1324a(e)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(2) DOCUMENT FRAUD.—Section 274C(d)(1) (8 U.S.C. 1324c(d)(1)) is amended—

(A) by striking "and" at the end of subparagraph (A);

(B) by striking the period at the end of subparagraph (B) and inserting ", and"; and

(C) by inserting after subparagraph (B) the following new subparagraph:

"(C) immigration officers designated by the Commissioner may compel by subpoena the attendance of witnesses and the production of evidence at any designated place prior to the filing of a complaint in a case under paragraph (2).".

(b) SECRETARY OF LABOR SUBPOENA AUTHORITY.—

(1) IN GENERAL.—Chapter 9 of title II of the Immigration and Nationality Act is amended by adding at the end the following new section:

"SECRETARY OF LABOR SUBPOENA AUTHORITY

"SEC. 294. The Secretary of Labor may issue subpoenas requiring the attendance and testimony of witnesses or the production of any records, books, papers, or documents in connection with any investigation or hearing conducted in the enforcement of any immigration program for which the Secretary of Labor has been delegated enforcement authority under the Act. In such hearing, the Secretary of Labor may administer oaths, examine witnesses, and receive evidence. For the purpose of any such hearing or investigation, the authority contained in sections 9 and 10 of the Federal Trade Commission Act (15 U.S.C. 49, 50), relating to the attendance of witnesses and the production of books, papers, and documents, shall be available to the Secretary of Labor.".

(2) CONFORMING AMENDMENT.—The table of contents of the Immigration and Nationality Act is amended by inserting after the item relating to section 293 the following new item:

"Sec. 294. Secretary of Labor subpoena authority.".

SEC. 120B. TASK FORCE TO IMPROVE PUBLIC EDUCATION REGARDING UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) ESTABLISHMENT.—The Attorney General shall establish a task force within the Department of Justice charged with the responsibility of—

(1) providing advice and guidance to employers and employees relating to unlawful employment of aliens under section 274A of the Immigration and Nationality Act and unfair immigration-related employment practices under 274B of such Act; and

(2) assisting employers in complying with those laws.

(b) COMPOSITION.—The members of the task force shall be designated by the Attorney General from among officers or employees of the Immigration and Naturalization Service or other components of the Department of Justice.

(c) ANNUAL REPORT.—The task force shall report annually to the Attorney General on its operations.

SEC. 120C. NATIONWIDE FINGERPRINTING OF APPREHENDED ALIENS.

There are authorized to be appropriated such additional sums as may be necessary to ensure that the program "IDENT", operated by the Immigration and Naturalization Service pursuant to section 130007 of Public Law 103–322, shall be expanded into a nationwide program.

SEC. 120D. APPLICATION OF VERIFICATION PROCEDURES TO STATE AGENCY REFERRALS OF EMPLOYMENT.

Section 274A(a) (8 U.S.C. 1324a(a)) is amended by adding at the end the following new paragraph:

"(6) STATE AGENCY REFERRALS.—A State employment agency that refers any individual for employment shall comply with the procedures specified in subsection (b). For purposes of the attestation requirement in subsection (b)(1), the agency employee who is primarily involved in the referral of the individual shall make the attestation on behalf of the agency.".

SEC. 120E. RETENTION OF VERIFICATION FORM.

Section 274A(b)(3) (8 U.S.C. 1324a(b)(3)) is amended by inserting after "must retain the form" the following: "(except in any case of disaster, act of God, or other event beyond the control of the person or entity)".

PART 3—ALIEN SMUGGLING; DOCUMENT FRAUD

SEC. 121. WIRETAP AUTHORITY FOR INVESTIGATIONS OF ALIEN SMUGGLING OR DOCUMENT FRAUD.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (c), by striking "or section 1992 (relating to wrecking trains)" and inserting "section 1992 (relating to wrecking trains), a felony violation of section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), section 1544 (relating to misuse of passports), or section 1546 (relating to fraud and misuse of visas, permits, and other documents)";

(2) by striking "or" at the end of paragraph (l);

(3) by redesignating paragraphs (m), (n), and (o) as paragraphs (n), (o), and (p), respectively; and

(4) by inserting after paragraph (l) the following new paragraph:

"(m) a violation of section 274, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1324, 1327, or 1328) (relating to the smuggling of aliens);".

SEC. 122. ADDITIONAL COVERAGE IN RICO FOR OFFENSES RELATING TO ALIEN SMUGGLING AND DOCUMENT FRAUD.

Section 1961(1) of title 18, United States Code, is amended—

(1) by striking "or" after "law of the United States,";

(2) by inserting "or" at the end of clause (E); and

(3) by adding at the end the following: "(F) any act, or conspiracy to commit any act, in violation of—

"(i) section 1028 (relating to production of false identification documentation), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), section 1541 (relating to passport issuance without authority), section 1542 (relating to false statements in passport applications), section 1543 (relating to forgery or false use of passports), or section 1544 (relating to misuse of passports) of this title, or, for personal financial gain, section 1546 (relating to fraud and misuse of visas, permits, and other documents) of this title; or

"(ii) section 274, 277, or 278 of the Immigration and Nationality Act.".

SEC. 123. INCREASED CRIMINAL PENALTIES FOR ALIEN SMUGGLING.

(a) IN GENERAL.—Section 274(a) (8 U.S.C. 1324(a)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "or" at the end of clause (iii);

(B) by striking the comma at the end of clause (iv) and inserting "; or"; and

(C) by adding at the end the following new clause:

"(v)(I) engages in any conspiracy to commit any of the preceding acts, or

"(II) aids or abets the commission of any of the preceding acts,";

(2) in paragraph (1)(B)—

(A) in clause (i), by inserting "or (v)(I)" after "(A)(i)";

(B) in clause (ii), by striking "or (iv)" and inserting "(iv), or (v)(II)";

(C) in clause (iii), by striking "or (iv)" and inserting "(iv), or (v)"; and

(D) in clause (iv), by striking "or (iv)" and inserting "(iv), or (v)";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved" and inserting "for each alien in respect to whom a violation of this paragraph occurs"; and

(B) in the matter following subparagraph (B)(iii), by striking "be fined" and all that follows through the period and inserting the following: "be fined under title 18, United States

Code, and shall be imprisoned for a first or second offense, not more than 10 years, and for a third or subsequent offense, not more than 15 years."; and

(4) by adding at the end the following new paragraph:

"(3) Any person who hires for employment an alien—

"(A) knowing that such alien is an unauthorized alien (as defined in section 274A(h)(3)), and

"(B) knowing that such alien has been brought into the United States in violation of this subsection,

shall be fined under title 18, United States Code, and shall be imprisoned for not more than 5 years.".

(b) SMUGGLING OF ALIENS WHO WILL COMMIT CRIMES.—Section 274(a)(2)(B) (8 U.S.C. 1324(a)(2)) is amended—

(1) by striking "or" at the end of clause (ii);

(2) by redesignating clause (iii) as clause (iv); and

(3) by inserting after clause (ii) the following new clause:

"(iii) an offense committed with the intent, or with substantial reason to believe, that the alien unlawfully brought into the United States will commit an offense against the United States or any State punishable by imprisonment for more than 1 year; or".

(c) SENTENCING GUIDELINES.—

(1) IN GENERAL.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of offenses related to smuggling, transporting, harboring, or inducing aliens in violation of section 274(a) (1)(A) or (2)(B) of the Immigration and Nationality Act (8 U.S.C. 1324(a) (1)(A), (2)(B)) in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses described in paragraph (1)—

(A) increase the base offense level for such offenses at least 3 offense levels above the applicable level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for the number of aliens involved (U.S.S.G. 2L1.1(b)(2)), and increase the sentencing enhancement by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) impose an appropriate sentencing enhancement on a defendant who, in the course of committing an offense described in this subsection—

(i) murders or otherwise causes death, bodily injury, or serious bodily injury to an individual;

(ii) uses or brandishes a firearm or other dangerous weapon; or

(iii) engages in conduct that consciously or recklessly places another in serious danger of death or serious bodily injury;

(F) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 aliens or the defendant committed the offense other than for profit; and

(G) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 124. ADMISSIBILITY OF VIDEOTAPED WITNESS TESTIMONY.

Section 274 (8 U.S.C. 1324) is amended by adding at the end thereof the following new subsection:

"(d) Notwithstanding any provision of the Federal Rules of Evidence, the videotaped (or otherwise audiovisually preserved) deposition of a witness to a violation of subsection (a) who has been deported or otherwise expelled from the United States, or is otherwise unable to testify, may be admitted into evidence in an action brought for that violation if the witness was available for cross examination and the deposition otherwise complies with the Federal Rules of Evidence.".

SEC. 125. EXPANDED FORFEITURE FOR ALIEN SMUGGLING AND DOCUMENT FRAUD.

(a) IN GENERAL.—Section 274(b) (8 U.S.C. 1324(b)) is amended—

(1) by amending paragraph (1) to read as follows:

"(1) Any property, real or personal, which facilitates or is intended to facilitate, or has been or is being used in or is intended to be used in the commission of, a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or which constitutes, or is derived from or traceable to, the proceeds obtained directly or indirectly from a commission of a violation of, or conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall be subject to seizure and forfeiture, except that—

"(A) no property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this section unless it shall appear that the owner or other person in charge of such property was a consenting party or privy to the unlawful act;

"(B) no property shall be forfeited under this section by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than such owner while such property was unlawfully in the possession of a person other than the owner in violation of, or in conspiracy to violate, the criminal laws of the United States or of any State; and

"(C) no property shall be forfeited under this paragraph to the extent of an interest of any owner, by reason of any act or omission established by such owner to have been committed or omitted without the knowledge or consent of such owner, unless such act or omission was committed by an employee or agent of such owner, and facilitated or was intended to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a) or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, or was intended to further the business interests of the owner, or to confer any other benefit upon the owner.";

(2) in paragraph (2)—

(A) by striking "conveyance" both places it appears and inserting "property"; and

(B) by striking "is being used in" and inserting "is being used in, is facilitating, has facilitated, or was intended to facilitate";

(3) in paragraph (3)—

(A) by inserting "(A)" immediately after "(3)", and

(B) by adding at the end the following:

"(B) Before the seizure of any real property pursuant to this section, the Attorney General shall provide notice and an opportunity to be heard to the owner of the property. The Attorney General shall prescribe such regulations as may be necessary to carry out this subparagraph.";

(4) in paragraphs (4) and (5), by striking "a conveyance" and "conveyance" each place such phrase or word appears and inserting "property"; and

(5) in paragraph (4)—

(A) by striking "or" at the end of subparagraph (C);

(B) by striking the period at the end of subparagraph (D) and inserting "; or"; and

(C) by adding at the end the following new subparagraph:

"(E) transfer custody and ownership of forfeited property to any Federal, State, or local agency pursuant to section 616(c) of the Tariff Act of 1930 (19 U.S.C. 1616a(c)).".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 126. CRIMINAL FORFEITURE FOR ALIEN SMUGGLING, UNLAWFUL EMPLOYMENT OF ALIENS, OR DOCUMENT FRAUD.

Section 274 (8 U.S.C. 1324(b)) is amended by redesignating subsections (c) and (d) as subsections (d) and (e) and inserting after subsection (b) the following:

"(c) CRIMINAL FORFEITURE.—(1) Any person convicted of a violation of, or a conspiracy to violate, subsection (a) or section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code, shall forfeit to the United States, regardless of any provision of State law—

"(A) any conveyance, including any vessel, vehicle, or aircraft used in the commission of a violation of, or a conspiracy to violate, subsection (a); and

"(B) any property real or personal—

"(i) that constitutes, or is derived from or is traceable to the proceeds obtained directly or indirectly from the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code; or

"(ii) that is used to facilitate, or is intended to be used to facilitate, the commission of a violation of, or a conspiracy to violate, subsection (a), section 274A(a) (1) or (2) of this Act, or section 1028, 1425, 1426, 1427, 1541, 1542, 1543, 1544, or 1546 of title 18, United States Code.

The court, in imposing sentence on such person, shall order that the person forfeit to the United States all property described in this subsection.

"(2) The criminal forfeiture of property under this subsection, including any seizure and disposition of the property and any related administrative or judicial proceeding, shall be governed by the provisions of section 413 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 (21 U.S.C. 853), other than subsections (a) and (d) of such section 413.".

SEC. 127. INCREASED CRIMINAL PENALTIES FOR FRAUDULENT USE OF GOVERNMENT-ISSUED DOCUMENTS.

(a) PENALTIES FOR FRAUD AND MISUSE OF GOVERNMENT-ISSUED IDENTIFICATION DOCUMENTS.—(1) Section 1028(b) of title 18, United States Code, is amended to read as follows:

"(b)(1)(A) An offense under subsection (a) that is—

"(i) the production or transfer of an identification document or false identification document that is or appears to be—

"(I) an identification document issued by or under the authority of the United States; or

"(II) a birth certificate, or a driver's license or personal identification card;

"(ii) the production or transfer of more than five identification documents or false identification documents; or

"(iii) an offense under paragraph (5) of such subsection (a);

shall be punishable under subparagraph (B).

"(B) Except as provided in paragraph (4), a person who violates an offense described in subparagraph (A) shall be punishable by—

"(i) a fine under this title, imprisonment for not more than 10 years, or both, for a first or second offense; or

"(ii) a fine under this title, imprisonment for not more than 15 years, or both, for a third or subsequent offense.

"(2) A person convicted of an offense under subsection (a) that is—

"(A) any other production or transfer of an identification document or false identification document; or

"(B) an offense under paragraph (3) of such subsection;

shall be punishable by a fine under this title, imprisonment for not more than three years, or both.

"(3) A person convicted of an offense under subsection (a), other than an offense described in paragraph (1) or (2), shall be punishable by a fine under this title, imprisonment for not more than one year, or both.

"(4) Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense described in paragraph (1)(A) shall be—

"(A) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), 15 years; and

"(B) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), 20 years.".

(2) Sections 1541 through 1544 of title 18, United States Code, are amended by striking be fined under this title, imprisoned not more than 10 years, or both." each place it appears and inserting the following:

", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(3) Section 1546(a) of title 18, United States Code, is amended by striking "be fined under this title, imprisoned not more than 10 years, or both." and inserting the following:

", except as otherwise provided in this subsection, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this subsection, the maximum term of imprisonment that may be imposed for an offense under this subsection—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(4) Sections 1425 through 1427 of title 18, United States Code, are amended by striking "be fined not more than $5,000 or imprisoned not more than five years, or both" each place it appears and inserting ", except as otherwise provided in this section, be—

"(1) fined under this title, imprisoned for not more than 10 years, or both, for a first or second offense; or

"(2) fined under this title, imprisoned for not more than 15 years, or both, for a third or subsequent offense.

"Notwithstanding any other provision of this section, the maximum term of imprisonment that may be imposed for an offense under this section—

"(1) if committed to facilitate a drug trafficking crime (as defined in section 929(a) of this title), is 15 years; and

"(2) if committed to facilitate an act of international terrorism (as defined in section 2331 of this title), is 20 years.".

(b) CHANGES TO THE SENTENCING LEVELS.—

(1) IN GENERAL.—Pursuant to the Commission's authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines for offenders convicted of violating, or conspiring to violate, sections 1028(b)(1), 1425 through 1427, 1541 through 1544, and 1546(a) of title 18, United States Code, in accordance with this subsection.

(2) REQUIREMENTS.—In carrying out this subsection, the Commission shall, with respect to the offenses referred to in paragraph (1)—

(A) increase the base offense level for such offenses at least 2 offense levels above the level in effect on the date of the enactment of this Act;

(B) review the sentencing enhancement for number of documents or passports involved (U.S.S.G. 2L2.1(b)(2)), and increase the upward adjustment by at least 50 percent above the applicable enhancement in effect on the date of the enactment of this Act;

(C) impose an appropriate sentencing enhancement upon an offender with 1 prior felony conviction arising out of a separate and prior prosecution for an offense that involved the same or similar underlying conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(D) impose an additional appropriate sentencing enhancement upon an offender with 2 or more prior felony convictions arising out of separate and prior prosecutions for offenses that involved the same or similar underling conduct as the current offense, to be applied in addition to any sentencing enhancement that would otherwise apply pursuant to the calculation of the defendant's criminal history category;

(E) consider whether a downward adjustment is appropriate if the offense conduct involves fewer than 6 documents, or the defendant committed the offense other than for profit and the offense was not committed to facilitate an act of international terrorism; and

(F) consider whether any other aggravating or mitigating circumstances warrant upward or downward sentencing adjustments.

(c) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 128. CRIMINAL PENALTY FOR FALSE STATEMENT IN A DOCUMENT REQUIRED UNDER THE IMMIGRATION LAWS OR KNOWINGLY PRESENTING DOCUMENT WHICH FAILS TO CONTAIN REASONABLE BASIS IN LAW OR FACT.

The fourth undesignated paragraph of section 1546(a) of title 18, United States Code, is amended to read as follows:

"Whoever knowingly makes under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, knowingly subscribes as true, any false statement with respect to a material fact in any application, affidavit, or other document required by the immigration laws or regulations prescribed thereunder, or knowingly presents any such application, affidavit, or other document which contains any such false statement or which fails to contain any reasonable basis in law or fact—".

SEC. 129. NEW CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS PREPARER OF FALSE APPLICATION FOR ASYLUM OR FOR PREPARING CERTAIN POST-CONVICTION APPLICATIONS.

Section 274C (8 U.S.C. 1324c) is amended by adding at the end the following new subsection:

"(e) CRIMINAL PENALTIES FOR FAILURE TO DISCLOSE ROLE AS DOCUMENT PREPARER.—(1) Whoever, in any matter within the jurisdiction of the Service under section 208 of this Act, knowingly and willfully fails to disclose, conceals, or covers up the fact that they have, on behalf of any person and for a fee or other remuneration, prepared or assisted in preparing an application which was falsely made (as defined in subsection (f)) for immigration benefits pursuant to section 208 of this Act, or the regulations promulgated thereunder, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 5 years, or both, and prohibited from preparing or assisting in preparing, whether or not for a fee or other remuneration, any other such application.

"(2) Whoever, having been convicted of a violation of paragraph (1), knowingly and willfully prepares or assists in preparing an application for immigration benefits pursuant to this Act, or the regulations promulgated thereunder, whether or not for a fee or other remuneration and regardless of whether in any matter within the jurisdiction of the Service under section 208, shall be guilty of a felony and shall be fined in accordance with title 18, United States Code, imprisoned for not more than 15 years, or both, and prohibited from preparing or assisting in preparing any other such application.".

SEC. 130. NEW DOCUMENT FRAUD OFFENSES; NEW CIVIL PENALTIES FOR DOCUMENT FRAUD.

(a) ACTIVITIES PROHIBITED.—Section 274C(a) (8 U.S.C. 1324c(a)) is amended—

(1) in paragraph (1), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(2) in paragraph (2), by inserting before the comma at the end the following: "or to obtain a benefit under this Act";

(3) in paragraph (3)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the comma at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking "or" at the end;

(4) in paragraph (4)—

(A) by inserting "or with respect to" after "issued to";

(B) by adding before the period at the end the following: "or obtaining a benefit under this Act"; and

(C) by striking the period at the end and inserting ", or"; and

(5) by adding at the end the following new paragraphs:

"(5) to prepare, file, or assist another in preparing or filing, any application for benefits under this Act, or any document required under this Act, or any document submitted in connection with such application or document, with knowledge or in reckless disregard of the fact that such application or document was falsely made or, in whole or in part, does not relate to the person on whose behalf it was or is being submitted; or

"(6) to (A) present before boarding a common carrier for the purpose of coming to the United States a document which relates to the alien's eligibility to enter the United States, and (B) fail to present such document to an immigration officer upon arrival at a United States port of entry.".

(b) DEFINITION OF FALSELY MAKE.—Section 274C (8 U.S.C. 1324c), as amended by section 129 of this Act, is further amended by adding at the end the following new subsection:

"(f) FALSELY MAKE.—For purposes of this section, the term 'falsely make' means to prepare or provide an application or document, with knowledge or in reckless disregard of the fact that the application or document contains a false, fictitious, or fraudulent statement or material representation, or has no basis in law or fact, or otherwise fails to state a fact which is material to the purpose for which it was submitted.".

(c) CONFORMING AMENDMENT.—Section 274C(d)(3) (8 U.S.C. 1324c(d)(3)) is amended by striking "each document used, accepted, or created and each instance of use, acceptance, or creation" each place it appears and inserting "each document that is the subject of a violation under subsection (a)".

(d) ENHANCED CIVIL PENALTIES FOR DOCUMENT FRAUD IF LABOR STANDARDS VIOLATIONS ARE PRESENT.—Section 274C(d) (8 U.S.C. 1324c(d)) is amended by adding at the end the following new paragraph:

"(7) CIVIL PENALTY.—(A) The administrative law judge shall have the authority to require payment of a civil money penalty in an amount up to two times the level of the penalty prescribed by this subsection in any case where the employer has been found to have committed willful or repeated violations of any of the following statutes:

"(i) The Fair Labor Standards Act (29 U.S.C. 201 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(ii) The Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1801 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(iii) The Family and Medical Leave Act (29 U.S.C. 2601 et seq.) pursuant to a final determination by the Secretary of Labor or a court of competent jurisdiction.

"(B) The Secretary of Labor and the Attorney General shall consult regarding the administration of this paragraph.".

(e) WAIVER BY ATTORNEY GENERAL.—Section 274C(d) (8 U.S.C. 1324c(d)), as amended by subsection (d), is further amended by adding at the end the following new paragraph:

"(8) WAIVER BY ATTORNEY GENERAL.—The Attorney General may waive the penalties imposed by this section with respect to an alien who knowingly violates paragraph (6) if the alien is granted asylum under section 208 or withholding of deportation under section 243(h).".

(f) EFFECTIVE DATE.—

(1) DEFINITION OF FALSELY MAKE.—Section 274C(f) of the Immigration and Nationality Act, as added by subsection (b), applies to the preparation of applications before, on, or after the date of the enactment of this Act.

(2) ENHANCED CIVIL PENALTIES.—The amendments made by subsection (d) apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 131. PENALTIES FOR INVOLUNTARY SERVITUDE.

(a) AMENDMENTS TO TITLE 18.—Sections 1581, 1583, 1584, and 1588 of title 18, United States Code, are amended by striking "five" each place it appears and inserting "10".

(b) REVIEW OF SENTENCING GUIDELINES.—The United States Sentencing Commission shall ascertain whether there exists an unwarranted disparity—

(1) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses in effect on the date of the enactment of this Act; and

(2) between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for alien smuggling offenses in effect on the date of the enactment of this Act and after the amendment made by subsection (a).

(c) AMENDMENT OF SENTENCING GUIDELINES.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall review its guidelines on sentencing for peonage, involuntary servitude, and slave trade offenses under sections 1581 through 1588 of title 18, United States Code, and shall amend such guidelines as necessary to—

(1) reduce or eliminate any unwarranted disparity found under subsection (b) that exists between the sentences for peonage, involuntary servitude, and slave trade offenses, and the sentences for kidnapping offenses and alien smuggling offenses;

(2) ensure that the applicable guidelines for defendants convicted of peonage, involuntary servitude, and slave trade offenses are sufficiently stringent to deter such offenses and adequately reflect the heinous nature of such offenses; and

(3) ensure that the guidelines reflect the general appropriateness of enhanced sentences for defendants whose peonage, involuntary servitude, or slave trade offenses involve—

(A) a large number of victims;

(B) the use or threatened use of a dangerous weapon; or

(C) a prolonged period of peonage or involuntary servitude.

(d) EMERGENCY AUTHORITY TO SENTENCING COMMISSION.—The Commission shall promulgate the guidelines or amendments provided for under this section as soon as practicable in accordance with the procedure set forth in section 21(a) of the Sentencing Act of 1987, as though the authority under that Act had not expired.

(e) EFFECTIVE DATE.—This section and the amendments made by this section shall apply with respect to offenses occurring on or after the date of the enactment of this Act.

SEC. 132. EXCLUSION RELATING TO MATERIAL SUPPORT TO TERRORISTS.

Section 212(a)(3)(B)(iii)(III) (8 U.S.C. 1182(a)(3)(B)(iii)(III)) is amended by inserting "documentation or" before "identification".

PART 4—EXCLUSION AND DEPORTATION

SEC. 141. SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS.

(a) IN GENERAL.—The Immigration and Nationality Act is amended by adding after section 236 (8 U.S.C. 1226) the following new section:

"SPECIAL EXCLUSION IN EXTRAORDINARY MIGRATION SITUATIONS

"SEC. 236A. (a) IN GENERAL.—

"(1) Notwithstanding the provisions of sections 235(b) and 236, and subject to subsection (c), if the Attorney General determines that the numbers or circumstances of aliens en route to or arriving in the United States, by land, sea, or air, present an extraordinary migration situation, the Attorney General may, without referral to a special inquiry officer, order the exclusion and deportation of any alien who is found to be excludable under section 212(a) (6)(C) or (7).

"(2) As used in this section, the term 'extraordinary migration situation' means the arrival or imminent arrival in the United States or its territorial waters of aliens who by their numbers or circumstances substantially exceed the capacity of the inspection and examination of such aliens.

"(3) Subject to paragraph (4), the determination whether there exists an extraordinary migration situation within the meaning of paragraphs (1) and (2) is committed to the sole and exclusive discretion of the Attorney General.

"(4) The provisions of this subsection may be invoked under paragraph (1) for a period not to exceed 90 days, unless within such 90-day period or extension thereof, the Attorney General determines, after consultation with the Committees on the Judiciary of the Senate and the House of Representatives, that an extraordinary migration situation continues to warrant such procedures remaining in effect for an additional 90-day period.

"(5) No alien may be ordered specially excluded under paragraph (1) if—

"(A) such alien is eligible to seek asylum under section 208; and

"(B) the Attorney General determines, in the procedure described in subsection (b), that such alien has a credible fear of persecution on account of race, religion, nationality, membership in a particular social group or political opinion in the country of such person's nationality, or in the case of a person having no nationality, the country in which such person last habitually resided.

"(6) A special exclusion order entered in accordance with the provisions of this section is not subject to administrative review other than as provided in this section, except that the Attorney General shall provide by regulation for a prompt administrative review of such an order against an applicant who claims under oath, or as permitted under penalty of perjury under section 1746 of title 28, United States Code, after having been warned of the penalties for falsely making such claim under such conditions, to have been, and appears to have been, lawfully admitted for permanent residence.

"(7) A special exclusion order entered in accordance with the provisions of this section shall have the same effect as if the alien had been ordered excluded and deported pursuant to section 236.

"(8) Nothing in this subsection shall be construed as requiring an inquiry before a special inquiry officer in the case of an alien crewman.

"(b) PROCEDURE FOR USING SPECIAL EXCLUSION.—(1) When the Attorney General has determined pursuant to this section that an extraordinary migration situation exists and an alien subject to special exclusion under such section has indicated a desire to apply for asylum or withholding of deportation under section 243(h) or has indicated a fear of persecution upon return, the immigration officer shall refer the matter to an asylum officer.

"(2) Such asylum officer shall interview the alien to determine whether the alien has a credible fear of persecution (or of return to persecution) in or from the country of such alien's nationality, or in the case of a person having no

nationality, the country in which such alien last habitually resided.

"(3) The Attorney General shall provide information concerning the procedures described in this section to any alien who is subject to such provisions. The alien may consult with or be represented by a person or persons of the alien's choosing according to regulations prescribed by the Attorney General. Such consultation and representation shall be at no expense to the Government and shall not unreasonably delay the process.

"(4) The application for asylum or withholding of deportation of an alien who has been determined under the procedure described in paragraph (2) to have a credible fear of persecution shall be determined in due course by a special inquiry officer during a hearing on the exclusion of such alien.

"(5) If the officer determines that the alien does not have a credible fear of persecution in (or of return to persecution from) the country or countries referred to in paragraph (2), the alien may be specially excluded and deported in accordance with this section.

"(6) The Attorney General shall provide by regulation for a single level of administrative appellate review of a special exclusion order entered in accordance with the provisions of this section.

"(7) As used in this section, the term 'asylum officer' means an immigration officer who—

"(A) has had extensive professional training in country conditions, asylum law, and interview techniques;

"(B) has had at least one year of experience adjudicating affirmative asylum applications of aliens who are not in special exclusion proceedings; and

"(C) is supervised by an officer who meets the qualifications described in subparagraphs (A) and (B).

"(8) As used in this section, the term 'credible fear of persecution' means that, in light of statements and evidence produced by the alien in support of the alien's claim, and of such other facts as are known to the officer about country conditions, a claim by the alien that the alien is eligible for asylum under section 208 would not be manifestly unfounded.

"(c) ALIENS FLEEING ONGOING ARMED CONFLICT, TORTURE, SYSTEMATIC PERSECUTION, AND OTHER DEPRIVATIONS OF HUMAN RIGHTS.—Notwithstanding any other provision of this section, the Attorney General may, in the Attorney General's discretion, proceed in accordance with section 236 with regard to any alien fleeing from a country where—

"(1) the government (or a group within the country that the government is unable or unwilling to control) engages in—

"(A) torture or other cruel, inhuman, or degrading treatment or punishment;

"(B) prolonged arbitrary detention without charges or trial;

"(C) abduction, forced disappearance or clandestine detention; or

"(D) systematic persecution; or

"(2) an ongoing armed conflict or other extraordinary conditions would pose a serious threat to the alien's personal safety.".

(b) CONFORMING AMENDMENTS.—(1)(A) Section 235(b) of the Immigration and Nationality Act (8 U.S.C. 1225b) is amended to read as follows:

"(b) Every alien (other than an alien crewman), and except as otherwise provided in subsection (c) of this section and in section 273(d), who may not appear to the examining officer at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for further inquiry to be conducted by a special inquiry officer. The decision of the examining immigration officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer and such challenge shall operate to take the alien, whose privilege to land is so challenged, before a special inquiry officer.".

(B) Section 237(a) of the Immigration and Nationality Act (8 U.S.C. 1227a) is amended—

(i) in the second sentence of paragraph (1), by striking "Subject to section 235(b)(1), deportation" and inserting "Deportation"; and

(ii) in the first sentence of paragraph (2), by striking "Subject to section (b)(1), if" and inserting "If".

(2)(A) Section 106 of the Immigration and Nationality Act (8 U.S.C. 1105a) is amended—

(i) by striking subsection (e); and

(ii) by amending the section heading to read as follows: "JUDICIAL REVIEW OF ORDERS OF DEPORTATION AND EXCLUSION".

(B) Section 235(d) (8 U.S.C. 1225d) is repealed.

(C) The item relating to section 106 in the table of contents of the Immigration and Nationality Act is amended to read as follows:

"106. Judicial review of orders of deportation and exclusion.".

(3) Section 241(d) (8 U.S.C. 1251d) is repealed.

SEC. 142. JUDICIAL REVIEW OF ORDERS OF EXCLUSION AND DEPORTATION.

(a) IN GENERAL.—Section 106 (8 U.S.C. 1105a) is amended to read as follows:

"JUDICIAL REVIEW OF ORDERS OF DEPORTATION, EXCLUSION, AND SPECIAL EXCLUSION

"SEC. 106. (a) APPLICABLE PROVISIONS.—Except as provided in subsection (b), judicial review of a final order of exclusion or deportation is governed only by chapter 158 of title 28 of the United States Code, but in no such review may a court order the taking of additional evidence pursuant to section 2347(c) of title 28, United States Code.

"(b) REQUIREMENTS.—(1)(A) A petition for judicial review must be filed not later than 30 days after the date of the final order of exclusion or deportation, except that in the case of any specially deportable criminal alien (as defined in section 242(k)), there shall be no judicial review of any final order of deportation.

"(B) The alien shall serve and file a brief in connection with a petition for judicial review not later than 40 days after the date on which the administrative record is available, and may serve and file a reply brief not later than 14 days after service of the brief of the Attorney General, and the court may not extend these deadlines except upon motion for good cause shown. Judicial review of all questions of law and fact, including interpretation and application of constitutional and statutory provisions, arising from any action taken or proceeding brought to exclude or deport an alien from the United States under title II of this Act shall be available only in the judicial review of a final order of exclusion or deportation under this section. If a petition filed under this section raises a Constitutional issue that the court of appeals finds presents a genuine issue of material fact that cannot be resolved on the basis of the administrative record, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides or is detained for a new hearing on the Constitutional claim as if the proceedings were originally initiated in district court. The procedure in these cases in the district court is governed by the Federal Rules of Civil Procedure.

"(C) If an alien fails to file a brief in connection with a petition for judicial review within the time provided in this paragraph, the Attorney General may move to dismiss the appeal, and the court shall grant such motion unless a manifest injustice would result.

"(2) A petition for judicial review shall be filed with the court of appeals for the judicial circuit in which the special inquiry officer completed the proceedings.

"(3) The respondent of a petition for judicial review shall be the Attorney General. The petition shall be served on the Attorney General and on the officer or employee of the Immigration and Naturalization Service in charge of the Service district in which the final order of exclusion or deportation was entered. Service of the petition on the officer or employee does not stay the deportation of an alien pending the court's decision on the petition, unless the court orders otherwise.

"(4)(A) Except as provided in paragraph (5)(B), the court of appeals shall decide the petition only on the administrative record on which the order of exclusion or deportation is based and the Attorney General's findings of fact shall be conclusive unless a reasonable adjudicator would be compelled to conclude to the contrary.

"(B) The Attorney General's discretionary judgment whether to grant relief under section 212 (c) or (i), 244 (a) or (d), or 245 shall be conclusive and shall not be subject to review.

"(C) The Attorney General's discretionary judgment whether to grant relief under section 208(a) shall be conclusive unless manifestly contrary to law and an abuse of discretion.

"(5)(A) If the petitioner claims to be a national of the United States and the court of appeals finds from the pleadings and affidavits that no genuine issue of material fact about the petitioner's nationality is presented, the court shall decide the nationality claim.

"(B) If the petitioner claims to be a national of the United States and the court of appeals finds that a genuine issue of material fact about the petitioner's nationality is presented, the court shall transfer the proceeding to the district court of the United States for the judicial district in which the petitioner resides for a new hearing on the nationality claim and a decision on that claim as if an action had been brought in the district court under section 2201 of title 28, United States Code.

"(C) The petitioner may have the nationality claim decided only as provided in this section.

"(6)(A) If the validity of an order of deportation has not been judicially decided, a defendant in a criminal proceeding charged with violating subsection (d) or (e) of section 242 may challenge the validity of the order in the criminal proceeding only by filing a separate motion before trial. The district court, without a jury, shall decide the motion before trial.

"(B) If the defendant claims in the motion to be a national of the United States and the district court finds that no genuine issue of material fact about the defendant's nationality is presented, the court shall decide the motion only on the administrative record on which the deportation order is based. The administrative findings of fact are conclusive if supported by reasonable, substantial, and probative evidence on the record considered as a whole.

"(C) If the defendant claims in the motion to be a national of the United States and the district court finds that a genuine issue of material fact about the defendant's nationality is presented, the court shall hold a new hearing on the nationality claim and decide that claim as if an action had been brought under section 2201 of title 28, United States Code.

"(D) If the district court rules that the deportation order is invalid, the court shall dismiss the indictment. The United States Government may appeal the dismissal to the court of appeals for the appropriate circuit within 30 days. The defendant may not file a petition for review under this section during the criminal proceeding. The defendant may have the nationality claim decided only as provided in this section.

"(7) This subsection—

"(A) does not prevent the Attorney General, after a final order of deportation has been

issued, from detaining the alien under section 242(c);

"(B) does not relieve the alien from complying with subsection (d) or (e) of section 242; and

"(C) except as provided in paragraph (3), does not require the Attorney General to defer deportation of the alien.

"(8) The record and briefs do not have to be printed. The court of appeals shall review the proceeding on a typewritten record and on typewritten briefs.

"(c) REQUIREMENTS FOR PETITION.—A petition for review of an order of exclusion or deportation shall state whether a court has upheld the validity of the order, and, if so, shall state the name of the court, the date of the court's ruling, and the kind of proceeding.

"(d) REVIEW OF FINAL ORDERS.—

"(1) A court may review a final order of exclusion or deportation only if—

"(A) the alien has exhausted all administrative remedies available to the alien as a matter of right; and

"(B) another court has not decided the validity of the order, unless, subject to paragraph (2), the reviewing court finds that the petition presents grounds that could not have been presented in the prior judicial proceeding or that the remedy provided by the prior proceeding was inadequate or ineffective to test the validity of the order.

"(2) Nothing in paragraph (1)(B) may be construed as creating a right of review if such review would be inconsistent with subsection (e), (f), or (g), or any other provision of this section.

"(e) NO JUDICIAL REVIEW FOR ORDERS OF DEPORTATION OR EXCLUSION ENTERED AGAINST CERTAIN CRIMINAL ALIENS.—Notwithstanding any other provision of law, any order of exclusion or deportation against an alien who is excludable or deportable by reason of having committed any criminal offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), is not subject to review by any court.

"(f) NO COLLATERAL ATTACK.—In any action brought for the assessment of penalties for improper entry or reentry of an alien under section 275 or 276, no court shall have jurisdiction to hear claims attacking the validity of orders of exclusion, special exclusion, or deportation entered under section 235, 236, or 242.".

(b) RESCISSION OF ORDER.—Section 242B(c)(3) (8 U.S.C. 1252b(c)(3)) is amended by striking the period at the end and inserting "by the special inquiry officer, but there shall be no stay pending further administrative or judicial review, unless ordered because of individually compelling circumstances.".

(c) CLERICAL AMENDMENT.—The table of contents of the Act is amended by amending the item relating to section 106 to read as follows:

"Sec. 106. Judicial review of orders of deportation, exclusion, and special exclusion.".

(d) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply to all final orders of exclusion or deportation entered, and motions to reopen filed, on or after the date of the enactment of this Act.

SEC. 143. CIVIL PENALTIES AND VISA INELIGIBILITY, FOR FAILURE TO DEPART.

(a) ALIENS SUBJECT TO AN ORDER OF EXCLUSION OR DEPORTATION.—The Immigration and Nationality Act is amended by inserting after section 274C (8 U.S.C. 1324c) the following new section:

"CIVIL PENALTIES FOR FAILURE TO DEPART

"SEC. 274D. (a) Any alien subject to a final order of exclusion and deportation or deportation who—

"(1) willfully fails or refuses to—

"(A) depart on time from the United States pursuant to the order;

"(B) make timely application in good faith for travel or other documents necessary for departure; or

"(C) present himself or herself for deportation at the time and place required by the Attorney General; or

"(2) conspires to or takes any action designed to prevent or hamper the alien's departure pursuant to the order,

shall pay a civil penalty of not more than $500 to the Commissioner for each day the alien is in violation of this section.

"(b) The Commissioner shall deposit amounts received under subsection (a) as offsetting collections in the appropriate appropriations account of the Service.

"(c) Nothing in this section shall be construed to diminish or qualify any penalties to which an alien may be subject for activities proscribed by section 242(e) or any other section of this Act.".

(b) VISA OVERSTAYER.—The Immigration and Nationality Act is amended in section 212 (8 U.S.C. 1182) by inserting the following new subsection:

"(p)(1) Any lawfully admitted nonimmigrant who remains in the United States for more than 60 days beyond the period authorized by the Attorney General shall be ineligible for additional nonimmigrant or immigrant visas (other than visas available for spouses of United States citizens or aliens lawfully admitted for permanent residence) until the date that is—

"(A) 3 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant not described in paragraph (2); or

"(B) 5 years after the date the nonimmigrant departs the United States in the case of a nonimmigrant who without reasonable cause fails or refuses to attend or remain in attendance at a proceeding to determine the nonimmigrant's deportability.

"(2)(A) Paragraph (1) shall not apply to any lawfully admitted nonimmigrant who is described in paragraph (1)(A) and who demonstrates good cause for remaining in the United States for the entirety of the period (other than the first 60 days) during which the nonimmigrant remained in the United States without the authorization of the Attorney General.

"(B) A final order of deportation shall not be stayed on the basis of a claim of good cause made under this subsection.

"(3) The Attorney General shall by regulation establish procedures necessary to implement this section.".

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date of implementation of the automated entry-exit control system described in section 201, or on the date that is 2 years after the date of enactment of this Act, whichever is earlier.

(d) AMENDMENTS TO TABLE OF CONTENTS.—The table of contents of the Act is amended by inserting after the item relating to section 274C the following:

"Sec. 274D. Civil penalties for failure to depart.".

SEC. 144. CONDUCT OF PROCEEDINGS BY ELECTRONIC MEANS.

Section 242(b) (8 U.S.C. 1252(b)) is amended by inserting at the end the following new sentences: "Nothing in this subsection precludes the Attorney General from authorizing proceedings by video electronic media, by telephone, or, where a requirement for the alien's appearance is waived or the alien's absence is agreed to by the parties, in the absence of the alien. Contested full evidentiary hearings on the merits may be conducted by telephone only with the consent of the alien.".

SEC. 145. SUBPOENA AUTHORITY.

(a) EXCLUSION PROCEEDINGS.—Section 236(a) (8 U.S.C. 1226(a)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

(b) DEPORTATION PROCEEDINGS.—Section 242(b) (8 U.S.C. 1252(b)) is amended in the first sentence by inserting "issue subpoenas," after "evidence,".

SEC. 146. LANGUAGE OF DEPORTATION NOTICE; RIGHT TO COUNSEL.

(a) LANGUAGE OF NOTICE.—Section 242B (8 U.S.C. 1252b) is amended in subsection (a)(3) by striking "under this subsection" and all that follows through "(B)" and inserting "under this subsection".

(b) PRIVILEGE OF COUNSEL.—(1) Section 242B(b)(1) (8 U.S.C. 1252b(b)(1)) is amended by inserting before the period at the end the following: ", except that a hearing may be scheduled as early as 3 days after the service of the order to show cause if the alien has been continued in custody subject to section 242".

(2) The parenthetical phrase in section 292 (8 U.S.C. 1362) is amended to read as follows: "(at no expense to the Government or unreasonable delay to the proceedings)".

(3) Section 242B(b) (8 U.S.C. 1252b(b)) is further amended by inserting at the end the following new paragraph:

"(3) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to prevent the Attorney General from proceeding against an alien pursuant to section 242 if the time period described in paragraph (1) has elapsed and the alien has failed to secure counsel.".

SEC. 147. ADDITION OF NONIMMIGRANT VISAS TO TYPES OF VISA DENIED FOR COUNTRIES REFUSING TO ACCEPT DEPORTED ALIENS.

(a) IN GENERAL.—Section 243(g) (8 U.S.C. 1253(g)) is amended to read as follows:

"(g)(1) If the Attorney General determines that any country upon request denies or unduly delays acceptance of the return of any alien who is a national, citizen, subject, or resident thereof, the Attorney General shall notify the Secretary of such fact, and thereafter, subject to paragraph (2), neither the Secretary of State nor any consular officer shall issue an immigrant or nonimmigrant visa to any national, citizen, subject, or resident of such country.

"(2) The Secretary of State may waive the application of paragraph (1) if the Secretary determines that such a waiver is necessary to comply with the terms of a treaty or international agreement or is in the national interest of the United States.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to countries for which the Secretary of State gives instructions to United States consular officers on or after the date of the enactment of this Act.

SEC. 148. AUTHORIZATION OF SPECIAL FUND FOR COSTS OF DEPORTATION.

In addition to any other funds otherwise available in any fiscal year for such purpose, there are authorized to be appropriated to the Immigration and Naturalization Service $10,000,000 for use without fiscal year limitation for the purpose of—

(1) executing final orders of deportation pursuant to sections 242 and 242A of the Immigration and Nationality Act (8 U.S.C. 1252 and 1252a); and

(2) detaining aliens prior to the execution of final orders of deportation issued under such sections.

SEC. 149. PILOT PROGRAM TO INCREASE EFFICIENCY IN REMOVAL OF DETAINED ALIENS.

(a) AUTHORITY.—The Attorney General shall conduct one or more pilot programs to study methods for increasing the efficiency of deportation and exclusion proceedings against detained *aliens by increasing the availability of pro bono counseling and representation for such aliens. Any such pilot program may provide for administrative grants to not-for-profit organizations involved in the counseling and representation of aliens in immigration proceedings. An evaluation component shall be included in any such pilot program to test the efficiency and cost-effectiveness of the services provided and the replicability of such programs at other locations.*

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Justice such sums as may be necessary to carry out the program or programs described in subsection (a).

(c) STATUTORY CONSTRUCTION.—Nothing in this section may be construed as creating a right for any alien to be represented in any exclusion or deportation proceeding at the expense of the Government.

SEC. 150. LIMITATIONS ON RELIEF FROM EXCLUSION AND DEPORTATION.

(a) LIMITATION.—Section 212(c) (8 U.S.C. 1182(c)) is amended to read as follows:

"(c)(1) Subject to paragraphs (2) through (5), an alien who is and has been lawfully admitted for permanent residence for at least 5 years, who has resided in the United States continuously for 7 years after having been lawfully admitted, and who is returning to such residence after having temporarily proceeded abroad voluntarily and not under an order of deportation, may be admitted in the discretion of the Attorney General without regard to the provisions of subsection (a) (other than paragraphs (3) and (9)(C)).

"(2) For purposes of this subsection, any period of continuous residence shall be deemed to end when the alien is placed in proceedings to exclude or deport the alien from the United States.

"(3) Nothing contained in this subsection shall limit the authority of the Attorney General to exercise the discretion authorized under section 211(b).

"(4) Paragraph (1) shall not apply to an alien who has been convicted of one or more aggravated felonies and has been sentenced for such felony or felonies to a term or terms of imprisonment totalling, in the aggregate, at least 5 years.

"(5) This subsection shall apply only to an alien in proceedings under section 236.".

(b) CANCELLATION OF DEPORTATION.—Section 244 (8 U.S.C. 1254) is amended to read as follows:

"CANCELLATION OF DEPORTATION; ADJUSTMENT OF STATUS; VOLUNTARY DEPARTURE

"SEC. 244. (a) CANCELLATION OF DEPORTATION.—(1) The Attorney General may, in the Attorney General's discretion, cancel deportation in the case of an alien who is deportable from the United States and—

"(A) is, and has been for at least 5 years, a lawful permanent resident; has resided in the United States continuously for not less than 7 years after being lawfully admitted; and has not been convicted of an aggravated felony or felonies for which the alien has been sentenced to a term or terms of imprisonment totaling, in the aggregate, at least 5 years;

"(B) has been physically present in the United States for a continuous period of not less than 7 years since entering the United States; has been a person of good moral character during such period; and establishes that deportation would result in extreme hardship to the alien or the alien's spouse, parent, or child, who is a citizen or national of the United States or an alien lawfully admitted for permanent residence;

"(C) has been physically present in the United States for a continuous period of not less than three years since entering the United States; has been battered or subjected to extreme cruelty in the United States by a spouse or parent who is a United States citizen or lawful permanent resident (or is the parent of a child who is a United States citizen or lawful permanent resident and the child has been battered or subjected to extreme cruelty in the United States by such citizen or permanent resident parent); has been a person of good moral character during all of such period in the United States; and establishes that deportation would result in extreme hardship to the alien or the alien's parent or child; or

"(D) is deportable under paragraph (2) (A), (B), or (D), or paragraph (3) of section 241(a); has been physically present in the United States for a continuous period of not less than 10 years immediately following the commission of an act, or the assumption of a status, constituting a ground for deportation, and proves that during all of such period he has been a person of good moral character; and is a person whose deportation would, in the opinion of the Attorney General, result in exceptional and extremely unusual hardship to the alien or to his spouse, parent, or child, who is a citizen of the United States or an alien lawfully admitted for permanent residence.

"(2)(A) For purposes of paragraph (1), any period of continuous residence or continuous physical presence in the United States shall be deemed to end when the alien is served an order to show cause pursuant to section 242 or 242B.

"(B) An alien shall be considered to have failed to maintain continuous physical presence in the United States under paragraph (1) (B), (C), or (D) if the alien was absent from the United States for any single period of more than 90 days or an aggregate period of more than 180 days.

"(C) A person who is deportable under section 241(a)(2)(C) or 241(a)(4) shall not be eligible for relief under this section.

"(D) A person who is deportable under section 241(a)(2) (A), (B), or (D) or section 241(a)(3) shall not be eligible for relief under paragraph (1) (B), or (D).

"(E) A person who has been convicted of an aggravated felony shall not be eligible for relief under paragraph (1) (B), or (C), (D).

"(F) A person who is deportable under section 241(a)(1)(G) shall not be eligible for relief under paragraph (1)(C).

"(b) CONTINUOUS PHYSICAL PRESENCE NOT REQUIRED BECAUSE OF HONORABLE SERVICE IN ARMED FORCES AND PRESENCE UPON ENTRY INTO SERVICE.—The requirements of continuous residence or continuous physical presence in the United States specified in subsection (a)(1) (A) and (B) shall not be applicable to an alien who—

"(1) has served for a minimum period of 24 months in an active-duty status in the Armed Forces of the United States and, if separated from such service, was separated under honorable conditions, and

"(2) at the time of his or her enlistment or induction, was in the United States.

"(c) ADJUSTMENT OF STATUS.—The Attorney General may cancel deportation and adjust to the status of an alien lawfully admitted for permanent residence any alien who the Attorney General determines meets the requirements of subsection (a)(1) (B), (C), or (D). The Attorney General shall record the alien's lawful admission for permanent residence as of the date the Attorney General decides to cancel such alien's removal.

"(d) ALIEN CREWMEN; NONIMMIGRANT EXCHANGE ALIENS ADMITTED TO RECEIVE GRADUATE MEDICAL EDUCATION OR TRAINING; OTHER.—The provisions of subsection (a) shall not apply to an alien who—

"(1) entered the United States as a crewman after June 30, 1964;

"(2) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, in order to receive graduate medical education or training, without regard to whether or not the alien is subject to or has fulfilled the two-year foreign residence requirement of section 212(e); or

"(3)(A) was admitted to the United States as a nonimmigrant alien described in section 101(a)(15)(J), or has acquired the status of such a nonimmigrant alien after admission, other than to receive graduate medical education or training;

"(B) is subject to the two-year foreign residence requirement of section 212(e); and

"(C) has not fulfilled that requirement or received a waiver thereof, or, in the case of a foreign medical graduate who has received a waiver pursuant to section 220 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416), has not fulfilled the requirements of section 214(k).

"(e) VOLUNTARY DEPARTURE.—(1)(A) The Attorney General may permit an alien voluntarily to depart the United States at the alien's own expense—

"(i) in lieu of being subject to deportation proceedings under section 242 or prior to the completion of such proceedings, if the alien is not a person deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); or

"(ii) after the completion of deportation proceedings under section 242, only if a special inquiry officer determines that—

"(I) the alien is, and has been for at least 5 years immediately preceding the alien's application for voluntary departure, a person of good moral character;

"(II) the alien is not deportable under section 241(a)(2)(A)(iii) or section 241(a)(4); and

"(III) the alien establishes by clear and convincing evidence that the alien has the means to depart the United States and intends to do so.

"(B)(i) In the case of departure pursuant to subparagraph (A)(i), the Attorney General may require the alien to post a voluntary departure bond, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(ii) If any alien who is authorized to depart voluntarily under this paragraph is financially unable to depart at the alien's own expense and the Attorney General deems the alien's removal to be in the best interest of the United States, the expense of such removal may be paid from the appropriation for enforcement of this Act.

"(C) In the case of departure pursuant to subparagraph (A)(ii), the alien shall be required to post a voluntary departure bond, in an amount necessary to ensure that the alien will depart, to be surrendered upon proof that the alien has departed the United States within the time specified.

"(2) If the alien fails voluntarily to depart the United States within the time period specified in accordance with paragraph (1), the alien shall be subject to a civil penalty of not more than $500 per day and shall be ineligible for any further relief under this subsection or subsection (a).

"(3)(A) The Attorney General may by regulation limit eligibility for voluntary departure for any class or classes of aliens.

"(B) No court may review any regulation issued under subparagraph (A).

"(4) No court shall have jurisdiction over an appeal from denial of a request for an order of voluntary departure under paragraph (1), nor shall any court order a stay of an alien's removal pending consideration of any claim with respect to voluntary departure.".

(c) CONFORMING AMENDMENTS.—(1) Section 242(b) (8 U.S.C. 1252(b)) is amended by striking the last two sentences.

(2) Section 242B (8 U.S.C. 1252b) is amended—

(A) in subsection (e)(2), by striking "section 244(e)(1)" and inserting "section 244(e)"; and

(B) in subsection (e)(5)—

(i) by striking "suspension of deportation" and inserting "cancellation of deportation"; and

(ii) by inserting "244," before "245".

(d) AMENDMENT TO THE TABLE OF CONTENTS.—The table of contents of the Act is amended by amending the item relating to section 244 to read as follows:

"Sec. 244. Cancellation of deportation; adjustment of status; voluntary departure.".

(e) EFFECTIVE DATES.—(1) The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 212(c) of the Immigration and Nationality Act (8 U.S.C. 1182(c)), except that, for purposes of determining the period of continuous residence, the amendments made by subsection (a) shall apply to all aliens against whom proceedings are commenced on or after the date of the enactment of this Act.

(2) The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and shall apply to all applications for relief under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254), except that, for purposes of determining the periods of continuous residence or continuous physical presence, the amendments made by subsection (b) shall apply to all aliens upon whom an order to show cause is served on or after the date of the enactment of this Act.

(3) The amendments made by subsection (c) shall take effect on the date of the enactment of this Act.

SEC. 151. ALIEN STOWAWAYS.

(a) DEFINITION.—Section 101(a) (8 U.S.C. 1101) is amended by adding the following new paragraph:

"(47) The term 'stowaway' means any alien who obtains transportation without the consent of the owner, charterer, master, or person in command of any vessel or aircraft through concealment aboard such vessel or aircraft. A passenger who boards with a valid ticket is not to be considered a stowaway.".

(b) EXCLUDABILITY.—Section 237 (8 U.S.C. 1227) is amended—

(1) in subsection (a)(1), before the period at the end of the first sentence, by inserting the following: ", or unless the alien is an excluded stowaway who has applied for asylum or withholding of deportation and whose application has not been adjudicated or whose application has been denied but who has not exhausted every appeal right"; and

(2) by inserting after the first sentence in subsection (a)(1) the following new sentences: "Any alien stowaway inspected upon arrival in the United States is an alien who is excluded within the meaning of this section. For purposes of this section, the term 'alien' includes an excluded stowaway. The provisions of this section concerning the deportation of an excluded alien shall apply to the deportation of a stowaway under section 273(d).".

(c) CARRIER LIABILITY FOR COSTS OF DETENTION.—Section 273(d) (8 U.S.C. 1323(d)) is amended to read as follows:

"(d)(1) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to detain on board or at such other place as may be designated by an immigration officer any alien stowaway until such stowaway has been inspected by an immigration officer.

"(2) Upon inspection of an alien stowaway by an immigration officer, the Attorney General may by regulation take immediate custody of any stowaway and shall charge the owner, charterer, agent, consignee, commanding officer, or master of the vessel or aircraft on which the stowaway has arrived the costs of detaining the stowaway.

"(3) It shall be the duty of the owner, charterer, agent, consignee, commanding officer, or master of any vessel or aircraft arriving at the United States from any place outside the United States to deport any alien stowaway on the vessel or aircraft on which such stowaway arrived or on another vessel or aircraft at the expense of the vessel or aircraft on which such stowaway arrived when required to do so by an immigration officer.

"(4) Any person who fails to comply with paragraph (1) or (3), shall be subject to a fine of $5,000 for each alien for each failure to comply, payable to the Commissioner. The Commissioner shall deposit amounts received under this paragraph as offsetting collections to the applicable appropriations account of the Service. Pending final determination of liability for such fine, no such vessel or aircraft shall be granted clearance, except that clearance may be granted upon the deposit of a sum sufficient to cover such fine, or of a bond with sufficient surety to secure the payment thereof approved by the Commissioner.

"(5) An alien stowaway inspected upon arrival shall be considered an excluded alien under this Act.

"(6) The provisions of section 235 for detention of aliens for examination before a special inquiry officer and the right of appeal provided for in section 236 shall not apply to aliens who arrive as stowaways, and no such aliens shall be permitted to land in the United States, except temporarily for medical treatment, or pursuant to such regulations as the Attorney General may prescribe for the departure, removal, or deportation of such alien from the United States.

"(7) A stowaway may apply for asylum under section 208 or withholding of deportation under section 243(h), pursuant to such regulations as the Attorney General may establish.".

SEC. 152. PILOT PROGRAM ON INTERIOR REPATRIATION AND OTHER METHODS TO DETER MULTIPLE UNLAWFUL ENTRIES.

(a) ESTABLISHMENT.—Not later than 180 days after the date of the enactment of this Act, the Attorney General, after consultation with the Secretary of State, shall establish a pilot program for up to two years which provides for methods to deter multiple unlawful entries by aliens into the United States. The pilot program may include the development and use of interior repatriation, third country repatriation, and other disincentives for multiple unlawful entries into the United States.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of the pilot program under this section and whether the pilot program or any part thereof should be extended or made permanent.

SEC. 153. PILOT PROGRAM ON USE OF CLOSED MILITARY BASES FOR THE DETENTION OF EXCLUDABLE OR DEPORTABLE ALIENS.

(a) ESTABLISHMENT.—The Attorney General and the Secretary of Defense shall jointly establish a pilot program for up to two years to determine the feasibility of the use of military bases available through the defense base realignment and closure process as detention centers for the Immigration and Naturalization Service.

(b) REPORT.—Not later than 35 months after the date of the enactment of this Act, the Attorney General, together with the Secretary of State, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate, the Committee on National Security of the House of Representatives, and the Committee on Armed Services of the Senate, on the feasibility of using military bases closed through the defense base realignment and closure process as detention centers by the Immigration and Naturalization Service.

SEC. 154. PHYSICAL AND MENTAL EXAMINATIONS.

Section 234 (8 U.S.C. 1224) is amended to read as follows:

"PHYSICAL AND MENTAL EXAMINATIONS

"SEC. 234. (a) ALIENS COVERED.—Each alien within any of the following classes of aliens who is seeking entry into the United States shall undergo a physical and mental examination in accordance with this section:

"(1) Aliens applying for visas for admission to the United States for permanent residence.

"(2) Aliens seeking admission to the United States for permanent residence for whom examinations were not made under paragraph (1).

"(3) Aliens within the United States seeking adjustment of status under section 245 to that of aliens lawfully admitted to the United States for permanent residence.

"(4) Alien crewmen entering or in transit across the United States.

"(b) DESCRIPTION OF EXAMINATION.—(1) Each examination required by subsection (a) shall include—

"(A) an examination of the alien for any physical or mental defect or disease and a certification of medical findings made in accordance with subsection (d); and

"(B) an assessment of the vaccination record of the alien in accordance with subsection (e).

"(2) The Secretary of Health and Human Services shall prescribe such regulations as may be necessary to carry out the medical examinations required by subsection (a).

"(c) MEDICAL EXAMINERS.—

"(1) MEDICAL OFFICERS.—(A) Except as provided in paragraphs (2) and (3), examinations under this section shall be conducted by medical officers of the United States Public Health Services.

"(B) Medical officers of the United States Public Health Service who have had specialized training in the diagnosis of insanity and mental defects shall be detailed for duty or employed at such ports of entry as the Secretary may designate, in consultation with the Attorney General.

"(2) CIVIL SURGEONS.—(A) Whenever medical officers of the United States Public Health Service are not available to perform examinations under this section, the Attorney General, in consultation with the Secretary, shall designate civil surgeons to perform the examinations.

"(B) Each civil surgeon designated under subparagraph (A) shall—

"(i) have at least 4 years of professional experience unless the Secretary determines that special or extenuating circumstances justify the designation of an individual having a lesser amount of professional experience; and

"(ii) satisfy such other eligibility requirements as the Secretary may prescribe.

"(3) PANEL PHYSICIANS.—In the case of examinations under this section abroad, the medical examiner shall be a panel physician designated by the Secretary of State, in consultation with the Secretary.

"(d) CERTIFICATION OF MEDICAL FINDINGS.—The medical examiners shall certify for the information of immigration officers and special inquiry officers, or consular officers, as the case may be, any physical or mental defect or disease observed by such examiners in any such alien.

"(e) VACCINATION ASSESSMENT.—(1) The assessment referred to in subsection (b)(1)(B) is an assessment of the alien's record of required vaccines for preventable diseases, including mumps,

measles, rubella, polio, tetanus, diphtheria toxoids, pertussis, hemophilus-influenza type B, hepatitis type B, as well as any other diseases specified as vaccine-preventable by the Advisory Committee on Immunization Practices.

"(2) Medical examiners shall educate aliens on the importance of immunizations and shall create an immunization record for the alien at the time of examination.

"(3)(A) Each alien who has not been vaccinated against measles, and each alien under the age of 5 years who has not been vaccinated against polio, must receive such vaccination, unless waived by the Secretary, and must receive any other vaccination determined necessary by the Secretary prior to arrival in the United States.

"(B) Aliens who have not received the entire series of vaccinations prescribed in paragraph (1) (other than measles) shall return to a designated civil surgeon within 30 days of arrival in the United States, or within 30 days of adjustment of status, for the remainder of the vaccinations.

"(f) APPEAL OF MEDICAL EXAMINATION FINDINGS.—Any alien determined to have a health-related grounds of exclusion under paragraph (1) of section 212(a) may appeal that determination to a board of medical officers of the Public Health Service, which shall be convened by the Secretary. The alien may introduce at least one expert medical witness before the board at his or her own cost and expense.

"(g) FUNDING.—(1)(A) The Attorney General shall impose a fee upon any person applying for adjustment of status to that of an alien lawfully admitted to permanent residence under section 209, 210, 245, or 245A, and the Secretary of State shall impose a fee upon any person applying for a visa at a United States consulate abroad who is required to have a medical examination in accordance with subsection (a).

"(B) The amounts of the fees required by subparagraph (A) shall be established by the Secretary, in consultation with the Attorney General and the Secretary of State, as the case may be, and shall be set at such amounts as may be necessary to recover the full costs of establishing and administering the civil surgeon and panel physician programs, including the costs to the Service, the Department of State, and the Department of Health and Human Services for any additional expenditures associated with the administration of the fees collected.

"(2)(A) The fees imposed under paragraph (1) may be collected as separate fees or as surcharges to any other fees that may be collected in connection with an application for adjustment of status under section 209, 210, 245, or 245A, for a visa, or for a waiver of excludability under paragraph (1) or (2) of section 212(g), as the case may be.

"(B) The provisions of the Act of August 18, 1856 (Revised Statutes 1726–28, 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected by the Secretary of State under this section.

"(3)(A) There is established on the books of the Treasury of the United States a separate account which shall be known as the 'Medical Examinations Fee Account'.

"(B) There shall be deposited as offsetting receipts into the Medical Examinations Fee Account all fees collected under paragraph (1), to remain available until expended.

"(C) Amounts in the Medical Examinations Fee Account shall be available only to reimburse any appropriation currently available for the programs established by this section.

"(h) DEFINITIONS.—As used in this section—

"(1) the term 'medical examiner' refers to a medical officer, civil surgeon, or panel physician, as described in subsection (c); and

"(2) the term 'Secretary' means the Secretary of Health and Human Services.".

SEC. 155. CERTIFICATION REQUIREMENTS FOR FOREIGN HEALTH-CARE WORKERS.

(a) IN GENERAL.—Section 212(a) (8 U.S.C. 1182(a)) is amended—

(1) by redesignating paragraph (9) as paragraph (10); and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) UNCERTIFIED FOREIGN HEALTH-CARE WORKERS.—(A) Any alien who seeks to enter the United States for the purpose of performing labor as a health-care worker, other than a physician, is excludable unless the alien presents to the consular officer, or, in the case of an adjustment of status, the Attorney General, a certificate from the Commission on Graduates of Foreign Nursing Schools, or a certificate from an equivalent independent credentialing organization approved by the Attorney General in consultation with the Secretary of Health and Human Services, verifying that—

"(i) the alien's education, training, license, and experience—

"(I) meet all applicable statutory and regulatory requirements for entry into the United States under the classification specified in the application;

"(II) are comparable with that required for an American health-care worker of the same type; and

"(III) are authentic and, in the case of a license, unencumbered;

"(ii) the alien has the level of competence in oral and written English considered by the Secretary of Health and Human Services, in consultation with the Secretary of Education, to be appropriate for health care work of the kind in which the alien will be engaged, as shown by an appropriate score on one or more nationally recognized, commercially available, standardized assessments of the applicant's ability to speak and write; and

"(iii) if a majority of States licensing the profession in which the alien intends to work recognize a test predicting the success on the profession's licensing and certification examination, the alien has passed such a test.

"(B) For purposes of subparagraph (A)(ii), determination of the standardized tests required and of the minimum scores that are appropriate are within the sole discretion of the Secretary of Health and Human Services and are not subject to further administrative or judicial review.".

(b) CONFORMING AMENDMENTS.—

(1) Section 101(f)(3) is amended by striking "(9)(A) of section 212(a)" and inserting "(10)(A) of section 212(a)".

(2) Section 212(c) is amended by striking "(9)(C)" and inserting "(10)(C)".

SEC. 156. INCREASED BAR TO REENTRY FOR ALIENS PREVIOUSLY REMOVED.

(a) IN GENERAL.—Section 212(a)(6) (8 U.S.C. 1182(a)(6)) is amended—

(1) in subparagraph (A)—

(A) by striking "one year" and inserting "five years"; and

(B) by inserting ", or within 20 years of the date of any second or subsequent deportation," after "deportation";

(2) in subparagraph (B)—

(A) by redesignating clauses (ii), (iii), and (iv) as clauses (iii), (iv), and (v), respectively;

(B) by inserting after clause (i) the following new clause;

"(ii) has departed the United States while an order of deportation is outstanding,";

(C) by striking "or" after "removal,"; and

(D) by inserting "or (c) who seeks admission within 20 years of a second or subsequent deportation or removal," after "felony,".

(b) REENTRY OF DEPORTED ALIEN.—Section 276(a)(1) (8 U.S.C. 1326(a)(1)) is amended to read as follows:

"(1) has been arrested and deported, has been excluded and deported, or has departed the United States while an order of exclusion or deportation is outstanding, and thereafter".

SEC. 157. ELIMINATION OF CONSULATE SHOPPING FOR VISA OVERSTAYS.

(a) IN GENERAL.—Section 222 (8 U.S.C. 1202) is amended by adding at the end the following new subsection:

"(g)(1) In the case of an alien who has entered and remained in the United States beyond the authorized period of stay, the alien's nonimmigrant visa shall thereafter be invalid for reentry into the United States.

"(2) An alien described in paragraph (1) shall be ineligible to be readmitted to the United States as a nonimmigrant subsequent to the expiration of the alien's authorized period of stay, except—

"(A) on the basis of a visa issued in a consular office located in the country of the alien's nationality (or, if there is no office in such country, in such other consular office as the Secretary of State shall specify); or

"(B) where extraordinary circumstances are found by the Secretary of State to exist.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to visas issued before, on, or after the date of the enactment of this Act.

SEC. 158. INCITEMENT AS A BASIS FOR EXCLUSION FROM THE UNITED STATES.

Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)), is amended—

(1) by striking "or" at the end of clause (i)(I);

(2) in clause (i)(II), by inserting "or" at the end; and

(3) by inserting after clause (i)(II) the following new subclause:

"(III) has, under circumstances indicating an intention to cause death or serious bodily harm, incited terrorism, engaged in targeted racial vilification, or advocated the overthrow of the United States Government or death or serious bodily harm to any United States citizen or United States Government official,".

SEC. 159. CONFORMING AMENDMENT TO WITHHOLDING OF DEPORTATION.

Section 243(h) (8 U.S.C. 1253(h)) is amended by adding at the end the following new paragraph:

"(3) The Attorney General may refrain from deporting any alien if the Attorney General determines that—

"(A) such alien's life or freedom would be threatened, in the country to which such alien would be deported or returned, on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(B) deporting such alien would violate the 1967 United Nations Protocol relating to the Status of Refugees.".

PART 5—CRIMINAL ALIENS

SEC. 161. AMENDED DEFINITION OF AGGRAVATED FELONY.

(a) IN GENERAL.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended—

(1) in subparagraph (D), by striking "$100,000" and inserting "$10,000";

(2) in subparagraphs (F), (G), and (O), by striking "is at least 5 years" each place it appears and inserting "at least one year";

(3) in subparagraph (J)—

(A) by striking "sentence of 5 years' imprisonment" and inserting "sentence of one year imprisonment"; and

(B) by striking "offense described" and inserting "offense described in section 1084 of title 18 (if it is a second or subsequent offense), section 1955 of such title (relating to gambling offenses), or";

(4) in subparagraph (K)—

(A) by striking "or" at the end of clause (i);

(B) by adding "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) is described in section 2421, 2422, or 2423 of title 18, United States Code (relating to transportation for the purpose of prostitution), if committed for commercial advantage.";

(5) in subparagraph (L)—

(A) by striking "or" at the end of clause (i);

(B) by inserting "or" at the end of clause (ii); and

(C) by adding at the end the following new clause:

"(iii) section 601 of the National Security Act of 1947 (relating to protecting the identity of undercover agents)";

(6) in subparagraph (M), by striking "$200,000" each place it appears and inserting "$10,000";

(7) in subparagraph (N)—

(A) by striking "of title 18, United States Code"; and

(B) by striking "for the purpose of commercial advantage" and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(8) in subparagraph (O), by striking "which constitutes" and all that follows up to the semicolon at the end and inserting the following: ", except, for a first offense, if the alien has affirmatively shown that the alien committed the offense for the purpose of assisting, abetting, or aiding only the alien's spouse, child, or parent (and no other individual) to violate a provision of this Act";

(9) by redesignating subparagraphs (P) and (Q) as subparagraphs (R) and (S), respectively;

(10) by inserting after subparagraph (O) the following new subparagraphs:

"(P) any offense relating to commercial bribery, counterfeiting, forgery, or trafficking in vehicles whose identification numbers have been altered for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;

"(Q) any offense relating to perjury or subornation of perjury for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year;" and

(11) in subparagraph (R) (as redesignated), by striking "15" and inserting "5".

(b) EFFECTIVE DATE OF DEFINITION.—Section 101(a)(43) (8 U.S.C. 1101(a)(43)) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of law, the term applies regardless of whether the conviction was entered before, on, or after the date of enactment of this paragraph, except that, for purposes of section 242(f)(2), the term has the same meaning as was in effect under this paragraph on the date the offense was committed.".

(c) APPLICATION TO WITHHOLDING OF DEPORTATION.—Section 243(h) (8 U.S.C. 1253(h)), as amended by section 159 of this Act, is further amended in paragraph (2) by striking the last sentence and inserting the following: "For purposes of subparagraph (B), an alien shall be considered to have committed a particularly serious crime if such alien has been convicted of one or more of the following:

"(1) An aggravated felony, or attempt or conspiracy to commit an aggravated felony, for which the term of imprisonment imposed (regardless of any suspension of imprisonment) is at least one year.

"(2) An offense described in subparagraph (A), (B), (C), (E), (H), (I), (J), (L), or subparagraph (K)(ii), of section 101(a)(43), or an attempt or conspiracy to commit an offense described in one or more of such subparagraphs.".

SEC. 162. INELIGIBILITY OF AGGRAVATED FELONS FOR ADJUSTMENT OF STATUS.

Section 244(c) (8 U.S.C. 1254(c)), as amended by section 150 of this Act, is further amended by adding at the end the following new sentence: "No person who has been convicted of an aggravated felony shall be eligible for relief under this subsection.".

SEC. 163. EXPEDITIOUS DEPORTATION CREATES NO ENFORCEABLE RIGHT FOR AGGRAVATED FELONS.

Section 225 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended by striking "section 242(i) of the Immigration and Nationality Act (8 U.S.C. 1252(i))" and inserting "sections 242(i) or 242A of the Immigration and Nationality Act (8 U.S.C. 1252(i) or 1252a)".

SEC. 164. CUSTODY OF ALIENS CONVICTED OF AGGRAVATED FELONIES.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended in subsection (e)(2) by inserting after "unless" the following: "(A) the Attorney General determines, pursuant to section 3521 of title 18, United States Code, that release from custody is necessary to provide protection to a witness, a potential witness, a person cooperating with an investigation into major criminal activity, or an immediate family member or close associate of a witness, potential witness, or person cooperating with such an investigation, and that after such release the alien would not be a threat to the community, or (B)".

(b) CUSTODY UPON RELEASE FROM INCARCERATION.—Section 242(a)(2) (8 U.S.C. 1252(a)(2)) is amended to read as follows:

"(2)(A) The Attorney General shall take into custody any specially deportable criminal alien upon release of the alien from incarceration and shall deport the alien as expeditiously as possible. Notwithstanding any other provision of law, the Attorney General shall not release such felon from custody.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.".

(c) PERIOD IN WHICH TO EFFECT ALIEN'S DEPARTURE.—Section 242(c) is amended—

(1) in the first sentence—

(A) by striking "(c)" and inserting "(c)(1)"; and

(B) by inserting "(other than an alien described in paragraph (2))"; and

(2) by adding at the end the following new paragraphs:

"(2)(A) When a final order of deportation is made against any specially deportable criminal alien, the Attorney General shall have a period of 30 days from the later of—

"(i) the date of such order, or

"(ii) the alien's release from incarceration,

within which to effect the alien's departure from the United States.

"(B) The Attorney General shall have sole and unreviewable discretion to waive subparagraph (A) for aliens who are cooperating with law enforcement authorities or for purposes of national security.

"(3) Nothing in this subsection shall be construed as providing a right enforceable by or on behalf of any alien to be released from custody or to challenge the alien's deportation.".

(d) CRIMINAL PENALTY FOR UNLAWFUL REENTRY.—Section 242(f) of the Immigration and Nationality Act (8 U.S.C. 1252(f)) is amended—

(1) by inserting "(1)" immediately after "(f)"; and

(2) by adding at the end the following new paragraph:

"(2) Any alien who has unlawfully reentered or is found in the United States after having previously been deported subsequent to a conviction for any criminal offense covered in section 241(a)(2) (A)(iii), (B), (C), or (D), or two or more offenses described in clause (ii) of section 241(a)(2)(A), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II), shall, in addition to the punishment provided for any other crime, be punished by imprisonment of not less than 15 years.".

(e) DEFINITION.—Section 242 (8 U.S.C. 1252) is amended by adding at the end the following new subsection:

"(k) For purposes of this section, the term 'specially deportable criminal alien' means any alien convicted of an offense described in subparagraph (A)(iii), (B), (C), or (D) of section 241(a)(2), or two or more offenses described in section 241(a)(2)(A)(ii), at least two of which resulted in a sentence or confinement described in section 241(a)(2)(A)(i)(II).".

SEC. 165. JUDICIAL DEPORTATION.

(a) IN GENERAL.—Section 242A (8 U.S.C. 1252a(d)) is amended—

(1) by redesignating subsection (d) as subsection (c); and

(2) in subsection (c), as redesignated—

(A) by striking paragraph (1) and inserting the following:

"(1) AUTHORITY.—Notwithstanding any other provision of this Act, a United States district court shall have jurisdiction to enter a judicial order of deportation at the time of sentencing against an alien—

"(A) whose criminal conviction causes such alien to be deportable under section 241(a)(2)(A)(iii) (relating to conviction of an aggravated felony);

"(B) who has at any time been convicted of a violation of section 276 (a) or (b) (relating to reentry of a deported alien);

"(C) who has at any time been convicted of a violation of section 275 (relating to entry of an alien at an improper time or place and to misrepresentation and concealment of facts); or

"(D) who is otherwise deportable pursuant to any of the paragraphs (1) through (5) of section 241(a).

A United States Magistrate shall have jurisdiction to enter a judicial order of deportation at the time of sentencing where the alien has been convicted of a misdemeanor offense and the alien is deportable under this Act."; and

(B) by adding at the end the following new paragraphs:

"(5) STATE COURT FINDING OF DEPORTABILITY.—(A) On motion of the prosecution or on the court's own motion, any State court with jurisdiction to enter judgments in criminal cases is authorized to make a finding that the defendant is deportable as a specially deportable criminal alien (as defined in section 242(k)).

"(B) The finding of deportability under subparagraph (A), when incorporated in a final judgment of conviction, shall for all purposes be conclusive on the alien and may not be reexamined by any agency or court, whether by habeas corpus or otherwise. The court shall notify the Attorney General of any finding of deportability.

"(6) STIPULATED JUDICIAL ORDER OF DEPORTATION.—The United States Attorney, with the concurrence of the Commissioner, may, pursuant to Federal Rule of Criminal Procedure 11, enter into a plea agreement which calls for the alien, who is deportable under this Act, to waive the right to notice and a hearing under this section, and stipulate to the entry of a judicial order of deportation from the United States as a condition of the plea agreement or as a condition of probation or supervised release, or both. The United States District Court, in both felony and misdemeanor cases, and the United States Magistrate Court in misdemeanors cases, may *accept such a stipulation and shall have jurisdiction to enter a judicial order of deportation pursuant to the terms of such stipulation.''.*

(b) CONFORMING AMENDMENTS.—(1) Section 512 of the Immigration Act of 1990 is amended by striking ''242A(d)'' and inserting ''242A(c)''.

(2) Section 130007(a) of the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103-322) is amended by striking ''242A(d)'' and inserting ''242A(c)''.

SEC. 166. STIPULATED EXCLUSION OR DEPORTATION.

(a) EXCLUSION AND DEPORTATION.—Section 236 (8 U.S.C. 1226) is amended by adding at the end the following new subsection:

''(f) The Attorney General shall provide by regulation for the entry by a special inquiry officer of an order of exclusion and deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's excludability and deportability from the United States.''.

(b) APPREHENSION AND DEPORTATION.—Section 242 (8 U.S.C. 1252) is amended in subsection (b)—

(1) by redesignating paragraphs (1), (2), (3), and (4) as subparagraphs (A), (B), (C), and (D), respectively;

(2) by inserting ''(1)'' immediately after ''(b)'';

(3) by striking the sentence beginning with ''Except as provided in section 242A(d)'' and inserting the following:

''(2) The Attorney General shall further provide by regulation for the entry by a special inquiry officer of an order of deportation stipulated to by the alien and the Service. Such an order may be entered without a personal appearance by the alien before the special inquiry officer. A stipulated order shall constitute a conclusive determination of the alien's deportability from the United States.

''(3) The procedures prescribed in this subsection and in section 242A(c) shall be the sole and exclusive procedures for determining the deportability of an alien.''; and

(4) by redesignating the tenth sentence as paragraph (4); and

(5) by redesignating the eleventh and twelfth sentences as paragraph (5).

(c) CONFORMING AMENDMENTS.—(1) Section 106(a) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(2) Section 212(a)(6)(B)(iv) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(3) Section 242(a)(1) is amended by striking ''subsection (b)'' and inserting ''subsection (b)(1)''.

(4) Section 242A(b)(1) is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(5) Section 242A(c)(2)(D)(ii), as redesignated by section 165 of this Act, is amended by striking ''section 242(b)'' and inserting ''section 242(b)(1)''.

(6) Section 4113(a) of title 18, United States Code, is amended by striking ''section 1252(b)'' and inserting ''section 1252(b)(1)''.

(7) Section 1821(e) of title 28, United States Code, is amended by striking ''section 242(b) of such Act (8 U.S.C. 1252(b))'' and inserting ''section 242(b)(1) of such Act (8 U.S.C. 1252(b)(1))''.

(8) Section 242B(c)(1) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(9) Section 242B(e)(2)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

(10) Section 242B(e)(5)(A) is amended by striking ''section 242(b)(1)'' and inserting ''section 242(b)(4)''.

SEC. 167. DEPORTATION AS A CONDITION OF PROBATION.

Section 3563(b) of title 18, United States Code, is amended—

(1) by striking ''or'' at the end of paragraph (21);

(2) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(3) by adding at the end the following new paragraph:

''(23) be ordered deported by a United States District Court, or United States Magistrate Court, pursuant to a stipulation entered into by the defendant and the United States under section 242A(c) of the Immigration and Nationality Act (8 U.S.C. 1252a(c)), except that, in the absence of a stipulation, the United States District Court or the United States Magistrate Court, may order deportation as a condition of probation, if, after notice and hearing pursuant to section 242A(c) of the Immigration and Nationality Act, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable.''.

SEC. 168. ANNUAL REPORT ON CRIMINAL ALIENS.

Not later than 12 months after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit to the Committees on the Judiciary of the House of Representatives and of the Senate a report detailing—

(1) the number of illegal aliens incarcerated in Federal and State prisons for having committed felonies, stating the number incarcerated for each type of offense;

(2) the number of illegal aliens convicted for felonies in any Federal or State court, but not sentenced to incarceration, in the year before the report was submitted, stating the number convicted for each type of offense;

(3) programs and plans underway in the Department of Justice to ensure the prompt removal from the United States of criminal aliens subject to exclusion or deportation; and

(4) methods for identifying and preventing the unlawful reentry of aliens who have been convicted of criminal offenses in the United States and removed from the United States.

SEC. 169. UNDERCOVER INVESTIGATION AUTHORITY.

(a) AUTHORITIES.—(1) In order to conduct any undercover investigative operation of the Immigration and Naturalization Service which is necessary for the detection and prosecution of crimes against the United States, the Service is authorized—

(A) to lease space within the United States, the District of Columbia, and the territories and possessions of the United States without regard to section 3679(a) of the Revised Statutes (31 U.S.C. 1341), section 3732(a) of the Revised Statutes (41 U.S.C. 11(a)), section 305 of the Act of June 30, 1949 (63 Stat. 396; 41 U.S.C. 255), the third undesignated paragraph under the heading ''Miscellaneous'' of the Act of March 3, 1877 (19 Stat. 370; 40 U.S.C. 34), section 3648 of the Revised Statutes (31 U.S.C. 3324), section 3741 of the Revised Statutes (41 U.S.C. 22), and subsections (a) and (c) of section 304 of the Federal Property and Administrative Services Act of 1949 (63 Stat. 395; 41 U.S.C. 254 (a) and (c));

(B) to establish or to acquire proprietary corporations or business entities as part of an undercover operation, and to operate such corporations or business entities on a commercial basis, without regard to the provisions of section 304 of the Government Corporation Control Act (31 U.S.C. 9102);

(C) to deposit funds, including the proceeds from such undercover operation, in banks or other financial institutions without regard to the provisions of section 648 of title 18 of the United States Code, and section 3639 of the Revised Statutes (31 U.S.C. 3302); and

(D) to use the proceeds from such undercover operations to offset necessary and reasonable expenses incurred in such operations without regard to the provisions of section 3617 of the Revised Statutes (31 U.S.C. 3302).

(2) The authorization set forth in paragraph (1) may be exercised only upon written certification of the Commissioner of the Immigration and Naturalization Service, in consultation with the Deputy Attorney General, that any action authorized by paragraph (1) (A), (B), (C), or (D) is necessary for the conduct of such undercover operation.

(b) UNUSED FUNDS.—As soon as practicable after the proceeds from an undercover investigative operation, carried out under paragraph (1) (C) or (D) of subsection (a), are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited into the Treasury of the United States as miscellaneous receipts.

(c) REPORT.—If a corporation or business entity established or acquired as part of an undercover operation under subsection (a)(1)(B) with a net value of over $50,000 is to be liquidated, sold, or otherwise disposed of, the Immigration and Naturalization Service, as much in advance as the Commissioner or his or her designee determine practicable, shall report the circumstances to the Attorney General, the Director of the Office of Management and Budget, and the Comptroller General of the United States. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

(d) AUDITS.—The Immigration and Naturalization Service shall conduct detailed financial audits of closed undercover operations on a quarterly basis and shall report the results of the audits in writing to the Deputy Attorney General.

SEC. 170. PRISONER TRANSFER TREATIES.

(a) NEGOTIATIONS WITH OTHER COUNTRIES.—(1) Congress advises the President to begin to negotiate and renegotiate, not later than 90 days after the date of enactment of this Act, bilateral prisoner transfer treaties, providing for the incarceration, in the country of the alien's nationality, of any alien who—

(A) is a national of a country that is party to such a treaty; and

(B) has been convicted of a criminal offense under Federal or State law and who—

(i) is not in lawful immigration status in the United States, or

(ii) on the basis of conviction for a criminal offense under Federal or State law, or on any other basis, is subject to deportation under the Immigration and Nationality Act,

for the duration of the prison term to which the alien was sentenced for the offense referred to in subparagraph (B). Any such agreement may provide for the release of such alien pursuant to parole procedures of that country.

(2) In entering into negotiations under paragraph (1), the President may consider providing for appropriate compensation, subject to the availability of appropriations, in cases where the United States is able to independently verify the adequacy of the sites where aliens will be imprisoned and the length of time the alien is actually incarcerated in the foreign country under such a treaty.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the focus of negotiations for such agreements should be—

(A) to expedite the transfer of aliens unlawfully in the United States who are (or are about to be) incarcerated in United States prisons,

(B) to ensure that a transferred prisoner serves the balance of the sentence imposed by the United States courts,

(C) to eliminate any requirement of prisoner consent to such a transfer, and

(D) to allow the Federal Government or the States to keep their original prison sentences in force so that transferred prisoners who return to the United States prior to the completion of their original United States sentences can be returned to custody for the balance of their prisons sentences;

(2) the Secretary of State should give priority to concluding an agreement with any country for which the President determines that the number of aliens described in subsection (a) who are nationals of that country in the United States represents a significant percentage of all such aliens in the United States; and

(3) no new treaty providing for the transfer of aliens from Federal, State, or local incarceration facilities to a foreign incarceration facility should permit the alien to refuse the transfer.

(c) PRISONER CONSENT.—Notwithstanding any other provision of law, except as required by treaty, the transfer of an alien from a Federal, State, or local incarceration facility under an agreement of the type referred to in subsection (a) shall not require consent of the alien.

(d) ANNUAL REPORT.—Not later than 90 days after the date of the enactment of this Act, and annually thereafter, the Attorney General shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate stating whether each prisoner transfer treaty to which the United States is a party has been effective in the preceding 12 months in bringing about the return of deportable incarcerated aliens to the country of which they are nationals and in ensuring that they serve the balance of their sentences.

(e) TRAINING FOREIGN LAW ENFORCEMENT PERSONNEL.—(1) Subject to paragraph (2), the President shall direct the Border Patrol Academy and the Customs Service Academy to enroll for training an appropriate number of foreign law enforcement personnel, and shall make appointments of foreign law enforcement personnel to such academies, as necessary to further the following United States law enforcement goals:

(A) prevention of drug smuggling and other cross-border criminal activity;

(B) preventing illegal immigration; and

(C) preventing the illegal entry of goods into the United States (including goods the sale of which is illegal in the United States, the entry of which would cause a quota to be exceeded, or which have not paid the appropriate duty or tariff).

(2) The appointments described in paragraph (1) shall be made only to the extent there is capacity in such academies beyond what is required to train United States citizens needed in the Border Patrol and Customs Service, and only of personnel from a country with which the prisoner transfer treaty has been stated to be effective in the most recent report referred to in subsection (d).

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 170A. PRISONER TRANSFER TREATIES STUDY.

(a) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State and the Attorney General shall submit to the Congress a report that describes the use and effectiveness of the prisoner transfer treaties with the three countries with the greatest number of their nationals incarcerated in the United States in removing from the United States such incarcerated nationals.

(b) USE OF TREATY.—The report under subsection (a) shall include—

(1) the number of aliens convicted of a criminal offense in the United States since November 30, 1977, who would have been or are eligible for transfer pursuant to the treaties;

(2) the number of aliens described in paragraph (1) who have been transferred pursuant to the treaties;

(3) the number of aliens described in paragraph (2) who have been incarcerated in full compliance with the treaties;

(4) the number of aliens who are incarcerated in a penal institution in the United States who are eligible for transfer pursuant to the treaties; and

(5) the number of aliens described in paragraph (4) who are incarcerated in Federal, State, and local penal institutions in the United States.

(c) RECOMMENDATIONS.—The report under subsection (a) shall include the recommendations of the Secretary of State and the Attorney General to increase the effectiveness and use of, and full compliance with, the treaties. In considering the recommendations under this subsection, the Secretary and the Attorney General shall consult with such State and local officials in areas disproportionately impacted by aliens convicted of criminal offenses as the Secretary and the Attorney General consider appropriate. Such recommendations shall address—

(1) changes in Federal laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed criminal offenses in the United States;

(2) changes in State and local laws, regulations, and policies affecting the identification, prosecution, and deportation of aliens who have committed a criminal offense in the United States;

(3) changes in the treaties that may be necessary to increase the number of aliens convicted of criminal offenses who may be transferred pursuant to the treaties;

(4) methods for preventing the unlawful reentry into the United States of aliens who have been convicted of criminal offenses in the United States and transferred pursuant to the treaties;

(5) any recommendations by appropriate officials of the appropriate government agencies of such countries regarding programs to achieve the goals of, and ensure full compliance with, the treaties;

(6) whether the recommendations under this subsection require the renegotiation of the treaties; and

(7) the additional funds required to implement each recommendation under this subsection.

SEC. 170B. USING ALIEN FOR IMMORAL PURPOSES, FILING REQUIREMENT.

Section 2424 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph of subsection (a)—

(A) by striking "alien" each place it appears;

(B) by inserting after "individual" the first place it appears the following: ", knowing or in reckless disregard of the fact that the individual is an alien"; and

(C) by striking "within three years after that individual has entered the United States from any country, party to the arrangement adopted July 25, 1902, for the suppression of the white-slave traffic";

(2) in the second undesignated paragraph of subsection (a)—

(A) by striking "thirty" and inserting "five business"; and

(B) by striking "within three years after that individual has entered the United States from any country, party to the said arrangement for the suppression of the white-slave traffic,";

(3) in the text following the third undesignated paragraph of subsection (a), by striking "two" and inserting "10"; and

(4) in subsection (b), before the period at the end of the second sentence, by inserting ", or for enforcement of the provisions of section 274A of the Immigration and Nationality Act".

SEC. 170C. TECHNICAL CORRECTIONS TO VIOLENT CRIME CONTROL ACT AND TECHNICAL CORRECTIONS ACT.

(a) IN GENERAL.—The second subsection (i) of section 245 (as added by section 130003(c)(1) of the Violent Crime Control and Law Enforcement Act of 1994; Public Law 103–322) is redesignated as subsection (j) of such section.

(b) CONFORMING AMENDMENT.—Section 241(a)(2)(A)(i)(I) (8 U.S.C. 1251(a)(2)(A)(i)(I)) is amended by striking "section 245(i)" and inserting "section 245(j)".

(c) DENIAL OF JUDICIAL ORDER.—(1) Section 242A(c)(4), as redesignated by section 165 of this Act, is amended by striking "without a decision on the merits".

(2) The amendment made by this subsection shall be effective as if originally included in section 223 of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416).

SEC. 170D. DEMONSTRATION PROJECT FOR IDENTIFICATION OF ILLEGAL ALIENS IN INCARCERATION FACILITY OF ANAHEIM, CALIFORNIA.

(a) AUTHORITY.—The Attorney General is authorized to conduct a project demonstrating the feasibility of identifying illegal aliens among those individuals who are incarcerated in local governmental prison facilities prior to arraignment on criminal charges.

(b) DESCRIPTION OF PROJECT.—The project authorized by subsection (a) shall include the detail to the city of Anaheim, California, of an employee of the Immigration and Naturalization Service having expertise in the identification of illegal aliens for the purpose of training local officials in the identification of such aliens.

(c) TERMINATION.—The authority of this section shall cease to be effective 6 months after the date of the enactment of this Act.

(d) DEFINITION.—As used in this section, the term "illegal alien" means an alien in the United States who is not within any of the following classes of aliens:

(1) Aliens lawfully admitted for permanent residence.

(2) Nonimmigrant aliens described in section 101(a)(15) of the Immigration and Nationality Act.

(3) Refugees.

(4) Asylees.

(5) Parolees.

(6) Aliens having deportation withheld under section 243(h) of the Immigration and Nationality Act.

(7) Aliens having temporary residence status.

PART 6—MISCELLANEOUS

SEC. 171. IMMIGRATION EMERGENCY PROVISIONS.

(a) REIMBURSEMENT OF FEDERAL AGENCIES FROM IMMIGRATION EMERGENCY FUND.—Section 404(b) (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1)—

(A) after "paragraph (2)" by striking "and" and inserting a comma,

(B) by striking "State" and inserting "other Federal agencies and States",

(C) by inserting ", and for the costs associated with repatriation of aliens attempting to enter the United States illegally, whether apprehended within or outside the territorial sea of the United States" before "except", and

(D) by adding at the end the following new sentence: "The fund may be used for the costs of such repatriations without the requirement for a determination by the President that an immigration emergency exists."; and

(2) in paragraph (2)(A)—

(A) by inserting "to Federal agencies providing support to the Department of Justice or" after "available"; and

(B) by inserting a comma before "whenever".

(b) VESSEL MOVEMENT CONTROLS.—Section 1 of the Act of June 15, 1917 (50 U.S.C. 191) is amended in the first sentence by inserting "or whenever the Attorney General determines that an actual or anticipated mass migration of aliens en route to or arriving off the coast of the United States presents urgent circumstances requiring an immediate Federal response," after "United States," the first place it appears.

(c) DELEGATION OF IMMIGRATION ENFORCEMENT AUTHORITY.—Section 103 (8 U.S.C. 1103) is amended by adding at the end of subsection (a) the following new sentence: "In the event the Attorney General determines that an actual or imminent mass influx of aliens arriving off the coast of the United States, or near a land border, presents urgent circumstances requiring an immediate Federal response, the Attorney General may authorize any specially designated State or local law enforcement officer, with the consent of the head of the department, agency, or establishment under whose jurisdiction the individual is serving, to perform or exercise any of the powers, privileges, or duties conferred or imposed by this Act or regulations issued thereunder upon officers or employees of the Service.".

SEC. 172. AUTHORITY TO DETERMINE VISA PROCESSING PROCEDURES.

Section 202(a)(1) (8 U.S.C. 1152(a)(1)) is amended—

(1) by inserting "(A)" after "NONDISCRIMINATION.—"; and

(2) by adding at the end the following:

"(B) Nothing in this paragraph shall be construed to limit the authority of the Secretary of State to determine the procedures for the processing of immigrant visa applications or the locations where such applications will be processed.".

SEC. 173. JOINT STUDY OF AUTOMATED DATA COLLECTION.

(a) STUDY.—The Attorney General, together with the Secretary of State, the Secretary of Agriculture, the Secretary of the Treasury, and appropriate representatives of the air transport industry, shall jointly undertake a study to develop a plan for making the transition to automated data collection at ports of entry.

(b) REPORT.—Nine months after the date of enactment of this Act, the Attorney General shall submit a report to the Committees on the Judiciary of the Senate and the House of Representatives on the outcome of this joint initiative, noting specific areas of agreement and disagreement, and recommending further steps to be taken, including any suggestions for legislation.

SEC. 174. AUTOMATED ENTRY-EXIT CONTROL SYSTEM.

Not later than 2 years after the date of the enactment of this Act, the Attorney General shall develop an automated entry and exit control system that will enable the Attorney General to identify, through on-line searching procedures, lawfully admitted nonimmigrants who remain in the United States beyond the period authorized by the Attorney General.

SEC. 175. USE OF LEGALIZATION AND SPECIAL AGRICULTURAL WORKER INFORMATION.

(a) CONFIDENTIALITY OF INFORMATION.—Section 245A(c)(5) (8 U.S.C. 1255a(c)(5)) is amended by striking "except that the Attorney General" and inserting the following: "except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime) and".

(b) SPECIAL AGRICULTURAL WORKERS.—Section 210(b)(6)(C) (8 U.S.C. 1160(b)(6)(C)) is amended—

(1) by striking the period at the end of subparagraph (C) and inserting a comma; and

(2) by adding in full measure margin after subparagraph (C) the following:

"except that the Attorney General shall provide information furnished under this section to a duly recognized law enforcement entity in connection with a criminal investigation or prosecution, when such information is requested in writing by such entity, or to an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).".

SEC. 176. RESCISSION OF LAWFUL PERMANENT RESIDENT STATUS.

Section 246(a) (8 U.S.C. 1256(a)) is amended—

(1) by inserting "(1)" immediately after "(a)"; and

(2) by adding at the end the following new sentence: "Nothing in this subsection requires the Attorney General to rescind the alien's status prior to commencement of procedures to deport the alien under section 242 or 242A, and an order of deportation issued by a special inquiry officer shall be sufficient to rescind the alien's status.".

SEC. 177. COMMUNICATION BETWEEN FEDERAL, STATE, AND LOCAL GOVERNMENT AGENCIES, AND THE IMMIGRATION AND NATURALIZATION SERVICE.

Notwithstanding any other provision of Federal, State, or local law, no Federal, State, or local government entity shall prohibit, or in any way restrict, any government entity or any official within its jurisdiction from sending to, or receiving from, the Immigration and Naturalization Service information regarding the immigration status, lawful or unlawful, of any person.

SEC. 178. AUTHORITY TO USE VOLUNTEERS.

(a) ACCEPTANCE OF DONATED SERVICES.—Notwithstanding any other provision of law, but subject to subsection (b), the Attorney General may accept, administer, and utilize gifts of services from any person for the purpose of providing administrative assistance to the Immigration and Naturalization Service in administering programs relating to naturalization, adjudications at ports of entry, and removal of criminal aliens. Nothing in this section requires the Attorney General to accept the services of any person.

(b) LIMITATION.—Such person may not administer or score tests and may not adjudicate.

SEC. 179. AUTHORITY TO ACQUIRE FEDERAL EQUIPMENT FOR BORDER.

In order to facilitate or improve the detection, interdiction, and reduction by the Immigration and Naturalization Service of illegal immigration into the United States, the Attorney General is authorized to acquire and utilize any Federal equipment (including, but not limited to, fixed-wing aircraft, helicopters, four-wheel drive vehicles, sedans, night vision goggles, night vision scopes, and sensor units) determined available for transfer to the Department of Justice by any other agency of the Federal Government upon request of the Attorney General.

SEC. 180. LIMITATION ON LEGALIZATION LITIGATION.

(a) LIMITATION ON COURT JURISDICTION.—Section 245A(f)(4) is amended by adding at the end the following new subparagraph:

"(C) JURISDICTION OF COURTS.—Notwithstanding any other provision of law, no court shall have jurisdiction of any cause of action or claim by or on behalf of any person asserting an interest under this section unless such person in fact filed an application under this section within the period specified by subsection (a)(1), or attempted to file a complete application and application fee with an authorized legalization officer of the Immigration and Naturalization Service but had the application and fee refused by that officer.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be effective as if originally included in section 201 of the Immigration Control and Financial Responsibility Act of 1986.

SEC. 181. LIMITATION ON ADJUSTMENT OF STATUS.

Section 245(c) (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period at the end the following: "; (6) any alien who seeks adjustment of status as an employment-based immigrant and is not in a lawful nonimmigrant status; or (7) any alien who was employed while the alien was an unauthorized alien, as defined in section 274A(h)(3), or who has otherwise violated the terms of a nonimmigrant visa".

SEC. 182. REPORT ON DETENTION SPACE.

(a) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Attorney General shall submit a report to the Congress estimating the amount of detention space that would be required on the date of enactment of this Act, in 5 years, and in 10 years, under various policies on the detention of aliens, including but not limited to—

(1) detaining all excludable or deportable aliens who may lawfully be detained;

(2) detaining all excludable or deportable aliens who previously have been excluded, been deported, departed while an order of exclusion or deportation was outstanding, voluntarily departed under section 244, or voluntarily returned after being apprehended while violating an immigration law of the United States; and

(3) the current policy.

(b) ESTIMATE OF NUMBER OF ALIENS RELEASED INTO THE COMMUNITY.—Such report shall also estimate the number of excludable or deportable aliens who have been released into the community in each of the 3 years prior to the date of enactment of this Act under circumstances that the Attorney General believes justified detention (for example, a significant probability that the released alien would not appear, as agreed, at subsequent exclusion or deportation proceedings), but a lack of detention facilities required release.

SEC. 183. COMPENSATION OF IMMIGRATION JUDGES.

(a) COMPENSATION.—

(1) IN GENERAL.—There shall be four levels of pay for special inquiry officers of the Department of Justice (in this section referred to as "immigration judges") under the Immigration Judge Schedule (designated as IJ–1, IJ–2, IJ–3, and IJ–4, respectively), and each such judge shall be paid at one of those levels, in accordance with the provisions of this subsection.

(2) RATES OF PAY.—(A) The rates of basic pay for the levels established under paragraph (1) shall be as follows:

IJ–1	70 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–2	80 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–3	90 percent of the next to highest rate of basic pay for the Senior Executive Service.
IJ–4	92 percent of the next to highest rate of basic pay for the Senior Executive Service.

(B) Locality pay, where applicable, shall be calculated into the basic pay for immigration judges.

(3) APPOINTMENT.—(A) Upon appointment, an immigration judge shall be paid at IJ–1, and shall be advanced to IJ–2 upon completion of 104 weeks of service, to IJ–3 upon completion of 104 weeks of service in the next lower rate, and to IJ–4 upon completion of 52 weeks of service in the next lower rate.

(B) The Attorney General may provide for appointment of an immigration judge at an advanced rate under such circumstances as the Attorney General may determine appropriate.

(4) TRANSITION.—Judges serving on the Immigration Court as of the effective date of this subsection shall be paid at the rate that corresponds to the amount of time, as provided under paragraph (3)(A), that they have served as an immigration judge.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect 90 days after the date of the enactment of this Act.

SEC. 184. ACCEPTANCE OF STATE SERVICES TO CARRY OUT IMMIGRATION ENFORCEMENT.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following:

"(g)(1) Notwithstanding section 1342 of title 31, United States Code, the Attorney General may enter into a written agreement with a State, or any political subdivision of a State, pursuant to which an officer or employee of the State or subdivision, who is determined by the Attorney General to be qualified to perform a function of an immigration officer in relation to the arrest or detention of aliens in the United States (including the transportation of such aliens across State lines to detention centers), may carry out such function at the expense of the State or political subdivision and to the extent consistent with State and local law.

"(2) An agreement under this subsection shall require that an officer or employee of a State or political subdivision of a State performing a function under the agreement shall have knowledge of, and adhere to, Federal law relating to the function, and shall contain a written certification that the officers or employees performing the function under the agreement have received adequate training regarding the enforcement of relevant Federal immigration laws.

"(3) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State shall be subject to the direction and supervision of the Attorney General.

"(4) In performing a function under this subsection, an officer or employee of a State or political subdivision of a State may use Federal property or facilities, as provided in a written agreement between the Attorney General and the State or subdivision.

"(5) With respect to each officer or employee of a State or political subdivision who is authorized to perform a function under this subsection, the specific powers and duties that may be, or are required to be, exercised or performed by the individual, the duration of the authority of the individual, and the position of the agency of the Attorney General who is required to supervise and direct the individual, shall be set forth in a written agreement between the Attorney General and the State or political subdivision.

"(6) The Attorney General may not accept a service under this subsection if the service will be used to displace any Federal employee.

"(7) Except as provided in paragraph (8), an officer or employee of a State or political subdivision of a State performing functions under this subsection shall not be treated as a Federal employee for any purpose other than for purposes of chapter 81 of title 5, United States Code, (relating to compensation for injury) and sections 2671 through 2680 of title 28, United States Code (relating to tort claims).

"(8) An officer or employee of a State or political subdivision of a State acting under color of authority under this subsection, or any agreement entered into under this subsection, shall be considered to be acting under color of Federal authority for purposes of determining the liability, and immunity from suit, of the officer or employee in a civil action brought under Federal or State law.

"(9) Nothing in this subsection shall be construed to require any State or political subdivision of a State to enter into an agreement with the Attorney General under this subsection.

"(10) Nothing in this subsection shall be construed to require an agreement under this subsection in order for any officer or employee of a State or political subdivision of a State—

"(A) to communicate with the Attorney General regarding the immigration status of any individual, including reporting knowledge that a particular alien is not lawfully present in the United States; or

"(B) otherwise to cooperate with the Attorney General in the identification, apprehension, detention, or removal of aliens not lawfully present in the United States.".

SEC. 185. ALIEN WITNESS COOPERATION.

Section 214(j)(1) of the Immigration and Nationality Act (8 U.S.C. 1184(j)(1)) (relating to numerical limitations on the number of aliens that may be provided visas as nonimmigrants under section 101(a)(15)(5)(ii) of such Act) is amended—

(1) by striking "100" and inserting "200"; and

(2) by striking "25" and inserting "50".

Subtitle B—Other Control Measures

PART 1—PAROLE AUTHORITY

SEC. 191. USABLE ONLY ON A CASE-BY-CASE BASIS FOR HUMANITARIAN REASONS OR SIGNIFICANT PUBLIC BENEFIT.

Section 212(d)(5)(A) (8 U.S.C. 1182(d)(5)) is amended by striking "for emergent reasons or for reasons deemed strictly in the public interest" and inserting "on a case-by-case basis for urgent humanitarian reasons or significant public benefit".

SEC. 192. INCLUSION IN WORLDWIDE LEVEL OF FAMILY-SPONSORED IMMIGRANTS.

(a) IN GENERAL.—Section 201(c) (8 U.S.C. 1151(c)) is amended—

(1) by amending paragraph (1)(A)(ii) to read as follows:

"(ii) the sum of the number computed under paragraph (2) and the number computed under paragraph (4), plus"; and

(2) by adding at the end the following new paragraphs:

"(4) The number computed under this paragraph for a fiscal year is the number of aliens who were paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(5) If any alien described in paragraph (4) is subsequently admitted as an alien lawfully admitted for permanent residence, such alien shall not again be considered for purposes of paragraph (1).".

(b) INCLUSION OF PAROLED ALIENS.—Section 202 (8 U.S.C. 1152) is amended by adding at the end the following new subsection:

"(f)(1) For purposes of subsection (a)(2), an immigrant visa shall be considered to have been made available in a fiscal year to any alien who is not an alien lawfully admitted for permanent residence but who was paroled into the United States under section 212(d)(5) in the second preceding fiscal year and who did not depart from the United States within 365 days.

"(2) If any alien described in paragraph (1) is subsequently admitted as an alien lawfully admitted for permanent residence, an immigrant visa shall not again be considered to have been made available for purposes of subsection (a)(2).".

PART 2—ASYLUM

SEC. 193. TIME LIMITATION ON ASYLUM CLAIMS.

(a) Section 208(a) (8 U.S.C. 1158(a)) is amended—

(1) by striking "The" and inserting the following: "(1) Except as provided in paragraph (2), the"; and

(2) by adding at the end the following:

"(2)(A) An application for asylum filed for the first time during an exclusion or deportation proceeding shall not be considered if the proceeding was commenced more than one year after the alien's entry or admission into the United States.

"(B) An application for asylum may be considered, notwithstanding subparagraph (A), if the applicant shows good cause for not having filed within the specified period of time.".

(b) As used in this section, "good cause" may include, but is not limited to, circumstances that changed after the applicant entered the United States and that are relevant to the applicant's eligibility for asylum; physical or mental disability; threats of retribution against the applicant's relatives abroad; attempts to file affirmatively that were successful because of technical defects; efforts to seek asylum that were delayed by the temporary unavailability of professional assistance; the illness or death of the applicant's legal representative; or other extenuating circumstances as determined by the Attorney General.

SEC. 194. LIMITATION ON WORK AUTHORIZATION FOR ASYLUM APPLICANTS.

Section 208 (8 U.S.C. 1158), as amended by this Act, is further amended by adding at the end the following new subsection:

"(f)(1) An applicant for asylum may not engage in employment in the United States unless such applicant has submitted an application for employment authorization to the Attorney General and, subject to paragraph (2), the Attorney General has granted such authorization.

"(2) The Attorney General may deny any application for, or suspend or place conditions on any grant of, authorization for any applicant for asylum to engage in employment in the United States.".

SEC. 195. INCREASED RESOURCES FOR REDUCING ASYLUM APPLICATION BACKLOGS.

(a) PURPOSE AND PERIOD OF AUTHORIZATION.—For the purpose of reducing the number of applications pending under sections 208 and 243(h) of the Immigration and Nationality Act (8 U.S.C. 1158 and 1253) as of the date of the enactment of this Act, the Attorney General shall have the authority described in subsection (b) for a period of two years, beginning 90 days after the date of the enactment of this Act.

(b) PROCEDURES FOR PROPERTY ACQUISITION ON LEASING.—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Attorney General is authorized to expend out of funds made available to the Department of Justice for the administration of the Immigration and Nationality Act such amounts as may be necessary for the leasing or acquisition of property to carry out the purpose described in subsection (a).

PART 3—CUBAN ADJUSTMENT ACT

SEC. 196. REPEAL AND EXCEPTION.

(a) REPEAL.—Subject to subsection (b), Public Law 89–732, as amended, is hereby repealed.

(b) Notwithstanding any other provision of this Act, the repeal of Public Law 89–732 made by this Act shall become effective only upon a determination by the President under section 203(c)(3) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 that a democratically elected government in Cuba is in power.

Subtitle C—Effective Dates

SEC. 197. EFFECTIVE DATES.

Except as otherwise provided in this title, and the amendments made by this title, shall take effect on the date of the enactment of this Act.

TITLE II—FINANCIAL RESPONSIBILITY

Subtitle A—Receipt of Certain Government Benefits

SEC. 201. INELIGIBILITY OF EXCLUDABLE, DEPORTABLE, AND NONIMMIGRANT ALIENS.

(a) PUBLIC ASSISTANCE AND BENEFITS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, an ineligible alien (as defined in subsection (f)(2)) shall not be eligible to receive—

(A) any benefits under a public assistance program (as defined in subsection (f)(3)), except—

(i) emergency medical services under title XIX of the Social Security Act,

(ii) subject to paragraph (4), prenatal and postpartum services under title XIX of the Social Security Act,

(iii) short-term emergency disaster relief,

(iv) assistance or benefits under—

(I) the National School Lunch Act (42 U.S.C. 1751 et seq.),

(II) the Child Nutrition Act of 1966 (42 U.S.C. 1771 et seq.),

(III) section 4 of the Agriculture and Consumer Protection Act of 1973 (Public Law 93–86; 7 U.S.C. 612c note),

(IV) the Emergency Food Assistance Act of 1983 (Public Law 98–8; 7 U.S.C. 612c note),

(V) section 110 of the Hunger Prevention Act of 1988 (Public Law 100–435; 7 U.S.C. 612c note), and

(VI) the food distribution program on Indian reservations established under section 4(b) of Public Law 88–525 (7 U.S.C. 2013(b)),

(v) public health assistance for immunizations and, if the Secretary of Health and Human Services determines that it is necessary to prevent the spread of a serious communicable disease, for testing and treatment for such diseases, and

(vi) such other service or assistance (such as soup kitchens, crisis counseling, intervention (including intervention for domestic violence), and short-term shelter) as the Attorney General specifies, in the Attorney General's sole and unreviewable discretion, after consultation with the heads of appropriate Federal agencies, if—

(I) such service or assistance is delivered at the community level, including through public or private nonprofit agencies;

(II) such service or assistance is necessary for the protection of life, safety, or public health; and

(III) such service or assistance or the amount or cost of such service or assistance is not conditioned on the recipient's income or resources; or

(B) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except—

"(i) if the alien is a nonimmigrant alien authorized to work in the United States—

"(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

"(II) any contract provided or funded by such an agency or entity; or

"(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.".

(2) BENEFITS OF RESIDENCE.—Notwithstanding any other provision of law, no State or local government entity shall consider any ineligible alien as a resident when to do so would place such alien in a more favorable position, regarding access to, or the cost of, any benefit or government service, except elementary or secondary education, than a United States citizen who is not regarded as such a resident.

(3) NOTIFICATION OF ALIENS.—

(A) IN GENERAL.—The agency administering a program referred to in paragraph (1)(A) or providing benefits referred to in paragraph (1)(B) shall, directly or, in the case of a Federal agency, through the States, notify individually or by public notice, all ineligible aliens who are receiving benefits under a program referred to in paragraph (1)(A), or are receiving benefits referred to in paragraph (1)(B), as the case may be, immediately prior to the date of the enactment of this Act and whose eligibility for the program is terminated by reason of this subsection.

(B) FAILURE TO GIVE NOTICE.—Nothing in subparagraph (A) shall be construed to require or authorize continuation of such eligibility if the notice required by such paragraph is not given.

(4) LIMITATION ON PREGNANCY SERVICES FOR UNDOCUMENTED ALIENS.—

(A) 3-YEAR CONTINUOUS RESIDENCE.—An ineligible alien may not receive the services described in paragraph (1)(A)(ii) unless such alien can establish proof of continuous residence in the United States for not less than 3 years, as determined in accordance with section 245a.2(d)(3) of title 8, Code of Federal Regulations as in effect on the day before the date of the enactment of this Act.

(B) LIMITATION ON EXPENDITURES.—Not more than $120,000,000 in outlays may be expended under title XIX of the Social Security Act for reimbursement of services described in paragraph (1)(A)(ii) that are provided to individuals described in subparagraph (A).

(C) CONTINUED SERVICES BY CURRENT STATES.—States that have provided services described in paragraph (1)(A)(ii) for a period of 3 years before the date of the enactment of this Act shall continue to provide such services and shall be reimbursed by the Federal Government for the costs incurred in providing such services. States that have not provided such services before the date of the enactment of this Act, but elect to provide such services after such date, shall be reimbursed for the costs incurred in providing such services. In no case shall States be required to provide services in excess of the amounts provided in subparagraph (B).

(b) UNEMPLOYMENT BENEFITS.—Notwithstanding any other provision of law, only eligible aliens who have been granted employment authorization pursuant to Federal law, and United States citizens or nationals, may receive unemployment benefits payable out of Federal funds, and such eligible aliens may receive only the portion of such benefits which is attributable to the authorized employment.

(c) SOCIAL SECURITY BENEFITS.—(1) Section 202 of the Social Security Act (42 U.S.C. 402) is amended by adding at the end the following new subsection:

"Limitation on Payments to Aliens

"(y)(1) Notwithstanding any other provision of law and except as provided in paragraph (2), no monthly benefit under this title shall be payable to any alien in the United States for any month during which such alien is not lawfully present in the United States as determined by the Attorney General.

"(2) Paragraph (1) shall not apply in any case where entitlement to such benefit is based on an application filed before the date of the enactment of this subsection.".

(2) Nothing in this subsection (c) shall affect any obligation or liability of any individual or employer under title 21 of subtitle C of the Internal Revenue Code.

(3) No more than eighteen months following enactment of this Act, the Comptroller General is directed to conduct and complete a study of whether, and to what extent, individuals who are not authorized to work in the United States are qualifying for Old Age, Survivors, and Disability Insurance (OASDI) benefits based on their earnings record.

(d) HOUSING ASSISTANCE PROGRAMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Housing and Urban Development shall submit a report to the Committee on the Judiciary and the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on the Judiciary and the Committee on Banking and Financial Services of the House of Representatives, describing the manner in which the Secretary is enforcing section 214 of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637) and containing statistics with respect to the number of individuals denied financial assistance under such section.

(e) NONPROFIT, CHARITABLE ORGANIZATIONS.—

(1) IN GENERAL.—Nothing in this Act shall be construed as requiring a nonprofit charitable organization operating any program of assistance provided or funded, in whole or in part, by the Federal Government to—

(A) determine, verify, or otherwise require proof of the eligibility, as determined under this title, of any applicant for benefits or assistance under such program; or

(B) deem that the income or assets of any applicant for benefits or assistance under such program include the income or assets described in section 204(b).

(2) NO EFFECT ON FEDERAL AUTHORITY TO DETERMINE COMPLIANCE.—Nothing in this subsection shall be construed as prohibiting the Federal Government from determining the eligibility, under this section or section 204, of any individual for benefits under a public assistance program (as defined in subsection (f)(3)) or for government benefits (as defined in subsection (f)(4)).

(f) DEFINITIONS.—For the purposes of this section—

(1) ELIGIBLE ALIEN.—The term "eligible alien" means an individual who is—

(A) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act,

(B) an alien granted asylum under section 208 of such Act,

(C) a refugee admitted under section 207 of such Act,

(D) an alien whose deportation has been withheld under section 243(h) of such Act,

(E) an alien paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, or

(F) an alien who—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for means-tested government assistance under SSI, AFDC, social services block grants; Medicaid, food stamps, or housing assistance) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen

pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification pursuant to clause (i) of section 204(a)(1)(B) of such Act; or

(G) an alien whose child—

(i) has been battered or subjected to extreme cruelty in the United States by a spouse or a parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, and the alien did not actively participate in such battery or cruelty; and

(ii) has petitioned (or petitions within 45 days after the first application for assistance from a means-tested government assistance program) for—

(I) status as a spouse or a child of a United States citizen pursuant to clause (ii), (iii), or (iv) of section 204(a)(1)(A) of the Immigration and Nationality Act,

(II) classification pursuant to clause (ii) or (iii) of section 204(a)(1)(B) of the Act, or

(III) suspension of deportation and adjustment of status pursuant to section 244(a)(3) of such Act, or

(iii) is the beneficiary of a petition for status as a spouse or child of a United States citizen pursuant to clause (i) of section 204(a)(1)(A) of the Immigration and Nationality Act, or of a petition filed for classification.

(2) INELIGIBLE ALIEN.—The term "ineligible alien" means an individual who is not—

(A) a United States citizen or national; or

(B) an eligible alien.

(3) PUBLIC ASSISTANCE PROGRAM.—The term "public assistance program" means any program of assistance provided or funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need.

(4) GOVERNMENT BENEFITS.—The term "government benefits" includes—

(A) any grant, contract, loan, professional license, or commercial license provided or funded by any agency of the United States or any State or local government entity, except—

(i) if the alien is a nonimmigrant alien authorized to work in the United States—

(I) any professional or commercial license required to engage in such work, if the nonimmigrant is otherwise qualified for such license; or

(II) any contract provided or funded by such an agency or entity; or

(ii) if the alien is an alien who is outside of the United States, any contract provided or funded by such an agency or entity.

(B) unemployment benefits payable out of Federal funds;

(C) benefits under title II of the Social Security Act;

(D) financial assistance for purposes of section 214(a) of the Housing and Community Development Act of 1980 (Public Law 96–399; 94 Stat. 1637); and

(E) benefits based on residence that are prohibited by subsection (a)(2).

SEC. 202. DEFINITION OF "PUBLIC CHARGE" FOR PURPOSES OF DEPORTATION.

(a) IN GENERAL.—Section 241(a)(5) (8 U.S.C. 1251(a)(5)) is amended to read as follows:

"(5) PUBLIC CHARGE.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (E), any alien who during the public charge period becomes a public charge, regardless of when the cause for becoming a public charge arises, is deportable for a period of five years after the immigrant last receives a benefit during the public charge period under any of the programs described in subparagraph (D).

"(B) EXCEPTIONS.—Subparagraph (A) shall not apply if the alien is a refugee or has been granted asylum, or if the cause of the alien's becoming a public charge—

"(i) arose after entry (in the case of an alien who entered as an immigrant) or after adjustment to lawful permanent resident status (in the case of an alien who entered as a nonimmigrant), and

"(ii) was a physical illness, or physical injury, so serious the alien could not work at any job, or a mental disability that required continuous hospitalization.

"(C) DEFINITIONS.—

"(i) PUBLIC CHARGE PERIOD.—For purposes of subparagraph (A), the term 'public charge period' means the period beginning on the date the alien entered the United States and ending—

"(I) for an alien who entered the United States as an immigrant, 5 years after entry, or

"(II) for an alien who entered the United States as a nonimmigrant, 5 years after the alien adjusted to permanent resident status.

"(ii) PUBLIC CHARGE.—For purposes of subparagraph (A), the term 'public charge' includes any alien who receives benefits under any program described in subparagraph (D) for an aggregate period of more than 12 months.

"(D) PROGRAMS DESCRIBED.—The programs described in this subparagraph are the following:

"(i) The aid to families with dependent children program under title IV of the Social Security Act.

"(ii) The medicaid program under title XIX of the Social Security Act.

"(iii) The food stamp program under the Food Stamp Act of 1977.

"(iv) The supplemental security income program under title XVI of the Social Security Act.

"(v) Any State general assistance program.

"(vi) Any other program of assistance funded, in whole or in part, by the Federal Government or any State or local government entity, for which eligibility for benefits is based on need, except the programs listed as exceptions in clauses (i) through (vi) of section 201(a)(1)(A) of the Immigration Reform Act of 1996 or any student assistance received or approved for receipt under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted until the matriculation of their education.

"(E) SPECIAL RULE FOR BATTERED WOMEN AND CHILDREN.—(i) For purposes of any determination under subparagraph (A), and except as provided under clause (ii), the aggregate period shall be 48 months within the first 7 years of entry if the alien can demonstrate that (I) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented or acquiesced to such battery or cruelty, or (II) the alien's child has been battered or subjected to extreme cruelty in the United States by a spouse or parent of the alien (without the active participation of the alien in the battery or extreme cruelty), or by a member of the spouse or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the need for the public benefits received has a connection to the battery or cruelty described in subclause (I) or (II).

"(ii) For the purposes of a determination under subparagraph (A), the aggregate period may exceed 48 months within the first 7 years of entry if the alien can demonstrate that any battery or cruelty under clause (ii) is ongoing, has led to the issuance of an order of a judge or an administrative law judge or a prior determination of the Service, and that such battery or cruelty has a causal relationship to the need for the benefits received.pursuant to clause (i) of section 204(a)(1)(B) of such Act.".

(b) CONSTRUCTION.—Nothing in subparagraph (B), (C), or (D) of section 241(a)(5) of the Immigration and Nationality Act, as amended by subsection (a), may be construed to affect or apply to any determination of an alien as a public charge made before the date of the enactment of this Act.

(c) REVIEW OF STATUS.—

(1) IN GENERAL.—In reviewing any application by an alien for benefits under section 216, section 245, or chapter 2 of title III of the Immigration and Nationality Act, the Attorney General shall determine whether or not the applicant is deportable under section 241(a)(5)(A) of such Act, as so amended.

(2) GROUNDS FOR DENIAL.—If the Attorney General determines that an alien is deportable under section 241(a)(5)(A) of the Immigration and Nationality Act, the Attorney General shall deny such application and shall institute deportation proceedings with respect to such alien, unless the Attorney General exercises discretion to withhold or suspend deportation pursuant to any other section of such Act.

(d) EFFECTIVE DATE.—This section and the amendments made by this section shall apply to aliens who enter the United States on or after the date of the enactment of this Act and to aliens who entered as nonimmigrants before such date but adjust or apply to adjust their status after such date.

SEC. 203. REQUIREMENTS FOR SPONSOR'S AFFIDAVIT OF SUPPORT.

(a) ENFORCEABILITY.—(1) No affidavit of support may be relied upon by the Attorney General or by any consular officer to establish that an alien is not excludable as a public charge under section 212(a)(4) of the Immigration and Nationality Act unless such affidavit is executed as a contract—

(A) which is legally enforceable against the sponsor by the sponsored individual, by the Federal Government, and by any State, district, territory, or possession of the United States (or any subdivision of such State, district, territory, or possession of the United States) which provides any benefit described in section 241(a)(5)(D), but not later than 10 years after the sponsored individual last receives any such benefit;

(B) in which the sponsor agrees to financially support the sponsored individual, so that he or she will not become a public charge, until the sponsored individual has worked in the United States for 40 qualifying quarters; and

(C) in which the sponsor agrees to submit to the jurisdiction of any Federal or State court for the purpose of actions brought under subsection (d) or (e).

(2) In determining the number of qualifying quarters for which a sponsored individual has worked for purposes of paragraph (1)(B), an individual not meeting the requirements of subparagraphs (A) or (C) of subsection (f)(3) for any quarter shall be treated as meeting such requirements if—

(A) their spouse met such requirements for such quarter and they filed a joint income tax return covering such quarter; or

(B) the individual who claimed such individual as a dependent on an income tax return covering such quarter met such requirements for such quarter.

(b) FORMS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State, the Attorney General, and the Secretary of Health and Human Services shall jointly formulate the affidavit of support described in this section.

(c) NOTIFICATION OF CHANGE OF ADDRESS.—

(1) GENERAL REQUIREMENT.—The sponsor shall notify the Attorney General and the State, district, territory, or possession in which the sponsored individual is currently a resident within 30 days of any change of address of the sponsor during the period specified in subsection (a)(1).

(2) PENALTY.—Any person subject to the requirement of paragraph (1) who fails to satisfy such requirement shall, after notice and opportunity to be heard, be subject to a civil penalty of—

(A) not less than $250 or more than $2,000, or

(B) if such failure occurs with knowledge that the sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, not less than $2,000 or more than $5,000.

(d) REIMBURSEMENT OF GOVERNMENT EXPENSES.—

(1) IN GENERAL.—

(A) REQUEST FOR REIMBURSEMENT.—Upon notification that a sponsored individual has received any benefit described in section 241(a)(5)(D) of the Immigration and Nationality Act, as amended by section 202(a) of this Act, the appropriate Federal, State, or local official shall request reimbursement from the sponsor for the amount of such assistance.

(B) REGULATIONS.—The Commissioner of Social Security shall prescribe such regulations as may be necessary to carry out subparagraph (A). Such regulations shall provide that notification be sent to the sponsor's last known address by certified mail.

(2) ACTION AGAINST SPONSOR.—If within 45 days after requesting reimbursement, the appropriate Federal, State, or local agency has not received a response from the sponsor indicating a willingness to make payments, an action may be brought against the sponsor pursuant to the affidavit of support.

(3) FAILURE TO MEET REPAYMENT TERMS.—If the sponsor agrees to make payments, but fails to abide by the repayment terms established by the agency, the agency may, within 60 days of such failure, bring an action against the sponsor pursuant to the affidavit of support.

(e) JURISDICTION.—

(1) IN GENERAL.—An action to enforce an affidavit of support executed under subsection (a) may be brought against the sponsor in any appropriate court—

(A) by a sponsored individual, with respect to financial support; or

(B) by a Federal, State, or local agency, with respect to reimbursement.

(2) COURT MAY NOT DECLINE TO HEAR CASE.—For purposes of this section, no appropriate court shall decline for lack of subject matter or personal jurisdiction to hear any action brought against a sponsor under paragraph (1) if—

(A) the sponsored individual is a resident of the State in which the court is located, or received public assistance while residing in the State; and

(B) such sponsor has received service of process in accordance with applicable law.

(f) DEFINITIONS.—For purposes of this section—

(1) SPONSOR.—The term "sponsor" means an individual who—

(A) is a United States citizen or national or an alien who is lawfully admitted to the United States for permanent residence;

(B) is at least 18 years of age;

(C) is domiciled in any of the several States of the United States, the District of Columbia, or any territory or possession of the United States; and

(D) demonstrates the means to maintain an annual income equal to at least 125 percent of the Federal poverty line for the individual and the individual's family (including the sponsored alien and any other alien sponsored by the individual), through evidence that includes a copy of the individual's Federal income tax return for the 3 most recent taxable years (which returns need show such level of annual income only in the most recent taxable year) and a written statement, executed under oath or as permitted under penalty of perjury under section 1746 of title 28, United States Code, that the copies are true copies of such returns.

In the case of an individual who is on active duty (other than active duty for training) in the Armed Forces of the United States, subparagraph (D) shall be applied by substituting "100 percent" for "125 percent".

(2) FEDERAL POVERTY LINE.—The term "Federal poverty line" means the level of income equal to the official poverty line (as defined by the Director of the Office of Management and Budget, as revised annually by the Secretary of Health and Human Services, in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 9902)) that is applicable to a family of the size involved.

(3) QUALIFYING QUARTER.—The term "qualifying quarter" means a three-month period in which the sponsored individual has—

(A) earned at least the minimum necessary for the period to count as one of the 40 quarters required to qualify for social security retirement benefits;

(B) not received need-based public assistance; and

(C) had income tax liability for the tax year of which the period was part.

(4) APPROPRIATE COURT.—The term "appropriate court" means—

(A) a Federal court, in the case of an action for reimbursement of benefits provided or funded, in whole or in part, by the Federal Government; and

(B) a State court, in the case of an action for reimbursement of benefits provided under a State or local program of assistance.

(g) SPONSOR'S SOCIAL SECURITY ACCOUNT NUMBER REQUIRED TO BE PROVIDED.—(1) Each affidavit of support shall include the social security account number of the sponsor.

(2) The Attorney General shall develop an automated system to maintain the data of social security account numbers provided under paragraph (1).

(3) The Attorney General shall submit an annual report to the Congress setting forth for the most recent fiscal year for which data are available—

(A) the number of sponsors under this section and the number of sponsors in compliance with the financial obligations of this section; and

(B) a comparison of the data set forth under subparagraph (A) with similar data for the preceding fiscal year.

SEC. 204. ATTRIBUTION OF SPONSOR'S INCOME AND RESOURCES TO FAMILY-SPONSORED IMMIGRANTS.

(a) DEEMING REQUIREMENT FOR FEDERAL AND FEDERALLY FUNDED PROGRAMS.—Subject to subsection (d), for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any Federal program of assistance, or any program of assistance funded in whole or in part by the Federal Government, for which eligibility for benefits is based on need, the income and resources described in subsection (b) shall, notwithstanding any other provision of law, except as provided in section 204(f), be deemed to be the income and resources of such alien.

(b) DEEMED INCOME AND RESOURCES.—The income and resources described in this subsection include the income and resources of—

(1) any person who, as a sponsor of an alien's entry into the United States, or in order to enable an alien lawfully to remain in the United States, executed an affidavit of support or similar agreement with respect to such alien, and

(2) the sponsor's spouse.

(c) LENGTH OF DEEMING PERIOD.—The requirement of subsection (a) shall apply for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(d) EXCEPTIONS.—

(1) INDIGENCE.—

(A) IN GENERAL.—If a determination described in subparagraph (B) is made, the amount of income and resources of the sponsor or the sponsor's spouse which shall be attributed to the sponsored alien shall not exceed the amount actually provided for a period—

(i) beginning on the date of such determination and ending 12 months after such date, or

(ii) if the address of the sponsor is unknown to the sponsored alien, beginning on the date of such determination and ending on the date that is 12 months after the address of the sponsor becomes known to the sponsored alien or to the agency (which shall inform such alien of the address within 7 days).

(B) DETERMINATION DESCRIBED.—A determination described in this subparagraph is a determination by an agency that a sponsored alien would, in the absence of the assistance provided by the agency, be unable to obtain food and shelter, taking into account the alien's own income, plus any cash, food, housing, or other assistance provided by other individuals, including the sponsor.

(2) EDUCATION ASSISTANCE.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply with respect to sponsored aliens who have received, or have been approved to receive, student assistance under title IV, V, IX, or X of the Higher Education Act of 1965 in an academic year which ends or begins in the calendar year in which this Act is enacted.

(B) DURATION.—The exception described in subparagraph (A) shall apply only for the period normally required to complete the course of study for which the sponsored alien receives assistance described in that subparagraph.

(3) CERTAIN SERVICES AND ASSISTANCE.—The requirements of subsection (a) shall not apply to any service or assistance described in clause (iv) or (vi) of section 201(a)(1)(A).

(e) DEEMING AUTHORITY TO STATE AND LOCAL AGENCIES.—

(1) IN GENERAL.—Notwithstanding any other provision of law, but subject to exceptions equivalent to the exceptions described in subsection (d), the State or local government may, for purposes of determining the eligibility of an alien for benefits, and the amount of benefits, under any State or local program of assistance for which eligibility is based on need, or any need-based program of assistance administered by a State or local government (other than a program of assistance provided or funded, in whole or in part, by the Federal Government), require that the income and resources described in subsection (b) be deemed to be the income and resources of such alien.

(2) LENGTH OF DEEMING PERIOD.—Subject to exceptions equivalent to the exceptions described in subsection (d), a State or local government may impose the requirement described in paragraph (1) for the period for which the sponsor has agreed, in such affidavit or agreement, to provide support for such alien, or for a period of 5 years beginning on the day such alien was first lawfully in the United States after the execution of such affidavit or agreement, whichever period is longer.

(f) Special Rule for Battered Women and Children.—Notwithstanding any other provision of law, subsection (a) shall not apply—

(1) for up to 48 months if the alien can demonstrate that (A) the alien has been battered or subjected to extreme cruelty in the United States by a spouse or a parent, or by a member of the spouse or parent's family residing in the same household as the alien and the spouse or parent consented to or acquiesced to such battery or cruelty, or (B) the alien's child has been battered or subjected to extreme cruelty in the United States by the spouse or parent of the alien (without the active participation of the alien in the battery or cruelty), or by a member of the spouse's or parent's family residing in the same household as the alien when the spouse or parent consented or acquiesced to and the alien did not actively participate in such battery or cruelty, and the battery or cruelty described in clause (i) or (ii) has a causal relationship to the need for the public benefits applied; and

(2) for more than 48 months if the alien can demonstrate that such battery or cruelty under paragraph (1) is ongoing, has led to the issuance of an order of a judge or administrative law judge or a prior determination of the Service and that such battery or cruelty has a causal relationship to the need for the benefits received.

SEC. 205. VERIFICATION OF STUDENT ELIGIBILITY FOR POSTSECONDARY FEDERAL STUDENT FINANCIAL ASSISTANCE.

(a) Report Requirement.—Not later than one year after the date of the enactment of this Act, the Secretary of Education and the Commissioner of Social Security shall jointly submit to the Congress a report on the computer matching program of the Department of Education under section 484(p) of the Higher Education Act of 1965.

(b) Report Elements.—The report shall include the following:

(1) An assessment by the Secretary and the Commissioner of the effectiveness of the computer matching program, and a justification for such assessment.

(2) The ratio of inaccurate matches under the program to successful matches.

(3) Such other information as the Secretary and the Commissioner jointly consider appropriate.

SEC. 206. AUTHORITY OF STATES AND LOCALITIES TO LIMIT ASSISTANCE TO ALIENS AND TO DISTINGUISH AMONG CLASSES OF ALIENS IN PROVIDING GENERAL PUBLIC ASSISTANCE.

(a) In General.—Subject to subsection (b) and notwithstanding any other provision of law, a State or local government may prohibit or otherwise limit or restrict the eligibility of aliens or classes of aliens for programs of general cash public assistance furnished under the law of the State or a political subdivision of a State.

(b) Limitation.—The authority provided for under subsection (a) may be exercised only to the extent that any prohibitions, limitations, or restrictions imposed by a State or local government are not more restrictive than the prohibitions, limitations, or restrictions imposed under comparable Federal programs. For purposes of this section, attribution to an alien of a sponsor's income and resources (as described in section 204(b)) for purposes of determining eligibility for, and the amount of, benefits shall be considered less restrictive than a prohibition of eligibility for such benefits.

SEC. 207. INCREASED MAXIMUM CRIMINAL PENALTIES FOR FORGING OR COUNTERFEITING SEAL OF A FEDERAL DEPARTMENT OR AGENCY TO FACILITATE BENEFIT FRAUD BY AN UNLAWFUL ALIEN.

Section 506 of title 18, United States Code, is amended to read as follows:

"§506. Seals of departments or agencies

"(a) Whoever—

"(1) falsely makes, forges, counterfeits, mutilates, or alters the seal of any department or agency of the United States, or any facsimile thereof;

"(2) knowingly uses, affixes, or impresses any such fraudulently made, forged, counterfeited, mutilated, or altered seal or facsimile thereof to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possesses, sells, offers for sale, furnishes, offers to furnish, gives away, offers to give away, transports, offers to transport, imports, or offers to import any such seal or facsimile thereof, knowing the same to have been so falsely made, forged, counterfeited, mutilated, or altered,

shall be fined under this title, or imprisoned not more than 5 years, or both.

"(b) Notwithstanding subsection (a) or any other provision of law, if a forged, counterfeited, mutilated, or altered seal of a department or agency of the United States, or any facsimile thereof, is—

"(1) so forged, counterfeited, mutilated, or altered;

"(2) used, affixed, or impressed to or upon any certificate, instrument, commission, document, or paper of any description; or

"(3) with fraudulent intent, possessed, sold, offered for sale, furnished, offered to furnish, given away, offered to give away, transported, offered to transport, imported, or offered to import,

with the intent or effect of facilitating an unlawful alien's application for, or receipt of, a Federal benefit, the penalties which may be imposed for each offense under subsection (a) shall be two times the maximum fine, and 3 times the maximum term of imprisonment, or both, that would otherwise be imposed for an offense under subsection (a).

"(c) For purposes of this section—

"(1) the term 'Federal benefit' means—

"(A) the issuance of any grant, contract, loan, professional license, or commercial license provided by any agency of the United States or by appropriated funds of the United States; and

"(B) any retirement, welfare, Social Security, health (including treatment of an emergency medical condition in accordance with section 1903(v) of the Social Security Act (19 U.S.C. 1396b(v))), disability, veterans, public housing, education, food stamps, or unemployment benefit, or any similar benefit for which payments or assistance are provided by an agency of the United States or by appropriated funds of the United States;

"(2) the term 'unlawful alien' means an individual who is not—

"(A) a United States citizen or national;

"(B) an alien lawfully admitted for permanent residence under the Immigration and Nationality Act;

"(C) an alien granted asylum under section 208 of such Act;

"(D) a refugee admitted under section 207 of such Act;

"(E) an alien whose deportation has been withheld under section 243(h) of such Act; or

"(F) an alien paroled into the United States under section 215(d)(5) of such Act for a period of at least 1 year; and

"(3) each instance of forgery, counterfeiting, mutilation, or alteration shall constitute a separate offense under this section.".

SEC. 208. STATE OPTION UNDER THE MEDICAID PROGRAM TO PLACE ANTI-FRAUD INVESTIGATORS IN HOSPITALS.

(a) In General.—Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking "and" at the end of paragraph (61);

(2) by striking the period at the end of paragraph (62) and inserting "; and"; and

(3) by adding after paragraph (62) the following new paragraph:

"(63) in the case of a State that is certified by the Attorney General as a high illegal immigration State (as determined by the Attorney General), at the election of the State, establish and operate a program for the placement of anti-fraud investigators in State, county, and private hospitals located in the State to verify the immigration status and income eligibility of applicants for medical assistance under the State plan prior to the furnishing of medical assistance.".

(b) Payment.—Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended—

(1) by striking "plus" at the end of paragraph (6);

(2) by striking the period at the end of paragraph (7) and inserting "; plus"; and

(3) by adding at the end the following new paragraph:

"(8) an amount equal to the Federal medical assistance percentage (as defined in section 1905(b)) of the total amount expended during such quarter which is attributable to operating a program under section 1902(a)(63).".

(c) Effective Date.—The amendments made by subsections (a) and (b) shall take effect on the first day of the first calendar quarter beginning after the date of the enactment of this Act.

SEC. 209. COMPUTATION OF TARGETED ASSISTANCE.

Section 412(c)(2) (8 U.S.C. 1522(c)(2)) is amended by adding at the end the following new subparagraph:

"(C) Except for the Targeted Assistance Ten Percent Discretionary Program, all grants made available under this paragraph for a fiscal year shall be allocated by the Office of Refugee Resettlement in a manner that ensures that each qualifying county receives the same amount of assistance for each refugee and entrant residing in the county as of the beginning of the fiscal year who arrived in the United States not earlier than 60 months before the beginning of such fiscal year.".

Subtitle B—Miscellaneous Provisions

SEC. 211. REIMBURSEMENT OF STATES AND LOCALITIES FOR EMERGENCY MEDICAL ASSISTANCE FOR CERTAIN ILLEGAL ALIENS.

(a) Reimbursement.—The Attorney General shall, subject to the availability of appropriations, fully reimburse the States and political subdivisions of the States for costs incurred by the States and political subdivisions for emergency ambulance service provided to any alien who—

(1) entered the United States without inspection or at any time or place other than as designated by the Attorney General;

(2) is under the custody of a State or a political subdivision of a State as a result of transfer or other action by Federal authorities; and

(3) is being treated for an injury suffered while crossing the international border between the United States and Mexico or between the United States and Canada.

(b) Statutory Construction.—Nothing in this section requires that the alien be arrested by Federal authorities before entering into the custody of the State or political subdivision.

(c) Authorization of Appropriations.—

(1) Authorization of Appropriations.—There are authorized to be appropriated to the Attorney General such sums as may be necessary to carry out the provisions of this section.

(2) Statutory Construction.—Nothing in this Act may be construed to prevent the Attorney General from seeking reimbursement from an alien described in subsection (a) for the costs of the emergency medical services provided to the alien.

SEC. 212. TREATMENT OF EXPENSES SUBJECT TO EMERGENCY MEDICAL SERVICES EXCEPTION.

(a) IN GENERAL.—Subject to such amounts as are provided in advance in appropriation Acts, each State or local government that provides emergency medical services through a public hospital, other public facility, or other facility (including a hospital that is eligible for an additional payment adjustment under section 1886(d)(5)(F) or section 1923 of the Social Security Act), or through contract with another hospital or facility, to an individual who is an alien not lawfully present in the United States, is entitled to receive payment from the Federal Government for its costs of providing such services, but only to the extent that the costs of the State or local government are not fully reimbursed through any other Federal program and cannot be recovered from the alien or other entity.

(b) CONFIRMATION OF IMMIGRATION STATUS.—No payment shall be made under this section with respect to services furnished to aliens described in subsection (a) unless the State or local government establishes that it has provided services to such aliens in accordance with procedures established by the Secretary of Health and Human Services, after consultation with the Attorney General and State and local officials.

(c) ADMINISTRATION.—This section shall be administered by the Attorney General, in consultation with the Secretary of Health and Human Services.

(d) EFFECTIVE DATE.—This section shall not apply to emergency medical services furnished before October 1, 1995.

SEC. 213. PILOT PROGRAMS.

(a) ADDITIONAL COMMUTER BORDER CROSSING FEES PILOT PROJECTS.—In addition to the land border fee pilot projects extended by the fourth proviso under the heading " Immigration and Naturalization Service, Salaries and Expenses" of Public Law 103–121, the Attorney General may establish another such pilot project on the northern land border and another such pilot project on the southern land border of the United States.

(b) AUTOMATED PERMIT PILOT PROJECTS.—The Attorney General and the Commissioner of Customs are authorized to conduct pilot projects to demonstrate—

(1) the feasibility of expanding port of entry hours at designated ports of entry on the United States-Canada border; or

(2) the use of designated ports of entry after working hours through the use of card reading machines or other appropriate technology.

SEC. 214. USE OF PUBLIC SCHOOLS BY NONIMMIGRANT FOREIGN STUDENTS.

(a) PERSONS ELIGIBLE FOR STUDENT VISAS.—Section 101(a)(15)(F) (8 U.S.C. 1101(a)(15)(F)) is amended—

(1) in clause (i) by striking "academic high school, elementary school, or other academic institution or in a language training program" and inserting in lieu thereof "public elementary or public secondary school (if the alien shows to the satisfaction of the consular officer at the time of application for a visa, or of the Attorney General at the time of application for admission or adjustment of status, that (I) the alien will in fact reimburse such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement), private elementary or private secondary school, or postsecondary academic institution, or in a language-training program"; and

(2) by inserting before the semicolon at the end of clause (ii) the following: ": Provided, That nothing in this paragraph shall be construed to prevent a child who is present in the United States in a nonimmigrant status other than that conferred by paragraph (B), (C), (F)(i), or (M)(i), from seeking admission to a public elementary school or public secondary school for which such child may otherwise be qualified";

(b) EXCLUSION OF STUDENT VISA ABUSERS.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursuing such a course of study, or (II) the school waives such reimbursement) is excludable.".

(c) DEPORTATION OF STUDENT VISA ABUSERS.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) STUDENT VISA ABUSERS.—Any alien described in section 101(a)(15)(F) who is admitted as a student for study at a private elementary school or private secondary school and who does not remain enrolled, throughout the duration of his or her elementary or secondary school education in the United States, at either (A) such a private school, or (B) a public elementary or public secondary school (if (I) the alien is in fact reimbursing such public elementary or public secondary school for the full, unsubsidized per-capita cost of providing education at such school to an individual pursing such a course of study, or (II) the school waives such reimbursement), is deportable.".

(d) EFFECTIVE DATE.—This section shall become effective 1 day after the date of enactment.

SEC. 215. PILOT PROGRAM TO COLLECT INFORMATION RELATING TO NONIMMIGRANT FOREIGN STUDENTS.

(a) IN GENERAL.—(1) The Attorney General and the Secretary of State shall jointly develop and conduct a pilot program to collect electronically from approved colleges and universities in the United States the information described in subsection (c) with respect to aliens who—

(A) have the status, or are applying for the status, of nonimmigrants under section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15) (F), (J), or (M)); and

(B) are nationals of the countries designated under subsection (b).

(2) The pilot program shall commence not later than January 1, 1998.

(b) COVERED COUNTRIES.—The Attorney General and the Secretary of State shall jointly designate countries for purposes of subsection (a)(1)(B). The Attorney General and the Secretary shall initially designate not less than five countries and may designate additional countries at any time while the pilot program is being conducted.

(c) INFORMATION TO BE COLLECTED.—

(1) IN GENERAL.—The information for collection under subsection (a) consists of—

(A) the identity and current address in the United States of the alien;

(B) the nonimmigrant classification of the alien and the date on which a visa under the classification was issued or extended or the date on which a change to such classification was approved by the Attorney General; and

(C) the academic standing of the alien, including any disciplinary action taken by the college or university against the alien as a result of the alien's being convicted of a crime.

(2) FERPA.—The Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g) shall not apply to aliens described in subsection (a) to the extent that the Attorney General and the Secretary of State determine necessary to carry out the pilot program.

(d) PARTICIPATION BY COLLEGES AND UNIVERSITIES.—(1) The information specified in subsection (c) shall be provided by approved colleges and universities as a condition of—

(A) the continued approval of the colleges and universities under section 101(a)(15) (F) or (M) of the Immigration and Nationality Act, or

(B) the issuance of visas to aliens for purposes of studying, or otherwise participating, at such colleges and universities in a program under section 101(a)(15)(J) of such Act.

(2) If an approved college or university fails to provide the specified information, such approvals and such issuance of visas shall be revoked or denied.

(e) FUNDING.—(1) The Attorney General and the Secretary shall use funds collected under section 281(b) of the Immigration and Nationality Act, as added by this subsection, to pay for the costs of carrying out this section.

(2) Section 281 of the Immigration and Nationality Act (8 U.S.C. 1351) is amended—

(A) by inserting "(a)" after "SEC. 281."; and

(B) by adding at the end the following:

"(b)(1) In addition to fees that are prescribed under subsection (a), the Secretary of State shall impose and collect a fee on all visas issued under the provisions of section 101(a)(15) (F), (J), or (M) of the Immigration and Nationality Act. With respect to visas issued under the provisions of section 101(a)(15)(J), this subsection shall not apply to those 'J' visa holders whose presence in the United States is sponsored by the United States Government.

"(2) The Attorney General shall impose and collect a fee on all changes of nonimmigrant status under section 248 to such classifications. This subsection shall not apply to those 'J' visa holders whose presence in the United States is sponsored by the United States Government.

"(3) Except as provided in section 205(g)(2) of the Immigration Reform Act of 1996, the amount of the fees imposed and collected under paragraphs (1) and (2) shall be the amount which the Attorney General and the Secretary jointly determine is necessary to recover the costs of conducting the information-collection program described in subsection (a), but may not exceed $100.

"(4) Funds collected under paragraph (1) shall be available to the Attorney General and the Secretary, without regard to appropriation Acts and without fiscal year limitation, to supplement funds otherwise available to the Department of Justice and the Department of State, respectively.".

(3) The amendments made by paragraphs (1) and (2) shall become effective April 1, 1997.

(f) JOINT REPORT.—Not later than five years after the commencement of the pilot program established under subsection (a), the Attorney General and the Secretary of State shall jointly submit to the Committees on the Judiciary of the United States Senate and House of Representatives on the operations of the pilot program and the feasibility of expanding the program to cover the nationals of all countries.

(g) WORLDWIDE APPLICABILITY OF THE PROGRAM.—(1)(A) Not later than six months after the submission of the report required by subsection (f), the Secretary of State and the Attorney General shall jointly commence expansion of the pilot program to cover the nationals of all countries.

(B) Such expansion shall be completed not later than one year after the date of the submission of the report referred to in subsection (f).

(2) After the program has been expanded, as provided in paragraph (1), the Attorney General

and the Secretary of State may, on a periodic basis, jointly revise the amount of the fee imposed and collected under section 281(b) of the Immigration and Nationality Act in order to take into account changes in the cost of carrying out the program.

(h) DEFINITION.—As used in this section, the phrase "approved colleges and universities" means colleges and universities approved by the Attorney General, in consultation with the Secretary of Education, under subparagraph (F), (J), or (M) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

SEC. 216. FALSE CLAIMS OF UNITED STATES CITIZENSHIP.

(a) EXCLUSION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES CITIZENSHIP.—Section 212(a)(9) (8 U.S.C. 1182(a)(9)) is amended by adding at the end the following new subparagraph:

"(D) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is excludable.".

(b) DEPORTATION OF ALIENS WHO HAVE FALSELY CLAIMED UNITED STATES CITIZENSHIP.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) FALSELY CLAIMING CITIZENSHIP.—Any alien who falsely represents, or has falsely represented, himself to be a citizen of the United States is deportable.".

SEC. 217. VOTING BY ALIENS.

(a) CRIMINAL PENALTY FOR VOTING BY ALIENS IN FEDERAL ELECTION.—Title 18, United States Code, is amended by adding the following new section:

"§611. Voting by aliens

"(a) It shall by unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, Member of the House of Representatives, Delegate from the District of Columbia, or Resident Commissioner, unless—

"(1) the election is held partly for some other purpose;

"(2) aliens are authorized to vote for such other purpose under a State constitution or statute or a local ordinance; and

"(3) voting for such other purpose is conducted independently of voting for a candidate for such Federal offices, in such a manner that an alien has the opportunity to vote for such other purpose, but not an opportunity to vote for a candidate for any one or more of such Federal offices.

"(b) Any person who violates this section shall be fined not more than $5,000 or imprisoned not more than one year or both.".

(b) EXCLUSION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 212(a) (8 U.S.C. 1182(a)) is amended by adding at the end the following new paragraph:

"(9) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is excludable.".

(c) DEPORTATION OF ALIENS WHO HAVE UNLAWFULLY VOTED.—Section 241(a) (8 U.S.C. 1251(a)) is amended by adding at the end the following new paragraph:

"(6) UNLAWFUL VOTERS.—Any alien who has voted in violation of any Federal, State, or local constitutional provision, statute, ordinance, or regulation is deportable.".

SEC. 218. EXCLUSION GROUNDS FOR OFFENSES OF DOMESTIC VIOLENCE, STALKING, CRIMES AGAINST CHILDREN, AND CRIMES OF SEXUAL VIOLENCE.

(a) IN GENERAL.—Section 241(a)(2) (8 U.S.C. 1251(a)(2)) is amended by adding at the end the following:

"(E) DOMESTIC VIOLENCE, VIOLATION OF PROTECTION ORDER, CRIMES AGAINST CHILDREN AND STALKING.—(i) Any alien who at any time after entry is convicted of a crime of domestic violence is deportable.

"(ii) Any alien who at any time after entry engages in conduct that violates the portion of a protection order that involves protection against credible threats of violence, repeated harassment, or bodily injury to the person or persons for whom the protection order was issued is deportable.

"(iii) Any alien who at any time after entry is convicted of a crime of stalking is deportable.

"(iv) Any alien who at any time after entry is convicted of a crime of child abuse, child sexual abuse, child neglect, or child abandonment is deportable.

"(F) CRIMES OF SEXUAL VIOLENCE.—Any alien who at any time after entry is convicted of a crime of rape, aggravated sodomy, aggravated sexual abuse, sexual abuse, abusive sexual contact, or other crime of sexual violence is deportable.".

(b) DEFINITIONS.—Section 101(a) (8 U.S.C. 1101(a)) is amended by adding at the end the following new paragraphs:

"(47) The term 'crime of domestic violence' means any felony or misdemeanor crime of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction where the offense occurs, or by any other adult person against a victim who is protected from that person's acts under the domestic or family violence laws of the United States or any State, Indian tribal government, or unit of local government.

"(48) The term 'protection order' means any injunction issued for the purpose of preventing violent or threatening acts of domestic violence, including temporary or final orders issued by civil or criminal courts (other than support or child custody orders or provisions) whether obtained by filing an independent action or as a pendente lite order in another proceeding.".

(c) EFFECTIVE DATE.—This section will become effective one day after the date of enactment of the Act.

Subtitle C—Housing Assistance

SEC. 221. SHORT TITLE.

This subtitle may be cited as the "Use of Assisted Housing by Aliens Act of 1996".

SEC. 222. PRORATING OF FINANCIAL ASSISTANCE.

Section 214(b) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(b)) is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following new paragraph:

"(2) If the eligibility for financial assistance of at least one member of a family has been affirmatively established under the program of financial assistance and under this section, and the ineligibility of one or more family members has not been affirmatively established under this section, any financial assistance made available to that family by the Secretary of Housing and Urban Development shall be prorated, based on the number of individuals in the family for whom eligibility has been affirmatively established under the program of financial assistance and under this section, as compared with the total number of individuals who are members of the family.".

SEC. 223. ACTIONS IN CASES OF TERMINATION OF FINANCIAL ASSISTANCE.

Section 214(c)(1) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(c)(1)) is amended—

(1) in the matter preceding subparagraph (A), by striking "may, in its discretion," and inserting "shall";

(2) in subparagraph (A), by adding at the end the following: "Financial assistance continued under this subparagraph for a family may be provided only on a prorated basis, under which the amount of financial assistance is based on the percentage of the total number of members of the family that are eligible for that assistance under the program of financial assistance and under this section."; and

(3) in subparagraph (B)—

(A) by striking "6-month period" and all that follows through the end of the subparagraph and inserting "single 3-month period.";

(B) by inserting "(i)" after "(B)";

(C) by striking "Any deferral" and inserting the following:

"(ii) Except as provided in clause (iii) and subject to clause (iv), any deferral"; and

(D) by adding at the end the following new clauses:

"(iii) The time period described in clause (ii) shall not apply in the case of a refugee under section 207 of the Immigration and Nationality Act or an individual seeking asylum under section 208 of that Act.

"(iv) The time period described in clause (ii) shall be extended for a period of 1 month in the case of any individual who is provided, upon request, with a hearing under this section.".

SEC. 224. VERIFICATION OF IMMIGRATION STATUS AND ELIGIBILITY FOR FINANCIAL ASSISTANCE.

Section 214(d) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)) is amended—

(1) in the matter preceding paragraph (1), by inserting "or to be" after "being";

(2) in paragraph (1)(A), by adding at the end the following: "If the declaration states that the individual is not a citizen or national of the United States and that the individual is younger than 62 years of age, the declaration shall be verified by the Immigration and Naturalization Service. If the declaration states that the individual is a citizen or national of the United States, the Secretary of Housing and Urban Development, or the agency administering assistance covered by this section, may request verification of the declaration by requiring presentation of documentation that the Secretary considers appropriate, including a United States passport, resident alien card, alien registration card, social security card, or other documentation.";

(3) in paragraph (2)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date"; and

(B) by adding at the end the following:

"In the case of an individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, the Secretary may not provide any such assistance for the benefit of that individual before documentation is presented and verified under paragraph (3) or (4).";

(4) in paragraph (4)—

(A) in the matter preceding subparagraph (A), by striking "on the date of the enactment of the Housing and Community Development Act of 1987" and inserting "on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996 or applying for financial assistance on or after that date";

(B) in subparagraph (A)—

(i) in clause (i)—

(I) by inserting ", not to exceed 30 days," after "reasonable opportunity"; and

(II) by striking "and" at the end; and

(ii) by striking clause (ii) and inserting the following:

"(ii) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and

"(iii) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, may not deny the application for such assistance on the basis of the immigration status of that individual until the expiration of that 30-day period; and"; and

(C) in subparagraph (B), by striking clause (ii) and inserting the following:

"(ii) pending such verification or appeal, the Secretary may not—

"(I) in the case of any individual receiving assistance on the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, delay, deny, reduce, or terminate the eligibility of that individual for financial assistance on the basis of the immigration status of that individual; and

"(II) in the case of any individual applying for financial assistance on or after the date of enactment of the Use of Assisted Housing by Aliens Act of 1996, deny the application for such assistance on the basis of the immigration status of that individual; and";

(5) in paragraph (5), by striking "status—" and all that follows through the end of the paragraph and inserting the following: "status, the Secretary shall—

"(A) deny the application of that individual for financial assistance or terminate the eligibility of that individual for financial assistance, as applicable; and

"(B) provide to the individual written notice of the determination under this paragraph and the right to a fair hearing process."; and

(6) by striking paragraph (6) and inserting the following:

"(6) The Secretary shall terminate the eligibility for financial assistance of an individual and the members of the household of the individual, for a period of not less than 24 months, upon determining that such individual has knowingly permitted another individual who is not eligible for such assistance to reside in the public or assisted housing unit of the individual. This provision shall not apply to a family if the ineligibility of the ineligible individual at issue was considered in calculating any proration of assistance provided for the family.".

SEC. 225. PROHIBITION OF SANCTIONS AGAINST ENTITIES MAKING FINANCIAL ASSISTANCE ELIGIBILITY DETERMINATIONS.

Section 214(e) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(e)) is amended—

(1) in paragraph (2), by adding "or" at the end;

(2) in paragraph (3), by adding at the end the following: "the response from the Immigration and Naturalization Service to the appeal of that individual."; and

(3) by striking paragraph (4).

SEC. 226. ELIGIBILITY FOR PUBLIC AND ASSISTED HOUSING.

Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsection:

"(h) VERIFICATION OF ELIGIBILITY.—

"(1) IN GENERAL.—Except in the case of an election under paragraph (2)(A), no individual or family applying for financial assistance may receive such financial assistance prior to the affirmative establishment and verification of eligibility of that individual or family under this section by the Secretary or other appropriate entity.

"(2) RULES APPLICABLE TO PUBLIC HOUSING AGENCIES.—A public housing agency (as that term is defined in section 3 of the United States Housing Act of 1937)—

"(A) may elect not to comply with this section; and

"(B) in complying with this section—

"(i) may initiate procedures to affirmatively establish or verify the eligibility of an individual or family under this section at any time at which the public housing agency determines that such eligibility is in question, regardless of whether or not that individual or family is at or near the top of the waiting list of the public housing agency;

"(ii) may affirmatively establish or verify the eligibility of an individual or family under this section in accordance with the procedures set forth in section 274A(b)(1) of the Immigration and Nationality Act; and

"(iii) shall have access to any relevant information contained in the SAVE system (or any successor thereto) that relates to any individual or family applying for financial assistance.

"(3) ELIGIBILITY OF FAMILIES.—For purposes of this subsection, with respect to a family, the term 'eligibility' means the eligibility of each family member.".

SEC. 227. REGULATIONS.

(a) ISSUANCE.—Not later than the 60 days after the date of enactment of this Act, the Secretary of Housing and Urban Development shall issue any regulations necessary to implement the amendments made by this part. Such regulations shall be issued in the form of an interim final rule, which shall take effect upon issuance and shall not be subject to the provisions of section 533 of title 5, United States Code, regarding notice or opportunity for comment.

(b) FAILURE TO ISSUE.—If the Secretary fails to issue the regulations required under subsection (a) before the date specified in that subsection, the regulations relating to restrictions on assistance to noncitizens, contained in the final rule issued by the Secretary of Housing and Urban Development in RIN–2501–AA63 (Docket No. R–95–1409; FR–2383–F–050), published in the Federal Register on March 20, 1995 (Vol. 60, No. 53; pp. 14824–14861), shall not apply after that date.

Subtitle D—Effective Dates

SEC. 231. EFFECTIVE DATES.

(a) IN GENERAL.—Except as provided in subsection (b) or as otherwise provided in this title, this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) BENEFITS.—The provisions of sections 201 and 204 shall apply to benefits and to applications for benefits received on or after the date of the enactment of this Act.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. CHANGES REGARDING VISA APPLICATION PROCESS.

(a) NONIMMIGRANT APPLICATIONS.—Section 222(c) (8 U.S.C. 1202(c)) is amended—

(1) by striking all that follows after "United States;" through "marital status;"; and

(2) by adding at the end thereof the following: "At the discretion of the Secretary of State, application forms for the various classes of nonimmigrant admissions described in section 101(a)(15) may vary according to the class of visa being requested.".

(b) DISPOSITION OF APPLICATIONS.—Section 222(e) (8 U.S.C. 1202(e)) is amended—

(1) in the first sentence, by striking "required by this section" and inserting "for an immigrant visa"; and

(2) in the third sentence—

(A) by inserting "or other document" after "stamp,"; and

(B) by striking "by the consular officer".

SEC. 302. VISA WAIVER PROGRAM.

(a) EXTENSION OF PROGRAM.—Section 217(f) (8 U.S.C. 1187(f)) is amended by striking "1996" and inserting "1998".

(b) REPEAL OF PROBATIONARY PROGRAM.—(1) Section 217(g) (8 U.S.C. 1187(g)) is repealed.

(2) A country designated as a pilot program country with probationary status under section 217(g) of the Immigration and Nationality Act (as in effect prior to the date of enactment of this Act) shall be subject to paragraphs (3) and (4) of that subsection as if such paragraphs were not repealed.

(c) DURATION AND TERMINATION OF DESIGNATION OF PILOT PROGRAM COUNTRIES.—Section 217, as amended by this section, is further amended by adding at the end the following:

"(g) DURATION AND TERMINATION OF DESIGNATION.—

"(1) PROGRAM COUNTRIES.—(A) Upon determination by the Attorney General that a visa waiver program country's disqualification rate is 2 percent or more, the Attorney General shall notify the Secretary of State.

"(B) If the program country's disqualification rate is greater than 2 percent but less than 3.5 percent, the Attorney General and the Secretary of State shall place the program country in probationary status for a period not to exceed 3 full fiscal years following the year in which the designation of the country as a pilot program country is made.

"(C) If the program country's disqualification rate is 3.5 percent or more, the Attorney General and the Secretary of State, acting jointly, shall terminate the country's designation effective at the beginning of the second fiscal year following the fiscal year in which the determination is made.

"(2) END OF PROBATIONARY STATUS.—(A) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that the program country's disqualification rate is less than 2 percent, they shall redesignate the country as a program country.

"(B) If the Attorney General and the Secretary of State, acting jointly, determine at the end of the probationary period described in subparagraph (B) that a visa waiver country has—

"(i) failed to develop a machine readable passport program as required by subparagraph (C) of subsection (c)(2), or

"(ii) has a disqualification rate of 2 percent or more,

then the Attorney General and the Secretary of State shall jointly terminate the designation of the country as a visa waiver program country, effective at the beginning of the first fiscal year following the fiscal year in which in the determination is made.

"(3) DISCRETIONARY TERMINATION.—Notwithstanding any other provision of this section, the Attorney General and the Secretary of State, acting jointly, may for any reason (including national security or failure to meet any other requirement of this section), at any time, rescind any waiver under subsection (a) or terminate any designation under subsection (c), effective upon such date as they shall jointly determine.

"(4) EFFECTIVE DATE OF TERMINATION.—Nationals of a country whose eligibility for the program is terminated by the Attorney General and the Secretary of State, acting jointly, may continue to have paragraph (7)(B)(i)(II) of section 212(a) waived, as authorized by subsection (a), until the country's termination of designation becomes effective as provided in this subsection.

"(5) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Paragraphs (1)(C) and (3) shall not

apply unless the total number of nationals of a designated country, as described in paragraph (6)(A), is in excess of 100.

"(6) DEFINITION.—For purposes of this subsection, the term 'disqualification rate' means the ratio of—

"(A) the total number of nationals of the visa waiver program country—

"(i) who were excluded from admission or withdrew their application for admission during the most recent fiscal year for which data is available, and

"(ii) who were admitted as nonimmigrant visitors during such fiscal year and who violated the terms of such admission, to

"(B) the total number of nationals of that country who applied for admission as nonimmigrant visitors during such fiscal year.".

SEC. 303. TECHNICAL AMENDMENT.

Section 212(d)(11) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(11)) is amended by inserting a "comma" after "(4) thereof)".

SEC. 304. CRIMINAL PENALTIES FOR HIGH SPEED FLIGHTS FROM IMMIGRATION CHECKPOINTS.

(a) FINDINGS.—Congress makes the following findings:

(1) Immigration checkpoints are an important component of the national strategy to prevent illegal immigration.

(2) Individuals fleeing immigration checkpoints and leading law enforcement officials on high speed vehicle chases endanger law enforcement officers, innocent bystanders, and the fleeing individuals themselves.

(3) The pursuit of suspects fleeing immigration checkpoints is complicated by overlapping jurisdiction among Federal, State, and local law enforcement officers.

(b) HIGH SPEED FLIGHT FROM BORDER CHECKPOINTS.—Chapter 35 of title 18, United States Code, is amended by inserting the following new section:

"§758. High speed flight from immigration checkpoint

"(a) Whoever flees or evades a checkpoint operated by the Immigration and Naturalization Service or any other Federal law enforcement agency in a motor vehicle after entering the United States and flees Federal, State, or local law enforcement agents in excess of the legal speed limit shall be imprisoned not more than five years.".

(c) GROUNDS FOR DEPORTATION.—Section 241(a)(2)(A) (8 U.S.C. 1251(a)(2)(A)) of title 8, United States Code, is amended by inserting the following new subsection:

"(v) HIGH SPEED FLIGHT.—Any alien who is convicted of high speed flight from a checkpoint (as defined by section 758(a) of chapter 35) is deportable.".

SEC. 305. CHILDREN BORN ABROAD TO UNITED STATES CITIZEN MOTHERS; TRANSMISSION REQUIREMENTS.

(a) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT TECHNICAL CORRECTIONS ACT OF 1994.—Section 101(d) of the Immigration and Nationality Technical Corrections Act of 1994 (Public Law 103–416) is amended to read as follows:

"(d) APPLICABILITY OF TRANSMISSION REQUIREMENTS.—Notwithstanding this section and the amendments made by this section, any provision of law relating to residence or physical presence in the United States for purposes of transmitting United States citizenship shall apply to any person whose claim of citizenship is based on the amendment made by subsection (a), and to any person through whom such a claim of citizenship is derived.".

(b) EFFECTIVE DATE.—The amendment made by this section shall be deemed to have become effective as of the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994.

SEC. 306. FEE FOR DIVERSITY IMMIGRANT LOTTERY.

The Secretary of State may establish a fee to be paid by each immigrant issued a visa under subsection (c) of section 203 of the Immigration and Nationality Act (8 U.S.C. 1153(c)). Such fee may be set at a level so as to cover the full cost to the Department of State of administering that subsection, including the cost of processing all applications thereunder. All such fees collected shall be deposited as an offsetting collection to any Department of State appropriation and shall remain available for obligation until expended. The provisions of the Act of August 18, 1856 (Rev. Stat. 1726–28; 22 U.S.C. 4212–14), concerning accounting for consular fees, shall not apply to fees collected pursuant to this section.

SEC. 307. SUPPORT OF DEMONSTRATION PROJECTS FOR NATURALIZATION CEREMONIES.

(a) FINDINGS.—The Congress makes the following findings:

(1) American democracy performs best when the maximum number of people subject to its laws participate in the political process, at all levels of government.

(2) Citizenship actively exercised will better assure that individuals both assert their rights and fulfill their responsibilities of membership within our political community, thereby benefiting all citizens and residents of the United States.

(3) A number of private and charitable organizations assist in promoting citizenship, and the Senate urges them to continue to do so.

(b) DEMONSTRATION PROJECTS.—The Attorney General shall make available funds under this section, in each of 5 consecutive years (beginning with 1996), to the Immigration and Naturalization Service or to other public or private nonprofit entities to support demonstration projects under this section at 10 sites throughout the United States. Each such project shall be designed to provide for the administration of the oath of allegiance (under section 337(a) of the Immigration and Nationality Act) on a business day around the 4th of July for approximately 500 people whose application for naturalization has been approved. Each project shall provide for appropriate outreach and ceremonial and celebratory activities.

(c) SELECTION OF SITES.—The Attorney General shall, in the Attorney General's discretion, select diverse locations for sites on the basis of the number of naturalization applicants living in proximity to each site and on the degree of local community participation and support in the project to be held at the site. Not more than 2 sites may be located in the same State. The Attorney General should consider changing the sites selected from year to year.

(d) AMOUNTS AVAILABLE; USE OF FUNDS.—

(1) AMOUNT.—The amount that may be made available under this section with respect to any single site for a year shall not exceed $5,000.

(2) USE.—Funds provided under this section may only be used to cover expenses incurred carrying out symbolic swearing-in ceremonies at the demonstration sites, including expenses for—

(A) cost of personnel of the Immigration and Naturalization Service (including travel and overtime expenses),

(B) local outreach,

(C) rental of space, and

(D) costs of printing appropriate brochures and other information about the ceremonies.

(3) AVAILABILITY OF FUNDS.—Funds that are otherwise available to the Immigration and Naturalization Service to carry out naturalization activities (including funds in the Immigration Examinations Fee Account, under section 286(n) of the Immigration and Nationality Act) shall be available under this section.

(e) APPLICATION.—In the case of an entity other than the Immigration and Naturalization Service seeking to conduct a demonstration project under this section, no amounts may be made available to the entity under this section unless an appropriate application has been made to, and approved by, the Attorney General, in a form and manner specified by the Attorney General.

(f) STATE DEFINED.—For purposes of this section, the term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

SEC. 308. REVIEW OF CONTRACTS WITH ENGLISH AND CIVICS TEST ENTITIES.

(a) IN GENERAL.—The Attorney General of the United States shall investigate and submit a report to the Congress regarding the practices of test entities authorized to administer the English and civics tests pursuant to section 312.3(a) of title 8, Code of Federal Regulations. The report shall include any findings of fraudulent practices by the testing entities.

(b) PRELIMINARY AND FINAL REPORTS.—Not later than 90 days after the date of the enactment of this Act, the Attorney General shall submit to the Congress a preliminary report of the findings of the investigation conducted pursuant to subsection (a) and shall submit to the Congress a final report within 275 days after the submission of the preliminary report.

SEC. 309. DESIGNATION OF A UNITED STATES CUSTOMS ADMINISTRATIVE BUILDING.

(a) DESIGNATION.—The United States Customs Administrative Building at the Ysleta/Zaragosa Port of Entry located at 797 South Zaragosa Road in El Paso, Texas, shall be known and designated as the "Timothy C. McCaghren Customs Administrative Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Timothy C. McCaghren Customs Administrative Building".

SEC. 310. WAIVER OF FOREIGN COUNTRY RESIDENCE REQUIREMENT WITH RESPECT TO INTERNATIONAL MEDICAL GRADUATES.

(a) EXTENSION OF WAIVER PROGRAM.—Section 220(c) of the Immigration and Nationality Technical Corrections Act of 1994 (8 U.S.C. 1182 note) is amended by striking "June 1, 1996" and inserting "June 1, 2002".

(b) CONDITIONS ON FEDERALLY REQUESTED WAIVERS.—Section 212(e) of the Immigration and Nationality Act (8 U.S.C. 1184(e)) is amended by inserting after "except that in the case of a waiver requested by a State Department of Public Health or its equivalent" the following: "or in the case of a waiver requested by an interested United States Government agency on behalf of an alien described in clause (iii)".

(c) RESTRICTIONS ON FEDERALLY REQUESTED WAIVERS.—Section 214(k) (8 U.S.C. 1184(k)) is amended to read as follows:

"(k)(1) In the case of a request by an interested State agency or by an interested United States Government agency for a waiver of the two-year foreign residence requirement under section 212(e) with respect to an alien described in clause (iii) of that section, the Attorney General shall not grant such waiver unless—

"(A) in the case of an alien who is otherwise contractually obligated to return to a foreign country, the government of such country furnishes the Director of the United States Information Agency with a statement in writing that it has no objection to such waiver; and

"(B)(i) in the case of a request by an interested State agency—

"(I) the alien demonstrates a bona fide offer of full-time employment, agrees to begin employment with the health facility or organization named in the waiver application within 90 days

of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest; or

"(ii) in the case of a request by an interested United States Government agency—

"(I) the alien demonstrates a bona fide offer of full-time employment that has been found to be in the public interest, agrees to begin employment with the health facility or organization named in the waiver application within 90 days of receiving such waiver, and agrees to work for a total of not less than three years (unless the Attorney General determines that extenuating circumstances exist, such as closure of the facility or hardship to the alien would justify a lesser period of time); and

"(II) the alien's employment continues to benefit the public interest;

"(C) in the case of a request by an interested State agency, the alien agrees to practice medicine in accordance with paragraph (2) for a total of not less than three years only in the geographic area or areas which are designated by the Secretary of Health and Human Services as having a shortage of health care professionals; and

"(D) in the case of a request by an interested State agency, the grant of such a waiver would not cause the number of waivers allotted for that State for that fiscal year to exceed 20.

"(2)(A) Notwithstanding section 248(2) the Attorney General may change the status of an alien that qualifies under this subsection and section 212(e) to that of an alien described in section 101(a)(15)(H)(i)(b).

"(B) No person who has obtained a change of status under subparagraph (A) and who has failed to fulfill the terms of the contract with the health facility or organization named in the waiver application shall be eligible to apply for an immigrant visa, for permanent residence, or for any other change of nonimmigrant status until it is established that such person has resided and been physically present in the country of his nationality or his last residence for an aggregate of at least two years following departure from the United States.

"(3) Notwithstanding any other provisions of this subsection, the two-year foreign residence requirement under section 212(e) shall apply with respect to an alien in clause (iii) of that section who has not otherwise been accorded status under section 101(a)(27)(H)—

"(A) in the case of a request by an interested State agency, if at any time the alien practices medicine in an area other than an area described in paragraph (1)(C); and

"(B) in the case of a request by an interested United States Government agency, if at any time the alien engages in employment for a health facility or organization not named in the waiver application.".

SEC. 311. CONTINUED VALIDITY OF LABOR CERTIFICATIONS AND PETITIONS FOR PROFESSIONAL ATHLETES.

(a) LABOR CERTIFICATION.—Section 212(a)(5) is amended by adding at the end the following:

"(D) PROFESSIONAL ATHLETES.—The labor certification received for a professional athlete shall remain valid for that athlete after the athlete changes employer if the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of this subparagraph, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the forgoing leagues.".

(b) PETITIONS.—Section 204(a)(1)(D) is amended by adding at the end the following new sentences: "A petition for a professional athlete will remain valid for that athlete after the athlete changes employers provided that the new employer is a team in the same sport as the team which employed the athlete when he first applied for labor certification hereunder. For purposes of the preceding sentence, the term 'professional athlete' means an individual who is employed as an athlete by a team that belongs to the National Hockey League, the National Football League, the National Basketball Association, Major League Baseball, or any minor league which is affiliated with one of the foregoing leagues.".

SEC. 312. MAIL-ORDER BRIDE BUSINESS.

(a) CONGRESSIONAL FINDINGS.—The Congress makes the following findings:

(1) There is a substantial "mail-order bride" business in the United States. With approximately 200 companies in the United States, an estimated 2,000 to 3,500 American men find wives through mail-order bride catalogs each year. However, there are no official statistics available on the number of mail-order brides entering the United States each year.

(2) The companies engaged in the mail-order bride business earn substantial profits from their businesses.

(3) Although many of these mail-order marriages work out, in many other cases, anecdotal evidence suggests that mail-order brides often find themselves in abusive relationships. There is also evidence to suggest that a substantial number of mail-order marriages constitute marriage fraud under United States law.

(4) Many mail-order brides come to the United States unaware or ignorant of United States immigration law. Mail-order brides who are battered spouses often think that if they flee an abusive marriage, they will be deported. Often the citizen spouse threatens to have them deported if they report the abuse.

(5) The Immigration and Naturalization Service estimates the rate of marriage fraud between foreign nationals and United States citizens or legal permanent residents as eight percent. It is unclear what percent of those marriage fraud cases originated as mail-order marriages.

(b) INFORMATION DISSEMINATION.—Each international matchmaking organization doing business in the United States shall disseminate to recruits, upon recruitment, such immigration and naturalization information as the Immigration and Naturalization Service deems appropriate, in the recruit's native language, including information regarding conditional permanent residence status, permanent resident status, the battered spouse waiver of conditional permanent resident status requirement, marriage fraud penalties, immigrants' rights, the unregulated nature of the business, and the study mandated in subsection (c).

(c) STUDY.—The Attorney General, in consultation with the Commissioner of Immigration and Naturalization and the Violence Against Women Office of the Department of Justice, shall conduct a study to determine, among other things—

(1) the number of mail-order marriages;

(2) the extent of marriage fraud arising as a result of the services provided by international matchmaking organizations;

(3) the extent to which mail-order spouses utilize section 244(a)(3) of the Immigration and Nationality Act providing for waiver of deportation in the event of abuse, or section 204(a)(1)(A)(iii) of such Act providing for self-petitioning for permanent resident status;

(4) the extent of domestic abuse in mail-order marriages; and

(5) the need for continued or expanded regulation and education to implement the objectives of the Violence Against Women Act of 1994 in this area.

(d) REPORT.—Not later than one year after the date of enactment of this Act, the Attorney General shall submit a report to the Congress setting forth the results of the study conducted under subsection (c).

(e) CIVIL PENALTY.—(1) The Attorney General shall impose a civil penalty of not to exceed $20,000 for each violation of subsection (b).

(2) Any penalty under paragraph (1) may be imposed only after notice and opportunity for an agency hearing on the record in accordance with sections 554 through 557 of title 5, United States Code.

(f) DEFINITIONS.—As used in this section:

(1) INTERNATIONAL MATCHMAKING ORGANIZATION.—The term "international matchmaking organization" means a corporation, partnership, business, or other legal entity, whether or not organized under the laws of the United States or any State, that does business in the United States and for profit offers to United States citizens or permanent resident aliens, dating, matrimonial, or social referral services to nonresident, noncitizens, by—

(A) an exchange of names, telephone numbers, addresses, or statistics;

(B) selection of photographs; or

(C) a social environment provided by the organization in a country other than the United States.

(2) RECRUIT.—The term "recruit" means a noncitizen, nonresident person, recruited by the international matchmaking organization for the purpose of providing dating, matrimonial, or social referral services to United States citizens or permanent resident aliens.

SEC. 313. APPROPRIATIONS FOR CRIMINAL ALIEN TRACKING CENTER.

Section 130002(b) of the Violent Crime Control and Law Enforcement Act of 1994 (8 U.S.C. 1252 note) is amended—

(1) by inserting "and" after "1996;", and

(2) by striking paragraph (2) and all that follows through the end period and inserting the following:

"(2) $5,000,000 for each of fiscal years 1997 through 2001.".

SEC. 314. BORDER PATROL MUSEUM

(a) AUTHORITY.—Notwithstanding section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or any other provision of law, the Attorney General is authorized to transfer and convey to the Border Patrol Museum and Memorial Library Foundation, incorporated in the State of Texas, such equipment, artifacts, and memorabilia held by the Immigration and Naturalization Service, as the Attorney General may determine is necessary to further the purposes of the Museum and Foundation.

(b) TECHNICAL ASSISTANCE.—The Attorney General is authorized to provide technical assistance, through the detail of personnel of the Immigration and Naturalization Service, to the Border Patrol Museum and Memorial Library Foundation for the purpose of demonstrating the use of the items transferred under subsection (a).

SEC. 315. PILOT PROGRAMS TO PERMIT BONDING.

(a) IN GENERAL.—The Attorney General of the United States shall establish a pilot program in 5 INS district offices (at least 2 of which are in States selected for a demonstration project under section 112 of this Act) to require aliens to post a bond in lieu of the affidavit requirements in section 203 of the Immigration Control and Financial Responsibility Act of 1996 and the deeming requirements in section 204 of such Act. Any pilot program established pursuant to this subsection shall require an alien to post a bond *in an amount sufficient to cover the cost of benefits for the alien and the alien's dependents under the programs described in section 241(a)(5)(D) of the Immigration and Nationality Act (8 U.S.C. 1251(a)(5)(D)) and shall remain in effect until the alien and all members of the alien's family permanently depart from the United States, are naturalized, or die. Suit on any such bonds may be brought under the terms and conditions set forth in section 213 of the Immigration and Nationality Act.*

(b) REGULATIONS.—Not later than 180 days after the date of the enactment of this Act, the Attorney General shall issue regulations for establishing the pilot programs, including—

(1) criteria and procedures for—

(A) certifying bonding companies for participation in the program, and

(B) debarment of any such company that fails to pay a bond, and

(2) criteria for setting the amount of the bond to assure that the bond is in an amount that is not less than the cost of providing benefits under the programs described in section 241(a)(5)(D) for the alien and the alien's dependents for 6 months.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(d) ANNUAL REPORTING REQUIREMENT.—The Attorney General shall report annually to Congress on the effectiveness of the pilot program, once within 9 months and again within 1 year and 9 months after the pilot program begins operating.

(e) SUNSET.—The pilot program shall sunset after 2 years of operation.

SEC. 316. MINIMUM STATE INS PRESENCE.

(a) IN GENERAL.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(e) The Attorney General shall ensure that no State is allocated fewer than 10 full-time active duty agents of the Immigration and Naturalization Service to carry out the enforcement, examinations, and inspections functions of the Service for the purposes of effective enforcement of the Immigration and Nationality Act.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

SEC. 317. DISQUALIFICATION FROM ATTAINING NONIMMIGRANT OR PERMANENT RESIDENCE STATUS.

(a) DISAPPROVAL OF PETITIONS.—Section 204 of the Immigration and Nationality Act (8 U.S.C. 1154) is amended by adding at the end the following new subsection:

"(i) Restrictions on future entry of aliens apprehended for violating immigration laws.

"(1) The Attorney General may not approve any petition for lawful permanent residence status filed by an alien or any person on behalf of an alien (other than petitions filed by or on behalf of spouses of United States citizens or of aliens lawfully admitted for permanent residence) who has at any time been apprehended in the United States for (A) entry without inspection, or (B) failing to depart from the United States within one year of the expiration of any nonimmigrant visa, until the date that is ten years after the alien's departure or removal from the United States.".

(b) VIOLATION OF IMMIGRATION LAW AS GROUNDS FOR EXCLUSION.—Section 212(a)(6) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)) is amended by adding at the end the following new subparagraph:

"(G) Any alien who (i) has at any time been apprehended in the United States for entry without inspection, or (ii) has failed to depart from the United States within one year of the expiration date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending, is excludable until the date that is ten years after the alien's departure or removal from the United States.".

(c) DENIAL OF ADJUSTMENT OF STATUS.—Section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)) is amended—

(1) by striking "or (5)" and inserting "(5)"; and

(2) by inserting before the period the following: "or (6) any alien who (A) has at any time been apprehended in the United States for entry without inspection, or (B) has failed to depart from the United States within one year of the expiration under section 208 date of any nonimmigrant visa, unless such alien has applied for and been granted asylum or refugee status in the United States or has a bona fide application for asylum pending".

(d) EXCEPTIONS.—Section 245 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(k) The following periods of time shall be excluded from the determination of periods of unauthorized stay under subsection (c)(6)(B) and section 204(i):

(1) Any period of time in which an alien is under 18 years of age.

(2) Any period of time in which an alien has a bona fide application for asylum pending under section 208.

(3) Any period of time during which an alien is provided authorization to engage in employment in the United States (including such an authorization under section 244A(a)(1)(B)), or in which the alien is the spouse of such an alien.

(4) Any period of time during which the alien is a beneficiary of family unity protection pursuant to section 301 on the Immigration Act of 1990.

(5) Any period of time for which the alien demonstrates good cause for remaining in the United States without the authorization of the Attorney General.

SEC. 318. PASSPORTS ISSUED FOR CHILDREN UNDER 16.

(a) IN GENERAL.—Section 1 of title IX of the Act of June 15, 1917 (22 U.S.C. 213) is amended—

(1) by striking "Before" and insert "(a) IN GENERAL.—Before", and

(2) by adding at the end the following new subsection:

"(b) PASSPORTS ISSUED FOR CHILDREN UNDER 16.—

"(1) SIGNATURES REQUIRED.—In the case of a child under the age of 16, the written application required as a prerequisite to the issuance of a passport for such child shall be signed by—

"(A) both parents of the child if the child lives with both parents;

"(B) the parent of the child having primary custody of the child if the child does not live with both parents; or

"(C) the surviving parent (or legal guardian) of the child, if 1 or both parents are deceased.

"(2) WAIVER.—The Secretary of State may waive the requirements of paragraph (1)(A) if the Secretary determines that circumstances do not permit obtaining the signatures of both parents.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to applications for passports filed on or after the date of enactment of this Act.

SEC. 319. EXCLUSION OF CERTAIN ALIENS FROM FAMILY UNITY PROGRAM.

Section 301(e) of the Immigration Act of 1990 (8 U.S.C. 1255a note) is amended to read as follows:

"(e) EXCEPTION FOR CERTAIN ALIENS.—An alien is not eligible for a new grant or extension of benefits of this section if the Attorney General finds that the alien—

"(1) has been convicted of a felony or 3 or more misdemeanors in the United States,

"(2) is described in section 243(h)(2) of the Immigration and Nationality Act, or

"(3) has committed an act of juvenile delinquency which if committed by an adult would be classified as—

"(A) a felony crime of violence that has an element the use or attempted use of physical force against the person of another; or

"(B) a felony offense that by its nature involves a substantial risk that physical force against the person of another may be used in the course of committing the offense.".

SEC. 320. TO ENSURE APPROPRIATELY STRINGENT PENALTIES FOR CONSPIRING WITH OR ASSISTING AN ALIEN TO COMMIT AN OFFENSE UNDER THE CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

(a) Not later than 6 months following enactment of this Act, the United States Sentencing Commission shall conduct a review of the guidelines applicable to an offender who conspires with, or aids or abets, a person who is not a citizen or national of the United States in committing any offense under section 1010 of the Controlled Substance Import and Export Act (21 U.S.C. 960).

(b) Following such review, pursuant to section 994(p) of title 28, United States Code, the Commission shall promulgate sentencing guidelines or amend existing sentencing guidelines to ensure an appropriately stringent sentence for such offenders.

SEC. 321. REVIEW AND REPORT ON H-2A NONIMMIGRANT WORKERS PROGRAM.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that the enactment of this Act may impact the future availability of an adequate work force for the producers of our Nation's labor intensive agricultural commodities and livestock.

(b) REVIEW.—The Comptroller General shall review the effectiveness of the H-2A nonimmigrant worker program to ensure that the program provides a workable safety valve in the event of future shortages of domestic workers after the enactment of this Act. Among other things, the Comptroller General shall review the program to determine—

(1) that the program ensures that an adequate supply of qualified United States workers is available at the time and place needed for employers seeking such workers after the date of enactment of this Act;

(2) that the program ensures that there is timely approval of applications for temporary foreign workers under the H-2A nonimmigrant worker program in the event of shortages of United States workers after the date of enactment of this Act;

(3) that the program ensures that implementation of the H-2A nonimmigrant worker program is not displacing United States agricultural workers or diminishing the terms and conditions of employment of United States agricultural workers; and

(4) if and to what extent the H-2A nonimmigrant worker program is contributing to the problem of illegal immigration.

(c) REPORT.—Not later than December 31, 1996, or three months after the date of enactment of this Act, whichever is sooner, the Comptroller General shall submit a report to Congress setting forth the findings of the review conducted under subsection (b).

(d) DEFINITIONS.—As used in this section—

(1) the term "Comptroller General" means the Comptroller General of the United States; and

(2) the term "H-2A nonimmigrant worker program" means the program for the admission of nonimmigrant aliens described in section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act.

SEC. 322. FINDINGS RELATED TO THE ROLE OF INTERIOR BORDER PATROL STATIONS.

The Congress makes the following findings:

(1) The Immigration and Naturalization Service has drafted a preliminary plan for the removal of 200 Border Patrol agents from interior stations and the transfer of these agents to the Southwest border.

(2) The INS has stated that it intends to carry out this transfer without disrupting service and support to the communities in which interior stations are located.

(3) Briefings conducted by INS personnel in communities with interior Border Patrol stations have revealed that Border Patrol agents at interior stations, particularly those located in Southwest border States, perform valuable law enforcement functions that cannot be performed by other INS personnel.

(4) The transfer of 200 Border Patrol agents from interior stations to the Southwest border, which would not increase the total number of law enforcement personnel at INS, would cost the Federal Government approximately $12,000,000.

(5) The cost to the Federal Government of hiring new criminal investigators and other personnel for interior stations is likely to be greater than the cost of retaining Border Patrol agents at interior stations.

(6) The first recommendation of the report by the National Task Force on Immigration was to increase the number of Border Patrol agents at the interior stations.

(7) Therefore, it is the sense of the Congress that—

(A) the United States Border Patrol plays a key role in apprehending and deporting undocumented aliens throughout the United States;

(B) interior Border Patrol stations play a unique and critical role in the agency's enforcement mission and serve as an invaluable second line of defense in controlling illegal immigration and its penetration to the interior of our country;

(C) a permanent redeployment of Border Patrol agents from interior stations is not the most cost-effective way to meet enforcement needs along the Southwest border, and should only be done where new Border Patrol agents cannot practicably be assigned to meet enforcement needs along the Southwest border; and

(D) the INS should hire, train and assign new staff based on a strong Border Patrol presence both on the Southwest border and in interior stations that support border enforcement.

SEC. 323. ADMINISTRATIVE REVIEW OF ORDERS.

(a) Section 274A(e)(7) is amended by striking the phrase ", within 30 days,".

(b) Section 274C(d)(4) is amended by striking the phrase ", within 30 days,".

SEC. 324. SOCIAL SECURITY ACT.

Section 1173(d)(4)(B)) of the Social Security Act (42 U.S.C. 1320b–7(d)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) the State shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. 325. HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1980.

Section 214(d)(4)(B) of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a(d)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) the Secretary shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. 326. HIGHER EDUCATION ACT OF 1965.

Section 484(g)(B) of the Higher Education Act of 1965 (20 U.S.C. 1091(g)(4)(B)) is amended by striking clause (i) and inserting the following new clause:

"(i) the institution shall transmit to the Immigration and Naturalization Service either photostatic or other similar copies of such documents, or information from such documents, as specified by the Immigration and Naturalization Service, for official verification,".

SEC. 327. LAND ACQUISITION AUTHORITY.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended by redesignating subsections (b), (c), and (d) as subsections (c), (d), and (e) accordingly, and inserting the following new subsection (b):

"(b)(1) The Attorney General may contract for or buy any interest in land, including temporary use rights, adjacent to or in the vicinity of an international land border when the Attorney General deems the land essential to control and guard the boundaries and borders of the United States against any violation of this Act.

"(2) The Attorney General may contract for or buy any interest in land identified pursuant to subsection (a) as soon as the lawful owner of that interest fixes a price for it and the Attorney General considers that price to be reasonable.

"(3) When the Attorney General and the lawful owner of an interest identified pursuant to subsection (a) are unable to agree upon a reasonable price, the Attorney General may commence condemnation proceedings pursuant to section 257 of title 40, United States Code.

"(4) The Attorney General may accept for the United States a gift of any interest in land identified pursuant to subsection (a).".

SEC. 328. SERVICES TO FAMILY MEMBERS OF INS OFFICERS KILLED IN THE LINE OF DUTY.

SEC. 294. [8 U.S.C. 1364]—TRANSPORTATION OF THE REMAINS OF IMMIGRATION OFFICERS AND BORDER PATROL AGENTS KILLED IN THE LINE OF DUTY.

(a) Nothwithstanding any other provision of law, the Attorney General may expend appropriated funds to pay for—

(1) the transportation of the remains of any Immigration Officer or Border Patrol agent killed in the line of duty to a place of burial located in the United States, the Commonwealth of Puerto Rico, or the territories and possessions of the United States;

(2) the transportation of the decedent's spouse and minor children to and from the same site at rates no greater than those established for official government travel; and

(3) any other memorial service sanctioned by the Department of Justice.

(b) The Department of Justice may prepay the costs of any transportation authorized by this section.

SEC. 329. POWERS AND DUTIES OF THE ATTORNEY GENERAL AND THE COMMISSIONER.

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (a) by adding the following after the last sentence of that subsection:

"The Attorney General, in support of persons in administrative detention in non-Federal institutions, is authorized to make payments from funds appropriated for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration for necessary clothing, medical care, necessary guard hire, and the housing, care, and security of persons detained by the Service pursuant to Federal law under intergovernmental service agreements with State or local units of government. The Attorney General, in support of persons in administrative detention in non-Federal institutions, is further authorized to enter into cooperative agreements with any State, territory, or political subdivision thereof, for the necessary construction, physical renovation, acquisition of equipment, supplies or materials required to establish acceptable conditions of confinement and detention services in any State or local jurisdiction which agrees to provide guaranteed bed space for persons detained by the Immigration and Naturalization Service.".

Section 103 of the Immigration and Nationality Act (8 U.S.C. 1103) is amended in subsection (b) by adding the following:

"The Commissioner may enter into cooperative agreements with State and local law enforcement agencies for the purpose of assisting in the enforcement of the immigration laws of the United States.".

SEC. 330. PRECLEARANCE AUTHORITY.

Section 103(a) of the Immigration and Nationality Act (8 U.S.C. 1103(a)) is amended by adding at the end the following:

"After consultation with the Secretary of State, the Attorney General may authorize officers of a foreign country to be stationed at preclearance facilities in the United States for the purpose of ensuring that persons traveling from or through the United States to that foreign country comply with that country's immigration and related laws. Those officers may exercise such authority and perform such duties as United States immigration officers are authorized to exercise and perform in that foreign country under reciprocal agreement, and they shall enjoy such reasonable privileges and immunities necessary for the performance of their duties as the government of their country extends to United States immigration officers.".

SEC. 331. CONFIDENTIALITY PROVISION FOR CERTAIN ALIEN BATTERED SPOUSES AND CHILDREN.

(a) IN GENERAL.—With respect to information provided pursuant to section 150(b)(C) of this Act and except as provided in subsection (b), in no case may the Attorney General, or any other official or employee of the Department of Justice (including any bureau or agency of such department)—

(1) make an adverse determination of admissibility or deportability of an alien under the Immigration and Nationality Act using only information furnished solely by—

(A) a spouse or parent who has battered the alien or the alien's children or subjected the alien or the alien's children to extreme cruelty, or

(B) a member of the alien's spouse's or parent's family who has battered the alien or the alien's child or subjected the alien or alien's child to extreme cruelty,

unless the alien has been convicted of a crime or crimes listed in section 241(a)(2) of the Immigration and Nationality Act;

(2) make any publication whereby information furnished by any particular individual can be identified;

(3) permit anyone other than the sworn officers and employees of the Department, bureau or agency, who needs to examine such information for legitimate Department, bureau, or agency purposes, to examine any publication of any individual who files for relief as a person who has been battered or subjected to extreme cruelty.

(b) EXCEPTIONS.—(1) The Attorney General may provide for the furnishing of information furnished under this section in the same manner and circumstances as census information may be disclosed by the Secretary of Commerce under section 8 of title 13, United States Code.

(2) The Attorney General may provide for the furnishing of information furnished under this

section to law enforcement officials to be used solely for legitimate law enforcement purposes.

SEC. 332. DEVELOPMENT OF PROTOTYPE OF COUNTERFEIT-RESISTANT SOCIAL SECURITY CARD REQUIRED.

(a) DEVELOPMENT.—

(1) IN GENERAL.—The Commissioner of Social Security (hereafter in this section referred to as the "Commissioner") shall in accordance with the provisions of this section develop a prototype of a counterfeit-resistant social security card. Such prototype card shall—

(A) be made of a durable, tamper-resistant material such as plastic or polyester,

(B) employ technologies that provide security features, such as magnetic stripes, holograms, and integrated circuits, and

(C) be developed so as to provide individuals with reliable proof of citizenship or legal resident alien status.

(2) ASSISTANCE BY ATTORNEY GENERAL.—The Attorney General of the United States shall provide such information and assistance as the Commissioner deems necessary to achieve the purposes of this section.

(b) STUDY AND REPORT.—

(1) IN GENERAL.—The Commissioner shall conduct a study and issue a report to Congress which examines different methods of improving the social security card application process.

(2) ELEMENTS OF STUDY.—The study shall include an evaluation of the cost and work load implications of issuing a counterfeit-resistant social security card for all individuals over a 3, 5, and 10 year period. The study shall also evaluate the feasibility and cost implications of imposing a user fee for replacement cards and cards issued to individuals who apply for such a card prior to the scheduled 3, 5, and 10 year phase-in options.

(3) DISTRIBUTION OF REPORT.—Copies of the report described in this subsection along with a facsimile of the prototype card as described in subsection (a) shall be submitted to the Committees on Ways and Means and Judiciary of the House of Representatives and the Committees on Finance and Judiciary of the Senate within 1 year of the date of the enactment of this Act.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated and are appropriated from the Federal Old-Age and Survivors Insurance Trust Fund such sums as may be necessary to carry out the purposes of this section.

SEC. 333. REPORT ON ALLEGATIONS OF HARASSMENT BY CANADIAN CUSTOMS AGENTS.

(a) STUDY AND REVIEW.—(1) Not later than 30 days after the enactment of this Act, the Commissioner of the United States Customs Service shall initiate a study of allegations of harassment by Canadian Customs agents for the purpose of deterring cross-border commercial activity along the United States-New Brunswick border. Such study shall include a review of the possible connection between any incidents of harassment with the discriminatory imposition of the New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, and with any other activities taken by the Canadian provincial and Federal Governments to deter cross-border commercial activities.

(2) In conducting the study in subparagraph (1), the Commissioner shall consult with representatives of the State of Maine, local governments, local businesses, and any other knowledgeable persons that the Commissioner deems important to the completion of the study.

(b) REPORT.—Not later than 120 days after enactment of this Act, the Commissioner of the United States Customs Service shall submit to Congress a report of the study and review detailed in subsection (a). The report shall also include recommendations for steps that the United States Government can take to help end harassment by Canadian Customs agents found to have occurred.

SEC. 334. SENSE OF CONGRESS ON THE DISCRIMINATORY APPLICATION OF THE NEW BRUNSWICK PROVINCIAL SALES TAX.

(a) FINDINGS.—The Congress finds that—

(1) in July 1993, Canadian Customs officers began collecting an 11 percent New Brunswick Provincial Sales Tax (PST) tax on goods purchased in the United States by New Brunswick residents, an action that has caused severe economic harm to United States businesses located in proximity to the border with New Brunswick;

(2) this impediment to cross-border trade compounds the damage already done from the Canadian government's imposition of a 7 percent tax on all goods bought by Canadians in the United States;

(3) collection of the New Brunswick Provincial Sales Tax on goods purchased outside of New Brunswick is collected only along the United States-Canadian border—not along New Brunswick's borders with other Canadian provinces—thus being administered by Canadian authorities in a manner uniquely discriminatory to Canadians shopping in the United States;

(4) in February 1994, the United States Trade Representative (USTR) publicly stated an intention to seek redress from the discriminatory application of the PST under the dispute resolution process in chapter 20 of the North American Free Trade Agreement (NAFTA), but the United States Government has still not made such a claim under NAFTA procedures; and

(5) initially, the USTR argued that filing a PST claim was delayed only because the dispute mechanism under NAFTA had not yet been finalized, but more than a year after such mechanism has been put in place, the PST claim has still not been put forward by the USTR.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Provincial Sales Tax levied by the Canadian Province of New Brunswick on Canadian citizens of that province who purchase goods in the United States raises questions about the possible violation of the North American Free Trade Agreement in its discriminatory application to cross-border trade with the United States and damages good relations between the United States and Canada; and

(2) the United States Trade Representative should move forward without further delay in seeking redress under the dispute resolution process in chapter 20 of the North American Free Trade Agreement for the discriminatory application of the New Brunswick Provincial Sales Tax on United States-Canada cross-border trade.

SEC. 335. FEMALE GENITAL MUTILATION.

(a) CONGRESSIONAL FINDINGS.—The Congress finds that—

(1) the practice of female genital mutilation is carried out by members of certain cultural and religious groups within the United States;

(2) the practice of female genital mutilation often results in the occurrence of physical and psychological health effects that harm the women involved;

(3) such mutilation infringes upon the guarantees of rights secured by Federal and State law, both statutory and constitutional;

(4) the unique circumstances surrounding the practice of female genital mutilation place it beyond the ability of any single State or local jurisdiction to control;

(5) the practice of female genital mutilation can be prohibited without abridging the exercise of any rights guaranteed under the First Amendment to the Constitution or under any other law; and

(6) Congress has the affirmative power under section 8 of article I, the necessary and proper clause, section 5 of the Fourteenth Amendment, as well as under the treaty clause of the Constitution to enact such legislation.

(b) CRIMINAL CONDUCT.—

(1) IN GENERAL.—Chapter 7 of title 18, United States Code, is amended by adding at the end the following new section:

"§116. Female genital mutilation

"(a) Except as provided in subsection (b), whoever knowingly circumcises, excises, or infibulates the whole or any part of the labia majora or labia minora or clitoris of another person who has not attained the age of 18 years shall be fined under this title or imprisoned not more than 5 years, or both.

"(b) A surgical operation is not a violation of this section if the operation is—

"(1) necessary to the health of the person on whom it is performed, and is performed by a person licensed in the place of its performance as a medical practitioner; or

"(2) performed on a person in labor or who has just given birth and is performed for medical purposes connected with that labor or birth by a person licensed in the place it is performed as a medical practitioner, midwife, or person in training to become such a practitioner or midwife.

"(c) In applying subsection (b)(1), no account shall be taken of the effect on the person on whom the operation is to be performed of any belief on the part of that or any other person that the operation is required as a matter of custom or ritual.

"(d) Whoever knowingly denies to any person medical care or services or otherwise discriminates against any person in the provision of medical care or services, because—

"(1) that person has undergone female circumcision, excision, or infibulation; or

"(2) that person has requested that female circumcision, excision, or infibulation be performed on any person;

shall be fined under this title or imprisoned not more than one year, or both.".

(2) CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 7 of title 18, United States Code, is amended by adding at the end the following new item:

"116. Female genital mutilation.".

(c) EFFECTIVE DATE.—Subsection (b) shall take effect on the date that is 180 days after the date of the enactment of this Act.

ORDERS FOR TUESDAY, MAY 7, 1996

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in adjournment until the hour of 9 a.m. on Tuesday, May 7; further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, the morning hour be deemed to have expired, and there then be a period for morning business until the hour of 10:30 a.m., with Senators to speak for up to 5 minutes each with the following Senators to speak for the designated times: Senator HUTCHISON, 60 minutes; Senator MURKOWSKI, 15 minutes; Senator BURNS, 5 minutes.

I further ask that immediately following morning business, the Senate resume consideration of H.R. 2937.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I ask unanimous consent the Senate stand in recess between the hours of 12:30 and 2:15 p.m. tomorrow for the weekly policy conferences to meet.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Mr. President, for the information of all of my colleagues, we will resume consideration of the White House Travel Office legislation tomorrow morning. There will be a cloture vote at 2:15 on that measure, and under the rules of cloture, second-degree amendments must be filed with the clerk by 12:30 on Tuesday. It is hoped the Senate could dispose of the White House Travel Office bill by the close of business Tuesday. Rollcall votes could therefore be expected throughout Tuesday's session of the Senate.

As I understand it, there really is no objection to the underlying bill, the travel office bill, the reimbursement to Billy Dale and others, and there should not be any objection. I guess the objection is we filled up the tree, so to speak, and other additional amendments cannot be offered.

Tomorrow I will submit to the Democratic leader, my colleague, Senator DASCHLE, a proposal on gas tax. Tomorrow is tax freedom day. It will be a great day to send a message, a small message but a message to the American taxpayers that we are going to relieve at least some of their burden. It is about a $5 billion per year burden, a 4.3-cent gas tax which was made permanent in 1993 in the Clinton tax increase bill, which amounted to $265 billion. So we hope we might get consent to take up the gas tax, attach it to the taxpayers bill of rights, which is pending at the desk, pass it with one amendment, send it to the House and the House will take action.

We are now working on how we pay for the repeal of the tax. Obviously we want to pay for it. We are not going to add to the deficit. I will visit with the Democratic leader about that tomorrow and also offer a proposal on minimum wage, where we might take up the minimum wage, under what conditions, so that we might proceed with the business of the Senate and not have to file cloture on every bill.

I know the Democrats feel strongly about their issues. We feel strongly about some of ours. So, hopefully, we can resolve these by agreement. If not, we will just have to see what happens.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I now ask the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 4:53 p.m, adjourned until Tuesday, May 7, 1996, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate on May 6, 1996:

DEPARTMENT OF STATE

JOHN F. HICKS, SR., OF NORTH CAROLINA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE STATE OF ERITREA.

ALAN R. MCKEE, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SWAZILAND.

ARLENE RENDER, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ZAMBIA.

STANLEY N. SCHRAGER, OF ILLINOIS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF DJIUBOUTI.

IN THE ARMY

THE FOLLOWING-NAMED OFFICER, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 624 AND 628, TITLE 10, UNITED STATES CODE.

JUDGE ADVOCATE GENERAL

To be lieutenant colonel

WAYNE E. ANDERSON [redacted]

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE RESERVE OF THE ARMY, WITHOUT CONCURRENT ORDER TO ACTIVE DUTY, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 12203(A), 12204(A), 3353, AND 3359.

DENTAL CORPS

To be lieutenant colonel

TIMOTHY J. COEN [redacted]
RANDY J. EBERLY [redacted]
JOEL C. KNUTSON [redacted]
REGINALD J. LANKFORD [redacted]
VICTORIA L. SEARCY [redacted]

MEDICAL CORPS

To be lieutenant colonel

MARIO H. ALVARADO [redacted]
HERMAN V. DEVERA [redacted]
MICHAEL F. LYONS II [redacted]
EDWINA J. POPEK [redacted]

VETERINARY CORPS

To be lieutenant colonel

RONALD E. BANKS [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTION 624 OF TITLE 10, UNITED STATES CODE. THE OFFICERS MARKED BY AN ASTERISK (*) ARE ALSO NOMINATED FOR REGULAR APPOINTMENT IN ACCORDANCE WITH SECTION 531 OF TITLE 10, UNITED STATES CODE.

To be lieutenant colonel

MEDICAL SERVICE CORPS

GARY F. ATKINS [redacted]
THOMAS M. BAILEY [redacted]
LOUIE M. BANKS III [redacted]
STEPHEN T. BECK [redacted]
MARSHA L. BLOODWORTH [redacted]
RICHARD L. BOND [redacted]
*FRED H. BROWN [redacted]
JOHN J. CIESLA [redacted]
ANDRE D. CLARK [redacted]
JAY M. CLARK [redacted]
DAVID J. COREY [redacted]
DAVID W. CRAFT [redacted]
JAMES B. CROWTHER [redacted]
CARL A. CURLING [redacted]
GREGORY C. DEMPSEY, [redacted]
SHERMAN A. DUNLOW [redacted]
VICTOR EILENFIELD [redacted]
RONALD E. ESKEW, [redacted]
WILLIAM D. EVANS [redacted]
JOHN J. FELICIO [redacted]
DEBRA D. FRANCO [redacted]
WILLIAM R. FRY [redacted]
FREDERICK GARGIULO [redacted]
JOHNNY C. GARNETT [redacted]
DEBORAH GILBERTSON [redacted]
MICHAEL GOODWIN [redacted]
JAMES E. GORDON [redacted]
JOHN D. GRABENSTEIN [redacted]
MAX GROGL [redacted]
MICHAEL C. GUNN [redacted]
DALE A. HAAK [redacted]
ISIAH M. HARPER [redacted]
CHARLES M. HARRIS [redacted]
HERMAN HARRIS JR. [redacted]
DONALD L. HARRISON [redacted]
BILLY W. HAYDON [redacted]
DAVID R. HEIER, [redacted]
SCOTT HENDRICKSON [redacted]
EVERETTE J. HORNE [redacted]
CHARLES C. HUME [redacted]
CARL G. JACKA II [redacted]
*LARRY C. JAMES [redacted]
DAVID E. JONES [redacted]
CHARLES S. KELLER [redacted]
PAULINE KNAPP [redacted]
ARTHUR P. LEE [redacted]
JED S. LEWIS [redacted]
*MARK S. LUND [redacted]
WILLIAM P. MAHR [redacted]
POLLYANN MARCIESKI [redacted]
SCOTT C. MARTIN [redacted]
BRIAN E. MAVES [redacted]
JANICE E. MCCREARYWATSON [redacted]
ROBERT H. MINNICK [redacted]
KEVIN P. MONAHAN [redacted]
WENDELL A. MOORE [redacted]
THOMAS G. MUNDIE [redacted]
CINDY K. MUSSELL [redacted]
*JEFFREY T. NORTON [redacted]
*CHARLES E. OLIVER [redacted]
ROBERT W. PIPKIN [redacted]
DAVID H. PRATT [redacted]
REGINALD L. PUGH [redacted]
BEDE V. RAMCHARAN [redacted]
JOYCE M. RICE [redacted]
*WILLIAM H. RIVARD [redacted]
PATRICIA A. RUIZWIGGER [redacted]
MARK A. SEYMOUR, [redacted]
*THOMAS C. SHANK [redacted]
*JEFFREY J. SIKORSKI [redacted]
DARYL L. SPENCER, [redacted]
KIM C. STRUNZ [redacted]
HEATHER N. TYREMAN [redacted]
KENNETH WADE [redacted]
FREDERIC J. WATKE [redacted]
LINWOOD WENTWORTH, [redacted]
DONALD L. WESTON, [redacted]
STEPHEN WILKINSON [redacted]
DEBRA A. ZANKL [redacted]

To be lieutenant colonel

MEDICAL SPECIALIST CORPS

JOHN P. BURDISH [redacted]
*LEONARD I. CANCIO [redacted]
LAURA H. KOSTNER [redacted]
MARY E. LAEDTKE [redacted]
*MARY S. LOPEZ [redacted]
JOAN M. LYON, [redacted]
LANG T. PHAM [redacted]
DEBORAH M. STETTS [redacted]
*WILLIAM L. TOZIER [redacted]
KATHLEEN S. ZURAWEL [redacted]

To be lieutenant colonel

VETERINARY CORPS

RICHARD A. HARRIS [redacted]
*ALAN D. KING, [redacted]
KEARY M. KRAUSE [redacted]
*MICHALLE C. MAGEE [redacted]
DONALD A. MCLEAN, [redacted]
JEFFREY E. MELANDER [redacted]
*ROGER W. PARKER [redacted]
JOHN P. SKVORAK [redacted]
JAMES R. SWEARENGEN [redacted]
CLIFFORD L. WALKER [redacted]
JACK M. WEDAM, [redacted]

To be lieutenant colonel

NURSE CORPS

MELINDA E. BALDRIDGE [redacted]
*MARIA T. BRYANT [redacted]
*DEBORAH J. CANNON, [redacted]
DAVID L. CARDEN, [redacted]
SUSANNE J. CLARK [redacted]
TIMOTHY A. COFFEY [redacted]
BEVERLY A. CORNETT [redacted]
MICHAEL H. CUSTER [redacted]
*DONNA S. DAMPIER [redacted]
ANGELIA E. DURRANCE [redacted]
JULIE M. ELDRED, [redacted]
AMY M. ERTTER, [redacted]
JOHN M. FIERRO [redacted]
BETH B. FOLEY [redacted]
GAIL E. FORD [redacted]
LEANA A. FOXJOHNSON, [redacted]
DARLENE M. GILCREAST [redacted]
VINCENT E. GILDDEN [redacted]
GREGORY P. GRANT [redacted]
DARRELL L. GREENE, [redacted]
LINDA M. GROETKEN, [redacted]
JEANETTE C. HAMMOND [redacted]
*MARY D. HARDY, [redacted]
*VANESSA C. HETMANSKY, [redacted]
*ELIZABETH E. HILL [redacted]
AWILDA V. HOLLAND [redacted]
*BRENDA D. HOLLMANALBERTIUS [redacted]
LAURIE S. HORN [redacted]
*EVA M. HORNE, [redacted]
PARTICIA D. HOROHO [redacted]
*PAULETTE D. HUTCHINS [redacted]
JOSEPH C. KISER [redacted]
*MICHAEL J. KUSEK [redacted]
*LOURDES M. LEANDRY [redacted]
DONALD H. LISH, [redacted]

PETER J. LOOK, [redacted]
PAMELA A. MANIACI, [redacted]
*TONI K. MASSENBURG, [redacted]
CYNTHIA A. MCMINN, [redacted]
CAROL A. MCNEILL, [redacted]
MICHAEL R. MEHLHAFF, [redacted]
MARIE L. MENTOR, [redacted]
JUNE A. MIKKILA, [redacted]
ALLISON L. MIRAKIAN, [redacted]
JOHN M. MODELL, [redacted]
*ALFREDO E. MONTALVO, [redacted]
DONNA W. MOORE, [redacted]
*DAISY MUNOZRAMOS, [redacted]
*SHANNON M. OGRADY, [redacted]
LU A. PERALTA, [redacted]
*CONSTANCE PERKINS, [redacted]
STEVEN L. PERRY, [redacted]
RICHARD RICCIARDI, [redacted]
*PHILLIP J. RICE, [redacted]
ROBERT E. RITZ, [redacted]
*PEDRO I. RIVERA, [redacted]
CLIFTON E. ROBERTS, [redacted]
MICHAEL J. ROBEY, [redacted]
LINDA D. ROBINETTE, [redacted]
*MARY M. SANDERS, [redacted]
HOWARD E. SCHLOSS, [redacted]
RITA A. SCHULTE, [redacted]
CHRISTOPHER J. SHAW, [redacted]
*KAREN SIBO, [redacted]
DORETHA G. SINGLEY, [redacted]
DEBORAH V. STROSNIDER, [redacted]
JAMES A. STUTTS, [redacted]
KARENA L. TARRANT, [redacted]
REBECCA J. TORRANCE, [redacted]
*LILLIAN W. WILLIAMS, [redacted]
*LINDA A. WILLIAMS, [redacted]
*PAMELA Y. WILLIAMS, [redacted]
CONNORS A. WOLFORD, [redacted]
*JANICE L. WOOD, [redacted]

EXTENSIONS OF REMARKS

IN HONOR OF THE VETERANS OF FOREIGN WARS

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. CARDIN. Mr. Speaker, I rise today to honor the Veterans of Foreign Wars, Post 9083 in Parkville, MD which is celebrating its 50th anniversary.

In 1946, as returning soldiers from World War II, these veterans found themselves informally meeting at neighborhood stores or on the street. It quickly became clear that they needed a more formal meeting place; somewhere to come together to be with others who had shared the same experiences that were so binding.

The Parkville VFW post began with 15 charter members; today it boasts 1,851 members. The post has grown along with the Parkville neighborhood and through the years has done an outstanding job of serving both the community and its members.

The VFW post has an impressive record of service. The post raised more than $10,000 for the Johns Hopkins Children's Cancer Fund in one of its most successful endeavors. The post sponsors events for high school students such as the VFW Voice of Democracy Oratory Contest, which awards a $25,000 scholarship to the national winner. Its assistance with local scout troops and ROTC groups also has benefited the youth of Parkville.

The VFW post members have a strong bond with veterans in the area. Their longstanding tradition of sponsoring a monthly event at the Fort Howard Veterans Hospital has helped to lift the spirits of many sick and disabled veterans. This VFW post is marked by the caring assistance its members extend to fellow veterans and their families. Every meeting begins with the question: "Is there a member of the post or a family member in distress?"

I urge my colleagues to join me in congratulating the Parkville VFW post on its 50th anniversary. The veterans who fought to keep our country free have worked hard to make our community a better place to live. The veterans of Post 9083 have shown an uncommon caring and dedication to others that truly make them a valued asset to our community.

TRIBUTE TO JOSE "CHEGUI" TORRES

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SERRANO. Mr. Speaker, it gives me great pleasure to pay tribute to a dear friend, Jose "Chegui" Torres, an accomplished boxer and writer whose 60th birthday will be celebrated today among family and friends at Jimmy's Bronx Cafe in the Bronx, NY.

A fellow countryman, Chegui, as his close friends call him, was born in "la Playa de Ponce," Puerto Rico. His talent in boxing was evident at a very young age. In 1956, Chegui won the silver medal in the Olympics in Melbourne, Australia. A year later, he migrated to the United States to continue his successful career in boxing.

In 1965, Jose won the light heavyweight world title at a match at the Madison Square Garden, New York City. He was the first Puerto Rican to ever win a medium weight world championship in boxing. Members of the East Harlem community, in which he lived, made him a hero that day and held a parade to celebrate his victory. It was during this parade that Jose took the stage to acknowledge the thousands of fans and distinguished himself as an eloquent speaker.

Jose is characterized as a person who can talk to people from all socio-economic backgrounds. He is well liked and respected in the community. Throughout the years, Jose has been a community activist and a fighter for minorities and poor people.

After retiring from his boxing career, Jose was appointed by former Gov. Mario Cuomo to lead the New York State Athletic Commission. He also served City Council President Paul D'wyer, and worked in the election campaigns of then candidate to Congress Nydia Velázquez, and Mayor David Dinkins.

Most recently, Jose has collaborated with the daily newspapers the New York Post and "El Diario/La Pressa," as a guest columnist. He frequently writes about a wide variety of subject matters, from boxing and city life, to the socioeconomic plight of the poor, the elderly, and minorities. He has also written books on Muhammad Ali and Mike Tyson.

On his 60th birthday, his wife, Ramona, friends, and other relatives will gather at Jimmy's Bronx Cafe for a surprise birthday party.

Mr. Speaker, I ask my colleagues to join me in wishing Jose "Chegui" Torres, a remarkable friend and individual, a happy birthday and a long and healthy life.

IN HONOR OF ALAN FRIEDMAN

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Ms. HARMAN. Mr. Speaker, as an early supporter of the Constitutional Rights Foundation, I know how extraordinarily important its education programs are to southern California students. Fortunately so does Alan Friedman, a socially conscious power lawyer who was president of CRF's board of directors from 1992 through 1993.

I am pleased to learn that Alan and another close friend and life force, Jack Valenti, will be honored by the Constitutional Rights Foundation in Los Angeles on May 7. Alan has been an active member of the board of directors of the Constitutional Rights Foundation since 1986, taking particular interest in its programs dealing with national and community service. During his presidency of the Constitutional Rights Foundation, Los Angeles experienced the riots in the aftermath of the Rodney King verdict. Alan rightfully takes pride in the Constitutional Rights Foundation's quick response to the riots by creating teaching materials and developing community service programs involving thousands of Los Angeles youth.

Alan is active in many areas in the community. He is a past chair of the labor law section of the Los Angeles Bar, served as labor relations counsel to the 1984 Los Angeles Olympic Organizing Committee, and was for many years chair of Mayor Bradley's Labor-Management Advisory Committee. Alan also served on the Los Angeles Board of Civil Service Commissioners and was its president from 1985 to 1986. From 1990 to 1991, he was president of the Board of Bet Tzedek—House of Justice—Legal Services Foundation and continues to serve on its board.

Mr. Speaker, public service is the highest calling. At a time when public budgets are strained, it is particularly noteworthy that fine lawyers like Alan Friedman step up. I salute him.

IN HONOR OF JON THOMAS

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. POMEROY. Mr. Speaker, today I would like to recognize an impressive young North Dakotan. Jon Thomas of Bismarck has won a scholarship from the Veterans of Foreign Wars' Voice of Democracy broadcast scriptwriting contest. Mr. Thomas placed fifth in the Nation for the theme "Answering America's Call."

I am very excited to see such worthwhile ideas and refreshing optimism coming from North Dakota's youth. It is my pleasure to submit Mr. Thomas' essay for inclusion in the CONGRESSIONAL RECORD:

Last summer, I decided to leave the country and travel the world. One month into my trip I was feeling quite homesick. So I decided I'd better call home. I quickly ran to a pay phone and dialed 1-800-Collect. I knew that if I ever needed anything, calling collect would not be a problem. I then dialed America and listened for an operator to pick up.

"Hello. You have reached the United States of America, the land of opportunity, freedom, individual rights and expression

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

* * * I'm sorry but we can't answer the phone right now, because no one here knows how to answer America's call."

I couldn't believe it!! Here I was in a foreign country, trying to get through to my home, and it wasn't possible! Why? Because a bunch of USA operators didn't know what it was to answer America's call. Hey!! That's easy! No Problem! Even I could do that! Couldn't I?

Maybe I could see America differently now because I was away from it. Maybe the people who are in America are taking it for granted. Standing here in a third world country, I could see the difference that being an American had made in my life. I did not have to live in a shack made of tin or corn stalks. I had shoes and many changes of clothing. I had the right to speak out against anything. I had a family. I had an education. I had rights guaranteed to me by my country's government. And I had a say in that government.

Maybe the problem is that people in America are focusing on what's wrong. They're looking so hard at what is wrong in our country that they can't see what is right.

We blame different groups for our problems, saying "These people are like this, or these people do this." We focus only on the negative. That perspective is not totally true. What about the good these people do, or the good that they could do? What about the people who aren't in that group, but also helped cause the problem? Can't we change our focus?

It's time that we remember that Americans are individuals. Americans are each entitled to their own opinion. Their opinions shouldn't be taken away from them, or ridiculed.

It's time to look at the last four letters in American, "I can." The phrase "I can" means that you have faith in yourself and in your abilities, that you can take responsibility for your own life. It is knowing that: I can achieve my dream.

Now is the time for us to answer America's call. It's time to stand up and say "What good have we done? What good can we do?"

The answer to America's call is to be as proud, as respectful, as positive, as caring, as grateful, as understanding, and as loving, as we can be * * * to ourselves, our families, our country, and our fellow man.

We need to stand up and say I can help myself. I can make a difference. It is time for all of us, as Americans, to stand up and say I can answer America's call.

How? Instead of complaining or blaming others for our problems, we need to look at ourselves. No matter how different we are as individual Americans, we all have one thing in common. We are all free. We need to encourage everyone to use their freedoms. We must answer America's call by being true to ourselves. We need to answer it in our own way and let others answer it in their own way.

If I could figure out America's call so easily, I knew at least one of my fellow Americans must have figured it out too. I ran to the phone again, this time hoping I would get through and that someone, in America, would answer the call. The phone rang and rang. Finally, the operator picked up.

"I'm sorry," he said. "All our lines are busy right now. Could you please hold?" "Sure," I answered. Then I thought, "That was a good sign. At least I wasn't getting another machine."

America the Beautiful played softly in my ear. I listened closely to the words. The song made me feel homesick and proud at the same time. Before the song was over, the operator returned: "Hello, This is the United States of America, the country where people say "I can." What can I do to help you?

PRESIDENT CLINTON'S SPEECH TO AIPAC ON ISRAELI-AMERICAN RELATIONS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. LANTOS. Mr. Speaker, last week the American Israel Public Affairs Committee held its annual policy conference here in Washington to consider the status of United States relations with Israel. The highlight of that conference was the session at which Israeli President Shimon Peres and President Bill Clinton addressed conference participants.

The President's address was an outstanding discussion of the American interest and commitment to bringing peace to the Middle East and of the necessity for a strong and secure Israel in order for that peace process to move forward. Mr. Speaker, I have seldom heard such a strong and convincing argument for the active and positive participation of the United States in the Middle East.

I ask that the remarks of President Clinton be placed in the RECORD, and I urge my colleagues to give them careful and thoughtful consideration.

REMARKS BY THE PRESIDENT TO 1996 AMERICAN-ISRAEL PUBLIC AFFAIRS COMMITTEE POLICY CONFERENCE

The PRESIDENT: Thank you very much. (Applause.) Mr. Prime Minister, I just thought I was tired because it was late Sunday night. I never felt better in my life. Thank you very much. (Applause.)

Mr. Prime Minister, Ambassador Rubinovich, Secretary Glickman, Ambassador Indyk. President Dow, thank you for that wonderful introduction. Mr. Grossman, Mr. Sher (phonetic), Mr. Bronfman (phonetic), Mr. Levy, Mr. Jack Bendheim, who also gave a wonderful introduction; the co-chairs of this event, Art Sandler and Betsy Sheer (phonetic); to all the young students who are here. (Applause.)

The Prime Minister referred on two occasions to the opportunity that I had on my last trip to Israel to meet with the young people there. It was an incredible experience for me. And I realized that in some ways we have to keep depending on young people to deliver us because they remind us that we can break new ground and make tomorrow different from yesterday.

Just before the Prime Minister and I came in here tonight, we received petitions for peace signed largely by college students that were presented by Jonathan Epstein of Trinity College and Abigail Michelson of Brandeis, and I'd like to thank them. I think they're over here. I thank them very much for what they did for that. (Applause.)

I would also like to say a special word of thanks to the members of Congress who are here who have supported our administration's policies in the Middle East. If I miss someone who I do not see, write my a nasty note tomorrow. (Laughter.) But I would like to say a special word of thanks to Senator Lautenberg, Congressman Frost, Congressman Engel, Congresswoman Lowey, Congressman Waxman, and Congressman Levin. (Applause.) And I hope I didn't miss anybody; we can't afford to lose any more friends in Congress. (Laughter and applause.)

When the Prime Minister said that Israel was now spending as much money on education as defense, I thought of seeing if I could get him to stay another week and just testify before a few committees. (Laughter and applause.) And when you, sir, said that I had made history for a second time, I can see myself being guilt-peddled into the future—I can make history now every year from now on until the end of my life. (Laughter and applause.)

Since I associate you with the struggle for peace, I can't help, if you will indulge me one real purely personal observation—the last time I appeared before this conference before last year was in 1989, when the person who was supposed to appear on behalf of the Democratic Party against Lee Atwater went to his daughter's college graduation. I thought he had his priorities in order, and so when he asked me to replace him, I was glad to stand in for Ron Brown. (Applause.) And since he lost his life on another remarkable mission of peace, I thought I would share that with you tonight, and I hope you will remember that and remember him and his family in your prayers.

I am pleased as the Prime Minister is that we can come here tonight with the northern border of Israel and the southern border of Lebanon quiet—no katyusha rockets firing down on the people of Northern Israel. I thank the Prime Minister for the tremendous work he did. And in his absence—and I hope to goodness he's sleeping right now—I want to thank the Secretary of State for his magnificent Herculean effort. (Applause.) I also thank his partner and great unsung hero, Dennis Ross, for what he has done. (Applause.)

As the Prime Minister said, we had an agreement back in 1993, but it wasn't in writing and it was shattered. For the first time now, there is an agreement in writing that will be more effective in preventing further outbreaks. The violence has stopped. There is now a monitoring mechanism to which Israel and Lebanon can refer complaints. And now it is our fond hope that civilians on both sides of the border can resume their lives with greater confidence and security. And we will not tolerate further efforts to disrupt the calm.

When I came into office, I was determined that our country would go into the 21st century still the world's greatest force for peace and freedom, for democracy and security and prosperity. We have to promote these values just as vigorously as we did in the Cold War. Indeed, in some ways, our responsibilities as Americans are now greater.

I know that you agree with that. You have devoted yourselves to strengthening the bonds between the United States and Israel, a cornerstone of our foreign policy and of our efforts to advance peace and freedom and democracy in the Middle East. I thank you for that and I ask you, too, to continue to speak out in a larger sense for America's role in the world. It has made a difference what we have done in the Middle East, and in Bosnia, and in Northern Ireland, and in Haiti, and in fighting against the proliferation of weapons of mass destruction, and in leading the world to take a tougher stand against terrorism. We cannot afford to walk away from these responsibilities to the future of our children, our children's children, and the children of all the world. (Applause.)

What a difference a year can make. It was at this conference last year that Israel's then-Prime Minister Yitzhak Rabin said, from day one Israel found itself in a unique alliance with the United States, resting on twin pillars of shared values and strategic partnership. Well, it's still true. And now the United States and Israel are still partners based on shared values and common strategies.

I am grateful for the service, the life and the sacrifice of Prime Minister Rabin. (Applause.) But I am also very grateful that the man he called his full partner, our friend Shimon Peres, is carrying forward the important work of peace with security. (Applause.)

From his earliest days when he helped to establish Israel's military, up to the very present when he has defined a vision of a new Middle East in his remarkable book—which, Prime Minister, I have told the whole world I enjoyed reading, and I'm promoting it for you and I hope I get a certain percentage kickback if it really does very well. (Laughter.) We just made another agreement. They're just spouting out all over. (Laughter and applause.)

I said that in jest—(laughter)—to lay the pretext for a serious comment. At least the critical mass of American Jews should read that book and become familiar with its contents, because if you do it will give you the energy for the tasks ahead, because the Prime Minister has been able to imagine what the future might be like beyond the history that can be made with the other peace signings. And that vision is what must drive us all into tomorrow.

We have made a lot of progress with the Declaration of Principles of the Palestinians, the peace of the Aqaba with Jordan, the interim accord that was signed in Washington. I have watched in these very difficult months since Prime Minister Rabin's assassination Prime Minister Peres rise to this moment. He has been a true and reliable friend of our country, and a true and reliable leader of his own. And I am proud to say, as Yitzhak Rabin said, he is our full partner for peace and security. (Applause.)

This has been a trying time for those who believe that a secure peace is the only true hope for Israel and the Middle East. The katyusha rockets, the bloodshed in Lebanon, the suicide bombings in Israel—we grieve for the innocent victims, and for the Israelis who simply wanted to live quiet lives in their own country, for the innocent Palestinians who were killed in the suicide bombings in Israel, for the children of our own nation—Sarah Dueker and Matthew Eisenfeld—visiting a land they loved; for the Lebanese children in Quana who were caught between—make no mistake about it—the deliberate tactics of Hezbollah in their positioning and firing—(applause)—and the tragic misfiring in Israel's legitimate exercise of its right to self-defense. (Applause.)

I know that in Israel and Lebanon, throughout the Middle East and throughout the world, it would be so easy after yet another round of violence and death, to give up; to think that the very best we could expect is a future of separate, armed camps. It is that sort of bunker mentality that we fight, indeed, all across the world in different ways today. It would be easy to give into it in the Middle East, but it would be wrong.

I was asked the other day whether the violence of the last few days was not proof that the peace process was dead. I said, no, quite the contrary; it was proof that the yearning for peace was alive. The people who started the violence were trying to kill the longing for peace. It is still alive, and we must not let it die. We must stand up to what they tried to do. (Applause.)

We can still achieve a peace if we conquer fear and restore security and deal honestly with those with whom we have differences. We know it will not be easy. Peace requires in some ways more strength than war. And we must have the patience to endure a few more setbacks along the way. We know that it takes great courage to press forward into an unknown future. It's harder than retreating into a familiar past. It takes great bravery to reach out to a former enemy. It's easier to stay in the false security of isolation.

But I believe that Israel will maintain its resolve for peace. As I said, I saw it in the eyes and I heard it in the voices of the children of Israel when I was there just last month. I saw it in the eyes of those two young Americans who gave Prime Minister Peres and me those petitions. I heard it from two boys in Israel, Yuri Tal and Tal Loel, who were badly wounded in the bombing in Tel Aviv—one even deafened. Despite their pain, they wrote to me from their hospital beds, and I quote, from their hospital beds they wrote: Peace is the only true solution for this area.

They showed strength, having lost much even in their young years. They showed the ability to overcome adversity that is the true genius of the character and history of the Jewish people.

If the Jewish people have endured centuries of exile, persecution, the ultimate evil of the Holocaust, flourishing against all the odds, surely—surely—together they can throw back their shoulders and raise their heads and say, after all this, Hezbullah and Hamas will not succeed where others have failed. (Applause.)

Even as the katyushas were falling, we saw proof of peace taking hold. We saw it in the meeting between Prime Minister Peres and Chairman Arafat 10 days ago, when they vowed to move ahead on the goals set by the Accords. We saw it in the Prime Minister's path-breaking trips to Qater and Oman this month. And I salute again the Prime Minister for the strength and commitment he has shown in pursuing the peace in this difficult period.

And, of course, last Wednesday, on the 48th anniversary of Israeli independence, the Palestinian National Council finally did change the PLO Charter and deleted the hateful clause calling for the destruction of Israel. (Applause.) Now, think about that. That symbol of hatred had endured since 1964, before some people in this room were even born. It's a moment we have long waited and worked for. The Palestinian leadership followed through on its commitments and made a better move to a better day. All friends of peace should be heartened by this, and especially by the large margin of the vote in support of Chairman Arafat's policy.

Even during the suicide bombings there was dramatic proof that peace is taking root. Remember, Prime Minister Peres said, at the Summit of the Peacemakers in Sharm el-Sheikh we had 29 leaders from around the globe, and 13 from the Arab world voting and committing themselves for the first time not only to condemn, but to work against terrorism in Israel. It was an historic moment. And we are following up on it. (Applause.)

I say again, I want to hammer this home, not only to you who know, but to people beyond this room—this progress for peace is the reason the enemies of peace are lashing out. We must restore peace. We must restore security. But we must not be diverted from our ultimate goal, else we will hand them the victory that they have sought all along. (Applause.)

We know the circle of peace cannot be closed only by an end to the fighting in Lebanon. It can be closed only when the Arab-Israeli conflict is truly over; when normalization takes hold in the entire Arab world; when Israel's security is completely assured; when Israel is fully accepted in every way in the region. The circle of peace will be closed only—and I say only—when the people of Israel are confident that what they are getting is worth the risks they must take. Peace and security are indivisible. And Israel must feel comfortable and confident about both in order to achieve either over the long run. (Applause.)

Let me say to you what I hope you already know, the breakthroughs of the past were possible because we built together a bond of trust. And I pledge to you today that this relationship will remain strong and vital—so strong and so vital that no one will ever drive a wedge between us. (Applause.)

Our commitment to Israel's security is unshakable. It will stay that way because Israel must have the means to defend itself by itself. In a time of shrinking resources, we have maintained our economic assistance. We have sought to enhance Israel's security, to lessen the risks it has taken and still takes every day for peace.

Israel's qualitative military edge is greater than ever because we have kept our word. Earlier today, Prime Minister Peres and Secretary Perry signed an agreement to expand our theater missile defense program so that we can detect and destroy incoming missiles. That way Israel will have not only the advantage it needs today, but will be able to defeat the threats of tomorrow. (Applause.)

As part of this effort, we are proceeding with the third phase of the deployment of the Arrow missile program. (Applause.) The United States is committing $200 million to this effort so that the children who lived through the Scud attacks of the Gulf War will never again face that fear. We also pledge to expand work on the Nautilus high-energy laser system, which is designed to destroy katyushas in flight. (Applause.) Our Air Forces are working together so that the first of the F15-Is are delivered as planned next year. (Applause.) And we have offered Israel the ARAAM, our most advanced air-to-air missile system so that Israel's air power remains unmatched in the region. (Applause.)

Our strategic cooperation is greater than ever. We are continuing to help build Israel's high-tech capacity through the sale of supercomputers. We are even expanding cooperation in space and preparing to train Israeli astronauts. (Applause.) There may be a few volunteers out there, Mr. Prime Minister. (Laughter.)

We are also working, as the Prime Minister said, more closely than ever to defeat terrorism. This week we will complete the agreement to combat extremist violence that we began work on during my visit to Israel last month. Almost as soon as we received word of the bombings we began sending new equipment to detect explosives. Now we are committing more than $100 million to this program for equipment and training, for development of new technologies and improved communications and coordination. And I am very pleased that in the budget I signed just two days ago, the first $50 million was included in our common antiterrorist efforts. (Applause.)

We all know that Israel should have every tool at its disposal in the fight against terror. And we all know that the organized forces of hatred and terror threaten people not only in the Middle East, but here at home and around the world. We saw that in Oklahoma City, at the World Trade Center, in the attacks we have thwarted, in the subways of Tokyo, in the skies over Scotland. We see it all around the world. Fighting terrorism will remain one of our top law enforcement priorities for many years to come. And in order to be successful, we have to have the tools we need here, and we have to work together.

I want to thank the Congress and members in both parties for passing the antiterrorism bill I signed into law just last week. (Applause.) I want to thank many of you in this audience in both parties who worked hard and lobbied hard for that legislation. (Applause.) It will help us to stop terrorists before they strike and to bring them to justice when they do.

Now we can more quickly expel foreigners who came here and support terrorist activities. Our prosecutors can wield new tools and expanded penalties against those who terrorize Americans at home or abroad. And we can stop terrorists from raising money in the United States to pay for their crimes anywhere around the world. (Applause.)

Again, I say AIPAC has long been a powerful voice in favor of this legislation. We may not be able to always stop those who are gripped by hatred, but at least now because of your support, we will make a real difference in the fight against terror. And I pledge to you that in America, in Israel and around the world we will not rest from these efforts until, in the words of the psalm, "We shall not be afraid of the terror by night, nor for the arrow that flies by day."

When I was in Jerusalem last month, I placed a small symbol of the extraordinary bond of solidarity between the United States and Israel on the grave of my friend Prime Minister Rabin. It was a little stone from the South Lawn of the White House where the first accord with the Palestinians was signed. I put it there in keeping with the Jewish tradition that says one must always add to the memories of those who have died and never detract from them.

Well, it falls to us to add more to the memories of all those who have given their lives for Israel's security and for the hope of peace. And we must do this not only with stones, but in kind. We must build a peace as hard and real as any stone. And in so doing, we will add to the memory of every martyr and validate the sacrifice of every martyr, and give meaning and breath and life to the dreams of so many who have gone before.

That is my vision to you and my pledge. And I say to you, and especially to you, I will do everything I can to help us achieve it together.

Thank you, and God bless you. (Applause.)

IN HONOR OF REAR ADM. BOB MOORE

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SKELTON. Mr. Speaker, I rise today to recognize and honor Rear Adm. Bob Moore, Supply Corps, U.S. Navy, as he prepares to retire upon completion of over 35 years of faithful service to our Nation.

A native of San Antonio, TX, Rear Admiral Moore received a bachelors degree from the University of Texas. Subsequently, he earned a master in business administration degree from Harvard University.

Commissioned an ensign in the U.S. Navy in 1961, Admiral Moore was immediately detailed to an afloat billet where he served as supply officer on board the destroyer *Hyman*. Following his tour on *Hyman*, Admiral Moore was assigned as an instructor at the Navy Supply Corps School in Athens, GA. In this important position, he was entrusted with training the supply corps officers of the future.

After completing his stint as a teacher, Admiral Moore was selected for duty in the Naval Nuclear Propulsion Program. This is a competitive program with only the very best supply corps officers being selected for this prestigious duty. After his initial tour with the Navy Nuclear Program in Washington, DC, Admiral Moore was assigned as the program's contracting officer at the General Electric facility in Schenectady, NY.

Moving from Schenectady in 1971, Admiral Moore was assigned to the Navy Ships Parts Control Center in Mechanicsburg, PA, as director of the Nuclear Equipment Support Division. Following this tour, he was again assigned to the Naval Nuclear Propulsion Program.

All good sailors long to return to sea duty and Admiral Moore was no exception. Following his assignment in the Nuclear Propulsion Program he was detailed as supply officer of the submarine tender U.S.S. *Holland* stationed in Holy Loch, Scotland.

Admiral Moore then returned to Washington, where he served on the Chief of Naval Operations Staff and followed that tour with one at the Navy Accounting and Finance Center where he was the vice commander. Bob then returned to Mechanicsburg, PA, as he assumed command of the Navy Fleet Material Support Office.

While serving at the Fleet Material Support Office Admiral Moore's sustained distinguished service was reflected in his selection to flag rank. His first flag tour was as competition advocate general of the Navy and he followed that with an assignment at the Navy Supply Systems Command as assistant commander for inventory and systems integrity. He was named to head the Naval Information Systems Management Center in 1991 and following that tour was nominated and selected to be the 38th chief of the Navy Supply Corps and commander, Navy Supply Systems Command in 1993.

While serving as commander of the Navy Supply Systems Command, Admiral Moore has been instrumental in the streamlining and reorganization of the command that has led to the savings of millions of the taxpayers' dollars while at the same time improving support to deployed Navy ships. His innovative leadership has been a model for all of the service logistics commands and has superbly postured the command for the 21st century.

A man of Bob Moore's stature and vision is rare indeed. While his distinguished service will be genuinely missed, it gives me great pleasure to recognize him before my colleagues, and to wish him "fair winds and following seas," as he brings to a close a long and distinguished career in the U.S. Navy.

CIVILITY

HON. BLANCHE LAMBERT LINCOLN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mrs. LINCOLN. Mr. Speaker, I'm pleased that Members of the House have taken some time to recognize the importance of civility. When people moved off their front porches into air conditioned homes, we didn't realize what we were losing. Less time on the porch in the cool evenings meant less time talking to our neighbors. Less time talking to our neighbors meant the loss of community and the loss of the security of knowing that if you're late getting home from work, one of your neighbors will make sure your children get off the school bus safely.

My husband and I live in the country in Arkansas, but I have an apartment in Washington where I live when Congress is in session. Each morning I walk into the elevator and meet a sea of blank stares from strangers. Have you ever noticed how people never speak in elevators? Nationwide, hundreds of people get into their cars after work, drive up to the money machine on their way to the fast food stand, and then go home to eat alone in front of the television. One-fourth of Americans live alone—isolated from family and others who might care for them when they're sick or lift them up when they need a little support.

We're losing the community spirit that built this Nation. But we can rejuvenate it and one way to start is by returning a little civility.

No one could have sounded the alarm for a return to civility more brassily than the two gentlemen who got into a shouting match on the George Washington Parkway 2 weeks ago. Witnesses said the two men raced to cut one another off in the early morning commuter traffic, gesturing angrily toward one another. Minutes later, one witness rounded a bend in the road to see a gruesome four-car collision that left three people dead. One of the dead was a man who had just returned from Pennsylvania, where he had attended his father-in-law's funeral. His wife was still in Pennsylvania, coping with the loss of her father, when she got the news that her husband had been killed. Another innocent victim was a mother of three children. She had put a career on hold to raise three children and was driving to her third day back on the job when she was killed.

We don't often see such visible results of our meaningless egotistical battles with other people. But each of us should look to that tragedy on the George Washington Parkway as a most grave reminder that we need a return of civility in our society. The innocent people who died in that accident—a mother and a father working hard for their families—should be heroic reminders that we have gone too far.

As Members of Congress, we can't scratch our heads and wonder why our society has splintered when we belittle one another on the House floor. Returning civility to this country is a bigger challenge than either the Republican or the Democratic Party can accomplish. Edgar Guess once said, "I'd rather see a lesson than hear one any day." I'm pleased that we have spent this time calling for a return to civility, but it's time that we also walked our talk.

CONNECTICUT OLD STATE HOUSE

HON. BARBARA B. KENNELLY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mrs. KENNELLY. Mr. Speaker, I rise today to celebrate the 200th anniversary of the Old State House in Hartford, CT. This beautiful building is the living symbol of my State's proud history and the important contributions that Connecticut and its people have made to our Nation. The Old State House, long recognized as "Connecticut's single most important building," has now been rehabilitated and renewed after a 4-year, carefully orchestrated major construction project. All of Connecticut will celebrate its rebirth on May 11, 1996.

Nestled in the heart of what is now downtown Hartford and today surrounded by modern office buildings, the site of the Old State House was a cradle of colonial history even before the building existed. In 1638, the Rev. Thomas Hooker preached a sermon there that led to the adoption of Connecticut's colonial constitution. These Fundamental Orders of Connecticut later became the blueprint for the U.S. Constitution. In 1781, at Meeting House Square, Gen. George Washington met the French armies in America under Comte de Rochambeau and forged the Yorktown strategy that led to victory in the Revolutionary War.

Eleven years later, construction began on the Old State House. Designed by Charles Bulfinch, the building was completed in 1796. On May 11 of that year, it was dedicated by Connecticut's Revolutionary War statesman and first Governor, Oliver Wolcott.

For the next 82 years, the Old State House was the scene of both glorious and tragic moments in Connecticut's history. Here, the notorious Amistad trial took place; here they drafted the laws to incarcerate Prudence Crandall. But here, too, Oliver Ellsworth resigned as U.S. Senator to become the third Chief Justice of the U.S. Supreme Court. Here, Lafayette and Marshall Foch were honored. Here, Connecticut's constitutional conventions were held, first in 1818 and again, in 1965. Here, nine sitting Presidents of the United States visited: John Adams, James Monroe, Andrew Jackson, Abraham Lincoln, Andrew Johnson, Ulysses Grant, Richard Nixon, Gerald Ford, Jimmy Carter, and George Bush.

When the State outgrew the building in 1878, the Old State House served as Hartford's city hall for 37 years. It was later used as a community center for the Red Cross, the Chamber of Commerce, and the Hartford Symphony. When the Connecticut River flooded, the Old State House was a dry shelter on high ground. In wartime, it was a bond center. And always, it has served the citizens of Connecticut.

Now, on the 200th anniversary of its opening, the Old State House will again be a lively presence in the center of Connecticut's capital city. Under the visionary stewardship of Wilson H. Faude, the executive director of the Connecticut Old State House, and the Old State House Association, the building has undergone a $12-million metamorphosis that will usher in a new era of living history, art and museum exhibits, educational programs and entertainment. Citizens of Hartford, CT, and the Nation celebrate the rebirth of this landmark, a visible symbol of our proud and diverse heritage, a gift to our children and grandchildren, and a rallying point for the community as we look ahead to the future.

Mr. Speaker, the reopening of the Old State House is an important moment in the history of Hartford and of Connecticut, and I am honored to submit these commemorative remarks in order to share it with my colleagues.

THE 90TH BIRTHDAY OF CLARA ALSTON

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. CONYERS. Mr. Speaker, I rise today to celebrate the 90th birthday of Clara Alston, a constituent and friend of mine.

Clara was born in Demopolis, AL, on May 3, 1906, to parents Ernest and Daisy. Clara moved with her family to Detroit when she was 13, and met her husband, Spencer James Alston there in 1921. Clara married Spencer in 1924, and they raised five children in Detroit. They joined Hartford Avenue Baptist Church, where Clara is still a member today.

Clara is the matriarch of a tremendous family in southeast Michigan. She today has over 50 grand, great grand, and great-great grand children.

Mr. Speaker, today we do not hear enough news about the great things that are happening in families in America's big cities. We too often hear the stories of broken homes and failing families. That is why I am asking that we celebrate the 90th birthday of Clara Alston. She raised five children in Detroit. She has lived a long and productive life as mother, wife, grandmother, and as an artist and gardener. She is the first person in her family to reach 90 years of age, and she is the pride and joy of her large family.

Mr. Speaker, on Saturday, May 4, Clara Alston's family and friends are getting together to celebrate her 90th birthday. I want to wish Clara a wonderful and beautiful day for her special birthday.

TRIBUTE TO THE BRONX COMMUNITY COLLEGE HALL OF FAME RUN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, May 6, 1996

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to the 18th Annual Bronx Community College Hall of Fame Run, a 10-kilometer race sponsored by Bronx Community College. This year's race will be held tomorrow starting from Bronx Community College in my congressional district of the South Bronx, New York.

The Bronx Community College Hall of Fame Run was established in 1979 under the leadership of former Bronx Community College president Dr. Roscoe C. Brown, Jr. and continues under the presidency of Dr. Leo A. Corbie. The race brings together runners of all ages from the five boroughs of New York City to compete in a wholesome community event.

The run was named after the Hall of Fame for Great Americans, a national landmark established in 1900 to honor the achievements of men and women in science, the arts, humanities, business, and government. This beautiful landmark, designed by architect Stanford White, features a granite colonnade containing the bronze busts of 97 distinguished Americans.

I have had the opportunity to participate in 15 of the 17 Bronx Community College Hall of Fame Runs and I am thrilled to be running in this year's race. The event, which was originally a 10-kilometer race, now includes a 10-kilometer walk and a 2-mile fitness walk.

Mr. Speaker, I ask my colleagues to join me in recognizing the Bronx Community College Hall of Fame Run in its 18th year of uniting the community through healthy competition.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, May 7, 1996, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MAY 8

9:30 a.m.

Appropriations
Defense Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Defense, focusing on environmental programs.
SD–192

Appropriations
Interior Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Endowment for the Arts.
SD–138

Labor and Human Resources
Business meeting, to resume markup of of S. 1643, authorizing funds for fiscal years 1997 through 2001 for programs of

the Older Americans Act, and to mark up S. 1360, to ensure personal privacy with respect to medical records and health care-related information.
SD-430

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR-301

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Commerce.
S-146, Capitol

Finance
Business meeting, to mark up H.R. 2853, relating to most favored nation status for Bulgaria, H.R. 1642, relating to most favored nation status for Cambodia, and H.R. 3074, relating to tariff treatment of products imported from the West Bank and Gaza Strip.
SD-215

Judiciary
Youth Violence Subcommittee
To hold hearings to examine Federal programs relating to youth violence.
SD-226

Veterans' Affairs
To hold hearings to examine the reform of health care priorities.
SR-418

10:30 a.m.
Foreign Relations
To hold hearings on the nominations of Dennis K. Hayes, of Florida, to be Ambassador to the Republic of Suriname, Dennis C. Jett, of New Mexico, to be Ambassador to the Republic of Peru, and Donald J. Planty, of New York, to be Ambassador to the Republic of Guatemala.
SD-419

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH-216

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Housing and Urban Development.
SD-192

Appropriations
Treasury, Postal Service, and General Government Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Internal Revenue Service, Department of the Treasury.
SD-138

2:45 p.m.
Select on Intelligence
Closed business meeting, to consider pending calendar business.
SH-219

MAY 9

9:30 a.m.
Energy and Natural Resources
To hold oversight hearings to examine the recent increase in gasoline prices.
SD-366

Labor and Human Resources
Children and Families Subcommittee
To hold oversight hearings on the implementation of the Family and Medical Leave Act.
SD-430

Indian Affairs
To hold oversight hearings on the impact of the U.S. Supreme Court's recent decision in Seminole Tribe v. Florida on the Indian Gaming Regulatory Act of 1988.
SD-G50

10:00 a.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Immigration and Naturalization Service and the Bureau of Prisons, Department of Justice.
S-146, Capitol

Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Federal Transit Administration.
SD-192

Governmental Affairs
To hold oversight hearings on the Internal Revenue Service.
SD-342

Judiciary
Business meeting, to consider pending calendar business.
SD-226

10:30 a.m.
Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters
To continue hearings to examine certain issues relative to the Whitewater Development Corporation.
SH-216

1:00 p.m.
Appropriations
Labor, Health and Human Services, and Education Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Department of Labor.
SD-138

2:00 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Small Business Administration.
S-146, Capitol

Commission on Security and Cooperation in Europe
To hold a briefing on rebuilding Bosnia-Herzegovina, focusing on strategies and the role of the United States.
2255 Rayburn Building

MAY 10

9:30 a.m.
Small Business
To hold hearings on proposed legislation relating to Small Business Investment Company reform.
SR-428A

MAY 14

9:00 a.m.
Labor and Human Resources
Aging Subcommittee
To hold hearings to examine challenges faced by an aging society.
SD-430

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings on proposed legislation authorizing funds for fiscal year 1997 for the Federal Aviation Administration and the Airport Improvement Program.
SR-253

MAY 15

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine how the Commodity Futures Trading Commission oversees markets in times of volatile prices and tight supplies.
SR-332

Energy and Natural Resources
Business meeting, to consider pending calendar business.
SD-366

Rules and Administration
To resume hearings on proposals to amend the Federal Election Campaign Act of 1971 to provide for a voluntary system of spending limits and partial public financing of Senate primary and general election campaigns, to limit contributions by multicandidate political committees, and to reform the financing of Federal elections and Senate campaigns.
SR-301

2:00 p.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the National Aeronautics and Space Administration.
SD-192

MAY 16

10:00 a.m.
Appropriations
Transportation Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the United States Coast Guard.
SD-192

MAY 17

9:30 a.m.
Appropriations
VA, HUD, and Independent Agencies Subcommittee
To hold hearings on proposed budget estimates for fiscal year 1997 for the Corporation for National and Community Service.
SD-192

MAY 22

9:30 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on issues relating to food quality protection.
SR-328A

Rules and Administration
To resume hearings on issues with regard to the Government Printing Office.
SR-301

MAY 24

9:30 a.m.

Appropriations

VA, HUD, and Independent Agencies Subcommittee

To hold hearings on proposed budget estimates for fiscal year 1997 for the Environmental Protection Agency.

SD–192

JUNE 5

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine proposals to reform the Commodity Exchange Act.

SR–328A

SEPTEMBER 17

9:30 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to review the legislative recommendations of the American Legion.

334 Cannon Building

SENATE—*Tuesday, May 7, 1996*

The Senate met at 9 a.m., and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, we thank You for this moment of quiet in which we can reaffirm who we are, whose we are, and why we are here. Once again we commit ourselves to You as Sovereign Lord of our lives and our Nation. Our ultimate goal is to please and serve You. You have called us to be servant-leaders who glorify You in seeking to know and to do Your will for what is best for America.

So we spread out before you the specific decisions that must be made today. We claim Your presence all through the day. Guide our thinking and our speaking. May our convictions be based on undeniable truth which has been refined by You.

Bless the women and men of this Senate as they work together to find solutions to the problems before our Nation. Help them to draw on the supernatural resources of Your spirit. Grant them divine wisdom, penetrating discernment, and courageous vision.

And when the day draws to a close may our deepest joy be that we received Your best for us and worked together for what is best for our Nation. In the name of our Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader, Senator LOTT, is recognized.

SCHEDULE

Mr. LOTT. Thank you, Mr. President. Today, there will be a period for morning business until the hour of 12:30 p.m. Following morning business, the Senate will resume consideration of H.R. 2937, a bill regarding the White House Travel Office. The Senate will recess between the hours of 12:30 p.m. and 2:15 p.m. today in order to accommodate the respective party luncheons.

Under a previous order, the first vote today will occur at 2:15 p.m. and will be on the cloture motion to the White House Travel Office bill. As a reminder, in conjunction with the cloture vote today, Senators have until 12:30 p.m. to file second-degree amendments to the bill. Other votes are likely throughout the day on H.R. 2937 or any other items cleared for action.

RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business for not to extend beyond the hour of 10:30 a.m., with Senators to speak for not to exceed 5 minutes each, with the following Senators reserving time: The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes; the Senator from Alaska [Mr. MURKOWSKI] is recognized for 15 minutes; the Senator from Montana [Mr. BURNS] is recognized to speak up to 5 minutes.

The Senator from Montana [Mr. BURNS] is recognized for 5 minutes.

AMERICA IS ON MY MIND

Mr. BURNS. Mr. President, I thank the Chair and thank my good friend, the distinguished Senator from Texas, for allowing me to speak for about 5 minutes leading off today. Again, when we come to this time of the year, America does weigh strongly on everybody's mind, because I rise today to celebrate tax freedom day.

Actually in Montana, it comes around May 3, but I did not get around to getting my work done on time, and I would like to talk about that just a little bit. The average American will work 128 days this year to pay for the Federal, State, and local taxes and sets a new record high for this country at 38.2 percent of his or her yearly income.

Now, think about that a little bit. We wonder why our bank accounts do not grow and our savings accounts are almost nonexistent, and we think about stagnation. It is not really stagnation, it is trying to pay for this moderately huge Government that was talked about back in January by our President who said the era of big government was over, and now he says "it is kind of over."

In my State of Montana, for an average family of four making around $39,000, $40,000 a year, to average it out, Federal taxes come to $7,400. Total State and local taxes are around $5,700. Mr. President, $13,216—and this has all been verified—is the tax burden of that family of four living in my State of Montana. One-third—one-third—of the money they earn is going to the support of government. And we wonder where our money goes.

So the President's words ring sort of empty. The words do not match the actions. Then we have to decide whether we want to go on with this kind of rhetoric, because he vetoed the balanced budget, he vetoed the tax cut, he vetoed welfare reform, he vetoed product liability—all those contribute to a mounting, mounting tax burden. Contrary to popular belief, government has not always been big or moderately huge, as this would indicate.

Back in 1925, freedom day was February 6. In 1945, it was April 1. And in 1965, it was April 14. On the average, since World War II, the date has moved up nearly a week every decade.

One has to ask oneself, when does it stop? I know we work on averages in this body, and it seems to me that if you had one foot in a bucket of ice and the other in the oven, on the average you should feel pretty good. But we know that does not always work, that there is somebody who falls through the cracks. Basically, that is what is happening to our society today.

We are all very familiar with the 1993 tax increase, and now is the time to give part of it back to America's working families. The Clinton crunch has to come to an end, despite the rhetoric we hear out of the White House. Taxes must come down, spending must be restrained, and government must be put on a budget, and I mean a balanced budget.

Now is the time to do it. With America on my mind, let us not let another day be added next year to the burden of this year. Let us work to move it back a day or two. Let us dedicate ourselves, because there are a lot who think this is the most important debate of this century, and we need the help of the American people because our country has to figure out a way to eliminate this devastating debt that we are passing on to our young.

Let us put our Government back on a balanced budget. Let us make Government work for the people instead of the other way around.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized for 60 minutes.

Mrs. HUTCHISON. Thank you, Mr. President.

AMERICAN TROOPS IN BOSNIA

Mrs. HUTCHISON. Mr. President, I want to talk today about a matter that concerns all Americans: the presence of 35,000 young American men and women supporting the peace implementation force in Bosnia. Those troops were sent as a part of a NATO force to monitor the Bosnian peace agreement reached in Dayton, OH, last year. The Senate voted last December to support those troops, to provide them whatever they needed to do what they have been asked to do. But in the resolution submitted by the distinguished Republican leader, Senator DOLE, and Senator MCCAIN of Arizona, the Senate also said by a margin of 69 to 30 that it does not endorse the President's decision or the agreement reached in Dayton.

The House of Representatives was even more harsh. The House voted 287 to 141 to condemn the Dayton agreement, while expressing support for the troops that have been sent on this mission.

There is never a doubt that we will support fully American troops anywhere when they are performing a mission for this country. We will always be there for them. But, Mr. President, that does not mean we cannot question the policy, and this Senate and the House of Representatives did just that.

Many wanted a vote to deny the President the ability to dispatch the troops by withholding the funds needed to pay for such a deployment. That was not the right thing to do, and it failed, as it should have. But, Mr. President, there are many good reasons why we disagreed with the decision to send American troops, even while we acknowledged the President's right to do it.

First, we did not feel that the administration had made a compelling case that there was a national security interest in Bosnia to justify the deployment of tens of thousands of Americans, with the potential loss of American life. Mr. President, that is an essential element of any mission upon which we would embark with troops from our country.

There must be a U.S. security interest for American lives to be at risk. But, more importantly, Mr. President, many of us voiced strong concern that the administration lacked a strategy for removing those troops once they had dug in and become part of the troubled landscape in the troubled country of Bosnia.

What made many of us particularly skeptical was the administration's insistence that not only was there an exit strategy, but that the troops would be able to perform their complex mission of creating two nations from one, patrolling rugged mountain terrain, separating hostile belligerents, and ending a 500-year-old civil war in just 1 year.

In fact, Mr. President, the Dole-McCain resolution that expressed support for the troops and acknowledged the President's authority to deploy them specifically noted that the Senate support was conditioned on the return of those troops to the United States within 1 year.

Mr. President, let me remind my colleagues what senior administration officials, including the President, assured us as we wrestled with the question of whether to support sending young Americans to Bosnia:

On October 13, 1995, Robert Hunter, the U.S. Ambassador to NATO, told the Washington Post:

> This is going to be a limited-duration operation— 12 months max. We're not going to take responsibility beyond that.

On October 18, 1995, Defense Secretary William Perry and Gen. John Shalikashvili, Chairman of the Joint Chiefs of Staff, told the House Committee on National Security and the House Committee on International Relations:

> The implementation force will complete its mission in a period not to exceed 12 months. We believe this will be more than adequate to accomplish the needed tasks that will allow the peace to become self-sustaining. We anticipate the IFOR will go in heavy and, if successful, would begin drawing down significantly far in advance of the final exit date.

On October 18, 1995, Secretary of State Warren Christopher told the House Committee on National Security:

> The force would have a limited mission and remain for a limited period of time, approximately 1 year.

On November 28, 1995, President Clinton told the American people in a televised address:

> Our Joint Chiefs of Staff have concluded that this mission should—and will—take about 1 year.

Mr. President, none of these knowledgeable officials left any room for doubt that the American mission in Bosnia would be limited in scope and duration. Specifically we were told, with no uncertainty, by everyone from the U.S. Ambassador to NATO, to the President of the United States, that our troops would be home within 1 year.

Mr. President, we now learn this is not so. December 20, 1996, was the date set as the 1-year mark. That is the date that we have been focusing on since the beginning of this mission. We now learn that this administration has said to our allies that it intends to keep American troops in Bosnia at least until early 1997 and, according to the United States Commander of NATO forces, Gen. George Joulwan, maybe longer.

Mr. President, the reason we got into the mission in Bosnia with NATO is because our President told our allies that we would be there with troops on the ground if there was a peace agreement. He told them that a long time ago. Once we make a commitment to our allies, of course, America must stand by the commitment.

But now, Mr. President, we have the dilemma of two commitments. We have the President making a commitment to the American people, to Senator DOLE, and to the troops that are there, that this would be a mission of 1 year. Everyone connected with this mission and with the leadership of this administration has repeatedly said 1 year. Now, Mr. President, we have the President making a different commitment to our allies, saying it is not going to be 1 year, but leaving it rather open-ended, into 1997.

Mr. President, I want to highlight the difference between last year's message from the administration and an April 26, 1996, article in the Washington Post:

> "A substantial number of American troops will remain in Bosnia for at least one month after the NATO-led mission ends in December. In a departure from the original plan, NATO commanders have decided to keep a significant force in Bosnia up to the final day of the mission or one year after the peace enforcement began," according to spokesman Kenneth Bacon. Earlier officials had said the pullout would begin at least a few months before the December 20 closing date in order to have nearly everyone out by then. Kenneth Bacon said the change in plans stemmed from a request by the Organization for Security and Cooperation in Europe, which is assisting preparations for Bosnia's elections, that NATO keep its full force there until after the elections.

And, on April 30, 1996, the London Times reported:

> The Clinton administration has scrapped plans to withdraw its forces by the end of this year, and may maintain a substantial American presence in the Balkans for months after the deadline set by Congress. Only weeks ago the White House repeated its promise to Republicans that the troops would be back by December 20, the date agreed at Dayton for the end of the NATO mission in Bosnia. The Pentagon, however, under pressure from allies, international officials and its own Gen. George Joulwan, has admitted that it plans to keep a significant force in the region until the end of January, and maybe longer.

Those are excerpts from quotes from newspapers.

Mr. President, this stunning reversal of a critical policy that affects the lives of thousands of Americans has been made in such a casual way that we must ask if the administration's original commitment to withdraw in 1 year was a serious one. It was so casual, many people were not even aware that all of a sudden this commitment that was made to this Congress to a December 20 deadline by which our troops would be out of Bosnia has now been put off, really indefinitely, into 1997.

The President is breaking his promise to the American people to the United States Congress, and, most importantly, to the troops in Bosnia.

Moreover, Senator DOLE had earlier argued forcefully and persuasively about arming the Bosnian Government and allowing the Bosnians to defend themselves so American troops would not need to be sent in the first place. This would have required lifting the U.N. arms embargo on the former

Yugoslavia, for which our leader argued forcefully and persuasively, many times for over a year on this Senate floor. We voted to lift the arms embargo on the former Yugoslavia so that the Bosnians could arm themselves and fight to save their country.

Senator DOLE led the fight to let the Moslems fight for their own freedom with help from legitimate sources so that it would be legal to help the Bosnian people defend themselves. No Member of the Senate has been more outspoken for years about the need for the United States to lead our allies in establishing a policy on Bosnia that would avoid the need for American troops than our leader, BOB DOLE. But each time the Congress voted to urge the lifting of the arms embargo, the administration refused to respond.

Now, Mr. President, in addition to the total abrogation of his word to the American people regarding when the troops would come home from Bosnia, we now learn that, in fact, while President Clinton was stopping us from lifting the arms embargo, he was allowing another country to provide arms in violation of the embargo. Was it a legitimate ally of the United States? No, Mr. President, it was not a legitimate ally of the United States that was allowed to violate the arms embargo that we in this Congress were trying to lift. No, it was an enemy of the United States, a terrorist country: Iran.

Despite widespread rumors that Iranian arms were being shipped to Bosnia in violation of the arms embargo, an embargo this administration said we must support, and despite senior officials' strong denials, we learn we were deceived. Here we have the quotes, Mr. President. On April 15, 1995, a State Department spokesman, Nicholas Burns, told the Los Angeles Times, "We do not endorse violations of U.N. embargo resolutions whatever. We are not violating those resolutions. We don't endorse anyone else who is violating them."

On June 16, 1995, Secretary of State Warren Christopher said, "I think you get some instant gratification from lifting the arms embargo. It is kind of an emotional luxury, but you have to ask yourself, what are the consequences of that?" As late as March of this year, President Clinton himself told Congress that "Iran continued to engage in activities that represent a threat to the national security, foreign policy, and economy of the United States."

Mr. President, despite all of those statements by senior administration officials and the President himself, we have learned in recent weeks that this was not the case at all. Just 3 weeks after the President's report to Congress on Iran, it has been reported that the administration had given its tacit approval of the shipment by Iran, one of America's most hostile adversaries, of weapons to the Bosnian Muslim government.

We are justified in concluding, Mr. President, that the Clinton administration policy on Bosnia has been cynical. What many of us were advocating for so long—arming the Bosnians and allowing them to defend themselves with legitimate sales of arms by people who cared about the people—was, in fact, being opposed by the administration by day, but by night secret arms shipments from Iran were moving forward with the administration's blessing.

Now, Mr. President, we are faced with similar cynicism regarding the deployment of American troops. Those troops are there precisely because the administration refused the suggestions by Senator DOLE and others in the Senate that arming the Bosnians and letting them fight for themselves was the best way to go. Instead, the administration adopted a half-a-loaf policy of covert arms shipments from Iran, which was too little, too late, from the wrong source.

As with arm sales to Bosnia, the American people have been deceived by the Clinton administration on the question of withdrawing American troops from Bosnia. Very simply, the President made a commitment to the American people, and he is now saying he will not honor that commitment.

Mr. President, many in the Senate personally have opposed the administration's policy on Bosnia but honored their belief that the President had the authority to deploy troops without permission from Congress. Many people on this floor were torn during that debate because they so violently disagreed with the policy, but they did believe that the President had the right to do it and that the troops needed the support from Congress.

Our Republican leader did so at great political risk. He supported the President's right to deploy troops, even though he thought it was wrong, but he did so only after getting a commitment from the President himself that those troops would have a mission of limited duration, limited scope, and they would be home within 1 year. That was the promise the President made to our leader.

We now learn this will not happen. The administration's disregard of its commitments to Senator DOLE, to the U.S. Congress, and to the American people amount to broken promises. Broken promises—there is no other way you can put it.

Today, Mr. President, I am going to ask the President to look at this policy, which is a policy of broken promises, broken commitments, and contradictory commitments to the American people and to our allies.

I am going to ask the President to do two things. First of all, to honor his commitment to the American people about troop withdrawals from Bosnia and to tell our allies this commitment was made. If, in fact, he decides that he cannot keep his commitment to the American people, I ask him to come back to Congress and talk to us about this, rather than just announcing very quietly that the troops are not going to be out by December 20 as promised. OK, President Clinton, if that is what you believe, come to Congress, talk to us about it, tell us why you think this is necessary, and let us have the option of working with you if you think you can make the case that we should be there beyond the date you promised in your commitment to the American people.

That is what I ask the President to do today. Either keep his commitment to the American people, or come to Congress and discuss it. Mr. President, this is too important. We have a policy now in which the President is going to expand the use of our American troops beyond his commitment to Senator DOLE and the American people and this U.S. Congress. We have the second revelation that arm shipments from Iran were being permitted by this administration at the same time that he was keeping us in Congress from lifting the arms embargo, which we voted repeatedly to do so that the Moslems in Bosnia could have arms from legitimate sources.

Mr. President, I just ask you, what kind of policy is that? What must the people of the world think when our President would make commitments that he does not keep and when he would keep legitimate arms sources from the Bosnian people while allowing Iran, a hostile nation to our country, a country with a background and history of terrorism against innocent victims, to, in fact, violate the very arms embargo that he would not let us lift? Mr. President, this is not the way our country should be represented.

Mr. President, I yield up to 15 minutes to the Senator from Idaho, Senator CRAIG.

Mr. CRAIG. Mr. President, I will not take that much time this morning. I have a few moments before I have to be to another commitment. Let me thank my colleague from Texas for her statement and for taking out this special order.

Let me read two quotes that I think speak volumes about what our President has caught himself in—that is, doublespeak. Mr. President, today you are not telling the American people the truth. For the last several months, you have been caught in a very difficult and very deceptive game of doublespeak.

Your representative, Richard Holbrooke, who mediated the Dayton peace accord was quoted on May 3 in a Reuters article saying:

> I will state flatly for the record that this policy was correct—

He is referring to allowing the Iranians to move arms into the former Yugoslavia.

> and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

That is an absolute opposite from what our President has been telling us. Mr. President, that is double speak.

The next quote from Richard Holbrooke:

> We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo government alive. But it left a problem—were the Iranians excessively influential on the ground?

Mr. President, President Clinton once again was caught in double speak. This Congress gave our President an option, a viable, responsible, well-thought-out option, to allow the arms embargo to be lifted so that parity could be built on both sides. He chose not to do that. He chose to openly and publicly deceive the American people.

Mr. President, part of the debate on the crisis in the former Yugoslavia has been over the arms embargo, first imposed against the Yugoslavian Government in 1991.

I was part of the majority in Congress that supported lifting the arms embargo and felt it was a preferable alternative to the deployment of our troops to Bosnia. Along those same lines, I voted against the President's proposed deployment last year, and voted against funding for that deployment.

Mr. President, some very disconcerting information has been coming to light during the last few months. The importance of these developments has led to the establishment of a select committee in the House or Representatives. Therefore, I would like to take a moment this morning to express some of my concerns and frustrations about the situation in Bosnia.

As I mentioned, a main part of the debate on the crisis in the former Yugoslavia has involved the arms embargo, first imposed against the Yugoslavian Government in 1991.

Information continues to surface, showing that while the Congress was openly debating the lifting of the arms embargo, the administration was giving a green light to Iran, allowing them to circumvent the arms embargo.

Richard Holbrooke, the administration's representative who helped to mediate the Dayton Peace Accord, was quoted in a May 3, 1996, Reuters article saying:

> I will state flatly for the record that this policy was correct and that if it hadn't taken place, the Bosnian Muslims would not have survived and we would not have gotten to Dayton.

Mr. President, I would agree with the comment made by Mr. Holbrooke. Allowing Iran to circumvent the arms embargo was not this administration's only choice—it was certainly not a correct choice. The Congress, just last year, provided President Clinton a viable alternative by the passage of S. 21, legislation that would have unilaterally lifted the U.N. arms embargo illegally enforced against Bosnia.

There was ample reason to question the enforcement of the 1991 embargo against Bosnia. The original embargo was not imposed on Bosnia, because it did not exist in 1991. Rather, it was imposed on Yugoslavia.

In addition, enforcement of this embargo could arguably violate Bosnia's right to self-defense under article 51 of the U.N. charter.

The legal, unilateral lifting of the arms embargo that was called for in S. 21, would have allowed rough parity to exist in this conflict.

The President chose to veto S. 21, citing concerns that it would be breaking from an agreement with our allies, and diminish our credibility with Europe.

Mr. President, the only credibility that has been diminished here has been through the administration's efforts to allow one of the strongest supporters of terrorism around the world, Iran, to violate the arms embargo and gain a foothold in Europe.

In addition, Iran only provided light weaponry to the Bosnian's, which was fine for providing a little protection. However, it was not enough to provide the needed shift in the strategic military balance, altering Serbia's enormous advantage in the conflict. Therefore, even after this evasion of the arms embargo had begun, thousands of Bosnians were still being killed, and the Serbian forces continued to capture more territory.

Mr. President, as we continue to see this situation unravel, we now face an extended deployment of our troops. After repeated assertions by administration officials that our troops' deployment in the IFOR mission would be for only 1 year, we now are informed that time will be extended. On May 1, the Clinton administration endorsed a recent NATO recommendation that IFOR remain at full strength to maintain peace until after the Bosnian elections.

Mr. President, these elections will not occur until September at the earliest. It is, therefore, likely that our troops will not be withdrawn until January 1997.

Mr. President, Richard Holbrooke made another assertion about the administration's decision in the May 3 reuters article, with respect to the risks of dealing with Iran.

> We knew that the Iranians would try to use the aid to buy political influence. It was a calculated policy based on the feeling that you had to choose between a lot of bad choices, and the choice that was chosen kept the Sarajevo Government alive. But, it left a problem—were the Iranians excessively influential on the ground?

The article continues with Mr. Holbrooke claiming that this problem was adequately dealt with through the negotiations of the Dayton accord, by including in the agreement that all foreign forces would have to leave the country. This is precisely one of the problems that our troops have had to face: the removal of foreign forces including Iranian forces.

In addition, it is my understanding that this arms transfer operation was allowed to continue until January of this year—after our troops were beginning to be deployed as peacekeepers in Bosnia.

In closing, the Iranian presence that the Clinton administration helped to promote is now actively threatening the Dayton accord, the American and NATO peacekeepers seeking to enforce it, and the military viability and democratic character of Bosnia itself.

Mr. President, this situation needs to be addressed, and our troops need to be brought home.

I thank my colleague from Texas for taking out this special order. I hope the select committee in the House will thoroughly investigate what this President is failing to do in foreign policy.

I yield the remainder of my time.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Mike Montelongo, of my staff, during this period of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I want to talk for a minute about the importance of arming and training the Bosnians.

One of the commitments that the President made to Senator DOLE and Senator MCCAIN was to arm and train the Moslems. I want to read from the Dole floor speech of November 30, 1995. He said:

> What is needed is a concrete effort, led by the United States, to arm and train the Bosnians. This effort should not be contingent on so-called "builddown provisions" in the Dayton agreement. I understand administration officials said this morning that the U.S. or NATO would not be involved in enabling Bosnia to defend itself.
>
> In my view, it is an abdication of responsibility to rely on unspecified third countries to create the conditions that will allow withdrawal of American forces. The sooner we start to enable Bosnia to defend itself, the sooner U.S. forces can come home. In my view, the definition of a success of this deployment must include a real end to the war. That is only possible with the creation of stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risk in order

to monitor a temporary interlude in the fighting.

That is what Senator DOLE said on the floor on November 30, 1995. Both he and Senator McCAIN repeatedly talked about the importance of that element. It is absolutely true. I have been to Bosnia twice in the last 8 or 9 months, and I have seen what the three warring factions are doing and what their relative strengths are. There is a strong Croatia; there is a strong Serb force in Bosnia; there is a good, strong force of Moslems, but they are underarmed and undertrained.

To be very practical, Mr. President, any reader of military history or, indeed, history of the world, knows that a lasting peace is best kept with strength. The parity of strength among the three parties will give Bosnia the very best chance for peace that it could possibly have. The reverse is also true. If we do not strengthen the Bosnian Moslems, they could be overrun by either of the other two stronger parties. That could happen because we have not kept our commitment.

Mr. President, if we want to have a lasting impact on this country, with the vast amount of resources, human and monetary, which our country has put forward already, we must take the last step. This administration is not doing it. There is no large-scale effort to arm and train the Moslems, which was a promise that President Clinton made to Senator DOLE and to this Congress. It was a promise made.

Mr. President, that is the key for a lasting cease-fire and the possibility for lasting peace in Bosnia. There must be rough parity among the three parties. Right now, we are almost halfway into the IFOR mission, the NATO mission, of which this country is a part, and we have yet to see a real effort in arming and training the Moslems.

Now, one of the reasons given, Mr. President, is that the Iranian contingency has not left Bosnia, has not left Sarajevo. Well, Mr. President, why have the Iranians not left Sarajevo?

Could it be because Iran was the one country that violated the arms embargo to help the Bosnian Moslems with arms in their time of need?

This should come as no surprise. This Congress spoke forcefully time and time again: lift the arms embargo. Let arms from legitimate sources go into that country and help those people fight for themselves. But this administration continued to refuse to allow that to happen, and so there was one country that provided the arms. And we now learn that this administration knew and did not object to the Iranians providing those arms, in violation of the U.N. embargo, which the administration refused to let Congress lift.

Mr. President, it is a botched policy, and I would call today on the President of the United States to say just what his policy is. Where is the integrity of the policy of this country when two promises that were very important have been broken: That we would not violate the arms embargo despite repeated attempts by Congress to lift it legitimately, and that our troops would go in with a purpose of separating the warring factions and leave December 20—two commitments that we now see are being broken?

Mr. President, I see my colleague from Georgia has come to the floor, and I am happy to yield up to 10 minutes to my colleague from Georgia.

The PRESIDING OFFICER. The Senator from Georgia [Mr. COVERDELL] is recognized for 10 minutes.

Mr. COVERDELL. Mr. President, I rise to support the admirable efforts by the Senator from Texas who has come to the floor this morning to raise and bring attention to a subject that needs considerable attention.

Last year, when we were debating the entire question about whether to send United States troops on the ground in Bosnia there was much debate—hearings before the Armed Services Committee, hearings before the Foreign Relations Committee, of which I am a member. General Shalikashvili, Secretary Perry, and others tried to sort out what should and should not happen.

For one, I never believed that the United States should bear the amount of responsibility it did in Bosnia. I felt that it was a European theater, that the Europeans should have been the predominant force, and that the U.S. support, which should have been there, should have been just that, in support of a European initiative. I have always been worried about this—why around the world when we have a real problem; it is in the European theater; the Europeans cannot work it out, so we will send in Uncle Sam.

I think it is a bad precedent to set. But the President made that decision, and from that point forward, of course, all of us have been unanimous in trying to do everything we can to make certain that our soldiers, our men and women, have every support they need.

But again, the idea that the European theater cannot work it out so that the United States has to be the one that leads the way I think sets a bad precedent, not only in terms of who bears the responsibility but it would be a little bit like the United Kingdom working out Haiti. I do not think in anybody's mind the leading force in Haiti would have been the United Kingdom or France. It was in our hemisphere. It was our back door, and we have borne the brunt of that situation. Here we are in the underbelly of Europe, and we are bearing the brunt of it again.

In addition to, I think, setting a political precedent that could lead to problems in the future, let us just look at the financial ramifications of it. The United States, which is now the single world power, in a period of enormous domestic financial pressure cannot be the ultimate financial resource in resolving these world conflicts. And the cost of the operation in Bosnia has been and continues to be enormous. The effect of that is to squeeze training, squeeze logistical support, and squeeze research and development in our own standing military. These vast sums of money going into the peacekeeping operations put enormous pressure on the ultimate mission of our own military, which is to defend the integrity and the shores of the United States.

At the time we were discussing all these questions, Secretary Perry came before our Foreign Relations Committee, and in testimony before the Foreign Relations Committee Secretary Perry indicated that the maximum duration of the U.S. commitment would be 1 year. And I can remember on the lips of virtually every member of the committee was the assertion or the worry, the anxiety that there would be mission creep; that we would get into nation building; that we would begin to assume the responsibility of rebuilding this poor and war-torn country and circumstance. And there was worry because of the ethnic divisions that in 1 year how would all that be quelled. But the assurances from the administration, the assurances from Secretary Perry were that we would not be in a mission of nation building; it was a military mission, as suggested by the Senator from Texas, and that it would be 1 year and that would have to suffice. That was the U.S. commitment.

As the Senator from Texas has suggested this morning and has read some of the quotes of the London Times of April 30:

> The Clinton administration has scrapped plans to withdraw its forces by the end of the year.

And we are beginning to hear pleas from the European theater and suggestions that, well, we maybe cannot conclude this at the end of the year, and, yes, maybe we will be involved in other activities other than the initial military mission of separating the warring parties.

That suggestion leaves the American people once again unclear as to how to respond to a Presidential commitment. You go to the American people and say we are going to send your sons and daughters over there but they are only going to be there a year. You come to the Congress. You say we are only going to go for 1 year. We are going to have a very narrow, very defined mission.

When we began to discuss an exit strategy, it was quelled in a minute because the administration said the exit strategy was we are out of there in a year. And now with the slippage of time, we begin to undermine those commitments. Not only does that leave the American people, not only does it leave their Representatives, the Congress of the United States, unclear as to just where we are and where this all leads, but it is almost a certainty to mean more resources, more dollars.

What that means is more pressure on the principal mission of the military, more pressure on the budget, more pressure on the funds necessary to train American soldiers, more pressure on the budget to enter into research and development to keep us the technological military we displayed in the Persian Gulf—keep it at the edge.

We have spent the last 2 years talking about the financial dilemma in America. We fought for balanced budgets. We have eliminated programs. We have fought through the 1996 budget, and now we will be into the 1997 budget, trying to save billions of dollars in order to keep the country financially healthy, because at the end of the day, without a healthy Nation, we cannot fulfill our obligations at home or abroad.

So those financial questions must be at the core of decisions we make about where we put those resources and how long we can suffer those resources being spent. That was the worry when this debate began, that the peacekeeping missions were putting too much pressure on the fundamental mission of the military. Here we are, already beginning to take those initial promises to the American people, the initial promises to the Congress, and you get this fudging, this fuzzy look here.

I think the Senator from Texas has been absolutely correct in calling on the administration to clarify to the people and to the Congress that it is going to adhere to the promises made when this mission began, that it is going to withdraw at the time it said, that it is not going to engage in mission creep, and we are not going to use the U.S. military components to be engaged in social rebuilding of the war-torn country. I reiterate, it is a good time to reassess the fundamental responsibility of the United States as an ally and in support of NATO, but at the same time acknowledging that the final responsibility for the European theater rests with the Europeans.

Mr. President, I see my 10 minutes has expired, and I yield back to the Senator from Texas.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Texas is recognized for the remainder of her 60 minutes.

Mrs. HUTCHISON. Mr. President, we have been talking for the last 45 minutes about this administration's Bosnia policy. I would just sum it up with "promises made, promises broken."

This administration promised: On December 20, 1996, American troops would be gone from Bosnia. The second promise was that the arms embargo would not be lifted by the President, despite repeated attempts by Congress to do so. He refused to lift the arms embargo so that legitimate sources could provide arms for Bosnians to fight for themselves and their country and their freedom, despite the fact they begged us in this Congress to do so. I will never forget the poignant testimony of then-Vice President Ganic, who said, "Let us die fighting for our freedom. We are dying anyway. Help us die for a cause."

But at the same time the administration was saying we are not going to allow legitimate sources of arms for the Moslems. Instead, according to news reports, this administration did not object to arms sales from another source which was not legitimate, Iran.

What is the result of that? The result is the Iranian mujaheddin is still in Sarajevo. Significant arming and training of the Moslems has yet to begin, and the excuse used is the Iranians are still in Sarajevo, despite the fact that in the Dayton accords they were to have been expelled from Bosnia. And the result is that the December 20 deadline is not going to be met.

So we have an administration that would not come to the American people and state a policy that the American people could count on and that our allies and our enemies would know would stay in place. That is the result. The issue of arming and training the Moslems was a key part of the negotiations between Senator DOLE and the President when we were trying to support the President's right to deploy even as we were disagreeing with the policy of deployment.

I want to quote from Senator DOLE's statement on the floor, again, November 30, 1995:

> In my view, the definition of success of this deployment must include a real end to the war that is only possible with the creation of a stable military balance which enables Bosnia to defend itself. Anything less simply exposes American forces to great risks in order to monitor a temporary interlude in the fighting. In other words, I guess if they all came home next year there might be a temporary interlude to get us through the November activities of 1996, and I am not certain it would last very long.

Senator McCAIN, November 30, 1995, in his statement on the floor:

> Further, we must ensure that the goals of their mission are clear and achievable and will justify to some extent the risks we will incur. A clear exit strategy is not time-based but goal-based. We must ensure that the peace we enforce for 12 months has a realistic prospect to endure in the 13th, 14th, 15th month, and hopefully for years beyond that. Essential to that goal is a stable military balance. To achieve that balance, we will have to see to it that the Bosnian Federation has the means and the training to provide for its own defense from aggression after we have withdrawn. Therefore, I believe our authorization of this deployment must be conditioned on the concrete assurances that the United States will do whatever is necessary, although without using our soldiers who are part of the implementation force, to ensure that the Bosnians can defend themselves at the end of our mission.

It was clear from Senator DOLE and Senator McCAIN that it was a condition of this Senate that the Moslems be armed and trained, to create a stable military balance. The President wrote a letter confirming that. The President said:

> In the view of my military advisers, this requires minimizing the involvement of U.S. military personnel. But we expect that some individual military officers, for example, working in OSD, DSAA, or other agencies, will be involved in planning this effort. I agree that maintaining flexibility is important to the success of the effort to achieve a stable military balance within Bosnia. But I will do nothing that I believe will endanger the safety of American troops on the ground in Bosnia. I am sure you will agree this is my primary responsibility.

That is giving the President his due. We agree with that. The President went on to say in his letter to Senator DOLE and Senator McCAIN:

> I have given you my word that we will make certain that the Bosnian Federation will receive the assistance necessary to achieve an adequate military balance when IFOR leaves. I intend to keep it.

That is what the President said in writing, December 12, 1995. He said the Americans would not be leading that effort, but that we would make sure that it would happen. "I intend to keep my word." That is what he said. It was a condition. It was a condition for the approval of the President's right to deploy.

We have a policy. We have a promise that is being broken. Either the President must keep his commitment to the American people that he will withdraw the troops by December 20, as he promised, or the President should come back to Congress and tell us why he is breaking his word.

Why does he feel it is necessary to do this? I think he owes us that much. I think he owes the American people that much, and I think he owes our troops on the ground that much.

Mr. President, I think it is time for this administration to understand the importance of keeping a promise, whether it is to the American people or to our allies or in general to the world, so that everyone knows that if we say we are going to do something, we will do it. But telling the American people we will withdraw troops by December 20 and telling our allies that we will leave troops on the ground into 1997 is not keeping the integrity of the American word, and I think we have the right to expect that from our President who is representing our country.

This is a serious issue, and I hope the President will address it with integrity.

Thank you, Mr. President. I yield back the remainder of my time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, are we in morning business?

The PRESIDING OFFICER. Yes, until 10:30.

GAS TAX REDUCTION LEGISLATION

Mr. DORGAN. Mr. President, I have noted the last several days a number of people coming to the floor to talk about tax freedom day. I noted this morning on the television programs that the majority leader, Senator DOLE, was talking about bringing a vote to the floor of the Senate, perhaps today, he said, to repeal the 4.3-cent gas tax or reduce the gas tax by 4.3 cents.

I will make a couple of observations about those issues.

First, tax freedom day. The suggestion, I guess, by those who talk about tax freedom day and the date beyond which they now can spend money on themselves, the suggestion is, I guess, that the money that is spent by them to build their children's schools, to pay for the police force, to pay for the Defense Department to defend our country, to provide for the resources for Social Security and Medicare, which incidentally are the four largest areas of public spending—schools, health care, defense, and local policing functions—the implication is somehow that those are not investments or those are not expenditures that count.

I think a lot of people would say that the payment of money to fund a school system to be able to send your children to good schools does count and does matter. That is an investment in your family. I just observe that some taxes are levied in order to do things we must do together as a country—educate our kids, build roads, defend our country, provide for the general welfare such as Social Security, Medicare, Medicaid, and so on. Some of them, I think, deserve a more thoughtful response than the implication somehow that it is just money that goes into some dark hole. Much of that is an investment in our children, an investment in security, an investment in health care.

Having said all that, would we like to see lower taxes in our country? Yes. Would we like to find a way to reduce the tax burden? Sure. We have a circumstance in this country now where we spend more money than we take in; 2 years ago, 2½ years ago, in 1993, we passed a bill on the floor of the Senate by one vote to reduce the Federal deficit. It was not easy to do. We only passed it by one vote on a strictly partisan vote. We did not get even one vote from the other side of the aisle by accident. Normally you think somebody makes a mistake, but we did not get one vote by accident. A group of us passed this piece of legislation, and 2½ years later the deficit is reduced by half. The deficit is half of what it was nearly 3 years ago.

Now I am glad we did that. It was not popular. The popular thing was to vote "no." Certainly it was not popular to vote "yes" to cut spending and increase some taxes, but we did it. I am glad we did it. The deficit is down as a result of it.

Now, what has happened in the last number of weeks is gasoline prices have spiked up by 20 to 25 cents a gallon. Gasoline prices spike up, and then we have people come to the floor of the Senate and say, well, our solution to that is to reduce the gas tax by 4.3 cents. There is really no connection, of course, but that is the solution. It is kind of like a person driving down the road in a vehicle and it overheats and steam starts flooding from under the hood and the driver pulls off the road, gets out, opens the trunk, and changes the tire. There is no relationship between the 20- or 25-cent-per-gallon spike in gas taxes and the 4.3-cent gas tax reduction that is being proposed. It is purely political. In fact, it is trotted out here on tax day, I guess it is called tax freedom day. It is trotted out as a purely political hood ornament. That is fine. You have the right to do it.

My point is this: When we consider the issue of the 4.3-cent-per-gallon reduction in the gas tax, I intend to offer an amendment here in the Senate that asks the question, whose pocket is this money going to go in? If you are going to relieve the oil industry of collecting 4.3 cents a gallon in gasoline taxes, who ends up getting the cash? I said the other day in this country there are a lot of pockets. There are big pockets, there are small pockets, there are high pockets, there are low pockets. The question is, who will pocket the reduction in the gasoline tax? I will offer an amendment that says, if you reduce the gasoline tax, we should make sure it goes into the right pocket, the pocket of the consumer, the driver, the taxpayer. If we do not pass an amendment like that that provides the guarantee, guess who pockets the reduction in the gas tax? The oil industry.

Does anybody here honestly think that if we reduce the gas tax by 4.3 cents a gallon and do not provide an ironclad guarantee that it goes back to the consumer, does anybody believe that the oil industry will not grab that money? It is cash in their pockets. They are the ones who set the price of gasoline. We can have people boast on the floor of the Senate about reducing the gas tax. It will not mean a thing to drivers and consumers unless they end up paying 4.3 cents less a gallon than they now pay.

I say to the majority leader and others, if you intend to bring a bill to the floor of the Senate to reduce the gas tax and increase the deficit, make sure you provide for the allowance for amendments, because some of us will insist on our right to offer amendments. If you develop procedures that prohibit us from offering amendments to make sure that the reduction in the gas tax goes in the right pockets, then we intend to slow this Senate down until we have an opportunity to offer amendments of that type.

I understand it is a Presidential election. It is an even-numbered year. When the Framers wrote the Constitution of America, they created a miracle. At least old Claude Pepper, the former member of this body and the House of Representatives, used to call it a miracle—a miracle that every even-numbered year the American people are able to grab the American steering wheel and make adjustments to where the country is headed. They have the right to grab the steering wheel and make the adjustments. It is an election year, an even-numbered year in America. There are lots of politics floating back and forth here and there; the only time in our country's history, I believe, where the majority leader of the Senate is running against an incumbent President. I have great respect for both people. But the floor of the Senate is not, of course, a political party convention auditorium. It is the U.S. Senate. Is there an inclination to engage in a great deal of politics here on the floor of the Senate on behalf of both sides? Yes. That has always been the case. Will there be more of an inclination now in the coming weeks to do that? I am sure. Is the gas tax reduction that is being proposed political? Obviously.

Someone wanting to know what caused a 20- or 25-cents-per-gallon runup in gas prices at the pumps might have said, well, try to investigate what happened. Ask the Justice Department to investigate the oil industry to ask what happened to the price of gas. Who did it? Why? The President asked the Justice Department to do that. Some saw it as an opportunity to say, "Well, come to the floor of the Senate and talk about the 4.3-cent gas tax that was added in 1993 as part of the deficit reduction act." That is politics. That is fine. They could have said, how about the other 10-cent-per-gallon gas tax that was added, supported by the majority leader and others here in this body? There has been 10 cents supported previously, so, make it 14.3 cents, as long as it is a political issue. Do the whole thing.

My point is this: Do not do anything to it unless you guarantee American taxpayers and drivers that they will get the benefit. There is not any way that we guarantee drivers in this country they will get the benefit of lower gasoline taxes at the pump if we are not allowed to offer and if the Senate does not pass the amendment I have described. The amendment is very simple: It would require certification by the oil companies that they have passed along this reduction in the gas tax and a lower pump price, subject to criminal penalties and subject to enforcement by the appropriate people in the Federal Government. We can talk about gas taxes until we are blue in the face and you can repeal gas taxes from now until next month. But if you do not guarantee that drivers in this country get the benefit, guess who will walk off into the sunset with bulging pockets? The oil company.

When I heard this morning the majority leader say we will have a vote on that today, first of all, I do not think we will because it would require unanimous consent to have a vote on the reduction in the gas tax. But, second, I say to Members on the other side who are in charge of planning the activities of the Senate on the floor, when you decide to have a vote, we will insist that you give us the opportunity to offer an amendment that guarantees the drivers and the taxpayers in this country, not the oil industry, get the benefit of the reduction in the gas tax.

One additional point, and it is probably the most important point. We have also talked on the floor of the Senate about the minimum wage. The gas tax is about $25 or $27 a year in benefits if the consumers get the benefit, and they will not unless my amendment is passed. The minimum wage means about $1,800 a year to those folks who are out there, 40 percent of whom are working as a sole breadwinner on minimum wage, trying to make ends meet, having had their wage frozen for 5 years. We are simply saying we want an opportunity, as well, to address the minimum wage issue. We think the minimum wage should be adjusted for those folks.

We have been told that, well, there will be some point at which we will vote on that. We also ask that when the gas tax reduction is brought to the floor of the Senate, we have an opportunity to consider, as well, in those circumstances, a reasonable adjustment of the minimum wage.

So those are the issues that we are going to ask be addressed by the majority leader and other Members of the Senate in the coming couple of days as we discuss these issues.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE WALTER S. MONTGOMERY, SR.

Mr. THURMOND. Mr. President, if the Palmetto State is famous for textiles, then Mr. Walter S. Montgomery, Sr., is one of a handful of South Carolinians whose name is synonymous with that industry. Without question, he is a man who has left his mark on our State and Nation, and it is with great sadness that I rise today to note his recent passing.

"Mr. Walter," as he was affectionately known by his friends and employees, died late last month, ending what was a lifelong commitment to service and industry. From the time he took over his family's textile mill to the day he died, Walter Montgomery worked hard to advance textile manufacturing, to strengthen the South Carolina economy, and to improve the quality of life for the South Carolina Upstate, especially his beloved hometown of Spartanburg.

Known as a benevolent boss, Mr. Walter would stroll the floors of his factories in his shirtsleeves, supervising operations and talking with his employees. His interest in those who worked for him extended beyond the plant walls, and he was known to spend afternoons on the front porches of the homes of Spartan Mills workers, passing the time and getting to know those in his employ. Additionally, Walter Montgomery worked hard to create a job place that was modern, clean, and safe, a far cry from the old style mills of the 19th and early 20th centuries.

Walter Montgomery joined the family run Spartan Mills shortly after his graduation from the Virginia Military Institute and eventually became its president and chairman of the board. Through his hard work, determination, and business acumen, Spartan Mills grew from 1 plant to 10, and became the largest employer in Spartanburg County. A young and dynamic executive, Mr. Montgomery became a force in the national textile industry and held leadership positions with the South Carolina Textile Manufacturers Association, the J.E. Sirrine Foundation, the Institute of Textile Technology, and the American Textile Manufacturers Association. His professional accomplishments earned him recognitions from the South Carolina Chamber of Commerce, which named him Businessman of the Year; and from the ATMI, their organization's prestigious and coveted Samuel Slater Award.

Equally important to the contributions Mr. Montgomery made to business was the role he filled as a civic leader. Spartanburg and the Upstate Region benefited handsomely from the efforts of Mr. Montgomery who helped to establish the University of South Carolina at Spartanburg; served as a trustee of the Spartanburg Music Foundation and the Spartanburg Historical Society; and, organized the Spartanburg County Foundation. He also served for 55 years on the board of trustees at Converse College, was a booster for educational causes, and was an active leader in the United Way. For these undertakings, and many others, Mr. Montgomery was awarded the Order of the Palmetto; inducted into the South Carolina Business Hall of Fame; was awarded three honorary degrees; and, was recognized with almost countless citations from various business and community groups.

Mr. President, Walter Montgomery was the type of person that any community or State would be fortunate to have as one of its citizens. I can think of no more fitting tribute to Walter than the fact that he was so well thought of, that hundreds of people came to pay their last respects to this man. As a matter of fact, on the day of his funeral, the Episcopal Church of the Advent was packed to capacity and loudspeakers had to be placed outside the church in order for mourners to be able to hear the service. While we will all miss Walter, I hope that others will honor his legacy by trying to match the example he set for service to business and community. I join a long list of people who express their sympathy and condolences to the family of Mr. Walter Montgomery, including his sisters, Kate Montgomery Ward and Lucile Montgomery Cart; his son, Mr. Walter Montgomery, Jr.; his daughter, Rose M. Johnston; and his many grandchildren, and great-grandchildren. These people are kin to a man who was one of a kind.

OMNIBUS PARKS BILL

Mr. HATCH. Mr. President, last Wednesday, the Senate passed H.R. 1296, the omnibus parks bill, by unanimous consent. I recognize that this legislation had indeed gone through the mill. However, I am pleased that we reached this agreement and passed this important bill with strong bipartisan support.

In particular, I want to express my strong support for one title of this bill, the Snowbasin Land Exchange Act, which was included within the bill.

This measure contains provisions that will enable the U.S. Forest Service and the Sun Valley Co. to prepare the Snowbasin Ski Resort, which is located 40 miles north of Salt Lake City, for the major alpine skiing events of the 2002 Winter Olympic Games to be held in Utah. It also concludes a land exchange process that began more than 11 years ago.

I want to acknowledge the efforts of Senators DOLE and MURKOWSKI, who have worked diligently to forge this package so that this particular measure could pass the Senate and move forward in the legislative process.

As my colleagues know, the International Olympic Committee selected

Salt Lake City to host the 2002 Winter Olympic Games last June. I was honored to be present in Budapest when this announcement was made.

Snowbasin, which is owned by the Sun Valley Co., was identified as the site of six major Olympic downhill and slalom ski events. It was selected due to its magnificent mountain with ideal terrain, elevation, and techincal difficulty for Olympic competition.

It is estimated that Olympic racers will reach speeds exceeding 80 miles per hour in the first 5 seconds of competition on the Snowbasin downhill course, a course that has been designed by Bernard Russi of Switzerland, an Olympic medalist and internationally recognized Alpine course designer.

In order to accommodate the planned events at Snowbasin, which are estimated to have a television audience of nearly 3 billion people worldwide, major new skiing, visitor, and support facilities will have to be constructed at Snowbasin. Some of these facilities will be constructed on the ski mountain, while other facilities are needed at the base of the mountain.

Failure to pass the provisions that are included in this bill for Snowbasin would have greatly jeopardized the success of the 2002 Olympic Games and, in general, sullied the reputation of U.S. Olympic hosts before an international audience. So I appreciate the support of my colleagues for these provisions.

My colleagues should understand that this legislation is a land exchange—not a giveaway. The legislation exchanges 1,320 acres of national forest land at the base of Snowbasin to the Sun Valley Co. This transfer will allow development of base facilities that are needed for the Olympics.

These facilities include a new access road, the Olympic stadium and gateway, parking, day lodges, restaurants, and other support buildings. These facilities will greatly increase services and amenities to the public during the Olympics. They will also become the nucleus of a world-class competitive venue at Snowbasin in future years.

It is altogether consistent with Forest Service policy that base lands at ski areas be privatized for development. As my colleagues are well aware, land exchanges have been routinely utilizied for this purpose.

In return for the 1,320 acres, the Forest Service will receive more than 4,100 acres of private lands with outstanding environmental, recreational, and other values. Each of these lands has been identified by Forest Service officials as highly desirable for acquisition to benefit the public and the long-term management purposes of the Forest Service in northern Utah.

Some of this acreage is immediately adjacent to Snowbasin; another parcel is on the outskirts of the city of Ogden. In fact, one of the parcels—Lightning Ridge—will open access to thousands of acres of Forest Service land that is currently inaccessible to the public.

These are precisely the types of public benefits that should be realized in land exchanges. The new Olympic quality recreational opportunities added at Snowbasin, coupled with major additions to the national forest, clearly make the exchange a win-win for the public.

When completed, the land exchange will add over 4 square miles of land to the National Forest System in Utah.

Mr. President, there has been considerable discussion on this bill regarding the so-called sufficiency language in the bill that exempts the initial portions of development at Snowbasin from certain Federal environmental laws. Let me discuss this for my colleagues.

Once the land exchange is completed, the ski mountain will remain as National Forest System land. In order to prepare the ski mountain for the Olympic events, numerous modifications are needed. These modifications are referred to in the overall development plan for Snowbasin as phase I and relate to the race courses for the competitors as well as needed amenities for the public.

These items include new chair lifts, new and expanded courses, helicopter pads for medivac purposes, snowmaking, safety netting, and a mountain restaurant for food and warming purposes. It is estimated that at least three summer construction seasons will be needed to construct these facilities.

Moreover, to enable ski competitors to race the mountain prior to the Olympics, and to test the new facilities for safety and other purposes, international skiing events have been scheduled at Snowbasin beginning in 1999.

I hope my colleagues can see that we must immediately begin the process of preparing Snowbasin for important Olympic and pre-Olympic events.

To accomplish this goal, Congress needs to provide general approval to facilities that need to be constructed on national forest lands at Snowbasin for the Olympics, to put the construction of these facilities on a timetable, and to protect the decisions of the Forest Service during this process from appeals and lawsuits. Without such action, construction of these facilities could be delayed for years. Regrettably, this type of delay is precisely what is currently being experienced at Snowbasin.

A 1994 Forest Service decision to allow construction of a small chair lift and new ski run on the mountain has been appealed and litigated and is now before a Federal district court in Salt Lake City. Construction of the lift has already been delayed for 2 years and the matter could remain in the courts well into the future. Therefore, this legislation allows the construction of traditional mountain facilities at Snowbasin that are needed for important Olympic and pre-Olympic events.

However, my colleagues should realize that over the years, Snowbasin has been subject to numerous environmental studies and reviews. In fact, in testimony before the Senate Subcommittee on Forests and Public Land Management, I displayed a huge stack of these studies.

Since 1990, the Forest Service has prepared, among many items, an environmental impact statement and an environmental analysis on base mountain lands at Snowbasin. The public was fully involved in the development of these documents.

The Snowbasin master plan, referenced in the legislation, has been developed taking into full account the environmental considerations noted in these studies. Also, the Sun Valley Company has frequently consulted with the Forest Service to ensure that environmental aspects of the land exchange are properly considered.

Our legislation directs the Secretary of Agriculture to impose construction and operation conditions on the Sun Valley Co. that are consistent with Forest Service policies to protect forest resources. Further, the Forest Service is empowered to make any changes to the facilities to protect public health and safety, including water quality.

I think it is also safe to say that no one would want to visit this area if it were an environmental wreck. There is clearly an economic incentive to doing this the right way. Responsible development of this land is necessary any way you look at it.

Also, we learned from testimony provided by the members of the Salt Lake organizing committee that one of the reasons Snowbasin was selected as the site for the Olympic downhill races was to keep Olympic downhill events from being conducted in the environmentally sensitive canyon areas immediately adjacent to Salt Lake City.

I am pleased to note that the significant addition of land to the National Forest System resulting from this legislation will be accomplished without having to spend scarce land and water conservation fund dollars.

Moreover, our legislation ensures that an equal value exchange in every respect will be conducted, and there will not be a giveaway of any kind to the Sun Valley Company. Instead, the Sun Valley Company will assume the economic risks and costs of preparing Snowbasin to the highest of Olympic standards for the 2002 Winter Games.

Mr. President, I again want to extend my sincere thanks to each member of the Senate Energy and Natural Resources Committee—all of whom endorsed this legislation. The efforts of Senators MURKOWSKI, CRAIG, and BUMPERS, and my Utah colleague, Senator

BENNETT, have helped to perfect this bill and move it forward.

Again, I want to thank the majority leader for his leadership in solving the impasse that had developed over the earlier version of the omnibus parks bill.

Having said that, I must admit my disappointment that one title of the original package, the Utah wilderness bill, has been deleted from the bill. I would have preferred that the Senate adopt this measure as well, but I know a roadblock when I see one. I will continue to work on those provisions that could not be included in this package.

However, everyone in this chamber should know that this is a temporary setback for our Utah wilderness bill. Our bill is not dead, as many have said or wished. I am just as committed today as I was during the recent filibuster to see this body pass legislation that resolves this 17-year-old problem that has plagued our State.

As I mentioned, Senator DOLE has demonstrated tremendous leadership to forge the compromise that allowed the omnibus bill to pass, and his suggestion for a temporary detour around the matter of Utah Wilderness and Sterling Forest enables the other important provisions of the omnibus parks bill to move forward, including the Snowbasin exchange. I commend him for that.

Mr. President, Snowbasin will be an electrifying site for the prestigious skiing events of the 2002 Winter Olympic Games. The huge challenge that Snowbasin will present to the international competitors will be a true test of their Olympic ability. America is fortunate to be selected as the host nation for these games, and Salt Lake City is honored to be the host city. I thank my colleagues for supporting this urgently needed legislation to make these games a reality at Snowbasin.

I ask unanimous consent that a letter from Utah Governor Mike Leavitt, a resolution from the Ogden City Council, an editorial from the Salt Lake Tribune, and a resolution from the Utah State Legislature—all expressing support for this legislation—be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, December 12, 1995.

Representative JAMES V. HANSEN,
Chairman, Subcommittee on National Parks, Forests and Lands, Rayburn House Office Building, Washington, DC.

DEAR JIM: I am writing in strong support of H.R. 2402, the Snowbasin Land Exchange legislation, and its companion bill in the Senate, S. 1371. I applaud your efforts, as Chairman of the subcommittee of jurisdiction, in holding hearings and gaining cosponsors.

Utah has been given an extraordinary opportunity in hosting the 2002 Winter Olympics. Snowbasin is the venue for some of the most visible and popular downhill events. Over 3 billion people around the world will have their eyes set on Snowbasin during the Olympics. We must be ready for them.

In order to successfully host this venue, certain facilities must be built and improvements added to accommodate all of the activities which are demanded of an Olympic site. For over seven years, those plans have been under review and scrutiny by the public and the Forest Service. Environmental impacts have been carefully reviewed. The required land exchange between Snowbasin and the Forest Service has now bogged down in the administrative appeals process. Further delays would seriously threaten the timetable needed to be met for the 2002 games. That is why your legislation is so vital.

I am also supportive of the land exchange authorized by the legislation because it will enhance economic development for Northern Utah by making Snowbasin a true world-class tourist destination. Further, the public stands to benefit greatly by receiving access to large tracts of pristine recreational lands, such as Taylor Canyon, Lighting Ridge Wheeler Creek, and the North Fork Ogden River-Devil's Gate Valley, which are now in private ownership.

This legislation represents a win-win for the state of Utah and the people of Weber County. I urge you to continue to work for passage of this legislation and stand ready to assist you in any way possible.

Sincerely,

MICHAEL O. LEAVITT,
Governor.

RESOLUTION OF THE OGDEN CITY COUNCIL NO. 96-6

Whereas the property development of a year-round ski and recreational destination resort in the Snowbasin area would be beneficial to the people of the City of Ogden; and

Whereas the recent awarding of the 2002 Winter Olympic Games to Salt Lake City increases ski and recreational opportunities of the Snowbasin area; and

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic events, with pre-Olympic events scheduled in 1998, 1999, 2000, and 2001; and

Whereas these Olympic and pre-Olympic events add to the urgency to develop the Snowbasin area; and

Whereas Snowbasin Resort and its owner Sun Valley Company have requested 1,320 acres of public land be transferred to Snowbasin Resort for the purpose of developing a year-round recreational destination resort; and

Whereas Snowbasin Resort has agreed to transfer into the public domain at least 4,100 acres of land which possesses outstanding recreational, environmental and other values, and which opens access to other Forest Service lands for public enjoyment; and

Whereas much of the land presently under Forest Service supervision in the Snow Basin area was originally transferred without monetary consideration into the public domain by Ogden City for the purpose of promoting and fostering the future development thereof, and where previous Ogden City Councils have adopted resolutions supporting this land transfer of 1,320 acres of property to Snowbasin in order to effectuate such desired development; and

Whereas the proper development of the Snowbasin area would increase tourism in the State of Utah and would be beneficial to the residents of northern Utah; and

Whereas a delay in facilitating the desired exchange could hamper the State's hosting of several Olympic and international alpine skiing events; and

Whereas the United States Congress is currently considering legislation which would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for Olympic and pre-Olympic events. Now, Therefore, be it

Resolved, That the Ogden City Council urges the United States Forest Service, the United States Congress and President William Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for Olympic and pre-Olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area.

Passed and adopted this 9th day of April 1996.

RALPH W. MITCHELL,
Chair.

[From the Salt Lake Tribune, Apr. 1, 1996]

APPROVE SNOWBASIN SWAP

When the Utah wilderness legislation submerged an omnibus parks bill in the U.S. Senate last week, one of the dozens of items that sank with it was another proposal of keen interest to Utah—the Snowbasin/Forest Service land exchange. The Snowbasin proposal deserves resuscitation and passage, either as part of a revived omnibus bill sans Utah wilderness or as stand-alone legislation.

This plan would provide long-term benefits to Utah, the most conspicuous being the development of a four-season resort at Snowbasin by an operator, the Sun Valley Company, that has a proven record of good stewardship. And, as part of that development, the site of the downhill and Super-G ski races for the 2002 Winter Olympics would be completed on a faster track.

Under the legislation, Snowbasin would acquire 1,320 acres from the U.S. Forest Service in exchange for some 4,100 acres, spread across four different parcels in the same general area, that are currently owned by Sun Valley. Assuming a fair appraisal process—and the legislation calls for an exchange of equal value—this proposal amounts to an even land swap, not the land grab that opponents claim it is.

Granted, this legislation does carry some baggage. For instance, its supporters have couched this bill as a necessity in order for the Olympic ski races to be held at Snowbasin, but that's not quite right. Sun Valley may need the 1,320 acres for condos and residential units, but it doesn't need nearly that many for an Olympic ski venue.

In addition, granting an exemption from environmental laws—as this bill does for Phase I, or the mountain development aspect, of the plan—is not a step that should be taken cavalierly, particularly in the name of an Olympic movement that holds the environment as a top priority. Adherence to local and state laws will mitigate this concern, but it won't completely erase it.

And it hasn't helped the bill's cause that its chief proponent, Utah Rep. Jim Hansen, has made some ill-chosen comments recently, to the effect that the downhill could be run at Snowbird if the Snowbasin bill fails. This needlessly resurrected a dead-and-buried concern that the Cottonwood canyons might be used for the Olympics; it only aroused the opposition to his own bill.

Still, Rep. Hansen's rhetoric aside, the voice that counts most on this proposal should be that of the U.S. Forest Service, the current steward of the 1,320 acres in question. And the Forest Service, which had already approved an exchange of 695 of those acres in 1990, has signed off on this one after finding boundary problems with the parcel it had earmarked five years ago.

While legitimate complaints can be raised over the manner in which the Snowbasin proposal has been maneuvered around normal USFS channels and over the use of the Olympics as a wedge to gain congressional support, there still is nothing fundamentally objectionable about the land exchange itself. As long as the USFS can be assured that it will obtain equal value for those 1,320 acres, this is a development plan that Utahns—and Congress—can and should support.

STATE OF UTAH CONCURRENT RESOLUTION NO. 4

Be it resolved by the Legislature of the state of Utah, the Governor concurring therein

Whereas the proper development of a year-round ski and recreational resort in the Snowbasin area would be beneficial to the people of the state of Utah;

Whereas the recent awarding of the 2002 Olympics to Salt Lake City increases the ski and recreational opportunities of the Snowbasin area;

Whereas Snowbasin has been designated as the site of several 2002 Winter Olympic event, with pre-olympic events scheduled for 1998, 1999, 2000, and 2001;

Whereas these olympic and pre-olympic events add to the urgency to develop the Snowbasin area;

Whereas approximately 55 years ago, 4,300 acres of land in the Snowbasin area was transferred with little monetary consideration from private ownership to the United States Forest Service under the leadership of the Ogden Chamber of Commerce to stop overgrazing and to develop a year-round recreation area;

Whereas the Ogden-Weber Chamber of Commerce and many civic leaders now favor the transfer of 1,320 acres of this same land at Snowbasin to the Sun Valley Company for the purpose of developing a year-round recreational resort;

Whereas the Sun Valley Company has agreed to acquire and transfer into the public domain property of comparable value as selected by the United States Forest Service in exchange for the 1,320 acres received in the Snowbasin area;

Whereas Earl Holding, developer of world famous Sun Valley Resort, has established a proven track record as a developer of high-quality recreational resort facilities;

Whereas the proper development of the Snowbasin area would increase tourism in the state of Utah and would be extremely beneficial to the residents of northern Utah by creating numerous jobs and business opportunities;

Whereas the state of Utah has expended an excess of $14,000,000 to construct the Trappers Loop Highway for the purpose of servicing the Snowbasin/Upper Ogden Valley area;

Whereas the delay in facilitating the exchange of the number of areas requested by the Sun Valley Company could hamper the state's hosting of several olympic and international alpine skiing events and may make the development of a year-round resort economically infeasible;

Whereas the exchange of property to the Sun Valley Company would allow the United States Forest Service to acquire additional property as an exchange that, if property selected, would open up large areas of the public domain and better suit the Forest Service's objective of preserving the public land for public use than the retention of the proposed transfer property;

Whereas the intended use of the property in question when it was transferred into Forest Service supervision was to develop a ski and recreational area; and

Whereas The United States Congress is currently considering legislation that would complete the Snowbasin land exchange and enable the timely construction of facilities at Snowbasin needed for olympic and pre-olympic events: Now, therefore, be it

Resolved, that the Legislature of the state of Utah, the Governor concurring therein, the United States Forest Service, the United States Congress and President William J. Clinton to enact Snowbasin Land Exchange legislation for the purpose of preparing Snowbasin for olympic and pre-olympic events, and for developing Snowbasin as a multi-use, four season recreational resort area. Be it further

Resolved, that copies of this resolution be sent to the Sun Valley Company, the United States Forest Service, the President of the United States Senate, the Speaker of the United States House of Representatives, the members of Utah's congressional delegation, and President Clinton.

GAYLE FITZGERALD CORY, A TRIBUTE

Mr. HOLLINGS. Mr. President, on behalf of my fellow Senators, I would like to take a moment to pay tribute to a dedicated Senate worker, a courageous woman and a wonderful person. Gayle Fitzgerald Cory worked in the Senate for 35 years, serving in many capacities. She was indispensable to the late Senator Muskie for 22 years, holding positions from receptionist to executive assistant and making the transition to the State Department with him in 1980. She was also a valued member of Senator George Mitchell's staff as his personal assistant.

A person who has filled these roles can't help but accumulate a tremendous amount of knowledge on the workings of the Senate. Gayle Fitzgerald Cory was exceptionally qualified to take on the position of postmaster in 1989.

Up until her retirement in 1995, Mrs. Cory worked hard for the U.S. Senate, she was experienced, organized and capable of handling any task or crisis that came her way. Most of all, she was a great person. The post office employees—indeed, everyone with whom she came in contact—appreciated her warmth and her sense of fairness. An extremely professional woman, she had an almost uncanny understanding of the special needs of the Senate, and she was instrumental in making it work.

My condolences go out to her husband, Don, her three daughters, Laurie, Melissa, and Carol, and all the members of her large and loving family. She was a courageous, strong person and we will all miss her.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 2937, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2937) for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 3952, in the nature of a substitute.

Dole amendment No. 3953 (to amendment No. 3952), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3954 (to amendment No. 3953), to provide for an effective date for the settlement of certain claims against the United States.

Dole motion to refer the bill to the Committee on the Judiciary with instructions to report back forthwith.

Dole amendment No. 3955 (to the instructions to the motion to refer), to provide for an effective date for the settlement of certain claims against the United States.

Dole amendment No. 3956 (to amendment No. 3955), to provide for an effective date for the settlement of certain claims against the United States.

Mr. GRASSLEY. Mr. President, I wish to speak on the bill that is before us—the bill to reimburse the people that were harmed in the unfair firing at the White House in January 1993, the bill that is for reimbursement to the people that are called the Travelgate 17.

Mr. President, I think it is very obvious that when politics stands in the way of resolving a right or wrong issue, politics always gets trampled. Right means that politics has to be put to the side. Some examples come to mind: The civil rights laws of the 1960's; the end of the defense buildup in the 1980's; the Congressional Accountability Act of 1995, which I sponsored.

This bill before us falls into that category. It is to reimburse the Travelgate 7. Now, obviously, it is much less in scope than all of these other major pieces of legislation I mentioned over the last 30 years. However, let me make it very clear that it is a microcosm of the same reality. It is a right and wrong issue. And politics is standing in its way. But I predict that politics will stand in its way only temporarily. Travelgate is the story of an arrogant White House trampling all over the rights of seven dedicated public servants.

The purpose behind the abuse was so that cronies of the President could win the spoils of political gain for themselves.

One of these people was a rich Hollywood producer, friend of Bill, high-dollar campaign contributor, buddy and crony by the name of Harry Thomason.

The other was a distant cousin of the President's, Catherine Cornelius.

The White House, apparently including the President and First Lady, unleashed the Federal Bureau of Investigation, the Internal Revenue Service, and the Department of Justice to harass these seven citizens. As if that were not enough, the White House also used its authority and its access to the media to conduct a public smear campaign against the seven innocent people. Following something that is too customary in this town, they used leaks, innuendoes, and falsities to continue their public harassment even after their primary target, Billy Dale, was acquitted by a jury, and it only took the jury less than 2 hours of deliberation to declare his innocence.

The net effect of all of this harassment took a real toll—these are real people—not only on the seven employees but maybe even more so on their families as well. These innocent people had their reputations, their dignity, and their psychological well-being suffer at the hands of an irresponsible White House. This is a White House that to this very day refuses to accept its wrongdoing. No one takes responsibility for their firings of these seven people.

What do we get out of the White House? All you get is finger pointing. All you get is passing the buck. By the way, the harassment continues. But now it is not harassment from the White House; it is legislative harassment as we have legislation here trying to right this wrong. So the legislation that has just been laid down for today's discussion, the bill we have before us is to make these seven innocent people economically whole.

Well, maybe you cannot do that, but at least pay for their legal expenses. I do not know how you can right the wrongs that have been committed, but at least there is precedent for legislation to pay for legal expenses, legal expenses for people who were innocent, declared innocent by a jury of their peers.

So activity moves from the finger pointing at the White House to activity up here on the Hill in the legislative process, but the White House is still involved, fanning out its lieutenants to sabotage this bill in the dark of night. The objective of the White House and the opponents of this legislation, the people who are not willing to admit a wrong in the firing of seven innocent people, is to bring this bill down so that the President is spared the embarrassment of signing a bill, the only reason for the existence of which in the first place is that the White House fired seven innocent people. In other words, I might add, the same President who passed the buck in the first place in not taking responsibility for the firings at the White House is behind this effort to sabotage this legislation on the Hill to right this wrong.

The legislative harassment strategy began with Democrat Senators putting a hold on the bill. For those watching who maybe do not understand how Congress works, a hold is a way that any Senator can prevent a bill from being considered, and the instigator of any hold does not have to identify himself. He can do it in the secrecy of the Cloakroom out of the public's eye. But last week the people with the hold were smoked out. The rock was lifted. And the instigators of the hold went scurrying for cover of darkness once again. Having retreated from the back room, they are now positioned at the next line of defense, out on the floor of the Senate to use a legislative roadblock. It is called muddying the waters, or in this case you might say the "whitewaters."

This strategy goes like this: how can we as opponents bog down the bill on a technicality or some counter argument that sounds reasonable but gives us sufficient cover so that we can filibuster the underlying legislation, the Travelgate bill, that pays the legal expenses of seven innocent people who were fired within the first month that the Clintons came to office.

So the White House, getting their lieutenants on the Hill to take all this activity against this simple little bill, comes up with a counterargument: If the Travelgate seven are going to get reimbursed, why not reimburse everyone associated with the Whitewater investigation? And they also came up with a technicality. They say we just want to use this bill as a vehicle for other items that are on our agenda. They would argue it is our right as minority Members of this body.

So here we are, Mr. President, with politics getting in the way of a right and wrong issue, where right ought to win out, but politics, if it is played correctly and sophisticated enough, can win. If we cannot deal with apples, let us just throw in some oranges. Put it into the mix. Confuse the situation. So now in this Chamber to fool the public we are dealing with apples and oranges legislation generated by the other side of the aisle because they want to protect the President not having to veto this legislation.

However, political barriers to correcting a wrong will not stand. Ultimately, public opinion will weigh in against the Democrats and the White House on this issue. All the harassment strategies to save the President from embarrassment will only make the final embarrassment bigger and worse. It is inevitable. It is predictable. It will happen. You cannot forever cover up wrong in our open society.

There is a moral to this story: Nothing is politically right which is morally wrong. I wish to repeat the moral of the story: Nothing is politically right that is morally wrong.

That is why all this political maneuvering is destined to fail. The public will not tolerate political interference with righting a wrong. Frankly, it is time that the President of the United States, the occupant of the White House, take responsibility for his actions in firing these seven dedicated public servants. What do we get instead? He continues the campaign to prevent his own embarrassment over the firings. The truth is if the firings and the circumstances were not wrong, there would be no embarrassment. But the obvious fact is the firings were wrong.

Why should we expect the President of the United States to accept responsibility for his actions? First of all, because he is the President of the United States. In that position, he is the moral leader of our Nation. A leader is expected to take responsibility for his actions or for those who act in his stead. That includes both good actions and bad actions.

Furthermore, I think the President himself has spoken out very loudly and clearly about responsibility and, in his saying this, implied that he saw the Office of the Presidency as one for moral leadership and he was going to assume that moral leadership because of things that he said when he was a candidate. While running for office in 1992, he said the following: "Responsibility starts at the top. That's what the New Covenant is all about."

In a further quote, and this was criticizing, in 1992, then-President Bush, candidate Clinton had this to say: "The buck doesn't stop with George Bush; it doesn't even slow down there."

I think it is fair to say that on this issue, the buck does not even slow down with the President. In fact, I have rarely seen a buck change hands so many times. From the perspective of the Office of the President and its occupant being moral leader for our Nation, what kind of example does that set for the American people? What kind of moral leadership is that? Each time that a leader fails to take responsibility for his actions, he undercuts his moral authority to lead. Over time, a leader like that loses the confidence of those he is leading, the people of our country.

So, more so than anything else that deals with this issue, dollars and cents aside, righting wrongs aside, that is the issue here, that is the reality of whether moral leadership is going to be the example at the White House. The bill is all about Congress taking the initiative to right a wrong, and those trying to block it are conspiring against the President taking responsibility for his mistakes. But the issue is moral leadership of the White House, a President saying when he is wrong that he is wrong.

So I urge my colleagues on the other side to save the President any more embarrassment. Stop legislative shenanigans. Work with us to do what little we can to repair what was unjustly done to seven dedicated public servants, innocent by a determination of the jury, unfairly fired within just a matter of days of a new President being sworn in.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GRASSLEY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, again, speaking about the bill that is before us, the bill to reimburse Mr. Dale for his legal expenses that were attributed to him in his defense when the jury found him innocent of the wrongdoing he was charged with supposedly at the running of the White House Travel Office and his firing by the White House, I want to continue my discussion of this legislation by referring to one of the evening news shows. I believe it is NBC that has a segment called "In Their Own Words," that lets real people tell a story in their own words without the filter of a journalist's slant on that story. I would like to do my own version of "In Their Words."

On January 24 of this year, a hearing was held in the other body by the Committee on Government Reform and Oversight. The witnesses included the seven fired from the White House Travel Office. I want my colleagues to know firsthand of the indignity suffered by these seven at the hands of our leaders in the White House. So, for the RECORD, I will quote these seven employees in their own words from their own testimony, their own prepared statements before the House committee.

The first statement—and I am not going to quote the whole statement, just portions of it—the first statement is by Billy Dale, the person that the legislation before us involves. He was former director of the White House Travel Office. These are a couple paragraphs from his statement:

> It was not easy for me or my family. We were subjected to the most intense intrusions and harassment you can imagine. We were sustained during those very difficult times by our faith and the many friends and professional colleagues who stood by our side.
>
> I had hoped that after the jury found me not guilty so quickly, we could return to the very quiet and simple life we used to live. However, since the release of David Watkins' memorandum describing how he was supposedly pressured to fire the entire staff at the White House Travel Office, I have been subjected to false attacks at least as vicious as the ones I was tried and acquitted. This time, however, there is no trial pending.

To further quote at another point in Mr. Dale's testimony:

> What matters to me is that fancy lawyers and others who speak for the White House not be allowed to get away with the lie that my colleagues and I were involved in other kinds of wrongdoing. It also matters to me that people not be allowed to spread the equally vicious lie that I was willing to plead guilty to embezzlement before trial. And, finally, it matters to me that these same people not be allowed to tell the public that the Travel Office was cleaned up and is now managed better.

A further quote from Mr. Dale at another point in his testimony:

> All these facts lead us to conclude that the financial mismanagement that the White House says is the reason we were fired is just a convenient excuse. If the President or the First Lady or anyone else wanted us out in order to give the business to their friends and supporters, that was their privilege. But why can't they just admit that that is what they wanted to do, rather than continue to make up accusations to hide that fact?

Another person who testified before the House Government Operations Committee is Barney Brasseux, and I quote from his testimony:

> For me, the 19th of May, 1993 was the beginning of a difficult time and the first of several eventful days that turned my life upside down. I was fired, told to vacate the premises within 2 hours, driven out of the White House in the back of a cargo van with no seats, implicated by the White House in criminal wrongdoing and placed under investigation by the United States Justice Department, even though I had no financial responsibility whatsoever in the office.
>
> Many questions and concerns have been raised in these reports regarding the handling of our termination. The manner of our dismissal, the damage to our reputations, the impact of this action on our families, the possible involvement of the First Lady of the United States, and the role of the Federal Bureau of Investigation are just a few. All of these issues are very important to me and I trust to you as well.

A further quote from John P. McSweeney. The title of his position at the White House was assistant to the director, White House Travel Office:

> Although I have been a registered Democrat for 44 years, it was not a political but a civil service appointment. This came to an abrupt halt while I was on leave in Ireland when my son Jim called to inform me that the evening news shows had just announced that the entire staff of our office had been fired and that the FBI was starting an investigation for possible criminal activity.

Continuing to quote Mr. McSweeney:

> Although the White House recognized that not all of us had any financial authority, for the next 30 months we all became part of a full-blown Department of Justice investigation with Billy Dale as their target. For myself, it involved FBI agents interviewing my neighbors, two grand jury appearances, two Justice Department and FBI interviews, and one meeting with the IRS, along with legal fees of over $65,000 of my retirement funds.
>
> Over time, where before I had been intimidated, it now turned to complete frustration as the White House had free reign with the media in putting out its story while we were muzzled by the Justice Department. They presented me with a letter that stated that I was not a subject or target of their investigation at the present time, which meant that anything I said could be used against me.

Again, from Mr. McSweeney, he had this to say:

> We were already described as no more than glorified bellmen for the press. I would only quote the President at his press conference of last week when he said, "an allegation is not the same thing as a fact" and also that [quoting the President] "the American people are fundamentally fair-minded." [End of quote of the President.]

Mr. McSweeney goes on to say.

> I would hope that he [meaning the President] would repeat his statement to some of his spokesmen.
>
> Along these same lines, during your hearings of last week, a new so-what, who-cares attitude seemed to be the new theme for some in this room. During a recent First Lady interview, Mrs. Clinton expressed, as would any parent, how concerned she was and the effort she had made to help her daughter cope with hearing the many negative comments being made about her mother.
>
> Blanche Dale, unfortunately, was not able to do so for her daughters over the past 30 months. She had to sit and watch as her daughter Kim who, 2 days after returning from her honeymoon, had to report to the Department of Justice and show how she had paid for her wedding, her reception, her honeymoon, and, since we were present at her reception, answer questions about any discussions we may have had.
>
> Her daughter Vickie, when interviewed by the Justice Department, in explaining that she was giving her cash car payments to her father so that he could deposit them in the White House Credit Union for her, was asked if she was not uncomfortable with giving her cash to someone who was stealing money from the Travel Office.
>
> To those who say so what, you should remember that the American people may have a gray area on legalese, but they know right from wrong.

That is the end of quoting from the House document.

The American people do know right from wrong. That is why a jury of peers of Mr. Dale acquitted him. That is why this legislation is before us, because the American people do know right from wrong. But the White House has not admitted right from wrong yet.

So, Madam President, I want to conclude by saying something that Shakespeare had to say in the play "Othello," because the character of Iago in that play seemed to sum up nicely what each of these seven employees and their families went through. I will quote from Shakespeare.

> Who steals my purse steals trash. But he that filches from me my good name, robs me of that which not enriches him, and makes me poor indeed.

That is what we are talking about here, Madam President. And this bill before us does not even begin to address what really makes these citizens poor. Money alone cannot do it, but this bill is a start. So I urge my colleagues to help make a start for them on their road to recovery.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRASSLEY). Without objection, it is so ordered.

Mr. HATCH. Mr. President, I want to make a few comments about this Billy Dale bill.

As everybody knows, Billy Dale was unjustly persecuted. His colleagues were mistreated. The costs to them are unfair. You would think everybody in the Senate would want to immediately rectify all of those wrongs. I hope that our colleagues on the other side will not filibuster this because of their concerns about other legislation that they will have an opportunity to bring up.

This is very, very important legislation. It is fair. It will establish a decent resolution to what really has been awful. Let me just give the time line of some of the Travel Office events so that everybody understands, at least to a certain degree, what happened here.

On May 19, 1993, the White House fired all seven Travel Office employees. At least two of those individuals first learned about their dismissals on the evening news. Talk about a crass way of doing it. The White House first stated that the firings came as a result of an internal audit revealing financial irregularities in the office.

Several months of independent review and oversight hearings uncovered the actual motivation for the firings. Certain people, hoping to advance their own financial interests, attempted to destroy the reputations of the Travel Office employees and take over the Travel Office business of the White House, and, I might add, some indication of the whole Government. These same persons used White House staff members to initiate a baseless criminal investigation by the FBI. It was one of the low ebbs in criminal law enforcement in this country.

According to the congressional investigation, certain individuals were responsible for the firings—Catherine Cornelius, a cousin of the President employed at the White House; Harry Thomason, a close personal friend of the President and First Lady; Darnell Martins, Mr. Thomason's business partner; and David Watkins, assistant to the President for management and administration. These were the people primarily responsible for the firings.

In December 1992, discussions took place between Ms. Cornelius and World Wide Travel, the agency that served the Clinton-Gore campaign, about the eventual takeover of the White House Travel Office business.

In January 1993, Watkins hired Ms. Cornelius. Soon thereafter, the Travel Office began taking calls from Ms. Cornelius as the new head of the Travel Office.

In February 1993, Ms. Cornelius provided Watkins with a proposal that would make her a co-director of the White House Travel Office and would hire World Wide Travel as the outside travel specialist.

In April and May 1993, Ms. Cornelius began to focus on the Travel Office and with Harry Thomason claimed that there were allegations of corruption within the office. During this time, Ms. Cornelius and Mr. Thomason pushed to have World Wide take over the Travel Office business.

In May 1993, employees of the White House counsel's office, Ms. Cornelius, and others met with the FBI regarding the Travel Office. Although the FBI was unsure that enough evidence existed to warrant a criminal investigation, William Kennedy of the White House counsel's office, former partner of the First Lady, informed Bureau agents that a request for an FBI evaluation came from the highest levels. At this time, it was determined that the accounting firm of Peat Marwick would be asked to perform an audit of the Travel Office.

On May 14, Peat Marwick's management consultants made their first trip to the White House.

On May 17, Mr. Watkins and Mr. McLarty decided to fire the Travel Office staff. Although Mr. Dale offered to retire, Mr. Watkins told him to wait until the review was complete.

On May 19, Patsy Thomasson informed Mr. Kennedy that a decision had been made to fire the travel office workers. Kennedy informed the FBI, who warned him that the firings could interfere with their criminal investigation. Kennedy informed the Bureau that the firings would go ahead anyway.

That same day, before the bodies were even cold, Mr. Martens called a friend from Air Advantage to have her arrange the Presidential press charters. Meanwhile, Mr. Kennedy instructed Mr. Watkins to delete any reference to the FBI investigation from talking points on the firings.

At 10 a.m. that same morning, Watkins informed the travel office employees that they were being fired because a review revealed gross mismanagement in the office. They were initially told that they had 2 hours to pack up, clean out their desks, and leave. Watkins learned that press secretary Dee Dee Myers had publicly disclosed existence of the FBI investigation as well as the Peat Marwick review. Later that same day, Myers gave another press briefing in which she denied that an FBI investigation had taken place. She claimed that the firings were based on the Peat Marwick review.

Interestingly, the Peat Marwick review was not finalized until May 21, 1993, 2 days after the firings. The report was dated on May 17, however. The report gave no assurances as to either its completeness or its accuracy. In any event, while the report found certain accounting irregularities, it found no evidence of fraud.

In May 1994, the General Accounting Office reported to Congress that while the White House claimed the terminations were based on "findings of serious financial mismanagement weaknesses, we noted that individuals who had personal and business interests in the travel office created the momentum that ultimately led to the examination of the travel office operations." GAO, the General Accounting Office, further noted that "the public acknowledgment of the criminal investigation had the effect of tarnishing the employees' reputations, and the existence of the criminal investigation caused the employees to retain legal counsel, reportedly at considerable expense."

Of course, as everyone in this body knows, Mr. Dale was the only travel office employee to be indicted. And it took a jury only 2 days to acquit Mr. Dale after a 13-day trial.

There was no reason to indict Mr. Dale. There was no reason to tarnish the reputation of these White House Travel Office employees. There was no reason to brutalize these people the way they were brutalized. And there is no reason for us in this body not to pass this legislation unanimously and to resolve this manner in an honorable, compassionate, reasonable, honest, and decent way. That is what this is all about. This is to right a wrong, or a series of wrongs.

It may never fully resolve the tarnishing of the reputations of these people. It may never do that. But at least we can do what we can do at this late date, because of the injustices that were committed at the White House by certain White House employees and whoever those were who were referred to as those at the top of the heap, at "the highest levels of the White House."

Frankly, whoever they were, they ought to be ashamed of themselves because in all honesty, these poor people, whose situation we are trying to resolve today, have been very badly damaged.

I do not know what it means, by "the highest levels of the White House," but I have carefully stayed away from some of the characterizations that others have given, where there are some facts that would indicate who are at the highest levels of the White House and who were at that particular time.

Just so everybody knows about what is going on here, this legislation provides for payment of the legal expenses incurred by Billy Dale, Barney Brasseux, John Dreylinger, Ralph Maughan, John McSweeney, and Gary Wright. The legal expenses are in connection with the wrongful criminal investigation launched against these seven people subsequent to their firings.

Though Mr. Dale suffered the greatest financial loss, half a million dollars, the remaining six employees collectively incurred about $200,000 in their own defense. The appropriations bill for the Department of Transportation for fiscal 1994 provided approximately $150,000 in reimbursement of legal fees. This bill would provide the balance.

This bill would not provide for compensation of all expenses associated with the investigation into the Travel Office matter, such as legal costs incurred in preparation for appearing before Congress. But it would provide for attorney's fees and costs that resulted from these seven defending themselves against criminal charges.

The Travel Office employees will have 120 days after this legislation is enacted make a claim for legal expenses. All legal bills submitted will be reviewed for their appropriateness and any reimbursement will be reduced according to prior Department of Transportation reimbursements.

According to independent counsel statutes, attorneys' fees may be reimbursed to individuals confronted with the unique circumstance of being subject to the scrutiny of a Federal investigation. This is not something that the ordinary U.S. citizen is subject to. In the case of the White House Travel Office firings, the staff of the Travel office was investigated by the Department of Justice, Federal Bureau of Investigation, and the Internal Revenue Service. But for the fact that they were Federal employees, who were fired by the White House, these individuals would not have been investigated by these agencies. The White House was able to bring the power of Federal law enforcement to bear on otherwise blameless individuals. And people know that they are blameless.

Reimbursement of legal fees under independent counsel statutes was designed, at least partially, because of the potential for political abuse of the investigative power of the independent counsel. The White House has the authority to wield tremendous power with respect to Federal investigations. None of the Travel Office employees held prominent posts in the White House, but they became a target of a Federal criminal investigation. These public servants never should have been scrutinized in this way and forced to defend themselves in this manner.

Hamilton Jordan, who worked for the Carter administration, is an example of a case in which attorney's fees were reimbursed. Mr. Hamilton Jordan was investigated for charges of cocaine use. After an independent counsel was appointed and the evidence was examined, all charges were dropped. I felt that was a low point in our country's history. In defending himself through this ordeal, Mr. Jordan spent thousands of dollars in legal fees. Since the charges were baseless, Congress provided reimbursement of his legal expenses and related costs. His legal fees were reimbursed, in part, because he was a Federal employee and would not, under ordinary circumstances, be subject to an independent counsel investigation. The circumstances of the Travel Office employees are similar in this respect.

Mr. President, I hope my colleagues on the other side are not going to delay this bill. I hope that, as serious and as deeply as they feel about other matters, that they will recognize the injustices that have occurred here and we will all vote 100 to zip to rectify these wrongs that have occurred to these White House people, former White House people.

Like I say, we may never be able to make it up to them because of the tarnishing of their reputations that occurred through this process. But we ought to do the best we can, and that is what this bill is all about. It is the right thing to do. It is the appropriate thing to do. It is the compassionate thing to do. And I think it is a long overdue thing to do.

I do not know anybody on the other side who would vote against this. I do not know anybody on the other side who would differ with what we are trying to do here.

This has been a bipartisan effort. Like I say, 350 Members of the House voted for it, only 43 against it. I think it is time for us to do what is right here, and I hope my colleagues on both sides of the floor will help us get this done today.

I see my colleague would like to speak. I have some other things I want to say on another matter. Is it on this matter?

Mr. PRYOR. Mr. President, if the distinguished Senator from Utah will allow me, I would like to make a few comments and maybe engage the Senator in a couple of questions, if that is permissible.

Mr. HATCH. That is fine. I will be happy to.

The PRESIDING OFFICER. Does the Senator yield the floor?

Mr. HATCH. I yield.

The PRESIDING OFFICER (Mr. COATS). The Chair recognizes the Senator from Arkansas.

Mr. PRYOR. I thank the Chair for recognizing me, and I also thank the distinguished Senator from Utah, the chairman of the Judiciary Committee, for allowing me to make a few comments and observations, plus ask a couple of questions.

First, the distinguished Senator from Utah, Mr. President, just said that the proposal to appropriate or to allocate some $487,000 to pay the legal fees for Mr. Billy Dale is to right a wrong. I think this body wants to right a wrong, and I think this body, if there has been a wrong committed in the Billy Dale matter, will support the distinguished chairman of the Judiciary Committee.

However, before we do that, I think we need to really ask ourselves what we are doing here.

First, to right this wrong, as the distinguished chairman has mentioned, we are going to be overlooking a very, very large number of individuals who have been wronged. Now, are we going to apply this same test and this same standard, are we then going to try to right this wrong for many, many people who have come to testify before the Special Watergate Committee, who have testified before Kenneth Starr's grand jury and before the trial in Little Rock, AR? What sort of a standard are we going to adopt for these individuals?

For example, Maggie Williams is the secretary to Mrs. Clinton at the White House. Today, she is not a target. Today, she does not expect, I assume, to be indicted. Today, there is no one who stands at the gate with shackles or leg irons to take Maggie Williams off to jail, but today she owes over $200,000 in legal bills. This is not someone who makes a great sum of money, relatively speaking, Mr. President. This is someone who, basically, was doing her job as she saw fit, along with many other people who are involved in the White House and who have been called before the special committee and before Mr. Starr.

We have had 45 hearings and 5 public meetings. This committee has met 250 hours. The committee has heard testimony from 123 individuals. They have taken depositions from 213 individuals. Some of these witnesses have testified and have been deposed two and three times. These numbers do not include the hundreds of other citizens who have been deposed and appeared as witnesses before committees in the House of Representatives, the independent counsel, the RTC, and the FDIC.

Mr. President, I ask my friend from Utah, is there not some degree of sentiment or concern for these individuals? Perhaps I can pose that question to my friend.

Mr. HATCH. This is considerably different from Whitewater. I have to say the Whitewater investigation is not completed. As a member of the Whitewater Committee, I have to say that there is an awful lot of undercurrent, an awful lot that is wrong with what went on in that area. There are a lot of unanswered questions. There are documents still to be delivered. There are questions concerning each of the witnesses who have appeared. I think until that is resolved, as was Billy Dale's, I do not think we can make a determination as to whether we should get involved with attorney's fees.

Let us assume there is a tremendous injustice at the end of the Whitewater matter. I think you are going to have a rough time making that case with all of what some would call the sleaze factor throughout the Whitewater hearings and proceedings. But let us assume that it turns out to be the same as Billy Dale's and the White House Travel Office employees' acquittal or even a clear-cut set of facts that there really was nothing wrong and nobody did anything wrong. I personally believe that is going to be a hard conclusion to reach after having listened and watched the Whitewater proceedings now for a long time. But let us assume that happens. Yes, I would be interested in righting that wrong as well.

In this case, we have come to a conclusion. I think the effective conclusion was when Billy Dale had to go through the litigation and the courtroom proceedings, having been accused of criminal activity, having been indicted and having gone through a jury trial and having a jury of his peers conclude that Billy Dale was an honest man. I think the facts showed he was an honest man throughout this process.

I think that is completely distinguishable, at least at this time. Now, if at the end of Whitewater there are those who have been unjustly treated in the same manner who had the same clear vindication that Mr. Dale and his colleagues have, yes, this Senator would want to do what is right there as well.

Until it is concluded, I do not see how you can argue that is the same situation. Although I have to tell you, I really believe there is far too much of this stuff going on, these counteraccusations back and forth, and far too many things that are done on a political basis.

Frankly, one last thing, since Whitewater—let me just make that point a little bit better, too. I think there is far too much politics played on both sides from time to time. But just to make the point on the Whitewater, I have to say, the subject of Whitewater is the subject of an independent counsel investigation, which Billy Dale's was not, and subjects of an independent counsel investigation will have a right to be compensated for attorney's fees, assuming there is no wrong, if there is no indictment handed down, and that is the way the law is. So there is a protection built in on the Whitewater matter that is not built in on the Billy Dale matter.

Be that as it may, my colleague has been a friend of mine for a long time. He knows me, and I know him, and he is my friend. He knows if I think there is an injustice, I do not care about the politics, I am going to try to right that wrong. In this case, I do not think anybody denies there was an injustice. I do not think anybody denies there was a series of wrongs. I do not think anybody denies his reputation and those of his colleagues were besmirched and tarnished by inappropriate action by certain people at the White House and others. I do not think he would deny at all there is no other way to get them reimbursed for this travesty which happened to them other than our doing the right thing and compassionately standing up and saying we are going to reimburse them.

Mr. PRYOR. Mr. President, I think it is time to set the record straight. The distinguished Senator from Utah has stated if Billy Dale, who has been indicted and now we are about to pay his attorney's fees—if there is an indictment by the special counsel, by Kenneth Starr, or any other special counsel, if that indictment ever comes forth, then the attorney's fees are not automatically paid, they are not reimbursed if there is an indictment by the special counsel.

We are carving out a very special, new area here, Mr. President, and I think we ought to all know what we are doing.

Mr. HATCH. Let us make it clear. If Maggie Williams, to use the distinguished Senator's illustration, is not indicted, she is entitled to attorney's fees reimbursement. If she is indicted, she is not.

If she is indicted and she is tried in a court of law—and I do not mean to pick on Maggie. The Senator used the illustration. Let us use just a hypothetical. Let us say "A" is indicted. They go to the criminal trial, and "A" is convicted. We are not going to pay the attorney fees in that situation. But let us say "A" is acquitted, then I think it is an appropriate thing for us to come at that time and see what we can do to right the wrongs that were there.

Mr. PRYOR. I think once again, Mr. President, we are setting out Mr. Dale as a very special individual. This is special legislation to benefit him. Others do not have the benefit of this special legislation. I am simply saying that if we are going to do this for one, I do not understand why we do not do it for others.

Mr. HATCH. If the Senator would yield. I do not think we should do it prospectively. I think if we see wrongs, we can right them on the floor. I do not see any reason to have any problem righting this wrong. If there are wrongs that need to be righted in the future, as chairman of the Judiciary Committee I am going to do my best to right them. My colleague knows that is so. I do not care about the politics and who is on whose side. If I think it is wrong, we ought to do it. But I do not think we should do it prospectively for a blanket righting of wrongs without knowing what case it is.

This is special legislation, there is no question about it. But, Mr. Dale, Billy Dale, is a special case. He was singled out by the White House for an unjust prosecution, frankly, very unjustly so, wrongly so. I think, since my friend is from Arkansas and is the strongest supporter of the President here, that he would give credibility to even the President's comments that he thinks this ought to be righted, these wrongs ought to be resolved.

Mr. PRYOR. Once again, I think, Mr. President, we need to set the record straight. The White House did not prosecute Mr. Dale. The White House did not prosecute Mr. Dale. The Justice Department prosecuted Mr. Dale. He was indicted by a grand jury. He was acquitted. Maybe that is good. I am not here to argue that. I may very well support this, but what I would say——

Mr. HATCH. Will the Senator yield? The Justice Department leaked his plea arrangements. The Attorney General is appointed by the White House. I am not blaming her. The White House has a certain element of control there. White House officials brought in FBI people. They directed the FBI to investigate this.

Frankly, without the White House, this travesty would never have occurred. It was people in the White House who absolutely were wrong. Everybody knows today who brought this about. I have to say, Billy Dale went down the drain financially and reputationwise because of people down at the White House, some of whom have greed on their minds with outside people, who did not care about Billy Dale, did not care who they tramped on. They did not care about this poor little guy who served eight Presidents, and his colleagues, and put them through an untold amount of misery, that he still is suffering from, and has broken them without any justification whatsoever, not any. Even Peat Marwick agrees with that.

Mr. PRYOR. Mr. President, the distinguished Senator from Utah made an impassioned plea for justice, an impassioned plea to, so-called, right a wrong. I hope the Senator from Utah will apply that same passionate plea for justice to my sense-of-the-Senate resolution. I hope that the Senator from Utah will allow me, this Senator from Arkansas, to call up amendment No. 3959 to this Travelgate proposal and allow a sense-of-the-Senate resolution to go forth.

If I might ask the distinguished Senator, has the Senator filled up the tree or is an amendment possible?

Mr. HATCH. The tree is filled up.

Mr. PRYOR. Is there any reason why we cannot amend this bill? I want to know that.

Mr. HATCH. What is the sense-of-the-Senate resolution?

Mr. PRYOR. I am glad the Senator asks.

Sense of the Senate for the reimbursement to certain individuals for legal expenses relating to the Whitewater Development Corporation investigation.

FINDINGS. The Senate finds that—

(1) The Senate Special Committee to Investigate Whitewater Development Corporation

> and Related Matters . . . has required depositions from 213 individuals and testimony before the committee from 123 individuals;
>
> (2) many public servants and other citizens have incurred considerable legal expenses responding to requests of the Committee;
>
> (3) many of these public servants and other citizens were not involved with the Whitewater Development Corporation or related matters under investigation;

And here, I say to my friend:

> (b) SENSE OF THE SENATE.—It is the sense of the Senate that—
>
> (1) a legal expense fund should be established to compensate individuals for legal expenses incurred responding to requests by the Committee; and [finally]
>
> (2) only those individuals who have not been named, targeted, or convicted in the investigation of the Independent Counsel relating to the Whitewater Development Corporation should be eligible for reimbursement from the fund.

If they are indicted, they do not get any compensation for their attorneys. If they are not, if they are not named, if they are not a target—how in the world can we keep bringing these people up here, arraigning them before the committee, making them pay their own expenses, making them absorb all these legal fees? How can we do it? I hope you will allow me to introduce and present this sense-of-the-Senate resolution.

Mr. HATCH. Of course, we cannot do that. First of all, there would be somebody in here on every congressional hearing. So we cannot allow that. That is way too broad. Second, you know, our bill does not cover congressional hearings. This Billy Dale hearing does not cover congressional hearings. I am talking about the bipartisan bill of both sides. It does not cover congressional hearings. They are not going to be reimbursed for their attorney fees for that. They are reimbursed for their attorney fees to protect themselves from criminal charges.

Frankly, this is not going to reimburse Mr. Dale for everything he has incurred. It certainly is never going to get his reputation back, although I think everybody who knows him and knows what happened probably respects him even more today for having gone through what he did.

Let me just make a point here. Even some of the most partisan people in the House were in favor of this bill. A person I have a lot of respect for as one of the more intelligent Democrats in the House is BARNEY FRANK of Massachusetts. This is right out of the CONGRESSIONAL RECORD during the House debate. He said this:

> Mr. Speaker, the Congress retains always not the right but the responsibility to make judgments case by case. I think the gentleman from New Mexico has fairly pointed out, should some other individuals come before the Congress and be able to make claims that Congress finds similarly meritorious, they may benefit. I do have to differ a little bit with the argument that says, "Well, we should not do it for anybody if we cannot do it for everybody."

Then he goes on to say:

> Mr. Speaker, we unfortunately rarely can do justice for everyone. I have myself, because I served on the Administrative Law Subcommittee, which dealt with claims on the Immigration Subcommittee, been part of bringing to this floor legislation that made some people whole when other people similarly situated were not made whole. We can never do it all. And I think it would be a mistake to say either we do all of it or we do none of it.

Then he goes on to say:

> Mr. Speaker, I thank the gentleman from New Mexico, who I think stated it the best way we can. This neither sets a precedent nor precludes someone. Any new case will be judged on the same merits.

There is one of the leading Democrats on the Judiciary Committee in the House, one of the brightest people in the House of Representatives, a person I have worked with ever since he has been here, I have to say, someone who is known as a very intelligent, aggressive, and effective partisan in the Democratic Party, and someone whose liberal credentials I think would match anybody's over here. He made it clear that you just cannot solve every case with one bill.

I will just say this to my dear friend from Arkansas. I feel for people who are called before congressional hearings. I do. I wish we never had to call anybody, except to enlighten us and help us pass better legislation. I do think independent counsel are used far too often. I also think that far too often people do have to hire attorneys around here just to make sure they are protected and they have some protection for themselves.

I understand that personally. There were very unjust accusations against me where I had to hire attorneys that cost me over $300,000 just to make sure that nobody pulls any dirty tricks on you. Frankly, nobody understands that. Nobody reimbursed me, I have to say. I think there are many, many other Members who have had similar situations where they have been very unjustly treated and where they get stuck with attorney fees. I personally do not like it. I personally think it is wrong.

In Whitewater, I think we do have to wait until it is over, at least until we conclude the hearings, and then determine if people are indicted—if they are indicted; if they are not, they are not—and then determine which cases are those where there has been injustice. It has to be on a case-by-case basis. That is my experience in the Judiciary Committee. Otherwise, we would be the fountain of all money here.

Now, with respect to your amendment, I note that, No. 1, the Whitewater investigation is not complete. When it is, we can consider whether or not we will compensate people for testifying regarding Whitewater. Your sense-of-the-Senate resolution would set a bad precedent to provide compensation even before the investigation is complete.

No. 2, our bill, unlike your sense-of-the-Senate resolution, does not provide compensation, any compensation, for those who might testify before the Congress. It provides compensation in this case for what are legitimate reasons, what are compassionate reasons, what are honest and just reasons, that I think virtually everybody, except 43 Members of the House, would agree with.

I think if my colleague would take my word for it, I certainly will try to rectify any injustices that come in the future, whether from Whitewater or others, and I think maybe by remedying some of these things, maybe we can get Members of Congress and other people who are so quick to smear people to not do so much because it will cost the taxpayer occasionally to rectify these wrongs.

Frankly, I would like to get rid of the smear tactics in the White House, and sometimes in the Congress, and get down to doing our jobs and doing them modestly, without trying to make political advantage, as some have done—I am not accusing the Senator from Arkansas of doing this—as some have done in times past.

I think this is a completely distinguishable thing from Whitewater, even though I understand the distinguished Senator has many friends who have been involved in the investigation and is concerned about them, as I would be if I was their Senator. I think, justly, he is raising these issues so we will be more sensitive about them in the future. I assure my colleagues I will be sensitive about them.

Mr. PRYOR. Mr. President, I think there is another injustice here, and that injustice is that we are bringing this measure to the floor of the Senate and we are being precluded from offering any amendments to it whatever. We cannot offer any amendments to it.

Now, I wonder how defensible that position is by the Senator from Utah, when all that I have here is a simple sense-of-the-Senate resolution. It does not require anything. It does not appropriate one dime. It merely says that a legal defense fund should be established to compensate individuals for legal expenses incurred, responding to requests by the committee, and only those individuals who have not been named, targeted, or convicted in the investigation of the independent counsel related to the Whitewater Development Corp. should be eligible for reimbursement from the fund.

Does the Senator from Utah say that he is going to preclude me from offering this amendment, this simple sense-of-the-Senate resolution?

Mr. HATCH. I am saying that the Senator is already precluded because the trees are filled up.

Second, we should just understand here, the reason why the trees were filled is because this is a noncontroversial, bipartisan-supported, I think, 100 to zip vote in the Senate, and some of our colleagues on the other side want to load it up with controversial partisan amendments.

Frankly, I would just like to pass the bill and find the right vehicle to bring up the partisan amendments. With regard to the Senator's sense-of-the-Senate resolution, which I think he would have to admit would not be binding on anybody, frankly, I think the Senator should take my word that if there are injustices with these people, we will work them out in the future. As chairman of the Judiciary Committee, I do not want any injustices there any more than I do in the case of Billy Dale. Until the investigation is complete, I think it is untoward for us to try to set up or even mention in a sense-of-the-Senate resolution that we should set up a general fund to take care of these things. We can take care of these things.

In the past when we have had injustices, we have come in with special bills like this to resolve them. That is the way they ought to be done. We have not resolved all injustices in the past. I know some that should have been but were not. In this case, this is one everyone admits ought to be adjusted, except for 43 Members of the House of Representatives. I think everybody in the Senate thinks it ought to be adjusted and resolved. I personally want to get this resolved. I hope my colleagues will let us do it. I think, of all the things to filibuster, this should not be it.

I can see other heavyweight bills where there is widespread political disagreement when a filibuster is legitimate. I would be the first to say you have every right to do it. On this bill, I think it is unseemly. It smacks of looking like you are trying to protect a White House when we just want to get it over with, or I want to get it over with and right this wrong. By dragging it out, you are saying you are not willing to right a wrong.

Mr. PRYOR. Mr. President, there is not one Member on this side of the aisle of the U.S. Senate trying to slow this bill down. We are not trying to slow this bill down. We are trying to offer a simple sense-of-the-Senate resolution. We have been locked out. We are not going to be able to offer any amendments to this.

Now, another amendment that could slow this bill down—and I assume the Senator from Utah is not going to let this Senator offer that amendment, talking about "to right a wrong"—and that is to deal with the GATT loophole, the GATT loophole as it relates to Glaxo and Zantac, forcing the seniors of America, forcing the consumers of America and the veterans of America to pay an unreasonable fee for Zantac and other drugs, $5 million a day—$5 million a day. I do not see the Senator up here saying we have to right that wrong.

Mr. HATCH. Will the Senator yield?

Mr. PRYOR. Would you permit me to offer an amendment relative to righting that wrong, to protect the consumers from these unfair drug prices?

Mr. HATCH. If the Senator will yield, first of all, it is not a wrong. The Senate Judiciary Committee just passed a bill out to resolve that——

Mr. PRYOR. I want to talk about it.

Mr. HATCH. To resolve that matter, 10–7. That is the appropriate way to debate this. If the Senator disagrees with that bill, the Senator can do so.

I think it is telling here that we have a bill which passed the House 350 to 43 that the President said he would sign to right this wrong, that my friends on the other side of the aisle are attempting to derail.

Mr. PRYOR. We are not trying to derail anything.

Mr. HATCH. Sure you are, if you vote against cloture. Keep in mind, if we have cloture, any relevant amendment—this is amendable by any relevant amendment—if we get cloture, you can bring up any relevant amendment you want. Of course, the GATT amendment is not relevant. Any germane amendment, I should say.

I am really concerned that my colleagues on the other side are more concerned about partisanship than righting wrongs. Everybody knows that the GATT amendment which the distinguished Senator has tried to pass now for months and which is heartfelt on both sides, is certainly not germane to this bill. It is not relevant to this bill. It certainly would cloud this bill, as would any other amendment.

We want to pass a bill that rights this terrific wrong to Billy Dale and to his colleagues.

Mr. PRYOR. Mr. President, I hope my colleague will allow me to say something. No one knows more than the distinguished Senator from Utah that, under some conditions, relevancy does not matter as to an amendment in the Senate. It does in the House but not in Senate. So set that record straight.

Second, the Senator has mentioned that the Judiciary Committee on Thursday, 10 to 7, passed out the solution to the Glaxo amendment.

Mr. President, what this did, this particular measure, I say in all respect to the distinguished chairman of the Judiciary Committee, the Judiciary Committee's proposal to correct the Glaxo issue made matters worse for the generic drug companies by adding 20 more months of patent protection for Glaxo and for a handful of drug companies that are reaping a $5-million-a-day windfall from our error. That is what the bill did. This bill that came from the Judiciary Committee on Thursday added additional obstacles. It added months and perhaps years of court litigation.

Mr. HATCH. Will the Senator yield?

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 has arrived.

Mr. HATCH. Mr. President, I ask unanimous consent for another 30 seconds for each of us.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. What in the world does the Glaxo thing or the Zantac thing have to do with Billy Dale and getting compensation to Billy Dale? Tell me, what in the world does it have to do with this bill that everybody agrees ought to be passed, including the President?

Mr. PRYOR. Because it is based upon the same principle the Senator from Utah enunciated when he got up to speak. This is to right a wrong. The GATT issue is to right a wrong. I subscribe to that same issue.

Mr. HATCH. Well, there are two sides to that issue. Thus far, the Judiciary Committee has taken a side that the distinguished Senator from Arkansas does not agree with. The fact is, there is a time to debate that bill. Let us bring the bill up and have a full-fledged debate, and I think everybody will realize there is much merit as to what the Judiciary Committee did.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. BREAUX. I ask unanimous consent that the time before the recesses be extended for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REAL WELFARE REFORM

Mr. BREAUX. Mr. President, while the discussion has been interesting, I want to bring to the attention of my colleagues an article on Sunday with reference to the President's statement on welfare reform, which I think is very significant. While the Congress tries to come together on a welfare reform plan, it is very clear that the administration is trying to move forward on its own to get things done which are real reform. He said—and I totally agree—"We have to make it clear that a baby doesn't give you a right, and won't give you the money, to leave home and drop out of school." The President said that in his weekly radio address.

The Executive order that followed up on that statement, I think, is real welfare reform. What it does is simply require, through Executive order, without waiting on the Congress, that States require that teen mothers, who are having children, stay at home or live at home in adult supervision, or go to school, and that if they do neither, their welfare benefits would no longer be allowed to continue.

With this executive action, all 50 States will now be required to keep teen mothers, who are on welfare and who have children, in school; and that for the first time, the administration will now be able to—and intends to—audit all of those States to make sure that, in fact, they are doing that.

In addition, all 50 States will now be able to provide what are, in essence, rewards to encourage those who do stay in school, but also sanctions for those who do not. Teen mothers in all 50 States, who have dropped out of school, will now have to sign personal responsibility plans requiring them to get a job or go to school.

The whole idea behind this is self-sufficiency. It is clear that the whole system has not worked. In addition, all 50 States will be encouraged to require minor mothers to live at home, or with a responsible adult, in order to receive assistance.

Mr. President, it is clear, and we all know that about half of all welfare recipients in our country have their first child as a teenager. If we are really talking about true welfare reform, we have to encourage good behavior, staying in school, or living with an adult family, a mother and father, or a mother, or adult supervisor, to help provide the training for that person.

This action by the President is part of an ongoing effort to try and reform welfare. The administration has given welfare waivers to allow States to be creative to 37 of our 50 States, allowing them to impose tough time limits and tough, new work requirements. The whole idea is to be tough on work but good for children. It is high time that the Congress enact real welfare reform so that we do not have to continue to do it from an administrative standpoint.

But this was a very significant decision. I applaud the administration and President for taking it. Last, I think we are making some real progress in putting the welfare system back on the right track so that people will no longer have to be dependent on it.

It is clear, the President said once again, that having a child does not give you a right; it really gives you additional responsibility. This step on the part of the President will ensure that that responsibility on the part of teen mothers, working with adult supervision and going to school, is going to bring about real welfare reform.

I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:14 p.m.

Thereupon, the Senate, at 12:35 p.m., recessed until 2:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on H.R. 2937, an act for the reimbursement of attorney fees and costs incurred by former employees of the White House Travel Office with respect to the termination of their employment in that office on May 19, 1993:

Bob Dole, Orrin Hatch, Spencer Abraham, Chuck Grassley, Larry Pressler, Ted Stevens, Rod Grams, Strom Thurmond, Thad Cochran, Judd Gregg, Paul D. Coverdell, Connie Mack, Conrad Burns, Larry E. Craig, Richard G. Lugar, Frank H. Murkowski.

CALL OF THE ROLL

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on H.R. 2937 shall be brought to a close?

The yeas and nays are required. The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL. Mr. President, on this vote, I have a live pair with the Senator from Vermont. If he were here, he would vote "nay." If I were permitted to vote, I would vote "yea." I therefore withhold my vote.

Mr. LOTT. I announce that the Senator from Rhode Island [Mr. CHAFEE] is necessarily absent.

Mr. FORD. I announce that the Senator from New Jersey [Mr. LAUTENBERG] and the Senator from Vermont [Mr. LEAHY] are necessarily absent.

The yeas and nays resulted—yeas 52, nays 44, as follows:

[Rollcall Vote No. 109 Leg.]

YEAS—52

Abraham
Ashcroft
Bennett
Bond
Brown
Burns
Campbell
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Heflin
Hollings
Inouye
Johnston
Kennedy
Kerrey
Kerry
Kohl
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone
Wyden

PRESENT AND GIVING A LIVE PAIR

Pell, for

NOT VOTING—3

Chafee
Lautenberg
Leahy

The PRESIDING OFFICER. On this vote, the yeas are 52, the nays are 44. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. GRASSLEY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Mr. President, I and many others are very disappointed we cannot move forward on this legislation. I believe this legislation is very important to provide relief for Mr. Dale and six other members of the White House Travel Office. I think it is the right thing to do. To me, the bill is a decent gesture that Congress can make to seven individuals who have been forced to endure a tremendous injustice. These people were publicly, knowingly, and wrongly accused of severe improprieties. They had their careers put in jeopardy, their finances devastated and their reputations forever stained for what appears to be an effort for personal gain of insiders.

Three years ago when Billy Dale and the other members of the Travel Office were fired, the statement released by the White House on the firings was a source of immediate concern. It said:

> Within the Travel Office, we found sort of gross mismanagement, if you will. There is basically very shoddy accounting practices, mismanagement and a number of other things. In order to correct those, we thought it advisable to take immediate action.

My concern over those firings was certainly not eased when it was disclosed that the Travel Office staff was fired based on an audit that was neither complete nor available to anyone for review. The Travel Office staff was fired and accused of mismanagement without being given the opportunity for a hearing or a chance to clear their names. Finally, travel business that was handled by salaried employees of the Federal Government previously and done on a noncommissioned basis was turned over to a Little Rock travel group.

At that time, I was ranking member on the Treasury, Postal Appropriations Subcommittee, which has jurisdiction over the funding for the White House. I sent a personal letter to the President requesting answers to the questions and the reasoning for selecting the Little Rock travel agency.

Unfortunately, like so many things from the administration, we did not get straight answers. There were half-truths and misleading statements. What the White House should have done is have the courage to tell the public the individuals were fired so that business could be given to friends of the First Family.

But instead, the White House made the decision to question publicly the integrity of seven career civil servants. Unfortunately for Mr. Dale and his colleagues, they also launched an investigation and a prosecution and hid behind the accusations.

As one commentator stated:

> The administration tried to transform a prosaic personnel change into an act of moral heroism.

The President immediately absolved himself saying:

> I had nothing to do with any decision except to save the taxpayers and the press money. The only thing I know is we made a decision to save taxpayers and the press money. That's all I know.

The First Lady also denied any involvement. Then an embarrassing memo was released from David Watkins in the White House laying the responsibility for the firing squarely at the feet of the First Lady. Despite this memo, denials continued from the White House. She maintains that she just "expressed concern" regarding mismanagement.

The White House remained unflinching in their refusal to admit that the firings had anything to do with anything other than financial mismanagement on behalf of the Travel Office staff. It was undoubtedly to continue that perception that the White House pushed the Department of Justice on to Mr. Dale. They had a very weak case, and they went forward nevertheless at a tremendous personal and financial cost to Mr. Dale.

Despite the White House spin and the efforts to lay the blame at the feet of Mr. Dale and his colleagues, the facts have come out. These are not pretty.

No. 1, a cousin of the President who had worked on travel during the campaign wanted to head the White House Travel Office.

No. 2, a Hollywood friend of the President had an interest in an airline charter company that wanted to profit from the White House business, and he was not happy the Travel Office was not giving him any opportunities.

No. 3, the relative of the President and the Hollywood friend concocted stories of corruption and people on the take. The President's cousin even took documents and files out of the Office to try to make a case against the Travel Office staff.

No. 4, according to the memo from David Watkins, the First Lady said we would have hell to pay if we cannot comply with the First Lady's wishes to fire the staff.

Finally, the White House made a public statement accusing the staff of gross misconduct. The White House, despite longstanding policy to the contrary, without checking with the Department of Justice, contacted and politicized the FBI to try to back up their efforts.

Unfortunately, after much personal harassment and great disruption and embarrassment to all of the members of the White House travel staff, the punishment did not end there. Mr. Dale was indicted for allegedly embezzling funds. But, as all of us now know the jury found him not guilty in less than 2 hours. As the distinguished chairman of our Judiciary Committee has noted yesterday, that is usually the amount of time it takes most juries to get organized. Talk about an open-and-shut case. That one was clearly it.

Mr. Dale said after his acquittal he was relieved and prepared to go on with his life. Unfortunately, that is not what happened. Within weeks the Watkins memo surfaced—and it squarely contradicted the sworn testimony of the First Lady before GAO investigators—and the Clinton damage control team went into a full-court press. The White House spin doctors, Anne Lewis, the Clinton campaign, and high-priced Washington lawyers, including Mr. Bennett, and even the First Lady herself in interviews, continued to make allegations that had been thrown out in the criminal proceedings against Mr. Dale and the White House staff.

I think enough is enough. The dedicated public servants who worked in the Travel Office have suffered enough. I think that this bill is a small gesture which would not only offer some consolation to these people, but help them get out of the financial hole this whole matter has caused them. It was with great disappointment that we learned that the other side has chosen to filibuster this. My only guess is that this is an effort to save the President the embarrassment of having to sign this bill.

I urged last week that the majority leader bring this bill to the floor so we could hear arguments against it on the Senate floor. I am still waiting to hear any compelling argument. I appreciate the majority leader having called it up. I hope that one of these days very shortly we can get on with doing a very simple act of justice by providing compensation for some of the expenses and costs incurred. I yield the floor.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I believe, considering the results of the last vote, where it is very clear that there is a filibuster by the opposition to hold this bill up, it is important that the public have a chance to weigh in because this is such a political issue here trying to avoid this bill coming to the White House to save the President the embarrassment of signing it. When there are this much politics in the issue, and the public at the grassroots weigh in, they can make a considerable impact on the legislative process here in the Congress of the United States.

This may be one of those times when the public can make a difference, because this is clearly such a political move by the other side of the aisle. If politics wins out over right, then in the end wrong wins. It seems to me that the public will not want that to happen and they cannot allow that to stand.

This is such a clear-cut issue. First of all, there are seven employees involved that were fired. We have already taken legislative action for the others, but for Mr. Dale, no, because at the time we took action for the others, his trial was pending. Mr. Dale was subsequently then found not guilty by the jury.

So now we are taking action to do for Mr. Dale the same as we did for everybody else. There was not any debate in this body whatsoever over the action that we took on the others. It went through noncontroversial. The situation with Mr. Dale should be handled the same way. It should have gone through here in what we call wrapup at the end of the day and do it where we do all the noncontroversial measures.

But what we have seen today is politics at its best—politics at its best in the sense that the stonewalling is at its best, to see something that is right not to go on, not to go through, because there might be some embarrassment for the President. The Democrats want to protect the President from that embarrassment. Today what we have seen is kind of a drive-by sabotage of this effort to right the wrong that has been conducted against Mr. Dale, because he was unfairly, wrongfully fired.

Maybe there is no question he could have been fired, but the point is how the White House has tried to explain it and supposedly explain it away as a legitimate way of doing business. All the harm that has come to the family, not only of the employee who was fired, but the family because they have been wrongly treated, wrongly treated by a person who ought to know because he preaches the communitarian spirit that we ought to have one toward the other. That is what the President of the United States preaches.

We ought to have charity. This does not show the charity that the President preaches that we all ought to have one toward the other when somebody is wrongfully fired, when you bring the FBI and the Justice Department to bring a guy to trial. Then he has gotten off, and then we are trying to right that wrong by covering the legal expenses of Mr. Dale. It is wrong for the other side, acting at the behest of the White House, to avoid embarrassment for the White House for this all to go on and then at the other time preach a spirit of charity and communitarianism towards one another in this country.

The whole effort is being sabotaged. Worse yet, it is being sabotaged without even the other side engaging in much debate on the issue. They have really succeeded in legislative harassment of Mr. Dale, the same sort of harassment, just in another environment, that has been done against Mr. Dale by the White House, by the Justice Department, by the IRS. Thus continues, as I see it, the White House campaign to avoid embarrassment on this issue.

It is very clearly a clear-cut, right-versus-wrong issue. Politics has won out this day. The President continues to avoid responsibility for his actions. The victims continue to be wronged. That is why when it is so clear-cut, when our judicial system has cleared somebody, then I think it is a time for the American people to weigh in.

I ask the American people to make their voices heard on this issue, to hold the President's feet to the fire. Even if you are a Democrat out there in Main Street America, it seems to me that you want your President to do what is right. What is right is to sign this legislation, to call off the hordes on Capitol Hill that are preventing this measure from coming to a vote, and have the President demonstrate his charitable attitude that he preaches. Tell the President of the United States to show moral leadership, to do the right thing, to sign this bill.

Lastly, if politics wins in this instance, then it wins over right. When that happens, politics wins over right, then wrong wins. The public cannot allow this to stand.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll. The bill clerk proceeded to call the roll.

Mr. GRAMM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REPEAL THE GASOLINE TAX

Mr. GRAMM. Mr. President, there is a growing concern in our country about the rise of fuel prices, the rise of gasoline prices. Obviously, the President shares this concern. We have committee hearings underway. We have studies. We have investigations.

We all know that there is only one thing we can do that is going to bring down gasoline prices immediately. In fact, we have the capacity, by acting now, to bring down the cost of filling up the gas tank on your car, on your van, on your truck. We can save you about $1 a fill-up by repealing the 4.3-cent-a-gallon tax on gasoline that was adopted in 1993.

That gasoline tax increase did not go to build new highways; it went to general revenue. What we would like to do today is repeal that gasoline tax. We would like to repeal that tax on highway gasoline, on highway diesel fuel, on railroad diesel fuel, on inland waterway diesel fuel, on aviation gasoline, on noncommercial jet fuel, and on commercial jet fuel. We would like to repeal that 4.3-cent-a-gallon tax on each of those fuels, do it today and have that repeal in effect until the end of the year, giving us an opportunity to write a budget and to institute a permanent repeal as part of that new budget.

It would be our goal today to pay for this loss of revenue by cutting the overhead and travel budget of the Energy Department and by selling a very small part of the spectrum, something that the President has supported at a level of $38 billion of sales, something that the Congress is on record in favor of. On a $19 billion sale, we would have roughly a $2 billion sale as part of this package.

If you want to bring down the price of gasoline at the pump, if you want, by Friday morning, to have every filling station in America going out, opening for business, bringing down their posted price by 4.3 cents a gallon, saving every motorist in America about $1 when they fill up their tank, there is only one thing we can do, and that is repeal this tax on gasoline.

I hope we can do it today. I hope the House can act quickly, that the President will sign it, that we can grant relief. What a great thing it would be to do it on tax freedom day, when the average American family has worked from January 1 until today just to pay taxes.

For the first time this year, they are working for themselves. Today would be an excellent day to repeal this tax, to give relief to motorists and, in the process, let working families keep more of what they earn.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. GREGG). The majority leader is recognized.

Mr. DOLE. Mr. President, I particularly thank the Senator from Texas, who first raised this issue several weeks ago, and I thank him for his leadership. I think it would be an excellent day, since today is tax freedom day. Hopefully, we can reach an agreement here.

I think repeal of the gas tax will pass. The Senator from Texas has outlined how we pay for it—the spectrum sales, which is about $2.5 billion in savings, and the Energy Department, about $800 million over the next 7 years. This would repeal it through the end of this year, and the Budget Committee would then come forth with repeal thereafter.

I also add that, of course, it is tax freedom day, and a lot of people have noted that. I am not certain how many taxpayers have thought about it, but, as the Senator from Texas pointed out, tomorrow they are sort of on their own. For the first 128 days, they have been working for the local, State, and Federal Government, just to pay their taxes. That is on the average.

Since President Clinton came on board, we have added 1 week to that because of the big, big tax increase in 1993 of $265 billion to $268 billion. So it has already been extended. You have to work an extra week, after 3 years of President Clinton, to get to tax freedom day.

Some would say, well, 4.3 cents is not really worth it. I think that, from the standpoint of sending a signal to the American people, we are serious about tax reduction, serious about tax freedom day. It is not just a day to make an appearance somewhere or make a statement on the Senate floor. We are serious about it.

As the Senator from Texas pointed out, this 4.3 cents is not going for highways, or bridges, or mass transit, or construction of any kind. It is going for deficit reduction. I have voted for tax increases in the past, as has been pointed out by my colleagues on the other side, to build highways and bridges. That is what we thought the fuel taxes were all about.

In 1990, for a very short period of time, we had to divide a 5-cent tax increase between the deficit and the trust fund so that we could get our colleagues on the other side to go along with the budget agreement of 1990. That would have expired at the end of 5 years. But before that expiration date occurred, the big tax bill of 1993 took that 5 cents and put it all in the trust fund, but then added 4.3 cents to deficit reduction. Therein lies the problem of today. We have a permanent 4.3 cents gas tax for deficit reduction.

The people who build highways, who travel our highways, and use mass transit can understand if you are doing it to make the highway safer, for better transportation, better highways, and mass transit, but not deficit reduction. So we need to cut taxes for the average family. We also need to go back and look at some of the things that were vetoed last year, such as the $500-per-child tax credit, the expanded IRA's, tax relief for education expenses, estate tax relief for family businesses, marriage penalty relief, and a whole host of things we think are good incentives and should be adopted and would create jobs and opportunities.

American families—at least the ones I visit with—think they are paying enough in taxes. As I said, they are paying a lot more because of the legislation that was passed in 1993, without a Republican vote in the House or the Senate.

So today I am introducing, along with Senator GRAMM, and others, legislation repealing the 1993 gas tax hike. I am going to ask in a moment unanimous consent to bring the gas tax repeal to a vote on the taxpayer bill of rights. The taxpayer bill of rights 2 is pending at the desk. We can bring that up, offer an amendment, have 30 minutes of debate, and vote on it. It would then go to the House, and we will have repealed the 4.3-cent gas tax.

I hope we can have an agreement on this. It seems to me that we know it is going to pass. It is going to happen one of these days. It may as well happen today, as the Senator from Texas pointed out, on tax freedom day. So this would be a good day to indicate that we are serious about it.

There is some question as to whether the repeal would result in lower gas prices for consumers. On Friday, I was in Virginia at an Exxon station with Senator WARNER, Congressman TOM DAVIS, and others, and we were assured by the owner of the station—in fact, he is the owner of several Exxon stations—that, obviously, it was their intent to pass the 4.3 cents on to consumers. That is how they do business. They know their customers, and the customers are going to know whether or not it has been passed on to them.

Our amendment is drafted to ensure that this happens by providing an immediate tax cut against other applicable excise taxes. We also require that the Departments of Justice, Treasury, and Energy study fuel prices in June, July, and August 1996, to determine whether the gas tax repeal is passed through to consumers. Those Departments would be required to report back to Congress by September 30.

We also propose a sense of the Congress that the benefits of the gas tax repeal be made immediately available to consumers. So we have listened to the concerns expressed by our colleagues. We had the same concerns. We believe the benefits will go to the consumers. Just to make certain and erase any doubt or skepticism, we have added these provisions.

Repealing the 1993 gas tax will cut driving costs for families who drive to work, to school, to worship, or on vacation. There are many reasons for the skyrocketing gas prices. Maybe they will go up. We are not suggesting that the repeal of the gas tax is going to put the halt to rising gas prices, but they will be at least 4.3 cents less. It is one way of cut driving costs for American families and businesses. I think it is something we should do, something we will do. Also, we would like to scrap—and at the appropriate time we will talk about it, later this year—the current tax system and replace it with a flatter, fairer, and simpler system that no longer discourages savings and investment, economic growth, and job creation.

So I urge my colleagues not to object, so we can get on with the work of debating this. It should not take long. It is a fairly clear-cut issue at stake. I will now propound the unanimous-consent request, and I understand the distinguished Democratic leader may have some request of his own. I propound this request.

UNANIMOUS-CONSENT REQUEST—H.R. 2337

Mr. DOLE. I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 374, H.R. 2337, an act to provide for increased taxpayer protections; that one amendment be in order to the measure, which will be offered by the majority leader, regarding the gas tax repeal; that no other amendments or motions be in order, other than a motion to table; further, that immediately following the disposition of the Dole-Gramm amendment, the bill be read the third time, and the Senate proceed to passage of the measure, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, let me begin by saying that I believe this whole effort has a lot more to do with politics than the price of gasoline. We all know what is going on here. We all recognize what day it is.

We all ought to recognize, as well, that this is the first time in our recent history—perhaps in 100 years—that we have been able to reduce the deficit for 4 years in a row—4 years in a row.

So, Mr. President, we find ourselves in a situation here where, because we were able to show some courage and send the right message to the American people 4 years ago with regard to meaningful deficit reduction, now the American people are less in debt and have less difficulty visualizing ultimate success with regard to a real balanced budget than they have had in generations.

So, Mr. President, a lot of our colleagues are very concerned about what this really means. If we can find so convenient an offset, what is wrong with dedicating that offset to real deficit reduction, rather than a gesture which may or may not help the American consumer?

I reserve the right to object now because, I must tell you, I am not convinced that a sense-of-the-Senate resolution, which is all this is, with regard to ensuring that the consumer gets the benefit, is going to provide any confidence to anybody out there. We cannot accept a simple sense-of-the-Senate resolution as our only message to the American consumer that indeed they are going to benefit. With every 1-cent decrease in the tax, we are talking about a billion dollars in new profit to the oil companies.

And so, Mr. President, because we do not have that assurance, because we really think this merits some debate, I would ask that Senator DOLE's request be modified to permit other amendments to be offered from our side of the aisle. Otherwise, this will be the fifth or sixth bill to which Democrats are completely precluded from offering any amendments.

We cannot accept that. If we want to serve in the House, we ought to be in the House. If we want to serve in the Senate, we ought to have a good and open debate about this bill and all other bills that come before us. That is what the Senate process is all about.

So unless we can ensure that other amendments will be offered, then I would object, but I will offer that as a modification and ask unanimous consent.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Senator is asking unanimous consent to modify the unanimous-consent request——

Mr. DASCHLE. That is correct.

The PRESIDING OFFICER. Of the Senator from Kansas?

Mr. DOLE. Mr. President, I will reserve the right to object.

First of all, if the amendment is to make certain that the savings are passed on to the consumers, I am not certain how that is going to be implemented. I cannot imagine how the Federal Government can in every case determine that in every service station in America—I do not know how many thousands there are—savings are passed on to the consumer. That might take an army of additional Federal employees.

We do require in our bill that the Department of Justice, Treasury, and Energy study fuel prices and make certain it is passed through and report back to Congress by September 30.

I assume, if we found cases of price gouging, then we could take appropriate action. I do not know how we would do it in advance, how we would monitor, police such an effort all across America. So I do not know what else—we did it to indicate our concern, too. Obviously, consumers want to get a price decrease. They are not looking for repeal of the tax and then nothing changes for the consumer.

So I say if the amendment is with reference to the gas tax, we might be able to reach some accommodation, but I assume the Senator has in mind other amendments that reach far beyond the gas tax. Is that correct?

Mr. DASCHLE. If the majority leader will yield to allow me to respond, the answer is in the affirmative. Obviously, we have attempted in good faith to offer the minimum wage amendment to a number of other bills simply because, as the minority, we do not have the opportunity to have an up-or-down vote on the minimum wage. Studies have shown that an increase in the minimum wage provide over 100 times more benefit to the consumer and to the average working family than this meager amount of tax relief will provide.

So what is wrong with having a good debate on this and other amendments? That is really the essence of the Senate. It is to have a debate about amendments, offered by the minority or the majority, to improve legislation—make it more responsive to people. We are simply trying as best we can to protect our rights in this case as we have in so many other cases. That seems to me to be the price of working through legislation on this bill and on other bills.

So, yes, it is our intention to offer the minimum wage amendment and other amendments to this bill as the current majority did when they were in the minority.

Mr. DOLE. Mr. President, further reserving the right to object, I have thought about this a great deal. I would be prepared to go, I think, further than many of my colleagues would be prepared to go. We would call up another revenue bill—and there are some on the calendar, I guess; H.R. 2684 comes to mind—and modify the text of that with the repeal of the gas tax and that would be considered, 1 hour of debate—I know the Senator from Massachusetts would only take 30 minutes on the minimum wage proposal; it is in the RECORD a couple of times—and then I would offer an amendment which would be the amendment discussed by the Senator from Massachusetts on minimum wage, 45 cents and then 45 cents, which would raise it from $4.25 to $5.15, and we would add to that the so-called TEAM Act.

So it would be repeal of the gas tax, the minimum wage proposal tendered by my colleagues on the other side, with the TEAM Act, and we would have 1 hour on that and then we would vote.

Now, that seems to me to address all the concerns raised by my colleagues on the other side. It would be the win-win that I read about over the weekend. You would have repeal of the gas tax, and you would also have the adoption of the minimum wage which would take you to $5.15. I am not certain it could be done by July 1. It will take probably longer than that to implement the first increase, and then the second increase would take place a year from then.

So if that offer would be acceptable to the Democratic leader, it seems to me that would answer all of his concerns; it is the minimum wage proposal discussed on the other side of the aisle; it is the gas tax repeal that I think many of my colleagues on the other side of the aisle would vote for, and it would contain a measure reported out of the Labor Committee called the TEAM Act.

I think that might be one way to resolve this, and we would have that debate, have it this afternoon, repeal the gas tax, pass the minimum wage, and send it on to the House. We would be happy to do that at this point.

Mr. DASCHLE. Mr. President, let me just respond briefly, and I know the distinguished Senator from Massachusetts is prepared to respond as well. We have discussed as many scenarios as the imagination will allow. This is yet another iteration.

Basically, all we have said is that we want an up-or-down, clean vote. There are a lot of scenarios that could bring that about. This is another example. Senator LOTT and I have discussed many different ways in which to do this. But we still have not been given the assurance that we could have an up-or-down vote on freestanding legislation. So if the majority leader is now proposing that as an option, not marrying the two but have them freestanding, we will consider that. That is not my understanding, however. I will yield to the distinguished Senator from Massachusetts.

Mr. GRAMM. Will the distinguished majority leader yield?

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DOLE. I yield to the Senator from Texas, and then I will be happy to yield to the Senator from Massachusetts.

Mr. GRAMM. Mr. President, the tragedy of this thing is that 23 percent of this gasoline tax we are trying to repeal today is paid by families that make less than $20,000 a year. So whatever we are going to do in the future about allowing management and employees to get together and talk about safety measures, something that I think makes perfectly good sense—I understand the National Labor Relations Board intervened and stopped companies from talking about safety clothing for pregnant women, and that is what the TEAM Act is trying to provide, to allow supervisors and workers to get together as teams—I am for that.

I know the distinguished minority leader is for raising the minimum wage. The point is we can today cut the gasoline tax by 4.3 cents a gallon, we can lower the cost of filling up your tank by the end of the week by a dollar a tank and 23 percent of those savings will go to families that make less than $20,000 a year.

Can we not do this one thing to help the very people whom we say we are helping with these other provisions? Can we not move ahead with this one provision today and debate these other provisions tomorrow? I do not see why we want to hold this up. The American people are strongly for it. I have heard the distinguished minority leader say that he does not object. We could pass this today. The House could pass it tomorrow. The President could sign it on Thursday. And Friday morning when filling stations all over America open, the posted price could come down by 4.3 cents a gallon, saving a dollar a tank for working people.

Mr. BREAUX. Will the Senator from Texas yield?

Mr. GRAMM. I do not control the floor.

The PRESIDING OFFICER. The majority leader controls the floor.

Mr. GRAMM. My point is that this is something that helps everybody, and 23 percent of the benefits of repealing this gasoline tax accrue to people who make $20,000 or less. Let us help them today and then we can debate whether something else helps or hurts tomorrow.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. I just say that we would like, of course, first of all, to just pass the repeal of the gas tax today. We have the taxpayer bill of rights at the desk. We can amend that and send it back to the House, as I said earlier. I think it would be an overwhelming vote. We have it paid for. We are not going to add to the deficit. Keep in mind, this 4.3 cents does not go to highways or mass transit; it goes to deficit reduction and that is the big difference.

But in response to the indication from the distinguished Democratic leader that they would like to offer additional amendments, it occurred to me if we are prepared to repeal the gas tax, which I think a majority of both sides are for here, and are prepared to bring up the minimum wage that the other side has talked for, but with just little amendment called a TEAM Act, we ought to be able to come together on this. Everything they want is in the package, except we have one little piece. The TEAM Act amends Federal labor laws to make clear that employers and employees may meet together in committee or other employee involvement programs to address issues of mutual interest.

Who could be opposed to that, the employers and employees sitting down and talking about issues related to quality, productivity and efficiency, as long as they do not engage in collective bargaining? Who is opposed to this? Guess. The labor bosses. When the labor bosses say, "We are opposed," it reverberates on the Senate floor.

So we are ready to, I guess, accommodate our colleagues on the other side in nearly every instance except in this one area. We would hope we could have an agreement. We could go ahead and finish this afternoon; have a couple of hours debate and pass it. If we cannot pass it, just repeal the gas tax in itself, then let us double up and repeal the gas tax, pass the minimum wage with the TEAM Act added to it, and send it on to the House. It seems to me that would be one way to satisfy concerns of Members on both sides of the aisle.

Mr. KENNEDY addressed the Chair.

Mr. DOLE. I will be happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. I thank the Senator. I am sure the Senator is aware that the value for the average family with the 4.3-cent elimination of the gas tax, if it is passed on—and I think, as has been pointed out here, there is no guarantee it would be passed on—would be about $28 a year. The increase in the minimum wage is $1,800 a year, for those who are working on the bottom of the ladder. So the idea that was suggested by the Senator from Texas that "why do we not just do what we can this afternoon and leave that to future times?" is, I think, unpersuasive.

Let me ask the leader, as I understand, on the measure that is currently before the Senate, H.R. 2937, the reimbursement of the White House Travel Office employees, as I understand from the parliamentary situation, it is not in order for either the minority leader or myself to offer the minimum wage amendment on that. Am I correct on that? Am I correct?

Mr. DOLE. That is correct.

Mr. KENNEDY. I am correct on it. Now, as I understand it, the proposal that is being put forward by the majority leader in effect would foreclose any opportunity under his unanimous consent agreement earlier to have any up-or-down vote on independent legislation with regards to the increase in the minimum wage.

Mr. DOLE. It contains the increase you suggested in the minimum wage, 45 cents and 45 cents.

Mr. KENNEDY. Just finally, I am puzzled by the need for attention—for cooperation that the Senator points out, because, under Senator KASSEBAUM's bill, under the findings, she points out that employee involvement, which operates successfully in both unionized and nonunionized settings, has been established by over 80 percent of employers, the largest employers in the United States, and exists in 30,000 workplaces.

That is already in effect at the present time, according to Senator KASSEBAUM's findings. In her report it says the survey found that 75 percent of responding employers, large and small, incorporate some means of employee involvement in their operations. Among larger employers, where there are about 5,000 or more employees, the percentage was at 96 percent.

So I am just wondering, while many of us wonder about the wisdom of putting in the law another piece of legislation that is unnecessary, why we ought to confuse that with the proposal of an increase in the minimum wage which the overwhelming majority of the American people support, and, in fact, the leader himself has supported four out of four times—opposed it eight times in the past but has voted in favor of it in the past, and obviously thought it was meritorious then. Why should we wait for an early resolution of that issue, rather than to follow the suggestions of the leader? Is the leader telling us that is the only way we are going to have an opportunity to address this issue?

Mr. DOLE. If the Senator will yield, I guess it is the other way around. Your leader is telling us the only way we can move the Senate on anything is to vote on your version of the minimum wage.

We have a majority in this body. We have some responsibility to advance legislation, and there is a lot of it on the calendar we would like to advance, including reconsideration of the constitutional amendment for a balanced budget and other matters that have a great impact. We have tried to work it out in discussion. Maybe I understand why it cannot be worked out. But it seems to me we have now suggested—if we cannot do it today just with my first request, then I am prepared to make a second request that would deal both with the minimum wage and the TEAM Act and the gas tax repeal.

The TEAM Act, we are advised by the committee that it is necessary because of the 1992 National Labor Relations Board decision. I do not see what is wrong with employers talking to employees, but the unions do not like it. The labor bosses do not want their people talking to anybody in management. So they have sent the word down we cannot have this, and if we have to filibuster this, we will filibuster this.

The facts were pointed out by the Senator from Massachusetts—what difference does it make if we have it codified? So we are prepared to take it up right now and pass the bill. But if my colleagues on the other side want to filibuster their minimum wage proposal and repeal of the gas tax, then they certainly are going to have that opportunity starting tomorrow.

Mr. KENNEDY. Reserving right to object, Mr. President.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. DASCHLE addressed the floor.

Mr. DOLE. I will be happy to yield to my colleague, the Democratic leader.

Mr. DASCHLE. Mr. President, I admire the majority leader a great deal, as he knows. We all know what he is trying to do.

We all know that the President, for good reason, opposes the TEAM Act, especially in its current form. Why? Because it gives license to companies to set up rump organizations to negotiate with themselves. That is what this is all about. This is not talking to employees. As the Senator from Massachusetts has indicated, they can do that right now. What they cannot do is set up rump organizations to negotiate with themselves and claim some new victory here. That is what this is all about.

So that is what I said earlier, if you will recall. I said if the distinguished majority leader is prepared to separate the issues, the TEAM Act and minimum wage, so we are not amending a bill that is going nowhere, we will take a look at that. But that is not what I understood to be the suggestion here.

So, again, as I said, we want to be real here. If we can be real—if we can come up with a scenario that we know will really work—then we are prepared to negotiate in good faith and come to some resolution here. But to add this amendment to a bill that the distinguished leader knows is going nowhere is not a deal at all.

Mr. KENNEDY. Reserving the right to object, will the Senator yield for one moment?

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I am rather new at this, but it seems to me, when you get what you want plus you get a little icing on the cake, you get to vote to repeal the gas tax, you ought to take it. But now we are told—I did not know the President was opposed to this. I thought certainly he would be flexible on something like this. He probably is. But I know the labor unions have been in town and they dumped $35 million into different races, and they have certain priorities. I thought their priority was passing a minimum wage increase, not killing the TEAM Act, which is really minor. It is minor legislation.

So here we are prepared—I will probably get a lot of criticism on this side for doing this, but I am prepared to make this very generous offer to give my colleagues on the other side of the aisle a chance to vote to repeal the gas tax and to have their minimum wage proposal adopted. Who could be opposed to that? All we ask for is just one small, one little amendment. It probably would be hardly noticed by anybody. It simply says that employees can talk to management. They can talk about—in one case, they were talking about no smoking policies, and that was a violation of the NLRB. It seems to me we need to have a little common sense enter this debate.

I have listened. I have been persuaded by the Senator from Massachusetts we ought to take 30 minutes and pass a minimum wage, and we can add another 30 minutes for the repeal of the gas tax. Then we will put in 10 minutes for this little, tiny piece that nobody really cares about called the TEAM Act. Then we would have a package that we could all be proud of and we could accommodate the concerns of my colleagues on the other side of the aisle—I hope. I have discussed this with the majority whip. I think he is willing. I think my other colleagues may not be so willing, but they are prepared to accept this procedure if we can only convince our friends on the other side that we are now willing to give them what they want if they will just say yes.

The PRESIDING OFFICER. The Chair will simply state——

Mr. KENNEDY. Will the majority leader yield for a brief intervention for one question?

Mr. DOLE. I will be happy to.

Mr. KENNEDY. I would urge my leader to accept that proposal if the Senator would be willing to say that the workers will be selected by the employees rather than by the boss of the company. If you want to add that, I urge we move on ahead and get on with the business. That seems to me to be reasonable, that those who are going to represent workers will be selected by workers instead of the company. If the majority leader wants to make that as an amendment to give support to the TEAM Act, I urge we accept that this afternoon.

Mr. DOLE. The bill already ensures workers will retain the right to choose an independent union in the case of collective bargaining. I will be happy to consult my colleague, Senator KASSEBAUM, chairman of the Labor Committee, and run that by her and see what she thinks of it. I have not discussed that. I hope we will not scuttle this whole package over some little modification that may or may not be necessary.

So we are prepared now, or a half hour from now, to proceed, and I know my colleague from South Dakota—I guess maybe to clear up the present point, I object.

The PRESIDING OFFICER. There are two unanimous-consent requests pending.

Mr. DOLE. I object.

Mr. DASCHLE. And I object.

The PRESIDING OFFICER. Objection is heard to both, and the majority leader has the floor.

Mr. BREAUX. Will the majority leader yield for a question?

Mr. DOLE. I will.

Mr. BREAUX. I want to ask a question. It is a legitimate question. If we can all—almost all can—agree that the minimum wage increase is a good idea, the repeal of the gas tax is a good idea, and the passage of the TEAM legislation, as the majority leader described it, is a good idea, why should we not just take these up separately, debate them separately and vote on them separately? The ones that are good will pass, and the ones not good will not pass. What is wrong with doing them separately?

Mr. DOLE. Let me make it clear, some of my colleagues do not think minimum wage is a good idea. I read some of your colleagues feel the repeal of the gas tax is not a good idea and some of your colleagues feel the TEAM Act is not a good idea. So if you put them all together, it is not quite the good idea as taking them up separately, but when they are together, it becomes a fair idea that will get us enough votes to pass.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DOLE. I will be happy to yield to my colleague.

Mr. DASCHLE. I will wait until the majority leader is finished.

Mr. DOLE. Mr. President, as I understand, everything has been objected to?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. So where are we?

WHITE HOUSE TRAVEL OFFICE LEGISLATION

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. H.R. 2937 is the business.

Mr. DOLE. That is the Billy Dale legislation?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Mr. President, I say to my friend from Massachusetts, we can arrange to modify, chop a limb off the tree here, if we can agree on an amendment process.

Mr. KENNEDY. Why do we not just accept the pending amendment, which will open up the slot, and let us offer the minimum wage?

Mr. DOLE. We could not do that, but I think we can work out something. If you would rather have it on the Billy Dale travel matter just by itself, we can probably accommodate. But based on what the Senator from Massachusetts indicated—and I think we are closer maybe than we have been—I am going to ask the majority whip if he would visit with the Senator from Massachusetts. Let me again indicate, I did not think we would be rejected when we offered our colleagues what they wanted. But we have been rejected. So we will try maybe a different approach. I suggest the absence of a quorum, unless you want to go.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, we are obviously in a situation now where nothing is going to get done. I think the President's answer to the question is the right one. We are not going to get anything done. We are not going to get the Travel Office issue done, we are not going to get the gas issue done, we are not going to get the Amtrak authorization or anything else done until we can resolve this impasse.

I know the majority leader is acting in good faith to try to find a way with which to do that, but we will remain committed to ensuring our rights as the minority to offer these amendments until we can have that assurance.

I think the distinguished Senator from Louisiana said it as clearly as anyone can. If they are good bills, regardless of whether there is opposition, you could argue about the merits of the bill, but they are bills offered in good faith. They ought to be voted up or down, independently of one another. Mixing them, as is now being proposed, clearly obfuscates the question and ultimately defeats the purpose.

I hope we can recognize that instead of continuing to be mired in absolute paralysis. We do not want to continue that. We want to find a way out, but we are not going to give up our rights. We are certainly not going to give up the opportunities we need to raise the issues we care deeply about.

I yield the floor, and I thank the majority leader.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I think there is probably one more refinement we could make, and then if cloture was invoked on the amendment, the Dole amendment, then we could divide the issue: division I being minimum wage and division II being the TEAM Act, and then we could have a separate vote on each of those.

It seems to me that would be going one step further, and then if there were majority votes for the TEAM Act, that prevails, and if there are majority votes for minimum wage, then there are separate votes on each issue, if that will resolve the problem.

My view is, if my colleagues in the minority are entitled to vote on what they want, why are not my colleagues in the majority entitled to vote on what they want to vote on? We are told we cannot pass anything unless those in the minority vote on what they want to vote on. I had problems at the policy luncheon explaining that to my colleagues in the majority. The minority has that right. Do we have that right to vote on what we want to vote on? It should not be debatable.

So maybe there is another way we can attack it, and we will certainly look for that. We would like to resolve this issue today if we can. Tax freedom day does not end until midnight, so we have several hours here. I will ask the majority whip to get to work and see what we can come up with.

It was our mutual understanding that legislation on the gas tax repeal through December 31 of this year would be offered today. Due to ongoing negotiations on the spectrum language in the bill, I hope that language will be prepared for introduction tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to express my strong support for the minority leader in this exchange effectively. But as he has pointed out, we are foreclosed from offering any amendments to H.R. 2937, which is before the Senate. We were foreclosed from offering amendments on the illegal immigration bill. We had cloture imposed and the request that was made would have foreclosed us from any opportunity of voting on minimum wage or on the gas tax repeal legislation.

I want to say, quite frankly, I understand the position which has been taken by the majority leader where he says, "Well, if the majority wants to vote, why shouldn't the majority vote?" The problem is the minority happens to be the majority with regard to minimum wage. We have the majority of the U.S. Senate on the issue of the minimum wage. That is the reason that the majority ought to be able to vote and not be denied that opportunity to do so.

I, quite frankly, with all respect, find it exceedingly difficult to understand the rationale for denying us the opportunity to deal with this issue up or down. We have done it in the past. The majority leader has voted in favor of that legislation in the past four times since he has been in the House and the Senate. He has voted against it eight times. He has voted for it in the seventies and eighties. We had hoped he would vote for it in the 1990's. That legislation, it is my understanding, were separate pieces of legislation. That is all we are asking, do what we have done before and permit the Senate to address it.

So, Mr. President, it is important to know that we have every intention of offering that amendment on every piece of legislation that is going to come through here. We can go through these gymnastics in terms of denying Members the opportunity to raise issues and present them to the Senate, although that is inconsistent with the great traditions of the Senate over a long period of time. Maybe that is the way it is going to be run at the present time, but that is certainly inconsistent with the Senate that I have seen here, both under Republican and Democratic leaders, for over a period of some 30 years.

I hope that we will have the opportunity to work out this impasse because, basically, all we are talking about is trying to provide for working families who work 40 hours a week, 52 weeks of the year the opportunity to get a livable wage to provide for themselves and their families. There is a great deal of rhetoric on this floor about the importance of work, and yet we have a key opportunity to do something to reward work, working families, which we have done under Republicans and Democrats alike over the history of time, and for over 60 years, and yet we are being denied that opportunity to do so now. I think that is often a tenable, unfair position to assume.

Finally, Mr. President, I am more than glad to get into a discussion on the action of the TEAM Act. As I mentioned earlier, even from the existing findings by our committee, it indicated this kind of cooperation is taking place today with some 80 percent of the largest employers. From those surveyed, 75 percent of responding employers, large and small, have incorporated means of employee involvement in their operations. That is happening at the present time.

The question is whether those who are going to be representing the employees are going to be the representatives selected by the employees or whether they are going to be selected by the company store or the company union. That is the basic issue. No one is against cooperation. We are in complete support for cooperation. With all respect, the case in 1992, the Electromation case, does not deny the opportunity for that kind of cooperation.

We have supported that type of cooperation that we have seen in the State of Washington where employers and employees worked effectively together to reduce occupational health and safety risks and have seen about a 38- or 40-percent reduction in workers' compensation, and the associated industries in that State have said that it saved manufacturers about $1 billion over the last 6, 7 years.

That is happening today. That is happening today. We are all for that. That can take place today. It is happening in the State of Washington and the State of Oregon. Basically, what this proposal is is an antiworker and an antiunion kind of a proposal. I do not question that that is the position of the majority. They have been opposed to the minimum wage. They are opposed to Davis-Bacon to try to provide a construction worker with an average of $27,000 a year. They oppose that.

They put further restrictions on the earned-income tax credit which is for workers making below $25,000, $27,000 a year, a program that President Reagan warmly endorsed as the best antipoverty program that can help have a positive impact on children. They are against that particular program as well. They have come out here with opening up the pension programs for workers to permit corporations to take those pensions that did not belong to the corporations. We voted on that, and in spite of the fact we voted on it, the same provision came right back out after the conference.

The families of workers have taken it on the chin with the proposed reduction in education programs, the largest one that we have had in the history of the country, which we have defeated, and also the assaults on the increase in the Medicare Program and standards for nursing homes on Medicaid. These are the parents of working families.

So the idea that we have under the proposal of cooperation, the TEAM Act, and to say, "Look, all we want to be able to do is, in a competitive society, permit workers and employers to be able to work together to increase productivity," that is taking place all over this country. The report from our Committee on Human Resources indicates that, not only in the bill itself, in the findings, but also in the report.

There is something more behind it. And that is, instead of the workers being able to be chosen by their fellow workers to represent their interests, the boss gets a chance to do it. The boss gets a chance to set the agenda. The boss gets a chance to—the CEO of that company—to say when they will have those meetings. The CEO has a chance to decide whether these employees will continue to serve. That, my friends, is a dramatic change in the whole question of collective bargaining, and it deserves some debate.

This is not about cooperation in the workplace. It is far from it. We will have a chance to address that issue. It is a serious issue. We ought to have an opportunity to address it and to consider it. As I said, if the majority leader wanted to make sure that the employees that are going to be represented in that negotiation and in that cooperation are going to be employees that are selected by their fellow workers, by the unions in the companies and plants where they are unionized, and by the workers themselves in other plants, then we can move, I think, in an important way toward attempting to try and deal with this legislation in a very expeditious way. But that is not at the bottom of it. We know what is driving this legislation. It is antiworker legislation. It deserves to come under the debate and discussion here on the floor of the Senate.

Mr. President, I have just received a letter that has been sent by Secretary Reich on the TEAM Act. I will just take another moment of the Senate's time. I see others who want to address the Senate. This is a copy that was sent to the chairman of the committee and to the ranking minority member.

DEAR CHAIRMAN KASSEBAUM: We understand that your Committee may consider S. 295, the "Teamwork for Employees and Managers Act," on Wednesday, April 17. This bill would amend section 8(a)(2) of the National Labor Relations Act (NLRA) to broadly expand employers' abilities to establish employee involvement programs. I am writing to emphasize the Administration's opposition to S. 295, and to urge your Committee to not order the bill reported.

Section 8(a)(2) of the NLRA states that it is an unfair labor practice for an employer to dominate or interfere with the formation or administration of any labor organization. This provision protects employees from the practice of unscrupulous employers creating company, or sham, unions. Although S. 295 does not state an intent to repeal the protection provided by section 8(a)(2), S. 295 would undermine employee protections in at least two key ways. First, the bill would permit employers to establish company unions. Second, it would permit employers, in situations where the employees have spoken through a democratic election to be represented by a union, to establish an alternative, company dominated organization. Neither of these outcomes is permissible under current law nor should they be endorsed in legislation. Either one would be sufficient to cause me to recommend that the President veto S. 295 or other legislation that permits employers to unilaterally set up employee involvement programs.

The Administration supports workplace flexibility and high-performance workplace practices that promote cooperative labor-management relations, but has concerns about the impact of the TEAM bill. Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

Just as I said.

Current interpretations of the law permit the creation of employee involvement programs that explore issues of quality, productivity, and efficiency.

It should be noted that the National Labor Relations Board has recently decided five cases involving employee involvement programs. In two of the five cases the Board found that the cooperative group at issue did not violate section 8(a)(2). The other three present classic cases supporting the concerns voiced above. Moreover, it appears that several more cases are pending before the Board which concern the relevant issue.

For the foregoing reasons, the Administration opposes the enactment of S. 295. If S. 295 were presented to the President, I would recommend that he veto the bill.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

ROBERT B. REICH.

The point is, Mr. President, as the letter indicates, this legislation, for the reasons outlined here, and that I stated very briefly, would provide a dramatic change in the current law. The idea that we could dispose of it in 10 or 15 minutes—that was going to be suggested for it—I think demonstrates a real disrespect for the legitimate rights of workers in this country to be able to pursue their interests, both those that are unions as well as those that are nonunion. It is too important a bill and too important a concept to be treated trivially. We will have more to say at an appropriate time. I yield the floor.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, at the request of the distinguished majority leader, I will be happy to meet with the Senator from Massachusetts and talk about a procedure whereby these various bills could be brought up for consideration in the Senate later on today or certainly tomorrow.

I will repeat what the leader just said. This is a case where the majority has offered a deal to the Democrats that they ought to just say yes to. It is a fair proposal. As a matter of fact, the leader offered not one, not two, but three proposals as to how we can get these issues up for consideration.

First, he urged that we not hold up this White House travel matter, that we go ahead and proceed with the legislation that will allow for Billy Dale to be reimbursed for his expense that he had to very unfairly endure.

As a part of that, the leader asked that we be able to go ahead and bring up this afternoon the gas tax repeal amendment. That was objected to.

He then said, we could come up with a procedure that could be offered tomorrow whereby we could consider the gasoline tax repeal, the minimum wage that the Senator from Massachusetts has been so aggressively advocating, and the TEAM Act, which I want to point out right at the beginning is supported by the chairman of the Education and Labor Committee, supported by Senator KASSEBAUM from Kansas, and one that has broad support, not only from employers, but from a lot of employees that would like to work together with the employers on these issues. I will talk more about that in a moment.

He said we will get all three of them up, have a chance to discuss these issues, and be able to vote on it. That was objected to. Now, the minority leader got an opportunity to have the minimum wage considered, a repeal of the gas tax, which the American people overwhelmingly approve, with this one small addition of the TEAM Act. That was objected to. They got what they were asking for. They just do not seem to be able to say yes to a fair offer from the majority leader.

Then, the third proposal he made was, look, we will just consider them independently, separately. We will have the minimum wage that can be offered and voted up or down, the TEAM Act can be offered and voted up or down. Apparently that is objected to. The indication is that the minority would even filibuster a fair offer where each side gets to offer a proposal they feel strongly about. We would have a vote, and go forward. But that, once again, as I say was objected to.

I really think the American people need to take a look at what the majority leader just did. He offered not one, two, but three very fair proposals on how we can proceed on these issues. I will talk to the minority leader and to the Senator from Massachusetts more about that.

Let me talk a little bit about the proposals we have been talking about. On the gas tax repeal, I want to remind my colleagues that this was included in the tremendous tax increase that was passed with no Republican votes in 1993. This 4.3-cent gasoline tax would not go into the highway trust fund as we have most often done in the past, but would go into the General Treasury, into the dark, deep hole of the General Treasury and, as a matter of fact, probably made no contribution to reducing the deficit, but it did raise gasoline taxes.

Now, the minority leader said that we are now looking at deficits that have gone down, but the fact of the matter is we have more debt now than we have ever had in the history of this country. The debt has gone up. It continues to go up. If we had gone along with the President's proposals, there would be no end to $200 billion deficits into the future. We also have the highest tax burden on the American people right now than we have ever had in history—not just income taxes, but gasoline taxes, estate taxes, all the myriad of taxes the American people have to deal with. That is why we go right up until May 8 where people finally get a chance to get out from the burden of taxes to make use of their own money without it being taken for taxes.

It is a very fair proposal that we repeal this 4.3-cent gasoline tax and that we not allow this money to go into the General Treasury. We should have a gasoline tax go to build roads and bridges. We need that all over this country. We have highways and bridges that are deteriorating, need work, and the highway trust fund is not being released so that the bridges and highways can be improved. It is argued, well, 4.3 cents a gallon does not amount to much. Tell that to people driving 40 miles, 50, or 60 miles a day round trip or more to get a job, in many rural States in America. It adds up to over $25 billion over the next 7-year period. This is a lot of money.

It is one way we can provide some immediate relief on the gasoline tax increase, or gasoline price increase that we have seen. It would go to the people. There is no way that these companies and gas stations would just take that 4.3 cents and absorb it. They would pass it on to the people. It was a telling point that the Senator from Texas made that 23 percent of the taxes that have paid for this is from families that make $20,000 a year or less. They are the ones that are hit the hardest by this gasoline tax.

Let me talk a little bit about the TEAM Act because I think a lot of misinformation has been given. Over many years, the Federal Government laws have more or less assumed that workers and managers have an adversarial relationship. We should not have that. I think we are beginning to get away from that. Managers and employees should be working together. The attitude over the past 50 years has been that the employers and the employees really cannot work together to improve efficiency and productivity. The TEAM Act responding, though, to the NLRB, the National Labor Relations Board, a decision in 1992, the Electromation decision that has had significant consequences in recent months and in the last 2 years. There is beginning to be, now, a movement away from the cooperation that we had seen over the past few years.

Yes, there are currently 30,000 companies with workplace cooperative programs, but this decision and others have put a chill on that. There is an effort to move away from this cooperation. This act, the TEAM Act, just amends the Federal labor laws to make clear that employers and employees can meet together, in committee, or other employee involvement programs to address issues of mutual concern. Perhaps it could be smoking or it could be something that involves the quality of the workplace or productivity and efficiency—as long as they do not engage in collective bargaining.

There are a couple of other points that have been overlooked in some of the things that have been said on the floor today. The bill does not allow employees or employers to establish company unions or sham unions that undermine independent collective bargaining. So that is a mistake when it is inferred that there will be these company unions that would be formed. The bill ensures that workers will, however, be able to continue to retain the right to choose an independent union to engage in collective bargaining.

What we are talking about here is freedom of employers and employees to work together. That is not a big issue that is going to stir up a lot of controversy except for the labor union bosses. I repeat, even the workers, even employees like these arrangements. That is why in 30,000 instances it has been occurring. But it has been drifting away because NLRB is putting out decisions that undermine this type of cooperation, this type of freedom of employees and employers to work together.

I urge my colleagues to take a look at this TEAM Act. I will work with the Senator from Massachusetts and others to see if we can come up with a very fair package that will allow us to vote on all three of these issues. Then we will have dealt with them, and in a reasonable amount of time. The TEAM Act is not new. It has been reported out of committee. It is ready for consideration by the Senate. I am sure the majority leader would say we would allow adequate time, but after a period of debate there would be a vote here on that without a lot of amendments to completely take it apart.

We could have adequate debate on the minimum wage issue and on the repeal of the gas tax. All three of these issues could be addressed and we could move on with the business of the Senate. We have other issues that are very important that we would like to get debated and completed soon. We would have the budget resolution coming up next week. We need to get these issues addressed this week and move to budget and the appropriations process. I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Louisiana.

Mr. BREAUX. Mr. President, what the majority leader has presented to the Senate as an option is the old idea of mix and match. My wife tells me it is a great idea when you are shopping for clothes that you go out and mix and match and buy different things and try to mix and match them until you come up with a pretty good outfit. The problem is mix and match does not work in dealing with legislation. It may be a good way to buy clothes but a lousy way to legislate.

If you have three good ideas for bills, what is wrong with bringing them to the floor and debating? What is wrong with after you have dealt with the first, bringing up the second, follow the rules of the second, and then move on to the third. Let the Senate vote on each one of the appropriations. Why try and mix and match pieces of legislation that do not fit? When you are buying clothes and you mix and match and you buy the wrong size or color combination, you come out with a lousy product. The same is true when you try and put together pieces of legislation that do not fit, that are not the same color, that are not the same size. You come up with something that makes no sense. Mix and match may be good for buying clothes, but it is not for passing legislation.

I suggest that what we ought to do is look at each one of these propositions and talk about, then debate them. Some have merit, some have less merit, and some, I think, should not be passed at all. But there is no reason that I can see that you should somehow bundle everything up and have one opportunity to vote up or down. If you have bad items with good items, it just did not fit and should not be put together. They should be voted on, should be debated, and we should follow the rules of the Senate in considering legislation when it comes up in an orderly fashion.

I want to comment on the idea of repealing the 4.3-cent gas tax that has been suggested by the majority leader. I think it is an idea without merit. I think it is clearly a political idea, and being from Louisiana I have no problems with political ideas if they work. But if they do not work, a political idea is bad public policy.

Here is a case of exactly that. I will comment on why. No. 1, it is a dagger to the heart of any effort to balance the budget. In 1992, before we had the 4.3-cent gas tax, the Federal deficit was $290 billion. People in this country said, "Senator, do what is necessary to reduce the Federal deficit, get us on a slope, a downward path towards a balanced budget." Congress took some tough steps. No one said it would be easy. Our constituents said, "Do it," and we passed a budget reconciliation bill that had the 4.3-cent gas tax in it.

Today, instead of having a $290 billion Federal deficit, economists and the CBO tells us the projected deficit for this year is $140 billion. Did that just happen? No, it happened because Congress had the courage and the guts to do something to bring the deficit down, to cut it by over 50 percent, which is where we are today. The first time things get tough, people start running for cover, and the first cover is, let us repeal the 4.3-cent gas tax. But let us just do it until after the election. Is that the clearest political proposition that you could possibly ask for in a political year? I think it is.

When we passed the 4.3-cent gas tax, after we passed it, the price of gas at the pump was lower than before. Do you know what caused all of that? The whole thing I thought everybody really believed in—it is called supply and demand. When you have a shortage of supply and a high demand, the price for the product is going to go up. When the opposite is true, the equal opposite result is also true. When you have an excess of supply and low demand, the price goes down.

I thought our colleagues on this side of the aisle were real believers in the marketplace. And the marketplace is what has caused, along with other congressional actions, a spike in the price of gas between the months of April and May.

Interestingly enough, last year, if anybody wants to look at the records—not Democratic records or Republican records—prices at the gas pump have increased before by 6 cents a gallon between April and May. And, as normal, toward the end of the summer and early fall, the price started going back down. At the end of the year for 1995, the average price of gasoline in this country was lower than it ever has been in recorded history, when adjusted for inflation, which is the only fair way of looking at it. It was lower in 1995 with the tax than in 1994, which was lower than it was in 1993, which was lower than it was in 1992, which was lower than it was in 1990. And you can go all the way back to about 1920. But what the 4.3-cent gas tax helped us do was to reduce the deficit from $290 billion down to $140 billion. It is a consumption tax. It all went for deficit reduction, which my colleagues on that side of the aisle said is the most important thing we can do—get the deficit down. We got it down. And the first time it gets a little difficult, everybody runs for cover—well, not everybody, but a large number run for political cover because we have had some complaints in that the price of gas is too high.

Instead of saying to our constituents, "Let me tell you what really caused it. We produced 8 percent more heating oil over last year because we had colder weather." That is not the fault of anybody in Congress. That is just what happened. That was nature. The colder winter meant that we produced 8 percent more heating oil than gasoline.

In addition, something that Congress did was, we took the speed limit off and people started driving faster. Guess what? When you drive faster, you burn more gasoline. When you use more, it is going to cost more. Remember the law of supply and demand? People are using substantially more gas because of the repeal of the speed limit.

In addition, because of the Clean Air Act, which most Members support, and which I support, we told refiners in this country—particularly in California—"You are going to have to change your refinery, tear it down and rebuild it so you can now produce reformulated gasoline." Guess what? When they are not able to produce gasoline, you have less on the market and the price will go up as well.

I will give you another item that I think is one of the major things that has been done. Today, cars do not get as good gas mileage as they did when we were concerned about the price of gas, 4 out of 10 cars in America average about 14 miles per gallon. People are buying utility vehicles, larger cars, and they drive faster and further, and they are using more gasoline. Is it any surprise why the price of gas has gone up in the country?

For the life of me, I cannot follow anybody's argument that when you take the 4.3 cents off of the refineries at the pipeline, that it is going to automatically translate into 4.3 cents less at the pump. When I first heard this idea, I said the other day that lowering the gas tax by 4.3 cents has as much to do with lowering the price to consumers at the pump as spitting in the ocean does to raising the sea level, because there is absolutely no correlation that if you lower the tax that is paid for by oil and gas companies, they are going to necessarily pass it on to consumers at the pump—just like they did not increase and pass the increase on to the consumers at the pump when we passed it back in 1993. After we passed the increase, the price of gas at the pump was substantially lower than it was before we passed the gas tax. Why? The law of supply and demand. The price of crude oil started coming down, and the price of gas continued to go down. Consumers were not affected by the adding on of the 4.3 cents at that time.

I suggest that unless my colleagues on this side of the aisle or on my side of the aisle want to come in here with price controls—remember those, wage and price controls both?—come in here and mandate that everybody pass it all the way down the line to the consumer, there is absolutely no guarantee, or even a reasonable expectation that a consumer is going to really see the difference at the pump. So I think we have to be very careful, because I am concerned, as one member of a group that is trying to reach a balanced budget in a bipartisan fashion, where are we going to make up $30 billion in lost revenues, which can go to balancing the budget. If we lose this 4.3-cent gas tax, where will it come from? I heard a colleague on the House side suggested that we could cut education. Are we that weak in this country that we are willing to say we are going to cut education in order to pay 4.3 cents less at the pump? Is there no concern about our future and the future of our children, and we are willing to say we are so weak politically that we are going to cut education in order that we can have a 4.3-cent lower price at the pump, which is not guaranteed at all? Maybe all the oil companies—and my State has a few—will have a 4.3-cent increase in their profits per gallon, but there is no guarantee that the consumer will benefit. But to cut education to pay for this? Where are our priorities? Have we lost sense of the fact that education is the most important thing to do for our children and for future generations? Are we willing to say we are going to cut education before we stand up and do what is right regarding this? I think that is the wrong priority.

I heard somebody else say, "Let us sell the spectrum." We have heard that before. Boy, we have sold the spectrum more than we have sold the Brooklyn Bridge. Every time they want something, they say, "Let us sell the spectrum, and we are not going to step on anybody's toes." We are going to get $30 billion from selling the spectrum—again? For what purpose?

I think that we have to be very careful about doing something in a political year and making it last only until the next election, which I think is very clear; you can see through it as clear as pure water. A lot of people talk about a flat tax. A flat tax is a consumption tax. I believe we ought to be taxing productivity less and consumption more. This proposal goes exactly contrary to that. We are taking a consumption tax, which, hopefully, regulates behavior in a proper way, and makes people more conscious about driving habits, and use it for deficit reduction. Instead we are chucking it and saying we would rather increase the deficit or cut education, or go back to selling something that we have sold so many times before that nobody believes it will ever work.

The final point I want to make, Mr. President, is that the market does work. The marketplace does work. That is a fundamental principle in this country—that the law of supply and demand in this country works. This is from April 26. I am reading from the prices of crude oil on a weekly basis, west Texas intermediate crude oil prices, or the prices posted once a week for the price of oil per barrel. "When the price of oil per barrel goes up, eventually it works its way down to the price of gasoline at the pump, and it goes up. But when the price of crude oil per barrel goes down, it generally takes about a month before it reaches the price at the pump. In this case, I will share this with my colleagues because it is an indication of what is going to happen. If we just wait and have some political courage for a couple of days instead of running off and doing something that I think is damaging—as I said, a dagger to the heart—to a balanced budget in this country, the average price of west Texas intermediate crude on April 26 was $23.80 a barrel. The price of west Texas intermediate crude at the close of business on May 3 was $21.36 a barrel.

That is a 10-percent drop in 1 week—a 10-percent drop per barrel of crude oil in this country in 1 week, from April 26 to May 3.

Mr. President and all of my colleagues, I suggest that if you just hang around here a little bit longer, you will see that drop in the price of crude by 10 percent is going to be reflected in the marketplace. If we believe in the marketplace, which I think we should, that is going to be reflected in the price of a gallon of gas at the pump. I think that is the way this country ought to address this problem.

What we have before the Senate is a political idea that does not work, and political ideas that do not work are bad ideas, and sometimes I think too often politics makes bad policy, and this is an example, I think, of exactly that.

I yield the floor.

Mr. GREGG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

UNDERMINING THE LEGISLATIVE AGENDA

Mr. GREGG. Mr. President, I believe it appropriate at this time to review where we stand because there has been some discussion that has occurred since the majority leader came to the floor and outlined a proposal. Maybe his proposal has been obfuscated a bit because it was such a clear and fine proposal that people are trying to undermine it. But the fact is that what the majority leader suggested was you can have your vote. You can have your vote on minimum wage. You can have your vote on repealing the gas tax.

All we are asking is that in this process of having those two votes, we also have a vote on something called the TEAM Act, which is not, as the Senator from Massachusetts said, all that big a deal because so many companies have already signed off on it.

Yet now we hear from the other side that they essentially intend to filibuster an attempt to increase the minimum wage and to reduce the gas tax, to roll it back, simply because of this TEAM Act proposal. That is pretty outrageous.

In a moment, I would like to talk a little bit about what that proposal is because I think you need to understand that basically what we are hearing is a party has been captured by a constituency and is allowing that constituency to stand in the way of good policy.

But let us talk about the gas tax first. Why should we not repeal this tax? To begin with, it was sold under false pretenses. Three years ago, when this administration proposed this gas tax, they began by proposing a Btu tax, if you remember that, where they were going to tax all energy consumption in this country. States like New Hampshire and other States that depend on oil to heat our homes would have been hit with this tax at the home heating level and at the gasoline pumps and throughout the system that delivers energy to their communities.

That was such an outrageous idea that even Members on the other side rejected it. So the administration backpedaled and said, well, no, we will not do the Btu tax; we will do a gas tax. But at the exact same time we were hearing from the other side of the aisle that the taxes in the package which the President proposed 2½ years ago or 3 years ago were only going to affect the rich. In fact, the present Democratic leader, who was not the Democratic leader at that time, came to this floor and said this tax package is only going to affect people earning more than $180,000 or companies that make more than $560,000 a year.

That was the tax package that was sold to the American people, that was passed on to the American people's back and which included $295 billion of new taxes, the largest tax increase in history delivered to us by this President and Members on the other side of the aisle when they were in the majority 2½ years ago.

Nobody on this side of the aisle bought that. We did not buy it for fairly obvious reasons. No. 1, a gas tax is not a tax on people who earn $180,000 a year. When you pull into your gas station, your attendant does not ask you, "Do you make $180,000 a year?" before he hits you with the tax. He has to collect that tax whether you make 10 bucks a year or whether you make $1 million, whether you are in a small struggling company driving a pickup or whether you have a fleet of trucks. He still has to hit you with that tax.

So this was not a tax on the wealthy. This was a tax that was actually targeted in, as was pointed out by the Senator from Texas, on low- and middle-income people disproportionately because they have to pay the same rate of tax as people in the high incomes, and 23 percent of this tax falls on people with incomes, I believe, as the Senator from Texas said, under $20,000, or something like that. A very low percentage comes out of people with higher incomes. So it was a disproportionately unfair tax when it was put in place and remains so, and it should be repealed.

So why is the other side resisting repealing it? Why? Because big labor is upset, the Washington big labor leadership, the big bosses here in Washington are upset. That is why they are opposing repealing the gas tax.

Now we come forward, and we on our side of the aisle say, OK, we will accept your proposal on the minimum wage, we will accept the Kennedy language as proposed to increase the minimum wage. We ask that you accept our proposal to repeal the gas tax at the same time. We allow you to divide the votes. Just give us the chance to get both on a majority vote instead of having to have a filibuster around here where you have to get 60 votes.

What does the other side say? Nope. Sorry. We will not take the deal. We cannot accept that deal any longer. We are not that interested in increasing the minimum wage that we are going to stand in the face of the big labor bosses here in Washington who do not want this little thing called the TEAM Act. So we have the opposition, the other side of the aisle, saying essentially that two major points they consider to be, I suspect most of them, good policy—one, repealing this incredibly regressive gas tax that was put on 2½ years ago and, two, raising the minimum wage—are going to be held up because of what was described basically by the Senator from Massachusetts as an inconsequential amendment dealing with a minor point of labor law. Why? Because they have gotten the telephone calls from a couple streets over that said under no circumstances is TEAM Act going to pass this House.

But what is this horror called TEAM Act? It is not much, folks. TEAM Act just simply says what used to be the law and what most people think should be the law and what was the law up until 1992, I believe it was, when something called the Electromation was passed by the NLRB, the National Labor Relations Board.

Essentially, it says that people can get together in their workplace—what a radical idea—people can get together in their workplace and they can talk about issues that involve quality and productivity and efficiency. I think most of us have heard of things like TQM, the philosophy of management that basically grew out of the Deming approach which essentially revolutionized Japan and made them competitive in the world.

TQM is where you have a Deming approach, you have a team approach to managing the workplace. That is basically what TEAM Act does. It says you can have a TEAM Act approach operating in the workplace.

Now, you cannot do it under this bill, under TEAM Act, in any way that would undermine the independence of the collective bargaining effort. You cannot establish a company union. The specific language says that you cannot establish sham unions. But you can get together to discuss things like smoking policy; you can get together to discuss things like productivity: How do you make the place work better? Workers happen to be the best source of good ideas in many instances, and probably in most instances actually, certainly in large companies. The chance to bring them together in working teams works for Japan. It produces products in a much more efficient and effective way there. And it works here. It works very well here. It was working here quite well, extraordinarily well, until 1992 when, as a result of this NLRB decision, that policy was brought into jeopardy.

So this bill simply clarifies the policy. It says you cannot set up a sham union, cannot set up a company union, you cannot use this to undermine collective bargaining, but you can allow people to get together to talk about how they can make the workplace work better. This concept of team effort in the workplace is what is holding up repeal of the gas tax and increasing the minimum wage.

When people are cynical about Washington I guess sometimes they have a right to be, because what you have here is a money talks situation. The big labor bosses here in Washington have committed publicly, it has been reported across this country, $35 million to defeat members of the Republican Party running for reelection to Congress—$35 million. That is a lot of money. And money appears to talk, because the phone calls come in and the decision has been made to take down two items which, at least on that side of the aisle, although there are some on our side of the aisle who have reservations about some of these proposals—take down two items which have pretty much universal support and which were viewed as good policy: repealing the gas tax, which is regressive, and raising the minimum wage, simply because it affronts the big labor bosses here in Washington that we would try to make the workplace have a more cooperative atmosphere.

It is pretty outrageous but that is where we stand today. That is where we stand after the majority leader's proposal was rejected. Not only did the majority leader propose that, he went even an extra step. He said not only am I willing to give you a vote on repealing the gas tax, increasing the minimum wage, and also the TEAM Act issue, but I will let you even divide the question. He went so far as to say you can have your up-or-down vote on the minimum wage and you can have your up-or-down vote on gas tax. And that was rejected. That was exactly what has been asked for here for months by the Senator from Massachusetts.

Yet, suddenly we see the priorities. We see the priorities of the liberal side of the aisle. It is not this low-income worker about whom we have heard so much, it is not the person who has to pay that extra amount at the gas pump who is maybe having trouble making a living but maybe has to buy gas to get to work—it is not that person the other side of the aisle has as their No. 1 priority. No, it is some guy sitting in some building here in Washington who happens to have a big labor job. So that is what this is down to.

This is a simple question of money talks. It is regrettable. Hopefully the other side of the aisle will see this more clearly and come to their senses, because this proposal the majority leader has offered is an extraordinary generous act on his part to try to resolve some fairly complex questions that have been confronting this legislative body.

I yield the remainder of my time and make the point of order a quorum is not present.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PELL. Mr. President, I ask unanimous consent the quorum call be rescinded

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. PELL. I thank the Chair.

(The remarks of Mr. PELL pertaining to the introduction of S. 1730 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. MOYNIHAN. Mr. President, I ask that I be permitted to proceed as if in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATIONS TO INDIA

Mr. MOYNIHAN. Mr. President, there is good news and better news in the world today with regards to the progress and the stability of democratic procedures around the world. We are, as is evidenced from the day's proceedings, already well into our election season, though the actual election will not be held until next November, as has been our practice over the last two centuries.

It is possible in a country such as ours to take for granted national, State, and even local elections, as a part of the rhythms of our life. Yet, they are rare in the world. In the whole of the membership of the United Nations, some 185 countries now, there are only 7 States which both existed in 1914 and have not had their form of government changed by violence since then.

We are joined in that very special group, by the United Kingdom, four former members of the British Commonwealth—Canada, Australia, New Zealand, and South Africa—and Sweden. I would add Switzerland, though it is not a member of the United Nations.

Of the great powers of the world, the newest to begin a process of choosing leaders by elections is Russia, the Russian Federation and other members of the former Republics of the Union of Soviet Socialist Republics.

Yesterday, we learned with understandable anxiety that on Sunday Major General Aleksandr Korzhakov, the close aide and security advisor to President Boris Yeltsin of Russia, stated that it might be necessary to cancel the Presidential elections scheduled for June. He stated that the country was not ready to make a decision. It is clear his concern is that if the country were to make a decision now, it might not choose Mr. Yeltsin.

Mr. President, this will be the second Presidential election in Russian history. To his great credit, yesterday in Moscow, Mr. Yeltsin said that the election would not be postponed; it will take place as scheduled. Mr. Yeltsin went on to instruct General Korzhakov not to get involved in politics and to refrain from making such statements in the future.

On the other hand, in his statement, Mr. Yeltsin refers to his opponent, who is associated with former Communists in Russia and who has a program very much opposed to the economic reforms Mr. Yeltsin has been pursuing, albeit at times erratically, by stating that, "Korzhakov is not alone in thinking that a Gennadi Zyuganov victory would start a civil war."

Now, those are ominous terms, sir. Mr. Zyuganov is the candidate considered to be Mr. Yeltsin's chief opponent, and he represents a revival of Communist thinking and organization to some extent. The word "civil war" takes us back to the events of 1917 when the Bolsheviks seized power from a moderate provisional government, potentially a democratic government. Those events in St. Petersburg in the Winter Palace in 1917 are well-known to us —and were followed by four years of intense, agonizing war across all of Eurasia. A war in which the United States was involved with troops in Murmansk, Vladivostok, and elsewhere, as were the British and the French. The outcome was the triumph of the Soviet Union and the horror that followed for nearly three-quarters of a century, until its final dissolution in 1991.

We can only wish the democrats, or if you like republicans, well in the Russian elections. We should take note of how very tentative these advances can be, and take into account those who are voicing concern over the prospect of an election in which the outcome would result in civil war.

By extraordinary contrast, Mr. President, the Republic of India today concludes the third and final day of the largest election in human history. Some 590 million Indian citizens are eligible to vote in three separate days of balloting: April 27, May 2, and today, May 7. This will be the 11th national election since the founding of the Republic of India in 1947. A very large proportion of the electorate will have voted in some 800,000 polling places.

The task of keeping the polling stations open is formidable, yet the task is being accomplished and it suggests the magnitude of the achievement. In so doing, India continues to exist as a democracy, in defiance of just about everything that those who profess to know about the subject would argue are required as preconditions necessary for a democratic society. Yet India continues to remain a firm democracy and to exhibit an extraordinary commitment to law and to civic process.

Here is a country with 15 official languages, not to mention English which, as Prime Minister Nehru described, enjoys "associate status." In addition, some 50 major regional languages. It is a country that stretches from the Himalayas in the north to Cape Comorin far into the Indian Ocean, approaching the Equator. It is the second most populous nation on Earth. There has never been a country of this size able to have regular and free, democratic elections. They are not without disturbances, few elections are anywhere; however, we do know that there will be a government formed in the aftermath of this election. There will be no civil war. There will be no civil unrest. There will be an acceptance of a democratic process without parallel in the history of mankind. It should cheer us up and make us realize that the last half century has not been for nothing. The current possibilities of a democratic society around the world are perhaps beyond what anyone could have imagined a century ago, and they are thriving and proudly prevailing on the subcontinent of India, in the Republic of India.

I am sure the entire Senate will wish to congratulate the people of India and all who have participated in this election. We take no position whatever as to the outcome. There are any number of parties with capable candidates. At the present time, the balloting should have been concluded, it being past midnight in India. Soon we will know the outcome.

It fell to that singular commentator, William Safire, in the New York Times, to note this event in a remarkable column in which he observes the Indian achievement. I think we should note the contrast of this achievement with the People's Republic of China which, though comparable in size, has never had an election of any kind.

I ask unanimous consent that Mr. Safire's column be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New York Times, May 2, 1996]

THE BIGGEST ELECTION

(By William Safire)

WASHINGTON.—In 1975, when Indira Gandhi assumed dictatorial control of India and threw her opponents in jail, President Ford asked his U.N. delegate, Daniel P. Moynihan, what to make of that.

"Look at it this way, Mr. President," said Moynihan with a courtier's irony. "Under your Administration, the United States has become the world's largest democracy."

When Mrs. Gandhi later confidently stood for election, India's voters threw her out. Freedom was back, and the U.S. happily became the world's second-largest democracy.

This week, with dignity, honest balloting and relatively little violence, 400 million of India's citizens—65 percent of eligible voters, higher than here—go to the polls to select candidates from 500 political parties. It is the most breathtaking example of government by the people in the history of the world.

Americans don't hear a whole lot about it. President Clinton is busy being campaign manager for the Labor party in Israel's May 29, election, in effect telling Israelis to vote for Shimon Peres or else.

When he is not intervening shamelessly in Israel's political affairs, Mr. Clinton is barnstorming with Boris Yeltsin, trying to help him defeat Yavlinsky's reformers and Zyuganov's Communists in Russia's June 16 election. Washington is also headquarters for the Clinton campaign for the U.S. Presidency, where he beefs up beef prices to consumers while pouring strategic oil on troubled motorists. But in all the campaigning, no mention is made of India, where voters outnumber those in Israel, Russia and the U.S. combined.

As a result of this uncharacteristic White House forbearance, television coverage here about the biggest election has been next to nil. Not only do Americans not know for which Indian candidate to root, but hundreds of millions of voters are forced to go to the polls ignorant of Mr. Clinton's preference.

Why? Do nearly 900 million Indians not matter? American lack of interest is not new; a former Foreign Minister of India, one of Nehru's acolytes, told a U.S. envoy: "We would far prefer your detestation to your indifference."

One reason is that India strikes a holier-than-thou diplomatic pose, remaining nonaligned when there is no longer one side to be nonaligned against. Year after year, India is near the top of the list of nations that consistently vote against the U.S. in the United Nations.

We're wrong to let that overly irritate us. China votes against us, too, and unbalances our trade and secretly ships missiles to rogue states and jails dissidents and oppresses Tibet and threatens Taiwan and (cover the children's eyes) pirates our CD's—but we care more about what happens in China than what happens in India.

That's a mistake. Contrary to what all the new Old China Hands and other Old Nixon Hands tell you, India will draw ahead of China as a superpower in the next century.

Yes, China's economic growth rate has doubled India's, and China's Draconian control of births will see India's population exceed China's soon enough, to India's disadvantage. But China does not know what an election is. Despite the enterprise and industriousness of its people, despite the example of free Chinese on Taiwan and the inspiration of the dissident Wei Jingsheng, jailed in Beijing, China is several upheavals and decades away from the democracy India already enjoys.

Without political freedom, capitalism cannot long thrive. Already the requirements of political repression are stultifying the flow of market information in China, driving wary Hong Kong executives to Sydney. The suppression of dangerous data undermined technology in Communist Russia; it will hurt China, too.

Though more Chinese are literate, many more Indians are English-literate (more English-speakers than in Britain), and English is the global language of the computer. American software companies are already locating in Bangalore, India's Silicon Valley. Bureaucratic corruption scandals abound; India's free press reports and helps cleanse them, China's does not.

I'm rooting for Rao, the secular Prime Minister, who is more likely to move toward free markets than Vajpayee, his leading opponent. But whoever wins, it's a glorious week for the world's largest democracy.

Mr. MOYNIHAN. I take the liberty of extending the congratulations of the U.S. Senate to the Government and peoples of India on the conclusion of this, the 11th national election as an independent nation in the world: proud, increasingly prosperous, and with every expectation of becoming more so.

I thank the Senate for its courtesy and allowing this interruption. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TEAMWORK FOR EMPLOYEES AND MANAGEMENT ACT OF 1995

Mr. SIMON. Mr. President, let me just comment on two things very briefly that, apparently, are going to be joined in the vote tomorrow. Let me say that if they are joined, I, if no one else, am going to ask for division on the question, so we can vote separately on these issues.

One of the issues is whether to repeal the 4.3-cent gasoline tax. I know it was very controversial as we argued about it here. But it was very interesting that after it passed, I went back to the State of Illinois and, up until a few days ago when it was raised again as an issue, of the 12 million people in Illinois, do you know how many people talked to me and complained about the gasoline tax increase? Not a single one. My guess is—and I see my friend Senator MOYNIHAN on the floor—that not a single citizen of New York complained to Senator MOYNIHAN about the 4.3-cent tax.

Mr. MOYNIHAN. Not a one.

Mr. SIMON. My guess is that in the State of Tennessee people were not complaining. I talked to one of our colleagues from a western State, and they were not complaining. One of the advantages, Mr. President, of not running for reelection is, a year ago, just about this time, my wife and I took off for Spain and Portugal, flew to Madrid—at our expense, I hasten to add, not at the taxpayers' expense. And we rented a car and drove around Spain and Portugal. The highways were better than our interstate highways. But I paid $4.50 a gallon. People talk about being overtaxed in the United States. In some areas, our taxes are excessive. But we have, next to Saudi Arabia, the lowest gasoline tax of any country in the world. If you were to ask, "What can we do to improve the environment?" one of the things we could do, frankly, is not to lower the gasoline tax, but to increase it. We ought to be increasing it to spend money to build our highways and use it on mass transit and that sort of thing. So I think any move to lower that tax is shortsighted.

And then the distinguished Congressman from Texas has suggested that we take the money from education. I cannot imagine anything more shortsighted. We need to invest more in education, not less. That just absolutely does not make sense.

I hope we will reject this thing that emerged in this political season, the season that is frequently called the "silly season" by observers, and rightfully so.

Mr. MOYNIHAN. Will my friend from Illinois yield for a question?

Mr. SIMON. I am pleased to yield to my distinguished colleague.

Mr. MOYNIHAN. I very much agree with his comments and would add that, after the 1993 deficit reduction legislation, the price at the pump—when that small tax increase took effect—was lower than when it was enacted.

Perhaps the Senator from Illinois also saw in the Wall Street Journal an article today under the section called "The Economy." It is headlined, "Economists Say Gasoline Tax Is Too Low." The subhead is, "GOP's Proposed Rollback Is Seen Aggravating Deficit." This is by Jackie Calmes and Christopher Georges. It begins:

Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Not that economists are infallible. Who is? But they make that point.

I do not have to explain the term "externalities" to the learned Senator from Illinois. Gasoline costs you, air pollution costs you, as do the wear and tear on the environment and infrastructure, and so forth. You have to pay for that. You better be careful about how much you do because the costs that you have not paid for keep mounting.

I wonder if he has not read this. Would he wish to have it printed in the RECORD at this point?

Mr. SIMON. I have not seen it. I think it is an excellent suggestion.

I ask unanimous consent that the Wall Street article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, May 7, 1996]

ECONOMISTS SAY GASOLINE TAX IS TOO LOW—GOP'S PROPOSED ROLLBACK IS SEEN AGGRAVATING DEFICIT

(By Jackie Calmes and Christopher Georges)

WASHINGTON.—Republicans seeking to gain political mileage from a lower gasoline tax can't look to economists to support their case.

Though the joke has it that you could lay all of the economists in the world end-to-end and never reach a conclusion, there is widespread agreement in the field that the federal gasoline tax of 18.3 cents a gallon is too low.

Nevertheless, Senate Majority Leader Bob Dole is aiming for a vote as early as today to repeal the Clinton administration's 4.3-cent-a-gallon increase in the gasoline tax. At the same time, the politics-conscious White House and congressional Democrats aren't about to stop it, despite concern in both parties about worsening the budget deficit.

With the recent spike in prices at the pump, Republicans and their presumed presidential nominee, Sen. Dole, seized the idea of repealing the 1993 tax increase, partly as a way to divert attention from the Democrats' popular efforts to raise the minimum wage. But they have been stymied by the search for savings to make up for revenue that would be lost; each penny of the gasoline tax adds up to revenue of about $1 billion a year.

"Repealing the tax isn't going to solve the problem [of recently higher prices], and it's going to hurt the deficit," says Nada Eissa, an economist at the University of California at Berkeley. "I don't think it's a sound approach. I just think we should allow the markets to work . . . and this is a case where the market is working."

At the school's Burch Center for Tax Policy and Public Finance, economist Alan Auerbach says he found a near consensus in support of a significant boost when he surveyed about 30 economists at a conference in February. More than half said the federal levy should be $1 a gallon or higher. The sentiment among economists for a higher tax, Mr. Auerbach quips, "is right up there with free trade," an issue on which there is virtual unanimity.

Economists cite various factors to justify a gasoline tax. Chief among them are the environmental and health costs of air pollution, along with the costs of traffic congestion, and road construction and repair. "When people consume gas, they impose harms on other people that they aren't paying for otherwise. They crowd the freeways and pollute," says David Romer of the University of California at Berkeley.

Separately, the proponents of an increase point to foreign producers' control over oil supply, and favor a gasoline tax that is high enough to stem U.S. demand. Fighting pollution and dependence on foreign supply "both are reasons for why this federal tax should be higher than some other tax," says Joel Slemrod at the University of Michigan, "but what the optimal level is, I don't know."

To a lesser extent, economists cite the need to cut chronic federal deficits, which was the primary purpose of the 1993 increase. In addition, when compared with other industrial nations, the federal gasoline tax is low, they note.

A number of economists contacted yesterday said they simply haven't done the research needed to determine the optimal level for a gasoline tax or whether they would even support raising it. Glenn Hubbard of Columbia University, who served in the Bush administration's Treasury Department, said he and other economists are reluctant to address the size of the gasoline tax separately from the test of the Tax Code. But given the chance to rewrite the code, he added, "most economists would say increase the gas tax and reduce some other tax."

In recent years, advocates of a higher federal tax have ranged from Federal Reserve Board Chairman Alan Greenspan, who has proposed an unspecified increase as a conservation move; to White House Budget Director Alice Rivlin; and billionaire-politician Ross Perot.

Mr. Auerbach dismissed Congress's effort and Democrats' acquiescence as "silly," and other economists privately condemn it as political pandering. But the tax-repeal drive isn't without supporters in the profession. "I think we should be looking for opportunities to reduce taxes," says John Taylor at Stanford University,though he adds that his preference is for tax cuts that promote savings or investment rather than consumption.

At Duke University, economist W. Kip Viscusi found in a 1994 study for the environmental Protection Agency that federal gasoline taxes just about covered their pollution and traffic costs—before the Clinton increase. "The bottom line is," he says, "we're roughly at the right level." And if the government wants funds to cut the deficit—as the 1993 increase was designed to do—he says, "there are better energy targets to pick on." Coal, heating oil and diesel fuel are undertaxed, Mr. Viscusi says, given their pollution and other external costs.

Even Congress' economists acknowledge their effort is grounded in politics, not economics, Texas GOP Sen. Phil Gramm, a former professor who takes credit for the current repeal vogue, says simply, "When I get a chance to cut taxes on working people, I take it."

Another conservative Texan and former professor, House Majority Leader Rep. Richard Armey, says simply that "it's an opportunity . . . to repeal the Clinton gasoline tax of 1993." Mr. Armey caused a stir over the weekend by suggesting that the revenue loss be made up by cutting spending on education.

The White House and Democrats in Congress have shown little appetite to try to block a repeal, and instead have concentrated on efforts to modify it. In particular, they want to add language ensuring that oil companies reduce their pump price rather than pocket the amount. But with or without such an amendment, the repeal is likely to pass—with bipartisan support.

"If we can provide some relief through tax reduction, it would be the overriding consideration regardless of what bona fide arguments one can make on conservation and other issues," says Senate Democratic Leader Thomas Daschle.

At least as important, Democrats don't want to risk the political momentum they have built in recent weeks by hammering at the GOP on job-security issues, and they are leery of falling into the same trap that has ensnared Republicans on the minimum-wage issue: taking a political beating for opposing a questionable, though wildly popular, measure.

"It's completely presidential politics," says Sen. Kent Conrad (D., N.D.,). But, like the administration, he indicates he will support repeal if Republicans offer a suitable method to replace the lost revenue.

Mr. SIMON. Mr. President, if I can add one other thing to my friend from New York, and that is this: I, candidly, do not know how he voted on increasing the mileage from 55 to 65 miles an hour. But when we vote to increase the mileage from 55 to 65 miles an hour——

Mr. MOYNIHAN. You vote to increase the demand for gasoline.

Mr. SIMON. Precisely.

Mr. MOYNIHAN. Something called the "market" comes along and the price rises because of the demand. The supply has not instantly responded.

Mr. SIMON. If I may ask the Senator from New York, would it be somewhat inconsistent for people to complain about the high price of gasoline and vote for this drop in the 4.3 cents and having voted for an increase in the mileage from 55 to 65?

Mr. MOYNIHAN. I say to my friend that not only would it be inconsistent, but to allude to a point he made earlier, it would be "silly."

Mr. SIMON. I thank my colleague from New York.

Let me mention one other thing that is, apparently, part of this tripod we are going to be voting on one of these days, and that is the TEAM Act. This is the euphemism for what is basically an antilabor bill that emerged from the committee on which I serve. I think we need balance in this field. We cannot go too far in the direction of labor. We cannot go too far in the direction of management. But just as we have moved away from self-restraint in this body in terms of politics, we have become excessively partisan. So the same thing has happened in labor-management relations.

It used to be that when you had a Democratic President, you had a slight shift in the National Labor Relations Board in the direction of labor; and when you had Republicans, a slight shift in the direction of management, but a pretty good balance. Then during the Reagan years, it went way out of balance. I think we did a great disservice to the process. I am pleased, incidentally, to see things like employee ownership of United Airlines. I think that, plus profit sharing, are a wave of the future in terms of avoiding some of the labor-management problems that we have had.

But it is interesting that someone like George Shultz—and we think of him as the former Secretary of State, but he also served as Secretary of Labor—said that we have an imbalance in this country that is not good for labor or management and not good for productivity in this country. And so we ought to view any changes in labor-management relations with great caution.

What the TEAM Act does—an acronym that inaccurately describes things—is basically permit a company to establish a company union. That is not in anyone's best interests. It is going in under the hidden cloak that this is a way to have teams, quality teams set up to work on safety and other problems in industrial production.

There is no problem in that field. In fact, between 1972 and 1994, there were only two employee committees that were rejected by the National Labor Relations Board where there were not other factors of unfair labor practices involved. In terms of employee committees, it is dealing with a nonproblem. But it is dealing with it in a way that I think creates what appears to be good things, but they are really company unions moving away from traditional unions. I think that is not a good thing.

Some people have said, "I can't understand why we have this growing disparity between working men and women and those who are more fortunate."

One of the ways you can judge that is to look at union membership. Why is that disparity not so great in Canada, Germany, Great Britain, France, Japan, and other countries? Are these not free market countries?

Yes, they are free market countries. But in those countries, you have 33 percent, 40 percent, sometimes 90 percent union membership among the working men and women. In the United States, because of the barriers we have put up to organizing, it is 16 percent among our total work force, and if you exclude governmental unions it is down to 11.8 percent.

That is not a healthy thing for this Nation. That is one of the reasons, frankly, we have not made progress in some issues like other countries have. We are the only Western industrialized nation to have people without health insurance—41 million of them. We are the only Western industrialized nation to have 24 percent of our children living in poverty. That is not an act of God. There is no divine intervention that says children in the United States have to live in poverty while children in Italy and Denmark and France and Great Britain and other countries have a much smaller percentage. It is the result of flawed policy. And I think if we pass this legislation, we will compound the flawed policy.

I trust, Mr. President, that we will not pass this particular portion of the bill that we may be voting on, and I assume it will be tomorrow. If it should be passed, I trust that the President of the United States would veto it. I think we have to maintain balance. This bill moves away from that balance.

Mr. President, I note the presence of the distinguished junior Senator from Missouri, and I know he is going to get up and agree with everything I have just said. It may be that he will differ on a point or two. But I do at this point want to yield the floor and again urge my colleagues to keep in mind what we need is balance in labor-management relations. This bill moves away from that balance and does not serve the Nation well.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Missouri.

Mr. ASHCROFT. I thank the Chair. I thank my friend, the Senator from Illinois, in whose State I spent some time this morning. I have to say that I highly respect the senior Senator from Illinois. He is right. I will differ with him, but I will not disagree in a way that would be disagreeable.

No one really challenges the need for balance in the culture or in the society, but I think the balance should be struck by American workers. The decision about how many people should be in labor unions and how many people should not be in labor unions should not be something we manipulate from the U.S. Senate. Rather, the decision about who is in a union or who is not in a union should be left to American workers. We have a system in the United States, the National Labor Relations Board, which is designed to ensure that there is no oppression or coercion of workers in unduly restricting their access to labor organizations. In the same light, the National Labor Relations Board also should make sure that there is no coercion in forcing people to be a part of labor organizations.

More importantly than trying to strike a balance from Washington, DC, by trying to impose a certain level of unionism on this country in order to match France or Germany, or England, we should provide American workers with the ability to strike that balance for themselves. Frankly, I do not want to be like France or Germany or England. I have not noticed a great stream of immigrants from the United States to France, Germany or England. The big stream of immigrants is from other countries to the United States.

It always confounds me a little bit when people in this Chamber hold up what happens in other places as a reflection of what the United States should become. Sure, there are free economies, but I will guarantee you they are not as free as the economy of the United States. And the reason people make the tough journey—and they have for centuries—to these shores is because there is greater freedom here and that is because we do not try to impose decisions on people from Washington, DC. We try to let people make the decisions, and that same ideal should ring true in the case of the TEAM Act.

What is the TEAM Act? What has happened that has provoked the Senate to consider something that would fundamentally adjust the way in which we allow workers to interrelate with their employers or companies?

Maybe it is best to start at what is our overarching goal? Here we stand in 1996, 3½ years from the turn of the millennium. What do we want to do? What should our policy be? What do we want? I think we want American society to survive in the next century. And I believe that we know we can survive if we are productive and if we are competitive. We have had some real challenges to our productivity and to our competitiveness in recent years.

Just a couple decades ago some folks from the Far East—instead of Europe—made a real run at the United States. They began to teach us some lessons which first were outlined by an American professor but first were embraced by the Japanese. These were the lessons about how successful we all could be if employers tapped their workers as a resource to help both workers and companies do their very best to improve the product, to streamline production, to improve safety, to improve conditions in the work environment, that if workers could help make improvements, you could develop a higher quality and greater efficiency. That enhanced productivity—the quality and efficiency together equal productivity—would mean a surge in the marketplace, and it did. The Japanese with their auto production and electronics production nearly displaced the United States. However, we have made a comeback.

How have we made a comeback? We made a comeback when we recognized the Japanese principles that were initially discovered and taught in some of the business schools of this country—the principle that recognized the value of workers. These principles say that no one will know the industrial process quite as intimately as the person who is on the line and that person has something extremely valuable to contribute.

And so American industries started to say let us have meetings. Let us get the workers together and let us discuss how we can improve our standing—when we have improved standing and improved productivity, we have improved job security. When we do a better job, when we produce a better product, we are going to do better and it will lift us all. It will lift the employer. It will lift the employees. We will deal together as associates, and we will move forward.

As a matter of fact, there is a wonderful company in the State of Missouri. The name of the company is EFCO, E-F-C-O. They make what is known as architectural glass. If you are going to build a skyscraper and you are going to cover it with glass, you figure out the dimensions of each pane and then order the glass to fit your individual project. You figure out if it is going to have gas between the panes of glass or tinting to make the building more energy efficient. EFCO was that kind of company except and it had about 100 employees. They decided they wanted to be a leader in the industry. So they began asking their employees how to do it. They developed these techniques for asking employees how to make a more better product and how to improve the efficiency of production. They asked the employees if they had any ideas about safety so they could improve the safety, how they could increase quality, how they could have on-time deliveries. They were only having about 75 percent on-time deliveries when they started these committees, and recently, after doing this for quite some time, they were up to the high 90's in on-time deliveries. Everything was going well. The workers were earning more. The company exploded from 100-plus workers to over 1,000 workers, supplying architectural glass to people not only in this country but around the world.

All of a sudden a grievance was filed that these committees are an inappropriate act and that somehow, this is some phony union.

I want to be clear and distinct about my disagreement with the senior Senator from Illinois, who said the TEAM Act permits a company basically to establish a company union. Not so. The workers would have every opportunity, and never lose their opportunity, to petition the National Labor Relations Board to certify a union on the premises of these plants. There is no part of the TEAM Act which says that if you establish these company committees to improve communication, to elevate productivity, to lift worker satisfaction, that it in any way prohibits a union from being established. It is just wrong. It is inappropriate, it is inaccurate, it is a misrepresentation of the bill to say that it permits a company union. It does not. But it does authorize companies, if they want to, to tap the most vital and essential resource that a company has, and that is the people who work there.

EFCO got to talking to people, and some of the people in these groups said you ought to let us do things this way, to have our vacations so we could be happier workers and be more productive, and to think about this in terms of the way you compensate us.

A grievance was filed saying that this was somehow a company union, because the company dominated the committees by providing something as fundamental as a paper and pencil, because there were discussions of things that related to employment and because the company did not ignore the discussions but actually took them to heart. Therefore it was disqualified as if it were a union.

Let me just say a couple of things about that. No. 1, Missouri workers and American workers are not stupid. I spent a lot of time on my campaign working in the plants in Missouri and since I have been a Senator, I have gone back to work in the plants. These workers know whether they are members of a labor union or not. They know whether they are in a discussion group or not. I do not have such a low regard for the workers in my State to think that they cannot tell the difference between a discussion group and a labor union. As a matter of fact, it is strange to me to see those individuals who fear these committees, because individuals who work in these settings are happier and more productive. Maybe they think they do not need a union as much. That could be. I would not argue with that. If they are getting along without one, they might not want to pay union dues. That could be the case and it would remain their choice.

But these workers know whether they are in a union or not. It is strange to me that while employers are highly valuing employees—and do not have a low estimation of who these workers are, what they are, and what they can achieve—and those who are representing the organized labor interests in America are saying that these highly valued employees are being confused about whether this is a union or not.

I want you to know that, from my experience, none of the employees who have participated in these activities—that I know of—confuses these committees with a labor union. But nonetheless, the National Labor Relations Board brought an action against EFCO, the company I talked about that went from 100-plus employees to 1,000 employees, to stop them from valuing their employees. The NLRB said it was an unfair, inappropriate labor practice to have this kind of discussion, this kind of interrelationship, and this utilization and tapping of a wonderful resource of informed and enthusiastic workers to improve their productivity. What a terrible thing.

This win-win situation is now illegal. An interesting question is whether it is illegal to have these kinds of discussion groups if there is a union on the premises. The answer is—not at all. As a matter of fact, in a union setting, these committees are just fine. There is no problem. In my opinion, this is a discrimination against companies and workers who decide they work better and choose to work better absent a union.

My colleague, the senior Senator from Illinois, says we need balance. It seems to me, if this is a device that is available to union facilities, it ought to be a device that is available to groups of workers and their employers when those groups of workers have chosen—not to be unionized. If we are talking about balance here, the balance ought to be that workers make the choice, not that we manipulate the choices from here in Washington, DC.

These are win-win situations. There is a very simple question here. Are we going to forbid employers and companies in America from consulting with workers to improve productivity, to improve safety, to improve worker satisfaction, to build job security? Are we going to make that illegal?

Are we going to continue to allow that to be the source of conflict with an enforcement agency of the Government that says: Whatever you do, you cannot ask your workers what would be a better way to do things? You cannot ask them how you could better improve their safety? You cannot ask them how you could make the output more efficient so they can be more competitive around the world and thereby protect their jobs? Are we going to maintain a system that says you cannot do that? Or are we going to say: Wait a second, we are going into the next millennium and we have to be competitive with people from Singapore, people from Taiwan, people from China—1 billion plus people—energetically pointed toward the United States and the world as a marketplace, who want to compete with us. Or are we going to say to employers: You cannot talk to your workers to find out what is efficient and what is inefficient?

As I look toward the next century and as I look at my children—you know, one is just out in the workplace now. Two are still involved in education. I hope one of them is going to graduate next Saturday. But in the workplace, what kind of a team do we want to play for? Do we want to have a team where we hobble the real stars? The real stars of the competitive productivity of the United States are the workers. Are we going to say we want to tape their mouths shut, we want to rely only on the individuals in the board room? Do we want to rely only on the guys who come out with the fancy degrees? Or are we willing to hear the voice of the people from the shop floor who are able to say: You know, I have looked at this and I have been working on this and I believe if we just swap positions in the process, this for that, it would be a lot safer; or, we can eliminate this step in the production and we can be a lot more competitive.

I frankly believe, as we face this next millennium, we can no longer afford a NLRB that goes to the companies and says, "Unh-unh, shame on you for talking to the workers." Eighteen cases were pursued by the NLRB since 1992 saying you cannot talk to the workers about improved conditions, you cannot confer with them about how to have an increase in your safety, you cannot ask them to help you figure out how to be more competitive.

We have had about 30,000 employers trying to use these methods in response to the competitive surge from across the ocean, from Japan and others who are using these techniques. Let me say American workers have the right to opt for union membership. They have the right to ask for it. They have the right to petition for it. That right would persist. Nothing is done to change that by the TEAM Act. They would have the ability to ask that unions be organized and they would have the entire framework of the NLRB to make sure that any election is a fair election.

But I think, for us to say we do not want to be able to use the resource that workers present as a means of improving our productivity is a terrible violation of basic sound public policy principles. It undervalues the American work force substantially. It ignores the fact that, of those who make a contribution, I believe the contribution of the worker is high on the list.

You know, this was a theme of President Clinton's State of the Union Message. He kept talking about teamwork. He said what we cannot do separately we ought to be able to do together. He talked about cooperation. He said, and I agree and I quote: "When companies and workers work as a team, they do better, and so does America." Not only do I agree with that, I do not think I could have said it better myself.

This just appears to be one of those disparities. I do not think he meant to say, "When union companies and union workers work as a team, they do better and so does America." I am sure that is true, but to limit that to 11 percent of the work force—as the senior Senator from Illinois said, 11.8 percent of the work force in the United States, outside of government, has decided to be represented by a union—to limit the ability to confer and to have those advantages to only 1 out of 10 workers seems to be a terrible way to structure and to establish the potential for this country to succeed in the next century.

I believe that it is the fundamental responsibility of Government—this is at the base of it all; this is why we are here—to establish an environment in which people reach the maximum of their potential.

Government ought to be an institution which promotes growth, not growth in Government, but growth for people, for individuals and for institutions, for citizens and for corporations. And if we are a society of growth, we will succeed. And if we are a society of shrinkage, we will not.

Now, are we going to grow by using the entire array of talents in our culture, or are we going to say to 9 out of 10 workers, "You can't collaborate, you can't confer with, you can't discuss, you can't make suggestions."

When the EFCO case, to which I have referred, was handed down by the judge, the judge said, "This is good for the workers, this is good for the company, this is good for the community, but the technical aspects of the law require that I stop this procedure." And we want to say, "You're right, judge, it's good for the workers, it's good for the company, it's good for the community, and we want to change the law just to allow it to be possible for the 9 out of 10 nonunion workers to be able to confer with their employers in the same way that union workers do in terms of making suggestions for increased productivity."

I believe that the TEAM Act should be enacted. It must be enacted if we really care about American workers. Let me just say, we are talking about 9 out of 10 workers in the American workplace. A lot has been said about the minimum wage. The minimum wage affects fewer than 5 percent of the workers in this country. We are down at very low levels of people who are affected. I think minimum wage affects about 3.1 percent of the population. Here we are talking about something that affects the entire population, the ability of this whole society to move forward competitively.

I see my friend, the Senator from Vermont, on the floor. Mr. President, does the Senator desire to speak on this issue?

Mr. JEFFORDS. Mr. President, I certainly do desire to speak. I, first of all, commend my good friend from Missouri for a very articulate and well-stated position on the TEAM Act. I would like to provide some different perspectives, both historical and with respect to the minimum wage, at some point. I will be happy to proceed now or as soon as the Senator from Missouri is through.

Mr. ASHCROFT. Mr. President, I am very pleased to yield the floor. I, of course, cannot yield but to the Chair, but in respect to my understanding and awareness that the Senator from Vermont is here, it is my pleasure to yield the floor and to thank the Chair for his indulgence for my opportunity to support what I believe is a fundamental ingredient of the success and the survival of this society in the next century, productivity and competitiveness when we call upon workers and allow them to make a contribution which will allow us to succeed.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I want to pursue TEAM Act. I must say, it is difficult for me, from analyzing the circumstances which brought about TEAM Act, to understand why anyone would disagree with going back to what everybody presumed the law to be.

First of all, let me make it clear, I am in favor of the minimum wage. I am one of those Republicans who is in favor of the minimum wage. So the minimum wage and TEAM Act are not linked, other than from perhaps some political aspect. But to me, the TEAM Act is essential in order to continue the increasing productivity of this Nation. But my colleagues better understand the TEAM Act and how it came about and why we are in this difficulty.

Let me take you back 40 years. Forty years ago, I was a senior at Yale University, and I was a student studying industrial management, industrial administration. At that time, we were studying what ought to occur for the future to improve productivity and to build an industrial might in this Nation which would allow us to proceed with the greatest possible benefit to workers and to management.

It was an interesting time and there was a great debate going on in our Nation as to what we should do as we moved into the future.

It was also an interesting time, of course, because we had a certain man called Joseph McCarthy in this Senate who was very concerned about communism and anything that smacked of communism seemed to be sort of in ill repute. Thus, when you started talking about workers getting together with management and those kind of things, it raised some concern with some people.

It also was a time when the unions were trying to organize and become more forceful and protect the rights of workers. But those in the academia were discussing the philosophies of the two systems and how we could better get together, workers and management, working together in American society to bring about higher productivity and to bring about better rewards to the workers.

So we discussed the many things which, at that time, were very innovative and novel and hardly discussed before. I wrote my senior thesis on how we could try to improve the productivity of workers and the workers' plight in our Nation. I remember at that time writing and discussing about options of profit sharing, profit sharing with stocks, profit sharing period, stock options, and even as far as putting a member of the unions or workers on boards of directors.

A considerable amount of effort by the academia went into outlining and defining these. The only problem was, the only ones who were listening were the Japanese, the Germans, and others. So when the Marshall plan came in, along with all of our wealth that we shared in order to bring about the industrial might of those nations in Europe and Asia, the only ones who took the ideas that were expressed by those who were trying to look to the future to try and provide a better lot for workers and higher productivity for industry, were the Japanese, the Germans, and the Europeans.

So what we have seen that has occurred over the past 40 years is that in those nations, the concept of the TEAM Act, which we are trying to bring in here again, was incorporated fully; in fact, in Germany, even more so than anywhere else, where you do have members of the workers or the labor unions participating in the boards of directors.

What has evolved in Japan, for instance, is an incredible social organization in their school system to teach teamwork, teamwork among all classes, teamwork to bring about the ability to work together. And, thus, you have seen a closer relationship in those nations with the worker and management than you have in this Nation.

A decade or so ago when our Nation found itself beginning to be outshone in productivity and in the marketplace because of the incursion of automobiles in this country from Europe and from Asia, which practically wrecked our automobile industry, the kind of skills that are necessary in our industries now, which are far different from what they were in the fifties wherein you spent your time just stamping something or pushing one button or all of the things that were in mass production in those days have evolved into a work force that needs to have technical skills to understand the workings of the machines, the computerization of machines—all of these skills in the mass production procedures.

These resulted in those countries, Japan and Malaysia, all of these that had taken this advice of working together and figuring out how to improve productivity—they found that the best providers of improvements in the productivity were the workers themselves; whereas, in this country we just turned around and we kept trying to do quality control. We would bring things back and repair them.

The Japanese and Germans learned the best place to stop is when you are in the production line. You find out you are producing too many things that are wrong, you find out what is going wrong and have the workers work with you to find out what is going wrong. So their productivity improved. The number of malfunctions or nonworking pieces produced were reduced substantially by working with the workers.

It took us quite awhile to learn that. But now we have learned that. At a time when we now have thousands and thousands of these teams that are working together to improve productivity in this country, to make sure that we can outdo the Japanese, can outdo the Germans—and we have been successful. Yes, we have been successful. There are shining examples of that, Motorola and others, who learned the teamwork process and have now superseded in the markets in Asia in direct competition. We are winning. We are doing it.

Now what happens? All of a sudden the NLRB comes out with its decision: "You cannot do that. No. You formed a union here, and you have got to go through all the election processes or you can't meet." What is going to happen? If we do not pass the TEAM Act, thousands of these teams are going to be destroyed. The productivity gains that we have made over the past decade, which have been going on for some 40 years in Europe and Japan, all that we have learned will be destroyed.

Why in the world would the unions oppose this? Well, it is simple. They are threatened. They are nervous because they have been going down. They did not want to do anything that would in any way enhance the workers and the management to get together to improve productivity unless they are union people. Well, that may be fine, but that is not the way to do it. You have to prove, through the reasons that you give the workers to join, that they want to form a union; but you should not kill the productivity which is now beginning to come up by throwing all of these—I think the Senator from Missouri mentioned maybe up to 30,000 of these teams that are out there. If we do not do something here, if we do not do it quickly, then all those productivity mechanisms are going to be destroyed.

So it boggles my mind to think that anyone can oppose a provision in the law that says, "Hey, if you want to work, sit down and you can talk about improvements," because if there is no improvement, if there is no productivity, there is no profit. If there is no profit, there is nothing to split. So let us get the profit first, and then we will worry about how you bargain or are considered about how to cut the profits up.

That is a separate issue all right. That is for the unions. If you get into that kind of discussions, yes, maybe you are getting into unionism. But there is certainly no disagreement with the fact that if there is not a profit, there is not anything to split. So why kill off the mechanisms to provide the profit?

So I say that I hope that Members of this body will recognize that the issue being created here is one that is so dangerous to the national productivity right now that, if we did not do something to prove and to improve upon the ability of our workers to interact and to cooperate and to learn the skills necessary to bring about productivity, we will find ourselves in the not-too-distant future of having a situation where we have destroyed the great improvements that we have been making over the last decade in productivity.

So I just cannot impress upon my colleagues how important the TEAM Act is. If you do not believe so, talk to your businessmen and talk to the workers in those plants that are not unionized who believe very strongly that the best way to cooperate, to get a profit and to learn how to split the profits is through improving productivity. If we do not pass the TEAM Act, we are about to see that great movement forward in productivity disappear. So I hope our colleagues will support the TEAM Act. Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I certainly want to commend the Senator from Vermont for his outstanding remarks regarding the TEAM Act. He talks about productivity and about these fundamental communications.

I have here in my hand a document which lists the illegal subjects of discussion as they have been decided in different cases.

The Union Child Day-Care Center case of 1991 said it was illegal to discuss allowing employees to use company vehicles to obtain lunch. Therefore, if there was some sort of discussion that said, "Well, if we could just occasionally use one of the company vehicles to go get the lunches, we could * * *," it would be illegal.

Here is another example. It says an impermissible topic is, "In-plant cafeteria and vending machine food and beverage prices." So, if a discussion group said, "You know, we need to lower prices on some of these things. This concessionaire you have got running the vending machines around here * * *," it would be illegal.

Here is a third example: "Company provided meals" is an impermissible topic. If the discussion group said, "You know, we could get some more done if you guys could provide some meals or help us with our eating * * *," it would be illegal.

"Abolishing a paid lunch program" was found to be illegal, according to the Van Dorn Machinery Co. case.

Here is another example that is really troubling, a whole category of safety topics that it was illegal for workers to talk to their employer about.

"Safety labeling of electrical breakers." I should think we would want workers to be able to talk to their employers about conditions of a safer workplace. Workers, individually or collectively, should be able to say "these things are not labeled properly as 'illegal'."

"Tornado warning procedures." It is illegal for workers to talk with their employers about that, according to the Dillon case.

"The purchase of new lifting equipment for the stock crew."

Rules about fighting—if there is a fight that breaks out among employees, American workers must say, "no, we can't have anybody talk to the employer about how to settle it."

I think these are obviously the kinds of things that workers should be consulted about, and they should be given an opportunity.

"Safety goggles for fryer and bailer operators."

"The sharpness of the edges of safety knives."

Here is a case where employees could not talk to their employers about a smelly propane operation, propane being an explosive gas, burnable gas. I would want to be able to talk about that.

The case of the E.I. DuPont case, which was a 1993 case. The subject was safety. "No. You can't allow workers to talk." Of course American public policy should encourage rather than discourage employers from discussing safety issues.

"Drug use and alcohol testing of employees." That could not be the subject of discussion. It is no wonder that the Senator from Vermont is so compelling in his arguments about this whole situation when he says that we need to be able to discuss these things. This is not the old days of the 1930's.

I thank the Senator for bringing out the fact that there were times when America marched forward by having adversarial fights between labor and management—between employers and employees. I think we will march forward much more quickly and competitively if we can have the benefit of the wisdom of workers in solving some of these fundamental problems.

Every once in awhile you hear about these teams, and you think they must be talking about advanced circuitry. Sometimes they are. But sometimes they are just talking about, "Hey, we'd better make sure that the safety procedures are good enough here in the event we have a tornado." According to the rules as they now stand, if you want to discuss how you evacuate the building in the event of a tornado, you violate the law. I thank the Senator from Vermont.

Mr. JEFFORDS. I thank the Senator from Missouri for his very articulate and well-expressed opinions here. I am hopeful that when our colleagues listen and understand what we are talking about here, this TEAM Act, we will move through and do what we must do, and that is improve our productivity in this Nation.

Mr. ASHCROFT. Mr. President, one of the things that workers want to talk to their employers about, and they want to talk to us about, is their ability to resolve the tension that exists between the workplace and their families. Most of the men and most of the women in today's modern work force feel a tension between serving the needs of their families and being on the job.

If we were really concerned about workers, we would also direct our attention to the substance of the Fair Labor Standards Act. This archaic rule literally makes it illegal if an hourly worker goes in on Friday afternoon and says, as an employee, "I have to go see Sally get an award at the honors program at the high school this afternoon. Can I make up the time on Monday?" Our labor laws make that illegal for the employer to let the employee just make up that time on Monday. We have a situation where we have so many people now trying to juggle both work and family—I do not need to go through the statistics.

In the 1930's, when we created the Fair Labor Standards Act, we had fewer than 16 percent of the women of childbearing age in the work force. Now 75 percent of all the women with children 6 and under are in the work force. We have just a dramatic difference. We need to make it as easy as we possibly can for these people to accommodate the needs of their children. This can be accomplished by having flexible work schedules, by allowing individuals, if they are asked to work overtime sometime, to say, "I'll take it in comp time, time and one-half, in terms of time off."

We accorded this privilege to the Federal Government in 1945. That is how long they have had the potential of not taking overtime but just taking comp time for people who would rather have time than pay. Since 1978, we have had a flexible work arrangement for Federal employees which allowed those who are running the Federal Government and the different departments to say to their employees, "If you need to take 2 hours off on Friday afternoon you can make those 2 hours up on Monday." The Federal employees have had it in terms of comp time for over half a century; in terms of flexible time, for 18 years.

However, the rest of the American workplace still finds itself rigidly confined and the family disadvantaged substantially by the fact that it is illegal for someone to say, "Make up the 2 hours on Monday afternoon. We are glad to have you go and participate with your family."

I have introduced legislation to address this. It is called the Work and Family Integration Act. It is the way to build a better workplace for the next century, recognizing and reflecting the needs, concerns, and the difficult challenges that families face now. It does not allow any employer to demand or extract any overtime in any way without paying time and a half for it in accordance with the traditional rules. But, if the worker desires, the worker could shift some of his workweek from 1 week to the next with the managers or the employers' agreement.

We held a hearing on this in the committee and people were talking about snow days here in Washington. A whole group of employees were snowed out on Friday. Their employer was not allowed to let them make that 8 hours up 2 hours at a time in 4 days the next week. As a result a whole group of workers lost a whole day's pay. I am talking about 300 people at one plant because our labor laws prohibit the making up of time once you cross the end of a week.

Now, it seems to me if the employees request and the employer is willing to accommodate, we should have flexible work arrangements. Also, we should allow—if the employer asks someone to work overtime—the employee to choose to take that overtime not in extra money but in time and a half off. As a matter of fact, that comports with, obviously, what the Federal Government has suggested is available for its own employees for the last 50 years, but it is something where the average worker just does not have equality with the Federal employees.

I believe this is a measure which ought to be supported if we really care about workers. Mr. President, 60-some percent of all the men in the culture say they want to spend more time with their families. Give the employers and the employees an opportunity to work together to spend more time with their families.

I was stunned with a statistic I read the other day that 30-some percent of all the men in America said they had passed up promotions in order to spend more time with their families, and 60-some percent of the women in America said they had passed up promotions. When people pass up a promotion that means they are not living or working at their highest potential. It means their employers know they could do a different kind of job, a better job, more demanding job, and it means the person knows they can do it, but they do not want to sacrifice the family. So we end up deploying our resources, our great human talent, at lower than optimal levels because people are protecting their ability to work with their families.

Why do we not say we will allow you to protect your ability to work with your family by giving you flexible working opportunities like we have in the Federal Government. Just extend to the private sector what we have in the Federal Government. We should do that so we get the greater productivity and output from the workers across

America. If we have higher productivity and output and we have more time with our families, we have more worker satisfaction, I can guarantee that will be a formula for success and survival into the next century. Whether we sink or swim depends on our ability to be competitive. We have rules from 60, 70 years ago s which make it impossible for us to survive. It is like swimming across the lake with a sack of cement. It is heavy to begin with, but when it solidifies it is a weight to carry and we need to shed this kind of impediment. We need to free individuals to make these requests and agreements.

Some say, "Wait a second, some might be abused by their employers." We have the Department of Labor, an army of wage and hour enforcement individuals. There would be no ability to compel anything that is not compellable now. All we want to do is free these friends, the employers and employees to work cooperatively so they can accommodate the needs of their families. I think it is something which ought to be done. As a matter of fact, it is something with which the administration agrees—at least rhetorically.

I was pleased to note from the Bureau of National Affairs, the Daily Labor Report, Vice President GORE, May 3, called on U.S. employers to create father-friendly workplaces. Addressing a Federal conference on strengthening the role of fathers in families, GORE "urged American companies to give employees flex time opportunities to expand options." Now, wait a second. We have the Vice President of the United States saying we need flextime, legislative proposals before the Congress which would provide for flextime, the President of the United States having said we need to work together as teams in his State of the Union Message, but a promise they will veto employee option flextime and comp time.

Again, we have the dysfunction between the speak and the specifics, between the rhetoric and the reality. It is high time we say to American families, "We want to do more than talk about you. We want to do more than say we need family-friendly and father-friendly work policies." We ought to be willing to say, "Yes, the American worker in the private sector deserves the same kind of opportunities to work cooperatively, to arrange to meet the needs of her family, his family, meet that need just like Federal employees." In 1978 we started flexible scheduling in the Federal Government as a pilot project. In 1982, we extended it. Along about 1985 we decided, hey, this is good enough to put right into the law. We have a report to congressional committees from the United States General Accounting Office, "The Changing Work Force: Comparison of Federal and non-Federal work family programs and approaches," that documents the fact this is available. It is available and it is working in the Federal Government. But we are afraid to extend it, afraid to offer this opportunity to people in the private sector.

I cannot believe it. Do you know what Federal workers said about this? Overwhelmingly, "We like it, we want it, we must have it, we should continue to have it," when they talk to their employer about conditions of employment. President Clinton, the President himself, in 1994, put out an Executive order that this is a good deal, best thing since sliced bread. This is something you cannot argue with. He says we should extend this, make sure that every person in the executive branch, even those in the White House, have this capacity. It is good enough for the White House—if it is good enough for Pennsylvania Avenue—it is good enough for Main Street, USA.

If we really care about workers, and I believe we must, if we really care about our fellow Americans, we must care less about special interests who are afraid if we make workers happy they might not join unions. I think what we have to say is: How do we confront the challenges of the next century? How do we make sure that America does not slip? How do we make sure there is a job base, an industrial capacity competitive enough that when our children and grandchildren need jobs and when the other countries of this world come fully online with a competitive challenge—how do we make sure we are ready to meet that challenge?

Can we do it with a law that was passed in the 1930's and says that, "Well, shucks, we cannot allow Americans to accommodate the needs of their families. We certainly would not want people in the private sector to have the same benefits the Federal employees have for accommodating those needs. We have to be very much afraid if these workers get too happy, either conferring with their employers or cooperating so that they can see the soccer game or watch the awards ceremony that the special interests in this country will not make it. Well, I think you and I understand, and I think down deep we all know that it will not do much good to have healthy special interests if the national interests go down the drain.

As we look to the next century, I think we have to look to those national interests: Flexible work arrangements are important in helping mothers and fathers be deployed in the workplace to the maximum of their capacity and to accommodate the needs of our families. We have to look after American families. Yes, let us let workers talk. Let workers talk to their fellow employees and employers about things as fundamental as tornado drills and whether the propane is leaking out of the tank and whether the electrical circuit breakers are properly labeled. Let us not assume they cannot do that unless they first call in the union. Let us not underestimate the value of the American worker. Let us capitalize on the value of the American worker.

If we really care about America's workers, we will do things for all of them, for the vast majority of them, like flex time and the TEAM Act, which invites the entirety of the population to flourish. Sure, I understand concerns about the tiny, narrow fragment of people on the minimum wage. However, well over half of those people are part of households that make over $45,000 a year. I think the number is 57 percent. I started working way below the minimum wage, a third below the minimum wage. I am glad somebody did not tell me it was "because you are not worth the minimum wage; you are useless." I may have been useless at the time, but somebody agreed to pay me 50 cents an hour when the minimum wage was 75 cents, and I got my start. I do not think I have missed a day of work since. There are those in my home State who think I am still worth about 50 cents an hour, but my view is that my work and my values should be determined by what I can produce. I should not be told if I cannot produce at one level, that I am worthless and worth nothing at all.

Let me just make one other comment about another topic. I do not see anyone else seeking the opportunity to speak. There is a lot of talk about gasoline taxes. Frankly, I think the most recent gas tax, the one passed in 1993, was mislabeled. It was a tax on gasoline all right, but it went someplace else. Prior to that time, gas taxes were all spent to build highways and roads. But the gas tax in 1993, the most recent one that added significantly—about 25 percent—to the gas tax we already had, or more, I guess, that gas tax went into the general fund. So when the Senators from a variety of jurisdictions get up and say we need gas taxes because they build highways, the general fund does not build highways. The highway trust fund builds highways. The last gas tax was not a demand for more road-building capacity. It was a demand that people who drive perhaps would subsidize social programs.

Now, that bothered me because I think the gas tax that builds highways is really a reasonable, uniquely sensible approach. The people using the highways are paying for the highways. How wonderful. Government ought to work that way. The more you drive, the more you pay. The more you drive, the more you use the highways. Makes sense. But, no, in 1993 they decided—and I opposed it. I was not here, but I was opposed to it. That was not the right way to do things, to take what people were trusting to be a gas tax and put it in the old general fund so it would support social programs.

I have to say I am distressed by that because it says that we are going to put a tax on drivers, and we are going to use that to support social programs, and that means people who live in the outer-State areas—a lot of people in the West where they drive long distances when they go to work—are going to be asked to subsidize social programs at a higher level, to bear an inordinate cost, to bear an unusual share of these social programs.

Well, you all know, and I know, that the social programs have driven the deficit in this country, which is about $5 trillion now. A newborn child owes $19,000 the day he or she is born. The idea of trying to figure out ways to keep displacing the burden of taxation, to load it up on the guys out West, or the people who are in the nonurban areas, to drive just for the privilege of driving, they are going to have to pay an inordinate share of these other programs. That, to me, is a bankrupt concept.

It might be different if we had passed the gas tax to pay for what the gas really uses, and that is the highways. But this is not one of those situations. I opposed it because it is not one of those situations, and I would favor the repeal of it because it is not one of those situations. We do not spend the money in the highway trust fund we have now. We use it to mask the deficit in part of the flim-flam of Washington economics. To add an additional gas tax as additional flim-flam to spend on a variety of other Government programs that have not really gotten us far, except into debt, I think has moved us in the wrong direction. I personally will be glad to support a repeal of the gas tax, because I believe that, as it relates to taxes, America is running out of gas. We are tired of taxes. We realize that we have them at a higher and higher level.

Last week, the Department of Commerce released the data for this last year, and we have had the highest tax rate from the Federal Government we have ever had in the history of America. We fought the world wars and charged American citizens less than we are charging them now. We spent our way out of the Depression and charged America less than we are charging now. It is time for us to come to grips with the responsibility we have to put Government under control, to change the Washington-knows-best way of doing business. It is time for us to be sober about our responsibilities as it relates to the hard-earned money of our constituents. As it relates to taxes, America is running out of gas. It should be running out of a gas tax which was inappropriately levied in 1993 and should be appropriately repealed by the U.S. Congress in 1996.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. SNOWE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Madam President, I ask unanimous consent that there now be the period for the transaction of morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Madam President, many Americans don't have the slightest idea about the enormity of the Federal debt. Ever so often, I ask groups of friends, how many millions of dollars are there in a trillion? They think about it, voice some estimates, most of them wrong.

One thing they do know is that it is the U.S. Congress that has run up the enormous Federal debt that is now over $5 trillion.

To be exact, as of the close of business yesterday, May 6, 1996, the total Federal debt—down to the penny—stood at $5,090,257,303,263.75. Another sad statistic is that on a per capita basis, every man, woman, and child in America owes $19,223.62.

So Madam President, how many million are there in a trillion? There are a million million in a trillion, which means that the Federal Government owes more than five million million dollars.

Sort of boggles the mind, doesn't it?

HONORING THE NICHOLS CELEBRATING THEIR 50TH WEDDING ANNIVERSARY

Mr. ASHCROFT. Madam President, families are the cornerstone of America. It is both instructive and important to honor those who have taken the commitment of "til death us do part" seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

I rise today to honor Mr. Loren and Mrs. Orpha Nichols of Savannah, MO, who on March 28, 1996, celebrated their 50th wedding anniversary. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Nichols' commitment to the principles and values of their marriage deserves to be saluted and recognized. I wish them and their family all the best as they celebrate this substantial marker on their journey together.

TAX FREEDOM DAY

Mr. HATCH. Madam President, I rise today to join with many of my friends and colleagues in acknowledging a red letter day. Today is tax freedom day—the day the American family breaks the shackles placed on them by high taxes in this country, the day when Americans can stop working for the Government and start working for themselves.

Not until May 7, 1996, do average families actually earn enough money to start paying their own bills instead of the Government's. Not until May 7 do average Americans have after-tax money to pay for their houses. Not until May 7 do average Americans have after-tax money to buy food and clothing for their families.

And, never has tax freedom day occurred so late in the year. Look at the calendar: 1996 is more than one-third over. Americans work one-third of the entire year just to support governments.

I often wish the big spenders both in Congress and in the executive branch would stop thinking in terms of revenue and start thinking in terms of what revenue really is—taxes. We need to measure this burden and talk about it in personal terms, not just in vague budget-speak. You know, there are folks in America to whom $100 million is a lot of money—not just a mere point one on a computer printout.

To help illustrate this problem, I would like to take a closer look at the tax burden of a family from my home State of Utah:

A Utah family of four with an estimated median income of $44,871 pays approximately $8,800 in direct and indirect Federal taxes. On top of this outrageous amount, they must also pay over $5,700 in State and local taxes, bringing the total family tax burden to $14,538. This is an effective tax rate of 32.4 percent.

Now, while a family income of about $45,000 might sound like quite a bit of money in some parts of the country, I think few people, besides possibly President Clinton, would venture to call this family of four rich.

Madam President, as you can see, the tax burden of a family with this income is astronomical. However, the cost of the Federal Government to them does not end with these taxes. In order to accurately estimate the Government's true burden on Utah families, we must also calculate the regulatory costs and their effect on the prices of goods and services. We must factor in the higher interest rates that families must pay as a result of the Federal deficit.

In essence, Federal, State, and local taxes on the family are all increased by excessive Federal borrowing. Excessive Federal regulation combined with the increase in interest payments raises the Government's cost by $8,600. Thus, the estimated total of Government costs to this typical Utah family is over $23,000. That is about 52 percent of their income. Utah families deserve better. Every American family deserves better.

The Balanced Budget Act of 1995 was predicated in large part on the idea that the American public could spend their money more effectively than the Federal Government could spend it. Not only did the Balanced Budget Act contain a bona fide plan for balancing the budget within 7 years, it also contained a number of tax reductions geared to helping American families and to spurring economic growth.

A balanced budget is not a new idea. Until the mid-1930's, this Government regularly managed to balance its books every year except in wartime; and, even then, the debt was repaid as soon as possible after the crisis was over. But, in the 1960's, things really got out of hand. Entitlements flourished. And, of course, less and less restraint on spending meant more and more taxation. Big government means big taxes.

However, President Clinton chose to veto the Balanced Budget Act. He chose to camouflage his reluctance to cut Government spending and taxes with demagoguery. He claimed that many of the tax cuts in this package were targeted to benefit the rich, regardless of the many studies that demonstrate why this is not true.

He claimed that these tax cuts came at the expense of programs intended to aid the poor and the elderly. But, let's be clear about this: budget experts have made it very clear that these programs must be controlled independent of a tax cut package, not because of one.

And, let's be clear about something else as well: Balancing the budget should not provide the excuse for not enacting tax cuts. That has been a convenient rationale for those who want to spend and spend. For almost the last half century, Government has spent $1.59 for every new dollar in taxes. Government isn't taxing the American people to eliminate the deficit; it is taxing people in order to spend.

In 1993, President Clinton worked hard to push through Congress—by a bare one-vote margin in the House and a tie-breaking vote in the Senate by Vice President GORE—one of the largest tax hikes in history.

In 1994, Republican candidates for Congress pledged to cut taxes. In 1995, they delivered. Today, the only thing that stands between the Utah family—as well as millions of other American households—and tax relief is Bill Clinton.

One of the most misunderstood items of the tax cut package is the capital gains tax cut. The truth is that a capital gains tax cut is an investment incentive, and every American could gain from this tax reduction. Let me give you the facts, Mr. President.

From 1985 to 1992, over 7 million taxpayers had a capital gain each year. And, 62 percent of these returns reporting capital gains came from taxpayers reporting $50,000 or less—$50,000 or less—of adjusted gross income. We are not talking about a millionaire's tax break. Capital gains relief will benefit millions of American taxpayers.

Moreover, it is estimated that about 12 million lower and middle-income workers participate in some sort of stock equity plan with their employers. Further, many millions more own investments in stocks, bonds, and mutual funds. In fact, 52 percent of the 30.2 million families that own mutual funds report incomes of $50,000 or below, and 80 percent of these families report incomes of $75,000 or below.

Thus, capital gains realizations are hardly the exclusive domain of the rich. And these examples do not even touch on the economic benefits—such as new job opportunities—that would result from the unlocking of this estimated $8 trillion of unrealized capital gains that now sit waiting for the right incentive to come along and unleash it.

The list of other tax provisions that could reduce the burden of this average Utah family goes on.

For instance, the Balanced Budget Act of 1995 included an extension of the research and experimentation tax credit. This credit is very important to the research-intensive high technology industries that supply my State with thousands of jobs. It is this type of tax incentive that ensures Americans that high-paying, high-skilled jobs will stay in the United States and not be exported to countries that are more tax-friendly. It is this type of treatment that allows businesses to be competitive and makes the United States an attractive base for many research-related companies.

The Balanced Budget Act of 1995 also included a $5,000 credit for qualified adoption expenses. As anyone who has tried to adopt knows, adoptions are not cheap.

Families that are willing to take a child into their home are often deterred by the initial legal and medical expenses that can easily cost over $20,000. This $5,000 credit would allow the typical Utah family some much-needed relief by allowing them to offset their adoption expenses with a dollar for dollar credit that could be carried forward for up to 5 years.

One of the tax provisions that would have provided considerable relief to this same Utah family is the tax credit for children. The Balanced Budget Act of 1995 would have provided a $500 per child credit. Of course, because Utahns have larger than average families, the citizens of our State would have greatly benefited from this provision. But, most American families could benefit from this break as well.

The credit would have reduced the tax burden for a family with two children by $1,000. I am sure this Utah family would have a million better ways to use this money.

So, how much did President Clinton's veto of the Balanced Budget Act cost this Utah family, consisting of a mother, a father, and two children? Let's see how much:

$1,000 in tax credits for children.

$217 in marriage penalty corrections; and $5,000, if this family had tried to adopt a child.

And since this family would fall into the 15-percent tax bracket, they would have only paid a 7.5-percent tax on any capital gains that year—an additional 7.5-percent cut in their tax burden.

President Clinton's veto of the Balanced Budget Act cost this family a minimum of $1,217. And, this figure does not even take into account possible tax savings from capital gains tax rate reductions, the adoption credit, the enhanced IRA provisions, or the increase in the tax credit for health insurance for the self-employed.

It also does not take into account the substantial savings that would accrue to this family on mortgage interest, auto loans, student loans, or other private borrowing given that a balanced Federal budget would lower interest rates an estimated 2 percent.

Although President Clinton was unwilling to enact the Balanced Budget Act's program of tax relief, he now has the opportunity to repeal at least one of the taxes he placed on the American public in 1993—the 4.3-cent-per-gallon gasoline tax.

It is remarkable to me that the Clinton administration decried the Balanced Budget Act for its so-called harm to the poor and to seniors—but exactly who does the White House think is paying the biggest price for this gas tax hike? The gas tax is a particularly regressive tax. Who pays the most? The working poor and those on fixed incomes, that's who.

On Friday, the Finance Committee held hearings on the repeal of the 4.3-cents-per-gallon gas tax. Although there is some debate regarding how much of an immediate drop there would be in the price of gas as a result of this repeal, many experts agree that the price of gasoline would be 4.3 cents per gallon less than what it would otherwise be. It is no secret that these excise taxes are passed on to the consumer.

So, in observance of tax freedom day, I call upon the President to work with Congress not against it. It is time to for him to put down the veto pen and think about the American family—about this family of four struggling in Utah. It is time to lower the national tax burden and return this money to its rightful owners—American families. The current law is taxing us to death.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2417. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Milk in the Central Arizona Marketing Area: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2418. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Winter Pears Grown in Oregon, Washington, California: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2419. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Limes and Avacados Grown in Florida: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2420. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Grading and Inspection, General Specification of Standards for Grades of Nonfat Dry Milk; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2421. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Olives Grown in California and Imported Olives: Establishment of Limited Use; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2422. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Hazelnuts Grown in Oregon and Washington: Amending; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2424. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Spearmint Oil Produced in the Far West: Allotment Percentages; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2425. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule relative to Fresh Cut Flowers and Fresh Cut Greens Promotion and Information Order: Suspension; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2426. A communication from the Administrator of the Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, the report of an interim rule relative to Standards of Barley (RIN580–AA14); to Committee on Agriculture, Nutrition, and Forestry.

EC–2427. A communication from the Under Secretary for Food Safety, Department of Agriculture, the report of a final rule (RIN 583–AB97); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2428. A communication from the Secretary of Defense, transmitting, pursuant to law, the report on proposed obligations for weapons destruction and non-proliferation in the Former Soviet Union for fiscal year 1996; to the Committee on Armed Services.

EC–2429. A communication from the Secretary of Defense, transmitting, pursuant to law, a report relative to a retirement; to the Committee on Armed Services.

EC–2430. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96–D309; to the Committee on Armed Services.

EC–2431. A communication from the Director of Defense Procurement (Acquisition and Technology), Office of the Under Secretary of Defense, transmitting, pursuant to law, the report of an interim rule under the Defense Federal Acquisition Regulation Supplement Case 96–D039; to the Committee on Armed Services.

EC–2432. A communication from the General Counsel of the Department of Defense, transmitting, a draft proposed to amend titles 10, 37, and 31 of the United States Code, relating to various management authorities for the Department of Defense, and for other purposes; to the Committee on Armed Services.

EC–2433. A communication from the Secretary of Energy, transmitting, pursuant to law, a report on a program of research for the development of technologies that reduce environmental hazards; to the Committee on Armed Services.

EC–2434. A communication from the Director of the Bureau of Alcohol, Tobacco and Firearms, Department of the Treasury, transmitting, pursuant to law, a notice relative to a recent change in the foreign policy of the United States; to the Committee on Banking, Housing, and Urban Affairs.

EC–2435. A communication from the Assistant Chief Counsel, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled "The Community Reinvestment Act Regulations"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2436. A communication from the Federal Register Liaison Officer, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of the final regulation entitled "The Uniform Rules of Practice and Procedure"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2437. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The International Banking Activities"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2438. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The Uniform Rules of Practice and Procedure"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2439. A communication from the Legislative and Regulatory Activities Division, Comptroller of the Currency, Administrator of National Banks, transmitting, pursuant to law, the report of the regulation entitled "The Community Reinvestment Act Regulations"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2440. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Regulatory Reinvention; Tax Exemption of Obligations of Public Housing Agencies and Related Amendments" (FR 3985); to the Committee on Banking, Housing, and Urban Affairs.

EC–2441. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Regulatory Reinvention; Streamlining of HUD's Regulations Implementing the Fair Housing Act" (FR 4029); to the Committee on Banking, Housing, and Urban Affairs.

EC–2442. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Revision of FHA Multifamily Processing and Fees" (FR 3349); to the Committee on Banking, Housing, and Urban Affairs.

EC–2443. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Prohibition of Advance Disclosure of Funding: Accountability in the Provision of HUD Assistance" (FR 3954); to the Committee on Banking, Housing, and Urban Affairs.

EC–2444. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Supplemental Standards of Ethical Conduct for Employees of the Department of Housing and Urban Development" (FR 3331); to the Committee on Banking, Housing, and Urban Affairs.

EC–2445. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Equal Employment Opportunity; Policies and Procedures" (FR 3323); to the Committee on Banking, Housing, and Urban Affairs.

EC–2446. A communication from the General Counsel of the Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "The Streamlining of the FHA Single Family Housing, and Multifamily Housing and Health Care Facility Mortgage Insurance Programs Regulations" (FR 3966); to the Committee on Banking, Housing, and Urban Affairs.

EC–2447. A communication from the Executive Director of the Neighborhood Reinvestment Corporation, transmitting, pursuant to law, the annual report for calendar year 1995; to the Committee on Banking, Housing, and Urban Affairs.

EC–2448. A communication from the Administrator of the Food and Consumer Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule (RIN 584–AC08); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2449. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a final rule; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2450. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a final rule (RIN 3038–AB09); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2451. A communication from the Executive Director of the Commodity Futures Trading Commission, transmitting, pursuant to law, the report of two final rules (RIN 3038–AB11 and RIN 3038–AB12); to the Committee on Agriculture, Nutrition, and Forestry.

EC–2452. A communication from the Secretary of the Interior, transmitting, pursuant to law, a report relative to the termination process of the Superconducting Super Collider Program; to the Committee on Energy and Natural Resources.

EC–2453. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, a plan entitled, "Parks for Tomorrow"; to the Committee on Energy and Natural Resources.

EC–2454. A communication from the Assistant Secretary of Policy, Management and Budget, Department of the Interior, transmitting, pursuant to law, a report of a final rule; to the Committee on Energy and Natural Resources.

EC–2455. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5458–7); to the Committee on Environment and Public Works.

EC–2456. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5460–1); to the Committee on Environment and Public Works.

EC–2457. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–3); to the Committee on Environment and Public Works.

EC–2458. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5450–5); to the Committee on Environment and Public Works.

EC–2459. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5444–4); to the Committee on Environment and Public Works.

EC–2460. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5460–9); to the Committee on Environment and Public Works.

EC–2461. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5459–2); to the Committee on Environment and Public Works.

EC–2462. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5459–1); to the Committee on Environment and Public Works.

EC–2463. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–1); to the Committee on Environment and Public Works.

EC–2464. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, the report of a final rule (FRL–5461–5); to the Committee on Environment and Public Works.

EC–2465. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, the report of a final rule (RIN 2135–AA00); to the Committee on Environment and Public Works.

EC–2466. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, a draft of proposed legislation entitled "The Work First and Personal Responsibility Act of 1996"; to the Committee on Finance.

EC–2467. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report of a final rule (RIN 0938–AF14); to the Committee on Finance.

EC–2468. A communication from the Chief of the Regulations Branch, U.S. Customs Service, Department of the Treasury, transmitting, pursuant to law, the report of a final rule (RIN 1515–AB93); to the Committee on Finance.

EC–2469. A communication from the Inspect General, Social Security Administration, transmitting, pursuant to law, the report of final rules (RIN 0960–AE23); to the Committee on Finance.

EC–2470. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT55); to the Committee on Finance.

EC–2471. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT02); to the Committee on Finance.

EC–2472. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2473. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2474. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AI99); to the Committee on Finance.

EC–2475. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report relative to revenue procedure; to the Committee on Finance.

EC–2476. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC–2477. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC–2478. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a revenue ruling; to the Committee on Finance.

EC–2479. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of the summary of an announcement; to the Committee on Finance.

EC–2480. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AQ65); to the Committee on Finance.

EC–2481. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT43); to the Committee on Finance.

EC–2482. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule; to the Committee on Finance.

EC–2483. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule (RIN 1545–AT33); to the Committee on Finance.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–573. A resolution adopted by the Council of the City of South Sioux City, Nebraska relative to the English language; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the Act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oil spills, and to ensure that citizens and communities injured by oil spills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG (for himself, Mr. BENNETT, and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. FAIRCLOTH, Mr. SANTORUM, Mr. D'AMATO, Mr. KYL, and Mr. COVERDELL):

S. 1729. A bill to amend title 18, United States Code, with respect to stalking; to the Committee on the Judiciary.

THE INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mrs. HUTCHISON. Mr. President, I am introducing legislation today to strengthen the protections our society offers to stalking victims, those individuals whose stories we so often hear only after they end in tragedy.

My bill would make it a felony for a stalker to cross State lines with the intention of injuring or harassing the victim. It would make it a felony to place a stalking victim in reasonable fear of death or serious bodily injury in violation of a protective order by such travel. And it extends that protection of law to members of a victim's immediate family as well.

Freedom from fear is one of the most cherished advantages we are supposed to enjoy in our country, but stalking victims have been robbed of that freedom.

Their victimization is made worse because currently, restraining orders against stalkers issued in one State cannot be enforced in another State. If the victim leaves the State—to work, to travel, to escape—they lose their protection. Many times victims are told to put some distance between themselves and their stalker, perhaps they are even counseled to move far away.

Under such circumstances, stalking victims must go through the time-consuming process of obtaining another restraining order in a different jurisdiction. We all know the wheels of justice grind slowly. Time is what many stalking victims don't have. In such situations, time is what determines whether they live or die.

The legislation I am introducing today will give stalking victims that time they need. It will protect victims regardless of where they go. Victims will no longer be trapped in their own states in order to benefit from the shelter of law. In addition, this bill allows the resources of the FBI to be applied against interstate stalkers to prevent the intimidation of victims, or their coming to actual harm.

Just as importantly, this legislation goes beyond last year's domestic violence legislation by expanding the definition of a stalking victim from offender's spouse or intimate partner to simply victim. Many people are stalked by someone other than a spouse or intimate partner, often someone they know only slightly or don't know at all. Common sense tells us they need protection as much as those stalked by a spouse or romantic partner. This provision alone would double the protection we now can provide stalking victims.

Mr. President, I want to make it clear to my colleagues that we are not federalizing the crime of stalking. Stalking is and will remain a State crime, subject to State jurisdiction and sanction. But under the bill I am proposing, if a stalker crosses State lines, then Federal resources can be brought to bear to ensure the stalker is caught and stopped, the same protection we provided last year for victims of domestic violence.

The legislation also protects victims who live or work on Federal property: military bases, post offices, national parks, and other locations

This bill sends an unmistakable message. Its penalty provisions are stiff. We will be putting predators on notice that if they are convicted of crossing State lines to stalk a victim, they risk: 5 years in prison; 10 years if their victim comes to serious harm or if a dangerous weapon is used; 20 years if stalking results in permanent disfigurement or life-threatening injury; or life in prison if their victim dies.

Mr. President, this bill bridges the gap between law enforcement authorities in different States. It will allow us to stop stalkers who might otherwise duck under the net when they cross State lines, doing great damage to their victims.

If our society is serious about stopping the intimidation and actual injury that result from stalking in countless communities every day, this law is long overdue.

By Mr. CHAFEE (for himself, Mr. LIEBERMAN, Mr. LAUTENBERG, and Mr. PELL):

S. 1730. A bill to amend the Oil Pollution Act of 1990 to make the act more effective in preventing oil pollution in the Nation's waters through enhanced prevention of, and improved response to, oilspills, and to ensure that citizens and communities injured by oilspills are promptly and fully compensated, and for other purposes; to the Committee on Environment and Public Works.

THE OILSPILL PREVENTION AND RESPONSE IMPROVEMENT ACT

Mr. CHAFEE. Mr. President, today I am introducing a bill entitled the "Oilspill Prevention and Response Improvement Act."

As its name suggests, the bill has two purposes. First, it will help to prevent oilspills. Second, it will improve the response to the environmental and economic injuries from oilspills that do occur. It does this by increasing access to funds and by providing measures to make sure that both types of injuries are redressed.

Before getting into the substance of the bill in more detail, let me describe briefly how it came to be.

Generally speaking, the bill is a response to lessons learned from a number of recent oilspills that have spurred requests for oil pollution reforms. Of these spills, the one of most interest to me occurred a little over 3 months ago when a barge, the *North Cape*, ran aground just off of the coast of my State of Rhode Island. Despite valiant efforts by the Coast Guard and others, the grounding resulted in the largest oilspill in Rhode Island's history.

By the time the leak was contained, nearly 800,000 gallons of oil had poured into our coastal waters. Of course, much of the spilled oil ended up on our beaches, along with the carcasses of many fish, birds, and thousands of lobsters.

As chairman of the committee with jurisdiction over oil pollution—Environment and Public Works—I convened the committee twice to examine Federal oil pollution legislation in light of the *North Cape* incident and the other recent oilspills.

The first time was for a field hearing that took place in Narragansett, RI. It examined the Nation's oilspill pollution laws in the context of how they operated during the *North Cape* spill. The principal law we evaluated was the Oil Pollution Act, better known as OPA, which was enacted in 1990, after the infamous *Exxon Valdez* spill.

The second hearing in Washington, DC, took a broader approach. It looked at the issues raised during the Rhode Island hearing and assessed the possibility of improving OPA to prevent and better respond to oilspills.

In these hearings we learned that, overall, OPA is working pretty well. In comparing a similar oil spill that occurred in Rhode Island waters in 1989, the *World Prodigy* spill, with this year's *North Cape* spill, the hard work of Rhode Islanders was evident in both cases. However, such efforts clearly met with better results in the *North Cape* spill. The difference was OPA.

The clear consensus of all witnesses who testified before the Environment and Public Works Committee is that OPA is a valuable piece of legislation. It has produced faster and more effective spill responses throughout the last 6 years.

Nevertheless, there is room for improvement. On the prevention side, for example, several witnesses suggested how OPA can be strengthened so that we can avoid having to respond to an oilspill at all. The general consensus was that equipping oil-carrying tank vessels with double hulls is far and away the best way to prevent oilspills.

The other set of issues that emerged related to response. For example, agencies have struggled to coordinate and agree on how to proceed with decisions related to the reopening of closed fishing grounds. Lobstermen and fishermen have found it difficult to secure short-term financial assistance under the act. Finally, questions have been raised about the availability of the $1 billion oilspill liability trust fund to pay for the toll on fish and wildlife injured by a spill.

The issues raised during our hearings set the stage for the bill introduced today. Let me now explain how the bill addresses these issues and how it improves prevention and response to oilspills.

First, the bill reduces the likelihood that oilspills will occur in the future. It does so through the use of both carrots, or incentives, and sticks, or regulations.

On the incentive side, the bill recognizes the key role of double hulls in spill prevention. Indeed, this is why OPA mandates that all major vessels be double-hulled no later than the year 2015. But the bill also recognizes that converting the Nation's oil-carrying fleet will be costly.

The bill gets around financial concerns by providing an inducement to those operators who take the initiative and convert to double hulls before the mandate kicks in. Currently, there is a cap in OPA establishing a ceiling on the amount of liability for a vessel that spills oil. However, there are a host of exceptions to that limit, which has led some oil shippers to assert that the liability cap is meaningless. This bill greatly reduces the chances that an oil carrier who converts to a double-hull vessel will have to pay more than the liability cap established in OPA. It does this by limiting the conditions under which the cap can be exceeded for such an operator to those in which the operator has been grossly negligent or has engaged in willful misconduct.

The bill directs the Coast Guard to issue operational rules within the next 3 months and structural rules within the next 8 months for single-hulled tankers and barges. It also requires final rules to be issued for the tug boats that tow such barges. The purpose of these rules is to enhance protection of the marine environment by reducing the likelihood of an oilspill.

OPA as originally enacted required the Coast Guard to issue the rules for tankers and barges nearly 5 years ago. This bill says: Enough is enough when it comes to delay. If the Coast Guard does not get out the rules when it says it will, interim prevention measures such as requiring a vessel to have an operable anchor and man on board, or an emergency barge retrieval system, will automatically go into effect. In addition, minimum under-keel clearances also will be required.

On the response side, the bill will reduce the economic hardship and environmental damage caused by a spill. To limit financial injury, for example, it requires that advance procedures are developed for the reopening of affected fishing grounds. These procedures will make sure that such reopening occurs as quickly as possible consistent with public health and safety. Advanced planning also will ensure that bureaucratic in-fighting does not hold up reopening.

To mitigate environmental harm, the bill provides greater access to the oilspill liability trust fund, to information, and to scientific expertise. This will allow response personnel to better minimize harm to the marine environment in the aftermath of a spill.

Finally, the bill will help make financial assistance available right away for those whose livelihoods are affected by a spill. It achieves this purpose in two ways.

First, it makes clear that a person injured by a spill may receive a partial settlement in the short term without waiving the right to full compensation. Injured parties will no longer have to wait before pursuing a claim while their rent and grocery bills pile up.

Second, the bill allows major oilspills to be declared major disasters and thus, to qualify for Federal major disaster relief. Such relief carries with it the availability of immediate funding.

Overall then, the Oilspill Prevention and Response Improvement Act builds on the successes of OPA, yet it addresses the lessons learned from OPA's shortcomings. While the bill puts tougher prevention measures in place, it also gives operators the necessary incentives to take such measures. And in the event an oilspill does occur, it creates a response scheme that truly addresses economic and environmental losses.

The bill also reflects an attempt to respond to calls to reform the Nation's oil pollution laws in an expeditious and effective, yet deliberate and precise, way. I am confident that the bill is broad enough to bring about meaningful reform yet narrow enough to enlist the support necessary to become law.

In closing, I would like to thank the two primary cosponsors of the bill, Senator LIEBERMAN of Connecticut and Senator LAUTENBERG of New Jersey. Both of these colleagues of mine on the Environment and Public Works Committee have worked diligently with me to make it a better product.

Mr. LAUTENBERG. Mr. President, I am pleased to join with Senators CHAFEE and LIEBERMAN in introducing legislation to reduce the risks of oil spills.

Mr. President, as the terrible Exxon Valdez incident demonstrated in 1989, oil spills can have disastrous consequences for our environment and our communities. I visited Alaska soon after the Exxon Valdez accident, and the devastation was overwhelming. Nobody could leave that site without feeling a great sense of responsibility for preventing any similar disasters.

Congress passed the Oil Pollution Act of 1990 to prevent a recurrence of similar disasters. Among other things, the act established tough new standards for vessels carrying oil. Under the act, all such vessels must have double hulls by the year 2015. In addition, the Act required the Coast Guard to issue regulations to improve the seaworthiness and spill prevention capabilities of single hull vessels by 1991.

Mr. President, on March 30, 1996, the Environment and Public Works Committee held a hearing on the implementation of this Act. What we learned was very discouraging. The structural requirements for single hull regulations are 4 years overdue. The Coast Guard, despite admitting that it had sufficient funds to implement that requirement, could not give the Committee a rationale for the delay.

The recent spills of single hull tankers point to the need for better operations and better structural measures to reduce oil spills.

The bill we are introducing today will require several common-sense improvements on single hull ships. These improvements include:

Requiring that barges over 5,000 gross tons in the open ocean or coastal waters have at least one crew member on board and an operable anchor;

Requiring the presence of an emergency system on a vessel towing a barge that would allow the vessel to retrieve the barge should the tow line be ruptured; and

Requiring vessels to meet minimum underkeel clearance levels when entering or leaving a port.

In addition, the bill will require the Coast Guard to issue final regulations to improve the seaworthiness and spill prevention capabilities of single-hull vessels no later than July 18, 1996; 5 years after the original deadline. If the regulations are not promulgated by that date, then proposed regulations already developed by the Coast Guard would automatically become effective. These proposed regulations would require all vessels to have double-hulls on their sizes or their bottoms. Alternatively, vessels could include hydrostatic loading systems, which help prevent spills by equalizing the pressure of the oil on the vessel with the outside water pressure. Under hydrostatic loading, in the case of a rupture, water enters the ship rather than the cargo of oil entering the ocean.

In addition, the bill includes incentives to convert the present single-hull fleet to the safer double-hull vessels. Under the bill, any ship that is replaced by a double-hull vessel before double-hulls are required will be subject to a liability cap that can only be waived if there is gross negligence or willful misconduct.

Mr. President, anyone who saw the devastation of Prince William Sound—such an invaluable natural resource—will understand the importance of preventing oil spills in the future. This is true not just in Alaska, but also on the Delaware River, in New York Harbor, and in the Rhode Island Sound, and throughout our rivers and coasts.

The rivers and channels around my State of New Jersey are very vulnerable to spills. Because of inadequate channel depths, most of the crude oil in large ships moving into the Port of Newark must be transferred to smaller vessels, a practice called lightering.

These transfers at sea between ships increase the likelihood of spills. It is only the exceptional abilities of the pilots serving the Port of New York and New Jersey that have prevented repeated spills in our region.

Nevertheless, lightering increases the threat of frequent oilspills. To reduce that threat, the bill requires the Coast Guard to develop requirements for lightering operations that are to provide substantial protection to the environment as is economically and technologically feasible.

Mr. President, the Committee on Environment and Public Works will hold hearings on this legislation this year. I look forward to working with Senators CHAFEE and LIEBERMAN, and the other members of the Committee, to make any needed refinements in the legislation, and to approve the bill without delay.

Mr. PELL. Mr. President, earlier this year I shared with my colleagues news on what has been identified as the worst oilspill in Rhode Island's history.

That January spill was the genesis for the legislation that I am joining the Senator from Rhode Island [Mr. CHAFEE] in introducing today.

As many of you may know from news accounts, the barge *North Cape*, carrying a cargo of about 4 million gallons of heating oil, and the tug SCANDIA grounded off the southern Rhode Island coast.

The grounding followed a fire that broke out on the tug, later engulfed the vessel and required the subsequent last-minute evacuation of the captain and crew by the U.S. Coast Guard.

That evacuation was successful because of the enormous courage and skill of the Coast Guard rescue team, who did not hesitate to put themselves at great personal risk to rescue the captain and crew.

It was under extraordinarily difficult winter storm conditions that the Coast Guard effected the rescue and attempted, unsuccessfully, to prevent the barge and burning tug from running aground. The barge, dragging the burning tug, grounded in shallow water off Matunuck Point Beach, near Point Judith.

Pounded by strong winds and high seas, the 340-foot, single-hull barge began to spill oil from holes in at least two places.

Transportation Secretary Frederico Peña joined me and other Federal officials in Rhode Island to evaluate the spill, as efforts continued to contain the escaping oil and off-load what oil remained aboard the barge.

Rhode Island Gov. Lincoln Almond called for Federal help, declared a state of emergency and said the spill was "the worst in Rhode Island's history and one of the worst ever off the coast of New England."

The toll on marine life was heavy. Thousands of oil-coated lobsters, dead and living, washed up along several hundred yards of beach near the barge.

Dozens of seabirds died and scores more were coated in oil and their habitats fouled.

The barge grounded close to Moonstone Beach, a breeding ground for the endangered piping plover and the Turstom Pond National Wildlife Refuge, an environmentally fragile habitat.

Fishing was banned in hundreds of square miles, from Point Judith south to waters east of Block Island. In addition a number of shellfishing areas were closed and both took a long time to reopen.

The good news is that Rhode Islanders rose to the occasion. Hundreds of Rhode Islanders, their efforts coordinated by Save the Bay, helped by cleaning everything from beaches to birds.

Additional good news came with a phone call from President Clinton to Governor Almond, assuring him that funds would be made available for the cleanup and fishing industries.

Mr. President, I raised a number of questions at the time and observed how unfortunate it was that the barge was not of the new double hulled design, which I have long advocated.

I understand that the barge leaked from 9 of its 14 containment holds. A double-hull might have made all the difference between an incident and a disaster.

At the time, I also observed that everyone would benefit from a thorough review of the coordination of our emergency response to oilspills.

The bill we are introducing today is a result of such an inquiry, conducted by the Senate Environment and Public Works Committee under Senator CHAFEE's excellent leadership.

Our bill offers insurance incentives for oil barge owners who expedite conversion of their barges to double-hulled vessels. It also sets a deadline for the U.S. Coast Guard to issue new standards for oil barge design and operation.

The bill requires oil barges to have crews and workable anchors or a retrieval mechanism. It gives oilspill victims and scientists easier access to the oilspill liability trust fund and sets standards for the closing and reopening of fishing grounds after a spill.

Although it is not a panacea and will not prevent future oilspills, our bill goes a long way toward improving the safety of oil barges and setting a clear course for the response when a spill does occur. As we all know, those who do not learn from history are doomed to repeat it. This bill codifies what we have learned and lessens the chance that the tragedy that struck us in January will be repeated.

By Mr. CRAIG (for himself, Mr. BENNETT and Mr. BRYAN):

S. 1731. A bill to reauthorize and amend the National Geologic Mapping Act of 1992, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL GEOLOGIC MAPPING REAUTHORIZATION ACT OF 1996

• Mr. CRAIG. Mr. President, my purpose here today is to introduce on behalf of myself and my cosponsors Senators BRYAN and BENNETT, a bill to reauthorize the highly successful National Geologic Mapping Act of 1992. The act established a cooperative geologic mapping program among the U.S. Geological Survey, State geological surveys, and geological programs at institutions of higher education in the United States. The goal of this program is to accelerate and improve the efficiency of detailed geologic mapping of critical areas in the Nation by coordinating and using the combined talents of the three participating groups.

Detailed geologic mapping is an indispensable source of information for a broad range of societal activities and benefits, including the delineation and protection of sources of safe drinking water; assessments of coal, petroleum, natural gas, construction materials, metals, and other natural resources; understanding the physical and biological interactions that define ecosystems, and that control, and are a measure of, environmental health; identification and mitigation of natural hazards such as earthquakes, volcanic eruptions, landslides, subsidence, and other ground failures; and many other resource and land-use planning requirements.

Only about 20 percent of the Nation is mapped at a scale adequate to meet these critical needs. Additional high-priority areas for detailed geologic mapping have been identified at State level by State-map advisory committees, and include Federal, State, and local needs and priorities.

Funding for the program is incorporated in the budget of the U.S. Geological Survey. State geological surveys and university participants receive funding from the program through a competitive proposal process that requires 1:1 matching funds from the applicant.

Mr. President, I urge my colleagues to join me to ensure the continued efficient collection and availability of this fundamental Earth-science information.•

ADDITIONAL COSPONSORS

S. 1183

At the request of Mr. HATFIELD, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 1183, a bill to amend the Act of March 3, 1931 (known as the Davis-Bacon Act), to revise the standards for coverage under the Act, and for other purposes.

S. 1233

At the request of Ms. MIKULSKI, the names of the Senator from Oregon [Mr.

HATFIELD] and the Senator from West Virginia [Mr. ROCKEFELLER] were added as cosponsors of S. 1233, a bill to assure equitable coverage and treatment of emergency services under health plans.

S. 1271

At the request of Mr. CRAIG, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1271, a bill to amend the Nuclear Waste Policy Act of 1982.

S. 1592

At the request of Mr. LAUTENBERG, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 1592, a bill to strike the prohibition on the transmission of abortion-related matters, and for other purposes.

S. 1612

At the request of Mr. HELMS, the name of the Senator from Missouri [Mr. ASHCROFT] was added as a cosponsor of S. 1612, a bill to provide for increased mandatory minimum sentences for criminals possessing firearms, and for other purposes.

S. 1639

At the request of Mr. DOLE, the names of the Senator from Nevada [Mr. REID], and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of S. 1639, a bill to require the Secretary of Defense and the Secretary of Health and Human Services to carry out a demonstration project to provide the Department of Defense with reimbursement from the medicare program for health care services provided to medicare-eligible beneficiaries under TRICARE.

S. 1646

At the request of Mr. DOMENICI, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 1646, a bill to authorize and facilitate a program to enhance safety, training, research and development, and safety education in the propane gas industry for the benefit of propane consumers and the public, and for other purposes.

S. 1650

At the request of Mr. HARKIN, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 1650, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 1661

At the request of Mr. PRESSLER, the names of the Senator from Iowa [Mr. GRASSLEY] and the Senator from Kentucky [Mr. MCCONNELL] were added as cosponsors of S. 1661, a bill to specify that States may waive certain requirements relating to commercial motor vehicle operators under chapter 313 of title 49, United States Code, with respect to the operators of certain farm vehicles, and for other purposes.

SENATE JOINT RESOLUTION 49

At the request of Mr. KYL, the name of the Senator from Kentucky [Mr. MCCONNELL] was added as a cosponsor of Senate Joint Resolution 49, a joint resolution proposing an amendment to the Constitution of the United States to require two-thirds majorities for bills increasing taxes.

SENATE RESOLUTION 85

At the request of Mr. CHAFEE, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 85, a resolution to express the sense of the Senate that obstetrician-gynecologists should be included in Federal laws relating to the provision of health care.

NOTICE OF HEARING

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Oversight and Investigations Subcommittee of the Energy and Natural Resources Committee on the management and costs of class action lawsuits at Department of Energy facilities.

The hearing will take place on Tuesday, May 14 at 9:30 a.m., in room SD-366 of the Dirksen Senate Office Building, in Washington, DC.

Those wishing to testify or submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Kelly Johnson or Jo Meuse at (202) 224-6730.

AUTHORITY FOR COMMITTEES TO MEET

SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH, Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996, session of the Senate for the purpose of conducting a hearing on the Coast Guard budget for fiscal year 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Tuesday, May 7, 1996 session of the Senate for the purpose of conducting an oversight hearing on the Federal Trade Commission.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, at 10 a.m. to hold a hearing on S. 1284, NII Copyright Protection Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on NIH reauthorization, during the session of the Senate on Tuesday, May 7, 1996, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT COMMITTEE ON THE LIBRARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Joint Committee on the Library be authorized to meet during the session of the Senate on Tuesday, May 7, 1996, beginning at 10 a.m. until business is completed, to receive a report by the General Accounting Office on the Library of Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SPECIAL COMMITTEE TO INVESTIGATE WHITEWATER DEVELOPMENT CORPORATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Special Committee to Investigate Whitewater Development Corporation and Related Matters be authorized to meet during the session of the Senate on Tuesday, May 7, Wednesday, May 8, and Thursday, May 9, 1996, to conduct hearings pursuant to Senate Resolution 120.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, May 7, 1996, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2 p.m. The purpose of this hearing is to consider S. 1662, the Omnibus Oregon Resources Conservation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Mr. HATCH. Mr. President. I ask unanimous consent that the Subcommittee on Transportation and Infrastructure be granted permission to conduct a hearing Tuesday, May 7, 9:30 a.m., hearing room SD-406, on the GSA Public Buildings Service program request for fiscal year 1997 and on disposal of GSA-held property in Springfield, VA.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

TAX LIMITATION AMENDMENT

• Mr. KYL. Mr. President, today is tax freedom day, the day that average Americans can expect to quit working for the Government and begin working for themselves and their families.

Mr. President, it has taken the average American 128 days this year—the 128 days leading up to tax freedom day—to earn enough to pay the tax collectors at the Federal, State, and local levels. Had the average worker devoted every dollar earned every day for the last 128 days, not to food, clothing, or shelter, but exclusively to paying off his tax obligations, it would be only now that his tax bill would have been satisfied and he could begin working for himself.

May 7 is the latest tax freedom day ever—6 days later than it was when President Clinton took office in 1993. In other words, it will take the American people an extra 6 days—nearly a week—to pay for all of the additional taxes that have been imposed during President Clinton's time in office.

Mr. President, it is no wonder that Americans are anxious about their economic security. The harder they work, the more the Government takes. Compared to the 3 percent of income paid in taxes in 1948, the average family now pays nearly 25 percent of its income in taxes to the Federal Government. Add State and local taxes to the mix, and the burden approaches 40 percent.

That is why Congress passed the tax relief bill last year—to begin to roll back the huge tax increase that President Clinton imposed in 1993. We want to see that the American people can earn more, keep more, and do more with their families, their churches and synagogues, and their community.

President Clinton says he wants to help the middle class, too. Why, then, did he veto last year's tax relief bill? Seventy percent of the tax reductions would have gone to those with incomes under $75,000. Looking at the tax relief bill in detail, it included a new deduction for interest on student loans, a $500-per-child tax credit, a tax credit for adoption expenses, and marriage penalty relief. Those four components alone made up 64 percent of the tax relief provided by the legislation. In fact, the Heritage Foundation had estimated that 47,552 low-income taxpayers in Arizona—3.5 million nationwide—would see their entire income tax liability eliminated as a result of the $500-per-child tax credit alone. But President Clinton said no to tax relief.

In fact, the President is still trying to justify his 1993 tax increase as a tax on the wealthy. Tell that to the millions of Americans who are struggling to cope with the soaring price of gasoline made worse by the Clinton gas tax increase. I am sure they would be surprised to learn that they are among the wealthy the President talks about so cavalierly. They are the ones paying the higher gas tax.

Young couples working two jobs and earning a combined total of only $30,000 would be surprised to learn that they are among the wealthy that President Clinton talks about. With two children, they would have saved $1,000 on their taxes if the $500-per-child tax credit became law. President Clinton vetoed that relief.

I am sure the older American who has an income just over $30,000 a year would be surprised to learn that he is one of the wealthy the President is so fond of taxing. He was hit with the Clinton Social Security tax increase in 1993.

According to the Tax Foundation, total Federal taxes on a median-income family—not the rich, but an average family—increased by more than $2,000 during the Clinton years. Just about everyone across the country has felt the ill effects of President Clinton's economic policies.

When the President talks about taxes, it is always in terms of what it means to the Government—can the Government afford tax relief for the middle class? How much more can it squeeze out of working Americans? Well, I think we have to begin to consider how taxes affect working people's budgets. After all, it is Government that is supposed to serve people, not the other way around. A government that confiscates nearly half of its citizens' hard-earned income has, in my opinion, lost sight of why it was created and just who it was intended to serve.

With that in mind—and recognizing that various levels of government already take far too much of a family's income in taxes—I recently proposed a constitutional amendment, Senate Joint Resolution 49, to require a two-thirds majority vote in the House and Senate to increase taxes. Twenty Senators cosponsored the resolution. The House of Representatives debated a version of the initiative, known as the tax limitation amendment, on April 15.

Mr. President, according to a recent Reader's Digest poll, the maximum tax burden Americans believe a family of four should bear is 25 percent. That is not just the amount of Federal income taxes, but taxes from all levels of government, including Social Security taxes, sales taxes, excise taxes, and State and local taxes. As I noted before, however, the average family feels a tax bite of nearly 40 percent—almost twice what the public believes is a fair amount of tax.

Even though the tax limitation amendment only applies to new taxes, it has the tax collectors and the Clinton administration squealing. They cannot stand the thought of not being able to take more out of the taxpayers' pockets.

Mr. President, there is no small irony in the fact that the Clinton tax increase of 1993 passed only by a simple majority—and not even a majority of elected Senators at that. Vice President GORE broke a 50 to 50 vote tie to ensure passage of the tax increase bill—higher taxes on gasoline and Social Security, and job-killing taxes on small businesses. Yet, while the largest tax increase in history became law with the bare minimum of votes, it will take a two-thirds majority vote in each House to enact our tax relief bill over President Clinton's veto.

Well, many of us believe that it ought to be just as hard for President Clinton to raise taxes as it is for Congress to cut them. That is the very premise of the tax limitation amendment—to make government think of tax increases, not as a first resort, but as a last resort.

President Clinton, who always seems to think of tax increases as a first resort, not only wants the American people to accept his tax increases but believes that his 1993 budget plan helped the economy. The facts just do not support that contention.

A recent report by the Heritage Foundation found that the Clinton tax increase has cost the country a total of 1.2 million additional private sector jobs between 1993 and the end of 1996. Every household in American has lost a total of $2,600 in after-tax income as a result of sluggish economic growth. Personal savings are off by about $138 billion. Some 40,600 new businesses were never started. 1.3 million new cars and light trucks were never produced. A total of $208 billion in lost economic output.

What the Heritage Foundation refers to the Clinton crunch—the dual effect of declining real wages combined with higher taxes—has cast a dark shadow over the economy. Since January of 1994, the number of people working more than one job has gone up 17 percent. The number of women working more than one job has gone up 21 percent. President Clinton talks about the number of jobs created during his administration. Yes, there are more, but the fact is that more than a third of the new jobs have gone to people taking an extra job in order to make ends meet.

How has the Federal Government fared while people's incomes have been stagnating and their jobs are put in jeopardy? It seems to be doing pretty well.

Revenues to the Treasury have increased from $1.15 trillion in 1993 to an estimated $1.43 trillion this year—up almost 25 percent—thanks, in large part to the Clinton tax increase.

The President just forced Congress to add another $5 billion to the Federal budget 2 weeks ago. That is $5 billion more for the government, not American families, to spend.

President Clinton's budget for fiscal year 1997 would even add 13,700 full-time Washington bureaucrats to the Federal payroll.

In other words, the era of big government is not over. If President Clinton has his way, it will continue to grow and flourish at the expense of hard-working taxpayers.

Mr. President, there is a way to put a stop to this continuing assault on taxpayers. It is the tax limitation amendment. It would make it harder for Congress to raise taxes any further, requiring a two-thirds vote of each house on tax increase bills. It would have prevented the Clinton tax increase from becoming law in 1993 and thereby promoted more vigorous economic growth across the Nation.

Many of us will try to roll back the Clinton tax increase, or parts of it, like the gas tax. With the tax limitation amendment, however, we can also make sure that tax freedom day comes no later than May 7 in any future year. Hopefully, it will come a lot sooner.

The time for the tax limitation amendment has come.•

COMMEMORATING THE 100TH ANNIVERSARY OF THE JEWISH WAR VETERANS

• Mr. BRADLEY. Mr. President, I rise today to honor the Jewish War Veterans in the year of the organization's 100th anniversary, and to pay tribute to the members of their faith who have fought and died in the service of their country.

The JWV is the oldest active veteran's group in the United States. Founded by veterans of the Civil War, the first members pledged to combat the powers of bigotry whatever the target, and to assist comrades and their families in need. They also pledged to gather and preserve the records of patriotic service performed by members of the Jewish faith. In the 100 years following, the JWV has been a crucial force in documenting the contribution Jews have made to America's military.

From the American Revolution to the Persian Gulf war, hundreds of thousands of Jewish-Americans have fought bravely in defense of our Nation and its democratic ideals.

The JWV has also made important contributions to the lives of their fellow Americans at peace. Its members have been leaders in the fight against racism and anti-Semitism in this country, and have used the strength of their organization to improve the care and well-being of veterans of all denominations.

Today the Jewish War Veterans continue to do important work in communities throughout the Nation. Members volunteer their services to assist disabled and hospitalized veterans of all races and religions, and serve the community through education programs and scholarships. They have assisted Americans young and old, Jewish and non-Jewish. I am proud that so many members of the JWV live in my home State of New Jersey, and I congratulate them on their centennial anniversary.•

TRIBUTE TO MALLORY ROME

• Mr. LEAHY. Mr. President, I am pleased to inform my colleagues that Mallory Rome of Killington, VT, has been selected to receive the prestigious James Madison Fellowship. I commend the foundation for their decision to select Mallory—a Vermonter who has a deep commitment to teaching.

As most Americans learn at an early age, James Madison is the "Father of the Constitution." He sponsored the first 10 amendments and there is probably no single individual who had more involvement with drafting this remarkable document that has served our country so well. It is fitting that Congress established the James Madison Fellowship Program in honor of this great American.

Each year, fellowships are awarded to individuals who are interested in pursuing a career in education and who desire to concentrate their studies in American history or political science. Mallory has worked very hard to earn this fellowship. This month, she will graduate from Yale University. Her 4 years there have prepared her well for this fellowship and her future career. Mallory has already interned for the Teach For America Program and worked as a teaching assistant at a summer school.

I am confident that the foundation will be proud that it awarded this fellowship to Mallory. I know that her family and Vermont are already proud of her and I wish her the best in the future.•

WOUND, OSTOMY, AND CONTINENCE NURSES SOCIETY CONFERENCE

• Mrs. MURRAY. Mr. President, I am pleased to welcome the 28th annual Wound, Ostomy and Continence Nurses Society [WOCN] conference to Seattle, WA, June 15–19, 1996. The theme of the conference, "The Future is Ours to Create," will focus on future opportunities and challenges relating to the changing and expanding role of enterostomal therapist nurses, and other nurses specializing in wound, ostomy, and continence care.

Founded in 1968, WOCN is the only national organization for nurses which specializes in the prevention of pressure ulcers and the management and rehabilitation of persons with ostomies, wounds, and incontinence. In addition, WOCN is a professional nursing society which supports its members by promoting educational, clinical, and research opportunities, to advance the practice and guide the delivery of expert health care to individuals with wounds, ostomies, and incontinence. I applaud them for their commitment and dedication to their work.

In this age of changing health care services and increasing costs, the WOCN nurse plays an integral role in providing cost-effective care for their patients. This year's Seattle conference will provide a unique opportunity for WOCN participants to learn about the most current issues and trends related to their practice. I am honored that WOCN has chosen Seattle to host its conference and wish them every success.•

PRUDENTIAL SPIRIT OF COMMUNITY AWARDS

• Mr. CONRAD. Mr. President, this morning I was privileged to honor North Dakota's recipients of the 1996 Prudential Spirit of Community Award, Kendal Alexander, a student attending the Erik Ramstad Middle School in Minot, and Jessica Schmidt, from Minot High School Magic City Campus. Kendall and Jessica are among 104 honorees representing each State, the District of Columbia, and Puerto Rico that were selected to receive the Prudential Spirit of Community Award in recognition of their exemplary contributions to community service.

The Spirit of Community Initiative was organized last year by the Prudential Insurance Company of America, in partnership with the National Association of School Principals to encourage community involvement by young people, and to recognize community service contributions of America's youth. In the first year of the program, more than 7,000 young people working in various community service programs across the country were considered for the Prudential honors. One hundred four finalists were selected to receive the Prudential Spirit of Community recognition, an award including a silver medallion and a $1,000 cash award.

Mr. President, at a time when so much attention in the press is focused on the problems of youth, I think it important to highlight the contributions of young people like Kendal and Jessica who are working to improve their communities, and to provide services to individuals in need.

Kendal was honored for his work with a local food bank, highway improvement, to develop safe activities for children during Halloween and to assist senior citizens in nursing homes. Jessica, as president of the Minot High School Key Club, organized programs for nursing home residents, and a senior's prom for senior citizens in the Minot community. Kendal and Jessica deserve our sincere appreciation for their efforts to improve our communities. We can be proud that they are so committed to helping others, and that they represent our future. I also want to commend the Prudential Insurance Co. and the National Association of School Principals for establishing this outstanding program, and particularly, for encouraging young people to become involved in their communities.●

THE FORT PECK RURAL COUNTY WATER SUPPLY SYSTEM ACT OF 1996

Mr. DOLE. Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of calendar 348, S. 1467.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 1467) to authorize the construction of the Fort Peck Rural County Water Supply System, to authorize assistance to the Fort Peck Rural County Water District, Inc., a nonprofit corporation, for the planning, design, and construction of the water supply system, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. DOLE. Madam President, I ask unanimous consent that the bill be deemed read a third time, passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1467) was deemed read a third time and passed, as follows:

S. 1467

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fort Peck Rural County Water Supply System Act of 1995".

SEC. 2. DEFINITIONS.

For the purposes of this Act:

(1) CONSTRUCTION.—The term "construction" means such activities associated with the actual development or construction of facilities as are initiated on execution of contracts for construction.

(2) DISTRICT.—The term "District" means the Fort Peck Rural County Water District, Inc., a non-profit corporation in Montana.

(3) FEASIBILITY STUDY.—The term "feasibility study" means the study entitled "Final Engineering Report and Alternative Evaluation for the Fort Peck Rural County Water District", dated September 1994.

(4) PLANNING.—The term "planning" means activities such as data collection, evaluation, design, and other associated preconstruction activities required prior to the execution of contracts for construction.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(6) WATER SUPPLY SYSTEM.—The term "water supply system" means the Fort Peck Rural County Water Supply System, to be established and operated substantially in accordance with the feasibility study.

SEC. 3. FEDERAL ASSISTANCE FOR WATER SUPPLY SYSTEM.

(a) IN GENERAL.—Upon request of the District, the Secretary shall enter into a cooperative agreement with the District for the planning, design, and construction by the District of the water supply system.

(b) SERVICE AREA.—The water supply system shall provide for safe and adequate rural water supplies under the jurisdiction of the District in Valley County, northeastern Montana (as described in the feasibility study).

(c) AMOUNT OF FEDERAL CONTRIBUTION.—

(1) IN GENERAL.—Subject to paragraph (3), under the cooperative agreement, the Secretary shall pay the Federal share of—

(A) costs associated with the planning, design, and construction of the water supply system (as identified in the feasibility study); and

(B) such sums as are necessary to defray increases in the budget.

(2) FEDERAL SHARE.—The Federal share referred to in paragraph (1) shall be 80 percent and shall not be reimbursable.

(3) TOTAL.—The amount of Federal funds made available under the cooperative agreement shall not exceed the amount of funds authorized to be appropriated under section 4.

(4) LIMITATIONS.—Not more than 5 percent of the amount of Federal funds made available to the Secretary under section 4 may be used by the Secretary for activities associated with—

(A) compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.); and

(B) oversight of the planning, design, and construction by the District of the water supply system.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this Act $5,800,000, to remain available until expended. The funds authorized to be appropriated may be increased or decreased by such amounts as are justified by reason of ordinary fluctuations in development costs incurred after October 1, 1994, as indicated by engineering cost indices applicable to the type of construction project authorized under this Act.

ORDERS FOR WEDNESDAY, MAY 8, 1996

Mr. DOLE. Madam President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until the hour of 9:30 a.m., Wednesday, May 8, further, that immediately following the prayer, the Journal of proceedings be deemed approved to date, no resolutions come over under the rule, the call of the calendar be dispensed with, and the morning hour be deemed to have expired, and there then be 30 minutes equally divided for closing remarks prior to the 10 a.m., cloture vote relative to the White House travel bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Madam President, there will be a 10 a.m., cloture vote on the White House travel bill. I ask unanimous consent that Senators have until 10 a.m., to file second-degree amendments under the provisions of Rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Madam President, following the cloture vote, if not invoked, it may be the majority leader's intention to turn to any of the other following items, so we could expect votes tomorrow. We have the repeal of the gas tax, the taxpayer bill of rights, the minimum wage legislation, and the TEAM Act.

I guess we were unable to reach an agreement today, but it seems to me we should repeal the gas tax, settle the minimum wage dispute, all in one fell swoop. Hopefully that can be resolved.

ORDER FOR ADJOURNMENT

Mr. DOLE. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that after the remarks by the distinguished Senator from Arkansas, Senator BUMPERS, the Senate stand in adjournment under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUMPERS addressed the Chair.

The PRESIDING OFFICER. The Senator from Arkansas.

Mr. BUMPERS. I thank the majority leader for allowing me to just make a few remarks before we go out.

THE GAS TAX CUT

Mr. BUMPERS. Madam President, I want to again reiterate my strong opposition to the so-called gas tax cut. I have labored on the Energy Committee for 21 years and 4 months. An awful lot of that time has been spent preaching about conservation and how we must achieve some degree of energy independence.

It has not been too long since cars were lined up at the service stations. Getting their gas tanks filled was a 1 to 2 hour proposition. How soon we forget. There were cries then that we ought to raise the gasoline tax by as much as $1 per gallon. I was never for that. The reason I was never for it is because people in my State, which is mainly rural, have to drive many miles to go to work and do errands. In a rural State people drive from their homes to work in communities 25 miles away. That is a 50-mile-a-day commute. A 50-mile commute a day with a $1 per gallon gasoline tax adds up to a staggering burden on middle- and low-income workers.

I have, however, always been a strong champion of fuel efficiency. The first year I was in the Senate under the leadership of Scoop Jackson, who was chairman of the Energy Committee, we forced the American automobile industry to achieve fuel efficiency standards, which they did not want to do. At that point, it was already apparent to anybody who watched that the American people had become rather captivated by small Japanese-made automobiles that were getting 35 to 50 miles a gallon. The automobile industry assured Senator Jackson and other Members of the Senate that requiring them to achieve some kind of a national fuel miles-per-gallon fuel standard would be disastrous for them.

In truth the car companies were wrong. We imposed Corporate Average Fuel Economy [CAFE] standards on the automobile industry. We told them that by 1985 they had to achieve an average national fuel efficiency standard of 27.5 miles per gallon per fleet. At that time in this country, the national average of all vehicles on the road, and that was roughly 30 million fewer cars than we have now, was a little over 13 miles per gallon.

You did not have to be a rocket scientist to know if we were using 6½ million barrels of gasoline a day that if you could improve fuel efficiency like that, with a snap of a finger, by one-third, you could have cut the import of oil into this country by 2 million barrels a day. At that time, the United States was producing between 60 percent and 65 percent of its own needs. Just parenthetically, today we produce about 50 percent and we import the rest. It is easily the single biggest contributor to our trade deficit.

In the 1980's we also raised the gas tax. The Federal gas tax had been 4 cents for a very long time. The tax was raised twice in the 1980's and twice again in the 1990's. Today it is 18.3 cents a gallon. In the past, we have always put gasoline taxes into the transportation trust funds to be used for building highways and for mass transit.

In the summer of 1993, as we labored in this body to honor a commitment that the President had made during his campaign that he would cut the deficit in half during his 4-year term, he sent a proposal to the U.S. Congress. He said if you adopt this proposal it will reduce the deficit by $500 billion over the next 5 years. We have done this precisely the way the people around the coffee shops say they want it done—$250 billion in new taxes, $250 billion in spending cuts.

How often have you heard people say, "I would not mind paying more taxes but they will just spend the money." Believe you me, there has always been enough action taken around here to give credence to that idea. Every poll shows the American people would opt for a plan if it cuts spending dollar for dollar against tax increases. So we raised income taxes on the wealthiest of Americans and we raised the gasoline tax by 4.3 cents a gallon.

What was that 4.3 cents per gallon tax worth? Over a 5-year-period it was worth $24.5 billion. That total package was worth $500 billion over a 5-year period, so we said.

In fact, Madam President, as of this moment, it is headed toward being $700 billion in deficit reduction. How did we pass it? At that time what some of us like to refer to as the "good old days," we had 56 Democratic Senators, 6 voted no, 50 voted aye, and Vice President ALBERT GORE sat in that chair and voted to break the tie of 50–50, and we passed that deficit reduction package, which included this 4.3-cent a gallon gas tax.

Now we are back, and everyone wants to balance the budget. The American people have issued a nonnegotiable demand that they want the budget balanced. I happen to believe that any time the American people speak almost with one voice, they are heard here. So this body for the first time since I have been in the Senate has gotten serious about the business of balancing the budget.

Let me digress to say this, Madam President. The Presiding Officer is a member of the Republican Party. I am a Democrat. There are 53 Republicans sitting on the other side and there are 47 Democrats sitting on this side. In truth, this ought to be pleasing to the ears of the American people. We would all agree on about 90 percent of what we believe to be the core values of this country. Madam President, 90 percent of the core values that have made us a great Nation. And we are, make no mistake about it.

One of the values that every Democrat and every Republican and virtually everybody in the country would agree on is we should balance our budget. Where did we diverge? A couple of my very good friends on this side of the aisle are no longer here, and they are no longer here because they had the courage to be one of the 50 to vote for honest-to-God deficit reduction. If we had not done that, we would be looking at a $290 to $300 billion deficit today. One of the reasons the American people are feeling slightly better is that this year the deficit is going to be $144 billion—less than half what it was projected to be and less than half what it would have been if a few people had not screwed up their nerve and been courageous enough to vote for something that was obviously unpopular. Nobody wants to vote for a tax increase of any kind. I wish I could just wave a wand and vote to repeal the 4.3-cent gas tax and say, "Well, we will take care of the deficit some other way."

Madam President, this is the first time we have attempted to undo any portion of that deficit reduction package of 1993. I am opposed to it because I lost two good friends who were courageous enough to vote for it. I am opposed to it on energy efficiency grounds, and I am opposed to it because you cannot balance the budget and keep giving away the Treasury.

It is really slightly hypocritical to ask the people of this place to repeal the 4.3-cent gasoline tax which will cost us, just for the remainder of this year of 1996, about $3 billion? If we take the 4.3 cents tax off for the ensuing 7 years, you are talking about $32 billion.

Where are you going to get the money to offset that? The majority leader in the House of Representatives said, "Well, let us take it out of education. We are not getting a very good bang for the buck on our money for education. We will take it out of education."

Madam President, the rules of the Senate do not permit me to say what I really would like to say about that. But needless to say, that is a crazy idea.

Somebody else has said, "Well, we are getting ready to impose a tax on the banks and S&L's to go under the so-called SAIF to pay off the bonds that we issued to bail the S&L's out. So we will just take it out of the savings and loan insurance fund.

You think about that one. We are going to reduce the gas tax 4.3 cents a gallon and make it up by charging the same amount to people of this country because they have deposits in the bank. That is passed on to the consumer one way or another. If we make the banks and the S&L's pay more into the insurance fund, they will pass it on to the customers. So if you say, "Well, we will take the gas tax off, but we will pick it up over here in the bank fund," I do not consider that the most enlightened solution either.

Madam President, 3 weeks ago the price of oil was $24 a barrel. Yesterday it was $21 a barrel—12.5 percent less than it was 3 weeks ago. It takes a while before that reduced price of oil works its way through the pipeline, and the consumers get the benefit of it. But the Energy Information Administration says by October the price of oil will be $17 a barrel.

I wish to goodness we could get this Presidential election over with so we could start talking seriously about things that really matter instead of playing around with things like this for whatever political impact they might have in November.

Madam President, how are we going to tell the American people that their gasoline prices are going to go down 4.3 cents a gallon? Answer. We are not, because we do not have any way of knowing that. The oil companies can put that 4.3 cents a gallon in their pocket.

But more to the point, how do we make up the $3 billion we are going to lose? Nobody has said yet anything credible. No credible offer has been made as to how we are going to offset it. I frankly think the politics of this thing is not on the side of the proponents.

Yesterday, I had 150 people in a committee room over in the Dirksen Building, members of the chamber of commerce from my State. They were all here for their big national shindig. So for openers I just asked, "How many people here would like to repeal the 4.3 cents per gallon gas tax?" This is the chamber of commerce; these are business people normally who dislike taxes intensely. I did not embellish. I did not try to argue one way or the other. I just asked the question point blank. Five people. "How many would like to leave the gas tax alone?" Roughly 70 to 90 voted to leave it alone.

Today, the rural cooperatives were in town. I heard the distinguished Senator from North Dakota today say that farmers use six to seven times as much gasoline as the ordinary driver uses. There must have been about 75 people at the meeting today. "How many of you would like to repeal the 4.3-cent gas tax?" Three. All the rest were opposed.

So for all of the reasons I have enumerated plus others—and I will not take additional time, Madam President, because we are ready to shut this operation down for the night, but for all of those reasons and many more, the repeal of the 4.3-cents-per-gallon gas tax is a foolish idea.

And I am not going to vote for a constitutional amendment to balance the budget, which is an equally foolish idea. So many people in this body treat the Constitution like it is a rough draft that they are supposed to finish up somehow or other.

Everybody wants to amend the Constitution. I do not. I have only voted for one amendment, and I intend to think twice before voting for another amendment. I do not like a lot of the Members of this body tampering with what Madison and Adams, Hamilton and Franklin did 207 years ago.

Madam President, if we ever debate this gasoline tax, which I understood we were going to take up today, I will be back in the Chamber largely repeating what I just said plus some additional things. But I can tell you the American people are not behind this. They do not want it. If you want to do something to please the American people, get the budget balanced. Do not be tinkering around with the politics of the 4.3-cent gasoline tax. And above all, do not ask me to vote to undo the deficit reduction we have going which has been successful to a staggering degree. We should not start unraveling it now because there is a Presidential election in November.

Madam President, I yield the floor.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned.

Thereupon, the Senate, at 7:02 p.m., adjourned until Wednesday, May 8, 1996, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, May 7, 1996*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. HOBSON].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
May 7, 1996.

I hereby designate the Honorable DAVID L. HOBSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Colorado [Mrs. SCHROEDER] for 5 minutes.

THANK YOU, BUSINESS WEEK

Mrs. SCHROEDER. Mr. Speaker, I take the floor today to talk about what is going on in this country vis-a-vis sexual harassment.

As you know, in the past it has been career suicide for a woman to come forward and make any allegation of sexual harassment. But today, I want to congratulate Business Week. Business Week has made their cover story about this issue.

Mr. Speaker, I do not normally take the floor to congratulate anyone, but I think when the business press of America takes this issue this seriously, we should really congratulate them, because rather than trying to paint over the issue, paint over the rust and try and deny it, they are saying it is time we get on with dealing with this.

The reason it is so important is how they name the article: "Abuse of Power." That is what sexual harassment is all about. Abuse of power.

America hears all these jokes about, oh, we cannot joke with women. Yes, you can do that; for heavens sakes, we are all human beings. But where you cross the line legally is when someone who has power over you in the workplace, power over you, starts adding all sorts of things to your normal work day world that was not in the work contract. That abuse of power, that is what it is about.

In this article, they talk about what went on at Astra, the pharmaceutical where they found even the highest ranking CEO and officials, people who were to set the tone, and as you know, some of them have now been dismissed and moved on.

The Equal Employment Opportunity Commission tells us that in the last 4 years, from 1991 to 1995, there has been a 125 percent increase in the filings on sexual harassment.

Why this tremendous increase? Why this flood? Well, first of all, I think because we have not cracked the culture. We have not cracked the culture yet to explain why this is so important and why you cannot do this.

So, culture cracking becomes very critical, but secondly, Members of Congress, the Congresswomen, by taking the lead in 1991, passed a law that for the first time gave many more remedies to women who had suffered at the hands of sexual harassment, or men.

Obviously, there is a small percentage of men who may find themselves in this situation. I am not saying that women are pure. I guess there just are not as many women at the top. I hope when they got to the top CEO positions they will not do this, but who knows?

Nevertheless, it is wrong if it is done to a man; it is wrong if it is done to a woman. There is no place for this in the workplace, and it is all about power, power, power, power. I hope people pick up this magazine and read it because it is very serious.

And I hope in workplaces across America, as we close in on Mother's Day, people realize these are mothers, these are sisters, these are aunts. We do not want people treating people that way in the workplace as a condition of keeping their job. So often they need that job for the family, and yet they are asked to do things that are not at all family friendly in anybody's book, just because somebody has the power to make them do it.

Mr. Speaker, we used to see this out West where some newcomer came into the bar and everybody shot at their feet to make them tap dance. Well, that is exactly what this type of sexual harassment is. Thank goodness women now have a tool and men have a tool to be able to go into the Federal courts.

I am terribly sorry that the EEOC is backlogged with these, and the Congress, of course the response is to continue to try to choke the EEOC down. I think we ought to have hearings on this. If Business Week has the guts to take this on, this Congress ought to have the guts to take it on.

If we see the EEOC is resource-starved, then we ought to get the resources to them. We ought to be handling these cases expeditiously and moving forward because it appears there is a whole opening of the floodgates on this. If we get these cases solved, if we get the resources to begin to move it, we will crack the culture. Hopefully, this will be something that we can start the 21st century without even having it in our culture anymore.

So, Mr. Speaker, I call upon the Members on the other side of the aisle to look for the resources that the EEOC needs to deal with this terrific influx of new cases. I call upon people all across America to look at this very seriously, and realize what it must feel like to be someone who needs a job being asked at that job to do some things that go against their religion, their beliefs, their family, everything. It is outrageous and it must stop.

Thank you, Business Week.

CONCERNS ABOUT THE ETHICS PROCESS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Hampshire [Mr. BASS] is recognized during morning business for 5 minutes.

Mr. BASS. Mr. Speaker, I rise today to address an issue that has always been a priority of mine since I first served in the New Hampshire legislature back in 1982, and that issue is ethics. One of my first responsibilities back then was to serve on a task force to make recommendations on the establishment of a permanent ethics committee and guidelines for Members of the New Hampshire legislature and the State senate, by the way, who are only paid $100 a year.

As a result of this and subsequent efforts, I was pleased as a New Hampshire State Senator to author the law that established a permanent legislative ethics committee, and I served as chairman for 2 years. By the way, part of this process involved crafting the law. We studied other models in other States, including the model here in Washington that is used for Congress.

Because of the work I was able to do with Democrats and Republicans in New Hampshire, including now Governor Steve Merrill, many of the procedures that we used in New Hampshire

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

are based on ethics standards rules that we follow here in Congress. We felt that it was critical that our ethics committee always work on a bipartisan basis and that the actions of its Members be totally above reproach. We adopted language which would require that any Member of our ethics committee recuse himself or herself from any deliberation if there was any possibility of a conflict of interest.

Last week I was surprised to read in the April 30, 1996 edition of the Washington Times an article about a possible conflict of interest involving the ranking minority member of the Committee on Standards of Official Conduct. At this time, Mr. Speaker, I ask unanimous consent that the article from the Washington Times be included along with my statement in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

Mr. BASS. Mr. Speaker, the article reveals that the same individual who drafted several complaints filed against the Speaker also helped raise tens of thousands of dollars for the campaign of the ranking minority member of the Committee on Standards of Official Conduct. The article also revealed that the political consulting firm header by the individual in question, Mr. Steven J. Jost, also received over $14,000 in payments from the ranking minority member's campaign committee.

Mr. Speaker, in no way am I implying that the distinguished ranking minority member of the Committee on Standards of Official Conduct has acted in an unethical fashion, but in the same manner that questions were raised by the minority whip concerning Republican Members of the committee and alleged conflicts of interest, similar questions should also be raised regarding any connection between the ranking minority member of the committee and the individual who helped raise money for him and also drafted many of the complaints filed against the Speaker.

It is vital, Mr. Speaker, that the ethics process in Congress remain fair and above reproach, and that we retain the confidence of the American people for this important process. I hope that we will receive in the coming days a full and complete explanation of the ranking minority member's association with this fundraiser and this fundraiser's dealings with the ethics committee regarding filings made against the Speaker.

Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Times, Apr. 30, 1996]

GINGRICH CRITIC AIDED ETHICS-PANEL DEMOCRAT

(By George Archibald)

The top Democrat on the House ethics committee received tens of thousands of dollars in political contributions raised by a firm whose senior partner spearheaded ethics complaints against House Speaker Newt Gingrich.

Rep. Jim McDermott, Washington Democrat, who says he knew nothing of the fund raising and therefore didn't violate committee conflict-of-interest rules raised more than $36,000 from political action committees at two receptions organized last year by Fraioli/Jost, a PAC money-raiser for congressional Democrats.

At the same time, Mr. McDermott was the point man pushing for the House ethics committee to appoint an outside counsel to investigate complaints against Mr. Gingrich.

The complaints were researched and legally drafted under the direction of Steven J. Jost of Fraioli/Jost.

Mr. Jost was the chief fundraiser for Ben Jones, the speaker's 1994 Democratic opponent, who launched the anti-Gingrich ethics complaints formally filed by House Minority Whip David E. Bonior of Michigan.

The complaints accused Mr. Gingrich of improperly commingling funds and activities of GOPAC, which helped achieve the GOP takeover of Congress, and a nationally televised political science course the speaker taught from a college in his home state, Georgia.

"We're stringing up the electric chair here, but we didn't make him guilty; he made himself guilty," Mr. Jost told the Wall Street Journal about Mr. Gingrich last year after the complaints were filed.

Documents purported to show ties between the college course and GOPAC were obtained by Mr. Jost in Georgia during Mr. Jones' 1994 campaign. "Mr. Jost decided they would be useful as a campaign weapon," the Journal reported. "So he hired a Democratic lawyer, Bob Bauer, to fashion them into an ethics complaint for $4,500."

Mr. Bauer represents House Minority Leader Richard A. Gephardt of Missouri, another Fraioli/Jost client.

The Landmark Legal Foundation appraised the House Ethics Committee last year of ties between Mr. Jost and Democratic House leaders in the anti-Gingrich campaign. The panel, formally known as the Committee on Standards of Official Conduct, refused to look into the matter.

"Mr. McDermott had a duty to step aside when any complaint with Mr. Jost's fingerprints on it came before the ethics committee," said Mark R. Levin, Landmark's director of legal policy.

"Members of the ethics committee are supposed to consider all ethics complaints with a nonpartisan, unjaundiced eye. The record would appear to show that Mr. McDermott and Mr. Jost are joined at the hip," Mr. Levin said. "We are reviewing this information and seriously considering filing a formal complaint."

Mr. McDermott yesterday denied any conflict with committee rules requiring impartiality and lack of bias in the Gingrich case.

He also denied knowledge of filings by his political committee, Friends of Jim McDermott, listing payments of $14,160.61 to Fraioli/Jost for last year's PAC fundraising activities.

"I don't know who did the fund raising," Mr. McDermott told The Washington Times in an interview just off the House floor. He then walked back onto the floor, where reporters are barred, to avoid further questions about campaign committee filings by Charles M. Williams, his $106,044-a-year chief congressional aide.

Mr. Williams, who runs Mr. McDermott's Capitol office, serves as treasurer of Friends of Jim McDermott. Mr. Williams did not respond to inquiries yesterday.

Reports he filed for the campaign committee in December and February list contributions totaling $36,000 to Mr. McDermott from 52 PACs, each of which gave $500 or $1,000 at Capitol Hill fundraising receptions organized by Fraioli/Jost on April 5 and July 15, 1995.

Mr. Jost, who left partner Michael Fraioli in June to start his own fund-raising company, said Mr. McDermott "first approached us" to do his fund raising in the 1993–94 election cycle. "As I recall, one of the other members of Congress referred us to him," Mr. Jost said.

Mr. Jost said his income from Fraioli/Jost, even after Mr. Jones ceased being a client of the firm, enabled him to spend time advancing the anti-Gingrich ethics campaign. "I have never been compensated for any work by anybody on any of the Gingrich stuff, except for news organizations that have reimbursed me for photocopying expenses." he said

Mr. Jost said he saw no conflict in Mr. McDermott's reliance on Fraioli/Jost for fund raising are his own work in the Gingrich camp while Mr. McDermott was sitting in judgment of the speaker.

"It sounds like the worst thing you could accuse me or Jim McDermott of is being Democrat," Mr. Jost said. He said committee Republicans Porter J. Gross of Florida, Jim Bunning of Kentucky and Nancy L. Johnson of Connecticut, the panel's chairman had greater conflicts.

"Your're alleging . . . a conflict that is far less direct than, for instance, Mr. Goss' giving $5,000 to GOPAC at the time the ethics complaint is before his committee, or that Mr. Bunning and Mrs. Johnson participated in GOPAC activities," Mr. Jost said.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would advise that Members should not make references to members of the Committee on Standards of Official Conduct concerning pending investigations.

POINT OF ORDER

Mr. LINDER. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LINDER. Mr. Speaker, I did not hear any references made by the gentleman from New Hampshire [Mr. BASS] as to pending matters. These are not matters before the Committee on Standards of Official Conduct; these are stories in the paper and not before the committee.

The SPEAKER pro tempore. The Chair is stating that as a general admonition from the Chair at this time.

SUPPORT THE ADOPTION PROMOTION AND STABILITY ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. CANADY] is recognized during morning business for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, I rise to address an issue of great importance to everyone who cares about children. Today, there are hundreds of thousands of children who should be thriving in the love and care of adoptive parents. Tragically, they are not. Instead they are shuttling from foster family to foster family. In fact, this year a mere 10 percent of the 500,000 children in State foster care programs will move into permanent adoptive homes. This is not something out of Charles Dickens. It is happening today—in the United States of America.

We have come to this sorry state of affairs for many reasons, but two are paramount. First, the cost of adoption for many moderate-income families is prohibitive. Second, liberal social welfare policy has made interethnic adoption nearly impossible.

According to the National Council for Adoption, as many as 2 million families could be waiting for a child to adopt. But barriers like cost get in the way. Adoption expenses can total us to $20,000. This financial burden is a major disincentive for moderate-income families wishing to adopt children.

A second barrier to adoption is the Federal law that permits States to use race in the placement of children in foster care and adoption. This law has clearly backfired. The use of race-matching has delayed the adoption of minority children, who remain in foster care at least twice as long as non-minority children. Today, 49 percent of children in foster care are minorities. A third of foster children are black.

I ask my colleagues: Is it fair to these innocent children to trap them in the foster care system simply because of the color of their skin? The love of a family knows no race. It is unconscionable that any child needing the love and care of a family he can call his own would be denied that love and care simply because the prospective adoptive family is of a different race. That is a grave injustice to the child who needs a home and to the family who waits with open arms.

Mr. Speaker, the Congress can help remove these barriers to adoption through swift passage of H.R. 3236, the Adoption Promotion and Stability Act. This bill makes two important reforms.

First, the bill revises the Tax Code to make adoption more affordable for families. H.R. 3236 provides a $5,000 tax credit for adoption expenses. The bill also provides a $5,000 per child tax exclusion for employer-paid adoption assistance. I believe this provision will encourage more moderate-income families to adopt children.

Second, the bill removes barriers to interracial adoption. Currently, the law allows placement agencies to use the racial background of the child as a criterion in making placement decisions. This bill prohibits the use of race to delay or deny placement of a child into a foster or adoptive home. I believe this provision will go a long way to end the intolerable delay associated with race-matching. It will ensure that placement agencies make the best interests of children their top priority.

In addition, I must note that many American Indian children are suffering in the current foster care and adoption system. Currently, tribes can delay the adoption of a child of American Indian descent because of the Indian Child Welfare Act. This law was intended to protect the integrity and heritage of American Indian tribes. Yet the law allows tribes to interfere with adoption decisions due to its ambiguity and broad application. As a result, litigations out of control, and Indian children are not being adopted. A provision of H.R. 3286, which was stripped from the bill in committee, would have established safeguards against the arbitrary, retroactive designation of children as members of a tribe. This would prevent a tribe from invoking the Indian Child Welfare Act to interfere with legitimate, voluntary adoptions. Should an amendment be offered to restore this provision of the bill, I urge my colleagues to support it.

Children must be afforded every opportunity to live in a happy, safe, secure, and—perhaps most important—permanent family environment. The provisions of this bill help to achieve this goal. I want to thank Ms. MOLINARI and Mr. ARCHER for their leadership on this issue. I also commend Mr. BUNNING, Ms. PRYCE, Mr. SOLOMON, Mr. TIAHRT, and Mr. SHAW for their strong support of this legislation.

Mr. Speaker, we cannot take the hundreds of thousands of children languishing in foster care and match them with loving parents overnight. But with passage of the Adoption Promotion and Stability Act, we are taking an important step. I urge my colleagues to meet the needs of foster children across the country. I urge you to support this bill.

RENEWAL OF MFN FOR CHINA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Wisconsin [Mr. ROTH] is recognized during morning business for 5 minutes.

Mr. ROTH. Mr. Speaker, this Congress is about to enter its annual debate on the renewal of China's Most Favored Nation status. The need for renewal has existed since the United States first granted MFN to China back in 1980. It has been a difficult debate ever since 1989 and the events at Tiananmen Square. There is good reason to believe that the debate this year will be very difficult. This is because of two particularly large problems affecting the debate.

First, there are the policies of the Beijing Communist leadership. That government's disregard for international obligations on nonproliferation, intellectual property rights, trade, human rights, and on Taiwan mandate an effective response.

Second, there is a lack of leadership on the part of the administration. The policy has been ad hoc, dependent on domestic pressures, as Robert Zoellick testified before our committee last week when he said:

> In an effort to please all constituencies, the administration has squandered our strength, failed to achieve its aims, and demonstrated weakness to both China and to others in the region.

Because of these problems, I fear that Congress will lose sight of the critical point, and that critical point is just this: Our policy on MFN for China should take these problems into account, but it must not be determined by them.

Rather, our decision on MFN must be determined by one thing and that one thing is, what is best for the United States? It is my view, though, that there are four basic reasons why extending MFN is in the best interests of our country.

First, revoking MFN would harm U.S. workers, U.S. businesses, and U.S. investment. Changes made in China's MFN status will curtail assess to the Chinese market. Huge levels of trade and investment will still occur, but it will be other nations, not the United States, that will be making the investments, and we will lose all of our control and leverage. The effect will be losses of U.S. trade, U.S. investment and, quite frankly, many U.S. jobs.

The size of this potential hardship must be recognized by us in congress as we debate this issue. This issue cannot be debated solely on emotion but must be based on reason.

United States companies have already committed to invest some $26 billion in approximately 20,000 projects in China. United States trade with China already supports over 200,000 high-wage American jobs. But this is just a start. Over the next 25 years, China's economy is projected to expand to almost $6 trillion That is almost 10 times the size of China's economy in 1994.

Now, China's modernization plans call for imports of equipment and technology of approximately $100 billion per year. Infrastructure expenditures amounting to as much as $250 billion are projected through the remainder of the 1990's.

China's biggest import markets are in the areas of United States strength. Consider this: In both quality and price, the United States is in the lead for these markets: areas in aircraft, electric power systems, telecommunications equipment, computers, agricultural chemicals, and medical equipment.

Politics, unfortunately, could stop the United States from gaining tens of billions of dollars of new exports and hundreds of thousands of new jobs. This is already happening. Just the other day, Airbus took a $2 billion contract from Boeing, based solely on politics. The president of China's aviation industries put it well when he said, and I quote:

> We'd like to make our decisions based on technical and commercial factors, but governments and statesmen are involved. We can't control that.

Mr. Speaker, the second reason why revoking MFN would harm United States security interest in the region, let me say this, China is the emerging great power in that region, both economically and politically. There is no reason to think that its government can be deposed or ignored or strongarmed. It must be dealt with as a belligerent but as a great power.

I ask, Mr. Speaker, that the rest of my statement be entered into the RECORD.

This means engagement.

To go the other way, to adopt a policy of confrontation with China—which is what removing MFN does—would isolate the United States in Asia rather than isolate China.

As Henry Kissenger recently wrote:

> In a confrontation with America, China would appeal to Asian nationalism and make the American military presence in Asia a bone of contention. And it would be able to enlist the economic cooperation of Japan as well as of the other industrial nations of Europe and the Western Hemisphere, all eager to seize the opportunities that we might abandon.

In addition, the futures of both Taiwan and Hong Kong are to be considered.

With Hong Kong to revert in a year, with Taiwan relying on China for $20 billion a year in trade, and with the Taiwanese having invested $25 billion in China, we need to treat these relationships carefully.

Reason 3: Revoking MFN will not improve human rights conditions or nonproliferation and trade policy in China.

As the Heritage Foundation recently wrote, history shows that China is far more oppressive against its people when isolated from the outside. This was clearly the case during the cultural revolution.

Human rights improvement is a long-term process that will require a long-term China policy.

The same is true on nonproliferation and trade. China needs to understand that it must meet its international responsibilities if it wants to attain international respectability.

The United States will have to use effective levers to achieve this.

A strong, clear, and coherent China policy is needed. Our goals will not be achieved in these areas otherwise.

MFN is simply the wrong lever. It was not designed for these goals, and it will fail miserably if used this way.

Reason 4: MFN is normal treatment that all our partners grant, and will continue to grant, to China without condition.

MFN is a misnomer. In reality it means that a country is treated in a nondiscriminatory manner on tariffs. It is the norm that rules.

In this respect, all our OECD partners grant such treatment to China. They do so without condition.

No official in any of those countries, to my knowledge, has suggested that this situation even be reviewed, much less altered.

The United States currently grants MFN to every country in the world except seven countries. These are Afghanistan, Cambodia, Cuba, Laos, North Korea, Vietnam, and the former Yugoslavia.

There are 17 others, including China, that currently receive MFN conditionally.

These 17 do not include Iran, Libya, Iraq, Syria, or Sudan. All these rogue states get MFN. Why is this?

This is because our MFN law is built on the cold war. The Jackson/Vanik amendment, enacted in 1974, was intended to pressure the former Soviet Union into allowing Jews to emigrate.

It was not designed to today's issues with China.

Mr. Chairman, I hope that my colleagues will find these reasons for extending MFN convincing. In conclusion, though, I urge that we consider two other needs during the coming debate.

First, that China is too important for today's United States policy.

This administration keeps drawing lines in the sand, and then backing off. They are running out of credibility, and pretty soon they will run out of beach.

We need a coherent, long-term, and bipartisan China policy.

Second, the world has changed dramatically since 1974. The law on MFN has not. We may need to reform this law.

Let's look at how it can be used for today's issues.

Why should rogue regimes supporting international terrorists be treated better than countries like the Ukraine, Armenia, Bulgaria, and Romania? Mr. Speaker, I think this needs review.

OIL COMPANY MISMANAGEMENT AND GASOLINE PRICES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. MARKEY] is recognized during morning business for 5 minutes.

Mr. MARKEY. Mr. Speaker, the political party that once suggested that catsup should be counted as a vegetable in school lunch programs has given us a new plan to slash funding for public schools across America.

Over the weekend the Republican majority leader suggested that repealing the 4-cent tax on gasoline be paid for by cutting education for the children in the United States. He said if there is a place where we are getting a declining value for an increasing dollar it is in education.

That is right, the majority leader of the Republican Party wants to cut the education budget of our country. And to do what? Well, the Colombo-like, Dick Tracy-like investigations of the Republican Party have found that the 4-cent increase in gasoline tax in 1993 is somehow related to oil company executive speculation in the oil market in 1996, which has led to a 20-cent increase in the price of gasoline for consumers across this country.

Now, you are never going to hear a word from the Republican Party about the oil companies increasing gasoline by 20 cents a gallon in the last 3 months. Not a word. They are going to keep pointing back to a 4-cent gasoline tax in 1993 that actually led to a reduction in the price of oil over the next 2 years.

Why? Well, because they want to avoid some very simple facts. Fact No. 1: The central reason that oil prices are rising in America is that the oil company executives across the board, every one of them in 1995, decided that they were going to lower the inventories that they kept to hand in order to ensure against excessive cold weather or something else going on well below their average for the preceding 20 years.

Now, that is fine if it had not also been tied to a bet which they had, which was that Saddam Hussein would accept safeguards placed upon how he would use the profits from the sale of oil if the United Nations and the world community allowed has back into the marketplace for the sale of oil.

Surprisingly, Saddam Hussein refuses to accept the safeguards, which would ensure that the money, the profits which he would obtain would be used for humanitarian purposes within his country and not for a massive military buildup.

The oil company executives ran on empty. If we rode around in our automobile with the needle on the gas gauge down on empty and then ran into a traffic jam, we would blame ourselves. The oil companies ran on empty. There was plenty of oil in the world. The world was awash in oil all of last year and the beginning of this year, but they decided not to go to the filing station to fill up because they thought they were going to go to Saddam Hussein's gas station.

Mr. Speaker, any other industry in the free market, if the Cherrios company forgets to put aside enough Cheerios, guess what? People go and buy corn flakes or raisin bran and they are the loser. Not the oil industry. They did not, through mismanagement, put aside sufficient reserves, and what happens? I tell my colleagues what happens: a 41-percent, on average, increase in profits in the last quarter for the oil companies. Forty-one percent profits.

What to hear something else? Seventy-four percent profits for the secondary oil companies, and a 799-percent increase in profits for the oil drilling companies, all in the last 3 months. The last 3 months. The Republicans want to blame the 1993 4-cent gasoline tax for your 20- or 30-percent increase at the pump this year, not pointing a finger at the oil companies' mismanagement. That is like a Red Sox fan blaming the trade of Babe Ruth for the fact that we are behind 10 games in the pennant race this year. The Republicans should be ashamed for talking about cutting the education budget instead of looking at the oil companies, where they should.

ICWA: A FORMULA FOR HEARTBREAK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Ohio [Ms. PRYCE] is recognized during morning business for 5 minutes.

Ms. PRYCE. Mr. Speaker, I want to talk about a formula for heartbreak. The Indian Child Welfare Act was never intended to cause countless stories of heartbreak and tragedy. It was intended to protect native American culture from State agencies and officials who were, back in the early 1970's, removing children from their natural homes and, in many cases without due process of law, placing them outside the Indian culture. This was shameful.

Mr. Speaker, the Congress acted in 1978. The legislation, the ICWA, was well-intended, but it has been applied in a twisting and inaccurate way by some courts throughout this country that is equally shameful. The result of these misguided applications of the ICWA has had a chilling effect on all adoptions.

I came to learn of the chilling effect from a couple in my district in Columbus, OH. Since then, I have come to learn of many, many more cases.

For example, Mr. Speaker, the Indian Child Welfare Act was never intended to rip a little girl from her family of almost 6 years, but this happened. Clara and Kenneth Siroky took custody of Jessica when she was just 22 months old. They have been trying to adopt her every since, but last January, a court ordered Jessica from the only family she has ever known and placed her with a single uncle of native American ancestry.

She is now 7½. She has celebrated 6 birthdays in the only home and with the only family she has ever known.

Jessica was born to a mother who was part Indian and a caucasian father, making her one-eight native American. Due to problems experienced by the birth parents, they lost custody of Jessica who was placed in foster care in the Siroky's home. Today, Jessica's biological mother is dead, murdered during a drug deal, and her biological father is in prison in Nebraska.

Mr. Speaker, Jessica wants to be adopted by the Siroky's. She wants to be with the only people she has every called mommy and daddy. She wants to be with her little sister, Susanna. As for 4-year-old Susanna, she is hurt and confused by the departure of her older sister, crying frequently and wondering where her best friend has gone.

During the court proceedings, the scared and panicked Jessica begged to speak to the judge, but he even refused her. In the end, she only had 3 days to say goodbye to her whole world.

Mr. Speaker, one can only wonder what long-term effects this emotional trauma will have on Jessica and all the other children who have been removed from their loving homes under this act. How can we, as a Congress, allow such a well-intentioned law to be interpreted in such a way?

It is hard to imagine how devastated this family is. It is hard to conceive how scared and lonely little Jessica is, being forced to move away to a new and strange home with a new and strange parent with no friends and an unfamiliar school.

This horrifying, traumatic story is but one example of the way the Indian Child Welfare Act has been abused and distorted. There are countless other children and families in this country that have been hurt by this flawed legislation.

Mr. Speaker, it is hard to understand how Congress can allow a law, that it passed with all good intentions, to continue to be doing such terrible damage to families without taking the initiative to correct what we did wrong.

Congress has an opportunity to remove a major obstruction to safe, loving adoptive homes for thousands of children. These minor changes to the Indian Child Welfare Act will go a long way toward protecting and preserving one of our Nation's most precious resources: Our children.

Mr. Speaker, I urge my colleagues to join me in taking this very important step for parents and children throughout our Nation by supporting this legislation.

TAX FREEDOM DAY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. GOSS] is recognized during morning business for 2 minutes.

Mr. GOSS. Mr. Speaker, today is tax freedom day, the day that working Americans can finally stop toiling for the Government and begin to keep their earnings to provide for themselves and their families. By any measure, taxes are continuing to grow at a record pace, consuming an even greater portion of taxpayer income.

The average American family pays more in total taxes than it spends on food, clothing, and shelter combined. Put another way, the typical American now works nearly 3 hours out of every 8-hour workday just to pay taxes. These examples demonstrate what the American taxpayer already knows—all Americans are overtaxed.

A recent Reader's Digest poll underscores this fact. According to the poll, the maximum tax load Americans believe a family of four should bear is 25 percent—that's not just Federal income taxes but all levels of taxation—a far cry from the 38 percent that the average family actually pays today.

This Congress has responded by moving to repeal the fundamentals of the 1993 Clinton tax hike on working Americans—the tax hike on seniors' Social Security benefits and the increase in the gas tax that all Americans are feeling at the pump today. We have passed meaningful tax relief for families that would have erased the income tax burden entirely for 140,000 taxpayers in my State of Florida alone. While we have done our job, President Clinton has consistently opposed and obstructed our tax relief every step of the way.

Tax policy comes down to a basic choice: The failed status quo of ever-increasing taxation of lower taxes that allow Americans to earn more and keep more so they can do more for themselves, their families and their communities. For me and for this Congress, the choice is clear.

CHINA'S VIOLATIONS OF UNITED STATES INTELLECTUAL PROPERTY RIGHTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from California [Ms. PELOSI] is recognized during morning business for 5 minutes.

Ms. PELOSI. Mr. Speaker, I rise today to call to the attention of our colleagues legislation which I plan to introduce this week to impose sanctions against China for violations of our intellectual property rights.

Mr. Speaker, regardless of where Members are in this body over the annual debate on most-favored-nation status for China, an issue separate from that but clearly about America's competitive advantage internationally, our intellectual property, is one where I think we will have agreement.

Mr. Speaker, over the last 7 years, the United States trade deficit with China has increased by over 1,000 percent. In 1988, the deficit was $3 million. In 1995, the deficit was $35 billion. It is projected to grow to well over $40 billion for this year, and shortly will surpass Japan as the country with our largest trade deficit.

Mr. Speaker, much of this is due to lack of market access for United States products which are not allowed into China, products made in America. But today, I want to call to my colleagues' attention to the intellectual property violations and piracy. That figure of $2.5 billion lost in 1995 alone is over and above the trade deficit.

The deficit figure of $35 billion for last year does not include the loss to our economy from China's violations of

United States intellectual property rights, including the piracy of compact discs, videos, and software, which cost the United States economy $2.3 billion in 1995, by industry figures.

My bill would impose increased tariffs on Chinese products to compensate for the loss to the United States economy resulting from China's intellectual property rights violations. It would leave the discretion to the President of the United States to determine the figure and the criteria for what the sanctions would be.

Since 1991, the United States Government has repeatedly tried to encourage the Chinese Government to halt the piracy and to provide market access for United States products. The efforts, which I will outline briefly, have not been successful.

In 1991, and 1992, the Bush administration initiated a special 301 investigation of China's intellectual property rights practices and published a list of Chinese products for possible sanction. Shortly thereafter, the Chinese Government, as a response to that, agreed to sign a memorandum of understanding designed to address piracy concerns.

Mr. Speaker, under the MOU they agreed to strengthen their patent, property rights and trade secret laws and to improve protection of U.S. intellectual property. None of this happened, and the piracy of U.S. IPR continued.

In 1994, the Clinton administration's United States Trade Representative initiated another special 301 investigation, noting that while China had implemented several new laws, they were not enforcing the laws. The United States Trade Representative added to his list of concerns trade barriers restricting access to China's markets for United States movies, videos, and sound recordings.

In 1995, the USTR issued a list of products once again which would be subject to increased tariffs as a result of China's lack of action on IPR and piracy.

Mr. Speaker, despite all of these efforts by United States officials, the Chinese Government is not abiding by the agreement, piracy is increasing, and market access to United States products is being denied. In addition, the Chinese Government today has castigated the United States for considering protecting its own intellectual property.

Mr. Speaker, this comes at a time that we are telling the workers of America that we live in a global economy, that many products which are labor intensive must be made in areas where labor is less costly, but that the comparative advantage of the United States is our intellectual property, our ideas, information, our software. If this is so, then all the more reason for this Congress and this administration, the Clinton administration, to call a halt to the theft of our intellectual property by China.

Mr. Speaker, we have tried year in and year out with memoranda of understanding and with agreements. Enough is enough. The theft of intellectual property hurts American workers, costs American jobs, and undermines our global economic competitiveness.

I hope that my colleagues will agree to cosponsor my bill to implement sanctions against China for its intellectual property violations. I hope Members will call my office to say they would like to be original cosponsors, before the bill is introduced this week for American workers, for American competitiveness.

CHANGES IN AMERICA'S EDUCATIONAL SYSTEM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Missouri [Mr. HANCOCK] is recognized during morning business for 3 minutes.

Mr. HANCOCK. Mr. Speaker, on May 27, 1947, Central High School, Springfield, MO, graduated 563 students. On June 13 and 14, 1997, the class of 1947 will commemorate the 50th anniversary of this momentous and historical occasion. Rarely does a Member of the United States Congress have the opportunity to acknowledge the 50th anniversary of his own high school graduating class in the CONGRESSIONAL RECORD. Even I cannot do it because I will no longer be a Member of the U.S. Congress on the actual date next year.

Many of our class only remain in our memories. This pleasant memory of a group of 563, most of whom went on to become outstanding citizens and contributors to society, is a tribute to the educational system existing 50 years ago.

Mr. Speaker, I am going to take this opportunity for a few very brief remarks about the changes in our educational system in the past 50 years.

This class of 1947 attended school when sleeping or chewing gum in class and running in the halls were heinous crimes. The class of 1947 had student hall monitors instead of armed police officers and entrance metal detectors. Discipline was demanded and I do not know of any of the 563 students even confronting the school administration with their attorney concerning their Rights. Attention deficiency syndrome was treated with a failing grade. Now we give the parents a check and treat the kids with psychological evaluation to find out why they do not like their parents or themselves.

No, this was not a perfect time. Smoking tobacco and some alcohol use existed. However, marijuana and cocaine was not part of our vocabulary. This was when local school boards made decisions rather than the bureaucrats in the State and Federal Departments of Stupidity. The National Education Association was in its infancy. Too bad it survived and grew into the monster it now is.

Every one of us who graduated in 1947 should be thankful for having lived in the fastest growing economy the world has ever seen, in the greatest country ever envisioned by mankind.

If I could have one wish for future generations, it would be for our educational system to again teach that freedom is not free, it always requires sacrifice and that civil rights never should supersede our God given inalienable rights of life, liberty, and the pursuit of happiness.

On our 50th anniversary it is time to reflect and also to look foreword. Change is inevitable. Let us pray that the principles we were taught will some day again be in vogue.

I am looking foreword to June 13–14, 1997, in Springfield, MO, to seeing the senior high school class of 1947.

A RESPONSIBLE REPEAL OF THE GAS TAX

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. BENTSEN] is recognized during morning business for 5 minutes.

Mr. BENTSEN. Mr. Speaker, today I am introducing legislation to cut the gas tax by 4.3 cents per gallon through the end of 1996, and to offset the cost of repeal with an immediate elimination of the ethanol subsidy. We should repeal this additional gas tax and provide relief to American consumers as soon as possible, but we most do it in a way that is fiscally responsible, environmentally sensitive, and truly responsive to the needs of American taxpayers.

Over the last month, gasoline prices have increased to their highest level since the gulf war in 1991. According to the American Automobile Association, the average price of regular unleaded self-serve gasoline in the Houston area, which I represent, has jumped over 20 cents in the month of April.

Mr. Speaker, while we should address this rapid rise in retail gas prices, we should not do so with cuts in education as some in the House Republican leadership have proposed. The American people have already rejected Republican cuts in education throughout the budget debate. They are not about to be fooled twice. What they deserve is some commonsense legislation to provide relief to millions of Americans faced with soaring gas prices.

The ethanol subsidy has proved to be one of the biggest boondoggles in the history of Congress. According to the Treasury Department, the ethanol subsidy cost the American taxpayer $5.3 billion from 1983 to 1994. Furthermore, ethanol subsidies artificially inflate the price of corn food products, costing American consumers millions each year. It is considered an environmental nightmare by many of our Nation's leading conservation groups.

Finally, Mr. Speaker, the approach to repealing the gas tax by 4.3 cents is fiscally responsible since repealing the ethanol subsidy of more than 50 cents a gallon will offset the revenue loss and not add to the deficit or require cuts in education funding.

Mr. Speaker, cutting corporate welfare to pay for a cut in the gas tax is a responsible choice for the taxpayers of this country, and I urge my colleagues to support the legislation I am introducing today.

TIME TO CUT TAXES IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 3 minutes.

Mr. HOKE. Mr. Speaker, today is tax freedom day and today we are setting a new record for tax freedom day. It is not a record that we can be very proud of, but it is a record that I think I ought to bring to your attention and to the attention of the American people, in any event, and that is that this is the latest in the year that tax freedom day has ever fallen.

In other words, the day on which we celebrate the fact that we are no longer working for the government, but we are working for ourselves, our families, is today later than it has ever been in our history.

Mr. Speaker, I think that that confirms what Americans already know in their gut, and that is that taxes are too high and the government costs too much.

Consider the following: In 1950, the average-income family of four paid less than 5 percent of its total income in taxes and one wage earner could easily support the entire family on the average income in this country. But today, Mr. Speaker, that same average-income pays about 24 percent to the Federal Government alone, 38 percent when you add in State and local taxes, and that is the highest percentage in American peacetime history.

It is no wonder that tax freedom day is falling on the latest day that it ever has in the history of our country. Part of that is the result of tax increases that were enacted in 1993, increases which, as you know, Mr. Speaker, I voted against.

What is even more disturbing is that as a result of this, middle-class incomes are being squeezed; not to support the family, but to support the government. The pressure to earn more leaves us with less time and less energy to spend with our children or to get involved with our churches or synagogues or to be involved with our communities. When that happens, Mr. Speaker, our entire Nation suffers and our children suffer.

Mr. Speaker, the corrosive and damaging effect of taxation on America's working families must be corrected. One giant step in the right direction is a $500 per child tax credit, a measure that was passed by this Congress and vetoed by the President. With this credit, a family of four earning $30,000 would have its 1996 Federal income tax cut in half. The entire Federal tax burden of 4.7 million working American families at the lowest income levels would be eliminated completely.

Mr. Speaker, I am supporting the repeal of the 1993 gas tax increase of 4.3 cents per gallon. Of all the forms of taxation, the gas tax is one of the most unfair because it falls disproportionately on those at the bottom of the economic ladder.

There are those who have said that it is politically motivated to repeal the gas tax. I say if it is, so what? There is rarely a day that the sun rises that is not a good day to cut taxes in America.

TAX CONSUMPTION RATHER THAN INCOME

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. CAMPBELL] is recognized during morning business for 3 minutes.

Mr. CAMPBELL. Mr. Speaker, on the subject of tax freedom day, there is a serious proposal being advanced by the gentleman from Texas [Mr. ARCHER], the Chairman of the Committee on Ways and Means, that we do away with the Federal income tax on individuals entirely. I think this is long overdue, and let me take a moment and explain why it is so important.

Mr. Speaker, suppose instead of talking about all the loopholes that we are going to close, and all of the small changes we are going to make here, and the tweaks and turns we are going to make, suppose we remove from the American public once and for all the burden of filling out that 1040 form; the burden of partnerships and subchapter S corporations, structuring their business in such a way as to avoid having to do this or that under our IRS; and get rid of the intrusiveness of the IRS into our personal lives.

Where would we make up the revenue? Well, the proposal would be to bury the personal income tax. Do not dare keep it alive, because if we put something else in place, Lord knows we will have both. But if we bury the personal income tax and instead raise money from a national consumption tax, here is how it could work.

Mr. Speaker, we could exempt food and rent and medicines. As a result, we really would not tax the poor at all. For all other goods and services in our country, we would have a tax rate of under 19 percent.

Now, is 19 percent high? Sure. Would I rather have it lower? Of course I would. But, Mr. Speaker, if we could abolish the personal Federal income tax, and all the time that it takes to fill out that form, and all of the lost energy that businesspeople spend structuring deals to avoid taxation instead of inventing and promoting and selling, would it not be worth it?

How much is a 19-percent increase in the price of a good because of a sales tax? It is about a year and a half under President Carter's administration. It is about a year and a half of the inflation we had then. But once it is in, it is done. We are not talking about increasing it any more. And we would in one moment liberate the American taxpayer.

One other advantage is the underground economy would pay tax for the first time. Drug dealers do not fill out their 1040 listing their occupation "drug dealer, drug lord," but they do buy things. So we would tax people who consume. And we would create an incentive for those who save and invest.

Mr. Speaker, I used to teach economics, and a very simple rule of economics is people do less of that which you tax. Right now, we tax production of income. If, instead, we tax consumption, people will save and invest and that will make our country competitive for years to come.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12, rule I, the House will stand in recess until 2 p.m.

Accordingly (at 1 o'clock and 21 minutes p.m.), the House stood in recess until 2 p.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. FOLEY] at 2 p.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

On this day we acknowledge those people who have made a difference in our lives and we remember them with admiration and gratitude. We are thankful, O gracious God, that we do not have to walk the road of life alone or meet the challenges of our day by ourselves, but rather our lives are enhanced and made full by the support and blessing of those near and dear to us. For families whose nurture to us is overwhelming, for colleagues who help point the way, and for friends whose affection and trust surround us, we offer these words of thanksgiving and appreciation. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from Colorado [Mrs. SCHROEDER] come forward and lead the House in the Pledge of Allegiance.

Mrs. SCHROEDER led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment a bill of the House of the following title:

> H.R. 2202. An act to amend the Immigration and Nationality Act to improve deterrence of illegal immigration to the United States by increasing border patrol and investigative personnel, by increasing penalties for alien smuggling and for document fraud, by reforming exclusion and deportation law and procedures, by improving the verification system for eligibility for employment, and through other measures, to reform the legal immigration system and facilitate legal entries into the United States, and for other purposes.

APPOINTMENT AS MEMBERS TO BRITISH-AMERICAN INTER-PARLIAMENTARY GROUP

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 168(b) of Public Law 102–138, the Chair announces the Speaker's appointment of the following Members of the House to the British-American Interparliamentary Group: Mr. HAMILTON of Indiana, Mr. LANTOS of California, Mr. HASTINGS of Florida, and Mrs. KENNELLY of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS TO ADVISORY BOARD ON WELFARE INDICATORS

The SPEAKER pro tempore. Without objection, and pursuant to the provisions of section 232(c)(2) of Public Law 102–432, the Chair announces the Speaker's appointment to the Advisory Board on Welfare Indicators the following Members on the part of the House: Ms. Eloise Anderson of California, Mr. Wade F. Horn of Maryland, Mr. Marvin H. Kosters of Virginia, and Mr. Robert Greenstein of the District of Columbia.

There was no objection.

TAX FREEDOM DAY

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Finally, Mr. Speaker, finally. Today finally is the day that the average American can stop working for the Government and finally start working for his or her family. For the average working American, every dime from every working hour of every working day from January 1st until today has been devoted entirely to paying taxes to the Government. Today, tax freedom day, finally arrives, but only after the Government has taken a bigger piece than ever before out of the hide of the taxpaying citizen.

We need to stop bilking the taxpayers and we need to let families keep more of what they earn. Those insiders who defend the current tax system and the huge burden that it imposes on working families practice cruelty in the name of compassion. Those who deny working parents tax relief while shouting tax cuts for the rich are practicing distortion in the service of big government.

Enough is enough, Mr. Speaker. On this tax freedom day, let us pledge that never again will the Government take so much time out of the lives of its citizens. Instead of vetoing tax relief, let us veto some taxes.

GAS TAX REPEAL

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, the Republican leadership continues to put special interests first and working families dead last. Now they want to cut education to give a windfall to big oil.

I support repealing the gas tax. But it must help consumers rather than the oil companies. In the last week, the wholesale price of gas has fallen by 4.4 cents. But the retail price is up two-tenths of a cent. The money should go into the pockets of consumers through lower prices at the pump. But Republicans are willing to let the money go into the bulging bank accounts of big oil instead.

My Republican colleagues are falling all over themselves to shell out this windfall to big oil. Could it be because 90 percent of the $2.1 million oil and gas companies gave in campaign contributions went to Republicans? Is that why they want to cut education rather than cutting corporate welfare to pay for the gas tax?

We can repeal the gas tax. But let's put working families first by making sure they get the benefit rather than getting the shaft.

SUPERFUND PROGRAM

(Mr. GUTKNECHT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTKNECHT. Mr. Speaker, tomorrow afternoon, Congressman DAVID MCINTOSH, chairman of the Subcommittee on Regulatory Reform, will be having a public hearing on the Superfund Program.

The purpose of this hearing is to stress the urgent need to put politics aside and reform the Superfund Program for the sake of public health and the environment. Since 1980, only 291 of the 1,289 sites have been cleaned up.

President Clinton, State and local governments, businesses large and small, environmental groups, and local communities alike agree that the current program is not doing its job to clean up hazardous waste sites quickly and effectively. In fact, the Congressional Budget Office [CBO] estimates that the average time for cleanup per site is between 12 and 15 years, at a cost of over $31 million.

Moreover, as each day passes without fundamental reform, cleanups continue to be impeded by significant bureaucratic delays and endless legal battles. Legislation is needed to address these concerns.

This must stop. Mr. Speaker, Americans expect these sites to be cleaned up without further delay and unneeded expense.

REPUBLICAN CAMPAIGN FOR WOMEN VOTERS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, there were 2 very interesting stories on the news wire today. First of all, Majority Leader DOLE was addressing a convention in a western State and he said very strongly: Do not send Washington another PAT SCHROEDER. Hey, thanks, BOB. I am hoping we do not send the White House a BOB DOLE, but that is OK.

And then I also read on the wire today that Speaker GINGRICH gave a speech and said that he felt that the Democrats' advantage with women voters was just artificial and he was going to lead a public relations campaign to turn this around.

Hang on, women. Who knows what will happen. First we saw him with little animals. Now it is going to be interesting to see what we see him with in this whole campaign. But I must say, once women got the right to vote, we also have the right to read and we also have the right to drive cars and all sorts of things.

I think it is going to take more than a public relations campaign to paint over the record the people on the other side have built up. There is a reason.

THE LIBERAL RECORD

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, this past year-and-a-half we have heard a lot of complaining from the liberal Democrats about the new majority in Congress. It has been a continuous chorus of whining and complaining from the liberal extremists, such as the gentleman from Missouri [Mr. GEPHARDT], the gentleman from Michigan [Mr. BONIOR], the gentlewoman from Colorado [Mrs. SCHROEDER], the gentlewoman from Connecticut [Ms. DELAURO] and others.

They cannot stand the fact that the American people have rejected 40 years of the liberal policies that have brought this Nation to the edge of bankruptcy, the highest crime rate in the world, an education system that has failed, illegitimacy rates skyrocketing, drug abuse out of control, a welfare program that is a disaster, and a tax burden where middle income families are being crushed.

Mr. Speaker, what have the liberal Democrats offered the American people to help solve these problems? Nothing, absolutely nothing. Nothing but whining and complaining because they are no longer the majority.

In fact, they have tried to block everything the American people have asked the new Republican majority to pass, like a balanced budget, welfare reform, a new crime bill, legislation to save Medicare, education reform and tax relief.

Mr. Speaker, the liberal whiners and complainers have fought for 2 things, regaining the majority and going back to 40 years of the big Government, tax and spend status quo.

AMERICANS DO NOT SUPPORT CUTS IN EDUCATION

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the House Republican symbol should no longer be the elephant, because the elephant never forgets. The House Republicans, especially the Republican leader and my friend from Texas, cannot seem to remember that the American people are overwhelmingly opposed to cuts in education. Less than 1 month after we had a budget agreement that restored the cuts in education, they are back to say, let us pay for a gas tax by cutting education funding.

Most Americans support a cut in the Federal gas tax. Frankly, I support one. But not at the expense of education funding. While two-thirds of all Americans are concerned about the quality of education, my colleague, the gentleman from north Texas, DICK ARMEY, is proposing cutting funding for education programs in order to offset that revenue loss for a gas tax cut.

Eliminating our commitment to education is like declaring war on ourselves. We need only to look at our world class competitors in other countries to see what they are doing on education. They are not cutting funding. They are actually putting more money into it and requiring more out of it. We need to hear more about preparing for a better future for our children and our grandchildren.

TAX FREEDOM DAY

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, during the American Revolution, the American people waged a war against one of the greatest empires in history. One of the main motivations for the revolution was the issue of taxation. In fact, one of their slogans was "No Taxation Without Representation." If you look at the historical record, though, you will find that the taxes the English Crown imposed on the colonists were light by today's standards.

Today is tax freedom day. It is the day that the American people stop working for the Government and start working for their families. Think about it, Mr. Speaker, 17 weeks of the year, almost a third of a year, is spent working for the Government. If our Founding Fathers knew this, they would roll over in their graves.

This may not be 1776, but it is 1996 and its time to cut taxes, reduce government, and restore the American dream for our children and grandchildren.

GAS TAX REPEAL

(Mr. STUPAK asked and was given permission to address the House for 1 minute.)

Mr. STUPAK. Mr. Speaker, in this House we have seen extreme examples from the GOP on how to deal with issues facing our Nation. We have also seen sensible solutions which have won out in the end.

The country is now debating how to deal with the sudden hike in gas prices. We hear the same old extremist kneejerk reactions from the Republicans. The majority has suggested cutting education to make up for revenue lost if part of the gas tax is repealed. Cut education? Do we really want to balance our books on the backs of America's families?

Mr. Speaker, a cut in the Federal gas tax of 4.3 cents a gallon would reduce revenues by an estimated $30 to $35 billion over 7 years. The new majority refuses to look at cutting corporate welfare. They refuse to look at what windfall profits are being realized by oil companies whose speculations send gas prices skyrocketing.

Mr. Speaker, through the shutdowns and budget gridlock, we Democrats have fought and won battles protecting education. But we can never rest. Here is a new assault on the American education system. Let us be sensible, not extremist, protecting our future.

TODAY IS TAX FREEDOM DAY

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, today is tax freedom day. May 7 is the day we stop working to pay our tax bill and the day we begin to work for ourselves and our families.

Incredibly, the average American must work from January 1 through today just to earn enough money to pay his or her share of State, local, and Federal taxes. Only tomorrow will Americans begin to work for themselves.

Many believe that on April 15 we are through with taxes for awhile. Nothing could be further from the truth. In fact, on average, Americans spend 2 hours and 47 minutess each day working just to pay their taxes.

Liberal politicians and the special interest groups mistakenly believe raising the minimum wage will help working Americans. Increasing the minimum wage will cost jobs and increase workers' tax burdens. If we really want families to earn more, keep more, and do more, the Government must stop taking so much from each paycheck.

Consider this. The working Americans that Bill Clinton says he is concerned about must earn more than $3 to buy a gallon of milk that costs less than $2. Let's cut taxes and make the Government spend less so that Americans may spend more of their hard-earned money.

REPEAL OF THE GAS TAX

(Mr. HOYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HOYER. Mr. Speaker, on behalf of students across America, I would like to award a dunce's cap to my colleague from Texas. Mr. ARMEY, the acting Speaker of the House, suggested we could pay for repeal of the gas tax with cuts in education. Where does he think the money will come from?

We could cap college assistance—and take Pell grants away from more than 3 million college students. We could cap Head Start—take education, nutrition, and health care away from every one of the 760,000 preschoolers who participate—and we still wouldn't get enough. We could cap funds to elementary schools—and take reading and math help away from 5.5 million students who are struggling to catch up with their peers.

Mr. ARMEY, if you think the American people want to cut our children's education to save themselves 4.3 cents at the gas pump, you haven't done your homework.

□ 1415

TURN THE CLINTON TAX TREND AROUND

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, I guess the President just simply loves higher taxes. In 1993 he passed the highest tax increase in American history: an increase in the tax gas, an increase in Social Security taxes on seniors, an increase in taxes on small business. Now our Tax Freedom Day which we have heard so much about this morning keeps falling later and later every year under the Clinton watch.

In 1992, under George Bush, it was May 2, but next year, Clinton, May 3. Next year May 5; next year, May 6; and now it is May 7, the latest the tax freedom day has ever been.

We can turn the tide. We can and we should cut taxes. Let us cut them on average working families: taxes on gas, if my colleagues will, but taxes also on seniors, taxes on our small businesses, taxes on farmers, and taxes on capital gains. Let us shorten the Government's long reach into our pockets and cut taxes right across the board.

Let us turn this trend around. Maybe next year people will be able to work less for the Government and more for themselves and their families.

CUTTING FUNDING FOR EDUCATION—NOT THE RIGHT DIRECTION

(Ms. LOFGREN asked and was given permission to address the House for 1 minute.)

Ms. LOFGREN. Mr. Speaker, I read that the majority leader made this statement on Sunday: Maybe we ought to take another look at the amount of money we are spending on education. And I thought, finally, good—we do need to take a look at the amount of money we are spending on education.

I saw today in the Washington Post that in Korea kids get out of school at 10 p.m., and they go to school 6 days a week. Is it any wonder that they are leaving us in the dust? They have gone from Third World to major competitor in a few short years because they are putting money into education.

But I learned, in fact, that the majority leader's proposal is to cut education funding to pay for a proposal to cut the gas tax.

This is not the direction we should be heading. Where I come from, families are indeed struggling to pay for very high gas bills; they are commuters. But the thing they know more than anything else is that, if we want to get ahead as a country, it is important to take the long view and make sure that our kids are the best educated in the world.

CUTTING DUPLICATION, NOT EDUCATION

(Mr. CHRYSLER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRYSLER. Mr. Speaker, 128 days out of the year, 17 weeks out of 52, are spent working to pay our taxes. In other words, for 128 days the average American works for government. Something is wrong with this picture.

Mr. Speaker, the American family is being pressured from all sides today. It does not help that government takes 128 days of his or her labor. And, thanks to Bill Clinton, Americans now work an extra 6 days to pay their taxes. That is another pay gone to finance the Government's spending by the Washington bureaucrats.

Mr. Speaker, we need less government, lower taxes, we need to let people keep more of what they earn and save, and we need to let people make their own decisions about how they spend their money, not government.

As to the remarks of the gentleman from Texas [Mr. ARMEY] about education, we had 760 educational programs in 39 different departments in this Federal Government. We said 170 of them were duplicative of other ones. That is not cutting education. This is cutting duplication.

WHEN WE REDUCE THE GAS TAX, WILL CONSUMERS BENEFIT?

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, the bottom line is this:

When we reduce the gas tax, are consumers going to see any of the benefit? That will be determined by whether there is a free market, whether the oil companies are actually competing with one another, whether all those up and down the line will pass the price through to the consumer. Because if we reduce the tax by 4.3 cents and the consumer does not get any reduction at the pump, what good is it?

Now what we have seen in the past in the gas and oil market is that there is not real competition in certain ways. When the spot market wholesale price goes up, it immediately goes up at the pump, the price does. But when the spot market for crude oil goes down, it takes months and months and months for it to go back down.

This chart shows it all. Wholesale price falls 4.4 percent, price at the pump goes up 2 cents.

Now if that happens, the gas tax reduction will not bring any benefits to the American consumer, and we better make sure that it does.

ONCE AGAIN THE PRESIDENT REVERSES HIMSELF—THIS TIME ON ADOPTION TAX CREDIT

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in 1993 President Clinton passed the largest tax increase in history, and then later reversed himself in Texas when he commented that he raised taxes too much. He said he was for a tax cut, but he vetoed tax cuts, just one right after the other: A child tax credit relief, capital gains relief, a marriage penalty relief, and many more.

Tomorrow we are going to bring a $5,000 adoption tax credit up to be debated again for a second time, and once again the President has reversed himself. He says he likes the idea. We must continue to fight for tax cuts that help American families and children.

As my colleagues know, Americans want and even deserve a break from high taxes and not just when it is in the President's best political interest.

WHAT NEXT? AID FOR DEPENDENT COWBIRDS?

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, even on tax freedom day it never ends. Government bureaucrats maintain that California cowbirds lay their eggs in the nest of California gnat catchers, forcing the gnat catcher to raise the little cowbirds. Now, since the gnat catcher is on the endangered species list, the bureaucrats have decided to gas the cowbirds.

Now, if this is not enough to ruffle our tarfeathers here, my colleagues, they will spend $67 million to kill California cowbirds.

What is next folks?

A Government grant for cowbirds to lobby Bruce Babbitt?

Aid for dependent cowbirds?

Tax credits to adopt the California cowbirds?

Is it any wonder we have a $5 trillion debt?

I submit these are not normal Government bureaucrats. These are turkeys. Anybody who would spend $67 million to help one endangered species, a gnat catcher, and make another species, a cowbird, an endangered species, needs a proctologist, not a psychiatrist.

PROTEIN CRYSTAL GROWTH ON THE SPACE STATION

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I want to tell my colleagues about one area of science that will be performed aboard the space station.

Protein crystallography is a field of research that allows scientists to determine the structure of proteins that play critical roles in diseases.

To use this technique, researchers must grow large, high-quality crystals of the protein. On Earth, gravity often causes the crystals to grow imperfectly, preventing scientists from developing new disease-fighting drugs.

Protein crystals grown in space, as demonstrated on many space shuttle flights, are superior in quality and size to those grown on Earth. This means that researchers can better develop drugs to battle disease.

In fact, protein crystal grown on the shuttle have already allowed researchers to develop drugs that are in FDA trials even as we speak.

But the growth of many crystals requires more than a few days available aboard the shuttle. That is why we need the space shuttle.

It will permit researchers to grow their crystals in a nearly perfect microgravity environment for long periods of time.

Mr. Speaker, researchers from universities and companies around the world strongly support the international space station, and I urge my colleagues to do the same.

MAY 7, 1996, TAX FREEDOM DAY

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I offer congratulations to you and congratulations to every hard-working American taxpayer. Or should I say offer condolences? Because at long last, today, May 7, is tax freedom day.

We have heard a lot of talk, a lot of playground taunts about the gas tax and repealing the Clinton gas tax. That would be but a modest first step, a reasonable first step.

Let me put it in perspective, Mr. Speaker. One of my constituents stopped by my Washington office this morning and told me in the wake of Bill Clinton's tax increase, the largest in American history, including retroactive taxes, her tax bill increased 213 percent.

That is compassion? That is common sense?

Mr. Speaker, in the words of my colleague from Ohio, beam me up.

A REAL MOTHER'S DAY TRIBUTE: PASS CHILD SUPPORT ENFORCEMENT REFORM

(Mrs. ROUKEMA asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. ROUKEMA. Mr. Speaker, Mother's Day is just a few short days away, and I have a great idea for the congressional leadership and President Clinton.

For all the mothers of America, let us enact tough new child support enforcement reforms.

Last year this Congress voted to give the States the tools and the teeth to enforce child support orders when it passed the welfare reform package. Unfortunately, the President vetoed that bill, and the child support reforms along with it, and since that time child support has been tangled in the larger welfare reform debate.

Mr. Speaker, enough is enough. No more excuses, no more delays. The children are suffering. Let us pass this legislation now. No one expects the welfare reform dispute to be settled for months, if at all. Yet we all agree on a bipartisan basis on the reforms to strengthen our child support system.

Child support evasion is a national disgrace. Each year millions of families are denied billions of dollars to which they are legally and morally entitled. First the children are the victims and, second, the taxpayers. Let us pass this legislation.

GIVE THE TAXPAYERS A BREAK—REPEAL THE CLINTON GAS TAX

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, the Clinton crunch is hitting the American people hard. The most conspicuous evidence of the Clinton crunch right now is the soaring gas prices all over our Nation. Back in 1993, President Clinton enacted the largest tax increase in our Nation's history. And included in this tax package was a $4.8 billion tax increase on gasoline. This Clinton gas tax is hitting all consumers right where it hurts—in the wallet.

Mr. Speaker, the American people want to keep more of what they earn, not continue to give more and more of their hard-earned money to the Federal Government. I call on my Democrat colleagues to support a repeal of the Clinton gas tax. While $4.8 billion may not seem like much money to some of the Clinton Democrats, it's considered a whole lot of money to the majority of the American people.

Give the taxpayers a break. Repeal the Clinton gas tax.

LET US BE FAIR

(Mr. FAZIO of California asked and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, we read in the Washington Post this morning that Leader ARMEY is taking the leading role in defining the remainder of this Congress' Republican revolution. Apparently the revolution he wants to bring about is to cut education so that we can go about reducing the gas tax without any promise, any commitment that that will actually be passed through to consumers.

While oil companies are profiting, and obviously many are based in his home State of Texas, we seem to think the only way we can help people who are suffering from incredible increases at the pump would be to cut programs that will help their children.

This is the same leader who indicates we ought not to have a minimum wage, let alone an increase in it, that would take it, in real dollars, from 1950 to 1960.

It seems to me if we are going to address the issue of cutting taxes on gasoline without passing them through to consumers, we certainly ought to be willing to take up the issue of a minimum wage for those people who struggle each day to put food on the table for their families. That would be a fair way to lead this institution.

□ 1430

SUPPORT ELIMINATION OF THE GAS TAX

(Mr. CUNNINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUNNINGHAM. Mr. Speaker, if the gentleman from California, who just spoke, was not on the big spenders list every year, then those folks would have more money in their pocket instead of increasing the deficit so much.

Mr. Speaker, they said, Do we want to repeal the gas tax? Yes. Do we want to repeal the Social Security tax that the 1993 Clinton tax package put on our senior citizens? The President promised a middle-class tax cut. Instead, he increased the marginal rate on the taxes for the middle class.

The Democrats want to protect the power, the power to tax you, to bring money to Washington, DC, to support a big bureaucracy, and then turn that money back around and give it to you for education, as low as 23 cents on a dollar, so they can fund their big Federal bureaucracy. if they want to help education, look at Haiti, look at Somalia, look at Bosnia: Billions of dollars for the President to send our troops. And guess what? Aristide is still there, Aideed is still there, and in Bosnia it is going to cost $10 billion. If they want to help education, cut out the foreign expansion. Support elimination of the gas tax.

WHITEWATER INDEPENDENT COUNSEL SHOULD FOCUS ON THE JOB AT HAND

(Mr. MEEHAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEHAN. Mr. Speaker, the calls for Whitewater Independent Counsel Kenneth Starr to address concerns over his outside legal practice continue to mount. This weekend, former independent counsels—both Democrats and Republicans—added their voice to the chorus of concerned citizens questioning the judgment and independence of Mr. Starr.

Lawrence Walsh, former judge and independent counsel for Iran Contra, said: "The one excuse for an Independent Counsel is his independence * * * he can't be involved with anything that impairs his freedom of action."

And Gerald J. Gallinghouse, another Republican who investigated President Jimmy Carter said, "He should either get in or get out."

Mr. Starr's investigation is now almost 2 years old and is costing the taxpayers about $1 million a month. At the same time, Mr. Starr continues to maintain an enormous private legal practice which includes many of the President's fiercest political enemies. In fact, it seems that the only criteria is to be an enemy of the Clinton administration.

The issue is perception and confidence. I call on Mr. Starr once again—put the private legal practice on hold and focus on the job at hand—the public deserves nothing less.

TAX FREEDOM DAY

(Mr. RIGGS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIGGS. Mr. Speaker, all the attacks in the world on Mr. Starr are not going to distract attention from the fact that 16 indictments and 9 convictions later, the Whitewater investigation proceeds.

Mr. Speaker, today is tax freedom day. It is the day Americans stop working for the Government and start working for themselves. Tax freedom day is now 128 days into the year. That's up 6 days since Bill Clinton took over the White House.

Six days is over a week's worth of work. That's another paycheck the American people will not see because Bill Clinton raised taxes in 1993.

Today, the average family pays almost 40 percent of their income in taxes. That is wrong. A 40-percent tax rate is simply too much for a struggling family.

Bill Clinton may be riding high in the polls today. But that does not change the reality that he is a big government tax and spend liberal who gave Americans the largest tax increase in history and who fought against and vetoed any tax relief for America's families.

Happy tax freedom day, Mr. Speaker.

DO NOT REPEAL THE GAS TAX BY TAKING AWAY DOLLARS FOR EDUCATION

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me say that I am willing to celebrate tax freedom day. I have gone on record to support a repeal of the gas tax for 4.3 percent. But how ludicrous that Republican colleagues seem to want to give not only freedom to the taxpayers, but a big ax to the taxpayers: Repeal the gas tax, but let us hit them upside the head by taking away education dollars.

What sense does that make, Mr. Speaker? Is it not fair that we say to the American people, yes, we want a repeal of the gas tax if it goes directly back to the American consumer, but yet, we are not going to hit you about the head on tax freedom day and take away education dollars from your children?

I am not sure what this House intends to do, but Mr. Speaker, I hope for once that we will be fair to the American people. One, we will support education for their children with loans and title I and Goals 2000, and will not make these ridiculous statements about taking away education dollars from our children; and yes, we will repeal the gas tax, and we will do it with a 4.3-percent repeal that goes directly back to the consumers. I hope if we look at giving something back to the taxpayers, we will look somewhere else, not take away education dollars.

REPUBLICAN LEADERSHIP WANTS TO CUT EDUCATION FUNDS TO GIVE TAX BREAKS

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, the Republican leadership wants to cut education funds for children in this country in order to give a tax break which is going to wind up in the pockets of oil companies, by every economic analyst's view in this country. Yesterday's Wall Street Journal reports that the first quarter profits at the big oil companies went up 41 percent in the first 3 months of this year. The five top executives at the six top oil companies in the last 2 months enjoyed 32 million dollars' worth of increases in their stock options; the oil company executives, $735 apiece went to each oil company executive. Clearly, the oil company executives are not upset about higher prices at the pump. They are crying all the way to the bank.

Who are we going to ask to pay for this? The children of the country, in cutting education programs for them. How about looking at the oil companies? They are tipping consumers upside down and shaking money out of their pockets.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. RIGGS. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. FOLEY). Is there objection to the request of the gentleman from California?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

AUTHORIZING USE OF CAPITOL GROUNDS FOR EVENT SPONSORED BY SPECIALTY EQUIPMENT MARKET ASSOCIATION

Mr. GILCHREST. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 150) authorizing the use of the Capitol Grounds for an event sponsored by the Specialty Equipment Market Association, as amended.

The Clerk read as follows:

H. CON. RES. 150

Whereas the United States public has demonstrated a continuing love affair with motor vehicles since their introduction 100 years ago, enjoying vehicles for transportation, for enthusiast endeavors ranging from racing to show competitions, and as a mode of individual expression;

Whereas research and development in connection with motorsports competition and speciality applications have provided consumers with life-saving safety features, including seat belts, air bags, and many other important innovations;

Whereas hundreds of thousands of amateur and professional participants enjoy motorsports competitions each year throughout the United States;

Whereas such competitions have a total annual attendance in excess of 14,500,000 spectators, making the competitions among the most widely attended in United States sports; and

Whereas sales of motor vehicle parts and accessories for performance and appearance enhancement, restoration, and modification exceeded $15,000,000,000 in 1995, resulting in 500,000 jobs for United States citizens: Now therefore, be it

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. USE OF CAPITOL GROUNDS FOR SPECIALITY MOTOR VEHICLE AND EQUIPMENT EVENT.

On May 16, 1996, or such other date as the Speaker of the House of Representatives and the President pro tempore of the Senate may jointly designate there is authorized to be conducted on the Capitol Grounds a public event (in this resolution referred to as the "event") displaying racing, restored, and customized motor vehicles and transporters.

SEC. 2. CONDITIONS.

The event shall be free of admission charge to the public and arranged not to interfere with the needs of Congress, under conditions to be prescribed by the Architect of the Capitol and the Capitol Police Board. The sponsor of the event shall assume full responsibility for all expenses and liabilities incident to all activities associated with the event.

SEC. 3. STRUCTURE AND EQUIPMENT.

For the purposes of this resolution, the sponsor of the event is authorized to erect upon the Capitol Grounds, subject to the approval of the Architect of the Capitol, such stage, sound amplification devices, tents, and other related structures and equipment as may be necessary for the event. The sponsor is further authorized to display racing, restored, and customized motor vehicles and transporters in the condition in which they appear.

SEC. 4. ADDITIONAL ARRANGEMENTS.

The Architect of the Capitol and the Capitol Police Board are authorized to make any additional arrangement that may be required to carry out the event.

SEC. 5. LIMITATIONS ON REPRESENTATIONS.

The sponsor of the event (including its members) shall not represent, either directly or indirectly, that this resolution or any activity carried out under this resolution in any way constitutes approval or endorsement by the Federal Government of the sponsor (or its members) or any product or service offered by the sponsor (or its members).

SEC. 6. PHOTOGRAPHS.

The event may be conducted only after the Architect of the Capitol and the Capitol Police Board enter into an agreement with the sponsor of the event, with each person owning a vehicle to be displayed at the event, and with the manufacturers of such vehicles that prohibits the sponsor and the vehicle owners and manufacturer from using any photograph taken at the event for a commercial purpose. The agreement shall provide for financial penalties to be imposed if any photograph is used in violation of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland [Mr. GILCHREST] and the gentleman from Minnesota [Mr. OBERSTAR] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 150, as amended, a resolution authorizing the use of the Capitol Grounds for a specialty motor vehicle and equipment event. This resolution authorizes the Special Equipment Marketing Association to conduct a public event on the Capitol Grounds displaying racing, restored, and customized motor vehicles and trucks. The event will be part of an American picnic on the Capitol Grounds celebrating 100 years of the introduction of the automobile.

Motor sports is a large spectator sports in American drawing millions of fans every year to events. The specialty equipment industry, which manufacturers many of the products used in racing vehicles, employs 500,000 Americans and generates $15 billion in revenue.

The bill specifies May 16, 1996, as the date on which the event would occur. It would not detract from the ceremony which will honor our peace officers, which event is now occurring on the 15th of May, and honoring these peace officers who have died in the line of duty will not be interfered with at all.

Mr. Speaker, the event is to be free of charge, and the Architect and Capitol Police Board are to specify conditions for the event so as not to interfere with the needs of Congress. The sponsor is to assume full responsibility for all expenses and liabilities associated with the event. The resolution authorizes the sponsor to display racing, restored, and customized motor vehicles and trucks in the condition in which they currently appear. This will allow these special vehicles to be displayed in their original or unaltered state. Many of these vehicles display decals or stickers promoting commercial sponsors. This amendment would permit these vehicles to be displayed without alteration.

Subject to the approval of the Architect, the sponsor may erect stage, sound amplification devices, tents or other structures necessary for the event. The sponsor, including its members, may not represent that the resolution nor any activities carried out under it constitutes approval or endorsement by the Federal Government of the sponsor, its members, or any product or services offered by the sponsor or its members.

Finally, the resolution provides that the event may be conducted only after the Architect and the Capitol Police Board enter into an agreement with the sponsor and the owners and manufacturers of vehicles to be displayed that prohibits the use of photos taken at the event for commercial purposes. Finally, penalties would be imposed for those violations.

This resolution has the support of the resolution's sponsor, the sponsor of the event. I would like to thank my colleagues on the other side of the aisle for their assistance in crafting compromise language so this event may go forward. I urge my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Concurrent Resolution 150, as amended, would authorize the use of the Capitol Grounds for a display of specialty vehicles, including racing cars and antique cars.

Mr. Speaker, as I understand this event, like other events on the Capitol Grounds, it will be open to the public and will be free of charge. The amended resolution before us includes some substantial improvements over the introduced resolution.

In my opinion, the concurrent resolution as introduced did not contain sufficient safeguards to ensure that the authorized event would be consistent with our longstanding and bipartisan policy, and one enforced by the previous Architect of the Capitol, that the Capitol Grounds should not be used for commercial purposes. I frankly find it offensive that anybody would want to do such a thing.

Mr. Speaker, I had two major concerns in that regard about the introduced resolution, First, it did not prohibit the cars on display from being covered with decals advertising automotive and other products. Second, there did not appear to be adequate protections to assure that photographs of cars on the Capitol Grounds would not be used in commercial advertising; the selling of the Capitol, it seemed to me.

We discussed this a great deal with our good friend, the gentleman from Maryland [Mr. GILCHREST], the very thoughtful and concerned Member of Congress, for whom I have great respect and appreciation. The amended resolution now deals with these issues. It did not totally prohibit the decals. We were advised in the course of these discussions that the event would not be able to go forward with a total ban on decals, since owners would not be willing to display their cars with the decals covered up with masking tape, which I frankly suggested. However, the bill limits the decals to those that are already on the car, so they cannot put new ones on. I do not know how we are going to monitor that, test it, or check it, but we will take them at their word.

With respect to photographs, the amended resolution includes a provision prohibiting the sponsor of the event, the person displaying the vehicles, and the manufacturers of the vehicles, from using photographs of the event for commercial purposes. I hope, I just strongly, hope, that these prohibitions, which carry financial penalties, will control the potential for commercialization of the U.S. Capitol.

I know the gentleman from Maryland shares that concern. He has endeavored vigorously to achieve the same objective. I believe with his vigilance and with the attention that has been drawn to this subject that the commercialization, the use of the U.S. Capitol for commercial purposes, will not go forward.

Mr. Speaker, I think these protections are as good as we can get, short of not allowing the event. Congress has an obligation, Mr. Speaker, I feel very strong about this, to ensure that the Capitol Grounds are used in a fitting and in a proper manner. Use of grounds for a commercial purpose detracts from the integrity of this national treasure and this landmark that belongs to all of us, to all Americans.

It offends me, frankly, that groups that criticize Washington and criticize government then want to turn around and use Washington and its most important symbol, the U.S. Capitol, to further their own commercial purposes. I find that inconsistent, I find that offensive.

☐ 1445

Use of the grounds of the U.S. Capitol should be reserved for events that have public significance, that have national significance, that have broad national interest, such as the Special Olympics torch relay run, the memorial ceremony honoring law enforcement officers killed in the line of duty.

Even in those, as in this particular event with racing cars, we ought to be sensitive to safeguarding the integrity of this very treasured national symbol of freedom. It is, after all, a symbol of freedom. It is not a symbol of commerce.

I think the amendment before us achieves those objectives, responds to my concerns, and I appreciate the cooperation I have had from the gentleman from Maryland and the sensitivity and concern and cooperation we have had from the chairman of the full committee.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I was in the Cloakroom, and I really want to congratulate the gentleman on his statement. I am a little stunned at what I think I heard. We are turning the Capitol Grounds into kind of a car lot with this resolution? Is that what I heard?

Mr. OBERSTAR. There is going to be a display of vehicles in honor of the 100th anniversary of motor vehicles.

Mrs. SCHROEDER. If the gentleman will yield further, what a precedent this is. Does this then mean we can do all sorts of future displays for any commercial thing that wants to come in here?

Mr. OBERSTAR. We have attempted to restrict the opportunity for commercialization with the language included in this resolution that the gentleman from Maryland has included, and with his splendid cooperation, to prevent use of photographs for commercial purposes, to limit the amount of commercialization evident on the vehicles to be displayed here.

Mrs. SCHROEDER. If the gentleman will yield further, I am very glad that the gentleman was there and vigilant and got those amendments in, but I am a little troubled at the time we are going through this gas crisis and everything else that we are going to turn, I think, the Capitol Grounds into a parking lot and a public display.

I hope we have a vote on this, because I would like to see how Members vote on this issue. I am stunned. I never saw anything like this in my 24 years and I am troubled as to why it comes up now, but I thank the gentleman for his hard work.

Mr. OBERSTAR. I thank the gentlewoman.

Mr. Speaker, I reserve the balance of my time.

Mr. GILCHREST. Mr. Speaker, I yield myself such time as I may consume.

I share many of the sentiments of the gentleman from Minnesota in his concerns about commercializing the Capitol Grounds and also I share the concerns of the gentlewoman from Colorado for the same reason. This will not specifically be on the Capitol Grounds. It is across the street and to the rear of the Senate office buildings, so we will not see any motor vehicles right here directly on the Capitol Grounds.

I would also like to reemphasize two areas that the gentleman from Minnesota [Mr. OBERSTAR] emphasized, as far as these motor vehicles will not be able to use this particular display for profit or for commercializing any of their products. It is the 100-year anniversary of the automobile in the United States, and I know we have troubles through the years as far as gas taxes are concerned, gas crises are concerned, environmental issues are concerned.

It is not my intent nor is it the intent of this committee to demean the Capitol Grounds in any way, shape or form by sponsoring motor vehicles and expending more gasoline products. That is exactly the opposite of what we are trying to do. What we are trying to do is to come up with some consensus language on both sides of the aisle so we can have some understanding how to put forth a display which will be off the Capitol Grounds, on property owned by the U.S. Capitol but not on the Capitol Grounds proper, so we can have some sense of history.

As a former school teacher, I know that when I have brought students here for many, many years, the students found many fascinating things about Washington, DC, and we could always associate something, some type of display, whether it was on the Mall or up here dealing with the issue of democracy and the issue of debate. We are now engaged in a debate whether or not this is a proper use of the Capitol Grounds.

It is my judgment, after consultation with the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT], that we have realized some of these issues and that we will go forward with this event ensuring, with the legislation's specific language, that none of the uses of these motor vehicles, which are all U.S.-manufactured motor vehicles, can be used in any way for the advancement of any particular product.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. GILCHREST. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, if this display is not going to be on the Capitol Grounds, as I think I heard the gentleman say, then why do we need the resolution?

Mr. GILCHREST. Reclaiming my time, I said it is not on the Capitol Grounds proper. In other words, when we say the Capitol Grounds, people right away think it is going to be right in front of the west side or the east side of the Capitol.

It is, properly spoken, Capitol Grounds, but we could not see this display from the Capitol. We would have to walk across the street to the other side of the U.S. Senate office buildings before we could see the display. So I wanted to make a distinction. It is not right here on the east front or the west front of the U.S. Capitol.

Mr. Speaker, I yield to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. I thank my friend for yielding.

Mr. Speaker, for years we have been touting American workers, and I would say to my friend from Ohio [Mr. TRAFICANT], who fights for American products and "Made in America," these are American cars. For 100 years Americans have been making these products. My colleagues on the other side say they are big strong supporters of the unions. It is mostly union members that make these cars and they have for 100 years.

I think we need to show that we are proud of our products. Only a few short years ago there were other products that came into this country that cut them out. For 100 years our workers have been the finest in the world, and I think we need to honor them. I laud the gentleman for his initiative.

Mr. GILCHREST. I thank the gentleman.

Mr. Speaker, one other quick comment. We do have, and I know this is not on the Capitol Grounds but it is on The Mall, we have the Air and Space Museum that sort of in some indirect way, I guess, promotes air travel and specific airlines. We have the American History Museum. I really do not want to get into a semantic argument here, but I do think we have come up with a fairly consensus bill on both sides of the aisles.

Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. I thank the gentleman for yielding me the time. I want to congratulate him for bringing the resolution to the floor. I rise in support of the resolution.

Mr. Speaker, for 100 years the American automobile has been a part of the American scene. It has transformed the way in which we live, the way in which we work. It has been an important part of our entire history for the last 100 years. This display is in congratulations and celebration of that very fact.

The fact is that for people who are concerned about this, when they go to the Smithsonian. They will find cars on display in the Smithsonian museum, they will find racing cars, for instance, in the Smithsonian that actually have decals on them.

There are in fact historic reasons why there has been a link between motor sports and people who are willing to pay the bill. For that 100-year history, motor sports has been a part of it. The fact is that today it has become the largest single spectator sport in the country. That is motor racing. All over this country, in small communities and in large, there are people who spend their weekends going out. Some of the language I have heard on the floor today is kind of an insult to some of those people who find this to be an enjoyable sport and who participate in it honorably and go as spectators.

The fact is also that there are hundreds of thousands of people who participate each year in car shows, that simply go to look at products and look at restored kinds of vehicles. There are hundreds of thousands of people who participate in the actual restoration of automobiles and in the historic sense of preserving that piece of Americana that was built years ago.

There are lots of people out there who regard these phases of motor sports as an intimate part of their lives and think that it is entirely appropriate to have a display on the 100th anniversary of the motor vehicle on the Capitol Grounds in celebration of that fact. That is what we are doing here. This is not a commercial kind of display at all. It has nothing to do with commercialism.

It is the same kind of thing that often goes on in the Capitol Building. When we have a historic event, we actually bring the artifacts of that historic event to the Capitol to allow the public to see them. That is what is happening here. I congratulate the gentleman for his resolution.

Mr. GILCHREST. I thank the gentleman from Pennsylvania. I might say that I think maybe the largest spectator sport is little league baseball, or maybe it might be a close second there.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, we end up getting in major debates over items that need not be controversial around here. I have a few questions. I would like to join in an ongoing colloquy if I could without a lot of parliamentary discourse.

But in the process when we discussed this, there was a special section put that would prohibit the use of photos of this event for commercial purposes. I want to thank Chairman GILCHREST for that. Further, there have been placed into this resolution financial penalties associated with violation of that prohibition.

We have had a lot of talk about American cars and an event that would highlight the automobile in our history, and the great invention and pursuits of American manufacturing. The first question is, Will there be foreign cars highlighted, and will they be a part of this display?

Mr. GILCHREST. Mr. Speaker, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, it is my understanding that only U.S. manufactured vehicles and U.S. manufactured parts will be a part of this display.

Mr. TRAFICANT. There is in here, then, penalties associated with violation of any of these promotional concerns that we have. For the sake of this debate, who would be responsible for enforcement of those penalties?

Mr. GILCHREST. The whole arrangement is going to be cleared through the Architect of the Capitol and the Capitol police. The Capitol police will be responsible for enforcing any of the violations.

Mr. TRAFICANT. Will there be any association with foreign sponsors at this event?

Mr. GILCHREST. It is my clear understanding that there will be no association with foreign sponsors. These are all U.S. sponsored, U.S. manufactured products.

Mr. TRAFICANT. Let me say this. I think there is a lot of concern because of the fact that we are using the grounds, and we are using Capitol Grounds, as evidenced by the fact we need a resolution. We use Capitol Grounds for many other things.

I am not opposed to this. I believe that we should highlight the achievements and the great, in fact, pursuits of the American automobile industry, from the invention and the creation to the mass production.

I am very concerned, though, and I want to state this before the Congress, on a resolution of this kind which is noncontroversial, that right now many of our trucks carrying American-made manufactured brands are made overseas. The beautiful Regal, Buick Regal, is made in Canada. So I want to make sure this is an event for America.

I certainly will not oppose it. I will vote for it. I want to thank the chairman for including the concerns that both the gentleman from Minnesota [Mr. OBERSTAR] and I had on this when it was previously discussed.

I would like to say this, though, that in the future when we talk about penalties for violation of certain behaviors involved with issues such as this that seem noncontroversial, not to be big mind benders, we should at least have a study reported back to us if in fact the design and intent of these particular programs was as they were first recommended and presented to us.

With that, I would yield to the chairman for any comment relative to that last issue.

Mr. GILCHREST. I will assure the gentleman from Ohio [Mr. TRAFICANT] that we will continue to work with his side of the aisle in any future resolution that deals with a similar matter, that we will assure that all of his concerns will continue to be shared, that there will be precise and concise penalties on those who violate it, that this will be sponsoring U.S. manufacturers and not foreign manufacturers of automobiles, and that we will ensure that no photographs taken during this event can be used for commercializing purposes or for endorsement purposes. If they are, they will feel the full force of the law.

Mr. TRAFICANT. Would it be reasonable, then, to spread across the RECORD at least the following concern, that the Architect of the Capitol should report back to our subcommittee on in fact the questions that I have posed here relative to any possible foreign participation that is not the intent of this particular resolution?

Mr. GILCHREST. Mr. Speaker, the gentleman from Ohio [Mr. TRAFICANT] has an excellent idea and we will follow it up. We will, sometime following the event, assure him that there will be a hearing on that issue.

Mr. TRAFICANT. In closing, let me say this. The gentleman from Pennsylvania [Mr. WALKER] is a friend of mine.

He has had a number of Corvettes over the years, and I am sure that that car made in Kentucky, made out of American parts, will be highly featured.

With that, I will not pose any further opposition and would vote for the resolution.

Mr. GILCHREST. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. CHRYSLER].

□ 1500

Mr. CHRYSLER. Mr. Speaker, I rise in support of the resolution to allow the use of the Capitol Grounds for a specialty motor vehicle and equipment event. As a former race car driver, auto manufacturer, union member, and SEMA member, I have first-hand knowledge of the importance of the auto industry to our economy. This event will demonstrate the economic and employment benefits, as well as contributions to engineering, safety, and entertainment provided by U.S. motorsports industries.

The event will be held on May 16 on the Upper Senate Park and will include a wide variety of race cars, motorcycles, and collector cars spanning the evolution of the industry including vehicles from prewar classics, street rods, and '60's muscle cars. Also on hand will be race car drivers, car collectors, and U.S. performance and specialty manufacturers from around the country. It will be a convenient way for Members not familiar with the industry to gain greater insight into motorsports and for car and motorcycle enthusiasts to join in the celebration and perhaps display their own customized car or bike, as I will.

It has been 100 years since the automobile was first introduced in the United States. I urge your support of this exciting event commemorating the importance of the motorsport industry to our economy on this 100-year anniversary.

Mr. GILCHREST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield 3½ minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I guess I am a little troubled by this, not because I am against the auto industry for heaven's sakes. I think the auto industry is terribly important, and I am a car lover as every other red-blooded American is.

In the last year and a half we have seen the Capitol Grounds used for all sorts of things. We had elephants here for the first time, a circus came through, a couple weeks ago there was a rock concert going on on the front lawn, and for people whose windows face that way it was really quite noisy.

I understand people were saying, well, we will not be able to see this show from the Capitol, but you will be able to see the Capitol from the show, is the way I understand it. And I guess I am saying, are there any criteria? Are we just going to wait and be surprised day after day by new ideas that come up on the other side of the aisle for what we should use the Capitol as a showcase for? What about assault weapons? Can we have assault weapon or gun shows around here? Can we have dog and cat shows or horse shows?

Mr. GILCHREST. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Maryland.

Mr. GILCHREST. Mr. Speaker, I would like to tell the gentlewoman, I think there are a lot of people that share her concerns about commercializing the Capitol Grounds and trivializing the Capitol Grounds. This is the Nations's Capitol, which has a great and grand history of legislating for the Nation's good. So I will tell the gentlewoman that in the future, as these things usually come through the subcommittee of which I am chairman, that we will ensure that Members on both sides of the aisle receive this kind of information and notice well in advance.

Now, there was information about this for the past several months. I realize we are all very busy with a variety of things and do not pick up on all of the activities that are occurring, but certainly I will assure both sides of the aisle that whenever events like this are coming up, I will do my level best, and I know the gentleman from Minnesota [Mr. OBERSTAR] and the gentleman from Ohio [Mr. TRAFICANT] will help with this, as well as other members of the committee, to make sure the body as a whole realizes these things are coming up and they can be prepared for them.

Mrs. SCHROEDER. Mr. Speaker, reclaiming my time, I guess my point is I think we need some criteria. I think before we keep doing this in an ad hoc manner, in which we kind of walk into the cloakroom and hear, wow, elephants are coming, the circus is coming, we are going to have a car lot, do this or that, or have a rock show, I would hope there would be some general criteria, rather than in an ad hoc way, as to what we can and cannot use the Capitol Grounds for.

Otherwise maybe we should rent it out, maybe privatization; they should pay us and we get the money back and we use it for something to maintain the Capitol. I do not know. I must say it is not the car show per se, but it is just the idea that there is more of ad hoc casual way that they are coming one on one, and there does not seem to be any criteria or any overall agenda that they fit through.

Mr. GILCHREST. Mr. Speaker, if the gentlewoman will continue to yield, what a number of us have been talking about over the past week is the issue of raising a specific criteria, there ought to be some type of specific or some flexible specific criteria that people can agree on for the type of activities that will go on on the Capitol Grounds.

Mrs. SCHROEDER. Mr. Speaker, would the gentleman be bringing that out of the committee shortly?

Mr. GILCHREST. It is in the early stages of discussion. We have not had any hearings on it. I think it would be a good idea, whether or not we have hearings on it, at which time, if we did have hearings, we could certainly bring in Members to give their perspective on it.

Mrs. SCHROEDER. I thank the gentleman. I really think that would help.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, following up the discussion with the ranking member of the subcommittee, the gentleman from Ohio [Mr. TRAFICANT], discussing the matter of foreign cars, which we have been assured there are not going to be foreign automobiles, the provision of the resolution deals with this issue, section 6, do I understand the chairman's response to mean that in entering into an agreement authorizing the event, that the Architect will include provisions to assure that no foreign manufactured cars will be included in the display?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield, it is my understanding that since the Architect of the Capitol issues the permit, we would communicate to him that no foreign manufactured vehicle can be on display.

Mr. OBERSTAR. That will be part of the agreement that will be entered into by the Architect with those displaying vehicles?

Mr. GILCHREST. Yes. To the power that I have and the gentleman has, we will directly communicate that with the Architect of the Capitol. I would say to the gentleman from Minnesota [Mr. OBERSTAR], he and I wield considerable power around here.

Mr. OBERSTAR. The gentleman does; the chairman does.

Mr. HEFNER. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from North Carolina.

Mr. HEFNER. Mr. Speaker, I do not know a lot about this bill we are considering, but in my part of the country, stock car racing is very, very big business, and to my knowledge, there is no foreign participation, to my knowledge, in stock car racing, either in NASCAR or Busch Grand National as we know it today.

Is what we are doing today just setting aside a facility or grounds for the NASCAR people and the Grand National people to come in and display? This is not going to be highlighting individuals, or either Ford or Chrysler or

GM, this is not going to be highlighting products, this is just going to be showcasing NASCAR as we understand it in this country? Is that what this bill does?

Mr. GILCHREST. Mr. Speaker, if the gentleman will yield further, that is correct. It showcases the American automobile over the last 100 years, showcases racing. The gentleman is correct when he says there are no foreign manufactured products in NASCAR racing.

The display goes from 12 noon to 3 p.m. It is not a real long period of time. It is a very short period of time to display the history of racing in the United States.

Mr. HEFNER. Whatever cost is incurred for this or damage they would to the grounds, who picks up the cost?

Mr. GILCHREST. It is completely picked up by the association, not by the U.S. Congress and not by the taxpayers.

Mr. HEFNER. I thank the gentleman.

Mr. OBERSTAR. Mr. Speaker, reclaiming my time, I would say that the assurances given by the scholarly gentleman from Maryland [Mr. GILCHREST] are satisfactory to our side and to those who have raised concerns in the course of the debate this afternoon, and I would most certainly hope that we will not have a request for a recorded vote. I think this should pass on voice vote.

Mr. GILCHREST. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland [Mr. GILCHREST] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 150, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The title of the concurrent resolution was amended so as to read: "Concurrent resolution authorizing the use of the Capitol Grounds for an event displaying racing, restored, and customized motor vehicles and transporters.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILCHREST. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 150.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

IMPACT AID TECHNICAL AMENDMENTS ACT OF 1996

Mr. CUNNINGHAM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3269) to amend the impact aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes.

The Clerk read as follows:

H.R. 3269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Impact Aid Technical Amendments Act of 1996".

SEC. 2. HOLD-HARMLESS AMOUNTS FOR PAYMENTS RELATING TO FEDERAL ACQUISITION OF REAL PROPERTY.

(a) IN GENERAL.—Section 8002 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7702) is amended by adding at the end the following new subsections:

"(g) FORMER DISTRICTS.—

"(1) IN GENERAL.—Where the school district of any local educational agency described in paragraph (2) is formed at any time after 1938 by the consolidation of two or more former school districts, such agency may elect (at any time such agency files an application under section 8005) for any fiscal year to have (A) the eligibility of such local educational agency, and (B) the amount which such agency shall be eligible to receive, determined under this section only with respect to such of the former school districts comprising such consolidated school districts as such agency shall designate in such election.

"(2) ELIGIBLE LOCAL EDUCATIONAL AGENCIES.—A local educational agency referred to in paragraph (1) is any local educational agency that, for fiscal year 1994 or any preceding fiscal year, applied for and was determined eligible under section 2(c) of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994.

"(h) HOLD HARMLESS AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2)(A), the total amount that the Secretary shall pay a local educational agency that is otherwise eligible under subsection (b)—

"(A) for fiscal year 1995 shall not be less than 85 percent of the amount such agency received for fiscal year 1994 under section 2 of the Act of September 30, 1950 (Public Law 874, 81st Congress) as such section was in effect on September 30, 1994; or

"(B) for fiscal year 1996 shall not be less than 85 percent of the amount such agency received for fiscal year 1995 under subsection (b).

"(2) RATABLE REDUCTIONS.—(A)(i) If necessary in order to make payments to local educational agencies in accordance with paragraph (1) for any fiscal year, the Secretary first shall ratably reduce payments under subsection (b) for such year to local educational agencies that do not receive a payment under this subsection for such year.

"(ii) If additional funds become available for making payments under subsection (b) for such year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.

"(B)(i) If the sums made available under this title for any fiscal year are insufficient to pay the full amounts that all local educational agencies in all States are eligible to receive under paragraph (1) after the application of subparagraph (A) for such year, then the Secretary shall ratably reduce payments under paragraph (1) to all such agencies for such year.

"(ii) If additional funds become available for making payments under paragraph (1) for such fiscal year, then payments that were reduced under clause (i) shall be increased on the same basis as such payments were reduced.".

"(b) EFFECTIVE DATE.—Subsection (g) of section 8002 of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 3. PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN RESIDING ON MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.

(a) IN GENERAL.—Section 8003(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(a)) is amended by adding at the end the following:

"(4) MILITARY INSTALLATION HOUSING UNDERGOING RENOVATION.—For purposes of computing the amount of a payment for a local educational agency for children described in paragraph (1)(D)(i), the Secretary shall consider such children to be children described in paragraph (1)(B) if the Secretary determines, on the basis of a certification provided to the Secretary by a designated representative of the Secretary of Defense, that such children would have resided in housing on Federal property in accordance with paragraph (1)(B) except that such housing was undergoing renovation on the date for which the Secretary determines the number of children under paragraph (1).".

(b) EFFECTIVE DATE.—Paragraph (4) of section 8003(a) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1995.

SEC. 4. COMPUTATION OF PAYMENTS FOR ELIGIBLE FEDERALLY CONNECTED CHILDREN IN STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.

(a) IN GENERAL.—Section 8003(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7703(b)) is amended by adding at the end the following:

"(3) STATES WITH ONLY ONE LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—In any of the 50 States in which there is only one local educational agency, the Secretary shall, for purposes of paragraphs (1)(C) and (2) of this subsection and subsection (e), consider each administrative school district in the State to be a separate local educational agency.

"(B) COMPUTATION OF MAXIMUM AMOUNT OF BASIC SUPPORT PAYMENT AND THRESHOLD PAYMENT.—In computing the maximum payment amount under paragraph (1)(C) and the learning opportunity threshold payment under paragraph (2)(B) for an administrative school district described in subparagraph (A)—

"(i) the Secretary shall first determine the maximum payment amount and the total current expenditures for the State as a whole; and

"(ii) the Secretary shall then—

"(I) proportionately allocate such maximum payment amount among the administrative school districts on the basis of the respective weighted student units of such districts; and

"(II) proportionately allocate such total current expenditures among the administrative school districts on the basis of the respective number of students in average daily attendance at such districts.".

(B) EFFECTIVE DATE.—Paragraph (3) of section 8003(b) of the Elementary and Secondary Education Act of 1965, as added by subsection (a), shall apply with respect to fiscal years after fiscal year 1994.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. CUNNINGHAM] and the gentlewoman from Hawaii [Mrs. MINK] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am glad to support H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The Federal Government has a responsibility to the children attending schools that lose tax revenue associated with a government facility, such as a military base. That is why we have impact aid—to make sure those schools have the resources they need to educate children.

Unfortunately, parts of the impact aid law, last authorized in 1994, are having unintended effects, or are failing to keep up with changing circumstances. Some school districts may not receive the impact aid that their circumstances demand. So H.R. 3269 makes minor technical corrections in the impact aid law, so that federally impacted school districts are treated fairly.

H.R. 3269 makes four changes in the impact aid law. Two are related to Federal property payments. One addresses the effects of military housing renovation. And the last clarifies the intent of Congress with regard to impact aid payments to Hawaii.

GRANDFATHERING CONSOLIDATED DISTRICTS FOR SECTION 8002 PAYMENTS

The first change restores a grandfather clause for consolidated school districts impacted by Federal property. A consolidated district is where one district may have met the criteria for section 2 payments, having 10 or more percent of its property owned by the Federal Government, but whose section 2 payment eligibility disappeared when it was consolidated with another district. Prior law allowed these consolidated districts to receive section 2 impact aid payments. And during the conference on the last impact aid authorization, Congress assumed that the Department of Education would continue the eligibility of these consolidated districts. However, the Department has since ruled that they are no longer eligible.

This change, grandfathering these schools and restoring their eligibility for the new section 8002 payments, affects approximately 75 districts, many in South Dakota, Kansas, California, and Indiana

HOLD HARMLESS FOR SECTION 8002 PAYMENTS IN FISCAL YEARS 1995 AND 1996

The second change establishes a hold harmless for current section 8002 recipients, similar to the hold harmless for school payments for federally connected children. The 103d Congress changed the mechanism for determining payments for section 8002. That change directed payments based upon an assessment of the highest and best use of property currently adjoining Federal property, rather than the highest and best use at the time such property was acquired. This change shifts the allocation of certain impact aid dollars. The hold harmless provisions would provide section 8002 district 85 percent of the amount they received in fiscal year 1994 in fiscal year 1995, and 85 percent of what they received in fiscal year 1995 in fiscal year 1996. Because of delays in distributing fiscal year 1995 funds, this hold harmless would still work for fiscal year 1995.

EFFECTS OF MASS RENOVATION OF MILITARY HOUSING

The third change addresses a matter related to the refurbishment of military housing. The Department of Defense has started a major renovation of housing across the country. In most cases, families must move off-base during renovation. The Department of Education, as a result, no longer considers children in such families as so-called A kids—those whose families live and work on base. In some areas, this has caused a major reduction in impact aid for a school district, with no corresponding reduction in the number of children they must educate. According to the Pentagon, the average period of time children are off base is 90 to 120 days. But if they are off when impact aid counts are taken, the school district loses funds.

The Department of Defense indicates these mass renovations will go on for years. Allowing these students to continue to be classified as A students should not have an adverse impact on other schools, since it would neither increase nor decrease the amount a district is currently receiving.

CLARIFYING CONGRESSIONAL INTENT REGARDING HAWAII

The fourth and last change addresses the Department of Education's calculation of impact aid payments for the State of Hawaii.

Hawaii is the only State in the Nation with only one Local Education Agency, or LEA. However, for the purpose of administering Federal grants, the Department of Education has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This has been the case with impact aid for many years. With over 30,000 federally connected children in Hawaii, certain areas of the State are among the most impacted in America.

When the 103d Congress modified the impact aid law, it did not intend to change the treatment of Hawaii for the purpose of determining impact aid payments. It fully intended the Department to Treat Hawaii as having seven school districts. However, it was not clearly spelled out in the law, and the Department has decided to treat Hawaii as one LEA. This has cut Hawaii's impact aid payment nearly in half. Chairman GOODLING and Congresswoman MINK wrote the Department to state that such a cut was not the intent of Congress. The Department responded that Congress had to change the law. This amendment does so, and it has Congresswoman MINK's support. In fact, she is 1 of 3 original cosponsors of this bill.

That summarizes H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

In developing this legislation, we sought to include minor technical corrections in three categories: unintended consequences of the previous authorization, areas where the Department interpreted congressional intent in an unintended way, and issues unforeseen by the 103d Congress. It is not a comprehensive correction, particularly when one considers the many new ways the military is arranging family housing. Furthermore, we have avoided mentioning specific districts in these impact aid technical amendments, so we can maintain fairness, integrity and trust in the impact aid program.

H.R. 3269 was introduced April 18, reported by the Youth Subcommittee on April 24 by voice vote, and by the full Opportunities Committee on May 1 by voice vote. I would like to include for the RECORD letters of support from the National Association of Federally Impacted Schools, and the National Military Impacted Schools Association. I encourage the bill's adoption, without amendments. And I yield back the balance of my time.

I include for the RECORD the following:

NATIONAL ASSOCIATION OF
FEDERALLY IMPACTED SCHOOLS,
Washington, DC, April 30, 1996.

Hon. RANDY "DUKE" CUNNINGHAM,
Chairman, Subcommittee on Early Childhood, Youth and Families, Economic and Education Opportunities Committee, E227 Cannon House Office Building, Washington, DC.

DEAR CHAIRMAN CUNNINGHAM: On behalf of the 1,600 school districts represented by the National Association of Federally Impacted Schools, I write to thank you for your leadership in bringing H.R. 3269 to the Committee and wish to communicate are total support for this very important piece of legislation.

As you know, H.R. 3269 only corrects certain provisions of the law that were inadvertently overlooked during consideration of the "Improving America's Schools Act of 1994". These are provisions that are extremely important to those schools receiving funds under section 8002 (federal properties), as it applies to their FY '95 funding as well as FY '96. The bill also insures that the Department of Education in making payments to the State of Hawaii, will do so in the same manner as they did under the previous statute. Again, this provision was mistakenly left out of the 1994 reauthorization. None of the above represents any kind of policy change, rather it simply conforms the present law with the previous statute as it applies to section 8002 and the State of Hawaii.

I also commend you for your foresight in seeing the current problems that are facing many of our heavily impacted military dependent school districts. Because the Department of Defense is now undertaking a national on-base housing renovation project, many of our school districts face uncertainty when it comes to impact aid funding because of the differences in how the law treats children residing with parents living off-base. Section 3 of H.R. 3269 addresses this problem so that these schools will be allowed to develop school budgets knowing what their on-base student counts will be. Your approach is fair and it is reasonable.

Again Mr. Chairman, NAFIS appreciates your leadership and would only hope that H.R. 3269 can be dispensed with quickly in order that FY '95/FY '96 funding for section 8002 districts and the State of Hawaii, can be allocated by the Department of Education without any additional delay.

Sincerely,

JOHN B. FORKENBROCK,
Executive Director.

NATIONAL MILITARY IMPACTED
SCHOOLS ASSOCIATION,
Bellevue, NE, April 30, 1996.

Hon. WILLIAM GOODLING,
Chairman, Economic and Education Opportunities Committee, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLING: On behalf of the 500,000 military dependents served by the Impact Aid Program, I want to thank you for bringing H.R. 3269 to your committee. This bill is along overdue and critically needed by schools serving military installations throughout the United States.

Many school districts serving the children of military personnel will benefit from this legislation and in the end it will be good for the children they educate. H.R. 3269 will help school districts cope with the effects of base housing renovations when trying to budget for educational programs for the children they are responsible for serving.

The Military Impacted Schools Association (MISA) is working hard to represent the needs of military school districts and work in conjunction with the National Association of Federally Impacted Schools (NAFIS) to support the Impact Aid Program. We are very fortunate to have leaders in Congress that help take the lead on issues such as addressed in H.R. 3269.

Sincerely,

JOHN F. DEEGAN, Ed.D.,
Executive Director.

SAN DIEGO CITY SCHOOLS,
San Diego, CA, April 30, 1996.

Hon. RANDALL "DUKE" CUNNINGHAM,
House of Representatives,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN CUNNINGHAM: The San Diego Unified School District strongly supports H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

This measure, as currently written, will clarify several issues not fully addressed in the reauthorization of Impact Aid last year. Specifically, funding for section 8002 will re-establish eligibility for school districts. Additionally, districts will be protected from temporary fluctuations in their student count due to military housing undergoing renovation.

We appreciate the bipartisan support for public education through the Impact Aid program reflected in this measure. Impact Aid is an important part of our ability to provide a comprehensive education program for our students. Your ongoing support is very much appreciated.

Sincerely,

FRANK TILL,
Deputy Superintendent.

DEPARTMENT OF EDUCATION IMPACT AID PROGRAM—CONSOLIDATED DISTRICTS THAT MET SECTION 2 10% ELIGIBILITY CRITERIA BASED UPON ONE OR MORE FORMER DISTRICTS

State	Applicant No.	Applicant name	10% Fed. prop. in any frm. dist. prior to consolidation	Some Fed. prop. in any frm. dist. prior to consolid. but <10%	No. Fed. prop. in any frm. dist. prior to consolid.[1]	Date(s) of consolidation	Date(s) of acquisition	First FY applied for sec. 2[2]	Last sec. 2 full payment amount	Last FY applied for sec. 2
IN	1301	N. Vermillion	X			1961	1942	1962	$25,247 (93)	1994
IN	1407	Maconaquah	X			1963	1942–84	1972	5,600 (92)	1994
IN	1413	Nineveh	X			1964	1942	1963	21,252 (92)	1994
IN	2010	Greater Clark	X			1967, 68	1940–44	1969	317,221 (93)	1994
IN	4301	Bartholomew	X			1965	1942	1992	85,315 (93)	1994
IA	2602	North Polk			X	1956, 57	1966–74	1976	34,160 (88)	1989
IA	2701	Woodwd. Grg.			X	1964	1967–71	1976	12,511 (88)	1989
IA	2702	Ankeny			X	1919	1965–70	1976	11,773 (88)	1989
IA	2704	Madrid			X	1955	1967–74	1976	$3,543 (88)	1989
KS	1731	W.Franklin	X			1965	1959–62	1971	6,646 (92)	1994
KS	1819	Eastern Heights	X			1966	1952–54	1967	25,662 (93)	1994
KS	1820	Waconda		X		1966	1960–73	1967	63,748 (91)	1994
KS	1833	Perry	X			1965	1963–75	1967	$8,901 (91)	1994
KS	1836	#340 Jefferson West	X			1966	1964–66	1967	7,089 (93)	1994
KS	1844	Paola			X	1967	1974–79	1979	8,214 (88)	1993
KS	1846	Blue Valley	X			1959	1953–65	1967	55,044 (92)	1994
KS	1855	Lawrence			X			1975	42,837 (88)	1989
KS	1856	White Rock	X			1983	1956–70	1967	2,861 (93)	1994
KS	1919	Marais des Cygnes			X			1970	7,884 (88)	1989
KS	1922	Eureka	X			1966	1946–58	1968	8,900 (92)	1994
KS	2007	Burlington	X			1965	1961–65	1970	6,276 (92)	1994
KS	2102	Norton	X			1967	1961–65	1970	7,346 (93)	1994
KS	2302	Mankato	X			1966	1955–57	1972	3,223 (93)	1994
MO	0208	Ft. Osage	X			1949	1940–42	1980	7,490 (93)	1994
MO	0404	Smithville			X	1962	1972–81	1975	36,916 (93)	1994
MO	1411	Clinton	X			1971, 80	1968–79	1976	5,608 (93)	1993
MO	1503	Phelps Co.	X			1965	1939–82	1976	686 (88)	1989
MO	1901	Fredericktown	X			1968	1939–84	1972	833 (92)	1993
MO	2304	Richards[2]					1939–44	1972	481 (88)	1989
MO	2307	Alton	X	X		1959	1939–81	1972	1,092 (87)	1994
MO	2607	Plattsburg			X	1944, 48, 49, 60	1976–80	1978	4,101 (92)	1994
MO	2608	Sullivan			X	1947, 48, 56	1968–76	1975	4,261 (93)	1994
MO	2705	Lesterville	X			1956	1939–81	1979	234 (87)	1994
MO	2902	S. Reynolds Co.	X			43, 44, 45, 47, 48	1941–48	1978	2,551 (93)	1993
MO	3104	Valley R–VI	X			1951	1939–44	1980	304 (88)	1988
NE	0206	Alda	X			1982	1942	1987	$2,631 (93)	1994
NE	1202	Loup City	X			1965	1959–61	1970	12,007 (93)	1994
NE	1703	N.W. HSD	X			1955 & 56	1942	1982	15,753 (93)	1994
NE	1802	Cedar Hollow #3	X			1990	1942	1990	4,580 (92)	1994
NE	3802	Plain View	X			1982, 84, 88	1942	1987	1,695 (93)	1994
NE	3803	SD #1–R	X			1986	1942	1987	8,787 (93)	1994
NY	0009	Indian River	X			1957	1942	1951	3,517 (89)	1994
ND	0202	Hazen	X			1966	1948–80	1991	4,861 (93)	1994
ND	2406	Turtle Lake	X			1959	1948–50	1991	2,689 (93)	1994
ND	4202	Beulah	X			1950	1948–49	1991	5,878 (92)	1992
OH	1305	Maplewood	X			1960	1943–44	1962	37,932 (93)	1994
OK	0036	Canadian	X			1964–65	1959–63	1964	1,720 (92)	1994
OK	0040	Fanshawe	X			1968	1947–49	1953	4,927 (92)	1994
OK	0413	Sand Springs	X			1968	1957–60	1968	103 (92)	1994
OK	0856	Snyder MT.Pk	X			1982	1971–73	1983	2,264 (92)	1994
OK	1011	Wister	X			1950's	1946+47	1959	4,919 (90)	1993
OK	1507	Stringtown			X	1962	1981–83	1983	778 (93)	1994
OK	1608	Marietta	X			1966	1939–43	1965	2,418 (92)	1994
OK	2006	Haworth	X			1921, 45, 50, 63, 65–68	1940–65	1976	764 (92)	1994
PA	1808	Centennial	X			1967	1944–53	1967	630,719 (93)	1994
PA	2220	E. Stroudsburg			X	1955	1966–82	1979	317,434 (88)	1994
PA	3401	Delaware Valley			X	1966	1969–90	1983	200,086 (89)	1992
SD	0005	Pierre	X			1968	1954–74	1991	33,003 (93)	1994

DEPARTMENT OF EDUCATION IMPACT AID PROGRAM—CONSOLIDATED DISTRICTS THAT MET SECTION 2 10% ELIGIBILITY CRITERIA BASED UPON ONE OR MORE FORMER DISTRICTS—Continued

State	Applicant No.	Applicant name	10% Fed. prop. in any frm. dist. prior to consolidation	Some Fed. prop. in any frm. dist. prior to consolid. but <10%	No. Fed. prop. in any frm. dist. prior to consolid.[1]	Date(s) of consolidation	Date(s) of acquisition	First FY applied for sec. 2[2]	Last sec. 2 full payment amount	Last FY applied for sec. 2
SD	0010	Andes Central	X			1968, 69	1947–86	1989	17,984 (93)	1994
SD	0012	Lemmon	X			1969, 70	1939–54	1992	38,558 (93)	1994
SD	0401	Yankton	X			1965, 68	1953–56	1992	7,891 (92)	1994
SD	0505	Geddes	X			1967	1947–52	1991	22,069 (93)	1994
SD	0902	Mobridge	X			1990	1960–61	1991	3,465 (93)	1994
SD	1406	Platte	X			1969	1949–54	1991	25,975 (93)	1994
SD	2101	Bonesteel	X			1958–62	1940–52	1988	25,314 (93)	1994
SD	2201	Kadoka	X			1970	1939–90	1993	15,884 (93)	1994
SD	2204	Lyman	X	X		1970	1939–73	1991	3,017 (93)	1994
SD	2401	Gregory	X			1970	1950–53	1991	16,211 (93)	1994
SD	2402	Bison	X			1968	1939–89	1991	13,048 (93)	1994
SD	2403	Northwest	X			1968	1939–86	1991	13,163 (93)	1994
SD	4201	Bon Homme	X			1972	1953–58	1991	26,868 (93)	1994
SD	4202	Burke	X			1968	1950–53	1991	11,140 (93)	1994
SD	4203	Oelrichs	X			1968	1939–70	1991	7,015 (93)	1994
SD	0403	Custer	X			1944, 64, 70	1939–88	1992	12,416 (93)	1994
TX	0702	Liberty–Eylau	X			1955	1949–53	1981	22,714 (93)	1994
WI	1009	Crandon	X			1950	1939–76	1982	8,990 (93)	1994
WI	1306	Laona	X			1970	1939–84	1982	19,895 (93)	1993
WI	1308	Sauk–Prairie	X			1963	1940+74	1975	89,618 (93)	1994
WI	1703	Florence Co.	X			1958	1939–78	1983	27,667 (92)	1994
WI	1901	La Farge			X	1965	1968–78	1972	35,588 (93)	1994
Total		80	64	3	14					

[1] No Department records are available concerning the Federal acquisition of property in the former districts.

[2] These dates reflect the oldest Impact Aid Program payment records located for each district.

Note: This report is based upon date contained in Impact Aid program files and is accurate to the best of our knowledge.

☐ 1515

Mr. CUNNINGHAM. Mr. Speaker, I reserve the balance of my time.

Mrs. MINK of Hawaii. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 3269, the impact aid technical amendments of 1996, which corrects certain situations which have been brought to our attention since the authorization of the law in 1994.

As has been stated by the subcommittee chair, this is truly a bipartisan effort supported by the impact aid communities to make technical corrections necessary to assure that this program is administered in a fair and appropriate manner.

There are basically four changes to the legislation dealing with: First, the grandfathering of consolidated school districts who receive payments for Federal property in what is commonly known as section 2 payments; the second establishes a hold harmless for Federal property or section 2 payments; the third, assuring that students who are temporarily housed off base because of renovation of military housing are still counted as "A" category children; and fourth, the provision which corrects the situation and the treatment of Hawaii's school districts.

These provisions have already been described by the subcommittee chair, so I will not go into detail with respect to three, but I would like to say a few words about Hawaii's provisions. And in that context, I extend my deep appreciation to the gentleman from Pennsylvania [Mr. GOODLING] and the gentleman from California [Mr. CUNNINGHAM], who have both assisted in helping me to correct this situation.

Mr. Speaker, the conference committee in which we all sat dealing with the amendments to impact aid were distributed sheets which indicated how the funds would be distributed under the new formula. And in those sheets where the distribution was tallied, the assumption was that Hawaii would be considered as it has always been in the past as having seven districts, even though we only have one statewide system.

Mr. Speaker, it was under the assumption that this would be the interpretation of the language in the legislation that I gave it my support, only to find out later that that was not the case and that the language was ambiguous at best.

So, I especially appreciate the efforts of the gentleman from Pennsylvania [Mr. GOODLING] to try to help me try to obtain clarification with the administration through a letter which we jointly submitted. Unfortunately, the administration felt that the only way to correct the difficulty, which was unintended, was through this legislation. I appreciate the efforts in bringing this bill up promptly, because it would have a very drastic impact on the funding of our school systems if this were not corrected as it is about to be corrected, hopefully, this year.

Hawaii is unique in the whole country. It has only one school agency, but seven districts. And so, it is important that that concept be continued as it has been used as the basis for distributing other formula grants.

Mr. Speaker, I agree certainly with all that the subcommittee chairman has said; that this was an unintended error made by the committee then under the control of the Democratic Party. So, we are certainly responsible for the difficulties that were created. In that context, I am especially appreciative of this assistance in helping to correct this problem.

Mr. Speaker, the letter which I would like to submit for the RECORD is a letter which was signed by the gentleman from Pennsylvania [Mr. GOODLING] and myself, written to the U.S. Department of Education asking them to correct this administratively, and then the response indicating that that could not be done.

Mr. Speaker, I ask this body to concur with this bill and to help it be enacted into law as quickly as possible, because just as we are anxious to have our changes take effect, I am sure that all the other districts that are to be benefited by this technical correction are also equally impacted and equally anxious to have these corrections take place.

Again, my thanks to the committee for their prompt attention to this and I urge my colleagues to support the passage of this bill.

Mr. Speaker, I submit the following for the RECORD:

U.S. DEPARTMENT OF EDUCATION,
THE SECRETARY,
October 30, 1995.

Hon. PATSY T. MINK,
U.S. House of Representatives, Washington, DC.

DEAR PATSY: Thank you for your recent letter regarding the treatment of Hawaii under the reauthorized Impact Aid program. I am pleased to have the opportunity to clarify this issue. An identical response is being sent to the co-signer of your letter, Congressman William F. Goodling.

As you point out in your letter, prior to the reauthorization of the Impact Aid program, Impact Aid payments to Hawaii were determined by considering each of Hawaii's seven administrative districts as a separate local educational agency (LEA). This treatment benefited Hawaii under the Impact Aid formula prescribed by P.L. 81–874, by providing larger payments for some of those administrative units.

This special treatment was not the result of administrative discretion on the part of the Department of Education, however, but was mandated by section 5(h) of P.L. 81–874, which stated, in part, ". . . such restriction shall be applied, in the case of any State . . . within which there is only one local educational agency, by treating each administrative school district within such State as a local educational agency. . . ." Before the enactment of section 5(h) of P.L. 81–874, Hawaii had been treated as a single LEA for Impact Aid payment purposes. A provision similar to section 5(h) was not included in the Improving America's Schools Act, which reauthorized the Impact Aid program as Title VIII of the Elementary and Secondary Education Act and repealed P.L. 81–874. We therefore have no authority to continue to consider Hawaii's administrative school districts as separate LEAs under the new law.

At the time of the reauthorization, we understood that Hawaii sought to be treated as one LEA under the new formula so that it could benefit under section 8003(a)(2)(C), which increases the weighted count of federally connected children by 35 percent if an LEA has at least 6,500 federally connected children and a total of 100,000 children in average daily attendance. We believe that this provision was adopted to increase the maximum payment amounts for Hawaii and San Diego, which appear to be the only two LEAs that meet its criteria. Hawaii could not benefit from this provision if its seven administration school districts were considered to be separate LEAs, since none of the individual school districts has 100,000 children in average daily attendance.

Since the enactment of the new law, it has become clear that the payment reduction formula prescribed by section 8003(b)(2) may result in Hawaii's final formula payment being sharply reduced from its maximum payment amount in years when appropriations are reduced, as in the current budget environment. The Administration proposed amendments this year, in conjunction with our fiscal year 1996 budget proposal, which included the repeal of section 8003(b)(2) and instead would have required that, in years in which appropriations are insufficient to provide maximum payment amounts in full, maximum payment amounts be reduced using a standard ratable reduction for each eligible LEA. This proposed modification of the formula, if adopted, would result in more equitable payments under the impact Aid program and could significantly increase Hawaii's payment, subject to appropriation levels.

I hope that you will find this information helpful. If we can be of further assistance or provide additional information to you, please do not hesitate to contact me or our staff who work with the Impact Aid Program.

Yours sincerely,

RICHARD W. RILEY.

CONGRESS OF THE UNITED STATES,
Washington, DC, September 12, 1995.

Hon. RICHARD RILEY,
Secretary, Department of Education, Washington, DC.

DEAR MR. SECRETARY: We are writing to express our concern regarding the Department's calculation of Impact Aid payments for the State of Hawaii.

Hawaii is the only State in the Nation which has only one Local Educational Agency (LEA). However, for the purpose of administering federal grants, the Department has routinely recognized the seven administrative districts within Hawaii's LEA as individual school districts. This is true of Title I and has been the case for Impact Aid for many years.

Changing the treatment of Hawaii in the Impact Aid program from seven districts to one district will result in the State losing over half of its Impact Aid funds. With over 30,000 federally-connected children in Hawaii, certain areas of the State are among the most impacted in our Nation.

During the reauthorization of the Impact Aid law last year, the Congress did not intend to change the treatment of Hawaii for purposes of determining Impact Aid payments and fully expected the Department to continue to consider Hawaii as having seven school districts.

We would respectfully request that the Department utilize its administrative authority to resolve this situation for the State of Hawaii and continue to treat its seven administrative districts as individual school districts. We thank you for any assistance you may provide in this matter.

Sincerely,

WILLIAM F. GOODLING.
PATSY T. MINK.

HOUSE OF REPRESENTATIVES,
WASHINGTON, DC,
June 30, 1995.

Hon. WILLIAM F. GOODLING,
Chair, Committee On Educational & Economic Opportunities, Washington, DC.

DEAR BILL: During the debate on the Department of Defense Authorization bill you announced your intention to review the Impact Aid program which is designed to support the costs of educating military children.

As you review this program, I respectfully request your assistance in correcting a flaw in the Impact Aid formula, which results in a devastating loss of Impact Aid funds for the State of Hawaii.

Hawaii usually receives around $20 million from Impact Aid. Under the current formula without a hold harmless Hawaii's Impact Aid allocation would drop from $20 million to $9 million (See attached calculation by the Department of Education). Hawaii has a high number of military A children and even with the decrease in the Impact Aid appropriation in FY95, Hawaii should not receive such a large reduction in its allocation.

We suspect that the new method for ratable reduction is the reason Hawaii will face this enormous loss. The Learning Opportunity Threshold (LOT) method places a higher priority on those school districts with high percentages of Impact Aid students and a high percentage of impact aid funds in their budget. During the reauthorization last year, we knew the LOT would adversely impact Hawaii because of the fact that our whole state is one school district. Therefore, even though certain areas of the state have high concentrations of military A children, when looking at the whole state Impact Aid children make up a much smaller percentage of our total student population and the Impact Aid funds make up a smaller percentage of our state budget.

To compensate for this situation (large school districts with large number of A students) it was proposed that an extra "weight" in the initial formula be given to Hawaii and San Diego to minimize the impact of the LOT. Formula runs that were produced at the time of reauthorization showed that Hawaii would received about $25 million under this scheme.

Now that the actual allocations are being made by the Department of Education, this has not held true. In fact, Hawaii stands to lose over half of its impact aid payment once the two year hold-harmless ends. This was clearly not the intention of the Committee, as it proposed to minimize the impact of the LOT on Hawaii.

I believe there is a simple remedy to this situation. Hawaii's seven administrative districts within our single LEA are often treated as separate LEA's for the purposes of calculating federal formulas. This is true for Title I and was true of the impact Aid formula prior to this reauthorization. We believe if this language is reinserted in the impact Aid formula and each of our seven administrative districts are treated as separate LEA's this unintended impact of the LOT formula will be mitigated.

My staff is working with our school district to ensure that the school district possesses the necessary data in order for the U.S. Department of Education to calculate Hawaii's allocation based on seven districts rather than one. We are also conferring with the Department to assure that this remedy would indeed fix Hawaii's situation.

I appreciate your consideration, and look forward to working with you to resolve this unforeseen consequence of the new Impact Aid formula.

Very truly yours,

PATSY T. MINK,
Member of Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Economic and Educational Opportunities.

Mr. GOODLING. Mr. Speaker, today we are witnessing a love-in and a marriage between San Diego and Hawaii, and I would assure the gentleman from Ohio that everything in the legislation was made in America.

Mr. Speaker, during the 103d Congress, we enacted major changes to the impact aid law. These changes focused the program on those school districts in greatest need and eliminated all the various exemptions, exceptions, et cetera which had been made to the program over the years. Before the enactment of these reforms, this program was losing its base of support in Congress and was the subject of a fair amount of criticism.

At that time, I vowed that the only changes made to this program in the future would be those with broad, national application, or to clarify current law. The changes reported by my committee, and outlined by Chairman DUKE CUNNINGHAM are just that.

The Impact Aid program serves an important purpose. It assists those school districts whose ability to educate their student population is adversely impacted by a Federal presence.

The legislation before you today, H.R. 3269, insures that the program will continue to effectively address the needs of those school districts. I urge your support of this measure.

Mr. CUNNINGHAM. Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. BATEMAN], who has been a leader.

Mr. BATEMAN. Mr. Speaker, let me begin by thanking Mr. CUNNINGHAM, Mr. GOODLING, Mr. KILDEE, and Mr. CLAY for bringing this bipartisan impact aid technical corrections package to the floor. All four gentlemen have been good friends to the Impact Aid program over the years.

I am particularly pleased by the committee's decision to include two provisions that address military housing and the section 8002 land payment program. On military housing, I believe the committee has drafted a sensible plan that preserves Impact Aid payments to schools when children and their parents are temporarily moved off-base because of Department of Defense housing renovations.

I also would like to praise the committee for including a hold harmless provision for the section 8002 land payment program, which helps localities where the Federal Government has taken a significant portion of local land off the tax rolls. By phasing in the impact of changes made to the land payment program, we are giving local schools time to adjust their budgets without jeopardizing the education of federally connected children.

I urge my colleagues to vote for this worthy piece of legislation.

Mrs. MINK of Hawaii. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to express my support for H.R. 3269, the impact aid technical amendments bill. Hawaii is, in many cases, an exception to the rule in the United States. With regard to the impact aid program, Hawaii is the only State in the Union with one school district. However, the U.S. Department of Education, routinely treats the seven administrative agencies within Hawaii's single school district as separate when calculating Federal formula grants. This is true of title I and was true of the impact aid formula prior to the last reauthorization. When the impact aid reauthorization was considered in the 103d Congress, it was not expressly stated that Hawaii's one school district should be regarded as seven for administrative purposes. H.R. 3269 clarifies such congressional intent with the technical amendments and effectively increases Federal impact aid contributions to Hawaii by approximately a half. H.R. 3269 would finally allow Hawaii a fair allocation under the impact aid program.

Throughout my congressional career, I have strongly supported impact aid and the principle that States should be compensated for the use of State property for Federal activities. Without impact aid, the burden of educating federally supported families would become an unfunded mandate for local education agencies. As a member of the Impact Aid Coalition Steering Committee, I will continue to advocate for the military families and all children who benefit from the impact aid program.

Mr. CUNNINGHAM. Mr. Speaker, I have no other requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. CUNNINGHAM] that the House suspend the rules and pass the bill, H.R. 3269.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. CUNNINGHAM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3269, the Impact Aid Technical Amendments Act of 1996.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

MEGAN'S LAW

Mr. McCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2137) to amend the Violent Crime Control and Law Enforcement Act of 1994 to require the release of relevant information to protect the public from sexually violent offenders.

The Clerk read as follows:

SECTION 1. SHORT TITLE.

This Act may be cited as "Megan's Law".

SEC. 2. RELEASE OF INFORMATION AND CLARIFICATION OF PUBLIC NATURE OF INFORMATION.

Section 170101(d) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 14071(d)) is amended to read as follows:

"(d) RELEASE OF INFORMATION.—

"(1) The information collected under a State registration program may be disclosed for any purpose permitted under the laws of the State.

"(2) The designated State law enforcement agency and any local law enforcement agency authorized by the State agency shall release relevant information that is necessary to protect the public concerning a specific person required to register under this section, except that the identity of a victim of an offense that requires registration under this section shall not be released.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it was noted that over the weekend the press made a good deal of the fact that we have the latest crime statistics out and that the good news is that the crime rate in the Nation overall has declined for the fourth year in a row.

What is misleading about those statistics that were out this weekend is the fact that the crime rate in this country is still entirely unacceptably high. If we look historically, we will see that now we have a crime rate that is roughly 700 violent crimes for every 100,000 Americans. Back about 30 years ago, we had a little less than 200 violent crimes for every 100,000 Americans. We have had over a 500-percent increase in the rate of violent crime and the number of those crimes committed in this country over the past 20 or 30 years.

Mr. Speaker, for us to be basking in the light of a couple of little blips on the screen downward in the spiral of the rate of increase in violent crime is to find ourselves, I think, kidding each other with respect to what we need to do to fight crime in this country. We have a lot more to do. That is especially true when it comes to the question of youth crimes and crimes against those who are most vulnerable in our society: Children and the elderly. Those who commit crimes particularly against children are what this bill before us today, H.R. 2137 is all about.

Mr. Speaker, perhaps no type of crime has received more attention in recent years than crimes against children involving sexual acts and violence. Several recent tragic cases have focused public attention on this type of crime and resulted in public demand that government take stronger action against those who commit these crimes. In 1994, Congress passed the Violent Crime Control and Law Enforcement Act, which contained a title, the "Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act," named after a child who has been missing for several years. That title encouraged States to establish a system where every person who commits a sexual or kidnapping crime against children, or who commits sexually violent crimes against any person, whether adult or child, would be required to register his or her address with the State upon their release from prison.

Mr. Speaker, I want to briefly point out that the 1994 Act provision did not create an unfunded Federal mandate. States which choose to not implement such a system by September 1997 only will lose a part of their Federal crime-fighting funds. But I am pleased to say that the overwhelming majority of States have already implemented laws that create these types of offender registration systems.

A key issue concerning these State statutes, however, is whether they require or merely permit law enforcement authorities to release information about registered offenders if the authorities deem it necessary to protect the public. The bill Congress passed in 1994 only required States to give law enforcement agencies the discretion to release offender registry information when they deemed it necessary to protect the public. It has been brought to the attention of the Judiciary Committee, however, that notwithstanding the clear intent of Congress that relevant information about these offenders be released to the public in these situations, some law enforcement agencies are still reluctant to do so.

Mr. Speaker, this bill, H.R. 2137, introduced by the gentleman from New Jersey [Mr. ZIMMER], makes an important change in the 1994 Act. It would amend that law to assure that States require their law enforcement agencies to release relevant information in all cases when they deem it necessary to protect the public.

Additionally, this bill clarified the 1994 Act with respect to the issue of whether information collected under a State registration program may be disclosed for other purposes permitted under the laws of that State. In the 1994 act, Congress required that all information collected by the registration program be kept confidential. In some instances this requirement limited public access to what had been public records before the 1994 act became law. H.R. 2137 will correct this unintended consequence by allowing each State to determine the extent to which the public may gain access to the information kept by the State.

Mr. Speaker, this bill takes another step forward toward protecting the most defenseless of our citizens—our children. It is a needed change. I urge my colleagues to support it.

□ 1530

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this measure, but I am not quite clear that we do not have a constitutional problem here. This is the Committee on the Judiciary that is reporting this measure. I agree with the analysis of the gentleman from Florida [Mr. MCCOLLUM]. The only problem is that he left out the part that we may be forced to revisit before this thing is all over with. I suppose it is somebody's job here to bring this to the attention of members of the committee, Members of the House that are not on the Committee on the Judiciary.

There have been court cases that find that identifying a person after a conviction is a continuation of punishment and could raise a constitutional problem. It has come up in court cases before, and we will likely hear about it again. The Federal district court has already found a similar provision unconstitutional, finding that notification provisions do constitute a form of punishment more than a regulatory scheme and therefore is violative of the prohibition on the ex post facto clause that appears in the Constitution.

In other words, this may be good from this point on, but I think it creates an open case that we may want to remember as we pass this measure, that it could present a problem in the courts in the future.

Mr. Speaker, we have come together here to focus in on this matter. We think, though, that in the larger scheme of things, this notification process actually already exists in the law. While we are not making an unfunded mandate, we are creating a penalty for States that receive Federal funds if they do not comply. That is a different kind of animal, but at the same time it is meant to be coercive upon the States.

I join in support of this measure. I hope that it will do some good.

Mr. Speaker, I reserve the balance of my time.

Mr. MCCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. ZIMMER], the author of this piece of legislation.

Mr. ZIMMER. Mr. Speaker, I thank the gentleman for yielding time to me, and I thank the gentleman for his expeditious treatment of this legislation in his subcommittee.

Mr. Speaker, on July 29, 1994, a beautiful little girl named Megan Kanka was lured into the home of a man who literally lived across the street from her. He said that he had a puppy he wanted to show her. He then proceeded to brutally rape and murder this little girl. It was later found that the man who is accused of killing little Megan Kanka was twice convicted of being a sexual predator. He lived with two housemates who were themselves convicted sexual predators, and no one in the neighborhood was aware of it.

If Megan Kanka's parents had been aware of the history of the man who lived across the street from them, they would have been able to warn Megan. They believe, and I believe, that little Megan would be alive today. This legislation is meant to protect other young lives.

Later that summer the 1994 crime bill came back to us from conference committee with an eviscerated community notification provision relating to sexual predators. Many of us, the gentlewoman from Washington [Ms. DUNN], the gentleman from Georgia [Mr. DEAL], and others, fought to make sure that we had the most stringent and the strongest possible community notification provisions that we could include in that legislation. And we had considerable success.

As enacted, the 1994 crime bill provided that sexual predators will have to register with local authorities and that their whereabouts will be tracked. It gave local law enforcement authorities the option to disclose that information to people in the neighborhood where the sexual predator resides. It did not require that notification, but, based on experience in States like Washington, we anticipated that that would become the rule rather than the exception that neighbors would be notified of the presence of a dangerous sexual predator.

Mr. Speaker, that legislation has resulted in the vast majority of States providing for some sort of registration and tracking and at least optional notification of the neighborhood, but only a minority of States actually require the disclosure of this critical information to those whose families might be in danger. That is why we need to go this extra step and change one word, "may," to the word "shall" so that all 50 States will be held to a common standard of community notification. That is what this legislation would achieve.

With the passage of this bill, we put the rights of children above the rights of convicted sexual predators. We are giving the community the right to know when its children are in jeopardy.

This legislation has strong bipartisan support. It is supported by Janet Reno, the Attorney General, and the President of the United States, as well as many members of the minority side of the aisle.

Mr. Speaker, Megan's law is Megan's legacy. It is her gift to all children whose lives will be saved because of the knowledge this law will provide. I want to commend the parents of Megan Kanka, Maureen and Richard Kanka, for their crusade to make something good happen out of an unspeakable tragedy in their life.

If I have the time, Mr. Speaker, I would like to respond to the remarks of the gentleman from Michigan about the legal status of this legislation. The highest court to consider the constitutionality of Megan's law, as it applies to previously convicted sexual predators, is the Supreme Court of the State of New Jersey. That court in a nearly unanimous decision found that the rights of children, the rights of potential victims, supersede the rights of predators because they concluded, based on a very scholarly and thorough analysis of the law, that notification is not additional punishment. Therefore, it does not violate the ex post facto or double jeopardy clause of the Constitution. It is merely a preventive effort on the part of society to disseminate information that is largely of public record already.

Mr. Speaker, I believe that rationale and that reasoning will be upheld by the U.S. Supreme Court when this law comes before it, as it surely will. There is no question in my mind that the proper reading of the Constitution allows families to properly protect their children.

NATIONAL CENTER FOR MISSING
AND EXPLOITED CHILDREN,
Arlington, VA, May 7, 1996.

HON. DICK ZIMMER,
Cannon House Office Building,
Washington, DC.

DEAR CONGRESSMAN ZIMMER: I wanted to express our sincere gratitude for your strong leadership in connection with your bill strengthening the federal "Megan's Law."

Thanks to your efforts, Megan Kanka's legacy will be a nation of safer, smarter families and children. The passage of your bill will be a living tribute to the courage of Megan's parents, the commonsense approach which the proposal represents, and your aggressive management of this vital bill.

Unfortunately, too often it takes a tragedy to awaken the nation to a problem. Megan's tragic and untimely death helped millions of Americans understand several key facts:

(1) that most of the victims of sex offenders in the United States are children and youth; and

(2) that a significant number of offenders have a high propensity to reoffend.

Therefore, we need to take simple, basic steps to alert communities in the most serious, dangerous cases. We believe that this measure will result in appropriate safeguards that meet constitutional standards, and most importantly, will make it less likely that other children will be victimized.

There is no higher or more compelling purpose of government than to protect the public safety. Your bill is a reasonable, balanced approach to a serious problem, and we support it enthusiastically.

I regret that I cannot be with you in person to express my thanks and support. However, a prior speaking commitment makes it impossible. Nonetheless, I assure you that my thoughts are with you and Mrs. Kanka on this important day.

Sincerely,

ERNIE ALLEN,
President.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the former chairman of the Subcommittee on Crime.

Mr. SCHUMER. Mr. Speaker, I rise in support of the bill. This bill is part of a continuing fight against the relentless predators who target our children, the most vulnerable members of our society. I think what people have to understand is one thing that has become clear for the years that I have looked into this problem, and that is that sexual offenders are different. They are not simply like other sexual offenders. Even after long, long years in prison and many, many attempts to rehabilitate, when these folks come out of prison, the odds are extremely high that they will commit the same or a similar crime again.

Long prison terms do not deter them. All too often, special rehabilitation programs do not cure them. No matter what we do, the minute they get back on the street, many of them resume their hunt for victims, beginning a restless and unrelenting prowl for children, innocent children to molest, abuse, and in the worst cases, to kill.

So we need to do all we can to stop these predators. Tough punishment, long prison terms, that is one answer. But they are not a complete answer. We should be warning communities in which these predators live. Parents, teachers, neighbors have a right to protect themselves and their children from the violent acts of these proven offenders. That is what this bill does. It builds upon the bill we passed, the law we passed in the last Congress, requiring States to set up registration systems for sexual offenders who abuse children. It strengthens that law by freeing the hands of local authorities to use this information for any legal purpose. It clears up an ambiguity by requiring rather than permitting that information about these offenders be released when it is necessary to protect public safety.

Mr. Speaker, I know that some of my colleagues have sincere and heartfelt reservations about the constitutionality of these registration systems. But what I would say in answer to that is that there is nothing in the law we passed last year or in this bill that requires or even suggests that an unconstitutional system be set up by any State. Whatever guidelines the courts may ultimately enact or establish regarding such notice system can and will be incorporated into the systems our law requires.

The bottom line is we have to balance the rights of offenders. But I am absolutely convinced that in these cases, the rights of children to be safe and free from harm far outweighs whatever minimal inconvenience or embarrassment this law may impose on sexual offenders who might in all too many cases abuse those innocent children.

I urge my colleagues to support the bill, and I thank the ranking member for yielding of time to me.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, I rise in strong support of H.R. 2137, sponsored by my good friend and colleague, the gentleman from New Jersey, DICK ZIMMER, designed to correct a flaw in the 1994 crime bill concerning registration of criminal sex offenders and notification provisions. The weakness of the 1994 omnibus crime bill could and should have been resolved in the original legislation, but it was not.

Members may recall, for example, that on July 13, 1994, the House voted on a motion by the gentlewoman from Washington [Ms. DUNN] to instruct the conferees to insist on Senate provisions that call on States to track sexually violent offenders released from jail and allow law enforcement agencies acting in good faith and with immunity from liability laws to notify communities of their presence. The conferees turned a blind eye to that motion. This legislation is an excellent attempt to correct this omission from the 1994 crime bill.

Mr. Speaker, as my friend pointed out, in late July 1994, a young 7-year-old girl named Megan Kanka was sexually assaulted and brutally murdered by a twice-convicted sex offender who lived across the street from the Kanka's home in Hamilton Township, which is in my district. The entire community, Mr. Speaker, was absolutely stunned and horrified.

Despite the fact that they were overcome with indescribable grief and pain, Megan's heroic parents, Maureen and Richard, mounted a full court press to enact State and Federal legislation to track criminal sex offenders and to inform and notify communities of their whereabouts.

In New Jersey, State Senator Pete Inverso and Assemblyman Paul Kramer, with the full backing of Governor Christie Whitman, quickly moved on legislation that became known as Megan's law. Other States followed suit. Still many States lag in enacting laws to inform communities as to the proximity of sex offenders. I still find it tragic beyond words, Mr. Speaker, that no one knew that Megan Kanka's killer lived across the street. No one knew that the murderer was a two-time convicted sex offender who was released from prison in 1988 after spending 6 years of a 10-year sentence. No one knew that he lived with two other men who had previous records of sex crimes against children. No one knew that unspeakable danger and perversion was in the neighborhood and no one knew that 1 day that perversion would lure an innocent child to her death.

□ 1545

Megan's courageous parents had an absolute right to know of this danger, and they have been working ever since to protect other parents from going through that terrible agony that they have suffered. All parents, Mr. Speaker, have a clear and compelling need to know if their neighbors prey on kids. This legislation advances that cause.

Mr. CONYERS. Mr. Speaker, before yielding to the distinguished gentlewoman from Colorado, I yield myself 30 seconds.

Just so we get the history of Megan's Law down in the record here, the State of New Jersey, as a result of the horrible crime that has been repeated and recharacterized on the floor, passed a law that required notification, and so did a lot of other States, and so we are not federally mandating that all of the States, including the ones that have it, now observe Megan's Law.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Colorado [Mrs. SCHROEDER], a ranking member of the committee.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS] for yielding this time to me.

I just rise to say this is a very important bill. If there is anything any society or community should do, it is protect its children.

When we go back as far as we know in history, that has been one of the main goals of people coming together to live in any kind of a community, to protect the young and to protect their children, and, as we have gotten to be a more sophisticated society, it has been more and more difficult to carry this out.

I was very proud in 1993 to have carried the National Child Protection Act. That was the beginning of this, and this is the bill that Megan's Law is built upon because what it says is the FBI should maintain a national network and that States should report convictions of child abuse and child molestation to the national network maintained by the FBI. If we do not have this national network, people could flee their record by crossing State lines, even if a State tried to be very vigilant. So we are in an area where States could not do this by themselves.

I also want to remind people how thankful we all are that Oprah Winfrey helped us with this act. She worked very hard on children's safety, too, and I think we probably would not have gotten it as far as we got it and over the finish line if it had not happened because people probably would have yelled "mandates" or all sorts of things. And actually this is a mandate; it mandates States do report. Mr. Speaker, that probably does cost some money, and there is not any money here to solve that.

But what we really said is that is so important, and that is so much the base of our society, and that if every State is not reporting, then this record that the FBI is keeping is not worthwhile, and if citizens are relying on that record to be kept, then they should be able to have access to it as parents or anything else.

As my colleagues know, the focus of the 1993 law was to deal with child day care, to deal with any kind of area where an adult was applying for a job where they should have supervision over a child where nobody was really monitoring them constantly because we had seen many, many, many areas where people who had been convicted of child molestation left one State, went to another State, and got a job right back in the same area so that they had this tremendous potential to molest children again. We cannot allow that.

So I am pleased that Megan's Law is building upon what we began. This goes further. It says not just the employment area, but also parents, should have access if someone moves in their neighborhood, so that the neighborhood can watch. And that is what it is about: watching, watching people or things that might harm the children, and watching the children to make sure they cannot get in harm's way themselves.

So I thank this body for bringing this forward, and I hope everybody votes for this with a resounding "yes."

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds to express my gratitude to the gentlewoman from Colorado for reminding the House of the antecedents that have led up to this important measure.

Mr. McCOLLUM. Mr. speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM], chairman of the Early Childhood Youth and Family Subcommittee, who is one of the creators of some of this law.

Mr. CUNNINGHAM. Mr. Speaker, I thank the gentleman for yielding this time to me, and I would like to add to my friend that gave the history that, yes, there was the Megan problem in New Jersey, and, yes, several States have passed it, but only after the gentlewoman from Washington [Ms. DUNN] and the gentleman from Georgia [Mr. DEAL] got together, put a bill together. It was voted on in the House, and when the Democrats were in the majority, it was kicked out of the conference. Republicans and Democrats combined in the coalition, went back to Speaker Foley. He put the bill back into the conference, and it was passed here on this House floor.

But I ask that Megan's law, that the gentleman from New Jersey [Mr. ZIMMER] is putting forth, will make the Dunn-Deal a done deal, that it does strengthen the legislation passed on this House floor.

Can my colleagues imagine Larry Quay, the individual that, in public outrage, most all Americans fought because he was going to be released after he said he was going to do it again? Would my colleagues want that individual to move in next door to their family without knowing about it, that perhaps a sexual predator's life should be just a little more toxic than someone else in the American citizenry, that an individual that preys on children, that maybe their rights should be secondary to children's and families'?

So I would like to thank the chairman of the committee and the gentleman from New Jersey [Mr. ZIMMER] for making this a done deal. Both Senator DOLE and the President support this legislation.

Mr. CONYERS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Texas [Ms. JACKSON-LEE], a distinguished member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. I thank the gentleman from Michigan very much for yielding this time to me, and I want to congratulate and applaud the ranking member, Mr. CONYERS, both for his concerns that he has articulated, but as well for his cooperation with the chairman as we have brought forth this bill in the name of, tragically, Megan Kanka, who was raped and strangled and murdered by a twice-convicted pedophile who lived across the street from her. Some would say this is long overdue.

Just a few weeks from now, on June 1, there will be an effort to put children first and have this Nation recognize, by an effort at the U.S. Capital, bring all of Americans who believe in children here to indicate that we stand for children.

Texas in particular, and my community, applauds this bill and hopes that our colleagues will pass it because we recently had to face a situation where a repeated child molester, who acknowledged his capability for molesting again, was about to be released into the community. This bus driver from San Antonio went public and said there is nothing that can be done about his inclination to molest and abuse and possibly murder children. And here we were in Texas with a quandary, of course, of determining what to do with such an individual. But just think if he had not gone public, the possibility of this individual going back into any one of our communities and to be able to prey on children again.

This bill is an important bill because it adds to the may, the shall, the must, to require that these individuals with this inclination, this proven ability and acts of previous child molestation and other sexually violent offenders, that we will know as members of the family, as parents, as school officials, as community groups, as neighbors, all of us as children who are innocent and need to be represented.

In this particular bill, for example, it will protect children like Monique Miller of Houston, TX, who was brutally murdered and sexually abused by a repeat offender.

The interesting thing about this particular law, and I would share this with my colleagues: There is a growing recognition in this country that most sex offense victims are children and that reporting of these offenses are still low. The FBI law enforcement bulletin reported that only 1 to 10 percent of children or child molestation cases are ever reported to the police. According to the Children's Trust Fund of Texas, in 1995, 50,746 children, ages birth through 17, were victims of child abuse and neglect. The 7,926 were victims of sexual abuse in our particular community. According to the department of public safety in 1995, in Texas there were 361 homicides for children, ages birth through 16.

So I am here to applaud the author of this legislation and to as well applaud our desire to approach this in a bipartisan manner. This is an important step, Mr. Speaker, to stop the victimization of our children. It is an important step for the Committee on the Judiciary to recognize as we balance the judicial and constitutional rights of all Americans, responsibility of this committee, that we also recognize the high importance, the high moral ground, we take when we protect our children, the most innocent victims of all. I want to see a stop now and forever to the victimization of our children and certainly the senseless violence that has seen children even being kidnapped from their bedrooms and violently and sexually abused. This law goes a long way toward fighting this problem.

Mr. Speaker, I rise today in support of Megan's law, a bill named in honor of 7-year-old Megan Kanka who was raped, strangled, and murdered by a twice convicted pedophile who lived across the street from her.

I am a cosponsor of this legislation which would amend the 1994 crime bill to require local law enforcement to release relevant information to the public about child molesters and other sexually violent offenders when they are discharged from prison. This bill would guarantee the appropriate dissemination of information so that parents, school officials, and community groups can responsibly use the information in order to protect their children.

We recently honored Victims Rights Week to pay tribute to all of the young women and children in this country whose lives have been cut short by hideous acts of violence. In particular, this bill would protect children like Monique Miller of Houston, TX who was brutally murdered and sexually abused by a repeat offender.

There is growing recognition in this country that most sex offense victims are children and that reporting of these offenses is still low. The FBI Law Enforcement Bulletin reported that, only 1 to 10 percent of child molestation cases are ever reported to police. And a National Victim Center survey estimated that 16 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12. According to the Children's Trust Fund of Texas, in 1995, 50,746 children ages birth through 17 were victims of child abuse and neglect. Some 7,926 were victims of sexual abuse, sexual abuse.

According to the Bureau of Justice statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. According to the Department of Public Safety, in 1995 in Texas there were 361 homicides for children ages birth through 16.

Clearly, we must do more to protect our children from violence. This requires more than jailing sex offenders and violent criminals after they commit crimes, although swift and effective punishment is important. This requires strong prevention and education which will keep our children from becoming victims of violent crime.

Megan's law is an important step in preventing the victimization of our children and putting an end to senseless violence in our communities. I urge my colleagues to support this legislation.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Speaker, I thank the gentleman from Florida for allowing me to rise today in support of H.R. 2137 and to commend my colleague, the gentleman from New Jersey [Mr. ZIMMER], for his leadership on Megan's Law.

It is a sad note that it took the tragedy of Megan Kanka's abduction and murder to make America aware of the need for this legislation. However, the gentleman from New Jersey, Mr. ZIMMER's, Megan's law is a major victory for victim's rights and for the rights of the public at large against convicted sexual predators in our community. It is about time that our Federal laws gave victims and their families priorities over the rights of convicted criminals.

As parents we constantly worry about the well-being of our children because we know of their innocence and vulnerability. Megan's Law goes a long way in helping parents and communities to protect our children from danger.

Mr. Speaker, it is my pleasure to support this bill and to commend the gentleman from New Jersey [Mr. ZIMMER] for his active work in its passage.

Mr. CONYERS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California [Ms. LOFGREN], a former law professor that distinguishes the Committee on the Judiciary.

Ms. LOFGREN. Mr. Speaker, I am proud, as a member of the Committee on the Judiciary, that we have reported the Megan's Law bill to the House, and I urge every Member to support this legislation.

California has recently moved into the sexual predator notification business, and although it is not an easy task to undertake, we have found that it is workable and has not created the vigilante environment that some who have qualms about this bill worry about.

I have heard some Members whom I respect a great deal advance the view that those who have been convicted of preying upon a child and have served a prison sentence and then been released have paid their debt to society and that this is further punishment. I disagree with that point of view.

Convictions are not secret in America. We can go down to the courthouse and find out who has been convicted. What Megan's Law does is to make that information available to those who need to know it most: parents, neighbors, and potential employers. I think that Megan's Law is about balancing the rights of privacy of a convicted pedophile against the safety of the public, and, most importantly, of children.

□ 1600

When I think about the damage that abuse of children does, not only to that individual child but to our entire fabric of society, I am even more enthused about Megan's Law. I am aware that 25 percent of those who victimize children as adults were victimized and abused as children themselves. That does not mean that every child who has been victimized will grow to be a victimizing adult, but there is an obvious cycle here that needs to be interrupted.

As the parent of two children, I know that if there is danger in my neighborhood, I want to be aware of it. I want to take every step that I possibly can to make sure that my 14-year-old daughter and my 11-year-old son are safe. And I know that as a parent, I am like every other parent in this country: I want to do the right thing so they have a good future. This legislation gives parents the tools that they need to take those steps.

Mr. Speaker, as I have said, unfortunately, the the recidivism rate for pedophelia is very high. Looking at studies of pedophiles going back to the late 1970's and early 1980's, it is pretty clear that as a society we have failed to come up with anything that works for these people. I thus urge the adoption of Megan's law.

Mr. McCOLLUM. Mr. Speaker, I yield 1 minute to the gentleman from Georgia [Mr. DEAL], one of the original authors of the underlying legislation.

Mr. DEAL of Georgia. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, there is one abiding fear that all parents share. That is the fear that something tragic will happen to their child. We pass laws to make sure that their childhood toys are safe and that they will not be swallowed and choked on. We pass laws to be sure that there are child restraints properly installed in the vehicles on which they ride. All of us hold our breath when they finally get to the age where they can begin to drive vehicles themselves.

Mr. Speaker, this law today addresses an area of concern that haunts society. That is the possibility that their child will be victimized by someone who has previously done the same. If one of the purposes of government is to collectively protect ourselves better than we can do individually, then this law and its merits are very clear. I am pleased to rise in support of it. I commend the author, and I urge all of the Members of this body to vote for this very commonsense piece of legislation.

Mr. CONYERS. Mr. Speaker, I yield the remainder of our time to the gentleman from North Carolina [Mr. WATT], a distinguished lawyer, to close the arguments and discussion for our side.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from North Carolina [Mr. WATT] is recognized for 2½ minutes.

Mr. WATT of North Carolina. Mr. Speaker, this is a tremendously difficult issue. I started to stay in my office and punt, and not come over here and talk about it at all. It is difficult because the statistics do indicate that there is a higher rate of recidivism for those people who have committed one offense in this area, and a greater likelihood that some of them will commit another offense.

However, I thought it would be a dereliction of my duty as a Member of this body not to point out two very troubling aspects about this bill. First of all, our Constitution says to us that a criminal defendant is presumed innocent until he or she is proven guilty.

The underlying assumption of this bill is that once you have committed one crime of this kind, you are presumed guilty for the rest of your life. That, Mr. Speaker, is contrary, whether we like it or not, it is contrary to the constitutional mandates that govern our Nation. We should not be presuming people guilty unless they have committed a crime. Once they have paid their debt to society, they should be allowed to go on with their lives.

The second concern I have about this issue is that my colleagues in this body have over and over talked to us about how important States rights are. Yet, in this area, somehow or another we cannot seem to justify allowing States to make their own decisions about whether they want a Megan's law or do not want a Megan's law. All of a sudden, the Big Brother Government must direct the States to do something that is not even necessarily a Federal issue. So those two things lead me to encourage my colleagues to stand up for our Constitution and stand up for States rights and oppose this bill.

Mr. McCOLLUM. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. UPTON].

Mr. UPTON. Mr. Speaker, there is no greater crime, I do not believe, than a child that has been molested, perhaps killed, or not killed but sexually molested by somebody else. I had a woman in my district talk to me in tears about her 9-year-old that was raped. Thank goodness he was convicted. He is now serving in Jackson Prison. But he is going to get out. The experts say that he is going to do it again and again and again.

However, when he gets out, I want a law like Megan's law, so whether he goes to St. Joe or Kalamazoo or South Bend, anyplace else, the victim, the family, the police, the community are going to be able to watch him forever. He is going to have a tattoo on his head that is going to be there forever.

Mr. Speaker, last year I had two little boys, sons of migrant workers from Texas, in my district who were stolen allegedly by a sexual molester, because he has not been convicted yet I use the word allegedly, out from Iowa, picked them up in the twin cities in Michigan; and thank goodness, because it was a nationwide case and CNN and ABC News and "Good Morning America" had his picture, they found him in New Orleans. I do not want that to happen again to that family.

Something like this that, thank goodness, a number of States have passed on their own, ought to be a national law. That is why I rise in support, to make sure that we will take whatever step we can, so no family will ever have it happen to them as it has happened to people in my district.

Mr. Speaker, I would urge all of my colleagues on both sides of the aisle to vote for a very strong bipartisan bill so we can try and end this terrible human tragedy that, unfortunately, strikes far too many Americans.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would simply like to close the debate on this side by commenting again about how thankful I am that the gentleman from New Jersey [Mr. ZIMMER] saw fit to produce this piece of legislation. Contrary to what some have said about it earlier, this is not a mandate on the States. This is a provision typically that we try to do in the underlying legislation that is already law to encourage the States to do these things that we think they need to do as a group to fight such types of crimes as we have in the case of those who commit violence against children, especially sexual crimes, by holding the carrot out of money that they may receive of Federal largesse that they otherwise would not receive.

I think this is a very good corrective measure. It will require, rather than simply permit, local jurisdictions in cases where there is, indeed, a necessity to do so, to notify those in the community that somebody who has been a convicted sexual predator is being released. I again thank the gentleman from New Jersey, who authored this legislation. I have been pleased to produce it out of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. RAMSTAD. Mr. Speaker, as the author of the Jacob Wetterling Crimes Against Children Act, which became law in 1994, I am grateful we are voting today to pass a bill to make it even stronger.

The Wetterling Act was named after Jacob Wetterling, who was abducted by a stranger at gunpoint in St. Joseph, MN, in 1989. Jacob's parents, Patty and Jerry, worked tirelessly to help me pass the Wetterling Act.

The Wetterling Act provides for the registration of convicted child sex offenders and violent sexual predators. This national tracking requirement was needed because of the propensity of these offenders to repeat their heinous crimes again and again after their release from prison. Some States—like my home State of Minnesota—already provided for sex offender registration, but many offenders simply moved to another State and avoided detection.

The children of America and their families needed the Wetterling Act to protect them from those who prey on children. Every major law enforcement organization asked for it as a resource for investigating child abduction and molestation cases.

Under the Wetterling bill, law enforcement was allowed to notify the community when the dangerous offenders required to register under the Wetterling Act were released and living in the area. The bill we are considering today, Megan's Law, will require community notification.

I strongly support this strengthening of the Wetterling Act, to make our communities a safer place for our kids to grow up.

Ms. DUNN of Washington. Mr. Speaker, quite frankly H.R. 2137 must be enacted immediately. We must not delay one day longer. My struggle to strengthen the laws to protect victims and communities from sexually violent predators started in the 103d Congress when Senator GORTON and I began work on including Washington State's sexual predator law into the 1994 crime bill. The tragic and highly publicized 1994 rape and murder of 7-year-Megan Kanka in New Jersey, the victim of a released sexual predator, unfortunately became the impetus for including sexual predator language in the 1994 crime bill. With Senator GORTON'S help, Mr. ZIMMER and I were able to convince conferees to the crime bill to include community notification and registration of sexually violent predators.

Since the 1994 crime law enactment, many States have developed tracking programs that require convicted sexual predators to register with the local law enforcement agencies upon release and allow officials to notify local communities of their presence. Now, Mr. Speaker, it is time that we take this good law one step farther before we are shocked once again to hear of a needless death or crime committed by a violent sexual offender. Currently, communities may or may not be aware of a predator in their midst. That is wrong. We must alert the citizens when repeat sexually violent predators are in the area. H.R. 2137 will accomplish that by changing community notification from an option to a requirement.

Wouldn't you and your family like to know when a potential predator has moved in next door so that adequate steps could be taken to protect your family? American women and families deserve no less. Every time we hear of a crime committed by a sexual predator we feel fear and terror in the possibility that our own personal safety—or that of a loved one—is at risk. Our daily routine is monopolized by tension and anxiety: walking to our cars, sending our children off to school, or locking up the house at night. Of course, women feel the brunt of this anxiety because women are the targets of most repeat sexual predators. Nobody should have to live in fear. Congress can and must help target the crimes that cause us the worst fear. We can and must pass a law that will require notifying a community when a sexually violent predator has moved into the neighborhood. And we must pass it now.

Empowering families, women, and children with the knowledge that a potential threat is looming in their community enables them to take the necessary precautions to ensure that there are not second, third, or fourth victims. Communities must be forewarned when a sexual predator has moved in next door. That is why I support swift passage of H.R. 2137, a bill that will require law enforcement to notify communities of a sexual predator's presence. I urge my colleagues to do the same.

Mr. BEREUTER. Mr. Speaker, this Member is pleased to be a cosponsor of H.R. 2137, Megan's Law and would urge his colleagues to support this bill.

This measure builds on an earlier law, also supported by this Member, that requires convicted sex offenders and kidnapers of children to register their addresses with law enforcement authorities for 10 years after their release from prison. Since such a high percentage of child abusers are repeat offenders, this registration requirement has been very helpful to police in solving crimes involving child abuse. However, the Jacob Wetterling law only permits States to release this information. Megan's law requires States to release this information to local law enforcement officials when a known criminal sex offender is released from prison and settles within their jurisdiction. States may also determine whether a criminal's personal information can be available to the general public.

Mr. Speaker, it is this Member's hope that this legislation will quickly become law in order to provide better information to police, neighborhoods, and communities regarding the existence of convicted sex offenders which in turn should prevent crimes and protect citizens.

Ms. MOLINARI. Mr. Speaker, I would like to commend Mr. ZIMMER, Mr. MCCOLLUM, chairman of the Crime Subcommittee and Mr. HYDE, the distinguished chairman of the Judiciary Committee for introducing Megan's law. And on behalf of the children who will not be assaulted or killed and for the parents, who will not suffer their loss I would like to thank you for your hard work. This bill costs nothing, yet takes a step toward protecting something so valuable to every parent—the safety of their children.

Critics of this bill have argued that the bill unduly punishes offenders after they have paid their debt to society. What about the void and pain of the parents whose son or daughter became their victim? When are they finished paying? For those who oppose the bill, I ask you to envision the loss of your child. I ask you to feel the loss of your child to a ruthless criminal, who saw her as nothing more than an easy victim. I ask you to stand in the place of Maureen Kanka, the mother of 7-year-old Megan Kanka, who was kidnaped and murdered by a man who had twice been convicted of attacking children. The fact that he was released and allowed to roam the streets in and around young children, is nothing less than placing a wolf among lambs.

The danger of recidivism in sex crimes has been demonstrated, time and time again, unfortunately at the expense of another child. By requiring the registration of sex offenders, Congress is taking affirmative steps to alert, police and parents to dangers in their community, and above all preventing the assault, abduction, and murder of another youngster.

Mr. MARTINI. Mr. Speaker, I rise today to speak in strong support of H.R. 2137, a bill known as Megan's law. I am a cosponsor of this important legislation and I commend my colleague, Mr. ZIMMER, for his work on behalf of innocent children nationwide.

As a resident of New Jersey, this particular bill is a painful reminder of the brutal tragedy that took an innocent child's life almost 2 years ago. Mr. Speaker, I know that we cannot bring back 7-year-old Megan Kanka, for whom this bill is named. We can, however, ensure that in the future our sons and daughters are protected from known sex offenders that prey on them.

We often speak of parental responsibility and the importance of making informed decisions concerning the well-being of our children. This bill is about empowering parents with information to do just that.

H.R. 2137 would require that States make public pertinent information on individuals previously convicted of sex crimes or kidnaping.

Mr. Speaker, I believe our communities have the right to know if their children are at risk. As a former Federal prosecutor and the father of two children, I want to know if a convicted child molester has moved into my neighborhood. Had Maureen and Richard Kanka been informed that a known pedophile lived around the corner, Megan would probably be alive today. Instead, she was raped and murdered right across the street. If only they had known.

It is also important to point out that in my home State of New Jersey, our version of Megan's law is being challenged on the grounds of its constitutionality and has been temporarily halted by a court injunction. I am hopeful the Third U.S. Circuit Court of Appeals will uphold this legislation and place the safety of our children above the protection of their offenders.

Mr. Speaker, I can think of no greater fear than harm coming to my children. I wish to extend my deepest sympathy to parents of Megan Kanka and those who loved her. We must not allow this little girl's life to be taken in vain. How many children must fall victim before action is taken.

Again, I thank my colleague from New Jersey and the Judiciary Committee for their leadership on this important bill. I strongly support passage of H.R. 2137 and urge my colleagues to do the same.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. MCCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended.

The question was taken.

Mr. ZIMMER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the provisions of clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

INTERSTATE STALKING PUNISHMENT AND PREVENTION ACT OF 1996

Mr. MCCOLLUM. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2980) to amend title 18, United States Code, with respect to stalking, as amended.

The Clerk read as follows:

H.R. 2980

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Interstate Stalking Punishment and Prevention Act of 1996".

SEC. 2. PUNISHMENT OF INTERSTATE STALKING.

(a) IN GENERAL.—Title 18, United States Code, is amended by inserting after section 2261 the following:

"§ 2261A. Interstate stalking

"Whoever travels across a State line or within the special maritime and territorial jurisdiction of the United States with the intent to injure or harass another person, and in the course of, or as a result of, such travel places that person in reasonable fear of the death of, or serious bodily injury (as defined in section 1365(g)(3) of this title) to, that person or a member of that person's immediate family (as defined in section 115 of this title) shall be punished as provided in section 2261 of this title.".

(b) CONFORMING AMENDMENTS.—

(1) Section 2261(b) of title 18, United States Code, is amended by inserting "or section 2261A" after "this section".

(2) Sections 2261(b) and 2262(b) of title 18, United States Code, are each amended by striking "offender's spouse or intimate partner" each place it appears and inserting "victim".

(3) The chapter heading for chapter 110A of title 18, United States Code, is amended by inserting "AND STALKING" after "VIOLENCE".

(4) The table of chapters at the beginning of part I of title 18, United States Code, is amended by striking

"110A. Domestic violence .... 2261"

and inserting:

"110A. Domestic violence and stalking 2261".

(c) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 110A of title 18, United States Code, is amended by inserting after the item relating to section 2261 the following new item:

"2261A. Interstate stalking.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Florida [Mr. MCCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in the 1994 crime bill, Congress established a new Federal offense aimed at stalkers of current or former spouses or intimate partners. This offense did not address cases in which the victim was unrelated to the stalker.

In H.R. 2980, the Interstate Stalking Punishment and Prevention Act of 1986, this insufficiency is addressed. This bill establishes a new Federal crime for crossing a State line or otherwise entering Federal jurisdiction for the purpose of injuring or harassing another person when such action places a person in reasonable fear of bodily harm.

This bill does not generally federalize the offense of stalking. Rather, it ensures that this crime of stalking is given force and effect in all areas clearly within the responsibility of the Federal Government. The authorized penalties under this bill are the same as those provided for in the current interstate domestic violence offense.

Once a stalker has selected a victim, the pursuit can be a full-time occupation. In some cases victims have had to move to a new residence, at times to a new State, to escape their tormentors, and even at times moving to a new State does not give the relief that is sought. Mr. Speaker, I would suggest that the victim move out of State and the stalker often follows right behind. This interstate stalking has made it increasingly difficult for law enforcement officials to investigate and prosecute.

Well-publicized cases involving celebrities have served to highlight the frightening dimensions of the crime. Jody Foster, David Letterman, Troy Aikman, and Madonna are just a few examples of celebrities who have been recently stalked and harassed by obsessed fans. In 1989 actress Rebecca Schaefer was murdered by a crazed fan who followed her for 2 years.

Stalking is a frightening and cowardly crime. Victims often feel trapped within their own homes. Family members and coworkers are often threatened, and personal property is often damaged or destroyed. Congress should do everything in its power to assist law enforcement in the apprehension and conviction of these predators. I am especially pleased to support this legislation, which has been crafted by the gentleman from California [Mr. ROYCE].

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support this measure, which creates a new Federal offense for interstate stalking. The provision is modeled after a provision in the 1994 crime bill that created a Federal offense of interstate travel to commit domestic violence. The bill here before us covers travel across State lines or from or to Indian country with the intent to injure or harass another person, where the defendant places the subject in reasonable fear of death or bodily injury, or death or bodily injury to a member of the subject's immediate family.

Mr. Speaker, some may argue that creating a new Federal law for stalking is an overfederalization of crimes, but I disagree. The problems of stalking, because of their interstate nature, transcend the ability of State law enforcement agencies, obviously, to continue working together without such a provision as H.R. 2980. Moreover, under title 18 of the United States Code, there are provisions that make it a crime to cross the State line with falsely made dentures, or with a cow. Keeping that in mind, this is clearly not a radical expansion of the law to make it a crime to cross State lines to harass or abuse another person.

Mr. Speaker, this stalking offense is modeled on an existing interstate domestic violence offense. It specifically covers traveling across State lines, entering or leaving Indian country, with the intent to injure or harass another person.

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I urge the support of the entire membership of the House in passing H.R. 2980.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. ROYCE], the author of this measure.

Mr. ROYCE. Mr. Speaker, my legislation that is here today, H.R. 2980, does three things. First it makes crossing a State line to stalk someone a felony and thus for the first time it defines in law, in Federal law, the crime of stalking, and it brings certain penalties, 5 years for the crime of stalking, 10 years if a gun is used and so forth.

Second, it makes crossing a State line in violation of a restraining order a felony. And, third, it makes it a felony to stalk someone on Federal property such as a post office or a military base or a national park.

The bill is needed because in each of these cases the victim loses the protection of their State laws. I was the author in 1990 of the first State antistalking law in the country, in California. The California legislature passed my bill after four women were killed in the space of 6 weeks in Orange County, CA. Each woman, fearing for her life, had sought police protection only to be told that there was nothing that law enforcement could do until she was physically attacked. One police officer told me at the time that the hardest thing he ever had to do in his life was to tell that victim "there is nothing I can do until you're attacked" and subsequently she was killed.

The law was passed by the California legislature defines stalking as an obsessive pattern of behavior and threats that would cause a reasonable person to fear for their life or fear for great bodily harm. Versions of that law have since been adopted in every State in the Nation and here in the District of Columbia, and they have been very useful in protecting stalking victims before they are attacked, before they are injured.

The problem has been that when the victim leaves her State or when he leaves his State, they lose their protection. State laws are not the same and restraining orders obtained in one State may not be valid in another. This bill addresses that problem by making it a felony to cross a State line to stalk someone in violation of a restraining order, and in addition it protects victims on Federal property.

Mr. Speaker, many stalking victims unfortunately have become prisoners in their own State. They cannot leave the State for a vacation or business or otherwise without exposing themselves to danger. Ironically, many stalking victims are advised by someone from Victim Witness or other groups that help stalkees, they are advised typically, get away from your stalker, move away from your stalker. But if they take that advice, ironically, they have now lost their protection.

This bill would solve that problem. It gives stalking victims freedom to travel, to lead normal lives and not subject themselves to fear of injury or death.

Sitting in the gallery today is a woman who was stalked for 8 years. Her stalker was finally sent to State prison when he attempted to kidnap her, leading to an 11-hour police standoff. Her testimony before the California legislature was instrumental in the passage of the California antistalker law and subsequent stalker laws.

She left the State. But when the stalker was released from prison, he jumped parole and he left the State and her nightmare began anew. Fortunately the stalker was intercepted in another State, but others may not be so fortunate. We need to pass this bill to give stalking victims freedom to travel, to live without fear and to begin anew. I urge the Members' "aye" vote.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to recount for the Members in the body the criminal penalties that attach to this crime:

> A person who violates this section, or section 2261A shall be fined under this title, imprisoned—
>
> (1) for life or any term of years, if the death of the offender's spouse or other intimate partner results;
>
> (2) for not more than 20 years if permanent disfigurement or life threatening bodily injury to the offender's spouse or intimate partner results;
>
> (3) for not more than 10 years, if serious bodily injury to the offender's spouse or intimate partner results or if the offender uses a dangerous weapon during the offense;
>
> (4) as provided for the applicable conduct under chapter 109A if the offense would constitute an offense under chapter 109A, without regard to whether the offense was committed in the special maritime and territorial jurisdiction of the United States or in a Federal prison; and,
>
> (5) for not more than 5 years, in any other case, or both fined and imprisoned.

These are very appropriate, they are stiff penalties, and I think that they are appropriate for the kind of violence and stalking that has plagued the country as exemplified by the examples that have been recited here on the floor this afternoon.

Mr. Speaker, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. TATE].

Mr. TATE. Mr. Speaker, today I rise in strong support of the Interstate Stalking Punishment and Prevention

Act of 1996. I would like to congratulate the gentleman from California for his work both at the State level and at the national level on this legislation, and the Committee on the Judiciary for their leadership in bringing this forward.

This bill will fill a gap in the existing law and offer increased protection for those men and women who are the target of obsessive and terrifying predators. This crime is a crime of terror. These predator criminals pursue their victims like prey, stealthily and under cover. Stalkers are known to relentlessly hunt down their victims, creating emotional and physical terror in men and women who are their targets.

The stalker invades every aspect of the victim's life, watching every movement, following every step. When a woman tries to get away from a stalker, she prays it will end her long ordeal. But the stalker has other ideas. He wants to continue to terrorize and to control. So he decides to stalk. The stalker wants to make sure that the victim never feels safe. No matter the woman's efforts to end this, the stalker wants to make sure she never feels free. He knows where she works, where her family lives and who her friends are.

So the terrified woman flees to other States, sometimes fleeing across-country, leaving her friends, her family and everyone she knows just to get away from the threat of abuse. Then one day she walks out of her new home in her new State and she sees him down the street waiting for her, and she wonders if the nightmare will end.

Mr. Speaker, today is the time to say enough is enough. This legislation is one more weapon in the war against violence. No longer will we wait for this horrible tragedy to take place before taking action. We must give women the tools they need now to be protected from the reach of stalkers.

The Interstate Stalking Punishment and Prevention Act of 1996 will punish those who repeatedly harass, follow, and threaten their victims from State to State. It will send a strong message of zero tolerance to those who terrorize. It is time for the criminals to live in fear, fear of the swift hand of justice. It is time for the abusers to be pursued, pursued by unwavering application of the law. And it is time for the stalkers to have their freedom restricted, restricted by a cold, stark prison cell.

Crime is a cancer that eats away at the fabric of our society. It is high time for strong and potent medicine. I urge my colleagues to support the Interstate Stalking Punishment and Prevention Act of 1996.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would bring to the attention of my colleagues that in addition to adding stalking to domestic violence and attaching penalties to it, this measure, in addition, makes interstate violation of a protection order subject to the following penalties:

A person who violates an interstate protection order shall be fined under this title and imprisoned for life or any term of years, if death of the victim results.

Although this is current law, it is important to understand that it is in fact related to violence and stalking, because frequently a violation of a protection order might be involved.

So in addition to a life term if death results, there is also a 20-year penalty if permanent disfigurement or life threatening bodily injury results. There is a penalty of 10 years incarceration if serious bodily injury to the victim results or if the offender uses a dangerous weapon during the offense. And, as provided for the conduct under chapter 109A if the offense would constitute an offense under chapter 109A, then it would be punishable for not more than 5 years, in any other case, or both fine and imprisonment.

So we now have a complete criminal statutory provision that deals with domestic violence, stalking, and violation of a protection order.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. McCOLLUM. Mr. Speaker, I yield myself such time as I may consume.

I simply want to say in closing that this is a very significant piece of legislation today. It is one of four crime bills that the Subcommittee on Crime is presenting today, two under suspension of the rules, and two that will be debated under open rules that will follow this. All of these bills are designed in helping us with crimes against the most vulnerable members of society, those who are children, those who are elderly, those who are vulnerable in some other way.

We are seeing entirely too much violent crime in this country today. The crime rate in this country is entirely unacceptable in the violent crime area, and we need to put some deterrence into the law to get at those people who are indeed committing these kinds of crimes. Sending them a message, this bill sends a specific message, and helps us with Federal law enforcement abilities in the area where somebody commits a stalking crime across a State line.

The stalking crimes that have been described earlier today are among the most heinous of all, when the victim may even try to escape and move year after year after year. Somebody may come in and threaten them in ways of violent bodily harm. In cases as we reported earlier, murders have certainly occurred on more than one occasion, in fact on unfortunately too many occasions as a result of a stalking case.

A little earlier today we passed—at least we passed it by voice vote, we have yet to have a recorded vote on it—a bill that the gentleman from New Jersey [Mr. ZIMMER] offered dealing with the issue that surrounds sexual predators, in an attempt to try to make sure that communities are notified properly when those sexual predators are indeed released from time that they may have served in prison, so that people can take protective measures to defend themselves and their families if this person moves into their community.

In a little while this afternoon, the two other measures we will be having out here on the floor for general debate and amendments under an open rule will be measures that are designed, first, to increase the penalties under the sentencing guidelines for anybody who commits a crime, a Federal crime against a child 14 years of age or younger or a person 65 or older. That is the bill of the gentleman from Michigan [Mr. CHRYSLER], and one which the gentleman from Pennsylvania [Mr. FOX] has offered to steeply increase the punishment for somebody who tampers with a Federal jury or who does any intimidation of Federal witnesses in a Federal criminal proceeding.

□ 1630

These are the type of laws we need to put on the books. It is a very important day for us to present these crime measures out here in sequential order. I think the one the gentleman from California [Mr. ROYCE] has offered, the bill we are voting on today dealing with stalkers, is a good one to discuss the fact we are presenting these together today in sequential order.

Mr. Speaker, I certainly urge the passage of this bill on stalkers, H.R. 2980, that the gentleman from California, [Mr. ROYCE] has presented to us today.

Mr. KENNEDY of Massachusetts. Mr. Speaker, experts believe that each year more than 200,000 women are stalked by their former boyfriends, or complete strangers. In addition, about 400,000 protective orders are issued by civil or family courts each year to prevent such violence.

Given available data, at least nine women die every day at the hands of their stalkers.

Believing that this is tragically a growing trend that must be stopped, I introduced legislation in the 103d Congress, the National Stalker and Domestic Violence Reduction Act, that later became law with the passage of the 1994 crime bill.

Among other provisions, this law has done much to give law enforcement officials and civil/criminal courts the tools to enforce civil protection orders by providing access to criminal history information of the offender for use in domestic violence and stalking cases.

This law also established a State grant program for data collection on stalking and domestic violence crimes to be added to criminal records in the national crime information databases. This data is used to track offenders across State lines.

And while my legislation helps us track these people, the bill before us today takes an important step in actually making some forms of stalking a Federal offense. I rise in strong support of this legislation and believe it should be on a fast track to President Clinton's desk.

We have needed Federal legislation that criminalizes the dangerous act of stalking for quite some time. In most States, stalking is an act that is already punishable by law. A problem is created, however, when these offenders follow their targets across State lines.

Passing this legislation today will create a beautiful marriage between the ability to identify interstate stalkers from the national crime information databases created in my 1994 legislation that became law, and the ability to punish interstate stalkers as a Federal crime under the legislation we are considering here today.

I urge my colleagues to stand with me today in support of women—women all across this Nation that are at risk of becoming another sorrowful stalking statistic. Please join me in voting to stop the stalkers and to protect innocent women.

Mr. McCOLLUM. Mr. Speaker, I ask for an "aye" vote and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2980, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days within which to revise and extend their remarks on H.R. 2980 and H.R. 2137.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. DIAZ-BALART. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 421 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 421

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Points of order against the amendment printed in the report of the Committee on Rules accompanying this resolution for failure to comply with clause 7 of rule XVI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. FOLEY). The gentleman from Florida [Mr. DIAZ-BALART] is recognized for 1 hour.

Mr. DIAZ-BALART. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 421 is an open rule providing for the consideration of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. The rule waives clause 7 of rule XIII (which requires a cost estimate in the committee report), against consideration of the bill. Because the Congressional Budget Office [CBO] has been extremely busy concentrating on the fiscal year 1997 budget resolution, the Judiciary Committee has provided a rough estimate of cost based on U.S. Sentencing Commission figures for increased prison construction and operating costs, but not a detailed CBO estimate. The committee does state in its report that it estimates H.R. 2874 will have no significant inflationary impact on prices and costs in the national economy, and I believe it has, without a doubt, satisfied the spirit of the cost estimate requirement.

In addition, the rule makes in order as an original bill, for the purposes of amendment under the 5-minute rule, the amendment in the nature of a substitute recommended by the Judiciary Committee, now printed in the bill. Also, the rule provides that Members who have preprinted their amendments in the RECORD prior to their consideration will be given priority in recognition to offer their amendments.

Further, the rule waives points of order against the amendment printed in the report of the Committee on Rules for failure to comply with clause 7 of rule XVI, which relates to germaneness. This amendment, requested by my colleague from Texas, Mr. FROST, adds increased penalties for Federal sex offenses against children, and needs a waiver because it creates a new crime with sentencing provisions, whereas H.R. 2974 focuses on creating new levels of sentencing for existing crimes. I am informed that Mr. McCOLLUM, the chairman of the Crime Subcommittee of Judiciary, supports Mr. FROST's amendment and I have no objection to it.

Finally, the rule provides for one motion to recommit, with or without instructions.

The purpose of this legislation is to increase the time of imprisonment for those who commit violent crimes against children under 12 years of age and seniors age 65 and older. In the Judiciary Committee, the age for children was increased to 14, and the definition of "vulnerable persons" was expanded to include any victim that "the defendant should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct."

In other words, this legislation is designed to increase protection for the most vulnerable sectors of our society: the elderly, children, the handicapped (mentally and/or physically disabled), those who find it most difficult to defend themselves.

This legislation is needed because the U.S. Sentencing Commission failed to act as requested in the 1994 Crime Act directive "to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime and to reflect the heinous nature of such an offense." This bill amends the Crime Act of 1994 to enhance sentences by increasing the length of sentences "not less than 5 levels above the offense level otherwise provided for by a crime of violence against such victims".

Federal law enforcement officials agree that tougher punishment for criminals who target these victims is warranted. Violent crimes against the elderly have increased substantially, and child homicide rates have nearly doubled in recent years. In 1992, tragically, close to 20 percent of all rape victims were under 12 years of age, children attacked by pedophiles.

I believe there is nothing more important than protecting our most vulnerable from harm. In Dade County, FL, 9-year-old Jimmy Ryce was abducted by a predator on September 11, 1995. Three months later, law enforcement officials found Jimmy's remains after he had been brutally sexually assaulted and murdered by his kidnaper.

In response to the delays that the Ryce family encountered in the search for Jimmy, I joined my colleagues from south Florida in pressing for legislation, named in honor of Jimmy Ryce, to improve Federal law enforcement efforts at finding endangered children.

Congressional involvement led to an executive directive by the President which now requires all Federal agencies to post photos of missing children in Federal buildings to expedite the search for missing children. A similar directive in Florida has alleviated comparable roadblocks by requiring the posting of missing children photos in State buildings and tollbooths.

In addition, we are moving forward with H.R. 3238, (which I encourage my colleagues to consider cosponsoring), Congressman DEUTSCH's bill to establish a national resource center and clearinghouse to carry out, through the Jimmy Ryce Law Enforcement Training Center for the recovery of missing children, the training of local law enforcement personnel to more effectively respond to cases involving missing or exploited children.

We must stop violence against the most vulnerable in our society, and I believe today's legislation, the Crimes Against Children and Elderly Persons Increased Punishment Act, is another important step in the right direction to keep criminals who commit these unspeakable crimes behind bars.

Mr. Speaker, House Resolution 421 is a fair, open rule and I urge its adoption.

Mr. Speaker, I include the following for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of May 6, 1996]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	66	61
Modified Closed[3]	49	47	26	24
Closed[4]	9	9	17	15
Total	104	100	109	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95).
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	A: voice vote (7/25/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of May 6, 1996]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 201 (7/25/95)	O	H.R. 2099	VA/HUD Approps. FY 1996	A: 230–189 (7/25/95).
H. Res. 204 (7/28/95)	MC	S. 21	Terminating U.S. Arms Embargo on Bosnia	A: voice vote (8/1/95).
H. Res. 205 (7/28/95)	O	H.R. 2126	Defense Approps. FY 1996	A: 409–1 (7/31/95).
H. Res. 207 (8/1/95)	MC	H.R. 1555	Communications Act of 1995	A: 255–156 (8/2/95).
H. Res. 208 (8/1/95)	O	H.R. 2127	Labor, HHS Approps. FY 1996	A: 323–104 (8/2/95).
H. Res. 215 (9/7/95)	O	H.R. 1594	Economically Targeted Investments	A: voice vote (9/12/95).
H. Res. 216 (9/7/95)	MO	H.R. 1655	Intelligence Authorization FY 1996	A: voice vote (9/12/95).
H. Res. 218 (9/12/95)	O	H.R. 1162	Deficit Reduction Lockbox	A: voice vote (9/13/95).
H. Res. 219 (9/12/95)	O	H.R. 1670	Federal Acquisition Reform Act	A: 414–0 (9/13/95).
H. Res. 222 (9/18/95)	O	H.R. 1617	CAREERS Act	A: 388–2 (9/19/95).
H. Res. 224 (9/19/95)	O	H.R. 2274	Natl. Highway System	PQ: 241–173 A: 375–39–1 (9/20/95).
H. Res. 225 (9/19/95)	MC	H.R. 927	Cuban Liberty & Dem. Solidarity	A: 304–118 (9/20/95).
H. Res. 226 (9/21/95)	O	H.R. 743	Team Act	A: 344–66–1 (9/27/95).
H. Res. 227 (9/21/95)	O	H.R. 1170	3-Judge Court	A: voice vote (9/28/95).
H. Res. 228 (9/21/95)	O	H.R. 1601	Internatl. Space Station	A: voice vote (9/27/95).
H. Res. 230 (9/27/95)	C	H.J. Res. 108	Continuing Resolution FY 1996	A: voice vote (9/28/95).
H. Res. 234 (9/29/95)	O	H.R. 2405	Omnibus Science Auth	A: voice vote (10/11/95).
H. Res. 237 (10/17/95)	MC	H.R. 2259	Disapprove Sentencing Guidelines	A: voice vote (10/18/95).
H. Res. 238 (10/18/95)	MC	H.R. 2425	Medicare Preservation Act	PQ: 231–194 A: 227–192 (10/19/95).
H. Res. 239 (10/19/95)	C	H.R. 2492	Leg. Branch Approps	PQ: 235–184 A: voice vote (10/31/95).
H. Res. 245 (10/25/95)	MC	H. Con. Res. 109 H.R. 2491	Social Security Earnings Reform Seven-Year Balanced Budget	PQ: 228–191 A: 235–185 (10/26/95).
H. Res. 251 (10/31/95)	C	H.R. 1833	Partial Birth Abortion Ban	A: 237–190 (11/1/95).
H. Res. 252 (10/31/95)	MO	H.R. 2546	D.C. Approps.	A: 241–181 (11/1/95).
H. Res. 257 (11/7/95)	C	H.J. Res. 115	Cont. Res. FY 1996	A: 216–210 (11/8/95).
H. Res. 258 (11/8/95)	MC	H.R. 2586	Debt Limit	A: 220–200 (11/10/95).
H. Res. 259 (11/9/95)	O	H.R. 2539	ICC Termination Act	A: voice vote (11/14/95).
H. Res. 261 (11/9/95)	C	H.J. Res. 115	Cont. Resolution	A: 223–182 (11/10/95).
H. Res. 262 (11/9/95)	C	H.R. 2586	Increase Debt Limit	A: 220–185 (11/10/95).
H. Res. 269 (11/15/95)	O	H.R. 2564	Lobbying Reform	A: voice vote (11/16/95).
H. Res. 270 (11/15/95)	C	H.J. Res. 122	Further Cont. Resolution	A: 229–176 (11/15/95).
H. Res. 273 (11/16/95)	MC	H.R. 2606	Prohibition on Funds for Bosnia	A: 239–181 (11/17/95).
H. Res. 284 (11/29/95)	O	H.R. 1788	Amtrak Reform	A: voice vote (11/30/95).
H. Res. 287 (11/30/95)	O	H.R. 1350	Maritime Security Act	A: voice vote (12/6/95).
H. Res. 293 (12/7/95)	C	H.R. 2621	Protect Federal Trust Funds	PQ: 223–183 A: 228–184 (12/14/95).
H. Res. 303 (12/13/95)	O	H.R. 1745	Utah Public Lands.	
H. Res. 309 (12/18/95)	C	H.Con. Res. 122	Budget Res. W/President	PQ: 230–188 A: 229–189 (12/19/95).
H. Res. 313 (12/19/95)	O	H.R. 558	Texas Low-Level Radioactive	A: voice vote (12/20/95).
H. Res. 323 (12/21/95)	C	H.R. 2677	Natl. Parks & Wildlife Refuge	Tabled (2/28/96).
H. Res. 366 (2/27/96)	MC	H.R. 2854	Farm Bill	PQ: 228–182 A: 244–168 (2/28/96).
H. Res. 368 (2/28/96)	O	H.R. 994	Small Business Growth	
H. Res. 371 (3/6/96)	C	H.R. 3021	Debt Limit Increase	A: voice vote (3/7/96).
H. Res. 372 (3/6/96)	MC	H.R. 3019	Cont. Approps. FY 1996	PQ: voice vote A: 235–175 (3/7/96).
H. Res. 380 (3/12/96)	MC	H.R. 2703	Effective Death Penalty	A: 251–157 (3/13/96).
H. Res. 384 (3/14/96)	MC	H.R. 2202	Immigration	PQ: 233–152 A: voice vote (3/21/96).
H. Res. 386 (3/20/96)	C	H.J. Res. 165	Further Cont. Approps	PQ: 234–187 A: 237–183 (3/21/96).
H. Res. 388 (3/20/96)	C	H.R. 125	Gun Crime Enforcement	A: 244–166 (3/22/96).
H. Res. 391 (3/27/96)	C	H.R. 3136	Contract w/America Advancement	PQ: 232–180 A: 232–177, (3/28/96).
H. Res. 392 (3/27/96)	MC	H.R. 3103	Health Coverage Affordability	PQ: 229–186 A: Voice Vote (3/29/96).
H. Res. 395 (3/29/96)	MC	H.J. Res. 159	Tax Limitation Const. Amdmt.	PQ: 232–168 A: 234–162 (4/15/96).
H. Res. 396 (3/29/96)	O	H.R. 842	Truth in Budgeting Act	A: voice vote (4/17/96).
H. Res. 409 (4/23/96)	O	H.R. 2715	Paperwork Elimination Act	A: voice vote (4/24/96).
H. Res. 410 (4/23/96)	O	H.R. 1675	Natl. Wildlife Refuge	A: voice vote (4/24/96).
H. Res. 411 (4/23/96)	O	H.J. Res. 175	Further Cont. Approps. FY 1996	A: voice vote (4/24/96).
H. Res. 418 (4/30/96)	O	H.R. 2641	U.S. Marshals Service	PQ: 219–203 A: voice vote (5/1/96).
H. Res. 419 (4/30/96)	O	H.R. 2149	Ocean Shipping Reform	A: 422–0 (5/1/96).
H. Res. 421 (5/2/96)	O	H.R. 2974	Crimes Against Children & Elderly	
H. Res. 422 (5/2/96)	O	H.R. 3120	Witness & Jury Tampering	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure of any society is how it protects and nurtures its children and how it respects and honors its elders. I would like to think that our Nation takes care of its very youngest and very oldest citizens and that in doing so we are an honorable and just society. But, Mr. Speaker, there are those among us who violate these societal guidelines and for whatever reason abuse the trust children have placed in adults and pick the vulnerable and elderly to be victims of violence.

H.R. 2974, while applicable only to Federal crimes, draws a line in the sand and states clearly, through the enhancement of penalties, that we as a society will not tolerate such crimes against our most vulnerable citizens. This legislation will not stop these heinous crimes, but at the very least we can take this small step to ensure that those who commit these offenses at a Federal level will be swiftly and surely punished. It is the least we can do to protect our society.

I am especially gratified, Mr. Speaker, that the Committee on Rules has granted a germaneness waiver to allow the consideration of an amendment I will offer to this bill. My amendment, which is a part of H.R. 3180, the Amber Hagerman Child Protection Act, which I introduced in March, would create new Federal jurisdiction over sexual offenses against children and would require life sentences without the possibility of parole upon conviction in Federal court of a second sex crime against a child. I will offer this amendment with the concurrence of the subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM], and I believe it is one that every Member of this body can support.

This amendment, like this legislation, will not itself stop the commission of heinous crimes like the one that took the life of little Amber Hagerman, a 9-year-old who lived, went to school, and played in Arlington, TX, in my congressional district. But perhaps enactment of this amendment will keep someone off the streets and out of our neighborhoods who might otherwise commit a crime like the one that snuffed out the life of that innocent little girl. I have three daughters and it is inconceivable to imagine that they, like Amber, might have been snatched away while we turned away for a moment.

Mr. Speaker, these matters are not partisan issues. Regardless of political philosophy, we all agree that children are our most previous resource and our elders are repositories of the histories of our families and our lives. In honor of them, I urge support for this rule, for this bill, but especially for the memory of Amber Hagerman.

Mr. Speaker, I include the following material for the RECORD:

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1*	Compliance	H. Res. 6	Closed	None.
H. Res. 6	Opening Day Rules Package	H. Res. 5	Closed; contained a closed rule on H.R. 1 within the closed rule	None.
H.R. 5*	Unfunded Mandates	H. Res. 38	Restrictive; Motion adopted over Democratic objection in the Committee of the Whole to limit debate on section 4; Pre-printing gets preference.	N/A.
H.J. Res. 2*	Balanced Budget	H. Res. 44	Restrictive; only certain substitutes; PQ	2R; 4D.
H. Res. 43	Committee Hearings Scheduling	H. Res. 43 (OJ)	Restrictive; considered in House no amendments	N/A.
H.R. 101	To transfer a parcel of land to the Taos Pueblo Indians of New Mexico.	H. Res. 51	Open	N/A.
H.R. 400	To provide for the exchange of lands within Gates of the Arctic National Park Preserve.	H. Res. 52	Open	N/A.
H.R. 440	To provide for the conveyance of lands to certain individuals in Butte County, California.	H. Res. 53	Open	N/A.
H.R. 2*	Line Item Veto	H. Res. 55	Open; Pre-printing gets preference	N/A.
H.R. 665*	Victim Restitution Act of 1995	H. Res. 61	Open; Pre-printing gets preference	N/A.
H.R. 666*	Exclusionary Rule Reform Act of 1995	H. Res. 60	Open; Pre-printing gets preference	N/A.
H.R. 667*	Violent Criminal Incarceration Act of 1995	H. Res. 63	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 668*	The Criminal Alien Deportation Improvement Act	H. Res. 69	Open; Pre-printing gets preference; Contains self-executing provision	N/A.
H.R. 728*	Local Government Law Enforcement Block Grants	H. Res. 79	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 7*	National Security Revitalization Act	H. Res. 83	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference; PQ2	N/A.
H.R. 729*	Death Penalty/Habeas	N/A	Restrictive; brought up under UC with a 6 hr. time cap on amendments	N/A.
S. 2	Senate Compliance	N/A	Closed; Put on Suspension Calendar over Democratic objection	None.
H.R. 831	To Permanently Extend the Health Insurance Deduction for the Self-Employed.	H. Res. 88	Restrictive; makes in order only the Gibbons amendment; Waives all points of order; Contains self-executing provision; PQ.	1D.
H.R. 830*	The Paperwork Reduction Act	H. Res. 91	Open	N/A.
H.R. 889	Emergency Supplemental/Rescinding Certain Budget Authority	H. Res. 92	Restrictive; makes in order only the Obey substitute	1D.
H.R. 450*	Regulatory Moratorium	H. Res. 93	Restrictive; 10 hr. Time Cap on amendments; Pre-printing gets preference	N/A.
H.R. 1022*	Risk Assessment	H. Res. 96	Restrictive; 10 hr. Time Cap on amendments	N/A.
H.R. 926*	Regulatory Flexibility	H. Res. 100	Open	N/A.
H.R. 925*	Private Property Protection Act	H. Res. 101	Restrictive; 12 hr. time cap on amendments; Requires Members to pre-print their amendments in the Record prior to the bill's consideration for amendment, waives germaneness and budget act points of order as well as points of order concerning appropriating on a legislative bill against the committee substitute used as base text.	1D.
H.R. 1058*	Securities Litigation Reform Act	H. Res. 105	Restrictive; 8 hr. time cap on amendments; Pre-printing gets preference; Makes in order the Wyden amendment and waives germaneness against it.	1D.
H.R. 988*	The Attorney Accountability Act of 1995	H. Res. 104	Restrictive; 7 hr. time cap on amendments; Pre-printing gets preference	N/A.
H.R. 956*	Product Liability and Legal Reform Act	H. Res. 109	Restrictive; makes in order only 15 germane amendments and denies 64 germane amendments from being considered; PQ.	8D; 7R.
H.R. 1158	Making Emergency Supplemental Appropriations and Rescissions	H. Res. 115	Restrictive; Combines emergency H.R. 1158 & nonemergency 1159 and strikes the abortion provision; makes in order only pre-printed amendments that include offsets within the same chapter (deeper cuts in programs already cut); waives points of order against three amendments; waives cl 2 of rule XXI against the bill, cl 2, XXI and cl 7 of rule XVI against the substitute; waives cl 2(e) od rule XXI against the amendments in the Record; 10 hr time cap on amendments. 30 minutes debate on each amendment.	N/A.
H.J. Res. 73*	Term Limits	H. Res. 116	Restrictive; Makes in order only 4 amendments considered under a "Queen of the Hill" procedure and denies 21 germane amendments from being considered.	1D; 3R
H.R. 4*	Welfare Reform	H. Res. 119	Restrictive; Makes in order only 31 perfecting amendments and two substitutes; Denies 130 germane amendments from being considered; The substitutes are to be considered under a "Queen of the Hill" procedure; All points of order are waived against the amendments.	5D; 26R.
H.R. 1271*	Family Privacy Act	H. Res. 125	Open	N/A.
H.R. 660*	Housing for Older Persons Act	H. Res. 126	Open	N/A.
H.R. 1215*	The Contract With America Tax Relief Act of 1995	H. Res. 129	Restrictive; Self Executes language that makes tax cuts contingent on the adoption of a balanced budget plan and strikes section 3006. Makes in order only one substitute. Waives all points of order against the bill, substitute made in order as original text and Gephardt substitute.	1D.
H.R. 483	Medicare Select Extension	H. Res. 130	Restrictive; waives cl 2(1)(6) of rule XI against the bill; makes H.R. 1391 in order as original text; makes in order only the Dingell substitute; allows Commerce Committee to file a report on the bill at any time.	1D.
H.R. 655	Hydrogen Future Act	H. Res. 136	Open	N/A.
H.R. 1361	Coast Guard Authorization	H. Res. 139	Open; waives sections 302(f) and 308(a) of the Congressional Budget Act against the bill's consideration and the committee substitute; waives cl 5(a) of rule XXI against the committee substitute.	N/A.
H.R. 961	Clean Water Act	H. Res. 140	Open; pre-printing gets preference; waives sections 302(f) and 602(b) of the Budget Act against the bill's consideration; waives cl 7 of rule XVI, cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Makes in order Shuster substitute as first order of business.	N/A.
H.R. 535	Corning National Fish Hatchery Conveyance Act	H. Res. 144	Open	N/A.
H.R. 584	Conveyance of the Fairport National Fish Hatchery to the State of Iowa.	H. Res. 145	Open	N/A.
H.R. 614	Conveyance of the New London National Fish Hatchery Production Facility.	H. Res. 146	Open	N/A.
H. Con. Res. 67	Budget Resolution	H. Res. 149	Restrictive; Makes in order 4 substitutes under regular order; Gephardt, Neumann/Solomon, Payne/Owens, President's Budget if printed in Record on 5/17/95; waives all points of order against substitutes and concurrent resolution; suspends application of Rule XLIX with respect to the resolution; self-executes Agriculture language; PQ.	3D; 1R.
H.R. 1561	American Overseas Interests Act of 1995	H. Res. 155	Restrictive; Requires amendments to be printed in the Record prior to their consideration; 10 hr. time cap; waives cl 2(1)(6) of rule XI against the bill's consideration; Also waives sections 302(f), 303(a), 308(a) and 402(a) against the bill's consideration and the committee amendment in order as original text; waives cl 5(a) of rule XXI against the amendment; amendment consideration is closed at 2:30 p.m. on May 25, 1995. Self-executes provision which removes section 2210 from the bill. This was done at the request of the Budget Committee.	N/A.
H.R. 1530	National Defense Authorization Act FY 1996	H. Res. 164	Restrictive; Makes in order only the amendments printed in the report; waives all points of order against the bill, substitute and amendments printed in the report. Gives the Chairman en bloc authority. Self-executes a provision which strikes section 807 of the bill; provides for an additional 30 min. of debate on Nunn-Lugar section; Allows Mr. Clinger to offer a modification of his amendment with the concurrence of Ms. Collins; PQ.	36R; 18D; 2 Bipartisan.
H.R. 1817	Military Construction Appropriations; FY 1996	H. Res. 167	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; 1 hr. general debate; Uses House passed budget numbers as threshold for spending amounts pending passage of Budget; PQ.	N/A.
H.R. 1854	Legislative Branch Appropriations	H. Res. 169	Restrictive; Makes in order only 11 amendments; waives sections 302(f) and 308(a) of the Budget Act against the bill and cl. 2 and cl. 6 of rule XXI against the bill. All points of order are waived against the amendments; PQ.	5R; 4D; 2 Bipartisan.
H.R. 1868	Foreign Operations Appropriations	H. Res. 170	Open; waives cl. 2, cl. 5(b), and cl. 6 of rule XXI against the bill; makes in order the Gilman amendments as first order of business; waives all points of order against the amendments; if adopted they will be considered as original text; waives cl. 2 of rule XXI against the amendments printed in the report. Pre-printing gets priority (Hall) (Menendez) (Goss) (Smith, NJ); PQ.	N/A.
H.R. 1905	Energy & Water Appropriations	H. Res. 171	Open; waives cl. 2 and cl. 6 of rule XXI against the bill; makes in order the Shuster amendment as the first order of business; waives all points of order against the amendment; if adopted it will be considered as original text. Pre-printing gets priority.	N/A.
H.J. Res. 79	Constitutional Amendment to Permit Congress and States to Prohibit the Physical Desecration of the American Flag.	H. Res. 173	Closed; provides one hour of general debate and one motion to recommit with or without instructions; if there are instructions, the MO is debatable for 1 hr; PQ.	N/A.
H.R. 1944	Recissions Bill	H. Res. 175	Restrictive; Provides for consideration of the bill in the House; Permits the Chairman of the Appropriations Committee to offer one amendment which is unamendable; waives all points of order against the amendment; PQ.	N/A.

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 1868 (2nd rule)	Foreign Operations Appropriations	H. Res. 177	Restrictive; Provides for further consideration of the bill; makes in order only the four amendments printed in the rules report (20 min. each). Waives all points of order against the amendments; Prohibits intervening motions in the Committee of the Whole; Provides for an automatic rise and report following the disposition of the amendments; PQ.	N/A.
H.R. 1977 *Rule Defeated*	Interior Appropriations	H. Res. 185	Open; waives sections 302(f) and 308(a) of the Budget Act and cl 2 and cl 6 of rule XXI; provides that the bill be read by title; waives all points of order against the Tauzin amendment; self-executes Budget Committee amendment; waives cl 2(e) of rule XXI against amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1977	Interior Appropriations	H. Res. 187	Open; waives sections 302(f), 306 and 308(a) of the Budget Act; waives clauses 2 and 6 of rule XXI against provisions in the bill; waives all points of order against the Tauzin amendment; provides that the bill be read by title; self-executes Budget Committee amendment and makes NEA funding subject to House passed authorization; waives cl 2(e) of rule XXI against the amendments to the bill; Pre-printing gets priority; PQ.	N/A.
H.R. 1976	Agriculture Appropriations	H. Res. 188	Open; waives clauses 2 and 6 of rule XXI against provisions in the bill; provides that the bill be read by title; Makes Skeen amendment first order of business, if adopted the amendment will be considered as base text (10 min.); Pre-printing gets priority; PQ.	N/A.
H.R. 1977 (3rd rule)	Interior Appropriations	H. Res. 189	Restrictive; provides for the further consideration of the bill; allows only amendments pre-printed before July 14th to be considered; limits motions to rise.	N/A.
H.R. 2020	Treasury Postal Appropriations	H. Res. 190	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; provides the bill be read by title; Pre-printing gets priority; PQ.	N/A.
H.J. Res. 96	Disapproving MFN for China	H. Res. 193	Restrictive; provides for consideration in the House of H.R. 2058 (90 min.) And H.J. Res. 96 (1 hr). Waives certain provisions of the Trade Act.	N/A.
H.R. 2002	Transportation Appropriations	H. Res. 194	Open; waives cl. 3 Of rule XIII and section 401 (a) of the CBA against consideration of the bill; waives cl. 6 and cl. 2 of rule XXI against provisions in the bill; Makes in order the Clinger/Solomon amendment waives all points of order against the amendment (Line Item Veto); provides the bill be read by title; Pre-printing gets priority; PQ. ***RULE AMENDED***.	N/A.
H.R. 70	Exports of Alaskan North Slope Oil	H. Res. 197	Open; Makes in order the Resources Committee amendment in the nature of a substitute as original text; Pre-printing gets priority; Provides a Senate hook-up with S. 395.	N/A.
H.R. 2076	Commerce, Justice Appropriations	H. Res. 198	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Pre-printing gets priority; provides the bill be read by title..	N/A.
H.R. 2099	VA/HUD Appropriations	H. Res. 201	Open; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; Provides that the amendment in part 1 of the report is the first business, if adopted it will be considered as base text (30 min.); waives all points of order against the Klug and Davis amendments; Pre-printing gets priority; Provides that the bill be read by title.	N/A.
S. 21	Termination of U.S. Arms Embargo on Bosnia	H. Res. 204	Restrictive; 3 hours of general debate; Makes in order an amendment to be offered by the Minority Leader or a designee (1 hr); If motion to recommit has instructions it can only be offered by the Minority Leader or a designee.	ID.
H.R. 2126	Defense Appropriations	H. Res. 205	Open; waives cl. 2(l)(6) of rule XI and section 306 of the Congressional Budget Act against consideration of the bill; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; self-executes a strike of sections 8021 and 8024 of the bill as requested by the Budget Committee; Pre-printing gets priority; Provides the bill be read by title.	N/A.
H.R. 1555	Communications Act of 1995	H. Res. 207	Restrictive; waives sec. 302(f) of the Budget Act against consideration of the bill; Makes in order the Commerce Committee amendment as original text and waives sec. 302(f) of the Budget Act and cl. 5(a) of rule XXI against the amendment; Makes in order the Bliely amendment (30 min.) as the first order of business, if adopted it will be original text; makes in order only the amendments printed in the report and waives all points of order against the amendments; provides a Senate hook-up with S. 652.	2R/3D/3 Bipartisan.
H.R. 2127	Labor/HHS Appropriations Act	H. Res. 208	Open; Provides that the first order of business will be the managers amendments (10 min.), if adopted they will be considered as base text; waives cl. 2 and cl. 6 of rule XXI against provisions in the bill; waives all points of order against certain amendments printed in the report; Pre-printing gets priority; Provides the bill be read by title; PQ.	N/A.
H.R. 1594	Economically Targeted Investments	H. Res. 215	Open; 2 hr of gen. debate. makes in order the committee substitute as original text	N/A.
H.R. 1655	Intelligence Authorization	H. Res. 216	Restrictive; waives sections 302(f), 308(a) and 401(b) of the Budget Act. Makes in order the committee substitute as modified by Govt. Reform amend (striking sec. 505) and an amendment striking title VII. Cl 7 of rule XVI and cl 5(a) of rule XXI are waived against the substitute. Sections 302(f) and 401(b) of the CBA are also waived against the substitute. Amendments must also be pre-printed in the Congressional record.	N/A.
H.R. 1162	Deficit Reduction Lock Box	H. Res. 218	Open; waives cl 7 of rule XVI against the committee substitute made in order as original text; Pre-printing gets priority.	N/A.
H.R. 1670	Federal Acquisition Reform Act of 1995	H. Res. 219	Open; waives sections 302(f) and 308(a) of the Budget Act against consideration of the bill; bill will be read by title; waives cl 5(a) of rule XXI and section 302(f) of the Budget Act against the committee substitute. Pre-printing gets priority.	N/A.
H.R. 1617	To Consolidate and Reform Workforce Development and Literacy Programs Act (CAREERS).	H. Res. 222	Open; waives section 302(f) and 401(b) of the Budget Act against the substitute made in order as original text (H.R. 2332), cl. 5(a) of rule XXI is also waived against the substitute. provides for consideration of the managers amendment (10 min.) If adopted, it is considered as base text.	N/A.
H.R. 2274	National Highway System Designation Act of 1995	H. Res. 224	Open; waives section 302(f) of the Budget Act against consideration of the bill; Makes H.R. 2349 in order as original text; waives section 302(f) of the Budget Act against the substitute; provides for the consideration of a managers amendment (10 min.) If adopted, it is considered as base text; Pre-printing gets priority; PQ.	N/A.
H.R. 927	Cuban Liberty and Democratic Solidarity Act of 1995	H. Res. 225	Restrictive; waives cl 2(L)(2)(B) of rule XI against consideration of the bill; makes in order H.R. 2347 as base text; waives cl 7 of rule XVI against the substitute; Makes Hamilton amendment the first amendment to be considered (1 hr). Makes in order only amendments printed in the report.	2R/2D
H.R. 743	The Teamwork for Employees and managers Act of 1995	H. Res. 226	Open; waives cl 2(l)(2)(b) of rule XI against consideration of the bill; makes in order the committee amendment as original text; Pre-printing get priority.	N/A.
H.R. 1170	3-Judge Court for Certain Injunctions	H. Res. 227	Open; makes in order a committee amendment as original text; Pre-printing gets priority	N/A.
H.R. 1601	International Space Station Authorization Act of 1995	H. Res. 228	Open; makes in order a committee amendment as original text; pre-printing gets priority	N/A.
H.J. Res. 108	Making Continuing Appropriations for FY 1996	H. Res. 230	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	
H.R. 2405	Omnibus Civilian Science Authorization Act of 1995	H. Res. 234	Open; self-executes a provision striking section 304(b)(3) of the bill (Commerce Committee request); Pre-printing gets priority.	N/A.
H.R. 2259	To Disapprove Certain Sentencing Guideline Amendments	H. Res. 237	Restrictive; waives cl 2(l)(2)(B) of rule XI against the bill's consideration; makes in order the text of the Senate bill S. 1254 as original text; Makes in order only a Conyers substitute; provides a senate hook-up after adoption.	1D
H.R. 2425	Medicare Preservation Act	H. Res. 238	Restrictive; waives all points of order against the bill's consideration; makes in order the text of H.R. 2485 as original text; waives all points of order against H.R. 2485; makes in order only an amendment offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 2492	Legislative Branch Appropriations Bill	H. Res. 239	Restrictive; provides for consideration of the bill in the House	N/A.
H.R. 2491 H. Con. Res. 109	7 Year Balanced Budget Reconciliation Social Security Earnings Test Reform.	H. Res. 245	Restrictive; makes in order H.R. 2517 as original text; waives all pints of order against the bill; Makes in order only H.R. 2530 as an amendment only if offered by the Minority Leader or a designee; waives all points of order against the amendment; waives cl 5© of rule XXI (⅗ requirement on votes raising taxes); PQ.	1D
H.R. 1833	Partial Birth Abortion Ban Act of 1995	H. Res. 251	Closed	N/A.
H.R. 2546	D.C. Appropriations FY 1996	H. Res. 252	Restrictive; waives all points of order against the bill's consideration; Makes in order the Walsh amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 2 and 6 of rule XXI against the bill; makes in order the Bonilla, Gunderson and Hostettler amendments (30 min.); waives all points of order against the amendments; debate on any further amendments is limited to 30 min. each.	N/A
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 257	Closed; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee.	N/A

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 2586	Temporary Increase in the Statutory Debt Limit	H. Res. 258	Restrictive; Provides for the immediate consideration of the CR; one motion to recommit which may have instructions only if offered by the Minority Leader or a designee; self-executes 4 amendments in the rule; Solomon, Medicare Coverage of Certain Anti-Cancer Drug Treatments, Habeas Corpus Reform, Chrysler (MI); makes in order the Walker amend (40 min.) on regulatory reform.	5R
H.R. 2539	ICC Termination	H. Res. 259	Open; waives section 302(f) and section 308(a)	
H.J. Res. 115	Further Continuing Appropriations for FY 1996	H. Res. 261	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H.R. 2586	Temporary Increase in the Statutory Limit on the Public Debt	H. Res. 262	Closed; provides for the immediate consideration of a motion by the Majority Leader or his designees to dispose of the Senate amendments (1hr).	N/A.
H. Res. 250	House Gift Rule Reform	H. Res. 268	Closed; provides for consideration of the bill in the House; 30 min. of debate; makes in order the Burton amendment and the Gingrich en bloc amendment (30 min. each); waives all points of order against the amendments; Gingrich is only in order if Burton fails or is not offered.	2R
H.R. 2564	Lobbying Disclosure Act of 1995	H. Res. 269	Open; waives cl. 2(l)(6) of rule XI against the bill's consideration; waives all points of order against the Istook and McIntosh amendments.	N/A.
H.R. 2606	Prohibition on Funds for Bosnia Deployment	H. Res. 273	Restrictive; waives all points of order against the bill's consideration; provides one motion to amend if offered by the Minority Leader or designee (1 hr non-amendable); motion to recommit which may have instructions only if offered by Minority Leader or his designee; if Minority Leader motion is not offered debate time will be extended by 1 hr.	N/A.
H.R. 1788	Amtrak Reform and Privatization Act of 1995	H. Res. 289	Open; waives all points of order against the bill's consideration; makes in order the Transportation substitute modified by the amend in the report; Bill read by title; waives all points of order against the substitute; makes in order a managers amend as the first order of business, if adopted it is considered base text (10 min.); waives all points of order against the amendment; Pre-printing gets priority.	N/A.
H.R. 1350	Maritime Security Act of 1995	H. Res. 287	Open; makes in order the committee substitute as original text; makes in order a managers amendment which if adopted is considered as original text (20 min.) unamendable; pre-printing gets priority.	N/A.
H.R. 2621	To Protect Federal Trust Funds	H. Res. 293	Closed; provides for the adoption of the Ways & Means amendment printed in the report. 1 hr. of general debate; PQ.	N/A.
H.R. 1745	Utah Public Lands Management Act of 1995	H. Res. 303	Open; waives cl 2(l)(6) of rule XI and sections 302(f) and 311(a) of the Budget Act against the bill's consideration. Makes in order the Resources substitute as base text and waives cl 7 of rule XVI and sections 302(f) and 308(a) of the Budget Act; makes in order a managers' amend as the first order of business, if adopted it is considered base text (10 min)..	N/A.
H. Res. 304	Providing for Debate and Consideration of Three Measures Relating to U.S. Troop Deployments in Bosnia.	N/A	Closed; makes in order three resolutions; H.R. 2770 (Dorman), H. Res. 302 (Buyer), and H. Res. 306 (Gephardt); 1 hour of debate on each..	1D; 2R
H. Res. 309	Revised Budget Resolution	H. Res. 309	Closed; provides 2 hours of general debate in the House; PQ	N/A.
H.R. 558	Texas Low-Level Radioactive Waste Disposal Compact Consent Act	H. Res. 313	Open; pre-printing gets priority	N/A.
H.R. 2677	The National Parks and National Wildlife Refuge Systems Freedom Act of 1995.	H. Res. 323	Closed; consideration in the House; self-executes Young amendment	N/A.
PROCEDURE IN THE 104TH CONGRESS 2D SESSION				
H.R. 1643	To authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.	H. Res. 334	Closed; provides to take the bill from the Speaker's table with the Senate amendment, and consider in the House the motion printed in the Rules Committee report; 1 hr. of general debate; previous question is considered as ordered. ** NR; PQ.	N/A.
H.J. Res. 134 H. Con. Res. 131	Making continuing appropriations/establishing procedures making the transmission of the continuing resolution H.J. Res. 134.	H. Res. 336	Closed; provides to take from the Speaker's table H.J. Res. 134 with the Senate amendment and concur with the Senate amendment with an amendment (H. Con. Res. 131) which is self-executed in the rule. The rule provides further that the bill shall not be sent back to the Senate until the Senate agrees to the provisions of H. Con. Res. 131. ** NR; PQ.	N/A.
H.R. 1358	Conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.	H. Res. 338	Closed; provides to take the bill from the Speakers table with the Senate amendment, and consider in the house the motion printed in the Rules Committee report; 1 hr. of general debate; previous quesetion is considered as ordered. ** NR; PQ.	N/A.
H.R. 2924	Social Security Guarantee Act	H. Res. 355	Closed; ** NR; PQ	N/A.
H.R. 2854	The Agricultural Market Transition Program	H. Res. 366	Restrictive; waives all points of order against the bill; 2 hrs of general debate; makes in order a committee substitute as original text and waives all points of order against the substitute; makes in order only the 16 amends printed in the report and waives all points of order against the amendments; circumvents unfunded mandates law; Chairman has en bloc authority for amends in report (20 min.) on each en bloc; PQ.	5D; 9R; 2 Bipartisan.
H.R. 994	Regulatory Sunset & Review Act of 1995	H. Res. 368	Open rule; makes in order the Hyde substitute printed in the Record as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority; vacates the House action on S. 219 and provides to take the bill from the Speakers table and consider the Senate bill; allows Chrmn. Clinger a motion to strike all after the enacting clause of the Senate bill and insert the text of H.R. 994 as passed by the House (1 hr) debate; waives germaneness against the motion; provides if the motion is adopted that it is in order for the House to insist on its amendments and request a conference.	N/A.
H.R. 3021	To Guarantee the Continuing Full Investment of Social security and Other Federal Funds in Obligations of the United States.	H. Res. 371	Closed rule; gives one motion to recommit, which if it contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	N/A.
H.R. 3019	A Further Downpayment Toward a Balanced Budget	H. Res. 372	Restrictive; self-executes CBO language regarding contingency funds in section 2 of the rule; makes in order only the amendments printed in the report; Lowey (20 min), Istook (20 min), Crapo (20 min), Obey (1 hr); waives all points of order against the amendments; give one motion to recommit, which if contains instructions, may only if offered by the Minority Leader or his designee. ** NR.	2D/2R.
H.R. 2703	The Effective Death Penalty and Public Safety Act of 1996	H. Res. 380	Restrictive; makes in order only the amendments printed in the report; waives all points of orer against the amendments; gives Judiciary Chairman en bloc authority (20 min.) on enblocs; provides a Senate hook-up with S. 735. ** NR.	6D; 7R; 4 Bipartisan.
H.R. 2202	The Immigration and National Interest Act of 1995	H. Res. 384	Restrictive; waives all points of order against the bill and amendments in the report except for those arising under sec. 425(a) of the Budget Act (unfunded mandates); 2 hrs. of general debate on the bill; makes in order the committee substitute as base text; makes in order only the amends in the report; gives the Judiciary Chairman en bloc authority (20 min.) of debate on the en blocs; self-executes the Smith (TX) amendment re: employee verification program; PQ.	12D; 19R; 1 Bipartisan.
H.J. Res. 165	Making further continuing appropriations for FY 1996	H. Res. 386	Closed; provides for the consideration of the CR in the House and gives one motion to recommit which may contain instructions only if offered by the Minority Leader; the rule also waives cl 4(b) of rule XI against the following: an omnibus appropriations bill, another CR, a bill extending the debt limit. ** NR.	N/A.
H.R. 125	The Gun Crime Enforcement and Second Amendment Restoration Act of 1996.	H. Res. 388	Closed; self-executes an amendment; provides one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee. ** NR.	N/A
H.R. 3136	The Contract With America Advancement Act of 1996	H. Res. 391	Closed; provides for the consideration of the bill in the House; self-executes an amendment in the Rules report; waives all points of order, except sec. 425(a)(unfunded mandates) of the CBA, against the bill's consideration; orders the PQ except 1 hr. of general debate between the Chairman and Ranking Member of Ways and Means; one Archer amendment (10 min.); one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; Provides a Senate hookup if the Senate passes S. 4 by March 30, 1996. **NR.	N/A
H.R. 3103	The Health Coverage Availability and Affordability Act of 1996	H. Res. 392	Restrictive: 2 hrs. of general debate (45 min. split by Ways and Means) (45 split by Commerce) (30 split by Economic and Educational Opportunities); self-executes H.R. 3160 as modified by the amendment in the Rules report as original text: waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA; makes in order a Democratic substitute (1 hr.) waives all points of order, except sec. 425(a) (unfunded mandates) of the CBA, against the amendment; one motion to recommit which may contain instructions only if offered by the Minority Leader or his designee; waives cl 5(c) of Rule XXI (requiring 3/5 vote on any tax increase) on votes on the bill, amendments or conference reports.	N/A
H.J. Res. 159	Tax Limitation Constitutional Amendment	H. Res. 395	Restrictive; provides for consideration of the bill in the House; 3 hrs of general debate; Makes in order H.J. Res. 169 as original text; allows for an amendment to be offered by the Minority Leader or his designee (1 hr) ** NR.	1D

FLOOR PROCEDURE IN THE 104TH CONGRESS; COMPILED BY THE RULES COMMITTEE DEMOCRATS—Continued

Bill No.	Title	Resolution No.	Process used for floor consideration	Amendments in order
H.R. 842	Truth in Budgeting Act	H. Res. 396	Open; 2 hrs. of general debate; Pre-printing gets priority	N/A
H.R. 2715	Paperwork Elimination Act of 1996	H. Res. 409	Open; Preprinting get priority	N/A
H.R. 1675	National Wildlife Refuge Improvement Act of 1995	H. Res. 410	Open; Makes the Young amendment printed in the 4/16/96 Record in order as original text; waives cl 7 of rule XVI against the amendment; Preprinting gets priority; **NR.	N/A
H.J. Res. 175	Further Continuing Appropriations for FY 1996	H. Res. 411	Closed; provides for consideration of the bill in the House; one motion to recommit which, if containing instructions, may be offered by the Minority Leader or his designee. **NR.	N/A
H.R. 2641	United States Marshals Service Improvement Act of 1996	H. Res. 418	Open; Pre-printing gets priority; Senate hook-up	N/A
H.R. 2149	The Ocean Shipping Reform Act	H. Res. 419	Open; Makes in order a managers amendment as the first order of business (10 min.); if adopted it is considered as base text; waives cl 7 of rule XVI against the managers amendment; Pre-printing gets priority; makes in order an Obestar en bloc amendment..	N/A
H.R. 2974	To amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims.	H. Res. 421	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority..	N/A
H.R. 3120	To amend Title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering.	H. Res. 422	Open; waives cl 7 of rule XIII against consideration of the bill; makes in order the Judiciary substitute printed in the bill as original text; waives cl 7 of rule XVI against the substitute; Pre-printing gets priority.	N/A

*Contract Bills, 67% restrictive; 33% open. **All legislation 1st Session, 53% restrictive; 47% open. ***All legislation 2d Session, 88% restrictive; 12% open. ****All legislation 104th Congress, 59% restrictive; 41% open. *****NR indicates that the legislation being considered by the House for amendment has circumvented standard procedure and was never reported from any House committee. ******PQ Indicates that previous question was ordered on the resolution. *******Restrictive rules are those which limit the number of amendments which can be offered, and include so-called modified open and modified closed rules as well as completely closed rules and rules providing for consideration in the House as opposed to the Committee of the Whole. This definition of restrictive rule is taken from the Republican chart of resolutions reported from the Rules Committee in the 103d Congress. N/A means not available.

LEGISLATION IN THE 104TH CONGRESS, 2D SESSION

To date 13 out of 20, or 65 percent, of the bills considered under rules in the 2d session of the 104th Congress have been considered under an irregular procedure which circumvents the standard committee procedure. They have been brought to the floor without any committee reporting them. They are as follows:

H.R. 1643, to authorize the extension of nondiscriminatory treatment (MFN) to the products of Bulgaria.

H.J. Res. 134, making continuing appropriations for FY 1996.

H.R. 1358, conveyance of National Marine Fisheries Service Laboratory at Gloucester, Massachusetts.

H.R. 2924, the Social Security Guarantee Act.

H.R. 3021, to guarantee the continuing full investment of Social Security and other Federal funds in obligations of the United States.

H.R. 3019, a further downpayment toward a balanced budget.

H.R. 2703, the Effective Death Penalty and Public Safety Act of 1996.

H.J. Res. 165, making further continuing appropriations for FY 1996.

H.R. 125, the Crime Enforcement and Second Amendment Restoration Act of 1996.

H.R. 3136, the Contract With America Advancement Act of 1996.

H.J. Res. 159, tax limitation constitutional amendment.

H.R. 1675, National Wildlife Refuge Improvement Act of 1995.

H.J. Res. 175, making further continuing appropriations for FY 1996.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules, the leader responsible for the Committee on Rules bringing forth this great number and percentage of open rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from Florida for yielding me this time.

Mr. Speaker, I rise in support of this rule providing for the consideration of the Crimes Against Children and Elderly Persons Increased Punishment Act.

According to the report of the Judiciary Committee on this bill, there was a 90 percent increase in personal crimes committed against senior citizens from 1985 to 1991.

As the number of senior citizens continues to increase in this country, this is a problem that has the potential to get worse unless some action is taken.

And it is a particularly disturbing trend, because it shows that criminals are increasingly willing to go after the most vulnerable members of society.

And at the other end of the age spectrum, there is a similar problem with attacks against vulnerable children. For example, the Judiciary Committee report points out that in 1992, one out of every six rape victims was a female under the age of 12.

The elderly and the children are the members of society least able to defend themselves. They need our help.

In 1994, the last Congress tried a gentler approach to get the U.S. Sentencing Commission to toughen penalties for crimes against the elderly.

There was a provision in the Violent Crime Control and Law Enforcement Act which directed the U.S. Sentencing Commission to "ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense."

The Sentencing Commission determined to make no amendment to the guidelines in response to the 1994 congressional language.

This bill takes a more direct approach. It tells the Sentencing Commission exactly what to do.

This bill directs the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, elderly person, or other vulnerable person.

Congress retains the right to assert itself in the matter of sentencing, and this is one area where Congress needs to be more assertive.

This bill was introduced by a freshman Member of this body, the able gentleman from Michigan [Mr. CHRYSLER]. I commend him for taking the lead to protect those members of society least able to defend themselves. I am proud to join him as a cosponsor of this bill.

Mr. Speaker, the most vulnerable members of our society are under attack. It is time for law-abiding citizens to fight back.

This bill is an opportunity to come down harder on some of the cowardly punks who attack our elderly, our children, and our most vulnerable citizens.

Vote "yes" on this rule and on the bill it makes in order.

□ 1654

Mr. FROST. Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I urge adoption of the bill.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on this important resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 3120 REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Ms. GREENE of Utah. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 422 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 422

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 7 of rule XIII are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. Foley). The gentlewoman from Utah [Ms. Greene] is recognized for 1 hour.

Ms. GREENE of Utah. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. Beilenson], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 422 provides for consideration of H.R. 3120, a bill to prevent jury and witness tampering, and witness retaliation. House Resolution 422 provides for an open rule, with priority recognition given to Members who have had their amendments preprinted in the Congressional Record. The rule provides for 1 hour of general debate, and one motion to recommit with or without instructions.

Congress has a fundamental responsibility to help ensure that Americans feel safe in their homes, their neighborhoods, and at work. As part of our efforts to crack down on violent crime, criminal sentences have been increased in recent years to help ensure that we keep these criminal elements off the streets. However, as sentences for many violent crimes have increased, sentences for witness and jury tampering have not kept pace. Current law provides for a maximum penalty of only 10 years for persons convicted of that crime. Consequently, a defendant facing a Federal criminal sentence of more than 10 years may feel it is in their interest to attempt to intimidate a witness, or tamper with a jury, since the penalty for that crime is less than the underlying offense. H.R. 3120 will help to correct this situation by increasing the penalty for witness and jury tampering and retaliation.

Recognizing the need to address this issue, H.R. 3120 was reported out of committee with broad, bipartisan support. During consideration of a rule for H.R. 3120 in the Rules Committee, we learned that there are some Members who are concerned that the bill, as drafted, may be open to incorrect interpretations or applications. Consequently, the Rules Committee has reported out an open rule in order to give these Members an opportunity to offer amendments to attempt to clarify these points.

Mr. Speaker, this is an open rule, providing for fair consideration of a bill that sends a clear message to criminals that we will not tolerate witness intimidation or jury tampering. I urge my colleagues to support the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I thank the gentlewoman from Utah [Ms. Greene] for yielding the customary half hour of debate time to me and I yield myself such time as I may consume.

We support—we welcome—this open rule for the consideration of H.R. 3120, legislation that would increase penalties for witness retaliation and jury tampering.

This is one in a series of popular, and relatively modest, anticrime bills reported by the Judiciary Committee, two of which the Rules Committee granted open rules for last week.

We congratulate the majority for finding bills they are willing to bring to the floor without restrictions-even though we do wish that some of these open rules had been provided for bills that are more substantial than the two narrowly drawn pieces of legislation we shall be debating today.

Some Members are concerned about the provisions of the bill the rule makes in order. As several members of the Judiciary Committee noted in dissenting views, they do not oppose severe penalties for those who intimidate, tamper with or retaliate against witnesses or jurors.

They do, however, believe current law may be adequate, and question the need for these enhanced penalties. There is also a fear that the severe penalties may be disproportionate to the crime and could lead to results that are unjust.

In any event, Mr. Speaker, we support this open rule for H.R. 3120. I urge my colleagues to approve the rule so that we can move on to the debate over the specific provisions of this legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. GREENE of Utah. Mr. Speaker, we have no additional requests for time. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

The SPEAKER pro tempore (Mr. Foley). Pursuant to House Resolution 421 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2974.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2974) to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, with Mr. LaTourette in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Florida [Mr. McCollum] will be recognized for 30 minutes and the gentleman from Michigan [Mr. Conyers] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCollum].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this bill, introduced by Mr. Chrysler of Michigan, would increase the length of the sentence for violent crimes against children 14 years of age and younger, seniors 65 years and older, and vulnerable persons. I would do so by directing the Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against a child, an elderly person, or an otherwise vulnerable person. The term "crime of violence" was amended at the subcommittee markup by Ms. Lofgren, and broadened to have the same meaning as that given in section 16 of title 18 of the United States Code, which is:

> An offense that has as an element the use, attempted use, or threatened use of physical force against the person or property of another, or any other offense that is a felony and that, by its nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense:

Mr. Chrysler introduced this bill to provide additional deterrence and punishment for those who victimize the most vulnerable in society. The impetus for this legislation also arises from the Sentencing Commission's failure to provide any sentencing enhancement in response to a directive in the 1994

Crime Act. The act directed the Commission to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, and to reflect the heinous nature of such an offense. The Commission determined to make no sentencing enhancement in response to this directive. I believe that H.R. 2974 is an appropriate and measured attempt to ensure that the guideline penalty accomplished the goals Congress established in its 1994 directive.

While the bill applies only to Federal crimes, another purpose of this legislation is to establish a model for State criminal justice systems. Only a uniform approach which communicates society's intolerance for these heinous crimes will provide sufficient deterrence.

I am pleased that it received the bipartisan support of the Crime Subcommittee, and the full Judiciary Committee. I want to thank Mr. CHRYSLER for his leadership in this area.

Mr. CONYERS. Mr. Chairman, I yield 3 minutes to the gentlewoman from California [Ms. LOFGREN], a distinguished member of the committee.

Ms. LOFGREN. Mr. Chairman, no person should be a victim of crime particularly a crime of violence. But we are particularly offended when a victim is especially vulnerable, when that victim of violence crime is a child, when that victim is a frail person or another person who is particularly unable to protect themselves.

I think this bill speaks to that and says that as a society we are going to make sure that we have raised the standard of protection for the most vulnerable among us. Although criminal law serves many purposes, one of the functions of criminal law, be it at the State or Federal level, is to set the standards for what society expects of each of us.

Mr. Chairman, I am pleased that I was able to work on a bipartisan basis with members of the committee to strengthen the bill, to broaden the definition of violent crimes as suggested by the Justice Department, to raise the definition of the child from 11 to 14 so it would include those up to but not including 15-year-olds, as well as to add a provision about other vulnerable persons. Mr. Chairman, I think this bill is sound.

Mr. Chairman, I would also note that the Justice Department has just released a Bureau of Justice Statistics report on sentencing patterns in violent crime, and note that on average, offenders who commit violence against a child serve and are sentenced to shorter sentences than those who victimize adults, which is confusing and inexplicable. This bill would help remedy that anomaly.

Mr. Chairman, there will be at least two amendments that I am aware of that will strengthen the bill and are measures that I support wholeheartedly, but world not, I believe, have been germane in committee. But I did want to address the overall bill and congratulate those who have worked on it, and to urge my colleagues to support it.

□ 1700

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. CHRISTENSEN].

Mr. CHRISTENSEN. Mr. Chairman, today I rise in support of the gentleman from Michigan's bill, H.R. 2974, the Crimes Against Youth and Elderly Increased Punishment Act of 1995.

For too long, the most vulnerable groups in our society have been preyed upon by hardened criminals.

Our children should not be forced to walk home from school in fear.

Our senior citizens should not live in a society that fails to punish those who perpetrate heinous crimes against them.

These two groups desperately need us to provide for their safety and security.

I believe this legislation will help reduce crimes against them.

Though crime may be going down in some isolated areas, it is still getting worse in our smaller cities and in our towns. For tight-knit communities like Omaha, NE, this new wave of crime is a shock.

It seems as though nothing can stop the victimization of our innocent citizens.

There has been a steady increase in crime as penalties have softened—and criminals have hardened.

For example: Crimes against our senior citizens doubled between 1985 and 1991, a mere 6 years, and have steadily risen since.

In the past Congress has doubled penalties against drug dealers in protected areas around our schools. Now it is time to put a protected area around our Nation's seniors and children, wherever they may be.

Let us double penalties for these cowardly criminals that prey upon the very young or those who have reached their golden years, which should be care-free.

Crime is the enemy of our modern-day society.

It is time to send a message to the criminals, to their slick criminal defense attorneys that push them to freedom through legal loopholes, and to our entire criminal justice system that all too often favors the criminals over their victims.

That message is that America has a zero-tolerance for crime and the outlaws that commit them.

Again, Mr. Chairman, I would like to thank the gentleman from Michigan for introducing this thoughtful and timely piece of legislation. A vote for H.R. 2974 is a vote for the protection of America's children and America's senior citizens.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. BUYER], a member of the committee.

Mr. BUYER. Mr. Chairman, I appreciate the gentleman's leadership on this issue. I also thank the gentleman from Michigan, Mr. DICK CHRYSLER, for his thoughtful time and concern on this bill.

Mr. Chairman, I support the hill before us, which provides enhanced penalties for crimes where the victim is a child or a person over the age of 65. We want to take care of those who are most vulnerable in our society, especially when we look back at some of the crime statistics and see that from 1985 to 1991, there was a 90 percent increase in personal crimes committed against senior citizens; that is, from 627,318 to 1.1 million. While the overall homicide rate decreased from 1985 to 1993, there was a 47 percent increase in the homicide rate for children. And in 1992, one out of every six reported rape cases was a female under the age of 12.

When criminals see our children or the elderly, perhaps, as the enemy or as ripe targets for a successful outcome to violent behavior, I believe it is very deserving of our contempt. They are also deserving of harsher sentences. They are preying upon the most vulnerable members of our society and very often they are not able to defend themselves. It is very appropriate that we should provide enhanced penalties against such reprehensible attacks.

Let me also thank the gentlewoman from California [Ms. LOFGREN] for her amendments to this bill that in fact improved the bill. There are only so many tools before us that we can use in guidance and leadership to the States. Right now, under our sentencing guidelines, we have the philosophies of education, prevention, retribution, deterrence, and rehabilitation. We have been involved in this trend toward greater prevention and rehabilitation, and we are asking, victims of our society are asking, what about retribution, what about deterrence? And if we do not begin to move toward harsher penalties against these criminals, then the victims are going to say, what about me?

If they do not feel the retribution, it begins to breed contempt with regard to vigilantism. That is not good and it is not healthy in a free and lawful society. if people live in fear, then they are really not free. So what we are trying to do on the Committee on the Judiciary, not only with this bill but with others, is to enhance the penalties and go after the real thugs, the criminals, whether it is in the gun legislation, if they use weapons in the commission of a crime, they should feel our contempt. They should feel our harsh penalties. Go after the thugs.

If these thugs prey upon the elderly and prey upon the children, they should feel our contempt. They should feel the harsh penalties. If they are going to commit a rape against a female under the age of 12, we should have these Federal judges enhance the penalties against them. Let us pass this bill.

Mr. CONYERS. Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield 3 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, I rise today in strong support of this bill which seeks to give more protection to our most vulnerable and innocent citizens—our children and our seniors.

More specifically, H.R. 2974 would amend the 1994 crime bill by requiring the U.S. Sentencing Commission to issue tougher punishment for crimes against children and the elderly, due to an increase in crimes targeted at these two populations. According to the Department of Justice factsheet on missing children, every year there are between 1,600 and 2,300 stranger abductions of children under age 12 in the United States.

Mr. Chairman, this is tragic and unacceptable. We must send a clear message to criminals who prey on the defenseless—their actions will result in swift and certain punishment.

Last summer in my congressional district in Arkansas, Morgan Nick, a 6-year-old girl, was abducted from the Alma ballpark while attending a little league baseball game. After 11 months of tireless searching, Morgan has still not been found.

Mr. Chairman, I can assure you that there has not been a day that has passed in which Morgan's family and friends haven't pursued every avenue that may lead them to Morgan's recovery. Morgan's mother, Colleen Nick, has been in touch with me on several occasions since last June to appeal for my assistance in this heartbreaking situation.

At Christmastime, Mrs. Nick appeared on an Oprah Winfrey segment about the recovery of missing children. She has also met with the President in Little Rock to ask for his assistance. Additionally, information about the case has been broadcast on two segments of the television show "America's Most Wanted."

Children in Arkansas, and everywhere in America, deserve the full protection for the law. They are virtually defenseless, yet they are the future. Adopting tougher penalties is a vital part of ensuring greater protection of society's most vulnerable citizens, while sending a clear message to the violent criminals of tomorrow.

Mr. Chairman, I believe that those who are truly committed to our children and to the elderly—to citizens like little Morgan Nick—will support H.R. 2974. I urge a "yes" vote on this legislation.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. MANTON] in support of the bill.

Mr. MANTON. Mr. Chairman, every day in New York City criminals seek out those most vulnerable to attack. it is no surprise that these victims are often too young, or too old, to effectively defend themselves. As a result, many young and elderly Americans live in constant fear, remaining in virtual isolation, too afraid to leave their apartments for groceries or a walk in the park.

It is an unfortunate fact that todays cities are plagued by violence and crime. Unless we as legislators address these problems, tragedy will continue to befall those least able to help themselves.

Mr. Chairman, our Nation's children and seniors look to law enforcement officials for protection, and to the judicial system for justice. Increasing the penalties for violent crimes committed against vulnerable people will ensure that these criminals do not get away with their heartless and cowardly behavior.

As a cosponsor of this legislation, I urge my colleagues to demonstrate their commitment to the safety and well-being of the young and the old in their districts by supporting this most important bill.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Chairman, I thank the gentleman for yielding time to me. We as a society, and the Congress as a microcosm of that society, have very few tools at our disposal with which to fight crime except the power of making laws which could be very significant. I believe that the current crime statistics, which seem to show a slowdown in some of the major crimes, are as a result of the tougher stands that local and Federal officials have taken over the past 10 years, with tougher penalties and tougher ways of dealing with the criminal in a deterrent way. If we cannot make our laws constitute a deterrent to crime, then we have failed miserably.

We believe that the legislation that is now at hand with respect to the crimes to be committed in the future against children, that these elements will act as a deterrent. What is special about this is that, if a criminal about to commit a crime on a young person realizes through the broadcasting and through the dissemination of the information that is going to come from our action here today, we may be able to prevent serious crimes against our children. It is worth a chance for the deterrent value alone.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are considering the Crimes Against Children and Elderly Persons Prevention and Protection Act. There have been comments and criticisms raised that this legislation was necessary because the Commission on Sentencing did not implement adequately the congressional directive found in the violent crime bill of 1994. I wish to review this for the edification of the Members because the legislative language that we instructed the Sentencing Commission was thought to not require specific amendment action on the part of the Sentencing Commission but, rather, required an analysis, a thorough analysis, of certain areas of the guidelines to ensure that those identified objectives were going to be obtained.

The Sentencing Commission conducted that analysis as instructed and, contrary to assertions that have been made here on the floor, it also additionally amended the guidelines to better address the desired objectives.

I am suggesting that the Sentencing Commission has not been sleeping on the job but as a matter of fact has been doing precisely what the committee, through the Congress, has instructed them to do.

The crime bill, at a particular section, 240002, of the 1994 crime bill, specifically directed the commission to ensure the guidelines provided sufficient and stringent punishment for those convicted of the crime of violence against an elderly victim. The directive established that the following objectives that the guidelines should achieve are as follows: One, increasingly severe punishment commensurate with the degree of physical harm caused to the elderly victim; two, an enhanced punishment based upon the vulnerability of the victim; and, three, enhanced punishment for a subsequent conviction for a crime of violence against an elderly victim.

In response to the directive, the Sentencing Commission then analyzed the available sentencing data, the relevant statutory and guideline provisions. They also solicited the views of all interested parties on other amendments that might be relevant to the guidelines.

□ 1715

All of the commentators asserted that, in their view, the existing guidelines sufficiently account for the congressional concerns that were embodied in the directive. Nevertheless, the Commission, in addition, identified two ways in which it believed the guidelines could be amended more fully and effectively and addressed those concerns about the harm to children and elderly victims to see that they are appropriately punished.

Here is what the commission did: It clarified the commentary of the vulnerable-victim guideline to broaden it applicability. Then they added an application note specifying that a sentence above the guideline ranges may be warranted if the defendant's criminal history includes a prior sentence for an offense that involves the selection of a vulnerable victim.

These amendments became effective November 1, 1995, following congressional review. Thus, while it may be that some of us now believe that the commission should have done more, I think the record should reflect that the directive, while it required most specific amendment action, nevertheless in two significant respects the commission, in fact, did amend the relevant guidelines. And so the Congress presumably reviewed these changes, and I think we did, and raised no issues as to their inadequacy at the time.

So we now are operating under the false assumption that the Sentencing Commission has not been cooperating or working with us in terms of the directives that we gave them, and I think that the opposite is the case.

Under these circumstances, Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I just would like to respond slightly to the gentleman from Michigan in making the point that while he is correct that the Sentencing Commission did indeed make some adjustments in the guidelines to the extent of language describing those conditions under which greater penalties might be appropriate, they were not literal sentence enhancement in terms of the levels that the Sentencing Commission establishes for the various crimes that would take into account the specifics of the age of the person who was the victim, which is what this does, and it is that which distinguished this legislation.

Mr. Chairman, I yield 3 minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

Mr. HYDE. Mr. Chairman, I rise today in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which was introduced by my good friend from Michigan, DICK CHRYSLER. This bill was introduced because the U.S. Sentencing Commission failed to satisfy the mandate of the 103d Congress for cases involving elderly victims.

In 1994, Congress specifically directed the Sentencing Commission to "ensure that the applicable guidelines range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the public from additional crimes of such a defendant, and to adequately reflect the heinous nature of such an offense." This provision was enacted because Congress believed that the sentencing ranges for crimes against the elderly were inadequate and need to be raised. At that time, bowing to the argument that the Commission should be left to decide the level to which the sentences should be increased, Congress provided the Commission with some flexibility.

Unfortunately, nothing has happened other than the Commission providing an explanatory note that a departure from the guidelines might be warranted in cases involving a second crime against a vulnerable victim. This provides no deterrent effect because guideline departures are purely discretionary.

Thus, the Commission has disregarded the clear desire of Congress to increase the penalties for crimes against the elderly. So, as is our right, Congress is now directing the Sentencing Commission to raise the sentences by specific levels.

This bill not only directs the Sentencing Commission to raise the guideline levels for crimes committed against the elderly, but also to raise the applicable guidelines for those crimes committed against those under the age of 14. The bill adds five levels to each guidelines calculation, which is used to determine a criminal defendant's sentence. This works out roughly to increasing the defendant's sentence by another 50 percent.

This is appropriate, given that additional deterrence and punishment must be provided to protect the most vulnerable in our society. From 1985 to 1991 there was a 90 percent increase in personal crimes committed against senior citizens. There was also a 47 percent increase in the homicide rate of children. In 1992 alone, one out of every six rape victims was a female under the age of 12.

Not even those providing dissenting views in the committee report on H.R. 2974 argue against the substance of this measure. Instead, they want to continue to leave this decision to the discretion of the Sentencing Commission.

We have been there and done that.

The Sentencing Commission has had 2 years to follow the expressed will of Congress and has failed to act. Their virtual inaction following enactment of the 1994 law justifies legislative action now to increase these penalties.

I urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this measure before us, there seems to be a little amnesia in the committee. This bill before us is operating as if the Sentencing Commission never acted upon our directives. If my colleagues will examine the records of the Committee on the Judiciary, the action that the Sentencing Commission took pursuant to our directives was submitted to the Committee on the Judiciary's Subcommittee on Crime, it went to the full Committee on the Judiciary, it was accepted by everybody on both committees, and now we come to the floor criticizing the Sentencing Commission as if they had never acted.

So I want to point out that we ought to at least show that there was no one that objected, at least during the time that I was present in both the subcommittee and the full committee, on the inadequacy of the way that they, the Sentencing Commission, dealt with the directives that we gave them.

They acted, they sent them back, we accepted them, it became part of the law, and now today we meet under the anxious gentleman from Michigan [Mr. CHRYSLER], who has determined that there must be more done and that somehow the Sentencing Commission, not the Committee on the Judiciary, has failed in its responsibility.

Mr. Chairman, I think that that is an inaccuracy, and no matter what we do here today, the least we can do is acknowledge the correct chronology of what has taken place that has led us to this point in the creation of criminal law at the Federal level.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I simply wish to respond to the gentleman from Michigan by pointing out once again that what the Sentencing Commission did that we did not disagree with was to improve, qualify, change the commentary with regard to sentencing guidelines concerning the use of those guidelines with respect to children and the elderly.

It did not in any way enhance the penalties. It did not change the levels that would require the courts to impose greater penalties in those cases involving children and elderly, which is what this bill does today.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio, [Mr. CHABOT], a member of the committee.

Mr. CHABOT. Mr. Chairman, I rise in strong support of the bill offered by my good friend from Michigan, Mr. CHRYSLER.

As a member of the Subcommittee on Crime, I can tell my colleagues that the gentleman from Michigan has done just outstanding work in putting this bill together and in shepherding it through the legislative process. I would also like to commend the gentleman from Illinois [Mr. HYDE] and the gentleman from Florida [Mr. McCOLLUM] for their leadership in this bill.

Tough punishment deters crime, and we need to be tougher with the criminal scum who prey upon the most vulnerable members of our society, our children and our senior citizens. In passing this bill, Congress will be doing that it is supposed to do under the Constitution, setting policy. We should not blindly delegate that responsibility. It is our job as policymakers to direct the Sentencing Commission when we think the guidelines need improvement.

They need improvement, Mr. Chairman, to provide greater protection for children and the elderly, and therefore I strongly urge adoption of this bill.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the ranking member for yielding me this time on general debate.

Mr. Chairman, I am not real sure what this is all about, since the Sentencing Commission seems to have done what this Congress requested them to do, and one suspects that it may be more about election-year politics and beating oneself on the chest about how hard we are on crime than it is about the actual penalties that go for these kinds of offenses.

Having said that, I mean I think there is nobody who can argue with the notion that penalties should be more severe for bullies who beat up on young people and the elderly. I do not think anybody in this body disagrees with that. What we do disagree with, Mr. Chairman, however, is that the Sentencing Commission and the policy underlying the establishment of the Sentencing Commission is that we want to get politics out of making a determination of what appropriate sentences should be in criminal cases.

The primary purpose of having a sentencing commission was to create a fair and equitable set of sentencing guidelines free of political considerations, and, notwithstanding that, we have several times in the context of this Congress made an effort to undermine that primary purpose and to make ourselves appear harder on crime and, presumably, make ourselves more electable.

So what I intend to do at the point in which we get to the amendment process is to try to correct the real problem with this bill. If we want sentences enhanced, we have a process by which that can happen. It should happen as a matter of policy through the U.S. Sentencing Commission. They ought to make an orderly evaluation, as they apparently already have. They ought to enhance the penalties, which they already have enhanced the process, for getting to a more stringent penalty when the offense is against young people and elderly people, and we ought to let them do their job and stay out of the way.

Mr. Chairman, I hope that we can overcome our desire to gain political points and, hopefully, we can send a request to the Sentencing Commission to review this matter again, if that is what we want to do; that is what my amendment would do.

□ 1730

However, let us not forget about the underlying public policy rationale for setting up the Sentencing Commission in the first place, that public policy rationale being to accept politics and our desire to appear tougher on crime, sometimes irrationally, sometimes rationally, but the objective should be always to have a rational decision made about these things outside of the context of political considerations; and in that way, a consistent set of principles can be applied without all of the emotion that sometimes gets us inflicted in the political process.

Having said that, I will wait until I offer my amendment to discuss this matter further.

Mr. McCOLLUM. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from Michigan [Mr. CHRYSLER], the author of this piece of legislation.

Mr. CHRYSLER. Mr. Chairman, I would like to thank Chairmen McCOLLUM and HYDE for all of their hard work in helping to pass this important bill in their committees.

Mr. Chairman, today I am offering what I believe is very important and much-needed legislation, the Crimes Against Children and Elderly Increased Punishment Act.

Day after day, we see news accounts of criminals committing violent acts throughout our communities, only to walk away with little or no punishment. You only need to watch the local evening news on any given night to see the havoc criminals create in our neighborhoods.

Too often, these criminals are not deterred from their violent actions because they know the expected benefits of their crimes far outweigh any possible penalties they might suffer.

If we are to decrease the rate of crime in our country, I believe it is time for the criminals to be more afraid of punishment, than we are afraid of the criminals. Quite simply, it is time to put punishment back into the criminal justice system.

While crimes of any degree are unacceptable, it is especially disturbing when violent criminals hurt those least able to defend themselves: children, senior citizens, and the disabled. That is why I introduced the Increased Punishment Act.

The premise behind the legislation is simple: we must say to every criminal who thinks of going after an easy target: if you are such a coward that you would prey upon the most defenseless in our society, then you will face an automatic increase in your punishment. You will spend more time behind bars—almost double the normal sentence—for your cowardly, violent actions.

The Crimes Against Children and Elderly Increased Punishment Act provides for an automatic increase in the length of the criminal sentence for crimes committed against victims 14 years of age and under, those age 65 years and older, or those with a physical or mental disability.

For example, someone convicted of the robbery of a senior citizen would face a minimum prison sentence of 2½ to 3½ years under current guidelines. Under the Increased Punishment Act, the minimum sentence becomes 4½ to 6 years, adding another 2 to 3 years behind bars.

Mr. Chairman, crimes against children and senior citizens across the country today are serious, and remain at intolerable levels. This must not continue.

The 1994 crime bill suggested increased penalties for crimes committed against children and the elderly, but the Sentencing Commission did not take action on this recommendation. It is clear that we must now insist upon stricter sentences for crimes against these vulnerable victims.

Increasing the penalties for those who would hurt children, senior citizens, or the disabled will provide the needed protection for these citizens, while giving criminals the punishment they deserve. This legislation will send a clear signal to those who commit these cowardly acts that their actions will not be tolerated and they will face certain and severe punishment. Criminals must know that if they are to inflict harm upon our children, seniors, or the disabled, there will be a heavy price to pay.

The 104th Congress has already passed a series of crime bills that require prisoners to serve at least 85 percent of their sentences, limit death row appeals, and require restitution to the victims of crime. This bill is another step in the right direction toward a safer, more secure America.

American families have a right to be safe in our homes, on our streets, and in our neighborhoods. If criminals seek to violate this right, they should expect swift and severe punishment. The Crimes Against Children and the Elderly Increased Punishment Act seeks to send this very message to criminals.

Mr. Chairman, I urge support for this important bill for our families.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would ask the gentleman from Michigan [Mr. CHRYSLER] for his attention for a moment, please. Mr. Chairman, I would like the gentleman to indicate to us if he is familiar with the Sentencing Commission's process in terms of enhancing or adding penalties to the crimes that he complains of.

Mr. CHRYSLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Yes, Mr. Chairman. There are 43 levels in the increased

Federal Crime Commission right now. What we do is increase the penalties by five levels with this bill. In 1994, in the crime bill——

Mr. CONYERS. The gentleman is familiar with the process. I am glad to know that. Did the gentleman know that Congress directed the Sentencing Commission to address the problem of which he complains?

Mr. CHRYSLER. Yes. If the gentleman will continue to yield, and if he would have continued to listen, I was going to say that in 1994 in the crime bill, which I did say in my remarks, by the way——

Mr. CONYERS. Mr. Chairman, I need my colleague to respond to my questions on my time. Is he aware of the fact that we directed the Sentencing Commission to deal with the problem of which he complains today?

Mr. CHRYSLER. There was a suggestion. They did not choose to implement it. I am trying to answer the gentleman's question, if he will yield and allow me to do that. In my prepared remarks I addressed that.

Mr. CONYERS. Tell me the answer, sir.

Mr. CHRYSLER. The answer is that in the 1994 crime bill, it was suggested that they increase the penalties. The commission chose not to do that. That is why this legislation is necessary.

Mr. CONYERS. Is the gentleman aware of the fact that the Sentencing Commission's recommendations cannot go into effect without the Congress acquiescing in them? And when they came back to the Subcommittee on Crime, unfortunately of which the gentleman is not a member, but is probably always welcome, and when they came to the full Committee on the Judiciary, the committee members, the gentleman from Florida [Mr. McCOLLUM], myself, and even our chairman, the gentleman from Illinois [Mr. HYDE], all acquiesced in the Sentencing Commission's response to the directive that we issued. Is the gentleman aware of that?

Mr. CHRYSLER. If the gentleman will continue to yield, in the 103d Congress that did in fact happen. This is the 104th Congress and we are going to make it a law.

Mr. CONYERS. I would like to find out if the gentleman understood the question. Is the gentleman aware of the fact that we accepted the recommendations of the Sentencing Commission?

Mr. CHRYSLER. In response, I answered the question. I am aware it happened in the 103d Congress. This is the 104th Congress. It did not become law in the 103d Congress, it became a suggestion. I am answering the gentleman's question. By asking the question over and over, you will not get a different answer.

Mr. CONYERS. Just a moment, sir. May I remind the gentleman of the date when the Sentencing Commission returned their reply to our directive? It was November.

Mr. CHRYSLER. That was in the 103d Congress, sir.

Mr. CONYERS. I would say to the gentleman, Mr. Chairman, it was the 104th Congress, and he was a Member of it.

Mr. Chairman, I find that my colleague and dear friend, the gentleman from Michigan, thought that this occurred in the 103d Congress. The fact of the matter is that it occurred in the Congress in which he was a Member. We were all here in November 1995, we were sober, it was in broad daylight, they sent it over from the Sentencing Commission. It came to the Subcommittee on Crime, chaired by the gentleman who wishes me to yield time for him to explain, and then we took it up to the full committee. It was accepted. That is the only way the Sentencing Commission's guideline directives can become law, sir. It cannot become law unless the Congress allows it. We permitted it.

Nobody, including the gentleman from Michigan [Mr. CHRYSLER], objected to it. The gentleman from Michigan [Mr. CONYERS] did not; the gentleman from Illinois [Mr. HYDE] did not; the gentleman from Florida [Mr. McCOLLUM] did not. Neither did the gentleman.

Mr. Chairman, I reserve the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I simply wish to respond to the gentleman from Michigan. I think he is carrying this, with all due respect, to an extreme degree here in this case, because the truth of the matter is yes, the Sentencing Commission set up a recommendation that we accepted. The gentleman from Michigan [Mr. CHRYSLER] accepted it. Our committee did. We did not even bring it out on the floor for him to vote on because he is not a member of the Committee on the Judiciary.

The truth of the matter is that what they proposed to do did not enhance the penalties, which is what the bill of the gentleman from Michigan [Mr. CHRYSLER] does. All they did is write some commentary. I have it here, chapter and verse, in this book that is before me, the Guidelines Manual, November 1, 1995.

What they have done in this is they have left the levels of increase for the type of crimes against children and adults or senior citizens, like we have here, at exactly the same level as they were before they sent their recommendations out. Yes, they did change the commentary. The commentary is what they give as general discussion about, oh, well, we think you might do this or consider that in these certain circumstances, but the levels, which are the technical levels of increasing the penalties that make requirements upon the judges, were not changed.

So, yes, I embrace and I am sure the gentleman from Michigan [Mr. CHRYSLER], and everyone else would, the change in commentary which helped a little bit, that the Sentencing Commission did, but they did not at any point increase the actual penalty for crimes against those who are 14 and under and those 65 and over, and that is precisely why we are here today with this bill, to increase those penalties up to 5 levels, which is what the gentleman from Michigan proposes, which means an average of 2 years more jail time for every single crime at the Federal level that is committed against a child or an elderly person in this country, and it could be as high as 4 years in some cases, again depending upon the crime.

I think what we are doing today is talking about mixing apples and oranges; the apples, of course, being in this case the gentleman from Michigan knowing full well that the Sentencing Commission sent something up on the commentary of this, sort of elaborating on the existing law, encouraging judges to impose certain penalties in certain situations, but not actually demanding or requiring the level increases that the Chrysler bill that we are voting on today would do.

I would submit that the Sentencing Commission did not do what at least I intended by the directive in 1994, or what I would think and would suggest that most of the Members would have interpreted it to mean. They did not increase the punishment for those who had committed these kinds of crimes.

□ 1745

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from Illinois.

Mr. HYDE. I would just like to ask my friend from Michigan, when he stops gesticulating, if he would tell me, is he opposed to enhancing the sentences for crimes of violence against minors, children, and elderly?

Mr. CONYERS. No, sir.

Mr. HYDE. I did not think so.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want the Chairman to know what I am opposed to is political posturing, and I think that is what we are doing here, because the response that we got from the Sentencing Commission indicates that this matter has been addressed. We can all kind of go home and run on various things, but our obligation is to make public policy here, and not just stand up and give the gentleman from Michigan [Mr. CHRYSLER] or any other member of this body something to go home and run on.

Mr. McCOLLUM. Reclaiming my time, there is no political posturing going on at this point. There is the reality. The reality is, the Sentencing Commission recommendation that they sent up that we approved did not mean that anybody is going to get another day in jail because they commit a crime against a juvenile or an elderly person on a Federal reservation.

This bill would guarantee they would get that under any sentence that they were given. It would guarantee they would be increased by 5 levels, which means in most cases at least 2 years more in jail. But what the Sentencing Commission did would not guarantee that, would not require it, and would not mandate it. We are mandating that today.

Anything they sent up and anything that they say to the contrary notwithstanding, it is an interpretation that the chairman of the Subcommittee on Crime, myself and a lot of other people who worked on it have made, and I believe that I am 100 percent accurate about that, with all due respect to my colleagues.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume.

It is funny how memory comes and goes in the course of a busy congressional session. Our dear friend from Michigan Mr. CHRYSLER, thought this all took place in the 103d Congress. Now we have brought him back into reality. This took place in the Congress that he was in and a Member of.

The problem with the analysis of the gentleman from Florida [Mr. McCOLLUM], which I largely agree with, the one thing that was omitted that I have to draw to his attention, we did not direct the Sentencing Commission to enhance the penalties. We told them to look at it and see if they could do some things with it to build it up. That is what they did.

The gentleman from Michigan, my colleague in the Michigan delegation, would not know that. He is not on the committee. But you know it. And the reason we did not object when the directives from the Sentencing Commission came back was because they complied with what we had asked them to do, to enhance and make it tougher for people who commit crimes against young people and elders.

The problem is, and we might as well confess it, the error may have been made in the Committee on the Judiciary and not in the sentencing. Because we gave them directions, they complied, and we accepted, unbeknownst to the gentleman from Michigan [Mr. CHRYSLER]. Here we are. He is assuming that the Sentencing Commission miserably failed.

Mr. CHRYSLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Certainly the 103d Congress did pass the 1994 crime bill and this was part of the 1994 crime bill. It was a recommendation or a suggestion that they increase the penalties. If there was a recommendation that came back to the committee, certainly I would not be aware of that as I am not on the committee. But I do not think this is really about anything more than just doing the right thing.

Mr. CONYERS. Well, I want you to do the right thing, but if you do not do it against the background of an accurate understanding of what has happened, I mean, for example, if you want to blame the Sentencing Commission when the Sentencing Commission is not to blame, you might want to correct it.

I have already confessed publicly that I want to make these crimes subject to greater penalties. But would you not agree with me that there is a procedure set up, yes, before you got here, but you are bound by the rules like everyone else, that the Sentencing Commission shall do this? In other words, what possessed you, of all the Members in the House, and you are one of our most valuable, but what possessed you to invent these new crime penalties without the benefit of the Committee on the Judiciary, without the benefit of the Sentencing Commission, without the benefit of what?

I mean, it is a wonderful exercise when any one of us 435 Members can cruise down to the well and introduce a bill raising more penalties on anything we want, child molesters, violators of seniors. And, by the way, I notice you did not say much about the fraud that is being practiced on seniors that could be covered, and perhaps you might entertain a modification of your proposal to include that, or the environmental fraud that is committed on youngsters through pollution that corporations deal with. You might want to consider that while you are at it. But how do these great criminal justice notions occur to persons like yourself deeply concerned with this subject?

Mr. CHRYSLER. If the gentleman will yield further, we are not blaming any commission. We are just trying to offer good legislation, trying to take the most vulnerable people in our society and protect them and take the biggest cowards in our society and put them in jail.

Mr. CONYERS. OK. So the Sentencing Commission, as far as the gentleman is concerned, has no role in this process.

Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I just think it is important for us to understand exactly what the Sentencing Commission is saying about this, so I want to read some selected excerpts from what the Sentencing Commission has said.

It says, first of all, "The commission takes very seriously its responsibilities to promptly and fully implement any directives enacted by Congress."

In response to this directive in the crime bill encouraging or directing them to review this and to increase penalties, it says,

> In response to this directive, the commission analyzed available sentencing data and relevant statutory and guideline provisions. The commission also solicited the views of interested parties on needed amendments in the relevant guidelines. All commentators asserted that in their view the existing guidelines sufficiently account for the congressional concerns apparently embodies in the directive. Nevertheless, the commission identified two ways in which it believed the guidelines should be amended to more fully and effectively address concerns that those who harm child and elderly victims are appropriately punished.

First the Commission clarified the commentary and then they did some other things. Then the Commission in its own letter to us says,

> Currently the commission's chapter 3 adjustment for vulnerable victims requires an increase in the defendant's sentence if a victim of the offense was unusually vulnerable due to age or was otherwise particularly susceptible to the criminal conduct.

Then they go on to say,

> For example, the proposed threshold age enhancement would require a defendant who assaulted a 65-year-old victim to be sentenced almost twice as severely as a defendant who assaulted a 64-year-old victim.

That is what we are doing in this bill.

And then finally and most importantly on a policy basis, the Commission, says,

> If the Congress feels that additional measures need to be taken in this area, it should direct the commission to take them without micromanaging the commission's work.

And then here is the kicker:

> The commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy.

So here we are doing exactly the opposite of what we set up the Sentencing Commission to do, inserting politics into this, playing politics, political posturing, giving our colleagues something to go home and run on because this is an election year, and saying the heck with the public policy that is involved here. That is what the problem is here. This is not about sentencing. The Commission has done what we asked them to do. This is about politics.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume. I just want to make one quick comment in response to all of this.

It is pretty obvious that the gentleman from North Carolina and the gentleman from Michigan do not believe that Congress should take into its hands, when it does not think the Sentencing Commission has done the right job, the completeness of that job, to come in here on the floor of the House and actually do the job that we think is right.

I do not have any problem with the Sentencing Commission, what it has done or what it usually does. It just did not go far enough. It did not suit my taste, it did not suit the taste of the gentleman from Michigan [Mr. CHRYSLER]. We happen to think that we ought to be punishing much more severely those who commit crimes against children and the elderly than anybody else, to set an example.

The Sentencing Commission had a charge. The charge from us says under the directive we passed before, they shall ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim is sufficiently stringent to deter such a crime, to protect the pubic from additional crimes of such a defendant.

I am sure that the Sentencing Commission thinks they did a fine job and I have no problem with what they did. What I think is they did not go nearly far enough, and that is why we are here today, because they did not go as far as I believe or the gentleman from Michigan [Mr. CHRYSLER] believes, or I suggest the majority of this body and certainly the public would believe is necessary to ensure that the applicable guideline range for a defendant convicted of a crime of violence against an elderly victim or a child is sufficiently stringent to deter such a crime.

That is what this debate is about. I cannot believe that that side of the aisle over there thinks that what we are doing today is too severe.

Mr. Chairman, I yield to the gentleman from Illinois [Mr. HYDE], the chairman of the Committee on the Judiciary.

Mr. HYDE. I thank the gentleman for yielding.

Mr. Chairman, I just want to say two things. I have listened to the gentleman from North Carolina extensively on this bill and on hundreds of bills, and I have listened to him speak extensively on this bill and hundreds of bills, I would defer to his superior knowledge of political posturing. I would say to the Democrats that I thought I had seen it all, but to listen to them squabbling over enhanced penalties for criminals who violate elderly and children, it is a new revelation to me. You just never know it all, do you? You learn every day.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to express my thanks to the gentleman for deferring to my political rhythm. I hope he is going to vote with me on this.

Mr. MCCOLLUM. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] has 1½ minutes remaining and the right to close debate. The gentleman from Michigan [Mr. CONYERS] has 30 seconds remaining.

Mr. CONYERS. Mr. Chairman, I yield myself the balance of my time.

The Chairman may have heard the gentleman from North Carolina on hundreds of bills. I have heard the chairman of the Committee on the Judiciary on thousands of bills and listened to him extensively and, believe me, he was politicizing this debate one bit when he attempted to characterize Democrats as being not as strong on crime as they are because we dare to raise the role of the U.S. Sentencing Commission, which we created out of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. CHRYSLER], the author of this bill.

□ 1800

Mr. CHRYSLER. Mr. Chairman, this legislation is certainly not about the commission and whether they did their job or did not do their job. This is really about cowardly criminals that are committing crimes on our streets every day, every night, purposely preying on the most vulnerable people in our society, the elderly, the children, the disabled, waiting for them to come out of their homes to rob them, beat them, and mug them.

This is what we are talking about in this country. America is tired of it, America wants change, America wants these criminals punished, and it is time that we put the word "punishment" back in the criminal justice system.

Mr. MCCOLLUM. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I simply want to say this is a fundamentally sound bill the gentleman from Michigan, [Mr. CHRYSLER], has tailored. We need to increase these punishments. We need to have deterrence against those criminals who would prey on children and the elderly. I would urge all of my colleagues to support this bill.

Mrs. COLLINS of Illinois. Mr. Chairman, one of the hallmarks of civilized society is the measure to which it protects the young, the disabled, and the elderly. Yet, even in our great democracy, we witness daily accounts of torture, abuse, murder, and mistreatment of those vulnerable people in our society.

In an effort to prevent this horrible treatment of vulnerable persons, we put more police on the streets, we developed early childhood programs and family support services, and we implemented Federal sentencing guidelines to provide a certainty in punishment for similar crimes. However, as we continue to witness crimes against the vulnerable among us, we have seen that the deterrent effect of Federal sentencing guidelines has not been enough to stop those sick people that believe that hurting the less fortunate and weaker among us will make them be more powerful. There has to be a way to stop the madness.

Mr. Chairman, in a perfect world we wouldn't need increased penalties for sentencing guidelines. In a perfect world, we wouldn't need Federal sentencing guidelines at all.

Unfortunately, we don't live in a perfect world. Increased penalties for vicious, violent crimes against the helpless, the weak, the young, the old, the disabled is what we will decide here today.

If one person is saved the pain of being the victim of these violent acts by an increase in the potential penalty for a crime of rape, robbery with violence, and murder, then I will vote in favor of this bill and encourage my colleagues to do likewise.

Mr. GILMAN. I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act and I commend the distinguished gentleman from Michigan [Mr. CHRYSLER] for his efforts in bringing this measure to the floor.

H.R. 2974 amends the 1994 Violent Crime Control and Law Enforcement Act to require the U.S. Sentencing Commission to strengthen its existing sentencing guidelines with regard to crimes against vulnerable persons such as children, the elderly, and those who are mentally or physically disabled. I can think of no more important responsibility for the Members of this body than to protect those who are often unable to protect themselves. It is our duty to do everything in our power to keep those who victimize the most vulnerable members of society off our streets.

Accordingly, Mr. Speaker, I urge my colleagues to strongly support this important measure.

Mr. CLINGER. Mr. Chairman, I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act. At the outset, I would like to commend my colleagues, Chairman HYDE, Chairman MCCOLLUM, and Mr. CHRYSLER for bringing this important legislation to the floor today and the Rules Committee for allowing it to be fully debated.

As you know, H.R. 2974 will increase the length of the sentence for violent crimes against children 14 years of age, or younger, seniors 65 years, or older, and vulnerable persons. It will accomplish this by directing the U.S. Sentencing Commission to provide a sentencing enhancement of not less than five levels above the offense level otherwise provided for a crime of violence against such victims.

The premise underlying this legislation is simple, and one with which I am in complete agreement—that physical assaults against people who cannot defend themselves should be punished more severely than similar crimes committed against people who have the ability to mount some sort of defense.

Victims of crime who are particularly vulnerable due to their age or mental or physical handicap, in my opinion, deserve special protection under the law.

During the debate on the Violent Crime Control and Law Enforcement Act of 1994, I attempted to offer an amendment to the bill that would have imposed stiffer penalties to those who commit crimes of physical violence against the elderly, similar to protections provided for children under the original bill.

Just as our Nation's children deserve better protection, my concern at the time, as it is now, is also for older Americans. Physical injuries sustained by an elderly person take longer to heal than those inflicted on someone in their thirties or forties. The emotional response is different, too, and many older people find it difficult to recover that sense of well-being that all of us need in order to lead independent, productive lives.

Though my specific amendment was not made in order at the time, the 1994 crime bill that was ultimately enacted into law included language directing the U.S. Sentencing Commission to rewrite existing sentencing guidelines with respect to crimes against vulnerable persons, including children and the elderly. Like many of my colleagues, I viewed this as a positive step.

Unfortunately, however, as my esteemed colleagues have already pointed out, the Commission has failed to take any action in response to this important directive. And through its failure to respond, the Commission is sending what is in my opinion a false message that current guidelines are sufficient to deter such crimes.

With personal crimes against the elderly and child homicide rates on the rise, I do not agree with that message, and I hope that all of my colleagues will join me in supporting H.R. 2974. Because those that prey on the most defenseless in our society should have their sentences increased.

Mr. LATOURETTE. Mr. Chairman, today I rise in strong support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act.

This measure will amend the Violent Crime Control Act of 1994 and toughen the penalties against those who commit crimes against our nation's most vulnerable—our children and senior citizens. It will cover crimes of assault, homicide, rape and—perhaps most important of all to our Nation's seniors—adds the crime of robbery to the Federal definition of violent crime.

Under current Federal sentencing guidelines, sentencing is determined by pre-set guidelines where each criminal act is ranked and given an appropriate sentence. Right now there are 43 different levels. This measure will automatically increase the severity of a crime by five sentencing levels, and in most cases nearly double the minimum and maximum sentences for these thugs.

Also, a judge can take into account a host of other circumstances when determining an appropriate sentence, such as if a gun was used, or if a person was assaulted during the commission of another crime, or if the criminal has previously been convicted of a serious crime. All these circumstances would add months or years to the base sentence.

I was a county prosecutor before coming to Congress. I distinctly remember a case my office tried involving the rape of an elderly woman. This woman was alone in her mobile home, some thug broke in, shoved a pillow over her face to muffle her cries, and viciously raped her. The victim, in her seventies, played "possum" so her deranged attacker would think she was dead. It worked. The rapist fled, thinking he had not only raped but killed the woman. Fortunately, he later was apprehended and convicted. In fact, this was the first case in my county when DNA evidence was used.

While this crime was heinous and despicable under any circumstance, it truly was—in this instance—a crime against the truly helpless. While we were able to put the rapist away for a long time, it is inherently wrong that he was eligible to receive the same sentence as if he had attacked a strapping 40-year-old teamster who at least has a prayer of defending himself.

We have heard such horror stories of crime in our country, crimes where our children are shot and killed in gang-related violence and drive-by shootings, and raped by the most perverse in our society. We also hear alarming tales of our senior citizens living in fear, unable to protect themselves in their own homes, where their personal safety should be secure.

We need to focus our efforts on punishing those who choose to violate others, who cannot abide by the thin blue line that separates our law-abiding society from those bent on harm and destruction. We also need to send a serious message to anyone who thinks they can commit crimes and be treated with a slap on the wrist: Those days were over.

By doing this, we can send a message to our Nation's children and our elderly—we are trying to make your world as safe as possible, and we will do all within our power to protect you. If you are victimized, at the very least we must assure you that the criminals get the punishment they deserve.

The CHAIRMAN. All time for general debate has expired.

The amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule, each section is considered read.

During consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate section 1.

The text of section 1 is as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crimes Against Children and Elderly Persons Increased Punishment Act".

Mr. McCOLLUM. Mr. Chairman, I ask unanimous consent that the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 2. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

Section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 is amended to read as follows:

"SEC. 20002. ENHANCED PENALTIES FOR VULNERABLE VICTIMS.

"(a) IN GENERAL.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide a sentencing enhancement of not less than 5 levels above the offense level otherwise provided for a crime of violence, if the crime of violence is against a child, elderly person, or other vulnerable person.

"(b) DEFINITIONS.—As used in this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code;

"(2) the term 'child' means a person who is 14 years of age, or younger;

"(3) the term 'elderly person' means a person who is 65 years of age or older; and

"(4) the term 'vulnerable person' means a person whom the defendant knew or should have known was unusually vulnerable due to age, physical or mental condition, or otherwise particularly susceptible to the criminal conduct.".

The CHAIRMAN. Are there amendments to the bill?

AMENDMENT OFFERED BY MR. FROST

Mr. FROST. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FROST:

Amend H.R. 2974 by adding at the end thereof new sections 3 and 4 to read as follows:

SEC. 3. SHORT TITLE.

The following sections may be cited as the "Amber Hagerman Child Protection Act of 1996".

SEC. 4. INCREASED PENALTIES FOR FEDERAL SEX OFFENSES AGAINST CHILDREN

(a) AGGRAVATED SEXUAL ABUSE OF A MINOR.—Section 2241(c) of title 18, United States Code, is amended—

(1) by inserting "whoever in interstate or foreign commerce or" before "in the special";

(2) by inserting "crosses a State line with intent to engage in a sexual act with a person who has not attained the age of 12 years, or" after "Whoever"; and

(3) by adding at the end of the following: "If the defendant has previously been convicted of another Federal offense under this subsection or under section 2243(a), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.".

(b) SEXUAL ABUSE OF A MINOR.—Section 2243(a) of title 18, United States Code, is amended—

(1) by inserting "whoever in interstate for foreign commerce or" before "in the special";

(2) by inserting "crosses a State line with intent to engage in a sexual act with a person who, or" after "Whoever";

(3) by adding at the end the following: "If the defendant has previously been convicted of another Federal offense under this subsection or under section 2241(c), or of a State offense that would have been an offense under either such provision had the offense occurred in a Federal prison, unless the death penalty is imposed, the defendant shall be sentenced to life in prison.".

Mr. FROST. Mr. Chairman, Amber Hagerman was a little 9-year-old girl who loved to ride her bicycle. She was bright and pretty, and was out riding that bicycle on January 13 in Arlington, TX, when someone came along and took her away. That person or persons molested her and killed her. We do not know who took her, but we do know that a little girl, just a child, was brutally murdered and her body left to be found.

Mr. Chairman, this case occurred in my congressional district, but I am sure that events like this have happened, sadly, in every corner of our country, in our cities and in the heartland.

Whoever took Amber did not know and did not care that she was an honor student who made all A's and B's. They did not care that she was a Brownie, who had lots of friends, and who loved her little brother dearly. They did not care that her whole life was ahead of her, and that her parents wanted to watch her grow into the lovely young woman she promised to be.

Mr. Chairman, this amendment that I am offering is named for Amber. This amendment would increase the number of child sex abuse cases that can be brought in Federal court. It imposes a two-strikes-and-you-are-out penalty by requiring that any sex offenders whose cases are in Federal court will be sentenced to life imprisonment without the possibility of parole upon their second conviction.

I had hoped through the introduction of a broader bill to extend these provisions to the states, but, for now, I believe this is a good first step. However limited the jurisdiction of the Federal Government might be in these cases, if just one child is saved from Amber's fate, then this amendment will have served its purpose.

Mr. Chairman, I am outraged to think that convicted sex offenders are out in our streets, where they are free to prey upon our children. I hope that the Committee on the Judiciary will hold hearings later this year on another part of my broader bill which is also crucial to protecting our children from sex offenders. I have proposed a centralized information system to allow law enforcement to track sex offenders across state lines, and that new tool, along with these new stiffer penalties, will make it safe for little girls like Amber to ride their bicycles without being afraid.

Mr. Chairman, this amendment is an important step in protecting our children. I urge my colleagues to support this effort and to vote for the Amber Hagerman Child Protection Act.

Mr. McCOLLUM. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think this is a very fine amendment. It is very narrowly crafted and tailored in order to get us to a position where we can now find a way to do what is known as "two strikes and you are out" against somebody who commits these kinds of sexual crimes against a minor. It is something that I think is very important.

The underlying crime that was the first one of the two might potentially be a state crime rather than a Federal crime, but the crime for which the gentleman from Texas [Mr. FROST] is seeking the additional punishment, which conforms with the kind of thing we are doing in this bill and in the underlying bill, requires that that second crime, the crime we would be seeing in Federal court to be one that is a Federal violation at the time it occurs. I believe that this is extremely well-written, very well-crafted, narrowly crafted to be appropriate to this bill, and it adds to the bill that we have in the sense that it gives us further deterrence against those who would prey upon the children, in this particular case, and I certainly strongly support this amendment and urge its adoption.

Ms. LOFGREN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to commend the gentleman from Texas [Mr. FROST] for offering his amendment. I am a cosponsor of his bill, the Amber Hagerman Act, which the amendment is based upon.

Last year, when the Congress approved the Sexual Crimes against Children Prevention Act, I raised the issue that the sentences instituted in that legislation were insufficient. I think this amendment goes a long way towards remedying that problem.

I am a freshman in this House, but throughout my career here and in local government, I have been very much committed to rehabilitation programs and to assisting people in improving their behavior so that they would no longer pose a threat to society. But I find myself supporting life imprisonment on the second conviction for pedophiles, though, because I think that while rehabilitation works in some categories of offenses, I recognize that there are predators among us who simply must be kept away from potential vulnerable victims. I believe that the law must play a role here. I would argue as well that keeping predators, pedophiles, away from their future victims is also important in preventing a cycle of crime.

When we look at who is a pedophile and their chances of improving themselves, unfortunately we find a situation that is, indeed, grim. In 1981, I commissioned an analysis of California's mentally disordered sex offender program. I was concerned to find that for those pedophiles who had been through the mandatory counseling program, their recidivism rate was actually higher than for those who had been merely imprisoned. I would also note that a 1992 Minnesota study of rapists and child molesters again found that the counseling and rehabilitation programs simply did not work with this offender group.

The Bureau of Justice Statistics has found that those who victimize children through sexual mistreatment are twice as likely to have multiple victims as those who have victimized adults, and further that those who victimize children are likelier to have themselves been victimized as children.

In fact, violent offenders who victimized children sexually were twice as likely as other violent criminals to have been physically or sexually abused as a child. Nearly one quarter of the child victimizers were sexually victimized when they themselves were children. Further, 31 percent of the female prisoners in this country were victims of child sexual abuse and some 75 percent of those who are prostitutes in this country were also sexually abused as children.

We consequently have a situation where we have a crime that tends to be repeated over and over again. The rehabilitation efforts that we have in place seem to do nothing whatsoever. We also have a crime that repeats in its cycle of violence so that the innocent victims too often go on to victimize other innocent people as adults.

I am someone who actually opposed California's "three strikes, you are out" law because the net effect of that measure is often to send people who have stolen a six-pack to prison for life. That is a misuse of resources. However, it is a good use of our resources to put pedophiles in prison for life to save their future victims, until we find some other method to deal with this group of offenders, which we have yet to do.

Mr. Chairman, I am glad that this bill and this amendment are before us today. One of the things that I was committed to doing when I came to Congress was to make sure, if nothing else, that we put children first, that we ensure their safety is our highest priority, that we interrupt the cycle of childhood violence and sexual abuse.

Mr. Chairman, I commend the gentleman from Texas [Mr. FROST] and hope my colleagues will join me in approving this amendment.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, unfortunately, Texas is not the only community in the country that has been affected by what really can only be described as the worst possible actions of a human being to another human being. In south Florida, within the last 12 months, a case that unfortunately I stood on this House floor before we knew what happened to a young boy named Jimmy Rice, where I had a picture right here of him when he was still missing, where his body had not yet been found, and the gruesome tale of what happened to him in the last few hours of his life had not yet been heard. But there was an end to the Jimmy Rice story, an end that occurs too often in the United States.

Mr. Chairman those victims, and the victims clearly are not just the victim, but the parents, the family, the community, really have a right to protect themselves. I have heard the debate in terms of our involvement in the Sentencing Guidelines Commission and whether or not we should direct them to do certain things. I think this is a case where we need to direct them to do certain things, where we as a society need to make a statement, a very strong statement, in fact the strongest possible statement, that this is behavior outside the bounds, and in fact so far outside the bounds, of human decency, of what we expect as a society, that we are willing to do what we need to do to protect ourselves.

That is exactly what the Frost amendment does. What it does is expands the jurisdiction in terns of including a broader Federal jurisdiction of sexual exploitation of children, so in cases where people are coming from out of state to commit such an act it can be brought into the Federal court system.

That clearly is a major factor in terms of what would occur, bringing Federal resources. But as importantly, what it does is we are no longer even talking about three strikes and you are out. We are really talking about two strikes and you are out in this amendment. And really it should be, to the extent in this type of case, one strike and you are out, and we need to highlight this type of exploitation.

The message can be no clearer, the punishment can be no more severe. We know from our own experience, we know from analytical experience, that as a society we protect ourselves, we send a message, we do punishment. That is what the crimes are about, to make it clear that there is a punishment side, and hopefully not just by this legislation but by other actions that we can take, that there will be no victims of crimes like this in America, that we can all live in America some day where there will not be victims of crimes like this, which I think is a hope in the work that this Congress can do in many areas. It is a much broader question than just the punishment side. But I think we need to be as strong as we possibly can on the punishment side, as we will be today.

Mr. Chairman, I compliment the gentleman from Texas [Mr. FROST] and this Congress, whom I assume very shortly will adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. FROST].

The amendment was agreed to.

☐ 1815

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER.

Page 4, line 2, after "conduct" insert ", or is a victim of an offense under section 2241(e) of title 18, United States Code".

Add at the end the following new section:

SEC. 5. FEDERAL JURISDICTION OVER RAPE AND SEXUAL ASSAULT CASES.

Section 2241 of title 18, United States Code, is amended by adding at the end the following:

"(e) PUNISHMENT FOR SEXUAL PREDATORS.—(1) Whoever, in a circumstance described in paragraph (2) of this subsection—

"(A) violates this section; or

"(B) engages in conduct that would violate this section, if the conduct had occurred in the special maritime and territorial jurisdiction of the United States, and—

"(i) that conduct is in interstate or foreign commerce;

"(ii) the person engaging in that conduct crossed a State line with intent to engage in the conduct; or

"(iii) the person engaging in that conduct thereafter engages in conduct that is a violation of section 1073(1) with respect to an offense that consists of the conduct so engaged in; shall be imprisoned for life.

"(2) The circumstance referred to in paragraph (1) of this subsection is that the defendant has previously been convicted of another State or Federal offense for conduct which—

"(A) is an offense under this section or section 2242 of this title; or

"(B) would have been an offense under either of such sections if the offense had occurred in the special maritime or territorial jurisdiction of the United States.".

Mr. MCCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Ms. SLAUGHTER. Mr. Chairman, today we are considering legislation to increase penalties for violent crimes against children, the elderly, and other vulnerable individuals in our society.

The House has adopted Representative FROST's amendment which establishes a Federal crime for repeat sexual offenses against children. I now ask my colleagues to go further to protect the other vulnerable members of communities who are terrorized by repeat sexual predators.

My amendment would allow Federal prosecution for offenders accused of a second rape or other serious sexual assault. If convicted under this Federal prosecution, the sexual predator would be imprisoned for life without parole.

This amendment is designed to change our approach to repeat sex offenders. The American people are outraged that our criminal justice system releases these obsessive criminals after just a few years. Some national statistics indicate that rapists are 10 times more likely than other convicts to repeat their crimes. Yet the average convicted rapist serves only about 5 years in jail.

Even the repeat sexual offenders themselves recognize the problem. The convicted killer of Polly Klaas has been quoted as saying that he should not have been on the street.

Since we cannot change the behavior of these sexual predators, we need to keep them behind bars. The amendment does just that. Repeat rapists would receive life sentences in Federal prison.

It seems you open the newspaper every week and read about another monster committing a horrific crime. In the last several years, residents of California, Florida, Massachusetts, Indiana, Texas, Virginia, Washington, Vermont, Oregon, Idaho, New York, and Maryland have experienced the terror of serial rapists and molesters.

Too often these fiends have long histories of preying on women and children, but they have been released to attack again and again.

For example, in California Leo Anthony Goodloe began his grisly career by raping and severely beating a 17-year-old woman in 1956. Over the next 39 years, he served 16 years in prison for 10 felonies, but was released to rape again and again. Even with such a record, he served less than 2 years for a rape and sodomy conviction in 1990. Four months after his release, he raped and beat yet another victim. While he has finally been sentenced to 43 years in prison without the possibility of parole, his reign of terror continued far too long.

Similarly, in 1994, police in New York City arrested Robert Daniels for four rapes. Daniels had been paroled 10 months earlier after serving less than 10 years for his second rape conviction. Besides his first rape conviction in 1969, he had also been convicted of sex offenses in 1974 and 1976.

This sickening litany is all too common.

In my hometown of Rochester, we know all too well the horror of serial rapists. Arthur Shawcross had served less than 15 years for the sexually motivated murders of two children. A model prisoner, Shawcross was released and his parole officer lost track of him. Before he was caught again, Shawcross had raped and killed 10 women.

In the last Congress we instituted a Federal data base of sexual offenders, first proposed in the protection from sexual predators bill I introduced in 1994. That was an important first step in giving police departments the resources needed to catch repeat sexual predators, like Shawcross.

Today we have taken another step by providing a means to protect our communities from the monsters that sexually attack children.

But as legislators, our job is not yet complete. When I speak with my constituents they are especially worried about the threat posed by violent, repeat offenders—and particularly by the sexual predators who seem to be released from prison over and over, only to commit the same sickening crimes once more.

These monsters prey on the most private aspect of our lives. They often invade the sanctity of our homes as well as our streets, and unfortunately, no community is safe from this threat.

It is time to stop fooling ourselves and to lock up these repeat offenders for good. I urge my colleagues to support this amendment.

It will give prosecutors across the Nation the ability to ensure that our communities are safeguarded from these revolving door rapists.

It will tell the victims of these sexual fiends that we do not find this behavior a minor aberration; that we understand that the lives of the victims of rape are forever changed, and that we, as a society will not stand by and let the same person wreak this havoc and destroy life after life after life.

In the name of past and future victims of these unspeakable rapists, I urge my colleagues to vote for this amendment.

Mr. McCOLLUM. Mr. Chairman, while I recognize what the gentlewoman is attempting to do with this amendment and realize that the close call might have been there on the point of order, I do not think that this is appropriate to this bill, even though I have concluded that it would be germane.

The reason why I do not think it is appropriate to this bill is that the underlying bill that we are dealing with today involves violent crimes against children and the elderly. This particular effort that we have got here today that the gentlewoman from New York [Ms. SLAUGHTER] is bringing forward would mean that we would have a new Federal crime involving virtually any situation where there have been two rapes, having any kind of interstate nexus at all and we would have two strikes and you are out, regardless of the age of the victim.

Mr. Chairman, the very fact that we have got a person who is vulnerable, and I realize that the word "vulnerable" is in our language, is stretched to the limit I think by this amendment. And I also question some constitutional questions with regard to whether we are going too far, whether there is truly a nexus here that can be attached to the full Slaughter amendment that would be appropriate at the Federal level.

Mr. Chairman, let me describe this briefly, because I understand the idea and I want to discourage these type of crimes. I certainly think two strikes and you are out is appropriate against anybody who commits a rape under the conditions that the gentlewoman described, but I do not think it is appropriate for Federal law under this bill, or Federal law for that matter at all under some of the conditions that she is describing.

Under the amendment of the gentlewoman from New York, the first offense must be a violation of section 2241, or it must be the equivalent of that. It could be a State law violation, which in essence means an aggravated sexual abuse.

The Frost amendment we had a while ago was the sexual abuse of children. Or under the Slaughter amendment it could be simply sexual abuse which is not limited to children, or a State offense that would have been an offense under either of such sections if the offense had occurred in a special maritime or territorial jurisdiction of the United States.

The second offense for which you could get the two strikes and you are out could be either a violation of section 2241, which is an aggravated sexual abuse Federal crime, and not limited to children, or a State offense that would be a violation of section 2241 if the conduct had occurred in a special maritime and territorial jurisdiction of the United States and either, first, that the conduct was in interstate or foreign commerce or, second the offender crossed the State line intending to engage in the conduct, or third after committing this State offense, travels in interstate commerce with the intent to avoid prosecution or confinement after conviction for a capital crime or felony under a State law.

Mr. Chairman, I submit that this is stretching considerably the constitutional bounds of where we should be having or even thinking about Federal jurisdiction. Federal courts already have an enormous workload. And I know occasionally I have come to the floor and argued in the past for expanding that workload in certain instances. But, essentially, the second time rapist in the United States, no matter who he is and where he has committed that rape, is most likely going to be covered by this, and Federal law would be involved in prosecuting second time rape cases, even if there has never been one piece of Federal jurisdiction before in the underlying rape crime.

Mr. Chairman, I just frankly think that there is, first, a considerable constitutional question, but as a matter of policy I cannot support that because it is too broad. And I reluctantly oppose the Slaughter amendment for that reason, even though I understand that the gentlewoman means well by it.

And I, too, Mr. Chairman, want to discourage this sort of thing and I would love to see the States adopt two strikes and you're out, for rape crimes. And in certain appropriate Federal crimes where you limit it to the Federal jurisdiction as the gentleman from Texas [Mr. FROST] has done, I think that would be a good idea too, although I frankly do not think it was a good idea to include it in this bill that was confined originally primarily to children and the elderly.

Nonetheless, my objection is not specific to the age or the youth question, but with rather to the issue of whether we are just going way too far in encompassing far too many crimes for Federal jurisdiction which have traditionally been State jurisdictions, and I see no public policy reason nor do I think there is a constitutional basis for doing this.

Again, Mr. Chairman, I reluctantly oppose the amendment.

Mr. CONYERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have a difficulty here. We have passed the Chrysler amendment that enhanced the penalties for crimes against children and adults. We passed the Frost provision that increased penalties for sex offenses against children, and now we come to the amendment of the gentlewoman from New York [Ms. SLAUGHTER] where repeat violent sex crimes against women are now being rejected on the basis that there is a constitutional problem.

Give me a break. What constitutional problem?

Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER], my wonderful colleague, to ask him to edify us on this provision. Can the gentleman join me in supporting the Slaughter amendment?

Mr. CHRYSLER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. It is a perfect privilege and pleasure to yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Chairman, I believe that this amendment is very well intended. I believe that we need to lock up people that have a second offense of a rape. But I also agree with the gentleman from Florida [Mr. McCOLLUM] that this bill that we have introduced really is aimed at crimes against children, the elderly, and the disabled. This amendment probably better belongs in another crime bill that may come to the floor.

Mr. CONYERS. Mr. Chairman, reclaiming my time, that is a possibility. I thank the gentleman for his response. Does he additionally think it might be referred to the U.S. Sentencing Commission?

Mr. CHRYSLER. Mr. Chairman, I do not know.

Mr. CONYERS. Mr. Chairman, I thank the gentleman for his candor.

Mr. Chairman, if my colleagues loved Chrysler, if they liked Frost, what in the devil is wrong with Slaughter? I mean, are women subject to violent sex crimes? To second offenses? Are those criminals not to be given the enhanced penalties that have gone through this House like Ex-Lax?

Now, Mr. Chairman, we get to women and we say: Well, wait a minute. Slow down. Let us study it. My dear colleague suggests it should go into another bill. The chairman of my subcommittee tells me that there is a constitutional problem seen in this measure.

Look, we are either for toughening penalties against vicious repeat criminals against children and the elderly or we are not. Let us not exclude women.

Ms. SLAUGHTER. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentlewoman from New York.

Ms. SLAUGHTER. Mr. Chairman, I absolutely agree with the gentleman from Michigan [Mr. CONYERS]. If there is no constitutional prohibition to what we have done already, surely protecting women in the United States should not be prohibited.

The bill speaks to the vulnerable. Mr. Chairman, I do not know of anyone more vulnerable than a woman alone in her apartment when a rapist wakes her up, having broken in through the window, or the woman who gets into her car or a woman who is leaving work who gets in an elevator who is accosted by a rapist who changes her life forever.

☐ 1830

Certainly, if we are going to protect the people of the United States against this awful crime of rape and we say that the people who commit this crime are not people that we can rehabilitate and indeed since their recidivism rate is so high, why would we leave out of this bill the women? Why should they not be protected? Without question, they are the major sufferers of this awful crime.

In cases of serial rape, the rapist often goes across State lines to commit his awful crime. Again, without question, this is a Federal jurisdictional problem.

There are four sources for Federal jurisdiction that I have to this amendment. I would like to read them. The first is one the gentleman from Florida [Mr. MCCOLLUM] mentioned about special maritime and territorial jurisdiction; the second, if it occurred in interstate or foreign commerce; third, where the criminal crossed the State line with intent to engage in the conduct, which is frankly often the case; or the criminal fled across State lines after engaging in the conduct, which again is the case.

Why in the world would we differentiate between our citizens if we are trying to protect them? Why not include women? This is certainly a case again where the person in the prison is a model prisoner. There are no women to rape. There are no children to molest. But we have learned over and over again, through tragedy after tragedy, that once these people are released back on the street they often, within days, have repeated their awful crime.

Why do we not try to make everybody in the country safe from this hideous experience? Why in the world, how can we exclude women? Frankly, on the face of it, it makes no sense to me.

I urge my colleagues not to do this thing to the women of the United States.

Mr. CONYERS. Mr. Chairman, I beg my colleagues to support the Slaughter amendment and not discriminate against women.

Ms. LOFGREN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the Slaughter amendment. It is based on the Protection From Sexual Predators Act, which I have cosponsored.

I would like to note, in response to the issues raised about germaneness or correctness, not as a technical matter since the amendment is germane, that this proposal is also about enhancing sentences for those offenders whose behavior is not amenable to improvement by any means that we have yet been able to devise. As with pedophiles, we have yet to find a method or program that in the case of most rapists changes their behavior so that they will cease being a threat to other innocent victims in the future. I think for this reason the penalty proposed by the author of the amendment is as appropriate as the punishment adopted previously by the Frost amendment.

I would note further that this bill is about enhancing penalties in selected cases for sound reasons. This amendment is as sound as the Frost amendment; it is as sound as the Chrysler bill. It deserves support. For a Congress that has allowed logging in the Tongass National Forest as part of an appropriations bill to now say that this amendment is not connected enough with a bill to enhance sentences is, I think, rather curious—very curious.

Mr. Chairman, I know that not every Member has had a chance to read through the jurisdictional basis that the gentlewoman from New York [Ms. SLAUGHTER] has referred to, but I would urge Members to do so. I know that there are genuine concerns that can be expressed about the jurisdictional issues and the scope and breadth of Federal law, but I think that Members who do have reservations, if they will read through the amendment, will be reassured that in fact this measure is well in keeping with the Chrysler bill and the Frost amendment.

I would urge that we step back, think again, and approve the Slaughter amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think my colleagues now should begin to understand exactly why we gave jurisdiction for these decisions to the U.S. Sentencing Commission. Once you get on this slippery slope, once you start on the House floor, we are going to have maybe 435 Members of Congress coming in saying, hey, we ought to enhance penalties for this offense, that offense, against this vulnerable person, against this vulnerable group, and there is no way to get off of the merry-go-round.

Exactly the reason that we gave the authority to the Sentencing Commission away from the politics and cameras and give-and-take of having to run in political contests, to go in and spend the time that it takes to make reasonable judgments about sentencing policy, that is exactly the reason we gave the Sentencing Commission this job. And here, my colleagues, they do not know how to deal with this because this amendment, the truth of the matter, got offered by a Democrat. That is the only difference it is.

It is politics now. As long as it is offered by the other side, it is good public policy. But let a Democrat come up with the proposal, all of a sudden it is politics. We do not know where to draw the line, or it is unconstitutional, or any irrational basis for making the decision that we should have, should not even be discussing in the first place.

We ought to take this whole bill, with the Frost amendment, with the Slaughter amendment, with the Chrysler business that we started with and send it over to the Sentencing Commission to do their job with it. They can hold extensive hearings. They can solicit public comment. They can analyze how this compares with other sentencing decisions. They can rationalize the process. They can tell us, hey, somebody ought not get a double sentence just because they assaulted somebody who is 65 years and in good health than they would get for someone who is 64 years, 364 days, and in terrible health, even lying in a bed in a hospital.

It makes no sense to do this. That is exactly the reason, my colleagues, that we gave this responsibility to the Sentencing Commission. that is exactly the reason I am going to give Members an opportunity to vote on giving it back to them, so that they can make some rational decisions, because the decisions we are making right now do not make one iota of sense.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WATT of North Carolina. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I commend the gentleman's logic, because when we send it to the Sentencing Commission, they must send it back to us and then we can approve or then make any modifications we choose.

Mr. WATT of North Carolina. Reclaiming my time, Mr. Chairman, the gentleman is absolutely right. That is the way the process is supposed to work, away from the cameras, away from the politics of it. Rational decisionmaking. We still get a shot at it. We will still get our shot.

It might be next year, when we are not running for office, and that is the way it should be. That is exactly the way it should be. We ought not be making these very important, very intricate, very difficult decisions haphazardly. Some years ago, on a bipartisan basis, Republicans and Democrats came to the conclusion that we ought to give the responsibility to the Sentencing Commission. I move that we send it back there.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair would first remind those spectators in the Gallery that they are guests of the House of Representatives, and demonstrations of appreciation or disfavor of any speaker are not permitted by the rules.

Mr. SCHUMER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by the gentlewoman from New York.

As many in this Chamber know, I do not always see eye to eye with the gentleman from North Carolina on crime issues. Sometimes I am a little more closely aligned with the gentleman from Florida. But on this one, this is a no-brainer.

First, the gentleman from North Carolina is exactly right. We cannot have it both ways. If we are for drawing these kinds of bills and federalizing more crimes and putting in tougher penalties, as I am and have done in the past, why draw the line at women? And if we are not for it, then do not do it for the elderly and children but not for women.

Either way, we can be consistent on either side of the line. Most of us are, I think, being consistent on this side on making things tougher and better. But how can we say that it is a horrible thing to and the sentencing should take into account someone is elderly or someone is young but not women?

Mr. Chairman, a few hours ago we had good debate. I do not even think a vote was called for on Megan's law because we talked about the fact that, particularly in crimes where sexual predators are involved, they can spend 5, 10, 15 years in jail. They can go through the most up-to-date rehabilitation, and, unfortunately and terribly, more times than not, they commit the same crime when they get out even though they are 15 or 20 years older. Who are the victims of those crimes? Is it just children? No. Much of the time it is women.

What is good to be done, because children have to be protected from these types of predators, is just as good because women and to be protected from these types of predators. When I heard that the gentlewoman from New York was doing her amendment, I thought to myself, this is a good idea. It will be accepted by the majority, and that will be it.

Mr. Chairman, I am utterly amazed that this amendment is being opposed on the other side. I am surprised. It does not fit with their philosophy. It does not fit with, you do not have a view, neither do I, frankly, that the gentleman from North Carolina does, that the Sentencing Commission ought to be deferred to through thick and thin.

I have had too much of judges and others who are not elected officials making the criminal law. I feel a little differently than the gentleman from North Carolina about that. I feel the balance may be too far against the victim. But all of a sudden, and this is not the first time this has happened, Members from the other side who are generally law and order fined a reason to pull back on the terrorism bill, fear of wire taps? That was something new from the other side. And now fear of making laws too tough because women are involved?

Mr. Chairman, I think I have to agree with my colleague from North Carolina. The only reason that this amendment is being opposed by my good friend from Florida and my good friends on the other side of the aisle who I work with closely and who I have enormous respect for is very simply because it was proposed by someone on this side of the aisle. That is not how we should legislate.

Let us make this bill a better bill. Let us take the idea that was a good idea when it applied to children and elderly and extend it to women. There is no logical argument against doing that, none at all. That is why I must reluctantly come to the conclusion that the only reason it is being opposed is politics.

□ 1845

Mr. Chairman, I want to salute the gentlewoman from New York [Ms. SLAUGHTER] for putting this amendment in. It certainly is consistent with the bill, it is consistent with my philosophy in terms of the criminal law, and I hope we will get bipartisan support when a record vote is called for to pass this amendment and improve and make a good bill better.

Mr. CHRYSLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I yield to the gentleman from Florida [Mr. McCOLLUM], the chairman of the subcommittee.

Mr. McCOLLUM. Mr. Chairman, I simply would like to respond very briefly on the gentleman from Michigan's time to some of the comments that have been made by this amendment and the proposal on it.

My concern and my opposition that I have expressed earlier do not have anything to do with the fact that I believe we are doing anything incorrectly by expanding some of the Federal jurisdiction in certain areas. But it does have to do with the facts that the underlying bill that we brought out of committee did not do that.

The underlying bill we brought out in committee was to enhance penalties, and if the gentlewoman from New York had made her amendment simply to expand the term vulnerable to include women, victims of rape, and Federal law, I would not have particularly a problem. But we are creating a new crime in her amendment. The new crime is going to be a new Federal crime that does not exist today, and that is not what the underlying legislation does.

In other words, this amendment would create a Federal life imprisonment sentence for a two-time rapist who drove 3 miles on Interstate 495, crossing from Maryland into Virginia, in order to commit a second offense under the statute.

I think that is wrong in the sense that I believe that it is probably unconstitutional, but I can assure the gentleman from New York [Mr. SCHUMER] that I am not going to vote against this in a recorded vote; I doubt if anybody on this side of the aisle in this room is, because it will be misinterpreted as to what we intended and what we are concerned about.

I believe that it is true that we should be punishing with life imprisonment the person who does that. I do not doubt it for a minute. But I do not believe that we should have been doing it in this bill. The bill, when it came out here, was to enhance penalties, not designed to create new crimes. The bill did not do that. It simple enhanced penalties for those who are vulnerable, children and elderly particularly, but if we included women, we did it in the broad sense of that word. I do not have that problem with that.

Mr. Chairman, I do not have the time to yield because the gentleman yielded to me for the moment and I would like to conclude.

We have not, in my judgment, done real justice tonight by expanding it, but we will expand it. I do not doubt for a minute it will pass. I am not going to object to it, and I again ultimately believe that whoever the criminal, he will get his just deserts.

But, again, the process has not been well served through or committee structure even by bringing a bill out that we expand new crimes in out here today when all we were trying to do is do penalties, and I do not think it has been well served to add this enormously to the Federal jurisdiction without having it made it into committee.

I also realize that when the other side was in the majority, many of the same arguments had been presented to the chairman at that point in time, and it can be presented when the shoe is on the other foot quite frequently. So that is why I expect this to pass tonight, and I expect it to become law, but I also suspect that there may be some serious constitutional difficulties.

Mr. CHRYSLER. Mr. Chairman, I think I need to reiterate what the gentleman from Florida [Mr. McCOLLUM] said. We are certainly not against women. We certainly are for increasing penalties against repeat offenders that are committing rape in this country. I just believe that this is really probably not the right bill for it to be on. There will be another bill, I am sure, and I think that is where it should be offered.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

I will be happy in a minute to yield to the gentleman. Let me just say a couple of words, and I will be happy to yield.

As my colleagues know, both my daughters, when we talked about Megan's law a minute ago, and with the gentleman from New York [Mr. SCHUMER], I agree, as my colleagues know, that they should be locked up for a long time and there is a high recidivism, and the reason I agree with the gentlewoman from New York [Ms. SLAUGHTER] is that just because they are at a young age right now when they are attacked, they are going to be young ladies before long, and I would think that the same kind of penalty would follow on even though they grow older in age.

I do not know the Constitution. I am not a lawyer. But I just think that by logic that it would be a good idea.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to take a moment to express my utter dismay that a Member of this body would come on this floor and say, "I believe this bill, this amendment, is unconstitutional, yet if you put me to a vote, I'm going to vote for it."

That is just absolutely, that is exactly the reason we ought not be dealing with this in this process, because then it becomes only politics.

Mr. CUNNINGHAM. Reclaiming my time, Mr. Chairman, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I would like to say, in response the gentleman, I am sure he is talking about the gentleman from Florida, but I did not say that I believe this was unconstitutional. I believe there is a serious constitutional question. I think there is a good chance that it will be ruled unconstitutional, but I do not know whether it is or not.

We know the Lopez case was unconstitutional. That was the case we passed and I supported a number of years ago which would make it a Federal crime for a certain gun transaction within so close a proximity. I happen to think it was a good law. I would like to see it in law. But it unfortunately was ruled unconstitutional.

I have just done my duty by pointing out that there is a serious question about it in the way Ms. SLAUGHTER's has been crafted.

Mr. CUNNINGHAM. Mr. Chairman, as long as we are not in attack mode, if we are going to stick to the issue, I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

I just want to go back to my colleague from Michigan, Mr. CHRYSLER, and just point out to him that some of these ships are turning around gently in the evening, and we do not want to leave him out there dragging along and waiting for this measure to come up in a separate bill. I would urge that he look at the merits of this measure and join with us that are in a bipartisan spirit, with nothing personal, are going to follow the consistency and the logic of his provision which passed earlier, the Frost provision which passed right after that, and now we are talking about applying that same enhancement of penalties to vicious women crimes.

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York [Mr. SCHUMER], and I am going to support it in either fashion of the bill.

Mr. SCHUMER. Mr. Chairman, I just wanted to reiterate one point made by the gentleman from Michigan and then make another. We did add a new Federal law, I would say to my friend from Florida, when we accepted the Frost amendment. We crossed that bridge. We did not stay with the concept of just enhancing the penalty. We made a new Federal crime, as I understand it, with Frost.

Mr. Chairman, the second point I would make to my friend from Florida, with the gentleman from California's gracious yielding to me, is this:

The gentleman made an argument, well, if it was just for rape or just for some kind of, I think he mentioned, sexual crime, he would be for it. Well, we do not limit the base bill to children for that. We do not say if it was just a crime against children, a sexual crime. We have any child, we would ask the Sentencing Commission to enhance the penalty, and we are saying the same thing here for women who tend all too often to be the victims of crimes committed by men.

Mr. CUNNINGHAM. Mr. Chairman, reclaiming my time, I yield to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I just would like to respond by making a note that the amendment offered by the gentleman from Texas [Mr. FROST] while it created a new Federal crime, it created a crime that is there because of Federal law; that is, the crime that Mr. FROST is talking about, the "two times and you are out," would have to occur on Federal property and maritime jurisdiction or wherever.

This particular effort the gentlewoman from New York [Ms. SLAUGHTER] has created here could be two State crimes, the only nexus being interstate transportation from somebody crossing the State line to commit it. And that is a big difference.

Mr. Chairman, that is my point. But nonetheless I am going to support this tonight. I have already indicated that I am not going to vote against it. But I do have great reservations about it.

Mr. SCHUMER. Mr. Chairman, will the gentleman yield for just one more point?

Mr. CUNNINGHAM. I yield to the gentleman from New York.

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from the dukedom of California. I would say to the gentleman, if one reads the language of Frost, "If the defendant", this is section 4(B), numeral three, "If the defendant has previously been convicted of another Federal offense under this subsection."

The CHAIRMAN. The time of the gentleman from California [Mr. CUNNINGHAM] has expired.

(On request of Mr. SCHUMER, and by unanimous consent, Mr. CUNNINGHAM was allowed to proceed for 2 additional minutes.)

Mr. CUNNINGHAM. Mr. Chairman, I yield to the gentleman from New York.

Mr. SCHUMER. "Or under another section, 2241(c), or of a State offense that would have been an offense under either such provision had occurred in a Federal prison unless the death penalty is imposed." So they are involving State offenses, too.

The other point I would make to the gentleman again: The gentleman said he would accept this provision if it were limited to sexual crimes, and I just wanted to get his provision, why that is different for children.

Mr. MCCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. CUNNINGHAM. I yield to the gentleman from Florida.

Mr. MCCOLLUM. Mr. Chairman, I think perhaps both of these points can be addressed in the same answer. What I was trying to say earlier in the evening was that had this amendment been crafted so that we were talking about sexual crime, a rape crime against a woman, or whatever, that was a Federal crime for the second crime, just as Mr. FROST's is a Federal crime that we are dealing with. Although an underlying predicate crime was a State crime, the second crime had to be a Federal crime, and that is not the case with Ms. SLAUGHTER's, then I would be much happier, let us put it that way, with what we are doing tonight because I feel that the nexus would be there; there would not be any question of even a doubt about the constitutionality, and so forth.

That is not what we are doing. The second crime under Ms. SLAUGHTER does not have to be a Federal crime to get the Federal jurisdiction, and we are thus proceeding otherwise.

But I did not mean to mislead the gentleman. All of the crimes that she has described, as long as they are Federal, would not have bothered me if that had been the case.

Mr. CUNNINGHAM. Mr. Chairman, all I know is that, as a nonlawyer, that too many times our own laws prevent us from doing the right thing. I think the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER] is a good amendment, and I ask to support it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CONYERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 411, noes 4, not voting 18, as follows:

[Roll No. 146]

AYES—411

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Scott
Waters
Watt (NC)
Williams

NOT VOTING—18

Brewster
Collins (IL)
Dunn
Ford
Gibbons
Gunderson
Hall (OH)
Harman
Hayes
McDade
Molinari
Mollohan
Roth
Solomon
Souder
Taylor (NC)
Tiahrt
Visclosky

□ 1918

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Chairman, this evening, May 7, 1996, I was unavoidably absent for rollcall No. 146, on a Slaughter amendment to H.R. 2974, the Violent Crime Control and Law Enforcement Act of 1994.

Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DEUTSCH: Page 3, line 14, after the period insert "If the crime of violence is also a sex crime against a child, the enhancement provided under the preceding sentence shall be 6 instead of 5 levels."

Mr. DEUTSCH. Mr. Chairman, earlier this evening this House adopted an amendment where I mentioned an incident that had occurred in Florida unfortunately within the last 12 months and has occurred in Florida and everywhere unfortunately in this country on many occasions, and that is the exploitation of young children. Specifically I mention the name of Jimmy Rice, who was a young boy who was missing from his home for several weeks and actually several months in south Florida, which really became the focus of our entire community. He was missing and then subsequently found to have been sexually abused and murdered.

It is a crime that occurs in America far too often, as I said, and it is a crime where I think as an individual, as a society, as a community, we can think of probably nothing worse that can happen to a young child and to their family.

Mr. Chairman, we have had a discussion for several hours now about our role in sentencing and our role as a United States Congress in sentencing and setting up penalties for crimes. There has been a debate that has gone on literally for several hours now. I would say to my colleagues that for anyone who has ever spoken to a parent of a victim in a circumstance like this, at that point they would want to be involved in determining the penalty for perpetrators of crimes like this.

We can talk about all the theory we want about judges being impartial and unsensitized, and the Sentencing Guidelines Commission being impartial, and policymakers, but the truth is in our political process, the fact that we are elected officials, that we represent constituents, that we have to face real people, real parents, and talk to them and try to explain to them why a victim and why a perpetrator are treated differently, and why perpetrators are not punished to the extent that they can be and should be under the law.

This amendment is really an attempt to do exactly that, to say in the case of sexual abuse of a child that we are saying that crime is so heinous, so awful, so indescribable from our perspective as a society, as a collective society that this Congress represents, that we are speaking as Americans, as this collective community of America, and saying to the world, and saying to people as a deterrent and as a punishment, "If you are someone who is going to commit that kind of crime, the we are going to treat you as harshly as we possibly can."

□ 1930

This amendment does that, combined with the prior amendment which creates essentially a two strikes and you are out provision. As I mentioned, I would support a one strike and you are out provision in a case like this.

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I strongly urge my colleagues to support the Deutsch amendment. It makes imminent sense. He is adding an additional level of punishment for those who commit sex crimes against children. It seems to me it is perfectly consistent with what we are trying to do with the underlying bill, and that is send a message to anybody who perpetrates a crime on a child that they are going to get an extra amount of time in prison for doing that at a Federal level for a Federal crime.

This is a Federal crime. He is dealing with a sex crime on top of that. It seems only appropriate that you add an additional level when you are dealing with a sex crime against a child. I think most of us would concur in that without dispute. I urge adoption of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, line 13, before the first comma, insert "or a crime involving fraud or deception".

Page 3, line 13, strike "of violence".

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, this amendment would merely add crimes of fraud and crimes of deception to those crimes against children and women and the elderly that would receive enhanced penalties.

This amendment would add crimes of fraud and deception to those crimes against women, children, and the elderly that would receive enhanced penalties.

The reason is that fraud against the elderly has become a significant problem, particularly telemarketing fraud. Law enforcement officials, the AARP research, and much anecdotal evidence from telemarketers confirm the belief that many older Americans are being wrongly targeted by telemarketing fraud.

The Federal Bureau of Investigation recently documented this pattern of victimization in its recent telemarketing investigation, which used AARP members and others to obtain undercover tapes with fraudulent telemarketers.

The investigation showed that 78 percent of the targeted victims were in fact older Americans. Given the expected growth in the Nation's elderly population, the number of consumers considered vulnerable to telemarketing fraud is quite likely to increase in the future. But telemarketing is not the sole source of the problem. The Internet, while not yet commonly used as a method of conducting fraudulent methods of transaction, is a growing source of concern. Although commonly believed to be a tool of the young, we are now finding many elderly people beginning to surf on the net.

The National Consumers League and the National Fraud Information Center estimate that senior citizens lose at least half of the $60 billion annually that is lost due to fraud. Unfortunately, fraud strikes elderly victims the hardest. Many of these individuals are living on fixed incomes and are easy prey because they lack the defenses necessary to withstand smooth-talking promoters who sound and act like friends of the victims' families.

Mr. Chairman, we need to treat fraud against the elderly not as isolated cases, but as a widespread social problem and a serious crime that must be addressed. I urge that we add this important provisions to protect our most vulnerable citizens from those who are continuing to prey on them through telemarketing, the Internet, and other white collar crimes. I urge the support of the amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. McCOLLUM] insist upon his point of order?

Mr. McCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. McCOLLUM. Mr. Chairman, this amendment is not germane to the bill. The underlying bill involves only crimes of violence, whether against an elderly victim, a child, or other vulnerable person. Consequently, this amendment, which deals with crime and deception and not involving crimes of violence, is beyond the scope of the bill. I would urge that it be ruled out of order. It is inappropriate under the circumstances.

Even though we may like to give crimes against the elderly involving fraud and deception and nonviolent matters additional punishment, this is simply not what this bill is about.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] desire to be heard on his point of order?

Mr. CONYERS. Mr. Chairman, I do.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. CONYERS. Mr. Chairman, I cannot understand why the distinguished chairman would want to raise a point of order against the amendment, because we have been given a bill which purports to protect children, women, and the elderly.

They have allowed the gentleman from Texas [Mr. FROST] to offer what was clearly a non-germane amendment relating to sex offenses against children, and now, suddenly, when it comes to protecting the very same elderly against pervasive and damaging telemarketing fraud, we raise a technical objection. So I think this is a very misplaced sentiment in an attempt to allow white collar crime to continue to victimize seniors, while crimes of violence are all of a sudden made germane, even when an argument can be made against it.

The amendment is germane, because the fundamental purpose of this bill is to enhance penalties for those crimes that target our most vulnerable citizens, the elderly and the young and women. For those reasons, I urge that the point of order be turned aside.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule.

The bill, as amended, enhances penalties for violent crimes against vulnerable persons. In addition, it establishes criminal liability for certain crimes of violence against vulnerable persons.

The amendment as offered by the gentleman from Michigan [Mr. CONYERS] would disturb the coherence among the provisions of the bill. It is not confined to the subject of violent crimes against vulnerable persons and punishments therefor.

Accordingly, the amendment is not germane, and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert "or an environmental crime".

Page 3, line 13, strike "of violence".

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes.

Mr. CONYERS. Mr. Chairman, I think we have to recognize that this amendment would simply add environmental crimes to those crimes against the children and the elderly that would receive enhanced penalties.

Now, why is that critical? The reason is that environmental crimes, for example, the knowing pollution or contamination of our environment, tend to have a much more severe impact on our most vulnerable citizens, namely children and the elderly.

For example, the severe impact environmental crimes can have is dramatically brought to bear in Woburn, MA, in the case where numerous children died of leukemia after drinking water where toxic waste was dumped by subsidiaries of two of our country's most influential, multinational corporations.

If we are going to say crimes of violence against children and the elderly are deserving of more serious punishment, it is only fitting that we so treat environmental crimes, which have a disproportionate effect on children and the elderly and which can be equally or more deadly. A refusal to treat environmental crimes as seriously as crimes of violence really indicates that it is not really the effect of crime with which we are concerned, but the perpetrator.

I see that as a serious mistake in the development of this criminal justice bill. Environmental crimes are generally committed by large corporations. In contrast, crimes of violence usually are created by less influential individuals. So it is important to treat all crimes that harm youngsters equally, to treat all crimes that have a significant adverse impact on children and the elderly with equal seriousness.

I offer the amendment, and hope that the Members will join me in supporting this amendment.

Another example of the kind of behavior that this amendment would speak to is several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster. It was a clear case of criminal misconduct. The jury awarded the families $500 million in damages against the defendant, the largest wrongful death lawsuit in the history of the Nation, but they have not paid it because they declared bankruptcy. So far, the fine of the Federal court has not been paid either.

The only way to punish the wrongdoers in a case like this is to subject the defendants in the corporation to significant jail time. Under current sentencing, under the guidelines, the perpetrators served a mere 27 months.

It is fine to say you are tough on crime, but let us make sure we punish all the criminals who place the children and elderly at risk.

A few month sentence for hazardous dumping that costs children their lives needlessly is simply not enough, and should be subject to the sentence enhancements that are going on in the several amendments underlying the Chrysler bill that is still on the floor.

I urge Members to support this commonsense amendment.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida [Mr. McCOLLUM] insist upon his point of order?

Mr. McCOLLUM. I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized in support of his point of order.

Mr. McCOLLUM. Mr. Chairman, as with the previous amendment, I do not believe that this amendment is germane, because the underlying bill's scope involves crimes of violence against children, elderly persons, or other vulnerable persons. This amendment involves an environmental crime. We do not even know by definition what an environmental crime is. I know of no definition under title 18 of an environmental crime. Whether or not that is in and of itself a reason for this to be nongermane, it certainly is equally as nongermane as the fraud and coercion efforts made a moment ago, because it does not involve the underlying crime of violence this bill speaks to and the bill is not broader than that.

The CHAIRMAN. Does the gentleman from Michigan [Mr. CONYERS] wish to be heard on his point of order?

Mr. CONYERS. I would like to be heard in opposition to the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

□ 1945

Mr. CONYERS. Mr. Chairman, I would like to appeal to the Chair to consider adding environmental crimes to the measure before us as a germane provision.

Mr. Chairman, as written, the bill refers to crimes of violence which include, of course, physical force. Now, at first glance, environmental crimes might not appear to be involving physical force. But then one need only recall that murder is a crime of violence and that murder can be accomplished by nonphysical means like poison. Even though the perpetrator may not be even present at the time of the actual ingestion of the poison, poisoning someone is no less murder because there is no physical contact.

Likewise, Mr. Chairman, the adding of environmental crimes as an appropriate and germane part of the provisions and the objectives sought in H.R. 2974, would make, I think, quite rational sense. Environmental crimes are similar if not identical to the example of poisoning by murder. A company, for example, deliberately dumps chemicals that it knows are dangerous into a water supply. Is that a physical crime? Inevitably harm results to the people who drink the water, sometimes resulting in death. In Woburn, MA, we saw numerous children develop leukemia and eventually die from the disease contracted as a direct result of the poisoned water they consumed. Would a rule of germaneness take a crime of that nature and that level of violence out of the provisions of enhancing crimes to children in this measure? I would argue that it should not. Is that company any less responsible for these deaths than a murderer is for his? I think not.

Mr. Chairman, if my colleagues are concerned about the level of intent, whether the company intended the children to die, well, intent is a question that in every murder investigation or trial will be determined in a court of law.

Using my example, Mr. Chairman, I have attempted to make a distinction from the previous measure that I offered, and I argue that the environmental crimes are violent in effect and are too important and serious for it to be ruled out of order because such crimes have not historically been considered in this genre.

I urge the Chairman to dismiss the point of order.

The CHAIRMAN. The Chair is prepared to rule. As was the case with the ruling on the previous amendment, this particular amendment also disturbs the coherence among the provisions of the bill. It is not confined to the subject of crimes of violence as that term is given meaning in section 16 of title 18 of the United States Code, and it does not cover violent crimes against vulnerable persons and punishments therefore.

Accordngly, the ruling of the Chair is that the amendment is not germane and the point of order is sustained.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONYERS: Page 3, 13, before the first comma insert ", including those crimes of violence involving the environment".

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] reserves a point of order.

The gentleman from Michigan [Mr. CONYERS] is recognized for 5 minutes in support of his amendment.

Mr. CONYERS. Mr. Chairman, I now have an amendment that would make it clear that environmental crimes of violence are included in the definition of crimes of violence to which enhanced penalties will attach.

Mr. Chairman, in another previous amendment I would have added environmental crimes as a distinct class of crimes in addition to crimes of violence for which there could be enhanced penalties. But this amendment differs in that it merely specifically provides for the definition of crimes of violence to include crimes of violence that are environmental in nature.

Again, let us use the crime of murder by poison. Poisoning is considered and is a crime of violence. Similarly, if a company contaminates a community's water supply, thereby poisoning residents with death resulting to some young and old victims, this amendment would require that enhanced penalties attach.

So, Mr. Chairman, I believe without my amendment, even a prosecutor could justifiably argue that the contamination of a water supply resulting in deaths could be a crime of violence qualifying for increased penalties. But this amendment would dispel those doubts and make it clear that environmental crimes resulting in physical harm should have the same penalties as other crimes resulting in physical harm.

In fact, there is little or no difference. Let me describe the kind of behavior that would be prosecutable in the event my amendment wins passage.

Several years ago two 9-year-old boys were killed by fumes from hazardous waste illegally disposed of in a dumpster, and the jury made an award in a wrongful death lawsuit, but they have never been able to recover. The corporation merely declared bankruptcy.

Unless we are able to go to the corporate personal defendants who could be eligible for significant incarceration under this provision, there is no way that they can be reached. And so, I think it is wonderful to say we are tough on crime, but let us make sure that we punish the full range of people who commit criminal acts, who place our children and elderly at risk.

A 27-month sentence for hazardous dumping that costs a number of children their life is simply not strong enough, and the sentencing enhancements that have been discussed on this floor in the underlying bill should apply to the circumstances that I have raised as an example in support of this amendment.

Mr. Chairman, I urge the Committee to support the amendment and add this very important part of criminal conduct to be subject to enhanced penalties.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from Florida insist upon his point of order?

Mr. McCOLLUM. I do, Mr. Chairman.

Mr. Chairman, the underlying bill is, yes, a question of defining a crime of violence, and it talks about a crime of violence against a child, elderly person, or other vulnerable person and it explicitly defines a crime of violence: the meaning given that term in section 16 of title 18 of the United States Code.

Mr. Chairman, I can read section 16 of title 18. It says: The term "crime of violence" means an offense that has as an element, the use, attempted use, or threatened use of physical force against a person or property of another or any other offense that is a felony and that by its nature involves substantial risk that physical force against a person or property of another may be used in the course of committing the offense.

Mr. Chairman, I do not know what in the world a crime of violence involving the environment means. I think that this amendment is not germane to this bill because it inherently goes outside the definition of a crime of violence that is written. I would submit that no court in this land could interpret what the gentleman has written and that it is therefore destructive of the underlying premise of this bill and, therefore, beyond the scope and inappropriate to this bill.

Mr. CONYERS. May I be heard, Mr. Chairman?

The CHAIRMAN. The gentleman from Michigan is recognized.

Mr. CONYERS. The arguments against germaneness coming from the chairman of the Subcommittee on Crime would carry much more resonance if, through his agreement, and the Committee on Rules, we have already made measures germane that would have clearly been nongermane.

The question is: What shall we make germane and what shall we make not germane? And to argue that these kinds of crimes that clearly call out for criminal penalties should not be included merely because they are not violent in the traditional sense of violence, there are many crimes that occur that are not physically violent. There is no physical act of violence when a person is murdered by poisoning. There is none. They are not excluded. They do not fall to the argument of being nongermane.

And so, Mr. Chairman, I would say that this amendment relates to the subject matter as the legislation does before us. The subject before us, of the bill before us, is limited to crimes of violence which are committed against the elderly, young people, and other vulnerable persons. My amendment is limited to these same precise categories. The crime involved must be a crime of violence and it must be committed against a child, elderly person or other vulnerable person. On that basis, I urge that the point of order be rejected.

The CHAIRMAN. The Chair is prepared to rule.

This amendment offered by the gentleman from Michigan ensures that the definition of a crime of violence under section 16 of Title 18 may include a crime involving the environment as a subset of a crime of violence for the purposes of the pending bill. As such, the amendment does not disturb the coherence among the provisions of the bill. It is confined to the subject of violent crimes against vulnerable persons and punishments therefor, unlike the prior amendment.

Accordingly, it is the rule of the Chair that the amendment is germane and the point of order is overruled.

For what purpose does the gentleman from Florida [Mr. McCOLLUM] rise?

Mr. McCOLLUM. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentleman will suspend.

Mr. CONYERS. Regular order, Mr. Chairman. Should I not be recognized in support of my amendment?

The CHAIRMAN. With all due respect, the gentleman was recognized after the designation of the amendment prior to the point of order.

The Chair recognizes the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, I am not going to oppose the amendment, though I think that it is a superfluous amendment. It is oratory in nature, by the ruling of the Chair. I can sit here and list other crimes of violence involving all kinds of things beyond the environment as long as they involve something having to do with violence. And I can think of A, B, C, D, E, and F and add them to this bill. The gentleman wants to make this point and he has had the opportunity. He is getting to add his language to this bill to do that.

Mr. Chairman, I think it is interesting and ironic that the gentleman spends time in committee arguing that we should not incarcerate nonviolent offenders. Tonight he attempted earlier to expand the definition of violence to include dumping waste in the ocean, spilloff into the rivers, and dirty car exhausts.

Mr. Chairman, I would submit that those are not crimes of violence. obviously, if one can figure out what a crime of violence is that involves the environment or involves anything else, then of course if it is truly a crime of violence involving murder, rape, robbery, and assault, I would suggest that it would come with the scope of the bill, obviously. But certainly it is not simply going to be dumping waste in the ocean, spilloffs into rivers, or dirty car exhausts. There may be other Federal laws that are violated, but not crimes of violence laws.

Anyway, Mr. Chairman, based upon the ruling of the Chair that we are not actually adding any scope to this bill, I will not object to this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish I could do imitations because if I could, I would imitate former President Reagan when he said, "Here we go again." Because we are on this slippery slope and we cannot get off. We keep adding things that make no sense. And with all respect, this makes as much sense as everything else.

But the point I want to make is that we should not be doing this in the context of this bill. This bill should not be here. We should be allowing the process that we have set up and have followed for a long, long time to get the politics and irrationality out of sentencing, out of the process.

We should be allowing the Sentencing Commission to do exactly what we set up the Sentencing Commission to do. And despite that, here we go again. As President Reagan would say, "There you go again."

We are going to add any kind of conceivable thing and the reason we are going to add it is because politicians like politically to be viewed as tough on crime. I do not have any problem with that. But we need to have some rational underlying basis by which we are proceeding, and this bill now does not have that. It did not have it when it first started out, and every time we have added some new violation that triggers this kind of vulnerable mentality, then we have made this more a mockery. We are now doing an injustice, a severe injustice to public policy.

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There are a bunch of vulnerable people, and we could add all of them to this bill. There is really no place to cut is off. That is why we gave this responsibility to the Sentencing Commission, to get it out of the irrational political, reactionary process that we are now following this evening.

Mr. Chairman, I hope my colleagues will come to the realization that what we are doing is just bad, bad, bad public policy and will reconsider this entire bill and allow the Sentencing Commission to continue the job it has been set up to do.

Mr. STUPAK. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Chairman, I thank the gentleman from Michigan for yielding to me.

I want to thank the gentleman from Florida, the chairman of the Subcommittee on Crime, for agreeing to accept the amendment. I also want to thank the gentleman from North Carolina [Mr. WATT] for continuing to object to the entire procedure.

Let me first remind the chairman of the Subcommittee on Crime that one of the measures that led me to introduce environmental crimes is the fact of the two 9-year-old boys in his State, if not his district in Florida, who were killed from a wreck of hazardous waste illegally disposed of in a dumpster. The two individual defendants, the plant manager and the shop foreman, were convicted of hazardous waste felonies. Each was sentenced to serve 27 months in prison under the terms of a guilty plea that included knowing endangerment. They went to 5 years probation.

I think the gentleman would agree that these kinds of crimes are as serious as all the others that we have dealt with. Now, that does not in the least detract from the validity of the arguments offered by the gentleman from North Carolina. I am placed in the precarious position of agreeing with the gentleman from North Carolina, but we are here adding these measures tonight. To leave out crimes of an environmental nature where there is deliberate, reckless endangerment, knowledge and intention, would, to me, be an incredibly wrong thing to do.

This is the slippery slope that we are on. I am on it. I am not going to leave out environmental crimes because of the irrationality of what the majority of the Members have willed here today.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, I just want to make it clear to the gentleman that his amendment is just as rational as the underlying bill. I am not singling out his amendment. If I had to think of crimes that I would want to include on this, this would probably be one of them. But it illustrates, again, how irrational the process is we have embarked upon when we start down this slippery slope. There is no way to get off of it. I hope the gentleman understands that this does not have to do with his amendment. It has to do with the process, which is what I have been talking about all night.

Mr. CONYERS. Mr. Chairman, if the gentleman will continue to yield, I hope that the gentleman understands that this does not have to do with my disagreeing with his basic contention, but it has to do with the fact that we find ourselves tonight on this slippery slope. If we are on the slippery slope for all its irrationality, I do not want to exclude environmental crimes.

I thank my colleague from Michigan for yielding me this opportunity to express my agreement with both the gentleman from Florida and the gentleman from North Carolina.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CONYERS].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STUPAK: At the end of the bill, add the following:

SEC. . PROHIBITIONS RELATING TO BODY ARMOR.

(a) SHORT TITLE.—This section may be cited as the "James Guelff Body Armor Act of 1996".

(b) SENTENCING ENHANCEMENT.—The United States Sentencing Commission shall amend the Federal sentencing guidelines to provide an appropriate sentencing enhancement for any crime of violence against a vulnerable person (which for the purpose of this section shall include a law enforcement officer) as defined in section 240002 of the Violent Crime Control and Law Enforcement Act of 1994 in which the defendant used body armor.

(c) For purposes of this section—

(1) the term "body armor" means any product sold or offered for sale as personal protective body covering intended to protect against gunfire, regardless of whether the product is to be worn alone or is sold as a complement to another product or garment; and

(2) the term "law enforcement officer" means any officer, agent, or employee of the United States, a State, or a political subdivision of a State, authorized by law or by a government agency to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of criminal law.

Mr. STUPAK (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. McCOLLUM. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] reserves a point of order.

Mr. STUPAK. Mr. Chairman, let me address the substance of my amendment and also the point of order being reserved by the majority.

Mr. Chairman, I do believe that my amendment is germane to H.R. 2974. Whereas 2974 seeks to provide enhanced penalties for crimes against elderly and children, it also specifies crimes against, and I quote, vulnerable persons. These are defined in the bill as individuals who, due to age, physical or mental condition or otherwise, are particularly susceptible to criminal conduct.

When it is a situation where law-abiding citizens and laws enforcement officers are confronted by criminals wearing body armor, especially police officers, then I think it is fairly obvious to everyone except maybe the criminal that the police officer is in a vulnerable position. As such, this amendment is highly relevant and germane to the legislation before us today.

Mr. Chairman, my amendment seeks to control the growing use of body armor by criminal elements and impose penalties for those who wear body armor while committing Federal crimes. Body armor, the protective personal devices commonly utilized by those in law enforcement, are vests and helmets made from Kevlar. Other advanced materials are increasingly becoming a common tool used by those who seek to break the law and victimize innocent citizens.

This amendment is very similar to legislation I introduced last year, H.R. 2192, the James Guelff Body Armor Act. I act now today because we have been unable for more than a year to get even a hearing on this legislation.

Mr. Chairman, to illustrate the point that we are at, Mr. James Guelff was gunned down on the streets of San Francisco on the night of November 14, 1994, following a violent shootout with a heavily armored and well-protected criminal. This criminal and killer was decked out in a bullet-proof vest and helmet. He was virtually unstoppable by more than 100 San Francisco police officers as he unloaded more than 200 rounds of ammunition into a residential neighborhood.

Only a strategically aimed shot by a marksman was able to bring a night of violence to an end but not soon enough for Officer Guelff. I have heard from law enforcement officers all across this country about the increasing occurrences of drug dealers and other suspected suspects possessing body armor. From Baltimore to Texas, from Michigan to Los Angeles, criminal elements are being transformed into basically unstoppable terminators with virtually no fear of police of other crime fighters.

These heavily protected criminals are capable of unleashing total devastation on civilians and police officers alike. The increasing availability of body armor in the wrong hands can only direct a greater danger to America and greater danger to the American people and a growing threat to our institutions. Quite simply, my amendment seeks to impose penalties when body armor is used in committing a violent crime.

Mr. Chairman, penalties will be determined by the Sentencing Commission. Although technological advancements have helped law enforcement officers fight crime and counter terrorism, these same high-technology advancements when ending up in the wrong hands pose new challenges and a growing danger to police officers and all others who seek to protect and safeguard our citizens.

I have received very positive feedback from those in law enforcement in support of this measure. I would hope that the majority would see the need for providing enhanced safety and penalties and my amendment would achieve this goal.

This amendment as has been drafted and appears before us now, the amendment is supported by the Fraternal Order of Police, the National Sheriffs Association, National Troopers Association, and by police departments from Boston to Los Angeles and other major cities and jurisdictions across this country.

I ask that there be support for this law enforcement amendment and support for this important bill not just for women and children and elderly but for everyone.

The CHAIRMAN. Does the gentleman from Florida [Mr. MCCOLLUM] insist on his point of order.

Mr. MCCOLLUM. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think what the gentleman wants to do here, now that I have examined his revised amendment from what he had earlier produced, is a positive thing. It does not go to children. It does not go to women. It does not go to the elderly. It really should go, and I think he is trying to make it go, to the police. It obviously does not go to every police officer.

I would certainly engage the gentleman, if he would, so we can clarify this. It would involve a law enforcement officer, I presume, based upon the Federal sentencing guidelines and the fact that all of the underlying crimes that we are dealing with here today are Federal crimes, that it would be a Federal law enforcement officer for whom this would apply, when you have indicated in your parenthetical, which for the purposes of a vulnerable person, which for the purposes of this section shall include a law enforcement officer. Would we not just inherently conclude that we are dealing with Federal law enforcement officers by the nature of the underlying bill and the nature of the Federal sentencing guidelines?

Mr. STUPAK. Mr. Chairman, will the gentleman yield?

Mr. MCCOLLUM. I yield to the gentleman from Michigan.

Mr. STUPAK. Mr. Chairman, because of the issue here and the term "law enforcement officer," we actually defined it in the bill as being an officer, agent or employee of the United States, a State or political subdivision authorized by law or government agency.

I mean when we take a look at this, I think this would include any law enforcement officer in the United States.

Mr. MCCOLLUM. Well, I have a question. Reclaiming my time, if you do include any police officer involving this, the question I guess involves one of whether or not there will be a crime where that is a Federal crime at the beginning that would include a police officer who is not a Federal officer that is a criminal crime, and there may be some cases like that, that is a Federal crime to begin with.

My reason for the puzzlement is even though I have read the definition, I think your original construct and your intent and you would have done it by separate legislation, had you had the opportunity, and it is not a bad idea, is to make it a Federal offense or crime to actually commit a certain type of activity and crime against, violence against law enforcement officers generally in the country using these kind of vests, these kind of devices. But the way you have reconstructed this to fit it and make it germane to this bill is in such a way that I would believe, though I could be wrong, because I do not have all of the Federal criminal laws out in front of me now with all the sentences to go over tonight, there are numerous of them, but I would believe it would be very rare cases in which the underlying crime for which the enhanced sentence would occur would involve a local law enforcement official. But in any event, I am not going to oppose the amendment. I am just trying to work through it in my own mind.

Mr. STUPAK. Mr. Chairman, if the gentleman will continue to yield, for the enhancement aspect of it, the underlying crime would have to be a Federal crime. The individual who may be in pursuit of this criminal could be a law enforcement officer from any jurisdiction, but the Federal crime that they are in pursuit of this criminal for would have to be a Federal crime as defined in the Violent Crime Control and Law Enforcement Act of 1994. So the underlying crime, you are absolutely correct, the protection would extend to anyone investigating that Federal crime where they met such an individual wearing this protective device.

Mr. MCCOLLUM. Fair enough. I think with that clarification, it helps a lot. So we understand, we are not creating any new Federal crimes, as we did on an earlier amendment. With this in mind and believing as I do and wanting to protect the police officers of our Nation and anybody else, for that matter, in terms of the situation where you might be wearing a vest like this, a body armor, I would support this amendment.

Mr. STUPAK. Mr. Chairman, I would ask, this was a small step here we are doing here tonight, but we do have the main underlying bill. And we have been trying to find a vehicle and even have some hearings on it. I would ask that the chairman give us due consideration of the full bill, the James Guelff Body Armor Act of 1996, so we can get to extend it to all police officers, not just Federal crimes but also State and local violations of law. So I would once again ask the chairman at a time hopefully very soon that we could address this issue further. This is just a small step tonight. I would like to take it one step further.

Mr. MCCOLLUM. Reclaiming my time, Mr. Chairman, I know the gentleman is very sincere in wanting to press his entire full bill, and I respect that and, assuming we can work it into the crime agenda, I am not adverse to having a hearing on it, as I indicated before. We are in the process now of trying to figure out our schedule for the balance of the year. I thank the gentleman.

Mr. Chairman, I urge the adoption of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I ask unanimous consent that the reporter be allowed to read back my arguments on the Slaughter and Conyers amendment so that I do not have to repeat them on this amendment.

The CHAIRMAN. Unfortunately, the Chair cannot entertain that unanimous-consent request.

Mr. WATT of North Carolina. Then, Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I will not take the 5 minutes. I will simply say ditto, here we go again, and yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. STUPAK].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MS. DELAURO

Ms. DELAURO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. DELAURO: At the end of the bill, add the following:

SEC. 3. AMENDMENT OF SENTENCING GUIDELINES TO PROVIDE FOR ENHANCED PENALTIES FOR A DEFENDANT WHO COMMITS A CRIME WHILE IN POSSESSION OF A FIREARM WITH A LASER SIGHTING DEVICE.

Not later than May 1, 1997, the United States Sentencing Commission shall, pursuant to its authority under section 994 of title 28, United States Code, amend the sentencing guidelines (and, if the Commission considers it appropriate, the policy statements of the Commission) to provide that a defendant convicted of a crime of violence against a child, elderly person, or other vulnerable person (as such terms are defined in section 240002(b) of the Violent Crime Control and Law Enforcement Act of 1994) shall receive an appropriate sentence enhancement if, during the crime—

(1) the defendant possessed a firearm equipped with a laser sighting device; or

(2) the defendant possessed a firearm, and the defendant (or another person at the scene of the crime who was aiding in the commission of the crime) possessed a laser sighting device capable of being readily attached to the firearm.

Ms. DELAURO (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Connecticut?

There was no objection.

Ms. DELAURO. Mr. Chairman, I rise today to offer an extremely important amendment to improve the protections that are already included in this measure for our Nation's children, elderly and other vulnerable citizens. Public citizens today are facing a deadly new threat on the streets of my home State of Connecticut and across the Nation: the new threat is the emergence of laser sighting devices that are aimed at our law-abiding citizens.

These laser sights, mounted on the barrel of a gun, emit a tiny red beam of light that the shooter uses to line up the targets. In the hands of a criminal, these high-technology weapons turn ordinary street thugs into sharpshooters.

My amendment directs the U.S. Sentencing Commission to increase penalties for individuals convicted of crimes of violence involving laser sighting devices when that crime is against a child, a senior, or a vulnerable person as defined by the bill. The amendment will deter the use of laser sight technology in street crime and require the Sentencing Commission to collect data on laser sighting devices in violent criminal activity throughout the Nation.

It is narrowly crafted legislation. It focuses on the criminal to crack down on violent crime. It is a noncontroversial approach that Members can support regardless of their views on gun legislation in general.

I offered a similar, but broader, amendment to the antiterrorism legislation in March. The amendment had wide bipartisan support and passed by voice vote. Unfortunately, the amendment was removed in conference.

Let me stress the amendment does not ban laser sight technology, nor does it ban guns equipped with laser sights. Again, it does not ban laser sight technology, nor does it ban guns equipped with laser sights. This is not about gun control, it is about crime control and justice for the victims of violent crime.

Mr. Chairman, I crafted this legislation with the help of local law enforcement in Connecticut.

With their input, this legislation has won endorsements from the National Fraternal Order of Police, the International Brotherhood of Police and others.

Let me read directly from the letter of support that I received from the National Fraternal Order of Police regarding the legislation.

> The citizens of this nation already suffer far too much from tragedies precipitated by firearms crime. This problem is exacerbated by criminals using laser sights to make their criminal activity even more deadly.

Proliferation of this new technology is growing at an alarming rate among street thugs in communities across America. On Christmas Day of last year and during the first weeks of the New Year, guns equipped with laser sights have taken lives and evoked fear amongst families in my district. That is why I am offering in this amendment today.

The enhanced accuracy that these laser sighting devices generate in the hands of the violent criminal create a "Super-gun," which aimed directly or indirectly at a target, make victims of innocent children, our seniors and other community members as they live and work in our neighborhoods.

In closing, let me read to my colleagues from a letter I received from the Connecticut Police Chiefs Association's president, Chief James Thomas, in strong support of my amendment:

> Your legislation is a step in the right direction to reaffirm that society will not tolerate the use of sophisticated weapons by criminals against its citizens.

This bill punishes the criminal, not law-abiding gun users or gun owners, and I urge its immediate passage. I urge my colleagues to protect our most vulnerable citizens from violent crimes involving laser sights.

Mr. Chairman, I ask for a favorable vote on this amendment.

Mr. MCCOLLUM. Mr. Chairman I move to strike the last word.

Mr. Chairman, I am not going to oppose this amendment, because, obviously, if anybody commits a crime against a vulnerable person like a child or a senior citizen using a firearm equipped with a laser sighting device, I do not think any of us would want to argue that that person ought not to get the book thrown at him. But I would like to think we are going to throw the book at him for a lot of things that are less even than that in scope or seriousness, using a gun and lots of other things.

But I would submit that there are very, very few crimes that would be committed that would come under the jurisdiction of this law that would involve somebody possessing a firearm equipped with a laser sighting device. I do not, in fact, know of any crimes against children or the elderly that have been committed with them, although that is always possible, and I am not going to oppose this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Connecticut [Ms. DELAURO].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 4, line 2, at the end, delete the "," and insert ", by virtue of residence in any neighborhood in which the incidence of violent crime is above the national average, is particularly susceptible to criminal conduct."

Mr. MCCOLLUM. I reserve a point of order, Mr. Chairman, on the amendment offered by the gentleman.

Mr. WATT of North Carolina. Mr. Chairman, there really is no more vulnerable population in America in terms of being exposed to criminal conduct than the people who live in the lowest-income areas in America, and when we start talking about who is vulnerable, sure, the elderly are vulnerable; sure, children are vulnerable, sure police officers are vulnerable. The list can go on, and on, and on, and on.

But there really is no more vulnerable population than the population that lives in areas of our country where the incidence of crime is far above the national average.

Mr. Chairman, this kind of illustrates how insane the process is we have embarked upon this evening. If we are going to set out to define who the vulnerable people were in our country—who is vulnerable to crime—we would have started with this amendment that simply says a vulnerable person under this bill is one who lives in a neighborhood where the incidence of violent crime is above the national average.

I am the first to stand here, even though it is my amendment, and confess to my colleagues that it makes no sense. But it makes just as much sense to do this in this bill as the bill when we started out as the Frost amendment when he added it, as the Slaughter amendment when she added it, as the Conyers amendment when he added it, as the Stupak amendment when he added it, and my friend from Connecticut, the last amendment, when she added hers.

What we are doing is a gross violation of the public safety and the trust that we owe to the citizens in this country. We are talking a very serious issue, and we are politicizing it. We are bringing it in here and saying let us make fun of these things, in effect, because we are in a political year, let us beat on our chest and show America how hard on crime we are,instead of following a responded policy that Republicans and Democrats alike on a bipartisan bases have agreed upon for years.

So I offer this amendment to show how slippery that slope is. Where do we draw the line? How do we draw the line? What makes sense on who is vulnerable and who is not vulnerable in our country if we do not get to the underlying cause of violent crime in the first place? Why signal one group out and exclude another?

But, most importantly, why do we bring this into this context, into a political context, this serious debate, and take it away from the nonpolitical, reasoned, rational process that we have set up?

We are supposed to be setting public policy here. That is what we all were elected to do. And I have heard on this floor tonight people say, "Okay, well, it sounds good, even if it is unconstitutional, I am going to vote for it if you make me do a recorded vote, because I know that if I don't do it, there are political consequences."

The CHAIRMAN. The time of the gentleman from North Carolina [Mr. WATT] has expired.

(By unanimous consent, Mr. WATT of North Carolina was allowed to proceed for 1 additional minute.)

Mr. WATT of North Carolina. Mr. Chairman, we have had a series of amendments that illustrate faithfully how absurd what we are doing is, and this one is no worse. It is simply designed to point out to my colleagues that we cannot get off of this slope once we get on it, and that is why we gave the responsibility in the first place to the Sentencing Commission. We have got to be rational about this, and, my colleagues, we cannot be rational about it playing politics with it.

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from North Carolina.

The CHAIRMAN. Does the gentleman from Florida insist on his point of order?

Mr. McCOLLUM. No, Mr. Chairman, I withdraw my reservation of a point of order.

The CHAIRMAN. The gentleman from Florida is recognized for 5 minutes.

Mr. McCOLLUM. Mr. Chairman, the gentleman from North Carolina is offering this amendment, I believe, almost on the face of what he is saying, because he is trying to make this bill absurd on its face. Once this passes, I suspect he will have succeeded if indeed it passes, because, first of all, he is saying that anybody is a vulnerable person and, therefore, there will be a sentence enhancement if that person is a victim of a violent crime in this country if that person is a resident in any neighborhood in which the incident of violent crime is above the national average.

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I would suggest that there are a lot of people, who are residents of neighborhoods where the violent crime rate is above the national average, who may very well the very people where the criminal element is most strong in. In other words, we may very well find the guy who is dealing in arms, the fellow who has a whole warehouse full of ammunition; terrorists may be living in the neighborhood. I do not think neighborhoods are the way we should go about trying to define who is vulnerable or who is not vulnerable.

There are classes of people, rather than characteristics of geography, which this bill addresses. This bill addresses the issue of children and women and the elderly and, in a stretch, the police who happen to be vulnerable. They are people, not neighborhoods; not Washington, DC, not Orlando, FL, not Jacksonville, FL, not Florence, SC, not New York City. We are not geographically bound by this bill.

I think we make a mockery of this bill to take it to the extreme that this does, to charge the Sentencing Commission with coming back with enhancements of penalties, making penalties greater if you commit a crime against somebody because they happen to be in a neighborhood that statistically has an incidence of violent crime that is above the national average.

I do not even know if we have averages for violent crime in neighborhoods. We do have in cities. We do have it by counties, in some cases. We certainly have by States. But I do not know that we have statistics that measure neighborhoods. We do not even have a definition of a neighborhood, so we are going to expect the Sentencing Commission to derive through some regulatory process what a neighborhood is and how to relate existing statistics to neighborhoods. I do not think that it can probably be done, because I do not think the data is available that would allow us to have the information that would make this amendment meaningful.

By adopting this amendment, Mr. Chairman, the gentleman is doing what he really wants to do, and that is to try to make this bill impossible to become law, to make it one that will never see the light of day in the other body, to make it one which is rendered meaningless.

I think that is kind of sad, because what we are trying to do tonight, what we have been trying to do all afternoon since this bill has been considered that the gentleman from Michigan [Mr. CHRYSLER] drafted, is to send a message, particularly to those who commit crimes against the most vulnerable people in our society—children under the age of 14 and the elderly—that if you do, then you are really going to be in trouble.

Maybe we should have brought this bill out of here under a modified closed rule instead of an open rule, because we should have recognized that there would be a lot of mischief being played by people who did not agree with the basic idea; who do not believe Congress ought to be telling the Sentencing Commission, when we do not agree with it, that we think their punishment should be stronger and different than what they came back with when we suggested to them that they enhance penalties in the area of those who are particularly vulnerable, who are children and elderly, which is what we did in the last Congress. Maybe we should have foreseen that and not presented this out here under an open rule tonight.

Nonetheless, we did, Mr. Chairman. I would submit that my colleagues need to have the common sense and courage to vote down this amendment; to understand that it is wrong, to understand that it is way too broad; to understand there is no way to define a neighborhood in the first place; and in the second place, we do not have the statistics that would be applicable to make a person vulnerable; and in the third place, I suspect we are going to make a lot of people come under this definition who you would not want to have come under it even if you thought about it and even if you did adopt this, for those who may be truly a little more vulnerable because of somewhere they live than you might imagine.

It is just an unworkable amendment that, if nothing else, I think is designed, quite frankly, to kill this bill. I would urge a "no" vote in the strongest of terms. Somewhere we have to draw the line. I have to draw the line myself, as the chairman of the subcommittee, on what we accept here tonight, and I am drawing the line here and saying this is going way, overboard. I urge in the strongest of terms a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was rejected.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WATT of North Carolina: Page 3, beginning on line 9, strike subsection (a) and insert the following:

"IN GENERAL.—The United States Sentencing Commission shall review the Federal sentencing guidelines to determine an appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

Mr. WATT of North Carolina. Mr. Chairman, this amendment simply would request the U.S. Sentencing Commission to review this matter and make recommendations about enhancements for the areas that are covered by this bill.

Mr. Chairman, it is time for us to get a grip. It is time for us to get a grip. We have taken a bill which should never have come to this floor, and it has gone from the ridiculous to the sublime, as somebody used to say to me when I was growing up. We have added a new Federal crime for crossing State lines to engage in sexual acts or sexual abuse of a child under age 12. We have added sex crimes against women. We have increased the enhancement from five levels to six levels. I do not know what the rational basis for that was, if there, in fact, was any. But everybody was afraid to vote against it, so it must have been a good idea, because politically, it is expedient.

We have added environmental crimes when they do violence. We have added mail order sale of body armor, and police officers. We have added laser sighting devices. We have refused to add the most vulnerable populations in our country, those who live in low-income areas, but I submit to the Members that that was no less or more rational than any of the others.

In the process we have illustrated, time after time after time, how slippery this slope is. We have illustrated, time after time after time, why on a bipartisan basis Republicans and Democrats alike joined to establish the U.S. Sentencing Commission and to give it authority to study the issues, to make very difficult judgments, to make our sentencing policy consistent, to take testimony outside the political context, and to rationalize something that ought to be rational, rather than irrational and political.

Mr. Chairman, I beg of my colleagues to get a grip and give this authority back to the Sentencing Commission. I know this is an election year, but our ultimate responsibility is to make sound public policy. We are making a joke of it this evening, because this is a slippery slope we cannot get off.

Mr. Chairman, I ask my colleagues to please pay heed and pass this amendment. let us get a grip and give the authority back to the body that we set up long ago to make these difficult decisions. Let us play public policy, not politics.

Mr. McCOLLUM. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I oppose the amendment for pretty obvious reasons, because this amendment that the gentleman from North Carolina [Mr. WATT] offers is one he offered in committee. I know it is offered sincerely, but it does gut the bill. His objective here is to send everything back to the Sentencing Commission and say that Congress, in this bill, is not going to tell you what to do with regard to the enhancement of sentences against those who are most vulnerable: children and women and the elderly. We are going to leave it up to you.

Frankly, Mr. Chairman, I know in principle that is great, but not always does the Sentencing Commission do what we want them to do. In this particular case they did not, at least not what I wanted them to do. They came back with some language that was directional to judges in considering certain matters in the sentencing guidelines, but they did not increase, pursuant to what I thought was the direction of Congress in the last session, in the language we passed directed to them, they did not increase the levels of sentence that would be given to those who commit crimes against the children and the elderly of this Nation.

I am not happy with that. The gentleman from Michigan [Mr. CHRYSLER] is obviously not happy, the author of this bill. I do not think, again, the majority of the American public would be happy without having these punishments enhanced in the sense that they are by the underlying bill we are dealing with here today.

That underlying bill essentially raises by five levels the amount of the sentence that somebody is going to get for any Federal crime they commit against any child or any other defined vulnerable person: the elderly; in certain cases, women. That means on average somewhere a little over 2 years more time in jail for somebody who commits a crime against one of these vulnerable persons, these children or these elderly and certain women, than they are going to get if they commit crimes against somebody else in the average course of affairs.

The important point of this, Mr. Chairman, is we want to send a deterrence specifically that says: "If you do a crime against somebody who is at the weak end of our system and most vulnerable, like a child or like an elderly person, then we are going to punish you more severely." And hopefully, just hopefully, there will be a few less crimes committed against those very vulnerable people. If not, we are certainly going to lock those folks who commit those crimes up for longer periods of time.

The message also is to the States and to the local communities in saying, We are going this by example at the Federal level. We hope that you will follow our lead and increase specifically the punishment for those crimes against the very vulnerable in our society in your States and your local communities by a like measured response, making a distinction and sending a deterrent message, and taking one more step that this Congress has been taking, which is the first Congress in years to do this, along the road of putting swiftness and certainty of punishment and deterrence back into our criminal justice system; sending a message to the criminal that is meaningful, in order that we might, in a few cases, deter crime, and in other cases, take these really, really bad apples off the streets for a long period of time.

Mr. Chairman, I think this is a good underlying bill. The amendment of the gentleman from North Carolina [Mr. WATT] would destroy it completely. He would say, "We do not agree to do that. We are simply going to redirect the Sentencing Commission to look at all of this again and come out with their recommendations again next year." That is not what this bill does. I urge a "no" vote on this amendment.

Mr. SCOTT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from North Carolina [Mr. WATT]. The last series of votes points out the reason why the Sentencing Commission is so important. It provides a rational determination of sentence. Without the Sentencing Commission looking at each of these sentences, we can expect life without parole and longer sentences for virtually every crime. Politicians will decorate their brochures with bills that address high profile crimes of the day, or to codify new slogans as they come up.

Mr. Chairman, the answer to crime will always be more time to be served, without regard of what the punishment is without a new bill, just more time. There will be no rational pattern. Should a drunk driver get more than a rapist, or more or less than someone guilty of telemarketing fraud who steals senior citizens' life savings, or more or less than someone involved in a barroom brawl? The Sentencing Commission can make that determination in the context of whether someone caught with a small amount of drugs should serve more time than a murderer.

The legislative process, however, is to deal with the crime of the day or the latest slogan, always more time to be served. Mr. Chairman, it is interesting to see where we are after decades of this process. On an international basis, the United States has the highest rate of incarceration of any country on Earth. Japan and Greece both lock up less than 50 people per 100,000 population; Canada and Mexico, about an average of about 100. There are only two countries in the world that lock up more than 400 people per 100,000 population: Russia and the United States, both around 500 and some. In inner cities in this country today, we lock up 3,000 people per 100,000 population, compared to the international average of about 100.

That incarceration is not free. Virginia, which has tripled the prison population since I was first elected to the house of delegates in the State legislature; in addition to that, recently we have gone on a prison construction binge that will cost $100 million for each congressional district every year for the foreseeable future.

□ 2045

That is because we keep increasing the time to be served for the crime of the day or the slogan of the day.

Mr. Chairman, if we are going to be serious about crime, we should be spending that money on initiatives which would actually reduce crime: education, jobs, recreation, drug rehabilitation, not decorating campaign brochures with expensive, haphazard, ineffective rhetoric. That is why we have the Sentencing Commission, to provide a rational, deliberate process to determine sentences, and that is why we should support the Watt amendment.

Mr. BUYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me just say to the gentleman from North Carolina, he would have my greater attention, perhaps support of this amendment if in the 1994 crime bill we did not ask the Sentencing Commission to look at it. When in fact that was done, the Sentencing Commission chose not to increase these penalties.

Mr. WATT of North Carolina. Mr. Chairman, will the gentleman yield?

Mr. BUYER. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. Mr. Chairman, is the gentleman aware that the Sentencing Commission did in fact respond to what we asked them to do and made some major adjustments in the process for evaluating whether to enhance or not?

Mr. BUYER. Reclaiming my time, they chose not to enhance the penalties. So what I am saying here is I agree with your point about reverent, I agree with your point about deference.

What we have here, though, are victims in our society who are asking the Congress to respond. We did it in the 1994 crime bill, whether it was three-strikes-and-you're-out. We have also done it with this bill on increasing the penalties.

We asked them to take a look at increasing the penalties against the most vulnerable in our society, the children and the elderly, and they chose not to increase it. So when they chose not, I think it is now very appropriate and I applaud the gentleman from Michigan [Mr. CHRYSLER] for bringing the bill.

I am also concerned, though, on how this bill in fact is getting saddled down with a lot of other things. The point of the gentleman from North Carolina [Mr. WATT] is very well taken. But I do not believe we should be redirecting the Sentencing Commission to do that which is highly predictable, which they will do, and that is, they are not going to take the action. I think the impetus for the legislation is in fact their failure to act and we are now telling them what they have to do.

His amendment in fact kills this bill, and I agree with the chairman of the Subcommittee on Crime and Criminal Justice that we must vote down the Watt amendment.

Mr. BECERRA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me begin by first thanking the gentleman from North Carolina for raising so many important constitutional and civil rights questions in this particular bill. I know a number of us thought this legislation would move through the course of this evening very quickly and a number of issues have been raised.

I must say that the gentleman from North Carolina raises some extremely important points, and this particular amendment unfortunately I know will not get the attention from Members that it deserves, but it should. This is an amendment that says we have a process, let us follow it.

Too often these days we find that the public, particular constituencies, particular communities, are not really pleased with the American process, whether it is judicial or legislative process. We can say the same thing about our political process. People are in many cases fed up. We can talk about certain high-profile jury verdicts that have come down, where people have said perhaps we should totally undo the jury process.

But we have a process and fortunately we have a Constitution that says we have to stick to a process. The Congress quite some time ago said we need a process to make sure we legislate appropriately when it comes to criminal matters. We have to make sure that people who are committing crimes are swiftly punished and appropriately punished for what they do.

We set up a Commission. That Commission was free of the politics that occurs day in and day out in this Chamber. We said, "We will charge you to tell us what you think we should do on these particular issues that we bring to your attention."

That is what we have been doing, is bringing these issues to their attention, directing them to take a look at certain things and get back to us. We have every right, as the gentleman from Florida has said, to disagree with the Commission and do something differently. That is what we have before us in this case with this bill.

The Congress, or a majority of Members, I suspect, in this Congress object to what the Commission has done. Does that mean it is right? Well, chances are what we are going to see happen is passage of this bill, and then we are going to have to revisit this in a few years because we are going to find that much of this is unworkable. Why? Because right now I think people are looking at November 1996, not May 7, 1996.

We charged a particular set of experts to tell us how best to conduct ourselves when legislating on issues of criminal law violations and we are telling them, "You've done your work, we set a course for you, but we wish to ignore it." To me, that is the worst type of legislating, because what are we saying to folks is, "Give us something that we can show folks, that we can hold up and say we've had something to look at," but then we just disregard it.

So we are acting like the experts, and I suspect most of the people who are going to push their button pretty soon on this bill will not even have heard the debate that is taking place on this floor, but that is where we have gone. We are now at the point of telling the Commission, you have done your work, and I have not even heard anybody say the work of the Commission was not good, but what we have decided to do is totally disregard it.

The Commission did take substantial measures, as it was requested to do so by this Congress two years ago, to see what we needed to do to make sure that people who committed crimes against the elderly and our young were severely and adequately punished, but we are going to ignore that right now because a majority of Members are going to vote to pass this bill. That is they way things are done these days, especially during an election year.

It is unfortunate, and it is most unfortunate when a Member is willing to bring this up, knowing full well that the chances of getting just a few votes or more than a few votes are unlikely. It is important at least because somewhere there will be a record that on May 7, 1996, somebody decided to speak up, have a rational voice and say this is not the way we conduct business, and certainly this is not the way the Constitution of the United States or the Founders of this country expected us to conduct ourselves in these hallowed Chambers.

Mr. CONYERS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I believe this may be the last amendment to this measure. I would like to make a case that what we have done here, although it is outside the Sentencing Commission's responsibilities, it really has not been that bad.

Now, having said that, I would like to point out that the Sentencing Commission has not failed. The Sentencing Commission did what we asked it to do. As the chairman of the Subcommittee on Crime agreed with me earlier in the debate, the Sentencing Commission's work came back to this committee and was ratified.

I would argue that what we have done tonight is far less worse than many things that have happened on the criminal justice field, but that let us now repair the amendment that is on the floor, that is not a lot different from the controlling language in the Chrysler bill.

The Chrysler bill says the U.S. Sentencing Commission shall amend the Federal sentencing guidelines. The Watt amendment says the U.S. Sentencing Commission shall review the Federal sentencing guidelines to determine appropriate sentencing enhancement for crimes of violence committed against vulnerable persons.

In other words, all he does is take the work that we are about to report tonight and pass it back through the Sentencing Commission. Is that so bad? What is wrong with that? We now have a work product that can now go back to the Sentencing Commission. Guess what? It has got to come back to us, anyway. Nothing that the Sentencing Commission can do has any viability till it has passed through the House of Representatives.

I argue that much of the work tonight, I believe, will pass muster with the Sentencing Commission, and so I fail to see any great harm done in connection with this amendment.

Mr. Chairman, I yield to the gentleman from North Carolina [Mr. WATT], the author of the amendment.

Mr. WATT of North Carolina. I thank the gentleman for yielding, because he has made the very point I have been trying to make. We really are not opposing enhancements of sentences for people who commit crimes against vulnerable people. I do not think there is anybody who really opposes that, and certainly not the Sentencing Commission opposes that.

What we are talking about is public policy and how we set it. I think it is appropriate to read the last few lines of the letter from the Sentencing Commission to us and remind ourselves and let it resonate as we try to close this debate.

This is what they say. It says,

> The Commission was designed to take the politics out of sentencing policy and to bring research and analysis to bear on sentencing policy. This bill sets a bad precedent for the Congress with respect to the Commission. There are other ways for Congress to speak on sentencing policy while still maintaining the integrity of sentencing reform as embodied by the Sentencing Reform Act.

That is it.

Mr. CONYERS. I thank the gentleman. Let me ask the gentleman from Michigan [Mr. CHRYSLER], the author of the measure, that were this amendment to prevail, namely, that the Commission shall review our collective works tonight as opposed to us directing the Sentencing Commission to amend the guidelines, would that work an irreparable injury on the objectives that the gentleman has worked so hard to bring to the floor?

The CHAIRMAN. The time of the gentleman from Michigan [Mr. CONYERS] has expired.

(By unanimous consent, Mr. CONYERS was allowed to proceed for 1 additional minute.)

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman to answer the gentleman's question, yes, it would. It would gut the bill.

Mr. CONYERS. In what respect, sir? It would not change a line in the bill. It would take the bill, assuming that it is passed, send it to the commission, and guess what? Anything that the commission does that we do not approve of, guess what we can do? Change it. So for that reason I suggest that it would not do any harm at all to the gentleman's work here tonight and the work that others have done to add on to it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to comment on the present legislation as we have it before the Chair, and I noted earlier the rising concern, not only on the sense of violent crimes but the fact that it results in the murder of our children. I have noted previously that the FBI cited generic statistics that said that children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994, and between 1976 and 1994 an estimated 37,000 children were murdered. Half of all murders in 1994 were committed with a handgun and about 7 in 10 victims age 15 to 17 were killed with a handgun.

In my community in Houston and surrounding, we have certainly had our share of children being murdered, one very heinous crime where the individual who murdered that child happened to be a neighbor.

But I think the important point is the ability of law enforcement to track down the offenders of this particular crime, whether it is a sex offense, or a sex offense that results in murder, or a murder of a child. I note that the legislation before us does not include the ability for the FBI to maintain a separate database of information on child sex offenders, and one that I would like to raise through legislation, a separate database on child murderers.

It is difficult in our local jurisdictions, when we find individuals who have a propensity for these acts, to find out that we have no basis of tracking them from one State to the next or from one incident to the next. I would like to work on legislation to address these particular data base gathering efforts by the FBI.

□ 2100

If I might, I would like to inquire of the chairman of the committee to raise this issue of concern about our FBI gathering data. We do realize they have been an important and useful tool in helping local communities in incidents like this. I would offer to say that if we could raise this issue before our Subcommittee on Crime or find a way for this legislation to be presented through a hearing process, and then, of course, to the floor, I think we are certainly missing an important element by not providing or allowing for the FBI to maintain or to enhance the keeping of a separate data base, one, on child sex offenders, but then on child murderers.

Mr. McCOLLUM. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, John Walsh, the father of Adam Walsh, one of the more famous victims in sad cases in this Nation involving a child, has testified before our subcommittee that we do need to enhance these data bases that the FBI has, and certainly this chairman is willing to look into that, is currently examining that issue, and perhaps there will be either a hearing opportunity or legislative opportunity later this year.

I would be delighted to have the gentlewoman work with me and the subcommittee staff to accomplish what we can in this session of Congress along these lines.

Ms. JACKSON-LEE of Texas. Mr. Chairman, reclaiming my time, I thank the gentleman for his input on that. I would simply say just in the name of a 4-year-old, Monique Miller, in my community, who lost her life both by being sexually assaulted and then brutally attacked resulting in her very tragic and violent death, that I think it would be extremely helpful that we proceed through hearings as well as legislation to ensure that we have labeled those individuals who are sex offenders and child murderers.

Mr. Chairman, I rise today in support of H.R. 2974, the Crimes Against Children and Elderly Persons Increased Punishment Act, which would provide enhanced penalties for violent crimes committed against children, the elderly and other vulnerable individuals.

Unfortunately as we all know, the most vulnerable in our society are often in the most danger of abuse. Strengthened penalties for criminals who prey on the vulnerable will send a clear message that crimes against children and the elderly will not be tolerated.

According to the Bureau of Justice Statistics and the FBI, children under the age of 18 accounted for 11 percent of all murder victims in the United States in 1994. Between 1976 and 1994 an estimated 37,000 children were murdered. And half of all murders in 1994 were committed with a handgun; about 7 in 10 victims aged 15 to 17 were killed with a handgun. I will be offering legislation that will help local law enforcement in preventing child murders and sexual assaults by requiring the FBI to keep separate and distinct data on child sex offenders and child murderers nationwide.

And a National Victim Center survey estimated that 61 percent of rape victims are less than 18 years of age, 29 percent are less than 11. A recent U.S. Department of Justice study of 11 jurisdictions and the District of Columbia reported that 10,000 women under the age of 18 were raped in 1992 in these jurisdictions. At least 3,800 were children under the age of 12.

Similarly, according to the U.S. Department of Justice, in 1992, persons 65 or older experienced about 2.1 million criminal victimizations. Furthermore, injured elderly victims of violent crime are more likely than younger victims to suffer a serious injury. Violent offenders injure about a third of all victims. Among violent crime victims age 65 or older, 9 percent suffer serious injuries like broken bones and loss of consciousness.

Elderly victims of violent crime are almost twice as likely as younger victims to be raped, robbed, or assaulted at or near their home. Half of the elderly victims of violence are victimized at or near their home. Public opinion surveys conducted during the last 20 years among national samples of persons age 50 or older consistently show that about half of those persons feel afraid to walk alone at night in their own neighborhood.

Clearly, we must do more to protect our children and senior citizens. H.R. 2974 is an important step in deterring the victimization of children, senior citizens and vulnerable individuals in our communities and putting an end to senseless violence across the country. I urge my colleagues to support this legislation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WATT of North Carolina. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 41, noes 370, not voting 22, as follows:

[Roll No. 147]

AYES—41

Barrett (WI)
Becerra
Bishop
Campbell
Clay
Clayton
Clyburn
Collins (MI)
Conyers
Coyne
Cummings
Dellums
Dixon
Fattah
Fields (LA)
Flake
Hastings (FL)
Hilliard
Jackson (IL)
Jefferson
Lewis (GA)
McDermott
Meek
Millender-McDonald
Payne (NJ)
Pelosi
Rangel
Rohrabacher
Roybal-Allard
Rush
Scarborough
Scott
Serrano
Stokes
Thompson
Towns
Velazquez
Waters
Watt (NC)
Williams
Wynn

NOES—370

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Jackson-Lee (TX)
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Upton
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—22

Beilenson
Boehner
Bonilla
Brown (CA)
Foglietta
Ford
Fowler
Gibbons
Gunderson
Harman
Hayes
Istook
McDade
Molinari
Mollohan
Moran
Owens
Roberts
Souder
Stark
Studds
Visclosky

□ 2123

Messrs. GUTKNECHT, BOUCHER, and PORTER, Ms. BROWN of Florida, and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "aye" to "no."

Messrs. FATTAH, CAMPBELL, and TOWNS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HOBSON) having assumed the chair, Mr. LATOURETTE, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2974), to amend the Violent Crime Control and Law Enforcement Act of 1994 to provide enhanced penalties for crimes against elderly and child victims, pursuant to House Resolution 421, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. BUYER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 414, noes 4, not voting 15, as follows:

[Roll No. 148]

AYES—414

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—4

Becerra
Scott
Waters
Watt (NC)

NOT VOTING—15

Beilenson
Ford
Gibbons
Gunderson
Harman
Hayes
McDade
Molinari
Mollohan
Owens
Souder
Stark
Studds
Visclosky
Yates

☐ 2143

Mr. JOHNSTON of Florida changed his vote from "no" to "aye."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2974, CRIMES AGAINST CHILDREN AND ELDERLY PERSONS INCREASED PUNISHMENT ACT

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2974, the Clerk be instructed to correct cross references and section designations and to make any other clerical corrections that may be necessary.

The SPEAKER pro tempore (Mr. HOBSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

GENERAL LEAVE

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2974.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING CONSIDERATION OF H.R. 3120, REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 3120, pursuant to House Resolution 422, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

□ 2145

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2406, UNITED STATES HOUSING ACT OF 1996.

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–564) on the resolution (H. Res. 426) providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families and increase community control over such programs, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3322, OMNIBUS CIVILIAN SCIENCE AUTHORIZATION ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–565) on the resolution (H. Res. 427) providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3286, ADOPTION PROMOTION AND STABILITY ACT OF 1996

Ms. PRYCE, from the Committee on Rules, submitted a privileged report (Rept. No. 104–566) on the resolution (H. Res. 428) providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT OF LAST VOTE OF THE DAY

(Mr. McCOLLUM asked and was given permission to address the House for 1 minute.)

Mr. McCOLLUM. Mr. Speaker, I asked to speak for 1 minute so I can advise Members that, as a result of what we have just done, the next vote will be the last vote of the evening. I simply want to use the 1 minute to advise the Members of this body that, contrary to anything they may have heard otherwise, that after this next vote, the suspension vote that we are about to take, there will be no more votes tonight because of the granting of unanimous consent awhile ago.

So, we can all go home after the next vote.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. McCOLLUM. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar.

The SPEAKER pro tempore. (Mr. HOBSON). Is there objection to the request of the gentleman from Florida?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed today.

MEGAN'S LAW

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 2137, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Florida [Mr. McCOLLUM] that the House suspend the rules and pass the bill, H.R. 2137, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 149]

YEAS—418

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Collins (MI)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cummings
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green (TX)
Greene (UT)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema

Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Beilenson
Ford
Gibbons
Gunderson
Harman
Hayes
McDade
Molinari
Mollohan
Owens
Souder
Stark
Studds
Visclosky
Yates

☐ 2205

Ms. WATERS, Mr. SCOTT, and Mr. WATT of North Carolina changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, due to a family obligation the evening of May 7, I was unable to cast my vote on two bills.

If I had been present, I would have voted "yes" on rollcall No. 148, final passage of H.R. 2974, enhancing penalties for crimes against the elderly and children.

And I would have voted "yes" on rollcall No. 149, final passage of Megan's law.

REGARDING WITNESS RETALIATION, WITNESS TAMPERING, AND JURY TAMPERING

The SPEAKER pro tempore (Mr. HOBSON). Pursuant to House Resolution 422 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3120.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering, and jury tampering, with Mr. LaTOURETTE in the chair.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rules the gentleman from Florida [Mr. McCOLLUM] and the gentleman from Michigan [Mr. CONYERS] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Florida [Mr. McCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in recent years, criminal sentences have increased in response to the scourge of drugs and violent crime, yet the penalties for retaliating against or tampering with witnesses, jurors, and court officials in criminal cases have remained unchanged. Some Federal and State prosecutors blame witness intimidation and juror tampering for the falling conviction rates in some parts of the country. Indeed, under current law, a defendant facing a Federal criminal sentence of 10 years or more may believe he or she is better off trying to influence the outcome of the trial by intimidating a witness, or tampering with a juror or court officer, because the maximum punishment for such crime is generally 10 years in prison.

In order to deter criminals and their associates from attempting to illegally influence the outcome of a criminal trial, H.R. 3120, introduced by the gentleman from Pennsylvania [Mr. FOX], increases the penalty for witness intimidation, and tampering with a juror or court official, so that it equals the maximum penalty of incarceration for the crime being tried in the case. As a result, criminals will no longer be tempted to illegally influence their trial in the hope that, even if caught, their punishment for the act of intimidation or tampering will be less than what they would have faced had they been convicted on the original charges. Specifically, this bill makes three specific amendments to the Federal criminal law.

First, this bill amends the title 18 provisions relating to retaliation against witnesses, victims, or informants. Current law provides for a maximum penalty of 10 years imprisonment for persons convicted of this crime. This bill will amend that law to provide that if the retaliation occurred because of attendance at a criminal trial, the maximum punishment will be the higher of that in the present statute, or the maximum term of imprisonment for any offense charged in the criminal case to which the retaliation related.

Second, this bill would amend the title 18 provision relating to tampering with a witness, victim, or informant. Current law provides for a maximum penalty of 10 years if the act involves intimidation or the threat of physical force—not involving death—or 1 year if the act constitutes "harassment." This bill would provide that if the offense occurred in connection with a criminal trial, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Finally, this bill would amend the title 18 provision relating to jury tampering and influencing or injuring court officials. Under current law the maximum punishment is 10 years imprisonment, unless the tampering or influence involved killing a person, in which case the punishment is death. This bill provides that if the offense occurred in connection with a criminal trial and involved the use of physical force or threat of physical force, the maximum punishment will be the higher of that provided by the present statute or the maximum term of imprisonment for any offense charged in the criminal case in question.

Mr. Chairman, the integrity of the criminal justice system is vital to public safety. Defendants must believe that any attempt to affect the rule of law by undermining the judicial process will be punished severely. This bill will help deter acts which would undermine the workings of the criminal justice system.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield myself such time as I may consume, but merely to initiate a discussion around this measure by pointing out that we have a rather large-size problem about drafting.

Mr. Chairman, this bill carries with is some incredible possibilities in that those who might interfere with witnesses could be subject to the same underlying penalties of a defendant, for example, the death penalty, but the defendant might be acquitted, and someone who was guilty of jury tampering could face the death penalty.

What I am saying, Mr. Chairman, is that if we decide to increase the penalties for witness retaliation, jury tampering, it should be done on a much more rational basis than the one that has been dumped into this measure. I think we really may want to examine this measure much more closely than we have at the committee level.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. WATT].

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, again, this is one of those bills that the general purpose one finds hard to argue with but, again, the drafting leaves some of us shuddering at the potential consequences of where we might end up. I want to point out two or three different concerns that we have with the bill. I had considered the possibility of trying to offer some amendments to address some of these items, but given what happened on the last bill, I do not want to tax the patience of my colleagues, so I just want to point these things out so that Members will know some of the concerns about the bill.

First of all, Mr. Chairman, I think the bill is unnecessary. There are underlying statutes which already provide severe penalties for witness or jury tampering and retaliation. Section 1503 provides for a penalty of up to 20 years and a fine for jury tampering. Section 1512 provides for the death penalty for murdering a witness to prevent his or her testimony at trial. Section 1513 provides the death penalty for murdering a witness in retaliation for his or her testimony at trial. So there are already severe penalties in the law for jury tampering and witness tampering, and for retaliation.

However, the more troubling aspect of this bill is that it would hold a violate, or a person engaged in jury tampering or retaliation, liable for a crime that he or she had absolutely nothing to do with and no connection to, and it would do it in a way that really fails to distinguish between people who engage in serious misconduct and people who do not engage in serious misconduct.

☐ 2215

This is not your typical co-conspirator kind of situation. If you are involved in a conspiracy, you are already a part of the underlying crime.

The link here is that we are going to give you the same penalty that is charged in the underlying crime if you try to get involved with a jury or a witness in that case, and sometimes that just may not be justified.

Mr. Chairman, let me kind of play out the example that is an extreme example but a realistic example of what could happen under this bill.

Let us assume that we have a criminal case in which there are two defendants. One of those defendants is charged with some small offense. The second defendant is charged with a very, very serious offense. Both of these defendants may be tried together at the trial of the underlying offenses. If I, having no connection with either the minor offense or the major offense, decide that I would like to help my brother who is charged with the minor offense by trying to encourage a witness not to testify against my brother who is charged with the minor offense, or if I tamper with the jury to help my brother who is charged with the minor offense, then I end up being subjected to the same penalties as if I had tampered with the jury or tried to influence a witness in connections with the major offense.

So, Mr. Chairman, there is absolutely no distinction in this bill for very different kinds of conduct for which there should be distinctions drawn.

If I engage in jury tampering or witness tampering by sitting in the courtroom and casting a dirty or intimidating look at somebody, the prosecutor has the discretion to charge me with an offense that could subject me to life imprisonment, I think actually would subject me to the death penalty, even though the gentleman from Florida [Mr. McCOLLUM] denies that this bill is intended to do that.

So there are serious drafting problems in this bill, and we tried to address those in the committee. We tried to offer amendments that would have made the kinds of distinctions between somebody who is tampering with a jury or tampering with a witness in a case which is a minor offense as opposed to someone who is doing the same thing in a case that might justify the death penalty or life imprisonment. My colleagues on the other side say, "Well, we don't care about that. We just want to be hard on crime. We want to have that reputation for being hard on crime. This is a tough year."

So we are back here with one of these bills that superficially is a good idea but is drawn in such a way and so broadly that it ceases to be rational in its potential application. Apparently we just do not care.

Mr. Chairman, my colleagues on the committee rejected amendment after amendment that would have made this a better bill, that would have allowed there to be bipartisan support, or strong support for this bill. They simply did not care.

So, I cannot let this go without expressing severe reservations I have about this bill, not the general underlying intent of the bill, which I think is good; but its failure to discriminate between bad actors and worse actors and not-so-bad actors is contrary to sound public policy. My colleagues need to be aware of that.

Mr. McCOLLUM. Mr. Chairman, I yield myself 2 minutes.

I simply want to respond to what I know are genuine concerns my colleagues have expressed about what the language of this bill is and what it does, but I believe that their concerns are not with merit. The bill itself has explicit language in it that any reasonable interpretation would see that it does not contain a chance whatsoever, that anybody could get the death penalty because they violated this particular bill.

Mr. Chairman, what it says is if the retaliation, or if the offense occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case. And that is repeated three times in the bill for the three different parts of the criminal code which this applies to, that exact same language.

We are talking about the maximum term of imprisonment. That is the most, the greatest amount of punishment that anybody could receive is the maximum term of imprisonment that the underlying crime would have imposed if the person who was on trial at the time the jury tampering, the witness tampering had occurred had been convicted and been sentenced. That does not contemplate the death penalty.

Mr. Chairman, I might also add that I believe the severity of this punishment is warranted. We are not convicting somebody of the underlying crime when they are tampering. They are indeed being convicted of those existing Federal crimes that have been on the books for many years, for witness tampering and jury tampering and intimidation. We need to send a message that, when you do that kind of crime, you are going to get punished for that crime, for the jury tampering and the witness tampering in a very severe manner.

We are simply using what the gentleman from Pennsylvania [Mr. FOX] has creatively come up with, and that is the maximum punishment for the underlying crime as the crime for these crimes. But there is no new crime somebody is being convicted of.

Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. FOX], who is the author of this bill.

Mr. FOX of Pennsylvania. Mr. Chairman, I rise today to speak on behalf of the bill, H.R. 3120, which addresses in my legislation three of the important issues facing the American judicial system, jury and witness tampering and witness retaliation.

An overlooked shortcoming of our criminal statutes has allowed these three offenses to create opportunities and incentives for criminals in this country. I believe the legislation will close this loophole, provide prosecutors with additional leverage in combating criminals, and ensure that justice in our courts may not be impeded by additional criminal activity.

Currently, tampering in a Federal court can bring sentences which may be significantly less than those which come with serious crimes such as first and second degree murder, kidnaping, air piracy and drug trafficking. Over the years, as Federal penalties for these crimes have increased, the penalties for tampering with a witness or jury have failed to keep pace. This discrepancy has thereby created an incentive for individuals standing trial to attempt to intimidate witnesses and jurors or to offer a bribe.

The need for the bill, Mr. Chairman, was outlined well in a Wall Street Journal story in January of 1995 where it detailed the proliferation of tampering and intimidation cases throughout the country. Take, for example the case of Newark, New Jersey, in 1988 where 20 defendants stood trial on charges of racketeering in connection with their alleged membership in a well-known crime family. All 20 defendants were acquitted. However, in 1994 two of the defendants pleaded guilty to jury tampering after co-defendants in a separate case turned them in. Instead of being able to apply a sentence equal to that of the original crime, those two defendants benefited from the present system and faced lesser sentences for the jury tampering offense. What is worse than a case like this is that the most successful tampering goes unnoticed, or at least unprosecuted, leading to the acquittals of dangerous criminals, high number of unsolved cases, and a perceived failure of our own justice system.

The bill before Members today is the combined version of three bills I had previously introduced in H.R. 1143, 1144 and 1145. Those three bills had garnered broad bipartisan support including the chairman and ranking member of the full Judiciary Committee as well as the chairman and ranking member of the Subcommittee on Crime. We appreciate the gentleman from Michigan who was an original cosponsor of those pieces of legislation and a special thanks of course to the gentleman from Florida [Mr. McCOLLUM] who has shepherded the legislation and given us a great deal of advice on the bill as it relates to his own experience in working with crime prevention and in making sure we move legislation like this forward.

I thank those four of my distinguished colleagues as well as the other cosponsors of this legislation and the committee staff for their support and diligence in working the bill to the floor. I am certain that by equating the penalties for these crimes with the potential sentences for other Federal crimes, this legislation creates a disincentive for those facing stiff sentences for egregious offenses to tamper with a jury or intimidate a witness.

As a former assistant district attorney in Montgomery County, Pennsylvania, I have experienced firsthand the frustration that is faced by citizens and members of the criminal justice system when cases go unsolved because witnesses will not step forward. Recently in my own home district a burglary suspect was arrested after returning a car to a rental agency. While in the country correctional facility, the suspect placed 15 threatening phone calls to a rental agency employee to keep her from testifying against him. Police said that the suspect made the calls through a third party who set up a conference call. The warden is now correcting the procedural problem of phone use but we as legislators need to do what we can to eliminate the incentive to tamper.

I empathize with distinguished prosecutors such as Montgomery County District Attorney Michael Marino and District Attorney Lynne Abraham of Philadelphia who daily face the challenges posed by both jury and witness tampering and witness retaliation. Both have endorsed this legislation as well as the National District Attorneys Association and the Pennsylvania District Attorneys Association. I also should note, Mr. Chairman, that the Department of Justice has stated its support for this penalty enhancement which, in their words, "is clearly and rationally designed to deter the commission of this type of offense" and being appropriate, is not overly broad.

At the State level we believe the penalties for jury tampering can vary state to state, from less than a year up to 7 years. District Attorney Abraham recently blamed witness intimidation as a chief cause of the high number of unsolved homicides in Philadelphia. Twenty years ago Philadelphia police solved 86 percent of homicides but last year that number was down to 58 percent. District Attorney Abraham has blamed the trend primarily on a growing lack of cooperation from witnesses fearing retribution from criminals. I am particularly hopeful that the legislation before members today will set a standard for the States to follow and lead to greater uniformity nationwide for tampering penalties, increased security for jurors and witnesses, and a more effective system of justice for all.

In that light I am speaking out today to each of the States to reexamine their sentences for tampering offenses.

Mr. Chairman, I urge that the House pass this corrective legislation to protect witnesses, jurors, victims and the justice system that we so much cherish.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. I thank the gentleman for yielding time.

Mr. Chairman, I believe the gentleman from North Carolina stated very eloquently the problems with this particular legislation. Let me again begin by stating, as I believe I did in the previous bill, that the idea here behind this legislation is a good one. I support the stated objective of H.R. 3120. If someone, it can be proven, violated the law by tampering with a juror or a witness in order to try to help out a defendant, that person should be penalized. If the penalties that we have under current law for the specific crime of jury tampering or witness tampering do not seem to be commensurate to the type of offense that may have been committed in tampering and perhaps helping someone get off without penalty, then we should consider extending the violation of law and the penalties thereby to that person who tampered with a juror or with a witness. Where this legislation loses me is in its scope. It overreaches. We had the discussion in committee, and I respect the gentleman from Florida's position that it does not, but it does in two respects.

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First, I would disagree with the gentleman from Florida that in fact the language in the bill is clear that no one could face the death penalty. I think it is very ambiguous as to whether someone could face the death penalty under this legislation for having tampered with a juror or a witness.

In fact, it probably can be cured fairly readily with some language that made it clear that when we have language that talks about the maximum term that could have been imposed for any offense charged in such case, if it were to be clear that it would include any term other than the death penalty, that would make it very clear that the previous language where it talks about the maximum term of imprisonment is meant to exclude the death penalty.

But that is not my biggest concern, because it is the fact that you can get to that stage which concerns me, and that is what I would like to focus the rest of my remarks with regard to this legislation on.

It seems to me that in trying to penalize someone for having done the misdeed, and it is a terrible misdeed, of trying to help someone get off in a prosecution by tampering with a witness, threatening a juror, or anything like that, that we go beyond that sensibility that we try to maintain in our judicial system, and is some cases we mock justice by saying that someone who may have tampered with a juror or with a witness in an effort to try to help someone in a low-level offense that may be related in a case with a number of other offenses, including very high level offenses, for example, first degree murder, that that individual that tampered with the juror, and, remember, tampering could be offering an incentive to someone, a juror or a witness, that that person all of a sudden can face the same penalty that that criminal defendant that may have killed five people is facing, of either the death penalty or imprisonment without the possibility of parole.

Mr. Chairman, let me see if I can try to come up with an example that makes it a little bit clearer what I am trying to say. We tried to do this in committee, and I know to some degree folks get lost.

But if you have an individual, let us call him Joe, involved in a crime, let us say he is out there with some friends, and his friends tell him to come along, they are going to get some cash. They need some money, so they are going to stop by and rob a convenience store. Joe has no idea that his friends may do anything more than just try to get some quick cash.

Say one of Joe's friends does the worst thing of all and kills the guy in the convenience store working there, the clerk. That individual who did the shooting is now subject to first degree murder charges, and, because Joe may have been, let us say, in the car driving at the time, waiting for these guys to come back out, he, as a result of the felony murder, is also subject to up to the death penalty for that first degree murder.

That is rightfully so. He participated, maybe not totally knowingly, but he participated in a crime that could have and did in fact, lead to the death of an individual.

So, now Joe goes home and he tells his mother he has to flee the law because he just did a bad thing. He does not necessarily explain to his mother what he did. Let us say his mother tries to harbor him for a few days. Now she has abetted a first degree murder defendant. She can be charged with having abetted a criminal defendant.

Now, let us say all these folks get charged in the same case, including the mother, because she tried to protect her son before maybe even she even turned him in. Somehow she is involved in a low level offense.

Mr. Chairman, let us say Joe's father is totally broken up by this. His son is now subject to first degree murder charges, his wife tried to abet her son, and so now he sees his son and his wife facing criminal charges. Say he goes and speaks to a witness and says, "My wife didn't mean it; can't you have mercy? Let her go. Judge, do whatever you have to do with my son, just be fair," et cetera, et cetera.

The witness comes back and tells the prosecutor, "You know what? Joe's father tried to talk me into helping Joe's mother in this case so she would be let go and I wouldn't testify against her."

What penalty should he pay? Well, we have the current law that says anyone who tampers with a jury or witness can face criminal punishment. That is already in existing law. Joe's father can face penalties for witness tampering or jury tampering right now. But this bill says that Joe's father, because he went to the witness or a juror and said "Help my wife out, she didn't really know what she was getting into," that Joe's father now can face the same first degree murder penalties that Joe faces, and, really, that the gunman who did the killing faces for what was done?

Now, Joe's father may have been trying to help his wife get off of a small offense, and it was wrong, and he should be penalized, But should he now face the death penalty or life imprisonment without possibility of parole because he tried to help his wife out? Most people I think would say no. But this bill says yes, he can.

Mr. Chairman, I would not mind seeing Joe's father charged with something similar to what his wife was being charged with if it was greater in penalty than what he faced exclusively under our witness or juror tampering laws right now. But I do not believe Joe's father should have to now go before a jury that may decide to give him the death penalty. I do not think most juries would, to begin with, and I do not think we ever really get to that stage very often. But because we do not think anyone would go to that extreme, it does not mean we should legislate to those extremes, and we should not legislate to the point where we mock justice and sensibility. That is where we are heading.

I do not know if this runs afoul of the Constitution as something approaching cruel and unusual punishment. I certainly think that we could have corrected this in committee, and it still can be corrected, to make it clear that we can relate the punishment for those who tamper with witnesses and jurors to those crimes that are related to the person they were trying to help get off, those defendants they were trying to help get off from criminal penalties.

But this goes a little bit beyond, not a little bit, quite a bit beyond, and I think it is unfortunate that the drafting of this legislation makes it very difficult for someone who really takes the time to read this bill to support it.

Otherwise it would be a good bill. If it was connected to the purpose, I think we could find we could get total support. As I said before, it is unfortunate the drafting was not done very well.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I know the gentleman from California is very genuine in his comments. He made similar comments and concerns expressed in the committee when we considered this bill, but I believe the illustration the gentleman gave in and of itself is flawed in terms of what the legislation that we are here dealing with today would do.

First of all, I think it is the very, very situation in which you would find joint trials involving the more minor offense, the aiding and abetting and so forth at one time which could conceivably mean when somebody tampers or intimidates a juror or a witness in a case because they were concerned with the lesser offense, they could wind up, because there were several joint defendants or codefendants, getting a much more serious penalty than would be justified for the maximum sentence for the one defendant they were concerned about when they went and messed around with him.

Frankly, for that particular illustration, I am not terribly concerned about that, because I think if somebody goes and messes with a juror or tries to do the kind of witness tampering we would prohibit under this bill that the gentleman from Pennsylvania [Mr. FOX] has drafted, then I think that it does not make much difference what the underlying crime is. If they are doing that, we need to send a very tough message out there and say, "Look, you are doing that. Even if it was a lesser crime, and you are going to get a really tough punishment because you are being tried with some codefendant with a greater crime and therefore your sentence will be greater, then so be it." It is a bigger message that goes not there and says if you mess around, you are going to get yourself in really deep, deep, deep trouble if you are messing with a witness or juror.

Second, the illustration you gave about the issue of the tampering that occurred would not be actually covered by this particular underlying bill we are dealing with today. If it were a juror, there was no force or physical intimidation being used in your illustration. That is what is required to get this bill going with respect to the increased penalties with respect to a jury tampering situation. There has to be physical force or the threat of physical force to do that.

With respect to somebody attempting to tamper with a witness or victim or an informant, this is based on the underlying statute, section 1512 of title 18, you have to knowingly use intimidation or physical force or threaten or corruptly persuade another person or attempt to do so or engage in misleading conduct toward another person with the intent to influence, delay, et cetera. Just talking to a witness, just talking with a victim or informant and saying, "Gosh, my son was a good guy, he really didn't do anything that wrong," or the way you went about it, I do not believe that person would be covered.

I get your point. I do not agree with it. But I thought we ought to make it very clear that the illustration, as mild as you were making that tampering, probably would not be a crime in any event. But if it were truly tampering, truly intimidation under either the juror, physical threat definition of the current law or under the corrupting as well as physical threat interpretation of current law dealing with the witness tampering provisions, I think that the sentence we are putting out in this bill is very justified to deter that kind of activity across the board nationally, and society as a whole will benefit by having that deterrence placed in the law we are going to do tonight in this bill, and that is by placing into law a provision that says if you tamper with a jury or tamper with a witness in a Federal trial, you are going to subject yourself to precisely the same penalty that is there and existed for the defendant or the accused and in that underlying trial, except, and I think this is very clear, and I realize some of my colleagues over there do not want to think it is so clear, but it is very clear you could not get the death penalty under this bill that is being considered tonight that the gentleman from Pennsylvania [Mr. FOX] wrote. But you could get the maximum imprisonment term under the wording of this bill that the accused could get. I think that is very appropriate.

Mr. Chairman, I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I have no further requests for time, and I reserve my time.

Mr. McCOLLUM. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], the author of the bill, who wishes to respond a little further.

Mr. FOX of Pennsylvania. Mr. Chairman, in relationship to the comments made by the gentleman from California, and I do appreciate his sincerity of purpose and interest in this subject, and I know the gentleman shares, as well as the Members on both sides of the aisle, the interests of making sure we protect victims and also have fair trials.

When it comes to the situation discussing about Joe, obviously under the coconspiracy rule, all those in the conspiracy, regardless of whether or not they pull the trigger are involved and of course would be felony murder to all. Obviously the mother is aiding and abetting. The father in this case takes justice in his own hand. Albeit we have sympathy for a father whose son has committed a felonious crime and been involved with something certainly very upsetting to the family, we know that under our system of justice, he had an alternative, and that alternative was to go to court at the time of sentencing and make his plea for clemency for his son. Obviously the mother's case is de minimis as far as the court is concerned, because she did not really get involved in the major offense.

I think Mr. MCCOLLUM is very clear when he spoke of the face that in this case, in this bill, there is no death penalty that would apply. What we are trying to do is look out for the victims in the United States, and that is to make sure we have fair trials and that those who commit felonies have to answer them in a court of law.

It also should be pointed out for the RECORD we were very much persuaded by the cogent arguments of the gentleman from North Carolina [Mr. WATT], at the time of the subcommittee hearing, and we accepted one of his amendments, which, by the way, does add some very important language to make sure that this case would apply where we have a criminal defendant involved with tampering which involves a threat of physical force. That clarification was a very important amendment which I think was an improving amendment, which shows the bipartisan spirit with which the gentleman from Florida [Mr. MCCOLLUM] and the committee and the gentleman from Michigan [Mr. CONYERS] and others moved forward in making this legislation hopefully a reality.

I believe that the prosecutors who we are dealing with here want to make sure we have a fair bill and the Justice Department that carefully looks over legislation has endorsed it.

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Mr. McCOLLUM. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. CONYERS. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I was looking through the code book to try to see if I could understand what the gentleman from Florida was saying with regard to my example. The gentleman from Florida said that it would only apply if there were a case of physical force in the jury tampering or witness tampering. I failed to find the exclusion or the requirement that there be physical tampering.

It can include a number of things which would provide for intimidation and physical force, but that is not a requirement within the statute. So it could include a number of other things.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the way that this is worded in the bill with respect to the question of jury tampering limits it to physical force. Part of that was the amendment that was offered by the gentleman from North Carolina [Mr. WATT] in the full committee. So, if the gentleman is dealing with the witness tampering, that is not the story. But jury tampering very clearly is only physical force.

Mr. BECERRA. Mr. Chairman, so the example that I gave still applies, that there is not always a need for physical force in order for these enhanced penalties to attach. I think the gentleman left the impression that, unless someone went out there and committed physical force, that witness or juror tampering could not include the enhanced penalties.

Mr. McCOLLUM. Mr. Chairman, if the gentleman will continue to yield, under the tampering with a witness under existing law, the language I was reading from the statute says, uses intimidation or physical force, threatens or corruptly persuades, which I would interpret to mean bribery in some other way, another person, or attempts to do so, or engages in misleading conduct towards another person. Those are the prerequisites.

I just thought that the gentleman's point is well made. There are other things besides physical force. But I thought that the illustration the gentleman gave would have been a father talking with a witness without any offering of a bribe or any intimidation the way the gentleman described it. That is a mild enough version that I do not think we could get the fellow on the underlying crime. That is all.

Mr. BECERRA. I appreciate the gentleman's comments. I want to make sure it is clear that what the gentleman has said to try to further explain makes it clear that you do not have to have only physical force in to face these particular enhanced penalties, that you can engage in misleading conduct. If that father had engaged in misleading conduct to try to help his wife be relieved of the penalties in a criminal prosecution, he still could face not the penalties that relate to witness or jury tampering under current law and not just the penalties that his wife may have faced, which may have been greater penalties than what he would face under the current juror or witness tampering laws, but he could face the penalties that some kid unknown to him faces for having shot that convenience store clerk, which could be first degree murder and therefore the death penalty.

What I am just trying to make clear is there is a disconnect between what this bill ultimately can do and I believe what the gentleman is trying to do. I believe the gentleman from Pennsylvania [Mr. FOX], is onto something that is crucial. That is to make sure that, if someone is going to tamper with a witness or with a juror or retaliate, that we penalize them. And if we find that the penalties under current law for that type of activity tampering are too minimal, then maybe we should attach to them penalties that relate to the tampering they did, but keep it consistent.

If that person tried to tamper to try to help someone who was a low level offender, make sure they pay the price that the low level offender would have paid, not the price that someone totally perhaps unrelated to that person faces. I think, if he had done that, I have no problems with it whatsoever. But it just goes beyond, I think it overreaches, and it makes it very difficult to believe that we would really want to say this in our statutes.

My only problem is, again, it is not with the intent. It is that we are passing laws here, and what we are saying to the people of this country, quite honestly to the history of the United States, is that we are trying to do the best by America. And it does not seem to me the best thing to do for America is to pass laws that ultimately someone is going to say, whoa, we have to redefine this and go back into it.

Mr. McCOLLUM. Mr. Chairman, I have no further speakers, and I reserve the balance of my time to close.

Mr. CONYERS. Mr. Chairman, I yield back to the balance of my time.

Mr. McCOLLUM. Mr. Chairman, I yield myself such time as I may consume to close.

I will not spend much of that time doing it. I would like to point out to my colleagues that the circumstances that we are developing about these various scenarios could well be taken care of, and I hope they will be, if there are mitigating extenuating circumstances by the Sentencing Commission. What we are passing tonight is a much more severe maximum penalty. But we are not in any way preventing the Sentencing Commission from coming along as we would anticipate they would do and suggesting that there would be something lesser given in those situations where there were extenuating mitigating circumstances, perhaps those types of things involving cases where there are more than one accused being tried at one time or some unusual circumstances such as the gentleman from California was describing.

Mr. Chairman, the bottom line though is that what we are doing tonight, the really significant thing we are doing by passing this bill, and I certainly urge its adoption, is what the gentleman from Pennsylvania [Mr. FOX] was creative enough to come forward with. This is to send a message to those who would commit jury tampering and witness tampering that, if they commit that, they are really going to get the book thrown at them. This is not something you do, that this is taken as seriously as a lot of other very, very serious crimes are taken, and that they could serve a lot of time in jail because they are doing that, not just the maximum 10 years we have today.

They could serve 30 years or 40 years or 50 years or longer in jail if they commit witness tampering and jury tampering in a Federal trial. That is the significance of what is being done today. We are saying that the maximum penalty in witness tampering and jury tampering in a Federal trial after this becomes law will be the maximum of the underlying crime for which the accused in the case being tried is charged.

I would urge my colleagues to accept it. Again, I commend the gentleman from Pennsylvania for offering this. I think it is a very constructive and appropriate new deterrent in the Federal criminal justice system.

Mr. Chairman, I yield back the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises today in support of H.R. 3120, legislation to prevent jury and witness tampering and witness retaliation.

This Member was a cosponsor of each of these separate bills as they were originally introduced by the gentleman from Pennsylvania [Mr. FOX] before they were placed in one piece of legislation and also a cosponsor of the H.R. 3019. Existing penalties for these crimes do not create a deterrent for criminals often facing life imprisonment or the death penalty for their crimes. Criminals will risk a small fine in order to be declared not guilty.

A Nebraska jury tampering case, involving the murder trial of Roger Bjorklund in 1993, demonstrates the need for changes in the Federal jury tampering law. We have no teeth in our jury tampering laws. The present weak laws actually encourage accused individuals to interfere with a jury or witnesses. They have very little to lose. This is a loophole that must be closed.

Mr. Chairman, this Member urges his colleagues to support this important measure.

Mr. DOYLE. Mr. Chairman, whether in the national spotlight or in our hometown, attempts to derail law enforcement investigations and influence judicial decisions through coercion is increasingly becoming the criminal's preferred line of defense. No longer is the arm of intimidation restricting itself to organized crime. When individuals employ this type of behavior in a small or close knit community, the effect of the manipulation can literally freeze that neighborhood's sense of community in its tracks. When individuals successfully exercise intimidation in the courtroom, we are in danger of knowingly forfeiting an inalienable right; the right to a fair trial.

I realize the limited effect deterrents such as the provisions of H.R. 3120 can have if they are not enforced. It is my hope however, that the message of H.R. 3120 will bolster law enforcement's efforts and will break through to individuals who might otherwise resort to witness and jury tampering tactics. It is also my hope that this legislation will sound a voice of support and encouragement to individuals who are a witness to, or victim of crime. In order for our communities to be safe environments, we must make it clear that every individual is equally important and deserves protection. An aware and involved resident is our best tool to preventing and combating crime.

As a cosponsor of the original components of this bill, H.R. 1143, H.R. 1144, and H.R. 1145, I strongly believe that increasing the maximum sentence for individuals convicted of tempering or harassing juries and witnesses in criminal cases is a reasonable and just response to such actions. I urge my colleagues to support final passage of H.R. 3120, the Increased Punishment for Witness and Jury Tampering Act.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the committee amendment in the nature of a substitute printed in the bill is considered as an original bill for the purpose of amendment and is considered as having been read.

The text of the committee amendment in the nature of a substitute is as follows:

H.R. 3120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title 18, United States Code, is amended—

(1) in section 1513—

(A) by redesignating subsection (c) as subsection (d); and

(B) by adding at the end the following:

"(c) If the retaliation occurred because of attendance at or testimony in a criminal case, the maximum term of imprisonment which may be imposed for the offense under this section shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.";

(2) in section 1512, by adding at the end the following:

"(i) If the offense under this section occurs in connection with a trial of a criminal case, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case,"; and

(3) in section 1503(a), by adding at the end the following: "If the offense under this section occurs in connection with a trial of a criminal case, and the act in violation of this section involves the threat of physical force or physical force, the maximum term of imprisonment which may be imposed for the offense shall be the higher of that otherwise provided by law or the maximum term that could have been imposed for any offense charged in such case.".

The CHAIRMAN. During consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that he has preprinted in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as having been read.

Pursuant to the order of the House of today, the chairman of the Committee of the Whole House may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment and may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electric device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

Are there any amendments to the bill?

If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. SHADEGG) having assumed the chair, Mr. LATOURETTE, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3120) to amend title 18, United States Code, with respect to witness retaliation, witness tampering and jury tampering, pursuant to House Resolution 422, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

OUTSTANDING LEGISLATION

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I will just take a few moments to address the House, just to congratulate my colleagues today who introduced outstanding legislation which was passed. DICK CHRYSLER's bill which is going to increase the penalties for those who commit crimes against children and the elderly, and by doing this we will put a disincentive in our criminal justice system for those who were thinking about committing violent crimes against children under 14 and the elderly.

I also commend Congressman ROYCE from California for his outstanding legislation which will for the first time create the Federal offense of stalking between States. I was pleased to hear from one of his constituents who had a 13-year ordeal with someone stalking her and her life in jeopardy constantly. Others have not been as fortunate to be able to live through the experience and thank goodness for EDWARD ROYCE's legislation that will now put some teeth in the law to add a disincentive in severe penalties for those who would commit the crime of Federal stalking.

Finally, I wish to congratulate DICK ZIMMER, who passed today with our help Megan's law. The Kanka family, Megan Kanka, who was brutally murdered and raped by a criminal who lived right across the street virtually in her neighborhood in New Jersey.

□ 2300

That crime was so egregious that we now have a new Federal law which will require that there be, by those criminals who have committed prior acts of sexual offenses, to be registered, and so we can make sure that we limit the amount of crimes like these again and so that Megan's life will not have been in vain.

Her parents, Maureen and Richard Kanka, gave eloquent testimony this morning here at the Capitol about the importance of Megan's law in requiring that our States notify communities of the presence of convicted sex offenders who might pose a danger, just like they did to their daughter. And our hearts and prayers go out to that family. We thank them for their efforts in what they have done, working with Congressman ZIMMER to pass this important law.

I also thank my colleagues as well for their support of my anticrime legislation which will add severe penalties for those who would tamper with witnesses, tamper with jurors or intimidate witnesses, and I appreciate the fact that here today in Congress we passed four important anticrime laws which will go to protect our citizens and further to make sure that our justice system is preserved.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MOLINARI (at the request of Mr. ARMEY) for today and for the balance of the week on account of maternity leave.

Mr. MCDADE (at the request of Mr. ARMEY) for today on account of medical reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. LIPINSKI for 5 minutes today.

Mr. FILNER for 5 minutes today.

Mr. GEJDENSON for 5 minutes today.

Mr. FIELDS of Louisiana for 60 minutes today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. MICA for 5 minutes today.

Mr. RIGGS for 5 minutes today.

Mr. SMITH of Michigan for 5 minutes today.

Mr. METCALF for 5 minutes today.

Ms. PRYCE for 5 minutes each day on May 8 and 9.

Mr. KINGSTON for 5 minutes today.

Mr. CHAMBLISS for 5 minutes on May 8.

EXTENSION OF REMARKS

By unanious consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WATT of North Carolina) and to include extraneous matter:)

Mr. REED in three instances.

Mr. DOYLE.

Mr. LANTOS.

Mr. OLVER.

Mr. STARK in two instances.

Mr. SKAGGS.

Mr. MANTON in two instances.

Mr. MORAN.

Mr. LIPINSKI.

Mr. GORDON in nine instances.

Mr. GEJDENSON in two instances.

Mr. ROEMER.

Mrs. COLLINS of Illinois.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. FIELDS of Texas.

Ms. ROS-LEHTINEN.

Mr. TAYLOR of North Carolina.

Mr. BILIRAKIS.

Mr. FRANKS of Connecticut.

Mr. DORNAN.

Mr. BALLENGER.

Mr. DAVIS.

Mr. SOLOMON.

Mr. COBLE.

Mr. HUNTER.

Mrs. MORELLA.

Mr. SMITH of Michigan.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight reported that that committee did on this day present to the President, for his approval, bills of the House of the following titles:

May 6, 1996:

H.R. 2064. An act to grant the consent of Congress to an amendment of the Historic Chatahoochee Compact between the States of Alabama and Georgia; and

H.R. 2243. An act to amend the Trinity River Basin Fish and Wildlife Management Act of 1984, to extend for three years the availability of moneys for the restoration of fish and wildlife in the Trinity River, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 1 minute p.m.), the House adjourned until tomorrow, Wednesday, May 8, 1996, at 11 a.m.

EXECUTIVE COMMUNICATIONS. ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2839. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Sweet Onions Grown in the Walla Walla Valley of Southeast Washington and Northeast Oregon; Assessment Rate (FV96–956–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2840. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Irish Potatoes Grown in Washington; Assessment Rate (FV96–946–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2841. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Spearmint Oil Produced in the Far West; Assessment Rate (FV96–985–2IFR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2842. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Milk in the Southeast Marketing Area (DA–95–22FR) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

2843. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting on behalf of the President, the annual report on the Panama Canal Treaties, fiscal year 1995, pursuant to 22 U.S.C. 3871; to the Committee on National Security.

2844. A letter from the Assistant General Counsel for Regulations, Department of Education, transmitting the Department's report on the notice of final funding priorities for training personnel for the Education of Individuals with Disabilities Program and Program for Children and Youth with Serious Emotional Disturbance—received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(B); to the Committee on Economic and Educational Opportunities.

2845. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Seat Belt Assemblies; Child Restraint Systems (RIN: 2127–AF67) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy.

2846. A letter from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting the Administration's final rule—Cold, Cough, Allergy, Bronchodilator, and Antiasthmatic Drug Products for Over-the-Counter Human Use; Products Containing Diphenhydramine Citrate or Diphenhydramine Hydrochloride; Enforcement Policy (RIN: 0901–AA01) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2847. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on the nondisclosure of safeguards information for the quarter ending March 31, 1996, pursuant to 42 U.S.C. 2167(e); to the Committee on Commerce.

2848. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Relief from reporting by small issuers (RIN: 3235–AG48) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2849. A letter from the Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Exemption for certain California limited issues (RIN: 3235–AG51) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

2850. A communication from the President of the United States, transmitting a report on the status of efforts to obtain Iraq's compliance with the resolutions adopted by the U.N. Security Council, pursuant to Public Law 102–1, section 3 (105 Stat. 4) (H. Doc. No. 104–208); to the Committee on International Relations and ordered to be printed.

2851. A letter from the Deputy Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Changes in Survey Responsibilities for Certain Appropriated Fund Federal Wage System Wage Areas (RIN: 3206–AH28) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

2852. A letter from the Program Management Officer, National Marine Fisheries Service, transmitting the Service's interim rule—To Authorize Small Takes of Marine Mammals Incidental to Specified Activities in Arctic Waters (RIN: 0648–AG80) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2853. A letter from the Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service, transmitting the Department's final rule—Summer Flounder Fishery; Adjustments to 1996 State Quotas (Docket No. 951116270–5308–02; I.D. 031296B) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

2854. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Transportation of Hazardous Materials Regulations; Technical Amendment (RIN: 2125–AD90) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2855. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Bigfork, MN—Docket No. 95–AGL–20 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2856. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Change in Using Agency for Restricted Areas R–4102A and B, Fort Devens, MA—Docket No. 95–ANE–71 (RIN: 2120–AA66) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2857. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace, Richlands, VA—Docket No. 95–AEA–14 (RIN: 2120–AA66) (1996–0013) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2858. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of the Type Certification Procedures for Changes in Helicoper Type Design to Attach or Remove External Equipment (RIN: 2120–AF10) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2859. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Maule Aerospace Technologies, Inc. Models M–4–210 and M–4–210C airplanes; Docket No. 95–CE–22–AD (RIN: 2120–AA64) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

2860. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Schedule for Rating Disabilities; Fibromyalgia (RIN: 2900–AH05) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2861. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs transmitting the Department's final rule—Appeals Regulations; Rules of Practice: Single Member and Panel Decisions; Reconsiderations; Order of Consideration (RIN: 2900–AH16) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2862. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Removal of references to "vicious habits" (RIN: 2900–AH87) received May 6, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

2863. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—VA Acquisition Regulations: Miscellaneous Amendments (RIN: 2900–AI02) received May 7, 1996, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 3269. A bill to amend the impact aid program to provide for a hold-harmless with respect to amounts for payments relating to the Federal acquisition of real property and for other purposes (Rept. 104–560). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 2066. A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs; with an amendment (Rept. 104–561). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 2464. A bill to amend Public Law 103–93 to provide additional lands within the State of Utah for the Goshute Indian Reservation, and for other purposes (Rept. 104–562). Referred to the Committee of the Whole House on the State of the Union.

Mr. SPENCE: Committee on National Security. H.R. 3230. A bill to authorize appropriations for fiscal year 1997 for military activities of the Department of Defense, to prescribe military personnel strengths for fiscal year 1997, and for other purposes; with amendments (Rept. 104–563). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. House Resolution 426. Resolution providing for consideration of the bill (H.R. 2406) to repeal the United States Housing Act of 1937, deregulate the public housing program and the program for rental housing assistance for low-income families, and increase community control over such programs, and for other purposes (Rept. 104–564). Referred to the House Calendar.

Ms. GREENE of Utah: Committee on rules. House Resolution 427. Resolution providing for consideration of the bill (H.R. 3322) to authorize appropriations for fiscal year 1997 for civilian science activities of the Federal Government, and for other purposes (Rept. 104–565). Referred to the House Calendar.

Ms. PRYCE: Committee on Rules. House Resolution 428. Resolution providing for consideration of the bill (H.R. 3286) to help families defray adoption costs, and to promote the adoption of minority children (Rept. 104-566). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. FOX (for himself, Mr. LANTOS, Mr. ABERCROMBIE, Mr. ANDREWS, Mr. BALLENGER, Mr. BRYANT of Tennessee, Mr. CALVERT, Mr. CAMPBELL, Mr. CHABOT, Mr. DELLUMS, Mr. DOYLE, Mr. ENGEL, Mr. FARR, Mr. FOLEY, Mr. HEINEMAN, Mr. HOLDEN, Mr. HORN, Mr. JACOBS, Mrs. KELLY, Mr. KLECZKA, Mr. LATOURETTE, Mr. LEACH, Mr. LEWIS of Georgia, Mr. LIPINSKI, Ms. LOFGREN, Mr. MANTON, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. PALLONE, Mr. SMITH of New Jersey, Mr. TORRES, Mr. POSHARD, and Mr. BARCIA of Michigan):

H.R. 3393. A bill to amend the Animal Welfare Act to prevent the crime of pet theft; to the Committee on Agriculture.

By Mr. LEWIS of California (for himself and Mr. STUMP):

H.R. 3394. A bill to repeal the Low-Level Radioactive Waste Policy Act and to provide new authority for the disposal of low-level radioactive waste; to the Committee on Commerce.

By Mr. BENTSEN:

H.R. 3395. A bill to amend the Internal Revenue Code of 1986 to provide a temporary suspension of 4.3 cents per gallon in the rates of tax on gasoline and diesel fuel; to the Committee on Ways and Means.

By Mr. BARR (for himself, Mr. LARGENT, Mr. SENSENBRENNER, Mrs. MYRICK, Mr. VOLKMER, Mr. SKELTON, Mr. BRYANT of Tennessee, and Mr. EMERSON):

H.R. 3396. A bill to define and protect the institution of marriage; to the Committee on the Judiciary.

By Mr. BARTON of Texas.

H.R. 3397. A bill to amend the Federal Election Campaign Act of 1971 to require that contributions to candidates in odd-numbered years be from individuals only; to the Committee on House Oversight.

By Mr. CANADY (for himself, Mr. BROWN of California, Mr. DORNAN, Mr. HUTCHINSON, Mr. GOSS, Mr. MURTHA, and Mr. FOLEY):

H.R. 3398. A bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally; to the Committee on Agriculture.

By Mr. CASTLE (by request):

H.R. 3399. A bill to authorize appropriations for the United States contribution to the 10th replenishment of the resources of the International Development Association, to authorize consent to and authorize appropriations for the United States contribution to the fifth replenishment of the resources of the African Development Bank, to authorize consent to and authorize appropriations for a United States contribution to the interest subsidy account of the successor [ESAF II] to the Enhanced Structural Adjustment Facility of the International Monetary Fund, and to provide for the establishment of the Middle East Development Bank; to the Committee on Banking and Financial Services, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHRISTENSEN (for himself, Mr. BEREUTER, Mr. BARRETT of Nebraska, and Mr. GILCHREST):

H.R. 3400. A bill to designate the United States courthouse to be constructed at a site on 18th Street between Dodge and Douglas Streets in Omaha, NE, as the "Roman L. Hruska United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. FAZIO of California:

H.R. 3401. A bill to allow postal patrons to contribute to funding for breast-cancer research through the voluntary purchase of certain specially issued U.S. postage stamps; to the Committee on Government Reform and Oversight, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FILNER:

H.R. 3402. A bill to amend section 8 of the United States Housing Act of 1937 to provide for rental assistance payments to assist certain owners of manufactured homes who rent the lots on which their homes are located; to the Committee on Banking and Financial Services.

By Mr. FRANK of Massachusetts:

H.R. 3403. A bill to amend title III of the Job Training Partnership Act to provide employment and training assistance for individuals who work full time at a plant, facility, or enterprise that is a part of an economically depressed industry and is located in an economically depressed area; to the Committee on Economic and Educational Opportunities.

By Mr. MCINTOSH:

H.R. 3404. A bill to amend title VI of the Housing and Community Development Act of 1974 to establish a consensus committee for maintenance and revision of the Federal manufactured home construction and safety standards, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. MEEHAN:

H.R. 3405. A bill to designate a portion of the Sudbury, Assabet, and Concord Rivers as a Component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. ROEMER (for himself, Mr. ROYCE, Mr. CALVERT, Mr. GONZALEZ, Mr. HEINEMAN, Mr. VENTO, Mr. BAKER of California, Mr. KING, Mr. LEWIS of California, Mr. MCCOLLUM, Mr. KANJORSKI, Mr. ROHRABACHER, Mr. STEARNS, Mr. BONO, Mr. DOOLEY, Mr. BENTSEN, Mr. LARGENT, Mr. MINGE, Mr. BARRETT of Wisconsin, Mr. BILIRAKIS, and Mr. LINDER):

H.R. 3406. A bill to amend the Housing and Community Development Act of 1974 to establish a consensus committee for development, revision, and interpretation of manufactured housing construction standards; to the Committee on Banking and Financial Services.

By Mr. ROTH:

H.R. 3407. A bill to establish the Thrift Charter Merger Commission, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCARBOROUGH:

H.R. 3408. A bill to amend title 10, United States Code, to revise the provisions of law relating to payment of retired pay of retired members of the Armed Forces to former spouses, and for other purposes; to the Committee on National Security.

By Mr. SCHUMER (for himself and Mr. CONYERS):

H.R. 3409. A bill to combat domestic terrorism; to the Committee on the Judiciary.

By Mr. THORNBERRY:

H.R. 3410. A bill to amend the Internal Revenue Code of 1986 to encourage production of oil and gas within the United States, to ease regulatory burdens, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GINGRICH:

H. Con. Res. 172. Concurrent resolution authorizing the 1996 Summer Olympic Torch Relay to be run through the Capitol Grounds, and for other purposes; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 127: Mr. EDWARDS, Mr. BOUCHER, Mr. STARK, Mr. EHRLICH, Mr. HASTINGS of Washington, Mr. TORKILDSEN, and Mrs. CLAYTON.

H.R. 294: Mr. JACKSON, Mr. BLUTE, and Mr. KENNEDY of Massachusetts.

H.R. 773: Mr. WHITE.

H.R. 991: Mr. LUTHER.

H.R. 1024: Mr. WELDON of Florida and Mrs. MYRICK.

H.R. 1209: Mr. HOKE.

H.R. 1210: Mr. FILNER.

H.R. 1246: Ms. WATERS, Mr. FATTAH, Mrs. SCHROEDER, Mr. ROMERO-BARCELO, Mr. RAHALL, Mr. MILLER of California, Ms. LOFGREN, Mr. BARRETT of Wisconsin, Mr. THOMPSON, Ms. PELOSI, Mr. KANJORSKI, and Mr. MORAN.

H.R. 1352: Mr. PACKARD.

H.R. 1406: Mr. SPRATT and Ms. HARMAN.

H.R. 1462: Mr. GILCHREST, Mr. PORTMAN, Mr. CAMPBELL, Mr. BRYANT of Texas, Mr. MARTINEZ, Ms. PRYCE, and Mr. WILLIAMS.

H.R. 1482: Mr. NEY.

H.R. 1483: Mr. NEY, Mr. BOEHLERT, Ms. SLAUGHTER, and Mr. SOLOMON.

H.R. 1500: Mr. CAMPBELL.

H.R. 1618: Mr. NEY, Mr. COOLEY, and Mr. LUCAS.

H.R. 1625: Mr. CRANE.

H.R. 1711: Mr. KLUG, Mr. QUINN, and Mr. DICKEY.

H.R. 1776: Mr. LEWIS of California, Mr. DEAL of Georgia, Mr. FAWELL, Mr. OXLEY, Mr. BILIRAKIS, Mr. BASS, Mr. COLLINS of Georgia, Mr. DOOLITTLE, Mr. BOEHNER, Mr. GOODLING, Mr. HASTERT, Mr. WALSH, Mr. RIGGS, Mr. WILSON, Mr. HUTCHINSON, Mr. CLEMENT, Mr. HOLDEN, Mr. THORNTON, Mr. KOLBE, Mr. STUDDS, Mr. GEKAS, Mr. MEEHAN, Mr. LINDER, Mr. DAVIS, and Mr. HOKE.

H.R. 1876: Mr. TORRICELLI and Mr. HAMILTON.

H.R. 1889: Mr. MORAN.

H.R. 1893: Mr. KENNEDY of Rhode Island, Mr. FLAKE, Mr. TRAFICANT, and Mr. BARCIA of Michigan.

H.R. 2011: Mr. STARK, Mr. PASTOR, Mr. PETERSON of Minnesota, Ms. ESHOO, and Mrs. KELLY.

H.R. 2026: Mr. LAHOOD, Mr. THORNTON, Mr. SPRATT, Mr. FARR, Mrs. MORELLA, Mr. HAYES, Mr. HEFLEY, Mr. LAUGHLIN, Mr. MCKEON, Mr. CRAMER, Mr. QUILLEN, Mr. DORNAN, Mr. HUTCHINSON, and Mr. DIAZ-BALART.

H.R. 2066: Mr. LIPINSKI, Ms. WOOLSEY, Mr. MCKEON, and Mr. JOHNSON of South Dakota.

H.R. 2167: Mr. TAYLOR of North Carolina.

H.R. 2214: Mr. UNDERWOOD, Mr. MANTON, and Mr. HINCHEY.

H.R. 2244: Mr. BALDACCI, Mrs. SEASTRAND, Mr. BEREUTER, Mrs. FOWLER, and Mr. GOODLATTE.

H.R. 2270: Mr. PETRI and Mr. COBURN.

H.R. 2400: Mr. PALLONE and Mr. WELLER.

H.R. 2416: Mr. CLINGER.

H.R. 2618: Ms. SLAUGHTER.

H.R. 2665: Ms. SLAUGHTER.

H.R. 2682: Mr. OLVER.

H.R. 2690: Mr. MINGE.

H.R. 2727: Mr. BROWNBACK and Mr. PACKARD.

H.R. 2757: Mr. STARK and Mr. BARR.

H.R. 2800: Ms. NORTON.

H.R. 2827: Mr. PETRI.

H.R. 2893: Mr. THORNTON.

H.R. 2908: Mr. COOLEY and Mr. FAZIO of California.

H.R. 2928: Mr. RIGGS.

H.R. 2930: Mr. RIGGS.

H.R. 2938: Mr. COOLEY and Mr. BACHUS.

H.R. 2994: Mr. HEFNER, Mr. COYNE, Mr. MURTHA, and Mr. CANADY.

H.R. 3011: Mr. HEINEMAN, Ms. WOOLSEY, and Mr. CONYERS.

H.R. 3042: Ms. NORTON and Mr. BAKER of California.

H.R. 3059: Ms. SLAUGHTER.

H.R. 3067: Mr. BERMAN, Ms. LOFGREN, Ms. ROYBAL-ALLARD, Ms. WATERS, and Mr. MCKEON.

H.R. 3079: Mr. HILLIARD.

H.R. 3083: Mr. HAYWORTH and Mr. NORWOOD.

H.R. 3118: Mr. WATTS of Oklahoma and Mr. EMERSON.

H.R. 3123: Mr. COBURN and Mr. EMERSON.

H.R. 3138: Mr. NETHERCUTT, Mrs. THURMAN, Mr. LIPINSKI, and Mr. HEFNER.

H.R. 3142: Ms. LOFGREN, Mr. CALLAHAN, Mr. MORAN, Mr. SKELTON, Mrs. MEEK of Florida, Mr. BISHOP, Mr. DOYLE, Mr. BOUCHER, Mr. MCCOLLUM, Mr. ALLARD, Mr. SPENCE, Mr. MCCRERY, Mr. HANSEN, Mr. BENTSEN, Mr. SOLOMON, Mr. WYNN, Mr. FUNDERBURK, Mr. MANTON, Mr. TANNER, and Mr. FALEOMAVAEGA.

H.R. 3172: Mr. FRAZER, Mrs. JOHNSON of Connecticut, Ms. SLAUGHTER, and Mr. BROWN of California.

H.R. 3173: Mr. UPTON.

H.R. 3195: Mr. NEY.

H.R. 3199: Mr. HUTCHINSON, Mr. STOCKMAN, Mr. GOODLATTE, Mr. MINGE, Mr. FLANAGAN, Mr. BAKER of California, and Mr. RAHALL.

H.R. 3201: Mr. COOLEY, Mrs. SEASTRAND, Mr. SHADEGG, Mr. SAM JOHNSON, Mr. RIGGS, Mr. CANADY, Mr. MINGE, Mr. FLANAGAN, and Mr. HOEKSTRA.

H.R. 3226: Mr. MCHUGH, Mr. NETHERCUTT, Mr. ROBERTS, Mr. TORKILDSEN, Mrs. LOWEY, Mr. LAFALCE, Mrs. MALONEY, Mr. CLYBURN, Mr. HILLIARD, Mr. DEFAZIO, Mr. SANDERS, Mr. FOGLIETTA, Mr. ACKERMAN, Ms. LOFGREN, and Mr. MATSUI.

H.R. 3246: Ms. KAPTUR.

H.R. 3251: Mr. BARRETT of Nebraska.

H.R. 3253: Mr. RAHALL, Mr. GRAHAM, Mr. MCKEON, Mrs. MEEK of Florida, Mrs. LINCOLN, Mr. THORNBERRY, Mr. UNDERWOOD, Mr. CALLAHAN, Mr. MENENDEZ, Ms. ROYBAL-ALLARD, Mr. WALSH, Mr. LIVINGSTON, Mr. SHUSTER, Mr. NEAL of Massachusetts, Mr. BUYER, Mr. DINGELL, Mr. DAVIS, Ms. DELAURO, and Ms. KAPTUR.

H.R. 3260: Mrs. CHENOWETH, Mr. COOLEY, Mr. THORNBERRY, and Mr. GANSKE.

H.R. 3261: Mr. EVANS, Mr. BARRETT of Wisconsin, and Mr. OLVER.

H.R. 3267: Mr. RAHALL.

H.R. 3275: Mr. HANSEN, Mr. TRAFICANT, Mr. SKELTON, Mr. CANADY, and Mr. EHLERS.

H.R. 3293: Mr. SHAYS, Mr. MARKEY, Mr. SANDERS, Mr. OWENS, Mr. FOGLIETTA, and Mr. GREEN of Texas.

H.R. 3294: Mr. LAFALCE, Ms. SLAUGHTER, and Ms. ROYBAL-ALLARD.

H.R. 3299: Mr. FRAZER.

H.R. 3311: Mr. BRYANT of Texas, Mr. CONYERS, Mr. DOYLE, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. WILLIAMS, Mr. CLAY, and Mr. LEWIS of Georgia.

H.R. 3326: Mr. SKEEN.

H.R. 3343: Mr. CRANE.

H.R. 3348: Mr. ENGLISH of Pennsylvania.

H.R. 3379: Mr. SMITH of Texas, Mr. HAYES, Mr. KLUG, Mr. LIPINSKI, Mr. HALL of Texas, and Mr. SOUDER.

H.R. 3392: Mr. DELLUMS.

H.J. Res. 117: Mr. MCDERMOTT.

H. Con. Res. 10: Mr. MCNULTY.

H. Con. Res. 47: Mr. BOEHLERT and Mr. GOODLATTE.

H. Con. Res. 95: Mr. HASTINGS of Florida, Mr. DIAZ-BALART, and Mr. BROWN of Ohio.

H. Con. Res. 154: Mr. RANGEL, Mr. RICHARDSON, Mr. BAESLER, Mr. BERMAN, Mr. LIPINSKI, and Mr. HILLIARD.

H. Con. Res. 160: Mr. MANTON, Mr. BOEHLERT, Ms. ESHOO, Mr. JACKSON, Mr. HILLIARD, Mr. BALLENGER, and Mr. HAMILTON.

H. Con. Res. 165: Mr. HOLDEN, Mr. MURTHA, Mr. DURBIN, Mr. OLVER, Mr. BONO, Ms. KAPTUR, and Mr. BILIRAKIS.

H. Con. Res. 167: Mr. RICHARDSON, Mr. PORTER, Mr. BERMAN, Ms. SLAUGHTER, Mr. BARRETT of Wisconsin, and Mr. PALLONE.

H. Con. Res. 169: Mr. CRANE, Mr. CHRYSLER, Mr. CHABOT, Mr. FAWELL, Mr. HAYWORTH, Mrs. CHENOWETH, Mr. HEINEMAN, Mr. FRELINGHUYSEN, Mr. WATTS of Oklahoma, Mr. ISTOOK, Mr. GOSS, Mr. HUTCHINSON, Mrs. FOWLER, Mr. SANFORD, Mr. SCARBOROUGH, Mr. SOLOMON, Mr. MILLER of Florida, Mr. LEWIS of California, Mr. COOLEY, Mr. HEFLEY, and Mr. BASS.

H. Res. 358: Mr. MINGE.

H. Res. 374: Mr. HUTCHINSON, Mrs. MEYERS of Kansas, Mr. TORKILDSEN, and Mr. FRANKS of New Jersey.

H. Res. 385: Mr. FROST, Ms. FURSE, Mr. HAYWORTH, Mr. PETE GEREN of Texas, and Mr. THOMPSON.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2406

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 1: Page 41, line 13, strike "EXCEPTIONS.—" and insert "EXCEPTION FOR VOLUNTEERS.—".

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 2: Page 43, after line 16, insert the following new section:

SEC. 115. PROHIBITION ON USE OF FUNDS.

Notwithstanding any other provision of law, none of the amounts provided under this Act may be used for the purpose of funding the relocation of public housing residents and applicants from Baltimore City, Maryland, to other jurisdiction in the State of Maryland if such relocation is in connection with any settlement, consent decree, injunction, judgment, or other resolution of litigation brought by public housing residents of Balitmore City, Maryland, concerning the demolition of certain public housing uinits in such city.

H.R. 2406

OFFERED BY: MR. EHRLICH

AMENDMENT NO. 3: Page 181, after line 6, insert the following new section:

SEC. 374. PROHIBITION OF USE OF RACE IN DEFINING AREAS FOR USE OF RENTAL ASSISTANCE

The Secretary, a local housing and management authority, and any other entity involved in the provision of housing assistance under this title, may not define, establish, or otherwise indicate any geographical region for purposes of any requirement, limitation, or other provision relating to the use of such assistance that is based, in whole or in part, on the racial charactersitics of the population (or any portion of the population) of such region.

H.R. 2406

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 4: Page 14, strike line 18 and all that follows through page 16, line 18, and insert the following:

(A) IN GENERAL.—In localities in which a local housing and management authority is governed by a board of directors or other similar body, not less than 25 percent of the members of the board or body shall be individuals who are—

(i) residents of public housing dwelling units owned or operated by the authority; or

(ii) members of assisted families under title III.

(B) ELECTION AND TRAINING.—Members of the board of directors or other similar body by reason of subparagraph (A) shall be selected for such membership in an election in which only residents of public housing dwelling units owned or operated by the authority and members of assisted families under title III who are assisted by the authority are eligible to vote. The authority shall provide such members with training appropriate to assist them to carry out their responsibilities as members of the board or other similar body.

H.R. 2406

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 5: Page 17, after line 17, insert the following new subsection:

(d) LOCAL ADVISORY BOARD.—

(1) IN GENERAL.—Except as provided in paragraph (4), each local housing and management authority shall establish one or more local advisory boards in accordance with this subsection, the membership of which shall adequately reflect and represent all of the residents of the dwelling units owned, operated, or assisted by the local housing and management authority.

(2) MEMBERSHIP.—Each local advisory board established under this subsection shall be composed of the following members:

(A) TENANTS.—Not less than 60 percent of the members of the board shall be tenants of dwelling units owned, operated, or assisted by the local housing and management authority, including representatives of any resident organizations.

(B) OTHER MEMBERS.—The members of the board, other than the members described in subparagraph (A), shall include—

(i) representatives of the community in which the local housing and management authority is located; and

(ii) local government officials of the community in which the local housing and management authority is located.

(3) PURPOSE.—Each local advisory board established under this subsection shall assist and make recommendations regarding the development of the local housing management plan for the authority. The local housing and management authority shall consider the recommendations of the local advisory board in preparing the final local housing management plan, and shall include a copy of those recommendations in the local housing management plan submitted to the Secretary under section 107.

(4) WAIVER.—The Secretary may waive the requirements of this subsection with respect to tenant representation on the local advisory board of a local housing and management authority, if the authority demonstrates to the satisfaction of the Secretary that a resident council or other tenant organization of the local housing and management authority adequately represents the interests of the tenants of the authority.

H.R. 2406

OFFERED BY: MR. FILNER

AMENDMENT NO. 6: Page 170, after line 3, insert the following new section:

SEC. 330. ASSISTANCE FOR RENTAL OF MANUFACTURED HOMES.

(a) AUTHORITY.—Nothing in this title may be construed to prevent a local housing and management authority from providing housing assistance under this title on behalf of a low-income family for the rental of—

(1) a manufactured home that is the principal residence of the family and the real property on which the home is located; or

(2) the real property on which is located a manufactured home, which is owned by the family and is the principal residence of the family.

(b) ASSISTANCE FOR CERTAIN FAMILIES OWNING MANUFACTURED HOMES.—

(1) AUTHORITY.—Notwithstanding section 351 or any other provision of this title, a local housing and management authority that receives amounts under a contract under section 302 may enter into a housing assistance payment contract to make assistance payments under this title to a family that owns a manufactured home, but only as provided in paragraph (2).

(2) LIMITATIONS.—In the case of a low-income family that owns a manufactured home, rents the real property on which it is located, and to whom housing assistance under this title has been made available for the rental of such property, the local housing and management authority making such assistance available shall enter into a contract to make housing assistance payments under this title directly to the family (rather than to the owner of such real property) if—

(1) the owner of the real property refuses to enter into a contract to receive housing assistance payments pursuant to section 351(a);

(2) the family was residing in such manufactured home on such real property at the time such housing assistance was initially made available on behalf of the family;

(3) the family provides such assurances to the agency, as the Secretary may require, to ensure that amounts from the housing assistance payments are used for rental of the real property; and

(4) the rental of the real property otherwise complies with the requirements for assistance under this title.

A contract pursuant to this subsection shall be subject to the provisions of section 351 and any other provisions applicable to housing assistance payments contracts under this title, except that the Secretary may provide such exceptions as the Secretary considers appropriate to facilitate the provision of assistance under this subsection.

H.R. 2406

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 7: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjustment monthly income.

Page 158, line 1, strike "(b)" and insert "(c)".

Page 158, line 9, strike "(c)" and insert "(d)".

Page 158, line 1, strike "(d)" and insert "(e)".

Page 172, lines 9 through 11, strike "the amount of the resident contribution determined in accordance with section 322" and insert "the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income".

H.R. 2406

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 8: Page 41, line 13, strike "EXCEPTIONS.—" and insert "EXCEPTION FOR VOLUNTEERS.—".

Page 41, strike lines 16 through 18 and insert the following:

to public housing, shall not apply to any individual who—

Page 42, strike lines 3 through 8.

H.R. 2406

OFFERED BY: MR. HAYWORTH

AMENDMENT NO. 9: Page 9, strike line 12 and all that follows through page 10, line 12.

Page 13, line 2, after "Samoa," insert "and".

Page 13, line 3, strike ", and Indian tribes".

Page 13, lines 19 and 20, strike "or Indian housing authority".

Page 14, after line 8, insert the following:

The term does not include any entity that is Indian housing authority for purposes of the United States Housing Act of 1937 (as in effect before the enactment of this Act) or a tribally desingated housing entity, as such term is defined in section 604.

Page 43, after line 4, insert the following new section:

SEC. 114. INAPPLICABILITY TO INDIAN HOUSING.

Except as specifically provided by law, the provisions of this title, and titles II, III, and IV shall not apply to public housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority or to housing assisted under the Native American Housing Assistance and Self-Determination Act of 1996.

Page 53, strike line 19 and all that follows through page 54, line 5.

Page 57, line 20, strike "and Indian".

Page 89, strike lines 11 through 15.

Page 102, lines 19 and 20, strike ", except that it does not include Indian housing authorities".

Page 144, line 2, strike "and Indian".

Page 144, strike lines 11 through 15.

Page 144, line 16, strike "(d)" and insert "(c)".

Page 217, strike lines 16 through 20.

At the end of the bill, insert the following new title:

TITLE VI—NATIVE AMERICAN HOUSING ASSISTANCE

SECTION 601. SHORT TITLE.

This title may be cited as the "Native American Housing Assistance and Self-Determination Act of 1996".

SEC. 602. CONGRESSIONAL FINDINGS.

The Congress hereby finds that—

(1) the Federal Government has a responsibility to promote the general welfare of the Nation—

(A) by using Federal resources to aid families and individuals seeking affordable homes that are safe, clean, and healthy and, in particular, assisting responsible, deserving citizens who cannot provide fully for themselves because of temporary circumstances or factors beyond their control;

(B) by working to ensure a thriving national economy and a strong private housing market; and

(C) by developing effective partnerships among the Federal Government, State and local governments, and private entities that allow government to accept responsibility for fostering the development of a healthy marketplace and allow families to prosper without government involvement in their day-to-day activities;

(2) there exists a unique relationship between the Government of the United States and the governments of Indian tribes and a unique Federal responsibility to Indian people;

(3) the Constitution of the United States invests the Congress with plenary power over the field of Indian affairs, and through treaties, statutes, and historical relations with Indian tribes, the United States has undertaken a trust responsibility to protect Indian tribes;

(4) the Congress, through treaties, statutes, and the general course of dealing with Indian tribes, has assumed the responsibility for the protection and preservation of Indian tribes and for working with tribes and their members to improve their socio-economic status so that they are able to take greater responsibility for their own economic condition;

(5) providing affordable and healthy homes is an essential element in the special role of the United States in helping tribes and their members to achieve a socio-economic status comparable to their non-Indian neighbors;

(6) the need for affordable and healthy homes on Indian reservations, in Indian communities, and in Native Alaskan villages is acute and the Federal Government should work not only to provide housing assistance, but also, to the extent practicable, to assist in the development of private housing finance mechanisms on Indian lands to achieve the goals of economic self-sufficiency and self-determination for tribes and their members; and

(7) Federal assistance to meet these responsibilities should be provided in a manner that recognizes the right of tribal self-governance by making such assistance available directly to the tribes or tribally designated entities.

SEC. 603. ADMINISTRATION THROUGH OFFICE OF NATIVE AMERICAN PROGRAMS.

The Secretary of Housing and Urban Development shall carry out this title through the Office of Native American Programs of the Department of Housing and Urban Development.

SEC. 604. DEFINITIONS.

For purposes of this title, the following definitions shall apply:

(1) AFFORDABLE HOUSING.—The term "affordable housing" means housing that complies with the requirements for affordable housing under subtitle B. The term includes permanent housing for homeless persons who are persons with disabilities, transitional housing, and single room occupancy housing.

(2) FAMILIES AND PERSONS.—

(A) SINGLE PERSONS.—The term "families" includes families consisting of a single person in the case of (i) an elderly person, (ii) a disabled person, (iii) a displaced person, (iv) the remaining members of a tenant family, and (v) any other single persons.

(B) FAMILIES.—The term "families" includes families with children and, in the cases of elderly families, near-elderly families, and disabled families, means families whose heads (or their spouses), or whose sole members, are elderly, near-elderly, or persons with disabilities, respectively. The term includes, in the cases of elderly families, near-elderly families, and disabled families, 2 or more elderly persons, near-elderly persons, or persons with disabilities living together, and 1 or more such persons living with 1 or more persons determined under the regulations of the Secretary to be essential to their care or well-being.

(C) ABSENCE OF CHILDREN.—The temporary absence of a child from the home due to placement in foster care shall not be considered in determining family composition and family size for purposes of this title.

(D) ELDERLY PERSON.—The term "elderly person" means a person who is at least 62 years of age.

(E) PERSON WITH DISABILITIES.—The term "person with disabilities" means a person who—

(i) has a disability as defined in section 223 of the Social Security Act,

(ii) is determined, pursuant to regulations issued by the Secretary, to have a physical, mental, or emotional impairment which (I) is expected to be of long-continued and indefinite duration, (II) substantially impedes his or her ability to live independently, and (III) is of such a nature that such ability could be improved by more suitable housing conditions, or

(iii) has a developmental disability as defined in section 102 of the Developmental Disabilities Assistance and Bill of Rights Act.

Such term shall not exclude persons who have the disease of acquired immunodeficiency syndrome or any conditions arising from the etiologic agent for acquired immunodeficiency syndrome.

(F) DISPLACED PERSON.—The term "displaced person" means a person displaced by governmental action, or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or otherwise formally recognized pursuant to Federal disaster relief laws.

(G) NEAR-ELDERLY PERSON.—The term "near-elderly person" means a person who is at least 50 years of age but below the age of 62.

(3) GRANT BENEFICIARY.—The term "grant beneficiary" means the Indian tribe or tribes on behalf of which a grant is made under this title to a recipient.

(4) INDIAN.—The term "Indian" means any person who is a member of an Indian tribe.

(5) INDIAN AREA.—The term "Indian area" means the area within which a tribally designated housing entity is authorized to provide assistance under this title for affordable housing.

(6) INDIAN TRIBE.—The term "Indian tribe" means—

(A) any Indian tribe, band, nation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975; and

(B) any tribe, band, nation, pueblo, village, or community that—

(i) has been recognized as an Indian tribe by any State; and

(ii) for which an Indian housing authority is eligible, on the date of the enactment of this title, to enter into a contract with the Secretary pursuant to the United States Housing Act of 1937.

(7) LOCAL HOUSING PLAN.—The term "local housing plan" means a plan under section 612.

(8) LOW-INCOME FAMILY.—The term "low-income family" means a family whose income does not exceed 80 percent of the median income for the area, except that the Secretary may, for purposes of this paragraph, establish income ceilings higher or lower than 80 percent of the median for the area on the basis of the authority's findings that such variations are necessary because of unusually high or low family incomes.

(9) MEDIAN INCOME.—The term "median income" means, with respect to an area that is an Indian area, the greater of—

(A) the median income for the Indian area, which the Secretary shall determine; or

(B) the median income for the United States.

(10) RECIPIENT.—The term "recipient" means the entity for an Indian tribe that is authorized to receive grant amounts under this title on behalf of the tribe, which may only be the tribe or the tribally designated housing entity for the tribe.

(11) TRIBALLY DESIGNATED HOUSING ENTITY.—The terms "tribally designated housing entity" and "housing entity" have the following meaning:

(A) EXISTING IHA'S.—For any Indian tribe that has not taken action under subparagraph (B) and for which an Indian housing authority—

(i) was established for purposes of the United States Housing Act of 1937 before the date of the enactment of this title that meets the requirements under the United States Housing Act of 1937,

(ii) is acting upon such date of enactment as the Indian housing authority for the tribe, and

(iii) is not an Indian tribe for purposes of this title,

the terms mean such Indian housing authority.

(B) OTHER ENTITIES.—For any Indian tribe that, pursuant to this Act, authorizes an entity other than the tribal government to receive grant amounts and provide assistance under this title for affordable housing for Indians, which entity is established—

(i) by exercise of the power of self-government of an Indian tribe independent of State law, or

(ii) by operation of State law providing specifically for housing authorities or housing entities for Indians, including regional housing authorities in the State of Alaska,

the terms mean such entity.

A tribally designated housing entity may be authorized or established by one or more Indian tribes to act on behalf of each such tribe authorizing or establishing the housing entity. Nothing in this title may be construed to affect the existence, or the ability to operate, of any Indian housing authority established before the date of the enactment of this title by a State-recognized tribe, band, nation, pueblo, village, or community of Indian or Alaska Natives that is not an Indian tribe for purposes of this title.

(12) SECRETARY.—The term "Secretary" means the Secretary of Housing and Urban Development, except as otherwise specified in this title.

Subtitle A—Block Grants and Grant Requirements

SEC. 611. BLOCK GRANTS.

(a) AUTHORITY.—For each fiscal year, the Secretary shall (to the extent amounts are made available to carry out this title) make grants under this section on behalf of Indian tribes to carry out affordable housing activities. Under such a grant on behalf of an Indian tribe, the Secretary shall provide the grant amounts for the tribe directly to the recipient for the tribe.

(b) CONDITION OF GRANT.—

(1) IN GENERAL.—The Secretary may make a grant under this title on behalf of an Indian tribe for a fiscal year only if—

(A) the Indian tribe has submitted to the Secretary a local housing plan for such fiscal year under section 612; and

(B) the plan has been determined under section 613 to comply with the requirements of section 612.

(2) WAIVER.—The Secretary may waive the applicability of the requirements under paragraph (1), in whole or in part, if the Secretary finds that an Indian tribe has not complied or can not complied with such requirements because of circumstances beyond the control of the tribe.

(c) AMOUNT.—Except as otherwise provided under subtitle B, the amount of a grant under this section to a recipient for a fiscal year shall be—

(1) in the case of a recipient whose grant beneficiary is a single Indian tribe, the amount of the allocation under section 641 for the Indian tribe; and

(2) in the case of a recipient whose grant beneficiary is more than 1 Indian tribe, the sum of the amounts of the allocations under section 641 for each such Indian tribe.

(d) USE FOR AFFORDABLE HOUSING ACTIVITIES.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities under subtitle B.

(e) EFFECTUATION OF LHP.—Except as provided in subsection (f), amounts provided under a grant under this section may be used only for affordable housing activities that are consistent with the approved local housing plan under section 613 for the grant beneficiary on whose behalf the grant is made.

(f) ADMINISTRATIVE EXPENSES.—

(1) IN GENERAL.—The Secretary shall, by regulation, authorize each recipient to use a percentage of any grant amounts received under this title for any administrative and planning expenses of the recipient relating

to carrying out this title and activities assisted with such amounts, which may include costs for salaries of individuals engaged in administering and managing affordable housing activities assisted with grant amounts provided under this title and expenses of preparing a local housing plan under section 612.

(2) CONTENTS OF REGULATIONS.—The regulations referred to in paragraph (1) shall provide that—

(A) the Secretary shall, for each recipient, establish a percentage referred to in paragraph (1) based on the specific circumstances of the recipient and the tribes served by the recipient; and

(B) the Secretary may review the percentage for a recipient upon the written request of the recipient specifying the need for such review or the initiative of the Secretary and, pursuant to such review, may revise the percentage established for the recipient.

(g) PUBLIC-PRIVATE PARTNERSHIPS.—Each recipient shall make all reasonable efforts, consistent with the purposes of this title, to maximize participation by the private sector, including nonprofit organizations and for-profit entities, in implementing the approved local housing plan for the tribe that is the grant beneficiary.

SEC. 612. LOCAL HOUSING PLANS.

(a) IN GENERAL.—

(1) SUBMISSION.—The Secretary shall provide for an Indian tribe to submit to the Secretary, for each fiscal year, a local housing plan under this section for the tribe (or for the tribally designated housing entity for a tribe to submit the plan under subsection (e) for the tribe) and for the review of such plans.

(2) LOCALLY DRIVEN NATIONAL OBJECTIVES.—A local housing plan shall describe—

(A) the mission of the tribe with respect to affordable housing or, in the case of a recipient that is a tribally designated housing entity, the mission of the housing entity;

(B) the goals, objectives, and policies of the recipient to meet the housing needs of low-income families in the jurisdiction of the housing entity, which shall be designed to achieve the national objectives under section 621(a); and

(C) how the locally established mission and policies of the recipient are designed to achieve, and are consistent with, the national objectives under section 621(a).

(b) 5-YEAR PLAN.—Each local housing plan under this section for an Indian tribe shall contain, with respect to the 5-year period beginning with the fiscal year for which the plan is submitted, the following information:

(1) LOCALLY DRIVEN NATIONAL OBJECTIVES.—The information described in subsection (a)(2).

(2) CAPITAL IMPROVEMENT OVERVIEW.—If the recipient will provide capital improvements for housing described in subsection (c)(3) during such period, an overview of such improvements, the rationale for such improvements, and an analysis of how such improvements will enable the recipient to meet its goals, objectives, and mission.

(c) 1-YEAR PLAN.—A local housing plan under this section for an Indian tribe shall contain the following information relating to the upcoming fiscal year for which the assistance under this title is to be made available:

(1) FINANCIAL RESOURCES.—An operating budget for the recipient for the tribe that includes—

(A) identification and a description of the financial resources reasonably available to the recipient to carry out the purposes of this title, including an explanation of how amounts made available will leverage such additional resources; and

(B) the uses to which such resources will be committed, including eligible and required affordable housing activities under subtitle B to be assisted and administrative expenses.

(2) AFFORDABLE HOUSING.—For the jurisdiction within which the recipient is authorized to use assistance under this title—

(A) a description of the estimated housing needs and the need for assistance for very low-income and moderate-income families;

(B) a description of the significant characteristics of the housing market, indicating how such characteristics will influence the use of amounts made available under this title for rental assistance, production of new units, rehabilitation of old units, or acquisition of existing units;

(C) an description of the structure, means of cooperation, and coordination between the recipient and any units of general local government in the development, submission, and implementation of their housing plans, including a description of the involvement of any private industries, nonprofit organizations, and public institutions;

(D) a description of how the plan will address the housing needs identified pursuant to subparagraph (A), describing the reasons for allocation priorities, and identify any obstacles to addressing underserved needs;

(E) a description of any homeownership programs of the recipient to be carried out with respect to affordable housing assisted under this title and the requirements and assistance available under such programs;

(F) a certification that the recipient will maintain written records of the standards and procedures under which the recipient will monitor activities assisted under this title and ensure long-term compliance with the provisions of this title;

(G) a certification that the recipient will comply with title II of the Civil Rights Act of 1968 in carrying out this title, to the extent that such title is applicable;

(H) a statement of the number of families for whom the recipient will provide affordable housing using grant amounts provided under this title;

(I) a statement of how the goals, programs, and policies for producing and preserving affordable housing will be coordinated with other programs and services for which the recipient is responsible and the extent to which they will reduce (or assist in reducing) the number of households with incomes below the poverty line; and

(J) a certification that the recipient has obtain insurance coverage for any housing units that are owned or operated by the tribe or the tribally designated housing entity for the tribe and assisted with amounts provided under this Act, in compliance with such requirements as the Secretary may establish.

(3) INDIAN HOUSING DEVELOPED UNDER UNITED STATES HOUSING ACT OF 1937.—A plan describing how the recipient for the tribe will comply with the requirements under section 623 relating to low-income housing owned or operated by the housing entity that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937, which shall include—

(A) a certification that the recipient will maintain a written record of the policies of the recipient governing eligibility, admissions, and occupancy of families with respect to dwelling units in such housing;

(B) a certification that the recipient will maintain a written record of policies of the recipient governing rents charged for dwelling units in such housing, including—

(i) the methods by which such rents are determined; and

(ii) an analysis of how such methods affect—

(I) the ability of the recipient to provide affordable housing for low-income families having a broad range of incomes;

(II) the affordability of housing for families having incomes that do not exceed 30 percent of the median family income for the area; and

(III) the availability of other financial resources to the recipient for use for such housing;

(C) a certification that the recipient will maintain a written record of the standards and policies of the recipient governing maintenance and management of such housing, and management of the recipient with respect to administration of such housing, including—

(i) housing quality standards;

(ii) routine and preventative maintenance policies;

(iii) emergency and disaster plans;

(iv) rent collection and security policies;

(v) priorities and improvements for management of the housing; and

(vi) priorities and improvements for management of the recipient, including improvement of electronic information systems to facilitate managerial capacity and efficiency;

(D) a plan describing—

(i) the capital improvements necessary to ensure long-term physical and social viability of such housing; and

(ii) the priorities of the recipient for capital improvements of such housing based on analysis of available financial resources, consultation with residents, and health and safety considerations;

(E) a description of any such housing to be demolished or disposed of, a timetable for such demolition or disposition, and any information required under law with respect to such demolition or disposition;

(F) a description of how the recipient will coordinate with tribal and State welfare agencies to ensure that residents of such housing will be provided with access to resources to assist in obtaining employment and achieving self-sufficiency; and

(G) a description of the requirements established by the recipient that promote the safety of residents of such housing, facilitate the housing entity undertaking crime prevention measures (such as community policing, where appropriate), allow resident input and involvement, and allow for creative methods to increase resident safety by coordinating crime prevention efforts between the recipient and tribal or local law enforcement officials.

(4) INDIAN HOUSING LOAN GUARANTEES AND OTHER HOUSING ASSISTANCE.—A description of how loan guarantees under section 184 of the Housing and Community Development Act of 1992, and other housing assistance provided by the Federal Government for Indian tribes (including grants, loans, and mortgage insurance) will be used to help in meeting the needs for affordable housing in the jurisdiction of the recipient.

(5) DISTRIBUTION OF ASSISTANCE.—A certification that the recipient for the tribe will maintain a written record of—

(A) the geographical distribution (within the jurisdiction of the recipient) of the use of grant amounts and how such geographical distribution is consistent with the geographical distribution of housing need (within such jurisdiction); and

(B) the distribution of the use of such assistance for various categories of housing and how use for such various categories is consistent with the priorities of housing need (within the jurisdiction of the recipient).

(d) Participation of Tribally Designated Housing Entity.—A plan under this section for an Indian tribe may be prepared and submitted on behalf of the tribe by the tribally designated housing entity for the tribe, but only if such plan contains a certification by the recognized tribal government of the grant beneficiary that such tribe has had an opportunity to review the plan and has authorized the submission of the plan by the housing entity.

(e) Coordination of Plans.—A plan under this section may cover more than 1 Indian tribe, but only if the certification requirements under subsection (d) are complied with by each such grant beneficiary covered.

(f) Plans for Small Tribes.—

(1) Separate requirements.—The Secretary shall establish requirements for submission of plans under this section and the information to be included in such plans applicable to small Indian tribes and small tribally designated housing entities. Such requirements shall waive any requirements under this section that the Secretary determines are burdensome or unnecessary for such tribes and housing entities.

(2) Small tribes.—The Secretary shall define small Indian tribes and small tribally designated housing entities based on the number of dwelling units assisted under this subtitle by the tribe or housing entity or owned or operated pursuant to a contract under the United States Housing Act of 1937 between the Secretary and the Indian housing authority for the tribe.

(g) Regulations.—The requirements relating to the contents of plans under this section shall be established by regulation, pursuant to section 616.

SEC. 613. REVIEW OF PLANS.

(a) Review and Notice.—

(1) Review.—The Secretary shall conduct a limited review of each local housing plan submitted to the Secretary to ensure that the plan complies with the requirements of section 612. The Secretary shall have the discretion to review a plan only to the extent that the Secretary considers review is necessary.

(2) Notice.—The Secretary shall notify each Indian tribe for which a plan is submitted and any tribally designated housing entity for the tribe whether the plan complies with such requirements not later than 45 days after receiving the plan. If the Secretary does not notify the Indian tribe, as required under this subsection and subsection (b), the plan shall be considered, for purposes of this title, to have been determined to comply with the requirements under section 612 and the tribe shall be considered to have been notified of compliance upon the expiration of such 45-day period.

(b) Notice of Reasons for Determination of Noncompliance.—If the Secretary determines that a plan, as submitted, does not comply with the requirements under section 612, the Secretary shall specify in the notice under subsection (a) the reasons for the noncompliance and any modifications necessary for the plan to meet the requirements under section 612.

(c) Standards for Determination of Noncompliance.—The Secretary may determine that a plan does not comply with the requirements under section 612 only if—

(1) the plan is not consistent with the national objectives under section 621(a);

(2) the plan is incomplete in significant matters required under such section;

(3) there is evidence available to the Secretary that challenges, in a substantial manner, any information provided in the plan;

(4) the Secretary determines that the plan violates the purposes of this title because it fails to provide affordable housing that will be viable on a long-term basis at a reasonable cost; or

(5) the plan fails to adequately identify the capital improvement needs for low-income housing owned or operated by the Indian tribe that was developed pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937.

(d) Treatment of Existing Plans.—Notwithstanding any other provision of this title, a plan shall be considered to have been submitted for an Indian tribe if the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 (as in effect immediately before the enactment of this title) or under the comprehensive improvement assistance program under such section 14, and the Secretary has approved such plan, before January 1, 1997. The Secretary shall provide specific procedures and requirements for such tribes to amend such plans by submitting only such additional information as is necessary to comply with the requirements of section 612.

(e) Updates to Plan.—After a plan under section 612 has been submitted for an Indian tribe for any fiscal year, the tribe may comply with the provisions of such section for any succeeding fiscal year (with respect to information included for the 5-year period under section 612(b) or the 1-year period under section 612(c)) by submitting only such information regarding such changes as may be necessary to update the plan previously submitted.

SEC. 614. TREATMENT OF PROGRAM INCOME AND LABOR STANDARDS.

(a) Program Income.—

(1) Authority to retain.—Notwithstanding any other provision of law, a recipient may retain any program income that is realized from any grant amounts under this title if—

(A) such income was realized after the initial disbursement of the grant amounts received by the recipient; and

(B) the recipient has agreed that it will utilize the program income for affordable housing activities in accordance with the provisions of this title.

(2) Prohibition of reduction of grant.—The Secretary may not reduce the grant amount for any Indian tribe based solely on (1) whether the recipient for the tribe retains program income under paragraph (1), or (2) the amount of any such program income retained.

(3) Exclusion of amounts.—The Secretary may, by regulation, exclude from consideration as program income any amounts determined to be so small that compliance with the requirements of this subsection would create an unreasonable administrative burden on the recipient.

(b) Treatment of Labor Standards.—The use of amounts provided under this title to finance (in whole or in part) a contract for construction or rehabilitation work shall not cause such contract to be subject to the requirements of the Act of March 3, 1931 (40 U.S.C. 276a–276a-5; commonly known as the Davis-Bacon Act) or to any other provision of law requiring payment of wages in accordance with such Act.

SEC. 615. ENVIRONMENTAL REVIEW.

(a) In General.—In order to ensure that the policies of the National Environmental Policy Act of 1969 and other provisions of law which further the purposes of such Act (as specified in regulations issued by the Secretary) are most effectively implemented in connection with the expenditure of grant amounts provided under this title, and to ensure to the public undiminished protection of the environment, the Secretary, in lieu of the environmental protection procedures otherwise applicable, may under regulations provide for the release of amounts for particular projects to recipients of assistance under this title who assume all of the responsibilities for environmental review, decisionmaking, and action pursuant to such Act, and such other provisions of law as the regulations of the Secretary specify, that would apply to the Secretary were the Secretary to undertake such projects as Federal projects. The Secretary shall issue regulations to carry out this section only after consultation with the Council on Environmental Quality. The regulations shall provide—

(1) for the monitoring of the environmental reviews performed under this section;

(2) in the discretion of the Secretary, to facilitate training for the performance of such reviews; and

(3) for the suspension or termination of the assumption of responsibilities under this section.

The Secretary's duty under the preceding sentence shall not be construed to limit or reduce any responsibility assumed by a recipient of grant amounts with respect to any particular release of funds.

(b) Procedure.—The Secretary shall approve the release of funds subject to the procedures authorized by this section only if, at least 15 days prior to such approval and prior to any commitment of funds to such projects the recipient of grant amounts has submitted to the Secretary a request for such release accompanied by a certification which meets the requirements of subsection (c). The Secretary's approval of any such certification shall be deemed to satisfy the Secretary's responsibilities under the National Environmental Policy Act of 1969 and such other provisions of law as the regulations of the Secretary specify insofar as those responsibilities relate to the releases of funds for projects to be carried out pursuant thereto which are covered by such certification.

(c) Certification.—A certification under the procedures authorized by this section shall—

(1) be in a form acceptable to the Secretary,

(2) be executed by the chief executive officer or other officer of the recipient of assistance under this title qualified under regulations of the Secretary,

(3) specify that the recipient has fully carried out its responsibilities as described under subsection (a), and

(4) specify that the certifying officer (A) consents to assume the status of a responsible Federal official under the National Environmental Policy Act of 1969 and each provision of law specified in regulations issued by the Secretary insofar as the provisions of such Act or such other provisions of law apply pursuant to subsection (a), and (B) is authorized and consents on behalf of the recipient of assistance and such officer to accept the jurisdiction of the Federal courts for the purpose of enforcement of the certifying officer's responsibilities as such an official.

SEC. 616. REGULATIONS.

(a) INTERIM REQUIREMENTS.—Not later than 90 days after the date of the enactment of this title, the Secretary shall, by notice issued in the Federal Register, establish any requirements necessary to carry out this title in the manner provided in section 617(b), which shall be effective only for fiscal year 1997. The notice shall invite public comments regarding such interim requirements and final regulations to carry out this title and shall include general notice of proposed rulemaking (for purposes of section 564(a) of title 5, United States Code) of the final regulations under paragraph (2).

(b) FINAL REGULATIONS.—

(1) TIMING.—The Secretary shall issue final regulations necessary to carry out this title not later than September 1, 1997, and such regulations shall take effect not later than the effective date under section 617(a).

(2) NEGOTIATED RULEMAKING.—Notwithstanding sections 563(a) and 565(a) of title 5, United States Code, the final regulations required under paragraph (1) shall be issued according to a negotiated rulemaking procedure under subchapter III of chapter 5 of title 5, United States Code. The Secretary shall establish a negotiated rulemaking committee for development of any such proposed regulations, which shall include representatives of Indian tribes.

SEC. 617. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b) and as otherwise specifically provided in this title, this title shall take effect on October 1, 1997.

(b) INTERIM APPLICABILITY.—For fiscal year 1997, this title shall apply to any Indian tribe that requests the Secretary to apply this title to such tribe, subject to the provisions of this subsection, but only if the Secretary determines that the tribe has the capacity to carry out the responsibilities under this title during such fiscal year. For fiscal year 1997, this title shall apply to any such tribe subject to the following limitations:

(1) USE OF ASSISTANCE AMOUNTS AS BLOCK GRANT.—Amounts shall not be made available pursuant to this title for grants under this title for such fiscal year, but any amounts made available for the tribe under the United States Housing Act of 1937, title II or subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993 shall be considered grant amounts under this title and shall be used subject to the provisions of this title relating to such grant amounts.

(2) LOCAL HOUSING PLAN.—Notwithstanding section 613 of this title, a local housing plan shall be considered to have been submitted for the tribe for fiscal year 1997 for purposes of this title only if—

(A) the appropriate Indian housing authority has submitted to the Secretary a comprehensive plan under section 14(e) of the United States Housing Act of 1937 or under the comprehensive improvement assistance program under such section 14;

(B) the Secretary has approved such plan before January 1, 1996; and

(C) the tribe complies with specific procedures and requirements for amending such plan as the Secretary may establish to carry out this subsection.

(c) ASSISTANCE UNDER EXISTING PROGRAM DURING FISCAL YEAR 1997.—Notwithstanding the repeal of any provision of law under section 501(a) and with respect only to Indian tribes not provided assistance pursuant to subsection (b), during fiscal year 1997—

(1) the Secretary shall carry out programs to provide low-income housing assistance on Indian reservations and other Indian areas in accordance with the provisions of title II of the United States Housing Act of 1937 and related provisions of law, as in effect immediately before the enactment of this Act;

(2) except to the extent otherwise provided in the provisions of such title II (as so in effect), the provisions of title I of such Act (as so in effect) and such related provisions of law shall apply to low-income housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority; and

(3) none of the provisions of title I, II, III, or IV, or of any other law specifically modifying the public housing program that is enacted after the date of the enactment of this Act, shall apply to public housing operated pursuant to a contract between the Secretary and an Indian housing authority, unless the provision explicitly provides for such applicability.

SEC. 618. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for grants under subtitle A $650,000,000, for each of fiscal years 1998, 1999, 2000, and 2001.

Subtitle B—Affordable Housing Activities

SEC. 621. NATIONAL OBJECTIVES AND ELIGIBLE FAMILIES.

(a) PRIMARY OBJECTIVE.—The national objectives of this title are—

(1) to assist and promote affordable housing activities to develop, maintain, and operate safe, clean, and healthy affordable housing on Indian reservations and in other Indian areas for occupancy by low-income Indian families;

(2) to ensure better access to private mortgage markets for Indian tribes and their members and to promote self-sufficiency of Indian tribes and their members;

(3) to coordinate activities to provide housing for Indian tribes and their members with Federal, State, and local activities to further economic and community development for Indian tribes and their members;

(4) to plan for and integrate infrastructure resources for Indian tribes with housing development for tribes; and

(5) to promote the development of private capital markets in Indian country and to allow such markets to operate and grow, thereby benefiting Indian communities.

(b) ELIGIBLE FAMILIES.—

(1) IN GENERAL.—Except as provided under paragraph (2), assistance under eligible housing activities under this title shall be limited to low-income Indian families on Indian reservations and other Indian areas.

(2) EXCEPTION TO LOW-INCOME REQUIREMENT.—A recipient may provide assistance for model activities under section 622(a)(6) to families who are not low-income families, if the Secretary approves the activities pursuant to such subsection because there is a need for housing for such families that cannot reasonably be met without such assistance. The Secretary shall establish limits on the amount of assistance that may be provided under this title for activities for families who are not low-income families.

(3) NON-INDIAN FAMILIES.—A recipient may provide housing or housing assistance provided through affordable housing activities assisted with grant amounts under this title for a non-Indian family on an Indian reservation or other Indian area if the recipient determines that the presence of the family on the Indian reservation or other Indian area is essential to the well-being of Indian families and the need for housing for the family cannot reasonably be met without such assistance.

(4) PREFERENCE FOR INDIAN FAMILIES.—The local housing plan for an Indian tribe may require preference, for housing or housing assistance provided through affordable housing activities assisted with grant amounts provided under this title on behalf of such tribe, to be given (to the extent practicable) to Indian families who are members of such tribe, or to other Indian families. In any case in which the applicable local housing plan for an Indian tribe provides for preference under this subsection, the recipient for the tribe shall ensure that housing activities that are assisted with grant amounts under this title for such tribe are subject to such preference.

(5) EXEMPTION.—Title VI of the Civil Rights Act of 1964 and title VIII of the Civil Rights Act of 1968 shall not apply to actions by Indian tribes under this subsection.

SEC. 622. ELIGIBLE AFFORDABLE HOUSING ACTIVITIES.

Affordable housing activities under this subtitle are activities, in accordance with the requirements of this subtitle, to develop or to support affordable housing for rental or homeownership, or to provide housing services with respect to affordable housing, through the following activities:

(1) INDIAN HOUSING ASSISTANCE.—The provision of modernization or operating assistance for housing previously developed or operated pursuant to a contract between the Secretary and an Indian housing authority.

(2) DEVELOPMENT.—The acquisition, new construction, reconstruction, or moderate or substantial rehabilitation of affordable housing, which may include real property acquisition, site improvement, development of utilities and utility services, conversion, demolition, financing, administration and planning, and other related activities.

(3) HOUSING SERVICES.—The provision of housing-related services for affordable housing, such as housing counseling in connection with rental or homeownership assistance, energy auditing, and other services related to assisting owners, tenants, contractors, and other entities, participating or seeking to participate in other housing activities assisted pursuant to this section.

(4) HOUSING MANAGEMENT SERVICES.—The provision of management services for affordable housing, including preparation of work specifications, loan processing, inspections, tenant selection, management of tenant-based rental assistance, and management of affordable housing projects.

(5) CRIME PREVENTION AND SAFETY ACTIVITIES.—The provision of safety, security, and law enforcement measures and activities appropriate to protect residents of affordable housing from crime.

(6) MODEL ACTIVITIES.—Housing activities under model programs that are designed to carry out the purposes of this title and are specifically approved by the Secretary as appropriate for such purpose.

SEC. 623. REQUIRED AFFORDABLE HOUSING ACTIVITIES.

(a) MAINTENANCE OF OPERATING ASSISTANCE FOR INDIAN HOUSING.—Any recipient who owns or operates (or is responsible for funding any entity that owns or operates) housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall, using amounts of any grants received under this title, reserve and use for operating assistance under section 622(1) such amounts as may be necessary to provide for the continued maintenance and efficient operation of such housing.

(b) DEMOLITION AND DISPOSITION.—This title may not be construed to prevent any recipient (or entity funded by a recipient) from demolishing or disposing of Indian housing referred to in such subsection. Notwithstanding section 114, section 261 shall apply to the demolition or disposition of Indian housing referred to in subsection (a).

SEC. 624. TYPES OF INVESTMENTS.

(a) IN GENERAL.—Subject to section 623 and the local housing plan for an Indian tribe, the recipient for such tribe shall have—

(1) the discretion to use grant amounts for affordable housing activities through equity investments, interest-bearing loans or advances, noninterest-bearing loans or advances, interest subsidies, leveraging of private investments under subsection (b), or any other form of assistance that the Secretary has determined to be consistent with the purposes of this title; and

(2) the right to establish the terms of assistance.

(b) LEVERAGING PRIVATE INVESTMENT.—A recipient may leverage private investments in affordable housing activities by pledging existing or future grant amounts to assure the repayment of notes and other obligations of the recipient issued for purposes of carrying out affordable housing activities.

SEC. 625. LOW-INCOME REQUIREMENT AND INCOME TARGETING.

Housing shall qualify as affordable housing for purposes of this title only if—

(1) each dwelling unit in the housing—

(A) in the case of rental housing, is made available for occupancy only by a family that is a low-income family at the time of their initial occupancy of such unit; and

(B) in the case of housing for homeownership, is made available for purchase only by a family that is a low-income family at the time of purchase; and

(2) except for housing assisted under section 202 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), each dwelling unit in the housing will remain affordable, according to binding commitments satisfactory to the Secretary, for the remaining useful life of the property (as determined by the Secretary) without regard to the term of the mortgage or to transfer of ownership, or for such other period that the Secretary determines is the longest feasible period of time consistent with sound economics and the purposes of this title, except upon a foreclosure by a lender (or upon other transfer in lieu of foreclosure) if such action (A) recognizes any contractual or legal rights of public agencies, nonprofit sponsors, or others to take actions that would avoid termination of low-income affordability in the case of foreclosure or transfer in lieu of foreclosure, and (B) is not for the purpose of avoiding low-income affordability restrictions, as determined by the Secretary.

SEC. 626. CERTIFICATION OF COMPLIANCE WITH SUBSIDY LAYERING REQUIREMENTS.

With respect to housing assisted with grant amounts provided under this title, the requirements of section 102(d) of the Department of Housing and Urban Development Reform Act of 1989 shall be considered to be satisfied upon certification by the recipient of the assistance to the Secretary that the combination of Federal assistance provided to any housing project is not any more than is necessary to provide affordable housing.

SEC. 627. LEASE REQUIREMENTS AND TENANT SELECTION.

(a) LEASES.—Except to the extent otherwise provided by or inconsistent with tribal law, in renting dwelling units in affordable housing assisted with grant amounts provided under this title, the owner or manager of the housing shall utilize leases that—

(1) do not contain unreasonable terms and conditions;

(2) require the owner or manager to maintain the housing in compliance with applicable housing codes and quality standards;

(3) require the owner or manager to give adequate written notice of termination of the lease, which shall not be less than—

(A) the period provided under the applicable law of the jurisdiction or 14 days, whichever is less, in the case of nonpayment of rent;

(B) a reasonable period of time, but not to exceed 14 days, when the health or safety of other residents or employees of the owner or manager is threatened; and

(C) the period of time provided under the applicable law of the jurisdiction, in any other case;

(4) require that the owner or manager may not terminate the tenancy except for violation of the terms or conditions of the lease, violation of applicable Federal, tribal, State, or local law, or for other good cause; and

(5) provide that the owner or manager may terminate the tenancy of a resident for any activity, engaged in by the resident, any member of the resident's household, or any guest or other person under the resident's control, that—

(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other residents or employees of the owner or manager of the housing;

(B) threatens the health or safety of, or right to peaceful enjoyment of their premises by, persons residing in the immediate vicinity of the premises; or

(C) is criminal activity (including drug-related criminal activity).

(b) TENANT SELECTION.—The owner or manager of affordable rental housing assisted under with grant amounts provided under this title shall adopt and utilize written tenant selection policies and criteria that—

(1) are consistent with the purpose of providing housing for low-income families;

(2) are reasonably related to program eligibility and the applicant's ability to perform the obligations of the lease; and

(3) provide for (A) the selection of tenants from a written waiting list in accordance with the policies and goals set forth in the local housing plan for the tribe that is the grant beneficiary of such grant amounts, and (B) the prompt notification in writing of any rejected applicant of the grounds for any rejection.

SEC. 628. REPAYMENT.

If a recipient uses grant amounts to provide affordable housing under activities under this subtitle and, at any time during the useful life of the housing the housing does not comply with the requirement under section 625(a)(2), the Secretary shall reduce future grant payments on behalf of the grant beneficiary by an amount equal to the grant amounts used for such housing (under the authority under section 651(a)(2)) or require repayment to the Secretary of an amount equal to such grant amounts.

SEC. 629. CONTINUED USE OF AMOUNTS FOR AFFORDABLE HOUSING.

Any funds for programs for low-income housing under the United States Housing Act of 1937 that, on the date of the applicability of this title to an Indian tribe, are owned by, or in the possession or under the control of, the Indian housing authority for the tribe, including all reserves not otherwise obligated, shall be considered assistance under this title and subject to the provisions of this title relating to use of such assistance.

Subtitle C—Allocation of Grant Amounts

SEC. 641. ANNUAL ALLOCATION.

For each fiscal year, the Secretary shall allocate any amounts made available for assistance under this title for the fiscal year, in accordance with the formula established pursuant to section 642, among Indian tribes that comply with the requirements under this title for a grant under this title.

SEC. 642. ALLOCATION FORMULA.

The Secretary shall, by regulations issued in the manner provided under section 616, establish a formula to provide for allocating amounts available for a fiscal year for block grants under this title among Indian tribes. The formula shall be based on factors that reflect the need of the Indian tribes and the Indian areas of the tribes for assistance for affordable housing activities, including the following factors:

(1) The number of low-income housing dwelling units owned or operated at the time pursuant to a contract between an Indian housing authority for the tribe and the Secretary.

(2) The extent of poverty and economic distress within Indian areas of the tribe.

(3) Other objectively measurable conditions as the Secretary may specify.

The regulations establishing the formula shall be issued not later than the expiration of the 12-month period beginning on the date of the enactment of this title.

Subtitle D—Compliance, Audits, and Reports

SEC. 651. REMEDIES FOR NONCOMPLIANCE.

(a) ACTIONS BY SECRETARY AFFECTING GRANT AMOUNTS.—Except as provided in subsection (b), if the Secretary finds after reasonable notice and opportunity for hearing that a recipient of assistance under this title has failed to comply substantially with any provision of this title, the Secretary shall—

(1) terminate payments under this title to the recipient;

(2) reduce payments under this title to the recipient by an amount equal to the amount of such payments which were not expended in accordance with this title;

(3) limit the availability of payments under this title to programs, projects, or activities not affected by such failure to comply; or

(4) in the case of noncompliance described in section 652(b), provide a replacement tribally designated housing entity for the recipient, under section 652.

If the Secretary takes an action under paragraph (1), (2), or (3), the Secretary shall continue such action until the Secretary determines that the failure to comply has ceased.

(b) NONCOMPLIANCE BECAUSE OF TECHNICAL INCAPACITY.—If the Secretary makes a finding under subsection (a), but determines that the failure to comply substantially with the provisions of this title—

(1) is not a pattern or practice of activities constituting willful noncompliance, and

(2) is a result of the limited capability or capacity of the recipient,

the Secretary may provide technical assistance for the recipient (directly or indirectly) that is designed to increase the capability and capacity of the recipient to administer assistance provided under this title in compliance with the requirements under this title.

(c) REFERRAL FOR CIVIL ACTION.—

(1) AUTHORITY.—In lieu of, or in addition to, any action authorized by subsection (a), the Secretary may, if the Secretary has reason to believe that a recipient has failed to comply substantially with any provision of this title, refer the matter to the Attorney

General of the United States with a recommendation that an appropriate civil action be instituted.

(2) CIVIL ACTION.—Upon such a referral, the Attorney General may bring a civil action in any United States district court having venue thereof for such relief as may be appropriate, including an action to recover the amount of the assistance furnished under this title which was not expended in accordance with it, or for mandatory or injunctive relief.

(d) REVIEW.—

(1) IN GENERAL.—Any recipient who receives notice under subsection (a) of the termination, reduction, or limitation of payments under this title may, within 60 days after receiving such notice, file with the United States Court of Appeals for the circuit in which such State is located, or in the United States Court of Appeals for the District of Columbia, a petition for review of the Secretary's action. The petitioner shall forthwith transmit copies of the petition to the Secretary and the Attorney General of the United States, who shall represent the Secretary in the litigation.

(2) PROCEDURE.—The Secretary shall file in the court record of the proceeding on which the Secretary based the action, as provided in section 2112 of title 28, United States Code. No objection to the action of the Secretary shall be considered by the court unless such objection has been urged before the Secretary.

(3) DISPOSITION.—The court shall have jurisdiction to affirm or modify the action of the Secretary or to set it aside in whole or in part. The findings of fact by the Secretary, if supported by substantial evidence on the record considered as a whole, shall be conclusive. The court may order additional evidence to be taken by the Secretary, and to be made part of the record. The Secretary may modify the Secretary's findings of fact, or make new findings, by reason of the new evidence so taken and filed with the court, and the Secretary shall also file such modified or new findings, which findings with respect to questions of fact shall be conclusive if supported by substantial evidence on the record considered as a whole, and shall also file the Secretary's recommendation, if any, for the modification or setting aside of the Secretary's original action.

(4) FINALITY.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that such judgment shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United State Code.

SEC. 652. REPLACEMENT OF RECIPIENT.

(a) AUTHORITY.—As a condition of the Secretary making a grant under this title on behalf of an Indian tribe, the tribe shall agree that, notwithstanding any other provision of law, the Secretary may, only in the circumstances set forth in subsection (b), require that a replacement tribally designated housing entity serve as the recipient for the tribe, in accordance with subsection (c).

(b) CONDITIONS OF REMOVAL.—The Secretary may require such replacement tribally designated housing entity for a tribe only upon a determination by the Secretary on the record after opportunity for a hearing that the recipient for the tribe has engaged in a pattern or practice of activities that constitutes substantial or willful noncompliance with the requirements under this title.

(c) CHOICE AND TERM OF REPLACEMENT.—If the Secretary requires that a replacement tribally designated housing entity serve as the recipient for a tribe (or tribes)—

(1) the replacement entity shall be an entity mutually agreed upon by the Secretary and the tribe (or tribes) for which the recipient was authorized to act, except that if no such entity is agreed upon before the expiration of the 60-day period beginning upon the date that the Secretary makes the determination under subsection (b), the Secretary shall act as the replacement entity until agreement is reached upon a replacement entity; and

(2) the replacement entity (or the Secretary, as provided in paragraph (1)) shall act as the tribally designated housing entity for the tribe (or tribes) for a period that expires upon—

(A) a date certain, which shall be specified by the Secretary upon making the determination under subsection (b); or

(B) the occurrence of specific conditions, which conditions shall be specified in written notice provided by the Secretary to the tribe upon making the determination under subsection (b).

SEC. 653. MONITORING OF COMPLIANCE.

(a) ENFORCEABLE AGREEMENTS.—Each recipient, through binding contractual agreements with owners and otherwise, shall ensure long-term compliance with the provisions of this title. Such measures shall provide for (1) enforcement of the provisions of this title by the grant beneficiary or by recipients and other intended beneficiaries, and (2) remedies for the breach of such provisions.

(b) PERIODIC MONITORING.—Not less frequently than annually, each recipient shall review the activities conducted and housing assisted under this title to assess compliance with the requirements of this title. Such review shall include on-site inspection of housing to determine compliance with applicable requirements. The results of each review shall be included in the performance report of the recipient submitted to the Secretary under section 654 and made available to the public.

SEC. 654. PERFORMANCE REPORTS.

(a) REQUIREMENT.—For each fiscal year, each recipient shall—

(1) review the progress it has made during such fiscal year in carrying out the local housing plan (or plans) for the Indian tribes for which it administers grant amounts; and

(2) submit a report to the Secretary (in a form acceptable to the Secretary) describing the conclusions of the review.

(b) CONTENT.—Each report under this section for a fiscal year shall—

(1) describe the use of grant amounts provided to the recipient for such fiscal year;

(2) assess the relationship of such use to the goals identified in the local housing plan of the grant beneficiary;

(3) indicate the recipient's programmatic accomplishments; and

(4) describe how the recipient would change its programs as a result of its experiences.

(c) SUBMISSION.—The Secretary shall establish dates for submission of reports under this section, and review such reports and make such recommendations as the Secretary considers appropriate to carry out the purposes of this title.

(d) PUBLIC AVAILABILITY.—A recipient preparing a report under this section shall make the report publicly available to the citizens in the recipient's jurisdiction in sufficient time to permit such citizens to comment on such report prior to its submission to the Secretary, and in such manner and at such times as the recipient may determine. The report shall include a summary of any comments received by the grant beneficiary or recipient from citizens in its jurisdiction regarding its program.

SEC. 655. REVIEW AND AUDIT BY SECRETARY.

(a) ANNUAL REVIEW.—The Secretary shall, at least on an annual basis, make such reviews and audits as may be necessary or appropriate to determine—

(1) whether the recipient has carried out its eligible activities in a timely manner, has carried out its eligible activities and certifications in accordance with the requirements and the primary objectives of this title and with other applicable laws, and has a continuing capacity to carry out those activities in a timely manner;

(2) whether the recipient has complied with the local housing plan of the grant beneficiary; and

(3) whether the performance reports under section 654 of the recipient are accurate.

Reviews under this section shall include, insofar as practicable, on-site visits by employees of the Department of Housing and Urban Development.

(b) REPORT BY SECRETARY.—The Secretary shall submit a written report to the Congress regarding each review under subsection (a). The Secretary shall give a recipient not less than 30 days to review and comment on a report under this subsection. After taking into consideration the comments of the recipient, the Secretary may revise the report and shall make the recipient's comments and the report, with any revisions, readily available to the public not later than 30 days after receipt of the recipient's comments.

(c) EFFECT OF REVIEWS.—The Secretary may make appropriate adjustments in the amount of the annual grants under this title in accordance with the Secretary's findings pursuant to reviews and audits under this section. The Secretary may adjust, reduce, or withdraw grant amounts, or take other action as appropriate in accordance with the Secretary's reviews and audits under this section, except that grant amounts already expended on affordable housing activities may not be recaptured or deducted from future assistance provided on behalf of an Indian tribe.

SEC. 656. GAO AUDITS.

To the extent that the financial transactions of Indian tribes and recipients of grant amounts under this title relate to amounts provided under this title, such transactions may be audited by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such tribes and recipients pertaining to such financial transactions and necessary to facilitate the audit.

SEC. 657. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 90 days after the conclusion of each fiscal year in which assistance under this title is made available, the Secretary shall submit to the Congress a report that contains—

(1) a description of the progress made in accomplishing the objectives of this title; and

(2) a summary of the use of such funds during the preceding fiscal year.

(b) RELATED REPORTS.—The Secretary may require recipients of grant amounts under this title to submit to the Secretary such reports and other information as may be necessary in order for the Secretary to make the report required by subsection (a).

Subtitle E—Termination of Assistance for Indian Tribes under Incorporated Programs

SEC. 661. TERMINATION OF INDIAN PUBLIC HOUSING ASSISTANCE UNDER UNITED STATES HOUSING ACT OF 1937.

(a) IN GENERAL.—After September 30, 1997, financial assistance may not be provided under the United States Housing Act of 1937 or pursuant to any commitment entered into under such Act, for Indian housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority, unless such assistance is provided from amounts made available for fiscal year 1997 and pursuant to a commitment entered into before September 30, 1997.

(b) TERMINATION OF RESTRICTIONS ON USE OF INDIAN HOUSING.—Except as provided in section 623(b) of this title, any housing developed or operated pursuant to a contract between the Secretary and an Indian housing authority pursuant to the United States Housing Act of 1937 shall not be subject to any provision of such Act or any annual contributions contract or other agreement pursuant to such Act, but shall be considered and maintained as affordable housing for purposes of this title.

SEC. 662. TERMINATION OF NEW COMMITMENTS FOR RENTAL ASSISTANCE.

After September 30, 1997, financial assistance for rental housing assistance under the United States Housing Act of 1937 may not be provided to any Indian housing authority or tribally designated housing entity, unless such assistance is provided pursuant to a contract for such assistance entered into by the Secretary and the Indian housing authority before such date.

SEC. 663. TERMINATION OF YOUTHBUILD PROGRAM ASSISTANCE.

(a) IN GENERAL.—Subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12899 et seq.) is amended—

(1) by redesignating section 460 as section 461; and

(2) by inserting after section 459 the following new section:

"SEC. 460. INELIGIBILITY OF INDIAN TRIBES.

"Indian tribes, Indian housing authorities, and other agencies primarily serving Indians or Indian areas shall not be eligible applicants for amounts made available for assistance under this subtitle for fiscal year 1997 and fiscal years thereafter.".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under subtitle D of title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 664. TERMINATION OF HOME PROGRAM ASSISTANCE.

(a) IN GENERAL.—Title II of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12721 et seq.) is amended—

(1) in section 217(a)—

(A) in paragraph (1), by striking "reserving amounts under paragraph (2) for Indian tribes and after"; and

(B) by striking paragraph (2); and

(2) in section 288—

(A) in subsection (a), by striking ", Indian tribes,";

(B) in subsection (b), by striking ", Indian tribe,"; and

(C) in subsection (c)(4), by striking ", Indian tribe,".

(b) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsection (a) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title II of the Cranston-Gonzalez National Affordable Housing Act for fiscal year 1998 and fiscal years thereafter.

SEC. 665. TERMINATION OF HOUSING ASSISTANCE FOR THE HOMELESS.

(a) MCKINNEY ACT PROGRAMS.—Title IV of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11361 et seq.) is amended—

(1) in section 411, by striking paragraph (10);

(2) in section 412, by striking ", and for Indian tribes,";

(3) in section 413—

(A) in subsection (a)—

(i) by striking ", and to Indian tribes,"; and

(ii) by striking ", or for Indian tribes" each place it appears;

(B) in subsection (c), by striking "or Indian tribe"; and

(C) in subsection (d)(3)—

(i) by striking ", or Indian tribe" each place it appears; and

(ii) by striking ", or other Indian tribes,";

(4) in section 414(a)—

(A) by striking 'or Indian tribe" each place it appears; and

(B) by striking ", local government," each place it appears and inserting "or local government";

(5) in section 415(c)(4), by striking "Indian tribes,";

(6) in section 416(b), by striking "Indian tribe,";

(7) in section 422—

(A) in by striking "Indian tribe,"; and

(B) by striking paragraph (3);

(8) in section 441—

(A) by striking subsection (g);

(B) in subsection (h), by striking "or Indian housing authority"; and

(C) in subsection (j)(1), by striking ", Indian housing authority";

(9) in section 462—

(A) in paragraph (2), by striking ", Indian tribe,"; and

(B) by striking paragraph (4); and

(10) in section 491(e), by striking ", Indian tribes (as such term is defined in section 102(a) of the Housing and Community Development Act of 1974),".

(b) INNOVATIVE HOMELESS DEMONSTRATION.—Section 2(b) of the HUD Demonstration Act of 1993 (42 U.S.C. 11301 note) is amended—

(1) in paragraph (3), by striking " 'unit of general local government', and 'Indian tribe' " and inserting "and 'unit of general local government' "; and

(2) in paragraph (4), by striking "unit of general local government (including units in rural areas), or Indian tribe" and inserting "or unit of general local government".

(c) EFFECTIVE DATE AND APPLICABILITY.—The amendments under subsections (a) and (b) shall be made on October 1, 1997, and shall apply with respect to amounts made available for assistance under title IV of the Stewart B. McKinney Homeless Assistance Act and section 2 of the HUD Demonstration Act of 1993, respectively, for fiscal year 1998 and fiscal years thereafter.

SEC. 666. SAVINGS PROVISION.

Except as provided in sections 661 and 662, this title may not be construed to affect the validity of any right, duty, or obligation of the United States or other person arising under or pursuant to any commitment or agreement lawfully entered into before October 1, 1997, under the United States Housing Act of 1937, subtitle D of title IV of the Cranston-Gonzalez National Affordable Housing Act, title II of the Cranston-Gonzalez National Affordable Housing Act, title IV of the Stewart B. McKinney Homeless Assistance Act, or section 2 of the HUD Demonstration Act of 1993.

SEC. 667. EFFECTIVE DATE.

Sections 661, 662, and 666 shall take effect on the date of the enactment of this title.

Subtitle F—Loan Guarantees for Affordable Housing Activities

SEC. 671. AUTHORITY AND REQUIREMENTS.

(a) AUTHORITY.—To such extent or in such amounts as provided in appropriation Acts, the Secretary may, subject to the limitations of this subtitle and upon such terms and conditions as the Secretary may prescribe, guarantee and make commitments to guarantee, the notes or other obligations issued by Indian tribes or tribally designated housing entities, for the purposes of financing affordable housing activities described in section 622.

(b) LACK OF FINANCING ELSEWHERE.—A guarantee under this subtitle may be used to assist an Indian tribe or housing entity in obtaining financing only if the Indian tribe or housing entity has made efforts to obtain such financing without the use of such guarantee and cannot complete such financing consistent with the timely execution of the program plans without such guarantee.

(c) TERMS OF LOANS.—Notes or other obligations guaranteed pursuant to this subtitle shall be in such form and denominations, have such maturities, and be subject to such conditions as may be prescribed by regulations issued by the Secretary. The Secretary may not deny a guarantee under this subtitle on the basis of the proposed repayment period for the note or other obligation, unless the period is more than 20 years or the Secretary determines that the period causes the guarantee to constitute an unacceptable financial risk.

(d) LIMITATION ON OUTSTANDING GUARANTEES.—No guarantee or commitment to guarantee shall be made with respect to any note or other obligation if the issuer's total outstanding notes or obligations guaranteed under this subtitle (excluding any amount defeased under the contract entered into under section 672(a)(1)) would thereby exceed an amount equal to 5 times the amount of the grant approval for the issuer pursuant to title III.

(e) PROHIBITION OF PURCHASE BY FFB.—Notes or other obligations guaranteed under this subtitle may not be purchased by the Federal Financing Bank.

(f) PROHIBITION OF GUARANTEE FEES.—No fee or charge may be imposed by the Secretary or any other Federal agency on or with respect to a guarantee made by the Secretary under this subtitle.

SEC. 672. SECURITY AND REPAYMENT.

(a) REQUIREMENTS ON ISSUER.—To assure the repayment of notes or other obligations and charges incurred under this subtitle and as a condition for receiving such guarantees, the Secretary shall require the Indian tribe or housing entity issuing such notes or obligations to—

(1) enter into a contract, in a form acceptable to the Secretary, for repayment of notes or other obligations guaranteed under this subtitle;

(2) pledge any grant for which the issuer may become eligible under this title;

(3) demonstrate that the extent of such issuance and guarantee under this title is within the financial capacity of the tribe and

is not likely to impairment the ability to use of grant amounts under subtitle A, taking into consideration the requirements under section 623(a); and

(4) furnish, at the discretion of the Secretary, such other security as may be deemed appropriate by the Secretary in making such guarantees, including increments in local tax receipts generated by the activities assisted under this title or dispositions proceeds from the sale of land or rehabilitated property.

(b) Repayment From Grant Amounts.—Notwithstanding any other provision of this title—

(1) the Secretary may apply grants pledged pursuant to subsection (a)(2) to any repayments due the United States as a result of such guarantees; and

(2) grants allocated under this title for an Indian tribe or housing entity (including program income derived therefrom) may be used to pay principal and interest due (including such servicing, underwriting, and other costs as may be specified in regulations issued by the Secretary) on notes or other obligations guaranteed pursuant to this subtitle.

(c) Full Faith and Credit.—The full faith and credit of the United States is pledged to the payment of all guarantees made under this subtitle. Any such guarantee made by the Secretary shall be conclusive evidence of the eligibility of the obligations for such guarantee with respect to principal and interest, and the validity of any such guarantee so made shall be incontestable in the hands of a holder of the guaranteed obligations.

SEC. 673. PAYMENT OF INTEREST.

The Secretary may make, and contract to make, grants, in such amounts as may be approved in appropriations Acts, to or on behalf of an Indian tribe or housing entity issuing notes or other obligations guaranteed under this subtitle, to cover not to exceed 30 percent of the net interest cost (including such servicing, underwriting, or other costs as may be specified in regulations of the Secretary) to the borrowing entity or agency of such obligations. The Secretary may also, to the extent approved in appropriation Acts, assist the issuer of a note or other obligation guaranteed under this subtitle in the payment of all or a portion of the principal and interest amount due under the note or other obligation, if the Secretary determines that the issuer is unable to pay the amount because of circumstances of extreme hardship beyond the control of the issuer.

SEC. 674. TREASURY BORROWING.

The Secretary may issue obligations to the Secretary of the Treasury in an amount outstanding at any one time sufficient to enable the Secretary to carry out the obligations of the Secretary under guarantees authorized by this subtitle. The obligations issued under this section shall have such maturities and bear such rate or rates of interest as shall be determined by the Secretary of the Treasury. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Secretary issued under this section, and for such purposes may use as a public debt transaction the proceeds from the sale of any securities issued under chapter 31 of title 31, United States Code, and the purposes for which such securities may be issued under such chapter are extended to include the purchases of the Secretary's obligations hereunder.

SEC. 675. TRAINING AND INFORMATION.

The Secretary, in cooperation with eligible public entities, shall carry out training and information activities with respect to the guarantee program under this subtitle.

SEC. 676. LIMITATIONS ON AMOUNT OF GUARANTEES.

(a) Aggregate Fiscal Year Limitation.—Notwithstanding any other provision of law and subject only to the absence of qualified applicants or proposed activities and to the authority provided in this subtitle, to the extent approved or provided in appropriation Acts, the Secretary shall enter into commitments to guarantee notes and obligations under this subtitle with an aggregate principal amount of $400,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(b) Authorization of Appropriations for Credit Subsidy.—There is authorized to be appropriated to cover the costs (as such term is defined in section 502 of the Congressional Budget Act of 1974) of guarantees under this subtitle, $40,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

(c) Aggregate Outstanding Limitation.—The total amount of outstanding obligations guaranteed on a cumulative basis by the Secretary pursuant to this subtitle shall not at any time exceed $2,000,000,000 or such higher amount as may be authorized to be appropriated for this subtitle for any fiscal year.

(d) Fiscal Year Limitations on Tribes.—The Secretary shall monitor the use of guarantees under this subtitle by Indian tribes. If the Secretary finds that 50 percent of the aggregate guarantee authority under subsection (c) has been committed, the Secretary may—

(1) impose limitations on the amount of guarantees any one Indian tribe may receive in any fiscal year of $50,000,000; or

(2) request the enactment of legislation increasing the aggregate limitation on guarantees under this subtitle.

SEC. 677. EFFECTIVE DATE.

This subtitle shall take effect upon the enactment of this title.

Subtitle G—Other Housing Assistance for Native Americans

SEC. 681. LOAN GUARANTEES FOR INDIAN HOUSING.

(a) Definition of Eligible Borrowers to Include Indian Tribes.—Section 184 of the Housing and Community Development Act of 1992 (12 U.S.C. 1515z-13a) is amended—

(1) in subsection (a)—

(A) by striking "and Indian housing authorities" and inserting ", Indian housing authorities, and Indian tribes,"; and

(B) by striking "or Indian housing authority" and inserting ", Indian housing authority, or Indian tribe"; and

(2) in subsection (b)(1), by striking "or Indian housing authorities" and inserting ", Indian housing authorities, or Indian tribes".

(b) Need for Loan Guarantee.—Section 184(a) of the Housing and Community Development Act of 1992 is amended by striking "trust land" and inserting "lands or as a result of a lack of access to private financial markets".

(c) LHP Requirement.—Section 184(b)(2) of the Housing and Community Development Act of 1992 is amended by inserting before the period at the end the following: "that is under the jurisdiction of an Indian tribe for which a local housing plan has been submitted and approved pursuant to sections 612 and 613 of the Native American Housing Assistance and Self-Determination Act of 1996 that provides for the use of loan guarantees under this section to provide affordable homeownership housing in such areas".

(d) Lender Option to Obtain Payment Upon Default Without Foreclosure.—Section 184(h) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (1)(A)—

(A) in the first sentence of clause (i), by striking "in a court of competent jurisdiction"; and

(B) by striking clause (ii) and inserting the following new clause:

"(ii) No foreclosure.—Without seeking foreclosure (or in any case in which a foreclosure proceeding initiated under clause (i) continues for a period in excess of 1 year), the holder of the guarantee may submit to the Secretary a request to assign the obligation and security interest to the Secretary in return for payment of the claim under the guarantee. The Secretary may accept assignment of the loan if the Secretary determines that the assignment is in the best interests of the United States. Upon assignment, the Secretary shall pay to the holder of the guarantee the pro rata portion of the amount guaranteed (as determined under subsection (e)). The Secretary shall be subrogated to the rights of the holder of the guarantee and the holder shall assign the obligation and security to the Secretary.";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(e) Limitation of Mortgagee Authority.—Section 184(h)(2) of the Housing and Community Development Act of 1992, as so redesignated by subsection (e)(3) of this section, is amended—

(1) in the first sentence, by striking "tribal allotted or trust land," and inserting "restricted Indian land, the mortgagee or"; and

(B) in the second sentence, by striking "Secretary" each place it appears, and inserting "mortgagee or the Secretary".

(f) Limitation on Outstanding Aggregate Principal Amount.—Section 184(i)(5)(C) of the Housing and Community Development Act of 1992 is amended by striking "1993" and all that follows through "such year" and inserting "1997, 1998, 1999, 2000, and 2001 with an aggregate outstanding principal amount note exceeding $400,000,000 for each such fiscal year".

(g) Authorization of Appropriations for Guarantee Fund.—Section 184(i)(7) of the Housing and Community Development Act of 1992 is amended by striking "such sums" and all that follows through "1994" and inserting "$30,000,000 for each of fiscal years 1997, 1998, 1999, 2000, and 2001".

(h) Definitions.—Section 184(k) of the Housing and Community Development Act of 1992 is amended—

(1) in paragraph (4), by inserting after "authority" the following: "or Indian tribe";

(2) in paragraph (5)—

(A) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) is authorized to engage in or assist in the development or operation of—

"(i) low-income housing for Indians; or

"(ii) housing subject to the provisions of this section; and"; and

(B) by adding at the end the following:

"The term includes tribally designated housing entities under the Native American Housing Assistance and Self-Determination Act of 1996."; and

(3) by striking paragraph (8) and inserting the following new paragraph:

"(8) The term 'tribe' or 'Indian tribe' means any Indian tribe, band, notation, or other organized group or community of Indians, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians pursuant to the Indian Self-Determination and Education Assistance Act of 1975.

SEC. 682. 50-YEAR LEASEHOLD INTEREST IN TRUST OR RESTRICTED LANDS FOR HOUSING PURPOSES.

(a) AUTHORITY TO LEASE.—Notwithstanding any other provision of law, any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for residential purposes.

(b) TERM.—Each lease pursuant to subsection (a) shall be for a term not exceeding 50 years.

(c) OTHER CONDITIONS.—Each lease pursuant to subsection (a) and each renewal of such a lease shall be made under such terms and regulations as may be prescribed by the Secretary of the Interior.

(d) RULE OF CONSTRUCTION.—This section may not be construed to repeal, limit, or affect any authority to lease any restricted Indian lands that—

(1) is conferred by or pursuant to any other provision of law; or

(2) provides for leases for any period exceeding 50 years.

SEC. 683. TRAINING AND TECHNICAL ASSISTANCE.

There is authorized to be appropriated for assistance for the a national organization representing Native American housing interests for providing training and technical assistance to Indian housing authorities and tribally designated housing entities $2,000,000, for each of fiscal years 1997, 1998, 1999, 2000, and 2001.

SEC. 684. EFFECTIVE DATE.

This subtitle and the amendments made by this subtitle shall take effect upon the enactment of this title.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 10: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 11: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by an elderly family or a disabled family for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike "(b)" and insert "(c)".

Page 158, line 9, strike "(c)" and insert "(d)".

Page 159, line 1, strike "(d)" and insert "(e)".

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. HINCHEY

AMENDMENT NO. 12: Page 157, after line 26, insert the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family that is an elderly family or a disabled family, for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike "(b)" and insert "(c)".

Page 158, line 9, strike "(c)" and insert "(d)".

Page 159, line 1, strike "(d)" and insert "(e)".

Page 172, line 11, before the period insert the following:

; except that in the case of an assisted family that is an elderly family or a disabled family, the amount of the monthly assistance payment shall be the amount by which such payment standard exceeds the lesser of the amount of the resident contribution determined in accordance with section 322 or 30 percent of the family's adjusted monthly income

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 69, strike lines 18 through 23 and insert the following new subsection:

(c) INCOME MIX.—

(1) LHMA INCOME MIX.—Of the public housing dwelling units of a local housing and management authority made available for occupancy after the date of the enactment of this Act—

(A) not less than 40 percent shall be occupied by low-income families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families, except that the Secretary, may for purposes of this subsection, establish income ceilings higher or lower than 30 percent of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes; and

(B) not more than 15 percent shall be occupied by low-income families whose incomes exceed 60 percent of the area median income.

(2) PROHIBITION OF CONCENTRATION OF LOW-INCOME FAMILIES.—A local housing and management authority may not comply with the requirements under paragraph (1) by concentrating very low-income families (or other families with relatively low incomes) in public housing dwelling units in certain public housing developments or certain buildings within developments. The Secretary may review the income and occupancy characteristics of the public housing developments, and the buildings of such developments, of local housing and management authorities to ensure compliance with the provisions of this paragraph.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 14: Page 76, after line 16, insert the following:

Notwithstanding any other provision of this subsection, the amount paid by a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 15: Page 133, line 17, strike "September 30, 1996" and insert "September 30, 2001".

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 16: Page 150, strike line 3 and all that follows through line 25, insert the following:

(b) ADDITIONAL ASSISTANCE.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated, for choice-based housing assistance under this title—

(A) to be used in accordance with paragraph (2)(A), $50,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year; and

(B) to be used in accordance with paragraph (2)(B), $195,000,000 for fiscal year 1997, and such sums as may be necessary for each subsequent fiscal year.

(2) USE.—

(A) NONELDERLY DISABLED FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(A) to local housing and management authorities only for use to provide housing assistance under this title for nonelderly disabled families (including such families relocating pursuant to designation of a public housing development under section 227 and other nonelderly disabled families who have applied to the authority for housing assistance under this title).

(B) WELFARE AND HOMELESS FAMILIES.—The Secretary shall provide amounts made available under paragraph (1)(B) to local housing and management authorities only for use to provide housing assistance under this title for, as determined by the Secretary, the following families:

(i) Families participating in programs that link housing assistance to State and local welfare reform strategies for the purposes of assisting families making the transition from welfare to work and empowering families to choose housing in locations that offer the best access to jobs, education, training, and other services needed to achieve long-term self-sufficiency.

(ii) Homeless families with children.

(iii) Other eligible families.

(3) ALLOCATION OF AMOUNTS.—The Secretary shall allocate and provide amounts made available under paragraph (1) to local housing and management authorities as the Secretary determines appropriate based on the relative levels of need among the authorities for assistance for families described in subparagraphs (A) and (B) of paragraph (2)

and such other relevant factors as the Secretary deems appropriate.

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 17: Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 75 percent shall be families whose incomes do not exceed 30 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike "(b)" and insert "(c)".

Page 152, line 18, strike "(c)" and insert "(d)".

Page 153, line 11, strike "(d)" and insert "(e)".

Page 153, line 16, strike "(c)" and insert "(d)".

Page 154, line 11, strike "(e)" and insert "(f)".

Page 155, line 16, strike "(f)" and insert "(g)".

Page 156, line 1, strike "(g)" and insert "(h)".

Page 156, line 15, strike "(h)" and insert "(i)".

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 18: Page 157, after line 26, inset the following new subsection:

(b) LIMITATION.—Notwithstanding any other provision of this section, the amount paid by an assisted family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act) for monthly rent for an assisted dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling of the applicable size and located in the market area in which such assisted dwelling unit is located may not exceed 30 percent of the family's adjusted monthly income.

Page 158, line 1, strike "(b)" and insert "(c)".

Page 158, line 9, strike "(c)" and insert "(d)".

Page 159, line 1, strike "(d)" and insert "(e)".

Page 172, line 9, after "exceeds" insert "(A)".

Page 172, line 11, before the period insert the following: ", or (B) in the case of a family whose head (or whose spouse) is a veteran (as such term is defined in section 203(b) of the National Housing Act), the lesser of the amount of such resident contribution or 30 percent of the family's adjusted monthly income".

H.R. 2406

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 19: At the end of title V of the bill, insert the following new section:

SEC. 504. AUTHORITY FOR HUD TO RELEASE RETURN INFORMATION TO LHMA'S.

Section 6103(a)(7)(D) of the Internal Revenue Code of 1986 is amended—

(1) in clause (ix), by inserting after "officers and employees of the Department of Housing and Urban Development" the following: "(and by officers and employees of local housing and management authorities, as defined in section 102 of the United States Housing Act of 1996 (including Indian housing authorities and recipients of assistance under such Act on behalf of Indian tribes) to whom the Secretary of Housing and Urban Development has made such return information available)"; and

(2) in the matter following clause (ix), by striking the last sentence.

H.R. 2406

OFFERED BY: MR. LAZIO OF NEW YORK

AMENDMENT NO. 20: Page 7, lines 9 and 10, strike "and become self-sufficient; and" and insert the following: ", become self-sufficient, and transition out of public housing and federally assisted dwelling units;".

Page 7, line 15, strike the period and insert "; and".

Page 7, after line 15, insert the following:

(7) remedying troubled local housing and management authorities and replacing or revitalizing severely distressed public housing developments.

Page 10, line 23, after the comma insert "as determined by the Secretary with adjustments for smaller and larger families,".

Page 13, line 7, after the comma insert "as determined by the Secretary with adjustments for smaller and larger families,".

Page 14, line 3, strike "or".

Page 14, strike line 4 and insert the following:

(C) an entity authorized by State law to administer choice-based housing assistance under title III; or

(D) an entity selected by the Secretary, pur-

Page 14, strike line 23 and all that follows through page 15, line 5, and insert the following:

ber who is an elected public housing resident member (as such term is defined in paragraph (5)). If the board includes 2 or more resident members, at least 1 such member shall be a member of an assisted family under title III.

Page 15, line 7, strike "a resident member" and insert "elected public housing resident members and resident members"

Page 16, strike lines 3 through 6.

Page 16, line 7, strike "(iv)" and insert "(iii)".

Page 16, line 13, strike "(v)" and insert "(iv)".

Page 17, strike lines 4 through 10, and insert the following new paragraph:

(5) DEFINITIONS.—For purposes of this subsection, the following definitions shall apply:

(A) ELECTED PUBLIC HOUSING RESIDENT MEMBER.—The term "elected public housing resident member" means, with respect to the local housing and management authority involved, an individual who is a resident member of the board of directors (or other similar governing body of the authority) by reason of election to such position pursuant to an election—

(i) in which eligibility for candidacy in such election is limited to individuals who—

(I) maintain their principal residence in a dwelling unit of public housing administered or assisted by the authority;

(II) have not been convicted of a felony and do not reside in a household that includes an individual convicted of a felony; and

(III) have not, during the 5-year period ending upon the date of such election, been convicted of a misdemeanor;

(ii) in which only residents of dwelling units of public housing administered by the authority may vote; and

(iii) that is conducted in accordance with standards and procedures for such election, which shall be established by the Secretary.

(B) RESIDENT MEMBER.—The term "resident member" means a member of the board of directors or other similar governing body of a local housing and management authority who is a resident of a public housing dwelling unit owned, administered, or assisted by the authority or is a member of an assisted family (as such term is defined in section 371) assisted by the authority.

Page 17, line 18, insert "**AND MEDIAN INCOME**" before the last period.

Page 17, line 19, strike "IN GENERAL" and insert "ADJUSTED INCOME".

Page 19, line 1, after "MINORS" insert ", STUDENTS, AND PERSONS WITH DISABILITIES".

Page 19, line 5, before the period insert the following: ", or who is 18 years of age or older and is a person with disabilities".

Page 20, after line 10, insert the following new subsection:

(d) MEDIAN INCOME.—In determining median incomes (of persons, families, or households) for an area or establishing any ceilings or limits based on income under this Act, the Secretary shall determine or establish area median incomes and income ceilings and limits for Westchester and Rockland Counties, in the State of New York, as if each such county were an area not contained within the metropolitan statistical area in which it is located. In determining such area median incomes or establishing such income ceilings or limits for the portion of such metropolitan statistical area that does not include Westchester or Rockland Counties, the Secretary shall determine or establish area median incomes and income ceilings and limits as if such portion included Westchester and Rockland Counties.

Page 20, strike line 11 and all that follows through page 21, line 22, and insert the following new section:

SEC. 105. OCCUPANCY LIMITATIONS BASED ON ILLEGAL DRUG ACTIVITY AND ALCOHOL ABUSE.

(a) INELIGIBILITY BECAUSE OF EVICTION FOR DRUG-RELATED CRIMINAL ACTIVITY.—Any tenant evicted from housing assisted under title II or title III by reason of drug-related criminal activity (as such term is defined in section 102) shall not be eligible for any housing assistance under title II or title III during the 3-year period beginning on the date of such eviction, unless the evicted tenant successfully completes a rehabilitation program approved by the local housing and management authority (which shall include a waiver of this subsection if the circumstances leading to eviction no longer exist).

(b) INELIGIBILITY OF ILLEGAL DRUG USERS AND ALCOHOL ABUSERS.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a local housing and management authority shall establish standards for occupancy in public housing dwelling units and housing assistance under title II—

(A) that prohibit occupancy in any public housing dwelling unit by, and housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) if the local housing and management authority determines that it has reasonable cause to believe that such person's illegal use (or pattern of illegal use) of a controlled substance, or abuse (or pattern of abuse) of alcohol, may interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project; and

(B) that allow the local housing and management authority to terminate the tenancy in any public housing unit of, and the housing assistance under title II for, any person—

(i) who the local housing and management authority determines is illegally using a controlled substance; or

(ii) whose illegal use of a controlled substance, or whose abuse of alcohol, is determined by the local housing and management authority to interfere with the health, safety, or right to peaceful enjoyment of the premises by other residents of the project.

(2) CONSIDERATION OF REHABILITATION.—In determining whether, pursuant to paragraph (1), to deny occupancy or assistance to any person based on a pattern of use of a controlled substance or a pattern of abuse of alcohol, a local housing and management authority may consider whether such person—

(A) has successfully completed a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable);

(B) has otherwise been rehabilitated successfully and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable); or

(C) is participating in a supervised drug or alcohol rehabilitation program (as applicable) and is no longer engaging in the illegal use of a controlled substance or abuse of alcohol (as applicable).

(c) OTHER SCREENING.—A local housing and management authority may deny occupancy as provided in section 642 of the Housing and Community Development Act of 1992.

Page 22, line 4, strike "(b)" and insert "(c)".

Page 22, strike line 8 and all that follows through line 13, and insert the following:

member of the family shall contribute not less than 8 hours of work per month within the community in which the family resides. The requirement under this subsection shall be incorporated in the terms of the tenant self-sufficiency contract under subsection (b).

(b) TENANT SELF-SUFFICIENCY CONTRACT.—

(1) REQUIREMENT.—Except as provided in subsection (c), each local housing and management authority shall require, as a condition of occupancy of a public housing dwelling unit by a family and of providing housing assistance under title III on behalf of a family, that each adult member of the family who has custody of, or is responsible for, a minor living in his or her care shall enter into a legally enforceable self-sufficiency contract under this section with the authority.

(2) CONTRACT TERMS.—The terms of a self-sufficiency contract under this subsection shall be established pursuant to consultation between the authority and the family and shall include a plan for the resident's or family's residency in housing assisted under this Act that provides—

(A) a date specific by which the resident or family will graduate from or terminate tenancy in such housing;

(B) specific interim and final performance targets and deadlines relating to self-sufficiency, which may relate to education, school participation, substance and alcohol abuse counseling, mental health support, jobs and skills training, and any other factors the authority considers appropriate; and

(C) any resources, services, and assistance relating to self-sufficiency to be made available to the resident or family.

(3) INCORPORATION INTO LEASE.—A self-sufficiency contract under this subsection shall be incorporated by reference into a lease under section 226 or 324, as applicable, and the terms of such contract shall be terms of the lease for which violation may result in—

(A) termination of tenancy, pursuant to section 226(4) or 325(a)(1), as applicable; or

(B) withholding of assistance under this Act.

The contract shall provide that the local housing and management authority or the resident who is a party to the contract may enforce the contract through an administrative grievance procedure under section 110.

(4) PARTNERSHIPS FOR SELF-SUFFICIENCY ACTIVITIES.—A local housing and management authority may enter into such agreements and form such partnerships as may be necessary, with State and local agencies, nonprofit organizations, academic institutions, and other entities who have experience or expertise in providing services, activities, training, and other assistance designed to facilitate low- and very-low income families achieving self-sufficiency.

(5) CHANGED CIRCUMSTANCES.—A self-sufficiency contract under this subsection shall provide for modification in writing and that the local housing and management authority may for good cause or changed circumstances waive conditions under the contract.

(6) MODEL CONTRACTS.—The Secretary shall, in consultation with organizations and groups representing resident councils and residents of housing assisted under this Act, develop a model self-sufficiency contract for use under this subsection. The Secretary shall provide local housing and management authorities with technical assistance and advice regarding such contracts.

Page 22, line 16, strike "requirement under subsection (a)" and insert "requirements under subsections (a) and (b)(1)".

Page 27, lines 19 and 20, strike "section 110" and insert "section 111".

Page 29, line 18, after "WELFARE" insert "AND OTHER APPROPRIATE".

Page 29, line 20, after "welfare agencies" insert the following: "and other appropriate Federal, State, or local government agencies or nongovernment agencies or entities".

Page 29, line 25, strike "requirements" and all that follows through "ensure" on page 30, line 1, and insert the following: "policies established by the authority that increase or maintain".

Page 30, line 7, strike "local law" and insert the following: "Federal, State, and local law".

Page 34, line 8, strike "or".

Page 30, after line 8, insert the following new paragraph:

(13) POLICIES FOR LOSS OF HOUSING ASSISTANCE.—A description of policies of the authority requiring the loss of housing assistance and tenancy under titles II and III, pursuant to sections 222(e) and 321(g).

Page 34, line 12, strike the period and insert a semicolon.

Page 34, after line 12, insert the following new paragraphs:

(4) the plan plainly fails to adequately identify the needs of low-income families for housing assistance in the jurisdiction of the authority;

(5) the plan plainly fails to adequately identify the capital improvement needs for public housing developments in the jurisdiction of the authority;

(6) the activities identified in the plan are plainly inappropriate to address the needs identified in the plan; or

(7) the plan is inconsistent with the requirements of this Act.

Page 36, line 24, after the semicolon insert "or".

Page 37, after line 17, insert the following new section:

SEC. 109. REPORTING REQUIREMENTS.

(a) PERFORMANCE AND EVALUATION REPORT.—Each local housing and management authority shall annually submit to the Accreditation Board established under section 401, on a date determined by such Board, a performance and evaluation report concerning the use of funds made available under this Act. The report of the local housing and management authority shall include an assessment by the authority of the relationship of such use of funds made available under this Act, as well as the use of other funds, to the needs identified in the local housing management plan and to the purposes of this Act. The local housing and management authority shall certify that the report was available for review and comment by affected tenants prior to its submission to the Board.

(b) REVIEW OF LHMA'S.—The Accreditation Board established under section 401 shall, at least on an annual basis, make such reviews as may be necessary or appropriate to determine whether each local housing and management authority receiving assistance under this section—

(1) has carried out its activities under this Act in a timely manner and in accordance with its local housing management plan;

(2) has a continuing capacity to carry out its local housing management plan in a timely manner; and

(3) has satisfied, or has made reasonable progress towards satisfying, such performance standards as shall be prescribed by the Board.

(c) RECORDS.—Each local housing and management authority shall collect, maintain, and submit to the Accreditation Board established under section 401 such data and other program records as the Board may require, in such form and in accordance with such schedule as the Board may establish.

Page 37, line 18, strike "**SEC. 109.**" and insert "**SEC. 110.**".

Page 38, line 6, strike "**SEC. 110.**" and insert "**SEC. 111.**".

Page 38, lines 10 and 11, strike "and assisted families under title III".

Page 38, line 16, after "impartial party" insert "(including appropriate employees of the local housing and management authority)".

Page 39, strike lines 13 through 17 and insert the following new subsection:

(c) INAPPLICABILITY TO CHOICE-BASED RENTAL HOUSING ASSISTANCE.—This section may not be construed to require any local housing and management authority to establish or implement an administrative grievance procedure with respect to assisted families under title III.

Page 39, line 18, strike "**SEC. 111.**" and insert "**SEC. 112.**".

Page 40, line 18, strike "**SEC. 112.**" and insert "**SEC. 113.**".

Page 39, lines 22 and 23, strike "to provide incremental housing assistance under title III" and insert "for use".

Page 40, line 2, after "subsection (a)" insert "or appropriated or otherwise made available for use under this section".

Page 40, strike lines 12 through 17 and insert the following:

(4) providing technical assistance, training, and electronic information systems for the Department of Housing and Urban Development, local housing and management authorities, residents, resident councils, and

resident management corporations to improve management of such authorities, except that the provision of assistance under this paragraph may not involve expenditure of amounts retained under subsection (a) for travel;

(5)(A) providing technical assistance, directly or indirectly, for local housing and management authorities, residents, resident councils, resident management corporations, and nonprofit and other entities in connection with implementation of a homeownership program under section 251, except that grants under this paragraph may not exceed $100,000; and (B) establishing a public housing homeownership program data base; and

(6) needs related to the Secretary's actions regarding troubled local housing and management authorities under this Act.

Housing needs under this subsection may be met through the provision of assistance in accordance with title II or title III, or both.

Page 42, line 4, after "who" insert "(A)".

Page 42, line 6, strike "and" and insert a comma.

Page 42, line 7, strike "or production".

Page 42, line 8, before the period insert the following: ", and (C) is not a member of a bargaining unit represented by a union that has a collective bargaining agreement with the local housing and management authority".

Page 42, after line 8, insert the following:

(3) RESIDENTS IN TRAINING PROGRAMS.—Any individuals participating in a job training program or other program designed to promote economic self-sufficiency.

(c) DEFINITION.—For purposes of this section, the terms "operation" and "production" have the meanings given the term in section 273.

Page 42, line 9, strike "**SEC. 113.**" and insert "**SEC. 114.**".

Page 43, after line 4, insert the following new section:

SEC. 114. PROHIBITION ON USE OF FUNDS.

None of the funds made available to the Department of Housing and Urban Development to carry out this Act, which are obligated to State or local governments, local housing and management authorities, housing finance agencies, or other public or quasi-public housing agencies, shall be used to indemnify contractors or subcontractors of the government or agency against costs associated with judgments of infringement of intellectual property rights.

Page 43, line 5, strike "**SEC. 114.**" and insert "**SEC. 115.**".

Page 45, strike line 22 and insert the following:

SEC. 202. GRANT AUTHORITY, AMOUNT, AND ELIGIBILITY.

Page 46, after line 2, insert the following new subsection:

(b) PERFORMANCE FUNDS.—

(1) IN GENERAL.—The Secretary shall establish 2 funds for the provision of grants to eligible local housing and management authorities under this title, as follows:

(A) CAPITAL FUND.—A capital fund to provide capital and management improvements to public housing developments.

(B) OPERATING FUND.—An operating fund for public housing operations.

(2) FLEXIBILITY OF FUNDING.—A local housing and management authority may use up to 10 percent of the amounts from a grant under this title that are allocated and provided from the capital fund for activities that are eligible under section 203(a)(2) to be funded with amounts from the operating fund.

(c) AMOUNT OF GRANTS.—The amount of the grant under this title for a local housing and management authority for a fiscal year shall be the amount of the allocation for the authority determined under section 204, except as otherwise provided in this title and subtitle B of title IV.

Page 46, line 3, strike "(b)" and insert "(d)".

Page 46, line 19, strike "(d)" and insert "(e)".

Page 47, line 3, strike "(e)" and insert "(f)".

Page 47, strike lines 7 through 11.

Page 47, line 12, strike "(d)" and insert "(e)".

Page 48, line 22, strike "not".

Page 49, line 12, strike "(e)" and insert "(f)".

Page 49, line 20, strike "(f)" and insert "(g)".

Page 50, strike line 4 and all that follows through page 54, line 5, and insert the following new subsection:

(a) ELIGIBLE ACTIVITIES.—Except as provided in subsection (b) and in section 202(b)(2), grant amounts allocated and provided from the capital fund and grant amounts allocated and provided from the operating fund may only be used only for the following activities:

(1) CAPITAL FUND ACTIVITIES.—Grant amounts from the capital fund may be used for—

(A) the production and modernization of public housing developments, including the redesign, reconstruction, and reconfiguration of public housing sites and buildings and the production of mixed-income developments;

(B) vacancy reduction;

(C) addressing deferred maintenance needs and the replacement of dwelling equipment;

(D) planned code compliance;

(E) management improvements;

(F) demolition and replacement under section 261;

(G) tenant relocation;

(H) capital expenditures to facilitate programs to improve the economic empowerment and self-sufficiency of public housing tenants; and

(I) capital expenditures to improve the security and safety of residents.

(2) OPERATING FUND ACTIVITIES.—Grant amounts from the operating fund may be used for—

(A) procedures and systems to maintain and ensure the efficient management and operation of public housing units;

(B) activities to ensure a program of routine preventative maintenance;

(C) anti-crime and anti-drug activities, including the costs of providing adequate security for public housing tenants;

(D) activities related to the provision of services, including service coordinators for elderly persons or persons with disabilities;

(E) activities to provide for management and participation in the management of public housing by public housing tenants;

(F) the costs associated with the operation and management of mixed-income developments;

(G) the costs of insurance;

(H) the energy costs associated with public housing units, with an emphasis on energy conservation;

(I) the costs of administering a public housing work program under section 106, including the costs of any related insurance needs; and

(J) activities in connection with a homeownership program for public housing residents under subtitle D, including providing financing or assistance for purchasing housing, or the provision of financial assistance to resident management corporations or resident councils to obtain training, technical assistance, and educational assistance to promote homeownership opportunities.

Page 54, line 11, after "title III" insert a comma.

Page 54, strike lines 16 through 25 and insert the following:

sufficient evidence to the Secretary that the building or buildings—

(A) are on the same or contiguous sites;

(B) consist of more than 300 dwelling units;

(C) have a vacancy rate of at least 10 percent for dwelling units not in funded, on-schedule modernization programs;

(D) are identified as distressed housing for which the local housing and management authority cannot assure the long-term viability as public housing through reasonable revitalization, density reduction, or achievement of a broader range of household income; and

(E) have an estimate cost of continued operation and modernization as public housing that exceeds the cost of providing choice-based rental assistance under title III for all families in occupancy, based on appropriate indicators of cost (such as the percentage of the total development cost required for modernization).

Local housing and management agencies shall identify properties that meet the definition of subparagraphs (A) through (E).

Page 55, line 3, strike "formula" and insert "formulas".

Page 55, line 6, strike "incremental".

Page 55, strike line 7 and all that follows through "assistance" on line 10.

Page 56, line 14, after "and" insert "take".

Page 58, line 10, strike "formula" and insert "formulas".

Page 58, line 12, strike "formula" and insert "formulas".

Page 58, strike line 15 and all that follows through line 22, and insert the following new subsection:

(c) EXTENSION OF DEADLINES.—The Secretary may, for a local housing and management authority, extend any deadline established pursuant to this section or a local housing management plan for up to an additional 5 years if the Secretary makes a determination that the deadline is impracticable.

Page 59, line 11, strike "**BLOCK**".

Page 59, line 13, strike "section 111" and insert "section 112".

Page 59, line 24, strike "a formula described in" and insert "the formulas described in paragraphs (1) and (2) of".;

Page 60, lines 1 and 2, strike "formula" and insert "formulas".

Page 60, strike line 10 and all that follows through line 23 and insert the following:

(c) PERMANENT ALLOCATION FORMULAS FOR CAPITAL AND OPERATING FUNDS.—

(1) ESTABLISHMENT OF CAPITAL FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the capital fund for a fiscal year. The formula may take into account such factors as—

(A) the number of public housing dwelling units owned or operated by the local housing and management authority, the characteristics and locations of the developments, and the characteristics of the families served and to be served (including the incomes of the families);

(B) the need of the local housing and management authority to carry out rehabilitation and modernization activities, and reconstruction, production, and demolition activities related to public housing dwelling units owned or operated by the local housing and management authority, including backlog and projected future needs of the authority;

(C) the cost of constructing and rehabilitating property in the area; and

(D) the need of the local housing and management authority to carry out activities that provide a safe and secure environment in public housing units owned or operated by the local housing and management authority.

(2) ESTABLISHMENT OF OPERATING FUND FORMULA.—The formula under this paragraph shall provide for allocating assistance under the operating fund for a fiscal year. The formula may take into account such factors as—

(A) standards for the costs of operating and reasonable projections of income, taking into account the characteristics and locations of the public housing developments and characteristics of the families served and to be served (including the incomes of the families), or the costs of providing comparable services as determined in accordance with criteria or a formula representing the operations of a prototype well-managed public housing development;

(B) the number of public housing dwelling units owned or operated by the local housing and management authority; and

(C) the need of the local housing and management authority to carry out anti-crime and anti-drug activities, including providing adequate security for public housing residents.

Page 60, line 24, strike "(2)" and insert "(3)".

Page 60, line 25, strike "formula", and insert "formulas".

Page 61, line 4, strike "formula", and insert "formulas".

Page 61, line 6, strike "(3)" and insert "(4)".

Page 61, line 9, strike "formula", and insert "formulas".

Page 61, line 10, strike "(2)" and insert "(3)".

Page 62, line 10, after "costs" insert the following: "and other necessary costs (such as costs necessary for the protection of persons and property)".

Page 62, after line 16, insert the following new subparagraph:

(D) INCREASES IN INCOME.—The Secretary may revise the formula referred to in subparagraph (B) to provide an incentive to encourage local housing and management authorities to increase nonrental income and to increase rental income attributable to their units by encouraging occupancy by families with a broad range of incomes, including families whose incomes have increased while in occupancy and newly admitted families. Any such incentive shall provide that the local housing and management authority shall derive the full benefit of an increase in nonrental income, and such increase shall not directly result in a decrease in amounts provided to the authority under this title.

Page 63, after line 13, insert the following new subsection:

(e) ELIGIBILITY OF UNITS ACQUIRED FROM PROCEEDS OF SALES UNDER DEMOLITION OR DISPOSITION PLAN.—If a local housing and management authority uses proceeds from the sale of units under a homeownership program in accordance with section 251 to acquire additional units to be sold to low-income families, the additional units shall be counted as public housing for purposes of determining the amount of the allocation to the authority under this section until sale by the authority, but in any case no longer than 5 years.

Page 69, line 21, strike "25 percent" and insert "30 percent".

Page 69, line 23, strike the period insert the following: ", as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.".

Page 71, after line 11, insert the following new subsection:

(e) LOSS OF ASSISTANCE FOR TERMINATION OF TENANCY.—A local housing and management authority shall, consistent with policies described in the local housing management plan of the authority, establish policies providing that a family residing in a public housing dwelling unit whose tenancy is terminated for serious violations of the terms or conditions of the lease shall—

(1) lose any right to continued occupancy in public housing under this title; and

(2) immediately become ineligible for admission to public housing under this title or for housing assistance under title III—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; or

(B) for other terminations, for a reasonable period of time as determined period of time as determined by the local housing and management authority.

Page 71, line 22, strike the period and all that follows through "sources" in line 24.

Page 72, strike line 11 and all that follows through page 74, line 20, and insert the following new subsection:

(b) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for, or tenants of, public housing as provided in section 646 of the Housing and Community Development Act of 1992.

Page 76, strike line 2 and all that follows through page 77, line 14, and insert the following:

(a) RENTAL CONTRIBUTION BY RESIDENT.—

(1) IN GENERAL.—A family shall pay as monthly rent for a dwelling unit in public housing the amount that the local housing and management authority determines is appropriate with respect to the family and the unit, which shall be—

(A) based upon factors determined by the authority, which may include the adjusted income of the resident, type and size of dwelling unit, operating and other expenses of the authority, or any other factors that the authority considers appropriate; and

(B) an amount that is not less than the minimum monthly rental amount under subsection (b)(1) nor more than any maximum monthly rental amount established for the dwelling unit pursuant to subsection (b)(2).

In determining the amount of the rent charged under this paragraph for a dwelling unit, a local housing and management authority shall take into consideration the characteristics of the population served by the authority, the goals of the local housing management plan for the authority, and the goals under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act (or any consolidated plan incorporating such strategy) for the applicable jurisdiction.

(2) EXCEPTIONS.—Notwithstanding any other provision of this section, the amount paid for monthly rent for a dwelling unit in public housing may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is residing in any dwelling unit in public housing and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

(b) ALLOWABLE RENTS.—

(1) MINIMUM RENTAL.—Each local housing and management authority shall establish, for each dwelling unit in public housing owned or administered by the authority, a minimum monthly rental contribution toward the rent (which rent shall include any amount allowed for utilities), which—

(A) may not be less than $25, nor more than $50; and

(B) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly rental contribution in effect for the preceding year.

Notwithstanding the preceding sentence, a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 82, line 14, before the semicolon, insert "on or off such premises".

Page 83, strike line 1 and all that follows through page 89, line 15, and insert the following new section:

SEC. 227. DESIGNATED HOUSING FOR ELDERLY AND DISABLED FAMILIES

(a) AUTHORITY TO PROVIDE DESIGNATED HOUSING.—

(1) IN GENERAL.—Subject only to provisions of this section and notwithstanding any other provision of law, a local housing and management authority for which the information required under subsection (d) is in effect may provide public housing developments (or portions of developments) designated for occupancy by (A) only elderly families, (B) only disabled families, or (C) elderly and disabled families.

(2) PRIORITY FOR OCCUPANCY.—In determining priority for admission to public housing developments (or portions of developments) that are designated for occupancy as provided in paragraph (1), the local housing and management authority may make units in such developments (or portions) available only to the types of families for whom the development is designated.

(3) ELIGIBILITY OF NEAR-ELDERLY FAMILIES.—If a local housing and management authority determines that there are insufficient numbers of elderly families to fill all the units in a development (or portion of a development) designated under paragraph (1) for occupancy by only elderly families, the authority may provide that near-elderly families may occupy dwelling units in the development (or portion).

(b) STANDARDS REGARDING EVICTIONS.—Except as provided in section 105(b)(1)(B), any tenant who is lawfully residing in a dwelling unit in a public housing development may not be evicted or otherwise required to vacate such unit because of the designation of the development (or portion of a development) pursuant to this section or because of any action taken by the Secretary or any local housing and management authority pursuant to this section.

(c) Relocation Assistance.—A local housing and management authority that designates any existing development or building, or portion thereof, for occupancy as provided under subsection (a)(1) shall provide, to each person and family who agrees to be relocated in connection with such designation—

(1) notice of the designation and an explanation of available relocation benefits, as soon as is practicable for the authority and the person or family;

(2) access to comparable housing (including appropriate services and design features), which may include choice-based rental housing assistance under title III, at a rental rate paid by the tenant that is comparable to that applicable to the unit from which the person or family has vacated; and

(3) payment of actual, reasonable moving expenses.

(d) Required Inclusions in Local Housing Management Plan.—A local housing and management authority may designate a development (or portion of a development) for occupancy under subsection (a)(1) only if the authority, as part of the authority's local housing management plan—

(1) establishes that the designation of the development is necessary—

(A) to achieve the housing goals for the jurisdiction under the comprehensive housing affordability strategy under section 105 of the Cranston-Gonzalez National Affordable Housing Act; and

(B) to meet the housing needs of the low-income population of the jurisdiction; and

(2) includes a description of—

(A) the development (or portion of a development) to be designated;

(B) the types of tenants for which the development is to be designated;

(C) any supportive services to be provided to tenants of the designated development (or portion);

(D) how the design and related facilities (as such term is defined in section 202(d)(8) of the Housing Act of 1959) of the development accommodate the special environmental needs of the intended occupants; and

(E) any plans to secure additional resources or housing assistance to provide assistance to families that may have been housed if occupancy in the development were not restricted pursuant to this section.

For purposes of this subsection, the term 'supportive services' means services designed to meet the special needs of residents. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering designation of a development pursuant to this section.

(e) Effectiveness.—

(1) Initial 5-year effectiveness.—The information required under subsection (d) shall be in effect for purposes of this section during the 5-year period that begins upon notification under section 108(a) of the local housing and management authority that the information complies with the requirements under section 107 and this section.

(2) Renewal.—Upon the expiration of the 5-year period under paragraph (1) or any 2-year period under this paragraph, an authority may extend the effectiveness of the designation and information for an additional 2-year period (that begins upon such expiration) by submitting to the Secretary any information needed to update the information. The Secretary may not limit the number of times a local housing and management authority extends the effectiveness of a designation and information under this paragraph.

(3) Treatment of existing plans.—Notwithstanding any other provision of this section, a local housing and management authority shall be considered to have submitted the information required under this section if the authority has submitted to the Secretary an application and allocation plan under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) that has not been approved or disapproved before such date of enactment.

(4) Transition provision.—Any application and allocation plan approved under section 7 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) before such date of enactment shall be considered to be the information required to be submitted under this section and that is in effect for purposes of this section for the 5-year period beginning upon such approval.

(g) Inapplicability of Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970.—No resident of a public housing development shall be considered to be displaced for purposes of the Uniform Relocation Assistance and Real Property Acquisitions Policy Act of 1970 because of the designation of any existing development or building, or portion thereof, for occupancy as provided under subsection (a) of this section.

(h) Use of Amounts.—Any amounts appropriated pursuant to section 10(b) of the Housing Opportunity Program Extension Act of 1996 (Public Law 104-120) may also be used for choice-based rental housing assistance under title III for local housing and management authorities to implement this section.

Page 89, after line 23, insert the following new subsection:

(b) Accounting System for Rental Collections and Costs.—

(1) Establishment.—Each local housing and management authority that receives grant amounts under this title shall establish and maintain a system of accounting for rental collections and costs (including administrative, utility, maintenance, repair, and other operating costs) for each project and operating cost center (as determined by the Secretary).

(2) Access to records.—Each local housing and management authority shall make available to the general public the information required pursuant to paragraph (1) regarding collections and costs.

(3) Exemption.—The Secretary may permit authorities owning or operating fewer than 500 dwelling units to comply with the requirements of this subsection by accounting on an authority-wide basis.

Page 89, line 24, strike "(b)" and insert "(c)".

Page 90, strike lines 13 through 16 and insert the following:

dwellings, with such applicable

Page 90, lines 20 and 21, strike the period "subparagraph (A)" and insert "paragraph (1)".

Page 91, strike "and" in line 12 and all that follows through line 16 and insert a period.

Page 92, strike lines 4 through 11, and insert the following:

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) is amended—

(1) in subsection (c)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through the end and inserting "assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs."; and

(B) in subparagraph (B)(ii), by striking "managed by the public or Indian housing agency" and inserting "assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(2) in subsection (d)(1)—

(A) in subparagraph (A)—

(i) by striking "public and Indian housing agencies" and inserting "local housing and management authorities and recipients of grants under the Native American Housing Assistance and Self-Determination Act of 1996"; and

(ii) by striking "development assistance" and all that follows through "section 14 of that Act" and inserting "assistance provided under title II of the United States Housing Act of 1996 and used for the housing production, operation, or capital needs"; and

(B) in subparagraph (B)(ii), by striking "operated by the public or Indian housing agency" and inserting "assisted by the local housing and management authority or the recipient of a grant under the Native American Housing Assistance and Self-Determination Act of 1996".

Page 93, line 3, insert "on a regular basis" before the period.

Page 97, line 8, strike "is".

Page 108, line 16, after the period insert the following: "In addition, the Secretary may provide financial assistance to resident management corporations or resident councils for activities sponsored by resident organizations for economic uplift, such as job training, economic development, security, and other self-sufficiency activities beyond those related to the management of public housing. The Secretary may require resident councils or resident management corporations to utilize local housing and management authorities or other qualified organizations as contract administrators with respect to financial assistance provided under this paragraph.

Page 109, after line 17, insert the following new paragraph:

(6) Technical Assistance and Clearinghouse.—The Secretary may use up to 10 percent of the amount made available pursuant to paragraph (4)—

(A) to provide technical assistance, directly or by grant or contract, and

(B) to receive, collect, process, assemble, and disseminate information,

in connection with activities under this subsection.

Page 110, line 19, after the period the following:

An authority may transfer a unit only pursuant to a homeownership program approved by the Secretary. Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan regarding a homeownership program pursuant to this section.

Page 111, line 5, insert after "sales" the following: "by purchasing units for resale to low-income families".

Page 111, line 16, after the period insert the following:

In the case of purchase by an entity for resale to low-income families, the entity shall sell the units to low-income families within 5 years from the date of its acquisition of the units. The entity shall use any net proceeds from the resale and from managing the units, as determined in accordance with guidelines of the Secretary, for housing purposes, such as funding resident organizations and reserves for capital replacements.

Page 113, line 9, after "propriate" insert "(whether the family purchases directly from the authority or from another entity)".

Page 115, line 4, after the period insert the following new sentence:

Notwithstanding section 108, the Secretary may approve a local housing management plan without approving the portion of the plan covering demolition or disposition pursuant to this section.

Page 127, line 19, insert "and" after the semicolon.

Page 127, line 21, strike "; and" and insert a period.

Page 127, strike line 22 and all that follows through page 128, line 2, and insert the following:

The Secretary shall give preference in selection to any local housing and management authority that has been awarded a planning grant under section 24(c) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

Page 129, line 4, before the period insert the following: "or to one or more other entities capable of proceeding expeditiously in the same locality in carrying out the revitalization plan of the original grantee".

Page 129, line 9, after "troubled" insert "or dysfunctional".

Page 133, line 5, strike lines 4 and 5 and insert the following:

under this section $480,000,000 for each of fiscal years 1996, 1997, and 1998".

Page 133, line 17, strike "1996" and insert "1998".

Page 133, after line 17, insert the following new section:

SEC. 263. VOLUNTARY VOUCHER SYSTEM FOR PUBLIC HOUSING.

(a) IN GENERAL.—A local housing and management authority may convert any public housing development (or portion thereof) owned and operated by the authority to a system of choice-based rental housing assistance under title III, in accordance with this section.

(b) ASSESSMENT AND PLAN REQUIREMENT.—In converting under this section to a choice-based rental housing assistance system, the local housing and management authority shall develop a conversion assessment and plan under this subsection, in consultation with the appropriate public officials and with significant participation by the residents of the development (or portion thereof), which assessment and plan shall—

(1) be consistent with and part of the local housing management plan for the authority;

(2) describe the conversion and future use or disposition of the public housing development, including an impact analysis on the affected community;

(3) include a cost analysis that demonstrates whether or not the cost (both on a net present value basis and in terms of new budget authority requirements) of providing choice-based rental housing assistance under title III for the same families in substantially similar dwellings over the same period of time is less expensive than continuing public housing assistance in the public housing development proposed for conversion for the remaining useful life of the development; and

(4) identify the actions, if any, that the local housing and management authority will take with regard to converting any public housing development or developments (or portions thereof) of the authority to a system of choice-based rental housing assistance under title III.

(c) STREAMLINED ASSESSMENT AND PLAN.—At the discretion of the Secretary or at the request of a local housing and management authority, the Secretary may waive any or all of the requirements of subsection (b) or otherwise require a streamlined assessment with respect to any public housing development or class of public housing developments.

(d) IMPLEMENTATION OF CONVERSION PLAN.—

(1) IN GENERAL.—A local housing and management authority may implement a conversion plan only if the conversion assessment under this section demonstrates that the conversion—

(A) will not be more expensive than continuing to operate the public housing development (or portion thereof) as public housing; and

(B) will principally benefit the residents of the public housing development (or portion thereof) to be converted, the local housing and management authority, and the community.

(2) DISAPPROVAL.—The Secretary shall disapprove a conversion plan only if the plan is plainly inconsistent with the conversion assessment under subsection (b) or there is reliable information and data available to the Secretary that contradicts that conversion assessment.

(e) OTHER REQUIREMENTS.—To the extent approved by the Secretary, the funds used by the local housing and management authority to provide choice-based rental housing assistance under title III shall be added to the housing assistance payment contract administered by the local housing and management authority or any entity administering the contract on behalf of the local housing and management authority.

(f) SAVINGS PROVISION.—This section does not affect any contract or other agreement entered into under section 22 of the United States Housing Act of 1937 (as such section existed immediately before the enactment of this Act).

Page 135, line 18, strike "section 202(b)" and insert "section 202(d)".

Page 138, strike line 5 and all that follows through line 7 and insert the following:

There are authorized to be appropriated for grants under this title, the following amounts:

(1) CAPITAL FUND.—For the allocations from the capital fund for grants, $2,500,000,000 for each of fiscal years 1997, 1998, 1999, and 2000; and

(2) OPERATING FUND.—For the allocations from the operating fund for grants, $2,800,000,000 for each of fiscal years 1997, 1998, 1999, and 2000.

Page 141, line 7, strike "(5)" and insert "(4)".

Page 141, line 10, strike "(6)" and insert "(5)".

Page 140, line 21, after "title" insert the following: "pursuant to the formula established under section 304(a)".

Page 141, lines 16 and 17, strike "subsection (c) and section 109" and insert "subsections (b)(3) and (c), and section 112".

Page 143, line 19, after "including" insert the following: "funding for the headquarters reserve fund under section 112,".

Page 143, line 25, after "displacement" insert "from public or assisted housing".

Page 144, line 9, strike "loan" and insert "portfolio".

Page 148, line 22, strike "the Secretary" and all that follows through page 149, line 21, and insert the following: "the Secretary shall take such steps as may be necessary to ensure that the local housing and management authority that provides the services for a family receives all or part of the administrative fee under this section (as appropriate).".

Page 152, after line 2, insert the following new subsection:

(b) INCOME TARGETING.—Of the families initially assisted under this title by a local housing and management authority in any year, not less than 50 percent shall be families whose incomes do not exceed 60 percent of the area median income, as determined by the Secretary with adjustments for smaller and larger families. The Secretary may establish income ceiling higher or lower than 30 percent of the area median income on the basis of the Secretary's findings that such variations are necessary because of unusually high or low family incomes.

Page 152, line 3, strike "(b)" and insert "(c)".

Page 152, line 18, strike "(c)" and insert "(d)".

Page 153, strike line 11 and all that follows through line 25 on page 155, and insert the following new subsection:

(d) PORTABILITY OF HOUSING ASSISTANCE.—

(1) NATIONAL PORTABILITY.—An eligible family that is selected to receive or is receiving assistance under this title may rent any eligible dwelling unit in any area where a program is being administered under this title. Notwithstanding the preceding sentence, a local housing and management authority may require that any family not living within the jurisdiction of the local housing and management authority at the time the family applies for assistance from the authority shall, during the 12-month period beginning on the date of initial receipt of housing assistance made available on behalf of the family from that authority, lease and occupy an eligible dwelling unit located within the jurisdiction served by the authority. The authority for the jurisdiction into which the family moves shall have the responsibility for administering assistance for the family.

(2) SOURCE OF FUNDING FOR A FAMILY THAT MOVES.—For a family that has moved into the jurisdiction of a local housing and management authority and that, at the time of the move, has been selected to receive, or is receiving, assistance provided by another authority, the authority for the jurisdiction into which the family has moved may, in its discretion, cover the cost of assisting the family under its contract with the Secretary or through reimbursement from the other authority under that authority's contract.

(3) AUTHORITY TO DENY ASSISTANCE TO CERTAIN FAMILIES WHO MOVE.—A family may not receive housing assistance as provided under this subsection if the family has moved from a dwelling unit in violation of the lease for the dwelling unit.

(4) FUNDING ALLOCATIONS.—In providing assistance amounts under this title for local housing and management authorities for any

fiscal year, the Secretary may give consideration to any reduction or increase in the number of resident families under the program of an authority in the preceding fiscal year as a result of this subsection.

Page 156, line 3, strike "may, to the extent such policies are" and insert "shall, consistent with the policies".

Page 156, lines 4 and 5, strike "and included in the lease for a dwelling unit".

Page 156, strike lines 11 through 14 and insert the following new paragraph:

(2) immediately become ineligible for housing assistance under this title or for admission to public housing under title II—

(A) in the case of a termination due to drug-related criminal activity, for a period of not less than 3 years from the date of the termination; and

(B) for other terminations, for a reasonable period of time as determined by the local housing and management authority.

Page 156, line 15, strike "(h)" and insert "(f)".

Page 156, after line 24, insert the following new subsections:

(i) DENIAL OF ASSISTANCE TO CRIMINAL OFFENDERS.—In making assistance under this title available on behalf of eligible families, a local housing and management authority may deny the provision of such assistance in the same manner, for the same period, and subject to the same conditions that an owner of federally assisted housing may deny occupancy in such housing under subsections (b) and (c) of section 642 of the Housing and Community Development Act of 1992.

(j) AVAILABILITY OF CRIMINAL RECORDS.—A local housing and management authority may request and obtain records regarding the criminal convictions of applicants for housing assistance under this title and assisted families under this title to the same extent an owner of federally assisted housing may obtain such records regarding an applicant for or tenant of federally assisted housing under section 646 of the Housing and Community Development Act of 1992.

Page 157, strike line 2 and all that follows through page 158, line 8, and insert the following new subsections:

(a) AMOUNT.—

(1) IN GENERAL.—An assisted family shall contribute on a monthly basis for the rental of an assisted dwelling unit an amount that the local housing and management authority determines is appropriate with respect to the family and the unit, but shall not be less than the minimum monthly rental contribution determined under subsection (b).

(2) EXCEPTIONS FOR CERTAIN CURRENT RESIDENTS.—Notwithstanding paragraph (1), the amount paid by an assisted family for monthly rent for an assisted dwelling unit, may not exceed 30 percent of the family's adjusted monthly income for any family who—

(A) upon the date of the enactment of this Act, is an assisted family and—

(i) is an elderly family; or

(ii) is a disabled family; or

(B) whose income does not exceed 30 percent of the median income for the area (as determined by the Secretary with adjustments for smaller and larger families).

Any amount payable under paragraph (3) shall be in addition to the amount payable under this paragraph.

(3) EXCESS RENTAL AMOUNT.—In any case in which the monthly rent charged for a dwelling unit pursuant to the housing assistance payments contract exceeds the applicable payment standard (established under section 353) for the dwelling unit, the assisted family residing in the unit shall contribute (in addition to the amount of the monthly rent contribution otherwise determined under paragraph (1) or (2) of this subsection for such family) such entire excess rental amount.

(b) MINIMUM MONTHLY RENTAL CONTRIBUTION.—

(1) IN GENERAL.—The local housing and management authority shall determine the amount of the minimum monthly rental contribution of an assisted family (which rent shall include any amount allowed for utilities), which—

(A) shall be based upon factors including the adjusted income of the family and any other factors that the authority considers appropriate;

(B) shall be not less than $25, nor more than $50; and

(C) may be increased annually by the authority, except that no such annual increase may exceed 10 percent of the amount of the minimum monthly contribution in effect for the preceding year.

(2) HARDSHIP EXCEPTION.—Notwithstanding paragraph (1), a local housing and management authority may, in its sole discretion, grant an exemption in whole or in part from payment of the minimum monthly rental contribution established under this paragraph to any assisted family unable to pay such amount because of severe financial hardships. Severe financial hardships may include situations where the family is awaiting an eligibility determination for a Federal, State, or local assistance program, where the family would be evicted as a result of imposition of the minimum rent, and other situations as may be determined by the authority.

Page 161, line 21, strike "section 325" and insert "this title".

Page 162, line 19, before the period, insert "on or off such premises".

Page 163, strike lines 9 through 16 and insert the following new paragraph:

(1) IN GENERAL.—Notwithstanding subsection (a), a local housing and management authority—

(A) may not enter into a housing assistance payments contract (or renew an existing contract) covering a dwelling unit that is owned by an owner who is debarred, suspended, or subject to limited denial of participation under part 24 of title 24, Code of Federal Regulations;

(B) may prohibit, or authorize the termination or suspension of, payment of housing assistance under a housing assistance payments contract in effect at the time such debarment, suspension, or limited denial of participation takes effect.

If the local housing and management authority takes action under subparagraph (B), the authority shall take such actions as may be necessary to protect assisted families who are affected by the action, which may include the provision of additional assistance under this title to such families.

Page 163, strike line 23 and all that follows through page 164, line 2.

Page 164, line 8, before the period insert "and any applicable law".

Page 165, line 17, strike "subsection (b)" and insert "subsection (c)".

Page 166, strike lines 9 through 22 and insert the following new paragraph:

(2) EXPEDITIOUS INSPECTION.—Inspections of dwelling units under this subsection shall be made before the expiration of the 15-day period beginning upon a request by the resident or landlord to the local housing and management authority. The performance of the authority in meeting the 15-day inspection deadline shall be taken into account in assessing the performance of the authority.

Page 167, line 14, strike "The authority" and all that follows through line 19 and insert the following new sentence: "The authority shall retain the records of the inspection for a reasonable time and shall make the records available upon request to the Secretary and the Inspector General for the Department of Housing and Urban Development, the Housing Foundation and Accreditation Board established under title IV, and any auditor conducting an audit under section 432.".

Page 168, line 18, before "income" insert "sufficient".

Page 170, line 18, after "dwelling units" insert the "(other than public housing)".

Page 170, line 22, strike "or the owner".

Page 171, strike line 15 and all that follows through page 172, line 11, and insert the following new section:

SEC. 352. AMOUNT OF MONTHLY ASSISTANCE PAYMENT.

(a) UNITS HAVING GROSS RENT EXCEEDING PAYMENT STANDARD.—In the case of a dwelling unit bearing a gross rent that exceeds the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located—

(1) the amount by which such payment standard exceeds the amount of the resident contribution determined in accordance with section 322(a)(1); or

(2) in the case only of families described in paragraph (2) of section 322(a), the amount by which such payment standard exceeds the lesser of (i) the resident contribution determined in accordance with section 322(a)(1), or (ii) 30 percent of the family's adjusted monthly income.

(b) SHOPPING INCENTIVE FOR UNITS HAVING GROSS RENT NOT EXCEEDING PAYMENT STANDARD.—In the case of an assisted family renting an eligible dwelling unit bearing a gross rent that does not exceed the payment standard established under section 353 for a dwelling unit of the applicable size and located in the market area in which such assisted dwelling unit is located, the following requirements shall apply:

(1) AMOUNT OF MONTHLY ASSISTANCE PAYMENT.—The amount of the monthly assistance payment for housing assistance under this title on behalf of the assisted family shall be the amount by which the gross rent for the dwelling unit exceeds the amount of the resident contribution.

(2) ESCROW OF SHOPPING INCENTIVE SAVINGS.—An amount equal to 50 percent of the difference between payment standard and the gross rent for the dwelling unit shall be placed in an interest bearing escrow account on behalf of such family on a monthly basis by the local housing and management authority. Amounts in the escrow account shall be made available to the assisted family on an annual basis.

(3) DEFICIT REDUCTION.—The local housing and management authority making housing assistance payments on behalf of such assisted family in a fiscal year shall reserve from amounts made available to the authority for assistance payments for such fiscal year an amount equal to the amount described in paragraph (2). At the end of each fiscal year, the Secretary shall recapture any such amounts reserved by local housing and management authorities and such amounts shall be covered into the General Fund of the Treasury of the United States.

For purposes of this section, in the case of a family receiving homeownership assistance under section 329, the term "gross rent" shall mean the homeownership costs to the family as determined in accordance with guidelines of the Secretary.

Page 173, line 3, strike "large".

Page 173, strike "For purposes" in line 15 and all that follows through line 19.

Page 174, line 5, after "unit" insert "(with respect to initial contract rents and any rent revisions)".

Page 179, line 25, strike "section 110" and insert "section 111".

Page 182, line 17, strike "2" and insert "at least 2, but not more than 4".

Page 183, after line 15, insert the following new subparagraph:

(E) At least 1 individual who has extensive experience in auditing participants in government programs.

Page 186, after line 2, insert the following new paragraph:

(3) IMPROVEMENT OF INDEPENDENT AUDITS.—Providing for the development of effective means for conducting comprehensive financial and performance audits of local housing and management authorities under section 432 and, to the extent provided in such section, providing for the conducting of such audits.

Page 186, line 3, strike "(3)" and insert "(4)".

Page 186, strike lines 6 through 8 and insert the following:

grants under title II for the operation, maintenance, and production of public housing and amounts for housing assistance under title III, ensuring that financial and performance audits under section 432

Page 186, line 12, strike "(4)" and insert "(5)".

Page 187, after line 13, insert the following new subsection:

(c) ASSISTANCE FROM NATIONAL CENTER FOR HOUSING MANAGEMENT.—

(1) IN GENERAL.—During the period referred to in subsection (a), the National Center for Housing Management established by Executive Order 11668 (42 U.S.C. 3531 note) shall, to the extent agreed to by the Center, provide the Board with ongoing assistance and advice relating to the following matters:

(A) Organizing the structure of the Board and its operations.

(B) Establishing performance standards and guidelines under section 431(a).

Such Center may, at the request of the Board, provide assistance and advice with respect to matters not described in paragraphs (1) and (2) and after the expiration of the period referred to in subsection (a).

(2) ASSISTANCE.—The assistance provided by such Center shall include staff and logistical support for the Board and such operational and managerial activities as are necessary to assist the Board to carry out its functions during the period referred to in subsection (a).

Page 188, after line 22, insert the following new paragraph:

(4) HUD INSPECTOR GENERAL.—The Inspector General of the Department of Housing and Urban Development shall serve the Board as a principal adviser with respect to all aspects of annual financial and performance audits of local housing and management authorities under section 432. The Inspector General may advise the Board with respect to other activities and functions of the Board.

Page 189, line 4 and 5, strike "research or surveys" and insert "evaluations under section 404(b), audits of local housing and management authorities as provided under section 432, research, and surveys".

Page 189, line 6, before the period insert the following: ", and may enter into contracts with the National Center for Housing Management to conduct the functions assigned to the Center under this title".

Page 190, line 5, strike "and" and insert a comma.

Page 190, line 6, before the period insert ", and conducting audits of authorities under section 432".

Page 190, after line 13, insert the following new subsection:

(a) REPORT ON COORDINATION WITH HUD FUNCTIONS.—Not later than the expiration of the 12-month period beginning upon the date of the enactment of this Act, the Board shall submit a report to the Congress that—

(1) identifies and describes the processes, procedures, and activities of the Department of Housing and Urban Development which may duplicate functions of the Board, and makes recommendations regarding activities of the Department that may no longer be necessary as a result of improved auditing of authorities pursuant to this title;

(2) makes recommendations for any changes to Federal law necessary to improve auditing of local housing and management authorities; and

(3) makes recommendations regarding the review and evaluation functions currently performed by the Department of Housing and Urban Development that may be more efficiently performed by the Board and should be performed by the Board, and those that should continue to be performed by the Department.

Page 190, line 14, before "The" insert "(b) ANNUAL REPORTS.—".

Page 190, after line 23, insert the following new section:

SEC. 408. GAO AUDIT.

The activities and transactions of the Board shall be subject to audit by the Comptroller General of the United States under such rules and regulations as may be prescribed by the Comptroller General. The representatives of the General Accounting Office shall have access for the purpose of audit and examination to any books, documents, papers, and records of the Board that are necessary to facilitate an audit.

Page 196, strike line 10 and all that follows through page 198, line 25, and insert the following new section:

SEC. 432. FINANCIAL AND PERFORMANCE AUDITS.

(a) REQUIREMENT.—A financial and performance audit under this section shall be conducted for each local housing and management authority for each fiscal year that the authority receives grant amounts under this Act, as provided under one of the following paragraphs:

(1) LHMA PROVIDES FOR AUDIT.—If neither the Secretary nor the Board takes action under paragraph (2) or (3), the Secretary shall require the local housing and management authority to have the audit conducted. The Secretary may prescribe that such audits be conducted pursuant to guidelines set forth by the Department.

(2) SECRETARY REQUESTS BOARD TO PROVIDE FOR AUDIT.—The Secretary may request the Board to contract directly with an auditor to have the audit conducted for the authority.

(3) BOARD PROVIDES FOR AUDIT.—The Board may notify the Secretary that it will contract directly with an auditor to have the audit conducted for the authority.

(b) OTHER AUDITS.—Pursuant to risk assessment strategies designed to ensure the integrity of the programs for assistance under this Act, which shall be established by the Inspector General for the Department of Housing and Urban Development in consultation with the Board, the Inspector General may request the Board to conduct audits under this subsection of local housing and management authorities. Such audits may be in addition to, or in place of, audits under subsection (a), as the Board shall provide.

(c) SUBMISSION OF RESULTS.—

(1) SUBMISSION TO SECRETARY AND BOARD.—The results of any audit conducted under this subsection shall be submitted to the local housing and management authority, the Secretary, and the Board.

(2) SUBMISSION TO LOCAL OFFICIALS.—

(A) REQUIREMENT.—A local housing and management authority shall submit each audit conducted under this section to any local elected official or officials responsible for appointing the members of the board of directors (or other similar governing body) of the local housing and management authority for review and comment. Any such comments shall be submitted, together with the audit, to the Secretary and the Board and the Secretary and the Board shall consider such comments in reviewing the audit.

(B) TIMING.—An audit shall be submitted to local officials as provided in subparagraph (A)—

(i) in the case of an audit conducted under subsection (a)(1), not later than 60 days before the local housing and management authority submits the audit to the Secretary and the Board; or

(ii) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), not later than 60 days after the authority receives the audit.

(d) PROCEDURES.— The requirements for financial and performance audits under this section shall—

(1) be established by the Board, in consultation with the Inspector General of the Department of Housing and Urban Development;

(2) provide for the audit to be conducted by an independent auditor selected—

(A) in the case of an audit under subsection (a)(1), by the authority; and

(B) in the case of an audit under paragraph (2) or (3) of subsection (a) or under subsection (b), by the Board;

(3) authorize the auditor to obtain information from a local housing and management authority, to access any books, documents, papers, and records of an authority that are pertinent to this Act and assistance received pursuant to this Act, and to review any reports of an authority to the Secretary;

(4) impose sufficient requirements for obtaining information so that the audits are useful to the Board in evaluating local housing and management authorities; and

(5) include procedures for testing the reliability of internal financial controls of local housing and management authorities.

(e) PURPOSE.—Audits under this section shall be designed to—

(1) evaluate the financial performance and soundness and management performance of the local housing and management authority board of directors (or other similar governing body) and the authority management officials and staff;

(2) assess the compliance of an authority with all aspects of the standards and guidelines established under section 431(a)(1);

(3) provide information to the Secretary and the Board regarding the financial performance and management of the authority and to determine whether a review under section 225(d) or 353(c) is required; and

(4) identify potential problems in the operations, management, functioning of a local housing and management authority at a

time before such problems result in serious and complicated deficiencies.

(f) INAPPLICABILITY OF SINGLE AUDIT ACT.—Notwithstanding the first sentence of section 7503(a) of title 31, United States Code, an audit conducted in accordance with chapter 75 of such title shall not exempt any local housing and management authority from conducting an audit under this section. Audits under this section shall not be subject to the requirements for audits under such chapter. An audit under this section for a local housing and management authority for a fiscal year shall be considered to satisfy any requirements under such chapter for such fiscal year.

(g) WITHHOLDING OF AMOUNTS FOR COSTS OF AUDIT.—

(1) LHMA RESPONSIBLE FOR AUDIT.—If the Secretary requires a local housing and management authority to have an audit under this section conducted pursuant to subsection (a)(1) and determines that the authority has failed to take the actions required to submit an audit under this section for a fiscal year, the Secretary may—

(A) arrange for, and pay the costs of, the audit and withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the reasonable costs of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); or

(B) request the Board to conduct the audit pursuant to subsection (a)(2) and withhold amounts pursuant to paragraph (2) of this subsection.

(2) BOARD RESPONSIBLE FOR AUDIT.—If the Board is responsible for an audit for a local housing and management authority pursuant to paragraph (2) or (3) of subsection (a), subsection (b), or paragraph (1)(B) of this subsection, the Secretary shall—

(A) withhold, from the total allocation for any fiscal year otherwise payable to the authority under this Act, amounts sufficient to pay for the audit, but in no case more than the reasonable cost of conducting an acceptable audit (including, if appropriate, the reasonable costs of accounting services necessary to place the authority's books and records in condition that permits an audit); and

(B) transfer such amounts to the Board.

Page 201, line 21, strike "to prepare".

Page 201, line 23, after "housing" insert "or functions".

Page 202, lines 1 and 2, strike "to prepare".

Page 203, lines 17 and 18, strike "the expiration" and all that follows through "437(b)(2)" on line 19, and insert the following: "such period, the Secretary shall take the action authorized under subsection (b)(2) or (b)(5) of section 438".

Page 203, line 19, strike "437(b)(2)" and insert "438(b)(2) or (b)(5)".

Page 207, line 16, strike "section 435" and insert "section 436".

Page 209, line 9, strike "if" and all that follows through the comma on line 12.

Page 210, line 9, before the semicolon insert ", but only after efforts to renegotiate such contracts have failed".

Page 210, line 19, after "laws" insert the following: "relating to civil service requirements, employee rights, procurement, or financial or administrative controls".

Page 210, line 20, strike "receiver" and insert "Secretary".

Page 212, line 24, strike "(D" and insert "(D)".

Page 212, line 25, after "laws" insert the following: "relating to civil service requirements, employee rights, procurement, or financial or administrative controls".

Page 213, after line 23, insert the following new subsection:

(g) EFFECTIVENESS.—The provisions of this section shall apply with respect to actions taken before, on, or after the effective date of this Act and shall apply to any receivers appointed for a public housing agency before the date of enactment of this Act.

Page 215, line 7, strike "for the first year beginning after the date of enactment of this Act".

Page 216, line 2, strike "section 438(b)" and insert "section 439(b)".

Page 217, line 7, strike "section 432" and insert "section 433".

Page 217, line 9, strike "and 436" and insert "436, and 438".

Page 218, strike lines 19 through 22 (and redesignate subsequent paragraphs accordingly).

Page 226, after line 9, insert the following new subsection:

(f) CONVERSION OF PROJECT-BASED ASSISTANCE TO CHOICE-BASED RENTAL ASSISTANCE.—

(1) SECTION 8 PROJECT-BASED CONTRACTS.—Upon the request of the owner of a multifamily housing project for which project-based assistance is provided under a contract entered into under section 8 of the United States Housing Act of 1937 (as in effect before the enactment of this Act), notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project and shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(2) SECTION 236 CONTRACTS.—Upon the request of the owner of a multifamily housing project for which assistance is provided under a contract for interest reduction payments under section 236 of the National Housing Act, notwithstanding the termination date of such contract the Secretary shall provide for a reduction in the number of dwelling units assisted under the contract, which may not exceed 40 percent of the units in the project. The amount of the interest reduction payments made on behalf of the owner shall be reduced by a fraction for which the numerator is the aggregate basic rent for the units which are no longer assisted under the contract for interest reduction payments and the denominator is the aggregate basic rents for all units in the project. The requirements of section 236(g) of the National Housing Act shall not apply to rental charges collected with respect to dwelling units for which assistance in terminated under this paragraph. Such reduction shall be subject to the requirements in paragraphs (3) and (4) of this subsection.

(3) ELIGIBLE UNITS.—A unit may be removed from coverage by a contract pursuant to paragraph (1) or (2) only—

(A) upon the vacancy of the unit; and

(B) in the case of—

(i) units assisted under section 8 of the United States Housing Act of 1937, if the contract rent for the unit is not less than the applicable fair market rental established pursuant to section 8(c) of such Act for the area in which the unit is located; or

(ii) units assisted under an interest reduction contract under section 236 of the National Housing Act, if the reduction in the amount of interest reduction payments on a monthly basis is less than the aggregate amount of fair market rents established pursuant to section 8(c) of such Act for the number and type of units which are removed from coverage by the contract.

(4) RECAPTURE.—Any budget authority that becomes available to a local housing and management authority or the Secretary pursuant to this section shall be used to provide choice-based rental assistance under title III, during the term covered by such contract.

Page 231, line 24, after the period insert the following new sentence: "The plan shall be developed with the participation of residents and appropriate law enforcement officials.".

Page 240, after the matter following line 17, insert the following new subsection:

(i) TREATMENT OF NOFA.—The cap limiting assistance under the Notice of Funding Availability issued by the Department of Housing and Urban Development in the Federal Register of April 8, 1996, shall not apply to a local housing and management authority within an area designated as a high intensity drug trafficking area under section 1005(c) of the Anti-Drug Abuse Act of 1988 (21 U.S.C. 1504(c).

At the end of title V of the bill, insert the following new sections:

SEC. 504. TREATMENT OF CERTAIN PROJECTS.

Rehabilitation activities undertaken by Pennrose Properties in connection with 40 dwelling units for senior citizens in the Providence Square development located in New Brunswick, New Jersey, are hereby deemed to have been conducted pursuant to the approval of and an agreement with the Secretary of Housing and Urban Development under clauses (i) and (ii) of the third sentence of section 8(d)(2)(A) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act).

SEC. 505. AMENDMENTS RELATING TO COMMUNITY DEVELOPMENT ASSISTANCE.

(a) ELIGIBILITY OF METROPOLITAN CITIES.—Section 102(a)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(4)) is amended—

(1) by striking the second sentence and inserting the following new sentence: "Any city that was classified as a metropolitan city for at least 1 year after September 30, 1989, pursuant to the first sentence of this paragraph, shall remain classified as a metropolitan city by reason of this sentence until the first year for which data from the 2000 Decennial Census is available for use for purposes of allocating amounts this title."; and

(2) by striking the fifth sentence and inserting the following new sentence: "Notwithstanding that the population of a unit of general local government was included, after September 30, 1989, with the population of an urban county for purposes of qualifying for assistance under section 106, the unit of general local government may apply for assistance under section 106 as a metropolitan city if the unit meets the requirements of the second sentence of this paragraph.".

(b) PUBLIC SERVICES LIMITATION.—Section 105(a)(8) of the Housing and Community Development Act of 1974 (42 U.S.C. 5305(a)(8)) is amended by striking "through 1997" and inserting "through 1998".

SEC. 506. AUTHORITY TO TRANSFER SURPLUS REAL PROPERTY FOR HOUSING USE.

Section 203 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) is amended by adding at the end the following new subsection:

"(r)(1) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for homeless individuals or families, such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

"(2) Under such regulations as the Administrator may prescribe, and with the written consent of appropriate local governmental authorities, the Administrator may transfer to any nonprofit organization which exists for the primary purpose of providing housing or housing assistance for low-income individuals or families such surplus real property, including buildings, fixtures, and equipment situated thereon, as is needed for housing use.

"(3) In making transfers under this subsection, the Administrator shall take such action, which shall include grant agreements with an organization receiving a grant, as may be necessary to ensure that—

"(A) assistance provided under this subsection is used to facilitate and encourage homeownership opportunities through the construction of self-help housing, under terms which require that the person receiving the assistance contribute a significant amount of labor toward the construction; and

"(B) the dwellings constructed with property transferred under this subsection shall be quality dwellings that comply with local building and safety codes and standards and shall be available at prices below the prevailing market prices.

"(4)(A) Where the Administrator has transferred a significant portion of a surplus real property, including buildings, fixtures, and equipment situated thereon, under paragraph (1) or (2) of this subsection, the transfer of the entire property shall be deemed to be in compliance with title V of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411 et seq.).

"(B) For the purpose of this paragraph, the term 'a significant portion of a surplus real property' means a portion of surplus real property—

"(i) which constitutes at least 5 acres of total acreage;

"(ii) whose fair market value exceeds $100,000; or

"(iii) whose fair market value exceeds 15 percent of the surplus property's fair market value.

"(5) The provisions of this section shall not apply to buildings and property at military installations that are approved for closure under the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101-510; 10 U.S.C. 2687 note) and shall not supersede the provisions of section 2(e) of the Base Closure Community Redevelopment and Homeless Assistance Act of 1994 (10 U.S.C. 2687 note).".

SEC. 507. RURAL HOUSING ASSISTANCE.

The last sentence of section 520 of the Housing Act of 1949 (42 U.S.C. 1490) is amended by inserting before the period the following: ", and the city of Altus, Oklahoma, shall be considered a rural area for purposes of this title until the receipt of data from the decennial census in the year 2000".

SEC. 508. TREATMENT OF OCCUPANCY STANDARDS.

(a) NATIONAL STANDARD PROHIBITED.—The Secretary of Housing and Urban Development shall not directly or indirectly establish a national occupancy standard.

(b) STATE STANDARD.—If a State establishes an occupancy standard—

(1) such standard shall be presumed reasonable for purposes of any laws administered by the Secretary; and

(2) the Secretary shall not suspend, withdraw, or deny certification of any State or local public agency based in whole or in part on that State occupancy standard or its operation.

(c) ABSENCE OF STATE STANDARD.—If a State fails to establish an occupancy standard, an occupancy standard of 2 persons per bedroom established by a housing provider shall be presumed reasonable for the purposes of any laws administered by the Secretary.

(d) DEFINITION.—

(1) GENERAL RULE.—Except as provided in paragraph (2), the term "occupancy standard" means a law, regulation, or housing provider policy that establishes a limit on the number of residents a housing provider can properly manage in a dwelling for any 1 or more of the following purposes—

(A) providing a decent home and services for each resident;

(B) enhancing the livability of a dwelling for all residents, including the dwelling for each particular resident; and

(C) avoiding undue physical deterioration of the dwelling and property.

(2) EXCEPTION.—The term "occupancy standard" does not include a Federal, State, or local restriction regarding the maximum number of persons permitted to occupy a dwelling for the sole purpose of protecting the health and safety of the residents of a dwelling, including building and housing code provisions.

(e) EFFECTIVE DATE.—This section shall take effect January 1, 1996.

SEC. 509. IMPLEMENTATION OF PLAN.

(a) IMPLEMENTATION.—Within 120 days after the enactment of this Act, the Secretary of Housing and Urban Development shall implement the Ida Barbour Revitalization Plan of the City of Portsmouth, Virginia, in a manner consistent with existing limitations under law. The Secretary shall consider and make any waivers to existing regulations consistent with such plan to enable timely implementation of such plan.

(b) REPORT.—Such city shall submit a report to the Secretary on progress in implementing the plan not later than 1 year after the date of the enactment of this Act and annually thereafter through the year 2000. The report shall include quantifiable measures revealing the increase in homeowners, employment, tax base, voucher allocation, leverage ratio of funds, impact on and compliance with the city's consolidated plan, identification of regulatory and statutory obstacles which have or are causing unnecessary delays in the plan's successful implementation or are contributing to unnecessary costs associated with the revitalization, and any other information as the Secretary considers appropriate.

SEC. 510. INCOME ELIGIBILITY FOR HOME AND CDBG PROGRAMS.

(a) HOME INVESTMENT PARTNERSHIPS.—The Cranston-Gonzalez National Affordable Housing Act is amended as follows:

(1) DEFINITIONS.—In section 104(10) (42 U.S.C. 12704(10))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(2) INCOME TARGETING.—In section 214(1)(A) (42 U.S.C. 12744(1)(A))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(3) RENT LIMITS.—In section 215(a)(1)(A) (42 U.S.C. 12745(a)(1)(A))—

(A) by striking "income ceilings higher or lower" and inserting "an income ceiling higher";

(B) by striking "variations are" and inserting "variation is"; and

(C) by striking "high or".

(b) CDBG.—Section 102(a)(20) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302(a)(20)) is amended by striking subparagraph (B) and inserting the following new subparagraph:

"(B) The Secretary may—

"(i) with respect to any reference in subparagraph (A) to 50 percent of the median income of the area involved, establish percentages of median income for any area that are higher or lower than 50 percent if the Secretary finds such variations to be necessary because of unusually high or low family incomes in such area; and

"(ii) with respect to any reference in subparagraph (A) to 80 percent of the median income of the area involved, establish a percentage of median income for any area that is higher than 80 percent if the Secretary finds such variation to be necessary because of unusually low family incomes in such area.".

SEC. 511. AMENDMENTS RELATING TO SECTION 236 PROGRAM.

Section 236(f)(1) of the National Housing Act (12 U.S.C. 1715z-1) (as amended by section 405(d)(1) of The Balanced Budget Downpayment Act, I, and by section 228(a) of The Balanced Budget Downpayment Act, II) is amended—

(1) in the second sentence, by striking "the lower of (i)";

(2) in the second sentence, by striking "(ii) the fair market rental established under section 8(c) of the United States Housing Act of 1937 for the market area in which the housing is located, or (iii) the actual rent (as determined by the Secretary) paid for a comparable unit in comparable unassisted housing in the market area in which the housing assisted under this section is located,"; and

(3) by inserting after the second sentence the following: "However, in the case of a project which contains more than 5,000 units, is subject to an interest reduction payments contract, and is financed under a State or local program, the Secretary may reduce the rental charge ceiling, but in no case shall the rent be below basic rent. For plans of action approved for capital grants under the Low-Income Housing Preservation and Resident Homeownership Act of 1990 or the provisions of the Emergency Low Income Housing Preservation Act of 1987, the rental charge for each dwelling unit shall be at the basic rental charge or such greater amount, not exceeding the lower of (i) the fair market rental charge determined pursuant to this paragraph, or (ii) the actual rent paid for a comparable unit in comparable unassisted housing in the market area in which the housing is located, as represents 30 percent of the tenant's adjusted income, but in no case shall the rent be below basic rent.".

SEC. 512. PROSPECTIVE APPLICATION OF GOLD CLAUSES.

Section 5118(d)(2) of title 31, United States Code, is amended by adding at the end the following new sentence: "This paragraph shall continue to apply to any obligations issued on or before October 27, 1977, notwithstanding any assignment and/or novation of such obligations after such date, unless all parties to the assignment and/or novation specifically agree to include a gold clause in the new agreement.".

SEC. 513. MOVING TO WORK DEMONSTRATION FOR THE 21ST CENTURY.

(a) PURPOSE.—The purpose of this demonstration under this section is to give local housing and management authorities and the Secretary of Housing and Urban Development the flexibility to design and test various approaches for providing and administering housing assistance that—

(1) reduce cost and achieve greater cost effectiveness in Federal expenditures;

(2) give incentives to families with children where the head of household is working, seeking work, or preparing for work by participating in job training, educational programs, or programs that assist people to obtain employment and become economically self-sufficient; and

(3) increase housing choices for low-income families.

(b) PROGRAM AUTHORITY.—

(1) SELECTION OF PARTICIPANTS.—The Secretary of Housing and Urban Development shall conduct a demonstration program under this section beginning in fiscal year 1997 under which local housing and management authorities (including Indian housing authorities) administering the public or Indian housing program and the choice-based rental assistance program under title III of this Act shall be selected by the Secretary to participate. In first year of the demonstration, the Secretary shall select 100 local housing and management authorities to participate. In each of the next 2 year of the demonstration, the Secretary shall select 100 additional local housing and management authorities per year to participate. During the first year of the demonstration, the Secretary shall select for participation any authority that complies with the requirement under subsection (d) and owns or administers more than 99,999 dwelling units of public housing.

(2) TRAINING.—The Secretary, in consultation with representatives of public housing interests, shall provide training and technical assistance during the demonstration and conduct detailed evaluations of up to 30 such agencies in an effort to identify replicable program models promoting the purpose of the demonstration.

(3) USE OF HOUSING ASSISTANCE.—Under the demonstration, notwithstanding any provision of this Act, an authority may combine operating assistance provided under section 9 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act), modernization assistance provided under section 14 of such Act, assistance provided under section 8 of such Act for the certificate and voucher programs, assistance for pubic housing provided under title II of this Act, and choice-based rental assistance provided under title III of this Act, to provide housing assistance for low-income families and services to facilitate the transition to work on such terms and conditions as the authority may propose.

(c) APPLICATION.—An application to participate in the demonstration—

(1) shall request authority to combine assistance refereed to in subsection (b)(3);

(2) shall be submitted only after the local housing and management authority provides for citizen participation through a public hearing and, if appropriate, other means;

(3) shall include a plan developed by the authority that takes into account comments from the public hearing and any other public comments on the proposed program, and comments from current and prospective residents who would be affected, and that includes criteria for—

(A) establishing a reasonable rent policy, which shall be designed to encourage employment and self-sufficiency by participating families, consistent with the purpose of this demonstration, such as by excluding some or all of a family's earned income for purposes of determining rent; and

(B) assuring that housing assisted under the demonstration program meets housing quality standards established or approved by the Secretary; and

(4) may request assistance for training and technical assistance to assist with design of the demonstration and to participate in a detailed evaluation.

(d) SELECTION CRITERIA.—In selecting among applications, the Secretary shall take into account the potential of each authority to plan and carry out a program under the demonstration and other appropriate factors as reasonably determined by the Secretary. An authority shall be eligible to participate in any fiscal year only if the most recent score for the authority under the public housing management assessment program under section 6(j) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act) is 90 or greater.

(e) APPLICABILITY OF CERTAIN PROVISIONS.—

(1) Section 261 of this Act shall continue to apply to public housing notwithstanding any use of the housing under this demonstration.

(2) Section 113 of this Act shall apply to housing assisted under the demonstration, other than housing assisted solely due to occupancy by families receiving tenant-based assistance.

(f) EFFECT ON PROGRAM ALLOCATIONS.—The amount of assistance received under titles II and III by a local housing and management authority participating in the demonstration under this section shall not be diminished by its participation.

(g) RECORDS, REPORTS, AND AUDITS.—

(1) KEEPING OF RECORDS.—Each authority shall keep such records as the Secretary may prescribe as reasonably necessary to disclose the amounts and the disposition of amounts under this demonstration, to ensure compliance with the requirements of this section, and to measure performance.

(2) REPORTS.—Each authority shall submit to the Secretary a report, or series of reports, in a form and at a time specified by the Secretary. Each report shall—

(A) document the use of funds made available under this section;

(B) provide such data as the Secretary may request to assist the Secretary in assessing the demonstration; and

(C) describe and analyze the effect of assisted activities in addressing the objectives of this part.

(3) ACCESS TO DOCUMENTS BY THE SECRETARY.—The Secretary shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(4) ACCESS TO DOCUMENTS BY THE COMPTROLLER GENERAL.—The Comptroller General of the United States, or any of the duly authorized representatives of the Comptroller General, shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to assistance in connection with, and the requirements of, this section.

(h) EVALUATION AND REPORT.—

(1) CONSULTATION WITH LHMA AND FAMILY REPRESENTATIVES.—In making assessments throughout the demonstration, the Secretary shall consult with representatives of local housing and management authorities and residents.

(2) REPORT TO CONGRESS.—Not later than 180 days after the end of the third year of the demonstration, the Secretary shall submit to the Congress a report evaluating the programs carried out under the demonstration. The report shall also include findings and recommendations for any appropriate legislative action.

SEC. 514. OCCUPANCY SCREENING AND EVICTIONS FROM FEDERALLY ASSISTED HOUSING.

(a) OCCUPANCY SCREENING.—Section 642 of the Housing and Community Development Act of 1992 (42 U.S.C. 13602)—

(1) by inserting "(a) GENERAL CRITERIA.—" before "In"; and

(2) by adding at the end the following new subsections:

"(b) AUTHORITY TO DENY OCCUPANCY FOR CRIMINAL OFFENDERS.—In selecting tenants for occupancy of dwelling units in federally assisted housing, if the owner of such housing determines that an applicant for occupancy in the housing or any member of the applicant's household is or was, during the preceding 3 years, engaged in any activity described in paragraph (2)(C) of section 645, the owner may—

"(1) deny such applicant occupancy and consider the applicant (for purposes of any waiting list) as not having applied for such occupancy ; and

"(2) after the expiration of the 3-year period beginning upon such activity, require the applicant, as a condition of occupancy in the housing or application for occupancy in the housing, to submit to the owner evidence sufficient (as the Secretary shall by regulation provide) to ensure that the individual or individuals in the applicant's household who engaged in criminal activity for which denial was made under paragraph (1) have not engaged in any criminal activity during such 3-year period.

"(c) AUTHORITY TO REQUIRE ACCESS TO CRIMINAL RECORDS.—An owner of federally assisted housing may require, as a condition of providing occupancy in a dwelling unit in such housing to an applicant for occupancy and the members of the applicant's household, that each adult member of the household provide the owner with a signed, written authorization for the owner to obtain records described in section 646(a) regarding such member of the household from the National Crime Information Center, police departments, and other law enforcement agencies.

"(d) DEFINITION.—For purposes of subsections (b) and (c), the term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).".

(b) TERMINATION OF TENANCY.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended by adding at the end the following new section:

"SEC. 645. TERMINATION OF TENANCY.

"Each lease for a dwelling unit in federally assisted housing (as such term is defined in section 642(d)) shall provide that—

"(1) the owner may not terminate the tenancy except for violation of the terms and conditions of the lease, violation of applicable Federal, State, or local law, or other good cause; and

"(2) any activity, engaged in by the tenant, any member of the tenant's household, or any guest or other person under the tenant's control, that—

"(A) threatens the health or safety of, or right to peaceful enjoyment of the premises by, other tenants or employees of the owner or other manager of the housing,

"(B) threatens the health or safety of, or right to peaceful enjoyment of their residences by, persons residing in the immediate vicinity of the premises, or

"(C) is criminal activity (including drug-related criminal activity) on or off the premises, shall be cause for termination of tenancy.".

(c) Availability of Criminal Records for Tenant Screening and Eviction.—Subtitle C of title VI of the Housing and Community Development Act of 1992 (42 U.S.C. 13601 et seq.) is amended adding after section 645 (as added by subsection (b) of this section) the following new section:

"SEC. 646. AVAILABILITY OF RECORDS.

"(a) In General.—

"(1) Provision of Information.—Notwithstanding any other provision of law other than paragraph (2), upon the request of an owner of federally assisted housing, the National Crime Information Center, a police department, and any other law enforcement agency shall provide to the owner of federally assisted housing information regarding the criminal conviction records of an adult applicant for, or tenants of, the federally assisted housing for purposes of applicant screening, lease enforcement, and eviction, but only if the owner requests such information and presents to such Center, department, or agency with a written authorization, signed by such applicant, for the release of such information to such owner.

"(2) Exception.—The information provided under paragraph (1) may not include any information regarding any criminal conviction of an applicant or resident for any act (or failure to act) for which the applicant or resident was not treated as an adult under the laws of the convicting jurisdiction.

"(b) Confidentiality.—An owner receiving information under this section may use such information only for the purposes provided in this section and such information may not be disclosed to any person who is not an officer or employee of the owner. The Secretary shall, by regulation, establish procedures necessary to ensure that information provided under this section to an owner is used, and confidentiality of such information is maintained, as required under this section.

"(c) Opportunity to Dispute.—Before an adverse action is taken with regard to assistance for federally assisted housing on the basis of a criminal record, the owner shall provide the tenant or applicant with a copy of the criminal record and an opportunity to dispute the accuracy and relevance of that record.

"(d) Fee.—An owner of federally assisted housing may be charged a reasonable fee for information provided under subsection (a).

"(e) Records Management.—Each owner of federally assisted housing that receives criminal record information under this section shall establish and implement a system of records management that ensures that any criminal record received by the owner is—

"(1) maintained confidentially;

"(2) not misused or improperly disseminated; and

"(3) destroyed, once the purpose for which the record was requested has been accomplished.

"(f) Penalty.—Any person who knowingly and willfully requests or obtains any information concerning an applicant for, or resident of, federally assisted housing pursuant to the authority under this section under false pretenses, or any person who knowingly and willfully discloses any such information in any manner to any individual not entitled under any law to receive it, shall be guilty of a misdemeanor and fined not more than $5,000. The term 'person' as used in this subsection shall include an officer or employee of any local housing and management authority.

"(g) Civil Action.—Any applicant for, or resident of, federally assisted housing affected by (1) a negligent or knowing disclosure of information referred to in this section about such person by an officer or employee of any owner, which disclosure is not authorized by this section, or (2) any other negligent or knowing action that is inconsistent with this section, may bring a civil action for damages and such other relief as may be appropriate against any owner responsible for such unauthorized action. The district court of the United States in the district in which the affected applicant or resident resides, in which such unauthorized action occurred, or in which the officer or employee alleged to be responsible for any such unauthorized action resides, shall have jurisdiction in such matters. Appropriate relief that may be ordered by such district courts shall include reasonable attorney's fees and other litigation costs.

"(h) Definitions.—For purposes of this section, the following definitions shall apply:

"(1) Adult.—The term 'adult' means a person who is 18 years of age or older, or who has been convicted of a crime as an adult under any Federal, State, or tribal law.

"(2) Federally Assisted Housing.—The term 'federally assisted housing' has the meaning given the term by this title, except that the term does not include housing that only meets the requirements of section 683(2)(E).".

(d) Definitions.—Section 683 of the Housing and Community Development Act of 1992 (42 U.S.C. 13643) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A), by striking "section 3(b) of the United States Housing Act of 1937" and inserting "section 102 of the United States Housing Act of 1996";

(B) in subparagraph (B), by inserting before the semicolon at the end the following: "(as in effect before the enactment of the United States Housing Act of 1996)";

(C) in subparagraph (F), by striking "and" at the end;

(D) in subparagraph (G), by striking the period at the end and inserting "; and"; and

(E) by adding at the end the following new subparagraph:

"(H) for purposes only of subsections (b) and (c) of sections 642, and section 645 and 646, housing assisted under section 515 of the Housing Act of 1949.";

(2) in paragraph (4), by striking "public housing agency" and inserting "local housing and management authority"; and

(3) by adding at the end the following new paragraph:

"(6) Drug-Related Criminal Activity.—The term 'drug-related criminal activity' means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use, of a controlled substance (as defined in section 102 of the Controlled Substances Act).".

At the end of the bill, insert the following new title:

TITLE VI—NATIONAL COMMISSION ON HOUSING ASSISTANCE PROGRAMS COST

SEC. 601. ESTABLISHMENT.

There is established a commission to be known as the National Commission on Housing Assistance Programs Cost (in this title referred to as the "Commission").

SEC. 602. MEMBERSHIP.

(a) Appointment.—The Commission shall be composed of 9 members, who shall be appointed not later than 90 days after the date of the enactment of this Act. The members shall be as follows:

(1) 3 members to be appointed by the Secretary of Housing and Urban Development;

(2) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing Opportunity and Community Development of the Committee on Banking, Housing, and Urban Affairs of the Senate and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the Senate; and

(3) 3 members appointed by the Chairman and Ranking Minority Member of the Subcommittee on Housing and Community Opportunity of the Committee on Banking and Financial Services of the House of Representatives and the Chairman and Ranking Minority Member of the Subcommittee on VA, HUD, and Independent Agencies of the Committee on Appropriations of the House of Representatives.

(b) Qualifications.—The 3 members of the Commission appointed under each of paragraphs (1), (2), and (3) of subsection (a)—

(1) shall all be experts in the field of accounting, economics, cost analysis, finance, or management; and

(2) shall include—

(A) 1 individual who is an elected public official at the State or local level;

(B) 1 individual who is a distinguished academic engaged in teaching or research;

(C) 1 individual who is a business leader, financial officer, management or accounting expert.

In selecting members of the Commission for appointment, the individuals appointing shall ensure that the members selected can analyze the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no member of the Commission has a personal financial or business interest in any such program.

SEC. 603. ORGANIZATION.

(a) Chairperson.—The Commission shall elect a chairperson from among members of the Commission.

(b) Quorum.—A majority of the members of the Commission shall constitute a quorum for the transaction of business, but a lesser number may hold hearings.

(c) Voting.—Each member of the Commission shall be entitled to 1 vote, which shall be equal to the vote of every other member of the Commission.

(d) Vacancies.—Any vacancy on the Commission shall not affect its powers, but shall be filled in the manner in which the original appointment was made.

(e) Prohibition on Additional Pay.—Members of the Commission shall serve without compensation.

(f) Travel Expenses.—Each member shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

SEC. 604. FUNCTIONS.

(a) In General.—The Commission shall —

(1) analyze the full cost to the Federal Government, public housing agencies, State and local governments, and other parties, per assisted household, of the Federal assisted housing programs, and shall conduct

the analysis on a nationwide and regional basis and in a manner such that accurate per unit cost comparisons may be made between Federal assisted housing programs; and

(2) estimate the future liability that will be borne by taxpayers as a result of activities under the Federal assisted housing programs before the date of the enactment of this Act.

(b) DEFINITION.—For purposes of this section, the term "Federal assisted housing programs" means—

(1) the public housing program under the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(2) the public housing program under title II of this Act;

(3) the certificate program for rental assistance under section 8(b)(1) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(4) the voucher program for rental assistance under section 8(o) of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(5) the programs for project-based assistance under section 8 of the United States Housing Act of 1937 (as in effect before the date of the enactment of this Act);

(6) the rental assistance payments program under section 521(a)(2)(A) of the Housing Act of 1949;

(7) the program for housing for the elderly under section 202 of the Housing Act of 1959;

(8) the program for housing for persons with disabilities under section 811 of the Cranston-Gonzalez National Affordable Housing Act;

(9) the program for financing housing by a loan or mortgage insured under section 221(d)(3) of the National Housing Act that bears interest at a rate determined under the proviso of section 221(d)(5) of such Act;

(10) the program under section 236 of the National Housing Act;

(11) the program for constructed or substantial rehabilitation under section 8(b)(2) of the United States Housing Act of 1937, as in effect before October 1, 1983; and

(12) any other program for housing assistance administered by the Secretary of Housing and Urban Development or the Secretary of Agriculture, under which occupancy in the housing assisted or housing assistance provided is based on income, as the Commission may determine.

(c) FINAL REPORT.—Not later than 18 months after the Commission is established pursuant to section 602(a), the Commission shall submit to the Secretary and to the Congress a final report which shall contain the results of the analysis and estimates required under subsection (a).

(c) LIMITATION.—The Commission may not make any recommendations regarding Federal housing policy.

SEC. 605. POWERS.

(a) HEARINGS.—The Commission may, for the purpose of carrying out this title, hold such hearings and sit and act at such times and places as the Commission may find advisable.

(b) RULES AND REGULATIONS.—The Commission may adopt such rules and regulations as may be necessary to establish its procedures and to govern the manner of its operations, organization and personnel.

(c) ASSISTANCE FROM FEDERAL AGENCIES.—

(1) INFORMATION.—The Commission may request from any department or agency of the United States, and such department or agency shall provide to the Commission in a timely fashion, such data and information as the Commission may require for carrying out this title, including—

(A) local housing management plans submitted to the Secretary of Housing and Urban Development under section 107;

(B) block grant contracts under title II;

(C) contracts under section 302 for assistance amounts under title III; and

(D) audits submitted to the Secretary of Housing and Urban Development under section 403.

(2) ADMINISTRATIVE SUPPORT.—The General Services Administration shall provide to the Commission, on a reimbursable basis, such administrative support services as the Commission may request.

(3) PERSONNEL DETAILS AND TECHNICAL ASSISTANCE.—Upon the request of the chairperson of the Commission, the Secretary of Housing and Urban Development shall, to the extent possible and subject to the discretion of the Secretary—

(A) detail any of the personnel of the Department of Housing and Urban Development, on a nonreimbursable basis, to assist the Commission in carrying out its duties under this title; and

(B) provide the Commission with technical assistance in carrying out its duties under this title.

(d) INFORMATION FROM LOCAL HOUSING AND MANAGEMENT AUTHORITIES.—The Commission shall have access, for the purpose of carrying out its functions under this title, to any books, documents, papers, and records of a local housing and management authority that are pertinent to this Act and assistance received pursuant to this Act.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other Federal agencies.

(f) CONTRACTING.—The Commission may, to the extent and in such amounts as are provided in appropriations Acts, enter into contracts necessary to carry out its duties under this title.

(g) STAFF.—

(1) EXECUTIVE DIRECTOR.—The Commission shall appoint an executive director of the Commission who shall be compensated at a rate fixed by the Commission, but which shall not exceed the rate established for level V of the Executive Schedule under title 5, United States Code.

(2) PERSONNEL.—In addition to the executive director, the Commission may appoint and fix the compensation of such personnel as it deems advisable, in accordance with the provisions of title 5, United States Code, governing appointments to the competitive service, and the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates.

(3) LIMITATION.—Paragraphs (1) and (2) shall be effective only to the extent and in such amounts as are provided in appropriations Acts.

(4) SELECTION CRITERIA.—In appointing an executive director and staff, the Commission shall ensure that the individuals appointed can conduct any functions they may have regarding the Federal assisted housing programs (as such term is defined in section 604(a)) on an objective basis and that no such individual has a personal financial or business interest in any such program.

(h) ADVISORY COMMITTEE.—The Commission shall be considered an advisory committee within the meaning of the Federal Advisory Committee Act (5 U.S.C. App.).

SEC. 606. FUNDING.

Of any amounts made available for policy, research, and development activities of the Department of Housing and Urban Development, there shall be available for carrying out this title $750,000, for fiscal year 1997. Any such amounts so appropriated shall remain available until expended.

SEC. 607. SUNSET.

The Commission shall terminate upon the expiration of the 18-month period beginning upon the date that the Commission is established pursuant to section 602(a).

H.R. 2406

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 21: Page 37, line 19, strike "A" and insert "(a) IN GENERAL.—Except as provided in subsections (b) and (c), a".

Page 37, line 25, strike "Notwithstanding the preceding sentence, pet" and insert the following:

(b) FEDERALLY ASSISTED RENTAL HOUSING FOR THE ELDERLY OR DISABLED.—PET

Page 38, after line 5, insert the following new subsection:

(c) ELDERLY FAMILIES IN PUBLIC AND ASSISTED HOUSING.—Responsible ownership of common household pets shall not be denied any elderly or disabled family who resides in a dwelling unit in public housing or an assisted dwelling unit (as such term is defined in section 371), subject to the reasonable requirements of the local housing and management authority or the owner of the assisted dwelling unit, as applicable. This subsection shall not apply to units in public housing or assisted dwelling units that are located in federally assisted rental housing for the elderly or handicapped referred to in subection (b).

H.R. 2406

OFFERED BY: MR. ROEMER

AMENDMENMT NO. 22: At the end of the bill, insert the following new title:

TITLE VI—NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS CONSENSUS COMMITTEE

SEC. 601. SHORT TITLE; REFERENCE.

(a) SHORT TITLE.—This title may be cited as the "National Manufactured Housing Construction and Safety Standards Act of 1996".

(b) REFERENCE.—Whenever in this title an amendment is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to that section or other provision of the Housing and Community Development Act of 1974.

SEC. 602. STATEMENT OF PURPOSE.

Section 602 (42 U.S.C. 5401) is amended by striking the first sentence and inserting the following: "The Congress declares that the purposes of this title are to reduce the number of personal injuries and deaths and property damage resulting from manufactured home accidents and to establish a balanced consensus process for the development, revision, and interpretation of Federal construction and safety standards for manufactured homes.".

SEC. 603. DEFINITIONS.

(a) IN GENERAL.—Section 603 (42 U.S.C. 5402) is amended—

(1) in paragraph (2), by striking "dealer" and inserting "retailer";

(2) in paragraph (12), by striking "and" at the end;

(3) in paragraph (13), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following new paragraphs:

"(14) 'consensus committee' means the committee established under section 604(a)(7); and

"(15) 'consensus standards development process' means the process by which additions and revisions to the Federal manufactured home construction and safety standards shall be developed and recommended to the Secretary by the consensus committee.".

(b) CONFORMING AMENDMENTS.—

(1) OCCURRENCES OF "DEALER".—The Act (42 U.S.C. 5401 et seq.) is amended by striking "dealer" and inserting "retailer" in each of the following provisions:

(A) In section 613, each place such term appears.

(B) In section 614(f), each place such term appears.

(C) In section 615(b)(1).

(D) In section 616.

(2) OTHER AMENDMENTS.—The Act (42 U.S.C. 5401 et seq.) is amended—

(A) in section 615(b)(3), by striking "dealer or dealers" and inserting "retailer or retailers"; and

(B) by striking "dealers" and inserting "retailers" each place such term appears—

(i) in section 615(d);

(ii) in section 615(f); and

(iii) in section 623(c)(9).

SEC. 604. FEDERAL MANUFACTURED HOME CONSTRUCTION AND SAFETY STANDARDS.

Section 604 (42 U.S.C. 5403) is amended—

(1) by striking subsections (a) and (b) and inserting the following new subsections:

"(a) ESTABLISHMENT.—

"(1) AUTHORITY.—The Secretary shall establish, by order, appropriate Federal manufactured home construction and safety standards. Each such Federal manufactured home standard shall be reasonable and shall meet the highest standards of protection, taking into account existing State and local laws relating to manufactured home safety and construction. The Secretary shall issue all such orders pursuant to the consensus standards development process under this subsection. The Secretary may issue orders which are not part of the consensus standards development process only in accordance with subsection (b).

"(2) CONSENSUS STANDARDS DEVELOPMENT PROCESS.—Not later than 180 days after the date of enactment of the National Manufactured Housing Construction and Safety Standards Act of 1996, the Secretary shall enter into a cooperative agreement or establish a relationship with a qualified technical or building code organization to administer the consensus standards development process and establish a consensus committee under paragraph (7). Periodically, the Secretary shall review such organization's performance and may replace the organization upon a finding of need.

"(3) REVISIONS.—The consensus committee established under paragraph (7) shall consider revisions to the Federal manufactured home construction and safety standards and shall submit revised standards to the Secretary at least once during every 2-year period, the first such 2-year period beginning upon the appointment of the consensus committee under paragraph (7). Before submitting proposed revised standards to the Secretary, the consensus committee shall cause the proposed revised standards to be published in the Federal Register, together with a description of the consensus committee's considerations and decisions under subsection (e), and shall provide an opportunity for public comment. Public views and objections shall be presented to the consensus committee in accordance with American National Standards Institute procedures. After such notice and opportunity public comment, the consensus committee shall cause the recommended revisions to the standards and notice of its submission to the Secretary to be published in the Federal Register. Such notice shall describe the circumstances under which the proposed revised standards could become effective.

"(4) REVIEW BY SECRETARY.—The Secretary shall either adopt, modify, or reject the standards submitted by the consensus committee. A final order adopting the standards shall be issued by the Secretary not later than 12 months after the date the standards are submitted to the Secretary by the consensus committee, and shall be published in the Federal Register and become effective pursuant to subsection (c). If the Secretary—

"(A) adopts the standards recommended by the consensus committee, the Secretary may issue a final order directly without further rulemaking;

"(B) determines that any portion of the standards should be rejected because it would jeopardize health or safety or is inconsistent with the purposes of this title, a notice to that effect, together with this reason for rejecting the proposed standard, shall be published in the Federal Register no later than 12 months after the date the standards are submitted to the Secretary by the consensus committee;

"(C) determines that any portion of the standard should be modified because it would jeopardize health or safety or is inconsistent with the purposes of this title—

"(i) such determination shall be made no later that 12 months after the date the standards are submitted to the Secretary by the consensus committee;

"(ii) within such 12-month period, the Secretary shall cause the proposed modified standard to be published in the Federal Register, together with an explanation of the reason for the Secretary's determination that the consensus committee recommendation needs to be modified, and shall provide an opportunity for public comment in accordance with the provisions of section 553 of title 5, United States Code; and

"(iii) the final standard shall become effective pursuant to subsection (c).

"(5) FAILURE TO ACT.—If the Secretary fails to take final action under paragraph (4) and publish notice of the action in the Federal Register within the 12-month period under such paragraph, the recommendations of the consensus committee shall be considered to have been adopted by the Secretary and shall take effect upon the expiration of the 180-day period that begins upon the conclusion of the 12-month period. Within 10 days after the expiration of the 12-month period, the Secretary shall cause to be published in the Federal Register notice of the Secretary's failure to act, the revised standards, and the effective date of the revised standards. Such notice shall be deemed an order of the Secretary approving the revised standards proposed by the consensus committee.

"(6) INTERPRETIVE BULLETINS.—The Secretary may issue interpretive bulletins to clarify the meaning of any Federal manufactured home construction and safety standards, subject to the following requirements:

"(A) REVIEW BY CONSENSUS COMMITTEE.—Before issuing an interpretive bulletin, the Secretary shall submit the proposed bulletin to the consensus committee and the consensus committee shall have 90 days to provide written comments thereon to the Secretary. If the consensus committee fails to act or if the Secretary rejects any significant views recommended by the consensus committee, the Secretary shall explain in writing to the consensus committee, before the bulletin becomes effective, the reasons for such rejection.

"(B) PROPOSALS.—The consensus committee may, from time to time, submit to the Secretary proposals for interpretive bulletins under this subsection. If the Secretary fails to issue or rejects a proposed bulletin within 90 days of its receipt, the Secretary shall be considered to have approved the proposed bulletin and shall immediately issue the bulletin.

"(C) EFFECT.—Interpretative bulletins issued under this paragraph shall become binding without rulemaking.

"(7) CONSENSUS COMMITTEE.—

"(A) PURPOSE.—The consensus committee referred to in paragraph (2) shall have as its purpose providing periodic recommendations to the Secretary to revise and interpret the Federal manufactured home construction and safety standards and carrying out such other functions assigned to the committee under this title. The committee shall be organized and carry out its business in a manner that guarantees a fair opportunity for the expression and consideration of various positions.

"(B) MEMBERSHIP.—The consensus committee shall be composed of 25 members who shall be appointed as follows:

"(i) APPOINTMENT BY PROCESS ADMINISTRATOR.—Members shall be appointed by the qualified technical or building code organization that administers the consensus standards development process pursuant to paragraph (2), subject to the approval of the Secretary.

"(ii) BALANCED MEMBERSHIP.—Members shall be appointed in a manner designed to include all interested parties without domination by any single interest category.

"(iii) SELECTION PROCEDURES AND REQUIREMENTS.—Members shall be appointed in accordance with selection procedures for consensus committees promulgated by the American National Standards Institute, except that the American National Standards Institute interest categories shall be modified to ensure representation on the committee by individuals representing the following fields, in equal numbers under each of the following subclauses:

"(I) Manufacturers.

"(II) Retailers, insurers, suppliers, lenders, community owners and private inspection agencies which have a financial interest in the industry.

"(III) Homeowners and consumer representatives.

"(IV) Public officials, such as those from State or local building code enforcement and inspection agencies.

"(V) General interest, including academicians, researchers, architects, engineers, private inspection agencies, and others.

Members of the consensus committee shall be qualified by background and experience to participate in the work of the committee, but members by reason of subclauses (III), (IV), and (V), except the private inspection agencies, may not have a financial interest in the manufactured home industry, unless such bar to participation is waived by the Secretary. The number of members by reason of subclause (V) who represent private inspection agencies may not constitute more than 20 percent of the total number of members by reason of subclause (V). Notwithstanding any other provision of this paragraph, the Secretary shall appoint a member of the consensus committee, who shall not have voting privileges.

"(C) MEETINGS.—The consensus committee shall cause advance notice of all meetings to be published in the Federal Register and all meetings of the committee shall be open to the public.

"(D) AUTHORITY.—Sections 203, 205, 207, and 208 of title 18, United States Code, shall not apply to the members of the consensus committee. Members shall not be considered to be special government employees for purposes of part 2634 of title 5, Code of Federal Regulations. The consensus committee shall not be considered an advisory committee for purposes of the Federal Advisory Committee Act.

"(E) ADMINISTRATION.—The consensus committee and the administering organization shall operate in conformance with American National Standards Institute procedures for the development and coordination of American National Standards and shall apply to such Institute to obtain accreditation.

"(F) STAFF.—The consensus committee shall be provided reasonable staff resources by the administering organization. Upon a showing of need and subject to the approval of the Secretary, the administering organization shall furnish technical support to any of the various interest categories on the consensus committee.

"(b) OTHER ORDERS.—The Secretary may issue orders that are not developed under the procedures set forth in subsection (a) in order to respond to an emergency health or safety issue, or to address issues on which the Secretary determines the consensus committee will not make timely recommendations, but only if the proposed order is first submitted by the Secretary to the consensus committee for review and the committee is afforded 90 days to provide its views on the proposed order to the Secretary. If the consensus committee fails to act within such period or if the Secretary rejects any significant change recommended by the consensus committee, the public notice of the order shall include an explanation of the reasons for the Secretary's action. The Secretary may issue such orders only in accordance with the provisions of section 553 of title 5, United States Code.";

(2) by striking subsection (e);

(3) in subsection (f), by striking the matter preceding paragraph (1) and inserting the following:

"(e) CONSIDERATIONS IN ESTABLISHING AND INTERPRETING STANDARDS.—The consensus committee, in recommending standards and interpretations, and the Secretary, in establishing standards or issuing interpretations under this section, shall—";

(4) by striking subsection (g);

(5) in the first sentence of subsection (j), by striking "subsection (f)" and inserting "subsection (e)"; and

(6) by redesignating subsections (h), (i), and (j) as subsections (f), (g), and (h), respectively.

SEC. 605. ABOLISHMENT OF NATIONAL MANUFACTURED HOME ADVISORY COUNCIL.

Section 605 (42 U.S.C. 5404) is hereby repealed.

SEC. 606. PUBLIC INFORMATION.

Section 607 (42 U.S.C. 5406) is amended—

(1) in subsection (a)—

(A) by inserting "to the Secretary" after "submit"; and

(B) by adding at the end the following new sentence: "Such cost and other information shall be submitted to the consensus committee by the Secretary for its evaluation.";

(2) in subsection (d), by inserting ", the consensus committee," after "public,"; and

(3) by striking subsection (c) and redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

SEC. 607. INSPECTION FEES.

Section 620 (42 U.S.C. 5419) is amended to read as follows:

"SEC. 620. (a) AUTHORITY TO ESTABLISH FEES.—In carrying out the inspections required under this title and in developing standards pursuant to section 604, the Secretary may establish and impose on manufactured home manufacturers, distributors, and retailers such reasonable fees as may be necessary to offset the expenses incurred by the Secretary in conducting such inspections and administering the consensus standards development process and for developing standards pursuant to section 604(b), and the Secretary may use any fees so collected to pay expenses incurred in connection therewith. Such fees shall only be modified pursuant to rulemaking in accordance with the provisions of section 553 of title 5, United States Code.

"(b) DEPOSIT OF FEES.—Fees collected pursuant to this title shall be deposited in a fund, which is hereby established in the Treasury for deposit of such fees. Amounts in the fund are hereby available for use by the Secretary pursuant to subsection (a). The use of these fees by the Secretary shall not be subject to general or specific limitations on appropriated funds unless use of these fees is specifically addressed in any future appropriations legislation. The Secretary shall provide an annual report to Congress indicating expenditures under this section. The Secretary shall also make available to the public, in accordance with all applicable disclosure laws, regulations, orders, and directives, information pertaining to such funds, including information pertaining to amounts collected, amounts disbursed, and the fund balance.".

SEC. 608. ELIMINATION OF ANNUAL REPORT REQUIREMENT.

Section 626 (42 U.S.C. 5425) is hereby repealed.

SEC. 609. EFFECTIVE DATE.

The amendments made by this title shall take effect on the date of enactment of this Act, except that the amendments shall have no effect on any order or interpretative bulletin that is published as a proposed rule pursuant to the provisions of section 553 of title 5, United States Code, on or before that date.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 23: Page 77, strike lines 7 through 9 and insert the following new subparagraph:

(B) shall be reduced by any amount the resident contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 24: Page 92, strike line 14 and insert the following:

(a) RESIDENT COUNCILS.—

(1) ESTABLISHMENT.—The residents of a public.

Page 93, after line 3, insert the following new paragraph:

(2) REQUIRED CONSULTATION.—

(A) TWICE ANNUALLY.—Any local housing and management authority that owns or administers any public housing development for which a resident council has been established shall consult with each such council not less than twice each year regarding issues concerning such development.

(B) ISSUES SIGNIFICANTLY AFFECTING RESIDENTS.—The authority shall also consult with the appropriate resident council for any development for which the authority will make a significant decision affecting the interests of residents in the development, not later than 60 days before such decision is made, except in cases of compelling circumstances, requiring expedited action on the part of the authority, as the Secretary shall provide, in which case such consultation shall be made as soon as possible. The Secretary shall establish guidelines describing such significant decisions, which shall include decisions regarding rent levels and any changes in such levels, maintenance policies, security arrangements, major renovations and repairs, community policies, and demolition or sale of the development.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 25: Page 145, line 23, strike "600" and insert "1500".

Page 146, line 3, strike "600" and insert "1500".

Page 146, line 4, strike "600" and insert "1500".

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 26: Page 147, strike lines 13 through 16 and insert the following new paragraph:

(4) INCREASE.—If the Secretary finds that there are higher costs of administering small programs operating over large geographic areas, the Secretary shall increase the fee to reflect the difference in cost.

H.R. 2406

OFFERED BY: MR. SANDERS

AMENDMENT NO. 27: Page 157, strike lines 12 through 14 and insert the following new paragraph:

(3) shall be reduced by any amount the assisted family contributes toward allowable utilities; and

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 28: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or 4 more occasions.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 29: Page 21, line 11, strike 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act).

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 30: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of—

(1) illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act); or

(2) illegal possession of any controlled substance on 3 or more occasions.

This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. SOLOMON

AMENDMENT NO. 31: Page 21, line 11, strike lines 11 and 12, and insert the following:

SEC. 105. LIMITATIONS ON ADMISSIONS TO ASSISTED HOUSING.

Page 21, after line 22, insert the following new subsection:

(c) LIMITATION ON ADMISSION OF PERSONS CONVICTED OF DRUG-RELATED OFFENSES.—Notwithstanding any other provision of law, each local housing and management authority shall prohibit admission and occupancy to public housing dwelling units by, and assistance under title III to, any person who, after the date of the enactment of this Act, has been convicted of illegal possession with intent to sell any controlled substance (as such term is defined in the Controlled Substances Act). This subsection may not be construed to require the termination of tenancy or eviction of any member of a household residing in public housing, or the termination of assistance of any member of an assisted family, who is not a person described in the preceding sentence.

H.R. 2406

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 32: At the end of title V of the bill, insert the following new section:

SEC. 504. USE OF AMERICAN PRODUCTS.

(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 33: Page 77, strike lines 6 through 14 and insert the following:

(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MS. VELÁZQUEZ

AMENDMENT NO. 34: Page 157, line 10, after the semicolon insert "and".

Page 157, strike lines 11 through 18 and insert the following new paragraph:

(2)(A) except as provided in subparagraphs (B) and (C), shall be an amount determined by the authority, which shall not exceed $25;

(B) in cases in which a family demonstrates that payment of the amount determined under subparagraph (A) would create financial hardship on the family, as determined pursuant to guidelines which the Secretary shall establish, shall be an amount less than the amount determined under subparagraph (A) (as determined pursuant to such guidelines); and

(C) in such other circumstances as may be provided by the authority, shall be an amount less than the amount determined under subparagraph (A).

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 35: Page 11, line 2, strike "authority's" and insert in lieu thereof "Secretary's".

Page 13, line 10, strike "authority's" and insert in lieu thereof "Secretary's".

H.R. 2406

OFFERED BY: MR. VENTO

AMENDMENT NO. 36: Page 239, line 11, strike "fiscal year 1996" and insert "fiscal years 1997, 1998, 1999, 2000, and 2001".

Page 239, line 25, after the period insert"".".

Page 240, strike lines 1 through 4.

Page 240, strike line 17 and the matter following such line and insert the following: and inserting the following new item:

"Sec. 5130 Funding.".

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 37: Page 69, line 23, after the period insert the following new sentence: "Notwithstanding any preference established under section 223, in selecting residents, the local housing and management authority shall not skip over any applicant already on the waiting list to select an applicant who has a higher income.".

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 38: Page 69, line 23, after the period insert the following: "Notwithstanding any preferences established under section 223, in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 39: Page 108, lines 6 and 7, strike "To the extent budget authority is available under this title" and insert "Using budget authority made available under paragraph (4)".

Page 108, after line 16, insert the following new paragraph:

(2) ASSISTANCE FOR RESIDENT COUNCILS.—Using budget authority made available under paragraph (4), the Secretary shall provide financial assistance to resident councils established in accordance with section 234(a) to encourage increased involvement by such councils in the consideration of issues affecting residents, the representation of residents interests, and the consultation with local housing and management authorities. Such assistance may be used for activities (in addition to resident management activities under paragraph (1)) that improve living conditions and resident satisfaction in public housing communities, including resident council capacity building, training on policies governing the operation of public housing, and increasing participating in consultations with local housing and management authorities regarding decisions that significantly affect the public housing community.

Page 108, line 17, strike "(2)" and insert "(3)".

Page 108, line 18, strike "this subsection" and insert "paragraph (1)".

Page 108, line 20, after the period insert the following: "The financial assistance provided under this paragraph (2) with respect to any public housing development may not exceed $100,000.".

Page 108, line 21, strike "(3)" and insert "(4)".

Page 109, line 6, strike "(4)" and insert "(5)".

Page 109, line 10, strike "(5)" and insert "(6)".

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 40: Page 153, after line 10, insert the following:

(3) INCOME SKIPPING.—Notwithstanding any preferences established under this subsection, in selecting families to be offered assistance, the local housing and management authority shall not skip over any family already on the waiting list to select any family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 41: Page 156, after line 24, insert the following new subsection:

(i) INCOME MIX.—Of the families offered assistance by a local housing and management authority after the date of enactment of this Act, not less than 75 percent shall be offered to low-income families whose incomes do not exceed 30 percent of the area median income. Notwithstanding any preferences established under subsection (c), in selecting low-income families whose incomes do not exceed 30 percent of the area median income, the authority shall not skip over any family on the waiting list who meets such income requirement to select another family who has a higher income.

H.R. 2406

OFFERED BY: MS. WATERS

AMENDMENT NO. 42: At the end of title V, insert the following new section:

SEC. 504. LIMITATION ON EXTENT OF USE OF LOAN GUARANTEES FOR HOUSING PURPOSES.

Section 108 of the Housing and Community Development Act of 1992 (42 U.S.C. 5308) is amended by inserting after subsection (h) the following new section:

"(i) LIMITATION ON USE.—Of any amounts obtained from notes or other obligations issued by an eligible public entity or public agency designated by an eligible public entity and guaranteed under this section pursuant to an application for a guarantee submitted after the date of the enactment of the Housing and Community Development Act of 1992, the aggregate amount used for the purposes described in clauses (2) and (4) of subsection (a), and for other housing activities under the purposes described in clauses (1) and (3) of subsection (a), may not exceed 10 percent of such amounts obtained by the eligible public entity or agency.".

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 43: Page 5, strike line 20 and all that follows through page 6, line 2, and insert the following new paragraphs:

(2) it is a goal of our Nation that all citizens have decent and affordable housing;

(3) our Nation should promote the goal of providing decent and affordable housing for all citizens through the efforts and encouragement of Federal, State, and local governments and by promoting and protecting the independent and collective actions of private citizens, organizations, and the private sector to develop housing and strengthen their own neighborhoods;

Page 6, line 3, strike "(3)" and insert "(4)".

Page 6, line 3, strike "should act only" and insert "has a responsibility to act".

Page 6, line 6, strike "(4)" and insert "(5)".

H.R. 2406

OFFERED BY: MR. WATT OF NORTH CAROLINA

AMENDMENT NO. 44: Page 34, line 9, after "determines that the plan" insert "does not comply with Federal law or".

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 1: At the end of title II, insert the following:

SEC. 202. STATES REQUIRED TO HAVE STANDBY GUARDIANSHIP LAW AS A CONDITION OF ELIGIBILITY FOR FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. STANDBY GUARDIANSHIP LAWS AND PROCEDURES.

"To be eligible for payments under this part, a State must have in effect laws and procedures that permit any parent who is chronically ill or near death, without surrendering parental rights, to designate a standby guardian for the parent's minor children, whose authority would take effect upon—

"(1) the death of the parent;

"(2) the mental incapacity of the parent; or

"(3) the physical debilitation and consent of the parent.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect at the end of the first calendar quarter that begins 60 or more months after the date of the enactment of this Act, and shall apply to payments under part E of title IV of the Social Security Act for the quarter and payments made under such part for any succeeding quarter.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 2: At the end of title II, insert the following:

SEC. 202. PLACEMENT OF FOSTER CHILDREN IN PERMANENT KINSHIP CARE ARRANGEMENTS.

(a) STATE OPTION TO DEEM KINSHIP PLACEMENT AS ADOPTION.—Section 473(a) of the Social Security Act (42 U.S.C. 673(a)) is amended by adding at the end the following:

"(7) If a State places a child (who has been in foster care under the supervision of the State) with a blood relative of the child or of a half-sibling of the child, and transfers legal custody of the child to the relative, pursuant to a written agreement, entered into between the State and the relative, that contains provisions of the type described in section 475(3), then, at the option of the State, for purposes of this part—

"(A) the placement is deemed an adoption;

"(B) the initiation of the proceeding to so place the child is deemed an adoption proceeding;

"(C) the relative is deemed the adoptive parent of the child;

"(D) the agreement is deemed an adoption assistance agreement;

"(E) the payments made under the agreement are deemed to be adoption assistance payments; and

"(F) any reasonable and necessary court costs, attorneys fees, and other expenses which are directly related to the placement or the transfer of legal custody and are not in violation of State or Federal law are deemed nonrecurring adoption expenses.".

(b) CONSIDERATING OF KINSHIP PLACEMENT OPTION AT DISPOSITIONAL HEARING.—Section 475(5)(C) of such Act (42 U.S.C. 675(5)(c)) is amended by inserting "should be placed with a relative of the child as provided in section 473(a)(7)," before "should be placed for adoption".

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 3: At the end of title II, insert the following:

SEC. 202. FEDERAL FUNDS FOR FOSTER CARE AND ADOPTION ASSISTANCE AVAILABLE ONLY TO STATES THAT REQUIRE STATE AGENCIES, IN CONSIDERING APPLICATIONS TO ADOPT CERTAIN FOSTER CHILDREN, TO GIVE PREFERENCE TO APPLICATIONS OF A FOSTER PARENT OR CARETAKER RELATIVE OF THE CHILD.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

"(e) Notwithstanding any other provision of this section, the Secretary may not make any payment to a State under this section, for any calendar quarter ending after the 5-year period that begins with the date of the enactment of this subsection, unless the State has in effect laws and procedures requiring a State agency to complete the processing of an application to adopt a child who is in foster care under the responsibility of State that has been submitted by a foster parent or caretaker relative of the child, before completing the processing of any other application to adopt the child if—

"(1) a court has approved a permanent plan for adoption of the child, or the child has been freed for adoption; and

"(2) the agency with authority to place the child for adoption determines that—

"(A) the child has substantial emotional ties to the foster parent or caretaker relative, as the case may be; and

"(B) removal of the child from the foster parent or caretaker relative, as the case may be, would be seriously detrimental to the well-being of the child.".

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 4. At the end of title II, insert the following:

SEC. 202. PROCEDURES TO EXPEDITE THE PERMANENT PLACEMENT OF FOSTER CHILDREN.

(a) IN GENERAL.—Section 474 of the Social Security Act (42 U.S.C. 674), as amended by sections 201(b) and 202 of this Act, is amended by adding at the end the following:

"(f) The Secretary may not make a payment to a State for a calendar quarter under subsection (a) unless the State has in effect procedures requiring the State agency, at the time a child is removed from home and placed in foster care under the supervision of the State, to locate any parent of the child who is not living at the home, and evaluate the ability of the parent to provide a suitable home for the child."

(b) APPLICABILITY.—The amendment made by subsection (a) of this section shall not apply with respect to any child who, on the date of the enactment of this Act, is in foster care under the supervision of a State (as defined in section 1101(a)(1) of the Social Security Act for purposes of title IV of such Act).

SEC. 203. EFFECTIVE DATE.

The amendment made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MRS. MALONEY

AMENDMENT NO. 5: At the end of title II, insert the following:

SEC. 202. REQUIREMENT THAT STATES ADMINISTER QUALIFYING EXAMINATIONS TO ALL STATE EMPLOYEES WITH NEW AUTHORITY TO MAKE DECISIONS REGARDING CHILD WELFARE SERVICES.

Section 474 of the Social Security Act (42 U.S.C. 674), as amended by section 201(b) of this Act, is amended by adding at the end the following:

"(e) the Secretary may not make a payment to a State under subsection (a) for any calendar quarter beginning after the 18-month period that begins with the date of the enactment of this subsection, unless the State has in effect procedures to ensure that, before the State provides to a prospective child welfare decisionmaker the authority to make decisions regarding child welfare services, the individual must take and pass an examination, administered by the State, that tests knowledge of such subjects as child development, family dynamics, dysfunctional behavior, substance abuse, child abuse, and community advocacy. as used in the preceding sentence, the term 'prospective child welfare decisionmaker' means an individual who, on the date of the enactment of this subsection, does not have any authority to make a decision regarding child welfare services."

SEC. 203. EFFECTIVE DATE.

The amendments made by section 202 of this Act shall apply to payments under part E of title IV of the Social Security Act for quarters beginning after the date of the enactment of this Act.

H.R. 3286

OFFERED BY: MR. YOUNG OF ALASKA

AMENDMENT NO. 6: Strike Title III.

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 1: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) AMENDMENTS.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by striking "60-day" in subsection (c)(2) and inserting in lieu thereof "30-day";

(B) by amending subsection (b)(6) to read as follows:

"(6) any recommendations of the Committee submitted under section 707(c) that evaluate the certification.";

(C) by amending subsection (d) to read as follows:

"(d) FINAL DECISION.—If the Secretary decides to close, consolidate, automate, or relocate any such field office, the Secretary shall publish the certification in the Federal Register and submit the certification to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives."; and

(D) by amending subsection (f) to read as follows:

"(f) PUBLIC LIAISON.—The Secretary shall maintain for a period of at least two years after the closure of any weather office a program to—

"(1) provide timely information regarding the activities of the National Weather Service which may affect service to the community, including modernization and restructuring; and

"(2) work with area weather service users, including persons associated with general aviation, civil defense, emergency preparedness, and the news media, with respect to the provision of timely weather warnings and forecasts."; and

(2) by amending section 707(c) to read as follows:

"(c) DUTIES.—The Committee may review any certification under section 706, for which the Secretary has provided a notice of intent to certify, in the plan, including any certification for which there is a significant potential for degradation of service within the affected areas. Upon the request of the Committee, the Secretary shall make available to the Committee the supporting documents developed by the Secretary in connection with the certification. The Committee shall evaluate any certification reviewed on the basis of the modernization criteria and with respect to the requirement that there be no degradation of service, and advise the Secretary accordingly.".

H.R. 3322

OFFERED BY: MR. CRAMER

AMENDMENT NO. 2: Page 87, lines 1 through 21, amend subsection (g) to read as follows:

(g) WEATHER SERVICE MODERNIZATION.—The Weather Service Modernization Act (15 U.S.C. 313 note) is amended—

(1) in section 706—

(A) by amending subsection (b) to read as follows:

"(b) CERTIFICATION.—The Secretary may not close, consolidate, automate, or relocate any field office unless the Secretary has certified to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives that such action will not result in degradation of services to the affected area. Such certification shall be in accordance with the modernization criteria established under section 704.";

(B) by striking subsections (c), (d), and (e);

(C) by redesignating subsection (f) as subsection (d); and

(D) by inserting after subsection (b) the following new subsection:

"(c) SPECIAL CIRCUMSTANCES.—The Secretary may not close or relocate any field office which is located at an airport, unless the Secretary, in consultation with the Secretary of Transportation and the Committee, first conducts an air safety appraisal, determines that such action will not result in degradation of service and affects aircraft safety, and includes such determination in the certification required under subsection (b). This air safety appraisal shall be issued jointly by the Department of Commerce and the Department of Transportation before September 30, 1996, and shall be based on a coordinated review of all the airports in the United States subject to the certification requirements of subsection (b). The appraisal shall—

"(1) consider the weather information required to safely conduct aircraft operations and the extent to which such information is currently derived through manual observations provided by the National Weather Service and the Federal Aviation Administration, and automated observations provided from other sources including the Automated Weather Observation Service (AWOS), the Automated Surface Observing System (ASOS), and the Geostationary Operational Environmental Satellite (GOES); and

"(2) determine whether the service provided by ASOS, and ASOS augmented when necessary by human observation, provides the necessary level of service consistent with the service standards encompassed in the criteria for automation of the field offices."; and

(2) in section 707—

(A) by amending subsection (c) to read as follows:

"(c) DUTIES.—The Committee shall advise the Congress and the Secretary on—

"(1) the implementation of the Strategic Plan, annual development of the Plan, and establishment and implementation of modernization criteria; and

"(2) matters of public safety and the provision of weather services which relate to the comprehensive modernization of the National Weather Service."; and

(B) by amending subsection (f) to read as follows:

"(f) TERMINATION.—The Committee shall terminate—

"(1) on September 30, 1996; or

"(2) 90 days after the deadline for public comment on the modernization criteria for closure certification published in the Federal Register pursuant to section 704(b)(2),

whichever occurs later.".

H.R. 3322

OFFERED BY: MR. GEKAS

AMENDMENT NO. 3: Page 87, after line 21, insert the following new subsection:

(h) REPORT.—Section 704 of the Weather Service Modernization Act (15 U.S.C. 313 note) is amended by adding at the end the following new subsection:

"(c) REPORT.—The National Weather Service shall conduct a review of the NEXRAD Network radar coverage pattern for a determination of areas of inadequate radar coverage. After conducting such review, the National Weather Service shall prepare and submit to the Congress, no later than 1 year after the date of the enactment of the Omnibus Civilian Science Authorization Act of 1996, a report which—

"(1) assesses the feasibility of existing and future Federal Aviation Administration Terminal Doppler Weather Radars to provide reliable weather radar data, in a cost-efficient manner, to nearby weather forecast offices; and

"(2) makes recommendations for the implementation of the findings of the report.".

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 4: Page 30, after line 13, insert the following new section:

SEC. 218. EARTH OBSERVING SYSTEM IMPLEMENTATION.

(a) FINDING.—The Congress finds that the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth validated the scientific requests and priorities of the Mission to Planet Earth program.

(b) IMPLEMENTATION.—Notwithstanding any other provision of this Act, the National Aeronautics and Space Administration should implement the recommendations of the National Research Council's 1995 review of the Earth Observing System and Mission to Planet Earth, including the recommendations that "NASA should implement most of the near-term components of the MTPE/EOS, including Landsat 7, AM-1, PM-1, and the Tropical Rainfall Measuring Mission (TRMM), without delay or reduction in overall observing capability", and that "Chemistry-1 mission should not be delayed".

Amend the table of contents accordingly.

H.R. 3322

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 5: Page 118, line 16, strike paragraph (1).

Page 118, line 17, through page 119, line 12, redesignate paragraphs (2) through (11) as paragraphs (1) through (10), respectively.

H.R. 3322

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 6: Page 118, line 18, strike paragraph (3).

Page 118, line 19, through page 119, line 12, redesignate paragraphs (4) through (11) as paragraphs (3) through (10), respectively.

H.R. 3322

OFFERED BY: MR. THORNBERRY

AMENDMENT NO. 7: Page 87, after line 21, insert the following new subsection:

(h) NEXRAD OPERATIONAL AVAILABILITY AND RELIABILITY.—(1) The Secretary of Defense, in conjunction with the Administrator of the National Oceanic and Atmospheric Administration, shall take immediate steps to ensure that NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range function as fully committed, reliable elements of the national weather radar network, operating with the same standards, quality, and availability as the National Weather Service-operated NEXRADs.

(2) NEXRADs operated by the Department of Defense that provide primary detection coverage over a portion of their range are to be considered as integral parts of the National Weather Radar Network.

EXTENSIONS OF REMARKS

IN MEMORY OF MR. JAMES DEVIVO

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to remember my dear friend, Mr. James DeVivo, who passed away unexpectedly early this morning. Jim was a special person who had an unwavering commitment to his hometown of Willimantic, CT. Jim will be sorely missed by everyone in the community and many others across Connecticut.

Jim DeVivo was born in Norwich on May 28, 1937 and lived in Willimantic all his life. He attended local schools, operated a business in town, and played an important role in every facet of the community. Jim expanded a small family-run waste disposal business into a major recycling center serving customers across my State. He provided invaluable employment opportunities to people in a town that has been struggling to overcome the demise of the textile industry which fueled its economy for 150 years. Jim served as a member of the Board of Education and maintained a strong commitment to education throughout his life. He also had a deep commitment to his faith. On January 7, 1996, Jim and his wife, Mary Lou, were ordained lay ministers during a ceremony at St. Patrick's Cathedral in Norwich.

Jim was an eternal optimist who believed anything was possible with hard work and a little luck. Over the past few months, he was consumed with his latest project. He had purchased an old post office in downtown Willimantic and was in the process of rehabilitating it. He planned to turn it into a museum and coffee shop. Jim had a special talent for accomplishing what others deemed impossible.

I have many fond memories of Jim. Most center on our times together in Connecticut. He also came to visit me in Washington on several occasions, most recently, last summer for the dedication of the Korean War Memorial. On one visit, I took him and another friend—Ralph Fargo—to the White House. Following our tour, I got separated from Jim and Ralph. After searching for several minutes, I found them behind the mansion inspecting its trash removal system under the watchful eye of Secret Service cameras. Regardless of where he was, Jim was constantly looking for innovative ways to improve his business. If the President had a good recycling system, Jim wanted to know about it.

My heart goes out to Jim's family—his wife Mary Lou, and children, Tom, Tim, John, Bridget, and Gina. Jim cared about his family more than anything else in the world. He strengthened his business and worked on behalf of the community to guarantee a better future for those he loved most. A few years ago, the third generation of the DeVivo family took over the family business as Jim turned over the reins to his sons.

Mr. Speaker, Jim DeVivo was a very rare man. Countless Americans are good businessmen and millions more are good fathers. Jim was both. While many people espouse lofty principles about how we should lead our lives, they often fail to practice what they preach. Jim followed those principles each and every day. Jim was a charitable man who supported the largest organizations, but never forgot an individual who might have fallen on hard times. When someone needed a job, Jim always found one.

I would like to share one more story which demonstrates just how extraordinary Jim was. He hired many Spanish-speaking residents to work in his facility. Unlike so many other employers, he genuinely cared about each and every employee. Jim wanted them to be able to become successful members of society. He recognized this goal would be aided if they improved their fluency in English. As a result, Jim provided language instruction to his employees right at his plant. He wasn't required to do this and it didn't make his business any more profitable. He did it because he knew it was the right thing to do. He did it because he truly believed America was the land of opportunity where everyone can succeed with a little help.

In political life, we have more acquaintances than friends. I am proud to say Jim DeVivo has been my friend for two decades. I will miss Jim very much. He had the qualities which have made America great—dedication to family, community, and faith, commitment to hard work and limitless optimism about the future. Jim made life better for generations of residents of Willimantic. He will be sorely missed by all of us who loved him.

VICE PRESIDENT GORE'S REMARKS AT THE CONGRESSIONAL GOLD MEDAL OF HONOR PRESENTATION TO DR. BILLY GRAHAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LANTOS. Mr. Speaker, last week, the Reverend Dr. Billy Graham and his wife Ruth were awarded the Congressional Gold Medal of Honor here in the Capitol Rotunda. I was delighted to be in attendance at this wonderful and historic event, honoring an extraordinary man who has been of invaluable counsel and a great inspiration to Americans from the White House to the halls of Congress, from Main Street to Wall Street.

At this occasion, remarkable in its universal attendance among Democrats and Republicans, Christians and members of other faiths, world leaders and ordinary families, Vice President AL GORE's remarks were particularly striking in their poignant description of what the Reverend Billy Graham has contributed with his ministry around the world. Vice President GORE, in his short remarks, sums up the warmth and wisdom that Reverend Graham has to impart upon those fortunate enough to have known him. I invite my colleagues to join me in congratulating Reverend Graham and to read Vice President GORE's heartfelt remarks.

CONGRESSIONAL GOLD MEDAL OF HONOR PRESENTATION TO DR. BILLY GRAHAM

(By Vice President Al Gore)

Dr. and Mrs. Graham, Mr. Speaker, Senator Dole, members of the House and Senate gathered here, members of the Graham family, friends of Dr. and Mrs. Graham, spiritual leaders of all faiths from across our nation who are attending this event, and ladies and gentlemen.

This afternoon we pause from the business of Congress to honor a servant of God. Billy Graham and Ruth Graham have been friends to me and my family for many years. I, too, had the pleasure, Senator Dole, of visiting with Dr. and Mrs. Graham at that beautiful mountaintop log cabin at Montreat. We've had an occasion to visit many times, and it has always been a blessing for me and for my family.

You have touched the hearts of the American family. Over the last half century, few individuals have left such a lasting imprint on our national life.

Every American president since World War II has sought Billy Graham's counsel. Republicans and Democrats alike have relied on his moral sense and used his wisdom as a compass to help guide the ship of state.

From his first discussion with President Truman in 1948, to his tea with President Clinton just yesterday, Billy Graham has been a welcome presence in the White House. He has also met with leaders of other nations around the world.

Sometimes his visits have been controversial. Senator Dole mentioned a couple of those visits. I remember, as some of you do, the wonderful statement made by Senator Sam Nunn, who is here, at the national prayer breakfast this year, when he talked about a controversial trip Dr. Graham made to the Soviet Union. And when he returned, he was bitterly criticized in a newspaper column in which it was written that he had set back the cause of Christianity by 50 years. To which Dr. Graham responded, I'm so ashamed. I was trying to set it back 2,000 years.

But although he moves easily among presidents, and kings and heads of state, I've always sensed that Billy and Ruth Graham are most at home with ordinary mothers and fathers; and families throughout this nation admire them greatly.

This man, who once dreamed of swinging a bat in baseball's major leagues has filled stadiums from New York in Nairobi, from Tulsa to Tokyo, preaching the Gospel and sounding the cry for human rights, enlightened race relations and the dignity of freedom. Yet, he

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

remains humble, even with this power to muster great throngs of people.

He once told an interviewer and I quote, "The great crowds are meaningless. The thing that counts is what happens in the hearts of men and women. What good my ministry has done I'll never know until I get to Heaven."

Well, Dr. Graham, most Americans would probably say, if any of us are judged worthy by our maker, you and Ruth are going to make the grade. Hundreds of millions of us around the world know in our hearts that you have lifted our lives. You've done enormous good. You have blessed us.

In presenting this Gold Medal of Honor and recognizing you and Mrs. Graham, the United States of America makes a powerful statement about what is truly important in our national life. You have touched that part of the American spirit that knows providence has a grander purpose for our nation.

There is a spiritual hunger in modern America.

It is a hunger all Americans feel although we may describe it in different ways. As our lives race faster amidst so much that is fleeting, we search for what endures.

In synagogues, churches, mosques and other places of worship, we celebrate faith and a power greater than ourselves. We pray for the grace of God and the courage to live our lives according to the wishes of the God of whom you have told us.

We honor the diversity of faiths in America. And within that commitment to diversity and in that spirit, please allow me to add a personal note as a Christian. I have appreciated the poetry and power that you have brought to the religious tradition that so many of us share with you. I've also admired how the force of your convictions has been fueled by the gentleness of your soul.

There was a controversial book written a few years ago in which the author attempted to survey all of the religious traditions and all of those who have attempted to bring the message of God. When asked what she had learned about preachers and others attempting to deliver the message of God, she said she had concluded as a result of her scholarship that if a preacher is angry and hurtful, he does not know God. But if he is kind and loving, perhaps he does know God.

In our tradition, Jesus teaches that God is love. There is a wonderful passage in Corinthians that is frequently used as part of a marriage ceremony, looking prospectively, which can also, I believe, be used as an assessment of what you have done and are doing in your role as a minister.

Love is patient. Love is kind. It does not envy. It does not boast. It is not proud. It is not rude. It is not self-seeking. It is not easily angered. It keeps no record of wrongs. Love does not delight in evil but rejoices with the truth.

Dr. Graham, you and Ruth have been patient and kind. You have not envied nor boasted. You have not been proud. You have not been rude nor self-seeking nor easily angered. You've kept no record of wrongs. You've not delighted in evil. You have rejoiced with the truth.

So today, let us rejoice with the truth that these two extraordinary people have brought to our lives. For reminding us of faith's gentleness and endurance, we honor Billy Graham and his partner Ruth Graham. We trumpet their achievements. We celebrate their commitment. And we formally thank them, this man and this woman, who have served this nation by serving God.

READING BETWEEN THE LINES: AMA EXPLAINS CAPITATION TO MEMBERS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, the rush is on to push all Americans—except the wealthy who can afford medical savings accounts—into managed care and capitated plans.

What is capitation? The American Medical Association recently published a booklet entitled "Capitation: The Physicians Guide." It is designed to help doctors understand capitation, how to negotiate a managed care contract, and survive in this new world of managed care.

It is artfully worded, but reading between the lines is pretty easy. The following are quotes from the booklet:

> To be successful under capitation, you also have to change the way you practice medicine. . . . When patients use fewer services than anticipated in setting the Per Member, Per Month (PMPM) payment, you get to retain unspent funds.
>
> Many capitation agreements also offer physicians the opportunity to participate in risk pools, another opportunity for financial gain. . . . thus risk pools provide physicians with an opportunity to benefit financially from reduced utilization of non-physician services.
>
> Capitation forces you to broaden your focus from considering the health care needs of the individual patient to considering the health care needs of the group.
>
> Capitation offers a strong financial incentive to provide cost-effective care to all patients. Under fee-for-service, providing more services translates into higher practice revenue and thus higher income. But under capitation, providing more services adds only to your costs. Improvements you can make in your practice style that reduce utilization and increase cost effectiveness increase your profitability.
>
> When primary care physicians accept capitation and are subject to risk pools, they have an incentive to reduce all types of utilization, including the use of specialists. . . . Generally, primary care physicians reduce referrals by about one-fourth when they are at risk for referred services.

Mr. Speaker, the fee-for-service system where a doctor can make more by endlessly doing more is outdated and bankrupting us. It has to be changed. But be careful—managed care and capitation can kill you. Do you really want your doctor worrying more about his group than you, when you get sick? As a society, as a government we do not yet have good measures of how to judge quality, of how to know when someone is undertreating and underreferring patients. Managed care is happening very quickly, and we should not be further speeding up the movement into managed care until we have adequate consumer protections and quality measures in place.

TRIBUTE TO JUSTICE FLORENCE KERINS MURRAY

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. REED. Mr. Speaker, I rise today to acknowledge an outstanding Rhode Islander, Justice Florence Kerins Murray, who is celebrating the 40th anniversary of her appointment to the bench.

Justice Murray was educated in the Newport, RI public school system and graduated from Syracuse University with a bachelor of arts degree. Following a brief teaching career at the Prudence Island School, she attained her L.L.B. from Boston University Law School and was admitted to the Massachusetts Bar.

During World War II, Justice Murray enlisted in the Women's Army Corps and was commissioned as a second lieutenant in 1942. She served in various capacities and left the corps as a lieutenant colonel, but was later recalled for a special duty assignment in 1947.

Justice Murray returned to Rhode Island to practice law and raise a son with her beloved late husband, Paul. In 1948, she began her career in public service, serving with distinction on the Newport School Committee and in the Rhode Island State Senate concurrently until 1956. During this time, she displayed keen understanding of government policy and the legislative process and specialized in issues involving the welfare of children and the needs of the elderly. She served as master in the superior court and as chair of a special commission that led to the establishment in Rhode Island of the Nation's first family court.

In 1956, Gov. Dennis J. Roberts appointed Florence Murray as an associate judge of the Rhode Island Superior Court, the first women justice in the history of our State. Twenty-two years later, she was named the first female presiding justice of that court, and in 1979, she was elected to her present position on the Rhode Island Supreme Court, one of the first women to serve on a State supreme court.

The career of Justice Murray is an exemplary one, and she is renowned throughout the country as an outstanding jurist. She is a recipient of nine honorary doctorates and of the coveted Herbert Harley Award from the American Judicature Society.

She is respected for her leadership, personal integrity, love of the law, sense of justice, and for her unselfish contribution to the welfare of the community. She has been a champion of professionalism in the courts and an inspiration to furthering the careers of women in the field of the law. Her intelligence, reason, compassion, and sense of fairness have been an enduring presence in the Rhode Island court system.

Mr. Speaker, I ask that my colleagues join me in honoring Justice Murray. She is a remarkable woman of impeccable character and reputation who honors all of us with her service. I urge you to recognize Justice Murray for her significant contribution to our legal system. This milestone is significant, and I am delighted to join in this most fitting tribute.

HONORING CONNIE CLANCY FOR 35 YEARS' SERVICE TO SOUTH HADLEY PUBLIC LIBRARY

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. OLVER. Mr. Speaker, I rise today to honor one of western Massachusetts most dedicated public servants, Connie Clancy, who is retiring after 35 years of service to the South Hadley Public Library. Connie Clancy's dedication and commitment to her community should serve as an inspirational example to us all.

Connie started with the South Hadley Public Library in 1961 and worked her way up to director of the entire library system by 1969. In addition to her job, Connie was an active advocate for libraries and education. She started the Literacy Volunteers of America affiliate in South Hadley, is a past president of the Massachusetts Library Association, and served as a delegate to the 1991 White House Conference on Libraries and Information Services.

While an accomplished professional, Connie has also been extremely active in community organizations, serving, at various times, as a president of A Better Chance for Education, chair of Saint Patrick's Parish Council, and president of the South Hadley Women's Club. In recognition of her service she has been awarded the Jaycees Distinguished Service Award, the Lions Club Citizen of the Year Award, and the Joseph W. Long Citizenship Award. And these are just a few highlights of the recognition of Connie's distinguished service to the Pioneer Valley.

Mr. Speaker, I hope you will join me in wishing Connie Clancy well as she reflects on and celebrates 35 years with the South Hadley Public Library, as well as wishing her continued success and happiness in the years to come.

TRIBUTE TO QUEENS BOROUGH PUBLIC LIBRARY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. MANTON. Mr. Speaker, I rise today to recognize a very special organization as it celebrates 100 years of service to the residents of my district in the Queens Borough of New York City: The Queens Borough Public Library. In keeping with the library's centennial theme, "Lighting the Way," a year-long array of events commemorating this historic occasion is now underway at the Central Library in Jamaica, Queens, and at each of the library's 63 branches located throughout the borough.

The official celebration began on March 19, with Charter Day programs presented throughout the Queens Library system. Charter Day is the anniversary of the signing of the Queens Library charter in 1896 by New York State Librarian Melvil Dewey, the architect of the familiar "Dewey Decimal System."

Mr. Speaker, the Queens Library provides a tremendous service to the 2 million residents of Queens, virtually all of whom live within walking distance of a library branch. It provides more than 18,000 cultural, educational, informational and social programs for Queens' residents. These include access to computerized data bases of social services and job listings, vocational counseling, classes in everything from coping skills to parenting, and accultruation for new immigrants in dozens of the languages spoken in Queens. After-school latchkey programs assist 35,000 Queens children each year to develop good homework habits and learn how to use a library. The library's literacy programs reach thousands more.

Interwoven with all these are the library's technology programs, putting the power of information technology in the hands of people who would otherwise be denied access on economic grounds. According to the department of Commerce, less than 8 percent of central city homes in the northeast have computers with modems.

Mr. Speaker, with all these services, the Queens Library also holds a very prestigious place among U.S. public libraries: It has the largest circulation of any library in our Nation, and the highest per capita use of New york City's three library systems.

The Queens Library has favorable ratings that most of us in the political community envy. User surveys reveal that almost 90 percent of borough residents have a favorable opinion of the library and what it does for them. More than 60 percent of Queens children visit a Queens Library facility each year. Over 175,000 borough residents turned out for centennial events last month.

Mr. Speaker, the Queens Library is a very special part of Queens as it touches more people than any other Queens service institution. I know my colleagues join me in paying tribute to the Queens Library today by wishing it a most sincere Happy Birthday and many more to come.

TRIBUTE TO RECIPIENTS OF THE HONOR IMMIGRANT AMERICANS DAY AWARDS

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. DAVIS. Mr. Speaker, I rise today to pay tribute to 11 remarkable individuals from the 11th District of Virginia who were honored at the Honor Immigrant Americans Day Awards Banquet on May 4, 1996 in Rosslyn, VA. The banquet, hosted by the Northern Virgina Chapter of the Organization of Chinese Americans [OCA], recognized the enormous contributions which these first generation immigrants have made to our community.

The OCA bestowed the Corporate Award on five of the honorees. These persons received the award for their outstanding achievements in both the work place and in their communities.

Ms. Ruth K. Barham, who works for the Signet Banking Corp., was born in Kobe, Japan. She moved to the United States with her husband in 1969. Ms. Barham joined Signet Banking in 1988 and is currently an administrative assistant in the personal trust division of the Washington metro region.

Ms. ATI Suradja-Shuey, who also works for the Signet Banking Corp. is a native of Indonesia. She came to the United States in 1950, when her father was posted in the Embassy of Indonesia. Ms. Suradja-Shuey joined Signet Banking in 1985 and now acts as an administrative assistant for the private banking division for the metro Washington region.

Mr. Ebrahim (Abe) Bibizadeh came to the United States in 1976 on a scholarship from his native country of Iran. Although the scholarship was discontinued after 3 years, he worked a number of odd jobs until he was able to earn his bachelor of science degree from the Virginia Military Institute. After his graduation, Mr. Bibizadeh began working for Virginia Power as an associate engineer/service representative where he is still an employee. He has also served as a coordinator of the United Way Campaign in Springfield VA, as a member of the Springfield Safety Committee, and is an active member of the Virginia Power's Speakers Bureau. In 1990, Mr. Bibizadeh realized a life-long dream when he started his own travel agency. Both he and his wife became naturalized U.S. citizens in 1995.

Mr. Hai NamLy immigrated to the United State from Vietnam in 1992. He began working with BTG as a warehouse receiving clerk. An outstanding employee who focuses on quality work, Mr. Ly was recently promoted to the position of netscape administrator for BTG technology systems where he is responsible for fulfilling orders for one of BTG's most important strategic partners.

Mr. Jose Diaz, who works for Walcoff and Associates, Inc., immigrated to the United States from Cuba and earned a bachelor of science degree from Georgetown University in 1992. His career at Walcoff is focused on immigrant outreach and assistance. Mr. Diaz recently enlisted in the U.S. Army Reserve in order to give something back to the United States for providing him with educational and career opportunities.

Six of the honorees received the At-Large Award for their outstanding life-long achievements in the community.

Dr. Jorge O. Arnoldson emigrated from Cuba and has practiced pediatric medicine in Fairfax County for over 20 years. He has been a strong supporter and participating member of the Medical Care for Children Partnership [MCCP], providing medical care to children of the working poor. Dr. Arnoldson is a hero to his patients and a genuine hero to the MCCP and his community.

Mr. Phan Nguyen Ngoc Hung is a refugee from Vietnam and is now a local young professional. As one who personally experienced the frustrations of living and working in a totally foreign society, Mr. Hung has undertaken initiatives to help recent immigrants assimilate into American society. He now acts as a "Big Brother" to many refugee youths.

Ms. Sarah K. Joaquin came to the United States from the Philippines in 1960 and has influenced many men and women who have pursued careers in drama, broadcasting, writing, and the arts. She has been a teacher, author and a theatrical producer. Ms. Joaquin has staged plays and special events for the Philippine Embassy and co-authored "Bayan Ko, Bumangon Ka," a musical play presented at the Kennedy Center.

Ms. Air Paukkunen Oulette was born in Finland and registered to vote the day she became an American citizen. Ms. Roulette has been a lifelong volunteer and is a political activist who has made a difference in people's lives and the community she serves. She has worked on numerous political campaigns in Virginia and sits on the State Central Committee of the Democratic Party. Ms. Roulette also represents Providence District on the Community Action Advisory Board of Fairfax County, which advocates the needs of the working poor.

Mr. Michael M. Shen immigrated to the United States from China in 1953. He graduated from Columbia University and attended the Stevens Institute of Technology before joining the Department of Navy in 1963. He received the Civil Service Meritorious Award in 1986 upon his retirement from the Navy after 23 years. Mr. Shen started his own marine engineering consulting firm and in 1990, was awarded a patent for an invention for sealift ships. He is also an active volunteer adult leader in the Boy Scouts of America and received the Silver Beaver Award, the highest and most distinguished award for a volunteer adult leader.

Mr. Hsin (Sam) P. Wong came to the United States from China in 1948. He earned a bachelor's degree from George Washington University and a master of science degree in Electrical Engineering from Brooklyn Polytechnical Institute. Mr. Wong received the prestigious Meritorious Service Award upon his retirement from the Navy after a distinguished civilian career that spanned 31 years. He was one of the founders and developers of the Wah Luck House, a residential apartment complex for the elderly.

Since her founding, our Nation has achieved many successes through the great achievements of the many diverse groups of people who bring their unique cultures and strengths to our shores. I am proud to represent these exceptional individuals who remind us that although we may come from different countries and ends of the earth, we all share a pride in being Americans.

Mr. Speaker, I know my colleagues will want to join me in congratulating these 11 immigrant Americans who have contributed in so many ways to the strengthening of our community.

CARMEN OLAVARRIETA RECEIVES UNICEF VOLUNTEER DISTINGUISHED SERVICE AWARD

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Ms. ILEANA ROS-LEHTINEN. Mr. Speaker, I would like to take this opportunity to congratulate a lady much distinguished for her humanitarian efforts and desire to help others in need, Carmen Olavarrieta. Carmen has been recently recognized by UNICEF and has been selected to receive the Volunteer Distinguished Service Award in 1995–96 for all of her exemplary work and dedication at this world-renowned organization.

Since immigrating to the United States in 1961, Carmen has used her linguistic and teaching talents in order to teach students and even to co-author "Hablemos Espanol," a publication used to teach Spanish to foreign students studying at the University of Madrid and Barcelona.

In addition to serving as a volunteer at UNICEF, Carmen has also given her services to the League Against Cancer, the American Red Cross, the American Heart Association [Latin Division], and the Colombian Emergency Fund, a radio telemarathon to help the children during the volcanic eruption in Armero, Colombia.

Carmen is a very caring person, dedicated not only to her family, but also to those who are less fortunate. She is a fine example of what "love thy neighbor" is all about.

INTRODUCTION OF THE LOW-LEVEL RADIOACTIVE WASTE FEDERAL RESPONSIBILITY ACT OF 1996

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LEWIS of California. Mr. Speaker, I rise today to introduce the Low-Level Radioactive Waste [LLRW] Federal Responsibility Act of 1996.

This legislation would effectively repeal the 1980 Low-level Radioactive Waste Act which requires States to enter in compacts to dispose of LLRW. That legislation, which was endorsed by President Clinton during his tenure as Governor of Arkansas, and Interior Secretary Babbitt during his tenure as Governor of Arizona, has failed to produce solutions to one of the most pressing environmental needs facing our country today, the safe, permanent storage of low-level radioactive waste.

There is no greater illustration of the failure of this statute than the 10-year effort to locate a storage site at Ward Valley, CA. While the Southwestern Disposal Compact, the National Academy of Science, State officials, and other notable scientific and medical authorities, have given the green light to transferring the Federal site to the State of California, the Clinton administration and California's junior Senator have sought to delay the land transfer out of political, rather than safety considerations. They have chosen emotional political demagoguery over sound science.

The pressure to delay the construction of the Ward Valley site arises not from the most noted experts in the field of LLRW storage, but from a well-financed environmental lobby that has made Ward Valley a political symbol to demonstrate its control over the Clinton White House.

The University of California—which has nine campuses across the State—is one of the largest generators of low-level radioactive waste. These campuses produce a combined 22,065 cubic feet of waste material annually. The majority of this material is presently stored on or near each campus. The two largest producers of waste are located in the urban centers of Los Angels and San Francisco. Other waste producers, including hospitals and biotech companies, currently store their waste in temporary storage facilities throughout the State. Needless to say, these temporary sites do not meet the test of providing safe, long-term permanent storage. In fact, a fire came very close to igniting waste in a highly populated suburb of Los Angeles during the 1994 Northridge earthquake.

Let me make one point abundantly clear: California's junior Senator is placing in jeopardy the health and safety of the public she claims to care so much about. With the assistance of the Secretary of the Interior, she has orchestrated a campaign to delay the transfer of Federal land to the State. She has not proposed an alternative site. She ducks, weaves, bobs, and delays, but she does nothing to address this long-term problem that affects potentially every citizen in California. Rather than addressing solutions, she ignores the advice and counsel of those who know the subject best and actively pursues a political agenda for its own sake, attempting to frighten, distort, and confuse the public every step of the way.

Presently, in the State of California, there is a very real need to a find a permanent storage facility for low-level radioactive waste presently being stored in over 2,000 location across the state. We can wait no longer. In lieu of that, the only responsible action is to determine locations for safe, interim storage sites. And where will they be built, Senator? Los Angeles? San Francisco? What alternatives do you suggest to responsibly address this problem? I believe California would be better served by less political rhetoric and demagoguery and greater emphasis on commonsense, pragmatic solutions.

It is now painfully clear, based upon recent words and actions, that the Clinton administration, like California's junior Senator, believes that the Federal Government is best suited to act as caretaker of low-level radioactive waste. After a great deal of thought and series of discussions with noted experts, I have decided to grant the administration its wish. The Low-Level Radioactive Waste Federal Responsibility Act of 1996 provides the Secretary of the Interior—one of the strongest advocates of waste storage and leading opponents of the Ward Valley site—the authority and sole responsibility of disposing of low-level waste. It is time for the Clinton administration to demonstrate through actions and not empty political rhetoric that it cares more about public health and safety than financial promises made to its Presidential campaign by the most extreme environmentalist.

California is now close to realizing an environmental crisis that endangers the public health and safety of its citizens. In the 16 years since enactment of the Low-level Radioactive Waste Act, not one new compact facility has begun receiving waste. That approach, once favored by the President and the Secretary of the Interior, has failed. This legislation, which I am introducing today, grants the Secretary the sole responsibility to dispose of low-level radioactive waste. It is time for the

Secretary to act. It is time to quit the emotional demagoguery of California's junior Senator which does nothing more than further endanger the citizens of our State.

THE 50TH ANNIVERSARY OF GHENT VFW

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SOLOMON. Mr. Speaker, it is my pleasure to commemorate the golden anniversary of Veterans of Foreign Wars Post No. 5933. This post, I am proud to say, is based in Ghent, NY, in the heart of my congressional district, and is celebrating its 50th year of service. This post personifies the outstanding efforts of the entire nationwide membership to promote a strong national defense and to help veterans and their families. And that is one reason I was so pleased to be awarded the VFW National Commander's Congressional Award several years ago.

The VFW, Mr. Speaker, has been an organization of exceptional merit and service to the needs of many veterans. It is only appropriate that those brave men and women who placed themselves in harms way overseas be represented by such an able organization. The members of Post No. 5933 have been receiving just such outstanding service for 50 years now. It is comforting to know that those who served the needs of our country and fought for the principles and ideals of America all over the globe can depend on the support of an organization like Post 5933 back home in upstate New York.

Mr. Speaker, the service of Post 5933 in Ghent is worthy of significant recognition. This post, and others like it, are the reason I fought so hard to attain Department-level status for Veterans Affairs. When Ronald Reagan signed that legislation into law, veterans were finally afforded the degree of national consideration they deserve. The efforts of VFW posts like this one, Mr. Speaker, having served the needs of veterans since 1946, assured veterans the assistance and recognition they deserved prior to approval of this Government Department, and continue to encourage fair consideration of veterans' issues. For this, Mr. Speaker, we owe Post 5933 a tremendous debt of gratitude.

The famous historian George Santayana once said, "Those who do not remember history are bound to repeat it." VFW posts all across America have not forgotten the past or those men and women who made the ultimate sacrifice for our country. I ask all Members in the House to rise in tribute to VFW Post 5933 and join me in saluting all the members, past and present, on the occasion of their 50th anniversary.

FREDERIKI PAPPAS AND HER ART EXHIBIT CELEBRATING 175 YEARS OF GREEK INDEPENDENCE

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. BILIRAKIS. Mr. Speaker, it is a privilege for me to highlight an important event that is taking place this week in Washington. This event celebrates 175 years of friendship, diplomacy, and mutual respect for democracy that is the legacy of the United States and the Republic of Greece. The renowned Greek artist, Ms. Frederiki Pappas is previewing a remarkable collection of portraits of American and Greek leaders today in the Capitol. This exhibit is called: "A Celebration of Democracy: Commemorating 175 Years of Greek and American Democratic Tradition."

Ms. Pappas is a graduate of the Athens School of Fine Art and has exhibited in galleries around the world and has been commissioned by many private clients and public institutions. I have known her for many years and have come to admire her inexhaustible energy and vision in showcasing the history of courage and triumph of our two great nations.

I remind my colleagues that Americans participated in the independence movement in Greece during the last century, sacrificing their lives to ensure that the world's first democracy was again a democracy. From the days of our great leader and democratic visionary, Thomas Jefferson, to the present, Hellenes and Americans have worked and fought side-by-side for freedom and independence.

As a Greek-American, I am especially proud of this tradition and applaud the continued strength of our mutual diplomatic ties as exemplified by this week's visit by President Constantine Stephanopoulos. The Hellenic Republic remains a key ally and friend and I am especially pleased that Ms. Pappas' exhibit coincides with President Stephanopoulos' visit. Her work serves as a beautiful and appropriate reminder of this long and great friendship between our two democratic nations.

Thomas Jefferson, perhaps underscores the spirit of freedom and independence best in his letter to A. Korais, leader of the Provisional Government of Greece in 1823 in which he states:

> Possessing ourselves the combined blessings of liberty and order we wish the same to other countries, and to none more than yours, which the first of civilized nations, presented examples of what man should be.

Mr. Speaker, Ms. Pappas' work reminds us of the importance of tradition and mutual love of freedom. I urge all of my colleagues to see if firsthand and reflect upon the importance of celebrating democracy.

IN HONOR OF MAYOR KENSUKE FUKUSHIMA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, I rise today to welcome Mayor Kensuke Fukushima and his delegation from the city of Fukaya, Japan, to the city of Fremont, CA, in California's 13th Congressional District. Mayor Fukushima and his delegation are here to help celebrate the founding of the city of Fremont, Fukaya's sister city, over 40 years ago. I would also like to commend Mayor Fukushima for his dedication to the sister-city program.

The city of Fukaya and the city of Fremont have been sister cities for the past 16 years and the relationship has been a very important one. We have many successful programs with Fukaya, including the arts exchange, the symphony exchange, teacher and student exchanges, little league baseball, Boy Scouts, business exchange, family exchanges, and the city employee exchange. These exchanges have resulted in deep personal friendships and a greater understanding between our two cultures and communities.

We owe much of the success of the sister-city program to Mayor Kensuke Fukushima. He has been a driving force since the very beginning. He was the contact citizen between the city of Fremont and the city of Fukaya prior to the formal sister-city relationship and continued to be active in the program as he held various positions in his city government. Mayor Fukushima has been mayor of the city of Fukaya for the past 8 years and has continued to be a strong advocate for the program throughout his term.

Mr. Speaker, I ask that you and my colleagues join me in welcoming Mayor Fukushima and the Japanese delegation to the city of Fremont and in recognizing Mayor Fukushima for his extraordinary efforts in bringing our two cities and communities closer together.

CONGRATULATING BRYAN HIGH SCHOOL ON WINNING THE FED CHALLENGE 1996

HON. JACK FIELDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FIELDS of Texas. Mr. Speaker, at a time when the administration and Congress struggle to fashion a budget that will be in the long-term best interest of our Nation's economy, perhaps we should solicit advice from high school students—specifically, those high school students who participated in the Federal Reserve Board's Fed Challenge 1996 competition.

The Fed Challenge 1996 competition provides talented high school students an opportunity to research and analyze data on the Nation's economy, make educated assumptions about future economic trends, and then recommend to the Federal Reserve specific monetary policies that the students believe will help our Nation's economy and improve the well-being of the American people.

In am proud that a five-member team from Bryan High School in Bryan, TX, recently won the Fed Challenge 1996. Under the guidance of American history teacher Janyce Kinley and economics teacher Laura Wagner, five Bryan High School students wowed a panel of judges that include two Federal Reserve Bank presidents and a member of the Federal Reserve Board of Governors to win this very difficult competition. I have not doubt that those of us in the Congress could benefit from the insightful analysis of Bryan High School students Chris Dyer, Michael Schlabach, Brian Swick, Sarah Novak, and Sarah Stansy—as well as all the students who participated in the Fed Challenge 1996 contest in the 1st, 2nd, 5th and 11th Federal Reserve Districts.

Working closely with Timothy Hopper, an economist in the Houston office of the Dallas Federal Reserve, and Wayne Hast of the Dallas Federal Reserve, students at Bryan High School answered one basic question: "If you served on the Federal Open Market Committee, what monetary policy would you recommend?" In order to answer that question, the students at Bryan High School—and at each of the other high schools around the country who participated in the Challenge—described the current condition of our Nation's economy, made educated assumption about future economic trends, and summarized financial market conditions before making their recommendations. Following each presentation, the panel of judges asked followup questions of the students.

By all accounts, each of the four high school teams that made presentations in Washington greatly impressed the judges. One Federal Reserve official with whom I spoke described the Bryan High School team's presentation as breathtaking.

I've had the opportunity to question Federal Reserve Board Chairman Alan Greenspan on more than one occasion, and I'm a little disappointed that my comments and questions have never been characterized as breathtaking!

I want to commend the Federal Reserve Bank of New York, which, as a pilot program, sponsored a similar, but local, competition last year. And I want to commend the Federal Reserve System for expanding on this great idea that encourages young people to learn more about the Nation's economy and the impact of monetary policy on the American people. I also want to encourage more Federal Reserve Banks, and more high schools, to participate on this superb competition.

Most of all, I want to congratulate Chris Dyer, Michael Schlabach, Brian Swick, Sarah Novak, Sarah Stansy, Janyce Kinley, Laura Wagner, Timothy Hopper, and Wayne Hast—and all the other students and advisors who helped out in the Fed Challenge 1996—for the outstanding effort they made as a team on behalf of Bryan High School. They remind all of us of the importance of learning more about our economy, and they remind us that anything is possible through hard work, dedication and teamwork.

BILLY GRAHAM'S HOPE FOR AMERICA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. TAYLOR of North Carolina. Mr. Speaker, I rise today to praise the work and service of two very special people from western North Carolina, Ruth and Billy Graham, who last week received the Congressional Gold Medal.

Reverend Graham was extremely humble in acceptance of this honor but I believe our Nation will have no greater recipients this century than the Grahams. For more than 50 years, they have traveled the globe bringing the word of God to more people than anyone else in history. But their work was not done for the history books but for their love of God and his message of mercy and forgiveness. Based on that message, the Grahams have devoted their lives to address major problems facing our society such as racism, hunger, and homelessness. And still today, they continue their efforts to reverse the decline of our society's moral consciousness by stressing ethical and spiritual values.

In accepting our appreciation for their lifelong commitment "toward improvements in racial equality, morality, and philanthrophy," Reverend Graham told us that the message he has devoted his life to represents the cure to our Nation's ills. In his words "There is hope! Our lives can be changed, and our world can be changed."

Mr. Speaker, I would like to congratulate the Grahams for their lifes' work and ask that Reverend Graham's remarks in accepting the Congressional Gold Medal be inserted in the RECORD for all the world to know his message: "There is hope."

THE HOPE FOR AMERICA

Mr. Vice President; Speaker Newt Gingrich; Majority Leader Bob Dole; Senator Strom Thurmond; Members of the House of Representatives and the Senate; distinguished guests and friends. . .

Ruth and I are overwhelmed by the very kind words that have been spoken today, and especially by the high honor you have just bestowed on both of us. It will always be one of the high points of our lives, and we thank you from the bottom of our hearts for this unforgettable event. We are grateful for all of you in the Senate and House who have had a part in it; and President Clinton for his support in signing the resolution.

As we read the list of distinguished Americans who have received the Congressional Gold Medal in the past—beginning with George Washington in 1776—we know we do not belong in the same company with them, and we feel very unworthy. One reason is because we both know this honor ought to be shared with those who have helped us over the years—some of whom are here today. As a young boy I remember gazing at that famous painting of Washington crossing the Delaware. Only later did it occur to me that Washington did not get across that river by himself. He had the help of others—and that has been true of us as well. Our ministry has been a team effort, and without our associates and our family we never could have accomplished anything.

I am especially grateful my wife Ruth and I are both being given this honor. No one has sacrificed more than Ruth has, or been more dedicated to God's calling for the two of us.

However, I would not be here today receiving this honor if it were not for an event that happened to me many years ago as a teenager on the outskirts of Charlotte, North Carolina. An evangelist came through our town for a series of meetings. I came face-to-face with the fact that God loved me, Billy Graham, and had sent His Son to die for my sin. He told how Jesus rose from the dead to give us hope of eternal life.

I never forgot a verse of Scripture that was quoted, "As many as received him, to them gave the power to become the sons of God, even to them that believe on his name" (John 1:12, KJV). That meant that I must respond to God's offer of mercy and forgiveness. I had to repent of my own sins and receive Jesus Christ by faith.

When the preacher asked people to surrender their lives to Christ, I responded. I had little or no emotion; I was embarrassed to stand with a number of other people when I knew some of my school peers saw me: but I meant it. And that simple repentance and open commitment to Jesus Christ changed my life. If we have accomplished anything at all in life since then, however, it has only been because of the grace and mercy of God.

As Ruth and I receive this award we know that some day we will lay it at the feet of the One we seek to serve.

As most of you know, the President has issued a proclamation for this day, May 2, 1996, to be a National Day of Prayer. Here in Washington you will see and hear of people throughout the District of Columbia praying today. It is encouraging and thrilling that here, and across the country, people have committed themselves to pray today for our leaders, our nation, our world, and for ourselves as individuals. I am so glad that before business each morning, both the House of Representatives and the Senate have a prayer led by Chaplain Ogilvie of the Senate, who has had so much to do with this event today, and Chaplain Jim Ford, who used to be chaplain at West Point when I went almost every year to bring a message to the cadets.

Exactly 218 years ago today—on May 2, 1778—the first recipient of this award, George Washington, issued a General Order to the American people. He said, "The * * * instances of Providential Goodness which we have experienced and which have now almost crowned our labors with complete success demand from us * * * the warmest returns of Gratitude and Piety to the Supreme Author of all Good." It was a message of hope and trust, and it also was a challenge for the people to turn to God in repentance and faith.

We are standing at a similar point in our history as less than four years from now the world will enter the Third Millennium. What will it hold of us? Will it be a new era of unprecedented peace and prosperity? Or will it be a continuation of our descent into new depths of crime, oppression, sexual immorality, and evil?

Ironically, many people heralded the dawn of the 20th Century with optimism. The steady march of scientific and social progress, they believed, would vanquish our social and economic problems. Some optimistic theologians even predicted the 20th Century would be "The Christian Century", as humanity followed Jesus' exhortation to love your neighbor as yourself. But no other century has been ravaged by such devastating wars, genocides and tyrannies. During this century we have witnessed the outer limits of human evil.

Our mood on the brink of the 21st Century is far more somber. Terms like "ethnic cleansing" "random violence" and "suicide bombing" have become part of our daily vocabulary.

Look at our own society. There is much, of course, that is good about America, and we thank God for our heritage of freedom and our abundant blessings. America has been a nation that has shown a global compassion that the rest of the world seemingly does not understand. After World War II, because we had the Atom Bomb, we had the opportunity to rule the world, but America turned from that and instead helped rebuild the countries of our enemies.

Nevertheless, something has happened since those days and there is much about America that is no longer good. You know the problems as well as I do: racial and ethnic tensions that threaten to rip apart our cities and neighborhoods; crime and violence of epidemic proportions in most of our cities; children taking weapons to school: broken families; poverty; drugs; teenage pregnancy; corruption; the list is almost endless. Would the first recipients of this award even recognize the society they sacrificed to establish? I fear not. We have confused liberty with license—and we are paying the awful price. We are a society poised on the brink of self-destruction.

But what is the real cause? We call conferences and consultations without end, frantically seeking solutions to all our problems; we engage in shuttle diplomacy; and yet in the long run little seems to change. Why is that? What is the problem? The real problem is within ourselves.

Almost three thousand years ago King David, the greatest king Israel ever had, sat under the stars and contemplated the reasons for the human dilemma. He listed three things that the world's greatest scientists and sociologists have not been able to solve, and it seems the more we know, and the greater our technology, the more difficulties we are in. In perhaps the best-known passage of the Old Testament, Psalm 23, he touches on the three greatest problems of the human race.

First, David said, is the problem of emptiness. David wrote, "The Lord is my shepherd; I shall not want." He was not talking just about physical want, but spiritual want.

I stood on the campus of one of our great universities some time ago, and I asked the Dean, "What is the greatest problem on your campus?" He replied in one word: "Emptiness." The human heart craves for meaning, and yet we live in a time of spiritual emptiness that haunts millions.

"Nirvana" is the Hindu word for someone who has arrived into the state of perpetual bliss. Media reports said that Kurt Cobain, the Nirvana rock group's leader, was the pacesetter for the nineties, and the "savior of rock and roll." But he said the song in the end which best described his state of mind was "I hate myself and I want to die!" And at age 27 he committed suicide with a gun.

Second, is the problem of guilt. David wrote: "He restoreth my soul, he leadeth me in the paths of righteousness." Down inside we all know that we have not measured up even to our own standards, let alone God's standard.

Third, David pointed to the problem of death. "Yea, though I walk through the valley of the shadow of death, I will fear no evil, for thou art with me." Death is the one common reality of all human life. Secretary of Commerce Ron Brown did not realize his time had come when he stepped on that plane in Croatia a few weeks ago.

From time to time I have wandered through Statuary Hall and looked at all those statues of some of the greatest men and women in our nation's history. But one thing is true of every one of them; they are all dead.

Yes, these three things—emptiness, guilt, and the fear of death—haunt our souls. We frantically seek to drown out their voices, driving ourselves into all sorts of activities—from sex to drugs or tranquilizers—and yet they are still there.

But we must probe deeper. Why is the human heart this way? The reason is because we are alienated from our Creator. That was the answer David found to these three problems; "The Lord is my shepherd." This is why I believe the fundamental crisis of our time is a crisis of the spirit. We have lost sight of the moral and spiritual principles on which this nation was established—principles drawn largely from the Judeo-Christian tradition as found in the Bible.

What is the cure? Is there any hope?

Ruth and I have devoted our lives to the deep conviction that the answer is yes. There is hope! Our lives can be changed, and our world can be changed. The Scripture says, "You must be born again." You could have a spiritual rebirth right here today.

What must be done? Let me briefly suggest three things.

First, we must repent. In the depths of the American Civil War, Abraham Lincoln called for special days of public repentance and prayer. Our need for repentance is no less today. What does repentance mean? Repentance means to change our thinking and our way of living. It means to turn from our sins and to commit ourselves to God and His will. Over 2700 years ago the Old Testament prophet Isaiah declared: "Seek the Lord while he may be found; call on him while he is near. Let the wicked forsake his way, and the evil man his thoughts. Let him turn to the Lord, and he will have mercy on him, and to our God, for he will freely pardon" (Isaiah 55:6–7, NIV). Those words are as true today as they were over two and a half millennia ago.

Second, we must commit our lives to God, and to the moral and spiritual truths that have made this nation great. Think how different our nation would be if we sought to follow the simple and yet profound injunctions of the Ten Commandments and the Sermon on the Mount. But we must respond to God, Who is offering us forgiveness, mercy, supernatural help, and the power to change.

Third, our commitment must be translated into action—in our homes, in our neighborhoods, and in our society.

Jesus taught there are only two roads in life. One is the broad road that is easy and well-traveled, but which leads to destruction. The other, He said, is the narrow road of truth and faith that at times is hard and lonely, but which leads to life and salvation.

As we face a new millennium, I believe America has gone a long way down the wrong road. We must turn around and go back and change roads. If ever we needed God's help, it is now. If ever we needed spiritual renewal, it is now. And it can begin today in each one of our lives, as we repent before God and yield ourselves to Him and His Word.

What are you going to do?

The other day I heard the story of a high school principal who held an assembly for graduating seniors, inviting a recruiter from each branch of the service, Army, Navy, Air Force, Marines to each give a twelve minute presentation on career opportunities they offered to the students. He stressed the importance of each staying within their allotted time.

The Army representative went first, and was so eloquent that he got a standing ovation, but went eighteen minutes. Not to be outdone, the Navy presentation was equally superb, but took nineteen minutes. Air Force then gave a sterling presentation, which lasted twenty minutes. By now, the principal was irate, and admonished the Marine recruiter that he had only three minutes before the students had to leave for the next class!

During the first two minutes of his shortened time, the Marine didn't say a word, but individually and carefully studied the faces of each student. Finally, he said, "I've looked across this crowd and I see three or four individuals who have what it takes to be a United States Marine. If you think you are one of them, I want to see you down front immediately after the assembly."

Who do you think drew the biggest crowd!

This afternoon, as I look out across this distinguished group gathered here, I see more than a few men and women who have what it takes, under God, to lead our country forward "through the night" into the next millennium—individuals who represent civic and governmental authority—as well as doctors, lawyers, clergy, artists and media.

Again, Ruth and I are deeply humbled by this award, and we thank you for all that it represents.

We pledge to continue the work that God has called us to do as long as we live.

HONORING THE NEW MIDDLETON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the New Middleton Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

UNIVERSITY OF MICHIGAN WOLVERINES: 1996 NCAA HOCKEY NATIONAL CHAMPS

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SMITH of Michigan. Mr. Speaker, on Saturday, March 30, the University of Michigan hockey team defeated Colorado College 3 to 2 in overtime to win the 1996 NCAA Hockey National Championship. The championship was Michigan's 8th hockey championship—more than any other school—and its 29th NCAA championship in all sports. On their way to the championship, the Wolverines compiled a record of 33–7–2, winning the CCHA tournament championship, the Great Lakes Invitational Tournament, and sharing the CCHA regular season championship.

The team outscored its opponents by 239 to 93 over the course of the season. Among the standouts on the team are:

Center Brendan Morrison who led the team in scoring and was named the most outstanding player of the NCAA tournament. He was also named the player of the year in the CCHA, and was a finalist for college hockey's highest individual honor, the Hobey Baker Award.

Goalie Marty Turco who was recognized on the NCAA all-tournament team. He allowed just 2.16 goals per game over a 42-game season and saved 90 percent of the shots he faced.

Defenseman Steven Halko who was also recognized on the NCAA all-tournament team. He was the senior captain of the Wolverines and led the stingiest defense in college hockey.

Yesterday, I had the opportunity to attend the reception at the White House to congratulate and honor the team for its achievement. The team and Michigan coach Gordon "Red" Berenson were honored by University of Michigan President James J. Duderstadt, Vice President AL GORE, Senator CARL LEVIN, Representative JOHN CONYERS, and myself among others.

I salute the University of Michigan Wolverines for their achievements.

Members of the 1995–96 Michigan ice hockey team: John Arnold, Andrew Berenzweig, Jason Botterill, Peter Bourke, Justin Clark, Greg Crozier, Chris Fox, Chris Frescoln, Steven Halko, Bobby Hayes, Matt Herr, Kevin Hilton, Mike Legg, Warren Luhning, John Madden, Gregg Malicke, Brendan Morrison, Bill Muckalt, Sean Ritchlin, Dale Rominski, Mark Sakala, Harold Schock, Blake Sloan, and Marty Turco.

CONGRATULATIONS TO THE ASIAN-AMERICAN FEDERATION OF CALIFORNIA

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, I rise today to recognize the Asian-American Federation of California as they celebrate the third annual Asian-American Festival. The festival will be held this Saturday, May 11, 1996, at Kennedy Community Park in Union City, CA, in California's 13th Congressional District.

The Asian-American Federation was formed out of the need for Asian-Americans to unify in order to address a common set of goals and ideals, and to educate all Americans about the diverse Asian cultures in America and their positive contributions to the American way of life and culture.

The purpose of the festival is the same—to educate people about the history of Asians in the United States and the significant contributions that Asians have made to this country. The event is a day-long festival that has drawn is many as 3,000 people in the past. This year's theme is "Unity in Diversity" and the event will feature arts and crafts, cultural programs, and a variety of foods from different Asian cultures. Some of the cultures represented will be Filipino, Indian, Taiwanese, and Thai.

Mr. Speaker, I ask that you and my colleagues join me in recognizing the Asian-American Federation for their efforts in working to foster a greater appreciation and awareness of Asian heritage. I also ask that you join me in congratulating the federation on organizing this important event to celebrate diversity, where all people are encouraged to come together to learn about and respect other cultures.

HONORING THE LIVINGSTON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Livingston Volunteer Fire Department. Those brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO JOSEPH McKINLEY HAZARD

HON. JACK REED

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. REED. Mr. Speaker, I rise today to acknowledge an individual with a longstanding commitment to native American heritage in the State of Rhode Island. Joseph McKinley Hazard of the Silver Cloud Senior Citizens, Inc., of the Narragansett Indian Tribe exemplifies strength and dedication to tribal and cultural tradition.

Born in 1901 to Charles Frederick and Hannah Mariah Hazard, Joseph is the oldest known active member of the Narragansett Indians who meet at the Narragansett Indian longhouse in Charlestown, RI. In 1920, he married Nancy Ellen Hubbard in Norwich, CT, and then settled back in Charlestown, raising four children: Joseph, Jr., Raymond Atwood, Nancy, and Dorrance. After his wife, Nancy Ellen, passed away in 1965, Joseph remarried, to Ruth Brown Michaels in 1970. Joseph is now the only surviving member of his family.

Throughout his long and fruitful life, Joseph has been a member of the Narragansett Tribal Council. He also sits on the board of the Narragansett Indian Church and was a dedicated Boy Scout leader.

Mr. Speaker, I ask my colleagues to join me in recognizing Joseph M. Hazard for his constant and dutiful commitment to the preservation of the Narragansett Indian Tribe's way of life. It is my sincere belief that outstanding individual embodies the spirit of history and tradition of native Americans in the Ocean State and throughout our Nation.

IN HONOR OF THE 100TH YEAR OF UCONN'S DAILY CAMPUS

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to recognize the 100th consecutive year of publication of the University of Connecticut's student-run newspaper, the Daily Campus and to congratulate the current and former staff of this the State of Connecticut's largest student newspaper on a century of service.

For 100 years the Daily Campus has been a dependable vehicle for communicating news and views to the University of Connecticut, its students, faculty, and administration and the local community. The Campus has also acted as a training-ground for student journalists, editors, and photographers, who not only learn, but practice, their craft under the Daily Campus masthead.

For 100 years, the Daily Campus has been the student-run, student-produced voice of UConn and a shining example of the free press and free speech. Mr. Speaker, as they celebrate their centennial, all those associated with the Daily Campus both past and present deserve our recognition and heartfelt congratulations.

HONORING THE LEBANON VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Lebanon Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These fireman must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

FEDERAL GASOLINE TAX

HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. SMITH of Michigan. Mr. Speaker, Tuesday May 7, 1996 Congress will vote to roll back the 4.3-cent increase in the Federal gasoline tax that was passed in 1993 over the objections of every Republican member of congress. It is appropriate that we talk about this on tax freedom day, the day when the average American can quit working for the government and begin working for himself.

The tax increase we experienced in 1993 has resulted in slower economic growth than otherwise would have occurred. Using the Washington University Macro Model, the model that won the blue chip forecasting Award for 1995, the Heritage Foundation estimated that the 1993 tax hike resulted in 1.2 million less private sector jobs and 40,600 less new business starts. The economy lost $2,100 in output for every household in America over the 1993–1996 time period. And the personal and corporate tax increases delivered only 49 percent of the revenue predicted by the Congressional Budget Office at the time.

But while we are talking about reducing the gas tax, we should consider repealing the tax at the Federal level and allowing States the ability to raise and retain gas tax revenues. Today the Federal interstate program is nearly complete and the role of the Federal government in transportation needs to be reexamined. I am proposing that just as Andrew Jackson found in the 1830's when he returned transportation responsibilities back to the States, transportation is primarily a local issue.

There is some role for the Federal Government in maintaining the existing interstate structure, although it is hard to imagine that States would jeopardize their economic well-being by allowing their interstate roads to fall to pieces. But the current system mostly moves taxes from the States to Washington DC, redistributes some of it, attaches unfunded mandates, uses some for administration, and sends the remainder back. Why not let States levy the taxes necessary to fund their roads, and use new and innovative methods to finance and operate transportation systems unburdened by Federal regulations put in place by those special interest groups capable of effective Washington lobbying?

Imagine what advances in technology we might see if States were able to freely innovate in transportation. Some States might lower their gas tax and allow for private roads with electronic sensing imbedded so you could drive and be billed at the end of the month. New satellite technology might allow firms to build and maintain roads that are truly paid for by the users. These roads would have to be plowed and kept free of potholes or people would choose other roads or other means of transportation. Other states might choose an entirely different system that we can't imagine. What we do know is that the system would be better than what we have now. Those of us who were using slide rules in college could not have imagined the era of personal computers. Markets and competition among the states will yield innovation and innovation is key to progress.

TAX FREEDOM DAY

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. PACKARD. Mr. Speaker, today families celebrate tax freedom day, the day which average Americans can expect to quit working for Uncle Sam and his counterparts at the State and local levels and begin working to support their families.

May 7, is the latest national tax freedom day ever. It is the result of a steady increase in the tax burden borne by Americans in recent years. Washington values of tax and spend are taxing away families' futures—making families work for Washington, instead of Washington working for families. In the past 2 years, there has been a 10.2-percent increase in the number of Americans working two or more jobs, just to make ends meet.

Many in Washington have turned a deaf ear to hard-working Americans. They have given in to the special interests who control them. My Republican colleagues and I are listening to America. We want America to have more money in their pockets. We know if we boost the economy and lower taxes to a reasonable level, Americans will do the rest for themselves.

Mr. Speaker, no one should have to work until May 7 every year simply to begin working for their families. It is time to offer Americans real tax relief so that their hard work benefits themselves—not the Government.

HONORING THE NOLENSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Nolensville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice-monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

PREVENTION OF PROGRESSION TO END-STAGE RENAL DISEASES—H.R. 1068

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, last year I introduced legislation, H.R. 1068, designed to reduce the onset of end-stage renal disease [ESRD] in millions of Americans who suffer from kidney disease. Today, I reiterate the need for this important measure that will work to keep kidney disease patients off dialysis and cause savings for the Medicare Program. With the establishment of the demonstration project that this bill proposes, patients will be accurately assessed to see what management services can prevent the progression of renal disease and delay the onset of dialysis. The ESRD Program, that is a part of the Medicare Program, currently serves about 200,000 beneficiaries at an estimated total per patient cost of $51,000 a year.

The question that the 3-year demonstration program will work to answer is if the costs of applying preventive services to ESRD patients will delay the onset of complete renal failure, thus causing an increase in the quality of life of patients and a net savings to Medicare expenditures which is larger than the cost of the preventive services. One recent study has affirmatively answered this question. A recent report published in the Annals of Internal Medicine concluded that a reduction of protein in patient's diets will slow the progression of chronic kidney disease.

The report cited five separate studies of nondiabetic patients who showed a 30-percent reduction in complications with the low-protein diet. A recent publication by the Iga Nephropathy Support Network reported that patients who reduced meat consumption, saved the kidneys a lot of hard work in clearing the body of the byproducts of protein metabolism. With 20 million Americans suffering from kidney and urinary tract diseases, these findings are monumental and a clear example of the need to provide funding for preventive services. A spokesperson for the National Kidney Foundation said that the recent breakthroughs in preventive care, "* * * not only helps the individual, but in the long-term it keeps patients off dialysis * * * saving money."

With an increasing number of patients entering the ESRD Program, this legislation is necessary for the containment of costs for treating dialysis dependent patients. Also, the high unemployment rate among patients who require dialysis to live will decrease as patients are able to stay in the workforce longer because of the careful management of their disease. With all of these suggestions about the benefits of prevention care and management, we must establish the demonstration program provided by this legislation.

HONORING THE MILLERSVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Millersville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE 350TH ANNIVERSARY OF NEW LONDON, CT

HON. SAM GEJDENSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GEJDENSON. Mr. Speaker, I rise today to commemorate the 350th anniversary of the founding of New London, CT. Yesterday, I joined a wide array of State and local officials, residents and others in celebrating this momentous event. New London is among a handful of communities across our great Nation which have achieved this milestone. I believe this longevity is a remarkable testament to generations of nutmeggers who have made New London their home and a vitally important city throughout our history.

New London was founded on May 6, 1646—merely 26 years after the Pilgrims landed in Plymouth, MA—by John Winthrop, Jr. who was the son of the Governor of the Massachusetts Bay Colony. Winthrop established a settlement on Winthrop's Cove. The community grew up around Winthrop and Shaw's Coves. The settlement was named New London formally in March, 1658 by the Connecticut General Court because the court believed the area exhibited many of the attributes of its namesake—"an excellent harbor and a fit and convenient place for future trade." Winthrop went on to serve as Governor of our State for 18 years—longer than any other Governor in our history. Winthrop's son, Fitz John, served as chief executive for more than 9 years while another New London native, Gurdon Saltonstall, served in this capacity for 17 years.

From its inception, New London has been a seafaring community. Early settlers fished in its coves and the nearby Thames River. As the 1700's progressed, New London became an important trading center. Vessels based in the city engaged in commerce with other colonial ports, Great Britain, Europe and the West Indies. Following the Revolutionary War, New London became a major whaling port. In fact, the city rivaled renowned whaling centers, such as New Bedford, winning the nickname it continues to hold today—the "whaling city." The first whaling company was established in 1805 by Dr. Nathaniel Lee. Vessels from New London traveled thousands of miles to harvest whales off the coast of Antarctica often staying at sea for up to 1 year. By 1845, New London was home to 78 whaling ships and by 1850 these vessels returned with thousands of barrels of whale oil valued in excess of $1 million dollars. In the mid-1800's, prior to the development of petroleum products, whale oil fueled lamps, provided lubrication and served a wide range of other functions important to our growing Nation.

Like many other communities across Connecticut, New London played an important role during the Revolutionary War. Moreover, some of the most well-known figures of the time were associated with the city. Nathan Hale, a schoolmaster in the city, left his job to fight at Bunker Hill and ultimately gave his life for his country when captured spying on the British. Hale is most well known for proclaiming "I only regret I have but one life to lose for my country" as he went to the gallows.

Vessels which once traded with England, now engaged in privateering exacting a tremendous toll on British shipping. In one month in 1779, New London captains and their crews captured 18 English ships. In 1781, Captain Dudley Saltonstall seized the *Hanna,* which according to historical accounts, was carrying the richest cargo shipped from England during the War. New London paid a terrible price for this action. The British dispatched Benedict Arnold, who had turned traitor only months before, to punish the city for its "transgressions." Arnold attacked the sparsely defended city with 900 men and ordered it burned to the ground. As a result of this dastardly action, New London has few structures remaining from the pre-Revolutionary era.

Following the war, New London was rebuilt and maritime commerce resumed. As the 19th century progressed, manufacturing increased and New London began to take advantage of new markets up and down the east coast via the New Haven and New London Railroad. During World War I and II, New London once again played an important role as training center for service personnel. New London has been closely associated with national defense throughout the 20th century due to its proximity of the Naval Submarine Base and submarine-builder Electric Boat on the opposite bank of the Thames River. Moreover, New

London has been home to the Coast Guard Academy since 1910.

Mr. Speaker, as we honor New London on its 350th anniversary it retains many of the attributes which have distinguished it for more than three centuries. Thanks to the concerted efforts of the State and local officials, our congressional delegation and others, important port facilities are being rehabilitated. These improvements will allow New London to resume its position among the most important ports along the eastern seaboard. Whale oil has been replaced by high-tech products bound for markets across the country and around the globe. Commercial fishermen leave New London every morning bound for Long Island Sound and the Atlantic Ocean. Much like they did 300 years ago, residents and visitors continue to stroll through the historic district along State, Water and Bank Streets and the waterfront of Shaw's Cove.

On this truly special occasion, the residents of New London have a right to be proud. Their city is among a select few in the Nation to reach this milestone. This community has endured through good times and bad, war and peace and prosperity and despair. Its citizens have built an incredible legacy which I know our great grandchildren will celebrate on New London's 450th anniversary. I offer my heartfelt congratulations to the city of New London on this special occasion.

HONORING THE PLEASANT SHADE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Pleasant Shade Volunteer Fire Department. These brave, civic minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in firefighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee fire training school in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

THE PUBLIC HOUSING THAT SUCCEEDS

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FRANK of Massachusetts. Mr. Speaker, sometimes I read an article so relevant to our work, and so thoughtful and informative, that I write a short gloss highlighting its main points and have it printed here so our colleagues can benefit from it.

Occasionally, I come across an article so insightful and compelling that it would be presumptuous to summarize or paraphrase it. Nicholas Lemann's brilliant rebuttal of Senator DOLE's attack on Government funded housing is such a piece.

I ask that it be printed here so that Members can read it before our debate and votes on the Housing bill tomorrow.

[The article follows:]

THE PUBLIC HOUSING THAT SUCCEEDS

(By Nicholas Lemann)

PELHAM, NY.—One of the endearing things about Senator Bob Dole is that he is so quintessentially the consensus-oriented legislator that his forays into the realm of wedge issues always have a tinny, false feeling, as if he isn't emotionally connected to the words coming out of his own mouth. His statement last week that American public housing "is one of the last bastions of socialism in the world" is a good example. It's hard to believe that Mr. Dole was candidly revealing his most deeply held views.

Still, the idea that public housing has failed and should be abolished is something many Americans believe. High-rise public housing projects such as the notoriously dangerous and bleak Robert Taylor Homes in Chicago are the leading visual symbol of the idea that liberal Government programs, especially antipoverty programs, don't work and may actually cause poverty to increase.

If public housing were in fact a bankrupt and doomed idea, it would be a very sad end to the oldest and most visible strategy in the struggle against poverty. Jacob Riis' "How the Other Half Lives," published in 1890 and arguably the first American book to propose a plan for improving conditions in urban slums, ended with a call for the construction of "model tenements." If Mr. Dole is right, the whole antipoverty cause would be powerfully undermined.

The truth, however, is that housing for the poor stands out among antipoverty strategies as the area where the most progress has been made over the past generation and where there is the most cause for optimism. Senator Dole's comments were so completely wrong that they could help bring a halt to genuine progress rather than pull the plug on something unworkable.

Before the World War II, public housing in America was considered a great success. It "worked" in the sense of being clean, safe and, for most residents, a huge improvement over the slums where they had been living. There were long waiting lists for apartments.

One reason for the projects' good reputation was that their constituency was not the very poor but people with jobs one notch higher on the economic ladder. (Probably the most famous product of the public housing of that era is Elvis Presley.) Most projects wouldn't admit single parents, and many wouldn't admit welfare recipients. Virtually all maintained strict rules about keeping apartments and hallways neat and about who was allowed to be where when. Those who broke the rules or committed crimes were swiftly kicked out.

Then in the late 1940's, the nation embarked on the course that led to the perception that public housing doesn't work: the construction of enormous high-rise projects. It wasn't just the architecture, or the mere presence of Government subsidies, that caused these places to go so horribly awry. There was also a big change in the tenant population, from carefully screened working people to the very poor. Because of changes in Federal rules, people who got jobs actually had to leave the building, and it became nearly impossible to kick out tenants who were criminals.

Even so, it's not all public housing that doesn't work. It's just the large-scale, all-poor, severely isolated projects that invariably fail. Just a few blocks from the Robert Taylor Homes are pleasant high-rise projects for senior citizens.

"Imagine, the United States Government owns the housing where an entire class of citizens permanently lives," Mr. Dole said, as if this were fantastically improbable. Yet in most industrial countries a much larger portion of the population lives in Government housing. Three percent of Americans live in public housing, as opposed to more than a fifth of the population in Great Britain, Germany, France and the Netherlands. What's unusual about American public housing is that it serves primarily the very poor.

It is paradoxical that Mr. Dole chose to stage his attack on public housing at a realtors' convention, because the real estate industry, by and large, supported the construction of the worst projects. In the 1950's and 60's; African-American migrants from the South were streaming into the big cities, and part of reason for the building of the projects was to contain them within the existing ghettos so as to avoid residential integration.

In any case, the mistake of the high-rise, all-poor projects was fairly quickly realized; in 1968, Congress banned the construction of any more them. These projects have no defenders except for unaccountably loyal groups of residents. To set high-rise projects up as being the fruits of a real political position, as some critics of public housing have, is to create a straw man.

Under Secretary Henry Cisneros, the Department of Housing and Urban Development has begun demolishing about 30,000 of the worst high-rises. The agency is also trying to reinstate policies of giving preferences to people with jobs and swiftly kicking out criminals.

In his speech to the realtors, Senator Dole called for replacing public housing with a voucher system. But we already have a voucher system, called Section 8, which is perpetually underfinanced (partly because the real estate industry is so effective in lobbying against its expansion) and thus has very long waiting lists. Mr. Dole has repeatedly voted against increasing financing for the program, and he failed to support Mr. Cisneros's proposal last year for a major new housing voucher program.

There is an alternative to old-style public housing. In the decades since we stopped building new projects, hundreds of thousands of units for the poor have been created by local community development corporations, private groups that have sprung up around the country since the 70's. On the whole, this

> is housing that works. Those who haven't visited the South Bronx lately would be amazed to see how vastly areas thought of as desolate have been improved by the new and renovated housing that community groups have put up.
>
> These groups do exactly what Mr. Cisneros is trying to do in public housing: Screen tenants, create a mix of working and very poor people, oust criminals, maintain security forces big enough for residents to feel safe and keep the overall scale of developments manageably small. It's not an exotic, recondite, high-risk formula.
>
> Often people point to the success of the community development corporations as proving that the private sector can succeed where the Government has failed. The implication is that any involvement by the Government is fatally corrupting. But the community groups are heavily financed by the Government. More than three-quarters receive Federal dollars (Washington gives them more than $300 million each year) and more than half receive state money. The experiments in tenant management pushed strongly by Jack Kemp, Secretary of Housing and Urban Development under President George Bush, were also federally financed.
>
> It should be kept in mind, too, that the disastrous large-scale urban public housing projects were constructed and operated not by Washington but by local housing authorities. In recent years, HUD has begun taking over the management of projects from the most incompetent of the local authorities.
>
> The view that Federal is always bad and state and local are always good just doesn't apply in public housing. The Federal Government pays for virtually all public housing and contracts with local organizations to run it. The key variables are whether the project's rules are sound and whether the local group in charge is competent.
>
> The conditions in the worst public housing projects are horrifyingly bad and constitute a real moral crisis. It is outrageous that week after week children continue to lose their lives to the violence of the projects and we don't do anything about it. It doesn't do public housing residents who live in fear and misery any good to be told that what they're going through is attributable to "socialism" and therefore can't be helped.

GAO IN SUPPORT OF H.R. 2839

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. STARK. Mr. Speaker, on December 22, 1995, I introduced a bill, H.R. 2839, entitled the Medicare Medication Evaluation and Dispensing System of 1995 [MMEDS]. The MMEDS would provide the tools and information to beneficiaries that are necessary to reduce the high instances of adverse drug interactions, overmedication, incorrect duration of drug treatment, and other problems that the elderly face with prescription drugs.

The GAO report issued in July, 1995 called Prescription Drugs and the Elderly strongly supports the changes my bill proposes. Statistics show that the present system does not serve the elderly well:

> [A GAO analysis] showed that an estimated 17.5% of the almost 30 million senior citizens in the survey used at least one of the drugs generally identified as not suitable for elderly patients in 1992 (p. 4).

Several studies have shown that adverse drug reactions greatly harm the elderly: They cause an estimated 17 percent of the hospitalizations of elderly patients, a figure 6 times greater than that of the general population,' 32,000 hip fractures per year, and 16,000 car accidents per year. "The FDA estimates that hospitalizations due to inappropriate prescription drug use cost about $20 billion annually" (p. 5). Because these statistics of harm to senior citizens and the costs associated with it are so frighteningly high, the necessity for reform of the elderly's prescription drugs dispensing system is further justified.

> According to several experts interviewed [by the GAO], lowering the elderly's risk of adverse drug reactions requires that more detailed information on the impact of drug therapies on the elderly be developed and disseminated to health practitioners . . . Increased communication between and among physicians, pharmacists, and patients is vital to ensuring that this process is effective (p. 8).

The MMEDS would provide an on-line, real-time prospective review of drug therapy before each prescription is filled or delivered to an individual receiving benefits under Medicare. The review by a pharmacist would include screening for potential drug therapy problems due to therapeutic duplication, drug-drug interactions, and incorrect drug dosage or duration of drug treatment.

In the bill I have introduced, as part of the prospective drug use review, any participating pharmacy that dispenses a prescription drug to a Medicare beneficiary would be required to offer to discuss with each individual receiving benefits, or the caregiver of such an individual—in person, whenever practicable, or through access to a toll-free telephone service—information regarding the appropriate use of a drug, potential interactions between the drug and other drugs dispensed to the individual, and other matters established by the Secretary of DHHS. The Secretary would be given the duty to provide written, oral, or face-to-face communication to pharmacists and physicians concerning suggested changes in prescribing and dispensing practices.

The report issued by the GAO discusses the need for more oversight of the distribution of prescribed medicines to our Nations' elderly. Unless something is done, the increase in the number of elderly in our society will increase the amount of drugs wrongly prescribed. By implementing the Medicare Medication Evaluation and Dispensing System Act, we could greatly improve the quality of care our Nation's elderly receive when they are prescribed medication.

HONORING THE MOORESVILLE VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Mooresville Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well-trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

IN HONOR OF JIMMIE CANNON

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. HUNTER. Mr. Speaker, I rise today to recognize the remarkable dedication and accomplishments of a constituent in my district, Mr. Jimmie Cannon of El Centro, CA. Jimmie has been the band teacher at Central Union High School for the past 30 years. He is soon retiring and I would like to take a moment to commend his devoted service to his job and to the students he has touched with his spirit and gift for teaching.

A native of Oklahoma, Jimmie joined the Army in 1952. He attended college at Philander Smith in Little Rock, AR where he met and married Maxine Sutton. After moving to Mahaska, KS, Jimmie began teaching music to children from the kindergarten to 12th grade level.

In 1964, the Cannon's moved to El Centro, CA, where Jimmie taught music at Wilson Junior High School until the fall of 1966 at which time he began teaching at Central Union High with the "Great Spartan Band." The Great Spartan Band has been very active in the community by performing annually at a number of the local schools in the Imperial Valley area. The band has also been an important participant at a great number of local charity organization events, while at the same time, committing to annual performances at such events as the Brawley Cattle Call Parade, American Heart Association, Red Ribbon Awareness Fair and the Special Olympics. Since Jimmie's time with the Great Spartan Band, they have received letters of commendation from such individuals as former Mexican President Louis Echeverria, Governor

Ronald Reagan, and Brig. Gen. Harry Mendelson. The Great Spartan Band has also received special honors from a variety of national organizations including the Hawaii Invitational Music Festival, U.S.C. Concert of the Bands, Holiday Bowl Music Festival, Mardi Gras, Disneyland Parade and Concert, and Disneyworld Magic Kingdom.

In an era when our children have become less interested in their education, our Nation's teachers have become more vital in influencing the lives and future of their students. It is encouraging to know that teachers like Jimmie still endure. For the past 30 years, Jimmie has been able to share his love and appreciation of music with many students who will long remember his spirit and talent that touched so many of their lives. I would like to join these many grateful students in thanking and wishing Jimmie Cannon great happiness in all his future endeavors.

BILLY AND RUTH GRAHAM

HON. STEVE C. LaTOURETTE

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LATOURETTE. Mr. Speaker, today the Congress presents its highest honor, the Congressional Gold Medal, to the Reverend Billy Graham and his wife, Ruth.

It is fitting that such an honor be bestowed upon the Reverend Graham, as he has played such a pivotal and selfless role in shaping and maintaining the moral fiber of our country. Perhaps Reverend Graham's greatest appeal is that his message pertains to all and excludes no one. Here in our Nation's capital, the party of Lincoln often speaks of the big tent, and how everyone is welcomed into it. While I believe that to be true, I also accept that our tent, when compared to the tent the Reverend Graham has built over the years, is more like a pup tent. He has the capacity and love to reach millions through the word of God, and has made that his lifetime cause.

The Reverend Graham instills in us the importance of hope, salvation, goodness and spiritual renewal, and how these measures require a lifetime commitment. He does not preach by whim or trend; in the Reverend Graham's world family values is not a recent phenomenon, but rather a way of life. For those who have lost their way and whose faith has been tested or questioned, the Reverend Graham is always there to welcome them back, to begin the process of spiritual rebirth with new vigor.

Whether he is acting as an unofficial spiritual adviser to one of the many U.S. presidents he has counseled over the years or preaching to the youth of America in one of his many crusades, the Reverend Graham has an uncanny ability to connect with people. Unlike so many evangelists whose sincerity seems manipulated for television audiences and who have become seduced by greed and power, the Reverend Graham has never strayed from the ethical, moral, and spiritual highroad. The only thing scandalous about this great man is that his life and preaching is devoid of scandal, which in this day and age is rare.

When I think of Rev. Billy Graham, I think of him as perhaps the best elder statesman America has known. I also think of his crusade in Cleveland a few years back, when he transformed the cavernous Cleveland Municipal Stadium into a massive sanctuary, touching and enriching the spiritual lives of so many. And, I think about the wonderful partnership he has with his wife, Ruth, which is proof positive that behind every great man is a great woman.

On this day when we award the Grahams the Congressional Gold Medal, we also give thanks for their years of devotion and inspiration, and for a constant affirmation of all that is right with America.

I have always believed our country has been touched and blessed by the hand of God. Today, we as a nation acknowledge that we also have been touched and blessed by the hand of the Rev. Billy Graham.

TRIBUTE TO BETHESDA-CHEVY CHASE BRANCH AAUW

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mrs. MORELLA. Mr. Speaker, I rise in this Chamber to honor the Bethesda-Chevy Chase [B–CC] branch of the American Association of University Women [AAUW] on the occasion of their 50th anniversary.

The first 50 members of B–CC AAUW were installed by Maryland AAUW president, Mrs. C.L. Everson, on May 20, 1946, at the Woman's Club of Bethesda clubhouse. The first president of the local group was Mrs. Noble Boaz.

The members of the B–CC branch quickly established study groups that reflected their interests and diversity, and after only 1 year, began a newsletter that has, to this day, maintained the same format. At first, the branch was involved in local affairs that affected the community and the schools. AAUW members closely followed the proposed policies of candidates for the school board and the county council, and often volunteered for various county boards and commissions. During the 1950's, AAUW had attained important influence in the community, affecting decisions regarding teacher recruitment and salaries in the local schools.

Over the years, the programs at the monthly meetings of the local branch have covered every conceivable subject, from outer space to foreign affairs. These programs are indicative of the interest of the members in the pursuit of knowledge. Many programs have centered on various aspects of art, books, and science, again reflecting the talents and interests of the membership in education.

Scholarship has always been high on the AAUW agenda, and the B–CC branch began raising money to help students obtain a higher education. In February 1949, the organization held a fellowship tea at the Iranian Embassy. Admission was $1.50. Soon after, several bridge groups were begun as a way to raise money for scholarships. Members also held fashion shows, art auctions, yard sales, and book and author luncheons.

This year, members are focusing on conducting workshops that address gender equity. The B–CC branch is particularly interested in promoting women in math and science, and established a contest for high school girls to suggest scientific careers.

Mr. Speaker, the B–CC branch of AAUW has a long and proud history of advocacy for the equality of all women. The members of this esteemed group, since the beginning, have challenged injustice and discrimination in society. I am proud to pay tribute to the B–CC branch of AAUW for 50 years of dedication and service that has enabled women to enjoy the benefits of the Nineties. I congratulate Frances Cressman, Thelma Feld, Barbara Hively, Frances Dellon, Ellen Gillis, Inge Baer, Alice Dixon, and Louis Peltier, who make up the board of directors, as well as all of the wonderful members of the B–CC branch on this milestone anniversary. These AAUW members are long-distance runners for equality and social justice, and I wish them continued success for the future.

HONORING THE MUDDY POND VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Muddy Pond Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer fire fighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

TRIBUTE TO MARSHA SERLIN, PRESIDENT AND FOUNDER, UNITED SCRAP METAL, INC.

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. LIPINSKI. Mr. Speaker, I pay tribute to an outstanding business person, Ms. Marsha Serlin, president and founder of United Scrap Metal of Cicero, IL, who was recently named "1996 Small Business Subcontractor of the Year" by the U.S. Small Business Administration Midwest Region.

In 1978, Ms. Serlin, a young woman with two small children launched United Scrap Metal with $200 and a rented truck. At the time, it was the only company of its kind owned by a woman in the United States, but, through Ms. Serlin's hard work, it quickly grew into one of the bigger scrap metal scavenger services in the Chicago area. The company now enjoys annual revenue in excess of $40 million per year.

According to Mr. Richard Gory of the Andrew Corp., Ms. Serlin's client, who nominated her for this honor: "We have experienced consistent and unparalleled service, attention to detail, and superior bottom-line results from United Scrap Metal. The success of this company is directly attributable to the owner's unique ability to meet the complex needs and requirements of the industry in an extremely efficient and effective manner."

In addition to her entrepreneurial success, Ms. Serlin is a tireless contributor to her community. She is on the board of the United Way/Community Chest, a member of the board of governors of the Chamber of Commerce, an executive board member of the Boy Scouts of America, and serves on the board of directors of Symphony of the Shores, and CARE, Inc.

In addition, Ms. Serlin serves on the board of directors of MRC Polymers, Inc., the Planning Commission Board for Cicero, is a past board member of the Cicero Education Committee and was a founding member of the Adopt a Homeroom program.

Mr. Speaker, I congratulate Ms. Serlin on receiving this impressive honor, and extend to her my best wishes for continued success in business and in her community.

HONORING MAYOR ED GOTTHARDT, SEGUIN, TX, ON HIS RETIREMENT

HON. FRANK TEJEDA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. TEJEDA. Mr. Speaker, Ed Gotthardt has served as mayor of the beautiful and historic city of Seguin since 1990. Since much of Seguin is in the congressional district I represent, it has been my privilege to work with mayor Gotthardt since I was first elected to this body in 1993. Before seeking elected office, mayor Gotthardt was a business leader with a long history of dedicated community involvement. Once in office, he led his city with integrity and fairness. Mayor Gotthardt has shown this Nation how a citizen with a distinguished career in business and community service can step forward into elected leadership and achieve further success.

Mayor Gotthardt has an unusually long resume of community involvement. He is past president of the Guadalupe Shrine Club and the H.E.B. retiree organization. He is a member of the Seguin Elks Lodge No. 1229, the Seguin Masonic Lodge #109, Seguin Eastern Star Chapter #555, and the Seguin Chamber of Commerce. He is a member of Faith Lutheran Church in Seguin. He has been married for many years to Rosa Lee Gotthardt, with whom he has enjoyed the company of three children.

Mayor Gotthardt has set an example for the participation of a citizen in this Nation's proudest tradition, one which the people of Seguin hold sacred, our free and democratic political institutions. I wish we had more committed local leaders like Ed Gotthardt. For that reason, I ask that this U.S. House of Representatives formally recognize mayor Gotthardt on the occasion of his retirement from public service.

STUDENTS FROM 15 HIGH SCHOOLS COMPETE IN "AN ARTISTIC DISCOVERY"

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to thank and congratulate a group of very talented young men and women from the 11th Congressional District of New Jersey. I am, of course, referring to the 49 students from 15 high schools in our area who entered the annual congressional arts competition called, "An Artistic Discovery."

Mr. Speaker, we have a long and distinguished history of educational excellence in the 11th Congressional District—which encompasses all of Morris County, and parts of Essex, Somerset, Sussex, and Passaic Counties. We send more of our graduates to the Nation's military academies than any other congressional district in the country. A young scientist from Morristown recently placed sixth in a nationwide scientific research contest for his impressive work on fusion energy.

And judging from the entries I saw last month, I know that we have some of the best young artists in the country as well. So let me first thank all the students who participated because it is their hard work and effort that makes this contest special.

The high school, followed by student's name and name of art work, follows:

Academy of St. Elizabeth: (1) Clara McAuley, "Passing;" (2) Nicole Pantos, "Harp;" (3) Alice Otchy, "Me in the Middle."

Bayley-Ellard High School: (4) Gail Houston, "Aftermath;" (5) Michelle Mechanic, "Pigments."

Boonton High School: (6) Nicole Batalias, "Self-Portrait;" (7) Danny Joldzic, "Jungle Cat;" (8) Laura Potucek, "Victoria;" (9) Tim Stettner, "Art Nehf."

Chatham High School: (10) Will Batten, "Untitled;" (11) Kit Herbert, "Composition With Scissors;" (12) Jim Newton, "Still Life #4."

Delbarton School: (13) Jon Colleran, "Chronic;" (14) Adam Herbert, "American Icons;" (15) Rory McDermott, "Neptune;" (16) Henry Prendergast, "Time Zone."

Kinnelon High School: (17) Tiffany Lum, "Nectar Scream;" (18) Alejandra Madriz, "O Holy Ducky;" (19) Roland McIntosh, Jr., "Carpenter Was But One Trade;" (20) Katharina Mordhorst, "Dreaming of Red Hair."

Madison High School: (21) Steve Fleming, "Lanterns;" (22) Pamela Schwartz, "Portrait of a Woman;" (23) Marlene Toledo, "Translucent Hydrant."

Matheny School: (24) Luis Carmona, "Ski Trails;" (25) Chet Cheesman, "Crossroad;" (26) Hassan Daughety, "Piranha Dance;" (27) Natalia Manning, "Blue & Gold Over Black."

Montville Township High School: (28) Emily Gilbert, "Still Life;" (29) Susan Groome, "Self-Portrait;" (30) Halley Tsai, "Waiting for the Stranger."

Morris Hills High School: (31) Keith Fitzgerald, "Portal to My Imagination;" (32) Susan Petrarca, "Impressionistic View;" (33) Sharon Robleza; "Blue Dream;" (34) Alan Schenkler, "Sister."

Morris Knolls High School: (35) Melissa Kurtz, "Metamorphosis;" (36) Kamila Sutah, "Eternity;" (37) Lexington Wilson, "There Is Still Room;" (38) Kara Zaloom, "Gargoyle."

Mount Olive High School: (39) Matt Kernan, "Untitled;" (40) Margaret Przybysz, "Untitled;" (41) Eric Schroeder, "Fruit of Man;" (42) Christopher Weber, "Phreak Explosion."

Pequannock Township High School: (43) Elizabeth Fritz, "Crescendo;" (44) Darah Semancik, "A Study of Architecture;" (45) Kristen Siwek, "Michael Stipe;" (46) Traci Wood, "Southern Exposure."

Randolph High School: (47) Bijal Amin, "Untitled;" (48) Alex Katsov, "Diplomat."

West Morris Central High School: (49) Russell Catalusci, "Domecile."

Now, I'd like to list the honorable mentions in the contest, which, as you might imagine, Mr. Speaker, were very difficult to choose.

Alice Otchy for "Me In the Middle," Tim Stettner for "Art Nehf," Jon Colleran for Chronic," Pamela Schwartz for "Portrait of a Woman," Alan Schenkler for "Sister," Matt Kenam for "Untitled," Darah Smancik for "A Study of Architecture," and Alex Katsov for "Diplomat." These were exceptional works of art and I wish we had room for all of them in the Capitol.

The two judges choices went to Chet Cheesman for his work called "Crossroad," and to Kamila Sutah for her entry entitled "Eternity." Chet is a student at Matheny School in PeaPack and Kamila hails from Morris Knolls High School in Denville.

And Best in Show for this year's arts contest went to Laura Potucek of Boonton High School for her painting called, "Victoria," which will be displayed for one year in the corridor between the Cannon House Office Building and the Capitol alongside winning entries from Congressional districts across the country. I am also hoping she can visit me in Washington for the ceremony and maybe meet the Speaker of the House.

I'd also like to thank our judges William and Kitty Sturm of Budd Lake. Mr. Sturm teaches at Dover High School, operates art studios in

Budd Lake and Blairstown, and also oversees the revolving art program in the atrium of the County of Morris Administration Building. Mrs. Sturm runs a specialty arts and frame shop in Budd Lake.

And finally, let me acknowledge our corporate sponsor, Schering-Plough Corporation of Madison, New Jersey. We greatly appreciate them displaying all the art in their offices and hosting the reception.

Mr. Speaker, it is a great honor and pleasure to represent these students and their families in Congress. It seems that almost every week, another student from the 11th District is winning an award, getting a scholarship, or being nationally recognized for scholastic or academic achievement.

This recognition is the best testament of all that the teachers, schools, parents, and communities in the 11th District are dedicated to the future of New Jersey and to our country. To them and for Congress, I say thank you.

IN HONOR OF THE ARLINGTON COUNTY CIVIC FEDERATION

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. MORAN. Mr. Speaker, I am pleased to commend the Arlington County Civic Federation on the occasion of its 80th anniversary celebration.

Founded in 1916 by a coalition of six neighborhood associations which saw the wisdom of working together on issues of common concern, the federation is now comprised of 68 civic organizations. It stands as the oldest countywide organization in Arlington.

As its bylaws indicate, the object of the federation shall be to promote the general welfare of Arlington County and vicinity in nonpartisan, nonsectarian, and nonpolitical manner. Its success speaks for itself. As a review of its records chronicle, practically all major improvements the county enjoys today are the result of actions initiated or supported by the federation.

It is truly the civic voice of Arlington when it debates topics and presents its views to county officials, State legislators and those of us in Congress. The federation also sponsors a candidate and congressional night to keep elected officials accountable to those who elect them. As a participant in Congress Night, I am well aware of the vital role this organization plays in our community.

Scott McGeary, whose interest in public affairs began as a Page in the U.S. Senate, has served as president of the federation for the past 2 years. He has been joined in federation leadership by vice president William F. Nolden, secretary Tommye Morton, treasurer John F. Nicholas, Jr., executive committee chairman Frances Finta, vice chairman Timothy Wise, and members Rohan Samaraweena, Sue Zajac and Larry Zaragoza. Supplemented by a legion of 14 active committees, they have addressed a wide range of local, State and Federal issues this year in keeping with the tradition of effective citizen activism.

For the entirety of its 80-year history, the federation has functioned as a sounding board for all citizens on matters of civic interest. It truly represents the grass roots opinions of its member organizations.

I am pleased, Mr. Speaker, to note the anniversary celebration of the federation and congratulate this valued organization on its many contributions to public affairs.

HONORING THE NAMELESS VOLUNTEER FIRE DEPARTMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. GORDON. Mr. Speaker, I am taking this opportunity to applaud the invaluable services provided by the Nameless Volunteer Fire Department. These brave, civic-minded people give freely of their time so that we may all feel safer at night.

Few realize the depth of training and hard work that goes into being a volunteer firefighter. To quote one of my local volunteers, "These firemen must have an overwhelming desire to do for others while expecting nothing in return."

Preparation includes twice monthly training programs in which they have live drills, study the latest videos featuring the latest in fire fighting tactics, as well as attend seminars where they can obtain the knowledge they need to save lives. Within a year of becoming a volunteer firefighter, most attend the Tennessee Fire Training School in Murfreesboro where they undergo further, intensified training.

When the residents of my district go to bed at night, they know that should disaster strike and their home catch fire, well trained and qualified volunteer fire departments are ready and willing to give so graciously and generously of themselves. This peace of mind should not be taken for granted.

By selflessly giving of themselves, they ensure a safer future for us all. We owe these volunteer fire departments a debt of gratitude for their service and sacrifice.

INCREASE THE SUPPLY OF AFFORDABLE HOUSING

HON. TIM ROEMER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. ROEMER. Mr. Speaker, today I am introducing a bill which has been sponsored by 20 of my Democratic and Republican colleagues that will help to increase the supply of affordable housing for low- and middle-income Americans by promoting common-sense regulatory reform to the Federal manufactured housing program. In short, this legislation would establish a private sector consensus committee to make balanced recommendations to the Secretary of the Department of Housing and Urban Development for the development, revision and interpretation of the Federal Manufactured Home Construction and Safety Standards.

This committee will allow equal representation for all interested parties, and will be comprised of representatives from the manufactures; homeowners and consumer representatives; public officials; and others with a general interest in the industry. All costs involved in the conduction of the consensus standards development process will be funded through the use of existing manufacturer-funded label fees.

This bill is supported by the Department of Housing and Urban Development, interested consumer groups including the American Association of Retired Persons [AARP], the manufactured housing industry, and both Democratic and Republican Members of Congress. In fact, this proposal is the only recommendation that was unanimously agreed to in a 1994 Commission, funded by Congress; which was created to examine the Federal manufactured housing program.

Mr. Speaker, I believe that this legislation represents a common sense approach to providing regulatory reform to an industry that represents a major source of affordable, unsubsidized housing for a wide range of Americans, including first-time homebuyers, single parents and senior citizens. It represents a positive and reasonable step towards downsizing the Federal Government. At the same time, this consensus process will ensure that high building standards and full consumer protection is maintained. I urge my colleagues to support bipartisan consensus legislation.

HIGH SCHOOL BASKETBALL CHAMPIONSHIPS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 7, 1996

Mr. COBLE. Mr. Speaker, as the National Basketball Association playoffs move into high gear, I would like to pause for a moment to recognize some young basketball players from North Carolina who achieved the ultimate thrill—winning State high school basketball championships. We are particularly thrilled, Mr. Speaker, because all three high schools are located in our part of the State.

North Carolina has long divided its schools into classifications to determine sports champions. This method offers an assurance that schools of equal size can compete fairly. This system also allows more schools the opportunity to compete for titles and trophies. We are proud to say, Mr. Speaker, that the Piedmont Triad is the home of North Carolina's 4–A, 3–A and 2–A champions for 1996. One three high school basketball champions were crowned on March 23 in Chapel Hill, NC.

In the 2–A class, it was an all-Sixth District battle as Southwest Guilford High School defeated Thomasville 64–57. The Cowboys' win capped an outstanding 30–2 season for head coach Robert Kent's talented squad. State championships are nothing new at Southwest Guilford. In just the last few years, boys and girls soccer and girls volleyball all captured North Carolina championships. In the 1994–95 school year, Southwest Guilford was awarded the Wachovia Cup for all-around athletic excellence for 2–A schools. Southwest also has won the last two News & Record Cups for overall excellence among the 14 public high schools in all classifications in Guilford County.

The latest Southwest title squad was led by the starting five, all seniors. Guards Lamont Sides and Chris Davis, forwards Tucker Swindell and Derrick Boger, and center Todd Ashworth were freshmen when Coach Kent took over the team. Southwest had won just 3 games in the previous 2 years, but has won 20 or more games each year since then. This season, the Cowboys lost only two games by a total of six points. The starting five will tell you, however, that this remarkable season was a total team effort. Congratulations must also go to fellow seniors Darius Pickett, Jeff Raber, John Cathey, and Greg Robertson, juniors Jared Wright, Reco Ryals, and Rod Boger, and the lone sophomore on the team Kashun Bynum.

On behalf of the citizens of the Sixth District, we offer our congratulations to the team, Coach Kent, assistant coaches Tim Atwood and Mark Williams, scorekeeper Kristin Bowen, certified trainer Angelique Durocher, student trainer Zachery Womack, and video tape director Levar Lovelace. The Cowboys were cheered on by varsity cheerleaders Heather Bowles, Natalie Richardson, Melody Cadenhead, Allison Brooks, Heather Cooper, Olivia Quick, Martika Harrington, Missy Andrus, Holly Humphrey, Holly Stowe, Landi Coltrain, and cheerleading coach Robin Neal.

To athletic director Rick Kemp, Principal Dennis Quick, the faculty, staff, students, parents and friends of Southwest Guilford High School, we offer our congratulations on winning the North Carolina 2–A state basketball championship.

The North Carolina 3–A championship also went to a Sixth District team on March 23. Walter M. Williams High School of Burlington defeated Hickory 78–58 to capture the 3–A crown. It was the first State title for the Williams basketball team, but the second for head coach Tommy Cole, who led Graham High School to a championship in 1983. Coach Cole told the News & Record that some of his Graham players called him just before Williams played for the title. "They didn't want Williams to take the limelight," Cole told the Greensboro newspaper, "but I told them not to worry, that I'd never forget them. They were the first. It's just that because this (Burlington) is my hometown and alma mater (Williams), it's a little bit special."

It was definitely special for Williams High School which had waited 46 years to win a basketball crown. Just 2 years ago, when the Bulldogs finished 9–16, it did not look like a championship was in the near future for Williams. This season, however, a senior-dominated squad plowed through an impressive 27–2 record all the way to the title. The one starter who will return next year is guard Alex Spaulding who scored 27 points in the championship game and was named Most Valuable Player.

The other members of the championship Bulldog squad all played key roles throughout the regular season and into the title game. Those players included B.J. Farrington, Craig Miller, Draper Pulliam, Corey Mattison, Lamont Watlington, Brian Fields, Omar Curry, Thomas Burnette, Will Simpson, Joey Schoeneck, and David Crotts. All will savor the fact that they won the first basketball crown for Williams in almost half a century of competition.

On behalf of the citizens of the Sixth District, we offer our congratulations to the team, Head Coach Cole, assistant coach David Wyrick, managers Jay Skeen, James Harris, Trevis Gilliam, and Adam Hall, statisticians Dwight Hall and Blake Cole, scorekeeper Kristy Sharp, video director Joey Edwards, and team physician Dr. Bob Ellington.

To athletic director Tommy Spoon, principal Donald Andrews, the faculty, staff, students, parents and friends of Williams High School of Burlington, we offer our congratulations on capturing the North Carolina 3–A basketball championship. We hope you will not have to wait another 46 years for another title.

Finally, Mr. Speaker, the third Piedmont Triad high school to win a state basketball title is not in the Sixth District, but it is close enough that we can share in the pride of their championship, particularly since some of our district attend the school. On March 23, James B. Dudley High School of Greensboro won the State's 4–A basketball crown by defeating Richmond County in a thrilling 79–68 overtime win. Like its 3–A counterpart of Williams, Dudley had to wait many years for its first basketball championship. In fact, it was 35 years ago when the Panthers won their school's last roundball title.

Dudley's win capped an impressive 29–2 season. Head coach David Price told the News & Record that winning the school's first basketball championship in 35 years meant so much to so many people. "Everyone has been coming up hugging us," Price told the Greensboro newspaper, "and it really has been a warm feeling. A lot of them remember the last time Dudley won a State basketball championship."

When Dudley won its last basketball title, North Carolina's high schools were still segregated. Dudley won its 1961 championship while playing against other black high schools in the State. One of the current assistant coaches, Everette James, is a direct link to the last championship squad. James was a sophomore starter on the team which captured the 1961 crown. "This has been good for the school and the community," James told the News & Record. "It's been so long, and a lot of the old fans have come out to say congratulations."

We join in that chorus of congratulations by extending our best wishes to each member of the Dudley Panthers basketball team. The championship squad was led by Parade All-American Vincent Whitt, championship game MVP Braxton Williams, Brendan Haywood, Lennie Jones, Derrick Partee, Charles Goodman, Brett Claywell, Marcus O'Neal, Derrick Hicks, Jemaine Price, Daniel Davis, Kenneth Ferguson, and Marcus Watson.

Everyone connected with the Panthers assisted with the run for the title. They included Head Coach Price, Assistant Coaches James, Gary Copenhaver, Taft Turner, and Brian Seagraves, statistician Shannon Stewart, managers Monica Walker, Joy Underwood, Johnetta Chavis, and Tameka Rowells, trainers Scott Ellis and Phillip Owens and team physician Dr. James Kramer.

To athletic director Roy Turner, principal Larry Lewis, the faculty, staff, students, parents, and friends of the Dudley Panthers basketball team we offer our congratulations on capturing this year's 4–A high school championship.

To all three schools, we again say congratulations on completing outstanding seasons. We are proud that the Piedmont Triad is North Carolina's home of basketball champions.